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Ali al-Marri's Eight-Year Sentence **by Andy Worthington**

So it's finally over. Ali al-Marri, a legal U.S. resident from Qatar, who was held as an "enemy combatant" on the U.S. mainland for five years and eight months without charge or trial, was finally sentenced in a federal court last Thursday. The prosecution was seeking a 15-year sentence, following al-Marri's [guilty plea in April](#), when, as part of a plea bargain, he accepted that he had receiving training in al-Qaeda camps and had come to the United States on a mission for al-Qaeda on the day before the 9/11 attacks. However, in the federal District Court in Peoria, Illinois, Judge Michael M. Mihm accepted a request from a-Marri's lawyers to take into account the nearly eight years he had already spent in U.S. custody, including the five years and eight months that he spent in almost complete isolation as part of the Bush administration's aberrant "war on terror" policies.

I have been covering al-Marri's story in depth [since June 2007](#), writing up [the painful details of his torture](#) and noting, with incredulity, [the rulings of the courts](#) that backed the Bush administration's policies, but it was not until President Obama issued [a presidential memorandum](#) on his second day in office, stating that it was "in the interests of the United States that the executive branch undertake a prompt and thorough review of the factual and legal basis for al-Marri's continued detention, and identify and thoroughly evaluate alternative dispositions," that his long and unjust isolation came to an end, and he was reintroduced to the justice system that had been prepared to try him back in June 2003.

It was at that point that President Bush declared him an "enemy combatant" and moved him to the U.S. Naval Consolidated Brig in Charleston, South Carolina, where he was held until February this year, and where, in his first 16 months of chronic isolation, he was subjected to the type of "enhanced interrogation techniques" that were prevalent at the time in Guantánamo (as I explained at length in an article last December, "[The Last U.S. Enemy Combatant: The Shocking Story of Ali al-Marri](#)").

Al-Marri's long years of extra-legal detention and torture — like those endured by two other Americans, Yasser Hamdi and [Jose Padilla](#) — are a black mark on America's recent history,

and it has always amazed me that even Americans who were — and are — content to let foreigners suffer in Guantánamo and other “war on terror” prisons did not feel a shiver of apprehension when fellow Americans were subjected to the same treatment on U.S. soil. Putting aside the “terrorist” rhetoric, it should have been abundantly clear all along that this was the kind of tyranny that the Founding Fathers of the United States expressly set out to prevent.

In court on Thursday, al-Marri’s lawyers also urged the judge to reduce their client’s sentence because “he no longer harbored a desire to attack the United States,” and this is clear from a statement that al-Marri made in court. In what the [New York Times](#) described as “eight minutes of tearful testimony,” al-Marri told the judge, “I am sorry for providing assistance for those who would do this country harm,” and stated that he was “a changed person from the 2001 al-Marri,” explaining:

My religious beliefs — refined through years of thoughtful prayer and study during my incarceration — I realize prohibit me from engaging in violence toward any man. I forcefully reject any sort of violence for religious, political or other reasons. I say this to the court and I also state this to the representatives of my country who are present with us today. I know that the news people are here so I know my word will be received by those with whom I associated with in 2001. You have my word.

Al-Marri also spoke about the punishment of missing his children growing up, but it was the words about how he has changed that, for me, rang out most noticeably from the proceedings, overshadowing the prosecution’s claims that a psychologist claimed that al-Marri was “likely to engage in hostile acts towards the United States,” and setting a seal on this long and deeply unpleasant story of how, in response to a terrorist attack, the Bush administration sank to the level of those it sought to defeat, in the most appropriate setting: a federal court.

As President Obama prepares once more to [revive the tainted military commissions](#) at Guantánamo, I hope he has paid attention to the proceedings in Peoria on October 29, 2009, and has realized how hollow are the words of David B. Rivkin Jr., a lawyer who served in the Reagan and Bush Sr. administrations, who, as the *Times* described it, “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.”

Stating that the sentence “underscores how ‘ill suited’ conventional courts are for dealing with these issues,” Rivkin proceeded to complain that criminal courts are “a crapshoot,” with wildly varying sentences, and claimed that the military commissions “arrive at a better judgment, being comprised of warriors, as to what level of danger the person poses.”

With federal courts having [a proven track record](#) of dealing effectively with terrorist cases, and with just three results after eight years of the military commissions — each of which, in

various ways, was [regarded](#) as [compromised](#) or [inadequate](#) — it is, frankly, difficult to perceive the logic in the world of “warriors” inhabited by Rivkin, and far more comprehensible to acknowledge the words of Jonathan Hafetz, a staff attorney at the ACLU. For many years, Hafetz led the challenge to al-Marri’s detention as an “enemy combatant,” and, as the *Times* noted, he called the sentence “a powerful reminder that America’s civilian courts can deliver justice even in the most challenging circumstances.”

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This article was originally published in November 2009.