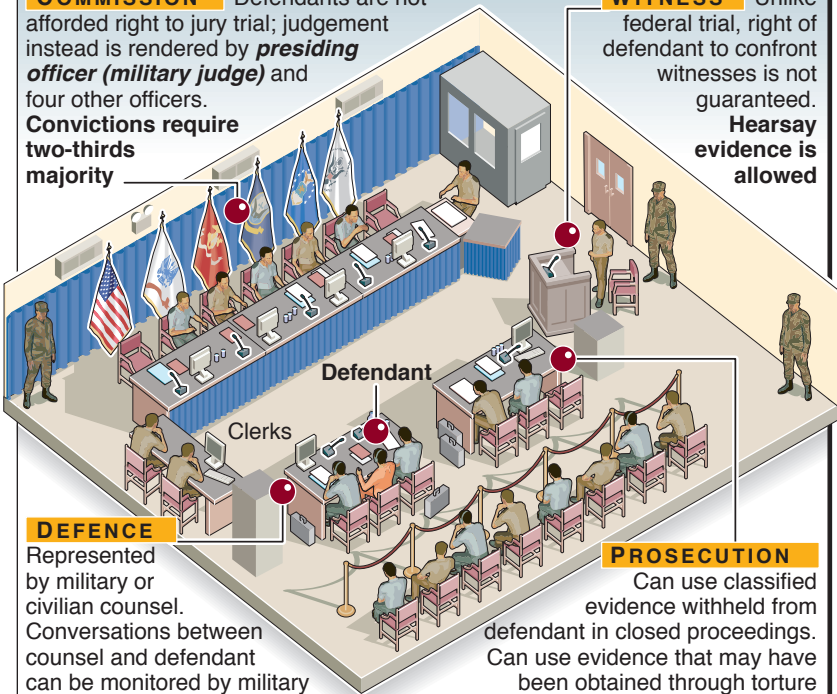


U.S. federal trials versus military tribunals

Four years after the first of approximately 500 prisoners arrived at the Guantanamo prison camp in Cuba, a Yemeni and a Canadian are to face a U.S. military tribunal. The commissions get underway amid criticism from human rights groups that they violate defendants' rights

COMMISSION Defendants are not afforded right to jury trial; judgement instead is rendered by **presiding officer (military judge)** and four other officers. **Convictions require two-thirds majority**

WITNESS Unlike federal trial, right of defendant to confront witnesses is not guaranteed. **Hearsay evidence is allowed**



DEFENCE
Represented by military or civilian counsel. Conversations between counsel and defendant can be monitored by military

PROSECUTION
Can use classified evidence withheld from defendant in closed proceedings. Can use evidence that may have been obtained through torture

Exculpatory evidence: Evidence that may establish innocence can be withheld from defence if it is deemed classified or "protected"

Sources: Human Rights Watch, Department of Defense

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