

Monday, February 10, 2003

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Charity director going on trial in terror funding case

By Mike Robinson
THE ASSOCIATED PRESS

CHICAGO — Enaam Arnaout says his charity raised millions of dollars to help widows, orphans and the poor in Muslim lands ravaged by war and famine.

Prosecutors say he duped well-meaning U.S. Muslims into giving to a charity that was secretly used to support Osama bin Laden's al-Qaida network and other violent groups.

Arnaout, a U.S. citizen who was born in Syria, faces racketeering and fraud charges in what would be the first U.S. trial since the Sept. 11 terror attacks of anyone with alleged links to bin Laden. Jury selection was scheduled to begin Monday.

Arnaout, 40, is not accused of having anything to do with Sept. 11 or other specific acts of terrorism. But prosecutors hope to present evidence showing contacts between Arnaout and bin Laden's network going back to the late 1980s to bolster their case that he supported al-Qaida, as well as Chechen rebels fighting the Russian army and armed violence in Bosnia.

If convicted, Arnaout could be sentenced to 90 years in prison without parole.

Experts say the case could be key in the legal war on bin Laden's al-Qaida network.

"This is very important because one of the principal ways al-Qaida raises money around the world is through charitable giving," said William Wechsler, a Clinton administration authority on terrorism.

Arnaout, who has been in custody since his arrest last April, denies he ever raised money for terrorists. He says everything Benevolence International Foundation did

from its storefront office in suburban Palos Hills was aimed at providing humanitarian aid to the needy in Muslim countries.

Defense attorney Joseph Duffy has said Arnaout is the victim of an overzealous hunt for terrorists stemming from passions let loose by the Sept. 11 attacks.

The defense concedes

"This is very important because one of the principal ways al-Qaida raises money around the world is through charitable giving."

— William Wechsler,
Clinton administration
authority on terrorism

Arnaout may have known bin Laden years ago in Afghanistan but notes that, in those days, bin Laden and the United States both sided with Afghan freedom fighters trying to expel the Soviet army.

"The United States intends to try Enaam Arnaout not for acts he committed in violation of U.S. laws but rather for associations he had over a decade ago," defense attorneys said in recently filed court papers.

U.S. District Judge Suzanne Conlon has indicated she may reject some prosecution documents that "are about events long ago and do not reflect Arnaout's conduct or any relationship with his charity."

She struck the prosecution another blow last week, turning down their request for sweeping

permission to offer hearsay evidence.

Prosecutors sought an exception to the general rule banning hearsay in trials, citing an exception for conspiracy cases. But Conlon said they had failed to show a conspiracy existed.

Prosecutors allege that there is ample evidence connecting Arnaout to al-Qaida:

— A raid on the charity's Bosnia offices in March produced minutes of the meeting at which al-Qaida was founded by bin Laden, as well as photos that prosecutors say connect Arnaout with the terrorist mastermind.

— Mohamed Bayazid, who according to prosecutors once tried to get uranium so al-Qaida could build an atom bomb, was listed as president of Benevolence in 1993.

— Bin Laden's alleged finance chief, Mamdouh Salim, went to Bosnia in 1998 with papers describing him as a Benevolence director.

— In the late 1980s, Arnaout was close to bin Laden in Afghanistan, even serving as the terrorist leader's chauffeur, prosecutors allege.

The seven-count indictment says Arnaout used his charity to transfer money to al-Qaida in the early 1990s, that Benevolence paid for the lodging during Salim's Bosnia visit, and that Benevolence produced a fund-raising video for al-Qaida in Bosnia.

Prosecutors also allege that Benevolence sent an X-ray machine, uniforms and steel-reinforced anti-mine boots to Chechen rebels fighting Soviet troops in 1995. But defense attorneys say those things add up to humanitarian aid and not fuel for terrorism.

Lawyers group considers rights of enemy combatants, government spying

By Gina Holland
THE ASSOCIATED PRESS

SEATTLE — If its members can settle their differences, the nation's largest lawyers' group is prepared to condemn part of the government's strategy in the fight against terrorism: its refusal to grant legal rights to people arrested in the United States and held as enemy combatants.

The American Bar Association, at its winter meeting, also will consider this week whether to press for more openness about government surveillance in the United States.

For months, the organization has worked on a resolution critical of the Bush administration's policy for enemy combatants, and a vote is planned. But last-minute dissension has arisen among ABA members over when lawyers should be provided to combatants held in the United States to help them argue in court that their detentions are illegal.

The government will not release the names of those held as combatants, and only a couple of examples of detentions in America are known widely. The most high profile is Jose Padilla, accused of plotting to detonate a "dirty" bomb, which would use a conventional explosive to spread radioactive material.

Enemy combatants, a type of wartime prisoner, are held without charge or trial and are not allowed to see lawyers.

Miami lawyer Neal Sonnett said it is un-

American to deny legal rights to Americans or anyone else in the country when they are apprehended.

"The war against terrorism should not be fought at the expense of the very rights we are fighting to protect," Sonnett said.

Supporting the government's policy is David Rivkin Jr., a lawyer from Washington, D.C., who said the administration has foiled crimes with information obtained from combatants. Giving them lawyers would ruin interrogations and threaten the public, Rivkin said.

Sonnett and Rivkin were debating the issue late Sunday at an event jointly sponsored by the ABA and the more conservative Federalist Society.

The ABA's policy-making board will decide at the Seattle conference whether to take a stand on the treatment of combatants, including standards for their detentions.

Critics of the proposal contend the ABA should clarify that lawyers should be provided to combatants, with restrictions applied so that national security is not compromised.

Suzanne Spaulding of McLean, Va., a former CIA lawyer who heads an ABA committee that specializes in national security, said attorneys should be guaranteed only to American citizen prisoners.

The lawyers' group also is weighing in on the increased surveillance power Congress gave the government after the Sept. 11, 2001, attacks.

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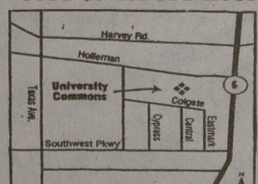
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