

MILITARY COMMISSIONS TRIAL JUDICIARY  
GUANTANAMO BAY, CUBA

UNITED STATES OF AMERICA

AE524 (AAA)

v.

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

**Mr. al Baluchi's Motion to Dismiss,**  
or in the Alternative,  
to Compel the Government  
to Produce Witnesses for Interview

25 September 2017

1. **Timeliness:** This motion is timely filed.
2. **Relief Sought:** Mr. al Baluchi requests the military commission compel the government to dismiss the charges for interference with defense investigation, or in the alternative, to produce for interview witnesses whose identities have been hidden by the government and who are employed by or under the exclusive control of the government.
3. **Overview:**
4. **Burden of Proof:** The defense bears the burden of persuasion on the motion to compel production of witnesses to show, by a preponderance of the evidence, that the government has failed to disclose what is discoverable.

5. **Facts:**

a. Mr. al Baluchi was transferred into the custody of the U.S. Central Intelligence Agency ("CIA") in late April 2003. Mr. al Baluchi remained exclusively in CIA custody until early September 2006. During that period, Mr. al Baluchi was transferred to various so-called black sites—secret facilities operated by the CIA or its partners for purposes of torture and interrogation outside of the United States. There he was subjected to torture and cruel, inhuman, and degrading treatment while undergoing interrogation. During his time in CIA custody, he was interrogated

and/or debriefed by numerous CIA employees or contractors; his health was monitored and he was kept alive for purposes of further interrogation by several CIA medical personnel.

b. On 31 May 2017, the military commission ordered an evidentiary hearing on whether the military commission has personal jurisdiction over Mr. al Baluchi.<sup>1</sup>

c. In connection with that order, on 13 July 2017, Mr. al Baluchi requested discovery as to, *inter alia*, the identities—including full names, addresses, phone numbers, and email addresses—of individuals whose identities the government masked through the use of UFIs and other pseudonyms in produced discovery. Mr. al Baluchi believes, based on that same discovery, these individuals are relevant to the question of whether the military commission has personal jurisdiction over Mr. al Baluchi.<sup>2</sup> The government has also indicated that it will rely on Mr. al Baluchi's statements from his period in U.S. government custody to support the assertion that Mr. al Baluchi participated in hostilities against the United States as a member of al Qaeda.

d. The government has not responded to DR-333-AAA.

e. On 21 July 2017, in DR-335-AAA, Mr. al Baluchi requested the government to arrange interviews with 50 persons identified as witnesses for the hearing on personal jurisdiction.<sup>3</sup> Mr. al Baluchi identified five witnesses by name, and forty-five witnesses by the Unique Functional Identifier or other pseudonym assigned by the government. Mr. al Baluchi does not know the identities of the pseudonymous witnesses. The government identified two (Special Agent James Fitzgerald and Special Agent [REDACTED]) of the fifty witnesses as witnesses it intended to

---

<sup>1</sup> AE502I Ruling on Defense Motion to Dismiss for Lack of Personal Jurisdiction due to the Absence of Hostilities.

<sup>2</sup> AE523 (AAA) Mr. al Baluchi's Motion to Compel Production of Identities of Witnesses Referred to by Pseudonym in Discovery, Attachment B.

<sup>3</sup> Attachment B.

call, and explicitly agreed to the production of three others (DR. 10, Dr. 21, and Special Agent Stephen McClain).<sup>4</sup> Although the government does not consent to the production of the other forty-five witnesses listed in DR-335-AAA, neither does it make any specific objection in AE502O.

f. The government has not responded to DR-335-AAA.

e. Instead, in a letter dated 6 September 2017, the government directed defense counsel not to make any efforts to identify or contact current or former CIA employees, regardless of whether they are or were overt or covert employees, because those efforts might somehow disclose classified information.<sup>5</sup> The government offered to contact current and former CIA employees on behalf of Mr. bin ‘Attash and allow them to choose whether to be interviewed by counsel for Mr. bin ‘Attash, subject to government-prescribed limitations on the scope of those conversations.

f. On 13 September 2017, counsel for Mr. al Baluchi objected to the government’s directive not to investigate the case, and proposal to interfere with defense interviews of CIA witnesses.<sup>6</sup>

**6. Law and Argument:**

The government has failed to disclose the identities of witnesses whose identities are within the possession of the government and whose testimony is material to Mr. al Baluchi’s defense. Worse, the government has gone out of its way to hamper Mr. al Baluchi’s efforts to conduct a thorough investigation, including by locating the witnesses at issue here. If the government has invoked classified information privilege to prevent the disclosure of witness information, the

---

<sup>4</sup> AE502O (GOV) Government Consolidated Response at 16-17.

<sup>5</sup> Attachment C.

<sup>6</sup> Attachment D.

military commission should dismiss the charges as a sanction. If the government has not invoked classified information privilege to prevent the disclosure of witness information, the military commission should order the government to produce the witnesses listed in DR-335-AAA for interviews. All of the individuals listed in DR-335-AAA, the majority of whom are listed by UFIs used by the government to mask the true identities of certain individuals,<sup>7</sup> are believed to be government employees or under the exclusive control of the government.

The government's actions here—refusing to identify relevant and helpful witnesses,<sup>8</sup> failing to produce them, and then threatening defense counsel who even attempt to discover their identities—violate Mr. al Baluchi's due process rights under the Fifth Amendment, and his Compulsory Process and Confrontation Clause rights under the Sixth Amendment, as well as the discovery and production rules under R.M.C. 701 and R.M.C. 703. The government's actions in denying Mr. al Baluchi his rights also usurp the military commission's responsibility and authority under the Rules of Military Commission, including its responsibility for regulating discovery.<sup>9</sup>

In recognition of the seriousness of the government's infringement upon Mr. al Baluchi's rights—and the threat those actions pose to the legitimacy of the military commissions system—the military commission should dismiss the charges, or order the government to produce the requested witnesses for interview in preparation for the hearing to determine personal jurisdiction, as well as for a possible trial.<sup>10</sup>

---

<sup>7</sup> The identities of forty-five of the fifty witnesses listed in DR-335-AAA are unknown to Mr. al Baluchi. Of these, forty-two are identified by UFIs. DR-335-AAA.

<sup>8</sup> *Cf. United States v. Yunis*, 867 F.2d 617, 625 (D.C. Cir. 1989).

<sup>9</sup> R.M.C. 701(1)

<sup>10</sup> R.M.C. 701(1)(3)(D).

**A. The government is interfering with Mr. al Baluchi's rights to conduct a pretrial investigation in preparation of his defense.**

The government is interfering with Mr. al Baluchi's rights to conduct a pretrial investigation in violation of his rights under the Fifth and Sixth Amendments to the U.S. Constitution. Mr. al Baluchi enjoys a right to investigate and prepare a defense,<sup>11</sup> including through untrammelled access to prospective witnesses.<sup>12</sup>

Nevertheless, the government has thus far refused to provide Mr. al Baluchi with the true identities of forty-five of the witnesses. By refusing to reveal the true identities of these witnesses, the government is violating Mr. al Baluchi's well established rights to access prospective witnesses under the Fifth Amendment and Sixth Amendment of the United States Constitution. Federal criminal courts have held that, absent an acknowledged governmental privilege,<sup>13</sup> the government

---

<sup>11</sup> *E.g.*, *Powell v. Alabama*, 287 U.S. 45, 57 (1932)(declaring the period between arraignment and trial to be "the most critical period of the proceedings against . . . defendants"); *United States v. Nixon*, 418 U.S. 683, 709 (1974)(remarking that "consultation [with counsel], thoroughgoing investigation and preparation [are] vitally important [to a defense]"); *Kimmelman v. Morrison*, 477 U.S. 365, 384 (1986)("The need to develop all relevant facts in the adversary system is both fundamental and comprehensive. The ends of criminal justice would be defeated if judgments were to be founded on a partial or speculative presentation of the facts. The very integrity of the judicial system and public confidence in the system depend on full disclosure of all the facts, within the framework of the rules of evidence.").

<sup>12</sup> *E.g.*, *United States v. Slough*, 669 F. Supp. 2d 51, 55-56 (D.C. Cir. 2009)("It is well-established that 'witnesses, particularly eye witnesses, to a crime are the property of neither the prosecution nor the defense. Both sides have an equal right, and should have an equal opportunity, to interview them.'"), *vacated on other grounds*, 641 F.3d 544 (D.C. Cir. 2011); *Gregory v. United States*, 359 F.2d 185, 188 (D.C. Cir. 1966); *United States v. Skilling*, 554 F.3d 529, 567 (5th Cir. 2009); *United States v. Scott*, 518 F.2d 261, 268 (6th Cir. 1975); *United States v. Pepe*, 747 F.2d 632, 654 (11th Cir. 1984)("It is well established that a defendant is normally entitled, without governmental interference, to access to prospective witnesses").

<sup>13</sup> *Cf.* *United States v. Celis*, 608 F.3d 818 (D.C. Cir. 2010); *United States v. Scott*, 518 F.2d 261, 268 (6th Cir. 1975) ("Certainly, the prosecution has no right to interfere with or prevent a defendant's access to a witness (absent any overriding interest in security).").

may not refuse to disclose the location of witnesses;<sup>14</sup> the government may not instruct witnesses not to speak to defense counsel;<sup>15</sup> the government may not instruct witnesses to provide it with notice prior to speaking with defense counsel;<sup>16</sup> and the government may not take any other actions that would effectively deny the defendant in a criminal proceeding access to a witness.<sup>17</sup>

In *Gregory v. United States*, for example, the D.C. Circuit reversed a defendant's conviction for first degree murder and other violent offenses because the prosecutor "frustrated [defendant's efforts to interview witnesses] and denied [him] a fair trial."<sup>18</sup> In that case, prior to trial, the prosecutor advised witnesses to the robberies and murder not to speak to anyone outside of his presence.<sup>19</sup> Defense counsel's efforts to interview witnesses were met with repeated refusals to do so unless the prosecutor appeared at the interview and the trial judge refused to order the prosecutor to countermand his own instructions.<sup>20</sup> As a result, "the defendant was denied that opportunity [to access witnesses in preparation of trial] which . . . elemental fairness and due process required that he have."<sup>21</sup> Without attributing malice or bad faith to the government, the D.C. Circuit compared its interference to suppression of evidence and reversed the defendant's convictions.<sup>22</sup>

---

<sup>14</sup> *United States v. Opager*, 589 F.2d 799, 805 (5th Cir. 1979).

<sup>15</sup> *United States v. Munsey*, 457 F. Supp. 1, 4-5 (E.D. Tenn. 1978).

<sup>16</sup> *United States v. Ebrahimi*, 137 F. Supp. 3d 886, 888-889 (E.D.V.A. 2015)(holding that the government interfered with the defendant's ability to access witnesses in preparation for trial by requesting potential witnesses notify the government prior to speaking with defense counsel)(citing *Gregory v. United States*, 359 F.2d 185 (D.C. Cir. 1966)).

<sup>17</sup> *Gregory v. United States*, 359 F.2d 185, 189 (D.C. Cir. 1966).

<sup>18</sup> *Id.* at 189.

<sup>19</sup> *Id.* at 187.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 188.

<sup>22</sup> *Id.* at 188-189.

In this case, the government's interference with Mr. al Baluchi's efforts to access witnesses is substantially worse than that at issue in *Gregory*. Whereas in *Gregory*, the government merely instructed witnesses already known to the defense that they ought not speak with defense counsel outside of the government's presence, here the government has prevented Mr. al Baluchi from knowing the identity of relevant, helpful, and noncumulative witnesses,<sup>23</sup> making it impossible for him to even attempt to locate and attempt to interview them. As a result, the government is effectively hiding witnesses.

Compounding the government's error in this case, on 6 September 2017, it sent a memorandum to counsel for Mr. bin 'Attash, purporting to prohibit counsel for Mr. bin 'Attash—and, presumably, counsel for all other defendants—from “mak[ing] . . . independent attempt[s] to locate or contact any current or former CIA employee or contractor, regardless of that individual's cover status.” Making matters even worse, the government has threatened defense counsel with, implicitly, criminal sanction in order to discourage defense counsel from attempting to access those UFI witnesses whose true identities defense counsel somehow divine. That memorandum further purported to limit or restrict defense counsels' ability to conduct a “thoroughgoing investigation and preparation,”<sup>24</sup> by interposing the government in defendants' efforts to interview witnesses,<sup>25</sup> including by claiming a right to arbitrarily limit the scope of those interviews.<sup>26</sup> The government is violating Mr. al Baluchi's rights to access prospective witnesses, and interference at issue here warrants judicial sanction.<sup>27</sup>

---

<sup>23</sup> Attachment C.

<sup>24</sup> *Nixon*, 418 U.S. at 709.

<sup>25</sup> Attachment C at ¶ 4-5

<sup>26</sup> Attachment C at ¶ 4-5

<sup>27</sup> *Cf. Gregory v. United States*, 359 F.2d 185, 189 (D.C. Cir. 1966); *United States v. Ebrahimi*, 137 F. Supp. 3d 886, 888-889 (E.D.V.A. 2015) (granting a three-week continuance in light of the

**B. The government is usurping the authority and responsibility for managing discovery that is properly vested with the military commission.**

The government's 6 September 2017 memorandum is an effort on the government's part to usurp the authority of the military commission. R.M.C. 701(l) vests the military commission with authority and responsibility for regulating discovery. R.M.C. 703 prescribes rules for producing witnesses and evidence and, again, assigns control of that process to the military commission. Nevertheless, on 6 September 2017, the government provided defense counsel<sup>28</sup> with a framework for "facilitating" interviews with witnesses, whose identities the government refuses to reveal, that appears to assume to the government the authority to "specify time, place and manner of making discovery"<sup>29</sup> by instructing defense counsel not to attempt to contact CIA witnesses,<sup>30</sup> by informing defense counsel that the government will contact pseudonymous witnesses on behalf of defense counsel and make clear that those witness may choose (or not) to be interviewed by defense counsel, and by informing defense counsel that the government will arbitrarily limit the scope of any interviews with UFI witnesses.<sup>31</sup>

The government's usurpation of the military commission's role in controlling pre-trial matters has already hampered Mr. al Baluchi's efforts to prepare for the forthcoming personal

---

government's interference with defendant's ability to access witnesses); *United States v. Linder*, 2013 U.S. Dist. LEXIS 29641, at \*2 (N.D. Ill., Mar. 5, 2013) (dismissing an indictment due to the government's interference with defendant's access to witnesses).

<sup>28</sup> The 6 September 2017 memorandum was directed to counsel for Mr. bin 'Attash. Presumably, however, the government intends it to apply to all defense counsel who seek to interview UFI witnesses.

<sup>29</sup> R.M.C. 703(l)(1).

<sup>30</sup> Attachment C at ¶ 6.

<sup>31</sup> *Id.*



jurisdiction hearing on 31 May 2017.<sup>32</sup> Mr. al Baluchi has already lost several months of pre-trial preparation by being denied access to or the ability to locate—or even the ability to request by name the production of—witnesses crucial to his defense on a matter that is fundamental to whether this tribunal may even move forward to trial.

The government's 6 September 2017 memorandum also evinces a willingness on behalf of the government to assume to itself the Military Judge's role in adjudicating the invocation of—and remedy for—the national security privilege. Whereas the Rules of Military Commissions and the Military Commissions Rules of Evidence place determination of whether an invocation of the national security privilege is proper with the military commission, the government appears to believe that step is unnecessary.<sup>33</sup> Further, the Military Commissions Rules of Evidence assign to the Military Judge the role of fashioning appropriate evidentiary substitutes when circumstances and the national security privilege require it. Yet, the government's 6 September 2017 memorandum skips those steps entirely and seeks to establish a government-designed and government-managed process for limiting defense access to witnesses and evidence, entirely outside of judicial review.

In light of the foregoing, it is clear that the government is interfering in defendants' efforts to prepare for the personal jurisdiction hearings and trial. If the government is doing so on the basis of invocation of classified information privilege, it must accept dismissal as a sanction. If the government has not invoked the classified information privilege over witness information, the military commission should order the government to produce all the witnesses listed in DR-335-

---

<sup>32</sup> AE502I.

<sup>33</sup> Attachment C at ¶ 6.

AAA for interviews by his counsel. Such an order would be just under the circumstances<sup>34</sup> because it simultaneously would facilitate Mr. al Baluchi's pursuit of a thoroughgoing investigation while moving forward with preparations for the personal jurisdiction hearing and trial.

7. **Request for Oral Argument:** Requested.
8. **Conference with Opposing Counsel:** The government states its position as follows: "The Prosecution will oppose this motion and denies unlawfully interfering with Defense investigation."
9. **Attachments:**
  - A. Certificate of Service
  - B. DR-335-AAA, DEFENSE REQUEST FOR DISCOVERY, Potential personal jurisdiction hearing witnesses (**Classified**)
  - C. MEMORANDUM FOR Defense Counsel, Index related to CIA RDI Discovery
  - D. MEMORANDUM FOR Trial Counsel, dated 13 September 2017

Very respectfully,

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

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

//s//  
ALKA PRADHAN  
Defense Counsel

//s//  
JASON R. WAREHAM  
Maj, USMC  
Defense Counsel

Counsel for Mr. al Baluchi

---

<sup>34</sup> R.M.C. 701(I)(3)(D).

# Attachment A

**CERTIFICATE OF SERVICE**

I certify that on the 25th day of Septemeber, 2017, 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

**United States v. KSM et al.**

**APPELLATE EXHIBIT 524 (AAA)**

**(Pages 14 - 18)**

**CLASSIFIED**

**Attachment B**

**APPELLATE EXHIBIT 524 (AAA) is located in the classified annex of the original record of trial.**

**POC: Chief, Office of Court Administration  
Office of Military Commissions**

United States v. KSM et al.

APPELLATE EXHIBIT 524 (AAA)

# Attachment C



[REDACTED]

**DEPARTMENT OF DEFENSE**  
OFFICE OF THE CHIEF PROSECUTOR OF MILITARY COMMISSIONS  
1610 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1610

OFFICE OF THE  
CHIEF PROSECUTOR

6 September 2017

MEMORANDUM FOR Defense Counsel for Khallad Bin 'Attash

SUBJECT: Index related to CIA RDI Discovery

1. ~~(S)~~ This letter is to explain the discovery provided herewith on this disc that is Bates Stamped "MEA-10018-00008543-MEA-10018-00008562."
2. ~~(S)~~ Over the course of many months, the Military Judge has reviewed, and ultimately approved, Defense summaries of certain classified information related to the CIA RDI program submitted by the Prosecution in numerous *ex parte* classified filings. The attached document is an index of the discovery provided by the Prosecution to date related to the Central Intelligence Agency's former Rendition, Detention, and Interrogation (RDI) Program. The Military Judge approved summaries that omit certain information, including the dates of reports, names of CIA employees or contractors, and information regarding the locations where the accused were held.
3. ~~(S)~~ The index lists discovery provided by the Prosecution in chronological order of the event that is documented in the materials. In some cases, the information in the original materials was undated and the Prosecution provided its best estimate of when the event documented in the materials took place. Where applicable, the Prosecution provided a location – identified by location number – where the event took place. Because of the nature of the involvement of certain individuals in the CIA RDI Program, and specifically the nature of contact with the accused, the Government assigned those individuals a unique functional identifier (UFI) (e.g. "Interrogator A1C"). The index identifies when particular individuals were present for events documented in the discovery materials, using the UFIs.
4. ~~(S)~~ The Prosecution understands that the Defense may want to contact individuals identified in the discovery materials. To the extent that the Prosecution has identified an individual with a UFI, the Prosecution is willing to facilitate Defense requests to interview that person. To facilitate any Defense requests, an officer of the CIA, with an FBI special agent present, will contact each requested individual and notify the individual that defense counsel for the Accused have identified him or her as someone they would like to interview. The CIA officer will make clear that any interview is completely voluntary – the individual has an absolute right to participate in an interview if they so choose, but an equal and absolute right not to do so. This arrangement will ensure that

**UNCLASSIFIED WHEN REMOVED FROM ATTACHMENT**

[REDACTED]



[REDACTED]

each individual is informed of his or her rights and obligations with respect to the Defense request and will seek to learn whether each individual is amenable to being interviewed. If any individual agrees to speak with the Defense, the Prosecution will follow up with a letter setting out further information regarding the logistical arrangements for any interview and the scope of the agreed-to questioning. Be advised that in the event these individuals agree to meet, you will be limited in what may be discussed outside the areas identified in this follow up letter; to ensure a productive process, it would be helpful for the Defense to identify in its interview request topics or documents that the Defense would like to discuss.

5. ~~(U)~~ The Defense may also want to make a request to interview other current or former CIA employees and contractors. The Government is prepared to facilitate requests in the same manner as described in paragraph (4), provided that at all times Defense the requests are conducted in a manner that adequately protects official government information, including classified information. *See generally* 5 U.S.C. § 301 (implementing *United States v. Touhy*, 340 U.S. 462). Any such requests must include a reasonably detailed description of the information sought to be discussed during the interview. 32 C.F.R. § 1905.4(d); *see generally* AE 502J.
6. ~~(U)~~ The Defense should make no independent attempt to locate or contact any current or former CIA employee or contractor, regardless of that individual's cover status. In many cases, the CIA employee or contractor's affiliation with the CIA is covert. Moreover, "[i]nformation regarding CIA personnel or contractors involved in the former RDI Program" including "any ... identifying information" remains classified. *See* 13RRR Att. B at 3; AE 13BBBB 2(g)(4)(c) (incorporating Att. B into Third Amended Protective Order No. 1). Thus, even well-intentioned efforts to locate CIA employees and contractors have the likely consequence of disclosing classified information. These necessary restrictions on Defense efforts are critical to protecting very sensitive classified information and must be followed. To the extent that you have any questions regarding the procedures required to contact current or former CIA employees and contractors, the Defense should contact the undersigned at [REDACTED] or jeffredg [REDACTED]. Be mindful of the classification of the materials that you have received and confer with your defense security officer prior to sending any request via unclassified means. We are happy to make appropriate arrangements to enable the Prosecution to process the Defense requests for discovery in a manner that adequately protects classified information.

//s//

Jeff Groharing  
 Trial Counsel  
 Office of the Chief Prosecutor

# Attachment D



**DEPARTMENT OF DEFENSE  
MILITARY COMMISSIONS DEFENSE ORGANIZATION  
1620 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1620**

13 September 2017

MEMORANDUM FOR Trial Counsel

FROM: James G. Connell, III, Defense Counsel for Mr. al Baluchi

SUBJECT: Response to Memorandum Directing Defense Counsel Not to Investigate

1. This letter memorializes our objections to your 6 September 2017 memorandum not to investigate the case in *United States v. al Baluchi*, and your proposed interference with Mr. al Baluchi's right to investigate and interview witnesses. To be clear, counsel for Mr. al Baluchi decline both your directive and your proposal, and inform you that proceeding as you propose would violate Mr. al Baluchi's rights under the Fifth and Sixth Amendment to the Constitution, and 10 U.S.C. § 949j.
2. Your direction to "make no independent attempt to locate or contact any current or former CIA employee or contractor, regardless of that individual's cover status," if honored, would violate core principles of the adversarial process. I direct your attention to AE441A (AAA), which explains the authorities mandating independent defense investigation of witnesses and evidence.
3. Your proposed witness procedure would interfere with Mr. al Baluchi's access to witnesses you have acknowledged are relevant and helpful, and violate Mr. al Baluchi's right to obtain witnesses and evidence. The proper procedure is laid out in Mr. al Baluchi's memoranda DR-333-AAA and DR-335-AAA, dated 13 July 2017 and 21 July 2017, respectively.
4. Counsel for Mr. al Baluchi do not understand your memorandum to invoke the procedures under 10 U.S.C. § 949p-4 or M.C.R.E. 505. You have not sought a protective order to prevent defense investigation as you have done in the past. If you intend your directive or proposal to have binding effect, through invocation of classified information privilege or otherwise, you will need to seek an appropriate order from the military commission. Otherwise, your letter is simply an unconstitutional attempt to chill defendants' investigative and mitigation efforts.
5. I am available to discuss this matter at [REDACTED] or james.connell2 [REDACTED]

Best regards,

//s//

James G. Connell, III  
Counsel for Mr. al Baluchi