

**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 143N</b>  <b>AMENDED DOCKETING ORDER</b>  <b>28 February 2019</b>
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1. The Commission will hear argument and receive evidence, as required, on all Appellate Exhibits previously listed in AE 143. In addition, pursuant to the unopposed Defense request to amend the docketing order in AE 143J, the Commission will also hear argument and receive evidence, as required, on:

**AE 1100** Defense Motion to Modify AE 110F Second Amended Litigation Schedule; and

**AE 141** Defense Motion to Compel Proper Reclassification of Discovery Materials.

2. Based on the notices filed by the Defense in AE 079F<sup>1</sup> and AE 080H<sup>2</sup> in response to the Commission's orders,<sup>3</sup> the Commission will hear additional argument on the following motions:

**AE 079** Defense Motion to Compel Discovery of Sixteenth Supplemental Request for Discovery; and

**AE 080** Defense Motion to Compel Discovery of Seventeenth Supplemental Request for Discovery dated 30 January 2017.

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<sup>1</sup> AE 079F, Defense Status Update Responding to the Military Commission's Order in AE 079E, filed 21 February 2019.

<sup>2</sup> AE 080H, Defense Notice IAW AE 080G, filed 21 February 2019.

<sup>3</sup> AE 079E, ORDER, Defense Motion to Compel Discovery of Sixteenth Supplemental Request for Discovery dated 25 January 2017, issued 14 February 2019; and AE 080G, ORDER, Defense Motion to Compel Discovery of Seventeenth Supplemental Request for Discovery dated 30 January 2017, issued 13 February 2019.

3. The Commission will conduct a Military Commission Rule of Evidence (M.C.R.E.) 505(h) session as requested by both parties in AE 143B<sup>4</sup> and AE 143A<sup>5</sup> at a time to be determined by the Commission during the Rule for Military Commission (R.M.C.) 802 conference scheduled for 1700 hours, Monday, 4 March 2019.
  4. The Defense's and Government's Requests for an M.C.R.E. 505(h) session is **GRANTED** to the extent a hearing will be conducted to determine use, relevance, and admissibility of noticed classified information in the motions docketed for argument. The Commission **DEFERS** ruling on any additional relief requested by a party in their respective M.C.R.E. 505(h) requests.
  5. The order of argument on the docketed motions will be determined during the 4 March 2019 R.M.C. 802 conference.
  6. The Defense Motion to amend the March Docket, AE 134,<sup>6</sup> is **GRANTED**.
- So **ORDERED** this 28th day of February, 2019.

//s//  
M. D. LIBRETTO  
LtCol, USMC  
Military Judge

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<sup>4</sup> AE 143B, Defense Motion for a Military Commission Rule of Evidence 505(h) Hearing, filed 22 February 2019.

<sup>5</sup> AE 143A, Government Motion for a Military Commission Rule of Evidence 505(h) Hearing, filed 27 February 2019.

<sup>6</sup> AE 143C, Defense Request to Amend AE 143 Docketing Order, filed 27 February 2019.