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Dossier

# Abdulrahman El Bahnasawy

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## Executive Summary

Abdulrahman El Bahnasawy is a Canadian citizen from Oakville, Ontario, who is currently serving an unfair, cruel, and controversial sentence of 40 years in a United States prison for charges of conspiring and providing material to commit terrorism. How did the Federal Bureau of Investigation (FBI) and the Royal Canadian Mounted Police (RCMP) entrap a 17-year-old Canadian minor, with a long history of mental health illnesses, primarily bipolar disorder?

Abdulrahman is a funny, friendly, down to earth, and loving person who was raised in a very humble and modest family. He is a smart student who did well in school, particularly in mathematics, aspiring to become an engineer or a computer programmer. However, from a young age, he suffered from mental health and substance abuse problems.

His aspiring dreams in life were turned into a nightmare by the FBI and RCMP. Despite having no criminal and violent history, he was lured by FBI undercover agents into participating in the planning and conspiring of a terrorist attack in New York. Both agencies knew about his mental illness; however, it was exactly this fact that made him an easy target for entrapment.

Abdulrahman's mental health illnesses include a severe tendency to fixate on a subject, medically referred to as 'looping', as confirmed by physicians who testified in his trial. As part of a school project on Islamic history and the caliphate (which is now perverted due to Islamic extremist groups like ISIS), days and nights of research led Abdulrahman into online chat groups where he was immersed in an environment of extremists. Due to his 'looping' and bipolar disorder, Abdulrahman is easily susceptible to talk about any subject. Unaware he was being targeted by undercover FBI agents posing as ISIS recruiters, they engaged Abdulrahman in radical discussions such as the mistreatment of Muslims by the United States. The conversations elevated to identifying suitable targets to bomb. The agents then identified bomb-making materials that could be easily purchased over the counter such as cleaning chemicals. Following further instructions, Abdulrahman then shipped hydrogen peroxide online to an address in New York. The point was not to build a bomb but to show intent and conspiracy to build one which Abdulrahman had no knowledge whatsoever. This approach of instructing and directing vulnerable individuals/groups is a well documented practice of the FBI.


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His parents who were worried about their son's deteriorating condition and isolation - and unaware of Abdulrahman's online interaction with ISIS and undercover law enforcement - had to pay out of their own pockets to see a psychologist since they were put on a waiting list by CAMH. During Abdulrahman's engagement in the online chats, he was not taking his medication due to its side effects such as weight gain and tiredness which got him to be bullied. Since Abdulrahman was on a waiting list, the computer became his only joy to pass time as he was out of school. They managed to get an appointment months later in May and proposed to go on a road trip to New York before Abdulrahman's meeting with the Canadian psychologist. Unfortunately, the FBI arrested Abdulrahman upon arrival in New Jersey, strategically timed so that he would be 18 years old and therefore be an adult in court.

Since his arrest, Abdulrahman has faced several due process and human rights violations. His case was sealed to allow absolute control over Abdulrahman without any outside interference. His detention was harsh with abusive conditions including prolonged solitary confinement and severe restrictions on communicating with his family and legal counsel, possibly impeding his ability to assist in his defense and contributing to his decision to plead guilty. He has not received the proper medical and mental health treatment he requires. He was denied the choice of his legal representation, and his age and mental health illness were not considered for mitigating factors in his sentencing. For these reasons, his legal counsel has appealed the court's decision.

Abdulrahman's case is on the public record of a Canadian being entrapped by the FBI, with support of the RCMP. According to Human Rights Watch, after 9/11, both the United States Justice Department and the FBI have targeted American Muslims in counterterrorism "sting operations". In reality, legal sting operations regularly cross into entrapment. Abdulrahman's case is one of the several cases of entrapment of foreign nationals instead of American "homegrown" terrorists.

As it relates to Canada's involvement, the RCMP's knowledge of Abdulrahman's age, mental health, and its collaboration with the FBI is problematic. The RCMP had the opportunity to inform Abdulrahman's parents, confront Abdulrahman and stop Abdulrahman from going to New York where he would eventually be arrested, charged and sentenced to 40 years in prison. Rather, they simply gifted one of their own nationals, a minor with mental illness to the FBI. In a similar case in Canada, John Nuttall and Amanda Korody were acquitted in 2018, due to entrapment by the RCMP, a year



after being found guilty by a jury for their role in the British Columbia (BC) legislature bomb plot. Justice Catherine Bruce, the BC Supreme Court Judge with the decision, stated a powerful message in her concluding remarks that touches upon Abdulrahman's case: "Simply put, the world has enough terrorists. We do not need the police to create more out of marginalized people who have neither the capacity nor sufficient motivation to do it themselves." The RCMP's involvement in Abdulrahman's entrapment is currently under review by the National Security and Intelligence Review Agency (NSIRA).

For Abdulrahman, the lack of treatment and rehabilitation offered in the United States is a serious concern for his well-being and his chance at reintegration into society. The International Transfer of Offenders Act (ITOA) in the Statutes of Canada, allows Canada to bring Abdulrahman home to serve his sentence in a Canadian prison. This would also enable his family - who have committed greatly to help him - easier access to visit and support him. A request was made by his legal counsel during his trial to have him transferred to a Canadian prison. The prosecution and judge expressed they had no reservations about such a request if it was made by the Canadian government.

Abdulrahman does not belong in prison. At the very least, he deserves to serve his time in his home country where his family can easily visit and support him while receiving the appropriate treatment not offered by the United States. Abdulrahman needs to be supported by his loving and caring family, not a prison with harsh living conditions. Canada has failed to protect one of its citizens - a minor with mental health issues - and is responsible to bring Abdulrahman back home.

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## Who is Abdulrahman El Bahnasawy?

Abdulrahman was born in Kuwait and moved to Canada with his parents and younger sister when he was 7. He was raised in a modest family. His father, Osama, is an IT consultant and his mother, Khdiga, is a PhD university professor. Abdulrahman had a positive outlook on life when he was a child and as a teenager. Growing up, he enjoyed and was interested in astronomy, soccer, and computers. Abdulrahman was known among his friends for his sense of humour, his genuine friendship and his care for others. He was of gentle character who was never violent, deplored fights, and bullying.



Pictured: Abdulrahman El Bahnasawy

Abdulrahman enjoyed school and his favorite subject was math. He was a bright student who typically scored 75-80 out of 100 on exams. According to his teachers, Abdulrahman was a smart young man but he was hyperactive and had trouble focusing. He dreamed of a future. Sometimes he envisioned himself becoming an engineer, other times a computer programmer.

Unfortunately, from a young age, Abdulrahman suffered from mental illnesses. His birth was traumatic due to a severe uterine rupture suffered by his mother which required surgery and as a result a loss of oxygen for some time. During his adolescence, he began to show increasing psychological problems leading to multiple hospitalizations.

Abdulrahman struggled with his mental health which made it difficult for him to connect with his family, school peers, and the community. Some of the numerous symptoms he experienced included lack of sleep, depression and suicidal thoughts.

His most consistent tendency was to fixate compulsively on certain topics. Dr. Porterfield, a clinical instructor of psychiatry at New York University School of Medicine, who worked with Abdulrahman since January 2017, referred to it as 'looping': when the brain circles back to an idea repeatedly, fulfilling a part of one's cognitive thinking. Dr. Porterfield recognized the looping pattern in Abdulrahman's life which began with "the solar system, soccer, computers, and then sadly, sadly, and tragically, drugs -- introduced to him when he was 14 [2012], and which took hold."<sup>1</sup>

Throughout his life, his family sought treatment for his serious mental health and subsequent substance abuse issues. The constant search for treatment and movement in various facilities at such a young age had an impact on his mid-adolescence. In March 2014, Abdulrahman was admitted to the Kuwaiti Center of Psychiatric Health, discharged with a diagnosis of polysubstance and major depressive disorder, and readmitted several times. In July of 2014, he was admitted to the Center for Addiction and Mental Health (CAMH) in Canada where he expressed thoughts of self-harming (i.e. suicide) and auditory hallucinations. In late 2014, he was admitted to Egypt's Alriyada Center Hospital where he spent 7 months. At this point, Alriyada diagnosed Abdulrahman with bipolar emotional disorder, fits of obsession, and fits of depression with psychotic features. During these fits, he is very chatty, does not sleep much, is not aware of himself, and does not abide by his promises and statements.



*Abdulrahman El Bahnasawy with his parents*

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<sup>1</sup> [Dr. Porterfield's Medical Report](#)

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From a young age, Abdulrahman suffered from bullying and peer pressure in Kuwait. In primary school, he experienced what he called “nationality prejudice”, as he, an Egyptian, did not fit in with his fellow peers who were Kuwaiti.<sup>2</sup> Canada provided Abdulrahman with a new start where he enjoyed his new school and made new friends, stating that “the students all treated each other the same.”<sup>3</sup>

But like many youths, Abdulrahman experimented with drugs. He was about 13/14 in Canada when his history of substance abuse began. Due to his looping condition, he began doing marijuana after he had a school project about the impacts of drugs (he read about the advantages of marijuana use), which then led him to try a variety of other drugs. Abdulrahman and his family moved back to Kuwait to prevent more substance usage.

Interested in finding out easier methods to get high, Abdulrahman found alternatives in other drugs such as DXM, diphenhydramine, and codeine. As these drugs were hard to get and costly, Abdulrahman’s research led him to inhalants that released butane, like air fresheners, bug spray, and lighter fluid cans. According to Dr. Porterfield, “it is not an exaggeration to say that inhalant use in this undercontrolled, obsessive boy was like pouring gasoline on a flame.”<sup>4</sup> The inhalants triggered experiences of ‘realistic’ hallucinations. To illustrate, he referred to one of the voices as “Hamtaramo”, one of his only friends whom he spent hours talking to. After getting caught by his parents and admitting to the hallucinations, he was admitted to a psych hospital in Kuwait.

Once he was released from the hospital, his substance usage resumed and his mental health deteriorated. Thus, he was put back in the hospital until his parents decided to bring him to Canada, at CAMH, for better inpatient treatment. Ensuing rehab in Canada, he and his family went back to Kuwait but the same substance use (mostly marijuana and inhalants with butane) and mental health problems continued. After being diagnosed with bipolar disorder at Egypt's Alriyada Center Hospital where he spent 7 months, he and his parents realized the positive mental health progression and lack of substance usage, permanently moving back to Canada to start grade 11.

Although the family witnessed tremendous beneficial growth in Abdulrahman, the side effects of the drug he was taking for treatment negatively affected his social presence.

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<sup>2</sup> [Abdulrahman's Letter to the Judge](#)

<sup>3</sup> Ibid.

<sup>4</sup> [Dr. Porterfield's Medical Report](#)



He felt judged by his classmates because of his weight gain and reported to be tired and sleepy in class. Thus he decided to stop taking the medication and his parents witnessed the ensuing drastic changes in his behaviour.

At this juncture, Abdulrahman's behaviour became increasingly argumentative, irritable, started staying up at night, isolated himself, and spoke quickly. His family said he was frequently experiencing mood instability, obsessed with one topic after the other. In December 2015, he had a panic attack and was sent to a local hospital. By January 2016, he was socially isolated and dropped out of school. His parents attempted to sneak his medication in his diet after realizing he had stopped taking them. As his parents were extremely worried about his condition and isolation, they had to pay out of their resources to see a private psychologist as they were put on a waiting list by CAMH. The earliest appointment that his parents got him was in May of that year, a couple of days after Abdulrahman's arrest.

## Mental Health Conditions

Here is a list and brief explanation of the mental health conditions that Abdulrahman lived with.

- According to Mayo Clinic, bipolar disorder is a mental health condition that causes extreme mood swings that include emotional highs (mania or hypomania) and lows (depression).<sup>5</sup>
- Mood instability, which occurs in the prodrome of bipolar disorder (among other conditions) and is perhaps the most common symptom of bipolar disorder, relates to the frequency of mood changes.<sup>6</sup>
- Obsessive Compulsive Disorder (OCD) is made up of two parts: obsessions and compulsions. Obsessions are unwanted and repetitive thoughts, urges, or images that don't go away. Compulsions are actions meant to reduce anxiety caused by obsessions.<sup>7</sup>
- Per Harvard Health Publishing, in major depression, the most prominent symptom is a severe and persistent low mood, profound sadness, or a sense of despair.<sup>8</sup>

<sup>5</sup> <https://www.mayoclinic.org/diseases-conditions/bipolar-disorder/symptoms-causes/syc-20355955>

<sup>6</sup> <https://www.prescriber.co.uk/article/mood-instability-versus-bipolar-disorder-what-to-look-for/>

<sup>7</sup> <https://cmha.ca/documents/obsessive-compulsive-disorder-ocd>

<sup>8</sup> [https://www.health.harvard.edu/a\\_to\\_z/major-depression-a-to-z](https://www.health.harvard.edu/a_to_z/major-depression-a-to-z)

- Diagnosed with Unspecified Schizophrenia and Other Psychotic disorder (experiencing symptoms of but not meeting the full diagnostic criteria of schizophrenia), schizophrenia is a serious mental disorder in which people interpret reality abnormally (hallucinations and delusions).<sup>9</sup>

Despite the mental illnesses and substance struggles, Abdulrahman never gave up hope in trying to live his life as best he could. Mike Duran, who met and became friends with Abdulrahman at CAMH, said of his friend that he was the “funniest guy you’ll ever meet” and got along with the other patients.<sup>10</sup>

## What Happened?

Although Abdulrahman previously did not identify himself as a Muslim, he was enrolled in an Islamic school for grade 11, not for the sake of learning his faith but rather for a means to prevent his substance and drug usage within a controlled environment. Abdulrahman’s sobriety improved (he was clean off drugs for a year and 4 months before his arrest) but he then pivoted and became fixated on his religion. Abdulrahman began research for a school assignment on Islamic caliphates which from its rich history has now been perverted by certain Islamic extremist groups like ISIS which have embedded their content online. It was at this point that he stumbled upon an online ISIS group chat. He was off medications and according to Dr. Mariani “this online social cult replaced substance use as a rewarding compulsive behaviour.”<sup>11</sup>

When Abdulrahman was pulled into these chat groups, he was introduced to and in communication with radicalized recruiters - among them undercover informants - in the chat applications who were promoting ISIS ideology and hate, and encouraging anti-American sentiment. As Abdulrahman was self-isolated in his room, he felt as if the people he was in contact with made him feel important. By sending Abdulrahman videos of ISIS leaders and preaching hate towards the United States, the informants played a significant role in entrapping the vulnerable minor.

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<sup>9</sup> <https://www.mayoclinic.org/diseases-conditions/schizophrenia/symptoms-causes/syc-20354443>

<sup>10</sup>

<https://www.thestar.com/news/world/2017/10/10/mississauga-teen-linked-to-nyc-terror-plot-suffered-from-drug-addiction-mental-health-issues-documents.html>

<sup>11</sup> [Dr. Mariani’s Medical Report](#)

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Now shaped by the informant and ripe for putting his words to action, he was then referred to a New York contact - another informant - who convinced Abdulrahman to take specific but limited actions that collectively demonstrate sufficient will to implement a conspiracy of a terrorist plot. The informant gave the names of basic materials such as cleaning chemicals and instructed Abdulrahman to ship it to a location in New York. Abdulrahman, who does not have an employment history nor any knowledge of bomb-making but with the instruction of the informant and the help of a financier within the online chat, purchased around 100 dollars of hydrogen peroxide and sent it to the informant.

Right after his 18th birthday, on May 21, 2016, Abdulrahman and his family traveled on a family road trip to the United States before his appointment with a Canadian psychologist. Upon arriving in New Jersey he was arrested by FBI agents.

## Pre-Trial Detention and Charges

After Abdulrahman was arrested, he was placed in the Special Housing Unit (SHU). He did not receive his medication (Olanzapine/Zyprexa) until approximately 10 days after his arrest. He reported to his legal team that he felt suicidal had attempted to hang himself and overdose on Tylenol.

For over a year Abdulrahman was held in the Special Housing Unit (SHU) in a US prison. During that period his mental health disorder escalated as he was denied the proper medicine and medical attention. To illustrate, he was experiencing hallucinations in his cell. In 2017 he was allowed to move into the general population for a day, where he obtained Suboxone from an inmate, a prescription medication used to treat drug addiction. He took the drug and relapsed. Abdulrahman admitted to prison officials and complied with all the drug tests because he knew what he did was wrong and wanted to break this addiction. His regular and functioning medication was switched to a different one when he made this decision. As punishment, jail authorities cut off his family visits for 18 months and placed him in solitary confinement.

Dr. Katherine Porterfield issued a clinical opinion on not allowing family visitation for 18 months after Abdulrahman had admitted to drug use at the Metropolitan Correctional Center (MCC). She stated "In my clinical opinion, not allowing family visitation is

deleterious to Abdulrahman's mental health... His increased symptoms of anxiety and depression have impaired Abdulrahman's ability to make important decisions in his case." The harsh punishment was later repealed after numerous complaints from Abdulrahman.

Abdulrahman's detention in a New York prison was harsh with abusive conditions. This included prolonged solitary confinement and severe restrictions on communicating with his family and legal counsel, possibly impeding his ability to assist in his defense and contributing to his decision to plead guilty. As a result, he tried to commit suicide on two separate occasions.

The day after his first visit with federal defenders and without any notice to the public, his family, or his private lawyers, this vulnerable youth was persuaded to enter a guilty plea to seven capital offences. Later in the afternoon, he was brought before the trial judge who accepted his guilty plea after asking a few cursory questions. No effort was made to ensure Abdulrahman was mentally fit to make an informed decision by way of a psychiatric assessment. Years of mental health problems and substance usage did not magically disappear during his first months in prison – especially since being housed in SHU.

On October 13, 2016, only a few months after his arrest, Abdulrahman El Bahnasawy pleaded guilty to 7 charges:

- Conspiracy to use weapons of mass destruction.
- Conspiracy to commit acts of terrorism, transcending national boundaries.
- Conspiracy to bomb a place of public use and public transportation system.
- Conspiracy to provide material support and resources to terrorists.
- Providing material support to terrorists.
- Conspiracy to provide material support and resources to a designated foreign terrorist organisation.
- Providing material support and resources to a designated foreign terrorist organisation.

Abdulrahman, now 22-year-old, was sentenced to 40 years.

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## Prison Assessment

How does a young person – who just turned 18-years-old – with documented mental health issues and substance abuse able to exercise agency and decide to plead guilty without conferring with his/her parents? After Abdulrahman was arrested, he was placed in the Special Housing Unit (SHU). He did not receive his medication (Olanzapine/Zyprexa) until approximately 10 days after his arrest. He reported to his team that he felt suicidal, had attempted to hang himself and overdose on Tylenol.

According to the prison assessments, Abdulrahman was checked medically 4 times before pleading guilty on October 13, 2016, only a few months after being arrested.

6 days after his arrest, Abdulrahman was clinically checked for the first time. He mentioned experiencing voices/random noises, both without and with the influence of substances, which tells him that he is no good. The assessment affirmed that Abdulrahman has unspecified schizophrenia and other psychotic disorder; inhalant use, with inhalant induced disorder; opioid use, with opioid-induced disorder.

About a month later in June 2016, he was clinically checked in his Special Housing Unit (SHU). He was still hearing voices but to a lesser extent. The assessment affirmed that Abdulrahman has unspecified schizophrenia and other psychotic disorder. In July 2016, Abdulrahman referred himself to psychiatry. He mentioned his frequent auditory hallucinations and panic attacks. Whenever he gets a panic attack, he feels like something bad is going to happen to him. His mental state was a neutral mood with mildly restricted range of effect. In September 2016, Abdulrahman stated that the medication was working but that it contributed to his weight gain due to being in SHU and not being able to be active.

Abdulrahman was not fit to plead guilty to the charges against him. Years of mental health problems and substance usage did not magically disappear during his time in prison – especially since being housed in SHU. His diagnosis of bipolar disorder, unspecified schizophrenia and other psychotic disorder was known by the doctors in the prison. He complied in taking his medication but continued to experience anxiety, panic attacks and depression in confinement. Combined with the 'Representation Issues' (See Below), Abdulrahman did not have agency in his decision to plead guilty. He was not fit

to make such a life-changing decision and was wrongly influenced by the federal defender to do so.

After pleading guilty, Abdulrahman still experienced mental health problems. Before the end of 2016, Abdulrahman's mother sent a letter to a writer who checked Abdulrahman for a crisis intervention. Abdulrahman's mother was concerned for her son's mental health and previous suicide attempts. In late December 2016, Abdulrahman noted that his anxiety and depression became more apparent having just experienced a panic attack the previous evening. At this point, the doctor's diagnosis formulation was consistent with the facts of Abdulrahman's life: long history of substance use, delusions and hallucinations, taking psychotropic medication, and anxiety. The doctor's diagnosis was once again unspecified schizophrenia and other psychotic disorder.

In February 2017, Abdulrahman was still in the SHU and was adjusting adequately as reported by the Psychology Services. He was compliant with the psychotropic medication but mentioned that it did not help with anxiety and panic attacks. A month later, Abdulrahman wanted to change his medication as he was still experiencing anxiety and panic attacks.

## Representation Issues

The retained counsel by Abdulrahman's parents consisted of Dennis Edney, Jason D. Wright, and Andrew J. Frisch. One of the guarantees of the Sixth Amendment to the United States Constitution is the right to counsel exclusively exercised by the defendant. In this case, Abdulrahman had the option between the federal defenders (Ms. Schroff and Mr. Kaminsky) or the private lawyers, but ultimately the Judge rejected Abdulrahman's choice of retained counsel and enforced the representation of the federal defender.

Abdulrahman's relationship with his federal defender has been questionable from the get-go. Early on, Abdulrahman asked his parents to find alternative representation as he was concerned about the federal defender's relationship with law enforcement. Over the period of his pre-trial detention, the public defender would not update the family regularly. Unlike private counsel, she had regular and unrestricted access to him. Subsequently, she took advantage of Abdulrahman's vulnerability and took control of his decision-making. Due to his solitary confinement, the visits by the public defender and

her favors become the only meaningful human contact Abdulrahman had, making her indispensable.

After his prolonged solitary confinement, his cutoff from family, his lack of medication for his bipolar condition, and his drug relapse, Abdulrahman became extremely vulnerable and fatigued.

According to Abdulrahman's family, the federal defender had told her son to plead guilty if he wanted to get out of prison rather than to comply with his parent's decision of private counsel which according to the federal defender would have upset the judge and led to a heavy sentence. Also, Dennis Edney, who was in talks with Abdulrahman as requested by his parents but ended up not partaking in his defense, told the judge about the federal defender that "He [Abdulrahman] told me that he was told by Ms. Shroff that I was a bad lawyer," who "screamed at me on the phone" and he eventually "withdrew from further communications with her."<sup>12</sup>

Abdulrahman's decision to plead guilty was never his intention nor the advice from his family or his private counsel. This decision was wrongly influenced by the federal defender and shocked everyone - especially his family - when they were informed only after the fact.

During the process of choosing representation, Abdulrahman became indecisive and confused about legal representation, but eventually chose private counsel. On November 7, 2017, Abdulrahman made clear that he wanted to be represented by Mr. Frisch and Mr. Wright, whom he had spoken with about the decision. Further, the federal defender had agreed to Abdulrahman's choice and asked multiple times to be relieved, to the rejection of the Judge. The Judge ordered the federal defender to remain Abdulrahman's counsel and that Mr. Frisch and Mr. Wright were "equally responsible" as co-counsel which did not benefit his defense.

As per Mr. Frisch's appeal, "By the time of Judge Berman's order that two sets of lawyers be "equally responsible" as counsel, Bahnasawy was unequivocal in his request that he be solely represented by Mr. Frisch and Mr. Wright; he had explained to Judge Berman as part of an extensive colloquy that he "just didn't want Federal Defenders anymore for my own will, for my own thinking;" he (and all the lawyers) had been provided a transcript of his extensive colloquy with Judge Berman to reflect on the decision; the Federal

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<sup>12</sup> <https://globalnews.ca/news/3870725/canadian-isis-attack-new-york-antipsychotic-drugs/>

Defender had by then not spoken to Bahnasawy in some time; and thereafter two sets of lawyers attempted to “work as a team” and “congeal,” [as stated by the federal defender] not to animate Bahnasawy’s exercise of his Sixth Amendment rights as he saw best, but to accommodate Judge Berman.”

## Medical Reports Post-Incarceration

Abdulrahman’s defense included reports of 3 medical experts after spending time with and assessing him.

**Dr. Katherine Porterfield**, clinical instructor of psychiatry at New York University School of Medicine and senior psychologist at Bellevue NYU program for survivors of torture.


**Dr. Ali Khadivi**, associate chair for clinical care evaluation and research, and chief psychologist at the Bronx Lebanon Hospital Center.

**Dr. John J. Mariani**, research psychiatrist at the New York State Psychiatry Institute and associate professor of clinical psychiatry at Columbia University Medical Center of Psychiatry.

All three doctors concluded that Abdulrahman had mitigating factors which contributed to his involvement in the charges laid against him but that his mental health responded well to sustained treatment in their medical reports.

Dr. Porterfield mentioned 6 factors that were interrelated and led to the worsening of Abdulrahman’s poor functioning: organic brain dysfunction (neurocognitive deficits), mood instability and thought disorder, addiction, social isolation and immaturity, suicidality and self-destructiveness, and family dynamics. She recommended 5 treatments for Abdulrahman after spending a year with him: addiction treatment, cognitive behavioral therapy, psychiatric care and follow-up, educational and vocational training, and spiritual support and guidance. In regards to treatment, Dr. Porterfield testified in the sentencing after Judge Berman was skeptical of Abdulrahman’s prognosis that “mental illness can be a lifelong condition, but it also is - we have abundant evidence of that, that ongoing treatment, identification of where the problem areas are and real support works and that people do get well.” She also stated that Abdulrahman is not in denial of his condition and that she was impressed with the services provided by Canadian corrections when she worked in one of their facilities.



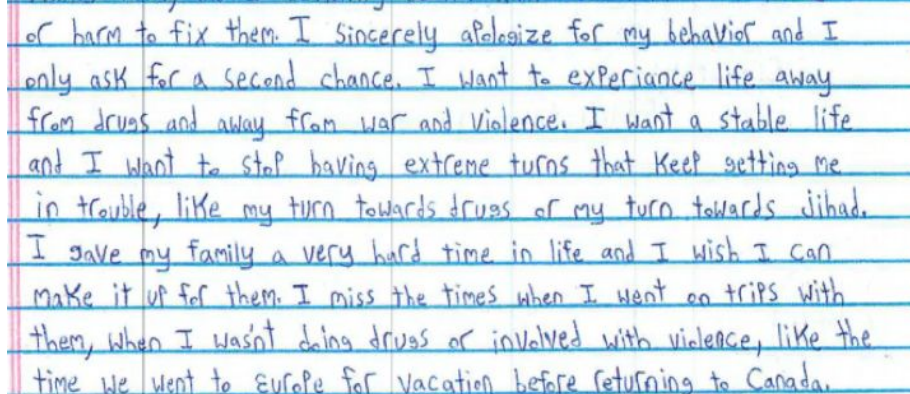


Dr. Mariani pointed out that Abdulrahman’s mental health improves when compliant with antipsychotic medication and deteriorates when non-compliant, the latter of which was his state when he engaged in online communication with ISIS members. Dr. Mariani’s psychiatric assessment concluded that Abdulrahman has “demonstrated compulsive substance use, psychotic and mood symptoms, and impaired cognitive functioning throughout his adolescence.” Dr. Mariani also noted that decisions were made by the government in managing Abdulrahman’s cooperation that did not take into account his particular vulnerabilities given his psychiatric history. Likewise, Dr. Mariani has seen firsthand that treatment benefited Abdulrahman. On Abdulrahman’s treatment Dr. Mariani testified that “I have certainly seen in my work with him reason to be optimistic about his future, and, certainly, my professional opinion is that treatment of substance use problems and psychiatric conditions, in general, is a worthwhile effort, and in many cases results in good outcomes.”

Dr. Khadivi’s report stated that Abdulrahman had cognitive deficits which increased his potential for impulsivity and consequently to negatively impact his decision-making. Based on all the examinations, Dr. Khadivi concluded that Abdulrahman has multiple mitigating factors. These deficits increase his propensity for impulsivity, negatively impact decision-making processes, and diminish his ability to self reflect and to weigh the risk and benefit of his actions. In terms of genetic disposition, Dr. Khadivi mentioned that both sides of the family have had mental health issues leading to his psychiatric illness. Furthermore, all of Abdulrahman’s psychiatric and cognitive conditions are amenable to treatment. The evidence suggests that he has a major mental illness that responds well to sustained treatment.

## The Sentence

Prior to his sentencing Abdulrahman wrote a letter to the judge asking for a second chance. He even apologized for his mental health, something that the FBI and RCMP knowingly took advantage of.

A photograph of a piece of lined paper with handwritten text in blue ink. The text is written in a cursive style and is somewhat blurry. It reads: "of harm to fix them. I sincerely apologize for my behavior and I only ask for a second chance. I want to experience life away from drugs and away from war and violence. I want a stable life and I want to stop having extreme turns that keep setting me in trouble, like my turn towards drugs or my turn towards jihad. I gave my family a very hard time in life and I wish I can make it up for them. I miss the times when I went on trips with them, when I wasn't doing drugs or involved with violence, like the time we went to Europe for vacation before returning to Canada."

An excerpt from Abdulrahman's letter to the Judge (Credit: CBC)

Abdulrahman was wrongly put in this situation due to the controversial relationship his federal lawyers had with him. The reason Abdulrahman pleaded guilty to the 7 charges was because of the pressure and trust his defense team (the public defenders) had gained and told him it was the right decision to take. This outcome shocked Abdulrahman's parents who advised their son to take private counsel which the federal defender urged Abdulrahman against. Abdulrahman's multiple requests to change lawyers and the federal defenders numerous demands to be relieved was rejected by Judge Berman. It is in this dubious condition that Abdulrahman pleaded guilty and was now placed for sentencing.

During the sentencing, Judge Burman was pessimistic about Abdulrahman's prognosis, anecdotally stating "people with these lifelong -- particularly I'm now talking about mental health issues, which I suspect is a lifelong problem for him -- and later on, combined with this severe drug addiction that he has, this is anecdotal, but I haven't seen the ability to make that turnaround, to go from that situation to being a functioning law-abiding -- we have to say because we're a court -- but productive member of society." Every doctor who assessed Abdulrahman reinforced their conclusion that his mental health must be taken into consideration as a mitigating factor in sentencing and confirmed that treatment has been beneficial to Mr. Bahnasawy.

Furthermore, Abdulrahman's defence cited a study from George Washington University with regards to sentences imposed in cases from the United States dealing with ISIS. 13.4 years was the average number of years given for defendants whose average age was 28. Abdulrahman does not fit the profile of a terrorist, he had no knowledge or expertise

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on such terrorist-related issues like making a bomb; however, his mindset and actions of sending materials was influenced and instructed by the informants through the chats.

On December 19, 2018, Abdulrahman El Bahnasawy was sentenced by the United States District Court for the Southern District of New York presided by Judge Burman to 40 years in prison. Lifetime supervision was mandated after Abdulrahman's release to prevent him from committing a crime, unlawfully possessing and using a controlled substance, and carrying a dangerous weapon. Abdulrahman will have to take part in an intensive program for both counseling and substance abuse.

According to Judge Berman, the reasons for this sentence was due to the nature of the crime (terrorism-related charges), Abdulrahman's willingness to carry out the plot, the lack of assurance to prognosis, the protection of the public, and deterrence. The less than life sentence will allow Abdulrahman the opportunity to rejoin society. Judge Berman promised to do his best to provide services and treatment for Abdulrahman under incarceration.

## The Appeal

On November 14, 2019, Abdulrahman appealed to the United States District Court for the Southern District of New York's conviction upon his plea of guilty to the 7 charges that led to Judge Berman's 40-year imprisonment sentence. Per Andrew J. Frisch's appeal submission, there are 2 points of consideration: the Court's dismissal of Abdulrahman's choice of representation (discussed in 'Representation Issues') and the unreasonable sentence of 40 years.

According to the appeal, a defendant's youth and mental health issues have always been recognised by the Supreme Court of the United States as factors that mitigate accountability and the nature of the sentence. Mr. Frisch points out that Judge Berman was skeptical of the prognosis of not only Abdulrahman - but of young people - despite the progression observed by the medical professionals who testified in court.

Despite Judge Berman's promise to provide necessary treatment to Abdulrahman, Mr. El Bahnasawy's legal team submitted a declaration of experts stating - without any dispute - the lack of proper psychological treatment provided by United States prisons. Unlike the United States, Canadian prisons offer important services such as mental health treatment

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to individuals like Abdulrahman, as Professor Amir Attaran of the University of Ottawa, concurred by saying “They consider it a statutory, moral imperative.”<sup>13</sup>

## U.S. Prosecution Rejects the Defendant’s Challenge to Appeal 40-Year Sentence

On February 25, 2020, the U.S. prosecution issued a brief rejecting Abdulrahman’s appeal of his 40-year sentence. According to the prosecution, the sentence is justifiable on the basis of the nature of the crime and the defendant’s youth, mental health, and substance addiction. They argue that the uncertainty of both Abdulrahman’s prognosis and successful rehabilitation were significant factors in Judge Burman’s sentence that would protect the public from a “radicalized terrorist.”<sup>14</sup> The prosecutors maintain that Abdulrahman’s communication with the undercover law enforcement was well after the plot had been planned. Furthermore, they contend with Judge Berman’s refusal to dismiss Abdulrahman’s federal defenders since at times he expressed wanting them to represent him.

## What is Entrapment?

According to the United States Department of Justice, entrapment is a defense to criminality on the theory that “Government agents may not originate a criminal design, implant in an innocent person’s mind the disposition to commit a criminal act, and then induce commission of the crime so that the Government may prosecute.”<sup>15</sup> The New York Times reported that two of every three American prosecutions involving supposed ISIS supporters witnessed undercover operations.<sup>16</sup>

Furthermore, according to Human Rights Watch’s “Illusion of Justice: Human Rights Abuses in US Terrorism Prosecutions”, 8 of the 27 cases that they examined “targeted particularly vulnerable individuals with mental or intellectual disabilities.” These cases include: Rezwan Firdaus, Adel Daoud, Hosam Smadi, Shawahar Matin Siraj, Raja Khan,

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<sup>13</sup> [Sentencing Document](#)

<sup>14</sup> <https://www.cbc.ca/news/canada/toronto/el-bahnasawy-appeal-1.5475740>

<sup>15</sup> <https://www.justice.gov/archives/jm/criminal-resource-manual-645-entrapment-elements>

<sup>16</sup> <https://www.nytimes.com/2016/06/08/us/fbi-isis-terrorism-stings.html>

James Cromitie and Laguerre Payen (part of the Newburgh Four), and “Portland Seven”. In US federal terrorism cases, the defence of entrapment has never been successful.

There are various debates about what entrapment consists of. Unlike sting operations which are lawful, entrapment is not. Unfortunately, sting operations regularly cross the line of entrapment.<sup>17</sup> One of the major points of contention is determining the boundaries of law enforcement in their role to catch someone that will commit a crime. This line is crossed when the defendant, who was not willing and had no predisposition to commit the crime, was influenced by the persuasion and coercion of law enforcement.

## Abdulrahman Was Entrapped

While his mental illness was at a standstill, his psychiatric and addiction history left Abdulrahman vulnerable to being radicalized and entrapped. He immersed himself in a chat room, unaware he was being targeted by undercover FBI agents posing as an ISIS recruiter. The agents engaged Abdulrahman in radical discussions including the mistreatment of Muslims by the United States. By sending Abdulrahman videos of ISIS leaders and preaching hate towards the United States, the informants had quickly entrapped the vulnerable teenager. To illustrate, the informant stated to Abdulrahman that “they [the United States] are at war with us”, “Akhi [brother] I know more than you’ll believe ... Lets just say I know firsthand. They are at war with us,” and “They’ve been bombing us for decades. They need to feel the wrath.”<sup>18</sup>

Now further radicalized by the informant and ripe for putting his words to action, Abdulrahman was then referred to a New York contact - another informant - who coordinated the shipment of materials sent by Abdulrahman to his location for the bomb plot. Abdulrahman, who does not have an employment history but with the instruction of the informant and a financier within the online chat, purchased around 100 dollars worth of hydrogen peroxide and sent it to the informant.

In response to Abdulrahman stating his thoughts about the severe punishment that may endure on him if an informant was in the chat stating (to ironically the informant and other ISIS supporters) “We would get 45-plus years... This idea is scaring me, akhi [brother],”

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<sup>17</sup>

[https://www.vice.com/en\\_us/article/3keyqy/the-line-between-fbi-stings-and-entrapment-has-not-blurred-its-gone](https://www.vice.com/en_us/article/3keyqy/the-line-between-fbi-stings-and-entrapment-has-not-blurred-its-gone)

<sup>18</sup> <https://globalnews.ca/news/4658275/canadian-isis-plot-new-york-2/>

which the informant replied with “Only fear Allah, no one else.”<sup>19</sup> According to a Canadian lawyer, Dennis Edney, the law enforcement encouraging Abdulrahman to not be scared suggests that they went too far, as the “FBI overstepped its undercover role.” Human Rights Watch and Columbia Law School’s Human Rights Institute found that at times, in aggressively pursuing terrorism threats before they even materialize, US law enforcement overstepped their role by effectively participating in developing terrorism plots—in at least two cases even offering the defendants money to entice them to participate in the plot.

Further, on May 12, 2016, Abdulrahman stated to the informant that he had been in rehab which might indicate the introduction of the RCMP’s collaboration with the FBI since they contacted CAMH about Abdulrahman’s medical records four days later.<sup>20</sup>

Abdulrahman’s case of entrapment by an informant is consistent with the Human Rights Watch’s analysis stating “Multiple studies have found nearly 50 percent of the federal counterterrorism convictions since September 11, 2001, resulted from informant-based cases. Almost 30 percent were sting operations in which the informant played an active role in the underlying plot.”<sup>21</sup>


Per the Human Rights Watch report, the United States has often used prolonged solitary confinement contributing to the defendant to plead guilty, which is what happened in this case. After Abdulrahman’s arrest, he was housed in the Special Housing Unit where he did not receive his medication for about 10 days. Abdulrahman consented to have the case remain sealed so that authorities could catch the other members that were part of the plot. A week before he pleaded guilty, Abdulrahman reported that he had used non-prescribed drugs while at Metropolitan Correctional Center, leading him to be put in isolation where he experienced intermittent panic attacks, hallucinations, and memory loss. Before sentencing, he was mistakenly sent to the general population for a day which led to him having his money stolen from his commissary account. A couple of months later, he was back in the general population and was given drugs by an inmate, leading him to relapse and lose visitation rights for 18 months (which was later repealed by Judge Berman due to the unreasonableness of the punishment and failed complaints within the jail system).

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<sup>19</sup> [Sentencing Document](#)

<sup>20</sup> <https://globalnews.ca/news/4658275/canadian-isis-plot-new-york-2/>

<sup>21</sup> <https://www.hrw.org/report/2014/07/21/illusion-justice/human-rights-abuses-us-terrorism-prosecutions>



The vigorous attempts by jail officials to handle a person whom the government viewed as an important defendant and the continued secrecy of the case violated Abdulrahman's right to a public trial. In addition to the representation issues, Abdulrahman pleaded guilty to 7 charges and sentenced to 40 years in prison, just like the Human Rights Watch's 2014 report indicated the case would turn out as "Judges have imposed excessively lengthy sentences".<sup>22</sup>

Since the September 11, 2001 attacks on New York and Washington, DC, the United States government has failed to meet its international legal obligations with respect to its investigations and prosecutions of terrorism suspects, as well as its treatment of terrorism suspects in custody, particularly Muslim youths. In many cases, the FBI have created terrorists out of law abiding, vulnerable young men such as those who struggle with mental health problems into a manufactured threat by conducting sting operations that facilitated or invented the target's willingness to act.

Any information about Abdulrahman was concealed under a sealing order, including his name, the prison where he was being detained, the name of the prosecutor and the judge assigned to the case. The purpose behind all of this was to have absolute control over the defendant - who had just turned 18 - without any outside interference. This is not unusual treatment for many terrorism cases, irrespective of the age of the prisoner, particularly in entrapment cases.

The case raises serious human rights concerns of discriminatory investigations, targeting vulnerable youths such as Abdulrahman who had no previous history of violence or criminality, until drawn in by law enforcement actively involved in developing the plot, persuading and pressuring the target to participate. This case is one of many that raises the troubling questions about the fairness and effectiveness of the policies, practices, and tactics employed by the FBI, the Justice Department, and the Bureau of Prisons in terrorism cases.

## Entrapment in Canada

In Canada the defence against entrapment, when the police are actively involved in influencing a defendant into committing a crime that they would not have done

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<sup>22</sup> Ibid.

otherwise, is rarely heard in court. In contrast to the United States where a jury will consider if entrapment is part of their verdict, the defence against entrapment is only heard by a judge after the defendant has been found guilty either by a judge or jury in Canada.<sup>23</sup> The defence against entrapment was first raised in 1988 in a drug trafficking case.

In terms of terrorist-related cases, the defense of entrapment has been used unsuccessfully in three instances it was brought to Canadian courts until the fourth case in 2016. After John Nuttall and Amanda Korody, a couple, were found guilty by a jury, a B.C. Supreme Court decided to overturn the verdict on the grounds that the RCMP took advantage of their vulnerabilities and induced them to commit the offence. A B.C. Appeal Court unanimously upheld this decision. Although the police were justified on reasonable suspicion to investigate the couple, the Court of Appeal found that they had overstepped their role, as Justice Elizabeth Bennett, a judge at the BC Court of Appeal wrote “The police did everything necessary to facilitate the plan.”<sup>24</sup>

## RCMP Role in Helping the FBI

The Royal Canadian Mounted Police’s (RCMP) chose to collaborate with the FBI rather than protect their citizens. 4 days prior to the RCMP’s inquiry of Abdulrahman’s medical reports at CAMH, Abdulrahman stated to the informant online that he had been in rehab, possibly indicating the introduction of the RCMP’s collaboration with the FBI.

They unlawfully obtained Abdulrahman’s medical records that described his mental health vulnerabilities and provided them to the FBI to better manipulate this damaged youth. They also took no action to prevent Abdulrahman from going to the United States.

5 days before Abdulrahman's arrest in the United States, CAMH confirmed Abdulrahman’s medical records at the urgent request of the RCMP. The reason for the inquiry was as Const. Peter Simmons wrote in the May 2016 memo “The [RCMP] are conducting a high priority national security investigation involving a threat to public safety,” which suggests the RCMP’s knowledge of Abdulrahman’s situation.<sup>25</sup> Rather

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<sup>23</sup> <https://www.ctvnews.ca/canada/facts-about-entrapment-in-relation-to-a-b-c-terrorism-trial-1.3005826>

<sup>24</sup>

<https://www.theglobeandmail.com/canada/british-columbia/article-bc-appeal-court-says-rcmp-manufactured-terrorism-plot-against-bc/>

<sup>25</sup> <https://globalnews.ca/news/4060004/rcmp-canadain-terrorist-knew-meantal-health-treatment/>



than getting him the help he needed or confronting Abdulrahman's parents, the RCMP opted to monitor Abdulrahman's travel from Canada to the United States where he would eventually be arrested. Contradictory to its previous inquiry about Abdulrahman, the RCMP stated that at no time was the safety or security of the public at risk. A day after his arrest (May 22, 2016), a warrant was issued by the Ontario Court of Justice to authorities on reasonable grounds that a search might lead to evidence, which suggests that the RCMP knew of his plans to travel and was already in the process of requesting a warrant.

The RCMP issued a statement saying it collaborated with the FBI in the investigation that led to El Bahnasawy's arrest. They also noted that at no time was the safety or security of the public at risk when Abdulrahman was to travel to the United States. The RCMP knew Abdulrahman suffered from mental illness and could have chosen to prevent him from traveling all together, inform his parents, and take any legal action in Canada.

## Prison Conditions

Abdulrahman is serving his time at USP Big Sandy, high-security federal prison, in Kentucky – a penitentiary that is 13 hours (1000 kilometres) away from us. He is detained in a maximum security wing in solitary confinement. Prior to COVID-19, Abdulrahman's family visited him on multiple occasions; however sometimes upon arrival, they were told that they could not visit him.

Here is a list of all the prison violations that Abdulrahman has endured:

- Solitary confinement (Special Housing Unit)
- No proper medication
- No proper mental health treatment
- No family calls
- Shackled and captive behind glass wall when his family visits.
- Lack of commissary money and therefore lack of essential items
- Lack of outside time
- Complaints/requests from Abdulrahman and his family are ignored
- Harsh punishments like torture for minor infractions and false tickets (e.g. passing notes to inmates or exchanging items for stamps to mail letters to his family)
  - Handcuffs, belly chain, ankle shackles are often tight and painful – leaves marks months after

- Eat and use the washroom while being in restraints (i.e handcuffs, belly chain, ankle shackles)
- Sitting on knees on prison floors for hours
- Unreasonable use of force by correctional officers/guards
- Clothes made of paper are uncomfortable, rips and does not protect from the cold
- Left in cold cages for hours

## Complaint to NSIRA

In August 2019, the case was sent to the National Security and Intelligence Review Agency (NSIRA), a new governmental agency promoting transparency of Canada's national security issues. The complaint pertains to the RCMP's role in the FBI's entrapment of Abdulrahman. The RCMP who was aware of Abdulrahman's mental health and substance issues did not stop him from going to the United States. Instead of getting him treatment or raising a red flag, they opted to cooperate with the FBI by giving them this information.

As Prof. Stephanie Carvin, a national security expert at the Norman Paterson School of International Affairs, explained "NSIRA will have to decide if this was the correct policy to follow in its review."<sup>26</sup> Experts are expecting NSIRA to accept and review the case since it deals with terrorism and mental health issues. This case is currently under review by NSIRA.

## International Transfer Of Offenders Act

According to the Statutes of Canada, the International Transfer of Offenders Act (ITOA) is "An Act to implement treaties and administrative arrangements on the international transfer of persons found guilty of criminal offences."<sup>27</sup> The purpose of this Act is to "enhance public safety and to contribute to the administration of justice and the rehabilitation of offenders and their reintegration into the community by enabling offenders to serve their sentences in the country of which they are citizens or nationals."

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<sup>26</sup> <https://globalnews.ca/news/6358448/isis-plot-complaint-national-security-review-agency/>

<sup>27</sup> <https://laws-lois.justice.gc.ca/eng/acts/l-20.6/>

<sup>28</sup> For Abdulrahman, the lack of treatment and rehabilitation offered in the United States is a serious concern for his well-being and his chance at reintegration into society.

Amir Attaran, professor in the Faculties of Law and Medicine at the University of Ottawa, explains in his letter submitted to the court the benefit of having Abdulrahman serve his time in a Canadian prison. Unlike American prisons, Canadian facilities accommodate mental healthcare at no cost. As Professor Attaran states “...Canada actually provide[s] what someone like Mr. Bahnasawy needs.”<sup>29</sup> Having Abdulrahman serve his remaining time in a Canadian institution would enable his family - who have committed greatly to help him - easier access to visit and support him. It is clear that Abdulrahman would be better off serving his time in a Canadian institution where he would get the required treatment in order to reintegrate into society.

According to the latest International Transfers Annual Report (2016-2017) by the Correctional Service Canada (CSC), there have been 870 new applications for transfers from 2012 to 2017, 660 of those were from Canadians incarcerated in the United States. The outcomes of these new applications saw 28% rejected by one of the countries, 17% approved by both countries and hence a transfer, 14% of offenders withdrew, and 5% were ineligible. Out of the 286 cases that rendered a decision by the Minister of Public Safety (out of 671/879 application received by the CSC), the majority (186) took more than a year on average for processing.<sup>30</sup>

From 2012-2017, the Minister rendered a decision on 475 cases (regardless of the date of the transfer application), of which 80% were approvals and 20% denials. The reasons for the denials were mostly either due to the high chances that the offender’s return would cause a national threat or or would commit another offence/crime. Once it is approved by the Minister, it usually takes 95 days to carry out the transfer. Since 1978, 1,502 of the 1,917 Canadians transferred to Canada were sent from the US (1,353 under Federal Jurisdiction).


The number of decisions rendered and applications approved/denied is correlated to the government in power. In 2012-2013, there were 168 decisions rendered, a backlog due to the Conservative government delaying the process of applications; 58% were approved.

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<sup>28</sup> <https://laws-lois.justice.gc.ca/eng/acts/l-20.6/>

<sup>29</sup> [Appeal Document](#)

<sup>30</sup> <https://www.csc-scc.gc.ca/international-transfers/092/004001-1004-en.pdf>  
<https://globalnews.ca/news/2782251/canadians-in-us-prisons-unlikely-to-transfer-home/>  
<https://www.cbc.ca/news/politics/prisoners-foreign-repatriated-1.4642055>



In 2016-2017, when the Liberals were in power, 115 transfer applications were rendered, 99% were approved.

It is Canada's duty and responsibility to bring Abdulrahman back home. Abdulrahman does not belong in prison. At the very least, he deserves to serve his time in his home country where his family can easily visit and support him while receiving greater treatment than in the United States. There is no reason to deny Abdulrahman's application for transfer since Abdulrahman does not pose any threat to society. With the support of his family and community in addition to the services provided by Canadian corrections such as mental health treatment, Abdulrahman can and will reintegrate into society to live his life as he should have before this preposterous situation occurred.

## Convention on The Rights of The Child

Canada has a moral and legal duty to bring Abdulrahman back home since they are signatories to the United Nations Convention on the Rights of the Child. The objective of this widely known convention is to create a healthy environment for a child to thrive and meet their full potential. The rights stipulated by the convention applies indiscriminately to all children under the age of 18. Article 36 mentions that a child has the right to protection from any kind of exploitation (i.e. being taken advantage of). When Abdulrahman was 17-years-old and being entrapped by the FBI, the RCMP chose to provide sensitive information about his health to the American security service and hand him over to American authorities rather than protecting their own citizen's right. The RCMP should have raised red flags whether in the form of getting him treatment as soon as possible (he was manic and on a waiting list at this moment) or preventing him from crossing the border to the United States.

Abdulrahman was a minor with health issues who was taken advantage of by both the FBI and the RCMP, infringing upon his Article 19 (right to be protected from being mistreated in mind), Article 23 (right to special care if a child has a disability), Article 36, and Article 40 (right to legal help and fair treatment in the justice system) rights. Canada must do its utmost to bring Abdulrahman back home since Article 4 of the Convention states that a child's government has a responsibility to make sure their rights are protected.



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## Appendix

### What is a Special Housing Unit?

According to the American Friends Service Committee, solitary confinement usually entails (although different in all states):

- Confinement behind a solid steel door for 22 to 24 hours a day
- Severely limited contact with other human beings
- Infrequent phone calls and rare non-contact family visits
- Extremely limited access to rehabilitative or educational programming
- Grossly inadequate medical and mental health treatment
- Restricted reading material and personal property
- Physical torture such as hog-tying, restraint chairs, forced cell extraction
- “No-touch torture,” such as sensory deprivation, permanent bright lighting, extreme temperatures, and forced insomnia
- Chemical torture, such as stun grenades and stun guns
- Sexual intimidation and other forms of brutality and humiliation

According to Elena Blanco-Suarez, a neuroscientist, social isolation (the imposition of loneliness) “is known to cause changes in the brain, possibly leading to more serious consequences such as depression and other mood disorders.”<sup>31</sup>


### References from Experts

Michael Shapray, legal analyst based in Vancouver, says it was unusual how the case was revealed since Abdulrahman’s indictment was kept secret for a year, “Certainly it’s a different type of system there [American] in a sense that it sounds like this gentleman was arrested a year ago and they sealed all aspects of that,” and “It would be quite unusual that we wouldn’t hear anything about an arrest or anything like that for this period of time. But I guess because it’s a terrorism-related offence and they have some

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<https://www.psychologytoday.com/ca/blog/brain-chemistry/201902/the-effects-solitary-confinement-the-brain>



laws that are geared directly towards that, that was what they were working within the confines of.”

Stephanie Carvin, National security expert at the Norman Paterson School of International Affairs said “Sending the case to be reviewed by NSIRA was absolutely the right move,” and “NSIRA will have to decide if this was the correct policy to follow in its review.”

### References from Other People

Mike Duran, Facebook friend of Abdulrahman who attended a youth rehabilitation program with El Bahnasawy said he was “the funniest guy you’ll ever meet” and got along with the other patients.

Mohamed Abdallah Eid, a UofT student who called himself El-Bahnasawy’s close friend said “it would be an honour to help an old friend overcome an obstacle in their life and have a blessed future even if it means any sacrifices would have to be done on my behalf.”

Hesham Youssef, manager of an Toronto-Area Islamic centre and a former teacher of Abdulrahman said “We have full faith that with the love and values that his parents raised him with, he will be able to be rehabilitated to be a productive member of society,” and We will do whatever it takes to welcome him back and are eager in seeing him and his family be able to thrive again and look past this unfortunate event.”