The Office of Military Commissions (OMC) Convening Authority (CA) has reviewed the contempt proceedings against Brigadier General John G. Baker, United States Marine Corps, Military Commissions Defense Organization. The CA has determined that the findings of the military judge are correct in law and fact. The CA is forwarding the findings and record of proceedings to the appropriate authority overseeing Brig. Gen. Baker's service as a Judge Advocate within the Department of the Navy, the DoD Standards of Conduct Office, and the DoD General Counsel's Office, and the Staff Judge Advocate to the Commandant of the United States Marine Corps for an administrative ethics review. The CA is not requiring that Brig. Gen. Baker pay the original $1,000 fine or serve the remaining confinement term, which was initially 21 days.

With regard to the underlying security concerns that led to the attempted resignation of defense counsel in the case of United States v. Al-Nashiri, the CA will also recommend to the Joint Detention Group at Guantanamo Bay that a “clean” facility be designated or constructed which would provide continued assurances and confidence that attorney-client meeting spaces are not subject to monitoring, as the commission proceeds.

The CA noted that it was within the military judge’s authority to rule upon the defense counsels’ request to withdraw from the case. The presiding judge, US Air Force Colonel Judge Vance Spath, found that there was “no good cause” to withdraw after reviewing both the classified and unclassified information concerning the defense's motion.

During the Oct. 31 proceeding, Judge Spath said, “On 20 September 2017, again after consideration of all the classified and unclassified filings… there wasn't any basis to find there had been an intrusion into attorney-client communications between this accused and this defense team.”
The CA acknowledged that the classified nature of the proceedings have shaped the commission’s proceedings. The declassification of relevant documents concerning this matter needs to be expedited to ensure the now-classified analysis can be shared with the appropriate parties to reinforce the integrity of the process. The CA will work with the necessary declassification authorities to improve this area of concern.

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For all press-related issues, please contact Commander Ron Flesvig, US Navy Public Affairs Officer for the Office of Military Commissions Convening Authority.
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More information is available at the Office of Military Commissions website, http://www.mc.mil