

UNCLASSIFIED//FOR PUBLIC RELEASE
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

AE 387

DOCKET ORDER

13 November 2015

1. A hearing in this case will take place **7 December - 11 December 2015**, at the US Naval Station, Guantanamo Bay, Cuba. The hearing will begin at **0900 on 7 December 2015**.
2. A Rule for Military Commission (R.M.C.) 802 Conference will be held on **5 December 2015 at 1700**, to discuss the sequence of argument and changes to the Docket Order.
3. All accused must be present for the session on 7 December 2015.
4. The Commission will receive evidence and hear argument on the following motions during the session.
 - a. **AE 254Y**: Emergency Defense Motion to Bar Regulations Substantially Burdening Free Exercise of Religion and Access to Counsel;
 - b. **AE 254**: Emergency Defense Motion to Permit Attorney-Client Meetings 3 and 4 December 2013;
 - c. **AE 254WW and AE 254 ZZZ**: Defense Motion for Appropriate Relief Based on Unlawful Influence Directed at the Military Judge;
 - d. **AE 008**: Defense Motion to Dismiss for Defective Referral;
 - e. **AE 031**: Joint Defense Motion to Dismiss for Unlawful Influence;
 - f. **AE 386**: Defense Motion to Invalidate Touhy Requirements as Non-Reciprocal Discovery (to include filings in the **AE 350** series of motions addressing Touhy);

g. **AE 350B**: Government Motion Requesting the Commission Compel and Review, *in camera*, All Documents In the Convening Authority's Possession Pertaining to the Request for Linguist Services by Mr. Binalshibh's Defense Team and Other Translator Support for This Session;

h. **AE350C**: Defense Motion for Deposition of Witness Known as "The Former CIA Interpreter Utilized by Mr. bin al Shibh's Defense Team";

i. **AE350D**: Mr. al Baluchi's Motion for Appointment of Independent Counsel;

j. **AE350O**: Mr. al Baluchi's Motion to Compel Production of Information Regarding the Former CIA Interpreter Utilized by Mr. bin al-Shibh's Defense Team;

k. **AE 118**: Motion to Abate Proceedings Pending Compliance with Protective Order #1;

l. **AE 112**: Motion to Compel Discovery Related to White House and DOJ Consideration of the CIA Rendition, Detention and Interrogation Program;

m. **AE 114**: Motion to Compel Discovery of Information Related to Buildings in Which the Accused or a Potential Witness Has Been Confined;

n. **AE 114F**: Defense Motion to Compel Government to Grant Defense Counsel Access to Buildings and Locations in Which the Defendants May Have Been Confined;

o. **AE 018EE**: Defense Motion to Compel Discovery Responsive to Mr. Mohammad's Request for Discovery Dated 14 March 2014;

p. **AE 018FFF**: Defense Motion to Compel Production of Witnesses for the Evidentiary Hearing on Motions in the AE 018PP Series;

q. **AE 018W**: Joint Defense Motion to Amend AE 18U, Privileged Written Communications Order;

r. **AE 018Y**: Government Emergency Motion for Interim Order and Clarification that the Commission's Order in AE018U Does Not Create a Means for Non-Privileged Communications to Circumvent the Joint Task Force Mail System;

s. **AE 018BB**: Defense Motion to Compel Paper Discovery in Accordance with Privileged Written Communications Order;

t. **AE 018KK**: Defense Motion to Invalidate Non-Legal Mail Restrictions Unrelated to Legitimate Penological Interests;

u. **AE 018MM**: Defense Motion to Compel Reasonable Privilege Review Team Hours of Operation;

- v. **AE 018PP**: Defense Motion for Government to Show Cause For Its Violation of AE 018U;
- w. **AE 018QQ**: Mr. al Baluchi's Supplement to Defense Motion for Government to Show Cause for Its Violation of AE018U;
- x. **AE 018TT**: Defense Motion for Appropriate Relief Regarding AE 018OO (MAH);
- y. **AE018VV**: Defense Motion to Modify AE018U, Privileged Written Communications Order, to Facilitate Case-Related Outbound Communications;
- z. **AE 371**: Mr. Mohammed's Motion to Send Letter to the President;
- aa. **AE 119**: Defense Motion to Dismiss and to Compel a Status Determination pursuant to Article 5 of the Geneva Conventions;
- bb. **AE161**: Defense Motion to Require the Government to Comply with MCRE 506 Regarding Redaction of Unclassified Discovery;
- cc. **AE 182H**: Joint Defense Motion for an Order Compelling Prosecution to Return Laptop Computers to the Defendants or in the Alternative to Show Cause Why it Should Not be Held in Contempt;
- dd. **AE 183**: Joint Defense Motion for Telephonic Access for Effective Assistance of Counsel;
- ee. **AE 190**: Defense Motion to Compel Production of Information Relating to Statements Made by Mr. al Baluchi or Potential Witness at a Detention Facility;
- ff. **AE 191**: Defense Motion to Compel Production of Information;
- gg. **AE194**: Defense Motion to Compel Discovery of Mr. al Baluchi's Statements;
- hh. **AE 195**: Joint Notice of Defense Motion to Compel Production of Communications Between Government and Filmmakers of Zero Dark Thirty;
- ii. **AE 206**: Defense Motion to Cease Daily Intrusive Searches of Living Quarters and Person;
- jj. **AE 343**: Defense Motion to Dismiss For Unlawful Influence on Trial Judiciary; and
- kk. **AE 364**: Joint Defense Motion to Allow Individual Relief During Attorney-Client Meetings.

5. Counsel should be prepared to argue any other motion for which the briefing cycle has been completed. If either side believes other issues should be addressed, they may request the Commission amend this order.

6. If required, hearings under the provisions of Military Commission Rule of Evidence (M.C.R.E.) 505(h) will be conducted at times to be determined.

7. The time which has transpired since arraignment until the date of the next session (7 December 2015) shall be considered excludable delay in accordance with R.M.C. 707(b) (4) (E) (i) and R.M.C. 707(c). I find that the interests of justice have been served by granting continuances for the resolution of interlocutory and other pretrial issues, and that the resolution of these issues outweighs the interests of the public and the accused in a prompt trial.

So **ORDERED** this 13th day of November, 2015.

//s//
JAMES L. POHL
COL, JA, USA
Military Judge