

December 23, 2004

Tanzania Releases Man Held in '98 Bombing

By MARC LACEY

NAIROBI, Kenya, Dec. 22 - Tanzania's High Court on Wednesday freed a local man who was charged six years ago with helping to carry out the 1998 bombing of the American Embassy in Dar es Salaam.

The man, Rashid Salehe Hemed, 34, was arrested a month after the Aug. 7, 1998, bombing, making him one of the first people accused in the case. His trial spanned four years, during which the prosecution called 18 witnesses. But the judge ruled Wednesday that there was not enough evidence to support a conviction.

"There have been a lot of witnesses in the prosecution case but this court cannot convict the accused on such evidence, which has many doubts," said the judge, Emilian Mushi, according to news agency reports.

Mr. Hemed said on his way out of court that he had expected all along to be released, even though a bomb detonator was discovered in his house and he acknowledged knowing people tied to the bombing. "I am not surprised with the judgment because I knew I was not guilty right from the beginning," he told The Associated Press.

In issuing the ruling, Judge Mushi followed the recommendation of three court assessors, who ruled in February 2004 that the charges against Mr. Hemed were based on mere suspicion and that he ought to be found not guilty.

During the trial, an explosives specialist with the Federal Bureau of Investigation testified that items taken from Mr. Hemed's residence contained traces of the chemicals believed to have been used in the bomb that destroyed the embassy.

But Mr. Hemed's lawyers argued that their client's clothes were mixed with those belonging to other people, including Ahmed Khalfan Ghailani, a Tanzanian captured in Pakistan earlier this year who is believed by American investigators to have played a role in the bombing.

Evidence shows that Al Qaeda was responsible for the attack on the embassy in Dar es Salaam, which killed 11 Tanzanians, and another nearly simultaneous bombing that killed more than 200 people at the American Embassy in Nairobi.

In May 2001, in Federal District Court in New York, four men were convicted of conspiring with Osama bin Laden to bomb the two embassies.

Mr. Hemed, who maintained his innocence throughout his trial, was originally charged with 15 counts. All but one charge, conspiracy to murder, was later dropped. He faced up to 20 years in prison.

During the trial, Mr. Hemed appeared on the stand in his own defense, telling the court that he voluntarily turned himself in when he discovered he was being sought by the police, and that he knew nothing of the

bombing until after it had occurred.

Mr. Hemed acknowledged that he knew several suspects in the bombing, including Khalfan Khamis Mohamed, one of those convicted in New York for his role in the attack. But he said he knew them only from his job selling car parts. He denied knowing anything about the bomb detonator found in his house.

Judge Mushi believed his account. "I am satisfied that the accused person was not aware of the bombing activities by the alleged conspirators," the judge said. "There is no evidence from which it can be properly inferred that he was part of the conspiracy to bomb the United States Embassy."

The State Department continues to warn Americans of terrorist threats in both Kenya and Tanzania. In June, an armed man accosted two British tourists in Dar es Salaam and demanded to know if they were American. He left the scene without harming the couple only after being convinced they were not American.