

AHMED GHAILANI GUILTY OF CONSPIRACY, BUT NOT MURDER

The jury in Ahmed Khalfan Ghailani's trial for his role in the 1998 embassy bombings has found him guilty of conspiracy, but not the charges of terrorism he was accused of. With the one count, however, he may still face a life sentence.

It appears likely that just one juror voted against the other charges against Ghailani. Earlier in the week, a juror wrote the judge that she was being attacked by other jurors, asking to be dismissed because her views on the charges would not change. Then, earlier today, the jurors asked the judge to explain the conspiracy charge that Ghailani was ultimately convicted of. So it appears that juror did ultimately vote for the conspiracy charge.

There will be a lot of incredulity about the fact that Ghailani was not found guilty of the other charges. In particular, people will suggest that had Hussein Abebe been permitted to testify that he had sold the explosive to Ghailani used in the attack, then he would have been found guilty on all charges.

But aside from second-guessing the trial result, there's a problem with that: Judge Lewis Kaplan strongly suggested that he refused to let Abebe testify not just because prosecutors wouldn't have found him if it weren't for the torture-induced confession of Ghailani, but also because Abebe himself was coerced to give the testimony he did. Which means we couldn't know whether his testimony had been shaded to reflect what those coercing him to testify wanted him to say.

All of which debate of course distracts from the larger point: yet another terrorist—a big one, if you believe the government—has been convicted in a civilian trial.