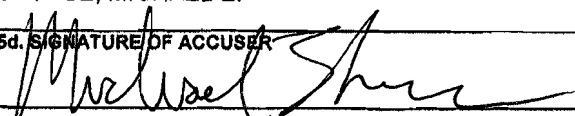



CHARGE SHEET		
I. PERSONAL DATA		
<b>1. NAME OF ACCUSED:</b> TAREK MAHMOUD EL SAWAH		
<b>2. ALIASES OF ACCUSED:</b> a/k/a Tariq Mahmoud Ahmed al Sawah, a/k/a Tariq Mahmud Ahmad al Sawwah, a/k/a Abu al Laith al Masri, a/k/a Abu al Layth al Masri, a/k/a Abu al Laith al Muhajir		
<b>3. ISN NUMBER OF ACCUSED (LAST FOUR):</b> 0535		
II. CHARGES AND SPECIFICATIONS		
<b>4. CHARGE:</b> VIOLATION OF SECTION AND TITLE OF CRIME IN PART IV OF M.M.C.		
<b>SPECIFICATION:</b>  See Attached Charges and Specifications.		
III. SWEARING OF CHARGES		
<b>5a. NAME OF ACCUSER (LAST, FIRST, MI)</b> SAVAGE, MICHAEL E.	<b>5b. GRADE</b> O5	<b>5c. ORGANIZATION OF ACCUSER</b> OMC-Prosecution
<b>5d. SIGNATURE OF ACCUSER</b> 	<b>5e. DATE (YYYYMMDD)</b> 20081212	
<small>AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser the <u>12<sup>th</sup></u> day of <u>December</u>, <u>2008</u>, 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.</small>		
J. ROBERT CANTRALL <i>Typed Name of Officer</i>	OMC-Prosecution <i>Organization of Officer</i>	
LTCOL/O-5 United States Air Force <i>Grade</i>	Judge Advocate - Article 136(a)(1) <i>Official Capacity to Administer Oath</i> <small>(See R.M.C. 307(b) must be commissioned officer)</small>	
 <i>Signature</i>		

#### IV. NOTICE TO THE ACCUSED

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

J. ROBERT CANTRALL, LTCOL, USAF

*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

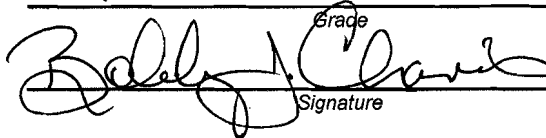
7. The sworn charges were received at 1640 hours, on 12 Dec 2008, at Arlington, VA

\_\_\_\_\_  
*Location*

For the Convening Authority: BOBBY J. CHAVIS

*Typed Name of Officer*

SSG, USA

  
*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 instructions<sup>1</sup>: \_\_\_\_\_

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

<sup>1</sup>See R.M.C. 601 concerning instructions. If none, so state.

**CHARGE 1: Violation of 10 U. S. Code § 950 v(b)(28) CONSPIRACY**

Specification: From in or about October 2000 to in or about November 2001, in Afghanistan, Tarek Al Sawah, (hereinafter "Sawah") a person subject to trial by military commission as an unlawful alien enemy combatant, did intentionally and knowingly conspire and agree with various members and associates, both known and unknown, of the al Qaeda organization, including Usama Bin Laden, Abdel Rahman al Muhajir, Abu Tarek al Tunisi, Abu Muhammad al Masri, and Muhammed Ibn al Libi and that al Qaeda engaged in hostilities against the United States, including the 1998 attack against the American embassies in Kenya and Tanzania, the 2000 attack against the USS Cole, the 11 September 2001 attack against the United States and other separate attacks, to commit one or more substantive offenses subject to trial by military commission, to wit: attacking civilians; attacking civilian objects; murder in violation of the law of war; destruction of property in violation of the law of war; hazarding a vessel and terrorism, and that Sawah knew the unlawful purpose of the agreement and joined willfully, with the intent to further the unlawful purpose, and in order to accomplish some objective and purpose of the agreement, Sawah knowingly committed at least one of the following overt acts:

- a. Attended al Qaeda Basic terrorist weapons training camp known as al Farouq.
- b. Attended specialized explosives training from al Qaeda explosive expert Muhsin Musa Matwalli Atwah (a/k/a Abd Abdel Rahman al Muhajir), including the following al Qaeda explosives techniques: how to build improvised explosive devices (IEDs) and remote detonation systems, how to use common chemicals to increase the explosive power of IEDs, and how to destroy bridges, buildings, and rail systems with explosives.
- c. Attended advanced explosives training from al Qaeda explosive expert Abu Tarek al Tunisi, in which the accused learned how to make explosive timers for IEDs, including the use of Casio wrist watches as remote detonators.
- d. Served in al Qaeda fighting positions near cities of Bagram and Kabul.
- e. Between approximately June 2001 and September 2001, Sawah accepted assignment to Tarnak Farms where he served as an explosives trainer for members of al Qaeda. He taught individuals how to use military equipment and manufacture explosives including but not limited to hand grenades, anti-personnel mines, and improvised explosive devices, all to be used as terror weapons to attack military personnel, civilians and civilian infrastructure.
- f. Between approximately July and October 2001, Sawah traveled to a variety of locations in Afghanistan and conducted explosives training courses teaching the

fundamentals of how to use explosives to members of al Qaeda, the Taliban, and others.

g. Between August 2001 and October 2001, while serving al Qaeda as an explosives trainer in Afghanistan, Sawah authored an approximately four-hundred (400) page handwritten manuscript that contained bomb making techniques and then gave said explosives manual to al Qaeda co-conspirators with the intent of making his knowledge of explosive devices readily available for other al Qaeda members.

h. Between August 2001 and October 2001, at Tarnak Farms, at the direction of a member of al Qaeda's Shura Council, Sawah developed and successfully tested a remote controlled limpet mine for use against U.S. warships.

i. In November 2001, fought with al Qaeda forces against United States and Coalition forces in the "Tora Bora" region of Afghanistan until wounded and captured by coalition forces.

**CHARGE II: Violation of 10 U. S. Code § 950 v(b)(25) PROVIDING MATERIAL SUPPORT FOR TERRORISM**

Specification: From in or about October 2000 to in or about December 2001, at various locations in Afghanistan, in the context of, or associated with an armed conflict, Tarek al Sawah, a person subject to the jurisdiction of the military commissions as an unlawful alien enemy combatant, did intentionally provide material support and resources, that included but are not limited to: providing personnel including himself, expertise and training to al Qaeda, an international terrorist organization then engaged in hostilities against the United States, including violent attacks on the U. S. Embassies at or near Nairobi, Kenya and Dar es Salaam, Tanzania, on or about August 7, 1998; on the USS Cole at or near Aden, Yemen, on or about October 12, 2000, and at various locations in the United States on or about September 11, 2001, knowing that al Qaeda engaged in or engages in Terrorism, by:

- a. Attended al Qaeda Basic terrorist weapons training camp known as al Farouq.
- b. Attended specialized explosives training from al Qaeda explosive expert Muhsin Musa Matwalli Atwah (a/k/a Abd Abdel Rahman al Muhajir), including the following al Qaeda explosives techniques: how to build improvised explosive devices (IEDs) and remote detonation systems, how to use common chemicals to increase the explosive power of IEDs, and how to destroy bridges, buildings, and rail systems with explosives.
- c. Attended advanced explosives training from al Qaeda explosive expert Abu Tarek al Tunisi, in which the accused learned how to make explosive timers for IEDs, including the use of Casio wrist watches as remote detonators.

- d. Served in the al Qaeda fighting positions near the cities of Bagram and Kabul.
- e. Between approximately June 2001 and September 2001, Sawah was assigned to Tarnak Farms where he served as an explosives trainer for members of al Qaeda. He taught individuals how to use military equipment and manufacture explosives including but not limited to: hand grenades, anti-personnel mines, and improvised explosive devices, as terror weapons to attack military personnel, civilians and civilian infrastructure.
- f. Between approximately July and October 2001, Sawah traveled to a variety of locations in Afghanistan and conducted explosives training courses teaching the principles of explosives to members of al Qaeda, the Taliban or others.
- g. While serving al Qaeda as an explosives trainer in Afghanistan, Sawah authored an approximately four-hundred (400) page handwritten manuscript that contained bomb making techniques and then gave said explosives manual to al Qaeda co-conspirators with the intent of making his explosives knowledge readily available for other al Qaeda members.
- h. Between August 2001 and October 2001, at Tarnak, at the direction of a member of al Qaeda's Shura Council, Sawah developed and successfully tested a remote controlled limpet mine for use against U.S. warships.
- i. Fought with al Qaeda forces against United States and coalition forces in the "Tora Bora" region of Afghanistan until wounded and captured by coalition forces.