

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

AE625C (AAA)

**Mr. al Baluchi's Notice of  
Declination of Joinder**  
to AE625 (MAH) Motion to Dismiss Because  
the Military Commissions Act of 2009 Is a Bill  
of Attainder

14 May 2019

1. **Timeliness:** This Notice of Declination of Joinder is timely filed pursuant to AE625-7 Ruling.

2. **Relief Sought:** Mr. al Baluchi declines joinder to AE625 (MAH) Motion to Dismiss Because the Military Commissions Act of 2009 Is a Bill of Attainder.

3. **Facts:**

a. On 12 April 2019, Mr. al Hawsawi filed AE625.

b. On 8 May 2019, Mr. al Baluchi sought leave from the military commission to file a notice of declination of joinder to AE625 outside of the seven-day window prescribed in RC 3.5(i)(1).<sup>1</sup>

c. On 13 May 2019, the military commission granted Mr. al Baluchi's request for leave.<sup>2</sup>

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 notice within seven days. RC

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<sup>1</sup> AE625-5 (AAA) Mr. al Baluchi's Motion for Leave to File Out of Time a Motion to Decline Joinder.

<sup>2</sup> AE625-7 Ruling.

3.5(i)(2) authorizes such declination of joinder outside of RC 3.5(i)(1)'s seven-day window upon a grant of permission from the military commission following a Motion for Leave to File Out of Time. Mr. al Baluchi made such a motion on 8 May 2019 and the military commission granted his request on 13 May 2019. As such, Mr. al Baluchi hereby declines joinder to AE625.

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 14th 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*