

**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 524-32 (MFL)(GOV) Government Motion For Extension of Time to File a Response to AE 524RR (AAA Sup), Mr. Ali’s Supplement to Mr. Ali’s Response to Government Motion to Reconsider and Clarify AE 524LL, Ruling 25 January 2019
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1. Timeliness

The Prosecution timely files this motion pursuant to Military Commissions Trial Judiciary Rule of Court (“R.C.”) 3.7.d.(3).c.

2. Relief Sought

The Prosecution respectfully requests an extension of time to file a response to AE 524RR (AAA Sup), Mr. Ali’s Supplement to Mr. Ali’s Response to Government Motion to Reconsider and Clarify AE 524LL, Ruling, until 5 February 2019.

3. Burden of Proof

As the moving party, the Prosecution must demonstrate by a preponderance of the evidence that the requested relief is warranted. *See* R.M.C. 905(c)(1)–(2).

4. Facts

On 15 January 2019, Defense counsel for Mr. Ali filed AE 524RR (AAA Sup), Mr. Ali’s Supplement to Mr. Ali’s Response to Government Motion to Reconsider and Clarify AE 524LL, Ruling. Any Prosecution response to the Defense supplement is due to the Commission by not later than 29 January 2019.

5. Law and Argument

The Military Commissions Trial Judiciary Rules of Court afford counsel the opportunity to submit a response within fourteen (14) calendar days of the filing of a motion or supplement. *See* R.C. 3.7.d.(1). Requests for an extension of time to file a response “must be addressed to the Military Judge with motion-specific reasons for failure to make the response in a timely fashion.” R.C. 3.7.d.(3).a. In this case, the Prosecution fully intends to respond to AE 524RR (AAA Sup); however, the Prosecution requires additional time in order to conduct necessary interagency coordination. As such, the Prosecution respectfully requests an extension of time to file its reply until 5 February 2019.

6. Oral Argument

The Prosecution does not request oral argument.

7. Certificate of Conference

On 24 January 2019, the Prosecution consulted with the Defense regarding the instant Motion for Extension of Time. Counsel for Messrs. Mohammad, Binalshibh, and Ali stated that they do not oppose the extension. Counsel for Messrs. Bin ‘Attash and Hawsawi did not respond within the 24-hour timeframe established by Military Commissions Trial Judiciary Rule of Court 3.5.k.

8. Attachments

A. Certificate of Service, dated 25 January 2019.

Respectfully submitted,

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Jeffrey Groharing
Trial Counsel

Christopher Dykstra
Major, USAF
Assistant Trial Counsel

Mark Martins
Chief Prosecutor
Military Commissions

ATTACHMENT A

CERTIFICATE OF SERVICE

I certify that on the 25th day of January 2019, I filed AE 524-32 (MFL)(GOV), Government Motion For Extension of Time to File a Response to AE 524RR (AAA Sup), Mr. Ali's Supplement to Mr. Ali's Response to Government Motion to Reconsider and Clarify AE 524LL, Ruling, with the Office of Military Commissions Trial Judiciary and I served a copy on counsel of record.

//s//

Christopher Dykstra
Major, USAF
Assistant Trial Counsel