



**DEPARTMENT OF DEFENSE  
OFFICE OF THE CHIEF DEFENSE COUNSEL  
OFFICE OF MILITARY COMMISSIONS**

15 October 2004

MEMORANDUM FOR CDR XXXX, JAGC, USN, PROSECUTOR

SUBJECT: Response to Government's Request for Reciprocal Discovery dated 30 July 2004, *United States v. Hamdan*

1. The Defense responds to the Government's Request for Reciprocal Discovery dated 30 July 2004 with the same paragraph numbers and paragraph letters found in the request.

a. - c. In accordance with Military Commission Instruction 8, paragraph 6(A), the Defense shall provide notice to the prosecution at least one week prior to the start of the Military Commission in this case, or sooner if so ordered by the Presiding Officer.

d. The Defense has provided and will continue to provide all Curriculum Vitae for our requested experts.

e. In accordance with the Military Commission Instruction 8, paragraph 6(A) the Defense is not required to provide such statements/documentation unless the Defense intends to introduce such evidence at trial.

f. The Defense has provided a synopsis of witness testimony with our lay witness requests (XXXX, XXXX, and XXXX) and our expert witnesses. As additional witnesses are identified, we shall request them and include a synopsis of his/her testimony.

g. The Defense shall provide the requested documents and information to the prosecution at least one week prior to the start of the Military Commission in this case, in accordance with the Military Commission Instruction 8, paragraph 6(A).

2. The Defense shall so comply.

3. The Defense shall so comply.

The Defense recognizes its discovery obligations and shall continue to comply.

CHARLES D. SWIFT  
LCDR, JAGC, USN

## Detailed Defense Counsel