



# It's a Trap!

## *Undercover Cops, Informants, and Cooperating Witnesses*

Since 9/11, (actual or perceived) Arabs and Muslims have been viewed by law enforcement as a potential threat on no basis other than religion or ethnic background. Multiple law enforcement agencies – including local police, the Federal Bureau of Investigation (FBI), the Department of Homeland Security (DHS) and a partnership of these agencies called the Joint Terrorism Task Force (JTTF) – have diverted public resources to monitoring and entrapping\* members of these communities as part of the United States' "War on Terror."

As part of these practices, law enforcement agencies pressure members of the targeted communities to engage in "community policing" to secretly assist in surveillance and entrapment of specific individuals and organizations. Since these tactics by law enforcement are becoming more common, it is important for you to know what types of individuals may be part of community policing. There are three main categories of people who secretly may be collecting information for law enforcement or trying to ensnare you in illegal behavior:

**Undercover Cops** are police officers who don't identify themselves as such. They may claim to be interested in joining your social/religious/activist group, having political discussions, or worshipping with you.

**Informants** are not sworn officers employed by the government but they may be paid or coerced or provided other incentives. They are often people with ties to a community or movement or a group who can be leveraged to provide assistance.

**Cooperating Witnesses** are people who agree to provide information to law enforcement and testify against others usually in exchange for leniency in their own cases.

**We will refer to them collectively as "undercover agents."** Here are some important things to know → → →

**UNDERCOVER AGENTS ARE COMMONLY FROM WITHIN YOUR RELIGIOUS, POLITICAL, CULTURAL, OR ETHNIC COMMUNITIES.**

**UNDERCOVERS DO NOT HAVE TO TELL YOU THAT THEY ARE WORKING FOR THE POLICE (even if you ask them).**

**UNDERCOVER AGENTS CAN PARTICIPATE IN, AND EVEN ENCOURAGE, ILLEGAL ACTIVITIES** in furtherance of a legitimate law enforcement purpose. For example, they can provide drugs or other contraband to their targets, and they can provide the means or materials to commit a crime.

**Example 1:** Ahmed Ferhani, an Algerian-American man, who has a long history of mental illness, was befriended by an undercover officer of the New York Police Department (NYPD). The undercover officer encouraged Ferhani to become involved in various schemes, including gun sales and purchasing cars to be exported and sold on the black market. As they became friendlier, the undercover officer initiated conversations hostile towards Zionists, and began encouraging Ferhani to attend pro-Palestinian rallies.

Later, the undercover officer suggested blowing up a synagogue, but Ferhani was more interested in making money off gun sales. Ferhani met with another undercover officer pretending to be a “weapons dealer.” This undercover again initiated discussion of the synagogue plans with Ferhani. Although there is much controversy around the tactics used by the NYPD, and Ferhani’s actual interest or involvement with the synagogue plans, he was arrested by the NYPD. On December 4, 2012, he took a plea deal in which he was forced to admit guilt to nine terrorism-related charges and one hate-crime charge. In March 2013, Ferhani was sentenced to 10 years in prison. On April 7, 2016, Ferhani attempted suicide by hanging himself in Attica Correctional Facility.

**Example 2:** Khalil Abu Rayyan was a shy young Palestinian-American in Detroit who met a young woman online. The two became romantic and Abu Rayyan even proposed marriage at one point. The young woman also spoke of joining the Islamic State, but Abu Rayyan rebuffed such suggestions. The young woman was actually an FBI informant.

Abu Rayyan was arrested in February 2016 and charged with unlawful possession of a firearm, because of a gun he owned for self-defense. The FBI has not, yet, charged him with any terrorist offenses, but they are treating the case as a national security matter and have made references to Abu Rayyan’s statements about violence and the Islamic State. He first came to the attention of the FBI because of his posts on Twitter.

Unfortunately, these stories are not unusual. The targeting of Arabs and Muslims for surveillance contributes to, and helps perpetuate, the notion that these communities are outsiders who are more threatening than any other community.

\*Entrapment: If an undercover agent induces you to commit illegal activities you were not predisposed to commit, you may be able to defend yourself against the charges by claiming that you were “entrapped”; however, this is hard to prove. Entrapment occurs when an agent or informant plants the idea to commit an offense in the mind of an individual who would not otherwise have been disposed to commit such an offense and then encourages or helps that individual commit the offense in order to prosecute her/him. Although courts will not convict people if they have been entrapped, it is very difficult for people to prove that the action of undercover agents was entrapment. Undercover agents can legally suggest, encourage, and facilitate crimes and this is not considered entrapment.

But, with the involvement of undercover agents – whether in person, or online – the risk of entrapment (whether or not there is actual criminal activity) is extremely serious, and very difficult to challenge and prove in court.

Due to the current situation for Arabs and Muslims in the United States, it is important to be aware of the prevalence of surveillance and entrapment used by law enforcement agencies and their undercover helpers.

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