

# REPORT ON ENTRAPMENT DESCRIBES PATTERN OF INFORMANT-CREATED “TERRORISM”

We've been writing a bit about Mohamed Osman Mohamud, the young Oregon man charged on WMD charges for allegedly trying to detonate an inert bomb the FBI helped him get. His attorneys are preparing an aggressive entrapment defense (those defenses almost never work, but there are some interesting factors in his case), arguing that Mohamud refused early entreaties to engage in violence yet the FBI kept pressing him to do so.

NYU's Center for Human Rights and Global Justice has just released a report mapping out the pattern of such cases. The report focuses on three NY-area cases—the Newburgh Four, the Fort Dix Five, and Shahawar Matin Siraj cases—to contextualize what is going on. It focuses on the role that informants play in these cases.

In the cases this Report examines, the government's informants held themselves out as Muslims and looked in particular to incite other Muslims to commit acts of violence. The government's informants introduced and aggressively pushed ideas about violent jihad and, moreover, actually encouraged the defendants to believe it was their duty to take action against the United States. In two of the three cases, the government relied on the defendants' vulnerabilities—poverty and youth, for example—in its inducement methods. In all three cases, the government selected or encouraged the proposed locations that the defendants would later be accused of targeting. In all three cases, the government also

provided the defendants with, or encouraged the defendants to acquire, material evidence, such as weaponry or violent videos, which would later be used to convict them.

Most powerfully, the report explains how these cases have affected the mens' families. For example, in the case of the Duka brothers, in which the informant testified on the stand that the Duka brothers had no knowledge of the alleged Fort Dix plot, their extended family has had their classic immigrant success story lives upended.

The same night that the FBI arrested his sons, Ferik Duka was arrested and held in immigration detention for a month.<sup>187</sup>

Amidst everything else, Dritan's family was summarily evicted from the apartment they had rented. Zurata recalls,

"They [the landlord] said 'get out of the apartment these are terrorists.' They gave us three days' time to get our clothes. We had to get clothes from the apartment and bring them to our house, which was surrounded by news people. I had the truck, but nobody to drive, nobody to help."<sup>188</sup>

After the eviction, Dritan's five children moved in with their grandparents and uncle Burim, where they've lived ever since. Without his brothers to run the roofing Burim dropped out of high school to support his remaining family members. Noting that his nieces and nephews are "like orphans now," Burim said, "it's me who supports them now... I basically support four families."<sup>189</sup> Shouldering a heavy burden for a 20-year old, Burim now runs one of the Dukas' roofing companies; Ferik came out of retirement to run the other business.

At the time of the arrests, the Dukas' roofing companies had over \$400,000 in contracts. These dried up almost immediately after the brothers were arrested. People who had worked with Ferik for more than a decade took their business elsewhere. Their biggest customer, the local fire department, called to say they had been warned by the government not to do business with the Dukas. Internet sites labeled their businesses as being "run by terrorists,"<sup>190</sup> and they received harassing phone calls at their businesses. While they once dreamt of building four neighboring houses, one for each brother, today they are barely able to make ends meet.

And perhaps the most stunning detail is this description of the incitement a cop, Osama Eldawoody, used to get Shahawar Matin Siraj to accept his invitation to violence: Abu Ghraib.

In April 2004, when the abuse of detainees by U.S. soldiers at Abu Ghraib<sup>216</sup> first became public, Eldawoody seized on the opportunity to take things to the next level. Shahina explains that Eldawoody started showing Shahawar "awful, awful scary photos of Abu Ghraib and Guantanamo. If you show these pictures even to a non-Muslim, it'll make them crazy. No one can bear these photos, Eldawoody showed Shahawar these photos and said, 'it's your duty as a Muslim to do jihad in response.'"<sup>217</sup>

After months of Eldawoody's campaign, Shahawar finally crumbled when he was shown pictures of young Iraqi girls being threatened and raped; he told Eldawoody that they had to do something.<sup>218</sup> Eldawoody then told him about a group called "The Brotherhood," with operatives in upstate New York who could help them.<sup>219</sup> Then, in May 2004,

Eldawoody told his handlers, "I believe it's time to record."220

Oh, okay. Use evidence of American crimes as a way to induce others to commit fake crimes. Only unlike all but a "few bad apples" convicted in those real crimes, the government will actually indict and convict in the fake crimes.

Do they not see how this is perverting the entire concept of justice?