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### U.S. Must Stop Targeting Muslims in Counterterrorism Investigations

*CHRGJ: Use of Paid Informants, Surveillance, and Manufactured Plots Raises Serious Human Rights Concerns*

(New York, May 18, 2011)—The U.S. government must stop its discriminatory targeting of Muslim communities in counter-terrorism investigations said the Center for Human Rights and Global Justice (CHRGJ) at NYU School of Law today, as it released a report on the issue. The government’s use of intrusive surveillance, untrained paid informants, and manufactured terrorism plots raise serious human rights concerns that must immediately be addressed, said the group.

The Report, *Targeted and Entrapped: Manufacturing the “Homegrown Threat” in the United States*, critically examines three high-profile domestic terrorism prosecutions and raises serious questions about the role of the Federal Bureau of Investigation (FBI) and the New York City Police Department (NYPD) in constructing the specter of “homegrown” terrorism through the deployment of paid informants to encourage terrorist plots in Muslim communities.

“The government’s responsibility is to investigate crimes, not to instigate plots in already vulnerable communities,” said Amna Akbar, CHRGJ’s Senior Research Scholar & Advocacy Fellow. “It is abusive to pay government informants to go into Muslim communities, collect information, and then try to incite young men to consider violence and particular plots. The government must immediately stop these perverse practices.”

Focusing on the government’s cases against the Newburgh Four, the Fort Dix Five, and Shahawar Matin Siraj, the Report relies on court documents, media accounts, and interviews with family members of the defendants to critically assess the government’s practices and lays bare the devastating toll these practices have had on the families involved.

In all three cases examined in *Targeted and Entrapped*, government informants played a critical role in instigating and constructing the plots that eventually led to prosecution. In all three, the government also sent paid informants into Muslim communities, without any basis for suspicion of current or eventual criminal activity. The government’s informants introduced, cultivated, and then aggressively pushed ideas about violent *jihad*, encouraging the defendants to believe that it was their duty to take action against the United States. The informants also selected or encouraged the proposed locations that the defendants would later be accused of targeting, and 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. The defendants in these cases have all been convicted and currently face prison sentences ranging from 25 years to life.

A number of cases around the country raising similar concerns suggest that these practices are illustrative of larger patterns of law enforcement activities targeting Muslim communities. The Report considers key trends in counterterrorism law enforcement policies that have facilitated these practices, including the government's promulgation of so-called radicalization theories that justify the abusive targeting of entire communities based on the unsubstantiated notion that Muslims in the U.S. are "radicalizing." The prosecutions that result from these practices are central to the government's claim that the country faces a "homegrown threat" of terrorism, and have bolstered calls for the continued use of informants in Muslim communities.

Alicia McWilliams is the aunt of David Williams, a defendant in the prosecution against the Newburgh Four. The government targeted David and his codefendants with offers of \$250,000, a BMW, and more to get them involved in a plot to plant bombs at a local synagogue. The informant provided the weaponry and suggested the target for the constructed plot.

"Newburgh is an extremely impoverished town," said Alicia in a recent interview with CHRJ. "How much money did they spend on this whole production? They need to be investing in our communities for the future, not spending millions of dollars on a fake case that makes nobody safer."

*Targeted and Entrapped* evaluates the fundamental human rights affected by these counterterrorism policies. It concludes with policy recommendations aimed at ensuring that the U.S. government lives up to its obligations to guarantee, without discrimination, the rights to: a fair trial; freedom of religion, expression, and opinion; and an effective remedy. In particular, CHRJ calls on the government to stop discriminating against Muslims in counterterrorism investigations; to hold hearings on the impacts that current law enforcement practices are having on Muslim communities; and to revise the guidelines that currently govern FBI and NYPD activities and allow for such abusive practices to go unchecked.

To read more about the Center's work on racial profiling and U.S. counter-terrorism policies, please see: <http://www.chrgj.org/projects/profiling.html>

## **About CHRJ**

The Center for Human Rights and Global Justice (CHRJ) at New York University School of Law was established in 2002 to bring together the law school's teaching, research, clinical, internship, and publishing activities around issues of international human rights law. Through its litigation, advocacy, and research work, CHRJ plays a critical role in identifying, denouncing, and fighting human rights abuses in several key areas of focus, including: Business and Human Rights; Economic, Social and Cultural Rights; Caste Discrimination; Human Rights and Counter-Terrorism; Extrajudicial Executions; and Transitional Justice. Philip Alston and Ryan Goodman are the Center's Faculty Chairs; Smita Narula and Margaret Satterthwaite are Faculty Directors; Jayne Huckerby is Research Director; and Veerle Opgenhaffen is Senior Program Director.

The International Human Rights Clinic (IHRC)—a project of the Center—is directed by Professor Smita Narula. Amna Akbar is Senior Research Scholar and Advocacy Fellow and Susan Hodges is Clinic Administrator. The Report was researched and written by CHRJ and IHRC members and staff.