

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 312D

ORDER

Government Emergency Motion To  
Reconsider AE 312 Severance Order

27 November 2015

1. On 24 July 2014, this Commission issued an order<sup>1</sup> severing the case of *United States v. Ramzi Bin al Shibh* from the cases of *United States v. Khalid Shaikh Mohammad, Walid Muhammad Salih Mubarak Bin 'Attash, Ali Abdul Aziz Ali, and Mustafa Ahmed Adam al Hawsawi*. This Commission, concerned about inordinate delays attributable to issues impacting only the case against Mr. bin al Shibh, directed the severance to provide the other Accused “some modicum of timely justice.”<sup>2</sup> The Prosecution filed an emergency motion for reconsideration,<sup>3</sup> requesting the Commission “to hold the Severance Order in abeyance, proceed on the presumption that Mr. Bin al shibh is competent to stand trial, and schedule further inquiry on the issues raised in AE 292 in August and October 2014...” Argument was heard on 11 and 13 August 2014<sup>4</sup> and, over defense objection,<sup>5</sup> this Commission issued an order abating the severance order.<sup>6</sup>

<sup>1</sup> AE 312, Severance Order, dated 24 July 2014.

<sup>2</sup> *Id.* para. 8.

<sup>3</sup> AE 312A Government Emergency Motion To Reconsider AE 312 Severance Order, filed 30 July 2014.

<sup>4</sup> Unofficial/Unauthenticated Transcript of the Ramzi Bin al Shibh Motions Hearing Dated 8/11/2014 from 9:13 AM to 10:27 AM.

<sup>5</sup> *Id.* See also AE 312B (RBS) Defense Response To Government Emergency Motion to Reconsider AE 312 Severance Order, filed 13 August 2014.

<sup>6</sup> AE 312C ORDER Government Emergency Motion To Reconsider AE 312 Severance Order, dated 13 August 2014.

2. With the resolution of the issues<sup>7</sup> leading this Commission to conclude a severance order was necessary AE 312, the original severance order, and AE 312C, the abatement order, are

**RESCINDED.**

So **ORDERED** this 27<sup>th</sup> day of December, 2015.

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

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<sup>7</sup> See AE 152J Government Motion For R.M.C. 909 Hearing in April 2014 and Direct Inquiry by the Military Judge to Mr. Bin a Shihb Regarding His Capacity to Stand Trial By Military Commission, filed 4 February 2013, *et seq.* and AE 292 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, *et seq.*