***Military Commissions:***

**October 23, 2023, Pre-Trial Hearings**

**Mohammed “Zubair” Farik Bin Amin and**

**Mohammed “Lillie” Nazir Bin Lep**

*Events:*

Zubair and Lillie were originally referred and charged for the 2003 bombing of the J.W. Marriot Hotel in Jakarta, Indonesia, alongside Encep Nurjaman, but the Zubair and Lillie cases were severed from the Nurjaman case in August and October 2023 and rejoined into a separate case in October 2023. The October 23, 2023, pre-trial hearing represented the official first open hearing of this case. The newly detailed military judge, Lt. Col. Wesley Braun of the United States Air Force, read his orders into the record, then answered *voir dire* questions that the defense teams and the government team had previously submitted in documentary form. Both the government and defense counsel for Zubair asked additional questions, but there was no challenge to Judge Braun ruling on the case.

The judge then discussed scheduling plans for the pre-trial hearings and trial. While allowing for suggestions from counsel and later modifications, the judge proposed:

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| **Date** | **Purpose** |
| 30 October 2023 | Deadline for filing pre-trial motions. |
| 15 November 2023 | Deadline for hearing requests. |
| 23 November 2023 | Deadline for the government submission of a list of evidence and intended witnesses. |
| 7 December 2023 | Deadline for filing defense discovery motions. |
| 14 December 2023 | Deadline for defense responses to the government evidence and witness list. |
| 18 December 2023 | Deadline for filing government responses to defense discovery motions. |
| 19 December 2023 | Deadline for submission of Voir Dire questions for selecting the sentencing panel. |
| 21 December 2023 | Deadline for the defense submission of a list of evidence and intended witnesses. |
| 28 December 2023 | Deadline for government discovery determinations. |
| Early January 2024 | Deadline for defense response to government discovery determinations. |
| 15-19 January 2024 | Colloquy. |
| 20-22 January 2024 | Sentencing hearings and final sentencing. |

The Zubair defense team asked for more time because it anticipated not being able to meet such short deadlines, but the judge explained that he was buffering for contention. The judge stated his intent to allow more time for the defense if discovery was late in arriving. The government team said it was their expectation that current discovery will be completed by 8 December 2023 but acknowledged that additional filings and motions might lead to the body of discovery becoming larger and taking more time.

One of the defense teams raised concerns about providence and care. The judge defined the concerns as not part of the military commission but stated his willingness to hear questions with precedent in similar military commissions. The judge then noted that every issue that he had anticipated covering in this open hearing had been covered, and he recessed the commission.

*Observations:*

Though this judge is not eligible to retire until 2026 and indicates no plans to retire at that point, he intends to hold the pre-trial and sentencing hearings for Zubair and Lillie quickly. He stated that he has not been involved in prior trials that utilized classified information so he may have unrealistic expectations about the swiftness of discovery and the level of contention about releasable and non-releasable information.

This pre-trial hearing was of interest to the press and to other non-profit organizations but went into recess quickly, and the other observers did not return for the Nurjaman hearings later in the week. The brevity of the Zubair and Lillie hearing is most likely due to the recent severance from the Nurjaman proceedings and recombination into a separate case. The motions for Zubair and Lillie are too new to be argued.