

The Pan Am 103 / Lockerbie verdict: What the judges said

Steve James**7 February 2001**

The 82-page verdict by the three Scottish judges finding Abdelbaset Ali Muhammad Al Megrahi guilty of the bombing of Pan Am 103 over the Scottish town of Lockerbie in December 1988 does not stand up to close scrutiny.

* The judges conclude that the explosive was placed in a Toshiba cassette player inside a Samsonite suitcase being carried in luggage container AVE4041 aboard the fateful flight. However, they rejected the evidence of one of the original accident investigators, Christopher Protheroe, who suggested that the blast patterns would tend to place the bomb much nearer the aircraft's skin.

* The judges agreed entirely with the prosecution claim that the suitcase containing the bomb was loaded by Al Megrahi onto a feeder flight, KM180 at Luqa airport in Malta and was subsequently transferred onto Pan Am 103. This meant rejecting any possibility that the bomb could have been loaded at either Frankfurt in Germany, where the feeder flight would have passed on luggage to Pan Am 103, or at London, Heathrow, where the 747 stopped before making its onward transatlantic flight. In convicting Al Megrahi, the court accepted the bomb had to be loaded at Luqa, an airport where security was much tighter: baggage was rigorously reconciled with passenger lists, examined by a sniffer system for drugs and explosives, the baggage areas were secure and there was also a triple count of all passengers. The judges were forced to accept, however, that "The absence of any explanation of the method by which the primary suitcase might have been placed on board KM180 is a major difficulty for the Crown [prosecution] case, and one which has to be considered along with the rest of the circumstantial evidence in the case."

* Eyewitness evidence against Al Megrahi collapsed in court. The judges accepted the accuracy of the

defence exposure of one of Al Megrahi's chief accusers, CIA agent Abdul Majid Giacka, as a fantasist, motivated entirely by personal gain and considered entirely unreliable. They specifically rejected Giacka's claims that he saw Al Megrahi with a "drawer full of explosives". This information had been passed to the CIA in 1988, when the US agency was enquiring about JSO (Libyan intelligence) weaponry. The judges also rejected Giacka's assertion that he saw both the accused deliver a suitcase to the luggage carousel at Luqa airport on December 20 1988, and that he heard a discussion involving Al Megrahi about the viability of using Malta as a starting point for an aircraft bomb.

* This leaves Maltese shop owner Tony Gauci as the sole witness connecting Al Magrahi to any aspect of the Pan Am 103/Lockerbie bombing. Gauci identified Al Magrahi as the man who had bought the clothes from his shop that were then packed into the suitcase containing the bomb. Yet the judges concede that initially in 1989, Gauci had identified the Palestinian Mohammed Abo Talb and the Maltese national Mohammed Salem as the purchasers of the clothing. They stated that his identification of Al Megrahi 10 years later was as unclear as his previous identification, and that he could not even be sure of the date the purchase was supposed to have taken place—placed at somewhere between November 23 and December 7 1988. The judges write, "We accept of course that he never made what could be described as an absolutely positive identification, but having regard to the lapse of time it would have been surprising if he had been able to do so. We have also not overlooked the difficulties in relation to his description of height and age. We are nevertheless satisfied that his identification so far as it went of the first accused as the purchaser was reliable and should be treated as a highly important element in

this case."

* Al Megrahi's lawyers had lodged a special defence of incrimination under Scottish law, claiming that other individuals and groups, particularly the terrorist organisation the Popular Front for the Liberation of Palestine—General Command (PFLP-GC)—were responsible for the bombing. Noting an October 1988 raid by the German security police on a house near Frankfurt used by the PFLP-GC, the judges said, "In these premises they found radio cassette players, explosives, detonators, timers, barometric pressure devices, arms, ammunition and other items, including a number of airline timetables and seven unused Lufthansa luggage tags. From other evidence it appeared that one of the airline timetables was a Pan Am timetable. There was considerable evidence of bombs being manufactured so as to be concealed in Toshiba radio cassette players."

* Mohammed Abo Talb, a member of the Palestine Popular Struggle Front (PPSF), had been convicted for bombings in Amsterdam and Copenhagen. The judges accept that PPSF members around Talb were connected with the group making bombs in Frankfurt and were in Frankfurt at the time. PFLP-GC members also had business dealings with Talb in Sweden, where he was then living. "We should also record that when Abo Talb's house was searched by police following his arrest in 1989 a barometric device was found."

* Talb had travelled extensively around the Mediterranean in October 1988. The judges described a set of circumstances that led him to Malta as "somewhat strange". Talb also had dealings with a clothing business in Malta. Nevertheless, the judges insist: "While no doubt organisations such as the PFLP-GC and the PPSF were also engaged in terrorist activities during the same period, we are satisfied that there was no evidence from which we could infer that they were involved in this particular act of terrorism, and the evidence relating to their activities does not create a reasonable doubt in our minds about the Libyan origin of this crime."



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