

US: Islamic webmaster on trial for “terror” conspiracy

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12 May 2004

After over a year in solitary confinement, a University of Idaho doctoral student in computer science has gone on trial in federal court in Boise on 3 charges of conspiracy to support terrorism, as well as 11 charges of visa and immigration fraud. The alleged “conspiracy” consisted of providing technical services and maintenance to Islamic web sites that supposedly provided links to other web sites posting calls for an anti-American jihad.

The 34-year-old student, Sami Omar al-Hussayen, a Saudi citizen, is also accused of overseeing a Yahoo chat group on Chechnya on which a handful of messages supporting suicide bombings were allegedly posted. Prosecutors claim that al-Hussayen is legally responsible for a call to recruit terrorists written by someone else and posted on the site, whether or not he agreed with the call or was even aware of it.

The conspiracy charges are being brought under a section of the USA Patriot Act that criminalizes providing “expert guidance or assistance” to a terrorist organization. As one civil rights attorney put it, “You shouldn’t be held liable for what somebody else said. Under this theory, you could charge the electrician who services the wrong client.”

This particular provision of the Patriot Act has already been ruled unconstitutional by a California federal court, but the ruling does not apply outside the state. As the judge in that case explained, if allowed to stand, the section of the act in question would make a criminal out of someone who bought cookies at a bake sale for the support of Kurdish refugees, not knowing that some of the proceeds might end up going to an organization deemed to be terrorist.

Should al-Hussayen be convicted, the implications for Internet sites opposed to government policy would be profound. By going over such sites with a fine-tooth comb, government agents could locate links, and even links to links, that would allow them to charge support for

terrorism. Those who run the sites could be arrested and detained indefinitely, effectively shutting the sites down, even though the webmasters bore no responsibility for and had no knowledge of the content of the linked sites.

The 34-year-old al-Hussayen is known locally as an advocate of nonviolence, devoted to spreading a greater understanding of Islam. He denounced the September 11, 2001, terrorist attacks as in total contradiction to his religion, and organized a candlelight vigil of Muslim students on campus to condemn the loss of life as well as to publicize the opposition of the vast majority of Muslims to such methods.

On February 26, 2003, however, FBI agents stormed into al-Hussayen’s apartment before dawn, handcuffed him and took him away while his wife and their three young sons looked on. A few days later, the arrest was announced at a high-profile news conference featuring Idaho’s governor.

Agents had reportedly acted on an earlier tip from a local bank employee that al-Hussayen was writing checks to an organization that sounded suspicious, the Islamic Assembly of North America (IANA).

In its ensuing investigation, FBI agents learned of al-Hussayen’s role in registering the IANA and several associated web sites. They also found that al-Hussayen had written checks to IANA totaling more than six figures from 1997 to 2002. Defense attorneys point out that their client had made no effort to hide the donations or to conceal his identity as webmaster for the IANA web sites, hardly the mark of a terrorist conspirator.

Al-Hussayen comes from a well-to-do Saudi family, receiving a \$2,700-a-month stipend from the Saudi government to support his studies in the United States. His attorneys insist he simply made donations and volunteered his time and computer expertise to the organization. He also persuaded a great-uncle back home to make a large contribution, which he funneled through

his personal bank account.

To this day, IANA has never been designated as a terrorist organization, and its web site (<http://www.iananet.org/>) continues to function, offering books and pamphlets on Islam in various languages. Nonetheless, because of the links that were supposedly found there to other web sites, the Justice Department began its persecution of al-Hussayen.

More than a year ago, a federal magistrate ordered al-Hussayen released to his home pending trial. Immediately, the Bureau of Immigration and Customs Enforcement (BICE), part of the Homeland Security Department, issued a deportation order against him for the sole purpose of keeping him locked up until trial. The order was based on unproven and rather absurd allegations that two checks he received totaling only \$320 constituted proof that he had been paid to work, a violation of his student visa.

At the deportation hearing on April 25, 2003, federal agents admitted they had not been able to locate the person who wrote the checks. Though the checks were notated “web designing cost,” there is no evidence that they covered any personal charges al-Hussayen made for his services. Rather, they probably constituted reimbursement of registration and web-hosting fees for the sites he set up, which he had paid out of his own pocket.

During a lunch break in the deportation hearing for Sami al-Hussayen, his wife Maha, who was waiting to testify on her husband’s behalf, was taken into custody herself—much to her husband’s distress. She was served with her own deportation order based on phony visa violations charges and was later released on her own recognizance.

Shortly before her own deportation hearing was to open last fall, officials warned her that if she were found deportable and appealed, they would imprison her and her children. Fearing that the government would use the threat of her detention to intimidate her husband, Maha accepted a voluntary deportation. She and her children returned to Saudi Arabia at the end of January.

Sami al-Hussayen’s trial, which began on April 14, is now entering its fourth week. Extra armed guards and a bomb-sniffing dog greet those attending the proceedings, reinforcing the impression on jurors that the defendant is especially dangerous.

At the end of week two, prosecutors attempted to introduce a printout of web pages from 2001 that contained four fatwas, or religious decrees, advocating

suicide bombings. Defense attorneys objected, and federal District Judge Edward Lodge insisted that the prosecution establish that the defendant either created the web sites or actively endorsed their contents before allowing the printouts to be accepted as evidence and shown to the jury. He further threatened to dismiss the conspiracy charges if the government couldn’t clearly show such a connection.

In spite of a parade of prosecution witnesses, no such evidence has yet been introduced. Defense attorneys have insisted from the beginning that al-Hussayen simply provided technical maintenance for the IANA sites and had nothing to do with their content.

His lead attorney David Nevin pointed out that the student’s role as moderator for an online chat group about Islam could not possibly allow him to read all of the thousands of messages that members posted, of which the government judges only five or six promoted terrorism. Even if he could, Nevin said, there is no reason to prosecute his client for views expressed by others.

Throughout his ordeal, al-Hussayen has received widespread support from the campus and local Muslim communities. Many supporters attended the first day of his trial. There have been a number of rallies and benefits held for him and his family in the small town of Moscow, Idaho, where the university is located.

The trial is expected to last into June. If convicted, al-Hussayen could be sentenced to 15 years in prison on each of the three conspiracy charges, and 5 years each for the visa violations, with greater penalties possible if the violations are found to be connected to terrorism.

Sami al-Husseyan’s supporters have created a web site to publicize his case at www.samiomar.com.



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