



DEPARTMENT OF DEFENSE
OFFICE OF THE CHIEF PROSECUTOR FOR MILITARY COMMISSIONS
1610 DEFENSE PENTAGON
WASHINGTON, DC 20301-1610

31 July 2024

To the Families of the September 11, 2001 Victims,

This letter provides an update from the Office of the Chief Prosecutor and the Director of the Office of Military Commissions Victim Witness Assistance Program (VWAP) in the military commission case of *United States v. Khalid Shaikh Mohammad, et al.*

In March 2022, this office notified you that it had entered into negotiations with the defense counsel in this case regarding possible pre-trial agreements. As we entered into these negotiations, members of the Prosecution team and the Director of VWAP sent you a letter, and then later met with groups of you in several locations, to discuss the possibility of pre-trial agreements in the case and answer any questions you may have had. The Prosecution did so to also solicit your various views and comments on the pre-trial agreements as Victim Family Members (VFMs) of the September 11 attacks, as required by law and regulation. The VFM comments you provided were then communicated by our office to the Convening Authority, the United States Government official empowered by the Secretary of Defense with authority to, among other things, enter into pre-trial agreements on behalf of the United States government. These negotiations have been on-going for the past 27 months, and this letter is sent to inform you that the negotiations have reached resolution with three of the Accused agreeing to plead guilty in this case.

During the July/August 2024 session of the Commission, Khalid Shaikh Mohammad, Walid Bin 'Attash, and Mustafa al Hawsawi entered into pre-trial agreements in this case with the Convening Authority. In exchange for the removal of the death penalty as a possible punishment, these three Accused have agreed to plead guilty to all of the charged offenses, including the murder of the 2,976 people listed in the charge sheet, and to be later sentenced by a panel of military officers. As part of the pre-trial agreement, the Accused have also agreed to a process to respond to questions submitted by VFMs regarding their roles and reasons for conducting the September 11 attacks, should you have any unanswered questions about the attacks you would like answered. This process requires that you submit any questions you want to ask the Accused to our office no later than 45 days from this notification (14 September 2024), so that we can consolidate and submit them to the Accused through their defense counsel. The Accused have agreed to respond to your questions within 90 days of receipt, so we anticipate that answers will begin to be provided by the end of this calendar year. For this reason, we ask that you submit any questions you may have on the password-protected website referenced below within the next 45 days.

As a verified victim family member, most of you already have access to the Victim Notification System (VNS), a password-protected site for VFMs that can be accessed by [clicking here](#). For your ease of access, we created a link that can be found on the Office of the Chief Prosecutor letter located in VNS through which you can submit any questions you may have to the three September 11 co-conspirators, as well as access all notifications regarding the case, view any additional documents provided during the case, and update your personal contact information. If you have any issues with access, please contact the VNS Help Desk at (866)

625-1631. If you do not already have access to VNS, please submit an access-request email by [clicking here](#). In addition, the VWAP webpage can be found at <https://www.mc.mil/Victims-Witness-Assistance/Victim-Witness-Assistance>, which contains additional information regarding your rights and the services offered by VWAP.

We currently anticipate that the taking of the guilty pleas will be scheduled either the week of 5 August 2024 or during the September/October 2024 session of the Commission, and we will provide more specifics for you as soon as the Military Judge sets a schedule for the entry of the guilty pleas. Following the entry of the guilty pleas, a sentencing hearing will be scheduled where the parties will have an opportunity to present evidence and argue for an appropriate sentence. Under the pre-trial agreement, the earliest the first sentencing hearing will occur is Summer 2025.

During the sentencing hearings in this case, there may be an opportunity for a member of your family to testify about the impact the September 11 attacks have had on you and your loved ones, and to provide a victim impact statement that will be considered by the military jury in determining a sentence. Our office will contact you in the coming months to solicit your interest in providing victim impact evidence. Our Prosecution team also plans to travel again to various locations in Fall 2024 to speak with you in person (as well as to arrange for a virtual meeting for those unable to attend in person) to provide more details to you about the pre-trial agreements, and to answer any additional questions you may have.

We recognize that the status of the case in general, and this news in particular, will understandably and appropriately elicit intense emotion, and we also realize that the decision to enter into a pre-trial agreement will be met with mixed reactions amongst the thousands of family members who lost loved ones. The decision to enter into a pre-trial agreement after 12 years of pre-trial litigation was not reached lightly; however, it is our collective, reasoned, and good-faith judgment that this resolution is the best path to finality and justice in this case.

Our VWAP Office has grief counselors available to assist you should you want to speak with someone, and our thoughts continue to be with you during this time.

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Aaron Rugh
Chief Prosecutor

//s//

Clay Trivett
Managing Trial Counsel

//s//

Jeffrey Groharing
Trial Counsel

//s//

Charles Zelnis
VWAP Director