

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED:

Omar Ahmed Khadr

2. ALIASES OF ACCUSED:

Akhbar Farhad, Akhbar Farnad, Ahmed Muhammed Khali

3. ISN NUMBER OF ACCUSED (LAST FOUR):

0766

II. CHARGES AND SPECIFICATIONS

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

SPECIFICATION:

See Attached Charges and Specifications.

III. SWEARING OF CHARGES

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

Tubbs II, Marvin W.

5b. GRADE

0-4

5c. ORGANIZATION OF ACCUSER

Office of the Chief Prosecutor, OMC

5d. SIGNATURE OF ACCUSER



5e. DATE (YYYYMMDD)

20070405

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser the 5th day of April, 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.

Jeffrey D. Groharing

Typed Name of Officer

Office of the Chief Prosecutor, OMC

Organization of Officer

0-4

Grade

Commissioned Officer, U.S. Marine Corps

Official Capacity to Administer Oath

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



Signature



IV. NOTICE TO THE ACCUSED

6. On April 5th, 2007 the accused was notified of the charges against him/her (See R.M.C. 308).

Jeffrey D. Groharing, Major, U.S. Marine Corps
*Typed Name and Grade of Person Who Caused
 Accused to Be Notified of Charges*

Office of the Chief Prosecutor, OMC
*Organization of the Person Who Caused
 Accused to Be Notified of Charges*

Jeffrey D. Groharing
Signature

V. RECEIPT OF CHARGES BY CONVENING AUTHORITY

7. The sworn charges were received at 1411 hours, on 6 April 2007 at Arlington, Virginia

 Location

For the Convening Authority: Jennifer D. Young
Typed Name of Officer

CW3

 Grade

[Signature]

 Signature

VI. REFERRAL

8a. DESIGNATION OF CONVENING AUTHORITY Convening Authority 10USC §948h Appointed on 6 Feb 2007	8b. PLACE Arlington, Va	8c. DATE (YYYYMMDD) 20070424
--	----------------------------	---------------------------------

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 instructions¹: this case is referred
non-capital; see continuation sheet

 Command, Order, or Direction

Susan J. Crawford
Typed Name and Grade of Officer

Convening Authority 10USC §948h
Official Capacity of Officer Signing

Susan J. Crawford

 Signature

VII. SERVICE OF CHARGES

9. On _____, _____ I (caused to be) served a copy these charges on the above named accused.

Jeffrey D. Groharing
Typed Name of Trial Counsel

0-4

 Grade of Trial Counsel

 Signature of Trial Counsel

FOOTNOTES

¹See R.M.C. 601 concerning instructions. If none, so state.

[Handwritten mark]

CONTINUATION SHEET – MC FORM 458 JAN 2007, Block VI Referral

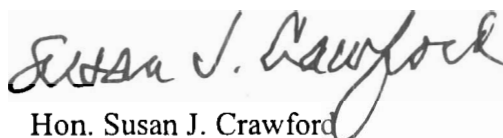
In the case of UNITED STATES OF AMERICA v. OMAR AHMED KHADR
a/k/a “Akhbar Farhad”
a/k/a “Akhbar Farnad”
a/k/a “Ahmed Muhammed Khali”

The following charges and specifications are referred to trial by military commission:

- The Specification of Charge I and Charge I
- The Specification of Charge II and Charge II
- The Specification of Charge III, as amended, and Charge III
- Specifications 1 and 2 of Charge IV, as amended, and Charge IV
- The Specification of Charge V and Charge V

This case is referred non-capital.

Date: 4-24-07



Hon. Susan J. Crawford
Convening Authority
for Military Commission

UNITED STATES OF AMERICA)	<u>CHARGES</u>
)	
)	Murder in Violation of the Law of War
)	Attempted Murder in Violation of the Law of War
)	Conspiracy
OMAR AHMED KHADR)	Providing Material Support for Terrorism
a/k/a "Akhbar Farhad")	
a/k/a "Akhbar Farnad")	Spying
a/k/a "Ahmed Muhammed Khali")	

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

Specification: In that Omar Ahmed Khadr, a person subject to trial by military commission as an alien unlawful enemy combatant, did, in Afghanistan, on or about July 27, 2002, while in the context of and associated with armed conflict and without enjoying combatant immunity, unlawfully and intentionally murder U.S. Army Sergeant First Class Christopher Speer, in violation of the law of war, by throwing a hand grenade at U.S. forces resulting in the death of Sergeant First Class Speer.

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

Specification: In that Omar Ahmed Khadr, a person subject to trial by military commission as an alien unlawful enemy combatant, did, in and around Afghanistan, between, on or about June 1, 2002, and on or about July 27, 2002, while in the context of and associated with armed conflict and without enjoying combatant immunity, attempt to commit murder in violation of the law of war, by converting land mines into improvised explosive devices and planting said improvised explosive devices in the ground with the intent to kill U.S. or coalition forces.

CHARGE III: VIOLATION OF 10 U.S.C. §950v(b)(28), CONSPIRACY

Specification: In that Omar Ahmed Khadr, a person subject to trial by military commission as an alien unlawful enemy combatant, did, in and around Afghanistan, from at least June 1, 2002 to on or about July 27, 2002, conspire and agree with Usama bin Laden, Ayman al Zawahiri, Sheikh Sayeed al Masri, Saif al Adel, Ahmed Sa'id Khadr (a/k/a Abu Al-Rahman Al-Kanadi), and various other members and associates of the al Qaeda organization, known and unknown, and willfully join an enterprise of persons, to wit: al Qaeda, founded by Usama bin Laden, in or about 1989, that has engaged in hostilities against the United States, including attacks against the American Embassies in Kenya and Tanzania in August 1998, the attack against the USS COLE in October 2000, the attacks on the United States on September 11, 2001, and further attacks, continuing to date against the United States; said agreement and enterprise sharing a common

100

criminal purpose known to the accused to commit the following offenses triable by military commission: attacking civilians; attacking civilian objects; murder in violation of the law of war; destruction of property in violation of the law of war; ~~hijacking or hazarding a vessel or aircraft~~; and terrorism. SFC 4-24-07

In furtherance of this agreement or enterprise, Omar Khadr knowingly committed overt acts, including, but not limited to, the following:

1. In or about June 2002, Khadr received approximately one month of one-on-one, private al Qaeda basic training from an al Qaeda member named "Abu Haddi.", consisting of training in the use of rocket propelled grenades, rifles, pistols, hand grenades, and explosives.
2. In or about June 2002, Khadr conducted surveillance and reconnaissance against the U.S. military in support of efforts to target U.S. forces in Afghanistan.
3. In or about July 2002, Khadr attended one month of land mine training.
4. In or about July 2002, Khadr joined a group of Al Qaeda operatives and converted land mines to improvised explosive devices and planted said improvised explosive devices in the ground where, based on previous surveillance, U.S. troops were expected to be traveling.
5. On or about July 27, 2002, Khadr ~~and/or other suspected al Qaeda members~~ engaged U.S. military and coalition personnel with small arms fire, killing two Afghan Militia Force members. SFC 4-24-07
6. Khadr ~~and/or the other suspected al Qaeda members~~ threw and/or fired grenades at nearby coalition forces resulting in numerous injuries. SFC 4-24-07
7. When U.S. forces entered the compound upon completion of the firefight, Khadr threw a grenade, killing Sergeant First Class Christopher Speer.

CHARGE IV: VIOLATION 10 U.S.C. §950v(b)(25), PROVIDING MATERIAL SUPPORT FOR TERRORISM

Specification 1: In that Omar Ahmed Khadr, a person subject to trial by military commission as an alien unlawful enemy combatant, did, in or around Afghanistan, from at least June 2002 through on or about July 27, 2002, intentionally provide material support or resources to wit: personnel, himself, to al Qaeda, an international terrorist organization founded by Usama bin Laden, in or about 1989, and known by the accused to be an organization that engages in terrorism, said al Qaeda having engaged in hostilities against the United States, including attacks against the American Embassies in Kenya and Tanzania in August 1998, the attack against the USS COLE in October 2000, the attacks on the United States on September 11, 2001, and further attacks, continuing to date against the United States; said conduct taking place in the context of and associated with armed conflict.

16

The accused provided material support or resources to al Qaeda including, but not limited to, the following:

1. In or about June 2002, Khadr received approximately one month of one-on-one, private al Qaeda basic training from an al Qaeda member named "Abu Haddi.", consisting of training in the use of rocket propelled grenades, rifles, pistols, hand grenades, and explosives.
2. In or about June 2002, Khadr conducted surveillance and reconnaissance against the U.S. military in support of efforts to target U.S. forces in Afghanistan.
3. In or about July 2002, Khadr attended one month of land mine training.
4. In or about July 2002, Khadr joined a group of Al Qaeda operatives and converted land mines to improvised explosive devices and planted said improvised explosive devices in the ground where, based on previous surveillance, U.S. troops were expected to be traveling.
5. On or about July 27, 2002, Khadr ~~and/or other suspected al Qaeda members~~ engaged U.S. military and coalition personnel with small arms fire, killing two Afghan Militia Force members. *SEC 4.24.07*
6. Khadr ~~and/or the other suspected al Qaeda members~~ threw and/or fired grenades at nearby coalition forces resulting in numerous injuries. *SEC 4.24.07*
7. When U.S. forces entered the compound upon completion of the firefight, Khadr threw a grenade, killing Sergeant First Class Christopher Speer.

Specification 2: In that Omar Ahmed Khadr, a person subject to trial by military commission as an alien unlawful enemy combatant, did, in Afghanistan, from at least June 2002 through on or about July 27, 2002, intentionally provide material support or resources to wit: personnel, himself, to be used in preparation for, or carrying out an act of terrorism, that the accused knew or intended that the material support or resources were to be used for those purposes, and that the conduct of the accused took place in the context of and was associated with an armed conflict.

The accused provided material support or resources in support of acts of terrorism including, but not limited to, the following:

1. In or about June 2002, Khadr received approximately one month of one-on-one, private al Qaeda basic training from an al Qaeda member named "Abu Haddi.", consisting of training in the use of rocket propelled grenades, rifles, pistols, hand grenades, and explosives.
2. In or about June 2002, Khadr conducted surveillance and reconnaissance against the U.S. military in support of efforts to target U.S. forces in Afghanistan.

3. In or about July 2002, Khadr attended one month of land mine training.
4. In or about July 2002, Khadr joined a group of Al Qaeda operatives and converted land mines to improvised explosive devices and planted said improvised explosive devices in the ground where, based on previous surveillance, U.S. troops were expected to be traveling.
5. On or about July 27, 2002, Khadr ~~and/or other suspected al Qaeda members~~ engaged U.S. military and coalition personnel with small arms fire, killing two Afghan Militia Force members. *SIC 4-24-07*
6. Khadr ~~and/or the other suspected al Qaeda members~~ threw and/or fired grenades at nearby coalition forces resulting in numerous injuries. *SIC 4-24-07*
7. When U.S. forces entered the compound upon completion of the firefight, Khadr threw a grenade, killing Sergeant First Class Christopher Speer.

CHARGE V: VIOLATION OF 10 U.S.C. §950v(b)(27), SPYING

Specification: In that Omar Ahmed Khadr, a person subject to military commission as an alien unlawful enemy combatant, did in Afghanistan, in or about June 2002, collect certain information by clandestine means or while acting under false pretenses, information that he intended or had reason to believe would be used to injure the United States or provide an advantage to a foreign power; that the accused intended to convey such information to an enemy of the United States, namely al Qaeda or its associated forces; that the conduct of the accused took place in the context of and was associated with an armed conflict; and that the accused committed any or all of the following acts: on at least one occasion, at the direction of a known al Qaeda member or associate, and in preparation for operations targeting U.S. forces, the accused conducted surveillance of U.S. forces and made notations as to the number and types of vehicles, distances between the vehicles, approximate speed of the convoy, time, and direction of the convoys.