

Case 10: Albany

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June 3, 2011

The exquisite and successful efforts of the FBI to manipulate two Albany Muslims into a terrorist plot, and then into a jail cell for 15 years, is best seen, perhaps, as a learning experience. Operating in 2004, in a highly pressured atmosphere in which it was generally assumed there must be dozens or even hundreds of active terrorist cells abroad in the land, the investigators, ardently looking hard for what they thought they ought easily and often to see, made much out of close to nothing. Although the Bureau has been entirely unwilling to admit that mistakes might have been made in Albany, as Michael Spinosi notes, it has perhaps made amends in other ways: procedures were tightened up in later years, allowing those in the sway of an informant to have multiple opportunities to bow out of the plot and making sure they clearly understood what they were doing. Neither of these qualities characterize the Albany case.

There is also some murkiness about any earlier connections of one of the Albany men, Yassin Aref, to terrorism in Iraq—the concern that seems to have triggered this case. Before the American invasion of Iraq in 2003, there were indeed terrorists at large in the country, and many of them, like Aref, were Kurdish. But their focus was on toppling Saddam Hussein, something that obviously was not out of alignment with American foreign policy.

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typographical and other minor corrections November 17, 2011

1. Overview

On August 4, 2004 two men from Albany, New York, were arrested for terrorism-related crimes. Yassin Aref, the imam of a local mosque, and Mohammed Hossain, the owner of a local pizzeria, were involved in an FBI sting operation. Through the use of an informant, the FBI was able to make the case, based on recordings and videos, that Aref and Hossain were conspiring to aid a terrorist group and provide support for a weapon of mass destruction, support of a foreign terrorist organization, and money laundering.¹ Their trial was held during September and October of 2006. On October 11, 2006, the men were convicted of the terrorist-related charges. On March 7, 2007, after filing for appeals, Aref and Hossain were each sentenced to fifteen years.² Controversy surrounds this case, and many people are convinced that Aref and Hossain are the victims of entrapment. Currently, there are movements and organizations set up to help with their appeals in an attempt to free what many people see as innocent men.³

2. Nature of the adversary

Yassin Aref is originally from Kurdistan in northern Iraq. He grew up having a grandfather who was a famous and highly recognized imam in the Kurdish regions of Iraq. Because of this, Aref was always exposed to the religious lifestyle, and became a devout individual. Due to Saddam Hussein's aggressive actions in Kurdistan, Aref eventually decided to flee into Syria, where he attended classes and became educated. He and his wife were accepted by the United Nations as refugees and moved to Damascus. Aref eventually took a job working with the Islamic Movement of Kurdistan Office (the IMK) while in Damascus. The UN finally moved Aref and his family to the United States in October of 1999. In due time, he was offered a full-time position as the imam of the Masjid As-Salam Mosque in Albany, New York.⁴ He held this position until the sting operation and his imprisonment.

Aref seems to have endured a fairly dramatic upbringing and experienced a number of hardships through his younger years. He witnessed and lived through Saddam Hussein's reign and massacres against the Kurds in Iraq. For a good portion of his life he held low-paying jobs, even being forced to survive on UN subsidies alone. In Damascus he worked as a gardener, and upon his arrival to the United States he could only find work as a janitor.⁵ However, nowhere has it been mentioned that Aref was thought of as economically destitute or impoverished. It

¹ Wikipedia, Yassin M. Aref; accessed December 1, 2010.

² www.justice.gov; National Security Division – Statistics on Unsealed International Terrorism and Terrorism-Related Convictions

³ Muslim Solidarity Committee website, Aref & Hossain.

⁴ Muslim Solidarity Committee website, Fact Sheet on the Case.

⁵ Muslim Solidarity Committee website, Fact Sheet.

has been stated that Aref disagreed with the Bush administration's foreign policy to some degree, but he never seemed to express any feelings of being politically downtrodden or unhappy.⁶ Nor was he a religious fanatic. He was an imam, but not a radical one. In fact, he has a background of education, even being known for writing poetry and working to publish a book about his case and his current situation.⁷ Aref showed no signs of being insecure, unbalanced, or outraged at anything. In so far as this case is concerned, Aref would have been recruited for the terrorist activity by an FBI informant, though whether or not he actually had any intent or actual participation seems to be in question. The government claimed that he had ties to terrorist groups and leaders, and that this justified the sting operation organized around him.⁸ Aref, before this case, had no criminal record.⁹

Mohammed Hossain originally immigrated to the United States from Bangladesh, and has lived in the United State for about thirty years. He is a naturalized U.S. citizen.¹⁰ He owned the Little Italy pizzeria in Albany, as well as some properties he was looking to fix and rent out. Hossain was an active member of the Masjid As-Salam Mosque and knew Yassin Aref well. He openly spoke in favor of the policies and lifestyle within the United States, and close friends of his report that Hossain was often more pro-American even than they.¹¹

The FBI had no leads on Hossain and could not link him to any terrorist group or activity. However, Hossain had a close relationship with his imam, Aref, as well as with the FBI informant, so he was used in an effort to get to Aref. Like Aref, Hossain could be considered to have been recruited by the informant. He had no radical or fanatical tendencies, and was not outraged, insecure, or psychologically unbalanced. He was neither politically distraught, nor unhappy with his life in the United States.¹² He was religious, but no more so than any other pious believer. Hossain had no criminal record.¹³

3. Motivation

If anything, Yassin Aref and Mohammed Hossain were unmotivated to engage in any terrorist activity. The FBI informant was the one who made it look like Aref and Hossain had any intention at all, and even then it is hard to see where they expressed any interest. In a sense, it can be said that money motivated Hossain into interacting with the informant. Hossain wanted to take out a loan to begin working on his rental properties, and went to the informant seeking help. However, throughout the exchange Hossain never demonstrated any inclination towards joining the informant's cause. In fact, on many occasions he adamantly and vehemently defended the United States and showed distress at the use of

⁶ PBS, *America at a Crossroads: Security Versus Liberty: The Other War*, Washington, D.C., WETA, 2007.

⁷ www.yassinaref.com

⁸ Brendan Lyons, "Suspects Raise Domestic Spy Issue," *Albany Times Union*, January 5, 2006.

⁹ Muslim Solidarity Committee website, Fact Sheet.

¹⁰ Muslim Solidarity Committee website, Fact Sheet.

¹¹ PBS, *Crossroads*.

¹² PBS, *Crossroads*.

¹³ Muslim Solidarity Committee, Fact Sheet.

terrorist acts.¹⁴ Hossain was not seeking to change policy or get revenge against any transgression. He seemed to have nothing against the United States or Americans at all.

Aref has much the same story. His motivation, if any could be labeled as such, would be something akin to helping the cause of a friend. Aref was brought into the fold of the operation as a witness to the loan exchange between Hossain and the informant.¹⁵ Aref, like Hossain, had no intention of fighting for this cause, or seeking glory. He was not trying to socialize himself into a group. He merely wanted to help a friend with a transaction. Neither Hossain nor Aref conveyed any hatred for, or the will to act against, American values or United States' policy.

4. Goals

There seem to be multiple goals at work in relation to the Albany Case. None of these had any real terrorist motive. The first goal, as stated above, was for Hossain. His only goal was acquiring a loan that would help him further invest in his properties. No terrorist intent was involved with this goal. The goal of Aref seems to be equally as innocent. His goal was to ensure that a monetary transaction went according to the laws and in traditional fashion for his friend, Hossain. As far as terrorism, Aref seemed to never have had any notions of joining and engaging in the plots or acts suggested by the informant. Although throughout the operation Aref and Hossain got into debates with the informant over the motives and practicality of terrorist organizations, they never expressed any goals of their own, or agreed with the goals of those terrorist organizations.¹⁶

The goals with anything related to terrorism all concerned the FBI. Its goal was to take potential terrorist threats out of society. Applying preemptive tactics, it sought to ensure that nothing would happen in the future. In regards to Aref Hossain, the ultimate goal was to get to Aref.¹⁷ The fabricated terror plot also had a specific goal. The informant told Aref and Hossain that he wanted to aid the terrorist group Jaish-e-Mohammed, and hinted at the possible assassination of a Pakistani diplomat.¹⁸ This aid and assassination may have been carried out through the transfer and use of weapons such as a shoulder-mounted rocket propelled grenade launcher, one of which was shown to Aref and Hossain during talks with the informant.¹⁹ However, Aref and Hossain never showed interest in joining the cause. At one point, Aref mentioned that he believed the informant should join if he truly believed that the Jaish-e-Mohammed was working for the faith and doing what it could for Allah. Aref even went on to say that he could not join or aid such a group in good conscience as he didn't know enough about their goals, motives, or tactics.²⁰ Recordings have Aref saying that he believes it would be better to donate money and time to service and humanitarian groups that help with poverty and hunger, acknowledging that money given to politically charged

¹⁴ PBS, Crossroads.

¹⁵ PBS, Crossroads.

¹⁶ Muslim Solidarity Committee website, Fact Sheet.

¹⁷ Lyons, "Suspects."

¹⁸ PBS, Crossroads.

¹⁹ PBS, Crossroads.

²⁰ Muslim Solidarity Committee website, Legal Activity, Legal Motions (Aref)

groups often ends up in the wrong hands. He is also recorded saying, in regards to his conversation with the informant, that even if the FBI were listening in, it would not matter, as he knew he was doing nothing wrong. Aref also argued to the informant that they are now living in the United States and agreed to abide by the laws of the United States, and it is important for Muslims, above most other things, to keep their word.²¹

Other than the terror plot that was fabricated for the FBI sting operation, no real terrorist goals existed.

5. Plans for violence

As mentioned above, no real plot for terror was ever present. Therefore, there were not actually any plans for violence that could have been carried out. However, the government did have false plans laid out with which to try and entice Aref and Hossain. First, the FBI had it made known that the missile launcher was connected to a violent terrorist group, Jaish-e-Mohammed, and they later contended that both Aref and Hossain believed this to be the case.²² Furthermore, the FBI had the informant tell Aref and Hossain that the missile launcher would be used to assassinate the United Nations' ambassador from Pakistan while the diplomat would be in New York City.²³ That exists as the only violence within the plot, and the FBI would obviously never have let it be carried out.

Even more, the plans that the FBI did develop were never entertained, much less agreed with, by Aref or Hossain. Neither man ever offered their support for the plans or for the terrorist groups in question, and both avoided talking about terrorist plots in any specific manner.²⁴ Neither had any interest in seeing the plan carried out, nor would they have been able to commit such a crime out had they wanted to. The two men had no terrorist or jihadist training, or even any inclination of committing violence. While they were religious men and were steeped in Muslim culture, they never exhibited any of the bravado of serious jihadists.

6. Role of informants

The role that informants played in this case is staggering. There would have been absolutely no case whatsoever without the aid of the FBI informant. To understand this case, it is important to see on just how many levels the informant played a significant role. The informant had video and audio equipment set up to record all interactions with Aref and Hossain, and even worked at becoming close to friends and family within Hossain's community.²⁵

The FBI informant was a Pakistani immigrant named Shahed Hussain, who went by the name "Malik" during the sting operation.²⁶ He cooperated with

²¹ Muslim Solidarity Committee website, Fact Sheet.

²² PBS, Crossroads.

²³ Andy Coates, "Defending Muslims in Albany, NY," Found via: Muslim Solidarity Committee, News Media; Andy Coates' Article on the Press Conference, November 3, 2006.

²⁴ PBS, Crossroads.

²⁵ PBS, Crossroads.

²⁶ Coates, "Defending Muslims."

the FBI and participated in the sting operation in an attempt to reduce his sentencing for fraud charges, for which he had been arrested earlier in 2003. Malik was creating fraudulent state identification cards for illegal immigrants, selling and distributing them to any who asked for one. While this gave the FBI a bargaining chip to use against Malik, it also gave Malik a close connection and reputation amongst the Muslim immigrants in the area. The government also paid Malik a sum of \$32,000 for his activity in the sting. They used Malik because they knew he had ties to the area, and they hoped they could use him to get Hossain, and get to Aref through Hossain.²⁷ Hossain approached Malik for a potential loan, which Malik agreed to undertake. Malik offered to give Hossain \$50,000 in cash (which Malik claimed to have received in payment for importing, storing and handling the shoulder-mounted missile launcher for the terrorist group) on the condition that Hossain pay him monthly in \$2,000 checks up to the amount of \$45,000, with Hossain being allowed to keep the final \$5,000.²⁸ Hossain brought in Aref as a witness to the transaction, and both men, at some point, handled the money and engaged in the loan transaction. The FBI argued that both Aref and Hossain were aware that the money came from the missile launcher, and this allowed the government to get both of the men tried for money laundering charges.²⁹ However, it seems to be most likely that Aref and Hossain were unaware of the implications being made by Malik, and did not understand the gravity of the situation at hand.

Although this case may not technically be one involving real entrapment, as the informant could never fully lead Aref or Hossain into action or commitment, it certainly has some degree of investigative dishonesty. Malik was constantly attempting to talk about terrorist plots and activity, and was never able to get a concrete reaction out of either man. To this end, there was a great deal of leading and prodding going on by the informant. As nothing happened even with all of this leading by Malik, it is almost a certainty that nothing would have happened if left alone.

Moreover, the evidence gathered against Aref and Hossain by the FBI recordings does not hit any homeruns. As stated before, Aref and Hossain often spoke against Malik's talks of terrorism.³⁰ Neither ever stated any intent of helping Malik in his efforts. Beyond that, much of the interaction between Hossain and Malik was conducted in Urdu. During the trial, the FBI brought its translation of the conversations between Hossain and Malik, while the defense challenged the FBI's translation and offered its own. The judge appointed a third translator, who ended up agreeing more with the translations offered by the defense.³¹

After the Albany Case, the informant continued to work with the FBI. He was involved in a similar case that involved a plot to bomb Synagogues in the

²⁷ Muslim Solidarity Committee website, Fact Sheet.

²⁸ www.findlaw.com, United States of America v. Yassin Muhiddin Aref and Mohammed Mosharref Hossain.

²⁹ PBS, Crossroads.

³⁰ PBS, Crossroads.

³¹ Coates, "Defending Muslims."

Bronx a few years after the arrests of Aref and Hossain (Case 25).³² That case is also surrounded by some degree of controversy.

7. Connections

Some connections were found that linked Yassin Aref back to the Middle-East. Notebooks that contained Aref's name and phone number, and even his address in Albany, were found in alleged terrorist camps throughout Iraq.³³ Aref's name was found in buildings that the government believed to be terrorist safe-houses, as well.³⁴ It is unclear to what degree Aref was linked to the terrorists in these camps, or whether or not these terrorists were anti-American or simply remnants of anti-Saddam movements. Aref may have even been listed as a "known or suspected terrorist" since as early as 2002, according to his criminal history report.³⁵ In 2004, an FBI raid of Aref's home and mosque uncovered information that connected him to Mullah Krekar who is the founder of Ansar al-Islam, a terrorist organization with ties to al-Qaeda. Journals found in the raids also showed that Aref may have been acquainted with a top Hamas official.³⁶ However, it is important to note that Aref was well known and respected through Kurdish areas of Iraq, so it would not be all that unusual that people throughout the area would know him.³⁷ Moreover, the FBI reported that Aref's name had been found with the word "commander" next to it, though this was later refuted and it was re-translated to mean "brother" instead.³⁸ Also, though he had met Krekar during his job at the IMK (Islamic Movement of Kurdistan), Aref did not really have a relationship with the man, and often criticized Krekar's radical views.³⁹ On the topic of the IMK, it should be made clear that the United States does not recognize it as a terrorist organization. In fact, the IMK received aid and funding from Congress in 1998 as part of the Iraqi Liberation Act.⁴⁰ He has no known ties to Jaish-e-Mohammed, the terrorist group used during the FBI sting.

Mohammed Hossain, on the other hand, had no known terrorist connections at all.⁴¹ His only connections were to the FBI informant and to Aref, and he was used for his ability to bring Aref into the sting operation. Like Aref, Hossain had no connections to Jaish-e-Mohammed. Neither of the men was involved in a secret, underground terrorist network or sleeper cell.

8. Relation to the Muslim community

This case created a huge disturbance in the Muslim community, especially around Albany. Friends, family, and community members quickly

³² Zachary Roth, "Defense Lawyer on Newburgh Informant: 'A Real Snake'," *TPMMuckraker*, May 25, 2009. Found via: <http://www.talkingpointsmemo.com/>

³³ Lyons, "Suspects."

³⁴ PBS, Crossroads.

³⁵ Lyons, "Suspects."

³⁶ Brendan Lyons, "Terror Suspect Wants Own Trial," *Albany Times Union*, December 10, 2005.

³⁷ Muslim Solidarity Committee website, Fact Sheet.

³⁸ Jarrett Murphy, "Error In Albany 'Terror' Case," CBS News, August 18, 2004.

³⁹ Wikipedia.

⁴⁰ Muslim Solidarity Committee website, Fact Sheet.

⁴¹ Lyons, "Own Trial"

rallied behind Yassin Aref and Mohammed Hossain to help declare their innocence. Groups such as the Muslim Solidarity Committee and Project SALAM were formed in response to the imprisonment of Aref and Hossain. Marches have been organized to proclaim the men's innocence, including one on August 4, 2009 which had over one hundred people participating. Other local groups, such as Grannies for Peace, Women against War, and the Chatham Peace Initiative, joined in on behalf of Aref and Hossain.⁴² As leaders of their Mosque, Aref and Hossain were well-respected by both their spiritual fellows and the rest of the community alike. During the sentencing, the community generated a petition of almost 1000 signatures, offered speeches, and wrote letters in an effort to help Aref and Hossain. Some members of groups such as the Muslim Solidarity Committee believe the community support helped reduce the sentence to fifteen years, instead of the thirty years indicated by the federal sentencing guidelines.⁴³

The Muslim Solidarity Committee and Project SALAM led a march in honor of an Albany City Council motion to urge the United States' Department of Justice to review cases of Muslims who have been prosecuted and sentenced under questionable circumstances. The motion passed in the Albany City Council by a vote of ten in favor to zero against.⁴⁴ The founding members of the MSC have received an award by the New York Civil Liberties Union.⁴⁵ The MSC has stated its intent to offer continuing support for Aref and Hossain throughout the appeals process, which the defense attorneys were hoping to continue during 2010.⁴⁶ The MSC, Project SALAM, and the Masjid As-Salam Mosque filed an amicus brief in March of 2010, which was accepted by the District Court.⁴⁷

9. Depiction by the authorities

The authorities seem to have exaggerated the intensity of the situation. While finding Aref's name and contact information in suspected terrorist camps is nothing to take lightly, the FBI went about the operation with only one goal and close-minded intent. The authorities viewed this case as a major situation, and many supporters of the government's action see this case as an argument in support of warrantless wiretapping.⁴⁸ The FBI also went out of its way to make Aref and Hossain seem far more malign than they actually were during the sting operation. In many cases, the FBI mistranslated Arabic and Urdu words to make the defendants appear to be more inclined towards violence and terrorism.⁴⁹ As mentioned before, they translated "brother" to mean "commander" when referring to how Aref was labeled in the terrorist camp notebooks. The government also

⁴² Danielle Sanzone, "'Injustice' Decried in Conviction of Muslims," *Troy Record*, August 5, 2009.

⁴³ Muslim Solidarity Committee website.

⁴⁴ Muslim Solidarity Committee website.

⁴⁵ Wikipedia.

⁴⁶ Sanzone, "'Injustice' ,"

⁴⁷ Project SALAM, Amicus Brief.

⁴⁸ Wikipedia.

⁴⁹ Muslim Solidarity Committee, Fact Sheet.

withheld information from the defense about the notebooks found in Iraq, labeling it classified, even though the defense had been granted security clearances.⁵⁰

The government is said to have used the tactic known as preemptive prosecution in order to make sure that any terrorist deemed a threat, even if ultimately innocent, is put behind bars.⁵¹ The government has stuck to its decision thus far, even refusing to entertain appeals.⁵² Even appeals to the United States Supreme Court have been refused.⁵³ However, as mentioned above, on March 30, 2010 the United States District Court for the Northern District of New York accepted an amicus brief, which asks that a special prosecutor look into whether Aref and Hossain were given a fair trial.⁵⁴ While this offers some hope for reconciliation, it seems evident that the authorities acted out of an act-now, ask-later mentality. Furthermore, the government maintains the guilt of Aref and Hossain in official documents published in 2008.⁵⁵ Although the case workers may have believed to be doing the right and responsible thing, they acted in an alarmist manner. It is understandable that the FBI wanted to make sure the safety of Americans was ensured, but this case in particular could have been handled much better.

10. Coverage by the media

This case was covered by the local media very extensively soon after it came to light. The two local newspapers, *Albany Times Union* and the *Daily Gazette*, featured many articles, editorials, and columns about the trial and the situation.⁵⁶ Most of these articles and columns were written in favor of Aref and Hossain, and condemned the FBI for jumping to conclusions. Press releases and coverage on the case were constantly updated and posted through websites of organizations like the Muslim Solidarity Committee and Project SALAM, and well as through www.yassinaref.com. National media seemed a little more hesitant to report, though it eventually did. Immediately following the onset of the case, national sources seemed unsure of the details. Some articles did not have the correct facts regarding the amount of money that was involved in the transaction, they were not sure what role the informant played, and they did not know of the happenings of the FBI recordings.⁵⁷ While these earlier reports may have been confused or incompetent, the media eventually began to report the real facts of the case. Even the national media began to criticize the way the authorities went about the investigation and the sting operation. A PBS “America at a Crossroads” piece seems to offer a good representation of how the media believes the FBI may have over-played the Albany case.⁵⁸

⁵⁰ Wikipedia.

⁵¹ Project SALAM, Amicus Brief.

⁵² Sanzone, “‘Injustice’.”

⁵³ Project SALAM, Amicus Brief.

⁵⁴ Project SALAM, Amicus Brief.

⁵⁵ www.justice.gov; National Security Division – Progress Report.

⁵⁶ Coates, “Defending Muslims.”

⁵⁷ Murphy, “Error.”

⁵⁸ PBS, Crossroads.

Currently, the situation is being compiled into documentaries, biographies, and even public broadcasting productions. There are a number of books being published regarding the case, including one by Yassin Aref himself.⁵⁹ The media has continued to follow the story to a certain degree, though more locally than nationally. The entire reporting process of this case seems to have been responsible and relatively diligent. As the topic became more of an issue throughout the nation and internationally, the media published stories that were increasingly more competent and informative.

11. Policing costs

The investigation of Aref and Hossain and the resulting sting operation demanded a lot of time and effort, and would have generated massive costs. To begin, the government had to find, interpret, and convey information found in the notebooks from suspected terrorist camps in Iraq.⁶⁰ They also had to organize raids to seize further evidence from Aref's home and mosque.⁶¹ Besides information-gathering, the FBI also had to develop, implement, and complete the sting operation, complete with informant. To provide the technical and material support for the sting would have been a hefty cost on its own. The FBI had to offer recording equipment, props, and other such details in order for the sting operation to go forward. Exact numbers on the cost of this case in monetary amount could not be readily found. However, the informant alone was paid \$32,000 for involvement and expenses. The FBI sting operation was lengthy, lasting from at least November of 2003 until around July of 2004.⁶²

The trial would have also been costly, both in time and money. The case was in the courts during September and October of 2006. The prosecution had to try both men for each individual count, and for Aref alone that comprised thirty including conspiring to aid a terrorist group, provide support for a weapon of mass destruction, money-laundering, and supporting a foreign terrorist organization.⁶³ There is also the matter of appeals, as well as the cost of keeping the men imprisoned.

While it was focusing on trying to get Aref and Hossain to commit to terrorist activity, the FBI was expending resources that might better have been used to find individuals who expressed developing or fully developed terrorist tendencies.

12. Relevance of the internet

The internet has little relevance, if any, to the Albany Case. Aref and Hossain never researched any information and never attempted to gain any intelligence related to terrorism by means of the internet. In regards to the FBI sting operation, all contact that Aref and Hossain had with the informant was done

⁵⁹ www.yassinaref.com (see the site for more information on titles, dates, etc.)

⁶⁰ Wikipedia.

⁶¹ Lyons, "Own Trial."

⁶² Muslim Solidarity Committee website, Fact Sheet.

⁶³ Wikipedia.

in person. All evidence is recorded in video of the face-to-face interactions between the two defendants and the informant.⁶⁴

13. Are we safer?

Knowing the background and information of the case, I would argue that we really are not safer with Yassin Aref and Mohammed Hossain behind bars. They had no criminal record before the FBI sting operation, nor did they ever express any violent, radical, or anti-American tendencies.⁶⁵ Both were community leaders and respected by peers and locals. The fact that so many people have come together in their support and that organizations have been developed with the sole purpose of championing their cause seems to be a testament to the innocence of the men. If the local community wishes them to be free, then obviously they feel comfortable and safe with Aref and Hossain out of jail. Aref's connections to terrorist groups and individuals are something of a concern, but that does not mean we should immediately assume he is a grave threat or feel any less safe.

14. Conclusions

Unlike other cases where entrapment has been alleged, the defendants in this case never expressed any intent of engaging in terrorist activities. On multiple occasions, Aref and Hossain criticized involvement with terrorist groups and in terrorist plots.⁶⁶ However, they were still arrested, tried, and convicted of conspiring to aid a terrorist group, providing support for a weapon of mass destruction, money-laundering, and supporting a foreign terrorist organization.⁶⁷ While in many other cases, the defendants expressed interest in taking part in the acts, or were drawn into the acts by informants, Aref and Hossain never took the bait. They never developed any plans for violence, and never committed to participating in the fabricated FBI plan. They had no goals and were not trying to achieve anything through action. In the same sense that they did not have goals or plans for violence, they also had no motivation for carrying out or engaging in terrorist acts. It seems that the authorities had to go out of their way to make Aref and Hossain look like possible terrorist threats.

In the Albany Case, the FBI used the same informant as in the Newburgh or Bronx Synagogue Case (Case 25). That case was conducted in a similar manner, with much of the public believing entrapment to be at play.⁶⁸ The Muslim Solidarity Committee, Project SALAM, and other such organization have all taken an interest in seeing that justice is rendered to Muslims in cases where they believe them to have been wrongfully convicted.⁶⁹ There were also connections to the case involving the Fort Dix plot (Case 22). The government used the same expert witness, Evan Kohlmann, to testify about how the political

⁶⁴ PBS, Crossroads.

⁶⁵ PBS, Crossroads.

⁶⁶ Muslim Solidarity Committee website, Fact Sheet.

⁶⁷ Wikipedia.

⁶⁸ Roth, "Newburgh."

⁶⁹ Project SALAM.

situation in Bangladesh would have shaped Hossain into a terrorist suspect, as well as how videos of the Fort Dix five compared to actual terrorist tactics.⁷⁰ Furthermore, the victims of the Albany Case and the Fort Dix case, and perhaps all cases where Muslims have been suspected of wrongful conviction, seem to have contact with one another. For example, the daughter of one of the Duka brothers convicted in the Fort Dix Case spoke at an event devoted to Yassin Aref.⁷¹

It is not clear whether this is actually a terrorism case at all. Aref and Hossain had no goals or political aims, they had no intention of attacking civilians, they had nothing to be anonymous about, and they never tried to continue organizing a terror plot. If these tendencies were exhibited by anyone throughout the case, it would have been by the FBI informant. Even after he continually failed to get Aref and Hossain to commit to engaging in a terrorist group, he kept pushing to make them seem more prone to terrorist activity. He had a goal in mind, to allow Aref and Hossain to be charged, and went about it in a plethora of ways.

Brian Jenkins notes that some critics have said the current trend of seeking out and imprisoning potential terrorists is akin to placing Japanese-Americans in internment camps during World War II.⁷² While he disagrees, I feel that a similar sentiment is prominent in the Albany Case. Aref and Hossain were picked up and imprisoned for naught more than fear; though in this case the defendants at least received a trial. Fred LeBrun of the *Albany Times Union* compares the Albany case to a witch hunt and attributes it to national paranoia. He believes Aref and Hossain will be looked back upon as victims of an over-zealous government attempting to send a message.⁷³

Controversy surrounds the government's actions, and the public is still, six years later, advocating on behalf of Aref and Hossain. The use of the FBI informant certainly does add a level of controversy to the whole ordeal. While there does not seem to be entrapment in the strict sense, the informant is undoubtedly the only reason Aref and Hossain were convicted of anything at all. Had they been left to their own devices, it is likely that Hossain would have simply continued to operate his pizzeria and work on his properties, while Aref would probably have maintained his religious position at the local mosque. The trial and prosecution seemed skewed in a way that presented the two defendants as pre-disposed to terrorist inclinations. However, throughout the entire FBI sting operation, no concrete evidence was gathered to support such sentiments. It would be interesting to continue gathering information about this case from different perspectives.⁷⁴

⁷⁰ Lynne Jackson, "Fort Dix 5," Project SALAM.

⁷¹ Sanzone, "'Injustice'."

⁷² Brian Michael Jenkins, *Would-Be Warriors*. Santa Monica, CA: RAND Corporation, 2010, 23.

⁷³ Fred LeBrun, "History Will Remember Albany Terrorism Sting as a Witch Hunt," *Times Union*, January 12, 2007.

⁷⁴ It may be beneficial to look into *Son of Mountains* by Yassin Aref, *Rounded Up* by Shamshad Ahmad, and the video-documentary *Waiting for Mercy* by Ellie Bernstein. These would offer first-person accounts, as well as sentiments of the Muslim community and sympathizers to the cause of Aref and Hossain.

The public's reaction to the Albany Case and similar trials demonstrates the public's concern for the government's actions, which some believe is reminiscent of the witch hunts and the Communist scare of the 1950s.⁷⁵ While the government had the security and safety of the American people in mind, they went about this case in an irresponsible manner. In other cases, defendants expressed interest and became involved with the government's fictitious terror plots. However, with Aref and Hossain, no such intent ever existed; in fact, it was quite to the contrary. As I have mentioned, the two men often told the informant that they would not join in any terrorist plots and that they believed in the sanctity of America above the goals of such terrorist organizations.⁷⁶

That the men were convicted, and that the government refuses to hear any appeals, seems to hint at an over-enthusiastic counter-terrorism campaign and a certain degree of paranoia. I fully support the government and the FBI in protecting the United States and trying to rid the free world of terror. Yet, in this case, it appears as though nothing was threatened. I do believe that an investigation was called for, given that Aref's name was found in suspected terrorist camps and that he had ties back to terrorist leaders. However, that does not seem to warrant a lengthy sting operation, and that information on its own certainly does not warrant a biased trial and imprisonment. Further, while an investigation of Aref may have been necessary, Hossain should have been left completely alone. His only crime in the case was that he was acquainted with both the FBI informant and Aref, making him an easily accessible middle-man for the FBI's plans. If anything can be learned from this case, it is that the government cannot be so quick to charge. Where terrorism is concerned, the government should move quickly and confidently, and understandably so. However, this case and trial could have been handled far more deftly. The government should learn from the public's outcry to such trials. While they should not slacken on their counter-terrorism measure, they should deal with cases like this with a more balanced approach.

⁷⁵ Wikipedia.

⁷⁶ PBS, Crossroads.