

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

UNITED STATES OF AMERICA v. ABD AL RAHIM HUSSAYN MUHAMMAD AL NASHIRI	AE 345C Government Request To File AE 345A, Attachment B, Under Seal 30 June 2015
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On 5 June 2015, the defense filed a motion requesting that the accused's hands not be bound during future Direct Interactive Communication Experience ("DICE") sessions. AE 345. The government filed its response on 19 June 2015. AE 345A. A declaration was appended as Attachment B to the government response, which inadvertently contained information that constitutes "sensitive discovery," as defined by Protective Order #2. AE 14C at 2 (stating that "the category of sensitive discovery materials includes only force protection measures in effect at the detention facility operated by Joint Task Force Guantanamo Bay Cuba (JTF-GTMO), and identifying information relating to DoD personnel"). Protective Order #2 requires sensitive discovery materials and documents that refer to the contents of sensitive discovery materials to be filed under seal. AE 14C at 3. Because the declaration contains sensitive discovery material, the government now requests Attachment B of AE 345A be placed UNDER SEAL. The government also requests redaction of the declarant's identifying information from the government's response at page 12 of AE 345A.

Certificate of Conference

The government has notified the defense of this request. The defense does not object to the government request.

Attachments

- A. Certificate of Service, dated 30 June 2015.
- B. Proposed Sealing Order.

Respectfully submitted,

 //s//

Robert C. Moscati
Deputy Chief Prosecutor
Trial Counsel

Maj Winston G. McMillan, USMC
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Mark Martins
Chief Prosecutor
Military Commissions

ATTACHMENT A

Filed with TJ
30 June 2015

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ATTACHMENT B

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30 June 2015

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

<p>UNITED STATES OF AMERICA</p> <p>v.</p> <p>ABD AL RAHIM HUSSAYN MUHAMMAD AL NASHIRI</p>	<p>AE 345C</p> <p>PROPOSED SEALING ORDER</p> <p>_____ 2015</p>
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1. Upon consideration of the Government's request to place and maintain Attachment B to AE 345A UNDER SEAL, 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, Protective Order #2 (AE 14C), and the general supervisory authority of the Commission; and
2. WHEREAS Attachment B to AE 345A contains information pertaining to force protection measures in effect at the detention facility operated by Joint Task Force Guantanamo Bay Cuba as well as identifying information relating to Department of Defense personnel;
3. IT IS HEREBY ORDERED that Attachment B to AE 345A shall be kept UNDER SEAL; and
4. IT IS HERBY FURTHER ORDERED that the declarant's name be redacted at paragraph 11.b. of AE 345A.

SO ORDERED this ___ day of _____ 2015.

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