

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

<p><b>UNITED STATES OF AMERICA</b></p> <p><b>v.</b></p> <p><b>KHALID SHAIKH MOHAMMAD, WALID MUHAMMAD SALIH MUBARAK BIN ‘ATTASH, RAMZI BIN AL SHIBH, ALI ABDUL AZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI</b></p>	<p><b>AE 643AA</b></p> <p><b>RULING</b></p> <p>Mr. bin ‘Atash’s Motion to Disqualify the Convening Authority</p> <p><b>9 June 2022</b></p>
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**1. Procedural History.**

a. On 9 July 2019, Mr. bin ‘Attash moved the Commission to disqualify Mr. Christian Reismeyer from acting as the Convening Authority in this case “because of his partiality and the appearance of partiality, his inability to fulfill critical post-trial responsibilities, and his personal interest in this proceeding.”<sup>1</sup> On 23 July 2019, Mr. Mohammad provided “supplemental facts and authorities” to Mr. bin ‘Attash’s motion and moved “to immediately abate all proceedings pending resolution of AE 643.”<sup>2</sup>

b. On 16 August 2019, Mr. bin ‘Attash moved<sup>3</sup> to compel the production of Mr. Reismeyer and Mr. Jason Foster as witnesses. On 26 August 2019, Mr. bin ‘Attash moved<sup>4</sup> to compel discovery and witnesses in support of his motion. On 16 September 2019, the Commission denied Mr. Mohammad’s request for abatement, directed the Prosecution provide discovery Mr. bin ‘Attash had requested for *in camera* review, and deferred decision regarding

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<sup>1</sup> AE 643 (WBA), Mr. bin ‘Atash’s Motion to Disqualify the Convening Authority, filed 9 July 2019, at 1.

<sup>2</sup> AE 643 (KSM Supp), Mr. Mohammad’s Supplement to AE 643 (WBA) and Request to Abate Proceedings Pending Decision on AE 643, filed 23 July 2019.

<sup>3</sup> See AE 643E (WBA), Mr. bin ‘Atash’s Motion to Compel Production of Mr. Christian Reismeyer and Mr. Jason Foster for Evidentiary Hearing on Mr. bin ‘Atash’s Motion to Disqualify the Convening Authority, filed 16 August 2019.

<sup>4</sup> See AE 643F (WBA), Mr. bin ‘Atash’s Motion to Compel Material and Information Related to the Selection and Hiring of Convening Authority Christian Reismeyer, filed 26 August 2019.

all other matters in this series.<sup>5</sup> Following review, on 24 October 2019, the Commission found 999 pages of discovery relevant and material to the preparation of the Defense, ordered the Prosecution to produce the discovery to the Defense, and ordered the discovery sealed.<sup>6</sup> On 18 November 2019, the Commission granted Mr. bin ‘Attash’s motion to compel Mr. Reismeier as a witness and deferred ruling on the production of Mr. Foster.<sup>7</sup> On 10 December 2019, Mr. bin ‘Attash moved<sup>8</sup> the Commission to unseal the discovery ordered in AE 643M.

c. On 21 April 2020, the Prosecution provided notice that “the Secretary of Defense designated Colonel Jeffrey D. Wood as the Convening Authority for Military Commissions, effective 17 April 2020,”<sup>9</sup> and that Mr. Reismeier “continue[d] to serve as the Director of the Office of the Convening Authority for Military Commissions.”<sup>10</sup> On 30 April 2020, Mr. Mohammad moved to strike the portion of the Prosecution’s notice “in which the government declares that pending defense motions are ‘moot.’”<sup>11</sup> On 26 June 2020, Mr. bin ‘Attash moved<sup>12</sup> the Commission to compel additional discovery.

d. On 23 May 2022, the Prosecution notified the Commission and parties “that Mr. Christian Reismeier is no longer the Director, Office of Military Commissions effective

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<sup>5</sup> See AE 643K Ruling, Mr. bin ‘Attash’s Motions to Compel in Support of his Motion to Disqualify the Convening Authority, dated 16 September 2019.

<sup>6</sup> See AE 643M Order, Government Notice Accompanying Provision of Materials For *In Camera* Review, dated 24 October 2019.

<sup>7</sup> See AE 643P Order, Mr. bin ‘Atash’s Motion to Compel Production of Mr. Christian Reismeier and Mr. Jason Foster for Evidentiary Hearing on Mr. bin ‘Atash’s Motion to Disqualify the Convening Authority, dated 18 November 2019.

<sup>8</sup> See AE 643Q (WBA), Mr. bin ‘Atash’s Motion to Unseal Convening Authority Discovery, filed 10 December 2019.

<sup>9</sup> AE 643T (GOV), Government Notice Regarding Designation of New Convening Authority for Military Commissions, filed 21 April 2020, at 1.

<sup>10</sup> *Id.*

<sup>11</sup> AE 643U (KSM), Mr. Mohammad’s Motion to Strike a Portion of the Government’s Notice Regarding Designation of New Convening Authority for Military Commissions, filed 30 April 2020, at 1.

<sup>12</sup> See AE 643W (WBA), Mr. bin ‘Atash’s Motion to Compel Material and Information Related to the Duties and Responsibilities of Mr. Christian Reismeier, Director of the Office of the Convening Authority, filed 26 June 2020.

Friday, 20 May 2022.”<sup>13</sup>

2. The Commission finds that Mr. Reismeier’s departure from the Office of Military Commissions moots the Defense motions pending in this series.

3. **Ruling.** The Defense motions are **DENIED** as moot.

So **ORDERED** this 9th day of June, 2022.

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MATTHEW N. MCCALL, Colonel, USAF  
Military Judge  
Military Commissions Trial Judiciary

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<sup>13</sup> AE 643Z (GOV), Government Notice of Status of Mr. Christian Reismeier as Director, Office of Military Commissions, filed 23 May 2022.