

UNCLASSIFIED//FOR PUBLIC RELEASE
MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA

<p>UNITED STATES OF AMERICA</p> <p>v.</p> <p>KHALID SHAIKH MOHAMMAD; WALID MUHAMMAD SALIH MUBARAK BIN 'ATTASH; RAMZI BIN AL SHIBH; ALI ABDUL AZIZ ALI; MUSTAFA AHMED ADAM AL HAWSAWI</p>	<p>AE 615N (GOV SRT)</p> <p>Notice by Special Review Team of Declaration by Director of Security, Washington Headquarters Services, Shared With the Commission on 24 January 2019</p> <p>25 January 2019</p>
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1. Timeliness

This Notice by the Special Review Team (“SRT”) is timely filed.

2. Facts

Pursuant to the Commission’s Interim Order in AE 615H, an *ex parte* hearing was held on January 24, 2019, where counsel from the Special Review Team appeared before the Commission.

During this hearing, counsel for the SRT provided the Commission with a declaration from Daniel Purtill, Director of Security, Washington Headquarters Services (“WHS”), Department of Defense (“DoD”). A redacted copy of this declaration is included with this Notice as Attachment B. As Mr. Purtill’s declaration makes clear, a review of the security clearance status for all known defense team members demonstrates that there are no pending DoD security clearance actions other than routine matters such as, for example, reinvestigations or upgrades to clearances that are being conducted by the National Background Investigations Bureau. As a result, there is no factual basis for an alleged conflict of interest based on security clearance status.

3. Oral Argument

The SRT does not request oral argument on this Notice.

ATTACHMENT A

CERTIFICATE OF SERVICE

I certify that on the 25th day of January 2019, I filed AE 615N (GOV SRT), the Notice by **Special Review Team** of Declaration by Director of Security, Washington Headquarters Services, Shared With the Commission on 24 January 2019, and I served a copy on defense counsel of record by electronic mail.

 //s//

Fernando Campoamor-Sánchez
Special Trial Counsel
Office of Military Commissions

ATTACHMENT B

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**MILITARY COMMISSIONS TRIAL JUDICIARY
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<p>UNITED STATES OF AMERICA</p> <p>v.</p> <p>KHALID SHAIKH MOHAMMAD; WALID MUHAMMAD SALIH MUBARAK BIN 'ATTASH; RAMZI BINALSHIBH; ALI ABDUL AZIZ ALI; MUSTAFA AHMED AL HAWSAWI</p>	<p>Declaration of Daniel Purtill</p> <p>24 January 2019</p>
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1. I, Daniel Purtill, am the Director of Security, Washington Headquarters Services (WHS), Department of Defense. The Washington Headquarters Services Office of Special Security (WHS OSS), the security program office for the Office of Military Commissions (OMC), reports directly to me.
2. I make this declaration at the request of the Department of Justice Special Review Team (DOJ SRT) in the Military Commissions case of *United States v. Mohammad, et al.*.
3. On 16 January 2019, WHS OSS provided the DOJ SRT with the identities of known defense team members who are OMC personnel assigned, as of 11 January 2019, to the Military Commissions Defense Organization (MCDO) 9/11 defense teams and who have been identified by the MCDO to WHS OSS for the purpose of tracking the status of DoD security clearances and accesses.
4. The WHS Security Office requested that the DoD Consolidated Adjudications Facility (DoD CAF) provide the DoD security clearance status of all MCDO 9/11 defense team members that have been identified by the MCDO to WHS OSS for the purpose of tracking the status of DoD security clearances and accesses.¹

¹ It is my understanding that MCDO defense teams have asserted potential conflict of interest in this case and have stated that AE 2929QQ, Amended Order, generally sets forth requirements for *ex parte* and in camera notice to the Commission of FBI and security clearance investigations of known defense team members. While AE 2929QQ Amended Order references the DIA CAF, its jurisdictional authority to adjudicate SCI clearances for OMC employees was realigned to the DoD CAF on 1 July 2016.

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5. For the defense team for Mr. bin 'Attash, the DoD CAF reviewed the DoD security clearance status for: [REDACTED]
[REDACTED]. The DoD CAF has confirmed to the WHS Security Office that the only pending DoD security clearance actions for known defense team members on Mr. bin 'Attash's defense team are a routine Periodic Reinvestigation for [REDACTED] and a routine background investigation to upgrade the DoD security clearance for [REDACTED]. Both are being conducted by the National Background Investigations Bureau (NBIB), which currently performs background investigations on behalf of DoD.²
6. The DoD CAF has confirmed to the WHS Security Office that the only pending DoD security clearance actions for known defense team members on Mr. Mohammad's defense team, including [REDACTED] is a routine Periodic Reinvestigation for [REDACTED] and a recent request for reciprocity for a DoD security clearance for [REDACTED].³
7. The DoD CAF has confirmed to the WHS Security Office that the only pending DoD security clearance actions for known defense team members on Mr. Bin al Shihb's

² It is my understanding that AE 615C (WBA), AE 615E (WBA), and AE 615F (WBA), Notices were submitted to the DOJ SRT, and are identical to AE 614E (WBA), AE 616C (WBA), and AE 530000 (WBA) Notices, respectively, which were filed with the Prosecution. Those Defense Notices identify the following individuals as the representatives for Mr. bin 'Attash: [REDACTED] as counsel of record; [REDACTED] an uncleared military counsel who was detailed to Mr. bin 'Attash's defense team in September 2018; and [REDACTED]

In addition to the defense team members referenced in the Notices to the Prosecution, defense counsel for Mr. bin 'Attash filed AE 615 (WBA) with the DOJ SRT, identifying the following individuals as the representatives for Mr. bin 'Attash: [REDACTED]. That Notice also states that defense counsel are supported by the following unidentified individuals: "one uncleared military counsel, two paralegals, one intelligence analyst, one investigator, and one linguist. Confidential expert consultants in areas germane to Mr. bin 'Atash's defense comprise the remainder of the Defense Team." It is my understanding that the uncleared military counsel is likely [REDACTED] the two paralegals are [REDACTED] the linguist is [REDACTED] and the other two individuals are contractors [REDACTED]. WHS does not know the identity of the individuals referenced only as "confidential expert consultants."

³ It is my understanding that the defense team for Mr. Mohammad filed AE 555FFF (KSM), AE 614D (KSM), and AE 616B (KSM), with the Prosecution. Those Notices do not identify any members of the defense team other than including signatures from the following counsel: [REDACTED]

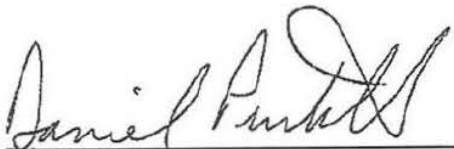
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defense team are routine background investigations for Top Secret security clearances for [REDACTED], currently pending with NBIB.

8. The DoD CAF has advised the WHS Security Office that the only pending DoD security clearance actions for known defense team members on Mr. al Baluchi's defense team are routine background investigations for Top Secret security clearances for [REDACTED] [REDACTED] as well as a routine Periodic Reinvestigation for [REDACTED] all pending with NBIB.
9. The DoD CAF has advised the WHS Security Office that the only pending DoD security clearance action for known defense team members on Mr. Hawsawi's defense team is a routine Periodic Reinvestigation for [REDACTED] pending with NBIB.
10. I have not shared this declaration or the identities of the individuals identified in this declaration with the Prosecution team. I have provided my declaration to the DOJ SRT.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on 24 January 2019.



Daniel Purtil

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