



RHUMB LINES

Straight Lines to Navigate By



May 8, 2012

Military Commissions

"However long the journey ... the United States is committed to accountability under law for those who have plotted to attack our nation and to kill innocent people."

General Mark Martins, JAGC, USA, Chief Prosecutor for Military Commissions

The Military Commission Process

- A military commission is a military court of law historically used to try law of war and other offenses.
- The rules and procedures employed under the Military Commissions Act of 2009 are based on those used in U.S. military courts-martial, and are [similar to those used in U.S. federal courts](#) (also known as Article III courts).
- The [military commission process](#) begins when the Office of Military Commission prosecutors swear charges against individuals subject to the Military Commissions Act of 2009, and continues through an appellate review.

9/11 Co-Conspirators

- The Convening Authority for the Office of Military Commissions [referred charges](#) to a capital military commission in the case of United States v. Khalid Sheikh Mohammed, Walid Muhammad Salih Mubarak Bin 'Attash, Ramzi Binalshibh, Ali Abdul Aziz Ali and Mustafa Ahmed Adam al Hawsawi, April 4, 2012. A capital military commission is authorized to adjudge the death penalty.
- The charges alleged that the five accused are responsible for the planning and execution of the attacks of Sept. 11, 2001, in New York, Washington, D.C. and Shanksville, Pa., resulting in the deaths of 2,976 people.
- The five detainees were arraigned in a Guantanamo Bay courtroom May 5, 2012.

USS Cole (DDG 67) Bombing

- On Sept. 28, 2011, the Department of Defense [announced](#) the Convening Authority for the Office of Military Commissions referred capital military commission charges in the case of United States v. al Nashiri.
- The charges alleged that Abd al Rahim al Nashiri was in charge of planning the attack on USS Cole (DDG 67) in the Port of Aden, Yemen, Oct. 12, 2000. The attack killed 17 Sailors, wounded 37 and severely damaged the ship.
- Under the [Military Commissions Act of 2009](#), al Nashiri was provided defense counsel.
- Al Nashiri was arraigned Nov. 9, 2011.

Navy JAG Corps

- The Navy JAG Corps has 25 judge advocates and 29 legalmen serving in various capacities of the Office of the Military Commissions. Additionally, Navy JAG provides two trial and two appellate military judges.
- Navy judge advocates are serving on both the prosecution and defense teams of United States v. al Nashiri.

Key Messages

- The military is taking steps to ensure that victims and their families who desire to observe military commission trial proceedings have the opportunity to do so.
- A military commission is a military court of law historically used to try violations of the law of war and other offenses.
- Individuals subject to trial by military commission have a right to counsel and are innocent until proven guilty beyond a reasonable doubt.
- The Navy [JAG Corps](#) is engaged in the prosecution, defense, administration and adjudication of fair, just and transparent military commission trials.

Facts & Figures

- Seven military commission trials have been completed since 9/11/01; five were guilty pleas. Two contested trials have resulted in guilty verdicts and have been affirmed by the U.S. Court of Military Commission Review. They are now pending additional appellate review by the D.C. Circuit Court of Appeals.
- An estimated 36 current detainees could be charged with law of war and other grave offenses subject to trial by military commissions.
- 54 members of the Navy JAG Corps are supporting the Office of Military Commissions.