

US embassy bombing case: conspiracy trial perverts judicial system

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Four men are on trial in Manhattan federal court charged with conspiracy in connection with the 1998 bombings of two US embassies in East Africa. Held under extraordinary security in a fortified courthouse, the trial is centered on acts of terrorism that were carried out thousands of miles from US soil. While the media has focused its attention on sensationalist charges made by the one witness called thus far by federal prosecutors—a confessed embezzler who has to date received a payoff of nearly \$1 million from US authorities—nowhere has a question been raised as to why this trial is even taking place in an American court.

Of the 224 men, women and children who died in the blasts, only 12 were Americans. Why then were the alleged terrorists not tried in the countries where the crimes took place and which suffered far greater loss of life?

The pliant regimes in Kenya and Tanzania have bowed to Washington's demands, allowing the US government to deal with the crimes carried out on their soil as it sees fit. Just as in the aftermath of the embassy blasts, rescue efforts were concentrated on saving the much smaller number of American victims, to the detriment of the large number of Africans, so now the US is allowed to do as it likes with the alleged authors of the terrorist attack.

Whether those standing trial in New York were responsible for the bombings is far from clear. Mohamed Rashed Daoud Owhali, 24, a Saudi citizen, and Khalifin Khamis Mohamed, 27, of Tanzania, are accused of directly participating in the bombing—albeit in minor roles—and could face the death penalty. The other two—Mohammed Saddiq Odeh, 35, of Jordan and Wadih Hage, 40, a naturalized US citizen—are not accused of taking any direct part in the attack. They are facing conspiracy charges and could be sentenced to life in prison if found guilty.

In all, 22 people are named in the government's indictments. In addition to the four in the courtroom, one is in New York and will be tried separately, one pleaded guilty, three are jailed in Britain and are fighting extradition to the US, and thirteen are classified as fugitives.

The principal figure in the indictments is Osama bin Laden, the son of Saudi Arabia's wealthiest building magnate. Bin Laden's organization, known as Al Qaeda—Arabic for the Base—got its start and its name in Afghanistan in the late 1980s, when bin Laden used his wealth to set up a support center for Saudi and Egyptian volunteers recruited for the CIA-backed war against the Soviet military.

With the US buildup in Saudi Arabia in preparation for the Persian Gulf War, bin Laden turned against the Americans, denouncing the military presence in the region as an affront to Islam. Running afoul of the Saudi regime, he was forced to seek asylum in Sudan.

The legal pretext for holding the embassy bombing trial in United

States District Court in the Southern District of New York stems from an earlier indictment quietly obtained by the US Attorney's Office in Manhattan in June 1998, two months before the embassy bombing. It charged bin Laden with conspiracy to attack US troops in Somalia, holding him responsible for the deaths of 18 Rangers and Delta Force commandos in Mogadishu during the US intervention there in 1993.

There is a strong element of the absurd in this attempt to attribute the deaths of the US soldiers in Somalia to a conspiracy hatched by bin Laden and a handful of associates. The US troops were killed in a mission in which American losses were dwarfed by the carnage unleashed against the Somali people, more than 1,000 of whom were killed or wounded. In the previous months, thousands more Somalis had been killed as the American military unleashed massive firepower in the impoverished African city in an attempt to suppress popular opposition to the US occupation, expressed in both mass demonstrations and armed resistance.

Significantly, US District Court Judge Leonard Sand asked federal prosecutors to drop the Somali events from their indictment, which accuses the defendants of hatching plots that resulted in dozens of acts of terrorism in a number of countries over most of the last decade. The government refused.

Attorneys for one of the defendants charged that the sheer scope of the indictment violated his client's rights. "It seeks to hold him responsible for a sweeping array of events involving a political and religious movement consisting of thousands of participants," they wrote. "Whatever its attractions as a political theory or foreign policy guide, the mammoth, all-encompassing, decade-long, worldwide Islamic 'conspiracy' alleged in the indictment cannot serve as a constitutional basis for a fair trial for the individual defendants."

The political theory behind the US case is all too familiar. The demonization of an individual—from Panama's Manuel Noriega to Libya's Muammar Gaddafi to Iraq's Saddam Hussein—has repeatedly been used to prepare acts of US military aggression. Casting American objectives as punishing a "madman," "dictator," or "terrorist" serves to conceal Washington's underlying economic and strategic interests, as well as the historical and social roots of opposition to American policy.

Even as the current trial was unfolding, CIA Director George Tenet presented a report to a Senate committee labeling bin Laden as Washington's enemy number one, the most immediate and serious threat to US national security. The US government has put a \$5 million price on his head, promising the bounty to anyone who assists in his capture.

Thus far, however, the government has produced no concrete evidence linking bin Laden to specific actions outside of preaching his

brand of radical religious opposition to US presence in predominantly Islamic countries. While bin Laden has broadcast calls for violence against Americans and American interests from his redoubt in Afghanistan, the ideas he espouses are hardly unique in the Middle East. US military aggression, most notably against Iraq, and Washington's support for both Israel and the corrupt and repressive royal dynasties and police state regimes in the Arab countries has bred widespread hatred toward the United States in the Arab world.

Given the capitulation and decay of the old secular bourgeois nationalist movements, from Nasserism to the Palestine Liberation Organization, a considerable amount of popular anger toward US policy in the region has been channeled into movements espousing anti-Americanism based on religious ideology.

Former senior US intelligence and State Department officials have called into question the attempt to portray bin Laden as some sort of mastermind directing an army of international terrorists. Many are skeptical about the CIA's claims that he has vast wealth at his disposal to finance armed actions.

Apparently, the US estimate of bin Laden's fortune is based on taking the amount of money accumulated by his father and dividing it by the number of male heirs. Those familiar with the family, however, point out that bin Laden is considered an embarrassment by his wealthy relatives and is unlikely to have equal access to their purse strings.

And, while the US Attorney's indictment also blames bin Laden for a 1996 bombing in Saudi Arabia that killed 19 American soldiers, the Saudi regime has denied any link, insisting that bin Laden poses no security threat to its rule.

The rules of evidence and law in the trial have been twisted and bent to help assure a conviction that meets the demands of the US State Department and the Central Intelligence Agency, which have provided the main ammunition for the prosecution. Before the trial began, the court was compelled to decide on some important legal questions posed by the peculiar situation of trying foreign citizens arrested for crimes committed on foreign soil. Among the principal pieces of evidence are confessions extracted from suspects in Africa in the weeks following the embassy attacks. Initially, Judge Sand ordered that the confession taken from one of the defendants, 21-year-old Mohamed Rashed Daoud al-Owhali, be kept out of the trial.

FBI agents grilled al-Owhali in Kenya over a period of weeks. Held incommunicado, he was told during the interrogation that if he failed to cooperate, the American agents would turn him over to the Kenyan police, whom he feared would torture him. Al-Owhali said that one of the US agents threatened his family, and that Kenyan agents led him blindfolded through the building where he was held, causing him to fear he was about to be executed.

Lawyers for al-Owhali and two other defendants charged that while their clients were in American custody they were denied the constitutional rights afforded every criminal suspect in this country, including the right to be represented by a lawyer. The US government countered that as long as the suspect was a foreigner and interrogated on foreign soil, the US Bill of Rights did not apply.

Judge Sand bowed to government pressure and allowed the confessions into the trial. In his written ruling, he rejected the government's position, maintaining that suspects questioned by US authorities in preparation for a trial in the US had the same rights overseas as they did in this country. He added, however, that these rights should be subject to a "principled, but realistic application," meaning the familiar Miranda warnings guaranteeing suspects the

right to remain silent and the right to be represented by an attorney could be tailored to fit the situation in a given country. This allowed for the illegally obtained confessions to be used against the defendants, and set a precedent for constitutional rights to be universally proclaimed for foreign suspects, while denied in practice whenever expedient.

The government's principal witness in the conspiracy trial is one Jamal Ahmed Al-Fadl, who described himself as a founding member of bin Laden's al Qaeda organization. He was expelled from the group in the mid-1990s after it was discovered that he was embezzling hundreds of thousands of dollars by demanding kickbacks from those doing business with the organization's commercial interests. Since agreeing to cooperate with US prosecutors in 1997, Al-Fadl has received almost \$1 million from the American government, including nearly \$800,000 in aid from the witness protection program and more than \$150,000 directly from the FBI.

Referring last fall to the selection of an anonymous jury for the conspiracy trial, Judge Sand declared, "In many ways, we are treading on new territory." In reality, the trial only furthers an increasingly frequent manipulation of the courts to advance the plans of the Pentagon, the CIA and the State Department for military aggression abroad. Its does, however, have serious implications for the further erosion of democratic rights within the US.

In a sense, Washington determined guilt and imposed a deadly sentence in the immediate aftermath of the embassy bombings. The Clinton administration convened a "jury" composed of the secretaries of State and Defense, the directors of the CIA and the National Security Council and the chairman of the Joint Chiefs of Staff. As a result of their deliberations cruise missile attacks were ordered against Afghanistan and Sudan. The 70 missiles that rained down on Afghanistan were aimed at killing bin Laden. They missed their target, however, killing 24 other people. In Sudan, 13 missiles hit a pharmaceutical plant, killing a night watchman and destroying a facility that had no proven link to bin Laden and had produced medical supplies for the impoverished African country.

In all likelihood, the present trial will be used as a pretext for even more deadly military actions.



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