

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

UNITED STATES OF AMERICA v. ABD AL RAHIM HUSSAYN MUHAMMAD AL NASHIRI	AE 334B SHOW CAUSE ORDER 21 APRIL 2015
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1. On 30 January 2015, the Defense filed AE 334,¹ requesting the Military Commission intervene to order the detention facility to make an exception to its Standard Operating Procedures (SOP) and allow the Accused “to attend court and meetings with his lawyers in a clean, kempt and dignified manner.” (AE 334 at 3). Defense Counsel “confirmed that [the Accused] was permitted to groom himself prior to counsel visits, outside the Friday schedule, on 5 occasions in 2014, but that these occurrences were without the knowledge of the Camp OIC.” (AE 334at 4). The Government response, AE 334A, requested the Military Commission deny the motion and show the detention facility deference, citing *Turner v. Safley*, 482 U.S. 78, 89-90 (1987). The Government argued “[h]ygiene sessions, such as the one at issue here, in a maximum security facility are extremely labor-intensive for the guard force. As such, affording the accused more than weekly access to an electric trimmer would detract from the guard force's ability to provide adequate security resources throughout the facility.” (AE 334A at 1). Oral argument on the motion was deferred during the February 2015 session as it appeared the issue was resolved without the Commission’s involvement.²

¹ AE 334, Defense Motion for Appropriate Relief to Allow Mr. al-Nashiri to Groom Prior to Court Sessions and Meeting with His Defense Team, dated 30 January 2015.

² See Unofficial/Unauthenticated Transcript of the al Nashiri (2) Motions Hearing Dated 23 February 2015 from 1:02 P.M. to 2:52 P.M. at p. 5388 and Unofficial/Unauthenticated Transcript Dated 3 March 2015 from 1:34 P.M. to 2:43 P.M. at pp 6095-98.

2. The Government will consult with the Defense and update the Commission as to the resolution of the Defense's concerns over the continued ability of the Accused to shave prior to attorney meetings and sessions of this 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