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Judge Denies Bail to Men Accused of Plot Against Fort Dix

By [KAREEM FAHIM](#)

CAMDEN, N.J. — A federal judge on Thursday denied bail to the five men accused of plotting to attack the Fort Dix military base, saying they would have ample access to evidence to prepare their defense while incarcerated.

At a hearing in United States District Court here, the judge, Robert B. Kugler, said that on numerous occasions recently, the defendants had sometimes not taken the opportunity to review evidence. He also chided defense lawyers, telling them to provide “dates and times” when the suspects said they had been denied permission to review material.

The defendants, who are in a special wing of the Federal Detention Center in Philadelphia, separate from the general prison population, are accused of plotting to kill soldiers at Fort Dix. Prosecutors said they watched jihadist training videos and tried to buy high-powered weapons in preparation for their attack.

Their trial date, which has been moved several times, is now set for March.

Their lawyers have complained that in prison, the men have had to share access to laptops that have sometimes not worked; that some requests by the men to contact their lawyers have gone unheeded; and that the strain from their isolation in the detention center is hurting their case.

“There’s been extreme psychological pressure exerted on these defendants from the get-go,” said Richard Sparaco, the lawyer who represents Serdar Tatar, one of the defendants.

But last month, the prison instituted a new policy that allowed the defendants to review materials for eight hours every day. Judge Kugler mentioned the new rules in announcing his decision. “The defendants will have sufficient time,” he said.

The judge also ordered that a video, which prison and government officials said shows another defendant, Eljvir Duka, passing a note to the cell of another inmate, be made public. Mr. Duka’s lawyer said in court on Thursday that there was no evidence yet that Mr. Duka had written the note, which the government said contained extremist messages.

But the judge granted a defense request to keep another video under seal. Prosecutors charge that the second video was a “jihadist recruitment video” passed by the defendant Mohamed Shnewer to another inmate. Judge Kugler said that the video, which the government said was seized from Mr. Shnewer’s computer, was “inflammatory” and contained images including the destroyer Cole, [Osama bin Laden](#) and people who were “killed or maimed.”

Mr. Shnewer’s lawyer, [Rocco C. Cipparone Jr.](#), has said that the video was simply discovery evidence and

that Mr. Shnewer had not given it to anyone.

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