

Boston bombing suspect Tsarnaev's lawyers protest conditions of his detention

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On Tuesday, federal prosecutors and defense attorneys representing Boston Marathon bombing suspect Dzhokhar Tsarnaev met to discuss the conditions of Tsarnaev's detention, pending a trial slated to begin sometime next year.

Due to a "Special Administrative Measure," or SAM, put in place by the office of US Attorney General Eric Holder, Tsarnaev has been held in solitary confinement with severe limitations on his ability to communicate with his lawyers and the media.

According to the SAM, Tsarnaev may not communicate confidentially with his attorneys, who in turn are prohibited from discussing any conversations held with the suspect or to carry messages for him, to the media or otherwise. He is also being kept in solitary confinement and denied access to religious services.

Prosecutors sought justification of these measures on the basis that Tsarnaev's inscriptions, made on the interior of the dry-docked boat he was found hiding in on April 19th, indicated a "desire to inspire others to commit acts of terrorism."

Tsarnaev is currently being held for the April 15th bombing of the Boston Marathon, which killed 3 and injured 260 others. The attack was the bloodiest terrorist-related event to take place on US soil since the bombings of September 11, 2001.

Tsarnaev's writing on the inside of the boat declared, "The U.S. government is killing our innocent civilians... As a M[uslim] I can't stand to see such evil go unpunished... Know you are fighting men who look into the barrel of your gun and see heaven, now how can you compete with that."

The US District Court in Massachusetts used this to allege that "there is a substantial risk that Tsarnaev's communications and/or contacts with persons could result in death or serious bodily injury to persons, and

the SAMs are reasonably necessary to protect against that risk."

Prosecutors also cited statements regarding his health that the suspect had made in a taped telephone conversation with his mother, as well as text messages he had sent to friends asking the latter to remove incriminating items from his residence as proof of "his willingness to use others to advance his illegal ends." (See: "Former classmates of Boston Marathon bombing suspect indicted by federal officials")

Tsarnaev's attorneys said the attempt to portray statements that Tsarnaev's mother recorded and relayed to the press as acting as a "mouthpiece" for terrorism was "patently inaccurate."

"Mr. Tsarnaev's mother referred to the fact of innocent civilian deaths around the world in the press coverage quoted...not as justification for what her sons were alleged to have done, but to express her distraught belief at the time that they, too, had become innocent victims of violence," the statement added.

In regard to the scrawling found inside the boat being a "clarion call" to violence, attorneys said: "On their face, Mr. Tsarnaev's alleged words simply state the motive for his actions, a declaration in anticipation of his own death. There is no express call for others to take up arms."

They added that "it was law enforcement that originally leaked existence of the alleged boat writings to the press and it is the government that continues to broadcast the 'clarion' [call] by repeating, emphasizing, and attributing inspirational significance to these words."

The defense attorneys also protested federal authorities' withholding evidence that might have a mitigating effect on a decision to seek the death penalty, including information on the alleged

involvement of deceased bombing suspect Tamerlan Tsarnaev in a triple homicide in 2011.

Last month, prosecutors refused to provide information concerning the latter on the grounds that the investigation of the triple slaying was still underway. Until that point, Tamerlan Tsarnaev, Dzhokhar's older brother, had not been officially named as a potential suspect by authorities. The prosecution is due to announce whether it plans to seek the death penalty by next week.

Of the danger the imposition of SAMs poses to democratic rights, an article recently published in the *Atlantic* entitled "Dzhokhar Tsarnaev, Defender of the Constitution" noted: "In the 17 years since SAMs were first authorized, their scope has been expanded by the terror attacks of September 11, 2001... If the government is permitted to impose restrictions on Tsarnaev's fair-trial rights based upon the justifications it has offered in this case it could very well impose such restrictions on virtually any criminal defendant awaiting trial in a capital case."

The attempts to obstruct the suspect's right to a fair trial are only the latest in moves made by Federal authorities to cover up any connection the latter may have to the April 15th events.

The destruction of democratic rights comes after the *de facto* imposition of martial law in the city of Boston after the bombings, as well as evidence showing that Federal authorities were aware of Tamerlan Tsarnaev's sympathies toward radical Islam and attempts the latter made to establish contacts in the North Caucasus with extremist movements.

Authorities have also blocked the release of information pertaining to the FBI's May killing of Ibragim Todashev, a Chechen national and friend of the elder Tsarnaev, as well as ordering the detainment and deportation of the former's close friends and associates. (See: "Family of Boston Marathon bombing witness killed by FBI denounces federal harassment")



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