

Civilian terror trials coming, feds say

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WASHINGTON — Senior Justice Department officials said Thursday that they remained committed to trying more terrorism suspects in U.S. civilian courts, despite a New York City jury decision that convicted a Tanzanian man of conspiracy but not murder in the 1998 U.S. embassy bombings in Africa.

"We're going to continue to review the cases on their merits and decide which forum is the most appropriate," said Justice Department chief spokesman Matthew Miller, adding that Justice and Defense department officials were using a detailed protocol to determine who is tried where.

He said decisions were under review for nearly four dozen more terror suspects on whether to try them in the U.S. courts or before military commissions at the U.S. Naval Base prison at Guantanamo Bay, Cuba. He declined to say who might next be tried in a civilian courtroom,

but added, "Every day we're continuing to work on it."

Mr. Miller also rejected renewed criticism from Republican lawmakers who saw the verdict Wednesday for Ahmed Khalifan Ghailani — guilty on one count of conspiracy but cleared of 284 counts of murder and attempted murder — as proof that all terror suspects should be tried in only military commissions.

In the Ghailani case, Mr. Miller said, "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."

Under the protocol, coming cases are being studied by Justice and Defense department attorneys, and defendants will be ordered to trial in civilian courts or military commissions based on a series of "strength of issue" factors. That includes where the crimes occurred, where the suspect was captured and how the "case was investigated and evidence gathered."

Mr. Miller said officials had referred 45 suspects for prosecution in both venues but had made public only 12 of them. The 12 that have been announced include Khalid Sheikh Mohammed and four others tied to the Sept. 11, 2001, attacks; prosecutors wanted to try them in New York, but were reconsidering after a huge outcry there.

That outcry was heard again Thursday in conservatives' reaction to the Ghailani verdict. "Wrong again on terror trials," declared Senate Minority Leader Mitch McConnell,

R-Ky. The verdict, he said, "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," said Arizona Sen. Jon Kyl, the Senate's No. 2 Republican, "despite Attorney General [Eric] Holder's assurance that 'failure is not an option.' 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 came to the Obama administration's defense for taking terror cases to civilian courts. "This trial shows our legal system works," said Rep. Jerrold Nadler, D-N.Y., who heads the House subcommittee on the Constitution. He added that the verdict calls for continued use of "our criminal justice system to try and convict terrorists."

Liberal critics of the Guantanamo prison say the fault lies with government-approved torture of suspects, 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.

Mr. Ghailani was not the main plotter in the embassy bombings that took 224 lives. Four others were convicted in 2001.

