

The American Jewish Committee

RESOLUTION ON MILITARY TRIBUNALS

In developing regulations to implement the President's order regarding military tribunals, AJC urges the President and the Secretary of Defense to include the following particulars:

1. Those who stand accused before a military tribunal should be informed of the charges against them and should be provided with a declassified summary of the evidence against them that cannot otherwise be disclosed because of its classified nature.
2. The accused should have the right to choose legal counsel.
3. The burden of proof that the prosecution must meet in order for a tribunal to convict an individual should be specified.
4. The accused should have a single right to appeal the final judgment of the tribunal to the U.S. Court of Appeals for the District of Columbia Circuit and a right to request review of that court's decision by the United States Supreme Court.
5. Any death sentence imposed by a military tribunal should require unanimity.
6. The regulations regarding military tribunals should set forth a detailed definition of terrorism and the jurisdiction of the tribunals should be limited accordingly. In addition, there should be some mechanism for determining preliminarily and with reasonable probability who falls within such definition and is thus subject to trial before a military tribunal.