



Military Commissions

Revisions to Military Commission Procedures



Former MCO 1

New MCO 1

<ul style="list-style-type: none">• No more than 7 members, including Presiding Officer (PO)	<ul style="list-style-type: none">• Non-capital case – PO & at least 3 other members• Capital case – PO & at least 7 other members
<ul style="list-style-type: none">• Alternate members “one or two”	<ul style="list-style-type: none">• “one or more” alternate members at AA’s discretion
<ul style="list-style-type: none">• All members, including PO, decide questions of law & fact	<ul style="list-style-type: none">• PO rules on all questions of law, challenges, & interlocutory questions• Continues to allow majority of other members to overrule PO on admissibility of evidence
<ul style="list-style-type: none">• All members, including PO, vote on findings & sentence	<ul style="list-style-type: none">• PO precluded from voting on findings & sentence



Former MCO 1

New MCO 1

<ul style="list-style-type: none">• Accused <i>may</i> be present unless inconsistent with national security	<ul style="list-style-type: none">• Accused <i>shall</i> be present to the extent consistent with national security
<ul style="list-style-type: none">• Permits denial of access by accused & civilian counsel to protected information if required by national security or other reasons	<ul style="list-style-type: none">• If access is denied, Presiding Officer must exclude such evidence if its admission would deny the accused a full and fair trial
<ul style="list-style-type: none">• Review Panel has 30 days to review a case	<ul style="list-style-type: none">• Review Panel has 75 days, after receipt of record of trial, to review a case