Life sentence for Islamic fundamentalist Al-Timimi: an attack on free speech

John Andrews
26 July 2005

Use this version to print | Send this link by email | Email the author

Al-Timimi denied that he made any such appeal. His defense was that he only counseled Muslims that it might be wise to leave the United States because practicing Islam in America would be difficult after September 11, and that they should relocate in an Islamic country where they could freely practice their religion.

US-born Al-Timimi, 42, has been well known for years within certain Islamic circles for his lectures on the fundamentalist "salafi" form of Sunni Islam at the Center for Islamic Information and Education—also known as the Dar al Arqam Islamic Center—in Falls Church, Virginia.

A professional scientist who has lived most his life in the Washington, DC, area, Al-Timimi has undergraduate degrees in biology and computer science and a doctorate in computational biology from George Mason University. He has published or co-authored at least 12 scientific articles, including pioneering work using computers to measure and analyze the presence of genes in various forms of cancer, and worked as a researcher for SRA International, a major information technology company and US government contractor.

The charges against him arise from a private September 16, 2001, dinner he attended at the home of one of his followers. He is accused of urging the other Muslim men in attendance to travel overseas for what one prosecution witness called "violent jihad." He was not alleged to have been involved with planning or carrying out any terrorist act.

There was no evidence at trial that Al-Timimi actually undertook any actions to facilitate the men leaving the United States to join Islamic military movements. He did not arrange any financing or provide contacts overseas, for example.

Indeed, the evidence at trial established that the three men who eventually did leave the United States to join Pakistanis fighting against Indian forces over the disputed Kashmir region began planning their trip before the September 16 dinner.

The 10 counts against Al-Timimi consist of inducing others to conspire to use firearms and carry explosives, soliciting others to make war against the United States, attempting to contribute services to the Taliban, and inducing others to violate the Neturality Act by taking part in military expeditions against countries with whom the United States is at peace.

Al-Timimi went on trial on April 4, 2005, in federal district court in Alexandria, Virginia. On April 26, the jury returned guilty verdicts on all counts.

The most serious charge was that Al-Timimi urged the others to engage in combat against US troops. The United States never declared war against Afghanistan, however, and the September 16 meeting preceded not only the US invasion itself, but also President Bush's signing of the congressional resolution authorizing military action against Afghanistan in response to the 9/11 attacks.

US District Judge Leonie Brinkema herself called the life sentence "very draconian." It was mandated by federal guidelines, however, once she denied all Al-Timimi's post-trial motions to set aside the verdicts on the basis that they were not supported by the evidence and violated his First Amendment rights.

The case began when US government prosecutors in June of 2003 indicted 11 young Muslim men on charges of conspiring to travel to Pakistan to wage war against India. The group was commonly referred to as the "Virginia Jihad Network," or simply, the "Virginia 11." After the FBI claimed that many of them played "paintball" together in the Virginia woods to train for combat, the 11 were derided as the "paintball jihadists" in local media reports.

None of the men made it to Afghanistan or engaged in any combat against US troops or their allies. Nevertheless, they were prosecuted with a vengeance. Six of the 11 defendants pled to lesser charges early this year, their sentences ranging from 2 to 20 years. Of the five who went to trial, three were convicted and face prison sentences of up to 90 years. Two were acquitted.

Although Al-Timimi was not charged in their indictment, he was named as an unindicted co-conspirator and identified as the group's spiritual leader. More than a year later, the government indicted Al-Timimi on separate charges. After Al-Timimi rejected an offer to plead guilty in exchange for a sentence of 14 years, the case proceeded to trial.

The trial itself exhibited all the features of a witch-hunt. There were no victims. There was no claim that anyone involved with Al-Timimi actually perpetrated a specific crime or planned a terrorist act. The principal witnesses were alleged co-conspirators pressured into plea deals granting sentence reductions in exchange for testimony.

The heart of the case was the dinner on September 16, 2001, attended by 9 of the 11 "Virginia Jihadists," at which Al-Timimi supposedly solicited them to leave the United States and fight with Muslim forces in places such as Afghanistan, Chechnya, Palestine, Pakistan and Indonesia. Five days later, three of those at the meeting traveled to Pakistan, where they obtained two weeks of military training from Lashkar-e-Taiba, an organization seeking to drive India from Kashmir. Lashkar-e-Taiba was not at the time designated by the US as a terrorist organization.

The most damaging witness at trial was Yong Kee Kwon, a Korean-born convert to Islam and the host of the September 16 dinner. On direct examination, he testified that Al-Timimi said that each man

© World Socialist Web Site

present should “repent,” leave the United States and “try to join the mujahideen.” Another witness at the meeting, Aatique Gharbieh, testified that Al-Timimi said “the battle in Afghanistan is imminent” and, although the Taliban “have problems in how they interpret or implement Islam...we should help them.” A third witness, Mahmood Hasan, said Al-Timimi announced, “Mullah Omar has called upon the Muslims to defend Afghanistan.” There was little else of substance in the evidence against Al-Timimi.

To bolster their case, the government prosecutors appealed openly to the fears and prejudices of the jurors with inflammatory and irrelevant evidence. For example, they played excerpts from videotapes depicting combat in various war zones found in searches of residences of the “Virginia Jihadists.” One, entitled “Russian Hell 2000,” which depicted the execution of a captive soldier in Chechnya, was supposedly particularly fascinating to Kwon. Yet all the witnesses testified that Al-Timimi was not aware of their watching the videos.

The prosecution made liberal use of Islamic doctrine and Al-Timimi’s teachings to paint him as a co-thinker of Osama bin Laden and therefore complicit in the attacks on the World Trade Center and Pentagon. The jury heard from a lecture given in 1990, before the first Gulf War, in which Al-Timimi attacked Shiites for “always unit[ing] themselves with enemies” while “the swords of the Sunni Muslims are dripping with the blood of Christians, Jews and idol worshipers and Allah has commanded us to make jihad against the enemies of Allah.” He added that “in an Islamic state,” Shiite “heads should be lopped off.”

Judge Brinkema allowed the prosecutors to read an e-mail allegedly sent by Al-Timimi on the morning of the Columbia shuttle catastrophe, February 1, 2003, long after all the alleged acts for which he was charged criminally. The e-mail stated, “[T]here is no doubt that Muslims were overjoyed because of the adversity that befell their greatest enemy,” and it called the disaster a “good omen.”

The racism that pervaded the Al-Timimi prosecution was epitomized at the very end of closing arguments. Assistant United States Attorney Gordon Kromberg told the jury, “If you’re a kafir [a non-Muslim] Timimi believes in time of war he’s supposed to lie to you. Don’t fall for it. Find him—find Sheik Ali Timimi—guilty as charged.”

Al-Timimi’s nationalist and religious obscurantist views, while deeply reactionary, clearly fall within the parameters of constitutionally protected free speech. The prosecution’s use of such evidence to stampede a jury into convicting him of multiple felonies flies in the face of the First Amendment.

Al-Timimi waged a two-part defense. First, his lawyer claimed the witnesses against his client should not be believed because they were pressured into incriminating him in exchange for leniency in their own cases, and, second, he argued that the statements of the prosecution witnesses were contradictory and incomplete.

In the unsuccessful post-trial challenge to the verdict, defense attorneys argued that Al-Timimi’s alleged statements at the September 16 dinner were protected speech because they were not inciting “imminent” violent acts—the listeners would have had to agree with Al-Timimi, make their way overseas, join Muslim military outfits, and engage in combat before any breach of the peace would have occurred.

Before sentence was pronounced, Al-Timimi read a 10-minute statement declaring his innocence and accusing the government of a frame-up. He recited the preamble to the Constitution, claiming that he committed it to memory “long before I was taught or learnt any passage of the Koran.” Focusing on the Constitution’s professed aim of creating “a more perfect union” to “establish justice,” Al-Timimi pointed out the hollowness of the case against him.

“Let us recall the crimes to which I was charged: advocating treason, soliciting war against the United States, providing aid and comfort to the enemy, conspiring to levy war against Israel, Russia, India, and Indonesia, and, of course, at every turn, the informal charge of terrorism.

“Charges I must say ‘abounding in crudities and absurdities.’ [Al-Timimi here quoted Aaron Burr, the one-time US vice president who was tried and acquitted for treason.]

“For to accept these charges we must believe that a solitary man who would spend his days working full time at one of *Fortune* magazine’s one hundred best companies and then spend his evenings and weekends engaged in cancer research for a doctorate in computational biology, an individual who never owned or used a gun, never traveled to a military camp, never set foot in a country in which a war was taking place, never raised money for any violent organization would be—could be—the author of so much harm.”

Al-Timimi concluded his remarks with a clear warning about the implications of his case for democratic rights. “For if my conviction is to stand, it would mean that 230 years of America’s tradition of protecting the individual from the tyrannies and whims of the sovereign will have come to an end. And that which is exploited today to persecute a single member of a minority will most assuredly come back to haunt the majority tomorrow.”

Under house arrest until sentencing, Al-Timimi is now in the custody of the US Bureau of Prisons. His appeal will be heard by the United States Court of Appeals for the Fourth Circuit, the most right-wing court in the nation. If the appellate court confirms the convictions, his only redress will be an appeal to the Supreme Court.

Aside from the personal injustice to Al-Timimi, the trial and life sentence are a stark warning of the extremes to which the US government is prepared to go in attacking constitutionally protected rights of free speech and political expression, under the cover of the “war on terrorism.”

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact

© World Socialist Web Site