

Obama to stay course on terrorism trials

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The Obama administration remains committed to trying more terrorism suspects in civilian court even though a federal jury acquitted a Tanzanian of all but one charge in the 1998 U.S. embassy bombings, senior Justice Department officials said Thursday.

Alleged Al Qaeda accomplice Ahmed Khalfan Ghailani, the first Guantanamo Bay prisoner to be tried in civilian court, was convicted Wednesday of one count of conspiracy to damage or destroy U.S. property but cleared of 284 counts of murder and attempted murder.

As Republican lawmakers used the New York verdict to attack the concept of civilian trials, Justice Department spokesman Matthew Miller said, "We're going to continue to review the cases on their merits and decide which forum is the most appropriate." Justice and Defense department officials use a detailed protocol to determine who will be tried and where, he added.

Miller said announcements are pending on where to try nearly four dozen other terrorism suspects — in U.S. civilian courts or before U.S. military commissions at Guantanamo Bay, Cuba. He declined to say who might be tried next in civilian court. "Every day we're continuing to work on it," he said.

Under the protocol, upcoming cases are studied by Justice and Defense department attorneys. Defendants will be ordered to stand trial in civilian courts or military commissions based on factors including where the alleged crimes occurred,

where the suspect was captured and how the "case was investigated and evidence gathered," Miller said.

Officials have referred 45 suspects for prosecution in both venues but have made public only 12 of them, he said. Those 12 include confessed Sept. 11 mastermind Khalid Shaikh Mohammed and four others accused of having links to the attacks. Federal prosecutors want to try them in New York but are reconsidering after a huge outcry there.

He also rejected criticism from those who saw the Ghailani verdict as proof that all terrorism suspects should be tried before military commissions.

"The criminal justice system produced a verdict that's going to lead to his serving from 20 years to life, and we are going to ask for life," Miller said.

Conservatives castigated the administration for its position.

"Wrong again on terror trials," said Senate Majority Leader Mitch McConnell (R-Ky.). The verdict, he said it, "is all the proof we need that the administration's approach to prosecuting terrorists has been deeply misguided and indeed potentially harmful as a matter of national security."

"This trial came dangerously close to failure despite Atty. Gen. [Eric J.] Holder's assurance that 'failure is not an option,'" said Sen. Jon Kyl of Arizona. "I hope that the administration heard this wake-up call and will return to the policy of trying these kinds of terrorists in military commissions."

Democrats defended the Obama administration.

"This trial shows our legal system works," said Rep. Jerrold Nadler (D-N.Y.), chairman of the House subcommittee on the Constitution. He said the verdict calls

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for continued use of "our criminal justice system to try and convict terrorists."

Liberal critics say the fault lies with government-approved torture of suspects — thus making some evidence inadmissible — not with the federal courts.

"If anyone is unsatisfied with Ghailani's acquittal on [all but one of the] counts, they should blame the CIA agents who tortured him," the Center for Constitutional Rights in New York said in a statement.

Ghailani was not suspected of being the main plotter in the 1998 bombings in Tanzania and Kenya that killed 224, including 12 Americans. Four others were convicted in 2001. Ghailani was arrested in Pakistan in 2004 and questioned secretly by the CIA before his transfer to Guantanamo.

Prosecutors believe he played a key role in helping carry out the smaller of the two bombings, which killed 11 people in Tanzania. But their case was weakened when the judge excluded a prime witness who said he sold TNT explosive to Ghailani.



lani. The judge reasoned that the testimony would be tainted because the government learned of his name only through the harsh and secret questioning.

At the White House, Press Secretary Robert Gibbs said President Obama “remains committed to the goal of closing Guantanamo Bay because we know ... this is a recruiting tool that Al Qaeda is and continues to actively use in trying to find people like Mr. Ghailani and others who seek to do our country harm.”

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