

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

UNITED STATES OF AMERICA

v.

ABD AL RAHIM HUSSAYN
MUHAMMAD AL NASHIRI

AE 322A

AMENDED DOCKETING ORDER
(November 2014 Hearing)

22 OCTOBER 2014

1. On 15 October 2014, the Commission issued AE 203J and set the dates for future hearings for: 5-7 November 2014; 8-12 December 2014; 2-6 February 2015; 2-6 March 2015; 13-17 April 2015; 4-8 May 2015; and, 8-12 June 2015.

2. On 16 October 2014, the Commission issued AE 322 a docketing order for the November 2014 hearing in this case. With the filing of AE 321A,¹ on 17 October 2014 and the Commission's grant of limited relief in AE 321B,² the Commission finds it is appropriate to adjust the docket by adding and removing certain motions as either the motion was filed after AE 322 was published (AE 321A), was inadvertently not listed (AE 319³ and AE 314C) or will not be fully briefed⁴ (AE 321) as of the start of the November 2014 hearing. The changes and additions to AE 322 are noted in **bold underlined** text and the deletions are in **~~bold line through~~** text below. The motions are renumbered to comport with the adjustments.

3. It is hereby ORDERED:

a. **The November 2014 proceedings in this case will occur 6 – 7 November**

¹ AE 321A, Defense Motion for Extension of Time to File a Response to AE 321: Defense Response to Government Motion for the Commission to Approve a Proposed Members' Questionnaire and Order Completion By Prospective Members, filed 17 October 2014.

² AE 321B, Interim Ruling (CORRECTED COPY), Defense Motion for Extension of Time to File a Response to AE 321: Defense Response to Government Motion for the Commission to Approve a Proposed Members' Questionnaire and Order Completion By Prospective Members, dated 21 October 2014.

³ AE 319, Defense Motion to Exclude Hearsay Statements Identified in Government Notices AE166 and AE166A, filed 1 October 2014.

⁴ The Commission considers an issue fully briefed when a response is filed and the opportunity for the filing of a reply has occurred. Military Commissions Trial Judiciary Rule of Court 3(7)(c) – (e) (May 2014).

2014. This is a change to the dates established in AE 203J.

b. The hearings will begin at 0900 hours on **Thursday, 6 November 2014**. The Accused will be present on the first day of the November hearing (**Thursday, 6** November 2014), at which time he will be reminded of his right to be present during interlocutory proceedings at his option, in accordance with this Commission's prior written order (AE 099F).

c. A Rule for Military Commission (R.M.C.) 802 Conference will be conducted on Wednesday, 5 November 2014 at 1600 in Courtroom#2 (ELC), U.S. Naval Station, Guantanamo Bay, Cuba.

d. The Commission will hear argument on the following motions during the November hearings, in the following proposed order. The parties are encouraged to conference in advance and agree on proposed changes to the Commission's planned order of argument:

(1) AE 049F, Government Motion for an Evidentiary Hearing (Argument limited to whether the Commission should conduct an evidentiary hearing and the mechanics of such a hearing.);

(2) AE 181G, Defense Motion for Re-argument: Defense Motion to Dismiss the Death Penalty Where the Accused is Not Provided Access to Classified Evidence Presented to the Commission;

(3) AE 205BB, Defense Motion to Re-argue: Defense Motion to Abate the Proceedings until the Accused Receives Adequate Medical Care;

(4) AE 284, Defense Motion for Appropriate Relief: To Allow a Supervised Skype Call between Mr. Al-Nashiri and His Elderly Parents;

(5) AE 284L, Defense Supplement to AE 284: Defense Motion for Appropriate Relief: To Allow a Supervised Call between Mr. Al-Nashiri and His Elderly Parents;

(6) AE 286B, Defense Motion to Withdraw the Death Penalty Because There is No Military Necessity Served by Executing the Accused;

(7) **AE 314C** / AE 315B, Defense Motion to Compel Witnesses to Testify at the Hearing on AE 314 and AE 315: Defense Motions to Suppress Statements Made by Mr. Al-Nashiri;

(8) **AE 319, Defense Motion To Exclude Hearsay Statements Identified In Government Notices AE166 And AE166A (Argument limited to the mechanics of an evidentiary hearing.);**

(9) AE 320, Defense Motion to Halt the Process of Authenticating the Transcript of Hearings Held between November 2011 and May 2014; and,

~~(10) **AE 321, Government Motion for the Commission to Approve a Proposed Members' Questionnaire and Order Completion by Prospective Members.**~~

(10) **AE 321A, Defense Motion For Extension Of Time To File A Response To AE 321: Defense Response To Government Motion For The Commission To Approve A Proposed Members' Questionnaire And Order Completion By Prospective Members.**

e. A hearing under the provisions of M.C.R.E. 505(h) will be conducted, as necessary, at the U.S. Naval Station, Guantanamo Bay, Cuba. The start time will be set during an R.M.C. 802 conference occurring at U.S. Naval Station, Guantanamo Bay, Cuba. 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.

So **ORDERED** this 22nd day of October, 2014.

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