

Case 7: Abu Ali in Saudi Arabia

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Abu Ali, an American-born student in Saudi Arabia, was arrested in 2003 in a sweep by Saudi police after some terrorist bombings in the country that had taken place earlier in the year. Held for 20 months, he confessed to involvement with al-Qaeda, but later claimed the confession was induced by torture. Notes Leigh Stephens, an intern at the Cato Institute when she wrote this, there was very little evidence against him outside of his confession, and he had neither a bomb nor much in the way of a coherent plan of attack.

Ali's family sued to bring him home where, tried in a US court, his torture story proved unconvincing. Sentenced to 30 years, he appealed, failed again, and the sentence was increased to life.

Case 7: Abu Ali in Saudi Arabia

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1. Overview

On June 8, 2003, Ahmed Omar Abu Ali was arrested while taking his final exams at the Islamic University of Medina in Saudi Arabia. The American citizen, then 22 years old, was wanted in connection with a recent terrorist attack in Riyadh, and was immediately taken to a detention center. He was then held by Saudi Arabian security forces for 20 months and was visited occasionally by FBI State Department officials. A few months into his detention he was videotaped reading a written confession, in which he admitted he was involved with al-Qaeda. He recounted meeting the head of al-Qaeda's Medina terrorist cell, known to him as Ali Abd al-Rahman al-Faq'asi al Ghmadi, with whom he discussed various jihad plans. A specific plan was never decided on, but one included assassinating President Bush. He also admitted to attending a training camp where he received money from al-Qaeda associates and learned forgery techniques. Through the duration of his detention neither the U.S. nor the Saudi Arabian government formally charged Abu Ali with any crimes, and he remained jailed for almost two years.

Abu Ali's family finally sued the U.S. government for his return home. The government complied, and promptly charged him with receiving funds from a terrorist organization and conspiring to assassinate the President. Abu Ali claimed that his confession was extracted under torturous conditions, and that it was entirely false. He described horrible treatment during his detention in Saudi Arabia, saying he was whipped, chained to the floor, hung from the ceiling, and repeatedly slapped and kicked. His defense sought to have the case thrown out on the grounds that his confession was obtained from a foreign government and under torture. During the trial, doctors and psychiatrists testified on both sides and argued about the origination of scars on Abu Ali's back. He was not able to sufficiently convince the courtroom he was tortured, and he was convicted on all counts, receiving a sentence of 30 years in prison followed by 30 years of probation. He appealed, but lost, and was then resentenced to life.

2. Nature of the adversary

Abu Ali was born in Texas in 1981 and moved at a young age to Falls Church, Virginia. His parents were Jordanian born and had become U.S. citizens by the time of his birth. Both his father and mother were conservative Muslims. His father worked for the Saudi Embassy and his mother was a homemaker.¹ Abu Ali attended the private Islamic Saudi Academy in Alexandria, Virginia, from kindergarten to high school. Abu Ali was the valedictorian of his graduating class, and was known as a helpful and compassionate member of the community.² He is described by friends as a role model, an example to peers, always helpful, and selfless. He tutored younger children and was a volunteer youth leader in local

¹ U.S. v. Abu Ali (E.D.V.A. 2008) No. 06-4334, .

² David Hancock, "Alleged Bush Assassin Abu Ali," CBS, September 10, 2009.

programs. He had no criminal record and was not known to be confrontational or defensive. During a power outage he was part of a small group that volunteered to assist elderly community members up and down stairs for the duration of the outage. A friend indicated that he had many conversations about religion with Abu Ali, and he consistently voiced his belief that Islam is a religion of peace, tolerance, and fellowship.³ Abu Ali seems to have been well respected and overall liked by his peers and teachers. From all accounts he was level headed, sociable, and had a comfortable upbringing.

In 1999 he enrolled at the University of Maryland to study electrical engineering. He withdrew after one semester, and decided to pursue religious studies at the Islamic University of Medina in Saudi Arabia.⁴ He was arrested at the University while taking an exam on June 8, 2003, in connection with a recent terrorist attack in which three western residential compounds were bombed in Riyadh, killing 39 people.⁵ The attackers were suspected of being members of, al-Faq-aski, al-Qaeda's Medina terrorist cell. Saudi Arabian security forces raided an al-Faq-aski safe house following the Riyadh attack. Abu Ali was held on suspicion of being a member of the cell after a man captured in the raid identified Abu Ali in a photograph. He was held for several days in Medina before being transported to a detention center in Riyadh. Abu Ali was not officially charged with any crime and his family was not notified of his detention. The FBI became aware of Abu Ali's arrest on June 9, but testified that the Saudi government would not permit them to speak directly to him. Instead, they watched the interrogation and provided several questions. Abu Ali wrote a confession admitting he conspired to carry out a terrorist attack on the United States, and was videotaped reading it on July 24. He was then held for 19 months more months in Saudi Arabia.⁶

Abu Ali's confession, which he later denied as being extracted under torture, admitted the following. (The names used in his confession were likely aliases, but for the sake of simplicity I will use the names Abu Ali used in his confession.) According to the confession, when he arrived in Medina, Abu Ali contacted Moeith Al-Qahtani, a man he had met on a previous trip and with whom he had discussed jihad. In November 2002 Moeith introduced him to Sultan Jubran Sultan al-Qahtani, who was the second in command for al-Qaeda's Medina terrorist cell. Abu Ali met regularly for several months with Jubran, at which point he was asked to carry out a jihad mission. Jubran introduced him to Ali Abd al-Rahman al-Faq'asi al Ghmadi, the first in command of the terrorist cell that bears his name. He proposed possible terrorist actions Abu Ali could take because of his ability to re-enter the United States. Abu Ali was eventually moved to a safehouse where he received training in the use of guns and explosives. He also learned forgery techniques and was given instruction manuals, unspecified equipment, and money to purchase a laptop, cell phone, and books. His training

³ Letters from friends, freeahmed.com. Accessed November 15, 2012.

⁴ Jerry Markon and Dana Priest, "Terrorist Plot to Kill Bush Alleged," *Washington Post*, February 23, 2005.

⁵ Markon and Priest, "Terrorist Plot to Kill Bush Alleged."

⁶ U.S. v. Abu Ali, (E.D.V.A. 2005) 395 F. Supp. 2d 338

was interrupted by his arrest following the Riyadh attacks.⁷ When his house in Virginia was searched, the FBI found e-mail correspondence linking him to Moeith, an article praising the 9/11 attacks, and a magazine that included tips for carrying a concealed handgun.⁸

Abu Ali's family began a highly public campaign to have their son returned, and claimed that he was being held in Saudi Arabia at the request of the U.S. government.⁹ His family sued the U.S. government for failing to return Abu Ali to the U.S., at which point the U.S. State Department made the rather odd request that Saudi Arabia either officially charge him or release him into U.S. custody.¹⁰ He was returned to the U.S. in early February 2005, where he was charged with joining al-Qaeda and participating in a plan to carry out terrorist activities in the U.S., including conspiracy to assassinate the president.

In his defense, Abu Ali said that his confession was obtained under conditions of torture at the hands of the Saudi Arabian security forces, and that he was arrested and detained with the full knowledge of the United States. Because his arrest was made in partnership, he maintained that the U.S. had violated his fourth amendment rights by searching his dorm room in Medina without a warrant. Abu Ali claimed that he was whipped, slapped, kicked, and had his beard and ears pulled while in detention. He also said he was subjected to sensory deprivation by being placed in a constantly lit cell, being subject to long periods of isolation, and being woken in the middle of the night to be interrogated for hours. His accusations of torture went as far as claiming he was hung from the ceiling from shackles at one point, as well as being chained to the ground for a long period of time.¹¹

Abu Ali's case is unique because he is on record confessing to crimes, and he retracted his confession. His trial revolved around whether or not his allegations of torture were true. This means that the jury did not deliberate on evidence surrounding communications or connections to al-Qaeda. Instead, doctors and psychiatrists testified on the side of both the prosecution and defense as to whether Abu Ali had been subjected to torture. This was based on the evaluation of scars on his back and psychiatric evaluations meant to judge if he suffered from PTSD. The jury unanimously convicted him on all counts on October 25, 2005, and he was sentenced to 30 years in prison followed by 30 years of probation. He appealed his sentence, but lost and was resentenced to life in prison.¹²

3. Motivation

It is unclear exactly when Abu Ali became committed to joining al-Qaeda. Furthermore, because Abu Ali denies his confession, it is possible he never was involved in any acts of terror. Assuming that his confession was true, Abu Ali

⁷ Abu Ali v. U.S.(E.D.V.A. 2008) No. 06-4334 and 06-4521

⁸ Abu Ali v. U.S.(E.D.V.A. 2008) No. 06-4334 and 06-4521

⁹ "The Case of Ahmed Omar Abu Ali," *New York Times*, February 24, 2005.

¹⁰ Markon and Priest, "Terrorist Plot to Kill Bush Alleged."

¹¹ U.S. v. Abu Ali, (E.D.V.A. 2005) 395 F. Supp. 2d 338

¹² Abu Ali v. U.S.(E.D.V.A. 2008) No. 06-4334 and 06-4521

probably became motivated during his high school years. He attended a conservative Muslim school his whole life, and the school has recently been accused of teaching passages praising jihad.¹³ Furthermore, several known terrorists have been associated with the mosque he attended in Virginia. The evidence found at his home in Virginia seems to imply he was entertaining extremist ideas, but not enough to indicate he was already plotting an attack. That Abu Ali sought to meet with Moeith as soon as he arrived in Saudi Arabia suggests that he was looking for an opportunity to participate in violence since the two had supposedly spoken of jihad before. Abu Ali was undoubtedly heavily influenced by his relationship with Jubran and Al-Faq'asi who discussed jihad at length with him and suggested an attack. Abu Ali grew up in a moderately isolated Muslim community in Virginia, which perhaps led him to feel alienated from his American citizenship and to seek a sense of belonging elsewhere. Both his mosque and high school had received negative media attention and had been accused of encouraging extremism which potentially could have made Abu Ali resentful of his surrounding community of mainly middle class, Caucasian families.

4. Goals

In his taped confession, Abu Ali stated that he immediately accepted Jubran's suggestion that he carry out a jihad mission because of his "hatred for the [U.S.] for what [he] felt was its support of Israel against the Palestinian people, and because [he] was originally from Jerusalem."¹⁴ He also told State Department consular Charles Glatz, who visited him during his detention in Saudi Arabia, "I don't have a problem with Saudi Arabia; I have a problem with the U.S. government."¹⁵ It appears he hoped to simply punish the United States for supporting Israel, and did not have any concrete political goals other than to cause destruction. It also appears that he wanted to prove himself as a hero to a certain extent. An account of his taped confession describes him as smug, and at one point he laughs and imitates the use of a gun.¹⁶ Furthermore, during questioning that was, unbeknownst to him, watched by the FBI, he bragged that it was his idea to include assassinating Bush in the terrorist plot.¹⁷ He also claimed that he wants to be a mastermind like Khalid Sheikh Muhammad who planned the 9/11 attacks.¹⁸ It appears Abu Ali sought recognition rather than martyrdom, implying that a certain level of ego was a part of his goals.

5. Plans for violence

Abu Ali's plans were still in a nascent stage when he was arrested, and several courses of action were considered. It was still undecided whether Abu Ali would act as a sleeper agent for a time, or carry out an attack in the immediate

¹³ Jerry Markon and Ben Hubbard, "Review Finds Slurs in '06 Saudi Texts," *Washington Post*, July 15, 2008.

¹⁴ Abu Ali v. U.S.(E.D.V.A. 2008) No. 06-4334 and 06-4521

¹⁵ U.S. v. Abu Ali, (E.D.V.A. 2005) 395 F. Supp. 2d 338

¹⁶ U.S. v. Abu Ali, (E.D.V.A. 2005) 395 F. Supp. 2d 338

¹⁷ Abu Ali v. U.S.(E.D.V.A. 2008) No. 06-4334 and 06-4521

¹⁸ Hancock, "Alleged Bush Assassin Abu Ali."

future. Al-Faq'asi wanted to take advantage of Abu Ali's American citizenship to send him back into the U.S., and they discussed assassinating or kidnapping senior U.S. officials, including President Bush. Abu Ali suggested President Bush could be assassinated by snipers or by a suicide bombing during a public event. They had also talked about a plan to free prisoners in Guantanamo Bay. Al-Faq'asi wanted to carry out an attack similar to 9/11, including blowing up U.S. planes or attacking U.S. warships and suggested that they use an aircraft originating in Australia or England if they were not able to get back into the U.S.¹⁹ The plans had not evolved further than conversations, and Abu Ali was in the process of training when he was arrested. It appears that the men had somewhat different views. Al-Faq'asi wanted to replicate the 9/11 attacks, while Abu Ali seemed more fixated on assassinating the President. Since the only evidence of these plans is what Abu Ali himself admitted, it is difficult to know what would have actually transpired had he completed his training.

6. Role of informants

There was no government informant in this case. However, an unidentified man, arrested by the Saudi Arabian government after a raid on a safe house, told the Saudi security forces that one of the men he had been training was a student at the Islamic University of Medina, although he only knew the man's alias. When Saudi security forces gave the man a yearbook, he identified Abu Ali as who he was talking about. Since Abu Ali was not wanted by the U.S. or Saudi Arabian government, this information was the sole reason for his capture.

7. Connections

If his confession was true, Abu Ali had significant connections to al-Qaeda. Jubran, who also goes by the name Zubayr al-Rimi, was wanted by the FBI for making threats against the U.S. and was described by Saudi Arabia's ambassador to the U.S. as the number two al-Qaida leader on the Arabian Peninsula. He was killed in a shootout with Saudi security forces in September 2003. The FBI began a worldwide search for Jubran in September 2002, ultimately resulting in his death.²⁰

Al-Faq'asi, who is also known as Ali Abdul Rahman al-Ghamdi, was described by western intelligence sources as al-Qaeda's top operative in Saudi Arabia. He fought against U.S. troops in Afghanistan, but fled to Saudi Arabia when heavy bombing started. U.S. officials have connected him to Saif al-Adel and Abu Mohammed al-Masri, who are two senior al-Qaeda operatives. He was also familiar with Khalid Sheikh Mohammad, who largely planned the 9/11 attacks. He was the number two person wanted in connection to the Riyadh bombings, which U.S. authorities state was carried out by al-Qaeda. He surrendered to Saudi authorities in June, 2003.²¹

¹⁹ Abu Ali v. U.S.(E.D.V.A. 2008) No. 06-4334 and 06-4521

²⁰ Associated Press, "Security Forces Kill Three in Saudi Anti-Terror Raid," *Topeka Capital Journal*, September 25, 2003.

²¹ "Saudi Attackers 'Must Surrender,'" BBC, June 27, 2003.

Abu Ali's name was brought up in a terrorism case revolving around his North Virginia home. Several men were charged with intention to carry out a terrorist attack after conducting paintball training exercises in the countryside and then traveling to Pakistan and attempting to join al-Qaeda. The FBI showed interest in him because he had reportedly participated in their paintball sessions, and had legally sold an AK-47 to one of the men convicted.²² Although these were legal actions, it is possible he could have known of the men's intentions and even was influenced by them.

8. Relation to the Muslim community

Abu Ali has a deep connection to the Muslim community. He was raised in a conservative Muslim family, and his father worked for the Saudi Arabian embassy. The school he attended his whole life, the Islamic Saudi Academy, is funded by the Saudi Arabian government and the Ambassador of the Kingdom of Saudi Arabia is an honorary chairman. Saudi Arabian students attend the school for free. The school has come under fire from the non-Muslim community in Alexandria for allegedly promoting an extremist form of Islam. Whether or not the school actually does promote extremism, in particular jihad, is unclear. The school's mission statement is "to enable students to excel academically while maintaining the values of Islam."²³ Islamic studies is a mandatory course grades 7-12, and the books used to teach this course are controversial. Passages in the books, which are provided by the Saudi government, compare Jews and Christians to apes and pigs, and designate these two groups as enemies of the believers. In 2006 the school revised their textbooks in response to criticism, but a passage praising jihad and martyrdom still remains. School officials have stated that teachers were instructed to avoid controversial passages in the classroom.²⁴ Furthermore, Raed Abdul-Rahman Al-Saif, a graduate from the Islamic Saudi Academy, was arrested in 2009 for attempting to board a plane in Florida with a 7 inch knife on his person.²⁵

Abu Ali attended the Dar Al-Hijrah Mosque in Virginia, a place of worship that is also the center of controversy. Anwar Al-Awlaki, the late radical cleric who later became involved with Yemen's al-Qaeda chapter, led the mosque briefly. Major Nidal Hasan, who carried out an attack at Ford Hood, worshipped there for a time as well. Furthermore, two of the 9/11 hijackers attended the mosque for a short time during Al-Awlaki's leadership.²⁶ The imam who took over for Al-Awlaki, Johari Abdul-Malik, has been trying to distance the mosque from extremism in the past few years. However, Abdul-Malik and Al-Awlaki were companions on their pilgrimage to Mecca in 2003, and Abdul-Malik tried to convince him to rejoin the mosque. The Saudi Embassy partly funds the

²² James Dao and Eric Lichtblau, "Case Adds to Outrage for Muslims in Northern Virginia," *New York Times*, February 27, 2005.

²³ Islamic Saudi Academy, saudiacademy.net, accessed November 15, 2012.

²⁴ Markon and Hubbard, "Review Finds Slurs in '06 Saudi Texts."

²⁵ "Coalition Fights Expansion of Islamic Saudi Academy in Virginia," Fox News, July 13, 2009.

²⁶ William Wan, "Imam Serves as Public Face of an Embattled Mosque," *Washington Post*, September 18, 2011.

mosque as well.²⁷ Outsiders who have visited the mosque, including an FBI agent and a Fairfax county supervisor, were met with anger from some of the mosques worshippers.²⁸

Neither Abu-Ali's high school nor mosque appear to be outwardly extremist, but both are very conservative and have connections to terrorists. Abu Ali's environment could certainly have been one where extremism might go unnoticed or unquestioned. The Muslim community in his hometown in Virginia became very involved in his case. Many wrote letters to the judge, protested to have him returned home, and attended his trial. The Islamic University of Medina, where Abu Ali moved in 2000 to study religion, is known for its conservative Muslim views and connection to several extremists. In 2010 the University held a conference in an attempt to change its image, in which University officials condemned terrorism and asked Muslims to reject extremism, but reiterated the claim that governments of Muslim nations should apply sharia law to all aspects of life.²⁹

Although Abu Ali grew up in the Washington D.C. suburbs, then, he was relatively isolated in a Muslim community for most of his life. He went to an all Muslim school, participated socially in his community through his mosque's organizations, and left the University of Maryland after only a semester to attend an Islamic college. It would not be an overstatement to say that his connections to the Muslim community vastly defined his personal identity.

9. Depiction by the authorities

The U.S. government tried very hard to avoid bringing Abu Ali's case into the U.S. He was kept in a Saudi prison for 20 months with regular visits from State Department and FBI officials, and was returned home only when his family filed a lawsuit. Abu Ali's defense argues that the U.S. government hoped that Saudi Arabia would charge him and there would be no reason for the U.S. to get involved. The U.S. government also stated that they had no interest in or surveillance of Abu Ali until he was arrested by Saudi security forces. Once he was indicted, the prosecution tried to represent him as unstable and extreme, which seems out of step with the testimonies of his peers and teachers.

The rhetoric used was dramatic considering that even if Abu Ali's confession was true, he had never gotten further than discussing jihad and no actual attack was planned. Since he was arrested fairly soon after the 9/11 attacks, his case was used to justify controversial homeland security practices that resulted from 9/11, and he was used as an example of the threat of homegrown terrorism. Assistant U.S. Attorney David Laufman wrote that Abu Ali was "frustrated and bored during a stay at an Al-Qaeda safe house 'because his fellow al-Qaeda cell members did not appear sufficiently motivated to suit the defendant's terrorist zeal.'" ³⁰ He also stated that Abu Ali "represents one of the most dangerous

²⁷ Wan, "Imam Serves as Public Face of an Embattled Mosque."

²⁸ Wan, "Imam Serves as Public Face of an Embattled Mosque."

²⁹ Patrick Goodenough, "Saudi Conference Condemns Extremism, Embraces Shari'a," CBS, April 2, 2010

³⁰ Associated Press, "U.S.: Suspect Plotted to Kill Bush," CBS, February 11, 2009.

terrorist threats that America faces in the perilous world after Sept. 11.”³¹ Furthermore, the prosecution fought for a life sentence for only discussing terrorist actions. Compare this to John Walker Lindh, an American citizen who received only 20 years in jail after being captured as an enemy combatant following the U.S.’s invasion of Afghanistan.³² It seems likely that the prosecution wanted to make Abu Ali appear far more vicious than he was as a way of justifying the recent expansion of executive powers relating to homeland security.

10. Depiction by the media

There was a huge amount of media coverage on Abu Ali’s case during the time between when he was returned to the U.S. and his trial. Much of the attention focused on what the outcome of his case would mean for individual rights in the war on terror. This was the first post 9/11 case where the evidence was completely collected by a foreign nation’s government. A majority of journalists did not believe he would be convicted since his confession was extracted by the Saudi security forces. Overall the media was fairly sympathetic to Abu Ali and seemed to generally believe his claims of torture were true. A *New York Times* editorial called his case “another demonstration of what has gone wrong in the federal war on terror.”³³ Regardless of the truth of Abu Ali’s torture allegations, most of the media expressed doubt that he was actually a threat because the U.S. let him languish in a Saudi prison for almost two years before charging him. If he was really dangerous, they argue, the U.S. should have charged him immediately. The media seems to be in agreement that his trial was unfair, but is either neutral or noncommittal to whether he is guilty. Few articles talk about Abu Ali as a person; most focus instead on the implications of the case.

11. Policing costs

Except for the costs of Abu Ali’s trial in the United States, there were no policing costs in this case, since he was arrested and detained overseas.

12. Relevance of the internet

The internet did not play a role in Abu Ali’s arrest. However, e-mails were found from before his departure to Saudi Arabia containing communications with Moeith Al-Qahtani and plans to meet with each other. Communications were also discovered that were allegedly between Abu Ali and Jubran following the raids on Medina safe houses. They showed someone using an alias who the prosecution accused of being Abu Ali, and they contained a coded message from Jubran stating that he had escaped, but that Abu Ali was in danger.³⁴ These e-mails were not crucial to Abu Ali’s conviction since the trial focused on whether or not his confession was true.

³¹ Associated Press, “U.S. Suspect Plotted to Kill Bush.”

³² Neil A. Lewis, “Traces of Terror: The Captive; Admitting he Fought in Taliban, American Agrees to 20-Year Term,” *New York Times*, July 16, 2002.

³³ “The Case of Ahmed Omar Abu Ali,” *New York Times*, February 24, 2005.

³⁴ Abu Ali v. U.S.(E.D.V.A. 2008) No. 06-4334 and 06-4521

13. Are we safer?

The short answer is no, although it partly depends on whether Abu Ali's testimony that his confession was obtained by torture is true. Either way, Abu Ali never actually got past discussing plans for attack. The fact that he mentions three or four possible attacks shows that he was not actually in the planning stage, and there is no way to prove an attack was inevitable.

Aside from his confession, there is hardly any evidence incriminating him. A magazine about guns is a perfectly legitimate item to have. An article praising 9/11 did not exactly help Abu Ali's case, but is not incriminating in itself. The e-mail to Moeith says nothing of jihad or al-Qaeda, and only includes plans to meet up. When the Saudi security forces raided al-Qaeda safehouses in Medina, Abu Ali was not there. He was picked up when a man who was there told the security officers they had an associate at the Islamic University of Medina, and then pointed out Abu Ali's face in a year book after being pressured to give a specific name. There are over 20,000 students at the University of Medina, and a small black and white picture is a lot to base accusations of terrorism on. Abu Ali's defense made the case that those arrested from the safe house raid would be more likely to finger a "patsy" than sell out their own men. Abu Ali was not known to the FBI prior to his arrest in Saudi Arabia and was not known to be associated with any terrorist organizations. So, if his confession was a result of torture then clearly he was never a threat.

Even if his confession was true, the notion that Abu Ali would be able to reenter the country undetected after spending time training with al-Qaeda and then get close enough to President Bush to assassinate him, seems highly unlikely.

14. Conclusions

This case is particularly interesting because it is a prime example of the United States' use of extraordinary rendition following 9/11. Imagine if an American citizen was sentenced to life in prison prior to 9/11 solely on evidence obtained from a foreign government who the defendant had accused of torture. Furthermore, Abu Ali was convicted without ever actually possessing a bomb or even having a plan ready to set in motion. This would be unheard of, and would result in public outrage. Abu Ali's case generated a lot of attention, but most of the outrage came only from his Muslim community. Media coverage focused on what his trial would mean for the war on terror, and few discussed Abu Ali on a personal level. One of the reasons for this seems to be because he came from such an isolated Muslim community. His mosque and school had already received negative attention from the surrounding community. Perhaps following 9/11 the American public was so fearful of Islamist terrorists that they had a difficult time sympathizing with someone whose identity revolved around his Muslim community, and fear led people to be more apathetic than they would have been otherwise.

What is especially troubling about this case, in my opinion, is the time it took the U.S. to get Abu Ali home. After Abu Ali's family sued for his return, the government told Saudi Arabian officials they needed to either charge Abu Ali or

release him into U.S. custody. It is also concerning that the State Department was so lax with Abu Ali's detention, essentially demonstrating that how hard they fight to have a citizen released is dependent on who that citizen is. Furthermore, the Saudi Brigadier General who testified against Abu Ali admitted he had threatened and used force against prisoners before. The State Department Consular who visited Abu Ali also admitted he knew of two Canadian and British citizens who had been tortured in the same detention center.³⁵ Abu Ali was never given a lawyer or any legal council prior to making his confession.

The closing argument of Abu Ali's case summary states that the "court cannot discern whether Ali is sincere or just cunning."³⁶ The court appears to be considering Abu Ali guilty until proven innocent. After originally receiving a 30 year sentence, Abu Ali appealed his case. He lost his appeal, but the judge increased the sentence to life. Abu Ali is now in a super max prison in Colorado. Due to the confusing nature of his confession and trial, it is difficult to discern exactly how guilty Abu Ali is and what his story can tell us about homegrown terrorism. If we assume his guilt, then it would seem his communal isolation coupled with external pressure against that community drove him to join al-Qaeda. If he is in fact innocent, then a great injustice has been done. In either case, this case is a prime example of the way the War on Terror has created new precedents for how the justice system treats an American citizen accused of terrorism.

³⁵ U.S. v. Abu Ali, (E.D.V.A. 2005) 395 F. Supp. 2d 338

³⁶ U.S. v. Abu Ali, (E.D.V.A. 2005) 395 F. Supp. 2d 338