

Five New Jersey men convicted in FBI-concocted Fort Dix “terror” case

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A federal court convicted five young men from New Jersey Monday on conspiracy and gun charges for an alleged "terrorist plot" that would not have existed outside of the activities of undercover informants for the FBI.

The case of the so-called Fort Dix Five, named for the supposed target of the alleged conspiracy, is only the latest example of the federal government's "war on terror" prosecutions involving the invention of domestic "terrorist cells" by agents provocateurs employed to entrap Muslim, Arab and South Asian immigrants.

The five who were convicted were all long-time residents of south Jersey and the Philadelphia area. They include a Jordanian-born cab driver and naturalized citizen, Mohamad Shnewer; a Turkish-born convenience store clerk and legal resident, Serdar Tatar; and three brothers, Dritan or "Anthony," Eljvir or "Elvis," and Shain Duka, ethnic Albanians who emigrated as children from the former Yugoslavia. The brothers had a roofing business that they ran out of the family garage.

After six days of deliberations, the jury delivered a split verdict, finding the five guilty of conspiracy charges in the case, but acquitting them of attempted murder.

The dichotomy was significant, signaling that the jurors were unable to find the five guilty of any criminal act or even a concrete attempt to carry one out, but only of a vaguely defined conspiracy.

Nonetheless, under federal law, the conspiracy charge is the more serious of the two, and the five face life in prison when they are sentenced in April.

Four of the five were also convicted of weapons charges. A sixth man arrested together with the others in 2007 pleaded guilty earlier to weapons offenses.

The Justice Department and the FBI justify their use of informants and entrapment as a matter of "preemptive prosecution" aimed at disrupting terrorist plots and arresting their authors before they can be carried out. In reality, the practice has much in common with the US government's practice of "preemptive war"; i.e., unprovoked aggression.

The Fort Dix case involved not just one undercover government informant, but two, who acted independently and in ignorance of each other. Both were small-time criminals facing deportation who agreed to do the FBI's bidding in return for the dropping of charges, aid with immigration, and money.

The first, Mahmoud Omar, 39, was a convicted felon who had entered the US illegally in 1992 and was facing bank fraud charges. Arrested while trying to flee to Canada, Omar agreed to become an FBI informant in return for the FBI arranging a settlement with the Commerce Bank and aiding him to obtain legal residence in the US. In addition, he was paid nearly a quarter of a million dollars for his undercover work.

The second, Besnik Bakalli, 31, was picked up by the FBI while awaiting deportation to his native Albania, where he faced imprisonment after being convicted of criminal charges in connection with shooting a man there. Bakalli received at least \$13,000 from the FBI, immigration assistance, and a pardon from the Albanian government.

Defense lawyers charged that the two informants were well aware of what the FBI wanted and set about to entrap the defendants by appealing to their religious sentiments and anger over US crimes against Muslims overseas and getting them to make inflammatory statements that could then be construed as a terrorist plot.

The FBI initiated the investigation after a clerk at a Circuit City electronics store contacted authorities over a home video that one of the defendants had brought in to be transferred to DVD. The video showed the men shooting weapons at a firing rang, playing paintball and, in some instances, using Muslim phrases such as "Allah Akbar."

With only this to go on, they sent in the two informants. Bakalli represented himself, falsely, as a veteran of the Kosovo Liberation Army, the separatist group that fought Serbian forces in the province of Kosovo. Transcripts of tapes of the conversations he recorded with the defendants show him continuously egging them on to "do something."

Included in the evidence were conversations recorded

between Omar and the defendant Tatar. At the end of October 2006 Omar confides in Tatar that "I want this country to pay the price for something they did to me" and that he wants Tatar to help him with information about Fort Dix. It is clear from the transcript that Tatar has no idea what he is talking about, and is much less an active participant in a plot. The recordings then stretch out over a full month in which Omar badgers Tatar to get him a map of Fort Dix.

In the course of this protracted interaction, Tatar actually called the Philadelphia police to report being pressured for the map of Fort Dix and voice his concern that it could be terror related.

Another piece of evidence is a recorded conversation of one of the defendants calling the Pennsylvania police to ask if he can bring a firearm with him from New Jersey for use at a shooting range in the state.

It is clear from other conversations recorded between Mohamad Shnewer and Mahmoud Omar that the latter is seen as the instigator and leader of any plot against Fort Dix. "You have more experience in life, and you have more experience in battles," the defendant tells Omar.

It was Omar as well who organized so-called "reconnaissance missions" in which he drove one of the defendants around the Army base's perimeter.

The final evidence that sealed the FBI's case and led to the arrests of the five came as a result of Omar's ensnaring two of the Duka brothers into a deal to buy guns. The two were arrested in Omar's apartment while purchasing inoperative assault rifles that had been supplied by the FBI.

What emerges from the evidence is the clear indication that without the FBI agents provocateurs there would have been no plot, or any weapons. The only evidence existing independently of their intervention are the words of the defendants, which included expressions of hostility to the actions of the US in Iraq and Afghanistan and anger over the treatment of immigrants in the US as well as sympathy for Islamist views.

The transcripts also include explicit rejections of violence by some of the defendants. In a conversation recorded in April 2007, Dritan Duka rebuffs Bakalli's appeals for violent action: "We are good the way we are," he tells the informant. "We are not going to kill anyone. Even if we kill anyone, you can't run away. They will catch you right away."

Even in the course of the trial, Omar told jurors that he did not believe that the two Duka brothers arrested in the FBI-orchestrated gun buy were involved in any plot and that he had told his FBI handlers so.

The conviction and the nature of the FBI's fabrication of the case drew sharp criticism from Muslim-American organizations. "Many people in the Muslim community will see this as a case of entrapment," said Jim Sues, executive

director of the New Jersey chapter of the Council on American-Islamic Relations, who attended the trial. "From what I saw, there was a significant role played by the government informant."

Sues added: "The evidence showed there was no real, honest-to-God planning for an attack on Fort Dix. The defendants were never all in a room at one time with a map of the fort, plotting what they were going to do."

The Fort Dix case is only one of a number of similar alleged conspiracies in which FBI informants have played the role of instigators and provocateurs, creating supposed plots where none would have existed without their efforts.

Federal prosecutors are reportedly planning to try for a third time six men from the Liberty City section of Miami, Florida on a supposed plot to blow up the Sears Building in Chicago. The evidence, which consisted of little more than radical statements the informant goaded the men into making, failed to convince two juries to convict.

And another case, involving four individuals from the Caribbean charged with conspiring to blow up fuel tanks and pipelines at JFK airport in New York City, has yet to go to trial. Again, the instigation of the alleged conspiracy came from an FBI informant posing as an Islamist militant. The hapless defendants were in their 60s and, in at least one case, homeless. The supposed plot—involving a chain reaction of explosions—was physically impossible to pull off.

All of these cases and a number of others—the Albany, New York sting missile case, the Herald Square bombing "conspiracy," and the "Detroit sleeper cell"—have involved dubious evidence, instigation and provocation by undercover informants, and terror mongering by prosecutors.

Their political purpose has been to create a phony impression of an ubiquitous terrorist threat hanging over America in order to justify the policies pursued by the US government and the Democratic and Republican parties alike of aggressive war abroad and a wholesale assault on basic democratic rights at home.



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