

***Military Commissions, Sentencing Procedures:***  
**ISN 10026 Abd Al Hadi Al Iraqi,**  
**June 10-14, 2024**

*Events:*

On June 10, 2024, the military judge began the sentencing procedures for ISN 10026 Abd Al Hadi Al Iraqi, referred to by the defense as Al Tamir.

The judge provided the prosecution and defense with drafts of his trial guidance and worksheets, ensuring that Hadi understood the procedures and his rights concerning them, admitting one prosecution rebuttal declaration concerning the impact any torture may have had on Hadi's mental health, admitting one defense surrebuttal, and refusing one defense surrebuttal on the same. The judge outlined the witness procedures which will have government witnesses sitting in the observers' gallery unless they will be testifying.

The proceedings closed one hour and sixteen minutes after coming to order. A closed session was held in the afternoon to discuss the defense's decision to include classified information in the defense statements to the sentencing panel members, which will necessitate session closures.

June 12 and 13 were set aside for the *voir dire* of potential panel members. The members selected to be part of the sentencing panel were numbers 2, 3, 5, 9, 12, 14, 15, 19, 20, 21, and 22. Several of the members have been on military judiciary panels before, or have been notified that they were in the pool for potential offering to a panel, but none have served on a Military Commissions panel before.

June 14 was filled with testimony by government witnesses. Several were family members of a U.S. warfighter who was killed by an improvised explosive device plot to which Hadi has pled guilty, one was a Canadian warfighter who survived an improvised explosive device attack to which Hadi has pled guilty, and several were U.S. warfighters and contractors who survived vehicle-borne improvised explosive devices to which Hadi has pled guilty. One had been a prior expert witness in another case and showed signs of trauma avoidance behavior, tending to drift toward a discussion of his knowledge when the questions raised too many emotions, drawing repeated objections from the defense.

On June 14, the court recessed at lunchtime for the weekend. The judge ordered the panel members to read the defense case evidence over the weekend. The defense indicated their intention to start with Hadi's unsworn statement on Monday morning. The judge stated his intention to conclude all prosecution, defense, rebuttal, and surrebuttal within four working days, to allow panel members to deliberate over Wednesday and return a sentencing recommendation on Friday. The defense requested a longer sentencing process be planned in expectation that Hadi's pain medication schedule would interfere with full days of argument.

*Observations:*

This sentencing process saw more panel candidates disqualified during *voir dire* than any of the other Military Commissions sentencing processes to date. Because the charges that ISN 10026 Hadi faces primarily concern his attacks and conspiracies to attack U.S. and Coalition warfighters, rather than attacks on civilians, the panel members who are all drawn from the U.S. armed forces can more easily be shown to hold implied biases or actual biases.