

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

<p>UNITED STATES OF AMERICA</p> <p>v.</p> <p>KHALID SHAIKH MOHAMMAD, WALID MUHAMMAD SALIH MUBARAK BIN ‘ATTASH, RAMZI BIN AL SHIBH, ALI ABDUL AZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI</p>	<p>AE 018NNNNN</p> <p>RULING</p> <p>Defense Motion to Adopt Conforming Amendments to AE 18U (Second Amended)</p> <p>28 March 2019</p>
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1. Mr. Hawsawi moved the Commission¹ to modify paragraph 2(g)(1) of AE 018U, Second Amended Order, Privileged Written Communications Order (PWCO)² to remove the requirement that Controlled Unclassified and Sensitive filings and discovery be identified by the Government as “Releasable to” the Accused. The motion asserts the parties agree these materials are releasable to the Accused, unless the Prosecution specifically marks them as “Not Releasable to” the Accused.³ The motion contained a proposed order changing the last sentence of paragraph 2(g)(1) of the PWCO to read:

2(g)(1). This includes discovery and related material, and records of commission proceedings, including court filings. Court filings may be provided to the Accused including those marked as FOUO, unless they are specifically marked “Not Releasable to the Accused.”⁴

2. The Government did not oppose the motion or the proposed order.⁵

3. **Ruling.** The motion is **GRANTED**. The Commission will issue an amended PWCO in accordance with this Ruling.⁶

¹ AE 018MMMMM (MAH), Defense Motion to adopt Conforming Amendments to AE 18U (Second Amended), filed 27 March 2019.

² AE 018U (2nd Amend) Second Amended Order, Privileged Written Communications, dated 1 August 2018.

³ AE 018MMMMM (MAH), at 1

⁴ The Commission finds the term “Not Releasable to” the Accused as stated in the motion to be the appropriate terminology to use in the PWCO.

⁵ *Id.* at 6.

⁶ AE 018U (3rd Amend) Third Amended Order, Privileged Written Communications, dated 28 March 2019.

So **ORDERED** this 28th day of March, 2019.

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K. A. PARRELLA
Colonel, U. S. Marine Corps
Military Judge