

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

AE624E (AAA)

Mr. al Baluchi's Response to AE624A
(Proposed Order of March)

18 April 2019

1. **Timeliness**: This updated proposed order of march is timely filed.
2. **Overview**: Mr. al Baluchi respectfully proposes the following order of march for hearings conducted pursuant to RMC 803(a) in April/May 2019. Italicized numbers denote motions not currently listed on AE624A Docket Order.

Open session 1

SSCI Report & underlying documents: AE286, AE286AA

Hostilities: AE617D/AE620C

505(h)



Open session 2

Medical records/witnesses: AE330, AE523N

Closed 806 session



Testimony (Tuesday)

Former CIA Interpreter: AE616J

3. **Argument:**

The military commission has ordered the following issues for argument or evidence at the April/May 2019 hearing:

AE286 (AAA) Defense Motion to Compel Discovery of Senate Select Committee on Intelligence Study of RDI Program and Related Documents;¹

AE286AA (KSM) 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;²

AE616J Testimony of the Former CIA Interpreter Utilized by Some Defense Teams;³

¹ On 18 February 2016, the military commission raised an issue with respect to AE286 and requested briefing. Unofficial/Unauthenticated Transcript of 18 February 2016 at 10594-97. Relatedly, the parties argued AE286J (Mohammad) Emergency Defense Motion to Order the Government to Produce the Full, Unredacted Senate Report on the RDI Program, or, in the Alternative, to File the Report with the Commission to Be Maintained Ex Parte and Under Seal Pending Further Rulings on 7 December 2016. Unofficial/Unauthenticated Transcript of 7 December 2016 at 14447-75.

² On 3 May 2018, the parties argued AE286AA. Unofficial/Unauthenticated Transcript of 3 May 2018 at 19796-824.

³ *See also* AE350RRR Order. Mr. al Baluchi consulted with the government, who indicated its preference for testimony on Tuesday, 30 April 2019. The issue originally arose on 9 February 2015. Unofficial Unauthenticated Transcript of 9 February 2015 at 8248-52. The parties argued the issue on 11 February 2015, 25 October 2015, 29 October 2015, 17 February 2016, 7 December 2016, 16 May 2017, 24 August 2017, 16 October 2017, 8 January 2018, 26 February 2018, 23 July 2018, 25 July 2018, 14 November 2018, and 16 November 2018. Unofficial/Unauthenticated Transcript of 11 February 2015 at 8265-84, 8336-44; Unofficial/Unauthenticated Transcript of 25 October 2015 at 8709-14; Unofficial/Unauthenticated Transcript of 29 October 2015 at 8978-9038; Unofficial/Unauthenticated Transcript of 17 February 2016 at 10305-06; Unofficial/Unauthenticated Transcript of 7 December 2016 at 14388-95; Unofficial/Unauthenticated Transcript of 16 May 2017 at 15861; Unofficial/Unauthenticated Transcript of 24 August 2017 at 16215; Unofficial/Unauthenticated Transcript of 16 October 2017 at 16645; 8 January 2018 at 18334-35; Unofficial/Unauthenticated Transcript of 26 February 2018 at 18900-01; Unofficial/Unauthenticated Transcript of 23 July 2018 at 20108; Unofficial/Unauthenticated Transcript of 25 July 2018 at 20117; Unofficial/Unauthenticated Transcript of 14 November 2018 at 21482-527; Unofficial/Unauthenticated Transcript of 16

AE617D/AE620C Hostilities Issue Specified;

Mr. al Baluchi respectfully requests the military commission to add the following motions to the docket:

AE330 (AAA) Defense Motion to Compel Production of Complete, Unredacted Medical Records;⁴

AE523N (AAA) Mr. al Baluchi's Motion to Reconsider AE523L Protective Order #5 and AE523M Ruling.⁵

November 2018 at 21885; Unofficial/Unauthenticated Transcript of 29 January 2019 at 22237-56. In AE350RRR and AE616J Ruling, the military commission has ordered a closed hearing pursuant to RMC 806. Mr. al Baluchi's challenge to this closure is currently pending before the Court of Military Commission Review.

⁴ The parties argued AE330 on 12 October 2016, 7 December 2016, 20 March 2017, and 1 May 2018. Unofficial/Unauthenticated Transcript of 12 October 2016 at 13754-820; Unofficial/Unauthenticated Transcript of 7 December 2016 at 14398-422; Unofficial/Unauthenticated Transcript of 20 March 2017 at 14608-55; Unofficial/Unauthenticated Transcript of 1 May 2018 at 19551-605.

⁵ The parties argued the base motion on 19 October 2017, 11 January 2018, and 1 May 2018. Unofficial/Unauthenticated Transcript of 19 October 2017 at 17023-48; Unofficial/Unauthenticated Transcript of 11 January 2018 at 18710-31; Unofficial/Unauthenticated Transcript of 1 May 2018 at 19551-605. AE523O (AAA) Defense Notice Pursuant to MCRE 505(g)(1)(A) requires an MCRE 505(h) hearing.

4. **Attachments:**

A. Certificate of Service

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 18th day of April, 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