

Office of the Presiding Officer
Military Commission

UNITED STATES OF AMERICA

v.

IBRAHIM AHMED MAHMOUD AL QOSI

)
)
) **Decision on Defense Motion**
) **for Oral Depositions (D2)**

)
) 7 Oct 2004
)
)

1. In reference to the Defense Motion for Oral Depositions (Inventoried on the Al Qosi Motion inventory as D2.), the Presiding Officer has received the Defense's motion and the Government's response thereto. The Presiding Officer has also received an email from the lead counsel in Al Qosi (7 October 2004) in which counsel states that the defense does not desire to reply to the Government's response.

2. As filed with the Presiding Officer, the motion does not sufficiently establish

- a) How the witnesses might know the information sought.
- b) What the witnesses are expected to state.
- c) What other information the moving party believes or hopes that the witnesses would provide.
- d) The relevance of the testimony which the witnesses might offer.

Accordingly, the motion is denied since there is not sufficient information at this time to determine that the depositions are necessary.

3. Should the Defense wish the Presiding Officer or the Commission to reconsider the request, it shall be resubmitted as a request for a deposition/witness following the procedures in Presiding Officers Memoranda # 10.

PETER E. BROWNBACK
COL, JA
Presiding Officer