

## **The Arrest and Torture of Syed Hashmi**

--An interview with Jeanne Theoharis

By *Angola 3 News*

Jeanne Theoharis is the author of an April, 2009 article in *The Nation*, entitled "[Guantanamo At Home](#)," which focuses on the arrest, prosecution, and imprisonment of US citizen Syed Hashmi in a New York City prison with Guantanamo-like conditions. Theoharis holds the endowed chair in women's studies and is an associate professor of political science at Brooklyn College, CUNY.

Syed Hashmi's trial will begin in New York City on December 1. The website [www.freefahad.com](http://www.freefahad.com) explains that: "Syed Hashmi, known to his family and friends as Fahad, was born in Karachi, Pakistan in 1980, the second child of Syed Anwar Hashmi and Arifa Hashmi. Fahad immigrated with his family to America when he was three years old. His father said 'We knew there would be many opportunities for us here in the United States. We came here to find the American dream.' The large Hashmi family settled in Flushing, New York and soon developed deep roots throughout the tri-state area. Fahad graduated from Robert F. Wagner High School in 1998 and attended SUNY Stony Brook University. He transferred to Brooklyn College, where he earned a bachelor's degree in political science in 2003. A devout Muslim, through the years Fahad established a reputation as an activist and advocate. In 2003, Fahad enrolled in London Metropolitan University in England to pursue a master's degree in international relations, which he received in 2006. On June 6, 2006, Fahad was arrested in London Heathrow airport by British police based on an American indictment charging him with material support of Al Qaida. He was subsequently held in Belmarsh Prison, Britain's most notorious jail." For more information on the Hashmi case, also visit: [www.educatorsforcivilliberties.org](http://www.educatorsforcivilliberties.org).

**Angola 3 News:** *Can you please give us background on the arrest and prosecution of Syed Hashmi? For example, what are the charges against him? What is their evidence?*

**Jeanne Theoharis:** In June 2006, Hashmi, who is a US citizen, was arrested by the British police at Heathrow Airport (he was about to travel to Pakistan, where he has family) on a warrant issued by the US government. In May 2007, he was extradited to the United States, the first US citizen to be extradited under terrorism laws passed after 9/11. Since then, he has since been held in solitary confinement at Metropolitan Correctional Center (MCC).

The US government alleges that early in 2004, a man by the name of Junaid Babar, also a Pakistani-born US citizen, stayed with Hashmi at his London apartment for two weeks. According to the government, Babar stored luggage containing raincoats, ponchos, and waterproof socks in Hashmi's apartment and then Babar delivered these materials to the third-ranking member of Al Qaida in South Waziristan, Pakistan. In addition, Hashmi allegedly allowed Babar to use his cell phone to call other conspirators in terrorist plots.

The government has claimed that Babar's testimony is the "centerpiece" of its case. Babar, who has pleaded guilty to five counts of material support for Al Qaida, faces up to seventy years in prison. While awaiting sentence, he has agreed to serve as a government witness in terrorism trials in Britain and Canada as well as in Hashmi's trial. Under a plea agreement reported in the media, Babar will receive a reduced sentence in return for his cooperation.

**A3N:** *What can you tell us about Hashmi as a person, especially your personal experience of knowing him when he was a student of yours?*

**JH:** Fahad was a student of mine at Brooklyn College in 2002. An outspoken Muslim student activist, Fahad wrote his senior seminar paper with me on the treatment of Muslim groups within the United States and the violations of civil rights and liberties that many groups were facing. Needless to say, this feels particularly chilling—and no longer academic—as we have now witnessed his own rights being violated.

**A3N:** *Since his arrest, what have the conditions of his incarceration been?*

**JH:** Under special administrative measures (SAMs) imposed in October 2007 by the former Attorney General, Hashmi must be held in solitary confinement and may not communicate with anyone inside the prison other than prison officials. Family visits are limited to one person every other week for one and a half hours and cannot involve physical contact. While his correspondence to members of Congress and other government officials is not restricted, he may write only one letter (of no more than three pieces of paper) per week to one family member. He may not communicate, either directly or through his attorneys, with the news media. He may read only designated portions of newspapers – and not until thirty days after their publication – and his access to other reading material is restricted. He may not listen to or watch news-oriented radio stations and television channels. He may not participate in group prayer. He is subject to 24-hour electronic monitoring inside and outside his cell – including when he showers or relieves

himself – and 23-hour lockdown. He has no access to fresh air and must take his one hour of daily recreation – when it is given – inside a cage.

As the expert testimony supplied by Hashmi’s attorneys in a pre-trial motion of December 2008 attests, the conditions of Hashmi’s detention may have severe physical and mental consequences and impair his mental state and ability to testify on his own behalf.

While former Acting Attorney General Keisler claimed that these measures are necessary because “there is substantial risk that [Hashmi’s] communications or contacts with persons could result in death or serious bodily injury to persons,” Hashmi was held with other prisoners in a British jail for eleven months without incident. The SAMs were renewed by Attorney General Mukasey in November 2008 and upheld by Judge Loretta Preska in January 2009, citing Hashmi’s “proclivity for violence.” There has been no change to the SAMs under the Obama Administration. They were renewed again by Attorney General Holder in early November 2009. Yet, Hashmi is not being charged and has never been charged with committing an actual act of violence.

Currently, according to research by the New York Times in February 2009, there are six people in the United States being held on pre-trial terrorism SAMs; three (including Hashmi) are under the jurisdiction of the Southern District of New York, which has long served as a stepping stone to national political office.

**A3N:** *Looking particularly at the harsh solitary confinement imposed on Hashmi, how is this officially justified? Do you think the stated reason is the actual motivation, or do you think there are other reasons for the solitary confinement and other harsh restrictions?*

**JH:** My colleagues and I have begun to come to the conclusion that the use of prolonged solitary confinement is a tactic to ensure convictions. Such conditions weaken people mentally and the toll of sensory deprivation and isolation simultaneously makes people more eager to take a plea or not able to fully assist their counsel. Most experts agree it is torture (see Atul Gawande's [“Hellhole” in The New Yorker](#)). While our public discussions have tended to see torture as a tactic to get information, in cases like Hashmi's, torture is being used to help secure convictions.

**A3N:** *How are the prison conditions for Hashmi in NYC different from those in Guantanamo?*

**JH:** There are key similarities of prolonged isolation and sensory deprivation between Hashmi's treatment at MCC in lower Manhattan and what we have heard of the conditions at Guantanamo. However, there has been much less attention to these inhumane conditions within the United States.

The focus on prisons like Guantanamo, Abu Ghraib, and Baghram stems, in part, from a larger post-civil rights paradigm that assumes the judicial process is now fair in the United States and relatively incorruptible and thus it was necessary to go outside of the US courts to do the extreme bad things.

Rather, what made Guantanamo possible stemmed from domestic legal practices, many already in place and many others expanded after 9/11, which have continued almost unabated under the Obama Administration.

**A3N:** *With Hashmi's trial beginning on December 1, what are activists currently doing to support him?*

**JH:** Theaters Against War began holding weekly vigils in October to draw attention to the inhumane conditions of confinement and the due process violations Hashmi and others are facing within the federal courts. Artists and actors such as Wallace Shawn, Kathleen Chalfant, Bill Irwin, Jan Maxwell, Betty Shamieh, and Christine Moore have performed at the vigils.

**A3N:** *Any closing thoughts?*

**JH:** Three central Constitutional issues have become clear in the treatment of Hashmi and others within the federal system: the inhumane conditions of confinement, the abridgement of due process rights, and the lack of 1st Amendment protections.

If these are not addressed, then moving the Guantanamo detainees into the federal system does little to return America to the rule of law, of which we are rightfully proud. I am reminded of that

quote by former Chief Justice Earl Warren in 1967, ""It would indeed be ironic if, in the name of national defense, we would sanction the subversion of...those liberties...which [make] the defense of the nation worthwhile."

--*Angola 3 News* is a new project of the *International Coalition to Free the Angola 3*. Our website is [www.angola3news.com](http://www.angola3news.com) where we provide the latest news about the Angola 3. We are also creating our own media projects, which spotlight the issues central to the story of the Angola 3, like racism, repression, prisons, human rights, solitary confinement as torture, and more. Our online video series has now released interviews with Black Panther artist Emory Douglas titled "[The Black Panther Party and Revolutionary Art,](#)" author J. Patrick O'Connor titled "[Kevin Cooper: Will California Execute An Innocent Man,](#)" author Dan Berger titled "[Political Prisoners in the United States,](#)" and Colonel Nyati Bolt titled "[The Assassination of George Jackson.](#)"

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