

**U.S. Court of Military Commission Review:
DuBay Hearing (First), ISN 54 Ibrahim Ahmed Mahmoud Al Qosi**

Intents of 12JULY2017 Hearing¹:

- Determine whether or not Ibrahim Ahmed Mahmoud al Qosi is an enemy belligerent.
- Determine whether or not Ibrahim Ahmed Mahmoud al Qosi can be made to respond to any judgments passed upon him.

Events of 12JULY2017:

The first issue raised before Judge Pohl's bench connected to multiple appellate exhibits (AEs)² and called into question the defense counsel's ability to represent Al Qosi's best interests. At the time that Al Qosi instructed his counsel to appeal, he was working with defense counsel Suzanne Lachelier, who had an interactive attorney-client relationship with him. Lachelier filed an appeal on Al Qosi's behalf after his release, and represents him in that appeal, but claims a conflict of interest prevents her from representing him in the DuBay procedure. As a result, the convening authority (CA) appointed three defense counsel to represent Al Qosi. However, the U.S. Court of Military Commission Review (USCMCR) had previously created two memoranda³ that could be read to indicate that only Lachelier and attorneys with whom she is formally associated for the purposes of representing Al Qosi could, in fact, represent Al Qosi, as a sufficient showing of attorney-client relationship is necessary.

As none of the attorneys representing Al Qosi in the DuBay hearing were associated with Lachelier (and they were unwilling to associate with one another due to a perceived conflict of interest), Judge Pohl placed the hearing in recess. Judge Pohl later ruled⁴ to return the DuBay hearing for Al Qosi to USCMCR for further consideration and guidance.

¹ As stated by the judge in opening the trial on 12JULY2017.

² All exhibits, motions, and orders to be used or presented in Al Qosi's first DuBay trial were posted for public release at <http://www.mc.mil/Cases.aspx?caseType=omc&status=3&id=53>.

³ One of which is located at [http://www.mc.mil/Portals/0/pdfs/alQosiDuBay/Al%20Qosi%20\(AE001\(ORDER\)\).pdf](http://www.mc.mil/Portals/0/pdfs/alQosiDuBay/Al%20Qosi%20(AE001(ORDER)).pdf).

⁴ Released at [https://www.mc.mil/Portals/0/pdfs/alQosiDuBay/Al%20Qosi%20\(AE018\).pdf](https://www.mc.mil/Portals/0/pdfs/alQosiDuBay/Al%20Qosi%20(AE018).pdf).