

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

UNITED STATES OF AMERICA

v.

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

AE 227D

ORDER

Defense Motion
to Compel the Prosecution to
Allow the Defense to Receive and
Share Unclassified, Un-redacted,
Discovery with Mr. Hawsawi

26 August 2016

1. On 26 September 2013, Mr. Hawsawi filed a motion¹ requesting the Commission issue an order permitting Mr. Hawsawi to review unclassified discovery consisting of 24 disciplinary reports provided by the Government to the Defense in discovery. Mr. Hawsawi further moved the Commission to compel the Government to provide Mr. Hawsawi’s Defense Counsel un-redacted copies of 24 unclassified disciplinary reports. The Government responded² notifying the Commission it intended to provide Counsel for Mr. Hawsawi “unclassified/releasable to the detainee” versions of the disciplinary reports. The Government argued the remaining requested relief should be denied, as the redacted information contained in the unclassified reports is neither relevant nor material to the preparation of the defense. Counsel for Mr. Hawsawi replied,³ arguing the redacted information is material to the preparation of the defense.
2. During oral argument on 27 July 2016,⁴ the Government stated it intended to provide the requested discovery to the Defense.⁵ On 28 July 2016, the Government provided a notice⁶ to the Commission that

¹ AE 227 (MAH), Defense Motion to Compel the Prosecution to Allow the Defense to Receive and Share Unclassified, Un-redacted, Discovery with Mr. Hawsawi, filed 26 September 2013.

² AE 227A (GOV), Government Response To Defense Motion To Compel the Prosecution to Allow the Defense to Receive and Share Unclassified, Un-redacted, Discovery with Mr. Hawsawi, filed 10 October 2013.

³ AE 227B (MAH), defense Reply to Government Response to Defense Motion to Compel the Prosecution to Allow the Defense to Receive and Share Unclassified, Un-redacted, Discovery with Mr. Hawsawi, filed 17 October 2013.

⁴ Unofficial/Unauthenticated Transcript of Khalid Shaikh Mohammad et al. Hearing Dated 27 July 2016 from 9:02 AM to 10:34 AM at pp. 13254-13257.

⁵ *Id.* at 13256.

“unclassified/releasable to the detainee” versions of the disciplinary reports were provided to Defense

Counsel for Mr. Hawsawi on 27 July 2016.

3. **Order:** AE 227 is now **MOOT**.

So **ORDERED** this 26th day of August, 2016.

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

⁶ AE 227C (GOV), Government Notice Of Status of Discovery Relevant to the AE 227 Motion Series, filed 28 July 2016.