

**MILITARY COMMISSIONS TRIAL JUDICIARY  
GUANTANAMO BAY, CUBA**

<b>UNITED STATES OF AMERICA</b>  <b>v.</b>  <b>KHALID SHAIKH MOHAMMAD; WALID MUHAMMAD SALIH MUBARAK BIN ‘ATTASH; RAMZI BINALSHIBH; ALI ABDUL AZIZ ALI; MUSTAFA AHMED ADAM AL HAWSAWI</b>	<b>AE 330D (GOV)</b>  <b>Government Notice</b> of Efforts and the Status of Discovery Within AE 330  4 May 2016
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**1. Timeliness**

This Notice is timely filed pursuant to the Military Judge’s Order dated 28 April 2016.  
*See* AE 330C.

**2. Facts**

On 12 December 2014, counsel for Mr. Ali filed AE 330 (AAA), requesting that the Commission compel JTF-GTMO and any other relevant agency to produce a complete and unredacted set of all records in the possession of the United States containing information relating to Mr. Ali’s physical and mental health.

On 8 January 2015, the Prosecution replied to the Defense Motion. *See* AE 330A (GOV). In its Response, the Prosecution articulated its position for why the Defense Motion should be denied. *Id.* The Prosecution also noted that

[t]he Commission should deny the Defense motion because the Prosecution has provided the Defense the Accused’s medical records on a rolling basis since 22 April 2013 and will continue to do so, consistent with its discovery obligations, Protective Order #2, and classified-information procedures set forth in the M.C.A. and M.C.R.E. 505. The Prosecution will consider individual discovery requests for the identification of medical personnel, but the blanket request in this motion for the identification of all medical personnel in the Accused’s medical records is an insufficient request under R.M.C. 701, nor does it satisfy the proper procedure

for witness requests under R.M.C. 703 or the Military Commission Trial Judiciary Rules for Court, as AE 332A requires.

AE 330A (GOV) at 4-5.

On 28 April 2016, the Military Judge ordered the Prosecution to update the Commission as to the Government's efforts and the status of discovery within AE 330 (AAA), no later than 6 May 2016. *See* AE 330C.

**3. Notice**

The Prosecution has continued to produce relevant discovery material responsive to AE 330 (AAA). Specifically, between 22 April 2013 and 3 May 2016, the Prosecution has produced approximately 5,389 pages of such discovery to counsel for Mr. Ali. Of that 5,389 pages, approximately 1,682 pages—including both unclassified and classified material—were produced after the Prosecution filed its response in AE 330A (GOV). The most recent production of responsive material occurred on 3 May 2016. The discovery material generally only contains redactions to identities of medical-care providers as a force-protection measure. As noted in AE 330A (GOV), the Prosecution has provided the Defense with the Accused's medical records on a rolling basis since 22 April 2013 and will continue to do so, consistent with its discovery obligations, Protective Order #2, and classified-information procedures set forth in the M.C.A. and M.C.R.E. 505.



# ATTACHMENT A

