

Lockerbie Investigator Disputes Story

Richard Marquise led the U.S. task force that investigated the bombing

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“Proper judicial procedure is simply impossible if political interests and intelligence services — from whichever side — succeed in interfering in the actual conduct of a court ... The purpose of intelligence services — from whichever side — lies in secret action and deception, not in the search for truth. Justice and the rule of law can never be achieved without transparency.”
–Hans Koechler, U.N. observer at the Zeist trial On Sept. 6, OhmyNews International published a story related to a sensational document known as the Lumpert affidavit. (See “Key Lockerbie Witness Admits Perjury.”)

Ulrich Lumpert was a key witness (No. 550) at the Camp Zeist trial, where a three-Judge panel convicted a Libyan citizen of murdering 270 persons who died in the bombing of Pan Am 103 over Lockerbie.

“I confirm today on July 18, 2007, that I stole the third hand-manufactured MST-13 Timer PC-board consisting of 8 layers of fiberglass from MeBo Ltd. and gave it without permission on June 22, 1989, to a person officially investigating in the Lockerbie case,” Lumpert wrote.

On Sept. 7, the agent who led the Lockerbie investigation for the FBI wrote to me and criticized the article on several grounds, but most importantly, he alleged that the Lumpert affidavit was a “total fabrication.”

Richard Marquise led the U.S. task force that investigated the Lockerbie bombing. He has authored a book on the subject: *Scotbom: Evidence and the Lockerbie Investigation*. He wrote to me:

“Lumpert’s new statement is a total fabrication. He was interviewed several times, including at a judicial hearing in Switzerland as well as the trial itself and he never wavered in his story. His statement that he gave a “stolen timer” to a Scottish officer in 1989 does not even fit the timeline since we had no idea about the origins of PT-35 at that time. We identified MeBo in the summer of 1990. With all due respect, I must state very unambiguously that I remain convinced that the document is authentic and that the story is not a hoax. Moreover, I have obtained a document that strongly suggests that the timeline of the events related to the identification of the MST-13 timer has been fabricated.”

Since the publication of the article, a well-informed source has told me that Lumpert has signed four affidavits. The documents were certified by notary Walter Wieland under Nr. 2069 to 2072.

I am now in possession of one of these four documents and I have received confirmation from the proper Swiss authority that Wieland indeed certified these documents on July 18 and that he is competent for doing so.

Although I was initially very skeptical of the Lumpert affidavit, I came to the conclusion that I have no reason to doubt its authenticity or the truthfulness of its content.

Indeed, both the timing of Lumpert's admission of perjury, his motivation for doing so as stated in the affidavit, as well as the content of the document led me to believe that the story is not a fabrication.

Lumpert wrote that he wishes to clear his conscience and that he can no longer "be prosecuted for stealing, delivering and making false statements about the MST-13 Timer PC-board, on grounds of statutory limitation."

Moreover, as I explained at length in the Sept. 6 article, the Lumpert affidavit, in just seven paragraphs, elucidates all of the longstanding mysteries surrounding the infamous MST-13 timer, which allegedly triggered the bomb that exploded Pan Am 103 over Lockerbie on Dec. 21, 1988.

Conspiracy Theory?

I wish to add that I am obviously not the only one who had reached such a conclusion. The possibility that evidence has been fabricated in order to secure the conviction of the Libyans has gained support among many people who could hardly be described as conspiracy theorists.

Jim Swire, Robert Black and Hans Koechler are among the best-informed people about the extremely complex Zeist trial.

Black QC FRSE (Queen's Council and Fellow of the Royal Society of Edinburgh) has been Professor of Scots Law in the University of Edinburgh since January 1981, having previously been in practice at the Scottish Bar. He is now professor emeritus.

For various periods he served as head of the Department of Scots Law (later Private Law). He has been an advocate since 1972 and a QC since 1987. From 1987 to 1996 he was general editor of The Laws of Scotland: Stair Memorial Encyclopedia (25 volumes). From 1981 to 1994 he served as a temporary sheriff (judge).

He has taken a close interest in the Lockerbie affair since 1993, not least because he was born and brought up in the town, and has published a substantial number of articles on the topic in the United Kingdom and overseas. He is often referred to as the architect of the Lockerbie trial at Camp Zeist in the Netherlands.

Black's support for the story is obvious from the fact that he posted my article on his Web site. In a comment posted on OMNI, Black went out of his way to express his agreement with the 18-page analysis of the consequences of the Lumpert affidavit. "A masterly review of the weaknesses in the Lockerbie court's conviction of [Abdelbaset Al] Megrahi," Black wrote.

In April 2000, professor Koechler was appointed by U.N. Secretary General Kofi Annan as international observer at the Lockerbie bombing trial that was held at Camp Zeist,

Netherlands.

Koechler has also posted the article on his Web site. He wrote this comment on OMNI:

This is a well-researched analysis which precisely reveals the serious mistakes and omissions by the official Scottish investigators as well as the carelessness and lack of professionalism of the judges in the Lockerbie case. The Scottish judicial authorities are under the obligation to investigate possible criminal misconduct in the investigation and prosecution of the Lockerbie case. On July 4, 2007, Koechler wrote to Scottish First Minister Alex Salmond, reiterating his call for a “full and independent public inquiry of the Lockerbie case.”

Dr. Swire, who lost his daughter in the Lockerbie bombing, is a founder and the spokesperson of the U.K. Families 103, which campaigns to seek the truth about the worst act of terror ever committed in the U.K. In a letter addressed to my editor, he wrote that the article was “one of the best informed and most realistic” he had seen.

I promised Richard Marquise that I would make an effort “to see things from the other side.” And I will. But for now, we must agree to disagree. I leave him with a comment posted by Iain McKie — someone who knows all about the consequences of forensic mistakes.

Another Lockerbie mystery is why, given this latest opportunity [Megrahi’s second appeal] to uncover the truth about this terrorist outrage that claimed the lives of people from 21 countries (including 189 Americans), and given the U.S. and British high profile “war on terror,” is the political silence so deafening?

I find it increasingly difficult to argue with Dr. De Braecheleer’s conclusion: “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.” The McKie’s know best than most the cost of injustice. Shirley McKie was a successful policewoman until her life was shattered in February 1997 when four experts from the Scottish Criminal Records Office incorrectly identified a thumbprint from a crime scene as hers.

Marquise has made other comments about the article that I will discuss at a later time. However, I wish to point out that Marquise is right to state that the quotes attributed to Michael Scharf, formerly of U.S. State Department’s Office of the Legal Adviser for Law Enforcement and Intelligence, although correct do not represent exactly his opinion, as they have been printed out of context by the British media. (Scharf helped draft the sanctions against Libya.)

Scharf wrote to me:

“The text of the quotes is more or less accurate but is out of context, giving the misimpression that I thought that the two Lockerbie defendants were innocent and the U.S. government knew this all along. In fact, I referred to them as “fall guys” because I felt the case should not have focused exclusively on them, but rather should have gone up the chain of command all the way to Khadaffi [Muammar al-Qaddafi], and should also have focused on the possible involvement of third countries.

It is true, as your quote indicates, that I felt the evidentiary case presented at Camp Zeist was not as strong as the Department of Justice had led the Department of State to believe it would be at the time we were pushing for sanctions against Libya in the U.N., but that is not to say that I thought the defendants were actually innocent of wrong doing, which is the impression left by the quotes. If there is one thing we can all agree on, it is the fact that no one except the judges is satisfied with the Lockerbie trial.”

Meanwhile, new extraordinary revelations have surfaced that support my view that the Lockerbie trial was engineered by Western intelligence services to frame Libya.

‘Secret’ Lockerbie Report Claim

Crucial information in the possession of the CIA that is related to the timer issue was withheld from the defense. The Herald of Glasgow revealed on Oct. 2 that “a top secret [CIA] document vital to unearthing the truth about the Lockerbie bombing was obtained by the Crown Office but never shown to the defense team.”

“The Scottish Criminal Cases Review Commission (SCCRC) has uncovered there is a document which was in the possession of the crown and was not disclosed to the defense, which concerns the supply of MST-13 timers. Moreover, the commission has determined the decision to keep the document from the defense may have constituted a miscarriage of justice,” the paper reported a source as saying.

The prosecutors have refused to make public the ultra secret document on the basis of national security. Many have been wondering what national security has to do with the Lockerbie bombing. “It is shocking to me that after 19 years of trying to get to the truth about who murdered my daughter national security is being used as an excuse,” said Swire.

After having seen the CIA document, the Scottish Criminal Cases Review Commission team that investigated the conviction of Abdelbaset Al Megrahi decided to grant him a second appeal. The document has not yet been seen by the defense. The document is thought to dispute the pivotal fact that the bomb was triggered by the MST-13 timer that linked the case to Libya.

The non-disclosure agreement was signed by Norman McFadyen, then one of the leading members of the prosecution, on June 1, 2000.

In an exclusive interview earlier this week, Koechler told Gordon Brewer of the BCC’s “Newsnight Scotland,”

The withholding of evidence by the investigators and the prosecution from the defense at the Lockerbie court is a serious breach of the fundamental norms of a fair trial. If such action occurs on the basis of a written commitment given to a foreign intelligence service, as has now been revealed concerning crucial evidence related to the timer that allegedly triggered the explosion of Pan Am 103 over Lockerbie, the judicial nature of the entire proceedings is to be put into question.

If a foreign intelligence service is allowed to determine what evidence may be disclosed in court and what not, judicial proceedings before a court of law are perverted into a kind of intelligence operation the purpose of which is not the search for the truth, but the obfuscation of reality. Black has said,

If a foreign intelligence agency says they would be prepared to give the crown access only if they promise to keep the information secret, then it is the responsibility of the crown to say we cannot do that. They have an ethical responsibility not to sign such agreements.

This tends to indicate that the crown has not changed its fundamental stance that says they will decide what the public interest is and what information should or should not be disclosed. That is fundamentally wrong. The source in the Herald's report agrees: "The commission was unable to obtain authority for its disclosure. Without access to this document, the defense is disabled from putting before the court full and comprehensive grounds of appeal as to why the conviction should be quashed."

CIA Offered \$2m to Lockerbie Witnesses

It now appears that huge amounts of money were offered by U.S. officials to at least three key witnesses. The defense was never told that the CIA had offered millions of dollars to their star witnesses.

"We understand the commission found new documents which refer to discussions between the U.S. intelligence agency and the Gaucis [Tony and his brother Paul] and that the sum involved was as much as \$2m," a source close to the case told The Herald, according to an Oct. 3 report. "Even if they did not receive the money, the fact these discussions took place should have been divulged to the defense." Tony Gauci was an instrumental witness in the case.

On Oct. 5, Edwin Bollier, head of the Zurich-based company MeBo, told Koechler that during a visit to the headquarters of the FBI in Washington, D.C., at the beginning of 1991, he was offered an amount of up to \$4 million plus a new identity in the U.S. if he would testify in court that the timer fragment that was allegedly found on the crash site around Lockerbie stemmed from a MST-13 timer that his company had delivered to Libya.

Media Silence

Will the media finally cover this extraordinary affair? Perhaps. In France, Le Figaro has published a couple of stories, one of which was entitled: "And if Libya Was Innocent ...". Television channel France 3 reported the story of the Lumpert affidavit.

In the U.K., The Herald has picked up the latest developments in the story. The BBC has published a few lines about it. The London journal Private Eye is rumored to be running the story in its next edition. U.S. media remain amazingly silent.

Quo Vadis?

"In view of all these revelations and serious allegations, Koechler renewed his call for an independent international investigation of the handling of the Lockerbie case by the Scottish and British authorities," wrote Gordon Brewer of the BCC's "Newsnight Scotland."

"It remains to be seen whether the Scottish judicial and political system will live up to the challenge and whether the authorities will allow a full and objective inquiry," Brewer said. I have very little hope that the Scottish judicial and political system will allow an independent international investigation.

For now, I encourage my readers to reflect upon a Persian saying. "Shame on

those who committed the deed. Shame on those who allowed the deed to be committed."

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