



Department of Justice

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ACCUSED EAST AFRICA EMBASSY BOMBER HELD AT GUANTANAMO BAY TO BE PROSECUTED IN U.S. FEDERAL COURT

WASHINGTON – The Justice Department today announced that Ahmed Khalfan Ghailani, a Tanzanian national who has been held at the Guantanamo Bay detention facility since September 2006, will be prosecuted in federal court in the United States pursuant to the March 12, 2001, superseding indictment currently pending against him in the Southern District of New York.

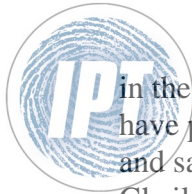
In accordance with the President’s Jan. 22, 2009, Executive Order, which called for a review of all Guantanamo detainees and the closure of the Guantanamo Bay detention facility within a year, the interagency Guantanamo Review Task Force conducted a thorough review of Ghailani’s case. As a result of that review, Ghailani’s case was referred to the Justice Department for prosecution pursuant to the superseding indictment against him in the Southern District of New York.

“By prosecuting Ahmed Ghailani in federal court, we will ensure that he finally answers for his alleged role in the bombing of our embassies in Tanzania and Kenya,” said Attorney General Eric Holder. “This administration is committed to keeping the American people safe and upholding the rule of law, and by closing Guantanamo and bringing terrorists housed there to justice we will make our nation stronger and safer.”

Ghailani was first indicted on Dec. 16, 1998, by a federal grand jury in the Southern District of New York for conspiring with Osama bin Laden and other members of al-Qaeda to kill Americans overseas and for his role in the Aug. 7, 1998 bombing of the U.S. Embassy in Dar es Salam, Tanzania, which killed at least eleven people and caused injuries to at least 85 people.

Ghailani has since been charged in several superseding indictments in the Southern District of New York. He currently stands accused in a March 12, 2001 superseding indictment with 286 different counts, including charges related to his role in the murder of more than 200 people in the 1998 bombings of the U.S. Embassies in Tanzania and Nairobi, Kenya, as well as his participation in an al-Qaeda conspiracy to murder, bomb, and maim U.S. civilians anywhere in the world.

Among other things, the superseding indictment alleges that Ghailani assisted in the purchase of the Nissan truck as well as the oxygen and acetylene tanks that were used



in the bombing of the U.S. Embassy in Tanzania. He is further alleged to have participated in loading boxes of TNT, cylinder tanks, batteries, detonators, fertilizer and sand bags into the back of the truck in the weeks immediately before the bombing. Ghailani departed Africa for Pakistan the night before the bombing.

Ghailani was captured in July 2004. In September 2006, he and several other “high value detainees” were transferred to Guantanamo Bay. Ghailani has remained in Defense Department custody at Guantanamo Bay since that time.

On March 31, 2008, the Office of the Chief Prosecutor of the Military Commissions swore charges against Ghailani under the Military Commissions Act for his alleged role in the 1998 attack on the U.S. Embassy in Tanzania and for his alleged service to al-Qaeda after the bombing, including serving as a document forger, physical trainer at an al-Qaeda camp, and as a bodyguard for Osama bin Laden.

Ghailani was charged with the following substantive offenses: murder in violation of the Law of War, murder of protected persons, attacking civilians, attacking civilian objects, intentionally causing serious bodily injury, and destruction of property in violation of the Law of War and Terrorism. He was also charged with conspiracy to commit all of the above offenses, as well as providing material support to terrorism. On Oct. 3, 2008, these charges were referred to trial by military commission.

In January 2009, a military commissions judge issued a stay in the military commission trial involving Ghailani. The Office of the Chief Prosecutor of the Military Commissions recently filed a motion seeking an additional 120-day continuance in Ghailani’s military commissions case.

The public is reminded that the charges contained in a criminal indictment are mere allegations and each defendant is presumed innocent unless and until convicted in a court of law.

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