

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

<p>UNITED STATES OF AMERICA</p> <p>v.</p> <p>KHALID SHAIKH MOHAMMAD, WALID MUHAMMAD SALIH MUBARAK BIN ATTASH, RAMZI BINALSHIBH, ALI ABDUL-AZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI</p>	<p>AE 155KK</p> <p>ORDER</p> <p>Mr. Mohammad’s Motion to Reconsider Order Denying Defense Motions to Abate Proceedings</p> <p>3 June 2015</p>
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1. On 1 October 2013, this Commission denied several motions¹ to abate the proceedings (AE 155A, AE 155J, and, AE 155M) due to alleged infringements of Defense’s privileged work-product and communications stored on or transmitted over government-provided information systems. Mr. Mohammad filed a request for reconsideration of the denial, alleging the Commission “fundamentally misperceives the gravamen of the Defense Motion,” made erroneous findings of fact, and failed to address controlling constitutional law in its order.²
2. Prior to issuing its Order³, the Commission considered the written submissions and oral arguments of both parties, the testimony of witnesses presented, and all ancillary filings and submissions by the parties. The Commission made findings of fact based on the evidence and applicable law before it. Although Mr. Mohammad disagreed with some of the findings, he

¹ Defense Motion to Abate Proceedings due to the Government’s Violation of Privilege as it Pertains to Electronic Files, Communications, and Investigation, filed 12 April 2013 (AE 155A (WBA, KSM, RBS, MAH)); Mr. al Baluchi’s Defense Response To Government Motion For Military Judge to Compel Defense Counsel to Provide Written Notice of Lost Data Impacting Motions Docketed for June 2013 and Attorney-Client Communications Allegedly Accessed by the Prosecution, filed 30 May 2013 (AE 155J(AAA)); and Joint Defense Motion to Abate Proceedings and Renew Defense Motions AE155(Mohammad, AAA, RBS, MAH) and AE155A(WBA, Mohammad, RBS, MAH) to remedy the Government’s Violation of Privilege as it Pertains to Electronic Files, Communications, and Investigation, filed 16 August 2013(AE 155M).

² Mr. Mohammad’s Motion to Reconsider AE 155II Order Denying Defense Motions to Abate Proceedings, filed 18 October 2013 (AE 155JJ (KSM)).

³ AE 155II.

failed to demonstrate any additional facts or a change in the facts which have not already been placed before the Commission.

3. Reconsideration is appropriate to address new facts, law, or changes within the facts or law.

Defense has not raised any new matters raised to the Commission on these issues therefore

Defense's Motion for Reconsideration is thus **DENIED**.

So ORDERED this 3rd day of June, 2015.

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JAMES L. POHL
COL, JA, USA
Military Judge