



OFFICE OF THE SECRETARY OF DEFENSE
MILITARY COMMISSIONS TRIAL JUDICIARY
4800 Mark Center Drive, Suite 11F09-02
Alexandria, VA 22350-2100

OMC-TJ

17 March 2020

MEMORANDUM FOR CHIEF TRIAL JUDGE, MILITARY COMMISSIONS

SUBJECT: *UNITED STATES OF AMERICA v. KHALID SHAIKH MOHAMMAD, WALID MUHAMMAD SALIH MUBARAK BIN 'ATTASH, RAMZI BINALSHIBH, ALI ABDUL AZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI*

1. It is my duty to inform you that I have submitted my retirement from active duty in the United States Air Force with an effective date of 1 July 2020. With terminal leave, my last day of active duty service as a military judge will be 24 April 2020. Given my impending departure from active duty it would seem prudent to detail a new military judge to this case.
2. My very recent decision to retire is based on the best interests of my family and was not impacted by any outside influence from any source. I have neither sought nor will I seek civilian employment from any party or other entity that could cause or create the appearance of a conflict of interest as defined by the Court of Appeals for the District of Columbia Circuit opinion of *In re Al-Nashiri*, 921 F.3d 224 (D.C. Cir. 2019) while I remain the military judge for this case or in the foreseeable future.
3. I stand ready to remain serving as the presiding judge in *UNITED STATES OF AMERICA v. KHALID SHAIKH MOHAMMAD, WALID MUHAMMAD SALIH MUBARAK BIN 'ATTASH, RAMZI BINALSHIBH, ALI ABDUL AZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI* until 24 April 2020 or an earlier date, if you deem it appropriate to detail another judge to the case at that time.

COHEN.W.SHA NE. Digitally signed by COHEN.W.SHANE. Date: 2020.03.17 13:13:28 -04'00'

W. SHANE COHEN, Colonel, USAF
Military Judge
Military Commissions Trial Judiciary

