

CHIEF PROSECUTOR MARK MARTINS
REMARKS AT GUANTANAMO BAY
20 FEBRUARY 2014

Good morning. Today, following his initial appearance and arraignment, a military commission accepted the guilty plea of Ahmed Mohammed Ahmed Haza al Darbi to serious violations of the law of war. Mr. al Darbi's conviction, based on the Accused's knowing, intelligent, and voluntary admission of guilt, means he will likely spend between 9 and 15 additional years in confinement. Mr. al Darbi's guilty plea today—together with the underlying evidence detailed in the accompanying stipulation of fact admitted into the record by the Judge and posted on the military commissions' website—also affirm that his nearly 12 years of detention as an unprivileged belligerent under the law of war have been grounded in strong legal authority and fact.

Mr. al Darbi is a Saudi Arabian national who has now been established beyond a reasonable doubt to have joined with other members of al Qaeda in planning and preparing attacks against civilian oil tankers in Southwest Asian waters. Specifically, Mr. al Darbi admitted that he attended al Qaeda training camps beginning in 1996, eventually receiving a personal recommendation from Usama bin Laden in 1997 to attend al Qaeda's Jihad Wahl Training Camp. There, he received advanced military training and ideological indoctrination. Eventually, he became a weapons instructor at Jihad Wahl Training Camp. At no time after he began engaging in hostilities against the United States and its interests did Mr. al Darbi distinguish himself from civilians and other noncombatants by carrying arms openly, wearing a uniform, or otherwise seeking to operate in accordance with the laws of war. Such a pattern of conduct, which international humanitarian law has long recognized tends to increase the ravages of armed conflict, placed Mr. al Darbi within the jurisdiction of the United States' Military Commissions Act and authorized his trial consistent with Common Article 3 of the Geneva Conventions of 1949.

Around late 2000, Mr. al Darbi traveled to Karachi, Pakistan, where he joined an ongoing plot to attack ships in the Strait of Hormuz and off the coast of Yemen. Today Mr. al Darbi admitted that to further this plot, he traveled to Qatar, United Arab Emirates (UAE), and other places and that he purchased global positioning system equipment and boats to be used in an attack on a civilian oil tanker intended to damage the U.S. and world economies. Mr. al Darbi made repeated trips to secure items essential to this plan. Mr. al Darbi further admitted that more senior members of al Qaeda provided him funds to travel and to purchase the required items. In September 2001, Mr. al Darbi purchased a large ship to be used in the plots. He also obtained UAE visas for four Yemeni operatives to live on this ship and train for their terrorist attack against an oil tanker.

In May 2002, Mr. al Darbi left the UAE and sailed the ship he had purchased towards Yemen, where he was to give the boat to Walid al Shiba, leader of the Yemeni cell, to use in an attack against a petroleum tanker off the coast of Yemen. Fearing capture, Mr. al Darbi diverted the boat to Bossaso, Somalia. At this point, Mr. al Darbi reallocated resources from the original plot against shipping in the Strait of Hormuz to the parallel plot against shipping off the coast of Yemen, which was within his common plan. This parallel plot resulted in an attack on the French oil tanker, *MV Limburg*. Although Mr. al Darbi had been captured by the time of the

terrorist attack on *MV Limburg* in October 2002, and although he had by that time begun divulging some useful information to authorities about his involvement in terrorist activities, Mr. al Darbi acknowledged before the Judge today his complicity in the plot that led to the *MV Limburg* bombing and his criminal responsibility for that attack.

The attack on *MV Limburg* resulted in the death of one civilian crew member and the injury of several others of French and Bulgarian nationality. Both the French and Bulgarian victims were notified that Mr. al Darbi was charged with these offenses and were invited to attend the proceedings. Although the victims were unable to attend today's proceeding, they expressed their appreciation for having been invited and included in the justice process. We will continue to notify and include these victims in future proceedings just as we do for proceedings that involve American victims.

Today, Mr. al Darbi was convicted of attacking civilians, attacking civilian objects, hazarding a vessel, terrorism, and multiple specifications of attempt. Consequently, the Judge necessarily found that Mr. al Darbi had admitted all the elements of each offense, including that the offenses were committed in the context of and associated with hostilities.

Let me make clear that, other than Mr. al Darbi, who has now been found guilty, those referenced in commission filings as members of al Qaeda and as alleged co-conspirators are presumed innocent unless and until they themselves are proven guilty beyond a reasonable doubt. We are committed to ensuring that those who are accused before military commissions receive all the fundamental protections of a fair trial demanded by our law and values.

Mr. al Darbi has, importantly, accepted responsibility. He is represented by a highly competent team of defense counsel. He has pledged to be law-abiding and to cooperate fully and truthfully with authorities. Following sentencing, which will occur about three and a half years from now, it is possible Mr. al Darbi will be repatriated to the Kingdom of Saudi Arabia to serve the remainder of his sentence to confinement in a Saudi Arabian prison. State Department Special Envoy for Guantanamo Closure Clifford Sloan has been pivotal to the efforts to coordinate assurances from the Kingdom of Saudi Arabia within the context of this plea agreement.

I recognize the trial counsel from the Defense and Justice Departments who have composed the prosecution team. I also recognize the close collaborative efforts of the Federal Bureau of Investigation; the Defense Department's Criminal Investigative Task Force; the Defense Department's Office of Detention Policy and of the Special Envoy, Office of General Counsel, and Office of Military Commissions; the State Department's bureaus and diplomatic missions; the intelligence community; and many other components of the federal government. Their extraordinary efforts and dedication culminated in today's proceeding. I also especially recognize the daily professionalism of the Coast Guardsmen, Sailors, Soldiers, Marines, and Airmen who support these trials, and of their commanders and leaders in the Naval Station, Joint Detention Group, and Joint Task Force here in Guantanamo, as well as in U.S. Southern Command headquarters. We must reject the false choice presented by those who say that only law enforcement, or only the military, may be used to protect peaceful citizens against organizations that plan with impunity, launch attacks from ungoverned spaces, and hide among civilians. Instead, we must use all the lawful instruments of our national power and authority to do so. And now, I'll be happy to take questions.

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In conclusion, I note that a proceeding such as the one you witnessed today requires a robust and effective relationship between an accused and defense counsel. This is so because the waiver of the right to a trial severely tests such a relationship. Without in any way suggesting that defense counsel would share my characterization, I respectfully submit that today's outcome demonstrates that detainees at Guantanamo have access to legal counsel and to court. While the Armed Forces did not seek out the mission of conducting this or similar such trials, the law directs us to do so. We will thus carry out our assignment with dedication and with appropriate assistance from across the federal government.

Thank you.