



The American-Arab Anti-Discrimination Committee

**Written Testimony to the
United States Senate
Homeland Security and Government Affairs Committee
Subcommittee on Investigations**

on

ISIS Online: Countering Terrorist Radicalization & Recruitment on the Internet & Social Media

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Dear Chairman Rob Portman and Ranking Member Claire McCaskill:

I am writing to you on behalf of the *American-Arab Anti-Discrimination Committee (ADC)*, the nation's premier Arab-American civil rights organization. ADC is a secular, non-partisan grassroots civil rights organization founded in 1980 by former U.S. Senator James Abourezk. ADC has protected the Arab-American community for over thirty five years: (1) defending and promoting human rights, civil rights, and civil liberties of Arab Americans and other persons of Arab heritage, (2) combatting stereotypes and discrimination against and affecting the Arab-American community in the United States, (3) serving as a public voice for the Arab American community in the United States on domestic issues, (4) educating the American public in order to promote greater understanding of Arab history and culture, and (5) organizing and mobilizing the Arab American community in furtherance of the organization's objectives.

ADC routinely works with a broad coalition of national organizations to protect the rights of communities of color in the United States. ADC has standing commitment to open government, and government transparency and accountability. ADC opposes surveillance, racial and religious profiling, and interference with Constitutional rights, particularly the First Amendment, Fourth Amendment, and Fourteenth Amendment. The constitutional, civil and human rights of Arab Americans are more than ever at stake. ADC respectfully takes this opportunity to provide a statement for the record with comments regarding the Subcommittee's recent hearing titled *ISIS Online: Countering Terrorist Radicalization & Recruitment on the Internet & Social Media*.

ADC understands the government's position of thwarting terrorist attacks. However, the sentiment that occurred during the congressional hearing was over-simplistic. It was stated that individuals follow a fixed trajectory towards violent extremism that starts with and is further promoted through online propaganda. A hypothetical stated in the hearing that Alberto Fernandez cites is that of a confused and vulnerable 17-year-old teenager who merely searches terms relating to the Arab world on YouTube, only to be met with violent video results. The hypothetical continues to suggest that these video results will serve as the catalyst that will radicalize this teenager.

Academics have long discredited the above proffered radicalization theory. There is absolutely no statistically significant evidence to prove that there is a link between extreme ideas as indicative of conduct, behavior or commission of a violent act. To put it simply—consuming violence or extreme speech does not make you a criminal. To categorize on any person who views extreme speech or violence under a blanket label of potential “terrorist” influenced by propaganda serves to avoid and undermine the real issues that may cause someone to commit a violent act. Focusing our resources on countering propaganda is ineffective and counterproductive. For example, the United Kingdom implemented a mass initiative to remove terrorist content from the Internet—but still remains a major ISIS recruiting hub.

Resources need to be dedicated to enforcing hate crime statutes, policies and practices that respect human and civil rights, accountability to law enforcement abuse and misconduct, and opportunity to marginalized and underserved communities. Resources and funding, whether for education and afterschool programs, mental health services, employment and job training opportunities, should not be provided under a law enforcement lenses – Countering Violent Extremism (CVE). Federal and local law enforcement community engagement should also not be securitized under CVE.

The congressional hearing focused on the rising threat of ‘lone wolf’ terror in the Arab and Muslim communities. The exaggeration on the ‘lone wolf’ threats paves the way to unconstitutional surveillance programs. These programs promote the infiltration of minority and activist communities. Lone-wolf terror represents a risk, but a risk that is similar if not less than risk of any other crime.

Under the CVE programs, government agencies intend to employ defectors of terrorists groups or alleged former violent extremists to provide testimony and use this testimony for outreach efforts. While the existence of a former violent extremist is questionable, measures must be put in place to ensure participants are not incentivized through the CVE economy. Defectors and alleged former violent extremist’s testimonials must be vetted for veracity, accuracy, and appropriateness, with adequate restraints on testimonial identification and use. Defectors and alleged former violent extremists should not be compensated or provided any monetary benefits and/or gifts for use of testimonials and/or participation. This is essentially monetarily incentivizing individuals for engaging in criminal activity and begs into question the credibility of such testimony.

The panelists at the congressional hearing failed to provide a concrete explanation of what civil rights and privacy safeguards are in place for the rollout and implementation of CVE programs and initiatives. As the government aims to recruit private and civil society for its CVE programs, we cannot compromise our Constitutional rights and right to freedom of speech. Currently, the government has made request for private companies and technology entities to censor and remove content off the internet. The government has failed to be transparent and forthcoming with its content removal requests and standards for such requests.

UN Resolution 30/15 recognized that “[V]iolent extremism, in all its forms and manifestations, cannot and should not be associated with any religion, nationality, civilization or ethnic group.” UN Special Rapporteur Ben Emmerson’s February 22, 2016 Report on the Promotion & Protection of Human Rights & Fundamental Freedoms in Countering Terrorism Efforts also articulated serious concerns with implementation of Countering Violent Extremism (CVE) efforts in the educational setting impact on the right to education and academic freedom.

Educators should not be required to act as watchdogs or intelligence officers, nor should they be obliged to act in ways that might impinge the right to education, academic freedom or freedom of expression, thought, religion or belief. Such measures may lead pupils and students to self-censor to avoid being branded ‘extremist’, cause teachers and other staff to view pupils and students as potential threats or avoid discussing certain issues or inviting guest speakers whose views may be controversial. The lack of certainty about what elements to take into consideration may also lead educators to be overly cautious and needlessly report through fear of sanctions.

Special Rapporteur Ben Emmerson’s Report also found that it is essential to address the respect and enforcement of human rights in the context of countering violent extremism.

Key points from the 2016 Special Rapporteur Report:

- Attempts to address violent extremism through security-based counter-terrorism measures have been insufficient to prevent the emergence of violent extremist groups;
- There is no accepted definition of violent extremism;
- Serious concerns arise with use of violent extremism & terrorism interchangeably, & without a clear definition of each & the difference between the terms;

- Too much focus on religious ideology as the driver of terrorism & violent extremism rather than conduct;
- No authoritative statistical data on the pathways towards individual radicalization exist.

Impact on Human Rights of Measures to Counter/Prevent Violent Extremism:

- Limitations on Freedom of Expression & Censorship Online
 - Measures taken to prevent or remove messages communicated through the Internet or other forms of technology constitute an interference with the right to freedom of expression;
 - Bans on the operation of certain sites should not be generic but content-specific. No site or information dissemination system should be prohibited from publishing material solely on the basis that it may be critical of the government or the social system espoused by the government.
 - "[F]reedom of expression applies to all forms of ideas, information and opinions, including those that offend, shock or disturb the State or any part of the population."
 - "Educators should not be required to act as watchdogs or intelligence officers, nor should they be obliged to act in ways that might impinge the right to education, academic freedom or freedom of expression, thought, religion or belief. Such measures may lead pupils and students to self-censor to avoid being branded 'extremist', cause teachers and other staff to view pupils and students as potential threats or avoid discussing certain issues or inviting guest speakers whose views may be controversial. The lack of certainty about what elements to take into consideration may also lead educators to be overly cautious and needlessly report through fear of sanctions."
- Limitations on the Freedom of Movement:
 - Countries must ensure that all persons enjoy the substantive right to nationality without discrimination & violation must have effective remedy & due process protections.
- Targets Persons or Groups Based on Identity or Beliefs
 - Countries counter violent extremism strategies are broad to encompass anyone but in practice are disproportionately applied to target specific groups classified as 'at risk' to violent extremism;
 - Countries strategies to identify individuals, indicators, and who is qualified to refer raise concerns.

The CVE programs and initiatives are actually counterproductive our national security and do not address the root causes of mass violence. Rather CVE securitizes our communities; the security lenses focus on our community for "civic engagement" improperly paints the Arab and Muslim American community as a population that must be controlled, criminals, predisposed to violence and terrorism, or vulnerable to ISIS. Meanwhile the fact is that there have been only approximately 250 American citizens who have been inspired to, and/or travelled to support ISIS overseas. 250 Americans out of nearly 320 million Americans equates to less than 1% of the population (0.00000078%). Thus broad surveillance of Arab and Muslim communities based on identity and not individual particularized facts of an individuals that meet the probable cause legal standard, prevents our law enforcement from actually focusing on the real threats.

The Combating Terrorism Center at West Point found that since 2007 there has been a dramatic rise in the number of violent plots from persons who identify with far-right of American politics. However, the major ideological movements linked to violence varied from "a racist/white supremacy movement, an anti-federalist movement and a fundamentalist movement," but did not include Arabs or Muslims. In fact, the only documented link between Arab and/or Muslim community centers and violent extremism is that mosques were often the targets of violent attacks. The report noted that "the great majority of attacks perpetrated by the racist groups are aimed against individuals or groups affiliated with a specific minority ethnic groups, or identifiable facilities (churches, mosques, synagogues, or schools affiliated with minority communities)." Additionally, the 2014 European Union Terrorism Situation and Trend Report found that the majority of terrorist attacks are committed by separatist groups, rather than particular religious or ethnic groups. The recent acts of terrorism in

Charleston, South Carolina also demonstrate that the model of profiling minority religious and ethnic groups is fundamentally flawed.

The conflation of ideology and religion with violence is a false narrative. Religious, ethnic or behavioral traits cannot be substantively linked to violent extremism. Religion is not an indicator of violence. Targeting Muslims and those perceived to be Muslim including Arab Americans, based on their identity for CVE and other initiative to combat terrorism are not objective measures that actually address mass violence. There should be more focus on resources to address misuse of authority and systematic abuse by law enforcement, and enforcement of hate crime reporting by local and state law enforcement.

CVE and congressional members assert that violent acts can be eliminated by combating radical ideology. The error in this reasoning is that there is no solid connection between radical ideology and violence. There are many people in this country that hold views that can be considered extreme, but belief in such ideas and the perpetration of violence are two separate things entirely. Government agencies cannot be allowed to police ideas, thoughts and beliefs, and restraint should be exercised even as applied to questioning persons about extremist views on immigration applications. Any efforts to curb mass violence must focus on conduct, not identity or belief.

ADC requests this subcommittee to report on the detailed explanations of the initiatives discussed in the hearing by the panelists including but not limited to what training and oversight measures are in place, what are the performance and effectiveness metrics, and evaluation methods for grant applications on civil rights and civil liberties. The speakers stated that there is a need to counter the threat of online propaganda through private and public partnerships, as well as with teachers and schools. The community should know exactly where CVE funding will go and in what form for these online initiatives. The exact terms of partnership and online strategies should be explicitly outlined, and publicly available and accessible including but not limited to the “scorecard” for grant applications.

There are too many unanswered questions about CVE and too many concerns raised by the limited information we do know. We must know everything about what these programs entail, and what safeguards are in place to guarantee the civil rights and civil liberties of all. ADC strongly urges the subcommittee to require government agencies to produce any and all information related to implementation and procedures, groups and organizations funded and how funding used, and require procedures and policies to be set up in place prior to any consideration and grant of additional funding. As the program has largely been operated in secrecy, but been proffered as a community program, Congress and the community must know what is going on before any more money is put into CVE.