

# Abdulahman El Bahnasawy

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## Background Points

### Who is Abdulrahman?

- 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 to commit terrorism.

### How did a 17-year-old Canadian minor, with a long history of mental health illnesses, primarily bipolar disorder, end up plotting to bomb a target in New York?

- 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.

### 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.”

### How was Abdulrahman entrapped?

- Despite having no criminal and violent history, he was lured by FBI undercover agents into participating in the planning and conspiring to commit a terrorist attack in New York.
- Abdulrahman’s mental illness made him an easy target for entrapment. Both agencies, the FBI and the RCMP were aware about his mental illness.

### How did his bipolar disorder make him a target and vulnerable?

- Abdulrahman’s mental health illnesses included a severe tendency to fixate on a subject, medically referred to as ‘looping’, as confirmed by physicians who testified in his trial.

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- As part of a school project on Islamic history and the caliphate, days and nights of research led Abdulrahman into online chat groups where he was immersed in an environment of extremists.
  - 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 online. Following further instructions, Abdulrahman then shipped hydrogen peroxide to an address in New York. This approach of instructing and directing vulnerable individuals/groups is a well documented practice that the FBI uses.
  - According to Rachel Roberts, the civil rights coordinator for the Council on American-Islamic Relations Northern California offices, “mental disabilities often result in an inability to control physical behavior and speech [which can] mislead law enforcement and waste public resources on those who need treatment, not criminal penalties for crimes they would never have the capacity to commit.”

### **Who are Abdulrahman's Parents?**

- His father, Osama, is an IT consultant and his mother, Khadiga, is a PhD university professor. He was raised in a modest family.
- 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.

### **How did Abdulrahman travel to the United States?**

- Abdulrahman did not have access to his passport, money or transportation.
- His parents managed to get an appointment months later in May 2016 and proposed to go on a road trip to New York before Abdulrahman's meeting with the Canadian psychologist. Abdulrahman was on a waiting list prior to this appointment.
- The FBI arrested Abdulrahman from the family car upon arrival in New Jersey, timed after he turned 18-years-old and therefore tried as an adult.

### **What are concerns about Abdulrahman's legal counsel and trial?**

- 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.

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- 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 did not receive the proper medical and mental health treatment he requires.
  - He was denied the choice of his legal representation.
  - 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.

### **Is Abdulrahman's case of entrapment a conspiracy theory or a well established practice of law enforcement?**

- 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.

### **The RCMP's involvement and Canada's Supreme Court ruling on entrapment**

- As it relates to Canada's involvement, the RCMP's collaboration with the FBI was unlawfully obtaining and providing sensitive information about Abdulrahman's mental health. More problematic, the RCMP was aware of his youthful age.
- The RCMP had the opportunity to stop Abdulrahman from going to New York where he would eventually be arrested, charged and sentenced to 40 years in prison.
- 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 touch 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."

### **Complaint against the RCMP**

- The RCMP's involvement in Abdulrahman's entrapment is currently under review by the National Security and Intelligence Review Agency (NSIRA).

## **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 his family. He is detained in a maximum security wing in solitary confinement.

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

- Solitary confinement (Special Housing Unit)
- No proper medication and 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)

## **Canada's Responsibility**

- 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 a US 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.

## **People Available for Interview:**

- Lawyer Dennis Edney
- His Parents - Father, Osama, and mother, Khadiga El Bahnasawy