

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

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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**

AE 133GGG

**ORDER**

**Mr. al Baluchi’s Motion**  
to Permanently and Verifiably Disable  
Audio Monitoring Capability in  
Attorney-Client Meeting Rooms

**4 April 2019**

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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.<sup>1</sup> In AE 133AAA, the Commission ordered the Convening Authority to make arrangements for a full technical surveillance countermeasures (TSCM) inspection by a non-Southern Command (SOUTHCOM) entity of all Joint Task Force-Guantanamo Bay, Cuba (JTF-GTMO) controlled attorney-client meeting locations at Guantanamo Bay, Cuba.<sup>2</sup>
2. In response to the Commission’s order in AE 133AAA, a non-SOUTHCOM entity conducted a TSCM inspection of all JTF-GTMO controlled attorney-client meeting locations.<sup>3</sup> No audio monitoring capability was found.<sup>4</sup>
3. In AE 133FFF (AAA), the parties jointly requested this Commission issue an order to maintain the status quo at the time of the TSCM inspection.
4. **Ruling.** The motion in AE 133RR (AAA) is **GRANTED** as provided in this Order.

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<sup>1</sup> AE 133RR (AAA), Mr. al Baluchi’s Motion to Permanently and Verifiably Disable Audio Monitoring Capability in Attorney-Client Meeting Rooms, filed 17 July 2017. There were additional responses, replies, and supplements filed after AE 133RR (AAA) in this series. The Commission does not find it necessary to list them.

<sup>2</sup> AE 133AAA Order, Mr. al Baluchi’s Motion to Permanently and Verifiably Disable Audio Monitoring Capability in Attorney-Client Meeting Rooms, dated 7 August 2018.

<sup>3</sup> AE 133BBB (GOV), Government Notice of Compliance In Accordance with AE 133AAA Order, filed 12 November 2018, at Attach. B.

<sup>4</sup> *Id.*

5. **Order.**

- a. No entity of the United States government shall install, maintain, or use any audio monitoring capability in JTF-GTMO controlled attorney-client meeting locations.
- b. The status quo at the time of the TSCM inspection, to wit, the absence of any audio monitoring capability in JTF-GTMO controlled attorney-client meeting locations, shall be maintained by the United States government.
- c. The prior order of this Commission in AE 133QQ<sup>5</sup> Ruling is superseded to the extent it is inconsistent with this Order.

So **ORDERED** this 4th day of April, 2019.

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

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<sup>5</sup> AE 133QQ Ruling, Emergency Defense Motion to Remove Sustained Barrier to Attorney-Client Communication and Prohibit Any Electronic Monitoring and Recording of Attorney-Client Communication in any Location, including Commission Proceedings, Holding Cells, and Meeting Facilities and to Abate Proceedings, dated 30 November 2016.