

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

UNITED STATES OF AMERICA

v.

ABD AL HADI AL-IRAQI

AE 038B**Government Reply**

To Defense Response to Government
Motion *In Limine* To Consider Evidence,
Including al Qaeda Propaganda, During
Preliminary Matters and To Admit
Evidence for Trial on the Merits

7 May 2015

1. Timeliness

This reply is timely filed pursuant to Military Commissions Trial Judiciary Rule of Court 3.7.e.(2).

2. Background

Between 21 and 22 April 2015, the Government filed nine Motions *In Limine* listing numerous items of evidence for the Commission to consider when determining whether the Government has proved this Commission properly exercises *in personam* jurisdiction over the Accused, as well as when assessing any motion to suppress the Accused's statements to law enforcement, and requested the Commission admit the same items into evidence for the trial on the merits. *See* AE 035 – AE 043. The Defense filed nine virtually identical Responses to the Government's Motions *In Limine* on 1 May 2015. *See* AE 035A – AE043A.

3. Argument

Because the Defense Responses (AE 035A – AE043A) were each virtually identical, the Government drafted one substantive Reply that responds directly to the duplicated Defense arguments. *See* AE 035B, Government Reply to the Defense Response to the Government Motion *In Limine* To Consider Evidence During Preliminary Matters and To Admit Evidence for Trial On the Merits. Therefore, with respect to the Government's Reply in AE 038B, the

ATTACHMENT A

Filed with TJ
7 May 2015

Appellate Exhibit 038B (al Hadi)
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CERTIFICATE OF SERVICE

I certify that on the 7th day of May, 2015, I filed **AE 038B, Government Reply To Defense Response To Government Motion In Limine To Consider Evidence, Including al Qaeda Propaganda, During Preliminary Matters and To Admit Evidence for Trial on the Merits**, with the Office of Military Commissions Trial Judiciary and I served a copy on counsel of record.

//s//

Mikeal M. Clayton
Trial Counsel
Office of the Chief Prosecutor
Military Commissions