

**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 575J (GOV)

**Government Motion
To Withdraw AE 575 (GOV)**

19 March 2019

1. Timeliness

This Motion is timely filed pursuant to Military Commissions Trial Judiciary Rules of Court (“R.C.”) 3.7.

2. Relief Sought

The Prosecution respectfully requests that this Commission permit the Prosecution to withdraw AE 575 (GOV).

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 5 June 2018, the Prosecution filed AE 575 (GOV) requesting a conclusion of law and other appropriate relief.

On 17 August 2018, Defense counsel for Messrs. Mohammad, Bin ‘Attash, Binalshibh, Ali, and Hawsawi filed AE 575A (AAA) and AE 575B (KSM, WBA, RBS, MAH) in response to AE 575 (GOV).

On 31 August 2018, the Prosecution filed a consolidated reply to the Defense responses. *See* AE 575D (GOV).

ATTACHMENT A

CERTIFICATE OF SERVICE

I certify that on the 19th day of March 2019, I filed AE 575J (GOV), Government Motion To Withdraw AE 575 (GOV), with the Office of Military Commissions Trial Judiciary and I served a copy on counsel of record.

 //s//

Christopher M. Dykstra
Major, USAF
Assistant Trial Counsel