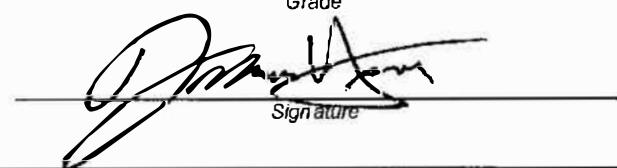


CHARGE SHEET		
I. PERSONAL DATA		
1. NAME OF ACCUSED: Encep Nurjaman; Mohammed Farik Bin Amin; Mohammed Nazir Bin Lep		
2. ALIASES OF ACCUSED: SEE APPENDIX A		
3. ISN NUMBER OF ACCUSED (LAST FOUR): 10019; 10021; 10022		
II. CHARGES AND SPECIFICATIONS		
4. CHARGE: VIOLATION OF M.C.A. SECTION AND TITLE OF CRIME IN PART IV OF M.M.C		
SEE ATTACHED CHARGES AND SPECIFICATIONS		
III. SWEARING OF CHARGES		
5a. NAME OF ACCUSER (LAST, FIRST, MI) FRANCESCON, PATRICK O.	5b. GRADE MAJ/O-4	5c. ORGANIZATION OF ACCUSER Office of Military Commissions
5d. SIGNATURE OF ACCUSER 		5e. DATE (YYYYMMDD) 20171207
AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser the <u>7</u> day of <u>December</u> <u>2017</u> 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.		
<u>JACKSON T. HALL</u> <small>Typed Name of Officer</small>		<u>Office Of Military Commissions</u> <small>Organization of Officer</small>
<u>Capt/O-3</u> <small>Grade</small>  <small>Signature</small>		<u>Judge Advocate, Article 136(a)(1), UCMJ</u> <small>Official Capacity to Administer Oath</small> <small>(See R.M.C. 307(b) must be commissioned officer)</small>
IV. NOTICE TO THE ACCUSED		

6. On 7 December 2017 the accused was notified of the charges against him/her (See R.M.C. 308).

JOY I. PRIMOJI

Office of Military Commissions

Typed Name and Grade of Person Who Caused
Accused to Be Notified of Charges

Joy I. Primoji

Signature

Organization of the Person Who Caused
Accused to Be Notified of Charges

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)
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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(e) concerning instructions. If none, so state.

**CONTINUATION SHEET - MC Form 458, Block II. Charges and
Specifications in the case of the UNITED STATES OF AMERICA V. ENCEP
NURJAMAN, MOHAMMED NAZIR BIN LEP, AND MOHAMMED FARIK
BIN AMIN**

COMMON ALLEGATIONS

These common allegations set forth the manner and means by which the accused, Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a "Lillie" and Mohammed Farik bin Amin, a/k/a "Zubair" (see Appendix A for a list of aliases) and their co-conspirators participated in a common plan and agreement, and aided, abetted, counseled, commanded, and procured the commission of each of the offenses listed at Charges I though VIII. Further, these common allegations set forth the manner and means by which the accused, by virtue of their positions, knew, had reason to know, and should have known that their subordinates were about to commit such acts and had done so and that the accused failed to take the necessary and reasonable measures to prevent such acts and to punish the perpetrators thereof.

The accused, people subject to trial by military commission as alien unprivileged enemy belligerents, did, from multiple locations in or around Afghanistan, Southeast Asia and other locations, in the context of and associated with hostilities, from approximately January 1993, through approximately August 2003, knowingly conspire and agree with the following persons, names, and/or aliases:

- a) Usama bin Laden (UBL)
- b) Khalid Shaikh Mohammad (KSM)
- c) Abu Hafs al Masri, Mohammed Atef (Abu Hafs)
- d) Abu Bakar Ba'aysir (Baysir)
- e) Ali Abdul Azziz Ali (Ali)
- f) Majid Shoukat Khan (Khan)
- g) Dr. Azahari Husin (Dr. Azahari)
- h) Nik Abdul Rahman Mustapha (Afifi)
- i) Masran Bin Arshad (Masran)
- j) Hashim Abas (Hashim)
- k) Faiz Abu Bakr Bafana (Bafana)
- l) Mohammed Khalim Bin Ja'afar (Khalim)
- m) Ja'afar Mistooki (Mistooki)
- n) Zulkifli Abduhir
- o) Mohammed Jabarah (Amat)
- p) Wan Min Wan Mat (Wan Min)
- q) Abdullah Sungkar
- r) Abdul Rahim Ba'aysir
- s) Noordin Top
- t) Nasir Abas

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- u) Fateh Bafana (Fathi)
- v) Fathur Abd al Rahman al Ghozi (Sa'ad)
- w) Jack Roche
- x) Masrizal Bin Ali Umar (Tohir)
- y) Muhammad Rais (Rais)
- z) Zukepli bin Marzuki (Zulkifli)
- aa) Muhammad Nazir bin Ismail (Ismail)
- bb) Ali Imron
- cc) Abdul Aziz (Imam Samudra)
- dd) Utomo Pamungkas (Mubarok)
- ee) Amrozi Bin Nurhasyim (Amrozi)
- ff) Ali Ghufron Bin Nurhasyim (Mukhlas)
- gg) Rusman Gunawan
- hh) Dulmatin (Abdul Matin)
- ii) Yazid Sufaat

and other individuals, known and unknown, to commit substantive offenses triable by military commission, to wit, murder in violation of the law of war, attempted murder in violation of the law of war, intentionally causing serious bodily injury, terrorism, attacking civilians, attacking civilian objects, and destruction of property in violation of the law of war. To that end, the accused committed the following overt acts to accomplish the objectives and purposes of the conspiracy:

General Conspiracy

1. In the mid-1980s, HAMBALI went to Malaysia to study and began going to the Mosque and hearing discussions of jihad and the suffering of Muslims. Hambali met Abu Bak'r Ba'aysir (Baysir) while studying in Malaysia.
2. In 1986 or early 1987, when HAMBALI was about 22 years old, he traveled for the first time to Afghanistan to perform jihad. Jemaah Islamiyah (JI) founder Abdullah Sungkar, who HAMBALI knew from the Mosque in Malaysia, encouraged HAMBALI to travel to Afghanistan for jihad. HAMBALI was there for approximately one to one and one half years, and was involved with artillery while fighting against the Russians. He received training from Afghans in the Sadah camp, who were associated with Abdul Rasul Sayyaf.
3. JI was founded in January 1993 as an offshoot of Darul Islam, a movement formed in the late 1940s that was aimed at establishing an Islamic state in Indonesia. Abdullah Sungkar was the first Emir of JI, with Baysir serving as Sungkar's second in command. Khalid Shaikh Mohammad (KSM) brokered a meeting in 1996 in Afghanistan between

CONTINUATION SHEET - MC Form 458, Block II. Charges and Specifications in the case of the UNITED STATES OF AMERICA V. ENCEP NURJAMAN, MOHAMMED NAZIR BIN LEP, AND MOHAMMED FARIK BIN AMIN

Usama bin Laden and Baysir and Sungkar. Ba'aysir and Sungkar told KSM that Usama bin Laden advised them *al Qaeda* and the JI should fight together and that JI should not just focus on their own countries, but acquire a world view.

4. When JI was formed, the Pedoman Ummum Perjuangan al-Jemaah al-Islamiyah (PUPJI) was written for the leaders of JI and for those who would implement the rules. The PUPJI set-up parameters and rules of the organization which allowed JI to act as a secret organization and conceal its activities and membership from the public.
5. JI restructured and in 1997 HAMBALI became a leader *Mantiqi I* and a member of the Shura Council. *Mantiqi I* covered the Malaysia/Singapore area.
6. In 1997, HAMBALI sent Imam Samudra, Noordin Top and Dr. Azahari to train in Camp Hudaybiyah for military training.
7. In August 1996, Usama bin Laden, leader of the terrorist organization of *al Qaeda*, issued a public "Declaration of Holy War Against the Americans Who Are Occupying the Land of the Two Holy Places," ("1996 Declaration"), in which he called for the murder of U.S. military personnel serving on the Arabian Peninsula.
8. On or about 1996, KSM traveled to Malaysia and met with Sungkar and Baysir, the two leaders of the Southeast Asia-based organization, JI. During this meeting, KSM convinced Sungkar and Baysir to travel to Afghanistan to meet with Usama bin Laden. Thereafter, KSM facilitated Sungkar and Baysir's travel to Afghanistan and a meeting with Usama bin Laden. After meeting with Usama bin Laden, Sungkar and Basyir told KSM that Usama bin Laden had advised them that *al Qaeda* and JI should fight together. After this conversation, Sungkar and Baysir ultimately agreed to partner with Usama bin Laden.
9. On or about 1997, Usama bin Laden urged revenge against the Americans on both military and non-military targets.
10. In or about March 1997, in an interview with CNN, Usama bin Laden promised to "drive Americans away from all Muslim countries," and warned the U.S. "to get out" if it did "not want to have its sons who are in the army killed." Usama bin Laden could "not guarantee" the "safety" of U.S. civilians since they were "not exonerated from responsibility" for U.S. foreign policy "because they chose the government and voted for it despite their knowledge of its crimes." He promised that if his demands were unmet, he would send the U.S. "messages with no words because" the U.S. President "does not know any words."

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11. In or about February 1998, Usama bin Laden and others, issued a *fatwa* (purported religious ruling) under the banner of the “International Islamic Front for Jihad against the Jews and the Crusaders,” (“1998 *Fatwa*”) claiming that “to kill Americans and their allies, both civilian and military, is the individual duty of every Muslim able to do so, and in any country where it is possible” or words to that effect. The 1998 *Fatwa* further declared it is “God’s order to kill Americans and plunder their wealth wherever and whenever they find it,” or words to that effect.
12. On or about May 28, 1998, in an interview with ABC News in Afghanistan, Usama bin Laden reiterated the February 1998 *Fatwah*’s call for killing Americans, emphasizing that, “We do not differentiate between those dressed in military uniforms and civilians. They are all targets in this fatwah.” Usama bin Laden further stated that if his demands were not met, al Qaeda would “send” to the U. S. “the wooden boxes and the coffins” containing “the corpses of American troops and the American civilians.” Usama bin Laden also noted that “American civilians were asked to gather information on Muslims and observant Muslim youth and to convey to the security section in the embassy.”
13. On or about May 29, 1998, Usama bin Laden issued a statement entitled, “The Islamic Nuclear Bomb” under the banner of the “World Islamic Front” for Fighting Jews and Crusaders, in which Usama bin Laden stated that the Muslims must get ready for the terrorism of Allah’s enemies, America and Britain.
14. Prior to Usama bin Laden’s fatwa in 1998, Abbas did not recall JI ever conducting, or even talking about, terrorist operations. The only form of jihad that JI and Sungkar condoned was the participation of its members in the fighting in Afghanistan. However, Abbas concluded that their targeting of the United States Military in Singapore, after Usama bin Laden’s 1998 Fatwa, in which Usama bin Laden proclaimed that all Muslims who were able should kill Americans, meant that Sungkar gave his approval for the operation.
15. There were JI people in Afghanistan helping Usama bin Laden, and the connection between JI and Usama bin Laden was HAMBALI.
16. Muhammad Rais (Rais) was influenced by the 1998 fatwa issued by Usama bin Laden. HAMBALI discussed the fatwa with Rais and stated that he believed the United States was the enemy.
17. In 1997, when *Mantiqi III* was established, JI leaders started a training program. HAMBALI was not happy with the training in the Philippines, and wanted the training in Afghanistan to continue. HAMBALI continued to try and make contact with Arabs in Pakistan. Around 1998 or 1999 HAMBALI began sending AI-Ghuraba students to

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Pakistan with instructions to find and maintain contact with the Arabs. Once established, Baysir went to Afghanistan and met Usama bin Laden, and HAMBALI began sending members of *Mantiqi I* to Afghanistan for training. HAMBALI wanted his people to learn how to make bombs in Afghanistan.

18. Prior to the training program in 1998, HAMBALI voiced disagreement with the content of the program. He believed it was unnecessary to teach Islam. HAMBALI wanted the training geared exclusively toward military training, claiming Islam could be learned at home. HAMBALI favored short, detailed courses teaching how to mix and handle explosives, as well as constructing bombs. HAMBALI was mainly interested in getting people trained in constructing bombs.
19. LILLIE met HAMBALI at sponsored lectures and meetings in Malaysia, also at a Mosque. HAMBALI taught LILLIE some history of jihad and LILLIE offered himself to HAMBALI to travel for jihad.
20. On or about June 2000, LILLIE and ZUBAIR traveled from Kuala Lumpur, Malaysia, to Karachi, Pakistan, with HAMBALI's assistance in order to take part in *jihad* training. HAMBALI was their contact and provided the support they needed to travel to Afghanistan.
21. In or about late June 2000, LILLIE and ZUBAIR traveled from Pakistan to Qandahar, Afghanistan, where they stayed at a guesthouse. During their stay at the guesthouse, ZUBAIR adopted the *kunya*, "Ahmed."
22. In or about early July 2000 through fall 2000, at HAMBALI'S suggestion, LILLIE and ZUBAIR attended basic training at an *al Qaeda* training camp near Qandahar, Afghanistan. HAMBALI provided both LILLIE and ZUBAIR with airline tickets for travel from Malaysia to Karachi, Pakistan, in order to travel on to Afghanistan for *jihad* training. HAMBALI further provided LILLIE and ZUBAIR with the telephone number for a contact person in Karachi, Pakistan, who would help arrange their subsequent illegal border crossing into Afghanistan. For approximately two months, LILLIE and ZUBAIR were trained in military tactics, topography and firearms.
23. After this training, ZUBAIR stayed at the Southeast Asian Guesthouse (also known as the Philippine House) which was run by HAMBALI. LILLIE, Yazid Sufaat, Abdul Aziz, and Abu Haris also stayed at this Guesthouse.
24. During this time, Masran Arshad attempted to attend training in Afghanistan. The training was arranged by HAMBALI and while transiting, Masran stayed at Philippine House, run by HAMBALI. It was called the Philippine House so that no one knew

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Malaysians were staying there. Due to logistical issues, Masran was not able to attend training. LILLIE and ZUBAIR were also staying at the Philippine House at this time. Masran knew them as "Bashir" and "Fariq."

25. Around this time, HAMBALI also arranged for Masran to meet Usama bin Laden. HAMBALI was the individual in charge, he gave the orders and they followed the orders. HAMBALI wanted them to meet Usama bin Laden so they could become stronger in *jihad*.

26. After meeting with Usama bin Laden, Masran met with KSM in Qandahar. KSM was the facilitator of operations who would arrange financing. As HAMBALI was leaving Qandahar, he told Masran to meet with KSM who could provide funds and instructions. HAMBALI made arrangements for Masran to meet KSM. At this meeting, KSM provided Masran the funds and instructed him to give them to HAMBALI in Bangkok. KSM said that HAMBALI would know what to do with it. KSM told Masran there was another 9/11 planned for California. When he was trying to deliver the money to HAMBALI, Masran was apprehended.

27. In or about September 2000, LILLIE traveled to the front lines of the battle between the Taliban and the Northern Alliance near Kabul, Afghanistan (the "Front Lines"). While there, LILLIE guarded the Taliban Front Lines and received basic training on using a Surface to Air Missile (SAM).

28. Between in or about November 2000 and March 2001, at or near Qandahar, Afghanistan, LILLIE attended three advanced training courses: mountain and desert tactics; urban warfare (including kidnapping and assassinations); and use of the SAM 7 and Rocket Propelled Grenade (RPG). LILLIE used the *kunya* "Bashir" to sign up for the urban warfare course and the SAM 7/RPG course.

29. Between in or about October 2000 and December 2000, ZUBAIR worked at an *al Qaeda* medical clinic at or near Qandahar, Afghanistan, where he assisted in providing medical care to fighters injured in battles against the Afghan Northern Alliance.

30. In 2000, Mohamed Khalim bin Ja'afar (Khalim) advised Mistooki that HAMBALI wanted him to return to Afghanistan. Mistooki was given the ticket by HAMBALI. Mistooki stayed at the JI guesthouse in Pakistan before traveling on to Afghanistan for two weeks of chemical explosive training.

31. In or about spring 2001, at or near Qandahar, Afghanistan, LILLIE worked as a "storekeeper," maintaining inventory of the camp's property, including RPGs, SAMs,

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explosives and clothing. LILLIE worked as a "storekeeper" at camp Al Farouq until on or about August 2001.

32. In or about February or March 2001, ZUBAIR attended an approximately three-month long, advanced tactical training course at the Al Farouq training camp in Afghanistan. At this camp, ZUBAIR was trained in tactical movements, ambushes, land navigation and guerrilla warfare.

33. In or about 2001, ZUBAIR attended a second training course that was located a 45-minute walk away from Al Farouq training camp in Afghanistan. While there he assisted in the construction of buildings and other structures at the camp.

34. While ZUBAIR and LILLIE were training in Afghanistan, Usama bin Laden visited the camp and discussed *jihad* with the trainees and the purpose for fighting Americans.

35. ZUBAIR intended to learn as much from training as possible in order to help other Muslims on the battlefield and eventually carry out "sha'id", which he described as a martyr operation. ZUBAIR attended several Al Qa'ida training courses on military skills and tactics, guerilla warfare, surveillance, weapons usage, and explosives. From his training at al Farooq training camp in Afghanistan ZUBAIR understood that the actions he intended to take, as a JI member trained by *al Qaeda*, would directly and/or indirectly result in the killing of innocent civilians and the destruction of property.

ATTACKS ON UNITED STATES TARGETS IN SINGAPORE AND THE PHILIPPINES IN SUPPORT OF AL QAEDA

36. In or about 1998, in Johor Bahru, Malaysia, HAMBALI met with members of JI, including Hashim Abas. This meeting was called after the 1998 *Fatwa*. During that meeting, HAMBALI directed the formation of a special group of JI members to identify American military and civilian targets in Singapore against which to conduct terrorist attacks (the "Singapore Special Group").

37. In or about 1998 or 1999, the Singapore Special Group reviewed a copy of an American business directory that listed all the American companies in Singapore. Using this directory, the Singapore Special Group made lists of different American companies in order to identify a building in Singapore that housed many Americans.

38. In or about 1998 or 1999, the Singapore Special Group conducted videotape surveillance of, among other things, a Singapore bus station believed to be used by United States Military Personnel and United States Naval Ships docked at a Singapore wharf (the "Singapore Surveillance Video").

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39. In or about 1999, HAMBALI met with JI member Faiz Abu Bakr Bafana in Kuala Lumpur, Malaysia. During the meeting, HAMBALI gave Bafana a copy of the Singapore Surveillance Video and directed him to prepare a written proposal for attacking United States military and civilian targets in Singapore.

40. In order to comply with HAMBALI'S instructions, in or about May 1999 Bafana and another JI member traveled to Singapore, where they conducted physical surveillance of a bus route near United States Military housing. Thereafter, they drafted a plan to attack a bus carrying United States service personnel with an explosives-laden pickup truck (the "Singapore Bus Station Attack").

41. In or about May 1999, Bafana met with HAMBALI in Kuala Lumpur, Malaysia, and presented his proposal for the Singapore Bus Station Attack. HAMBALI approved the proposal and instructed Bafana to travel to Afghanistan and present it to *al Qaeda* leaders.

42. In or about June 1999, Bafana met with Mohammed Atef, a/k/a/ Abu Hafs al Masri (Abu Hafs), an *al Qaeda* military commander, at a guesthouse at or near Qandahar, Afghanistan. Together they viewed the Singapore Surveillance Video and discussed the proposed Singapore Bus Station Attack. During this meeting, Abu Hafs advised Bafana that *al Qaeda* would supply money and suicide bombers but JI would have to supply the explosives to conduct this attack as well as the transportation route.

43. In or about 1999, JI member Khalim met with *al Qaeda* member Saif al Adel twice at or near Qandahar, Afghanistan, where the two watched the Singapore Surveillance Video and discussed the operational difficulties surrounding the proposed Singapore Bus Station Attack.

44. In or about 1999, during the second meeting between Khalim and Saif al Adel at or near Qandahar, Afghanistan, Saif al Adel stated that the Singapore Bus Station Attack was unworkable, but that he was interested in targeting United States warships in the Johor Straits (the "United States Warships Attack"). Khalim drew a map of the harbor for Saif al Adel, which depicted the northern part of the island with markings of where the ships would be.

45. In or about mid-2000, HAMBALI held a meeting with Bafana, other JI members and a number of *al Qaeda* associates in an apartment in Kuala Lumpur, Malaysia, at which the attendees discussed, among other things, the operation targeting the churches in Indonesia and the Operation against the Singapore Embassy.

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46. In or about June 2000, HAMBALI, Bafana and other JI members met with JI leader Abu Bakr Ba'asyir, in Indonesia. During the meeting, HAMBALI explained to Abu Bakr Ba'asyir that Usama bin Laden wanted to attack the United States Military in Singapore. Abu Bakr Ba'asyir approved JI's participation in this attack.
47. In or about September or October 2000, Bafana and HAMBALI met with JI operative Fathur Rahman al Ghozi (al Ghozi) in Malaysia. During the meeting HAMBALI instructed al Ghozi to obtain explosives.
48. In or about December 2000, KSM sent an *al Qaeda* operative known as Abu Hazem Sharqi, a/k/a "Bandar," (Bandar) from Afghanistan to Southeast Asia to meet with JI members in order to follow up on the Singapore Surveillance Video and continue work on the proposed attack against United States Military personnel in Singapore.
49. In or about December 2000, in Kuala Lumpur, Malaysia, Bandar met with Bafana and instructed him to conduct additional video surveillance of United States warships, in furtherance of the United States Warships Attack. In or about December 2000, Bafana traveled to Singapore, where he instructed other JI members to make a videotape of United States warships and an oil tanker in Singapore. Bandar later viewed this videotape in Kuala Lumpur, Malaysia.
50. In or about December 2000, HAMBALI and Bafana traveled to Manila, Philippines, where they met with al Ghozi. The three discussed potential terrorist attacks against the United States Embassy, the Israeli Embassy and other American targets in Manila (the "Philippines Attack").
51. In or about December 2000, HAMBALI and Bafana conducted physical surveillance of the United States Embassy, the Israeli Embassy and other American targets in Manila, Philippines.
52. In or about the spring of 2001, Bafana, Zukifli, al Ghozi, Bandar and Ismail met to discuss the logistics for an attack against United States military targets in Singapore, including the procurement and transportation of explosives, and roles were assigned.
53. In or about May 2001, Bafana and Marzuki met in Singapore. While in Singapore, Masood provided them with photos of American ships. Bafana returned to Malaysia and provided the photos to Bandar. Sometime between 2000 and 2001, Marzuki was given money to hold and he would be told later to distribute it in furtherance of the project.
54. In or about late June or early July 2001, in Kuala Lumpur, Malaysia, Bafana provided Bandar a detailed, written plan finalizing the United States Warships Attack in

CONTINUATION SHEET - MC Form 458, Block II. Charges and Specifications in the case of the UNITED STATES OF AMERICA V. ENCEP NURJAMAN, MOHAMMED NAZIR BIN LEP, AND MOHAMMED FARIK BIN AMIN

Singapore. Bafana estimated the cost of the operation would be around \$160,000 and he informed Bandar they could not proceed without funds.

55. In or about August 2001, in Karachi, Pakistan, KSM instructed *al Qaeda* associate Mohammed Jabarah to travel to Malaysia to meet with individuals planning operations against the United States and Israeli Embassies in the Philippines. Jabarah was to provide funds, from KSM, for the operation.

56. In or about early September 2001, Jabarah met with KSM and HAMBALI in Karachi, Pakistan. HAMBALI gave Jabarah information about the Philippines Attack and provided Jabarah with contact information for JI members in Malaysia.

57. In or about early September 2001, HAMBALI contacted Bafana, via e-mail, and advised Bafana that "two salesmen" were coming to Kuala Lumpur, Malaysia to meet with him.

58. In or about September 2001, Jabarah traveled to Manila, Philippines, met with al Ghozi and conducted surveillance of the United States and Israeli Embassies in Manila.

59. In or about late October 2001, al Ghozi, Jabarah and others conducted videotaped surveillance of multiple targets in Singapore, including the United States, British and Israeli Embassies.

60. In or about early December 2001, Bafana, HAMBALI and others met at or near Narathiewat, Thailand. During this meeting, HAMBALI advised that operatives from Pakistan who were supposed to join Zaini Zakariyah a/k/a Zaini (a JI member whom HAMBALI had chosen to take pilot training) for an attack, would not be arriving because Zaini had not completed flight training due to the events of September 11, 2001.

61. At this same meeting in early December 2001 in Thailand, HAMBALI discussed the Singapore plot with Bafana. HAMBALI told Bafana that he wanted to meet with Jabarah to discuss targeting the Philippines instead of Singapore.

62. In or about December 2001, Jabarah and others met with HAMBALI at or near Kuala Lumpur, Malaysia. During this meeting, HAMBALI directed that the attacks planned for Singapore be re-directed towards targets in the Philippines because explosive materials were already in the Philippines and the Philippines attack could be accomplished sooner.

CONTINUATION SHEET - MC Form 458, Block II. Charges and Specifications in the case of the UNITED STATES OF AMERICA V. ENCEP NURJAMAN, MOHAMMED NAZIR BIN LEP, AND MOHAMMED FARIK BIN AMIN

ATTACK ON THE UNITED STATES EMBASSY IN AUSTRALIA IN SUPPORT OF AL QAEDA

63. In or about early 2000, HAMBALI met with Australian JI member, Jack Roche (Roche) in Kuala Lumpur, Malaysia and instructed Roche to go to basic training in Afghanistan.
64. In or about early 2000, HAMBALI asked Roche about United States and Israeli interests in Australia. Roche told HAMBALI there are the usual and common types of interests such as airlines, embassies and consulates.
65. In or about early 2000, in Kuala Lumpur, Malaysia, HAMBALI gave Roche money to travel to Afghanistan and instructed him to return to Australia first to obtain a visa to travel to Pakistan.
66. In or about early 2000, after meeting HAMBALI in Kuala Lumpur, Malaysia, Roche returned to Australia, obtained a visa and purchased a ticket from Sydney, Australia, to Kuala Lumpur, Malaysia, and on to Karachi, Pakistan.
67. In or about early 2000, Roche departed from Sydney, Australia, and arrived in Kuala Lumpur, Malaysia. During his layover, Roche met with HAMBALI and HAMBALI once again discussed Israeli and American targets in Australia. Prior to Roche's departure, HAMBALI provided a contact number for Roche to use upon arrival in Karachi, Pakistan.
68. In or about early 2000, Roche departed Kuala Lumpur, Malaysia, and arrived in Karachi, Pakistan, where he was met by a JI operative working to facilitate travel of JI members from Southeast Asia to Pakistan and Afghanistan.
69. In or about early 2000, Roche met with KSM in Karachi, Pakistan and Roche provided KSM with information about the United States and Israeli Embassies and Consulates in Australia, just as he had previously provided to Hambali.
70. In or about early 2000, KSM facilitated Roche's travel to Qandahar, Afghanistan. In Qandahar, Roche met with Saif al Adel and Abu Hafs, who advised Roche that they wanted to conduct a terrorist attack in Australia. Saif al Adel and Abu Hafs directed Roche to conduct surveillance of Israeli and American targets in Australia.
71. In or about early 2000, in Karachi, Pakistan, Roche provided a note to KSM which requested funds for the Australia operations. KSM gave Roche approximately \$4,000 to

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return to Australia and conduct surveillance in support of a terrorist attack. KSM also stated that HAMBALI would provide Roche additional money for the operation.

72. In or about early 2000, Roche traveled from Karachi, Pakistan, to Kuala Lumpur, Malaysia, where he met with HAMBALI. Roche presented Hambali a note, given to him by KSM, and they discussed the proposed terrorist attack in Australia and the fact that HAMBALI was to pay Roche \$4,000. After a few weeks HAMBALI was able to arrange the money and Roche again met him in Kuala Lumpur where HAMBALI provided him with the additional funds to support the operation.

73. In or about June 2000, Roche conducted videotaped surveillance of the Israeli consulate in Sydney, Australia, and of the United States and Israeli Embassies in Canberra, Australia.

CHRISTMAS EVE 2000 BOMBINGS IN INDONESIA IN SUPPORT OF AL QAEDA

74. In or about mid-2000, HAMBALI called a meeting in Yazid Sufaat's apartment which was attended by Arabs from al Qaeda and JI members. The meeting was called to discuss the operation targeting the churches in Indonesia and the Singapore operations against the U.S. Embassy. HAMBALI expressed that he wanted the churches attacked on Christmas Eve. After discussing both operations, everyone present was in support of the plans, but it would have to go to Ba'ysir for approval as he was the head of JI. HAMBALI, Marzuki, and Bafana met with Ba'ysir and HAMBALI argued that churches were responsible for the unrest in Ambon, as well as the attacks on the Mosques, and that retaliation was necessary. He also told Ba'ysir that Usama bin Laden wanted to attack the U.S. military in Singapore. Ba'ysir was agreeable to both operations.

75. In or about late 2000, HAMBALI traveled to Sandakan, Sabah, Malaysia. During this time, HAMBALI was making plans to bomb Christian churches, and he asked Nasir Abas (Abas) to do a bombing in Sandakan. HAMBALI explained it was a time of war between Muslims and Christians. Abas declined stating that his organization was too small.

76. During this visit to Sandakan, Sabah, Abas requested funds from HAMBALI, as he knew he was head of *Mantiqi I* and had access to more funds than most *Mantiqis*. HAMBALI said funds were hard to come by unless it was for the purpose of bombing, in which case the funds could be obtained in a day.

77. In September 2000, Ali Imron, Utomo Pamungkas (Mubarok), and Amrozi bin Nurhasyim (Amrozi) met HAMBALI at the Mesir Hotel in Surabaya, Indonesia.

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HAMBALI told Imron, Mubarok, and Amrozi that the time had come to take action because of the injustice done to Muslims in Ambon. HAMBALI conveyed his plan to conduct church bombings at various locations in Indonesia, and that he wanted them to conduct bombings in East Java. HAMBALI told them to make small bombs disguised as Christmas gifts and he would provide the funding for the operation. After the operation was over, HAMBALI did provide funding to Amrozi.

78. On November 25, 2000, Abdul Rahim, Hashim Abas, and Ja'afar Mistooki traveled to Batam, Indonesia. Upon their arrival, HAMBALI instructed the group to find a cheap hotel and to wait for someone to come see them. Three days later, Imam Samudra came and took them to a house and briefed them on a plan to place bombs in churches. Each individual was told to pick targets and go to Church every Sunday to conduct surveillance. The group assisted with making the bombs. Dr. Azahari came for one day to assemble the circuit for the bombs. Hashim Abas purchased the sulfur and helped prepare the ingredients that would eventually make up the bombs. They created seven bombs. Six of the bombs weighed five kilograms and one weighed twenty kilograms. The explosives were packed with ball bearings and made to look like Christmas presents.

79. Each individual set the timers for 2100 hours and took a bomb to their prospective targets. There was an on/off switch on the device which was activated after placing the bomb amongst the church goers. Muqtib placed his bomb at the church first, then transported Mistooki to his church. Mistooki entered the church and set the bomb under the seat and observed the church to be crowded during that time.

80. Mubarok and Imron constructed six bombs for the attacks. Mubarok took two bombs to his target. He placed one inside the church and one outside. The bombs had timers on them, so they would go off at different times. The reason for the time difference was to draw more people toward the bomb, and then have the second bomb go off. The bombs resulted in one person's death and injured 22 people.

81. At 2100 on December 24, 2000, the bombings were carried out in multiple churches in Indonesia. The bombings killed 19 people and injured 121.

POST 9-11 ATTACKS

82. Between in or about mid-September 2001 to November 2001, at or near Qandahar, Afghanistan, HAMBALI selected four Malaysians, LILLIE, ZUBAIR, Masran bin Arshad (Masran) and Nik Amran bin Mustafa, (Afifi) to participate in a terrorist operation targeting the United States following the attacks of September 11, 2001 (the "Post 9/11 Attack").

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83. Between in or about mid-September 2001 and October 2001, LILLIE, ZUBAIR, Masran and Afifi traveled to Kabul, Afghanistan, and met with Usama bin Laden to discuss the post 9/11 suicide attack. HAMBALI arranged this meeting and was the individual in charge; he gave the orders and they followed them. HAMBALI wanted the four to meet Usama bin Laden so they could become stronger in *jihad*.

84. At this meeting, LILLIE, ZUBAIR, Masran and Afifi agreed to participate in the post 9/11 suicide attack and swore ba'yat, an oath of allegiance, to Usama bin Laden in each other's presence.

85. In or about November 2001, LILLIE, ZUBAIR, Masran and Afifi traveled together from Qandahar, Afghanistan, to Karachi, Pakistan, in order to begin preparing for the post 9/11 suicide attack. Masran was appointed the leader of their four-man group. Masran ordered LILLIE, ZUBAIR and Afifi to return to Malaysia (their home country) to obtain new passports, not containing Pakistani entry stamps, so that they could travel to the United States without suspicion to conduct the post 9/11 suicide attack.

86. In or about late 2001 HAMBALI told Masran that he should meet with KSM in Qandahar, and that KSM would give Masran money. Masran met with KSM in Karachi and KSM gave Masran money to carry to Bangkok, where he was to meet with HAMBALI. KSM said that HAMBALI would know what to do with it. KSM told Masran there was another 9/11 planned for California. When he was trying to deliver the money to HAMBALI, Masran was apprehended.

87. Worried that he would get caught by the Malaysian authorities since he did not have an explanation as to why his passport showed him in Pakistan for so long, ZUBAIR returned to Malaysia by sneaking across the border.

88. On or about December 26, 2001, LILLIE, ZUBAIR and Afifi traveled together from Karachi, Pakistan, to Hat Yai, Thailand.

89. In or about January 2002, HAMBALI instructed LILLIE and ZUBAIR to travel from Hat Yai, Thailand, to HAMBALI's location in Bangkok, Thailand.

90. Between in or about January 2002 and June 2003, in or near Bangkok, Thailand, HAMBALI provided LILLIE and ZUBAIR with money to procure false identifications for himself.

91. Between in or about January 2002 and August 2003, in or near Cambodia, LILLIE assisted HAMBALI in obtaining a false Cambodian identity card in the name Halim Osmann.

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92. Between in or about December 24, 2001, and August 2003, HAMBALI procured an Indonesian passport and an Indonesian identity card in the name "Hendrawan."

93. Between in or about January 2002 and June 6, 2003, in or near Cambodia, ZUBAIR purchased an M-16 rifle, a handgun, and ammunition for HAMBALI and smuggled each into Thailand.

94. Between in or about January 2002 and June 2003, ZUBAIR went to an arms dealer in or near Cambodia and sought to purchase a large quantity of explosives and a SAM-7 surface to air missile, however the arms dealer was unable to provide those items.

95. Between in or about January 2002 and June 2003, HAMBALI ordered ZUBAIR to conduct physical surveillance of the El Al Airline counter, at an airport in Bangkok, Thailand, to determine how many people were near the counter during the busiest time of the day in order to devise a plan to conduct a terrorist attack targeting El Al customers.

96. In or about early 2002, at HAMBALI's instruction, LILLIE conducted physical surveillance, on two separate occasions, of the "Israeli" Airline counter at the airport in Bangkok, Thailand, in order to devise a plan to conduct a terrorist attack targeting Israeli airline customers. He was to observe departures and arrivals.

97. Between in or about January 2002 and June 2003 ZUBAIR, on his own initiative, conducted surveillance of the Israeli embassy in Bangkok, Thailand.

98. Between in or about January 2002 and June 2003, in or near Bangkok, Thailand, LILLIE and ZUBAIR received bomb making training from JI member Dr. Azahari bin Hussein (Azahari) on multiple occasions.

99. Between in or about January 2002 and August 2003, in or near Bangkok, Thailand, LILLIE received CD-ROMs containing bomb-making instructions from HAMBALI and, at HAMBALI's request, stored these CD-ROMs in his apartment in Thailand.

2002 BALI NIGHTCLUB BOMBINGS

100. Sometime after the Christmas Eve bombings, Amrozi contacted and assigned Mubarok to drive a Mitsubishi L300 van to Bali. Mubarok and Amrozi delivered the van to Imron and Idris in Bali.

101. Also after the Christmas Eve bombings, HAMBALI contacted Zulkifli Marzuki and asked him to arrange a meeting in Kuala Lumpur, Malaysia, with Jabarah. Marzuki made

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the hotel arrangements for HAMBALI and Jabarah. After that time, Marzuki received word that Faiz had been arrested and he was going to be next, so he, along with HAMBALI and other JI members, fled to Thailand.

102. In or after December 2001, Marzuki, Mukhlis, Top, Azahari, Wan Min, HAMBALI, and HAMBALI's wife all met up in Narathiwat, Thailand. In or about January 2002 Marzuki and Azahari traveled to Bangkok, where HAMBALI had a guest house, and got a house together. The others eventually joined them. HAMBALI informed the others that the Singapore project was cancelled, and sometime later began meetings to plan something to replace the Singapore project. HAMBALI spoke generally about several ideas and told the group they needed to target places where there were many tourists, Embassies or Israeli buildings. HAMBALI stated he could get money from *al Qaeda*.

103. In early 2002, HAMBALI instructed JI explosive experts Dr. Azahari Bin Hussein to plan an operation after the Singapore plot was foiled and to consider targeting tourist areas. Specifically, they discussed bombing Embassies, business/training centers, hotels, discos and bars.

104. In early 2002, Ali Imron met Imam Samudra, Dulmatin and Amrozi in Solo to discuss the Bali Bombing.

105. On September 9, 2002, Idris, Abdul Matin, Abdul Ghoni, Amrozi, Mubarak and Imron conducted surveillance around Bali, in order to select a target. Abdul Matin and Abdul Ghoni were in charge of mixing the chemicals and assembling the Bali I bomb. Imam Samudra was the field commander of the operation and Mukhlis was generally in charge.

106. The group purchased a motorcycle in order to perform more surveillance and to find a house to rent. On September 16, 2002, the group rented a house on Jalan Pulau Menjangan. After September 22, 2002, packages of bomb making materials began to arrive in Bali. Amrozi, Dr. Azahari and Abdul Matin brought plastic filing cabinets to store the bombs in the van and installed them. Umar Patek, Sawad and Abdul Ghoni contributed to making the car bomb. There were 12 cabinets with four drawers apiece installed in the van. They made two more bombs. One was for a suicide vest and the other was for the American consulate.

107. In or around August 2002, HAMBALI instructed Marzuki to rent a hotel room for the two of them in Cambodia, which is where they were located, that carried the CNN news channel. HAMBALI wanted to have access to the news channel so that when the Bali bombings were carried out he would be able to watch. After HAMBALI saw that

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the bombing in Bali had happened, HAMBALI went to a cybercafé where he received an e-mail from Mukhlas discussing the aftermath.

108. On 12 October 2002, Imron drove a motorcycle to the American Consulate in Bali and placed a bomb on the sidewalk, close to the Consulate. Isa (alias Iqbal Two) walked into the nightclub Paddy's Pub in Bali Indonesia, and detonated a suicide vest. Shortly thereafter, Arnasan (alias Iqbal One) drove the van in front of the Sari Club and detonated the bomb in the van. Idris dialed a cellphone number to activate the bomb at the American Consulate.

109. The bombs killed approximately 202 people, seven of whom were American citizens. Hundreds more were injured due to flying glass and debris from the bombs. In addition, the bombs destroyed local buildings and infrastructure.

110. HAMBALI told Marzuki that he did not expect so many people to die and he was surprised by the outcome.

111. HAMBALI kept in contact with Mukhlas, the ground commander of the Bali I bombings, before, during, and after the Bali I attacks, and until Mukhlas's arrest.

ATTACK ON J.W. MARRIOTT IN JAKARTA, INDONESIA

112. In or about mid-January 2002, Jabarah met with HAMBALI in Thailand. HAMBALI advised that he planned to have his group conduct small bombings in bars, cafes or nightclubs frequented by "Westerners" in Thailand, Malaysia, Singapore, Philippines and Indonesia. HAMBALI also advised that he had one ton of explosives in Indonesia.

113. In or about late 2002, KSM and Ali Abdul Aziz Ali directed Majid Khan to deliver \$50,000 United States Dollars (USD) to HAMBALI in Bangkok, Thailand, to fund a terrorist attack. KSM directed that Khan should arrange the money transfer in the "black market," to avoid carrying cash from Pakistan to Thailand.

114. In or about late 2002, Ali Abdul Aziz Ali instructed Khan to conduct Internet research about tourist activities in Thailand so that Khan could dress appropriately and "blend in" unnoticed. Khan was instructed to use his honeymoon as a "cover story" for his trip to Thailand.

115. In or about late 2002, Gunawan notified HAMBALI that KSM was sending money. HAMBALI then told ZUBAIR that they would be receiving \$50,000 USD from *al Qaeda*. ZUBAIR gave HAMBALI his telephone number to pass on to Khan, so that

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Khan could contact ZUBAIR when he arrived in Thailand. HAMBALI told ZUBAIR that the money was to be used for an “operation,” such as a bombing or similar type of terrorist attack.

116. On or about December 24, 2002, Khan and his wife traveled from Pakistan to Bangkok, Thailand.

117. On or about December 24, 2002 through December 29, 2002, Khan and his wife stayed at the Sofitel Hotel in Bangkok, Thailand.

118. On or about December 26, 2002, Khan received a message via the Sofitel Hotel’s automated message system asking him to call “Mr. Farooq” at a Thailand-based telephone number. Khan called that phone number from his hotel room on or about December 28, 2002.

119. After Khan arrived in Thailand, he continued to communicate with Ali Abdul Aziz Ali in e-mail messages, and using code names, regarding the money delivery. In these messages, Ali Abdul Aziz Ali provided Khan with ZUBAIR’s phone number in Thailand and the phone number for a Bangkok-based *hawaladar*.

120. Between on or about December 24, 2002 and December 28, 2002, Khan telephoned ZUBAIR and arranged to meet with him at a set location in Bangkok, Thailand. At this meeting, Khan delivered approximately \$30,000 to ZUBAIR. Khan and ZUBAIR arranged to meet later that day so that Khan could deliver the balance of the \$50,000 to ZUBAIR.

121. On or about December 28, 2002, ZUBAIR and Khan met a second time at a location in Bangkok, Thailand. Khan delivered the remaining balance of the \$50,000 USD to ZUBAIR.

122. On or about December 28, 2002, Khan sent an e-mail message to Ali confirming that he had successfully received the \$50,000 USD and that he was delivering the money to ZUBAIR.

123. On or about December 28, 2002, at HAMBALI’s instruction, ZUBAIR took the \$50,000 USD he had received from Khan to an apartment in or near Bangkok, Thailand, shared by ZUBAIR and LILLIE, for safekeeping.

124. In or about January 2003, at HAMBALI’s instruction, ZUBAIR met with a second *al Qaeda* money courier in or near Bangkok, Thailand. At this meeting, the *al Qaeda*

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money courier gave ZUBAIR approximately \$49,900 USD. ZUBAIR took this money to the apartment he shared with LILLIE in or near Bangkok, Thailand, for safekeeping.

125. In or about spring 2003, HAMBALI directed LILLIE to deliver the money to Indonesia and the Philippines. HAMBALI advised LILLIE and ZUBAIR that he was sending money to Indonesia for two reasons: 1) to help fund an upcoming terrorist operation; and 2) to provide money to the families of JI members who had died as suicide operatives or had been arrested.

126. In or about spring 2003, LILLIE met with an old friend and fellow Malaysian, Johan, at a restaurant in Hat Yai, Thailand. LILLIE instructed Johan to deliver money to Indonesia. During the meeting, LILLIE provided Johan with funds, delivery codes, and a codename and phone number for the individual in Indonesia who would be receiving the funds.

127. In or about late spring or early summer 2003, JI associate Nordin Mat Top (Top) instructed JI associate Mohammed Ikhwan a/k/a Ismail (Ismail) to meet with a Malaysian traveling under a code name at the Dumai Harbor, in Sumatra, Indonesia. Top told Ismail what the Malaysian would be wearing, told him that the Malaysian would be carrying a plastic bag, and gave Ismail a pre-arranged code to exchange with the Malaysian when they met.

128. In or about late spring or early summer 2003, Ismail met with a Malaysian at or near the Dumai Harbor, in Sumatra, Indonesia. After Ismail and the Malaysian exchanged the pre-arranged code, the Malaysian gave Ismail a bag containing two stacks of Australian currency wrapped in paper.

129. In or about late spring or early summer 2003, after Johan delivered the money (given to him by LILLIE) to the contact in Indonesia, Johan contacted LILLIE and told him that the delivery had been completed.

130. In or about spring 2003, HAMBALI told LILLIE that the money that LILLIE had sent to Indonesia through Johan was intended for Azahari.

131. In or about late Spring or early Summer 2003, at Top's direction, Ismail met with Top and Azahari in a rented room in Lampung, Sumatra, Indonesia, where Top counted the money that Ismail had received at or near the Dumai Harbor, Sumatra, Indonesia.

132. In or about early Summer 2003, in Lampung, Indonesia, JI associates Asmar Latin Sani (Asmar) and Tohir came to the rented room and joined the group including Azahari,

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Top, and Ismail. Over the next month, approximately, Top assigned various duties for planning and conducting a bomb attack to the members of the group.

133. In or about early Summer 2003, Azahari taught Ismail how to build electronic circuits for a bomb. Azahari told Ismail that he had assembled the bombs for the October 12, 2002, simultaneous attacks on two night clubs and the United States Consulate in Bali, Indonesia.

134. In or about early Summer 2003, Ismail, Top, and Azahari traveled to Jakarta, Indonesia, to construct a truck bomb to be used in a local attack. In order to covertly construct the truck bomb, Asmar and Tohir located a house with a garage to rent.

135. In or about mid-July 2003, Ismail and Tohir traveled to Bandung, Indonesia, and located an escape house for the group's post-attack escape. Upon returning from Bandung, Tohir and Asmar retrieved the remaining explosives from Lampung and then purchased a Toyota Kijang to serve as the vessel for the truck bomb. Thereafter, Ismail and Azahari began construction of the bomb.

136. In or about mid-July 2003, Ismail, Top, Tohir, Azahari, Asmar and others began surveilling various places in Jakarta, Indonesia to determine a suitable target. The group determined the criteria for target selection would be: 1) there should be a lot of Americans present, and 2) it should be owned by Americans and should damage the economy of America once attacked. Collectively, the group determined possible targets to be: the J.W. Marriott Hotel, a Citibank building, a CALTEX housing complex, the Jakarta International School, the Australian International School, the Chem Chex Supermarket, and the Hero Supermarket.

137. In or about mid-July 2003, Top and Azahari chose the J.W. Marriott Hotel in Jakarta, Indonesia, as the target of the terrorist attack because it had a good structure for the type of bomb they were constructing, they believed it had a large American presence, and they believed it would have the biggest overall impact.

138. In or about late July 2003, for approximately one week, the group conducted surveillance of the Jakarta J.W. Marriott Hotel to observe weaknesses in hotel security, to observe avenues of approach for the attack and to determine the time at which the ground floor of the hotel was most populated.

139. In or about late July or early August 2003, after the week long surveillance was complete, the group removed the back seat of the Toyota Kijang and placed the completed bomb on the floor of the vehicle.

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140. On or about August 4, 2003, Top and Tohir took the belongings of all members of the group and the remaining TNT not used in the bomb to the escape house in Bandung, Indonesia.

141. On or about August 5, 2003, Azahari and Asmar left the rented house in the Toyota Kijang with the bomb secured in the vehicle. Ismail followed Azahari and Asmar on motorcycle.

142. On or about August 5, 2003, Azahari joined Ismail on the motorcycle, and led Asmar in the Toyota Kijang to the J.W. Marriott Hotel. Ismail and Azahari turned left on the street immediately prior to the J.W. Marriott and paused to ensure Asmar turned into the J.W. Marriott driveway.

143. On or about August 5, 2003, Asmar drove the bomb-laden Toyota Kijang into the front entrance of the J.W. Marriott Hotel and detonated the truck-bomb killing approximately 11 people, wounding approximately 81 others, and damaging the J.W. Marriott structure.

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

Specification 1: In that Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, a person subject to trial by military commission as an alien enemy unprivileged belligerent, did, on or about October 12, 2002, at or near Bali, Indonesia, in the context of and associated with hostilities, intentionally and unlawfully kill one or more persons in violation of the law of war by intentionally detonating bombs with explosives in Paddy's Bar on Legian Street, in front of the Sari Club on Legian Street, and near the U.S. Consulate, located in or around Bali, Indonesia, resulting in the deaths of approximately 202 people (See Charge Sheet Appendix B for a list of victims killed in the attack).

Specification 2: In that Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a LILLIE, and Mohammed Farik bin Amin, a/k/a ZUBAIR, persons subject to trial by military commission as alien enemy unprivileged belligerents, did, on or about August 5, 2003, at or near Jakarta, Indonesia, in the context of and associated with hostilities, intentionally and unlawfully kill one or more persons in violation of the law of war by intentionally detonating a vehicle laden with explosives in front of the J.W. Marriott Hotel located in or around Jakarta, Indonesia, resulting in the deaths of approximately 11 persons. (See Charge Sheet Appendix C for a list of victims killed in the attack).

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

Specification 1: In that Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, a person subject to trial by military commission as an alien enemy unprivileged belligerent, did, on or about October 12, 2002, at or near Bali, Indonesia, in the context of and associated with hostilities, intentionally and unlawfully attempt to commit murder in violation of the law of war, by intentionally detonating bombs with explosives in Paddy's Bar on Legian Street, in front of the Sari Club on Legian Street, and near the U.S. Consulate, located in Bali, Indonesia, with the intent to kill protected persons in and around the hotel, which actions amounted to more than mere preparation and apparently tended to effect the commission of the offense of Murder in Violation of the Law of War. (See Charge Sheet Appendix D for a list of victims).

Specification 2: In that Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a LILLIE, and Mohammed Farik bin Amin, a/k/a ZUBAIR, persons subject to trial by military commission as alien enemy unprivileged belligerents, did, on or about August 5, 2003, at or near Jakarta, Indonesia, in the context of and associated with hostilities, intentionally and unlawfully attempt to commit murder in violation of the law of war, by intentionally detonating a vehicle laden with explosives in front of the J.W. Marriott Hotel located in or around Jakarta, Indonesia, with the intent to kill protected persons in and around the

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hotel, which actions amounted to more than mere preparation and apparently tended to effect the commission of the offense of Murder in Violation of the Law of War. (See Charge Sheet Appendix E for a list of victims).

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

Specification 1: In that Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, a person subject to trial by military commission as an alien enemy unprivileged belligerent, did, on or about October 12, 2002, at or near Bali, Indonesia, in the context of and associated with hostilities, intentionally cause or inflict serious injury to the body and health of one or more persons, with unlawful force or violence, in violation of the law of war, by intentionally detonating bombs with explosives in Paddy's Bar on Legian Street, in front of the Sari Club on Legian Street, and near the U.S. Consulate, located in or around Bali, Indonesia.

Specification 2: In that Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a LILLIE, and Mohammed Farik bin Amin, a/k/a ZUBAIR, persons subject to trial by military commission as alien enemy unprivileged belligerents, did, on or about August 5, 2003, at or near Jakarta, Indonesia, in the context of and associated with hostilities, intentionally cause or inflict serious injury to the body and health of one or more persons, with unlawful force or violence, in violation of the laws for war, by intentionally detonating a vehicle laden with explosives in front of the J.W. Marriott Hotel located in or around Jakarta, Indonesia.

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

Specification 1: In that Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, a person subject to trial by military commission as an alien enemy unprivileged belligerent, did, on or about October 12, 2002, at or near Bali, Indonesia, while in the context of and associated with hostilities, 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, in a manner calculated to influence and affect the conduct of the United States Government and civilian population by intimidation and coercion, and to retaliate against United States Government conduct, by intentionally detonating bombs filled with explosives in Paddy's Bar on Legian Street, in front of the Sari Club on Legian Street, and near the U.S. Consulate located in Bali, Indonesia, resulting in the deaths of approximately 202 persons and injury to one or more persons. (See Charge Sheet Appendix B for a list of victims killed in the attack and Appendix D for a list of the injured persons).

Specification 2: In that Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a LILLIE, and Mohammed Farik bin Amin, a/k/a ZUBAIR,

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BIN AMIN**

persons subject to trial by military commission as alien enemy unprivileged belligerents, did, on or about August 5, 2003, at or near Jakarta, Indonesia, while in the context of and associated with hostilities, 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, in a manner calculated to influence and affect the conduct of the United States Government and civilian population by intimidation and coercion, and to retaliate against United States Government conduct, by intentionally detonating a vehicle laden with explosives in front of the J.W. Marriott Hotel located in or around Jakarta, Indonesia, resulting in the deaths of approximately 11 persons and injury to one or more persons. (See Charge Sheet Appendix C for a list of victims killed in the attack and Appendix E for a list of the 144 injured persons).

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

Specification 1: In that Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, a person subject to trial by military commission as an alien enemy unprivileged belligerent, did, on or about October 12, 2002, at or near Bali, Indonesia, while in the context of and associated with hostilities, intentionally engage in an attack on a civilian population to wit: by intentionally detonating bombs in Paddy's Bar on Legian Street, in front of the Sari Club on Legian Street, and near the U.S. Consulate, located in or around Bali, Indonesia, intending the object to be, and the object which was, a civilian population as such, and individual civilians not taking direct or active part in hostilities; knowing or having reason to know the factual circumstances that established their civilian status, resulting in the deaths of approximately 202 civilians and injuries to one or more civilians. (See Charge Sheet Appendix B for a list of the civilians killed and Appendix D for a list of civilians injured).

Specification 2: In that Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a LILLIE, and Mohammed Farik bin Amin, a/k/a ZUBAIR, persons subject to trial by military commission as alien enemy unprivileged belligerents, did, on or about August 5, 2003, at or near Jakarta, Indonesia, while in the context of and associated with hostilities, intentionally engage in an attack on a civilian population, to wit: by intentionally detonating a vehicle laden with explosives in front of the J.W. Marriott Hotel located in or around Jakarta, Indonesia, intending the object to be, and the object which was, a civilian population as such, and individual civilians not taking direct or active part in hostilities; knowing or having reason to know the factual circumstances that established their civilian status, resulting in the deaths of approximately 11 civilians and injuries to one or more civilians. (See Charge Sheet Appendix C for a list of the civilians killed and Appendix E for a list of civilians injured).

CONTINUATION SHEET - MC Form 458, Block II. Charges and Specifications in the case of the UNITED STATES OF AMERICA V. ENCEP NURJAMAN, MOHAMMED NAZIR BIN LEP, AND MOHAMMED FARIK BIN AMIN

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

Specification 1: In that Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, a person subject to trial by military commission as an alien enemy unprivileged belligerent, did, on or about October 12, 2002, at or near Bali, Indonesia, while in the context of and associated with hostilities, intentionally engage in an attack on civilian property, to wit: Paddy's Bar on Legian Street, the Sari Club on Legian Street, and near the U.S. Consulate located in Jakarta, Indonesia, that is, property that was not a military objective, intending the object to be, and the object which was, civilian property; knowing or having reason to know that such property was not a military objective, by intentionally detonating bombs in front of Paddy's Bar on Legian Street, Sari Club, and near the U.S. Consulate located in or around Bali, Indonesia.

Specification 2: In that Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a LILLIE, and Mohammed Farik bin Amin, a/k/a ZUBAIR, persons subject to trial by military commission as alien enemy unprivileged belligerents, did, on or about August 5, 2003, at or near Jakarta, Indonesia, while in the context of and associated with hostilities, intentionally engage in an attack on civilian property, to wit: the J.W. Marriott Hotel located in or around Jakarta, Indonesia, that is, property that was not a military objective, intending the object to be, and the object which was, civilian property; knowing or having reason to know that such property was not a military objective, by intentionally detonating a vehicle laden with explosives in front of the J.W. Marriott Hotel located in or around Jakarta, Indonesia.

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

Specification 1: In that Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, a person subject to trial by military commission as an alien enemy unprivileged belligerent, did, on or about October 12, 2002, at or near Bali, Indonesia, while in the context of and associated with hostilities, intentionally destroy property belonging to another person, without that person's consent, to wit: Paddy's Bar on Legian Street, the Sari Club on Legian Street, and near the U.S. Consulate located in or around Bali, Indonesia.

Specification 2: In that Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a LILLIE, and Mohammed Farik bin Amin, a/k/a ZUBAIR, persons subject to trial by military commission as alien enemy unprivileged belligerents, did, on or about August 5, 2003, at or near Jakarta, Indonesia, while in the context of and associated with hostilities, intentionally destroy property belonging to another person, without that person's consent, to wit: part of the J.W. Marriott Hotel located in or around Jakarta, Indonesia.

**CONTINUATION SHEET - MC Form 458, Block II. Charges and
Specifications in the case of the UNITED STATES OF AMERICA V. ENCEP
NURJAMAN, MOHAMMED NAZIR BIN LEP, AND MOHAMMED FARIK
BIN AMIN**

CHARGE VIII: VIOLATION OF 10 U.S.C. § 950r, ACCESSORY AFTER THE FACT.

Specification: In that Mohammed Nazir bin Lep, a/k/a LILLIE and Mohammed Farik bin Amin, a/k/a ZUBAIR, persons subject to trial by military commission as alien enemy unprivileged belligerents, knowing that on or about October 12, 2002, on the island of Bali, Indonesia, Encep Nurgaman a/k/a Riduan bin Isomudin, a/k/a HAMBALI had committed an offense punishable by chapter 47A of title 10, United States Code, to wit: Murder in violation of the Law of War, 10 U.S.C. § 950t(15); Attempted Murder in violation of the Law of War, 10 U.S.C. §950t(28); Intentionally Causing Serious Bodily Injury, 10 U.S.C. §950t(13); Terrorism, 10 U.S.C. § 950t(24); Attacking Civilians, 10 U.S.C. §950t(2); Attacking Civilian Objects, 10 U.S.C. §950t(3); and Destruction of Property, 10 U.S.C. §950t(16), did, between on or about October 12, 2002 and on or about June 30, 2003, in Thailand, Cambodia and elsewhere, in order to prevent the apprehension of the said HAMBALI, assist the said HAMBALI by obtaining and providing false documents, weapons, funds, and arranging for transportation and for safe house lodging.

Mohammed Nazir bin Lep, a/k/a LILLIE and Mohammed Farik bin Amin, a/k/a ZUBAIR are liable for the above alleged offense as participants in a common plan, as set forth under the title of "General Conspiracy," which is hereby re-alleged and incorporated by reference as if set forth fully herein.

CHARGE SHEET: APPENDIX A

Aliases of Encep Nurjaman

- Hambali
- Riduan Bin Isomuddin
- Riduan Isamuddin
- Hendrawan
- Mizi
- Halim Osmann

Aliases of Mohammed Nazir Bin Lep

- Lillie
- Lilie
- Bashir
- Bashir bin Lep
- Bashir bin Lap
- Nazir Lep
- Nazir
- Daoud
- Ali

Aliases of Mohammed Farik Bin Amin

- Zubair
- Ahmed
- Achmad
- Fariq
- Fariq Amin
- Muhammad Fariq bin Amin
- Mohd Farik bin Amin
- Mohammad Bin Amin
- Mohammed Farik bin Amin
- Zack
- Awe bin Amin
- Muhammad Zubair
- Zaid
- Mussa

CHARGE SHEET: APPENDIX B

Casualties Resulting from 2002 Bali Bombing

AMERICAN

Casualties - 7

Megan Eileen Heffernan
Deborah Lea Snodgrass
Karri Jane Casner
George Hamilton Milligan
Robert Alan McCormick II
Steven Brooks Webster
Jacob Cardwell Young

CANADA

Casualties – 2

Richard Gleason
Mervin Popadyne

UNITED KINGDOM

Casualties – 23

Timothy John Arnold
Neil Bowler
Daniel Braden
Christopher Bradford
Jonathon Ellwood
Lucy S.O. Empson
Ian Findley
Emma Louise Fox
Laura France
Marc Gajardo
Tom Holmes
Paul Martin Hussey
Christopher John Kays
Annika Kerstin Linden
Dan (Nathaniel) Miller
Natalie Perkins
Peter Record
Christian Redman
Stevie Speirs
Michael Standring
Ed Waller

Clive John Walton
Douglas Warner

SWEDEN

Casualties – 5

Linda Cronqvist
Ulrika Gustafsson
Maria Johansson
Johanna Bergander
Carina Rafling

GERMANY

Casualties – 6

Marie Cecile Wendt
Angelika Helene Kohnke
Claudia Dietlinde Thiele
Bettina Christina Brandes
Alexandra Koppke
Udo Paul Hauke

FRANCE

Casualties – 4

Guillaume Breant.
Lionel Erisey
Manuel Mordelet.
Anthony Underwood

NETHERLANDS

Casualties – 4

Norbet Edgar Freriks
Sander Harskamp
Mark Antonio Schippers
Marjanne Van Lijen Noomen

DENMARK

Casualties – 3

Lise Tanghus Knudsen
Laerke Cecile Bodker
Anette Overgaard Jensen

SWITZERLAND

Casualties – 3

Serina Leish
Michale Pascal Dolf
Andrea Gian Rupp

AUSTRALIA

Casualties – 88

Gayle Airlie
Belinda Allen
Renae Anderson
Peter Basioli
Christina Betmilik
Matthew Bolwerk
Abbey Borgia
Debbie Borgia
Gerardine Buchan
Steve Buchan
Chloe Byron
Anthony Cachia
Rebecca Cartledge
Bronwyn Cartwright
Jodie Cearns
Jane Corteen
Jenny Corteen
Paul Cronin
Donna Croxford
Kristen Curnow
Francoise Dahan
Sylvia Dalais
Joshua Deegan
Andrew Dobson
Michelle Dunlop
Craig Dunn
Shane Foley
Dean Gallagher
Angela Golotta
Angela Gray

Byron Hancock
Simone Hanley
James Hardman
Billy Hardy
Nicole Harrison
Tim Hawkins
Andrea Hore
Adam Howard
Paul Hussey
Josh Iliffe
Carol Johnstone
David Kent
Dimmy Kotronakis
Elizabeth Kotronakis
Aaron Lee
Justin Lee
Stacey Lee
Danny Lewis
Scott Lysaght
Linda Makawana
Sue Maloney
Robert Marshall
David Mavroudis
Lynette McKeon
Marissa McKeon
Jenny Murphy
Amber O'Donnell
Jessica O'Donnell
Sue Ogier
Jodie O'Shea
Corey Paltridge
Charles van Renen
Brad Ridley
Ben Roberts
Bronwyn Ross
David Ross
Kathy Salvatori
Greg Sanderson
Cathy Seelin
Lee Sexton
Tom Singer
Anthony Stewart
Julie Stevenson
Jason Stokes
Behic Sumer
Nathan Swaine

Tracy Thomas
Clint Thompson
Robert Thwaites
Jonathan Wade
Vanessa Walder
Jodie Wallace
Shane Walsh-Till
Robyn Webster
Marlene Whiteley
Charmaine Whitton
Gerard Yeo
Luiza Zervos

NEW ZEALAND

Casualties – 3

Mark Parker .
Jamie Wellington
Jared Gane

INDONESIA

Casualties – 38

I Wayan Yustara
R Destria Bimo Adhi Wibowo
Ni Kadek Alit Margarini
Gusti Ayu Made Artini
Arsoyo Rahmat
I Made Wija
I Ketut Nana Wijaya
I Nyoman Mawa
Elly Susanti Suharto
I Wayan Sukadana
I Ketut Cindra
Ati Savitri
I Ketut Sumarawat
I Gede Badrawan
Hanny
I Made Wijaya
I Komang Candra
Tata Duka
Lilis Puspita
Jonathan Simanjuntak
I Made Mertana

I Made Sujana
Salwindar Singh
Juniardi
I Kadek Ngartina
I Wayan Tamba
Rudy Armansyah
Mochamad Khotib
Imawan Sardjono
Endang
Mugianto
Widayati
Faturrahman
Achmad Suharto
Arismanandar
Agus Suheri
Kadek Sukerna
I Kadek Beni Prima

JAPAN

Casualties – 2

Kosuke Suzuki
Yuka Suzuki

SOUTH AFRICA

Casualties – 2

Godfrey Fitz
Craig Russel Harty

SOUTH KOREA

Casualties – 2

Moon Eun-Young
Moon Eun-Jung

UNKNOWN

Casualties – 2

BRAZIL

Casualties – 2

Alexandre Moraes Watake
Sargento Marco Antonio Farias

GREECE

Casualties – 1

Dimitris N Panagoulas

POLAND

Casualties - 1

Daneta Beata Pawlak

PORTUGAL

Casualties - 1

Diogo Miguel dantas Riberinho

ITALY

Casualties - 1

Antonio Roberto Sbironi

ECUADOR

Casualties - 1

Ana Cecilia Aviles

TAIWAN

Casualties - 1

Miss Hui-Min Kuo

CHARGE SHEET: APPENDIX C

Casualties Resulting from 2003 JW Marriott Bombing

DUTCH

Casualties – 1

Hans Wimkelmolen

INDONESIAN

Casualties - 10

Slamat Hariyanto

Eyoh Zakaria

Hidayat

Harna

Yohanes Bolan

Rudi Dwi Laksono

Miftah Tobiin

Syamsudin

Edi Haryanto

Edi Sucipto

CHARGE SHEET: APPENDIX D
Injuries Resulting from 2002 Bali Bombing

AMERICAN

Injured

William Steven Cabler
Amos Libby
Robert Detti

CANADA

Injured

Silvana Sciortino
Joe Sciortino

UNITED KINGDOM

Injured

Danielle Prothero.
Polly Brooks
Paul Lawrenson
Barrie King
Ian Stafford
Hanabeth Luke

AUSTRALIA

Injured

Jason McCartney
Stuart Anstee
Peter Hughes
Carren Smith
Glenn Cosman
Andrew Csabi
Ben Tullipan
Phil Britten
Natalie Goold
Carren Smith
Nicole McLean

Rob Meredith
Angela Grahm
Jake Ryan
Brad Phillips
Jim Vickers

NEW ZEALAND

Injured

Lonny McDowell

This list may not include all people injured.

CHARGE SHEET: APPENDIX E

Injuries Resulting from 2003 JW Marriott Bombing

AMERICAN

Injured – 3

Patricia Pond

Peter Miller

Terry Padgett

This list may not include all people injured.



OFFICE OF THE
CHIEF PROSECUTOR

DEPARTMENT OF DEFENSE
OFFICE OF THE CHIEF PROSECUTOR OF MILITARY COMMISSIONS
1610 DEFENSE PENTAGON
WASHINGTON, DC 20301-1610

7 December 2017

MEMORANDUM FOR Detainee Mohammad Nazir bin Lep, ISN 10022, Guantanamo Bay,
Cuba

SUBJECT: Notification of Swearing of Charges in *United States v. Encep Nurjaman et. al.*

1. You are hereby notified that criminal charges were sworn against you on the 7th day of December, 2017, pursuant to the Military Commissions Act of 2009 and the Manual for Military Commissions. A copy of this notice and charge sheet is being provided to you and to your detailed defense counsel.

2. Specifically, you are charged with the following offenses:

MURDER IN VIOLATION OF THE LAW OF WAR

ATTEMPTED MURDER IN VIOLATION OF WAR

INTENTIONALLY CAUSING SERIOUS BODILY INJURY

TERRORISM

ATTACKING OF CIVILIANS

ATTACKING CIVILIAN OBJECTS

DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR

ACCESSORY AFTER THE FACT

AFFIDAVIT OF NOTIFICATION

I hereby certify that a copy of this document and charge sheet were provided to the named detainee this 7th day of December, 2017.

Joy L. Primoli
Signature

Office of Military Commissions, Prosecution
Organization

Joy L. Primoli, Lt Col, USAF
Typed or Printed Name and Grade



OFFICE OF THE
CHIEF PROSECUTOR

DEPARTMENT OF DEFENSE
OFFICE OF THE CHIEF PROSECUTOR OF MILITARY COMMISSIONS
1610 DEFENSE PENTAGON
WASHINGTON, DC 20301-1610

7 December 2017

MEMORANDUM FOR Detainee Mohammed Farik bin Amin, ISN 10021, Guantanamo Bay, Cuba

SUBJECT: Notification of Swearing of Charges in *United States v. Encep Nurjaman et. al.*

1. You are hereby notified that criminal charges were sworn against you on the 7th day of December, 2017, pursuant to the Military Commissions Act of 2009 and the Manual for Military Commissions. A copy of this notice and charge sheet is being provided to you and to your detailed defense counsel.
2. Specifically, you are charged with the following offenses:

MURDER IN VIOLATION OF THE LAW OF WAR
ATTEMPTED MURDER IN VIOLATION OF WAR
INTENTIONALLY CAUSING SERIOUS BODILY INJURY
TERRORISM
ATTACKING OF CIVILIANS
ATTACKING CIVILIAN OBJECTS
DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR
ACCESSORY AFTER THE FACT

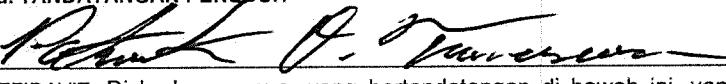
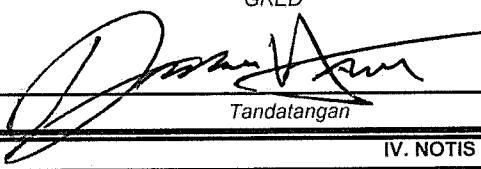
AFFIDAVIT OF NOTIFICATION

I hereby certify that a copy of this document and charge sheet were provided to the named detainee this 7th day of December, 2017.

Joyd. Primoli
Signature

Office of Military Commissions, Prosecution
Organization

Joy L. Primoli, Lt Col, USAF
Typed or Printed Name and Grade

LEMBARAN		
I. DATA PERIBADI		
1. NAMA TERTUDUH: Encep Nurjaman; Mohammed Farik Bin Amin; Mohammed Nazir Bin Lep		
2. ALIAS TERTUDUH: LIHAT LAMPIRAN A		
3. NOMBOR ISN TERTUDUH (EMPAT ANGKA AKHIR) 10019; 10021; 10022		
II. DAKWAAN DAN SPESIFIKASI		
4. DAKWAAN: PELANGGARAN M.C.A BAHAGIAN DAN JENIS JENAYAH DI BAHAGIAN IV MMC LIHAT LAMPIRAN DAKWAAN DAN SPESIFIKASI		
III. PERSUMPANAHAN DAKWAAN		
5a. NAME PENUDUH (AKHIR, PERTAMA, TENGAH) FRANCESCON, PATRICK O.	5b. GRED MAJ/O-4	5c. ORGANISASI PENUDUH PEJABAT KOMISEN TENTERA
5d. TANDATANGAN PENUDUH 	5e. TARikh 2017/12/07	
AFFIDAVIT: Di hadapan saya, yang bertandatangan di bawah ini, yang diberi kuasa oleh undang-undang untuk mengurus sumpah dalam kes-kes ini, secara peribadi menunjuk pada penuduh <u>741</u> yang disebut di atas pada hari <u>December, 2017</u> dan menandatangani caj dan spesifikasi di bawah sumpah bahawa dia / dia adalah orang yang tertakluk kepada Kod Uniform Ketenteraan Ketenteraan dan bahawa dia mempunyai pengetahuan peribadi tentang atau telah menyiasat perkara-perkara yang dinyatakan di dalamnya dan yang sama adalah benar kepada pengetahuan dan kepercayaannya yang terbaik.		
JACKSON T. HALL <hr/> Taip Nama Pegawai	Pejabat Komisen Tentera <hr/> Organisasi Pegawai	
Capt/O-3 <hr/> GRED  Tandatangan	Penganjur Hakim, Artikel 136 (a)(1), UCMJ <hr/> Kapasiti Rasmi untuk Mengurus Sumpah (Lihat RMC 307 (b) mestilah pegawai yang ditauliahkan)	
IV. NOTIS KEPADA TERTUDUH		

PENYAMBUNGAN LEMBARAN - Borang MC 458, Blok II. Dakwaan dan Spesifikasi dalam kes Amerika Syarikat Menentang ENCEP NURJAMAN, MOHAMMED NAZIR BIN LEP, DAN MUHAMMAD FARIK BIN AMIN

TUDUHAN-TUDUHAN UMUM

Tuduhan-tuduhan umum yang dinyatakan mentapkan cara dan maksud yang tertuduh, Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, juga dikenali sebagai "Lillie" dan Mohammed Farik bin Amin, juga dikenali sebagai "Zubair" (lihat Lampiran A bagi senarai Alias) dan komplot bersama dan mereka yang menyertai pelan dan perjanjian umum, dan membantu, bersubahat, menasihat, yang memerintah dan memerolehi tanggung jawap setiap kesalahan-kesalahan yang disenaraikan di Dakwaan I hingga VIII. Selain itu, dakwaan-dakwaan umum ini dinyatakan cara dan maksud yang tertuduh, berdasarkan kedudukan mereka, mengetahui, mempunyai sebab untuk mengetahui, dan harus diketahui bahawa kakitangan bawahan mereka akan melakukan perbuatan sedemikian dan melukannya dan yang tertuduh gagal untuk mengambil sebarang tindakan untuk menghalang perbuatan itu dan untuk menghukum para pelaku.

Tertuduh, orang-orang yang tertakluk kepada percubaan oleh komisen tentera sebagai musuh asing tanpa hak-hak istimewa dari berbagai lokasi di dalam atau sekitar Afghanistan, Asia Tenggara dan dari lain-lain lokasi, dalam konteks dan terkait dengan permusuhan, dari sekitar Januari 1993, hingga sekitar bulan Ogos 2003, dengan sengaja bersekongkol dan bersetuju dengan orang-orang, nama-nama, dan / atau alias-alias yang berikut:

- a) Usama bin Laden (UBL)
- b) Khalid Shaikh Mohammad (KSM)
- c) Abu Hafs al Masri, Mohammed Atef (Abu Hafs)
- d) Abu Bakar Ba'aysir (Baysir)
- e) Ali Abdul Azziz Ali (Ali)
- f) Majid Shoukat Khan (Khan)
- g) Dr. Azahari Husin (Dr. Azahari)
- h) Nik Abdul Rahman Mustapha (Afifi)
- i) i) Masran Bin Arshad (Masran)
- j) Hashim Abas (Hashim)
- k) Faiz Abu Bakar Bafana (Bafana)
- l) Mohammed Khalim Bin Ja'afar (Khalim)
- m) Ja'afar Mistooki (Mistooki)
- n) Zulkifli Abdhir
- o) Mohammed Jabarah (Amat)
- p) Wan Min Wan Mat (Wan Min)
- q) Abdullah Sungkar
- r) Abdul Rahim Ba'aysir
- s) Nordin Top
- t) Nasir Abas

PENYAMBUNGAN LEMBARAN - Borang MC 458, Blok II. Dakwaan dan Spesifikasi dalam kes Amerika Syarikat Menentang ENCEP NURJAMAN, MOHAMMED NAZIR BIN LEP, DAN MUHAMMAD FARIK BIN AMIN

- u) Fateh Bafana (Fathi)
- v) Fathur Abd al Rahman al Ghozi (Sa'ad)
- w) Jack Roche
- x) Masrizal Bin Ali Umar (Tohir)
- y) Muhammad Rais (Rais)
- z) Zukepli bin Marzuki (Zulkifli)
- aa) Muhammad Nazir bin Ismail (Ismail)
- bb) Ali Imron
- cc): Abdul Aziz (ImamSamudra)
- dd) Utomo Pamungkas (Mubarok)
- ee) Amrozi Bin Nurhasyim (Amrozi)
- ff) Ali Ghufron Bin Nurhasyim (Mukhlas)
- gg) Rusman Gunawan
- hh) Dulmatin (Abdul Matin)
- ii) Yazid Sufaat

Dan individu-individu yang lain, dikenali dan yang tidak dikenali, untuk melakukan kesalahan-kesalahan yang substantif yang boleh dibicarakan oleh komisen ketenteraan, iaitu membunuh, melanggar undang-undang peperangan, percubaan membunuh melanggar undang-undang peperangan, dengan menyebabkan kecederaan fizikal yang serius dengan sengaja, keganasan, menyerang orang awam, menyerang objek awam, dan kemusnahan harta benda yang melanggar undang-undang peperangan. Untuk mencapai matlamat ini, tertuduh melakukan tindakan berikut dengan jelas untuk mencapai objektif dan tujuan konspirasi:

Konspirasi Umum

1. Pada pertengahan tahun 1980-an, HAMBALI pergi ke Malaysia untuk belajar dan mula pergi ke Masjid dan mendengar perbincangan jihad dan penderitaan umat Islam. Hambali bertemu Abu Bak'r Ba'aysir (Baysir) semasa belajar di Malaysia.
2. Pada tahun 1986 atau awal 1987, semasa HAMBALI berumur kira-kira 22 tahun, beliau mengembara buat pertama kalinya ke Afghanistan untuk melaksanakan jihad. Pengasas Jemaah Islamiyah (JI) Abdullah Sungkar, yang HAMBALI kenali dari Masjid di Malaysia, menggalakkan HAMBALI untuk melakukan perjalannya ke Afghanistan untuk berjihad. HAMBALI berada di sana selama kira-kira satu ke satu setengah tahun, dan telah terlibat dengan artileri semasa menentang Russia. Beliau menerima latihan dari orang Afghan di kem Sadah, yang berkaitan dengan Abdul Rasul Sayyaf.
3. JI ditubuhkan pada Januari 1993 sebagai satu cabang dari Darul Islam, sebuah gerakan yang ditubuhkan pada akhir tahun 1940-an yang bertujuan untuk mewujudkan sebuah negara Islam di Indonesia. Abdullah Sungkar merupakan Amir JI pertama , dengan Baysir berkhidmat sebagai orang kedua Sungkar dalam arahan. Khalid Shaikh Mohammad (KSM) mengaturkan mesyuarat pada tahun 1996 di Afghanistan antara

PENYAMBUNGAN LEMBARAN - Borang MC 458, Blok II. Dakwaan dan Spesifikasi dalam kes Amerika Syarikat Menentang ENCEP NURJAMAN, MOHAMMED NAZIR BIN LEP, DAN MUHAMMAD FARIK BIN AMIN

Usama bin Laden dan Baysir dan Sungkar. Ba'aysia dan Sungkar memberitahu KSM bahawa Usama bin Laden menasihatkan bahawa *al-Qaeda* dan JI itu perlu berjuang bersama-sama dan bahawa JI bukan saja harus hanya memberi tumpuan kepada negara-negara mereka sendiri, tetapi memperolehi pandangan dunia.

4. Apabila JI ditubuhkan, Pedoman Umum al-Jemaah al-Islamiyah (PUPJI) telah ditulis untuk pemimpin-pemimpin JI dan untuk orang-orang yang akan melaksanakan peraturan-peraturan tersebut. PUPJI menyediakan parameter dan peraturan organisasi yang membenarkan JI bertindak sebagai organisasi rahsia dan menyembunyikan aktiviti dan keahliannya daripada orang awam.
5. JI disusun semula dan pada tahun 1997 HAMBALI menjadi pemimpin *Mantiqi I* dan ahli Majlis Shura. *Mantiqi I* meliputi kawasan Malaysia/Singapura.
6. Pada tahun 1997, HAMBALI menghantar Imam Samudra, Noordin Top dan Dr. Azahari untuk melatih di kem Hudaybiyah untuk menjalani latihan ketenteraan.
7. Pada Ogos 1996, Usama bin Laden, pemimpin organisasi pengganas *al-Qaeda*, mengeluarkan kenyataan awam "Pengisytiharan Peperangan Jihad terhadap rakyat Amerika yang menduduki di Kedua dua Kota Tanah Suci," ("Perisytiharan 1996"), di mana beliau memanggil untuk pembunuhan keatas anggota tentera Amerika Syarikat yang berkhidmat di Semenanjung Arab.
8. Pada atau kira-kira tahun 1996, KSM pergi ke Malaysia dan bertemu dengan Sungkar dan Baysir, dua pemimpin-pemimpin organisasi JI yang berasas di Asia Tenggara. Semasa mesyuarat ini, KSM menyakinkan Sungkar dan Baysir untuk melakukan perjalanan ke Afghanistan untuk bertemu dengan Usama bin Laden. Selepas itu, KSM mempermudahkan perjalanan Sungkar dan Baysir di Afghanistan dan penemuan dengan Usama bin Laden. Selepas bertemu dengan Usama bin Laden, Sungkar dan Basyir memberitahu KSM bahawa Usama bin Laden telah menasihati mereka bahawa *al-Qaeda* dan JI perlu berjuang bersama-sama. Selepas perbualan ini, Sungkar dan Baysir akhirnya bersetuju untuk bekerjasama dengan Usama bin Laden.
9. Pada atau kira-kira 1997, Usama bin Laden menyeru agar membala dendam terhadap rakyat Amerika dari dua belah iaitu sasaran ketenteraan dan bukan ketenteraan.
10. Pada atau kira-kira Mac 1997, dalam satu temu bual dengan CNN, Usama bin Laden berjanji akan "mengusir rakyat Amerika dari semua negara-negara Islam", dan memberi amaran kepada Amerika Syarikat "untuk keluar" jika ia "tidak mahu anak-anak lelakinya yang berada didalam tentera terbunuh." Usama bin Laden tidak boleh "menjamin" "keselamatan" rakyat awam A.S kerana mereka "tidak dibebaskan dari tanggungjawab" prinsip luar negera A.S "kerana mereka memilih kerajaan dan mengundi untuknya walaupun pengetahuan jenayah mengenainya." Dia berjanji bahawa jika permintaan itu tidak dipenuhi, dia akan menghantar Amerika Syarikat mesej dengan tiada perkataan kerana "Presiden A.S "tidak tahu apa-apa perkataan."

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11. Dalam atau kira-kira Februari 1998, Usama bin Laden dan lain-lain, mengeluarkan *fatwa* (dikatakan keputusan agama) di bawah panji dalam "Barisan Islam Antarabangsa untuk Jihad terhadap orang-orang Yahudi dan tentera salibnya" ("Fatwa 1998") mendakwa bahawa "untuk membunuh orang Amerika dan sekutu mereka, kedua-duanya awam dan tentera, adalah kewajipan individu setiap Muslim yang mampu untuk berbuat demikian, dan mana-mana negara yang boleh berbuat demikian" atau maksud perkataan yang boleh memberi kesan yang sama. Dalam *Fatwa* 1998 telah mengisyiharkan bahawa "Arahan Tuhan untuk membunuh rakyat Amerika dan penjarahan harta benda mereka di mana-mana dan bila-bila masa yang boleh dapati", atau maksud perkataan yang memberi kesan yang sama.
12. Pada atau kira-kira 28 Mei 1998, dalam satu temu bual dengan ABC News di Afghanistan, Usama bin Laden mengulangi *Fatwah Februari 1998* dalam panggilan untuk membunuh rakyat Amerika, menekankan bahawa, "kami tidak membezakan antara orang-orang yang berpakaian seragam tentera dan orang-orang awam. Mereka adalah semua sasaran dalam fatwah ini." Usama bin Laden selanjutnya menyatakan bahawa jika permintaan itu tidak dipenuhi, al-Qaeda akan "hantar" kepada A.S. "kotak kayu dan keranda" mengandungi "mayat-mayat tentera Amerika dan orang awam Amerika." Usama bin Laden juga menyatakan bahawa "orang awam Amerika telah diminta untuk mengumpul maklumat mengenai umat Islam dan remaja-remaja Islam yang taat dan menyampaikan kepada bahagian sekuriti di kedutaan."
13. Pada atau kira-kira 29 Mei, 1998, Usama bin Laden mengeluarkan kenyataan bertajuk, "Bom Nuklear Islam" di bawah panji-panji "Barisan Dunia Islam" untuk memerangi orang-orang Yahudi dan tentera salibnya, di mana Usama bin Laden menyatakan bahawa umat Islam mesti bersedia untuk keganasan daripada musuh Allah, iaitu Amerika dan Britain.
14. Sebelum fatwa Usama bin Laden pada tahun 1998, Abbas tidak mengingati JI pernah menjalankan, atau bahkan bercakap tentang, operasi pengganasan. Satu-satunya bentuk jihad yang JI dan Sungkar kecualikan adalah penyertaan ahli-ahlinya dalam pertempuran di Afghanistan. Walau bagaimanapun, Abbas menyimpulkan bahawa sasaran mereka terhadap Tentera Amerika Syarikat di Singapura, selepas Fatwa 1998 Usama bin Laden, di mana Usama bin Laden mengisyiharkan bahawa semua orang Islam yang mampu membunuh rakyat Amerika, bermakna Sungkar memberikan kelulusannya untuk operasi itu.
15. Ada orang-orang JI di Afghanistan membantu Usama bin Laden, dan hubungan antara JI dan Usama bin Laden adalah HAMBALI.
16. Muhammad Rais (Rais) telah dipengaruhi oleh fatwa 1998 yang dikeluarkan oleh Usama bin Laden. HAMBALI membincangkan fatwa itu dengan Rais dan menyatakan dia percaya Amerika Syarikat adalah musuh.
17. Pada tahun 1997, bila *Mantiqi III* ditubuhkan, pemimpin-pemimpin JI mulai menjalani program latihan. HAMBALI tidak berpuas hati dengan latihan di Filipina, dan mahukan latihan di Afghanistan diteruskan. HAMBALI terus mencuba dan membuat hubungan dengan orang-orang Arab di Pakistan. Dalam sekitar tahun 1998 atau 1999 HAMBALI mulai menghantar pelajar-pelajar AI-Ghuraba ke

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Pakistan dengan arahan untuk mencari dan mengekalkan hubungan dengan orang-orang Arab. Sebaik sahaja ditubuhkan, Baysir pergi ke Afghanistan dan menemui Usama bin Laden, dan HAMBALI mula menghantar ahli-ahli *Mantiqi I* ke Afghanistan untuk latihan. HAMBALI mahu orang-orangnya belajar bagaimana untuk membuat bahan letupan di Afghanistan.

18. Sebelum program latihan pada tahun 1998, HAMBALI menyuarakan ketidak persetujuan dengan kandungan program. Dia percaya ia tidak perlu untuk mengajar Islam. HAMBALI mahukan latihan itu ditujukan secara eksklusif kepada latihan ketenteraan, sambil mendakwa Islam boleh belajar di rumah. HAMBALI menyukai kursus pendek, pengajaran yang terperinci dengan bagaimana untuk mencampur dan mengendalikan bahan letupan, serta membuat bom. HAMBALI berminat untuk mendapatkan orang yang boleh dilatih dalam membuat bom.
19. LILLIE bertemu HAMBALI di ceramah tajaan dan mesyuarat di Malaysia, juga di masjid. HAMBALI mengajar LILLIE beberapa sejarah jihad dan LILLIE menawarkan dirinya untuk HAMBALI untuk perjalanan jihad.
20. Pada atau kira-kira bulan Jun 2000, LILLIE dan ZUBAIR membuat perjalanan dari Kuala Lumpur, Malaysia ke Karachi, Pakistan, dengan bantuan HAMBALI untuk mengambil bahagian dalam latihan *jihad*. HAMBALI adalah hubungan mereka dan memberikan sokongan yang mereka perlukan untuk melakukan perjalanan ke Afghanistan.
21. Pada atau pada akhir Jun 2000, LILLIE dan ZUBAIR membuat perjalanan dari Pakistan ke Qandahar, Afghanistan, di mana mereka tinggal di sebuah rumah tamu. Sepanjang penginapan mereka di rumah tamu, ZUBAIR menggunakan *kunya* "Ahmed."
22. Dalam atau kira-kira awal Julai 2000 hingga ke musim gugur 2000, atas cadangan HAMBALI, LILLIE dan ZUBAIR menghadiri latihan asas di sebuah kem latihan *al-Qaeda* berhampiran Qandahar, Afghanistan. HAMBALI menyediakan LILLIE dan ZUBAIR dengan tiket penerbangan dari Malaysia ke Karachi, Pakistan, untuk perjalanan ke Afghanistan untuk latihan *jihad*. HAMBALI selanjutnya memberikan LILLIE dan ZUBAIR dengan nombor telefon untuk orang hubungan di Karachi, Pakistan, yang akan membantu mereka menguruskan lintasan sempadan haram ke Afghanistan yang berikutnya. Kira-kira dalam masa dua bulan, LILLIE dan ZUBAIR dilatih taktik tentera, topografi dan senjata api.
23. Selepas latihan ini, ZUBAIR tinggal dirumahtamu Asia Tenggara (juga dikenali sebagai rumah Filipina) yang telah diusahakan oleh HAMBALI. LILLIE, Yazid Sufaat, Abdul Aziz dan Abu Haris juga tinggal di rumah tamu ini.
24. Pada masa ini, Masran Arshad membuat cubaan untuk menghadiri latihan di Afghanistan. Latihan itu telah diatur oleh HAMBALI dan semasa transit, Masran tinggal di Rumah Filipina, yang dikendalikan oleh HAMBALI. Ianya dipanggil Rumah Filipina supaya tidak ada yang tahu ada

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rakyat Malaysia yang tinggal di situ. Disebabkan oleh isu-isu logistik, Masran tidak berpeluang untuk menghadiri latihan. LILLIE dan ZUBAIR juga tinggal di rumah Filipina pada masa ini. Masran mengenali mereka sebagai "Bashir" dan "Fariq."

25. Sekitar masa ini, HAMBALI juga mengaturkan Masran untuk menemui Usama bin Laden. HAMBALI hanya satu orang yang mempunyai kuasa, beliau memberikan arahan dan mereka mengikuti arahannya. HAMBALI mahu mereka bertemu Usama bin Laden supaya mereka menjadi lebih kuat dalam *jihad*.
26. Selepas bertemu dengan Usama bin Laden, Masran bertemu dengan KSM di Qandahar. KSM adalah fasilitator operasi yang akan mengatur pembiayaan. Bila HAMBALI meninggalkan Qandahar, beliau memberitahu Masran untuk bertemu dengan KSM yang boleh menyediakan dana dan arahan. HAMBALI membuat persiapan untuk Masran menemui KSM. Di Mesyuarat ini, KSM menyediakan Masran dana dan mengarahkan beliau untuk memberinya kepada HAMBALI di Bangkok. KSM berkata bahawa HAMBALI tahu apa yang harus dilakukan dengan dana itu. KSM memberitahu Masran bahawa ada satu lagi 9/11 yang telah dirancang untuk California. Apabila beliau cuba untuk menghantar wang itu kepada HAMBALI, Masran diberkas.
27. Pada atau sekitar September 2000, LILLIE membuat perjalanan ke barisan depan pertempuran antara Taliban dan Perikatan Utara berhampiran Kabul, Afghanistan ("Barisan Hadapan"). Semasa di sana, LILLIE mengawal Talian Barisan Taliban dan menerima latihan asas menggunakan Permukaan Udara Peluru Berpandu (SAM).
28. Antara atau kira-kira November 2000 dan March 2001, pada atau berhampiran Qandahar, Afghanistan, LILLIE menghadiri tiga kursus latihan lanjutan: taktik gunung dan padang pasir; peperangan bandar (termasuk penculikkan dan pembunuhan); dan menggunakan SAM 7 dan bom tangan lancaran roket (RPG). LILLIE menggunakan *kunya* "Bashir" untuk mendaftar kursus peperangan bandar dan kursus SAM 7 / RPG.
29. Antara atau kira-kira Oktober 2000 dan Disember 2000, ZUBAIR bekerja di sebuah klinik perubatan *al Qaeda* pada atau berhampiran dengan Qandahar, Afghanistan, di mana beliau membantu dalam menyediakan penjagaan perubatan untuk pejuang-pejuang yang cedera dalam pertempuran menentang Perikatan Utara Afghan.
30. Pada tahun 2000, Mohamed Khalim bin Ja'afar (Khalim) menasihati Mistooki bahawa HAMBALI menghendaki dia kembali ke Afghanistan. Mistooki telah diberikan tiket oleh HAMBALI. Mistooki tinggal di rumahnya JI di Pakistan sebelum memulakan perjalanan ke Afghanistan selama dua minggu untuk latihan bahan letupan kimia.
31. Pada atau sekitar musim bunga 2001, Di kawasan atau berhampiran Qandahar, Afghanistan, LILLIE bekerja sebagai "penjaga stor," mengekalkan inventori kem, termasuk RPG, SAM,

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bahan letupan dan pakaian. LILLIE bekerja sebagai "penjaga stor" di kem Al Farouq sehingga pada atau kira-kira bulan Ogos 2001.

32. Dalam atau kira-kira Februari atau Mac 2001, ZUBAIR menghadiri kursus untuk lebih kurang tiga bulan lamanya, latihan taktikal yang lebih lanjut di kem latihan Al Farouq di Afghanistan. Di kem ini, ZUBAIR dilatih dalam pergerakan taktikal, serangan hendap, navigasi di darat dan peperangan gerila.

33. Pada atau kira-kira tahun 2001, ZUBAIR telah menghadiri satu kursus latihan kedua yang terletak dalam jarak berjalan 45 minit dari kem latihan Al Farouq dalam Afghanistan. Semasa di sana beliau membantu dalam pembinaan bangunan dan struktur lain di kem.

34. Manakala ZUBAIR dan LILLIE menjalani latihan di Afghanistan, Usama bin Laden melawat kem dan membincangkan *jihad* kepada pelatih-pelatih dengan tujuan untuk memerangi orang Amerika.

35. ZUBAIR bertujuan untuk mempelajari lebih dari latihan sebanyak yang mungkin untuk membantu umat Islam di medan pertempuran dan akhirnya menjalankan "sha'id", yang beliau sifatkan sebagai operasi syahid. ZUBAIR telah menghadiri beberapa kursus latihan Al Qa'ida berkaitan kemahiran ketenteraan dan taktik, peperangan gerila, pengawasan, penggunaan senjata dan bahan letupan. Dari latihan di kem latihan al Farooq di Afghanistan ZUBAIR memahami tindakan yang akan diambil, sebagai ahli JI yang dilatih oleh *al-Qaeda*, akan secara langsung dan/atau secara tidak langsung mengakibatkan pembunuhan terhadap orang awam yang tidak bersalah dan kemasuhan harta benda.

**SERANGAN KE ATAS SASARAN AMERIKA SYARIKAT DI SINGAPURA DAN FILIPINA
MENYOKONG AL-QAEDA**

36. Pada atau kira-kira tahun 1998, di Johor Bahru, Malaysia, HAMBALI bertemu dengan ahli-ahli JI, termasuk Hashim Abas. Mesyuarat ini dipanggil selepas *Fatwa* 1998 tersebut. Semasa mesyuarat itu, HAMBALI mengarahkan penubuhan kumpulan khas ahli JI untuk mengenal pasti sasaran-sasaran tentera Amerika dan orang awam di Singapura yang mana untuk menjalankan serangan pengganasan ("Kumpulan Khas Singapura").

37. Pada atau kira-kira tahun 1998 atau 1999, Kumpulan Khas Singapura menyemak salinan satu Direktori Perniagaan Amerika Syarikat yang menyenaraikan semua Syarikat di Amerika Syarikat di Singapura. Menggunakan direktori ini, Kumpulan Khas Singapura membuat berbagai senarai syarikat-syarikat Amerika untuk mengenal pasti sebuah bangunan di Singapura yang menempatkan ramai orang Amerika.

38. Pada atau kira-kira tahun 1998 atau 1999, Kumpulan Khas Singapura mengadakan pengawasan pita video, antara perkara-perkara lain, terminal bas Singapura yang dipercayai digunakan oleh anggota tentera Amerika Syarikat dan kapal tentera laut Amerika Syarikat berlabuh di dermaga Singapura ("Pengawasan Video Singapura").

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39. Pada atau sekitar tahun 1999, HAMBALI bertemu dengan anggota JI Faiz Abu Bakr Bafana di Kuala Lumpur, Malaysia. Semasa pertemuan itu, HAMBALI memberikan Bafana satu salinan Video Pengawasan Singapura dan mengarahkannya untuk menyediakan cadangan bertulis untuk menyerang sasaran tentera dan orang awam Amerika Syarikat di Singapura.
40. Untuk mematuhi arahan HAMBALI, pada atau kira-kira Mei tahun 1999 Bafana dan satu lagi ahli JI pergi ke Singapura, di mana mereka menjalankan pengawasan fizikal di laluan bas berhampiran perumahan tentera Amerika Syarikat. Selepas itu, mereka merancang untuk menyerang sebuah bas yang membawa anggota perkhidmatan Amerika Syarikat dengan trak pikap yang berisi bahan letupan("Serangan Stesen Bas Singapura").
41. Pada atau kira-kira Mei 1999, Bafana bertemu dengan HAMBALI di Kuala Lumpur, Malaysia, dan membentangkan cadangan beliau mengenai serangan stesen bas di Singapura itu. HAMBALI meluluskan cadangan itu dan mengarahkan Bafana untuk melakukan perjalanan ke Afghanistan dan mengesyorkannya kepada pemimpin-pemimpin *al-Qaeda*.
42. Pada atau kira-kira Jun 1999, Bafana bertemu dengan Mohammed Atef, a/k/a/Abu Hafs al Masri (Abu Hafs), dengan seorang komander tentera *al-Qaeda*, di sebuah rumahnya pada atau berhampiran Qandahar, Afghanistan. Bersama-sama mereka menyaksikan Video pengawasan Singapura dan membincangkan Serangan Stesen Bas Singapura yang dicadangkan. Semasa Mesyuarat ini, Abu Hafs menasihati Bafana bahawa *al-Qaeda* akan membekalkan wang dan pengebom berani mati tetapi JI perlu membekalkan bahan letupan untuk menjalankan serangan ini dan juga laluan pengangkutan.
43. Pada atau sekitar tahun 1999, ahli JI Khalim bertemu dengan ahli *al Qaeda* Saif al Adel dua kali di kawasan atau berhampiran Qandahar, Afghanistan, di mana kedua-dua menonton Video Pengawasan Singapura dan membincangkan kesukaran cadangan operasi mengelilingi Serangan Stesen Bas Singapura.
44. Dalam atau kira-kira tahun 1999, semasa Mesyuarat kedua antara Khalim dan Saif al Adel di kawasan atau berhampiran Qandahar, Afghanistan, Saif al Adel menyatakan bahawa serangan stesen bas Singapura itu tidak boleh dilakukan, tetapi beliau berminat untuk mensasarkan kapal perang Amerika Syarikat di Selat Johor ("Serangan Kapal Perang Amerika Syarikat"). Khalim melukis peta pelabuhan untuk Saif al Adel, yang menggambarkan bahagian utara pulau dengan tanda-tanda di mana kapal-kapal akan berada.
45. Dalam atau kira-kira pertengahan tahun 2000, HAMBALI telah mengadakan mesyuarat dengan Bafana, anggota-anggota JI yang lain dan sebilangan rakan-rakan *al-Qaeda* di sebuah apartmen di Kuala Lumpur, Malaysia, di mana peserta-peserta membincangkan, antara lain, operasi mensasarkan gereja-gereja di Indonesia dan Operasi terhadap Kedutaan Singapura.

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46. Pada atau kira-kira bulan Jun 2000, HAMBALI, Bafana dan lain-lain ahli JI bertemu dengan pemimpin JI Abu Bakar Ba'asyir, di Indonesia. Semasa pertemuan itu, HAMBALI menjelaskan kepada Abu Bakar Ba'asyir bahawa Usama bin Laden ingin menyerang Tentera Amerika Syarikat di Singapura. Abu Bakar Ba'asyir meluluskan penyertaan JI dalam serangan ini.
47. Pada atau kira-kira September atau Oktober 2000, Bafana dan HAMBALI bertemu dengan orang operasi JI Fathur Rahman al Ghozi (al Ghozi) di Malaysia. Di mesyuarat itu HAMBALI mengarahkan al Ghozi untuk mendapatkan bahan letupan.
48. Pada atau kira-kira Disember 2000, KSM menghantar seorang operasi *al-Qaeda* dikenali sebagai Abu Hazem Sharqi, a/k/a / "Bandar," (Bandar) dari Belanda ke Asia Tenggara untuk bertemu dengan ahli-ahli JI untuk menyusul Video pengawasan Singapura dan meneruskan kerja-kerja cadangan serangan terhadap anggota tentera Amerika Syarikat di Singapura.
49. Pada atau kira-kira bulan Disember 2000, di Kuala Lumpur, Malaysia, Bandar bertemu dengan Bafana dan mengarahkan beliau menjalankan pengawasan video tambahan ke atas kapal perang Amerika Syarikat, dalam melaksanakan serangan kapal perang Amerika Syarikat. Pada atau kira-kira bulan Disember 2000, Bafana membuat perjalanan ke Singapura, di mana beliau mengarahkan ahli-ahli JI yang lain untuk membuat satu pita video ke atas kapal perang Amerika Syarikat dan sebuah kapal tangki minyak di Singapura. Bandar kemudian menyaksikan pita video ini di Kuala Lumpur, Malaysia.
50. Pada atau kira-kira bulan Disember 2000, HAMBALI dan Bafana membuat lawatan ke Manila, Filipina, di mana mereka bertemu dengan al Ghozi. Mereka bertiga membincangkan potensi serangan pengganas terhadap Kedutaan Amerika Syarikat, Kedutaan Israel dan sasaran-sasaran Amerika Syarikat yang lain di Manila ("Serangan Filipina").
51. Pada atau kira-kira di bulan Disember 2000, HAMBALI dan Bafana menjalankan pengawasan fizikal Kedutaan Amerika Syarikat, Kedutaan Israel dan sasaran-sasaran Amerika Syarikat yang lain di Manila, Filipina.
52. Pada atau kira-kira di musim bunga tahun 2001, Bafana, Zukifli, al Ghozi, Bandar dan Ismail bertemu untuk membincangkan logistik bagi serangan terhadap sasaran-sasaran tentera Amerika Syarikat di Singapura, termasuk perolehan dan pengangkutan bahan letupan, dan peranan yang telah diperuntukkan.
53. Pada atau kira-kira bulan Mei 2001, Bafana dan Marzuki bertemu di Singapura. Semasa di Singapura, Masood memberi mereka gambar-gambar kapal-kapal Amerika. Bafana kembali ke Malaysia dan memberikan gambar- gambar kepada Bandar. Dalam masa diantara tahun 2000 dan 2001, Marzuki diberi wang untuk memegang dan beliau akan diberitahu kemudian untuk mengedarkannya dalam melaksanakan projek ini.
54. Dalam atau sekitar lewat Jun atau awal Julai 2001, di Kuala Lumpur, Malaysia, Bafana menyediakan Bandar sebuah pelan bertulis terperinci yang memuktamadkan mengenai Serangan Kapal Perang Amerika Syarikat di

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Singapura Bafana menganggarkan kos operasi akan menjangkau kira-kira \$160,000 dan dia memberitahu Bandar bahawa mereka tidak boleh meneruskan tanpa dana.

55. Pada atau kira-kira di bulan Ogos 2001, di Karachi, Pakistan, KSM mengarahkan persekutuan *al-Qaeda* Mohammed Jabarah untuk melakukan perjalanan ke Malaysia untuk bertemu dengan individu-individu yang merancang operasi terhadap Amerika Syarikat dan kedutaan-kedutaan Israel di Filipina. Jabarah seharusnya menyediakan dana daripada KSM, untuk operasi tersebut.

56. Pada atau kira-kira awal September 2001, Jabarah bertemu dengan KSM dan HAMBALI di Karachi, Pakistan. HAMBALI memberikan maklumat Jabarah mengenai serangan Filipina dan memberi Jabarah maklumat orang hubungan untuk ahli-ahli JI di Malaysia.

57. Pada atau sekitar awal September 2001, HAMBALI menghubungi Bafana, melalui e-mel, dan menasihati Bafana bahawa "dua penjual" akan datang ke Kuala Lumpur, Malaysia untuk berjumpa dengannya.

58. Pada atau kira-kira bulan September 2001, Jabarah membuat lawatan ke Manila, Filipina, bertemu dengan al Ghozi dan menjalankan pengawasan kedutaan- kedutaan Amerika Syarikat dan Israel di Manila.

59. Pada atau kira-kira akhir Oktober 2001, al Ghozi, Jabarah dan lain-lain menjalankan pengawasan videotape pada berbilangan sasaran di Singapura, termasuk kedutaan- kedutaan Amerika Syarikat, British dan Israel.

60. Pada atau sekitar awal Disember 2001, Bafana, HAMBALI dan lain-lain bertemu di kawasan atau berhampiran Narathiewat, Thailand. Semasa Mesyuarat ini, HAMBALI menasihatkan bahawa badan-badan operatif dari Pakistan yang sepatutnya menyertai Zaini Zakariyah a/k/a Zaini (ahli JI yang mana HAMBALI telah memilih untuk mengambil latihan juruterbang) untuk serangan, tidak akan tiba kerana Zaini tidak menamatkan latihan penerbangan disebabkan oleh peristiwa 11 September 2001.

61. Di pertemuan yang sama pada awal bulan Disember 2001 di Thailand, HAMBALI membincangkan plot Singapura dengan Bafana. HAMBALI memberitahu Bafana kerana beliau ingin bertemu dengan Jabarah untuk membincangkan sasaran Filipina sebalik Singapura.

62. Pada atau kira-kira di bulan Disember 2001, Jabarah dan lain-lain bertemu dengan HAMBALI di kawasan atau berdekatan Kuala Lumpur, Malaysia. Semasa mesyuarat ini, HAMBALI mengarahkan bahawa serangan yang dirancang untuk Singapura akan diarahkan semula ke arah sasaran di Filipina kerana bahan letupan telah pun di Filipina dan serangan Filipina itu dapat dicapai terlebih dahulu.

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**SERANGAN KE ATAS KEDUTAAN AMERIKA SYARIKAT DI AUSTRALIA
DALAM SOKONGANAN AL QAEDA**

63. Dalam atau kira-kira awal tahun 2000, HAMBALI bertemu dengan ahli JI Australia, Jack Roche (Roche) di Kuala Lumpur, Malaysia dan mengarahkan Roche untuk pergi ke latihan asas di Afghanistan.
64. Pada atau sekitar awal 2000, HAMBALI menanya Roche tentang kepentingan Amerika Syarikat dan Israel di Australia. Roche memberitahu HAMBALI terdapat jenis kepentingan seperti syarikat penerbangan, Kedutaan dan Konsulat yang biasa dan lazim.
65. Dalam atau kira-kira awal tahun 2000, di Kuala Lumpur, Malaysia, HAMBALI memberikan wang kepada Roche untuk melawat ke Afghanistan dan mengarah beliau untuk kembali ke Australia terlebih dahulu untuk mendapatkan visa untuk perjalanan ke Pakistan.
66. Pada atau kira-kira awal tahun 2000, selepas bertemu dengan HAMBALI di Kuala Lumpur, Malaysia, Roche kembali ke Australia, memperolehi visa dan tiket dibeli dari Sydney, Australia, ke Kuala Lumpur, Malaysia, dan terus ke Karachi, Pakistan.
67. Dalam atau kira-kira awal tahun 2000, Roche berlepas dari Sydney, Australia, dan tiba di Kuala Lumpur, Malaysia. Semasa waktu perpindahan, Roche bertemu dengan HAMBALI dan HAMBALI sekali lagi membincangkan sasaran Israel dan Amerika di Australia. Sebelum Roche berlepas, HAMBALI memberikan nombor hubungan untuk Roche gunakan semasa ketibaan di Karachi, Pakistan.
68. Dalam atau kira-kira awal tahun 2000, Roche berlepas dari Kuala Lumpur, Malaysia, dan tiba di Karachi, Pakistan, di mana beliau bertemu dengan seorang operatif JI yang bekerja untuk memudahkan perjalanan ahli-ahli JI dari Asia Tenggara ke Pakistan dan Afghanistan.
69. Dalam atau kira-kira awal tahun 2000, Roche bertemu dengan KSM di Karachi, Pakistan dan Roche memberi KSM maklumat mengenai Kedutaan dan Konsulat Amerika Syarikat dan Israel di Australia, sama seperti sebelumnya beliau telah berikan kepada Hambali.
70. Dalam atau kira-kira awal tahun 2000, KSM membantu dan mengatur Roche dalam perjalanan ke Qandahar, Afghanistan. Di Qandahar, Roche berjumpa dengan Saif al Adel dan Abu Hafs, yang menasihatkan Roche bahawa mereka mahu menjalankan serangan pengganas di Australia. Saif al Adel dan Abu Hafs mengarahkan Roche untuk menjalankan pengawasan sasaran Israel dan Amerika di Australia.
71. Dalam atau kira-kira awal tahun 2000, di Karachi, Pakistan, Roche memberikan satu nota kepada KSM yang meminta dana untuk operasi Australia. KSM memberi Roche kira-kira \$4,000 untuk

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kembali ke Australia dan menjalankan pengawasan untuk menyokong serangan pengganas. KSM juga menyatakan bahawa HAMBALI akan menyediakan Roche wang tambahan untuk operasi itu.

72. Dalam atau kira-kira awal tahun 2000, Roche membuat perjalanan dari Karachi, Pakistan ke Kuala Lumpur, Malaysia, di mana beliau bertemu dengan HAMBALI. Roche mempersembahkan nota kepada HAMBALI, yang diberikan kepadanya oleh KSM, dan mereka membincangkan serangan pengganas yang dicadangkan di Australia dan pada hakikatnya HAMBALI harus membayar Roche \$4,000. Selepas beberapa minggu HAMBALI dapat mengaturkan wang itu dan Roche bertemu lagi di Kuala Lumpur di mana HAMBALI memberinya dana tambahan untuk menyokong operasi itu.

73. Dalam atau kira-kira di bulan Jun 2000, Roche telah menjalankan pengawasan videotape pada Konsulat Israel di Sydney, Australia, dan Amerika Syarikat dan kedutaan-kedutaan Israel di Canberra, Australia.

MALAM SEBELUM HARI NATAL 2000 PENGEBOOMAN DI INDONESIA DALAM SOKONGAN AL QAEDA

74. Dalam atau kira-kira pertengahan tahun 2000, HAMBALI telah mengadakan mesyuarat di apartmen Yazid Sufaat yang dihadiri oleh orang-orang Arab dari al Quaeda dan ahli-ahli JI. Mesyuarat tersebut telah dipanggil untuk membincangkan operasi yang mensasarkan Gereja-gereja di Indonesia dan di Singapura operasi terhadap Kedutaan A.S. HAMBALI menyatakan bahawa dia mahu gereja-gereja yang diserang pada malam hari Natal. Selepas membincangkan kedua-dua operasi, semua orang yang hadir menyokong rancangan itu, tetapi ia harus melalui Ba'ysir untuk kelulusan kerana beliau Ketua JI. HAMBALI, Marzuki dan Bafana bertemu dengan Ba'ysir dan HAMBALI menyatakan bahawa gereja-gereja telah bertanggungjawab terhadap pergolakan di Ambon, serta dalam serangan ke atas masjid-masjid, dan tindakan balas adalah perlu. Beliau juga memberitahu Ba'ysir bahawa Usama bin Laden mahu menyerang tentera A.S di Singapura. Ba'ysir telah bersetuju dengan kedua-dua operasi.

75. Dalam atau kira-kira lewat tahun 2000, HAMBALI membuat perjalanan ke Sandakan, Sabah, Malaysia. Pada masa ini, HAMBALI telah membuat rancangan untuk mengebom gereja-gereja Kristian, dan dia menyuruh Nasir Abas (Abas) untuk melakukan pengeboman di Sandakan. HAMBALI menjelaskan ini adalah masanya untuk perperangan antara Islam dan Kristian. Abas menolak dan menyatakan bahawa organisasinya adalah terlalu kecil.

76. Semasa lawatan ini ke Sandakan, Sabah, Abas meminta dana dari HAMBALI, kerana dia tahu dia adalah Ketua *Mantiqi I* dan mempunyai akses kepada dana yang lebih banyak daripada kebanyakan Mantiqi. HAMBALI berkata bahawa dana sukar diperoleh kecuali untuk tujuan pengeboman, di mana dana tersebut boleh diperolehi dalam masa sehari.

77. Pada September 2000, Ali Imron, Hutomo Pamungkas (Mubarok), dan Ali Amrozi bin Haji Nurhasyim (Amrozi) berjumpa HAMBALI di Hotel Mesir di Surabaya, Indonesia.

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HAMBALI memberitahu Imron, Mubarok dan Amrozi bahawa masanya telah tiba untuk mengambil tindakan kerana kezaliman yang dilakukan kepada orang Islam di Ambon. HAMBALI menyampaikan rancangannya untuk melakukan pengeboman gereja di pelbagai lokasi di Indonesia, dan bahawa dia mahu mereka untuk melakukan pengeboman di Jawa Timur. HAMBALI memberitahu mereka untuk membuat bom-bom kecil menyamar sebagai hadiah hari Natal dan dia akan menyediakan pembiayaan untuk operasi itu. Selepas operasi itu selesai, HAMBALI juga menyediakan dana untuk Amrozi.

78. Pada 25 November 2000, Abdul Rahim, Hashim Abas dan Ja'afar Mistooki membuat perjalanan ke Batam, Indonesia. Semasa ketibaan mereka, HAMBALI mengarahkan kumpulan itu untuk mencari hotel yang murah dan menunggu seseorang datang bertemu bersama mereka. Tiga hari kemudian, Imam Samudra datang dan membawa mereka ke rumah dan memberi penerangan kepada mereka mengenai rancangan untuk meletakkan bom-bom tersebut dalam gereja-gereja. Setiap individu disuruh supaya memilih sasaran-sasaran dan pergi ke gereja setiap hari Ahad untuk menjalankan pengawasan. Kumpulan membantu dengan perbuatan bom-bom. Dr. Azahari datang untuk se hari untuk memasang litar kepada bom-bom tersebut. Hashim Abas membeli sulfur dan membantu menyediakan bahan-bahan yang akhirnya akan membentuk dan menjadi bom-bom tersebut. Mereka mencipta tujuh bom. Enam dari tujuh bom ditimbang seberat lima kilogram dan satu ditimbang seberat dua puluh kilogram. Bahan letupan telah dibungkus dengan bebola galas dan dibuat untuk kelihatan seperti hadiah-hadiah hari Natal.

79. Setiap set individu menetapkan pemasu untuk jam 2100 dan mengambil setiap bom ke sasaran-sasaran mereka. Ada suis hidup/mati di alat yang sudah diaktivasi selepas meletakkan bom di kalangan pengunjung di gereja. Muqtib meletakkan bom beliau di gereja yang pertama, kemudian Mistooki mengangkat ke gerejanya. Mistooki memasuki Gereja dan menetapkan bom di bawah kerusi dan memerhatikan bahawa gereja menjadi penuh sesak ketika itu.

80. Mubarok dan Imron membuat enam bom untuk serangan-serangan tersebut. Mubarok membawa dua bom ke sasaran beliau. Dia meletakkan satu di dalam gereja dan satu di luar. Bom-bom tersebut ada pemasu dilekatkan pada mereka, jadi mereka akan meletup pada waktu yang berbeza. Sebab perbezaan masa adalah untuk menarik lebih ramai orang ke arah bom, dan kemudian mempunyai bom kedua yang akan meletup. Pengeboman itu mengakibatkan kematian satu orang dan mencederakan 22 orang.

81. Pada jam 2100 sekitar 24 Disember 2000, pengeboman ini dijalankan di beberapa gereja di Indonesia. Pengeboman-pengeboman itu meyebabkan 19 orang terbunuh dan 121 cedera.

SELEPAS SERANGAN 9-11

82. Antara dalam atau tahun 2001 pertengahan September hingga November 2001, pada atau berhampiran Qandahar, Afghanistan, HAMBALI memilih empat rakyat Malaysia, LILLIE, ZUBAIR, Masran bin Arshad (Masran) dan Nik Mustafa bin Amran, (Afifi) untuk mengambil bahagian dalam operasi pengganas mensasarkan Amerika Syarikat berikutan serangan 11 September 2001 ("Selepas Serangan 9/11").

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83. Antara atau kira-kira pertengahan September 2001 dan Oktober 2001, LILLIE, Masran, ZUBAIR dan Afifi membuat lawatan ke Kabul, Afghanistan, dan bertemu dengan Usama bin Laden untuk membincangkan serangan berani mati selepas 9/11. HAMBALI mengaturkan penemuan ini, dan hanya seorang yang berkuasa; dia memberi perintah dan mereka mematuhi. HAMBALI menginginkan ke empat-empat orang tersebut untuk bertemu Usama bin Laden supaya mereka dapat menjadi lebih kuat dalam *jihad*.
84. Dalam mesyuarat ini, LILLIE, Masran, ZUBAIR dan Afifi bersetuju untuk mengambil bahagian dalam serangan bunuh diri selepas 9/11 dan bersumpah ba'yat, suatu sumpah kesetiaan, kepada Usama bin Laden dalam kehadiran antara satu sama lain.
85. Dalam atau kira-kira bulan November 2001, LILLIE, Masran, ZUBAIR dan Afifi membuat perjalanan bersama-sama dari Qandahar, Afghanistan, ke Karachi, Pakistan, untuk memulakan persediaan untuk serangan bunuh diri selepas 9/11. Masran dilantik sebagai ketua kumpulan empat orang. Masran mengarahkan LILLIE, ZUBAIR dan Afifi pulang ke Malaysia (negara asal mereka) untuk mendapatkan pasport baru, yang tidak mengandungi setem kemasukan Pakistan, supaya mereka boleh pergi ke Amerika Syarikat tanpa disyaki untuk melakukan serangan bunuh diri selepas 9/11.
86. Dalam atau kira-kira lewat 2001 HAMBALI memberitahu Masran bahawa beliau perlu berjumpa dengan KSM di Qandahar, dan KSM akan memberikan wang kepada Masran. Masran bertemu dengan KSM di Karachi dan KSM memberikan wang kepada Masran untuk dibawa ke Bangkok, di mana beliau akan bertemu dengan HAMBALI. KSM berkata bahawa HAMBALI tahu apa yang harus dilakukan dengan dana itu. KSM memberitahu Masran bahawa ada satu lagi 9/11 yang telah dirancang untuk California. Apabila beliau cuba untuk menghantar wang itu kepada HAMBALI, Masran diberkas.
87. Bimbang bahawa dia akan ditangkap oleh pihak berkuasa Malaysia kerana dia tidak mempunyai penjelasan tentang kenapa pasport menunjukkan dia di Pakistan untuk sekian lama, ZUBAIR kembali ke Malaysia dengan menyelinap merentasi sempadan.
88. Pada atau kira-kira 26 Disember 2001, LILLIE, ZUBAIR dan Afifi membuat perjalanan bersama-sama dari Karachi, Pakistan, ke Hat Yai, Thailand.
89. Dalam atau kira-kira Januari 2002, HAMBALI mengarahkah LILLIE dan ZUBAIR untuk membuat perjalanan dari Hat Yai, Thailand, ke lokasi HAMBALI di Bangkok, Thailand.
90. Antara atau kira-kira bulan Januari 2002 dan Jun 2003, dalam atau berhampiran dengan Bangkok, Thailand, HAMBALI menyediakan LILLIE dan ZUBAIR dengan wang untuk mendapatkan pengenalan palsu untuk dirinya sendiri.
91. Antara atau sekitar bulan Januari 2002 dan Ogos 2003, di kawasan atau dekat Kemboja, HAMBALI dibantu LILLIE dalam mendapatkan kad pengenalan palsu Kemboja dengan nama Halim Osmann

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92. Antara dalam atau kira-kira 24 Disember 2001 dan Ogos 2003, HAMBALI memperolehi pasport Indonesia dan kad pengenalan Indonesia dengan nama "Hendrawan."
93. Antara atau kiria-kira Januari 2002 dan Jun 6 2003, di kawasan atau berdekatan Kemboja, ZUBAIR membeli raifal M-16, pistol dan peluru untuk HAMBALI dan diseludup masuk masing-masing ke Thailand.
94. Antara atau kira-kira Januari 2002 dan 2003 Jun, ZUBAIR pergi ke seorang peniaga senjata di kawasan atau berdekatan Kemboja dan meminta untuk membeli bahan letupan dengan kuantiti yang banyak dan SAM-7 untuk peluru berpandu permukaan udara, walau bagaimanapun peniaga senjata itu tidak dapat menyediakan barang-barang tersebut.
95. Antara atau kira-kira Januari 2002 dan Jun 2003, HAMBALI mengarahkan ZUBAIR untuk menjalankan pengawasan fizikal di kaunter syarikat penerbangan El Al, di satu lapangan terbang Bangkok, Thailand untuk menentukan berapa ramai yang berhampiran di kaunter pada masa yang paling sibuk untuk memikirkan rancangan bagi melakukan serangan pengganas mensasarkan pelanggan-pelanggan El Al.
96. Dalam atau kira-kira awal tahun 2002, pada arahan HAMBALI, LILLIE menjalankan pengawasan fizikal, pada dua kesempatan yang berasingan, daripada kaunter "Israel" syarikat penerbangan di Lapangan Terbang di Bangkok, Thailand, untuk merangka rancangan untuk melakukan serangan pengganas mensasarkan pelanggan-pelanggan syarikat penerbangan Israel. Beliau harus memerhatikan pelepasan dan ketibaan.
97. Antara atau kira-kira tahun 2002 dan Jun 2003 ZUBAIR, atas inisiatifnya sendiri, menjalankan pengawasan daripada Kedutaan Israel di Bangkok, Thailand.
98. Antara atau kira-kira Januari 2002 dan Jun 2003, dalam kawasan atau berhampiran dengan Bangkok, Thailand, LILLIE dan ZUBAIR menerima latihan membuat bom dari ahli JI Dr. Azahari bin Hussein (Azahari) beberapa kali.
99. Antara dalam kira-kira Januari 2002 dan Ogos 2003, dalam kawasan atau berhampiran dengan Bangkok, Thailand, LILLIE menerima CD-ROMs yang mengandungi arahan membuat bom dari HAMBALI dan, atas permintaan HAMBALI, menyimpan CD-ROMs ini di apartmennya di Thailand.

PENGEBOMAN KELAB MALAM BALI 2002

100. Tidak beberapa lama selepas pengeboman hari Natal, Amrozi memhubungi dan menugaskan Mubarok memandu sebuah van Mitsubishi L300 ke Bali. Mubarok dan Amrozi mengantar van tersebut kepada Imron dan Idris di Bali.
101. Juga selepas pengeboman hari Natal, HAMBALI menghubungi Zulkifli Marzuki dan memintanya untuk mengatur satu mesyuarat di Kuala Lumpur, Malaysia, dengan Jabarah. Marzuki

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membuat pengaturan hotel untuk HAMBALI dan Jabarah Selepas waktu itu, Marzuki yang menerima berita bahawa Faiz telah ditangkap dan dia akan menjadi sasaran seterusnya, jadi dia bersama-sama dengan HAMBALI dan lain-lain ahli JI, mlarikan diri ke Thailand.

102. Pada atau selepas Disember 2001, Marzuki, Mukhlis, Top, Azahari, Wan Min, HAMBALI dan isteri HAMBALI semua bertemu di Narathiwat, Thailand. Dalam atau kira-kira Januari 2002 Marzuki dan Azahari melawat ke Bangkok, di mana HAMBALI ada sebuah rumahnya, dan mendapat sebuah rumah bersama-sama. Yang lain akhirnya menyertai mereka. HAMBALI memaklumkan yang lain bahawa projek Singapura telah dibatalkan, dan ada kemungkinan kemudian mula mesyuarat untuk merancang sesuatu bagi menggantikan projek Singapura. HAMBALI bercakap secara amnya tentang beberapa idea dan memberitahu kumpulan yang mereka perlukan untuk tempat sasaran di mana terdapat ramai pelancong, kedutaan-kedutaan atau bangunan Isreal. HAMBALI menyatakan dia boleh mendapatkan wang dari *al-Qaeda*.

103. Pada awal tahun 2002, HAMBALI mengarahkan pakar letupan JI Dr. Azahari Bin Hussein untuk pelan operasi selepas plot Singapura gagal dan mempertimbangkan mensasarkan kawasan-kawasan pelancongan. Secara khususnya, mereka membincangkan pengeboman kedutaan, pusat-pusat latihan perniagaan, hotel, diskop dan bar.

104. Pada awal tahun 2002, Ali Imron berjumpa Imam Samudra, Dulmatin dan Amrozi di Solo untuk membincangkan pengeboman Bali.

105. Pada 9 September 2002, Idris, Abdul Matin, Abdul Ghoni, Amrozi, Mubarak dan Imron menjalankan pengawasan sekitar Bali, untuk memilih sasaran. Abdul Matin dan Abdul Ghoni bertanggungjawab mencampurkan bahan kimia dan memasang bom Bali I. Imam Samudra kepala komander medan perang operasi dan Mukhlis adalah secara amnya yang berkuasa.

106. Kumpulan tersebut membeli motosikal untuk melaksanakan lebih banyak pengawasan dan mencari rumah untuk disewa. Pada 16 September 2002, kumpulan itu menyewa sebuah rumah di Jalan Pulau Menjangan. Selepas 22 September 2002, bungkusan bahan bom mulai tiba di Bali. Amrozi, Dr. Azahari Abdul Matin membawa kabinet fail plastik untuk menyimpan bom dalam van dan dipasangkan. Umar Patek, Sawad dan Abdul Ghoni menyumbang dalam membuat bom kereta. Terdapat 12 kabinet dengan empat laci masing-masing dipasang di dalam van. Mereka membuat dua bom lagi. Salah satu ialah untuk rompi bunuh diri dan yang lain adalah untuk Konsulat Amerika.

107. Pada atau sekitar Ogos 2002, HAMBALI mengarahkan Marzuki untuk menyewa sebuah bilik hotel untuk kedua-dua mereka di Kemboja, di lokasi mereka, yang membawa saluran berita CNN. HAMBALI ingin mempunyai akses kepada saluran berita supaya apabila

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Pengeboman Bali telah dijalankan beliau akan dapat menonton. Selepas HAMBALI nampak bahawa pengeboman Bali berlaku, HAMBALI pergi ke sebuah cybercafé di mana beliau menerima e-mel dari Mukhlas membincangkan selepas kejadiannya.

108. Pada 12 Oktober 2002, Imron memandu motosikal ke Konsulat Amerika Syarikat di Bali dan meletakkan bom di kaki lima, berhampiran dengan Konsulat ini. Isa (alias Iqbal Dua) melangkah masuk ke dalam kelab malam Paddy's Pub di Bali Indonesia, dan meletupkan rompi bunuh diri. Sejurus selepas itu, Arناس (alias Iqbal Satu) memandu van di hadapan Sari Club dan meletupkan bom di dalam van. Idris mendail nomor telefon bimbit untuk mengaktifkan bom di Konsulat Amerika Syarikat.

109. Bom-bom tersebut membunuh kira-kira 202 orang, tujuh daripadanya adalah rakyat Amerika. Beratus-ratus lagi cedera disebabkan kaca dan serpihan dari bom. Di samping itu, bom memusnahkan bangunan tempatan dan infrastruktur.

110. HAMBALI memberitahu Marzuki bahawa beliau tidak menjangkakan begitu banyak orang mati dan beliau terkejut dengan hasil pengeboman .

111. HAMBALI tetap dalam hubungan dengan Mukhlas, komander darat pengeboman Bali I, sebelum, semasa dan selepas serangan Bali I, dan sehingga Mukhlas ditangkap.

SERANGAN KEATAS J.W MARRIOTT DI JAKARTA, INDONESIA

112. Dalam atau kira-kira pertengahan Januari 2002, Jabarah bertemu dengan HAMBALI di Thailand. HAMBALI mengatakan bahawa dia merancang untuk mempunyai kumpulannya melakukan pengeboman yang kecil di Bar, kafe atau kelab-kelab malam yang kerap dikunjungi di kalangan orang-orang "Barat" di Thailand, Malaysia, Singapura, Filipina dan Indonesia. HAMBALI juga mengatakan bahawa dia mempunyai satu tan bahan letupan di Indonesia.

113. Dalam atau kira-kira akhir tahun 2002, KSM dan Ali Abdul Aziz Ali mengarahkan Khan Majid untuk menyampaikan \$50,000 dolar Amerika (USD) HAMBALI di Bangkok, Thailand, untuk membayai serangan pengganas. KSM mengarahkan bahawa Khan harus mengaturkan pemindahan wang dalam "pasaran hitam," untuk mengelakkan membawa wang tunai dari Pakistan ke Thailand.

114. Dalam atau kira-kira akhir tahun 2002, Ali Abdul Aziz Ali mengarahkan Khan untuk menjalankan kajian di Internet mengenai aktiviti pelancongan di Thailand supaya Khan boleh berpakaian sesuai dan "bercampur dengan orang ramai" tanpa disedari oleh sesiapa. Khan diarah untuk menggunakan bulan madunya sebagai "cerita sampul" untuk perjalanannya ke Thailand.

115. Pada atau lewat lewat tahun 2002, Gunawan memberitahu HAMBALI bahawa KSM menghantar wang. HAMBALI kemudian memberitahu ZUBAIR bahawa mereka akan menerima \$ 50,000 dolar Amerika dari *al*

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Qaeda. ZUBAIR beri HAMBALI nombor telefonnya untuk disampaikan kepada Khan, supaya Khan dapat menghubungi ZUBAIR ketika beliau tiba di Thailand. HAMBALI memberitahu ZUBAIR bahawa wang itu akan digunakan untuk "operasi," seperti pengeboman atau yang sama jenis serangan pengganas.

116. Pada atau sekitar 24 Disember 2002, Khan dan isterinya membuat lawatan dari Pakistan ke Bangkok, Thailand.
117. Pada atau sekitar 24 Disember 2002 hingga 29 Disember 2002, Khan dan isterinya tinggal di Hotel Sofitel di Bangkok, Thailand.
118. Pada atau kira-kira 26 Disember 2002, Khan menerima mesej melalui sistem mesej automatik di Hotel Sofitel yang memintanya untuk memanggil "Tn. Hj. Farooq" pada nombor telefon berasaskan Thailand. Khan memanggil nombor telefon itu dari bilik hotel pada atau kira-kira 28 Disember 2002.
119. Selepas Khan tiba di Thailand, dia terus berkomunikasi dengan Ali Abdul Aziz Ali dalam mesej e-mel, dan menggunakan nama kod, mengenai penghantaran wang. Dalam mesej ini, Ali Abdul Aziz Ali menyediakan Khan dengan nombor telefon ZUBAIR di Thailand dan nombor telefon untuk *hawaladar* yang berasas di Bangkok.
120. Antara atau kira-kira 24 Disember 2002 dan 28 Disember 2002, Khan menelefon ZUBAIR dan mengatur untuk bertemu dengannya di lokasi yang ditetapkan di Bangkok, Thailand. Di pertemuan ini, Khan menghantar kira-kira \$30,000 kepada ZUBAIR. Khan dan ZUBAIR mengatur untuk bertemu kemudian hari itu supaya Khan dapat menyerahkan baki dari \$50,000 kepada ZUBAIR.
121. Pada atau sekitar 28 Disember 2002, ZUBAIR dan Khan bertemu buat kali kedua di satu lokasi di Bangkok, Thailand. Khan menyerahkan baki dari \$50,000 dolar Amerika kepada ZUBAIR.
122. Pada atau sekitar 28 Disember 2002, Khan menghantar mesej e-mel kepada Ali mengesahkan bahawa dia telah berjaya menerima \$ 50,000 dolar Amerika dan dia telah menyerahkan wang itu kepada ZUBAIR.
123. Pada atau kira-kira 28 Disember 2002, atas arahan HAMBALI, ZUBAIR mengambil \$50,000 dolar Amerika dia terima dari Khan ke sebuah apartmen di kawasan atau berdekatan Bangkok, Thailand, dikongsi oleh ZUBAIR dan LILLIE, untuk disimpan dengan selamat.
124. Dalam atau kira-kira Januari 2003, atas arahan HAMBALI, ZUBAIR bertemu pengirim wang kedua *al-Qaeda* di kawasan atau berdekatan Bangkok, Thailand. Di pertemuan ini, pihak *al-Qaeda*

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kiriman wang memberi ZUBAIR lebih kurang \$ 49,900 dolar Amerika. ZUBAIR mengambil wang ini ke apartmen beliau bersama LILLIE di kawasan atau berdekatan Bangkok, Thailand, untuk disimpan dengan selamat.

125. Dalam atau kira-kira musim bunga 2003, HAMBALI mengarahkan LILLIE menghantar wang ke Indonesia dan Filipina. HAMBALI menasihatkan LILLIE dan ZUBAIR bahawa beliau telah menghantar wang ke Indonesia kerana dua sebab: 1) untuk membantu membiayai operasi pengganas akan datang; dan 2) untuk memberi wang kepada keluarga ahli JI yang telah meninggal dunia sebagai ahli ahli operatif bunuh diri atau yang diberkas.

126. Dalam atau kira-kira musim bunga 2003, LILLIE bertemu dengan sahabat lama dan rakan-rakan warganegara Malaysia, Johan, di sebuah restoran di Hat Yai, Thailand. LILLIE mengarahkan Johan menghantar wang ke Indonesia. Semasa pertemuan itu LILLIE menyediakan Johan dengan dana, kod penghantaran, nama kod dan nombor telefon untuk individu di Indonesia yang akan menerima wang tersebut.

127. Dalam atau sekitar lewat musim bunga atau musim panas awal tahun 2003, JI mengaitkan Nordin Mat Top (Top) diarahkan JI mengaitkan Mohammed Ikhwan a/k/a Ismail (Ismail) untuk bertemu dengan seorang dari Malaysia di bawah nama kod di Pelabuhan Dumai, di Sumatera, Indonesia. Top memberitahu Ismail apa yang orang Malaysia akan memakai, memberitahunya bahawa orang Malaysia itu akan membawa beg plastik, dan memberikan Ismail satu kod yang telah diatur untuk bertukar dengan orang Malaysia tersebut apabila mereka bertemu

128. Dalam atau kira-kira lewat musim bunga atau musim panas awal tahun 2003, Ismail bertemu dengan seorang warganegara Malaysia pada atau berhampiran dengan pelabuhan Dumai di Sumatera, Indonesia. Selepas Ismail dan orang Malaysia itu bertukar kod yang ditetapkan, orang Malaysia itu memberi Ismail sebuah beg mengandungi dua timbunan mata wang Australia yang dibungkus dalam kertas.

129. Pada atau sekitar akhir musim bunga atau awal musim panas 2003, selepas Johan menyerahkan wang (diberikan kepadanya oleh LILLIE) kepada kenalan di Indonesia, Johan menghubungi LILLIE dan memberitahunya bahawa penghantaran telah selesai

130. Dalam atau sekitar musim bunga 2003, HAMBALI memberitahu LILLIE bahawa wang yang LILLIE telah hantar ke Indonesia melalui Johan adalah bertujuan untuk Azahari.

131. Dalam atau sekitar lewat musim bunga atau awal musim panas 2003, atas arahan Top, Ismail bertemu dengan Top dan Azahari di dalam Bilik yang disewa di Lampung, Sumatera, Indonesia, di mana Top mengira wang yang Ismail telah terima pada atau berhampiran dengan pelabuhan Dumai, Sumatera, Indonesia.

132. Dalam atau sekitar awal musim panas 2003, di Lampung, Indonesia, rakan serperjuangan JI Asmar Latin Sani (Asmar) dan Tohir datang ke bilik disewa dan menyertai Kumpulan termasuk Azahari,

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Top, dan Ismail. Kira-kira dalam jangkamasa sebulan lamanya, Top memberikan pelbagai tugas-tugas untuk merancang dan menjalankan satu serangan bom kepada ahli-ahli kumpulan.

133. Dalam atau sekitar awal musim panas 2003, Azahari diajar Ismail bagaimana untuk membina litar elektronik untuk bom. Azahari memberitahu Ismail bahawa beliau telah memasang bom untuk serangan serentak 12 Oktober 2002, di dua kelab malam dan Konsulat Amerika Syarikat di Bali, Indonesia.

134. Dalam atau sekitar awal musim panas 2003, Ismail, Top dan Azahari membuat lawatan ke Jakarta, Indonesia, untuk membuat sebuah bom lori untuk digunakan dalam serangan tempatan. Untuk secara rahsia membina bom trak, Asmar dan Tohir menjumpai sebuah rumah dengan garaj untuk disewa.

135. Dalam atau sekitar pertengahan bulan Julai 2003, Ismail dan Tohir melawat ke Bandung, Indonesia, dan menjumpa sebuah rumah sebagai tempat bersembunyi selepas serangan kumpulan itu. Setelah pulang dari Bandung, Tohir Asmar mengambil baki bahan letupan daripada Lampung dan kemudiannya membeli sebuah Toyota Kijang yang akan digunakan sebagai kapal bagi bom lori. Selepas itu, Ismail dan Azahari memulai pembuatan bom.

136. Dalam atau sekitar pertengahan bulan Julai 2003, Ismail, Top, Tohir, Azahari, Asmar dan lain-lain mula mengawasi pelbagai tempat di Jakarta, Indonesia untuk menentukan sasaran yang sesuai. Kumpulan itu menentuka kriteria untuk pemilihan sasaran yang: 1) maka hendaklah banyak rakyat Amerika yang hadir, dan 2) ia perlu dimiliki oleh rakyat Amerika dan harus merosakkan ekonomi Amerika sekali menyerang. Secara kolektif, sasaran kemungkinan kumpulan perlu ditentukan: Hotel J.W Marriott, sebuah bangunan Citibank, kompleks perumahan CALTEX, Sekolah Antarabangsa Jakarta, Sekolah Antarabangsa Australia, Pasaraya Chem Chex dan Pasaraya Hero.

137. Dalam atau sekitar pertengahan bulan Julai 2003, Top dan Azahari memilih J.W. Marriott Hotel di Jakarta, Indonesia, sebagai sasaran serangan penganas kerana ia mempunyai struktur yang baik untuk jenis bom yang mereka telah membina, mereka percaya ia mempunyai kehadiran Amerika Syarikat yang besar, dan mereka percaya ia akan mempunyai impak yang besar secara keseluruhan.

138. Dalam atau kira-kira akhir Julai 2003, kira-kira untuk satu minggu, kumpulan itu menjalankan pengawasan di J.W. Marriott Hotel Jakarta untuk memerhati kelemahan dalam keselamatan hotel, memerhati cara pendekatan untuk serangan itu dan untuk menentukan waktu bila di tingkat bawah Hotel mempunyai teramai pelanggan.

139. Dalam atau sekitar akhir Julai atau awal Ogos 2003, selama seminggu selepas pengawasan selesai, kumpulan itu mengeluarkan tempat duduk bahagian belakang Toyota Kijang dan meletakkan bom yang siap dibina atas lantai kenderaan.

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140. Pada atau kira-kira 4 Ogos 2003, Top dan Tohir mengambil semua barang-barang ahli Kumpulan dan baki TNT yang tidak digunakan dalam bom ke rumah tempat persembunyian di Bandung, Indonesia.
141. Pada atau kira-kira 5 Ogos 2003, Azahari dan Asmar meninggalkan rumah yang disewa, dalam Toyota Kijang bersama bom yang diperolehi di dalam kenderaan. Ismail mengikuti Azahari dan Asmar dengan motosikal.
142. Pada atau kira-kira 5 Ogos 2003, Azahari menyertai Ismail dengan motosikal, lantas membawa Asmar dalam Toyota Kijang ke J.W. Marriott Hotel. Ismail dan Azahari membelok kiri di jalan sebelum menuju ke J.W. Marriott dan berhenti sejenak untuk memastikan Asmar membelok menuju ke jalan masuk J.W. Marriott.
143. Pada atau kira-kira 5 Ogos 2003, Asmar memandu Toyota Kijang yang berisi bom menuju ke jalan masuk J.W. Marriott dan meletupkan bom lori membunuh kira-kira 11 orang, mencederakan kira-kira 81 yang lain, dan merosakkan struktur Hotel J.W. Marriott.

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DAKWAAN I: PELANGGARAN KEATAS 10 U.S.C § 950t(15), PEMBUNUHAN MELANGGAR UNDANG-UNDANG PEPPERANGAN.

Spesifikasi 1: Dalam ini Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, seseorang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai musuh asing bermusuhan tanpa hak-hak istimewa, pula, pada atau kira-kira Oktober 12, 2002, pada atau berhampiran Bali, Indonesia, dalam konteks dan berkaitan dengan permusuhan, menyalahi undang-undang dan sengaja membunuh satu orang atau lebih, dengan sengaja melanggar undang-undang perang, dengan sengaja meletupkan bom dengan bahan letupan di Paddy's Bar di Jalan Legian , di hadapan Kelab Sari Club di Jalan Legian, dan berhampiran Konsulat AS, yang terletak di kawasan atau sekitar Bali, Indonesia, yang mengakibatkan kematian kira-kira 202 orang (sila lihat lembaran dakwaan Lampiran B untuk senarai mangsa-mangsa yang terbunuh dalam serangan itu).

Spesifikasi 2: Dalam ini Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a LILLIE dan Mohammed Farik bin Amin, a/k/a ZUBAIR, orang-orang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai musuh asing bermusuhan tanpa hak-hak istimewa memberontak, pula , pada atau kira-kira Ogos 5, 2003, pada atau berhampiran Jakarta, Indonesia, dalam konteks dan dikaitkan dengan permusuhan, sengaja dan menyalahi undang-undang bunuh satu atau lebih orang-orang dengan sengaja melanggar undang-undang perang, dengan sengaja meletupkan sebuah kenderaan yang sarat dengan bahan letupan di depan J.W Marriott Hotel terletak dalam atau di sekitar Jakarta, Indonesia, yang mengakibatkan kematian kira-kira 11 orang. (Sila lihat lembaran dakwaan Lampiran C untuk senarai mangsa-mangsa yang terbunuh dalam serangan itu).

DAKWAAN II: PELANGGARAN KE ATAS 10 U.S.C § 950t(28), PERCUBAAN MEMBUNUH DALAM PELANGGARAN UNDANG-UNDANG PEPPERANGAN:

Spesifikasi 1: Dalam ini Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, seseorang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai musuh asing bermusuhan tanpa hak-hak istimewa memberontak, pula, pada atau kira-kira Oktober 12, 2002, pada atau berhampiran Bali, Indonesia, dalam konteks dan berkaitan dengan permusuhan, menyalahi undang-undang dan sengaja membunuh satu atau lebih orang-orang yang melanggar undang-undang perang dengan sengaja meletupkan bom dengan bahan letupan di Paddy's Bar di Jalan Legian, di hadapan Kelab Sari di Jalan Legian, dan berhampiran Konsulat AS, terletak di Bali, Indonesia, dengan niat untuk membunuh orang-orang yang dilindungi dalam dan sekitar hotel, yang berjumlah lebih daripada semata-mata persediaan tindakan dan nampaknya cenderung untuk menguatkuasakan pelakuan kesalahan itu kerana pembunuhan yang melanggar undang-undang perang. (Lihat lembaran dakwaan lampiran D Senarai mangsa).

Spesifikasi 2: Dalam ini Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a LILLIE dan Mohammed Farik bin Amin, a/k/a ZUBAIR, orang-orang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai musuh asing bermusuhan tanpa hak-hak istimewa , pada atau kira-kira Ogos 5, 2003, pada atau berhampiran Jakarta, Indonesia, dalam konteks dan dikaitkan dengan permusuhan, dengan sengaja menyalahi undang-undang dengan cuba melakukan pembunuhan yang melanggar undang-undang perang, dengan sengaja meletupkan sebuah kenderaan yang sarat dengan bahan letupan di depan Hotel J.W Marriott terletak di atau sekitar Jakarta, Indonesia, dengan niat untuk membunuh orang yang dilindungi di dalam dan sekitar

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hotel , yang berjumlah lebih daripada semata-mata persediaan tindakan dan nampaknya cenderung untuk menguatkuasakan pelakuan kesalahan itu kerana pembunuhan yang melanggar undang-undang perang. (Lihat lembaran dakwaan lampiran E Senarai mangsa).

DAKWAAN III: PELANGGARAN 10 U.S.C § 950t(13), MENYEBABKAN KECEDERAAN KEPADA TUBUH DENGAN SENGAJA

Spesifikasi 1: Dalam ini Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, seseorang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai seorang asing bermusuhan tanpa hak-hak istimewa ,pula, pada atau kira-kira Oktober 12, 2002, pada atau berhampiran Bali, Indonesia, dalam konteks dan berkaitan dengan permusuhan, sengaja menyebabkan atau mengenakan kecederaan yang serius kepada tubuh dan kesihatan satu atau lebih orang, dengan menyalahi undang-undang tentera atau kekerasan, melanggar undang-undang perang, dengan sengaja meletupkan bom dengan bahan letupan di Paddy's Bar di Jalan Legian, di hadapan Kelab Sari Club di Jalan Legian, dan berhampiran Konsulat AS yang terletak di atau sekitar Bali, Indonesia.

Spesifikasi 2: Dalam ini Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a LILLIE dan Mohammed Farik bin Amin, a/k/a ZUBAIR, orang-orang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai musuh asing bermusuhan tanpa hak-hak istimewa, pula , pada atau kira-kira Ogos 5, 2003, pada atau berhampiran Jakarta, Indonesia, dalam konteks dan dikaitkan dengan permusuhan, sengaja menyebabkan atau mengenakan kecederaan yang serius kepada tubuh dan kesihatan satu atau lebih orang, dengan menyalahi undang-undang tentera atau kekerasan, melanggar undang-undang untuk berperang , dengan sengaja meletupkan sebuah kenderaan yang sarat dengan bahan letupan di hadapan Hotel J.W. Marriott terletak dalam atau di sekitar Jakarta, Indonesia.

DAKWAAN IV: PELANGGARAN 10 U.S.C § 950t(24), PENGGANASAN

Spesifikasi 1: Dalam ini Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, seseorang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai seorang musuh asing bermusuhan tanpa hak-hak istimewa, pula, pada atau kira-kira Oktober 12, 2002, pada atau berhampiran Bali, Indonesia, manakala dalam konteks dan berkaitan dengan permusuhan, sengaja membunuh, mendatangkan mudarat badan besar pada satu atau lebih orang-orang terlindung dan terlibat dalam perbuatan yang menunjukkan dengan jelas mengabaikan takdirnya untuk kehidupan manusia, cara yang dikira untuk mempengaruhi dan menjelaskan pengendalian Kerajaan Amerika Syarikat dan penduduk awam oleh ugutan dan paksaan, dan untuk mengambil tindak balas terhadap kelakuan kerajaan Amerika, dengan sengaja meletupkan bom yang diisi dengan bahan letupan di Paddy's Bar di Jalan Legian, di hadapan Kelab Sari di Jalan Legian, dan berhampiran Konsulat AS yang terletak di Bali, Indonesia, mengakibatkan kematian kira-kira 202 orang dan kecederaan kepada satu atau lebih orang. (Lihat lembaran dakwaan Lampiran B Senarai mangsa-mangsa yang terbunuh dalam serangan dan lampiran D bagi senarai orang-orang yang tercedera).

Spesifikasi 2: Dengan ini Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a LILLIE dan Mohammed Farik bin Amin, a/k/a ZUBAIR,

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orang-orang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai orang musuh asing bermusuhan tanpa hak-hak istimewa,, pula, pada atau kira-kira 5 Ogos 2003, pada atau berhampiran Jakarta, Indonesia, manakala dalam konteks dan sengaja dikaitkan dengan permusuhan, membunuh dan mendatangkan mudarat tubuh badan yang besar pada satu atau lebih orang yang dilindungi dan terlibat dalam perbuatan yang menunjukkan dengan jelas , mengabaikan takdirnya untuk kehidupan manusia, cara yang dikira untuk mempengaruhi dan menjelaskan pengendalian kerajaan Amerika Syarikat dan penduduk awam mengikut ugutan dan paksaan, dan untuk bertindak balas terhadap Kerajaan Amerika menjalankan, dengan sengaja meletupkan sebuah kenderaan yang sarat dengan bahan letupan di hadapan Hotel J.W Marriott yang terletak dalam atau di sekitar Jakarta, Indonesia, mengakibatkan kematian kira-kira 11 orang dan kecederaan kepada satu atau lebih orang. (Lihat lembaran dakwaan Lampiran C untuk senarai mangsa-mangsa yang terbunuh dalam serangan dan lampiran E untuk senarai 144 orang cedera).

DAKWAAN V: PELANGGARAN KE ATAS 10 U.S.C § 950t(2), MENYERANG ORANG-ORANG AWAM.

Spesifikasi 1: Dalam ini Encep Nurjaman itu, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, seseorang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai seorang musuh asing bermusuhan tanpa hak-hak istimewa, pula, pada atau kira-kira Oktober 12, 2002, pada atau berhampiran Bali, Indonesia, manakala dalam konteks dan berkaitan dengan permusuhan, sengaja terlibat dalam serangan terhadap penduduk awam iaitu: meletupkan dengan sengaja bom di Paddy's Bar di Jalan Legian di hadapan Kelab Sari di Jalan Legian, dan berhampiran Konsulat AS, terletak di atau sekitar Bali, Indonesia, atau objek, dan objek yang, justeru penduduk awam dan individu orang awam yang tidak mengambil bahagian secara langsung atau aktif dalam permusuhan; mengetahui atau mempunyai sebab untuk mengetahui keadaan fakta yang ditubuhkan status awam, menyebabkan kematian kira-kira 202 orang awam dan kecederaan orang awam satu atau lebih. (Lihat lembaran dakwaan Lampiran B untuk senarai orang awam terbunuh dan lampiran D senarai orang awam yang cedera).

Spesifikasi 2: Dalam ini Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a LILLIE dan Mohammed Farik bin Amin, a/k/a ZUBAIR, orang-orang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai musuh asing bermusuhan tanpa hak-hak istimewa, pula , pada atau kira-kira Ogos 5, 2003, pada atau berhampiran Jakarta, Indonesia, manakala dalam konteks dan sengaja dikaitkan dengan keganasan, terlibat dalam serangan terhadap penduduk awam, iaitu: dengan sengaja meletupkan sebuah kenderaan yang sarat dengan bahan letupan di hadapan Hotel J.W. Marriott yang terletak dalam atau di sekitar Jakarta, Indonesia, atau objek, dan objek yang, justeru penduduk awam dan individu orang awam yang tidak mengambil bahagian secara langsung atau aktif dalam permusuhan; mengetahui atau mempunyai sebab untuk mengetahui keadaan fakta yang ditubuhkan status awam, menyebabkan kematian kira-kira 11 orang awam dan kecederaan orang awam satu atau lebih. (Lihat lembaran dakwaan Lampiran C untuk senarai orang awam terbunuh dan lampiran E senarai orang awam yang cedera).

PENYAMBUNGAN LEMBARAN - Borang MC 458, Blok II. Dakwaan dan Spesifikasi dalam kes Amerika Syarikat Menentang ENCEP NURJAMAN, MOHAMMED NAZIR BIN LEP, DAN MUHAMMAD FARIK BIN AMIN

DAKWAAN VI: PELANGGARAN 10 U.S.C § 950t(3), MENYERANG OBJEK AWAM.

Spesifikasi 1: Dalam ini Encep Nurjaman itu, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, seseorang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai seorang musuh asing, bermusuhan tanpa hak-hak istimewa, pula, pada atau kira-kira Oktober 12, 2002, pada atau berhampiran Bali, Indonesia, manakala dalam konteks dan berkaitan dengan permusuhan, sengaja melibatkan diri dalam suatu serangan pada harta benda awam, iaitu: Paddy's Bar di Jalan Legian, Kelab Sari di Jalan Legian , dan berhampiran Konsulat AS terletak di Jakarta, Indonesia, iaitu harta yang tidak objektif ketenteraan, atau objek yang perlu, dan objek yang, harta awam; mengetahui atau mempunyai sebab untuk mengetahui bahawa harta tersebut adalah tidak objektif ketenteraan, dengan sengaja meletupkan bom di hadapan Paddy's Bar di Legian jalan, Sari Club, dan berhampiran dengan Konsulat Amerika Syarikat yang terletak di atau sekitar Bali, Indonesia.

Spesifikasi 2: Dengan ini Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a LILLIE dan Mohammed Farik bin Amin, a/k/a ZUBAIR, orang-orang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai musuh asing bermusuhan tanpa hak-hak istimewa, , pula , pada atau kira-kira Ogos 5, 2003, pada atau berhampiran Jakarta, Indonesia, manakala dalam konteks dan sengaja dikaitkan dengan keganasan, terlibat dalam serangan terhadap harta benda awam, iaitu: Hotel J.W Marriott yang terletak dalam atau di sekitar Jakarta, Indonesia, iaitu harta yang tidak objektif ketenteraan, atau objek yang perlu, dan objek yang, harta awam; mengetahui atau mempunyai sebab untuk mengetahui bahawa harta tersebut adalah bukan objektif ketenteraan, dengan sengaja meletupkan sebuah kenderaan yang sarat dengan bahan letupan di hadapan Hotel J.W. Marriott terletak dalam atau di sekitar Jakarta, Indonesia.

DAKWAAN VII: PENCABULAN 10 U.S.C § 950t(16), KEMUSNAHAN HARTA BENDA YANG MELANGGAR UNDANG-UNDANG PEPPERANGAN.

Spesifikasi 1: Dalam ini Encep Nurjaman itu, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, seseorang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai seorang musuh asing, bermusuhan tanpa hak-hak istimewa pula, pada atau kira-kira Oktober 12, 2002, pada atau berhampiran Bali, Indonesia, manakala dalam konteks dan berkaitan dengan permusuhan, dengan sengaja memusnahkan harta kepunyaan orang lain, tanpa kebenaran orang itu, iaitu: Paddy's Bar di Jalan Legian, Kelab Sari di Jalan Legian, dan berhampiran Konsulat AS yang terletak di atau sekitar Bali, Indonesia.

Spesifikasi 2: Dengan ini Encep Nurjaman, a/k/a Riduan bin Isomudin, a/k/a HAMBALI, Mohammed Nazir bin Lep, a/k/a LILLIE dan Mohammed Farik bin Amin, a/k/a ZUBAIR, orang-orang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai musuh asing bermusuhan tanpa hak-hak istimewa, pula , pada atau kira-kira Ogos 5, 2003, pada atau berhampiran Jakarta, Indonesia, manakala dalam konteks dan sengaja dikaitkan dengan keganasan, memusnahkan harta kepunyaan orang lain, tanpa kebenaran orang itu, iaitu: sebahagian daripada Hotel J.W. Marriott terletak dalam atau di sekitar Jakarta, Indonesia.

PENYAMBUNGAN LEMBARAN - Borang MC 458, Blok II. Dakwaan dan Spesifikasi dalam kes Amerika Syarikat Menentang ENCEP NURJAMAN, MOHAMMED NAZIR BIN LEP, DAN MUHAMMAD FARIK BIN AMIN

DAKWAAN VIII: PELANGGARAN KE ATAS 10 U.S.C § 950r, AKSESORI SELEPAS FAKTA.

Spesifikasi: Dalam ini bahawa Mohammed Nazir Lep bin, a/k/a LILLIE dan Mohammed Farik bin Amin, a/k/a ZUBAIR, orang-orang yang tertakluk kepada perbicaraan oleh Komisen ketenteraan sebagai musuh asing bermusuhan tanpa hak-hak istimewa, mengetahui bahawa pada atau kira-kira 12 Oktober 2002, di Pulau Bali, Indonesia, Encep Nurgaman a/k/a Isomudin bin Riduan, a/k/a HAMBALI telah melakukan suatu kesalahan yang boleh dihukum dengan Bab 47A tajuk 10, Kod Amerika Syarikat, iaitu: pembunuhan melanggar undang-undang peperangan, 10 U.S.C. § 950t(15); Percubaan membunuh yang melanggar undang-undang peperangan, 10 U.S.C. §950t(28); Menyebabkan kecederaan pada tubuh dengan sengaja, 10 USC §950t(13); Pengganasan, 10 USC § 950t(24); Menyerang orang awam, 10 USC §950t(2); Menyerang objek awam, 10 USC §950t(3); dan kemusnahan harta benda, 10 USC §950t(16), pula, diantara, pada atau kira-kira 12 Oktober 2002 dan pada atau kira-kira 30 Jun 2003, di Thailand, Kemboja dan di tempat lain, untuk mengelakkan tanggapan HAMBALI , membantu yang tersebut HAMBALI dengan memperolehi dan menyediakan dokumen-dokumen palsu, senjata, wang, dan mengatur pengangkutan dan Hotel termasuk rumah keselamatan.

Mohammed Nazir bin Lep, a/k/a LILLIE dan Mohammed Farik bin Amin, a/k/a ZUBAIR adalah bertanggungjawab ke atas kesalahan itu di atas dikatakan sebagai peserta dalam rancangan biasa, mengemukakan di bawah tajuk "Konspirasi Am," yang mana mengakui semula penutup dan diperbadankan dengan merujuk sebagai jika dinyatakan sebagainya sepenuhnya di sini.

PENDAKWAAN: LAMPIRAN A

Alias-alias Encep Nurjaman

- Hambali
- Riduan Bin Isomuddin
- Riduan Isamuddin
- Hendrawan
- Mizi
- Halim Osmann

Alias-alias Mohammed Nazir Bin Lep

- Lillie
- Lilie
- Bashir
- Bashir bin Lep
- Bashir bin Lap
- Nazir Lep
- Nazir
- Daoud
- Ali

Alias-alias Mohammed Farik Bin Amin

- Zubair
- Ahmed
- Achmad
- Fariq
- Fariq Amin
- Muhammad Fariq bin Amin
- Mohd Farik bin Amin
- Mohammad Bin Amin
- Mohammed Farik bin Amin
- Zack
- Awe bin Amin
- Muhammad Zubair
- Zaid
- Mussa

PENDAKWAAN: LAMPIRAN B

Kematian Akibat Pengeboman Bali tahun 2002

AMERIKA

Mangsa - 7

Megan Eileen Heffernan
Deborah Lea Snodgrass
Karri Jane Casner
George Hamilton Milligan
Robert Alan McCormick II
Steven Brooks Webster
Jacob Cardwell Young

CANADA

Mangsa - 2

Richard Gleason
Mervin Popady nec

UNITED KINGDOM

Mangsa - 23

Timothy John Arnold
Neil Bowler
Daniel Braden
Christopher Bradford
Jonathon Ellwood
Lucy S.O. Empson
Ian Findley
Emma Louise Fox
Laura France
Marc Gajardo
Tom Holmes
Paul Martin Hussey
Christopher John Kays
Annika Kerstin Linden
Dan (Nathaniel) Miller
Natalie Perkins
Peter Record
Christian Redman

Stevie Speirs
Michael Standing
Ed Waller
Clive John Walton
Douglas Warner

SWEDEN

Mangsa - 5

Linda Cronqvist
Ulrika Gustafsson
Maria Johansson
Johanna Bergander
Carina Rafling

GERMANY

Mangsa - 6

Marie Cecile Wendt
Angelika Helene Kohnke
Claudia Dietlinde Thiele
Bettina Christina Brandes
Alexandra Koppke
Udo Paul Hauke

FRANCE

Mangsa - 4

Guillaume Breant.
Lionel Erissey
Manuel Mordelet.
Anthony Underwood

NETHERLANDS

Mangsa - 4

Norbet Edgar Freriks
Sander Harskamp
Mark Antonio Schippers
Marjanne Van Lijen Noomen

DENMARK

Mangsa - 3

Lise Tanghus Knudsen
Laerke Cecile Bodker

Anette Overgaard Jensen

SWITZERLAND

Mangsa - 3

Serina Leish

Michale Pascal Dolf

Andrea Gian Rupp

AUSTRALIA

Mangsa - 88

Gayle Airlie

Belinda Allen

Renae Anderson

Peter Basioli

Christina Betmilik

Matthew Bolwerk

Abbey Borgia

Debbie Borgia

Gerardine Buchan

Steve Buchan

Chloe Byron

Anthony Cachia

Rebecca Cartledge

Bronwyn Cartwright

Jodie Cearns

Jane Corteen

Jenny Corteen

Paul Cronin

Donna Croxford

Kristen Curnow

Francoise Dahan

Sylvia Dalais

Joshua Deegan

Andrew Dobson

Michelle Dunlop

Craig Dunn

Shane Foley

Dean Gallagher

Angela Golotta

Angela Gray

Byron Hancock

Simone Hanley

James Hardman

Billy Hardy

Nicole Harrison

Tim Hawkins
Andrea Hore
Adam Howard
Paul Hussey
Josh Iliffe
Carol Johnstone
David Kent
Dimmy Kotronakis
Elizabeth Kotronakis
Aaron Lee
Justin Lee
Stacey Lee
Danny Lewis
Scott Lysaght
Linda Makawana
Sue Maloney
Robert Marshall
David Mavroudis
Lynette McKeon
Marissa McKeon
Jenny Murphy
Amber O'Donnell
Jessica O'Donnell
Sue Ogier
Jodie O'Shea
Corey Paltridge
Charles van Renen
Brad Ridley
Ben Roberts
Bronwyn Ross
David Ross
Kathy Salvatori
Greg Sanderson
Cathy Seelin
Lee Sexton
Tom Singer
Anthony Stewart
Julie Stevenson
Jason Stokes
Behic Sumer
Nathan Swaine
Tracy Thomas
Clint Thompson
Robert Thwaites
Jonathan Wade
Vanessa Walder

Jodie Wallace
Shane Walsh-Till
Robyn Webster
Marlene Whiteley
Charmaine Whitton
Gerard Yeo
Luiza Zervos

NEW ZEALAND

Mangsa - 3

Mark Parker .
Jamie Wellington
Jared Gane

INDONESIA

Mangsa - 38

I Wayan Yustara
R Destria Bimo Adhi Wibowo
Ni Kadek Alit Margarini
Gusti Ayu Made Artini
Arsoyo Rahmat
I Made Wija
I Ketut Nana Wijaya
I Nyoman Mawa
Elly Susanti Suharto
I Wayan Sukadana
I Ketut Cindra
Ati Savitri
I Ketut Sumarawat
I Gede Badrawan
Hanny
I Made Wijaya
I Komang Candra
Tata Duka
Lilis Puspita
Jonathan Simanjuntak
I Made Mertana
I Made Sujana
Salwindar Singh
Juniardi
I Kadek Ngartina
I Wayan Tamba
Rudy Armansyah
Mochamad Khotib

Imawan Sardjono
Endang
Mugianto
Widayati
Faturrahman
Achmad Suharto
Arismanandar
Agus Suheri
Kadek Sukerna
I Kadek Beni Prima

JEPUN

Mangsa – 2

Kosuke Suzuki
Yuka Suzuki

AFRIKA SELATAN

Mangsa - 2

Godfrey Fitz
Craig Russel Harty

KOREA SELATAN

Mangsa - 2

Moon Eun-Young
Moon Eun-Jung

TIDAK DI KENALI

Mangsa - 2

BRAZIL**Mangsa - 2**

Alexandre Moraes Watake
Sargento Marco Antonio Farias

GREECE**Mangsa - 1**

Dimitris N Panagoulas

POLAND**Mangsa - 1**

Daneta Beata Pawlak

PORTUGAL**Mangsa - 1**

Diogo Miguel dantas Riberinho

ITALY**Mangsa - 1**

Antonio Roberto Sbironi

ECUADOR**Mangsa - 1**

Ana Cecilia Aviles

TAIWAN**Mangsa - 1**

Miss Hui-Min Kuo

PENDAKWAAN: LAMPIRAN C

Kematian Akibat Pengeboman JW Marriott tahun 2003

DUTCH

Mangsa - 1

Hans Wimkelmolen

INDONESIAN

Mangsa - 10

Slamat Hariyanto

Eyoh Zakaria

Hidayat

Harna

Yohanes Bolan

Rudi Dwi Laksono

Miftah Tobiin

Syamsudin

Edi Haryanto

Edi Sucipto

PENDAKWAAN: LAMPIRAN D
Kecederaan Akibat dari Pengeboman Bali tahun 2002

AMERIKA

Cedera

William Steven Cabler
Amos Libby
Robert Detti

KANADA

Cedera

Silvana Sciortino
Joe Sciortino

UNITED KINGDOM

Cedera

Danielle Prothero.
Polly Brooks
Paul Lawrenson
Barrie King
Ian Stafford
Hanabeth Luke

AUSTRALIA

Cedera

Jason McCartney
Stuart Anstee
Peter Hughes
Carren Smith
Glenn Cosman
Andrew Csabi
Ben Tullipan
Phil Britten
Natalie Goold
Carren Smith

Nicole McLean
Rob Meredith
Angela Graham
Jake Ryan
Brad Phillips
Jim Vickers

NEW ZEALAND

Cedera

Lonny McDowell

Senarai ini mungkin tidak termasuk semua orang yang cedera.

LEMBARAN DAKWAAN: LEMBARAN E

Kecederaan Akibat Pengeboman di hotel JW Marriott tahun 2003

RAKYAT AMERIKA

CEDERA - 3

Patricia Pond

Peter Miller

Terry Padgett

Senarai ini mungkin tidak termasuk semua orang yang cedera.



PEJABAT KETUA
PENDAKWA

JABATAN PERTAHANAN

PEJABAT KETUA PENDAKWA TENTERA KOMISEN
1610 DEFENSE PENTAGON
WASHINGTON, DC 20301-1610

1

MEMORANDUM untuk tahanan Mohammed Farik bin Amin, ISN 10021, Guantanamo Bay, Cuba

Subjek: Pemberitahuan Pengangkatan Sumpah atas Pendakwaan di Amerika Syarikat
Menentang. Encep Nurjaman et al.

1. Disini anda dimaklumkan bahawa pendakwaan jenayah diangkat sumpah terhadap anda pada hari 7 Dec 2017, selaras dengan Akta Suruhanjaya Komisen Tentera 2009 tentera dan buku rujukan untuk Komisen Tentera. Satu salinan notis ini dan lembaran dakwaan yang disediakan untuk anda dan kepada peguam bela anda dengan terperinci.
2. Secara khusus, anda didakwa dengan kesalahan-kesalahan berikut:

PEMBUNUHAN YANG MELANGGAR UNDANG-UNDANG PEPPERANGAN
PERCUBAAN MEMBUNUH DALAM PELANGGARAN PEPPERANGAN
MENYEBABKAN KECEDERAAN SERIUS PADA TUBUH DENGAN SENGAJA
PENGGANASAN
MENYERANG ORANG AWAM
MENYERANG OBJEK AWAM
KEMUSNAHAN HARTA BENDA YANG MELANGGAR UNDANG-UNDANG -
PEPPERANGAN
AKSESORI SELEPAS FAKTA

PEMBERITAHUAN AFIDAVIT

Dengan ini saya mengesahkan bahawa satu salinan dokumen dan lembaran dakwaan ini diberikan kepada tahanan bernama 7th haribulan December, 2017.

Joy L. Primoli
Tandatangan

Office of Military Commissions
Organisasi

Joy L. Primoli, Lt Col, USAF
Ditaip atau Ditulis Nama dan Gred