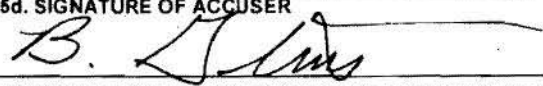



<b>CHARGE SHEET</b>		
<b>I. PERSONAL DATA</b>		
<b>1. NAME OF ACCUSED:</b> FAIZ MOHAMMED AHMED AL KANDARI		
<b>2. ALIASES OF ACCUSED:</b> ABU KHALLAAD; ABU KHALID; FAEZ MOHAMMED AL KANDARI, UMAR MUHAMMAD AHMED AL KANDARI; AMIN		
<b>3. ISN NUMBER OF ACCUSED (LAST FOUR):</b> 0552		
<b>II. CHARGES AND SPECIFICATIONS</b>		
<b>4. CHARGE:   <input checked="" type="checkbox"/> VIOLATION OF SECTION AND TITLE OF CRIME IN PART IV OF M.M.C.</b>		
<b>SPECIFICATION:</b>  See Attached Charges and Specifications		
<b>III. SWEARING OF CHARGES</b>		
<b>5a. NAME OF ACCUSER (LAST, FIRST, MI)</b> Gleisner, B.	<b>5b. GRADE</b> O-4	<b>5c. ORGANIZATION OF ACCUSER</b> OMC-PROSECUTION
<b>5d. SIGNATURE OF ACCUSER</b> 	<b>5e. DATE (YYYYMMDD)</b> 20081021	
<b>AFFIDAVIT:</b> Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser the <u>21st</u> day of <u>October</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.		
<u>K. Sachs</u> <i>Typed Name of Officer</i>	<u>OMC-PROSECUTION</u> <i>Organization of Officer</i>	
<u>O-4</u> <i>Grade</i>	<u>10 U.S.C. 1044(b)</u> <i>Official Capacity to Administer Oath</i> <i>(See R.M.C. 307(b) must be commissioned officer)</i>	
 <i>Signature</i>		

## IV. NOTICE TO THE ACCUSED

6. On \_\_\_\_\_, 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

Signature

## V. RECEIPT OF CHARGES BY CONVENING AUTHORITY

7. The sworn charges were received at 1215 hours, on 22 Oct 2008, 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:

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

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

MC Form 458 21 October 2008 - Continuation Sheet for Charges in United States v. FAEZ MOHAMMED AHMED AL KANDARI:

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

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

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

Specification: In that FAEZ MOHAMMED AHMED AL KANDARI, a/ka ABU KHALLAAD, a/ka ABU KHALID, a/k/a FAEZ MOHAMMED AL KANDARI, a/k/a UMAR MUHAMMAD AHMED AL KANDARI, a/k/a AMIN, a person subject to trial by military commission as an alien unlawful enemy combatant, in Kuwait and Afghanistan, from in or about August 2001 to in or about December 2001, did conspire and agree with Usama bin Laden and other persons, including members of al Qaeda 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 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 knowingly committed at least one of the following overt acts:

1. Between in or about August 2001 and in or about December 2001, FAEZ MOHAMMED AHMED AL KANDARI visited the al Farouq training camp and provided instruction to al Qaeda members and trainees;
2. Between in or about August 2001 and in or about December 2001, FAEZ MOHAMMED AHMED AL KANDARI served as an advisor to Usama bin Laden in Afghanistan; and
3. Between in or about August 2001 and in or about December 2001, FAEZ MOHAMMED AHMED AL KANDARI produced recruitment audio and video tapes which encouraged membership in al Qaeda and participation in jihad.