

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

<p><b>UNITED STATES OF AMERICA</b></p> <p><b>v.</b></p> <p><b>KHALID SHAIKH MOHAMMAD; WALID MUHAMMAD SALIH MUBARAK BIN ‘ATTASH; RAMZI BINALSHIBH; ALI ABDUL AZIZ ALI; MUSTAFA AHMED ADAM AL HAWSAWI</b></p>	<p><b>AE 901H (GOV)</b></p> <p><b>Government Notice</b> Of Pre Trial Agreement Status Update In Accordance With AE 901D, <i>Supplemental Ruling</i></p> <p>8 September 2023</p>
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**1. Timeliness**

The Prosecution timely files this Notice in accordance with AE 901D, *Supplemental Ruling*, paragraph 5.a.

**2. Government Update on the Status of Plea Negotiations**

As to the current status of the United States’ consideration of the Defense Joint Policy Principles, on 6 September 2023 the Biden Administration declined to accept the terms of the proposed joint policy principles offered by the Accused in this case. *See* AE 902L (GOV).

As to the current status of the plea negotiations, the Prosecution set a 1 September 2023 deadline to receive a signed offer for a pre-trial agreement from the Defense, along with signed stipulations of fact, for endorsement and forwarding to the Convening Authority for his consideration. The Prosecution informed the Defense teams that it did not intend to continue negotiating with them after the 1 September 2023 deadline. No signed pre-trial agreements were forwarded to the Prosecution prior to the deadline.

During the month of August, the Prosecution continued good faith negotiations with three of the Defense teams, all of which indicated that they needed to meet with their clients regarding the documents and agreements during the first week of September prior to completion of the



# ATTACHMENT A

**CERTIFICATE OF SERVICE**

I certify that on the 8th day of September 2023, I filed AE 901H (GOV), Government Notice of Status Update in Accordance with AE 901D, *Supplemental Ruling*, with the Office of Military Commissions Trial Judiciary and I served a copy on counsel of record.

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Clay Trivett  
Managing Trial Counsel  
Office of the Chief Prosecutor  
Office of Military Commissions