

Lockerbie and Kafka's Labyrinth

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In December 1988, I was living in the United Kingdom when the searing news of the Lockerbie bombing exploded into the global consciousness.

With 270 victims, Lockerbie was at once the worst act of terrorism on British soil and the most heinous act of terrorism yet perpetrated against Americans. Twelve years later, Lockerbie would produce one of the most expensive trials in world history (75 million pounds sterling, circa \$120 million) and what has become a highly contentious verdict.

At the time of the tragedy, an extremist group of Palestinians backed by Iran was selected as the primary suspect, but two years later when Saddam Hussein seized Kuwait the spotlight of suspicion shifted to Libya. Bush, Sr. needed Iranian support for the invasion of Kuwait – a nation courted assiduously by the Reagan-Bush administration through the notorious Iran-Contra Scandal and beyond.

Under the crushing weight of draconian sanctions, Libya eventually realized the wisdom of producing members of its own intelligence apparatus who could help them engineer the lifting of crippling trade restrictions. In the course of time, two hapless Libyans: Abdelbaset Ali Mohamed Al Megrahi and Al Amin Khalifa Fhimah would be extradited and sent to an obscure US military base called, Camp Zeist, where they would be placed on trial. On the 31st of January 2001 over twelve years after the tragedy shook the civilized world, a panel consisting of three Scottish judges convicted Megrahi and acquitted Fhimah. Megrahi received a life sentence intended to compel him to serve at least 27 years in prison.

Over the course of the intervening eight years, lawyers representing Megrahi have argued for a new trial. In 2007 the Scottish Criminal Cases Review Commission (SCCRC) referred the Megrahi case to the Justiciary, the Scottish Appellate Court, a development that could have led to his acquittal. The grounds for the Commission's ruling were stark: exculpatory evidence had been repressed at the original trial. The official announcement from the Commission stated: "The applicant (Megrahi) may have suffered a miscarriage of justice."

These developments were adequately reported in the Scottish, UK and European Media, but sadly and mysteriously – these crucial decisions were sparsely reported in the US media where the Murtagh Building and 9/11 have obscured the finite analysis of all previous terrorist tragedies.

In 2007, Hugh Miles published a masterful analysis of the case in the London Review of Books, but the in-depth coverage has been slight or virtually invisible in Bush Era / Post-9/11 America. The result is a sadly uninformed nation and government.

In recent months, Megrahi's attorneys have come to an arrangement whereby their client —

who is now suffering terminal cancer and estimated to be within only a few months of his death — should be released on compassionate humanitarian grounds. This decision will almost surely alleviate any potential lawsuit by Libya over the \$2.7 billion she continues to pay to the families of the 270 victims – a settlement of \$10 million per family.

This week, Secretary of State Hillary Clinton made a public statement opposing Megrahi's release, while the Chairman of the Senate Foreign Relations Committee, John Kerry; Senator Edward Kennedy; Senator Patrick Leahy and others signed a letter objecting to the release of Megrahi. These epistles may embarrass their writers in the future.

From the accounts of the Senators' letter that have been published, it now appears that none of the US officials were adequately briefed on the judicial developments in the case. None of the American officials have mentioned the SCCRC's judicial review, and none of them recognized the growing public sentiment in Scotland, Britain, Europe and the Middle East that a massive miscarriage of justice was committed in Megrahi's case.

The original case was tried in a Kafkaesque atmosphere. With proceedings convened at the US military installation, Camp Zeist, the two defendants were tried under Scottish law by a three-judge panel. The prosecution alleged a conspiracy that involved planting the bomb on the Pan Am plane at a stop in Malta. The forensic evidence has been described as tenuous. Three days after he had seen a photograph of Megrahi in a newspaper, a Maltese shop owner identified him as the man who had purchased some clothes that had been identified by technicians and traced to his shop in Malta that were detected amidst bomb debris in a painstaking forensic investigation.

To make matters worse, over the years intelligence and police officials have disclosed that they were in control of evidence that proved Megrahi to be innocent and that other perpetrators known to the international intelligence community were guilty of the atrocity. To recount only one bizarre incident, Susan Lindauer, a US Congressional aide, testified that Dr. Richard Fuisz who was employed by the CIA had informed her that he knew for a fact that Megrahi was not involved in the Lockerbie bombing – and that he could identify the actual perpetrators, "If the government would let me." After making her evidence known, Lindauer was charged with being an Iraqi agent and a federal court promptly gagged the loquacious Dr. Fuisz.

A Scottish jurist and a UN official have criticized the Kafkaesque atmosphere that surrounded Megrahi's 'trial' at Camp Zeist. Apparently, officials from the US Department of Justice swirled around the improvised courtroom imbuing the proceedings with the unmistakable stench of oppressive political influence.

Lockerbie remains a compelling and inscrutable tragedy. The victims deserve an unbiased investigation – but at this late date the probability that the perpetrators of Lockerbie will ever be known is diminishing. The current legal posture of the case is untenable.

The Director of Central Intelligence should order his staff to remove the gag from Dr. Fuisz and any other informant with knowledge of the facts in this labyrinthine and Kafkaesque case – and report the findings to the President and the people as a matter of course.

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