

Abuse and Potential Misuse of Resources in U.S. Terrorism Prosecutions, Human Rights Institute Says in New Report

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New York, July 21, 2014 – Prosecutions of American Muslims for terrorism offenses are rife with abuse, the Columbia Human Rights Institute says in a new report released today and produced jointly with Human Rights Watch. The report, “*Illusion of Justice: Human Rights Abuses in US Terrorism Prosecutions*” examines 27 federal terrorism cases, some involving aggressive sting operations and others amounting to overbroad prosecutions for material support of terrorism. It also documents the significant human cost of solitary confinement and other restrictive conditions of confinement in these cases.

“The government has an obligation to take legal steps to protect all of its citizens from credible threats to our safety, but in too many cases, the government has crossed the line. Instead of investigating legitimate concerns, the government is using agents and informants to drum up young, vulnerable men under closely controlled conditions, concocting threats of their own.” said Tarek Z. Ismail, advisor and former fellow at the Human Rights Institute and co-author of the report.

The report notes that many of the over 500 terrorism-related cases prosecuted in US federal courts since September 11, 2001 have properly targeted individuals engaged in planning or financing terror attacks. But many others have targeted people who do not appear to have been involved in terrorist plotting or financing at the time the government began investigating them. A number of cases show that the FBI targeted particularly vulnerable people, including those with intellectual and mental disabilities and the indigent. The government, often acting through informants, then actively developed a plot, provided resources and persuaded the target to carry it out.

The cases highlighted in the report show due process concerns, including overly broad use of material support charges and assertions of government secrecy claims, as well as abusive conditions of confinement, including prolonged periods of solitary confinement and severe restrictions on communication in pretrial detention.

“The problems do not end when the investigations are over,” said Naz Ahmad ’14, a student in the Human Rights Clinic at Columbia who worked closely with researchers on the report, “At nearly every step of the process, the individuals in these cases experience the full panoply of problematic practices within the criminal justice system. On top of this, many of them are singled out for particularly severe restraints relating to confinement and communication, often resulting in near total isolation.”

Meanwhile, these aggressive law enforcement tactics have unnerved some American Muslim communities. Some Muslim community members interviewed for the report said that fears of government surveillance and informant infiltration have chilled their speech and altered their attendance at religious services.

The report is based on more than 215 interviews with people charged with or convicted of terrorism-related crimes, members of their families and their communities, criminal defense attorneys, judges, current and former federal prosecutors, government officials, academics and other experts.

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The Human Rights Institute at Columbia Law School serves as the focal point of international human rights education, scholarship and practice at Columbia Law School. The Institute currently focuses on a number of key themes, and, throughout the year, hosts a wide array of symposia, lectures, and other events to bring practitioners and scholars together.

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