

Britain: Why did it take so long to bring Abu Hamza to trial?

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On February 7, the radical Islamist cleric Abu Hamza El-Masri was sentenced to seven years in prison on six charges of soliciting murder, 21 months on three counts of incitement to racial hatred, three years for possessing “threatening, abusive or insulting recordings,” and three and a half years for having a document useful to terrorists. He will remain at Belmarsh high-security prison, where he has been held since his arrest in 2004. Because of the time he has already served in custody, he will be eligible for parole in 2008.

Hamza’s conviction has raised a number of disturbing questions, centering on why it took so long to bring a case against him, given his central role in Islamic terrorist activities in Britain and internationally.

There is a wealth of evidence to suggest that Britain’s security services sheltered Hamza for many years and even worked with him. How long this relationship was maintained is uncertain. However, there is a record of meetings between Hamza and the police and secret services at least until 2000.

Additionally, there are reports that his organisation, Al-Muhajiroun, and Finsbury Park mosque, where he preached, were heavily infiltrated by agents and informers. Some allege that the state placed its agents at the very top of Al-Muhajiroun.

Media commentators have suggested that Hamza was allowed considerable free rein because the Finsbury Park mosque became a centre of terrorist activity, and this enabled MI5 and MI6 to keep track of what was happening. Even if this is all that was involved, it would be necessary to ask how much was known by Britain of planned terrorist atrocities—the July 7 bombings in London, in particular—and whether they were allowed to go ahead by the security services.

It cannot be ruled out that, given the possibility of high-level penetration, an even more direct role was played by Britain’s spies.

Amongst those who attended Finsbury Park mosque were shoe bomber Richard Reid; Omar Sharif, who was involved in a suicide attack in Tel Aviv; Jerome Courtailler, arrested in Holland for allegedly plotting to blow up the US embassy in Paris; Djamel Beghal, another alleged suspect behind the plot to bomb the US embassy in Paris; and Zacarias Moussaoui, the only man charged in the US in connection with 9/11 after pleading guilty to conspiracy—and who was also initially sheltered from prosecution, this time by Washington.

What was revealed at the trial would by itself raise suspicions over Britain’s extraordinarily hands-off approach to Hamza.

Most of the evidence on which he was convicted—including his possession of the *Encyclopaedia of Afghani Jihad*, which contained a dedication to Osama Bin Laden, film of his provocative speeches and the arsenal of weapons found at the mosque, was known for years. Yet previously, the government and the Crown Prosecution Service had insisted there was not enough evidence against Hamza for a successful prosecution.

It was revealed that a police raid on Finsbury Park mosque on January 20, 2003, found chemical warfare protection suits, pistols, CS spray, a stun gun, a gas mask, handcuffs, hunting knives, more than 100 stolen or forged passports and identity documents, credit cards, laminating equipment and chequebooks hidden under rugs. The police insisted that there was enough evidence to prosecute, but the Crown Prosecution Service disagreed.

Requests for Hamza's extradition to the United States, Egypt and the Yemen on terrorist-related charges had all been denied.

The court was told that Hamza met with British secret services seven times between 1997 and 2000. He also met French security services and Special Branch officers at Scotland Yard. The dates and details were given in admissions to the court.

During the trial, Hamza gave testimony that he had "numerous discussions" with police and MI5, and that three videotapes the police were using as evidence in his trial had been in their possession since the late 1990s. Special Branch "said I didn't have to worry as long as they didn't see blood in the streets," he stated.

He also testified that he had been watched by MI5: "They told me they are watching so many groups, there was no suggestion I was singled out."

It was, he added, only in the later stages of his interviews with the security service, between 1997 and 2000, that he was told he was "walking a tightrope." His interviews with Special Branch were relaxed, he said, with one officer smiling and walking him to his car.

On August 8, the BBC reported that Abu Hamza's lawyer had provided papers relating to some of the MI5 and Special Branch interviews with the cleric in the late 1990s. The BBC stated, "The papers show the extent of the contacts the authorities had. His lawyer says that is why he thought he was doing nothing illegal.

"BBC Home Affairs Correspondent Margaret Gilmore said: 'If you look at those transcripts, you will see what a close relationship Abu Hamza had with MI5. Whether they admit it or not, you could be forgiven for getting the impression there was an unspoken understanding that as long as they kept tabs on him, he was allowed to be able to do as he pleased.' "

A history of relations with the security forces

Between 1986 and 1989, Hamza had studied civil engineering at Brighton Polytechnic and had a job on a construction project at Sandhurst military academy. Hamza had already met Abdullah Azzam, the leader of the Mujahideen in Afghanistan, and been invited to join. Incredibly, the Sandhurst plans had been seized at the time of his earlier arrest in 1999, but were subsequently returned to him after no charges were laid.

Police also viewed 725 tapes they seized, of a similar nature to those that have now resulted in his conviction.

This is only the tip of the iceberg. Given the information that can be gleaned from a number of public sources, the trial itself is notable for its failure to probe the full extent of Hamza's activities.

In his early career, Hamza certainly enjoyed the patronage of Britain. Some security experts have argued that Al-Muhajiroun was a creation of MI6. Hamza was involved with the Mujehaddin in Afghanistan, a military campaign that was carried out with the active support of the CIA and MI6. It is likely that he was first approached here by the British. By the time of the conflict in Kosovo, according to several reports, Al-Muhajiroun was given backing, including military training, by Britain, so that it could act as a proxy military force and ally of the CIA-backed Kosovo Liberation Army (KLA).

According to the Canadian journalist Michel Chossudovsky, US, British and German intelligence were involved in training the Kosovo Liberation Army (KLA) in 1998-1999, and Mujahideen mercenaries from the Middle East and Central Asia were recruited to fight in its ranks.

Chossudovsky cites a report in the *Scotsman* of August 29, 1999, explaining that the US Defence Intelligence Agency (DIA) approached MI6 to arrange a training programme for the KLA:

"MI6 then sub-contracted the operation to two British security companies, who in turn approached a number of former members of the [22 SAS] regiment. Lists were then drawn up of weapons and equipment needed by the KLA."

Details of how this operation involved Hamza and Al-Muhajiroun are provided in a report by the *Observer*, published February 12, 2006.

The newspaper states: "Former British soldiers taught Abu Hamza's followers to use guns at a camp in Wales as part of an ad hoc terror training network set up by the jailed cleric, according to US intelligence agencies.

"But the British security services were either unconcerned or ignorant about Hamza's activities, despite warnings that he was considered a risk from foreign governments and intelligence agencies as early as 1995.

"Evidence collected by the American agencies shows that, as early as 1997, Hamza was organising terror camps in the Brecon Beacons, at an old monastery in Tunbridge Wells, Kent, and in Scotland, suggesting that he ran a far more extensive training network than has been officially acknowledged until now.

"Transcripts of interviews conducted with suspected al-Qaeda terrorists held by America in Guantánamo Bay reveal that the British ex-soldiers, some of whom fought in Bosnia, were recruited to train about 10 of Hamza's followers at the Brecon Beacons camp for three weeks in 1998. The former troops taught them to strip and clean weapons and gave them endurance training and lessons in surveillance techniques. The training camps in Tunbridge Wells, at which no ex-soldiers were present, were held in 1997 and 1998 and were attended by about 30 people who were trained to use AK47 rifles, hand guns and a mock rocket launcher."

An earlier report in the *Observer*, from February 17, 2002, stated that such weapons training

continued to be a feature of Al-Muhajiroun's activities and that it was carried out within Finsbury Park mosque and with the knowledge of MI5.

The *Observer* cited intelligence sources stating that "hardline Islamists practised with Kalashnikov AK-47s at the Finsbury Park mosque in north London."

This was known because "MI5 recruited worshippers at Finsbury Park who opposed the hardline stance taken by controversial Muslim cleric Abu Hamza, who often leads prayers there, and asked them to help monitor the activities of extremists. Early last year the agents told their handlers that several groups had been taught to strip and reassemble Kalashnikovs in the mosque's basement...."

"MI5 has been told by their agents that scores of young men were being sent from the mosque for training at camps in Afghanistan. They reported that consignments of supplies including radio and telecommunications equipment were dispatched to Pakistan for eventual distribution in the Afghan training camps allied to or run by al-Qaeda. They also revealed a complex operation run by some men attending the mosque to provide volunteers with false documents."

The *Guardian* of February 8 reported: "A senior French intelligence chief told the *Guardian* that for years Britain had failed to take action against [Hamza] despite being given evidence that he had extensive involvement in terrorism." The newspaper also reported, "France was so concerned that it ran undercover missions with the mosque as the target, two former French operatives told the *Guardian*."

Egypt had asked for Hamza to face terror charges along with several other suspects in 1995, but Britain refused the request.

In 1999, the Yemeni president, Ali Abdullah Saleh, wrote to Prime Minister Tony Blair requesting Hamza's extradition after Hamza's son and godson were among a group of young British Muslims jailed in Yemen for allegedly planning attacks on Western targets. He was subsequently linked to the kidnapping of 18 Westerners in Yemen, four of whom were killed by people demanding the release of his son and others.

The *Sunday Times* of February 12, 2006, reported the statements of Reda Hassaine, an Algerian who was paid by MI5 to spy inside the Finsbury Park mosque. He said that "his handler, whom he knew only as Steve, told him that Hamza and other militants had the right to a roof over their heads in Britain, even if they had carried out murders in other countries.

"Hassaine was an agent for MI5 and Scotland Yard's Special Branch for 16 months from July 1999 to November 2000, a period when Hamza was in control of the mosque.... Hassaine said MI5 told him that it was 'not interested' in prosecuting Hamza for such offences.

" 'I told them Abu Hamza was brainwashing people and sending them to terrorist training camps in Afghanistan, that he was preaching jihad and murder and that he was involved in the provision of false passports. I told them he was a chief terrorist,' Hassaine said.

" 'The MI5 officer told me Abu Hamza was harmless and that MI5 thought he was a clown.'

"Hassaine said he even offered to wear a small camera and recording device while he was inside the mosque talking to Hamza and fellow militants. 'They told me not to bother, that they weren't interested.' "

The July 7 London bombings

By far the gravest issues relate to the US indictment against Hamza, alleging that the cleric tried to set up a terrorist camp in the US, that he organised the Yemen kidnapping, and that he arranged for Britons to go to Al Qaeda camps in Afghanistan.

The evidence regarding Yemen and Afghanistan came from transcripts of telephone calls from Abu Hamza to Yemen, which is why Britain said it could not use the evidence. The government said it did not accede to Hamza's extradition because he would possibly face the death penalty. Hamza's re-arrest on August 26, 2004, under section 41 of the Terrorism Act 2000 and his subsequent trial ended any possibility of extradition to the US.

However, what was alleged in the US case is of major significance. Hamza, together with Haroon Rashid Aswat, was an unindicted co-conspirator in the alleged establishment of a terrorist training camp in Oregon. The two were named by the main defendant, James Ujaama, of Seattle. Ujaama pleaded guilty in 2003, but a plea bargain reduced his sentence of 25 years to 2 years in prison, and he was released on May 27, 2004—the day Hamza was arrested in Britain.

Hamza's link to Aswat is of crucial importance. Aswat is accused of being the central figure behind the July 7 terror bombings in London.

Aswat, a British-born citizen of Indian heritage, is suspected of ties to the four suicide bombers who killed 52 commuters and injured hundreds more on three London subway trains and a double-decker bus. He functioned openly for a time as an aide to Hamza at Finsbury Park mosque.

He is reported to have flown out of Heathrow to Pakistan only a matter of hours before the blasts, after entering the UK by ferry two weeks before the bombings. Searches of mobile phone records by British anti-terrorist police and secret service agents are understood to have found that he made numerous phone calls to the four suicide bombers.

London bombers Mohammed Sidique Khan and Shahzad Tanweer visited Pakistan from November 2004 to February 2005. Khan, 30, and Tanweer, 22, and a third bomber, Hasib Hussain, 18 all lived in the Leeds area, seven miles from Batley, where the Aswat family still lives. The police have said that Aswat had as many as 20 cell phone conversations with some of the London suicide bombers, and his number was programmed into Khan's phone. He had possibly visited Khan's hometown of Dewsbury in the days before the bombings.

Aswat had been under surveillance by South African authorities, but he disappeared. He was arrested by Zambian authorities and returned to Britain on August 8. Aswat had entered Zambia on July 6. The US is seeking his extradition, having filed a sealed criminal complaint charging him with providing material support to Al Qaeda.

The US indictment against James Ujaama alleged that on November 26, 1999, Aswat flew into New York on an Air India flight with Oussama Abdullah Kassir, a Swedish national who claimed to be Osama bin Laden's bodyguard. They met "potential candidates for jihad training...established security for the Bly [Oregon] property...participated in firearms training and viewed a video recording on the subject of improvised poisons."

Prosecutors allege that Abu Hamza participated in the 1999 discussions regarding weapons and arms being stockpiled for the proposed camp, sending followers to Al Qaeda training

camps in Afghanistan, and aiding Muslim extremists in Yemen. Aswat and Ujaama are said to have lived in Seattle in February 2000, “where they expounded the writings and teachings” of Hamza.

Hamza is listed by US intelligence sources as a suspected terrorist financier because of links to the Islamic Army of Aden, an Al Qaeda-associated group, and to the 2000 attack on the USS Cole in Yemen. Aswat is also suspected of involvement in planning the attack on the Cole.

The US security services and media have continually claimed that Aswat was also the mastermind behind the July 7 bombings. This is in stark contrast to the skeptical attitude of the British authorities. Indeed, Britain has appeared almost indifferent to efforts to pursue, question, and prosecute Aswat.

CNN reported on July 28, 2005: “About a month before the July 7 bombings in London, British authorities balked at giving US officials permission to apprehend a man [Aswat] now believed to have ties to the bombers, according to sources familiar with the investigation....

“US authorities wanted to capture Aswat, who was then in South Africa, and question him about a 1999 plot to establish a ‘jihad training camp’ in Bly, Oregon.”

According to both US and Zambian officials, “US officials had located Aswat in South Africa weeks before the July 7 attacks that killed 52 bus and subway travelers and the four bombers.

“US authorities had asked South Africa if they could take Aswat into custody. South Africa relayed the request to Britain, but authorities there balked because he was a British citizen, the sources said.

While the debate was ongoing, Aswat slipped away.”

After he was arrested on July 20 in Lusaka, a Scotland Yard spokesman said, “The Americans are obviously very interested in this arrest in Zambia and we are happy for them to take precedence. The man in custody there is not our priority at the moment.”

This was said by the police about a man who is believed to be connected, rightly or wrongly, with the worst terrorist atrocity ever committed on British soil.

British security agencies were quoted as saying they had “some interest” in questioning Aswat about whether he had any knowledge of the London bombings. But senior police sources stated that Aswat was not wanted for any crimes in the UK, and the only reason for holding him would be due to the US extradition request.

A decision by Home Secretary Charles Clarke is not expected for at least two months on whether to deport Aswat to the US. There has been no explanation offered as to why he does not face prosecution in the UK under the Terrorism Act 2000—either for his alleged membership in Al Qaeda or more specifically for his alleged role in the July 7 bombings.

At one hearing in Britain, prosecutor Hugo Keith, representing the US government, said a witness once heard Aswat say he had been trained in Afghanistan and had met Osama bin Laden. Zambian authorities also said that while in custody Aswat admitted he had acted as a bodyguard to Osama bin Laden.

Without accepting as true all the claims made by the US, the question still remains as to why there were and are still such widely disparate opinions as to the extent of the terrorist activities of both Hamza and Aswat.

The British attitude to Aswat is of a piece with the official response to Abu Hamza. Britain maintained for years that it was not possible to secure a successful prosecution of Hamza on the same evidence that has now been used to obtain a conviction. And Britain now expresses no interest in prosecuting Aswat.

An explanation for the reluctance to prosecute Aswat—and by extension, Hamza—has been offered by John Loftus, a former US Justice Department prosecutor who once held some of the highest security clearances in the world. During the Carter and Reagan administrations, he investigated CIA cases and Nazi war criminals for the attorney general. In 1982, his “60 Minutes” expose of Nazis who had been on the US government payroll won the Emmy Award for outstanding investigative journalism. He has extensive contacts with the security services.

Interviewed on the July 29, 2005, edition of Fox News Channel’s “Day Side,” Loftus insisted that Aswat was an MI6 agent.

He stated that Abu Hamza’s Al-Muhajiroun group had formed during the Kosovo crisis, explaining that “back in the late 1990s, the leaders all worked for British intelligence in Kosovo. Believe it or not, British intelligence actually hired some Al Qaeda guys to help defend the Muslim rights in Albania and in Kosovo. That’s when Al-Muhajiroun got started.”

He then noted that both British Intelligence and the US Department of Justice had protected Aswat:

“Back in 1999 [Aswat] came to America. The Justice Department wanted to indict him in Seattle because him and his buddy were trying to set up a terrorist training school in Oregon.... [W]e’ve just learned that the headquarters of the US Justice Department ordered the Seattle prosecutors not to touch Aswat.... [A]pparently Aswat was working for British intelligence.”

Loftus went on to say that several weeks before the July 7 London bombings, Aswat was located by the South African Intel agency, but was allowed to escape to London.

He added, “He was a British intelligence plant. So all of a sudden he disappears. He’s in South Africa. We think he’s dead; we don’t know he’s down there. Last month the South African Secret Service come across the guy. He’s alive.... [T]he Brits know that the CIA wants to get a hold of Haroon. So what happens? He takes off again, goes right to London. He isn’t arrested when he lands, he isn’t arrested when he leaves.... He’s on the watch list. The only reason he could get away with that was if he was working for British intelligence. He was a wanted man....

“This is the guy, and what’s really embarrassing is that the entire British police are out chasing him, and one wing of the British government, MI6 or the British Secret Service, has been hiding him. And this has been a real source of contention between the CIA, the Justice Department, and Britain.... [H]e is a double agent.”

If this is true, two scenarios open up: Either both Abu Hamza and Aswat were British agents since the mid-1990s, or MI6 and others had agents placed around Abu Hamza who ran as

high as his second-in-command. They must therefore have known virtually everything that was happening at Finsbury Park mosque, including any terrorist activities planned there.

Any possibility of an investigation of these issues has been closed down by the actions of the British police, the judiciary and the government. Under the current law, Hamza cannot be extradited until he has finished serving his sentence in the UK.

The case mounted against Abu Hamza was of a highly circumscribed character and did not probe any connections with terrorist groups, let alone with the secret services. Conservative Shadow Home Secretary David Davies has said, "It would appear the only reason Abu Hamza was actually prosecuted was because the US was seeking his extradition."

Aswat has never been publicly questioned about his role in the July 7 bombings.

State provocations and the attack on democratic rights

The issues that have emerged around the trial of Abu Hamza only add to the list of unanswered questions surrounding the July 7 London bombings (and, it could be added, the 9/11 attacks in the US). It has already been revealed that months before the bombings, Britain was given warnings of an imminent terrorist attack on London by Saudi Arabia, and that some or all of the bombers were known to the security services, including Khan.

It is necessary to pose the question: Given the reports of a large number of agents and informers placed in Finsbury Park mosque and the numerous meetings with Hamza, did the security services allow the July 7 bombings to take place? And if Aswat was indeed an agent of MI6, could the security services have instigated them?

The bombings provided the official justification for a raft of anti-democratic measures, including the implementation of a shoot-to-kill policy by the police in the gunning down of innocent Brazilian Jean Charles de Menezes.

It would not be the first time that Britain's security services had infiltrated the highest echelons of a political party or terrorist group to such an extent that they knew of and could even determine its actions. Revelations of the high-level state penetration of Sinn Fein and the IRA have already raised questions over whether IRA terror operations were allowed to go ahead or were even instigated by British agents in order to foment sectarian tensions and legitimise state repression.

In December 2004, Denis Donaldson, one of Sinn Fein's leading figures in the suspended Northern Ireland Assembly, was exposed as a British intelligence agent of 20 years' standing. Suspicions that he was outed in order to protect agents even higher up have been widely voiced within the republican movement.

In 2003, Freddie Scappaticci, the deputy head of the IRA's internal security, known as "Stakeknife," was exposed as a British agent. Scappaticci is suspected of involvement in the killing of at least 40 people. In 1993, he spoke to the "Cook Report" TV show and gave details of numerous IRA operations, including bomb attacks, arms smuggling and knee-cappings. He undoubtedly told his handlers even more.

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