

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 374 DOCKETING ORDER 21 September 2015
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1. A hearing in this case will take place 19 October – 30 October 2015, at the US Naval Station, Guantanamo Bay, Cuba. The hearing will begin at 0900 on 19 October 2015.
2. All accused must be present for the session on 19 October 2015.
3. Independent Defense Counsel appointed for Mr. bin al Shibh will be present.
4. During this session the United States will be represented by the Special Review Team for those portions of the hearing pertaining to AE 292, Emergency Joint Defense Motion to Abate Proceedings and Inquire into Existence of Conflict of Interest Burdening Counsel’s Representation of Accused.
5. Contingent upon the outcome of AE 292, the United States will be represented by detailed Trial Counsel for the portions of the hearing pertaining to argument on the following motions:
 - a. **AE 152J:** Government Motion For R.M.C. 909 Hearing in April 2014 and Direct Inquiry by the Military Judge to Mr. bin al-Shibh Regarding His Capacity to Stand Trial By Military Commission;
 - b. **AE 350B:** Government Motion Requesting the Commission Compel and Review, *in camera*, All Documents In the Convening Authority’s Possession Pertaining to the Request for Linguist Services by Mr. bin al-Shibh’s Defense Team and Other Translator Support for This Session;
 - c. **AE350C:** Defense Motion for Deposition of Witness Known as “The Former CIA Interpreter Utilized by Mr. bin al-Shibh’s Defense Team”;
 - d. **AE350D:** Mr. al Baluchi’s Motion for Appointment of Independent Counsel;
 - e. **AE350O:** Mr. al Baluchi’s Motion to Compel Production of Information Regarding the Former CIA Interpreter Utilized by Mr. bin al-Shibh’s Defense Team;

f. **AE 254Y:** Emergency Defense Motion to Bar Regulations Substantially Burdening Free Exercise of Religion and Access to Counsel;

g. **AE 254WW:** Defense Motion for Appropriate Relief Based on Unlawful Influence Directed at the Military Judge;

h. **AE 254:** Emergency Defense Motion to Permit Attorney-Client Meetings 3 and 4 December 2013;

i. **AE 008:** Defense Motion to Dismiss for Defective Referral;

j. **AE 031:** Joint Defense Motion to Dismiss for Unlawful Influence;

k. **AE 107:** Defense Motion to Dismiss for Lack of Jurisdiction;

l. **AE 112:** Motion to Compel Discovery Related to White House and DOJ Consideration of the CIA Rendition, Detention and Interrogation Program;

m. **AE 114:** Motion to Compel Discovery of Information Related to Buildings in Which the Accused or a Potential Witness Has Been Confined;

n. **AE 114F:** Defense Motion to Compel Government to Grant Defense Counsel Access to Buildings and Locations in Which the Defendants May Have Been Confined;

o. **AE 018EE:** Defense Motion to Compel Discovery Responsive to Mr. Mohammad's Request for Discovery Dated 14 March 2014;

p. **AE 018FFF:** Defense Motion to Compel Production of Witnesses for the Evidentiary Hearing on Motions in the AE 018PP Series;

q. **AE 018W:** Joint Defense Motion to Amend AE 18U, Privileged Written Communications Order;

r. **AE 018Y:** Government Emergency Motion for Interim Order and Clarification that the Commission's Order in AE018U Does Not Create a Means for Non-Privileged Communications to Circumvent the Joint Task Force Mail System;

s. **AE 018BB:** Defense Motion to Compel Paper Discovery in Accordance with Privileged Written Communications Order;

t. **AE 018KK:** Defense Motion to Invalidate Non-Legal Mail Restrictions Unrelated to Legitimate Penological Interests;

u. **AE 018MM:** Defense Motion to Compel Reasonable Privilege Review Team Hours of Operation;

v. **AE 018PP:** Defense Motion for Government to Show Cause For Its Violation of AE 018U;

w. **AE 018QQ:** Mr. al Baluchi's Supplement to Defense Motion for Government to Show Cause for Its Violation of AE018U;

x. **AE 018TT:** Defense Motion for Appropriate Relief Regarding AE 018OO (MAH);

y. **AE018VV:** Defense Motion to Modify AE018U, Privileged Written Communications Order, to Facilitate Case-Related Outbound Communications;

z. **AE118:** Motion to Abate Proceedings Pending Compliance with Protective Order #1;

aa. **AE 119:** Defense Motion to Dismiss and to Compel a Status Determination pursuant to Article 5 of the Geneva Conventions;

bb. **AE 152:** Emergency Defense Motion To Order the Cessation of External Use of Sounds and Vibrations to Interfere with Mr. bin al-Shibh's Confinement and with the Attorney-Client Relationship and to Allow Expert Inspection of his Cell, Substructure/Foundation, Surrounding Areas of the Cell, and the Cell Control Room;

cc. **AE161:** Defense Motion to Require the Government to Comply with MCRE 506 Regarding Redaction of Unclassified Discovery;

dd. **AE 182H:** Joint Defense Motion for an Order Compelling Prosecution to Return Laptop Computers to the Defendants or in the Alternative to Show Cause Why it Should Not be Held in Contempt;

ee. **AE 183:** Joint Defense Motion for Telephonic Access for Effective Assistance of Counsel;

ff. **AE 190:** Defense Motion to Compel Production of Information Relating to Statements Made by Mr. al Baluchi or Potential Witness at a Detention Facility;

gg. **AE 191:** Defense Motion to Compel Production of Information;

hh. **AE194:** Defense Motion to Compel Discovery of Mr. al Baluchi's Statements;

ii. **AE 195:** Joint Notice of Defense Motion to Compel Production of Communications Between Government and Filmmakers of Zero Dark Thirty;

jj. **AE 206:** Defense Motion to Cease Daily Intrusive Searches of Living Quarters and Person;

kk. **AE 343:** Defense Motion to Dismiss For Unlawful Influence on Trial Judiciary;

ll. **AE 364:** Joint Defense Motion to Allow Individual Relief During Attorney-Client Meetings; and

mm. **AE 371:** Mr. Mohammed's Motion to Send Letter to the President (if fully briefed).

6. Counsel should be prepared to argue any other motion for which the briefing cycle has been completed. If either side believes other issues should be addressed, they may request this Commission to amend this order.

7. A Rule for Military Commission (R.M.C.) 802 Conference will be held at 1700 hours on Saturday, 17 October 2015, to discuss AE 292. Further 802 conferences will be predicated upon the outcome of AE 292 as to the other motions and will be held at a date and time to be determined.

8. If required, hearings under the provisions of Military Commission Rule of Evidence (M.C.R.E.) 505 (h) will be conducted at times to be determined.

9. The time which has transpired since arraignment until the date of the next session (19 October 2015) shall be considered excludable delay in accordance with R.M.C. 707(b) (4) (E) (i) and R.M.C. 707(c). I find that the interests of justice have been served by granting continuances for the resolution of interlocutory and other pretrial issues, and that the resolution of these issues outweighs the interests of the public and the accused in a prompt trial.

So **ORDERED** this 21st day of September, 2015.

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JAMES L. POHL
COL, JA, USA
Military Judge