

Lockerbie: Transatlantic row worsens over Megrahi release

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Sections of the United States political establishment have reacted with fury to the release of Abdel Baset Mohamed al-Megrahi, the only person ever convicted for the 1988 bombing of Pan Am Flight 103 over Lockerbie.

Megrahi, who is dying of cancer, was released August 20 by Scottish Justice Secretary Kenny MacAskill on compassionate grounds, after he dropped a second appeal against his 2001 conviction. The decision has been attacked by US politicians, high-ranking security and defence officials, and many American relatives of Lockerbie victims.

US Secretary of State Hillary Clinton had said it would be “absolutely wrong” to release Megrahi, while President Barack Obama described it as a “mistake.” US Attorney General Eric Holder said the “interests of justice have not been served.”

Most dramatically, Robert Mueller, head of the FBI, complained that the decision was “inexplicable.” In a letter to MacAskill, Mueller stated that he was “outraged at your decision, blithely defended on the grounds of ‘compassion’.”

Admiral Mike Mullen, chairman of the US Joint Chief of Staffs, has said he was “appalled” by the release, which was “obviously a political decision.” And John Bolton, former US ambassador to the United Nations, denounced “the decision of the British government apparently to see commercial advantage for the UK in having this mass murderer go free. We wait to hear from Prime Minister Brown what he thinks.”

A web site, boycottscotland.com, has been set up calling for a boycott of Scotland and its goods.

In Britain, the release has been attacked by Conservative Party leader David Cameron, and some Labour MPs. The devolved Scottish parliament was recalled Monday, amidst warnings that the reputation of Scotland and the UK had been badly damaged, particularly in the US.

The main charge levelled is that the British government connived with Libya to free Megrahi in order to seal a number of lucrative business contracts. Libya’s potential resources are indeed vast. It is the second largest producer in Africa and the continent’s largest exporter to Europe. It has the largest proven oil and gas reserves in Africa and a total of US\$42 billion is expected to be spent in further oil exploration and development over the next five years.

British Petroleum, which already has invested US\$900 million in Libya to date, will be a prime beneficiary of the easing of relations with Colonel Muammar Gaddafi, as will London-listed Royal Dutch Shell, which also has a number of exploration permits.

It has been confirmed that UK Business Secretary Lord Mandelson met Gaddafi’s son Seif al-Islam during his stay at the luxury villa of the Rothschild family in Corfu, just one week before it was announced Megrahi would be freed. A letter sent by Prime Minister Gordon Brown to Colonel Gaddafi on the day of Megrahi’s release also referred to discussions over the Lockerbie case between the two men during the G8 summit in Italy at the beginning of July.

In addition, a leaked letter sent by the Foreign Office Minister Ivan Lewis to MacAskill, which advised there was no legal basis for rejecting Megrahi’s release, has undermined the Brown government’s protestations that the decision rested with the Scottish Justice Secretary alone.

Just as damaging has been Gaddafi’s public expression of gratitude to “my friend Brown, his government, the Queen of Britain, Elizabeth, and Prince Andrew who all contributed to encouraging the Scottish government to take this historic and courageous decision.”

While there is no question that much rests economically on relations between the UK and Libya, it is difficult to conceive that the British government would have made any of its moves without intense discussions and, at least initially, approval from the US administration.

US companies ExxonMobil, Occidental, the Oasis consortium of ConocoPhillips, Amerada Hess and Marathon also have substantial investments and exploration rights in Libya, as does Brazilian Petrobras, Nippon Oil from Japan, Russia’s Gazprom and a range of European operators.

In 2004, following Libya’s offer of compensation to the victims of the Lockerbie attack, the US began to resume diplomatic ties. The previous year, Libya renounced its primitive nuclear weaponry programme—a measure hailed by the Bush administration. Also in 2008, seeking to counter growing Russian influence in the country, then-US Secretary of State Condoleezza Rice visited Tripoli and was warmly welcomed by Gaddafi.

Despite such considerations, the Obama administration appears now to have distanced itself from Megrahi's release—causing severe political embarrassment to the Brown government. This must express political pressure, both from Republicans and prominent sections of the Democrats, who fear that Britain's actions are threatening to undermine fundamental US interests, above all its right to act as the world's policeman in enforcing the so-called “war on terror.”

This was certainly not Britain's intention. A major factor in releasing Megrahi to Libya was an effort to prevent a second appeal against his conviction being heard.

An appeal was belatedly authorised by the Scottish Criminal Cases Review Commission (SCCRC) on the basis of the likelihood that Megrahi had suffered a miscarriage of justice. This could have seen aired in court damaging material regarding the Lockerbie attack and the subsequent investigation and trial. It would have led to legal demands on the Scottish, UK and US authorities to disclose all documents relating to the bombing. In 2008, the UK government placed a Public Interest Immunity Certificate (PIIC) on a number of Lockerbie papers. PIICs are invariably used to defend the intelligence services from exposure.

It was necessary for Megrahi to abandon his appeal in order for him to be allowed home. In a statement issued on his return to Libya, he denounced the 2001 verdict as a “disgrace” and reiterated his claim of innocence.

Writing before the announcement on Megrahi's release, Alistair Bonnington, SCCRC member and formerly of the Lockerbie Trial Briefing Unit at Glasgow University, made clear the political calculations involved in Megrahi's release.

He explained that release on compassionate grounds would be “reached quite independently of his guilt or innocence”—i.e., without bringing into question the original conviction. He also noted that Megrahi would have only abandoned his appeal under the instruction of the “Colonel Gaddafi regime, who are funding all the legal costs.”

Noting the danger that this would allow “Libyan PR efforts to proceed on the basis that because this appeal never was completed the full truth was never known,” Bonnington railed against such “utter nonsense.” This was, he said, only being peddled by those he described as “Lockerbie groupies” and “conspiracy groupies.”

Bonnington also attacked families of UK victims of the Lockerbie bombing who have stated their belief that Megrahi was framed up to conceal the truth of who actually committed the bombing and the possibility that the US had been forewarned.

Those relatives “renewing their call for a public inquiry” were adopting “an outrageous, selfish and irresponsible approach” and diverting money away from the prosecution of rapists, child abusers and murderers, Bonnington fumed. “Let's do what those killed in that terrible crash would surely tell us to do if they were able to speak—’just move on’,” he proclaimed.

The hope of the Brown government and the Scottish Authorities was that by releasing Megrahi a line would be drawn for any further challenge to the Lockerbie case. MacAskill has indicated that previously the US authorities had seemed prepared to accept release. But others were not so sanguine about the prospect of Megrahi's fate being entrusted to Gaddafi.

Mueller's intervention is significant in that it embodies just how much was invested in the Lockerbie prosecution and its relationship to broader considerations associated with the “war on terror.” A long-time associate of the Republican right, he was appointed assistant attorney general by George Bush senior and led the investigation into the 1988 Lockerbie bombing that killed 270 people.

In his letter to MacAskill, he complains, “You apparently made this decision without regard to the views of your partners in the investigation and prosecution of those responsible for the Lockerbie tragedy. Although the FBI and Scottish police, and prosecutors in both countries, worked exceptionally closely to hold those responsible accountable, you never once sought our opinion, preferring to keep your own counsel and hiding behind opaque references to ‘the need for compassion’.”

Not only was the FBI's role in the investigation (and his own) being brought into question, but so too was America's overall foreign policy.

In 1988, the Lockerbie bombing was initially said by the US to be a revenge act by Iran, following the shooting down of Iran Air Flight 655 by the US Navy five months earlier. Since then, the US has intervened militarily against Iraq and Afghanistan—now extending into Pakistan—and has threatened action against Iran. These interventions, taken for strategic geo-political advantage, have all been dressed up with claims that they are necessary to rid the world of international terrorism.

Mueller himself was appointed FBI director by George W. Bush in 2001, three months before the 9/11 terror attacks, and has been deeply involved in all the policies associated with the “war on terror.” He charged MacAskill not only with rewarding “a terrorist,” but of making “a mockery of the rule of law” and giving “comfort to terrorists around the world.”



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