

I.P.O. Information Service

Lockerbie revelations:

Statement of Dr. Hans Koechler, International Observer at the Lockerbie Trial, on Recent Reports in the Scottish and British Media

Vienna, 14 October 2005/P/RE/19402c-is

The Austrian professor who was appointed by the United Nations as international observer at the Lockerbie trial in the Netherlands today commented on reports in the Scottish and British media about new doubts on the handling of the case by the judicial authorities.

Dr. Hans Koechler said that the dramatic shortcomings and errors in the conduct of the trial that have been brought to the attention of the Scottish Criminal Cases Review Commission (SCCRC) confirm his earlier assessment that the Lockerbie trial resulted in a "spectacular miscarriage of justice." (*BBC News*, 14 March 2002) Dr. Koechler pointed to the following information that transpired in the media and that puts in doubt the very integrity of the judicial process in the Lockerbie case:

1. The credibility of a key forensic expert in the trial, Mr. Allen Feraday (UK), has been shattered. It was revealed that "in three separate cases men against whom Mr. Feraday gave evidence have now had their convictions overturned" (*BBC*, 19 August 2005). Mr. Feraday had told the Lockerbie court that a circuit board fragment found after the disaster was part of the detonator used in the bomb on board Pan Am flight 103. In the first case where Mr. Feraday's credibility had been questioned the Lord Chief Justice had stated that Mr. Feraday should not be allowed to present himself an expert in electronics.
2. A retired Scottish police officer has signed a statement confirming that the evidence that found Al-Megrahi guilty was fabricated. The police chief, whose identity has not yet been revealed, testified "that the CIA planted the tiny fragment of circuit board crucial in convicting a Libyan" for the bombing of the Pan Am jet (*Scotland on Sunday*, 28 August 2005). The fragment was supposedly part of the timing device that triggered the bomb. The circumstances of its discovery – in a wooded area many miles from Lockerbie months after the atrocity – have been mysterious from the very beginning.
3. Much earlier, a forensic specialist of the American FBI, Tom Thurman, who was publicly credited with figuring out the fragment's evidentiary importance, was later discredited as a forensic expert. A 1997 report by the US Justice Department's Office of the Inspector General found "that in a number of cases other than Lockerbie, Thurman rewrote lab reports, making them

more favorable to the prosecution. The report also recommended Thurman be reassigned to a non-scientific job because he lacked a background in science.” (*American RadioWorks / Public Radio*, March 2000)

4. The most recent revelation relates to a mix-up of forensic evidence recovered on the ground in Lockerbie with material used during a series of test explosions in the course of the investigation. In one case, a garment which was damaged in a test explosion was presented as if it was the original garment found on the ground (which was completely undamaged). This garment was supposedly placed in the suitcase containing the bomb. “It casts serious doubts over the prosecution case because certain items that should have been destroyed if they were in the case containing the bomb are now known to have survived the blast.” (*The Observer*, London, 9 October 2005)

All these facts – which are now before the Scottish Criminal Cases Review Commission – confirm the serious doubts about the Lockerbie proceedings originally raised by the UN-appointed observer, Dr. Hans Koechler. In his comprehensive reports on and evaluation of the Lockerbie trial (2001) and appeal (2002) as well as in his statement on the compensation deal made between the US, UK and Libya in 2003, Dr. Koechler had criticized the highly politicized circumstances in which the case was handled and drew the attention of the international public to the possible interference of intelligence services from more than one country.



















New light is being shed on his original conclusion that the trial was not fair and that the basic requirements of due process had been neglected by what *The Herald* (Glasgow) most recently has referred to as a “distasteful political fix” (12 October 2005). It has been reported that secret talks are under way to transfer the convicted Libyan national to a North African country, which may frustrate the efforts at a retrial under Scottish law. It is worthy to note, in that regard, that the decision of the SCCRC about a retrial or new appeal has again been delayed until some time next year, Dr. Koechler said. As reported by *The Herald*, it appears that the key players – the three countries involved in the Lockerbie dispute – “are so anxious to avoid a retrial that officials are said to have held secret talks to secure a get-out clause.” Commenting on these revelations, Dr. Koechler stated that only a retrial, if conducted in a fair, impartial and transparent manner according to the requirements set by UN Security Council resolution 1192 (1998), including the presence of international observers, will do justice to the convicted Libyan national and to the victims’ families who deserve to know the full truth about the case. This is also imperative under the fair trial standards set by the European Convention for the Protection of Human Rights and Fundamental Freedoms, he said.

Dr. Koechler reiterated his call for an independent public inquiry about the background of the terrorist crime as well as the criminal investigation and prosecution by the Scottish judiciary and the institutions of the United Kingdom. He stated that the falsification of

evidence, selective presentation of evidence, manipulation of reports, interference into the conduct of judicial proceedings by intelligence services, etc. are criminal offenses in any country. In view of the above new revelations and in regard to previously known facts as reported in Dr. Koechler's reports, the question of possible criminal responsibility, under Scots law, of people involved in the Lockerbie trial should be carefully studied by the competent prosecutorial authorities.

In a TV talk with Anne Mackenzie for *BBC Newsnight Scotland* (1 September 2005) Dr. Koechler said that, while he does not question the integrity of Scots law as such, the handling of the Lockerbie trial has nevertheless seriously damaged the reputation of the Scottish legal system. A "political fix" such as the one reported last week in the Scottish and British media would confirm these doubts and further undermine the confidence in the integrity of the Scottish judicial system. He also said that he is afraid that, because of the political interests involved in the case, the full truth – including the identity of those responsible for the planning, financing and actual perpetration of the crime – may never be known.

In today's statement Dr. Koechler emphasized that the "global war on terror" cannot be fought credibly and with a chance of success if – in the worst case of terrorism in the history of the United Kingdom – the search for truth is abandoned for political expediency and criminal justice, i.e. the rule of law, is sacrificed on the altar of political and commercial interests.

- Dr. Koechler's report on the Lockerbie trial (3 February 2001)  
- Dr. Koechler's report on the Lockerbie appeal (26 March 2002)  
- Dr. Hans Koechler's statement on the agreement between the United States, the United Kingdom and Libya (23 August 2003)  
- Debate of Dr. Koechler's first Lockerbie report in the British Parliament (2001)  
- BBC: "UN monitor decries Lockerbie judgment" (14 March 2002)  
- The Herald, Glasgow: "Distasteful political fix" (12 October 2005)  
- Book: "The Lockerbie Trial"  
- Pan Am Flight 103: Online Encyclopedia  
- Web site of the Lockerbie Observer Mission of the I.P.O.  

**END/ Lockerbie revelations: Statement of Dr. Hans Koechler,
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