

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

UNITED STATES OF AMERICA

v.

**KHALID SHAIKH MOHAMMAD,
WALID MUHAMMAD SALIH
MUBARAK BIN ‘ATTASH,
RAMZI BIN AL SHIBH,
ALI ABDUL AZIZ ALI,
MUSTAFA AHMED ADAM AL
HAWSAWI**

AE 524-43 (MFL)(MAH)

**Mr. al Hawsawi’s Motion for Leave to File
Out of Time a Reply to
AE 524000 (GOV), Government
Response to Defense Motion for
Reconsideration of AE 524LLL**

Filed: 10 May 2019

1. **Timeliness:** This motion is timely filed.
2. **Relief Sought:** Pursuant to Trial Judiciary Rules of Court 3.5.i.(2), Mr. al Hawsawi respectfully requests leave to file out of time a reply to AE 524000 (GOV). Mr. al Hawsawi requests leave to file this reply by 13 May 2019.
3. **Facts:**
 - a. The Defense filed AE 524MMM. Motion to Reconsider AE 524LLL, on 18 April 2019. The Government filed its response, AE 524000, on 1 May 2019. Consequently, the Defense’s reply was due on 8 May 2019.
 - b. The Defense timely attempted to file its reply, AE 524QQQ, on 7 May 2019, and again on 8 May 2019. On the initial occasion, the filing was rejected based on the markings of its classified portions. Upon re-submission on 8 May, the filing was again rejected, but this time without an explanation. As a direct result of this second rejection, the reply could not be filed by the due date.

c. The Defense sought additional guidance from the Commission's Court Security Officers (CSOs), but the CSOs declined to provide such guidance, explaining that the issue with Defense filing was raised by members of the Washington Headquarters Services (WHS), whom the CSOs did not further identify.

d. After the Defense requested a filing designation in order to file out of time, the trial judiciary sent a communication, at 1538, indicating:

The filing was appropriately rejected by a TJ paralegal in consultation with a TJ CISO due to a security concern. In order to obtain guidance on corrective action on this filing and future filings involving classified information, please review AE 118M, RULING Defense Motion to Abate Proceedings Pending Compliance With Protective Order #1, dated 25 April 2019.

e. The Defense has tried to contact a WHS representative in an effort to obtain further information about the reason the filing was rejected. WHS has thus far been unresponsive.

f. The Trial Judiciary staff granted the Defense an extension on the use of the designation number (524QQQ), until Monday, 13 May, 2019.

4. **Argument:** The Defense would be glad to file its reply, if the Commission permits, as soon as it obtains the necessary guidance from WHS.

5. **Request for Oral Argument:** The Defense does not request oral argument on this motion.

6. **Witnesses:** None

7. **Conference with Opposing Counsel:** The Prosecution does not oppose this motion for an extension of time.

8. **Attachment:**

A. Certificate of Service.

//s//

WALTER B. RUIZ
Learned Counsel for
Mr. al Hawsawi

//s//

SEAN M. GLEASON
Detailed Defense Counsel for
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//s//

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//s//

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CERTIFICATE OF SERVICE

I certify that on the 10th day of May, 2019, I electronically filed **AE 524-43 (MFL)(MAH) Mr. al Hawsawi's Motion for Leave to File Out of Time Reply to AE 524000 (GOV)**, with the Clerk of the Court and all the counsel of record by e-mail.

//s//
WALTER B. RUIZ
Learned Counsel for Mr. Hawsawi