

**REMARKS AS PREPARED FOR DELIVERY BY ATTORNEY GENERAL ERIC HOLDER AT PRESS
CONFERENCE ON GUANTANAMO DETAINEES**

Good morning. Just over eight years ago, on a morning our nation will never forget, nineteen hijackers working with a network of Al Qaeda conspirators around the world launched the deadliest terrorist attacks our country has ever seen. Nearly 3,000 people lost their lives in those attacks, and in the years since, our nation has had no higher priority than bringing those who planned and plotted the attacks to justice.

One year before, in October 2000, a terrorist attack on the USS Cole killed seventeen American sailors. Today we announce a step forward in bringing those we believe were responsible for the 9/11 attacks and the attack on the USS Cole to justice.

Five detainees at Guantanamo have been charged before military commissions with participation in the 9/11 plot: Khalid Sheikh Mohammed, Walid Muhammed Salih Mubarak Bin Attash, Ramzi Bin Al Shibh, Ali Abdul-Aziz Ali, and Mustafa Ahmed Al Hawsawi. Those proceedings have been stayed since February, as have the proceedings pending in military commissions against four other detainees accused of different crimes. A case in military commissions against the alleged mastermind of the Cole bombing, Abd al-Rahim al-Nashiri, was withdrawn in February.

For the past several months, prosecutors at the Department of Justice have been working diligently with prosecutors from the Pentagon's Office of Military Commissions to review the case of each detainee at Guantanamo who has been referred for prosecution. Over the past few weeks, I have personally reviewed these cases, and in consultation with the Secretary of Defense, have made determinations about the prosecution of ten detainees now held at Guantanamo, including those charged in the 9/11 plot and the alleged mastermind of the Cole bombing.

Today, I am announcing that the Department of Justice will pursue prosecution in federal court of the five individuals accused of conspiring to commit the 9/11 attacks. Further, I have decided to refer back to the Department of Defense five defendants to face military commission trials, including the detainee who was previously charged in the USS Cole bombing.

The 9/11 cases that will be pursued in federal court have been jointly assigned to prosecutors from the Southern District of New York and the Eastern District of Virginia and will be brought in Manhattan in the Southern District of New York. After eight years of delay, those allegedly responsible for the attacks of September the 11th will finally face justice. They will be brought to New York to answer for their alleged crimes in a courthouse just blocks from where the twin towers once stood.

I am confident in the ability of our courts to provide these defendants a fair trial, just as they have for over 200 years. The alleged 9/11 conspirators will stand trial in our justice system before an impartial jury under long-established rules and procedures.

I also want to assure the American people that we will prosecute these cases vigorously, and we will pursue the maximum punishment available. These were extraordinary crimes and so we will seek maximum penalties. Federal rules allow us to seek the death penalty for capital offenses, and while we will review the evidence and circumstances following established protocols, I fully expect to direct prosecutors to seek the death penalty against each of the alleged 9/11 conspirators.

In his speech at the National Archives in May, the President called for the reform of military commissions to ensure that they are a lawful, fair, and effective prosecutorial forum. The reforms Congress recently adopted to the Military Commissions Act ensure that military commission trials will be fair and that convictions obtained will be secure. I know that the Department of Defense is absolutely committed to ensuring that military commission trials will be consistent with our highest standards as a nation, and our civilian prosecutors will continue to work closely with military prosecutors to support them in that effort.

In each case, my decision as to whether to proceed in federal courts or military commissions was based on a protocol that the Departments of Justice and Defense developed and that was announced in July. Because many cases could be prosecuted in either federal courts or military commissions, that protocol sets forth a number of factors – including the nature of the offense, the location in which the offense occurred, the identity of the victims, and the manner in which the case was investigated – that must be considered. In consultation with the Secretary of Defense, I looked at all the relevant factors and made case by case decisions for each detainee.

It is important that we be able to use every forum possible to hold terrorists accountable for their actions. Just as a sustained campaign against terrorism requires a combination of intelligence, law enforcement and military operations, so must our legal efforts to bring terrorists to justice involve both federal courts and reformed military commissions. I want to thank the members of Congress, including Senators Lindsay Graham, Carl Levin and John McCain who worked so hard to strengthen our national security by helping us pass legislation to reform the military commission system.

We will continue to draw on the Pentagon's support as we bring cases against the alleged 9-11 conspirators in federal court. The Justice Department has a long, successful history of prosecuting terrorists for their crimes against our nation, particularly in New York. Although these cases can often be complex and challenging, federal prosecutors have successfully met these challenges and have convicted a number of terrorists who are now serving lengthy sentences in our prisons. And although the security issues presented by terrorism cases should never be minimized, our marshals, court security officers, and prison officials have extensive experience and training dealing with dangerous defendants, and I am confident they can meet the security challenges posed by this case.

These detainees will not be transferred to the United States for prosecution until all legal requirements are satisfied, including those in recent legislation requiring a 45 day notice and report to the Congress. I have already spoken to Governor Paterson and Mayor Bloomberg and am committed to working closely with them to ensure that all security and related concerns are properly addressed. I have every confidence that we can safely hold these trials in New York, as we have so many previous terrorism trials.

For the many Americans who lost friends and relatives in the attacks of September 11, 2001 and on the USS Cole, nothing can bring those loved ones back. But they deserve the opportunity to see the alleged plotters of those attacks held accountable in court, an opportunity that has been too long delayed. Today's announcements mark a significant step forward in our efforts to close Guantanamo and to bring to justice those individuals who have conspired to attack our nation and our interests abroad.

For over two hundred years, our nation has relied on a faithful adherence to the rule of law to bring criminals to justice and provide accountability to victims. Once again we will ask our legal system, in two venues, to rise to that challenge. I am confident it will answer the call with fairness and justice.