

Libyan Likely Framed By U.S. & U.K. For Lockerbie Bombing Dies After Compassionate Release

Pan-Am Flight 103 crashed in Lockerbie, Scotland on December 21, 1988. All 259 people on the Boeing 747 died, plus 11 on the ground, for a total death toll of 270. The New York bound plane had 180 U.S. citizens onboard, and the FBI took over control of the investigation within hours of the crash.

It was determined that a bomb explosion in the forward cargo hold caused a 20" hole in the fuselage that resulted in the break-off of the plane's nose section. Among the wreckage was a thumbnail size piece of a circuit board from a Toshiba radio-cassette recorder. Small Semtex bombs were concealed in the same model of recorder seized two months earlier in a West German raid on a Palestinian militant group: the Popular Front for the Liberation of Palestine - General Command (PFLP-GC).

Remains were recovered of the suitcase in which the bomb was concealed. Also found was clothing believed to have been in the suitcase. An item of clothing was traced to a shop in Malta co-managed by Tony Gauci. He eventually identified the clothes' purchaser as Libyan national Abdelbaset Ali Mohmed al-Megrahi. The investigation then focused on Megrahi, who was the head of security for Libyan Arab Airlines. In November 1991 the U.S. and England indicted Megrahi and another Libyan, Al Amin Khalifa Fhimah, for 270 counts of murder. Fhimah was station manager for Libyan Arab Airlines at Malta's Luqa Airport, which is where the bomb-laden suitcase was alleged to have been put on a flight for transfer to Flight 103, that originated in Frankfurt, West Germany.

Libya's leader Colonel Muammar al-Gaddafi refused to extradite Megrahi and Fhimah. In 1993 Edinburgh University law professor Robert Black travelled to Libya and convinced Ghaddafi that the men could be fairly tried in a neutral country under Scottish law – since that is where the crime occurred. The U.S. and the U.K. rejected the proposal, and in 1995 both men were placed on the FBI's Ten Most Wanted List. After five years of opposition, in 1998 the U.S. and the U.K. agreed to the trial arrangement. On April 5, 1999 Megrahi and Fhimah arrived at Camp Zeist in the Netherlands, where their trial was to take place under intense security.

Their trial began on May 3, 2000. Both men vigorously protested their innocence. No material evidence was introduced linking



Abdelbaset al-Megrahi in 2001

either man to the planning of the bombing, the handling of the explosives, or the planting of the bomb. However, key evidence tying Megrahi to the bombing that didn't implicate Fhimah, was the testimony of merchant Gauci.

Almost nine months after the trial began, on January 31, 2001 the jury of three Scottish judges acquitted Fhimah of all charges, while Megrahi was convicted of the 270 murders. Scotland doesn't have the death penalty, so Megrahi was sentenced to life in prison and transported to a Scottish prison to serve his sentence. He would have to serve at least 27 years before he was eligible for parole.

Megrahi's conviction was affirmed by Scotland's Court of Appeals in March 2002. However, many people familiar with his case believed the evidence didn't support his guilt. The *BBC* reported that Dr Hans Köchler, a United Nations observers at the trial, didn't think the trial had been fair, and that Megrahi's conviction was a "spectacular miscarriage of justice."

In September 2003 Megrahi applied to the Scottish Criminal Cases Review Commission (SCCRC) to review his case. The SCCRC spent \$2 million during almost four years of investigation that uncovered significant new exculpatory evidence.

On June 28, 2007 the SCCRC referred Megrahi's case to the Court of Appeals for review as a possible "miscarriage of justice." The SCCRC's petition to the appeals court was more than 800 pages in length. Among the petition's key claims are Megrahi's lawyers were not provided:

- CIA documents related to the Swiss made Mebo timer that allegedly detonated the bomb.
- Information that the FBI offered the owner of Mebo Telecommunications, Edwin Bollier, \$4 million and a new identity in the United States if he would "write in a police statement" that the timer fragment allegedly found at the Lockerbie crash site was part of a Mebo MST-13 timer that his firm had supplied to Libya. (Bollier turned down the offer.)
- Information that key prosecution witness Tony Gauci's identification of Megrahi was not reliable.

After Megrahi's petition was filed with the appeals court, his lawyers learned the CIA offered Gauci several million dollars for his testimony identifying Megrahi. Sources have since said that Gauci and his brother Paul, who co-managed the shop, were paid between \$3 and \$4 million each.

Megrahi's lawyers learned in June 2008 that the British government was informed in 1996 that Abolghasem Mesbahi, an Iranian defector, told German intelligence that his former Iranian PFLP-GC bosses in Tehran ordered Flight 103's bombing – and Libyan terrorists had nothing to do with it. Mesbahi's credibility has been established by several terror cases being solved from information he provided. Until Gauci's ID of Megrahi the PFLP-GC was the prime suspect for the bombing.

Megrahi's lawyers also learned that in 1996 the British government was provided documents by another country – believed to also be Germany – that Mebo timers were provided to the East German Stasi (secret police) that had ties to a PFLP-GC cell in West Germany – where Flight 103 originated.

Additional evidence implicating the PFLP-GC is that two days after Flight 103's bombing the Iranian government deposited \$11 million in a PFLP-GC bank account. Also, Abu Talb is an Egyptian PFLP-GC member convicted of bombings in Copenhagen and Amsterdam. He is currently serving a life prison sentence in Sweden. Talb was in Malta in the fall of 1988. When the FBI first contact Gauci he was shown a photo of Talb. Gauci said Talb looked "similar" to the man who bought the clothes.

The picture painted by the evidence Megrahi's lawyers have obtained since his conviction is the Iran backed PFLP-GC was likely responsible for the bombing, and even if the clothes believed to be in the bomber's suitcase were bought at Gauci's Malta shop, they were bought by a person other than Megrahi.

In September 2008 the 56-year-old Megrahi was diagnosed with terminal prostate cancer. His lawyers filed an application for his release pending the outcome of his appeal. A hearing was held in November 2008, after which he was denied bail. The court ruled, "While the disease from which the appellant suffers is incurable ... he is not at present suffering material pain or disability. The full services of the National Health Service are available to him."

Beginning in the mid-1980s Libya was an international pariah subjected to U.N. economic

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sanctions because of its status as an international sponsor of terrorism. Libya denied any responsibility for the bombing of Flight 103, but after Megrahi's conviction was affirmed in 2002, Libya proposed paying \$10 million to the family of each person killed. Libya said the payments would be a humanitarian act of good will. After Libya began making payments the U.N. canceled its economic sanctions in 2003. The U.S. resumed full diplomatic relations with Libya in 2006. In spite of mounting evidence Libya and Megrahi had nothing to do with the bombing of Flight 103, in October 2008 Libya made final payments totaling \$1.5 billion for distribution to the families. Weeks after Libya made the payments, President Bush signed an executive order on October 31, 2008, establishing Libyan immunity from terrorism-related lawsuits in the U.S. and dismissing all pending cases. Libya's oil reserves worth trillions of dollars are the 9th largest in the world, and U.S. companies were able to resume investment in the country.

The United Kingdom and Libya signed a prisoner exchange treaty in April 2009. Libya's government applied for Megrahi's transfer, but under the treaty he was required to drop his appeal and accept his conviction as final before he could be transferred.

The Court of Appeals began its hearing into Megrahi's appeal on April 27, 2009. Megrahi's advancing cancer prevented him from being present in the courtroom, but he watched the four week hearing via closed-circuit television from his prison.

While the appeals court was deliberating one of the judges had heart surgery in early July, so a decision wasn't expected until after he resumed working in late Fall 2009.

On July 24 Megrahi filed a bail application for his release to Libya pending the outcome of his appeal. His application was based on the compassionate grounds of his worsening medical condition. Megrahi's conditional release was supported by many Scottish legal professionals and lay persons, and even some family members of Flight 103 victims.

Then on August 15, 2009 Megrahi dropped his appeal, and days later it was announced by Scottish officials he was being released to return to Libya on August 20 based on compassionate medical grounds. Conditioning Megrahi's immediate release on dropping his appeal eliminated the embarrassment that his exoneration would have caused the British and U.S. governments.

There was speculation from the time of

Megrahi release that the British government was involved, but it was officially denied. However in February 2011 the British press reported that documents obtained through the Freedom of Information law proved the British government was heavily involved in assisting Libya to secure Megrahi's release.

After Megrahi was indicted he told a reporter in February 1992: "I want to send this message to the British people, the American people and the international community. One day I will be found not guilty. I am sorry for the people of Lockerbie and one day you will see that." Megrahi prediction will not come true unless he is posthumously exonerated because he died in Tripoli on May 20, 2012. He was 60.

Conclusion

The bombing of Pan-Am Flight 103 has been a major news story in the England and Scotland for more than twenty years, and at least 26 books about the event have been published in the United Kingdom. In contrast, the press in the United States has not treated the plane's bombing as a major event, even with disclosure of evidence that the U.S. government not only bribed key witnesses to secure Megrahi's conviction and put blame on Libya, but deliberately deflected the investigation away from the Iranian backed terrorist group that most likely caused the bombing.

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Tony Gauci Never Positively Identified Abdelbaset Megrahi

The testimony of Malta shopkeeper Tony Gauci was a lynchpin of Abdelbaset Ali Mohamed Al Megrahi's prosecution for the December 1988 bombing of Pan-Am Flight 103 over Lockerbie, Scotland.

Several items of clothing were found at the crash site that were believed to have been in the same suitcase as the bomb that caused the crash. The clothes were traced to Gauci's shop in Malta. When first questioned by the FBI Gauci described the clothings' pur-

chaser as about 50-years-old and six feet tall. Megrahi was 5'-8" and 36 when the clothes were purchased.

Gauci was shown a photo spread in February 1991 that included Megrahi's 1986 passport photo and the photo of other men in their 30s. Gauci did not identify any of the men as the purchaser of the clothes.

After being encouraged to allow for the difference in appearance between a man of 50 and one in his 30s, Gauci selected Megrahi as "similar to the man who bought the clothing." The Lockerbie investigation then focused on Libya and Megrahi, while Iranian and Syrian backed suspects were ignored.

Eight years later Gauci viewed an identity parade after Megrahi was transported to Camp Zeist in the Netherlands for trial. Megrahi stood out because he was 47 and the only Libyan in the line-up, while four men were in their 30s and another man was 5'-3". Gauci said that Megrahi is "not exactly the man I saw in the shop."

During Megrahi's trial Gauci testified that Megrahi "resembles him." (The clothes buyer.) Although Gauci did not positively state Megrahi was the man who bought the clothes, Megrahi's jury of Scottish judges accepted Gauci's quasi-identification as sufficient to find Megrahi guilty.

Gauci has provided investigators with 19 statements, he viewed a photo spread and an identity parade, and when he testified he saw Megrahi in the courtroom. However, he has never positively identified Megrahi as the person who bought the clothes in this shop.

Lord Advocate Peter Fraser was the man responsible for Megrahi's indictment by England in November 1991. Fraser relied on Gauci's ambiguous identification of Megrahi as one of the reasons to indict him. Fraser had no role in Megrahi's trial. In October 2005 Fraser told *The Times* (of London): "Gauci was not quite the full shilling. I think even his family would say (that he) was an apple short of a picnic. He was quite a tricky guy."

Information has surfaced since Megrahi's trial that the CIA offered Gauci at least \$2 million to testify favorably for the prosecution, and that he was actually paid between \$3 and \$4 million by the U.S. government for his testimony suggesting Megrahi could have been the buyer of the clothes.

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