

UNCLASSIFIED//FOR PUBLIC RELEASE
**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA**

UNITED STATES OF AMERICA

v.

**KHALID SHAIKH MOHAMMAD;
WALID MUHAMMAD SALIH
MUBARAK BIN 'ATTASH;
RAMZI BINALSHIBH;
ALI ABDUL AZIZ ALI;
MUSTAFA AHMED ADAM AL
HAWSAWI**

AE 286D (GOV)

Government Notice

To Defense Motion To Compel Discovery
of Senate Select Committee on Intelligence
Study of RDI Program and
Related Documents

30 September 2014

1. Background

On 26 June 2014, the Prosecution filed AE286B, wherein the Prosecution indicated that it anticipated providing an update on the status of efforts to obtain the Senate Select Committee on Intelligence (“SSCI”) Report by 29 August 2014. On 29 August 2014, the Prosecution provided an update on the status of the SSCI Report, stating that discussions between the Executive Branch and the SSCI concerning declassification and review prevented its release at that time. *See* AE286C. The Prosecution herein updates the Commission on the current status of the Prosecution’s efforts to obtain the SSCI Report.

2. Status

The SSCI Report remains a congressional record not within the custody of the Executive Branch. In its 26 June 2014 filing, the Government stated that the Executive Branch was conducting an expeditious declassification review of the executive summary, findings, and conclusion of the SSCI Report. Based on the then-current status of the declassification process, as well as the estimated time needed for coordination between executive agencies, implementation of security measures to ensure the safety of U.S. personnel and facilities overseas, and submission of the declassified version to SSCI, the Prosecution indicated that it

anticipated providing a status report no later than 29 August 2014 updating the Commission regarding any available discovery within the possession of the Executive Branch. On 29 August 2014, the Prosecution provided an update on the status of the SSCI Report, stating that discussions between the Executive Branch and the SSCI concerning declassification and review prevented its release at that time.

The Executive Branch worked expeditiously to complete its internal declassification review process and submitted a redacted version of the executive summary, findings, and conclusions of the SSCI Report on 1 August 2014. Throughout the months of August and September, the SSCI and the Executive Branch engaged in discussions related to declassifying the SSCI Report's executive summary for public release. These discussions remain ongoing and were not completed as anticipated by 29 September 2014. Because of these ongoing discussions, the Prosecution now anticipates providing an update of any available discovery pertaining to the SSCI Report within the possession of the Executive Branch by 29 October 2014. Meanwhile, the Prosecution continues to work expeditiously to identify and produce all discovery related to the Former RDI program that is noncumulative, relevant, and helpful to the defense while also requesting those substitutions and other relief necessary to protect classified information.

Respectfully submitted,

//s//

Jeffrey D. Groharing
Trial Counsel

Mark Martins
Chief Prosecutor
Military Commissions

ATTACHMENT A

CERTIFICATE OF SERVICE

I certify that on the 30th day of September 2014, I filed AE 286D (GOV), the **Government Notice** To Defense Motion to Compel Discovery of Senate Select Committee on Intelligence Study of RDI Program and Related Documents with the Office of Military Commissions Trial Judiciary and I served a copy on counsel of record.

//s//

Jeffrey D. Groharing
Deputy Trial Counsel
Office of the Chief Prosecutor
Office of Military Commissions