

FBI's Albany terror "sting" begins to unravel

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The prosecution on terrorism charges of two Muslim immigrants in Albany, New York, has begun to unravel with the revelation that the principal piece of evidence used to justify their entrapment in an FBI sting operation was falsified.

The two men—Yassin M. Aref, 34, a Kurdish immigrant, and Mohammed Mosharref Hossain, 49, a Bangladeshi immigrant—were arrested in pre-dawn raids on August 5. They have been charged with providing material support to a foreign terrorist organization, importing firearms without a license, money laundering and conspiracy.

The conspiracy, however, was entirely an invention of the FBI. Using a confidential informer—another immigrant promised leniency on a criminal charge in return for cooperation—the FBI reportedly drew the two defendants into a fictitious scheme that involved the selling of a shoulder-fired missile to someone plotting to assassinate the Pakistani ambassador to the United Nations.

Hossain had approached the FBI informant earlier, asking for a loan to bail out his business, a pizza shop. It was then that the FBI set the sting into motion, inventing the story about the sale of the weapon and having the informant ask Hossain to hold the proceeds in return for a portion of the money. The only alleged role played by Aref, the spiritual leader at an Albany mosque, was to serve as a witness to the financial transaction.

The key evidence used in FBI affidavits seeking the search warrants that allowed the sting to go forward was a notebook said to have been recovered by the US military at a "terrorist training camp" in Iraq. It was claimed that the notebook included Aref's name, together with an out-of-date telephone number. The FBI said the notation, written in Kurdish, referred to Aref as "commander." This suggested, according to the FBI, that Aref was associated with Ansar al-Islam, a Kurdish Islamic fundamentalist movement alleged to have connections with Al Qaeda.

Earlier this week, however, federal prosecutors were compelled to admit that this evidence, like the plot itself, was fabricated. In a letter sent to Judge David Homer on Monday, the US Attorney's office acknowledged its "error."

"After obtaining a copy of the original entry late yesterday," the prosecution wrote, "FBI translators who reviewed it concluded that the Kurdish-language word that precedes Aref's name in the second-to-last line of the entry is 'brother,' not 'commander,' as indicated in the [Army] teletype."

Other Kurdish speakers have said that the word used in the notation—"kak"—could also be translated as "mister."

In a bail hearing last week, Judge Homer refused to release the two men, citing, in particular, the use of the word "commander" in the notebook. "If true," the judge said, "that evidence carries

significant weight to Mr. Aref's ties to terrorist activities."

Lawyers for the two men said that a new bail hearing has been set for next week, based on the debunking of the prosecution's claim.

Equally spurious is the prosecution's claim that the US Army found the notebook following an attack on a "terrorist camp" in Rawah, Iraq, near the Syrian border, in June 2003. Using helicopter gunships and tanks, the US attackers slaughtered approximately 80 people. Some of those killed were said to have come to Iraq from Syria and other neighboring countries on the eve of the war to resist the US invasion. No proof was ever offered by the military that those killed were linked to Ansar al-Islam, Al Qaeda or any other terrorist network.

Following the attack on Rawah, the US military conducted extensive raids in the town itself, rounding up hundreds of people and ransacking homes. Yet no evidence has been presented on precisely where the notebook was found, whether it was on the person of one of those killed, or in one of the many houses that were searched.

Aref, who came to the US as a political refugee several years ago, has many relatives still in Iraq, including three brothers.

After the exposure of the government's phony claim concerning the notebook, the Justice Department filed a motion Tuesday invoking the Classified Information Procedures Act, a little-used government secrecy law, claiming that disclosure of further evidence against the defendants could jeopardize "national security." The law allows prosecutors to withhold evidence from defense attorneys and the court, submitting merely a summary of what the evidence allegedly shows.

Attorneys for the two Muslim immigrants responded angrily to the government's motion. "It's kind of shocking," said Terence Kindlon, who is representing Aref. He told the *Albany Times Union*: "They had three press conferences announcing the arrests, one in Washington, D.C., and two in Albany. They put out all this prejudicial damaging information, much of which turns out to be based upon demonstrably false information, and now they want to shut everything down so we can't respond."

As for the government's claim that it made a "mistake" in claiming that the notebook referred to his client as "commander," Kindlon remarked, "This is the point where the whole thing starts to sound like a two-bit frame-up."

The government has presented no other evidence tying the two defendants to terrorism. Reportedly, federal prosecutors included the claim in their affidavits for search warrants that Hossain had voiced support for an Islamic extremist group. However, the group—Jamaat el-Islami—is a political party with cabinet members

in the Bangladeshi coalition government.

In addition to invoking the state secrecy law, the government has filed a motion to push back deadlines for trial proceedings, indicating that it has yet to translate evidence from a year's worth of surveillance tapes. This includes discussions between the defendants and the informant in both Arabic and Urdu. Apparently, Aref does not even understand the latter language.

There is every indication that the case in Albany is a politically inspired frame-up, timed to coincide with the Bush administration's ratcheting up of terrorist alerts. That no terrorist conspiracy existed besides the one invented by the FBI itself was largely obscured in the government's trumpeting of another success in the "war on terror."

Now that the scheme is falling apart, the invocation of "national security" is meant to hide this state conspiracy from the general public.

The exposure of the fabricated evidence in the Albany case coincides with the disintegration of the government's single successful post-September 11 conviction at trial of defendants accused of terrorist-related offenses.

The case involved government claims that four Arab immigrants arrested in the Detroit, Michigan, suburb of Dearborn were part of an Islamic fundamentalist "sleeper cell" that was prepared to carry out terrorist attacks. Two of the four men were convicted on charges of providing material support to terrorism and fraud. Both of the other two men were acquitted on the terrorism charges, while one of them was convicted of fraud for possessing false documents.

The case, hailed by the Bush administration at the time as its greatest triumph in the war on terror, has turned into a complete debacle for the government.

US District Judge Gerald Rosen in Detroit is threatening to throw out the convictions of Karim Koubriti, 25, and Adel-Ilah Elmardoudi, 38, because of the prosecution's withholding from the defense of crucial evidence that would almost certainly have led to a verdict of not guilty on the terrorism charges.

The Justice Department, meanwhile, has relieved the chief prosecutor in the case, Assistant US Attorney Richard Convertino, and is conducting a criminal investigation against him on charges of prosecutorial misconduct.

For his part, Convertino has filed his own lawsuit against the Justice Department and Attorney General John Ashcroft, charging them with "gross mismanagement" of anti-terrorist cases and with launching the probe against him in retaliation for critical testimony he gave to a Senate committee. He further accuses the Justice Department of illegally leaking information related to the case, including the identity of a key informant.

The exculpatory evidence withheld by the prosecution undercuts virtually every aspect of its case. The key prosecution witness, Youssef Hmimmsa, testified that he was asked to join the supposed terrorist cell and told of plots to target airliners with Stinger missiles. In return for this testimony, he received a drastically reduced sentence on a 10-count felony indictment involving credit card fraud and other offenses.

One of the documents withheld from the defense was a letter from Milton "Butch" Jones, a convicted drug gang leader who was

imprisoned with Hmimmsa. While the two were in jail, Jones said, Hmimmsa told him that he had made up the story about the terror cell.

A videotape presented as a key piece of evidence in the prosecution case has also been thoroughly discredited. The FBI portrayed the tape as evidence of surveillance of sites targeted for terrorist attacks. The scenes on the tape included casinos in Las Vegas, Disneyland and other tourist destinations.

A man appearing in the video—a Tunisian immigrant—was interviewed by the government in January, months after the Detroit trial ended, and established that the tape just what it seemed, an amateur film made during a school trip.

Justice Department officials have acknowledged that the man's testimony has led them to "reevaluate" the tape's significance.

The tape was made public after Convertino violated a federal court gag order on the case by giving an interview to the Associated Press. It has been shown repeatedly on national television, with newscasters echoing Convertino's charge that Las Vegas authorities were shown the tape in 2002—along with another one made in 1997 and allegedly found with Al Qaeda suspects in Spain—but refused to announce a terror alert. Convertino charged that city officials suppressed news of the tapes out of concern for the potential economic impact of a terror alert.

Las Vegas authorities have denied the charge, insisting that they did not believe the tapes were indicative of a terrorist threat.

Largely lost in the media's coverage of the controversy is the fact that the government had already concluded the tape records were nothing more than a tourist's travels, and that the case in which it featured as evidence is being exposed as a frame-up.

Instead, the grainy images of Las Vegas have been broadcast over and over again to suggest that there was a terrorist threat, where none existed, and to question why the public was not warned.



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