



# Department of Justice

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## **Fact Sheet: Prosecuting and Detaining Terror Suspects in the U.S. Criminal Justice System**

### **I. Terror Prosecutions in the Southern District of New York**

Since the 1990s, the U.S. Attorney's Office for the Southern District of New York (SDNY) has investigated and successfully prosecuted a wide range of international and domestic terrorism cases — including the bombings of the World Trade Center and U.S. Embassies in East Africa in the 1990s. More recent cases include those against individuals who provided material support to al-Qaeda and other terrorist groups, as well as against international arms trafficker Monzer al Kassar and the Somalian pirate charged in the hijacking of the *Maersk Alabama*.

#### Major Historical Cases in SDNY:

*1993 World Trade Center Bombing:* After two trials, in 1993 and 1997, six defendants were convicted and sentenced principally to life in prison for detonating a truck bomb in the garage of the World Trade Center, killing six people and injuring hundreds more. One of the defendants convicted at the second trial was Ramzi Yousef, the mastermind of the attack.

*1994-95 Manila Air Plot:* Ramzi Yousef and two others were convicted in 1996 for plotting to plant bombs aboard a dozen U.S. commercial aircraft that were timed to go off as the planes were flying over the Pacific. The defendants were sentenced to substantial prison terms. Yousef concocted the plan with Khalid Sheikh Mohammed, who is currently detained at Guantanamo Bay and has been indicted in SDNY for the Manila Air conspiracy since 1996.

*1995 "Blind Sheikh" Trial:* Ten defendants associated with a mosque in Brooklyn, N.Y., were convicted of plotting to blow up the World Trade Center, United Nations headquarters, and various bridges, tunnels and landmarks in and around New York City. The lead defendant, Omar Abdel Rahman, also known as the "Blind Sheikh," was sentenced to life in prison, while his co-defendants were sentenced to prison terms ranging between life and 25 years.

*Bin Laden Indictment and Embassy Bombings Trial:* Shortly after the August 1998 bombings of the U.S. Embassies in Kenya and Tanzania, SDNY indicted Usama Bin Laden and approximately 20 alleged al-Qaeda loyalists for conspiring to murder Americans worldwide. Many of the defendants were also charged for their roles in the attacks on the U.S. Embassies in East Africa, including three defendants who were convicted after a six-month trial in early 2001. Those three defendants, and a fourth al-Qaeda member who was tried with them, were all sentenced to life in prison.

### Recent Cases in SDNY:

*James Cromitie et al.:* On May 20, 2009, four individuals -- James Cromitie, David Williams, Onta Williams and Laguerre Payen -- were arrested on charges arising from a plot to detonate explosives near a synagogue in the Bronx, N.Y., and to shoot Stinger surface-to-air guided missiles at military planes located at the National Guard Base at Stewart Airport in Newburgh, N.Y. On June 2, 2009, all four defendants were charged in an eight-count indictment and face potential life in prison, if convicted.\*

*Oussama Kassir:* On May 12, 2009, Oussama Kassir was convicted of charges related to his participation in an effort to establish a jihad training camp in Oregon and his operation of several terrorist Web sites containing instructions about how to make bombs and poisons. Kassir was found guilty of all 11 charges against him, including providing material support to al-Qaeda and distributing information on explosives and weapons of mass destruction.

*Abduwali Abdukhadir Muse:* On April 21, 2009, accused Somali pirate Abduwali Abdukhadir Muse was transported to the SDNY to face criminal charges stemming from his alleged participation in the April 8, 2009, hijacking of the Maersk Alabama container ship in the Indian Ocean. Muse is charged in a 10-count indictment and faces a mandatory life sentence, if convicted.\*

*U.S. v. Viktor Bout:* On April 9, 2008, international arms dealer Viktor Bout was arrested by Thai authorities on a provisional arrest warrant based on an SDNY complaint, which charged conspiracy to provide material support to a designated foreign terrorist organization. Bout was later indicted for, among other things, conspiring to sell millions of dollars worth of weapons to the Fuerzas Armadas Revolucionarias de Colombia (FARC) to be used to kill Americans in Colombia. Bout has been in custody in Thailand since March 6, 2008, pending an extradition request by the United States.\*

*Monzer al Kassar et. al.:* On Nov. 20, 2008, international arms trafficker Monzer al Kassar and a co-defendant were convicted after a three-week jury trial of all charges — including conspiracy to murder U.S. nationals; conspiracy to murder U.S. officers; conspiracy to acquire and export anti-aircraft missiles; and conspiracy to provide material support and resources to the FARC, a designated foreign terrorist

organization — for conspiring to sell millions of dollars worth of high-powered weapons to the FARC to be used to kill Americans in Colombia. Al Kassar, who had been extradited on these charges from Spain, and the co-defendant, who had been extradited from Romania (the first ever to the United States on terrorism charges), were sentenced to 30 and 25 years in prison, respectively. Another co-defendant, who was also extradited from Romania, was found guilty on similar charges, and awaits sentencing.

## II. Terror Prosecutions Nationwide

Nationwide, the Justice Department and its U.S. Attorney's offices have prosecuted many terrorism cases in recent months and years. Last year, Human Rights First published a comprehensive study on prosecuting terrorism in federal court from 9/11 through the end of 2007. The study, entitled: "*In Pursuit of Justice: Prosecuting Terrorism Cases in the Federal Court*," found that federal prosecutors achieved a conviction rate of more than 90 percent in the set of terrorism cases examined by the report's authors. The study examined a specific set of 257 defendants charged with terrorism related violations in the United States between 9/11 and the end of 2007. Of the 160 defendants from this group who had their cases resolved, 145 were convicted of at least one count, either by a verdict of guilty after trial or by a guilty plea.

### Recent Cases:

Since Jan. 1, 2009, more than 30 individuals charged with terrorism violations have been successfully prosecuted and/or sentenced in federal courts nationwide, including the following:

*Five Sentenced in Terror Finance Case: (Northern District of Texas)* – On May 27, 2009, five leaders of the Holy Land Foundation, once the largest Muslim charity in the United States, were sentenced for their role in funneling more than \$12 million to the Hamas terror organization. Shukri Abu Baker and Ghassan Elashi were each sentenced to 65 years in prison. Mufid Abdulqader was sentenced to 20 years in prison, while Mohammed El Mezain and Abdulrahman Odeh were each sentenced to 15 years in prison.

*Mohammed Warsame: (District of Minnesota)* – On May 20, 2009, Mohammed Warsame pleaded guilty to conspiracy to provide material support to al-Qaeda, admitting that he attended al-Qaeda training camps, sent money from Canada to one of his former training camp commanders and continued to exchange messages with individuals associated with al-Qaeda once in Minnesota.

*Ali al-Marri: (Central District of Illinois)* – On April 30, 2009, Ali al-Marri pleaded guilty to conspiracy to provide material support to al-Qaeda, admitting that he attended terrorist training camps, learned al-Qaeda tradecraft and was dispatched by al-Qaeda to carry out its terrorist objectives in America.

*Five Sentenced in Fort Dix Terror Plot: (District of New Jersey)* – On April 28, 29, 2009, five individuals -- Mohamad Ibrahim Shnewer, brothers Dritan Duka, Shain Duka and Eljvir Duka and Serdar Tatar -- received sentences ranging from 33 years in prison, to life in prison plus 30 years, for plotting to kill U.S. soldiers in an armed attack on the military base in Fort Dix, New Jersey. All five individuals were convicted at trial in December 2008.

*Seven Plead Guilty in MEK Terror Case: (Central District of California)* – On April 28, 2009, seven individuals – Roya Rahmani, Alireza Mohammadmoradi, Moustafa Ahmady, Hossein Afshari, Hassan Rezaie, Navid Taj and Mohammad Omidvar -- who were engaged in fundraising activities on behalf of the Mujahedin-e-Khalq (MEK), a designated foreign terrorist organization, pleaded guilty to federal charges of providing material support to terrorists.

*Wesam al-Delaema: (District of Columbia)* -- On April 16, 2009, Wesam al-Delaema was sentenced to 25 years in prison for conspiring to murder Americans overseas, including by planting roadside bombs targeting U.S. soldiers in Iraq and by demonstrating on video how these explosives would be detonated to destroy American vehicles. He pleaded guilty on Feb. 25, 2009.

*Christopher Paul: (Southern District of Ohio)* -- On Feb. 26, 2009, Christopher Paul was sentenced to 20 years in prison for conspiring to use explosives against targets in Europe and the United States. Paul joined al-Qaeda in the early 1990s, fought in Afghanistan and Bosnia and conspired with others to target Americans both at home and abroad.

*Four Plead Guilty in LTTE Prosecution: (Eastern District of New York)* -- On Jan. 27, 2009, four defendants -- Thiruthanikan Thanigasalam, Sahilal Sabaratnam, Sathajhan Sarachandran and Yogarasa Nadarasa -- pleaded guilty to terrorism violations in connection with their efforts to acquire surface-to-air missiles, missile launchers and hundreds of assault rifles for the Liberation Tigers of Tamil Eelam (LTTE), a designated terrorist organization.

*Two Plead Guilty in Plot to Murder U.S. Soldiers: (Northern District of Ohio)* -- On Jan. 15, 2009, Zubair Ahmed and Khaleel Ahmed pleaded guilty to conspiracy to provide material support to terrorists in connection with their efforts to travel abroad in order to murder or maim U.S. military forces in Iraq or Afghanistan.

### **III. Detaining Terror Inmates in Federal Prisons**

#### International Terror Inmates

There are currently 216 inmates in Bureau of Prisons (BOP) custody who have a history of/or nexus to international terrorism. Sixty seven of these individuals were extradited to the United States for prosecution, while 149 were not extradited. Seventy two of these individuals are U.S. citizens (45 of them born in the United States, 27 of them naturalized). The "Supermax" facility in Florence, Colo. (ADX Florence), which is BOP's most secure facility, houses 33 of these international terrorists. There has never been an escape from ADX Florence, and BOP has housed some of these international terrorists since the early 1990s. In addition to the ADX Florence, the BOP houses such individuals in the Communications Management Units at Terre Haute, Ind., and Marion, Ill., as well as in other facilities among different institutions around the country.

Among those convicted international terrorists currently serving sentences in BOP facilities are:

- Sheikh Omar Abdel-Rahman, convicted of the 1993 World Trade Center bombing
- Ramzi Yousef, convicted of the 1993 World Trade Center bombing
- Ahmed Ressam, the Millenium Bomber
- Wadih el-Hage, convicted of the 1998 U.S. Embassy bombings in Africa
- Richard Reid, convicted of attempting to ignite a shoe bomb while on a flight from Paris to Miami carrying 184 passengers and 14 crewmembers
- Ahmed Omar Abu Ali, convicted of plotting to assassinate the U.S. President as well as attack and destroy civilian airliners
- Zacarias Moussaoui, convicted of conspiring with al-Qaeda to hijack and crash planes into prominent U.S. buildings as part of the 9/11 attacks

### Domestic Terror Inmates

In addition to those inmates with an international terrorism history or nexus, there are approximately 139 individuals in BOP custody who have a history of/or nexus to domestic terrorism. These individuals include:

- Theodore Kaczynski, the Unabomber
- Terry Nichols, convicted accomplice of Timothy McVeigh in the 1995 Oklahoma City bombing

### Special Administrative Measures

Under the law, the Attorney General may direct the BOP to initiate Special Administrative Measures (SAMs) with respect to a particular inmate (including those being held pre-trial or during trial) when there is a substantial risk that a prisoner's communications or contacts with persons could result in death or serious bodily injury to persons, or substantial damage to property that would entail the risk of death or serious bodily injury to persons. Generally, these measures can be initiated to prevent acts of terrorism, acts of violence, or the disclosure of classified information.

SAMs are specific to a particular inmate. The special administrative measures may include housing the inmate in administrative detention and/or limiting certain privileges, including, but not limited to, correspondence, visiting, and other communications, as is reasonably necessary to protect persons against the risk of acts of violence or terrorism, while still maintaining the inmate's attorney/client privilege. The SAMs authorization automatically expires after one year, unless renewed or vacated.

- As of May 22, 2009, there were 44 inmates subject to SAMs, out of a total federal inmate population of more than 205,000.
- Of the 44 inmates subject to SAMs, 29 were incarcerated on terrorism-related charges, while 11 were incarcerated on violent crime-related charges (gangs, organized crime, etc.), and four were incarcerated on espionage charges.

\*The public is reminded that charges contained in an indictment or criminal complaint are mere allegations, and that defendants are presumed innocent unless and until proven guilty.

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