

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

UNITED STATES OF AMERICA

v.

ABD AL RAHIM HUSSAYN
MUHAMMAD AL NASHIRI

AE 347B

RULING

Defense Motion To Compel
Discovery Related To Classified Defense
Discovery Request Dated 1 April 2015

2 November 2015

1. The Accused is charged with multiple offenses in violation of the Military Commissions Act of 2009, 10 U.S.C. §§ 948 *et seq.*, Pub. L. 111-84, 123 Stat. 2574 (Oct. 28, 2009). He was arraigned on 9 November 2011.
2. The Defense filed AE 347¹ requesting the Commission compel the Prosecution to disclose certain classified information after the Prosecution had denied disclosure of the requested information in response to a discovery request. *AE 347* at 1. The Prosecution responded with AE 347A,² stating the Prosecution still believes the requested documents are neither relevant nor material to the preparation of the defense. However, the Prosecution agreed to provide the requested information to the Defense. *AE 347A* at 9. The Defense requested oral argument. The Prosecution did not request oral argument, but if oral argument was granted, the Prosecution requested to be heard. The Defense request for oral argument is **DENIED**.

¹ AE 347 *Defense Motion to Compel Discovery Related to Classified Defense Discovery Request Dated 1 April 2015*, filed 28 September 2015.

² AE 347A *Government Response to Defense Motion to Compel Discovery Related to Classified Defense Discovery Request Dated 1 April 2015*, filed 13 October 2015.

3. Because the Prosecution has agreed to grant the Defense the relief the Defense seeks from the Commission, there is no issue for the Commission to resolve. The Defense's motion, AE 347, is **MOOT**.

So **ORDERED** this 2nd day of November, 2015.

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