

**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA**

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| <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 624A</p> <p>DOCKET ORDER</p> <p>10 April 2019</p> |
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1. A hearing in this case will take place **29 April – 3 May 2019**, at U.S. Naval Station, Guantanamo Bay, Cuba. The hearing will begin at **0900 on Monday, 29 April 2019**.
2. A Rule for Military Commission (R.M.C.) 802 Conference will be held at **1700 on Saturday, 27 April 2019**, to discuss the sequence of argument and changes to the Docket Order.
3. All accused must be present for the session on **29 April 2019**.
4. The Commission will receive evidence and hear argument on the following motions during the session.¹
 - a) **AE 286: Defense Motion To Compel Discovery of Senate Select Committee on Intelligence Committee Study of RDI Program and Related Documents;**²

¹ AE 538 and AE 561 have been on previous dockets and were deferred by the Commission at the request of the parties. Accordingly, the Commission will not add these motions to the docket absent a request from a party.

² Since the initiation of the AE 286 series, the Defense has received additional discovery related to the RDI program pursuant to the Commissions orders in, among other series, AE 397, AE 419, and AE 523. In light of this new discovery, the Commission seeks an update on the following topics: (1) whether the Prosecution has completed its review of the approximately 6 million documents allegedly underlying the Senate Select Committee on Intelligence Committee Study of RDI Program and Related Documents (SSCI Report); (2) whether the Prosecution has turned over all discovery it intends to provide related to its review of the documents underlying the SSCI Report; (3) whether the Prosecution views any portion of the SSCI Report, the Panetta Review, or the Central Intelligence Agency rebuttal to be discoverable (as opposed to the documents underlying these reports); (4) whether the Defense requests made pursuant to AE 286 are still ripe in light of additional discovery provided by the Prosecution; and (5) whether the original rationale articulated in support of the Defense requests has changed in light of the additional discovery provided. Oral argument of AE 286 and AE 286AA will be focused on these 5 specified topics.

b) **AE 286AA**: Motion To Compel Discovery of Documents Discussed in the Unclassified Executive Summary of the Report of the Senate Select Committee on Intelligence Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program;³

c) **AE 616J**: [The Commission will receive testimony from “the Interpreter”];

d) **Hostilities Issue Specified in AE 617D / 620C**: Commission’s Order in relation to Mr. al Baluchi’s Motion to Compel Communications from the International Committee for the Red Cross Concerning the Existence of an Armed Conflict 1996-2002 and Mr. al Baluchi’s Motion to Compel Documents and Information Concerning the United States Pre-9/11 Law-of-War Detainees Associated with al Qaeda.

5. Counsel should be prepared to argue any other motion for which the briefing cycle has been completed.⁴ If either side believes other issues should be addressed, they may request the Commission amend this order.

6. If required, hearings under the provisions of Military Commission Rule of Evidence 505(h) will be conducted at times to be determined.

7. The time which has transpired since arraignment until the date of the next session (29 April 2019) shall be considered excludable delay in accordance with R.M.C. 707(b)(4)(E)(i) and R.M.C. 707(c). I find that the interests of justice have been served by granting continuances for the resolution of interlocutory and other pretrial issues, and that the resolution of these issues outweighs the interests of the public and the accused in a prompt trial.

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

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

³ *Id.*

⁴ Pending motions not listed on this docket order, but which may complete the briefing cycle prior to the commencement of the April/May 2019 hearing, may be added to the docket via a supplemental docket order if the Commission determines oral argument is necessary and appropriate for inclusion in the April/EMay 2019 hearings.