

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

UNITED STATES OF AMERICA

v.

ABD AL HADI AL-IRAQI

AE 189WWW

Government Notice
to the Defense and the Commission
Pursuant to AE 189

16 June 2023

1. Timeliness

This Notice is timely filed pursuant to the Commission’s order regarding the Accused’s ability to participate in proceedings. *See* AE 189.¹

2. Government’s Notice

The Government attaches here a declaration of the Senior Medical Officer, Camp V, dated 16 June 2023, describing the latest update on the Accused’s medical condition. *See* Attachment B. The Government will provide, at a minimum, biweekly updates in accordance with AE 189, regarding the Accused’s medical condition, to the Defense and the Commission.²

¹ The Commission previously ordered the Government to provide biweekly updates about the Accused’s health, particularly as it relates to his ability to participate in pretrial proceedings. *See* AE 099I (Interim Order), Emergency Defense Motion to Abate the Proceedings Until [the Accused] is Physically Competent to Stand Trial, dated 29 September 2017; AE 099NN (Second Interim Order), Emergency Defense Motion to Abate the Proceedings Until [the Accused] is Physically Competent to Stand Trial, dated 27 September 2018; AE 182F (Order), dated 2 October 2020.

² In light of the Defense’s notice in AE 185K, the Commission directed the Government to provide an update on the Accused’s health, “describing any emergent medical conditions.” AE 189L at 1. The Commission further stated that “in order to obtain a more robust status report . . . this filing will be filed under seal . . .” *Id.* at 1–2. In AE 189S, the Commission rescinded that part of AE 189L “requiring the filing of updates concerning the Accused’s medical be made under seal . . .” AE 189S at 2.

3. Sealing

The Defense does not have a position on sealing. The Government does not request the declaration be sealed.

4. Attachments

A. Certificate of Service, dated 16 June 2023.

B. Declaration of Senior Medical Officer, Camp V, dated 16 June 2023.

Respectfully submitted,

//s//

Douglas J. Short
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ATTACHMENT A

CERTIFICATE OF SERVICE

I certify that on the 16th day of June 2023, I filed AE 189WWW, the **Government Notice** to the Defense and the Commission Pursuant to AE 189, with the Office of Military Commissions Trial Judiciary, and I served a copy on counsel of record.

//s//

Douglas J. Short
Trial Counsel
Office of the Chief Prosecutor
Office of Military Commissions

ATTACHMENT B

~~(CUI)~~ DECLARATION OF SENIOR MEDICAL OFFICER, CAMP V

Pursuant to 28 U.S.C. § 1746, I, the Senior Medical Officer (SMO)¹ hereby declare:

1. ~~(CUI)~~ I currently serve as Senior Medical Officer, Joint Medical Group (JMG), Joint Task Force Guantanamo Bay (JTF-GTMO), Cuba, with responsibility for the medical care provided to specific patients. I supervise the operation of the JMG that provides medical care to those patients. I assumed these duties on 24 March 2023.
2. ~~(CUI)~~ I am responsible for the medical care for patient Nashwan Al-Ramer Abdulrazzak. I became familiar with prior medical documentation beginning 26 April 2007. He continues to have access to twenty-four hours a day to acute medical care and routine access to chronic and preventive health care. He continues to have daily interaction with and assessment by nursing and corpsman staff.
3. ~~(CUI)~~ A declaration regarding this matter was previously provided on 2 June 2023. This declaration includes clinical information since the last declaration.
4. ~~(CUI)~~ I previously noted past medical history, surgical history, and bone density which were documented in prior declaration (03 May 2023).
5. ~~(CUI)~~ Since the previous declaration, he has continued physical therapy with 7 sessions. The patient currently resides in his living space with additional living accommodations for sleeping, toileting and washing. He is independent of activities of daily living (ADLs). He remains ambulatory without attendant assistance using a wheeled walker at a reasonable pace, can pivot in quarters and is able to sit and return to standing without assistance. He continues to receive constant observation and frequent nursing care, regular physical therapy, and clinical evaluation, as indicated. He does not require stand-by assist for transfers, showering and mobility. His food intake and bowel functions remain normal.
6. ~~(CUI)~~ Since the last declaration, a medical visit occurred on 12 June 2023. The patient's overnight sleep study was reviewed. The results revealed severe obstructive sleep apnea with and apnea hypopnea index (AHI) of 52.6 events/hour and and O2 saturation nadir of 70%. Sleep was significantly disrupted by sleep disordered breathing. The events included hypopnea, mixed apnea, obstructive apnea and central apnea. The patient will begin autotitrating continuous positive airway pressure (CPAP).
7. ~~(CUI)~~ Dental exam was completed 15 June 2023 and ophthalmology exams is pending. Neurosurgery visit is planned July 2023. At that time standing lumbosacral x-rays and lumbar-sacral CT scan will be reviewed. Neurosurgery is not requesting MRI at that time as the lumbar-sacral CT will provide superior imaging required for assessment.

¹ ~~(CUI)~~ My name is not being used in this declaration in order to protect my identity. Given the sensitivity of the position in which I serve and potential threats to the safety of my family and me that may result from my service in that position, either presently or in other positions in which I may serve in the future, it is the policy of JTF-GTMO that my name not be used or disclosed in litigation-related or other public filings.

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8. ~~(CUI)~~ Two new identical medical chairs have been secured for the patient. The chairs have lumbar support and recline, as well as have foot rest elevation. The chair wheels lock in a secure manner. One was placed in his cell and one will be used for his legal hearings.

9. ~~(CUI)~~ I remain available to meet with this patient at any time. He remains engaged in his medical care. JMG continues to be available at all times and will continue to engage with the patient frequently to offer specialty consultation, alternatives for long-term management of pain and disability, and routine medical care for other conditions.

10. ~~(CUI)~~ He will continue to receive routine care post-operative mobility and sleeping accommodations and regular medical evaluations, access to a corpsman, and regular physical therapy. Overall, his dependence on a walker is unchanged, and he continues to use it and has access to a wheelchair, if needed. The patient undergoes durations of physical therapy limited by his legal meetings and his tolerance and preference. The patient continues to attend events which require vehicle transportation, to include legal meetings, at his discretion and as his pain tolerance allows. The patient may continue to have intermittent pain due to the chronic nature of his condition.

11. ~~(U)~~ I declare under penalty of perjury under the laws of the United States of America that the foregoing is true, accurate and correct to the best of my knowledge.

Dated: 16 June 2023



Senior Medical Officer