(U) Attachment B
Declaration of Donald C. Canestraro

Your Declarant, Donald C. Canestraro, declares the following:

I am an investigator assigned to the Office of Military Commissions – Military Commissions Defense Organization and have been working in that capacity since April of 2016. Prior to my assignment to the Military Commissions Defense Organization, I was a Special Agent for the Drug Enforcement Administration (DEA) for more than 21 years. While serving as a DEA Special Agent, I interviewed numerous suspects and witnesses. Information developed during these interviews furthered investigations under my purview; these investigations led to seizures and arrests. Testimony I have provided has been accepted by both federal and state courts as accurate and trustworthy and has contributed to numerous convictions. I have not included each and every fact known to me in this declaration.

During July of 2016, I began an investigation into the possible involvement of the Saudi Arabian Government and the Central Intelligence Agency in the events leading up to the 9/11 attacks. In support of this inquiry, I began a review of discovery provided by the Government to the Defense and open source materials available on Omar Al-Bayoumi, a suspected Saudi intelligence officer who had contact with 9/11 hijackers Nawaf Al-Hazmi and Khalid Al-Mihdhar. During the review I conducted, I noted that an FBI file on Al-Bayoumi released to Judicial Watch by the FBI pursuant to a FOIA request used a “199” numerical designator followed by the letters “SD”. Based on prior training and experience, I noted that the FBI file designator is a part of a numerical code that tells the reader what type of violation the FBI is investigating in a given case. I observed that the “199” numerical designator most likely indicates a counter intelligence file and that the capital letters “SD” indicates that the investigation was conducted by the San Diego Field Office.

I then analyzed FBI documents referencing Omar Al-Bayoumi released by the Government to the Defense pursuant to a prior discovery production. The documents show that a witness interviewed by the FBI, following the 9/11 attacks, told agents that he suspected Al-Bayoumi was a Saudi intelligence officer. Further information from the discovery shows that FBI agents conducted numerous interviews regarding Al-Bayoumi after the 9/11 attacks. The interviews show that Al-Bayoumi was seen with 9/11 hijackers Nawaf Al-Hazmi and Khalid Al-Mihdhar on numerous occasions and had organized a social gathering for the hijackers while the two men were living in San Diego. Further investigation by the FBI shows that Al-Bayoumi assisted the two hijackers with getting an apartment.

The released FBI information shows that Al-Bayoumi was interviewed by FBI agents in 2003 in Riyadh, Saudi Arabia. During the interview, Al-Bayoumi stated that he met Al-Hazmi and Al-Mihdhar at a Middle Eastern Restaurant in Los Angeles, California. Bayoumi stated that he overheard Al-Hazmi and Al-Mihdhar speaking Arabic in the restaurant and that he spoke with the two men and then offered to assist them in finding an apartment in San Diego.
A review of discovery provided by the FBI, however, shows that one witness, whose name is redacted from documents provided by the Government to the Defense, told agents in 2002 that he/she observed Al-Bayoumi dropping a piece of paper near Al-Hazmi and Al-Mihdhar’s table and then striking up a conversation with them. According to the FBI’s witness, Al-Bayoumi’s actions appeared “unnatural.”

I then conducted further research regarding Omar Al-Bayoumi. Information obtained from open sources shows that the FBI suspected that Al-Bayoumi was associated with Fahad Al-Thumairy, a Saudi government official who was assigned to the Saudi Consulate in Los Angeles prior to 9/11. Open source documents also show that an FBI examination of telephone records shows numerous phone calls between numbers associated with Al-Thumairy and Al-Bayoumi prior to the 9/11 attacks.

During June of 2016, I interviewed a former 9/11 Commission investigator whose identity is known to me. The investigator is identified herein as CS-1. CS-1 stated that sometime around 2003, he/she interviewed Fahad Al-Thumairy at a Saudi Government building in Riyadh. CS-1 stated that the purpose of the interview was to question Al-Thumairy regarding his relationship with the San Diego hijackers and his possible association with Omar Al-Bayoumi. CS-1 recalled that numerous other people were in the room while he/she and other investigators were questioning Al-Thumairy.

CS-1 stated that members of the Saudi counter intelligence agency were also present during his/her interview of Al-Thumairy. CS-1 told me that he/she felt that Al-Thumairy was “less than 100% forthcoming” when he was questioned by the commission. CS-1 noted that Al-Thumairy seemed to react when questioned regarding his relationship with Omar Al-Bayoumi. CS-1 recalled that sometime after the first interview, he/she and other members of the 9/11 Commission interviewed Al-Thumairy a second time in Riyadh. The second interview was held in a Saudi government building. Members of the Saudi security service were also present at the second interview.

CS-1 recalled that Al-Thumairy spoke English fluently. CS-1 also noted that during both sessions when Al-Thumairy was asked a controversial question, he asked that the question be translated from English into Arabic. CS-1 noted that the above might have been an indicator that Al-Thumairy was being deceptive during his questioning by the members of the commission. CS-1 confirmed that Al-Thumairy worked for the Saudi government in the Department of Religious Affairs.

I next interviewed a second former 9/11 Commission investigator, whose identity is known to me. The investigator is herein referred to as CS-2. CS-2 stated that he/she was responsible for the 9/11 Commission’s investigation into the possible link between the Saudi government and the 9/11 attacks. CS-2 noted that the staff director of the 9/11 Commission, Philip Zelikow, limited the number of witnesses that Commission investigators could interview. CS-2 recalled
that the FBI had Omar Al-Bayoumi under investigation prior to the 9/11 attacks. CS-2 told me
that it was his/her belief that Omar Al-Bayoumi was receiving substantial sums of money from
the Saudi Embassy in Washington, DC prior to the 9/11 attacks. CS-2 recalled that this money
was being funneled from accounts at Riggs Bank belonging to Haifa bin Faisal, the wife of the
Saudi Ambassador to the United States, Bandar bin Sultan.

CS-2 related that his/her investigation showed that Al-Bayoumi had several “no show” jobs
while he was living in the United States. CS-2 defined a “no show” job as one where an
employee is paid by a given employer but not required to actually show up for work. CS-2
stated that Al-Bayoumi allegedly was employed by Ercan, a Saudi company. According to CS-
2, Commission investigators later learned that Al-Bayoumi was paid by the company but rarely
showed up for work.

Based on the above, I checked open source information regarding Ercan. The information shows
that Ercan was a subcontractor for a Saudi aviation company, Dallah Avco. The information
further shows that Dallah Avco is suspected of having ties to the Saudi government. Checks of
open source information show that two months following Al-Bayoumi’s meeting with the two
San Diego based hijackers, his monthly allowance from Ercan rose from $465 to $3,700.

CS-2 stated that he/she believed that Fahad Al-Thumairy was an intelligence officer working for
the Saudi government. Checks of open source intelligence show that Al-Thumairy was later
deported from the U.S. on suspicion of links to terrorism.

CS-2 stated that sometime following the 9/11 attacks, the FBI set up a squad at the Washington
Field Office to investigate ties between the Saudi Government and the 9/11 attacks.

CS-2 stated that sometime in 2003, he/she was fired by the staff director of the 9/11, Philip
Zelikow. According to the investigator, he/she was fired in that he/she obtained a classified
index to the House and Senate’s joint inquiry into 9/11 from a source other than official
channels. According to CS-2, the index is a document that identifies the source documents, i.e.
FBI and other government agency reports, that detail the suspected Saudi involvement in the
9/11 attacks. CS-2 described his/her actions as a minor security violation. He/she further stated
that he/she was terminated by Zelikow, as Zelikow was attempting to blunt the 9/11
Commission’s inquiry into Saudi involvement with the hijackers. CS-2 noted that sometime
before his/her termination, Zelikow had blocked his/her requests to conduct interviews and
obtain documents pertaining to his/her inquiry. CS-2 noted that Zelikow seized the index from
him/her at the time of his/her termination and did not let anyone else on the commission see the
document. CS-2 stated that the former Deputy Staff Director of the 9/11 Commission may
know where the index is currently located.

During August of 2016, I interviewed a former FBI Special Agent whose identity is known to
me. The former agent is herein referred to as CS-3.
CS-3 recalled that from January of 1999 until May of 2003, he/she was assigned as an FBI Special Agent to the CIA Station that handled all matters concerning Usama Bin Laden, herein referred to as UBL Station. CS-3 stated that sometime in 2000, while he/she was assigned to UBL Station, he/she and another FBI agent became aware that two suspected terrorists, Nawaf Al-Hazmi and Khalid Al-Mihdhar, had multiple entry visas to enter the United States. CS-3 stated that the two hijackers ultimately made their way to the United States and that prior to entering the U.S., the CIA had tracked the above individuals to Kuala Lumpur, Malaysia. CS-3 stated that the two hijackers attended what CS-3 described as a high level meeting with members of Al-Qaeda. According to CS-3, after the meeting, Nawaf Al-Hazmi and Khalid Al-Mihdhar then traveled to the U.S. via Bangkok, Thailand.

CS-3 stated that his/her FBI colleague at UBL Station, whose identity is known to me, prepared a Central Intelligence Report (CIR) outlining the possible presence of Al-Hazmi and Al-Mihdhar in the United States. CS-3 stated that after the CIR was prepared, he/she attempted to send it to the FBI, where it would eventually be forwarded to agents for action. CS-3 recalled that a CIA analyst, whose identity is known to me and is herein referred to under the cryptonym VVV, told him/her that, per the Deputy Head of UBL Station, he/she was not to distribute the CIR to anyone outside of UBL Station. CS-3 related that he/she passed this information to his/her FBI counterpart at UBL Station, and, as a result, the CIR was not sent. Later, in the course of an inquiry into the events prior to 9/11, VVV claimed that he/she had passed the information regarding the two suspected terrorists to FBI. However, according to CS-3, FBI records show that VVV never visited FBI HQS as she claimed to pass the information to agents. CS-3 stated that a search of the FBI files also showed no record of the CIR. However, according to CS-3, the document was located by CIA officials in their computer system sometime after 9/11 during an Inspector General’s investigation into the events leading up to the 9/11 attacks. According to CS-3, the CIA IG also obtained copies of instant messages from the deputy head of the UBL station to unnamed persons that corroborate CS-3’s account of the events leading up to 9/11.

CS-3 stated that he/she was interviewed about the events prior to the 9/11 hijackings sometime in 2002 by representatives of the Joint Congressional Inquiry into the 9/11 attacks. CS-3 stated that before he and his/her FBI colleague were interviewed, he/she was told by CIA officials at UBL station not to cooperate fully with Congressional investigators. CS-3 stated that the justification the CIA used for the above was that the investigators were looking to “hang someone” for the events of 9/11. CS-3 also stated that CIA personnel told him/her that Congressional officials were not cleared for access to information regarding activities at UBL station. According to CS-3, the CIA had an officer in the room while he/she was being interviewed by the Congressional investigators. CS-3 stated that he/she never mentioned the order not to distribute the CIR to Congressional investigators. CS-3 stated that when he/she was questioned by the CIA’s own Inspector General about the events prior to 9/11, he/she did not mention the CIR as he/she had no lawyer present and was concerned with the legal ramifications of the CIR not being passed to FBI.
CS-3 recalled that shortly after the 9/11 attacks, he/she approached one of his/her supervisors, an FBI Special Agent whose identity is known to me, and told him/her about the existence of the CIR. CS-3 stated that his/her supervisor asked him/her if he/she was sure that the CIR had been drafted. CS-3 stated that he/she left his/her supervisor’s office and returned with a draft of the CIR that he/she had obtained from another FBI agent at UBL Station. According to CS-3, the supervisor read the draft CIR and immediately called a counter terrorism official at FBI headquarters with news of the CIR’s existence. According to CS-3, his/her supervisor then quickly drove to HQS with the draft CIR to meet the official in the parking lot of the Hoover Building to give him a copy of the CIR. CS-3 stated that he/she was unsure what happened to the draft CIR after it was given to the HQS official.

Sometime after he/she was interviewed by the CIA’s Inspector General, CS-3 was questioned by investigators from the FBI’s Office of Professional Responsibility (OPR). CS-3 stated that he/she told OPR investigators about the existence of the CIR and how CIA officials had ordered him/her not to distribute the document to the FBI.

CS-3 stated that he/she believed at the time that the CIA prevented the distribution of the CIR as the agency did not want the FBI interfering with a CIA operation that was being run domestically in violation of U.S. law. CS-3 explained that two suspected Al-Qaeda terrorists were living in San Diego, CA during 2000. CS-3 stated that Omar Al-Bayoumi was working for the Saudi Intelligence service when he approached Al-Hazmi and Al-Mihdhar in San Diego. According to CS-3, Al-Bayoumi set up bank accounts and rented an apartment for the two hijackers in the San Diego area. CS-3 stated that this was done at the behest of the CIA through the Saudi intelligence service. According to CS-3, prior to the 9/11 attacks, the CIA was under pressure to recruit informants within Al-Qaeda. Responding to this pressure, VVV and his/her colleagues at the CIA were attempting the recruit Al-Hazmi and Al-Mihdhar via a liaison relationship with the Saudi GID.

CS-3 further explained that the operation was being run by CIA analysts rather than case officers. CS-3 stated that normally, officers trained in covert operations ran human sources at the CIA. However, in the case of the two hijackers living in San Diego, CS-3 told me that a team of analysts ran the operation inside the United States.

CS-3 stated that the FBI been informed about the possible presence of the two Al-Qaeda operatives in the United States, the investigation would have ultimately been turned over to the New York field office sometime in 2000 for further action and possible disruption of the 9/11 plot. CS-3 further explained that FBI agents in the field would have most likely targeted following Al-Hazmi and Al-Mihdhar with electronic and physical surveillance during the course of a terrorism investigation.

According to CS-3, the FBI had an interest in Al-Qaeda for a number of years prior to the 9/11 attacks. In 1998, for example, an FBI Special Agent, whose identity is known to me, learned
from an Al-Qaeda suspect that a “hard line” phone located in a house in Yemen was being used
as a communications switchboard by the organization. CS-3 recalled that the existence of the
phone number was never exploited by the FBI. However, according to CS-3, agencies of the
U.S. intelligence community were able to determine that Al-Hazmi and Al-Mihdhar were
traveling to Malaysia for the meeting.

CS-3 stated that sometime during June of 2001, the CIA approached the FBI’s counter terrorism
squad in the New York Field Office and asked for a meeting regarding the Al-Hazmi and Al-
Mihdhar. CS-3 told me that the CIA had lost track of the two terrorists and were asking for the
FBI’s help in locating these two subjects. CS-3 recalled that he/she was excluded from this
meeting in New York by CIA’s deputy UBL station chief, herein referred to under the
cryptonym IHHH. CS-3 told me that had he/she been present at the meeting, he/she would have
told the FBI agents assigned to the counter terrorism squad that the two suspected terrorists were
of record in indices with the CIA since 2000; and CS-3 would have further explained Al-Hazmi
and Al-Mihdhar’s role in the terrorist summit in Malaysia in January of 2000.

CS-3 stated that sometime after the events of 9/11, he/she was in a staff meeting with several
high level FBI and CIA officials regarding terrorism. CS-3 stated that he/she overheard one
senior CIA official, Director of Operations James Pavitt, telling CIA Director George Tenet that
he was glad we kept CIA analyst VVV from 9/11 Commission investigators.

CS-3 recalled that Tenet acknowledged Pavitt’s statement and confirmed that keeping VVV from
the 9/11 Commission was a good idea. CS-3 stated that the conversation indicated that two CIA
officials had conspired to obstruct the 9-11 Commission by keeping VVV hidden from 9/11
commission officials. CS-3 stated that CIA officials claimed to 9/11 Commission officials that
VVV was serving in Italy, but in reality he/she was in Afghanistan.

CS-3 stated that he/she believes that Al-Hazmi and Al-Mihdhar obtained their visas to enter the
United States at the American Consulate in Jeddah. According to CS-3, the visas were issued to
facilitate the operation run by the Saudi’s GID and the CIA team at UBL station.

CS-3 stated that Omar Al-Bayoumi was under investigation by the FBI prior to 9/11.

In August of 2016, I interviewed a former FBI Special Agent, whose identity is known to me.
The agent is herein referred to as CS-5. CS-5 told me that prior to 9/11, he/she was assigned to
terrorism matters. CS-5 told me that the New York Field Office was responsible for
investigations linked to Usama Bin Laden and Al-Qaeda. CS-5 recalled that he/she was familiar
with the names Omar Al-Bayoumi and Fahad Al-Thumairy. CS-5 stated that the two individuals
mentioned above were the subject of an FBI investigation centered in San Diego, CA.

According to CS-5, Al-Bayoumi had contact with San Diego based 9/11 hijackers Nawaf Al-
Hazmi and Khalid Al-Mihdhar. In addition, CS-5 recalled that the 9/11 Commission’s
investigation into the alleged Saudi connection into the hijackers was flawed in that it did not
delve deeply enough into the backgrounds of Al-Bayoumi and Al-Thumairi. CS-5 stated that during his/her tenure at the FBI, he/she read a teletype outlining the bureau’s investigation into Bayoumi and was therefore familiar with the investigation into Al-Bayoumi’s activities.

CS-5 stated that a key planning meeting for the 9/11 attacks took place in Malaysia sometime in early 2000. CS-5 stated that a U.S. intelligence agency learned about the meeting by conducting a wiretap on a telephone on belonging to an Al-Qaeda safe house in Yemen. CS-5 recalled that an FBI agent had given the number to the CIA and other intelligence agencies following an interview conducted in the late 1990s with an Al-Qaeda operative who was cooperating with U.S. authorities following the operative’s arrest in East Africa. According to CS-5, it was not possible for the CIA to place a clandestine listening device in the meeting. As a result, the CIA could only direct Malaysian authorities to conduct physical surveillance of the meeting.

CS-5 stated that the CIA did learn, however, that Al-Hazmi and Al-Mihdhar had multiple entry visas that allowed them to travel to the United States. CS-5 recalled that this information was not passed to the FBI. CS-5 stated that it was his/her belief that the information was not passed to the FBI as the CIA was running a “long term intelligence operation” to penetrate Al-Qaeda. CS-5 recalled that CIA officials claimed that they had sent information regarding the two hijackers to FBI HQS via courier. However, an investigation by the 9/11 Commission showed that no information was sent by the CIA to the FBI regarding the Malaysia meeting and the multiple entry visas obtained by Al-Hazmi and Al-Mihdhar.

CS-5 stated that the FBI conducted an “after action” investigation into the events leading up to 9/11. According to CS-5 the investigation was conducted by a special agent assigned to the Washington Field Office for officials at FBI HQS. CS-5 told me that he/she was “astounded” by the 9/11 Commission report as the Commission did not conduct a thorough investigation of Usama Bin Ladin’s associates.

CS-5 stated that his/her colleague, a former FBI Special Agent whose identity is known to me, has knowledge of the Saudi connection to 9/11. In addition, CS-5 identified a former FBI Analyst, whose identity is known to me, as having information regarding the events leading up to 9/11. According to CS-5, the analyst was prevented by the CIA from giving critical intelligence information to the FBI. CS-5 stated that had the information about the two San Diego hijackers been given to the FBI Special Agents, it is possible that the 9/11 attacks would have been disrupted.

CS-5 told me that he/she was aware of an electronic communication (EC) to the analyst from a Special Agent assigned to the New York Field Office. The Special Agent’s identity is known to me. According to CS-5, the EC was sent in the weeks prior to the 9/11 attacks. The EC stated that, unless the analyst was able to release the information to the Special Agent, “someone is going to die.” CS-5 stated that the Special Agent was so adamant that he/she be provided...
information for his/her investigation that he/she nearly “came over the table” at CIA officials at a
meeting with the FBI's counter terrorism squad prior to 9/11.

CS-5 stated that the CIA’s reluctance to give information to the FBI regarding the San Diego
hijackers “didn’t make sense” to many agents assigned to the New York Field Office’s counter
terrorism squad. This reluctance has led CS-5 to conclude that the CIA was running an
intelligence operation targeting Al-Qaeda that somehow involved Al-Hazmi and Al-Mihdhar.
CS-5 stated that he/she believed the CIA’s operation may have spun out of control and that “they
(the CIA)” came to the FBI with limited information in an attempt to locate the hijackers without
revealing the true nature or extent of their operation against Al-Qaeda.

During August of 2006, I interviewed a source of information whose identity is known to me.
The source of information is herein referred to as CS-7. CS-7 stated that he/she has been an
investigative journalist for over 20 years. CS-7 recalled that he/she has worked for the CNN
special assignment unit nominated for the Pulitzer Prize numerous times in the past. CS-7’s
knowledge is based on interviews with Confidential Sources in the law enforcement and
intelligence communities.

CS-7 recalled that, according to sources he/she has developed, the Central Intelligence Agency
has maintained a close, covert relationship with the Saudi General Intelligence Directorate for
some years. CS-7 stated that the Saudi GID has worked as the CIA’s proxy several times in the
past when it was unwise or not practical for the CIA to undertake an operation directly.

CS-7 stated that following 9/11, an FBI agent came to his/her office to interview him/her about
the events of 9/11. CS-7 stated that the agent left a file in his/her office (seemingly
inadvertently, but possibly on purpose) regarding the Bin Laden family and its ties to
international terrorism and the Saudi government. CS-7 stated that the file outlined investigative
steps being undertaken by the FBI following 9/11 to document the relationship between the
Saudi government and Al-Qaeda. CS-7 stated that the FBI’s investigation was ultimately
stopped by the Bush Administration.

CS-7 recalled that a group known as the “Safari Club” was used to block Soviet influence in the
Middle East by exchanging intelligence between member nations and by engaging in covert
action. CS-7 stated that the club included the governments of Israel, Saudi Arabia and other
states in the Middle East and North Africa region. CS-7 stated that the club used the Bank of
Credit and Commerce International as a conduit for funding. CS-7 stated that the club operated
in the 1970s and 1980s. According to CS-7, the existence of the Safari Club was revealed by
Prince Turki in a speech at Georgetown University in October of 2001. CS-7 stated that the
Safari Club worked as a proxy for the CIA in areas where the CIA could not operate.

CS-7 told me that Osama Bassan was an informant for the Saudi General Intelligence
Directorate. According to CS-7, investigation by the FBI immediately following the 9/11
attacks showed that Bassan was associated with Al-Hazmi and Al-Mihdhar.
In September of 2016, I interviewed a former FBI Special Agent whose identity is known to me. The agent herein is referred to as CS-8. CS-8 confirmed that Omar Al-Bayoumi was under investigation by the FBI prior to the 9/11 attacks as part of a counter intelligence investigation. CS-8 stated that the FBI investigation noted that Al-Bayoumi was never employed while in San Diego. CS-8 told me that Al-Bayoumi was receiving funds from the Saudi Embassy in Washington, DC while he was living in San Diego. CS-8 added that he/she believed that Al-Bayoumi was affiliated with Saudi Intelligence. CS-8 also recalled that an FBI investigation showed that Omar Al-Bayoumi was associated with suspected Al-Qaeda recruiters Anwar al-Awlaki.

CS-8 told me that an FBI investigation conducted in San Diego showed that just prior to meeting Al-Hazmi and Al-Mihdhar, Omar Al-Bayoumi met with Al-Thumairy at the Saudi Consulate in Los Angeles, California. CS-8 described Al-Thumairy as a “radical” Muslim who was employed at the Saudi Consulate.

CS-8 described Al-Bayoumi’s employer Dallah Avco as a corporation used as “cut out.” CS-8 explained that a “cut out” is used by intelligence agencies to mask direct involvement with an individual or group of individuals. CS-8 told me that FBI agents determined that Al-Bayoumi was in the San Diego area to spy on local dissidents. CS-8 recalled that Al-Bayoumi was later arrested in the United Kingdom on immigration charges and that British officials found extremist literature in his apartment following his arrest.

CS-8 stated that no charges were ever filed against Al-Bayoumi. CS-8 recalled that there was “diplomatic pressure” exerted on the FBI not to investigate the Saudi government’s connections to the 9/11 attacks. CS-8 stated that following the 9/11 attacks, the FBI requested bank records for Princess Haifa and Prince Bandar via a federal Grand Jury subpoena. According to CS-8, the subpoena was directed to Riggs Bank in Washington, DC. CS-8 stated that officials at Riggs thwarted the FBI’s efforts to obtain the records for a year. The records were eventually released and examined by a task force of FBI agents at FBI Headquarters. CS-8 stated that these records are most likely maintained by the FBI at their Headquarters in Washington, DC. CS-8 stated that he/she believed that Riggs bank was responding to political pressure to deny the FBI access to the records.

CS-8 stated that the presence of Al-Hazmi and Al-Mihdhar in the United States and their association with the Malaysia meeting was not communicated to anyone at the San Diego Field Office of the FBI prior to the 9/11 attacks. CS-8 stated that immediately following the 9/11 attacks, an intelligence officer was detailed to the FBI’s San Diego Field Office. CS-8 recalled that the officer was supposed to be assigned to the San Diego office to further information sharing between the FBI and the CIA. However, CS-8 later learned that the officer was actually examining FBI files in an attempt to blame the FBI for the intelligence failures that led to 9/11.
Later in September of 2016, I interviewed a former FBI agent whose identity is known to me. The agent is herein referred to as CS-9. CS-9 told me that he/she was assigned to the Washington Field Office following the 9/11 attacks. CS-9 stated that he/she was part of a squad of FBI agents who were tasked with investigating leads developed following the attacks. CS-9 and his/his task force concentrated on leads in the Washington, DC area. CS-9 stated that agents were told they were not permitted to interview Saudi nationals in support of their investigation. CS-9 stated that many of the leads developed during his/her investigations pointed toward the Saudi diplomats stationed in Washington, DC.

Later in September of 2016, I interviewed Mr. Richard Clarke. Mr. Clarke is a former Deputy National Security Advisor to President Clinton and President George W. Bush. Mr. Clarke recalled that in his role within the National Security Council (NSC) was to coordinate all intelligence related to terrorism and to facilitate the sharing of information between law enforcement and intelligence agencies. Mr. Clarke stated that sometime before the 9/11 attacks, he was told by Deputy CIA Director Cofer Black that the CIA did not have any human intelligence sources inside of Al-Qaeda. Mr. Clarke recalled that Black told him that he was resolved to address this situation and penetrate Al-Qaeda with informants. Mr. Clarke stated that he was never informed that the CIA had learned that Al-Hazmi and Al-Mihdhar attended a high level Al-Qaeda meeting in Malaysia in 2000. Mr. Clarke stated that he later learned that approximately 50 people within the CIA knew that Al-Hazmi and Al-Mihdhar attended the Malaysia meeting with other members of Al-Qaeda.

Mr. Clarke stated that he was not informed by the CIA that the two hijackers had multiple entry visas to the United States. Mr. Clarke stated that if he had been given this information, he would have passed it to John O’Neil at the FBI’s New York Field Office for further investigation. Mr. Clarke stated that it was common knowledge among the staff at NSC that he had a close relationship with Special Agent O’Neil and that any information gathered by another agency of interest to the New York Field Division would have been immediately passed by Clarke to O’Neil and the Counter Terrorism Squad. Mr. Clarke told me that he routinely passed CIA information to the FBI and that passing intelligence information between agencies was part of his day to day duties at the NSC. Mr. Clarke told me that the policy of the FBI during 2000 and 2001 was that as soon as a terrorist suspect was identified, the suspect would be promptly arrested by FBI agents. Mr. Clarke stated that the top FBI official in the counter terrorism division, Dale Watson, was also not informed that the CIA knew that Al-Hazmi and Al-Mihdhar had attended the Al-Qaeda meeting in Malaysia.

Mr. Clarke stated that he believes that the reason why the FBI was not informed that Al-Hazmi and Al-Mihdhar had attended the Al-Qaeda meeting and that the two hijackers had multiple entry visas for the United States was that the CIA was running a “false flag” operation to recruit the hijackers. According to Mr. Clarke, this “false flag” operation would have involved Al-Bayoumi befriending the two hijackers by attempting to convince them that he was sympathetic to their cause. At the same time, Al-Bayoumi would have been reporting on the hijacker’s activities to
Saud intelligence and, ultimately to the CIA. Mr. Clarke stated that when he proclaimed this belief publicly, he received an angry call from former director of the CIA George Tenet. Mr. Clarke noted, however, that Mr. Tenet did not deny the allegation made by Mr. Clarke.

Mr. Clarke stated that the 9/11 Commission did not investigate the Saudi connection to the 9/11 attacks completely. Mr. Clarke recalled that the executive director of the 9/11 Commission, Philip Zelikow, was selected by National Security Advisor Condoleezza Rice to prevent damage to the Bush Administration by blocking the Commission’s line of inquiry into the Saudi connection. Mr. Clarke told me that the operation to penetrate Al-Qaeda may have organized by high level employees at the CIA. Mr. Clarke stated that he believed that most of the records of the CIA’s operation to penetrate Al-Qaeda through Al-Bayoumi were destroyed in an effort to cover up the operation.

Mr. Clarke stated that he was first informed that the CIA had known about Al-Hazmi and Al-Mihdhar’s involvement with Al-Qaeda during the late morning hours of the 9/11 attacks. Mr. Clarke stated that while he was on a secure video conference receiving an update on the attacks, he was interrupted by a call from Dale Watson, then Assistant Director of the FBI for Counter Terrorism. Watson told Mr. Clarke that he wanted to pass some important information. Mr. Clarke stated that he stepped outside the conference room into the hallway to take Watson’s call. During the call, Watson told Mr. Clarke that the passenger manifests had been checked for the planes that been involved in the attacks. Watson further told Clarke that the names Al-Hazmi and Al-Mihdhar were previously identified as being members of Al-Qaeda and that the FBI was recently told of this by the CIA.

During September of 2016, I interviewed a former FBI Special Agent whose identity is known to me. The special agent is herein referred to as CS-4. CS-4 told me that he/she was assigned as the FBI representative to UBL Station in the spring of 2002. CS-4 noted that during his/her time at UBL station, he/she supervised two other FBI agents.

CS-4 stated that sometime in the spring of 2002, CS-3 approached him/her and said “boss, something is bothering me big time” CS-3 further explained to CS-4 that “we (meaning the United States Government) could have prevented the 9/11 attacks.” CS-4 recalled that CS-3 then outlined to him the existence of intelligence from the CIA that showed that Al-Hazmi and Al-Mihdhar had met with other members of Al-Qaeda in Malaysia. CS-3 further explained to CS-4 that the CIA knew in January of 2001 that both hijackers had multiple entry visas to the United States, and their travel plans possibly included a visit to the U.S. According to CS-4, CS-3 further explained to him/her that another FBI agent had written a cable for distribution to the FBI and other agencies outlining the above information. CS-3 told CS-4 that the cable was not distributed on orders from one of the analysts at UBL Station. CS-4 stated that he/she told CS-3 that although he/she did not doubt his recollection of events, he/she was not convinced as “if it is not on paper, it didn’t happen.” CS-4 stated that CS-3 came back into
his/her office a few moments later with a draft of the CIR referenced above outlining the
information on the two hijackers. CS-4 noted that the cable had been drafted by another FBI
agent assigned to UBL Station. CS-4 then asked CS-3 if anyone else knew about the cable. CS-3
told CS-4 that only he/she and another FBI agent knew about the documents. CS-4 told me that
he told CS-3 to tell no one else about the cable.

CS-4 recalled that he/she then contacted Pasqual D’Amuro, the FBI’s Deputy Director for
Counterterrorism. CS-4 told D’Amuro that he/she needed to meet with him right away. CS-4
then quickly left UBL Station and drove his/her vehicle at high rate of speed down the George
Washington Parkway to FBI HQS. At FBI HQS, CS-4 met with D’Amuro. CS-4 recalls that
he/she gave the cable to D’Amuro. D’Amuro read the cable and then told CS-4 “I will take care
of this.” The meeting then ended. CS-4 then met with CS-3 and told CS-3 “it (meaning the
issue with the CIR) has been handled. Don’t say anything about the cable’s existence to
anyone.” CS-4 noted that D’Amuro never mentioned the cable’s existence to him/her again
during any of their subsequent conversations.

CS-4 stated that a short time after the above incident took place, he/she was promoted from
his/her position at UBL Station to a senior liaison position outside of the FBI. CS-4 stated that
he/she did not ask for the promotion. CS-4 told me that he/she felt that he/she was moved from
the position at UBL Station to the position at the center in that he/she knew about the existence of
the cable. CS-4 further stated that he/she believes that he/she was moved in order to ensure that
he/she kept silent about the cable’s existence.

CS-4 stated that while he/she was assigned to the UBL Station, he/she noted that CIA
intelligence analysts rather than case officers seemed to be running the station’s day to day
activities. CS-4 stated that he/she found this situation untenable and that he/she ordered FBI
personnel assigned to the UBL Station that they were not to take instructions from analysts. CS-
4 noted that in a normal operational environment, case officers and sworn law enforcement
officers (i.e. FBI Special Agents) give directions to intelligence analysts. In UBL Station,
however, this practice was ignored as the analysts occupied all of the top positions at the station.
CS-4 further explained that no communications could leave the station without authorization
from the station’s analysts.

CS-4 recalled that analysts had considerable influence on the way in which operations
undertaken on behalf of UBL Station were conducted in the field. CS-4 stated that several CIA
case officers had told him/her that they were upset with this situation. CS-4 stated that one of the
most influential analysts at the station, whose identity is known to me and is herein referred to
under the cryptonym MMM, had personality conflicts with FBI agents at the station.

CS-4 stated that one of the chief analysts at UBL Station, herein referred to under the cryptonym
LLI, had personality conflicts with FBI Special Agent John O’Neil. CS-4 stated that it was
his/her belief that information was concealed from the FBI by LLL to ensure that O’Neil did not interfere with LLL’s operations.

During October of 2016, I interviewed a former CIA official, whose identity is known to me and is herein referred to as CS-10.

CS-10 told me that he/she served with the Central Intelligence Agency for 25 years. During his/her service with the CIA, CS-10 was assigned as a case officer. CS-10 told me that sometime prior to the 9/11 attacks, he/she was assigned to UBL Station. CS-10 stated that the mission of UBL Station was to collect intelligence regarding Bin Laden and Al Qaeda. CS-10 told me that he/she was brought into the UBL Station by a CIA officer whose identity is known to me. According to CS-10, he/she was one of the few case officers assigned to UBL Station, which, according to CS-10, was staffed primarily by intelligence analysts. CS-10 told me that he/she found this arrangement unusual. CS-10 stated that since the mission of the UBL Station was to gather intelligence, the station should have been staffed by case officers as the role of a case officer in the CIA was to gather intelligence. CS-10 explained to me that intelligence analysts at the CIA are not trained in intelligence gathering operations.

CS-10 stated that during the time that he/she was assigned to UBL Station, the CIA did not have any human sources inside of Al-Qaeda. CS-10 recalled that there was extensive pressure from CIA management to develop human sources inside of Al-Qaeda.

CS-10 stated that most of the information concerning Al-Qaeda was gleaned from technical collection methods. CS-10 recalled the first chief of UBL Station was LLL. According to CS-10, LLL was an analyst with no experience in operational matters. CS-10 recalled that LLL shared most of the intelligence information concerning Al-Qaeda with MMM and VVV, who were intelligence analysts assigned to the station.

CS-10 recalled that UBL Station was a “virtual” station physically located in the United States. CS-10 stated that this unusual arrangement, along with the choice to staff the station with analysts, made it difficult for the station to accomplish its mission of penetrating Bin Laden’s organization. CS-10 explained that recruiting intelligence sources is normally done by CIA officers stationed in foreign countries. Consequently, it would be nearly impossible for UBL Station to develop informants inside of Al-Qaeda from its base several thousand miles from the countries where Al-Qaeda was suspected of operating.

CS-10 told me that he/she observed other unusual activities at UBL Station during his/her tenure. CS-10 recalled that analysts at UBL Station would direct operations to case officers in the field by sending the officers cables instructing them to do a specific tasking. CS-10 noted that this was a violation of CIA procedures in that analysts normally lacked the authority to direct a case officer to do anything. The actions of the analysts were authorized first by LLL and later supported by his/her replacement.
CS-10 stated that he/she noted during his/her tenure at UBL Station that there was an unusual culture at the station. CS-10 told me that the analysts at UBL Station felt that they could undertake operations as easily as the case officers even though they had not been trained in covert intelligence gathering techniques. CS-10 stated that the analysts were able to successfully block one of his/her operations targeting Al Qaeda.

CS-10 stated that analysts also had some control over the communications that case officers had with CIA field units. CS-10 explained that if a case officer wanted to send a cable to a field station, authorization would have to be obtained from station management. CS-10 stated that he/she recalled that the Station Chief and his/her deputy (herein referred to under the cryptonym HHH) had the authority to release a cable to the field. According to CS-10, HHH was an analyst who had little or no understanding of the duties of CIA case officers.

CS-10 further explained to me the procedure for official communications within the UBL Station. If CS-10 had to write a cable to an operational station in the field, it would be drafted and then he/she would send it either HHH or the Station Chief for approval. Once they approved the message, then the cable would be routed for approval to the various sections within CIA HQS for further approval before the message would ultimately be approved and sent.

During October of 2016, I met with a former CIA case officer, whose identity is known to me and is herein referred as CS-11. CS-11 told me that he/she served in the operations division of the Central Intelligence Agency for approximately six years. CS-11 stated that he/she was assigned to the UBL Station sometime prior to the 9/11 attacks.

CS-11 stated that while he/she was assigned to UBL Station, he/she observed activity that appeared to be outside the normal CIA procedures. CS-11 recalled that one analyst, herein referred to by the cryptonym MMM, controlled operations at the station. CS-11 stated that normally a case officer is responsible for managing operations at a station. CS-11 told me that the analysts at UBL station mostly stuck to themselves and did not interact frequently with other employees at the station.

CS-11 stated that it would have been difficult for MMM to run an operation out of UBL Station without approval from other CIA officers. CS-11 explained that a Chief of Station (COS) would normally not allow MMM to communicate an operational plan via email. Instead, CS-11 explained, a COS would normally require that operational orders be communicated from UBL Station to the COS via a cable.

CS-11 stated that he/she believes that MMM did not have the ability to send cables out of UBL Station on his/her own. CS-11 stated that normal communications traffic at the CIA would be sent from UBL Station to CIA Headquarters. At CIA Headquarters, the cable would be routed to the various sections that handled specific areas of the world for approval. The cable would then be sent to the COS for action. CS-11 recalled that MMM and her team of analysts used their pseudonyms when communicating with members of UBL Station. CS-11 noted that this
behavior was unusual in that analysts did not work undercover and their employment with the
CIA was not classified information.

During November of 2016, I interviewed a former FBI agent whose identity is known to me and
is herein referred to by the cryptonym CS-12. CS-12 told me that he/she served as an FBI
Special Agent in the New York Field Office during 2001. CS-12 stated that he/she was assigned
to the investigation of the bombing of the USS Cole in Yemen.

CS-12 recalled that sometime in June of 2011, he/she and other FBI agents met with CIA
representatives regarding the Cole investigation and other terrorism matters. CS-12 recalled that
the CIA analysts from UBL Station may have attended the meeting as well. CS-12 recalled that
an FBI analyst detailed to FBI Headquarters also attended the meeting.

CS-12 recalled that the FBI analyst told him/her that there were certain information sharing
restrictions regarding the photographs due to the “wall” that was erected between intelligence
and investigations. CS-12 explained that a “wall” had existed per Department of Justice and
other government agency guidelines between information gleaned from intelligence sources and
information obtained during the course of a criminal investigation. According to CS-12, the
“wall” had been erected to prevent agents from leaking classified information to unauthorized
individuals during Grand Jury or other court proceedings.

CS-12 stated that during the meeting, FBI agents were shown three photographs of suspected
terrorists. CS-12 stated that the CIA asked him/her if one of the photographs was Fahd Al-Quso,
an Al-Qaeda operative suspected of involvement in the bombing of the USS Cole. CS-12 told
the CIA that he/she was unsure if any of the photos were Al-Quso. CS-12 stated that another
FBI agent at the meeting began to ask CIA officials pointed questions regarding the photographs
CS-12 recalled that his/her FBI colleague asked CIA officials “where are the other
photographs?” and “where is the surveillance report?”

CS-12 stated that the CIA refused to provide any additional details regarding the surveillance
photos along with biographical information regarding the subjects of the photos. CS-12
explained to me that a standard investigative technique at the time that the meeting took place
was to put a “stop” on all terrorist subjects under an agent’s investigative purview. CS-12 stated
that a “stop” is law enforcement term for a border crossing alert on a particular subject. CS-12
stated that once a “stop” is issued, agents are alerted immediately when a subject comes into the
United States from another country via a computer system.

CS-12 recalls asking the meeting attendees “who is doing stops?” on the three subjects. CS-12
stated that no one at the meeting had placed a “stop” on any of the three subjects in the
photographs. CS-12 related that he/she argued with the FBI analyst on the need to place “stops”
on the subjects of the photographs. CS-12 stated that he eventually learned that one of the
subjects of the photographs was Khalid Al-Mihdhar and that the other was Nawaf Al-Hazmi.
CS-12 told me that he/she continued to press FBI Headquarters for further information regarding
the subjects in the photographs later in the summer of 2001. CS-12 recalled that sometime
during the day on August 23, 2001 he/she opened an electronic communication, known in the
FBI as an EC, from HQS concerning the subjects of the photographs. CS-12 recalled that the EC
contained information showing that Al-Hazmi and Al-Mihdhar were in the United States. CS-12
stated that he/she then contacted the FBI analyst regarding the EC. CS-12 recalls that the
conversation between him/her and the analyst became “heated” when the analyst told CS-12 that
he/she was not authorized to view the EC and that he/she was ordered to delete it immediately.
CS-12 stated that the analyst told him/her that the information contained in the EC was obtained
from intelligence sources and, as a result, the “wall” rule applied; i.e. only agents who were
designated as intelligence agents could see the information.

CS-12 related that on or about August 24, 2001 he/she participated in a conference call with the
analyst and the Special Agent who was the acting Bin Laden Unit Chief at FBI HQS. CS-12
stated that the call lasted approximately 45 minutes. During the call, officials at FBI
Headquarters told CS-12 to “stand down” and to cease looking for Khalid Al-Mihdhar. CS-12
explained that HQS officials told him/her that they were seeking to open an intelligence
gathering investigation on Al-Mihdhar. As CS-12 was assigned to a criminal rather than
intelligence billet at the New York office, he/she was not authorized to pursue the case against
Al-Mihdhar. CS-12 stated that he/she emailed the analyst the next day regarding the conference
call. In the email, CS-12 told the analyst that “someone is going to die” unless the case against
Al-Mihdhar was pursued further.

CS-12 stated that immediately following the attacks of 9/11, he/she and other New York based
FBI agents participated in a second conference call with FBI Headquarters. It was during this
call that CS-12 learned that Al-Mihdhar and Al-Hazmi were on the flight manifests of one of the
planes that were used in the attacks. CS-12 recalls that the conference call then became quite
heated between New York agents and HQS personnel. CS-12 stated that one of the analysts
assigned to the FBI New York Field Office ran the two hijackers against commercial databases.
CS-12 told me that the analyst quickly found that the two hijackers had addresses in San Diego.

CS-12 told me that on or about September 14, 2001, he/she contacted the FBI analyst regarding
information on the hijackers involved in the attacks. CS-12 stated that the analyst subsequently
provided him/her with a fourth surveillance photograph from the same surveillance operation
that was referenced above. CS-12 stated that Walid Bin Attash was depicted in this fourth
photograph. CS-12 stated that this was the first time he/she had seen the photograph of Bin
Attash in this context. CS-12 recalled that he/she asked the analyst about the photograph and the
analyst was unable to provide any details as to why the photo had not been show to agents at the
New York meeting. CS-12 noted that the photograph showed Bin Attash in an airport and that
he was immediately recognizable due to his missing leg.
CS-12 stated that had he/she and the other New York based agents been shown the fourth photograph, they would have immediately linked Al-Hazmi and Al-Mihdhar to Bin Attash, a prime suspect in the bombing of the USS Cole. As a result, the inquiry into the two hijackers would have shifted from an intelligence based investigation into a criminal investigation and agents would have been able to devote the full resources of the FBI’s New York Field Office to efforts to find the two hijackers later in the summer of 2001.

CS-12 told me that he/she testified before the 9/11 Commission and also gave a statement to investigators conducting an internal inquiry regarding the events of 9/11. CS-12 stated that during his/her testimony before the Commission, he/she stated that he/she had not seen the above referenced photograph of Bin Attash until after 9/11. CS-12 stated that following his/her testimony, then CIA counter terrorism official Cofer Black told the Commission that CS-12 was aware of the photograph before the 9/11 attacks. According to CS-12, Black told the Commission that CS-12 had shown the photograph in Pakistan to an informant that CS-12 had debriefed in March or February of 2001.

CS-12 told me that the informant was a FBI source who had been turned over his/her agency by Drug Enforcement Admiration agents assigned to Pakistan. CS-12 stated that Black had been untruthful with the 9/11 Commission as he/she had never seen the photograph of Walid Bin Attash before the 9/11 attacks.

CS-12 recalled that he/she advised Barbara Grewe, an official with the 9/11 Commission and former FBI investigator, that Black had given false information to the Commission. CS-12 further suggested that Grewe should interview Black regarding his false statements. CS-12 told me that Grewe told him/her that “the CIA is conducting its own investigation” and that neither the Commission nor the FBI would be pursuing the matter further. CS-12 recalled that the CIA’s own investigation into the above matter is still classified.

During November of 2016, I interviewed former Senator Robert Graham of Florida. Senator Graham served as the co-chair of the Senate Intelligence Committee from June 6, 2001 until January 3, 2003. Senator Graham is personally familiar with the workings of both the Senate/House joint inquiry into the events of 9/11. Senator Graham also has knowledge of the investigative inquiry conducted by the 9/11 Commission. Senator Graham told me that it was apparent neither the joint inquiry nor the 9/11 Commission had fully explored the involvement of the government of Saudi Arabia in the events leading up to the 9/11 attacks.

During December of 2016 and again in 2021, I interviewed a former FBI agent whose identity is known to me. The agent is herein referred to as CS-14. CS-14 told me that he/she was familiar with FBI’s overseas operations. CS-14 told me that sometime before the terrorist attacks on 9/11, he/she debriefed a source of information, herein referred to as CW1. CW1 had been developed as a source by another government agency and given to the FBI as he/she had information on terrorism. According to CS-14, he/she was unable to work with the source alone as he/she did
not speak the source’s native language. CS-14 stated that he/she contacted the CIA for assistance with the source. The CIA agreed to provide assistance to CS-14. As a result, a CIA case officer was always present when CS-14 would meet with the SOI for intelligence debriefings.

CS-14 stated that during one of the above debriefings, his/her CIA counterpart showed CW1 a series of photographs. CS-14 stated that the CIA case officer did not tell him/her the origin of the photos. CS-14 stated that he/she also did not know the names of the suspects in the photos. As he/she did not speak CW1’s language, CS-14 was unaware that, during the debriefing, CW1 had been shown surveillance photographs of a meeting in Kuala Lumpur, Malaysia between members of Al-Qaeda. According to CS-14, he/she learned after the 9/11 attacks that CW1 had recognized Walid Bin Attash in the same surveillance photographs as Nawaf Al-Hazmi. CS-14 further explained that CW1 had noticed Bin Attash in the background in one of the surveillance photos of the two hijackers and this information linked the two hijackers to Bin Attash. CS-14 stated that he/she was never shown the full report that the CIA case officer had prepared following the debriefing. CS-14 stated that the information regarding the photo identification was never passed to FBI field offices that had Bin Attash under investigation for his role in the bombing of the USS Cole.

CS-14 stated that he/she gave a statement to the 9/11 Commission regarding CW1’s debriefings after the 9/11 attacks. CS-14 recalled that the CIA officer assigned to handle CW1 corroborated CS-14’s statement. CS-14 explained that the CIA case officer told investigators that CS-14 never was privy to the photo identification by CW1. CS-14 stated that he/she later learned that a CIA analyst assigned to UBL station had prevented the FBI from getting complete information regarding the surveillance operation in Malaysia. As a result, FBI agents in the New York Field Office were unaware that Al-Hazmi and Al-Mihdhar had visas to enter the United States.

CS-14 stated that following the 9/11 attacks, former FBI Director Mueller took “100%” of the blame for intelligence failures that took place before the 9/11 attacks. CS-14 told me that this assessment was not accurate. For example, CS-14 explained to me that former CIA Director George Tenet misspoke when he described CS-14’s knowledge of the photographs viewed by the CW1. CS-14 stated that Tenet told the 9/11 Commission that CS-14 was told by the CIA before the 9/11 attacks that CW1 had identified Bin Attash in a series of surveillance photographs taken during the meeting in Malaysia as referenced above. CS-14 reiterated that he/she was never given this information before the 9/11 attacks.

In June of 2001, I re-interviewed CS-14. CS-14 told me that the CIA officer who had been assisting him/her in handling CW1 had suggested to CIA officials that he/she be given access to the complete CIA file regarding CW1’s cooperation. CS-14 stated that this file would have included detailed reporting regarding CW1’s identification of individuals in the surveillance photographs referenced above. CS-14 told me that his/her access to the file on CW1 was blocked by the CIA’s liaison officer at FBI HQS. The identity of the CIA official referenced above is the same officer identified earlier in this declaration under the cryptonym HHH. HHH
is further described in this declaration as the deputy station chief of UBL station, the CIA unit
that was involved in preventing the visa information regarding Al-Hazmi and Al-Mihdhar from
being passed to the FBI.

In May of 2018, I interviewed a former FBI Special Agent, whose identity is known to me and
herein referred to as CS-15. CS-15 told me that stated that he/she began his/her employment
with the FBI in the 1980’s. CS-15 stated that he/she served on the FBI’s Joint Terrorism Task
Force (JTTF) prior to his/her appointment as the chief of the FBI’s Bin Laden Unit. CS-15
stated that in January of 2000, there was “key meeting” of Al-Qaeda members in Kuala Lampur,
Malaysia. CS-15 recalled that the CIA was able to get photographs of the meeting’s
participants. CS-15 related that sometime after the meeting, the CIA shared the photographs
with the FBI. However, according to CS-15, the CIA never told the FBI in what context the
photographs had been taken. Instead, the CIA merely showed FBI officials the photos and asked
if they (the FBI) knew the identities of the individuals in the photos. CS-15 recalled that the CIA
was not able to conduct any electronic surveillance of the meeting.

CS-15 recalled that the CIA never provided subscriber information to the FBI of the phone
number in Yemen used as an Al-Qaeda messaging center. CS-15 explained that that had the FBI
been provided with this information, FBI agents might have collected enough material prior to
9/11 to prevent the attacks. CS-15 related that the former head of the CIA’s Bin Laden Unit
prevented the FBI from seeing key information related to the 9/11 attacks.

During February of 2018, I interviewed a former senior FBI official whose identity is known to
me and is herein referred to as CS-16. CS-16 stated that leads developed by the FBI connected
Nawaf Al-Hazmi and Khalid Al-Mihdhar to Ahmed Al-Hada. CS-16 stated that Al-Mihdhar was
the son in law of Al-Hada. CS-16 recalled that Al-Hada was connected to the 1998 East Africa
bombings by FBI Special Agents assigned to the New York Field Office. CS-16 stated FNU Al-
Owhali provided significant information to the FBI regarding the 1998 bombings. CS-16
recalled that the FBI obtained a telephone number for Al-Hada during the course of the East
Africa bombing investigation. CS-16 told me that the above information was then given to a
CIA case officer. According to CS-16, the case officer passed the number to the National
Security Agency, who then exploited the information to obtain significant information about Al-
Qaeda’s operations. CS-16 stated that the FBI Field Office in New York City was not told about
the presence of Al-Hazmi and Al-Mihdhar in the United States until August 26, 2001. CS-16
stated that the CIA withheld the information that the two hijackers had entered the country in
2000 from the FBI on orders from two CIA employees, Richard Blee and Tom Wilshire. CS-16
stated that it was his/her opinion that the information was withheld as the CIA was attempting to
recruit Al-Hazmi and/or Al-Mihdhar as intelligence sources while they were in the U.S.

During the Spring of 2021, I interviewed a Confidential Source. The identity of the source is
known to me and is herein referred to as CS-22. CS-22 is a former FBI Special Agent with
extensive experience in terrorism and counter intelligence matters. CS-22 told me that following
the 9-11 attacks, it became impossible for the FBI to unilaterally conduct a terrorism or counter intelligence investigation without the tacit approval of the CIA. CS-22 further related that officers of the local CIA domestic station located in his/her office of assignment would frequently sit in the command centers of local FBI Field Offices while FBI agents conducted operations related to counter terrorism to monitor FBI activities. CS-22 told me that the above made it easy for CIA officers to monitor FBI activities in counter terror and counter intelligence investigations.

CS-22 told me that he/she became aware of an investigation conducted by a private individual into the activities of a former FBI informant whom I later determined through investigation to be Abdussattar Shaikh. CS-22 told me that the investigation by the private individual was conducted sometime after the 9-11 attacks. I checked open source information and learned that Shaikh was employed by the FBI as a confidential source concerning terrorism matters prior to 9-11. CS-22 related to me that the post-9/11 investigation into Shaikh’s activities showed that he was receiving funds from the Saudi Arabian government while he was serving as an informant for the FBI. CS-22 further stated that the investigation also indicated that prominent Saudi Citizens would stay at Shaikh’s boarding house while visiting California. CS-22 told me that the investigation revealed that the Saudi Arabian government was using Shaikh to monitor the activities of its citizens while they were abroad. A review of open source documents that conducted by your declarant shows that Nawaf Al-Hazmi and Khalid Al-Mihdhar rented a room from Shaikh during the Spring of 2000.

During June of 2021, I interviewed a Confidential Source, herein referred to as CS-23. CS-23’s identity is known to me. CS-23 is a former FBI Special Agent with extensive knowledge of counter terrorism and counter intelligence matters, CS-23 is familiar with FBI investigations into the 9/11 attacks. CS-23 stated that the FBI conducted a counter intelligence investigation into the activities of Omar Al-Bayoumi prior to 9/11 as FBI officials in the San Diego Field Office suspected that he was operating as an intelligence officer. CS-23 told me that as a matter of routine, FBI officials contacted CIA HQS for indices checks on Al-Bayoumi to support their investigation. CS-23 told me that CIA officials responded to the San Diego field office and reported that the CIA held no files on Al-Bayoumi. CS-23 told me that the above represented a falsehood. CS-23 stated that the CIA maintained “operational” files on Omar Al-Bayoumi. CS-23 explained to me that “operational” files are those files related to an intelligence operation conducted by a given agency. CS-23 further explained that he/she was aware of a CIA “paper trail” concerning Al-Bayoumi.

CS-23 told me that information concerning Al-Bayoumi was never passed to the FBI. CS-23 told me that Al-Bayoumi was an intelligence officer in employ of the Saudi Government. CS-23 stated that Omar Al-Bayoumi was directed to attempt to recruit Nawaf Al-Hazmi and Khalid Al-Mihdhar as intelligence sources while they were in San Diego. CS-23 stated that Al-Bayoumi was instructed to recruit the two hijackers at the Saudi Consulate in Los Angeles by Fahad Al-
Thumairy. CS-23 told me that there are witnesses to the meeting at the Saudi Consulate between the two men.

CS-23 told me that the attempt to recruit Al-Hazmi and Al-Mihdhar was an operation directed by the Central Intelligence Agency. CS-23 told me that the CIA used their liaison relationship with the Saudi intelligence services to conduct an operation on U.S. soil. CS-23 told me that the Saudis were used as a go between as the CIA is forbidden by law to conduct intelligence operations within the U.S. CS-23 told me that the CIA has used its relationship with allied intelligence services to conduct operations inside the United States in the past. CS-23 stated that CIA officials never told FBI agents in San Diego that Al-Hazmi and Al-Mihdhar were in the country.

CS-23 told me that after 9-11, FBI officials in San Diego and at FBI Headquarters became aware of both Al-Bayoumi’s affiliation with Saudi intelligence and subsequently the existence of the CIA’s operation to recruit Al-Hazmi and Al-Mihdhar through Al-Bayoumi. CS-23 stated that senior FBI officials suppressed investigations into the above. CS-23 also told me that FBI agents testifying before the Joint Inquiry into the 9/11 attacks were instructed not to reveal the full extent of Saudi involvement with Al-Qaeda.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true to the best of my knowledge. Executed on July 20, 2021.

[Signature]

Donald C. Canestraro