

UNCLASSIFIED//FOR PUBLIC RELEASE
MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA

UNITED STATES OF AMERICA v. KHALID SHAIKH MOHAMMAD	AE 013RRRR ORDER TO SHOW CAUSE 7 October 2015
--	---

1. The Commission ordered that, not later than 25 September 2015, Defense Counsel for Mr. Mohammad would sign the requisite Memorandum of Understanding (MOU) without change or show cause as to why they should not be removed from the case of *United States v. Khalid Shaikh Mohammad*. The Order also directed that any response from the Government was due 2 October 2015.¹

2. Mr. Mohammad filed a response to the Commission Order on 25 September 2015 as required.² In turn the Government emailed a reply to the Office of the Clerk of the Trial Judiciary that was titled as the Government's reply to Mr. Mohammad's response and was time stamped as being "Sent: Friday, October 02, 2015 4:01 PM."

3. Rule of Court³ 3.6c directs that a filing received after 1600 (4 P.M.) on a Friday is "considered to have been received the following Monday." Following this Rule the filing⁴ of the Government is considered to have been filed on Monday, 5 October 2015, and is not in compliance with the instructions of the Commission.

4. The Commission will not consider the Reply of the Government in making any further Orders in the case of *United States v. Khalid Shaikh Mohammad*.

So **ORDERED** this 7th day of October, 2015.

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

¹ Order To Show Cause, 17 September 2015 (AE 013III).

² Mr. Mohammad's Response to AE 013III, Order to Show Cause, filed 25 September 2015 (AE 013LLLL (KSM)).

³ Military Commissions Trial Judiciary Rules of Court, 5 May 2014.

⁴ Government Reply to Mr. Mohammad's Response to AE 013III, Order to Show Cause, filed 5 October 2015 (AE 013PPPP (GOV)).