

"Afghanistan. Reassessing the Taliban's 2007 Spring Offensive." **Jamestown Foundation, (Think Tank run by former National Security Advisor Brzezinski). Washington DC.** June 2007.

"Tracking Al Qaeda and Taliban Suicide Bombers in Afghanistan." **Islam and Democracy Conference. Center for Asian Democracy. University of Louisville. Louisville, Kentucky.** March 2008.

"A Field Report from Afghanistan." **Center for World Affairs and Global Economy and Wisconsin Veterans Museum. Madison, Wisconsin.** November 2007.

"Profiling Afghan Suicide Bombers." **Radicalization Through Local and Global Networks. Conference Organized by CIA's Counter Terrorism Center. Tysons Corner, Virginia.** September 2007.

"*Backgrounder on Islam, Suicide Terrorism and Jihad in the Middle East.*" **Joint Information Operations Warfare Center. Lackland Air Base, San Antonio, Texas.** September 2006.

"*The Ethnic Sub-Text To Warfare and Terrorism in the Middle East.*" **Club de Madrid, Democracy and Terrorism, International Conference led by Kofi Annan. Madrid, Spain.** March 2005.

"*Grafting Jihad to the Chechen Insurgency. Re-assessing the Role of 'Al Qaeda' in Chechen Terrorism.*" **Central Asia/Caucasus Forum. Harvard University. Boston.** November 2004.

"*The Role of Anti-Taliban Horsemen in the War on Terror in Afghanistan.*" **Central Asia/Caucasus Forum. Harvard University. Boston.** April 2004.

"*Waging 'Jihad' in Chechnya. The Role of Transnational Islamic Brigades in the Chechen Secessionist Struggle.*" **International Institute for Strategic Studies, London.** October 2004.

"*Report from Afghanistan. Reassessing The Role of Warlords in Post-Taliban Afghanistan.*" **Eurasian Studies Group. Naval War College. Newport, Rhode Island.** September 2003.

"*Critically Exploring Al Qaeda Links to the Chechen Guerrilla Formations in the Current Russo-Chechen War.*" **Eurasian Studies Group. Naval War College. Newport, Rhode Island.** September 2002.

"*Symbolic and Practical Dimensions of the Territorial Discourse in the Middle East: A Comparative Analysis.*" **The Herzog Center for Middle Eastern History and Diplomacy. Ben Gurion University, Israel. European University Institute, Florence, Italy.** December 2001.

"The Demographic Structure of the Ottoman Empire in the Late 19th and 20th c." Chair. United Kingdom Council of Turkish Students Society. **London School of Economics, London.** January 2001.

"Ethnic Cleansing in the USSR. The Case of the Crimean Tatars." **London School of Economics, Russian and East European Political Science Forum, London.** January 2001.

"Jihad in the Caucasus. The Role of the Middle East in the Second Russo-Chechen War." **University of London, Middle Eastern History Forum, London.** September 2000.

PAPERS GIVEN AT ACADEMIC CONFERENCES

"The Insurgents' Spring Offensive. A Perspective From the Ground." **Voices on Afghanistan Conference. Hosted by Office of the Secretary of Defense and University of Texas, San Antonio. San Antonio, Texas.** January 2008.

"Al Qaeda's State Building Project in Iraq." **Etats Fragiles, Conflits et Terrorisme. Universite Laval, Quebec.** November 2007.

"Tracing the 'Iraq Effect' in the 'Forgotten War' in Afghanistan." **Istanbul Conference on Democracy and Global Security (Hosted by Turkish Police). Istanbul.** June 2007.

"Understanding Jihadi Terrorism Sanctuaries in Afghanistan, Kashmir, Bosnia, Chechnya, Somalia and Iraq." **International Symposium on Global Crises. Fletcher School. Tufts University, Boston.** March 2007.

"Warlord. Dostum and the Uzbek Militias of Northern Afghanistan, 1979-2005." **10th Annual World Convention of the Association for the Study of Nationalities. Columbia University, New York.** March 2006.

"Jihad and Dezinformatsiia: Critically Assessing Russia's War on Militant Islam from Afghanistan to Chechnya." **Central Eurasian Studies Society 6th Annual Convention. Boston University, Boston.** October 2005.

"Operation Enduring Freedom, 2001-2005. Waging Counter-Jihad in Post-Taliban Central Asia." **46th Annual International Studies Association Conference, Honolulu Hawaii.** March 2005.

"Dostum. Living With a Warlord in Afghan Turkestan." (Extraordinary two hour video presentation/discussion) **8th Annual World Convention of the Association for the Study of Nationalities. Columbia University, New York.** April 2004.

"Quagmire. Critically Assessing the Second Russo-Chechen War." Central Eurasian Studies Society 4th Annual Conference. Harvard University, Boston. October 2003.

"Assessing Islamism and Terrorism, Angles in Chechnya and Palestine." The Japan Center for Conflict Prevention. E Symposium. Tokyo, Japan. May 2003.

"The Chechen Resistance. Freedom Fighters or Al Qaeda-Sponsored Terrorist Movement." 7th Annual World Convention for the Study of Nationalities. Columbia University, New York. April 2003.

"The Forced Migration of the Crimean Tatars." International Conference on Forced Migration. University of Bath. Bath, England September 2002.

"The Role of Ethnic Cleansing in Crimean Tatar History. A Critical Reinterpretation." 3rd Annual Conference of the Central Eurasian Studies Society. Madison, Wisconsin. October 2002.

"The Hidden Ethnic Cleansing of Muslims in the Soviet Union." American Historical Association Annual Meeting. San Francisco. January 2002.

"Ethnocide in the USSR. The Crimean Tatar Exile in Central Asia." 6th Annual World Convention for the Study of Nationalities. Columbia University, New York. April 2001.

"Deportation and Ethnic Cleansing of the Crimean Tatars." 34th Annual History Forum. Conference on Ethnic Cleansing in Twentieth Century Europe. Duquesne University with Austin College. Pittsburgh, Pennsylvania. November 2000.

"Ak Toprak. Ethno-political Mobilization of the Crimean Tatar Diaspora in the Republic of Turkey." 5th Annual World Convention for the Study of Nationalities. Columbia University. New York. April 2000.

"Ethnic Cleansing of Muslim Nations in the USSR." University of London, School of Slavonic and East European Studies and SOAS. Central Asian Studies Lecture Series. London. February 2000.

"Ethnocide in the USSR. The Deportation of the Crimean Tatars." Association of Genocide Scholars, 3rd Annual Convention. University of Wisconsin, Madison. June 1999.

"Russian Colonial Rule in the Tauride and the Crimean Tatar Migrations to Turkey." 4th Annual World Convention for the Association for the Study of Nationalities. Columbia University New York. April 1999.

"Post-Soviet Constructions of Land, Homeland and Nation in Contemporary Crimean Tatar and Uzbek National Politics." 3rd Annual World Convention for the Study of Nationalities. Columbia University, New York. April 1998.

SAMPLE OF HISTORY COURSES TAUGHT

The Ottoman Roots of Ethnic Conflict in the Balkans (MA colloquium) **University of London SOAS**

The Formation of the Ottoman Empire. **University of London SOAS**

The Middle East in the Middle Ages. **University of London SOAS**

Senior Seminar. Terrorism in the Middle East. PLO, Hezbollah, Hamas, Al Qaeda, Kashmiri Groups, Iraqi Jihadi Groups. **University of Massachusetts-Dartmouth.**

Empires and Invasions A History of Afghanistan from Genghis Khan to the War on Terror. **University of Massachusetts-Dartmouth.**

A History of the Russian Empire From Ivan the Terrible to Putin. **University of Massachusetts-Dartmouth.**

Introduction to Islam and Middle Eastern History. **University of Massachusetts-Dartmouth.**

A History of the Russo-Chechen Conflict. **University of Massachusetts-Dartmouth.**

A History of Russian-Soviet Central Asia. **University of Massachusetts-Dartmouth.**

FIELD RESEARCH EXPERIENCE IN EURASIA

Turkey 1987, 1995, 2004, 2005, 2006, 2007 (summer 2008 Turkish Kurdish areas)

India and Kashmir 2007

Afghanistan 2003, 2005, 2007

Azerbaijan 2003, 2007

Kosovo, Macedonia 2001

Ukraine (Crimea) 1997

Uzbekistan 1997

Egypt, Israel, Jordan 1996

Kazakhstan 1996

Kyrgyzstan 1995

Russian Federation 1992

Yugoslavia (Bosnia, Montenegro, Croatia) 1987

USSR (Russian Federal Soviet Republic, Ukrainian Soviet Socialist Republic) 1986/87

Poland, Hungary 1986

No. 06-1196

IN THE SUPREME COURT OF THE UNITED STATES

KHALED A.F. AL ODAH, *et al.*,
Petitioners,

v.

UNITED STATES OF AMERICA, *et al.*,
Respondents.

AFFIDAVIT OF LIEUTENANT COMMANDER WILLIAM C. KUEBLER

Lieutenant Commander William C. Kuebler, being duly sworn, deposes and says:

1. I am Counsel of Record for Omar A. Khadr ("Mr. Khadr"), as Respondent Supporting Petitioners, in the above-captioned case. I am also the Detailed Defense Counsel for Mr. Khadr in the military commission case of *United States v. Omar A. Khadr*. Mr. Khadr is a 21 year-old Canadian citizen, currently detained as an "enemy combatant" by the United States at the Guantanamo Bay Naval Station.
2. On 5 and 6 June 2008, while reviewing materials provided to the defense in the course of discovery in Mr. Khadr's pending military commission case, I reviewed a document entitled "Tiger Team Standard Operating Procedure (SOP) for the JTF GTMO Joint Intelligence Group (JIG) Interrogation Control Element (ICE). ("Tiger Team SOP").¹ The Tiger Team SOP is an attachment to the "Schmidt-Furlow Report," a Department of Defense ("DoD") investigation into allegations of detainee abuse at the Guantanamo Bay Naval Station. The paragraphs of the Tiger Team SOP are individually marked as to their level of classification. The matters referenced herein are derived exclusively from the unclassified portions of the Tiger Team SOP.
3. The contents of the Tiger Team SOP, as related herein, are based on my verbatim transcription of unclassified portions of the Tiger Team SOP. Although the prosecution in Mr. Khadr's military commission case has made the Schmidt-Furlow report available for review in its offices, the prosecution has refused to provide the defense with a copy of the report or its attachments. Upon leaving the prosecution offices on 6 June 2008, I confirmed with counsel for the government that it would be appropriate to use information from the unclassified portions of the Tiger Team SOP in an unclassified filing.

¹ The unclassified cover page, indicates that the Tiger Team SOP was initially promulgated on 21 January 2003, and subsequently "revised" on 12 June 2003 and 26 July 2004, suggesting it was in effect (at a minimum) during most of 2003 and 2004.

4. Paragraph 2 of the Tiger Team SOP prescribes its scope and applicability:

~~(S)~~ **Scope.** These procedures and responsibilities apply to Tiger Teams serving within the Interrogation Control Element (ICE), Joint Interrogation Group (JIG) of Joint Task Force (JTF) GTMO.”

5. Paragraph 6 defines the term “Tiger Team”:

~~(S)~~ **Tiger Teams.** Intelligence exploitation teams consisting primarily of an Analyst and Interrogator who continuously work together during the Battle Rhythm Cycle.”

6. Subparagraph 3 of paragraph 14 governs policy relating to retention of handwritten interrogator notes by Tiger Team interrogators:

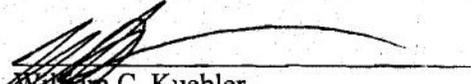
“(3) ~~(S)~~ Once Interrogator Notes² and/or [Intelligence Information Reports] have been created (Appendix G), handwritten interrogator notes may be destroyed. This mission has legal and political issues that may lead to interrogators being called to testify, keeping the number of documents with interrogation information to a minimum can minimize certain legal issues.”

7. The defense in Mr. Khadr’s military commission case has re-requested the government to provide it with a copy of Tiger Team SOP. If not immediately forthcoming, the defense will request the military judge to compel such production on an expedited basis. Given previous rulings of the military commission relating to the scope of discovery, the defense expects to receive a copy of the Tiger Team SOP and will file an appropriately-redacted, unclassified version of the document (or excerpts thereof) with this Court at the earliest opportunity.

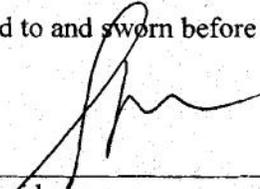
8. The defense in Mr. Khadr’s military commission case has requested production of handwritten notes relating to intelligence interrogations of Mr. Khadr at both the Guantanamo Bay Naval Station and the Bagram Collection Point, Bagram Airbase, Afghanistan.³ Counsel for the government claim that, after a diligent search, they have been unable to locate and unable to provide responsive materials.

² Despite the name, these are *typewritten* documents summarizing the interrogation.

³ The government appears to have preserved, and has provided the defense with copies of handwritten notes taken by *law enforcement* agents, e.g., agents of the Federal Bureau of Investigation and Criminal Investigation Task Force, for *some* interrogations. The defense has, however, been provided with numerous Intelligence Information Reports and typewritten Interrogator Notes relating to *intelligence* interrogations for which there are no known handwritten interrogator notes.


William C. Kuebler
LCDR, JAGC, USN

Subscribed to and sworn before me this 8th day of June 2008


Steven David
Col, JA, USAR
Authority: 10 U.S.C. § 1044a
No seal required



OFFICE OF THE SECRETARY OF DEFENSE
OFFICE OF MILITARY COMMISSIONS
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600

CONVENING AUTHORITY

11 June 2008

MEMORANDUM FOR LCDR WILLIAM KUEBLER

SUBJECT: Request for Dr. Laurence Steinberg as an expert witness in *United States v. Khadr*

I received the request dated 16 May 2008 for approval of Dr. Laurence Steinberg as an expert witness in the field of confession reliability. I reviewed your submission as well as the memorandum from the trial counsel. At this time, I approve Dr. Steinberg as an expert witness only for pretrial proceedings. I approve 40 hours at a rate of \$500.00/hour with a maximum of \$5,000.00 for any single day and reasonable costs for travel to and from the trial site. The 40 hours are approved in order to: (1) review material; (2) prepare a written report; (3) consult with both defense and trial counsel; and (4) testify at a pretrial hearing.

A handwritten signature in cursive script that reads "Susan J. Crawford".

Susan J. Crawford
Convening Authority for
Military Commissions



**DEPARTMENT OF DEFENSE
OFFICE OF THE CHIEF DEFENSE COUNSEL
OFFICE OF MILITARY COMMISSIONS**

13 June 2008

MEMORANDUM FOR THE CONVENING AUTHORITY

Subj: *UNITED STATES v. KHADR* – DEFENSE REQUEST FOR PRODUCTION OF EXPERT WITNESS JOHN NIXON

Encl: (1) Curriculum Vitae of John Nixon
 (2) Letter of John Nixon
 (3) Memorandum to Commander, 28 July 2002
 (4) After Action Report, 27 July 2002
 (5) RIA, 7 Dec 05 Summary of Soldier #3 Interview
 (6) RIA, 7 Dec 05 Summary of Soldier #4 Interview
 (7) RIA, 7 Dec 05 Summary of Soldier #5 Interview
 (8) Michael F. Finkel, *The neurological consequences of explosives*, Journal of the Neurological Sciences 249, 63–67 (2006)
 (9) Autopsy Report of SFC Chris Speer
 (10) ARC's Terms & Conditions of Business
 (11) MC Form 13-1

1. The defense in the case of *United States v. Omar Khadr* requests the Convening Authority to approve Mr. John Nixon as an expert witness in the field of ballistics.

2. Qualifications: Mr. Nixon is a professional mechanical engineer and consultant with Athena Research & Consulting, specializing in ballistics and munitions. From 1986 to 1989 he worked for the UK Ministry of Defense, developing a computer model of blast overpressure analysis and human exposure limit calculation for NATO. He is the author of several patents relating to munitions design. Mr. Nixon is also a court qualified expert in firearms, ballistics, wound ballistics, and explosives in numerous U.S. state and federal courts.

3. Expert consultant's address and telephone number:

Athena Research & Consulting LLC
 PO Box 66
 Bippus, IN 46713
 Tel: 260 344 1314
 Fax: 260 344 1495

4. Synopsis of expected testimony:

a. Relevance:

i. Mr. Nixon will be able to testify as to the degree and effect the blast overpressure would have had on Mr. Khadr and how that would have impaired him physically and mentally at a time he is alleged to have laid in wait and killed a U.S. soldier in a hand grenade attack.

A. Based upon interrogation reports taken from Mr. Khadr, the government alleges that Mr. Khadr *personally* threw a hand grenade that resulted in the death of SFC Christopher Speer. The descriptions extracted from Mr. Khadr have varied considerably in broad substance as well as detail, but the uncontroverted facts of the 27 July 2002 assault detail substantial bombardment of the compound in which Mr. Khadr was allegedly being held.

B. According to a memorandum prepared by the on-scene commander, the compound was strafed by four of F/A-18s, "until dry," firing over 2000 rounds of 20mm cannon fire into the compound. Memorandum for Commander, 28 Jul 02, at paras. 2(c), 2(G) (encl. 3). The F/A-18s then switch to rockets. "After several runs," the F/A-18s exhausted their rocket rounds. Two F/A-18s then each dropped an MK-82, 500-pound warhead, bomb with "pinpoint accuracy, both landing inside the compound." *Id.* *But see* After Action Report (AAR), 27 Jul 02 at 00766-000586 (encl. 4) (describing four MK-82s being dropped, three on target, one going long). Four Apache helicopters followed suit, directing at least 150 rounds of 30mm cannon fire and 62 Hydra 70 FFAR rockets into the compound. After expending all of their available rounds, the Apache helicopters were followed by a pair of A-10s, who "expended all of their rockets and gun rounds." This comprised at least 1500 rounds of 30mm cannon fire and 12 Hydra 70mm rockets. One 40mm round from an MK-19 grenade launcher was then fired into the compound. *Id.* Other witness statements discuss U.S. forces tossing hand grenades around the compound throughout the firefight. *See, e.g.,* RIA, 7 Dec 05 Summary of Soldier #3 Interview (encl. 5); RIA, 7 Dec 05 Summary of Soldier #4 Interview (encl. 6); RIA, 7 Dec 05 Summary of Soldier #5 Interview (encl. 7). And the After Action Report states that near the end of the firefight "rounds and grenades were cooking off" in the compound. AAR at 00766-000586 (encl. 4).

C. Simply the concussive effect of these munitions, let alone the shrapnel injuries suffered by Mr. Khadr, cast considerable doubt on his ability to behave volitionally, let alone rationally. Academic literature describes the common neurological consequences of considerably less blast overpressure than Mr. Khadr would have experienced as "pain, altered consciousness, cognitive impairment, loss of function, and epilepsy." *See* Michael F. Finkel, *The neurological consequences of explosives*, *Journal of the Neurological Sciences* 249, 63-67 (2006) (encl. 8).

D. The physical impact this would have had on him is critical to the presentation of defenses such as lack of mental responsibility. "It is an affirmative defense to any offense that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his or her acts." R.M.C. 916(k)(1); *see also* MCA § 949k.

E. An element of the offense of Murder in Violation of the Law of War is that the accused "intended to kill the person or persons." M.M.C. Part IV § 15(b)(4). If Mr. Khadr was suffering from "altered consciousness," "cognitive impairment," or "loss of function," then he could not have had the requisite *mens rea* to be guilty of the charge.

ii. The government will rely on a statement in which Mr. Khadr allegedly reported throwing an F-1 grenade. Mr. Nixon will be able to testify as to the consistency of SFC

Speer's wounds with an F1 grenade, or any similar "pineapple" shaped grenade that could be confused with the F1, or if there are other possible causes of SFC Speer's injuries.

A. The cause of death identified in the autopsy report for SFC Speer is the penetration of shrapnel into the head, resulting in damage to the brain tissue beneath. Final Report of Postmortem Examination, at 1 ("Autopsy Report") (encl. 9). The report identifies two wounds to the forehead of $\frac{1}{2}$ and $\frac{1}{4}$ an inch in diameter respectively, which were likely fatal. The report further details three other shrapnel penetrations on the right shin and ankle, each no greater than $\frac{1}{4}$ an inch in diameter. *Id.* at 4. Furthermore, the autopsy report and the accompanying photographs show no burn injuries that would be expected if a grenade had fallen "at his feet" as government witnesses have claimed.

B. Mr. Nixon will testify as to the fragmentation patterns likely to result from grenades that would have been widely available in Afghanistan in 2002. Through the course of serial interrogations, the government has extracted out of Mr. Khadr an admission to using a specific type of grenade in the attack on SFC Speer – the Russian F1. Mr. Nixon will testify that the F1 is a heavy grenade, that contains a small 60g explosive charge of TNT that results in the erratic dispersion of a few, large cubical fragments. The wounds described in SFC's Speer's autopsy report, however, describe a number of small wounds scattered over his body.

C. Mr. Nixon will testify as to the types of grenades, or other weapons, that would cause injuries such as those suffered by SFC Speer. Given the distribution of fragmentation wounds across his body, as well as their size, Mr. Nixon will testify that the type of fragmentation grenade that killed SFC Speer was much more likely to be an M67 than an F1. Mr. Nixon will testify that the M67 blasts in a predictable "mist" of fine shrapnel in a casualty radius of up to 15 meters. Based upon the wide distribution of penetration wounds extending from his forehead to his ankle, coupled with the lack of burn injuries on his body, Mr. Nixon will testify that SSG Speer's injuries are consistent with an M67 grenade exploding a few meters away, like those being thrown by coalition forces inside the walls of the compound.

b. Necessity:

i. Mr. Nixon is an expert on firearm and explosive ballistics. The government's case on Charge I is built around allegations that Mr. Khadr personally threw a hand-grenade, an allegation repeated in Charges III and IV. The government believes it has identified the make and model of the grenade that allegedly killed SFC Speer. Furthermore, the government's theory of the case rests upon Mr. Khadr's allegedly voluntary and intentional conduct after suffering substantial injuries in a massive bombardment by combat support aircraft. Mr. Nixon's testimony is directly relevant and necessary to the defense's rebuttal both of the government's theory as to how SFC Speer was killed and to Mr. Khadr's capacity to have done it.

ii. Charge II alleges attempted murder on the theory that Mr. Khadr planted mines intended to kill U.S. servicemembers. The government contends that mines found miles away from the compound are the same as those depicted in a video of Mr. Khadr and his alleged

co-conspirators. Mr. Nixon will review the available documents and video to assess whether the mines found are those depicted in the video.

iii. Defense counsel are wholly ill-equipped to educate themselves or the commission on mechanical engineering and forensic ballistics. Defense counsel are lawyers, and though both have served in the United States Navy, neither have received training in ballistics or munitions manufacture. Even if defense counsel could obtain the necessary education on these issues, defense counsel cannot testify at the commission. Mr. Nixon's testimony is therefore necessary to assist the members determine facts relevant to Charges I through IV.

iv. Furthermore, the government has had the benefit of extensive pre-trial preparation and had access to the forensic evidence from the battlefield and from SFC Speer's remains. The defense has not. The loss or destruction by the government of physical evidence that would be highly relevant and available in almost any other murder case has put the defense at a substantial disadvantage. The testimony of an expert is therefore necessary to interpret and piece together what little forensic evidence remains available to the defense in contradicting the government's theory of the case. *United States v. Lee*, 64 M.J. 213, 218 (CAAF 2006) ("[T]he playing field at trial is rendered even more uneven when the Government benefits from scientific evidence and expert testimony while the defense is wholly denied a necessary expert to prepare for and respond to the Government's expert."); *see also United States v. Warner*, 62 M.J. 114, 120 (CAAF 2005).

5. Estimated Cost:

a. Total hours/days and total cost:

Mr. Nixon's fees are \$350.00 per hour plus expenses for consultation, analysis and/or review. Mr. Nixon will require time to review the complete photographic and medical records of Mr. Khadr and SFC Speer. He will require additional time to write-up his findings in a formal report that will be submitted to the military commission. He will also require time to be consulted by counsel in the case and to testify at trial. He will also require time to consult with physicians who can provide him with detailed descriptions of the physical effects of blast overpressure. The defense, therefore, requests a maximum authorization of 50 hours, excluding travel time to and from GTMO, be allotted to Mr. Nixon resulting in authorization for up to \$17,500 in fees.

b. Total days TDY at the per diem rate (such as travel days and casual status):

Assuming two days of travel time, plus the typical two days at Guantanamo Bay, Cuba for hearings, Mr. Nixon would need a minimum of eight days TDY to testify both at pre-trial hearings relating to admissibility and at trial.

c. Travel costs:

Mr. Nixon would, at a minimum, require travel to and from Guantanamo Bay, Cuba and lodging there, Cuba for the purpose of testifying at Mr. Khadr's trial.

Mr. Nixon charges \$300 per hour for travelling time and \$250 per hour for travelling time when public transport is used.

d. Rate for professional services and hours/days (when neither travel nor in-court testimony is involved):

Mr. Nixon's fees are \$350.00 per hour plus expenses for consultation, analysis and/or review.

e. Rate for in-court testimony and number of hours/days:

Mr. Nixon charges his hourly rate for testimony. We anticipate Mr. Nixon appearing during trial as a defense witness. His testimony should last no longer than one or two days on each occasion.

f. Inconvenience fee, if any:

A charge of \$500 shall be levied when a scheduled court attendance is cancelled less than three full business days before Mr. Nixon departs from his usual place of business. If he has already travelled to Guantanamo Bay, then a charge of \$1,000 plus travel time and expenses shall be applied irrespective of the notice period given.

6. If Mr. Nixon is produced, the agreement for his services will need to be made with Athena Research & Consulting, LLC rather than with Mr. Nixon personally. ARC's terms and conditions of business is attached. (encl. 10).

7. On 13 June 2008, I notified the opposing party of this request.

8. In the event this request is denied, the Defense requests a written response articulating the reasons for the denial. Should you have any questions or require further information, please contact me at (202) 761-0133 ext. 116 or kueblerw@dodgc.osd.mil.


WILLIAM KUEBLER
LCDR, JAGC, USN
Detailed Defense Counsel

CC: Chief Defense Counsel
Major Groharing, Lead Prosecutor

Athena Research & Consulting LLC

PO Box 66, Bippus, Indiana 46713, USA.
Tel 260 344 1314
Fax 260 344 1495



Curriculum Vitae (v3.7, Apr 08)

Eur Ing John R Nixon

PE CEng BEng(Hons) MBA FIMechE MCMI

Professional Qualifications & Memberships

- 2008 Admitted to American Academy of Forensic Sciences (AAFS)
- 2006 International Affiliate of the National Academy of Forensic Engineers (NAFE)
- 2005 Member of the International Society of Explosives Engineers (ISEE)
- 2001 Professional Licensed Member of National Society of Professional Engineers (NSPE)
- 2000 Joined American Society of Mechanical Engineers (ASME)
- 1999 Elected to Fellowship of the Institution of Mechanical Engineers (FIMechE)
- 1996 Founder Member of the Expert Witness Institute (MEWI)
- 1996 Qualified as a Corporate Member of the Chartered Management Institute (MCMI)
- 1995 Vetted by the UK Law Society to appear as an expert witness in court cases.
- 1992 Qualified as a Corporate Member of the Institute of Materials (MIM)
- 1992 Qualified as a Chartered Professional Engineer (PE) with the British Engineering Council (CEng)
- 1992 Qualified as a Corporate Member of the Institution of Mechanical Engineers (MIMechE)

One of the youngest people to be elected to Fellowship of the Institution of Mechanical Engineers. Author of several patents relating to munitions design. Court qualified expert in firearms, ballistics, wound ballistics, & explosives in numerous States and US Federal Courts. Acted as consultant to numerous TV documentaries and drama series. Have presented numerous training seminars in forensic firearms & ballistics to law enforcement, private investigators, attorneys, law students, and forensic science students. These seminars have been approved for CLE credit. Certified as a firearms & personal protection instructor, and range safety officer.

Academic Qualifications

- 1997 Henley Management College, Brunel University, London, United Kingdom.
Masters Degree in Business Administration (MBA: - with A+ grading)
- 1990 University of Greenwich, London, United Kingdom.
Bachelor's Degree in Mechanical Engineering (BEng: - with First Class Honors).

Figure 13.1 Sample Memorandum of Agreement for Use with Civilian Expert Witness (MC Form 13-1)

SAMPLE MEMORANDUM OF AGREEMENT FOR USE OF CIVILIAN EXPERT
(CONSULTANT) (WITNESS)

1. ~~(Dr.)~~(Mr.)~~(Ms.)~~ John Nixon is hereby retained as an expert witness to provide review, analysis, consultation (and testimony), as needed, in the military commission of United States v. Omar Khadr, on behalf of the ~~(government)~~(defense).

2. The expert witness agrees to provide the following services:

a. To review all documentation relevant to the area of expertise which pertains to the guilt or innocence of the accused, and which has been provided by the ~~(trial counsel)~~ (defense counsel).

b. To act as an expert technical consultant for the ~~(government)~~ (defense).

c. To assist the ~~(trial counsel)~~ (defense counsel) to prepare for the expert witness' in-court testimony, and to be available for pretrial interview by opposing counsel.

d. To travel to the location of the trial on invitational travel orders and to testify on behalf of the ~~(Government)~~ (defense), and, if requested by the ~~(trial counsel)~~ (defense counsel), to sit in on and evaluate the testimony of any expert witness for the opposing side.

e. To provide a copy of the expert's resume or curriculum vitae to the ~~(trial counsel)~~ (defense counsel).

f. To submit a government travel voucher for payment, following the instructions provided, and accompanied by required documentation of travel, lodging, and other expenses.

g. To certify that the fee charged for expert services is no greater than the expert's normal professional rate.

3. The Government agrees to pay the expert witness, as follows:

a. To reimburse actual travel costs, either coach air travel, or mileage, according to the Joint Travel Regulation.

b. To pay per diem for meals, and the lesser of actual cost of lodging or the government local lodging rate, including payment for all travel days, according to the Joint Travel Regulation.

c. To pay a fee of \$350 per ~~day~~^{hour} for in-court testimony.