

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 BINALSHIBH,
ALI ABDUL-AZIZ ALI,
MUSTAFA AHMED ADAM AL
HAWSAWI**

AE 325H

SCHEDULING ORDER

13 August 2015

1. In April 2014, the Defense filed a motion¹ requesting the Commission inquire into potential conflicts of interest arising from inquiries by the Federal Bureau of Investigation (FBI) into one or more defense teams. After appointment of a Special Review Team (SRT), walled off from the Prosecution, and further inquiry the Commission issued an order² in July 2014 indicating it had found no basis for conflict on the part of four of the Defense Teams but could not, with confidence, provide such an assurance as to the Defense Team representing Mr. bin al Shibh.

2. In August 2014, the Commission directed the SRT, in a classified, under seal, order, to conduct certain actions in regard to the inquiry concerning the potential conflict of interest.³ Since that order the SRT has provided a series of classified, *ex parte*, updates to the Commission culminating in the latest filing on 7 August 2015.⁴

¹ 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).

² Order, Emergency Joint Defense Motion to Abate Proceedings and Inquire into Existence of Conflict of Interest Burdening Counsel's Representation of Accused, 24 July 2014 (AE 292QQ).

³ Commission Order, 27 August 2014 (AE 292XX).

⁴ Notice of Ex Parte Under Seal Filing by Special Review Team, filed 12 September 2014 (AE 292ZZ); Notice of Ex Parte Under Seal Filing by Special Review Team, filed 29 September 2014 (AE 292EEE); Notice of Ex Parte Under Seal Filing by Special Review Team, filed 7 October 2014 (AE 292GGG); Notice of Ex Parte

3. Conflict free defense counsel are necessary before sessions may resume in the normal course of business. Based upon the latest filing by the SRT, the session of the Commission scheduled for 24 August – 4 September 2015, is **CANCELLED**.

So ORDERED this 13th day of August, 2015.

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

Under Seal Filing by Special Review Team, filed 9 October 2014 (AE 292III); Notice of Ex Parte Under Seal Filing by Special Review Team, filed 26 November 2014 (AE 292OOO); Notice of Ex Parte Under Seal Filing by Special Review Team, filed 5 December 2014 (AE 292RRR); Notice of Ex Parte Under Seal Filing by Special Review Team, filed 11 December 2014 (AE 292UUU); Notice of Ex Parte Under Seal Filing by Special Review Team, filed 20 January 2015 (AE 292AAAA); Notice of Ex Parte Under Seal Filing by Special Review Team, filed 9 February 2015 (AE 292DDDD); Notice of Ex Parte Under Seal Filing by Special Review Team, filed 10 April 2015 (AE 292HHHH); Notice of Ex Parte Under Seal Filing by Special Review Team, filed 24 April 2015 (AE 292III); Notice of Ex Parte Under Seal Filing by Special Review Team, filed 15 May 2015 (AE 292KKKK); Notice of Ex Parte Under Seal Filing by Special Review Team, filed 1 July 2015 (AE 292MMMM); and Notice of Ex Parte Under Seal Filing by Special Review Team, filed 7 August 2015 (AE 292QQQ).