

**Military Commissions:  
Post-Plea Agreement Pre-Trial Hearings  
Judge Pritchard Detailing and Voir Dire, June 5, 2023  
ISN 10026 Abd Al Hadi Al Iraqi**

*Colonel Charles L. Pritchard, Jr.:*

Col. Lanny Acosta, Jr., chief judge of the Military Commissions Trial Judiciary, detailed Col. Charles L. Pritchard, Jr. to the position of military judge in the case of *United States of America v. Abd Al Hadi Al Iraqi* on March 31, 2023.<sup>1</sup> Judge Col. Pritchard replaced Judge Lt. Col. Michael D. Rosenow.

Judge Col. Pritchard submitted a short biography, with attached education and career summary lists.<sup>2</sup> He earned an undergraduate degree in political science from Mercer University in 1994 under the auspices of the Army R.O.T.C. He was then commissioned to the U.S. Army and studied law also at Mercer University, earning his juris doctorate in 1997. He continued his education at the Judge Advocate General's Legal Center and School and at the National War College. He has practiced law as an attorney in Alaska, Georgia, Virginia, Kansas, Germany, and Iraq, and as a judge in North Carolina, Kansas, and Germany.

Judge Col. Pritchard was the initial detailed military judge in the *Nurjaman* case.

Judge Col. Pritchard submitted to voir dire on June 5, 2023, in open court session.

*Voir Dire:*

The government team supplied written voir dire questions in Attachment B of AE 232G<sup>3</sup>, and the defense team supplied written voir dire questions in AE 232H<sup>4</sup>. Upon receiving the judge's answers, neither the government team nor the defense team found cause to challenge his detailing.

Questions marked “G” are questions asked by the government team and those marked “D” are questions asked by the defense team. A few of the questions were duplicated in the written submissions by the government and defense teams.

<b>Question:</b>	<b>Judicial Response:<sup>5</sup></b>
(G, D) Do you know anyone who was injured or killed in the Afghanistan hostilities of Operation Enduring Freedom?	Yes, but was friendly, not friends, with them. Their deaths will not color ability to be impartial.
(D) Do you know anyone who was injured or killed in the Iraq War?	Yes, but this will not color his ability to be impartial.

<sup>1</sup> AE 001F “MEMORANDUM FOR Colonel Charles J. Pritchard, Jr.”

[https://www.mc.mil/Portals/0/pdfs/allIraqi/AI%20Iraqi%20\(AE001F\).pdf](https://www.mc.mil/Portals/0/pdfs/allIraqi/AI%20Iraqi%20(AE001F).pdf)

<sup>2</sup> AE 010E “Biography, United States Army, Colonel Charles L. Pritchard, Jr.”

[https://www.mc.mil/Portals/0/pdfs/allIraqi/AI%20Iraqi%20\(AE010E\).pdf](https://www.mc.mil/Portals/0/pdfs/allIraqi/AI%20Iraqi%20(AE010E).pdf)

<sup>3</sup> AE 232G “Government Notice Of Written Voir Dire Questions, 10 May 2023”

[https://www.mc.mil/Portals/0/pdfs/allIraqi/AI%20Iraqi%20\(AE232G\).pdf](https://www.mc.mil/Portals/0/pdfs/allIraqi/AI%20Iraqi%20(AE232G).pdf)

<sup>4</sup> AE 232H “Defense Notice of Judicial Voir Dire Pursuant to AE 232 (Docketing Order), 10 May 2023”

[https://www.mc.mil/Portals/0/pdfs/allIraqi/AI%20Iraqi%20\(AE232H\).pdf](https://www.mc.mil/Portals/0/pdfs/allIraqi/AI%20Iraqi%20(AE232H).pdf)

<sup>5</sup> “Al Iraqi Transcript, 5 June 2023 – Merged”

[https://www.mc.mil/Portals/0/pdfs/allIraqi/AI%20Iraqi%20\(803TRANS5Jun2023-MERGED\).pdf](https://www.mc.mil/Portals/0/pdfs/allIraqi/AI%20Iraqi%20(803TRANS5Jun2023-MERGED).pdf)

(G, D) Have you or anyone close to you been a victim of a terrorist attack?	No.
(G) Have you or anyone close to you been the victim of any of the actions charged in this case, or similar actions?	No.
(G, D) Have you ever written or publicly expressed opinions about the RDI program, GTMO, the Military Commissions, or the men held at GTMO?	No.
(G) Will American or Coalition casualties in Afghanistan or Iraq affect your ability to give the accused a fair trial?	No.
(G, D) Will your experience on deployment interfere with your abilities to fulfill your duties as military judge fairly, faithfully, and impartially?	No.
(G) In Iraq, did you supply Rules of Engagement briefs to your command?	Yes.
(G) Did your duties include advising on the Law of War?	Yes.
(G) Did you review intelligence reports on Taliban or Al Qaeda fighters in Afghanistan?	Question unanswered, but no challenges made by counsel.
(G) Did your command or unit experience combat losses?	Yes.
(D) Describe the nature of your deployments to Afghanistan and Iraq.	Gave ROE and LOW briefings, reviewed detainee cases and hearings in Iraq to evaluate for continued or discontinued detention.
(D) Was anyone close to you killed or maimed in those deployments?	No.
(D) Were you involved in investigating VBIED or IED attacks?	Yes, but does not recall the specifics of any of those investigations.
(D) Are you familiar with Islam?	Very little familiarity.
(D) Do you have friends, acquaintances, or family who are practicing Muslims?	Yes, but the friend did not discuss it much.
(D) Are you able to treat a practicing Muslim in a fair and impartial manner?	Yes.
(G) Do you hold any beliefs, opinions, or views regarding the Buddhist religion that would impact your ability to be impartial?	No.
(G) Do you have any beliefs that would color your judgment in any form to hear from Hazara Muslims on the stand?	No.

(G) Do you hold any personal beliefs that may influence your judgment in the case?	No.
(D) Are you eligible to retire? If so, when do you plan to retire?	Scheduled to remain chief circuit judge for the fifth (soon to be renamed eighth) judicial circuit until 2024 and expecting to be PCS'd ("permanent change of station") elsewhere afterward.
(D) Have you been advised of any policy regarding conflicts of interest in future employment in the Trial Judiciary?	Judge supplied a policy statement memorandum, later entered into the record as AE 232X "Attachment to the Record of Trial: Trial Judiciary Outside Employment Policy Memorandum, 12 June 2023" <a href="https://www.mc.mil/Portals/0/pdfs/allIraqi/AI%20Iraqi%20(AE232X).pdf">https://www.mc.mil/Portals/0/pdfs/allIraqi/AI%20Iraqi%20(AE232X).pdf</a> .
(D) Are you in the zone for promotion?	No.
(D) Do you have access to a SCIF?	Yes, including in Germany.
(D) Do you have secure means to communicate with the trial judiciary?	Yes, including in Germany.
(D) How do you intend to review 505 summaries when not in the National Capital Region?	In secure environments but intends to review the de novo reconsiderations in Crystal City.
(D) What do you see as your role in reviewing 505 summaries and substitutions?	Personally reviews pleadings and supporting evidence before issuing rulings or orders.
(G, D) Have you read the D.C. Circuit Court opinion issued about this court in 2021? What is your understanding of it?	Yes. Will be reviewing the pleadings associated with the identified rulings and evidence submitted for those rulings. Largely de novo consideration.
(D) How will you familiarize yourself with the voluminous record in this commission?	Reading in the SCIFs in Germany and in Crystal City.
(D) What medical training do you have, if any?	Lifesaving and CPR training.
(D) What experience do you have litigating medical issues or disability accommodations?	None.
(D) Do you have familiarity with cauda equine syndrome or spinal disease?	No.
(D) Do you have experience with solitary confinement or isolation techniques?	No.
(D) Have you experienced SERE training?	Only SERE Level A online training.
(D) Do you have legal experience in controversies surrounding the coercion of an accused?	Yes.
(G, D) Do any family members or close acquaintances work for any of the parties to this commission?	No.
(D) Do any family members or close acquaintances work for the CIA, FBI, DOJ NSD,	No.

or any other implicated federal offices?	
(D) Will your familiar relationship with a high-level official in the administration of President Bush impede your ability to weigh Bush policies fairly and impartially?	No.
(D) Have any complaints been filed against you as a military judge, lawyer, or inspector general?	No.
(G, D) Do you have any concerns about your ability or the appearance of your ability to preside over this commission fairly and impartially?	No.
(G, D) Would the accused or a neutral observer have any concerns about your ability to preside over this commission fairly and impartially? Is there anything not asked here that would impact your ability to sit as the military judge?	No.
(G) Do you know or have a relationship with the convening authority, any of the current counsel for either side, or any of the prior counsel or judges from this commission?	Briefly met Brig. Gen. Mark Martins when he was SJA for the Multi-National Force Iraq and conversed with him. Discussed security measures for the Ft. Benning courtroom with Brig. Gen. Thompson. Attended annual judges training with Judge Zimmerman and Judge Rosenow.
(G) When did you first learn of the accused?	When he was detailed to the commission.
(G) Do you have any prior personal connection with the accused?	No.
(G) Do you or your family members have any connection with this commission?	No.
(G) Have you had occasion to focus on any substantive issues reflected in this case?	No.
(G) Do any of your cases as a military judge involve significant amounts of classified evidence?	Yes.
(G) Can you decide matters based on the presented facts without external materials you may have been exposed to coloring your judgment while presiding over this commission?	Yes.
(G) Have you seen, heard, or read anything substantive about the accused or this case, other than filings, since being detailed?	No.
(G) Have you reviewed the press regarding this commission?	No.
(G) Have you had any substantive discussions or heard any opinions about military commissions unrelated to your detailing?	No.

(G) Do you intend to retire before July 2024?	No. Mandatory retirement date is FEB2028.
(G) Have you applied for any positions within the Executive Branch, or do you intend to seek employment with the Executive Branch while you preside over this case?	No.
(D) Why were you removed as the detailed trial judge for <i>Nurjaman</i> .	Scheduling put the trial in conflict with his move to Germany, so he requested that the chief trial judge find someone else to fill the position.
(D) How many detainees did you see as president of the detainee review board?	Somewhere between dozens and hundreds.