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Memorandum for the Record

Event: Moussaoui Team Briefing

Location: Department of Justice

Date: March 18, 2004

Access Restrictions: None

Prepared By: Hyon Kim

Commission Participants: Dieter Snell, Raj De, Mike Jacobson, Hyon Kim

Commission staff was briefed by the Moussaoui prosecution team: Ken Karas, Rob Spencer, Dave Novak, Dave Raskin of the Department of Justice and [redacted] and [redacted] from the FBI. Also in attendance was Faith Burton from DoJ Legislative Affairs.

The prosecution team stated at the beginning of the meeting that they would like a chance to review anything that the Commission writes concerning Moussaoui so that they can be sure that they are in compliance with Local Criminal Rule 57 and the protective order in the case.

The team's operating theory is that the 9/11 plot was in flux and not set in stone as of the late 1999 meetings in Afghanistan. The plot was evolving throughout. Binalshibh mentions that there were to be five pilots. The prosecution team is not concerned with whether Moussaoui was supposed to be in the first or a second "wave" of attacks. They do believe that Moussaoui was supposed to fly into a U.S. target at some point.

Moussaoui was in the training camps sometime in the late 1990s. In September of 2000, the JI leader Hambali apparently told Faiz Bafana that someone was coming to Malaysia and that Bafana should help him. Moussaoui arrived in Malaysia on September 4, 2000, and started looking for flight schools around Kuala Lumpur. He did not like the schools, and as of September 6 he was sending email to the Airman Flight School in Norman, OK, where Atta and al Shehhi had visited in July during their search for a flight school.

Moussaoui had a German document with him with an ad for an American flight school. There were notations beside an ad for the Florida Flight Training Center, where Jarrah trained and Binalshibh had intended to go. The notes were in Atta's and Binalshibh's handwriting, according to Binalshibh. The document was an ad from a German magazine dated March 2000.

Moussaoui asked Bafana how to buy four tons of fertilizer. Moussaoui went ahead and made the purchase. Moussaoui was a troublemaker, and the JI complained to

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KSM about him. Bafana ended up giving Moussaoui \$10,000, and Moussaoui left Malaysia in October of 2000. He went to the U.K., and claimed that he had lost his passport. Between December 2 and 9, 2000, Moussaoui and Binalshibh were in the same hostel. Binalshibh denies seeing Moussaoui even though the establishment only had 16 rooms. On December 4, Moussaoui obtained a Pakistani visa. On December 9, Binalshibh returned to Germany, and Moussaoui traveled to Pakistan and then to Afghanistan. Moussaoui was back in the U.K. as of February 2001.

Binalshibh claims that he was told that Moussaoui and KSM met. In May of 2001, KSM gave Binalshibh an email address that he was told he would use later.

In London, Moussaoui emailed the Airman Flight School. He soon arrived in Chicago and enrolled at Airman on February 26, 2001. It is unclear how long he intended to train. When he was arrested, in his pocket litter was a document that appeared to be a budget for about 10 months of training, but it is unknown when he wrote the document. Moussaoui trained until late May, 2001.

The instructors found Moussaoui to be strange. He wanted to fly a 747 even though he had no experience. He also seemed to have no interest in getting a pilot's license. The instructors discouraged him from continuing. Contrary to the press reporting, Moussaoui did want to learn how to taxi, takeoff and land, using visual flight rules, which is what he would have to do to carry out an attack.

During July, there were more than 50 calls from Jarrah to Aysel Senguen. On July 20, Senguen made a one way reservation for Jarrah to travel to Germany. This may have led to concerns that Jarrah was about to drop out of the plot.

On July 20, 2001, there was a call between KSM and Binalshibh. They used the codewords Teresa and Sally. Sally is probably Moussaoui, as there is discussion about sending money to Sally. There is a discussion about Teresa being late, which probably refers to Jarrah and possible conflicts with Atta about Jarrah's isolation from the plot and perhaps uncertainty about whether he would carry out the attacks. It seems that Moussaoui may have been thought as a replacement, since there's an exchange where KSM speaks of Teresa being late so send the money to Sally. KSM is concerned about Jarrah dropping out, stating that if there is a divorce, it will cost a lot of money. Binalshibh tries to reassure him, saying it will be ok. KSM may have been concerned also because he had never met Jarrah and so did not know him personally. There is also a reference to "Danish leather" which is believed to be al Qahtani. At this time, KSM was under great pressure from UBL to carry out the operation as soon as possible.

On July 25, on his last trip out of the country, Jarrah was dropped off at the airport by Atta, which may have given Atta a chance to encourage him to come back for the attacks.

On July 29, there was a phone call between Moussaoui and Binalshibh. On July 31, Moussaoui received his schedule for training on the simulator at the flight school in

Minnesota, and the training was to end by 8/20. Moussaoui was pressuring Binalshibh for money, even though he should have had about \$20,000 remaining. Moussaoui may have been contemplating travel in the U.S. to plan an attack. He did talk to his associate Hussein al Attas about going to Colorado and to New York.

Hussein al Attas drove Moussaoui to Minnesota. Al Attas was a student at the University of Oklahoma. People at the mosque in Oklahoma did not like Moussaoui and al Attas may have just been trying to be helpful in giving him a ride. In a conversation from Minnesota after his arrest, al Attas spoke with an imam back in Oklahoma and the imam scolded al Attas for traveling with Shakir (Moussaoui). The prosecution team does not believe that al Attas or the imam had any involvement with the plot.

Binalshibh had several calls in late July and early August with Moussaoui. He transferred the money to him on 8/3/01. On August 1, Jarrah was back in Germany and Binalshibh spent time with him. On August 3, Jarrah returned to the U.S. On the same day, Moussaoui bought two knives and started inquiring about GPS units. Moussaoui's activities were very similar to those of the hijackers as they made their final preparations.

KSM and Binalshibh appear to be going out of their way to deny that Moussaoui is referred to in their conversations. It could be that they do not understand U.S. law and believe that if they do not implicate Moussaoui in the 9/11 plot that he will be protected.

On August 13, Moussaoui extended his simulator training to August 26. Moussaoui also ordered two books on crop dusting and had them mailed to al Attas at his address in Oklahoma.

Even when it was clear that Jarrah would continue with the plot, the plot leaders did not drop Moussaoui. Although it is not clear whether Moussaoui was intended for the 9/11 attacks or another wave of attacks, Moussaoui was taking the very same actions as the rest of the hijackers during August.