

MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA

UNITED STATES OF AMERICA

v.

IBRAHIM AHMED MAHMOUD AL QOSI
a/k/a Abu Khobaib al Sudani

STIPULATION OF FACT

1. This stipulation of fact is entered into by the Prosecution and Defense knowingly and voluntarily in the case of *United States v. Ibrahim Ahmed Mahmoud al Qosi* (hereinafter "the accused"). It is hereby stipulated and agreed, by and between the Prosecution and Defense, with the express consent of the accused, that the following facts are true.
2. My name is Ibrahim Ahmed Mahmoud Al Qosi. I was born in Atbara, Sudan circa 1960. I graduated high school in the 1980s and studied accounting at Khartoum Polytechnic for four years. I am not a United States citizen.
3. I am not a privileged belligerent because, at the time of the charged offenses, I was not a member of a regular armed force, a militia, or a volunteer corps, of a party to the Geneva Convention. I did not accompany an armed force that met the requirements for privileged belligerency under the Geneva Conventions. I was an unprivileged belligerent because I failed to meet one of the following requirements: answer to a regular chain of command; wearing fixed, distinctive insignia recognizable at a distance; carrying arms openly while engaged in hostilities; conducting operations in accordance with the laws and customs of war.
4. From on or about 1996 through 15 December 2001:
 - a. I was not a member of the armed forces of any nation;
 - b. I intentionally and materially supported al Qaeda, by providing logistical services

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as detailed below;

- c. At the time I provided this logistical support, hostilities existed between al Qaeda and the United States; and
 - d. By providing this logistical support, I understand that United States law deems me to have purposely and materially supported hostilities against the United States.
5. I agree that al Qaeda is currently recognized as an "International Terrorist Organization" (ITO) and I was aware during the time of my offenses that the United States and other nations regarded al Qaeda as a terrorist organization at least since 1996, when Osama Bin Laden issued a fatwa authorizing attacks against the United States and its citizens for purposes of influencing the conduct of the United States Government.

As to Charge II and the Specification, thereunder (Material Support for Terrorism), I admit:

6. The contents of paragraphs 4 and 5 above are incorporated herein by reference.
7. In 1996, I heard that Usama bin Laden had been expelled from Sudan and that he had taken up residence in Afghanistan. I went to Pakistan in order to join Usama bin Laden. I was instructed to go to a residence in a neighborhood of Peshawar where I stayed for two months in late 1996.
8. I entered Afghanistan, after the Taliban had taken over Kabul. I was smuggled across the border by an Afghan. In Jalalabad, I met with a Mauritanian who told me Usama bin Laden was in the Tora Bora mountains in Afghanistan. Usama bin Laden stayed in the Tora Bora Mountains in September and October of 1996. I was taken from Jalalabad to Tora Bora by the Mauritanian. I met Usama bin Laden and talked about Chechnya. At that time, Usama bin Laden's bodyguards were Egyptians. Usama bin Laden told me that he was expelled from Sudan because of the United States government's pressure on the Sudanese government. Usama bin Laden remained in Tora Bora until the winter of 1996 to 1997, and then went to Jalalabad. He lived on a compound with a select group of people; I was in charge of the kitchen at the compound, and lived there myself. I would travel out of the compound to buy food.

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9. In 1997, Usama bin Laden moved his entire compound from the Star of Jihad compound near Jalalabad to Kandahar, Afghanistan. Five or six taxi vans containing fifteen persons each traveled from Jalalabad to Kandahar as part of Usama bin Laden's entourage. This entourage included family members. Usama bin Laden traveled in a truck with bodyguards. Additionally, I provided transportation to people staying at the compound, and sometimes provided transportation for Usama bin Laden.

10. The Usama bin Laden compound was divided into a section for married people with their families and another section for unmarried people. At the compound in Kandahar, I continued to support al Qaeda by serving as the head cook for the unmarried people at the camp and providing other logistical support. There were small apartments with two rooms and one bathroom per apartment. Less than one hundred people stayed there. The compound had no telephone lines. Usama bin Laden could send someone out from the compound to establish communications elsewhere. There were approximately eight bodyguards with Usama bin Laden in Jalalabad and twelve to fourteen bodyguards with Usama bin Laden in Kandahar because of the increased security threat. Personal trust was the largest factor in the choice of Usama bin Laden's bodyguards

11. Mullah Omar, the Taliban leader, would visit Usama bin Laden at the airport on holidays. He would stop by for only ten minutes at a time to offer holiday greetings. Abu Hafs stayed at the compound with Usama bin Laden in Jalalabad and in Kandahar.

12. In 1998, around the time of bombings of the American embassies in Dar es Salaam, Tanzania and Nairobi, Kenya, I went to the front-lines north of Kabul. I was not involved in, and had no foreknowledge of, the attacks on the embassies. I later became aware of these attacks by al Qaeda, and continued to provide material support to al Qaeda in Afghanistan.

13. I left Kandahar before Usama bin Laden moved from the airport compound to the city of Kandahar. I would go back and forth between the front lines and Kandahar. I assisted in the Jihad outside Kabul because Massoud's forces threatened the city of Kabul. The front line was at

Jabal os Saraj, Afghanistan, which is north of Charikar, Afghanistan. Abd Al Salam was in charge of the area of operations between Jabal os Saraj and Kabul, and I fought under him for 12-18 months. At the front, I was part of a defensive mortar crew. I used an M-43 120mm mortar, the same weapon I used in Chechnya.

14. Usama bin Laden left Kandahar less than one month before the September 11, 2001 attacks against the United States. He was in the company of Abu Hafs, his second in command, and his bodyguards. I did not leave Kandahar at that time; more than 100 families were left in Kandahar after he left. I was not involved in the planning, nor did I have any foreknowledge of, these attacks.

15. In the last days before Kabul fell, in November 2001, I traveled from Kandahar to the Saber Mountain and then to Kabul. Abu Obeida directed me to travel to Jalalabad and then to the Tora Bora mountains in Afghanistan. This was the same Abu Obeida who was with Usama bin Laden in Sudan when I first met Usama bin Laden.

16. Abu Hafil, an Algerian, and I then traveled to Jalalabad by truck before Kabul fell. From Jalalabad, we rode in the truck for three or four hours until we could not drive any further. I walked for four or five hours into the mountains to the Tora Bora complex before Ramadan began. I walked to the top of the mountain to one of the centers called Katal under the command of Abu Majin. I stayed at the center for almost the entire period of Ramadan, approximately 20 days.

17. There were 12-15 people at the Katal center, and everyone carried a Kalishnikov. We cooked, ate and drank in the ditches. I left the Tora Bora complex with seventy to one hundred people. The entire Katal center left. We were headed towards Pakistan. In the darkness, an Apache helicopter engaged the group while we were traveling in a valley. Some of the group were killed or injured.

18. My group met up with another group of approximately thirty fighters who had fled Khowst. I carried my Kalishnikov rifle until I reached the Pakistani border. It took four or five days from

the time I left the Katal center until I reached the Pakistani border. We were near the Pakistani border when a bomb fell. Some people in the group were killed or injured, while many ran towards the border or back towards the mountains. I dropped my weapon and ran towards the border. The armed members of the group gave their weapons to Pakistani tribes along the border as payment for safe passage. The tribes then turned us over to Pakistani officials for arrest. I later heard that the tribes that had turned us in were Shiite soldiers, mostly from Khowst.

19. After 1998, I did the work described above. I knew that al Qaeda had been connected, or admitted, to the attacks on the U.S. embassies in Kenya and Tanzania, the U.S.S. Cole, and the attacks in the United States on 11 September 2001, all with the intent of influencing the conduct of the United States Government. I was not involved in and had no foreknowledge of these attacks, but continued to materially support al Qaeda.

20. I intended to provide this support to al Qaeda.

As to Charge I and the Specification thereunder (Conspiracy to Provide Material Support for Terrorism), I admit:

21. The contents of paragraphs 4 and 5, and paragraphs 7 through 20, above are incorporated herein by reference.

22. From about 1996 until December 2001, I entered into an agreement with members and associates, known and unknown, of al Qaeda to provide material support to al Qaeda.

23. As part of this agreement, from in or about 1996, through in or about 2001, in Afghanistan, the support I provided was to serve as a driver and cook, and to provide logistical support for Usama bin Laden, and other al Qaeda members.

24. In late 2001, I traveled to Tora Bora on orders from Abu Obeida; this Abu Obeida is the same person who was with Usama bin Laden in Sudan when I first met bin Laden. Usama bin Laden had left Kandahar in about August 2001; he was in Tora Bora in late 2001.

25. I agreed to provide material support as described above, and did provide such material support in the manner described above.


26. My wife and children were with me in Afghanistan until around November 2001. My activities in Afghanistan were my sole means of support for them.

I attest under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

9/6/2010
Date


IBRAHIM MAHMOUD AL QOSI

10/1/2010
Date


DIRK B. PADGETT
COMMANDER, JAGC, USN