



VIDEO
FRONT PAGE

AFRICA
AMERICAS
ASIA-PACIFIC
CENTRAL/S. ASIA
EUROPE
MIDDLE EAST

FOCUS
BLOGS
BUSINESS
SPORT
PROGRAMMES
WEATHER
YOUR VIEWS

SEARCH
ARABIC
ABOUT US

RSS

[Hashmi, the symbol \(/americas/2010/04/28/hashmi-symbol-0\)](/americas/2010/04/28/hashmi-symbol-0)

By [Kristen Saloomey \(/profile/kristen-saloomey/\)](/profile/kristen-saloomey/) in [Americas \(/americas/\)](/americas/) on April 28th, 2010

[Share \(http://addthis.com/bookmark.php?v=250&pub=mrayyan\)](http://addthis.com/bookmark.php?v=250&pub=mrayyan)



So, 30 year-old Syed "Fahad" Hashmi helped a guy deliver waterproof socks and rain ponchos to Al Qaida.

The fact that the 30-year-old college student who grew up in New York pleaded guilty to a charge of providing material support to a terrorist organisation was a disappointment to his supporters who believed he was innocent. But it doesn't mitigate their outrage over how his case was handled by the government.

Hashmi, an American citizen, had become a symbol of what they view as the unfair – and unconstitutional - treatment of Muslims in the post-9/11 world. His case prompted regular vigils outside the Metropolitan Correctional Center in lower Manhattan where he has been held in solitary confinement for the last three years.

His brother, Faisal Hashmi, likened the situation to the civil rights struggle of African Americans in the 60's.

"Specifically, within federal judicial system. It's helped us to put it into perspective that my

brother isn't the only one this has happened to. The landscape is littered with cases like this."

The government said Hashmi had threatened US soldiers after his arrest and it was necessary to keep him in extreme isolation because, even behind bars, he was a threat to American lives.

That's a punishment that is equated with torture under international law. At most, his mother and father got to see him twice a month. He spent 23 hours a day in his cell under constant video surveillance, with one hour allowed for exercise.

But what's even more serious, as far as the Center for Constitutional Rights and others are concerned, was the fact that he couldn't see the evidence against him and work with his defence attorneys on his case.

That, combined with the debilitating psychological effects of solitary confinement, they argue, puts a lot of pressure on a defendant to plead guilty.

And just two days before the trial was supposed to start, the federal judge in his case approved special security measures to protect the jury, including keeping their identities secret.

Prosecutors had requested the special measures."It is likely that the jurors will see in the gallery of the courtroom a significant number of the defendant's supporters," they said in court filing, "naturally leading to juror speculation that at least some of these spectators might share the defendant's violent radical Islamic leanings."

Needless to say, the supporters they were referring to were Muslims identifiable by their dark beards and head scarves.

Bill Quigley, legal director for the Center for Constitutional Rights, said the move was a form of racial profiling- and would prejudice the jury.

"It really turns the idea of innocent until proven guilty on its head. It plants the seed in any reasonable person there is something scary going on."

Hashmi's family has been quiet since the plea – but I spoke to them just after the judge had ruled on the security measures. His father, Syed Hashmi, said he had lost hope.

"The way the whole thing is structured, it looks like (it would take) a miracle to get a fair trial."

That may have contributed to Hashmi's last minute decision to accept a plea. He was facing four charges and up to 70 years behind bars. Under the deal with the government, he is expected to get a 15 year sentence, and he could be out in less than ten years with good behaviour.

Preet Bharara, the United States attorney in Manhattan, praised the investigative work that went into Hashmi's case.

"Having admitted his guilt, he will now face justice for giving aid to terrorists he knew full well were dedicated to harming Americans," he said in a statement.

But was there any evidence that Hashmi himself was such a threat to his fellow Americans that the US had to incarcerate him in a manner forbidden under international law?

Now, we may never know.

Topics in this blog

People	City	Organization
<ul style="list-style-type: none"> ■ Faisal Hashmi /(category/person/faisal-hashmi) ■ Syed Hashmi /(category/person/syed-hashmi) 	<ul style="list-style-type: none"> ■ New York /(category/city/new-york) 	<ul style="list-style-type: none"> ■ al-Qaeda /(category/organization/al-qaeda)