PART IV—CRIMES AND ELEMENTS

(950p) – Statement of substantive offenses

This part of the Manual provides guidance with respect to crimes that may be tried by military commission and enumerates the elements of those crimes.

1. (Section 950q) – Principals

a. Text. “Any person is punishable as a principal under this chapter who—

   (1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or
       procures its commission;
   (2) causes an act to be done which if directly performed by him would be punishable by
       this chapter; or
   (3) is a superior commander who, with regard to acts punishable under this chapter,
       knew, had reason to know, or should have known, that a subordinate was about to
       commit such acts or had done so and who failed to take the necessary and reasonable
       measures to prevent such acts or to punish the perpetrators thereof.”

2. (Section 950r) – Accessory after the fact

a. Text. “Any person subject to this chapter who, knowing that an offense punishable by this
   chapter has been committed, receives, comforts, or assists the offender in order to hinder or
   prevent his apprehension, trial, or punishment shall be punished as a military commission under
   this chapter may direct.”

b. Elements.

   (1) That an offense punishable by the M.C.A. was committed by a certain person;
   (2) That the accused knew that this person had committed such an offense;
   (3) That thereafter the accused received, comforted, or assisted the offender; and
   (4) That the accused did so for the purpose of hindering or preventing the apprehension,
       trial, or punishment of the offender.

c. Maximum punishment. Any person subject to this chapter who is found guilty as an accessory
   after the fact to an offense punishable by the M.C.A. shall be subject to the maximum
   punishment authorized for the principle offense, except that in no case shall the death penalty nor
   more than one-half of the maximum confinement authorized for that offense be adjudged, nor
   shall the period of confinement exceed 10 years in any case, including offenses for which life
   imprisonment may be adjudged.

3. (Section 950s) – Conviction of lesser included offense

a. Text. “An accused may be found guilty of an offense necessarily included in the offense
   charged or of an attempt to commit either the offense charged or an attempt to commit either the