

Lockerbie-Pan Am 103: Prosecution case evaporates

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After six months, the prosecution case in the trial of the two Libyans accused of blowing up Pan Am 103 on December 21 1988 has all but evaporated. The defendants, Abdelbaset Ali Mohmed Al Megrahi and Al Amin Khalifa Fhimah, are being tried at a special court in Camp Zeist, a former US military base in the Netherlands, which was designated as Scottish territory for the purpose of the proceedings.

At the time of writing, the trial has again been interrupted after Scottish Lord Advocate Colin Boyd informed the three trial judges that new and unspecified information relating to the defence case had been made available to the prosecution by "a government", but not that of the USA. The adjournment came on the day before Mohamed Abu Talb, a former member of the Popular Front for the Liberation of Palestine General Command (PFLP-GC) was due to give evidence for the prosecution. Talb, who is already serving a life sentence in Sweden for planting bombs, is one of those cited by the defence in their special defence of incrimination. This states that the PFLP-GC was, with others, responsible for the atrocity that killed 270 people. Talb denies any involvement and is now scheduled to give evidence on October 17. He has apparently been offered remission of his present sentence and immunity from further prosecution if he testifies.

A report in the October 15 *Scotland on Sunday* newspaper suggested that the government in question referred to by Boyd was Syria, and that a "confession" by Talb had been handed over to the prosecution. The Lord Advocate has also arranged an explanatory meeting with angry relatives of those who died in the explosion, who fear the trial may now disintegrate.

The present adjournment is the latest in a series that have preceded the appearance of particularly controversial witnesses or pieces of evidence.

Shortly before the trial commenced, the Swiss manufacturer of the timing device implicated in the

explosion announced that from their own research, they concluded the bomb had not been located in the luggage container in a Samsonite suitcase, as the prosecution team claimed, but was jammed against the aircraft wall. Such public announcements from a leading witness threw the prosecution into crisis, triggered a round of legal threats to newspapers such as the Glasgow-based *Sunday Herald* who had printed the claims made by Edwin Bollier, CEO of MEBO, which made the MST-13 electronic timers alleged to have triggered the explosion.

When he eventually took the stand in June, both prosecution and defence questioning of Bollier revealed the extent of MEBO's relations both with the Libyan government and the former East German security police, the Stasi. He sold prototype timers, and millions of pounds worth of electronic equipment, including exploding mobile pagers and encryption manuals to the Stasi, who are known to have supplied the PFLP-GC with equipment. Bollier supplied Libya with radio antennae, bomb timers, and had observed explosives' trials in the Libyan desert. He rented a Swiss office to one of the accused, who it is likely had some role in the Libyan intelligence service. Bollier also had unspecified relations with other Middle Eastern governments and with the CIA.

Bollier's was followed by a series of witnesses—CIA and ex-Stasi spies, other MEBO staff, airport staff, a clothes shop owner—whose testimony reveals a prosecution case that is characterised by its extreme flimsiness, resting almost exclusively on tenuous circumstantial evidence, for which alternative explanations can easily be found.

The prosecutions most heralded witness was Abdul Majid Giacka, who has been living in the US under a witness protection programme since 1991. Long presented to the family members of the US victims as a crucial eyewitness, Giacka's evidence proved disastrous for the prosecution case.

Giacka, it finally emerged, offered to provide the CIA

with information after he joined Libyan intelligence to avoid military service in 1988. Such was the low level of the information that he presented to the CIA that by 1991 his handlers considered halting all payments to their dubious asset, who was costing them \$1,000 a month. Despite a period working alongside both the accused at Malta airport, Giacka never mentioned Lockerbie or suitcase bombs to his CIA handlers at the time.

In July 1991 Giacka attended a meeting with the CIA, at which his continued employment on Langley's payroll was to be discussed. The next day, more than two years after the Pan Am bombing, Giacka presented the CIA with an account according to which Fhimah and Megrahi had carried a "Samsonite" suitcase through Maltese customs.

The defence also cited censored CIA cables to illuminate some of Giacka's other extravagant accusations. He claimed at one point that Libyan leader Moammar Qaddafi was a freemason, and that he (Giacka) was related to the former Libyan monarch, King Idris. It also became clear from the cables that at the time of the bombing the CIA did not consider Fhimah to be a member of the Libyan intelligence services.

According to Clare Connolly from the Glasgow University's *Lockerbie Trial Briefing Unit*, "The defence cross-examination made it clear that Giacka's actions in providing this information to investigators could have been motivated by a desire for money and a wish to secure his future as a US citizen."

On other occasions, Giacka's reliance on US officials sitting on the prosecution bench was so blatant that UN observers attending the trial told the *Sunday Times*, "We could not see how Mr Giacka conducted himself, but the defence raised objections repeatedly to the looks that passed between him and the Americans... With other witnesses introduced at the American end of the investigation, through the CIA or the FBI, we have witnessed those types of exchanges."

The prosecution are so short of serious evidence that, despite the numerous delays, the trial is expected to last much less than the full year initially anticipated.

The PFLP-GC were the original suspects, and for two years after the crash most of the investigating authorities operated on the basis that the evidence against the PFLP-GC was overwhelming. The US intelligence services have played a dubious role from before the crash right through to the trial. It is a fact that several US Special Forces members died on Pan Am 103, and that their luggage recovered from the crash site was interfered with.

No trial in legal history has been so bound up with shifts in world politics, a study of which is very revealing. Initial accusations directed against the PFLP-GC regarded the Lockerbie bombing as a reprisal, organised by Iran, Syria and the PFLP-GC, for the shooting down of an Iranian Airbus on July 3, 1988 by the US. The December 21 1988 bombing came little more than a month after the Palestinian National Council meeting which effectively sanctioned the existence of Israel. On December 13 PLO leader Yassir Arafat expounded on this in his historic speech to the United Nations. The pro-Syrian PFLP-GC opposed the PLO's line, and, along with other Palestinian groups advocating the continuation of a military strategy against Israel, launched a series of raids designed to derail the PLO's developing relations with the US. The PFLP-GC had on numerous occasions been involved in fire-fights in Beirut with the PLO and had been implicated in a series of attacks on aircraft.

The change in focus to Libya was, at the time, widely interpreted as a political response by the US in line with its preparation for the Gulf War, with both Syria and Iran acting as crucial US allies in the attack on Iraq. Subsequently, the US used Lockerbie and other attributed bombings as a justification for imposing sanctions against Libya. The present case only emerged in the context of the Libyan regime's developing international relations, particularly with Europe, and after months of negotiations by Nelson Mandela and Kofi Annan.

If the *Scotland on Sunday* reports are confirmed, it would not be the first time that the Syrian government has dumped its erstwhile allies, in pursuing closer relations with the US. Following Syria's support for the Gulf War, Syria's then leader, Hafez al-Assad, handed over information on planned terrorist attacks, evicted Carlos "the Jackal" from Damascus, and latterly expelled Kurdish Workers Party (PKK) leader Abdullah Ocalan, allowing his capture by the CIA and subsequent trial in Turkey.



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