

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

<b>UNITED STATES OF AMERICA</b>  v.  <b>KHALID SHAIKH MOHAMMAD, WALID MUHAMMAD SALIH MUBARAK BIN ATTASH, RAMZI BINALSHIBH, ALI ABDUL AZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI</b>	<b>AE 144E</b>  <b>INTERIM ORDER</b>  Regarding Seizure and Inspection of Accused's Legal Materials  25 March 2013
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1. In this order, the term "United States Government (USG) personnel" refers to any person employed by or affiliated with the United States other than counsel of record for the Accused or their representatives. The term includes, but is not limited to, persons acting at the direction or with the knowledge of any agency of the United States, of Joint Task Force Guantanamo (JTF-GTMO), the JTF-GTMO Joint Detention Group, the JTF-GTMO Staff Judge Advocate (SJA) and the JTF-GTMO J2 Directorate.

2. The Military Commission is advised that each of the Accused possess one or more containers known as "legal bins," in which they store materials protected by the attorney-client privilege, as defined in Military Commission Rule of Evidence (M.C.R.E.) 502(a)(1). These materials are identified by various markings, including stamps of various forms placed from time to time by USG personnel and banners or markings placed by counsel for the Accused or their representatives. The content of materials bearing any of these various markings, notwithstanding inconsistencies in their form, may not be read or otherwise observed for content by USG personnel other than to identify that the materials are, in fact, marked.

3. USG personnel may inspect legal bins of an Accused only in the presence of a trained Non-commissioned Officer or higher as designated by the Joint Detention Group Commander and only for contraband. Contraband is defined as:

(a) Any physical contraband that Commander, JTF-GTMO, or his designee, has deemed to be impermissible or inappropriate for a Detainee to possess or any physical item which is prohibited from transmission to the accused without prior authorization by the Joint Detention Group Commander, or his designee. This includes material that, if introduced into the detention facility, reasonably could be expected to present a threat to the operation of the detention facilities or to U.S. Government personnel.

(b) Physical contraband consists of paper fasteners (including staples, paper clips, and binder clips), money, stamps, cigarettes, weapons, chemicals, drugs, writing instruments, items of value and material that may be used in an escape attempt, or that present a threat to the operation of the detention facilities or to U.S. Government personnel. "Physical Contraband" does not include written communications.

4. Materials other than physical contraband observed in the legal bins of the Accused, if any, which do not bear the markings referred to in paragraph 2 shall be segregated in a sealed container, labeled with the date, time and identification of the USG personnel by whom it was observed, and retained by the Non-commissioned Officer supervising the inspection. In such an event an attorney representative of the SJA will be immediately notified. Seizure of such material may occur only upon the prior authorization of an attorney representative of the SJA, made upon personal inspection. If the materials are determined to be properly marked they will be returned to the Accused. If the materials are not properly marked they will be retained by the

attorney representative of the SJA and counsel for the Accused shall be immediately notified. If the materials originated with counsel they shall be promptly returned to counsel. The materials shall not be duplicated, photographed, or otherwise copied by any process prior to being shown to counsel.

5. Material, marked as indicated in paragraph 2, that is found in locations other than the legal bin of an Accused shall be segregated in a sealed container, labeled with the date, time and identification of the USG personnel by whom it was observed, and retained by the Non-commissioned Officer supervising the inspection. In such an event an attorney representative of the SJA will be immediately notified. Seizure of such material may occur only upon the prior authorization of an attorney representative of the SJA, made upon personal inspection. If the materials are determined to be properly marked they will be returned to the Accused. If the materials are not properly marked they will be retained by the attorney representative of the SJA and counsel for the Accused shall be immediately notified. If the materials originated with counsel they shall be promptly returned to counsel. The materials shall not be duplicated, photographed, or otherwise copied by any process prior to being shown to counsel.

So ORDERED this 25th day of March, 2013.

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JAMES L. POHL  
COL, JA, USA  
Military Judge