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## Yemeni Cleric Called Dangerous

Prosecutors Playing on Stereotypes, Defense Lawyer Says

By *Michelle Garcia*  
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NEW YORK, March 3 -- A Yemeni cleric and an aide who helped finance terrorist groups are as dangerous as the al Qaeda and Hamas terrorists who commit vicious attacks, a federal prosecutor told jurors Thursday.

"Although these defendants did not strap on bombs or fly planes into buildings, they are indispensable to the people who do," said Assistant U.S. Attorney Pamela Chen in closing arguments in the trial of the two men, who were arrested in an FBI sting. "Without the defendants, the terrorists couldn't exist."

Sheik Mohammed Ali Hassan Al Moayad, 56, and his assistant, Mohammed Mohsen Yahya Zayed, 31, are accused of providing material support to U.S.-designated terrorist groups and of conspiracy to provide material support, among other charges. The white-bearded sheik, who comes to court in long robes, was arrested in Frankfurt, Germany, in January 2003. He traveled there to collect a \$2.5 million donation for terrorist groups, prosecutors alleged.

The donor was an FBI agent posing as an American sympathizer, and the meeting was a law enforcement sting.

Defense attorney William H. Goodman, in his closing arguments, said that prosecutors were playing on stereotypes. "If you frighten . . . an American jury enough with images of September 11, Osama bin Laden and suicide bombers . . . they will convict someone who looks, walks and talks as this gentleman does," he said, pointing to Moayad.



In a wedding video from the Brooklyn U.S. Attorney's Office, Sheik Mohammed Ali Hassan Al Moayad, right, is shown next to Muhammad Siyam. (AP)

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Shortly after the 2003 sting, then-Attorney General John D. Ashcroft hailed Moayad's arrest as a major victory. He "personally handed Osama bin Laden \$20 million," Ashcroft told a Senate committee. "Al Moayad also claimed to be Osama bin Laden's spiritual adviser."

But the prosecution's case has suffered many setbacks since. In November, the government's main informant, Mohamed Alanssi, who arranged the meeting with Moayad for government agents, set himself on fire outside the White House, asserting that FBI agents had broken their promises to provide him with money, a new identity and U.S. citizenship.

Prosecutors dropped Alanssi as a witness, forfeiting the only source who could tie the Yemeni cleric to the alleged \$20 million donation to bin Laden. The government's case became yet more tenuous when Brian Murphy, the lead FBI investigator, testified that bin Laden and Moayad had had a falling-out in the 1980s, and that bin Laden had issued an edict calling for the death of the Yemeni cleric.

But U.S. District Judge Sterling Johnson Jr. this week decided to allow prosecutors to introduce a key piece of evidence to support the al Qaeda connection -- an application to an al Qaeda training camp that listed Moayad as the applicant's sponsor.

The judge also allowed prosecutors to show jurors a videotape of bin Laden visiting the training camp in Afghanistan. Yahya Goba, a convicted terrorism supporter from Lackawanna, N.Y., who also attended the camp, testified that sponsors are important to admittance.

Until then, prosecutors had concentrated on establishing the defendants' sympathies for a holy war and close ties with the Islamic Resistance Movement, or Hamas, the Palestinian militant group that concentrates its attacks on Israel.

The government's case relies heavily on secretly recorded conversations during the meeting in Germany. Videotapes showed the men discussing mujaheddin fighters, code words for arms and plans to notify Hamas of the donation. At one point, Moayad is heard praying for the deaths of Jews and Americans. "Dear God, strike them with earthquakes," he said. "Put them in their graves, abandon them and defeat them."

The jury also watched video of Moayad with a high-ranking Hamas leader, Muhammad Siyam, at a wedding in Yemen where guests celebrated a suicide bombing in Tel Aviv.

Defense attorneys have argued that Alanssi enticed Moayad to Germany with promises that the cleric could take a cut of the \$2.5 million and spend it on his mosque and charities, and medical treatment for diabetes. They portrayed Alanssi as a debt-ridden schemer.

The defense last week called Alanssi a hostile witness. Alanssi said the FBI prevented him from recording the conversation in which Moayad allegedly claimed to have given \$20 million to bin Laden. "I did not see him, but he told me," Alanssi said.

The night before they sealed the deal in Germany, Moayad and

Zayed discussed how they would spend their windfall, according to a government transcript. Moayad's mind turned to Alanssi and the undercover agent. God, he said, "is the only one aware of their intentions."

*Researcher Meg Smith contributed to this report.*

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