

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED:

Abd Al Rahim Hussayn Muhammad Al Nashiri

2. ALIASES OF ACCUSED:

SEE ATTACHED APPENDIX I

3. ISN NUMBER OF ACCUSED (LAST FOUR):

010015

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.

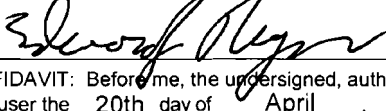
5b. GRADE

O-6

5c. ORGANIZATION OF ACCUSER

Office of Military Commissions

5d. SIGNATURE OF ACCUSER



5e. DATE (YYYYMMDD)

20110420

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

Michael J. Lebowitz

Typed Name of Officer

Office of Military Commissions

Organization of Officer

O-3

Grade



Signature

Judge Advocate

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

IV. NOTICE TO THE ACCUSED

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

*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 _____ hours, on _____, at _____

Location

For the Convening Authority: _____
Typed Name of Officer

Grade

Signature

VI. REFERRAL

8a. DESIGNATION OF CONVENING AUTHORITY

8b. PLACE

8c. DATE (YYYYMMDD)

Referred for trial to the (non)capital military commission convened by military commission convening order _____

_____ subject to the following instructions¹: _____

By _____ of _____
Command, Order, or Direction

Typed Name and Grade of Officer

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.

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 PERFDY

Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI, 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), 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 persons (see Charge II for a list of deceased) and injuring one or more persons, all crewmembers onboard USS COLE (DDG 67).

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, 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.

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 III: VIOLATION OF 10 U.S.C. § 950t(15), 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, 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 said NASHIRI rented real property, acquired a boat, acquired explosives, then altered, assembled and launched an explosives-laden boat, after ordering those onboard to perfidiously approach USS THE SULLIVANS (DDG 68), and then to detonate the explosives so as to damage and sink USS THE SULLIVANS (DDG 68), and to kill one or more persons onboard that vessel.

Specification 2: In that Abd al Rahim Hussayn Muhammad al NASHIRI, 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 said NASHIRI rented real property, acquired a boat, acquired explosives, altered the boat, and ordered those onboard to launch the explosives-laden boat, to perfidiously approach USS COLE (DDG 67), and to detonate the explosives while alongside USS COLE (DDG 67) so as to damage and sink USS COLE (DDG 67), and to 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, 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) and the infliction of great bodily harm on one or more persons, all crewmembers onboard USS COLE (DDG 67).

Specification 2: In that Abd al Rahim Hussayn Muhammad al NASHIRI, 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,

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

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, Mr. Atanas Atanasov, onboard *MV Limburg*.

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

Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI, 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:

- a. **Usama bin Laden** (a/k/a Usama bin Muhammed bin Laden, Sheikh Usama bin Laden, Sheikh Usama, Sheikh bin Laden, Abu Abdullah, Sheikh Abu Abdullah, "The Sheikh," "The Prince," "The Emir," "The Hajj");
- b. **Ayman Al Zawahiri** (a/k/a Dr. Ayman Al-Zawahiri);
- c. **Mohammed Atef** (a/k/a Abu Hafs, Abu Hafs Al Masri, Sheikh Abu Hafs, Abu Hafs Al Kabir, Taysir, Sheikh Taysir Abdullah, Al Komandat);
- d. **Mushin Musa Matwalli Atwah** (a/k/a Abu Abed Al Rahman Al Mujahir, Abdul Rahman Al Muhajir, Abdul Rahman, Abu Mujahir, Abu Al Rahman);
- e. **Walid Muhammad Salih Mubarak bin 'Attash** (a/k/a Tawfiq Mohammed bin Saleh bin Attash, Tawfiq Muhammad Salih bin Rashid, Tawfiq bin Rashid, Salih bin Yusif, Walid bin Attash, Tawfiq Abu Khallad, Khallad Al Jadawi, Khallad Al Hijazi, Khallad);
- f. **Jamal Ahmed Mohammed Ali Al-Badawi** (a/k/a Jamal Muhsin Hamid Al Talli, Jamal Mohammed Ahmed Ali Al Badawi, Jamal Al Badawi, Abu Abdul Rahman Al Badawi, Abu Abdul Rahman);
- g. **Fahd Mohammed Ahmed Al-Quso** (a/k/a Fahd Mohammed Al Quso, Fahd Al Quso, Fahd, Abu Bara', Abu Huthayfa Al Adini, Abu Huthayfa, Abu Abdul Rahman Al Lahaji, Fahd Mohammed Ahmed Al-Awlaqi);
- h. **Hassan Sa'id Awad Al Khamri** (a/k/a Abdallah Ahmed Khalid Saeed, Abdulah Ahmed Khaled Said Masawa, Hasan Al-Ta-Efi, Abu Yousef Al Ta'efi, Abdullah Musawa, Masawi, Hassan, Hassan Al Khamari, Hassan Al Yemeni, Abdullah, Abu Ali, Abdullah Mohammed Khalid);
- i. **Ibrahim Al-Thawar** (a/k/a Khalid, Ibrahim Al Thawr, Ibrahim Al Nibras, Ibrahim Abu Nibras, Abu Nibras, Nibras);

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

- j. **Taha Ibrahim Hussein Al-Ahdal** (a/k/a Taher Hussien Ibrahim Al Tuhami, Taha Hussein, Tahr Hassan Tahami, Taher Hussein Tuhami, Taher Hussein Al Tuhami, Rabel Al Ahdal, Rabel Al Maki);
- k. **Hadi Muhammad Salih Al-Wirsh** (a/k/a Hadi Dilkum, Hadi Dilqum, Abu Usama Al Waill, Hadi Al Waili, Hadi Muhammad Salih, Abu Usama Al Waili);
- l. **Nasser Ahmad Nasser Al-Bahri** (a/k/a Abu Jandal, Abu Jandal Al-Jadawi, Abu Jandal Al-Yemeni, Abu Jandal Al-Gharbi, Abu Habib, Al Bahri);
- m. **Khalid Ibn Muhammad Al Juhani** (a/k/a Muawiya Al Madani, Muawiya, Abu Muawiya Al Midani, Saif Al Shahrani, Saif Shahrani Juhani);
- n. **Fawzi Muhammad 'Abd-Al-Qawi Al-Wajih** (a/k/a Basam Waji, Fawiz Al Wajih, Abu Musab Al Taezi, Salman Al Tazi);
- o. **Fawzi Yahya Qaim Al-Hababi** (a/k/a Fayiz Husayn Ali Najjar, Abu Al Shahid Al Yemeni, Hamud, Abu Al-Shahid Al Arhabi, Faiz Al Najjar, Abu Shahid Al Sanani, Abu Shahid);
- p. **Muneer Al Sharabi** (a/k/a Bashir Nu'Man Sa'id Al Safari, Muneer Ali Saeed Al Sharabi, Abu Salman, Salman, Salman Al Taiz, Salman Al Taazzi, Nashir Al Safari Al Muqtari);
- q. **Walid Al-Shaybah** (a/k/a Walid Al-Sheba, Ahmad Qa'id, Ahmad Qayid, Muhammed Abd Al Khaliq Saeed Al Gabiri, Abd Al Raziq Muhammed Nasir Al Uthmali, Abd Al Rahman Hadi Hamoud Al Rudaai, Muhammad 'Abd Al-Khaliq Al-Jabiri);
- r. **Mohammad Rashed Daoud Al-Owhali** (a/k/a Mohammed Rashid Al Owhali, Abd Al-Jabbar, Al-Mutaw'a, Khalid Salim Saleh bin Rashid, Moath, Mohamad Akbar, Abdul Jabbar Ali Abdul Latif, Abdel-Jabbar Al-Baloushi, Al-Baloushi, M'aad, Mulla Burjan, Saif, Shibab, Mohammad Al Qatari, Mis'ab Al-Faqeer, Abd Al-Jabbar, Al-Mutaw'a);
- s. **Jihad Muhammad Abdah Ali Abdullah Al-Harazi** (a/k/a Abu 'Ubaydah, Abu Obeydah Al-Maki, Jihad Ali, Azzam);
- t. **Ali Hamza Ahmed Suliman Al-Bahlul** (a/k/a Muhammad Anis Abdullah Khalidi, Ismael, Abu Malek, Anas);
- u. **Nasir 'Awad** (a/k/a Khaythamah Al-Hadrami, Khaythamah, Abu Khaythama al-Hadrami; Abu Khaithama Al-Hadrami; Nasir 'Awad Nasir Faraj Duman Al-Kindi);
- v. **Husayn Al-Badawi**;
- w. **Ahmed Mohammed al Darbi** (a/k/a Abdel Aziz, Abdul Aziz Al-Maki, Abed Al-Rahim Al-Janoubi, Abed Al-Aziz Al-Maki, Abed Al-Aziz, Ahmed Mohammed Ahmed Haza al Darbi, Ahmad Muhammad Ahmad Hiza');
- x. 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 and,

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

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.
2. 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."
3. 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").
4. 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.
5. In approximately 1998, at the direction of bin Laden, NASHIRI and Khallad travelled 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 information, they and bin Laden began to focus their attention on mounting an attack in Aden Harbor.
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,

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

Kenya, and where Khallad provided that same suicide bomber with details of the attack plan.

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.
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.
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. 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.
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.
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.

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

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.
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.
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.
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.
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.
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.
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.
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.
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.

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

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.
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.
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.
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.
26. In approximately 2001 and 2002, NASHIRI and other co-conspirators implemented operational security measures to avoid detection.
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.

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, 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 one or more persons, all crewmembers onboard USS COLE (DDG

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

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

Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI, 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), destruction of supplies and rations located onboard USS COLE (DDG 67), and destruction of personal effects located onboard USS COLE (DDG 67).

CHARGE VIII: VIOLATION OF 10 U.S.C. § 950t(16), 10 U.S.C. § 950t(28), ATTEMPTED DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR

Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI, 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 belonging to another, without the lawful owner's consent, to wit: USS THE SULLIVANS (DDG 68), by committing certain overt acts, in violation of the law of war, including, but not limited to, renting real property, acquiring a boat, acquiring explosives, altering a boat, and assembling and launching a boat; the said NASHIRI's actions amounted to more than mere preparation and tended to effect the commission of Destruction of Property in Violation of the Law of War, to wit: two men perfidiously dressing in civilian clothing and operating an explosives-laden civilian vessel, in an attempt to detonate said explosives-laden civilian vessel alongside USS THE SULLIVANS (DDG 68), which would have resulted in the destruction of USS THE SULLIVANS (DDG 68), destruction of supplies and rations located onboard USS THE SULLIVANS (DDG 68), and destruction of personal effects located onboard USS THE SULLIVANS (DDG 68).

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

Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI, 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, who were not engaged in any direct and active hostilities, and that resulted in

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

the death of one person, Mr. Atanas Atanasov, and the said NASHIRI knew that such targets were in a civilian status.

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

Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI, 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.

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

Specification: In that Abd al Rahim Hussayn Muhammad al NASHIRI, 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, Mr. Atanas Atanasov.

Appendix I

Abd Al Rahim Hussayn Muhammad Al Nashiri, Abdel Rahman Hussein Mohammed Saffani, Bilal, Mullah Bilal, Abu Bilal al Makki, Abdul Rahim al Nashiri, Abd al Rahim Husayn Muhammad Abda Nashir, Abd Al Rahim Hussein Abdoh Mohammed al Nashiri, Eid Muabadi, Saeed Abdallah Qasem, Abdoh Hussein Mohammed, Abdoh, Abda, Abdo, Mayoub, Abdul Raheem Hussein Mohammad Nashir Al Safani, Abdel Hussein Mohammed Saffani Rahman, Al Farouq al Hijazi, Muhammad Omar al Harazi, Muhammad Nashir al Safani al Harazi, Farouq al Maki, Ahmad Ahmad Hassan Amin al Safani al Harazi, Al Mulla Bilal, Bilal al Harazi, Eid Al Harbi, Mullah Mohammed Omar, Abdo Hussein, Abu Bilal.