

**CHARGE SHEET**

**I. PERSONAL DATA**

1. NAME OF ACCUSED: ABDUL GHANI

2. ALIASES OF ACCUSED:  
None

3. ISN NUMBER OF ACCUSED (LAST FOUR): ISN #: 0934

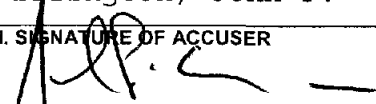
**II. CHARGES AND SPECIFICATIONS**

4. CHARGE: VIOLATION OF M.C.A. SECTION AND TITLE OF CRIME.

SPECIFICATION:

SEE ATTACHED

**III. SWEARING OF CHARGES**

5a. NAME OF ACCUSER (LAST, FIRST, MI) Ellington, John P.	5b. GRADE O-5	5c. ORGANIZATION OF ACCUSER Office of Chief Prosecutor, OMC
5d. SIGNATURE OF ACCUSER 	5e. DATE (YYYYMMDD) 20080728	

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 July, 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.

Joseph Treanor  
*Typed Name of Officer*

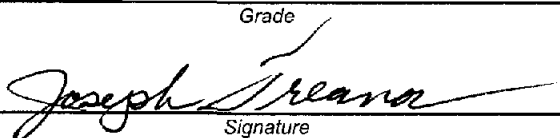
Office of Military Commissions  
*Organization of Officer*

O-6

*Grade*

Judge Advocate

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

  
*Signature*

**IV. NOTICE TO THE ACCUSED**

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

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

\_\_\_\_\_  
*Organization of the Person Who Caused  
 Accused to Be Notified of Charges*

\_\_\_\_\_  
*Signature*

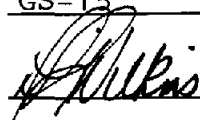
**V. RECEIPT OF CHARGES BY CONVENING AUTHORITY**

7. The sworn charges were received at 1458 hours, on 7 Nov 2008, at Arlington, VA

\_\_\_\_\_  
 Location

For the Convening Authority: Donna L. Wilkins  
*Typed Name of Officer*

GS-15  
 \_\_\_\_\_  
*Grade*

  
 \_\_\_\_\_  
*Signature*

**VI. REFERRAL**

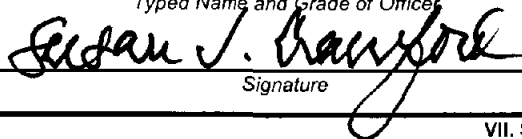
8a. DESIGNATION OF CONVENING AUTHORITY Convening Authority 10 USC §948h Appointed on 6 Feb 2007	8b. PLACE Arlington, VA	8c. DATE (YYYYMMDD) 20081219
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Referred for trial to the (non)capital military commission convened by military commission convening order \_\_\_\_\_  
The Charges and specifications are dismissed without prejudice.

\_\_\_\_\_ subject to the following instructions<sup>1</sup>: \_\_\_\_\_

\_\_\_\_\_   
*Command, Order, or Direction*

Susan J. Crawford \_\_\_\_\_ Convening Authority 10 USC §948h  
*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 I: VIOLATION OF 10 U.S.C. § 950b(28), CONSPIRACY

Specification: In that from on or about 21 December 2001 to on or about 31 January 2003, in and around Afghanistan, ABDUL GHANI, a person subject to trial by military commission as an alien unlawful enemy combatant, did conspire and agree with Skandar Shaw and Mohammed Hashim, and various other known and unknown persons, to commit offenses triable by military commission, including attempted murder in violation of the Law of War, destruction of property in violation of the Law of War, terrorism, and providing material support for terrorism knowing the unlawful purpose of the agreement and joined willfully with the intent to further the unlawful purpose, and did knowingly commit an overt act to effect the object of the conspiracy including, but not limited to, the following:

1. In or about 2002, ABDUL GHANI helped to transport land mines and other explosives devices on one or more occasions for use against U.S. and coalition forces;
2. In or about 2002, ABDUL GHANI helped to plant land mines and other explosive devices on one or more occasions for use against U.S. and coalition forces;
3. In the winter of 2001 or spring of 2002, while aided by Mohammed Hashim, ABDUL GHANI fired rockets at U.S. forces and bases;
4. In or about the fall of 2002, while aided by Skandar Shaw, ABDUL GHANI fired rockets at U.S. forces and bases;
5. In or about 2002, ABDUL GHANI accepted monetary payments, including payments from al Qaeda and others known and unknown, to commit attacks on U.S. forces and bases;
6. In or about the summer of 2002, while transporting mines and other explosives for use against U.S. and coalition forces, ABDUL GHANI participated in an attack on Afghan soldiers with small arms fire, in which one Afghan soldier was wounded;
7. In or about the summer of 2002, while transporting mines and other explosives for use against U.S. and coalition forces, ABDUL GHANI shot an Afghan soldier, causing serious wounds.

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

Specification: In that from on or about 21 December 2001 to on or about 31 January 2003, in the context of and associated with an armed conflict, at or near Kandahar Air Base Afghanistan, ABDUL GHANI, a person subject to trial by military commission as an alien unlawful enemy combatant, did knowingly and intentionally provide material support and resources to be used for and in preparation of terrorist acts by, among other things:

1. Making himself available to carry out acts of terrorism;
2. Transporting mines and other explosives for use against U.S and coalition forces and allies;
3. Transporting and providing rockets for use against U.S and coalition forces and allies;
4. Providing expert advice and assistance in the use of rockets, mines and other explosives for use against U.S. and coalition forces and allies.

CHARGE III: VIOLATION OF 10 U.S.C. §950t, ATTEMPTED MURDER IN VIOLATION OF THE LAW OF WAR

Specification 1: In that no earlier than the winter of 2001 but no later than the summer of 2002, at or near Kandahar Air Base, Afghanistan, in the context of and associated with an armed conflict, ABDUL GHANI, an alien unlawful enemy combatant subject to trial by military commission, did knowingly, intentionally and unlawfully attempt to commit murder in violation of the Law of War by firing rockets at U.S. bases with the intent to kill U.S. and coalition forces; said acts were done with the specific intent to commit a certain offense under the Military Commissions Act, to wit: murder in violation of the Law of War; and said acts amounted to more than mere preparation and apparently tended to effect the commission of the intended offense.

Specification 2: In that in or about the fall of 2002, at or near Kandahar Air Base, Afghanistan, in the context of and associated with an armed conflict, ABDUL GHANI, an alien unlawful enemy combatant subject to trial by military commission, did knowingly, intentionally and unlawfully attempt to commit murder in violation of the Law of War by firing rockets at U.S. bases with the intent to kill U.S. and coalition forces; said acts were done with the specific intent to commit a certain offense under the Military Commissions Act, to wit: murder in violation of the Law of War; and the acts amounted to more than mere preparation and apparently tended to effect the commission of the intended offense.

Specification 3: In that in or about the summer of 2002, at or near Kandahar Air Base, Afghanistan, in the context of and associated with an armed conflict, ABDUL GHANI, an alien unlawful enemy combatant subject to trial by military commission, did knowingly, intentionally and unlawfully attempt to commit murder in violation of the Law of War by shooting with a firearm Commander Nayamet-U-Allh of the Afghan military forces; said act was done with the specific intent to commit a certain offense under the Military Commissions Act, to wit: murder in violation of the Law of War; and the act amounted to more than mere preparation and apparently tended to effect the commission of the intended offense.

Specification 4: In that between 1 January 2002 and 31 January 2003, in Kandahar, Afghanistan, in the context of and associated with an armed conflict, ABDUL GHANI, an alien unlawful enemy combatant subject to trial by military commission, did knowingly, intentionally and unlawfully attempt to commit murder in violation of the Law of War by planting landmines and improvised explosive devices in the ground with the intent to kill U.S. and coalition forces; said acts were done with the specific intent to commit a certain offense under the Military Commissions Act, to wit: murder in violation of the Law of War; and the acts amounted to more than mere preparation and apparently tended to effect the commission of the intended offense.