

# EXHIBIT C

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### **Military Commissions Must Obey President's Directive, Official Says**

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American Forces Press Service

WASHINGTON, Jan. 29, 2009 – The military commissions system created in 2006 to try accused terrorists held at the U.S. detention center at Guantanamo Bay, Cuba, must comply with President Barack Obama's directive to suspend all legal proceedings there, Pentagon Press Secretary Geoff Morrell said at a news conference today.

A reporter asked for Morrell's reaction concerning news reports that say a military judge at Guantanamo today ordered that legal proceedings be continued against accused al-Qaida terrorist Abd al-Rahim al-Nashiri.

Nashiri is charged with planning the Oct. 12, 2000, bombing of the U.S. Navy destroyer USS Cole that was berthed in Aden, Yemen. Seventeen U.S. sailors died as a result of the attack.

All legal proceedings at Guantanamo are "on hold," Morrell said. A series of assessments and reviews of detainee operations at Guantanamo are now being conducted as part of Obama's Jan. 22 executive order to shut down the detention facility within the year.

Obama instructed Defense Secretary Robert M. Gates on Jan. 20 to cease referring any new cases through the military-commissions process at Guantanamo Bay and to request 120-day continuances on all ongoing active cases there. Two days later, the president issued three executive orders, one of which directs the closure of the U.S. detention center at Guantanamo Bay within the year.

Resolving the issue concerning Nashiri's legal proceedings at Guantanamo, Morrell said, is a matter for the military commissions convening authority.

"But the bottom line is, we all work for the president of the United States in this chain of command, and he has signed an executive order which has made it abundantly clear that until these reviews are done all [legal activity at Guantanamo] is on hiatus," Morrell said.

Obama signed three executive orders Jan. 22, one of which directs the closure of the U.S. detention center at Guantanamo Bay within the year. Another order signed by the president directs the stand up of a special interagency task force that will study the future disposition of present Guantanamo detainees who cannot be transferred to other countries and who pose a serious danger to the United States.

The third executive order signed by the president that day directs the U.S. military and other U.S. agencies to follow the Army Field Manual, which bans torture when interrogating detainees "to promote the safe, lawful and humane treatment of individuals in United States custody."

"This department will be in full compliance with the president's executive order," Morrell said at the news conference.

The Military Commissions Act of 2006 established procedures governing the use of military commissions to try alien unlawful enemy combatants engaged in hostilities against the United States for violations of the law of war and other offenses that can be tried by military commission, according to a military commissions fact sheet.

The detention center at Guantanamo Bay has housed nearly 800 suspected terrorists captured in Afghanistan, Iraq and other places since the start of the global war on terrorism that followed the Sept. 11, 2001, terrorist attacks on the United States.

About 250 people are being held at Guantanamo today, including Khalid Sheikh Mohammad, the alleged mastermind of the 9/11 attacks.

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[Geoff Morrell](#)

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