

## Another setback for imam at hearing (HERALD)

Another setback for imam at hearing

By HEATHER HADDON,  
HERALD NEWS | 05/10/08 03:03 AM

Imam Mohammad Qatanani, center, greets supporters after leaving a hearing at the Peter W. Rodino Jr. Federal Building in Newark. (KEVIN R. WEXLER / HERALD NEWS)

An immigration officer testified Friday that Imam Mohammad Qatanani told her in 2005 he had been arrested and convicted of aiding Hamas.

U.S. Immigration and Customs Enforcement Special Agent Heather Philpott's testimony came in a deportation case that hinges on whether Qatanani knew he had been convicted by an Israeli military court of helping the terrorist group.

Philpott said in Friday's immigration court hearing in Newark that she recalls Qatanani saying that he had been arrested. He had signed an affidavit of the Israeli criminal conviction. During the interview, an Arabic translator made sure Qatanani understood the word affidavit, Philpott said.

Sitting in the front row of Judge Alberto J. Riefkohl's small courtroom, the cleric shook his head and mouthed "no," as he listened to Philpott's testimony.

She did not record the interview, nor did she take notes on it. FBI agent Angel Alicea, who testified Thursday, prepared a report about the interview, which Philpott reviewed before her testimony.

For 12 years, Qatanani has served as the religious leader of the Islamic Center of Passaic County in Paterson. He is respected nationally for being a voice of moderation and condemnation of terrorism after Sept. 11. He faces deportation for failing to disclose the Israeli conviction on his application for permanent U.S. residency.

The trial has repeatedly returned to the question of whether Qatanani was arrested and convicted in an Israeli military court in 1993, or underwent an administrative detention, the process of holding Palestinians based on classified intelligence.

## MULTIMEDIA

### KEVIN R. WEXLER / HERALD NEWS

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

Qatanani's legal defense argues he was detained, as was common practice with Palestinians crossing between Jordan and Israel.

In another exchange, Philpott told the court that the government had labeled Qatanani a "special interest to law enforcement" in 2002. Officials put a "hit" on his application for permanent U.S. residency because of suspicions he was connected to terrorists.

The red flag came from the International Border Information System, a government database shared by the FBI, Department of Homeland Security, the State Department and other government agencies. Still, Philpott's further checks into Qatanani turned up nothing.

"I was not going on a fishing expedition," said Philpott, an immigration agent for 24 years.

Only in 2005, when Qatanani asked the FBI for information about his stalled residency application, would his own admission to a detention in Israel lead authorities to act on his case.

The cleric says he was detained by the Israeli military, and the confession came after he was tortured and not fairly represented in a plea hearing. Philpott said Qatanani's descriptions of being tortured were "vague," when she interviewed the imam in 2005.

Riefkohl has allowed the conviction papers to be discussed in court, but has not admitted them as evidence because they contain a number of omissions and discrepancies.

Riefkohl told Philpott that she had been "most informative," as she left the courtroom.

During the morning session Friday, the defense called eight character witnesses to speak on behalf of the imam. Some of the speakers bordered on tears. Many called the imam humble, peaceful and non-judgmental. When her mosque shunned her after a divorce, Huma Hasan, the founder of a domestic violence program, said the imam allowed her to worship.

"There has never been a time where we've wanted something from the mosque that we weren't able to obtain it," said Charles B. McKenna, Assistant U.S. Attorney, who has visited the mosque several times a year after Sept. 11.

In cross-examination, the prosecution established that all of the character witnesses had met the cleric in the last decade, after the arrest in Israel. Qatanani had not shared the information with them about his imprisonment until the deportation case arose.

"You're missing a piece of the puzzle, right?" asked prosecutor Alan Wolf to Passaic County Sheriff Jerry Speziale, who testified on behalf of the imam.

"I've known someone for seven years, who has bridged the gap with law enforcement, who has helped look into terrorism and who has brought peace here," Speziale said. "I know what my puzzle shows."

Fifty supporters gathered in the courtroom, many of whom fingered prayer beads during the testimony and murmured their approval. Qatanani embraced Speziale as he left the courtroom, as the cleric has done with all of his witnesses and supporters.

Despite the rain, a rally in support of the cleric continued on Friday. Several hundred supporters stood along Broad Street to wave signs and listen to speakers. After Friday's testimony ended at 1 p.m., they walked two blocks to pray with the cleric at a Newark mosque. It took five floors to hold all the worshipers.

"(His deportation) would be a disaster," said Adam Chaabane, a patrolman with the Passaic County Sheriff's Department, who volunteered to help with the rally. "There's no one who could replace him."

Philpott was the prosecution's last witness. Almost all of the witnesses have undergone cross-examination, which is unusual in typical immigration cases. On Friday, Riefkohl added another day to the trial because of the complexity of the hearing and the number of witnesses.

On Monday, the defense will present a professor, an Israeli lawyer and a human rights advocate to discuss Israeli military courts during the 1990s. The court will devote a last day, May 19, to examining Qatanani.

Reach Heather Haddon at 973-569-7121 or [haddon@northjersey.com](mailto:haddon@northjersey.com).