

Supp. Exhibit A

Unofficial Unauthenticated Transcript of Proceedings on 1 November 2017 in the case of United States v. Nashiri

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1 [The R.M.C. 809 session was called to order at 1215,
2 1 November 2017.]

3 MJ [Col SPATH]: Okay. These commission proceedings and
4 these contempt proceedings are called to order. All the
5 parties who were present yesterday are again present for this
6 session.

7 This session is being conducted both as part of the
8 normal commission process and pursuant to 10 U.S.C. Section
9 950t. Due to the nature of the conduct at issue, the
10 proceedings under 10 U.S.C. Section 950t are summary
11 proceedings conducted in accordance with Rule 809(b)(1) and
12 809(c) of the Rules for Military Commission.

13 Let me go through a few other parties. Brigadier
14 General Baker, the chief defense counsel, is present.
15 Lieutenant Piette, I understand that General Baker is now
16 represented by Colonel Hitesman from the United States Marine
17 Corps. Do you know if Colonel Hitesman is present?

18 DDC [LT PIETTE]: I have no representations, Your Honor.

19 MJ [Col SPATH]: All right. Thank you. Mr. Philip
20 Sutherland [sic], the acting general counsel for the Military
21 Commissions Defense Organization, is also present.

22 DDC [LT PIETTE]: Sundel, Your Honor.

23 MJ [Col SPATH]: Sundel. Thank you.

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1 Just some general comments about yesterday and the
2 process that brought us here. We already went through the
3 findings of fact yesterday, but as they indicated, I've ruled
4 on two occasions that General Baker acted in a manner outside
5 his authority.

6 His decision to approve a requested release of
7 counsel for good cause, or release counsel for good cause
8 shown on the record, as stated by him, was unreviewable and
9 unilateral, and that flies in the face of commonsense judicial
10 review, as far as we can tell, every states' bar rules, court
11 precedent and two orders of the commission.

12 For defense counsel to have the authority stated by
13 the chief defense counsel would effectively give the defense
14 counsel the ability to dismiss any commission case or any
15 criminal case at any stage in the process for any reason when
16 they determine good cause, and then refuse to testify in court
17 to even explain what the good cause shown is, other than what
18 is submitted in written form.

19 CDC [BGen BAKER]: Your Honor, at this point I want to
20 object to the proceedings.

21 MJ [Col SPATH]: General Baker, you're not a party of
22 record and we're moving forward. You need to take your seat.

23 CDC [BGen BAKER]: I just want ----

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1 MJ [Col SPATH]: General Baker, you need to take your
2 seat.

3 CDC [BGen BAKER]: I again object. This court does not
4 have personal jurisdiction over me.

5 MJ [Col SPATH]: I appreciate that. We certainly have
6 considered that, and I disagree. And I'm not even going to go
7 through why I disagree with that. I would suggest reading
8 950t and the language that precedes every single rule until
9 you get to (31) and (32).

10 CDC [BGen BAKER]: Your Honor, I just want to make sure
11 that you are denying me the opportunity ----

12 MJ [Col SPATH]: I'm denying you the opportunity to be
13 heard. Thank you. It's a summary proceeding.

14 CDC [BGen BAKER]: I understand. I just want the record
15 clear. There's things that I want to say, and you're telling
16 me that I cannot say them.

17 MJ [Col SPATH]: General Baker, this is the last chance.
18 I don't want to -- this is really not a pleasant decision.
19 And I know that some of you might think that this is fun or
20 lighthearted, right? I've heard commentary out around the
21 base. Alls you've got to do is get on the Internet. None of
22 this is fun. None of this is easy.

23 I have spent a lot of time reviewing the rules that

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1 apply to this commission, and I appreciate -- General Baker,
2 no more. Sit down, please.

3 CDC [BGen BAKER]: Your Honor, I have spent a lot of time,
4 too.

5 MJ [Col SPATH]: I have spent a lot of time as the judge.
6 And any system of justice understands that, except apparently
7 participants in the commission, about following orders and
8 following a process. I know there's a habeas filed. If we
9 get the suspension in here in time, I'll stop.

10 Do you know what I won't do? I won't tell that judge
11 I'm not going to follow your order, because I know better.
12 I'm going to ignore that order and press on because I disagree
13 with you. That's not going to happen. And so if that order
14 comes in and this is suspended, I will stop.

15 CDC [BGen BAKER]: Your Honor, again, I request to be
16 heard.

17 MJ [Col SPATH]: General Baker, I don't want to have to
18 have you removed.

19 CDC [BGen BAKER]: I got it, sir.

20 MJ [Col SPATH]: And I don't want to add to the contempt
21 findings.

22 This is a difficult, unpleasant decision, and
23 frankly, it's an affront to the process of justice that we

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1 have to go through it. But here we are, and we're going to
2 figure out a way to do it fairly and judiciously.

3 Yesterday also saw General Baker refuse to testify,
4 and also saw Mr. Sundel -- not a lawyer for the accused,
5 without a notice of appearance and without a written request
6 to be heard, asked to be heard. I allowed it. I granted it.
7 And then I found out it was, frankly, a specious claim of
8 privilege under M.C.R.E. 501(b)(1).

9 M.C.R.E. 501(b)(1) is modeled after the Federal Rule
10 of Evidence 501(b)(1), the Military Rule of Evidence 501(b)(1)
11 and, frankly, the Model Rules of Evidence that almost any
12 accredited ABA law school uses in teaching privilege.

13 Allowing for every witness simply to refuse to
14 testify because they claim any privilege under the sun would
15 stop every process cold, and everybody knows that, too. And
16 that's why no authority could be found for the proposition
17 that that's what 501(b)(1) stands for. It didn't take long,
18 doing some basic legal research, to find a few obvious
19 conclusions about where we are.

20 One, the right to refuse to be a witness is different
21 than the right to refuse to testify. As I stated, if the
22 assertions made yesterday were true, any criminal system or
23 tribunal would ground to a halt because every witness who

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1 didn't want to testify would claim privilege. But with regard
2 to a claim of privilege, the trial judge or the commission
3 judge is obviously the first arbiter of whether something is
4 even privileged; and then if it is privileged, by some chance,
5 whether or not it's going to be pierced for good cause.

6 The piercing of a privilege requires different
7 considerations, including different considerations for each
8 privilege. The law has long held some are more important than
9 others. A couple of examples, right, attorney-client versus a
10 government information privilege. Different ways to pierce
11 those. Or how about national security versus confidential
12 information? Different levels of privilege.

13 But the piercing of an alleged privilege is first and
14 foremost a trial court decision, period. If a judge
15 determines piercing of a privilege -- and I'll set aside the
16 national security privilege for a moment, as there are rules
17 there regarding an unauthorized disclosure of classified
18 information and a judge's inability to order that. But other
19 than that, if a judge determines that a piercing of a
20 privilege is appropriate -- Mr. Sutherland's statement
21 yesterday about the ability to pursue a challenge to the
22 highest court in the land, or until the highest court refuses,
23 while technically accurate, ignores the fact that pursuing an

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1 appeal does not necessarily stay the proceedings at a trial
2 level. Again, something all the trial judges know.

3 A basic understanding of the rules makes it clear and
4 the contrary, again, would cause havoc in every system of
5 justice. All you've got to do is read U.S. v. Bowser. I use
6 it so often, when I'm talking to the government, about
7 piercing a privilege and the ability for a trial judge to
8 review privilege matters, but it stands for the same
9 proposition: Trial judges are first and foremost the place
10 you go when dealing with privilege, because that's where you
11 start. And again, if an appellate court wants to step in and
12 stay the proceedings, I'll stop.

13 Next, a foundational aspect of our system, any system
14 of criminal justice, not unique to the commissions, is that a
15 ruling from a judge at the trial level is binding and resolves
16 the issue, with very few exceptions, and the process continues
17 until and unless stopped by competent authority.

18 A good example is an Article 62 appeal. The
19 government does have some time to file that appeal, and the
20 court will pause. Typically writes, well within the trial
21 judge's discretion whether the trial judge is going to pause
22 or not pause and wait.

23 Superior courts can always step in and stop the

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1 process. They have the ability to do it, and you all have the
2 ability to follow writs, habeas, and of course Article 62
3 appeals in the right instance.

4 As we headed here for trial, no writ had been filed
5 and no habeas action had been filed by the defense
6 apparently -- I realize that has changed as of today --
7 despite the obvious window of time to file those before we got
8 here.

9 The body of rules of everybody involved in this,
10 which I also had the pleasure of reading and applying to the
11 three civilians at issue, plus the chief defense counsel, all
12 require representation continue in any case when a tribunal
13 orders continued representation, even if good cause has been
14 shown on the record. Those rules don't discuss how good cause
15 was shown, who granted the excusal, why the excusal was
16 granted. They all say if a tribunal says you have to keep
17 going, you have to keep going, again, until and unless a
18 superior court intervenes.

19 The same bar rules also provide each of them
20 protections when acting consistent with a court order, i.e.,
21 it isn't misconduct for the attorneys to follow the order of a
22 court or a tribunal. The misconduct is when you disobey.
23 Why? Because, again, as you've probably noticed from this

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1 theme, rules to the contrary cause disorder and havoc in any
2 system you've got, and that is exactly what is happening here.

3 Next, the manner of the defense community here has
4 shown flagrant disobedience in the face of, frankly, centuries
5 of precedent to the contrary, and that is a trial court issues
6 orders and you either appeal, you get a stay, or you get
7 assistance from a superior court.

8 The bedrock of any system is compliance with court
9 orders, followed by attempting to navigate evidence and appeal
10 for relief. Many lawyers don't like rulings from trial
11 judges, but every lawyer knows you have to follow them almost
12 exclusively, without exception, until another court steps in.

13 Yesterday, to the extent I indicated you waive a
14 privilege by filing something -- I read the record. It's not
15 quite what I said, but that doesn't seem to matter right now.
16 When a person sends e-mails to the chief prosecutor, takes
17 actions that stop a commission in their tracks and ignores
18 orders from the commission, that does subject them to testify.

19 General Baker, I've considered whether you should be
20 found in contempt of these proceedings summarily based upon
21 the following conduct, which occurred in my presence during
22 the commission:

23 One was your willful refusal to obey my order to

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1 testify.

2 Two is your willful refusal to obey my order to
3 rescind your excusal of the three counsel.

4 I also considered your willful refusal to obey my
5 order to arrange for the travel of Ms. Rosa Eliades and
6 Ms. Mary Spears, two detailed DoD defense counsel, to travel
7 to Guantanamo Bay, Cuba.

8 I also considered your willful refusal to obey my
9 order to communicate to Mr. Richard Kammen, the appointed
10 outside learned counsel, that he travel to Guantanamo Bay,
11 Cuba.

12 The facts I witnessed here in open court and in front
13 of the commission I find beyond a reasonable doubt, as I
14 directly witnessed your conduct in the presence of the
15 commission, which is me.

16 I find: One, on 31 October 2017 you willfully
17 refused to obey the commission's order to testify; and two,
18 that on 31 October 2017 you willfully refused to obey the
19 commission's order to rescind your excusal of counsel.

20 I do not find that on 1 November 2017 you willfully
21 refused to obey the commission's order to arrange for the
22 travel of Ms. Rosa Eliades and Ms. Mary Spears to Guantanamo,
23 or that you willfully refused to obey the commission's order

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1 to communicate to Mr. Richard Kammen, the appointed outside
2 learned counsel, that he, too, should travel to Guantanamo
3 Bay, Cuba. Those were done by e-mail with my staff and
4 outside of my presence.

5 I would note in that e-mail traffic you recused
6 yourself from your position as chief defense counsel in
7 relation to this case, suggesting you're in a conflicted
8 position and that you did continue to show that you believe
9 court orders are both optional and nonbinding on you.

10 However, the conduct was done outside the hearing and it's not
11 appropriate for a summary contempt proceeding, and so it's
12 done at this point and we're where we're at.

13 For commission proceedings, the only legal basis for
14 a contempt finding, if you read -- which I know many of you
15 have probably spent some time in, in 809, is that you would
16 have had to commit a disorder, General Baker, before the
17 commission.

18 The Rule for Military Commission 809 doesn't really
19 define disorder, nor does the statute. So a good place to
20 look is case law, military -- the MCM, or the rules in the
21 MCM, and Article 48 of the Uniform Code of Military Justice,
22 to assist with the definition of contempt.

23 From 2008 until our current 2016 manual, the power of

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1 contempt evolved. One of the most significant additions was
2 that violating orders became a basis for contempt. It was an
3 intentional expansion of the military judge's contempt powers.
4 Additionally, if you go back to 2008, there is a nonbinding
5 discussion, and it says that -- and this is to the Rule of
6 Court-Martial by the way, 809 -- it says neither civilian nor
7 military witnesses refusing to testify can be held in
8 contempt. By 2016 the language related to military witnesses
9 was removed from the nonbinding, and that's important,
10 discussion.

11 Of course, here we have a witness who's here in the
12 courtroom, frankly, who has caused a significant disorder to
13 the process, violating the order to testify under oath. These
14 are a different set of facts by far.

15 So I find, beyond a reasonable doubt, that on 31
16 October 2017 you willfully refused to obey the commission's
17 order to rescind your excusal and that that behavior was
18 contemptuous to the commission and it was in front of the
19 commission.

20 Your refusal to testify on multiple occasions in my
21 presence is also contemptuous and contemplated both by the
22 Manual for Courts-Martial and the Military Commissions Act as
23 an act of contempt and a disorder.

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1 I find beyond a reasonable doubt that your acts then
2 constituted disorders that disturbed these proceedings,
3 disorders that disturbed these proceedings significantly.

4 I would note that your approval of the withdrawal of
5 counsel, General Baker, has been determined to be an act
6 outside of your authority by this court, and as of yet no
7 superior court has disturbed that.

8 The two DoD civilian defense counsel and the outside
9 learned counsel have chosen to ignore orders to appear before
10 the commission. But nonetheless, you refused to follow an
11 order from the commission flagrantly and in my presence. As
12 I've stated so often, no system of justice can survive if the
13 behavior is tolerated and endorsed.

14 Put another way, your purported excusals of
15 Mr. Kammen, Ms. Eliades and Ms. Spears dated 11 October 2017
16 are null and void, and they have been since my written order
17 on 16 October 2017 and my follow-on written order dated 27
18 October 2017.

19 Mr. Kammen, Ms. Eliades and Ms. Spears remain
20 attorneys of record in the military commission and are ordered
21 to attend all sessions of this commission, unless properly
22 excused by me or an appropriate appellate court.

23 Furthermore, based on the representations in the

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1 filings from you, General Baker, to the commission, I find
2 that Mr. Kammen, Ms. Eliades and Ms. Spears were aware of my
3 decisions and willfully chose not to attend these sessions.

4 These representations you made were your choice. You
5 filed them, and they remain an obvious basis by which you
6 could be called to testify in this case to explain the good
7 cause and the issues surrounding their purported withdrawals.

8 For the parties, there is a written order forthcoming
9 to Mr. Kammen, Ms. Eliades and Ms. Spears. It's going to
10 direct them to go to the Mark Center in Alexandria, Virginia
11 on 6 November 2017, where they may choose to present arguments
12 as to why they should be released from the representation of
13 the accused different than the arguments I've already heard,
14 and to allow them to continue to represent their client, if
15 they choose to, as these proceedings continue over the next
16 two and a half weeks. They can do it from the Mark Center, or
17 they can come down here in person. I can't force them to come
18 here.

19 Mr. Sutherland -- I keep calling you that, sorry --
20 Sundel, although you repeatedly indicated yesterday in open
21 court you'd refuse my order to have Brigadier General Baker
22 testify, you were speaking on behalf of, although not
23 representing, General Baker.

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1 While you failed to notify the commission of your
2 appearance, you didn't file a request to be heard as a third
3 party. You managed to refer to me as "Colonel" throughout the
4 process despite my title clearly as "The Commission" or "Your
5 Honor" or "Judge" or anything else indicating you respect that
6 you're in a courtroom. And frankly, you made a mockery of the
7 rules that apply to appearing before the commission; I allowed
8 you to speak yesterday. That's on me.

9 And so after I directed you to stop speaking and you
10 did and you sat down, while it's disappointing, concerning
11 conduct, you're not contemptuous; and I'm not finding you in
12 contempt.

13 Lieutenant Piette, I appreciate that you let us know
14 yesterday you were going to file what you were going to file,
15 and I appreciate that a filing was made by 1600. While
16 refusing to follow what is clearly a legal order to put
17 something in a formal filing yesterday in my presence is
18 contemptuous conduct, and on its face could be found to be
19 contemptible behavior in the presence of a commission, I'm not
20 going to find you in contempt. But I'm not going to put up
21 with it as we move forward.

22 Again, nobody, nobody believes that you can act that
23 way in a courtroom and there's no repercussions. None of our

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1 licensing authorities think so, none of our supervisory
2 attorneys think so, and thus far no superior court thinks so.
3 But we all make mistakes, and I appreciate that you came along
4 and filed the appropriate pleading.

5 I know your filing indicated you're going to sit and
6 do nothing if we move on, and that is a strategy. It's a
7 strategy that has worked poorly for defense counsel in the
8 past. It's a strategy that I wouldn't suggest or recommend.
9 I hope you talk to your client about it. But you're going to
10 do what you want.

11 What we're going to move on to do are going to be
12 things that don't relate to capital sentencing or motions that
13 relate to capital issues. We are going to continue to move on
14 with the things that you're experienced with in your time as a
15 judge advocate, foundations for evidence, cross-examine of
16 witnesses and the like.

17 Congress did not intend for learned counsel simply to
18 vacate the premises, abdicate their responsibilities, stop the
19 process, and yet still be critical for every part of the
20 system, or Congress would have set up a system that would
21 never have a hearing. And again, we all can make jokes that I
22 don't think are appropriate about Congress doing things that
23 are confusing or we might not agree with what they do. Not my

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1 role.

2 When Congress acts, they intend to act. What they
3 say they mean to say. And when you read their rules and you
4 read the legislation, it is my job to interpret it in a manner
5 that makes sense when it's difficult to interpret. Again,
6 pretty longstanding, normal process in any court that I've
7 seen.

8 So before I deal with the sentence and discuss where
9 we're at -- again, I am confident everyone has read Rule 809.
10 First, on Friday we're going to take up the witness who is
11 here related to Appellate Exhibit 327E. If there's no
12 questions for the witness, the witness will be released and
13 depart back, I assume, to mainland.

14 On Monday, 6 November 2017, we're going to deal with
15 any 505 matters related to al Darbi. And if there are
16 additional witnesses under 327E, because there are three other
17 witnesses, we'll take those up Monday or throughout next week.
18 I know I ordered four be made available at the request of the
19 defense, as I have now done on 26 occasions -- my count. I
20 could be wrong on the numbers -- of witnesses made available
21 at defense request. And they're available. So we'll take
22 them next week.

23 We're also going to start and work through the

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1 al Darbi cross-examination next week. Again, Defense Counsel,
2 I guess you can say you have no questions, but he is available
3 for cross-examination, you were here for the direct
4 examination, and you have had the discovery. I can't make you
5 ask questions. It is a deposition. We haven't resolved its
6 admissibility. So again, your trial strategy is yours.

7 And after that we have Appellate Exhibit 207, the
8 preadmission of real evidence from the COLE. That's simple
9 admission and admissibility of evidence, real evidence,
10 something every judge advocate understands, frankly in their
11 first trial. And we're going to move forward with that.

12 This is just the defense, by the way, putting on -- I
13 mean, this is just the prosecution putting on their side of
14 this. The defense counsel will have every opportunity to call
15 witnesses in the future and fight the foundational elements of
16 it. But again, they're available for some cross-examination,
17 and I know you'll do whatever you think is best.

18 If there's no questions for Mr. al Darbi next week,
19 we're going to move to the 207 stuff reasonably quickly, so
20 make sure that -- Trial Counsel, for the government, let's
21 make sure we're ready to move smartly through the matters that
22 we have put on notice for. The other stuff I put on the
23 docketing order we're not going to handle, the other motions

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1 and the like. That is enough.

2 But I'll tell you, when we come back in January,
3 because we have time scheduled in January, we're going to move
4 on through continued preadmission matters that the government
5 has put us on notice that they want to preadmit. And we're
6 going to take up the four ordered CIA witnesses, no matter
7 where we are at that point with disobedience of three civilian
8 defense counsel. I hope they choose to attend.

9 If learned counsel by then is deciding to participate
10 and has stopped violating the order of the court, we may
11 change what January looks like and what we deal with, of
12 course. But if we're sitting where we are today, that's what
13 we're going to do in January, more preadmission from the
14 government. And again, as I've said to the defense all along,
15 they'll have the opportunity to attack the foundation as we
16 move forward, and they're not losing that opportunity.

17 So just for the public, the way contempt proceedings
18 work under 809, the convening authority ultimately has to
19 approve, as they do any conviction, my finding of contempt, or
20 disapprove. They also have to approve or disapprove the
21 sentence I adjudge. However, confinement begins immediately
22 with and if there's designation of a place of confinement by
23 the convening authority, and here there is.

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1 The convening authority communicated that the place
2 of confinement, if there is any confinement, is going to be
3 the on-island quarters of Brigadier General Baker. He will
4 not be allowed to depart those quarters until the period of
5 confinement ends, the sentence is disapproved, or a new
6 location is designated. He will be allowed to use the
7 Internet and the telephone, according to the convening
8 authority. But a place of confinement has been designated.

9 And so the way the rule reads and works, and it's not
10 unique, is that confinement, if it's adjudged, begins
11 immediately. I have had no conversations about my sentence in
12 this case with anybody. That includes my staff. I haven't
13 discussed it with them, I haven't highlighted it to anybody,
14 and I haven't told the convening authority what my plan was.
15 What I directed my staff to do is follow the process, which I
16 do so often, follow the process, and they did.

17 General Baker -- and again, this is -- I don't enjoy
18 this. I don't enjoy it at my day job when I'm going through a
19 sentencing case with an accused. I tell the trial judges no
20 one should enjoy imposing sentences on anybody. It ought to
21 be the most difficult thing you ever do. And it's
22 unfortunate, because it could have been avoided. But
23 nonetheless, here we are.

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1 So, Brigadier General, this proceeding, this
2 commission, believing it does have jurisdiction over you based
3 on a clear reading of the rules and based on your contemptible
4 conduct, you're held in contempt, and you are sentenced to pay
5 the United States a fine in the amount of \$1,000 and to be
6 confined for a period of 21 days.

7 I will do all I can to get the record to the
8 convening authority so they can take action or not take
9 action, disapprove or approve my sentence. That's all I can
10 do. I've discussed with the bailiff here and the people who
11 run confinement here, separate from the detainee confinement,
12 obviously, the regular confinement here on Naval Base
13 Guantanamo Bay.

14 And so when I recess, General Baker, the bailiff is
15 going to escort you back to this back hallway. Confinement
16 officials will be back there to deal with your transport and
17 then to bring you to your room, where you'll stay until such
18 time as the convening authority acts or designates a different
19 place of confinement. That's where we're at.

20 I know there's a writ filed. We'll deal with it when
21 we hear anything from that court. If we don't hear anything
22 from that court, Friday morning 0900, we'll deal with just one
23 witness, and it's the witness for 327E, as I mentioned. And

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1 then we'll move into next week with al Darbi's deposition, the
2 classified issues, and then the 207 issues.

3 Trial Counsel, is there anything else for this
4 proceeding?

5 TC [MR. MILLER]: Nothing from the government, Your Honor,
6 other than to reiterate that these proceedings were
7 transmitted by closed-circuit television to the locations
8 authorized in your order.

9 MJ [Col SPATH]: I appreciate that. Thank you.

10 TC [MR. MILLER]: Nothing further. Thank you, sir.

11 MJ [Col SPATH]: Just a moment. And then, Defense
12 Counsel, anything else for these proceedings?

13 DDC [LT PIETTE]: No, Your Honor, other than that in
14 addition to the people who were here yesterday, we also have
15 Mr. Marc Dolphin, our investigator.

16 MJ [Col SPATH]: And I appreciate that.

17 And I know -- I know you understand orders from the
18 commission. It is meant with your best interests. I know you
19 will do what you will do. I meant what I said. I appreciate
20 that you filed yesterday so that we didn't have other issues
21 with you. I don't know if I would have done that or not. I
22 really have tried to work through this in an open-minded,
23 reasonable manner. But I appreciate that, and we'll see where

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1 we are.

2 DDC [LT PIETTE]: Yes, Your Honor.

3 MJ [Col SPATH]: All right. General Baker, the bailiff is
4 going to escort you back here and then move you to another
5 location while we await the -- I don't know how confinement
6 works at Guantanamo Bay, Cuba, because I have never dealt with
7 regular confinement at Guantanamo Bay, Cuba, obviously. So
8 they are working through it.

9 But they, too, have heard the location, which is your
10 room, nowhere else. And again, the convening authority will
11 let us know if they change the location that they have
12 designated for any period of confinement and if they
13 disapprove or approve the contempt proceeding, which we will
14 get that record to them as quickly as we can.

15 See you all Friday morning at 9:00. We're in recess.
16 [The R.M.C. 809 session recessed at 1250, 1 November 2017.]

17 [END OF PAGE]

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