

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

<p><b>UNITED STATES OF AMERICA</b></p> <p><b>v.</b></p> <p><b>ENCEP NURJAMAN; MOHAMMED NAZIR BIN LEP; MOHAMMED FARIK BIN AMIN</b></p>	<p><b>AE 0002.008 (TJ)</b></p> <p><b>AMENDED ARRAIGNMENT ORDER (CORRECTED COPY)**</b></p> <p><b>16 April 2021</b></p>
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**1. Procedural History.**

a. The Commission originally set the arraignments in this case for 22 February 2021.<sup>1</sup> In AE 0002.007 (TJ),<sup>2</sup> the Commission granted defense motions for a continuance. In AE 0010.001 (TJ), the Commission ordered the Parties to confer with a view toward developing a mutually agreed upon proposed schedule for the date of the arraignments and provide notice to the Commission.<sup>3</sup>

b. In AE 0014.001 (GOV), the Government provided notice of conferring with the Defense regarding a proposed arraignment date of 26 July 2021.<sup>4</sup>

\*c. Mr. Nurjaman proposed a Rule for Military Commission 802 conference “to reassess potential arraignment scheduling on or about 4 June 2021.”<sup>5</sup> Mr. Bin Lep reiterated his position that the arraignment should occur immediately.<sup>6</sup> However, recognizing the Commission’s ruling in AE 0002.007 providing the date for the arraignments will be no earlier than 26 July 2021, Mr.

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<sup>1</sup> AE 0002.001 (TJ), Arraignment Order, dated 26 January 2021.

<sup>2</sup> AE 002.007 (TJ), RULING, Defense Motions to Continue or Stay Arraignment Proceedings, dated 2 February 2021.

<sup>3</sup> AE 0010.001 (TJ), INTERIM ORDER, Pre-Arraignment Matters, dated 11 February 2021, at 2.

<sup>4</sup> AE 0014.001 (GOV), Government’s Notice of Proposed Arraignment Date, Discovery Schedule, and Initial Litigation Schedule, filed 10 March 2021, at 2.

<sup>5</sup> AE 0014.002 (NUR), Defense Notice Proposed Scheduling of Arraignment and Motions, filed 10 March 2021, at 1.

<sup>6</sup> AE 0014.003 (LEP), Defense Notice of Proposed Schedule, filed 19 March 2021, at 2.

\*\*Change removed “an arraignment date be scheduled” added “a Rule for Military Commission 802 conference “to reassess potential arraignment scheduling”

Bin Lep requested an arraignment date of 26 July 2021.<sup>7</sup> Counsel for Mr. bin Amin argued that the arraignment should not proceed until Mr. bin Amin is properly vaccinated, followed by a two week waiting period.<sup>8</sup>

## 2. Findings.

a. Taking into account each Party's position, while also balancing the challenges posed by the ongoing COVID-19 pandemic, the Commission finds an appropriate date for the arraignments to be 30 August 2021.

b. This date will allow time for trial participants to receive a COVID-19 vaccination if desired, and allow time for travel and any necessary quarantine or restrictions on movement.

## 3. Order.

a. **Not later than 14 July 2021**, the Government will notice the Commission and Defense regarding the administrative and logistical plan for movement to Naval Station Guantanamo Bay, Cuba.

b. **On 29 August 2021 at 1400 hours**, an R.M.C. 802 conference with counsel will be conducted in the Expeditionary Legal Center (ELC), Courtroom 2, U.S. Naval Station, Guantanamo Bay, Cuba, to discuss the sequence of the events and other scheduling and administrative matters associated with the arraignments of the accused.

c. **On 30 August 2021 at 0900 hours**, in the ELC, Courtroom 2 the accused will be arraigned. Following the arraignments, the Parties will be prepared to discuss a future litigation schedule. All Parties will make the necessary arrangements for all necessary participants,

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<sup>7</sup> *Id.*

\*\* Correction removed

<sup>8</sup> AE 0014.004 (AMI), Defense Notice in Response to Judge's Request for Proposed Scheduling, filed 10 March 2021, at 1. Counsel for Mr. bin Amin also argued "there are several conditions precedent that must occur. . .[and] [u]ntil these conditions are met, the proceedings cannot continue." *Id.* at 1. The Commission notes that Mr. bin Amin has not filed motions for appropriate relief for these "conditions precedent," and will not construe mere notice as a formal request for relief.

including the accused, to be present in the Expeditionary Legal Center (ELC), Courtroom 2, U.S. Naval Station, Guantanamo Bay, Cuba, for this session.

So **ORDERED** this 16th day of April, 2021.

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CHARLES L. PRITCHARD, JR.  
COL, JA, USA  
Military Judge