

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

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**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 895G**

**DOCKET ORDER**

September – October 2022 Hearings

**29 August 2022**

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1. Prior to the issuance of this Docket Order, Mr. bin ‘Attash, joined by Messrs. Mohammad, bin al Shibh, and Ali (a.k.a. al Baluchi), moved<sup>1</sup> to cancel the hearings scheduled to take place from 19 September – 14 October 2022<sup>2</sup> at U.S. Naval Station Guantanamo Bay, Cuba (NSGB) in order to allow Mr. bin ‘Attash’s new Learned Counsel (Mr. Matthew Engle) to “form an attorney client relationship” with his client and become sufficiently familiar with the case”<sup>3</sup> and for all the parties to “continue to work towards a pretrial agreement” free from the “the encumbrance of contested hearings.”<sup>4</sup>

2. The Prosecution did not oppose Mr. bin ‘Attash’s motion to cancel the hearings.<sup>5</sup>

3. Mr. Hawsawi submitted a declination of joinder,<sup>6</sup> in which he requested an *ex parte* hearing with the Military Judge during the first week of the previously-scheduled

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<sup>1</sup> See AE 895C (WBA), Defense Motion to Cancel Hearings Scheduled for September - October 2022, filed 19 August 2022.

<sup>2</sup> See AE 847 (2<sup>nd</sup> Amend), Second Amended Scheduling Order, dated 27 April 2022.

<sup>3</sup> AE 895C (WBA) at 6.

<sup>4</sup> *Id.* at 8.

<sup>5</sup> See *id.* at 1, 9.

<sup>6</sup> See AE 895E (MAH), Mr. al Hawsawi’s Notice of Declination of Joinder to AE 895C (WBA) and Statement of Separate Position Regarding September – October Session, filed 23 August 2022.

hearing, as well as the opportunity to present oral argument on several pending motions during the second week of the previously-scheduled hearing. Neither the Prosecution nor any of the other Accused objected to Mr. Hawsawi's proposed *ex parte* hearing.<sup>7</sup> The Prosecution and Messrs. Mohammad and bin 'Attash, however, did object to the docketing of any motions for oral argument during the September – October hearings.<sup>8</sup>

#### 4. Findings.

a. In light of the forgoing developments, the Commission finds it necessary to address Mr. Hawsawi's *ex parte* matter prior to hearing oral argument on any additional motions.

b. It is currently not practicable to hold contested hearings, receive witness testimony, or hear oral argument during the 19 September – 14 October 2022 time-period as originally contemplated.

c. The Military Judge will travel to NSGB in order to be available from 26 – 30 September 2022 to convene in open, closed, or *ex parte* sessions as needed, in accordance with Rules for Military Commissions (R.M.C.) 802, 803 and 806, in order to accommodate Mr. Hawsawi's *ex parte* hearing and to be available to address any other issues that may arise.

#### 5. Order.

a. The Commission will not be in session from 19 – 23 Sep 2022 or from 3 – 14 October 2022. The Commission will, however, be in session, as needed, from 26 – 30 September 2022 in order to facilitate such proceedings as referenced in Paragraph 4.a. and c. of this Order.

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<sup>7</sup> See *id* at 3.

<sup>8</sup> See *id* 3-4.

b. Although the Commission does not intend to hear oral argument or receive witness testimony during the 19 September – 14 October 2022 time-frame, the Commission directs that Courtroom #2 and the Remote Hearing Room in Arlington, Virginia be made available to the parties, as needed, during that time in order to facilitate the ongoing plea negotiations.

c. The Commission also directs that Courtroom #2 and the Remote Hearing Room be made available to the parties and the Commission from 26 – 30 September 2022 in order to facilitate such proceedings as referenced in Paragraph 4.a. and c. of this Order.

6. **Additional Matters.** The Commission intends to issue an Amended Docket Order in due course designating the times for any such proceedings as referenced in Paragraph 4.a. and c. of this Order and indicating which Counsel and accused, if any, should be in attendance.

So **ORDERED** this 29th day of August, 2022.

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