

What to Do with Foreign Terrorism Suspects Apprehended Abroad

- Terrorism suspects captured abroad are routinely and successfully prosecuted in U.S. federal courts.** Since 9/11, at least 91 individuals captured abroad have been convicted of terrorism-related crimes in federal courts.¹ Such individuals have been captured in a variety of countries, including Pakistan, Saudi Arabia, Kenya, Bangladesh and Afghanistan. These cases include:
 - Ahmed Warsame, alleged coordinator between Al Qaeda in the Arabian Peninsula and al Shabaab²
 - Abu Ghaith, alleged al Qaeda operative and son-in-law of Osama bin Laden³
 - Ibrahim Suleiman Adnan Adam Harun (AKA “Spin Guhl”), an al Qaeda operative alleged to have attacked U.S. and coalition troops in Afghanistan, and plotted against U.S. diplomats⁴
 - Abu Anas al Libi, alleged plotter in the 1998 East Africa embassy bombings⁵

- Terrorism suspects residing overseas can be apprehended lawfully.** Even in areas without sufficient legal frameworks and institutions for effective law enforcement operations, the U.S. can work closely with foreign government officials to lawfully arrest terrorism suspects and bring them to the United States for prosecution, or to a third country with the ability to prosecute them. In addition, the U.S. often provides support to other nations to assist them with terrorism prosecutions.

- Interrogations through our criminal justice system have resulted in valuable, actionable intelligence.** Intelligence gathered during law enforcement interrogations includes information on al Qaeda phone numbers, emails, recruiting techniques, financing, geographical reach, weapons programs and training, safe houses, training camps, communications methods, names of operatives, and information about future plots.⁶ Government officials have said the Warsame case, for example, has resulted in an “intelligence watershed.”⁷

- Where the government has deemed it necessary, it has detained and interrogated terrorism suspects prior to initiating a criminal prosecution.** For example, in the cases of Warsame and al-Libi, the suspects were held on a Navy ship pursuant to the government’s claimed authority under the 2001 AUMF. Prosecutions in these cases went forward even though the suspects were interrogated for intelligence-gathering purposes prior to being transferred to a federal court. Guantanamo is not a viable option for these cases because foreign partners refuse to provide intelligence on or access to suspects if the result will be military detention or trial at Guantanamo.⁸

¹ <http://www.humanrightsfirst.org/sites/default/files/Identified-Foreign-Captures.pdf>

² <http://www.humanrightsfirst.org/press-release/warsame-conviction-cooperation-demonstrates-strength-federal-courts>

³ <http://www.humanrightsfirst.org/blog/life-sentence-bin-ladens-son-law-hardly-soft-terrorism>

⁴ <http://www.humanrightsfirst.org/press-release/federal-courts-prepared-handle-case-against-%E2%80%9Cspin-ghul%E2%80%9D>

⁵ <http://www.humanrightsfirst.org/press-release/federal-court-right-choice-al-libi-prosecution>

⁶ http://www.humanrightsfirst.org/wp-content/uploads/pdf/the_role_fbi_keeping_america_safe.pdf

⁷ <http://www.fbi.gov/newyork/press-releases/2013/guilty-plea-unsealed-in-new-york-involving-ahmed-warsame-a-senior-terrorist-leader-and-liaison-between-al-shabaab-and-al-qaeda-in-the-arabian-peninsula-for-providing-material-support-to-both-terrorist-organizations>

⁸ <http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university> (“Our allies won’t cooperate with us if they think a terrorist will end up at GTMO.”)