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THE CIVIL WAR in Iraq has stranded 2 million Iraqi refugees in neighboring countries — and Washington says that up to 7,000 of them may be resettled in the United States this year.

But which ones?

During a recent trip to the Middle East, I talked with many refugees who seemed to deserve resettlement in the U.S. but may never get it. Even though they have been brutalized by the factional fighting in Iraq, the U.S. government might label them supporters of terrorism.

Here is how it happens. After the United Nations or another nongovernmental agency determines that a person has a "well-founded fear of persecution" in his country of origin, the refugee is interviewed by officials from the U.S. Department of Homeland Security. The screening process includes detailed questions to make sure all of the anti-terrorism provisions of the Patriot Act and the Real ID Act are met.

This is understandable — but there is a flaw in the laws. The definition of who provides "material support" to terrorists is unreasonably broad. There have been several legislative attempts to fix it, but the provisions still stand, largely unchanged, preventing resettlement of Iraqis like these three I met in February and March.

- The liquor store owner is a Christian Iraqi. In July, he found a threatening note slipped under the door of his store in Baghdad. (Selling alcohol violates Islamic law.) The police could not help. With no other means of supporting his wife and seven children still at home, he kept the shop open. The next week, five men entered the store, beat him, emptied the cash register, took his cellphone and demanded \$10,000. Four days later, kidnappers snatched his 1-year-old son and demanded a ransom of \$30,000. With the help of an adult son in Australia, he raised \$10,000 and delivered it as instructed. The next morning he found a package on the porch: one plastic bag with the head of his son and another with a little beheaded body. The liquor store owner buried his son, and the family fled Iraq as soon as they got their travel documents.

What the Americans will want to know is whether the kidnappers were just after cash. Those who act "for mere personal monetary gain" have not committed "terrorist activities." Then — and only then — would paying them a ransom not be considered "material support of terrorist activities."

- The civil engineer is a Sunni Iraqi whose family lived in a Shiite neighborhood. After the U.S. invasion, he got a job with an American company doing reconstruction work. He was abducted by Shiite militiamen. For 21 days, his family searched desperately for him, calling anyone who might pull strings to get him back. To thank those who came to their aid, they gave out prepaid minutes for cellphones, sent by text-messaging a code that could be redeemed with the phone company. In all, they gave out \$3,000 worth of credits, some of which went to the kidnappers.

That may have helped get the engineer released. The engineer also used his own cellphone while he was held captive — an important detail. He was freed unharmed and left the country.

The critical question here will be: Were the cellphone minutes to the kidnappers sent from the engineer's phone or from that of a relative? To transfer any form of payment to a terrorist is to "materially support terrorist activities." If the bribe were sent by a relative, the engineer probably

won't be accused of "supporting terrorism" — unless he asked the relative to give the bribe.

- The hairdresser is a single mother. She received threats by phone and in writing. She was told to close her salon, judged as unacceptable by Muslim extremists. In 2005, a man in a black hood entered her shop, beat her, pulled the crucifix off her neck and raped her. A week later, her son was kidnapped and the same man called; she recognized his voice. He demanded \$10,000. She gathered \$7,000 and paid the ransom. Her son was returned, and she fled the country with him.

At issue here is whether the rapist/kidnapper is a member of a U.S. government-documented terrorist group. Even ransom can constitute "material support" of terrorists. But if money is given "under duress" to a group that is not on either of the two State Department lists of foreign terrorist groups, the "material support" restriction can be waived.

Over the last year, I traveled to half a dozen countries in Africa and Asia and saw bona fide refugees barred from entering the U.S. because of obstacles that seem similarly absurd. But the U.S. government bears special responsibility for the war in Iraq, so the mindless application of "material support" provisions to Iraqi victims of terrorism would be particularly deplorable.

The first of the 7,000 Iraqi refugees to be resettled this year in the U.S. has yet to arrive. So there is still time to pass legislation, or reform the Immigration and Nationality Act, to apply definitions that don't turn victims of terrorism into supposed terrorists themselves.