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2002 MAR -4 PM 4:12

INFO MEMO

March 1, 2002; 7 p.m.

FOR: SECRETARY OF DEFENSE

FROM: William J. Haynes II, General Counsel *WJ Haynes 3/1/02*

SUBJECT: Pending Detainee and Military Commission Issues

- For your information, these are things we see around the next corner and are working:
 - A template for deciding which detainees will be prosecuted in which forum (e.g., Federal district court, military commission, or another country) or repatriated.
 - Recommendations for the President on which detainees to designate under the Military Order of November 13, 2001.
 - Criteria for selecting the Appointing Authority and recommendations for individuals to serve as the Appointing Authority.
 - A proposal for an organization to administer and conduct military commission trials, including prosecution and defense offices.
 - A list of law of war violations and elements thereof for use in military commission prosecutions.
 - A legal memorandum addressing the applicability of the requirement to provide rights warnings to detainees under title 10.
- Other agencies, including the Departments of Justice and State, have interests in many of these issues, and I am working with appropriate officials in both agencies to coordinate policies.

COORDINATION: None



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