

CHARGE I: VIOLATION OF 10 U.S.C. § 950t(29), CONSPIRACY

SPECIFICATION: In that Ibrahim Ahmed Mahmoud al Qosi, a person subject to trial by military commission as an alien unprivileged enemy belligerent, did, in the context of and associated with hostilities, at various locations in Afghanistan and elsewhere, from on or about 23 August 1996, through on or about 15 December 2001, willfully and knowingly conspire and agree with Usama bin Laden, Abu Hafs al Masri, and other members and associates, known and unknown, of the international terrorist organization known as al Qaeda, to commit the following offenses triable by military commission: terrorism, and providing material support for terrorism; and with knowledge of the unlawful purpose of the agreement, willfully entered into the agreement with the intent to further the unlawful purpose, and knowingly committed one or more of the following overt acts in order to accomplish some purpose of the agreement:

- a. From in or about 1996, through in or about 2001, on divers occasions, in Afghanistan, al Qosi, armed with an AK-47, served as a driver for Usama bin Laden, and other al Qaeda members.
- b. From in or about 1996, through in or about 1998, in Afghanistan, al Qosi lived at an al Qaeda compound near Jalalabad known as the "Star of Jihad," with other al Qaeda members, including Usama bin Laden, where he provided transportation and supply services.
- c. From in or about 1998, through in or about 2001, in Afghanistan, al Qosi lived at an al Qaeda compound near Kandahar, ("Kandahar compound"), with other al Qaeda members, including Usama bin Laden, where he provided transportation and supply services.
- d. From in or about 1998, through in or about 2001, in Afghanistan, at various times, al Qosi traveled from the Kandahar compound to the front near Kabul, where he fought in support of al Qaeda near Kabul as part of a mortar crew.
- e. From in or about October 2001, through in or about December 2001, in Afghanistan, al Qosi, armed with an AK-47, traveled to Tora Bora with other al Qaeda members.
- f. From in or about December 2001, through on or about 15 December 2001, in Afghanistan, at or near Tora Bora, al Qosi, armed with an AK-47, along with al Qaeda members traveled away from Tora Bora where they came under fire from U.S. forces.

CHARGE II: VIOLATION OF 10 U.S.C. § 950t(25),
PROVIDING MATERIAL SUPPORT FOR TERRORISM

SPECIFICATION: In that Ibrahim Ahmed Mahmoud al Qosi, a person subject to trial by military commission as an alien unprivileged enemy belligerent, did, in Afghanistan and elsewhere, from on or about 23 August 1996, through on or about 15 December 2001, intentionally provide material support or resources to al Qaeda, an international terrorist organization engaged in hostilities against the United States, by, among other things, serving as a driver, fighter and supplier, for al Qaeda, knowing that such organization has engaged or engages in terrorism, including targeting civilians, attacking civilians, and murdering civilians, said conduct taking place in the context of and associated with hostilities.