

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

UNITED STATES OF AMERICA v. ABD AL RAHIM HUSSAYN MUHAMMAD AL NASHIRI	AE 722 DOCKETING ORDER (September – October 2026 Hearing) 27 August 2026
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1. On 20 May 2026 in AE 635E, the Commission scheduled a hearing to take place from **21 September – 2 October 2026** at U.S. Naval Station Guantanamo Bay, Cuba (NSGB). The hearing will begin on **21 September 2026** at **0900** hours, in **Courtroom #3** unless otherwise directed by the Commission.
2. The Accused must be present for the beginning of the first session of the hearing unless otherwise directed and will be reminded of his right to be present during interlocutory proceedings at his option in accordance with the Commission’s prior written order in AE 099F.
3. During the scheduled hearing, the parties should be prepared to address the following pending motions in open and/or closed session:
 - a. **AE 702 series, Requests for Judicial Notice.** The parties should be prepared to present any remaining evidence and final argument. *See also* AE 712 at 10.
 - (1) The Government is **HEREBY ORDERED** to produce Dr. Issam Saliba to testify on the matter of Yemeni law during the September – October session. *See* AE 702A at 9-10.
 - b. **AE 227 / AE 664 / AE 667 / 704, Voir Dire.** The parties should be prepared to take up any remaining matters regarding the voir dire process.
 - c. **AE 707, Defense Motion to Compel Neuroimaging.** The parties should be prepared to present evidence and argument on the renewed motion, which will no longer be considered *ex*

parte. Any related information relied upon by a defense witness at the September – October 2026 hearing must be provided to the Government **not later than 4 September 2026**.

d. **AE 711 series, Requests for Remote Testimony**. The parties should be prepared to take up any remaining matters regarding requests for remote testimony. Updated requests are due **on 1 September 2026**. AE 712.

e. **AE 714C / AE 714I / AE 714K,¹ Defense Witnesses**. The parties should be prepared to take up all remaining matters regarding defense-requested witnesses. *See* AE 714; AE 714E (including remaining deadlines); AE 714N. Additionally, the parties should be prepared to discuss the updates ordered by the Commission in AE 714E, para. 5(d). *See also* AE 571.

f. **AE 715G / AE 715K, Supplemental Notice Pursuant to Military Commission Rule of Evidence (M.C.R.E.) 505(g)**. During the September – October 2026 session, the parties should be prepared to discuss any related matters which remain outstanding and to provide status updates.

4. The parties shall comply with the following additional deadlines related to the conduct of the September – October 2026 hearing unless an extension of time is granted:

a. The parties shall confer regarding the status of pending motions and the order of events and submit either a joint notice or separate notices **not later than 14 September 2026** providing a full list of witnesses the parties plan to produce for testimony. The parties should make all reasonable efforts to have testifying witnesses appear during the week of **21 September 2026**. If appropriate, the parties shall indicate which, if any, pending motions will *not* require the receipt of additional evidence.

¹ In AE 714K, the Government requested that two granted defense witnesses be included in AE 714, para. 4(b). *See also* AE 714I at 2; AE 714 at 13. The Government provided no justification for this request. The Government should be prepared to provide further justification for this request.

b. The Defense is directed to file any notice required by M.C.R.E. 505(g) identifying, with specificity, any classified information the Defense seeks to disclose during the September - October 2026 hearing **not later than 15 September 2026**. If the Defense intends to discuss or display classified information or evidence during a motion hearing, but requests to do so only in a session that is closed to the Accused and the public in accordance with Rules for Military Commissions (R.M.C.) 806(b)(2), the Defense shall coordinate directly with the Government with respect to the specific classified information that the Defense seeks to rely on during the motion hearing. If the parties reach agreement that a closed hearing is necessary to prevent the disclosure of classified information, the parties may instead file a joint notice with the Commission setting forth the intent of the parties and requesting that the Commission close portions of the proceedings in accordance with R.M.C. 806(b)(2).

c. Each party shall file with the Commission **not later than 16 September 2026** any request for counsel to be excused or to be permitted to participate in the September – October 2026 hearing remotely by use of the Remote Hearing Room (RHR). Such notice shall include justification for the request and the dates counsel request to be excused and/or participate from the RHR.

d. **Not later than 18 September 2026**, the Government shall provide the Defense any derogatory data related to the credibility of any witnesses the Government expects to call to testify during the September – October 2026 hearing.

e. Should the Defense file a notice pursuant to M.C.R.E. 505(g), the Government shall file any request for a hearing pursuant to M.C.R.E. 505(h) **not later than 18 September 2026**. If required, a hearing pursuant to M.C.R.E. 505(h)(1)(B) will be conducted at a time to be determined during the week of 21 September 2026.

f. The Parties shall continue to file weekly joint notices to the Commission in the AE 683 series.

So **ORDERED** this 27th day of August 2026.

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MATTHEW S. FITZGERALD
COL, USA
Military Judge