

UNITED STATES OF AMERICA  v.  KHALID SHEIKH MOHAMMED, WALID MUHAMMAD SALIH MUBARAK BIN 'ATTASH, RAMZI BIN AL SHIBH, ALI ABDUL-AZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI	<b>D-105</b>  Defense Motion to Dismiss Military and Civilian Standby Counsel  <b>Order</b>
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1. On 14 April 2009, the Military Commission received a motion from Mr. Sheikh Mohammed requesting the Commission grant his request to excuse all military and civilian standby counsel.<sup>1</sup> In the alternative, if the Commission requires standby counsel, Mr. Sheikh Mohammed requests that only Lieutenant Colonel Michael Acuff remain but that he not sit at the table with him during the Court sessions. The government will not file a formal response.

2. The Commission will take up this matter at the next scheduled session in this case. Until that time, all appointed military and civilian standby counsel will continue to assist and counsel Mr. Sheikh Mohammed in the preparation of his defense.

3. The Commission directs that a copy of this order be served upon the prosecution and all defense counsel of record, and that it be provided to the Clerk of Court for public release. The underlying defense motion will also be provided to the Clerk of Court for

public release, after appropriate redactions for privacy and security considerations. The Commission further directs the Clerk of Court to have this order translated into Arabic and served upon each of the above named accused.

So Ordered this 14th day of April 2009:

/s/  
Stephen R. Henley  
Colonel, US Army  
Military Judge

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<sup>1</sup> Mr Sheikh Mohammed represents himself before this commission and is proceeding *pro se*. *Pro se* legal representation refers to the circumstance of a person representing himself or herself without a lawyer in a court proceeding. *Pro se* is a Latin phrase meaning "for oneself".

~~TS/SCI~~  
unclassified 4/3/09

UNITED STATES OF AMERICA

v.

KHALID SHEIKH MOHAMMED,  
WALID MOHAMMED SALIH MUBARAK BIN 'ATTASH,  
RAMZI BIN AS SHIBH,  
'ALI 'ABDUL 'AZIZ 'ALI,  
MUSTAFA AHMED ADAM AL HAWSAWI

**MOTION TO DISMISS MILITARY AND  
CIVILIAN STANDBY COUNSEL**

Military Judge:

1. I sent a letter to the Commissions on Wednesday, January 21<sup>st</sup>, 2009 regarding the dismissal of Mr. Scott McKay as my civilian standby counsel; however, I have yet to receive a response from the Commissions.
2. As you know, none of the attorneys have been chosen by my own selection, but rather, by what you call the Chief Defense Counsel. From the first hearing, what you called an arraignment, I chose to be my own counsel and to defend myself because I believe that Allah is sufficient to defend me, as mentioned in the Holy Quran: "Surely I will defend the believers."
3. Now I wish to excuse both my civilian and military standby counsel.
4. First, the civilian counsel, Mr. David Nevin and Mr. Scott McKay.
5. Secondly, the military counsel, LtCol Michael Acuff. You have told me in the past that I am required to have a military lawyer. However, 10 USC section 949a(b)(D) provides that: "The accused shall be permitted to represent himself..." Therefore, I wish to represent myself without the assistance of any lawyers. With this, I would like to excuse LtCol Acuff as well.

Rec'd by  
LSS 31 Mar 09

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unclassified 4/3/09

6. In the event that the commissions refuse my request to excuse LtCol Acuff, I do not wish for him to sit at the table with me during the Court sessions. In this case, I would not object to him sitting elsewhere in the courtroom.

Signed:



Khalid Sheikh Mohammed  
Guantanamo Bay, Cuba.  
Dated: 13-Mar-2009.

~~TS/SCI~~  
unclassified 4/3/09