

A Lockerbie Trial Brief:

The Tale of a Defector

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Brief Analysis

The Lockerbie trial restarts on Tuesday, October 17, after a three-week recess. This recess was requested by the prosecution, who in a puzzling move, asked for time to investigate new evidence of "considerable sensitivity." Prior to the adjournment, the prosecution had introduced its star witness, a double agent with first-hand knowledge of Libyan intelligence operations. Abdul Majid Giaka was to complement the prosecution's circumstantial case by actually connecting the two suspects to the bombing.

Suspense at Camp Zeist Abdul Majid Giaka was an active member of the elite Revolutionary Committees and a leader in Libya's student movement. The Revolutionary Committees are the main source of power in Libya as they are responsible for mobilizing the masses, purging the society of anti-revolutionary forces and serving as a nation-wide intelligence collection network. Since their conception in the late 1970s, the Committees have been established at all levels of society and report directly to Libyan leader Mu'ammar Qaddafi. As an ideologically reliable member of Qaddafi's political society, Giaka was chosen to join the Libyan Security Services (JSS) in 1984. In 1986, he was dispatched to Malta where he operated under the cover of assistant station manager of Libyan Arab Airlines (LAA). Giaka had the misfortune of being sent to Europe at a time when Qaddafi launched his "stray dogs" campaign that sought to systematically assassinate Libya's dissidents abroad. The once-dedicated ideologue gradually became disillusioned with the course of the revolution and the activities of his compatriots. "I felt uncomfortable working for the JSS because of its involvement in terrorism and the way it was dealing with dissidents," Giaka revealed to the Scottish tribunal. In August 1988, he made his first contact with US embassy about possibility of defecting to the United States, but was persuaded to remain at his post and pass on intelligence material to the Americans.

Giaka's testimony confirmed the fact that subsequent to the 1986 U.S. bombing of Tripoli and Benghazi, Libya was determined to retaliate. Giaka recalled a conversation with one of the Lockerbie suspects, Al Amin Khalifa Fhimah, who denounced the U.S. and stressed, "They never look at the possibility of a reaction." Shortly after the conversation, Giaka was asked by Libyan intelligence services to prepare a report on the feasibility of placing unaccompanied baggage on a flight from Luqa airport in Malta to Britain. In his report, he confirmed that "it was possible to place an unaccompanied bag on the flight." The report came to the attention of one of the suspects, Abdelbasset Ali al-Meghri, who advised Giaka that it was important "not to rush things." In direct testimony that went largely unimpeached by the defense, Giaka outlined Tripoli's determination to employ its facilities in Malta for future moves against American targets.

In further testimony, Giaka demonstrated that the suspects and Libyan facilities were long involved in unsavory activities. He pointed to the fact that LAA offices were at times used to store explosives. "Fahima told me he had twenty-two pounds of TNT delivered by Abdel Basset. He opened the drawer and there were two boxes which contained yellowish material," noted Giaka. Accordingly to a CIA report, the TNT was subsequently transported to the Libyan consul. Although the Pan Am explosion was not caused by TNT, the evidence does suggest that Libyan facilities in Malta often served as a cover for intelligence and terrorist operations. The defense, whose focus has been the character of the witnesses, chose not to contest Giaka's claims on this important issue.

The most explosive and controversial evidence put forth by Giaka was that in late December 1988, he saw the two suspects take a brown Samsonite suitcase and proceed through customs without the bag being searched. The prosecution has asserted that the suspects placed a suitcase bomb on plane bound for Frankfurt where it was transferred to the Pan Am 103 flight. Giaka insisted, "They walked together toward customs. The suitcase was not opened for inspection." The defense quickly claimed that Giaka had not conveyed this information to his American handlers until July 1991. In a pointed exchange, the defense lawyers stressed that the defector was a mendacious individual motivated by money and a desire to flee to the United States. However, the lack of timely conveyance of such evidence may have more to do with the nature of the investigation.

By 1990, CIA's contact with Giaka had become sporadic and the FBI investigators were still not fully focused on Libya as the prime suspect in the case. After all, the accused were not indicted until November 1991, denoting the fact that the Libyan track must have only been revived shortly before. Moreover, it should be noted that Giaka rejected the defense lawyers' assertions and insisted that he did convey the baggage scenario to the U.S. prior to 1991. Even if Giaka embellished a facet of his story-- a trait common to all defectors-- there are other aspects of his testimony that the defense made no attempt to impeach. Giaka's claims that LAA installations were used for housing explosives, that the suspects were active Libyan agents involved in a variety of plots, and that the Libyan Security Services commissioned a study on how to smuggle a suitcase on an airline leaving from Malta went uncontested by the defense team. At the very least, the famed defector strengthened the circumstantial case against the accused.

What Next? Three key issues bear watching when the trial resumes. First, the prosecution may reveal the sensitive information that it obtained from a third country during the recess. Second, the prosecutors will have the opportunity to unveil Al Amin Khalifa Fhima's diary that may prove crucial in linking him to the bombing. Although the content of the diary remains concealed, reports have alluded to a passage recorded shortly before December 21, 1988, that notes, "pickup Air Malta luggage tags." Third, the defense will have the opportunity to substantiate its claim that Palestinian terrorists were responsible for the bombing when Muhammad Abu Talb, a former commander in the Palestinian Popular Struggle Front serving a life-sentence for 1989 bombing of an airline office in Copenhagen, takes the stand.

Meanwhile, the Libyan leader's attention has been distracted from the trial by troubles at home. During the past three weeks, Libya has witnessed its worst outbreak of anti-foreign violence since the expulsion of Italian settlers in 1969. Since his turn to Africa, Colonel Qaddafi has accepted approximately 1.5 million African workers into Libya. In contrast to Qaddafi's professed affinity for Africa, his Libyan constituents have come to blame the African migrant workers for the spiraling urban crime rate and the economic difficulties felt by average Libyan family. The tensions finally came to the surface on September 24th in the northwest city of Zawiya when rampaging mobs of Libyans burned African shops and killed scores of immigrants. Since then, violence has spread to other Libyan cities and has resulted in at least 650 deaths and a massive exodus of African immigrants. The recent carnage on Libyan streets has complicated Qaddafi's African diplomacy and may result in the colonel turning his focus once again to the Middle East where, increasingly, his message of dogmatic opposition to the peace process seems to be gaining currency.

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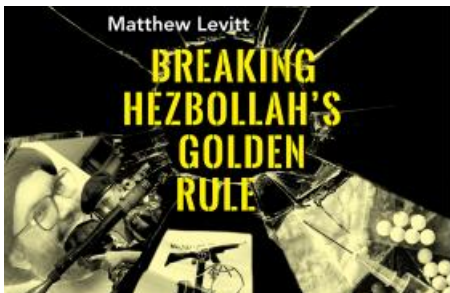
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