

DOJ: IRAQ HAD NO AL QAEDA AFFILIATES (WORKING THREAD ON KSM INDICTMENT)

As Eric Holder said, he had the December 14, 2009 indictment of KSM and the other 9/11 defendants unsealed. Here is the indictment.

Page 3: Note in their description of why al Qaeda targeted the US, they make no mention of Palestinians, even though they were mentioned explicitly in the Fatwa?

Page 3: Note the list of al Qaeda affiliates in paragraph 4. Note what's missing? Iraq.

Page 4: The indictment says Muhammad Atef was "responsible for supervising the terrorist training of al Qaeda members." I take this as an implicit admission they were lying about Abu Zubaydah for all those years (though on page 5, they do list Khalden and Derunta as camps which al Qaeda "sponsored, managed, and financially supported").

Page 4: The indictment lists KSM, Walid Bin Attash, and Mustafa al-Hawsawi as members of the media committee.

Page 5: Note the reference to "assorted training manuals." We've always seen discussion of one manual, the Manchester manual. I find the reference particularly interesting given that Bruce Jessen and James Mitchell justified their torture based on what they read in an unspecified manual.

Page 6: The description of the manuals includes this, which served as justification for torture:

Al Qaeda provided counter-interrogation training to its personnel, which, among other things, required captured operatives to lie to authorities to prevent detection of an ongoing plot.

Page 8: Note how they reference Moussaoui:

In 2001, Zacarias Moussaoui, a co-conspirator not named as a defendant herein, traveled to the United States and took pilot and jet-simulator training in Oklahoma and Minnesota.

Page 9: They make no mention of Mohammed al-Qahtani among the list of hijackers, intended or not.

Page 14: KSM trained hijackers to use short-bladed knives by killing sheep and camels.

Page 15: The indictment describes which flights Walid bin Attash tested cockpit safety (in Asia). The sourcing on this is rather interesting—for example, how did they learn that Attash had a Leatherman on his January 2000 Malaysian flight? The question is particularly interesting given that we should expect they would not use anything that came from the defendants here, so as to avoid any torture taint.

Page 16: It's actually really helpful that they list what flight each hijacker eventually ended up on—it really helps you to see how the Hamburg cell ended up on the planes. I wish the 9/11 Report had done that!

Pages 18-19: Some of the details on overseas financing are quite interesting (particularly given my discussion about SWIFT this morning).

Page 20: Again, the level of detail for KSM's actions raise interesting questions about source. Also, note that KSM's order to send \$\$ to the hijackers post-dates (April 2001) the list of transfers on the previous pages.

Page 20: I'm particularly curious about this mention.

In or about mid-April 2001, KHALID SHEIKH MOHAMMED expressed frustration to RAMZI BIN AL-SHIBH that a hijacker was not traveling to the United States

sooner.

Particularly given the detail, I wonder whether the hijacker in question was al-Qahtani (who tried to enter the country on August 3, 2001).

Page 23, 24: Note the list of precisely how many calls the hijackers made to al-Hawsawi and bin al-Shibh, but not what was said.

Page 25: Did we know KSM applied for an entry visa on July 23, 2001?

Page 25: Note they include payments to Moussaoui.

Page 26: Ah, we finally get reference to al-Qahtani, named as "Co-Conspirator 1" in the indictment.

Page 27: Note the stupid, gratuitous reference to "Reagan National Airport" but not to "McCarren International Airport" in Las Vegas.

Page 27: They describe the knife Moussaoui had when he was arrested (a Leatherman).

Page 27: Paragraph 145 doesn't provide the date or the method by which the hijackers told KSM of the date of the attack, even though it has been reported. This seems an unnecessary exclusion of legally collected NSA information.

Page 29: They seem not to know precise details of how bin al-Shibh got from Spain on September 5 to Dubai on September 9, 2001.

Page 32: Note the reference to a post-9/11 meeting between bin al-Shibh, al-Hawsawi, and Osama bin Laden that was taped. Have we seen this tape?

Page 36-37: Count 4, Violence on and Destruction of Aircraft, applies only to Flights 11 and 175 (the two WTC flights). Anyone know why?

Page 37: Count 5, Conspiracy to Commit Aircraft Piracy, continues through March 1, 2003, when they captured KSM. (Now that I check, so does Count 3.)

Page 40: Counts 7 and 8 are murder charges tied to unnamed Federal Officers who were at WTC. Given the number of first responders who died, these two officers could be anyone. But remember that CIA's office got destroyed in the WTC attack, though none of their personnel were reported to have died. [Update: Ron Brynaert has suggested these two are probably FBI Special Agent Lennie Hatton and Secret Service Master Special Officer Craig Miller, who ran into the towers to help with rescues. Both are listed among the rest of the victims in the WTC list.]

Page 41: The indictment alleges that the accused continued in their conspiracy to kill Americans up to the filing of the indictment.

Page 43: There's a weird hodge podge of acts included in Count 10 to substantiate the conspiracy to kill Americans. Notably, it includes KSM and Ali Abdul Aziz conspiring in November and December 2001 to attack planes with shoe bombs (Richard Reid made his attempt on December 22, 2001). But they don't allege anything with regards to Jose Padilla. Nor wrt Iyman Faris or Majid Khan, both plots KSM allegedly reported.

Pages 45-80 have the list of all the victims of the attack (along with the two anonymous officers listed in Counts 7 and 8). I think that's the most impressive part of the indictment, seeing the list of names like that.