

**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 623C**

**ORDER**

**Motion for Order**

Regarding the Parties' Understanding of the  
Privileged Written Communications Order  
AE 018U (Third Amended)

**12 April 2019**

1. The Defense moved<sup>1</sup> the Commission to issue a proposed order<sup>2</sup> clarifying the intent of the parties with respect to implementation of paragraphs 2(g)(1) (Other Case-Related Material) and 2(i)4 (Contraband) of the Commission's Privileged Written Communications Order (PWCO), AE 018U (Third Amended)<sup>3</sup> to ensure the Privilege Review Team (PRT) understands how to properly apply these paragraphs of the PWCO. The parties agree<sup>4</sup> that (1) Defense Counsel, not the PRT, decide whether material being sent to an Accused through the PRT is case-related; and (2) upon Defense Counsels' written attestation that they reasonably believe materials submitted are related to the case, the PRT reviews the materials only to ensure they are properly marked.<sup>5</sup>

2. **Ruling/Order.** The motion is **GRANTED**. The PRT will implement the PWCO in AE 018U (Third Amended) in accordance with the intent of the parties as specified in paragraph (1) of this Order.

So **ORDERED** this 12th day of April, 2019.

//s//

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

<sup>1</sup> AE 623 (WBA, RBS, AAA, MAH), Motion for Order Regarding the Parties' Understanding on the Implementation of the Privileged Written Communications Order AE 018U (Third Amended), filed 8 April 2019.

<sup>2</sup> *Id.* at Attach. B.

<sup>3</sup> AE 018U (3rd Amend) Third Amended Order, Privileged Written Communications, dated 28 March 2019.

<sup>4</sup> AE 623B (GOV), Government Notice Of Position in Accordance With AE 623A, Order, filed 11 April 2019.

<sup>5</sup> These marking and attestation requirements are set out in Paragraph 3 of AE 018U (3rd Amend).