

The Trial of Tarik Shah

Guest Column

By now, *JazzTimes* readers may be familiar with the case of bassist Tarik Shah, who is awaiting trial on charges of conspiring to support al-Qaeda. It is a stretch to include Shah “among the top 1% of jazz bassists on the scene today,” as it says on his support website (tariksfriends.faithweb.com). But Shah, 43, is a mainstay of the Harlem jazz community who has worked with the likes of Abbey Lincoln, Betty Carter, Ahmad Jamal and many others. He was initially charged in tandem with Rafiq Sabir, a 51-year-old doctor from Florida. But the current indictment has been expanded to include a total of four defendants.

Shah is formally charged in three of the indictment's six counts. He is alleged to have “agreed to provide, among other things, martial arts training for jihadists...” He is also alleged to have conspired with Abdulrahman Farhane, 52, a Brooklyn bookseller of Moroccan origin, “to transfer money ... to locations overseas to purchase weapons and communications equipment for jihadists in Afghanistan and Chechnya...” In the *New York Press*, Howard Mandel reported that “Shah's jazz-world friends are mostly stunned and don't know what to think, but believe in the premises of U.S. law”—most importantly, the presumption of innocence.

Such was my state of mind while attending a pretrial hearing in New York on February 17, in the courtroom of U.S. district judge Loretta Preska. A side door swung open, revealing a temporary holding cell for the defendants. One by one they were led in, wearing dark blue prison garb and handcuffs. First was the young and charismatic Mahmud Faruq Brent, 31, of Maryland, accused of aiding the Pakistani Kashmir militants of Lashkar-e-Taiba. Then came Sabir, followed by Farhane. Last but not least was Tarik Shah, looking gaunt and bemused. The gallery was full of friends and relatives, mostly observant Muslims, some calling out “Allahu Akbar” and other greetings.

Margaret Davis, the New York-based avant-jazz promoter, has spearheaded Shah's support campaign, sending regular e-mail updates and calling for the jazz community to attend these hearings in force. Very few turned up. No trial date has been set but at a March 17 hearing the defendants were ordered to appear before Preska for another hearing on Oct. 30, according to a report in the *Miami Herald*. Meanwhile, Shah remains in the Special Housing Unit of the Metropolitan Correctional Center, in solitary confinement. Anthony Ricco, who was representing the musician at the time, refers to this as “a disgrace.” (In March Joshua Dratel agreed to join Shah's defense team). Sabir's attorney, Edward David Wilford, argues that solitary confinement weakens

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the will of the defendants to participate in their trial and thus violates their Sixth Amendment rights. He has filed a motion to remedy the situation, noting that terrorism suspects who are deemed a “security risk” before trial are typically transferred to the general prison population upon conviction. (Incidentally, Shah has turned down a cooperation offer from the government, although details of that offer could not be obtained.)

“None of the men are charged with directly planning or taking part in terrorism,” wrote Julia Preston in a recent *New York Times* dispatch. It is inaccurate, however, to state that Shah is “not actually charged with committing a crime,” as Margaret Davis has maintained in her e-mails. Conspiring to aid a terrorist organization is indeed a crime, albeit one that the government has yet to prove in court. Urging us “to stand with Tarik Shah in solidarity as well as for freedom of speech, freedom of assembly, and freedom of religion,” Davis misconstrues the matter. Of course we should defend those freedoms, but strictly speaking, they're not at issue in this case.

If, as Davis argues, Shah was merely “meeting and talking with others of his choice,” it was a most unfortunate choice, for Shah was meeting and talking with an FBI informant posing as an al-Qaeda recruiter. (That person has since been revealed as Mohamed Alanssi of Yemen, who attempted suicide by self-immolation near the White House in late 2004, a tale well beyond the scope of this column.) According to the FBI's preliminary 18-page complaint, Shah held meetings, placed calls and took trips in pursuit of nefarious goals, and there is audio and video to prove it. But he appears to have done much of it at the prompting of Alanssi, a pretend terrorist. “Is this good detective work or just entrapment?” asks my colleague Forrest Dylan Bryant, a jazz writer from the Bay Area. That is what the jury will have to decide.

Meanwhile, we're left to sort out the implications. Linger in the courtroom after the February hearing, Anthony Ricco told reporters: “These cases are political. Convictions in these cases are very important to the government, because it allows them to justify billions of dollars spent in the war on terror.” That may be true, but it does not mean that all terrorism cases are invalid. Shah's trial, to be sure, unfolds against a backdrop of profiling, unjustified detentions, officially sanctioned torture, warrantless wiretapping and all the rest. Still, there is a difference between presuming Shah's innocence and proclaiming it.

One thing is certain: This is a poor way for a jazz bassist to make headlines. In the cold eye of the legal system, of course, Shah's profession is a matter of indifference. The question is to what extent it should color our judgment as well. **JT**