

**CHARGE SHEET**

**I. PERSONAL DATA**

**1. NAME OF ACCUSED:**

Ahmed Mohammed Ahmed Haza AL DARBI

**2. ALIASES OF ACCUSED:**

Ahmed Mohammed AL DARBI; Ahmed Mohd Ahmed AL DARBI; Ahmad Muhammad Haza AL DARBI; Abed AL AZIZ; Abdel Aziz AL MAKKI; Abdel Rahim Abu Hudaifa AL MAKKI; Abdel Rahim AL JANOUBI; Abed Rahim AL JANOUBI; Mohammed HAZAA; Abd Al Aziz AL JANOUBI; Ahmad Muhammed Ahmad HAZA'; AbdalAziz ALDARBI

**3. ISN NUMBER OF ACCUSED (LAST FOUR):**

0768

**II. CHARGES AND SPECIFICATIONS**

**4. CHARGE: | VIOLATION OF SECTION AND TITLE OF CRIME IN PART IV OF M.M.C.**

10 U.S.C. § 950v(b)(28), Conspiracy

**SPECIFICATION:**

(See Continuation)

**III. SWEARING OF CHARGES**

**5a. NAME OF ACCUSER (LAST, FIRST, MI)**

TREANOR, Joseph V.

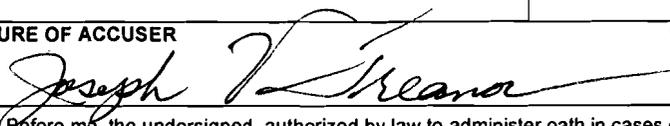
**5b. GRADE**

Lt Col/O-5

**5c. ORGANIZATION OF ACCUSER**

Department of Defense, OMC

**5d. SIGNATURE OF ACCUSER**



**5e. DATE (YYYYMMDD)**

20071220

**AFFIDAVIT:** Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser the 20 day of December, 2007, 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.

FRANK G. RANGOUSSIS

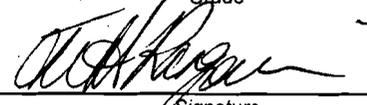
*Typed Name of Officer*

Department of Defense, OMC

*Organization of Officer*

CPT/O-3 United States Army

*Grade*



*Signature*

Judge Advocate - Article 136(a)(1)

*Official Capacity to Administer Oath*

*(See R.M.C. 307(b) must be commissioned officer)*

FBI

915

**IV. NOTICE TO THE ACCUSED**

6. On DECEMBER 20, 2007 the accused was notified of the charges against him/her (See R.M.C. 308).

CPT FRANK G. RANGOUSSIS

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

Office of Military Commissions/Prosecution

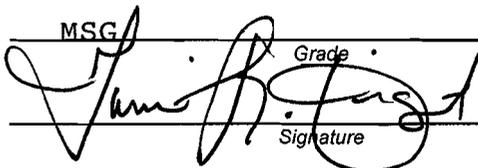
*Organization of the Person Who Caused  
Accused to Be Notified of Charges*

  
*Signature*

**V. RECEIPT OF CHARGES BY CONVENING AUTHORITY**

7. The sworn charges were received at 1435 hours, on 21 December 2007  
at Arlington, Virginia  
*Location*

For the Convening Authority: Tami R. Knight  
*Typed Name of Officer*

MSG *Grade*  
  
*Signature*

**VI. REFERRAL**

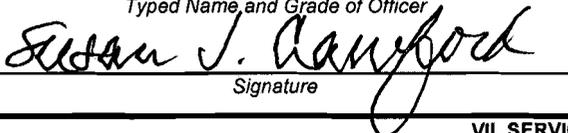
8a. DESIGNATION OF CONVENING AUTHORITY Convening Authority 10 USC §948h Appointed on 6 Feb 2007	8b. PLACE Arlington, VA	8c. DATE (YYYYMMDD) 20080229
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Referred for trial to the (non)capital military commission convened by military commission convening order 07-02 dated  
8 March 2007

\_\_\_\_\_ subject to the following instructions<sup>1</sup>: this case is referred  
non-capital

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.

FRANK G. RANGOUSSIS

*Typed Name of Trial Counsel*

CPT/O-3 United States Army

*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 JAN 2007 - Continuation Sheet for Charges in United States v. AHMED MOHAMMED AHMED HAZA AL DARBI:

Specification: In that Ahmed Mohammed Ahmed Haza al Darbi (hereinafter "al Darbi"), a person subject to trial by military commission as an alien unlawful enemy combatant, in Saudi Arabia, Afghanistan, Yemen, Pakistan, the United Arab Emirates (hereinafter "UAE"), Qatar, Somalia, and elsewhere, from in or about 1996 to on or about June 4, 2002, did conspire and agree with Usama bin Laden, Ayman al Zawahari, Muhammad Atef (a/k/a Abu Hafs al Masri), Khalid Ibn Muhammad al Juhani (a/k/a Muawiya al Madani, a/k/a Saif al Shahrani, a/k/a Saif Shahrani Juhani (hereinafter "Muawiya al Madani")), Basam Waji (a/k/a Fawiz al Wajih), Fayiz Hus Ayn Ali Najjar (a/k/a Abu Al Shahid, a/k/a Abu Al Shahid Al Yemeni, a/k/a Hamud, a/k/a Abu Al-Shahid Al Arhabi, a/k/a Faiz al Najar), Munir al Sharabi (a/ka Bashir Nu'Man Sa'id Al Safari, a/k/a Muneer Ali Saeed Al Sharabi, a/k/a Abu Salman, a/k/a Salman al Taiz, a/k/a Nashir al Safari al Muqtari), Walid al Shiba (a/k/a Waleed Sheyba, a/k/a Muhammed Abd al Khaliq Saeed al Gabiri, a/k/a Abd Al Raziq Muhammed Nasir al Uthmali, a/k/a Abd Al Rahman Hadi Hamoud al Rudaai (hereinafter "Walid al Shiba")), Muhammad Sa'id ali Husayn (a/k/a Gharib al Taiz, a/k/a Usama, a/k/a Abdullah Gharib, a/k/a Gharib), Minwar al Khaladi (a/k/a Khalid Ali Bin Ali Al Hajj, a/k/a Abu Hazim, a/k/a Abu Hazim al Sha'ir, a/k/a, Khalid Ali Ali-Haj) and others, known and unknown to commit one or more substantive offenses triable by military commission, and did willfully join an enterprise of persons known as al Qaeda, and said al Qaeda engaged, and continues to engage, in hostilities against the United States, including the 1998 attack against the American embassies in Kenya and Tanzania, the 2000 attack against the USS Cole, the 11 September 2001 attack against the United States and other attacks, and the members and associates of al Qaeda shared, and continue to share, a common criminal purpose that involved the commission or intended commission of one or more substantive offenses subject to trial by military commission, including, but not limited to, Attacking Civilians; Attacking Civilian Objects; Murder in Violation of the Law of War; Destruction of Property in Violation of the Law of War; Hazing a Vessel and Terrorism, and the said al Darbi knew the unlawful purpose of the agreement and the common criminal purpose of the enterprise and joined willfully, with the intent to further said unlawful purpose, and in order to accomplish some objective and purpose of the agreement and enterprise, al Darbi knowingly committed at least one of the following overt acts:

1. Between in or about 1996 and in or about 1997, al Darbi traveled to Jalalabad, Afghanistan and met with Usama Bin Liden.
2. Between in or about 1996 and in or about 1997, al Darbi trained at al Qaeda's Jihad Wahl Training Camp, where he received weapons training.
3. Between in or about late 1998 and in or about early 1999, al Darbi worked at al Qaeda's al Farooq training camp as a weapons instructor.
4. In or about the summer of 1999, al Darbi worked at al Qaeda's al Farooq training camp by supplying goods purchased at local markets.

MC Form 458 JAN 2007 - Continuation Sheet for Charges in United States v. AHMED MOHAMMED AHMED HAZA AL DARBI:

5. Between in or about the latter part of 2000 and in or about early 2001, and in preparation for participating in an al Qaeda terrorist operation, al Darbi traveled to Karachi, Pakistan.
6. Between in or about the latter part of 2000 and in or about early 2001, al Darbi traveled to Doha, Qatar to purchase global positioning system (GPS) equipment and a boat. Al Darbi knew the boat was to be used in a future terrorist operation. Later, al Darbi learned that the larger boat he was to purchase was to lower smaller boats loaded with explosives into the water to attack a vessel in the Strait of Hormuz or off the coast of Yemen.
7. Between in or about the latter part of 2000 and in or about early 2001, al Darbi made telephone calls in connection with the pricing of boats and GPS equipment.
8. Between in or about the latter part of 2000 and in or about early 2001, al Darbi purchased two GPS units and obtained prices for boats.
9. Between in or about the latter part of 2000 and in or about early 2001, al Darbi returned to Karachi, Pakistan with the two GPS systems purchased in Qatar.
10. In or about early 2001, al Darbi traveled to UAE to price boats.
11. In or about early 2001, al Darbi obtained catalogs and prices for boats.
12. In or about early 2001, al Darbi returned to Karachi, Pakistan with catalogs of boats.
13. Between in or about April 2001 and in or about June 2001, al Darbi and Muawiya al Madani traveled to Qatar and the UAE to search for a boat.
14. From in or about April 2001 through in or about June 2001, al Darbi and Muawiya al Madani searched for a boat to purchase and obtained prices for boats in Qatar and the UAE.
15. Between in or about June 2001 and in or about August 2001, al Darbi traveled from Karachi, Pakistan to the UAE and continued searching for a boat.
16. Between in or about June 2001 and in or about August 2001, al Darbi purchased an automobile that would assist him in traveling in the UAE in search of a boat.
17. In or about August 2001, al Darbi and Muawiya al Madani eventually returned to Karachi, Pakistan without buying a boat.

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18. In or about August 2001, al Darbi traveled to the UAE and resumed the search for a boat.
19. From in or about August 2001 through in or about the latter part of 2001, al Darbi continued to search for a boat.
20. In or about the latter part of 2001, al Darbi purchased a boat named the "Adnan."
21. Between in or about the latter part of 2001 and in or about early 2002, al Darbi also had the vessel "Adnan" registered in the UAE under the name "al Shamsi."
22. Between in or about October 2001 and in or about May 2002, al Darbi traveled to Ash Shariqah, UAE and purchased a hydraulic crane for the boat.
23. From in or about October 2001 through in or about April 2002, al Darbi searched for a crew to operate the boat.
24. In or about April 2002, al Darbi hired a crew to operate the boat.
25. Between in or about 2001 and in or about February 2002, al Darbi requested visas for four Yemeni crew members. The Yemenis were part of the plot to attack a vessel in the Strait of Hormuz or off the coast of Yemen.
26. In or about April 2002, al Darbi purchased an additional boat to instruct the Yemenis how to swim and operate a boat.
27. Between in or about April 2002 and in or about May 2002, al Darbi cancelled the UAE registration of the "al Shamsi" and registered the boat in his name as the "al Rahal" under the São Tomé flag.
28. In or about May 2002, al Darbi departed the UAE on board the boat, the "al Rahal," destined for Yemen.
29. In or about May 2002, al Darbi diverted the boat to Bosasso, Somalia because al Darbi had a concern about traveling to Yemen because of a problem with his passport.
30. In or about May 2002, en route to Bosasso, Somalia al Darbi discussed travel plans via satellite phone with Walid al Shiba.

31. From in or about 2001 through in or about 2002, al Darbi deposited money from al Qaeda into banks located in the UAE for expenses related to a plot to attack a vessel in the Strait of Hormuz or off the coast of Yemen.

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

Specification 1: In that al Darbi, a person subject to trial by military commission as an alien unlawful enemy combatant, did, in or around Pakistan, the UAE, Qatar, Somalia, and elsewhere, from in or about 2000 to on or about June 4, 2002, in the context of or associated with an armed conflict, provide material support or resources, including, but not limited to, property, services, financial services, lodging, training, personnel, including, but not limited to, himself, to be used in preparation for, or carrying out, an act of terrorism, and that the said al Darbi knew or intended that the material support or resources were to be used for those purposes.

Specification 2: In that al Darbi, a person subject to trial by military commission as an alien unlawful enemy combatant, did, in or around Saudi Arabia, Afghanistan, Yemen, Pakistan, the UAE, Qatar, Somalia, and elsewhere, from in or about 1996 to on or about June 4, 2002, in the context of and associated with armed conflict and with knowledge that al Qaeda has engaged in or engages in terrorism, provide material support or resources, including, but not limited to, property, services, financial services, lodging, training, personnel, including, but not limited to, himself, to al Qaeda, an international terrorist organization engaged in hostilities against the United States, with the intent to provide such material support or resources to al Qaeda.