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The Fight to Save an Innocent Refugee from Almost Certain Death

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Omar Ameen could not sleep at home. For years, he had been shuttling between safe houses, terrified that armed men would kidnap or kill him for the crimes of his cousin Ghassan, a member of Al Qaeda. Things often worked that way in Rawah, a small village in Iraq's Anbar Province, where the Ameens had lived for generations. Tribal justice, long-running disputes: rivals denounced rivals as terrorists, and the state took care of the rest. "When you want to get revenge, you get revenge on the entire extended family," Ameen later said. He and his brothers scattered to other parts of Iraq, leaving behind vast tracts of farmland, which were eventually taken by the people who had driven them out. On a chilly evening in early 2012, Ameen sneaked into Rawah and told his friends that he was leaving Iraq forever. He begged them to come with him. "You go first, dear," one of them replied. "If everything goes O.K., we'll follow."

Ameen went to Turkey on a tourist visa, and applied for refugee status with the United Nations. He described to a U.N. representative a life of persecution from all sides. His father had been killed by Al Qaeda, he said, and one of his brothers had been kidnapped by a Shiite paramilitary group. Ameen was nearly forty, and he had wanted to leave Iraq since childhood. Only one per cent of refugees are selected for resettlement in new countries; he figured that victims of terrorism would be put at the top of the list.

Once approved, refugees have no say in where they end up: the U.N. decides whether to make a referral for possible resettlement, and when, and to which country. Ameen's wife, Khansaa, and their three young children soon followed him to Turkey, where, after two years in limbo, Ameen logged in to the U.N.'s refugee portal and found that his family had been selected to resettle in the United States. On November 5, 2014, their plane landed in Salt Lake City. He found work at a Mormon charity and at a factory that produced dietary supplements. The children enrolled in school, and Omar and Khansaa began taking English classes.

That winter, another Iraqi couple from Rawah, who were living in California, visited the Ameens' house. They spoke of the good weather and the opportunities in Sacramento; a few months later, the Ameens moved there.

Before the U.S. invasion, Ameen had worked as a truck driver, transporting cheap Iraqi oil across the desert to Jordan. It was a harrowing job; the sides of the highway were littered with the charred shells of trucks that had crashed and exploded, often with the drivers inside. Ameen learned to drive through fires as quickly as possible, terrified of burning to death. In Sacramento, he began working as an Uber driver and a delivery driver, sometimes pulling twenty-hour shifts to support his family. He also worked part time as a mechanic and became popular within the

Iraqi diaspora. He and Khansaa applied for permanent-resident status and had a fourth child—an American citizen.

In July, 2018, Ameen sent a letter to his congressman, Ami Bera. “I called 2 times but I didn’t get any information about when I can get my green card,” he wrote. “I start having problems when I apply to the work because they asking about green cards.” Bera inquired with Citizenship and Immigration Services, which replied that it was “unable to render a decision on Omar Ameen application until certain issues are resolved.” Bera’s office forwarded the note to Ameen on August 13th.

Two days later, Ameen awoke to the sound of pounding on his apartment door. His son rushed into the bedroom and told him that there were dozens of armed men outside, and cars with flashing lights. When Ameen opened the door, he was placed in handcuffs. Television-news crews arrived at the scene. An anonymous caller had supplied them with Ameen’s address, along with a hint of the news: the Joint Terrorism Task Force had captured a high-level *isis* commander in the refugee stream.

A few miles west, in downtown Sacramento, a federal public defender named Ben Galloway heard that an Iraqi extradition case had just been made public. He skimmed through the court filings, which were heavily redacted, and learned that Ameen was accused of killing a police officer in Rawah, as part of an *isis* hit squad, a few months before he entered the United States. The government intended to send him back to Iraq, where he would stand trial for murder.

Galloway met Ameen at a federal building, where he was being held behind a mesh screen. Galloway, at six feet six, towered over Ameen by a foot. “It was a little difficult to see Omar, but quite easy to hear each other,” he recalled. With the help of an interpreter, Galloway summarized the criminal complaint. Ameen listened intently, elbows on the table, head hunched forward. As he began to understand the charge, he was overcome with relief. “I wasn’t even in Iraq at the time of the murder,” he said. “This will be easy.”

Soon after Donald Trump announced his candidacy for President, he began saying that terrorist groups had infiltrated the flow of refugees into the U.S. “We have no idea where they’re coming from,” he said, in an [interview with ABC](#). “This could be one of the great Trojan horses ever, since the original.” Shortly before the election, he said, in a debate with Hillary Clinton, that Muslim refugees in the U.S. were “definitely, in many cases, *isis*-aligned.” His son Donald, Jr., a senior campaign adviser, [posted on Twitter](#), “If I had a bowl of skittles and I told you just three would kill you. Would you take a handful? That’s our Syrian refugee problem.”

Security and intelligence officials found the rhetoric absurd: refugees are the most thoroughly vetted category of people entering the U.S. Candidates are screened by the C.I.A., the N.S.A., the F.B.I., the Department of Defense, and several other agencies before they arrive. They are interviewed by Homeland Security officers who have received training in identifying lies, along with intelligence briefings about the applicants’ country of origin. An office within the D.H.S. called the Fraud Detection and National Security Directorate carries out open-source and classified research on candidates from certain backgrounds. Biographical and biometric information is run through numerous databases and watch lists, including Interpol’s Foreign Terrorist Fighter Database, which is informed by the collective investigative capacity of fifty-two countries. The process often takes more than a year, and any red flag is ground for rejection, with no further explanation.

The U.S. is particularly well equipped to find incriminating facts about applicants from Iraq. Between 2003 and 2011, the Department of Defense collected hundreds of millions of pages of information on Iraqis. “Some of what I have seen is really good information, and some of it cannot possibly be true,” a former senior U.S. official, who has spent decades working in the Middle East, told me. “Like, some poor kid is never going to go anywhere in his life because a friend chose to diss him to a D.O.D. employee, and now he’s blacklisted in the U.S. and European systems forever.” The U.S. military has also collected millions of Iraqi fingerprints and iris scans. As a former member of the National Security Council told me, “If you’re an intended terrorist, why would you go through that insane amount of vetting and waiting when you could literally just get a tourist visa?”

In fact, the most obvious way in which refugees have not assimilated into American life is their failure to commit violent acts. A study by the Cato Institute found that “the chance of an American being murdered in a terrorist attack caused by a refugee is 1 in 3.64 billion per year.” The three refugees who brought the historic probability above a flat zero were Cuban; they entered the U.S. before Congress passed the Refugee Act, in 1980, which standardized the vetting process. Since then, more than three million refugees have entered the U.S., and the screening has grown ever more comprehensive.

Yet, during the campaign, Trump said that he would “absolutely” track the movements of Muslims, and require them to register in a database. At a rally in New Hampshire, when Trump invited questions from the audience, a man stood up and said, “We have a problem in this country. It’s called Muslims.” An audience member winced; Trump nodded. “We know our current President is one,” the man said.

“Right,” Trump said. “We need this question!”

“When can we get rid of them?”

“We’re going to be looking at that,” Trump replied.

Then Trump called for a “total and complete shutdown of Muslims entering the United States.” Jeff Sessions, of Alabama, became the first senator to endorse him. Sessions started advising Trump on immigration policy, and he became the chairman of the campaign’s national-security committee. “We are a Christian nation,” he told the State Department’s top official on refugee policy. After winning the election, Trump announced that Sessions would be his Attorney General.

In Sessions’s first few intelligence briefings, James Comey, the F.B.I. director, had to explain to him the differences between Sunni and Shiite Muslims, and which terrorist groups followed which interpretation of Islam. Sessions struggled to focus but remained inflexible in his convictions. “Sessions believed that Islam—inherently—advocated extremism,” Andrew McCabe, the deputy director of the F.B.I. between 2016 and the beginning of 2018, writes in his memoir, “The Threat: How the FBI Protects America in the Age of Terror and Trump.” In a radio interview, Sessions said, of jihadi attackers, “Their faith commands them to do these things.” During Sessions’s first month as Attorney General, he directed the F.B.I. to pursue counterterrorism investigations into refugees and asylum seekers. “The narrative was that terrorists and murderers and rapists were coming in through the refugee stream, and, if they don’t

find one, this is politically untenable,” a military-intelligence official told me. It would take just one example—one poisonous Skittle—to lend legitimacy to Sessions’s world view.

“They were so intent upon linking refugees and terrorism that they were willing to put false examples out to the public,” the former N.S.C. member told me. “And it was deeply concerning to us, because it’s a public-safety issue, too. Imagine Americans with guns taking matters into their own hands when they see a refugee they’ve been told is a threat.” In June, 2018, in Idaho, at a three-year-old refugee’s birthday party, a man stabbed nine Syrian, Iraqi, and Ethiopian refugees, six of whom were children. The birthday girl died.

On March 6, 2017, Sessions announced that “more than three hundred people who came here as refugees are under F.B.I. investigation for potential terrorism-related activities.” Career officials were aghast. “What they left out is that these investigations are based on the vaguest scraps of information”—such as tips about neighbors wearing burqas—“and almost none of them go anywhere,” the military-intelligence official said. “They’re really only looking at, like, five or six people per year.”

Six months later, at a meeting of the National Security Council deputies committee, Russell Travers, the acting deputy director of the National Counterterrorism Center, told high-ranking career officials that there was little to no risk of terrorist groups trying to infiltrate the refugee program. Rachel Brand, who was the third-ranking official at the Justice Department, objected. “The Attorney General disagrees with your findings,” she said. Travers pointed out that his agency had relied on the Justice Department’s own sources to come to this conclusion. “Nonetheless, the Attorney General does not agree,” Brand said. By that point, vetted refugees were the targets of ten per cent of all counterterrorism investigations in the United States.

The White House fundamentally altered the refugee program to give priority to people with white and non-Muslim backgrounds. Insisting that the vetting system was inadequate, the Administration created new obstacles for refugees travelling from eleven countries, almost all of which are predominantly Muslim. According to a study by Reuters, the numbers of resettled applicants from those countries were reduced by ninety-eight per cent. Even as the Administration cut the total number of refugees by more than half, it tripled the percentage of Europeans. In 2018, three times more Moldovan refugees were admitted than Syrians, even as more Syrians were living as refugees than there were people living in Moldova.

Ameen’s case had already attracted a second look. During the summer of 2016, two F.B.I. agents questioned one of Ameen’s cousins, a computer scientist named Musab, as part of Musab’s application for asylum. They repeatedly asked him about terrorism in Rawah, even though Musab had grown up elsewhere in the Middle East and had never been to Iraq. When pressed about his relatives from Rawah, Musab recalled that two or three cousins, including Ameen, had visited him in Jordan, in the nineteen-nineties. He remembers telling the F.B.I. that he hadn’t spoken to these cousins since, and had no idea whether they later joined the insurgency. But, in the F.B.I. report, an agent wrote that Musab had “guessed that these cousins have become Islamic militants.”

Three weeks later, the F.B.I. asked one of Omar Ameen’s childhood acquaintances, who now lives in Florida, to explain the connection between Ameen and Ghassan, the cousin who was a member of Al Qaeda. To locals in Rawah, “Omar and his family were always known to not be

like Ghassan,” the summary reads. “Ghassan’s actions brought disrespect negative attention to Omar’s family so they left the area.”

During the summer of 2017, an F.B.I. special agent travelled to a military base in Anbar Province, to learn more about Ameen from Abd al-Jabbar Barzan, a colonel in a local militia and a U.S.-military informant. The government suspected that Ameen had committed immigration fraud. Although he had reported in his refugee application that his father had been killed by Al Qaeda, Barzan procured for the F.B.I. a copy of Ameen’s father’s death certificate, which showed that the cause of death was a cerebral clot. But that wasn’t enough. “They wanted witnesses from me,” Barzan later said.

According to a former mayor of Rawah, Barzan’s family moved there about twenty-five years ago, and Barzan became involved in a dispute between two families. He sided with one of them, and started beating members of the other with a club. Tribal rules in Rawah held that an outsider who is adjudicating a dispute may not participate in physical violence, so locals decided to banish him. “Ameen’s family and tribe took the lead,” the former mayor said, and Barzan never forgave them. (Barzan denies the incident and says that he isn’t motivated by revenge.) Barzan returned to his home town, which was close to an Iraqi air-force base. After the U.S. invasion, the Americans took over the base and renamed it Al Assad, and Barzan found work as an informant. Soon afterward, Barzan told me, Ghassan Ameen participated in an attack that injured Barzan’s mother.

After meeting with the F.B.I., Barzan discussed the investigation of Omar Ameen with a teenage boy whom the U.S. government came to refer to as Person Five. He had memory issues and delusions of grandeur. “When I was nine years old I was fighting against Al Qaeda,” Person Five later said. “I’m young, but I’m as wise as an entire country.” Person Five had been in Rawah in 2014, when *isis* took over the town and murdered his uncle, a former police officer named Ihsan Jasim. Person Five was inconsolable, and developed what he referred to as a “psychological condition.” His grandparents had to lock him inside the house, to prevent him from going out into the streets and hitting people. “Whenever I remember what happened, every now and then, all my body shivers and shakes,” Person Five said. “I get irritable. I get up and start hitting the doors. Anyone who comes near me, I hit him.” Eventually, his grandparents sent him away from Rawah, because he kept trying to get his hands on a gun. Barzan took Person Five in and provided him with shelter, a weapon, and a role in his tribal militia. In recent years, Person Five said, he has come to think of Barzan “like my father.”

Person Five had never met Ameen, but he had heard of his family. One day, according to Person Five, Barzan pulled out his phone and showed him a photo of Ameen, which Barzan had obtained from Facebook. He told Person Five that Ameen was living in America, and that the F.B.I. was asking about him. Person Five replied that Ameen was the man who had killed his uncle Ihsan.

Barzan set about collecting witness statements against Ameen, and, on September 21, 2017, an F.B.I. special agent named Phillip Coonfield met him at Al Assad airbase. Barzan showed Coonfield three handwritten statements saying that Ameen had killed Ihsan. Two of the statements bore seemingly identical signatures—a misshapen “A”—which did not belong to any of the supposed witnesses. (Barzan maintains that the documents are authentic.) Coonfield photographed the statements with his phone, and Barzan said that he’d take the originals to an Iraqi court, for certification.

A month later, Barzan returned with Person Five. Coonfield welcomed him, along with a colleague, Special Agent Emerson Lopez-Fuentes, who had met Barzan at least twice. Neither agent speaks Arabic, but, with the help of an interpreter, they led Person Five to a private room, and offered him water and snacks. According to Lopez-Fuentes's writeup of the meeting, Person Five described Ameen as a hardened criminal, a former Al Qaeda member who had planted I.E.D.s and was "a very close friend/associate to Abu Bakr Al Bagdadi," the head of the Islamic State. Person Five recalled "seeing Omar and Abu Bakr Al Bagdadi out in public," giving money to people in the streets; he said that Baghdadi, after declaring the caliphate and becoming the highest-level terrorist target on earth, had visited Ameen's home on at least two occasions. He named as Ameen's accomplice a man who doesn't exist, and offered a time line that defied reality, placing Ameen in Rawah during months that he was living in Turkey and the U.S. When Person Five recounted his uncle's murder, he choked up. "I have a strong recollection of the emotional toll the narrative took on the witness, which I attribute, among other things, to his young age," Coonfield later wrote in an affidavit.

Barzan then provided other witnesses to the F.B.I., none of whom had seen Ihsan's murder but all of whom said bad things about the Ameens.

Coonfield and Lopez-Fuentes later attested to their extensive experience dealing with terrorists: between them, they have interviewed several hundred suspected *isis* members. Nevertheless, Person Five's most outlandish statements became part of the official U.S. record. "There is a hierarchy in the quality of systems for collecting, vetting, and evaluating information in complex overseas environments," the former senior U.S. official told me. "And F.B.I. is at the bottom of that list. I have, in my life, encountered highly classified information from F.B.I. sources which just simply could not be true." He sighed. "They try really, really hard. But they just do not have the area or language or cultural expertise to understand what's going on outside of the United States—especially somewhere like Anbar," where tribal relationships inflect local dynamics, and where Americans can't safely leave Al Assad base.

In early April, 2018, the F.B.I. notified Iraq's intelligence service that an investigation into visa fraud had transformed into a murder case with Iraqi jurisdiction. Agents passed along Person Five's name, as well as a general summary of his statement, and the Iraqis agreed to pursue the case. During the next few days, Iraqi intelligence officers interviewed the F.B.I.'s witnesses, and recycled their allegations into an official intelligence assessment. They added a new mistake, claiming that, in 2007, Ameen had carried out Al Qaeda operations with his cousin Ghassan; in fact, Ghassan had been in Iraqi custody since 2005.

"The U.S. government wanted to find a case where we could actually implement the extradition treaty," Douglas Silliman, who was the Ambassador to Iraq throughout the investigation into Ameen, told me. In 1934, shortly after Iraq gained independence from the United Kingdom, the U.S. entered into an extradition treaty with the Kingdom of Iraq; after a dozen coups, decades of antipathy, and the American invasion, the treaty is still in effect. "It takes an act of parliament to get out of a treaty," Silliman, who is now the president of the Arab Gulf States Institute in Washington, said. "A successor state—no matter how that successor state came into being—is generally considered by the international community to be on the hook for whatever agreements the previous government made, whether they like it or not." No one has ever been extradited from the United States to Iraq. "So the thinking is, Boy, if we can be the first ones to do it,

wouldn't that set a useful precedent?" he said. "There are an awful lot of people still in Iraq in whom the F.B.I. might be interested for prosecutions in the United States."

On April 15, 2018, Person Five testified in a terrorism court in Baghdad before an investigative judge named Dhiya Ja'far. Three F.B.I. observers attended, including the U.S. Embassy's assistant legal attaché, J. P. Butsch, whose role was to coordinate between American and Iraqi institutions. Person Five took the legal oath and conjured a new fiction: that Ameen had kidnapped three of his uncles. (They were abducted in November, 2016, two years after Ameen moved to America.) After the interview, Person Five identified Ameen from a photo, and Dhiya announced that Person Five's statement was "sufficient evidence to continue his investigation of Ameen."

Butsch speaks conversational Arabic, and is a careful, forthright investigator. After an F.B.I. source provided a document showing that Ameen had been detained by the Iraqi Army in 2008, Butsch tracked down the general who had been in charge of the brigade and asked him to authenticate it. The general replied that it was a forgery—his own title was incorrect, the stamp looked suspicious, and someone had faked his signature—and Butsch reported the exchange through official channels.

But, when Dhiya scheduled two new witnesses to testify, he informed Butsch with too little time to arrange a security detail, which was required for all Embassy travel outside the Green Zone. Butsch missed the hearing. The documents that emerged from it contained white-outs and revisions; the only reference to Ameen appeared in a format different from the rest of the text. "If a government gives us documents—especially if a court system gives us documents and certifies them as correct—we generally take them at face value," the former senior U.S. official said. "But Iraqi legal systems are not American legal systems."

Butsch wrote in an affidavit, "On several occasions, both Judge Dhiya and the president of the High Judicial Council, Faiq Zaidan"—Iraq's top judicial official—"communicated to me the importance of a successful extradition request." He continued, "It would signify that their system of justice was respectable and trustworthy and it would demonstrate they are capable of engaging in cooperative, diplomatic exchanges." But, because the government of Iraq "lacked expertise," Butsch said, it fell to him to help various Iraqi departments draft an extradition request that would be accepted in a U.S. court. The F.B.I.'s International Operations Division named him Agent of the Year in 2018.

In Sacramento, Audrey Hemesath, an Assistant U.S. Attorney for the Eastern District of California, drafted a memo in support of Ameen's extradition. Extradition law places unique restrictions on a judge and on a defense team. "Foreign states requesting extradition are not required to litigate their criminal cases in American courts," she wrote, quoting case law, and for that reason a judge must treat evidence within an extradition packet "as true." A judge's only meaningful role is to accept or reject whether the evidence that the foreign government provides amounts to "probable cause."

"The idea is that we have enough trust in the requesting country, and in their systems, that we can defer to their expertise and integrity in evaluating the evidence," David A. Martin, who has served in the State Department and the D.H.S., and has shaped decades of U.S. immigration law, told me. "The executive branch, through the treaty, has blessed the trustworthiness of that process." Yet the U.S. government often refuses extradition requests, even from allies. Since

2016, the U.S. has stonewalled Turkey's demands that the Islamic cleric Fethullah Gülen be extradited, to face charges of plotting a coup against President Recep Tayyip Erdoğan. Earlier this month, the State Department rejected and described as "highly inappropriate" a request from the United Kingdom seeking the extradition of an American diplomat's wife; she had killed a British teen-ager when driving on the wrong side of the road and fled the U.K. while claiming diplomatic immunity.

In 2018, the State Department published a human-rights report concluding that Iraqi judges were sentencing thousands of Sunni men and teen-agers to death solely on the basis of confessions that had been elicited through torture. That summer, I was in Baghdad, reporting on the Iraqi government's campaign of vengeance after the defeat of *isis*. I watched death-penalty trials that lasted as little as four minutes. In one case, a judge ordered the execution of a man whose body was so broken from torture that he could hardly move or speak. He had suffered a brain hemorrhage during his interrogation, and, as his lawyer explained, he couldn't possibly have carried out the terrorist attack to which he had confessed—the police report said that it was a suicide bombing.

The State Department also reported that Iraqi prison conditions were "life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care." Nevertheless, Tom Heinemann, a senior State Department legal adviser, submitted a memo to the court in Sacramento asserting that, for the Ameen case, the extradition treaty was "in full force and effect." "The Court must defer to the Department of State's determination," Hemesath added.

Hemesath presented the case as if the government of Iraq had initiated every stage of it. She cited allegations from the Iraqi and the American investigations as if they independently corroborated each other. In fact, they relied on the same witnesses, and most—and perhaps all—of the witnesses link back to Barzan. The F.B.I. had provided the Iraqi government with a photo of Ameen, from his confidential U.S. immigration file; in the extradition packet, the Iraqis submitted it back to the U.S., stamped, signed, and certified by an Iraqi court.

Hemesath included in her filings almost every rumor that the F.B.I. had heard about Ameen, including allegations that were contradicted by other information in the government's possession. The peculiarities of extradition law mean that the U.S. government never has to prove any of these claims in court.

After Ameen's arrest, the Justice Department issued a press release announcing that an *isis* member had "settled in Sacramento as a purported refugee." Local and national news outlets followed up with details from the extradition packet and Hemesath's detention memo, reporting that Ameen was "one of the founders" of Al Qaeda in Iraq and a "close associate" of its first leader, Abu Musab al-Zarqawi; that he had been the head of financing for Al Qaeda in Anbar Province, as well as the head of Al Qaeda's military operations in Rawah and the surrounding towns; that he had detonated improvised bombs, attacked Iraqi Army checkpoints, and executed prisoners of war; that every male member of his extended family was, "without exception," a terrorist; that in June, 2014, in his capacity as an *isis* commander, he had led a jihadi convoy across the Anbar desert, returned to his home town, and murdered a police officer; and that, despite all this, just a few months after the killing, he had somehow immigrated to the United States via the Refugee Admissions Program, demonstrating its total inability to distinguish victims of persecution from lifelong, committed terrorists.

“When Trump got elected, I expected stuff like this,” Galloway, Ameen’s lawyer, told me. “But the question for me was: What about professional prosecutors, whom I considered to have integrity—what would it do to them?”

On the afternoon of the arrest, Hemesath handed Galloway an unsigned document, drafted from the perspective of Ameen, stipulating that he was waiving his right to a defense and would “agree to be transported in custody, as soon as possible, to Iraq.” She asked if the defense would be willing to sign it. “From that point, I knew that this case would pose all sorts of challenges,” Galloway told me. He decided to recruit Rachele Barbour, a federal defender who has worked in Sacramento for the past twenty years, to join Ameen’s defense.

One day, Barbour and Galloway noticed that the government had submitted a secret filing. They couldn’t access its contents. Galloway has a security clearance, but Hemesath, who had written the document, cited “national security” and refused to share it with him.

Two months later, Galloway still didn’t know what it said. The prosecutors had told him only the gist of it. In a private hearing, to decide whether the document should remain secret, Hemesath urged the judge to consider allowing the government to retract the filing altogether.

“Would the defense not be allowed to mention that the government has acknowledged that it has potentially exculpatory information?” Galloway asked. “I mean, what country is this? Of course we—I mean, the government can take its document back, but we are, I’m sorry. My head is about to explode.”

“Why are you prohibited from saying that?” the judge asked.

“The government is vehement that we not disclose this fact on the public docket,” Galloway replied. He held his head in his hands. “I—I—I cannot believe this argument is being made. I just can’t. There’s nothing about that sentence that jeopardizes national security. It jeopardizes their case.”

Hemesath’s secret filing reveals that, “subsequent to the arrest of Ameen, the United States came into possession of potentially exculpatory alibi information.” The evidence, which appears to have been collected as part of a surveillance operation on an unwitting target, reveals that “an individual believed to have been co-located with Ameen in Turkey during the pertinent timeframe claims that Ameen never left Turkey.”

For the defense, there was only one chance of defeating the extradition request: it had to “obliterate” probable cause, by proving that Ameen’s participation in Ihsan’s murder was physically impossible. “We have begged for some type of proof that Omar is actually the terrorist they’re making him out to be,” Barbour told me. “It would be incredibly reassuring to me and Ben. We could just go to Omar and say, ‘Hey, man, they got you. Let’s send you back to Iraq.’ But every rock we overturn is actually supportive of his innocence.”

In early 2019, Barbour filed requests for documents with the Turkish government, and subpoenas to the U.N. Refugee Agency, various N.G.O.s, Facebook, Twitter, Skype, WhatsApp, Yahoo, and Turkcell. She consulted experts on refugee processing. She learned that the U.N. had assigned Ameen to live in Mersin, a coastal city in southern Turkey, and that he wasn’t allowed to leave town without written permission from the local police. She tracked down the phone numbers and social-media profiles of people who Ameen told her could vouch for his

whereabouts. They were now scattered throughout Europe, Turkey, and Iraq, and, in April, Barbour set off to meet them.

Ameen's immigration file showed that the murder coincided with the peak of his refugee-resettlement process, while his passport was in Turkish possession. A month before the murder, Ameen had been interviewed by a D.H.S. official, at the U.S. consulate in Istanbul. A week before the killing, Ameen was notified that he and his family would be resettled in the U.S. On the evening of June 22, 2014, Ihsan was shot in Rawah. Two weeks later, Ameen was back at the consulate in Istanbul, for a medical screening.

"I remember June, 2014, very well, because *isis* was taking over my home city of Mosul," Omar Hamid, an Iraqi refugee who met Ameen in Mersin, and now lives in Germany, told Barbour at his apartment. "I was very distressed over what might happen to my family. I would meet with Omar on the beach, and he would console me." They would then head back to Hamid's house, log in to the U.N. refugee portal, and check on the status of their applications. Ameen's other friends in town were also Iraqis—a Christian and a Shiite who had renounced Islam and was now an atheist. Together, they followed the news, and tried to check in with relatives in Mosul and Rawah. "I was drinking frequently to cope with the stress," Hamid said. "Omar did not approve of the drinking, but he tolerated it."

In Kufstein, Austria, Barbour carried a printer into a Subway sandwich shop and plugged it in, so that a witness named Ahmed Azzam could sign his sworn declaration that, while *isis* was taking over Anbar Province, Ameen was video-chatting with him from the roof of his apartment in Mersin, along with his wife and kids. "He was very against *isis* and what they were doing," Azzam said. "I remember him saying, 'Those guys, they destroyed Iraq. They made our friends and family homeless.' " Azzam was living in Mosul at the time; a couple of months later, Ameen advised him on Turkish refugee processes, and helped him settle in Mersin.

Barbour interviewed more witnesses in Brussels and Istanbul, then went to the immigration office in Mersin. Ameen and his Iraqi friends were required to sign in each Thursday; failure to do so would have put at risk not only their resettlement applications but their legal status in Turkey. The office provided her scans of Ameen's sign-ins, narrowing the window of time to commit the murder to a logistical impossibility. "To win the literal lottery of life and then say, 'Great, let me put all that at risk so I can travel more than six hundred miles across Syria and Iraq and kill a guy first'—it doesn't make any sense," a former C.I.A. officer, who spent years working in Iraq, told me. "At that point in time, to get through that many checkpoints in Syria, you'd have to have separate fixers for dealing with the Turks, the Free Syrian Army, various other rebel groups, and then *isis*—and that's before you even get to Anbar, which is, you know, hostile. You'd have to bribe or shoot your way through certain fucking death a thousand times, there and back."

On June 15, 2014, a week before the murder, Iraq's Ministry of Communications ordered a complete shutdown of Internet service in Anbar Province. It was not restored for weeks. But, on the day of the murder, Ameen liked a post depicting an Iraqi soldier, prone on the ground, aiming his rifle, with a split in his pants and his bare ass exposed. The caption reads, "The most important thing is the defense of the homeland."

In Sacramento, Ameen was placed in a maximum-security cell at the county jail, where he shared a wall with the Golden State Killer. How had it come to this? All Ameen had ever wanted

was to leave Iraq. That was why he had become a truck driver; each time he crossed the Jordanian border, he felt as if he were breaking out of prison. To be alone in nature—that was his feeling of America. He hiked for hours in Utah, and drove all the way to Texas simply because he didn't want to stop driving. In California, he saw the Pacific Ocean and the San Francisco Bay, and swam in the American River, which snakes through the eastern part of Sacramento, a couple of miles from his house.

His children wouldn't visit him in prison; they refused to see him behind bars. He blamed himself. For what? He didn't know, exactly. He worried that his brothers would be hunted down as *isis* suspects, since the Americans had announced that he was a commander. Galloway sent him copies of the Harry Potter books in Arabic to distract him, but it wasn't enough.

Ameen stopped eating. "Are you fasting?" a jail guard asked.

"No."

"Do you want to die?"

"Yes."

They took him to the psychiatric ward and wrapped him in a padded jumpsuit, so that he couldn't fashion a noose. They checked on him every thirty minutes and treated him with antidepressants.

He slept. After a few days, he started eating again. He left the psych ward and was returned to his cell.

While Barbour was in Turkey, a defense investigator named Linda Humble pursued a parallel inquiry into the situation in Rawah. The extradition packet contained three witness statements—all certified by Judge Dhiya, in Baghdad—that had been redacted in their entirety. Although the federal defenders' office has a compartmentalized facility for viewing sensitive documents, the government refused to give Galloway and Barbour an unredacted copy. For several months, they were allowed to read the witness statements only at the prosecutor's office.

One of the witness statements was by Person Five; the two others, which had different signatures but were otherwise virtually identical, came from people who hadn't seen Ihsan's murder but had apparently named Ameen as the man who had carried it out. These witnesses became known as Witnesses A and B.

Because of the judge's protective order, Galloway and Barbour were prohibited from sharing any information from the witness statements with Humble. "It was 'O.K., there's this accusation of a murder,'" Barbour recalled telling her. "'Here's a victim. We can't tell you who the witnesses are, or what they said, so you just have to go for it.'"

"I was basically working blind," Humble told me. "But at some point I sat down with the interpreter, and we just started making calls to people in Iraq." Her task was to prove a negative—that Ameen wasn't in Rawah when Ihsan was murdered. But, she said, "there was also this little side note of 'Let's see if we can figure out who actually did this murder.'"

Humble reached a tribal leader who is sanctioned by the Iraqi government to handle security matters in Rawah. According to Humble, he told her, "I'm about five minutes away from the victim's dad. I can just drive over there and see if I can get him on the phone with you guys."

Ihsan's parents were shocked to learn that Ameen had been charged with their son's death. Neither of them had seen the killers—and, to their knowledge, neither had anyone else. “They were asking, ‘Do you know who said Omar did it?’” Humble recalled. “We were, like, ‘Uh, no, that's something we came to find out from you.’”

In 2014, when *isis* took over Rawah, the parents had five sons. Ihsan was killed that year; three others were kidnapped, in 2016, and probably executed; and the fifth—Person Five's father—was arrested by the Iraqi government, on rumors that he had supported the Islamic State.

One day, during the spring of 2018, Person Five called his grandparents and said that they could help get their son released from prison if they went to Al Karkh court, in Baghdad, and told the truth about the murder. There, in Dhiya's office, they described what little they knew—that, when the shooting began, they were in the back of the house and Ihsan's wife was in the front of the house, but that nobody had seen the actual killer. Dhiya took their statements but never asked about Ameen or showed them his photograph, they said. Ihsan's mother is illiterate; Ihsan's father can read, but didn't go through his statement—he just signed where Dhiya told him to. Ihsan's parents, Humble realized, were Witnesses A and B.

Now they travelled to a court in Anbar Province, where, after an extensive interrogation by a judge, they formally corrected the record. Both parents requested that the charges against Ameen be dropped, and that he be released. “He is innocent of the accusation of murdering my son,” Ihsan's mother said.

Gamal Abdel-Hafiz, a retired F.B.I. agent hired by the defense, met Ihsan's widow, Samar, in Iraq. A year after the murder, Samar fled Rawah for Erbil, where she now lives with her brother. She had never been interviewed about the case. Samar vividly remembered the days leading up to the murder. Ihsan's brother was threatened by an *isis* member named Mohammed Aboud. Then Ihsan received a threatening voice mail from Aboud's commander. “Ihsan had me listen to that threat, and he told me that this person would be responsible for his death if anything happened to him,” Samar said. Ihsan never mentioned Ameen. On the day of the murder, an *isis* convoy passed by their house twice. The shooting took place on the second pass.

Samar gave Abdel-Hafiz Ihsan's cell phone, which she had kept but never managed to unlock. A forensic investigator in California accessed its contents and found that, at about the time the *isis* convoy made its first pass, Ihsan had texted a member of a local militia who sometimes worked with the Americans. The message appears to be a cry for help. It consists of a list of names, including those who had threatened Ihsan and his brothers, and who later showed up in *isis* propaganda announcing Ihsan's murder and the capture of Rawah. One was the driver. Mohammed Aboud was the gunner. Ameen was not on the list.

The recipient of the text was Barzan.

The project of government relies on nonpolitical career officials following orders, and executing them well. On December 4th, some two dozen federal employees from the F.B.I., the D.H.S., the State Department, and the Justice Department filed into a courtroom in Sacramento for Ameen's extradition hearing. Wittingly or not, they and their departments have been co-opted into a campaign to extradite an innocent man to almost certain death, in order to make a racist talking point appear to be slightly less of a fiction.

Federal marshals escorted Ameen to the defense table and unshackled him. He looked back to the gallery, and smiled at Khansaa. Ameen had been so confused, during his arrest, that he didn't say goodbye to his wife and kids. "I thought, There must be some mistake, and I'll be able to come back and explain it to them later," he told me. "So I just walked out, and I didn't even say goodbye."

Hemesath and her co-prosecutor, Heiko Coppola, along with two lawyers from the Justice Department's Office of International Affairs, who had flown in from Washington for the hearing, maintained that nothing the defense had found, in fifteen months of investigation, should be admissible, because it contradicted the contents of Iraq's extradition packet, which "has to be taken as true." In fact, Hemesath argued, "to the extent the defense has raised any nonspeculative evidentiary issues, a trial would be required to resolve the questions raised," and the only appropriate venue would be an Iraqi court.

Even Ihsan's parents' statements exculpating Ameen were invalid; their only admissible testimony was what was written by Dhiya, which they insist is fraudulent. In fact, Hemesath continued, there was now an additional witness, a man who hadn't seen the murder but had learned "through conversations" that Ameen carried it out. The witness, whose identity the government accidentally disclosed, is, like Barzan, a colonel in the tribal militia. He refused to testify before Dhiya, but that didn't matter; the U.S. government had supplied Dhiya with his statement to Special Agent Lopez-Fuentes, and Dhiya had certified it and submitted it back to the U.S. through diplomatic channels. Now it counted as Iraqi evidence, Hemesath explained, and so its admission was "mandatory." She added that the judge cannot consider the question of whether Ameen will be tortured or executed in Iraq, because it is "not subject to judicial review."

In recent months, Galloway has had difficulty sleeping. "It's not the stress of going into the hearing—it's the trauma of coming out of it, the trauma of realizing what they're doing," Galloway told me. "It's unconscionable. Seeing the level of infection, this willingness to go along, it makes me realize that we are not safe." He added, "I hope we can recover from it. I hope we can regain institutional integrity in some of these agencies. None of them is perfect—they all have problematic histories—but this is evil."

Hemesath declined to comment. The F.B.I. declined to comment. The Justice Department declined to comment. The D.H.S. declined to comment. The State Department declined to comment. Earlier this month, during a background briefing about the military strike on Qassem Suleimani, a career State Department official said, "Jesus, do we have to explain why we do these things?"

Throughout the trial, the magistrate judge, Edmund Brennan, has gradually ordered the government to unseal documents; to remove redactions that have obscured inconsistencies, forgeries, or lies; to make F.B.I. agents, whose identities the government had sought to keep secret, available for written and courtroom testimony. He has unsealed transcripts from private hearings, and has granted the defense the necessary time and subpoenas to pursue its parallel investigations in Turkey and Iraq. Without his orders to keep the public record open, most of what is known would still be unknowable—though he may ultimately exclude much of it from his own judicial consideration.

Hemesath has asked Brennan to certify extradition immediately. He has given Barbour and Galloway until January 29th to present their final argument, after which he will issue his ruling. “I feel like we’re watching Omar’s murder in slow motion,” Galloway said.

Meanwhile, in Anbar Province, the F.B.I.’s local fixer, Barzan, considers the Iraqi government to be too corrupt to handle the case. Last fall, in a phone call with a defense investigator, Barzan recalled warning the U.S. government that, if Ameen was sent to Baghdad through official channels, he could bribe his way out of custody.

“But then who do you want them to hand him over to?” the investigator asked.

“Hand him over to me. Hand him over to me—I will get reprisal from him,” Barzan said. “Hand him over to me—I will execute him.”