

**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 350SSS / AE 616

ORDER

Expedited Briefing Schedule

10 January 2019

1. In AE 350RRR, the Commission ordered the Government to produce a witness referred to as “Interpreter” to testify as a witness during Commission hearings scheduled for 28 January – 1 February 2019, via video teleconference in closed session pursuant to Rule for Military Commissions 806.¹ The Commission limited the scope of Defense examination of the Interpreter to the following matters: (1) The circumstances surrounding the Interpreter’s employment and assignment to the MCDO, including any information the Interpreter did provide or could have provided regarding his involvement with the Central Intelligence Agency (CIA) prior to accepting work on behalf of the MCDO and with individual Defense teams (including the scope and provisions of the interpreter’s non-disclosure agreement); (2) the scope and nature of the Interpreter’s work on behalf of the MCDO and individual Defense teams (including what potentially privileged information the Interpreter may have had access to); and (3) whether or not, and if so, to what extent, the Interpreter shared any potentially privileged information with any other persons or organizations. The Commission also ordered the Defense to refrain from

¹ AE 350RRR, Order, Defense Motions in the AE 350 Series, dated 13 December 2018 at p. 10. During oral argument, in response to the Commission’s inquiry as to whether the Interpreter’s testimony could be heard in open court, Counsel for Mr. Mohammad responded that closed session would be required. *Id.* at p. 7. No other Defense Counsel disputed this assertion at the time.

inquiring into what the Interpreter did or observed while employed by the CIA for any period of time prior to his seeking employment as an interpreter within the MCDO.²

2. On 4 January 2019, Mr. Ali (a.k.a. al Baluchi) filed a response (AE 611I (AAA))³ to the Commission's Docket Order for the 28 January – 1 February 2019 requesting that "Objections to closed hearing on unclassified testimony: AE 350RRR" be added to the docket for oral argument. The Government did not oppose this portion of AE 611I (AAA).⁴ The Commission finds an expedited briefing schedule on this issue is in the interest of judicial economy.

3. Order – Expedited Briefing Schedule (all filings will be in the AE 616 series).

a. The Defense will identify, and present written argument in support of, any objections to taking testimony of the Interpreter during closed session not later than **(NLT) 16 January 2019**.

b. The Government response is due **NLT 22 January 2019**.

c. Any Defense Replies are due **NLT 24 January 2019**.

So **ORDERED** this 10th day of January, 2019.

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

² *Id.* at pp. 10-11.

³ AE 611I (AAA), Mr. al Baluchi's Response to AE 611 (Sup) Docket Order (Proposed Order of March), filed 4 January 2019.

⁴ AE 611K (GOV), Government Response to Mr. Ali's Proposed Order of March, filed 7 January 2019.