

Office of the Presiding Officer  
Military Commission

12 August 2004

**SUBJECT: Presiding Officers Memorandum (POM) # 1-1 - Presiding Officers Memoranda**

**This POM supercedes POM # 1 dated 19 July 2004**

1. From time to time, this Presiding Officer will, and other Presiding Officers may, feel the need to advise counsel on matters which might affect the preparation for and trial of cases before a Military Commission. To this end, the Presiding Officer is establishing Presiding Officers Memoranda (POM). These memoranda will be furnished to all counsel and the Assistant to the Appointing Authority. In general, these POMs are issued to assist the Commission, to include the Presiding Officer, in preparing for and providing a full and fair trial under the provisions of Military Commission Order No. 1, 21 March 2002, paragraph 4A(5), 6A(5), and 6B, and Military Commission Instruction No. 8, paragraph 5.
2. Presiding Officer Memoranda (POMs) will also serve as interim Rules of Commission Trial. POMs will be cancelled when the substance of the POM is incorporated into the Rules.
3. If a counsel objects to a procedure established in any POM, such objections should be made within 7 calendar days directly to the Presiding Officer (with a CC to Mr. Hodges).
4. Future POMs, the Rules of Commission Trials, and communications with counsel may refer to "Commission Law." Commission Law refers collectively to the President's Military Order of November 13, 2001, DoD Directive 5105.70, Military Commission Orders, Military Commission Instructions, and Appointing Authority/Military Commission Regulations in their current form and as they may be later issued, amended, modified, or supplemented. POMs shall be interpreted to be consistent with Commission Law and should there be a conflict, Commission Law shall control.
5. POMs are not intended to and do not create any right, benefit, or privilege, substantive or procedural, enforceable by any party, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person. No POM provision shall be construed to be a requirement of the United States Constitution. Failure to meet a time period specified in a POM shall not create a right to relief for the Accused or any other person.

Original signed by:

Peter E. Brownback III  
COL, JA, USA  
Presiding Officer