MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA

UNITED STATES OF AMERICA v. ABD AL HADI AL-IRAQI	**AE 039B** **Government Reply** To Defense Response to Government Motion *In Limine* To Consider Evidence 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 039B, the

Government hereby re-asserts and incorporates by reference the Government's Reply in AE 035B.

4. Conclusion

See Conclusion in AE 035B.

5. Witnesses and Evidence

The Government does not anticipate relying on any witnesses or evidence in support of this Reply, except for the witnesses and evidence identified in the Government's Motions *In Limine* to Consider Evidence. AE 035 – AE 043.

6. Attachments

A. Certificate of Service, dated 7 May 2015.

Respectfully submitted,

_____//s//_____
Mikeal M. Clayton
Trial Counsel
LTC David J. Long, JA, USA
Assistant Trial Counsel
Office of the Chief Prosecutor
Office of Military Commissions

ATTACHMENT A

CERTIFICATE OF SERVICE

I certify that on the 7th day of May, 2015, I filed **AE 039B, Government Reply To Defense Response To Government Motion In Limine To Consider Evidence 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
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Office of the Chief Prosecutor
Military Commissions