

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED:

Ali Musa Daqduq al Musawi

2. ALIASES OF ACCUSED:

Ali Musa Daqduq; Hamid Jabur al Lami; Abu Husayn Sajad; Hamid al Lebni

3. ISN NUMBER OF ACCUSED (LAST FOUR):

311933

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)

KORCZYNSKI, Kiersten J.

5b. GRADE

O-3

5c. ORGANIZATION OF ACCUSER

Office of Military Commissions

5d. SIGNATURE OF ACCUSER



5e. DATE (YYYYMMDD)

20120103

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser the 30 day of January, 2012, 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.

Wayne P. Marta

Typed Name of Officer

Office of Military Commissions

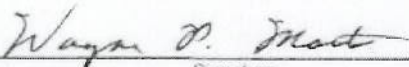
Organization of Officer

O-5

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 _____ 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*

*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 _____ 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 instructions': _____

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 07, Block II Charges and Specifications in
the case of UNITED STATES OF AMERICA V. ALI MUSA DAQDUQ AL MUSAWI

CHARGE I: Murder in Violation of the Law of War, in Violation of 10 U.S.C. § 950t(15)

SPECIFICATION 1: In that Ali Musa Daquduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, in the context of and associated with hostilities, intentionally and unlawfully kill Captain Brian Scott Freeman, U.S. Army, in violation of the law of war by, to wit: misusing the U.S. military or Iraqi police uniform in the course of shooting the said Captain Freeman with a firearm while the said Captain Freeman was a protected person placed out of combat.

SPECIFICATION 2: In that Ali Musa Daquduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, in the context of and associated with hostilities, intentionally and unlawfully kill First Lieutenant Jacob Noel Fritz, U.S. Army, in violation of the law of war by, to wit: misusing the U.S. military or Iraqi police uniform in the course of shooting the said First Lieutenant Fritz with a firearm while the said First Lieutenant Fritz was a protected person placed out of combat.

SPECIFICATION 3: In that Ali Musa Daquduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, in the context of and associated with hostilities, intentionally and unlawfully kill Specialist Jonathan B. Chism, U.S. Army, in violation of the law of war by, to wit: misusing the U.S. military or Iraqi police uniform in the course of shooting the said Specialist Chism with a firearm, while the said Specialist Chism was a protected person placed out of combat.

SPECIFICATION 4: In that Ali Musa Daquduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, in the context of and associated with hostilities, intentionally and unlawfully kill Private First Class Shawn Patrick Falter, U.S. Army, in violation of the law of war by, to wit: misusing the U.S. military or Iraqi police uniform in the course of shooting the said Private First Class Falter with a firearm, while the said Private First Class Falter was a protected person placed out of combat.

SPECIFICATION 5: In that Ali Musa Daquduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, in the context of and associated with hostilities, to intentionally and unlawfully kill Private First Class Jonathan Miles Millican, U.S. Army, in violation of the law of war by, to wit: by misusing the U.S. military or Iraqi police uniform in the course of attacking the said Private First Class Millican with firearms and grenades.

CHARGE II: Intentionally Causing Serious Bodily Injury in Violation of 10 U.S.C. § 950t(13)

SPECIFICATION 1: In that Ali Musa Daquduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, with unlawful force or violence and in violation of the law of war, in the context of and associated with hostilities, intentionally cause serious bodily injury to Staff Sergeant Billy

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Wallace, U.S. Army, to wit: shrapnel wounds to his face by attacking him with firearms and grenades while wearing the U.S. military or Iraqi police uniform.

SPECIFICATION 2: In that Ali Musa Daqduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, with unlawful force or violence and in violation of the law of war, in the context of and associated with hostilities, intentionally cause serious bodily injury to Sergeant First Class Sean Bennett, U.S. Army, to wit: shrapnel wounds to his left arm and loss of hearing by attacking him with firearms and grenades while wearing the U.S. military or Iraqi police uniform.

SPECIFICATION 3: In that Ali Musa Daqduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, with unlawful force or violence and in violation of the law of war, in the context of and associated with hostilities, intentionally cause serious bodily injury to Sergeant Jesse Hernandez, U.S. Army, to wit: shrapnel wounds to his left forearm and abdomen by attacking him with firearms and grenades while wearing the U.S. military or Iraqi police uniform.

CHARGE III: Using Treachery or Perfidy in Violation of 10 U.S.C. § 950t(17)

SPECIFICATION: In that Ali Musa Daqduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, in the context of and associated with hostilities, invite the confidence and belief of one or more persons at the Provincial Joint Coordination Center (PJCC) that they were entitled to protection under the law of war and did intentionally make use of and betray that confidence and belief in killing, injuring, and capturing such person or persons, by, to wit: relying upon the belief and confidence of those at the PJCC that the uniforms of U.S. and Iraqi forces would not be misused to facilitate a surprise attack; by then approaching the PJCC while wearing the uniforms of the U.S. military and Iraqi police; by carrying weapons modified to look like U.S.-made weapons; by operating sport utility vehicles modified to look like a U.S. security convoy; by penetrating the security perimeter of the PJCC, entering the PJCC headquarters building, and launching an armed assault on the PJCC; and by capturing, killing, and injuring multiple persons, all U.S. servicemembers.

CHARGE IV: Terrorism in Violation of 10 U.S.C. § 950t(24)

SPECIFICATION: In that Ali Musa Daqduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, in the context of and associated with hostilities, intentionally kill or inflict great bodily harm on one or more protected persons, or intentionally engage in an act evincing a wanton disregard for human life, in a manner calculated to influence or affect the conduct of the government and civilian population of the United States by intimidation and coercion, and to retaliate against U.S. government conduct, by intentionally killing protected U.S. military personnel placed out of combat, to wit: Captain Brian Scott Freeman, U.S. Army, First Lieutenant Jacob Noal Fritz, U.S. Army, Specialist Jonathan B. Chism, U.S. Army, and Private First Class Shawn Patrick Falter, U.S. Army.

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CHARGE V: Providing Material Support For Terrorism in Violation of 10 U.S.C. § 950t(25)

SPECIFICATION: In that Ali Musa Daqduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, between about May 2006 and about January 2007, at various locations in Iraq and Iran, in the context of and associated with hostilities, provide material support and resources to be used in preparation for and in carrying out an act of terrorism against U.S. forces in Iraq, knowing or intending that such material support and resources were to be used for that purpose, to wit: advice, training and planning to Qays al-Khazali, Layth al-Khazali, and other members of Asa'ib Ahl al-Haqq, known and unknown, for the purpose of killing or inflicting great bodily harm upon one or more protected persons in or near Karbala, Iraq, on or about 20 January 2007.

CHARGE VI: Spying in Violation of 10 U.S.C. § 950t(27)

SPECIFICATION: In that Ali Musa Daqduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, at or near Karbala, Iraq, from about May 2006 through about January 2007, in the context of and associated with hostilities, collect certain information, to wit: video surveillance of the Provincial Joint Coordination Center, and visual observation of security measures and procedures for responding to attack; by clandestine means or while acting under false pretenses, intending or with reason to believe that the information would be used to injure the United States, for the purpose of conveying such information to an enemy of the United States, in violation of the law of war.

CHARGE VII: Attempted Murder in Violation of the Law of War, in Violation of 10 U.S.C. § 950t(28)

SPECIFICATION 1: In that Ali Musa Daqduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, in the context of and associated with hostilities, intentionally and unlawfully attempt to kill Sergeant First Class Sean Bennett, U.S. Army, by attacking him with firearms while wearing the U.S. military or Iraqi police uniform in violation of the law of war.

SPECIFICATION 2: In that Ali Musa Daqduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, in the context of and associated with hostilities, intentionally and unlawfully attempt to kill Staff Sergeant Billy Wallace, U.S. Army, by attacking him with firearms while wearing the U.S. military or Iraqi police uniform in violation of the law of war.

SPECIFICATION 3: In that Ali Musa Daqduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, in the context of and associated with hostilities, intentionally and unlawfully

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attempt to kill Sergeant Jesse Hernandez, U.S. Army, by attacking him with firearms while wearing the U.S. military or Iraqi police uniform in violation of the law of war.

CHARGE VIII: Attempted Taking Hostages in Violation of 10 U.S.C. § 950t(28)

SPECIFICATION 1: In that Ali Musa Daquduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, in the context of and associated with hostilities, attempt to seize, detain or hold Captain Brian Scott Freeman, U.S. Army, and to thereafter threaten to kill, injure, or continue to detain the said Captain Freeman, with the intent of compelling the United States, its coalition partners, or the government of Iraq to release detained insurgents or other anti-U.S. detainees, which resulted in the death of the said Captain Freeman.

SPECIFICATION 2: In that Ali Musa Daquduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, in the context of and associated with hostilities, attempt to seize, detain or hold First Lieutenant Jacob Noal Fritz, U.S. Army, and to thereafter threaten to kill, injure, or continue to detain the said First Lieutenant Fritz, with the intent of compelling the United States, its coalition partners, or the government of Iraq to release detained insurgents or other anti-U.S. detainees, which resulted in the death of the said First Lieutenant Fritz.

SPECIFICATION 3: In that Ali Musa Daquduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, in the context of and associated with hostilities, attempt to seize, detain or hold Specialist Jonathan B. Chism, U.S. Army, and to thereafter threaten to kill, injure, or continue to detain the said Specialist Chism, with the intent of compelling the United States, its coalition partners, or the government of Iraq to release detained insurgents or other anti-U.S. detainees, which resulted in the death of the said Specialist Chism.

SPECIFICATION 4: In that Ali Musa Daquduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, on or about 20 January 2007, at or near Karbala, Iraq, in the context of and associated with hostilities, attempt to seize, detain or hold Private First Class Shawn Patrick Falter, U.S. Army, and to thereafter threaten to kill, injure, or continue to detain the said Private First Class Falter, with the intent of compelling the United States, its coalition partners, or the government of Iraq to release detained insurgents or other anti-U.S. detainees, which resulted in the death of the said Private First Class Falter.

CHARGE IX: Conspiracy in Violation of 10 U.S.C. § 950t(29)

SPECIFICATION: In that Ali Musa Daquduq al-Musawi, an alien unprivileged enemy belligerent subject to trial by military commission, did, between about May 2006 and about March 2007, at various locations in Iraq and Iran, in the context of and associated with hostilities, conspire and agree with Qays al-Khazali, Layth al-Khazali, and other members and associates of Asa'ib Ahl al Haqq (AAH), Lebanese Hezbollah (LH), and the Iranian

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Revolutionary Guard-Quds Force (IRGC-QF), known and unknown, to commit one or more substantive offenses triable by military commission, to wit: Murder in Violation of the Law of War, Taking Hostages, Intentionally Causing Serious Bodily Injury, Using Treachery or Perfidy, Terrorism, and Providing Material Support for Terrorism; and with knowledge of the unlawful purposes of the agreement, knowingly committed one or more of the following overt acts in order to accomplish some objective or purpose of the agreement:

(1) Between about May 2006 and about March 2007, traveled to Iran to meet with members of the IRGC-QF Department of Special External Operations for the purpose of discussing how to provide support and training to Iraqi insurgent groups, including the AAH, in conducting kidnapping and sniper and ambush attack operations;

(2) Between about May 2006 and about March 2007, traveled into various locations in central and southern Iraq, including, but not limited to, Karbala and Basra, to meet with various leaders of AAH and other insurgent groups, to assess their organization, operational capabilities, training, and financial requirements;

(3) Between May 2006 and about March 2007, met with various insurgent leaders in central and southern Iraq, and advise and train members of insurgent groups, including AAH, in the manufacture and employment of improvised explosive devices and explosively formed projectiles, rocket attacks, kidnapping, and sniper and ambush attacks;

(4) Between about May 2006 and about January 2007, met with AAH leaders Qays al-Khazali, Layth al-Khazali, and other AAH members at various locations in Iraq and Iran, to plan and train for an attack on the Provisional Joint Coordination Center in Karbala, Iraq;

(5) Between about May 2006 and about January 2007, advised and counseled AAH leaders Qays al-Khazali, Layth al-Khazali, and other AAH members at various locations in Iraq and Iran, to conduct surveillance of the Provisional Joint Coordination Center in Karbala, Iraq for the purpose of conducting an attack on the Provisional Joint Coordination Center and taking hostages;

(6) Between about May 2006 and about January 2007, met with AAH leaders Qays al-Khazali, Layth al-Khazali, and other AAH members at various locations in Iraq and Iran, to advise and direct them on using U.S. military and Iraqi police uniforms, and disguising vehicles

and weapons to appear as though they belonged to U.S. forces, for the purpose of conducting an attack upon the Provisional Joint Coordination Center in Karbala, Iraq and taking hostages;

(7) Between about May 2006 and about January 2007, at various locations in Iraq and Iran, drafted a planning document for the execution of the attack against the Provisional Joint Coordination Center in Karbala, Iraq which included preliminary surveillance and videotaping of the Provisional Joint Coordination Center and security measures, entry into the Provisional Joint Coordination Center while misusing U.S. and Iraqi uniforms as a disguise, the use of explosive

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and incendiary devices to kill or neutralize U.S. and coalition forces within the compound during the attack, and the kidnapping of U.S. military personnel to hold as hostages;

(8) Between about October 2006 and about March 2007, at various locations in Iraq and Iran, possess a video recording depicting Staff Sergeant Altaie, U.S Army, a soldier kidnapped by insurgent forces and held hostage by AAH;

(9) Between about May 2006 and about March 2007, at various locations in Iraq and Iran, maintain video recordings depicting various ambush and rocket attacks for use as training materials for insurgent groups in Iraq; and

(10) Between about January 2007 and about March 2007, prepare an after action assessment of the attack on the Provisional Joint Coordination Center in Karbala, Iraq.