

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

UNITED STATES OF AMERICA

v.

ABD AL RAHIM HUSSAYN
MUHAMMAD AL NASHIRI

AE 284V

SEALING ORDER

DEFENSE MOTION FOR
APPROPRIATE RELIEF: TO ALLOW
A SUPERVISED SKYPE CALL
BETWEEN MR. AL NASHIRI
AND HIS ELDERLY PARENTS

12 MAY 2015

1. Upon consideration of the Government's request in AE 284A¹ to maintain UNDER SEAL the name of the Senior Medical Officer ("SMO") responsible for the primary health care of high-value detainees detained in the Joint Task Force, Guantanamo Bay, Cuba ("JTF-GTMO") detention facility, and pursuant to the Commission's authority under the Military Commissions Act of 2009, 10 U.S.C. § 948a, et. seq., Military Commission Rules of Evidence 104, 505-507, 611, and the general supervisory authority of the Commission, the Commission finds:

- a. The SMO provided a declaration attached to the Government's Response (*see* AE 284A, Attachment B);
- b. The Declaration includes personally identifiable information (PII) belonging to the SMO, including the SMO's name;
- c. Detainees housed at JTF-GTMO have previously threatened to cause personal injury to personnel stationed at JTF-GTMO (though there is no evidence of or allegations that the Accused in this case made any such threats to any people, including the SMO);

¹ AE 284A Classified Response to Defense Motion for Appropriate Relief: To Allow a Supervised Skype Call Between Mr. Al- Nashiri and His Elderly Parents, filed 9 July 2014.

d. The name of the SMO in the Declaration at AE 284A, Attachment B, contains unclassified but sensitive information that, if publicly released, could reasonably be expected to threaten the safety of individual(s); and,

e. The Defense's classified reply, AE 284B, requested the production and testimony of the SMO by name.

2. The Commission **ORDERS** the name and any other personally identifiable information (PII) of the SMO in AEs 284A, Attachment B, and AE 284B,² be kept UNDER SEAL; and,

3. IT IS FURTHER ORDERED the name and any other PII of the SMO be considered "sensitive discovery materials" as that term is used in Protective Order #2 (AE 14C); thus the SMO's name and any other PII of the SMO shall not be disclosed to the Accused, any witnesses, any potential witnesses, or made available to the public on the Office of Military Commission public webpage, at any time before, during, or after trial. The name and any other PII of the SMO shall be **SEALED** until further order of this Commission or another court of competent jurisdiction.

So **ORDERED** this 12th day of May, 2015.

//s//

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

² AE 284B Classified Reply to Government's Classified Response to AE 284A, filed 16 July 2014.