

~~SECRET//NOFORN~~

~~(S)~~ ATTACHMENT A

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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

~~(U)~~ AE 360Q(GOV)

~~(U)~~ Government Notice
Of Classification Guidance Regarding the
Content of Familial Communications

23 January 2019

1. ~~(U)~~ Timeliness

~~(U)~~ This Notice is timely pursuant to paragraph 6.b. of AE 360O, Order.

2. ~~(U)~~ Notice

~~(U)~~ On 12 December 2018, this Military Commission issued AE 360O, Order, Defense Motion to Reconsider AE 360B (RUL), Ruling on Defense Motion to Compel Discovery Related to Audio and Video Messages to Family *and* Mr. Bin ‘Attash’s Motion for an Order to Show Cause Why the Government Has Not Complied with the Commission’s Ruling in AE 360B (RUL). In doing so, the Commission ordered “the Government [to] provide the Commission and the Defense comprehensive classification guidance regarding the content of familial communications.” AE 360O at 7.

~~(U//FOUO)~~

[REDACTED]

~~(U//FOUO)~~

[REDACTED]

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[REDACTED]

~~(S//FOUO)~~

[REDACTED]

~~(S//FOUO)~~

[REDACTED] it offers the following clarification regarding the classification surrounding these audio and video messages, in addition to the above, to assist Defense counsel when advising the Accused regarding familial communications:

1. ~~(U)~~ Consistent with *Third Amended Protective Order #1*, [REDACTED] [REDACTED] (i) information that would reveal or tend to reveal details surrounding the capture of an accused other than the location and date; (ii) information that would reveal or tend to reveal the foreign countries in which an accused was detained from the time of their capture through 6 September 2006; and, (iii) 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.

2. ~~(S//NF)~~

[REDACTED]

3. ~~(S//NF)~~

[REDACTED]

[REDACTED]

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~~(S)~~ The Prosecution provides this notice in order to better enable Defense counsel to advise the Accused regarding communications with their respective families. To the extent Defense counsel have any questions regarding this guidance or require additional clarification, the Prosecution stands ready to assist the Defense and provide further guidance as necessary.

3. ~~(S)~~ Attachments

A. ~~(S)~~ Certificate of Service, dated 23 January 2019

Respectfully submitted,

//s//

Clay Trivett
Managing Trial Counsel

Christopher Dykstra
Major, USAF
Assistant Trial Counsel

Mark Martins
Chief Prosecutor
Military Commissions

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