

Detainee Is Charged With Capital Murder in Embassy Bombing

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Pentagon prosecutors have charged an alleged al-Qaeda operative with capital murder in helping to plan the 1998 attack on the U.S. Embassy in Tanzania, the first time prosecutors have sought the death penalty at a military commission at Guantanamo Bay, Cuba, for anyone other than an alleged conspirator in the Sept. 11, 2001, attacks.

Ahmed Khalfan Ghailani, who was held in secret CIA custody for more than two years before arriving at Guantanamo Bay in late 2006, was accused of plotting and carrying out the embassy bombing as part of his work for al-Qaeda and Osama bin Laden. The attack, on Aug. 7, 1998, killed at least 11 people and injured nearly 100 more.

Ghailani was also accused of later going to al-Qaeda training camps in Afghanistan, working as a bodyguard for bin Laden and forging documents for other terrorist conspiracies. At one time, he was on the FBI's 25 Most Wanted list and had a \$5 million bounty on his head. He was arrested in a raid on his home in Pakistan in July 2004.

Almost all of his alleged "war crimes" occurred before the Sept. 11 attacks, and most predated the nation's fight against terrorism. Four co-conspirators in the Tanzania bombing were convicted in U.S. federal courts. Ghailani, too, was indicted in the United States, but fed-

eral authorities have opted to try him before the commission, composed entirely of military officers.

"The only reason the government is now militarizing these criminal acts is to hide what the CIA is doing in its interrogation program behind the secrecy of the (military) commissions, which can allow the use of secret evidence, as well as evidence obtained through torture," said Jen Nessel of the Center for Constitutional Rights, a group that represents Guantanamo Bay detainees.

The prosecutors' bid to apply the death penalty must be approved by a Bush administration official who oversees the military commissions, and then it can be decided only by a unanimous verdict of the military panel. It will probably be months before a trial begins.

In military hearings after his transfer to Guantanamo Bay, Ghailani, who is thought to be 34, said that he was not consciously involved in the Tanzania bombing and that he went to al-Qaeda camps to receive military training for self-defense because he lived in violent East Africa. He acknowledged working for al-Qaeda as a document forger and said he met most of the organization's leaders. He expressed remorse for the embassy attack, according to a hearing transcript.

"I apologize to the United States government for what I did," Ghailani said in English. "And I'm sorry for what happened to those families who lost, who lost their friends and

their beloved ones."

Brig. Gen. Thomas W. Hartmann, the legal adviser for the military commissions system, again yesterday defended the process as having "extraordinary" fairness. But Col. Steven David, the chief defense attorney for the commissions, said he plans to litigate the issue of the timing of Ghailani's alleged crimes and whether a military commission is an appropriate venue for a case with a history in U.S. federal courts. David said that he just read the sworn charges yesterday and that he has not yet assigned counsel.

Susan F. Hirsch, a George Mason



Ahmed Khalfan Ghailani is accused of helping plan the bombing of the U.S. Embassy in Tanzania.

University professor who was at the embassy when it was hit and lost her husband in the attack, said Ghailani should be brought to justice, but not at Guantanamo Bay. She said she fears part of the reason the case will not be in a U.S. court is that Ghailani was held by the CIA and was possibly subjected to harsh interrogation techniques and torture.

Staff researcher Julie Tate contributed to this report.

