

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED:

AHMED MOHAMMED AHMED HAZA AL DARBI

2. ALIASES OF ACCUSED:

SEE ATTACHED APPENDIX A

3. ISN NUMBER OF ACCUSED (LAST FOUR):

0768

II. CHARGES AND SPECIFICATIONS

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

SPECIFICATION:

SEE ATTACHED CONTINUATION SHEET OF BLOCK II. CHARGES AND SPECIFICATIONS

III. SWEARING OF CHARGES

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

GRIMMER, JARED L.

5b. GRADE

MAJ/O-4

5c. ORGANIZATION OF ACCUSER

Office of the Chief Prosecutor, OMC

5d. SIGNATURE OF ACCUSER



5e. DATE (YYYYMMDD)

20131216

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser the 16th day of December, 2013, 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.

DAVID W. SMITH

Typed Name of Officer

Office of Military Commissions

Organization of Officer

MAJ/O-4

Grade

Judge Advocate, Article 136(a)(1), UCMJ

Official Capacity to Administer Oath

(See R.M.C. 307(b) must be commissioned officer)



Signature

IV. NOTICE TO THE ACCUSED

6. On 20 December, 2013 the accused was notified of the charges against him/her (See R.M.C. 308).

JENNIFER M. JAMESON, CAPT/O-3
*Typed Name and Grade of Person Who Caused
 Accused to Be Notified of Charges*

Office of the Chief Prosecutor, OMC
*Organization of the Person Who Caused
 Accused to Be Notified of Charges*

J. M. Jameson
Signature

V. RECEIPT OF CHARGES BY CONVENING AUTHORITY

7. The sworn charges were received at 1544 hours, on 20 Dec 2013 at Alexandria, Virginia

Location

For the Convening Authority: Laura C. Hill
Typed Name of Officer

GS-13
Grade

Laura C. Hill
Signature

VI. REFERRAL

8a. DESIGNATION OF CONVENING AUTHORITY	8b. PLACE	8c. DATE (YYYYMMDD)
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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.

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COMMON ALLEGATIONS

These common allegations set forth the manner and means by which the Accused, Ahmed Mohammed Ahmed Haza AL DARBI (hereinafter “AL DARBI”) (see Appendix A for a list of aliases), and his co-conspirators participated in a common plan and agreement, and committed, aided, abetted, counseled, commanded, and procured the commission of each of the offenses listed at Charges I through V.

AL DARBI, a person subject to trial by military commission as an alien unprivileged enemy belligerent, did, at multiple locations in and around Saudi Arabia, Afghanistan, Yemen, Pakistan, the United Arab Emirates (hereinafter “UAE”), Qatar and Somalia, from about August 1996 to about June 2002, in the context of and associated with hostilities, knowingly conspire and agree with members and associates of the al Qaeda organization including, but not limited to (see Appendix B for the list of aliases for each co-conspirator):

- a. Usama bin Laden
- b. Abd Al-Rahim Husayn Muhammad Abda Al-Nashiri (hereinafter “Nashiri”)
- c. Ahmed Muhammad Husayn Ghulam Rabbani (hereinafter “Abu Badr”)
- d. Bassam Waji
- e. Fayiz Hus Ayn ali Najjar (hereinafter “Fayiz”)
- f. Hassan Muhammad Ali bin Attash (hereinafter “Hassan bin Attash”)
- g. Khalid Ibn Muhammad al Juhani (hereinafter “Muawiya”)
- h. Minwar Khaladi
- i. Muhammad Sa'id ali Husayn (hereinafter “Gharib al Taizi”)
- j. Munir al Sharabi
- k. Walid al Shiba

to commit substantive offenses triable by military commissions, to wit: Attacking Civilians; Attacking Civilian Objects; Hazarding a Vessel; and Terrorism. To that end, the accused and his co-conspirators committed the following overt acts in order to accomplish the objectives and purposes of the agreement:

1. In about August 1996, Usama bin Laden issued a public “Declaration of Holy War Against the Americans Who are Occupying the Land of the Two Holy Places,” in which he called for the murder of U.S. military personnel serving on the Arabian Peninsula.
2. In about March 1997, in an interview with CNN, Usama bin Laden promised to “drive Americans away from all Muslim countries,” and warned the U.S. “to get out” if it did “not want to have its sons who are in the army killed.” Usama bin Laden could “not guarantee” the “safety” of U.S. civilians since they were “not exonerated from responsibility” for U.S. foreign policy “because they chose the government and voted for it despite their knowledge of its crimes.” He promised that if his demands were unmet, he would send the U.S. “messages with no words because” the U.S. President “does not know any words.”

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3. In about February 1998, Usama bin Laden and others, under the banner of the “International Islamic Front of Jihad against the Jews and the Crusaders,” issued a fatwah (a purported religious ruling) claiming that it was “God’s order” and an “individual duty for every Muslim” to “kill Americans... wherever and whenever” found. The fatwah directed all Muslims to “kill the Americans and their allies, civilians and military.”

4. On or about May 28, 1998, in an interview with ABC News in Afghanistan, Usama bin Laden reiterated the February 1998 fatwah’s call for killing Americans, stating that, “We do not differentiate between those dressed in military uniforms and civilians. They are all targets in this fatwah.” Usama bin Laden further stated that if his demands were not met, al Qaeda would “send” to the U.S. “the wooden boxes of and the coffins” containing “the corpses of American troops and the American civilians.” Bin Laden also noted that “American civilians were asked to gather information on Muslims and observant Muslim youth and to convey it to the security section in the embassy.”

5. On or about May 29, 1998, Usama bin Laden issued a statement entitled, “The Nuclear Bomb of Islam,” under the banner of the “International Islamic Front for the Fighting Jews and Crusaders,” in which bin Laden stated that “it is the duty of the Muslims to prepare as much force as possible to terrorize the enemies of God.”

6. Between about 1996 and about 1997, after attending Khalden Camp in Khowst, Afghanistan for three months, AL DARBI traveled to Usama bin Laden’s compound in Jalalabad, Afghanistan, met with Usama bin Laden, and received permission from Usama bin Laden to attend al Qaeda’s Jihad Wahl Training Camp.

7. Between about 1996 and about 1997, AL DARBI trained at al Qaeda’s Jihad Wahl Training Camp, where he received advanced military and ideological training.

8. In about the spring of 1997, AL DARBI, at the request of al Qaeda associates, traveled to Kabul to fight against the Northern Alliance alongside members of al Qaeda and the Taliban.

9. Between about September 1998 and about early 2000, AL DARBI worked at al Qaeda’s al Farouq training camp as a weapons instructor and provided support as a supplier for the camps.

10. In about the spring of 2000, AL DARBI moved his wife and child to the al Qaeda compound near the Kandahar Airport, where he worked as a guard.

11. Between about late 2000 and about early 2001, AL DARBI traveled to Karachi, Pakistan, where he met with Nashiri, whom AL DARBI knew to be a member of al Qaeda. During this meeting, Nashiri told AL DARBI that he wanted AL DARBI to work for him.

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12. Between about late 2000 and about early 2001, AL DARBI sent his wife and child home to Yemen.

13. Between about late 2000 and about early 2001, AL DARBI traveled to Nashiri's apartment in Karachi, Pakistan and met with Nashiri, a Pakistani male named "Abu Badr," Hassan bin Attash, and a man named "Khalid," also known by AL DARBI as Muawiya. During this meeting, Nashiri instructed AL DARBI and Badr to travel to Doha, Qatar to purchase global positioning system (GPS) equipment and boats.

14. Between about late 2000 and about early 2001, AL DARBI gave his Saudi Arabian passport to Nashiri. Nashiri took it to an al Qaeda passport forger who placed false entry and exit stamps in AL DARBI's passport to conceal AL DARBI's time in Afghanistan.

15. Between about late 2000 and about early 2001, at Nashiri's instruction, AL DARBI again traveled to Doha, Qatar to look for GPS equipment and boats.

16. Between about late 2000 and about early 2001, AL DARBI made phone calls to report the prices of boats and GPS equipment to Nashiri.

17. Between about late 2000 and about early 2001, in Doha, Qatar, AL DARBI purchased two GPS units and researched the prices for a 10x3 meter fiberglass boat.

18. Between about late 2000 and about early 2001, AL DARBI returned to Karachi, Pakistan, and gave Nashiri the two GPS units purchased in Qatar.

19. Between about late 2000 and about early to mid-2001, AL DARBI returned to the UAE, at Nashiri's instruction, to search for a bigger fiberglass boat and other supplies. AL DARBI subsequently returned to Karachi, Pakistan and provided Nashiri catalogues and prices for boats.

20. Between about April 2001 and about June 2001, AL DARBI and Muawiya traveled to the UAE, at Nashiri's instruction, to continue searching for boats. They returned to Karachi, Pakistan, at Nashiri's instruction, after approximately thirteen to fifteen days in the UAE and reported on the high cost of boats in the UAE.

21. Between about June 2001 and about August 2001, AL DARBI met with Nashiri and others in Nashiri's apartment in Karachi, Pakistan. During this meeting, Nashiri informed the group that the target of their operation was to bomb and sink a petroleum tanker in the Strait of Hormuz in order to cause a world-wide economic depression.

22. Between about June 2001 and about August 2001, AL DARBI and Muawiya received approximately 10,000 USD each from Nashiri for operational expenses.

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23. Between about June 2001 and about August 2001, at Nashiri's instruction, AL DARBI traveled with Muawiya to the UAE to search for a larger wooden boat, specifically, a ship that would be capable of launching smaller boats during an attack.
24. Between about June 2001 and about August 2001, AL DARBI purchased an automobile to assist him in searching for the larger wooden boat in the UAE.
25. Between about June 2001 and about August 2001, AL DARBI and Muawiya received 100,000 USD from Nashiri via a hawala (informal money exchange service) located in the UAE.
26. Between about June 2001 and about August 2001, AL DARBI opened two bank accounts and deposited his share of the money sent via hawala by Nashiri (50,000 USD) into the accounts.
27. In about August 2001, AL DARBI returned to Karachi, Pakistan.
28. In about August 2001, AL DARBI, at Nashiri's instruction, traveled to the UAE to keep looking for the larger wooden boat.
29. Between about August 2001 and about October 2001, AL DARBI received 50,000 USD from Nashiri via a hawala located in the UAE.
30. In about September 2001, AL DARBI, with Nashiri's permission, purchased a wooden ship named *Adnan* for 475,000 Dirhams.
31. Between about late 2001 and about early 2002, AL DARBI paid Abdullah Bitta Tarish al Shamsi to have *Adnan* registered in the UAE under the name *al Shamsi*.
32. Between about October 2001 and about May 2002, AL DARBI purchased a hydraulic crane for *al Shamsi*, which was to be used to lower smaller attack boats from *al Shamsi* for the plot to blow up a petroleum tanker.
33. Between about late 2001 and about early 2002, AL DARBI, at Nashiri's instruction, obtained UAE visas for four Yemeni operatives: Bassam Waji, Munir al Sharabi, Fayiz ali Najjar, and Gharib al Taizi, and upon arrival the Yemenis, along with Minwar al Khaladi, lived in an apartment rented in Ash Sharika.
34. Between about late 2001 and about early 2002, AL DARBI directed Bassam Waji, Munir al Sharabi, and Fayiz ali Najjar to live on *al Shamsi* while they trained for their terrorist attack against a petroleum tanker.
35. Between about November 2001 and about April 2002, AL DARBI purchased a fiberglass boat that the Yemeni operatives used to learn how to swim and operate a boat.

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36. Between about April 2002 and about May 2002, AL DARBI, at Nashiri's instruction, cancelled the UAE registration of *al Shamsi* and registered the boat as *al Rahal* under the São Tomé flag.

37. In about April 2002, AL DARBI hired an unwitting crew to operate *al Rahal*.

38. In about May 2002, AL DARBI, at Nashiri's instruction, left the UAE and sailed on *al Rahal* towards Yemen, where he was to give the ship to Walid al Shiba, the leader of the Yemeni cell, to use in an attack against a petroleum tanker off the coast of Yemen.

39. In about May 2002, AL DARBI, fearing capture and at Nashiri's instruction, diverted the ship to Bosasso, Somalia.

40. On about October 6, 2002, in or around the port of al Mukallah, Yemen, suicide bombers, at Nashiri's direction, used an explosives-laden boat to attack the French oil tanker, MV *Limburg*.

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CHARGE I: VIOLATION OF 10 U.S.C. § 950t(2), ATTACKING CIVILIANS

SPECIFICATION: In that Ahmed Mohammed Ahmed Haza AL DARBI (hereinafter “AL DARBI”) (see Appendix A for a list of aliases), a person subject to trial by military commission as an alien unprivileged enemy belligerent, did, in or around the coast of al Mukallah, Yemen, on or about October 6, 2002, in the context of and associated with hostilities, intentionally attack civilian persons, by detonating an explosives-laden boat alongside MV *Limburg*, a civilian oil tanker owned by a civilian entity and crewed by individual civilians not taking direct or active part in hostilities. AL DARBI intended the civilians not taking direct or active part in hostilities to be an object of the attack; and, AL DARBI knew or should have known of the factual circumstances that established the civilian status of the crewmembers.

AL DARBI is liable for the above alleged offense as a principal and a co-conspirator, and as a participant in a common plan, as set forth in the section entitled “Common Allegations,” which is hereby re-alleged and incorporated by reference as if set forth fully herein.

CHARGE II: VIOLATION OF 10 U.S.C. § 950t(3), ATTACKING CIVILIAN OBJECTS

SPECIFICATION: In that Ahmed Mohammed Ahmed Haza AL DARBI (hereinafter “AL DARBI”) (see Appendix A for a list of aliases), a person subject to trial by military commission as an alien unprivileged enemy belligerent, did, in or around the coast of al Mukallah, Yemen, on or about October 6, 2002, in the context of and associated with hostilities intentionally attack civilian property, that is property that was not a military objective, by detonating an explosives-laden boat alongside MV *Limburg*, a civilian oil tanker owned by a civilian entity and crewed by civilians. AL DARBI intended the civilian oil tanker to be the object of the attack and knew or should have known that such target was not a military objective.

AL DARBI is liable for the above alleged offense as a principal and a co-conspirator, and as a participant in a common plan, as set forth in the section entitled “Common Allegations,” which is hereby re-alleged and incorporated by reference as if set forth fully herein.

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CHARGE III: VIOLATION OF 10 U.S.C. § 950t(23), HAZARDING A VESSEL

SPECIFICATION: In that Ahmed Mohammed Ahmed Haza AL DARBI (hereinafter “AL DARBI”) (see Appendix A for a list of aliases), a person subject to trial by military commission as an alien unprivileged enemy belligerent, did, in or around the coast of al Mukallah, Yemen, on or about October 6, 2002, in the context of and associated with hostilities, intentionally commit an attack that endangered the safe navigation of a vessel by detonating an explosives-laden boat alongside MV *Limburg*, a civilian oil tanker owned by a civilian entity and crewed by civilian personnel. AL DARBI intended to endanger the safe navigation of the civilian oil tanker, which was not a legitimate military objective.

AL DARBI is liable for the above alleged offense as a principal and a co-conspirator, and as a participant in a common plan, as set forth in the section entitled “Common Allegations,” which is hereby re-alleged and incorporated by reference as if set forth fully herein.

CHARGE IV: VIOLATION OF 10 U.S.C. § 950t(24), TERRORISM

SPECIFICATION: In that Ahmed Mohammed Ahmed Haza AL DARBI (hereinafter “AL DARBI”) (see Appendix A for a list of aliases), a person subject to trial by military commission as an alien unprivileged enemy belligerent, did, in or around the coast of al Mukallah, Yemen, on or about October 6, 2002, in the context of and associated with hostilities, and in a manner calculated to influence or affect the conduct of a government or civilian population by intimidation or coercion and to retaliate against government conduct, commit an attack that intentionally killed one protected person and inflicted great bodily harm on one or more protected persons, by detonating an explosives-laden boat alongside MV *Limburg*, a civilian oil tanker owned by a civilian entity and crewed by civilian personnel.

AL DARBI is liable for the above alleged offense as a principal and a co-conspirator, and as a participant in a common plan, as set forth in the section entitled “Common Allegations,” which is hereby re-alleged and incorporated by reference as if set forth fully herein.

CHARGE V: VIOLATION OF 10 U.S.C. § 950t(28), ATTEMPT

SPECIFICATION 1: Hazarding a Vessel. In that Ahmed Mohammed Ahmed Haza AL DARBI (hereinafter “AL DARBI”) (see Appendix A for a list of aliases), a person subject to trial by military commission as an alien unprivileged enemy belligerent, did, at multiple locations in and around Yemen, the United Arab Emirates (“UAE”), Qatar and Somalia, from about 2000 to about June 4, 2002, in the context of and associated with hostilities, with the specific intent to commit the offense of Hazarding a Vessel, 10 U.S.C. § 950t(23), attempt to endanger the safe navigation of a vessel, not a legitimate military objective, by purchasing multiple vessels and a crane, obtaining UAE Visas for the Yemeni attack operatives, training the Yemeni attack operatives, obtaining necessary supplies, hiring a crew, and sailing the ship towards Yemen in order to attack one or more civilian oil tankers, which acts amounted to more than mere preparation and tended to effect the commission of the intended offense.

SPECIFICATION 2: Terrorism. In that Ahmed Mohammed Ahmed Haza AL DARBI (hereinafter “AL DARBI”) (see Appendix A for a list of aliases), a person subject to trial by military commission as an alien unprivileged enemy belligerent, did, at multiple locations in and around Yemen, the United Arab Emirates (“UAE”), Qatar and Somalia, from about 2000 to about June 4, 2002, in the context of and associated with hostilities, with the specific intent to commit the offense of Terrorism, 10 U.S.C. § 950t(24), attempt to engage in an act that could have resulted in the intentional killing and infliction of great bodily harm to one or more protected persons, in a manner calculated to influence or affect the conduct of a government or civilian population by intimidation or coercion and to retaliate against government conduct, by purchasing multiple vessels and a crane, obtaining UAE Visas for the Yemeni attack operatives, training the Yemeni attack operatives, obtaining necessary supplies, hiring a crew, and sailing the ship towards Yemen in order to attack one or more civilian oil tankers, which acts amounted to more than mere preparation and tended to effect the commission of the intended offense.

Appendix A

List of al Darbi aliases:

Abd al Aziz
Abd al Aziz al Janoubi
Abd Aziz al Makki
Abdel al Aziz
Abdel Aziz al Makki
Abdel Rahim Abu Hudaifa al Makki
Abdel Rahim al Janoubi
Abdul al Aziz al Makki
Abed al Aziz
Abed al Aziz al Makki
Abed Rahim al Janoubi
Ahmad Mohamed A. Haza
Ahmad Mohamed A. Hazaifa
Ahmad Muhammad Ahmad Haza
Ahmad Muhammad Ahmed Haza al Darbi
Ahmed Mohamed al Darbi
Ahmed Mohammed al Darbi
Ahmed Mohd al Darbi
Ahmed Mohd Ahmed al Darbi

Appendix B

List of co-conspirator aliases:

Abd al Rahim Husayn Muhammad Abda al Nashiri
Abd al Rahim Hussein Muhammed Abdu al Nashiri
Abd al Rahim Husay Muhannad Abdu
Abdel al Rahim al Nashiri
Abu Bilal
Bilal al Makki
Mullah Bilal
Nashir

Ahmed Muhammad Husayn Ghulam Rabbani
Abu Badr
Abu Badr al Pakistani
Mohammed Shah

Bassam Wajih
Ahmad Hassan al Wajih
Bassam Wahib Abduh Ahmad Khadashi
Fawzi Muhammad Abd al Qawi al Wajih
Isam Ahmad Abdullah al Wajih
Muhammad Ahmad Hammud
Musab al Taizi

Fayiz Hus Ayn ali Najjar
Abu al Shahid
Abu al Shahid al Arhabi
Abu al Shahid al Sanaani
Abu al Shahid al Yemeni
Fawzi Yahya Qasim al Hababi
Fawzi Yahya Qasim al Hibabi
Fawzi al Hababi Abu al Shahid
Fayes
Hamud

Hassan Muhammad Ali bin Attash
Hassan bin Attash
Mughaira
Mughayra
Sayyid Nur
Umair al Gharib
Umair bin Attash
Umayr al Gharib
Umayr bin Attash

Khalid Ibn Muhammad al Juhani
Khalid al Juhani
Khalid Muhammad Muslim al Juhani
Moawiah
Muawiya
Mu'awiya al Madani
Saif al Shahrani
Sultan

Minwar Khaladi
Abu Hazim
Abu Hazim al Shair
Abu Hazim al Sharqi
Khalid Ali Bin Ali al Hajj
Minwar al Khaldi
The Poet

Muhammad Sa'id al Husayn
Abdullah Gharib
Abu Ghurayb al Ta'zi
Fathi Abd al Ghani al Ammari
Gharib al Ta'azzi
Gharib al Taizi
Muhammad Said Ali Hasan al Ammari
Muhammad Said Ali Husayn
Usamah Muhammad Abdu al Dhari

Munir al Sharabi
Abu Salman
Bashir al Safari
Muneer al Sharabi
Muneer Ali Saeed al Sharabi
Salman al Taiz

Walid al Shiba
Abd al Khaliq al Jabiri
Abd al Rahman Hadi Hamoud al Rudaai
Abd al Raziq Muhammed Nasir al Uthmali
Ahmed Qayid
Muhammed Abd al Khaliq Saeed al Gabiri
Waleed Sheyba
Walid al Shaybah