

## FACT SHEET: INTELLIGENCE OBTAINED THROUGH THE CRIMINAL JUSTICE SYSTEM

The following are three unclassified summaries of examples of intelligence that the United States government has obtained from terrorism targets in law enforcement custody. There are many additional examples, both recent and historical, where valuable information about al-Qa'ida and other terrorist organizations has been elicited through the questioning of individuals at different stages of the civilian criminal justice process, including David Headley and Faisal Shahzad. Because of the need to preserve the integrity of current operations, classified information, and ongoing prosecutions, detailed public accounts of the information gained in some of those cases cannot be given.

### *L'Houssaine Kherchtou:*

Kherchtou was an early member of al-Qa'ida in the 1990s and a member of one of the al-Qa'ida cells responsible for the 1998 East African Embassy bombings. In August 2000, the FBI approached Kherchtou in a foreign country. Like al Fadh, Kherchtou was an invaluable source of intelligence regarding the structure and membership of al-Qa'ida at a time when the United States did not have access to other human source intelligence. For example, Kherchtou explained how al-Qa'ida recruited people; and how they used non-governmental organizations and false passports. He also explained how al-Qa'ida developed targets, and conducted surveillance and training; provided information on its finances and membership; and identified the weapons used and the vehicles driven. In addition, he identified al-Qa'ida's principal liaison with the Sudanese government, and explained the relationship between al-Qa'ida and Hezbollah.

After approximately one month of debriefing, he was flown to the United States. He was continually debriefed in the United States by the FBI, with his counsel present. Kherchtou pled guilty in the Southern District of New York to conspiracy to kill U.S. nationals (18 U.S.C. § 2332(b)). He continued to provide significant information on al-Qa'ida, and he testified for the government in the 2001 and 2010 trials regarding the 1998 East African Embassy bombings.

### *Subject A:*

Subject A was arrested in early 2002 in the Middle East and ultimately turned over to the United States. He provided substantial intelligence on al-Qa'ida and Jemaah Islamiyah in several months of debriefings with the FBI, including the following:

- He provided detailed information about his meetings with Khalid Sheikh Mohammed (KSM) and Riduan Isomuddin (a/k/a, "Hambali"), who were directing a joint al-Qa'ida/Jemaah Islamiyah plot to bomb U.S. military targets and the U.S. and Israeli embassies in Singapore and the Philippines. Although the plot itself had already been disrupted by the time of his debriefings (several Jemaah Islamiyah members in Singapore were arrested in December 2001), his reporting was the most complete information provided at that time regarding KSM's role in directing multiple plots against the United States both before and after 9/11.



- Subject A also identified multiple lower level operatives with whom he had been working prior to his arrest; and he provided dates and meeting locations, the names and descriptions of other operatives, and a detailed chronology of the plot in which he was involved.
- He explained to the FBI how he became involved with al-Qa'ida as a teenager, thereby providing important insight into how al-Qa'ida identifies and recruits valuable Western operatives. He described traveling to Afghanistan and attending his first round of al-Qa'ida training in the summer of 2000, telling his family that he was studying in another country. He described in detail the route he traveled to Afghanistan, the guest houses in which he stayed and the names of people with whom he traveled or stayed en route. He also detailed the training he underwent at al Farooq, a training camp near Kandahar, and described the trainers and other attendees.
- He also identified several people whom he considered "important" in al-Qa'ida, including "Mukhtar" (KSM). He later met and swore bay'at to him.
- UBL told Subject A that he had been selected for an outside mission because he had a "clean" western passport and spoke English well. At UBL's instruction, Subject A traveled to Karachi, Pakistan in the summer of 2001, where he stayed with KSM. KSM taught him how to travel on trains and buses, how to book travel tickets, and how to conform to local customs. After a few weeks, KSM directed him to travel to Malaysia to meet with individuals planning operations against the U.S. and Israeli embassies in the Philippines, and to provide them with funding.
- Once in Kuala Lumpur, he met an individual who described being in Karachi with KSM on 9/11, who said that the video equipment in KSM's apartment was set to record on the morning of 9/11. Based on this information indicating KSM's apparent foreknowledge, Subject A concluded that KSM had arranged and coordinated the 9/11 attacks. This was one of the earliest pieces of source reporting, prior to KSM's capture, confirming that KSM was the architect of 9/11.
- Subject A provided the FBI with the phone numbers and e-mail addresses that he used to contact KSM.

### **Lyman Faris:**

The FBI learned about Faris after KSM's arrest in Rawalpindi (Pakistan) in March 2003. Agents contacted Faris, who was living in Columbus, Ohio, and he agreed to be interviewed. After he initially only provided scant information, the FBI asked him to take a polygraph. Faris then provided additional information that was of interest. He consented to further interviews and was taken to a hotel for several days of debriefings, during which he was reminded that he was free to leave; the debriefings then continued at another location where he stayed for over a month providing detailed information on al-Qa'ida, a plot in New York City, and training camps. He was eventually taken into custody, given a *Miranda* warning, and provided with an attorney in late April 2003; he then continued the debriefings, represented by counsel.

Over the course of FBI interviews conducted between March and May 2003, Faris, who had trained and fought in both Kashmir and Afghanistan in the late 1980s, provided extensive



information about al-Qa'ida operations, leaders and its plans for attacks in the United States, including the following:

- He provided detailed information about his close friend and high-ranking al-Qa'ida affiliate Subject B. He identified photographs of Subject B and his son, both of whom, at the time of Faris's interviews, were at large in Pakistan and being sought by the United States. Faris gave the FBI a lengthy description of Subject B's personality and habits, including his daily routine, descriptions of vehicles Subject B used to travel around Pakistan, his communication habits and the security measures he employed. For instance, Faris advised that Subject B would communicate by using multiple cell phones. Faris also described several "errands" he had completed for Subject B (and the al-Qa'ida security tradecraft involved), including entering a travel agency in Karachi shortly after 9/11 dressed as a Tabligh Jamaat member to extend the departure date of approximately five airline tickets to Yemen for one month in order to keep five al-Qa'ida members in Pakistan. Significantly, Faris also described his travel with Subject B in the summer of 2000 to an al-Qa'ida safehouse in Kandahar, Afghanistan and then to an al-Qa'ida training camp "between two mountains," about an hour's drive from Kandahar. Faris described having lunch with UBL at the camp, and he identified the locations of the safehouse and camp on a map of Kandahar at the request of FBI agents.
- Faris also identified a photo of KSM, who had been captured just weeks before Faris's interviews, as an al-Qa'ida official whom Faris met during his lunch with UBL and who was introduced to Faris as "Botci." Faris told the FBI that during this initial meeting, KSM asked Faris about "ultralight" and other "kit" airplanes, and advised Faris that he was interested in using them as some type of "escaping airplane." KSM tasked Faris with researching and providing him with additional information on ultralights. Faris admitted that approximately two or three months after this meeting, he printed material regarding ultralights off of the Internet and gave it to Subject B. Faris also informed the FBI about meeting KSM again in February 2002, in Karachi. After traveling with Subject B to a "money exchange" location in Karachi, where Subject B picked up approximately \$250,000 in cash (U.S.D.) and divided it into five bags, Faris accompanied Subject B's son to a house in Karachi where they delivered the money to KSM. Faris told the FBI that during this meeting, KSM asked Faris for information about his job as a commercial truck driver in the United States and was particularly interested in Faris's shipment of airplane cargo containers and his access to airports.
- Faris also provided the FBI with a description of counter-surveillance methods employed by KSM.
- KSM also pressed Faris for information about bringing al-Qa'ida operatives into the United States. KSM asked about the possibility of forging documents such as driver's licenses and social security cards and about bribing officials in the United States.
- According to Faris, KSM believed that al-Qa'ida could accomplish attacks within the United States through bribing police officers.
- During this meeting, KSM tasked Faris with obtaining gas cutters to cut tension wires in order to attack and destroy the Brooklyn Bridge (when Faris returned to the United States).

- Faris advised the FBI that KSM instructed him to communicate in code about this project (*e.g.*, to refer to the gas cutters as “gas stations”).
- After a polygraph examination, Faris admitted to the FBI that he had conducted internet research about gas cutters and admitted to taking photos of the bridge and other structures around Manhattan.
- Faris also provided the FBI with critical information about links between KSM, Subject B, and Subject B’s relatives in the United States as well as about Faris’s own contacts with other potential al-Qa’ida sympathizers in the United States, allowing the FBI to investigate other possible domestic threats.
- Faris provided information about his contacts with Majid Khan, a detainee held at Guantanamo Bay, who was arrested in Karachi (Pakistan) in March 2003. That information assisted the FBI in fully identifying the domestic threat posed by Majid Khan, who had resided in Baltimore, Maryland from 1996 to 2002, and ensuring that all domestic links to Majid were exhausted.
- Faris informed the FBI that he believed that al-Qa’ida was attempting to develop a chemical weapon, because in early 2001, Faris was present when Subject B’s son brought a man who was suffering from gas poisoning from testing that “they” had been conducting at Subject B’s house in Karachi.

Faris pled guilty in the Eastern District of Virginia to one count of providing material support to al-Qaeda (18 U.S.C. § 2339B) and one count of conspiracy to provide material support to al-Qaeda (18 U.S.C. §§ 2339B & 371). Later, Faris stopped cooperating with the FBI and sought without success to withdraw his guilty plea. He repudiated all of his prior statements to the FBI and alleged that he had been threatened with “enemy combatant” status. Faris was eventually sentenced to 20 years’ imprisonment (the statutory maximum).