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UNITED STATES OF AMERICA

**Protective Order # 003**

v.

Protection of Identities of Witnesses

OMAR AHMED KHADR

a/k/a "Akhbar Farhad"

a/k/a "Akhbar Farnad"

a/k/a "Ahmed Muhammed Khali"

**15 October 2007**

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1. This protective order is issued pursuant to the authority under the Military Commissions Act (M.C.A.) of 2006 (10 U.S.C. §§ 948a, *et seq.*) and the Manual for Military Commissions (M.M.C.), to include but not limited to:

- a. Rules for Military Commissions (R.M.C.) 701(f)(8) and (l)(2);
- b. R.M.C. 806;
- c. Military Commission Rules of Evidence (Mil. Comm. R. Evid.) 104(a);
- d. Mil. Comm. R. Evid. 505(e);
- e. Mil. Comm. R. Evid. 611(d)(2);
- f. Regulation for Trial by Military Commissions, Section 17-3.

2. Accordingly, IT IS HEREBY ORDERED:

a. Names or other identifying information of witnesses (Persons who have been placed on a witness list by the prosecution to be called to testify before the Commission.) that have been or may, from time to time, be disseminated to or obtained by the Defense Counsel for the accused, may be disclosed to members of the Defense team, such as paralegals, investigators, and administrative staff, with an official need to know.

b. Names or other identifying information of witnesses (Persons who have been placed on a witness list by the prosecution to be called to testify before the Commission.) that have been or may, from time to time, be disseminated to or obtained by the Defense Counsel for the accused, shall not be disclosed to the accused or to anyone outside of the Defense team, by the Defense Counsel, except as noted below.

c. Names or other identifying information of other personnel who have provided witness statements, but who are not listed on a prosecution witness list, may be disseminated IAW paragraph 2a above.

d. Names or other identifying information of other personnel who have provided witness statements, but who are not listed on a prosecution witness list, are subject to the limitations in paragraph 2b above.

e. NLT 21 days prior to a session in which a witness is scheduled to appear, whether before the military judge alone or before the full Commission, the prosecution shall advise the defense specifically as to whether the prosecution objects to the witness' name and/or photograph being given or shown to the accused. The defense shall respond within 7 days if it objects to any such designation.

f. NLT 21 days prior to a session in which a witness is scheduled to appear, whether before the military judge alone or before the full Commission, the prosecution shall advise the defense specifically as to whether the prosecution objects to the witness' name and/or unit designation and/or other means of identifying the witness being announced on the record in open court. The defense shall respond within 7 days if it objects to any such designation.

g. Unless disclosure has been authorized by the Military Judge, or has been agreed to by the parties IAW paragraphs 2e-f above, names or other identifying information of any person designated in paragraphs 2a thru 2d above shall not be disclosed in open court or in any unsealed filing. Any mention of the name or other identifying information of witnesses must occur in closed session and any filing to the Military Commission panel that includes such information shall be filed under seal.

3. Either party may file a motion for appropriate relief to obtain an exception to this Order should they consider it warranted.

4. Any breach of this Protective Order may result in disciplinary action or other sanctions.

*// Original Signed //*  
Peter E. Brownback III  
Colonel, JA, USA  
Military Judge