

CORRECTED COPY

There were no Military Commission Orders issued in 2006.

DEPARTMENT OF DEFENSE  
OFFICE OF MILITARY COMMISSIONS  
1600 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1600

MILITARY COMMISSION ORDER  
NUMBER 1

1 May 2007

David Matthew Hicks, a/k/a "David Michael Hicks", a/k/a "Abu Muslim Australia," a/k/a "Abu Muslim Austraili," a/k/a "Abu Muslim Philippine," a/k/a "Muhammad Dawood," (ISN 0002), was arraigned and tried before a military commission convened at United States Naval Station, Guantanamo Bay, Cuba, pursuant to Military Commission Convening Order Number 07-01, dated 1 March 2007, as amended by Convening Order Number 07-03, dated 29 March 2007.

The accused was arraigned and tried on the following offenses and the following findings or other dispositions were reached:

CHARGE: Violation of 10 U.S.C. Section 950v Part 25--Providing Material Support for Terrorism, to wit al Qaeda

Plea: Guilty; Finding: Guilty.

SPECIFICATION 1: From in or about December 2000 through in or about December 2001 intentionally providing material support or resources to an international terrorist organization engaged in hostilities against the United States, namely al Qaeda.

Plea: Guilty, except paragraphs 23 & 24 of the specification, substituting paragraphs 1-35 of Appellate Exhibit 28. Finding: Of the excepted words: Not Guilty; of the substituted words: Guilty.

SPECIFICATION 2: From in or about December 2000 through in or about December 2001 providing material support or resources to be used in preparation for, or in carrying out, an act of terrorism.

Plea: Not Guilty. Finding: Dismissed.

## SENTENCE

The following sentence was adjudged by the members on 30 March 2007: confinement for 7 years.

## ACTION

In the case of David Matthew Hicks, also known as David Michael Hicks, Abu Muslim Australia, Abu Muslim Austraili, Abu Muslim Philippine, and Muhammad Dawood, ISN 0002, the sentence is approved and will be executed, but the execution of that part of the sentence extending to confinement in excess of nine months is suspended for seven years at which time, unless the suspension is sooner vacated, the suspended part of the sentence will be remitted without further action. The Government of the Commonwealth of Australia may designate an appropriate place of confinement.

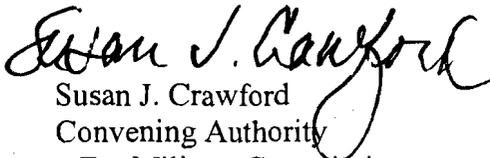
The conditions set forth in the pretrial agreement established the conditions of the suspension of the sentence to confinement. The following conditions of suspension apply and if violated, may result in vacation of the suspension:

- (1) David Matthew Hicks will not communicate with the media in any way regarding the illegal conduct alleged in the charge and the specification or about the circumstances surrounding his capture and detention as an unlawful enemy combatant for a period of one year.
- (2) David Matthew Hicks will cooperate fully, completely and truthfully in post-trial briefings and interviews as directed by competent United States or Australian law enforcement and intelligence authorities. David Matthew Hicks will provide truthful, complete and accurate information and, if necessary, truthful, complete and accurate testimony under oath at any grand juries, trials or other proceedings, including military commission and international tribunals. If David Matthew Hicks testifies untruthfully in any material way, he can be prosecuted for perjury. David Matthew Hicks will provide all information concerning his knowledge of, and participation in al Qaeda, Lashkar-e Tayyiba (LET), or any other similar organization. David Matthew Hicks will not falsely implicate any person or entity, and will not protect any person or entity through false information or omission.

MCO No. 1, DoD, Office of Military Commissions, Washington, DC 20301-1600, dated 1 May 07 (continued)

- (3) David Matthew Hicks will waive all rights to appeal or collaterally attack his conviction, sentence or any other matter relating to his prosecution whether such right to appeal or collateral attack arises under the Military Commissions Act of 2006 or any other provision of United States or Australian law. David Matthew Hicks will not make, participate in, or support any claim, and not undertake, participate in or support any litigation, in any forum against the United States or any of its officials, whether uniformed or civilian, in their personal or official capacities with regard to his capture, treatment, detention, or prosecution.
- (4) If during the period of suspension, David Matthew Hicks engages in conduct proscribed by Sections 950q through w of Chapter 47A of title 10, United States Code.

DISTRIBUTION:  
Accused  
Defense Counsel  
Record of Trial  
Clerk of Court  
Corrections Facility  
Commonwealth of Australia

  
Susan J. Crawford  
Convening Authority  
For Military Commissions

DEPARTMENT OF DEFENSE  
OFFICE OF MILITARY COMMISSIONS  
OFFICE OF THE CONVENING AUTHORITY  
1600 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1600

Date: 2 May 2007

MEMORANDUM FOR David Matthew Hicks, 0002, Guantanamo Bay, Cuba

SUBJECT: Service of Final Order in the Case of United States v. David Matthew Hicks  
a/k/a "Abu Muslim Australia, a/k/a "Abu Muslim Austraili," a/k/a "Abu Muslim  
Philippine," a/k/a "Muhammad Dawood"

You are hereby served with a copy of the Final Order (Military Commission  
Order Number 1), dated 1 May 2007 on 2 May 2007, pursuant to Regulation for Trial by  
Military Commissions and the Rules for Military Commission. A copy of the Order will  
be provided to your detailed defense counsel.

**AFFIDAVIT OF SERVICE**

I hereby certify that the above paragraph was read to, and a copy of the Final  
Order was served on, David Matthew Hicks this 2nd day of May, 2007. ↗

USN  
Typed/Printed Name/Grade

\_\_\_\_\_  
Signature

Joint Task Force -- Guantanamo

\_\_\_\_\_  
Organization

\_\_\_\_\_  
Address of Organization

DEPARTMENT OF DEFENSE  
OFFICE OF MILITARY COMMISSIONS  
1600 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1600

April 25, 2007

MEMORANDUM FOR David Matthew Hicks, 0002, Guantanamo Bay, Cuba

SUBJECT: Service of Record of Trial and Recommendation of the Legal Advisor --  
United States v. David Matthew Hicks, a/k/a "David Michael Hicks," a/k/a "Abu Muslim  
Australia," a/k/a "Abu Muslim Australi," a/k/a "Abu Muslim Philippine," a/k/a  
"Muhammad Dawood," ISN 0002

You are hereby served with a copy of the Record of Trial and Recommendation of  
the Legal Advisor on 25 April, 2007, pursuant to the Rules for Military  
Commissions, Rule 1104(b) and Rule 1106(e)(1), respectively. A copy of the  
Recommendation of the Legal Advisor was provided to your detailed defense counsel. A  
copy of the Record of Trial is also available to your defense counsel to review.

**AFFIDAVIT OF SERVICE**

I hereby certify that a copy of the Record of Trial and Recommendation of the  
Legal Advisor were served on David Matthew Hicks this 25<sup>th</sup> day of April,  
2007.

Typed/Printed Name/Grade

MAJOR, USA

Signature

JTF Guantanamo

Organization

Address of Organization



OFFICE OF THE SECRETARY OF DEFENSE  
OFFICE OF MILITARY COMMISSIONS  
1600 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1600

19 April 2007

LEGAL ADVISOR

MEMORANDUM FOR Convening Authority, Office of Military Commissions, 1600  
Defense Pentagon, Washington, DC 20301-1600

SUBJECT: Recommendation of the Legal Advisor – United States v. David Matthew  
Hicks, a/k/a “David Michael Hicks”, a/k/a “Abu Muslim Australia,” a/k/a “Abu Muslim  
Australi,” a/k/a “Abu Muslim Philippine,” a/k/a “Muhammad Dawood”, ISN 0002,  
United States Naval Station, Guantanamo Bay, Cuba

1. This is my recommendation pursuant to R.M.C 1106 in the military commission trial  
of David Matthew Hicks. I have completed my review of the record of trial. The  
purpose of my recommendation is to assist you in your decision as to what action to take  
on the sentence in the exercise of your command prerogative.

2. PERSONAL DATA

a. HISTORY:

DOB: 7 Aug 1975                      Martial Status: Unmarried  
Education: 8<sup>th</sup> grade  
Unsworn statement: pages 200-202

b. PRIOR DISCIPLINARY ACTIONS/CONVICTIONS: None

3. CHARGES:

a. The Charge, Section 950v(25), Specification 1:

Providing Material Support For Terrorism, to wit: al Qaeda. *Plea:* Guilty, except  
paras 23 & 24, substituting para 1-35 of AE 28). *Findings:* Of the excepted  
words: Not Guilty. Of the substituted words: Guilty.

b. The Charge, Section v(25), Specification 2: *Plea:* Not guilty. *Findings:*

Dismissed without prejudice, ripening into dismissal with prejudice at the time  
sentence was announced.

c. To the Charge: *Plea:* Guilty. *Findings:* Guilty.

4. SENTENCE:

a. Date Adjudged: 30 March 2007.

SUBJECT: Recommendation of the Legal Advisor – David Matthew Hicks

b. Sentenced adjudged by Members: 7 years confinement

c. Clemency recommended by Military Commissions Judge or Members: None.

d. Pretrial Agreement:

- 1) The maximum period of confinement that may be adjudged and approved is seven (7) years.
- 2) The convening authority agrees to suspend any part of the sentence extending to confinement in excess of nine (9) months for a period of seven (7) years.
- 3) The United States will transfer the custody and control of the accused to the government of Australia not later than sixty days from the date the sentence is announced.
- 4) The members will be instructed that the maximum sentence is 7 years confinement
- 5) The prosecution will not present any evidence in aggravation and the defense will not present any evidence in mitigation during the sentencing phase of the trial. The accused may make an unsworn statement.
- 6) Appellate Review: accused waived (Appellate Exhibit 33).

e. Approved Deferment: none

5. ACCUSED'S DETENTION PRIOR TO TRIAL:

a. Days in pretrial confinement: none

b. Total presentence confinement credit: none

c. Detained in US custody: 5 years and 4 months

6. MATTERS SUBMITTED BY THE ACCUSED: the accused waived his right to submit matters under R.M.C. 1105(a) (Enclosure 2).

7. RECOMMENDATION: I recommend that the sentence be approved and ordered executed. I further recommend that you sign the action at Enclosure 1 approving the sentence and suspending the confinement in excess of nine months.

- 3 Encls
1. Proposed Action
  2. Waiver
  3. Record of Trial

  
Thomas L. Heminger  
Brig Gen, USAir Force  
Legal Advisor to the  
Convening Authority

ACTION

OFFICE OF MILITARY COMMISSIONS  
1600 Defense Pentagon  
Washington, DA 20301-1600

MAY 01 2007

In the case of David Matthew Hicks, also known as David Michael Hicks, Abu Muslim Australia, Abu Mulsim Austraili, Abu Mulim Philippine, and Muhammad Dawood, ISN 0002, the sentence is approved and will be executed, but the execution of that part of the sentence extending to confinement in excess of nine months is suspended for seven years at which time, unless the suspension is sooner vacated, the suspended part of the sentence will be remitted without further action. The Government of the Commonwealth of Australia may designate an appropriate place of confinement.

The conditions set forth in the pretrial agreement established the conditions of the suspension of the sentence to confinement. The following conditions of suspension apply and if violated, may result in vacation of the suspension:

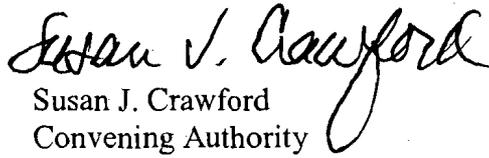
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- (3) David Matthew Hicks will waive all rights to appeal or collaterally attack of his conviction, sentence or any other matter relating to his prosecution whether such right to appeal or collateral attack arises under the Military Commissions Act of 2006 or any other provision of United States or Australian law. David Matthew Hicks will not make, participate in, or support any claim, and not undertake, participate in or support any litigation, in any forum against the United States or

Action--David Matthew Hicks

any of its officials, whether uniformed or civilian, in their personal or official capacities with regard to my capture, treatment, detention, or prosecution.

- (4) If during the period of suspension, David Matthew Hicks engages in conduct proscribed by Sections 950q through w of Chapter 47A of Title 10, United States Code.

1 Mar 2007  
Date

  
Susan J. Crawford  
Convening Authority  
For Military Commissions



DEPARTMENT OF DEFENSE  
OFFICE OF MILITARY COMMISSIONS  
1600 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1600

April 23, 2007

MEMORANDUM FOR Detailed Defense Counsel, Major Michael Mori

SUBJECT: Service of Recommendation of the Legal Advisor

You are hereby served with a copy of the Recommendation of the Legal Advisor in the case of David Mathew Hicks, 0002, on 23 APRIL 2007, pursuant to Rule for Military Commission 1106(e)(1).

MSG  
Typed/Printed Name & Grade

Signature

OMC-CA  
Organization

Address

ACKNOWLEDGEMENT OF RECEIPT OF SERVICE

I received the Recommendation of the Legal Advisor in the case of David Matthew Hicks on this 23 day of APRIL, 2007. 1056 am

For Michael D. Mori  
Michael D. Mori  
Major, USMC  
Detailed Defense Counsel

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UNITED STATES OF AMERICA	)	Waiver of Rule 1105 Matters
	)	
v.	)	
	)	Military Commission
DAVID HICKS	)	Guantanamo Bay, Cuba
	)	

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1. I, David Hicks, pursuant to Rule 1105(d)(3) of the Rules for Military Commissions, waive the right to submit matters under Rule 1105(a).
2. This waiver is submitted voluntarily.

Signed:   
David Hicks

Date: 30/03/07

Signed:   
M.D. Morr  
Major, U.S. Marine Corps  
Detailed Defense Counsel

Date: 30 MAR 07