

Ashcroft: U.S. will win Al-Najjar case

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Body

Attorney General John **Ashcroft** expressed confidence Tuesday that the government would prevail in its five-year effort to deport Mazen **Al-Najjar**.

"I believe that the government **will** be successful in his deportation. Yes, I do," **Ashcroft** said at a news conference. He did not elaborate.

AL-NAJJAR28

Immigration and Naturalization Service agents arrested **Al-Najjar** Saturday outside his Tampa apartment after a federal appeals court in Atlanta affirmed his deportation order on Nov. 13.

A Palestinian who overstayed a student visa, **Al-Najjar** was jailed for 3 1/2 years while he fought deportation because the government said classified intelligence information linked him to Palestinian Islamic Jihad, a terrorist group.

He was released last year after a federal judge in Miami ruled his due process rights had been violated because the government would not reveal enough of the classified evidence to allow him to mount a defense.

The government is now working to secure his entry into the United Arab Emirates, the country where **Al-Najjar** last lived before entering the **United States** in 1981 and the country to which an immigration judge ordered him deported in 1997.

While it appears that **Al-Najjar's** long-running battle to stay in the **United States** is nearing an end, his brother-in-law, Sami Al-Arian, suggested otherwise.

"The way I read the rules, if the government decides to deport him anywhere other than the (United Arab) Emirates, he can challenge the decision, which could take another two years," Al-Arian said Monday. "Even if it is the Emirates, he'll have some avenues to challenge."

INS spokeswoman Karen Kraushaar declined to comment on the possibility for further procedural delays, saying only, "we're confident we'll be able to deport" **Al-Najjar**.

In 1995, federal authorities opened an investigation into whether **Al-Najjar** and Al-Arian were using a University of South Florida think tank and charity as front organizations to raise funds for Palestinian Islamic Jihad, a group that has claimed responsibility for suicide bombings in Israel.

The investigation did not result in criminal charges, although **Al-Najjar** was apprehended on a visa violation.

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Instead of releasing **Al-Najjar** on bail while his deportation **case** moved through the courts, the INS detained him from May 1997 until December 2000, citing the classified information.

An immigration judge who reviewed the secret evidence in 1997 agreed that it showed **Al-Najjar** to be a national security threat.

But a federal judge in Miami who declined to review the secret evidence, ruled last year that the government must either reveal the information or free **Al-Najjar**.

Al-Najjar's arrest on Saturday was not made on the basis of the classified information but because his deportation appeals had run out. His lawyers are preparing to ask the Supreme Court to review his **case** but have not yet done so.

He is being held at the Coleman Federal Correctional Complex near Bushnell, about 75 miles north of the Tampa Bay area in rural Sumter County.

- Times Staff Writer Graham Brink contributed to this report.

Graphic

PHOTO; Mazen **Al-Najjar**

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