

RELEASE IN  
PART B5, B6

**From:** Mills, Cheryl D <MillsCD@state.gov>  
**Sent:** Tuesday, June 09, 2009 5:08 AM  
**To:** Sullivan, Jacob J; Steinberg, James B; Lew, Jacob J; Verma, Richard R; Crowley, Philip J; Reines, Philippe I; Kennedy, Patrick F  
**Cc:** Abedin, Huma  
**Subject:** Fw: DoJ-cleared talkers

Fyi

[REDACTED] for calls that State is making to families of victims on prisoner transfer (ghailani) this am early.

B5

**From:** McDonough, Denis R. [REDACTED]  
**To:** Smith, Daniel B  
**Cc:** Toiv, Nora F; Mills, Cheryl D  
**Sent:** Mon Jun 08 21:55:05 2009  
**Subject:** DoJ-cleared talkers

B6

Early this morning, Ahmed Khalfan Ghailani was transferred from the detention facility in Guantanamo to the Southern District of New York, where he will stand trial for the murder of more than 200 people in the 1998 bombings of the U.S. Embassies in Kenya and Tanzania. Twelve Americans were killed in the attack on our Embassy in Nairobi.

While everyone is innocent until proven guilty in our system, the indictment alleges that Ghailani assisted in purchasing equipment and preparing the truck bomb in the weeks immediately prior to the bombing.

Today represents a step forward in achieving justice for the victims of terrorism and their families.

Ghailani will stand trial in a district with a long history of trying some of the most complex and demanding terrorism cases. While on trial, Ghailani will be housed in the Metropolitan Correctional Center in Manhattan.

Several high-profile terrorists have been tried in the Southern District and held at MCC during their trials, including the blind cleric – Sheikh Omar Abdel-Rahman -- who was convicted of the 1993 World Trade Center bombing and most recently Oussama Kassir, who was convicted last month of providing material support to al-Qaeda and distributing information on explosives and weapons of mass destruction.

Like those prior terrorist cases, I have every confidence that we can hold Ghailani safely.

I recognize that the Congress is considering provisions in the supplemental appropriations bill that would limit the transfer of detainees from Guantanamo Bay.

For that reason, it is especially important that you know that the Attorney General concluded that further delay, because of speedy trial considerations, posed an unacceptable risk to the Government's ability to prosecute Ahmed Khalfan Ghailani.

This Administration intends to hold terrorists accountable for their crimes. We will try those detainees in federal court who have violated federal criminal laws, and will be presenting our thoughts on possible reforms of the Military Commissions Act to Congress very soon, so that the Military Commissions again become available to prosecute violations of the laws of war.

President Obama, General David Petraeus, Secretary Gates and others all believe that closing Guantanamo is essential to U.S. national security. It has become a rallying cry and recruitment tool for our enemies – diminishing the willingness of American allies to help wage the fight against Al Qaeda and undermining the moral authority of the country.

The issues we must confront to close the facility are complex and will require intensive consultation with Congress, so that our legal regime for handling Guantanamo detainees can withstand judicial scrutiny. The President intends to present a comprehensive plan for the disposition of all Guantanamo detainees -- and will work with you and other Members on necessary reforms of our legal institutions so that the detainees at Guantanamo Bay can be brought to justice in a responsible and secure fashion.