Accused Al-Qaida Sleeper Agent sentenced to 8 Years in Prison

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Pretoria, Illinois (RPRN) 10/30/09 — By Kane Farabaugh

Accused al-Qaida sleeper agent Ali al-Marri has been sentenced to more than eight years in a civilian prison. The Qatar native was labeled an "enemy combatant and held for years in isolation at a military prison in South Carolina. Al-Marri's sentence ends years of legal limbo and provides insight into how future cases of enemy combatants might be prosecuted by the U.S. government.

U.S. District Court Judge Michael Mihm sentenced al-Marri to eight years and four months in prison for his role as an al-Qaida sleeper agent in the months surrounding the 9/11 terrorist attacks in New York and Washington D.C.

During the sentencing hearing Thursday, defense attorneys tried to portray al-Marri as a low level operative, one that had little influence or clout in the al-Qaida organization and had not directly participated in an act of terrorism.

But prosecutors argued that al-Marri had confessed to training in various camps in Pakistan and had directly communicated with 9/11 mastermind Kalid Sheikh Mohammad.

Prosecuting attorney Joanna Baltes added that during an emotional closing statement, al-Marri failed to convince the judge he was no longer a threat.

"I think that its important to remember that the judge considers this a very serious offense and the judge's words based on listening to the defendants statement was that he did not believe that he truly rejected or that he was

sorry for what he did when he came here and that he would do it again," Baltes said.

Despite the judge's misgivings, he did consider the time al-Marri spent in detention without charge. He also factored in the hardship al-Marri faced during interrogation procedures while in detention as an enemy combatant.

Defense attorney Andy Savage had prepared al-Marri for the possibility of a maximum sentence of fifteen years in prison.

"I think Ali has always hoped for the best but planned for the worst, so he was fully aware that he could have got a much harsher sentence today," Savage said. "He was very pleased with the judge's analysis and the sentence."

In the end, al-Marri could serve as little as five years in prison, when factoring good conduct and time already served. He will face deportation once he completes his sentence.

Ali al-Marri is the last of three enemy combatants detained in the United States and held at the U.S. Navy prison in South Carolina. But as Bradley University political science professor Paul Lermack points out, al-Marri's case is not the end of the debate over how to prosecute enemy combatants.

"It may end in al-Marri's case in the sense that he will accept it and not appeal further, but the question of how to treat people like this is still continuing," Lermack said. "There will not be a resolution because he made a plea bargain, because he didn't chose to fight the way he could, the Supreme Court dismissed the appeal that would have raised the fundamental questions."

One of those fundamental questions concerns the "Authorization for Use of Military Force" concerning people lawfully residing in the United States, and whether or not they can be seized and held indefinitely without being charged.

It is an issue the Supreme Court has yet to rule on, and one the high court will likely face, as efforts move forward to close the Guantanamo Bay detention facility in Cuba.

About the author:

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