

Palestinian political prisoner now charged with criminal contempt

Peter Daniels
14 July 2008

The U.S. Justice Department is continuing its vindictive campaign against former University of South Florida professor Sami Al-Arian, who has been held in federal custody for over five years, despite having been acquitted of terrorism charges in December 2005.

Al-Arian is a well-known Palestinian political activist whose persecution is part of a government witch-hunt conducted in the name of the “war on terror.” Al-Arian, who is 50 years old, was fairly prominent in the 1990s and met both Presidents Clinton and Bush. He has become a casualty of the government’s anti-Muslim campaign in the wake of the September 11, 2001, attacks.

In the latest development, the authorities indicted Al-Arian on June 26, charging him with two counts of criminal contempt for refusing to testify before a federal grand jury investigating the activities of Islamic charities in northern Virginia. Al-Arian was arraigned in Federal District Court in Alexandria, Virginia, on June 30. A trial date was set for August 13.

In a significant setback for the government, District Judge Leonie Brinkema granted bail to Al-Arian on July 10. The judge agreed with defense attorney Jonathan Turley, a law professor at George Washington University, that the defendant was no flight risk and no danger to the community. Turley had written earlier on his blog, “Dr. Al-Arian (1) has lived in this country for over 30 years; (2) had lawful alien status; (3) has family with deep ties in the country; (4) has citizens willing to serve in a custodial status; (5) has no passport; and (6) is willing to be continually monitored under home confinement. The opposition of the government is purely gratuitous and retaliatory under such conditions.”

Even so, there is every reason to suspect that Al-Arian will not be released. The government has

indicated it will have the Immigration and Customs Enforcement Service hold him for deportation, even though the authorities have been refusing to uphold their end of a plea bargain agreement that was agreed to following the professor’s acquittal two and a half years ago, allowing for his immediate deportation.

The Kafkaesque character of Al-Arian’s treatment can only be fully grasped by tracing the twists and turns of his case since his arrest in February 2003, just one month before the US invasion of Iraq.

He was arrested in Tampa, Florida, and accused of terror charges because of alleged ties to Palestinian Islamic Jihad. The charges against Al-Arian were a major test of the recently enacted Patriot Act, but the trial, when it finally took place more than two years later, ended in an embarrassing defeat for the authorities. Al-Arian was acquitted on 8 of 17 charges, with a hung jury on the rest. Jurors later reported that 10 out of 12 wanted an acquittal on all charges, saying that there was absolutely no evidence to justify the government’s case.

Following this ordeal, Al-Arian decided to enter into a plea agreement in which he pleaded guilty to one count of conspiracy to provide aid to associates of Palestinian Islamic Jihad before it was officially designated as a “terrorist” organization in 1997. Al-Arian also agreed to immediate deportation after what he expected would be a brief sentence. Instead, US District Judge James Moody sentenced him to the maximum of 57 months in prison, which Al-Arian did not complete until April 2008.

The government’s effort to save face and essentially repudiate the jury’s verdict descended into what Al-Arian’s attorney later called “raw thuggery.” The authorities have claimed that no country has been found willing to accept Al-Arian, even though his attorney

has stated that travel documents have been submitted by the Egyptian government. In court last week, attorney Turley said that government prosecutor Gordon Kromberg had been personally informed of these travel documents some weeks ago, before the latest indictment. The answer of the authorities appears to have been to openly renege on their own agreement to deport Al-Arian, instead seeking to hold him indefinitely by means of the new contempt charges, which carry unspecified penalties and can be used to keep him behind bars indefinitely.

The new contempt charges are based on a fishing expedition in which a federal grand jury called Al-Arian to testify on October 16, 2007, and March 20, 2008. Defense attorney Turley has declared that the new indictment is invalid, that Al-Arian did not refuse to cooperate, that he had given two detailed affidavits and repeatedly offered to take a lie detector test to prove he was not withholding information. The demand for testimony was clearly aimed at preparing new charges.

A former federal prosecutor, Lawrence Barcella, said it was “not unheard of but very unique” for the government to seek criminal contempt charges when a defendant has already served prison time for civil contempt, as Al-Arian has done. The purpose of the “almost unique” charges is to signal that the government will not be deterred in its campaign of repression by such minor considerations as jury verdicts.

Al-Arian’s daughter Laila declared: “The whole case against him is a vindictive act by sore losers that lost the Florida case badly because there was no evidence. So they’re manufacturing crimes to keep him in prison as long as possible. It’s almost as if the whole plea agreement was just a way to buy time.”

The ongoing persecution of this Palestinian activist has generated growing opposition inside the US and internationally.

A spokesman for the Council on American-Islamic Relations called the latest indictment a “ludicrous decision” that is “growing evidence that the kangaroo prosecution of Professor Al-Arian in fact extends beyond the pursuit of justice and into the realm of vindictive political persecution.”

At the recent annual Human Rights Watch film festival held at Lincoln Center in New York, a

documentary on this case, *USA vs Al-Arian*, was shown. The film is also being screened elsewhere, including Florida, Iowa, Wisconsin and other states.

More information on the campaign in defense of Al-Arian can be obtained from the website freesamialarian.com.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact