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**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 615Q (GOV SRT)</p> <p>(S) Notice by Special Review Team of Redacted Declaration by the Army Counterintelligence Coordinating Authority, AE 613 (GOV), and AE 613A (GOV SRT)</p> <p>14 February 2019</p>
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1. (S) Timeliness

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

2. (S) Facts

(S) Pursuant to the Commission’s Ruling in AE 613E/615P, the SRT was ordered to provide a redacted version of a declaration from the “other military organization involved in the investigation regarding their involvement in this investigation.” AE 613E/615P. An *ex parte*, unredacted version of this declaration was filed with the Commission as AE 613F (GOV SRT) on 8 February 2019. A redacted version of the Declaration of the Army Counterintelligence Coordinating Authority is attached hereto as Attachment B.

(S) Pursuant to the Commission’s Ruling in AE 613E/615P, the SRT was also ordered to provide redacted versions of filings AE 613 (GOV) and AE 613A (GOV SRT) to defense counsel no later than 8 February 2019. A redacted version of AE 613 (GOV) is attached hereto as Attachment C. A redacted version of AE 613A (GOV SRT) is attached hereto as Attachment D.

Classified by: AUSA JBallantine
Derived from: FBI NSICG
Declassify on: ~~20111231~~

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3. ~~(S)~~ Oral Argument

~~(S)~~ The SRT does not request oral argument on this Notice.

4. ~~(S)~~ Attachments

A. ~~(S)~~ Certificate of Service, dated 14 February 2019.

B. ~~(S)~~ Declaration by the Army Counterintelligence Coordinating Authority, Redacted – classified SECRET.

C. ~~(S)~~ AE 613 (GOV), redacted – classified SECRET.

D. ~~(S)~~ AE 613A (GOV SRT), redacted – classified SECRET.

Respectfully submitted,

//s//

Jocelyn Ballantine
Fernando Campoamor-Sánchez
Kevin Driscoll
Vijay Shanker
Heidi Boutros Gesch

Special Review Team

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(U) ATTACHMENT A

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CERTIFICATE OF SERVICE

(U) I certify that on the 14th Day of February 2019, I filed AE 615Q (GOV SRT), **Notice by Special Review Team** of Redacted Declaration by the Army Counterintelligence Coordinating Authority, AE 613 (GOV), and AE 613A (GOV SRT) with the office of Military Commissions Trial Judiciary and that I served a copy on the Defense Teams.

//s//

Heidi Boutros Gesch
Special Trial Counsel

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(U) ATTACHMENT B

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MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA

<p>UNITED STATES OF AMERICA</p> <p>v.</p> <p>KHALID SHAIKH MOHAMMAD;</p> <p>WALID MUHAMMAD SALIH MUBARAK BIN 'ATTASH;</p> <p>RAMZI BINALSHIBH;</p> <p>ALI ABDUL AZIZ ALI;</p> <p>MUSTAFA AHMED ADAM AL HAWSAWI</p>	<p>Declaration of [REDACTED] GG-15, Department of the Army Civilian</p> <p>Counterintelligence Special Agent, [REDACTED] Army Counterintelligence Coordinating Authority (ACICA), United States Army, Intelligence and Security Command</p> <p>1 February 2019</p>
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1. (U) My name is [REDACTED]. I am a senior Counterintelligence (CI) Special Agent employed by the U.S. Army [REDACTED].

[REDACTED] I am currently the [REDACTED] Army Counterintelligence Coordinating Authority (ACICA), G2X, U.S. Army Intelligence and Security Command (INSCOM). As such, I am responsible for providing technical management and oversight of all CI investigations involving U.S. Army equities. In this capacity, I have been involved in the investigation [REDACTED].

2. (U) The 902d Military Intelligence Group is a subordinate element of INSCOM and is responsible for conducting U.S. Army CI investigations and operations as outlined in U.S. Army Regulation 381-20. Specifically, Army Counterintelligence (ACI) is directed to conduct aggressive and comprehensive CI investigations worldwide to detect, identify, assess, and counter, neutralize, or exploit the foreign intelligence, foreign adversary, international terrorist, and insider threats to the Army and Department of Defense (DoD).

3. (S//NF) [REDACTED]

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[REDACTED]

4. ~~(S//NF)~~

[REDACTED]

5. ~~(S//NF)~~

[REDACTED]

6. ~~(S//NF)~~

[REDACTED]

[REDACTED]

10. ~~(S//NF)~~ ACI is not conducting any investigation of any current member of a defense team representing clients in the above captioned military commissions case.

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11. ~~(S)~~ I do hereby attest, under penalty of perjury, that the above is true and correct to the best of my knowledge and belief.



ACICA
U.S. Army INSCOM

1 FEB 2019

Date

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(U) ATTACHMENT C

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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 BINALSHIBH; ALI ABDUL AZIZ ALI; MUSTAFA AHMED ADAM AL HAWSAWI</p>	<p>FILED EX PARTE AND IN CAMERA FILED UNDER SEAL</p> <p>(S) AE 613 (GOV)</p> <p>(S//NF) Government Notice of FBI Investigation</p> <p>3 December 2018</p>
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1. ~~(S)~~ Timeliness

~~(S)~~ This Notice is timely filed.

2. ~~(S)~~ Notice

~~(S)~~ In Amended Order AE 292QQ, filed 16 December 2014, the Commission directed the Special Review Team (SRT), *or any other appropriate government attorney*, to “notify the Commission, *ex parte* and *in camera*, after learning of any future FBI investigation, where the subject of the investigation is a known defense team member in the above-captioned case, and where the reason for the investigation involves . . . the activity of such a defense team member in his/her capacity as a defense team member.” Amended Order AE 292QQ at 35 (emphasis added).

~~(S//NF)~~ This *ex parte, in camera*, under seal Notice is filed by the Prosecution out of an abundance of caution pursuant to AE 292QQ, and to inform the Military Commission that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

~~(S//NF)~~

[REDACTED]

~~(S//NF)~~

[REDACTED]

¹ ~~(S//NF)~~

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

~~(S//FOUO)~~

[REDACTED]

[REDACTED]

[REDACTED]:

~~(S//FOUO)~~

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~(S//NF)~~ The Prosecution was made aware of the FBI investigation after it was opened, and was only made aware of the investigation due to the fact that AE 292QQ obligates the United States to report any such investigations to the Commission. But for AE 292QQ, the Prosecution would not have been made aware of the investigation. The Prosecution team has no active role in the FBI investigation, and the Prosecution does not intend to inquire or report about any additional details of the FBI investigation moving forward following this filing.

~~(S//NF)~~ The Department of Justice Special Review Team, detailed by the Chief Prosecutor in AE 003L (GOV), is also aware of the FBI investigation and agrees that the FBI Investigation currently involves no privileged information that necessitates the Prosecution team

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being “walled off” from the investigation to date. Should the Commission need updates on the investigation, and should the FBI investigation delve into privileged matters in the future, the DOJ SRT is available to provide details at the request of the Commission.

~~(S//NF)~~ Revealing information regarding the FBI investigation at this time could jeopardize the ongoing FBI investigation, and as such this filing must remain *ex parte*, *in camera*, and under seal.

3. ~~(U)~~ **Attachments**

A. ~~(S//NF)~~ Certificate of Service dated 3 December 2018.

B. ~~(U//FOUO)~~ [REDACTED]

~~(U)~~ Respectfully submitted,

//s//

Clay Trivett
Managing Trial Counsel

Mark Martins
Chief Prosecutor
Military Commissions

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(U) ATTACHMENT A

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⊕ CERTIFICATE OF SERVICE

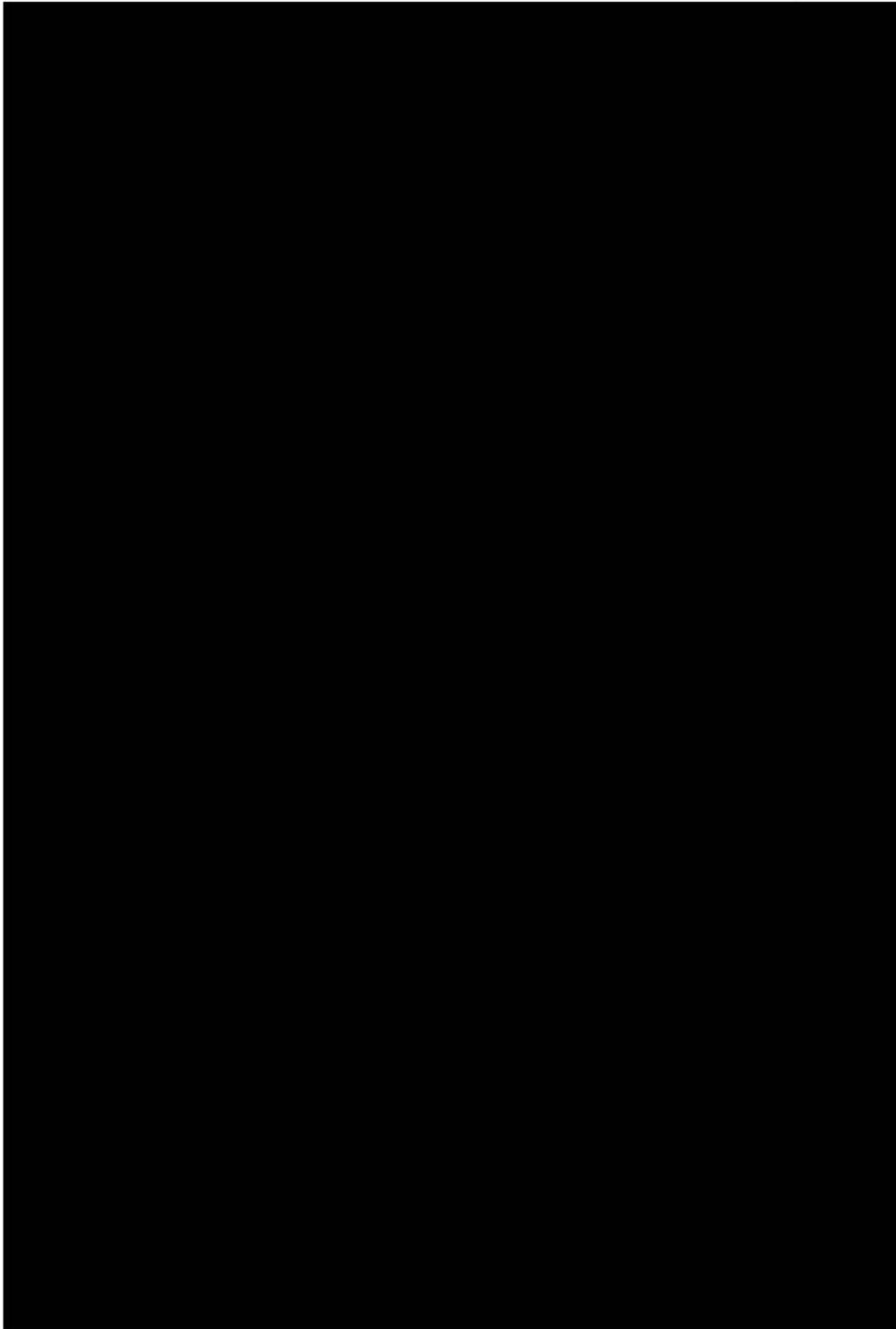
~~(S//NF)~~ I certify that on the 3rd day of December 2018, I filed AE 613 (GOV), Government Notice of FBI Investigation, *Ex Parte and Under Seal* with the Office of Military Commissions Trial Judiciary.

//s//
Clay Trivett
Managing Trial Counsel

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(~~U~~) ATTACHMENT B

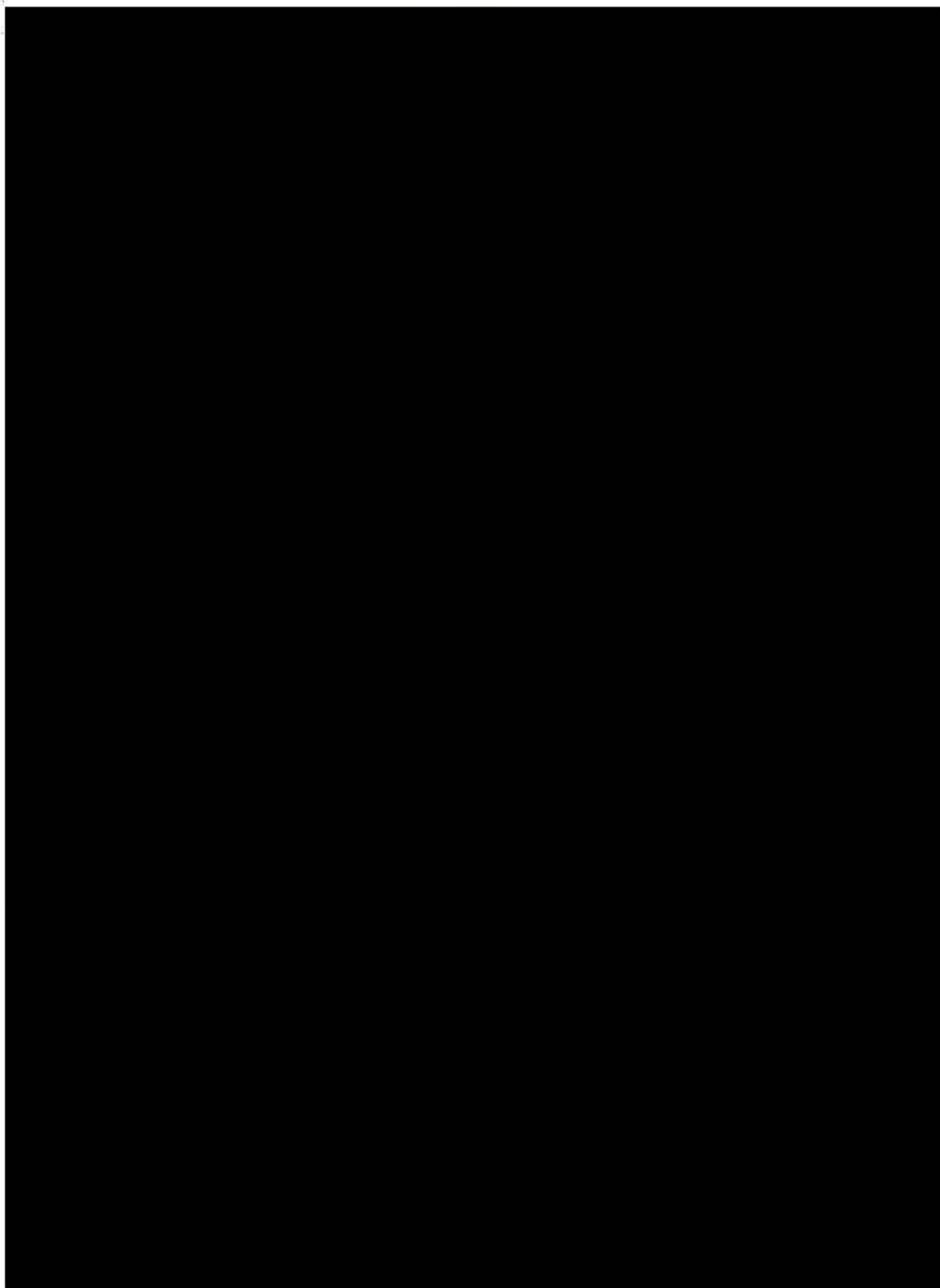
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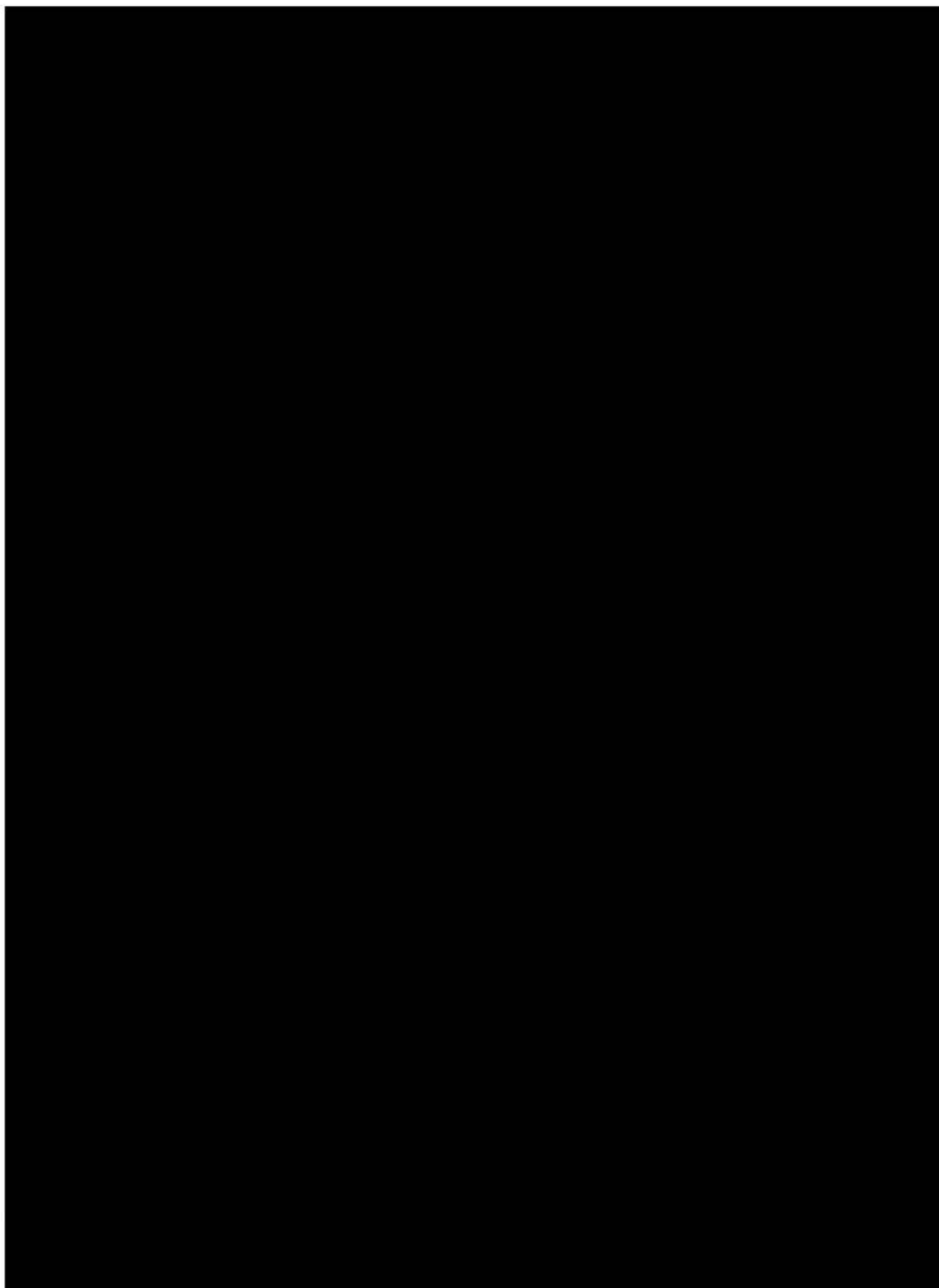
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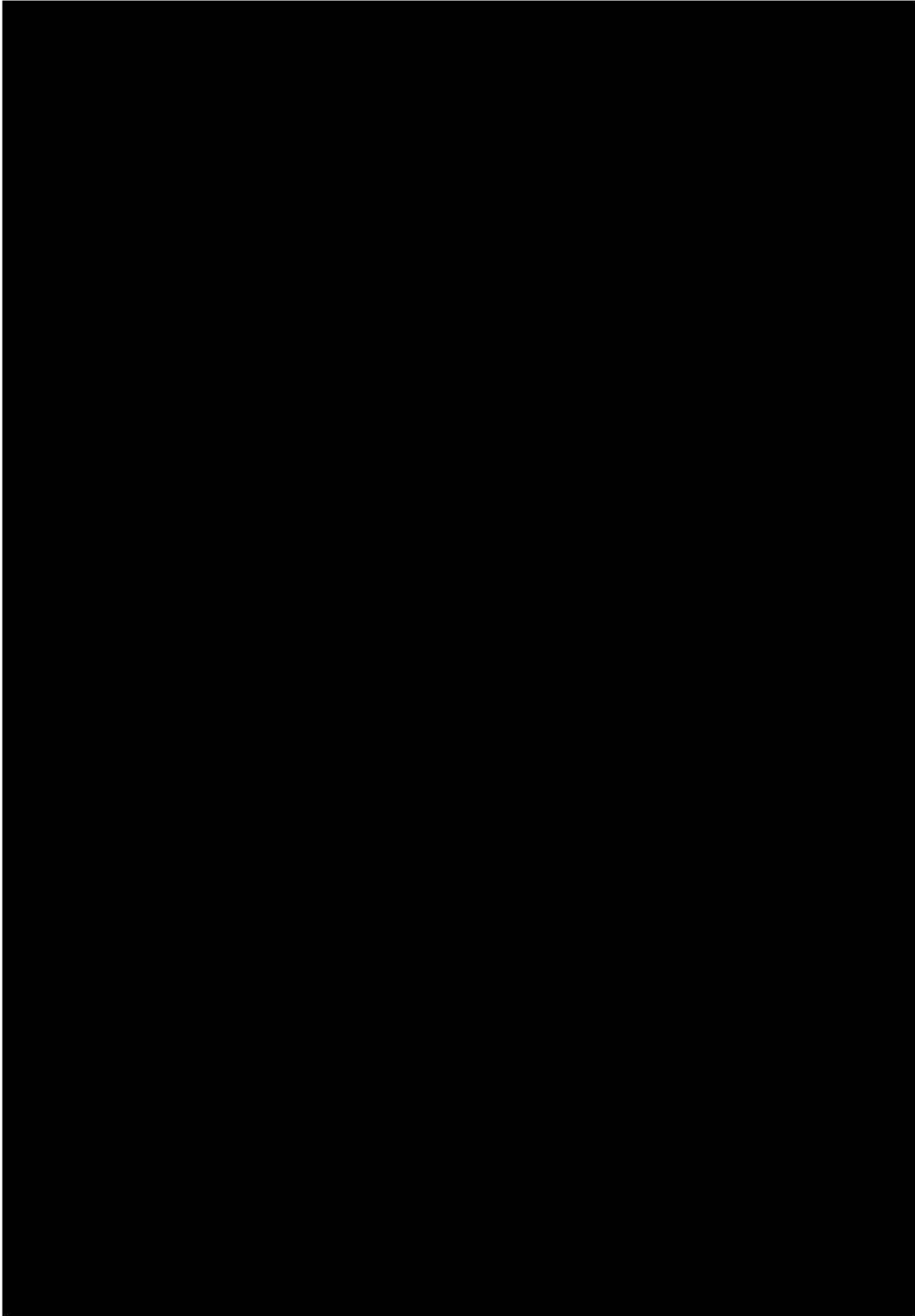
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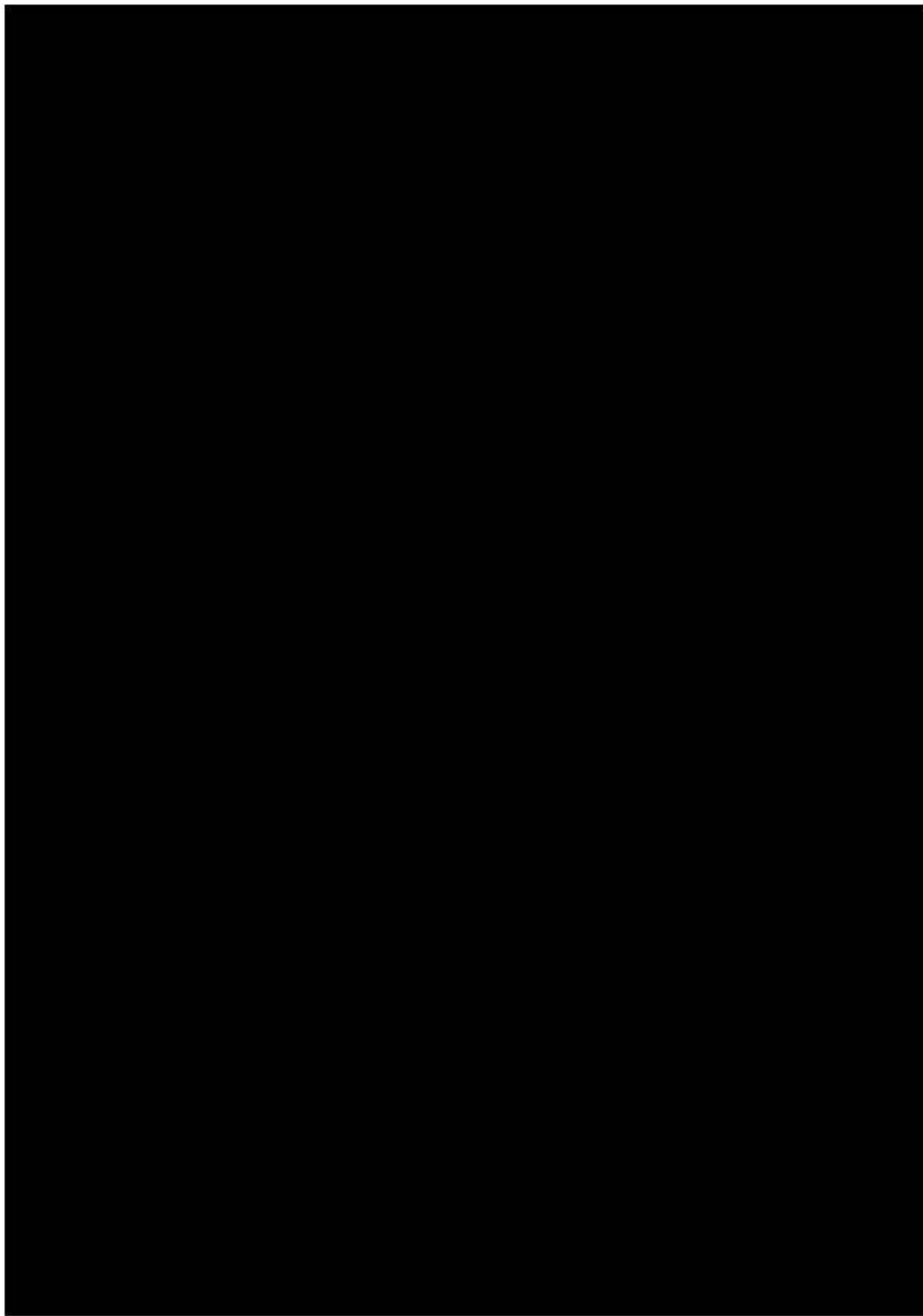
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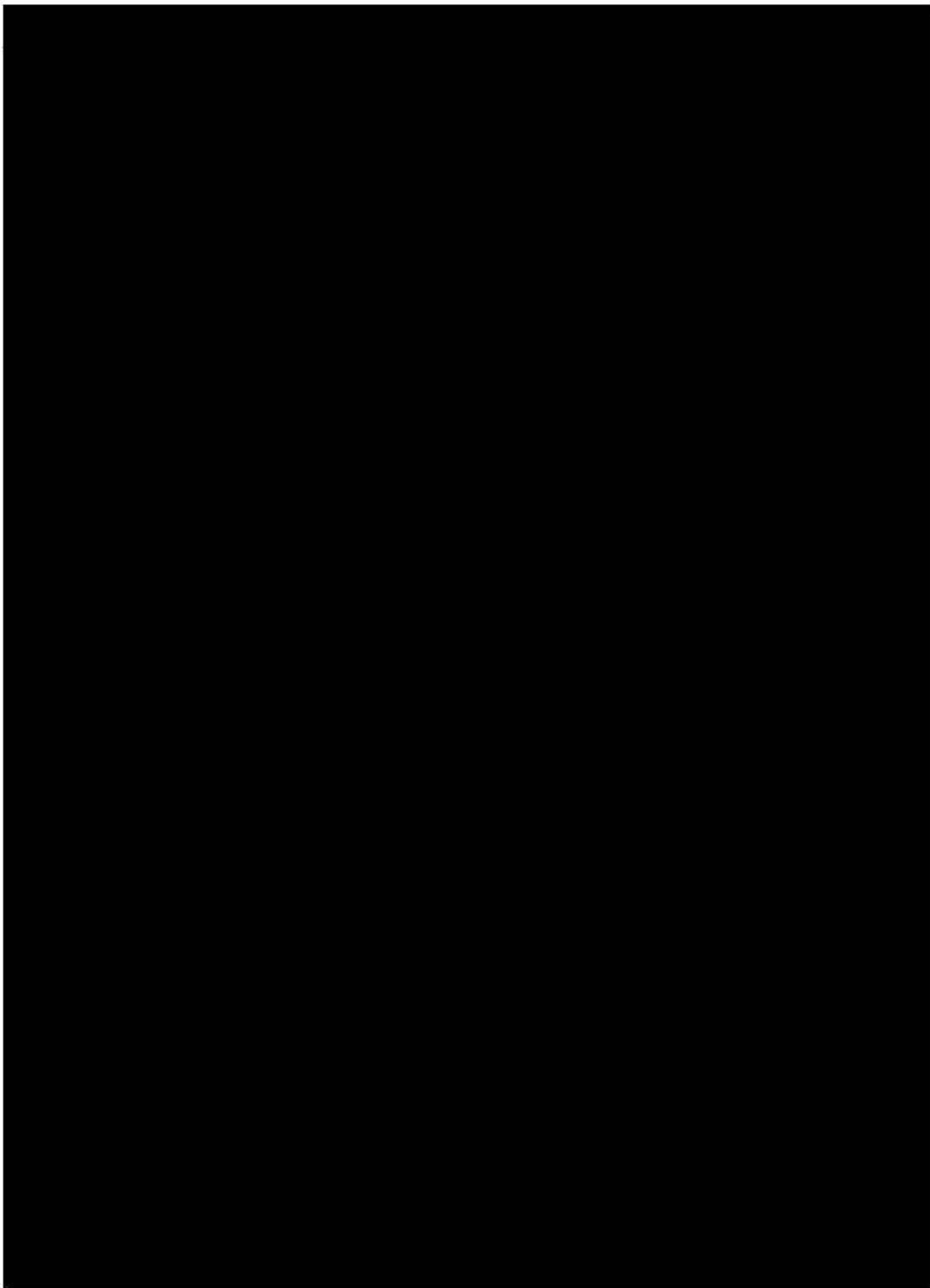
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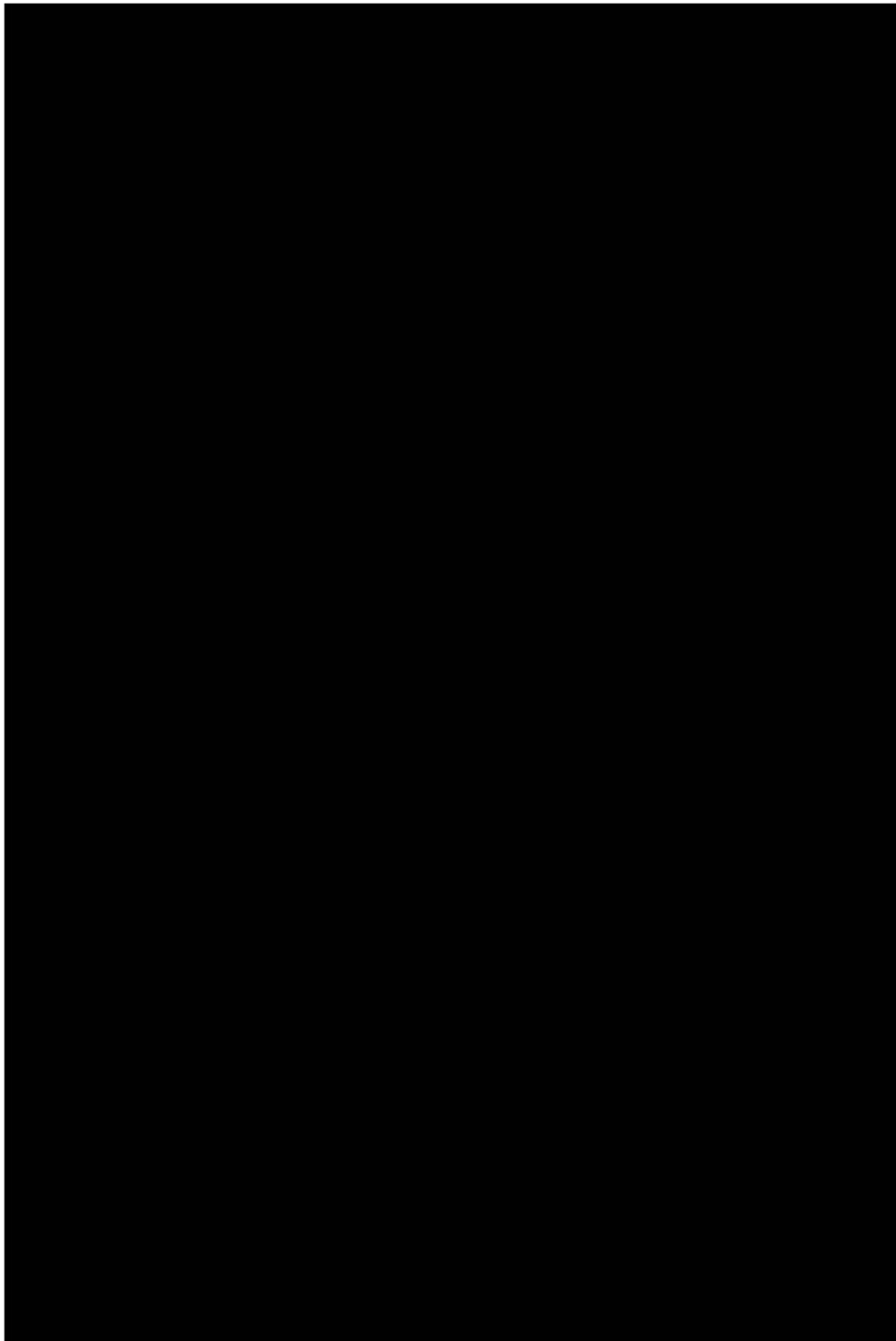
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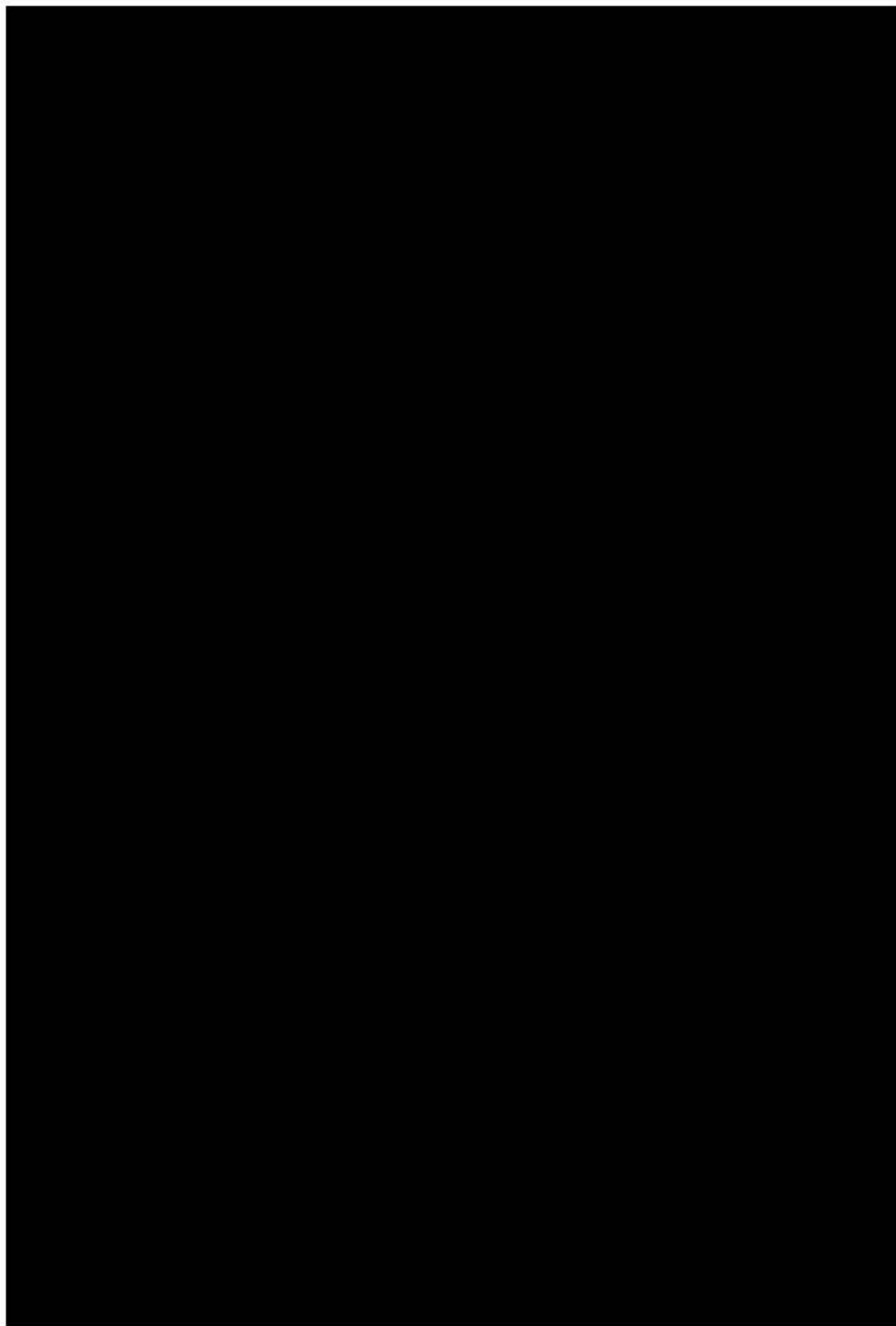
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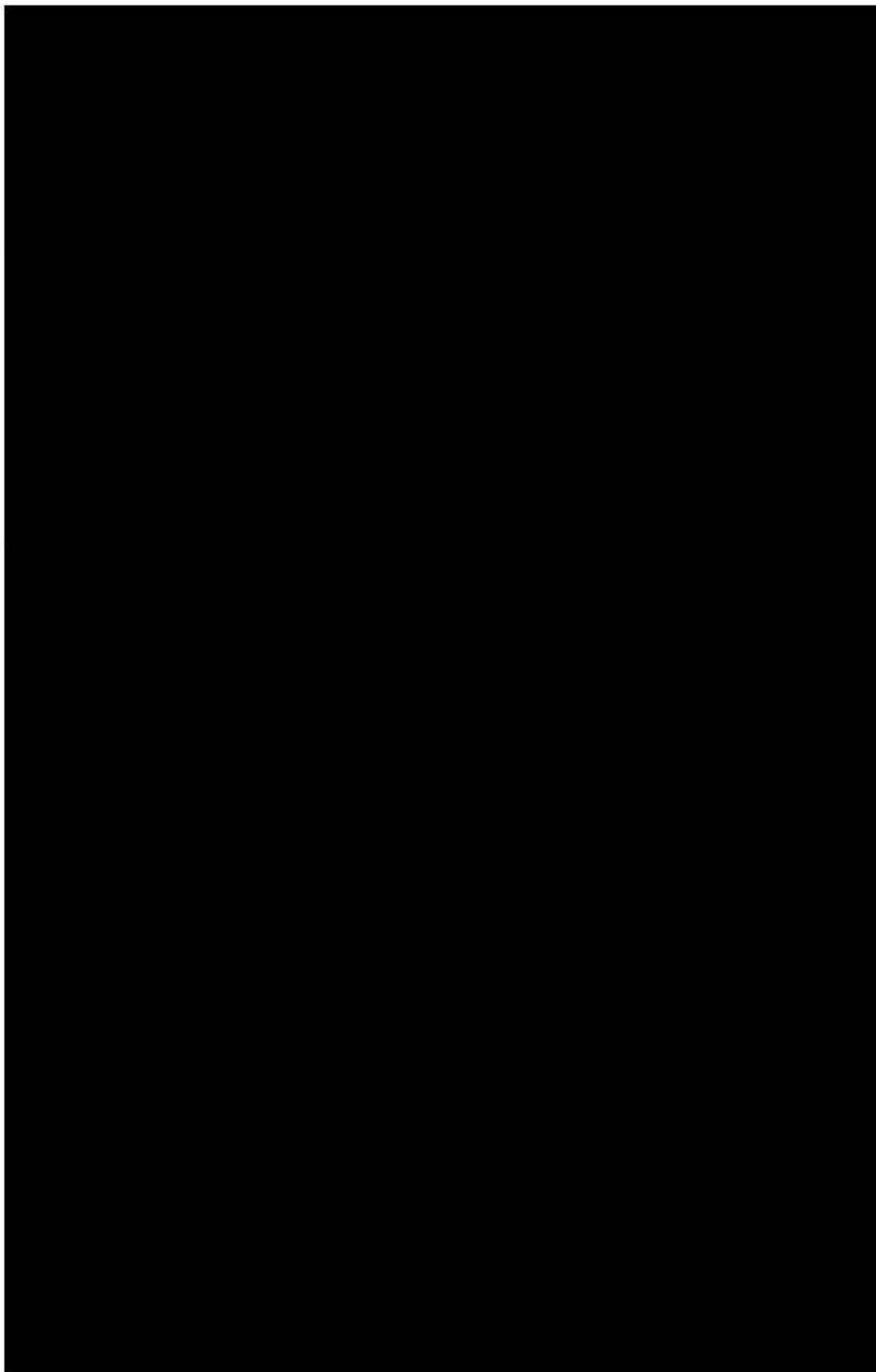
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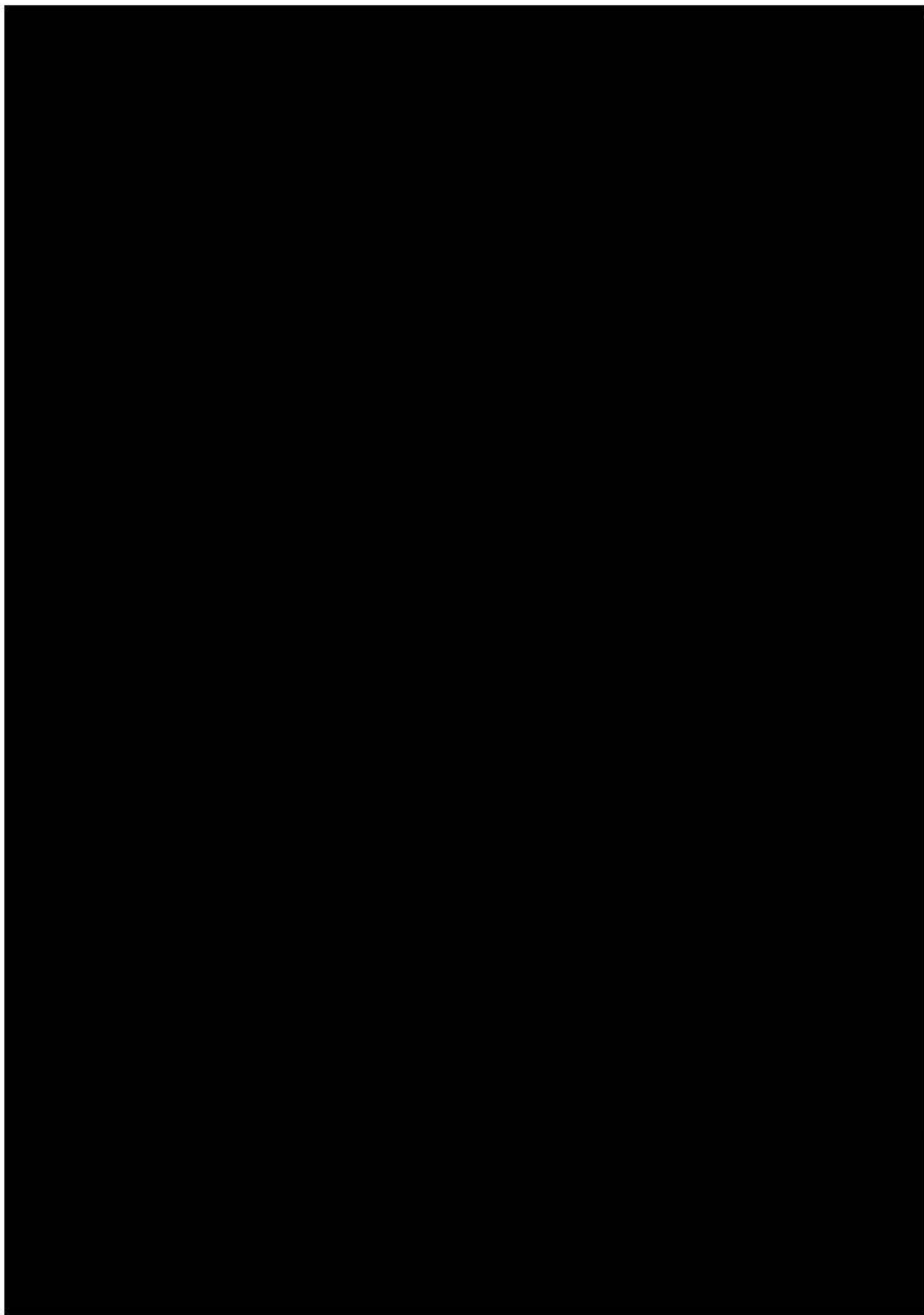
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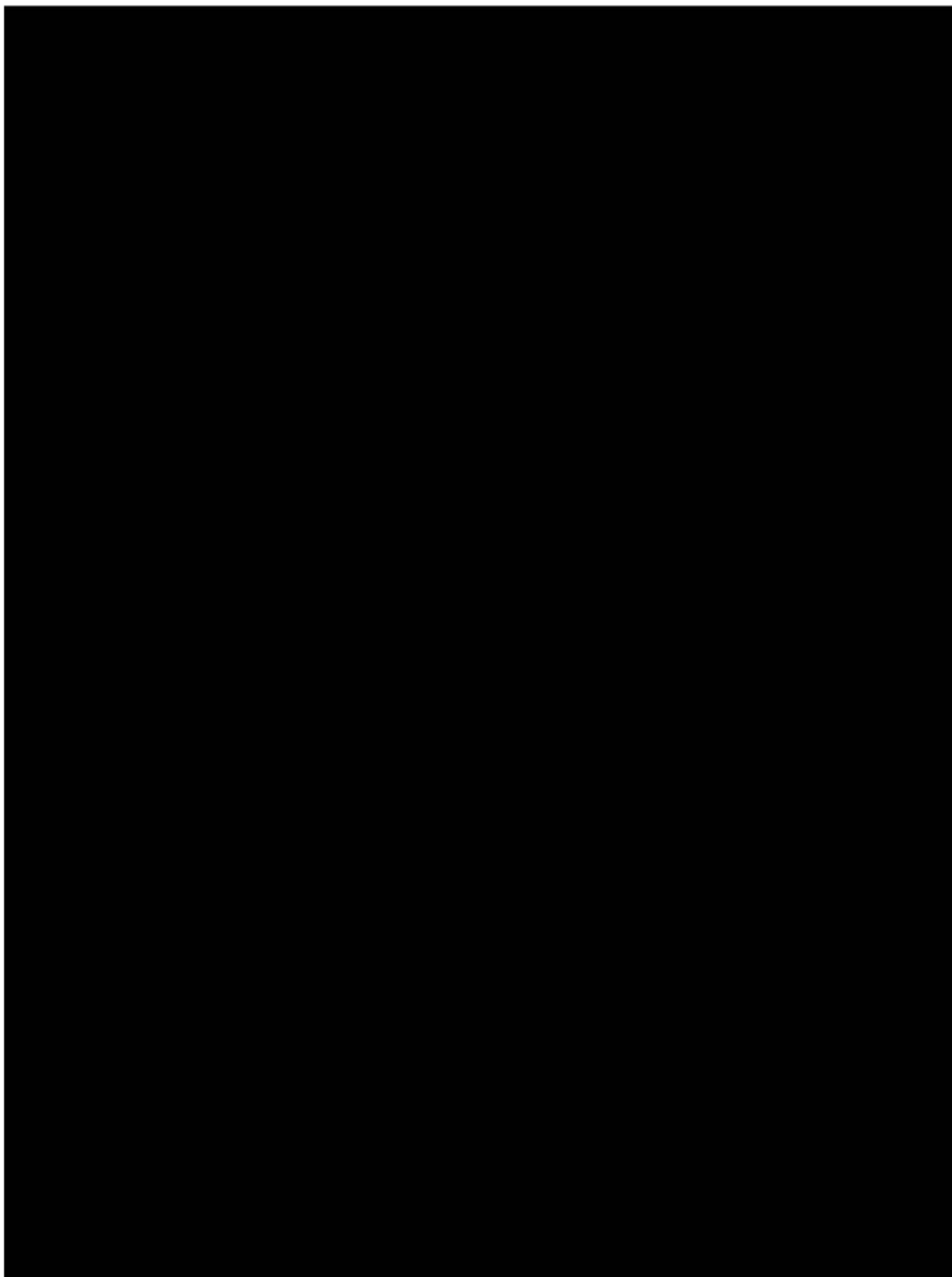
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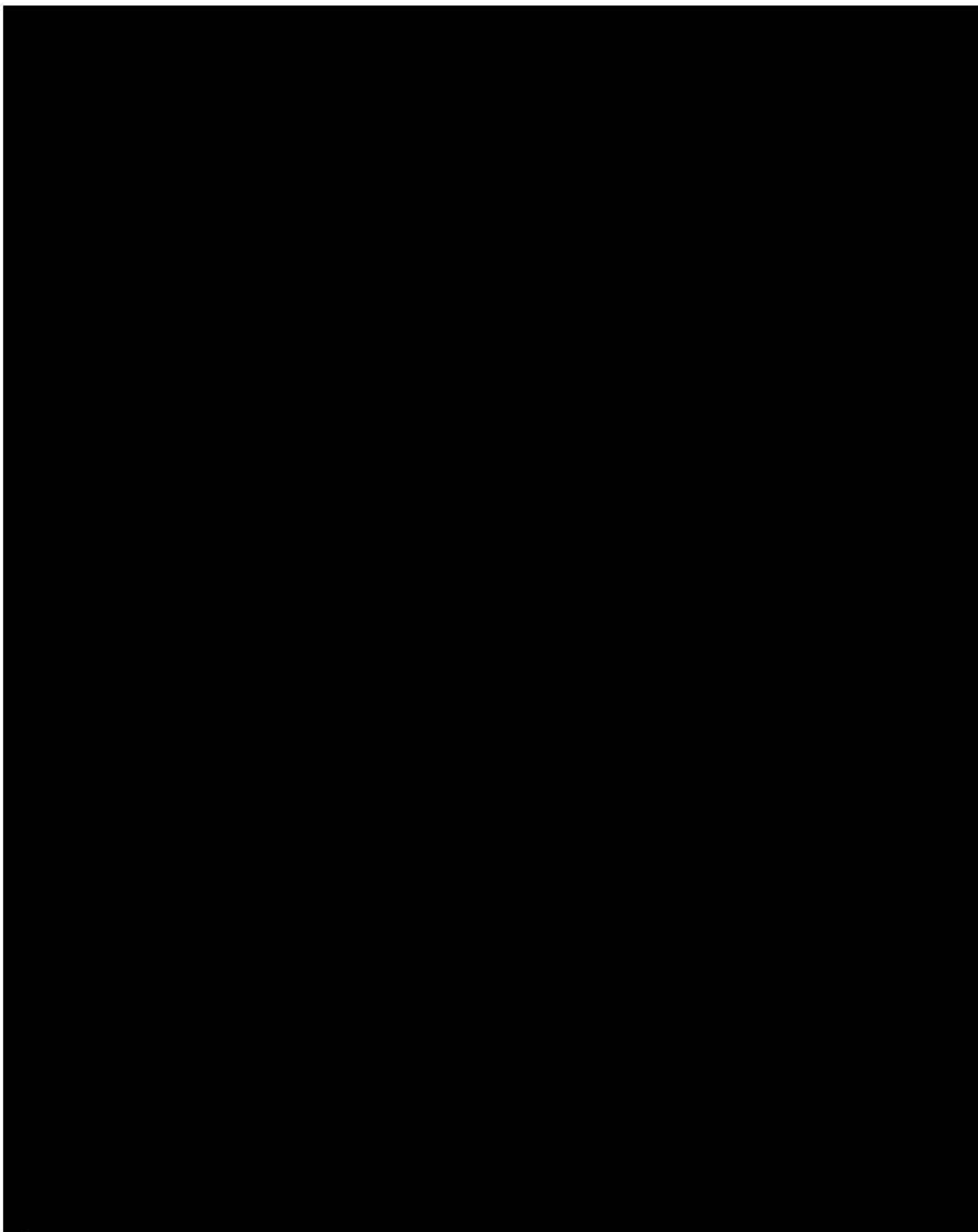
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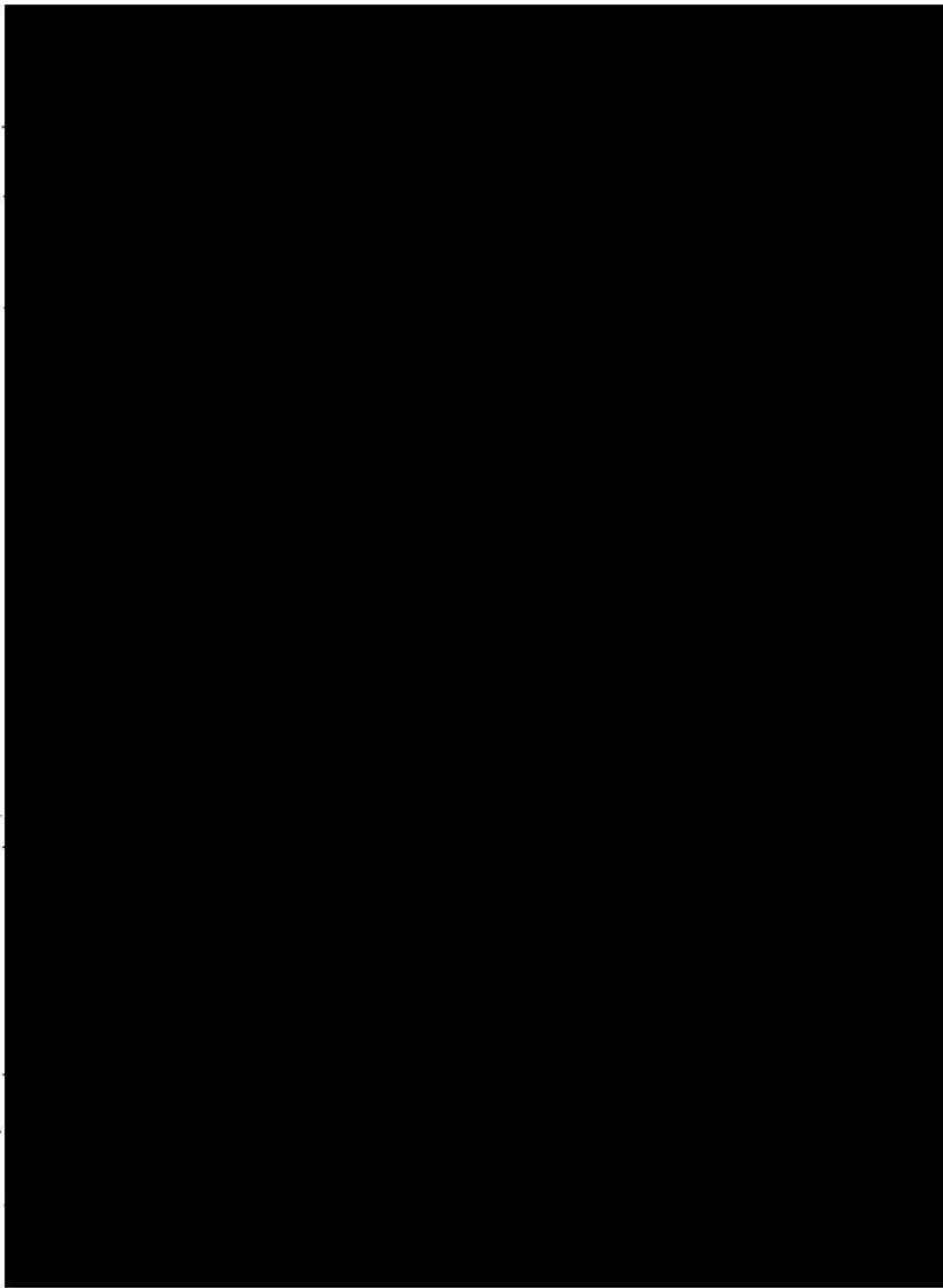
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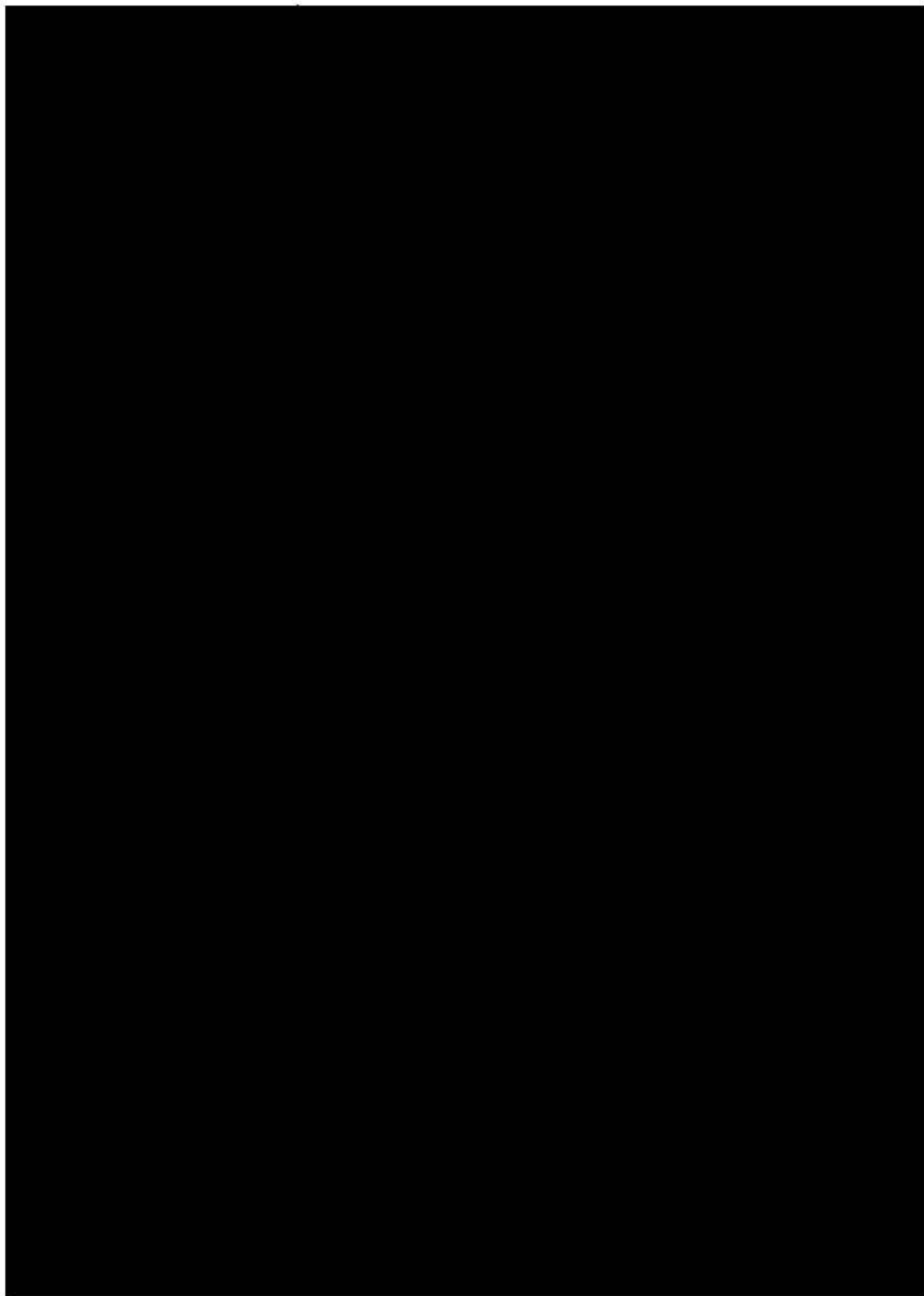
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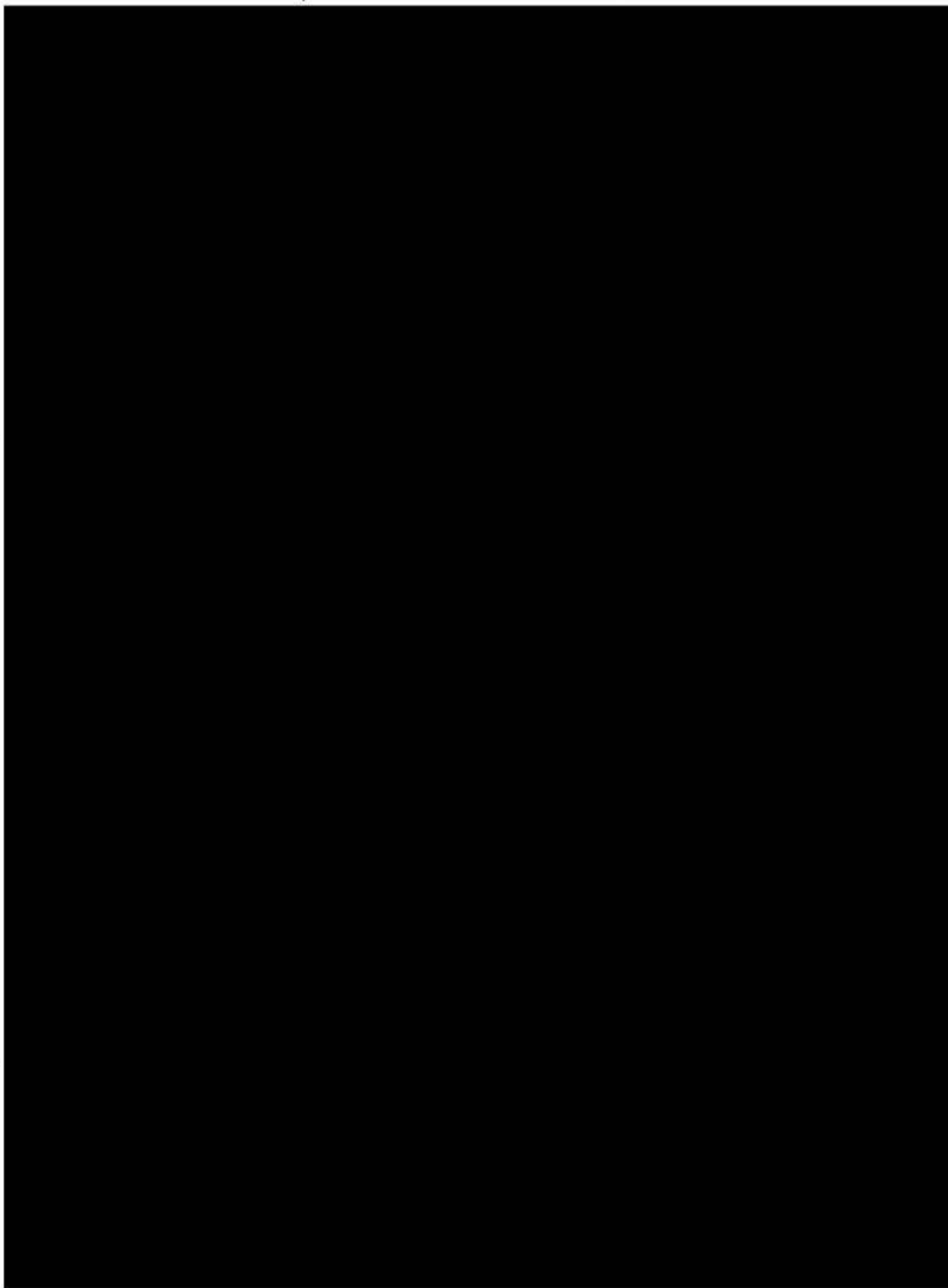
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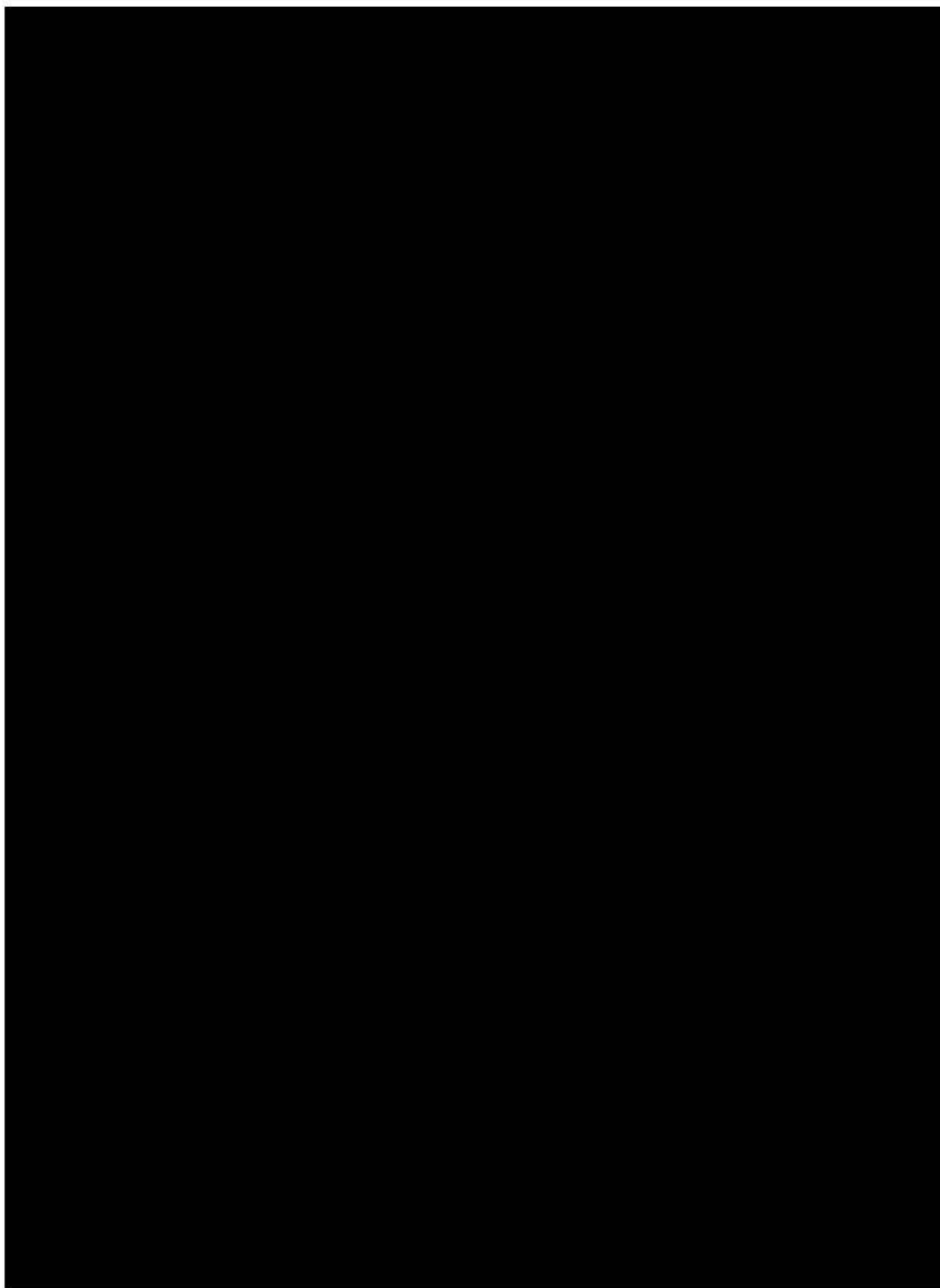
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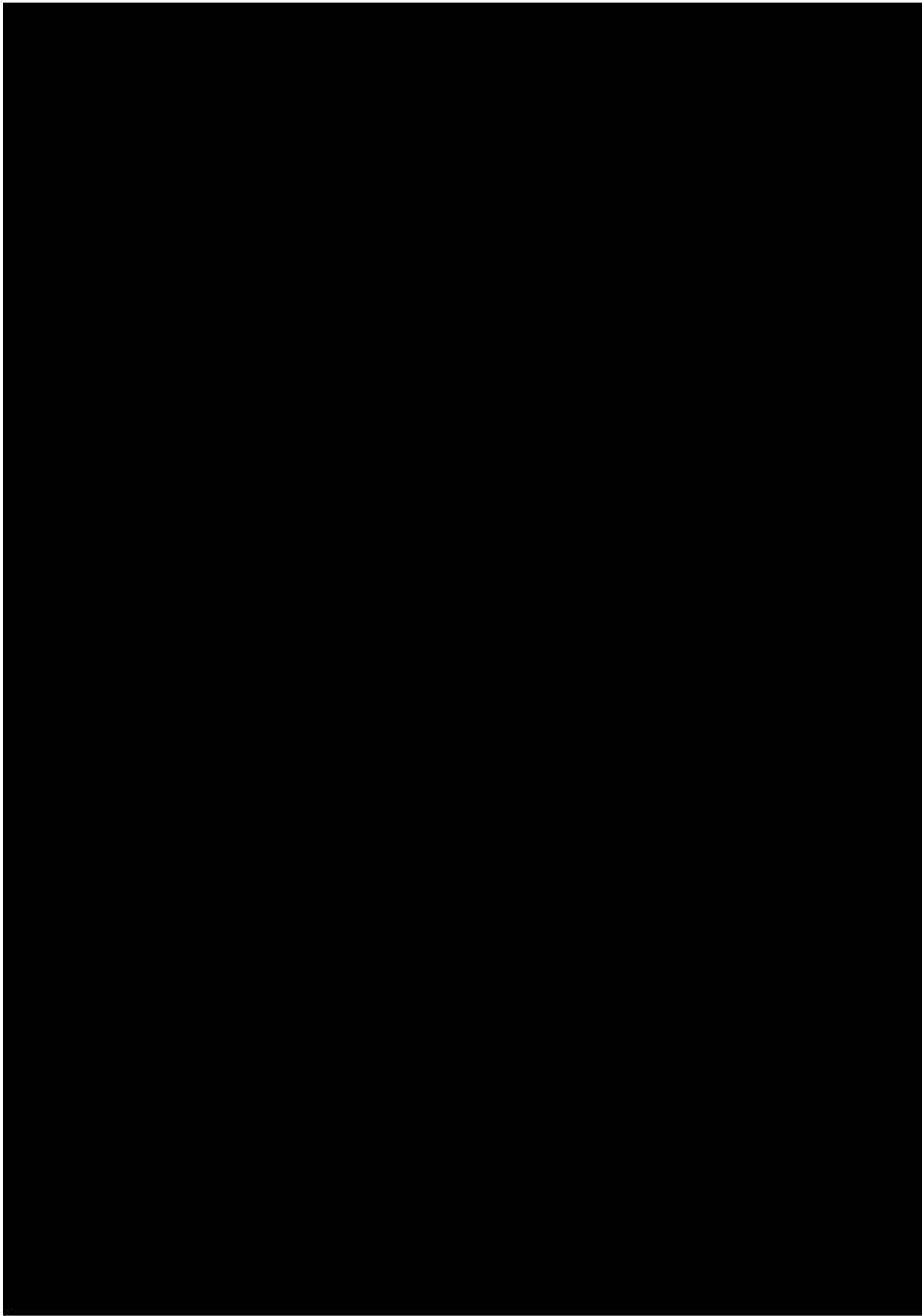
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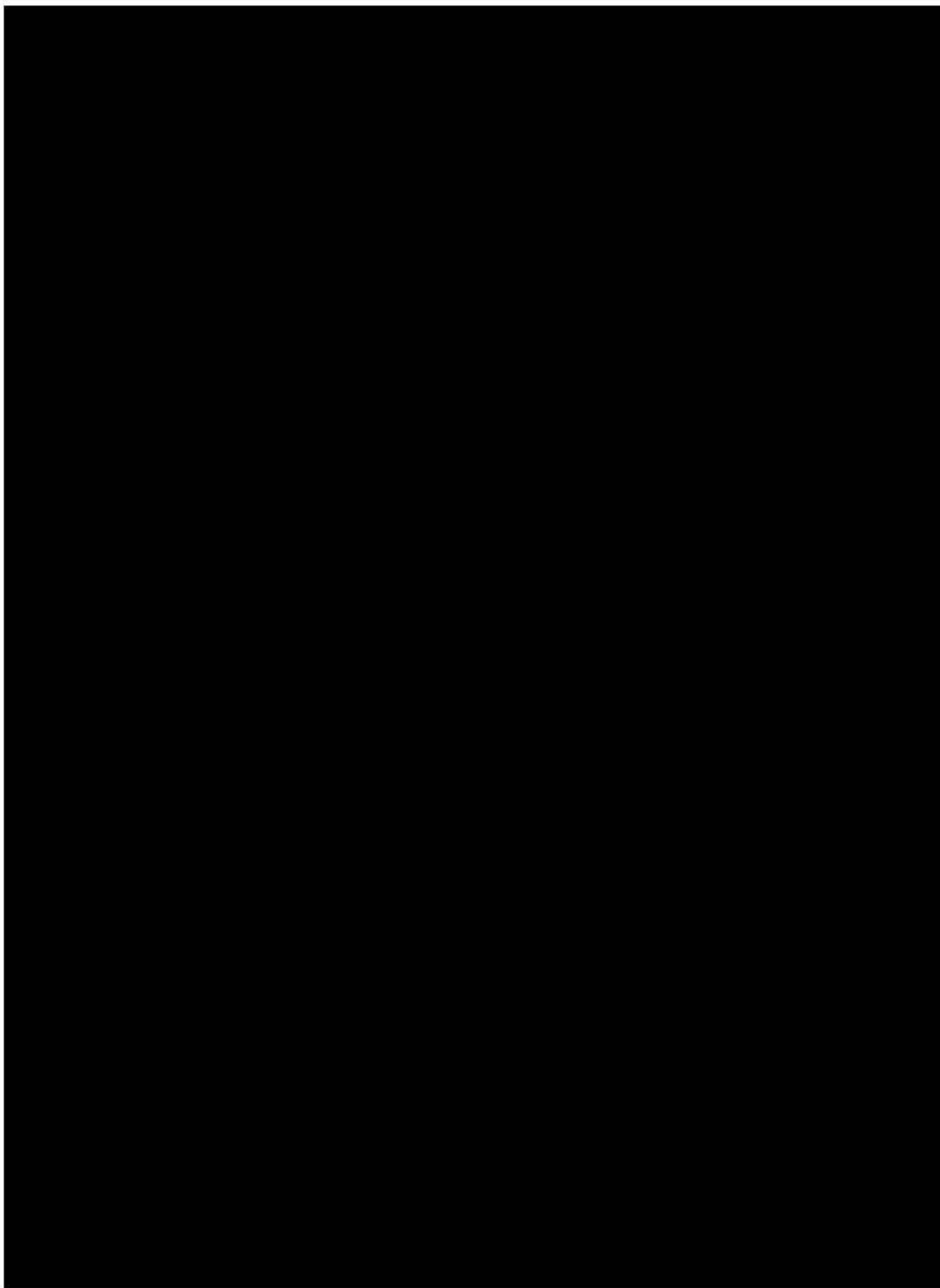
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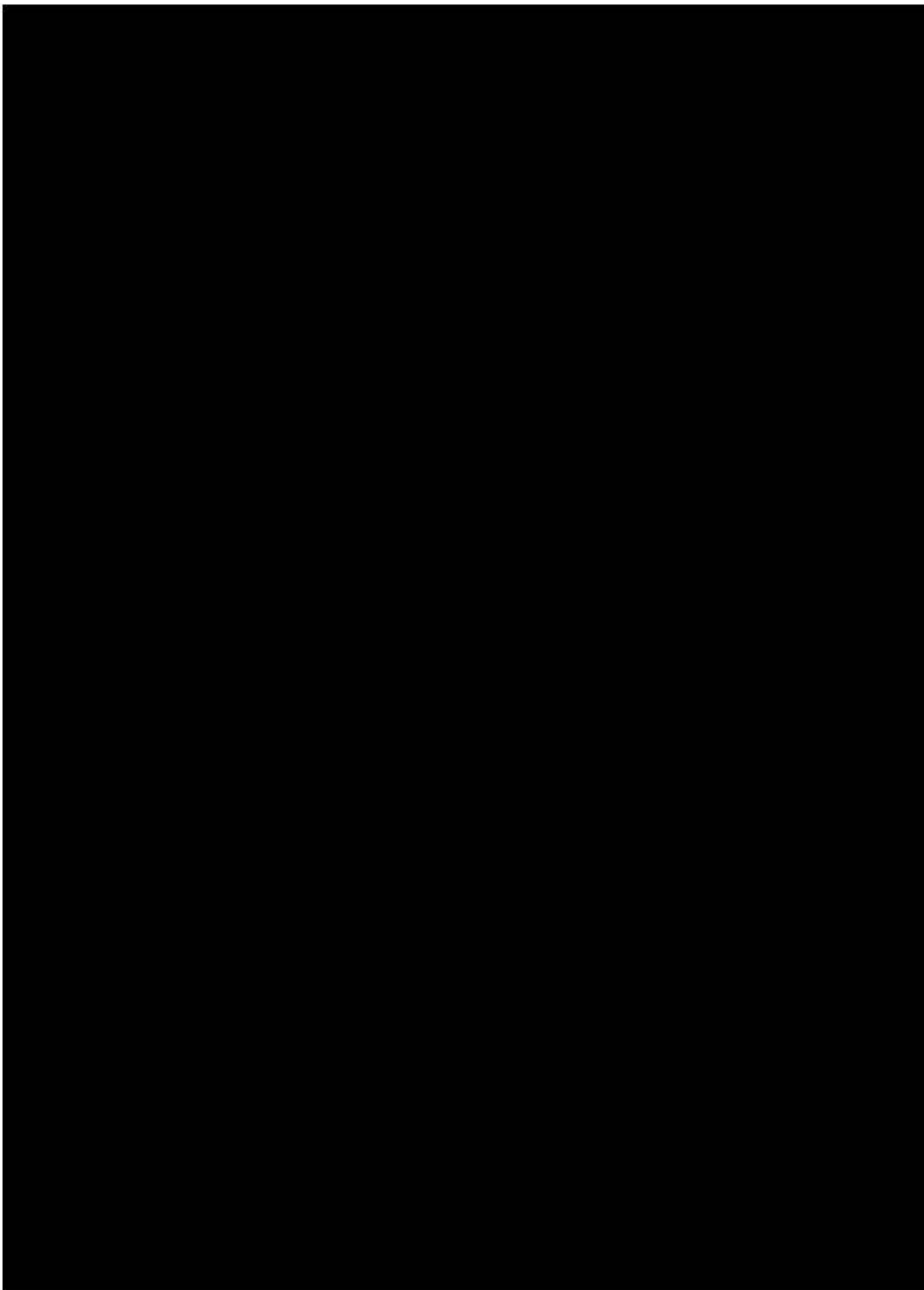
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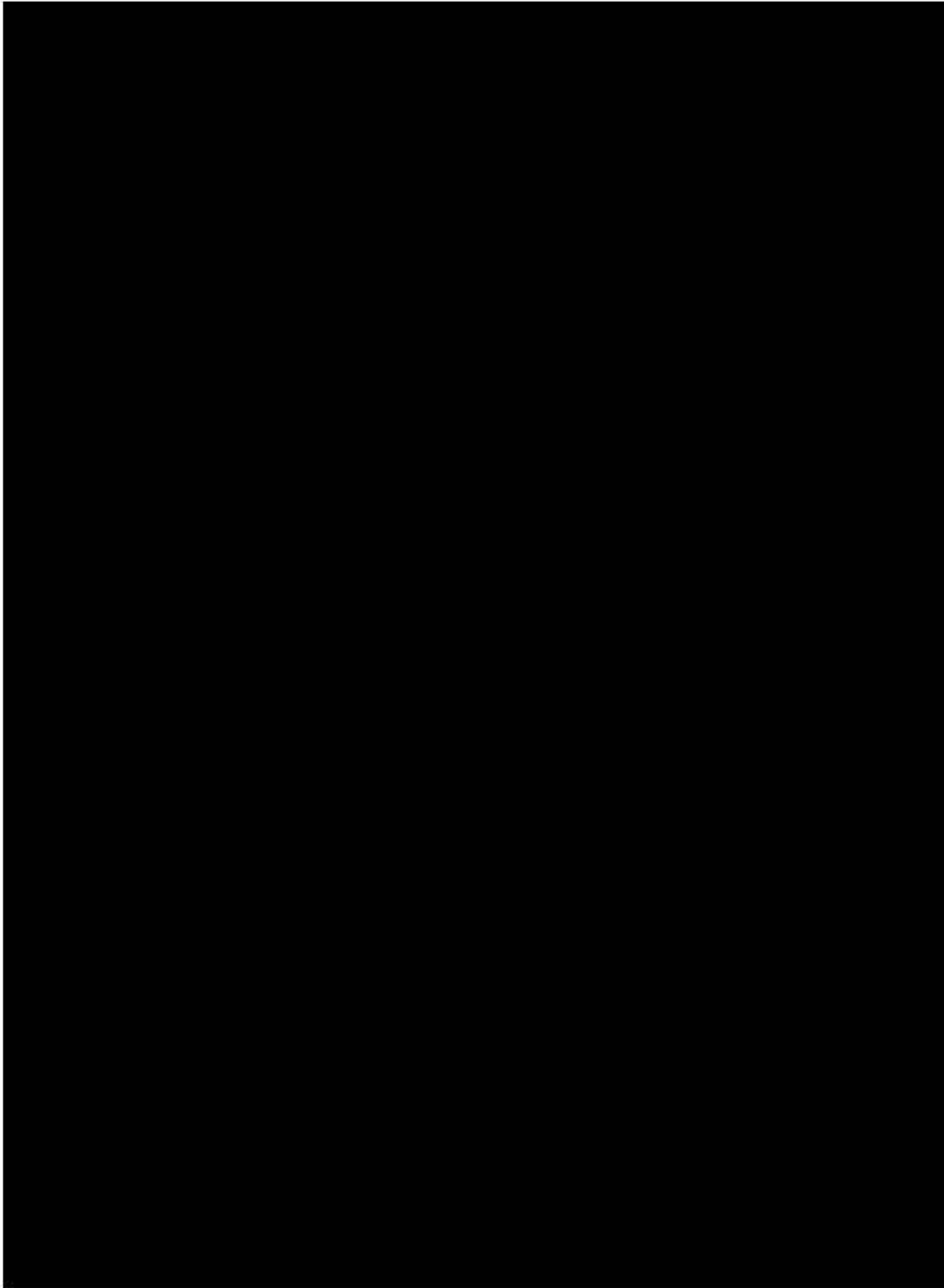
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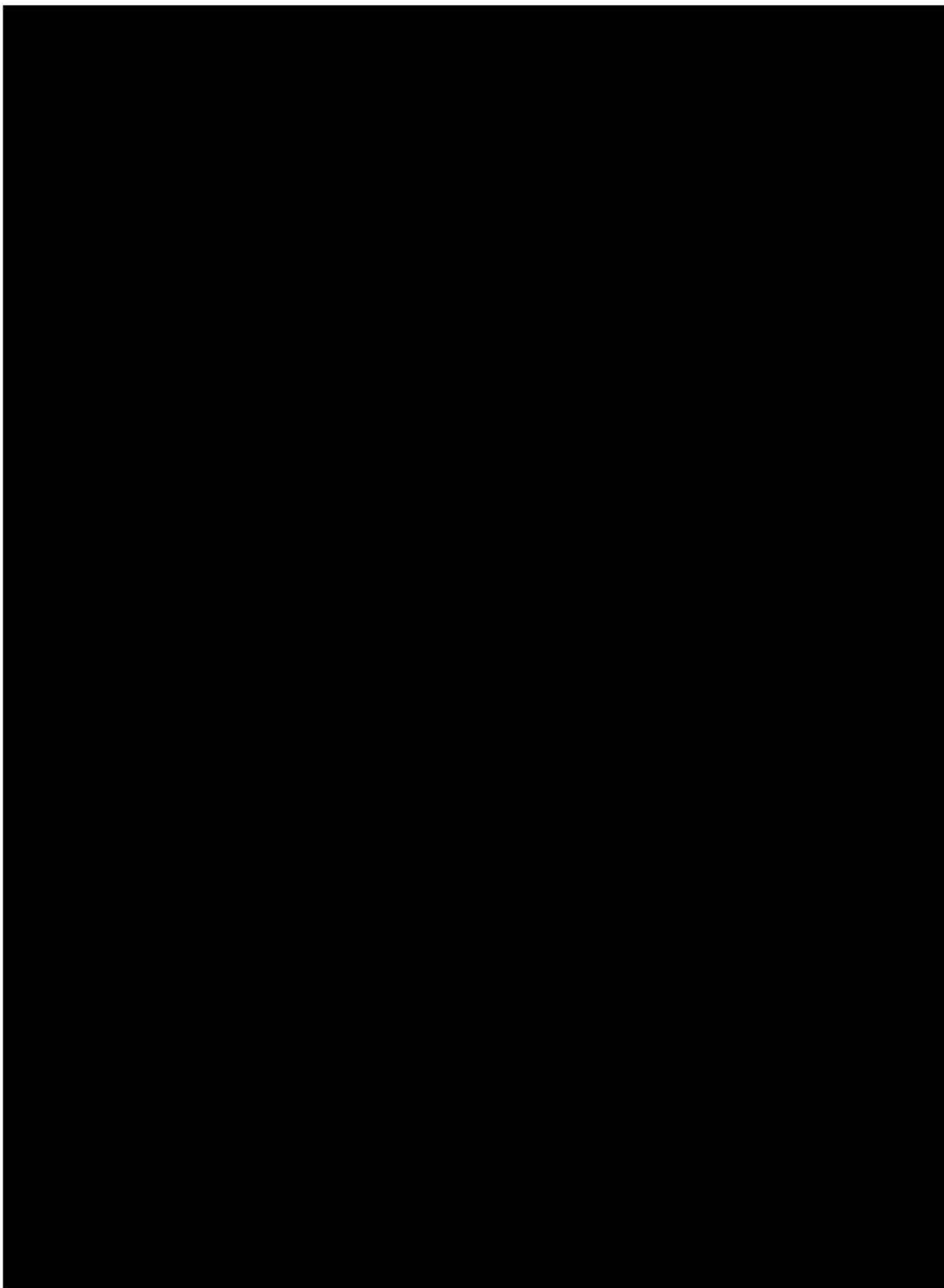
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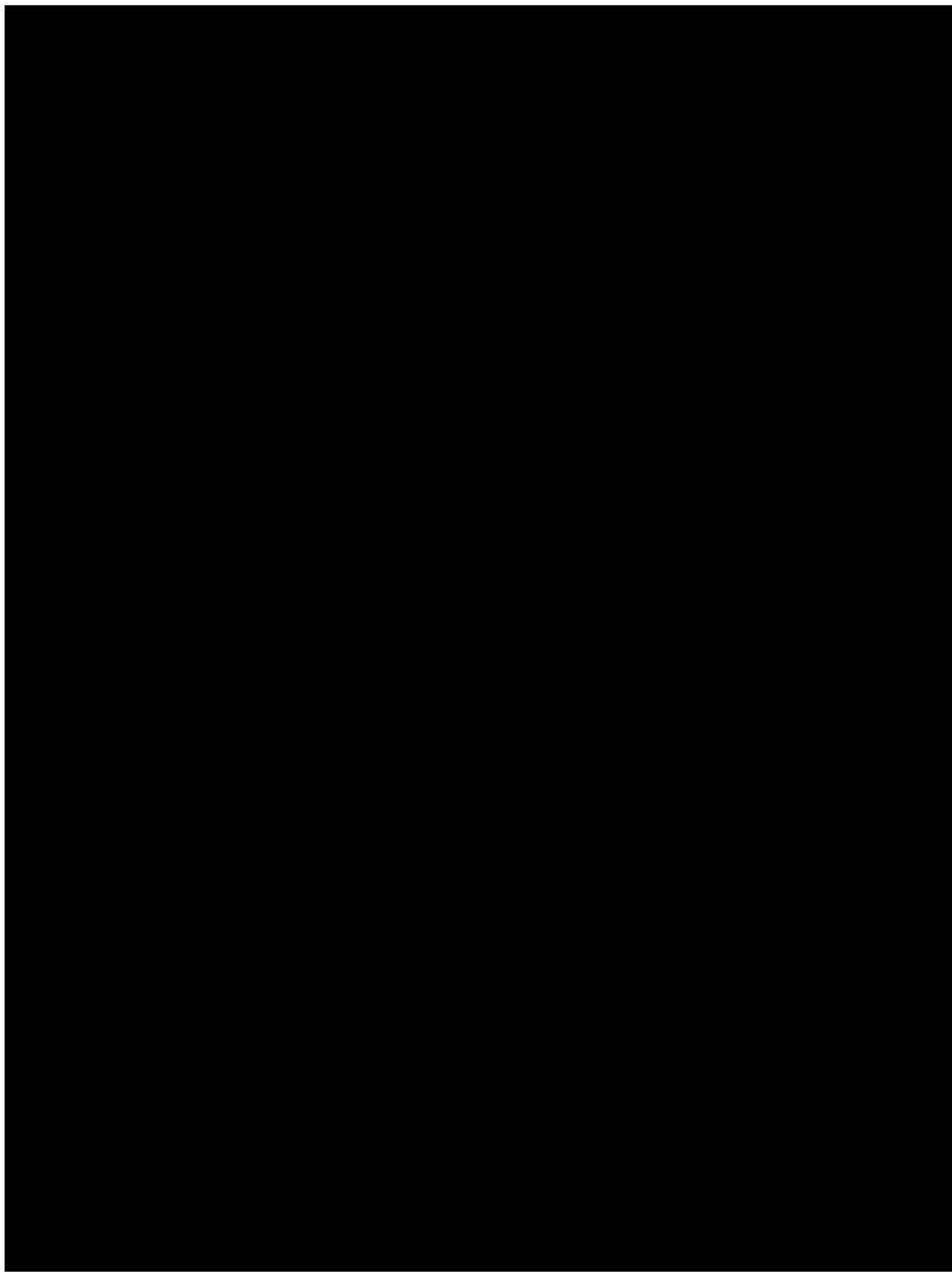
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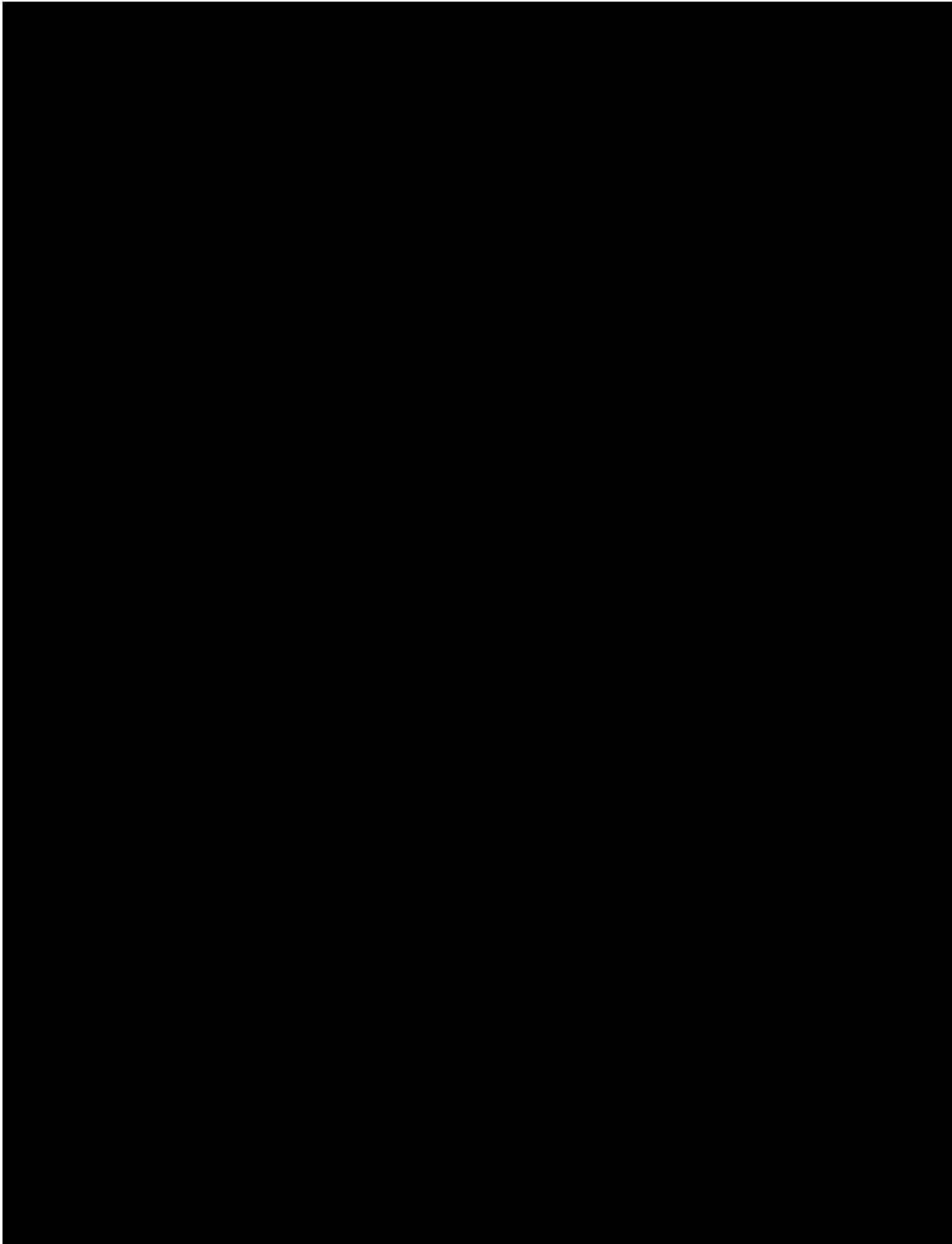
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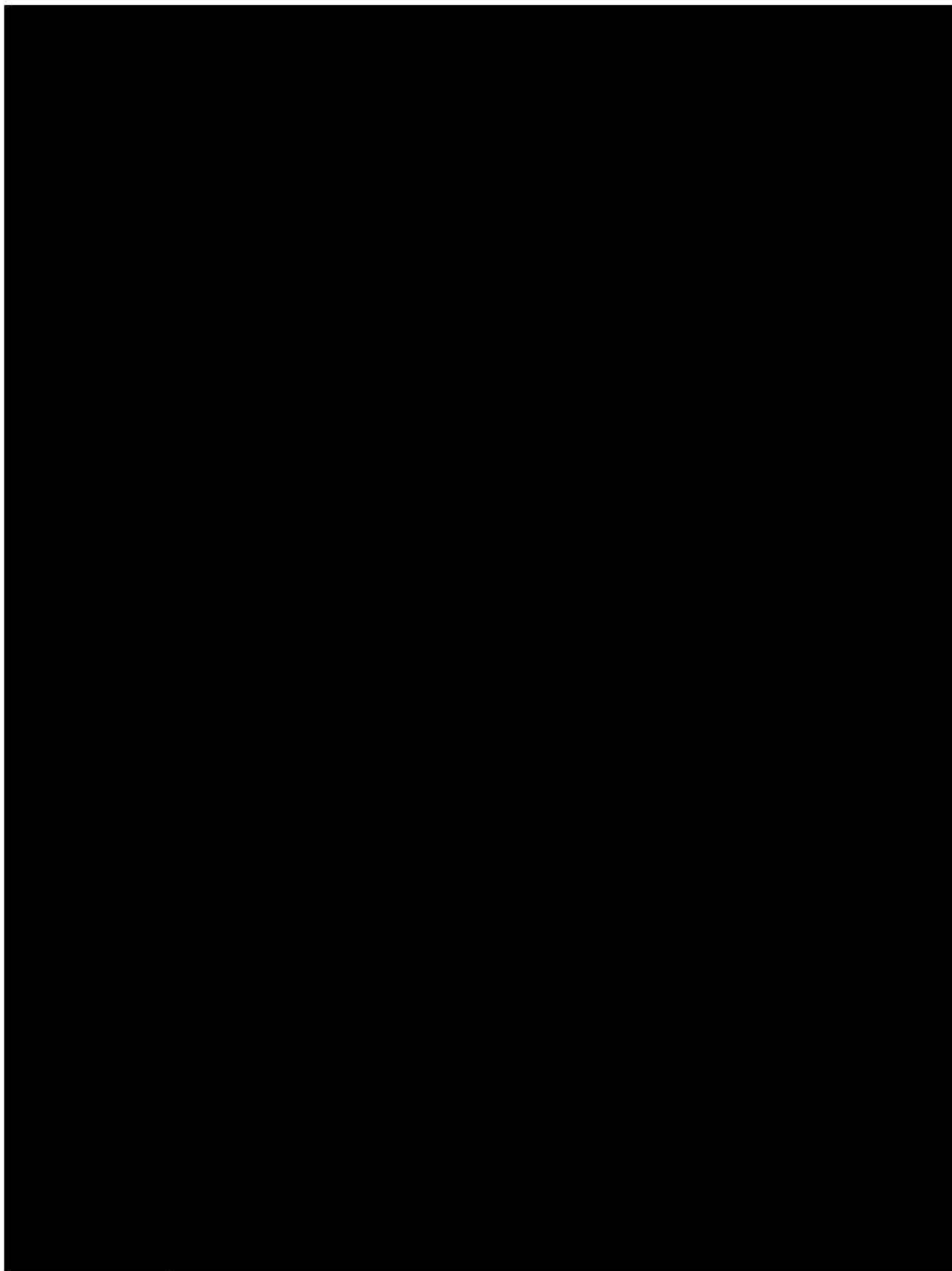
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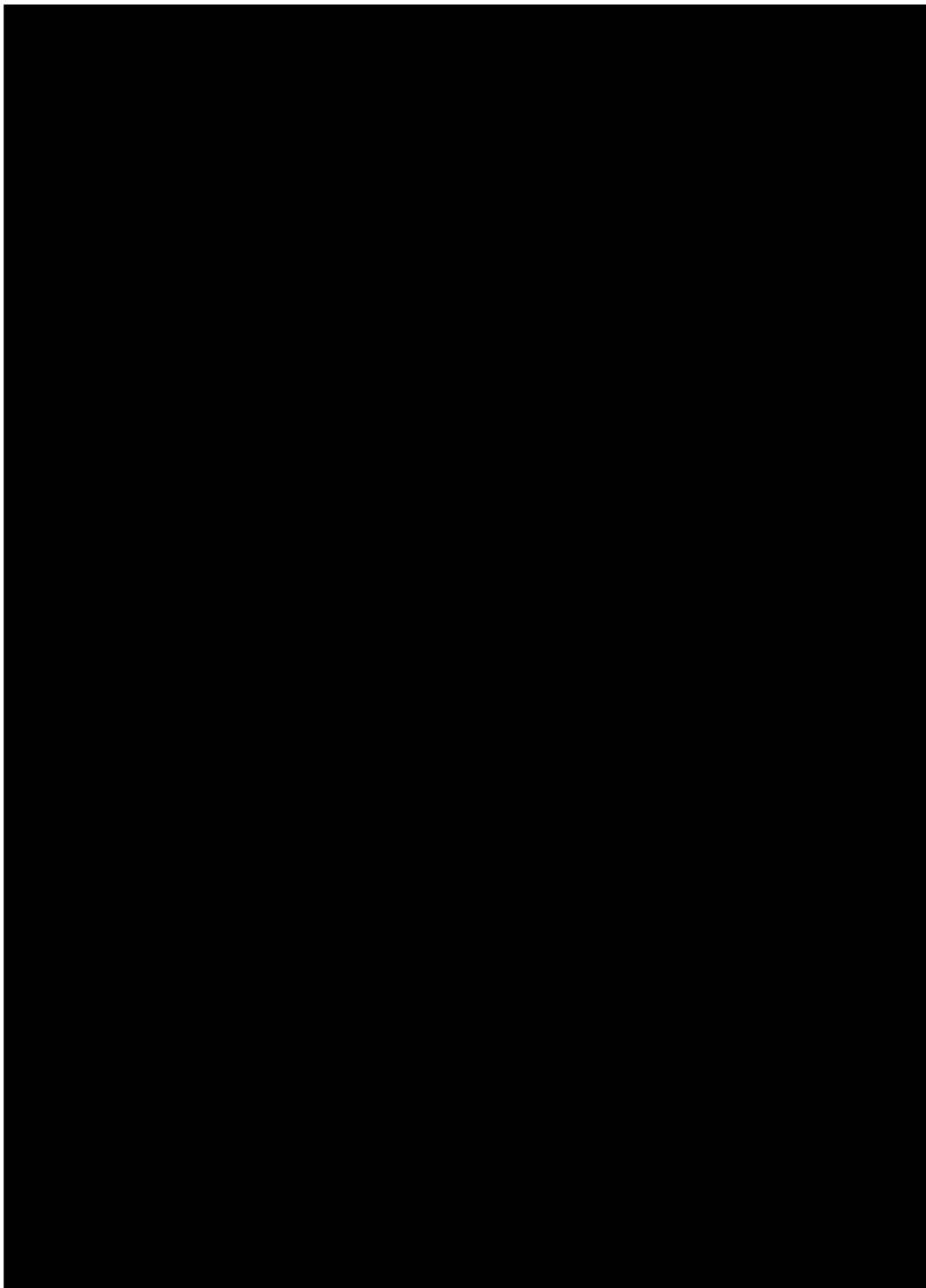
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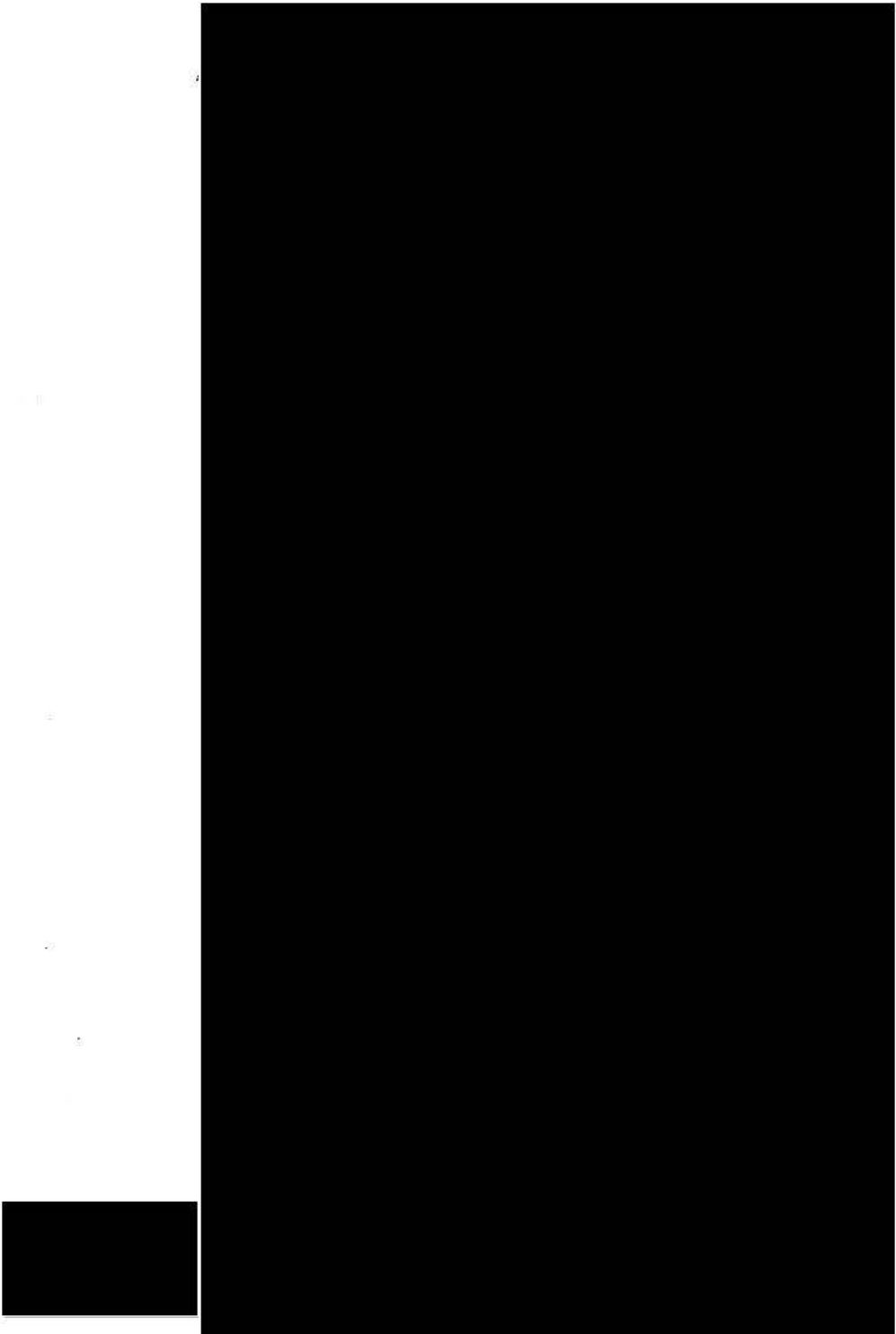
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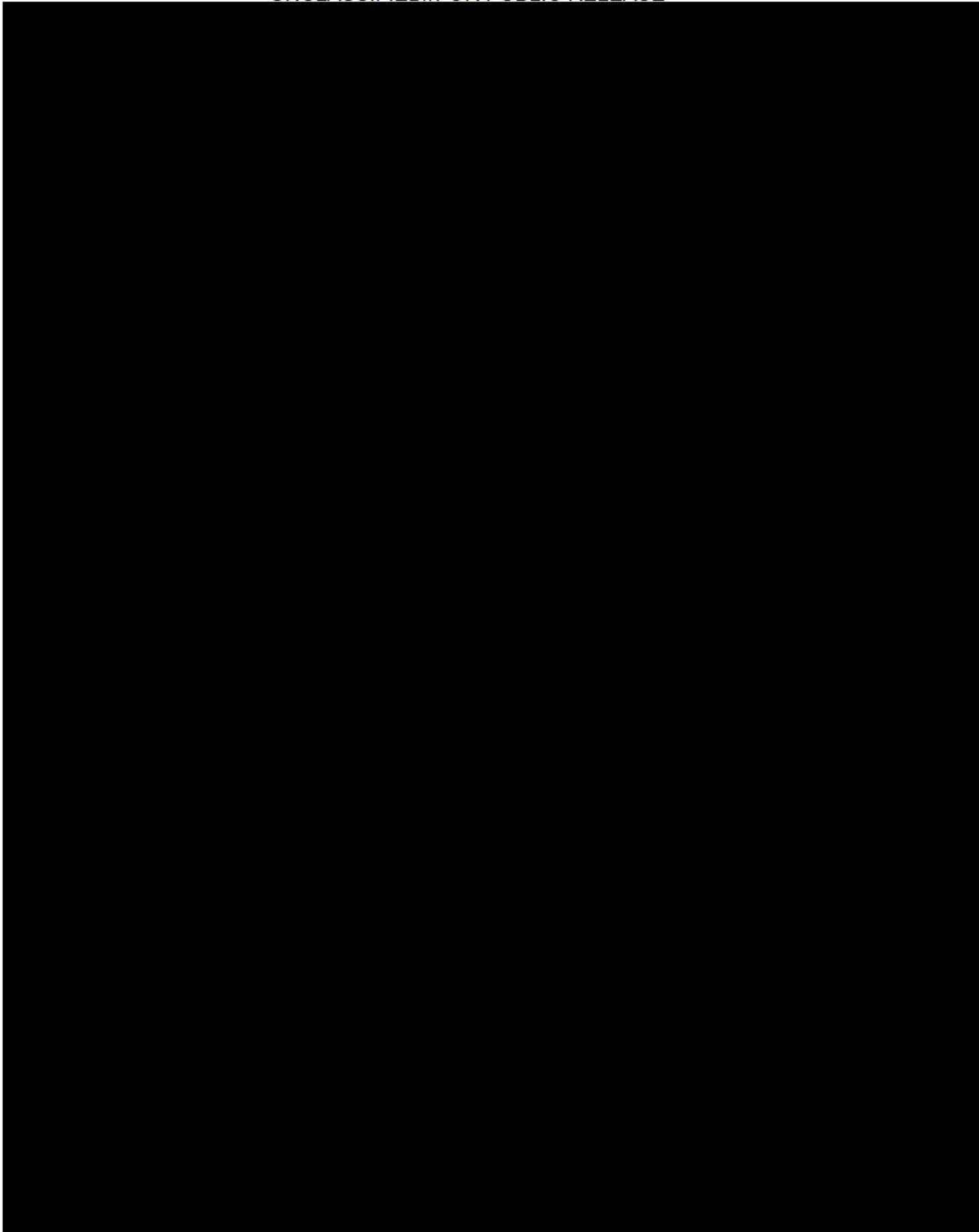
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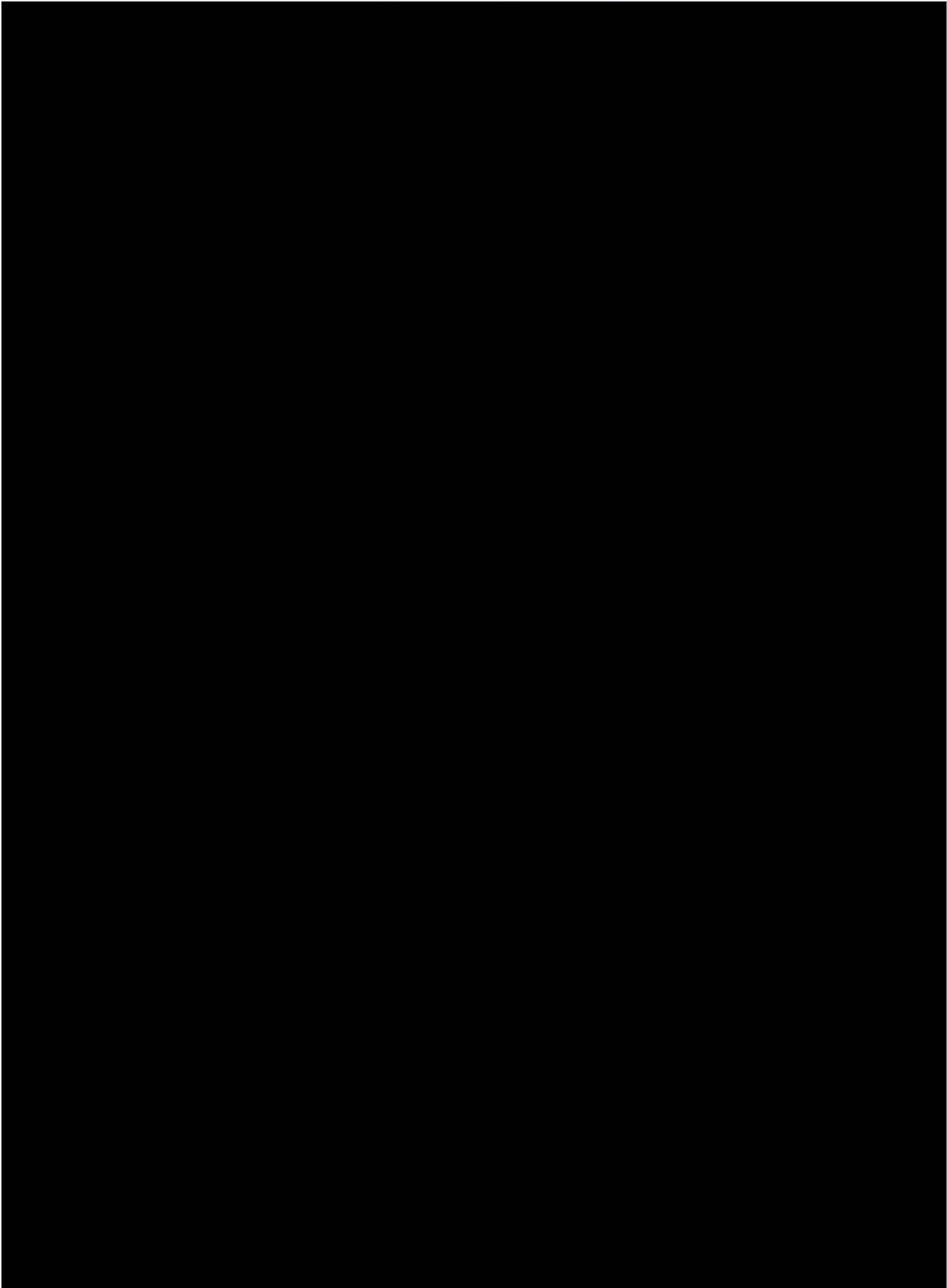
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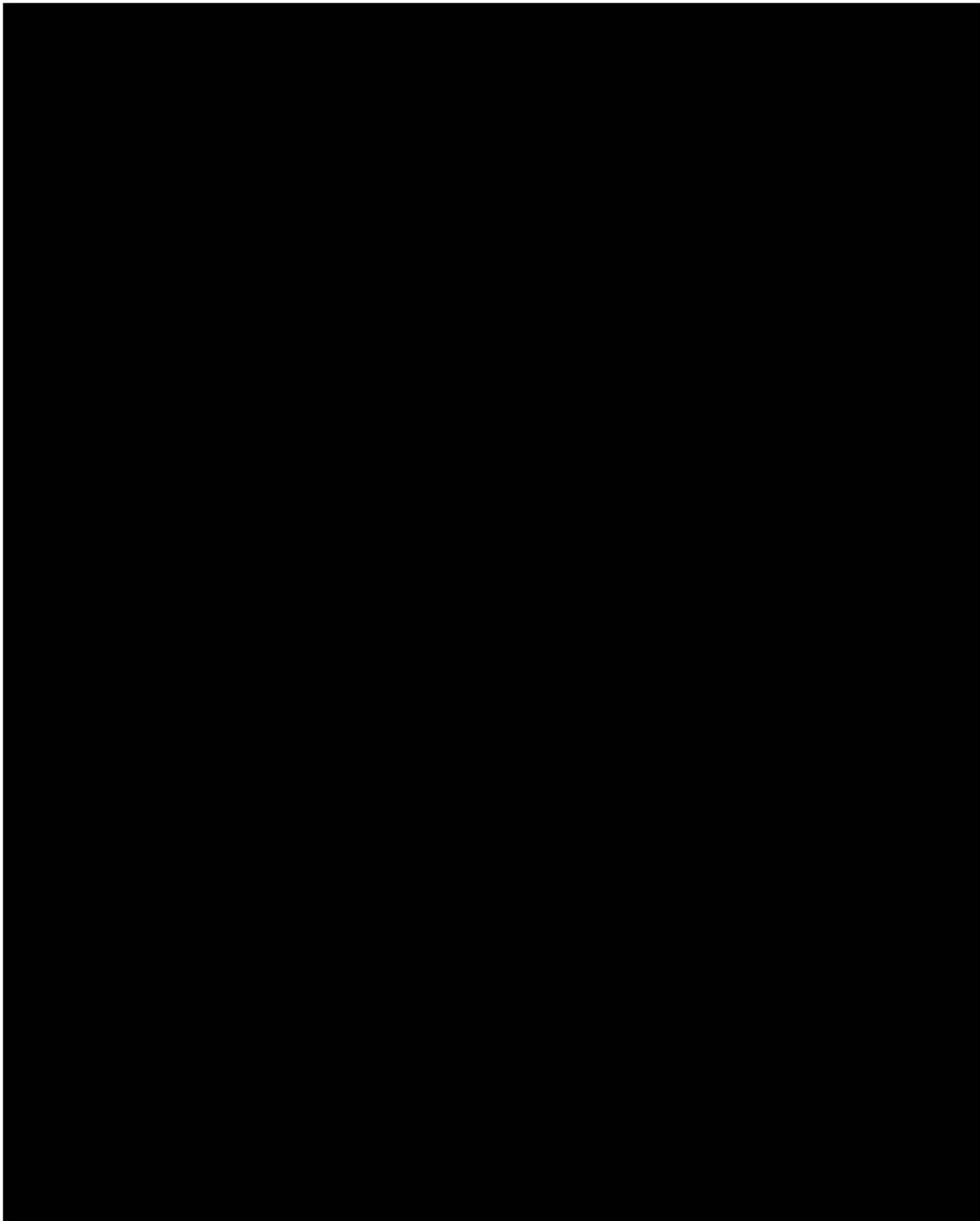
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(U) ATTACHMENT D

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5. ~~(S)~~ **Attachments**

- A. ~~(S)~~ Certificate of Service dated 10 January 2019.

Respectfully submitted,

//s//

Fernando Campoamor-Sánchez

Vijay Shanker

Kevin Driscoll

Heidi Boutros Gesch

Jocelyn Ballantine

Special Review Team

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(U) ATTACHMENT A

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~~(S)~~ CERTIFICATE OF SERVICE

~~(S)~~ I certify that on the 10th day of January 2019, I filed AE 613A (GOV SRT), *Ex Parte, In Camera*, and *Under Seal* Classified Submission by Special Review Team in Compliance with AE 292QQ (Amended Order) with the Office of Military Commissions Trial Judiciary.

_____/s/_____
Fernando Campoamor-Sánchez
Special Trial Counsel

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