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# Crevice Revisited

Violent Extremism and the British Secret State

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Institute for Policy Research & Development  
Suite 301, 20 Harewood Avenue, London, NW1 6JX  
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## THE AUTHOR

Sam Urquhart is a Research Associate at the Institute for Policy Research & Development. A Cambridge University history graduate, he has worked as a freelance journalist monitoring British and American foreign policies in Africa, Asia and the Middle East. He was the European Editor of Guerrilla News Network (GNN), and has also contributed to *Monthly Review Magazine*, *Dissident Voice*, *Z Magazine*, among other publications.

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# Introduction

In April 2007, five British Muslims were sent to jail, in each case for at least twenty years under anti-terrorism legislation. Their crimes were said to be heinous – planning to set off explosive devices in packed nightclubs and shopping centres, plotting to poison burger vans at football matches and even contemplating the assassination of the Prime Minister. So wicked were their intentions that the presiding judge in the case warned them that they may never be released.

It seemed that the British public had dodged a bullet. Efficient intelligence and police work had quashed a plot that could have murdered hundreds. Justice had been served on a group of men who posed a pressing danger to society.

However, a closer examination of what was instantly labelled the “fertiliser bomb” case suggests that this is incorrect. Although the plotters may have been genuine, strong evidence suggests that at all stages of their activity, intelligence agencies monitored their progress. Not only were they monitored, but evidence also suggests that their training and preparation was facilitated by individuals who now enjoy protection by the British state. This raises serious questions about the relationship between the British government and terrorist networks.<sup>1</sup>

It also raises questions about the extent of state surveillance, which has expanded under the cover of the “war on terror.” The intelligence agencies rarely have to justify their activities, but Operation Crevice exposes fundamental flaws in their internal workings. Hopefully, this report will provide ammunition for those who seek accountability, openness, honesty and reform.

# 1. A Dubious Trial

The basic crime of the “fertiliser plotters” was to store 600 kg of fertiliser with the intention of using it to blow up something. We don’t know precisely what they intended to destroy, but their aims have been likened to a “plot to cause Britain’s 9-11.” Potential targets discussed and logged by surveillance equipment in the homes of the defendants did include the Houses of Parliament, the Ministry of Sound nightclub and Bluewater Shopping Centre, although no concrete plans to attack a particular target were produced.<sup>2</sup>

Nonetheless, due to the perceived scale of the plot, this was been no ordinary trial. After a year of hearings, the jury in the case took over a month to determine the guilt of the defendants, breaking the record for their deliberations. The judge in the case, Sir Michael Astill, eventually deemed that a “majority verdict” would suffice, not the conventional unanimity, owing to doubts amongst the jurors.

These doubts may also be reflected in the acquittal of two of the accused – Nabeel Hussain and Shujah Mohammed – of all charges. But on 30 April, Omar Khyam, Anthony Garcia, Walid Mahmood, Jawad Akbar and Salahuddin Amin were found guilty of “conspiracy to cause explosions” – while their sentences were extended under anti-terrorism legislation.

This report sets down a narrative of what the press has reported about the plot, and introduces some additional characters which shed some light on legitimate doubts about this case. The verdicts are not questioned – under current legislation almost anything is technically permissible, but I will flesh out the context and suggest some questions.

These questions and a broader view of the “fertiliser bomb plot” feed into gathering fears of state surveillance, authoritarian abuse of the judicial system and the rapidly growing body of evidence which suggests that Britain’s intelligence agencies have been more efficient in stoking terrorist activity than they have in preventing it.

## 2. The Fertilizer Bomb Plot and Operation Crevice

September 11, 2001. The starting point of so many nightmares. But one man saw opportunity. Mohammed Babar, previously a dead end parking attendant (although some sources call him, flatteringly, a “computer programmer”) supposedly rejoiced in the attacks. This was even though his mother worked in the Twin Towers<sup>3</sup>.

Babar decided to travel to Pakistan, as the U.S. war with Afghanistan began, where he hoped to link up with al-Qaeda and fight the invaders. We know this because Mohammed Babar, coincidentally, ended up in front of western film cameras in late 2001, explaining his motivations. As the Guardian has reported, Babar “gave a series of interviews to journalists, including one with Channel Five in which he vowed to kill US troops who entered Afghanistan.”<sup>4</sup> Presumably he expounded a similar philosophy of Jihad to the one offered to the London court before which he became the prosecution’s “star witness.”

“Jihad means basically to physically fight” the jury was told.

Although it looks like he never made it to Afghanistan, while in Pakistan, Babar met up with all of those accused in the fertiliser plot, who stayed at a house that he had acquired in a well-heeled area of Lahore. Posing as a software exporter, Babar also set up offices in Lahore and Peshawar, probably as front companies to skim money from the ISI and transmit it to fighters either at home or abroad.<sup>5</sup> In his garden, meanwhile, Babar stashed a cache of arms – grenades, AK-47s, mortars – which he later told the FBI was intended to be used to assassinate Pakistani dictator Pervez Musharraf.

Other accounts have it that Mohammed Babar acted as “mr fix-it.” When the London plotters travelled to Pakistan in the summer of 2003, it was Babar who was “the man who found lodgings, arranged transport, raised money, bought equipment and sourced the ingredients for homemade explosives.”<sup>6</sup>

In that summer, an extraordinary convergence took place in Pakistan. Along with Babar, the ex parking attendant, Omar Khyam, Salahuddin Amin, Anthony Garcia and Shujah Mohammed (four of the fertiliser plotters) arrived Mohammed Khawaja – a Canadian who would also be arrested, though tried separately in the fertiliser plot – and a young man from northern England – Mohammed Sidique Khan.<sup>7</sup>

And how did they get here? It wasn't a pure coincidence. Khyam and his crew were dispatched by a man known to the court as "Q" but now unmasked as a resident of Luton, Bedfordshire called Mohammed Quayyum Khan. Khan, the court heard, took orders in turn from a man called Abdul Hadi – who was living on the Pakistani-Afghan border and was al-Qaeda's "number three."

It was "Q" who asked Salahuddin Amin to transport "money and equipment to al-Qaeda fighters in Pakistan" in 2003.<sup>8</sup> We'll come back to "Q" later though. Another key "operative" mentioned in the court was also present with the group in Pakistan – Abu Munthir, a prisoner of the ISI at the moment.

In Pakistan, Khyam, Khawaja and Khan travelled into the mountains to attend a training camp. While there, or in Lahore, the plot developed. Although the British travellers had arrived with the aim of fighting either in Afghanistan or Kashmir, they were persuaded by Waheed Mahmood to redirect their attentions to the UK.

As the *Times* reported in March 2006, "Fired up for jihad (holy war), the men were said to be keen to fight in Afghanistan but were told by Mr Mahmood that this was not possible — the country was closed to foreigners." Although this advice doesn't fit neatly with conventional views of the Afghan border, the British crew took it to heart and began experimenting with fertiliser-based explosives (according to the testimony of Babar). Mahmood was the man who then "gave examples of possible British targets to his accomplices."<sup>9</sup>

"Some were intended to cause maximum financial damage by hitting utilities or telecommunication plants... The court was told that other suggestions included taking a job as a beer-seller at a football stadium, smuggling in poison in a syringe. Babar said Mr Mahmood claimed that he had already sold toxic burgers

from a mobile van...Another plan was to distribute leaflets for a fictional take-away restaurant, then deliver poisoned food to houses.”

Waheed Mahmood declined to give evidence at his trial, and we are left with evidence collected by MI5, the police and from Babar’s testimony.

The plotters returned to the UK in September 2003 (or Canada in Khawaja’s case). Khawaja went to work on detonators for a fertiliser bomb, struggling into early 2004 to arrive at a functioning design. Garcia and Khyam then set about purchasing the raw materials for a device – ammonia based fertiliser and aluminium powder. As the *Guardian* reported:

“In November [2003], a man calling himself John Lewis asked Bodle Brothers, an agricultural merchants in Burgess Hill in West Sussex, to supply ammonium nitrate fertiliser. Lewis, actually Rahman Adam aka Anthony Garcia, bought 600kg, which he said was for his allotment.

“Khyam had been under surveillance for some time by the police and security service. Bugs were planted in his home and car, and another in Jawad Akbar’s home. But the police and MI5 were unaware that ammonium nitrate had been bought.”<sup>10</sup>

Khyam had apparently been netted in an ongoing police and MI5 investigation codenamed “Operation Crevice.” Crevice stemmed from intercepts made on the phone of Mohammed Quayyum Khan, or “Q” who had linked up with Abdul Hadi (now in Guantanamo Bay). Khyam was tailed after becoming “associated” with “Q” before the bomb plot had been hatched.

In November, Garcia took the newly purchased fertiliser to Access Storage, near Heathrow Airport, which proved to be a crucial mistake. It also proved to be a disaster for Nabeel Hussain, whose debit card was used by Garcia and Khyam to purchase the storage rights. (Hussain spent almost two years being ground through the gears of the British judicial system before he was acquitted last week.)

In February 2004, a receptionist at Access phoned MI5’s “anti-terrorist hotline” – spilling the story about Garcia’s 600 kg deposit. The story given by the plotters had

prompted Emma Wallis' curiosity. Why buy 600 kg of ammonia fertiliser and then offer the explanation that it is for an allotment so far out of the planting season?

MI5 immediately recognized the name of Nabeel Hussain as an associate of Omar Khyam, and Jawad Akbar (whose homes and cars had been bugged) and they surmised the rest. At this point, it looks like MI5 had the situation under complete control and indeed, they never lost it.

After a couple of months of fertile surveillance and evidence gathering, police and MI5 swooped in March 2004. In the months before the arrests, carried out on 30 March, the "plotters" had been taped discussing blowing up the House of Commons during Prime Minister's question time, praising the Madrid train bombings, thinking about bombing the Ministry of Sound nightclub and setting off a "little device" at Bluewater shopping centre, Kent – among other things.

The *Times* reported that in late March 2004, "Detectives acted when snippets of conversation convinced them that the plot was slipping beyond their control. One suspect was recorded asking whether something was "ready to go"."<sup>11</sup> However, we know now that after the alarm was raised by Emma Wallis over at Access Storage, the fertiliser was replaced by an inert substitute, and the receptionist at the company replaced by an MI5 agent.<sup>12</sup>

While Operation Crevice was netting the British crowd, Mohammed Khawaja was arrested in Canada a week later, as was Mohammed Babar, on the streets of New York City. Then, the task became to build a case.

### 3. The 7/7 Connection

One of the best reported aspects of the trial verdict was the irrefutable evidence that MI5 had Mohammed Sidique Khan and Shahzad Tanweer in their sights for over a year before the London bombings of July 7 2005. This evidence fuelled calls for an inquiry into the attacks, calls which then Prime Minister Tony Blair strongly resisted (and which Gordon Brown has simply ignored).

The *Times* reported that the ISI (Pakistan's intelligence services) had knowledge in 2003 of the "Suf house" group which had gathered in Lahore to plan attacks. On 1 May, the paper reported that "A high-ranking ISI official said: "There is no question that 7/7 could have and should have been stopped. British agencies did not follow some of the information we gave to them." One of those present was Mohammed Sidique Khan. We also learn from the *Times* that when FBI agents interrogated Mohammed Babar in 2004, they requested surveillance images from MI5. MI5 complied, sending "A batch of surveillance pictures" to the "supergrass witness." But, we are told, "MI5 judged the quality of the Khan images – a black-and-white closed-circuit television image and a colour photo taken covertly – too poor to be included."<sup>13</sup>

In February 2004, we learned in the "fertiliser plot" trial that MI5 had watched and listened intently as a "key meeting" unfolded in Crawley. Mohammed Khawaja had flown in from Canada to deliver his detonators, and as Khyam drove him from the airport to his home, he told him – ironically – that "We don't want to mix many things together because if you start to mix too many people in this life you're going to get yourself caught."<sup>14</sup>

Even though he counselled Khawaja that "The way you need to work is secretive, within yourselves not mix the cells" at Khyam's house they met up with "two Yorkshire Muslims whose names would the following July be associated with the worst terrorist atrocity on British soil – Mohamed Sidique Khan and Shezhad

Tanweer.” It seems that cell mixing was commonplace. MI5 watched and heard all of what went on.

It’s worth relaying a little of the recorded dialogue:

“Sidique Khan...in Khyam’s jeep, asked him: “You’re seriously basically a terrorist?”...Khyam told him: “I’m not a terrorist, they’re working through us.”...Sidique Khan replied: “Who are? There’s no one higher than you.”

That was on February 21, but Khan was also in Crawley earlier in the month. Peter Taylor, writing for the BBC, has also seen MI5’s surveillance log for February 2004 and describes what it records for February 2:

“According to the log, a Honda car, registration R480 CCA, was seen in Langley Parade, Crawley. Omar was in the passenger seat and the driver was Khan...MI5 ran a check on ownership of the vehicle. The name meant nothing at the time. It was registered in the name of Khan’s wife...Although they did not know who he was, the officers followed the car after it left Crawley, not knowing where it was going. After Khyam was dropped off, Khan drove onto the M1 and headed north...When it stopped for petrol at Toddington services, MI5’s log states that photographs were taken of the passengers. MSK was covertly snapped in the vicinity of Burger King at the entrance to the services’ refreshment area.

“Was the photograph clear enough to identify him? The intelligence services say the quality was very poor. But other sources who have seen it told me that Khan was identifiable. Panorama asked to see the photograph, but the request was refused. We understand that one other photograph, said to be of marginally inferior quality, was subsequently taken of MSK going into an undisclosed internet café....According to MI5’s log, officers followed the Honda for a further 150 miles to Leeds. It notes the addresses and locations where some of the passengers got out...The Honda, with Khan at the wheel, was eventually seen parking out side his family home in Dewsbury. The log notes the precise address.”<sup>15</sup>

The *Telegraph* reported on 30 April that, besides this February 2 meeting, “There were at least four occasions when Sidique Khan and Tanweer were seen by MI5 surveillance officers” (February 2 was apparently the first). This was followed by the grand meeting with Khawaja on February 21 and then another meeting on February 28 when “Sidique Khan and Tanweer were back in Crawley, trawling around builders’ merchants with Khyam as part of a fraud scheme before Sidique Khan drove him to Wellingborough where a three-hour meeting was held at a mobile phone

shop.” Finally, “The last sighting was on March 23 when Sidique Khan and Tanweer, in the green Corsa, met Khyam and his brother at their family home in Crawley...They drove in convoy to an Islamic bookshop in Upton, East London where they spent the afternoon before driving to Slough.” As with Khyam, Sidique Khan found his way into the files of Operation Crevice via Mohammed Quayyum Khan.<sup>16</sup>

There are signs of a deep cover-up within MI5. On May 2 2007 we learned that MI5 had been with-holding photographic evidence that it compiled showing Sidique Khan and Tanweer from the Intelligence Services Committee of the House of Commons. The *Guardian* reported that one photo of Khan was shown to the Committee “as it was shown to a detainee to see if he could identify the man in the picture” – presumably Mohammed Babar. At Prime Minister’s Questions Mr Blair insisted that the ISC had been given all the relevant material and warned that a new inquiry would simply divert resources away from the fight against terrorism. “If we end up now saying that the Intelligence and Security Committee was not an adequate inquiry, we have another inquiry, we will simply cause great anxiety and difficulty within the service...“We won’t get any more truth, because the truth is there in the Intelligence and Security Committee, but what we will do is undermine support for our security services and I am simply not prepared to do it.”<sup>17</sup>

However, the *Independent* (SA) reports that “the BBC has now claimed that in fact six surveillance photos existed...MI5 apparently did not pass on the other five to the committee because they were taken by police officers,” according to a security source consulted by the BBC.<sup>18</sup>

## 4. Q and A

It seems that there are several interesting anomalies hovering around this story, not least the inability of MI5 to prevent 7/7 now that we know how much it knew about some of the central conspirators in that attack.

But it is not the only question. The role of Mohammed Quayyum Khan is just as confounding. We have been told that “Q” played (and perhaps still plays) a crucial role in terrorist financing and the training of “jihadists” to fight in Afghanistan, Kashmir and even the UK. “Q” sent Mohammed Sidique Khan and Omar Khyam et al to Pakistan on errands, perhaps on behalf of Abdul Hadi (although it is clear that none of these men were able to fight in Afghanistan, and were advised to seek projects nearer to home instead).

We are told that Operation Crevice actually began life as an investigation into “Q”’s activities. Essentially, we have been told that “Q” was the lynchpin for Jihadist activity in the UK and the launching point for training in Pakistan. He’s “Mr Jihad,” to Babar’s Mr Fixit.

Then why are we told that “Q remains at liberty in the UK. The jury was told he has never been arrested or questioned”?<sup>19</sup>

The BBC reported on May 1 2007 that intelligence chiefs have “refused to discuss” the role of “Q” in terrorist activities while “Deputy Assistant Commissioner Peter Clarke of the Metropolitan Police refused to discuss Q when asked about his role in the fertiliser bomb plot or in alleged wider jihadi activity.”<sup>20</sup> Clarke told reporters that:

“I know who ‘Q’ is but I’m not going to discuss who he is or what he is, or what he does...Decisions are made during the course of investigation based upon the evidence that’s available, and the decision as to who should be arrested based entirely upon what evidence is available at the time.”

Another question worth asking Peter Clarke is precisely what kind of work “Q” does? Is he working for MI5 or a branch of the police? It is hard to see why he has failed to be brought in at least once for questioning if that is not the case, although even if he is an informant or agent you would expect him to have been questioned, if only to provide a veneer of deniability.

## 5. Babar the White Elephant?

Back to Mohammed Babar. Babar's testimony was the fulcrum around which the prosecution attacked Khyam et al. He linked them seamlessly with jihadists on the Afghan border, weapons caches in Lahore, Abdul Hadi and terrorist financiers via the software exporting "business." But he also linked them up with the FBI and the ISI in a dubious web of intimidation which casts huge doubt upon his testimony.

The *Pakistan Nation* reported in March 2006, that when Babar took the stand in London, he told the jury that "he had lied to the FBI for a few days" and that "Asked why he had decided to co-operate, Babar said he hoped to save his wife from arrest in Lahore and the police made an offer he could not refuse."<sup>21</sup>

It was then that MI5 began to send surveillance materials over the New York, and Babar began to talk. Babar confessed to making two attempts on the life of President Musharraf and to being a "key al-Qaeda operative." He also became the key witness in the "fertiliser bomb plot" which – as discussed above – had just resulted in arrests in the UK and Canada.<sup>22</sup>

According to Jeevan Vasagar, writing in the *Guardian*, after admitting his involvement in the attempts on Musharraf's life, Babar told the court that "he would be facing the death penalty in Pakistan if he had not agreed to collaborate with the FBI." However, along with these threats, the FBI also began to offer Babar a bait if he would testify in the case. As Vasagar reported, Babar appeared before a US judge in June 2004 and pleaded guilty to five charges including "conspiracy to provide material support or resources" to al-Qaida. Defence barristers in the fertiliser bomb trial accused him of being a double agent for the US government. Babar's wife and child have been allowed into the US, and the family will have a new life under assumed identities when he is released from prison.<sup>23</sup>

According to the *Telegraph*, Babar told the court that his reason for cooperating with the FBI "was to get his 70-year sentence reduced, possibly to a little as four years."<sup>24</sup>

As it turned out, it was Babar's testimony which provided the strongest evidence suggesting that Khyam et al were planning an al-Qaeda style attack in the UK on orders from Pakistani jihadists.

During the trial, his testimony was not offset by that of key defendants who chose not to testify. Almost all of them told the court that if they told their stories then their families would be harassed or arrested by the ISI.

## 6. Torture and Intimidation

The most surprising omission was the testimony of Omar Khyam himself, the alleged “ringleader” of the terrorist cell. After spending two days talking about his activities in Pakistan (“‘working for the cause’ to free Islamic lands” as the *Guardian* reported at the time) Khyam suddenly clammed up.<sup>25</sup>

On 18 September 2006, Khyam refused to answer any further questions from his own defence barrister, Joel Bennathan who “had just asked how he came to help buy and store half a ton of ammonium nitrate fertiliser.” As Duncan Gardham reported for the *Telegraph*:

“Khyam, 24, from Crawley, West Sussex, told him: “Before we go on to that topic, I just want to say the ISI has had a word with my family in Pakistan regarding what I have been saying about them...“I think they are worried I might end up revealing more about them and right now the priority for me has to be the safety of my family there...“Much as I might want to go on and clarify matters I am going to stop.” Mr Bennathan asked him what he meant and Khyam added: “I am not going to discuss anything relating to the ISI any more or my evidence.”<sup>26</sup>

Khyam did not utter another word in his defence, remaining silent throughout the rest of the trial – a period of around seven months.

Waheed Mahmood also elected not to testify, perhaps for similar reasons while Salahuddin Amin has maintained that many of the statements he made in Pakistan and which implicated him in the plot, were made under conditions of torture.

Amin was not arrested in England in 2004, but was in Pakistan and was soon arrested by the ISI after requests from British authorities. After being picked up, Amin was held by the ISI for ten months. As Ian Cobain reported for the *Guardian*, according to Amin, “he was repeatedly beaten and flogged, threatened with an electric drill, shown other prisoners who had been tortured, and forced to listen to the screams of men being abused nearby...”

“Amin, 32, also claims that his mistreatment may have been directed by officers of the security service, MI5. While he received no consular visits during his time in custody in Pakistan, he was visited more than 10 times by MI5 officers. The visits, he alleges, followed a pattern. After being taken to Hamza Camp, the headquarters of Pakistan’s Inter Service Intelligence (ISI) agency in Rawalpindi, he would be asked questions while being tortured. A few days later he would be visited by MI5 officers, who would ask the same questions, and he would give the answers previously extracted under torture. Once, while hooded, he says he was taken for interrogation in a building where he glimpsed a marble staircase and small union flags on a desk. He also alleged that he was once interrogated in English in a room with a camera in it, and says he suspects that this session may have been filmed for MI5.”<sup>27</sup>

It is possible that Amin was held in Pakistan for ten months as a hostage, so that the UK based conspirators would tell their interrogators what they wished to hear, knowing that if they did not comply, their friend would suffer.

Salahuddin Amin was eventually described by police terror chief Peter Clarke as a major “facilitator” of terror. Clarke says that “[Amin] received people into training in Pakistan. He could get advice on the technical aspects of constructing explosive devices and so he was right there in the middle of it, acting as a link between the UK end of this plot and Al-Qaeda in Pakistan.”<sup>28</sup>

Khyam was alleged to have asked Amin for advice in his supposed plot, “including a crucial moment when he sought advice on the ratios of chemicals needed to produce a fertiliser bomb.” If this “moment” did not take place, then the case is seriously weakened.

Salahuddin Amin intends to appeal his conviction. In the meantime, questions remain about the role of “Q” – the Luton based jihadist mastermind whom the police have had under surveillance for six years yet never brought in for questioning, despite his having direct contacts with the instigators of 7/7 and the Omar Khyam crowd.

## 7. Murky Waters

Further questions arise in relation to the trial itself. The successful prosecuting barrister was a man named David Waters, QC, who has handled cases involving covert operatives and the protection of damaging state secrets before. One such case involved drug-dealer – and Metropolitan police informant – Delroy Denton.

Since the late 1980s, small groups of violent Jamaican gangsters had been arriving in London. Dealing in the then-novel variant of cocaine known as crack, members of what were called “yardie” gangs swiftly gained a foothold in inner city neighbourhoods, with sometimes destructive results. The Metropolitan Police had to respond, and respond they did. Special operations units sought out paid informants to operate within criminal gangs, blurring the lines between enforcement and crime. One such unit, SO11, took on two Jamaican immigrants named Eton Green and Delroy Denton. Neither could easily refuse, with petty crimes hanging over their heads and a ticket back to Jamaica (one way) being waved in their faces, so Scotland Yard took them on and – being violent criminals, as the *Socialist Worker* documented, “Green and Denton went on a crime spree, terrorising the black community in London and Nottingham.” While under police protection, charges from firearms, to theft and rape were quietly dropped, as Denton and Green provided valuable information on crack dealing (amongst other things). Tragically though, in 1995, Delroy Denton raped and murdered mother of two Marcia Lawes (Green also managed to rob 150 people in a Nottingham nightclub at gunpoint while a paid informant).<sup>29</sup>

In 1998, according to the *Guardian*, the Metropolitan Police disclosed that operatives like Denton are commonplace, with the Met revealing that “it had thousands of informants helping officers, with about 25% from the black community.”<sup>30</sup> The BBC reported in 2005 that blowback from so-called “supergrasses” is common as well, citing the case of Kenneth Regan, jailed in 1998 for “involvement in a heroin smuggling ring and a passport racket” but given early release for “co-operation with the police” during “four separate operations.” As the BBC relates, “He was released in the summer of 2002 and within a year he had murdered Amarjit Chohan and three generations of his family – including two tiny children – for financial gain.”

Denton was found guilty in 1996, but no charges were then brought against the police officers who handled him and, relatives of his victim maintained, should have been brought to justice because of it. The Crown Prosecution Service decided that there was “insufficient evidence” to prosecute any police officers for charges stretching from “manslaughter through gross negligence, misconduct in public office and [to] immigration act offences.” Denton was a violent criminal and an illegal immigrant, but was allowed to stay, and even subsidized for his value as an intelligence asset.

The QC who prosecuted Delroy Denton (without implicating police officers in his crime spree) was – David Waters – who was also at the CPS as “senior treasury counsel” a position which meant that he decided whether or not any police officers should be charged. Waters essentially ensured that Denton went down, while none of his handlers suffered a scratch.<sup>31</sup>

In effect, Waters achieved a conviction without disclosing the role of the police in facilitating the crimes committed by the paid operative. In the case of Salahuddin Amin, as prosecuting barrister Waters did not call “Q” to the witness stand so that he could be asked in open court about the identity of his paymasters.

## **Secrets never Said**

Along with the Denton case, which protected the Metropolitan Police from prying eyes, Waters also had a key role in the Jonathan Aitken-Saudi bribery scandal, which humiliated a Tory minister and dented British relations with Saudi Arabia and, worst of all, threatened to blow the lid off the al-Yamamah bribery nexus which would potentially have implicated swathes of the Tory party along with the elite of the arms industry.

The trial of Jonathan Aitken resulted from his own hubris. He was Tory Minister for Defence Procurement in the mid 1990s.<sup>32</sup> After *The Guardian* published details of a secret meeting between Aitken, his Saudi business associate Said Ayas and representatives of the Saudi Royal Family, Aitken sued the paper for alleging that

Prince Mohammed of the desert autocracy had paid his £1,000 per night hotel bill at the Paris Ritz.

The owner of the Ritz at the time, millionaire Mohammed al-Fayed, also alleged that “£1 million in cash was shared out at the meeting with Mark Thatcher and others” according to the Guardian. That would seem plausible, and scandalous, given what we are steadily learning about BAE, the British government and the Saudi royal family. As Said Ayas himself said after charges against him were surprisingly dropped in 1999, during the time of the Ritz meeting, he and Aitken had been “negotiating secret commissions from British arms firms keen to sell their wares to Saudi Arabia.”<sup>33</sup>

As the Guardian reported, the money was to have been paid into a secret Swiss bank account, number 556.862 MU. Simultaneously, Ayas’s friend Jonathan Aitken, in his formal capacity as minister for defence procurement, was lobbying for those very same arms deals to go through. The proposition to the arms companies was simple: “You pay several million pounds of your profits into this Swiss bank account and my Saudi connections will get you the arms deal”. Much of the money would be passed to Prince Mohammed, as a reward for him using his influence with his father King Fahd to agree multi-million pound contracts for new weapon systems.

This represented a potential entry point for prosecutors to rake over the (various) slush funds linking Saudi oil money, British arms firms and politicians on the take. Here was a man arguing *after* his case had been dropped that massive corruption had been occurring with a British minister present. However, the CPS deemed that “It is fair to say between 1992-95, there is evidence to show that he was a hard-working and conscientious minister” as he dropped the case against Ayas and pursued the much slighter perjury charge against Aitken for lying to court repeatedly about his Ritz stay. Aitken had admitted that a witness statement supposedly in the hand of Ayas (and which shed light on the arms dealing) was actually his own, and the CPS agreed – even though Aitken had been publicly ousted as a practiced liar.<sup>34</sup>

As investigative reporters Luke Harding, David Leigh and David Pallister observed in their book on the Aitken scandal, “lawyers for the Crown Prosecution Service took the surprise decision to drop charges against Said Ayas. This meant that Said would

not now be tried at the Old Bailey. The CPS had accepted Aitken's claim that he alone had written Ayas's lying libel trial statement. To the dismay of the original defendants, this meant none of the murky background surrounding the trial's collapse would be explored in a court of law."<sup>35</sup>

The man who explained this in court and to the British press was the CPS' senior treasury counsel – David Waters. So Waters has experience in handling “informant” cases in which covert police operations go awry, the outcome of which is the prevention of public spillage of damaging revelations about covert British defence and intelligence policies.

## **Muhaji-loons**

Waters has also prosecuted “radical Islam” before. In 1996, a gang of muslim youths at Newham College, London, were accused of killing Nigerian student Ayotunde Obanubi. The accused were associated with the radical fringe group al-Muhajiroun, headed by the eccentric “cleric” Omar Bakri Mohammed, who was at that time mainly concerned with recruiting people to fight in the Balkans against Slobodan Milosevic (a venture often embraced by the British government who also wanted the Serbian leader gone). At a time of relative tolerance for radical Islam in the UK, David Waters, prosecuting, noted that “For some time prior to February, tensions had been rising of a religious nature between the two groups. This tension was increased by the fact that during February Muslims were observing Ramadan [and that] Tundi's [Ayotunde Obanubi's] death was very much the culmination of events.”<sup>36</sup>

Waters' comments were very mild language for describing an attack on a christian by a group of young muslims, who had a couple of days previously attended a lecture given by Omar Bakri Mohammed. One of those involved in the murder was a young man called Kazi Nurur Rahman. At the time, under Waters direction, Rahman received no sentence for being part of the group of students who killed Obanubi.

Ten years later, Rahman was back in the news, accused of seeking to buy missiles and rocket-propelled grenades for use in a terrorist attack in the UK. Rahman, who was also an associate of Omar Khyam but “was not arrested when Khyam and the others were picked up” was arrested in a small Hertfordshire village as he met what he presumably thought was a muslim arms dealer. In reality, Rahman was meeting undercover MI5 and police operatives who offered to sell him guns, silencers and ammunition. Curiously, given that it is roughly ten years since the events in Newham, the BBC reports that “When interviewed by police Rahman claimed he was working for MI5, who had recruited him 10 years earlier.” However, after being offered the relatively lenient<sup>37</sup> charge of “attempting to possess property intending it should be used for the purpose of terrorism” he retracted that statement.<sup>38</sup>

Indeed, a detailed analysis of these issues by Professor Adrian Monck, Head of Journalism at City University, raises further questions:

“On 20 July 2005, the security services began an entrapment operation targeting Rahman. He was introduced – it’s unclear by whom – to a security service officer known as Salim. Together, they discussed counterfeit money, passports and the possibility of weapons purchases.

“... a little over two weeks later, Rahman and undercover security services agent Salim met again. Salim indicated that he could set up a meeting with an arms dealer. Phone calls were exchanged. Another meeting took place in a café at Liverpool Street Station on 29 September and the meeting with the ‘arms dealer’ Mohamed – actually an undercover policeman – was fixed for 4 October at South Mimms service station on the M25. Rahman asked Mohamed for three Uzis with silencers and 3,000 rounds of ammunition. A week later, Rahman met once more with Salim.

“The next meeting with Mohamed was on 15 October, again at South Mimms. Rahman handed over £2,000 (later found to be £3,000). Rahman discussed the possibility of acquiring rocket-propelled grenades and surface-to-air missiles. On 19 October Mohamed texted Rahman with a price for these weapon systems. What happened next?

“*Rahman flew to Saudi Arabia. It’s not clear why a major terrorist suspect in such a case was allowed to leave the country, nor who he met and how he was monitored whilst he was away.* He returned to Britain on 10 November. A week later, on 17 November, Mohamed and Rahman met again. When asked about the details of the weapons exchange Rahman said he would bring someone along to check their authenticity.

“The weapons handover was scheduled for 11am on Tuesday, 29 November with the initial meeting at South Mimms services, off the M25. Rahman hadn’t managed to find anyone to bring along with him. Mohamed introduced him to another undercover officer, Iqbal. Iqbal and Rahman drove to backstreet in Welham Green where he was shown three Uzis. After seeing them, *he expressed concern that he was being set up in a sting, and went back to his car to call Mohamed.* It was at this point that he was arrested by armed police.”<sup>39</sup>

Rahman’s statement to the police on 1<sup>st</sup> December 2005, as recorded in the court documents – and which Monck takes seriously – is worth noting:

“[Rahman] said that he was not a terrorist and had no link with terrorist organisations, claiming that he had been acting under duress, fearing for the safety of himself and his family. He further claimed to have been tasked by an Anti-Terrorist Organisation, which he claimed to be in fear of.

“An interview then followed at 1.38pm in which he gave a story stating that he had been specifically tasked to infiltrate terrorist groups. He claimed that he was recruited when he was on remand in prison about 10 years before [for the Obanubi killing]<sup>40</sup> and that he had been involved in a number of successful operations. He referred to meeting his handlers in hotel rooms and that he had been paid tens of thousands of pounds over the years. He later stated that he had no knowledge of the fact that there were Uzi machine guns in the van, and that he had expected to see two or three handguns and that he was to report back to his handlers by text message...

“In a later interview when disclosure had been given concerning items found at the search of his home address, Rahman stated items seized by police would have been planted by the Anti-Terrorist Organisation. He identified this organisation as being MI5.

“On 2 December in further interview concerning 55 Huddlestone Road, he stated the following:

“I have come to the conclusion that 55 Huddlestone is owned by either MI5 or you guys and I have been badly stitched up.

“He then referred to a map of Afghanistan inside the premises and stated that it should be examined for fingerprints, stating that either police or MI5 fingerprints would be found on it.”<sup>41</sup>

If Rahman was a disposable MI5 operative, he has now become grist to the mill of men like Peter Clarke, who told reporters that “This is another example of where we have been able to take pre-emptive action to protect the public from the threat of terrorism. Whenever the evidence allows us to take such action, we will do so.” But if Rahman was an informant, or an operative, then the enlistment of Waters to prosecute

the Newham assailants raises awkward questions, especially considering the evidence that al-Muhajiroun was, at that time, being groomed as a force of useful idiots to employ in the Balkans and elsewhere.<sup>42</sup>

## 8. Entrapment and the Secret State

Peter Clarke, of the Metropolitan Police, says that the fertilizer bomb plotters and the case of Kazi Nurur Rahman represent a great success in the “war on extremism” and support the extension of “pre-emptive action to protect the public from the threat of terrorism.” Gordon Corera of the BBC notes that since 9-11, MI5 has doubled in size and that it is watching close to 2,000 individuals.<sup>43</sup> Frank Gardner, the BBC’s other intelligence analyst writes that “The bottom line is that core al-Qaeda is still actively planning operations against the West,” that “Jihadi internet videos link up al-Qaeda followers around the world. Now even the Taleban are using the internet” and that “MI5’s 2,000 terror suspects are likely to keep growing in number.”<sup>44</sup>

While Prime Minister, Tony Blair defended MI5 against accusations of incompetence, stating that if there is a public inquiry into 7/7, “what we will do is undermine support for our security services, and I’m simply not prepared to do that.”<sup>45</sup> The ground seems to be being prepared for an expansion of Britain’s secret services while very few voices are discussing the extraordinary capabilities that agencies like MI5 have which were unmasked during the trial. For example, if it is to be believed that Mohammed Sidique Khan was peripheral in 2004 to surveillance efforts, then that he was pursued to his door shows how even minor suspects receive detailed observation from the state. But then again, one may question whether he was that peripheral. The nature of the links between intelligence services and Khan would certainly be a proper question for an independent inquiry. Like Delroy Denton, his could be a case of intelligence “blowback.”

But the most disturbing possibilities still surround Mohammed Quayyum Khan (the mysterious “Q”) who, despite being under surveillance in 2003 (and, it seems, the very centrepiece of Operation Crevice) managed to dispatch his chosen jihadists to Pakistan. As the BBC has reported, it was in meetings with Q that Omar Khyam first became known to MI5. The BBC notes that “The last of these was in Southall in west London, shortly before police arrested the plotters” but the really interesting question

is *when was the first*? If it was before Khyam went to Pakistan in 2003, then that puts a different spin on events thereafter.<sup>46</sup>

Until questions like the status of Quayyum Khan are cleared up and until MI5 can explain its collaboration in the torture of Salahuddin Amin, and until the ISI can explain how Omar Khyam got the idea that his family could be targeted by their trained thugs, and until the FBI and Mohammed Babar can explain why we should trust his testimony given the massive incentive he had to say precisely what the FBI wanted him to, then it is difficult to avoid the lingering suspicion that a cover-up has transpired.<sup>47</sup>

In this case, the “fertilizer bomb plot” could well present a case of entrapment. By linking Abdul Hadi, Babar, Khawaja, Amin, Khyam and Sidique Khan, the trial has resurrected al-Qaeda in the public mind as a real, organized and international entity. The need to expand Britain’s secret state to counter it has also been amplified, and this is a great organizational victory for all involved. As a spectacle, the trial was a triumph, even if – as a trial – it had some very dubious elements indeed.

# Conclusions

These questions cannot be answered in the absence of a full, independent public inquiry into both 7/7 and Operation Crevice. This analysis suggests that 7/7 was a case of blowback from covert attempts to infiltrate radical groups in Pakistan (those fighting British troops in Afghanistan's Helmand province and engaged in the opium trade) as well as groups supporting fighters in Iraq, Chechnya, Kashmir, Palestine and so on. Indeed, MI5 has been active for a long time in infiltrating, redirecting and breaking up groups that are opposed to the Saudi monarchy. The evidence suggests that Omar Khyam and, potentially, Mohammed Sidique Khan could be the Islamist equivalent of Delroy Denton.

One last piece of suggestive evidence, to leave with. On February 21 as Omar Khyam sat in his car talking to Mohammed Sidique Khan, Khan said that he was debating whether or not to take another trip to Pakistan, as he had just become a father. Khyam told him that Khan should move, and soon. "I do not even live in Crawley any more" he said, "I moved out because in the next month they are going to be raiding big time all over the UK." And they did. Omar Khyam was arrested a month later.<sup>48</sup>

How he knew this, no-one in the press has been able to explain. Why Khan was not arrested or fingered when this was caught on tape remains, again, unexplained.

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