

7/08/2008

Col. R. Kohlmann,

Referring to your e-mail dated July 01, 2008, as well as your response to the order for special relief, D-010 and D-011, please be advised the following:

What I understand from your e-mail (with regard to item #3) and the special relief order (with regard to item #11), as well as my reading of open source media, Maj. Jackson alleges that his client, Mr. Hawsawi, has been directly intimidated by myself. These are merely allegations. I would like you to ask Mr. Hawsawi, during his separate session, if he felt at all threatened by any comments made by myself during the previous session. I would also ask that you ask the other detainees the same.

Asking these questions, you will be able to determine whether or not intimidation took place, or if these are merely allegations made by Maj. Jackson when his client changes his election of representation.

I consider it perjury for each appointed council to conceal the options of self-representation from their clients, or to change their pleas of guilty or not guilty. From my understanding, some appointed council have not disclosed, or properly explained, their accused's rights to represent himself.

It is different when Mr. Hawsawi asked me what my choice of council was and I informed him that I would be representing myself. When he asked why, I explained it to him. If Mr. Hawsawi was convinced by my statements, that does not constitute intimidation.

I understand that it is very frustrating for Maj. Jackson to lose his job after only a few seconds after speaking with me. It is my understanding, however, that each accused is fully free to choose or reject his defense council and it is your decision to rule on it.

In conclusion, please do not consider us as members of some sort jail gang who go about threatening one another.

~~TS//SCI~~

The problem is, we are standing against the entire government, including government appointed council.

The dialogue was of a personal nature, nothing which could be considered intimidation or threatening.

KSM

~~TS//SCI~~

[REDACTED]
From: [REDACTED]
Sent: Tuesday, September 02, 2008 5:32 PM
To: [REDACTED]

Subject: FW: U.S. v. Mohammed et al: Commission Ruling re D-026

Col Kohlmann has directed that the below email be forwarded to counsel in US v Mohammed et al. and to other interested persons.

V/r,

[REDACTED], USAR
or
Military Commissions Trial Judiciary
Department of Defense

-----Original Message-----
From: Kohlmann Col Ralph H [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject: [REDACTED] Commission Ruling re D-026

[REDACTED]: Please forward this message to the appropriate persons.

- All,
1. This responds to D-026. D-026 is a hand written letter from Mr. Sheikh Mohammed to the Military Judge. D-026 is not in motion format. The Commission will treat D-026 as a special request for relief from Mr. Sheikh Mohammed. The Government did not provide a response to D-026.
 2. In D-026, Mr. Sheikh Mohammed discusses the matter of alleged intimidation between the several accused.
 3. This matter was addressed by the Commission during the individual hearings conducted on 9-10 July. No further action is deemed appropriate at this time.
 4. The prosecution is directed to ensure personal service of a copy (and Arabic translation thereof) of this message on the pro se parties as soon as possible. The

prosecution should advise the Military Judge concerning the completion of this task.

V/R
Ralph H. Kohlmann
Colonel, U.S. Marine Corps
Military Judge

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