

~~TOP SECRET//HCS//ORCON//NOFORN~~  
MILITARY COMMISSIONS TRIAL JUDICIARY  
GUANTANAMO BAY, CUBA

<b>UNITED STATES OF AMERICA</b>  <b>v.</b>  <b>KHALID SHAIKH MOHAMMAD, WALID MUHAMMAD SALIH MUBARAK BIN ATTASH, RAMZI BINALSHIBH, ALI ABDUL AZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI</b>	<b>AE 538K (GOV)</b>  <del>(U)</del> <b>Government Unclassified Notice Of Classified Filing</b>  25 January 2019
---	--

1. ~~(U)~~ In accordance with the Military Commission Trial Judiciary Rules, the Government provides this unclassified notice that it has filed a classified version of the above captioned motion. The classified version has been filed by hand delivery to the Clerk of Court.

2. ~~(U)~~ Attachment

a. ~~(U)~~ Certificate of Service, dated 25 January 2019.



\_\_\_\_\_  
//s//  
Clay Trivett  
Managing Trial Counsel  
Office of the Chief Prosecutor  
Office of Military Commissions

~~TOP SECRET//HCS//ORCON//NOFORN~~

~~TOP SECRET//TICS//ORCON//NOFORN~~

# ~~(U)~~ ATTACHMENT A

~~TOP SECRET//TICS//ORCON//NOFORN~~

~~TOP SECRET//TICS//ORCON//NOFORN~~

~~(U)~~ **CERTIFICATE OF SERVICE**

~~(U)~~ I certify that on the 25th day of January 2019, I filed AE 538K (GOV), the **Government Unclassified Notice** Of Classified Filing with the Office of Military Commissions Trial Judiciary and I served a copy of the notice on counsel of record.

//s//

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

~~TOP SECRET//TICS//ORCON//NOFORN~~

~~TOP SECRET//HCS//ORCON//NOFORN~~

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

<b>UNITED STATES OF AMERICA</b>  <b>v.</b>  <b>KHALID SHAIKH MOHAMMAD; WALID MUHAMMAD SALIH MUBARAK BIN 'ATTASH; RAMZI BINALSHIBH; ALI ABDUL AZIZ ALI; MUSTAFA AHMED ADAM AL HAWSAWI</b>	<b>AE 538K (GOV)</b>  <del>(U)</del> <b>Government Notice of the Status of Discovery</b>  25 January 2019
--	---

**1. ~~(U)~~ Timeliness**

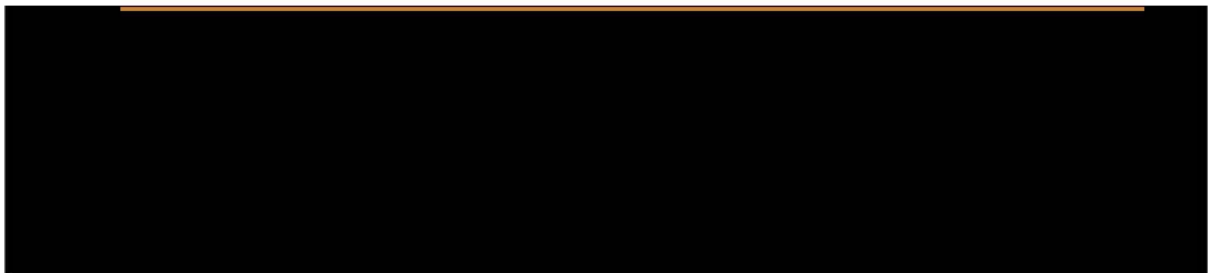
~~(U)~~ This notice is timely filed.

**2. ~~(U)~~ Notice of the Status of Discovery**

~~(U)~~ The Prosecution hereby files this Notice informing the Military Commission and the parties of the status of discovery in the motions filed by the defense in AE538C (AAA) and AE561 (AAA).

**I. ~~(U)~~ Overview of Provided Discovery**

~~(U)~~ Pursuant to its agreement to voluntarily provide discovery it believes is arguably material to the preparation of the defense as set forth in the above pleadings, the Prosecution has provided the following:



~~TOP SECRET//HCS//ORCON//NOFORN~~





~~TOP SECRET//ICS//ORCON//NOFORN~~**II. ~~(U)~~ Outstanding Discovery**

~~(U)~~ The Prosecution, working with relevant government departments and agencies, has identified and segregated from various databases an additional group of documents for review, based upon the Defense's arguments in the AE 561 motions as well as specific discovery requests made in AE 538C (AAA). *See* AE 538C (AAA), paras. 2.a – 2.e. These documents total in the thousands and are being reviewed as of the filing of this Notice. Ultimately, the Prosecution will produce to the defense a much smaller subset of this amount in satisfaction of its discovery obligations or as otherwise advisable under prudent practices. By the 18-29 March 2019 hearings, the Prosecution intends to have produced these items to the defense, or to have served them on the Trial Judiciary for M.C.R.E. 505 approval of substitutions. Of course, the Prosecution understands its ongoing discovery obligations and will continue to search for items material to the preparation of the defense. Additionally, the Prosecution will consider any specific discovery requests from the Defense whether based upon what has been produced already or from other sources.

**3. Conclusion**

~~(U)~~ The Prosecution has diligently searched for and produced discovery responsive to the Defense's discovery requests as summarized in AE 538C (AAA) and AE 561 (AAA). To date, the Prosecution has provided over 600 pages as described in this Notice. By the 18-29 March 2019 hearings, the Prosecution expects all remaining items will have been either produced directly to the defense or served upon the Trial Judiciary for M.C.R.E. 505 review.

~~TOP SECRET//ICS//ORCON//NOFORN~~

~~TOP SECRET//TICS//ORCON//NOFORN~~

**4. Attachments**

A. Certificate of Service, dated 25 January 2019

Respectfully submitted,

//s//

Clay Trivett  
Managing Trial Counsel

Edward Ryan  
Trial Counsel

Jeffrey Groharing  
Trial Counsel

Robert Swann  
Trial Counsel

Nicole Tate  
Assistant Trial Counsel

Christopher Dykstra  
Major, USAF  
Assistant Trial Counsel

Benjamin Mills  
Major, USMC  
Assistant Trial Counsel

Neville Dastoor  
Captain, USA  
Assistant Trial Counsel

Mark Martins  
Chief Prosecutor  
Military Commissions

~~TOP SECRET//TICS//ORCON//NOFORN~~



~~TOP SECRET//TICS//ORCON//NOFORN~~

# ~~(U)~~ ATTACHMENT A

~~TOP SECRET//TICS//ORCON//NOFORN~~

//s//

---

Neville F. Dastoor  
Captain, USA  
Assistant Trial Counsel

~~TOP SECRET//HCS//ORCON//NOFORN~~