Counterplan: The United States should turn over terrorist suspects to international courts.

Solvency:

International law is better coordinated and can there fore bring more terrorists to justice and protects human rights.

Drumbl 1 states:

**International prosecutions** also **offer the benefit of coordination. Dozens of terrorists have been arrested in several nations.** What **if each of these nations initiated its own domestic proceedings**? **This may trigger haphazard, anarchic enforcement.** Moreover, to what extent can evidence used in one national proceeding be admissible in a proceeding elsewhere? **The attack included perpetrators and victims of multiple nationalities and was planned in multiple locations with a multi-national cast of aiders, abettors, and accomplices. Responding internationally could reduce the transaction costs of coordinating a series of domestic proceedings. It also could reduce hurdles related to differential human rights standards among prosecuting countries. Some allies appear uneasy about extraditing arrested suspects to face military commissions in the United States as the process of these commissions, the manner in which suspects are detained, and the death penalty may infringe international human rights law.**

Using international law solves in that it is more efficient at serving justice in terrorism cases and protects individual rights as well. The increased efficiency can result in more terrorists being tried and given justice. Improved foreign relations also results and increases national security in the form of allies and more amicability.

Competition

International law better reflects the gravity of terrorism and offers more strategical advantages.

Drumbl 2 states:

In addition to the fact that **international criminal process better captures the evil of the attack and provides the opportunity for universal** cross- cultural **condemnation, it also presents a number of strategic advantages over proceeding domestically. Prosecuting through international criminal tribunals may allay the fears of** those concerned with the **national security implications of prosecuting in domestic courts. For example, US courts provide defendants with extensive discovery rights to the evidence compiled against them. The New York Times reported** that **Ruth Wedgwood** has **suggested** that **this could “provide terrorists with a** road **map to the country’s intelligence sources . . . giving them an advantage** in the continuing battle against terrorism.”72 **International criminal law,** on the other hand, **has more limited discovery procedures. International criminal law also permits witnesses to testify through voice and image altering technology. There are no juries under international criminal process. Moreover, international judges may have “more power . . . to control the kinds of argument that lawyers for those charged with terrorism would be allowed to make**.”73 **This may dampen the use of the trial as a platform to vent political agendas.** International tribunals judging mass atrocity in the former Yugoslavia and Rwanda have done their best to minimize the politicization of the trials conducted (and, in the case of Slobodan Milosevic, ongoing) before them.74 **International tribunals also may be better equipped to deal with thorny questions of command responsibility that would arise in any prosecution of** al-Qaeda leaders and Taliban **leaders.** Although the process not always has been easy, **international** **tribunals have demonstrated an ability to deal with extremely complex cases involving organizers, abettors, and administrative responsibility. Additionally, it would be difficult to find a jury (or military panel of judges) in the United States that would not be seen to have a bias against terrorist defendants, and this bias would be yet another factor contributing to skepticism in the** Muslim **world regarding the legitimacy of the trials.**

Drumbl, Mark A. "Judging the 11 September Terrorist Attack." Human Rights Quarterly 24.2 (2002): 323-360. *Project MUSE*. Web. 29 Aug. 2012. <<http://muse.jhu.edu/>>.

There is less threat of violent reactions because rights are being provided and many countries are helping to conduct the trial which means better national security. Classified information that could jeopardize a country stays confidential because of the decreased discovery rights. The better communicated antiterrorism sentiment also helps decrease the risk of terrorism as does the avoidance of a biased jury. Better foreign relations, a fairer trial, and a more clearly communicated message all directly impact to maximizing societal welfare and national security.

International Law better conveys a universal antiterrorism sentiment.

Drumbl 3 states:

**INTERNATIONAL LAW BUILDS BETTER INTERNATIONAL ANTI TERRORISM CONSENSUS**

**International tribunals have rendered lengthy, comprehensive decisions that, in the cases of the former Yugoslavia and Rwanda, have authenticated findings of fact and complex historical narratives, have established some important truths, and have worked to refute myths of ethnic, religious, and gender superiority.** To be sure, international tribunal decisions have not always been well-received in these countries and there has at times been a disconnect between the work of the international tribunals and the afflicted societies they were designed to assist.75 However, with regard to 11 September, **when contrasted with the perfunctory verdict issued by a jury or military tribunal, international tribunals offer a greater possibility for discussion, dissensus, and neutral evaluation. All of these form essential factors in the process of harmonizing competing understandings as to why the attacks took place and ensuring that those prosecuted for the attacks are not perceived as suffering political victor’s justice but, rather, are guilty of a universal crime against the international community at large. These percep- tions are integral elements in building a transnational anti-terrorism consensus.**

International law is better for communicating the anti terrorism message universally and allows for more collaboration in preventing it resulting in better national security. The increased national security in the form of better foreign affairs and the more clear universal perception of terrorism as a universal crime link directly back to societal welfare, the security of a nation and morality.