

## **Military Commissions Act of 2006**

*"It is a rare occasion when a President can sign a bill he knows will save American lives. ... The Military Commissions Act of 2006 is one of the most important pieces of legislation in the War on Terror..."*

—President George W. Bush, Oct. 17, 2006

The Military Commissions Act of 2006 establishes procedures to try alien unlawful enemy combatants for violation of the laws of war. Military commissions have historically been used to prosecute unlawful enemy combatants. The United States last used the military commission process during World War II. Only those detainees charged with law of war violations and other grave offenses, estimated to be 70 detainees, will be subject to military commissions.

The Military Commissions Act (MCA) :

- **Provides for the prosecution of alien unlawful enemy combatants**

- Establishes the legal framework for prosecuting violations of laws of war, hostile acts against the U.S. and material supporting terrorism.
- Takes into account the battlefield environment that differs from traditional law enforcement practices.
- Provides full and fair trials.
- Lists 28 specific crimes for which terrorists can be tried, including murder, torture, kidnapping and rape.
- Provides safeguards for the accused that include the presumption of innocence and proof of guilt beyond a reasonable doubt.
- Allows for the prosecution of those suspected of orchestrating the 9/11 attacks, the USS Cole attack and the bombing of the U.S. embassies in Kenya and Tanzania in 1998.

- **Protects American troops on the battlefield**

- Allows U.S. government to present its case without compromising intelligence sources or military objectives.
- Provides battlefield-appropriate rules, procedures and standards regarding evidence to ensure American troops are not unduly burdened during combat.
- Shields troops from lawsuits and ensures their identities will not be revealed.
- Protects U.S. government personnel engaged in authorized interrogations.

- **Satisfies International Treaty obligations and applicable U.S. laws**

- Affords all necessary "judicial guarantees which are recognized as indispensable by civilized people" for purposes of Common Article 3 of the Geneva Conventions.
- Establishes that cruel, inhuman or degrading treatment or punishment, as defined in the Detainee Treatment Act of 2005, fully satisfies United States' obligations with respect to Common Article 3 of the Geneva Conventions.
- Clarifies what is considered a war crime in United States law by codifying the offenses that comprise serious violations of Common Article 3 of the Geneva Conventions.

## **Joint Task Force Guantanamo**

- Commanded by RDML Harry B. Harris Jr., who assumed command 31 March 2006.
- Approximately 1800 military and civilian personnel
  - USN 880, USA 620, USCG 54, USAF 24, USMC 5, CIV 260 (includes DoD civilians and contractors)
    - Conduct safe and humane care and custody of detainees.
    - Conducts interrogation operations to collect strategic intelligence in support of GWOT.
    - Supports law enforcement and war crimes investigations.
    - Committed to the safety and security of American service members and civilians working inside the wire.