

# Admitted Qaeda Agent Receives Prison Sentence

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By JOHN SCHWARTZ Published: October 29, 2009 Ali Saleh Kahlah al-Marri

A man who confessed to trying to aid Al Qaeda in the United States was sentenced by a federal judge Thursday to more than eight years in prison.

Under a plea bargain with federal prosecutors, the man, Ali Saleh Kahlah al-Marri, had faced 15 years in prison, but the judge agreed to consider the time he had already served.

Mr. Marri, the last enemy combatant held on United States soil, admitted in May to having attended terrorist training camps from 1998 to 2001, to meeting with Khalid Shaikh Mohammed, a high official within the Qaeda organization, and to having "offered his services."

The sentence was imposed by Judge Michael M. Mihm of Federal District Court in Peoria, Ill. Mr. Marri's lawyers urged Judge Mihm to reduce the sentence, asking him to take into account Mr. Marri's eight years in custody, including five and a half years in a Navy brig in Charleston, S.C., much of that spent in isolation.

They argued that whatever Mr. Marri's intentions when he traveled to this country in 2001, he no longer harbored a desire to attack the United States.

Prosecutors had argued for the full sentence, however, and on Wednesday they presented testimony from a psychologist that Mr. Marri was "likely to engage in hostile acts towards the United States," according to The Peoria Journal Star.

According to the plea agreement, Mr. Marri said he had been ordered by Mr. Mohammed "to enter the United States no later than Sept. 10, 2001" and await instructions. Mr. Marri, a native of Qatar, did so, arriving with his wife and five children on Sept. 10 and enrolling at Bradley University in Peoria, where he had studied during an earlier stay. In that time, he "researched online information related to various cyanide compounds" and communicated in code with other Qaeda operatives.

Mr. Marri was initially arrested in December 2001 on charges that included financial fraud, but the government later argued that he was a "sleeper agent" for Al Qaeda. Eighteen months after his arrest, as the criminal trial approached, the government changed course and named Mr. Marri an enemy combatant, transferring him from Peoria, and Justice Department custody, to military detention and the Navy brig. The original charges against him were dropped.

Lawyers from the American Civil Liberties Union challenged the constitutionality of detaining Mr. Marri in the brig without charging him or putting him on trial, and the Supreme Court set an April 2009 hearing in the case.

In February, however, with that hearing and its difficult constitutional issues approaching, President Obama ordered Mr. Marri returned to the criminal justice system, and he was indicted on two counts related to supporting terrorism.

In eight minutes of tearful testimony on Thursday, Mr. Marri told the judge he was sorry that he had helped Al Qaeda, and no longer wished harm to the American people. He said he had been punished in many ways while in prison, and mentioned missing the first words of his youngest child.

Lawrence S. Lustberg, Mr. Marri's lead counsel for the sentencing phase of the trial, said the team of lawyers was pleased with the results. "What we hoped for was that Mr. al-Marri would get a fair hearing and would reach a resolution that tempered justice with mercy," Mr. Lustberg said.

David B. Rivkin Jr., a lawyer who served in the administrations of President Ronald Reagan and the first President Bush, questioned the Obama administration's decision to try Mr. Marri in criminal court instead of the military commissions favored by the administration of President George W. Bush, saying that the sentence underscores how "ill suited" conventional courts are for dealing with these issues.

While not criticizing Judge Mihm's decision, Mr. Rivkin said that criminal courts are "a crapshoot" with wildly varying sentences, while the military commissions "arrive at a better judgment, being comprised of warriors, as to what level of danger the person poses." But Jonathan Hafetz, the lawyer at the A.C.L.U. who led the challenge to Mr. Marri's military detention, called the sentence "a powerful reminder that America's civilian courts can deliver justice even in the most challenging circumstances."