

Lockerbie's Only Convict May be Exonerated Posthumously

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The only man to be convicted of the infamous Lockerbie bombing, [Abdelbaset Al-Megrahi](#), died in 2012 and protested his innocence until his final breath. His fellow Libyan and co-defendant, Lamin Khalifa Fhimah, was acquitted and is still living in Libya. The bombing of Pan Am Flight 103 in December 1988 killed all 259 passengers and crew on board as well as 11 people on the ground in the small Scottish town of Lockerbie.

Al-Megrahi was not alone in believing that he and his country were innocent of the crime. His family members are determined to clear his name if not prove his complete innocence. His son Ali is leading the family mission and [told the BBC](#) that his father was “innocent and had cared more about the victims than himself.”

The family has just won a huge victory with the Scottish Criminal Case Review Commission ([SCCRC](#)) decision on 11 March that an appeal can be made to the High Court of Justiciary, Scotland's highest criminal court. The SCCRC had to decide if there are grounds for a posthumous appeal on the basis of a possible miscarriage of justice, among other possibilities. The commission found sufficient grounds to question the 2001 trial that convicted Al-Megrahi. Six grounds for review were considered before it was concluded that a miscarriage of justice may have occurred by reason of “unreasonable verdict” and “non-disclosure”.

This specifically raised serious doubts about the process by which Al-Megrahi was identified and linked to clothes found in the suitcase said to have contained the bomb. According to the SCCRC, “No reasonable trial court could have accepted that Mr. Megrahi was identified as the purchaser.”

The only witness to link Al-Megrahi to the clothes was a Maltese shop keeper named Toni Gauci, who died in 2016. He was a co-owner of a clothes shop in Malta and he testified that he sold the clothes to Al-Megrahi, who denied vehemently that he had ever been to the shop let alone bought anything from the witness. During the trial, this testimony was central to Al-Megrahi's conviction, although the crown prosecutor, Lord Advocate Peter Frasier, later completely [dismissed](#) Gauci as “an apple short of a picnic” and “not quite the full shilling”. Why he accepted his testimony at the special court at Camp Zeist in the Netherlands in the first place is still a mystery. Could it have been a conspiracy against Muammar Gaddafi and Libya, as the late Libyan leader always claimed? He is not alone in thinking so.

Law Professor Robert Black, who came up with the idea of holding Al-Megrahi's trial in a

Scottish court sitting in the Netherlands — the first such occasion in history – now talks of a wider conspiracy to frame Libya. “I think the Scottish prosecution was from the start excessively influenced by the US Department of Justice, FBI and CIA,” Black told me this week when I asked about this possibility. In the late eighties, the US hated Gaddafi for his unrelenting opposition to America’s policies in the Arab world and beyond. He was accused of so many terrorist acts around the world that adding Lockerbie to the list would have been neither difficult to do nor easy to dispute; western media and politicians already projected Gaddafi as a monster capable of any and every evil.



Abdelbaset Al-Megrahi was convicted of the Lockerbie bombing, 23 April 2017 [Twitter]

It later emerged that Toni Gauci [received](#) \$2 million in return for his testimony against Al-Megrahi before he disappeared from Malta altogether. Many experts think that he was [coached](#) on his story to be as convincing as possible. Under Scottish law, it is illegal to reward or coach witnesses in any legal proceedings.

According to Professor Black, the High Court of Judiciary could return its verdict before the 32nd anniversaries of the atrocity on 21 December this year. Meticulous as ever, the now retired professor thinks the court is likely to quash the original verdict and thus exonerate the late Abdelbaset Al-Megrahi posthumously. If that happens, he believes that Al-Megrahi’s family would be “entitled to claim compensation for wrongful imprisonment.” The convicted man spent eight years in prison after his conviction on 31 January 2001 before being released in 2009 on compassionate grounds as he was terminally ill with prostate cancer. However, warned Black, any such claim is likely to be resisted strongly.

At this stage we might feel entitled to ask what should happen to Libya if the verdict goes the way that Al-Megrahi’s family hope. The North African country had to endure crippling economic sanctions imposed by a series of UN Security Council resolutions starting with [Resolution 731](#) passed on 21 March 1992. If Al-Megrahi is vindicated, might Libya also be vindicated and possibly claim compensation for the damage caused by the sanctions? Can it ask for the reimbursement of \$2.7 billion paid to victims’ families? Even though the country accepted responsibility for the actions of its “officials” — Al-Megrahi and Fhimah, who was station manager for Libyan Arab Airlines in Malta at the time of the bombing — the money

was paid as part of the requirements of the UN Resolutions.

Whatever the Scottish High Court of Justiciary decides later this year, many think that Al-Megrahi and Libya are already exonerated by the fact that the SCCRC has raised serious doubts about the trial and its verdict. Given the obvious US links to the case, it is interesting to note that current US Attorney General [William Barr](#) was the acting Attorney General who indicted the two Libyans in 1991. What will he have to say when the Court in Scotland returns its verdict?

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