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Professor in Deadlocked Terrorism Case Could Face a New Indictment

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Sami al-Arian, a computer science professor imprisoned for more than five years after pleading guilty to a single terrorism-related charge when his trial deadlocked, is back in legal limbo this week. He faces either deportation or a new indictment that could extend his incarceration for years.

The Justice Department and some independent terrorism investigators have long accused Mr. Al-Arian of being the main North America organizer for Palestinian Islamic Jihad, which has claimed responsibility for some of the more deadly suicide bombings against Israeli targets and which the United States has designated a terrorist organization.

Mr. Al-Arian's supporters, though, say that he is nothing more sinister than an outspoken Palestinian activist, and that the Justice Department has tried to exploit the post-Sept. 11 mood in the United States to punish him for that, using legal maneuvering to keep him behind bars.

"The government has shown a willingness to go to the most extreme lengths to prolong Mr. Al-Arian's incarceration," his defense lawyer, Jonathan Turley, said.

The treatment of Mr. Al-Arian, who taught at the University of South Florida, has drawn international condemnation, including a complaint in 2007 by Amnesty International that he has suffered a pattern of abuse in United States prisons.

Mr. Al-Arian maintains that a plea agreement he reached with the federal government in 2006, in which he accepted deportation in exchange for pleading guilty to one terrorism-related charge, included a verbal understanding that he would not have to testify in any other case. The government maintains that the plea agreement does not explicitly bar such testimony. The United States Court of Appeals for the 11th Circuit, in Atlanta, upheld the government's stance in January. The government has thrice sought to compel him to testify before a long-running grand jury in Federal District Court in Alexandria, Va.

If the government chooses to charge Mr. Al-Arian with criminal contempt for refusing to testify, his time in jail could be open-ended, Mr. Turley said. "It is an abuse of the grand jury system," he said. "It is an effort to secure by abusive means what the government could not secure from a jury."

A Justice Department spokesman, Dean Boyd, pointed to the 11th Circuit's decision as affirming that the government's stance is correct. Jim Rybicki, spokesman for the United States attorney's office for the Eastern District of Virginia, would not comment.

Mr. Al-Arian, 50, has been in jail since February 2003, somewhat longer than his 57-month sentence because of the wrestling over his grand jury testimony. The sentence expired last weekend, though, so he is now in the custody of Immigration and Customs Enforcement, which would be in charge of his deportation should it occur.

He has been moved repeatedly from jail to jail, Mr. Turley said. A slight man, Mr. Al-Arian has been on a hunger strike since March 3 and has lost more than 30 pounds, he added. A Palestinian born in Kuwait, Mr. Al-Arian was a legal resident of the United States, but not a citizen. His trial is the subject of a documentary, "USA vs. Al-Arian," that can be watched at linktv.org/programs/usavs.

In February 2003, a 121-page indictment trumpeted by the United States attorney general, John Ashcroft, painted Mr. Al-Arian as a linchpin of Palestinian Islamic Jihad, or P.I.J., funneling money, support and logistical advice to suicide bombers. But after a six-month trial in Federal District Court in Tampa, Fla., Mr. Al-Arian was acquitted on eight counts and the jury deadlocked on the remaining nine. The hung jury was considered a major embarrassment for the Bush administration by critics who saw it as another example of the administration's overreaching on terrorism cases.

Rather than face another trial, defense lawyers said, Mr. Al-Arian pleaded guilty to one conspiracy count of helping individuals associated with P.I.J. on immigration and other court matters. The United States designated P.I.J. a terrorist organization in January 1995, and the activities to which he pleaded guilty occurred shortly after that.

In negotiating the plea agreement, his defense lawyers said, they explicitly removed standard language stating that Mr. Al-Arian agreed to testify against others.

"They made a deal, and that deal was that if he would enter this negotiation, it would end all business with the federal government, but they didn't mean it," said Linda Moreno, one of his lawyers in the Florida case.