

UNCLASSIFIED//FOR PUBLIC RELEASE
MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA

UNITED STATES OF AMERICA v. ABD AL RAHIM HUSSAYN MUHAMMAD AL NASHIRI	AE 216F SHOW CAUSE ORDER 21 APRIL 2015
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1. On 10 February 2014, the Defense filed AE 216,¹ requesting the Commission “protect the integrity of these proceedings by making the first order of business at the upcoming hearing an inquiry into BG Martins’ continued representation of the government as the Chief Prosecutor and to disqualify him in order to bring the government into compliance with the procedural parity requirements that Congress enacted in the 2014 National Defense Authorization Act.” (AE 216 at 1). The Government has submitted three (3) temporary waivers² of the requirement to make the Chief Defense Counsel the same grade as the Chief Prosecutor. The most recent extension indicated “a joint selection board [was] to convene on March 4, 2015, to identify a well-qualified candidate to serve as the Chief Defense Counsel.”³
2. With the convening of the joint selection board, the Government will confer with the Defense to determine if the issue raised by the Defense in AE 216 and AE 216C⁴ remain relevant for

¹ AE 216, Emergency Defense Motion to Review BG Martins’ Representation of the Government In This Case, dated 10 February 2014.

² AE 216A, Secretary Defense Memorandum, Subject: Temporary Waiver of National Defense Authorization Act Requirement that Chief Prosecutor and Chief Defense Counsel Have the Same Grade, dated 15 February 2014; Attachment B to AE 216D, Secretary Defense Memorandum, Subject: Extension of Temporary Waiver of Requirement that Chief Prosecutor and Chief Defense Counsel Have the Same Grade, dated 17 September 2014; and, Attachment B to AE 216E, Secretary Defense Memorandum, Subject: Extension of Temporary Waiver of Requirement that Chief Prosecutor and Chief Defense Counsel Have the Same Grade, dated 18 March 2015.

³ Attachment B to AE 216E, Secretary Defense Memorandum, Subject: Extension of Temporary Waiver of Requirement that Chief Prosecutor and Chief Defense Counsel Have the Same Grade, dated 18 March 2015.

⁴ AE 216C, Defense Renewed Motion to Review BG Martins’ Representation of The Government in This Case, dated 10 September 2014.

consideration by this Commission. The Government will update this Military Commission not later than **1 May 2015**.

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

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VANCE H. SPATH, Colonel, USAF
Military Judge
Military Commissions Trial Judiciary