

~~SECRET//COMINT//REL TO COMINT//NOFORN~~  
MILITARY COMMISSIONS TRIAL JUDICIARY  
GUANTANAMO BAY, CUBA

UNITED STATES OF AMERICA

v.

KHALID SHAIKH MOHAMMAD,  
WALID MUHAMMAD SALIH MUBARAK  
BIN 'ATTASH, RAMZI BIN AL SHIBH, ALI  
ABDUL-AZIZ ALI, MUSTAFA AHMED  
ADAM AL HAWSAWI

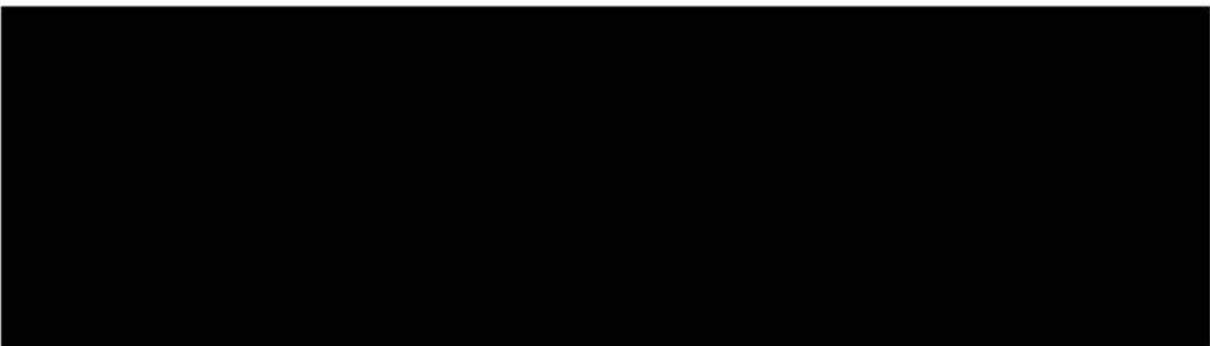
**AE827 (AAA WBA)**

~~(U)~~ **Motion to Compel Discovery**  
Related to Omar Al Bayoumi

~~(U)~~ 21 July 2021

**1. ~~(U)~~ Timeliness:** This motion is timely filed pursuant to AE 827-2 (RUL)(AAA) Ruling and AE788 Interim Order.

**2. ~~(U)~~ Relief Sought:** Mr. al Baluchi and Mr. bin 'Atash request that the military commission order the prosecution to produce discovery into the investigations of Omar al Bayoumi by various government agencies and organizations. Specifically, they request that the military commission order the government to produce all documents and information currently or formerly in the custody of the Federal Bureau of Investigation (FBI), Central Intelligence Agency (CIA), 9/11 Commission, Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 (joint Inquiry), and the 9/11 Review Commission



regarding Omar al-Bayoumi or persons or organizations associated with him,<sup>1</sup> including Fahad al-Thumairy.

### 3. (U) Overview:

(CUE/INV) Omar al-Bayoumi is one of the most controversial figures in the attempts to understand the 9/11 conspiracy.

al Hazmi and Mihdhar found themselves in unfamiliar Los Angeles. Bayoumi, a probable Saudi intelligence agent with access to large amounts of cash,<sup>3</sup> helped al Hazmi and al Mihdhar find a place to live, integrate into the community, and find a person who could receive a wire transfer (allegedly from Mr. al Baluchi). Al-Bayoumi has been intertwined with the conspiracy alleged in the charge sheet since the beginning; in fact, Adel Rafeea told FBI agents of the wire transfer at the same time he told them about al-Bayoumi's support for al-Hazmi and al-Mihdhar.

(U) Given these connections, information about the investigation (and, possibly, operations) involving al-Bayoumi is important to the trial. Several witnesses with information about al-Bayoumi are on the government's witness list. People in a position to know have suggested that the CIA concealed information about al Hazmi and al-Mihdhar's travel because the CIA wanted to recruit them through Saudi intelligence, which would go a long way to support the

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<sup>1</sup> (CUE) Discovery so far connects five organizations to al-Bayoumi: Dallah Avco, Presidency Civil Aviation, Ercan, Sana-Bell, and BMI Real Estate Development.

<sup>2</sup>

<sup>3</sup> (U) Attachment C (Declaration of Stephen Moore); Attachment D (FBI discovery) at MEA-FBI-00006725.

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defense theory that the United States and al Qaeda were not at war. And at the very least, al-Bayoumi is a supporting member of the conspiracy (as Mr. al Baluchi and Mr. bin 'Atash are alleged to be) who will not face the death penalty, a traditional mitigating factor.

■(U) Yet the government has repeatedly refused requests to produce fulsome information about al-Bayoumi. The government produced limited—and highly redacted—documents early in the case, and has denied all requests for more, even as FOIA releases show their existence and importance. The military commission should order the government to produce the documents in relevant agencies' custody regarding of al-Bayoumi, unredacted except for judicially-authorized withholding under MCRE 505(f).

4. ■(U) **Burden of Proof:** The burden of persuasion on this motion to compel discovery rests with the defense.

5. ■(U) **Facts:**

■(U) *Requests Regarding Omar Al Bayoumi*

a. ■(U) On 17 July 2013, Mr. al Baluchi requested from the government "all documents and information relating to the investigation of suspected co-conspirators in the 9/11 attacks," including Omar al Bayoumi and his employer Dallah Avco.<sup>4</sup> On 1 November 2013, the government responded that the individuals listed in DR-081-AAA are "not generally discoverable[.]" but nevertheless "the Prosecution will provide to the Defense materials

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<sup>4</sup> ■(U) AE827-1 (MFL)(AAA) Mr. al Baluchi's Motion for Leave to File Out of Time Motion to Compel Discovery Regarding Omar al Bayoumi, Attachment B.

discoverable pursuant to R.M.C. 701 pertaining to charged and uncharged co-conspirators to the instant case.”<sup>5</sup>

b. (U) On 5 June 2017, Mr. bin ‘Atash provided to the government a document released under the Freedom of Information Act (FOIA) summarizing “chronological summaries of Electronic Case File (ECF) references regarding possible ties [of al Bayoumi] to the Saudi Arabian Government, Embassies, or Consulates.”<sup>6</sup> Mr. bin ‘Atash requested an unredacted copy of the FBI ECF searches, along with unredacted copies of each reference listed, mentioned, or cited by FBI in the summary.<sup>7</sup> On 27 April 2018, the government denied Mr. bin ‘Attash’s discovery request.<sup>8</sup>

c. (U) On July 2003, the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 (hereinafter Joint Inquiry) published its report, classifying wholly Part IV regarding Mr. al –Bayoumi and links to Saudi Arabia. In 2003 a Wall Street Journal article claimed that the FBI first opened a counterterrorism investigation into al Bayoumi in 1998, but closed it in 1999. The article also stated “Mr. Bayoumi’s employment records, which are in the hands of U.S. investigators, link him to the Saudi government.”<sup>9</sup> In 2016 the Obama administration declassified portions of Part IV of the Joint Inquiry, which has become

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<sup>5</sup> (U) AE827-1 (AAA), Attachment C.

<sup>6</sup> (U) Attachment E (Defense Request for Discovery: DR-310-WBA, dated 5 June 2017). The redacted portions of the FBI ECF searches include marking labels that are consistent with FOIA exceptions for why information is not produced. For example, b6 is a privacy exception, a consistent redaction throughout this document in where a name or birth date would seem to exist.

<sup>7</sup> (U) *Id.*

<sup>8</sup> (U) Attachment F (Prosecution Response to Requests for Discovery: DR-283-WBA, DR-284-WBA, DR-310-WBA, DR-311-WBA, DR-322-WBA, DR-343-WBA, dated 27 April 2018).

<sup>9</sup> (U) Attachment G (Defense Request for Discovery: DR-322-WBA, dated 20 July 2017) at 2.

known as the “28 pages.” On 20 July 2017 counsel for Mr. bin’ Atash requested that the government produce “all documents and information related to investigations of pre-9/11 investigation of Al Bayoumi or persons associated with him” to include “all documents and information, related to employment records of Al Bayoumi,” and “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.”<sup>10</sup> On 18 August 2017, the government responded to DR-322-WBA, stating it was acting on its due diligence and would respond to the discovery request accordingly.<sup>11</sup> On 27 April 2018, the government denied Mr. bin ‘Atash’s discovery request.<sup>12</sup>

d. (U) In March 2015, an unclassified version of the report of the Congressionally-mandated “9/11 Review Commission” was released.<sup>13</sup> This 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.<sup>14</sup> The 9/11 Review Commission produced “The FBI: Protecting the Homeland in the 21st Century,” which discusses the implementation of the 9/11 Commission’s recommendations, but also analyzes new information that was not available at the time of the original 9/11 Commission’s Report.<sup>15</sup> Based

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<sup>10</sup> (U) *Id.*

<sup>11</sup> (U) Attachment H (Government Response to Defense Request for Discovery: DR-322-WBA, dated 18 August 2017).

<sup>12</sup> (U) Attachment F.

<sup>13</sup> (U) Attachment I (Defense Request for Discovery: DR-329-WBA, dated 12 September 2017).

<sup>14</sup> (U) *Id* at 1.

<sup>15</sup> (U) *Id.*

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on this new information, Mr. bin ‘Atash requested unredacted copies of all classified versions of the 9/11 Review Commission report; all supporting documents, reports, intelligence briefings, chronologies, digests, subfile team documents including research or analysis Memorandum for Records (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;” 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; 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; and an unredacted copy of the MFR, dated 24 October 2014, cited in footnotes 337 and 338 on page 103 of the unclassified version of the 9/11 Review Commission report.<sup>16</sup> On 27 April 2018, the government denied Mr. bin ‘Atash’s discovery request.<sup>17</sup>

e. (U) On or about 31 December 2013, Judicial Watch obtained via a FOIA request a number of FBI documents pertaining to al Hazmi, al Mihdhar, and al Bayoumi, and published the documents on their website. On 3 October 2017, Mr. bin ‘Atash requested through counsel complete and unredacted copies of all documents included or represented by deleted page

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<sup>16</sup> (U) *Id.* at 3.

<sup>17</sup> (U) Attachment F.

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information sheets in the PDF file on the Judicial Watch website.<sup>18</sup> The government denied Mr. bin 'Atash's request.<sup>19</sup>

#### 6. (U) Law and Argument:

(U) Omar al-Bayoumi is a key player in the charged 9/11 conspiracy, and the government should ordinarily produce information about him—as any other alleged co-conspirator—as material to the preparation of the defense. Yet the government has not done so, producing redacted versions of some relevant documents and withholding others. The documents, even if classified, are relevant and helpful to the defense, and the military commission should order the government to produce them to the defense.

#### (U) *FBI Discovery*

(U) To address the state of discovery surrounding al Bayoumi, it is important to understand the government's approach to FBI discovery. In the course of the 9/11 investigation, the FBI conducted several hundred thousand interviews, resulting in over 165,000 FD-302s.<sup>20</sup> In the only other American 9/11-related prosecution, the government produced most of those FD-302s to the defense.<sup>21</sup> Here, the government has chosen to produce less than 15,000 FBI investigative documents to the defense,<sup>22</sup> claiming that the other 90% are irrelevant. The

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<sup>18</sup> (U) Attachment J (Defense Request for Discovery: DR-343-WBA, dated 3 October 2017).

<sup>19</sup> (U) Attachment F.

<sup>20</sup> (U) Unofficial/Unauthenticated Transcript of 17 September 2019 at 25786.

<sup>21</sup> (U) *Id.* at 25786-87.

<sup>22</sup> (U) *Id.* at 25788.

government also redacted many thousands of items of information from the 302s it produced, also claiming the information is irrelevant.<sup>23</sup>

**(CUI/INV)** In 2013, the government produced a first tranche of about 9200 pages of FBI documents with all first names and contact information redacted.<sup>24</sup> One of these documents was a key interview by Special Agent Abigail Perkins (who also interrogated Mr. al Baluchi and Mr. al Hawsawi) of a witness identified as “[REDACTED] BASHI,” who was involved under-the-table cash payments from the Saudi Arabian Presidency Civil Aviation (“PCA,” the equivalent of the Federal Aviation Administration) through various contractors, including Dallah Avco and Ercan.<sup>25</sup>

**(CUI/INV)** After Mr. al Baluchi objected to the highly redacted FBI discovery, the government produced a second tranche of about 10,000 pages of FBI documents.<sup>26</sup> These documents were less redacted overall, but still heavily redacted information regarding al-

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<sup>23</sup> **(U)** When Mr. al Baluchi objected to these redactions, the government confirmed that they are based on relevance claims rather than assertions of privilege. *See* AE161 (AAA) Defense Motion to Require the Government to Comply with MCRE 506 Regarding Redaction of Unclassified Discovery, Attachment F.

<sup>24</sup> **(U)** To be clear, this tranche covered a variety of investigative topics, not just al-Bayoumi.

<sup>25</sup> **(U)** Attachment D at MEA-FBI-00006724.

<sup>26</sup> **(U)** The second tranche also covered a variety of investigative topics, not just al-Bayoumi.

Bayoumi.<sup>27</sup> Here is a sample paragraph from a 302 the government re-produced in the second tranche:<sup>28</sup>

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████████ said that on some occasions █████ had seen unknown males UM wearing turbans going into AL-BAYOUMI's apartment. █████ was shown an array of five photographs depicting five males of mid-eastern descent. █████ recognized photograph number 3 three and

number 4 four. Photographs 3 and 4 depicted KHALID M. A. ALMIHDHAR and HANI S. H. HANJOUR respectively. [REDACTED] stated that UM number 3 had visited AL-BAYOUMI a few times in the past. On one occasion, in June 2001, while AL-BAYOUMI was away on travel, UM #4 visited BAGADER. [REDACTED] did not know where UMs 3 and 4 lived or whether they came from the same apartment complex.

These redactions are all in the original; to this day, Mr. al Baluchi does not know the identity of the witness who saw al-Bayoumi, al-Mihdhar, and Hanjour together.

(b) At the time the government made these disclosures, it was not even clear that lack of hostilities was a trial defense,<sup>29</sup> much less that some of the defendants would advance it. As the theories of defense matured, Mr. bin 'Atash in particular pursued documents regarding al-Bayoumi

<sup>27</sup> (S) For convenience, Mr. al Baluchi and Mr. bin 'Atash have produced a spreadsheet of documents they consider related to al-Bayoumi. See Attachment K. Most of these documents contain redactions, and the government should produce unredacted copies of the documents or obtain judicial authorization for deletions under MCRE 505 or 506.

<sup>28</sup> ~~C~~ Attachment D at MEA-FBI-11991 through -92. The first production, with the word "REDACTED" instead of block redactions, can be found at Attachment D at MEA-FBI-00000239.

<sup>29</sup> ~~CC~~ See AE488I Ruling (Corrected Copy) (addressing the legal significance of hostilities for the first time on 31 May 2017).

and the Saudi connection to 9/11 in more detail, but the government denied his requests without further production.

~~(C)~~ Adel Rafeea & Omar al Bayoumi

~~(CUI/INV)~~ Omar al Bayoumi has been connected to the investigation of 9/11, and Mr. al Baluchi in particular, since the very beginning of the FBI's efforts. On 17 September 2001, FBI agents interviewed Adel Rafeea, who explained that he knew hijackers Nawaf al-Hazmi (here called Nawaf) and Khalid al Mihdhar (here called Khalid al Harbi) through al-Bayoumi, whom he believed to be a Saudi government agent:<sup>30</sup>

~~(CUI/INV)~~

Both NAWAF and KHALID AL HARBI lived in an apartment complex off of Mount Alifan Avenue and Balboa Avenue in San Diego. The apartment complex was behind the Burger King located on Balboa Avenue near the Islamic Center. RAFEEA visited their apartment once for a dinner which had numerous other guests from the Islamic Center. One of the other guests in attendance was identified as OMAR. OMAR used to live in San Diego but had moved with his family to the United Kingdom.

OMAR was thought to be an employee of the Saudi Arabian government. RAFEEA explained that the Saudi Arabian government sends money to mosques throughout the world. The government also will send persons to the same mosques to observe Saudi citizens for any signs of dissident behavior. OMAR was thought to have been one of these observers by RAFEEA and others at the Islamic Center.

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<sup>30</sup> ~~(C)~~ AE628CC (AAA) (Corrected Copy) Notice of Exhibits, Attachment H at MEA-FBI-00013343. These paragraphs come from the second, less-redacted production of this 302.

~~(C)(1)(i)(V)~~ In the same interview, Rafeea told the FBI that al-Hamzi had asked him to have money wired to his (Rafeea's) bank account.<sup>31</sup> At the same time Rafeea provided the first investigative lead regarding al-Bayoumi, he also provided the first investigative lead regarding Mr. al Baluchi (charged as Ali Abdul-Aziz Ali):<sup>32</sup>

~~(C)(1)(i)(V)~~

A total of \$5,000.00 was wired to RAFEEA's account from Royal Bank of Canada, 180 Wellington Street West, 8th Floor, Toronto, Ontario Canada, M5J 1-J1. A fee of \$19.50 was charged from the wire and the remaining balance of \$4,980.50 was deposited into RAFEEA's account. The originator of the wire was listed as ALI, P.O. Box 16958 of Dubai. A fax number was listed as 0506745651. RAFEEA was expecting the wire transfer to come from Saudi Arabia, not Dubai. NAWAF AL HARBI explained the money had come from Dubai because ALI had owed his brother money.

~~(C)(1)(i)(V)~~ The next day, Rafeea followed up through his attorney with the information that, "OMAR AL BAYOUMI brought NAWAF and KHALDI AL HARBI from the Los Angeles area to San Diego. AL BAYOUMI hosted the party at NAWAF and KHALID AL HARBI's apartment in San Diego."<sup>33</sup> Rafeea also provided the FBI with a lead that al-Bayoumi was in the United Kingdom at the time of the interview.<sup>34</sup>

<sup>31</sup> ~~(C)~~ *Id.* at MEA-FBI-000013341.

<sup>32</sup> ~~(C)~~ *Id.* at MEA-FBI-00013342; *see also* Unofficial/Unauthenticated Transcript of 18 September 2019 at 26090; Unofficial/Unauthenticated Transcript of 19 September 2019 at 26143-44.

<sup>33</sup> ~~(C)~~ AE628CC, Att. H at MEA-FBI-00013340.

<sup>34</sup> ~~(C)~~ *Id.* at MEA-FBI-00013343.

(U) This money transfer is one of five at the heart of the government's case against Mr. al Baluchi. It is charged as Overt Act #41:

41. On or about April 16, 2000, Ali Abdul Aziz Ali transferred approximately \$5,000 to Nawaf al Hazmi (AA #77), through a third party, in San Diego, California.

The “third party” is Rafeea, whom al-Bayoumi introduced to al-Hazmi. The government has already introduced evidence of this money transfer against Mr. al Baluchi,<sup>35</sup> and is expected to do so again at trial. Rafeea is a government witness for trial.<sup>36</sup>

(CUI:UN) FBI agents questioned Rafeea about al-Bayoumi again on 21 September 2001.<sup>37</sup> Rafeaa told the FBI that, "AL BAYOUMI appeared to have regular contact with the Saudi Arabia consulate in Los Angeles, California."<sup>38</sup> On 30 September 2001, FBI agents questioned Rafeaa about an associate named Osama.<sup>39</sup> The FBI did not otherwise question Rafeaa about al-Bayoumi's connections to the Saudi government.

~~(CUI:INT)~~ The government has produced redacted versions of documents surrounding the immediate investigation of the connection between al-Bayoumi and al-Hazmi/al-Mihdhar that Rafeea described: al-Bayoumi's housing assistance to al-Hazmi and al-Mihdhar at the Parkwood Apartments<sup>40</sup> and the party Rafeea described. The investigation of Rafeea's

<sup>35</sup> ~~(b)~~ See, e.g., Unofficial/Unauthenticated Transcript of 16 September 2019 at 25433, 25385-96.

<sup>36</sup> ~~(C)~~ AE682 (GOV) Proposed Trial Witnesses #125.

<sup>37</sup> Attachment D at MEA-FBI-00023985.

<sup>38</sup> ~~Exhibit~~ *Id.* at MEA-FBI-00023986.

<sup>39</sup> ~~Exhibit~~ *Id.* at MEA-FBI-00023872.

<sup>40</sup> See, e.g., *Id.* at MEA-FBI-00000832, -5596, -7661, -17710, -18967.

information led to interviews of others who knew al-Hazmi and al-Mihdhar: Omar Bakarbashat,<sup>41</sup> Ramez Noaman,<sup>42</sup> and Mohdar Abdullah.<sup>43</sup> The military commission should order the government to produce unredacted copies of these documents.

~~(U)~~ *Spinoff investigations*

~~(CUI/INV)~~ On 21 September 2001, “British authorities arrested OMAR AHMED AL-BAYOUMI, who is linked to KHALID AL-MIDHAR (AA Flt. #77) and NAWAF AL-HAZMI (AA Flt #77) via lease agreement. . . . A computer was seized from AL-BAYOUMI at the time of his arrest.”<sup>44</sup> On 17 September 2004, a party the government has not disclosed (believed to be New Scotland Yard) submitted 18 CD-ROMs “regarding Bayoumi’s computer” to the FBI laboratory.<sup>45</sup> The government has not disclosed the results of the examination, or any other evidence turned over from British authorities to the FBI or CIA as a result of the arrest and search of al-Bayoumi.

~~(CUI)~~ A team of 9/11 Commission and FBI investigators interviewed al-Bayoumi in Saudi Arabia in 2003.<sup>46</sup> Al-Bayoumi claimed that he received a regular salary, tuition, and living

<sup>41</sup> ~~(U)~~ Attachment D at MEA-FBI-00012580, -12587; *cf.* T. 9/18/19 at 26098-105; AE628DD at MEA-FBI-00023662.

<sup>42</sup> ~~(U)~~ AE628CC, Att. H at MEA-FBI-00015065.

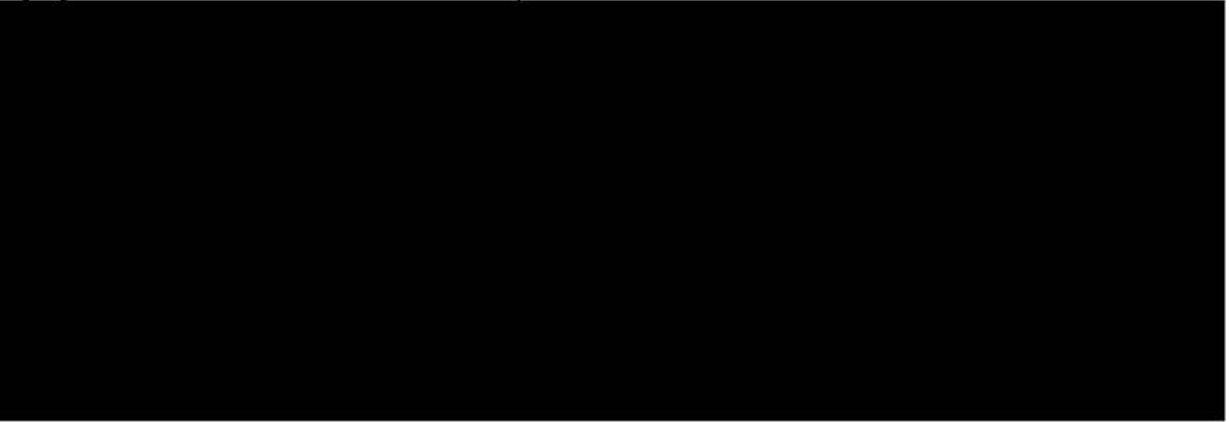
<sup>43</sup> ~~(U)~~ Attachment D at MEA-FBI-00001426, -10082; *cf.* AE628SSS (AAA), Defense Notice of Exhibits, Attachment G at MEA-FBI-00023761. (FBI-CIA cable regarding Abdullah).

<sup>44</sup> ~~(U)~~ Attachment L at MEA-HJK-00020591.

<sup>45</sup> ~~(U)~~ Attachment M at MEA-RAD-00002789.

<sup>46</sup> ~~(U)~~ Attachment D at MEA-FBI-00024083. The redacted 9/11 Commission report of the same interview, which the government did not produce in discovery, is located at AE827-1, Att. D.

expenses from PCA and Dallah Avco.<sup>47</sup> He said that he met al-Hazmi and al-Mihdhar by chance, and helped them find an apartment and hosted a party they attended.<sup>48</sup> They also interviewed Fahad al-Thumairy, al-Bayoumi's reported contact at the Saudi embassy, but the FBI did not prepare a 302 which described al-Thumairy's statements.<sup>49</sup>



***(U) Investigation into al-Bayoumi's connection to the Saudi government***

**(CUE/INV)** Other than redacted 302s of his immediate associates in San Diego—many of whom though he was a Saudi spy<sup>52</sup>—the government has only produced one document regarding the investigation into links between al-Bayoumi and the Saudi government: Special

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<sup>47</sup> **(U)** Attachment D at MEA-FBI-00024083.

<sup>48</sup> **(U)** *Id.* at 24086.

<sup>49</sup> **(U)** *Id.* at MEA-FBI-00007002.

<sup>50</sup> 

<sup>51</sup> 

<sup>52</sup> **(U)** Joint Inquiry at 416, 424 (“A former Assistant Special Agent in Charge in San Diego testified that the FBI received “numerous, I would say half a dozen” reports from individuals who believed that al Bayoumi was a Saudi intelligence officer.”).

Agent Perkins' interview of “[REDACTED] BASHI.”<sup>53</sup> Bashi told Special Agent Perkins that Bayoumi was paid between ten and fifteen thousand dollars in cash per month through contractors on behalf of the Saudi agency PCA. Here is a sample paragraph from Special Agent Perkins’ 302 regarding the al Bayoumi investigation, which illustrates the redactions:<sup>54</sup>

CONTINUATION

BASHI was asked whether he knew a man by the name of [REDACTED] Al-Bayoumi, and he advised that Al-Bayoumi was a student in [REDACTED]. BASHI stated he was aware that [REDACTED] Hannah provided [REDACTED] Al-Bayoumi approximately \$10,000 in cash per month at the behest of Al-Salmi during the time that he (Hannah) had the contract with PCA. BASHI was aware that in order to

<sup>53</sup> (S) Attachment D at MEA-FBI-00006724.

<sup>54</sup> (S) Attachment D at MEA-FBI-00006725-26. Although the government re-produced some less redacted 302s in response to AE161 (AAA), the government never produced any less-redacted version of this 302. The government has also not produced any 302s regarding interviews of “[REDACTED] Coombs,” “[REDACTED] Hannah,” or the other obvious investigative targets identified in the “[REDACTED] BASHI” 302.

conceal these cash payments to Al-Bayoumi, Hanna used cash generated by his car wash business and a diner he owned to funnel these payments to Al-Bayoumi. Additionally, [REDACTED] Al-Salmi at PCA similarly provided a monthly stipend to Al-Bayoumi of approximately \$5,000 per month. BASHI was not sure whether those stipends were paid simultaneously or not. BASHI advise d that Al-Bayoumi was paid a salary from PCA and his job title was Accounts Auditor, even though he did not actually work there. The payment of Al-Bayoumi's salary was handled by payroll . BASHI advised that he was aware of these payments to Al-Bayoumi, but was not directly involved with them. When asked why Al-Salmi wo uld feel any obligation to take care of Al-Bayoumi, BASHI surmised that Al-Bayoumi had either a family connection whereby a favor was called in to Al-Salmi to take care of him or that Al-Bayoumi had something to hold over someone's head causing these payments to be made. BASHI stated that these payments were handled on a personal level and did not to his knowledge have the sanctioning or involvement of the Saudi Government. BASHI also stated that another incentive for Al-Salmi to take care of Al-Bay oumi was a rumor that he (Al-Bayoumi) was slated to take over an upper level management position held by [REDACTED] Karli, aka " [REDACTED]" at PCA.

(C) In the discovery, this redacted 302 exists in a vacuum; the government has not produced any documents setting leads or showing how other interviews led Special Agent Perkins to Bashi. The government has not produced documentation of any interviews after the Bashi interview, of Hannah, Coombs, al-Salmi or others identified by Bashi as involved in Saudi payments to al-Bayoumi. The government has not produced any reports of investigations into Dallah Avco, Ercan, PCA or any other organization. The discovery produced shows the information about al Bayoumi is material to the preparation of the defense; the military commission should order the government to produce the remainder.

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(U) *The Joint Inquiry*

(U) Al-Bayoumi's significance to the 9/11 conspiracy is not a defense hypothetical. The Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 (Joint Inquiry) concluded that, "While in the United States, some of the September 11 hijackers were in contact with, and received support or assistance from, individual who may be connected to the Saudi Government."<sup>55</sup> Mr. al Baluchi and Mr. bin 'Atash have asked for records that they could use at trial to prove that statement; the government has provided some but withheld others.

(U) Mr. bin 'Atash specifically asked for al-Bayoumi's employment records,<sup>56</sup> which the Joint Inquiry found significant. Al Bayoumi met al Hazmi and al Mihdhar on or about February 2000. Based on employment records the government has not produced, the Joint Inquiry concluded that his declared support increased substantially in April 2000 from \$465 a month to \$3,700 a month, two months after the hijackers arrived in San Diego, and decreased slightly in December 2000 to \$3,200 a month, and stayed at the same level until August 2001.<sup>57</sup>

(U) Similarly, Mr. bin 'Atash requested telephone records the Joint Inquiry considered important. According to the Joint Inquiry, Bayoumi called telephones that were associated with the Saudi Government almost 100 times between January and May 2000: three individuals from the Saudi Embassy in Washington, D.C., two individuals at the Saudi Arabian Cultural Mission in

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<sup>55</sup> (U) Joint Inquiry at 415.

<sup>56</sup> (U) Attachment G (DR-322-WBA).

<sup>57</sup> (U) Joint Inquiry at 416, 425.

Washington D.C, and three individuals at the Saudi Consulate in Los Angeles.<sup>58</sup> Additionally, the FBI concluded that “after an exhaustive translations [sic] of Bayoumi’s documents, it is clear that in Bayoumi’s correspondence he is providing guidance to young Muslims and some of his writings can be interpreted as jihadist.”<sup>59</sup>

(C) A FOIA release which Mr. bin ‘Atash provided to the government as the basis for a discovery request explains the origin of some of this information. Mr. bin ‘Atash requested an unredacted copy of a 2012 document summarizing FBI “references regarding possible ties of AL-BAYOUMI to the Saudi Arabian government” as well as the documents referenced.<sup>60</sup> The document explains a 27 September 2001 search of al-Bayoumi’s office that provided evidence of his contacts at the Saudi embassy and his phone calls to those contacts.<sup>61</sup>

(C) The Joint Inquiry is also the creator of a summary of Saudi-related information known as the “28 Pages,”<sup>62</sup> originally withheld from the public as classified. The 28 Pages have now been released to the public in redacted form, but the defense has no deeper understanding of the Joint’ Inquiry’s summary than the general public. The military commission should order the government to produce the unredacted 28 Pages, or at least obtain judicial authorization under MCRE 505(f) for the withholding. Although the 28 Pages constitute a Joint Inquiry summary

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<sup>58</sup> (C) *Id.*

<sup>59</sup> (C) *Id.* at 425.

<sup>60</sup> (C) Attachment E. Oddly, the last entry in the 2012 summary refers to a 15 May 2002 interview about al-Bayoumi’s “ghost” employment, six months before Special Agent Perkins’ 14 November 2002 interview of Bashi.

<sup>61</sup> (C) *Id.*

<sup>62</sup> (C) Attachment N.

rather than original documents, the defense in this case has the option to introduce such official conclusions under MCRE 803(b) despite its hearsay nature.

~~(U) FBI documents~~

~~(U)~~ In addition to those reviewed by the Joint Inquiry, other FBI sources support the view that the government has not made a complete disclosure of responsive al-Bayoumi documents. Both FOIA-released documents and defense-conducted interviews show the existence of more documents than the government has produced.

 <sup>63</sup> The Joint Inquiry reports that the FBI

closed its counterintelligence investigation in 1999, predating the arrival of al-Hamzi and al-Mihdhar in the United States.<sup>64</sup>

~~(U)~~ Through the investigation of thousands of leads, the Los Angeles FBI team “determined that Thumairy [at the Saudi Los Angeles consulate] and another Saudi employee who we believed was a Saudi intelligence agent, Omar al-Bayoumi . . . were active participants in a terror cell associated with al Qaeda that provided substantial financial and logistic support to Hazmi and Mihdhar.”<sup>65</sup> The investigative team based its conclusion that “Bayoumi was an undercover Saudi intelligence officer” in part on “the fact that he was paid by Saudi Arabia with laundered funds in a manner typical of clandestine arrangements used by a foreign intelligence

<sup>63</sup> 

<sup>64</sup> ~~(U)~~ Joint Inquiry Report at 174.

<sup>65</sup> ~~(U)~~ Attachment C at 2.

agency.”<sup>66</sup> The government has only produced one 302 regarding investigation of laundered payments, although it is likely that more exist.

¶ Other FBI materials tie al-Bayoumi to Anwar al-Aulaqi, whom the United States later killed in a drone strike. Pasquale J. D’Amura, the Executive Director for Counterterrorism and Counterintelligence testified in an October 9, 2002 hearing that “we’ve been talking with ... Government about collection on an individual named... who has ties to al Qa’ida, who has ties to Bayoumi.” A document released under FOIA but not produced by the government in discovery, although heavily redacted, shows the existence of pin register data connecting al-Bayoumi and al-Aulaqi.<sup>67</sup>

#### ¶ *Discovery standards*

¶ Under the Rules for Military Commissions, a defendant is entitled to discovery of all documents or other tangible items that are “material to the preparation of the defense,”<sup>68</sup> or that “reasonably tend[]... to negate the guilt of the accused of an offense charged; or...[r]educe the degree of guilt of the accused with respect to an offense charged; or... reduce the punishment”<sup>69</sup> imposed after conviction. Specifically, documents within the government’s possession are discoverable if they are helpful to the preparation of defense or exculpatory.<sup>70</sup> Information is

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<sup>66</sup> ¶ *Id.*

<sup>67</sup> ¶ Attachment O at AWLAKI-2329.

<sup>68</sup> ¶ R.M.C. 701(c)(1)- (2).

<sup>69</sup> ¶ R.M.C. 701(e)(1).

<sup>70</sup> ¶ R.M.C. 701(c)(1)-(3); *Brady v. Maryland*, 373 U.S. 83, 87 (1963).

helpful to the defense if there is a strong indication it will play an important role in uncovering admissible evidence; assist in impeachment; corroborate testimony; or aid in witness preparation.<sup>71</sup>

(U) Rule for Military Commission (R.M.C.) 701(j) establishes the standard for discovery in military courts: "Each party shall have adequate opportunity to prepare its case and no party may unreasonably impede the access of another party to a witness or evidence." In passing the Military Commissions Act (MCA) of 2009, Congress mandated this process.<sup>72</sup> An accused is entitled to inspect both exculpatory and inculpatory evidence.<sup>73</sup> Under the Sixth Amendment, an accused also has the right to conduct a full and fair examination of witnesses.<sup>74</sup>

(U) To show materiality under R.M.C. 701(c) ““is not a heavy burden,” *id.*; rather, evidence is material as long as there is a strong indication that it will “play an important role in uncovering admissible evidence, aiding witness preparation, corroborating testimony, or assisting impeachment or rebuttal.”<sup>75</sup> The defendant must show that the requested evidence “bears some abstract logical relationship to the issues in the case... There must be some indication that the

<sup>71</sup> ~~(U)~~ *United States v. Lloyd*, 992 F.2d 348, 351 (D.C. Cir. 1963).

<sup>72</sup> (U) See 10 U.S.C. §949j (“The opportunity to obtain witnesses and evidence shall be comparable to the opportunity available to a criminal defendant in a court of the United States under article III of the Constitution.”).

<sup>73</sup> (C) See *Brady v. Maryland*, 373 U.S. 83 (1963); *United States v. Kern*, 22 M.J. 49, 51 (C.M.A. 1986); see generally, *Kyles v. Whitley*, 514 U.S. 419, 437 (1995) (“the individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police.”).

<sup>74</sup> (2) See *Pointer v. Texas*, 380 U.S. 400, 405 (1965) (“There are few subjects, perhaps, upon which this Court and other courts have been more nearly unanimous than in their expressions of belief that the right of confrontation and cross-examination is an essential and fundamental requirement for the kind of fair trial which is this country's constitutional goal.”).

<sup>75</sup> ~~(C)~~ *United States v. Felt*, 491 F. Supp. 179, 186 (D.D.C. 1979).

[REDACTED]

pretrial disclosure of the disputed evidence would [enable] the defendant significantly to alter the quantum of proof in his favor.”<sup>76</sup>

***(U) Relevance and helpfulness***

(U) Documents linking al-Bayoumi to the 9/11 conspiracy and Saudi Arabia will help Mr. al Baluchi and Mr. bin ‘Atash present a full defense at trial. Whether called materiality and exculpatory value, or relevance and helpfulness, the key discovery question is how documents may assist the defense. First, the documents will assist in cross-examining the government’s witnesses at trial. Second, the documents will support the defense that the United States and al Qaeda were not engaged in an armed conflict during the alleged pre-attack conspiracy. Finally, the documents will support an argument that Mr. al Baluchi and Mr. bin ‘Atash should receive a sentence less than death.

(U) Initially, the government has given notice that it will call some of the witnesses with information about al-Bayoumi at trial. Rafeaa, Special Agent Jacqueline Maguire, and Special Agent Perkins, for example, are all on the government’s witness list.<sup>77</sup>

[REDACTED]

<sup>76</sup> (U) *Lloyd*, 992 F.2d at 351.

<sup>77</sup> (U) AE682 (GOV).

<sup>78</sup>

[REDACTED]

~~(C)~~ Second, the requested information about al-Bayoumi will support the larger narrative regarding the lack of hostilities between the United States and al Qaeda.



<sup>80</sup> The requested discovery would help the defense develop and present this theory, which is already fairly robust.

~~(C)(1)(i)(V)~~ Third, at the very least, the requested evidence will assist the defense to develop and present support for the argument that al-Bayoumi is an equally culpable co-conspirator who will not face the death penalty. Al-Bayoumi was arrested in the UK and released; al-Thumairy was deported but did not otherwise face prosecution. Yet al-Bayoumi provided far more in-person support to al-Hamzi, al-Mihdhar, and possibly Hanjour<sup>81</sup> than Mr. al Baluchi or Mr. bin 'Attash are alleged to have done. The existence of equally culpable co-conspirators who will not face death is a classic argument in mitigation of sentence, and will be available to some defendants if the government produces appropriate discovery.

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79



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<sup>81</sup>~~(C)~~ Attachment D at MEA-FBI-11991 through -92 (redacted document connecting al-Bayoumi and Hanjour).

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(U) As this case moves through the pre-trial process, the defendants are sharpening their investigative focus and theories of defense in preparation for litigation milestones and eventual trial. As theories of defense harden, the government must respond with appropriate discovery rather than rely on 2013-14 general discovery produced only in redacted format. In this situation, the military commission should order the government to produce evidence regarding al-Bayoumi and closely associated individuals and organizations.

7. (U) **Oral Argument:** Mr. al Baluchi and Mr. bin 'Atash respectfully request oral argument to support this motion.

8. (U) **Witnesses:** None at this time.

9. (U) **Certificate of Conference:** The government opposes this motion, as stated in more detail in its discovery responses.

10. (U) **Attachments:**

- A. (U) Certificate of Service (U)
- B. (U) [REDACTED]
- C. (U) Declaration of Stephen Moore, dated 15 September 2017 (U)
- D. (U) MEA-FBI-00000239-240 (CUI/INV)  
(U) MEA-FBI-00000832-833 (CUI/INV)  
(U) MEA-FBI-00001426-1429 (CUI/INV)  
(U) MEA-FBI-00005596-5597 (CUI/INV)  
(U) MEA-FBI-00006724-6727 (CUI/INV)  
(U) MEA-FBI-00007002-7003 (CUI/INV)  
(U) MEA-FBI-00007661-7662 (CUI/INV)  
(U) MEA-FBI-00010082 (CUI/INV)  
(U) MEA-FBI-00011991-11992 (CUI/INV)  
(U) MEA-FBI-00012580-12586 (CUI/INV)  
(U) MEA-FBI-00012587-12589 (CUI/INV)  
(U) MEA-FBI-00016236 (CUI/INV)  
(U) MEA-FBI-00017710-17711 (CUI/INV)

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(U) MEA-FBI-00018976 (CUI/INV)  
(U) MEA-FBI-00023872-23873 (CUI/INV)  
(U) MEA-FBI-00023985-23987 (CUI)  
(U) MEA-FBI-00024083-24093 (CUI)

- E. (U) Defense Request for Discovery: DR-310-WBA, dated 5 June 2017 (U)
- F. (U) Prosecution Response to Requests for Discovery: DR-283-WBA, DR-284-WBA, DR-310-WBA, DR-311-WBA, DR-322-WBA, DR-343-WBA, dated 27 April 2018 (U)
- G. (U) Defense Request for Discovery: DR-322-WBA, dated 20 July 2017 (U)
- H. (U) Government Response to Defense Request for Discovery: DR-322-WBA, dated 18 August 2017 (U)
- I. (U) Defense Request for Discovery: DR-329-WBA, dated 12 September 2017 (U)
- J. (U) Defense Request for Discovery: DR-343-WBA, dated 3 October 2017 (U)
- K. (U) Spreadsheet of al-Bayoumi Related Documents (U)
- L. (U) MEA-HJK-00020578-20596 (S//NF)
- M. (U) MEA-RAD-00002678 and MEA-RAD-00002789 (CUI)
- N. (U) Joint Inquiry – 28 Pages (U)
- O. (U) AWLAKI-2329 (U)

~~(U)~~ Very respectfully,

████████/s/

JAMES G. CONNELL, III  
Learned Counsel

—/s//

ALKA PRADHAN  
Defense Counsel

~~(15)~~ //s//

BENJAMIN R. FARLEY  
Defense Counsel

— (U) //S//

LEAH A. O'BRIEN  
LCDR, JAGC, USN  
Defense Counsel

~~SD~~ Counsel for Mr. al Baluchi

~~(3)~~ //s//

CHERYL T. BORMANN  
Learned Counsel

██████████/s//

EDWIN A. PERRY  
Detailed Defense Counsel

~~(S)~~ //s//

WILLIAM R. MONTROSS, JR.  
Detailed Defense Counsel

~~(U) Hs//~~

ANISHA P. GUPTA  
Detailed Defense Counsel

—○—!/s//

JAY S. PEER  
Major, USAF  
Detailed Defense Counsel

~~(U)~~ Counsel for Mr. bin 'Atash

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~~(U)~~ **Attachment A**

~~CONFIDENTIAL//NOFORN~~

**CERTIFICATE OF SERVICE**

I certify that on the 21st day of July, 2021, I electronically filed the foregoing document with the Clerk of the Court and served the foregoing on all counsel of record by email.

//s//  
JAMES G. CONNELL,  
III *Learned Counsel*

[REDACTED]

~~(U)~~ **Attachment B**

[REDACTED]

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[REDACTED]

**(U) Attachment C**

[REDACTED]

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## **Exhibit 1**

### **Declaration of Stephen K. Moore**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKIn re Terrorist Attacks on September 11, 2001 | 03 MDL 1570 (GBD) (PM)  
ECF Case

## DECLARATION OF STEPHEN K. MOORE

I, Stephen K. Moore, do hereby declare:

1. I am a former Special Agent for the Federal Bureau of Investigation ("FBI"). I received my law enforcement and investigator training at the FBI Academy in Quantico, VA in 1983-84 and worked for the Bureau for nearly 25 years until my retirement in 2008. During the course of my career, I worked on numerous criminal investigations involving domestic and international terrorism.

2. From 1996 through September 2001, I was assigned to the FBI's Los Angeles office and worked on counter-terrorism investigations and highly classified intelligence matters.

3. Within days of the 9/11 attacks, I was placed in charge of the Los Angeles task force team on PENTTBOM, the FBI's investigation of the 9/11 attacks. The team that I directed and supervised included at times over 400 team members and was one of the largest components of the FBI's investigation. My work with the Los Angeles PENTTBOM team continued through 2003.

4. A key part of our work was to investigate the activities in Southern California of the first two al Qaeda hijackers to arrive in the United States, Nawaf al-Hazmi ("Hazmi") and Khalid al-Mihdhar ("Mihdhar"), who came to Los Angeles on January 15, 2000, stayed there for several weeks, and then relocated to San Diego. A central focus of that work was to identify the persons who provided Hazmi and Mihdhar with financial and logistical support.

P. 1

5. My Los Angeles PENTTBOM team investigated thousands of leads in total. I made all strategic investigative decisions on our case, and participated in the daily "All S.A.C." investigative conference calls, which included the head of every U.S. FBI office. I conducted daily briefings for my task force and provided information on a regular basis to FBI headquarters for Director Mueller's daily briefing to the President. I prepared or reviewed the PENTTBOM reports generated by my team and participated in significant witness interviews.

6. Based on evidence we gathered during the course of our investigation, I concluded that diplomatic and intelligence personnel of the Kingdom of Saudi Arabia knowingly provided material support to the two 9/11 hijackers and facilitated the 9/11 plot. My colleagues in our investigation shared that conclusion.

7. We determined that Fahad al-Thumairy ("Thumairy") was a representative of the Saudi Arabia Ministry of Islamic Affairs who was granted diplomatic status by Saudi Arabia and posted at Saudi Arabia's Los Angeles Consulate. Thumairy also served as an Imam at the King Fahad Mosque, which was funded by the Saudi royal family and named after the Saudi King. We learned that Thumairy controlled that Mosque both religiously and financially. He had a reputation for extreme anti-U.S. views and was aligned and inspired a radical faction inside the Mosque.

8. We determined that Thumairy and another Saudi employee who we believed was a Saudi intelligence agent, Omar al-Bayoumi ("Bayoumi"), were active participants in a terror cell associated with al Qaeda that provided substantial financial and logistical support to Hazmi and Mihdhar.

9. Based on our investigation we determined that at the time Thumairy provided that assistance, he knew that Hazmi and Mihdhar were al Qaeda terrorists on a pre-planned complex mission in the United States that would involve the use of airplanes.

10. We learned that the al Qaeda plotters were methodical in their preparations for the attacks and would not have sent Hazmi and Mihdhar to Los Angeles without a support structure in place. It would be essential that Hazmi and Mihdhar were given cover and properly handled upon their arrival. Neither Hazmi nor Mihdhar could speak English. They were completely unfamiliar with life and customs in the United States and lacked even the most basic skills to begin pilot training. They would have had zero chance for success without a support structure waiting for them.

11. We found that Thumairy was the primary point of contact for Hazmi and Mihdhar in Los Angeles. We concluded that Thumairy was aware in advance of their arrival and, through the King Fahad Mosque, had already provided a place for them to stay in Los Angeles.

12. We found evidence of an extensive prior relationship between Bayoumi and Thumairy. This included personal visits of Bayoumi to the King Fahad Mosque. We found that Thumairy and Bayoumi had a history of numerous phone communications during the same period that Bayoumi and others were providing Hazmi and Mihdhar with essential support.

13. We determined that Bayoumi was instructed to visit Thumairy at the Saudi Consulate and that on February 1, 2000, Bayoumi came from his home in San Diego to the Consulate. We learned that Bayoumi drove his car up to the Consulate's non-public gate, where he was buzzed in by Saudi personnel and parked in the Consulate's interior private garage. We determined that Bayoumi and Thumairy held a private meeting inside the non-public offices of the Consulate and that the purpose of this meeting was for Thumairy to direct Bayoumi

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regarding the assistance needed by Hazmi and Mihdhar and to confirm the plans for a lunch meeting that Thumairy had arranged for Bayoumi, Hazmi and Mihdhar at the "Mediterranean Gourmet" restaurant in Los Angeles later that day.

14. Immediately after his meeting with Thumairy, Bayoumi first mistakenly went to another "Mediterranean" establishment which he thought was the one that Thumairy had told him to meet Hazmi and Mihdhar. Realizing his mistake, Bayoumi then found the correct nearby restaurant where Hazmi and Mihdhar were waiting as planned. They had lunch with Bayoumi and thereafter Bayoumi took Hazmi and Mihdhar under his care. The investigation detailed how Bayoumi brought the two men to San Diego, helped them find, lease and pay for an apartment near to where Bayoumi lived, provided them with funds, assimilation and safety and introduced them to various others including Mohdar Abdullah, who provided additional assistance to them, helping them with identification, obtaining a car, language skills, additional help with assimilation and most significantly, pilot training.

15. Our investigation learned that on June 9, 2000, Hazmi and Mihdhar drove from San Diego to Los Angeles with Mohdar Abdullah and went to the King Fahad Mosque for a meeting to discuss their plans, likely with Thumairy and others. We identified the Los Angeles motel where Hazmi, Mihdhar and Abdullah stayed overnight and how they dropped off Mihdhar the following day at Los Angeles International Airport for his flight home. We then learned that Hazmi returned to the King Fahad Mosque before returning to San Diego.

16. We also learned that Thumairy invited Hazmi to lead the prayers at the King Fahad Mosque where Thumairy was an Imam. We determined that this was a significant and unusual honor for Thumairy to bestow on Hazmi, a young Saudi visitor who was not even a member of the Mosque, and showed that Thumairy had an awareness of Hazmi's mission.

17. We found substantial evidence that Bayoumi was an undercover Saudi intelligence officer based on numerous witness statements; the fact that he was paid by Saudi Arabia with laundered funds in a manner typical of clandestine arrangements used by a foreign intelligence agency; his regular videotaping of people and events; and the consistent patterns of deception in his dealings.

18. I have read the statement in the 9/11 Commission Report that "we have not found evidence that Thumairy provided assistance to the two operatives [Hazmi and Mihdhar]." In light of the proof assembled in our investigation, this statement is incorrect. There was clearly evidence that Thumairy provided assistance to Hazmi and Mihdhar.

19. I also disagree with the statement in the 9/11 Commission Report that Bayoumi is "an unlikely candidate for clandestine involvement with Islamist extremists." Again, this statement is incorrect. Based on the proof in our investigation, Bayoumi himself was a clandestine agent and associated with radical extremists, including Thumairy.

20. It is noteworthy that both Bayoumi and Thumairy left the United States several weeks before the 9/11 attacks. Thumairy returned to the United States on December 24, 2001. In 2002, we sought to question Thumairy regarding his involvement with Hazmi, Mihdhar and the 9/11 plot but were unable to do so before he left the country.

21. To my knowledge, Thumairy has never been the subject of a genuine law enforcement interview conducted by the actual agents who investigated him, including myself.

22. We believed that Thumairy and Bayoumi were directed to assist Hazmi and Mihdhar. This was a key subject that we wanted to raise in questioning Thumairy to explore his employment and the superiors that he reported to inside the Los Angeles Consulate, the Washington, D.C. Embassy and the Ministry of Islamic Affairs.

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23. Much of the PENTTBOM investigation remains classified. I have taken care in preparing this declaration not to reference any of that classified information.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: September 15, 2017  
New York, New York



Stephen K. Moore

[REDACTED]

~~(U)~~ Attachment D

[REDACTED]

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M-INT-00002373

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

- 1 -

09/17/2001

at investigation on 09/17/2001

Date dictated File #

by

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

On September 17, 2001, [REDACTED] (protect identity).

born [REDACTED], [REDACTED] identification [REDACTED], residing

at [REDACTED], telephone

number [REDACTED] was interviewed in apartment [REDACTED], by Special

Agents of the Federal Bureau of Investigation. After advising [REDACTED] of the nature of the interview, [REDACTED] provided the following information:

[REDACTED] spoke mostly in Spanish, and spoke limited English.

[REDACTED]'s broken English and Spanish was translated by her neighbor [REDACTED] Ramos of Apartment [REDACTED].

[REDACTED] was shown two single photographs of [REDACTED] ALBAYOUMI and [REDACTED] BAGADER. [REDACTED] recognized the photographs of both individuals and indicated that they both lived in the

Apartment across from the [REDACTED] (apartment [REDACTED]).

[REDACTED] stated that her son played with the son of ALBAYOUMI and BAGADER. [REDACTED] knew AL-BAYOUMI and BAGADER through her casual conversations with their son and occasional contacts with

the parents. The last time [REDACTED] had seen BAYOUMI was at the pool. [REDACTED] recalls one time that AL-BAYOUMI's son had come to

the swimming pool located in the apartment complex, directly in front of AL-BAYOUMI's apartment (apartment # [REDACTED]). AL-BAYOUMI told [REDACTED] that "my father has a meeting with another man and his mother is in the house."

[REDACTED] believed that April 2001 was the last time [REDACTED] had spoken to AL-BAYOUMI. AL-BAYOUMI told [REDACTED] that he was going to travel for three weeks. [REDACTED] has been a resident of Parkwood Apartment Homes for about 7 (seven) years. During the last few years [REDACTED] said that she saw AL-BAYOUMI's kids while they were in the pool.

[REDACTED] said that on some occasions she had seen unknown males (UM) wearing turbans going into AL-BAYOUMI's apartment. [REDACTED] was shown an array of five photographs depicting five males of mideastern descent. [REDACTED] recognized photograph number 3 (three) and [REDACTED]

SA Robert F. Shaul

SA Elvis Teu Ulufanua

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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

, Page , On 09/17/2001 [REDACTED] [REDACTED] number 4 (four) Photographs 3 and 4 depicted [REDACTED] ALMIDHAR and [REDACTED] [REDACTED] HANJOUR respectively [REDACTED] stated that UM

number 3 had visited AL-BAYOUMI a few times in the past. On one occasion, in June 2001, while AL-BAYOUMI was away on travel, UM #4 visited BAGADER. [REDACTED] did not know where UMs 3 and 4 lived or whether they came from the same apartment complex.

A photograph of [REDACTED] BAKARBASHAT was shown to [REDACTED]. [REDACTED] stated that she saw BAKARBASHAT once or twice in February 2001.

[REDACTED] stated that she saw UMs 3, 4, BAKARBASHAT, and AL-BAYOUMI all together before. [REDACTED] stated that there used to be a lot of people who wore turbans, as if they had just come from the Mosque, would visit AL-BAYOUMI. [REDACTED] recalled one unusual UM because he grew a

MEA-FBI-00000239

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thick beard, wore a turban, was skinny, approximately 40 to 45 years of age, and was different looking than the rest of the UMs. [REDACTED] said that BAGADER, and her kids left the apartment complex during the second week of June, 2001.

MEA-FBI-00000240



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was written to Parkwood Apartments in the amount of \$791.96. The name on the check was [REDACTED] Bagader, [REDACTED], telephone [REDACTED]. 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 Mihdhar's rental file would be located in their main office in [REDACTED]. A former assistant at Parkwood Apartment Homes, [REDACTED] Sabata, who is currently employed at Padre Gardens, [REDACTED], telephone [REDACTED], would have known Al Bayoumi and his associates during her tenure at Parkwood. Parkwood Apartment Homes management records system was negative for [REDACTED] Hanjor, date of birth (DOB) [REDACTED]. Five or six current residents of Parkwood Apartment Homes may be members of the Islamic Center of [REDACTED].

MEA-FBI-00000833

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M-INT-00032880

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

- 1 -

09/19/2001

at investigation on 9/18/01

Date dictated File # 9/19/01

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

[REDACTED] (identity requested confidential),

date of birth, [REDACTED], social security number, [REDACTED],

[REDACTED] drivers license number [REDACTED], I.N.S. number

[REDACTED], [REDACTED], apartment number [REDACTED], [REDACTED], was interviewed at the Denny's restaurant, [REDACTED]. After

advising [REDACTED], hereinafter [REDACTED], of the identities

of the interviewing agents and the nature of the interview, [REDACTED]

voluntarily provided the following information:

[REDACTED] met and became acquainted with [REDACTED] Alhazmi and [REDACTED] Almihdar in 1999, after an introduction by [REDACTED] Al-Bayouri. [REDACTED] told [REDACTED] that they, [REDACTED] and [REDACTED], had

arrived in Los Angeles via United Airlines, Los Angeles Airport,

LAX. After a five or six day stay in [REDACTED] they came to [REDACTED]. [REDACTED] was unaware of the location they stayed in [REDACTED] or how they arrived in [REDACTED]. At that time, [REDACTED] was

the Manager/Leader of a Kurdish Mosque, located on [REDACTED]. [REDACTED] was residing in an apartment complex located behind a Burger King restaurant on [REDACTED]. [REDACTED]

and [REDACTED] were acquainted through the Mosque mentioned above.

[REDACTED] has not had contact with [REDACTED] for approximately six to eight months. [REDACTED] last knew [REDACTED] was currently located in [REDACTED], working towards a Doctorate degree from an unknown

University. [REDACTED] knew that [REDACTED] was a member of the Aviation Board for Saudi Arabia while he was the leader of the Mosque in [REDACTED].

[REDACTED] brought [REDACTED] and [REDACTED] to an Islam Mosque located on [REDACTED], to make the introduction to

[REDACTED]. [REDACTED] asked [REDACTED] to become acquainted with [REDACTED] and [REDACTED], acclimate them to the area and assist in any way in their affairs.

[REDACTED]

Daniel Gonzalez / dig

by Frank Teixeira

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

, Page , On Continuation of FD-302 of 2/18/01 [REDACTED]  
Three days after meeting them, [REDACTED] and [REDACTED] came to [REDACTED] apartment to ask a favor of him. [REDACTED] was living at [REDACTED] Apartment number [REDACTED], [REDACTED], with several roommates. The favor was to take them to the United Airlines ticket station and ask if the two airline tickets they had could be exchanged for a different flight. [REDACTED] and [REDACTED] had two round trip United hard tickets in their possession from Bangkok to LAX with a set return date of approximately three months later. They had already used one trip each on the round trip tickets from Bangkok to LAX.

[REDACTED] needed [REDACTED] to translate to the ticket agent that they wanted to trade in the two remaining flights to Bangkok for a credit towards two one way tickets to Jiddah, Saudi Arabia. [REDACTED] drove them to the United Airlines ticket center located in a shopping center on [REDACTED], next to a Starbuck's coffee shop. The ticket agent advised them that the request could not be granted due to the special rate they received on the original flight from Bangkok. [REDACTED] became verbally abusive towards the ticket agent, (identity unknown), as they departed. [REDACTED] noted that [REDACTED] told him not to tell anyone that they had taken an excursion trip to Malaysia after arriving in Bangkok.

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[REDACTED] considered his relationship with [REDACTED] and [REDACTED] as close on a social and religious basis. However, [REDACTED] had to make several inquiries into their personal business because [REDACTED] was very secretive. At times [REDACTED] would refuse to answer personal questions asked by [REDACTED] stating seek Allah's help and finish your private matters secretly. [REDACTED] told this quote to [REDACTED] in Arabic. [REDACTED] and [REDACTED] were always together when associating with [REDACTED].

As they became acquainted, [REDACTED] inquired as to how to obtain a social security card and a drivers license. [REDACTED] was requested to make telephone calls for them; attend flight lessons with a company, (identity and city unknown), using an [REDACTED] number in [REDACTED]. [REDACTED] had the name of the company and telephone number written on a small piece of scratch paper and handed it to [REDACTED]. [REDACTED] made the call using a public pay telephone located outside his employment and made the inquiry for [REDACTED]. [REDACTED] spoke to an unidentified male individual working for the flight school of [REDACTED] interest in flight lessons. FD-302a (Rev. 10-6-95)

[REDACTED], Page , On Continuation of FD-302 of 3 9/18/01 [REDACTED] The male stated that [REDACTED] had to have legal status with the Immigration and Naturalization Service in order to enroll in the class. Since [REDACTED] and [REDACTED] had visitors visas', the instructor advised them to change the visas to a student visa which would qualify them to enroll. The cost of the flight class was approximately \$12,000.00 to \$15,000.00 dollars. [REDACTED] made telephone calls, at the request of [REDACTED], to Coleman College in reference to enrollment in a computer class. He also made telephone calls using calling cards at public telephones to English language schools in [REDACTED] to enroll [REDACTED]. [REDACTED] was not interested in enrolling in any schools.

[REDACTED] was also interested in getting married to an American citizen. [REDACTED] used his computer to obtain information through several matrimonial website for [REDACTED]. [REDACTED] was married and his wife gave birth to their first and only child in [REDACTED] while he was in [REDACTED]. [REDACTED] family was in [REDACTED]. [REDACTED] and [REDACTED] were childhood friends and were raised in the holy city of [REDACTED].

[REDACTED] said his father or family back home was funding his classes and living expenses. [REDACTED] told [REDACTED] that he owned a business that rented boats and was spending the profits here.

[REDACTED] and [REDACTED] always paid for daily expenses in cash. [REDACTED] was unaware of their financial affairs in reference to checking and savings accounts, banks, investment companies. [REDACTED] never witness [REDACTED] and [REDACTED] enter a business that receives or sends wire transfers of money. [REDACTED] never witnessed [REDACTED] pay any of their expenses. [REDACTED] only recalls [REDACTED] and [REDACTED] traveling outside San Diego once. He knew they traveled in the Toyota to Los Angeles, however, he did not know the purpose of the trip or the date.

[REDACTED] purchase a blue, Toyota, Cerolla, for \$2,500.00 dollars while in [REDACTED] from an unknown individual. [REDACTED] stated he had received a good deal on the car. [REDACTED] only witnessed [REDACTED] and [REDACTED] driving this vehicle. [REDACTED] and [REDACTED] would regularly attend Islam services at several mosques in the San Diego area. The primary mosque in which they attended was the one off of [REDACTED]. Their apartment was closest to this mosque. [REDACTED] never visited them at their apartment, however, he knew the apartment complex because [REDACTED] lived in the same complex. FD-302a (Rev. 10-6-95)

[REDACTED], Page , On Continuation of FD-302 of 4 9/18/01 [REDACTED] In approximately the summer on 2000, [REDACTED] traveled with [REDACTED] in the Toyota to take [REDACTED] to the LAX Airport in Los Angeles, CA. [REDACTED] was returning to Saudi Arabia to be with his wife and newborn female child. [REDACTED] traveled commercial airlines from LAX on Lufthansa Airline. After dropping off [REDACTED] at the

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airport, [REDACTED] and [REDACTED] visited the Fahad Mosque in [REDACTED]. They returned to [REDACTED] the same day. After [REDACTED] departed, [REDACTED] moved from the apartment on [REDACTED] into a room at the residence of [REDACTED] Shaikh [REDACTED]. [REDACTED] [REDACTED] and Shaikh, prayed together at the residence in a room devoted to prayer.

[REDACTED] had a gifted voice for leading the prayer at the residence and at the Mosque. [REDACTED] did not reside at the [REDACTED] residence but he visited often.

At the time, [REDACTED] resided with several roommates at the apartment on [REDACTED]. Both [REDACTED] and [REDACTED] visited that apartment, on a regular basis and often ate dinner and entered in prayer. [REDACTED], ate out with [REDACTED] and [REDACTED] on numerous occasions. [REDACTED] favored eating at the Little Caesars pizza restaurant in [REDACTED]. The roommates with [REDACTED] where [REDACTED] Ahsan, [REDACTED] Singab and [REDACTED] Numan, who currently reside at the [REDACTED] address. [REDACTED] stated that [REDACTED] and [REDACTED] were friends of [REDACTED] and [REDACTED]. At no time did [REDACTED] and [REDACTED] live at the [REDACTED] address.

[REDACTED] and [REDACTED] live at the [REDACTED] address. [REDACTED] and [REDACTED] did not have legitimate employment while in [REDACTED]. [REDACTED] attempted to work at the Texaco gas station at [REDACTED]. During the three week period,

[REDACTED]. During the three week period [REDACTED] worked at the Texaco as a car wash detailer, [REDACTED] was employed at the station and still is currently employed at the

employed at the station and still is currently employed at the Texaco. [REDACTED] believed [REDACTED] was paid cash because he did not have a permit to work. [REDACTED] could not recall the dates of [REDACTED] employment but believed it was after [REDACTED] departed. [REDACTED] was employed by [REDACTED] Mustafa, the owner of the Texaco, however, [REDACTED] Khereiwesh was [REDACTED] immediate supervisor. [REDACTED] does not know how [REDACTED] was hired, he assumes [REDACTED] and [REDACTED], who are members of the Islam mosque, made acquaintance with [REDACTED] through the Mosque. FD-302a (Rev. 10-6-95)

, Page , On Continuation of FD-302 of 5 9/18/01 [REDACTED] [REDACTED] It was also believed that the acquaintance between [REDACTED].

[REDACTED] and [REDACTED] could have taken place at the gas station because prior to [REDACTED] employment, [REDACTED] would regularly make long visits at the Texaco.

In December 2000, or January 2001, [REDACTED] made a visit to [REDACTED] at the Texaco station with [REDACTED] Hanjour. [REDACTED] introduced [REDACTED] to [REDACTED] as his long time friend from [REDACTED], however, [REDACTED] currently lived in [REDACTED]. [REDACTED] also told [REDACTED] that [REDACTED] was a pilot and that he, [REDACTED], was going with [REDACTED] to [REDACTED] and attend the same flight school [REDACTED] attended. [REDACTED] told [REDACTED] he was making the visit to inform him it would be the last visit because he was leaving San Diego. [REDACTED] and [REDACTED] departed together in [REDACTED] Toyota, Corolla.

Shortly thereafter, [REDACTED] telephonically contacted [REDACTED] at the Texaco and stated he was in [REDACTED], and would be attending flight school. [REDACTED] asked [REDACTED] if he knew how expensive it was to live in [REDACTED] and to pay for flight school. [REDACTED] replied that he was actually going to attend flight school in [REDACTED]. Approximately, two weeks later, [REDACTED] again telephonically contacted [REDACTED] at the Texaco and advised that he was in [REDACTED] attending flight school. [REDACTED] did not provide [REDACTED] with any further details, nor did [REDACTED] provide [REDACTED] with a telephone number or e-mail address for future contact.

[REDACTED] heard a rumor that [REDACTED] had telephonically contacted a news station in Aljazeera and stated that he was still alive. This took place after his name was announced as one of the terrorists.

[REDACTED] is in the United States under Somalia Asylum awaiting resident alien status. He currently is earning \$7.00 dollars an hour working as a service station attendant at the Texaco mentioned above. He attended Grossmont College and is currently enrolled at San Diego State University working towards a bachelors degree in IDS.

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[REDACTED] denied any participation or knowledge of any terrorist attacks which have taken place in the United States.  
[REDACTED] denied participation or knowledge of any future terrorist attacks towards the United States. [REDACTED] denied knowledge of terrorist activities particularly in reference to [REDACTED] and [REDACTED] or any other members of his mosque. FD-302a (Rev. 10-6-95)  
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[REDACTED] Continuation of FD-302 of [REDACTED] 6 9/18/01

[REDACTED] [REDACTED] MEA-FBI-00001429

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- 1 -

10/29/2001

at Investigation on 10/28/2001

al investigation on 10/28/2001  
Date dictated File # 10/29/2001

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by  
FEDERAL BUREAU OF INVESTIGATION

FEDERAL BUREAU  
DE LA TRANSMISSION

Date of transcription [Redacted]  
[Redacted] Ratchford, Property Manager, Parkwood Apartment Complex, [Redacted], telephone number [Redacted], furnished the following information, pursuant to the execution of a Grand Jury Subpoena executed on Western National Property Management.

[Redacted] Al-Bayoumi, former tenant who resided at the Parkwood Apartment Complex, [Redacted], from September 1999 through June 2001, introduced [Redacted] Al-Hazmi and [Redacted] Al-Mihdhar to the property manager as his friends who just recently came to the United States. Al-Hazmi and Al-Mihdhar were looking for an apartment to rent together, sometime during the end of January 2000 or the beginning of February 2000.

Ratchford was friendly with Al-Bayouni and his family and he always seemed so pleasant, polite and never in a hurry, so it appeared out of character, to Ratchford, when Al-Bayouni seemed like he was under pressure, adamant with a sense of urgency about renting an apartment at the Parkwood Complex to Al-Hazmi and Al-Midhar. This was the first time that Ratchford had seen Al-Bayouni so intense about anything.

Ratcliff furnished the rental agreements to Al-Hazmi and Al-Mihdhar when they came into the office with an unknown male who helped translate for them since their English was not good.

Ratchford recalled calling Al-Bayoumi on several occasions advising him that since Al-Hazmi and Al-Mihdhar did not have a credit history someone needed to co-sign and act as the guarantor. Al-Bayoumi stated that he would be in and co-sign for them.

Al-Bayoumi stated that he would be in and co-sign for them. Since Al-Bayoumi wanted to get Al-Hazmi and Al-Mihdhar in the apartment immediately, within a couple of days, Al-Bayoumi brought the rental arrangements for Al-Hazmi and Al-Mihdhar

brought the rental agreements in for Al-Hazmi and Al-Mihdhar. Ratchford could not recall if she photocopied Al-Bayoumi's rental agreement from when he applied for his apartment or if he brought one in. Regardless, Al-Bayoumi signed that as the co-signer and guarantor, advising Ratchford that he could vouch for them, and if anything happens, he would take care of it.

## anything else

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SD 2020 (Rev. 10-6-95)

, Page , On Concomitance of FD-302 of 2 10/28/2001 [Redacted] Ratchford On or about February 4, 2000, Al-Bayoumi came into the Parkway office and paid for the deposit and the first month's rent for Al-Hazmi and Al-Mihdhar, by furnishing Ratchford with a Bank of America Cashier's Check number [Redacted]. The cashier's check was in the total amount of \$1,558.00, which represented \$775.00 for the deposit, \$8.00 for the insurance and \$775.00 for February's rent. When Al-Bayoumi brought in the cashier's check he was by himself. Al-Bayoumi stated that the cashier's check was for Al-Hazmi's and Al-Mihdhar's apartment and he further stated that Ratchford could trust him and that he would take care of them. After all the paperwork was done and Al-Hazmi and Al-Mihdhar were ready to move into apartment [Redacted], Al-Bayoumi said that they do things for their brothers, inferring that what Al-Bayoumi was doing was culturally based. This statement was made almost as an afterthought.

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Ratchford was under the impression that Al-Hazmi and Al-Mihdhar were residing with Al-Bayoumi in his apartment while they were waiting to move into apartment 150, even though she never saw them there.

After Al-Bayoumi paid for the deposit and first month's rent, a second payment was made on or about February 15, 2000, in the form of a Bank of America Cashier's Check number [Redacted] in the name of [Redacted] Al-Mihdhar for \$1,010.00. It was unknown why Al-Mihdhar paid \$1,010.00, when the rent was \$775.00.

In April 2000, Al-Mihdar paid for the rent by writing a check from his personal checking account at the Bank of America, a copy of which is attached, in the amount of \$470.00.

account number [Redacted], in the amount of \$478.00. In May 2000, Al-Mihdhar paid for the rent from the same personal checking account, however he wrote two checks one in the amount of \$775.00 for the rent, and one in the amount of \$8.00 for the insurance.

Approximately six months after Al-Hazmi and Al-Mihdhar moved into apartment [Redacted], Al-Bayoumi began traveling a lot. Al-Bayoumi was gone for months at a time.

Bayoumi was gone for months at a time. When Ratchford obtained the documentation to furnish it to the Federal Bureau of Investigation (FBI), Ratchford determined that someone had reviewed and copied the February 2000 deposit slip and accounting ledger with Al-Hazmi's and Al-Mihdhar's payment information, due to the fact that the staple had been removed and ED-302a (Rev. 10-6-85)

, Page , On Continuation of FD-302 of 3 10/28/2001 [Redacted] Ratchford re-stapled, as well as someone made a copy of the deposit slip and stapled the copy to the documents instead of the original. The only two people that knew where to find these files and knew the accounting system were [Redacted] Sabala, former assistant manager at the Parkwood Apartment Complex, who left in 2000 and [Redacted] Carpenter, former assistant manager, who resigned on September 17, 2001.

Attached and considered part of this communication are the payment documents and ledgers supporting the payment of the deposit and rent for the apartment that Al-Hazmi and Al-Mihdhar stayed in from February 5, 2000 through May 31, 2000. The original copies will be maintained in the 1A section of this file.

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M-INT-00167890  
11/15/2002

On November 14, 2002, [REDACTED] BASHI, aka [REDACTED] (hereinafter BASHI) [REDACTED], telephone number [REDACTED], cell telephone number [REDACTED], e-mail address [REDACTED], date of birth [REDACTED], place of birth [REDACTED] was interviewed by Detective Robert Callus, New York Police Department, Joint Terrorist Task Force and Special Agent Abigail L. Perkins, Federal Bureau of Investigation. After being advised of the identity of the interviewers and the purpose of the interview, BAS [REDACTED] HI voluntarily agreed to be interviewed and provided the following information:

BASHI was born in [REDACTED] and was educated outside [REDACTED] in a school sponsored by the American Peace Corp where he first learned to speak English. In approximately 1978 or 1979, BASHI moved to [REDACTED] for studies and returned to [REDACTED], around 1986 or 1987. In [REDACTED], BASHI assisted his father in running a franchise business in which goods were purchased from the Middle East and imported into [REDACTED]. As part of this import business, BASHI was involved in the purchase of automobile parts and second hand cars from Saudi Arabia, perfumes from Yemen, coffee from Ethiopia, and car parts and second hand cars from Dubai, United Arab Emirates. During this time, the family also owned a car dealership in [REDACTED]. In 1993, BASHI advised that the family businesses ran into some difficult times and basically went defunct.

BASHI stated that in 1993 there were many difficulties in [REDACTED] and BASHI left [REDACTED] and went to a refugee camp in Mombasa, Kenya. BASHI subsequently found employment in Jeddah, Saudi Arabia from 1993 to approximately 1995 with a company called Al Halawani, which fell under the auspices of the Presidency Civil Aviation (PCA) (the equivalent of the Federal Aviation Administration in the United States). At Al Halawani, BASHI worked as the supervisor of the warehouse. BASHI stated that Al Halawani was a business which sold chemicals which he specified to be domestic detergents. BASHI stated that although he worked for Al Halawani, his paycheck came from PCA. From approximately 1995 to 1997, BASHI advised that [REDACTED] Baraka had the contract for PCA and was responsible for running the operations and maintenance for the Saudi Airports. At that time, BASHI fell under the Air Navigation Support System (ANSS) and he was the supervisor of Material Management which dealt with the procurement of spare parts. BASHI provided the names of some of the management at Dallah at that time as follows: [REDACTED] Kamil, owner; [REDACTED] Khalaf, President; [REDACTED] Ghamdi, upper management of PCA; [REDACTED] Al-Saimi, Director General of Airways Engineering and the direct superior of BASHI'S direct line supervisors. BASHI identified the following Americans employed at PCA during this time as [REDACTED] Coombs, [REDACTED] Wallace, [REDACTED] Leach and [REDACTED] Perry. BASHI stated that [REDACTED] Coombs and [REDACTED] Wallace were his direct line

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supervisors. BASHI stated that he was never involved in the financing or payroll and further that his salary was paid by PCA. BASHI stated that he had no specific background or experience prior to being hired by PCA for that position, but the fact that he spoke English fluently opened the door to his getting the job. BASHI advised that he learned how to do his job through on the job training.

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[REDACTED]  
 [REDACTED]

BASHI was asked about whether he was aware of any kickbacks paid by PCA or Dallah for contracts or procurements during the time that he worked at PCA. Initially, BASHI stated that he would not know whether that happened, but then admitted that he was aware of such practices occurring there. BASHI stated that it is a normal course of business and common practice in the Middle East for kickbacks to be paid. BASHI stated that he was aware that money was regularly siphoned from PCA and diverted to upper management of PCA by manipulating invoices from subcontractors like Dallah AVCO Trans Arab (a joint venture formed between Dallah Al Baraka Investment and Development and AVCO Electronics). These invoices would be covered or marked on the books as local procurement, i.e. services from the local economy which could not be traced. BASHI stated that he and his boss [REDACTED] Coombs would have to put their heads together and make a decision about how to handle these requests. As an example, BASHI stated that the President of PCA may call [REDACTED] Al-Salmi, Director General of Airways Engineering at PCA and request cash. Al-Salmi would then come to Coombs and BASHI, and BASHI would create a fictitious purchase order for services provided by Dallah AVCO. The purchase order was then approved by Coombs and then by Al-Salmi, and BASHI would have no further involvement with it. BASHI stated that this practice was common at PCA, Dallah and AVCO. BASHI stated that typically the contract which Dallah and AVCO had with PCA was for a term of three years. BASHI estimated that Dallah and AVCO lost the contract around 1996.

BASHI also described what would be considered "other allowances" at PCA. BASHI stated that it was basically providing a bonus or raise through the payment of monies to someone who would not be run through the payroll system. BASHI stated that for example, an "other allowance" could be covered in the books as reimbursement for temporary travel or a business trip.

Subsequent to AVCO having the contract with PCA, a man named [REDACTED] Hannah, an [REDACTED] born American who was the principal of ERCAN Engineering (a [REDACTED] company) was awarded the contract with PCA. BASHI was not aware of the reason why the AVCO contract was terminated. BASHI described Hannah as a wheeler and dealer. BASHI stated that there were three United States companies which were competing for the contract, and BASHI and Coombs felt that a company by the name of AMMAR should have received the contract. Instead, ERCAN obtained the contract against their recommendations. BASHI stated that Hannah had a

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relationship with some of the upper management at PCA, specifically a man named [REDACTED] (last name unknown). BASHI stated that Hannah had to "grease the hands" at PCA to obtain the contract. BASHI stated that Hanna was involved in the siphoning of monies from PCA and diverting portions of it to the upper management of PCA. BASHI relayed an example where Hannah was supplying electronics which would have cost approximately \$110,000 in the competitive market, but he charged PCA \$500,000. BASHI brought this issue to Hannah's attention, at which time Hannah threatened to get BASHI fired if he made an issue of it. BASHI stated that to avoid losing his job, he processed the invoices as he was told.

BASHI was asked whether he knew a man by the name of [REDACTED] Al-Bayoumi, and he advised that Al-Bayoumi was a student in [REDACTED]. BASHI stated he was aware that [REDACTED] Hannah provided [REDACTED] Al-Bayoumi approximately \$10,000 in cash per month at the behest of Al-Salmi during the time that he (Hannah) had the contract with PCA. BASHI was aware that in order to

[REDACTED]  
 [REDACTED]  
 [REDACTED]

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[REDACTED]  
 [REDACTED]

conceal these cash payments to Al-Bayoumi, Hanna used cash generated by his car wash business and a diner he owned to funnel these payments to Al-Bayoumi. Additionally, [REDACTED] Al-Salmi at PCA similarly provided a monthly stipend to Al-Bayoumi of approximately \$5,000 per month. BASHI was not sure whether those stipends were paid simultaneously or not. BASHI advised that Al-Bayoumi was paid a salary from PCA and his job title was Accounts Auditor, even though he did not actually work there. The payment of Al-Bayoumi's salary was handled by [REDACTED] BASHI advised that he was aware of these payments to Al-Bayoumi, but was not directly involved with them. When asked why Al-Salmi would feel any obligation to take care of Al-Bayoumi, BASHI surmised that Al-Bayoumi had either a family connection whereby a favor was called in to Al-Salmi to take care of him, or that Al-Bayoumi had something to hold over someone's head causing these payments to be made. BASHI stated that these payments were handled on a personal level and did not to his knowledge have the sanctioning or involvement of the Saudi Government. BASHI also stated that another incentive for Al-Salmi to take care of Al-Bayoumi was a rumor that he (Al-Bayoumi) was slated to take over an upper level management position held by [REDACTED] Karli, aka " [REDACTED]" at PCA.

BASHI described Al-Bayoumi as a religious person who prayed a lot. Al-Bayoumi was very involved in his mosque. Al-Bayoumi talked a lot about his studies and discussed with BASHI his intention to return to [REDACTED]. BASHI recalled at one point in 1998, Al-Bayoumi asked BASHI to speak to Al-Salmi to help him get extended for another year in America. BASHI advised that although he knows Al-Bayoumi, he did not consider him to be a friend. BASHI advised that he never heard Al-Bayoumi make any anti-American comments, but BASHI felt that Al-Bayoumi likely would not make such a comment in front of him. BASHI was asked if [REDACTED] Badkuok was, and BASHI stated that he is [REDACTED]. BASHI advised that Badkuok is also

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employed at PCA. BASHI was also asked if to his knowledge Badkuok had any legal training or if his employment was connected to the legal department of PCA. BASHI had no knowledge of Badkuok ever having any legal background and further stated that Badkuok was not employed in the legal department at PCA.

BASHI was also asked if he had any knowledge of the following individuals and or organizations who were responsible for supplying munitions to [REDACTED] Al-Bayoumi: [REDACTED] Aziz, [REDACTED] Baker, [REDACTED] Hamden, [REDACTED] Javed, [REDACTED] Alamoudi, [REDACTED] Harbi, [REDACTED] Al Hassan, [REDACTED] Saleh, [REDACTED] Al-Khamaja, [REDACTED] Hakim, [REDACTED] Rabbah, [REDACTED] Sharjah, and the Sana Bell organization. BASHI was unable to supply any information on the aforementioned persons and organizations.

BASHI was asked whether he knew [REDACTED] Al-Rasheed. BASHI stated that he was a [REDACTED] who was the Director of Stores and Property at PCA which basically involved logistics and property management. BASHI stated that [REDACTED] Al-Rasheed has nothing to do with payroll or financing at PCA. BASHI stated that [REDACTED] Coombs was good friends with [REDACTED] Al-Rasheed and the two of them traveled together quite a bit on business. BASHI stated that he never traveled with [REDACTED], but recalled meeting him in London one time a number of years ago. BASHI stated that he does not know anyone by the name of [REDACTED] Al-Rasheed. BASHI was shown a photograph of [REDACTED] Al-Rasheed, but he advised

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that he did not recognize the photograph. (The photograph of [REDACTED] Al-Rasheed will be placed in the 1A associated with this FD-302.) BASHI was asked whether he knew any of the sons [REDACTED] Al-Rasheed, and he stated that the oldest son was named [REDACTED], but he did not know any of [REDACTED] other children, although he knew that [REDACTED] had other children. BASHI recalled that [REDACTED] Coombs purchased a laptop computer for Khalid.

BASHI was asked about when he first came to the United States, and he stated that on May 21, 2000, he left Nairobi, Kenya to come to the United States where he filed for political asylum. BASHI advised that on August 30, 2001, BASHI filed his application for a green card and is waiting to hear from the Immigration and Naturalization Service regarding his application. BASHI advised that he has a wife and two children in [REDACTED], and he hopes to bring them to the United States soon. BASHI advised that he currently runs a business out of his home called Global Marketing & Logistics located at his home address, [REDACTED], which involves the shipment or movement of goods within the United States. BASHI stated that as part of this business, he travels to Atlanta, Georgia and Minneapolis, Minnesota and mainly ships clothing. BASHI stated that he relies mainly on the [REDACTED] community for his business contacts.

BASHI advised that he was leaving town today (November 14, 2002) to go to [REDACTED] to visit his oldest sister who he has

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not seen for fourteen years and who is in the hospital there suffering from Parkinson's disease. BASHI advised that he intends to remain in London for approximately two weeks, at which time he expects to return to [REDACTED]. BASHI supplied the following contact number in London [REDACTED]. Upon the conclusion of this interview, BASHI added that there are similar systemic corruption activities like that which are occurring at PCA at a company in [REDACTED] called SAMAHIA which is associated with Dallah Al Baraka. This company is run by a British citizen from Pakistan.

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03/01/2004

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription

at

[REDACTED] AL-THUMAIRY, Saudi Arabian, date of birth [REDACTED], was interviewed by [REDACTED] Snell and [REDACTED] De of the National Commission on Terrorist Attacks Upon the United States. Present during the first interview on 02/23-24/2004 were [REDACTED]

[REDACTED] Present during the second interview on 02/24-25/2004 were [REDACTED] and SA Ammar Y. Barghouty who provided Arabic translation when necessary.

Areas discussed during the interview included AL-THUMAIRY's employment with the Saudi Arabian Ministry of Islamic Affairs, his work at the Saudi Arabian Consulate and at the King Fahad Mosque in Los Angeles, his time in the United States, travel, and associates. AL-THUMAIRY returned late on the night of 02/25/2004 to provide additional information regarding individuals with whom he had contact in Los Angeles.

A detailed report of the interviews was prepared by Snell and De.

Investigation on  
02/23-25/2004

[REDACTED]

Date dictated

File [REDACTED]  
SA Jacqueline Maguire  
by NYPD Det. Robert F. Sassok

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W. H. H. - 1933 - 1934 - 1935 - 1936 - 1937 - 1938 - 1939

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 09/15/2001

[REDACTED] Khouri, SPHR, Vice President, Human Resources, Western National Property Management, 8 Executive Circle, 92614-6746, telephone number [REDACTED] facsimile [REDACTED] email address [REDACTED] 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, [REDACTED]  
[REDACTED]

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

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Investigation on 09/14/2001 at Irvine, CaliforniaFile # [REDACTED] Date dictated 09/15/2001by SAs Robert F. Shaul, Denaire L. Rigney:dlr

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

2000 RELEASE UNDER E.O. 14176

Continuation of FD-302 of \_\_\_\_\_, On 09/14/2001, Page 2.

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.

MEA-FBI-00007662

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[REDACTED]  
FD-302 (Rev. 10-6-95)

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 09/19/2001

Mohdar M. Abdullah, [REDACTED], date of birth, August 5, 1978, social security number, 807-13-4101, California drivers license number D181362, I.N.S. number A075628802, 1415 E. Lexington Avenue, apartment number 146, El Cajon, California, 92019, was interviewed at the Denney's restaurant, 6970 Alvarado Road, La Mesa, California. After advising Mohdar M. Abdullah, hereinafter Mohdar, of the identities of the interviewing agents and the nature of the interview, Mohdar voluntarily provided the following information:

Mohdar met and became acquainted with Nawaf Alhazmi and Khalid Almihdar in 1999, after an introduction by Omar Ahmed Al-Bayumi. Nawaf told Mohdar that they, Nawaf and Khalid, had arrived in Los Angeles via United Airlines, Los Angeles Airport, LAX. After a five or six day stay in Los Angeles they came to San Diego. Mohdar was unaware of the location they stayed in Los Angeles or how they arrived in San Diego. At that time, Omar was the Manager/Leader of a Kurdish Mosque, located on Magnolia Street in El Cajon, CA. Omar was residing in an apartment complex located behind a Burger King restaurant on Balboa road, San Diego. Mohdar and Omar were acquainted through the Mosque mentioned above. Mohdar has not had contact with Omar for approximately six to eight months. Mohdar last knew Omar was currently located in London, England, working towards a Doctorate degree from an unknown University. Mohdar knew that Omar was a member of the Aviation Board for Saudi Arabia while he was the leader of the Mosque in San Diego.

Omar brought Nawaf and Khalid to an Islam Mosque located on Saranac Street, Lemon Grove, CA, to make the introduction to Mohdar. Omar asked Mohdar to become acquainted with Nawaf and Khalid, accustom them to the area and assist in any way in their affairs.

Investigation on  
9/18/01 at  
San Diego, California

File # [REDACTED] Date dictated  
Daniel Gonzalez / dig 9/19/01  
by Frank Teixeira

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[PDF page 1]

MEA-FBI-00010082

[REDACTED]  
10011, 10013,  
10014, 10018 and 10021

[REDACTED]  
[REDACTED]

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

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 09/17/2001

On September 17, 2001, [REDACTED] protect identity, born [REDACTED] residing at [REDACTED] telephone number [REDACTED] was interviewed in apartment [REDACTED] by Special Agents of the Federal Bureau of Investigation. After advising [REDACTED] of the nature of the interview, [REDACTED] provided the following information:

[REDACTED] spoke mostly in [REDACTED] and spoke limited English. [REDACTED] broken English and [REDACTED] was translated by [REDACTED] neighbor of Apartment [REDACTED]

[REDACTED] was shown two single photographs of OMAR AHMED AL-BAYOUMI and MANAL AHMED BAGADER. [REDACTED] recognized the photographs of both individuals and indicated that they both lived in the Apartment across from the pool apartment 152.

[REDACTED] stated that [REDACTED] AL-BAYOUMI and BAGADER. [REDACTED] knew AL-BAYOUMI and BAGADER through [REDACTED] casual conversations with their son and occasional contacts with the parents. The last time [REDACTED] had seen BAYOUMI was at the pool.

[REDACTED] recalls one time that AL-BAYOUMI's son had come to the swimming pool located in the apartment complex, directly in front of AL-BAYOUMI's apartment apartment #152. AL-BAYOUMI told [REDACTED] that "my father has a meeting with another man and his mother is in the house."

[REDACTED] believed that April 2001 was the last time [REDACTED] had spoken to AL-BAYOUMI. AL-BAYOUMI told [REDACTED] that he was going to travel for three weeks. [REDACTED] has been a resident of [REDACTED] for about 7 seven years. During the last few years [REDACTED] said that [REDACTED] saw AL-BAYOUMI's kids while they were in the pool.

[REDACTED] said that on some occasions [REDACTED] had seen unknown males UM wearing turbans going into AL-BAYOUMI's apartment. [REDACTED] was shown an array of five photographs depicting five males of mid-eastern descent. [REDACTED] recognized photograph number 3 three and

Investigation on  
09/17/2001

at [REDACTED]

File #

Date dictated

by SA Robert F. Straub  
SA Elvis Teu Ulufanua

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FILE NO 10011, 10013,  
10014, 10016 and 10021

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CENSUS BUREAU OF THE UNITED STATES

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[PDF page 1]

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Continuation of FD-302 of [REDACTED], On 09/17/2001, Page 2

number 4 four. Photographs 3 and 4 depicted KHALID M. A. ALMIHDHAR and HANI S. H. HANJOUR respectively. [REDACTED] stated that UM number 3 had visited AL-BAYOUMI a few times in the past. On one occasion, in June 2001, while AL-BAYOUMI was away on travel, UM #4 visited BAGADER. [REDACTED] did not know where UMs 3 and 4 lived or whether they came from the same apartment complex.

A photograph of OMER BAKARBASHAT was shown to [REDACTED]. [REDACTED] stated that [REDACTED] saw BAKARBASHAT once or twice in February 2001. [REDACTED] stated that [REDACTED] saw UMs 3, 4, BAKARBASHAT, and AL-BAYOUMI all together before. [REDACTED] stated that there used to be a lot of people who wore turbans, as if they had just come from the Mosque, would visit AL-BAYOUMI. [REDACTED] recalled one unusual UM because he grew a thick beard, wore a turban, was skinny, approximately 40 to 45 years of age, and was different looking than the rest of the UMs.

[REDACTED] said that BAGADER, and her kids left the apartment complex during the second week of June, 2001.

[PDF page 2]

MEA-FBI-00011992

FILED NO 10011, 10013,  
10014, 10018 and 10021

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[REDACTED]  
FD-302 (Rev. 10-6-95)

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 09/18/2001

On September 16, 2001, Omer Salmain Saleh Bakarbashat, address 8451 Mount Vernon Way, Lemon Grove, California, social security number 626-11-1836, date of birth June 22, 1973, hereafter Omer, was interviewed. It should be noted that Omer was previously interviewed on September 15, 2001, as well as having undergone a polygraph examination on September 15, 2001. After being advised of the identity of the interviewing agents and the purpose of the interview, Omer voluntarily provided the following information:

Omer was advised of his constitutional rights as set out in form FD-395. Omer understood his rights and declined to have legal representation present. Omer then signed the FD-395, Advise of Rights Form. The FD-395 was placed in a 1A envelope, along with this report.

Omer is currently employed at the Texaco service station at 4925 Spring Street, La Mesa, California. Omer's immediate supervisor is Iyad Salamch Khereiresh. The Texaco gas station is owned by Sam Mustafa. Omer gets paid seven dollars an hour and is paid in cash, as he does not have a legal right to work in the United States. Omer entered the United States on a student visa and does not have a permit to work in the United States. Omer has never filled out a United States tax form for his employer or for his own tax purposes. Omer opined that his employer does not claim taxes for his services. Previously, Omer worked at a Texaco service station located in Pacific Beach, California, as well as a Chevron station in Lemon Grove, California. Omer understands that Mustafa has owned all of the aforementioned service stations, however, Omer advised that Mustafa recently sold the Chevron station.

Omer knows of three other individuals who are paid with cash at the Texaco service station in La Mesa. Omer has a friend that works with him at Texaco named Mohdar Abdullah, who is paid by check. Omer is not aware of the stores merchant account number.

Omer arrived in the United States in 1998, wherein he resided with a host family Melani Kent, 4055 Honeycutt Street, San Diego, California, telephone number 619 483-4064. Upon arriving

Investigation on at  
09/16/2001 San Diego, California

File [REDACTED] Date dictated  
SA Daniel Gonzalez 09/17/2001  
by SA Wade L. Dudley:maj

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[REDACTED]  
FD-302 (Rev. 10-6-95)  
100-1, 100-2, and 100-3

[REDACTED]  
[REDACTED]

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[PDF page 1]

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

Continuation of FD-302 of Omer Bakarbashat , On 09/16/2001 , Page 2

at San Diego, Omer enrolled and attended ELS Language Centers/San Diego. Omer's contact person for ELS Language Centers was Tanya Martin, Director of Home Stays.

Subsequent to residing with the Kents, Omer moved to a house on 7200 Saranac where he resided for approximately eight months. While residing at 7200 Saranac address, Omer had three roommates, Jamal N. Albaasan, Mohdar Abdullah, and Sameer Singab. Omer then moved to 7546 Parkway Drive, where he resided for approximately one year to a year and a half. While living on Parkway, Omer roomed with Ahmad Numar, who was studying to get a Barber's license. Omer resided on Parkway until approximately one month ago, wherein he moved to 8451 Mount Vernon Way where he currently resides. Omer denied ever living with Nawaf Alhizmi or Khalid Almahdhar.

Omer currently has no legal right to be in the United States, as his student Visa has expired. Omer has been focused on trying to renew his Visa so as to improve his life and stay in the United States. Consequently, Omer has not socialized, nor has he made strong friendships while in America. Omer advised that since his Visa has expired, he is not able to return to Saudi Arabia and therefore has no place to go. Omer stated that his Visa was issued from Yemen and that he is a citizen of Yemen, although he has never been to Yemen. Omer's parents were citizens of Yemen, and therefore through his birth, Omer is currently a Yemen citizen.

Omer attends a Mosque by Balboa, as well as a Mosque in Lemon Grove. Any socialization that Omer participates in is done through the Mosque. Omer has seen Nawaf Alhizmi and Khalid Almahdhar at the Balboa Mosque. Nawaf and Khalid were very close friends and were always seen together. Khalid did not speak English well, nor was he interested in learning. Omer last spoke with Nawaf in approximately January 2001, wherein Nawaf advised Omer that Khalid went back to Saudi Arabia. Since that time, Omer has learned that Nawaf went to Orange County and then to Arizona.

In an effort to stay in the United States, Omer was trying to enter a contractual agreement, wherein he would marry an American citizen, thereby enabling Omer to stay in the United States. Omer advised that in typical circumstances an individual would pay \$500 to agree to a marriage and continue paying \$250 a month while married. Typically there would not be a romantic involvement between the two individuals and that it was strictly a business agreement. Omer was hopeful he would be able to find an

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Case No. 10011, 10013,  
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[REDACTED]

Continuation of FD-302 of Omer Bakarbashat , On 09/16/2001 , Page 3

American citizen who was Saudi Arabian and legally marry, but has been unable to do so.

Omer approached a female co-worker named Rebecca Joe Carlson, who went by Becky. Before Omer could propose to Becky, she advised him that she would not be interested in that type of arrangement. Omer advised that Nawaf was also interested in obtaining a wife. Nawaf asked Becky to marry him, however Becky rejected his offer.

Omer advised that Nawaf and Khalid lived average lives and did not spend a lot of money. Omer had no knowledge of Nawaf and Khalid having jobs.

Omer was asked about the organizational structure and operations of a terrorist group that would be able to carry out a terrorist act of the magnitude of the World Trade Center/Pentagon airplane attacks. Omer provided the following description:

For an operation like the attack on September 11, 2001, it would take approximately 50 people to plan and perform. There would always be a backup contingency and would never rely on one individual.

The individuals who hijacked the plane were known as Shahied, which is translated as meaning "more than a hero and doing it for the sake of God." The Shahied would be recruited over a long period of time. The Shahied would be recruited from their home country (Saudi Arabia, Afghanistan, Pakistan, or some Middle Eastern country).

There would be at least two individuals in each region who would provide the money for the operations. These individuals would probably be approximately 40-50 years old, successful businessmen, and very wealthy. They would utilize their businesses to launder money into the United States.

There would also be an individual outside the United States to smuggle the money to the businessmen inside the United States. That individual would also have a backup in place to ensure the plan would not fail.

There were also individuals in place to organize and supply the hijackers with their individual needs, such as flight documents, flight plans, and other equipment needed carry out the

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[REDACTED]

Continuation of FD-302 of Omer Bakarbashat , On 09/16/2001 , Page 4

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~~FD-302, 100-11, 100-13,  
100-14, 100-18 and 100-21~~

[REDACTED]

operations. There would probably be approximately four to five individuals organizing the operations. The location of these individuals would probably be in Arizona.

If weapons or explosives were to be used in a terrorist operation, they would be purchased in the United States. This would be done due to the difficulty of smuggling equipment into the United States versus smuggling money into the United States.

Omer was asked if he knew anybody involved in this operation or if he knew anyone who would be likely to participate in an operation of this nature. Omer denied having any knowledge of participants or likely participants. The interviewing agents asked specifically about Sammy Mustafa, wherein Omer opined that Sammy would not have done this job due to him not caring about the Islam religion. Omer further stated that Sammy is not stupid and that he has too much to loose to participate in an operation of this magnitude. Sammy has a wife who is Muslim and two to three kids. Sammy is Palestinian and has brothers and sisters residing in Palestine.

It should be noted that accompanying the aforementioned interview, a consensual search was performed wherein several documents were found. A review of the documents with Omer ensued and the following is a list of the documents, as well as Omer's representations and understanding of the information contained in the documents (a copy of the documents are attached and the originals were placed in a 1A envelope):

Document	Contents
1	Mohammed Babker - Omer's brother. Richard - a friend of Melani Kent, also hosts students from time to time. Ahmed M. Numan - a former roommate of Omer. IP address - May be Mohammed's but is not sure. Other names are English students who attended the same classes as Omer.
2	Bank of America - Omer's banking account. Mike Ossamah Abadallua - Supervisor at Texaco. Ramez Noaman - Omer's co-worker. 011-966-26720811 - Omer's sister's telephone number.

[PDF page 4]

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Continuation of FD-302 of Omer Bakarbashat , On 09/16/2001 , Page 5

Document	Contents
3	Furnari - resides in downtown San Diego. Alsadfa, hotmail.com - is Omer's nephew. Moe - telephone numbers for Mohamed. Bank of America - Omer's bank account.
4	Khiled - student at ELS English Language center located at 1200 Civic Center. Abdullah - student currently residing in Texas.

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10014, 10018 and 10021

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[REDACTED]

[REDACTED]

Abdurahman - also a student.  
Osama - a student who lived in Virginia.  
Ahmed - an American who converted to Muslim and resides in Riverside.

- 5 Sameer Singab - a friend when he lived at the Saranar address.  
703 379-2983 - Another telephone number for Osama
- 6 An e-mail regarding Omer's host family.
- 7a, 7c An e-mail list of the ELS class 103-4 for conversation purposes.  
It should be noted that there is no document 7b.
- 8 An e-mail address for information on how to correct visa problems.
- 9 858 559-4293 - Telephone number
- 10 A wire transfer documenting Omer's younger brother sending him money.
- 11 Wiring instructions.
- 12 Photocopy of telephone cards - Omer stated he makes his long distance phone calls with the use of phone cards. He typically buys phone cards from various places, but commonly purchases them through the Mosque and Arabic merchant stores. Omer customarily uses a Smart Card, which is purchased from the Mosque.
- 13 Directions - telephone numbers, and telephone card numbers.

[PDF page 5]

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Continuation of FD-302 of Omer Bakarbashat, On 09/16/2001, Page 6

Document	Contents
14	A car rental agreement - Omer listed his Saudi Arabian address as his current address due to not having a driver's license in America. Omer stated that he does have a license to drive in Saudi Arabia. The attendant at ABC Rent-a-Car advised him to use his Saudi Arabia address so as to be able to rent the car.
15	Jamal N. Albahasan - former roommate while at Saranar Street #38, La Mesa, California, for eight months. Also bought a car approximately one year ago and put it under Jamal's name due to Omer having no driver's license in the United States.

Omer was shown some driver license photographs lettered A through II. A copy of the pertinent photographs are included with this report and the originals were placed in an 1A envelope. Omer provided the following information about the following photographs:

Photograph Name	Comments
A Abdusattar U. Shaikh	Individual is a Doctor and also built the Lemon Grove Mosque.
B Abbadi Azeddine	Omer sees this individual

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10014, 10018 and 10021

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[REDACTED]

[REDACTED]

frequently at the Balboa Mosque. Omer believes Azeddine is from Morocco and lives across the street from the Mosque. Azeddine has a very bad temper and gets upset quite easily.

D      Omar Ahmed Al-bayoumi This individual was studying to be a CPA at University of California at Berkeley. His family lives in San Diego, California. Omer met him at the Mosque while living in Balboa. Omer believes Al-bayoumi to have moved to Britain.

[PDF page 6]

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[REDACTED]

Continuation of FD-302 of Omer Bakarbashat , On 09/16/2001 , Page 7

	Photograph Name	Comments
G	Shariff Abdollah	This individual works for some type of government agency on El Cajon Boulevard. Omer has met this individual a couple of times. Shariff is known to attend the university Mosque. Omer went to this individual to assist him with his Visa problems.
S	Osama Mahmud Mustafa	Owner of Texaco gas station. Used to own Texaco, Chevron and Precision Tuning in Escondido. This individual is very greedy and is a millionaire. This individual goes by the American name Sam or Sammy.
X	Ahmad Mahmoud Numan	This individual was a former roommate while on Saranac and Parkway. Was trying to obtain a license as a Barber. Currently does not have a home and spends a lot of time with his brother on Aray Drive, La Mesa, California. Omer bought a car from Ahamed. Ahamed is from Jordan, is married, and his wife and three children who live in Jordan. Ahamed is a very caring individual and is focused on how he can support his family. Omer advised that Ahamed is getting

10011, 10013,  
10014, 10018 and 10021

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his Barber license so he can make more money to support his family.

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Continuation of FD-302 of Omer Bakrashat , On 09/16/2001 , Page 8

Photograph	Name	Comments
Y	Rami Mohammad Al Assal	Rami used to work at a Texaco station. It is not serious about being a Muslim, he dates a lot of women and drinks alcohol. Rami receives his pay from Texaco via check. Rami is Palestinian and lives near Linda Vista Road. Rami knows Sammy Mustafa.
BB	Nidal Afif Haddad	Omer saw him when he worked at the Chevron station in Pacific Beach. They participated in small talk. The relationship is strictly a customer relationship. When they communicated it was in English, although he does speak Arabic. Nidal is Lebanese.

It should be noted that at 1:10 p.m. the interview was stopped for a lunch break. Orner was also permitted to pray from approximately 1:28 p.m. to 1:34 p.m. and another break was taken at 3:15 p.m. When the agents returned from the break, at approximately 3:40 p.m., another team of investigators took over for the duration of the interview. For the continuation of the interview, refer to FD-302 as memorialized by Frank Teixeira.

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MEA-FBI-00012586

Table 10: 10011, 10012,  
10013, 10014, and 10021

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- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 09/17/2001

Omer Salmain Saleh Bakrashat, date of birth, June 22, 1973, Social Security number 626-11-1836, 8451 Mount Vernon Way, Lemon Grove, California, was interviewed at his residence. After advising Omer Bakrashat, herein after Omer, of the identities of the interviewing agents and the nature of the interview, Omer voluntarily provided the following information:

Omer became acquainted with two individuals the first named, Nawaf Alhazmi and the second Khalid Almhida, approximately one to one and a half years ago while attending Islam religious service together. They prayed together at a Mosque located at 7173 Saranac, San Diego, California, CA. Omer described his relationship with the two men as casual friends not close friends. Omer could not provide any specific details as to the individuals personal information or their daily activities, except that they were not employed. Omer was unaware of the mens' source of income. Omer was unaware of any flight school training taken by the two men. He did not know if they were commercial airline pilots. Omer denied being a pilot nor had he ever taken flight lessons. The last contact Omer had with the individuals was approximately the beginning of the year 2001. Nawaf told Omer that Khalid had moved to Saudi Arabia and he, Nawaf, was moving to Arizona. Nawaf did not inform Omer of the city in Arizona or the reason for moving to Arizona. In July 2001, Omer made an inquiry with his landlord, Abdussattar Shaikh, as to the current whereabouts of Nawaf or Khalid, which was met with negative results. Omer would have communicated with Nawaf through the internet or by telephone. Omer's e-mail address is Omer\_USA@Hotmail.com.

Nawaf and Khalid together approached Omer for assistance in learning the English language in which Omer helped Nawaf. Khalid was not as interested in learning the language as was Nawaf. Nawaf was particularly interested in improving his communication skills with the American public.

Investigation on  
9/15/01 at  
San Diego, California

File # [REDACTED] Date dictated  
by Daniel Gonzalez 9/17/01  
Wade Dudley

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MEA-FBI-00012587

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10011, 10012 and 10024

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

Continuation of FD-302 of Omer Bakarbashat, On 9/15/01, Page 2

Omer was born and raised in Riyadh, Saudi Arabia. All of Omer's immediate family still resides there. He has five brothers and two sister and his parents are both alive. Omer obtained a computer science degree while studying in Jordan. In 1998, Omer entered the United States on a student visa obtained from Yemen, number 0281358. He was hosted by an American family in San Diego in order to attend and learn English at the ELS Language Center, located at 3rd and Civic Center road, San Diego, CA. Omer could not recall the host family last name. Melanie and her son Robin hosted Omer at their residence on Honeycutt Avenue, San Diego, CA, for approximately six to seven months. He attended the English Language Center during that same time period.

After dropping classes at the language center he found residency through friends at the Mosque. He moved into an apartment at 7200 Saramac street, San Diego, CA. He resided there for approximately eight months with other members of the Mosque, however, not the same time period as Nawaf or Khalid. He then moved into an apartment that was going to be vacated by Nawaf and Khalid. Omer entered into a verbal agreement with the two men to stay in the apartment which was located behind a Burger King restaurant off Balboa Avenue, San Diego, CA. The two men apparently had a dispute with the apartment manager and vacated the apartment prior to the expiration of the lease. At the time Omer resided in the apartment, which he claims it was approximately one month, the lease remained in the name of Nawaf and Khalid.

The next place of residency was at 7546 Parkway Drive, La Mesa, CA, in which Omer lived there for approximately one and a half years. At that time he moved to his current residence in which he pays \$400.00 dollars a month for a room. Omer described his residences as places to live and be shared by members of the Mosque. Omer has \$30.00 dollars in his checking account and \$300.00 dollars in a savings account, both accounts are with the Bank of America, Lemon Grove Branch. Omer claims not to have any additional monies or investment accounts. He is currently employed at the Texaco service station located at 4925 Spring Street, La Mesa, CA, as a service attendant. He earns \$7.00 dollars an hour and is paid in cash because his social security does not allow him to work. His passport has expired and is currently out of status with the United States Immigration and Naturalization Service.

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265D-NY-280350

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10011, 10012,  
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His employment was obtained through the advise of the leader of the Mosque, Sheikh Aulaqi, in which he referred Omer to another member of the Mosque named Sammy Mustafa. Mustafa owns the Texaco Service Station and other businesses in San Diego. Omer was immediately hired by Mustafa at the Chevron station in Lemon Grove, CA. When Mustafa sold that Chevron station Omer was transferred to the current Texaco station. Mustafa owned two previous Chevron stations, one was the above mentioned station and the other was located on Tierrasanta Boulevard, San Diego, CA. Mustafa still owns a Chevron station in Pacific Beach, CA, and a Precision Tune mechanic shop in Escondido, CA. Omer has worked at all of Mustafa's businesses except for the Precision Tune. The manager and Omer's immediate supervisor at the Texaco station is Iyad Khrelwesh.

On this date, a friend and co-worker named Mohdar Abdullah, informed Omer that Nawaf and Khalid had been identified as the pilots who had flown the plane into the Pentagon as a terrorist attack. Omer was unaware how Abdullah acquired the information. Abdullah also was a friend and religious member of the Mosque where Omer, Nawaf and Khalid attended. In addition, Abdullah at one time resided in the apartment at 7200 Saranac Street. Omer could not recall if Abdullah was ever a roommate with Nawaf or Khalid. Abdullah currently resides in an apartment complex next to the Lexington Green complex located at the corner of Lexington and Gina, San Diego, CA.

Omer denied any participation or knowledge of any terrorist attacks which have taken place in the United States. Omer denied participation or knowledge of any future terrorist attacks towards the United States. Omer denied knowledge of terrorist activities particularly in reference to Nawaf and Khalid or any other members of his mosque.

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Case No. 10011, 10013,  
10014, 10018 and 10021

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 09/14/2001

SD565 Special Agent SA Denaire L. Rigney and SA Robert F. Shaul, Federal Bureau of Investigation FBI, San Diego Field Office, conducted the following investigation in relation to the Twin Towers Bombing investigation. Holly Ratchford, Community Manager, Parkwood Apartment Homes, 6401 Mount Ada Road, San Diego, California 92111, telephone 858268-1133, pager 619331-3458, and Jim Gross, Manager, Risk Management, Western National Property Management, 8 Executive Circle, Irvine, California 92614-6746, telephone 949862-6251, cellular telephone 949293-4699, 714285-2249, were interviewed at the office of Parkwood Apartment Homes. After being advised of the identity of the interviewing agents and the nature of the interview, Ratchford and Gross provided the following information:

According to Parkwood's property management records system, 6401 Mount Ada Road, apartment number 150, telephone 858279-5919, was rented by Nawaf Al Hazimi and Khalid Al Mihdhar in February 2000. Al Hazimi and Al Mihdhar were recommended to the property manager by Omar Al Bayoumi, also known as aka Omar Al Bayaemi, another former resident of Parkwood Apartment Homes. Bayoumi co-signed with Al Hazimi and Al Mihdhar for apartment number 150. Al Hazimi and Al Mihdhar vacated apartment number 150 in June 2000. Ratchford described Al Bayoumi, Al Hazimi, and Al Mihdhar as students. Al Bayoumi also occasionally paid the rent for Al Hazimi and Al Mihdhar at Parkwood, and always seemed to have cash available.

Ratchford has been the property manager at Parkwood Apartment Homes for three years. Parkwood Apartment Homes contains 175 rental units. Ratchford's immediate supervisor's name is Steve Adams, Regional Property Manager.

Al Bayoumi, Social Security Account Number SSAN 616-76-8943, cellular telephone 858277-8943, resided in Parkwood Apartment Homes, apartment number 152. Al Bayoumi moved into apartment number 152 with his wife and children four in June 1999. Al Bayoumi vacated apartment number 152 on June 23, 2001. Ratchford recalled that Al Bayoumi or his family members had mentioned moving to Kosovo. During Al Bayoumi's residence in

Investigation on at  
09/14/2001 San Diego, California

File # [REDACTED] Date dictated 09/14/2001  
by SA Denaire L. Rigney  
SA Robert F. Shaul/rfs

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