

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

AE616N (AAA)

NOTICE OF ORDER

By the United States Court of Military
Commission Review

21 March 2019

1. **Timeliness:** This notice is timely filed.
2. **Notice:** On 20 March 2019, counsel for Mr. al Baluchi received the attached Order from the United States Court of Military Commission Review.
3. **Attachments:**
 - A. Certificate of Service;
 - B. CMCR Order.

Very respectfully,

//s//

JAMES G. CONNELL, III
Learned Counsel

//s//

STERLING R. THOMAS
Lt Col, USAF
Defense Counsel

//s//

ALKA PRADHAN
Defense Counsel

//s//

BENJAMIN R. FARLEY
Defense Counsel

//s//

MARK E. ANDREU
Capt, USAF
Defense Counsel

Counsel for Mr. al Baluchi

Attachment A

CERTIFICATE OF SERVICE

I certify that on the 21st day of March, 2019, 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
COURT OF MILITARY COMMISSION REVIEW

Ali Abdul-Aziz Ali,)	ORDER
AKA Ammar Al Baluchi,)	
)	
Petitioner)	
)	
v.)	
)	
United States,)	CMCR 19-002
)	
Respondent)	March 20, 2019

BEFORE:

**POLLARD, PRESIDING Judge
HUTCHISON, FULTON, Judges**

On March 14, 2019, Petitioner Ali Abdul-Aziz Ali, a/k/a Ammar Al Baluchi, filed a petition seeking a writ of mandamus directing the military judge presiding over petitioner’s commission case to hold a public hearing involving the unclassified testimony of a witness known as the “Interpreter.” The military judge previously had denied petitioner’s motion to take the Interpreter’s unclassified testimony in an open session. *See* AE 616J. On March 15, 2019, petitioner asked this Court to stay the Interpreter’s testimony before the commission until the dispute over closing the courtroom had been resolved. Pursuant to our Rules and our scheduling order dated March 14, 2019, the government’s time to respond to the motion and the writ petition has not expired.

On March 15, 2019, petitioner notified this Court that he had moved in the commission to continue the testimony of the Interpreter and that the military judge had directed briefing which is to conclude on March 20, 2019. The Interpreter currently is scheduled to testify during the week of March 25 to 29, 2019.

If the military judge grants petitioner’s motion and continues the hearing until after this Court considers and decides the petition for mandamus, that will moot petitioner’s stay motion in this Court. If the military judge denies the motion, the reasons for that decision may help inform this Court’s adjudication of the stay motion.

Accordingly, we will amend the briefing schedule for the stay motion to provide both parties an opportunity, if necessary, to address the ruling by the military judge to continue the Interpreter’s testimony pending the resolution of the mandamus petition.

Accordingly,

IT IS HEREBY ORDERED, upon the issuance of a ruling regarding the continuance motion by the military judge, petitioner shall forthwith inform this Court of the ruling, and provide a copy of any written ruling or the transcript of any oral ruling no later than 10:00 a.m. Eastern Daylight Time the day after said ruling by the military judge.

IT IS HEREBY FUTHER ORDERED, that if after the military judge rules on the continuance motion, petitioner continues to seek a ruling from this Court regarding his stay motion, he, as previously stated, shall forthwith notify the Court and by noon Eastern Daylight Time the next day, file any additional briefing in support of the stay motion. The government shall file any opposition to the stay motion the following day by 5:00 p.m. Eastern Daylight Time.

IT IS HEREBY FUTHER ORDERED, that in responding to the mandamus petition, the government shall address why any alternative to a closed hearing would be ineffective, including, but not limited to, why the 40 second delay in transmission of the testimony and keeping the Interpreter behind a screen during his testimony are inadequate to protect his identity and national security. *See* AE 616J at 3.

FOR THE COURT:


Mark Harvey
Clerk of Court, U.S. Court of Military
Commission Review