

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

<p>UNITED STATES OF AMERICA</p> <p style="text-align: center;">v.</p> <p>ABD AL HADI AL-IRAQI</p>	<p>AE 053C</p> <p>Defense Notice to The Military Commission in Response to AE 053B</p> <p>13 November 2015</p>
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The Defense herewith provides the Commission with the attached Declaration by Brigadier General John G. Baker in accordance with AE 053B in the above captioned case. Additionally, the undersigned advise the Commission of the following:

The undersigned counsel have been detailed, have the necessary security clearances (one other security clearance is pending team “read-on”), and with the client’s approval have each formed an attorney-client relationship. Each also filed a Notice of Detailing in this matter on 13 Nov 2015.

The Chief Defense Counsel has identified and initiated the by-name hiring process to hire a qualified civilian attorney who will serve with the MCDO. Once hired, that qualified civilian attorney will be detailed to represent Mr. al Iraqi. Additionally, Mr. al Iraqi will be exercising his right to be represented by a civilian counsel at no expense to the United States. Those Pro Bono counsel will begin the process of joining the civilian counsel pool within the next two weeks.

Attachments:

- A. Certificate of Service, dated 13 November 2015

B. Declaration of Brigadier General John G. Baker, dated 30 October 2015

Respectfully Submitted,

//s//
ROBERT T. KINCAID, III
MAJ, JAGC U.S. Army
Detailed Defense Counsel

and

//s//
WENDALL HALL
MAJ, JAGC U.S. Army
Detailed Defense Counsel

and

//s//
KEITH LOFLAND
LCDR, JAGC U.S. Navy
Detailed Defense Counsel

ATTACHMENT A

CERTIFICATE OF SERVICE

I certify that on 13 November 2015, I electronically filed the foregoing document with the Clerk of the Court and served the foregoing on all counsel of record by e-mail.

//s//

ROBERT T. KINCAID, III
MAJ, JAGC U.S. Army
Detailed Defense Counsel

ATTACHMENT B

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

<p>UNITED STATES OF AMERICA</p> <p>v.</p> <p>ABD AL HADI AL IRAQI</p>	<p>DECLARATION OF BRIGADIER GENERAL JOHN G. BAKER</p> <p>30 October 2015</p>
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I, Brigadier General John G. Baker hereby declare and state:

1. I am the Chief Defense Counsel for Military Commissions.
2. As the Chief Defense Counsel, I am the only person authorized under Regulation for Trial by Military Commission (2011) para 9-1a4 and 9-1a5 and Rule for Military Commission 503(c) to detail judge advocates or qualified civilian attorneys performing duties with the Military Commissions Defense Organization to perform duties, as set forth in RMC 502(d)(7), as either Defense Counsel or Assistant Defense Counsel.
3. On 22 September 2015, I assigned Major Robert Kincaid and Major Wendall Hall to the Hadi al Iraqi team with the intent to detail them as defense counsel upon their being fully cleared to meet with Mr. al Iraqi, having a meaningful meeting with Mr. al Iraqi, and my making a final detailing decision.
4. On 22 September 2015, Major Kincaid was fully cleared to meet with Mr. al Iraqi.
5. On 23 September 2015, Major Kincaid had a brief meeting with Mr. al Iraqi.
6. On 01 October 2015, I assigned Lieutenant Commander Keith Lofland to the Hadi al Iraqi team with the intent to detail him as defense counsel upon his being fully cleared to meet with Mr. al Iraqi, having a meaningful meeting with Mr. al Iraqi, and my making a final detailing decision.
7. On 02 October 2015, Major Hall was fully cleared to meet with Mr. al Iraqi.

8. On 20 October 2015, Lieutenant Commander Lofland was fully cleared to meet with Mr. al Iraqi.
9. From 24 - 26 October 2015, Major Kincaid, Major Hall, and Lieutenant Commander Lofland had several meetings with Mr. al Iraqi.
10. On 24 October 2015, Major Kincaid was detailed as defense counsel for Mr. al Iraqi.
11. On 30 October 2015, Major Hall and Lieutenant Commander Lofland were detailed as defense counsel for Mr. al Iraqi.
12. On 29 September 2015, at the request of Mr. al Iraqi, I contacted members of the civilian counsel pool to see if any were interested in serving civilian counsel for Mr. al Iraqi on a pro bono basis. A number of members of the civilian counsel pool expressed interest.
13. From 18 – 30 October 2015, Captain Filbert had several meeting with Mr. al Iraqi to discuss the pro bono civilian counsel candidates.
14. On 30 October 2015, Mr. al Iraqi made his pro bono counsel selection. Captain Filbert will contact the selected counsel and ensure each is still interested in serving as pro bono counsel and, assuming yes, will then began the process to getting each fully cleared.
15. On 29 September 2015, I formally initiated a search for a candidate to hire a qualified civilian attorney who would perform duties with the Military Commission Defense Organization as a GS 15 trial attorney and, upon hiring, that qualified civilian attorney would be detailed, under RMC 503 to represent Mr.al Iraqi.
16. From 18 – 30 October 2015, Captain Filbert had several meetings with Mr. al Iraqi to discuss the GS 15 defense counsel candidates.
17. On 30 October, I narrowed the GS 15 candidates down to two individuals.

18. Captain Filbert and I are scheduled to return to GTMO in mid-November to have a final meeting with Mr. al Iraqi and some members of his defense team regarding the GS 15 defense counsel candidate.

I declare under penalty of perjury under the laws of the United States of America that, pursuant to my knowledge and belief, the foregoing is true and correct.

Executed on: 02 November 2015
Rosslyn, Virginia

BAKERJOHN.GR
AHAM

J. G. Baker
BGen, U. S. Marine Corps
Chief Defense Counsel