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1 [The Military Commission was called to order at 1956,
2 5 May 2012.]

3 MJ [COL POHL]: The Commission is called to order. All
4 parties are again present that were present when the
5 commission recessed.

6 Counsel, just so it's clear, with all these moving
7 pieces, when I give a time to be back, be back. Now, Defense,
8 I will not proceed without you not being here, but it's, quite
9 frankly, inconsiderate that everybody else can be here on time
10 and you can't.

11 Trial Counsel, if you choose not to be here, I
12 will proceed as long as one of you is here. That being said,
13 please read the charges.

14 TC [BG MARTINS]: Your Honor, we'll read a full
15 paragraph of each page of the charge sheet, and then there
16 will be simultaneous after that full paragraph.

17 MJ [COL POHL]: The translator has ----

18 TC [BG MARTINS]: They have Arabic copies, and they'll
19 be able to read fully and quickly.

20 [The Charge Sheet was read, beginning with Charge I, Number 1
21 through Number 67.]

22 MJ [COL POHL]: Captain Schwartz, you asked for these
23 charges to be read, and all you've done is talk with your

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1 client and ignore this while we're going through this. The
2 purpose of reading the charges was so you could hear what they
3 are. Now, do you want to hear the charges or not?

4 DC [CPT SCHWARTZ]: I wouldn't choose to use the word
5 "ignore."

6 MJ [COL POHL]: So you listened to every one of them?

7 DC [CPT SCHWARTZ]: Yes, Your Honor.

8 MJ [COL POHL]: And you're able to talk to your client,
9 write things down and listen to every word that's being said
10 while being read from the charge sheet? You're the one that
11 asked them to be read. I assume you wanted to hear them.

12 DC [CPT SCHWARTZ]: Your Honor, it's not my right. It's
13 my client's right.

14 MJ [COL POHL]: And your client can hear them even
15 though you're talking to him and writing down during the
16 course of the iteration here?

17 DC [CPT SCHWARTZ]: I believe he can, yes.

18 MJ [COL POHL]: As an officer of the court, you're
19 representing to me your client can listen to you, write things
20 down and listen to the translation of a document he does not
21 have in front of him in Arabic?

22 Commander Schwartz, you don't need to answer that
23 question. I'm just saying if you want them read, show the

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1 courtesy of listening. If you don't want them read, they
2 don't have to.

3 In 12 years of being a judge, this is the first
4 time I've heard counsel wanting them to be read. If you want
5 them read, it's going to take a long time, but that means to
6 me you want to hear them and your client wants to hear them,
7 and you can't hear them if you're talking.

8 Now, do you want them read?

9 DC [CPT SCHWARTZ]: Yes, Your Honor.

10 MJ [COL POHL]: Okay. Mr. Nevin, do you want them read?

11 DC [MR. NEVIN]: Mr. Mohammad waives the reading.

12 MJ [COL POHL]: Got it.

13 Mr. Harrington, do you want them read?

14 DC [MR. HARRINGTON]: Yes, Judge.

15 MJ [COL POHL]: Then I would ask also you to listen.

16 Mr. Connell, do you want them to be read?

17 DC [MR. CONNELL]: I'm not authorized to answer that
18 question. That was the answer I gave before, Your Honor.

19 MJ [COL POHL]: I'm going to take that as you don't want
20 them read.

21 Commander Ruiz, do you want them read?

22 DC [CDR RUIZ]: I think you indicated earlier that if
23 one party wants them read ----

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1 MJ [COL POHL]: They have to read them. I want the
2 parties who want them read to listen. That's all.

3 DC [CDR RUIZ]: I'm sitting at counsel table.

4 MJ [COL POHL]: No, I know. Did I say you weren't
5 paying attention? Do you want them read, Commander Ruiz?

6 DC [CDR RUIZ]: Yes, Your Honor.

7 MJ [COL POHL]: Proceed, Mr. Swann.

8 [The reading of the Charge Sheet continued, beginning with
9 Charge I, Number 68, through The Additional Charge.]

10 TC [MS. BALTES]: And this concludes the reading of the
11 charges.

12 MJ [COL POHL]: Thank you. Commission is in recess
13 until 12 June.

14 [The Military Commission recessed at 2228, 5 May 2012.]

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