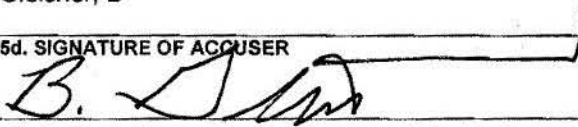
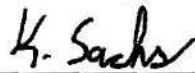


CHARGE SHEET		
I. PERSONAL DATA		
1. NAME OF ACCUSED: FAEZ MOHAMMED AHMED AL KANDARI		
2. ALIASES OF ACCUSED: ABU KHALLAAD, ABU KHALID, FAEZ MOHAMMED AL KANDARI, KHALLAAD AL KUWAITI		
3. ISN NUMBER OF ACCUSED (LAST FOUR): 0552		
II. CHARGES AND SPECIFICATIONS		
4. CHARGE: VIOLATION OF SECTION AND TITLE OF CRIME IN PART IV OF M.M.C.		
SPECIFICATION: See Attached Additional Charges and Specifications		
III. SWEARING OF CHARGES		
5a. NAME OF ACCUSER (LAST, FIRST, MI) Gleisner, B	5b. GRADE O-4	5c. ORGANIZATION OF ACCUSER OMC-P
5d. SIGNATURE OF ACCUSER 	5e. DATE (YYYYMMDD) 20081203	
AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser the <u>3rd</u> day of <u>December</u> , <u>2008</u> , 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.		
K. Sachs <i>Typed Name of Officer</i>	OMC-PROSECUTION <i>Organization of Officer</i>	
O-4 <i>Grade</i>	10 U.S.C. 1044(b) <i>Official Capacity to Administer Oath</i> (See R.M.C. 307(b) must be commissioned officer)	
 <i>Signature</i>		

IV. NOTICE TO THE ACCUSED

6. On 31 Oct, 2008 the accused was notified of the charges against him/her (See R.M.C. 308).

K. Sachs

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

OMC-PROSECUTION

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

K. Sachs

Signature

V. RECEIPT OF CHARGES BY CONVENING AUTHORITY

7. The sworn charges were received at 1111 hours, on 5 Dec 2008 at Arlington, VA

Location

For the Convening Authority:

3

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 instructions¹: _____

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.

Typed Name of Trial Counsel

Grade of Trial Counsel

Signature of Trial Counsel

FOOTNOTES

¹See R.M.C. 601 concerning instructions. If none, so state.

MC Form 458 3 December 2008 – Continuation Sheet for Additional Charges in United States v. FAEZ MOHAMMED AHMED AL KANDARI:

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

Specification: From in or about June 2001 to in or about December 2001, in Afghanistan, and in the context of and associated with an armed conflict, FAEZ MOHAMMED AHMED AL KANDARI, a/k/a ABU KHALLAAD, a/k/a ABU KHALID, a/k/a FAEZ MOHAMMED AL KANDARI, a/k/a KHALLAAD AL KUWAITI, a person subject to trial by military commission as an alien unlawful enemy combatant, with knowledge that al Qaeda has engaged in and engages in terrorism, did provide material support and resources that included, but are not limited to personnel, including himself, expert advice, assistance, and training to al Qaeda, an international terrorist organization engaged in hostilities against the United States, with the knowledge and intent to provide such material support and resources to al Qaeda for that purpose.

ADDITIONAL CHARGE II: VIOLATION OF 10 U.S.C. §950v(b)(28), CONSPIRACY

Specification: From in or about June 2001 to in or about December 2001, in Afghanistan, FAEZ MOHAMMED AHMED AL KANDARI, a/k/a ABU KHALLAAD, a/k/a ABU KHALID, a/k/a FAEZ MOHAMMED AL KANDARI, a/k/a KHALLAAD AL KUWAITI, a person subject to trial by military commission as an alien unlawful enemy combatant, did conspire and agree with Usama bin Laden and other persons, including members of al Qaeda, both known and unknown, to commit one or more substantive offenses subject to trial by military commission, to wit: attacking civilians in violation of 10 U.S.C. §950v(b)(2); attacking civilian objects in violation of 10 U.S.C. §950v(b)(3); and terrorism in violation of 10 U.S.C. §950v(b)(24); and that FAEZ MOHAMMED AHMED AL KANDARI, a/k/a ABU KHALLAAD, a/k/a ABU KHALID, a/k/a FAEZ MOHAMMED AL KANDARI, a/k/a KHALLAAD AL KUWAITI knew the unlawful purpose of the agreement and willfully entered into the agreement with the intent to further that unlawful purpose and, in order to accomplish some objective and purpose of the agreement, FAEZ MOHAMMED AHMED AL KANDARI, a/k/a ABU KHALLAAD, a/k/a ABU KHALID, a/k/a FAEZ MOHAMMED AL KANDARI, a/k/a KHALLAAD AL KUWAITI knowingly committed at least one of the following overt acts:

1. Between in or about June 2001 and in or about December 2001, FAEZ MOHAMMED AHMED AL KANDARI, a/k/a ABU KHALLAAD, a/k/a ABU KHALID, a/k/a FAEZ MOHAMMED AL KANDARI, a/k/a KHALLAAD AL KUWAITI, provided instruction to al Qaeda members and trainees at the al Farouq training camp and elsewhere in Afghanistan; and
2. Between in or about June 2001 and in or about December 2001, FAEZ MOHAMMED AHMED AL KANDARI, a/k/a ABU KHALLAAD, a/k/a ABU KHALID, a/k/a FAEZ MOHAMMED AL KANDARI, a/k/a KHALLAAD AL KUWAITI, served as an advisor to Usama bin Laden in Afghanistan; and

3. In or about December 2001, FAEZ MOHAMMED AHMED AL KANDARI, a/k/a ABU KHALLAAD, a/k/a ABU KHALID, a/k/a FAEZ MOHAMMED AL KANDARI, a/k/a KHALLAAD AL KUWAITI, travelled to Tora Bora, Afghanistan; and

4. In or about December 2001, FAEZ MOHAMMED AHMED AL KANDARI, a/k/a ABU KHALLAAD, a/k/a ABU KHALID, a/k/a FAEZ MOHAMMED AL KANDARI, a/k/a KHALLAAD AL KUWAITI, fought with al Qaeda at Tora Bora, Afghanistan.