

**Military Commissions:  
Pre-Trial Hearings, 9/11: Khalid Sheikh Mohammad et al. (2)  
Week of 17JUNE2019-21JUNE2019**

Judicial Watch observed the 17-21 June 2019 pretrial hearings for the 9-11 military commission from the telecast facilities provided at Fort George G. Meade in Maryland. The open session on Monday was packed, with upwards of 25 representatives of the media, NGOs, mainland members of the prosecution and defense teams, and interested civilians. The open sessions on Wednesday, Thursday, and Friday were sparsely attended by approximately three representatives of the media and NGOs.

The Monday session primarily introduced Judge Shane Cohen, an Air Force military judge who had recently been detailed to hear the military commissions and allowed voir dire by the defense teams and prosecution for potential challenges to his appointment. No challenges resulted from the voir dire. The Wednesday through Friday sessions argued approximately seven appellate exhibit (AE) motions and several side issues.

- AE 152 Series: Al Shibh now reports feeling constantly bitten, along with the vibration of his cell and sounds of loud noises. Medicine does not relieve the sensation. Judge directed further government investigation.
- AE 00 I: Government seeks to establish an extra CCTV viewing site at the Pentagon. Defense teams seek greater expansion of viewing site selection, and increased MC.mil speed.
- AE 621: Al Shibh seeks to compel discovery of any agreements between the U.S. and Germany concerning the use of German evidence in a capital case. Government states that the agreements do exist, but notes it is not using any evidence from Germany.
- AE 625: Defense teams are seeking total dismissal of the case on the basis that the Act creating the military commissions amounts to a Congressional bill of attainder.
- AE 524 Series: All teams seeking Judge Cohen's review and reversal of Judge Parrella's ruling AE 524 LLL, though for different reasons and with different proposed solutions.
- AE 629-1 and 632 B: Al Baluchi's team proposes a trial/pre-trial schedule, and Al Hawsawi's team moves that scheduling orders are not appropriate at this time. Government supports scheduling orders, if not the Al Baluchi proposal specifically.
- AE 530 TTT: Hawsawi seeks the return of his laptop, as his was forensically proven not to have been misused like the other detainees' laptops, and a laptop is easier to use for participating in his own defense than boxes of documents. Government holds that the four hours of supervised use it allows regularly is all it can provide at this time.

*Observations:*

Judge Cohen has established a practice of asking questions during argument in a "devil's advocacy" style, but not stating opinions, considerations, or preferences. During the first week, he repeatedly explained that this was what he was doing, and that neither the defense nor the prosecution should extrapolate it to mean the likelihood of a particular ruling.