

**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

AE 625-9 (MFL)(RBS)

**Mr. Bin al Shibh's Motion for Leave to File
Out-of Time Motion to Decline Joinder to AE
625 (HAW)**

Date Filed: 15 May 2019

- 1. Timeliness:** This motion is timely filed.
- 2. Relief Sought:** Mr. Bin al Shibh respectfully requests leave to file out of time a motion to decline joinder to AE 625 (MAH) Motion to Dismiss Because the Military Commissions Act of 2009 Is a Bill of Attainder, pursuant to RC 3.5.i.(2).
- 3. Burden of Proof:** The defense bears the burden of persuasion.
- 4. Facts:** On 12 April 2019, Mr. al Hawsawi filed AE 625 (HAW).
- 5. Law and Argument:** Mr. Bin al Shibh wishes to decline joinder to AE 625(MAH). Military Commission Rule of Court 3.5(i)(2) requires a motion for leave to file out of time if a party wishes to decline joinder more than seven days after the filing of the initial motion. The seven-day period from Mr. al Hawsawi's filing elapsed on 19 April 2019.
- 6. Request for Oral Argument:** Not requested.
- 7. Witnesses:** None
- 8. Conference:** Exempt under RC 3.5.i.(3).
- 9. Attachments:**

A. Certificate of Service

Respectfully submitted,

//s//
JAMES P. HARRINGTON
Learned Counsel

//s//
WYATT A. FEELER
Defense Counsel

//s//
JOHN M. B. BALOUZIYEH
CPT, USA
Defense Counsel

ATTACHMENT A

CERTIFICATE OF SERVICE

I certify that on 15 May 2019, I electronically filed AE 625-9 (MFL)(RBS) Mr. Bin al Shibh's Motion for Leave to File Out-of Time Motion to Decline Joinder to AE 625 (HAW) and served it on all counsel of record by e-mail.

//s//

JAMES P. HARRINGTON
Learned Counsel