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Charges Referred on Detainee al Bahlul

The Defense Department announced today that three charges have been referred against Guantanamo detainee Ali Hamza Ahmad Suliman al Bahlul.

The first two charges are conspiracy and solicitation to commit: murder of protected persons, attacking civilians, attacking civilian objects, murder in violation of the Law of War, destruction of property in violation of the Law of War, terrorism, and providing material support for terrorism. The third charge is providing material support for terrorism. The charges authorize a maximum sentence of confinement for life.

The charges allege that in about February of 1999, al Bahlul traveled to Afghanistan to attend military-type training and to join al Qaeda. Once a member of Al Qaeda, he allegedly served as the personal director and media director of Usama bin Laden. The charge sheet states al Bahlul created a propaganda video titled "The Destruction of the American Destroyer U.S.S. Cole," proposed propaganda declarations styled as martyr wills for Sept. 11 hijackers Mohammed Atta and Ziad al Jarrah, researched the economic effects of the Sept. 11 attacks on the United States for Usama bin Laden, and operated Al Qaeda's media communication equipment. The charges also allege al Bahlul armed himself to protect and prevent the capture of Usama bin Laden.

In accordance with the Military Commissions Act of 2006, al Bahlul and his detailed defense counsel will be served a copy of the charges in English and Arabic. Additionally, a military judge will be detailed to the case. The Manual for Military Commissions requires the accused be arraigned within 30 days of the service of charges and the military judge to assemble the military commission within 120 days of the service of charges. Assembly is the procedural step that usually occurs when all parties, including the jury, are present and sworn, and the judge announces on the record that the commission is now assembled. The military trial judge will contact attorneys in the case to set an initial trial schedule.

Brig. Gen. Thomas Hartmann, legal advisor to the convening authority, has stated military commissions guarantee the following rights recognized in all American courts: The right to remain silent and to have no adverse inference drawn from it; the right to be represented by detailed military counsel, as well as civilian counsel of his own selection and at no expense to the government; the right to examine all evidence offered against him by the prosecution; the right to obtain evidence and to call witnesses on his own behalf including expert witnesses; the right to cross-examine every witness called by the prosecution; the right to be present during the presentation of evidence; the right to prevent admission of statements obtained by torture; the right to have a military commission panel of at least five military members determine his guilt by a 2/3 majority; and the right to an appeal to the Court of Military Commission Review, then through the District of Columbia Circuit Court of Appeals to the U.S. Supreme Court.

The sworn charges are only allegations that the accused has committed crimes under the Military Commissions Act. The accused is presumed innocent of any criminal charge unless proven guilty beyond a reasonable doubt at a military commission.

Of the 275 detainees at Guantanamo, approximately 80 are expected to face trial by military commission.