

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

UNITED STATES OF AMERICA

v.

ABD AL HADI AL-IRAQI

AE 005F

ORDER

**For Additional Public Access to Open
Proceedings of this Military Commission via
Closed-Circuit Television Transmission to
Remote Locations**

8 September 2014

1. Upon consideration of the Government's unopposed motions (AE 005D and AE 005E)¹ for Additional Access to Open Proceedings of this Military Commission via Closed-Circuit Television Transmission to Remote Locations, and pursuant to the Commission's authority under the Military Commissions Act of 2009, 10 U.S.C. § 948a, et seq., Rule for Military Commissions 806, and Military Commissions Trial Judiciary Rule of Court 6 (5 May 2014), the Commission makes the following findings:

a. Spectator access is limited by the small size of the gallery of Courtroom 2 at the Expeditionary Legal Center (ELC) at U.S. Naval Station Guantanamo Bay, Cuba (Naval Station GTMO);

b. Spectator access is further limited by the logistical difficulties and security limitations involved in traveling to the ELC at Naval Station GTMO;

c. Due to the serious nature of the crimes alleged and the historic significance of military commission practice, there is significant public interest in Commission proceedings;

d. The Department of Defense (DoD) has established facilities for the viewing of the proceedings by family members of victims, surviving victims, members of the media, and the general public at Fort Devens, Massachusetts, and Bulkeley Hall, Naval Station GTMO, using closed circuit television (CCTV);

¹ The motions' certificates of conference indicate the Defense does not oppose the requested relief.

e. The Commission previously authorized the use of CCTV to broadcast proceedings from Fort Meade, Maryland (AE 005A); and,

f. These sites have been established in accordance with standard operating procedures to help encourage open reporting, to promote transparency and to prevent the unauthorized broadcast of the commission proceedings.

2. The Commission **ORDERS** the following:

a. AE 005A is hereby made a permanent order of the Commission;

b. The Government requests to transmit all open proceedings via CCTV to Fort Devens, MA (AE005D), and to Bulkeley Hall, Naval Station GTMO (AE 005E), are **GRANTED**;

c. The open proceedings will be transmitted via CCTV to Fort Meade, MD, Fort Devens, MA, and Bulkeley Hall, Naval Station GTMO, where the family members of victims, surviving victims, members of the media, and the general public can view the proceedings;

d. The additional remote viewing locations will be deemed an extension of Courtroom 2, ELC, Naval Station GTMO. The proceedings in Courtroom 2 will dictate the schedule of all remote viewing locations. Spectators at the remote viewing location will conduct themselves in accordance with the rules and procedures governing the ELC and with the decorum expected of spectators at any judicial proceeding;

e. Video recording, audio recording, radio or television broadcasting, the taking of photographs, or the transmission of audio or video directly are prohibited at all remote viewing sites during the proceedings. Any violation of this Order will result in the recording, broadcasting, or photography device being seized and not returned until the end of the day. Any recording of the proceedings will be permanently removed from the device in accordance with procedures issued by the Original Classification Authority. A repeat violation will result in suspension or revocation of the attendee's access to the remote viewing location;

f. Technical difficulties with the transmission of the proceedings to the CCTV locations shall be brought to the attention the Commission as soon as practicable; the Commission has sole

discretion to determine whether the proceedings should be recessed to provide an opportunity to restore the transmission;

g. The Government will ensure no potential witness on the merits observes any open proceedings from a remote location unless, IAW paragraph 16-4b4 of the Regulation for Trial by Military Commission (2014), the Government notifies the Military Judge of that witness's potential observation. If a potential witness inadvertently observes a trial on the merits, the prosecution will promptly notify the Military Judge and defense counsel; and,

h. Notice of the transmission will be placed on the record by the Government at the start of each individual session that is to be the subject of contemporaneous video or audio transmission.

So **ORDERED** this 8th day of September, 2014.

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