

# **FAISAL SHAHZAD'S "WAIVER" OF HIS RIGHTS**

Faisal Shahzad was arrested just before midnight on May 3.

On May 5, the Pakistani newspaper Dawn reported that one of Shahzad's friends and his father-in-law, Iftikhar Mian (elsewhere named as Mohammad Asif Mian), had been detained by Pakistani intelligence. The same report describes a meeting that took place on May 4, at which Pakistani authorities promised US Ambassador Anne Patterson full cooperation with the investigation. Also on May 5, the AP took a photograph (published in a May 6 Time article) showing a policeman apparently standing guard in front of Shahzad's father's house. Later the same day, less than 48 hours after Shahzad's arrest CBS reported (apparently for a second time, given the title and the picture referring to an arraignment expected but postponed the day before) that Shahzad's arraignment had been delayed. On May 6, a blog reported that Faisal's father, retired air force officer Baharul Haq, was taken into "protective custody" by Pakistani officials.

On May 9, Dawn reported that the FBI was seeking access to Shahzad's father.

On May 11, Dianne Feinstein confirmed that Shahzad had waived his right to speedy arraignment.

On May 14, Pakistan's Interior Minister stated that there had been no formal arrests in Pakistan related to the Shahzad case.

In all of this reporting, there has been no solid reporting as to the status or location of Shahzad's wife, American citizen Huma Mian, or his kids, at least one of whom is also US-born (though some reports had her staying at Shahzad's father's house).

I raise all this to point out that at a time when it still wasn't clear whether or not Shahzad would "waive" his rights to appear in court and—apparently—have a lawyer, Pakistani authorities had already detained at least Shahzad's friend and father-in-law, potentially his father, and might well have police guard on the house at which his wife remained (though, as I pointed out, we have no real clarity as to Huma Mian's location). All of this presumably occurred in response to the US request for help on May 4, just hours after Shahzad was arrested. And, in that same period of time, Shahzad rather curiously waived not just his right to an arraignment, but possibly also his right to an attorney.

Now consider what happened in two other big counterterrorism cases this year. To get Umar Farouk Abdulmutallab to cooperate, the FBI flew to Nigeria and persuaded his family to get him to cooperate (note, given Abdulmutallab's father's role in banking, the US would have a way of pressuring the father). And once the government indicted Najibullah Zazi's father (followed by a few of his friends) it took just weeks to get him to plead guilty and start cooperating with investigators.

And all that, of course, happens against the background of incidences where the families of other detainees, notably Pakistanis Khalid Sheikh Mohammed and Aafia Siddiqui, were taken into custody and (at least in the case of KSM) used as threats against the parent.

Our government has been very successful at coercing terrorist suspects by using the suspects' family.

Did the government use the detention of Shahzad's and Mian's fathers as a way to convince Shahzad to "waive" his rights to an arraignment and—more importantly—potentially a lawyer?