

The Fort Dix 5

The prosecution of the Fort Dix 5 is another example of the US government's new model of law enforcement which they themselves call "preemptive prosecution" – that is defendants are prosecuted before they commit a crime. In America that we should be even discussing a strategy that targets and prosecutes people before they commit a crime, especially when it is directed exclusively at one religious community - Islam. But what is even worse, the government sends agents provocateur into communities – Muslim communities - to instigate the very crimes that they want the defendants to be convicted of. It is a problem that we have seen all across the US. It is wrong; it destroys innocent individuals; it destroys families; it destroys communities; and it violates the law which forbids the government from entrapping people who have no intent to commit a crime.

My name is Lynne Jackson and I come from Albany New York. In 2004, the FBI decided that an Imam in an Albany mosque was suspicious and so they decided to "preemptively prosecute" him. They got a convicted Muslim criminal to be an agent provocateur. He pretended to act as a rich arms merchant who was willing to loan money to a member of the mosque to fix up his businesses. Then the agent provocateur persuaded the Imam to witness the loan transactions. That is all the Imam did – witness the loan. Later the FBI claimed that the Imam should have figured out from a few sentences of conversation spread out over hundred of hours of discussion during a 6 month period that the money for the loan came from the sale of weapons to jihadis. They said "Gotcha! The transaction was money laundering". The Imam, Yassin Aref, and the businessman, Mohammed Hossain were convicted of money laundering and are serving a 15 year sentence each. The scheme was entirely concocted by the government, and the Imam had no idea about any illegal weapons sales which of course were fictitious. Nobody had any intent to violate the law except for the government. And if the government had not decided to preemptively prosecute the two men, they would be home today be taking care of their wives and a total of 10 small children.

After the verdicts in Albany, a group of some 50 people came together to protest this injustice. People were really upset. Most of the people were non-Muslim because our Muslim neighbors were too frightened of the FBI to even appear in public. We circulated petitions for leniency in sentencing and got almost 1,000 signatures. People wrote letters to the judge, people held vigils outside of the courthouse prior to sentencing. We called ourselves the Muslim Solidarity Committee. The judge acknowledged that community pressure forced him to impose only 15 year sentences instead of the recommended 30 years sentences.

After sentencing we became aware of other groups all across the US who were supporting Muslims who had suffered the same kind of injustice from preemptive prosecution. Dr. Rafil Dhafir in Syracuse NY, a highly regarded oncologist was charged with sending money to Iraq to help starving children there. At first the government claimed that Dhafir was financing terror, but they never brought charges that he was financing terror, and the evidence show only that he was trying to help starving children in Iraq. Instead the government added a high questionable charge of Medicaid fraud, and used that to preemptively prosecute him. He is now serving a 22 year sentence in a prison designed for terrorists, called "Little Guantanamo".

Prof. Sami Al-Arian in Florida was preemptively charged with providing material support for terrorism because he made speeches advocating rights for the Palestinians. When a jury dismissed most of the

charges, the government went right on bringing new charges, and used any excuse they could think of to keep Prof. Al-Arian in jail.

When Syed Fahad Hashmi allowed an acquaintance to leave a bag of clothes in his apartment for a week, he had no idea that the clothing, socks and ponchos, would eventually find their way to an Al-Qaeda official. But Hashmi was arrested for providing material support for terrorism and has been held in solitary confinement ever since awaiting trial. Groups supporting these individuals are just a few of the many miscarriages of justice by the FBI and Department of Justice that we have become aware of.

Eventually a group of us got together to form Project SALAM, (Support And Legal Advocacy for Muslims), to try to record as many stories of this abuse of our judicial system as possible, and to advocate for new policies that will not convict innocent people who have not committed any crime. The story of the Ft. Dix 5 will become a focus for us at Project SALAM, so that what happened to them will never be forgotten and hopefully will be rectified as soon as possible.

Preemptive prosecution is wrong and illegal. The use of agents provocateur to entrap innocent people is also illegal. The combination is deadly. Imagine for a moment that you gave some photos to a store to be developed and the clerk saw pictures that disturbed him. He reports you to the FBI who decide to preemptively prosecute you. The FBI sends in an agent provocateur to befriend you - always wanting to get together, always wanting to talk about the pictures and what they meant to you. The agent provocateur leads you to discuss intimate details of your life while secretly recording everything you say, hoping that you will say something that can be used against you. The agent showers you with attention, and compliments, and claims to want to help you – always working on your feelings of friendship and loyalty. The agent tries to persuade you to take actions that are illegal based on your friendship. The agent will do all the work – all you have to do is say yes. And when you finally step over some legal line the FBI will shout “Gotcha.” They will claim that they had to prosecute you now to prevent you from some day doing something worse. This is what happened to the Ft. Dix 5. It started with a film that used the word jihad, and the FBI agents spun it into a fantastic fiction.

Agent provocateur and “preemptive prosecution” are so grotesque and un-American we can barely imagine such a situation happening to us. This is especially so when the government targets impressionable young men who are easily manipulated. And yet it happens regularly to the Muslim community. Look at the people standing next to you right now. How do you know whether these people are FBI agents who are secretly recording you? That is the kind of fear the FBI hopes to spread in the Muslim community with preemptive prosecution. Convicting innocent people does not make our country safer but more vulnerable, as the burden of our own injustice saps the legitimacy from our government and from our society.

We need to remember particularly that these prosecutions do not happen to faceless hardened criminals who all look and think alike. They happen to real people – impressionable young Muslim men, with families and community and names. The Ft. Dix 5 are named Serdar Tatar, Mohammed Shnewer, Dritan Duka, Eljvir Duka and Shain Duka. They are all young men with different personalities and backgrounds. They and their families will all need different kinds of support after they are sent to jail.

After Yassin Aref was sentenced in Albany, I became close to his family. I have tried to spend time at least once a week helping the family deal with this crisis. It has been a difficult but beautiful experience for me. I have learned a lot and have come close to members of the Muslim community at a time of great need. It is wonderful that you are all committed to helping your neighbors when they are unfairly attacked by the government. I commend you for your spirit of justice. We at Project SALAM stand ready to help you in any way that we can.