

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

UNITED STATES OF AMERICA

v.

**ABD AL RAHIM HUSSAYN
MUHAMMAD AL NASHIRI**

AE 319DD

RULING

**DEFENSE MOTION TO CONTINUE
FURTHER HEARINGS ON THE
GOVERNMENT'S MOTION TO
ADMIT HEARSAY UNTIL THE
COURT OF MILITARY
COMMISSIONS REVIEW RENDERS A
FINAL JUDGEMENT ON APPEAL**

21 APRIL 2015

1. The Accused is charged with multiple offenses in violation of the Military Commissions Act of 2009, 10 U.S.C. §§ 948 *et seq.*, Pub. L. 111-84, 123 Stat. 2574 (Oct. 28, 2009) (hereafter “2009 M.C.A.”). He was arraigned on 9 November 2011.

2. The Defense in AE 319J¹ requested this Commission “delay all further hearings and testimony on the government’s various motions to admit hearsay (AE 166 *et seq*) until such time as the Court of Military Commission Review renders a final judgement on the government’s interlocutory appeal.” (319J at 1). The Government response, AE 319O, requested the Commission deny the defense motion. The Commission heard oral argument on 2 March 2015.²

3. The Commission published AE 340 I,³ cancelling the April 2015 hearing and later issued AE 340J,⁴ abating future proceedings pending the resolution of the Government’s interlocutory

¹ AE 319J, Defense Motion to Continue Further Hearings on The Government’s Motion to Admit Hearsay Until The Court of Military Commissions Review Renders A Final Judgment On Appeal, dated 16 January 2015.

² See Unofficial/Unauthenticated Transcript of the al Nashiri (2) Motions Hearing Dated 2 March 2015 from 2:17 P.M. to 3:25 P.M. at pp. 5944-54.

³ AE 340I, ORDER, Cancel April 2015 Hearing, dated 1 April 2015.

⁴ AE 340J, ORDER, Abate All Proceedings, dated 10 April 2015.

appeals. Most recently, the Commission issued AE 2013N,⁵ cancelling all future sessions consistent with the AE 340J abatement order.

4. In light of the Commission's orders in AE 340J and AE 203N, the Defense Motion (AE 319J) is **MOOT**.

So **ORDERED** this 21st day of April, 2015.

//s//

VANCE H. SPATH, Colonel, USAF
Military Judge
Military Commissions Trial Judiciary

⁵ AE 203N, ORDER, Cancel Future Sessions, dated 16 April 2015.