

Editorial

After Lockerbie

There has seldom been such unanimity in the British political class as has come about in the last half of August 2009 with the release of the Libyan prisoner, Abdel Baset Ali al-Megrahi, on compassionate grounds. This was announced by the Scottish Secretary for Justice, Kenny MacAskill, after medical reports forecast that the Libyan was at death's door, having advanced prostate cancer which probably gave him a maximum life expectancy of three months.

Megrahi had been sentenced by three Scottish Judges to life imprisonment, following a highly contentious trial in which the Scottish Courts sat in an American airbase in The Netherlands to hear the case of the Lockerbie bomb. (See below the assessment of Professor Robert Black, who is the first of our chosen witnesses, whose job it was 'to try to ensure that the trial would take place'.) A Pan American passenger jet had been blown up on the 21st December 1988, while flying over the small Scottish town of Lockerbie en route for the United States. The evidence showed that a bomb had been secreted in passenger luggage. It had exploded in mid-air, killing all 259 passengers. A giant fireball fell across the town, killing eleven more people on its way. This was a huge disaster, the largest in British aviation history.

Who could have conceived such an atrocity? The intelligence agencies of the world were not at a loss for an explanation. But they were flummoxed by the problem of how to present what they knew, or indeed, whether to present it.

In a forensic exploration of these dilemmas, Paul Foot published a special number of *Private Eye* called *Lockerbie: The Flight from Justice* (see box). Foot traced the various explanations offered in the press, and carefully followed their mutations as considerations of *realpolitik* influenced the authorities about what stories they felt it appropriate to tell.

The core truth was simple. An Iranian passenger jet carrying pilgrims to Mecca had been shot down by an American warship. Iran Air flight 655 was a commercial flight operated by Iran Air that flew on a Tehran – Bandar Abbas – Dubai route. It was shot down on July 3rd 1988 by the USS *Vincennes* on the Bandar Abbas – Dubai leg. Two hundred and ninety pilgrims perished. There were no survivors.

The USS *Vincennes* was fitted with the Aegis combat system, and it was operating in the Strait of Hormuz under the captaincy of Commander William C. Rogers III. The *Vincennes* was inside Iranian territorial waters, in pursuit of Iranian naval boats, which were supposed to be there.

The American authorities said that the *Vincennes* had mistakenly identified the Iranian plane as an attacking military jet. Since the ship had no business which would entitle it to be in the Strait of Hormuz, this was hardly an excuse for what happened. The Americans fired anti-aircraft missiles, one of which split the plane in two, and damaged its tail and right wing. 'Only afterwards it was realised that the plane had indeed been a civilian airliner.' *Newsweek* came to the conclusion that Captain Rogers was acting 'recklessly and without due care'. The journal also alleged a cover-up by the US Government.

True, the American Government issued notes of regret about the loss of human life, but never admitted any wrongdoing or responsibility. Neither did they apologise. Indeed, they blamed and continued to blame the Iranians for the actions leading to the incident. Fifteen years later, on the 6th November 2003, the International Court of Justice concluded that the American Navy's actions in the Persian Gulf at that time had been unlawful.

Most of the officers involved in the shooting down of the plane were decorated when the ship returned to the United States. President George H. W. Bush awarded Captain Rogers the Legion of Merit decoration, not an ordinary medal, but worn round the neck, for exceptional meritorious conduct in the performance of outstanding service as Commanding Officer from April 1987 to May 1989. The citation did not mention the destruction of Iran Air flight 655.

This is the context in which western journalists and some intelligence agencies came to believe that there was an Iranian influence on the plans to destroy an American passenger flight, or perhaps more than one, by way of reprisal.

It is also the context in which the Iranians evaluated the lack of contrition in the United States about the death of all those pilgrims. Does this not compare with the heartfelt sense of scandal registered by the relatives of the Lockerbie victims in the United States when Abdel Megrahi returned to Libya and was afforded what the Western press described as 'a hero's welcome'?

But Megrahi was completely innocent, while Rogers was guilty.

The destruction of the Pan Am jumbo jet in December 1988 was, in other words, generally assumed to be a straightforward act of revenge. All the spooks who spoke, and all the journalists who reported them, homed in on the conclusion that the Popular Front for the Liberation of Palestine General Command, a group based in Syria, had been responsible for the placing of the bomb which brought about the act of vengeance. It was alleged that substantial payments had been made to the PFLP by the Iranian Government.

Paul Foot's account of these matters is entirely clear, and he established beyond doubt that the earliest stories about Lockerbie never considered any role for Libyans beyond an apparently peripheral allegation by a Maltese shopkeeper who later figured in the trial.

However, after Saddam Hussein invaded Kuwait, in 1990, international alignments all changed, and Iran and Syria became temporary or potential allies of the United States. Our political classes think that it is a conspiracy theory to say that the shifting of the spotlight from Iran to Libya owes more to diplomatic convenience than to the pursuit of truth. None the less, that happened, and it is not otherwise easy to explain.

Things have since moved on. A growing energy crisis in Europe has now produced a situation in which the European powers perceive the development of an unhealthy dependence upon Russian sources of oil and natural gas. The fact that the Middle East has been visited by cataclysm with the pursuit of various wars on terror has not eased this dependence. Suddenly, Libya becomes a hot property, bubbling with oil and gas, all highly conveniently situated for the supply of energy-famished European

Was the bomb loaded at Heathrow?

Paul Foot, in *Lockerbie: The Flight from Justice*, carefully documented the question of which airport the bomb suitcase had started out on its journey to Lockerbie.

'As we have seen, there was no evidence that it got on at Malta; and debatable documentation to suggest that it went on at Frankfurt.'

In fact, thought Foot, it was far more likely that it went on at Heathrow. A maroon-brown Samsonite suitcase was noted to be on the baggage container which carried luggage (including the explosive device?) to the plane. This evidence 'came from the man who loaded the container, Heathrow employee John Bedford'.

It was a Samsonite case that exploded with the bomb in it, thirty-eight minutes after take-off from Heathrow. The timers used by the Syrian-based team of saboteurs were designed to explode after thirty-eight minutes. The timers which the Libyans and East German secret police had bought from the Swiss firm MEBO, and which figured in the prosecution's version of events, were different.

In a nutshell, the theory that the bomb had been emplaced in Heathrow, and that it implicated the PFLP team, was far more plausible than the other theories, including that chosen by the prosecution. But the prosecution had got a victim in its sights, and he had the merit of not being an Iranian.

powers. But in the meantime, the Lockerbie trial has taken place, and Mr. Megrahi has been found guilty of bombing Pan Am flight 103.

That is the reason why London politicians, the President of the United States, and the assembled legions of the great and good have all been able to reach accord on the errors of the Scottish justice system, and the wickedness of compassionate release for Mr. al-Megrahi. But evidence does not figure very strongly in this package of gut-reactions. From the first moment, the elaborate Scottish trial conducted in The Netherlands has provoked severe misgivings.

We feature below the report by Dr. Hans Köchler, the international observer appointed by Kofi Annan to cover the trial. He placed on record his 'suspicion that political considerations may have been overriding a strictly judicial evaluation of the case, and thus may have adversely affected the outcome of the trial'. More: the trial 'may to a considerable extent have been the result of more or less openly exercised influence from the part of actors outside the judicial framework'.

On the basis of his observation of the trial and careful scrutiny of its procedures, the UN observer 'reached the conclusion that the trial, seen in its entirety, was not fair and was not conducted in an objective manner'.

None of the British political lions have paid any attention to the UN Rapporteur. But neither have they been influenced unduly by the Scottish Criminal Cases Review Commission, which determined that Megrahi was entitled to a further appeal against his conviction. This judgment extends to eight-hundred-plus pages, and is accompanied by thirteen further volumes of appendices. Amongst other things, the Commission wanted to know whether the key prosecution witnesses might have been swayed by the prospect of a \$2 million reward proposed by the Scottish police to the American authorities. The Scottish police also generously suggested that the witness's brother, who had provided corroboration, should be paid an additional \$1 million. Initially, two Libyans had been charged, but one had been acquitted because it was established that the witness of his alleged misdemeanours had already been paid \$4 million for his testimony. The Criminal Cases Review Commission named six grounds which could indicate a serious miscarriage of justice in the Megrahi case, and yet almost every newspaper has pretended that the guilt of Mr. Megrahi is established beyond any reasonable doubt. So have all those pious and loyal politicians. *The Mail on Sunday*, however, published in its Scottish edition Tam Dalyell's heretical interpretation of events, which we also reprint below.

True, there are limiting influences which can mitigate the hysteria unleashed against the Scottish Government and its spokesmen. Not the

least of these is the fact that Mr. Blair had indeed cut a series of deals with President Gadaffi which provided important inducements to the British Government not to undo their relationships with the Libyan leader. (See box – Doing business in Libya.)

The fish rots from the head

Tony Blair made two visits to Libya, where, on each occasion, he met with President Gadaffi. The ice was broken in 2004, and in May 2007 Tripoli agreed to buy British missiles and air defence systems from British Aerospace in a very large deal. The Libyans also agreed on a gas exploration deal worth ‘at least \$900 million’ (£509 million). Of course, big deals have been going on all the time. Mr. Blair is himself quite a large operator, having been paid \$5 million a year for his work for the investment bank J. P. Morgan. This works out at £3 million at the current exchange rate. BP, which engaged Blair’s former assistant, Angie Hunter, as an adviser to Lord Browne, and liaison with the premier, ‘helped to earn the company the damaging sobriquet “Blair Petroleum”,’ was among a number of British companies which ended a thirty year absence from Libya in 2007 with a bilateral exploration commitment to drill in the onshore Ghadames area and also in the offshore Sirte Basin, with seventeen exploratory wells.

Doing business in Libya

‘Britain will be hoping for smoother business ties with Libya after the release of convicted Lockerbie bomber Abdel Basset al-Megrahi. The North African country was off-limits for decades and British and other oil firms agreed tough terms when they were at last able to sign exploration and production deals there.

Following is a list of some of the biggest foreign oil companies in Libya. Information is taken from previous Reuters stories.

BP – The British firm ended a 30-year absence from Libya in 2007 when it signed its biggest ever exploration commitment through a bilateral deal. It will spend at least \$900 million to search the onshore Ghadames area and offshore Sirte Basin with 17 exploration wells.

Royal Dutch Shell – the London-listed company was awarded a gas exploration permit in 2007 for areas in the Sirte Basin, and was also awarded permits in 2005.

ExxonMobil – in February 2008 the US oil major agreed with Libya’s national oil company to invest \$97 million plus tens of millions in fees in offshore hydrocarbon exploration. The company in 2005 struck an exploration and production sharing deal with Libya’s state oil company

that covers the Cyrenaica Basin, covering 2.5 million acres, from deep to shallow waters.

Verenex – The Canadian company is the only winner of post-sanctions licences under Libya's EPSA-IV tender mechanism to have made sizeable finds, prompting a battle for ownership of the company between Libya and China National Petroleum Corp.

Occidental – The company which began business in Libya in 1966, reported first-quarter 2009 net production from Libya of 8,000 barrels per day, down from 22,000 bpd a year earlier. In late 2007 it won gas-focused permits to explore areas of the Sirte Basin, and in 2005 was the biggest winner in Libya's first licensing round.

PGNiG – Libya's state-owned oil corporation ratified a gas exploration agreement in February 2008 with the Polish gas monopoly for drilling at least eight wells at a cost of \$108 million in the Murzuq Basin.

Gazprom – The Russian company was awarded a gas exploration licence in 2007 for areas in the Ghadames Basin.

RWE – The German energy firm agreed to spend at least \$76 million and drill two exploration wells in Syrenica Basin blocks it won access to in late 2007.

Sonatrach – The Algerian state energy firm won blocks in the Ghadames Basin in December 2007.

Oasis Group – in December 2005 the consortium of ConocoPhillips, Amerada Hess and Marathon agreed to pay Libya \$1.3 billion to extend their contracts in the Sirte Basin. The contracts were concluded before the sanctions were imposed, but the US companies left Libya in 1986 after US sanctions were imposed.

Nippon Oil – Japan's largest refiner in 2005 struck an offshore exploration and production sharing agreement with Libya that also includes Mitsubishi Corp. and Japan Petroleum Exploration (JAPEx), which said it would invest \$48 million in exploration over five years.

Petrobras – The Brazilian company was awarded licences for exploring offshore in January 2005.

Following are some other companies with business ties with Libya, according to the British-Libyan Business Council:

BNP Paribas – Bought a 19 per cent stake and strategic partnership in Sahara Bank for 145 million in 2007, the first partial privatisation deal for Libya.

Barclays, HSBC, Standard Chartered, J. P. Morgan Asset Management.'

Source: Aug 20 2009, 9.35 a.m. Eastern Daylight Time from Reuters on Bester News.