

Requiem for a Martyr: The “Blind Sheik”, Omar Abdel Rahman, Innocent Victim of Seditious Conspiracy Trial

By [Karin Brothers](#)

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“[America’s treatment of me] is a crime that history will never forgive.” Omar Abdel Rahman

Sheik Omar Abdel Rahman, the “blind sheik”, died on the morning of February 18, 2017, near the 24th anniversary of the 1993 WTC bombing. He was an innocent victim of the US agenda to create a new enemy by engineering events that would make terrorism virtually synonymous with “Islamic fundamentalism”.

Sheik Rahman attained national fame in Egypt while he was on trial for inciting the 1981 assassination of former Egyptian President Anwar Sadat. With a passionate moral integrity, he courageously attacked the government during his two days on the stand; the intensive trial media gave him a national platform that made him famous throughout the Muslim world. His sermons were taped and traded throughout Egypt.

While he was vindicated of the charges against him, President Mubarak’s government ominously refused to give the necessary certification of the verdict and eventually drove Sheik Rahman out of Egypt. The Sheik went to Afghanistan, where he helped the CIA recruit Arab fighters to serve with the US-backed mujahadeen (he would lose at least one of his own sons there), and the Sheik was reportedly on the CIA payroll.

Sheik Rahman came to the US in 1990, hoping to remain until he could safely return to Egypt. According to Benjamin Begin in a 1993 *Israel Today* newsletter, Rahman’s mosques were infiltrated by FBI and Mossad operatives and would be the source of recruitment for their operations.

The World Trade Center explosion occurred on Friday, February 26th, 1993. The Sheik was soon declared deportable when some of those charged were identified as members of his mosques. The sheik was in the FBI’s crosshairs; the FBI offered Egyptian intelligence agent Emad Salem over one million dollars to entrap him.

The cagey Salem, who had become a trusted member of the Sheik’s inner circle, was aware of the obligation that the Sheik had as spiritual leader to respond to congregants’ needs. Salem blindsided the sheik by going to his home after midnight on a Sunday, pretending to be in a spiritual crisis. He claimed that he felt guilty for his years in the Egyptian military and needed to atone for his actions by attacking a target in the US — such as the United Nations. The sheik tried to fob him off and talked him out of that terrorist target; he suggested that a US military target would be more appropriate, but he told Salem to “slow down” — to cool off. Salem went home happy.

The Joint Anti-Terror Task Force and the Justice Department were allegedly dubious about whether they had evidence that would convict Rahman. The Sheik had repeatedly and publicly denounced the bombing of the WTC and claimed that he had nothing to do with it. Those who heard Emad Salem's recorded attempt to incriminate the Sheik didn't think it was persuasive enough to stand up in court. The FBI had tapped the Sheik's telephones from two weeks before the WTC explosion until June, 1993; there was no evidence of any wrongdoing. The INS said he was complying with the requirements of his deportation appeal. Authorities noted that incarcerating the Sheik would be expensive because of his diabetes. A detention until appeals were completed could have lasted for months — if not for years.

Attorney General Janet Reno, who had publicly been reluctant to charge the Sheik, finally succumbed to the political pressure: pressure that also came from the Egyptian government, which still felt threatened by the Sheik's popularity. Egyptian officials, afraid that Rahman would be deported to Egypt, wanted him safely incarcerated in the US. On July 1st, 1993, the Justice Department, while avoiding making any criminal charge, decided to take the Sheik into custody — *"indefinite administrative detention"* — on immigration charges.

The Egyptian conundrum

Egyptian President Hosni Mubarak was afraid of Rahman's popularity and influence; he appeared to be worried about suffering the same fate as the Shah of Iran, deposed by a popular religious leader. Mubarak banned tapes of Sheik Rahman's sermons; those found with copies were subject to up to five years in jail. Three thousand copies of a newspaper Al-Hayat that featured a March interview with Rahman were confiscated, and Rahman's mosque in Fayoum was empty, guarded by a police agent.

While the Egyptian government had initially asked the Clinton administration to hold the Sheik to make sure he was not deported to Egypt, they changed their minds when they were informed that under the immigration charges, the sheik could accept his deportation voluntarily and go to any country that would take him, which could make him even more of a threat to the Mubarak government. After intense discussions, the US agreed to accept Egypt's official extradition request, which it claimed would take precedence over the deportation charge. The only hitch was that appeals might take as long as eight years.

Mubarak was livid. He reminded the U.S. that he had hosted an Arab summit before the 1991 US-led invasion of Iraq which brought most of the Arab world onside, providing important "optics" for the engineered invasion.

Egyptian authorities were also outraged that two employees of the US Embassy had met earlier that year with prominent members of the Islamic Group, which regarded Sheik Rahman as their spiritual leader. The US seemed to be hedging its bets on Egyptian leadership so that it would not be caught out in Egypt as it had been in Iran, when Khomeini was swept into power. To add insult to injury, there was even a Congressional effort to cut back on US aid to Egypt.

President Mubarak then demonstrated to the Clinton administration who was in charge of Egypt. On July 8th, the Egyptian government hanged seven followers of Sheik Rahman for attacks against foreign tourists and for conspiring to overthrow the Mubarak government. It was the largest number of executions for a political crime in more than four decades, and it

would be the start of a brutal campaign against dissidents that would last until the 2011 Arab Spring.

After witnessing Mubarak's treatment of the Muslim Brotherhood, it was evident that Rahman's supporters were powerless; Rahman was expendable.

US rejects political asylum for Rahman but can't extradite him to Egypt

Meanwhile there were unforeseen complications with U.S. efforts to extradite Rahman to Egypt. While the Board of Immigration Appeals rejected Rahman's appeal for political asylum, it appeared that his appeals would eventually reach the Supreme Court. Also, State Department officials realized that the 100-year old extradition treaty between the US and Egypt did not permit extradition based on "any crime or offense of political character." While one official claimed that US courts were not limited by treaties, another noted that the treaty strengthened Rahman's case for political asylum.

The Egyptian plan to ensure that Sheik Rahman would be placed under their control hit another challenge at the end of July when Afghanistan's Prime Minister Gulbuddin Hekmatyar offered his country as a refuge for the Sheik. The Sheik's lawyers realized that deportation might be the only way for the sheik to regain his freedom, so they contacted the office of U.S. Attorney Mary Jo White to request his deportation.

White's office sat on the sheik's deportation request while trying to accommodate Egypt's demand for permanent control of the sheik. The problem was that those who were deported were free to go to any country that would accept them, but Egypt did not want the sheik in Afghanistan, where he would be free to communicate with his followers.

The "seditious conspiracy" solution

The sheik's lawyers were still waiting for a response when, a week later, on August 25th, 1993, Attorney General Janet Reno issued an indictment for Sheik Rahman along with 14 others for "seditious conspiracy", an obscure charge employed against political dissidents.

The 20-count, 27-page indictment claimed that one terrorist organization [which started in 1989, *the year before the sheik arrived in the U.S.*] was behind all of the plots and that Sheik Rahman, *while not directly involved with the acts, was the "mastermind" who explicitly gave the orders.* The listed plots included: plans to attack American military installations; plans to murder F.B.I. agents; plans to seize hostages to help release jailed conspirators; the 1990 killing of Rabbi Meir Kahane; the 1991 killing of Alkifah Center President Mustafa Shalabi; the 1993 WTC bombing [*ambiguously included, since there was currently a separate trial for that*]; the June "landmarks bombing plot"; and the plot to assassinate President Hosni Mubarak. *The New York Times* featured a map of the presumed terrorist targets; it appeared that New York City was under a Muslim siege.

The "seditious conspiracy" charge, which had been created to target Confederates at the end of the Civil War, was defined as when two or more people "conspire to overthrow, put down, or destroy by force the Government of the United States, or to levy war against them." Experts noted that the broad nature of the conspiracy indictment, which did not require connecting a defendant to any specific act of violence and allowed prosecutors to bring in evidence not related to terrorist acts, made it possible to convict people with little proof (*let alone evidence*) of guilt. Criminal defense experts claimed that the Government

was framing the case as much on the defendants' beliefs as on any acts they may have committed.

Defense lawyers were also disturbed by the Government's piling up of charges on a socially-isolated and demonized group, especially reviving the Kahane case just two years after El Sayid Nosair had been acquitted. Claiming that the indictment was an attempt to "*create an atmosphere of fear and intimidation*", defense lawyer Ronald Kuby noted that, "*What they have done is take every allegation, every rumor, every loose end and created a vast mythical Islamic conspiracy. They have created a case that is so big and complicated that it is impossible to defend, impossible to understand, and impossible for any of these defendants to get a fair trial.*"

Emad Salem's tapes

Defense lawyers claimed that Emad Salem entrapped their clients by hiring them for his plots, then taped them making incriminating statements. *Salem's tapes, on which most of this trial would be based, would also include two FBI admissions of overseeing the provision of the WTC explosives.* Ron Kuby requested that all of Salem's tapes collected as evidence (which also showed the FBI's unsavory ways of doing business) be released in their entirety to the public to expose the case as a conspiracy to frame the defendants. Judge Michael B. Mukasey, (who would be named Attorney General in 2007), refused to allow the tapes to be made public.

The seditious conspiracy trial would be delayed until January, 1995, and corresponded in time to the televised O.J. Simpson trial, which contributed to its lack of media coverage, despite being touted as the terror trial of the century. The year and a half between the defendants' arrests and their trial gave the Government and courts time to strip the sheik and other defendants of Constitutional rights, including the Sixth Amendment right to counsel, the Fourth Amendment right against unwarranted search and seizure, and other basic freedoms. The homes of two of Rahman's paralegals would be raided for information against him, and dissident reading material found in defendants' homes that was deemed "anti-American" or showed "hatred of Jews" could be used as evidence against them.

The seditious conspiracy trial

As with the first World Trade bombing trial, there would be no change of venue, the jury would be unsequestered and — supposedly to protect them from Muslim terror threats — would be identified only by number; their names would never be made public. None of the jury was Muslim.

The media during the entirety of this trial would be filled with various terror stories. The seditious conspiracy trial had barely started when the "mastermind" of the WTC bombing, Ramzi Yousef, arrived in New York with huge media fanfare. Mukasey asked the jury on the day after Yousef's arrival if their opinions were changed by this media coverage. He immediately determined that they weren't, but ignored the subsequent barrage of prejudicial media exposure that lasted throughout this trial. Some of Yousef's publicity should have helped the defendants because Yousef, who didn't know sheik Rahman, made statements that should have exonerated Rahman and others. Unfortunately Yousef refused to testify at this trial and Judge Mukasey would not permit the defense counsel access to Yousef's documents that the FBI had taken.

The Oklahoma City bombing, which occurred six weeks later in mid-April, was initially claimed to be similar to the WTC bomb, and due to Muslim terrorism. Mukasey “assumed” that the jury would not be affected by the anti-Muslim media, although the defendants received heightened physical protection in their detention center.

That June, the actual driver of the bomb-laden Ryder van came to media attention and in August, there was media fanfare with his extradition to the U.S.

Sheik Rahman’s (nonexistent) Constitutional rights

Prosecution attention turned to the Sheik’s sermons to show his attitude towards the U.S. as well as his leadership in the Muslim community. Many of the Sheik’s sermons, which encouraged the devout to fight enemies of Islam and God, were read out in an effort to criminalize what should have been his freedoms of speech and belief.

Mukasey barred witnesses that would have shown the role of politics behind the arrest of Sheik Rahman, that would have testified that Rahman was not the radical that the media had described, and that would have provided a clearer understanding of Muslim terms (such as *jihad* and *fatwa*) that were being used against the defendants. Mukasey’s rulings were devastating to the Sheik’s defense.

The defense lawyers tried to introduce sealed material from the previous WTC trial that would show the lengths to which the FBI had gone to implicate as well as convict the previous defendants in the World Trade Center trial. Although that material was not produced, FBI scientist Fredrick Whitehurst’s subsequent testimony about the FBI’s incompetence, perjury and obstruction of justice that facilitated the convictions of the four charged in the WTC bombing did tell part of that story.

The Government’s desperation to find damaging information on Sheik Rahman was evident in the arrest of his paralegal at the end of April. The authorities’ claim that Nasser Ahmed’s overstay on a student visa “just came to our attention”, was contradicted by an FBI agent’s message to Ahmed that if he did not cooperate with the FBI, he would be deported to Egypt. *After being charged with “secret evidence” and spending three years in solitary confinement, Ahmed would not be released until 1999.*

The verdicts

Since this trial showed that there was little evidence that any of the defendants were guilty of any untried crime that had taken place, the prosecution tried to criminalize Islam; it described the defendants as a frightening “jihad army”: foreigners of a mysterious, militant culture. Judge Mukasey assured the jurors they could find that there was a single conspiracy despite the differing defendants and plots, *“so long as you find that some of the conspirators continued for the entire duration of the conspiracy to act for the purposes charged in the indictment.”*

After deliberating for seven days, the jury returned on October 1, 1995 with guilty verdicts for 48 out of the 50 charges. Sheik Rahman’s lawyer Lynne Stewart broke down and cried.

The defense cries “foul” and calls for a mistrial

The defense counsel immediately called for a mistrial because they believed that the problems with the trial were so egregious. It was clear that the FBI made use of Egypt’s

intelligence agent as an *agent provocateur* to carry out its own agenda. Some defendants claimed that exculpatory conversations were missing from the tapes; the FBI admitted that they had “briefly” returned the tapes to Salem after they had been entered as evidence.

Judge Mukasey told the defense lawyers that he would consider their request to hold a post-trial hearing on the issue of whether he should overturn the convictions. But on January 10, 1996, he rejected the defense motion to throw out the convictions of Sheik Omar Abdel Rahman and nine others, claiming that there was no proof that the evidence that Salem had destroyed would have helped exonerate the defendants. Mukasey ignored Salem’s obvious motive for destroying evidence and the FBI’s interest in wanting him to do it.

Mukasey was determined to make an example of these “terror” defendants. While the sentence for seditious conspiracy was 20 years, Mukasey used that as a starting point, and added the other charges on top of that. He used his discretionary powers to make each part of the sentences sequential rather than concurrent; the sentences ranged from 30 years to life.

Sheik Rahman was sentenced to life. Worse, the government silenced Rahman even further by new “Special Administration Measures” which allowed them to essentially isolate him totally. To facilitate that agenda, it taped what were supposed to be his private conversations with his lawyer Lynne Stewart, and would imprison her for trying to circumvent the restrictions.

The obscure conspiracy law came into its own

The prosecution congratulated itself on its use of the seditious conspiracy charge. The verdict showed that the conspiracy law provided them with an easy venue to obtain verdicts with little evidence and for which no crimes had occurred. The conspiracy charge would become the mechanism to convict Muslims in future terror trials because of the low standards required of any individual’s involvement.

The price

This trial demonstrated how the efforts of the government, the courts and the media — particularly *The New York Times* — ensured that the Muslim defendants could not obtain a fair trial. *The New York Times* enabled convictions in all of these related trials by maligning the defendants with anonymous government leaks, generally using biased and inflammatory language to describe them, and invariably assuming their guilt.

The injustice of these convictions and the fruitless appeals have been clear to those following the cases. While few Americans seem to be aware of the injustice, it has not been lost on the worldwide Muslim community. There were various actions designed to free Sheik Rahman, including the 2005 kidnapping of the four Christian Peacemaker Team members in Iraq: Tom Fox (who died), James Loney, Norman Kember and Harmeet Singh Sooden.

The world lost a passionate voice for moral integrity with the silencing of Sheik Omar Abdel Rahman, and his death before attaining justice was tragic. His passing should provide Americans the opportunity to understand how FBI-monitored acts were used to eliminate Constitutional rights to freedom of speech, freedom of belief, the right against unreasonable search and seizure, the right to counsel, and protection from cruel and unusual punishment. By ignoring the elimination of Muslim rights, Americans are laying the groundwork for the

elimination of their own.

Karin Brothers is a freelance writer.

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