

Closing arguments in Boston Marathon bombing case set for April 6

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Lawyers for Boston Marathon bombing defendant Dzhokhar Tsarnaev rested their case on Tuesday after calling only four witnesses in testimony lasting a mere five hours. The sparse defense case followed 15 days of testimony involving 92 witnesses called by the prosecution in the federal trial that began March 4.

Closing arguments are set for Monday, after which the case will go to the jury. Although Tsarnaev, 21, pleaded not guilty to the 30 counts against him, including 17 that carry a death penalty, his legal team conceded at the outset of the trial that he participated in the twin bomb blasts that killed three people and injured 264 more, many seriously.

The strategy of the defense team, headed by Judy Clarke, who has represented defendants in a number of high-profile capital cases, is to concede Tsarnaev's guilt but make the case in the sentencing phase that will follow a near-certain conviction that her client should be spared the death penalty and instead sent to prison for life. Her central aim in the trial phase has been to portray Dzhokhar Tsarnaev's older brother, Tamerlan, as the mastermind behind the bombings and her client as having come under his pernicious influence.

The four witnesses called by the defense gave testimony concerning fingerprints and Internet searches suggesting that Tamerlan played the main role in plotting the bombings and lured his younger brother into the conspiracy.

The prosecution, in an effort to secure a death sentence, has argued that the younger Tsarnaev was no less a committed Islamist terrorist than his older brother and was fully involved in the planning and execution of the attack. It presented a large volume of evidence, including graphic accounts from bombing victims, families, rescue workers and investigators, documenting the carnage and suffering resulting from

the twin blasts.

Prosecutors concluded their case Monday with testimony about the wounds suffered by two of those killed in the bombings—an 8-year-old boy and a 23-year-old female graduate student from China.

Two homemade pressure cooker bombs exploded near the downtown Boston finish line of the marathon on April 15, 2013. The bombings became the occasion for a massive mobilization of police and military forces in Boston and its suburbs. Late on April 18, after the Tsarnaev brothers had allegedly shot and killed a Massachusetts Institute of Technology police officer, Tamerlan was killed in a shootout with police.

The response of the authorities to Dzhokhar Tsarnaev's escape was to lock down Boston and its environs, a metropolitan region with over 1 million residents, for most of April 19. In what amounted to the de facto imposition of martial law, ostensibly in pursuit of one 19-year-old suspect, Boston and its surrounding communities were flooded with thousands of heavily armed police and National Guard troops.

They occupied the streets, supported by machine-gun-mounted armored vehicles, Humvees and Black Hawk helicopters. Residents were ordered to "shelter in place" while police, with automatic weapons drawn, carried out warrantless searches. The transit system was shut down, passenger train service was halted, and businesses, schools, universities and other public facilities were closed.

The Boston events had the character of a dry run for dictatorship. Yet in the voluminous media commentary on the current trial, there has been virtually no mention of the police-state scenario that followed the bombings. This is consistent with the lack of any significant criticism at the time from within the political or media establishment to the Boston lockdown.

It is also consistent with the silence to date, both inside and outside the courtroom, on a host of unanswered questions surrounding the marathon bombings. It emerged soon after the event that both the FBI and the CIA had been warned by Russian intelligence on more than one occasion of Tamerlan Tsarnaev's Chechen separatist and extreme Islamist sympathies. The elder Tsarnaev brother had been placed on a terrorist watch list, yet he was allowed to travel unhindered to Dagestan in Russia's North Caucasus in January 2012, where he stayed for six months and reportedly made contact with anti-Russian terrorists.

The FBI claims that it investigated Tamerlan Tsarnaev and the Tsarnaev family in 2011, following the warnings from Moscow, but concluded that there was no "derogatory" information concerning him. The FBI has since charged that the older Tsarnaev brother participated in the Waltham, Massachusetts murder of three Jewish men, including a "best friend," on the tenth anniversary of the September 11, 2001 attacks.

These and other unanswered questions strongly suggest that US intelligence was seeking to use Tamerlan Tsarnaev to further its covert anti-Russia operations among Chechen and Dagestan separatists. These regions also supplied many of the foreign fighters recruited by the CIA for its proxy war for regime-change in Syria.

Last year, Dzhokhar Tsarnaev's defense team filed papers with the court alleging that the FBI had attempted to recruit Tamerlan Tsarnaev as an informant. The defense has requested all information relating to the FBI's investigation of the older brother, but the government has blocked the release of such documents.

It remains to be seen whether Dzhokhar Tsarnaev's defense lawyers will raise any of these issues in the penalty phase of the trial. However, Judge George A. O'Toole, Jr. has signaled that he will seek to tightly control the information emerging from the proceedings so as to limit or exclude questions relating to the contacts between the US government and Tamerlan Tsarnaev.

Even before the jurors had been seated, the federal district judge granted a prosecution motion to limit the scope of evidence concerning the relationship between Dzhokhar and Tamerlan Tsarnaev during the trial's

initial phase.



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