

**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 292LLL

ORDER

Defense Response to Government Motion for
Reconsideration of AE292QQ(Order) Order
on Defense Motion to Abate Proceedings and
Inquire Burdening Counsel's Representation
of Accused

14 October 2014

1. The Commission has previously scheduled a hearing for 16 and 17 October 2014.¹ An Order² of this Commission directed certain actions by the SRT in regard to the Defense Motion to abate proceedings and inquire into a potential conflict of interest.³ A series of interim responses⁴ were filed by the SRT and the most recent⁵ was received on 9 October 2014.
2. In this reply the SRT has indicated they have “been informed by DoD that, as of the time of this filing, a review of that information is still ongoing”⁶ but assert “routine actions taken by DoD security officers to ensure compliance with security protocols” does not create a conflict of interest.⁷

¹ Amended Docketing Order, 22 September 2014 (AE 322B).

² Order, 27 August 2014 (AE 292XX) (Under Seal)

³ Emergency Joint Defense Motion to Abate Proceedings and Inquire into Existence of Conflict of Interest Burdening Counsel's Representation of Accused, filed 13 April 2014 (AE 292).

⁴ Submission by Special Review Team in Compliance with AE 292XX (Order), filed 12 September 2014 (AE 292ZZ (GOV)); Notice Of *Ex Parte* Under Seal Submission by Special Review Team, filed 29 September 2014 (AE 292EEE (GOV)); Notice Of *Ex Parte* Under Seal Submission by Special Review Team, filed 6 October 2014 (AE 292GGG (GOV)); Fourth Submission by Special Review Team in Compliance with AE 292XX (Order), filed 9 October 2014 (AE 292III (GOV)) *Ex Parte*/Under Seal

⁵ Reply by Special Review Team to AE 292WW (RBS), Defense Response to SRT's Motion for Reconsideration of AE 292QQ (Order), filed 9 October 2014 (AE 292HHH (GOV)).

⁶ *Id.*, p 5.

⁷ *Id.*, p 2.

3. The Defense will file responses to the SRT's assertions both as to the lack of conflict and the lack of a need for discovery by 24 October 2014.
 4. Given the ongoing nature and current status of the DoD inquiry, the Commission does not believe that a proper assessment of any conflict can be accomplished in a meaningful manner to enable a productive hearing on 16 and 17 October 2014.
 5. The hearing now scheduled for 16 and 17 October 2014, at the U.S. Naval Station, Guantanamo Bay, Cuba, is hereby **CANCELLED**.
- So **ORDERED** this 14th day of October, 2014.

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