

MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA

UNITED STATES OF AMERICA

v.

KHALID SHAIKH MOHAMMAD, WALID
MUHAMMAD SALIH MUBARAK BIN
‘ATTASH, RAMZI BIN AL SHIBH, ALI
ABDUL-AZIZ ALI, MUSTAFA AHMED
ADAM AL HAWSAWI

AE502LLLL (AAA)

Mr. al Baluchi’s Motion to Decline Joinder
In Part to AE502JJJJ (MAH) Mr. al Hawsawi’s
Notice of Joinder to AE502HHHH (AAA)

13 May 2019

1. **Timeliness:** This Motion to Decline Joinder is timely filed.¹
2. **Relief Sought:** Mr. al Baluchi declines joinder in part to AE502JJJJ (MAH) Mr. al Hawsawi’s Notice of Joinder to AE502HHHH (AAA).
3. **Facts:** On 6 May 2019, Mr. al Hawsawi filed AE502JJJJ (MAH) Mr. al Hawsawi’s Notice of Joinder to AE502HHHH (AAA).
4. **Argument:** Under Rule of Court 3.5(i) each defendant is presumed to be joined to a motion filed by any other defendant. However, RC 3.5(i)(1) authorizes a defendant who “does not want to join a particular motion” to decline joinder by filing a motion within seven days.

On 6 May 2019, Mr. al Hawsawi filed AE502JJJJ, joining AE502HHHH (AAA) Mr. al Baluchi’s Motion to Reconsider AE502BBBB Ruling. In AE502JJJJ, Mr. al Hawsawi articulated a number of points additional to those made by Mr. al Baluchi in AE502HHHH. By this pleading, Mr. al Baluchi notifies the military commission that he joins Mr. al Hawsawi’s argument in respect to parts 7.IV and 7.V of AE502JJJJ. Mr. al Baluchi further notifies the military commission that, under R.C. 3.5(i)(1), he declines to join Mr. al Hawsawi’s position in parts 7.I; 7.II; 7.III; 7.VI; 7.VII; and 7.VIII of AE502JJJJ.

¹ R.C. 3.5(i)(1).

5. **Request for Oral Argument:** No oral argument is requested.
6. **Request for Witnesses:** None.
7. **Certificate of Conference:** No certificate of conference is required, per Rule of Court 3.5.i.(3).
8. **Attachments:**
 - A. Certificate of Service

Very respectfully,

//s//

JAMES G. CONNELL, III
Learned Counsel

//s//

STERLING R. THOMAS
Lt Col, USAF
Defense Counsel

//s//

ALKA PRADHAN
Defense Counsel

//s//

BENJAMIN R. FARLEY
Defense Counsel

//s//

MARK E. ANDREU
Capt, USAF
Defense Counsel

Counsel for Mr. al Baluchi

Attachment A

CERTIFICATE OF SERVICE

I certify that on the 13th day of May, 2019, I electronically filed the foregoing document with the Clerk of the Court and served the foregoing on all counsel of record by email.

//s//

JAMES G. CONNELL, III

Learned Counsel