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FD-302a (Rev. 10-6-95)

Continuation of FD-302 of  Holly Ratchford , On 09/14/2001 , Page 2

apartment number 152, Al Bayoumi would leave for two or three months at a time, and would then return to his family. During the most recent departure by Al Bayoumi, he was gone for up to five months before returning to his family at Parkwood. Ratchford was unsure where Al Bayoumi went when he would leave for months at a time. Al Bayoumi and his family owed money when they departed in June 2001, and his rental file has been forwarded to Resident Group Services, 1156 Grove, Anaheim, California, telephone 714630-5300, a collection company.

Al Bayoumi spent much time either at or with members of the Islamic Center of San Diego, 7050 Eckstrom Ave, San Diego, California 92111. Ratchford provided a copy of a check that Al Bayoumi's wife had written to Parkwood Apartment Homes. Bank of America Check Number 439, account number 1220066104391747500308, was written to Parkwood Apartments in the amount of \$791.86. The name on the check was Manal A. Bagader, 6602 Beadnell Way, #6, San Diego, California 92111, telephone 619277-5941.

Al Bayoumi had received reference fees for two or three other renters at Parkwood Apartment Homes. The names of those individual renters should be located in the rental file located at Resident Group Services. All of those renters have left Parkwood Apartment Homes. Ratchford provided that one of those renters referenced by Al Bayoumi had left on September 4, 2001. Gross provided that Al Hazimi and Al Mhdhar's rental file would be located in their main office in Irvine, California.

A former assistant at Parkwood Apartment Homes, Nicole Sabala, who is currently employed at Padre Gardens, 10343 San Diego Mission Road, San Diego, California, telephone 619563-1856, would have known Al Bayoumi and his associates during her tenure at Parkwood.

Parkwood Apartment Homes management records system was negative for Hani Hanjoo, date of birth DOB August 30, 1972.

Five or six current residents of Parkwood Apartment Homes may be members of the Islamic Center of San Diego.

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09/15/2001

Laura Khouri, SPHR, Vice President, Human Resources, Western National Property Management, 8 Executive Circle, 92614-6746, telephone number (949) 862-6201, facsimile (949) 862-6493, email address lkhouri@wng.com, was advised of the identities of the interviewing agents and to the nature of the interview and she thereafter furnished the following information:

On or about February 5, 2000, Khalid M. Al-Mihdhar and his roommate Nawaf M. Al-Hazmi moved into the Parkwood Apartments at 6401 Mount Ada, Apartment 150, San Diego, California. According to the rental applications, Al-Mihdhar and Al-Hazmi were residing at Omar A. Al-Bayoumi's residence at the same apartment complex located at 6333 Mount Ada, Apartment 152. Prior to residing at Al-Bayoumi's residence, Al-Mihdhar and Al-Hazmi wrote that they were from Saudi Arabia. Al-Bayoumi co-signed for Al-Mihdhar and Al-Hazmi and no employment was noted on either application.

Al-Mihdhar's B1/B2 Visa 19990979050005 showed that it was issued on April 7, 1999 in Jeddah and expired on April 6, 2000. Al-Mihdhar's date of birth (DOB) is May 16, 1975 and Passport Number is B721156. Al-Hazmi's B1/B2 Visa 19990938250002 showed that it was issued on April 3, 1999 in Jeddah and expired on April 2, 2000. Al-Hazmi's date of birth (DOB) August 9, 1976 and Passport Number is B673987.

The term of the lease was for four months and showed Al-Bayoumi as the Guarantor and Co-Signer, who made some payments on Apartment 150. A copy of Bank of America, Transaction Record, Account 09000-05839 showed a deposit of \$9,900.00 into an unknown checking account on February 4, 2000.

The following address and telephone number was written down for unknown reasons, 8451 Mount Vernon, Lemon Grove, California 91945, (619) 697-8808.

On February 13, 2000, a handwritten 30 day Intent to Vacate Notice was signed by Al-Hazmi and Al-Mihdhar to vacate on March 13, 2000, however it was rescinded and they moved out on May 31, 2000 with a refund in the amount of \$638.14 owed to them. They left no forwarding address.

Attached to this communication is a copy of the documents obtained. The original documents are in the 1A section of this file.

Case ID



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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 09/30/2001

On September 28, 2001, Adel M. Rafeea [REDACTED] was interviewed at the San Diego office of the Federal Bureau of Investigation by Special Agents (SAs) Suzanne Hesselman and R. Joseph Shultz. Rafeea was accompanied by his attorney, Randall B. Hamud. After being advised of the identities of the interviewing agents and the purpose of the interview, Rafeea provided the following information:

During the period of Ramadan which took place in December 1999 or January 2000, Rafeea became familiar with an individual known to him as "Osama". Osama was a Caucasian male who had converted to Islam and began attending services at the Islamic Center of San Diego (ICSD). Rafeea advised Ramadan lasts approximately one month and that Osama attended ceremonies at the ICSD during that time. Rafeea does not know Osama's last name but recalled he was married to a Hispanic woman who he fought with often. Osama drove a grey Mitsubishi sport utility vehicle. He stopped coming to the ICSD after Ramadan however, his wife continued to come for a few months. Rafeea recalled Osama's wife appeared pregnant during the time she came to the ICSD without Osama and that he had seen her with an African-American female on at least one occasion.

Rafeea does not know where Osama worked however, he did recall Osama showing him a certificate from the U.S. Coast Guard notifying Osama he had passed his tests and was accepted into the Coast Guard. Osama never mentioned any employment other than the Coast Guard.

Rafeea recalled Osama attended a party at the residence of Nawaf Alhazmi and Khalid Al-Mihdar. Osama filmed the party with Albayoumi's videotape recorder. Osama was friendly with Omar Albayoumi and Rafeea saw them together often.

Osama never mentioned anything about his family. Rafeea could not recall any other friends Osama had nor could he identify anyone who could provide additional information concerning Osama.

Investigation on 9/28/2001 at San Diego, California

File [REDACTED] Date dictated 9/30/2001  
by SA Suzanne Hesselman  
SA R. Joseph Shultz

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[REDACTED]  
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Continuation of FD-302 of Adel M. Rafeea, On 9/28/2001, Page 2

Rafeea was shown a San Diego Police Department Booking photograph of Nawaf Alharbi, date of birth June 20, 1977. Rafeea reported he was unfamiliar with the individual depicted in the photograph.

Rafeea described Osama as a white male in his late twenties approximately five feet five or six inches tall with dark hair and dark eyes. He had a thin build and was growing a beard on his chin. Osama's wife was described as being Hispanic, approximately five feet five inches tall in her mid twenties. She has a chubby build and a round face.

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1007T, 1007E, 1007F~~~~(DO NOT WRITE IN THESE SPACES)~~~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE~~

**SECRET**

FEDERAL BUREAU OF INVESTIGATION

ADEL M. RAFEEA [REDACTED], date of birth 01/15/1969, of 6699 Beadnell Way, Apt. 203, San Diego, California, home telephone number (858) 571-6226 was interviewed at the San Diego Office of the FBI. RAFEEA was accompanied by RANDALL B. HAMUD, Attorney at law, who represents the Islamic Center of San Diego. After being advised of the identities of the interviewing agents and the purpose of the interview, he provided the following information:

RAFEEA was shown two photographs from the International Combat Information Center Watch Officer Expeditionary Warfare Training Group, Pacific Class 00-1 and asked to identify a Saudi Arabian naval officer depicted in each photograph. RAFEEA recognized the officer as visitor to the Islamic Center of San Diego. RAFEEA remembered the officer identified himself as a naval officer but did not recall his name. RAFEEA was told the name of the officer was NAWAF AL HARBI and asked if it was the same NAWAF Al Harbi who asked him to receive a wire transfer of funds. RAFEEA stated the NAWAF AL HARBI who asked him to receive a wire transfer was not the naval officer in the pictures displayed before him.

RAFEEA was shown the California Department of Motor Vehicles photograph belonging to OMAR AHMED AL-BAYOUMI. RAFEEA identified the photograph as belonging to AL-BAYOUMI. AL-BAYOUMI lived in the same complex as NAWAF M. S. ALHAZMI and KHALID M. A. ALMIHDAR. RAFEEA had known Al-Bayoumi since 1997. RAFEEA thought AL-BAYOUMI was living in the United States prior to 1997. AL-BAYOUMI was studying International Business at U.S. International University (USIU) in San Diego. RAFEEA was introduced to AL-BAYOUMI at USIU when they both were administered the TOEFL English proficiency examination.

AL-BAYOUMI was a very social person. AL-BAYOUMI attended prayers regularly at the Islamic Center of San Diego. AL-BAYOUMI often brought copies of the Koran provided by the Saudi Arabian Consulate to pass out at the Islamic Center. AL-BAYOUMI may have assisted others with locating lodging in the San Diego area. AL-BAYOUMI was married with four children: two boys and two girls.

File [REDACTED] Date dictated 09/21/2001  
by SAS B. Kyle Scroggins, L. John Matthews,  
and Stephen J. Laskowski:sjl

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AL-BAYOUMI left the United States for the United Kingdom around July 2001. AL-BAYOUMI first left for the United Kingdom in June 2001 then traveled to Saudi Arabia. RAFEEA learned of AL-BAYOUMI's travel from his family who remained in San Diego. AL-BAYOUMI returned to San Diego for approximately one month before leaving with his family to the United Kingdom in July 2001. AL-BAYOUMI told RAFEEA he was the President of the Saudi Student Club in Birmingham, United Kingdom.

AL-BAYOUMI tended to associate with the Saudi Arabian and Persian Gulf students who attended the Islamic Center of San Diego. AL-BAYOUMI did not travel to any particular destination when he lived in San Diego. AL-BAYOUMI appeared to have regular contact with the Saudi Arabian consulate in Los Angeles, California. AL-BAYOUMI made frequent trips to the consulate during the six years he was known to have lived in San Diego.

Approximately one year ago, AL-BAYOUMI told RAFEEA he had obtained a work permit from a local company and did not have to have the prerequisite twelve units of classes required for persons with a student visa. AL-BAYOUMI never said which company had hired him or what type of work he was to accomplish.

NAWAF ALHAZMI and KHALID ALMIHDAR told RAFEEA they were taking English lessons at a local college located near the intersection of Genesee Avenue and Clairmont Mesa Boulevard in San Diego.

The Islamic Center of San Diego has a soccer team which meets every Saturday. KHALID ALMIHDAR and NAWAF ALHAZMI both played with the soccer team. All soccer meetings were held at the park adjacent to the Islamic Center. The soccer field was reserved for use through the San Diego Parks division. Each mosque within San Diego County has a soccer team and regular tournaments were played with them. The two coaches of the team were SAMIR NUHAILY and MUHIDIN DEAN NUHAILY. Both are brothers and part of the Islamic Center's sports committee.

RAFEEA was shown a photograph of HANI HANJOOR. RAFEEA said he did not recognize the person in the photograph nor the name HANI HANJOOR.

RAFEEA was shown a photograph of OMAR BAKARBASHAT. RAFEEA identified the person in the photograph as OMAR. RAFEEA did not know OMAR's last name. OMAR was from Yemen and had a

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bachelor's degree in computer science. OMAR was always "kind of broke." OMAR came to the Islamic Center on a regular basis and looked through ads for a roommate. OMAR appeared to be homeless for some time. As of three weeks ago, OMAR was still looking for an apartment. OMAR was always looking for work. RAFEEA did see OMAR working at a hand car wash in La Mesa, California, near the I-8 and the Rte 125 interchange. OMAR had a Suzuki jeep which he placed a for sale ad at the Islamic Center.

RAFEEA was shown a photograph of HASHIM ALATTAS. RAFEEA recognized ALATTAS but did not know his name. ALATTAS came to the Islamic Center only on one occasion at the beginning of summer 2001 with an unidentified male. ALATTAS was smiling and friendly and said he was from Saudi Arabia or Yemen. Both ALATTAS and the unidentified male were not frequent visitors to the Islamic Center.

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08/18/2003

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription

at

OMAR AHMED MUSTAFA AL-BAYOUMI, date of birth 11/29/1957, Saudi passport #B758501, was interviewed in Riyadh, Saudi Arabia. Present during both interview sessions was [REDACTED]. Present during the first interview session was FBI Special Agent Ammar Y. Barghouty in case Arabic translation was necessary; however, both interview sessions were conducted entirely in English. After being advised of the identity of the interviewing agents and the nature of the interview, AL-BAYOUMI provided the following information.

AL-BAYOUMI has worked for the Saudi Arabian Presidency of Civil Aviation (PCA) for approximately twenty-seven years, and currently works in the finance/budget department. AL-BAYOUMI was sent to the United States in approximately 1995 to study English and to obtain advanced educational degrees. AL-BAYOUMI explained that this undertaking was part of a program aimed to educate Saudi Arabian citizens abroad and to have them retain their employment upon return to Saudi Arabia. Before traveling to the United States, AL-BAYOUMI was transferred to Dallah Avco, a subcontractor of the PCA, through which he was to receive both a salary and a stipend to cover tuition fees, housing, and other living expenses. During his time in the United States, AL-BAYOUMI received both a salary as well as an additional stipend. While later attending school in the United Kingdom, AL-BAYOUMI continued to receive funding for his tuition.

Depending on the budgetary situation, AL-BAYOUMI was sometimes told that funding for his tuition and/or living expenses were to be drawn directly from his salary. AL-BAYOUMI did not recall the specific dates or periods of time during which he was told to pay for his tuition or housing from his salary. At other times, AL-BAYOUMI received additional funds, separate from his salary, to pay for his tuition and/or housing. During these periods of time, his additional stipend would be increased. AL-BAYOUMI did not recall the specific dates or periods of time during which he received an increased stipend.

AL-BAYOUMI identified the name HAMID AL-RASHID as an official of PCA, but advised that AL-RASHID was not his supervisor. AL-BAYOUMI does not personally know AL-RASHID. AL-BAYOUMI did not recognize the name or photograph of SAUD AL-RASHEED [Note: This

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| Investigation on | 08/04-06/2003            | Riyadh, Saudi Arabia  |
|                  |                          | Date dictated         |
| File #           | [REDACTED]               |                       |
| by               | SA Jacqueline Maguire/jm | SA Ammar Y. Barghouty |
|                  | SSA Joan-Marie Turchiano | SAC Steven H. Gurley  |

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[REDACTED] Umar Ahmed Mustafa Al-Bayoumi

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black and white photograph of SAUD AL-RASHEED, dressed in traditional Saudi Arabian attire, was obtained from an image of his Saudi Arabian passport. A copy of the photograph of SAUD AL-RASHEED is attached to and made part of this FD-302. A copy of this photograph is also enclosed in a FD-340 within the case file].

While living in San Diego, AL-BAYOUMI was contacted by SAAD AL-HABIB, a Saudi individual who had attended school in San Diego, regarding the mosque used by the Kurdish population in San Diego. AL-BAYOUMI did not recall the date that he was contacted by AL-HABIB. AL-HABIB informed AL-BAYOUMI that he was interested in funding a new mosque for the Kurdish community because the mosque was located in a small building without a parking lot. AL-HABIB asked AL-BAYOUMI to assist in acquiring a larger building to house the mosque, to which AL-BAYOUMI agreed. AL-BAYOUMI subsequently looked for and obtained a building in El Cajon, California, that included a parking lot. AL-HABIB provided all of the money to AL-BAYOUMI to purchase the building, to include the 10,000 USD for which AL-BAYOUMI then wrote a check for the initial down payment. AL-BAYOUMI became the facility supervisor of the mosque, named the Al Medina Al-Munarawah Mosque, on a volunteer basis and kept an office in the mosque. AL-BAYOUMI was not paid for his position at the mosque.

AL-BAYOUMI was not employed in San Diego other than his volunteer position at the mosque. While in San Diego, AL-BAYOUMI had last attended Keller Graduate School where he took courses in the Certified Public Accountant (CPA) program. AL-BAYOUMI did not finish the CPA program because he did not like the field of accounting. AL-BAYOUMI did not recall the exact dates of his attendance at Keller Graduate School.

In early 2000, AL-BAYOUMI and ISAMU (LNU) traveled from San Diego to Los Angeles in order for AL-BAYOUMI to submit passport applications for himself and his family to the Saudi Arabian Consulate in Los Angeles. ISAMU was described as a white American convert to Islam who was approximately twenty-two years old [Note: this individual is known to investigators to be ISAMU DYSON]. AL-BAYOUMI did not recall the exact date of this trip to Los Angeles, but recalled that it was in the beginning of 2000. AL-BAYOUMI had called the Consulate prior to traveling to Los Angeles and was told that each applicant needed to submit three photographs. Because AL-BAYOUMI only had two photographs of himself, he and ISAMU stopped on the way to Los Angeles in order for AL-BAYOUMI to obtain another photograph. ISAMU directed AL-BAYOUMI to a location where

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ISAMU knew they would be able to obtain a photograph. AL-BAYOUMI had his picture taken in a photo booth, and they proceeded to the Saudi Arabian Consulate. AL-BAYOUMI did not recall the location at which he had his picture taken.

AL-BAYOUMI and ISAMU entered the Consulate and AL-BAYOUMI submitted the passport applications to a female employee. AL-BAYOUMI did not recall the name of this employee. AL-BAYOUMI was informed that the applications would be processed and the passports mailed to him within two to three days. While at the Consulate, AL-BAYOUMI also picked up Islamic books and children's books from the Islamic Affairs section to bring back to the mosque in San Diego. AL-BAYOUMI visited the Consulate approximately once or twice per year to pick up books. AL-BAYOUMI usually had contact with SAAD JEBREEN [phonetic] in the Islamic Affairs section of the Consulate, but AL-BAYOUMI did not recall the name of the person from whom he obtained the books on that day. AL-BAYOUMI described this person as a tall individual, heavier than AL-BAYOUMI, with a long black/gray beard and not from Saudi Arabia.

After leaving the Consulate, AL-BAYOUMI and ISAMU continued on to a halal restaurant at which AL-BAYOUMI had previously eaten with his family. After discovering that the restaurant was "closed down", AL-BAYOUMI and ISAMU went to another nearby halal restaurant where they ate lunch. While walking out of the restaurant, AL-BAYOUMI overheard two males speaking Arabic. Thinking that they sounded from the Gulf region, AL-BAYOUMI introduced himself and asked the two males where they were from. The two males introduced themselves as KHALID and NAWAF, and stated that they were from Saudi Arabia [Note: these two individuals are known to investigators to be KHALID AL-MIHDHAR and NAWAF AL-HAZMI]. They informed AL-BAYOUMI that they had arrived in the United States approximately one month prior to study English. Neither KHALID nor NAWAF mentioned where they were residing in Los Angeles, but they may have spoke about plans to travel to San Diego. AL-BAYOUMI told them that he lived near the mosque in San Diego, and that they could contact him if ever in San Diego. AL-BAYOUMI did not recall if he provided his telephone number. The conversation lasted for approximately five minutes.

Before meeting them in the restaurant, AL-BAYOUMI had never seen nor heard of KHALID AL-MIHDHAR and/or NAWAF AL-HAZMI. AL-BAYOUMI was not introduced to KHALID and NAWAF by any other individual, rather he just happened to meet them in the restaurant. AL-BAYOUMI was not instructed to visit that specific restaurant on

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After leaving the restaurant, AL-BAYOUMI and ISAMU spoke of visiting the King Fahad Mosque in Culver City because ISAMU was eager to see the building. AL-BAYOUMI, however, could not recall how to get to the mosque and they instead proceeded directly back to San Diego. Previously, AL-BAYOUMI had visited the King Fahad Mosque once or twice per year. On one of these occasions, AL-BAYOUMI visited the King Fahad Mosque with his eldest son EMAD and DR. ABDUSATTAR SHEIKH.

AL-BAYOUMI identified the name and photograph of FAHAD AL-THUMAIRY as an Imam at the King Fahad Mosque, but denied knowing that AL-THUMAIRY was employed at the Saudi Consulate in Los Angeles [Note: This black and white photograph of AL-THUMAIRY was obtained from his U.S. visa application. A copy of the photograph of AL-THUMAIRY is attached to and made part of this FD-302. A copy of this photograph is also enclosed in a FD-340 within the case file]. AL-BAYOUMI did not see nor talk to AL-THUMAIRY on the day that he and ISAMU traveled to the Consulate in Los Angeles. In addition to AL-THUMAIRY, a black African male was also an Imam at the King Fahad Mosque. AL-BAYOUMI did not recognize the name or photograph of MOHAMMED AL-MUHANNA [Note: This black and white photograph of AL-MUHANNA was obtained from his U.S. visa application. A copy of the photograph of AL-MUHANNA, dressed in traditional Saudi Arabian attire, is attached to and made part of this FD-302. A copy of this photograph is also enclosed in a FD-340 within the case file].

Less than one week after the trip to Los Angeles, KHALID and NAWAF arrived at the Islamic Center of San Diego (ICSD) and asked the Imam if OMAR was around. AL-BAYOUMI believed that ABDUL MAJID was the name of the Imam. The Imam responded that OMAR would be in later to pray. AL-BAYOUMI did not recall if he met KHALID and NAWAF at the mosque or at the apartment complex later that day, nor could he recall the exact date that KHALID and NAWAF arrived at the mosque. When they did meet, KHALID and NAWAF told AL-BAYOUMI that they were looking to rent an apartment in the area of the mosque.

AL-BAYOUMI accompanied KHALID and NAWAF to the management office of Parkwood Apartments, at which AL-BAYOUMI and his family were residing. AL-BAYOUMI assisted KHALID and NAWAF in filling out the apartment rental application, as their English skills were very poor. At the direction of the manager, AL-BAYOUMI listed his name

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on the application and also the name of his friend LUWAM (LNU) as a reference. The manager instructed AL-BAYOUMI to list LUWAM as a reference because LUWAM had resided at Parkwood Apartments for an extended period of time. AL-BAYOUMI filled out the rental applications in the names of KHALID, NAWAF, and himself, and listed his own address as the previous residence of both KHALID and NAWAF even though they had never lived there. KHALID and NAWAF each signed their own signatures on the applications, and AL-BAYOUMI signed his own signature on the application and as guarantor.

AL-BAYOUMI identified his own handwriting and signature on copies of the three rental applications and the guarantee form [Note: these copies are enclosed in a FD-340 within the case file]. AL-BAYOUMI did not completely read the terms of agreement to signing as the guarantor, but did so to help out KHALID and NAWAF as newcomers to the community. AL-BAYOUMI advised that it was common practice in their community and in the mosque to assist individuals new to the area. When AL-BAYOUMI first moved to San Diego, an individual named (FNU) HAMMERMAN had assisted him in obtaining an apartment rental. AL-BAYOUMI therefore did the same for KHALID and NAWAF. Other than KHALID and NAWAF, AL-BAYOUMI did not recall assisting any other individuals in obtaining an apartment rental.

KHALID and NAWAF attempted to pay cash for their rent and security deposit, but the management office would not accept cash payment. After the manager advised that they needed to open a bank account, AL-BAYOUMI offered to assist them in doing so. AL-BAYOUMI therefore accompanied KHALID and NAWAF to a local branch of Bank of America at which AL-BAYOUMI had an existing account. KHALID and NAWAF opened a bank account with a large amount of cash. AL-BAYOUMI did not know the exact amount of cash that KHALID and NAWAF possessed, but believed it may have been between 4000 USD and 8000 USD.

KHALID and NAWAF also needed to obtain a bank check to pay for their rent and security deposit at Parkwood Apartments, however, the bank teller informed them that they could not obtain a check as new customers who had no credit history. The teller suggested that they deposit cash into AL-BAYOUMI's existing account and draw the check upon AL-BAYOUMI's account. Upon obtaining the check from AL-BAYOUMI's account, KHALID and NAWAF immediately provided AL-BAYOUMI with the same amount of cash as the bank check and AL-BAYOUMI deposited the money into his account. AL-BAYOUMI did not recall if he accompanied KHALID and NAWAF back to the

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manager's officer when they submitted the check.

AL-BAYOUMI never paid rent or otherwise provided money to either KHALID or NAWAF. KHALID and NAWAF did not stay at AL-BAYOUMI's apartment at any time. AL-BAYOUMI did not know if they stayed anywhere else in San Diego before moving into their own apartment. A Syrian individual named NEENU [phonetic] (LNU) owned a recreational vehicle (RV) which he kept in the parking lot of the ICSD, but AL-BAYOUMI did not have knowledge of either KHALID or NAWAF ever staying in the RV. KHALID and NAWAF had met NEENU at the mosque. AL-BAYOUMI described NEENU as having some mental problems.

Approximately two to four days after KHALID and NAWAF moved into Parkwood Apartments, AL-BAYOUMI was planning a dinner in honor of a sheikh from Norway who had lectured and provided his services at the mosque during Ramadan. The sheikh was known by the Kurdish members of the mosque and visited the mosque for two consecutive years. AL-BAYOUMI planned on holding the dinner at the mosque, but others felt that the mosque was out of the way and people therefore would not attend. AL-BAYOUMI then decided to hold the dinner at Parkwood Apartments. Because the female guests would be in his own apartment with his wife, AL-BAYOUMI asked KHALID and NAWAF if the male guests could congregate in their apartment because there was empty space and no furniture in their apartment. KHALID and NAWAF agreed that the dinner could be held in their apartment.

During the dinner, KHALID and NAWAF stayed in the back room of their apartment despite being invited to sit with the other individuals in attendance. Although they stayed in the back room, KHALID and NAWAF did converse with other individuals who circulated throughout the apartment. An individual [NFI] who had led prayers at the mosque and who was returning home was presented with a plaque during the dinner. ISAMU was also presented with a plaque from AL-BAYOUMI's son in appreciation of ISAMU's assistance with his studies. The sheikh did not receive a plaque because he had been provided a salary in return for his services. The dinner in honor of the sheikh was the only dinner held at KHALID and NAWAF's apartment and the only dinner held by AL-BAYOUMI during the time that KHALID and NAWAF lived at Parkwood Apartments. AL-BAYOUMI did not host any kind of "welcoming" party in honor of KHALID and NAWAF.

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employment. AL-BAYOUMI's wife and children remained in San Diego during the times he traveled to both Washington, DC, and Saudi Arabia.

Upon his return from Saudi Arabia, AL-BAYOUMI recalled hearing that KHALID and NAWAF had moved from Parkwood Apartments to the residence of DR. ABDUSATTAR SHEIKH. AL-BAYOUMI did not know when KHALID and NAWAF first met SHEIKH, nor how they were introduced. AL-BAYOUMI did not know why they had decided to move out of Parkwood Apartments and into the residence of SHEIKH. After they moved out of Parkwood Apartments, AL-BAYOUMI saw KHALID and NAWAF at the mosque on one or two occasions.

As AL-BAYOUMI was traveling during much of the time that KHALID and NAWAF lived at Parkwood Apartments, he did not have a great deal of contact with either of them. On a few occasions, AL-BAYOUMI and his eldest son EMAD visited their apartment to say hello. During these visits, KHALID and NAWAF often would joke with each other by pushing or shoving. AL-BAYOUMI did not like how they acted towards each other and did not want his son to observe such conduct. Because of their behavior, AL-BAYOUMI stopped visiting their apartment.

AL-BAYOUMI could not recall any one or more individuals in San Diego with whom KHALID and NAWAF spent a significant amount of time. AL-BAYOUMI did not know of any individuals who assisted KHALID and/or NAWAF in obtaining driver's licenses or any other forms of identification, but AL-BAYOUMI noted that everyone at the mosque is always willing to help newcomers to the community. AL-BAYOUMI did not recognize the name MUSTAFA AHMED.

AL-BAYOUMI did not introduce either KHALID or NAWAF to MOHDAR ABDULLAH, but believed that they knew each other from the mosque. AL-BAYOUMI recalled seeing ABDULLAH with KHALID and NAWAF at the mosque. AL-BAYOUMI did not instruct ABDULLAH to translate or to contact flight schools on their behalf, nor did he direct ABDULLAH to provide them with any assistance.

AL-BAYOUMI identified the name of OSAMA BASNAN as an acquaintance whose wife is friends with AL-BAYOUMI's wife. AL-BAYOUMI advised that he himself did not care much for BASNAN, but their wives were close friends. AL-BAYOUMI did not introduce BASNAN to KHALID and/or NAWAF, but recalled seeing them together at the mosque.

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AL-BAYOUMI did not know either KHALID or NAWAF to have worked while in San Diego. AL-BAYOUMI was not sure if both KHALID and NAWAF attended the local community college to learn English. AL-BAYOUMI recalled seeing KHALID and NAWAF working out in the exercise room at Parkwood Apartments on one or two occasions. AL-BAYOUMI never saw either KHALID or NAWAF use a computer, and he never spoke with either KHALID or NAWAF about computers or the internet. AL-BAYOUMI did not recall ever emailing either KHALID or NAWAF.

AL-BAYOUMI never spoke to either KHALID or NAWAF about politics, to include jihad, martyrdom, or anti-American sentiments. Neither politics nor radical views were allowed to be discussed at the mosque. AL-BAYOUMI never discussed marriage or family with either KHALID or NAWAF. AL-BAYOUMI was not aware that KHALID and NAWAF had attended flight training while living in San Diego, and neither KHALID nor NAWAF ever spoke to AL-BAYOUMI about flight training.

AL-BAYOUMI again departed San Diego alone in 10/2000 and traveled to the United Kingdom where he enrolled in the doctorate program in business ethics at Aston University. AL-BAYOUMI planned to attend school for two years in the United Kingdom and finish the third year with his dissertation in Jeddah, Saudi Arabia. AL-BAYOUMI returned to San Diego, where his family was still residing, between semesters at Aston. In the summer of 2001, upon the completion of the children's school year, AL-BAYOUMI's wife and children moved with him to the United Kingdom.

After being taken into custody in the United Kingdom [Note: AL-BAYOUMI was detained by New Scotland Yard on 09/21/2001], AL-BAYOUMI spoke with DR. NASSER [phonetic], with whom he was associated through school. NASSER subsequently called the Cultural Attache at the Saudi Arabian Embassy on behalf of AL-BAYOUMI. The Cultural Attache tried to contact AL-BAYOUMI but could not get in touch with him. AL-BAYOUMI subsequently spoke with Embassy employee TALAL MOSLAMATI [phonetic]. AL-BAYOUMI had consulted with the Embassy because the British authorities wanted to audiotape and videotape their interviews with AL-BAYOUMI, and AL-BAYOUMI sought the advice of the Embassy on allowing them to do so.

After being arrested in the United Kingdom, AL-BAYOUMI did not finish the second year of the doctorate program. AL-BAYOUMI advised that he had to drop out of the program because his computer and other materials were taken during the search of his

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Omar Ahmed Mustafa Al-Bayoumi

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residence [Note: AL-BAYOUMI became visibly upset while talking about dropping out of the doctorate program]. AL-BAYOUMI left the doctorate program and subsequently completed the master's program in business ethics in 2002. After finishing the master's program, AL-BAYOUMI and his family returned to Saudi Arabia.

Other than his salary and stipends, AL-BAYOUMI did not receive any other money from the government of Saudi Arabia. AL-BAYOUMI did not have advanced knowledge of the terrorist attacks that took place on 09/11/2001. AL-BAYOUMI has never attended training camps or received any training from Al Qaeda, nor is he affiliated with any individuals involved in terrorism or with any terrorist activity. AL-BAYOUMI advised that he is not a member of any terrorist organization.

When asked about media reports that he is an intelligence officer, AL-BAYOUMI advised that such reports were "absolutely not true" and that he was not a Saudi Arabian intelligence officer. AL-BAYOUMI advised that he is an innocent person and just wants to clear his name. AL-BAYOUMI advised that he respects America and American people, and that his children consider themselves to be American. AL-BAYOUMI stated that his youngest daughter is a "Bush supporter" who cheers for Bush when he appears on television.

When asked of his willingness to submit to a polygraph examination, AL-BAYOUMI advised that he was not familiar with the polygraph and that he did not understand the concept of a polygraph examination. AL-BAYOUMI advised that he would most likely consult an attorney before submitting to a polygraph examination.

Through interview, investigation, and observation, the following information was obtained regarding AL-BAYOUMI:

|                 |                               |
|-----------------|-------------------------------|
| Name:           | Omar Ahmed Mustafa Al-Bayoumi |
| Aliases:        | Abu Emad                      |
| Date of Birth:  | 11/29/1957                    |
| Place of Birth: | Saudi Arabia                  |
| SSN:            | 616-76-8943                   |
| Passport:       | Saudi B758501                 |

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Marital Status: Married - wife Manal Bagader,  
DOB 05/26/1968, POB Saudi Arabia

Children: Four - two sons, two daughters

Physical Description -

Height: Approximately 5 feet, 8 inches

Build: Medium

Hair: Black

Eyes: Brown

Attire: White thobe, red/white ghutra

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DEPARTMENT OF DEFENSE  
MILITARY COMMISSIONS DEFENSE ORGANIZATION  
1620 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1620

5 June 2017

MEMORANDUM FOR Office of the Chief Prosecutor, Office of Military Commissions

SUBJECT: Request for Discovery – ECF References to Possible Ties to the Saudi Arabian Government, Embassies, or Consulates

1. Pursuant to R.M.C. 701, 10 U.S.C. § 949j (2012), the Fifth, Sixth, and Eighth Amendments to the United States Constitution, and international law, Mr. bin 'Atash requests that the Government provide the following information in discovery. Failure to provide the requested information will deprive Mr. bin 'Atash of his right to the due process of law, the effective assistance of counsel, a fair, speedy, and public trial, and to be free from cruel and unusual punishment.

2. The attached 20-page document, released by the FBI in redacted form in at least two different versions (Encl 1 & Encl 2), provides "chronological summaries of Electronic Case File (ECF) references regarding possible ties of [presumably some person or entity] to the Saudi Arabian Government, Embassies or Consulates." It cites to numerous FBI documents by their serial number. For example, the serial number "265A-NY-28350-302 serial 7792" appears on Page 1 of the attached 20-page document. Counsel for Mr. bin 'Atash are unable to determine whether they have already received any of these documents in discovery because even unclassified FBI discovery is provided to them only with a Bates Number generated by Trial Counsel, with the original FBI serial numbers either redacted or deleted.

3. Mr. bin 'Atash through counsel respectfully requests:

- a. An unredacted copy of the attached document.
- b. Unredacted copies of each reference listed, mentioned, or cited in the attached document, regardless of how the document is listed, mentioned, or cited, i.e. whether by serial number, date, description, or in some other way.

4. The Government must produce information that is "material to the preparation of the defense" where the information is "within the possession, custody, or control of the Government." R.M.C. 701(c); R.M.C. 703(c)(2) & (f)(4)(B). Trial Counsel's duty with respect to discovery goes far beyond their files; they are required to affirmatively look for discoverable materials in the possession of other Government agencies. See Kyles v. Whitley, 514 U.S. 419, 437 (1995); United States v. Williams, 50 M.J. 436, 441 (C.A.A.F. 1999). The Defense is under an obligation to conduct a full and independent investigation of conduct alleged against Mr. bin 'Atash. Counsel's inability to conduct this investigation denies Mr. bin 'Atash his right to due process, the effective assistance of counsel, a fair, speedy, and public trial, and to be free from cruel and usual punishment. Furthermore, one of the central aspects of the Government's jurisdiction in this case relies upon Mr. bin 'Atash being an "unprivileged enemy belligerent." 10 U.S.C. § 949a(7). Evidence relevant to a foreign government's involvement in the attacks of September 11 is material to the issue of whether Mr. bin 'Atash is a privileged belligerent. A foreign government's involvement also is also material as to Mr. bin 'Atash's relative culpability and the issue of whether the United States engaged in outrageous government misconduct due to their obfuscation and concealment of this evidence. The requested information will lead to other discoverable information such as other investigations, witnesses, and evidence. Failure to provide these materials in an expedient manner will cause further delays in this case.

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SUBJECT: Request for Discovery – ECF References to Possible Ties to the Saudi Arabian Government, Embassies, or Consulates

5. POC: Mr. Michael J. Garber, [michael.garber.cfr@us.af.mil](mailto:michael.garber.cfr@us.af.mil) [REDACTED]

/s/  
CHERYL T. BORMANN  
Learned Counsel

/s/  
EDWIN A. PERRY  
Detailed Defense Counsel

/s/  
MATTHEW H. SEEGER  
Major, USA  
Detailed Defense Counsel

/s/  
BRIAN D. BRADY  
Captain, USAFR  
Detailed Defense Counsel

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## ECF Searches

(U) The following are chronological summaries of Electronic Case File (ECF) references regarding possible ties of [redacted] to the Saudi Arabian Government, Embassies or Consulates.

## Reference

(U) [redacted] The Islamic Center of San Diego (ICSD) identified [redacted] as a person who may know [redacted] described [redacted] as influential among Saudi Arabian members of the ICSD and provided needed assistance to various students and families who needed his help. He also advised [redacted] was a frequent traveler to Saudi Arabia. Lastly, he stated [redacted] had moved to England several months ago to attend school in England.

## Reference

(U) On 09/18/2001, [redacted] was interviewed by SA [redacted] the Board of Trustees at the Islamic Center of San Diego (ICSD). [redacted] provided the following information on [redacted] stated [redacted] lived in San Diego for approximately four or five years, and left to attend college in England. [redacted] stated some people at the ICSD believed [redacted] as associated with the Saudi Arabian government. [redacted] never had a steady job, though he may have worked a short time for the Saudi Arabian Airlines. [redacted] was well connected with the consulate, and seemed to get things done for others. [redacted] was involved with funding Al Medina mosque in El Cajon. He acted as an intermediary between the Kurdish Community and an

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unknown wealthy Saudi Arabian man who donated funds to create the mosque. Some members of the ICSD believed there was always a covert employee of the Saudi Arabian government stationed at the mosque, no one has taken [redacted] place.

Reference! [redacted]

(U) On 09/18/2001 [redacted] identity requested confidential [redacted] was interviewed by SA [redacted] advised that [redacted] a Kurdish Mosque in El Cajon and was a member of the Aviation Board for Saudi Arabia [redacted] introduced [redacted] to Nawaf Al-HAZMI and Khalid Al-MIHDHAR at the Islam Mosque on Saranac Street, Lemon Grove, California. [redacted] stated [redacted] was now in London, England, pursuing a Doctorate degree from an unknown university.

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References [redacted]

EC dated 09/19/2001

(U) An EC prepared by SA [redacted] set leads for various field offices to interview former neighbors of Nawaf Al-HAZMI, Khalid Al-MIHDHAR [redacted] The EC stated that interviews of Muslims indicated [redacted] had been involved in aviation when he lived in Saudi Arabia and that he did not work while in the U.S., but had more money than he knew what to do with.

(U) The EC also provided information from an interview of a prominent Islamic leader in San Diego who identified [redacted] as being employed by the Saudi government to monitor the activities of Saudi dissidents that resided in the U.S.

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(U) On 09/21/2001, SA [redacted] interviewed [redacted] (protect identity) who provided information regarding his knowledge [redacted] **Information pertaining to his relationship** with the Saudi Arabian government were that he often furnished the Islamic Center with copies of the Qu'ran which had been provided to him by the Saudi Arabian Consulate. He *also stated that* [redacted] appeared to have regular contact with the Saudi Arabian Consulate in Los Angeles, California. [redacted] made frequent trips to the consulate during the six years he was known to live in San Diego.

References:

(U) On 09/20/2001, SA [redacted] interviewed [redacted] [redacted] provided the [redacted] regarding her former boyfriend. [redacted] then shown a photograph of [redacted] [redacted] recognized him and said she had seen him many times. [redacted] attended USIU to get his master's degree and wanted to move to London to receive a PHD from a business school. [redacted] and his family were from Saudi Arabia and possibly lived in the Clairemont Mesa area of San Diego, California. [redacted] reported [redacted] did not like [redacted] and believed [redacted] worked for the Saudi government to watch the actions of Saudis in the United States.

Reference:

(U) On 09/20/01, [redacted] was interviewed by SA [redacted]

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shown a photograph [redacted] recognized [redacted] and said he knew him as [redacted]. Previously, [redacted] was living in an apartment off Balboa Avenue with Saudi Arabian students [redacted] believed the Saudi students received tuition money from the Saudi government. [redacted] would visit the two students at their apartment. [redacted] asked [redacted] to be an Imam, at the mosque. When [redacted] was alone [redacted] would inquire about [redacted].

## References

(U) [redacted] F  
businesses Ercan Engineering and Gario or Corona del Mar. Approximately 1995, Ercan contracted with the Civil Aviation Administration (CAA) of Saudi Arabia which according to [redacted] has connections with Ministry of Defense. A company called Dallah of Saudi Arabia had the contract for operations maintenance and Ercan supplied the parts. The CAA asked [redacted] to provide financial support to [redacted] when [redacted] refused he was told his contract may be jeopardized. [redacted] did write sponsor letters to universities for [redacted] but stated he never provide financial support. [redacted] advised he wrote the last letter approximately two years ago.

## Reference=

(U) In a EC prepared by SA [redacted] a lead was sent to Legat Riyadh to obtain information regarding [redacted]. The following information was furnished to the Legat:

[redacted] claim that he was on a financial scholarship and received support from his government.

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Saudi government.

Interviewees claims that [redacted] as an employee of the Saudi Arabian Government that he traveled to mosques throughout the world to monitor and observe Saudi citizens for signs of dissident behavior.

## Reference:

265A-NY-280350-SD serial 1801  
265A-N t-280350-302 serial 16180  
265A-NY-280350-SD serial 1802  
FD302 dated 09/23/01 and 09/24/2001

(U) According to an EC prepared by SA [redacted] F  
[redacted] was interviewed and provided information regarding [redacted] had met [redacted] at the Islamic Center mosque (ICSD) in the early 1990s.

(U) Approximately six months ago [redacted] announced to members of the ICSD he was moving to the United Kingdom (UK) to pursue his PHD. [redacted] has not had any contact with [redacted] subsequent to his departure for the UK. [redacted] recalled [redacted] lived in an apartment [redacted] in San Diego even though he never went to his home. [redacted] he was on [redacted]

a scholar [redacted] n ncj. l su. orted b the [redacted] Saudi government. [redacted] did not know what form [redacted] received his funding. [redacted] maintained he had friends at the Saudi consulate in Los Angeles, California. Because of [redacted] comments regarding his business [redacted] believed he may have worked for Saudi princes. While living in San Diego [redacted] attended the University of Phoenix. [redacted] may have also received a scholarship from Saudi Airlines and worked for them as well.

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Reference: [REDACTED]

(U) On 09/24/01, [REDACTED] was interviewed by SA [REDACTED] advised that he is one of the founders of the Islamic Center,, of San Diego, (ICSD). [REDACTED] identified a photo of [REDACTED] whom he became acquainted with in 1994 when [REDACTED] was teaching at the American Commonwealth University. [REDACTED] described [REDACTED] as follows [REDACTED] was in the U.S. using a Saudi Arabian passport, because of his facial features, he is possibly of Egyptian descent. [REDACTED] appeared to be approximately 40 to 45 years old. [REDACTED] believed [REDACTED] always had a significant source of supply of money and observed him driving a new Toyota. [REDACTED] was charismatic, charming and didn't conceal his attempts to attain leadership roles within the San Diego Muslim community. [REDACTED] had expressed an interest in becoming a citizen, which may have been just a ploy. [REDACTED] socialized with Nawaf Al-HAZMI and Khalid Al-MINHAR. Al-HAZMI disclosed to [REDACTED] was a spy for the Saudi Government and directed [REDACTED] not to socialize too much with him. [REDACTED] attended business classes at the United States International University and was believed to be President of a Saudi Arabian club at the university. [REDACTED] had an office at the Kulish mosque in El Cajon, California, where the leadership neither liked or trusted him and asked him to leave approximately three years ago. [REDACTED] did not trust [REDACTED] as well and believes he possibly was involved with 09/11/01.

Reference: [REDACTED]

(U) [REDACTED] was interviewed by SA [REDACTED] on 09/28/2001. [REDACTED] stated he first met [REDACTED] about two years ago at the mosque located near Balboa Avenue and the 805 freeway in San Diego, California. [REDACTED] thought [REDACTED] may be of Egyptian extraction but moved to Jeddeh, Saudi Arabia, prior to moving to the United States. [REDACTED] believed

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[redacted] was deceptive and did not trust him. He described [redacted] as lacking in formal education and lacking in intellectual capability. [redacted] was well known at the mosque near Balboa-Avenue and 805 freeway and frequently surrounded himself with men in their twenties. [redacted] would promise to help visiting Islamic students, but his assistance never evolved. [redacted] concluded [redacted] was asked to leave his position at the Al Medina mosque after irregularities were found in association with his collection and distribution of funds.

Reference: [redacted]

(U) On 10/03/2001, SA [redacted] prepared an EC providing information on [redacted] was the emergency contact listed on [redacted] rental agreement for [redacted] moved into [redacted] on approximately 09/01/99, and lived there [redacted] Rental records indicated [redacted] was a student and received financial support from his family.

(U) Al-BAYOUMI had co-signed for highjackers Nawaf Al-HAZMI and Khalid Al-MIHDHAR when they rented an apartment at Parkwood and paid their rent occasionally as well. Al-HAZMI and Al-MIHDHAR lived [redacted] prior to them renting their own apartment. [redacted] did not like [redacted] personally and was unaware he [redacted] was listed as an [redacted] rental agreement. [redacted] revealed to [redacted] he received financial support the Saudi Arabian Government or Saudi Airlines. An individual who requested confidentiality [redacted] reported he believed [redacted] worked for the Saudi Arabian Intelligence Service and reported on dissident Saudis in the United States.

Reference: [redacted]

(U) An EC dated 10/05/2001, prepared by SA [redacted]

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provided a summary of information furnished by the [redacted] This  
information was obtained through their interviews [redacted]  
[redacted]

(U) [redacted] he was connected with a Saudi Arabian company that is equivalent to the Federal Aviation Administration. [redacted] that this company pays him \$5,000.00 per month to study for his PHD.

## References

(U) On 10/03/01, [redacted] (protect identity) was interviewed by SA [redacted] and SA [redacted]. [redacted] described [redacted] as a "draggart from a low status Egyptian family that migrated to Jeddah, Saudi Arabia." [redacted] stated [redacted] would videotape when he went to mosque which led individuals from the Muslim community to believe he was a Saudi Arabian intelligence officer. According to [redacted] social associates included the Minister of Islamic Affairs, the Saudi Consulate, and known criminals. [redacted] has also hosted Saudi visitors. [redacted] character is suspect and he was accused of keeping a \$10,000 donation from a Saudi visitor intended for the Kurdish Mosque.

## References

(U) On 10/06/2001, SA [redacted] interviewed [redacted]. [redacted] stated he knew Khalid ALMIRDHAR, Nawaf Al-HAZMI [redacted] during his period of residing in San Diego, approximately December 1999 to February 2000. [redacted] stated he never heard [redacted] speak about politics or against the U.S. [redacted] and [redacted] shared company often. [redacted] had indicated to [redacted] that [redacted]

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he was some type of engineer for the Saudi Arabian government. He even showed [redacted] some type of paperwork indicating same. [redacted] indicated he was being paid to learn English. [redacted] company, or the Saudi government through his company, was paying for the education. [redacted] did not know how much [redacted] was being paid. [redacted] understood that [redacted] had to learn English or he was not going to be promoted any higher in his company. A

(U) [redacted] said that [redacted] student visa was expired, or ready to expire and was considering crossing into Tijuana, Mexico to get the paper work done. [redacted] encouraged [redacted] to call the Saudi Consulate in Los Angeles. [redacted] to the Saudi Consulate where [redacted] got his visa paperwork straightened out. A

(U) After the consulate, [redacted] proceeded to a Mediterranean restaurant [redacted] mosque. [redacted] stated that the Culver City mosque was built by the Saudi Government. [redacted] other than when [redacted] was meeting behind closed doors at the consulate. [redacted]

(U) Information was also furnished regarding the building of the El Cajon mosque. A wealthy man from Saudi Arabia donated the money to build the Kurdish mosque. [redacted] the administrative work at the mosque and was the director.

(U) [redacted] Jawaf Al-HAZMI and Khalid Al-MIHDAHAR and that the resided in an apartment co-signed by Al-BAYOUMI. A

(U) [redacted] was Saudi and came from a rich family.

Reference: [redacted]

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(U) [ ] was subsequently interviewed, and as a result of that interview advised that even though [ ] was requested by an unknown representative of the Civil Aviation Administration (CAA) of Saudi Arabia to provide a \$4,000 per month stipend, [ ] refused to do so. [ ] did, however, furnish letters to numerous schools, on [ ] behalf, stating that he and his company were subsidizing [ ]. As a direct result of the above information, a Criminal Complaint was filed on or about 09/27/2001, in the Southern District of California, charging [ ] with Title 18, U.S.C. Section 1546, Visa Fraud.

(U) In May 1998 [ ] applied for an Executive Doctorate in the Management Program at the Weatherhead School of Management, Case Western Reserve University (CWRU) in Cleveland, Ohio, which was subsequently declined. Through numerous interviews and by obtaining school records and resumes, it has been determined that [ ] stated that he has been employed by the CAA for at least 20 years and is also associated with Da a vco Trans Arabia Company as the Assistant to the Director of Finance, in the Contracts and Finance Control Division, PCA, Airways Engineering.

(U) In reviewing the documents obtained from CWRU a letter, dated May 20, 1998 [ ] Director, Academic Affairs, Royal Embassy of Saudi Arabia, National Guard Office, 3050 X Street, N.W., Suite 207, Washington, D.C., was sent on [ ] behalf. The letter stated that [ ] was a candidate for a full scholarship from the Government of Saudi Arabia.

(U) On September 21, 2001, a representative from United Parcel Service advised that their records indicate that

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on January 18, 2001 a delivery was made to [redacted]  
[redacted] from the Saudi Arabian Embassy, 601  
New Hampshire Avenue, NW, Washington, D.C.

(U) On 09/25/2001, [redacted] the Kurdish  
Community Islamic Center, 2675 Fletcher Parkway, El  
Cajon, California, was interviewed and [redacted] advised  
that he was shown a copy of a check  
[redacted] provided for \$500 to the mosque drawn from  
the Royal Embassy of Saudi Arabia, dated December 14,  
2000. Written on the check was a notation in Arabic that  
[redacted] indicted the check was for food.  
[redacted] stated he received the check from Los  
Angeles, California.

(U) On 09/27/2001, execution of a federal search  
warrant was conducted by the San Diego Division in a  
room utilized [redacted] as an office within the Kurdish  
Community Islamic Center [redacted]  
located at 511 S. Magnolia Avenue, El Cajon, California. As  
a result of that search a [redacted]  
book, dated October 4, 2000 was seized.

(II) Listed in [redacted] phone book were the  
following names and telephone numbers (U) Dr.

(U) Saudi Embassy WA. (202) 342-3800, [redacted]  
(202) 342-3700 and F [redacted] Saudi Consulate  
(310) 479-479-6000 F (310) 479-2752, Islamic Affairs  
[redacted]

(U) Additionally, seized during the search were various  
personal and business documents, business cards and  
scraps of paper with names and telephone numbers of  
individuals. Included in this information were names  
and telephone numbers associated with the Saudi Arabian  
Cultural Mission, Washington, D.C. and are as follows:

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(U) Also obtained was a notation for the Saudi Consulate in Los Angeles, telephone number (310) 479-6000 and the name [REDACTED] (U) From January 2000 through May 2000, two known cellular telephones associated with [REDACTED] showed 32 calls placed to the Embassy, 24 calls placed to the Consulate in Los Angeles and 37 calls placed to the Cultural Mission.

Reference:

[REDACTED]

(U) [REDACTED]

[REDACTED] had contact with the following individuals at the Embassy of Saudi Arabia, Washington, D.C., the Saudi Arabian Cultural Mission, Washington, D.C., and the Saudi Arabian Consulate, Los Angeles, California.

**Saudi Arabian Embassy, Washington, D.C.s**

[REDACTED]

**Saudi Arabian Cultural Mission, Washington D.C.:**

[REDACTED]

**Saudi Arabian Consulate, Los Angeles, California**

[REDACTED]

Reference

[REDACTED]

(U) On 10/11/2001, SA [REDACTED] prepared and EC regarding new information reported on Osama

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Reference

(U) On 10/15/2001, SA [redacted] interviewed [redacted] the brother of [redacted] stated that his family is from a bedouin tribe once located in western Saudi Arabia and that the family is not part of the royal family. The family is fairly well known and wealthy. His father, [redacted] is one of three Finance ministry officials employed under the Deputy Finance Minister of Saudi Arabia and is responsible [redacted] of Saudi Arabia.

(U) [redacted] is subsidized in the U.S. by his father and by scholarship money from the government of Saudi Arabia. While attending George Washington University in Washington, D.C. he resided with a sponsor who was an employee of the Saudi Embassy in Washington, D.C.

(U) In May 1999, [redacted] moved to San Diego where he resided in a hotel. During his stay he had an argument regarding his bill and an outstanding balance. [redacted] directed [redacted] to pay the bill and [redacted] paid the outstanding debt.

Analyst Note - During the period of ... telephone number [redacted] was subscribed [redacted]

References

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References

[REDACTED]

(U) On 10/15/2001, SA [REDACTED]  
interviewed [REDACTED]

F

[REDACTED]

(U) while attending school in San Diego, [REDACTED]  
listed [REDACTED] as the emergency point-of-contact on  
his ELS and ALI applications. [REDACTED]  
[REDACTED] a business associate of his father.

Reference

[REDACTED]

(U) On 10/20/2001 SA [REDACTED]

(S)

(S)

(S)

(S)

[REDACTED]

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Reference

(U) On 11/19/2001, SA [redacted] interviewed [redacted]. The EC provides extensive education and employment background [redacted]. [redacted] was employed at PCA / Dallas and stated that [redacted] was a representative that PCA personnel wished to keep in America. [redacted] was requested to provide a stipend [redacted] in an amount of \$3,500.00 per month. According to [redacted] [redacted] was already drawing a salary from PCA / Dallas. The PCA person hinted that [redacted] should pay for [redacted].

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[redacted] would be in a position to assist [redacted] in the future. In addition, [redacted] was requested to furnish [redacted] with reference letters.

Reference:

(U) On 11/15/2001, [redacted] was interviewed by SA [redacted] and provided the following information. [redacted] once heard [redacted] disclosing to others at the *Islamic Center of San Diego (ICSD) he had friends or contacts at the Saudi Consulate in Los Angeles, California.* [redacted] advised [redacted] was extremely close to other ICSD Saudis. [redacted] was in the United States on scholarship from the Saudi Airport Authority of Saudi Airlines and [redacted] would eventually return to his former job.

Reference (U)

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Reference

LHM dated 04/15/2002

(U) An LHM dated 05/15/2002, from San Diego to New York furnished information regarding [REDACTED] and his employment with Dallah Al Baraka. The

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information was received from an interview of [redacted]

(U) [redacted] identified [redacted] as a "ghost employee" of AVCO Overseas. [redacted] estimated that there were approximately fifty (50) individuals carried on the books and PCA or Dallah and being paid for doing nothing.

(U)

Reference (S)

[redacted]

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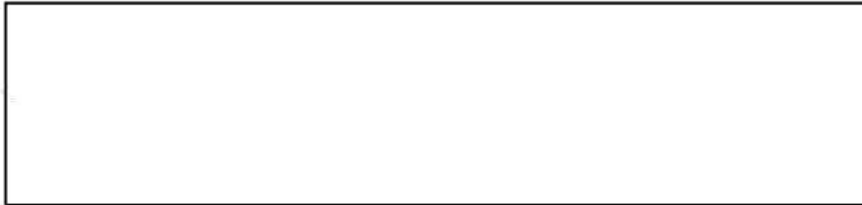
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OFFICE OF THE  
CHIEF PROSECUTOR

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**DEPARTMENT OF DEFENSE**  
OFFICE OF THE CHIEF PROSECUTOR OF MILITARY COMMISSIONS  
1610 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1610

27 April 2018

MEMORANDUM FOR Defense Counsel for Mr. bin 'Attash

SUBJECT: Prosecution Response to Requests for Discovery  
(DR-283-WBA, DR-284-WBA, DR-310-WBA, DR-311-WBA,  
DR-322-WBA, DR-343-WBA)

1. The Prosecution received the Defense requests for discovery between 28 October 2016 and 3 October 2017. The Prosecution hereby responds to the Defense requests, below, in bold.

2. In the series of requests for discovery listed above, the Defense requests information pertaining to those it perceives as complicit in the attacks of September 11, 2001, but not charged. The Prosecution responds to the above referenced requests as follow:

Through due diligence, the Prosecution has found that no other prosecuting agency determined there was sufficient evidence to charge any other party in conjunction with a conspiracy to commit criminal acts related to the 11 September 2001 acts. Thus, information relating to the investigation of such matters is not relevant and helpful to the preparation of the defense in the instant case. Your request for discovery is therefore respectfully denied.

Respectfully submitted,

//s//

Edward Ryan  
Trial Counsel

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DEPARTMENT OF DEFENSE  
MILITARY COMMISSIONS DEFENSE ORGANIZATION  
1620 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1620

20 July 2017

MEMORANDUM FOR Office of the Chief Prosecutor, Office of Military Commissions

SUBJECT: Request for Discovery—Omar Al-Bayoumi: Pre-9/11 Counterterrorism  
Investigations and Employment Records

1. Pursuant to R.M.C. 701, 10 U.S.C. § 949j (2012), the Fifth, Sixth, and Eighth Amendments to the United States Constitution, and international law, Mr. bin 'Atash requests that the Government provide the following information in discovery. Failure to provide the requested information will deprive Mr. bin 'Atash of his right to the due process of law, the effective assistance of counsel, a fair, speedy, and public trial, and to be free from cruel and unusual punishment.

2. In this request, defined words and phrases shall be given the following meanings:

- a. "Document" means any recorded information, regardless of the nature of the medium or the method or circumstances of recording. Where the United States has previously released a redacted version of a document, the word "document" includes a complete, unredacted version of the same document. The word "document" includes drafts of a document, whether prepared by the same or a different person, and any record of the sender, recipient, and date of transmittal of a transmitted document. In the case of FBI documents, it includes unredacted copies, of the original typescript FD-302s and other FBI documents, with their serial numbers.
- b. "Information" means any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, and to include handwritten, recorded, or electronic documents. When used with respect to a document, the word "information" includes any knowledge of the sender, recipient, and date of transmittal of a transmitted document. Where information responsive to a request is not contained in a document, it includes a summary of the information and the name and contact information of a person with knowledge of the information. When information was contained in a document that no longer exists, it includes a summary of the content of that document and the circumstances of its destruction.
- c. "Produce" means to convey to the defense without redaction (except as authorized by the military commission pursuant to M.C.R.E. 505), and without redaction or alteration of any electronically stored information associated with the document. If the military commission authorizes substitutions or redactions pursuant to M.C.R.E. 505, the word "produce" includes a notation of the Appellate Exhibit number of the order authorizing the substitutions or redactions. To the extent that responsive documents are subject to the attorney-client or other applicable privilege, the word "produce" means to provide a privilege log of any withheld information or documents, along with the facts disclosed in

DR-322-WBA

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SUBJECT: Request for Discovery—Omar Al-Bayoumi: Pre-9/11 Counterterrorism Investigations and Employment Records

the responsive documents that are not communications protected by attorney-client privilege, and documents attached and/or incorporated into the responsive documents that are not otherwise exempt.

- d. "Identify," as to a person, means to state the person's full name (including any patronyms), date or year of birth, current address, current phone number, and current e-mail address.
  - e. A word or phrase expressed in the singular shall include the plural. A word or phrase expressed in the plural shall include the singular.
  - f. The conjunctions "and" and "or" shall include both conjunctive and disjunctive meanings.
3. As is well known, Part IV of the Joint Inquiry Report (the "28 Pages") discusses information indicating that some of the alleged September 11, 2001 hijackers were in contact with, and received support or assistance from, individuals who may be connected to the Saudi Government.
4. According to a 2003 article in the Wall Street Journal, the FBI first opened a counterterrorism investigation on Mr. Bayoumi in September 1998 and discovered he was in contact with several other people under scrutiny. That inquiry was closed in 1999 for unknown reasons. Following a search of Mr. Bayoumi's residence at one point, the FBI concluded that "he [was] providing guidance to young Muslims and some of his writings can be interpreted as jihadist."<sup>1</sup> The article also states that "Mr. Bayoumi's employment records, which are in the hands of U.S. investigators, link him to the Saudi government more directly than was previously known."<sup>2</sup>
5. Counsel for Mr. bin 'Atash have not received in discovery an unredacted version of the document. Nor have they received any explanation of the redactions. This material, however, is material to the preparation of the defense, is relevant and helpful to the defense, and is not cumulative.
6. Mr. bin 'Atash through counsel therefore respectfully requests that the Government:
- a. Produce all documents and information related to investigations of pre-9/11 investigations of Mr. Al Bayoumi or persons associated with him.
  - b. Produce all documents and information, related to employment records of Mr. Al Bayoumi.

<sup>1</sup> Glenn R. Simpson, Rivadh Paid Man Linked to Sept. 11 Hijackers, Wall St. J., Aug. 8, 2003, <http://www.wsj.com/articles/SB106030873879481400>.

<sup>2</sup> Id.

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SUBJECT: Request for Discovery—Omar Al-Bayoumi: Pre-9/11 Counterterrorism Investigations and Employment Records

- c. Produce all documents and information reporting, citing, analyzing, assessing, discussing, or making recommendations or decisions or issuing orders or directives related to, any of the above-requested documents and information.

8. The Government must produce information that is "material to the preparation of the defense" where the information is "within the possession, custody, or control of the Government." R.M.C. 701(c); R.M.C. 703(c)(2) & (f)(4)(B). Trial Counsel's duty with respect to discovery goes far beyond their files; they are required to affirmatively look for discoverable materials in the possession of other Government agencies. See Kyles v. Whitley, 514 U.S. 419, 437 (1995); United States v. Williams, 50 M.J. 436, 441 (C.A.A.F. 1999). The Defense is under an obligation to conduct a full and independent investigation of the misconduct alleged against Mr. bin Atash and the Government's investigation into these matters is critical to that investigation. Counsel has a duty not to take the Government's evidence at face value and must analyze and investigate all evidence to uphold their ethical duty. The requested information will lead to other discoverable information such as other investigations, witnesses, and evidence. Failure to provide these materials in an expedient manner will cause further delays in this case.

9. POC: Mr. Michael J. Garber, [michael.garber.ct@va.gov](mailto:michael.garber.ct@va.gov) [REDACTED]

/s/  
CHERYL T. BORMANN  
Learned Counsel

/s/  
EDWIN A. PERRY  
Detailed Defense Counsel

/s/  
MATTHEW H. SEEGER  
MAJ, USA  
Detailed Military Counsel

/s/  
BRIAN D. BRADY  
Capt, USAFR  
Detailed Military Counsel

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OFFICE OF THE  
CHIEF PROSECUTOR

DEPARTMENT OF DEFENSE  
OFFICE OF THE CHIEF PROSECUTOR OF MILITARY COMMISSIONS  
1610 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1610

18 August 2017

MEMORANDUM FOR Defense Counsel for Mr. bin 'Attash

SUBJECT: Prosecution Response to Request for Discovery  
(DR-322-WBA) dated 20 July 2017

1. The Prosecution received the Defense requests for discovery on 20 July 2017. The Prosecution hereby responds to the Defense requests, below, in bold.

2. The Defense asserts and requests:

The Government must produce information that is "material to the preparation of the defense" where the information is "within the possession, custody, or control of the Government." R.M.C. 701(c); R.M.C. 703(c)(2) & (f)(4)(B). Trial Counsel's duty with respect to discovery goes far beyond their files; they are required to affirmatively look for discoverable materials in the possession of other Government agencies. See *Kyles v. Whitley*, 514 U.S. 419, 437 (1995); *United States v. Williams*, 50 M.J. 436, 441 (C.A.A.F. 1999). The Defense is under an obligation to conduct a full and independent investigation of the misconduct alleged against Mr. bin 'Atash and the Government's investigation into these matters is critical to that investigation. Counsel has a duty not to take the Government's evidence at face value and must analyze and investigate all evidence to uphold their ethical duty. The requested information will lead to other discoverable information such as other investigations, witnesses, and evidence. Failure to provide these materials in an expedient manner will cause further delays in this case.

As is well known, Part IV of the Joint Inquiry Report (the "28 Pages") discusses information indicating that some of the alleged September 11, 2001 hijackers were in contact with, and received support or assistance from, individuals who may be connected to the Saudi Government.

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According to a 2003 article in the Wall Street Journal, the FBI first opened a counterterrorism investigation on Mr. Bayoumi in September 1998 and discovered he was in contact with several other people under scrutiny. That inquiry was closed in 1999 for unknown reasons. Following a search of Mr. Bayoumi's residence at one point, the FBI concluded that "he [was] providing guidance to young Muslims and some of his writings can be interpreted as jihadist."<sup>1</sup> The article also states that "Mr. Bayoumi's employment records, which are in the hands of U.S. investigators, link him to the Saudi government more directly than was previously known."

Counsel for Mr. bin 'Atash have not received in discovery an unredacted version of the document. Nor have they received any explanation of the redactions. This material, however, is material to the preparation of the defense, is relevant and helpful to the defense, and is not cumulative.

Mr. bin 'Atash through counsel therefore respectfully requests that the Government:

- a. Produce all documents and information related to investigations of pre-9/11 investigations of Mr. Al Bayoumi or persons associated with him.
- b. Produce all documents and information, related to employment records of Mr. Al Bayoumi.
- c. Produce all documents and information reporting, citing, analyzing, assessing, discussing, or making recommendations or decisions or issuing orders or directives related to, any of the above-requested documents and information.

**The Prosecution is conducting its due diligence and will respond accordingly upon completion of its due diligence.**

Respectfully submitted,

//s//  
\_\_\_\_\_  
Nicole A. Tate  
Assistant Trial Counsel

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DEPARTMENT OF DEFENSE  
MILITARY COMMISSIONS DEFENSE ORGANIZATION  
1620 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1620

12 September 2017

MEMORANDUM FOR Office of the Chief Prosecutor, Office of Military Commissions

SUBJECT: Request for Discovery – 9/11 Review Commission Report

1. Pursuant to RMC 701, 10 U.S.C. § 949j (2009), the Fifth, Sixth, and Eighth Amendments to the United States Constitution, and international law, Mr. bin 'Atash requests that the Government provide the following information in discovery. Failure to provide the requested information will deprive Mr. bin 'Atash of his rights to the due process of law, to the effective assistance of counsel, to a fair, speedy, and public trial, and to be free from cruel and unusual punishment.

2. In March 2015, an unclassified version of the report of the Congressionally-mandated "9/11 Review Commission" was released. (This commission is to be distinguished from the better-known National Commission on Terrorist Attacks Upon the United States—the "9/11 Commission."). The 9/11 Review Commission, also known as the Meese Commission, was authorized by Congress to conduct an "external review" of the FBI's performance in implementing the original 9/11 Commission's recommendations and to assess new evidence. FBI Director James Comey picked the Meese Commission's members, who operated in virtual secrecy, holding no public hearings and releasing no records about its work beyond its March 2015 final report. The report, entitled "The FBI: Protecting the Homeland in the 21st Century," discusses the implementation of the 9/11 Commission's recommendations as well as analyzing new information that was not available at the time of the original 9/11 Commission's report.

a. In a section beginning on page 101 of the unclassified version of its report, the Review Commission notes the existence of an FBI "subfile" established "to sharpen the focus on the lingering allegations that the circle of 9/11 conspirators may be wider."<sup>1</sup> The "subfile" conducted a "review of several individuals of interest" and "describe[d] its work to the Review Commission."<sup>2</sup>

**(U) FBI Investigations**

(U) The FBI's initial investigation into the 9/11 attacks was named PENTTBOM. This effort remains open and active. Subsequent to the initial 9/11 Commission report, the FBI opened a subfile within this investigation to sharpen the focus on the lingering allegations that the circle of 9/11 conspirators may be wider. The 9/11 Review Commission reviewed the status of both the PENTTBOM and subfile teams.

<sup>1</sup> 9/11 Review Commission Report (unclassified version) at 101.

<sup>2</sup> *Id.* at 102.

DR-329-WBA

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SUBJECT: Request for Discovery – 9/11 Review Commission Report

At the conclusion of a brief discussion of Nawaf al-Hazmi, Khalid al-Mihdhar, and their associations with Omar al-Bayoumi, Fahad al-Thumairy, and Mohdhar Abdullah in Southern California, the Review Commission notes the existence of “ongoing internal debate within the FBI between the original PENTTBOM team and the subfile team regarding the potential significance” of new material bearing on the issue of “witting assistance” to Hazmi and Mihdhar.<sup>3</sup>

**(U) Finding:** The Review Commission finds that this new information is not sufficient to change the 9/11 Commission’s original findings regarding the presence of witting assistance to al-Hazmi and al-Mihdhar. The Review Commission notes that there is ongoing internal debate within the FBI between the original PENTTBOM team and the subfile team regarding the potential significance of some of this information. The Review Commission recognizes the importance of strong internal engagement between the PENTTBOM and the subfile teams. The Review Commission recommends that the FBI leadership review both perspectives and continue the investigation accordingly.

This material includes new evidence (re-interviews of specific individuals) and fresh review of older materials (e.g. materials “obtained from a New Scotland Yard search of al-Bayoumi’s London apartment in late 2001”)<sup>4</sup>

b. In a section beginning on page 103, entitled “Guantanamo Bay Trial Preparation,” the Review Commission reports its consideration of “a second effort devoted to uncovering new evidence,” an effort that “focuses on examination of materials obtained both pre- and post-2004, including materials on the Abbottabad raid, search warrants, and the recorded conversations of key individuals.” The report states that “[n]one of this evidence identifies any additional participants in the planning or carrying out of the 9/11 attacks,” and that “[t]his evidence does strengthen and enhance the cases against the existing plotters.”<sup>5</sup> For these propositions, the report cites a Memorandum for the Record (MFR), dated 24 October 2014.<sup>6</sup>

**(U) Guantanamo Bay Trial Preparation**

**(U)** The second effort devoted to uncovering new evidence involves the trial preparations for the al-Qa’ida defendants currently held at Guantanamo Bay. This effort focuses on examination of materials obtained both pre- and post-2004, including materials from the Abbottabad raid, search warrants, and the recorded conversations of key individuals. None of this evidence identifies any additional participants in the planning or carrying out of the 9/11 attacks. This evidence does strengthen and enhance the cases against existing plotters.<sup>337</sup>

**(U) Finding:** The Review Commission finds that this new evidence further substantiates and strengthens previously known connections between hijackers and other plotters and reinforces the cases against them.<sup>338</sup>

<sup>3</sup> *Id.* at 102-03.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 103.

<sup>6</sup> *Id.* at 103, fn. 337.

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SUBJECT: Request for Discovery – 9/11 Review Commission Report

c. In a section beginning on page 105, entitled “The Sarasota Family,” the Review Commission considers press allegations that the FBI “found troubling ties between the hijackers and residents in an upscale community” near Sarasota, Florida.<sup>7</sup> This apparently pertains to press reports that FBI agents found “many connections” between the family of Abdulaziz al-Hijji and his wife the former Anoud Esam Ghazzawi of 4224 Escondito Cir, Sarasota, Florida 34238 and “individuals associated with the terrorist attacks on 9/11/2001.”<sup>8</sup>

3. All information regarding the September 11, 2001 attacks, the alleged conspiracy, and the resulting investigation is material to the preparation of the defense. Mr. bin Atash therefore respectfully requests:

a. Unredacted copies of all classified versions of the 9/11 Review Commission report, of which an unclassified version, entitled “The FBI: Protecting the Homeland in the 21st Century,” and also known as the Meese Report, has been released.

b. All supporting documents, reports, intelligence briefings, chronologies, digests, subfile team documents including research or analysis MFRs and the like and submissions to the Review Commission, and other information used to create “Chapter V: New Information Related to the 9/11 Attacks.”

c. Unredacted copies of all interviews regarding the 9/11 attacks, the conspiracy to commit them, or persons alleged to have been involved or potentially involved in the conspiracy, as found in the 9/11 Review Commission report, Appendix B, “Interviews Conducted by the 9/11 Review Commission.”

d. Unredacted copies of all briefing materials, and notes of all briefings, regarding the 9/11 attacks, the conspiracy to commit them, or persons alleged to have been involved or potentially involved in the conspiracy, as found in the 9/11 Review Commission report, Appendix A, “Briefs Provided by FBI Headquarters’ Divisions.”

e. Unredacted copies of all documents submitted to, or requested, obtained, or considered by, the Review Commission in connection with the section of Chapter V entitled “The Sarasota Family.”<sup>9</sup>

<sup>7</sup> Id. at 105–07 (section entitled “The Sarasota Family”).

<sup>8</sup> See <http://www.floridabulldog.org/2017/02/trial-date-draws-nears-fbi-releases-new-details-about-secretive-911-review-commission/>

<sup>9</sup> See 9/11 Review Commission Report (unclassified version) at 105–07 (section entitled “The Sarasota Family”). “The Review Commission requested and received a briefing regarding the press allegations. The Review Commission also obtained a copy of the case file, copies of documents released through the Freedom of Information Act regarding the matter, and reports of interviews.” Id. at 106.

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~~CONFIDENTIAL - SECURITY INFORMATION~~

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SUBJECT: Request for Discovery – 9/11 Review Commission Report

f. An unredacted copy of the Memorandum for the Record, dated 24 October 2014, cited in footnotes 337 and 338 on page 103 of the unclassified version of the 9/11 Review Commission Report.

4. The Government must produce information that is “material to the preparation of the defense” where the information is “within the possession, custody, or control of the Government.” R.M.C. 701(c). The Defense is under an obligation to conduct a full and independent investigation of the misconduct alleged against Mr. bin ‘Atash. The requested discovery is material to the preparation of the defense because it discusses and investigates the conspiracy surrounding the misconduct Mr. bin ‘Atash is alleged to have participated in and a conspiracy that Mr. bin ‘Atash is alleged to have been part. Additionally, the requested discovery investigates additional individuals involved in the September 11 attacks. Mr. bin ‘Atash’s relative culpability in relation to those more involved is mitigating evidence which is material to the preparation of the defense. Even if the investigation named no new individuals, any new information pertaining to Mr. bin ‘Atash is relevant to the preparation of his defense. Alternatively, if the new information relating to those already charged does not include Mr. bin ‘Atash, then the it is exculpatory and mitigating evidence. The FBI had and continues to have a major role in this case. What changes were implemented and their review and determinations surrounding new evidence pertaining to Mr. bin ‘Atash, the crimes he is accused of, and Al Qaeda, are all material to the preparation of the defense. The requested discovery will also lead to other witnesses and evidence. Failure to provide these materials in an expedient manner will cause further delays in this case.

5. POC: Mr. Michael J. Garber, michael.garber.ctr@osd.mil.

/s/  
CHERYL T. BORMANN  
Learned Counsel

/s/  
EDWIN A. PERRY  
Detailed Defense Counsel

/s/  
MATTHEW H. SEEGER  
MAJ, USA  
Detailed Military Counsel

/s/  
BRIAN D. BRADY  
Capt, USAFR  
Detailed Military Counsel

~~CONFIDENTIAL//FOR OFFICIAL USE ONLY~~

~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~

~~(U)~~ Attachment J

~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~



DEPARTMENT OF DEFENSE  
MILITARY COMMISSIONS DEFENSE ORGANIZATION  
1620 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1620

3 October 2017

MEMORANDUM FOR Office of the Chief Prosecutor, Office of Military Commissions

SUBJECT: Request for Discovery—Judicial Watch FOIA Document (“Saudi and al-Aulaqi Connections to 9/11”)

1. Pursuant to RMC 701, 10 U.S.C. § 949j (2013), the Fifth, Sixth, and Eighth Amendments to the United States Constitution, and international law, Mr. bin Atash requests that the Government provide the following information in discovery. Failure to provide the requested information will deprive Mr. bin Atash of his rights to the due process of law, to the effective assistance of counsel, a fair, speedy, and public trial, and to be free from cruel and unusual punishment.

2. Mr. bin Atash is charged with conspiracy. His alleged co-conspirators include Nawaf al Hazmi and Khalid al Mihdhar.<sup>1</sup> According to the 9/11 Commission Report, a “potentially significant San Diego contact for Hazmi and Mihdhar” was Anwar Nasser Aulaqi.<sup>2</sup> Aulaqi was known to the FBI even before 9/11: “The FBI investigated Aulaqi in 1999 and 2000 after learning that he may have been contacted by a possible procurement agent for Bin Laden.”<sup>3</sup> “We do not know,” the report says, “how or when Hazmi and Mihdhar first met Aulaqi. The operatives may even have met or at least talked to him the same day they first moved to San Diego. Hazmi and Mihdhar reportedly respected Aulaqi as a religious figure and developed a close relationship with him.”<sup>4</sup> According to an early post-9/11 FBI letterhead memorandum, Aulaqi was, among other things, “the spiritual leader of [Hazmi] and [Mihdhar]” and Aulaqi “met consistently and privately with [Hazmi] and [Mihdhar] for prayers and the Juma.”<sup>5</sup> The same memo stated that data related to an intensive analysis of Aulaqi’s activities and associates “suggests a more pervasive connection between [Hazmi] and Aulaqi than what he admitted to during his interview with the FBI.”<sup>6</sup> Aulaqi is now unavailable for interview, having been killed by the United States in 2011.<sup>7</sup>

3. On or about 31 December 2013, Judicial Watch obtained via the Freedom of Information Act a number of FBI documents pertaining to Aulaqi and other San Diego associates of Hazmi and Mihdhar, including Omar al-Bayoumi.<sup>8</sup> Judicial Watch has published these documents on its website in the form of a 79-page PDF file which they entitled “Saudi and al-Aulaqi Connections to 9/11.”

<sup>1</sup> Charge I.

<sup>2</sup> 9/11 Commission Report at 221.

<sup>3</sup> *Id.* at 517 (Chapter 7, note 33).

<sup>4</sup> *Id.* at 221.

<sup>5</sup> FBI Letterhead Memorandum, September 26, 2001.

<sup>6</sup> *Id.*

<sup>7</sup> *Al-Aulaqi v. Panetta - Constitutional Challenge to Killing of Three U.S. Citizens*, ACLU.org, June 4, 2014, <https://www.aclu.org/cases/al-aulaqi-v-panetta-constitutional-challenge-killing-three-us-citizens>.

<sup>8</sup> The FBI received numerous reports from individuals in the Muslim community, dating back to 1999, alleging that Bayoumi was a Saudi intelligence officer. Joint Inquiry Report at 416. According to an FBI document dated 14 October 2002, Bayoumi had “extensive ties to the Saudi Government.” *Id.* at 423. The 9/11 Commission said that while Bayoumi was the object of considerable media speculation following 9/11, and he is “well aware of his notoriety,” it saw no credible evidence that Bayoumi believed in violent extremism or knowingly aided extremist groups, and that its investigators found him to be an unlikely candidate for clandestine involvement with Islamist extremists. 9/11 Commission Report at 218.

DR-343-WBA

SUBJECT: Request for Discovery—Judicial Watch FOIA Document (“Saudi and al-Aulaqi Connections to 9/11”)

The documents include numerous redactions and some pages marked “deleted page information sheet” substituted for duplicate pages or pages that were withheld.<sup>9</sup>

4. Mr. bin Atash through Counsel respectfully requests:

a. Complete and unredacted copies of all documents included or represented by deleted page information sheets in the 79-page PDF file on the Judicial Watch website entitled “Saudi and al-Aulaqi Connections to 9/11.”<sup>10</sup>

b. The following documents pertaining to Aulaqi which are cited on page 571 of the 9/11 Commission Report (Chapter 7, note 33):

(1) “Wade A. interview (Oct. 16, 2003).”

(2) “FBI electronic communication, background searches, Feb. 3, 2000.”

(3) “FBI report of investigation, interview, Sept. 24, 2001.”

(4) “FBI electronic communication, interview, Oct. 8, 2002.”

(5) “Steve O. interview (Nov. 17, 2003), noting that four calls took place between Aulaqi’s phone and Bayoumi’s phone on February 4, 2000, the day Bayoumi helped Hazmi and Mihdhar find an apartment and perhaps lent them his phone.”

5. The Government must produce information that is “material to the preparation of the defense” where the information is “within the possession, custody, or control of the Government.” R.M.C. 701(c). The requested discovery is material and helpful to the preparation of Mr. bin Atash’s defense because it may connect officials of the Saudi state to funding and planning of the attacks of 9/11 — the very crime with which Mr. bin Atash is charged. Additionally, it may point to the existence of co-conspirators in the 9/11 operation who perhaps went unrecognized by U.S. authorities, or who e.g. for reasons of state security may have been deliberately passed over. Any and all information regarding the planning, funding, and support for the crimes that Mr. bin Atash is alleged to have committed is discoverable to the defense, including but not limited to information pointing to the existence of state actors, other individuals who are culpable of aiding in the alleged crime, support networks known to the United States government which were or are being protected from responsibility and exposure, deliberate decisions to let the plot continue undisturbed, and selective prosecution. Uncovering those who are more responsible than Mr. bin Atash is mitigating as it demonstrates his lack of relative culpability. Additionally, by allowing those directly responsible to go free while lower level operatives are charged is outrageous government misconduct and is mitigating. These documents will assist the defense and may potentially lead to other discoverable information such as other investigations, witnesses, and evidence related to such matters, or to other exculpatory or favorable evidence and/or evidence in mitigation. Failure to provide these materials in an expedient manner will further delay Mr. bin Atash’s case.

<sup>9</sup> <http://www.judicialwatch.org/document-archive/saudi-and-al-aulaqi-connections-to-911-3/> (accessed 16 February 2017 and on file with counsel for Mr. bin Atash).

<sup>10</sup> *Id.*

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SUBJECT: Request for Discovery—Judicial Watch FOIA Document (“Saudi and al-Aulaqi Connections to 9/11”)

6. POC: Mr. Michael J. Garber, michael.garber.cta [REDACTED]

/s/  
CHERYL T. BORMANN  
Learned Counsel

/s/  
EDWIN A. PERRY  
Detailed Defense Counsel

/s/  
MATTHEW H. SEEGER  
MAJ, USA  
Detailed Military Counsel

/s/  
BRIAN D. BRADY  
Capt, USAFR  
Detailed Military Counsel

~~UNCLASSIFIED//FOR PUBLIC RELEASE~~  
~~UNCLASSIFIED//FOR PUBLIC RELEASE~~

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~~(U)~~ Attachment K

~~UNCLASSIFIED//FOR PUBLIC RELEASE~~

| BATES NUMBER            | LOCATION IN THE RECORD     | NIPR / SIPR |
|-------------------------|----------------------------|-------------|
| MEA-DR016AAA-00001-816  | 209-216 in AE628GGGG (AAA) | SIPR        |
| MEA-DRUCKER-00000016-18 | AE538I (AAA) Att. D        | SIPR        |
| MEA-FBI-00000239-240    | Attachment D               | NIPR        |
| MEA-FBI-00000488        | Not in record              | NIPR        |
| MEA-FBI-00000511        | Not in record              | NIPR        |
| MEA-FBI-00000512-514    | Not in record              | NIPR        |
| MEA-FBI-00000832-833    | Attachment D               | NIPR        |
| MEA-FBI-00000900-901    | Not in record              | NIPR        |
| MEA-FBI-00001271-1276   | Not in record              | NIPR        |
| MEA-FBI-00001326        | Not in record              | NIPR        |
| MEA-FBI-00001426-1429   | Attachment D               | NIPR        |
| MEA-FBI-00001781-1782   | Not in record              | NIPR        |
| MEA-FBI-00001798-1799   | Not in record              | NIPR        |
| MEA-FBI-00001829        | Not in record              | NIPR        |
| MEA-FBI-00002128-2129   | Not in record              | NIPR        |
| MEA-FBI-00002186-2188   | Not in record              | NIPR        |
| MEA-FBI-00002249-2250   | Not in record              | NIPR        |
| MEA-FBI-00002252-2253   | Not in record              | NIPR        |
| MEA-FBI-00003563        | Not in record              | NIPR        |
| MEA-FBI-00004031-4033   | Not in record              | NIPR        |
| MEA-FBI-00004496        | Not in record              | NIPR        |
| MEA-FBI-00004943-4944   | Not in record              | NIPR        |
| MEA-FBI-00005250-5253   | Not in record              | NIPR        |
| MEA-FBI-00005462-5467   | Not in record              | NIPR        |
| MEA-FBI-00005551-5552   | Not in record              | NIPR        |
| MEA-FBI-00005587        | Not in record              | NIPR        |
| MEA-FBI-00005596-5597   | Attachment D               | NIPR        |
| MEA-FBI-00005632-5635   | Not in record              | NIPR        |
| MEA-FBI-00005964-5995   | Not in record              | NIPR        |
| MEA-FBI-00006337-6338   | Not in record              | NIPR        |
| MEA-FBI-00006715-6720   | Not in record              | NIPR        |
| MEA-FBI-00006724-6727   | Attachment D               | NIPR        |
| MEA-FBI-00007002-7003   | Attachment D               | NIPR        |
| MEA-FBI-00007661-7662   | Attachment D               | NIPR        |
| MEA-FBI-00007912-7917   | Not in record              | NIPR        |
| MEA-FBI-00010082        | Attachment D               | NIPR        |
| MEA-FBI-00011228-11229  | Not in record              | NIPR        |
| MEA-FBI-00011991-11992  | Attachment D               | NIPR        |
| MEA-FBI-00012002-12003  | Not in record              | NIPR        |
| MEA-FBI-00012008        | Not in record              | NIPR        |
| MEA-FBI-00012252        | Not in record              | NIPR        |
| MEA-FBI-00012580-12586  | Attachment D               | NIPR        |
| MEA-FBI-00012587-12589  | Attachment D               | NIPR        |
| MEA-FBI-00013166        | Not in record              | NIPR        |
| MEA-FBI-00013340        | AE628CC (AAA) Att. H       | NIPR        |
| MEA-FBI-00013341-13344  | AE628CC (AAA) Att. H       | NIPR        |
| MEA-FBI-00014361        | Not in record              | NIPR        |

|                        |                                             |      |
|------------------------|---------------------------------------------|------|
| MEA-FBI-00015065-15068 | AE628CC (AAA) Att. H                        | NIPR |
| MEA-FBI-00015949-15950 | Not in record                               | NIPR |
| MEA-FBI-00016236       | Attachment D                                | NIPR |
| MEA-FBI-00016555       | Not in record                               | NIPR |
| MEA-FBI-00017710-17711 | Attachment D                                | NIPR |
| MEA-FBI-00017737-17738 | Not in record                               | NIPR |
| MEA-FBI-00018976       | Attachment D                                | NIPR |
| MEA-FBI-00019355-19358 | Not in record                               | NIPR |
| MEA-FBI-00019912-19914 | AE630C (GOV) Att. B                         | NIPR |
| MEA-FBI-00020513-20523 | AE628DD (AAA)                               | SIPR |
| MEA-FBI-00020536-20541 | AE628DD (AAA)                               | SIPR |
| MEA-FBI-00020548-20550 | AE628DD (AAA)                               | SIPR |
| MEA-FBI-00020691-20705 | AE628DD (AAA)                               | SIPR |
| MEA-FBI-00020709-20722 | AE628DD (AAA)                               | SIPR |
| MEA-FBI-00021309-21311 | Not in record                               | NIPR |
| MEA-FBI-00021347-21621 | Not in record                               | NIPR |
| MEA-FBI-00021718-21726 | Not in record                               | NIPR |
| MEA-FBI-00023650-23656 | AE628SSS (AAA) Att. G                       | SIPR |
| MEA-FBI-00023744-23748 | AE631L (WBA) Att. C / AE628SSS (AAA) Att. G | SIPR |
| MEA-FBI-00023761-23765 | AE628SSS (AAA) Att. G                       | SIPR |
| MEA-FBI-00023766-23780 | AE628SSS (AAA) Att. G /<br>AE628DD (AAA)    | SIPR |
| MEA-FBI-00023872-23873 | Attachment D                                | NIPR |
| MEA-FBI-00023985-23987 | Attachment D                                | NIPR |
| MEA-FBI-00024083-24093 | Attachment D                                | NIPR |
| MEA-FIN-00012298-12652 | Not in record                               | NIPR |
| MEA-FIN-00017331-17340 | AE639WW (WBA) Att. G                        | SIPR |
| MEA-HJK-00002232-2350  | Not in record                               | NIPR |
| MEA-HJK-00018955-18957 | Not in record                               | SIPR |
| MEA-HJK-00018960-18962 | Not in record                               | SIPR |
| MEA-HJK-00019649-19671 | Not in record                               | SIPR |
| MEA-HJK-00020107-20110 | Not in record                               | SIPR |
| MEA-HJK-00020287-20290 | Not in record                               | SIPR |
| MEA-HJK-00020291-20315 | Not in record                               | SIPR |
| MEA-HJK-00020578-20596 | Attachment L                                | SIPR |
| MEA-HOT-00001713-1754  | Not in record                               | NIPR |
| MEA-HOT-00002905-2934  | Not in record                               | NIPR |
| MEA-RAD-00002038-2076  | Not in record                               | SIPR |
| MEA-RAD-00002678-3098  | Attachment M (partial)                      | NIPR |
| MEA-RAD-00003111-3531  | Not in record                               | SIPR |

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~~(U)~~ Attachment L

~~UNCLASSIFIED//FOR PUBLIC RELEASE~~

~~SECRET//NOFORN~~

(Rev. 08-28-2000)

~~SECRET//NF~~

**FEDERAL BUREAU OF INVESTIGATION**

Date: 09/22/2001

Drafted By: Phipps Donald L Jr:dlp

Case ID #: ~~(S)~~ [REDACTED] (Pending)

Title: ~~(S)~~ PENTTBOMB  
[REDACTED]

Synopsis: (LES) SUMMARY 11: This communication provides recipients with the current daily summary of information gleaned from the PENTTBOMB investigation.

[REDACTED]

Administrative: ~~(U)~~ ALL OFFICES SHOULD MAINTAIN EVIDENCE, TO INCLUDE ORIGINAL NOTES, AT THEIR RESPECTIVE FIELD OFFICES/LEGATS UNLESS SPECIFICALLY DIRECTED OTHERWISE. THE ONLY EXCEPTIONS ARE ITEMS WHICH REQUIRE LABORATORY PROCESSING.

Details: ~~(LES)~~ The following provides recipients with information obtained, to date, from the PENTTBOMB investigation. Recipients are advised that this communication contains

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MEA-HJK-00020578

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information previously provided, as well as information recently obtained, in the course of this investigation.

#### Headquarters Related Information

~~(LES)~~ Former Special Agent in Charge (SAC) John P. O'Neill has been positively identified among the victims found at the World Trade Center site. There has been no new developments pertaining to Special Agent Bomb Technician Leonard W. Hatton.

~~(LES)~~ SIOC now has a mechanism to review credit cards. If there is a "hit" on the credit card, SIOC will notify the affected field office where the credit card has been utilized.

~~(LES)~~ All field offices are requested to review parking lot and surveillance camera records for 9/10/2001. Some of the subjects or associates may have been at the airport on the day before the incidents.

#### Field Office Related Information

##### Atlanta

##### *Investigative Efforts:*

~~(LES/SA)~~ As of 4:00 pm on 9/21/2001, the toll-free hotline has received 12,723 calls.

##### Baltimore

##### *Investigative Efforts:*

~~(LES/OC)~~ AHMED EL-KHEIR (#217 on the Security Directives List), an Egyptian with B-1/B-2 visitor status, has been identified as an individual who abandoned his luggage at a College Park, MD, motel on 9/11/2001 and who had reportedly been seen in the company of ZIAD JARRAH (UA Flt. #93). On 9/18/2001, EL-KHEIR was arrested by Prince George's County PD for trespassing. During the initial interview with FBI Baltimore (FBI BA), EL-KHEIR denied knowing or ever having seen ZIAD JARRAH or any of the hijackers displayed to him in a photo array. On 9/20/2001, EL-KHEIR was re-interviewed and identified a photograph of ZIAD JARRAH as a Pakistani who had assisted him in the past. On 9/21/2001, FBI BA administered EL-KHEIR a polygraph examination. In response to being asked whether he played any part in the planning or execution of the events of 9/11/2001, EL-

~~SECRET//SI~~

Page 2 of 19

MEA-HJK-00020579

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Re: [REDACTED] 09/22/2001

KHEIR showed strong deception. EL-KHEIR is currently incarcerated in the Prince George's County Jail for trespassing. EL-KHEIR has telephonically contacted the Egyptian Embassy, where he alleges his cousin is the Embassy's Third Secretary. FBI BA expects that EL-KHEIR's cousin will arrive on 9/22/2001 to post bail for EL-KHEIR. FBI BA will interview the cousin if he appears. In the event that EL-KHEIR is released from jail on bond, the INS detainer is still in effect. Investigation continuing.

~~(LES/OC)~~ FBI BA consensually recorded a conversation between [REDACTED] and [REDACTED] RAGEAH, the Imam of the Ayay Islamic Prayer Center in Laurel, MD, a location where it is known that KHALID ALMIHDHAR (AA Flt. #77) dropped off his personal belongings. RAGEAH and [REDACTED] had a conversation regarding [REDACTED] AL-HALLAK, [REDACTED] TIBI and the recent terrorist attacks. Computer hard drives provided by RAGEAH had been erased on or before 9/11/2001. Future consensually monitored calls will be attempted. Investigation continuing.

~~(LES/OC)~~ FBI BA has determined that [REDACTED] AL-HALLAK may be traveling in the near future (NFI).

(LES/OC) FBI BA reported three incidents wherein males of Middle Eastern descent were in possession of, or attempting to gain possession of, vehicles bearing Department of Defense parking stickers. FBI BA will attempt to identify these individuals. Results will be provided to SIOC and appropriate field offices.

~~(LES/OC)~~ Previous FBI BA investigation identified a female who was allegedly observed dining on two occasions with MOHAMMAD ATTA (AA Flt. #11) at the Olive Garden restaurant in Laurel, MD. Based on photo identification, FBI BA tentatively identified this female as BROOKE HEATH SCHEREMETA (DOB [REDACTED] Silver Spring, MD, employed at the National Institutes of Health). SCHEREMETA was further identified by employees at Caton Auto Body Shop in Laurel, MD, as the woman who accompanied several Middle Eastern males when they brought a 2001 Honda in for repairs. SCHEREMETA translated for the males and furnished the shop a telephone number for contact purposes. SCHEREMETA was also positively identified by a former employee of the ezStorage facility in Jessup, MD. That employee said that on or about 8/27/2001, SCHEREMETA appeared at the ezStorage location with three Middle Eastern males, and the employee identified one of the men as ZIAD

~~SECRET//SI~~

Page 3 of 19

MEA-HJK-00020580

~~SECRET//NOFORN~~

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Re: [REDACTED] 09/22/2001

JARRAH (UA Flt. #93). Investigation by Legat Tel Aviv determined that, according to Israeli records, SCHEREMETA is a U. S. citizen who visited Israel from 5/15/2001 - 5/25/2001. FBI BA currently has SCHEREMETA under physical surveillance and will attempt to interview her on 9/22/2001 to determine any nexus to this investigation.

(S//OC) FBI BA has placed KHALID MOHAMMAD ALI under surveillance. On 9/21/2001, ALI traveled to the Crystal City area in Northern Virginia and visited a Kinko's copy store there for two hours and 20 minutes. ALI spent most of that time duplicating blank pages of a day planner book. ALI also met with several Middle Eastern individuals in the morning. On 9/21/2001, ALI was observed at a Denny's restaurant depositing a keyless remote vehicle entry device, which was wrapped in two plastic bags inside of a third bag, into a trash receptacle and then remaining in the vicinity of the receptacle for several hours. The device was eventually recovered and transported to ERF, Quantico, for analysis. ALI is currently wanted for felony vehicle theft (local warrant) for the taking of a vehicle from Dar Cars, Rockville, MD, in January 2001. Previous investigation determined that ALI resided in various Laurel/College Park, MD, motels since June 2001, as well as being tentatively identified by a motel manager as a possible associate of HANI HANJOUR (AA Flt. #77). Due to the fact that ALI has been exhibiting unusual behavior (visiting Kinkos, performing ATM transactions, moving from motel to motel in the Laurel/College Park area, etc.) ALI is remaining under surveillance until thorough financial, cellular telephone and other records checks are completed. He will then be arrested and interviewed. Investigation continuing.

(S//OC) On 9/21/2001, FBI BA was advised of suspicious activity in the vicinity of the Newcastle County (Delaware) Airport. Investigation was conducted that resulted in arrests by local law enforcement of four Middle Eastern males, identified as MUSTAFA CAMCI ( DPOB 6/15/1977 in Turkey. out of status. counterfeit passport purported to be of exceptional quality. employed as painter. jumped ship in Houston, TX on 4/23/2000); SADULLAH SAKA (DPOB 1/1/1965 in Turkey. out of status. arrived on tourist visa at New York City in 11/1996. Employed as painter); SEYKAN KEMAL (DPOB 1/11/1962 in Turkey. out of status arrived on tourist visa in 9/2000 through New York City. employed as pizza delivery man.); and ALI TUNC (DPOB 6/13/1956 in Turkey. out of status. arrived on tourist visa). These individuals have been interviewed by FBI BA. Their stories appear to be legitimate and their employment has been

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Page 4 of 19

MEA-HJK-00020581

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Re: [REDACTED] 09/22/2001

corroborated by their employers. All four subjects are currently under detention by INS Philadelphia for being out of status. Investigation continuing.

#### Boston

#### Investigative Efforts:

~~(S//OC)~~ On 09/22/2001, INS Detroit advised that a Northwest Airlines Flight #345 en route to Logan International Airport (LIA) in Boston was deplaned because the cockpit door strike plate was missing. Initial investigation determined that the strike plate was in place prior to landing in Detroit. One theory is that the plane was prepared for a terrorist takeover at some point on 9/22/2001 in Boston. That plane was scheduled on 9/22/2001 to fly to San Francisco via Detroit. FBI Boston (FBI BS) is obtaining the manifest of the flight to review it for names on the Security Directives List. Results of investigation will be provided to SIOC and appropriate field offices.

~~(S//OC)~~ Investigation by FBI BS has determined that a photograph obtained from the vehicle of NAWAF ALHAZMI (AA Flt. #77) appears to be identical with Flight 175 subject AHMED ALGHAMDI (UA Flt. #175). The photograph, which was obtained by FBI WFO, was superimposed over a known photograph of ALGHAMDI and it appears to be a positive match. Investigation continuing.

~~(S//OC)~~ A maid at the Park Inn Hotel in Newton, MA, advised FBI BS that an Arabic male answered the door of the room at approximately 11:00 a.m. on the morning of 9/11/2001. The male asked her to come back later to clean because someone in the room was sleeping. This hotel is where WALEED ALSHEHRI (AA Flt. #11) and WAIL ALSHEHRI (AA Flt. #11) stayed the night before the attack. FBI BS has initiated logical investigation to identify the unknown Arab male. Results will be provided to SIOC and appropriate field offices.

~~(S//OC)~~ FBI BS tentatively identified the Charles Hotel as the place where AHMED ALGHAMDI (UA Flt. #175) and HAMZA ALGHAMDI (UA Flt. #175) stayed while in Boston. This preliminary determination is based upon telephone records, ATM records, and a taxi driver who reportedly drove them from the Charles Hotel to the Days Inn Hotel. FBI BS is currently reviewing hotel records to confirm that these subjects stayed at this hotel. Results will be provided. Investigation continuing.

~~SECRET//SI~~

Page 5 of 19

MEA-HJK-00020582

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~~SECRET//NOFORN~~~~SECRET//SI~~Re: ~~(S)~~ [REDACTED] 09/22/2001

~~(S)~~ FBI BS has identified a credit card for MUSTAFA AHMED, who is believed to have been the person who received the Western Union wire transfers from the subjects in the week prior to 9/11/2001. This information was passed to the financial analysis team.

~~(S)~~ On 9/21/2001, at approximately 6:00 pm, STEPHANIE CREIGHTON, a travel agent from Providence, RI, reported that a customer named JUMA WADI purchased a ticket on a Virgin Atlantic flight to Johannesburg via London. Following his purchase, he made several pro-terrorist statements. Since the initial purchase, WADI has changed his flight two times. The flight now leaves from JFK on 9/24/2001. FBI NYO has been made aware of the potential threat and will interview WADI prior to takeoff. Investigation continuing.

~~(S)~~ On 9/21/2001, FBI BS received information that Delta Flight #1479 will be hijacked on 9/22/2001. Information was originally provided by US Customs Service from a 9/17 interview of a walk-in source. This source was on Delta Flight #1479 on 9/6/2001 and claims to have observed Arab passengers allegedly conducting "pre-operational surveillance." FBI BS obtained a manifest for this flight. A review of this manifest showed a possible individual on the Security Directives Watch List on this flight. The manifest shows a AFZAL QUAIS. FAISAL S. AFZAL is #2 on the Security Directives Watch List. FAISAL S. AFZAL was interviewed and polygraphed by FBI BA with negative results. Based on these results, FBI BA recommends that AFZAL be removed from the Watch List. However, FBI BS will conduct all logical investigation to insure the safety of the FL #1479 passengers.

#### Chicago

##### *Investigative Efforts:*

~~(S)~~ As previously reported, NABIL AL-MARABH (DOB 11/6/1966) was identified as #27 on the Security Directives List and was arrested by FBI Chicago (FBI CG) and local authorities. On 9/21/2001, AL-MARABH failed a polygraph examination. He was deceptive for the two key questions: "Were you involved in the planning of the events on 9/11/2001?" and "Did you participate in the planning of the events on 9/11/2001?". After the failed polygraph, AL-MARABH became cooperative and started providing information regarding his roles in training camps in Afghanistan and Sudan. Interviews of AL-MARABH will continue on 9/22/2001.

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Re: [REDACTED] 09/22/2001

Analysis of cellular and home telephone records is continuing. It is anticipated that AL-MARABH will be removed to New York upon the issuance of a Material Witness Warrant out of the Southern District of New York. Investigation continuing.

[REDACTED] FBI CG has identified an associate of AL-MARABH that is currently in fugitive status. PATRICK VUILLEMI (aka YOUSEFF HMIMSSA) is being sought on an outstanding warrant for credit card fraud. Investigation continuing.

[REDACTED] FBI CG has identified approximately 1,100 names of individuals who were scheduled to fly on United Airlines flights on 9/11/2001. Each name is being checked through appropriate databases and results will be provided to SIOC and appropriate offices.

#### Dallas

##### *Investigative Efforts:*

[REDACTED] FBI Dallas (FBI DL) investigation has determined that known terrorists may have been traveling under non-Arabic names to conduct reconnaissance runs in preparation for the attacks. Specifically, an American Airlines pilot has identified MARWAN AL-SHEHHI (UA Flt. #175) as a passenger of AA Flight #59 on 6/7/2001. Just prior to flight's departure, AL-SHEHHI requested a tour of the cockpit. AL-SHEHHI presented his pilot's license and boarding pass to the pilot during this tour. AL-SHEHHI was seated in First Class and is believed to have been traveling with another party. An analysis of the flight manifest suggests that AL-SHEHHI may have been flying under the name of MATTHEW COHEN. Investigation continuing.

#### Detroit

##### *Investigative Efforts:*

[REDACTED] As previously reported, KARIM KOUBRITI, FAROUK AL-HAIMOUD, and AHMED HANNAN were arrested in NABIL AL-MARABH's apartment on 9/18/2001 for identity fraud and fraudulent use of a visa. On 9/21/2001, these three individuals were ordered detained during a hearing before a United States Magistrate Judge for the Eastern District of Michigan. The judge has subsequently received threatening telephone calls and is receiving protection from the U.S. Marshals. On 09/20/2001, a "JOHN DOE" (aka MICHAEL SAISA JALALI) arrest warrant was issued

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Re: (S) [REDACTED] 09/22/2001

as possibly being the fourth occupant of AL-MARABH'S apartment. This warrant charges identity fraud, fraud and misuse of visas, and misuse of social security card. Investigation continuing.

~~(S//SI)~~ Federal Protective Service Officer (FPSO) RON SHEFFIELD, while providing security at the U.S. Courthouse, Detroit, was shot and killed on 9/21/2001 by DAVID DANIEL SERRA (3/24/1973). SHEFFIELD was providing security at the U.S. Courthouse in Detroit, MI. SERRA, while waiting to pass through the metal-detector, was determined by FPSO SHEFFIELD, to possess a bag containing a nickel-plated revolver. Before SERRA could be disarmed, he shot and killed FPSO SHEFFIELD. SERRA was shot and wounded by other officers present. He is currently in a hospital bed under guard by FBI Detroit (FBI DE). Based upon information and physical evidence found in his car, SERRA appears to be a mentally-deranged person who was under the influence of drugs at the time of the shooting. The shooting does not appear to be related to the investigation. When able, SERRA will be interviewed by FBI DE to determine if there is any nexus to the PENTTBOM investigation.

~~(S//SI)~~ FBIHQ received a Terrorist Activity Report (TAR) [REDACTED] from the FBI Internet Tip Line. The report advised as follows: "I believe I have information on an attack on the Golden Gate Bridge on the 22<sup>nd</sup> of this month, which is tomorrow. Please have an official call me so that I can give this entire message to a person who can choose whether to act upon it or not,,,,,Thankyou Mrs darcy Dee Drogorub" The report was furnished from Mrs. Drogorub on 9/21/01 at 2:43:49 p.m. from e-mail [REDACTED]. The tipster was identified as DARCY DEE DROGORUB [REDACTED] Saranac, MI 48881, telephone number [REDACTED]. A copy of the TAR was provided to FBI DE, who will interview DARCY DEE DROGORUB. FBI SF also provided copy of TAR. Results will be provided to SIOC.

#### Houston

#### Investigative Efforts:

~~(S//SI)~~ FBI HO was contacted by an apartment manager who reported suspicious activity involving an apartment unit abandoned by AHMAD ABDUL AL-TURAYIF and AMMAR FARRAJ ALJUHAN, who recently completed flight engineer training in Houston. Pursuant to a consent search, FBI Houston (FBI HO) recovered a computer, unopened letters, a Rolodex, and miscellaneous items from the abandoned apartment. A mirror copy of the computer hard

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Re: (S) [REDACTED] 09/22/2001

drive was forwarded to FBI WFO, with a request to conduct a forensic analysis. FBI HO CART analysis of the computer revealed JPEG images of the World Trade Towers and Usama Bin Laden, and other documents written in Arabic possibly using encryption. A hotmail email address for AL-TURURAYIF ([ahmad641@hotmail.com](mailto:ahmad641@hotmail.com)) was identified. A 2703(f) preservation letter was sent to Hotmail to preserve all email records/content relevant to this account. FBI HO continues efforts to locate and interview ALTURAYIF and ALJUHANI. FBI HO requested that these two (2) individuals be placed on the Security Directives Watch List. Investigation continuing.

(LES/OC) FBI HO has developed a source which they consider to have "excellent access". This asset reported that Usama Bin Laden arrived in the Paktia Province of Afghanistan in a 12 car motorcade on 09/21/2001. This information was corroborated by the source through contact with a Tribal Chief within the Paktia Province region.

#### Louisville

##### Investigative Efforts:

(LES/OC) Information previously provided in Summary 10 indicated that HANI HANJOUR (AA Flt. #77) and KHALID ALMIHDHAR (AA Flt. #77) had resided in the Louisville area. FBI Louisville (FBI LS) investigation revealed no links between individuals in Kentucky and the suspected hijackers. However, it now appears the individuals identified were look-alikes. Six persons are in INS custody, including five Mauritians and one Syrian.

#### Miami

##### Investigative Efforts:

(LES/OC) Investigation has determined that a number of the hijackers attempted to obtain USAID identifications in the Summer of 2001. FBI MM interviewed ELIAS NESSIM, the Executive Director of USAID in Miami Beach, FL. NESSIM conducted record queries and determined that the majority of these applications had been forwarded through SAAMA AMAR at APPOLLO INTERNATIONAL TRAVEL in Patterson, NJ. NESSIM was able to determine that the following hijackers attempted to acquire USAID identifications: SALEM ALHAZMI (AA Flt. #77) (on/about 7/7/2001); KHALID ALMIHDAR (AA Flt. #77) (on/about 7/7/2001); ABDULAZIZ ALOMARI (AA Flt. #11) (on/about 7/7/2001); MOHAMED ATTA (AA Flt. #11) (on/about

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