



Jurisprudence Section – 2011

E30 Special Challenges in the Assessment of Jihadists

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After attending this presentation the attendee will learn of the challenges unique to Jihadist cases and their defendants: welcome sources of information, approaches that aid in the better understanding of an often-elusive examinee, and approaches to cutting through the fog of war. The lecture respects the boundaries of national security but offers lessons gathered from a long war's early days, its entrée onto the soil of American courts, and the psychological lessons for trial and corrections. This presentation will impact the forensic science community by examining special challenges in the assessment of Jihadists.

The Jihadist, in the person of a foreign born defendant affiliated with al- Qaeda or other nihilistic terror groups, may increasingly face evaluation in civilian settings. Contrary to current presumptions, combatants hail from multiple continents and derive from distinct pathways. With a number of cases referred to federal courts, forensic psychiatrists and psychologists working in both the civilian and military settings encounter unique challenges in the assessment of these offenders.

From confession statements to diminished capacity, to potential mitigating influences, custodial arrangements, future dangerousness, and even capacity to be executed, the Islamist defendant poses peculiar cross-cultural and interview challenges. Controversies from the Guantanamo and Bagram legacy, the prevailing political climate, veils attached to national security, even the influence of the news media layer additional complexities. Mythology of numerous "scholars" of terrorism introduces others confounders to accurate assessment.

Islamist Terror, Al-Qaeda, Forensic Psychiatry