

Pan Am 103 Lockerbie bombing: Fresh appeal launched to clear Megrahi

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18 March 2020

Relatives and supporters of Abdelbaset Ali Mohamed al-Megrahi have won the right to posthumously appeal his 2001 conviction for murder following a decision by the Scottish Criminal Case Review Commission (SCCRC).

Megrahi was convicted of planting the suitcase bomb that in 1988 destroyed the “Maid of the Seas” Pan Am Boeing 747, PA103, killing 259 crew and passengers along with 11 residents of Lockerbie, Scotland.

The Lockerbie attack came only six months after an Iranair Airbus, IR655, was shot down in an unprovoked act of mass murder by a US missile cruiser, the USS Vincennes. In that instance 290 passengers and crew were killed. At the time, most commentary and media coverage assumed that the Lockerbie atrocity was an act of revenge.

From the outset, however, it was apparent there was some level of foreknowledge or complicity on behalf of the US and British intelligence services. Warnings of an attack on Pan Am flights had been issued. PA103, flying just before Christmas, was half empty because of cancellations. On the crash site in Scotland, numerous reports emerged of unrecorded activity by the FBI, items of wreckage being removed under armed guard, and luggage interfered with.

In 1990, UK citizen Martin Cadman, whose son Bill was killed on the flight, attended a briefing at the US Embassy for relatives of victims of the attack. Cadman was, without prompting, told by an unnamed member of the US President’s Commission on Aviation Security and Terrorism, “Your government and ours know exactly what happened and they are never going to tell.”

By 1991, around the time the Iranian government declared its neutrality during the US Desert Storm war on Iraq, the British and US authorities shifted responsibility for Lockerbie to Libya.

Pinning the blame on Libya served to isolate and pressure the government of Colonel Muammar Gaddafi and provided a pretext for punitive economic sanctions, which undermined the North African country’s oil-based economy.

Megrahi’s trial, at Camp Zeist in the Netherlands, was held under Scots law as part of a deal brokered by South African leader Nelson Mandela between the British and Libyan governments. Its purpose was to allow some veneer of legal

process on the rapprochement between the two countries, as Gaddafi abandoned his former radical posturing and US and British imperialism eyed the country’s oil resources.

The trial, however, revealed extraordinary inconsistencies in the Scottish Crown Office case. Not least was that there was no proof that Megrahi, a former Libyan intelligence officer, had ever loaded a comparable suitcase in Luqa airport in Malta, no proof that any unaccompanied suitcase had travelled from Malta via Frankfurt to Heathrow, to be loaded onto PA103, and no explanation of how Luqa airport’s rigorous security was overcome.

Nevertheless, Megrahi was convicted and sentenced to 20 years imprisonment, later increased to 27.

In another of countless inconsistencies, Megrahi’s co-accused, Llamen Fhimah was set free. For his part, Gaddafi duly offered compensation to the attack’s victims without accepting Libyan responsibility.

Megrahi had an initial appeal rejected in 2002, but the passage of time has only increased the perception that he was the victim of a politically motivated frame-up and show trial.

In 2007, the SCCRC authorised another appeal, reporting there was “no reasonable basis” to place Megrahi in Malta where he had been identified as allegedly purchasing clothing identified as being in a suitcase containing the bomb. However, in 2009 Megrahi, in prison in Greenock, was diagnosed with terminal cancer. He was allowed to return to Libya following an understanding reached with the Scottish government that his appeal should be dropped. Megrahi died in 2012, still protesting his innocence.

In 2011, 10 years after the trial, US, French and British imperialism launched a bloody neo-colonial war to overthrow Gaddafi. It ended with Gaddafi being hunted down and butchered. The country was pitched into a catastrophic civil war, which continues to this day.

This latest appeal was launched by Megrahi’s family and the Justice for Megrahi (JFM) campaign. This includes relatives of several victims of the disaster such as Dr. Jim Swire, who has steadfastly campaigned for the truth around his 23-year-old daughter’s murder on PA103.

JFM members include Robert Black, a lawyer and one of the architects of the original Camp Zeist trial. Another member is

former police superintendent Iain McKie, whose daughter Shirley was the subject of a debacle which, in the end, discredited the Scottish Criminal Records Office entire fingerprinting methodology. Shirley McKie was charged with perjury before finally being exonerated and compensated.

A SCCRC press statement reported grounds for allowing the new appeal. Referring to the identification of Megrahi as the purchaser of clothing in the bomb suitcase by Maltese shopkeeper Tony Gauci, the SCCRC concluded that “a miscarriage of justice may have occurred because no reasonable trial court, relying on the evidence led at trial, could have held the case against Mr. Megrahi was proved beyond reasonable doubt.”

The SCCRC statement found that the Crown failed to “disclose a statement and a police report” confirming that Gauci had photographs of Megrahi in his possession before he identified him. This “deprived Mr. Megrahi a real chance of an acquittal.” The commission also found that “reward money to be paid to Mr. Gauci under a scheme administered by the US Department of State” meant that “Mr. Megrahi was denied a fair trial.”

Gauci was coached by the Scottish police and bribed by the US government—\$2 million was eventually said to have been handed over.

The SCCRC rejected further grounds for appeal relating to:

The date on which Megrahi was identified as having been in Gauci’s shop in Malta

* Evidence emerged of the date at which Christmas lights were switched on in Sliema, Malta, which contradicts the prosecution claim that Megrahi made the purchases. Yet, the SCCRC “decided that the fresh evidence in question is not likely to have assisted Mr. Megrahi’s cause.” In a repeated theme, the SCCRC’s pointed to the fact that Megrahi’s defence team “chose not to lead it in connection with his appeal in 2002.”

The metallurgical characteristics of circuit board fragment PT/35(b)

* This fragment was claimed to be part of an MST-13 timer constructed by MEBO AG of Switzerland. The fragment appeared late in the investigation with records of its discovery apparently altered. PT/35(b)’s significance in the case against Megrahi is that it implicated the Libyan government, which had purchased 20 such timers.

Evidence emerged, and was available early in the investigation, to confirm that the MST-13 circuit board fragment could not have been part of the batch of timers sold to Libya, as the board’s soldering had different characteristics from control samples provided by MEBO. When this was made available to Megrahi’s original defence team, they again, for reasons unclear, declined to use it.

The SCCRC nevertheless found that “the decision by the defence team to proceed without investigating the metallurgy issue did not mean that Mr. Megrahi’s defence was not

presented to the court.”

Suitcase ingestion at Heathrow

* This is most damaging to the entire case against Megrahi and was clearly explained in the 2013 book “Adequately Explained by Stupidity?” by JFM member, Dr. Morag Kerr.

Kerr makes a detailed and methodical examination of the recorded progress of all items of luggage through Luqa, Frankfurt and Heathrow airports, their position in the luggage container AVE4041 at Heathrow airport, and their subsequent condition and location when discovered on the hills around Lockerbie. Her conclusion is that the bomb suitcase, a Samsonite Silhouette 400, was introduced in London *prior* to a feeder flight, PA 103A, arriving from Frankfurt carrying any luggage from Malta.

Kerr makes clear that, despite the vast and complex investigation, this suitcase has no known provenance and its owner has never been identified. It was noticed by several airline staff prior to and during transfer to PA 103. It appeared the day after a highly unusual break-in to the Heathrow luggage storage area adjacent to where AVE4041 was loaded.

The SCCRC agreed that “If accepted, this would fatally undermine the Crown case,” but claimed the allegation lacked information highlighted by Operation Sandwood—a four-year police inquiry into allegations of police criminality during the Lockerbie investigation made by JFM.

This counterclaim is not substantiated. Operation Sandwood concluded in 2018 that “no criminality” had been found. Its report has not been published, nor the basis of its findings released.

Learning of the news of the appeal being allowed, Megrahi’s youngest son, Ali, told the *Times* “If the world discovers the identity of the true bomber, it will have to accept that it was not my father. Those who lost their loved ones deserve to know the truth, who was responsible and why it happened.”



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