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A Terrorist Trial in New York City

By Ben West and Fred Burton

U.S. Attorney General Eric Holder announced Nov. 13 that the U.S. Justice Department had decided to try five suspected terrorists currently being held at Guantanamo Bay in the U.S. District Court for the Southern District of New York, located in lower Manhattan. The five suspects — Khalid Sheikh Mohammed, Walid Muhammad Salih Mubarek bin Attash, Ramzi bin al-Shibh, Ali Abdul-Aziz Ali and Mustafa Ahmed al-Hawsawi — are all accused of being involved in the 9/11 plot, with Mohammed describing himself as the mastermind in a [2003 confession](#).

The announcement follows from U.S. President Barack Obama's first executive order, which he signed on Jan. 22, to [close the U.S. military detention facility at Guantanamo Bay](#) and another executive order to suspend the military tribunals set up under the Bush administration to try suspected terrorists. Holder's decision has generated much debate and highlighted the [legal murkiness](#) concerning the status of Guantanamo detainees and how best to bring them to justice.

Beyond this murkiness is the perceived security threat of bringing five suspected terrorists accused of plotting the Sept. 11, 2001, terrorist attacks to trial in New York City. Former New York Mayor Rudolph Giuliani said on CNN's "State of the Union" that he thought holding the trial in New York would put residents at risk. And Andrew McCarthy, former assistant U.S. attorney for the Southern District of New York, wrote in *The New Republic* that the trial will "create a public-safety nightmare for New York City." Numerous other observers and media outlets around the world have voiced similar security concerns about the New York trial.

Although there has been much criticism of the decision to hold the trial in New York City, when it comes to prosecuting terror suspects, the Southern District of New York knows what it's doing. The staff of the U.S. attorney's office for the Southern District of New York has gained considerable knowledge and expertise prosecuting terror cases over the years, just as the U.S. Marshals Service Special Operations Group (SOG) has gained much experience providing security for those trials. It was in the Southern District of New York in 1995 that Omar Abdel Rahman, aka the Blind Sheikh, was tried for the so-called [Landmarks Plot](#) of 1993 and received a life sentence. In 1996, Abdel Basit (aka Ramzi Yousef) and two co-conspirators were also tried in the Southern District and sentenced to life in prison for their roles in the [Bojinka Plot](#), which also included an indictment for Khalid Sheikh Mohammed (the staff of the Southern District has been familiar with Mohammed for some time now). The attackers behind the [1998 attacks against the U.S. embassies](#) were also prosecuted in the Southern District of New York and sentenced to life imprisonment. Few other courts have so much experience handling and prosecuting high-profile terrorism cases, so it should have come as no surprise that Holder named the district as the venue for the upcoming trial. On top of all this, the World Trade Center towers were also in the Southern District of New York, putting the deadliest site of the 9/11 attacks under the Southern District's jurisdiction.

The case will be prosecuted jointly by the offices of the U.S. Attorney for the Southern District of New York, led by Preet Bharara, and the U.S. Attorney for the Eastern District of Virginia, led by Neil H. MacBride. The Eastern District of Virginia has also successfully prosecuted several

terrorism cases, including those of [John Walker Lindh](#) in 2002, the [Virginia Jihad Network](#) in 2005 and [Zacarias Moussaoui](#) in 2006.

While some believe that trying the so-called “Gitmo Five” in New York City will result in more terrorist attacks in the city, STRATFOR does not anticipate a marked increase in the number of plots or attacks. New York City has long been a popular target for radical Islamists — there have been nine known plots involving targets in New York uncovered since the 9/11 attacks, including two in the past six months. In May 2009, four men were arrested for attempting to detonate [explosives outside a synagogue in the Bronx](#), and in September, [Najibullah Zazi](#) was arrested for plotting to detonate backpack explosives on trains in New York City. Other plots have included a 2007 plan to detonate fuel tanks at John F. Kennedy International Airport, a 2006 plot to detonate explosives in the Holland Tunnel and a 2004 plot to attack a subway station near Madison Square Garden.

INTERRUPTED PLOTS INVOLVING NEW YORK SINCE SEPT. 11, 2001

FEB. 13, 2003

Five men were arrested en route from Saudi Arabia to Bahrain. The men were planning to launch a cyanide gas attack in New York. NYPD indicated that the cell had undertaken surveillance of subway stations.

MARCH 20, 2003

Iyman Faris (aka Mohammed Rauf) was arrested for having plotted to bring down the Brooklyn Bridge with blowtorches. Based on information provided by Khalid Sheikh Mohammed, Faris was providing support to al Qaeda.

AUG. 3, 2004

Dhiren Barot was arrested for plotting to blow up financial institutions and famous landmarks in the United States (including in New York) and the United Kingdom.

AUG. 5, 2004

Mohammed Hossain and Yassin Aref, two leaders of an Albany, New York, mosque were charged with plotting to purchase a shoulder-fired grenade launcher to assassinate the Pakistani U.N. ambassador in New York.

AUG. 27, 2004

James Elshafay and Shahawar Matin Siraj were arrested for plotting to bomb a subway station near Madison Square Garden in New York before the Republican National Convention.

APRIL 27, 2006

Assem Hammoud was arrested in Lebanon; his cell had planned to blow up the Holland Tunnel in New York.

JUNE 2, 2007

Three men were arrested in New York for planning to bomb aviation fuel tanks and pipelines at JFK International Airport.

MAY 20, 2009

Four men were arrested for attempting to attack a synagogue in the Bronx. The group also plotted to shoot down military aircraft near an Air National Guard base in New York.

SEPT. 19, 2009

Najibullah Zazi was arrested for plotting to attack targets in New York.

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New York City remains an alluring target for jihadists because of its symbolism. Home to more than 8 million people, it is the largest city in the United States and a global financial and media center. Whatever happens there gets more exposure and publicity than virtually anywhere else in the world. It is also a perceived center of Jewish wealth and culture (New York has the second-largest Jewish population behind Tel Aviv), [compounding the threat](#) from Islamist radicals. New York City will remain a terrorist target for many reasons other than the Gitmo Five trial. It is also interesting to note that none of the city's other high-profile terrorism trials has ever resulted in a retaliatory attack against the city.

In addition to the federal prosecutors who will be involved in the trial having experience dealing with terrorism cases, the New York Police Department has the training, manpower and focus to provide effective physical security. Federal agents, including those of the U.S. Marshals Service

SOG, will be primarily responsible for handling the five suspects and providing security inside the federal courthouse. The building is one of the most secure federal courthouses in the country, equipped with anti-vehicle borne explosive device barricades, 24-hour guard posts and high-resolution video cameras. The U.S. Marshals will be augmented by NYPD "Hercules" teams (designed to provide a surge of police presence in an area to prevent or disrupt criminal and terrorist operations) and will likely place sniper teams on nearby rooftops for added security. Vehicular and pedestrian traffic around the courthouse will be severely limited, with nearby streets closed to traffic and nearby [subway entrances closed to riders](#).

During the trial, the five defendants will be held at the Metropolitan Correctional Complex, which is connected to the courthouse via a third-of-a-mile-long underground tunnel. This significantly reduces the threat of terrorist attack or a disruption of the proceedings by allowing security forces to control the geography of the trial venue and spot unusual activity. Another geographic benefit is the fact that Manhattan is an island with limited access points (bridges and tunnels), which makes it easier to seal off the area and control who or what gets in or out. These factors do not necessarily preclude an attack, especially a suicide attack in which the perpetrator is undeterred by the risk of death, but do decrease the options of an attacker and increase the options of law enforcement personnel in dealing with the potential risks.

Because the courthouse will be under such tight security, any attacker able to penetrate the island cordon and slip into the area would likely go after softer targets surrounding the building. The NYPD will be responsible for protecting areas outside the courthouse and will probably create a secure buffer around the complex, the depth of which will depend on the severity of any given threat. Police would have the wherewithal to put whole sections of the city under heavy lockdown and provide a level of physical security designed to thwart terrorist activities that have reached the [latter stages](#) (deployment, attack and escape). This buffer would both protect softer targets nearby and make it that much harder for would-be attackers to infiltrate the courthouse. The NYPD also has the intelligence-collecting capabilities (informants, undercover officers, surveillants, analysts, etc.) to keep a close eye on any potential threat in the area leading up to and during the trial. The NYPD developed these capabilities with a vengeance following the 9/11 attacks, and in the years since it has become quite adept at conducting [preventative counterterrorism investigations](#) rather than just reactive ones.

In addition to the NYPD, other first-responders in New York — the fire department, emergency medical services and transportation agencies — are experienced and well-trained in dealing with terrorist attacks and can support security efforts surrounding the trial. Given the 9/11 experience, Manhattan residents and workers are also well-versed in emergency action plans and preparations.

Certainly, the fact that such a high-profile trial will be held in New York City will temporarily add to the workload of federal and municipal security and emergency personnel, but in some ways it will be little more than a routine effort. The city is used to high-profile events, regularly hosting such events as the U.N. General Assembly, with its attendant flow of international VIPs. New York City has been and will remain a prime terrorist target, and the people responsible for maintaining security in the city are very good at what they do. Indeed, Manhattan — given its recent history of civic trauma and intense focus on counterterrorism — may very well possess the safest civilian court in the country.

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