

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED:

Abd Al Rahim Hussayn Muhammad Al Nashiri

2. ALIASES OF ACCUSED:

SEE ATTACHED APPENDIX A

3. ISN NUMBER OF ACCUSED (LAST FOUR):

10015

II. CHARGES AND SPECIFICATIONS

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

SPECIFICATION:

SEE ATTACHED CONTINUATION SHEET OF BLOCK II. CHARGES AND SPECIFICATIONS

III. SWEARING OF CHARGES

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

Regan, Edward J.

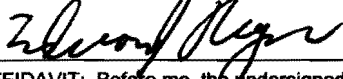
5b. GRADE

O-6

5c. ORGANIZATION OF ACCUSER

Office of Military Commissions

5d. SIGNATURE OF ACCUSER



5e. DATE (YYYYMMDD)

20110915

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser the 15th day of September, 2011, 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.

Nathaniel R. Gross

Typed Name of Officer

Office of Military Commissions

Organization of Officer

O-3

Grade

Judge Advocate

*Official Capacity to Administer Oath
(See R.M.C. 307(b) must be commissioned officer)*



Signature

IV. NOTICE TO THE ACCUSED

6. On 15 September, 2011 the accused was notified of the charges against him/her (See R.M.C. 308).

Andrea K. Lockhart/O-5
 Typed Name and Grade of Person Who Caused
 Accused to Be Notified of Charges

Office of Military Commissions
 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 1126 hours, on 16 Sept 2011, at Alexandria, Virginia

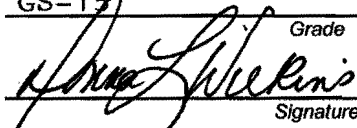
Location

For the Convening Authority: Donna L. Wilkins

Typed Name of Officer

GS-15

Grade


 Signature

VI. REFERRAL

8a. DESIGNATION OF CONVENING AUTHORITY

Convening Authority 10USC §948h
 Appointed on 25 March 2010

8b. PLACE

Alexandria, VA

8c. DATE (YYYYMMDD)

20110928

Referred for trial to the ~~(non)~~ capital military commission convened by military commission convening order 11-02

dated 28 September 2011

subject to the following instructions¹: This case is referred capital.

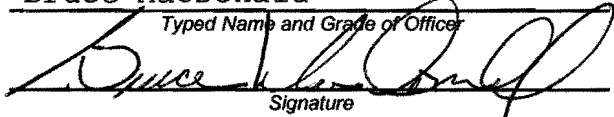
See R.M.C. 103(a)(4) and (5)

Ex not

Command, Order, or Direction

Bruce MacDonald

Typed Name and Grade of Officer


 Signature

Convening Authority 10USC §948h

Official Capacity of Officer Signing

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.

CONTINUATION SHEET - MC FORM 458 JAN 2007, Block II. Charges and Specifications in the case of UNITED STATES OF AMERICA v. ABD AL RAHIM HUSSAYN MUHAMMAD AL NASHIRI

CHARGE I: VIOLATION OF 10 U.S.C. § 950t(17), USING TREACHERY OR PERFIDY

Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI (See Appendix A for a list of aliases), an alien unprivileged enemy belligerent subject to trial by military commission, did, in or around Aden, Yemen, on or about 12 October 2000, in the context of and associated with hostilities, invite the confidence and belief of one or more persons onboard USS COLE (DDG 67), including but not limited to then FN Raymond Mooney, USN, that two men dressed in civilian clothing, waving at the crewmembers onboard USS COLE (DDG 67), and operating a civilian boat, were entitled to protection under the law of war, and intending to betray that confidence and belief, did thereafter make use of that confidence and belief to detonate explosives hidden on said civilian boat alongside USS COLE (DDG 67), killing 17 Sailors of the United States Navy (see Charge II for a list of deceased) and injuring one or more persons, all crewmembers onboard USS COLE (DDG 67) (See Appendix B for the list of injured).

CHARGE II: VIOLATION OF 10 U.S.C. § 950t(15), MURDER IN VIOLATION OF THE LAW OF WAR

Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI (See Appendix A for a list of aliases), an alien unprivileged enemy belligerent subject to trial by military commission, did, in or around Aden, Yemen, on or about 12 October 2000, in the context of and associated with hostilities, in violation of the law of war, to wit: by committing an act of perfidy, said act of perfidy being two men dressing in civilian clothing, waving at the crewmembers onboard USS COLE (DDG 67), and operating and detonating an explosives-laden civilian boat alongside a United States naval vessel, intentionally and unlawfully kill the following 17 persons:

1. HT3 Kenneth E. Clodfelter, USN;
2. ETC Richard Costelow, USN;
3. MSSN Lakeina M. Francis, USN;
4. ITSN Timothy L. Gauna, USN;
5. SMSN Cherone L. Gunn, USN;
6. ITSN James R. McDaniels, USN;
7. EN2 Marc I. Nieto, USN;
8. EW3 Ronald S. Owens, USN;
9. SN Lakiba N. Palmer, USN;
10. ENFA Joshua L. Parlett, USN;
11. FN Patrick H. Roy, USN;
12. EW2 Kevin S. Rux, USN;
13. MS3 Ronchester M. Santiago, USN;
14. OS2 Timothy L. Saunders, USN;
15. FN Gary G. Swenchonis, Jr., USN;
16. ENS Andrew Triplett, USN; and
17. SN Craig B. Wibberley, USN.

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CHARGE III: VIOLATION OF 10 U.S.C. § 950t(28), ATTEMPTED MURDER IN VIOLATION OF THE LAW OF WAR

Specification 1: In that Abd al Rahim Hussayn Muhammad al NASHIRI (See Appendix A for a list of aliases), an alien unprivileged enemy belligerent subject to trial by military commission, did, in or around Aden, Yemen, on or about 3 January 2000, in the context of and associated with hostilities, with the specific intent to commit Murder in Violation of the Law of War, attempt to intentionally and unlawfully kill one or more persons onboard USS THE SULLIVANS (DDG 68), in violation of the law of war, to wit: by committing an act of perfidy, and committing acts that amount to more than mere preparation, and to effect the commission of Murder in Violation of the Law of War, the two suicide bombers dressed in civilian clothes launched an explosives-laden boat, with the intent to perfidiously approach USS THE SULLIVANS (DDG 68), detonate the explosives while alongside USS THE SULLIVANS (DDG 68) so as to damage and sink USS THE SULLIVANS (DDG 68), and kill one or more persons onboard that vessel.

Specification 2: In that Abd al Rahim Hussayn Muhammad al NASHIRI (See Appendix A for a list of aliases), an alien unprivileged enemy belligerent subject to trial by military commission, did, in or around Aden, Yemen, on or about 12 October 2000, in the context of and associated with hostilities, with the specific intent to commit the offense of Murder in Violation of the Law of War, attempt to intentionally and unlawfully kill one or more persons onboard USS COLE (DDG 67), in violation of the law of war, to wit: by committing an act of perfidy, and committing acts that amount to more than mere preparation, and to effect the commission of Murder in Violation of the Law of War, the two suicide bombers dressed in civilian clothes launched an explosives-laden boat, to perfidiously approach USS COLE (DDG 67), detonate the explosives while alongside USS COLE (DDG 67) so as to damage and sink USS COLE (DDG 67), and kill one or more persons onboard that vessel.

CHARGE IV: VIOLATION OF 10 U.S.C. § 950t(24), TERRORISM

Specification 1: In that Abd al Rahim Hussayn Muhammad al NASHIRI (See Appendix A for a list of aliases), an alien unprivileged enemy belligerent subject to trial by military commission, did, in or around Aden, Yemen, on or about 12 October 2000, in the context of and associated with hostilities, and in a manner calculated to influence and affect the conduct of the United States government by intimidation and coercion and to retaliate against the United States government, engage in an act that evinced a wanton disregard for human life, to wit: intentionally detonating an explosives-laden boat alongside USS COLE (DDG 67), resulting in the deaths of seventeen persons (see Charge II for a list of deceased) onboard USS COLE (DDG 67).

Specification 2: In that Abd al Rahim Hussayn Muhammad al NASHIRI (See Appendix A for a list of aliases), an alien unprivileged enemy belligerent subject to trial by military commission,

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did, in or around the coast of Al Mukallah, Yemen, on or about 6 October 2002, in the context of and associated with hostilities, and in a manner calculated to influence and affect the conduct of the United States government by intimidation and coercion and to retaliate against the United States government, intentionally kill and inflict great bodily harm on one or more protected persons and engage in an act that evinced a wanton disregard for human life, to wit: detonating an explosives-laden boat alongside *MV Limburg*, resulting in the death of one civilian person, Atanas Atanasov, serving onboard *MV Limburg*.

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

Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI (See Appendix A for a list of aliases), an alien unprivileged enemy belligerent subject to trial by military commission, did, at multiple locations in and around Yemen, Afghanistan, Pakistan, Saudi Arabia, the United Arab Emirates (hereinafter "UAE"), ~~Qatar, Bosnia~~, the Middle East, the Arabian Peninsula, and other locations, in the context of and associated with hostilities, ~~from an unknown date prior to~~ approximately August 1996, through approximately October 2002, willfully conspire, agree, and join with at least one of the following (see Appendix C for the list of aliases for each co-conspirator):

- a. Usama bin Laden;
- b. Ayman Al Zawahiri;
- c. Mohammed Atef;
- d. Mushin Musa Matwalli Atwah;
- e. Walid Muhammad Salih Mubarak bin 'Attash;
- f. Jamal Ahmed Mohammed Ali Al-Badawi;
- g. Fahd Mohammed Ahmed Al-Quso;
- h. Hassan Sa'id Awad Al Khamri;
- i. Ibrahim Al-Thawar;
- j. Taha Ibrahim Hussein Al-Ahdal;
- k. Hadi Muhammad Salih Al-Wirsh;
- l. Nasser Ahmad Nasser Al-Bahri;
- m. Khalid Ibn Muhammad Al Juhani;
- n. Fawzi Muhammad 'Abd-Al-Qawi Al-Wajih;
- o. Fawzi Yahya Qaim Al-Hababi;
- p. Muneer Al Sharabi;
- q. Walid Al-Shaybah;
- r. Mohammad Rashed Daoud Al-Owhali;
- s. Jihad Muhammad Abdah Ali Abdullah Al-Harazi;
- t. Ali Hamza Ahmed Suliman Al-Bahlul;
- u. Nasir 'Awad;
- v. Husayn Al-Badawi;
- w. Ahmed Mohammed al Darbi;

9/28/11
9/28/11

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- x. 'Umar Sa'id Hassan Jarullah;
- y. Muhammed Sa'id Ali Hasan Al-Amari;
- z. and others, both known and unknown;

to commit Terrorism and Murder in Violation of the Law of War, both offenses triable by military commission, with the conspiracy resulting in the death of one or more victims (See Charge II and IX for a list of deceased) and, knowing that Terrorism and Murder in Violation of the Law of War were the unlawful purpose of the conspiracy, and intending his actions to further the unlawful purpose of the conspiracy, the said NASHIRI did knowingly commit at least one of the following overt acts:

- ~~1. Between approximately 1994 and 1999, NASHIRI and co-conspirators joined a call to jihad against the enemies of Islam by Usama bin Laden ("bin Laden"). NASHIRI and the co-conspirators traveled to locations such as Bosnia, Tajikistan, and Afghanistan. In these locations NASHIRI and co-conspirators attended training camps either run by or associated with al Qaeda. NASHIRI trained in or gave training in military tactics, including but not limited to, training on combat, weapons, bomb-making, and assassination. NASHIRI and the co-conspirators then participated in, or attempted to participate in, jihad by fighting in brigades of mujahideen.~~ A 9/28/11
1. ~~β.~~ Between approximately 1996 and 1999, NASHIRI and co-conspirators met personally with bin Laden and other high-ranking members of al Qaeda and some of the co-conspirators swore an oath of allegiance to bin Laden. During this time period, NASHIRI developed relationships with individuals who would later assist him in what would become known as the "boats operation." A 9/28/11
2. ~~β.~~ In approximately late 1997 to 1998, NASHIRI discussed with bin Laden plans for a boats operation to attack ships in the Arabian Peninsula, a plan which previously had been discussed by bin Laden and Walid Muhammad Salih Mubarak bin 'Attash ("Khallad"). A 9/28/11
3. ~~β.~~ NASHIRI, bin Laden and Khallad ultimately planned al Qaeda's boats operation, which came to encompass at least three separate terrorist attacks: an attempted attack on USS THE SULLIVANS (DDG 68) on 3 January 2000; a completed attack on USS COLE (DDG 67) on 12 October 2000; and a completed attack on a French supertanker, *MV Limburg*, on 6 October 2002. A 9/28/11
4. ~~β.~~ In approximately 1998, at the direction of bin Laden, NASHIRI and Khallad traveled to Yemen, at the southern tip of the Arabian Peninsula, to prepare for the boats operation. NASHIRI scouted the Al-Hudaydah area of Yemen and conducted surveillance of ship traffic in the region. As NASHIRI and Khallad collected A 9/28/11

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information, they and bin Laden began to focus their attention on mounting an attack in Aden Harbor.

5. ~~6~~. In approximately the summer of 1998, in response to direction by bin Laden, NASHIRI and Khallad assisted in another al Qaeda plot, simultaneous attacks on United States embassies in Kenya and Tanzania in East Africa, where NASHIRI provided a fraudulent Yemeni passport used by one of the suicide bombers to enter Kenya immediately before the attack on the Embassy of the United States in Nairobi, Kenya, and where Khallad provided that same suicide bomber with details of the attack plan. *10/9/28/11*
6. ~~7~~. In approximately early 1999, at the direction of bin Laden, NASHIRI and Khallad continued preparing for the boats operation, including (but not limited to) obtaining and storing explosives for use in the boats operation. NASHIRI then left Yemen because Khallad had been arrested by Yemeni authorities. *10/9/28/11*
7. ~~8~~. After Khallad's arrest and subsequent release from jail in May 1999, NASHIRI returned to Yemen with instructions from bin Laden. NASHIRI took control of the boats operation, at the direction of bin Laden, due to unwanted attention Khallad received as a result of his arrest. NASHIRI took over preparations for the boats operation, and Khallad returned to Afghanistan. *10/9/28/11*
8. ~~9~~. During late 1999 and early 2000, NASHIRI spoke with Khallad on the phone several times to relay information about the boats operation, and on at least one occasion Khallad relayed this information to bin Laden. *10/9/28/11*
9. ~~10~~. Between approximately the summer of 1999 and the winter of 1999, NASHIRI continued making preparations to implement al Qaeda's boats operation, some of which he accomplished personally and some of which he directed others to accomplish. These preparations included, but were not limited to, enlisting the assistance of additional co-conspirators, purchasing vehicles, purchasing a boat and materials, renting houses to store the boat and materials and to assemble the attack boat, and obtaining false identification documents. *10/9/28/11*
10. ~~11~~. On or about 3 January 2000, the first boats operation attack commenced when, at NASHIRI's direction, at least two of the co-conspirators launched a boat packed with explosives from the Madinat Al-Shaab beach area into Aden Harbor, intending to steer it toward a United States warship, USS THE SULLIVANS (DDG 68), which was refueling nearby. The attack ultimately failed when the explosives-laden boat ~~beached~~ in the surf of Aden Harbor. *10/9/28/11*
~~FOUNDED~~

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11. ~~12~~. On or about 4-6 January 2000, NASHIRI and other co-conspirators recovered the attack boat from the beach at Madinat Al-Shaab, on the edge of Aden Harbor. NASHIRI and other co-conspirators recovered the boat, its motor, its cargo of explosives, and other materials used in the attempted attack. During these recovery efforts, NASHIRI claimed ownership of the attack boat and the motor. NASHIRI and the other co-conspirators ultimately used a front-end loader, crane, and flatbed truck to recover and take physical possession of the attack boat and return it to its storage location in Aden. *Ad 9/28/11*
12. ~~13~~. After the attempted attack on USS THE SULLIVANS (DDG 68) in January 2000 but before approximately September 2000, NASHIRI returned to Afghanistan, where he and Khallad met with bin Laden and other high-ranking members of al Qaeda at bin Laden's compound in Qandahar. *Ad 9/28/11*
13. ~~14~~. After the attempted attack on USS THE SULLIVANS (DDG 68) in January 2000 but before approximately September 2000, NASHIRI received additional training in Afghanistan from an al Qaeda explosives expert. *Ad 9/28/11*
14. ~~15~~. After the attempted attack on USS THE SULLIVANS (DDG 68) in January 2000 but before approximately September 2000, NASHIRI tested the explosives he recovered from the failed attack to make certain they were still usable for future attacks. *Ad 9/28/11*
15. ~~16~~. Later in 2000, after returning from Afghanistan, NASHIRI continued preparations -- some of which he accomplished personally and some of which he directed others to accomplish -- for a second boats operation attack. These preparations included, but were not limited to, renting another house from which to conduct surveillance of Aden Harbor, repairing and re-fitting the attack boat, transferring ownership of and registering the attack boat, purchasing another vehicle, securing another location at which to store the attack boat, testing the attack boat on the waters of Aden Harbor, making arrangements for the attack to be videotaped, and hiring a crane operator to launch the attack boat. *Ad 9/28/11*
16. ~~17~~. During approximately the summer of 2000, NASHIRI informed Khallad that the boats operation was nearly ready and that bin Laden should send the suicide bombers. *Ad 9/28/11*
17. ~~18~~. In or about September 2000, NASHIRI informed Khallad that the boats operation was ready to execute and further informed Khallad that he had already chosen the suicide bombers for the attack. *Ad 9/28/11*
18. ~~19~~. In or about September 2000, NASHIRI spoke again with Khallad, who relayed to NASHIRI a directive from bin Laden that NASHIRI leave Yemen before the attack and return to Afghanistan. *Ad 9/28/11*

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19. *20.* At some point after January 2000, but prior to 12 October 2000, NASHIRI filled the attack boat with explosives in preparation for the attack. *AP 9/28/11*
20. *21.* In approximately September or October 2000, prior to the attack, NASHIRI left Yemen, as instructed by bin Laden. NASHIRI met Khallad, and the two traveled together to Qandahar, Afghanistan, to meet with bin Laden. NASHIRI informed bin Laden that an attack on a United States warship in Aden was imminent. *AP 9/28/11*
21. *22.* On or about 12 October 2000, pursuant to NASHIRI's instructions, the co-conspirators removed the attack boat from its storage location, drove the attack boat to the launch site and, using a crane, lowered it into the water. *AP 9/28/11*
22. *23.* On or about 12 October 2000, as a result of planning and preparation by NASHIRI and others, the suicide bombers, at the direction of NASHIRI, dressed in civilian clothes, piloted the explosives-laden boat to where USS COLE (DDG 67) was refueling, offered friendly gestures to several crew members, and brought their boat alongside USS COLE (DDG 67), roughly amidships. Once alongside at approximately 11:18 a.m. (local), the suicide bombers detonated the explosives, blasting a hole in the side of USS COLE (DDG 67) approximately 30 feet in diameter, killing 17 crewmembers and injuring at least 37 crewmembers. The suicide bombers died in the attack. *AP 9/28/11*
23. *24.* In approximately May 2001, NASHIRI met with bin Laden and another high-ranking member of al Qaeda at bin Laden's compound in Qandahar. *AP 9/28/11*
24. *25.* In approximately 2001 and 2002, NASHIRI continued al Qaeda's boats operation by directing acts which included, but were not limited to, acquiring a boat for use in the attack, acquiring explosives for use in the attack, transferring ownership and registration of the boat, and obtaining a global positioning system (GPS) device for use in planning the attack. NASHIRI supplied the necessary resources, planned the attack, and directed the transfer of money for use an upcoming attack. *AP 9/28/11*
25. *26.* In approximately 2001 and 2002, NASHIRI and other co-conspirators implemented operational security measures to avoid detection. *AP 9/28/11*
26. *27.* On or about 6 October 2002, near the port of Al Mukallah, Yemen, as a result of planning by NASHIRI and others, suicide bombers, at the direction of NASHIRI, used an explosives-laden boat to attack the French supertanker *MV Limburg*. The explosion blasted a hole through the hull of the ship, resulting in the death of a crewmember, injury to approximately 12 crewmembers, and spillage of approximately 90,000 barrels of oil into the Gulf of Aden. *AP 9/28/11*

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CHARGE VI: VIOLATION OF 10 U.S.C. § 950t(13), INTENTIONALLY CAUSING SERIOUS BODILY INJURY

Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI (See Appendix A for a list of aliases), an alien unprivileged enemy belligerent subject to trial by military commission, did, in or around Aden, Yemen, in the context of and associated with hostilities, on or about 12 October 2000, intentionally cause serious injury to the body of:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. [REDACTED]

[REDACTED]

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16. [REDACTED]

17. [REDACTED]



all crewmembers onboard USS COLE (DDG 67), with unlawful force and violence, in violation of the law of war, to wit: perfidiously operating and detonating an explosives-laden vessel alongside USS COLE (DDG 67).

~~CHARGE VII: VIOLATION OF 10 U.S.C. § 950t(16), DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR~~

AP 9/28/11

~~Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI (See Appendix A for a list of aliases), an alien unprivileged enemy belligerent subject to trial by military commission, did, in or around Aden, Yemen, on or about 12 October 2000, in the context of and associated with hostilities, intentionally destroy property belonging to another person, without that person's consent, in violation of the law of war, to wit: two men perfidiously approaching USS COLE (DDG 67), and detonating concealed explosives, resulting in the destruction of USS COLE (DDG 67), property of the U.S. government, destruction of supplies and rations located onboard USS COLE (DDG 67), property of the U.S. government, and destruction of personal effects located onboard USS COLE (DDG 67), property of the crewmembers onboard USS COLE (DDG 67).~~

AP 9/28/11

~~CHARGE VIII: VIOLATION OF 10 U.S.C. § 950t(28), ATTEMPTED DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR~~

AP 9/28/11

~~Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI (See Appendix A for a list of aliases), an alien unprivileged enemy belligerent subject to trial by military commission, did, in or around Aden, Yemen, on or about 3 January 2000, in the context of and associated with hostilities, with the specific intent to commit the offense of Destruction of Property in Violation of the Law of War, attempt to intentionally destroy property on board USS THE SULLIVANS (DDG 68), belonging to another, without the lawful owner's consent, in violation of the law of war, to wit: by committing certain acts that amount to more than mere preparation and to effect the commission of Destruction of Property in Violation of the Law of War, the two suicide bombers dressed in civilian clothes launched an explosives-laden boat, with the intent to perfidiously approach USS THE SULLIVANS (DDG 68), detonate the explosives while alongside USS THE SULLIVANS (DDG 68), so as to damage and sink USS THE SULLIVANS (DDG 68), and destroy USS THE SULLIVANS (DDG 68), property of the U.S. government,~~

AP 9/28/11

CONTINUATION SHEET - MC FORM 458 JAN 2007, Block II. Charges and Specifications in the case of UNITED STATES OF AMERICA v. ABD AL RAHIM HUSSAYN MUHAMMAD AL NASHIRI

~~destroy supplies and rations located onboard USS THE SULLIVANS (DDG 68), property of the U.S. government, and destroy personal effects located onboard USS THE SULLIVANS (DDG 68), property of the crewmembers onboard USS THE SULLIVANS (DDG 68).~~

A/9/28/11

~~VII~~
CHARGE IX: VIOLATION OF 10 U.S.C. § 950t(2), ATTACKING CIVILIANS

A/9/28/11

Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI (See Appendix A for a list of aliases), an alien unprivileged enemy belligerent subject to trial by military commission, did, in or around the coast of Al Mukallah, Yemen, on or about 6 October 2002, in the context of and associated with hostilities, intentionally attack civilian persons onboard *MV Limburg*, a civilian oil tanker crewed by civilian personnel, not taking direct or active part in hostilities, and that resulted in the death of one person, Atanas Atanasov, and the said NASHIRI knew that such targets were in a civilian status.

~~VIII~~
CHARGE X: VIOLATION OF 10 U.S.C. § 950t(3), ATTACKING CIVILIAN OBJECTS

A/9/28/11

Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI (See Appendix A for a list of aliases), an alien unprivileged enemy belligerent subject to trial by military commission, did, in or around the coast of Al Mukallah, Yemen, on or about 6 October 2002, in the context of and associated with hostilities, intentionally attack *MV Limburg*, a civilian oil tanker owned by a civilian entity and crewed by civilian personnel, not a military objective, and the said NASHIRI knew that such target was not a military objective.

~~IX~~
CHARGE XI: VIOLATION OF 10 U.S.C. § 950t(23), HIJACKING OR HAZARDING A VESSEL OR AIRCRAFT

A/9/28/11

Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI (See Appendix A for a list of aliases), an alien unprivileged enemy belligerent subject to trial by military commission, did, in or around the coast of Al Mukallah, Yemen, on or about 6 October 2002, in the context of and associated with hostilities, intentionally endanger the safe navigation of a vessel, *MV Limburg*, not a legitimate military objective, to wit: by causing an explosives-laden civilian boat to detonate and explode alongside *MV Limburg*, causing damage to the operational ability and navigation of *MV Limburg*, and resulting in the death of one crewmember, Atanas Atanasov.

Appendix A

List of al Nashiri aliases:

Abd Al-Rahim Husayn Muhammad Abda Al-Nashiri
(Variants: Abd Al-Rahman,
Abda Hussein Mohammed,
Abdu Hussein Mohamed,
Abdu Hussein Muhammad,
Abdul Rahim Abdu Al-Nashiri,
Abd Al Rahim Al Nashiri,
Abdul Rahim Al-Nashiri,
Abdul-Raheem al-Nasheri,
Abed Al Rahim al Nashir,
Abed Al Rahim Al Nashiri,
Abdul Rahman Hassan Mohammad,
Abdhi Hussein Mohamed Nasher,
Abdu Husayn Muhammad Nashir,
Abd Al-Rahim Hussein Abdah Al-Nashiri,
Abd Al Rahim Hussein Mohammed Abdoh al Nashiri,
Abd al Rashim Hussein Mohammed Abdah Al Nashiri,
Abd al Rahim Husayn Muhammad Abda Nashir,
Abd Al-Rahman Hussein Mohammed Abdah Al-Nashiri,
Abdul Rahim Hussein Mohammed Abdah Al Nashiri,
Nashiri, Al Nashiri)

Abda
(Variants: Abdo, Abdoh)

Abdella

Abdo Hussein
(Variant: Abdoh Hussein)

Abdoh Mohammed

Abdul Rahim Hussein Muhammad Abdah Nashir al Safani
(Variants: Al-S'afani,
Abd al Rahman Hussein Muhammad al Saa'fani,
Abdel Rahman Hussein Mohammed Saffani,
Abdul Raheem Hussein Mohammad Nashir Al-Sa'fani)

Abu Al-Miqdad

Al Farouq al Hijazi

Al Farouq al Maki
(Variant: Farouq Al Maki)

Bilal al Harazi
(Variant: Al Harazi)

Bulbul

Eid Al Harbi

Eid Muabadi

The Engineer

Mayoub

Mohammad Abdullah

Appendix A

Mohammad Omar Al-Harazi

(Variant: Muhammad Umar Al-Harazi)

Mullah Bilal al Makki

(Variants: Bilal, Abu Bilal, Bilal al Maki, Abu Bilal Al-Makki,
Mullah Bilal, Mula Bilal, Al Mulla Bilal, Al Mullah)

Mullah Mohammed Omar

Saeed Abdallah Qasem Al-Mansouri

(Variant: Said 'Abdullah Qasim Al-Mansuri)

Appendix B

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Appendix B

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Appendix B

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Appendix B

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[REDACTED]

[REDACTED]

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Appendix C

List of co-conspirator aliases:

Usama bin Laden

Sheikh Abu Abdullah

(Variant: Abu Abdullah)

Usama bin Muhammed bin Laden

(Variants: Sheikh Usama bin Laden, Usama bin Laden, Sheikh Usama, Sheikh bin Laden)

The Sheikh

Ayman Al Zawahiri

Dr. Ayman Al-Zawahiri

(Variant: Ayman Al Zawahiri)

Mohammed Atef

Abu Hafs Al Masri

(Variant: Sheikh Abu Hafs, Abu Hafs)

Abu Hafs Al-Kabir

Al-Komandat

Mohammed Atef

The Commandant

Mushin Musa Matwalli Atwah

Abu Abdul Rahman Al-Muhajir

(Variant: Abu Abed Al-Rahman Al-Muhajir, Abdul Rahman Al-Muhajir, Abu Muhajir)

Al-Nimr

Muhammad

Muhsin Musa Matwalli Atwah

(Variant: Mushin Musa Matwali Atwah)

Walid Muhammad Salih Mubarak bin 'Attash

Khallad Al Hijazi

Khallad Al Jadawi

Khallad Bin Attash

(Variants: Abu Khallad, Khallad)

Salah Sa'eed Mohammad Bin Yousuf

(Variant: Salah Saeed Mohammed Bin Yousaf, Salih Bin Yusif)

Tawfiq Abu Khallad

Tawfiq Mohammed Saleh Bin Attash

Tawfiq Muhammad Salih Bin Rashid

(Variant: Tawfiq Bin Rashid)

Walid Muhammad Salih Mubarak Bin 'Attash

(Variant: Walid Bin 'Attash)

Appendix C

Jamal Ahmed Mohammed Ali Al-Badawi

Abu Abdul Rahman Al-Badawi

(Variants: Abu Abed Al-Rahman Al-Badawi,
Abu 'Abd Al-Rahman,
Abu Abdul Rahman)

Jamal Mohammed Ahmad Ali Al-Badawi

(Variants: Jamal Muhammad Ahmad 'Ali Al-Badawi,
Jamal Ahmed Mohammed Ali Al-Badawi,
Jamal Mohamed Ahmed Ali,
Jamal Mohamed Ahmed,
Jamal Al-Badawi)

Jamal Muhsin Hamid Al-T'ali

(Variant: Jamal Muhsin Hamid Al Talli)

Fahd Mohammed Ahmed Al-Quso

Abu Huthayfa Al-'Adini

Fahd Mohammed Ahmed Al-Awlaqi

Fahd Mohammed Ahmed Al-Quso

(Variants: Fahd Mohammed Al-Quso, Fahd Al-Quso, Fahd)

Hassan Sa'id Awad Al Khamri

Abdallah Ahmed Khalid Saeed Misawi

(Variants: Abdulah Ahmed Khaled Said Masawa,
Abdullah Ahmad Khalid Sa'id Msawa,
Abdallah Ahmed Khalid,
Abdallah Ahmed Khalid Misawi,
Abdullah Ahmad Said Msawa,
Abdallah Ahmed Khalid Saeed,
Abdullah Ahmad Khalid Al-Sa'ed,
Abdullah Khallid Musawa,
Abdullah Mohammed Khaled Said,
Abdullah Mohammed Khalid,
Abdullah Msawa,
Abdullah Sa'eed Musawa,
Abdallah, Abdullah)

Abdo

Abu Ali

Abu Hassan Al-Ta'efi

(Variant: Hassan Al-Ta'efi, Abu Yousef Al-Ta'efi)

Hassan Al-Yemeni

Hassan Sa'id Awad Al-Khamri

(Variants: Hassan Awadh Al-Khamiri, Hassan Al Khamiri,
Hassan Al-Khamari, Hassan Al-Khameri, Hasan, Hassan, Hussein)

The Hadrami

Ibrahim Al-Thawar

Appendix C

Ibrahim Al-Nibrass

(Variants: Ibrahim Abu Nibras, Abu Nibras, Abu Nibrass, Nibras)

Ibrahim Al-Thawar

(Variant: Ibrahim Al-Thawr)

Taha Ibrahim Hussein Al-Ahdal

Mahyub

Rabe'i Al Ahdal

Rabe'i Al Maki

(Variant: Raba'i)

Taha Hassan Ibrahim Al-Ahdal

Taher Hussein Ibrahim Al-Tahami

(Variants: Tahir Hussein Ibrahim Al-Tuhami,

Taher Hussein Al-Tuhami,

Taher Hussein Tuhami,

Taha Hussein Al Nahami, Taha Hussein, Taha)

Hadi Muhammad Salih Al-Wirsh

Abu Usama Al-Wa'ili

Hadi Dilkum

(Variant: Hadi Dilqum)

Hadi Muhammad Salah Al-Wa'ili

(Variant: Hadi Al-Wa'ili)

Hadi Muhammad Salah 'Ibadah

Hadi Muhammad Salih al-Wirsh

(Variant: Hadi Muhammad Salih)

Nasser Ahmed Nasser Al Bahri

Abu Habib

Abu Jandal

Abu Jandal Al Gharbi

Abu Jandal Al Jadawi

Abu Jandal Al Yemeni

Nasser Ahmad Nasser Al-Bahri

(Variant: Al-Bahri)

Khalid Ibn Muhammad Al Juhani

Abu Muawiya Al-Madani

(Variants: Mou'awiya Al-Madani, Muawiyah Al-Madani,

Mu'awiya, Mu'awiyah)

Khalid Ibn Muhammad Al-Juhani

(Variant: Khalid Al-Juhani)

Saif Al Shahrani

Salman

Appendix C

Fawzi Muhammad 'Abd-al-Qawi Al-Wajih

Basam Waji

(Variant: Basam Wajee)

Fawzi Muhammad 'Abd-al-Qawi Al-Wajih

(Variant: Fawiz Al Wajih)

Mus'ab Al-Ta'zi

Fawzi Yahya Qaim Al-Hababi

Abu-al-Shahid Al-San'ani

(Variant: Abu Shahid)

Fayiz Husayn Ali al Najar

(Variant: Fayiz Al-Najjar)

Fawzi Yahya Yahya Qasim Al-Hababi

(Variants: Fawzi Yahya Qasim Al-Hababi, Fawzi Al Hababi)

Muneer Al-Sharabi

Bashir Nu'man Sa'id al Safari

(Variant: Bashir Al-Safari)

Muneer Ali Saeed Al-Sharabi

(Variant: Muneer Sharabi, Muneer al Shra'bi, Muneer)

Nashir Al Safari Al Muqtari

Salman Al Tazi

(Variants: Salman Al-Ta'zi, Abu Salman, Salman)

Walid Al-Shaybah

Abd Al Raziq Muhammed Nasir Al Uthmali

Ahmad Qa'id

(Variant: Ahmad Qayid)

Al Jabiri

Muhammed Abd Al Khaliq Saeed Al Garibi

Rahman Hadi Hamoud Al-Ruda'ai

Walid Al-Shaybah

(Variants: Walid Al-Sheba, Abu Walid, Walid)

Mohammad Rashed Daoud Al-Owhali

Abdel-Jabbar Al-Baloushi

(Variants: 'Abd Al-Jabbar, Al-Baloushi)

Abdul Jabbar Ali Abdul Latif

Al-Mutaw'a

Khaled Salem Saleh Bin Rashed

(Variant: Khalid Salim Saleh Bin Rashid)

M'aad

Mis'ab Al-Faqeer

Mo'ath Al-Balushi (Al-Awhali)

(Variant: Moath)

Mohammad Al Qatari

Appendix C

Mohammad Rashed Daoud Al-'Owhali

(Variants: Muhammad Rashid Al-Owhali, Muhammad Al-Owhali)

Mulla Burjan

Saif

Shibab

Jihad Muhammad Abdah Ali Abdullah Al-Harazi

Abu Obeydah Al-Maki

(Variants: Abu 'Ubaydah, Abu-Obaida)

Azzam

(Variants: Jihad Muhammad Ali, Jihad Ali)

Ali Hamza Ahmed Suliman Al-Bahlul

Abu Malek

Ali Hamza Ahmed Suliman Al-Bahlul

Anas

Ismail

Muhammad Anis Abdullah Khalidi

Nasir 'Awad

Abu Khaithama Al-Hadrami

(Variants: Abu Khaythama al-Hadrami,
Khaythamah Al-Hadrami, Khaythamah)

Nasir 'Awad Tahis

Nasir 'Awad Yakani

Nasir 'Awad

Nasir 'Awad Nasir Faraj Duman Al-Kindi

(Variant: Nasser Awad Nasser Faraj Douman al-Kendi)

Husayn Al-Badawi

Hussein Badawi

Abu-al-Harith Al-Badawi

Ahmed Mohammed Al Darbi

Abdel Aziz Al-Makki

(Variants: 'Abd Al-'Aziz, Abdel Aziz, Abdul Aziz, Abed Al-Aziz , Abdul Aziz Al-Maki, Abed Al-Aziz Al-Maki)

Abdel Rahim Al-Janoubi

(Variant: Abed Al-Rahim Al-Janoubi, 'Abd-al-Rahman Al-Janubi)

Abu Hudaifa Al-Makki

Ahmed Mohammed Ahmed Haza Al-Darbi

(Variants: Ahmad Mohammed Al-Darbi, Ahmad Al-Darbi,
Ahmad Muhammad Ahmad Hiza', Mohammad Haza)

'Umar Sa'id Hassan Jarullah

'Umar Sa'id Hassan Jarullah

Appendix C

(Variant: 'Umar Sa'id Hasan Jarullah)

Ibn-Hafiz

(Variant: Ebn Hafeedh)

'Abdullah Gharib

(Variant: Abdullah Ghareeb)

Muhammad Sa'id Ali Hasan Al-Amari

Abu-Ghareeb Al-Ta'ezi

(Variants: Ghareeb al-Ta'ezi, Gharib Al-Ta'zi, Gharib Al-Ta'izzi)

Al-Omdah

Mohammed Saeed Ali Hasan al-Ammari

(Variants: Muhammad Sa'id 'Ali Hasan Al-'Amari , Muhammad Sa'id Al-'Amari,
Muhammad Al-'Amari)