

# Yemen trial condemned as unfair

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Five Britons are standing trial in the Yemeni port of Aden, accused of being members of an "armed gang" for the "intention of committing murders in Yemen".

The Yemeni government is claiming that a complex conspiracy of bombers, kidnappers and London-based Islamic militants are working to destabilise their country. Yemeni Prime Minister Abdul-Karim al-Iryani has expressed concern about "acts of terrorism" by Islamic militants based in the UK. The five Britons, Shahid Butt, 33; Malik Nassar Harhra, 26; Samad Ahmed, 21; Ghulam Hussein, 25; and Mohsin Ghalain, 18; along with Algerian Ali Mahsen, are also accused of possessing weapons in connection with the kidnapping of 16 tourists last December.

Yemen has accused Britain of being implicated in what it claims was a conspiracy to bomb several locations in the southern city of Aden. Interior Minister Hussein Mohammed Arab said the British government must have been responsible for issuing multiple passports to the five British men.

There are legitimate grounds for speculation regarding British involvement in Yemen, given the constant imperialist intervention in the Middle East and the former status of the South of Yemen as a colonial possession. But as yet no hard evidence has been presented to indicate that the arrested men were engaged in terrorist activity, or to confirm British collusion.

The main evidence levelled against the accused are confessions made while being held incommunicado, which they have since withdrawn, and which the accused men insist were extracted by use of torture.

On Friday, January 29 Home Office pathologist Dr. Christopher Milroy flew to Yemen on behalf of lawyer Gareth Pierce, who is acting for the five accused. Milroy has previously examined torture and trauma victims for the United Nations. He hoped to carry out an independent medical examination of their claims of torture. He has recently returned and spoke to the *World Socialist Web Site*:

"I was not allowed to examine the detainees. I could only observe them in court, and every time I approached the dock I was surrounded by soldiers.

"On the first day of the trial, when they entered the court,

they protested about the fact that they had been tortured and displayed their injuries to all those present. That day the relatives were given permission to see them, but a doctor who had accompanied them to the Yemen was expressly forbidden to examine the accused.

"However, a solicitor from this country, Mike McColgan, did manage to see them, along with members of their families. He, of course, is not a doctor, but he did see injuries and took notes of the detainees' allegations. I have combined his report with the report of the Yemeni doctors and what I was able to observe myself in court, and it is my firm opinion that these men have been the victims of torture. I have sent my findings to Gareth Pierce.

"I believe that on February 20 the judge granted permission for an independent examination. Obviously this is not as satisfactory as a much earlier examination would have been. But there are long-term effects which are observable, like disorders of movements, areas of pain, loss of sensation, scars, and so on. So it may provide some useful information. I will not be available to go back to the Yemen because of other commitments."

He added, "There are many bizarre aspects to this trial, including the fact that both the president of the Yemen and the prime minister have declared that the defendants are guilty. This is highly prejudicial to the outcome. Also, the three other men who were arrested have just been placed in the dock and added after the trial was under way. Such a thing is against all the principles of international law."

On February 22 permission for an independent medical examination was withdrawn. Rashad Yaqoob, the British lawyer acting for the detainees, protested about this and was arrested by the Yemeni police as he left his hotel for a press conference. He was imprisoned for several hours, during which time he became ill and had to be taken to hospital. He was later released without charges. This attempt at intimidation follows accusations by Yaqoob that the prosecution is guilty of "gross human rights violations", and breaches of Yemeni and international law. The defence claim that the law was not properly applied because of interference from higher authorities.

The conduct of the court case has been severely criticised

by a number of human rights groups that have sent observers. International human rights lawyer Michael McColgan said, "It was absolute chaos in court.... The judge seemed to intervene without rhyme or reason and the quality of interpretation was appalling." He also said that he doubted the validity of items of ammunition as evidence, since the police had handled them. Fingerprint testing has failed to link the arms in the car with the accused.

Human rights lawyer Stephen Jakobi, from the London-based organisation "Fair Trials Abroad", said he was going to Yemen to stress the importance of meeting international standards, but thought the trial was so flawed it was hard to see how it could be corrected.

Gareth Pierce, the British lawyer campaigning for the men's release, said, "The lawyers out there are not really able to be lawyers at all. We are worried that we are giving the trial credibility even by being there."

The political crisis in Yemen escalated following the kidnapping of 16 tourists there last December. Three Britons and one Australian were killed in a shoot-out when government forces stormed the kidnappers' hideout at Madiyah.

After their release, the tourists stated that it was impossible to determine which side fired first or who was responsible for the deaths of their colleagues. The kidnappers have been accused of murder and are on trial in the southern town of Zanjibar. Abu Hassan, leader of the kidnappers, and four others are accused of the abduction and killing of foreigners and forming an extremist Islamic group with the aim of harming Yemen's harmony and security.

An attempt is being made to link the two cases with Abu al-Hamza, a Muslim cleric at the Finsbury Park Mosque in north London and an opponent of the Yemen government. The prosecution claims that the Algerian and five Britons were sent by Hamza on a bombing mission to attack Aden's Christian Church and blow up the British Consulate, as well as other targets. The police claim to have found rockets, land mines, explosives, a hand grenade and training videos in the car in which the men were travelling. When the trial opened their Yemeni lawyer complained he had not had access to the prosecution evidence and had not been given time to prepare his case. Despite the retraction of the confessions, the prosecution wants them to be read out in court.

Since the case opened a four additional men have been arrested, including Mohammed Mustafa Kamel, the 17-year-old son of Abu Hamza al-Masri, two other Britons and one Algerian. All are accused of being members of an armed gang formed to carry out acts of sabotage. Kamel initially pleaded guilty to the charge but has since denied involvement. The men were arrested after the beginning of the trial but have simply been added to the charge sheet.

At the trial in Zinjibar Abu Hassan has confessed to the kidnapping and killing of the foreign tourists. Two of his co-defendants have denied any involvement and two have confessed to the kidnapping charges but denied the killing.

Nick Childs, the BBC correspondent at the trial, has reported that the prosecution is concentrating on establishing the collaboration between Hassan and Hamza in London. Abu Hassan claims he acted independently and that he ordered the attacks on targets in the port of Aden as reprisals for air strikes on Iraq. The Yemeni authorities allege that Hamza is behind a planned terror campaign and they want him extradited from Britain.

Yemen is wracked by political and economic problems, and opposition to the government is growing. The economy has been hit by the falling price of oil that accounts for 80 percent of Yemen's exports. Government revenue from oil has halved in the past year. Now the government is faced with cutting 25 percent of its budget for 1999, following a cut of 30 percent last year. Tourism has almost completely collapsed after the recent spate of kidnappings. Some local travel agents report a 90 percent cancellation rate. And remittances from Yemeni nationals working abroad have been hit by the economic problems facing other countries in the area. The government has already cancelled many development projects and scarcely has the money to pay civil servants' wages.

Last June the withdrawal of subsidies on basic foodstuffs was followed by days of rioting. The government crushed the riots with the use of helicopter gun ships. Since then opposition activity has continued, including street demonstrations and attacks involving explosives. Yemen's main oil pipeline has been sabotaged on more than 20 occasions.



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