

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 615B</p> <p>ORDER</p> <p>Expedited Briefing Schedule and Deferral of Ruling on Motion to Suspend Briefing Deadlines</p> <p>11 January 2019</p>
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1. On 9 January 2019, Mr. bin ‘Attash moved the Commission to conduct a thorough inquiry into actual and/or potential attorney conflict of interest based on facts alleged in the motion, and to cancel proceedings pending the outcome of the inquiry.¹ This filing was served on the Defense Teams and the Government Special Trial Counsel (STC), but was not served on the Prosecution.²

2. On 11 January 2019, Mr. Mohammad moved the Commission to suspend all briefing deadlines pending resolution of the issue raised by Mr. bin ‘Attash in AE 615 (WBA).³ This filing was served on the Defense Teams and the Government STC, but was also not served on the Prosecution.⁴

3. Findings.

a. The Commission finds an expedited briefing schedule on the issue raised by Mr. bin ‘Attash in AE 615 (WBA) is in the interest of judicial economy, and that the Government STC is the appropriate counsel to represent the United States for this motion.

¹ AE 615 (WBA), Defense Motion to Conduct Thorough Inquiry into Actual and/or Potential Attorney Conflict of Interest Pursuant to R.M.C. 901 and Holloway v. Arkansas, 435 U.S. 475 (1978) and to Cancel Proceedings Pending Inquiry, filed 9 January 2019.

² See AE 003L (GOV), Special Trial Counsel Detailing Memorandum, filed 28 October 2016.

³ AE 615A (KSM), Motion to Suspend Briefing Deadlines Pending Resolution of AE 615, filed 11 January 2019.

⁴ See AE 003L (GOV), Special Trial Counsel Detailing Memorandum, filed 28 October 2016.

b. The Commission also finds there is no immediate need to suspend the pending filing deadlines in this case or to hear oral argument on Mr. Mohammad's motion.⁵

4. Order.

a. Mr. Mohammad's request for oral argument is **DENIED**.

b. Mr. Mohammad's motion to suspend briefing deadlines pending the resolution of the issue raised in AE 615 (WBA) is **DENIED**.

c. The Government STC response to AE 615 (WBA) is due **No Later Than (NLT)**

17 January 2019.

d. Any Defense reply to the Government response is due **NLT 23 January 2019.**

e. Parties submitting any filings in the AE 615 series shall provide a notice of such filings to the Prosecution.

So **ORDERED** this 11th day of January, 2019.

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

⁵ Of note, Mr. Mohammad's most immediate concern was that his reply to AE 555DDD was due 11 January 2019. That reply, however, is rendered moot by the Commission's Ruling in 555EEE issued 10 January 2019.