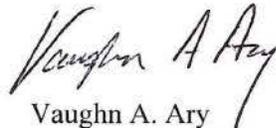


ACTION

DEPARTMENT OF DEFENSE
OFFICE OF MILITARY COMMISSIONS
4800 MARK CENTER DRIVE
ALEXANDRIA, VA 22350-2100

January 9, 2015

In the military commission of Noor Uthman Muhammed, in light of decisions of the Court of Appeals for the D.C. Circuit in *Hamdan v. United States*, 696 F.3d 1238 (D.C. Cir. 2012) and *Al Bahlul v. United States*, 767 F.3d 1 (D.C. Cir. 2014), it appears that it was legal error to try the offenses of providing material support for terrorism and conspiracy to provide material support for terrorism before the military commission. Accordingly, the findings of guilty are set aside and the sentence is disapproved. The charges are dismissed.



Vaughn A. Ary
Convening Authority
for Military Commissions

No Military Commission Orders were issued in 2014

**DEPARTMENT OF DEFENSE
OFFICE OF MILITARY COMMISSIONS
4800 MARK CENTER DRIVE
ALEXANDRIA, VA 22350-2100**

MILITARY COMMISSION ORDER
NUMBER 1-15

January 9, 2015

Noor Uthman Muhammed, a/k/a “Abu Al-Hareth;” “Farouq” “Farouk;” “Ikramah;” “Ekrima;” “Akrama;” “Muhammed Nor Usman;” Muyammed Nor Uthman;” “Samir;” “Zamir Muhammed;” “Abu Haris”, was arraigned and tried before a non-capital military commission convened at United States Naval Station, Guantanamo Bay, Cuba, pursuant to Military Commission Convening Order Number 07-04, dated 1 May 2007, as amended by Convening Orders 07-07, dated 19 December 2007; 09-03, dated 7 January 2009; 10-01, dated 24 June 2010; 10-03, dated 6 August 2010; 10-05, dated 15 November 2010; and 11-01, dated 27 January 2011.

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

Charge I: Violation of 10 U.S.C. § 950t(25) – Providing Material Support to International Terrorist Organizations – including but not limited to al Qaeda

Plea: Guilty; Finding: Guilty

Charge II: Violation of 10 U.S.C. § 950t(29) – Conspiracy to Provide Material Support to an International Terrorist Organization and Terrorism

Plea: Guilty; Finding: Guilty

SENTENCE

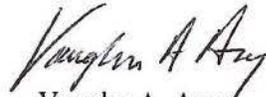
The following sentence was adjudged by the members on 18 February 2011: confinement for 14 years.

PREVIOUS ACTIONS

On November 1, 2013, a previous Convening Authority took action to defer Mr. Muhammed’s confinement effective December 3, 2013, but delayed taking action on the findings and sentence pending appellate resolution of fundamental legal issues impacting this military commission. Subsequently, the D.C. Circuit ruled that providing material support to terrorism was not a cognizable law of war offense under the Military Commissions Act and, consequently, could not be tried by a military commission. The Court’s ruling is also dispositive on the issue of whether the offense of conspiracy to provide material support to terrorism could be tried before a military commission. Recognizing the binding effect of the D.C. Circuit’s rulings, an Action consistent with those decisions is required in this case.

ACTION

In the military commission of Noor Uthman Muhammed, in light of decisions of the Court of Appeals for the D.C. Circuit in *Hamdan v. United States*, 696 F.3d 1238 (D.C. Cir. 2012) and *Al Bahlul v. United States*, 767 F.3d 1 (D.C. Cir. 2014), it appears that it was legal error to try the offenses of providing material support for terrorism and conspiracy to provide material support for terrorism before the military commission. Accordingly, the findings of guilty are set aside and the sentence is disapproved. The charges are dismissed.



Vaughn A. Ary
Convening Authority
for Military Commissions

DISTRIBUTION:

- 1-Accused (Mr. Muhammed)
- 1-Military Judge (CAPT Modzelewski)
- 1-Trial Counsel (LtCol Weirick)
- 1-Defense Counsel (MAJ Fitzgibbons,
CDR McCormick, CAPT Kannady)
- 1-Chief, Office of Court Administration, OMC
- 1-Clerk of Court, CMCR
- 1-OSD (OGC)
- 1-JTF GTMO (Detention Facility)
- 1-SJA, JTF GTMO
- 5-Original Record of Trial
- 1-Each Copy of the Record of Trial