

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

UNITED STATES OF AMERICA v. ABD AL HADI AL-IRAQI	AE 080F Government Notice to Defense Motion To Compel Discovery Of Seventeenth Supplemental Request for Discovery dated 30 January 2017 11 August 2017
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1. Notice

In AE 080E, the Military Judge deferred ruling on AE 080, Defense Motion to Compel Discovery of Seventeenth Supplemental Request for Discovery dated 30 January 2017, pending a Government response to the Defense Seventeenth Supplemental Request for Discovery (“Request”). AE 080E at 1.

The Government responded to the Request on 3 May 2017. The Response is enclosed for the Commission’s consideration. See Attachment B.

2. Attachments

- A. Certificate of Service, dated 11 August 2017.
- B. Government Response to Defense Seventeenth Supplemental Request for Discovery Dated 30 January 2017 (3 May 2017).

Respectfully submitted,

//s//

CDR Douglas J. Short, JAGC, USN
 Trial Counsel
 CDR Kevin L. Flynn, JAGC, USN
 Deputy Trial Counsel

LCDR B. Vaughn Spencer, JAGC, USN
 LCDR David G. Lincoln, JAGC, USN
 Assistant Trial Counsel
 Office of the Chief Prosecutor
 Office of Military Commissions

ATTACHMENT A

CERTIFICATE OF SERVICE

I certify that on the 11th day of August, 2017, I filed **AE 080F, Government Notice to Defense Motion To Compel Discovery Of Seventeenth Supplemental Request for Discovery dated 30 January 2017**, with the Office of Military Commissions Trial Judiciary and I served a copy on counsel of record.

//s//

CDR Douglas J. Short, JAGC, USN
Trial Counsel
Office of the Chief Prosecutor
Office of Military Commissions

ATTACHMENT B



OFFICE OF THE
CHIEF PROSECUTOR

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

3 May 2017

MEMORANDUM FOR Defense Counsel ICO United States v. Abd al Hadi al-Iraqi

SUBJECT: Government Response to Defense Seventeenth Supplemental Request for
Discovery Dated 30 January 2017

1. Reference Defense Seventeenth Supplemental Request for Discovery dated 30 January 2017
2. The Government has received the Defense Seventeenth Supplemental Request for Discovery dated 30 January 2017, Reference, and responds below in paragraphs 3-4 based on information and belief.
3. The Government has produced, and will continue to produce or make available for inspection material in the Government's possession that is discoverable pursuant to the Military Commissions Act of 2009, 10 U.S.C. §§ 948a et seq., and Rule for Military Commissions ("R.M.C.") 701.
 - a. In addition to the material specifically itemized in R.M.C. 701, the Government recognizes its continuing discovery obligations and will disclose any additional discoverable material that is found in the future. See R.M.C. 701(a)(5).
 - b. Classified material is only discoverable if it is "noncumulative, relevant, and helpful to a legally cognizable defense, rebuttal for the prosecution's case, or sentencing." 10 U.S.C. § 949-p. Such material is only subject to disclosure if it is actually relevant and helpful, not of mere theoretical relevance. See R.M.C. 701, Discussion (citing *United States v. Yunis*, 867 F.2d 617 (D.C. Cir. 1989) as authoritative).
 - c. Material that is subject to the privileges found at Military Commissions Rule of Evidence ("M.C.R.E.") 505, or otherwise subject to protective orders issued by the Commission will be handled in accordance with the procedures set forth in M.C.R.E. 505. The Government will not disclose material that is subject to the privileges found at M.C.R.E. 505 prior to the Commission entering appropriate orders. Additionally, the Government will not disclose materials subject to any other applicable privilege.
 - d. The Government provides "Bates" numbers as a reference to previously provided responsive information. However, the Government does not intend for the "Bates" numbers to represent an exhaustive list of all responsive information.
 - e. Where the Defense has requested information about specific individuals, the Government's response is inclusive of all variants, alias, kunyas, or other names known to the Government.

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4. Subject to paragraphs 2 and 3, above, the Government specifically and additionally responds to paragraph 10 of Reference as follows:

a. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency regarding the Shkin Meeting Letter;

This request is denied as not relevant, material, and helpful to the preparation of the Defense. See, e.g., Bates: HADI-1-002894; HADI-2-005391; HADI-2-005395 – 005397; HADI-2-005413 – HADI-2-005416; HADI-2-005418 – 005419; HADI-2-006502 – 006535; HADI-2-005402 – 005405; HADI-2-007662 – 007666.

b. Any and all custody logs, documents, memorandum, correspondence, cables, email, reports or notes to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that discuss, describe or identifies the exact location the Shkin Meeting Letter was found on or about 17 May 2003;

The Government has previously provided discovery indicating that the capture location was in the vicinity of (IVO) Shkin, Afghanistan. See response to paragraph (a).

c. A full un-redacted roster, list, spreadsheet to include the last known address, phone number and e-mail address of the Tactical Human Intelligence Team (“THT”) 3, of the 313th Military Intelligence Battalion, 82nd Airborne Division that was deployed or stationed at the Forward Operating Base (“FB”) Shkin, located near Shkin and Agor Adda from 17 May 2002 through 31 December 2003;

The Government objects to this specific request as not relevant. Notwithstanding, see other responses provided herein and HADI-2-007662 – 007666. If the Defense is seeking access to potential witnesses, it should submit a witness request per R.M.C. 703 and AE 029B, Ruling on Access to Witnesses.

d. The names, addresses, phone numbers and e-mail addresses all of persons who found the Shkin Meeting Letter;

See response to paragraph (c). If the Defense is seeking access to potential witnesses, it should submit a witness request per R.M.C. 703 and AE 029B, Ruling on Access to Witnesses.

e. The names, addresses, phone numbers and e-mail addresses of the THT 3 members that took possession of the Shkin Meeting Letter to include the affixed “capture tags” at or near the FB in 2003;

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See response to paragraph (c) and Bates HADI-2-005413 – HADI-2-005416. If the Defense is seeking access to potential witnesses, it should submit a witness request per R.M.C. 703 and AE 029B, Ruling on Access to Witnesses.

f. All logs, log books, memorandums, documents or reports that depict the chain of custody of the Shkin Meeting Letter from the time it was found, by whom it was found, to whom and where the Shkin Meeting Letter was turned over for safe keeping from the date it was found to the present date;

The Government has previously provided the chain of custody document for the Shkin Meeting Letter. See Bates: HADI-2-005418 – 005419.

g. All logs, log books, memorandums, documents or reports that depict how and where the Shkin Meeting Letter was maintained and safe guarded from the time the letter was found to the present date;

The Government has previously provided information responsive to this request. See the documents referenced in the Government responses to paragraphs (a) and (f).

h. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency regarding the transfer of the Shkin Meeting Letter from the Department of Defense to the Federal Bureau of Investigation to include any information as to why the Shkin Meeting Letter was transferred, how it was transferred, where it was transferred and to whom it was transferred;

See response to paragraph (g).

i. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identifies what statements contained within the Shkin Meeting Letter are the statements made by one of Mr. al-Tamir's alleged co-conspirators to include what alleged conspiracy the statements relate;

The Government has previously provided information responsive to this request. See the documents referenced in the Government responses to paragraphs (a) and (f).

j. The names, addresses, phone numbers and e-mail addresses of all of Mr. al-Tamir's alleged co-conspirators who made alleged co-conspirator statements contained within the Shkin Meeting Letter;

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This request as written is confusing and ambiguous and is therefore denied. Notwithstanding said objection, see the responses to paragraphs (a).

k. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identifies Mr. al-Tamir and his alleged co-conspirators were acting in furtherance of a conspiracy, to include which conspiracy charged on the charge sheet when the Shkin Meeting Letter was written;

The Government has previously provided information responsive to this request, and will provide responsive information upon approval of pending AE 023 series motions.

l. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identifies the author of the Shkin Meeting Letter to include the date, time and place that the Shkin Meeting Letter was written;

The Government has previously provided information responsive to this request. See, e.g., Bates: HADI-1-002894; HADI-2-005395 – 005397; HADI-2-005418 – 005419; HADI-2-006502 – 006535; HADI-2-005402 – 005405; HADI-2-007662 – 007666.

m. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identifies, outlines or depicts the education, training and experience of CSM [REDACTED] 3rd Brigade Combat Team ("BCT"), 82nd Airborne Division, Department of Defense Criminal Investigative Division ("CID") to include all military and disciplinary records;

The Government will provide any responsive discoverable information in its possession in accordance with its obligations for testifying witnesses.

n. All transcripts of hearings or depositions in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency in which CSM [REDACTED] has given testimony;

The Government will provide any responsive discoverable information in its possession in accordance with its obligations for testifying witnesses.

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o. A list, by case name, of all cases in which CSM [REDACTED] has testified whether the testimony was taken on behalf of the Government or Defense;

See response to paragraph (n).

p. The 3rd BCT, 82nd Airborne Division CID Standard Operating Procedures ("SOP") in relation to collection of evidence and use of capture tags in place at the time the Shkin Meeting Letter was found, located and identified through the date the letter was transferred from the DOD to the FBI;

See paragraph (f) for information responsive to the issue of chain of custody.

q. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identifies, outlines or depicts the education, training and experience of Special Agent ("SA") James Hodgson to include all military and disciplinary records;

The Government will provide any responsive discoverable information in its possession in accordance with its obligations for testifying witnesses.

r. All transcripts of hearings or depositions in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency in which SA James Hodgson has given testimony;

The Government will provide any responsive discoverable information in its possession in accordance with its obligations for testifying witnesses.

s. A list, by case name, of all cases in which SA James Hodgson has testified whether the testimony was taken on behalf of the Government or Defense;

The Government will provide any responsive discoverable information in its possession in accordance with its obligations for testifying witnesses.

t. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that relating to SA James Hodgson's interviews or interrogations of Mr. al-Tamir to include the location, place, time and conditions of each interview and interrogation;

The Government has previously provided information responsive to this request. See, e.g., Bates: HADI-2-000143 – 000155; HADI-2-000222 – 000247; HADI-2-000401 – 000404.

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u. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that relating to SA James Hodgson's interviews or interrogations of any of Mr. al-Tamir's alleged co-conspirators, both known and unknown and witnesses to include the location, place, time and conditions of each interviews and interrogations;

As for information relating to alleged co-conspirators, the Government has previously provided information responsive to this request, and will provide responsive information upon approval of pending AE 023 series motions. As for SA Hodgson as a potential Government witness, the Government will provide any responsive discoverable information in its possession in accordance with its obligations for a testifying witness.

v. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that relate to the facility where the Shkin Meeting Letter and accompanying capture tags were maintained in August of 2012;

See response to paragraph (a).

w. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency of SA James Hodgson's request to take custody of the Shkin Meeting Letter and accompanying capture tags in 2012;

The Government has previously provided information responsive to this request. See Bates: HADI-1-002894.

x. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency authorizing SA James Hodgson to take custody of the any Shkin Meeting Letter whether it be the original or a copy and accompanying capture tags in 2012;

The Government has previously provided information responsive to this request. See Bates: HADI-1-002894.

y. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief

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Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency describing the box marked OEF Operation Enduring Freedom Box 62 to include what Box 62 is, when it was "opened", where Box 62 was located, the condition of Box 62 whether Box 62 had every been relocated or moved and if so to what locations;

See response to paragraph (a). The Government has previously produced photographs of the exterior of Box 62. See Bates: HADI-2-005398 – HADI-2-005401.

z. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency describing the contents inside the box marked OEF Operation Enduring Freedom Box 62;

See response to paragraph (a). Furthermore, the Government has previously produced information detailing the manner in which captured documents were processed and archived. See Bates: HADI-2-006502 – 006504. The Government denies the defense request for an inventory of Box 62 as not relevant.

aa. All memoranda, correspondence, cables, email, notes, reports or other documents to include lists and photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency of all the missions and operations that took place inside the Afghanistan Theater of operation in May of 2003;

This request is denied as overboard. To the extent this request relates to the Shkin Meeting Letter, see the Government response to paragraph (a).

bb. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that relates to the having the Shkin Meeting Letter translated from Pashtu to English;

This request is denied as not relevant, material, and helpful to the preparation of the Defense.

cc. The names, addresses, phone numbers and e-mail addresses of all of linguist who translated the Shkin Meeting Letter from Pashtu to English;

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The name and contact information of the linguist who translated the Shkin Meeting Letter is denied as not relevant, material, and helpful to the preparation of the Defense. If the Defense is seeking access to potential witnesses, it should submit a witness request per R.M.C. 703 and AE 029B, Ruling on Access to Witnesses.

dd. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identifies the Shkin Meeting Letter as being written in Pashtu language to include the name, address, phone number and e-mail address of the person or persons who identified the language as Pashtu;

This request is denied as not relevant, material, and helpful to the preparation of the Defense.

ee. The name, address, phone numbers and e-mail address of all of linguist who reviewed the Shkin Meeting Letter with SA James Hodgson;

This request is denied as not relevant, material, and helpful to the preparation of the Defense.

ff. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identifies the need to transfer or transport the Shkin Meeting Letter from CITF Headquarters in Ft. Belvoir, Virginia in 2012;

The Government has provided information that is discoverable and responsive to the issue of chain of custody. See response to paragraph (a).

gg. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that authorized the transfer or transport the Shkin Meeting Letter from CITF Headquarters in Ft. Belvoir, Virginia on 10 August 2012 to include: who transported the letter, how the letter was transported, where the letter was transported and where and how was the letter was maintained after it was transported from CITF Headquarters in Ft. Belvoir;

The Government has previously provided information responsive to this request. See response to paragraph (a).

hh. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal

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Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identifies the need to transfer or transport the Shkin Meeting Letter to the FBI on 3 April 2013;

The Government has provided information that is discoverable and responsive to the issue of chain of custody. See response to paragraph (a).

ii. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that authorized the transfer or transport the Shkin Meeting Letter to Supervisory Special Agent [REDACTED] on 3 April 2013 to include: reason(s) for the delay 10 August 2012 to 3 April 2013 in transporting the Shkin Meeting Letter to the FBI;

The Government has provided information that is discoverable and responsive to the issue of chain of custody. See response to paragraph (a).

jj. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that describe a capturing unit to include: The purpose of a capturing unit; how many members are in a capturing unit and what type of training a capturing unit receives;

The Government has provided information that is discoverable and responsive to the issue of chain of custody. See response to paragraph (a).

kk. An un-redacted list, roster and spreadsheets of all persons in capturing units that participated in any operations in the Afghanistan Theater of Operations in from 1 January 2000 through 1 November 2006;

This request is denied as overbroad. To the extent this relates to potential Defense witnesses, the Defense should submit a witness request per R.M.C. 703 and AE 029B, Ruling on Access to Witnesses.

ll. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that discusses, depicts or describes the Sensitive Site Exploitation ("SSE") locations in and around the vicinity of Shkin, Afghanistan from 1 January 2000 through 1 November 2006;

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This request is denied as overboard. To the extent this request relates to the Shkin Meeting Letter, see the Government response to paragraph (a).

mm. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency relating to items seized at SSE conducted in Afghanistan from 1 January 2000 through 1 November 2006;

This request is denied as overboard. To the extent this request relates to the Shkin Meeting Letter, see the Government response to paragraph (a).

nn. Any and all documents, memorandum, correspondence, cables, email, letters, reports or notes to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that physical place Mr. al-Tamir at meetings with senior leadership from both al-Qaeda and the Taliban in Shkin, Afghanistan to include the date, time, place (location) of any said meetings;

The Government has previously provided information responsive to this request. See, e.g., Bates: HADI-2-000457 – 000458; HADI-4-000834; HADI-4-000849; HADI-4-000857; HADI-4-001125; HADI-4-001173 – 001174; HADI-2-000012 – 000110; HADI-2-000222 – 000247; HADI-2-000504 – 000508; HADI-2-000143 – 000155; HADI-2-000401 – 000404.

oo. Any and all documents, memorandum, correspondence, cables, email, letters, reports or notes to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identifies Shkin, Afghanistan as the operational center for al-Qaeda to include the specific dates and timeframes in which Shkin, Afghanistan was used as the al-Qaeda operational center;

The Government has previously provided information responsive to this request. See, e.g., Bates: HADI-1-028491; HADI-1-028512; HADI-2-000015; HADI-2-000041; HADI-2-000045 – 000046; HADI-2-000012 – 000110; HADI-2-000222 – 000247; HADI-2-000504 – 000508; HADI-2-000143 – 000155; HADI-2-000401 – 000404.

pp. Any and all documents, memorandum, correspondence, cables, email, reports or notes to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that discuss, describe or identify Mr. al-Tamir as being responsible for an attack on U.S. forces located near Shkin on 29 September 2003;

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The Government has previously provided information responsive to this request. See, e.g., Bates: HADI-2-000041 – 000045; HADI-2-000223 – 000224; HADI-2-RB-000266; HADI-2-RB-000284 – 000318; HADI-2-000012 – 000110; HADI-2-000222 – 000247; HADI-2-000504 – 000508; HADI-2-000143 – 000155; HADI-2-000401 – 000404.

qq. Any and all documents, memorandum, correspondence, cables, email, letters, reports or notes to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that discuss or confirm any and all dates, times and places in which Mr. al-Tamir was physically present in Shkin, Afghanistan;

The Government has provided information that is discoverable and responsive to the issue of the Shkin Meeting Letter. See response to paragraph (a).

rr. Any and all documents, memorandum, correspondence, cables, email, letters, reports or notes to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that demonstrates Mr. al-Tamir provided support to the Taliban;

The Government has previously provided information responsive to this request. See, e.g., Bates: HADI-1-008186 – 008189; HADI-2-000375; HADI-2-000131 – 000136; HADI-2-000282 – 000283; HADI-2-000378 – 000381; HADI-1-005980 – 005981; HADI-2-004203 – 004207; HADI-2-000186 – 000188; HADI-2-000172 – 000174; HADI-2-00026 – 000262; HADI-2-000012 – 000110; HADI-2-000228 – 000229. Furthermore, See Bates: HADI-2-000012 – 000110; HADI-2-000222 – 000247; HADI-2-000504 – 000508; HADI-2-000143 – 000155; HADI-2-000401 – 000404.

ss. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that confirms the list of “attendees” in the Shkin Meeting letter includes Senior Taliban commanders and war lords;

The Government has previously provided all discoverable material relating to the Shkin Meeting Letter. See response to paragraph (a).

tt. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that confirm there was an “actual” Shkin Meeting between Senior Taliban Commanders in Shkin, Afghanistan;

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The Government has previously provided all discoverable material relating to the Shkin Meeting Letter. See response to paragraph (a).

uu. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that confirm there was an "actual" Shkin Meeting between "war lords" in Shkin, Afghanistan;

The Government has previously provided all discoverable material relating to the Shkin Meeting Letter. See response to paragraph (a).

vv. All un-redacted lists, spreadsheets, reports, or rosters to include names, last known address, phone number and e-mail address of war lords who attended any and all Shkin Meeting that resulted in the Shkin Meeting Letter;

The Government has previously provided all discoverable material relating to the Shkin Meeting Letter. See response to paragraph (a).

ww. All memoranda, correspondence, cables, email, notes, reports or other documents used by Mr. Evan Kohlmann to determine the al-Qaeda and Taliban leadership structure and to identify the role and stature in those organizations of participants listed in the Shkin Meeting Letter;

All discoverable information relating to the Shkin Meeting Letter, including that pertaining to Mr. Evan Kohlmann's expected testimony on the Shkin Meeting Letter, has been provided. See response to paragraph (a). Mr. Kohlmann's expected testimony is based upon open source information. The Government will provide any responsive discoverable information specifically relating to Mr. Kohlman in accordance with its obligations for testifying witnesses and any trial milestones set for expert witnesses.

xx. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency discussing or identifying **Sayf-al-Adal** as the Former director of security for al-Qaeda and his alleged responsibility for 7 August 1998 bombings of U.S. Embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya;

This request as written is denied as overbroad. Notwithstanding, the Government has provided information responsive to this request, and will provide responsive information upon approval of pending AE 023 series motions, as well as in accordance with its obligations for testifying witnesses. Additionally, this person is a notorious al-Qaeda figure with ample information that is publically available.

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yy. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency discussing or identifying **Abu Muhammad al-Misiri** as the Former Emir of al-Qaeda al Farouq training camp and his alleged involvement with the 7 August 1998 bombings of U.S. Embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya;

See response to paragraph (xx).

zz. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identify **Sulayman Abu Ghaid** as the al-Qaeda spokesperson to include all records, memoranda, correspondence, cables, e-mails, notes, reports or other documents relating to his U.S. federal court conviction for terrorist related activity in September 2014;

See response to paragraph (xx).

aaa. All memoranda, correspondence, cables, email, notes or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identify **Mukhtar-al-Balutis ("KSM")** as the former Senior al-Qaeda leader;

See response to paragraph (xx).

bbb. All memoranda, correspondence, cables, email, notes or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identifies **Haqqani Jal-al-Din** as Taliban official and creator of the Haqqani Network;

This request as written is denied as overbroad. Notwithstanding, the Government has provided information responsive to this request, and will provide responsive information upon approval of pending AE 023 series motions, as well as in accordance with its obligations for testifying witnesses. Additionally, this person is a notorious Taliban figure with ample information that is publically available.

ccc. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other

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government agency that identifies **Sayf-al-Rahman of Mawlana Masure** as the Taliban leader and Commander identified with shooting down a U.S. helicopter killing American Soldiers;

See response to paragraph (bbb).

ddd. The full names, date, time and location of all of the American Soldiers killed when the U.S. helicopter was shot down allegedly by the Taliban Leader and Commander, Sayf-al-Rahman of Mawlana;

Assuming that the Defense is referring to the attack that occurred on 29 September 2003 as alleged in the Charge sheet, see, e.g., Bates HADI-1-000007 – 000010; HADI-1-00852 – HADI-1-00853.

eee. The names, last known address, phone number and e-mail address of the next of kin of all of the American Soldiers killed when the U.S. helicopter was shot down allegedly by the Taliban Leader and Commander, Sayf-al-Rahman of Mawlana;

This request is denied. To the extent this relates to potential Defense witnesses, the Defense should submit a witness request per R.M.C. 703. See also AE 029B, Ruling on Access to Witnesses. To the extent this relates to potential Government witnesses on sentencing, the Government will provide any responsive discoverable information in its possession in accordance with its obligations for testifying witnesses.

fff. The full name, last known address, phone number and e-mail address of the U.S. Soldier that Mr. al-Tamir's alleged co-conspirator shot at or near L'Wara, Afghanistan and rendered blind;

See response to paragraph (eee).

ggg. The full name, last known address, phone number and e-mail address of all individuals that were injured on or about 25 April 2003, at or near Shkin, Afghanistan by Mr. al-Tamir's alleged co-conspirators;

See response to paragraph (eee). See also Bates: HADI-2-000001 – 000003; HADI-2-000520 – 000522; HADI-2-000667 – 000668; HADI-2-000673 – 000675; HADI-2-000703 – 000706; HADI-2-000709 – 000710; HADI-2-000713; HADI-2-000719 – 000720; HADI-2-000755 – 000759; HADI-2-000778 – 000780; HADI-2-000783 – 000784; HADI-2-000799; HADI-2-000839 – 000840; HADI-2-000897 – 000899; HADI-2-001070 – 001071; HADI-2-007244 – 007246; HADI-2-007247; HADI-2-007253 – 007258; HADI-2-007260 – 007265.

hhh. The names, last known address, phone number and e-mail address of the next of kin of all of the American Soldiers killed in an attack on a U.S. convoy by Mr. al-Tamir's co-conspirators at or near Shkin, Afghanistan on or about 25 April 2003;

See response to paragraph (eee).

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iii. The full names, date, time and location of all of the American Soldiers killed in any attacks on U.S. convoy by Mr. al-Tamir's alleged co-conspirators on or about 25 April 2003;

The Government has previously produced discovery responsive to this request. See response to paragraph (ddd) and see, e.g., Bates: HADI-1-000006; HADI-1-000051.

jjj. The names, last known address, phone number and e-mail address of Mr. al-Tamir's alleged co-conspirators that allegedly attacked a U.S. convoy in Shkin, Afghanistan, that shot a U.S. Soldier at or near L'Wara, Afghanistan and that shot down a U.S. helicopter in Afghanistan;

The Government has previously provided information responsive to this request, and will provide responsive information upon approval of pending AE 023 series motions.

kkk. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identifies **Kashmir Khan** as the Commander of Hizb-i-Islami faction whose forces were situated in Kunar Province;

See response to paragraph (bbb).

lll. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identifies **Gulbadin Hekmatyar** as the Senior Taliban Commander and founder of Hezb-i-Islami with ties to al-Qaeda;

This request as written is denied as overbroad. Notwithstanding, the Government has provided information responsive to this request. Additionally, this person is a notorious Hezb-i-Islami figure with ample information that is publically available.

mmm. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that discuss, demonstrate or depict that Mr. al-Tamir allegedly fought for as the Senior Taliban Commander and founder of Hezb-i-Islami, **Gulbadin (Hekmatyar)**;

See response to paragraph (lll).

nnn. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal

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Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that identifies **Mawlana Bakht Jan** as the Taliban Commander and warlord;

See response to paragraph (III).

ooo. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that depict, discuss or describe the alleged illegal conspiracy that Mr. al-Tamir and his alleged co-conspirators were in furtherance of when the Shkin Meeting Letter was written;

The Government has previously provided all discoverable material relating to the Shkin Meeting Letter. See response to paragraph (a).

ppp. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that discuss, depict or provide the operational security and trade craft elements of the Taliban and al-Qaeda leadership to include but not limited to, the use of code words and separating the list of names on one page from the meeting location on a separate page;

The Government has previously provided all discoverable material relating to the Shkin Meeting Letter. See response to paragraph (a).

qqq. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that discuss, depict or demonstrate that Mr. al-Tamir conspired with **Usama bin Laden**, or any of his aliases, to commit various substantive offenses triable by military commissions between 1996 and on or about 1 November 2006;

The Government has provided information responsive to this request, and will provide responsive information upon approval of pending AE 023 series motions. Additionally, this person is a notorious al-Qaeda figure with ample information that is publically available.

rrr. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that discuss, depict or demonstrate that Mr. al-Tamir conspired with **Ayman**

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al Zawahiri, or any of his aliases, to commit various substantive offenses triable by military commissions between 1996 and on or about 1 November 2006;

See response to paragraph (qqq).

sss. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that discuss, depict or demonstrate that Mr. al-Tamir conspired with **Mohammed Atef**, or any of his aliases, to commit various substantive offenses triable by military commissions between 1996 and on or about 1 November 2006;

See response to paragraph (qqq).

ttt. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that discuss, depict or demonstrate that Mr. al-Tamir conspired with **Khalid Shaikh Mohammad**, or any of his aliases, to commit various substantive offenses triable by military commissions between 1996 and on or about 1 November 2006;

See response to paragraph (qqq).

uuu. All memoranda, correspondence, cables, email, notes, reports or other documents to include photographs, charts, sketches or drawings in the possession of the Office of the Chief Prosecutor, the Office of the Convening Authority, The Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense or any other government agency that discuss, depict or demonstrate that Mr. al-Tamir conspired with "others" to commit various substantive offenses triable by military commissions between 1996 and on or about 1 November 2006 to include the names of the "other(s)" alleged co-conspirators;

The Government has previously provided information responsive to this request, and will provide responsive information upon approval of pending AE 023 series motions.

//signed//
DOUGLAS J. SHORT
Commander, JAGC
Trial Counsel