

UNITED STATES OF AMERICA	)	IN THE UNITED STATES COURT OF
	)	MILITARY COMMISSION REVIEW
<i>Appellant,</i>	)	
	)	NOTICE OF APPEAL
	)	
	)	U.S.C.M.C.R. Case No. 25-____
	)	
	)	Arraigned at Guantanamo Bay, Cuba
v.	)	on May 5, 2012
	)	
	)	Before a Military Commission
,	)	convened by Vice Admiral (ret.)
	)	Bruce E. MacDonald, USN
	)	
	)	Presiding Military Judge
ALI ABDUL AZIZ ALI	)	Colonel Matthew N. McCall, USAF
	)	
<i>Appellee.</i>	)	DATE: April 16, 2025

**TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW**

Appellant United States of America timely appeals¹ to the U.S. Court of Military Commission Review the Military Judge’s Ruling in AE 942SSSS,² which suppressed the statements Appellee made to law enforcement on 17, 18, 19, and 30 January 2007.

Appellant served a “Certificate of Notice of Appeal” on the Military Judge on April 16, 2025, at 12:00 PM EST.³ In the Certificate of Notice of Appeal, Trial Counsel certified that this appeal “is not taken for the purpose of delay” and that “the evidence excluded is substantial proof of a fact material in the proceeding.”⁴ Appellate Counsel likewise certify that this appeal “is not

¹ See 10 U.S.C. § 950d(e) (2009); Rule for Military Commissions (“R.M.C.”) 908(b)(3) (2019); Regulation for Trial by Military Commission (“R.T.M.C.”) ¶ 25-5.c. (2011); U.S.C.M.C.R. Rule of Practice 15(c)(1) (2016).

² See AE 942SSSS, Ruling: Mr. Ali’s Motion To Suppress Alleged Statements as Involuntary and Obtained by Torture, *United States v. Mohammad, et al.* (Mil. Comm’n Apr. 11, 2025 at 2:47 PM EST) (McCall, J.).

³ See Attach. A (AE 942TTTT (GOV), Government Certificate of Notice of Appeal, *United States v. Mohammad, et al.* (Mil. Comm’n Apr. 16, 2025 at 12:00 PM EST)).

⁴ *Id.* at 1 (citing R.M.C. 908(b)(3); R.T.M.C. ¶ 25-5.c.).

taken for the purpose of delay” and that “the evidence excluded is substantial proof of a fact material in the proceeding.”⁵

Respectfully submitted,

//s//

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BRYCE G. POOLE
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United States v. Mohammad, et al.

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⁵ R.M.C. 908(b)(3); R.T.M.C. ¶ 25-5.c.

ATTACHMENT A

CMCR 25-001-001
Page 3 of 8

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MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA

UNITED STATES OF AMERICA v. KHALID SHAIKH MOHAMMAD; WALID MUHAMMAD SALIH MUBARAK BIN 'ATTASH; ALI ABDUL AZIZ ALI; MUSTAFA AHMED ADAM AL HAWSAWI	AE 942TTTT (GOV) Government Certificate of Notice of Appeal 16 April 2025
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1. Notice.

The Government timely notifies¹ the Military Judge that it is appealing to the U.S. Court of Military Commission Review the Military Judge's Ruling in AE 942SSSS,² which suppressed the statements Mr. Ali made to law enforcement on 17, 18, 19, and 30 January 2007.

The Military Judge entered the Ruling on 11 April 2025, at approximately 2:47 PM EST. The Ruling affects all of the Charges and Specifications, only insofar as the statements Mr. Ali made to law enforcement implicate him in all of the charged misconduct, but the Charges and Specifications remain legally valid and viable.³ The Government served this Certificate of Notice of Appeal on the Military Judge on 16 April 2025, at approximately 12:00 PM EST.

¹ See 10 U.S.C. § 950d(e) (2009); Rule for Military Commissions ("R.M.C.") 908(b)(3) (2019); Regulation for Trial by Military Commission ("R.T.M.C.") ¶ 25-5.c. (2011).

² See AE 942SSSS, Ruling: Mr. Ali's Motion To Suppress Alleged Statements as Involuntary and Obtained by Torture, *United States v. Mohammad, et al.* (Mil. Comm'n Apr. 11, 2025) (McCall, J.).

³ See AE 556I at 2, Ruling: Defense Motion To Defer Litigation Affected by Government Appeal of AE 467CCC and AE 467DDD, *United States v. Al Nashiri* (Mil. Comm'n Jan. 22, 2024) (Fitzgerald, J.) ("The ruling under appeal relates solely to the admissibility of the Accused's 2007 statements, not to the legal validity or viability of any Charge or Specification in this case.").

Trial Counsel certify that this appeal “is not taken for the purpose of delay” and that “the evidence excluded is substantial proof of a fact material in the proceeding.”⁴

2. Attachments.

A. Certificate of Service, dated 16 April 2025.

Respectfully submitted,

 //s//

Clay Trivett
Managing Trial Counsel

Jeffrey D. Groharing
Trial Counsel

Christopher M. Dykstra
Deputy Managing Trial Counsel
Office of the Chief Prosecutor
Office of Military Commissions

⁴ R.M.C. 908(b)(3); R.T.M.C. ¶ 25-5.c.

ATTACHMENT A

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CERTIFICATE OF SERVICE

I certify that on the 16th day of April 2025, I filed AE 942TTTT (GOV), Government Certificate of Notice of Appeal, with the Office of Military Commissions Trial Judiciary and served a copy on counsel of record.

//s//

Christopher M. Dykstra
Deputy Managing Trial Counsel
Office of the Chief Prosecutor
Office of Military Commissions

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was sent by electronic mail to the Court and Counsel for Appellee on April 16, 2025.

/s/

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