

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

<b>UNITED STATES OF AMERICA</b>  <b>v.</b>  <b>ABD AL HADI AL-IRAQI</b>	<b>AE 087</b>  <b>DOCKETING ORDER</b>  <b>15 June 2017</b>
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1. A hearing in this case will take place 28–30 June 2017,<sup>1</sup> at the U.S. Naval Station, Guantanamo Bay, Cuba. The 28 June 2017 session will be *in camera* and closed to the public, and outside the presence of the Accused. The open hearing will take place on 29–30 June 2017.
2. The Accused will be present on the first day of the open hearing (0900, Thursday, 29 June 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. On 28 June 2017 at 0900, there will be a closed Military Commission Rule of Evidence 505(h) hearing, requested by the Government in AE 070BB. The Commission will hear argument and review evidence, as required, on the Defense Notices provided in AE 070N and AE 070FF.
4. During the 29–30 June 2017 open hearing, the Commission will hear argument and receive evidence, as required, on:

**AE 070RR:** Government Motion for Appropriate Relief With Respect to the Deposition Ordered in AE 070I

**AE 083:** Defense Motion to Allow Mr. al-Tamir to be Present at Closed Sessions

**AE 084:** Defense Motion for Appropriate Relief for Privileged Communications Order

**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 086:** Defense Motion to Require the Convening Authority to Accept *Ex Parte* Requests for Expert Assistance and Other Resources

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<sup>1</sup> See AE 057O.

5. A Rule for Military Commission (R.M.C.) 802 Conference will be conducted at **1700** on Tuesday, 27 June 2017, in the Panel Deliberation Room located next to Courtroom 1 in AV 34.

6. The time which has transpired since arraignment until the date of the next session (28 June 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 15th day of June, 2017.

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