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Hon. Barbara S. Jones
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

12 June 2012

Dear Judge Jones

My name is Jeremy Keenan and I am a Professor of Social Anthropology with 48 years of experience of studying the Sahara and its peoples. My current position is Professorial Research Associate in the Department of Social Anthropology and Sociology at the School of Oriental and African Studies, London University.

An internationally-recognised authority on the Sahara, I have approximately 200 academic publications to my name, including six books on the Sahara, with two more in preparation. I am frequently contracted by government agencies, including the U.S. State Department and the European Union, to provide advice and information relating to the Sahara. As the court knows, I was asked by Mr Zachary Margulis-Ohnuma to act as an expert witness on behalf of his client, Idriss Abdelrahman. My curriculum vitae and qualifications to be an expert witness, on the basis of my expertise on matters relating to this case, have been presented to and accepted by the Court.

Mr Margulis-Ohnuma has further asked me if I could write to the Court, in my capacity as an expert witness, to draw certain points to its attention which I request, most respectfully, be taken into account in determining the sentence to be given to Mr. Idriss Abdelrahman.

I understand from Mr Margulis-Ohnuma that Mr. Michael Hurwitz and Ms. Miriam Hurwitz, the lawyers representing Harouna Touré, would be grateful if the points that I make in this letter could also be taken into consideration in passing sentence on Harouna Touré. Thus, although I address my remarks in this letter to the case of Idriss Abdelrahman, the court should note that the same social, economic and ethnological circumstances apply to Harouna Touré.

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I should make clear to the court the following:

- The opinions expressed in this letter are mine alone. Though I have discussed its contents with the attorneys, I am wholly responsible for it and it does not necessarily reflect the views of the defendants or their lawyers.
- I have spent many hours studying the transcripts of the tapes (between the defendants and the two DEA 'confidential sources' in West Africa); the evidence that was to have been submitted by the prosecution and other court and evidential documentation relating to this case.
- I have also spent many hours questioning and interviewing Mr Margulis-Ohnama and his staff on specific points relating to the testimony of the defendants and the documents associated with this case.
- In short, I am not only an expert on the situation surrounding this case, that is the nature of terrorism and drug trafficking in the Sahara and the people involved in both, and specifically within the vicinity of the defendants' home region of Gao (plus Tumbuktu and Kidal), but I am thoroughly familiar with the case itself, including the nature of the evidence that would have been offered by the prosecution and the evidence that I would have offered for the defendants.

The points that I raise fall under five categories:

- 1) Reasons why the defendant could not have undertaken what the prosecution claims regarding the trafficking of cocaine across the Sahara.
- 2) The defendant's position in the social system.
- 3) Pertinent differences in the nature of Islamists/terrorists and drug trafficking in the Sahara and Gao region between now (2012) and 2009 (when the sting operation took place).
- 4) Social cost
- 5) Justice and perceptions of justice

1) Reasons why the defendant could not have undertaken what the prosecution claims regarding the trafficking of cocaine across the Sahara.

It is wholly evident from the detailed conversations between the defendants and the 2 DEA undercover sources that the former not only had no personal experience of actually having trafficked cocaine, but they also had little knowledge of either the trafficking business or, indeed, the Sahara itself, except, no doubt, through local hearsay.

The transcripts read like a comedy. The defendants' various remarks are riddled with absurd statements that demonstrate that they know very little about either the cocaine trade, or, for that matter, the geography of the Sahara. Indeed, it is absolutely impossible from the transcripts to work out which route they think, let alone say, they will take.

The defendants demonstrate on the transcripts that they do not know which routes the cocaine travels (i.e. from Mali to Europe). Indeed, their unfamiliarity with the terrain is such that at one point they indicate a geographical error of about 2,000 miles.

The reason, I suspect, for this apparent lack of knowledge is because the smuggling routes have changed considerably since the early 2000s, as a result of the tightened security in the Western Mediterranean, notably between North Africa and Spain. Very little, if any, cocaine now crosses on that route. This is clearly unknown to both the defendants and the DEA confidential sources. The two main routes are now (1) eastwards, across Niger, Chad, the corner of Libya and then Egypt for containerization (at the Suez Canal) for shipment to European destinations, and (2) across Algeria. The latter is controlled by rogue elements within the state security and intelligence service, namely the Algerian Département du Renseignement et de la Sécurité (DRS), as it is also in Mali. This is widely known or suspected in the region and would almost certainly be known, if only by hearsay, to the defendants. It would also be known to the DEA, which claims to cooperate with AFRICOM and its intelligence services, which, around the time of the sting operation, had listening posts in Gao, Aguelhok and Tessalit (and possibly elsewhere). Indeed, there are interesting remarks in the transcripts that suggest that a DEA undercover is telling the defendants NOT to go through Algeria. This is almost certainly for political reasons, which would be known to the DEA. These 'political reasons' are that Algeria's DRS works in very close alliance with US military intelligence services (as well as UK and French services). Algeria's DRS would not want any such US sting operation on its territory. This is why, I believe, the DEA sources discourage the defendants very categorically from considering an Algerian route.

The fact that the defendants and the DEA agents continually talk about some vague route to Morocco and then Spain indicates that both parties, and certainly the defendants, are unaware of the main cocaine routes, especially that to the east, via Niger, Chad, Libya and Egypt.

There are also a number of absurd statements in the transcripts of a largely technical nature which strongly suggest that the defendants know very little about smuggling anything, let alone cocaine, from Accra to the Gao region and then on across the desert.

The transcripts reveal that the defendants have little or no knowledge of either the position and structure of Al Qaeda and/or Al Qaeda in the Islamic Maghreb (AQIM), or AQIM's role in the cocaine trafficking business, which, at that time, was peripheral or non-existent. This is not surprising, as there is absolutely no evidence to show that AQIM at that time was in anyway involved in the cocaine trade. AQIM, according to the Algerian government's own intelligence services (which provides such information to the

US authorities), receives 95% of its income, perhaps even 100%, from hostage taking, not drugs trafficking.

Moreover, AQIM did not control any land or territory on the cocaine trafficking route (or anywhere else in the Sahara-Sahel outside of Algeria), as is implied by the DEA agents especially in several of the transcripts. Although the defendants imply that payments have to be made to those who control the regions of the desert, those people are not related in any way to AQIM, who had no land rights, and little or no physical control of any region in 2009. Rather, payments would be made to the Arab and Tuareg tribes that held tribal territorial rights and had protection arrangements with the local drug operators who, in turn, worked under the protection of Mali's State Security service. That service, at that time, was headed by Col. Mamy Coulibaly who was also involved in taking percentage cuts from hostage ransom payments. (I know this, as I was involved in some of these negotiations).

If the defendants had attempted to make this trans-Sahara crossing, as is being implied by the prosecution, it is presumed from their own statements (on the transcripts) that they would have had to pay for this protection. This, to me, is proof that the defendants had no experience of cocaine trafficking. The reason why I say that so emphatically is that the cocaine trafficking business through Mali, as I have already explained, is protected and controlled by senior members of the political-military-security elites. I documented much of this, along with the names of key individuals in my report to the European Union in 2010-11. All the named individuals were subsequently removed from their offices. These details are also published in my second volume on terrorism in the Sahara, *The Dying Sahara* (currently in press). Since Mali's *coup d'état* in March 2012, which overthrew the government that presided in 2009, much of the evidence of the government's involvement in the cocaine trafficking has come to public attention.

In 2009, cocaine trafficking was a 'closed shop', tightly controlled by these 'drug barons' and the protective arm of a corrupt political-military elite. If anyone, such as the defendants, had tried to break into it by paying whatever protection money is required – they would have immediately have been suspected of being agents [possibly from the DEA or the United Nations Office on Drugs and Crime ('UNODC')] and would almost certainly have been killed or captured. The UNODC currently estimates that \$8-10 billion worth of cocaine crosses through Mali per year. That is very big business and tightly controlled by the political-military elites (in Mali and Algeria). If three locals from Gao had tried to muscle in on this market, I would have put their survival chances at zero.

The fact that Idriss and his co-defendants appear to have had so little knowledge of the Sahara desert is not at all surprising. They come from Gao, the largest town in the region, and are urbanites. They are also Songhai and black. Their traditional enemies, whom they most feared, were the Tuareg and Arab tribes who occupied the desert regions to the immediate north of Gao. I will elaborate on this in point 2 (below). In short, the desert, which begins to the immediate north of the city limits, was traditionally regarded as potentially hostile territory and therefore best avoided. That view still holds today,

especially at this current moment when Gao has been overrun by rebel Tuareg and Arab forces from the north (see point 4 below).

While the responses of the defendants to the attempts by the DEA agents to entrap them indicates that the defendants really had little or no knowledge and experience of the cocaine business in the Sahara-Sahel, the same can also be said of the two DEA sources.

The transcripts read like a theatre of comedy, which might be funny if it was not for the tragic consequences of the sting operation on the defendants. One of my main questions about the entire operation is why the two DEA sources also seem to be so badly informed about the Saharan drugs traffic, as evidenced in both the DEA's official documentation and the lack of understanding of the situation demonstrated in the transcripts. This raises questions about the working relationship between the DEA and US AFRICOM which had its own detachment of Special Forces stationed in Gao with listening posts at both Aguelhok and Tessalit – two points on the road north from Gao. Indeed, as Wikileaks documents have revealed, communiqués from the US Embassy in Bamako to the State Department in Washington appear to have been more informed than the DEA's own reports on the region.

Further evidence of this seemingly complete lack of understanding of the drugs-cum-terrorist situation in this part of the Sahara-Sahel by both the defendants and the DEA agents is the fact that the region, at the time of this proposed sting operation, was in a state of almost complete lockdown. At no other time in the region's history (except during the rebellion of the last five months) was it more difficult to enter, let alone cross, the desert areas north of Gao than at the time of the sting operation in 2009.

This was for two reasons, both of which appear to have been virtually unknown to both the defendants and the DEA agents. The first is that a Boeing 727, carrying 10 tonnes of cocaine from South America, had been found incinerated just north of Gao on November 2, 2009. To protect the traffickers, the head of Mali State Security (later dismissed), not only prohibited the DEA, UNODC and other international organisations from visiting the site, but had ring-fenced the entire region, making it impossible for anyone to enter. If the defendants were to have transported drugs across the Sahara in this period, they would have encountered this heavy security barrier. The second reason for the 'lockdown' was that a very high-profile French hostage and three Spanish hostages, later to be joined by two Italian hostages, were being held captive by AQIM in the region at this time. Thus, in addition to the security relating to the incinerated Boeing, and the fact that 10 tonnes of cocaine were known to be still in the region, the Malian army had stationed at least 200 troops along the key route that the defendants would have had to take if they were going to transport the drugs north across the desert.

The fact that the DEA agents (as evidenced by the transcripts) did not know the nationalities of the hostages, suggest that they were either dissembling or totally uninformed on what was happening in the region. Similarly, if the defendants thought they could cross this region at that time, as the prosecution appears to have been

claiming, then it is further evidence of how little knowledge they had of the desert hinterland, drugs trafficking and the activities of AQIM at that time.

The above evidence, which would have been presented in court, indicates that the entire sting operation was, in my opinion, a matter of 'the blind leading the blind'. In reading through the transcripts, one is faced with one absurdity or impossibility after another. Neither party really seemed to have much idea of how cocaine is actually transported from West Africa/Mali to Europe. Nor did either party have much, if any, idea of what was going on in the region at that specific time in regard to the 'lockdown' situation described above, which would have made any attempt at this bizarre operation almost certainly impossible.

This is not to say that the defendants are wholly innocent. I am sure that they may have engaged in some sort of smuggling activity at one time or another. Indeed, there are few people in the region with vehicles that have not done a little '*troc*', or '*trabendo*', as smuggling is sometimes called. Indeed, I would not be surprised if one or all of the defendants had not at one time or another handled hashish, fraudulent cigarettes, or some other run-of-the-mill type contraband. It is, after all, how many of them maintain their families in a time of increasing poverty.

Since the collapse of the tourism industry, following the onset of the War on Terror in this part of the Sahara-Sahel in 2003, and the subsequent Tuareg rebellions of 2006, 2007-2009 (and now), many peoples' livelihoods have been destroyed. The result is that almost every adult person, especially men and family heads, will do almost anything to help keep their families alive in what is one of the most poverty-ridden countries in the world. Such activities are not considered 'crimes', but merely necessary means to survival.

The evidence that I would have presented in court, and which I have summarised in this letter, convinces me that Idriss is not a cocaine trafficker and knows virtually nothing about either cocaine trafficking or AQIM. I believe that he is a person who would say 'yes' to almost any proposition that was put to him, irrespective of whether he understood what the proposition was about or whether he was able to fulfill it, simply to make a little, or perhaps in this case a lot, of money. That is probably true for 90 percent of the people who live in Gao, and throughout this impoverished part of the world.

It is also clear to me, from studying the tapes and transcripts, that Idriss gives an air of subservience and is a person who will say almost anything in his willingness to please and to be accepted. (See point 2, below).

2. Constraints on defendant stemming from his position in the 'caste' system

Idriss (and his co-defendants) lives in an extremely complex social, cultural and political world, characterised by a multiplicity of ethnic groups with diverse histories and complex but well-defined and structured inter-relationships. Many local people, as well as

ethnologists, would describe the society into which he was born and still lives as being a 'caste society'.

As I have not interviewed Idriss on this subject, I cannot be certain of his exact position in this caste system, except that it is very evident that it is at or towards the bottom. Idriss is a Songhai, a black African tribe. Many Black Africans in this part of Africa were taken into slavery by the Arab and Tuareg tribes to their immediate north. Indeed, there is one whole caste of slaves (now officially 'ex-slaves') known as 'Bella' which lives predominantly in the Gao region. Whether Idriss is actually a Bella, or merely a Songhai who was brought up in close association with Bella, is not clear to me. However, it is evident from what I have seen of him on film, heard on the transcribed tapes and learnt from both his Songhai associates in New York and members of his defence team that he acts and speaks in a subservient manner. I strongly suspect that he sees his own life and his relationships with his social others as being heavily influenced, if not determined, by his low status within this caste system.

I have learnt that Idriss was taken to Tamanrasset when he was only 12. His job, so ¹am told, was to make tea. I am very familiar with this sort of situation. Today, one can still find blacks ('iklan', 'izeggaren'), as they are called pejoratively in the Tamanrasset region (i.e. southern Algeria), who came into the region in similar circumstances of what was little more than 'slavery' and who finished up settling there.

I am fairly certain that this social background explains Idriss's apparent subservience and willingness to please. It is quite clear from the transcripts that he tends to give positive responses to almost anything put to him, even when it is apparent that he does not understand it. I strongly suspect that Idriss's answer to almost every question or proposition put to him is 'Yes'.

One is listening to and reading what is nothing more than attempts by the DEA agents to manipulate, trick and wheedle statements from people who appear to have little understanding of the context of the set-up and, by inclination and financial need, want to answer positively and please their manipulators. As a result, most of what has been transcribed is either wholly out of context or subject to a varied range of contextual interpretations which, I suspect, were lost on the prosecution.

Idriss lives in Gao, a city of some 100,000 persons. Although the Sahara desert begins almost immediately outside its gates to the north, few of its citizens venture in that direction. That is because the desert regions are perceived as hostile and dangerous, not so much because of their physical conditions, but because they are the domain of their traditional enemies: Arabs and Tuareg. It is the Arab and Tuareg tribes to the north of Gao that have plundered, dominated and exploited the Songhai and other black peoples to their south as slaves and dependents for many centuries. People such as Idriss tend to fear the Arabs and Tuaregs to their immediate north and rarely frequent the desert regions, even though there are literally 'on their doorstep'.

In my opinion, it is therefore unlikely that Idriss (and his co-defendants, all from Gao) would have had much affinity with the Arab and Tuareg tribes to their immediate north, and even less with AQIM. Indeed, the word 'fear' probably best encapsulates the feelings of most black Gaoans towards both the Arab and Tuareg tribes and the Sahara desert to their immediate north.

3) Pertinent differences in the nature of Islamists/terrorists and drug trafficking in the Sahara and Gao region between now (2012) and 2009.

The defendant's home region of Gao (Mali) has been continuously in the world's news since January 2012. This is because the region has been the focus of what can best be described as a double crisis. The first is that the region was the focus of a major Tuareg rebellion, which began in January, and which overran the entire Azawad region of NE Mali, that is the provinces of Timbuktu, Gao and Kidal.

The Tuareg rebellion in Azawad triggered a coup d'état in Mali's capital in March. There has been a failed counter-coup, leaving Mali with no effective government.

Following the effective collapse of the Malian State, the Tuareg 'National Movement for the Liberation of Azawad' (MNLA) declared Azawad an Independent State. It has no international recognition.

However, within a few weeks of the start of the rebellion, it was evident that many other groups and movements were 'piggy-backing' on Tuareg separatism. These groups are too complex to detail here. Let me just say that most of them are regarded as Islamists and with connections to AQIM. At the same time, the leadership of the groups, including AQIM, is now being seen as being closely linked to, or infiltrated by, Algeria's DRS.

Following the Declaration of Azawad Independence in April, a further 'declaration' at the end of May abolished that declaration and replaced it with an declaration of Independence which was a 'fusion' between Tuareg and Islamist groups. This agreement appears to have collapsed within a day. At the time of writing (30.05.12), the entire region is in a state of anarchy.

Within this state of anarchy there is a vast amount of disinformation and propaganda being presented from all sides, including the West, with all parties tagging the others as 'Islamists', Al Qaeda, 'drugs traffickers', etc.

In short, the situation in the region today is wholly different from that pertaining in 2009. I am sure that the Court will be aware of this. Nevertheless, I should place on record that what is currently being said about Al Qaeda, Islamists, terrorists, drugs-traffickers, etc., in the region is almost all within the context of each of these many conflicting interest groups trying to disparage the others. It should therefore be received with the utmost skepticism.

4) Social cost

In addition to the suffering experienced by Idriss as a result of being in prison, he has been having to experience a far greater suffering by not knowing what has happened, and is happening to his wife and family and not being able to care for them.

In late March, Gao, Idriss's hometown, was overrun by armed Tuareg rebels. (see point 3, above). The Tuareg rebels of the MNLA were accompanied by the Islamist Ansar Al-Din jihadist movement, as well as contingents of at least two brigades of AQIM. The Islamists, especially those of Ansar Al-Din, have declared the establishment of sharia law and have been responsible, along with the other invading groups, for committing terrible atrocities on the civilian populations of Gao and Timbuktu (and other towns and villages in the region). According to international media reports, including a well-publicised report by Human Rights Watch, women have been raped and beaten up, while men and boys have also been beaten and abused. Normal civilian life has come to an end as power and water shortages hit Gao and Timbuktu and as looters attack shops and other businesses.

With the collapse of the Malian state, the entire region of Azawad is now in the joint hands of the MNLA and the Islamists, with chaos prevailing. 'Anarchy' is a suitable description for what is now going on in the region and in Idriss home town.

I understand that Idriss was hearing such news in the weeks running up to the start of the trial. I can only imagine how awful it must be for Idriss to be incarcerated in a foreign country, without knowing what has happened to his wife and children, and without being able to do anything to help them – no doubt imagining them raped or worse by Tuareg or Islamist fighters.

5) Justice and perceptions of justice

For me to quote Lord Hewart, (Britain's Lord Chief Justice from 1922 until 1940) to a respected US Judge may sound trite. But I say with great respect that "... justice should not only be done, but should manifestly and undoubtedly be seen to be done."

In the eyes of most of the world, this case is a sting operation that has led to the arrest of 3 Black Africans who many people around the world, especially in their own country, believe to be innocent of any crime, other than that of being stupid enough to be taken in by two highly dubious and questionable characters – con men - in the hope of making some desperately needed money. At the time of the defendants' seizure in Ghana and arrest, I actually wrote that many experts were skeptical of the defendants' guilt and that because of the many question marks hanging over the sting operation, the case was unlikely to be brought to court. (*Sahara Focus* 2010:1, Menas Associates, London). Although that view has turned out to be wrong, it is nevertheless one that is still widely shared abroad.

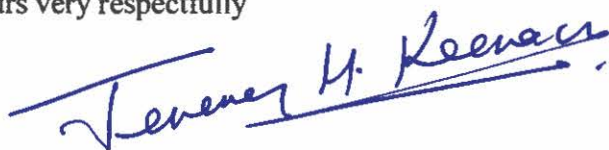
This case has brought no credit to the United States. On the contrary, such 'entrapment' and 'sting' operations are regarded with unease outside the US. Indeed, few countries in the West have laws allowing this sort of operation to be undertaken.

If Idriss receives a sentence that is greater than the time he has already served, I am in no doubt that it will be met with worldwide condemnation, and no little anger at the US. A further wave of anti-Americanism, especially in such a politically sensitive part of the world as the Sahara-Sahel, and where US AFRICOM is desperately trying to acquire some credibility, will do the United States harm. According to many political analysts and security experts, both in and outside the US, the Sahara-Sahel region (where the defendants live) is on the brink of becoming the 'next Afghanistan'. A wave of anti-Americanism, which the decision of this court may will evoke, could be the catalyst that tips the region over the brink.

Idriss has pleaded guilty to "providing material support to a terrorist organization". Whether he actually did so, is, in my professional opinion, highly debatable.

Nevertheless, a US Federal Court has found Idriss 'guilty'. The DEA and Justice Department have therefore achieved what they wanted. In that sense "justice has been done". However, for justice "to be seen to be done", I believe that the sentence passed on Idriss should be no more than the time he has already served.

Yours very respectfully

A handwritten signature in blue ink, reading "Jeremy H. Keenan". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Professor Jeremy H. Keenan