

DEFENSE LEGAL SERVICES AGENCY (DLSA)
Operation Enduring Freedom
Operation and Maintenance, Defense Wide
Budget Activity 04: Administrative and Service-Wide Activities

I. Description of Operations Financed: Two separate efforts involve detainees at Guantanamo (GTMO).

Office of Military Commissions (OMC): The Secretary of Defense established the Office of Military Commissions (OMC) on March 21, 2002, under the Defense Legal Service Agency (DLSA) to deal with the trials of enemy combatants who violate the laws of war. The Military Commissions Act (MCA) was enacted in response to the Supreme Court requirement for legislation to continue the OMC process. The OMC works in four areas as the appointing authority (similar to a convening authority), which includes the Office of the Legal Advisor, the prosecution office, the defense office, and the Review Panel (Judges who consider appeals). Several cases referred for trial are in various stages of collateral constitutional litigation.

The process was placed on hold by Executive Order, until May 2009, pending a decision whether OMC should continue tribunals, whether jurisdiction should be transferred to the Department of Justice, or whether alternative dispositions should be considered. The military commissions are currently halted pending a decision on the possible prosecution of certain detainees. Even upon the closure of GTMO, it is likely that trials of detainees in appropriate forums will be conducted; thus, it is necessary that preparatory activities continue. The OMC incurs normal government activity operating expenses, including salaries and benefits, travel, rental of office space and equipment, communications, and the cost of supplies and equipment. Continued supplemental funding is essential for OMC to accomplish its mission.

Habeas Corpus Group (HC): Over 200 detainees filed Habeas Corpus cases in the Federal District Courts in Washington, DC. In the Boumediene Supreme Court decision, the US Supreme Court affirmed the rights of the detainees to have these cases heard. The litigation effort requires the hiring of 85 attorneys and 25 paralegal/administrative/support personnel. Their rented office space in the National Capital Region requires stringent security. These temporary employees need IT, courier, security, translation, and office equipment. The Federal District Court ordered that habeas petitioners' counsel also have space and facilities set aside for their use, including security guards (24/7), equipment, IT support, rental costs, and translation services. Further, most of the materials considered in this litigation are classified. The Intelligence Community is required to declassify vast volumes of documents and information so that it may be presented in court settings. The declassification process entails contract, lease,

translation, security, and temporary duty expenses. The habeas litigation continues as long as the detainees remain in U.S. custody, regardless of the detention venue.

II. Force Structure: N/A

III. Financial Summary (\$ in Thousand)

CBS No.	CBS Title	FY 2008 Cost of War	FY 2009 Bridge	FY 2009 Remaining	FY 2009 Total	FY 2010 Total
1.0	Personnel	6,600	7,000	6,100	13,100	14,679
2.0	Personnel Support	1,945	2,000	0	2,000	2,242
3.0	Operating Support	44,156	30,900	76,526	107,426	98,079
	SAG Totals	52,701	39,900	82,626	122,526	115,000
A. <u>Subactivity Group</u>						
1.	1.2 OMC Civilian Personnel	2,693	2,857	2,489	5,346	5,990
1.	1.2 HC Civilian Personnel	3,907	4,143	3,611	7,754	8,689
1.	1.2 Civilian Personnel Total	6,600	7,000	6,100	13,100	14,679

Narrative Justification:

OMC: Personnel support costs for support of Guantanamo Bay, Cuba operations fund 60 temporary full-time-equivalent civilian positions.

HC: Personnel support costs for HC include 85 attorneys and 25 other personnel.

CBS No.	CBS Title	FY 2008 Cost of War	FY 2009 Bridge	FY 2009 Remaining	FY 2009 Total	FY 2010 Total
2. 2.1	OMC Temporary Duty/Additional Duty	794	816	0	816	915
2. 2.1	HC Temporary Duty/Additional Duty	1,151	1,184	0	1,184	1,327
2. 2.1	Temporary Duty/Additional Duty Total	1,945	2,000	0	2,000	2,242

Narrative Justification:

OMC: Personnel support costs for support of Guantanamo Bay, Cuba operations cover temporary duty (TDY) costs for the OMC personnel to meet with their detainee clients and to participate in commission hearings. Travel is required to Guantanamo and a satellite office.

HC: TDY costs cover HC personnel. These people travel to the same locations as OMC personnel above.

3. 3.0	OMC Operating Support Cost	18,019	12,610	31,228	43,838	40,024
3. 3.0	HC Operating Support Cost	26,137	18,290	45,298	63,588	58,055
3. 3.0	Operating Support Cost Total	44,156	30,900	76,526	107,426	98,079

Narrative Justification:

OMC: These costs include supplies, rent, furniture, design and construction, training, contract support, reimbursement to U.S. Marshall's Service, IT, telecom, and security. Funding provides for an interpretation and translation contract.

HC: These costs include supplies, rent, furniture, design and construction, training, contract support, IT, telecom, and security. Funding also provides for translation and declassification of documents relating to habeas cases.

Impact if not funded: The OMC will be unable to bring cases to trial and completion. The U.S. Government will be unable to respond in defending over 200 habeas cases as ordered by the U.S. Supreme Court.

Total		52,701	39,900	82,626	122,526	115,000
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