

FOR IMMEDIATE RELEASE

DEFENDANT IN AREF-HOSSAIN CASE WILL FILE NEW APPEAL New Evidence Discovered; Two Supporting Events Scheduled for July 12

Yassin Aref, the Albany imam convicted of material support for terrorism along with pizzeria owner Mohammed Hossain in a fictional FBI sting in 2006, will file a new appeal (technically a post-conviction motion) in mid-July that asks, among other remedies, for his conviction to be overturned or for a new trial. Aref discovered significant new evidence about his case as the result of a FOIA (Freedom of Information Act) request he made in 2011. This evidence was apparently shown to the trial judge and the appeal court, but not to either the defense attorneys or to the jury at trial.

The motion, called a 2255, can be filed directly by the prisoner if new evidence is found that may materially affect his conviction. Over the years, Aref has exhausted formal appeals (to the 2nd Circuit Court of Appeals in New York City and to the U.S. Supreme Court) and filed an earlier 2255 motion, which was unsuccessful, though it did not include presentation of this new evidence.

New Evidence for Appeal

The evidence shows that as early as December 2002, the FBI thought Aref was really an Al Qaeda agent named Mohammed Yasin, and that “Yassin Muhiddin Aref” was merely one pseudonym for Mohammed Yasin. In several documents, the FBI gives alternate spellings of Aref’s name, which are always denoted by the initials “IT-UBL” (International Terrorism-Usama bin Laden) and the term “Al Qaeda.” This misidentification predated the beginning of the FBI sting by seven months, which commenced in August 2003. The 2255 motion states that it is probable that “the misidentification of Aref caused the case to become a priority in Washington, D.C. ...Petitioner Aref was thus originally targeted based on the FBI erroneously linking him to Al Qaeda.” It is unclear from the FOIA file, which is heavily redacted, why or how this misidentification occurred, although it recurs in different FBI documents dated from 2002 to 2004, up to and including the time of the sting.

Aref’s affidavit to accompany the 2255 states: “There is an Al-Qaeda agent named Mohammed Yassin who is reported to have been missing two middle fingers on one hand, who was assassinated in Gaza in 2011. I am still alive and have all my fingers so I cannot be Mohammed Yassin. The government convicted the wrong person and I am a victim of mistaken identity. I have never gone by the name Mohammed Yassin. I know nothing about anyone named Mohammed Yassin. I have never been involved with Al Qaeda. I am completely innocent of the charges against me, and was simply tricked by the FBI into gratuitously witnessing a loan that I believe was entirely legal.”

Aref is serving his 15-year sentence at the low-security federal prison in Loretto, PA. His release date is October 2018.

The 2255 motion requests that the court:

- Unredact those portions of the FOIA file that were sent to Aref
- Provide the defense with a description of the classified material given to the trial and appeal courts, especially material that misidentified Aref as Mohammed Yasin

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- Provide the defense with exculpatory material not previously provided at trial
 - Grant a new trial
 - Dismiss the charges against Aref on grounds of prosecutorial misconduct
- The entire 2255 motion will be posted online at <http://www.projectsalam.org> once it is filed with the court in mid-July.

Two Supporting Events

Because of the importance of this appeal, the Muslim Solidarity Committee, Project SALAM, and the Aref-Hossain/Albany chapter of the National Coalition to Protect Civil Freedoms (NCPCF) will hold a **rally** and launch a **special event on Friday, July 12 at 6 p.m.** at the **Masjid As-Salam, 278 Central Avenue** in Albany. At the rally, which will also commemorate the ninth anniversary of Aref and Hossain's arrests in 2004, speakers will discuss the new evidence and its impact on the case, and answer questions. Speakers will include Kathy Manley, Esq., Aref's appeal attorney; Honorable Dominick Calsolaro, outgoing Albany Common Council member who sponsored the Albany Resolution in 2010 that calls for the Justice Department to reopen all post-9/11 terrorism cases to determine whether exculpatory information was withheld from the defense; Dr. Shamshad Ahmad, president of the Masjid As-Salam, where Aref was imam; and Lynne Jackson, president of Project SALAM and a Muslim Solidarity Committee member.

At **7:30 p.m.**, Jackson, accompanied by other supporters, will launch the "Journey for Justice," a **walk of 133 miles** from Albany to Binghamton. To emphasize the importance of Aref's appeal, Jackson is circulating an online petition that asks the judge who would hear the appeal, Honorable Thomas McAvoy (who was also the Aref-Hossain case trial judge), to give it serious consideration. Jackson intends to hand-deliver the petition signatures to McAvoy's home court in Binghamton. Immediately following the rally, the Journey for Justice will depart from the Masjid As-Salam for the Pine Hills Library on Western Avenue (Route 20). The next day, **Saturday, July 13**, at about **10 a.m.**, Jackson and supporters will reassemble outside the library and continue the 10-day trek to Binghamton, via Route 20 and then Route 7, at the rate of approximately 13 miles per day. They expect to arrive in Binghamton on **Tuesday, July 23 at 11 a.m.** at the federal courthouse on 15 Henry Street, where a press conference is planned to mark their arrival.