

Dear 9/11 Families,

I wish you well and trust you are looking forward to some warmer weather soon.

The next hearings in United States v. KSM et al (2) are scheduled for 22-26 April 2012, a total of five days of hearings. Families traveling with us will go to GTMO on Saturday, 20 April, and return on Saturday, 27 April.

Please find attached a copy of the current docketing order for the April hearings. As always, you can access and read unclassified motions online at the OMC webpage by following this link:

<http://www.mc.mil/CASES/MilitaryCommissions.aspx>.

CCTV UPDATES

For the April hearings, please go to the Post Theater at Fort Meade and at Fort Hamilton.

During the January hearings, a family traveled to the Fort Hamilton site to watch the proceedings. When they arrived, the military installation was closed due to the snow in New York City. Also, as many of you are aware, it is not uncommon for the military judge to postpone the hearings for one to several hours or even a day due to late arising issues.

In an effort to prevent unnecessary travel to the CCTV sites in these types of circumstances, daily updates to the court schedule will be posted on the OMC webpage: <http://www.mc.mil/NEWSMEDIARESOURCES/CommissionsNews.aspx>. Please bookmark this link on your favorites tab of your web browser so that you can check the daily court schedule prior to traveling to a CCTV site. This is not a failsafe. Unexpected closed sessions may cause a delay in a hearing; however, we will make every effort to update the webpage to the best of our ability.

On that same note, we have requested a toll free number that we will use to post daily court updates such as those mentioned above. Pending approval of the toll free line, and during the 22-26 April hearing, your secondary point of contact (POC) for schedule changes is Trish Farley at 571-344-2523.

CCTV ATTENDANCE AT THE SITES

OMC is committed to providing CCTV sites to you. During the hearings in January and February, the CCTV sites did not receive the anticipated family member attendance. Overall, a maximum of seven VFMs attended the four sites at any given time during the hearings. As our country is trying to find ways to tighten the budget and lower the deficit, we all must do our part to be good stewards of the taxpayer's dollars. That being said, during the first quarter of 2013, significant expense was incurred each week, per site, including the costs of satellite contract support, installation support to Fort Meade (which also supports a public and media site), and administrative contract support. If attendance does not increase, OMC may have to consider closing one or two of the sites until the start of trial on the merits.

I welcome your thoughts and concerns in this matter, and will forward your emails to leadership for their consideration.

Sincerely,

Karen Loftus

Director, Victim Witness and VFM CCTV Programs Office of the Chief Prosecutor of
Military Commissions karen.loftus@osd.mil

(W) 703-275-8266

(C) 703-973-5050

**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 148

DOCKETING ORDER

11 March 2013

1. A hearing in this case will take place 22-26 April 2013 at the US Naval Station, Guantanamo Bay, Cuba. The hearing will begin at 0900 on 22 April 2013.
2. All accused must be present for the session on 22 April 2013.
3. The Commission will hear argument on the following motions during the session:
 - a. **AE 008:** Defense Motion to Dismiss For Defective Referral (*witness testimony*)
 - b. **AE 018:** Government Motion for Privileged Written Communications Order
 - c. **AE 031:** Joint Defense Motion to Dismiss for Unlawful Influence (*witness testimony*)
 - d. **AE 032:** Joint Defense Motion for Appropriate Relief to Protect Right to Counsel by Barring Invasion of Privileged Attorney-Client Communications
 - e. **AE 049:** Government's Renewed Motion For Privileged Written Communication
 - f. **AE 052:** Government's Consolidated Notice Regarding *Ex Parte, In Camera* Filing And Motion for Finding (*classified*)
 - g. **AE 079:** Motion of Mr. Mohammad, Mr. bin 'Attash, Mr. bin al Shibh, and Mr. al Baluchi to Defer Consideration of AE052

- h. **AE 080:** Joint Defense Motion To Preserve Evidence of Any Existing Detention Facility
- i. **AE 091:** Motion to Dismiss Because the Military Commissions Act Unconstitutionally Requires the Convening Authority to Act as Both Prosecutor and Judge of the Defendants
- j. **AE 104:** Motion to Dismiss the Charges Because the Military Commission Act of 2009 Exceeds Congress' Power Under the Define and Punish Clause
- k. **AE 105:** Defense Motion to Dismiss Because the Convening Authority Assumes the Responsibilities of an Officer of the Government Without the Minimal Procedures Required by the Appointments Clause to Ensure Democratic Accountability
- l. **AE 106:** Motion to Dismiss the Charges Because the Military Commission Act of 2009 Violates the Due Process Clause
- m. **AE 107:** Defense Motion to Dismiss for Lack of Jurisdiction
- n. **AE 112:** Defense Motion to Compel Discovery Related to White House and DOJ Consideration of the CIA Rendition, Detention and Interrogation Program
- o. **AE 114:** Motion to Compel Discovery of Information Related to Buildings in Which the Accused or a Potential Witness Has Been Confined
- p. **AE 119:** Defense Motion to Dismiss and Compel a Status Determination pursuant to Article 5 of the Geneva Conventions
- q. **AE 133:** Defense Motion to Remove Sustained Barrier to Attorney-Client Communications and Prohibit Any Electronic Monitoring and Recording of Attorney-Client Communication in Any Location, including Commission Proceedings, Holding Cells, and Meeting Facilities and to Abate Proceedings

r. **AE 136:** Government's Memorandum of Law Regarding Accused's Presence During Closed Proceedings

s. **AE 144:** Government Notice of Ongoing Command Investigation (Legal Bins)

4. An 802 Session will be held at 1600 on Sunday, 21 April 2013, to discuss the sequence of argument and changes to the Docket Order.

5. If required, a hearing under the provisions of M.C.R.E. 505 (h) will be conducted upon the conclusion of the 802 Session.

6. If either side believes other issues should be addressed, they may request the Commission to amend this order.

7. The time which has transpired since arraignment until the date of the next session (22 April 2013) shall be considered excludable delay in accordance with R.M.C. 707(b)(4)(E)(i) and R.M.C. 707(c). I find that the interests of justice have been served by granting continuances for the resolution of interlocutory and other pretrial issues, and that the resolution of these issues outweighs the interests of the public and the accused in a prompt trial.

So ORDERED this 11th day of March, 2013.

/original signed/
JAMES L. POHL
COL, JA, USA
Military Judge