**Military Commissions:**

***Voir Dire of Judge Lt. Col. Wesley Braun, USAF***

**October 23 and 25, 2023**

Lt. Col. Wesley Braun was detailed to become judge of the combined case for Encep Nurjaman, Mohammed “Zubair” Farik Bin Amin, and Mohammed “Lillie” Nazir Bin Lep, but the cases were divided before he took the bench. In October 2023, he became the judge first for the combined Zubair-Lillie case, then for the Nurjaman case. The government and defense teams in both cases submitted documentary *voir dire* questions to the judge, and he ventured to answer them on the record from the bench. Questions for both cases overlapped significantly and for this reason are combined in the summary of the judges' *voir dire* below.

| **Question** | **Answer** |
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| Does the judge know of anything that would interfere with his ability to judge the case fairly and impartially? | No. The judge cannot recall or discern anything in his past or present circumstances that would prevent him from judging the case impartially and in accordance with the law. |
| Is the judge eligible for retirement? Is the judge looking for post-retirement options? Is the judge or anyone he knows employed by or considering employment with stakeholders in the case? | The judge will not be eligible for retirement until 2026 and has no plans to retire even then. He is not considering or searching for employment with any government departments, agencies, or contractors. However, his spouse has recently retired from the military and is looking for post-retirement employment. If the spouse should wind up in negotiations for a job with any entity that could prove a conflict of interest for the judge in these cases, the judge will immediately inform the prosecution and defense. |
| What sort of cases has the judge been involved in? | The judge has been involved in different sorts of judging panels, and presently holds a docket of courts-martial. He has not been involved in tribunals and evaluations of detainees. He has not had prior experience with cases involving classified information. |
| Did the events of 2001 or 2003 have any influence on the judge’s decision to join the military in 2006? | No. |
| Does the judge have any prior knowledge of Nurjaman/Zubair/Lillie? | The judge suspects he heard of the 2003 events through the news at the time but does not recall them. He has no prior knowledge of the defendants or what they are accused of doing, except through reading the charge sheet, the pleadings, the motions, and the transcripts. |
| What was the judge’s experience in Iraq, Afghanistan, etc.? | The judge has received Iraq and NATO medals. He was part of PsychOps. He also functioned as part of the staff judge advocates. At one point he was assigned to a consulate general, but that had nothing to do with PsychOps or the SJA. He had no contact with DFIB or visited any other detention facility when deployed in PsychOps. His role in PsychOps was administrative and supportive. |
| What was the judge’s experience with terrorism, and has he or anyone close to him been impacted by terrorism? | The judge recalls being in a convoy near the front of the line, when an IED destroyed the front gate of the ISAF HQ in Kabul. He witnessed the event. He knew none of the injured or killed people. He knows of no other terrorist events that impacted him, and none of his friends or family have been impacted by acts of terrorism. |
| Has the judge known or been in contact with prior military commissions judges, members of the government team, or members of the defense team? | Judge knows:–Prior military commissions judges, but mostly to discuss case logistics, not to discuss the case itself.–Imelda Antonio, whom he vaguely remembers from having attended JSOC together, but he does not interact with her.–Maj. Christina Pearl, who was a victim counsel.–Maj. Parsons, who was a victim counsel.–Lt. Col. Gower gave a presentation at an SJA training.–Lt. Col. DeWeiss, who was on deployment in Qatar at the same time.None of these people are friends or frequent acquaintances, and the judge does not anticipate knowing them to impact his ability to be impartial. |
| How did the judge first learn of his detailing to the Military Commissions, his candidacy for detailing, or of the Military Commissions in general? | The judge first learned of his candidacy when the Air Force Chief Trial Judge approached him and asked if he had clearance, then explained why that might be necessary. The judge was notified of his detailing in July 2023, and agreed because he was interested in trying something new, but he never filled out an application for detailing or went on any interviews. He then spoke to Judge McCall to discuss the logistics of change-over. |
| Have any of the judge’s friends or relatives been connected with JTF-GTMO? | The judge’s spouse was once assigned to the JTF-GTMO FOIA office. The judge and his spouse have never discussed detainees or the defendants. The judge does not believe his spouse’s former connection to JTF-GTMO will impact his own impartiality. |
| What training does the judge get? | The judge attends new training every year for ethics, law updates, requirements, and responsibilities. |
| What is the judge’s stance on Islam? | When performing as a judge, the judge does not consider religion or politics not placed before him as part of the court proceedings. He is not particularly familiar with Islam beyond a comparative religions class in college and a few make-the-locals-comfortable trainings upon deployment. He has little knowledge and no opinions of Muslims. |
| As part of PsychOps, was the judge ever involved in formulating the RDI program? | No. The judge was not part of formulating, implementing, or the function of the RDI program. The judge played no role in the RDI program. |
| Has the judge spoken or written publicly about international law, the Military Commissions, GTMO, or any subject related to the commissions? | In undergraduate school, the judge wrote one paper for an international law class, but it was never published. He has not spoken publicly or opined to anyone about subjects at issue in the military commissions. He has not published any papers, articles, or reports. |
| Has the judge interacted with Middle Eastern or South-East Asian governments? | No. |
| When is the judge’s next promotion board? | 2024. |
| Is the judge familiar with Jamaat Islamiya? | No. The judge has no knowledge of Jamaat Islamiya. |
| Has the judge read anything about the Military Commissions, the RDI program, or the case? Has the judge watched the movie “0Dark30?” | The judge has read a few media reports on the military commissions and the RDI program but does not recall them. He also recalls nothing about the incidents of the case. While he did watch the movie “0Dark30,” it had no impact on him. |
| (Defense team supplied several hypothetical situations and asked how the judge would rule on them, based on asserted facts.) | The judge is unwilling to assume the defense’s facts or provide advisory rulings on them. |
| What is the judge’s opinion of Indonesians? | The judge has no opinion of Indonesians and does not speak Indonesian languages. |
| Is the judge aware of prior difficulties with interpreters of Indonesian languages in this case? | The judge has not previously discussed the logistics of Malay interpretation. |
| Who is the judge’s rater? | The judge refused to give the defense the name of his rater but stated that the rater is not involved with the Military Commissions. |
| Any holdover cases from the Air Force? | The judge explained to the (inexperienced?) new counsel that he still has a full docket of courts-martial, but they get scheduled after taking into account the Military Commissions. |
| Does the judge have separate Air Force administrative staff? | No. |
| Is the judge aware of the vacating of some of former Judge Spath’s rulings, and the circumstances thereof? | The judge never discussed the circumstances of the vacated rulings with Spath but was aware of them through some of the military media attention they received. |