

**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 889D (4th Amend)

Fourth Amended

DOCKET ORDER

17 March 2022

1. On 10 March 2022, at the request of the parties, the Commission moved the start of the hearing in this case (originally scheduled for 7-25 March 2022)¹ from 0900 on Friday, 11 March 2022 to 0900 on Monday, 21 March 2022.²
2. On 15 March 2022, the Prosecution informed the Commission that “significant enough progress” had “been made in exploring possible plea agreements for the parties to extend [their] joint request to remain in recess until the May 2022 Hearings.”
3. The Commission is inclined to grant the joint request to enable the parties to make further progress in exploring possible plea agreements. The Military Judge, however, will remain on Naval Station Guantanamo Bay, Cuba (NSGB) for the duration of the previously-scheduled March hearing in order to be available to reconvene in open, closed, or *ex parte* sessions as needed, in accordance with Rules for Military Commissions 802, 803 and 806, to address any issues that may arise during the negotiations.
4. The Commission tentatively cancels the hearing session currently scheduled to begin 21 March 2022.

¹ AE 889D Docket Order, dated 10 February 2022.

² AE 889D (3rd Amend) *Third Amended* Docket Order, dated 10 March 2022.

5. All Detailed Counsel who have made an appearance in this case shall remain on NSGB and be prepared to be present in Courtroom #2 from 21-25 March 2022, unless they have been specifically authorized to be absent by the Commission.

6. In the event the Commission deems it necessary to reconvene in Courtroom #2 during that time, the Commission intends to provide notice to the Parties in the form of an Amended Docket Order at least one day prior to the beginning of such a session.³

7. The administrative and logistics briefing⁴ (originally scheduled to be presented by the Prosecution during the March hearing) is postponed until the hearing scheduled for 9-27 May 2022.⁵ **No later than 25 March 2022**, the Prosecution will provide the Commission and the parties with a written copy of the presentation that was to be used for the briefing.

8. The Commission finds that the interests of justice are served by granting the continuances during the March 2022 hearings, for the resolution of interlocutory and other pretrial issues and the exploration of possible pretrial agreements, and that the resolution of these issues outweighs the interests of the public and the accused in a prompt trial.

So **ORDERED** this 17th day of March 2022.

//s//
MATTHEW N. MCCALL, Colonel, USAF
Military Judge
Military Commissions Trial Judiciary

³ The Remote Hearing Room in Arlington Virginia remains an extension of the well of the Courtroom for authorized participants in this case and should be available for use by authorized participants.

⁴ AE 889D Docket Order.

⁵ AE 847 (Amend) *Amended* Scheduling Order, dated 3 January 2022.