

MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA

UNITED STATES OF AMERICA	AE 057C
v.	Proposed Government Milestones Timeline
ABD AL HADI AL-IRAQI	1 July 2016

1. In AE 015R, the Commission ordered the parties “to conference and agree upon future litigation milestones, including milestones for the personal jurisdiction hearing directed in AE 020B.” The Commission further ordered the parties to “submit a joint pleading listing the agreed upon subjects of future milestones **NLT 24 June 2016.**” The Government timely filed AE 057A with the subjects of future milestones. In addition, AE 015R ordered that if the parties are not able to agree on the timelines for the various milestones, the parties were to “submit separate pleadings with their proposed timelines **NLT 1 July 2016.**”

2. The following Government proposed timelines for future milestones:

1 September 2016 Government’s Unclassified Discovery:¹ target date based upon current understanding of Defense theories.

30 September 2016 Government’s Classified Discovery:² target date based upon current understanding of Defense theories.

¹ In this proposed timeline, “discovery” encompasses those materials described in R.M.C. 701, except those materials described in R.M.C. 701(e)—the latter of which will be produced “as soon as practicable.” Additionally, given the evolving nature of litigation and Defense theories of the case, however, the Government will likely produce additional materials that are material to the preparation of the defense on an on-going basis consistent with R.M.C. 701(a)(5).

² The discovery which remains is a fraction of the discovery already provided to the Defense or to the Military Judge for review under M.C.R.E. 505. That remainder is of limited relevance and/or has recently come into possession of, or has recently been identified to, the Government Team after diligent search requests of possible databases and obscure storage sites of the vast

17 October 2016 Evidentiary/Compel Motions Based On Unclassified Discovery.

15-18 November 2016 Hearing.

5 December 2016 Evidentiary/Compel Motions Based On Classified Discovery.

9-13 January 2017 Hearing.

23 January 2017 Law Motions (if any): Including purely legal pretrial issues and systemic challenges.

30 January 2017 Deposition Requests.

27 February-3 March 2017 Hearing.

13 March 2017 Notice of Type of Expert Witness.

13 March 2017 Expert Witness Discovery.

26 May 2017 Deposition of Fact Witnesses Completed.

26 May 2017 Deposition of Expert Witnesses Completed.

3. The Government seeks to include:

27 March 2017 Personal Jurisdictional Motion (if any).

24 April-5 May 2017 Hearing.

U.S. government agencies worldwide, and in a few instances due to ongoing searches based on the various Defense discovery requests.

In addition, this deadline contemplates discovery that is currently in the possession and control of the Government Trial Team. The Government recognizes that it has a continuing and affirmative duty to provide discovery once it obtains possession and control over the item. *See United States v. Brazel*, 102 F.3d 1120, 1150 (11th Cir. 1997).

4. Attachment

A. Certificate of Service, dated 1 July 2016.

Respectfully submitted,

//s//

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ATTACHMENT A

Filed with TJ
1 July 2016

Appellate Exhibit 057C (Hadi)
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CERTIFICATE OF SERVICE

I certify that on the 1st day of July, 2016, I filed **AE 057C, Proposed Government Milestones Timeline**, with the Office of Military Commissions Trial Judiciary and I served a copy on counsel of record.

//s//

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