

THE PRACTICAL NOMAD

EDWARD HASBROUCK

1130 Treat Avenue, San Francisco, CA 94110, USA
phone +1-415-824-0214
edward@hasbrouck.org
<http://hasbrouck.org>

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Judge Liam O’Grady
U.S. District Court for the Eastern District of Virginia
401 Courthouse Square
Alexandria, VA 22314

Re: Sentencing of Dr. Ghulam Nabi Fai

Dear Judge O’Grady:

One of the privileges of writing about travel around the world is the opportunity to learn first-hand about events and conditions in places that relatively few Americans visit as tourists. That first-hand knowledge carries with it, I believe, a responsibility to inform my readers and the public at large about violations of democracy and human rights in places I've visited, and to repay the generosity of my hosts with my support for their struggles for freedom.

For these reasons, I've been involved for many years in writing, public speaking, and other activism in support of self-determination and human rights in Kashmir. I met Dr. Fai through that work more than 20 years ago, and we've kept in touch ever since. I don't know if I am carried on the rolls of the Kashmiri-American Council as a KAC "member", but I consider myself a supporter of the KAC's work and an endorser of its goals. I've spoken on the same platform with Dr. Fai at several public events sponsored by the KAC and other organizations.

Nothing in my dealings with Dr. Fai has ever given me reason to doubt the sincerity of either his commitment to the cause of the Kashmiri people – irrespective of the interests of any foreign power – or his faith in the USA as a symbol of freedom, democracy, and human rights.

Never in my discussions with Dr. Fai has he ever suggested that I do anything, or told me that he had done anything, because it would benefit a particular faction of Kashmiris or a particular national government. Dr. Fai has, in fact, played a leading role in facilitating dialogue between Kashmiris living under different governments and in different parts of the diaspora.

Reading the complaint and plea agreement in this case in light of my personal experience with Dr. Fai and knowledge of his character, I believe that his actions were motivated by a sincere desire to enable Kashmiris to have a voice in determining their own future.

I think it unlikely, in the wake of this plea agreement, that Dr. Fai will repeat these offenses, especially given the likelihood that to do so would further undermine the cause to which, sacrificing the possibility of any other career, Dr. Fai has devoted so much of his life.

I hope you will also consider, in mitigation of sentencing, the effect on anyone's better judgment of being subjected, year in and year out, to the extraordinary campaign of demonization which has been directed at Dr. Fai by the Indian government and news media. Despite the complete absence of any hint of association with violence or terrorism in any of the record in this case, or in any of my dealings with Dr. Fai, his name has been made a household word throughout India and the Indian diaspora as the figurehead of a "foreign terrorist".

In light of this villification of Dr. Fai, the KAC, and anyone associated with them, and the history of summary detention, torture, and extrajudicial execution of those similarly branded by India as terrorists, someone in Dr. Fai's position would be foolhardy not to live in constant fear for his life and liberty, especially when travelling abroad. It's more surprising that Dr. Fai has been able to persevere in his work, and remain nonviolent, than that he has, under this pressure, made the mistakes that form the basis for the charges to which he has pled guilty.

Merely to be associated with Dr. Fai or the KAC can endanger people who live in Kashmir or return from the diaspora to visit Kashmir. Many Kashmiris and Kashmiri-Americans, including some of those who I have met through the KAC, bear the scars of torture, left Kashmir to escape persecution for their nationalist views, and/or (like Dr. Fai himself) have well-founded fears of persecution were they to travel to Kashmir. Many in the diaspora have family members who remain in Kashmir and vulnerable to reprisals for their activities, if those become known. Confidentiality is often a matter of life or death, for oneself and others, for activists in movements for democracy, human rights, and self-determination. This doesn't excuse Dr. Fai's offenses, but I hope you will consider, in passing sentence, the extent to which a legitimate (indeed commendable) desire to preserve the confidentiality of vulnerable associates living under military occupation and the suspension of civil liberties can, and perhaps in this case did, lead to impermissible withholding of information from the U.S. government.

I believe that Dr. Fai's highest priority is the cause of the Kashmiri people. Knowing the damage done to that cause by his admission of having committed these offenses will, I believe, provide the strongest possible deterrent to his repeating these mistakes.

I strongly believe that the interests of justice and rehabilitation would best be served in the case of Dr. Fai by allowing him to return, as soon as possible, to his work as an advocate for peace, freedom, democracy, and reconciliation in Kashmir.

Sincerely,

Edward Hasbrouck