PART II. RULES FOR MILITARY COMMISSIONS

CHAPTER I. GENERAL PROVISIONS

Rule 101. Scope, title

(a) In general. These rules govern the procedures and punishments in all trials by military commissions of alien unlawful enemy combatants engaged in hostilities against the United States as defined in 10 U.S.C. § 948a(1) and (3) for violations of the law of war and other offenses triable by military commissions and, whenever expressly provided, preliminary, supplementary, and appellate procedures and activities.

(b) Title. These rules may be known and cited as the Rules for Military Commissions (R.M.C.).

Rule 102. Purpose and construction

(a) Purpose. These rules are intended to provide for the just determination of every proceeding relating to trial by military commissions.

(b) Construction. These rules shall be construed to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay.

Rule 103. Definitions and rules of construction

(a) The following definitions and rules of construction apply throughout this Manual, unless otherwise expressly provided.

(1) “Alien” means a person who is not a citizen of the United States.

(2) “Article” refers to articles of the Uniform Code of Military Justice (Title 10 U.S.C., Chapter 47) unless the context indicates otherwise.

(3) “Capital case” means a military commission to which a capital offense has been referred with an instruction that the case be treated as capital, and, in the case of a rehearing or new or other trial, for which offense death remains an authorized punishment under R.M.C. 810(d).

(4) “Capital offense” means an offense for which death is an authorized punishment under the M.C.A. or the law of war.

(5) “Citizen of the United States.” A person may become a citizen of the United States only by birth within the territory of the United States, by birth to parents who are United States citizens, or by naturalization. See 8 U.S.C. §§ 1401, 1427.