The Surveilled Communications of Khalid al-Mihdhar
And What They Revealed According to the 9/11 Commission

With attention given to the FBI informant with whom he lived

In August 1998, early in the investigation of the bombings of the U.S. embassies in Kenya and Tanzania, the Federal Bureau of Investigation [FBI] obtained a telephone number in Yemen from one of the bombing suspects, Mohammed al-Owhali.

... "967-1-200578," a number in Yemen. It belonged to a jihadi named Ahmed al-Hada. . . . This telephone number would prove to be one of the most important pieces of information the FBI would ever discover, allowing investigators to map the links of the al-Qaeda network all across the globe.

The Looming Tower, Lawrence Wright, Knopf, New York, 2006, pages 277-278

This telephone number would become closely associated with, and used by alleged 9/11 hijacker Khalid al-Mihdhar, since it was that of his wife’s “family phone.” It was, in fact, the phone number of his own residence.

... Although he held Saudi citizenship, Mihdhar was originally from Yemen. He married Hoda al-Hada . . .
In fact, it was her family's phone that the FBI had turned up in the embassy bombings investigation and would prove so important in understanding the scope of al-Qaeda.

The Looming Tower, page 309

... Between 1996 and 1998, bin Laden and his top aides made a total of 221 calls to the ops center’s phone number, 011-967-1-200-578, using the house to coordinate the 1998 bombings of the U.S. embassies in East Africa and to plan the attack of the USS Cole in the port of Aden in 2000.

Also living in the house was Hada’s daughter, Hoda, along with her husband, Khalid al-Mihdhar. ...


By late 1999 the National Security Agency [NSA], then headed by Michael V. Hayden, had learned the names of three alleged future 9/11 hijackers through surveillance of the suspected al Qaeda communications center in Sana’a, Yemen reportedly run by Ahmed al-Hada, Khalid al-Mihdhar’s father-in-law. Khalid al-Mihdhar, Nawaf al-Hazmi and Salem Al-Hazmi would later be reported as hijackers of American Airlines 77 on September 11, 2001. The source below states that the NSA knew of the "ops center" by 1996, two years prior to the FBI discovery (the embassy bombings had occurred in August 1998). During the years 1996-1998 Osama bin Laden had been using his satellite telephone to call this Yemeni "switchboard."

... the NSA picked up the call to Khalid al-Mihdhar in late December 1999. By then, the agency had known of the Yemen ops center and its link to Osama bin Laden and his embassy bombings in East Africa for more than three years. Earlier in 1999, as bin Laden was formulating plans for a sea attack in the Yemeni port of Aden against an American warship and the air attacks in the U.S., an intercept from the ops center had picked up, among other things, the full name of Nawaf al-Hazmi.

The new message clearly identified the two people who would be traveling to Southeast Asia by their first names: "Khalid" and "Nawaf." Another name mentioned in the conversation was "Salem," who analysts correctly determined was Nawaf’s brother.

The Shadow Factory, page 16

... The Hada phone was an al-Qaeda clearinghouse and an intelligence bonanza. . . .

The Looming Tower, page 343

One of the most important early sources of information about the global reach of Al Qaeda was a stack of telephone bills. Between 1996 and 1998, Osama bin Laden and a handful of top lieutenants . . . stayed in touch with the outside world from their hideouts in Afghanistan using a Compact-M portable satellite telephone. Billing records for the phone were obtained by U.S. investigators probing the ’98 U.S. Embassy bombings in Africa. A country-by-country analysis of the bills provided U.S. authorities with a virtual road map to important Qaeda cells around the world.

... of 1,100 [calls] . . . The second largest group of outgoing calls (221) was to numbers in Yemen, according to documents obtained by NEWSWEEK. Some calls went to a Yemeni phone number that investigators now believe was used as a "switchboard" by conspirators involved in the three deadliest Qaeda attacks since ’98: the embassy bombings in Africa, the bombing of the USS Cole and September 11. U.S. intelligence sources say the switchboard number was registered to Ahmad Mohammad Ali al-Hada . . . One of al-Hada's sons-in-law, Khalid Almidhar . . .

...
According to a British newspaper, the NSA and the Central Intelligence Agency [CIA] not only tapped the phone, but had electronic surveillance devices placed inside the al-Hada house, where al-Mihdhar resided, and every visitor was photographed.

. . . He [Muhammad al-Owhali] even provided the FBI with the phone number of an al-Qaeda safe house in Yemen, owned by Ahmed Al-Hada, an Osama Laden loyalist.

2 THE PHONE LINK

As the FBI operates mainly in the United States as a national police force it alerted the CIA, which carries out secret operations abroad. Helped by the National Security Agency, the CIA staked out the house and waited. The phone was tapped and eavesdropping bugs put in the house while spy satellites photographed every visitor. . . .


Due to these intercepted communications, the NSA had prior knowledge of a conference to be held in Kuala Lumpur, Malaysia, which several future 9/11 suspects would attend.

The message said that "Nawaf" would fly to Kuala Lumpur on January 2 [2000] and that "Khalid" would follow three days later, on January 5, traveling via Dubai. The NSA noted that the intelligence came from a "suspected al-Qa'ida logistics facility" and indicated that an operational cadre made up of terrorist operatives was planning an important meeting in Malaysia.

The Shadow Factory, page 17

Among the attendees with Khalid al-Mihdhar were Nawaf al-Hazmi, cited by the 9/11 Commission as being the "second-in-command" to "ringleader" Mohamed Atta; Khalid Sheikh Mohammed, later named the "mastermind" of the 9/11 operation; Ramzi Binalshibh, allegedly the first "20th hijacker" candidate and a "key facilitator" of the 9/11 attack; and Tawfiq bin Attash, aka 'Khallad', the "purported mastermind" of the USS Cole attack, who allegedly helped select some of the 9/11 hijackers. Some accounts have Nawaf’s brother, Salem al-Hazmi, a so-called "muscle hijacker," also in attendance.

The Central Intelligence Agency had already learned (before the NSA) the names of al-Mihdhar and al-Hazmi from a Saudi intelligence analyst. Due to its own phone tap the CIA also was aware of this conference in advance. Their agents broke into al-Mihdhar's lodging while he was in transit and arranged to have the Kuala Lumpur meeting put under physical surveillance. He and al-Hazmi were photographed and videotaped.

The CIA already had the names of Mihdhar and Hazmi, however. Saeed Badeeb, Prince Turki’s chief analyst in Saudi intelligence, had previously alerted his American colleagues that they were members of al-Qaeda in one of the monthly meetings in Riyadh. Armed with this knowledge, the CIA broke into Mihdhar's hotel room in Dubai, where he had stopped on his way to Malaysia. The American agents photographed his passport . . . Inside the passport was the critical information that Mihdhar had a multi-entry American visa . . .

The CIA asked Malaysian authorities to provide surveillance of the meeting in Kuala Lumpur, which took place on January 5 [2000] . . .

The Looming Tower, pages 310-311

The CIA knew about the Malaysia meeting in advance, thanks to a tap they had been running on a phone in Sana, Yemen’s capital, since the embassy bombings. . . . The CIA had pressed Malaysia intelligence to monitor the early January meeting in Malaysia, so within weeks, the CIA had photos documenting what they would later learn was a planning session for the Cole and September 11 plots.


After he arrived in Malaysia, Mihdhar was followed and photographed in various locations meeting with several different people.

A Review of the FBI's Handling of Intelligence Information Related to the September 11 Attacks, Department of Justice, Office of the Inspector General, November 2004 (released June 2005), page 243

. . . the Special Branch, Malaysia's security service, was there, watching them sight-see and check Arabic web sites from cybercafes.

And as Nawaf al-Hazmi and Khalid al-Mihdhar stepped into the apartment where they would begin to plan an attack that would change the world forever, a camera shutter clicked.

. . .

At CIA headquarters, two of the meeting participants photographed were identified as Nawaf al-Hazmi and Khalid al-Mihdhar. This was not the first the CIA had heard of these two men. Since early 1999, the NSA had information associating al-Hazmi with Al-Qaeda. . . .

That summer [of 2001], Wilshire [Tom Wilshire, a C.I.A. liaison at F.B.I. headquarters] asked an F.B.I. analyst to review the material on the Malaysia meeting . . .

. . . He asked Dina Corsi, another F.B.I. analyst, to show three surveillance photos from the Malaysia meeting . . . The pictures showed Mihdhar and Hazmi . . . Wilshire told Corsi that one of the men was named Khaled al-Mihdhar, but he did not explain why the pictures had been taken, and he did not mention that Mihdhar had a U.S. visa.

. . . Corsi then showed the three Malaysia photographs to her F.B.I. colleagues. They were high-quality surveillance photos. One, shot from a low angle, showed Mihdhar and Hazmi standing beside a tree in Malaysia.

Nurjaman Riduan Isamuddin, most commonly known as Hambali . . . serves as the primary interface with al-Qaida.

. . . In addition, he [Hambali] was videotaped in a January 2000 meeting in Malaysia with two of the September 11, 2001 hijackers of AA Flight 77 - Khalid al-Midhar and Nawaf al-Hazmi.

**Statement by the Treasury Department Regarding Today’s Designation of Two Leaders of Jemaah Islamiyah**, United States Department of the Treasury, January 24, 2003

. . . The cell hosting those responsible for planning the USS Cole and 9/11 attacks were being monitored by police, even being videotaped by a Malaysian surveillance team on January 5, 2000. The information was turned over to the CIA but both governments failed to make arrests. . . .


Al-Mihdhar and al-Hazmi arrived at the Los Angeles airport on the same flight on January 15, 2000 and soon settled in San Diego. The CIA learned that al-Hazmi had entered the United States, but the agency reportedly failed to notify other government agencies, most notably the Federal Bureau of Investigation, whose jurisdiction they had entered, of the presence of these suspected terrorists, though the CIA was then investigating al-Mihdhar.

CIA agents followed . . . Nawaf Alhazmi, when he left Kuala Lumpur and flew on to Bangkok. And they were still on his trail when he left for Los Angeles on January 15, 2000. On the same flight, sitting a few seats away, was another al-Qaeda terrorist who had been at the Kuala Lumpur summit - 26-year-old Khalid Almihndhar. The two were later to share another flight - American Airlines 77 . . .


. . . in February 2000, CIA rejected a request from foreign authorities to become involved because CIA was in the middle of an investigation "to determine what the subject [al-Mihdhar] is up to."


During this time the NSA, also, continued to surveil al-Mihdhar and to log his calls, including eight calls he had made from San Diego.

In the NSA’s Ops 2B building, counterterrorism specialists continued reading the cryptic conversations between Mihdhar and the Yemen ops center that had been picked up while targeting the center. But inexplicably, the fact that the calls from Mihdhar had a U.S. country code and a San Diego area code -- something that should have been instantly obvious to the NSA’s signals intelligence experts -- was never passed on to the FBI, CIA, or anyone else.

*The Shadow Factory*, page 27

By March [2000], the NSA had been eavesdropping on their [al-Mihdhar’s and al-Hazmi’s] calls for months without passing on their location.

*The Shadow Factory*, page 26

On March 20, 2000, a long distance telephone call was placed from Mihdhar and Hazmi’s Mount Ada apartment to a suspected terrorist facility in the Middle East linked to al Qaeda activities.

*A Review of the FBI’s Handling of Intelligence Information Related to the September 11 Attacks*, page 259

. . . in San Diego, Mihdhar made eight calls to the Hada phone to talk to his wife . . .

*The Looming Tower*, page 343

At the end of May 2000 they moved to 8451 Mount Vernon, Lemon Grove, California, a suburb of San Diego, to live with Abdussattar Shaikh, an FBI counter-terror informant since 1994. Surveillance of Khalid al-Mihdhar and Nawaf al-Hazmi would have been a natural part of his job of watching the Saudi community in the area, since both of his boarders were Saudi citizens.

. . . Professor Shaikh was on the payroll of the San Diego office of the Federal Bureau of Investigation as an agency asset. His job was to monitor the Saudi community in San Diego and report to the FBI any suspicious behavior he observed.

*Intelligence Matters*, page 20
Abdussattar Shaikh reported to FBI Special Agent Steve Butler. The following article pertains to the monitoring of funds received by al-Mihdhar and al-Hazmi, hence implicitly to those with whom they were communicating. It provides meaningful context for the time that they were in residence with the informant.

On October 9, [2002] members of the special congressional committee investigating the 9/11 attacks met privately with a key FBI witness. The next day, panel members were to meet in open session with CIA Director George Tenet and FBI Director Robert Mueller. After the FBI agent finished testifying, the open meetings with Tenet and Mueller were summarily canceled. Several members were "appalled" at what informed sources described as the "explosive" testimony of Special Agent Steven Butler, who recently retired from the FBI after his final posting in the bureau's San Diego field office.

Government officials told U.S. News that Butler disclosed that he had been monitoring a flow of Saudi Arabian money that wound up in the hands of the two of the 9/11 hijackers. The two men had rented a room from a man Butler had used as a confidential informant . . . According to officials familiar with his account, Butler said that he had alerted his superiors about the money flows but the warning went nowhere. "Butler is claiming . . . that people [in the FBI] didn’t follow up," says a congressional source. . . .

. . . . But told U.S. News, . . . "I'd love to talk to you guys," but added that he couldn't without permission from the Justice Department.

In his closed-door appearance on Capitol Hill, Butler described his dealings with a leader in San Diego's Muslim community, a 68-year-old man named Abdussattar Shaikh. In 2000, Shaikh rented a room in his house in a San Diego suburb, Lemon Grove, to Khalid Almihdhar and Nawaf Alhazmi. . . .


Khalid al-Mihdhar departed the home of Abdussattar Shaikh in early June 2000, but Nawaf al-Hazmi remained at his residence, developed a close relationship with him and shared his computer.

Following Mihdhar's departure, Hazmi grew lonely and worried that he would have trouble managing by himself. He prayed with his housemate each morning at 5:00 A.M. and attended services at the Islamic Center. He borrowed his housemate's computer for Internet access . . . With his housemate's help, Hazmi also used the Internet to search for a wife . . . Although he developed a close relationship with his housemate, Hazmi preferred not to use the house telephone . . .


Meanwhile, although the informant, Abdussattar Shaikh, was asked for the last names of his boarders, he did not provide that information.

During the summer of 2000, the informant advised the FBI handling agent that the informant had contacts with two individuals named "Nawaf" and "Khalid". The informant described meeting these individuals. . . . While the agent says he asked the informant for the individuals' last names, the informant never provided that information . . .

Report of the Joint Inquiry into the Terrorist Attacks of September 11, 2001, pages 17 & 18

Abdussattar Shaikh, did not testify to the congressional Joint Inquiry of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence (the "Joint Inquiry") because the Bush-Cheney administration obstructed that investigation by refusing to serve a Committee's subpoena and notice of deposition on the informant. [For more details of this obstruction, please see the passage from Intelligence Matters, written by one of the two co-chairmen of the Joint Inquiry, Senator Bob Graham, with the assistance of Jeff Nussbaum, which is appended to the end of this essay.]

. . . the Administration and the FBI have objected to the Joint Inquiry’s request to interview the informant and have refused to serve a Committee subpoena and notice of deposition on the informant. As suggested by the FBI, the Joint Inquiry submitted written interrogatories for response by the informant. Through an attorney, the informant declined to respond and indicated that, if subpoenaed, the informant would require a grant of immunity prior to testifying. Thus, this section has been prepared without access to the informant . . .


Despite Abdussattar Shaikh's refusal to participate in the Joint Inquiry, or because of it, he was paid $100,000 in July 2003 and his informant status was terminated.

. . . In July 2003, the asset was given a $100,000 payment and closed as an asset.

A Review of the FBI's Handling of Intelligence Information Related to the September 11 Attacks, page 252, footnote 192

His account of the time that al-Mihdhar and al-Hazmi lived with him, noted for its inconsistencies by the Joint-Inquiry staff that reviewed the FBI files, is not publicly available.

On August 23, 2001 the CIA notified other government agencies, including the FBI, of al-Mihdhar's and al-Hazmi's presence in the United States, noting that al-Mihdhar had departed in June 2000 and had returned to the

The NSA had been recording al-Mihdhar's calls for a year and a half, the inference being that it had continued to do so after he had returned to Yemen.

[On August 27, 2001] He [NSA Director Michael Hayden] had at last discovered that Mihdhar, whose conversations they had been recording for the past eighteen months, along with his partner, Hazmi, had been living in the country, on and off, for much of that time.


So what intelligence about Khalid al-Mihdhar was gleaned from the 18 months of recordings of the calls made by this alleged terrorist cadre member and alleged future 9/11 hijacker, who had lived in the home of an FBI informant in San Diego? The 9/11 Commission offered in their report only this one passage on the matter.

Mihdhar's mind seems to have been with his family back in Yemen, as evidenced by calls he made from the apartment telephone. When news of the birth of his first child arrived, he could stand life in California no longer. In late May and early June of 2000, he closed his bank account, transferred the car registration to Hazmi, and arranged his return to Yemen.


That Khalid al-Mihdhar called his wife or that he desired to return to his family upon the news of the birth of his child is certainly not evidence of criminal intent to participate in, nor evidence of acting in furtherance of, a criminal conspiracy to murder thousands of people. Had his surveilled communications contained any such evidence, reason would compel the expectation that the 9/11 Commission would cite it. Yet the 9/11 Commission cited no such evidence, suggesting that the long-standing surveillance had not provided any.

Additional details regarding the suppression of the information of the FBI informant, Abdussattar Shaikh, with whom two of the alleged 9/11 hijackers had lived, appears in Intelligence Matters, by Senator Bob Graham, co-chair of the congressional Joint Inquiry, with the assistance of Jeff Nussbaum.

The other person we wanted to talk to was the informant himself. The problem was that the FBI was extremely resistant to our request to interview . . . The FBI could not, however, explain a number inconsistencies in the informant's statements, inconsistencies that our staff -- not the FBI -- had uncovered in reading the files. . . . We kept pressing them to produce the informant. Weeks passed in this way. . . .

One of our problems was that the informant had been relocated by the FBI "for his own safety." Because only the FBI knew where to find him, it was able to control our access to him.

We decided that the only way to get our questions answered by the informant would be to depose him under oath. We would have to subpoena him to appear before us.

Congressional subpoenas can be served by U.S. marshals, the FBI, and even congressional staff. Because only the FBI knew where the informant could be found, we'd have to ask them to serve the subpoena. . . . . . . . [On Tuesday, September 26, 2002] I turned to [FBI general counsel] Ken Wainstein and asked that the FBI serve the subpoena for us.

. . . . My most enduring memory of that day is Mr. Wainstein's body language. He leaned back from the subpoena as if it were radioactive . . . Never before, in all my time in Congress, had I seen the FBI refuse to serve a subpoena.

When it became clear that the subpoena wouldn't be served, we called a meeting to discuss the issue with Director [Robert] Mueller . . .

Because we had been told by the FBI that our discoveries raised policy questions for the administration and not just for the FBI, we asked that Attorney General John Ashcroft and DCI [Director of Central Intelligence] George Tenet attend. They were both present (although Ashcroft left halfway through the meeting).

We told them that the FBI's refusal to serve the subpoena and produce a person who could shed serious light on the attacks of September 11 was untenable. . . .

. . . . They [Ashcroft and Mueller] suggested, instead, that we write up some questions; they would deliver them to the informant, who would answer them. So Dana Leseman, who was also on the FBI team of the Joint Inquiry and had worked at the Office of the Intelligence Policy and Review at the Department of Justice, typed up thirty-five pages of interrogatories.

Rather than deliver the questions immediately, the FBI sat on them for weeks, and by the time they reached the informant, we were told, he had secured a lawyer, a well-known former Justice Department attorney. It challenges belief that a man who is so debt-laden that he has to take in boarders would just by chance find a former federal prosecutor who happens to have a strong relationship with the FBI. The circumstances are almost as unbelievable as the "coincidence" that Omar al-Bayoumi happened to walk into a restaurant in Los Angeles to have lunch and befriended the two future hijackers at the next table. It was if in an effort to protect their informant, the FBI had secured counsel for him.
The interrogatories would not be answered. The informant's lawyer did tell us that if we granted the informant immunity, he would be willing to talk to us; he would not do so, either voluntarily or under subpoena, unless immunized.

It seemed strange that an individual who claimed to have done nothing wrong, who the FBI was claiming had done nothing wrong, and who the FBI argued continued to be a valuable source of information, would request immunity. Although our committee did have the power to immunize him, we felt that it would be irresponsible to immunize someone who -- despite repeated requests to the lawyer -- had given us no indication of what he might tell us. What's more, there were a number of inconsistencies in what the informant had said in previous interviews with the FBI, so we had questions about his truthfulness.

. . . We have gotten them to concede that the answers the informant provided in response to their questions were at best inconsistent. And they promised that they would investigate further. To my knowledge, they have not.

At the end of the whole FBI experience, one thing was clear: we would not be hearing what the informant had to say.

A less obvious and far more damning possibility is that perhaps the informant did know something about the plot that would be even more damaging were it revealed, and that this is what the FBI is trying to conceal.

There was another reason as well, one we wouldn't learn of until November 18, 2002, when a senior member of the FBI's congressional affairs staff sent a candid letter to Congressman [Porter] Goss and me, explaining why the FBI had been so uncooperative in several instances. In discussing the case with the informant, the letter said, "the [Bush-Cheney] Administration would not sanction a staff interview with the source. Nor did the Administration agree to allow the FBI to serve a subpoena or notice of deposition on the source. We were seeing in writing what we had suspected for some time: the White House was directing the cover-up.

Intelligence Matters, pages 162-166

Another curiosity about the references to the FBI informant, Abdussattar Shaikh, in the three significant official reports [Report of the Joint Inquiry into the Terrorist Attacks of September 11, 2001 (U.S. Congress); The 9/11 Commission Report (The 9/11 Commission); and A Review of the FBI's Handling of Intelligence Information Related to the September 11 Attacks (Department of Justice)] is that in each report a different descriptor is consistently used to designate him.

In the Joint Inquiry's report he is referred to exclusively as the "informant;" in The 9/11 Commission Report he is referred to exclusively as the "housemate;" and in the report by the Department of Justice, Office of the Inspector General, he is referred to exclusively as the "asset." His name does not appear in any of these reports.

In early October 2001 an official list, of persons suspected of being “involved in the attacks of September 11, sympathizers and those suspected of providing conduits for terrorist finance,” was mistakenly posted to a Finnish government website and became known as the “Finnlist.” Abdussattar Shaikh(a) was listed.

A CONFIDENTIAL FBI list of 370 people suspected of helping Osama bin Laden's terrorist network has leaked out.

The names, addresses, telephone numbers, e-mail, and social security codes of the suspects were posted on the internet by Finland’s Financial Supervision Authority (RATA).

When the error was spotted, the website was shut down. The list was put together by the FBI and European counter-terrorism agencies for use in tracking down the bank accounts, assets, and money flows of the al-Qa'eda network.

It contains the names of terrorists involved in the attacks of September 11, sympathizers and those suspected of providing conduits for terrorist finance.

. . .

Like any police intelligence file, it is based on hearsay and unverified leads, and should have been kept strictly confidential to protect those falsely accused . . .

Telegraph [U. K.], "Blunder puts FBI suspects on internet,” by Ambrose Evans-Pritchard, October 5, 2001

The Bush-Cheney administration paid $100,000 to a suspected conduit for terrorist finance, who had housed two of the alleged 9/11 hijackers, and shielded him from investigation.

If you have difficulty believing that this situation is as it should be, please work for a new investigation of 9/11 and for full accountability.