

**Declaration of Mr. Jeffrey N. Rapp  
Director, Joint Intelligence Task Force for Combating Terrorism**

1. Pursuant to 28 U.S.C. § 1746, I, Jeffrey N. Rapp, hereby declare, to the best of my knowledge, information, and belief, and under penalty of perjury, that the following is true and correct:

**Preamble**

2. I submit this Declaration for the Court's consideration in the matter of Jose Padilla v. Commander C.T. Hanft, USN, Commander, Consolidated Naval Brig, Case Number 04-CV-2221-26AJ, pending in the United States District Court for the District of South Carolina.

3. Based on information that I have acquired in the course of my official duties, I am familiar with all the matters discussed in this Declaration. I am also familiar with the circumstances surrounding Jose Padilla's ("Padilla") arrest at Chicago's O'Hare International Airport and interrogations by agents of the Department of Defense ("DoD") after DoD took control of Padilla on 9 June 2002. The information in this declaration concerning Padilla and his activities with the al-Qaeda terrorist organization is derived from the circumstances surrounding his arrest and Padilla's statements during post-capture interrogation.

**Professional Experience as an Intelligence Officer**

4. I am a career Defense Intelligence Agency Defense Intelligence Senior Executive Service member appointed by the Director of the Defense Intelligence Agency. I report to the Director of the Defense Intelligence Agency. My current assignment is as the

Director of the Joint Intelligence Task Force for Combating Terrorism (JITF-CT). JITF-CT directs collection, exploitation, analysis, fusion, and dissemination of the all-source foreign terrorism intelligence effort within DoD. In addition to my current assignment, I have previously served as the first Director of the National Media Exploitation Center and as the civilian Deputy Director for the Iraq Survey Group in Qatar.

5. My active duty military intelligence career in the United States Army included service as the senior intelligence officer for 1<sup>st</sup> Infantry Division, when deployed to Bosnia-Herzegovina, Commander of the 101<sup>st</sup> Military Intelligence Battalion, 1<sup>st</sup> Infantry Division, Fort Riley Kansas, and the forward-deployed 205<sup>th</sup> Military Intelligence Brigade in Europe, and Deputy Director for the Battle Command Battle Lab, U.S. Army Intelligence Center at Fort Huachuca, Arizona. I also directed a South Asia regional analytic division in the Defense Intelligence Agency Directorate for Analysis and Production that was awarded the National Intelligence Meritorious Unit Citation for its accomplishments.

6. My military decorations include the Legion of Merit, Defense Superior Service Medal, Defense Meritorious Service Medal, and Army Meritorious Service Medal. I am a graduate of the U.S. Army War College. I hold a Masters degree in strategic intelligence from the Joint Military Intelligence College.

#### Padilla's Background

7. Padilla, also known as Abdullah al Muhajir, is a U.S. citizen of Hispanic ethnicity who spent time in a juvenile detention facility as a teenager. He joined a local street gang

when he was 13 years old, and was arrested for murder in 1985. During his early life in Chicago and Florida he was arrested for a number of offenses including cannabis possession, weapons charges, and assault. In 1995, he converted to Islam while serving a state prison sentence in Florida. After his release from prison, he joined a mosque in Florida that sponsored his first trip to Egypt in September 1998. While in Egypt, Padilla agreed to an arranged marriage to an Egyptian woman and fathered two sons. He has another son as a result of a previous relationship in Chicago. Padilla studied Arabic in Cairo while earning a subsistence income as a handyman working odd jobs. In February 2000, he traveled to Mecca, Saudi Arabia to complete the Muslim Hajj pilgrimage. At that time, he met with an al Qaeda recruiter, and discussed training opportunities in Afghanistan. In June 2000, Padilla traveled to Yemen to continue his Islamic studies.

#### Overview of Padilla's al Qaeda Activities

8. In the summer of 2000, Padilla first entered Pakistan, and traveled to a Taliban safehouse in Quetta. From there, he traveled across the border to Kandahar, Afghanistan in the company of Taliban operatives and five other recruits to train for jihad. In July 2000, Padilla completed a training camp application using his alias, Abdullah al Muhajir. Padilla then traveled to the al Qaeda-affiliated training camp, al-Farouq, north of Kandahar. In September and October of 2000, at al-Farouq, he received training in the use of firearms and other weapons, explosives, land navigation, camouflage techniques, communications, and physical conditioning. While at the camp, Padilla met several times with Mohammed Atef ("Atef"), who was a senior al Qaeda operative and military commander. After completing this initial training, Padilla and other recruits were returned to Kandahar and later transported to Kabul. For approximately three months in

the fall of 2000, Padilla and other recruits guarded what he understood to be a Taliban outpost north of Kabul. Padilla was armed with a Kalashnikov assault rifle and ammunition for that purpose. He subsequently returned to Pakistan and, from there, traveled back to Egypt to reunite with his wife in the spring of 2001.

9. In June 2001, Padilla again left his family in Egypt and traveled to Quetta where he stayed in an al Qaeda safehouse before traveling back to Kandahar. During the summer, Padilla received additional training relating to future plots to attack U.S.-based apartment buildings described below. In the fall of 2001, Padilla was staying at an al Qaeda safehouse in or near Kandahar when he and his fellow al Qaeda operatives learned of the September 11 terrorist attacks on the United States. Padilla spent much of September 2001, including after the September 11 attacks, with Atef at an al Qaeda safehouse in or near Kandahar. Once the United States commenced combat operations against the Taliban and al Qaeda in Afghanistan, Padilla and his fellow al Qaeda operatives began moving from safehouse to safehouse in an effort to avoid being bombed or captured by U.S. or coalition forces.

10. In mid-November 2001, an air strike destroyed a safehouse in Afghanistan and killed Atef. Padilla was staying at a different al Qaeda safehouse that day, but he and other al Qaeda operatives participated in an attempt to rescue survivors and retrieve Atef's body from the rubble. After this attack, Padilla, armed with an assault rifle, along with numerous other al Qaeda operatives, began moving toward the mountainous border with Pakistan near Khowst, Afghanistan, in a further effort to avoid U.S. air strikes and

capture by U.S. forces. Padilla was thus armed and present in a combat zone during armed conflict between al Qaeda/Taliban forces and the armed forces of the United States and its coalition partners. After taking cover in a network of caves and bunkers near Khowst, the al Qaeda operatives, including Padilla, were escorted by Taliban personnel across the border into Pakistan in groups of 15 to 20. Padilla crossed into Pakistan in January 2002. After crossing into Pakistan, Padilla met with senior Osama bin Laden lieutenant Abu Zubaydah ("Zubaydah") at a safehouse in Lahore, Pakistan, and met Zubaydah again at a safehouse in Faisalabad, Pakistan. Padilla discussed with Zubaydah the idea of conducting terrorist operations involving the detonation of explosive devices in the United States. While in Pakistan, he conducted what he called "research" on the construction of an atomic bomb at an al Qaeda safehouse in Pakistan.

#### **Padilla's Plan to Kill Apartment Building Residents**

11. Padilla admits that he was first tasked with an operation to blow up apartment buildings in the United States with natural gas by Atef at a meeting in Kandahar in the summer of 2001. Padilla accepted this tasking. Atef advised Padilla that he was sending Padilla to a location outside the Kandahar Airport where Padilla would train with, a still at large, senior al Qaeda explosives expert ("Explosives Expert) and another, still at large al Qaeda operative, El Shukri Jumah ("Jumah") aka Jaffar al-Tayyar. Padilla and Jumah trained with Explosives Expert at the Kandahar Airport on switches, circuits, and timers. Padilla recognized Jumah as someone he had met in the United States before departing for Egypt. Padilla and Jumah also spent time learning how to prepare and seal an apartment in order to obtain the highest explosive yield, and thereby obtain the highest number of casualties among apartment residents.

However, the mission was apparently abandoned after the training because Padilla and Jumah could not get along and Padilla told Atef he could not do the operation on his own.

12. Padilla admits that the apartment building plan was resurrected when he first met senior al Qaeda operational planner and 11 September 2001 mastermind Khalid Sheikh Mohammad ("KSM") in Karachi, Pakistan after Zubaydah sent Padilla and another accomplice, ("Accomplice"), an al-Qaeda operative, there in March 2002 to present the atomic bomb operation. Zubaydah gave Padilla money and wrote a reference letter to KSM about Padilla. Padilla was taken to a safehouse by al Qaeda facilitator and planner Ammar al-Baluchi ("al-Baluchi"). Al-Baluchi is also a nephew of KSM. Padilla presented the atomic bomb idea to KSM, who advised that the idea was a little too complicated. KSM wanted Padilla to revive the plan to kill apartment building residents originally discussed with Atef. KSM wanted Padilla to hit targets in New York City, although Florida and Washington, D.C. were discussed as well. Padilla had discretion in the selection of apartment buildings. KSM gave Padilla full authority to conduct the operation if Padilla and Accomplice were successful in entering the United States. Padilla admits that he accepted the mission. Al Qaeda operative and unindicted 9/11 co-conspirator Ramzi Bin al-Shibh ("al-Shibh") trained Padilla on telephone call security and e-mail protocol. KSM gave Padilla \$5,000 for the operation and al-Baluchi gave him \$10,000, travel documentation, a cell-phone, and an e-mail address to notify him when Padilla arrived in the United States. Al-Baluchi instructed Padilla to leave on the mission through Bangladesh. Al-Baluchi told Padilla to call him before entering the Karachi

airport. The night before his departure, Padilla and Accomplice attended a dinner with KSM, al-Baluchi, and al-Shibh.

#### Operational Deployment to the United States

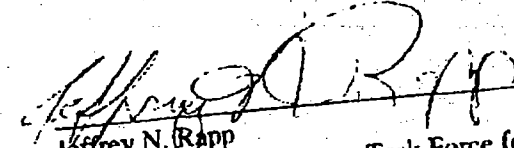
13. Padilla departed Pakistan on 5 April 2002, bound for the United States. After spending a month in Egypt, Padilla entered the United States at Chicago's O'Hare International Airport on 8 May 2002. Padilla was carrying \$10,526 in U.S. currency he had received from al Qaeda, but declared only approximately \$8,000. Padilla had in his possession the cell-phone provided to him by al-Baluchi, the names and telephone numbers of his recruiter and his sponsor, and e-mail addresses for al-Baluchi and Accomplice. At the time of his capture by the FBI at O'Hare International Airport, Padilla was an operative of the al Qaeda terrorist organization with which the United States is at war.

14. When interviewed by FBI agents upon his arrival in Chicago, Padilla falsely denied he had ever been to Afghanistan. Padilla also lied about the source of the money he was carrying and the purpose of his return to the United States. Padilla was arrested by the FBI on a material witness warrant. On 9 June 2002, Padilla was transferred to DoD custody after the President of the United States determined that Padilla is an enemy combatant.

#### Conclusion

15. As an al Qaeda operative, Padilla participated in numerous al Qaeda activities over a nearly two-year period, including military training and armed battlefield activities in Afghanistan, and plans to attack the United States for the purpose of killing large

numbers of American civilians. He admits to meeting with numerous key al-Qaeda leadership figures and senior operational planners, and to planning plots against the United States with them. Padilla proposed using an atomic bomb in the United States and explosives and natural gas to blow up apartment buildings in the United States.

  
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Director, Joint Intelligence Task Force for  
Combating Terrorism

Executed on 27 August 2004 at the Pentagon,  
Washington, D. C.