

# CHARGE SHEET

## I. PERSONAL DATA

### 1. NAME OF ACCUSED:

Obaidullah

### 2. ALIASES OF ACCUSED:

Bertola, Baitullah, Ubaidullah Haneef, Abajdullah

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

0762

## II. CHARGES AND SPECIFICATIONS

### 4. CHARGE: VIOLATION OF SECTION AND TITLE OF CRIME IN PART IV OF M.M.C.

#### SPECIFICATION:

See attached

## III. SWEARING OF CHARGES

### 5a. NAME OF ACCUSER (LAST, FIRST, MI)

CANTRALL, J. ROBERT

### 5b. GRADE

O-5

### 5c. ORGANIZATION OF ACCUSER

OMC-PROSECUTION

### 5d. SIGNATURE OF ACCUSER

*J. Robert Cantrell*

### 5e. DATE (YYYYMMDD)

20080909

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser the 9th day of September, 2008, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Brendan J. Gilbert

*Typed Name of Officer*

Office of the Chief Prosecutor, OMC

*Organization of Officer*

O-3

*Grade*

Judge Advocate

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

*Signature*

#### IV. NOTICE TO THE ACCUSED

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

Brendan J. Gilbert  
*Typed Name and Grade of Person Who Caused  
 Accused to Be Notified of Charges*

Office of the Chief Prosecutor, OMC  
*Organization of the Person Who Caused  
 Accused to Be Notified of Charges*

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


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

7. The sworn charges were received at 1445 hours, on 10 September 08 at Arlington, VA

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

For the Convening Authority: Donna L. Wilkins  
*Typed Name of Officer*  
GS 15

\_\_\_\_\_  
*Grade*

  
*Signature*

#### VI. REFERRAL

8a. DESIGNATION OF CONVENING AUTHORITY

8b. PLACE

8c. DATE (YYYYMMDD)

Referred for trial to the (non)capital military commission convened by military commission convening order \_\_\_\_\_

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

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

\_\_\_\_\_  
*Typed Name and Grade of Officer*

\_\_\_\_\_  
*Official Capacity of Officer Signing*

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

#### VII. SERVICE OF CHARGES

9. On \_\_\_\_\_, \_\_\_\_\_ I (caused to be) served a copy these charges on the above named accused.

Brendan J. Gilbert  
*Typed Name of Trial Counsel*

O-3  
*Grade of Trial Counsel*

\_\_\_\_\_  
*Signature of Trial Counsel*

#### FOOTNOTES

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

<b>UNITED STATES</b>	)	
	)	<b><u>CHARGES:</u></b>
<b>v.</b>	)	
	)	
<b>OBAIDULLAH a/k/a Bertola</b>	)	<b>CONSPIRACY</b>
<b>a/k/a Baitullah</b>	)	
<b>a/k/a Ubaidullah Haneef</b>	)	<b>PROVIDING MATERIAL</b>
<b>a/k/a Abajdullah</b>	)	<b>SUPPORT FOR TERRORISM</b>
	)	
	)	
	)	
	)	
	)	

CHARGE I: Violation of 10 U.S.C. §950v(b)(28), Conspiracy

**Specification:**

In that from on or about October 2001 to on or about 22 July 2002, at or near Khowst, Afghanistan, OBAIDULLAH, a.k.a. Bertola, Baitullah, Ubaidullah Haneef, and Abajdullah, a person subject to trial by military commission as an alien unlawful enemy combatant, did conspire and agree with other individuals, both known and unknown, to commit offenses triable by military commission, to wit: intentionally causing serious bodily injury to one or more persons in violation of the law of war, murder in violation of the law of war, and providing material support to terrorism, all the while knowing the unlawful purpose of the agreement and willfully joining the agreement with the intent to further its unlawful purpose, and did knowingly commit an overt act in order to effect the object of that conspiracy, including, but not limited to the following:

1. On or about 22 July 2002, at or near Khowst, Afghanistan, OBAIDULLAH, a.k.a. Bertola, Baitullah, Ubaidullah Haneef, and Abajdullah, stored and concealed anti-tank mines, other explosive devices, and related equipment;
2. On or about 22 July 2002, at or near Khowst, Afghanistan, OBAIDULLAH, a.k.a. Bertola, Baitullah, Ubaidullah Haneef, and Abajdullah, concealed on his person a notebook describing how to wire and detonate explosive devices.

**CHARGE II: Violation of 10 U.S.C. § 950v(b)(25), Providing Material Support to Terrorism**

**Specification:**

In that from on or about October 2001 to on or about 22 July 2002, at or near Khowst, Afghanistan, OBAIDULLAH, a.k.a. Bertola, Baitullah, Ubaidullah Haneef, and Abajdullah, a person subject to trial by military commission as an alien unlawful enemy combatant, in the context of and associated with an armed conflict, did provide material support and resources, to wit: stored and concealed anti-tank mines, other explosive devices and related equipment in preparation for an act of terrorism, and that OBAIDULLAH knew or intended that said material support and resources were to be used in preparation for and in carrying out a terrorist act.