



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

Legal Advisor

October 13, 2010

MEMORANDUM FOR CONVENING AUTHORITY FOR MILITARY COMMISSIONS

SUBJECT: Legal Advisor's Recommendation, *United States v. al Qosi*

This is my recommendation pursuant to Rule for Military Commission 1106 in the military commission trial of Ibrahim Ahmed Mahmoud al Qosi.

Background

Mr. al Qosi is a fifty year-old citizen of Sudan. He is a married father of two. Until his capture, he was the only source of support for his family.

Al Qosi was captured in Afghanistan in December, 2001. He entered U.S. custody later that month and was transferred to Guantanamo Bay, Cuba. As of August 11, 2010, the date al Qosi was sentenced, he had spent 8 years, 7 months and 27 days in custody.

On July 7, 2010, the military judge in a military commission found al Qosi guilty, pursuant to his pleas, of one charge each of Conspiracy and Providing Material Support for Terrorism. On August 11, 2010, the commission sentenced him to fourteen (14) years confinement. The findings and sentence are summarized in the attached Report of Result of Trial. The commission did not recommend clemency. You deferred the sentence for sixty (60) days; the deferment expired on October 10, 2010.

Recommendation

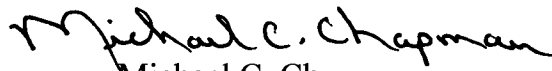
I have considered all matters in the record of trial. The accused pled guilty to the Charges and entered into a stipulation of fact. I am satisfied that the evidence supporting the conviction is legally sufficient. The sentenced adjudged is appropriate for the offenses on which al Qosi was convicted.

Al Qosi pled guilty pursuant to a pretrial agreement, portions of which were placed under seal by the military judge. Al Qosi has complied with his obligations under the agreement save those obligations that continue beyond the announcement of his sentence.



You have complied with your obligations under the agreement [REDACTED]

I recommend that you approve and order executed the sentence as adjudged. I further recommend that you suspend all confinement exceeding two (2) years from July 7, 2010; the suspension shall run until the United States Government determines that al Qosi has complied with the terms of the agreement or five (5) years from August 11, 2010, whichever is sooner. Unless sooner vacated, the expiration of the period of suspension shall remit the suspended portion of the sentence.


Michael C. Chapman
Legal Advisor to the
Convening Authority

Attachment
As stated

REPORT OF RESULT OF TRIAL

To: The Convening Authority, Office of Military Commissions

1. Notification under R.M.C. 1101(a) is hereby given in the military commission of United States v.

IBRAHIM AHMED MAHMOUD AL QOSI, a/k/a "ABU KHOBAIB AL SUDANI"

2. Trial by military commission on 7 July, 9-11 August, 2010 at United States Naval Station, Guantanamo Bay, Cuba

convened by: MCCO Number(s) 09-03, 10-01, 10-03

3. Summary of offenses, pleas and findings:

<u>Charge</u>	<u>§950 M.C.A. SPEC</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>PLEA</u>	<u>FINDING</u>
Conspiracy	t(29)	Conspiracy to commit terrorism and to provide material support to terrorism	G	G
Providing Material Support for Terrorism	t(25)	Providing material support to a terrorist organization - Al Qaida	G	G

4. Sentence: 14 years confinement

5. Date sentence adjudged and effective date of any additional penalty (YYYY/MM/DD): 2010/08/11

6. UNCLASS Name(s) and ISN(s) of companion accused or co-accused, if any:

NONE

CF: Accused, Defense Counsel, Military Judge, Chief Prosecutor, Chief Defense Counsel, Chief Clerk of Court for Military Commissions, Office of Military Commissions Public Affairs Officer, Legal Advisor to the Convening Authority,

Dirk B. Padgett
TYPED NAME OF TRIAL COUNSEL


SIGNATURE

Commander
RANK

United States Navy
BRANCH OF SERVICE