

Lockerbie Prosecution Lies in Shambles

by Jeffrey Steinberg

As we near the 12th anniversary of the bombing of Pan Am Flight 103 over Lockerbie, Scotland, the case against two Libyan intelligence officers is apparently coming unglued. Since May, Abdelbaset Ali Mohamed al-Megrahi and Al-Amin Khalifa Fhimah have been on trial at Camp Zeist in the Netherlands, accused of having placed a bomb on an Air Malta flight, which was transferred to Pan Am 103 on Dec. 21, 1988, causing the plane to explode in midair, killing all 259 passengers and crew on board, and 11 people on the ground.

Originally, all available evidence had pointed to the Syria-based Popular Front for the Liberation of Palestine-General Command (PFLP-GC) as the terrorist group behind the bombing. PFLP-GC was widely believed to have carried out the bombing with the backing of Syrian and, possibly, Libyan intelligence, at the behest of Iran's ayatollahs, seeking revenge for U.S. downing of an Iranian Air passenger jet in July 1988, which killed hundreds of civilians.

But the Syria connection was something that was not on the policy agenda of President George Bush or British Prime Minister Margaret Thatcher, particularly after Syria threw its support behind the Anglo-American "Operation Desert Storm" against Saddam Hussein in 1991.

Furthermore, one of the Syrian names that repeatedly emerged in the early phase of the investigation, was Mansur al-Kassar. A convicted international narcotics trafficker and terrorist who had been implicated in the *Achille Lauro* luxury cruise liner hijacking, al-Kassar had been employed by the Bush-Oliver North White House "secret parallel government" as an arms dealer to the Nicaraguan Contras and as the purported "second channel" for negotiating the release of American hostages in Lebanon.

Within months of the conclusion of the "New World Order" war against Iraq, the Bush Justice Department announced that "new evidence" had emerged, proving that Libya had been solely responsible for the Lockerbie bombing. The Libyan intelligence officers were indicted, Syria was let off the hook, and it was believed that Muammar Qaddafi would never cooperate with the World Court, London, or Washington, to allow the men to be tried.

Those plans came unstuck in 1999 when, after years of negotiations, a deal was struck with Qaddafi; Fhimah and al-Megrahi were shipped off to the Netherlands for trial under Scottish law, before a Scottish panel of judges.

In late September, the Crown Prosecution finally called

the only person who claimed to have been an eyewitness to the planting of the bomb at Malta Airport, a former Libyan intelligence officer who testified under the pseudonym "Abdul Majid Giaka." After three days of questioning, Giaka's testimony crumbled, and with it, according to some observers, much of the prosecution case.

Giaka defected to the CIA in August 1988, four months before the bombing. Yet, the first time he made any mention of first-hand knowledge of the Lockerbie bombing was on July 14, 1991, in a meeting with FBI and CIA agents on board a U.S. warship off Malta. Giaka, on the U.S. government payroll for three years, was by then believed by his CIA and FBI handlers to be a compulsive liar and borderline nut.

Giaka knew the meeting was his last chance to retain his ties to the United States, and the lucrative Federal Witness Protection Program (FWPP) "perks." The United States had just announced the Libyan indictments and, according to al-Megrahi's lawyer, William Taylor QC, Giaka stood to receive the \$2 million U.S. government reward, if he provided testimony leading to the conviction of the two Libyans.

It was at this meeting, and a later debriefing in Tysons Corner, Virginia, that Giaka's story first surfaced: How he saw al-Megrahi and Fhimah load the suitcase onto the luggage carousel at Malta on Dec. 21. At first, as Giaka admitted in cross-examination at Camp Zeist, he did not recall whether the incident had occurred in September, October, or December 1988. Years of trial preparation, sweetened by the payments from the FWPP, miraculously aided his memory. But under Taylor's cross-examination, his credibility evaporated.

Defense attorneys have said that, when the prosecution completes its case sometime before Christmas, they will move for a dismissal of all charges.

Another Surprise Twist

On Oct. 9, the trial took another surprise twist, suggesting that the case could evaporate even sooner. Prosecutors announced that new evidence had been provided by a government that could help the defense case. Prosecutors asked for an adjournment until Oct. 17, so the evidence could be assessed. According to one former U.S. intelligence official, the information came from a western European government, probably Sweden or Germany.

Sources close to the trial believe the information is related to a PFLP-GC figure, Mohammed Abu Talb, who was initially believed to have been involved in the plot. Now serving a life sentence in Malmö, Sweden for terrorist attacks against U.S. airlines, Talb was in Malta in the weeks prior to the Lockerbie bombing, and was originally listed by Scottish investigators as a prime suspect. He was also linked to Hafez Dalkamouni, the PFLP-GC bomb-maker and German cell leader. The two men travelled to Malta in October 1988.

Abu Talb is the next witness scheduled to testify. If the sources prove right, and the new evidence in some way implicates him, the investigation could be sent back to square one.