

MILITARY COMMISSIONS TRIAL JUDICIARY  
GUANTANAMO BAY, CUBA

<p><b>UNITED STATES OF AMERICA</b></p> <p><b>v.</b></p> <p><b>KHALID SHAIKH MOHAMMAD, WALID MUHAMMAD SALIH MUBARAK BIN ATTASH, RAMZI BIN AL SHIBH, ALI ABDUL AZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI</b></p>	<p><b>AE 292LL</b></p> <p><b>ORDER</b></p> <p><b>Appointment of Independent Counsel</b> Emergency Joint Defense Motion to Abate Proceedings and Inquire into Existence of Conflict of Interest Burdening Counsel's Representation of Accused</p> <p>3 July 2014</p>
--	---

1. This Order pertains only to the case of *United State v Ramzi bin al Shibh*.
2. The Accused filed a joint motion requesting the Commission conduct a thorough inquiry into potential conflicts of interest stemming from FBI investigations [REDACTED]. [REDACTED] They requested the Commission abate other proceedings until it had conducted the inquiry to develop sufficient facts for the Commission to assess any conflict, permit defense counsel to determine whether they are required to withdraw, or permit the accused to make voluntary, knowing, and intelligent waivers of any ongoing conflicts<sup>1</sup>.
3. As a consequence the Commission issued an Order requiring the Chief Defense Counsel appoint Independent Defense Counsel to advise Mr. Mohammad and Mr. bin al Shibh concerning any potential conflict of interest and specifying a time line for appointment.<sup>2</sup> In response the Chief Defense Counsel, citing lack of available resources, requested the Commission defer the appointment until 14 days after disclosure of the nature of the FBI

<sup>1</sup> Emergency Joint Defense Motion to Abate Proceedings and Inquire into Existence of Conflict of Interest Burdening Counsel's Representation of Accused, filed 13 April 2014 (AE 292)

<sup>2</sup> Order, Appointment of Independent Counsel, Emergency Joint Defense Motion to Abate Proceedings and Inquire into Existence of Conflict of Interest Burdening Counsel's Representation of Accused, 17 April 2014 (AE 292H)

investigation.<sup>3</sup> The Commission granted the extension in time however reserving the right to reconsider, *sua sponte*, “based on future developments.”<sup>4</sup>

4. On 1 July 2014, Defense Counsel for Mr. bin al Shibh filed a declaration setting forth facts, if taken at face value, indicating a “warning” by a security officer against counsel if they pursued certain actions on behalf of the bin al Shibh Defense Team and indicating that at least two of Mr. bin al Shibh’s counsel are [REDACTED]<sup>5</sup>

5. The Commission directs the Chief Defense Counsel appoint Independent Defense Counsel for Mr. bin al Shibh not later than 15 July 2014.

6. The Commission further directs the Director, Office of Military Commission, give full support to the Chief Defense Counsel in this effort including providing any paralegal or translator support necessary.

So ORDERED this 3rd day of July, 2014.

//s//  
JAMES L. POHL  
COL, JA, USA  
Military Judge

---

<sup>3</sup> Amicus Brief and Motion of the Chief Defense Counsel for Extension of Time to Appoint Independent Counsel Pursuant to AE 292H, filed 28 April 2014 (AE 292-3)

<sup>4</sup> Amicus Brief and Motion of the Chief Defense Counsel for Extension of Time to Appoint Independent Counsel Pursuant to AE 292H, 20 April 2014 (AE 292-4)

<sup>5</sup> Para 18, Attachment B, Defense Notice of Filing Declaration in Support of Ae 292, Emergency Joint Defense Motion to Abate Proceedings and Inquire into Existence of Conflict of Interest Burdening Counsel’s Representation of Accused, filed 1 July 2014 (AE 292II (RBS))