

Media Fact Sheet

Entrapment & US Terrorism Prosecutions

In Canada, the defence against entrapment is rarely heard in court.

- It was first raised in 1988 in a drug trafficking case.
- In terms of terrorist-related cases, the defense of entrapment has been used unsuccessfully in three instances it was brought to Canadian courts until the fourth case in 2016.
- After John Nuttall and Amanda Korody, a couple, were found guilty by a jury, a B.C. Supreme Court decided to overturn the verdict on the grounds that the RCMP took advantage of their vulnerabilities and induced them to commit the offence.

In the United States, [Human Rights Watch](#) analyzed in-depth more than two dozen specific cases and provided a statistical analysis of the 494 cases the Justice Department identified as relating to international terrorism for the period from September 11, 2001 to December 31, 2011.

- **Age:** According to the documented cases and in addition to Abdulrahman's case, there is only 1 other case of entrapment on a minor (Adel Daoud).
- **Mental Health:** 8 out of the 27 cases (30%) that HRW analyzed in-depth showed serious signs early on that the defendants struggled with mental or intellectual disabilities.
- **Sentences:** Defendants who went to trial received a median sentence of 11.3 years, while those who took plea agreements received a median sentence of 3.2 years. More than one-third of those who took a plea deal received either no prison sentence or a sentence of time served.
- **Charges:** The majority of offenders on the DOJ list were only convicted of a single offense. However, 22 percent of those on the list were convicted of three or more offenses.
- **Charges:** The two most frequent offenses, "Providing Material Support" and "Conspiracy," account for more than 1 in 4 of the DOJ convictions.
- **Convictions** (489 of the 494 defendants): 74.2% were secured through plea. Those that went to trial were more likely to have faced multiple charges of conspiracy and/or material support. Those who went to trial for both Material Support and Conspiracy charges received sentences nearly three times, or nearly 18 years, longer, on average, than people who pled to similar charges.

Study from George Washington University, on extremism and its collection of data with regard to sentences involving cases in the United States involving the Islamic State:

- Since collecting data from the first arrests in March 2014, George Washington University published its 5 years of data collection summary (as of January 2019). 170 individuals were charged with IS related offenses. 56% involved sting operations.
- **Age:** the average age of these individuals was 28.
- **Sentence:** the average number of years given for defendants was 13.4.

Study from Jesse J. Norris, criminal justice professor at the State University of New York at Fredonia, and Hanna Grol-Prokopczyk, sociology professor at University of Buffalo, titled 'Estimating the Prevalence of Entrapment in Post-9/11 Terrorism Cases' looked at cases from September 11, 2001 to 2014.

- 580 terrorism prosecutions during this juncture
- 317 (55%) involved an informant or undercover agent, and most of those showed signs of entrapment.

According to the New York Times, undercover operations are now used in about 2 of every 3 prosecutions involving people suspected of supporting the Islamic State in the United States.

- According to The Times, the FBI has used undercover operations with increasing frequency in its Islamic State investigations since the earliest cases emerged in March 2014 (before it was Al Qaeda and other extremist organizations).
- 30 percent of the first few dozen prosecutions through late 2014 appear to have relied on evidence gathered through undercover operations. That number climbed to about 45 percent by early 2005.
- And since February 2015, about 40 of 60 Islamic State prosecutions have been based on undercover operations.