

The Manual for Military Commissions

Executive Summary

January 18, 2007

Today, the Secretary of Defense is submitting to Congress a comprehensive Manual for the full and fair prosecution of alien unlawful enemy combatants by military commissions, in accordance with the Military Commissions Act of 2006. The Manual is made up of four separate sections: The Preamble, The Rules for Military Commissions, the Military Commission Rules of Evidence, and the Crimes and Elements. The Rules for Military Commissions set forth the procedural rules for Military Commissions. The Military Commission Rules of Evidence provide evidentiary rules to govern the admissibility of evidence at trial. The Crimes and Elements section lays out the crimes punishable by Military Commission and the elements of those crimes.

This Manual is the product of a tremendous interagency effort. Principally military judge advocates and attorneys from the Departments of Defense and Justice, using the Manual for Courts-Martial as a guide, undertook the initial drafting. Drafts were then coordinated with other relevant agencies to ensure that specific rules and procedures reflect careful consideration of our nation's intelligence activities, as called for in the MCA. The overriding considerations reflected in the Manual for Military Commissions are fairness and fidelity to the Military Commissions Act of 2006. It is intended to ensure that alien unlawful enemy combatants who are suspected of war crimes and certain other offenses are prosecuted before regularly constituted courts affording all the judicial guarantees which are recognized as indispensable by civilized people. This Manual will have an historic impact for our military and our country.