

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 369C

**ORDER
(CORRECTED COPY)**

Emergency Defense Motion for a Protective
Order to Protect the Attorney-Client
Privilege Between LtCol Gleason
and Mr. al Hawsawi

8 September 2015

1. Mr. Hawsawi has filed a motion requesting this Commission issue a protective order preventing LtCol Sean Gleason from being required in the case of *United States v. Hadi al-Iraqi* to reveal any information regarding discussions he has had with Mr. Hawsawi or other members of Mr. Hawsawi's Defense Team and preventing LtCol Gleason from having to comply with the order from the military judge presiding over *United States v. Hadi al-Iraqi* to meet with Mr. Hadi al-Iraqi.¹ The Government opposed the Defense motion.² Mr. Hawsawi filed a reply reiterating the relief requested in the original motion.³
2. Pursuant to §948j of the Military Commissions Act of 2009,⁴ a military judge has been detailed to preside over the case of *United States v. Hadi al-Iraqi*. The military judge in that Commission has authority to issue orders regarding issues arising from that Commission.⁵

¹ Emergency Defense Motion for a Protective Order to Protect the Attorney-Client Privilege Between LtCol Gleason and Mr. al Hawsawi, 24 July 2015 (AE 369 (MAH)).

² Government Response to Defense Emergency Motion for a Protective Order to Protect the Attorney-Client Privilege Between LtCol Gleason and Mr. Hawsawi, 3 August 2015 (AE 369A(GOV)).

³ Defense Reply to Government Response to Defense Emergency Motion for a Protective Order, 10 August 2015 (AE 369B (MAH)).

⁴ *10 U.S.C. §948j (2009).

⁵ *10 U.S.C. §949d (2009).

3. Mr. Hawsawi requests this Commission issue a protective order to provide relief from an order issued by the military judge in *United States v. Hadi al-Iraqi*. This Commission is not the proper forum to request relief from an order issued by the military judge in *United States v. Hadi al-Iraqi*. Any such relief requested is appropriately filed with the military judge presiding over *United States v. Hadi al-Iraqi* or with appellate authorities for that Commission.⁶

4. The motion by Mr. Hawsawi requesting this Commission issue a protective order regarding LtCol Gleason is **DENIED**.

So **ORDERED** this 8th day of September 2015.

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

⁶ Id. See also *10 U.S.C. §§950f and 950g and 28 U.S.C. §1651 (2006).

* Correction to footnotes 4, 5, and 6 replacing 47A with 10.