

**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 152K

ORDER

Government Motion For R.M.C. 909
Hearing in April 2014 and Direct Inquiry by
the Military Judge to Mr. Bin al Shibh
Regarding His Capacity to Stand Trial By
Military Commission

6 February 2014

1. The Prosecution requested a hearing in April 2014, under the provisions of Rule for Military Commission (R.M.C.) 909, for a determination as to the mental capacity of Mr. Bin al Shibh to “understand the nature of the proceedings or to ...cooperate intelligently in the defense of the case” (AE 152J). The Prosecution further requested AE 052, originally docketed for the week of 10-14 February, be argued in a closed session in Guantanamo Bay on 13 or 14 February 2014.
2. Counsel for Mr. Bin al Shibh do not oppose the R.M.C. 909 hearing but do not consent to argument on AE 052 at this time. Mr. Mohammed objects to arguing AE 052; counsel for Messer’s Aziz Ali and bin ‘Attash do not oppose the argument of AE 052 in February; and Mr. Hawsawi did not respond to the Prosecution’s inquiry.
3. The motion of the Prosecution to hold an R.M.C 909 hearing in April is **GRANTED**.
4. The motion of the Prosecution to hold argument on AE 052 on 13 or 14 February is **DENIED**.
5. The Commission session scheduled for 10-14 February 2014 is cancelled.
6. Further argument on AE 052 is **DEFERRED**. The Accused may respond with their basis for further oral argument in regard to AE 052 by 20 February 2014. The Government reply, if any,

is due NLT 6 March 2014. These pleadings, if filed, will be limited to the sole issue of whether further oral argument is necessary to resolve AE 052.

So ORDERED this 6th day of February, 2014.

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