

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~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 524FFF (GOV)

~~(U)~~ Government 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

5 February 2019

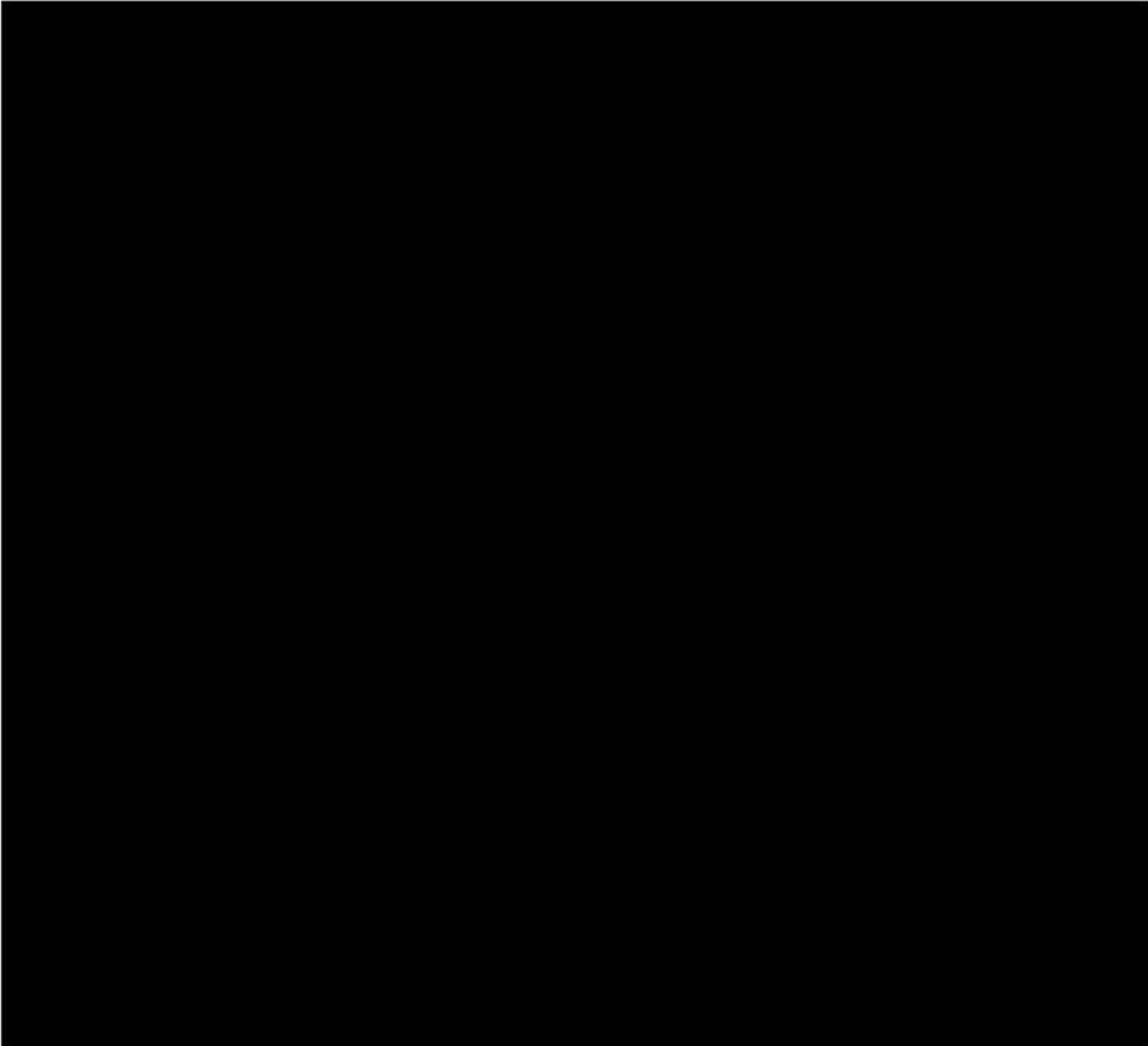
1. ~~(U)~~ Timeliness~~(U)~~ The Prosecution timely files this Response pursuant to AE 524-33 (RUL)(GOV).2. ~~(U)~~ Relief Sought~~(U)~~ The Prosecution respectfully requests the Commission either: (1) Rescind AE 524LL (RUL) with respect to the portion of the Ruling suppressing the use of the statements made by the Accused to the Federal Bureau of Investigation ("FBI") for any purpose, or (2) Withdraw and clarify AE 524LL (RUL) and permit the parties to provide briefing to the Commission after clarifying critical parts of the Ruling.3. ~~(U)~~ Facts~~(U)~~ The Prosecution incorporates by reference the facts as set forth in AE 524NN (GOV).
See AE 524NN (GOV) at 3-11.~~(U)~~ On 28 December 2018, Mr. Binalshibh filed a supplement setting forth additional information as it pertained to a witness interview that occurred on 11 December 2018. *See* AE 524TT (RBS Sup).~~(U)~~ On 8 January 2019, the Prosecution interviewed the same witness regarding the matters contained in AE 524TT (RBS Sup), Attachments E and F. *See* AE 524DDD (GOV), Attach. B. Upon review of the FBI FD-302 documenting the 8 January 2019 interview, on~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

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10 January 2019, the Prosecution conducted an additional interview to clarify inconsistent recollections of trial counsel and the FBI Agent present for the 8 January 2019 interview. *Id.*, Attach. C.

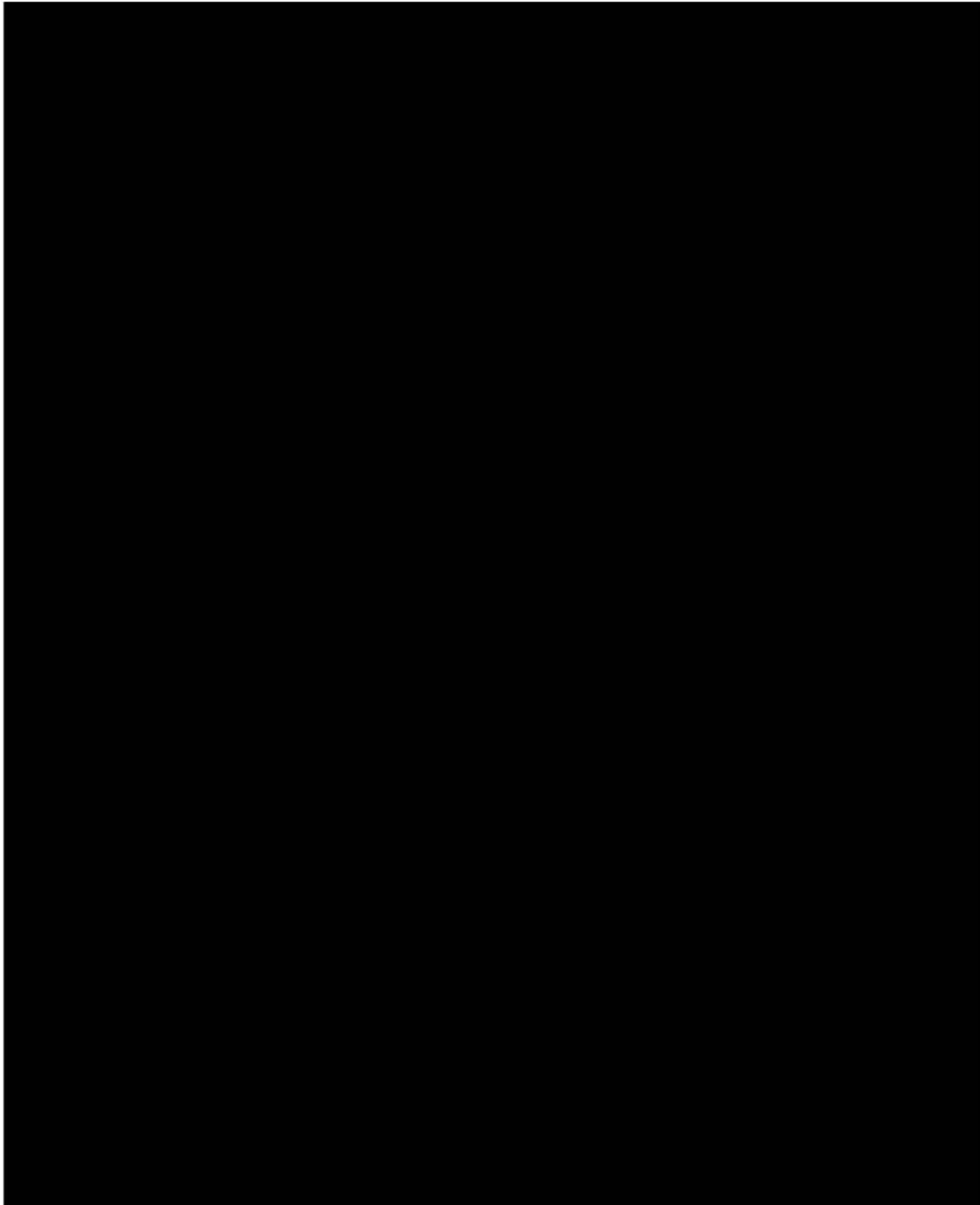
~~(S)~~ On 15 January 2019, Mr. Ali filed AE 524RR (AAA Sup).

~~(S)~~ Multiple attempts to contact FIG regarding the averments contained in AE 524RR (AAA Sup) have been unsuccessful as of the time of this filing.



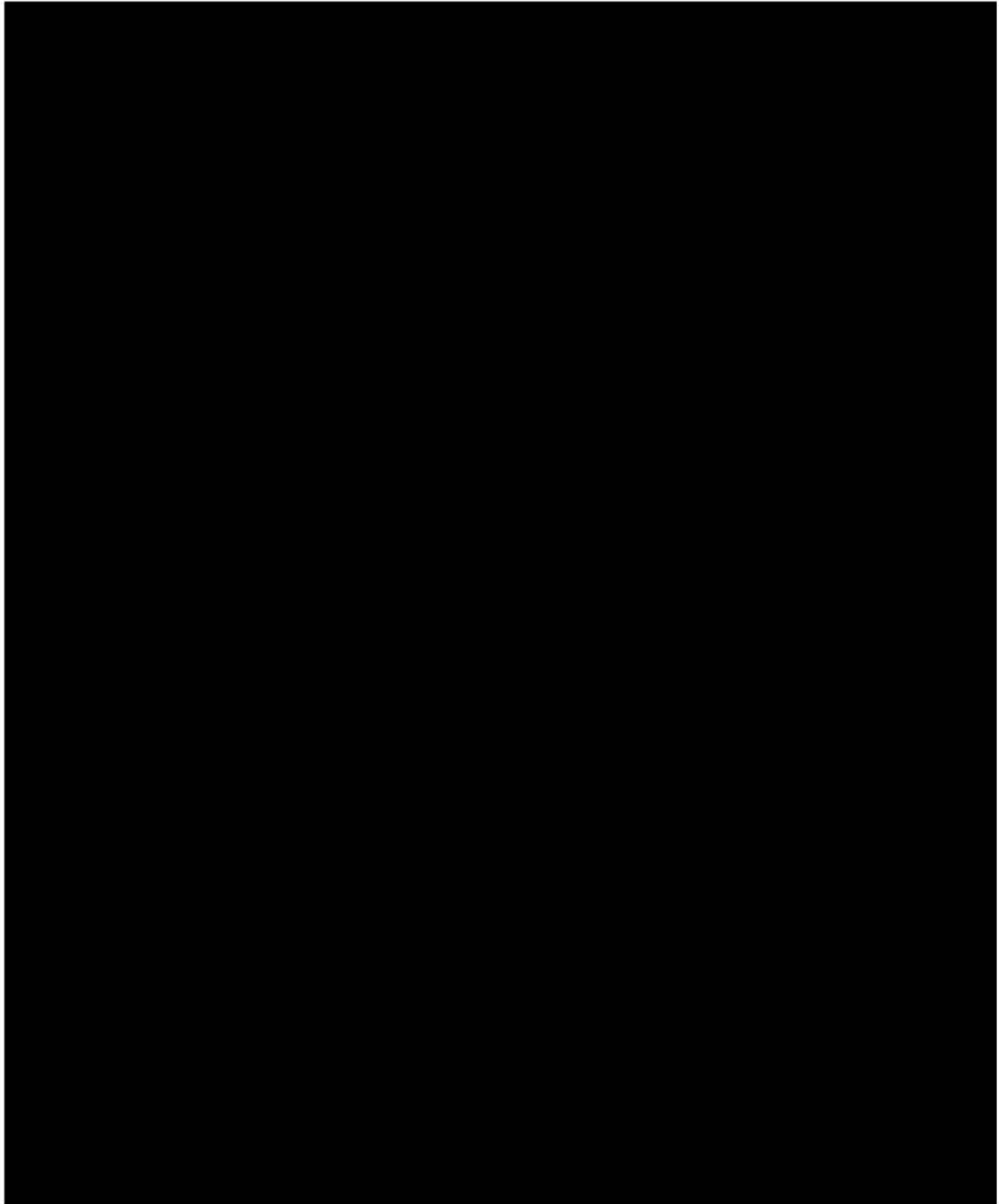
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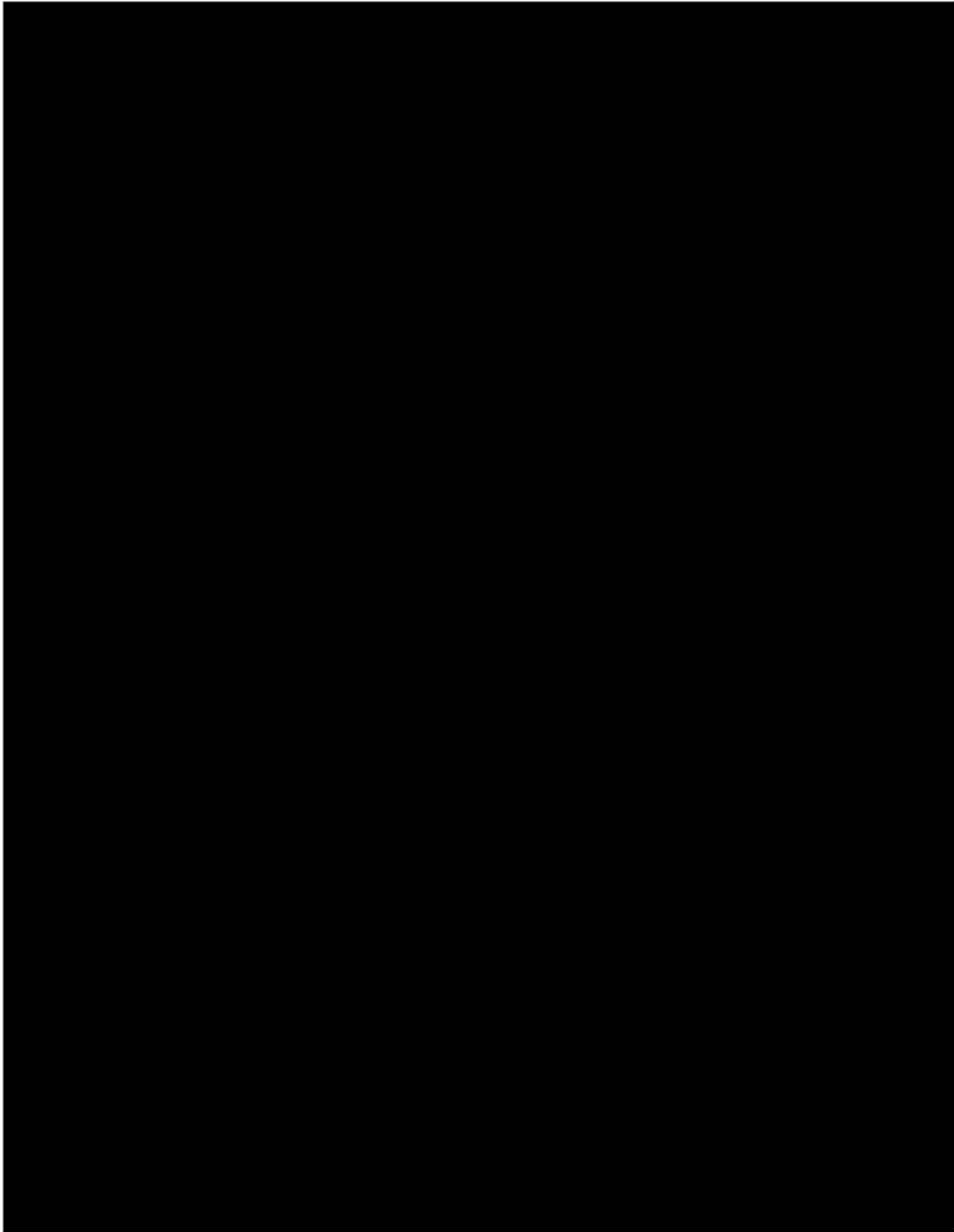
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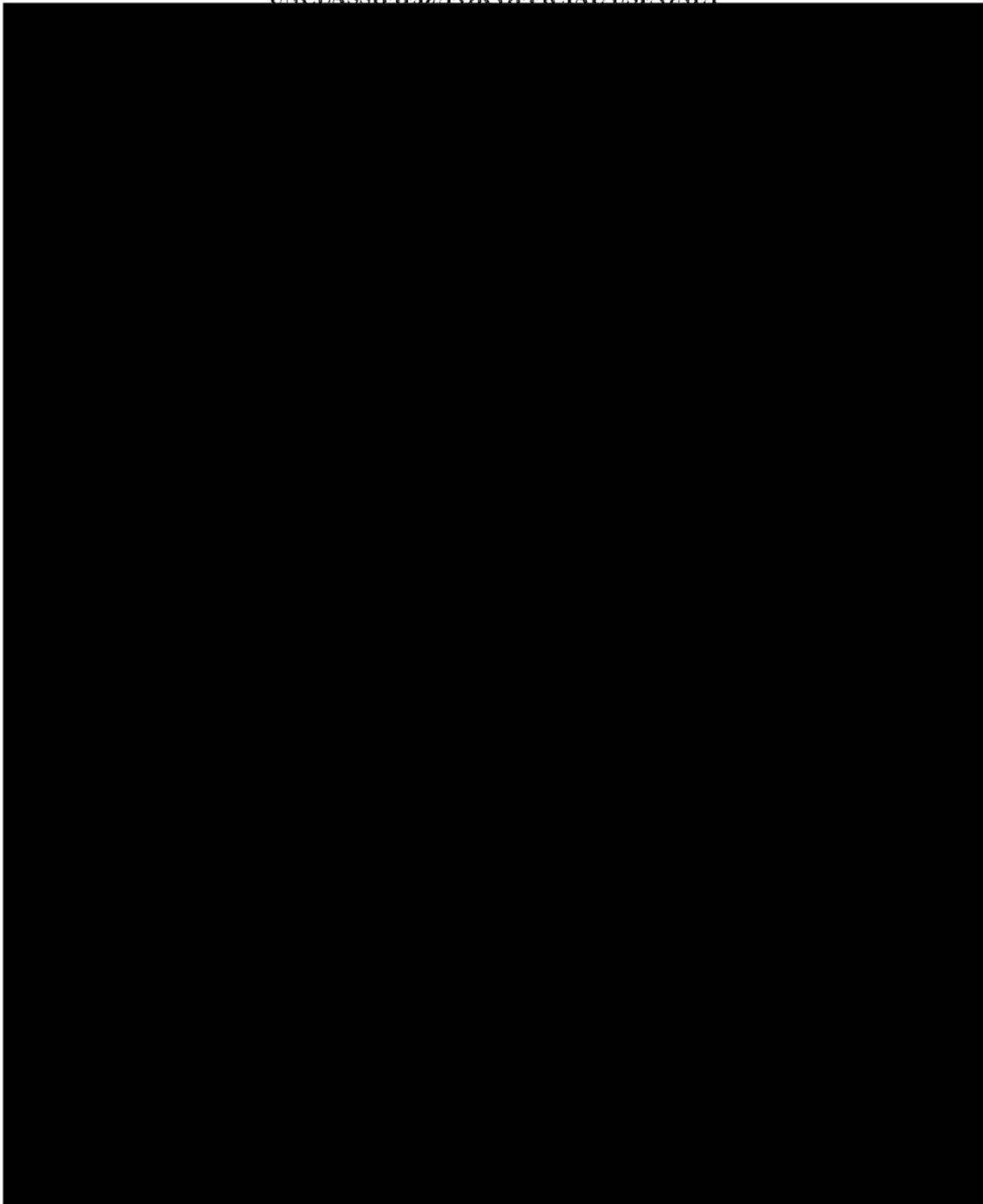
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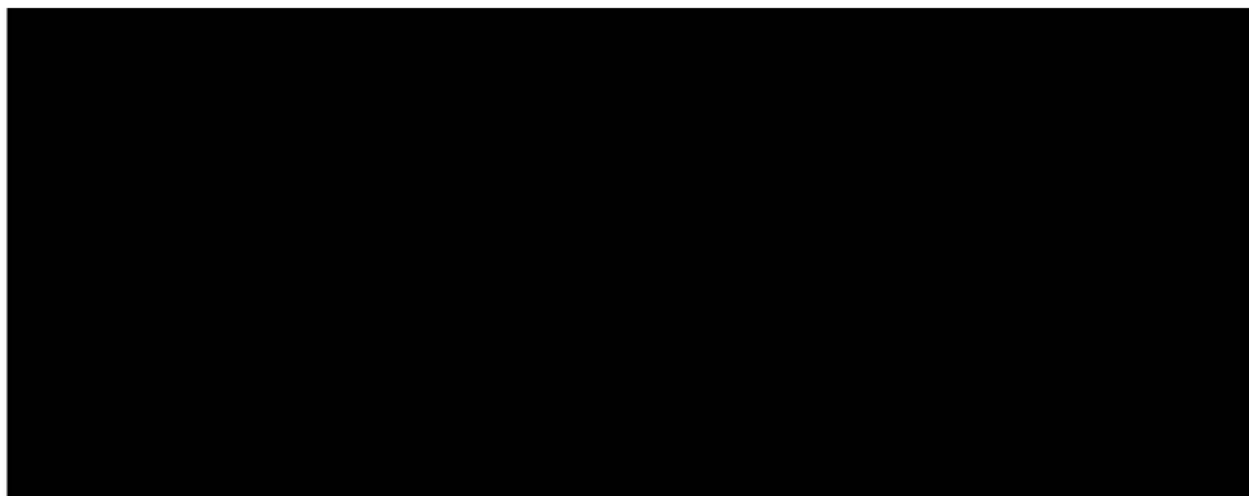
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5. ~~(U)~~ Oral Argument

~~(U)~~ The Prosecution does not request oral argument. The facts and legal contentions are adequately presented in the material now before the Commission and argument would not add to the decisional process. However, if the Military Commission decides to grant oral argument to the Defense, the Prosecution requests an opportunity to respond.

6. ~~(U)~~ Witnesses and Evidence

~~(U)~~ The Prosecution will not rely on any witnesses or additional evidence in support of this pleading.

7. ~~(U)~~ Additional Information

~~(U)~~ The Prosecution has no additional information.



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8. ~~(U)~~ Attachments

A. ~~(U)~~ Certificate of Service, dated 5 February 2019

~~(U)~~ Respectfully submitted,

//s//

Jeffrey Groharing
Trial Counsel

Mark Martins
Chief Prosecutor
Military Commissions

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~~(U)~~ ATTACHMENT A

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~~(S)~~ CERTIFICATE OF SERVICE

(U) I certify that on the 5th day of February 2019, I filed AE 524FFF (GOV), Government 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

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