

Sept. 11 Co-Conspirators Charged

The Defense Department announced today that charges have been sworn against six detainees at Guantanamo, alleged to be responsible for the planning and execution of the attacks upon the United States of America which occurred on Sept. 11, 2001. Those attacks resulted in the death of nearly 3,000 people. The charges allege a long term, highly sophisticated, organized plan by al Qaeda to attack the United States.

The accused are: Khalid Sheikh Mohammed, Walid Muhammad Salih Mubarek Bin 'Attash, Ramzi Binalshibh, Ali Abdul Aziz Ali, Mustafa Ahmed Adam al Hawsawi, and Mohamed al Kahtani.

Each of the defendants is charged with conspiracy and the separate, substantive offenses of: murder in violation of the law of war, attacking civilians, attacking civilian objects, intentionally causing serious bodily injury, destruction of property in violation of the law of war, terrorism and providing material support for terrorism.

The first four defendants, Khalid Sheikh Mohammed, Walid Muhammad Salih Mubarek Bin 'Attash, Ramzi Binalshibh, and Ali Abdul Aziz Ali are also charged with the substantive offense of hijacking or hazarding a vessel.

All of the charges are alleged to have been in support of the attacks on the United States on Sept. 11, 2001.

Now that sworn charges have been received, the convening authority will review the charges and supporting evidence to determine whether probable cause exists to refer the case for trial by military commission. The chief prosecutor has requested that charges to be tried jointly and be referred as capital for each defendant. If the convening authority, Susan Crawford, in her sole discretion, decides to refer the cases as capital, the defendants will face the possibility of being sentenced to death.

The charge sheet details 169 overt acts allegedly committed by the defendants in furtherance of the Sept. 11 events.

The charges allege that Khalid Sheikh Mohammed was the mastermind of the Sept. 11 attacks by proposing the operational concept to Usama bin Laden as early as 1996, obtaining approval and funding from Usama bin Laden for the attacks, overseeing the entire operation, and training the hijackers in all aspects of the operation in Afghanistan and Pakistan.

Walid Muhammad Salih Mubarek Bin 'Attash is alleged to have administered an al Qaeda training camp in Logar, Afghanistan where two of the 19 Sept. 11 hijackers were trained. He is also alleged to have traveled to Malaysia in 1999 to observe airport security by U. S. air carriers to assist in formulating the hijacking plan.

Ramzi Binalshibh is alleged to have lived with the Hamburg, Germany, al Qaeda cell where three of the Sept. 11 hijackers resided. It is alleged that Binalshibh was originally selected by Usama bin Laden to be one of the Sept. 11 hijackers and that he made a "martyr video" in preparation for the operation. He was unable to obtain a US visa and, therefore, could not enter the United States as the other hijackers did. In light of this, it is alleged that Binalshibh assisted in finding flight schools for the hijackers in the United States, and continued to assist the conspiracy by engaging in numerous financial transactions in support of the Sept. 11 operation.

Ali Abdul Aziz Ali's role is alleged to have included sending approximately \$120,000 to the hijackers for their expenses and flight training, and facilitating travel to the United States for nine of the hijackers.

Mustafa Ahmed Adam al Hawsawi is alleged to have assisted and prepared the hijackers with money, western clothing, traveler's checks and credit cards. He is also alleged to have facilitated the transfer of thousands of dollars between the accounts of alleged Sept. 11 hijackers and himself on Sept. 11, 2001.

Mohamed al Kahtani is alleged to have attempted to enter the United States on August 4, 2001, through Orlando International Airport where he was denied entry. It is also alleged that al Kahtani carried \$2,800 in cash and had an itinerary listing a phone number associated with Hawsawi.

If the convening authority refers the charges to trial, the prosecution bears the burden of proving the case beyond a reasonable doubt, which is the standard applied in all U.S. and military criminal trials.

In the military commissions process, every defendant has the following rights: The right to remain silent and to have no adverse inference drawn from it; the right to be represented by detailed military counsel, as well as civilian counsel of his own selection and at no expense to the government; the right to examine all evidence used against him by the prosecution; the right to obtain evidence and to call witnesses on his own behalf including expert witnesses; the right to cross-examine every witness called by the prosecution; the right to be present during the presentation of evidence; the right to have a military commission panel of at least five military members determine his guilt by a 2/3 majority, or in the case of a capital offense, a unanimous decision of a military commission composed of at least 12 members; and the right to an appeal to the Court of Military Commission Review, then through the District of Columbia Circuit Court of Appeals to the United States Supreme Court.

These rights are guaranteed to the defendant under the Military Commissions Act, and are specifically designed to ensure that every defendant receives a fair trial, consistent with American and international standards of justice and the rule of law.

The sworn charges are only allegations that each accused has committed a war crime under the Military Commissions Act. The accused are presumed innocent of any criminal charges unless proven guilty beyond a reasonable doubt at a military commission.