

Key Lockerbie Witness Admits Perjury

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They have eyes to see but do not see
and ears to hear but do not hear

Ezekiel 12:2

The Lockerbie Affair has taken yet another extraordinary twist. On Friday August 31st, I received from Edwin Bollier, head of the Zurich-based MeBo AG, a copy of a German original of an Affidavit.

The document is dated July 18th 2007 and signed by Ulrich Lumpert who worked as an electronic engineer at MeBo from 1978 to 1994. I have scrutinized the document carefully and concluded that I have no reason to doubt its authenticity or the truthfulness of its content.

Lumpert was a key witness (N° 550) at the Camp Zeist trial, where a three Judges panel convicted a Libyan citizen of murdering 270 persons who died in the bombing of Pan Am 103 over Lockerbie.

In his testimony, Lumpert stated that: "of the 3 pieces of hand-made prototypes MST-13 Timer PC-Boards, the third MST-13 PC-Board was broken and [he] had thrown it away."

In his Affidavit, certified by Officer Walter Wieland, Lumpert admits having committed perjury.

"I confirm today on July 18th 2007, that I stole the third hand-manufactured MST-13 Timer PC-Board consisting of 8 layers of fibre-glass from MEBO Ltd. and gave it without permission on June 22nd 1989 to a person officially investigating in the Lockerbie case," Lumpert wrote. (The identity of the official is known.)

"It did not escape me that the MST-13 fragment shown [at the Lockerbie trial] on the police photograph No PT/35(b) came from the non-operational MST-13 prototype PC-board that I had stolen," Lumpert added.

"I am sorry for the consequences of my silence at that time, for the innocent Libyan Mr. Abdelbaset Al Megrahi sentenced to life imprisonment, and for the country of Libya."

In just seven paragraphs, the Lumpert affidavit elucidates the longstanding mysteries surrounding the infamous MST-13 timer, which allegedly triggered the bomb that exploded Pan Am 103 over Lockerbie on December 21st 1988.

The discovery of the MST-13 timer fragment

In the months following the bombing of Pan Am 103 over Lockerbie, someone discovered a piece of a grey Slalom-brand shirt in a wooded area located about 25 miles away from the town. According to a forensics expert, the cloth contained a tiny fragment – 4 mm square – of a circuit board. The testimony of three expert witnesses allowed the prosecutors to link this circuit board, described as part of the bomb trigger, to Megrahi.

There have been different accounts concerning the discovery of the timer fragment. A police source close to the investigation reported that it had been discovered by lovers. Some have said that it was picked up by a man walking his dog. Others have claimed that it was found by a policeman “combing the ground on his hands and knees.”

At the trial, the third explanation became official. “On 13 January 1989, DC Gilchrist and DC McColm were engaged together in line searches in an area near Newcastleton. A piece of charred material was found by them which was given the police number PI/995 and which subsequently became label 168.”

The alteration of the label

The officer had initially labelled the bag ‘cloth (charred)’ but had later overwritten the word ‘cloth’ with ‘debris’.

The bag contained pieces of a shirt collar and fragments of materials said to have been extracted from it, including the tiny piece of circuit board identified as coming from an MST-13 timer made by the Swiss firm MeBo.

“The original inscription on the label, which we are satisfied, was written by DC Gilchrist, was “Cloth (charred)”. The word ‘cloth’ has been overwritten by the word ‘debris’. There was no satisfactory explanation as to why this was done.”

The judges said in their judgement that Gilchrist’s evidence had been “at worst evasive and at best confusing”.

Yet the judges went on to admit the evidence. “We are, however, satisfied that this item was indeed found in the area described, and DC McColm who corroborated DC Gilchrist on the finding of the item was not cross-examined about the detail of the finding of this item.”

It has long been rumoured that a senior former Scottish officer, who has worked at the highest level of the Lockerbie inquiry, has signed a statement in which he claims that evidence has been planted. UK media have confirmed the story. Thus, the Scottish officer has confirmed an allegation previously made by a former CIA agent. The identity of the officer remains secret and he is only known as “Golfer”.

“Golfer” has told Megrahi’s legal team that Gilchrist had told him that he had not been responsible for changing the label.

The new page 51

According to documents obtained by the Scotland on Sunday, the entry of the discovery is recorded at widely different times by UK and German investigators. Moreover, a new page 51 has been inserted in the record of evidence.

During the Lockerbie investigation, Dr Thomas Hayes and Allan Feraday were working at the

DERA Forensic laboratory at Fort Halstead in Kent.

Dr Hayes was employed at the Royal Armament Research Development Establishment (RARDE). In 1995, RARDE was subsumed into the Defence Evaluation and Research Agency (DERA). In 2001, part of DERA became the Defence Science and Technology Laboratory (DSTL).

Dr Hayes testified that he collected the tiny fragment of the circuit board on May 12th 1989. He testified that the fragment was green. (Keep in mind that the board stolen from Lumpert is brown.) His colleague, Alan Feraday, confirmed his story at the Zeist trial.

The record is inserted on a loose-leaf page with the five subsequent pages re-numbered by hand. Dr Hayes could not provide a reasonable explanation for this rather strange entry, and yet the Judges concluded that: "Pagination was of no materiality, because each item that was examined had the date of examination incorporated into the notes."

The argument of the Court is illogical as the index number Dr Hayes gave to the piece is higher than some entry he made three months later.

And there is more. In September 1989, Feraday sent a Polaroid photograph of the piece and wrote in the attached memorandum that it was "the best he could do in such short time." So, are we supposed to believe that it takes forensic experts several months to take a Polaroid picture?

Dr Hayes could not explain this. He merely suggested that the person to ask about it would be the author of the memorandum, Mr Feraday.

This however was not done. At the young age of 43, Hayes resigned just a few months after the discovery of the timer fragment.

Based on the forensic Dr Hayes had supplied, an entire family [The Maguire seven] was sent to jail in 1976. They were acquitted in appeal in 1992. Sir John May was appointed to review Dr. Hayes forensic evidence.

"The whole scientific basis on which the prosecution in [the trial of the alleged IRA Maguire Seven] was founded was in truth so vitiated that on this basis alone, the Court of Appeal should be invited to set aside the conviction," said Sir John May.

In the Megrahi's case, Dr Hayes did not even perform the basic test which would have established the presence of explosive residue on the sample. During the trial, he maintained that the fragment was too small while it is factually established that his laboratory has performed such test on smaller samples.

Had he performed such test, no residue would have been found. As noted by Lumpert, the fragment shown at the Zeist trial belongs to a timer that was never connected to a relay. In other words, that timer never triggered a bomb.

Dr Alan Feraday's reputation is hardly better. In three separated cases, where men were convicted on the basis of his forensic evidence, the initial ruling was overturned in appeal.

After one of these cases in 2005, a Lord of Justice said that Feraday should not be allowed to present himself as an expert in the field of electronics.

According to forensic scientist, Dr Michael Scott, who was interviewed in the documentary The Maltese Double Cross – Lockerbie, Feraday has no formal qualifications as a scientist.

The identification of the MeBo timer

Thomas Thurman worked for the FBI forensics laboratory in the late 80's and most of the 90's. Thurman has been publicly credited for identifying the fragment as part of a MST_13 timer produced by the Swiss company Mebo.

"When that identification was made, of the timer, I knew that we had it," Thurman told ABC in 1991. "Absolute, positively euphoria. I was on cloud nine."

Again, his record is far from pristine. The US attorney General has accused him of having altered lab reports in a way that rendered subsequent prosecutions all but impossible. He has been transferred out the FBI forensic laboratory.

"He's very aggressive, but I think he made some mistakes that needed to be brought to the attention of FBI management," says Frederic Whitehurst, a former FBI chemist who filed the complaints that led to the Inspector General's report.

"We're not necessarily going to get the truth out of what we're doing here," Whitehurst concluded.

The story shed some light on his formation. The report says "Williams and Thurman merit special censure for their work. It recommends that Thurman, who has a degree in political science, be reassigned outside the lab and that only scientists work in its explosives section."

And the legal experts were just as fake as their scientific counterparts. In late 1998, Glasgow University set up the Lockerbie Trial Briefing Unit [LTBU] to provide impartial advice to the world media on the legal aspects of the complex and unique trial.

Andrew Fulton, a British diplomat, was appointed as a visiting law professor to head the Unit. Fulton has no legal experience whatsoever. Prior to his appointment as head of LTBU, Fulton was MI6 station chief in Washington DC.

The modification of the MST-13 timer fragment

Forensic analysis of the circuit board fragment allowed the investigators to identify its origin. The timer, known as MST-13, is fabricated by a Swiss Company named MeBo, which stands for Meister and Bollier.

The company has indeed sold about 20 MST-13 timers to Libyan military (machine-made 9 ply green boards), as well as a few units (hand-made 8 ply brown boards) to a Research Institute in Bernau, known to act as a front to the Stasi, the former East German secret police.

The two batches are very different but, as early as 1991, Bollier told the Scottish investigators that he could not identify the timer from a photograph alone. Yet, the Libyans were indicted in November 1991, without ever allowing Bollier to see the actual fragment, on the ground that the integrity of the evidence had to be protected.

But in 1998, Bollier obtained a copy of a blown-up photograph that Thurman had shown on ABC in 1991. Bollier could tell from certain characteristics that the fragment was part of a board of the timers made for East Germany, and definitely not one of the timers delivered by him to Libya.

In September 1999, Bollier was finally allowed to see the fragment. Unlike the one shown by Thurman on ABC, this one was machine-made, as the one sold to Libya. But, from the absence of traces of solder, it was obvious that the timer had never been used to trigger a bomb.

“As far as I’m concerned, and I told this to [Scottish Prosecutor Miriam Watson], this is a manufactured fragment,” Bollier says. “A fabricated fragment, never from a complete, functional timer”

The next day, Bollier was shown the fragment once more. You may have already guessed that it now had the soldering traces. “It was different. I’m not crazy. It was different!” says Bollier.

Finally, at the trial, Bollier was presented a fragment of a circuit board completely burnt down. Thus, it was no longer possible to identify to which country that timer had been delivered. As he requested to explain the significance of the issue, Lord Shuterland told him that his request was denied.

How did the Judges account for all the mysterious changes in the appearance of the fragment? They simply dismissed Bollier as an unreliable witness.

“We have assessed carefully the evidence of these three witnesses about the activities of MEBO, and in particular their evidence relating to the MST-13 timers which the company made. All three, and notably Mr Bollier, were shown to be unreliable witnesses. Earlier statements which they made to the police and judicial authorities were at times in conflict with each other, and with the evidence they gave in court. On some occasions, particularly in the case of Mr Bollier, their evidence was self contradictory.” (§ 45)

A scenario implausible on its face

“The evidence which we have considered up to this stage satisfies us beyond reasonable doubt that the cause of the disaster was the explosion of an improvised explosive device, [...] and that the initiation of the explosion was triggered by the use of an MST-13 timer,” wrote the three Judges. (§ 15)

Lockerbie experts, such former CIA Robert Baer, have suspected that the MST-13 timer could have been given by the Stasi to the Popular Front for the Liberation of Palestine – General Command [PFLP-GL], a terrorist group based in Syria, funded by Iran, and led by Ahmed Jibril.

The allegation deserves attention as it is well known that the two organizations had strong ties. Moreover, the archives of the Stasi reveal that agency had infiltrated the Swedish government and it is well documented that Jibril’s close collaborators were operating from Sweden. Yet, I never believed for a moment that the Lockerbie bomb had been triggered by a timer.

No terrorist would ever attempt to bomb an airliner with a timer triggered bomb, and

definitely not during the winter season, let alone Christmas time, where the time tables are absolutely useless as delays are the norm rather than the exception.

Don't take my word for it. Terrorists such Ahmed Jibril and counter-terrorists such Noel Koch have stated that much.

"Explosives linked to an air pressure gauge, which would have detonated when the plane reached a certain altitude or to a timer would have been ineffective," Jibril said.

"I know all about the science of explosives. I am an engineer of explosives. I will argue this with any expert that the bomb went on board in London. I do not think the Libyans had anything to do with this."

Noel Koch headed the US Defence anti-terrorism Department from 1981 to 1986. Koch ridiculed the idea that terrorist would gamble on the likelihood that an unaccompanied luggage would be successfully transferred twice, first from Malta to Frankfurt, and then from Frankfurt to London.

"I can tell you this much that I know about terrorism: it's simple," Koch says. "You don't complicate life. Life's complicated enough as it is. If you've got a target you want to get as close as you can to it and you don't go through a series of permutations that provide opportunities for failure and that provide opportunities for discovery. It doesn't work that way."

The Scottish Criminal Cases Review Commission

On November 13th 1991, two Libyans were indicted for the murder of 270 people who died in the Lockerbie bombing. The indictment was the outcome of a three year US-UK joint investigation.

Although Libya never acknowledged a responsibility in the matter, a decade long UN sanctions forced Colonel Gaddafi to handover the two men accused of the worst act of terrorism in the UK. On April 5th 1999, they were transferred to camp Zeist in the Netherlands where they were judged under Scottish Law.

On January 31st 2001, a panel of three Scottish Judges acquitted one of them. They convicted the other for murder and sentenced him to life. Megrahi is serving his sentence in a prison near Glasgow.

Megrahi's appeal was rejected on March 14th 2002. The European Court Of Human Rights declared his application inadmissible in July 2003.

In September 2003, he applied to the Scottish Criminal Cases Review Commission [SCCRC] for a legal review of his conviction. His request was based on the legal test contained in section 106 (3) (b) of the Criminal Procedure (Scotland) Act 1995.

The provision states that an appeal may be made against "any alleged miscarriage of justice, which may include such a miscarriage based on ... the jury's having returned a verdict which no reasonable jury, properly directed, could have returned."

On June 28th 2007, the SCCRC has decided to grant Megrahi a second appeal and to refer his case to the High Court. An impressive 800 pages long document, stating the reasons for

the decision, has been sent to the High Court, the applicant, his solicitor, and Crown Office. Although the document is not available to the public, the Commission has decided “to provide a fuller news release than normal.”

Is it too much to ask why the “fuller news release than normal” lists only four of the six grounds that justify the Commission conclusion that a miscarriage of justice might have occur?

As recently pointed out by Dr. Hans Koechler, who was an international observer appointed by the United Nations at the Lockerbie trial, we may also wonder “why a supposedly independent judicial review body [the SCCRC] would try to exonerate “preventively” officials in a case which is being returned to the High Court for a second appeal because of suspicions of a miscarriage of justice.”

Indeed, the SCCRC’s statement: “The Commission undertook extensive enquiries in this area but found nothing to support that allegation or to undermine the trial court’s conclusions in respect of the fragment [of the MST-13 MeBo timer]” is rather difficult to justify.

Towards a criminal investigation ?

Dr Jim Swire, who lost his daughter in the tragedy, describes the ruling of Megrahi as the most disgraceful miscarriages of justice in history, blaming both the Scottish legal system and US intelligence.

“The Americans played their role in the investigation and influenced the prosecution,” Swire told the Scotsman Newspaper.

Top level UK diplomats tend to agree with him, such Oliver Miles, a former British ambassador to Libya.

“No court is likely get to the truth, now that various intelligence agencies have had the opportunity to corrupt the evidence,” Miles told the BBC.

The spectacular decision of the SCCRC is certain to give a second life to the dozen of alternative theories of the bombing of Pan Am Flight 103. Nearly two decades later, the case is back to square one.

Back to square one

Let us give Lord Sutherland, Lord Coulsfield and Lord Maclean some credit. After hearing 230 witnesses and studying 621 exhibits during 84 days of evidence, spread over eight months, the three judges of the Lockerbie trial almost got correctly the date of the worst act of terror in the UK.

In the first line of the first paragraph of the most expensive verdict in history (£80m)

<http://www.scotcourts.gov.uk/library/lockerbie/index.asp>, they wrote: “At 1903 hours on 22 December 1988 Pan Am flight 103 fell out of the sky.” As a matter of fact, Pan Am Flight 103 exploded on December 21st 1988.

Michael Scharf is an international law expert at Case Western Reserve University in Ohio. Scharf joined the State Department’s Office of the Legal Adviser for Law Enforcement and

Intelligence in April 1989. He was also responsible for drawing up the UN Security Council resolutions that imposed sanctions on Libya in 1992.

“It was a trial where everybody agreed ahead of time that they were just going to focus on these two guys, and they were the fall guys,” Sharf wrote.

“The CIA and the FBI kept the State Department in the dark. It worked for them for us to be fully committed to the theory that Libya was responsible. I helped the counter-terrorism bureau draft documents that described why we thought Libya was responsible, but these were not based on seeing a lot of evidence, but rather on representations from the CIA and FBI and the Department of Justice about what the case would prove and did prove.”

“It was largely based on this inside guy [Libyan defector Abdul Majid Giaka]. It wasn’t until the trial that I learned this guy was a nut-job and that the CIA had absolutely no confidence in him and that they knew he was a liar.”

The magic luggage

According to the Lockerbie verdict, the bomb was hidden in a Toshiba Radio, wrapped in clothes, located in a luggage that was mysteriously boarded in Malta.

The Court has examined this allegation in depth and the matter occupies 24 paragraphs of the final verdict (§ 16 to § 34). After reviewing all the evidence and testimonies, the three judges came to the following conclusions.

“Luqa airport had a relatively elaborate security system. All items of baggage checked in were entered into the airport computer as well as being noted on the passenger’s ticket. After the baggage had passed the sniffer check, it was placed on a trolley in the baggage area to wait until the flight was ready for loading.

“When the flight was ready, the baggage was taken out and loaded, and the head loader was required to count the items placed on board. The ramp dispatcher, the airport official on the tarmac responsible for the departure of the flight, was in touch by radiotelephone with the load control office. The load control had access to the computer and after the flight was closed would notify the ramp dispatcher of the number of items checked in. The ramp dispatcher would also be told by the head loader how many items had been loaded and if there was a discrepancy would take steps to resolve it.

“In addition to the baggage reconciliation procedure, there was a triple count of the number of passengers boarding a departing flight, that is there was a count of the boarding cards, a count by immigration officers of the number of immigration cards handed in, and a head count by the crew.

“The records relating to KM180 on 21 December 1988 show no discrepancy in respect of baggage. The flight log (production 930) shows that fifty-five items of baggage were loaded, corresponding to fifty-five on the load plan.

“On the face of them, these arrangements seem to make it extremely difficult for an unaccompanied and unidentified bag to be shipped on a flight out of Luqa.

“If therefore the unaccompanied bag was launched from Luqa, the method by which that was done is not established, and the Crown accepted that they could not point to any

specific route by which the primary suitcase could have been loaded.

“The absence of any explanation of the method by which the primary suitcase might have been placed on board KM180 is a major difficulty for the Crown case.

A internal 1989 FBI memo indicates that there is no indication that an unaccompanied luggage was transferred from Air Malta to Pan Am. Law authorities from Malta and Germany came to the same conclusion.

And yet, without any explanation, the judges wrote in the conclusion of the verdict that: “the absence of an explanation as to how the suitcase was taken into the system at Luqa is a major difficulty for the Crown case but after taking full account of that difficulty, we remain of the view that the primary suitcase began its journey at Luqa.” (§ 82)

The Maltese storekeeper

According to the verdict, Megrahi bought the clothes, in which the bomb was wrapped, in Sliema, a small town of Malta, including the “cloth” in which the fragment was “discovered” by Dr Hayes. At first sight, the “cloth” appears to be part of a slalom shirt, indeed sold in a little shop, Mary’s House, located on the island of the Mediterranean Sea.

However, upon closer examination, the “cloth” raises a series of issues. Firstly, the colour of the label is incorrect. A blue slalom shirt label should have blue writing, not brown.

Secondly, the breast pocket size corresponds to a child shirt, not a 16 ½ sized allegedly bought by Megrahi, for the pocket would have been 2 cm wider.

Thirdly, German records show the shirt with most of the breast pocket intact while the evidence shown at Zeist has a deep triangular tear extending inside the pocket.

Fourthly, last but certainly not least, the storekeeper initially told the investigators he never sold such shirts to whoever visited him a few weeks before the Lockerbie tragedy.

Tony Gauci’s (the storekeeper) testimony was pivotal in the case against Megrahi. Gauci gave a series of 19 statements to the police which are fully inconsistent. Yet, the Judges found him trustworthy. Allow me to disagree.

On January 30th 1990, Gauci stated: “That time when the man came, I am sure I did not sell him a shirt.” Then, on September 10th 1990, he told the investigators that: “I now remember that the man who bought the clothing also bought a ‘Slalom’ shirt.” And to make things worse, two of his testimonies have disappeared.

When were the clothes bought?

According to the verdict, Megrahi bought the clothes on December 7th 1989. Gauci remembered that his brother had gone home earlier to watch an evening football game (Rome vs. Dresden), that the man came just before closing time (7pm), that it was raining (the man bought an umbrella) and that the Christmas lights were on.

The game allows for only two dates: November 23 or December 7. The issue is critical for there is no indication that Megrahi was in Malta on November 23rd but is known to have been on the island on December 7th.

Malta airport chief meteorologist testified that it was raining on November 23rd but not on December 7th. Yet the judges determined the date as December 7th. This rather absurd conclusion from the judges raises two other issues.

The game Rome-Dresden on December 7th was played at 1:00 pm, not in the evening. What is more, Gauci had previously testified that the Christmas lights were not up, meaning that the date had to be November 7th.

On September 19th 1989, Gauci stated that “the [Christmas] decorations were not up when the man bought the clothing.” Then, at the Lockerbie trial, Gauci told the Judges that the decoration lights were on. “Yes, they were ... up.”

Who was the mysterious buyer?

“We are nevertheless satisfied that his identification, so far as it went, of the first accused as the purchaser was reliable and should be treated as a highly important element in this case,” wrote the judges.

In fact, Gauci never identified Megrahi. He merely stated that Megrahi resembles the man to whom he had sold the clothes, but only if he were much older and two inches taller. Gauci had however identified another man: Abu Talb.

And in case you wonder, Talb was a member of the Popular Front for the Liberation of Palestine – General Command [PFLP-GL], the terrorist group led by Ahmed Jibril.

In late October 1988, the senior bomb maker of the PFLP-GC, Marwan Khreesat, was arrested in Frankfurt in company of Hafez Dalkamoni, the leader of the organization German cell.

Dalkamoni had met Talb in Cyprus and Malta the weeks before. In their car, police found a bomb hidden in a Toshiba radio. Khreesat told the police that he had manufactured five similar IED's.

Each device Khreesat had built was triggered by a gauge pressure that activates a timer – range from 0 to 45 minutes – when the plane reaches a cruising altitude of 11,000 meters. The timers of all recovered bombs were set on 30 minutes. It takes about 7 minutes for a 747 to reach cruising altitude. Pan Am 103 exploded 38 minutes after take-off from London.

German police eventually recovered four of the IED's Khreesat had built. No one seems to know what ever occurred to the fifth one which was never recovered. When police raided Talb apartment in Sweden, they found his appointment notebook. Talb had circled one date: December 21st.

Contrary to Jibril's statement, and surely he must know better, a bomb triggered by a gauge pressure set at 11,000 meters would not have detonated during the Frankfurt to London flight as the airliner does not reach cruising altitude on such short flight.

Then again, such device would not have detonated at all if it had been located in the luggage area as the hold is at the pressure of the passengers' zone and never drops below the pressure equivalent to 2,400 meters.

This is why, when the judges were presented with the undisputable and undisputed

evidence that a proper simulation of the explosion – taking proper account of the Mach stem effect – would locate the explosion outside the luggage hold, they simply decided to dismiss the existence of a scientifically well established fact.

“We do not consider it necessary to go into any detail about Mach stem formation,” the judges wrote.

Had the judges deemed “necessary to go into the details regarding Mach stem formation”, they would have been forced to acknowledge that the position of the bomb was fully incompatible with the indictment. That a magic unaccompanied luggage went mysteriously three times through airport security was “plausible”. That it jumped on its own out of the luggage hold at London airport was a little too much to believe.

In truth, a proper simulation of the explosion locates the bomb just a few inches away from the skin of the plane, a position fully consistent with the very specific damages left by the explosion.

The truth was inconvenient. The three judges had to dismiss it in order to justify a verdict that had been decided more than a decade before the first day of the Zeist trial.

Shame on those who committed this horrific act of terror. Shame on those who have ordered the cover-up. Shame on those who provided false testimony, and those who suppressed and fabricated the evidence needed to frame Libya. And shame on the media for their accomplice silence.

And to those who seek the truth, I advise them to follow the drug trail on the road to Damascus.

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