

**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 286G (GOV)****Government Fifth Notice**
To Defense Motion To Compel Discovery
of Senate Select Committee on Intelligence
Study of RDI Program and
Related Documents

15 December 2014

1. Background

On 26 June 2014, the Prosecution filed AE 286B, wherein the Prosecution indicated that it anticipated providing an update on the status of the efforts to obtain the Senate Select Committee on Intelligence ("SSCI") Report concerning the CIA's former Rendition, Detention, and Interrogation Program ("RDI Program"), or portions thereof, 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. On 29 September 2014, the Prosecution provided an update on the status of efforts to obtain the SSCI Report, stating the SSCI Report remains a congressional record not within the custody of the Executive Branch, and anticipating that a further update on the SSCI Report would be provided to this Commission by 29 October 2014. On 29 October 2014, the Prosecution provided an update on the status of efforts to obtain the SSCI Report, stating the SSCI Report continued to remain a congressional record not within the custody of the Executive Branch and anticipating that a further update on the SSCI Report would be provided to this Commission by 5 December 2014. On 5 December 2014, the Prosecution provided an update setting forth that it anticipated the release of the report the week of 8 December 2014. This fifth notice is respectfully submitted.

2. Status

On 9 December 2014, the Senate Select Committee on Intelligence released its unclassified Executive Summary Report entitled “Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program” (hereinafter “Executive Summary”). The unredacted portions of the Executive Summary released on 9 December have been declassified. The redacted portions of the Executive Summary and the entire underlying report remain classified.

AE 13DDD, Second Amended Protective Order, in pertinent part defines “Classified National Security Information and/or Documents,” “Classified Information,” and “Classified Documents” to include five specific categories of information:

(a) Information that would reveal or tend to reveal details surrounding the capture of an accused other than the location and date;

(b) Information that would reveal or tend to reveal the foreign countries in which: Khalid Shaikh Mohammad and Mustafa Ahmed Adam al Hawsawi were detained from the time of their capture on or about 1 March 2003 through 6 September 2006; Walid Muhammad Salih Bin “Attash and Ali Abdul Aziz Ali were detained from the time of their capture on or about 29 April 2003 through 6 September 2006; and Ramzi Bin al Shibh was detained from the time of his capture on or around 11 September 2002 through 6 September 2006.

(c) The names, identities, and physical descriptions of any persons involved with the capture, transfer, detention, or interrogation of an accused or specific dates regarding the same, from on or around the aforementioned capture dates through 6 September 2006;

(d) The enhanced interrogation techniques that were applied to an Accused from on or around the aforementioned capture dates through 6 September 2006, including descriptions of the techniques as applied, the duration, frequency, sequencing, and limitations of those techniques; and

(e) Descriptions of the conditions of confinement of any of the Accused from on or around the aforementioned capture dates through 6 September 2006;

See AE 13 DDD Para 2(g)(4) (a-e).

