

Justice Denied

*The Israeli Embassy and
Balfour House bombings*

*The wrongful convictions
of
Samar Alami
and
Jawad Botmeh*

with a foreword by Paul Foot

Written by Daniel Guedalla

Freedom and Justice for Samar and Jawad

Contents

FOREWORD	3
INTRODUCTION	6
ABOUT SAMAR AND JAWAD	8
Jawad Botmeh	8
Samar Alami	10
BEFORE THE TRIAL	12
The bombings	12
Background and motive	13
MI5 information covered up	14
More questions than answers.....	16
The investigation and arrests	18
Pre-trial period	21
THE TRIAL	24
The case against Samar and Jawad	25
False names	26
Varied interests	27
Nationwide Storage locker-unit	29
Experiments	30
Rida Mughrabi	32
TATP not used in the explosions	35
Chemicals	36
The ‘map’	38
Guns	38
‘Dry run’	39
Ammunition clip	40
CONCLUSION	41
THE APPEAL	43
Cover-up of MI5 information	43
Israeli journalist interferes with jury	44
Television documentary	45
Judge’s summing up	46
Excessive sentence.....	46
CATEGORY A PRISONERS	48
THE CAMPAIGN	49
<i>Appendix A</i>	52
<i>Appendix B</i>	54
BUT WHAT CAN I DO?	55

FOREWORD

I AM a sceptical sort of chap, especially about British justice, but when I first heard about the case for Samar Alami and Jawad Botmeh, I didn't believe a word of it. I mean, just consider. Two young Palestinians, both passionately committed to their cause, had been accused of being involved in the bombing of the Israeli embassy in London and some Zionist offices. The two freely admitted dabbling in explosives and storing them in a lock-up. Even if they denied any connection with the lock-up, their fingerprints were all over it. The connection between their arrest for involvement in the bombings and their connection with explosives was, it seemed, decisive. I felt political sympathy for the two accused, and distress at the enormous sentences they faced. But for many months, as their long ordeal unwound at trial, I was not at all persuaded, let alone convinced, of their innocence.

Some months after their conviction, impressed by the obdurate determination of Samar's sister Randa and the rest of her family, and struck by the curious statement from the former MI5 agent David Shayler that British intelligence had been warned in advance about the bombing, I went on Sunday morning to see the two prisoners' solicitor, Gareth Peirce. I have known Gareth for twenty years or so and have some experience of her intense loyalty to her clients. This loyalty, however, I knew for certain, never extended to lying or cheating. "If they are innocent," I started hesitantly.

"Oh, they are innocent," she replied at once, and told the following story. At the time of the bombing, Samar was making a phone call from a public phone box. When she was first arrested, she had no idea of the fact, and could not remember where she was. When she did remember, she thought the phone box episode to be irrelevant. She did not know that calls from the phone box, most unusually, were recorded. Now think, says Gareth. The recorded phone call proves Samar was not at the Israeli embassy at the time of the bombing. If she had anything to do with the planning of the bombing, she would have made sure she could prove where she was. The fact that she could prove where she was, but didn't know she could, was surely extraordinary. For a person guilty of an atrocity to have a cast-iron alibi and not to know it was, surely, unique.

This was not, of course, conclusive — nothing like it. But it made me think again. Any serious thinking about this case leads one to the conclusion that dabbling in some explosives does not prove involvement with a specific explosion. No one could connect the explosives used by Samar and Jawad to the explosives used at the embassy. Indeed, there was no direct evidence of any kind to link the two young people to the bombings. The more I read, the more questions I asked, the more it seemed that the involvement of these two young people with the explosives had nothing to do with the bombing of the embassy. Instead, their involvement may have been the reason why suspicion fell on them in the first place. Could it have been their commitment to the Palestinian cause and their dabbling in explosives to help Palestinians in the Occupied Territories defend themselves that had marked them out as fall guys for an outrage which had all the hallmarks of an international terrorist bombing?

Reading the judge's long summing up in this case, I was struck by the fact that the mysterious central figure in the story did not appear at the trial. The man known as "Mughrabi" who persuaded Jawad to go with him to buy the bomb car and who had handed Samar a bag of explosives had vanished into thin air. The authorities could not find him. At one stage the judge even suggested he might never have existed (this was nonsense — there were witnesses to prove that two men, not one, bought the bomb car). The more you study this case, the more it becomes clear that Samar and Jawad were set up by a person or persons far more resourceful than they. If the bombing, like almost all embassy bombings, was carried out by agents of a foreign power, then it seemed more than likely that the two prisoners had been fingered long before the bombing as the people who would be blamed for it.

In the summer of 1998, I met David Shayler, then on the run in France. He told me he had seen a note by a senior MI5 officer which expressed the view that the Israelis had bombed their own embassy in order to win more freedom of action from British intelligence. Shayler is not a fantasist. Pretty well everything he has told British journalists has turned out to be true. I don't have to believe the Israelis were responsible for the bombing — indeed I am still sceptical about that. But I do think that the bombing was the work of intelligence agencies far more powerful than anything Samar and Jawad could ever put together.

The case for innocence (and the set-up) of these two young

prisoners is meticulously set out in Daniel Guedalla's pamphlet. The author helped prepare the prisoners' legal case, and attended most of the trial. It is almost impossible for anyone to read his work and be "sure" (as juries have to be) of the defendants' guilt. Indeed, it is hard not to conclude firmly that they are innocent.

This is not an academic exercise, a test for legalistic brains. The story is about two young people who cared passionately about the desperate fate of their people at the hands of a brutal occupying power, who tried to do something about it and in the process got caught in a web which had been set out for them. They should be released. If you read this pamphlet and are even partly convinced by it, you should do something, however small, to haul Samar Alami and Jawad Botmeh out into the light. For a start, there is a powerful campaign, which you can join at once.

Paul Foot

INTRODUCTION

ON 26 July 1994 two large car bombs exploded in London outside the Israeli Embassy and Balfour House.

In December 1996, two young Palestinians, Jawad Botmeh and Samar Alami, were convicted of conspiring to cause explosions in the UK. The evidence centred around their alleged involvement in those bombings. They were sentenced to 20 years in prison after which they face deportation.

They are both innocent.

Samar and Jawad were convicted after a trial at which their defence tore apart practically all of the prosecution evidence, evidence which even the judge acknowledged was “all circumstantial”. But the conspiracy charge they faced was deliberately vague. It allowed the prosecution to use all kinds of weak evidence and innuendo to convince the jury that Samar and Jawad had some involvement in the bombings.

Much of this ‘evidence’ related to their political activities in support of Palestinian human rights. They had between them a mountain of literature on the subject. Amongst all the snide portrayals of legitimate Palestinian political activities, it became irrelevant that there was no actual evidence linking Samar or Jawad with any involvement in those bombings.

They were trapped, probably deliberately, by someone they thought they knew and trusted but who it is now clear was involved in the bombings.

There are suspicions of a cover-up, and perhaps of Israeli involvement. A senior MI5 manager believed the bombings were carried out by the Israelis. An Israeli journalist attempted to pass a phone number to a juror during the trial. And a year after the trial it was leaked that MI5 had received information in warnings before the bombings — but it is still refusing to disclose this evidence.

Indeed, most of the story surrounding those bombings is still unexplained. Large amounts of evidence has been covered up in the ‘public interest’ on security grounds.

Mrs Peirce, Samar and Jawad's solicitor, says "I am totally, absolutely and one hundred per cent sure, as sure as of any person that I have ever represented, that these two have no involvement whatsoever in the bombing of the Israeli Embassy...At the end of this case I felt feelings that I have not experienced before save in the context of bereavement."

She was similarly sure of the innocence of her clients in the Guildford Four and the Birmingham Six, also wrongfully convicted after politically influenced trials.

*Please read this short booklet. If you agree that there are serious doubts over the safety of Samar and Jawad's convictions then contact the **Freedom and Justice for Samar and Jawad** campaign.*

ABOUT SAMAR AND JAWAD —————

Samar and Jawad each came to live in Britain in the mid-1980s. They studied here, worked here and both have family here. They met in 1990 through their shared involvement in Palestinian and student politics and became good friends soon after.

Jawad Botmeh

JAWAD is Palestinian. He was born in 1967 in Bethlehem in the Israeli occupied West Bank. He is the eldest of five children. Jawad's mother is a recently-retired high school teacher and his father is a bank manager.

Jawad comes from an educated and respected family who are known throughout Palestine and have contributed much to the development of their town. His grandfather is famous in the region for his voluntary works and is the author of several books on community development. Jawad's uncle was an MP for Bethlehem in the Jordanian Parliament, before the area came under Israeli military occupation in 1967. He was also the Governor of the Ramallah province of Palestine in the period pre-1967, and before that he was Governor of Hebron.

Jawad came to England in 1985 when he was 17, having graduated with Honours from Ecole des Freres, the private school he attended in Bethlehem. In England, Jawad did his A-levels at a college in Loughborough and then went to Leicester University where he obtained a BSc in Electric and Electronic Engineering in 1991. He also studied for an MSc in Electronic Engineering at King's College, London. He is married to Elizabeth, an English woman. Her father is a retired police officer and she has a child.

One of his cousins was shot dead by a soldier as she was getting off a bus on her way to university

Jawad grew up in Battir, a village near Bethlehem. Whilst living there he had constant experience of the brutal and illegal Israeli military occupation. Beatings, detention without trial, torture, the destruction of homes by Israeli soldiers and other forms of collective punishment were common. One of his cousins was shot dead by a soldier as she was getting off a bus on her way to university in Bethlehem. No action was taken against the soldier responsible. Another of Jawad's cousins, his best friend, was shot by an Israeli soldier while he was taking part in a demonstration against the military occupation during the Intifada. He died because he was not allowed through an army checkpoint to get to a hospital.

So it is not surprising that in Britain Jawad has been involved in trying to help the Palestinian struggle against the occupation. He set up, and became the president of, the Palestinian Society at Leicester University. He was also on the national executive of GUPS, the General Union of Palestinian Students, and he used to organise events, conferences and seminars for the Palestine Solidarity Campaign. Jawad was involved with the National Union of Students as well as with Leicester University's students union, where he held the position of vice president. Jawad was often used as a peacemaker with the Israeli students, even when trouble flared. He was also involved with the anti-apartheid movement and the National Black Students Alliance.

Speaking of his contribution, Jawad said, "We were involved in that process no matter how little our contribution meant to the result. But under no circumstances would we put that at risk because it fundamentally goes against our ideology, policy and practices. It would be self-harm. Or else why would I, or Samar, ever get involved in student politics and NGOs and spend years campaigning peacefully if what we really wanted to do was use violence against Israelis in London?...They [the bombings] are totally counter-productive."

Jawad was just 29 years old when he was convicted. He is now a high security 'Category A' prisoner in Frankland prison in Durham.



Samar Alami

SAMAR was born in 1965 in Lebanon and is Lebanese-Palestinian. Her family are rooted in Gaza and Lebanon, are well known in the Arab world and are prominent in the Palestinian community. Her father was formerly the head of the Arab Bank in Beirut and her mother was one of the first women in Lebanon to go to the American University in Beirut.



Samar first came to Britain in 1983 to finish her schooling at a college in Wales. She then went to the American University in Beirut and came to live in Britain with her two sisters in 1984. She obtained a BSc in Chemical Engineering from University College London in 1987 and an MSc in Chemical Engineering from Imperial College in 1988. Samar also received an MSc in Water Resources Engineering from City University in December 1996, having submitted her thesis, on water resources management in Lebanon, at the end of the trial, just before she was sentenced.

After graduating from UCL, Samar worked for two years as a trainee graduate engineer. This was followed by a short period as an environmental engineering consultant and some part-time work as a health adviser for the

immigrant Arab community in Newham in east London .

She is a well-known women's rights activist and human rights campaigner, devoting much of her time to voluntary work in support of human rights, particularly Palestinians'. She was a prominent member of the Palestinian Women's Group and also later the vice-chairwoman and foreign affairs spokesperson of the General Union of Palestinian Women (GUPW) in the UK. She was also involved with the General Union of Palestinian Students (GUPS), the Palestine Solidarity Campaign, the Palestine Community Association, Amnesty International, the Newham Monitoring Project and the National Women's Network. Samar has also spoken at conferences about Palestinian culture, music, art and embroidery.

"I condemn the acts [the Israeli Embassy and Balfour House bombings] because I am against blind violence. I am disappointed there are still problems, there are still bombings", she says, "One of

the reasons we came to London is to avoid all this trauma.”

When Samar was first arrested in January 1995, a huge volume of letters was received in her support. At the trial she was described as “a much respected, sensitive and caring woman” by her supporting character references, which included Lord Gilmour, the former deputy Foreign Secretary who has been a friend of her family for 30 years.

Samar was 31 when she was convicted and is now in Durham Prison’s H-Wing, also a high security ‘Category A’ prisoner.

Please write to Samar and jawad at the following addresses to let them know they have your support

Samar Alami
No. RL 1436
H-wing
HMP Durham
Old Elvet
Durham DH1 3HU

Jawad Botmeh
No. EP 3888
HMP Frankland
Brasside
Durham DH1 5YD

BEFORE THE TRIAL

The bombings

THE FIRST of the two car bombs exploded outside the Israeli Embassy in Kensington, west London, on the afternoon of 26 July 1994. The second exploded later, just after midnight, outside Balfour House, the headquarters of many Zionist organisations, in Finchley, north London.

Fourteen people were injured by the embassy explosion and five by the explosion at Balfour House. £1.5 million worth of damage was caused to the buildings. Incredibly, no one was killed by either bombing.

On that afternoon in Kensington, a woman drove an Audi into Kensington Palace Green, parked outside the Israeli Embassy, and persuaded PC Duncan, a fully armed Officer of the Diplomatic Protection Corp, to let her leave it parked while she went around the corner for some cigarettes. After she had gone, the car exploded.

Kensington Palace Green is a high security private road that is patrolled by armed police. It houses a number of other embassies and includes the private residences of, among others, the Sultan of Brunei. However, according to the Israelis, the security cameras on the sides of the Israeli Embassy building did not contain any film, and so there is no camera footage of that bombing or the bomber(s). Because of the conflicting accounts given by the Israeli and British guards on duty, there is considerable confusion as to which direction the Audi came from, how many people were inside and what they looked like. The only description that exists is that the driver was a woman, middle-aged, of Middle Eastern appearance and carrying a Harrods shopping bag.

There were no witnesses to the bombing at Balfour House. However, the day before the explosion, a local resident saw some men, whom she describes as of Middle Eastern origin, parked in two cars outside the building. They were blocking her driveway and so she asked them to move, and they sped away. She reported this incident several times, before and after the bomb exploded there that night, but that car and those men were never traced by the police. More curious still is the fact that the security, a police presence, was actually taken off Balfour House that day, an hour before the explosion.

Both bombs exploded without leaving any traces behind. Nothing is known about what explosive was used or how the explosions were

triggered. As the judge said, “We do not know what the explosive was...There were no residues, and that indicated a high performance explosive. There was no trace of any timing or remote control device or of any detonator or other initiating process.”

Letters claiming responsibility for the bombings, written in Arabic, were posted on the afternoon of 26 July to the London offices of two Arab newspapers, *Al-Quds* and *Al-Hayat*, and to the London offices of the PLO. These letters were signed by the ‘Jaffa Unit’ or ‘Jaffa Team’ of the ‘Palestinian Resistance’, an unknown organisation that has never been heard from before or since.

Every Palestinian opposition group and every Muslim organisation in Lebanon has denied any role in the explosions. The language in the claim letter is unusual, lacks the clarity of virtually all other similar claims and contains views directly contrary to those of all the defendants. And neither the letters nor the envelopes contained any the defendants’ fingerprints. As the judge summed up, “There is nothing in the type to link [the claim letters] to any of the defendants nor, indeed, in the paper or copying or anything.”

Background and motive

THE ONE group who did not benefit from these bombings was the Palestinians. Nevertheless, throughout their investigation the police and the prosecution assumed that the bombings were carried out by Palestinians violently opposed to Arafat and the peace process. As almost all Palestinians are critical of those accords, being Palestinian was, by itself, enough for one to fall under suspicion. And as Samar and Jawad had all kinds of political interests and involvements, they were especially vulnerable. Never mind that, as the judge said, “All of them [the defendants] expressed the belief that acts of terrorism directed against Israeli or Jewish targets in this country would damage rather than further the Palestinian cause. A large body of responsible opinion holds that view, but the bombers obviously did not.”

The one group who did not benefit from these bombings was the Palestinians

Samar and Jawad certainly did. But, as with most Palestinians, they are also critical of many of the terms of the Oslo peace accords. These criticisms are widespread not just amongst Palestinians but right across the political spectrum. All parties from Mr Netanyahu, Prime Minister of Israel, to President Yasser Arafat believe that the agreements are deeply flawed and unworkable. Lord Gilmour, former secretary of state for defence and deputy foreign secretary,

also shares these views and he explained his criticisms of the peace accords to the court, criticisms which are also shared by the former foreign secretary Malcolm Rifkind.

But to criticise, and be disappointed by, the peace process is not to violently oppose it. As Samar said, “The peace process had some serious shortcomings which could jeopardise the peace. But it was a first step, it could give people a breather and start change on the ground.”

to criticise, and be disappointed by, the peace process is not to oppose it violently

Jawad had started a business called ‘Keeton’ with his friend Mahmoud Abu-Wardeh. It was accepted by the prosecution that this was a legitimate business attempting to establish exports of technological goods to the Occupied Territories. So the developing peace was clearly necessary and important to the development of his business, as Jawad explained, “Keeton came into being in the hope that we can export from here and cash in on business from the peace process. We had a vested interest in the peace process.” And Samar’s father personifies business interests in the region.

Contrast all of this with the wording of the claim letter: “We shall call to account businessmen...who have traded the future and rights of our people in exchange for personal material profit.”

About a week beforehand there had been a bombing at a Jewish centre in Buenos Aires, Argentina, in which 96 people were killed. Although no one was killed in the London bombings, they were initially and confidently linked with the Buenos Aires atrocity and were also thought to be carried out by Islamic fundamentalists. But it has since emerged that the right-wing military in Argentina were responsible for what was an anti-Jewish attack, and so the perceived connection has evaporated.

Nevertheless, at the time following the Argentinean bombing there was a view that further attacks on Jewish and Israeli targets were likely and that Britain was high on the list of priorities. Israeli concerns about security led them to approach the Foreign Office requesting tighter security for potential targets in Britain as it was believed that a terrorist attack on such a target was imminent.

MI5 information covered up

IN November 1997, a full year after the trial, it was disclosed by ex-MI5 officer David Shayler that prior to the Israeli Embassy bombing the British intelligence services had actually received

specific information from “impeccable sources” that such an attack was imminent. Despite being so warned, says Shayler, MI5 did nothing and failed even to pass on the information to the police or the Israeli government.

Shayler claims that the MI5 officer who received the warning failed to act on it and the report was later found buried in a cupboard, leading to speculation that there had been an attempt at a cover up.

None of this was ever disclosed at the trial. Clearly the details of this information are of vital importance to Samar and Jawad; it could well point the finger of responsibility elsewhere and enable them to be freed. But since these revelations were made public, the British government has obtained injunctions to prevent any of the details coming out. David Shayler was arrested in France and held in a Paris jail for nearly four months as attempts were made by the British government to extradite him to Britain to face charges under the Official Secrets Act. In November 1998 this attempted extradition was quashed by the French court and he was released. As of writing, however, the details of the information received by MI5 have *still not been revealed*. Indeed, the Crown Prosecution Service have actually requested a Public Interest Immunity (PII) hearing in order to have this information withheld on public security grounds. This hearing will be held in London, in secret, with only the prosecution attending, on 15 March, 1999.

Several PII hearings also took place *before and during* the trial as the prosecution succeeded in covering up a considerable amount of information relating to the British and Israeli governments’ investigations into the bombings. For instance, the defence were given at best sketchy details of one report, with large sections blacked out, of what was discussed at the meetings that had taken place after the bombings between experts and officials of the British and Israeli governments. Notably, at this meeting the experts seem to have decided that what was later to become one of the main pieces of prosecution evidence against Samar and Jawad *was unlikely to have any connection at all with the bombings*.

PII hearings are used by governments as a tool to avoid disclosure. Referring to this practice, the Scott report into the Matrix-Churchill affair stated that, “In the event it was the failure of the prosecution to identify and disclose to the defendants the several relevant documents held on FCO [Foreign and Commonwealth Office], MOD [Ministry of Defence] and the intelligence agencies’ files that led the Court of Appeal to conclude, in effect, that the defendants had been deprived of the opportunity to have a fair trial.”

Furthermore, in August 1998, over a year and half after Samar and Jawad were convicted, there was another leak of previously undisclosed material. It was revealed that, soon after the bombings, a senior MI5 manager had written a note expressing his view that they had been carried out by the Israelis themselves in order to provoke the British into tightening security provisions. Remember, the Mossad base in Britain was closed down in 1987 after the assassination in London of the Palestinian cartoonist Naji El-Ali. *So why was this MI5 manager's report not disclosed?* Whether or not he was right, the fact that a senior MI5 manager thought that the bombings were carried out by the Israelis must alone cast doubt upon the police and the prosecution's certainty that Palestinians violently opposed to the peace process were behind them. This, in turn, must make one seriously question the safety of Samar and Jawad's convictions. It is reprehensible that this piece of evidence, like so much else, was covered up and not disclosed to the jury or the defence at the trial.

More questions than answers

THERE were many mysterious circumstances in the case that may have led that MI5 manager to believe there was some Israeli involvement. Despite the warnings and the widely held belief at the time that anti-Israeli attacks in Britain were likely, the considerable security at the embassy was easily circumvented and the surveillance cameras on the embassy building were allegedly not working, so no video recordings were made of the positioning of either car bomb. The officer employed at the embassy to watch the videos was actually removed from his post just after the bombings and was not available at the trial. It was also confirmed that Israeli teams had taken bomb crater and other samples and conducted their own tests and investigations. Yet nothing is known about who these people were, what they took or exactly what the results of their tests.

no one seems concerned that the actual bombers have not been found

The bombings took place in crowded areas of London, one of them in the middle of the day, but there were no fatalities. It was also very fortunate that there were only a few people in the embassy at the time, indeed the Israeli Ambassador was out of the country. Well before the trial though, he felt able to congratulate the police on their arrest of the 'terrorists'. The security, a police presence, was actually taken off Balfour House an hour before that explosion, despite the

likelihood of such an attack and despite the bombing of the Israeli Embassy earlier that day. There was a massive subsequent demand for funding from Jewish institutions in Britain from the government and the image of the Israelis as being victims under siege was reinforced, particularly important at that time as the massacre by a Jewish settler of Palestinians at prayer in Hebron had taken place only a few months earlier.

An Israeli journalist, openly hostile to the defendants, tried to contact one of the jurors in court but the judge took no action and allowed them both to stay for the rest of the trial.

Perhaps most oddly, no one seems concerned that the actual bombers have not been found. Neither Samar nor Jawad were ever accused of actually planting either of the bombs. The case against Mrs Nadia Zekra was so laughable that it was thrown out by the judge. Yet when Samar and Jawad revealed in their defence the identity of someone who was involved, Mr Rida Mughrabi, the authorities expressed no interest in tracking him down.

One of the defence's leading expert witnesses, the writer, historian and academic George Joffe, believes that the bombings were probably conducted by intelligence services on behalf of a government. Indeed they do have the hallmarks of a government-backed operation: efficient, reliable, untraceable. And newspaper reports at the time did describe it as a "precision job".

The fact that MI5 received warnings also suggests an intelligence tip-off, which indicates the involvement of a foreign government or international terrorist organisation. As Gareth Peirce said, "If one analyses the bombings of an embassy...who carries out these things...? Who is it? Who does it and on whose behalf?... informed observers would say that somewhere at the back of all this would usually be a government. Which government remains a question. There are substantial resources here. This is an operation of extraordinary audacity and amazing expertise. Those who perpetrated it achieved what they intended to do and left."

And still, no one knows who planted the bombs or even what explosive they used. Whatever explosive it was, where did it all come from? Where were those explosives prepared and made up into the two powerful car bombs? Where was it all stored? Who bought the Triumph? Where were the cars kept? Who is behind the 'Jaffa Team' of the 'Palestinian Resistance'? Who is Rida Mughrabi? And *why* were those bombings carried out?

Of course, the one group who did not benefit from the explosions were the Palestinians.

The investigation and arrests

BOOTH the cars used in the bombings were found to be carrying false number plates. The Audi used in the Israeli Embassy bombing was traced by the police. It had been bought at a car auction in Milton Keynes on 15 June 1994 by a man using the name 'George'. The Triumph Acclaim used in the Balfour House bombing was traced back to a car auction in Birmingham on 13th June 1994, where it was purchased by a man called 'George Davis'.

A distinctive old white BMW was also seen at that Milton Keynes auction. The police painstakingly traced the owner of every single old BMW in Britain which matched its description, and eventually they came up with Jawad.



Rida was involved in the bombings and Jawad was duped

photofit of Rida, Jawad's description

Jawad had gone to that auction. He had gone with a recent social acquaintance of his and Samar's called Rida Mughrabi. Mughrabi contacted Jawad on 14 June and asked him if he could help him buy a Renault. They drove together to a car auction in Northampton later that day, in the early evening, but they didn't find anything worth buying for the £1000 Mughrabi had to spend. So they went to the auction in Milton Keynes the next day, 15 June, which is when Mughrabi bought the Audi. Considering the similar false names given, he may also have been involved in the purchase of the Triumph from Birmingham on 13 June, although Jawad was not present at that auction and Mughrabi did not mention anything about having bought a car at an auction the previous day when he contacted Jawad on 14 June.

When Jawad was driving up with Rida Mughrabi to the Northampton car auction on 14 June, he was stopped by the police on the M1 for speeding. He was so unconcerned about drawing attention to himself that apparently he had actually overtaken a police car. There was nothing in what he was doing that led him to be worried and he showed his driving licence to the policeman who stopped him.

The fingerprints and handwriting on the purchase documents of both cars, and the descriptions of the purchasers as given by

witnesses, match *none* of the defendants. There is no trace of the people who bought the cars and neither is it known where they were stored and made into car bombs. Quite simply, Rida Mughrabi was involved in the bombings and Jawad was duped.

He clearly had no idea of the intended use of the car and there was no reason he should have. He took Mughrabi to the auction for the same reason he often took people to car auctions — to advise them and help them to buy a good, cheap car. Cars were his hobby. In ten years he had been through about twenty five second-hand cars, one after the other. He was obsessed. While he was a student at Leicester University he and his friends had started going to car auctions around the country, buying and selling second-hand cars to make a bit of money. He was the person a range of friends and acquaintances would turn to for help buying a car. He had bought about a hundred cars like this for people he knew, including for his uncle, several of his friends and many, many for himself. In fact, he had gone with Rida Mughrabi to a car auction before, in Northampton in 1993, when Mughrabi had bought a Renault 25.

Nevertheless, Jawad had been at the wrong place with the wrong person. He was put under sustained police surveillance from September 1994, at least, onwards and then arrested at home in January 1995 in a 7.00am police raid. The police made multiple arrests on 17 January under the Prevention of Terrorism Act, raiding the homes of four other people of Palestinian origin who had been observed to be his ‘associates’. Their homes were searched without any legal representatives being present. One of his friends was also arrested by the army while she was on holiday in Israel. Those arrested in Britain included his friend Samar Alami, his friend and business partner Mahmoud Abu-Wardeh and Mrs Nadia Zekra whom he only knew slightly because he sometimes used to play football with her son. Samar had never met her, indeed until they met for the first time in Holloway prison she had only seen Nadia once, and that was the back of her head at one of the magistrates court hearings. It was these four who would end up standing trial at the Old Bailey almost two years later.

In January though, only Jawad and Nadia were charged with conspiracy to cause explosions in the United Kingdom. They were detained as ‘Category A’ prisoners, imprisoned in London at Belmarsh and Holloway respectively. The others, including Samar and Mahmoud, were released without charge and allowed to go home.

The PTA allows suspects to be arrested because of undisclosed ‘intelligence information’ ... which is then not normally admissible in court

Successive police swoops were made in Britain over the next few months as the police concentrated their attention on the same group of people. Samar's sister and Jawad's wife Elizabeth were among those arrested. Jawad's friend who had been detained in Israel was arrested when she returned to Britain, she was detained until the next day but then released without charge. The police taunted Elizabeth with suggestions of her young son being blown up and they ridiculed Jawad's supposed religious habits. Elizabeth was only released on condition that she go and stay with her father, who is a retired police officer.

These sweeping arrests were made under the Prevention of Terrorism Act (PTA). The PTA allows suspects to be arrested because of mere suspicion, or undisclosed 'intelligence information' which need not relate to any specific crime and is then not normally admissible in court. Those so arrested can be denied access to a lawyer for the first 46 hours of their detention and may be questioned without one. They can be detained for up to seven days without being charged and without access to a court. The PTA also allowed the homes of all those arrested to be searched without any legal representatives being present.

In March 1995 Samar was arrested again by the Anti-Terrorist Branch, also in a 7.00am raid. She too was charged with being involved in the conspiracy and was remanded in custody at Holloway prison, where she met Nadia for the first time. Samar's sister was also arrested, but later released without charge, and their shared family home was again searched by the police without anyone being present.

Samar was released on bail a couple of months later in May. More than fifty letters were written in support of her bail application and the judge granting it said that he had never seen such serious and significant tributes to any single individual. Nadia was also released on bail in May.

But then, in June, Samar was arrested again after the police investigated a tiny, one metre square, locker unit at Nationwide Storage in west London. This small locker contained a small quantity of TATP explosive powder, a little more made into two tiny basic explosive devices, two guns, some chemicals, timers, electronic circuitry, an aerial, some political books and magazines and various other items. The three timers were linked to an order of six bought under a false name in May/June 1994 and as the judge confirmed, "There is absolutely nothing to connect any of these defendants with the purchase of the timers."

The chemicals in the locker turned out to have been part of a much larger order collected from Hays Chemicals in Birmingham in June 1994 by someone giving the name 'G Davis'. The contents of this locker unit were to play the major role in the prosecution case despite the fact that *nothing* in the locker has ever been connected with the Israeli Embassy or Balfour House explosions *or with any others* planned elsewhere in the United Kingdom.

the explosive used in the bombings has never been identified

Remember, the explosive used in the bombings has *never been identified*. There is no evidence that it was TATP. Indeed, the available evidence (that is, the evidence which was not covered up by PII hearings) shows that TATP was specifically ruled out by the British and Israeli government scientists as early as September, 1994. The logic is that the Israeli Embassy and Balfour House bombs were not made from the Hays Chemicals. Nevertheless, the discovery of the locker led to Samar being rearrested, in June 1995. She was charged with what the prosecution claimed were 'new' offences that they alleged she had committed whilst on bail, namely the possession of the firearms and explosives found in the locker. This argument succeeded, the new charges were brought and she was remanded in custody at Holloway again. It was only later, in August 1995, that the prosecution admitted the charges were all part of the same case.

Mahmoud Abu-Wardeh was arrested later than any of the other defendants, in the summer of 1995, and was kept on remand at Belmarsh prison until he was acquitted at the end of the trial in December 1996.

Pre-trial period

ON remand at Holloway, Samar's conditions of detention led to marked deteriorations in her physical and mental health — so much so that by October 1995 she was not considered fit to prepare for or stand trial. In November the judge recommended that she be transferred away from Holloway and up to Durham prison, over 300 miles away from London and her friends, family and legal team. She spent another five months in prison there before she was finally released on bail in March 1996.

In total, Samar had spent twelve months in prison before she had even stood trial. She was classified as a high security 'Category A' prisoner the whole time. In the **Amnesty International Report**, 1995, for the United Kingdom, under the heading of 'Cruel, inhuman or degrading treatment' there is the following description of the treatment Samar received in custody:

The conditions of detention of Samar Alami...as a Category A prisoner in Holloway prison, led to a marked deterioration of physical and mental health. She was kept in virtual isolation, denied regular access to exercise facilities, to free association with other prisoners and to adequate medical attention. Samar Alami was moved to Durham prison in November where conditions for Category A prisoners are better. However, this move greatly impeded her legal visits.

Her defence had spent so much time dealing with these disgraceful conditions that, in December 1995, they reluctantly had to apply to adjourn the trial date. In fact, the effects on her health were so severe that twenty Members of Parliament publicly expressed their concerns and some joined the campaign that many of her friends and family had set up to support her and highlight the terrible ordeal she was being put through.

In March 1996, miraculously, Samar was granted bail.

JAWAD was held in custody at Belmarsh for nearly two years before the trial. Belmarsh is the high-security prison in south-east London that is known as 'Alcatraz on the Thames'.

He suffered severe migraines and arthritis due to the lack of natural light and he was locked up for 22 hours at a time and only allowed family visits once a fortnight. Furthermore, he had sustained

an injury in an accident before he was arrested which, in November 1994, had required him to spend two weeks in hospital. He was still being treated as an out-patient when he was arrested. But the lack of medical attention he received at Belmarsh, despite the judge's orders, led to the judge releasing him on bail on medical grounds, a week before the trial. Jawad was by far the longest serving remand prisoner at Belmarsh but, despite this ordeal, the governor of his block said, "I don't believe that I have ever met a more well balanced, well adjusted and polite prisoner."

THE TRIAL

THE TRIAL started at the Old Bailey in London in October 1996. It lasted for ten weeks and was conducted throughout under conditions of intense international publicity. Samar Alami, Jawad Botmeh and Mahmoud Abu-Wardeh were charged with conspiring to cause explosions in the UK between January 1993 and May 1995, with intent to endanger life and/or damage property. No specific mention was made of the bombings at the Israeli Embassy and Balfour House. Nadia Zekra was not alleged to have been involved in the conspiracy, but she was supposed to have been the woman who left the Audi car bomb outside the Israeli Embassy and was thus the only defendant charged with actually causing an explosion.

Nadia Zekra was the only defendant charged with actually causing either of the explosions. The case was dismissed before her defence had even started

The case against Nadia was dismissed by the judge before her defence had even started. He described the evidence against her as “dangerously flawed” and said “It would be dangerous in the extreme to allow this case to go before a jury. I have no hesitation in discharging this case.” He had already dismissed evidence of alleged tiny traces of explosives found in her kitchen and in her car because the samples taken were wholly unreliable having been heavily exposed by the authorities to potential contamination. The judge dismissed the sole alleged identification of her, by PC Duncan, because it was “suspect with serious inconsistencies.” Four other officials present at the scene had failed to pick her out.

Before the trial, Nadia had spend five months on remand at Holloway prison. But considering the weakness of the evidence against her it is shocking and bizarre that she was ever even charged. To this day she remains completely wrecked by the ordeal she was put through. There was no real case against Mahmoud and he was acquitted by the jury at the end of the trial having spent two years on remand in Belmarsh. Fortunately, he has had some success in putting his life back together and has since married.

The case against Samar and Jawad

SAMAR and Jawad were alleged to have been a party to the conspiracy behind the explosions at the Israeli Embassy and Balfour House. As the case developed it emerged that Jawad was alleged to have been involved in buying the cars, and the chemicals used to make the bombs. Samar was allegedly involved in making the explosives.

It was assumed by the prosecuting authorities (except for that senior MI5 manager it seems) that the bombings were carried out by Palestinians who were anti-British, anti-Zionist, anti-Israeli, anti-Arafat and violently opposed to the 'peace process'. This was the police and the prosecution's identified motive for the attacks. Having traced Jawad through his ownership of the BMW seen at the Milton Keynes car auction, they claimed, with startling disregard for the truth and the complexities of the Palestine-Israel struggle, that this 'profile' fitted him and the other defendants, his friends.

Both Samar and Jawad had alibis for the day of the bombings, separate alibis both of which it turns out can be proved and have been confirmed by witnesses and documentary evidence. Samar was in the library at Imperial College at the time of the embassy bombing, telephone records confirm that, and Jawad had taken his younger brother down to Sussex to look at an English language school, cell area records of a mobile phone call he made prove that. But when they were questioned in 1995 neither of them could remember what they had been doing on that day six months before. Hardly the behaviour of guilty people. "You can't be involved and not know what you did on the day of the bombing" said their solicitor, Gareth Peirce.

They were only arrested because Jawad had gone to the car auction with Rida Mughrabi, a recent and occasional social acquaintance who it is now clear was involved in the bombings. The rest of the evidence against them was all circumstantial and was almost entirely related to their political activities. Most importantly, the conspiracy charge they faced was vague, so vague and catch-all that it actually allowed their political activities, books, magazines, viewpoints and social relations to become criminalised and used as prosecution evidence. Mrs Peirce explains the difficulty of dealing with such a charge,

Conspiracy is said to be most useful weapon in a prosecutor's arsenal, and it is, because you prove your

the conspiracy charge allowed their political activities, books, viewpoints and social relations to become criminalised and used as prosecution evidence

alibi and then the prosecution says 'But we weren't ever actually saying that you bombed the embassy - we are just saying that you were involved in bombing the embassy'. So whatever ground you advance on, the prosecution doesn't retreat. It moves its ground and comes at you from another direction...It was an object lesson in how a prosecution can have the ability to move and move the goalposts as the case developed....

False names

THE PROSECUTION case against all the defendants initially stemmed from Jawad's questionable connection with the purchase of the Audi and an supposed 'link' heavily relied upon between a nickname he sometimes used, which sounds like 'Jaffer', and the word 'Jaffa' in the name of the unknown group who claimed responsibility for the bombings in the claim letters.

'Jaffa' is really the name of a Palestinian town in what is now Israel. Whereas the name Jawad sometimes used was 'Ja'ffar', actually a common Arab male that is pronounced with a hard emphasis on the final syllable, although an English person who hears it may well write it as 'Jaffer'. The differences in meaning and pronunciation between Jawad's nickname and that used in the claim letter were explained by a linguistics professor from London University. But it is absurd to think that anyone would be involved in bombings such as these and then use their own nickname when claiming responsibility for them.

Samar and Jawad did sometime use false names in certain areas of their lives. This too was seized upon by the prosecution as evidence of their involvement in the conspiracy. Why else, they asked, would Samar and Jawad behave so secretly and suspiciously?

Well, as Dr Uri Davis, the respected author of several books about the Palestinian-Israeli struggle, explained to the court, Palestinians use false names, or aliases, quite simply because it is often not safe to do otherwise. If you have any kind of political involvement, even as a student in GUPS, it is quite normal to use a false name to protect your identity. In the Arab world political activities are not conducted openly. Mossad, the Israeli security service is known to be active in western Europe in gathering information on Palestinians. There have been frequent assassinations and kidnappings by Israeli squads in western Europe.

Jawad used false names sometimes when he bought used cars at auctions, but for a more straightforward reason - to avoid paying road

tax or for any parking tickets he would get in the short time he would have the car. This included the false name that was recorded as 'Jaffa' or Jaffer. A senior member of Newham Council's Parking Enforcement Department confirmed in evidence that this giving of false names and addresses at car auctions was a common practice which often made it impossible for them to trace people who owed money on parking tickets. Nothing sinister there.

Samar used a false name when she hired the Nationwide locker, understandable perhaps considering the contents. She also used a false name when she hired a postal box to receive some of her political publications. She lived in a flat that she shared with her parents and her sister and she wanted some privacy. Neither the postal box nor anything that she received in it was claimed to have played any part in the alleged conspiracy, or in any other.

Even the judge accepted that neither Samar nor Jawad had ever given a false name or address to the police or any other authority. Indeed, Jawad was stopped by the police for speeding on the M1 on 14 June 1994, while he was with Rida Mughrabi on the way to a car auction in Northampton. Jawad not only gave his right name to the police, but when summonsed he wrote to the court ensuring that his name and details had been properly recorded. Mughrabi did not find the car he was looking for at that auction and so the next day they went to the Milton Keynes auction which is when Mughrabi bought the Audi using the name 'George'.

Varied interests

THE POLICE did not find anything in any of the places Samar or Jawad frequented that could connect either of them with any bombings anywhere. But what they did find was a huge number of books, magazines, pamphlets and papers reflecting their wide and varied interests and involvements over the years. The prosecution selected only a few and insisted that they indicated only that Samar and Jawad were part of a conspiracy to explode bombs in the United Kingdom.

In reality, however, the three long police searches of Samar's shared family flat merely demonstrated what an obsessive hoarder she is. There were thirty boxes worth of materials and papers. These covered a wide variety of subjects and included items as diverse as Amnesty International magazines, books on various artists, paintings, sculpture, poets, costumes and embroidery, publications from the UN Division of Human Rights on the Palestinian Issue, the Registrar of

Engineers for Disaster Relief, the Journal of Palestine Studies and reports from the World Health Organisation on Women's Health and Development. There were also many materials connected with Samar's MSc thesis on Water Resource Management in Lebanon.

Samar also had, amongst all this paperwork, some correspondence with the Jaffa Research Centre. The prosecution made a lame attempt to connect this 'Jaffa' Research Centre with the 'Jaffa' team/unit that claimed responsibility for the bombings. However, if they had checked they would have discovered that the Jaffa Research Centre was actually a small research bureau, a media NGO, which was established at the start of the Intifada in 1987, but was defunct by 1991/92.

In relation to Samar, there was also a continuous police presence for two months in her uncle's flat, across the road from the flat she lived in with her parents. They found nothing whatsoever connected with the Israeli Embassy and Balfour House bombings, and in fact all they did find was even more chemical and political memorabilia and note-like jottings.

As Gareth Peirce explains:

The jury had an extraordinarily difficult task in this case. These two have left a litter of their private thoughts, political beliefs and their experimentation. Courageously both gave compelling evidence in the witness box. But for a jury to have to begin from scratch, to have explained to them the history of Palestine, the history of Israeli occupation, the history of Palestinian resistance, to have all that explained before you even get to the facts of the case is a major educational process.

Some of the enormous collection of clippings that Samar had hoarded about the Palestine-Israel struggle included, inevitably, some from Jewish publications such as the Jewish Chronicle. It is quite normal for Palestinians and Arabs, particularly those with political interests such as Samar, to be interested in reading Israeli points of view. But, sadly, the prosecution used this to suggest that Samar was anti-Jewish and had an unhealthy interest in Jewish affairs. They even tried to make an issue out of an old single record she had that had Jaffa on its cover.

to try and label Samar as anti-Jewish was a slur on the entire Palestinian solidarity movement

Considering all of Samar's tireless commitments to anti-racist and human rights groups over the years, to try and label her as anti-Jewish was not only a desperate and unfair prosecution tactic but it is also a slur on the entire Palestinian solidarity movement. Her interest in

supporting Palestinian human rights and her opposition to the brutal practices of the state of Israel have nothing to do with religion or anti-Jewish feelings. Indeed, in over ten years of campaigning this was never once even raised as an issue, not even by the Zionists whom she opposed.

Similar insinuations were also made regarding her visit to a public meeting at a north London synagogue in 1992 at which the former Israeli Prime Minister, Yitzhak Shamir, was making a speech. This meeting was advertised in the press as “ All Welcome” Yet, when Samar attended she found herself being asked questions and photographed, thus reinforcing the ‘paranoia’ that she and Jawad had to try and explain to the court was the cause of some of their ‘secretive’ behaviour. This ‘paranoia’ was further demonstrated during the trial when an Israeli journalist was caught actually trying to influence a member of the jury, but then the judge chose not to take any action against either.

Nationwide Storage locker-unit

IN June 1995 though, came a dramatic shift in gear in the prosecution case. The police discovery of the contents of a tiny locker unit at Nationwide in west London began to emerge at the end of May and the beginning of June. Samar was re- arrested and interrogated on the basis that the items discovered were a “a different case”, and indeed separate possession charges were brought in relation to the contents. Inevitably though, the ‘evidence’ obtained from the locker became blurred into that being used to prove the conspiracy charge. Indeed, according to the prosecution it was a “terrorist arsenal” and was a “final breakthrough” in the case. This despite the fact that there is absolutely no evidence whatsoever linking any of the items in this locker with the explosions at the Israeli Embassy and Balfour House or, indeed, any others planned anywhere else.

Samar had rented the locker on 16 July 1994, she and Jawad admitted this at trial. They rented it to store some items that Rida Mughrabi had just given to Samar. According to the police they didn’t discover the contents of this locker until 25 May 1995. They were alerted to it, they claimed, by some Nationwide employees who had broken in on 19 May because the rent had not been renewed in April. If this story is correct, and the locker was not discovered earlier, then the Nationwide employees waited a full six days before calling the police. The contents of the locker were tampered with. It was confirmed at one of the pre- trial magistrates court hearings that it had

been emptied at least once. The padlock was replaced and the evidence shows, for example, that there was a blue plastic glove inside. Its presence is testified to in the statements of some of the Nationwide employees, but it wasn't ever listed or photographed by the police. Unfortunately, neither Samar nor Jawad can be sure of exactly what was/was not in the locker because they did not keep an inventory of what they stashed in it. But they do know that this piece of evidence, at least, went missing.

What it did contain was: a small amount of improvised TATP explosive powder, a little more made into two tiny improvised explosive devices, some chemicals (sodium chlorate and some acids), three timer devices, two guns, face masks, safety spectacles, polystyrene and a knife, a product information sheet for remote control circuitry, aerials and electronic circuitry all of which the police confirmed was of no explosive significance. There were also some political books and magazines such as *Guerrilla Warfare* by Che Guevara, *The Grim Reaper* by an ex-SAS officer, *Marxism and Guerrilla Warfare*, *Freedom's Martyr*, magazines about the Israeli Army, magazines about electronics and magazines such as *Combat and Survival* and *Fortune Hunter* which are available in most high street newsagents, and a notebook of Jawad's.

The key to this rented locker was found in Samar's flat.

Experiments

AT the trial Samar and Jawad admitted to renting the locker. They, bravely, also didn't try to hide their dabbling in experiments to help Palestinians in the Occupied Territories. They had been trying to work out if basic explosive mixtures could be improvised out of ordinary household products. They wanted to find out how to make something that could be used by Palestinians in the Occupied Territories as some kind of basic self-defence against Israeli aggression there. But they had not had any success with the ingredients they had been using and they thought that what Rida Mughrabi had given them might be of some help.

Samar and Jawad had felt isolated in Britain from the Palestinian struggle in the Occupied Territories. As with most of the more than four million Palestinians dispersed throughout the countries of the diaspora, they wanted to do what they could to help. They wanted to use their educational skills to try and give some direct assistance. Hence their, albeit unsuccessful, attempts work out how to improvise home-made explosives from the kind of ingredients available in any

grocery store and thus available to Palestinians within the Occupied Territories and Israeli occupied southern Lebanon. Items that would not be cut off by Israel's extensive controls and restrictions of goods into the Occupied Territories. Once they had found out how to do this, they hoped to send the information over to the Occupied Territories. As Jawad said, they were trying to "do something to help my fellow countrymen". Indeed, the rhetoric filled books and magazines found at Samar's uncle's mostly unused flat were clearly written for use by people inside the Occupied Territories, such as 'Engineering of Explosives' which was written by the then head of Arafat's Palestinian National Police. Also amongst the litter of notes and papers found there were her amateurish scribbles and note-like jottings of her tiny experiments with explosive mixtures.

They had also been looking at whether radio controlled model aircraft, a hobby of Jawad's, could be used by Palestinians to fly from a neighbouring state into the Occupied Territories carrying video cameras for surveillance, perhaps some small scale medical and chemical supplies, or to be used in a defensive capacity against Israeli troops attacking Palestinian villages. This explains the magazines about the Israeli army and electronics found in the locker. His notebook in the locker documents these experiments. Jawad brought a full sized radio controlled aircraft into court and demonstrated at length how his ideas would work. But this project never really developed either, and it remained a hobby. Inevitably, though, the prosecution, described Jawad's notebook as "of no interest".

But their experiments with improvising explosive mixtures had concluded miserably in the pouring rain in the Peak District without even the reaction of a damp squib from the ingredients they were using. These included ordinary household products such as nail varnish remover, hair dye, shampoo etc. The chemical notes that were found in Samar's uncle's flat are hers and they document these experiments. They were very occasional, limited in scope, amateurish and clearly never got beyond a very embryonic stage. In fact, they had been so useless that Jawad had felt able to conduct his last attempt in a London park.

The legality of Samar and Jawad's experiments was not challenged by the prosecution and was never an issue at the trial. **Appendix B** discusses this more fully.

The failure of their experiments meant that by 1995 they had largely abandoned their ideas - Jawad's business attempts had failed and so, as usual, he was short of money, Samar was in the middle of her MSc exams and they were both under pressure from hectic family

lives. In June 1994 though, a couple of weeks before the locker was rented, Rida Mughrabi telephoned Samar, saying that he was moving out of England and was going to come by and leave off, perhaps, if he could, a number of things with her. When they met, he gave her the two boxes which contained the chemicals, the improvised TATP powder, the timer devices and the other miscellaneous items such as face masks, safety spectacles, polystyrene and a knife. Samar was particularly interested in the improvised TATP as it was actually an explosive mixture she had experimented with and failed. She was not particularly conscious of what the other items in the boxes were. When she told Jawad what had happened, they decided to store what they had in a lock-up unit for safety. The two tiny and basic ‘bomblets’ in the locker are examples of the experimentation they wanted to carry out with what Mughrabi left them.

Shortly after he gave her those boxes he vanished without trace. Samar admits her naivety in accepting them, but the clear suspicion must be, as she explains, “Mughrabi or someone with him set us up from the beginning, either deliberately or to protect themselves from being caught.”

Rida Mughrabi

SAMAR had met Rida Mughrabi socially in the spring of 1992 when they both attended a lecture in London on the Middle East. He also attended various political discussions and poetry readings at meetings of the Arab Club in London. Apparently he was from the West Bank, had been detained by the Israelis in the late 1970s, had taught at a refugee camp in Jordan and had been involved in fighting Israeli forces in occupied southern Lebanon during the 1982 war. Samar, and then Jawad, latched onto him because of his background knowledge and involvement in the resistance, and what appeared to be relevant experience that might help with their failed experiments. In 1993 Mughrabi began discussing methods of resistance open to Palestinians inside the Occupied Territories. By March 1994 they were also talking about the techniques of making improvised explosives. They never openly discussed their ideas with Mughrabi, their experiments were secret, but as they weren’t getting anywhere with their experiments, it was interesting for them to come across someone who appeared to have actual hands on experience.

Rida Mughrabi certainly knew a lot about electric and electronic aspects of military surveillance. He spoke interestingly and authoritatively about events that had happened and seemed to have

direct experience in the field in Lebanon and during the Israeli invasion and occupation of Lebanon. Indeed, Mughrabi told Samar that he had been doing some experimenting of his own and what he was giving her was the product. She thought that he had actually been performing his experiments for the same reasons as she and Jawad had e.g. directed at what could be done on inside the Occupied Territories.

From what they can piece together from the bits he told them, Mughrabi left Lebanon in the early 1980s after falling out with the PLO and with Arafat's opponents, and then came to Britain via Cyprus. He stayed in Britain, either as a refugee or through marriage to an Englishwoman, and went into business with Gulf contacts. In the mid-1980s he moved to Saudi Arabia, then Kuwait, but when Iraq invaded he returned to Britain and went to live in Birmingham.

He gave Samar the boxes in the centre of London in the middle of the afternoon, one day at the end of June 1994. He said that he no longer needed the products of his experiments because he was leaving England. Samar felt uncomfortable, was not sure how to react, but did not feel she could say no and so she accepted them. "I guess I was a bit naive," she said at the trial, "I never felt threatened by Rida Mughrabi. I didn't take nearly enough precautions."

Samar and Jawad used a little of the TATP Mughrabi gave them to make up two little 'bomblets' on 15 July. But Samar was about to join her parents in France on holiday two days later and she and Jawad did not have time to try them out before she went, so she rented the locker on 16 July to store them safely. The amateurishness of their enterprise is underlined by the fact that when the bomblets were discovered by the police they were not in any state to have ever gone off and the two metal rods stuck into the TATP had corroded and were useless.

It should be noted that Samar returned to Britain after that holiday in France, just as she also returned from her trip to Lebanon later in the year to carry out some research for her MSc thesis. Clearly then, she made no attempts to escape from Britain, despite having every opportunity to do so — hardly the actions of a guilty person.

Just over a month after Mughrabi gave Samar and Jawad those boxes, the bombings at the Israeli Embassy and Balfour House took place. Samar and Jawad then took no further action in relation to the locker other than for Jawad to hide randomly in it more books and magazines, and the aerial, that they thought they should clear out of their homes in case they were raided by the police. Thereafter,

they believed there might be a repeat of what happened during the Gulf War when dozens of Palestinians and Arabs were rounded up and detained without charge

everything in the locker unit stayed put. Although neither considered that they were involved in any way with the bombings, they both believed that there might be a repeat of what happened during the Gulf War when dozens of Palestinians and Arabs were rounded up and detained without charge.

Indeed, even at the trial, and facing serious allegations of involvement in the bombing of the Israeli Embassy, they were still unsure as to whether they should reveal in their defence what it was they had been doing. “Perhaps the most important thing was the intense personal debate each of the two had to decide to give evidence to the jury” remembers Gareth Peirce:

That decision involved what to them was a total exposure of what they thought hitherto were private and secret, and deeply, deeply damaging thoughts. They’ve each come from different directions and have talked about experimenting with defensive measures in resistance to Israeli occupation. They each said that we could never reveal that, we could never expose ourselves to the situation of the Israelis knowing that we were involved in active resistance against them.



Samar and Jawad had a very real sense of fear that their lives would be in danger if they revealed these activities. Each was served at an early stage in the case with a Notice of Intention to Apply for Deportation. They both expressed fears that they would be punished, killed by the Israelis, if they gave these explanations in court in order to defend themselves against a charge of which they were sure the Israelis knew they were innocent.

The police admit that the actual bombers have not been caught. So it is odd that they have so little interest in Rida

photofit of Rida, Samar’s description

But once they had named Rida Mughrabi and explained his, now obvious, involvement in the bombings, the authorities took no interest. Samar and Jawad were not even asked by the police to provide a detailed description so that a portrait could be compiled. Indeed, it was up to their solicitor to arrange

for that to be done. When it was, after they had each been in separate prisons for over a year since the trial, the two faces the sketch artist drew from each of their quite separate descriptions were so similar that were obviously of the same man, a man who was clearly involved in the bombing of the Israeli Embassy.

The police admit that the case is not ‘solved’, that the actual

bombers have not been caught. So it is odd, to say the least, that they have so little interest in Rida Mughrabi.

TATP not used in the explosions

TATP, the improvised explosive powder given to them by Rida

Mughrabi, was probably not even used in the bombs at the Israeli Embassy or Balfour House. Remember, there is no evidence at all of what explosive was used. Prosecution experts regarded TATP in particular as being highly unstable and unsuitable. Most of the records of meetings between British and Israeli government scientists were withheld after PII hearings, but what was disclosed revealed that TATP had actually been ruled out at an early stage. As the judge recalled: “The note of the meeting records, ‘All agreed that TATP was a most unlikely candidate for the explosive used in the embassy and Balfour House bombs, being far too unstable to handle in large amounts.’” Tests had indicated that the explosive PETN or may be Semtex had been used. Indeed, the Israelis obtained possible traces of PETN from the rubble. TATP is actually so dangerous and unstable that it is not known to have ever been used in a car bomb. It is not typically used by terrorist groups and is more akin to military operations. In fact, no tests for TATP were even carried out at either bomb site. As the judge explained: “The DRA, the [British] Defence Research Agency, had no previous experience of TATP. The Israelis had and the leading expert on TATP is an Israeli. They had an agent that could detect TATP but we have no evidence that it was used.” So, it was thought so unlikely that TATP had been used that the British investigators had not even bothered testing for it. But then, when a small amount of it was discovered in the locker rented by Samar and Jawad, the prosecution tried to backtrack and shift the emphasis of their case. In any event, the vague charge still allowed the prosecution to claim that the ‘terrorist arsenal’ in that tiny locker was connected to, if not those, then some other bombings planned in the UK.

TATP is actually so dangerous and unstable that it is not known to have ever been used in a car bomb

Chemicals

THE LOGIC, then, is that the chemicals given to Samar and Jawad by Rida Mughrabi have no connection with the bombs that exploded at the Israeli Embassy and Balfour House. Those chemicals were traced to have been part of a much larger, over half tonne order collected from Hays Chemicals in Birmingham in June 1994. They were collected by someone giving virtually the same name, ‘G Davis’, as that given by Mughrabi to buy the Audi bomb car and by whoever it was that bought the Triumph. The prosecution said that a transit van would just about have been able to hold all the drums and containers bought from Hays. There is no evidence that they were ordered or collected by Samar or Jawad, indeed the handwriting and fingerprints on the purchase documents do not match any of the defendants and remain unidentified.

It is obvious from their amateurish experiments that they do not have anything like the expertise to mount this kind of operation

Furthermore, that amount of chemicals, well over 1200 lbs. in the full order, obviously could not have fitted into the tiny locker that Samar and Jawad rented. Any explosive mixture made with all those chemicals would have amounted to hundreds of kilos. Yet in the locker were only the two tiny bomblets and about 25lbs of off-the-shelf weedkiller. The bomblets weighed only half a kilo each and so, including the small amount of powder left over, there was only 2.5 kg of TATP in that locker. So, where were the rest of the Hays chemicals stored? No one knows. If it the Hays Chemicals that were prepared and made into the two powerful boobytrapped car bombs — where was it all done? No one knows.

What is known is that none of the defendants or other people questioned could be connected to any large storage facilities. Samar and Jawad were under police surveillance for several months but still nothing was found. As the judge summed up, “We do not know, and this is another missing piece [of evidence in the case], where the half tonne load went. There must have been a safe house, perhaps a lock-up garage or small warehouse. There was far too much to have gone into the Nationwide lock-up which is quite small, and, of course, the defence asks why hire the lock-up if they had got a safe house somewhere else. If the acetone and hydrogen peroxide [some of the Hays Chemicals order] were made up into TATP where was it done? There was no trace of it at any of the relevant addresses.” Neither was there any trace of the massive set-up, or ‘bomb factory’, that would have been needed: a factory with good ventilation, running

water to prevent overheating, large mixing and contact vats, drainage for the remaining liquid and space for drying in addition to storage facilities for the chemicals and TATP upon production. Between 2-4 weeks processing time, minimum, would be needed, it would require at least three or four people and would all have to be conducted under safe, well-controlled and discreet conditions.

It was accepted by the judge that Samar and Jawad have no links with any terrorist organisation, and it is perfectly obvious from their amateurish experiments that they do not have anything like the required level of expertise to mount this kind of operation. This and their failure even to keep up the rental on the locker thus causing it to be discovered, should be contrasted with the professional precision and astonishing audacity with which the Israeli Embassy and Balfour House explosions were carried out in the middle of London without leaving any traces whatsoever. “What it [the bombings] bore no relation to was the small, extraordinarily remote from reality experiments of these two defendants”, said Gareth Peirce. Indeed, as the judge described the two tiny devices in the locker, “any competent DIY electrician who knew his positive from his negative would probably have been able to assemble what are actually fairly basic devices.”

Obviously, if they were involved in any way with the organisation behind the bombings then that organisation would surely have protected themselves, if not Samar and Jawad, by ensuring that this ‘evidence’ did not remain in the locker unit. Or at least they would have made sure that the rental on the locker did not run out causing it all to be discovered by the police.

The picture that emerges, from the pieces of information that were not covered up in the ‘public interest’, is one in which the Nationwide Storage locker unit, the prosecution’s key piece of evidence, the “final breakthrough” in the case, contained no evidence of any involvement in the bombings at the Israeli Embassy and Balfour House. But the nature of the charge meant that no such connection between the locker and specific bombings had to be proved. The prosecution could just claim that, when combined with all the circumstantial and innuendo evidence relating to their political activities, the locker showed that they were involved in planning terrorist explosions in the United Kingdom. According to the prosecution, Samar and Jawad’s possession of those materials implied involvement in the conspiracy.

In these circumstances, there was no way out for Samar and Jawad.

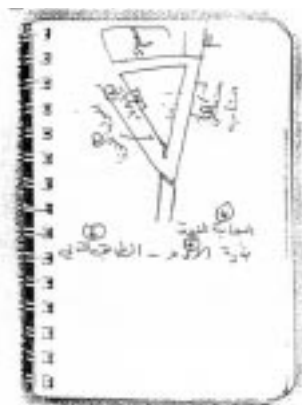
**the nature of the charge
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between the locker and
bombings had to be
proved**

The 'map'

WHILE Samar was under arrest and her shared family home was searched, the police found a sketch map of Sidon, a Lebanese coastal town. Her sister had drawn it in 1992 when she was going to visit friends who lived there, it contained only her fingerprints and it was in her notebook. The Alami family told the police all of this at the time when Samar was detained. But right up to the trial the police and the prosecution insisted on claiming that it was actually a map of the Balfour House area in Finchley, north London.

No proper research was done by the prosecution into the geography of the map or the translation of the names written on it. No further questions were asked of her sister. Indeed, until they were forced to concede that it was nothing of the sort, the prosecution even described the map as one of their most significant finds. As the judge explained,

The sketch in [Samar's sister's] notebook which was not, after all, Tally Ho corner and which was abandoned by the Crown after our video tour of Sidon.



Sidon — not Tally Ho

This was the *only* piece of evidence that was supposed to link any of the defendants with the planning of the Balfour House bombing, but it was abandoned before the trial was even half-way through. As with so much else in this case, a less determinedly blinkered approach by the prosecution

would have enabled the truth to come out sooner.

Unfortunately, this was how they approached the case from the very beginning. It was hardly an investigation, more a classic example of a group of people being arrested, and then the police and the prosecution attempting to mould those scraps of evidence they could find in order to prove them guilty. This certainty, this blinkered approach and absolute refusal to accept anything which went contrary to their initial view, is what resulted in this miscarriage of justice, as with so many others in recent memory.

Guns

ALSO in the Nationwide locker unit were two guns, wrapped in cloth inside a cash box with some ammunition. Police tests and Interpol checks showed that neither gun had ever been used or

connected with any criminal activity anywhere. Indeed, they were in pieces and were in not in any state to be used at all. There was another gun stashed in a hatch in a cupboard in the hallway of Samar's uncle's mostly unused flat. This gun had never been used either.

Jawad knew nothing about these guns. Samar had been given them for safekeeping a few years beforehand by a Palestinian friend who feared assassination when he was in London. He had them for the protection of himself and his companions. The court heard evidence of the many assassinations by Israeli squads in London in recent years and that on occasion the British government had actually expelled Mossad agents from London. Because of this background, some Palestinians felt that they needed weapons for protection and self-defence. But Samar herself was not in danger, she doesn't like guns or use them, and that is why she kept them hidden away. No guns were seen, used or connected in any way with either of the bombings so their relevance is not clear.

To give all of this some context, a close friend of Samar's family, the famous Palestinian cartoonist Naji El-Ali, was assassinated in London by Mossad in 1987. Indeed, it was his son and widow that Samar's sister had gone to visit on her trip to Sidon, the map of their house being the map the prosecution claimed was of Finchley.

'Dry run'

ON 15 July 1994, Samar's uncle, her father's brother, went to have lunch at the house of a close friend who lived adjacent to the Israeli Embassy. He drove there in Samar's father's Audi. He always borrowed the car when he was in London, especially when his brother was not there. But the police decided that this visit was actually a practice 'dry run' for the bombing of the Israeli Embassy. Actually, this information emerged because the Alami family volunteered it. It was they who told the police about her uncle's friend living by the embassy.

Samar was about to go and join her parents on holiday in France at that time and had no knowledge of the day to day movements of her uncle. However, she did know that a close family friend lived by the embassy, and it is almost beyond belief that Samar would ever have been involved in the planning of an explosion which would so obviously have put members of her family and her family's close friends at risk. A close friend of Jawad's lives close to the embassy as well. It is also inconceivable that he would have been involved in

a plot to cause an explosion that would put a member of his communal family at such risk.

Mysteriously, the police seem to have 'lost' the records of what may have actually been a dry run for the Israeli Embassy bombing. About a month beforehand an entry security guard saw a car being driven down that road and parked by a woman acting in manner similar to that of the bomber. Not only was this not followed up in the same way that possible evidence relating to Samar and Jawad was followed up, but it emerged that, according to the police, the logs of all the vehicles entering the high security road during that period had been thrown away by a cleaner at Scotland.

Very convenient.

Ammunition clip

MOST mysteriously, the police claim to have found an ammunition clip in the living room of Samar and her family's flat. The presence of this clip is strenuously denied by Samar and by all of her family. This is the only piece of evidence whose factual existence is denied.

Although the police had taken control of the flat for three and a half days in January 1995, this clip was not 'discovered' until the end of March during their second search of the premises. There was no one else in the flat when the clip was 'found', it didn't contain anyone's fingerprints and the police made no record of where they had found it.

This evidence just 'appeared' as so much either 'disappeared', got lost, was never traced or was withheld in the 'public interest'

The police were evasive when asked about it initially, and first said it had been found near a bed in one of the bedrooms. But when questioned later in the flat by a solicitor they first conferred in a huddle and then told her that the clip had been found in a corner, under a table in the living room.

This piece of evidence just 'appeared' as so much else either 'disappeared', got lost, was never traced or was withheld in the 'public interest'.

CONCLUSION

SAMAR and Jawad faced a conspiracy charge which criminalised their political activities in support of Palestinians under occupation. Their books, possessions and legitimate political interests were, in the hands of the prosecution, used as evidence against them and led to them being locked up for 20 years.

They were set up, entrapped by a man they had naively trusted. Who was Rida Mughrabi? Why, despite the police's admissions that they have still not found the actual bombers, have the authorities ignored the revelations Samar and Jawad made at the trial concerning his involvement? On whose behalf was he acting? Who are this unknown group, the 'Jaffa Team' of the 'Palestinian Resistance'? The bombings obviously produced a benefit to Israeli interests but never to Palestinian interests. So was Rida Mughrabi in fact an Israeli agent? Is that why, miraculously, no one was killed? Or were those clearly sophisticated and precisely planned bombings also just astonishingly inept? Why were both Samar and Jawad, two allegedly dangerous terrorist suspects remember, allowed free on bail throughout the trial, and, in Samar's case, for seven months beforehand? Was that MI5 manager right about the Israeli involvement? Does that explain all the very odd and disturbing circumstances that have led to two such idealistic young people being put in the frame?

Here is an extract from a speech given by Samar and Jawad's solicitor, Mrs Gareth Peirce, at a public meeting in London in June 1997:

“What happened here...was clearly that there was a chemical engineer, Samar, and an electronics engineer, Jawad, whose paths had crossed with a person who is almost certainly involved in the bombing of the Israeli Embassy, or was himself indirectly involved and made use of, no doubt willingly, by other persons. There is clear evidence of those other persons. There is clear evidence of a team consisting of at least one person who may or may not have been a middle aged woman, but certainly had the appearance of one. That team and that individual was present at, party to, and responsible for the bombing of the Israeli Embassy. We have direct immediate witness testimony to that, and we have direct immediate testimony to the fact that another person, a man, was involved in the buying of the cars

that were used in the bombing of the embassy. Those people have gone. They have never been traced and there is no clue to their whereabouts. There is no clue as why they did it, on whose behalf they did it and with whose help they did it....All that is left is two people whose paths one of these persons had crossed and who were left unprotected, exposed, unprotectful of themselves because they didn't know they were exposed and didn't know their paths had crossed.

It would be extremely difficult to even try to go into the evidence that convicted them. In defence they explained the background of the two of them. They explained every item and every exhibit. They were able to deal with all of it, but to achieve acquittal they had to make the jury understand that their experiments in small explosive devices were for the purpose of self-defence, for potential use should anyone care to follow up on their ideas in the Occupied Territory. What it had no use for was any criminal activity, any explosion, any endangering of life, any damaging of property in this country.

Each of them [Samar and Jawad] clearly had a huge mental block along the lines of 'they know we didn't do it'...Their central thinking was that those who know; governments, intelligence agencies, security services, know they didn't do it. That in fact may be the case.

So much of the case still remains unexplained that, as the judge summed up at the end of the trial, it was like “fitting together pieces of a large jigsaw puzzle, quite a lot of which are missing.” Now, however, the mystery is even greater. An unacceptable amount of information is still being withheld from Samar and Jawad in the ‘public interest’. All the questions remain unanswered. Suspicions of cover-ups have increased. Quite simply, it is essential that MI5 and the prosecution release any and all the information they have about the bombings.

As Gareth said, “Someone, somewhere knows sufficient to acquit these two. It isn't sufficient to think the appeal process will undo all this. It needs more and more can only come from us acquiring more than we now know.”

Please lend your support to the campaign to secure Freedom and Justice for Samar and Jawad.

SAMAR and Jawad's first application for them to be given an appeal hearing was refused by a single judge in April 1997. This application was renewed and, after a wait of almost two years, will next be heard by a full court of three judges on **Monday 29 March 1999 at the Court of Appeal in London.**

But remember, a leave to appeal hearing is not an appeal hearing. It is just another hurdle that Samar and Jawad have to overcome before they are even allowed the opportunity to appeal. Their lawyers first have to persuade the three judges in court that their grounds of appeal have enough merit for Samar and Jawad to be allowed to put their case before an appeal court.

Cover-up of MI5 information

GARETH Peirce's repeated attempts to gain access to the information received by MI5 before the bombings, as leaked by David Shayler in November 1997, were, for over a year, met with a wall of silence from the Crown Prosecution Service. "I filed a formal complaint with the Director of Public Prosecutions about this lack of response - about the failure of the CPS to provide us with a reply" she says, but in reply she was told that her request for the information was under 'active consideration'.

Ominously, the Director of Public Prosecutions, the person whose job it is to decide whether or not those intelligence files will be opened, is David Calvert-Smith QC, the chief prosecution counsel at Samar and Jawad's trial. Securing the conviction of Samar and Jawad in relation to the bombings of the Israeli Embassy and Balfour House was one of the 'achievements' that were cited in the press as having led to him being appointed to the position of DPP. In these circumstances, one shudders to think how impartial his judgment is likely to have been when deciding whether or not to authorise the disclosure of information that could undermine his 'finest hour'.

Then Ms Peirce was told that there would have to be a Public Interest Immunity (PII) hearing in relation to the MI5 information. This PII hearing will be held on **Monday 15 March 1999 at the High Court in London**, in the same building at which Samar and Jawad's leave to appeal hearing will be held a mere two weeks later. At the PII hearing, the judge, in the absence of anyone from the defence, will

hear arguments only from the prosecution who will try to persuade him that the MI5 information should be withheld from the defence on the grounds of ‘public interest immunity’. Of course, none of Samar and Jawad’s legal team will be allowed to play any part in reaching this decision or to know what the information is that is being withheld from them

If some of the MI5 information is released, but some is withheld, the fact that such important evidence has not been disclosed can itself become one of the grounds argued at the leave to appeal hearing on 29 March. *Quite simply, the release of this MI5 information, currently being opposed by the prosecution, is vital to Samar and Jawad’s chances of success at their leave to appeal hearing and, ultimately, to them proving their innocence.*

Aside from these issues surrounding the lack of disclosure of the MI5 information, the following are the current grounds of appeal:

Israeli journalist interferes with jury

TOWARDS the end of the trial, while defence witnesses were still giving their evidence, an Israeli journalist was caught talking to one of the jurors and saying something like: “I’ve got a telephone number if you want it.” The juror stated that the approach was about the outcome of the trial. The journalist was interviewed by the police but he denied what had happened. However, despite this blatant interference with the jury and the clear risk of bias and outside influence it represented, the judge refused to take any action and both the journalist and the juror were allowed to remain in court for the rest of the trial.

The journalist, Mr Jerry Lewis, was from Israel Radio and several newspapers including the Jewish Chronicle. “The reporter concerned has made no secret of his pro-Israeli sympathies,” said the judge. However he ruled that there was no real risk of bias to the jury, declined to exclude the journalist from the court and although he accepted that the journalist may well have committed a contempt of court, a criminal offence, he took no action against either other than a verbal warning.

But as Gareth Peirce explains, “What was truly terrifying is that a journalist during the case, who had a view, who no doubt had prejudices, and who had a clear interest in the conviction of these defendants and clear opposition to the views they were expressing, spoke in full view of the clerk, and had sufficient confidence to engage in conversation with at least one of the jury.”

What had made the journalist think that juror would be receptive to his approach? Was that the first such approach that had been made? Had other jurors been approached? “That gives one extreme pause for thought in any event about the outcome of the trial”, said Mrs Peirce, “*If one had no other cause for concern about this case, that would be the one.*” One can only imagine how different the outcome would have been if the journalist in question had been Arab or Palestinian.

This incident of Israeli involvement, way outside the confines of the courtroom, went some way to explaining the fears and ‘paranoia’ felt by Samar and Jawad. Now, their ‘secretive’ behaviour, and concerns about revealing the nature and purpose of their crackpot experiments, seemed reasonable.

Television documentary

DURING the defence summing up near the end of the trial, a documentary was due to be shown on television in the evening about the hijacking of an aircraft in Somalia in 1977 by members of a splinter group of the PFLP (Popular Front for the Liberation of Palestine). At such a sensitive point in the trial there was an obvious risk that this portrayal of Palestinian activists who were terrorists would prejudice the jury’s view of Samar and Jawad. It could only reinforce the hostile impression of Palestinians as given by the prosecution. But the judge not only refused to order a delay in the screening of the programme, he also specifically drew the jury’s attention to it by giving them the details of when it was going to be shown at the same time as telling them not to let it influence them.

The documentary was likely to be especially damaging to Samar and Jawad as the police had found an unsent letter of application to join the PFLP that Samar had written back in 1989. For a while during the Intifada she had been interested in the PFLP, she has made no secret of this, but after a couple of years her interest dwindled which is why she didn’t send in the application.

In fact, the PFLP renounced all violent activities outside the Occupied Territories back in the late 1970s. Expert witnesses called by the defence, such as Professor Yazid Sayiegh and George Joffe, confirmed that there is ample evidence that the PFLP had not been involved in military activities for a least a decade before Samar considered joining. It is now a mainstream political party and a member of the PLO. This was accepted by the prosecution. Indeed, the unofficial PFLP spokesman in London openly discussed these bombings with the police; he was helpful, answered all their questions

and made a statement that was read out in court confirming that the PFLP had no involvement whatsoever in the explosions.

Nevertheless, the prosecution insisted that the PFLP was still a 'terrorist' organisation and claimed that Samar's old, unsent application showed some sort of a connection. In the light of the television documentary about a PFLP splinter group which the judge allowed to be screened, this was especially damaging to Samar in the eyes of the jury.

Judge's summing up

THE JUDGE was fairly reasonable for most of the trial, as can be seen in his dismissal of the case against Nadia Zekra, but parts of his summing up were grossly unfair and biased against Samar and Jawad. For the last day and a half of his summing up he clearly shifted the balance against Samar and Jawad and hardly mentioned any of their defence case. He even contradicted himself and made several factual errors which were unfair and hostile in their effects on Samar and Jawad.

For example, the judge adopted the prosecution's stance and told the jury that Samar had lied to the police when she was questioned in January 1995 about her whereabouts on the day of the bombings. He advised the jury that they could draw adverse inferences from these 'lies'. But Samar had not lied to the police. Naturally she was unsure about her movements on a particular day six months previously, and, although she could have remained silent, she still tried to answer the police questions and she was eventually able to reconstruct most of her movements. As Gareth Peirce said, "...if someone is guilty and putting forward a false defence, you could be very sure that the first thing they would mention to you was that they had an alibi."

Samar was never accused of actually planting either of the bombs and so her movements on that day were not relevant, but nevertheless, the jury would of course have been influenced by the judge mistakenly telling them that she had lied.

Excessive sentence

WHEN Samar and Jawad came to be sentenced in December 1996 after their trial, the court received dozens of letters from people all over the world, including some from Israel, asking the judge to treat them leniently. Some of these appeals came from prominent members of the Palestinian community such as Ahmed

Curie, the leader of the Palestinian team at the Oslo peace talks and the Speaker of the Palestinian Legislative Council and Dr Haidar Abdul Shafi, leader of the Palestinian team to the Madrid Peace Conference.

Hanan Ashrawi, who contributed to the launching of the peace process, served as Spokesperson for the Palestinian Delegation to the Middle East process and was at the time the Palestinian Minister of Higher Education, wrote “I appeal to you to consider the shortest possible sentence, given their age and the mitigating circumstances relevant to their case.”

The judge sentenced Samar and Jawad each to 20 years imprisonment and made a recommendation that they be deported afterwards. Samar is now in Durham prison’s H-wing, detained as a ‘Category A’ high security prisoner, and Jawad is in Frankland prison, also detained as a high security ‘Category A’ prisoner.

In comparison, a man was sentenced to seven years imprisonment in 1995 on an almost identical charge, that of conspiracy to cause explosions at the Syrian Embassy in London. The 20-year sentences handed down to Samar and Jawad were clearly excessive as even the prosecution said that some care had clearly been taken to minimise the risk of casualties caused by the explosions, the primary purpose of which it seems was to damage buildings, not injure people. No one was killed. And Samar and Jawad were not alleged to be the ‘major’ conspirators. Unfortunately, as Gareth Peirce says, “Where people are wrongly convicted they can, and do on occasion, serve the whole of the sentence imposed upon them.”

Please lend your support to Samar and Jawad by coming to the PII hearing on 15 March 1999 and/or the leave to appeal hearing on 29 March 1999.

Both these hearings will take place at:

**The Royal Courts of Justice
The Strand
London WC2A 2LL
0171-936 6000**

*Contact the **Freedom and Justice for Samar and Jawad** campaign for more information.*

CATEGORY A PRISONERS ---

SAMAR and Jawad are both being held as ‘Category A’ prisoners. This Category A status is based on an assessment of the risk of their escape, the risk of their re-offending, the threat they pose to the public and their possible membership of a large organisation able to help them escape, whether or not this possibility is real.

Samar and Jawad are able to apply once a year to have their prison status re-categorised. But so far both of their applications have been turned down, in August 1997 and August 1998. Letters sent to the Category A Review Committee can and do help sway its decision.

The ‘Category A’ regime is extremely harsh and restrictive. It involves the prisoner being ‘shadowed’ at almost all times by a prison officer; they have to leave their lights on all night so as to remain in vision; they are routinely subjected to strip searches; their cells are regularly searched and they are moved around every few weeks; their mail and telephone calls are censored; all visitors have to receive security clearance which can take months and sometimes even years; and inevitably the prisoner becomes isolated.

There is absolutely no reason that Samar and Jawad should be subjected to this harsh regime. The trial judge acknowledged that Samar and Jawad were not members of a terrorist organisation. They have both always complied with all bail conditions. After Samar was first arrested, the judge granting her bail indicated that she posed no serious escape risk. She was on bail for the nine months leading up to her conviction and there was no suggestion that she might flee the country. Jawad was released on bail throughout the trial and was thought to pose so little risk that he was free to travel and meet with other persons and was not subject to any forms of curfew. They both attended trial every day and showed no desire to escape despite ample opportunity. The judge even trusted them enough to let them remain free on bail while the jury considered their verdict.

Despite all of this, Samar and Jawad continue to be detained as ‘Category A’ prisoners. Please add yours to the hundreds of letters sent to the Home Office Category A Review Committee urging that their prison status be de-categorised.

**Category A Review Committee
(or Director General of the Prison Service)
Prison Service Headquarters
Cleland House
Page Street, London SW1 9AT**

THE CAMPAIGN

THE CAMPAIGN, 'Friends of Samar Alami', came into existence when Samar was arrested for the third time in June 1995 and faced additional charges. The group consisted of family, friends and acquaintances of Samar and other concerned individuals. Those of us who knew her were incredulous: we instinctively sensed that something very wrong was afoot. Yet our knowledge of the perversity of the justice system helped to immunise us against the air of unreality that surrounded the charges and subsequent detentions. There was a sense of urgency and impending trouble. Bitter times followed for all those remanded in custody.

A successful public meeting in December 1995 organised by the campaign highlighted the plight of the suspects and Samar in particular.

But the appalling conditions suffered by 'Category A' remand prisoners did not fully come to light until the trial itself, which began in October 1996. By then, Jawad Botmeh and Mahmoud Abu-Wardeh had been in prison for a crushing twenty-one months and were much the worse for wear. Samar, who had suffered in Holloway, had won bail several months earlier.

All through this ordeal, the 'Friends of Samar Alami' sought to support Samar, proclaim her innocence and publicise the terrible conditions under which she was being held. Our attempts to make links with the families of the others who were on trial were, for understandable reasons, limited. Four defendants faced charges that sought to link them to each other in a web of conspiracy: joining the same campaign could compound their situation. Nevertheless, all maintained their innocence and the campaign never doubted their positions. Throughout the trial, we attended, took notes and watched the charade unfold.

Before and during the trial, the campaign was limited in its room for manoeuvre. When Samar and Jawad were convicted (and Mahmoud and Nadia thankfully acquitted), the time for restraint was over. The judge showed little restraint in his summing up and in his sentencing (both of which are subject to the current appeal on Samar and Jawad's behalf). The campaign has widened to embrace Jawad and his family and friends and has changed its name to 'Freedom and Justice for Samar and Jawad'. It has fallen upon FJSJ to fight three injustices: the guilty verdict, the highly punitive sentences and the inexplicable high risk categorisation of two people who were released on bail throughout their trial.

The admissions made in court by Samar and Jawad regarding their experiments have complicated the work of the campaign, but have not weakened our resolve. These two people were never motivated by a desire to cause suffering. They are not terrorists: quite the reverse. They are highly compassionate people desperate to promote the legitimate rights to self-determination and self-defence of their people, Palestinians, from unmitigated and unjustified Israeli aggression. They have never hurt anyone or been part of any illegal conspiracy.

The threefold injustice they currently face remains our *raison d'être*:

- We maintain that Samar and Jawad are not guilty as charged. The evidence in the trial failed to demonstrate that they had any knowing involvement in the events leading up to and including the bombing of the Israeli Embassy and Balfour House in July 1994.
- We maintain the twenty-year sentences they received are unnecessarily harsh.
- We maintain that there is no justification for Samar and Jawad's status as high security 'Category A' prisoners, given that they were both considered low enough risk to be bailed during the trial itself (and in Samar's case for some time before the trial).

We call upon all those able to distinguish fact from insinuation, who believe in human rights and natural justice and who care that two brilliant young people have been wrongfully convicted, to support our quest for freedom and justice for Samar Alami and Jawad Botmeh.

The judge told the jury that, "The evidence here is all circumstantial, you should consider whether it reveals any other circumstances which are, or may be, of sufficient reliability and strength to weaken or destroy the Crown's case."

We hope that after reading this booklet you will agree that the prosecution's case is so weakened that the convictions are unsafe and should be quashed and that Samar and Jawad deserve to be freed.

If you wish to help in any way with the campaign, or would like to find out more information, please contact us at:

Freedom and Justice for Samar and Jawad
PO Box BM FOSA
London WC1N 3XX

Website: www.freesaj.org.uk
email: postmaster@freesaj.org.uk

In addition to Samar and Jawad's families and their large and diverse groups of friends, the list of supporters of the campaign now includes:

Tony Benn MP, Jeremy Corbyn MP, Lynne Jones MP, Andrew Faulds, Gareth Peirce, Sister Sarah Clarke, the Haldane Society, the Palestine Solidarity Campaign, branches of the Transport and General Workers Union and of the Socialist Labour Party, the Westminster Teachers' Association, the East London Teachers' Association, Lawyers for Palestinian Human Rights, the Arab Lawyers Network, The Co-ordination Forum of the NGOs Working Among the Palestinian community in Lebanon and many, many concerned members of the public in Britain.

Appendix A

Excerpts from recent press coverage of the case



***Private Eye* magazine, 17 April 1998**

There was, as the judge admitted, not a shred of evidence to connect either defendant with the actual bombings
... Gareth Peirce has been trying without success to prise out of the DPP the truth about any intelligence warning which, she believes, could exculpate her clients and point the finger at more dangerous culprits. *Paul Foot*



***Private Eye* magazine, 7 August 1998**

The suggestion that a senior MI5 anti-terrorist agent believed that the Israelis were responsible obviously casts even more doubt on the convictions of Samar Alami and Jawad Botmeh. *Paul Foot*



***The Independent* newspaper, 8 August 1998**

The human consequences of this refusal to be honest with such potentially crucial information are disgraceful and immense. Mr Botmeh and Ms Alami continue to rot away in prison while this countrys government and justice system do their best to keep from them information upon which their chances of freedom may depend.
Letters to the Editor



***The Independent* newspaper, 26 November 1998**

Only Rida Mugrabi — now suspected of being an Israeli agent — knows the truth.
... But once Botmeh and Alami decided to name Mughrabi having begun to realise the degree to which they had been set up the authorities took little interest in the revelation. *Robert Fisk*



The Independent newspaper, 30 November 1998

According to Mrs Peirce: If the security services had a reliable warning from a reliable source, that could clearly give us information as to who was behind the bombing it could provide strong clues as to what we need to know about who is Rida Mughrabi.

[Samar and Jawad's] sketch of Rida Mughrabi the man they believe carried out the bombing was published for the first time in The Independent last week. Neither the police nor the prosecution sought such a portrait from them. And no search is under way to find the man whom the two convicted prisoners say implicated them in the attack on the Israeli embassy. *Robert Fisk*



The Guardian newspaper, 1 December 1998

Did the Israelis bomb their own London embassy in 1994?

David Shayler is not a fantasist. A great deal of what he has said about other cases has been verified. If he is telling the truth about the warning and the written suspicions of his senior colleague, his testimony is vitally important.

... The case for full disclosure in the Alami/Botmeh case is overwhelming. There is a lot to suggest that Samar Alami and Jawad Botmeh had nothing whatsoever to do with the bombing of the Israeli embassy. *Paul Foot*



The Independent newspaper, 4 December 1998

Justice demands that all this information should be released without further delay. If the British government and judicial system refuse this, Ms Alami and Mr Botmeh, who have always protested their innocence, are being deprived of potentially crucial grounds for their appeal. *Letters to the Editor*

To receive full copies of these articles and letters, please contact the Freedom and Justice for Samar and Jawad campaign.

Appendix B

The experiments — the position in law

THE LEGALITY of Samar and Jawad's attempts to export to

Palestinians in the Occupied Territories **information** concerning the possible improvisation of basic explosive mixtures from household products *was not challenged by the prosecution*. Their legality was accepted and so it never became an issue at the trial.

Nonetheless, the reader may be interested in the legal position.

Quite simply, the experiments were not only ethically and politically justified, they were also legally justified because they had the lawful object of self-defence.

Furthermore, it is also perfectly lawful to use reasonable force in the prevention of crime. The Israeli occupying forces have committed vast number of individual crimes in the Occupied Territories. There is also ample evidence that Israel has committed gross breaches of the Fourth Geneva Convention. Individuals guilty of these gross breaches are triable in the UK thanks to the Geneva Conventions Act 1957. Samar and Jawad genuinely believed that the know-how they hoped to discover through their amateurish activities could help prevent these gross breaches, and, as with the law relating to self-defence, it is what they believed that matters.

But it is important to remember that Samar and Jawad were convicted of being involved in the conspiracy behind the bombings at the Israeli Embassy and Balfour House - not because of their experiments with improvised explosive mixtures and remote controlled model aircraft.

Whether or not you approve of them or their activities, they are innocent of the crimes for which they were convicted.

For a leaflet containing a fuller explanation of the law in relation to their experiments, please contact the Freedom and Justice for Samar and Jawad campaign.

BUT WHAT CAN I DO?

- ✓ *Write to your MP about Samar and Jawad — protest at the injustice and demand disclosure of all information concerning the case*
The House of Commons
- ✓ *Write to the Home Secretary*
Jack Straw, Home Secretary,
Queen Anne's Gate, London SW1 9AT
E-mail gen.ho@gtnet.gov.uk
- ✓ *Write to the Director of Public Prosecutions*
Crown Prosecution Service Headquarters,
50 Ludgate Hill, London EC4M 7EY
Tel/fax 00-44-171 273 8098
- ✓ *Write to the Attorney General*
The Rt Hon. Joh Morris, QC, MP,
9 Buckingham Gate, London SW1E 6JF
Tel 00-44-171 271 2460
- ✓ *Join the campaign — make a donation*
Freedom and Justice for Samar and Jawad
PO Box BM FOSA , London WC1N 3XX
Website: www.freesaj.org.uk
email: postmaster@freesaj.org.uk
- ✓ *Write to the newspapers*
- ✓ *Sell this booklet to your friends*
- ✓ *Raise the issue in your union branch — get it to affiliate to the campaign*
- ✓ *Come to the pickets at the Royal Courts of Justice, Strand, London WC2,
15 March and 29 March*

