

MYSTERY OF THE MAN NABBED IN 9-11 SWEEP Immigrant 'is no angel,' says his lawyer

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Body

Of the more than 1,200 illegal immigrants detained in anti-terrorism sweeps since the World Trade Center attack, Farouk Abdel-Muhti may be the last one who has not been deported, released, charged with a crime or classified as a material witness.

Supporters of the self-described Palestinian freedom fighter say he has been kept behind bars for more than a year because of his outspoken activism against Israel, especially during appearances on WBAI radio.

But law enforcement authorities paint a very different picture. They say Abdel-Muhti is a con man who has claimed numerous names and birthplaces in a 40-year game of cat and mouse that has left federal immigration officials helpless in their efforts to deport him.

The only certainty is that Abdel-Muhti is a man without a country.

His story plays into several important issues beyond his control: the war on terrorism, the unresolved peace process in the Middle East, our open borders and the chronic failure of the former Immigration and Naturalization Service, now known as the Bureau of Citizenship and Immigration Services, to keep track of known illegal aliens long before Sept. 11, 2001.

But Abdel-Muhti has contributed considerably to his own plight.

Since he first entered the country in 1963 from Honduras, records reviewed by the Daily News show, Abdel-Muhti has lied to judges, immigration agents, the FBI and police officers about his name, his date of birth, his country of birth, the number of times he has been married, his marital status, the number of children he has fathered and his criminal record.

Over the years, he has claimed Honduras, Jordan, Cuba, Israel, Puerto Rico and the West Bank as his birthplace, according to documents on file at U.S. District Court in Newark.

He has used 11 dates of birth and more than a dozen aliases, including Albert Hadad, Faruk Abedelmuhit, Faruk Mahmoud Abdel Muhti and Firuk Multi, according to records of the immigration service.

"I guess we'd say he's no angel," said Abdel-Muhti's attorney, Joel Kupferman.

Several arrests

By his own admission, during more than 30 years of menial employment in this country, Abdel-Muhti, who is believed to be about 55, has never filed an income tax return or paid a penny of income tax.

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In court papers, the immigration service also has suggested Abdel-Muhti is a bigamist - three wives and no divorces.

He has been arrested by NYPD several times, including a 1993 incident where one of his wives accused him of beating and raping her. He pleaded guilty in Brooklyn Criminal Court to third-degree attempted assault, a misdemeanor, and was sentenced to time served.

Abdel-Muhti first entered the country through Miami on Nov. 20, 1963, as George Muhti Nasser, a citizen of Honduras. He overstayed his tourist visa, and after being picked up in Jersey City for selling rugs without a permit, was deported back to Honduras.

Records show that he reentered the country at Laredo, Tex., on July 23, 1964, as Jorge Alberto Muhti-Nasser. He held a visa issued by the U.S. Consulate in Tampico, Mexico.

Abdel-Muhti headed for Chicago, where he was a street peddler. In immigration service custody eight months later, he contended he was born in Puerto Rico, then "decided to tell the truth" and proclaimed he had been born in Honduras.

At a deportation hearing, he presented a certified copy of a Honduran birth certificate. He was again ordered deported, but instead of returning to Honduras, he self-deported - which the immigration agency allows in certain circumstances - to Lima, Peru.

Abdel-Muhti later would tell immigration agents that he reentered the United States again on Sept. 19, 1971, by paying "a Mexican-American \$100 to show me" how to cross the Rio Grande. He headed for New York City, and said he lived here until his most recent arrest.

During those years, however, Abdel-Muhti came to the attention of the immigration service on several other occasions. He was the subject of three more deportation orders - none of which was executed.

By that point, Abdel-Muhti said he was actually from the Middle East - first Israel, then Jordan. He now insists he was born in Ramallah on the West Bank.

Abdel-Muhti's latest arrest occurred on April 26, 2002, in Corona, Queens, when members of a joint Absconder Task Force detained him on a 1995 deportation order.

For months, he was shuffled between several New Jersey county jails. On Feb. 19, shortly after concluding a hunger strike with other detainees at the Passaic County Jail in Paterson, N.J., Abdel-Muhti was transferred to the York County (Pa.) Jail.

He is being held without bail and under 23-hour lockdown while officials try to find a nation willing to accept him.

Since it is impossible to confirm the man's identity and birthplace, it has been impossible to repatriate him, Assistant U.S. Attorney Thomas Calcagni said in an interview.

For example, because Abdel-Muhti now insists he was born in Palestine, Honduran officials are no longer willing to issue him travel papers to their country.

Say he's stateless

In November, Kupferman filed a habeas corpus petition seeking his client's release on the grounds he was born in Palestine and is therefore stateless and undeportable.

Kupferman cited a 2001 U.S. Supreme Court ruling, *Yadvydas vs. Davis*, that says an illegal immigrant must be released if the government fails to execute a deportation order within 180 days and has no reasonable expectation of being able to do so in the near future.

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U.S. officials, who say they hope ultimately to send Abdel-Muhti to the West Bank - possibly through Egypt or Jordan - contend that the 180-day clock does not start until a detainee begins cooperating in the process; they assert Abdel-Muhti is doing no such thing.

In the meantime, a federal judge in Newark has approved Calcagni's motion to move the habeas petition to a court district near the Pennsylvania jail.

Leaders of the Committee for the Release of Farouk Abdel-Muhti, which sponsors weekly rallies in lower Manhattan, contend he is being held to keep him from advocating for human rights in Palestine.

They point specifically to his efforts at WBAI radio during the weeks leading up to his arrest, at a time of major Israeli incursions into the West Bank.

At the station, Abdel-Muhti served as a producer/translator, arranging interviews with Palestinians in the occupied territories.

In recent years, Abdel-Muhti also has been on the fringes of other causes, involving labor, immigration, human rights, Cuba and the military bombing on the Puerto Rican island of Vieques.

"The U.S. government believes it is fighting terror, but on the contrary, it is openly practicing terror on innocent Arabs and Muslims," Abdel-Muhti and five other detainees said in a statement while on the hunger strike.

They compared their situation to the internment of Japanese-Americans during World War II.

In another statement to supporters, Abdel-Muhti called on the Bush administration to end the detention of "thousands in prison with no reason other than immigration matters."

He also has denounced Israel and demanded "a review of the rights of Sheik Omar Abdel-Rahman [convicted of plotting to blow up New York City landmarks] and other Muslims in U.S. prisons."

"So far there is no real proof of what happened on 9/11, but we do know that the United States wants to take over the Middle East, in a strategy of which Israel is a part," he said in one communique.

'Deep sense of humanity'

Abdel-Muhti's immigration case file contains character references from a diverse group: several college professors, local labor leaders, housing activists, friends and fellow members of the Palestine Aid Society.

The notes typically compliment him for being "a family man and a human rights activist," "an honorable and upstanding person" with "a deep sense of humanity."

But in a 1999 decision upholding the 1995 deportation order, U.S. immigration Judge Noel Ferris noted the uncertainties about Abdel-Muhti's identity and travel history. The judge also observed that even those with "personal knowledge of the respondent may be in the dark as to many aspects of [his] life."

Bernard McFall, 67, a city employee who was Abdel-Muhti's roommate in Corona, acknowledges that his friend has a checkered past and a less-than-accurate resume.

"It's very clear that he's not a choirboy," McFall said. "And his papers probably aren't exactly right - he's an immigrant."

But that shouldn't impinge on his right to protest, McFall said. "In a nutshell, they locked him up to shut him up."

Graphic

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ROBERT MECEA Farouk Abdel-Muhti seen on poster during demonstration last October in front of immigration offices at 26 Federal Plaza. Form from Honduras (above) and a Jordanian birth certificate (above r.) add to confusion over Abdel-Muhti. He presented Honduran birth certificate at deportation hearing and has claimed Jordan as one of several birthplaces. ROBERT ROSAMILIO DAILY NEWS Supporter Jane Guskin hands out flyers May 9 outside 26 Federal Plaza protesting Abdel-Muhti's arrest and detainment.

Classification

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