

YASSIN AT RAY BROOK FCI

The following essay by Yassin was enclosed with a letter, dated September 10, 2007, to Carl Strock of the *Daily Gazette* (Schenectady). Yassin sent the letter and essay to Carl from the CMU in Terre Haute. In the essay, Yassin describes his first days at Ray Brook, the federal prison in the Adirondacks, where he was sent after being moved out of the Rensselaer County Jail in Troy in April 2007 following his sentencing in March. Yassin was then sent to prisons in central Massachusetts, Brooklyn, and Oklahoma City before he arrived at the CMU. From Ray Brook to Indiana, his “trip” took 43 days.

The impetus for Yassin’s letter and essay was Carl’s column of April 1, 2007 in the *Daily Gazette*, in which he describes the pressure tactics brought to bear on him by the FBI and the US Attorney’s office for his print advocacy for Yassin and his co-defendant Mohammed Hossain. The column is reproduced [here](#).

Kathy Manley, Yassin’s appeal lawyer, also wrote a brief essay, “Visiting Yassin at Ray Brook,” and describes their attorney–client meeting at Ray Brook from her own perspective. Her essay follows Yassin’s.

Steve Downs, Yassin’s volunteer attorney, visited Yassin at Ray Brook about a week before Kathy, and wrote about that meeting as the opening scene of his own essay, “Profile of a Frame-Up,” which appears in full at the end of Yassin’s [memoir](#), *Son of Mountains*. The excerpt from “Profile of a Frame-Up” is reproduced here following Kathy’s essay.

CONGRATULATIONS

Three weeks after my sentencing, they moved me from the [Rensselaer] county jail to the federal prison (Bureau of Prisons, or BOP) in Ray Brook, NY. They placed me in the special housing unit (SHU) or, as they call it, the Hole. Even in that unit they placed me in a special cell. I was alone by myself, the rest of the prisoners were in double cells. My cell was so small and had a concrete bed in the middle of it where there was no room to talk and a small window with frosted glass, one could not see outside. The unit was like a basement and it was a nasty and filthy place. I was shocked to see that! I did not know it was a special unit. I did not know why I was in a special room. I was thinking how the place was, and thinking, asking myself—how can such a place exist in the United States? Where are all these organizations for human rights in this country? I was sad and thinking, how am I going to spend the next 15 years? I remembered a lot of stories I read about prisons in third world countries and I started to understand how it was in Iraqi prisons.

After three days in the jail and 24 hours lockdown, they allowed me one hour rec, which was in a very small iron cage. I asked an inmate across from me in the rec cage, what is the name of this place? He smiled and said, “It’s Little Guantanamo!” I said “No, please, I am not joking, I need to know where I am at!” He replied by saying, “Look at what we are and the cage we are in! Guantanamo is a better place than this.” I also asked him, “Why am I in a single-bed cell?” He replied, “Oh, you are in that suicider cell! Are

you trying to kill yourself?” I replied no. He asked, “Are you a big gang member?” I replied no. Then he looked at me and asked, “Are you a terrorist?” I responded to him by saying “NO, but they accuse me of being one!!” He also told me that no one could be in this unit unless he fought out in the compound, or was a transfer inmate.

The one-hour rec was the only way for me to get some information, and due to the weather sometimes it used to take more than a week for me to go out. It was very hard for me to believe that I was in such a situation. It was like a bad dream I was having. I had no mail coming, I had no books to read, I had no commissary! I had no cellmate! Not even a call to my attorney!! The correctional officer was my worst nightmare. He did not answer any of my questions or concerns. I asked him once for a request form (cop-out), and he asked why? I said I wanted to write to the one in charge of this unit and ask him/her, why am I here? Why am I not allowed to make a phone call? He ignored me on all issues. When he came back for lunch, I asked him again, what is the unit manager’s name? Who should I write to? His response was, “Shit, ya write to shit!!!” I said, “Shit?” He said, “I do not have shit for you to write.” He said I must write [on] a paper and fold it good, because he will be back to put it up my ass, after that he would see what happened to my request!!!

I was very disappointed. I went back to my bed heartbroken with tears in my eyes. I have never been humiliated ever in my life! I really hated myself and wished death to myself. But as we say in Kurdish, “The soul in a hard place does not come out easy.” I just could not stop my tears, I was praying and asking God to take my soul at that moment. To my surprise, the same C.O. came back to my cell door and told me to get ready because I had an attorney visit.

Of course they changed my orange suit to khaki pants, and they shackled me all over my body. After that, two C.O.s and the LT took me to see my attorney. On the way to my visit they asked me why I wanted to destroy this country? Why I supported terrorism? I just smiled and said I did not try to destroy this country, and I have nothing to do with terrorism. They looked at each other, but I read the disapproval on their faces to what I had said. One of them told me, “You are convicted, aren’t you?” I said, “Yes, and the reason is that I am Muslim and I have a beard, not because I did something wrong.” The other one said something and I did not understand what he said, so I asked him to repeat his question slowly. He started laughing and said, “That is the reason you are a terrorist.” Then he asked where was I from? I said, “I am from Iraq.” He looked at me and at his partner and said, “That’s the second reason,” and then asked how long have I been in this country? I said six years. They asked if I was a citizen? I said no. They both shook their heads, and one said, “This is the third reason.” Finally they asked if I spoke Arabic. I said yes. He laughed again and said in a joking way that I was not a terrorist!!! I looked at him and said, “I am a victim of the same ideology, they targeted me and prosecuted me and jailed me for the same evidence:

1. I do not know English well,
2. I am from the Middle East and I speak Arabic,
3. I am not a citizen,
4. I am a Muslim and have a beard!”

They said, “All these signs are good to convict you,” so I said to them, “For your war on terrorism, why don’t you bring all the Muslims and put them in a special unit because they are from the Middle East, you should bring one billion Chinese and jail them

because they do not speak English, you should bring 10 million Latinos because they do not have citizenship in this country, and bring all the people from the Middle East because they do not speak English and speak Arabic! So you and your president can justify the so-called war on terrorism!”

They did not like what I said, and they put me in a small room waiting for my attorney. My attorney arrived and asked them to uncuff me (free my hands). They said no! She [my attorney] asked me, how are you? And how is your condition? I was trying to raise my hands to tell her about my condition, and my tears told her my condition already, but because my hands were tied to my body and I was not able to raise them, I believe she got her answer. It was really humiliating and I was never weak like that, it took me 15 minutes to overcome my tears and to be able to talk to her, that’s after she too lost control of herself and started crying. She reminded me of my mother and how she used to cry, and I remember my dad saying that crying was not for men, “In my culture the one who cries is not a man.” I was imagining my dad looking at me, what would he say? He would say, what kind of a son do I have? I felt shame and I was trying to overcome my tears and calm her down (Kathy, my attorney), to stop her tears by saying, I am doing okay and life is too short and death will reach us no matter where we are, whether we are sad or happy. But I still couldn’t raise my head and look at her because she was in tears, and that reminded me of my mother when she used to cry due to our situation we had back in Iraq.

So I asked her, how are my children? And what’s the news out there? She replied by saying that my children were fine, but she said she had found out that they had designated me to Terre Haute prison in Indiana (there is a special unit for Arabs and Muslims in that place!!) She also told me that she read an article in the paper by Carl Strock (you) titled, “Government Won the Case But Still Fighting” [actual title: “FBI Won, But They’re Still Fighting”]. She said that the government went to his employer to try to convince them to fire him, as a punishment because of the article he wrote about me.

I asked her:

- Is this the United States of America?
- Are we living in the 21st century?

Is this the same government that claims they are fighting in my country (Iraq) to give people freedom?? They want to liberate Iraqis from dictatorship so they can speak and write freely without being disappeared. But I do not understand why they want freedom for the Iraqi people, but in here, the land of the free, they try to silence a writer and damage his life because of true facts and the writing he does! They do not want to be criticized for what they do, or to say the truth.

I really believe that journalists are the people’s eyes and hearts, and their duty is to show people the truth, the facts, and reality. Why have so many journalists died in this war? Why does the government try to stop journalists from doing their job? I know from my experience in Iraq what’s going to happen when no one can criticize the government, and all media outlets become a tool in the government’s hands to justify its policy. That’s the situation we had in Iraq during the 20th century, especially during the Saddam days, weeks, months, and years of his ruling Iraq. During that time we lost our dignity and freedom. That is the reason we never had a journalist criticize Saddam and his

government about all the wrong policies they imposed on the Iraqi people. I was expecting Iraq to change and become like the United States, not the other way around!!

Time with Kathy went by fast, one hour went over like one minute. Usually in the place where they put me, the time would go very slowly, and a minute would feel like an hour and the hour would be like a month. Before I left Kathy, I begged her to work hard on my appeal and to make sure my children were okay until we overcame this situation. She was in tears again on her way out for my sorry situation, and could not talk.

They took me back and gave me my orange suit to put on. I started thinking about the new place I was going to in Terre Haute, Indiana. I was not worried about myself and how things might change for me, because they had me locked down 24/7 and no radio, no commissary, no phone calls, not even a book to read, no communication with me at all—my worries were my children! What were their lives going to be like? Who would bring them to see me hundreds of miles away from home?

That night I could not sleep thinking and thinking how life was going to take another bad turn for me and my family. Also I was repeating the words, “Government won the case” and I was thinking about the kind of victory they have achieved to separate me from my four very young children.

I am sure the people with hearts and minds think about the government’s victory differently, because the president has been talking about the victory in Iraq and the achievements they have accomplished there. One million Iraqis killed—that’s victory? Five million refugees—that’s victory? I tried to understand how my conviction was a victory. What does the government gain from it? The sad thing is that not only the government is proud of what happened to me—it’s the jury and who they are. The good people that I thought would balance things and did not, but instead found me guilty. Of what??

1. The government knew that I have never been involved in any violence.
2. From the minute I arrived in this country, I never participated in any politics or did anything against the law.
3. The government checked all my records here and in Iraq and never found anything on me.
4. The government interviewed hundreds, if not thousands, of my friends, and not a single one told them that I had terrorist thoughts or supported terrorism.
5. The government also knew that I had no contact with a terrorist group or persons.
6. The government tried to set me up with their informant (Malik) to say something about this country or about terrorism, and they failed, because this is not my ideology.
7. The government knew that they wasted millions of dollars on my case, so they had to convict an innocent man who never harmed a fly or even tried to.
8. The government knew that putting me in jail was not going to bring them any good in Iraq or anywhere in the war on terror.
9. The government put me in this position to destroy me and my family, to let us live in pain and suffer for no reason.
10. They knew deep in their hearts that I am not guilty and that a lot of people, if not most, did not support what they did.
11. They used all their power to not let justice take place and they did not let the system work.

12. They knew that the case translators fabricated the translation, the witnesses were pressured for fabrication, and the experts too.
13. They knew that my wife and children are the victims of this nonsense case.
14. They knew that putting me in jail would not make Albany any safer or bring them any good.
15. They knew that the people of faith and justice reacted in opposition to what they wanted.
16. They knew that their goal was to protect the people of this country, not to destroy it the way they did with my case.
17. They knew deep in their hearts what they did to me was unfair, unjust, and I believe they are the losers. People used to believe them, but not anymore, because they presented the case falsely. For them to win the people's support and hearts, they should reverse their decision.

So please, if they see what they did to me and to my family as a victory in the justice system of this country, CONGRATULATE THEM FOR ME!!

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VISITING YASSIN AT RAY BROOK

by Kathy Manley

After he was sentenced to 15 years on March 8, 2007, in April Yassin was taken from Rensselaer County Jail. We had no idea where he was until we saw through the Bureau of Prisons website that he was at Ray Brook. We were all very happy at first, since Ray Brook is the closest federal prison to Albany, and is in the middle of the Adirondack Mountains – good for our “Son of Mountains” to feel that presence. Also we heard there was an excellent writing program at that prison and we were excited about that. We had feared that he would be sent to the Communications Management Unit [CMU] at Terre Haute, Indiana, but didn't think they would take him north almost to the Canadian border if they were planning on taking him to Terre Haute – it just wouldn't make any sense. Ah, but that's the catch – very little that they do makes any sense. They had, unknown to me, but confirmed by another lawyer, started using Ray Brook as a transfer point for “holdover” inmates on their way to somewhere else. When I called Ray Brook this was explained to me, and one of the guards even told me Yassin had been designated for Terre Haute and would not be at Ray Brook long.

I visited Yassin at Ray Brook in May. I think I was supposed to have a two-hour visit but I stupidly miscalculated the driving time and ended up only having a little over an hour. I had already heard from Steve [Downs] that Yassin was not doing well there, so I was somewhat prepared – but not really.

This was the first time I had visited a federal prison, and I was really nervous. First I had to have my attorney ID copied, go through a metal detector (which may have also served as a drug-detecting machine), and get my hand stamped. Then they brought me into this little alcove-like space right next to a guard post. The walls only went up to

about head level and the guard was there the whole time so he could clearly hear everything that was said. I am ashamed to say that the whole thing had me sufficiently intimidated that I did not complain about this blatant violation of the attorney–client privilege.

Soon they brought Yassin in with his hands and feet cuffed and shackled. I had been shackled like that a couple times [from previous arrests and detention as a peace protestor], and I know how hard it is to walk, or do anything with your hands, when your feet are cuffed together with only a few inches of chain between them, and your hands are cuffed, and the hands and feet are chained together with shackles that run between them.

Yassin sat down. First I showed him the HIPAA forms I had brought so I could get his children’s medical records. He managed to sign them but it wasn’t easy with the shackles. He looked different than I had ever seen him. The usual sparkle in his eye, always present when I had seen him at Rensselaer County, even when he was angry, was just gone. What I saw in his face now was a horrified bewilderment, some fear, quite a bit of bitterness, but mostly humiliation. This was not who he was, and maybe that was what bothered him the most. He could not concentrate. He kept crying.

[Some Background: I first visited Yassin at Rensselaer County Jail in the winter or spring of 2006, several months after his bail had been revoked. Steve had been going to see him regularly, spending hours with him painstakingly eliciting the information needed to counter the government’s arguments that had convinced Judge Homer to lock him up. Steve talked me into visiting, but I was skeptical, wondering if Yassin would be able to talk to me and respect me since I was a woman, and I was under the impression that he was a very strict Muslim.

Although he wouldn’t shake my hand because it was considered wrong for men to touch women aside from wives or family members, Yassin had no problem meeting and talking to me. But I could tell that he didn’t trust me, and he was very angry at Terry (his chief attorney and my boss) because he believed he hadn’t done enough to counter the government’s arguments in court. Actually Terry had done quite a bit, but there was just so much information that had to be dealt with, going back to Kurdistan and Damascus, and going back to 1999 and 1994 and even earlier. It took Steve countless long visits to sort it out, and then many more hours and days to put it together and write a new bail application. Anyway, Yassin was angry and I worked for one of the people he was angry at.

I did see that this person was not who the government claimed. He was very sensitive and brilliant, and had an incredible sense of humor. He laid out his arguments in a compelling manner, effectively refuting everything the government was saying. I had seen many clients who tried to do that, but often their stories fell apart – Yassin’s was simply the truth. I slowly realized that this was really an innocent man.

But he was angry and didn’t trust me. I tried to convince him I was really on his side. Sometimes I became so upset about what had been done to him, and so frustrated that he didn’t trust me, that I almost burst into tears. But I tried not to, until I realized that if I cried in front of him, it might help him understand that I really did care. I remembered that 6 months earlier when my mother was in hospice and I was staying with her and caring for her, I would immediately trust the hospice nurses and social workers whose eyes would tear up when I cried. (She died on September 22, 2005, three days before

Yassin's bail was revoked.) It was not manipulative, but merely a realization that maybe putting forth all this effort to *keep from crying* was counterproductive. So the next time I felt like crying, I did. Yassin had a strong negative reaction – he didn't like it at all. But from that point on, he did trust me a lot more—even if he did not always have confidence in my ability, at least he knew I was on his side.]

When Yassin wrote his memoir while at Rensselaer County Jail after he was convicted in October, 2006, one of the things he wrote about was how his mother always cried in front of him. As a sensitive child, he was deeply affected by this but completely powerless to do anything about it. It even seemed that she picked him in particular as an audience for her tears because he could feel her pain. As a result, he is strongly affected by women's tears. And his wife is very depressed—during visits and phone calls, she spends most of her time crying. When I learned all this, I promised myself I would not cry in front of him again. It had served its purpose, but I had had no idea what it was doing to him.

So when I saw Yassin crying at Ray Brook, I tried really hard not to cry. I think I managed for maybe half the visit. I tried to talk to him about the appeal, but he couldn't concentrate on any one idea for more than 30 seconds. (In contrast, at Rensselaer County Jail, he used to have lists of 20 or so points all organized in his head, as well as written down, and would spend hours recounting them to us, point by point.) He thought maybe he should try to raise money to hire different lawyers, and put off the appeal. He was very disjointed and confused, completely unlike himself. I made myself sound more confident than I felt, and told him that I was the one to do the appeal – that I was very good at doing appeals, that I knew more about his case than any other lawyers he might hire, and that I cared more.

I told him he had been designated to Terre Haute, and explained that while it was very far away, and that they would restrict his visits and phone calls, at least he would be with the other prisoners there, and be able to write and receive letters and do other reading and writing. I could see that having been in solitary and not allowed to do any reading and writing, or have any contact whatsoever with the outside world, while being treated horribly by the guards, was taking a huge toll on him. He was glad to hear some of those things, but he was also very upset to hear how far away it was. As always, the hardest part for him was thinking of his four young children, who would not be able to have any meaningful contact with him for perhaps eleven years.

Finally I did lose control and started crying. I apologized, but I don't know if he understood what I was apologizing for. I felt helpless – we had no control over what they did to him, or where they took him. If they physically abused him, we would have no way of knowing. We did have one client who was badly beaten (by other inmates) at Ray Brook, but I didn't tell him that. Then the visit was over. I cried again on the way out, which seemed to embarrass the guard – he had heard what we were saying and, though it was a violation of attorney–client confidentiality, it seemed to make him sympathetic, at least to me, if not to Yassin. Anyway, I came out of there, surrounded by the beautiful mountains, a few miles from John Brown's cabin [the nineteenth-century abolitionist, who lived in Essex County in the Adirondacks], and felt overwhelmed with sadness and frustration. Where was all this going to lead?

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From “Profile of a Frame-Up” by Stephen Downs

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Yassin appeared in chains, squinting and dazed as though he had suddenly been exposed to light from a dark place. I put my arms around him and held him tight for a few seconds, aware that he could not hug me back as he usually did because his wrists were chained to a belt around his waist. The guard helped him sit in a chair across the table from me. He looked abused.

“Are you all right?” I asked him.

“They don’t beat me,” he mumbled. He tried to say something else, but didn’t seem to know where to begin. Finally he said, “How did you find me? I could not write or even make a call.”

“They listed you on the prison computer directory as being here at Ray Brook,” I said. “You’re only allowed a visit from your lawyer, so I couldn’t bring the family.”

It was April 11, 2007, and I had not seen Yassin Aref for almost three weeks, one of the longest periods during the year that I hadn’t seen him. On March 8, he had been sentenced to fifteen years in prison from his conviction in October 2006 on terrorist-related charges: support for a foreign terrorist organization, conspiracy with a weapon of mass destruction, money laundering, lying to the government. In early April, the Federal Bureau of Prisons had started him toward his destination, Terre Haute, Indiana—but with a “stopover” at Ray Brook, near Lake Placid, New York. We didn’t know that the bureau would subsequently “stop” him for a week here and two weeks there in three more federal prisons in Massachusetts, Brooklyn, and Oklahoma City, or that his trip to Terre Haute would take over a month and a half.

“I am in the box, in solitary,” Yassin said. “I have no radio, nothing to read, and nobody to talk to. I cannot call anyone or write to anyone. They let me out of my cell for exercise one hour a day, but the exercise yard is smaller than my cell, three steps across. The only exercise I get there is shivering. I asked a guard how I could get some things that the other prisoners had, like soap. He told me to fill out a request form—addressed to S.H.I.T. He said he would roll it up into a ball, shove it up my ass, and wait to see what kind of a response I got.” He trembled. “Why would he say something like that to me? I told him he should fear God. He said I better get used to it because it would be worse in Terre Haute.”

Yassin looked at me and began to tear up. “I can hold out for six to eight months of this,” he said. “But I do not know how much longer than that. Please file the appeal as soon as possible.”

