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UNITED STATES OF AMERICA

v.

BINYAM AHMED MUHAMMAD

a/k/a Talha al Kini

a/k/a Foad Zouaoui

a/k/a Taha al Nigeri

a/k/a John Samuel

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) **CHARGE:**

) **CONSPIRACY**  
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### JURISDICTION

1. Jurisdiction for this Military Commission is based on the President's determination of July 29, 2005 that Binyam Ahmed Muhammad, a/k/a/ Talha al Kini, a/k/a Foad Zouaoui, a/k/a/ Taha al Nigeri a/k/a John Samuel is subject to his Military Order of November 13, 2001.
2. The charged conduct alleged against Binyam Muhammad is triable by a military commission.

### GENERAL ALLEGATIONS

3. Al Qaida ("the Base"), was founded by Usama bin Laden and others in or about 1989 for the purpose of opposing certain governments and officials with force and violence.
4. Usama bin Laden is recognized as the *emir* (prince or leader) of al Qaida.
5. A purpose or goal of al Qaida, as stated by Usama bin Laden and other al Qaida leaders, is to support violent attacks against property and nationals (both military and civilian) of the United States and other countries for the purpose of, *inter alia*, forcing the United States to withdraw its forces from the Arabian Peninsula and in retaliation for U.S. support of Israel.
6. Al Qaida operations and activities are directed by a *shura* (consultation) council composed of committees, including: political committee; military committee; security committee; finance committee; media committee; and religious/legal committee.
7. Between 1989 and 2001, al Qaida established training camps, guest houses, and business operations in Afghanistan, Pakistan, and other countries for the purpose of training and supporting violent attacks against property and nationals (both military and civilian) of the United States and other countries.
8. In 1992 and 1993, al Qaida supported violent opposition of U.S. property and nationals by, among other things, transporting personnel, weapons, explosives, and ammunition to Yemen, Saudi Arabia, Somalia, and other countries.

9. In August 1996, Usama bin Laden issued a public "*Declaration of Jihad Against the Americans*," in which he called for the murder of U.S. military personnel serving on the Arabian peninsula.
10. In February 1998, Usama bin Laden, Ayman al Zawahiri, and others, under the banner of "International Islamic Front for Fighting Jews and Crusaders," issued a *fatwa* (purported religious ruling) requiring all Muslims able to do so to kill Americans – whether civilian or military – anywhere they can be found and to "plunder their money."
11. On or about May 29, 1998, Usama bin Laden issued a statement entitled "The Nuclear Bomb of Islam," under the banner of the "International Islamic Front for Fighting Jews and Crusaders," in which he stated that "it is the duty of the Muslims to prepare as much force as possible to terrorize the enemies of God."
12. Since 1989 members and associates of al Qaida, known and unknown, have carried out numerous terrorist attacks, including, but not limited to: the attacks against the American Embassies in Kenya and Tanzania in August 1998; the attack against the *USS COLE* in October 2000; and the attacks on the United States on September 11, 2001.

#### **CHARGE: CONSPIRACY**

13. Binyam Muhammad, in Afghanistan, Pakistan, and other countries, from on or about May 2001 to on or about March 2002, willfully and knowingly joined an enterprise of persons who shared a common criminal purpose and conspired and agreed with Usama bin Laden (a/k/a Abu Abdullah), Saif al Adel, Dr. Ayman al Zawahiri (a/k/a "the Doctor"), Muhammad Atef (a/k/a Abu Hafs al Masri), Abd al Hadi al Iraqi, Zayn al Abidin Muhammad Husayn (a/k/a/ Abu Zubayda hereinafter "Abu Zubayda"), Jose Padilla (a/k/a Abdullah al Muhajir), Khalid Sheikh Mohammad (a/k/a Mukhtar) and other members and associates of the al Qaida organization, known and unknown, to commit the following offenses triable by military commission: attacking civilians; attacking civilian objects; murder by an unprivileged belligerent; destruction of property by an unprivileged belligerent; and terrorism.

14. In furtherance of this enterprise and conspiracy, Binyam Muhammad and other members or associates of al Qaida committed the following overt acts:

- a. On or about May 2001, after a recent conversion to Islam, Binyam Muhammad, a trained electrical engineer, traveled to Afghanistan and attended al Qaida's al Farouq training camp, where he received training in light weapons such as the Kalishnikov, Simonov, PKA, rocket-propelled grenades (RPGs) and crew-served weapons.
- b. In early summer 2001, while Binyam Muhammad was at al Farouq, Usama Bin Laden visited the camp several times and lectured Binyam Muhammad and other trainees about the importance of conducting operations against the United States, Europe and Israel. During one of these lectures Usama bin Laden told the group "something big is going to happen in the future" and to "get ready" or words to that effect.
- c. During August 2001, after completing his training at al Farouq, Binyam Muhammad attended a city warfare course in Kabul where he was to receive ten days of pistol training, ten days of training on the AK-47, and ten days of "room to room" combat. Due to lack of ammunition, Binyam Muhammad only received training on the AK-47 assault rifle.
- d. In September 2001, after completing his abbreviated city warfare course, Binyam Muhammad moved to the front lines in Bagram to experience fighting between the Taliban and the Northern Alliance. While on the front lines, Binyam Muhammad took a course in firing mortars, map reading, targeting and firing.
- e. After a short time on the front lines in Bagram, Binyam Muhammad attended an explosives training camp in Kabul where he received training on explosives and "homemade" bomb-making. Also in attendance at this camp was Richard Reid.
- f. After traveling from Kabul to Khandahar, Binyam Muhammad was directed to go to Zormat, Afghanistan where he met with Abd al Hadi al Iraqi. While in Zormat, Binyam Muhammad was told al Qaida had a "mission" for him.
- g. Binyam Muhammad then traveled to Birmel, Afghanistan, and was introduced to Abu Zubayda. Abu Zubayda promised him training in Pakistan building remote-control-detonation devices for explosives that were to be used against American forces. After his training was complete, Binyam Muhammad was to return to Afghanistan to make detonation devices and teach others how to construct them.

- h. Binyam Muhammad traveled with Abu Zubayda from Khowst into Pakistan, stopping at several guesthouses and a *madrassa* (religious school), where he first met Jose Padilla, Ghassan al Sharbi and Jabran Said al Qahtani. Abd al Hadi al Iraqi and Abu Zubayda directed Binyam Muhammad (along with al Sharbi and al Qahtani) to receive training on building remote-controlled detonation devices for explosives.
- i. From the *madrassa* in Khost, Binyam Muhammad traveled to a guesthouse in Lahore, Pakistan, where he and Jose Padilla reviewed instructions on a computer in the guesthouse on how to make an improvised “dirty bomb.” Ghassan al Sharbi translated these instructions into Arabic and read them aloud to a group in the guest house.
- j. After arriving in Lahore, Binyam Muhammad and Jose Padilla met with Abu Zubayda in private and discussed plans for attacks against the United States. Abu Zubayda stated that he preferred Binyam Muhammad conduct an “overseas” operation instead of going back into Afghanistan as originally planned. Binyam Muhammad agreed to carry out an operation inside the United States.
- k. While in Lahore, Binyam Muhammad, Jose Padilla and Abu Zubayda discussed the feasibility of constructing the improvised “dirty” bomb from the instructions they had read on the computer. Abu Zubayda also discussed other plans against the United States with Binyam Muhammad and Jose Padilla, such as blowing up gas tankers and spraying people with cyanide in nightclubs. Abu Zubayda told Binyam Muhammad that one of the purposes for the attacks on the United States was to help “free the prisoners in Cuba.”
- l. After spending a few days in guest houses in Lahore and Faisalabad, Binyam Muhammad and Jose Padilla were sent to Karachi to meet Saif al Adel (the head of al Qaida’s security committee) and Khalid Sheikh Mohammad (a top level al Qaida planner and leader). Saif al Adel and Khalid Sheikh Mohammad told Binyam Muhammad that their mission would involve targeting high-rise apartment buildings that utilized natural gas for its heat and also targeting gas stations. The apartment building plan called for renting an apartment and utilizing the natural gas in the buildings to detonate an explosion that would collapse all of the floors above. Binyam Muhammad and Jose Padilla agreed to conduct such an operation.
- m. In early April 2002, Binyam Muhammad was given approximately \$6,000 U.S. dollars and Jose Padilla was given approximately \$10,000 U.S. dollars to get to the United States and met with Khalid Sheikh Mohammad for last minute briefings.

- n. On or about April 4, 2002, Binyam Muhammad and Jose Padilla were both detained at passport control at the airport in Karachi (Binyam Muhammad for a forged passport and Jose Padilla due to visa violations), but were released the next morning. Khalid Sheikh Mohammad arranged to get Binyam Muhammad a different forged passport while Jose Padilla continued on to Chicago, Illinois.
15. On or about April 10, 2002, Binyam Muhammad was arrested at an airport in Karachi, Pakistan attempting to get back to London using a forged passport.