

**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY**

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 625D(WBA)

**Mr. bin ‘Atash’s Motion to Decline
Joinder to AE 625(MAH), Motion to
Dismiss Because the Military Commissions
Act of 2009 is a Bill of Attainder**

14 May 2019

1. Timeliness:

This motion is timely filed. (AE 625-8(RUL)(WBA)).

2. Relief Sought:

Mr. bin ‘Atash hereby gives notice that he declines joinder to AE 625(MAH), Motion to Dismiss Because the Military Commissions Act of 2009 is a Bill of Attainder.

3. Burden of Proof:

The Defense bears the burden of persuasion. R.M.C. 905(c)(1).

4. Facts and Argument:

a. On 12 April 2019, Mr. al Hawsawi filed AE 625, Motion to Dismiss Because the Military Commissions Act of 2009 is a Bill of Attainder.

b. On 13 May 2019, the Military Judge granted Mr. bin ‘Atash’s motion for leave to file a notice to decline joinder out-of-time and directed Mr. bin ‘Atash to file his Notice of Declination of Joinder as AE 625D(WBA) by 16 May 2019. (AE 625-8(RUL)(WBA)).

c. Mr. bin ‘Atash wishes to decline joinder to AE 625(MAH).

5. Request for Oral Argument: None.

6. Request for Witnesses: None.

7. Conference with Counsel: A certificate of conference is not required. RC 3.5(i)(3).

8. Attachments:

A. Certificate of Service (1 page).

9. Signatures:

/s/

CHERYL T. BORMANN
Learned Counsel

/s/

EDWIN A. PERRY
Detailed Defense Counsel

/s/

WILLIAM R. MONTROSS, JR.
Detailed Defense Counsel

/s/

SIMON M. CAINE
Captain, USAF
Detailed Defense Counsel

Attachment A

CERTIFICATE OF SERVICE

I certify that on 14 May 2019, I electronically filed by email with the Trial Judiciary the attached, AE 625D(WBA), Mr. bin 'Atash's Motion to Decline Joinder to AE 625(MAH), Motion to Dismiss Because the Military Commissions Act of 2009 is a Bill of Attainder, and provided copies to all counsel of record.

/s/

CHERYL T. BORMANN
Learned Counsel