

Madrid bombing convictions despite flimsy evidence

Informant gave advance warning to Civil Guard

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The sentences handed down at the culmination of the Madrid train bombing trial have served to underscore its political character.

The court placed the main responsibility for organising the March 2004 bombings, which killed 191 people, on the suspects who blew themselves up in the Madrid suburb of Leganes three weeks later. Much of the case against the accused related to their links to these men. However, many of the 29 accused were petty criminals and informants, who claim to have given the police information that could have prevented the attacks. In addition one of the chief suspects was acquitted for lack of evidence.

The 20 Arabs and nine Spaniards were charged with offences ranging from murder, stealing explosives, and forging documents to membership in terrorist organisations. All pleaded not guilty. The prosecution was seeking sentences of 38,656 years for the three men suspected of having masterminded the attacks, who were charged with 191 murders and 1,841 attempted murders. Other defendants faced sentences of between four and 27 years.

Seven of the defendants were acquitted. Maximum sentences were passed down against three of the main suspects but another accused of having been the mastermind behind the atrocity was acquitted because of the flimsiness of the evidence against them.

In his sentencing, Judge Javier Gomez Bermudez said that the convictions were based on “solid evidence” of involvement. The trial had established the chain of events leading up to the bombings and had also categorically ruled out the idea that the Basque separatist ETA (Euskadi ta Askatasuna—Basque Homeland and Freedom) was involved, he continued.

The verdict states that the bombings were planned by an

Islamist terrorist cell influenced by Al Qaeda, but not directly linked to it. No evidence was uncovered that Al Qaeda had ordered or financed the bombings. According to the investigation, the bombings were financed by local drug deals. Many of the accused were known to the police as small-time drug dealers, and many had acted as police informants.

Leadership of the cell was attributed to the men who blew themselves up in Leganes. Serhane Ben Abdelmajid was allegedly the architect of the plot, while the former drug trafficker Jamal Ahmidan was described as its driving force. Serhane Ben Abdelmajid is said to have had communication with alleged Al Qaeda members.

In the dock the Moroccan nationals Jamal Zougam and Otman El Gnaoui were both convicted of helping plant the 10 bags of bombs on four trains. Zougam was sentenced to 42,922 years for belonging to a terrorist organisation, 191 counts of murder, 1,856 counts of attempted murder and four counts of committing a terrorist act. El Gnaoui received an additional two years for document fraud.

The main Spanish defendant, José Emilio Suarez Trashorras, a former Asturian miner who supplied the explosives, was sentenced to 34,715 years for five counts of committing terrorist acts, 191 counts of attempted murder, and 192 counts of murder. (He was also convicted of the death of a policeman killed in the explosion at Leganes). None of these three was accused by the prosecution of having masterminded the attacks. Under Spanish law the longest they will serve is 40 years.

None of the men the prosecution accused of being the instigators of the bombings was convicted of murder. Rabei Osman Sayed, known as “The Egyptian,” was acquitted. The only evidence produced was extensive wiretaps, which Sayed denied had been accurately

translated. The only charge the court could have made stick was that of membership of a terrorist organisation, but the Spanish courts have a tradition of not convicting someone of the same crime for which they have already been sentenced elsewhere. Sayed is currently serving eight years in Italy for membership of a terrorist organisation.

Membership of a terrorist organisation was also the only conviction secured against both Hassan El Haski, the alleged Spanish leader of the Moroccan Islamic Combatant Group, and Youssef Belhadj, alleged to be the European spokesman for Al Qaeda. Nearly half of those sentenced were convicted only of this crime. El Haski and Belhadj were sentenced to 15 and 12 years respectively. The prosecution had sought thousands of years' sentences for them.

Rachid Aglif was sentenced to 12 years for belonging to a terrorist organisation, and received another six years for possession of explosives. His sometime associate Rafa Zouhier was sentenced to 10 years for trafficking explosives.

In one of the most remarkable developments to emerge from the trial, Zouhier consistently claimed to have given the Civil Guard enough information to have prevented the attacks, culminating in handing over samples of dynamite. The Civil Guard responded by claiming that he did not warn them of the impending attack until it was too late. The petty crook Zouhier was certainly being "handled" by Civil Guard minders throughout the period before the attacks.

At the time of the bombings, the then-ruling Popular Party (PP) immediately blamed ETA. The right-wing PP was driven from power in a wave of popular hostility when it became clear that the intelligence services were in fact pursuing Al Qaeda links to the bombings. There was widespread anger that the PP's support for the unpopular war against Iraq had made Spain a target. The PP, for their part, continued to insist on ETA's involvement, and accused the Spanish Socialist Workers Party (PSOE) of having mounted a coup to steal the election.

The PSOE and its supporters clearly hoped that the sentencing of the remaining 28 defendants would put an end to the issue once and for all and make it impossible for the PP to continue making its accusations and defending its own actions. The day before the sentences *El Pais*, which is close to the PSOE, promised that "closure looms." Three days before the announcements, Prime Minister José Luis Rodríguez Zapatero told PSOE officials that they would set an example of an "advanced

democracy" pursuing the fight against Islamist terrorism through the courts.

PP Secretary Angel Acebes did seem to be retreating from the party's hardline position on ETA being responsible, saying that it had never had a "conspiracy theory" about the bombings. Acebes, who was Interior Minister at the time of the bombings, declared that the PP simply wanted "justice and for the guilty to be convicted."

When the sentences came, however, they were hardly the resounding success the PSOE had been predicting. Zapatero declared that the convictions had demonstrated the power of rule of law and that "justice was done." Along with the compensation to the victims, announced at the same time, he again insisted that the sentences should provide closure for the whole of Spain. However, although it is now impossible to maintain that ETA was implicated in the bombings, the PP has no intention of making its peace with the PSOE. Though forced to make a certain retreat, it has at the same time shifted its line of attack.

Party leader Mariano Rajoy insisted that "The case is not totally closed" because the people who had "incited or inspired" the attacks had not been convicted. The PP would support "any other investigation without limits that would serve the cause of justice," he said. The Association of Victims of Terror (AVT), which has close links to the PP, also described the sentence as merely one step towards "finding out the truth." The PP is also insisting that the trial proved that the bombings were not motivated by hostility to Spanish involvement in Iraq. When a PSOE minister said "Repeat after me: it wasn't ETA," the PP's Eduardo Zaplana responded, "I would ask Zapatero to say clearly that 'It wasn't Iraq'."



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