

A Lockerbie Trial Brief

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Nov 22, 2000

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Brief Analysis

The Lockerbie trial's adjournment for much of the past two months did not curtail speculation on new evidence and sources. During the period of adjournment both the prosecution and defense carried out investigations throughout European capitals and unidentified third countries. After all this intrigue, it does appear that Lockerbie trial has reached a fundamental turning point. In a reversal of roles, it is now the defense team's turn to present its rationale for the bombing while the prosecution concentrates its efforts on challenging the credibility of those claims.

Parallel Investigations On October 10, the Lockerbie trial was suddenly adjourned as the prosecution demanded time to investigate "sensitive" information obtained from a third country. Colin Boyd, a senior prosecutor, insisted, "the matters raised by this information are of some complexity and considerable sensitivity. They relate not to the crown case but to the defense case." As part of its inquiry, the prosecution interviewed six people, five in Europe and one in the United States. Although the exact nature of this information remains unclear, it is evident that the prosecution has moved into the second phase of its strategy — namely, establishing the basis for refuting the defense's claim that radical Palestinian groups were responsible for the Pan Am explosion in 1988.

The German Angle Meanwhile, the defense lawyers seem to have focused their efforts on Germany and Syria. The German angle is indeed critical. On October 1988, the German police arrested several Palestinians, discovering weapons, ammunition, and explosives in their Frankfurt flat. The defense claims that these Palestinians belonged to the Syrian-backed Popular Front for Liberation of Palestine-General Command (PFLP-GC) and the Palestinian Popular Struggle Front (PPSF), and that they were using the flat for their operation against the American airliner. The discovery of radio cassette recorders similar to the one used to detonate the Lockerbie explosion added credibility to the defense's claims.

However, for the defense case to be effective it has to pass three distinct thresholds. First, the defense has to demonstrate that the Palestinian cell in Germany was not entirely disabled in October of 1988 and managed to revive itself to the point of staging an intricate bombing plot two months later. This may prove difficult, since the German police was conducting an elaborate intelligence operation (called "Autumn Leaves") that placed the entire Palestinian infrastructure in Germany under close surveillance during this time. In addition, the substantiation of the defense case requires the cooperation of German intelligence services, and even more problematically, the transfer of documents from the secretive Syrian regime.

After much wrangling, the defense scored an impressive victory when it secured specific police information from

Germany. Photos of the apartment in question showed wires, equipment, and electronic parts — clearly demonstrating that the premises was used for assembling explosives. However, the photos do not vindicate the entirety of the defense case, since they demonstrate that the radio cassette players did not contain explosives. Moreover, German police officers successfully rebuffed the defense's claims that some of the cassette players in this apartment were never seized and were later employed in the detonation of the Pan Am bomb. And beyond the intricacies of the bombing devices, the defense has yet to demonstrate how the actual bomb was placed on the feeder plane in Frankfurt, as opposed to Malta.

The Syrian Front The German angle was apparently complemented by reports of positive moves on the Syrian front. One of the most intriguing aspects of the recent developments in the Lockerbie case has been the speculation that Syria is beginning to cooperate with the investigation. This speculation was fueled when Scottish papers began citing anonymous sources suggesting, "some form of confession was handed over by Syria." Given the defense team's attempt to implicate Syria's surrogates in the bombing and claims that the Lockerbie bomb may have been routed from Syria to Germany, it is hard to see why Damascus would cooperate with the defense. The fact that the defense team eventually had to get the court to officially request a document from Syria suggests that their behind-the-scenes attempts to secure Syrian cooperation were not entirely successful.

Critical Testimony Given the relatively mixed results of defense's approach to Germany and Syria, the testimony of Muhammad Abu Talib became critical. Abu Talib, a deserter from the Egyptian army and a former commander in the Palestine People's Struggle Front, is currently serving a life-sentence in Sweden for bombing attacks against Jewish organizations in Europe. He was an early suspect in the Lockerbie case and the defense team still blames him for the explosion. The evidence marshaled against him is not inconsiderable. Abu Talib seems to have knowledge of the Palestinian cells operating in Germany, particularly those arrested in October 1988. Moreover, he was in Malta two months prior to the bombing of the ill-fated Pan Am jet. On the surface, Abu Talib would be a perfect witness for the defense; the question is why was he called to the stand on the behest of the prosecution?

In one of its clever moves, the prosecution anticipated the line of inquiry that the defense was likely to take regarding Abu Talib and offered evidence that seems to distance him from the bombing. Abu Talib's October stay in Malta seems to have been incidental. After he was not allowed into Egypt to visit his family, he traveled to Malta in order to obtain funds from a friend for his return trip to Sweden. The evidence presented by the prosecution clearly demonstrates that he did not leave Stockholm after October 26. A variety of documents furnished by his lawyer at the time proved that he was ill and unable to find employment. On December 22, the day the bomb was actually placed on the plane, Abu Talib was still in Sweden, baby-sitting so that his wife and her pregnant sister-in-law could go to the hospital. The defense's inability to challenge the evidence on Abu Talib's whereabouts damages its attempts to implicate him in the bombing.

Conclusion The Lockerbie case has now shifted to its concluding stages. Whatever evidence the prosecution has secured during the prolonged adjournment is surely designed to rebut the defense's claims rather than to advance its own case. During the past several months, the prosecution has devised an impressive case that has fundamentally survived the challenges levied by the defense. It is now the prosecution's turn to cast doubt on the reliability of the defense's explanation for the bombing. However, in this arena, the defense has the advantage, as it need not prove its case but merely raise reasonable doubt about the prosecution's explanation of the bombing. What is certain after months of hearing is that the Lockerbie trial remains a strong circumstantial case that may still not be produce a conviction under the exacting legal imperatives of Scottish jurisprudence.

In the meantime, Libya's integration into the global economy continues unabated. A recent conference on development and investment in Tripoli lured 170 international companies. Even U.S.-Libyan relations have shown signs of improvement, as Libya's minister of planning Omar Mountassir stressed that "the investments of U.S. firms

are protected and waiting for them to return when they want to." For its part, the Clinton administration is likely to extend the restrictions on travel to Libya (due to expire on November 24) for only six more months, leaving the decision to lift the ban altogether to the next administration. These recent events have created a level of tension between the families of the Lockerbie victims and the administration, as the families perceive an erosion of U.S. resolve on Libya. The claims of the family members seem to exasperate the administration, as a U.S. official exclaimed, "They think we are about to invite Qaddafi to the White House." At any rate, Libya and the Lockerbie trial continue to present the United States with difficulties that it seems incapable of resolving.

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