

UNCLASSIFIED//FOR PUBLIC RELEASE
**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA**

UNITED STATES OF AMERICA v. ABD AL HADI AL-IRAQI	AE 046 DOCKETING ORDER 24 June 2015
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1. A hearing in this case will take place 20–31 July 2015, at the U.S. Naval Station, Guantanamo Bay, Cuba. Absent necessity, based on the progress made during the first week, sessions will not be held on Saturday and/or Sunday, 25–26 July 2015. The hearing will begin at 0900 hours on 20 July 2015.

2. The Accused will be present on the first day of the July hearing (Monday, 20 July 2015), at which time he will be reminded of his right to be present during interlocutory proceedings at his option.

3. The Commission will hear argument and receive evidence, as required, on:

a. **AE 045:** Defense Motion to Suppress Out-Of-Court Statements of the Accused Due to Violation of Rights Against Self-Incrimination;

b. **AE 035–043:** Government Motions *In Limine* to Consider Evidence During Preliminary Matters and to Admit Evidence for Trial on the Merits (the Commission will hear testimony, review evidence, and hear argument, as necessary, to determine the admissibility of evidence attached to AEs 035–043 for purposes of determining *In Personam* jurisdiction and for trial on the merits);

c. **AE 020:** Defense Motion to Dismiss for Lack of Subject Matter Jurisdiction and to Compel a Status Determination Pursuant to Article 5 of the Geneva Conventions (the Commission will hear evidence and argument on the issue of *In Personam* jurisdiction, pursuant to the ruling in AE 020B);

d. **AE 024:** Defense Motion to Dismiss Conspiracy as a Violation of the *Ex Post Facto* Clause;

e. **AE 025:** Defense Motion to Dismiss Conspiracy Since it Exceeds Congress' Authority

Under the Define and Punish Clause; and,

f. **AE 028:** Defense Motion to Dismiss Charge V because it Violates the Jury Trial

Protections of Article III and the Fifth and Sixth Amendments.

4. A Rule for Military Commission (R.M.C.) 802 Conference will be conducted at **1700** on Sunday, 19 July 2015, in the Panel Deliberation Room located next to Courtroom 1 in AV 34. The parties are encouraged to conference in advance and agree on proposed changes to the Commission's planned order of argument, which is listed above.

5. If required, a hearing under the provisions of Military Commission Rule of Evidence (M.C.R.E.) 505(h) will be conducted at a time to be determined. Pursuant to M.C.R.E. 505(h)(1)(C), the hearing will be *in camera* and closed to the public. The Accused will not be present.

6. The time which has transpired since arraignment until the date of the next session (20 July 2015) shall be considered excludable delay in accordance with R.M.C. 707(b)(4)(E)(i) and R.M.C. 707(c). I find that the interests of justice have been served by granting continuances for the resolution of interlocutory and other pretrial issues, and that the resolution of these issues outweighs the interests of the public and the accused in a prompt trial.

So **ORDERED** this 24th day of June, 2015.

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J. K. WAITS
CAPT, JAGC, USN
Military Judge