

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 332C**

**ORDER**

**DEFENSE MOTION FOR MEDICAL  
INTERVENTION**

**10 MARCH 2015**

1. This ruling applies only in the case of the *United States v Mustafa Ahmend Adam Al Hawsawi*.
2. Mr. al Hawsawi filed a motion requesting the Commission issue an Emergency Order compelling: [a.] the immediate return of Mr. al Hawsawi's medical devices and medications; [b.] immediate and appropriate medical testing to determine the exact source of blood in Mr. al Hawsawi's urine; [c.] release of all medical records to date to counsel and to Mr. al Hawsawi's treating physician(s); [d.] a meeting with Mr. al Hawsawi's physician(s); [e.] an order to medical personnel to provide whatever immediate medical procedures are necessary under established standards of care in order to remedy Mr. al Hawsawi's severe and chronic (long-standing) medical conditions; and [f.] to return Mr. al Hawsawi's legal bins and to immediately cease further interference with his access to legal materials.<sup>1</sup> Mr. Hawsawi supplemented this motion with additional information and argument, again requesting this Commission order items [b] through [e] *supra*.<sup>2</sup>

<sup>1</sup> Defense Emergency Motion for Appropriate Medical Intervention and Return of Legal Files, filed 15 December 2014 (AE 332(MAH)).

<sup>2</sup> Mr. Hawsawi's Supplement to AE 332(MAH) Defense Emergency Motion for Appropriate Medical Intervention and Return of Legal Files, filed 2 February 2015 (AE 332(MAH Sup)).

3. The Government's response provided amplifying information to some of the assertions made in the Defense's motion, as well as detailing the period of time Mr. Hawsawi was unable to access his legal bin.<sup>3</sup> The Government argued: "Mr. Hawsawi continues to have full access to his legal bins/materials. . . ."<sup>4</sup> Oral argument was conducted on 12 February 2014.<sup>5</sup>

4. Defense's request for the Commission to compel JTF-GTMO to allow Mr. Hawsawi's access to his legal bin is **MOOT**.

5. Of the remaining items Mr. Hawsawi has requested the Commission to compel, the Defense has not shown they are within the jurisdiction of this Commission.<sup>6</sup> This Commission has been established to try alien unprivileged enemy belligerents for violations of offenses triable by military commissions. 10 U.S.C. § 948b. Its jurisdiction is limited to try persons subject to the Military Commissions Act of 2009. 10 U.S.C. § 948d. Thereby, this Commission does not have the authority to address issues concerning medical care.

6. The Defense motion for appropriate medical intervention is **DENIED**.

So ORDERED this 10th day of March, 2015.

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

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<sup>3</sup> Government Response to Defense Emergency Motion for Appropriate Medical Intervention and Return of Legal Files, filed 29 December 2014 (AE 332B(GOV)).

<sup>4</sup> *Id.* at 4.

<sup>5</sup> Unofficial/Unauthenticated Transcript of the Khalid Shaikh Mohammad et al. (2) Motions Hearing Dated 12 February 2015 from 9:04 A.M. to 10:31 A.M. at pp. 8386 - 8421.

<sup>6</sup> Government counsel listed numerous other paths for the Defense to attempt to pursue. *See* Unofficial/Unauthenticated Transcript of the Khalid Shaikh Mohammad, et al. (2) Motions Hearing Dated 12 February 2015 from 9:04 A.M. to 10:31 A.M. at pp. 8411.