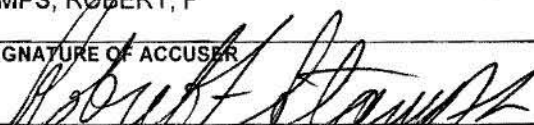
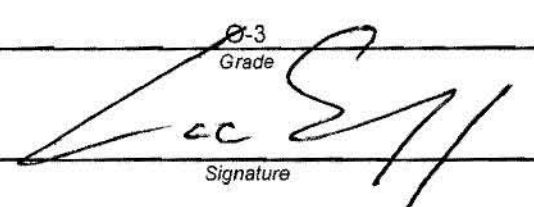


CHARGE SHEET		
I. PERSONAL DATA		
1. NAME OF ACCUSED: JABRAN SAID BIN AL QAHTANI		
2. ALIASES OF ACCUSED: Salam al Farsi, Hateb, Jabran al Qahtan, Saad Wazar Hatib Jabran, Jabran Wazar		
3. ISN NUMBER OF ACCUSED (LAST FOUR): 0696		
II. CHARGES AND SPECIFICATIONS		
4. CHARGE: VIOLATION OF SECTION AND TITLE OF CRIME IN PART IV OF M.M.C.		
SPECIFICATION: SEE CONTINUATION SHEET ATTACHED.		
III. SWEARING OF CHARGES		
5a. NAME OF ACCUSER (LAST, FIRST, MI) STAMPS, ROBERT, F	5b. GRADE O-6	5c. ORGANIZATION OF ACCUSER OMC-PROSECUTION
5d. SIGNATURE OF ACCUSER 		5e. DATE (YYYYMMDD) 20080528
<p>AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser the <u>28th</u> day of <u>MAY</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.</p>		
_____ ISAAC C. SPRAGG <i>Typed Name of Officer</i>	_____ OMC-PROSECUTION <i>Organization of Officer</i>	
_____ O-3 Grade  _____ Signature	_____ 10 U.S.C. 1044(b) Official Capacity to Administer Oath (See R.M.C. 307(b) must be commissioned officer)	

IV. NOTICE TO THE ACCUSED

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

CPT ISAAC C. SPRAGG

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

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 1425 hours, on 14 July 2008, at Arlington, VA

Location

For the Convening Authority: 3
Typed Name of Officer

YA-03
Grade

Signature

VI. REFERRAL

8a. DESIGNATION OF CONVENING AUTHORITY

Convening Authority 10 USC §948h
Appointed on 6 Feb 2007

8b. PLACE

Arlington, VA

8c. DATE (YYYYMMDD)

20081020

~~Referred for trial to the (non)capital military commission convened by military commission convening order~~
The charges and specification are dismissed without prejudice.

~~subject to the following instructions:~~

Command, Order, or Direction

Susan J. Crawford
Typed Name and Grade of Officer

Convening Authority 10 USC §948h
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.

Charge Sheet Continuation Page in Case of JABRAN SAID BIN AL QAHTANI

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

Specification: In that Jabran Said Bin al Qahtani ("al Qahtani"), a person subject to trial by military commission as an alien unlawful enemy combatant, did, at various locations in Afghanistan, Pakistan and elsewhere, between about September 2001 and March 2002, conspire and agree with Usama bin Laden, Saif al Adel, Dr. Ayman al Zawahari (a/k/a "the Doctor"), Muhammad Atef (a/k/a Abu Hafs al Masri), Binyam Mohamed, Noor al Deen, Akrama al Sudani, Ghassan Abdullah al Sharbi ("al Sharbi"), Sufyian Barhoumi ("Barhoumi"), and various other members and associates of the al Qaeda organization, known and unknown, to commit one or more substantive offenses triable by military commission, to wit: murder of a protected person or persons, attacking civilians, attacking civilian objects, intentionally causing serious bodily injury, murder in violation of the law of war, destruction of property in violation of the law of war, providing material support to an international terrorist organization and terrorism; and did join al Qaeda, an enterprise of persons who shared a common criminal purpose, that involved, at least in part, the commission or intended commission of one or more of the said substantive offenses triable by military commission; and did, with knowledge of the common criminal purpose of the al Qaeda enterprise and of the unlawful purposes of the agreement, willfully join the al Qaeda enterprise and willfully enter into the agreement with the intent to further those unlawful purposes, and knowingly commit one or more of the following overt acts in order to accomplish some objective or purpose of the enterprise and the agreement:

- a. Shortly after the September 11, 2001, attacks on the United States, al Qahtani, a Saudi citizen and a graduate in civil or electrical engineering from King Saud University in Saudi Arabia, left Saudi Arabia with the intent to join al Qaeda and fight against the Northern Alliance and United States forces, which forces he expected would soon be fighting in Afghanistan.
- b. Upon his arrival in Afghanistan, al Qahtani attended an al Qaeda military training camp near Kabul, where he received training in the use of automatic weapons, hand guns, and grenades, as well as participated in physical fitness training.

- c. In December 2001, al Qahtani followed the orders of Muhammad Atef (a/k/a/ Abu Hafs al Masri), the head of al Qaeda's military committee and al Qaeda's military commander. Muhammad Atef ordered that al Qahtani, as one of two "brothers" from the al Farouq training camp, receive electronically-controlled explosives training in Pakistan, for the purpose of establishing a new and independent section of the military committee.
- d. Between late December 2001 and the end of February 2002, al Qahtani, al Sharbi and Binyam Mohamed moved from Birmel, Afghanistan, to a safe house in Faisalabad, Pakistan, where they were to receive training, conducted by the bomb maker Barhoumi, in the construction and use of remote detonation devices, in order to attack United States and Coalition forces.
- e. By early March 2002, al Qahtani, Barhoumi, al Sharbi, and Binyam Mohamed had all arrived at the safe house in Faisalabad, Pakistan. Al Qahtani began training on building small, hand-held remote-detonation devices for explosives that were later to be used in Afghanistan against United States forces.
- f. In March 2002, Barhoumi facilitated the purchase of electronic components, which included, *inter alia*, electrical resistors, plastic resistors, light bulbs for circuit board lights, plastic and ceramic diodes, circuit testing boards, an ohmmeter, watches, soldering wire, soldering guns, wire and coil, six cell phones of a specified model, transformers and an electronics manual. While at the Faisalabad safehouse, using these recently purchased supplies, Barhoumi trained al Sharbi and al Qahtani on how to build hand-held remote-detonation devices for explosives.
- g. After the necessary components were purchased, al Qahtani and al Sharbi continued to receive training from Barhoumi in the construction of the remote detonation devices.
- h. After al Qahtani and al Sharbi completed their training by Barhoumi, and had constructed a number of circuit boards and remote detonation devices, al Qahtani and al Sharbi intended to return to Afghanistan in order to use, and to train others to construct remote-control devices to detonate, car bombs against United States forces.

- i. On March 28, 2002, al Sharbi, Barhoumi, al Qahtani, and others were captured in a safe house in Faisalabad after authorities raided the home.

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

Specification: In that Jabran Said Bin al Qahtani, a person subject to trial by military commission as an alien unlawful enemy combatant, did, at various locations in Afghanistan, Pakistan and elsewhere, between about September 2001 and March 2002, in the context of or associated with an armed conflict, intentionally provide material support to al Qaeda, an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism, by performing at least one of the following acts:

- a. Shortly after the September 11, 2001, attacks on the United States, al Qahtani, a Saudi citizen and a graduate in civil or electrical engineering from King Saud University in Saudi Arabia, left Saudi Arabia with the intent to join al Qaeda and fight against the Northern Alliance and United States forces, which he expected would soon be fighting in Afghanistan.
- b. Upon his arrival in Afghanistan, al Qahtani attended an al Qaeda military training camp near Kabul, where he received training in the use of automatic weapons, hand guns, and grenades, as well as participating in physical fitness training.
- c. In December 2001, al Qahtani followed the orders of Muhammad Atef (a/k/a/ Abu Hafs al Masri), the head of al Qaeda's military committee and al Qaeda's military commander. Muhammad Atef ordered that al Qahtani, as one of two "brothers" from the al Farouq training camp, receive electronically-controlled explosives training in Pakistan, for the purpose of establishing a new and independent section of the military committee.
- d. Between late December 2001 and the end of February 2002, al Qahtani, al Sharbi and Binyam Mohamed moved from Birmel, Afghanistan, to a safe house in Faisalabad, Pakistan, where they were to receive training conducted by the bomb maker Barhoumi, in the construction and use of remote detonation devices, in order to attack United States and Coalition forces.

- e. By early March 2002, al Qahtani, Barhoumi, al Sharbi, and Binyam Mohamed had all arrived at the safe house in Faisalabad, Pakistan. Al Qahtani began training on building small, hand-held remote-detonation devices for explosives that were later to be used in Afghanistan against United States forces.
- f. In March 2002, Barhoumi facilitated the purchase of electronic components, which included, *inter alia*, electrical resistors, plastic resistors, light bulbs for circuit board lights, plastic and ceramic diodes, circuit testing boards, an ohmmeter, watches, soldering wire, soldering guns, wire and coil, six cell phones of a specified model, transformers and an electronics manual. While at the Faisalabad safe house, using these recently purchased supplies, al Sharbi and al Qahtani received training from Barhoumi on how to build hand-held remote-detonation devices for explosives.
- g. After the necessary components were purchased, al Qahtani and al Sharbi continued to receive training from Barhoumi in the construction of the remote detonation devices.
- h. After al Qahtani and al Sharbi completed their training by Barhoumi, and had constructed a number of circuit boards and remote detonation devices, al Qahtani and al Sharbi intended to return to Afghanistan in order to use, and to train others to construct remote-control devices to detonate, car bombs against United States forces.
- i. On March 28, 2002, al Sharbi, Barhoumi, al Qahtani, and others were captured in a safe house in Faisalabad after authorities raided the home.

~~FOR OFFICIAL USE ONLY~~

UNITED STATES OF AMERICA)

v.)

JABRAN SAID BIN AL QAHTANI)

a/k/a Salam al Farsi,)

Jabran al Qahtani,)

Saad Wazar Hatib Jabran,)

Jabran Wazar)

**LEGAL ADVISOR'S
PRETRIAL ADVICE****OCT 20 2008**

Pursuant to the Military Commissions Act of 2006 (M.C.A.), and the Manual for Military Commissions of 2007 (M.M.C.), the Chief Prosecutor forwarded a referral notebook containing the attached charges against Jabran Said Bin al Qahtani. The charges were sworn in accordance with Rule for Military Commissions (R.M.C.) 307 on May 28, 2008.

Mr. al Qahtani is charged with conspiring with various known and unknown persons to commit murder of a protected person or persons, attacking civilians, attacking civilian objects, intentionally causing serious bodily injury, murder in violation of the law of war, destruction of property in violation of the law of war, providing material support to an international terrorist organization and terrorism. The conspiracy charge does not allege that a death of any person occurred as a result of the conspiracy. He is also charged with providing material support to an international terrorist organization. The maximum punishment that may be imposed is confinement for life.

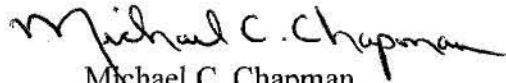
R.M.C. 401 authorizes only the Secretary of Defense or a convening authority designated by him to dispose of charges. As a convening authority designated by the Secretary of Defense for the purpose of convening military commissions, you have the authority to dismiss the charges or refer them to a trial by military commission. *See also* 10 U.S.C. § 948h. R.M.C. 406 requires that I advise you on certain matters before you may refer any charge or specification to trial by a military commission.

A new team of trial counsel has taken over the case and they need to review all the available material for potential discovery and to assess any potential impact on national security. Also, the government continues to seek release authority for additional information that is essential to litigation. I find the prosecution has been unable to complete its preparation for this case. For these reasons, it is premature for me to offer an opinion on whether the specifications allege offenses under the M.C.A., whether the allegation of each offense is warranted by the evidence, whether a military commission would have jurisdiction over the accused and the offense, or whether trial of the charges would be harmful to national security. Therefore, I conclude that dismissal of charges without prejudice is appropriate.

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~~FOR OFFICIAL USE ONLY~~

For the reasons stated above, I recommend that you dismiss the Charges and Specifications without prejudice.



Michael C. Chapman
Legal Advisor to the Convening Authority
for Military Commissions

Attachments

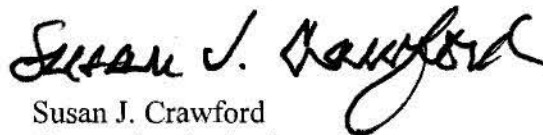
- (1) Referral binder
- (2) Prosecution transmittal letter

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DIRECTION OF THE CONVENING AUTHORITY

The recommendation of the legal advisor in the military commission case of Jabran Said Bin al Qahtani is approved. All charges and specifications are dismissed without prejudice.

20 October 2008



Susan J. Crawford
Convening Authority
Office of Military Commissions