

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

UNITED STATES OF AMERICA v. ABD AL RAHIM HUSSAYN MUHAMMAD AL NASHIRI	AE 206K Government's Fourth Notice Relating To The SSCI Report 29 October 2014
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1. Background

On 28 May 2014, the prosecution offered to provide by 20 June 2014 an update on the status of 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. Unofficial/Unauthenticated Transcript at 4378. 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. This fourth notice is respectfully submitted.

2. Status

The SSCI Report remains a congressional record not within the custody of the Executive Branch. On 20 June 2014, the prosecution stated the Executive Branch was conducting an expeditious declassification review of the executive summary, findings, and conclusions 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 submitted a status report proposing no later than 29 August 2014 for providing an update of any available discovery within the possession of the Executive Branch. On 29 August 2014 and again on 29 September 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.

The Executive Branch worked expeditiously to complete its internal declassification review process and submitted to SSCI a redacted version of the executive summary, findings, and conclusions of the SSCI Report on 1 August 2014. Since that time, the SSCI and the Executive Branch have engaged in discussions related to declassifying the SSCI Report's executive summary for public release. These discussions remain ongoing. Because these ongoing discussions are not yet complete, the prosecution will provide an additional update of any available discovery pertaining to the SSCI Report within the possession of the Executive Branch no later than 5 December 2014.¹ The prosecution continues to query other Executive Branch agencies on a regular basis concerning the declassification efforts relating to the SSCI Report, but of course the prosecution does not control the declassification efforts relating to the SSCI Report. The prosecution continues to work expeditiously to comply with the Commission's Order in AE 120AA by producing noncumulative, relevant, and helpful discovery related to the former RDI Program while also requesting substitutions and other relief necessary to protect classified information. *See, e.g.*, AE 120CC; AE 120JJ; AE 120LL; AE 120QQ.

Respectfully submitted,

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¹ The prosecution intends to provide another update on 5 December 2014, consistent with the update to be provided by the Department of Justice in the FOIA litigation. *See Leopold v. Central Intelligence Agency*, No. 13-CV-1324 (D.D.C.), and *ACLU v. Central Intelligence Agency*, No. 13-CV-01870 (D.D.C.).

CERTIFICATE OF SERVICE

I certify that on the 29th day of October 2014, I filed AE 206K, Government's Fourth Notice Relating To The SSCI Report, with the Office of Military Commissions Trial Judiciary and served a copy on counsel of record.

//s//

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