

**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA****UNITED STATES OF AMERICA**

v.

**KHALID SHAIKH MOHAMMAD;
WALID MUHAMMAD SALIH
MUBARAK BIN 'ATTASH;
RAMZI BINALSHIBH;
ALI ABDUL AZIZ ALI;
MUSTAFA AHMED AL HAWSAWI****AE 018Y****Government Emergency Motion**
for Interim Order and Clarification that the
Commission's Order in AE018U Does Not
Create a Means for Non-Privileged
Communications to Circumvent the Joint
Task Force Mail System

28 February 2014

1. Timeliness

This Motion is timely filed pursuant to Military Commissions Trial Judiciary Rule of Court 3.7.

2. Relief Sought

The Prosecution respectfully requests that the Military Judge issue the attached interim order (Attachment E) and then inquire of defense counsel for accused Khalid Shaikh Mohammad regarding whether the defense counsel believes they are authorized to disseminate third party communications without JTF-GTMO being involved in the screening and review of the document. This concern is raised by information recently made known to the government indicating that certain materials have reached third parties without going through the JTF-GTMO screening process. Specifically, a 36-page non-privileged paper written by their client was communicated to the Huffington Post for publication, and letters were sent to and received by a British citizen and the accused's wife from Mr. Mohammad. The Prosecution requests that, following such inquiry, the Military Judge make any necessary clarifications on the record as to how his order in AE 018U is to be interpreted, including a clear statement that the order in AE 018U does not create a means for non-privileged communications to circumvent the Joint Task Force mail system.

3. Overview

On 6 November 2013, after protracted litigation spanning over eighteen months, the Military Judge issued AE 018U, an order governing privileged written communications. The Commission's Order reflects a careful balancing of interests that permit counsel and the Accused to effectively communicate matters related to this military commission in a privileged manner while protecting national security. That Order also regulates transmission of non-legal mail or material between Defense Counsel and Accused in this case consistent with Joint Task Force Guantanamo Bay, (JTF-GTMO) Cuba Standard Operating Procedures.

Recent press reports reflect that materials written by Mr. Mohammad have been disseminated to the media and to other third parties, and information available to the Prosecution suggests the dissemination of these materials was made with the assistance of Mr. Mohammad's Defense team. Moreover, a recent letter from Mr. Mohammad's wife, sent through the International Committee of the Red Cross, expressly states that Mr. Mohammad's attorneys also participated in sending materials from Mr. Mohammad directly to his family. These communications appear to be in violation of both JTF-GTMO SOPs and the Commission's order in AE 018U.

While there is need for means to communicate privileged material—as well as certain non-privileged but case-related material—genuinely supportive of the legal representation of their client, neither the Military Judge's orders nor the commissions process more generally should be permitted to circumvent the non-legal mail processes run by the Joint Task Force. Therefore, the Prosecution respectfully requests the Military Judge immediately issue the attached order and then inquire of Mr. Mohammad's defense team how the dissemination of the materials in question took place and that following such inquiry he clarify his order in AE 018U appropriately.

4. Burden of Proof

The Prosecution must demonstrate by a preponderance of the evidence that the requested relief is warranted. R.M.C. 905(c)(2).

5. Facts

JTF-GTMO has always had procedures for the handling of non-legal mail of detainees (which would include those represented by commissions defense counsel) and such handling was most recently governed by Admiral Wood's 27 December 2011 "Order Governing Written Communications Management for Detainees Involved in Military Commissions" from the date of issuance until 6 November 2013 when the Military Judge issued AE 18U. *See* AE 018U. For example, the 27 December 2011 "Order Governing Written Communications Management for Detainees Involved in Military Commissions," issued by the Joint Task Force Guantanamo Bay Commander (Rear Admiral D. B. Woods), did not authorize commissions defense counsel to use the legal mail system to process non-legal mail.

Similarly, the Joint Task Force Guantanamo Bay Joint Detention Group Standard Operating Procedure 41 "Detainee Mail Handling" (hereinafter JDG SOP 41), re-issued on 18 July 2013, describes the procedures for how such mail is processed. *See* Attachment B.

Admiral Woods, the former Commander of JTF-GTMO, issued a 27 December 2011 Order ("Woods Order") setting forth the appropriate procedures applicable to the Accused in this case for processing military commissions non-legal mail and material. *See* AE 008E, at 30-51. Among other items, the Woods Order at paragraph 3.e. specifically required that "[i]n the event any Non-Legal Mail or messages from a Detainee-Accused to individuals other than his Defense Counsel (including family, friends, or attorneys other than Defense Counsel) are given to Defense Counsel or included with Lawyer-Client Privileged Communications or Other Case-Related Material, Defense Counsel shall return the documents to military personnel at JTF-GTMO for processing."

On 6 November 2013, the Military Judge issued AE 018U, an order governing privileged written communications. This Order also contains procedures for how defense counsel should handle military commissions non-legal mail or material they receive from the Accused in this case consistent with Joint Task Force Guantanamo Bay, Cuba Standard Operating Procedures. *See* AE 18U, para. f. (3). Specifically, non-legal mail or material from the Accused which

requires expedited processing for reasons related to the military commission proceedings can be requested through the privilege team, but the privilege team must send it through the normal JTF-GTMO mail screening process prior to release. *See* AE 18U, para 4(d). At no point does AE 018U even contemplate governing non-legal mail wholly unrelated to the military commission.

In an 11 October 2013 International Committee of the Red Cross (ICRC) Message sent from [REDACTED] (Mr. Mohammad's wife) to Mr. Mohammad, Mrs. Mohammad states that "[t]he letters you sent through your attorneys as an experiment have reached us." *See* Attachment C¹. There is no record at JTF-GTMO of the letters in question being provided to the ICRC for delivery to Mrs. Mohammad.

On 20 December 2013, counsel for accused Khalid Shaikh Mohammad provided the Prosecution with two copies of a typewritten 36-page document entitled, "Khalid Sheikh Mohammad's Statement to the Crusaders of the Military Commissions in Guantanamo," which document appeared to be originally authored by Mr. Mohammad. The intended recipient member of the prosecution team in each instance was hand-written on the first page of the document (e.g., "Mr. Swan" [sic]). The final page in each instance contained a signature from Mr. Mohammad dated 19 December 2013². Trial counsel provided both copies of the document to the Federal Bureau of Investigation (FBI) to maintain as evidence in this case. JTF-GTMO has no record of this document being processed as non-legal mail. No member of the Prosecution or FBI has provided these documents to anyone outside of these organizations. However, within a month, several news media outlets began reporting on the same 36-page

¹ Since this letter from Mr. Mohammad's wife was dated on 11 October 2013, the original correspondence sent to her from Mr. Mohammad occurred during the period of time that the Wood's Order governed the communication.

² The drafting of this letter would have occurred during the period the Wood's Order governed written communications, but the correspondence was not delivered to the Prosecution until 20 December, when AE 18U was in effect. The Prosecution has no way of knowing when the letter was given to the Defense counsel from the accused or when the letter was disseminated to third persons.

document.³ The document published by the news media is identical to the 36-page document produced to the Prosecution, with the exception that the document published by the Huffington Post was signed and dated on 31 October 2013.

Press reporting in January 2014 indicates that Mr. Mohammed has exchanged correspondence with Rory Green, a United Kingdom citizen.⁴ Non-legal mail logs required to be maintained at JTF-GTMO reflect that no incoming or outgoing correspondence between Mr. Green and Mr. Mohammad has ever been approved for delivery.

Other facts necessary for resolution of this issue are included in the argument section below.

6. Law and Argument

Following enactment of the Authorization for Use of Military Force, Guantanamo Bay was designated a detention facility for those individuals deemed to have “planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such . . . persons, in order to prevent any future acts of international terrorism against the United States. . . .” *See Authorization for Use of Military Force, P.L. 107-40, 115 Stat. 224 (2001)*. The Accused have been designated as alien unprivileged enemy belligerents and are being held as “high-value detainees” on the Guantanamo Bay Naval Base in Guantanamo Bay. The United States has appropriately instituted procedures that require screening of communications made to

³ See, e.g. *Mastermind of the Sept. 11 Attacks Wants to Convert His Captors*, Huffington Post (January 14, 2014), http://www.huffingtonpost.com/2014/01/14/khalid-sheikh-mohammed-manifesto_n_4591298.html (Attachment F); Richard A. Serrano, *Khalid Shaikh Mohammed issues ‘nonviolence’ manifesto*, LA Times (January 14, 2014), <http://www.latimes.com/nation/la-na-terrorist-manifesto-20140115,0,2882549.story> (Attachment G); S.A. Miller, *9/11 fiend KSM says in new manifesto: ‘violence is wrong’*, NY Post (January 15, 2014), <http://nypost.com/2014/01/15/911-fiend-ksm-says-in-new-manifesto-violence-is-wrong/> (Attachment H); *9/11 Mastermind Cools on Killing*, Daily Beast (January 14, 2014), <http://www.thedailybeast.com/cheats/2014/01/14/9-11-mastermind-cools-on-killing.html> (Attachment I); *9/11 MASTERMIND: Koran ‘Forbids’ Violence*, AFP (January 14, 2014), available at <http://www.businessinsider.com/ksm-koran-forbids-violence-2014-1> (Attachment J).

⁴ Terri Judd, *Guantanamo’s ‘architect of 9/11’ has care worker pen pal in Nottingham*, The Guardian (January 11, 2014), <http://www.theguardian.com/world/2014/jan/12/khalid-sheikh-mohammed-british-care-worker> (Attachment K).

and from alien unprivileged enemy belligerents, including the Accused in this case. Joint Task Force Guantanamo Bay is charged with this important responsibility.

The Accused are being tried by this Military Commission as principals in the murder of 2,976 people. Among the many protections provided to the Accused, is the right to both detailed military and learned counsel in order to assist in the preparation of their defense. *See* 10 U.S.C. §§ 949(b)(2)(C) and 949c(b). Nevertheless, the Accused do not enjoy an unfettered right to communicate with parties outside the detention facility. While the Accused must be able to communicate effectively with their counsel, their status as detainees makes limitations on their ability to communicate with third parties appropriate and lawful.

Longstanding JTF-GTMO procedures contemplate instances where detainee-accused attempt to pass non-legal mail or messages to outside individuals through their defense counsel. In such instances, at least since 27 December 2011, the Woods Order at paragraph 3.e. required that “[i]n the event any Non-Legal Mail or messages from a Detainee-Accused to individuals other than his Defense Counsel (including family, friends, or attorneys other than Defense Counsel) are given to Defense Counsel or included with Lawyer-Client Privileged Communications or Other Case-Related Material, Defense Counsel shall return the documents to military personnel at JTF-GTMO for processing.” Like all non-legal mail, such messages are substantively reviewed.

In April 2012, taking these matters into account, the Prosecution filed a motion requesting a written privileged communications order that would balance the requirements that JTF-GTMO: (1) maintain safe and secure facilities; (2) maintain good order and discipline; and (3) protect national security, with the ability of defense counsel to effectively communicate with the accused. *See* AE 018. Multiple filings were submitted by the Defense and Prosecution, testimony was taken on several occasions, and the parties presented oral argument. After balancing all of these considerations, the Military Judge issued AE 018U, the scope and application of which are indicated by its title, “Privileged Written Communications,” and by the proviso in the very first paragraph:

The Accused in United States v. Khalid Shaikh Mohammad, Walid Muhammad Salih Mubarak Bin 'Attash, Ramzi BinalShibh, Ali Abdul Aziz Ali, and Mustafa Ahmed Adam al Hawsawi were arraigned on 5 May 2012. As such, this Order only applies to these *cases*.

AE 018U, para. 1 (emphasis added). The order provides a means for Defense Counsel to communicate with the Accused in a privileged manner so as to effectively represent them with regard to the charges pending before this Military Commission. The procedures detailed in AE 018U and JDG SOP 41 are fully consistent with the Defense's professional duty to maintain "reasonable communication" with the Accused as required to provide him effective assistance. *See* ABA Model Rule 1.4, cmt. 1.

While AE 018U permits the Defense to communicate information to and from the accused in a privileged manner, it does not provide authority for the Defense to disseminate materials from accused to third parties. *See e.g.* AE 018U ¶¶ 3 & 8. Simply put: the Commission's Order governs how materials are to be handled and maintained for purposes of the extant commission; other than the specifically identified letters of introduction to potential witnesses, defense counsel has no role in disseminating correspondence between accused Khalid Shaikh Mohammad and third parties who are not part of the defense team. *See* AE 018U ¶3(f)(3). Moreover, the Commission should not permit its order to become a means of circumventing JTF-GTMO mail processes that appropriately govern communications by the Accused that are not directly related to his defense.

To the extent Mr. Mohammad wants to communicate with third parties, he must follow the mail procedures contained in AE 018U¶3(f)(2) and JDG SOP 41. Detainees are permitted to send non-legal mail, including written communications to persons other than counsel, through the United States Postal Service. *See* JDG SOP at 8. These materials are screened by JTF-GTMO in all circumstances to ensure they do not contain matters determined by JTF-GTMO to contain contraband or to be otherwise inappropriate for dissemination. Likewise, detainees can receive non-legal mail from third parties [REDACTED] *See* JDG SOP 41 at 4.

AE 018U does reference certain instances when third-party communications are covered by that commission order. Incident to being charged in this Military Commission, the Accused

are also entitled to provide non-legal mail and material to their Defense Counsel for reasons related to the military commissions proceedings, either in person or through the United States Postal Service. *See* AE018U, paragraph 3.f. (3). Similarly, Defense Counsel may transmit non-legal mail to the Accused. In both instances, however, the communications are subject to review by government personnel at JTF-GTMO under the Standard Operating Procedures for Detainee Non-Legal Mail. *See* AE 018U, paragraph 3.f.(2) and (3). In extraordinary circumstances, Defense Counsel can utilize the Privilege Team as a conduit to request that JTF-GTMO expedite its review of those materials. *Id.* In short, non-legal materials are substantively reviewed by JTF-GTMO in all circumstances.

Detainees are also permitted to transmit and receive messages sent through representatives of the International Committee of the Red Cross (ICRC). All incoming and outgoing correspondence transmitted through the ICRC is [REDACTED] logged as well. *See* JDG SOP at 4.

Recent media reports and incoming ICRC correspondence addressed to Mr. Mohammad indicate that Mr. Mohammad's defense team is acting as a conduit for communications to and from Mr. Mohammad and various third parties in violation of JDG SOP 41 and contrary to the Military Judge's Order and Admiral Woods' 27 December 2011 Order.

I. Khalid Shaikh Mohammad's Statement to "the Crusaders of the Military Commissions at Guantanamo"

On 20 December 2013, counsel for Mr. Mohammad provided the Prosecution with two copies of a letter written by Mr. Mohammad and addressed to the Prosecution, entitled "Khalid Sheikh Mohammad's Statement to the Crusaders of the Military Commissions in Guantanamo." This document was not a pleading filed in this Military Commission, but by its own terms was styled as correspondence from an Accused to prosecutors. As such, it did not qualify as an attorney-client communication or as attorney work product such that M.C.R.E. 502 would protect it or the privileged communications provisions of AE 018U would apply. *See* AE 018U, para. 2f. The Prosecution subsequently provided both copies to the FBI, which has maintained

the documents as evidence since that date. No member of the Prosecution or FBI has disseminated the document further, and no other member of the government reports having received a copy.

Based on recent media reports, a copy of Mr. Mohammad's 36-page document was also provided directly to at least one news media outlet. *See supra*, note 4. Through Major Poteet, the defense team for Mr. Mohammad has denied sending this document to any media outlets. However, in doing so, Major Poteet indicated that the defense team would have been authorized to publicly disseminate it because the defense "had the document properly reviewed through Ms. F[]'s office, in accordance with the protocol."⁵ *See* Attachment D. The government disagrees with Major Poteet's interpretation, as security classification review is not license to forego existing procedures for the screening of out-going, non-legal mail authored by a detainee.

Assuming, *arguendo*, that a strained interpretation of these facts might provide an argument that the document relates to the ongoing Military Commission proceedings, dissemination to third parties who are not part of the defense team would not have been, and is not now authorized under, the 27 December 2011 Woods Order, JDG SOP 41, AE018U, or any other rule binding on the detainee, his counsel, and this case. Had the document been appended to a court filing of some sort, any public dissemination would have had to occur under Chapters 17 and 19 of the Regulation for Trial by Military Commission and under Rule 6 of the Military Commissions Trial Judiciary Rules of Court. However, these documents were clearly not court filings.

The requested inquiry of Defense Counsel by the Military Judge should be able to establish why the defense counsel believes they are authorized to disseminate third party

⁵ The government assumes Major Poteet is referring to the process created by the convening authority's 20 February 2013 directive which states: "To the extent that the Defense is not certain of the classification of information it wishes to disclose, the Defense shall request a determination as to the appropriate classification. Under those circumstances, the defense shall hand-deliver a written request to the Director, Office of Special Security, Washington Headquarters Service (WHS), or a representative of that office. In accordance with paragraph 6(h), Protective Order #1, the Defense must consider such information classified unless and until it receives notice that such information is not classified. This policy is not intended to circumvent any provisions of Protective Order #1 ..."

communications without JTF-GTMO being involved in the screening and review of the document. It is unclear to the government whether it was provided by the detainee to counsel during a commission session, or was conveyed through the Military Commission Privilege Team under representation that it was privileged material, or some other method. Regardless of the specific avenue used, if the Defense Counsel believe they are then entitled to disseminate it to media outlets [REDACTED] as non-legal mail, that would have been a violation of the 27 December 2011 Order, JDG SOP 41, or contrary to AE 018U (depending on when the document was disseminated). Defense counsel are not permitted to circumvent these procedures. The fact that the document underwent a classification determination pursuant to the procedures created by the convening authority does not relieve the Defense of compliance with the procedures for disseminating non-legal mail.⁶

II. Communications Between Khalid Shaikh Mohammad and Rory Green

According to news reports, accused Khalid Shaikh Mohammad has apparently exchanged correspondence with Mr. Rory Green, a British citizen. The article, dated 11 January 2014, states that Mr. Green sent Mr. Mohammad correspondence in 2011 and recently received a reply to his original letter. The article also states that Mr. Mohammad's letter was written by hand and then transcribed and typed by his lawyers. [REDACTED]

[REDACTED]. Nevertheless, somehow Mr. Mohammad received a version of Mr. Green's letter, as those records show that Mr. Mohammad attempted to respond in 2011. [REDACTED]

[REDACTED] JTF-GTMO has no record of any other communications between Mr. Green and Mr. Mohammad, which Standard Operating Procedures require to be logged. *See* JDG SOP 41-5. Considering the fact that the Defense Counsel are the only personnel authorized to exchange

⁶ Once the written communication was disseminated to a third party outside of the defense team, any privilege it may have had was waived, thus there can be no argument that the correspondence sent by Mr. Mohammad to the Prosecution constituted privileged legal mail pursuant to AE 018U.

materials with Mr. Mohammad in a confidential manner, *see* AEU 018 ¶¶ 3-8; Admiral Woods Order ¶¶ 6-10, it is reasonable to believe that Defense Counsel for Mr. Mohammad may have facilitated the communications Mr. Mohammad sent to Mr. Green. According to news reports, Defense Counsel for Mr. Mohammad appear to have discussed this correspondence with Mr. Mohammad and typed the response for him. Detailed Defense Counsel for Mr. Mohammad is quoted in news reports as stating, on 10 January 2014, “I believe Mr. Mohammad was touched by Mr. Green’s letter and wanted to respond to share his own faith.” *See supra*, note 4. The Prosecution respectfully requests that the Military Judge inquire of Defense Counsel to determine what role, if any, they had in facilitating communications between Mr. Green and Mr. Mohammad and what aspect of the court’s protective orders and JTF-GTMO SOPs authorize such facilitation. The requested inquiry of Defense Counsel by the Military Judge should be able to establish whether the letter was provided by the detainee to counsel during a commission session, an attorney- meeting, or some other method.

Again, regardless of the specific avenue used, if, in fact, this document was transmitted by Defense Counsel to Mr. Green [REDACTED] as non-legal mail, that would be a violation of Admiral Woods’ 27 December 2011 Order, JDG SOP 41, or contrary to AE 018U (depending on when it was sent). Defense counsel are not permitted to circumvent these procedures. Counsel for the Defense should have directed Mr. Mohammad to utilize the established JTF-GTMO procedures for sending regular, non-legal mail through the U.S. Postal Service, or sent the document to JTF-GTMO via the privilege team for expedited processing.

III. Communications Between Mr. Mohammad and his Wife

On 11 October 2013, Mr. Mohammad’s wife provided a message to the ICRC for delivery to Mr. Mohammad. Correspondence to and from the detainees via the ICRC is not governed by the Military Judge’s Written Communications Order (AE 18U). In that message, Mrs. Mohammad indicated that “[t]he letters you sent through your attorneys as an experiment

have reached us.” *See* Attachment C. The language used in the message states that, in lieu of the approved method of sending ICRC Correspondence to family members, Mr. Mohammad’s attorneys have instead delivered letters (“as an experiment”) directly to Mr. Mohammad’s family on Mr. Mohammad’s behalf, which would have been in contravention of Admiral Woods’ 27 December Order (018U).

To the extent that Defense Counsel are facilitating the exchange of letters between Mr. Mohammad and his family, this would have been a violation of Admiral Woods’ 27 December Order, and would now violate JDG SOP 41 and AE018U. Mr. Mohammad seeks to provide letters to his family, such communications should be made through the ICRC consistent with established JTF-GTMO procedures. *See* JDG SOP 41 at 4.

7. Conclusion

The Prosecution thus respectfully requests that the Military Judge issue the attached interim order to prevent any further such dissemination from occurring pending litigation, and inquire of defense counsel for accused Khalid Shaikh Mohammad regarding their knowledge of how the 36-page non-privileged paper written by their client was communicated to the Huffington Post for publication, and how Mr. Rory Green and the accused’s wife received letters from their client. The Prosecution requests that, following such inquiry, the Military Judge make any necessary clarifications on the record as to how his order in AE 018U is to be interpreted, including a clear statement that the order in AE 018U does not create a means for non-legal mail to circumvent the Joint Task Force mail [REDACTED]

The government does not know, and likely will never know, the substance of these messages from Khalid Shaikh Mohammad that were disseminated to these third parties. Without the interim order, followed by a clarification or amendment of AE 018U, that order risks repeated incidents of disseminating messages that no prisoner, let alone a law of war detainee, is entitled to under the Military Commissions Act, its implementing Regulations, and this Commission’s Order.

8. Oral Argument

To ensure no further third party communications are disseminated without going through the JTF-GTMO [REDACTED] the Prosecution requests the Military Judge issue his order immediately and without oral argument. During the litigation of the underlying motion for inquiry and clarification, the Prosecution reserves the right to respond to any statements the Defense counsel may make during the inquiry.

9. Witnesses and Evidence

As set forth in the attachments below.

10. Certificate of Conference

Due to the fact that AE 018U governs all parties, the Prosecution conferenced with all five defense teams at 2001 on 20 February 2014. In addition, the Prosecution noted that if the Defense was so inclined, the Prosecution was willing to consider any written explanation as to how the Defense believed such communications did not violate any of the pertinent orders before determining if a filing was still necessary in the hope that the parties may be able to avoid litigation on this issue. Counsel for Mr. Ali and Mr. Bin 'Attash object to the Prosecution's motion. As of the time of this filing, counsel for Mr. Hawsawi and Mr. Binalshibh have not responded.

Counsel for Mr. Mohammad responded that he opposed any litigation on this issue until the R.M.C. 909 proceedings involving Mr. Binalshibh are resolved, "and he and his counsel are fully available to discuss and participate with other members of the joint defense in the litigation of such a motion." Counsel for Mr. Mohammad also asked the Prosecution to state which provisions of the Order in AE 018U the Prosecution believes may have been violated. At 1526 on 24 February 2014, the Prosecution responded to counsel's inquiry with a detailed accounting consistent with the instant motion pertaining to the incidents and violations believed to have occurred.

On 25 February at 1706, the Prosecution informed counsel for Mr. Mohammad that if he intended to file a written explanation he should inform the Prosecution by 1400 on 26 February.

During a phone conversation with Mr. Nevin on 26 February, Mr. Nevin stated that he could not provide his position until one of his attorneys spoke with Mr. Mohammad on 5 March. Due to the concerns of preventing additional dissemination of such materials, the Prosecution informed Mr. Nevin that it could not wait for that meeting until prior to filing.

11. Attachments

- A. Certificate of Service, dated 28 February 2014.
- B. Joint Task Force Guantanamo Bay, Joint Detention Group Standard Operating Procedure 41
- C. 11 October 2013 ICRC Message from Mr. Mohammad's Wife
- D. Email from Major Poteet
- E. Proposed Interim Order
- F. *Mastermind of the Sept. 11 Attacks Wants to Convert His Captors*, Huffington Post
- G. *Khalid Shaikh Mohammed issues 'nonviolence' manifesto*, LA Times
- H. *9/11 fiend KSM says in new manifesto: 'violence is wrong'*, NY Post
- I. *9/11 Mastermind Cools on Killing*, Daily Beast
- J. *9/11 MASTERMIND: Koran 'Forbids' Violence*, AFP
- K. *Guantanamo's 'architect of 9/11' has care worker pen pal in Nottingham*, The Guardian

Respectfully submitted,

//s//

Clay Trivett
Managing Deputy Trial Counsel

Jeff Groharing
Deputy Trial Counsel

Mark Martins
Chief Prosecutor
Military Commissions

ATTACHMENT A

CERTIFICATE OF SERVICE

I certify that on the 28th day of February 2014, I filed AE 018Y, **Government Emergency Motion** for Interim Order and Clarification that the Commission's Order in AE018U Does Not Create a Means for Non-Privileged Communications to Circumvent the Joint Task Force Mail System with the Office of Military Commissions Trial Judiciary and I served a copy on counsel of record.

//s//

Clay Trivett
Managing Deputy Trial Counsel
Office of the Chief Prosecutor
Office of Military Commissions

ATTACHMENT B

JDG PROCEDURE #41
DETAINEE MAIL HANDLING
25 APRIL 2013

REFERENCE

Executive Order 12958
DoD Regulation 5200.1 R
AI 26
OSD Information and Security Supplement to DoD Regulation
5200.1R.

41 1. PURPOSE. To establish procedures for handling detainee mail within the Joint Detention Group (JDG) areas of operation.

41 2. APPLICABILITY. This Standard Operating Procedure (SOP) applies to all assigned, attached, or operationally controlled personnel working for the Joint Detention Group (JDG) in support of Joint Task Force Guantanamo, Guantanamo Bay, Cuba.

41 3. DEFINITIONS.

a. ICRC Mail: Mail written in the presence of an ICRC representative, handled through the ICRC, and/or delivered by ICRC representatives.

b. Legal Mail: Mail from a lawyer, court, or other legal representative and bearing the stamp of the Privilege Review Team or SJA's Office, indicating that it is in fact designated as legal mail.

c. Non Legal Mail: All correspondence, documents or similar materials, including but not limited to letters from persons other than counsel, letters from counsel not related to a detainees legal representation, letters from family and friends of the detainee, books, magazines, newspapers, non governmental organization publications and reports and similar materials that are not designated as legal mail and which are sent through the U.S. Postal service.

d. Incoming: Mail sent from an outside party to a detainee.

e. Outgoing: Mail a detainee writes to an outside party.

f. Fan Mail: These include general letters of support or sympathy from persons or organizations who do not have an attorney client, family or friend relationship with the detainee. Examples include holiday post cards and form letters.

~~Not Releasable to Detainee or Public~~

~~UNCLASSIFIED//FOUO~~

JDG PROCEDURE #41
DETAINEE MAIL HANDLING
25 APRIL 2013

41 4. GENERAL.

a. The JDG S2 shall designate Mail Clerks who will visit the camp to pick up and drop off detainee mail. Mail clerks will check in with Block NCOs who will log them [REDACTED] upon arrival to and departure from the block.

b. [REDACTED]

[REDACTED] Staff Judge Advocate (SJA)'s office shall act as Legal Mail Clerks.

c. Block Guards will not receive out going mail or deliver incoming mail. If there is an issue with mail of a detainee, the Block NCO will contact [REDACTED] to come to the block. If there is a problem with legal mail, the Block NCO will contact the SJA's office.

d. All incoming mail, cleared for a detainee, will be delivered to the detainee when the Mail Clerk visits the block during normal rotation only.

e. If a detainee is not in his cell during delivery, the Mail Clerk will hold the mail until the next delivery.

[REDACTED]

g. For compliant detainees, there is no limit to the amount of mail allowed to be kept inside their cells. Detainees who are on a disciplinary status may request a pen and paper, one sheet at a time, to write legal mail. The detainee shall keep the finished sheets until all pages of the correspondence are completed. Once the detainee has completed the letter, he will notify the guard force that he has legal mail ready for pick up by the Legal Mail Clerks.

h. All detainee mail (legal and non legal) will accompany the detainee during a Detainee Movement Operation (DMO). JDG S2 will screen all non legal mail prior to the DMO for force protection issues. No detainee mail will be left behind after the detainee has been transferred. Detainees will not have the option of leaving legal or non legal mail behind.

41 2

UNCLASSIFIED//FOR OFFICIAL USE ONLY
Not Releasable to Detainee or Public

~~UNCLASSIFIED//FOUO~~

JDG PROCEDURE #41
DETAINEE MAIL HANDLING
25 APRIL 2013

i. If a guard discovers non legal mail that has been cleared by JTF GTMO mixed in with the legal mail, move the non legal mail to the detainee's non legal mail container. If a guard discovers documents in legal mail that are not legal or cleared non legal mail, leave the items in the mail container, prepare a Significant Activities (SIGACT) entry [REDACTED] and contact SJA. Detainee legal mail will not to be confiscated without the approval from either the Deputy SJA [REDACTED] the SJA Litigation Support Operations OIC [REDACTED] or the CJDG.

41 5. PROCEDURES.

a. Outgoing mail:

(1) Collected by Mail Clerks [REDACTED] per the mail collection schedule. [REDACTED] Detainees may write post cards (6" x 4" in size) and letters (single side of one piece of paper not larger than 8.5" x 11"); [REDACTED] There is no limit to the amount of mail a detainee may send.

(2) If there is a situation involving a security risk and the block is closed down for that specific time, the Mail Clerks will be informed and the affected block will be skipped for that rotation.

(3) If the detainee rips or shreds his mail for any reason, the pieces of mail must be retained [REDACTED]

(4) Compliant detainees are authorized to write as many letters as they want utilizing the authorized detainee mail form. The letters will be picked up on the designated mail day by the mail clerk.

(5) [REDACTED]

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[REDACTED]

b. ICRC Mail.

(1) ICRC mail is collected from a detainee by a representative of the ICRC, and then transferred [REDACTED]

(2) Original ICRC messages are returned to the ICRC representative [REDACTED]

[REDACTED] The ICRC messages must be logged as transferred to ICRC on the day they are transferred to the ICRC liaison.

(3) All requests for ICRC mail will be directed to the ICRC representatives only. At no time will the Mail Clerks deliver or receive original ICRC incoming or outgoing messages.

(4) Incoming ICRC mail will be returned to the ICRC representative for delivery to the detainees. Outgoing ICRC mail will be delivered to the ICRC representatives for delivery at ICRC's expense.

c. Cleared Mail [REDACTED]

(1) Incoming mail. Cleared incoming mail will be stamped [REDACTED] on each page of the letter and on the back of photographs. [REDACTED]

[REDACTED]

(2) Outgoing mail. The letter will [REDACTED] delivered to the JTF GTMO APO (Armed Forced Post Office).

[REDACTED]

d. Fan Mail. Fan mail is collected as part of standard incoming mail procedures. [REDACTED]

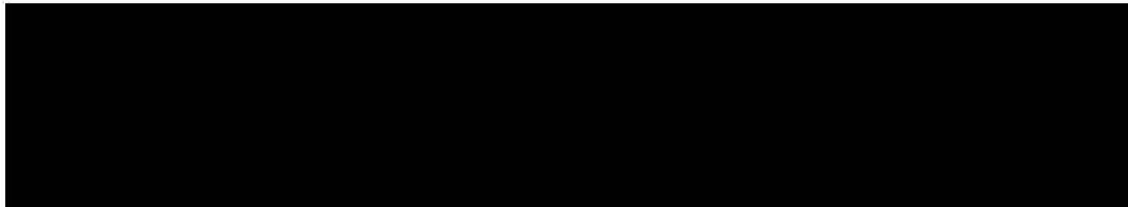
[REDACTED]

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JDG PROCEDURE #41
DETAINEE MAIL HANDLING
25 APRIL 2013

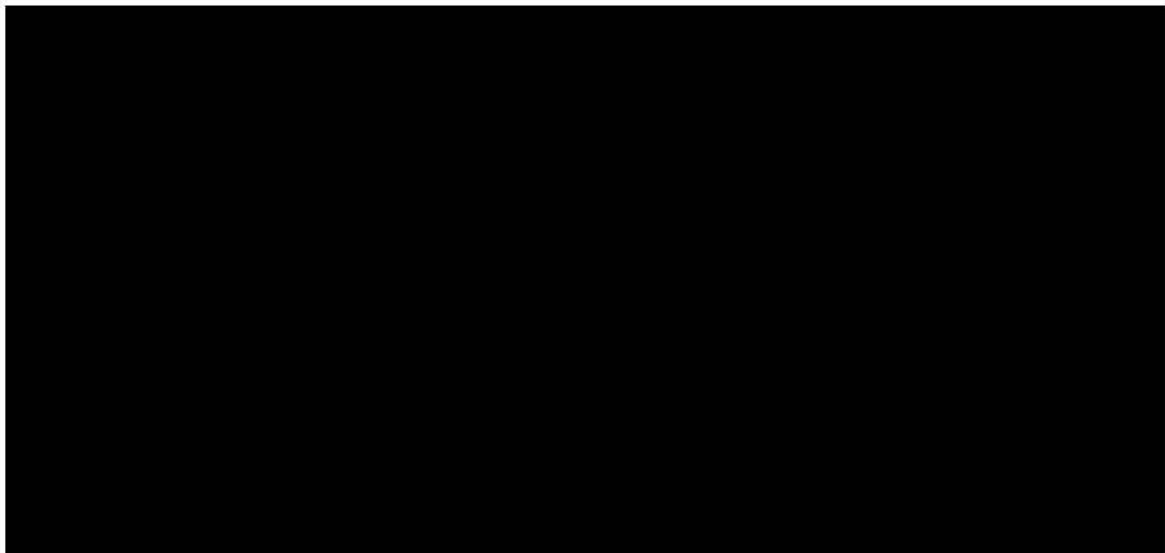


41 6. REQUESTS FOR INFORMATION AND DETAINEE REQUESTS .

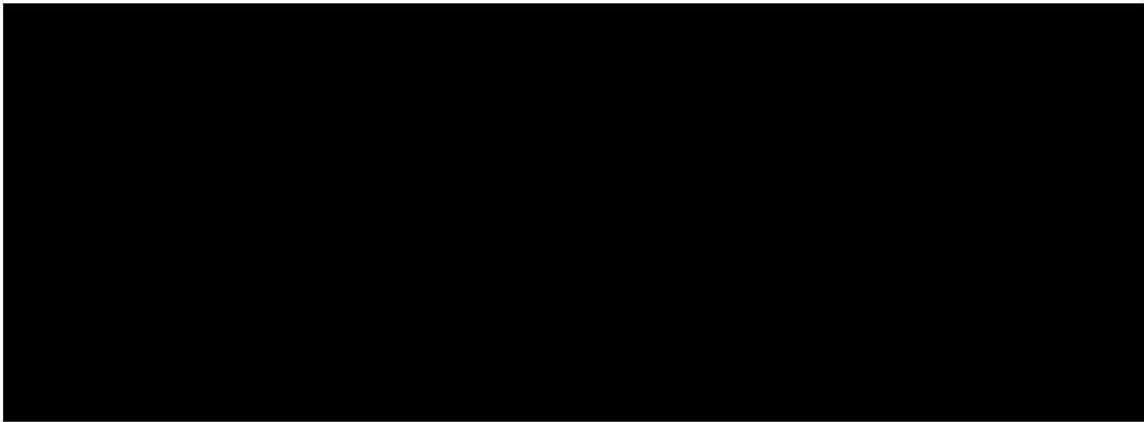


b. Detainees may request an extra envelope to store mail in. The envelope must be marked in such a way that it cannot be used again to send mail out. Mail clerks will write the partial Internment Serial Number (ISN) of the detainee on the envelope and draw a line through the space provided on the envelope where an address would be written.

c. A detainee who wishes to have the address for the Habeas Court or the Office of Military Commissions Defense, or an address for their particular military or civilian counsel (if they have lost or do not have access to same), may submit such a request to the SJA's office via Camp Staff.



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41 8. DETAINEES PASSING MAIL BETWEEN CELLS.

a. At no time should anyone [redacted] pass mail or any other items from one detainee to another.

b. If detainees are passing, attempting to pass or requesting to pass items amongst each other, this action will be documented on a SIGACT and forwarded [redacted] including, if possible, the detainees involved and the type of item being passed.

c. At no time should ICRC Representatives pass any mail or any other items between detainees without approval of CJDG.

41 9. LEGAL MAIL.

a. **Only** detainees having legal representation can write or receive legal mail. Detainees shall inform guard force that they have legal mail for pick up and guard force will submit a request to the SJA's office [redacted] SJA will dispatch Legal Mail Clerk(s) to pick up the mail as soon as possible after the request is received [redacted]

b. The SJA Legal Mail Clerks will have the Mail Pick Up and Mail Delivery Logs in their possession.



JDG PROCEDURE #41
DETAINEE MAIL HANDLING
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[REDACTED]

e. The SJA Legal Mail Clerks will visit each block in the camps.

[REDACTED]

h. The legal mail envelope submitted by the detainee must, at minimum, have written upon it the name of the detainee's attorney, and the words "ATTORNEY DETAINEE MATERIALS" printed on the envelope.

i. In order for items to be considered Legal Mail, they must have been stamped approved for retention as legal mail by either a Privilege Team (habeas and commissions) or the SJA's office (commissions only, until creation of a commissions privilege team). For further information and guidance on incoming legal mail, see Section 41 10 below.

[REDACTED]

41 10. Delivery of Legal Mail to GTMO.

a. Habeas counsel will send incoming legal mail for a detainee to the privilege team at the appropriate address provided by government counsel. Office of Military Commissions (OMC) counsel shall send incoming legal mail to the appropriate address provided by government counsel. Each envelope or mailer will be labeled with the name and ISN number of the detainee and will include a return address for counsel sending the materials.

41 7

JDG PROCEDURE #41
DETAINEE MAIL HANDLING
25 APRIL 2013

The outside of the envelope or mailer for incoming legal mail will be labeled clearly with the following annotation:
"Attorney Detainee Privileged Materials For Mail Delivery to Detainee."

b. Each page of legal mail shall be labeled "Attorney Detainee Privileged Materials." No staples, paper clips or any non paper items shall be included with the documents.

c. Within two (2) business days of receipt of habeas legal mail from the privilege team, the SJA at GTMO will deliver the envelope or mailer marked by the Privilege Team as "Legal Mail Approved by the Privilege Team" to the detainee without opening the envelope or mailer. Pending the implementation of a Privilege Team in the military commissions, within two (2) business days of receipt of OMC legal mail, the SJA at GTMO will deliver the envelope or mailer marked as "Legal Mail" to the detainee after having been opened and re sealed before an OMC D representative for security screening purposes.

d. Written correspondence from counsel to a detainee not falling within the definition of legal mail shall be sent as non legal mail through the United States Postal Service to the appropriate address provided by government counsel for either habeas or commissions.

e. Counsel is required to treat all information learned from a detainee, including any oral and written communications with a detainee, as classified information, unless and until the information is submitted to the Privilege Team and determined to be otherwise by the Privilege Team or by any court. Accordingly, if a counsel's correspondence contains any summary or recitation of or reference to a communication with a detainee that has not been previously determined to be unclassified, the correspondence shall be prepared, marked, transported and handled as classified material as required by Executive Order 12958, DoD Regulation 5200.1 R and AI 26, OSD Information and Security Supplement to DoD Regulation 5200.1R.

f. Written and oral communications with a detainee, including all incoming legal mail, will not include information relating to any ongoing or completed military, intelligence, security, or law enforcement operations, investigations, or arrests, or the results of such activities, by any nation or

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JDG PROCEDURE #41
DETAINEE MAIL HANDLING
25 APRIL 2013

agency or current political events in any country not directly related to counsel's representation of that detainee; or security procedures at GTMO (including names of US Government personnel and the layout of camp facilities) or the status of other detainees.

g. In spite of the foregoing, counsel may submit items of incoming legal mail for review by the Privilege Review Team's On Island Presence in connection with procedures set forth in a Separate Memorandum executed by the JTF Commander. For further guidance as to the meaning of this provision, contact the SJA's Office [REDACTED]

41 11. MAIL SENT BY DETAINEE TO COUNSEL (OUTGOING MAIL) .

a. Detainees will be provided with paper to prepare communications to counsel. In the presence of military personnel, the detainee will place the written communication into an envelope and it will be annotated as "Attorney Detainee Privileged Materials For Mail Delivery To Counsel." Each envelope shall be labeled with the name of the detainee and the name of counsel. Envelopes annotated with the name of persons other the detainee's counsel (including family/friends or other attorneys) will be processed according to the standard operating procedures for detainee non legal mail.

b. The SJA Legal Mail Clerks will collect the outgoing legal mail within one (1) business day of the SJA's Office being notified by guard force.

c. After the outgoing legal mail is collected from the detainee, the envelope will be sealed and placed into a larger envelope by the SJA's Legal Mail Clerks. The envelopes will be marked as "Attorney Detainee Privileged Materials For Mail Delivery To Counsel" and will be annotated with the name of the detainee and the counsel. The mail will then be provided by the Legal Mail Clerks to the SJA Mail Clerk, who will in turn provide it to the on island Privilege Team or OMC D representative (pending implementation of a Privilege Team for the Military Commissions) no later than the end of the next business day after receiving it from the Legal Mail Clerks.

JDG PROCEDURE #41
DETAINEE MAIL HANDLING
25 APRIL 2013

d. Attorneys are responsible for gathering all written materials produced during attorney detainee meetings and processing them as legal mail or non legal mail in accordance with a Memorandum executed by the JTF Commander governing such procedures. Any violations shall be reported immediately to the [REDACTED] SJA's office [REDACTED]

e. Detainees are also permitted to send non legal mail, including written communications to persons other than counsel, through the United States Postal Service. IF THERE IS ANY QUESTION AS TO WHETHER AN ITEM IS LEGAL OR NON LEGAL MAIL, PLEASE CONTACT THE SJA's OFFICE [REDACTED] IMMEDIATELY.

f. Any items leaving an attorney detainee meeting that the attorney does not claim privilege over shall be turned over to SJA personnel and they in turn will pass such information [REDACTED] [REDACTED] as outgoing non legal mail.

41 12. DELIVERY OF NON LEGAL MAIL TO DETAINEES FROM COUNSEL.

a. Per Paragraph D 12E, in the Amended Protective Order governing the habeas cases, "Procedures for Correspondence Between Counsel and Detainees" written correspondence to a detainee not falling within the definition of legal mail shall be sent through the United States Postal Service" [REDACTED]

b. Detainees are not permitted to receive gifts, religious materials, recreational items, medical supplies, clothing, hygiene items/toiletries, food or any other items from outside the military supply system [REDACTED] [REDACTED] This prohibition includes all such items from counsel.

c. Counsel will not send any items referenced in the section above through the procedure for non legal mail. Any item sent by counsel will not be processed and instead will be disposed of in a manner deemed appropriate by the SJA. Counsel may not provide any non legal mail items to detainees during a visit. All non legal mail materials must be delivered to GTMO through the United States Postal Service.

[REDACTED]

JDG PROCEDURE #41
DETAINEE MAIL HANDLING
25 APRIL 2013


41 13 Storage and Searching of Legal Mail Within Cells

a. Detainees are allowed to keep legal mail within a bin located in their cells specially marked for the storage of legal mail. The bin may be searched by the guard force as a part of a routine cell search of the detainee's block; however, the search is limited to (a) examining the bin for any physical contraband (weapons, etc.), and (b) cursory scanning inside of mail envelopes for contraband contained therein. **(NOTE: At NO time will ANY document be removed from the legal bin without approval as indicated in paragraph d below)**

b. For detainees on disciplinary status, the legal mail bin will be kept inside the cell.

c. During ANY Search of a legal mail bin as described, if the guard force is unclear about procedures or whether particular items are or are not legal mail or contraband, they will contact the office of the SJA immediately.

d. Detainee legal mail will not to be confiscated without the approval from either the Deputy SJA the SJA Litigation Support Operations OIC or the CJDG.


JOHN V. BOGDAN
COL, MP
Commanding

ATTACHMENT C

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[Source Page 1 of 4]

[Arabic]

CHECKED	• RED CROSS MESSAGE •	A002132
10024	INTERNATIONAL COMMITTEE OF THE RED CROSS	
GUAN- 2013- F01070	اللجنة الدولية للصليب الأحمر بين الاقوامي ريد كراس كميته د سره صليب بريواله كميته كميته بي الملى صليب سرخ	10024

Sender / المرسل / استونكي / فرستنده / بهرچنسه والا

رقم السلطة / أي اس نمبر / أي اس نمبر / أي اس نمبر / أي اس نمبر / ISN

د ای / نمبر ای سی آر سی / آئی سی آر سی نمبر / ICRC nr / رقم الصليب / د ای سی آر سی نمبره

~~XXXXX~~ Full name / الاسم الكامل / مکمل نوم / نام مکمل / مکمل نام

Nationality / الجنسية / ملیت / ملیت / شهريت

Addressee / المرسل اليه / مرسل اليه / اخیستونکی / وصول کرنے والا

Full name / الاسم الكامل / مکمل نوم / نام مکمل / مکمل نام

Address / العنوان الكامل / پته / ادرس / مکمل پته

Khalid Shaykh

Country / البلد / هیواد / کنور / ملک

Tel. Nr. / رقم الهاتف / د تيلفون شميره / نمبر تيلفون / فون نمبر

Place of detention / زندان / بندیکخانه / مکان الاحتجاز / قید کی جگہ / GUANTANAMO BAY, CUBA

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[Source Page 3 of 4]

In the name of God, Most Gracious, Most Merciful

Praise be to God. May prayer and peace be upon the Messenger of God, and upon His family, His companions, and those who were close to Him.

To: Abu-Hamzah

From: [REDACTED]

May peace, and the mercy and blessings of God be upon you. May you have a blessed Eid al-Adha. May you and your neighbors be well and healthy year after year. We do not have a sacrificial animal so far, but we may buy a sacrificial animal later or share cattle [with others].

If you ask about us, we are doing well praise be to God. As far as I am concerned, I am occupied with [REDACTED] illness. As you know, [REDACTED] has been ill since he was a child. Now, he has grown up with no change. [REDACTED] and I took him to the clinic yesterday. Later, [REDACTED] took him to the hospital again where they administered IV fluid. The doctor said that [REDACTED] has gastritis. As you may remember in Pakistan, the doctor said that all the parasites of the world are in his belly.

[REDACTED] and [REDACTED] went to Zahedan during Ramadan with regards to [REDACTED] gastric [problem]. The doctor there said that he has gastritis and gave him pills, but he returned to the same as before.

As far as I am concerned, I have blood pressure [problems], yet I do not take blood pressure pills because the [female] doctor told me to just take a little more salt in my food.

The weather here is hot, but everyone in the household has influenza. Schools started for several weeks, and everyone is going to school except [REDACTED] and [REDACTED] as they sit at home with me. Also [REDACTED] has been off of school for two days because of his illness.

The letters you sent through attorneys as an experiment have reached us.

This is all about us. May peace, and the mercy and blessings of God be upon you. Greet all of your neighbors for us and do not forget us during your pious supplications to God.

CHECKED

Date

التاريخ/نیتہ/تاریخ/تاریخ

11 October 2013

Signature

التوقيع/لاسلک/امضاء/دستخط

The person whom I am addressing is

س اسب

دی / ده

وصول کرنے والا میرا
الشخص الذي أخاطبه هو
در مافب كنده نامہ (برسل اليه)
د ليك اخيستونكي زما

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Translator's Certification

This is to certify that, to the best of my knowledge, the following translation is accurate and reflects the original document GUAN-2013-F01070-3 (02)-T



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[Arabic]

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10024

GUAN- 2013- F01070

♦ RED CROSS MESSAGE ♦

INTERNATIONAL COMMITTEE OF THE RED CROSS

Arabic: International Committee of the Red Cross

Urdu: International Committee of the Red Cross

Pashtu: International Committee of the Red Cross

Dari: International Committee of the Red Cross

A002132

10024

Sender / Urdu: Sender/ Dari: Sender/ Pashtu: Sender/ Arabic: Sender

ISN/ Urdu: I.S. Number/ Dari: I.S. Number/ Pashtu: I.S. Number/ Arabic: Authority Number

ICRC nr/ Urdu: ICRC Number/ Dari: ICRC Number/ Typo/ Pashtu: ICRC Number/ Arabic: Cross Number

~~XXXXX~~

Full Name/ Urdu: Full Name/ Dari: Full Name/ Pashtu: Full Name/ Arabic: Full Name

Nationality/ Urdu: Nationality/ Dari: Nationality/ Pashtu: Nationality/ Arabic: Nationality

Addressee/ Urdu: Addressee/ Pashtu: Addressee/ Dari: Addressee/ Arabic: Addressee

Full Name/ Urdu: Full Name/ Dari: Full Name/ Pashtu: Full Name/ Arabic: Full Name

Address/ Urdu: Address/ Dari: Address/ Pashtu: Address/ Arabic: Full Address

Khalid Shaykh

Country/ Urdu: Country/ Dari: Country/ Pashtu: Country/ Arabic: Country

Tel. Nr./ Urdu: Telephone Number/ Dari: Telephone Number/ Pashtu: Telephone Number/ Arabic: Telephone Number

Place of Detention/ Urdu: Place of Detention/ Arabic: Place of Detention/ Pashtu and Dari: Place of Detention: GUANTANAMO BAY, CUBA

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To: Abu-Hamzah

From: [REDACTED]

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If you ask about us, we are doing well praise be to God. As far as I am concerned, I am occupied with [REDACTED] illness. As you know, [REDACTED] has been ill since he was a child. Now, he has grown up with no change. [REDACTED] and I took him to the clinic yesterday. Later, [REDACTED] took him to the hospital again where they administered IV fluid. The doctor said that [REDACTED] has gastritis. As you may remember in Pakistan, the doctor said that all the parasites of the world are in his belly.

[REDACTED] and [REDACTED] went to Zahedan during Ramadan with regards to [REDACTED] gastric [problem]. The doctor there said that he has gastritis and gave him pills, but he returned to the same as before.

As far as I am concerned, I have blood pressure [problems], yet I do not take blood pressure pills because the [female] doctor told me to just take a little more salt in my food.

The weather here is hot, but everyone in the household has influenza. Schools started for several weeks, and everyone is going to school except [REDACTED] and [REDACTED] as they sit at home with me. Also [REDACTED] has been off of school for two days because of his illness.

The letters you sent through attorneys as an experiment have reached us.

This is all about us. May peace, and the mercy and blessings of God be upon you. Greet all of your neighbors for us and do not forget us during your pious supplications to God.

CHECKED

Date

/Urdu: Date/ Dari: Date/ Pashtu: Date/ Arabic: Date/

11 October 2013

Signature

/Urdu: Signature/ Dari: Signature/ Pashtu: Signature/ Arabic: Signature

Urdu Typo
The person whom I am addressing is
Dari Typo
Pashtu: Is
.....

Urdu: The person receiving
Arabic: The person whom I am
addressing is
Dari Typo, most likely
meaning "The person receiving"
Pashtu Typo

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ATTACHMENT D

-----Original Message-----

From: Poteet, Derek A MAJ OSD OMC Defense [REDACTED]
Sent: Tuesday, January 14, 2014 6:29 PM
To: Bresseale, J Todd LTC USARMY OSD OSD (US)
Cc: [REDACTED]; Wright, Jason D MAJ USARMY (US)
Subject: Re: Quick question

That's correct sir. We did not send the 36 page document titled "Invitation to Happiness" to media. We had the document properly reviewed through Ms. Flannery's office, in accordance with the protocol. Thus, there's no violation in it being released, but that was not given to media by us nor coordinated with us.

V/R

Maj Derek A. Poteet, USMC
Defense Counsel

----- Original Message -----

From: Bresseale, Todd LTC OSD PA
Sent: Tuesday, January 14, 2014 06:14 PM
To: Poteet, Derek A MAJ OSD OMC Defense
Subject: RE: Quick question

So, y'all didn't send anything to the press, right?
I'm getting hammered with this.

Lt. Col. Todd Bresseale
Office of the Secretary of Defense (Public Affairs) The Pentagon

Portfolio: Office of the General Counsel, Office of the Ass't. Secretary of Defense for Legislative Affairs, Office of the Special Envoy for the Closure of the Detention Facility at Guantanamo Bay, Office of Military Commissions, Office of Detainee Policy & Rule of Law, Western Hemisphere Affairs, US Southern Command

Desk: [REDACTED]

-----Original Message-----

From: Poteet, Derek A MAJ OSD OMC Defense [REDACTED]
Sent: Tuesday, January 14, 2014 6:11 PM
To: Breasseale, J Todd LTC USARMY OSD OSD (US)
Subject: Re: Quick question

Sir,

The 36 page did not go to media from our team. We've asked everyone on our team.

I'm on my cell, [REDACTED]

V/R

Maj Derek A. Poteet, USMC
Defense Counsel

----- Original Message -----

From: Breasseale, Todd LTC OSD PA
Sent: Tuesday, January 14, 2014 05:34 PM
To: Poteet, Derek A MAJ OSD OMC Defense
Subject: Quick question

Hey, Derek - quick question: do you know how the document that's come to be known as "the manifesto" was distributed to the press?

Do you know if it was put into the press by anyone on the official or pro-bono defense team for your client?

I ask because that's been the very first thing the press have asked because they're, frankly, jealous that CH 4 in the UK and Huffington Post here got 'exclusives.'

TB

Lt. Col. Todd Breasseale
Office of the Secretary of Defense (Public Affairs) The Pentagon

Portfolio: Office of the General Counsel, Office of the Ass't. Secretary of Defense for Legislative Affairs, Office of the Special Envoy for the Closure of the Detention Facility at Guantanamo Bay, Office of Military Commissions, Office of Detainee Policy & Rule of Law, Western Hemisphere Affairs, US Southern Command

Desk: [REDACTED]

ATTACHMENT E

Attached as
Word Document to Filing

**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA**

UNITED STATES OF AMERICA

v.

**KHALID SHAIKH MOHAMMAD,
WALID MUHAMMAD SALIH
MUBARAK BIN ATTASH,
RAMZI BINALSHIBH,
ALI ABDUL AZIZ ALI,
MUSTAFA AHMED ADAM AL
HAWSAWI**

**AE
INTERIM ORDER**

**Regarding Dissemination of Non-Legal
Mail and Materials to Third Parties**

27 February 2014

In the case of United States v. Khalid Shaikh Mohammad, et al., Khalid Shaikh Mohammad, Walid Muhammad Salih Bin Attash, Ramzi Binalshibh, Ali Abdul Aziz Ali, and Mustafa al Hawsawi have been arraigned. This interim Order only applies to this case.

On 6 November 2013, the Commission issued AE 018U, an order governing privileged written communications. Among other things, this Order set forth procedures for how defense counsel should handle military commissions non-legal mail or material they receive from the Accused in this case consistent with Joint Task Force Guantanamo Bay, Cuba Standard Operating Procedures. *See* AE 18U, para. f. (3). Specifically, AE 18U specified that non-legal mail or material from the Accused which requires expedited processing for reasons related to the military commission proceedings can be requested through the privilege team, but the privilege team must send it through the normal JTF-GTMO mail screening process for approval/disapproval prior to release. *See* AE 18U, para 4(d).

Based on the information provided by the Prosecution in this case in its emergency motion, the potential for harm that dissemination of information to third parties can cause, and what appears to be varying interpretations of AE 18U by the parties, the Commission hereby orders that any and all non-legal mail or material (as those terms are defined in AE 018U) that the Defense counsel intends to further disseminate to third parties must go through the JTF-GTMO mail review procedures for approval/disapproval prior to release until such time as the underlying motion is resolved by the Commission. Security classification review by any other entity, including Mrs. Flannery's security office, does not constitute review by JTF-GTMO mail screeners for purposes of this interim order.

SO ORDERED:

DATED: _____

James L. Pohl
COL, JA, USA
Military Judge

ATTACHMENT F

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February 27, 2014

HUFF POST POLITICS

Editor: U.S. ▾

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Ryan J. Reilly Become a fan
ryan.reilly@huffingtonpost.com

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Mastermind Of The Sept. 11 Attacks Wants To Convert His Captors

Posted: 01/14/2014 2:00 pm EST | Updated: 01/25/2014 4:01 pm EST



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WASHINGTON — The mastermind of the Sept. 11, 2001, terrorist attacks now says that the use of violence to spread Islam is forbidden by the Quran, a major shift away from the more militaristic view he had put forward previously.

Khalid Sheikh Mohammed's thinking is detailed in a [first-of-its-kind 36-page manifesto obtained by The Huffington Post](#). In a departure from his previous stance, which led the Guantanamo Bay prisoner to tell a military commission, "it would have been the greatest religious duty to fight you over your infidelity," KSM, as he's known in intelligence circles, instead seeks to convert the court to Islam through persuasion and theological reflection, going so far as to argue that "The Holy Quran forbids us to use force as a means of converting" and that reaching "truth and reality never comes by muscles and force but by using the mind and wisdom."

"Don't believe the media that the Mujahedeen believe that Islam spread in the past and will prevail in the future with the sword," writes KSM, who has previously admitted to his role in the 9/11 attacks that killed thousands of Americans. He uses the bulk of the manifesto to put his newfound principle into practice, attempting to persuade his captors, prosecutors and lawyers that the path to true happiness lies in Islam.

KSM, who grew up in Kuwait and attended college in North Carolina, turns 50 this year. He has been held at the Guantanamo prison camp since 2006, after several

years of being tortured by the CIA at "black sites" in undisclosed locations, and faces the death penalty for his 9/11 crimes. He also claims to have personally beheaded American journalist Daniel Pearl with his "blessed right hand," as he said at a 2007 military commission hearing -- a claim that subsequent investigative reporting has backed up. According to *The Hunt for KSM*, by former Los Angeles Times reporters Terry McDermott and Josh Meyer, an FBI agent who tracked KSM long before he was a household name described him as the type of guy you could have a beer with, if he wasn't one of the worst mass murderers in American history.

In his new writing, while contending that he does not believe Islam should be instituted by force, KSM justifies the terrorist attacks for which he claims credit as acts of "self defense sanctioned by every constitution and international laws as the right of everyone whose land is occupied and whose people are attacked."

KSM seeks to clarify one particular critique of al-Qaeda: He and the organization do not hate American freedoms.

"Do not believe those who claim that the Mujahedeen fight infidels to turn them to Islam or that we are fighting you because you practice democracy, freedom or claim that you uphold human rights," he says, instead repeating the al-Qaeda narrative of a "jihad" or cosmic war against America in retaliation for attacking and oppressing Muslims and supporting Israel. He singles out the media and the intelligence services as responsible for misleading the public, claiming that "They hide from them why the Mujahedeen carried out 9/11 and what the truth is about the War on Terror."

Although Western freedoms may not justify violence for KSM, that doesn't mean he finds the values appealing. "Happiness is not found only in money, in hearing music, in dancing, or in living a so-called 'free life,'" he says in one illustrative passage. Those who live in the Western world have "missed the right path to happiness" and are "like a fisherman who went to the desert searching for fish or a hunter diving to the depths of the sea trying to catch a deer."

In the manifesto, KSM -- who asserted at a military commission hearing in 2007 that he had planned the Sept. 11 attacks "from A to Z" -- touches on a wide array of other issues, from video game consoles to marriage equality, military suicides, U.S. prison overcrowding, AIDS, the military-industrial complex, scientific evidence of evolution, the Catholic Church's sex scandal, former President Richard Nixon's views, and then-President George W. Bush's embrace of the word "crusade."

Mohammed, the highest-value al-Qaeda operative in U.S. custody, wrote his "Statement to the Crusaders of the Military Commissions in Guantanamo" in October, addressing a copy to each member of the military court. The military judge overseeing the commissions process ruled last month that the experiences of "high-value detainees" being held in military custody at Guantanamo are no longer presumed to be classified -- a decision that enabled HuffPost to obtain a copy of KSM's manifesto, which is being published in collaboration with Great Britain's Channel 4 News.

The October document, KSM's first significant communication with the outside world since 2009, is presented as the first of three chapters. His next section, yet to be completed, will lay out "why the Mujahedeen carried out 9/11 and whether it was a terrorist operation or an act of self-defense," and a final chapter will delve into "the truth about the so-called 'War on Terror'."

"For whose benefits or interests were these wars fought?" KSM writes in previewing that final chapter. "Did these wars take place to defend the American people and their interests? Were they fought to defend freedom and human rights? Women's rights? Or were they fought for the benefits and interests of individuals and corporations? Who are those individuals and corporations? What are their interests and benefits? Isn't it true that they work for the weapons industry lobbies, security contractors or Halliburton sister companies etc.?"

In chapter one, he gives further hints as to the direction he'll take, quoting George W. Bush repeatedly using the word "crusade" to describe the global war on terror and even highlighting an interview from the 1990s with Nixon, who said that the American people held those from the Middle East in very low regard.

KSM writes that he originally began drafting his essay back in 2009 with the aid of a laptop that he, like other Guantanamo defendants, was given to work on his defense. Those laptops were later seized, though there has recently been some discussion about [returning them](#) to the defendants.

Despite his long detention, KSM insists that he feels free at heart, writing that he is "very happy" in his cell "because my spirit is free even while my body is being held captive." He says he has been "neither sad nor distressed" in his confinement "because I have been with the Only One True God." His manifesto aims to convince the members of his military tribunal that they, too, could find such happiness if they adopted Islam.

"It is my religious duty in dealing with any non-Muslims such as the people in the court (the Judge, the prosecution, attorneys, etc.) to invite them to embrace Islam. I realize very well that you have heard about Islam and know much about it. But it is my own belief that Allah will ask me on the Day of Judgment why I did not invite these people to Islam?" he writes.

KSM also takes shots at the U.S. military's suicide rate. "[H]undreds of American crusader soldier men and women join the U.S. army, wear the latest military gear, eat the best food in Iraq and Afghanistan, and play with their play stations while their enemies, the poor Muslim can't find their daily bread or jacket to protect themselves from the harsh snowstorms over Afghanistan mountains, but at the end, the American soldiers go home and commit suicide but the poor man still with his dry bread and black tea lives with his poor wife in their humble muddy house but with happy hearts and souls."

The rapid advance of same-sex marriage is further evidence for KSM of the collapse of Western civilization. "If God said no adultery or no sexual contact without a marriage contract between man and woman, the Westerner's God says men and women are free to do whatever they want to do," he says. "A mother can even lie with her son and they can issue a marriage certificate for them if the majority in Congress or Parliament agrees to such a thing. Or a man can marry a man or a woman can marry a woman, but by God's laws, these acts are considered social crimes and it will cause unhappiness in their life, it breaks their families and at the end it will break the whole society."

He cites social ills as evidence of Western moral bankruptcy. "Their communities have been destroyed by the high rates of divorce, rape, robbery, killing, suicide, AIDS, and often depression, bankruptcies, abortion, drugs, homosexuals, homelessness, psychological disorders, mental illnesses and most of the U.S. prisons are over capacity and crime is everywhere among all races and states," he says.

* * * * *

KSM's statement is certainly not the first time the public has heard from a Guantanamo detainee, but so far such communications have come from within Camp 5 and Camp 6, which house lower-value detainees. The high-value detainees at Camp 7 have so far been allowed only extremely limited contact with the outside world, and rules regulating the communication of detainees are notoriously murky and shifting. Military officials initially denied the very existence of Camp 7 and still refuse to speak about it to members of the media who visit Guantanamo. While a view of Camp 7 is available on Google Maps, it has only been visited in person by government representatives. On a recent congressional delegation trip, lawmakers were told that the high-value detainees there [loved the erotic series *Fifty Shades of Grey*](#) -- a contention later disputed by at least one detainee.

Despite his years of confinement, KSM's trial before a military commission has barely gotten off the ground, having been marred by repeated delays and questions about the legitimacy of such a relatively untested forum. Defense arguments that would have almost certainly been laughed out of a civilian court are given ample time, and unexpected issues constantly arise, like the revelation of a mysterious censor who could cut off the courtroom's delayed audio feed [unbeknownst even to the military judge running the court](#).

The Obama administration had planned to transfer KSM and several co-defendants to the continental United States and allow their case to proceed in federal court, but that effort was [thwarted by political opposition](#) from members of Congress, especially those in the New York City area, where KSM was to be tried. Attorney General Eric Holder recently suggested that, had the Sept. 11 case proceeded in federal court as he announced it would in 2009, KSM and his co-defendants "[would be on death row as we speak.](#)"

The bulk of those still held at Guantanamo aren't high-value detainees like KSM. Dozens of them [engaged in a hunger strike last year](#) and successfully pushed Guantanamo back into the headlines. More than half of the 158 who remain have been cleared for transfer, and the Obama administration has had some limited success over the past year with moving those detainees. The lingering question is what the administration plans to do about those individuals who land somewhere between KSM and the detainees who aren't deemed a threat -- that is, the detainees whom the U.S. does not plan to put on trial but still wants to imprison indefinitely.

The last declassified significant communication from KSM came in 2009 when he addressed the court as part of his own defense in a document entitled "[The Islamic Response to the Government's Nine Accusations.](#)" In that six-page document, KSM reaffirmed his commitment to fighting the U.S. and railed against the country that has detained him since his capture in Pakistan in 2003, referring to America as "first class war criminals."

The latest manifesto hints at KSM's awareness of his own importance in the eyes of the authorities. In an almost comical reference to his struggles with the English language, it reads, "When the CIA said 'KSM is a big fish,' I know that I am neither a whale nor a fish." Elsewhere, he alludes to the "enhanced interrogation techniques" used against him: "Perhaps a poor detainee may be happy while being water-boarded or tortured or even in solitary confinement ..."

Guantanamo insiders describe KSM as reveling in his high media profile, with CBS News senior correspondent John Miller once dubbing him a "media junkie." He is said to be a keen Harry Potter fan and famously asked to [build a vacuum cleaner](#) from scratch as a means of preserving his sanity following his exposure to torture techniques.

He appears to have spent at least some of his time reading the Bible, dedicating 11 pages of his latest statement to that book and Christianity in his effort to convince readers to abandon the former faith in favor of Islam. KSM is reverential toward Jesus Christ while hostile toward the clergy, whom he says adulterated Christ's message in the third and fourth centuries.

He also mistakenly suggests that Roman Catholics have "already solemnized marriages between homosexuals" and criticizes the authors of the Bible for failing to use "polite language." And he takes the expected swipes at Jews, declaring that the "sexual stories" in the Bible were "written by corrupt Rabbis of certain times to make their holy book a 'best seller' to get more money."

"If I am a Christian, how can I read this chapter in front of my children or recite these verses during a Sunday mass in front of my worshippers?" he writes. "If the young boys and girls are reading these stories, and are also in church drinking their holy wine, what do you think the result will be? I will leave the answer for the honest people to understand the real reason behind the sexual scandals from time to time in the Catholic churches."

As for his trial, KSM has consistently sought to present himself as outside the process: He initially rejected his lawyer, frequently refers to the military commission as a "kangaroo court" and dismisses the authority of man-made laws. In 2012, he won the right to wear a camouflage field jacket and turban in court -- items customarily worn by members of a militia -- arguing that it was his right as a soldier. A short man, he has lost a significant amount of weight since he was [photographed by the CIA looking disheveled shortly after his capture](#) and has dyed his graying beard an orange-reddish color for his court appearances using [fruit juice and crushed berries](#). He once [objected to a courtroom artist's sketch](#), saying his nose had been drawn too big.

The tone of his manifesto is such that, at times, it can be easy to forget its author

Mastermind Of The Sept 11 Attacks Wants To Convert His Captors

has admitted to his role in murdering thousands of people.

But that's exactly the way KSM wants it. "Before you start reading, forget and neglect the writer or author's name," he asks toward the beginning of the document.

ATTACHMENT G

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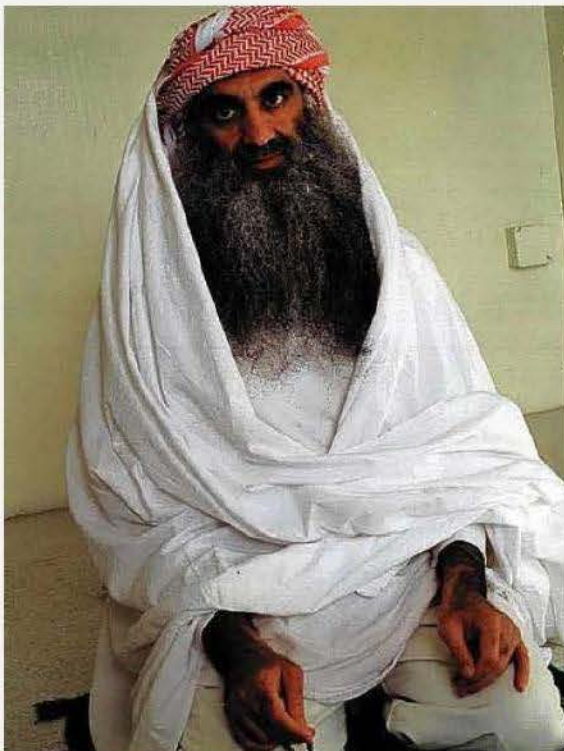
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Khalid Shaikh Mohammed issues 'nonviolence' manifesto

The alleged Sept. 11 mastermind and now prisoner at Guantanamo Bay describes the document as the first of three parts.

Comments 0



Khalid Shaikh Mohammed in detention at the U.S. military prison at Guantanamo Bay, Cuba. The alleged mastermind of the Sept. 11, 2001, attacks has issued a rambling manifesto suggesting that Muslims should not use violence to spread Islam. (Jarret Brachman / Miami Herald)

By Richard A. Serrano
January 14, 2014 15:29 p.m.

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Twitter pounces on Texas GOP senator's 'ONE MAN & ONE MAN' tweet
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WASHINGTON —The alleged mastermind of the Sept. 11 terrorist attacks has written a rambling, deeply religious manifesto that suggests Muslims should not use violence to spread Islam —a sharp departure from his earlier boasts of waging violent jihad against the U.S. and other non-Muslim nations.

The unclassified comments by Khalid Shaikh Mohammed, who will soon turn 50 and who has spent the last decade in U.S. custody, come a year and a half into the pretrial phase of his military commission trial. The writings suggest that he either believes he can convert his U.S. audience or, as he often has done, is playing a mind game to attract publicity, feign mental illness or spare himself the death penalty if convicted in the 2001 attacks, the worst terrorist strikes in American history.

The 36-page document, titled "The Road to Real Happiness," includes not only references to the Koran, but quotes by Richard Nixon, George W. Bush and Pope Benedict XVI. Mohammed rails against same-sex marriage, abortion and the moral decay of the West. He mocks U.S. soldiers for playing with their PlayStations in Iraq and Afghanistan while

Muslim families struggled for food and shelter.

"But at the end the American soldiers go back home and commit suicide but the poor man still with his dry bread and black tea lives with his poor wife in their humble muddy house but with happy hearts and souls," he wrote.

The document is described as the first of three parts, with subsequent writings to defend the Sept. 11 attacks and dispute the validity of the U.S.-led invasions of Iraq and Afghanistan, which he suggests were chiefly meant to benefit military contractors such as Halliburton Co.

The Koran, Mohammed wrote, "forbids us to use force as a means of converting" others, and "truth and reality never comes by muscles and force but by using the mind and wisdom." Those statements clash with his earlier braggadocio in saying he plotted the Sept. 11 attacks and personally beheaded Wall Street Journal reporter Daniel Pearl, and in calling for young Muslims around the world to embrace violence.

Mohammed personally addresses the military judge, court officials, prosecutors and defense lawyers involved in his case, inviting them to accept Islam and saying that his time in the U.S. military prison at Guantanamo Bay, Cuba, has not been wasted. He is "neither sad nor distressed," he wrote, "because I have been with the Only One True God." He added, "I am very happy in my cell because my spirit is free even while my body is being held captive."

Pentagon officials said Mohammed wrote the document in October and asked that copies be hand-delivered to the court officials. He knew some of their names from ID tags they wore in court and asked his defense team to provide the others.

Defense lawyers took the document to the judge, and U.S. intelligence and security officials at Guantanamo and elsewhere combed through it for references to classified material. After the review, copies were shared with the court personnel. By Tuesday, the *Huffington Post* and Britain's Channel 4 News had obtained copies and made them public.

Mohammed grew up in Kuwait and was closely aligned with Al Qaeda leader Osama bin Laden. He is believed to have presented the plan for attacks using airplanes to Bin Laden.

Mohammed was captured in 2003. After three years of custody at so-called CIA black sites, where he was repeatedly waterboarded, he was transferred to Guantanamo in 2006.

richard.serrano@latimes.com

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ATTACHMENT H

METRO

9/11 fiend KSM says in new manifesto: 'violence is wrong'

By S.A. Miller

January 15, 2014 | 7:19am



Khalid Sheikh Mohammed

Photo: AP

WASHINGTON — After a decade behind bars, 9/11 mastermind Khalid Sheik Mohammed has had a startling change of heart about killing people.

The terrorist kingpin now says in a 36-page manifesto penned in his Guantanamo cell that the Koran forbids the use of violence to convert nonbelievers to Islam.

"The holy Koran forbids us to use force as a means of converting," he writes in the document, which was obtained by the Huffington Post after a military judge said it could be released.

9/11 fiend KSM says in new manifesto: 'violence is wrong' | New York Post

The manifesto presents a breathtaking reversal for someone who boasted at a military-commission hearing in 2007 that he planned the 9/11 attacks “from A to Z.” “Happiness is not found only in money, in hearing music, in dancing, or in living a so-called ‘free life,’” he wrote.

Mohammed embraced his newfound devotion to proselytizing by trying to convince his captors that Islam is the only path to happiness.

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Daily blotter



ATTACHMENT I

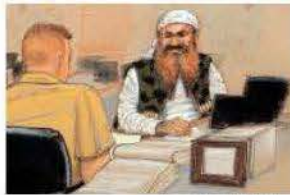


CHEAT SHEET

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NOW YOU TELL US

9/11 Mastermind Cools on Killing



Janey Hamlin/Reuters

Killing is no good for spreading Islam, says the mastermind behind 9/11, but plenty fine for defending Muslims. In a 36-page manifesto published by the *Huffington Post* Tuesday, Khalid Sheikh Mohammed says the Quran forbids using violence to proselytize. But the terrorist attacks were different because they "self defense" on behalf of those "whose land is occupied and whose people are attacked." Slamming planes into buildings was for supporting Israel and oppressing Muslims, KSM writes, not for destroying American freedoms. KSM also references everything from the military-industrial complex to video games.

Read it at *Huffington Post*
January 14, 2014 2:24 PM



COMMENTS (39)

ATTACHMENT J

9/11 MASTERMIND: The Koran 'Forbids' Violence To Spread Islam

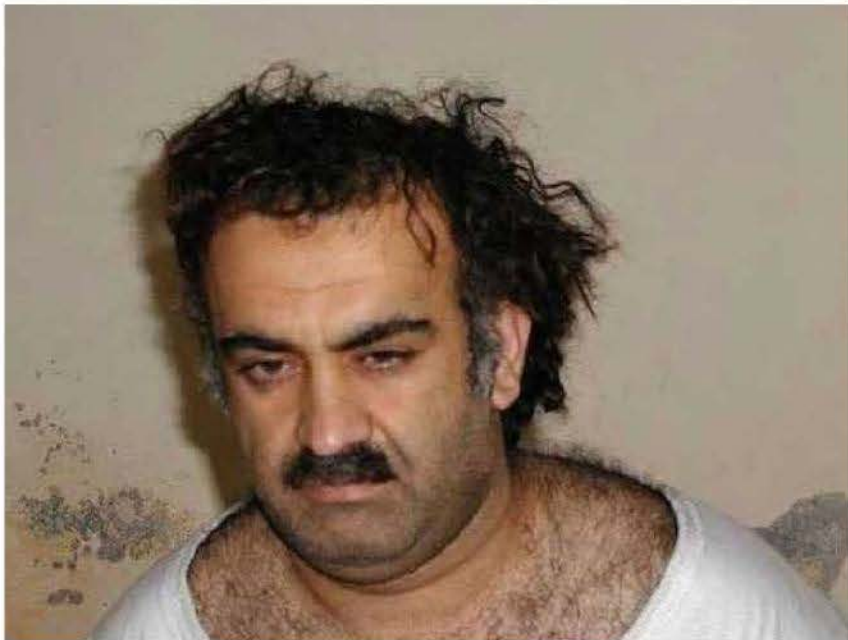


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via AP

The self-proclaimed mastermind of the September 11 attacks, Khalid Sheikh Mohammed, has released a manifesto claiming that the Koran forbids the use of violence to spread Islam.

The document, published Tuesday by The Huffington Post and Britain's Channel 4 News, marks Mohammed's first public communication since 2009, when the US government officially accused him of terrorism.

Mohammed, the most high-profile of the five men accused over the 2001 attacks that killed nearly 3,000 people on US soil, has been held at the US detention facility in Guantanamo Bay, Cuba since 2006.

In a major departure from his previous position, Mohammed said that "the Holy Koran forbids us to use force as a means of converting!"

He also tried in the 36-page document to convince his American captors, prosecutors, lawyers and members of his military tribunal to convert to Islam.

"It is my religious duty in dealing with any non-Muslims such as the people in the court (the judge, the prosecution, attorneys, etc.) to invite them to embrace Islam," Mohammed wrote.

"I realize very well that you have heard about Islam and know much about it. But it is my own belief that Allah will ask me on the Day of Judgment why I did not invite these people to Islam?"

Mohammed said he was "very happy" in his cell, adding: "My spirit is free even while my body is being held captive."

Mohammed said he has been "neither sad nor distressed" in his confinement "because I have been with the Only One True God."

The document was declassified last month by military judge James Pohl.

Defense lawyers did not immediately respond to requests for comment.

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Read more: <http://www.businessinsider.com/ksm-koran-forbids-violence-2014-1#ixzz2uaEh2xgu>

ATTACHMENT K

Guantánamo's 'architect of 9/11' has care worker pen pal in Nottingham

Khalid Sheikh Mohammed debates theology in exchange of letters with British Christian –and laments slow postal service

Terri Judd
The Observer, Saturday 11 January 2014

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Rory Green who has been corresponding with Khalid Sheikh Mohammed.

Details from an extraordinary exchange of letters between a Nottingham care worker and the alleged architect of the 9/11 attacks can be revealed in the *Observer* today, offering an unprecedented insight into the mind of one of the world's most notorious Islamists.

Khalid Sheikh Mohammed, 49, who is held at Guantánamo Bay, has endured the harshest of the CIA's interrogation methods and allegedly confessed to a career of atrocities.

Pre-trial hearings before a military commission are due to be held at Guantánamo next month. In his letter to Rory Green, 25, Mohammed wrote: "I appreciate your deep concern regarding my worldly and hereafter life ... You asked me to repent from my sins. For your own information, I never stop."

Green began the correspondence when he was studying for a degree in athletics at Wingate University in North Carolina in 2011 after reading a newspaper article about Mohammed. A devout Christian, Green wrote: "I am not here to trick you, [or] make you feel worse than anybody in the world. There is hope in forgiveness through Jesus Christ."

Two years later, Green has now received a 27-page reply, debating the virtues of Islam over Christianity. At one point Mohammed compares the Bible's view on murder to that of the Qur'an, quoting the latter as saying: "We decreed upon the children of Israel that whoever kills a soul unless for a soul or for corruption (done) in the land – it is as if he had slain

mankind entirely."

He later adds: "We live in two different worlds; the world of Christianity and the world of Islam. That means we are not on the same page; we have ... many different perceptions and convictions regarding the seen and the unseen world."

Mohammed's letter was written by hand and then transcribed and typed by his lawyers. Green, who is a care worker at a home for autistic adults, received the letter last week, delayed in part due to his move back to the UK. Explaining the delay, Mohammed wrote: "From my best knowledge of the 18th century, when your forefathers used to send letters from London to New York by sea, the mail would not take more than 25 days. We here in GTMO receive mail through the ICRC (Red Cross), family letters arrive very late. Sometimes it takes more than one and a half years. However, on a normal basis, it usually takes between two to eight months."

Mohammed said that he, too, had been a student in North Carolina, at a Southern Baptist college and then at the state's Agricultural and Technical University. Most of the letter is given over to theological and philosophical discussion. "If there are six billion people who believe in Darwinism and believe that there is no God; they also believe that Moses' and Jesus' (Peace Be Upon Them) stories are old wives' tales. But there are only two billion people who believe that the beliefs of six billion people are wrong. This doesn't mean the convictions and perceptions of six billion people are true, because truth is not measured by majority. It could be that the convictions of the whole world are false and the conviction of one man is true."

He added: "I think you are a smart student who has read the history of Europe in the Dark Ages and the story of Galileo, when the whole of Europe used to believe that the Earth is the centre of the Universe and all the stars including the Sun circled the Earth; but only poor Galileo was saying something else, that it was the Earth which circled the Sun." He also offers a critique of the sex scandals which have plagued the Catholic Church. The Bible contains some "immoral vulgar sex stories", he writes. "How can any normal unmarried young man read these stories and stay in a closed area with nuns and pretty, nice children – and in the bad sexualised environment in the west – without excitement or stirring up their normal sexual instincts?"

Green said: "I am not surprised by [the letter]. But I am in the sense that it is a very pleasant, very polite letter. He is obviously an educated individual, an intellectual. It must be so lonely in that prison. I just had this compassion for him. I thought this man needs Jesus as much as the average Joe – who else is going to reach out to this man with love and prayers?"

Green said he would write back, adding: "I think terrorism is disgusting and senseless. If he is guilty, I pray for justice to be done, whatever that looks like to the courts. But this man is in a serious life-threatening situation. I just want to build a relationship, be his friend, talk to him more about his faith."

Captured in hiding in Pakistan in 2003, Mohammed is accused of murder, hijacking and terrorism and faces the death sentence if convicted. Yesterday one of his military lawyers, Major Derek Poteet,

Guantánamo's 'architect of 9/11' has care worker pen pal in Nottingham | World news | The Observer

said: "I believe Mr Mohammed was touched by Mr Green's letter and wanted to respond to share his own faith. It will surprise some to see this respectful dialogue between two humans who are concerned about each other's souls."

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