

Lockerbie: Libyan compensation offer clarifies nothing

Steve James**25 August 2003**

In a move agreed to by the US and British governments, Libya has offered compensation to the relatives of those killed in the bombing of Pan Am's Boeing 747, Flight 103, which was destroyed over Lockerbie, Scotland, in December 1988.

In a deal whose arrangements were first suggested publicly 14 months ago, Libya has begun placing \$2.7 billion in an escrow account in the Bank for International Settlements in Switzerland and will release the money in stages as sanctions against the country are lifted. Forty percent will be released to relatives of the 270 victims immediately upon the lifting of United Nations sanctions against Libya, another 40 percent with the removal of US sanctions, and a final 20 percent in return for Libya being removed from the US list of states "sponsoring terrorism."

Libya has also sent a letter to the United Nations Security Council noting its efforts in facilitating the trial of the two Libyan citizens accused of the Lockerbie attack. Libya, the letter of August 18 stated diplomatically, "accepts responsibility for the actions of its officials." Libya also offers its assistance in the "international fight against terrorism" and offers to "cooperate with efforts to bring those who are suspects to justice."

Following the letter, the UK government, with Bulgarian support, tabled a resolution at the UN calling for the immediate ending of sanctions against Libya. Further discussion is due next week, with the US likely to abstain in any eventual vote.

The Maltese government also offered support to the Libyan stance. A foreign ministry spokesperson said Malta welcomed developments that "should allow Libya's further engagement as an effective member of the international community." Malta's Luqa airport

was the alleged starting point of the bomb that brought down PA 103. The island's authorities have always denied that their airport security was breached.

Libyan citizens Abdelbaset Ali Mohamed Al Megrahi and Al Amin Khalifa Fhimah were tried for mass murder at a special no-jury court in Camp Zeist, a former US military base in the Netherlands, designated as Scottish territory, under the terms of protracted negotiations designed to extricate Libya from punitive sanctions imposed by the US and the UN.

The trial opened in May 2000 and, like the subsequent appeal, was characterised by a remarkable degree of scrutiny and interference from the US and British governments and intelligence services. Many aspects of the case, from before the destruction of PA 103 to the trial and appeal themselves, leave unanswered questions.

Nevertheless, in a politically motivated verdict, Scottish judges found al Megrahi guilty, sentencing him to 20 years, while Fhimah, his alleged accomplice, was acquitted.

The Libyan government protested al Megrahi's innocence and gave Fhimah a hero's welcome on his return to Tripoli. Libyan leader Muammar Qaddafi initially promised to release new information that would point the finger at the actual perpetrators. None was forthcoming, however, as any such move would have conflicted with the Libyan government's efforts to ingratiate itself with the Bush administration.

Instead Qaddafi and the British government have arranged for al Megrahi's family to live in Glasgow, where he is incarcerated, and set up a Libyan consulate specifically to look after his interests. He has been visited by Labour MP Tam Dalyell, who announced that al Megrahi claimed to be a sanctions-buster for Libyan Airlines, not a mass murderer. Nelson Mandela

has also visited.

Al Megrahi recently had his appeal thrown out from the European Court on technical grounds and is currently pursuing a case with the Scottish Criminal Records Review Commission. His case will hardly be strengthened by the Libyan government's actions in accepting responsibility for Lockerbie, however equivocally. He continues to insist on his innocence.

The only objections to the Libyan initiative have come from the French government. Citing the much lower sums offered by Libya to relatives of victims of another aircraft bombing also blamed on Libya—that of UTA 772, destroyed over Niger in 1989—the French government has demanded a comparable level of compensation for UTA 772's victims. Six Libyan officials were convicted in a French court *in absentia* for the attack. The victim's relatives were paid up to \$33,000 each by Libya, in contrast with \$10 million each for relatives of victims of PA 103. France is understood to have no more substantial complaints with the PA103 deal, however, and is not thought likely to vote against ending sanctions.

Underlying Libya's rehabilitation is the struggle for access to the country's oil. Libya currently has the sixth largest reserves in the world and is the eighth largest exporter, mainly to Europe, even with US and UN sanctions still in place. The country's oil industry is badly in need of investment and starved of new plant, with only 25 percent of potential oil-bearing areas having been explored.

Libyan oil is cheap to recover and is geographically close to Europe's expanding energy market. US companies Marathon, Occidental, Conoco and Amerada Hess have long demanded full access to an industry they once dominated, which is in danger of being lost to European rivals. French TotalFinaElf, Norwegian Norsk Hydro and Italian Eni have all been involved in development and exploration projects, as has German utility RWE, which recently won a five-year drilling contract.

Immediately after sending the UN letter, Qaddafi telephoned the European Commission president, former Italian prime minister Romano Prodi expressing his desire to normalise relations with the European Union (EU). Prodi reportedly told Qaddafi that in exchange Libya would have to join the EU's Mediterranean programme, which the Libya currently boycotts

because of Israel's participation.

In contrast to the shared aspirations of all the governments involved to bury the events of December 1998, the response from relatives of the Lockerbie victims has been suspicious, with no sense of closure.

For those who believe that the Libyan government is indeed guilty of the atrocity, the deal is a sellout that pins the entire responsibility on al Megrahi. Susan Cohen, whose daughter Theodora was killed, said, "This is a business deal, a PR campaign for the Libyans. It's a slimy, disgusting thing."

For those more sceptical of Libyan guilt, none of the innumerable unanswered questions were resolved. Jim Swire, whose daughter Flora was killed, said, "Compensation is one part of a complicated process. It doesn't bring us any closer to the truth we have been fighting for 15 years."

Another aspect of the Libyan offer is that it prejudices future compensation suits.

Matt Berkeley from Oxford, UK, whose brother Alistair died in the attack, refused compensation because he was unconvinced of Libyan guilt:

"I haven't seen...credible evidence that Libya did it or that any admission by the Libyans would be truthful, rather than simply the result of them being put under enormous pressure... Also, there is a long list of organisations and people that I can't subsequently sue. I don't want to give up my right to sue. New evidence may appear tomorrow proving who was responsible."



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