

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED:

FOUAD MAHMOUD HASAN AL RABIA

2. ALIASES OF ACCUSED:

Salman Fouad AL RABIA; Fouad AL KUWAITI; Abu Abdullah AL KUWAITI

3. ISN NUMBER OF ACCUSED (LAST FOUR):

0551

II. CHARGES AND SPECIFICATIONS

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

SPECIFICATION:

See Attached Charges and Specifications

III. SWEARING OF CHARGES

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

Robertson, J.

5b. GRADE

O-3

5c. ORGANIZATION OF ACCUSER

OMC-PROSECUTION

5d. SIGNATURE OF ACCUSER

5e. DATE (YYYYMMDD)

20081021

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser the 21st day of October, 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.

K. Sachs

Typed Name of Officer

OMC-PROSECUTION

Organization of Officer

O-4

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).

K. Sachs

*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 1215 hours, on 22 October 2008 at Arlington, VA

Location

For the Convening Authority: Donna L. Wilkins

Typed Name of Officer

GS-15

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 I: VIOLATION OF 10 U.S.C. SECTION §950v(b)(25), PROVIDING
MATERIAL SUPPORT FOR TERRORISM**

Specification: In that FOUAD MAHMOUD HASAN AL RABIA, a/k/a SALMAN FOUAD AL RABIA, a/k/a FOUAD AL KUWAITI, a/k/a ABU ABDULLAH AL KUWAITI, a person subject to trial by military commission as an alien unlawful enemy combatant, in or around Kuwait and Afghanistan, from in or about June 2001 to in or about December 2001, in the context of and associated with an armed conflict and with knowledge that al Qaeda has engaged in and engages in terrorism, did provide material support and resources that include, but are not limited to personnel, including himself, currency and monetary instruments to al Qaeda, an international terrorist organization engaged in hostilities against the United States, with the intent to provide such material support and resources to al Qaeda.

CHARGE II: VIOLATION OF 10 U.S.C. SECTION §950v(b)(28), CONSPIRACY

Specification: In that FOUAD MAHMOUD HASAN AL RABIA, a/k/a SALMAN FOUAD AL RABIA, a/k/a FOUAD AL KUWAITI, a/k/a ABU ABDULLAH AL KUWAITI, a person subject to trial by military commission as an alien unlawful enemy combatant, in Kuwait and Afghanistan, from in or about June 2001 to in or about December 2001, did conspire and agree with Usama bin Laden and other persons, including members of al Qaeda known and unknown, to commit one or more substantive offenses subject to trial by military commission, to wit: attacking civilians in violation of 10 U.S.C. §950v(b)(2); attacking civilian objects in violation of 10 U.S.C. §950v(b)(3); and terrorism in violation of 10 U.S.C. §950v(b)(24), and that FOUAD MAHMOUD HASAN AL RABIA knew the unlawful purpose of the agreement and willfully entered into the agreement with the intent to further that unlawful purpose and, in order to accomplish some objective and purpose of the agreement, FOUAD MAHMOUD HASAN AL RABIA knowingly committed at least one of the following overt acts:

1. Between in or about June 2001 and in or about December 2001, on divers occasions, FOUAD MAHMOUD HASAN AL RABIA traveled between Kuwait and Afghanistan for the purpose of meeting with Usama bin Laden, the leader of al Qaeda;
2. Between in or about June 2001 and in or about December 2001, during a dinner banquet in Afghanistan, FOUAD MAHMOUD HASAN AL RABIA provided currency/funds to Usama bin Laden, the leader of al Qaeda;
3. Between in or about June 2001 and in or about December 2001, FOUAD MAHMOUD HASAN AL RABIA solicited funds and currency from individuals in Kuwait for the purpose of giving money to al Qaeda;

4. Between in or about June 2001 and in or about December 2001, FOUAD MAHMOUD HASAN AL RABIA was in charge of an al Qaeda supply depot at Tora Bora, Afghanistan, during U.S. military operations in that area; and
5. Between in or about June 2001 and in or about December 2001, FOUAD MAHMOUD HASAN AL RABIA distributed supplies to al Qaeda fighters in Tora Bora, Afghanistan.