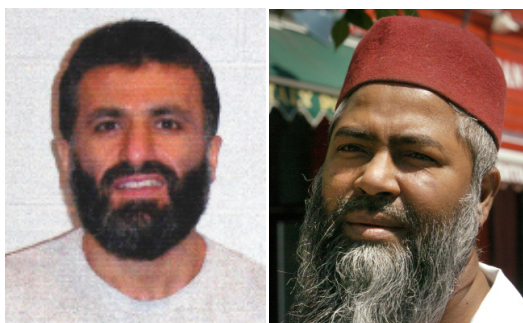


# Albany's Aref-Hossain "Sting" Case

**On October 10, 2006, Yassin Aref (left), imam at the Masjid As-Salam mosque on Central Avenue in Albany, and Mohammed Hossain (right), owner of a small Albany pizzeria, were convicted of aiding terrorism and of money laundering in a manufactured "sting" initiated by the FBI. This fact sheet details the Aref-Hossain case and addresses three common myths about it.**



In 2003, the U.S. government through the FBI began a "sting" operation that targeted Yassin Aref, a Muslim United Nations refugee from Iraqi Kurdistan who had been living legally in Albany since 1999. The sting's plot was an invention of the FBI from beginning to end.

A paid government informant and convicted criminal, Malik, began the "sting" by offering to make a loan to a wholly innocent friend of Aref's, Mohammed Hossain, who the government conceded had no prior inclination to commit crimes. Hossain needed money because his business was failing. After Hossain agreed to accept the loan, Malik began to drop hints that the money for the loan came from his other business of selling arms and ammunition, but Malik was always ambiguous as to whether that business and the money generated by it was legal or illegal. Malik told Hossain that he sold the arms to JEM, a Pakistani group that wanted to liberate Kashmir from India—he even showed him a phony shoulder-fired missile—but he never said clearly that his arms business harmed any interest of the U.S. or was illegal under U.S. law.

Hossain suggested using Aref as a witness to the loan, which was required under Islamic law. Then Malik attempted to draw Aref into making statements that he supported terrorism, or that indicated Aref's understanding that the loan transaction constituted money laundering of illegal profits. Malik was completely unsuccessful in his attempts. Aref made numerous statements both during the sting and later in court that he did not support terrorism, that he did not understand the purpose of the loan, that he intended to obey American law, and that he was unfamiliar with the terrorist group, JEM. Malik never showed the missile to Aref or explained to him that his arms business was illegal. Indeed, the *Albany Times Union* wrote: "If Aref saw the missile...[the FBI thought that] Aref may have been spooked" and would therefore withdraw, because he didn't want to participate in terrorism. In addition, the transactions between Malik and Hossain were conducted in Urdu, which the government frequently mistranslated, and the transactions with Aref were conducted in broken English, in which Malik mispronounced key words.

Nevertheless, the government charged both Hossain and Aref with conspiracy and 3 sets of related charges, including money laundering; a separate charge that the loan transactions were in support of the foreign terrorist organization JEM; and a separate charge that the loan transaction concerned a weapon of mass destruction—the fake shoulder-fired missile. Each meeting between the men generated three counts, one for each of the 3 charges. In total, there were 27 counts against Hossain and Aref. In addition, Aref was also charged with making false statements to

the government, including a charge that he lied when he said he did not know a man named Mullah Krekar "personally."

Significant parts of the prosecution evidence were kept secret under national security rules. To date, neither the defense, the jury, nor the public have ever seen this evidence, even though the Constitution's 6th Amendment guarantees a defendant the right to confront the witnesses against him.

The jury convicted Hossain of all the counts, rejecting his claim that he was entrapped by the government. But the government tried to show at trial that sufficient information had been given to Aref during the various meetings for him to deduce that the loan transactions he was witnessing constituted money laundering of illegal profits from Malik's arms business, which included the foreign terrorist organization, JEM, and a weapon of mass destruction, the fake missile. At one meeting between Aref and Malik, Malik told Aref that he needed checks from Hossain to "legalize" his business, and on several occasions Aref referred to "legalizing" Malik's business. The defense said that Aref thought that Malik meant he was having tax problems—and the jury did not convict Aref on these counts. At another meeting, Malik held up the handle of the fake shoulder-fired missile (which looked like a supermarket pricing machine) and said to Hossain, "This is part of the missile (meez-aisle) I showed you." The defense pointed out that Aref was counting money at the time and never looked up to see what Malik was talking about—and the jury did not convict Aref on this count. At another meeting, Malik suddenly announced that there would be a missile attack in New York City next week. The defense said that nobody could take such a random comment seriously because it was made in front of people whom Malik did not know, and no terrorist would blurt out such an admission to a room full of strangers. The jury did not convict Aref on this count, either.

After acquitting Aref of 20 of the 30 charges against him, the jury did convict Aref of money laundering (including money laundering in connection with a foreign terrorist organization and a weapon of mass destruction) during the last 2 meetings between Malik and Aref. But these convictions made no sense, because the last 2 meetings had no new information that would have alerted Aref that the transactions involved illegal money laundering. If he was innocent of money laundering in connection with the first 6 meetings, he should have been innocent of the last 2 meetings based on the lack of new information received at the last 2 meetings. The jury also convicted Aref of falsely claiming not to have known Mullah Krekar "personally." Although Krekar was a senior leader of an organization (Islamic Movement in Kurdistan) that Aref worked for in Syria for 10 months in 1999, and who 3 years later founded a terrorist group, Ansar al-Islam, Krekar lived in Norway and came to Syria only once in 1999 for about a month, and Aref only interacted with Krekar for his job on a few occasions during that month.

That is the entire case against Aref and Hossain, for which each man received a 15-year prison sentence. Their convictions raise disturbing questions about whether justice was done. Is it appropriate for the U.S. government to target people in phony sting

operations based on secret evidence? Is it appropriate for a sting to deliberately entrap an otherwise innocent person (Hossain) in order to get at the real target (Aref)? Isn't preemptive prosecution—targeting a person *before* he *might* commit a crime, as in the

sting, rather than prosecuting him *after* a crime has actually been committed—basically unconstitutional, overriding the presumption of innocence upon which American criminal law is based?

### 3 Myths About the Aref-Hossain Case

**Myth:** *Aref and Hossain are terrorists.*

**Consider:** U.S. Deputy Attorney General James Comey at a 2004 Washington, D.C. press conference after the arrests: “No terrorist activity took place.”

**Consider:** Hossain told the informant during the sting that he thought JEM, the terrorist organization, was a rock group. Aref told the informant that when he came to this country, he agreed to follow “the laws in here” (obey U.S. law), which did not include terrorism.

**Consider:** At the sentencing press conference on March 8, 2007, a journalist asked the prosecuting U.S. attorney whether Aref had any connection to terrorism. He responded, “We didn't have any evidence of that, but he had the ideology.” No evidence of terrorism, after the sting, trial, and convictions? Then why are these men in prison? And doesn't a prosecution based on ideology alone trash both the Constitution and the rule of law?

**Consider:** The only thing that connected Aref to the plot throughout the entire sting was the code word “chaudry”—meaning “missile”—which the informant testified in court that he told Hossain the meaning of, not Aref. (Hossain never told Aref what it meant). Hossain never reacted to the word “missile,” probably because the informant mispronounced it as “meez-aisle” and because it made no sense in the context of the informant's rambling conversations.

**Consider:** Aref came to the U.S. in 1999—3 years *before* Mullah Krekar founded Ansar al-Islam in Iraq in 2001, the terrorist organization with which the government also tried to associate Aref.

**Myth:** *Aref and Hossain must have done something, otherwise they wouldn't have been convicted.*

**Consider:** Aref and Hossain didn't actually “do” anything. They were convicted of material support for terrorism and other related charges, including money laundering, all of which related to the manufactured sting that the FBI engineered to entrap them. Remember that in a sting, all of the elements are false from beginning to end—fiction, as in a TV drama or a book—including the “laundered” money and association with the terrorist group. The men were not convicted on what they did; they were convicted for what the jury perceived they *might* have done in the context of the phony sting. That is pretty far removed from reality. While stings are legal, it's important to distinguish actual commission of crimes from intent—and the men's intent to be peaceful, law-abiding citizens was proven over and over in court.

Rather, it's what the government did to Aref and Hossain—who were preemptively targeted and prosecuted based on suspicion, not commission, most likely because they were Muslim immigrants and because the “war on terror” requires investigating Muslims, since everyone knows that “all Muslims are prone to terrorism.”

**Myth:** *This 2006 case isn't important anymore, and everybody should move on.*

**Consider:** Injustice is, unfortunately, common ground. What if you were targeted, prosecuted, convicted, and sent to prison for something that you did not do? Would you want people to forget about you?

**Consider:** The U.S. government has preemptively prosecuted hundreds of other Muslims around the country, not just Aref and

Hossain. Using the same techniques, it has also prosecuted peace activists, labor leaders, and animal rights activists as “terrorists.” If we as Americans keep speaking out, six years after their convictions, to show that Aref and Hossain did not do what they were accused of doing, we can shine light on hundreds of other cases in which the defendants were also innocent of wrongdoing, and we can force the government to stop this continual injustice against Muslims and others in the name of “keeping us safe from terrorism.” We want *real* terrorists stopped in their tracks and put behind bars—not government-manufactured terrorists whose prosecutions waste taxpayer money and the government's counterterrorism resources and damage communities.

**Consider:** In 2011, from prison, Yassin Aref submitted a Freedom of Information request for his FBI file. Included in the documents he received from the FBI was significant evidence that the FBI thought that Aref, living in Albany in 2002, was really one and the same with an Iraqi Al-Qaeda operative, Mohamed Yasin, with connections to Osama bin Laden and commander of the Army of Islam group in the northern Gaza Strip. That man had been linked to Mohammad Sidique Khan, the lead suicide bomber in the July 2005 London subway bombings. He was based in the training camps near the Afghan-Pakistani frontier and was reputed to be an explosives expert. He was included on a Pakistani government list of 70 “most wanted” terrorists in December 2003. He was also responsible for the abduction of British journalist Alan Johnston, who was held hostage for two months in 2007. The FBI thought that Yassin Aref was simply an alias of Mohamed Yasin, so in 2002 the Albany FBI office opened an investigation on Aref, which continued into 2003 and culminated in the sting, which ran from summer of 2003 to August 2004.

But on November 17, 2010, Mohamed Yasin was killed in Gaza City by Israeli forces. The confirmed death of one man is a surefire clue that another living man is definitely not he. According to the FBI's own files, the FBI knew by 2006 that Yassin Aref was not Mohamed Yasin—yet the FBI went ahead with the trial anyway, and thus the entire Aref-Hossain case was perhaps predicated on mistaken identity, faulty intelligence, and mere suspicion. It is also quite possible that the FBI knowingly targeted, framed, entrapped, and convicted an innocent man who never was a terrorist.

You would not be reading this new, critical information about the Aref-Hossain case if we had “moved on.” What does this information tell you about such prosecutions? Are there similar situations in other cases? Is this how you want your government to operate? Isn't there value in not forgetting an injustice?

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**This fact sheet was produced by the Muslim Solidarity Committee, founded in Albany in 2006 to advocate for Aref and Hossain and to support their families.**

**For more information:**

**Muslim Solidarity Committee:** <http://nepajac.org/Aref&Hossain.htm>,  
**Project SALAM** (Support and Legal Advocacy for Muslims)  
[www.projectsalam.org](http://www.projectsalam.org)

**National Coalition to Protect Civil Freedoms (NCPFC):**  
[www.civilfreedoms.org](http://www.civilfreedoms.org)

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