

**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA**

UNITED STATES OF AMERICA	AE 338C
v.	SPECIAL TRIAL COUNSEL DETAILING MEMORANDUM
ABD AL RAHIM HUSSAYN MUHAMMAD AL NASHIRI	17 October 2016

Consistent with my authority and responsibilities under the Military Commissions Act of 2009, 10 U.S.C. § 948k (2009) and applicable rules prescribing how counsel may represent the United States, I hereby detail the qualified person listed below to the military commission of *United States v. Abd Al Rahim Hussayn Muhammad Al Nashiri*.

Karen Hecker	Civilian	Dep't of Defense	Special Trial Counsel
MAJ Michael J. Lebowitz	Judge Advocate	Dep't of Defense	Special Trial Counsel

I intend that above-named counsel serve as Special Trial Counsel with regard only to issues arising under or connected with the Government's request for Defense remediation of material obtained outside of the discovery process through the use of classified systems. These counsel shall not communicate with any person in the Office of the Chief Prosecutor relating to the substance of any investigation or to any matters falling within the defense team attorney-client or attorney work product privileges that they may learn in the course of requesting remediation, to include litigation, if necessary.

Newly detailed Special Trial Counsel MAJ Lebowitz ended his service as Assistant Trial Counsel for *United States v. Khalid Shaikh Mohammad et al.* on 24 June 2016, before which he had not been exposed to any matters that could potentially be considered to fall within Defense team privileges. Since that date, he has not communicated with any person in the Office of the Chief Prosecutor relating to the substance of any matters falling within the Defense team privileges, to the extent any such matters exist, that he may have learned in the course of his duties.

Attachment:

A. Certificate of Service, dated 17 October 2016.



MARK S. MARTINS
Brigadier General, U.S. Army
Chief Prosecutor

ATTACHMENT A

Filed with TJ
17 October 2016

Appellate Exhibit 338C (Al Nashiri)
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CERTIFICATE OF SERVICE

I certify that on the 17th day of October 2016, I filed **AE 338C**, Special Trial Counsel Detailing Memorandum, with the Office of Military Commissions Trial Judiciary and served a copy on counsel of record.

//s//

Mark A. Miller
Trial Counsel
Office of the Chief Prosecutor
Office of Military Commissions