

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

UNITED STATES OF AMERICA

v.

ABD AL HADI AL-IRAQI

AE 092

DOCKETING ORDER

21 July 2017

1. A hearing in this case will take place 14–18 August 2017, at the U.S. Naval Station, Guantanamo Bay, Cuba. The hearing will begin at 0900 hours on 14 August 2017.
2. The Accused will be present on the first day of the August hearing (Monday, 14 August 2017), unless he provides written waiver of appearance in accordance with AE 074C, at which time he will be reminded of his right to be present during interlocutory proceedings at his option.
3. During the August session, the direct examination portion of the deposition of Ahmed Al-Darbi will occur, as scheduled in AE 070BBB. The exact date and time of the deposition is to be determined. The Commissions intent is for the deposition to be conducted after the Rule for Military Commissions (R.M.C.) 803 session. The Accused will be present at the start of the deposition in accordance with AE 070III.
4. The Commission will hear argument and receive evidence, as required, on:
 - AE 070CCC:** Defense Motion to Compel Discovery of Unredacted Statements of Ahmed Mohammed Ahmed Haza al-Darbi
 - AE 070FFF:** Defense Motion to Compel Discovery of Undisclosed Statements of Ahmed Mohammed Ahmed Haza al-Darbi
 - AE 085:** Defense Motion to Dismiss The Charges Because Congress Lacks the Constitutional Power to Limit the Jurisdiction of Law-of-War Military Commissions to Non-Citizens
 - AE 091:** Defense Motion to Compel Personal Laptop Computer For The Accused's Use
5. The parties will be prepared to argue any additional motions related to the deposition of Ahmed al-Darbi that are ripe at the 14–18 August 2017 session.

6. A R.M.C. 802 Conference will be conducted at **1700** on Sunday, 13 August 2017, in the Panel Deliberation Room located next to Courtroom 1 in AV 34.

7. 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.

8. The time which has transpired since arraignment until the date of the next session (14 August 2017) 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 21st day of July, 2017.

//s//
P. S. RUBIN
Col, USMC
Military Judge