Legal Issues Counter Terrorism

Name:

Institution:

In the onset of terrorist attacks, the American government decided to set up military commissions for prosecuting everyone involved in aiding or abetting terrorism operations in America. This paper, therefore, answers questions on specific aspects of military commissions, which include the difference between the lawful combatants and unlawful enemy combatants concerning prosecution, prosecution of civilians by terrorists, terrorist supporters, and problems risking classified information exposure (Tan, 2018). It also looks at the examination of legal authority military commissions have in prosecuting international terrorism.

**Difference between Lawful and unlawful combatants**

Lawful combatants are members of armed forces within a state and different militia that meet various legal requirements that qualify them into being combatants. The lawful combatants are set out to battlefields to counter-terrorists on order, or an unlawful combatant gives a tip.

Unlawful combatant, on the other hand, is an individual who engages in armed conflict and violates law wars by fighting outside the recognized military forces. They assist the military commission capture a suspect they are trailing and can also provide evidence on various tactics a terror suspect they are tracing may have (Tan, 2018).

The unlawful combatants are usually captured and used in the provision of information about those exposing the country to danger or any other enemies they are working with to terrorize a country. The prosecution, therefore, prefers detaining them until they gain all the information they require from him or her.

**Legal Authority of Military commissions in prosecuting international crimes**

The military commission is legally bound to carry out prosecutions based on the directives spelled out in the Military Commissions Act of 2009. The act gives the commission a legal mandate to handle terror cases and offers an appropriate judgment for the same.

The act has several procedures that govern the use of military commissions. In this regard, the commission is capable of operating within legally documented directives from the government. As such, the military legal commission can proceed to order the arrest of any individual accused of international crimes, and all the evidence gathered outside the United States are used during the prosecution of such individuals (Krieger, 2018).

The military commission strictly acts within the set-out procedures in handling the court cases. The legal provisions also make it easier in handling terrorism cases, a dreaded part in prosecutions. The advantage is that those purely trained in handling terror cases will be in charge of the case thus making use of their expertise (Krieger, 2018).

**Benefits of prosecuting the types of cases by military commission instead of civilian federal court**

The military commissions have confinements where the terror suspects cannot sneak out or pose a danger to others since they are confined alone. The federal prisons have had several cases of stabbing incidents in prison. In the year 2000, a guard in a Manhattan jail got stabbed by a terror suspect exposing him to great danger.

 Several inmates have also ended up losing their lives because of such incidences. The military jails are better equipped to handle such occurrences, thus the need to try terror suspects in military commissions. The military prisons limit the contact terror suspects would have with other inmates, thus stabbing incidents avoided (Hennessy, 2014).

The military commissions are better places for prosecuting the terror suspects because of the danger they are likely to pose to the public. The military police are better equipped to handle any tricks a terror suspect may try to pull. The federal police lack training on handling the terror suspects but criminals (Hennessy, 2014). By trying a terror suspect in the federal courts, they are risking the lives of the general public following the proceedings.

References

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