

US releases Egyptian jailed for three years on secret evidence

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1 December 1999

Nasser K. Ahmed, an Egyptian jailed in New York for more than three years on the basis of secret evidence, was released on Monday after US Attorney General Janet Reno declined to block his release. The Immigration and Naturalization Service (INS) prosecuted the 39-year-old electrical engineer and held him in the Metropolitan Correctional Center in Lower Manhattan, claiming this secret evidence linked him to a terrorist organization. Much of his incarceration was spent in solitary confinement.

Last July, US Federal Judge Donn Livingston recommended that Ahmed be granted political asylum, and criticized the government's use of secret evidence in the case. The judge said much of the government's case against Ahmed was based on "double or triple hearsay." The INS immediately appealed his ruling, saying Ahmed was a threat to national security. Two weeks ago, INS Commissioner Doris M. Meissner again cited "national security implications" in a request to Reno to block Ahmed's release until his case was reviewed by the INS.

Ahmed was arrested by INS officials in April 1996 when he arrived for a hearing on his immigration status in New York, after having lived in the US for more than a decade. Government lawyers accused him of being a follower of Sheik Omar Abdel Rahman, who was tried in 1995 in connection with the World Trade Center bombing. Ahmed served as a legal assistant to Rahman during the trial. Government officials refused to make their alleged evidence available to Ahmed or his attorneys, citing national security considerations.

"They're liars, and they know they are liars," Nasser Ahmed said upon his release. Ahmed has consistently denied involvement in terrorist acts. He has sought asylum in the US on the grounds that, as a close friend of Abdel Rahman, he would face persecution if the INS

succeeded in deporting him to Egypt. Recently declassified evidence from Ahmed's immigration hearing describe the source of the "secret evidence" against him as "a friendly foreign intelligence service." Judge Livingston cited "the very real danger that the Egyptian government" was that source.

The use of secret evidence against Nasser Ahmed was made possible by the passage of the 1996 Antiterrorism and Effective Death Penalty Act. The act authorized the establishment of a new court whose sole purpose is to hear cases in which the government can seek the deportation of resident aliens on the basis of secret, classified evidence, branding them as terrorists. The 1996 Illegal Immigration Reform and Immigration Responsibility Act expanded this court's jurisdiction, allowing secret evidence to be used against permanent residents as well. Both of these acts violate the basic Constitutional right to due process.

Although this new court has not yet begun to hear cases, the INS has used secret evidence in dozens of cases to deny noncitizens relief from deportation, or release on bond. There are about 20 people currently being held in the US on the basis of secret evidence, the vast majority Muslim or Arab.

In a related development this past October, US District Judge William H. Walls ordered the release of Hany Kiardeeen, a 31-year-old Palestinian immigrant who had been held for 18 months in a New Jersey county jail while the INS sought his deportation. Immigration authorities took Kiardeeen into custody in March 1998 as he was applying for a green card, claiming they had secret evidence linking him to terrorist groups. The INS dropped the charges soon after the judge's ruling.



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