

CAIR-MI ALLEGES THE FBI ENGAGED IN A COVER-UP IN IMAM ABDULLAH LUQMAN'S DEATH

Back in February, I suggested that the killing of Imam Abdullah Luqman by members of FBI's Hostage Rescue Team is what a targeted killing in the US would look like. I was not asserting it was a targeted killing, just that a targeted killing would be a raid with a seemingly unplanned death, and we would likely never know if it were a targeted killing.

At the time, I described how the FBI had basically blown off Luqman's survivors' wrongful death suit, which was supported by CAIR-MI.

Today, CAIR-MI and the survivors have filed an amended complaint.

The complaint gets around the FBI's previous strategy of refusing to name the four FBI Agents most directly responsible for killing Luqman by also naming the former SAC for Detroit, Andrew Arena, who said on a video that "I made the final decision to use that dog [sicced on Luqman]. That was the last decision I made" and the FBI's local SWAT team member.

And it gets around the expiration of statute of limitations by accusing the FBI of fraudulently concealing the cause of action. In addition to putting out a false story claiming Luqman was armed, the complaint alleges, Arena made sure the killers and the weapon allegedly used by Luqman were removed from the scene before local law enforcement arrived. In addition, all video surveillance was removed from the site, and Abdullah's body was moved.

62. Upon information and belief, during the time that the FBI had complete

control of the interior warehouse crime scene, Defendant Arena arranged for the evacuation of the Unidentified FBI Agents and their transport to FBI Headquarters.

63. Accordingly, the Unidentified FBI Agents were unavailable to provide witness statements to local police crime scene investigators.

64. Upon information and belief, during the time that the FBI had complete control of the interior warehouse crime scene, and pursuant to instructions by Defendant Arena, an alleged semi-automatic handgun was allegedly removed from the crime scene and taken to FBI Headquarters.

65. Accordingly, the alleged semi-automatic handgun was unavailable for forensic analysis by local crime scene investigators.

66. Upon information and belief, during the time that the FBI had complete control of the interior warehouse crime scene, and pursuant to instructions by Defendant Arena, FBI Agents removed all hard drives and video surveillance equipment from the warehouse before local crime scene investigators were allowed to gain access to the hard drives or view the video footage.

67. Upon information and belief, during the time that the FBI had complete control of the interior warehouse crime scene, and pursuant to instructions by Defendant Arena, the body of Abdullah was already moved to a different location inside the warehouse before local crime scene investigators and the medical examiner were allowed to gain access to the crime scene.

As a result, it was not until one of Luqman's

alleged accomplices, Muhammad Abdul Salaam, was released from prison until Luqman's estate learned what really happened at the site.

Here's where things get interesting. I had noted in my last post that the four men who killed Luqman had basically defaulted on the initial complaint. The day that default was entered, a local AUSA contacted CAIR and asked them to set aside the default; CAIR said they would only do that if they could get subpoena ID of the FBI Agents.

Then the Judge, Lawrence Zatkoff, got cranky.

This is also a case, however, where it is unacceptable that neither the Office of the United States Attorney nor the Office of the Attorney General has filed an appearance or an answer to Plaintiff's Complaint for more than four months after being served.

Accordingly, the Court hereby ORDERS the government to file with the Court, within 30 days of the date of this Order, appearance(s) of counsel and answer(s) to Plaintiff's Complaint.

In response, rather than respond to the subpoena, the government moved to dismiss the case, based on its claim that the defendants "unidentified FBI Agent" is a fictitious entity, that CAIR had never made any real attempt to learn those identities, and so any legal response was unnecessary. (To be sure, CAIR probably should have named Arena in its suit from the start.)

Here's the thing: while this has all been going on, CAIR had been suing the other government entities involved. And by settling with those entities, it got 1,000 pages of information on the raid.

But the identities of the four FBI Agents – and only those four – were redacted.

56. As a result of a number of settlement agreements reached with each of the government agencies not including the FBI, Plaintiff received over one thousand pages of evidence concerning Abdullah's death, including photographs, sketches, audio, police cam footage, and video footage.

57. The documents produced by the government agencies provided the names of all of the FBI agents involved in the tactical operation, however redacted the identities of only the Unidentified FBI Agents.

Now, I'm not sure whether the tolling issues will be overcome here. And I've got questions of the claim of a cover-up—though in some ways those claims parallel the most dubious aspects of the FBI's stories, including that they lost radio function.

Here are three key details – developed in the state's own inquiry in the case – that seem to undermine the government's claims that Luqman was shooting the dog that was siccing him, which gave the FBI Agents reason to shoot him in return.

- The FBI claimed the apparent teeth marks on Luqman's body were instead caused by the slide of his gun he purportedly had, because he was wielding it that close to his face. (9, PDF 82, PDF 95)
- There was no gun powder on Luqman's body, at least not around his gunshot wounds. (PDF 103, PDF 107)
- There were no fingerprints

on the alleged gun. (7)

In other words, the FBI is at the same time claiming that Luqman was holding the alleged gun so close to his face as to lacerate himself with it, but the two coroners said his fatal gunshot wound were shot from a distance (they were) because there was no gunpowder, at least around those wounds. And the local cops never got a look at that gun.

Note, too, that the FBI admits they moved Abdullah's body, ostensibly to handcuff the dead man (PDF 94), which would be consistent with CAIR's claim the body was moved.

In recent years, Bivens cases have gone almost nowhere. And as I said, I'm not sure the tolling argument will fly. But this case might just get interesting.