

Lockerbie bombing: Megrahi's posthumous appeal rejected by Scottish judges

Steve James
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Five Scottish judges have upheld the 2001 verdict against Abdelbaset Ali Mohamed Al Megrahi, the only person convicted for the 1988 bombing of Pan Am Flight 103 over Lockerbie, Scotland, which killed 270 people.

Last week's decision is the second time an appeal on Megrahi's behalf has been rejected by the courts amid the continued suppression of contradictory evidence.

In 2002, an initial appeal was thrown out. In 2009, Megrahi, already terminally ill, was tacitly offered release from Greenock prison on compassionate grounds if a contemporary appeal was dropped as part of rapprochement between the Libyan and British governments. The most recent appeal was launched by Megrahi's son, Ali Al-Megrahi, to clear his father's name posthumously.

The appeal hearing heard from Claire Mitchell QC that Megrahi's original conviction hinged on Maltese shopkeeper Tony Gauci's uncorroborated identification of Megrahi. She pointed to contradictions in Gauci's testimony and challenged the trial judges' decision that the clothing was purchased on 7 December 1988, rather than 23 November, which was supported by the evidence. Megrahi was not in Malta in November.

Mitchell noted that while the trial verdict "cherry picked" items from a mass of conflicting evidence, no evidence existed that the bomb started its journey from Malta.

The appeal was allowed to go forward following a decision by the Scottish Criminal Cases Review Commission (SCCRC), that a miscarriage of justice may only have occurred because of the manner in which Megrahi was identified by Gauci. Gauci first identified someone else, appeared confused, and was found to have been coached by police in expectation of a huge reward. \$2 million was duly paid, a matter about which the trial defence was not informed.

The SCCRC did not consider confusion over the date of Megrahi's identification in Malta, analysis of the metallurgical characteristics of the alleged bomb timer—proving it was not part of a batch sold to Libya—or devastating evidence of the bomb suitcase entering the

luggage system at Heathrow Airport, London, as grounds for appeal.

The reason for the appeal being restricted to Megrahi's identification by Gauci is increasingly clear. Any broader querying of the original verdict threatens to bring down the house of cards that is the legal frame-up of Megrahi.

It is worth recalling some of the contradictions and unconfirmed assertions on the official version of events leading to PA103's destruction, upheld at the 2001 trial and again on two subsequent appeals.

Megrahi was found guilty of loading a suitcase, containing a bomb armed with a complex electronic timer, in Luqa airport, Malta, onto a flight to Frankfurt, Germany. No viable evidence has been presented confirming that such a suitcase existed. No explanation has been given of how Megrahi overcame Luqa's tight security. No record has been found of an unaccompanied suitcase transiting Frankfurt airport to be loaded onto another flight to London. No explanation has been offered of how Frankfurt airport's X-ray scanning missed a bomb in a cassette recorder when staff had been advised to look out for one.

From Frankfurt, the feeder flight travelled to London's Heathrow airport, where the bomb was allegedly transferred to Pan Am 103. No such suitcase has been identified.

Not accounted for is the fact that a suitcase closely resembling the one containing the bomb appeared unexpectedly at Heathrow airport *before the feeder flight from Frankfurt* arrived and was reportedly inserted onto PA103 at Heathrow.

This suitcase was seen by witnesses on the floor of the luggage container in which the explosion later occurred. No explanation or significance has been attached to a break in at Heathrow airport, where security was poor, the night before, adjacent to the luggage loading area for PA103.

The explosion that destroyed the Boeing 747 took place 38 minutes after take-off from Heathrow. This is exactly the time at which a well-known design of barometric bomb, triggered by a fall in air pressure, would explode had one been loaded at Heathrow.

Barometric bombs of this design were, at the time, being manufactured in Germany by a Syrian backed Palestinian group the Popular Front for the Liberation of Palestine-General Command (PFLP-GC), a group with a history of aircraft bombing. Four of these bombs were seized by German police, a fifth went missing for unexplained reasons.

No explanation has been offered of why the stated design of electronic timer, an MST-13 manufactured by Swiss company MeBo-AG, would not be set to explode at a time much later, over the Atlantic, where any evidence would sink to the ocean floor.

Nor has an explanation been offered as to why evidence relating to the belated appearance of a fragment of MST-13 timer in the Lockerbie wreckage showed evidence of having been doctored, as had the records relating to its discovery. Or why this timer fragment has subsequently been proved NOT to be part of a consignment of timers admittedly sold to Libya by Mebo-AG.

Days before the appeal hearing, the judges ruled that documentation in the possession of the British government since shortly after PA103 was brought down should remain hidden, upholding a public interest immunity certificate signed by Foreign Secretary Dominic Raab in August this year. One of Raab's predecessors, Labour's David Miliband, signed a similar order in 2008 before Megrahi's previous appeal was dropped.

Carloway upheld Raab's view that the documentation was relevant but revealing it would "damage counter-terrorism liaison and intelligence gathering between the UK and other states".

The documentation is reportedly a letter from then Jordanian ruler, King Hussein, an ally of the Western powers and a CIA asset, implicating Jordanian intelligence agent and PFLP-GC supporter Marween Khreesat in making the bomb. King Hussein claimed the attack was revenge commissioned by the Iranian government for the US Vincennes' shoot-down of an Iran Airbus at the cost of 255 lives in July 1988. Khreesat was arrested as part of the group that was making bombs in Germany in 1988, but was quickly released. He died in Syria in 2016.

Another remarkable intervention on the eve of the appeal, which coincided with the December 21 anniversary of the disaster, came from outgoing US Justice Secretary William Barr.

Barr announced charges against the hitherto little-known Libyan, Abu Agela Mas'ud Kheir Al-Marimi (Masud), whom Barr accused of helping Megrahi make the bomb used in the attack and whose extradition to the US is now being sought. Barr claimed the then-Libyan leader Colonel Muammar Gaddafi personally thanked Masud for his efforts. Masud has been held in a Libyan jail since 2012. Gaddafi's

government was violently overthrown by the US and European war machine, and Libya pitched into a catastrophic and ongoing civil war in 2011, but this claim of involvement only surfaced years later.

Barr has a history with the Lockerbie case. Prior to his installation by Donald Trump in 2019, he was known for a series of cover-ups arising from his first period as US Attorney General, between 1991 and 1993, during George H.W. Bush's term as US President, arising from the successive debacles of US foreign policy in the Middle East.

It was on Barr's watch that Bush handed out pardons to senior state officials involved in the Iran-Contra scandal of the 1980s, including former defence secretary Caspar Weinburger, who had been charged with crimes of perjury, lying to Congress and obstruction of justice.

Barr oversaw a fundamental shift in the focus of investigation into the destruction of Pan Am Flight 103 from the PFLP-GC and Iran to Libya, and announced the November 14, 1991 indictments against Megrahi, and his then co-accused, Al Amin Khalifa Fhimah.

The transition took place during US preparations for the assault on Iraq in the first Gulf War, launched earlier in 1991. Prior to the war, US officials shuttled around the various Arab regimes in the Middle East seeking support and acquiescence in the planned bloodbath. Then Secretary of State James Baker visited Syria repeatedly and extracted regime support for the assault on neighbouring Iraq. Iran remained neutral.

Speaking of Lockerbie when the war was over and days after the unexpected indictment of the two Libyans, Bush said, "A lot of people thought it was the Syrians. The Syrians took a bum rap on this."

None of this mattered to the Scottish judges. Instead, the 64-page verdict sought to strengthen the case against Megrahi by attributing sinister significance to entries in co-accused Fhimah's diary referring to "luggage tags". Fhimah, however, was acquitted in the original 2001 trial. Both men worked at the airport.

Speaking outside the court, lawyer Aamer Anwar said Megrahi's family were heartbroken by the verdict and intend to take the case to the UK Supreme Court. Jim Swire, 84, whose daughter Flora died in the disaster said, "For a long time I have been persuaded that it isn't likely the truth will come out during my time left on the planet."



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