

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

<p>UNITED STATES OF AMERICA</p> <p>v.</p> <p>KHALID SHAIKH MOHAMMAD, WALID MUHAMMAD SALIH MUBARAK BIN ‘ATTASH, RAMZI BIN AL SHIBH, ALI ABDUL AZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI</p>	<p>AE 611J</p> <p>RULING</p> <p>Mr. bin ‘Atash’s Motion to Permit the Absence of Detailed Defense Counsel Pursuant to R.M.C. 805(c)</p> <p>3 January 2019</p>
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1. Counsel for Mr. bin ‘Attash moved¹ to excuse Detailed Defense Counsel, Mr. Edwin A. Perry, from the Commission hearings scheduled to take place 28 January – 1 February 2019. *See* Rule for Military Commissions (R.M.C.) 805(c). Mr. bin ‘Attash consents to the absence. The Government does not oppose the motion.²

2. Counsel for Mr. bin ‘Attash have asserted that other qualified counsel, to include Learned Counsel, will be present to represent Mr. bin ‘Attash.³ The Defense has not requested a continuance. The Commission finds under the circumstances the Accused’s right to be adequately represented during hearings scheduled to take place 28 January – 1 February 2019 will not be impaired by Mr. Perry’s absence.

¹ AE 611H (WBA), Mr. bin ‘Atash’s Motion to Permit the Absence of Detailed Defense Counsel Pursuant to R.M.C. 805(c), filed 2 January 2019.

² *Id.* at para. 6.

³ The motion states that Mr. Perry is one of four detailed Defense Counsel representing Mr. bin ‘Attash and identifies the other three as Major Seeger, Ms. Bormann, and Mr. Montross. The motion does not reference Captain Brian D. Brady, who was detailed as Assistant Defense Counsel to the bin ‘Attash team on 6 June 2016 and has appeared before the Commission to represent Mr. bin ‘Attash. (*See* AE 004W (WBA), Memorandum for Captain Brian D. Brady, JAG, U.S. Air Force, filed 20 March 2017.) The Commission expects Capt. Brady to be present for the 28 January – 1 February 2019 hearings unless a motion to permit his absence pursuant to R.M.C. 805(c) or a motion for excusal, relief, or withdrawal of Defense Counsel pursuant to R.M.C. 505(d)(2)(B) and Military Commissions Trial Judiciary Rule of Court 4.4(b) is properly filed with the Commission and granted before the start of the hearings.

3. The motion is **GRANTED**.

So **ORDERED** this 3rd day of January, 2019.

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K. A. PARRELLA
Colonel, U. S. Marine Corps
Military Judge