

MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA

UNITED STATES OF AMERICA

v.

KHALID SHAIKH MOHAMMAD, WALID
MUHAMMAD SALIH MUBARAK BIN
'ATTASH, RAMZI BIN AL SHIBH, ALI
ABDUL-AZIZ ALI, MUSTAFA AHMED
ADAM AL HAWSAWI

AE133FFF (AAA)

NOTICE OF AGREED ORDER
Mr. al Baluchi's Motion to Permanently
and Verifiably Disable Audio Monitoring
Capability in Attorney-Client Meeting Rooms

1 April 2019

1. **Timeliness**: This notice is timely filed.
2. **Notice**: On 27 March 2019, counsel for Mr. al Baluchi drafted the attached order and presented it to the government for approval.
3. **Certificate of Conference**: On 1 April 2019, counsel for the government indicated their agreement to the proposed order.
4. **Attachments**:
 - A. Certificate of Service
 - B. Proposed Order

Very respectfully,

//s//
JAMES G. CONNELL, III
Learned Counsel

//s//
STERLING R. THOMAS
Lt Col, USAF
Defense Counsel

//s//
ALKA PRADHAN
Defense Counsel

//s//
BENJAMIN R. FARLEY
Defense Counsel

//s//
MARK E. ANDREU
Capt, USAF
Defense Counsel

Counsel for Mr. al Baluchi

Attachment A

CERTIFICATE OF SERVICE

I certify that on the 1st day of April, 2019, I electronically filed the foregoing document with the Clerk of the Court and served the foregoing on all counsel of record by email.

//s//

JAMES G. CONNELL, III

Learned Counsel

Attachment B

MILITARY COMMISSIONS TRIAL JUDICIARY
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~~(U)~~ AE133FFF (AAA)

~~(U)~~ DRAFT ORDER

~~(U)~~ Mr. al Baluchi's Motion to Permanently
and Verifiably Disable Audio Monitoring
Capability in Attorney-Client Meeting Rooms

~~(U)~~ April 2019

~~(U//FOUO)~~ 1. On 17 July 2017, Mr. Ali (a.k.a. al Baluchi) filed a motion to permanently and verifiably disable audio monitoring capability in attorney-client meeting rooms.¹ In AE133AAA, the Commission ordered the Convening Authority to make arrangements for a full technical surveillance countermeasures (TSCM) inspection by a non-SOUTHCOM entity of all JTF-GTMO controlled attorney-client meeting locations at Guantanamo Bay, Cuba.² Between 9 October 2018 and 25 October 2018, a non-SOUTHCOM entity conducted a TSCM inspection of all JTF-GTMO controlled attorney-client meeting locations.³ "This inspection in response to AE133AAA, Order did not detect the presence of any operative or inoperative audio monitoring capability of JTF-GTMO controlled attorney-client meeting locations, including those used by Khalid Shaik Mohammad, Walid Muhammad Salih Mubarak bin 'Attash, Ramzi bin al Shibh, Ali Abdul Aziz

¹ ~~(U)~~ AE133RR (AAA) Mr. al Baluchi's Motion to Permanently and Verifiably Disable Audio Monitoring Capability in Attorney-Client Meeting Rooms, filed 17 July 2017.

² ~~(U)~~ AE133AAA Order, Mr. al Baluchi's Motion to Permanently and Verifiably Disable Audio Monitoring Capability in Attorney-Client Meeting Rooms, dated 7 August 2018.

³ ~~(U)~~ AE133BBB (GOV) Government Notice of Compliance In Accordance with AE133AAA Order, filed 12 November 2018, at Attachment B.

Ali, Mustafa Ahmed Adam al Hawsawi, Abd al Rahim Hussayn Muhammad al-Nashiri, and Abd al Hadi al-Iraqi.”⁴

~~(U//FOUO)~~ 2. **ORDER.** The status quo at the time of the TSCM inspection, to wit, the absence of any operative or inoperative audio monitoring capability of JTF-GTMO controlled attorney-client meeting locations, shall be maintained. It is hereby **ORDERED** that no entity of the United States government shall install, maintain, or use any audio monitoring capability in JTF-GTMO controlled attorney-client meeting locations. The prior order of this Commission in AE133QQ Ruling is superseded to the extent it is inconsistent with this Order.

~~(U)~~ So **ORDERED** this [Date].

~~_____~~ //s//

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

⁴ ~~(S)~~ *Id.*, Attachment B at 2.