

Agent says imam came clean (HERALD NEWS)

Agent says imam came clean

By HEATHER HADDON,
HERALD NEWS | 05/09/08 03:03 AM

Imam Mohammad Qatanani waves to his supporters standing in the rain before entering U.S. Immigration Court in Newark on Friday morning. (KEVIN R. WEXLER / HERALD NEWS)

Testifies cleric admitted conviction in 2005

The federal government would not have discovered Imam Mohammad Qatanani's conviction by an Israeli military court had he not volunteered it, an FBI agent testified in U.S. Immigration Court Thursday in Newark.

During the first day of testimony in the three-day deportation trial against the imam, lawyers for the U.S. Department of Homeland Security called Angel Alicea, an FBI special agent for 20 years, to discuss an interview he had with Qatanani in 2005.

The interview occurred after the cleric went to the FBI asking for help after his application for residency had languished for six years. In the interview, Alicea reviewed the cleric's application line by line.

Qatanani told Alicea that he had been detained by the Israeli military in the early 1990s, when asked about the box where he had checked "no" for previous arrests, the agent said in court.

"If Dr. Qatanani had not provided this conviction information, perhaps you would not have learned it?" asked defense attorney Claudia Slovinsky.

MULTIMEDIA

KEVIN R. WEXLER / HERALD NEWS

- Photo Gallery: The first day of the Paterson imam's deportation hearing

Related Stories

- Mosque's future at stake in Paterson imam's case (May 8, 2008)
- Leader of the Islamic Center of Passaic County fights deportation (May 7, 2008)
- Israel: Imam admitted Hamas tie (April 26, 2008)
- Support surrounds imam facing immigration charges (April 25, 2008)
- Besieged imam stays focused on intolerance in Paterson (March 10, 2008)
- Case against Passaic County imam puzzles experts (March 4, 2008)
- Paterson imam faces deportation (March 1, 2008)

"Yes, this is true," said Alicea.

His information led the government to petition Israeli authorities for the documents about the two charges against him. A year later, the U.S. government denied his application for permanent residency.

Alicea did not record the interview. He transcribed his notes a year after the hourlong discussion took place.

Sitting quietly in a white robe, with his wife and six children, Qatanani, 44, of Paterson, did not speak during Thursday's six-hour hearing. He has served as the spiritual leader of the Islamic Center of Passaic County since 1996.

If Judge Alberto J. Riefkohl finds that Qatanani misled immigration officials by omitting the detention in Israel, the imam, his wife and three of his six children will be deported.

The prosecution, led by Alan Wolf, sought to establish that Qatanani was convicted by an Israeli military court on two charges of membership and assistance to Hamas between 1989 and 1991, when the cleric lived in Jordan.

Amos Guiora, the government's first witness and a former Israeli prosecutor and judge in Gaza and the West Bank, pledged to the authenticity of documents showing two charges signed by a judge during Qatanani's plea hearing in 1993.

"They look like hundreds, if not thousands, of ones I've seen before," said Guiora, now a law professor at the University of Utah.

Riefkohl allowed the documents to be discussed in court but has not admitted them as evidence because he could not authenticate them. At one point, Riefkohl said they suffered from "looseness."

In cross-examination, Slovinsky noted that Qatanani's name did not appear on a list of those present during the plea hearing, though the judge, prosecution and defense lawyers had written their names. An "X" was put in a box for the defendant's presence during the hearing.

The documents also had two different birthdates used to identify the cleric. They did not include the cleric's confession to ties to Hamas, nor a photograph of the person charged or convicted of the crime. Riefkohl questioned the lack of fingerprints obtained at the time of arrest.

Guiora also discussed the workings of Israeli courts in the early 1990s. Procedurally, a Palestinian would be arrested at border crossings based on military intelligence of affiliations with terrorist groups. The suspect would be held for questioning. After 18 days, he would appear before a judge and could then hire a defense lawyer if the government chose to hold him further.

During the hearing, a judge would render a verdict. If convicted, the person could appeal. In cross-examination, Slovinsky cited findings in Guiora's own books that Israeli prisons in the early 1990s often subjected people to temperature extremes, loud music and being chained to a chair for long periods of time.

Guiora agreed, but said he didn't consider those methods to be torture. Confessions came in more than 90 percent of arrests of Palestinians during that period, Guiora said.

In 1999, Israel changed its court procedures after international scrutiny. Guiora said Israel's courts weren't that dissimilar from those used in the United States. When Slovinsky asked him about what kind of court, he cited the Guantanamo facility in Cuba for those accused of terrorism.

Today, the prosecution will present the last of its witnesses, Heather Philpott, an agent with U.S. Immigration and Customs Enforcement, to discuss the 2005 interview with Qatanani. The defense will begin calling character witnesses, along with the imam.

Outside the courthouse Thursday, hundreds of Qatanani's supporters rallied, waving "Americans 4 Qatanani" signs. The cleric is known nationally for his moderation and denouncement of terrorism after Sept. 11.

"We are Muslims. We are Americans. We are here to stay," said Mohammed el-Filali, outreach director of the Islamic Center of Passaic County, as people cheered at the rally held along Broad Street.

Reach Heather Haddon at 973-569-7121 or haddon@northjersey.com.

