

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED:

BINYAM AHMED MOHAMED

2. ALIASES OF ACCUSED:

a/k/a Binyam Muhammad, a/k/a Talha al Kini, a/k/a Foaud Zouaoui, a/k/a Taha al Nigeri, a/k/a John Samuel

3. ISN NUMBER OF ACCUSED (LAST FOUR):

1458

II. CHARGES AND SPECIFICATIONS

4. CHARGE: VIOLATION OF SECTION AND TITLE OF CRIME IN PART IV OF M.M.C.

SPECIFICATION:

SEE CONTINUATION SHEET, ATTACHED.

III. SWEARING OF CHARGES

5a. NAME OF ACCUSER (LAST, FIRST, MI)

STAMPS, ROBERT F

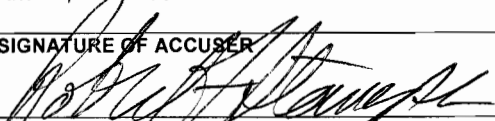
5b. GRADE

O-6

5c. ORGANIZATION OF ACCUSER

OMC-PROSECUTION

5d. SIGNATURE OF ACCUSER



5e. DATE (YYYYMMDD)

2008 05 28

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser the 28th day of May, 2008, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

ISAAC C. SPRAGG

Typed Name of Officer

OMC-PROSECUTION

Organization of Officer

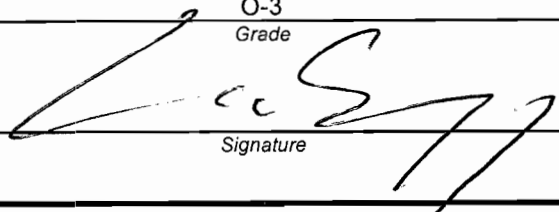
O-3

Grade

10 U.S.C. 1044(b)

*Official Capacity to Administer Oath
(See R.M.C. 307(b) must be commissioned officer)*

Signature



IV. NOTICE TO THE ACCUSED

6. On _____, 2008 the accused was notified of the charges against him/her (See R.M.C. 308).

CPT ISAAC C. SPRAGG

Typed Name and Grade of Person Who Caused
Accused to Be Notified of Charges

OMC-PROSECUTION

Organization of the Person Who Caused
Accused to Be Notified of Charges

Signature

V. RECEIPT OF CHARGES BY CONVENING AUTHORITY

7. The sworn charges were received at _____ hours, on _____, at _____

Location

For the Convening Authority:

Typed Name of Officer

Grade

Signature

VI. REFERRAL

8a. DESIGNATION OF CONVENING AUTHORITY

8b. PLACE

8c. DATE (YYYYMMDD)

Referred for trial to the (non)capital military commission convened by military commission convening order _____

subject to the following instructions¹: _____

By _____ of _____
Command, Order, or Direction

Typed Name and Grade of Officer

Official Capacity of Officer Signing

Signature

VII. SERVICE OF CHARGES

9. On _____, _____ I (caused to be) served a copy these charges on the above named accused.

Typed Name of Trial Counsel

Grade of Trial Counsel

Signature of Trial Counsel

FOOTNOTES

¹See R.M.C. 601 concerning instructions. If none, so state.

Charge Sheet Continuation Page in Case of BINYAM AHMED MOHAMED

CHARGE I: Violation of 10 U.S.C. §950v(b)(28), Conspiracy

Specification: In that Binyam Mohamed, a person subject to trial by military commission as an alien unlawful enemy combatant, did, at various locations in Afghanistan and Pakistan and elsewhere, from on or about January 2001 through on or about April 2002, conspire and agree with Usama bin Laden, Saif al Adel, Dr. Ayman al Zawahari (a/k/a “the Doctor”), Muhammad Atef (a/k/a Abu Hafs al Masri), Noor al Deen, Jabran Said Bin al Qahtani (“al Qahtani”), Sufyian Barhoumi (“Barhoumi”), and various other members and associates of the al Qaeda organization, known and unknown, to commit one or more substantive offenses triable by military commission, to wit: murder of a protected person or persons, attacking civilians, attacking civilian objects, intentionally causing serious bodily injury, murder in violation of the law of war, destruction of property in violation of the law of war, providing material support to an international terrorist organization and terrorism; and did join al Qaeda, an enterprise of persons who shared a common criminal purpose, that involved, at least in part, the commission or intended commission of one or more of the said substantive offenses triable by military commission; and did, with knowledge of the common criminal purpose of the al Qaeda enterprise and of the unlawful purposes of the agreement, willfully join the al Qaeda enterprise and willfully enter into the agreement with the intent to further those unlawful purposes, and knowingly commit one or more of the following overt acts:

- a. In May 2001, after converting to Islam, Binyam Mohamed, a trained electrical engineer, traveled from the United Kingdom, where he had been granted refugee status and had studied engineering, to Afghanistan. In Afghanistan, Mohamed attended al Qaeda’s al Farouq training camp, where he received training in light weapons such as the Kalashnikov, Simoinov, Pikka, rocket-propelled grenades (RPGs) and crew-served weapons.
- b. In early summer 2001, Binyam Mohamed trained at the al Farouq training camp. While Binyam Mohamed was training, Usama Bin Laden visited the camp several times and lectured Binyam Mohamed and other trainees about the importance of conducting operations against the United States, Europe and Israel. During one of these lectures, Usama bin Laden told the group “something big is going to happen in the future” and to “get ready” or words to that effect.
- c. In mid-August 2001, after completing his training at al Farouq, Binyam Mohamed trained at an urban warfare course in Kabul where he was to receive ten days of pistol training, ten days of training on the AK-47, and ten days of “room to room” combat. Due to ammunition shortages, however, Mohamed trained only on using the AK-47 assault rifle.

- d. In September 2001, after completing his abbreviated urban warfare course, Binyam Mohamed and other al Qaeda members were brought to the front lines in Bagram to participate in combat operations between the Taliban and the Northern Alliance. While on the front lines, Binyam Mohamed received military training from other al Qaeda members in the deployment of mortars, map reading, targeting and firing.
- e. After a short time on the front lines in Bagram, Binyam Mohamed received training in the creation and employment of explosives and “home-made” bomb-making, in Kabul, Afghanistan.
- f. After traveling from Kabul to Kandahar, Binyam Mohamed traveled to Zormat, Afghanistan. There he met with Abd al Hadi al Iraqi, who informed Binyam Mohamed that because of Mohamed’s education, facility in English, and refugee status in the United Kingdom, al Qaeda decided that he would be assigned to a specialized terrorist mission.
- g. Binyam Mohamed then traveled to Birmel, Afghanistan, and trained on building remote control detonation devices for explosives to be used to attack American forces in Afghanistan. Mohamed also planned to return to Afghanistan with in order to teach other al Qaeda members on how to build these remote-controlled detonation devices for explosives.
- h. Binyam Mohamed traveled from Khost into Pakistan, stopping at several al Qaeda safehouses and a *madrassa* (religious school), where he first met al Qaeda members Jose Padilla, al Sharbi and al Qahtani. There, Binyam Mohamed received training on building remote-controlled detonation devices for explosives.
- i. From the *madrassa* in Khost, Binyam Mohamed traveled to an al Qaeda safehouse in Lahore, Pakistan, where he and Jose Padilla reviewed technical information stored on a computer in the safehouse concerning the construction of an improvised radioactive bomb (“dirty bomb”) that they could detonate in a public place in the United States. Al Sharbi translated the technical information from English into Arabic so that Padilla and Mohamed could show the material to other members of al Qaeda.
- j. After arriving in Lahore, Binyam Mohamed and Jose Padilla plotted attacks against the United States. After these discussions, Mohamed and Padilla agreed to be sent to the United States to conduct terror operations rather than returning to Afghanistan as originally planned. Binyam Mohamed agreed to carry out a terrorist operation inside the United States.

- k. While in Lahore, Binyam Mohamed and Jose Padilla discussed the feasibility of constructing the improvised “dirty bomb” from the instructions they had read on a computer in the Lahore safehouse. They also discussed other plans against the United States, such as blowing up gas tankers with piercing bullets and spraying people with cyanide in nightclubs. They determined that one of the purposes for the attacks on the United States was to help “free the prisoners in Cuba.”
- l. After spending a few days in safehouses in Lahore and Faisalabad, Binyam Mohamed and Jose Padilla traveled to Karachi to meet Saif al Adel and Khalid Shaykh Mohammed. Saif al Adel and Khalid Shaykh Mohammed informed Binyam Mohamed that his and Padilla’s mission would involve targeting buildings with natural gas and gas stations in the United States. Specifically, Khalid Shaykh Mohammed suggested that Binyam Mohamed and Jose Padilla rent several apartments in large apartment buildings in the United States, fill the apartments with natural gas after sealing the apartments in order to contain the natural gas, and then detonate the natural gas using delayed timing devices. Khalid Shaykh Mohammed instructed Padilla and Binyam Mohamed to buttress the support pillars of the apartments with aluminum or steel panels, thus causing the pillars to absorb the force of the blast, thereby collapsing the buildings entirely, or words to that same effect. Binyam Mohamed and Padilla agreed to conduct this operation.
- m. In early April 2002, Binyam Mohamed received \$6,000 in order to travel to the United States. Padilla accepted \$10,000 to pay for his travel to the United States and to finance the terrorist mission.
- n. On April 4, 2002, Binyam Mohamed and Jose Padilla were both detained by Pakistani authorities at passport control at the airport in Karachi, for apparent passport irregularities. The Pakistanis released them both the following morning. Binyam Mohamed then obtained a different forged passport, while Jose Padilla continued on to Chicago, Illinois.
- o. Binyam Mohamed planned to procure forged or stolen passports and send them back to Khalid Shaykh Mohammed for use in future al Qaeda operations.

CHARGE II: Violation of 10 U.S.C. section 950v(25), Providing Material Support for Terrorism

Specification: In that Binyam Mohamed, a person subject to trial by military commission as an alien unlawful enemy combatant, did, at various locations in Afghanistan, Pakistan and elsewhere, between about May 2001 and March 2002, in the context of or associated with an armed conflict, intentionally provide material support to al Qaeda, an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism, by performing at least one of the following acts:

- a. In May 2001, after converting to Islam, Binyam Mohamed, a trained electrical engineer, traveled from the United Kingdom, where he had been granted refugee status and had studied engineering, to Afghanistan. In Afghanistan, Mohamed attended al Qaeda's al Farouq training camp, where he received training in light weapons such as the Kalashnikov, Simoinov, Pikka, rocket-propelled grenades (RPGs) and crew-served weapons.
- b. In early summer 2001, Binyam Mohamed trained at the al Farouq training camp. While Binyam Mohamed was training, Usama Bin Laden visited the camp several times and lectured Binyam Mohamed and other trainees about the importance of conducting operations against the United States, Europe and Israel. During one of these lectures, Usama bin Laden told the group "something big is going to happen in the future" and to "get ready" or words to that effect.
- c. In mid-August 2001, after completing his training at al Farouq, Binyam Mohamed trained at an urban warfare course in Kabul where he was to receive ten days of pistol training, ten days of training on the AK-47, and ten days of "room to room" combat. Due to ammunition shortages, however, Mohamed trained only on using the AK-47 assault rifle.
- d. In September 2001, after completing his abbreviated urban warfare course, Binyam Mohamed and other al Qaeda members were brought to the front lines in Bagram to participate in combat operations between the Taliban and the Northern Alliance. While on the front lines, Binyam Mohamed received military training from other al Qaeda members in the deployment of mortars, map reading, targeting and firing.
- e. After a short time on the front lines in Bagram, Binyam Mohamed received training in the creation and employment of explosives and "home-made" bomb-making, in Kabul, Afghanistan.

- f. After traveling from Kabul to Kandahar, Binyam Mohamed traveled to Zormat, Afghanistan. There he met with Abd al Hadi al Iraqi, who informed Binyam Mohamed that because of Mohamed's education, facility in English, and refugee status in the United Kingdom, al Qaeda decided that he would be assigned to a specialized terrorist mission.
- g. Binyam Mohamed then traveled to Birmel, Afghanistan, and trained on building remote control detonation devices for explosives to be used to attack American forces in Afghanistan. Mohamed also planned to return to Afghanistan with in order to teach other al Qaeda members on how to build these remote-controlled detonation devices for explosives.
- h. Binyam Mohamed traveled from Khost into Pakistan, stopping at several al Qaeda safehouses and a *madrassa* (religious school), where he first met al Qaeda members Jose Padilla, al Sharbi and al Qahtani. There, Binyam Mohamed received training on building remote-controlled detonation devices for explosives.
- i. From the *madrassa* in Khost, Binyam Mohamed traveled to an al Qaeda safehouse in Lahore, Pakistan, where he and Jose Padilla reviewed technical information stored on a computer in the safehouse concerning the construction of an improvised radioactive bomb ("dirty bomb") that they could detonate in a public place in the United States. Al Sharbi translated the technical information from English into Arabic so that Padilla and Mohamed could show the material to other members of al Qaeda.
- j. After arriving in Lahore, Binyam Mohamed and Jose Padilla plotted attacks against the United States. After these discussions, Mohamed and Padilla agreed to be sent to the United States to conduct terror operations rather than returning to Afghanistan as originally planned. Binyam Mohamed agreed to carry out a terrorist operation inside the United States.
- k. While in Lahore, Binyam Mohamed and Jose Padilla discussed the feasibility of constructing the improvised "dirty bomb" from the instructions they had read on a computer in the Lahore safehouse. They also discussed other plans against the United States, such as blowing up gas tankers with piercing bullets and spraying people with cyanide in nightclubs. They determined that one of the purposes for the attacks on the United States was to help "free the prisoners in Cuba."

1. After spending a few days in safehouses in Lahore and Faisalabad, Binyam Mohamed and Jose Padilla traveled to Karachi to meet Saif al Adel and Khalid Shaykh Mohammed. Saif al Adel and Khalid Shaykh Mohammed informed Binyam Mohamed that his and Padilla's mission would involve targeting buildings with natural gas and gas stations in the United States. Specifically, Khalid Shaykh Mohammed suggested that Binyam Mohamed and Jose Padilla rent several apartments in large apartment buildings in the United States, fill the apartments with natural gas after sealing the apartments in order to contain the natural gas, and then detonate the natural gas using delayed timing devices. Khalid Shaykh Mohammed instructed Padilla and Binyam Mohamed to buttress the support pillars of the apartments with aluminum or steel panels, thus causing the pillars to absorb the force of the blast, thereby collapsing the buildings entirely, or words to that same effect. Binyam Mohamed and Padilla agreed to conduct this operation.
- m. In early April 2002, Binyam Mohamed received \$6,000 in order to travel to the United States. Padilla accepted \$10,000 to pay for his travel to the United States and to finance the terrorist mission.
- n. On April 4, 2002, Binyam Mohamed and Jose Padilla were both detained by Pakistani authorities at passport control at the airport in Karachi, for apparent passport irregularities. The Pakistanis released them both the following morning. Binyam Mohamed then obtained a different forged passport, while Jose Padilla continued on to Chicago, Illinois.
- o. Binyam Mohamed planned to procure forged or stolen passports and send them back to Khalid Shaykh Mohammed for use in future al Qaeda operations.