

MODE = MEMORY TRANSMISSION

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-DEPT OF JUSTICE -

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holdings a Criminal Term

UNITED STATES OF AMERICA

v.

ABDEL BASSET ALI AL-MEGRAHI,
 A/K/A ABDELBASET ALI MOHMED,
 A/K/A ABDELBASET ALI MOHMED
 AL MEGRAHI,
 A/K/A "MR. BASET,"
 A/K/A AHMED KHALIFA ABDUSAMAD;

LAMEN KHALIFA FHIMAH,
 A/K/A AL AMIN KHALIFA
 FHIMAH,
 A/K/A "MR. LAMIN"

Criminal No. **91-0645**
 :
 : Grand Jury Original
 :
 :
 : Violations: 18 U.S.C. §§ 371,
 : 32, 34, 844(i), 2331, and 2
 : (Conspiracy to Destroy a
 : Civil Aircraft of the United
 : States, to Destroy a Vehicle
 : Used in Foreign Commerce by
 : Means of an Explosive, to Kill
 : Nationals of the United States
 : Destroying a Civil Aircraft;
 : Destroying a Vehicle Used in
 : Foreign Commerce by Means of
 : an Explosive; Killing
 : Nationals of the United
 : States; Aiding and Abetting)

HARRIS, J.

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MAY 14 1991

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INDICTMENT

The Grand Jury charges that:

COUNT ONE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Final Verdict
11/13/91

Holding a Criminal Term

UNITED STATES OF AMERICA

v.

ABDEL BASSET ALI AL-MEGRAHI,
A/K/A ABDELBASET ALI MOHMED,
A/K/A ABDELBASET ALI MOHMED
AL MEGRAHI,
A/K/A "MR. BASET,"
A/K/A AHMED KHALIFA ABDUSAMAD;

LAMEN KHALIFA FHIMAH,
A/K/A AL AMIN KHALIFA
FHIMAH,
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: Nationals of the United
: States; Aiding and Abetting)

I N D I C T M E N T

The Grand Jury charges that:

COUNT ONE

INTRODUCTION

At all times material to this Indictment, except as otherwise indicated:

1. The Socialist People's Libyan Arab Jamahirya (hereinafter referred to as "Libya") was a nation located on the Mediterranean coast of North Africa.

2. The Jamahirya Security Organization (hereinafter referred to as "JSO") was the Libyan intelligence service through which

Libya conducted acts of terrorism against other nations and repressed the activities of Libyan dissidents abroad.

3. The JSO was divided into various administrations and sections, including the Technical Administration.

4. The Technical Administration's responsibilities included assisting other administrations within the JSO in developing technical equipment and to provide technical support to JSO operations in Libya and abroad.

5. In 1984-85, Said Rashid Kisha (hereinafter referred to as Said Rashid) was the Assistant Manager of the Technical Administration of the JSO, and in 1985 requested Edwin Bollier of the Swiss firm of Meister et Bollier to develop timers for the Libyans.

6. From 1985, to on or about January 1, 1987, Said Rashid was the Director of the Operations Administration of the JSO.

7. The Operations Administration of the JSO was further divided into various sections including the Airline Security Section.

8. The Airline Security Section of the JSO was responsible for the following functions:

a. providing physical security for Libyan Arab Airlines (hereinafter referred to as "LAA") aircraft and passengers on domestic and international flights; and

b. overseeing the covert placement and intelligence operations of JSO officers as employees of Libyan Arab Airlines in various countries, including the Republic of Malta.

9. During the period while Said Rashid was the Director of the Operations Administration, ABDEL BASSET ALI AL-MEGRAHI was the Chief of the Airline Security Section.

10. Izzel Din Al Hinshiri (hereinafter referred to as Hinshiri) at various times material to this Indictment held the following positions: Libyan Minister of Transportation, Minister of Justice, Secretary General to the Peoples Committee for Justice in Libya, Director, and Assistant to the Director, of the Central Security Administration of the JSO.

11. At various times material to this Indictment, beginning in 1985 and continuing into 1986, Hinshiri received, and caused to be received on behalf of the JSO, 20 prototype digital electric timers, Model MST-13, capable of initiating an explosive device, which had been manufactured by the Swiss firm of Meister et Bollier.

12. Meister et Bollier, Ltd., Telecommunications, a/k/a MEBO AG, was a company located in Zurich, Switzerland, which maintained a close business relationship with elements of the Libyan military and JSO as a manufacturer and supplier of technical equipment.

13. ABH was a Libyan front company which sublet office space in Zurich, Switzerland, from Meister et Bollier.

14. Badri Hasan was a citizen of Libya, who was associated along with ABDEL BASSET in the activities of ABH in Zurich, Switzerland.

15. At various times material in 1988, the Libyan JSO issued Semtex explosives containing the substances RDX and PETN, electric

blasting caps or detonators, and MST-13 digital electric timers capable of initiating an explosion at a predetermined future time, to JSO operatives who engaged in covert terrorist operations outside of Libya, including in the Republic of Senegal.

16. Libyan Arab Airlines was the national airline of Libya and was utilized by the JSO to facilitate its acts of terrorism and repression.

17. Air Malta, the national airline of the Republic of Malta, was the handling agent for Libyan Arab Airlines flights to and from Luqa Airport, Malta, and as such utilized Air Malta luggage tags on luggage destined for Libyan Arab Airline flights.

18. Air Malta employees boarding passengers and luggage for Libyan Arab Airline flights were assisted by a representative of Libyan Arab Airlines.

19. The Defendant LAMEN KHALIFA FHIMAH, A/K/A AL AMIN KHALIFA FHIMAH, A/K/A "MR. LAMIN" (hereinafter referred to as "LAMEN FHIMAH"), was a citizen of Libya, and was utilized by the JSO in various cover positions, including at various times as the Station Manager and representative for Libyan Arab Airlines at Luqa Airport, Malta.

20. The Defendant LAMEN FHIMAH had access to Air Malta luggage tags and the Air Malta facilities used to board passengers and baggage for LAA flights from Luqa Airport, Malta.

21. The Defendant ABDEL BASSET ALI AL-MEGRAHI, A/K/A ABDELBASET ALI MOHMED, A/K/A/ ABDELBASET ALI MOHMED AL MEGRAHI, A/K/A "MR. BASET," A/K/A AHMED KHALIFA ABDUSAMAD (hereinafter

referred to as "ABDEL BASSET"), was a citizen of Libya and was utilized by the JSO in various positions including as the Chief of the Airline Security Section, Operations Division, and as such was familiar with international airline security procedures.

22. On December 21, 1988, between 0850 and 0950 hours, (CET), Libyan Arab Airlines Flight LN 147 to Tripoli, Libya, on which the Defendant ABDEL BASSET was traveling, was boarding at Luqa Airport, Malta, while Air Malta Flight KM-180 to Frankfurt, Germany, was also open for check-in between 0815 and 0915 hours, CET.

23. On December 21, 1988, Air Malta Flight KM-180 from Luqa Airport, Malta, arrived at approximately 1250 hours, Central Europe Time (CET), at Frankfurt Airport, Germany.

24. On December 21, 1988, at approximately 1600 hours, CET, Pan Am Flight 103A, with connecting service to London's Heathrow Airport and Pan Am Flight 103, departed Frankfurt, with an item of luggage that had been transferred from Air Malta Flight KM-180.

25. On December 21, 1988, between approximately 1740 hours and 1807 hours, GMT, luggage from Pan Am Flight 103A arriving from Frankfurt, Germany, was loaded onto Pan Am Flight 103 (United States aircraft number N739PA) at London's Heathrow Airport.

26. Pan American World Airways was an airline owned by a corporation created under the laws of a State of the United States and registered under Chapter 20, Title 49 of the United States Code, which airline flew its aircraft in commerce between the United States and other countries; and operated aircraft leased

from and owned by a corporation created under the laws of the State of New York.

27. Pan American World Airways aircraft bearing number N739PA was a civil aircraft of the United States registered with the Federal Aviation Administration as required by Title 49 U.S.C. App., Section 1401, and operating within the special aircraft jurisdiction of the United States as defined by Title 49 U.S.C. App., Sec. 1301 (38).

28. On December 21, 1988, Pan American World Airways Flight 103 was operating in foreign air commerce between London's Heathrow Airport in the United Kingdom, and John F. Kennedy Airport in the United States of America.

29. On December 21, 1988, Pan American World Airways Flight 103 carried two hundred fifty-nine people (two hundred forty-three passengers and sixteen crew members) who were citizens of the following countries: United States of America, United Kingdom of Great Britain and Northern Ireland, Switzerland, France, Canada, Israel, Argentina, Sweden, Ireland, Italy, Hungary, South Africa, Germany, Spain, Jamaica, Philippines, India, Belgium, Trinidad, Japan and Bolivia.

30. On December 21, 1988, at approximately 7:03 p.m., GMT, Pan American World Airways Flight 103 broke apart in Scottish airspace at an altitude of 31,000 feet as the result of the detonation of an explosive device in its forward cargo hold;

31. As the result of the explosion, Pan American World Airways Flight 103 was destroyed and fell to earth, killing all two

hundred fifty-nine passengers and crew, as well as eleven residents of the Scottish town of Lockerbie.

THE CONSPIRACY

32. From on or about the summer of 1985 to and including the date of the return of this Indictment, within the nations of Libya, Switzerland, Malta, Germany, the United Kingdom and elsewhere outside the United States of America, the Defendants ABDEL BASSET, and LAMEN FHIMAH, together with others unknown to the Grand Jury, did unlawfully, willfully and knowingly, conspire, combine and agree together and with others to commit terrorist acts against the United States of America and its citizens.

33. It was a part of the conspiracy that the Defendants and co-conspirators would and did place and cause to be placed a destructive device and substance in and upon Pan American World Airways Flight 103, an aircraft within the special aircraft jurisdiction of the United States and a civil aircraft used, operated, and employed in overseas and foreign air commerce; in violation of Title 18, United States Code, Sections 32(a)(2) and 2.

34. It was a further part of the conspiracy that the ~~Defendants and co-conspirators would and did damage and destroy,~~ by means of an explosive device, Pan American World Airways Flight 103, an aircraft in the special aircraft jurisdiction of the United States and a civil aircraft used, operated, and employed in overseas and foreign air commerce; in violation of Title 18, United States Code, Section 32(a)(1) and 2.

35. It was a further part of the conspiracy that the Defendants and co-conspirators would and did damage and destroy by means of an explosive device Pan American World Airways Flight 103, a vehicle used in foreign commerce and in an activity affecting foreign commerce; in violation of Title 18, United States Code, Section 844(i) and 2.

36. It was a further part of the conspiracy that the Defendants and co-conspirators would and did kill nationals of the United States while such nationals were outside the United States, the killings being murder as defined by Section 1111(a) of Title 18, United States Code; in violation of Title 18, United States Code, Sections 2331(a) and 2.

37. It was further a part of the conspiracy that the Defendants and co-conspirators would and did conceal the involvement of the Libyan JSO in terrorist acts against the United States and its citizens.

THE MANNER AND MEANS USED BY THE CONSPIRATORS
TO FURTHER THE OBJECTS OF THE CONSPIRACY

38. Among the means used by the Defendants and co-conspirators to further the objects of the conspiracy were the following:

a. The Defendants and co-conspirators, as officers and operatives of the JSO, utilized the resources and facilities of the nation of Libya, including the JSO, to carry out their scheme to destroy an American aircraft by means of an explosive device and to kill passengers on board the aircraft.

b. The Defendants and co-conspirators constructed and caused to be constructed an improvised explosive device consisting of plastic explosives containing the substances RDX and PETN, and an MST-13 prototype digital electronic timer, capable of initiating an explosion at a predetermined future time, which had been manufactured for and delivered to the Libyan JSO by the Swiss firm of Meister et Bollier during the period of 1985 to 1986 at the request of Said Rashid and Hinshiri.

c. The Defendants and co-conspirators caused the improvised explosive device to be concealed inside a portable radio cassette player.

d. The Defendants and co-conspirators caused the radio cassette player to be placed inside a brown colored Samsonite Silhouette 4000 range suitcase.

e. The Defendants and co-conspirators caused that suitcase to be packed with clothing, purchased in Malta, to provide the appearance of a normal travel bag.

f. The Defendants and co-conspirators caused the suitcase, with the armed device concealed within it, to be placed in the stream of international airline passenger luggage at Luqa Airport in the Republic of Malta.

g. The Defendants and co-conspirators utilized various false identities to enter Malta and other nations within which the conspiracy was carried out.

h. The Defendants and co-conspirators utilized their knowledge and access gained as a result of their employment with

Libyan Arab Airlines to circumvent and evade Maltese customs and airline security at Luqa Airport and elsewhere; and improperly obtained and utilized the Air Malta baggage tags to cause the interline transfer of the suitcase, containing the explosive device, to other aircraft.

i. The Defendants and co-conspirators caused the suitcase containing the explosive device to be placed into the baggage compartment of Air Malta Flight KM-180 at Luqa Airport, Malta; caused the same suitcase to be transferred from Air Malta Flight KM-180 to Pan American World Airways Flight 103A in Frankfurt, Germany; caused the same suitcase to be further transferred to Pan American World Airways Flight 103 at Heathrow Airport, London, United Kingdom; caused the detonation of the explosive device during Pan American World Airways Flight 103's journey to the United States; and caused the destruction of Pan American World Airways Flight 103 and the death of two hundred seventy persons in the aircraft and on the ground.

OVERT ACTS

39. In order to further the conspiracy and to achieve its objectives, the following overt acts, among others, were committed in Libya, Switzerland, Malta, Germany, the United Kingdom, and elsewhere:

a. In or about the summer of 1988, LAMEN FHIMAH stored a quantity of plastic explosive in his office at the Libyan Arab Airlines Station, Luqa Airport, Malta.

b. In or about the fall of 1988, ABDEL BASSET flew from

Tripoli, Libya, to Luqa Airport, Malta, on Libyan Arab Airlines.

c. On or about December 7, 1988, ABDEL BASSET traveled from Libya to Malta.

d. On or about December 7, 1988, ABDEL BASSET registered at the Holiday Inn, Sliema, Malta, using the name "ABDEL BASET A. MOHMED," a "FLIGHT DISPATCHER" (sic) for Libyan Arab Airlines.

e. On or about December 7, 1988, in Sliema, Malta, ABDEL BASSET purchased items of clothing from Mary's House, a retail store located approximately 300 yards from the hotel in which ABDEL BASSET was staying.

f. On or about December 9, 1988, ABDEL BASSET traveled from Malta to Zurich, Switzerland.

g. On or about December 15, 1988, LAMEN FHIMAH made the following entries in his diary: "Abdel Basset is coming from Zurich with Salvu..." and "take taggs [sic] from Air Malta."

h. On or about December 15, 1988, LAMEN FHIMAH made an additional entry in the "Notes" section of his diary: "bring the tags from the Airport (ABDEL BASSET-ABDUL SALAM)."

i. On or about December 15, 1988, LAMEN FHIMAH made an additional entry in his diary by writing the letters "OK" adjacent to the notation: "ABDEL BASSET is coming from Zurich with Salvu... take taggs [sic] from Air Malta."

j. On or about December 17, 1988, ABDEL BASSET traveled from Zurich, Switzerland, to Luqa Airport, Malta, and then on to Tripoli, Libya.

k. On or about December 18, 1988, LAMEN FHIMAH traveled

from Malta to Libya for a meeting with ABDEL BASSET.

l. On or about December 20, 1988, ABDEL BASSET traveled from Libya to Luqa Airport, Malta, utilizing the false identity of "AHMED KHALIFA ABDUSAMAD."

m. On or about December 20, 1988, LAMEN FHIMAH traveled from Tripoli, Libya, to Luqa Airport, Malta, on the same flight as ABDEL BASSET.

n. On or about December 20, 1988, the Defendants and co-conspirators brought a large, brown hardsided Samsonite suitcase into Malta.

o. On or about December 20, 1988, ABDEL BASSET had a meeting with LAMEN FHIMAH in Malta.

p. On or about December 20, 1988, ABDEL BASSET registered at the Holiday Inn, Sliema, Malta, under the false name "AHMED KHALIFA ABDUSAMAD."

q. On December 21, 1988, at approximately 7:11 a.m., CET, ABDEL BASSET placed a telephone call to LAMEN FHIMAH from the Holiday Inn, Sliema, Malta.

r. On December 21, 1988, ABDEL BASSET, traveling under an assumed name, departed Luqa Airport, Malta, on LAA Flight LN 147 to Tripoli, Libya.

s. On December 21, 1988, between 0815 and 0915 hours, CET, the Defendants and co-conspirators unknown to the Grand Jury, caused a brown, hard-sided Samsonite suitcase containing an explosive device incorporating an MST-13 timer, previously manufactured for the JSO, to be introduced as part of the interline

baggage in Air Malta Flight KM-180 to Frankfurt, Germany.

t. On December 21, 1988, the Defendants and co-conspirators unknown to the Grand Jury, destroyed aircraft N739PA as charged in Count Three of this Indictment, the allegations of which are hereby re-alleged and incorporated by reference.

u. On December 21, 1988, the Defendants and co-conspirators unknown to the Grand Jury, by means of fire and explosives destroyed aircraft N739PA, and as a direct result thereof caused the death of two hundred seventy persons as set forth in Counts Two and Three, the allegations of which are hereby re-alleged and incorporated by reference.

v. On December 21, 1988, the Defendants and co-conspirators unknown to the Grand Jury, by means of fire and explosives destroyed aircraft N739PA, and as a direct result thereof, did murder one hundred eighty-nine nationals of the United States, as set forth in Counts Five through One Hundred Ninety-Three, the allegations of which are hereby re-alleged and incorporated by reference.

(Violation of Title 18, United States Code, Section 371)

COUNT TWO

1. ~~The Grand Jury hereby re-alleges and incorporates by reference paragraphs One through Thirty-one of Count One of this Indictment.~~

2. On or about December 21, 1988, at Heathrow Airport, London, United Kingdom, and elsewhere, the Defendants ABDEL BASSET and LAMEN FHIMAH, together with others unknown to the Grand Jury,

willfully and unlawfully caused to be placed a destructive device and substance in and upon aircraft number N739PA, a civil aircraft of the United States used, operated, and employed in overseas and foreign air commerce by Pan American World Airways as Pan Am Flight 103, en route to the United States from Heathrow Airport, London, United Kingdom, resulting in the deaths of:

<u>Victim</u>	<u>Citizenship</u>
John Michael Gerard Ahern	USA
Sarah Margaret Aicher	USA
John David Akerstrom	USA
Ronald Ely Alexander	Swiss
Thomas Joseph Ammerman	USA
Martin Lewis Apfelbaum	USA
Rachel Marie Asrelsky	USA
Judith Ellen Atkinson	USA
William Garretson Atkinson III	USA
Elizabeth Nichole Avoyne	French
Jerry Don Avritt	USA
Clare Louis Bacciochi	British
Harry Michael Bainbridge	USA
Stuart Murray Barclay	Canadian
Jean Mary Bell	British
Julian MacBain Benello	USA
Lawrence Ray Bennett	USA
Philip Vernon Bergstrom	USA
Alistair David Berkley	USA
Michael Stuart Bernstein	USA
Steven Russell Berrell	USA
Noelle Lydie Berti-Campbell	USA
Surinder Mohan Bhatia	USA
Kenneth John Bissett	USA
Stephen John Boland	USA
Paula Marie Bouckley	USA
Glenn John Bouckley	British
Nicole Elise Boulanger	USA
Francis Boyer	French
Nicholas Bright	USA
Daniel Solomon Browner (Beer)	Israel
Colleen Renee Brunner	USA
Timothy Guy Burman	British
Michael Warren Buser	USA
Warren Max Buser	USA
Steven Lee Butler	USA
William Martin Cadman	USA
Hernan Luis Caffarone	Argentinian

Fabiana Caffarone	Argentinian
Valerie Canady	USA
Gregory Joseph Capasso	USA
Timothy Michael Cardwell	USA
Bernt Wilmar Carlsson	Swedish
Richard Anthony Cawley	USA
Frank Ciulla	USA
Theodora Eugenia Cohen	USA
Jason Michael Coker	USA
Eric Michael Coker	USA
Gary Leonard Colasanti	USA
Thomas Concannon	Irish
Bridget Concannon	Irish
Sean Concannon	British
Tracy Jane Corner	British
Scott Marsh Cory	USA
Willis Larry Coursey	USA
Patricia Mary Coyle	USA
John Binning Cummock	USA
Joseph Patrick Curry	USA
William Alan Daniels	USA
Gretchen Joyce Dater	USA
Shannon Davis	USA
Gabriele Della-Ripa	Italian
Joyce Christine Dimauro	USA
Gianfranca Dinardo	Italian
Peter Thomas Stanley Dix	Irish
Om Dikshit	Indian
Shanti Dixit	USA
David Scott Dornstein	USA
Michael Joseph Doyle	USA
Edgar Howard Eggleston III	USA
Siv Ulla Engstrom	Swedish
Turhan Ergin	USA
Charles Thomas Fisher IV	USA
Thomas Brown Flannigan	British
Kathleen Mary Flannigan	British
Joanne Flannigan	British
Clayton Lee Flick	British
John Patrick Flynn	USA
Arthur Jay Fondiler	USA
Robert Gerard Fortune	USA
Stacie Denise Franklin	USA
Paul Matthew Stephen Freeman	Canadian
Diane Ann Boatman-Fuller	USA
James Ralph Fuller	USA
Ibolya Robertne Gabor	Hungarian
Amy Beth Gallagher	USA
Matthew Kevin Gannon	USA
Kenneth Raymond Garczynski	USA
Paul Isaac Garrett	USA
Kenneth James Gibson	USA

William David Giebler	USA
Olive Leonora Gordon	British
Linda Susan Gordon-Gorgacz	USA
Anne Madelene Gorgacz	USA
Loretta Anne Gorgacz	USA
David Jay Gould	USA
Andre Nikolai Guevorgian	USA
Nicola Jane Hall	South African
Lorraine Frances Halsch	USA
Lynne Carol Hartunian	USA
Anthony Lacey Hawkins	British
Maurice Peter Henry	British
Dora Henrietta Henry	British
Pamela Elaine Herbert	USA
Rodney Peter Hilbert	USA
Alfred Hill	German
Katherine Augusta Hollister	USA
Josephine Lisa Hudson	British
Sophie Ailette Miriam Hudson	French
Melina Kristina Hudson	USA
Karen Lee Hunt	USA
Roger Elwood Hurst	USA
Elizabeth Sophie Ivell	British
Khaled Nazir Jaafar	USA
Robert Van Houten Jeck	USA
Rachel Mary Elizabeth Jeffreys	British
Paul Avron Jeffreys	British
Kathleen Mary Jermyn	USA
Beth Ann Johnson	USA
Mary Lincoln Johnson	USA
Timothy Baron Johnson	USA
Christopher Andrew Jones	USA
Julianne Frances Kelly	USA
Jay Joseph Kingham	USA
Patricia Ann Klein	USA
Gregory Kosmowski	USA
Elke Etha Kuhne	German
Minas Christopher Kulukundis	British
Mary Lancaster	British
Ronald Albert Lariviere	USA
Maria Nieves Larracochea	Spanish
Robert Milton Leckburg	USA
William Chase Leyrer	USA
Wendy Anne Lincoln	USA
Alexander Lowenstein	USA
Lloyd David Ludlow	USA
Maria Theresia Lurbke	German
William Edward Mack	USA
Douglas Eugene Malicote	USA
Wendy Gay Malicote	USA
Elizabeth Lillian Marek	USA
Louis Anthony Marengo	USA

Noel George Martin	Jamaican
Diane Marie Maslowski	USA
William John McAllister	British
Lilibeth Tobila MacAlolooy	USA
Daniel Emmet McCarthy	USA
Robert Eugene McCollum	USA
Charles Dennis McKee	USA
Bernard Joseph McLaughlin	USA
James Bruce MacQuarrie	USA
Jane Susan Melber	USA
John Merrill	British
Suzanne Marie Miazga	USA
Joseph Kenneth Miller	USA
Jewel Courtney Mitchell	USA
Richard Paul Monetti	USA
Jane Ann Morgan	USA
Eva Ingeborg Morson	USA
Helga Rachael Mosey	British
John Mulroy	USA
Sean Kevin Mulroy	USA
Ingrid Elisabeth Mulroy	Swedish
Mary Geraldine Murphy	British
Jean Aitken Murray	British
Karen Elizabeth Noonan	USA
Daniel Emmett O'Connor	USA
Mary Denice O'Neill	USA
Anne Lindsey Otenasek	USA
Bryony Elise Owen	British
Gwyneth Yvonne Margaret Owen	British
Robert Plack Owens	USA
Martha Owens	USA
Sarah Rebecca Owens	USA
Laura Abigail Owens	USA
Robert Italo Pagnucco	USA
Christos Michael Papadopoulos	USA
Peter Raymond Peirce	USA
Michael Cosimo Pescatore	USA
Sarah Susannah Buchanan Philipps	USA
Frederick Sandford Phillips	USA
James Andrew Campbell Pitt	USA
David Platt	USA
Walter Leonard Porter	USA
Pamela Lynn Posen	USA
William Pugh	USA
Crisostomo Estrella Quiguyan	Filipino
Rajesh Tarsis Priskel Ramses	Indian
Suruchi Rattan	USA
Anmol Rattan	USA
Garima Rattan	USA
Anita Lynn Reeves	USA
Mark Alan Rein	USA
Jocelyn Reina	USA

Diane Marie Rencevicz	USA
Louise Ann Rogers	USA
Janos Gabor Rollér	Hungarian
Edina Roller	Hungarian
Zsuzsanna Roller	Hungarian
Hanne Maria Root	Canadian
Saul Mark Rosen	USA
Andrea Victoria Rosenthal	USA
Daniel Peter Rosenthal	USA
Myra Josephine Royal	USA
Arnaud David Rubin	Belgian
Elyse Jeanne Saraceni	USA
Teresa Elizabeth Jane Saunders	British
Scott Christopher Saunders	USA
Johannes Otto Schaeuble	German
Robert Thomas Schlageter	USA
Thomas Britton Schultz	USA
Sally Elizabeth Scott	British
Amy Elizabeth Shapiro	USA
Mridula Shastri	Indian
Joan Sheanshang	USA
Irving Stanley Sigal	USA
Martin Bernard Carruthers Simpson	USA
Irja Syhnove Skabo	USA
Mary Edna Smith	USA
Cynthia Joan Smith	USA
James Alvin Smith	USA
Ingrid Anita Smith	British
Lynsey Anne Somerville	British
Rosaleen Leiter Somerville	British
Paul Somerville	British
John Somerville	British
John Charles Stevenson	British
Geraldine Anne Stevenson	British
Hannah Louise Stevenson	British
Rachel Stevenson	British
Charlotte Ann Stinnett	USA
Stacey Leanne Stinnett	USA
Michael Gary Stinnett	USA
James Ralph Stow	USA
Elia G. Stratis	USA
Anthony Selwyn Swan	Trinidadian
Flora MacDonald Margaret Swire	British
Marc Alex Tager	British
Hidekazu Tanaka	Japanese
Andrew Alexander Teran	Bolivian
Jonathan Ryan Thomas	USA
Lawanda Thomas	USA
Arva Anthony Thomas	USA
Mark Lawrence Tobin	USA
David William Trimmer-Smith	USA
Alexia Kathryn Tsairis	USA

Barry Joseph Valentino	USA
Thomas Floro Van-Tienhoven	Argentinian
Asaad Eidi Vejdany	USA
Milutin Velimirovich	USA
Nicholas Andreas Vrenios	USA
Peter Vulcu	USA
Raymond Ronald Wagner	USA
Janina Jozefa Waido	USA
Thomas Edwin Walker	USA
Kesha Weedon	USA
Jerome Lee Weston	USA
Jonathan White	USA
Stephanie Leigh Williams	USA
Brittany Leigh Williams	USA
George Waterson Williams	USA
Bonnie Leigh Williams	USA
Eric Jon Williams	USA
Miriam Luby Wolfe	USA
Chelsea Marie Woods	USA
Joe Nathan Woods	USA
Joe Nathan Woods, Jr.	USA
Dedera Lynn Woods	USA
Andrew Christopher Gillies-Wright	British
Mark James Zwynenburg	USA

(Violation of Title 18, United States Code, Sections 32(a)(2), 34 and 2)

COUNT THREE

1. The Grand Jury hereby re-alleges and incorporates by reference paragraphs One through Thirty-one of Count One of this Indictment.

2. On or about December 21, 1988, at an altitude of 31,000 feet, approximately in the vicinity of the town of Lockerbie, Scotland, and within the special aircraft jurisdiction of the United States, as defined by Title 49, United States Code Appendix, Section 1301(38), the Defendants ABDEL BASSET and LAMEN FHIMAH, together with others unknown to the Grand Jury, did willfully and unlawfully damage and destroy, by means of an explosive device,

aircraft number N739PA, a civil aircraft of the United States used, operated, and employed in overseas and foreign air commerce by Pan American World Airways as Pan Am Flight 103, en route to the United States from Heathrow Airport, London, United Kingdom, resulting in the deaths of two hundred seventy victims as specified in Count Two of this Indictment.

(Violation of Title 18, United States Code, Sections 32(a)(1), 34 and 2)

COUNT FOUR

1. The Grand Jury hereby re-alleges and incorporates by reference paragraphs One through Thirty-one of Count One of this Indictment.

2. On December 21, 1988, at an altitude of 31,000 feet, approximately in the vicinity of the town of Lockerbie, Scotland, the Defendants ABDEL BASSET and LAMEN FHIMAH, together with others unknown to the Grand Jury, did maliciously damage and destroy by means of an explosive, aircraft number N739PA, employed as Pan Am Flight 103, a vehicle used in foreign commerce, and in an activity affecting foreign commerce, which was en route to the United States from Heathrow Airport, London, United Kingdom.

3. On December 21, 1988, as a direct and proximate result of the damage and destruction of aircraft N739PA, above and within the town of Lockerbie, Scotland, and the surrounding area, the Defendants ABDEL BASSET and LAMEN FHIMAH, together with others unknown to the Grand Jury, did maliciously cause the deaths of the two hundred seventy persons identified in Count Two of this

Indictment.

(Violation of Title 18, United States Code, Sections 844(i) and 2)

COUNTS FIVE THROUGH ONE HUNDRED NINETY-THREE

1. The Grand Jury hereby re-alleges and incorporates by reference paragraphs One through Thirty-one of Count One of this Indictment.

2. At all times material to the Indictment the persons identified as victims in Counts Five through One Hundred Ninety-Three were nationals of the United States as that term is defined by Title 8, United States Code, Section 1101(a)(22).

3. On or about December 21, 1988, outside the United States, in the town of Lockerbie, Scotland, and vicinity, within the United Kingdom and elsewhere, the Defendants ABDEL BASSET and LAMEN FHIMAH, and others unknown to the Grand Jury, did willfully, deliberately, maliciously and with premeditation and malice aforethought kill one hundred eighty-nine nationals of the United States who were the passengers and crew of the aircraft, and whose identities are reflected in the table set forth below:

<u>COUNT</u>	<u>VICTIM</u>
FIVE	John Michael Gerard Ahern
SIX	Sarah Margaret Aicher
SEVEN	John David Akerstrom
EIGHT	Thomas Joseph Ammerman
NINE	Martin Lewis Apfelbaum
TEN	Rachel Marie Asrelsky
ELEVEN	Judith Ellen Atkinson

TWELVE	William Garretson Atkinson III
THIRTEEN	Jerry Don Avritt
FOURTEEN	Harry Michael Bainbridge
FIFTEEN	Julian MacBain Benello
SIXTEEN	Lawrence Ray Bennett
SEVENTEEN	Philip Vernon Bergstrom
EIGHTEEN	Michael Stuart Bernstein
NINETEEN	Steven Russell Berrell
TWENTY	Noelle Lydie Berti-Campbell
TWENTY-ONE	Surinder Mohan Bhatia
TWENTY-TWO	Kenneth John Bissett
TWENTY-THREE	Stephen John Boland
TWENTY-FOUR	Paula Marie Bouckley
TWENTY-FIVE	Nicole Elise Boulanger
TWENTY-SIX	Nicholas Bright
TWENTY-SEVEN	Colleen Renee Brunner
TWENTY-EIGHT	Michael Warren Buser
TWENTY-NINE	Warren Max Buser
THIRTY	Steven Lee Butler
THIRTY-ONE	Valerie Canady
THIRTY-TWO	Gregory Joseph Capasso
THIRTY-THREE	Timothy Michael Cardwell
THIRTY-FOUR	Richard Anthony Cawley
THIRTY-FIVE	Frank Ciulla
THIRTY-SIX	Theodora Eugenia Cohen
THIRTY-SEVEN	Jason Michael Coker

THIRTY-EIGHT	Eric Michael Coker
THIRTY-NINE	Gary Leonard Colasanti
FORTY	Scott Marsh Cory
FORTY-ONE	Willis Larry Coursey
FORTY-TWO	Patricia Mary Coyle
FORTY-THREE	John Binning Cummock
FORTY-FOUR	Joseph Patrick Curry
FORTY-FIVE	William Alan Daniels
FORTY-SIX	Gretchen Joyce Dater
FORTY-SEVEN	Shannon Davis
FORTY-EIGHT	Joyce Christine Dimauro
FORTY-NINE	Shanti Dixit
FIFTY	David Scott Dornstein
FIFTY-ONE	Michael Joseph Doyle
FIFTY-TWO	Edgar Howard Eggleston III
FIFTY-THREE	Turhan Ergin
FIFTY-FOUR	Charles Thomas Fisher IV
FIFTY-FIVE	John Patrick Flynn
FIFTY-SIX	Arthur Jay Fondiler
FIFTY-SEVEN	Robert Gerard Fortune
FIFTY-EIGHT	Stacie Denise Franklin
FIFTY-NINE	Diane Ann Boatman-Fuller
SIXTY	James Ralph Fuller
SIXTY-ONE	Amy Beth Gallagher
SIXTY-TWO	Matthew Kevin Gannon
SIXTY-THREE	Kenneth Raymond Garczynski

SIXTY-FOUR	Paul Isaac Garrett
SIXTY-FIVE	Kenneth James Gibson
SIXTY-SIX	William David Giebler
SIXTY-SEVEN	Linda Susan Gordon-Gorgacz
SIXTY-EIGHT	Anne Madelene Gorgacz
SIXTY-NINE	Loretta Anne Gorgacz
SEVENTY	David Jay Gould
SEVENTY-ONE	Andre Nikolai Guevorgian
SEVENTY-TWO	Lorraine Frances Halsch
SEVENTY-THREE	Lynne Carol Hartunian
SEVENTY-FOUR	Pamela Elaine Herbert
SEVENTY-FIVE	Rodney Peter Hilbert
SEVENTY-SIX	Katherine Augusta Hollister
SEVENTY-SEVEN	Melina Kristina Hudson
SEVENTY-EIGHT	Karen Lee Hunt
SEVENTY-NINE	Roger Elwood Hurst
EIGHTY	Khaled Nazir Jaafar
EIGHTY-ONE	Robert Van Houten Jeck
EIGHTY-TWO	Kathleen Mary Jermyn
EIGHTY-THREE	Beth Ann Johnson
EIGHTY-FOUR	Mary Lincoln Johnson
EIGHTY-FIVE	Timothy Baron Johnson
EIGHTY-SIX	Christopher Andrew Jones
EIGHTY-SEVEN	Julianne Frances Kelly
EIGHTY-EIGHT	Jay Joseph Kingham
EIGHTY-NINE	Patricia Ann Klein

NINETY	Gregory Kosmowski
NINETY-ONE	Ronald Albert Lariviere
NINETY-TWO	Robert Milton Leckburg
NINETY-THREE	William Chase Leyrer
NINETY-FOUR	Wendy Anne Lincoln
NINETY-FIVE	Alexander Lowenstein
NINETY-SIX	Lloyd David Ludlow
NINETY-SEVEN	William Edward Mack
NINETY-EIGHT	Douglas Eugene Malicote
NINETY-NINE	Wendy Gay Malicote
ONE HUNDRED	Elizabeth Lillian Marek
ONE HUNDRED ONE	Louis Anthony Marengo
ONE HUNDRED TWO	Diane Marie Maslowski
ONE HUNDRED THREE	Lilibeth Tobila MacAlolooy
ONE HUNDRED FOUR	James Bruce MacQuarrie
ONE HUNDRED FIVE	Daniel Emmet McCarthy
ONE HUNDRED SIX	Robert Eugene McCollum
ONE HUNDRED SEVEN	Charles Dennis McKee
ONE HUNDRED EIGHT	Bernard Joseph McLaughlin
ONE HUNDRED NINE	Jane Susan Melber
ONE HUNDRED TEN	Suzanne Marie Miazga
ONE HUNDRED ELEVEN	Joseph Kenneth Miller
ONE HUNDRED TWELVE	Jewel Courtney Mitchell
ONE HUNDRED THIRTEEN	Richard Paul Monetti
ONE HUNDRED FOURTEEN	Jane Ann Morgan
ONE HUNDRED FIFTEEN	Eva Ingeborg Morson

ONE HUNDRED SIXTEEN	John Mulroy
ONE HUNDRED SEVENTEEN	Sean Kevin Mulroy
ONE HUNDRED EIGHTEEN	Karen Elizabeth Noonan
ONE HUNDRED NINETEEN	Daniel Emmett O'Connor
ONE HUNDRED TWENTY	Mary Denice O'Neill
ONE HUNDRED TWENTY-ONE	Anne Lindsey Otenasek
ONE HUNDRED TWENTY-TWO	Robert Plack Owens
ONE HUNDRED TWENTY-THREE	Martha Owens
ONE HUNDRED TWENTY-FOUR	Sarah Rebecca Owens
ONE HUNDRED TWENTY-FIVE	Laura Abigail Owens
ONE HUNDRED TWENTY-SIX	Robert Italo Pagnucco
ONE HUNDRED TWENTY-SEVEN	Christos Michael Papadopoulos
ONE HUNDRED TWENTY-EIGHT	Peter Raymond Peirce
ONE HUNDRED TWENTY-NINE	Michael Cosimo Pescatore
ONE HUNDRED THIRTY	Sarah Susannah Buchanan-Philipps
ONE HUNDRED THIRTY-ONE	Frederick Sandford Phillips
ONE HUNDRED THIRTY-TWO	James Andrew Campbell Pitt
ONE HUNDRED THIRTY-THREE	David Platt
ONE HUNDRED THIRTY-FOUR	Walter Leonard Porter
ONE HUNDRED THIRTY-FIVE	Pamela Lynn Posen
ONE HUNDRED THIRTY-SIX	William Pugh
ONE HUNDRED THIRTY-SEVEN	Suruchi Rattan
ONE HUNDRED THIRTY-EIGHT	Anmol Rattan
ONE HUNDRED THIRTY-NINE	Garima Rattan
ONE HUNDRED FORTY	Anita Lynn Reeves
ONE HUNDRED FORTY-ONE	Mark Alan Rein

ONE HUNDRED FORTY-TWO	Jocelyn Reina
ONE HUNDRED FORTY-THREE	Diane Marie Rencevicz
ONE HUNDRED FORTY-FOUR	Louise Ann Rogers
ONE HUNDRED FORTY-FIVE	Saul Mark Rosen
ONE HUNDRED FORTY-SIX	Andrea Victoria Rosenthal
ONE HUNDRED FORTY-SEVEN	Daniel Peter Rosenthal
ONE HUNDRED FORTY-EIGHT	Myra Josephine Royal
ONE HUNDRED FORTY-NINE	Elyse Jeanne Saraceni
ONE HUNDRED FIFTY	Scott Christopher Saunders
ONE HUNDRED FIFTY-ONE	Robert Thomas Schlageter
ONE HUNDRED FIFTY-TWO	Thomas Britton Schultz
ONE HUNDRED FIFTY-THREE	Amy Elizabeth Shapiro
ONE HUNDRED FIFTY-FOUR	Joan Sheanshang
ONE HUNDRED FIFTY-FIVE	Irving Stanley Sigal
ONE HUNDRED FIFTY-SIX	Martin Bernard Carruthers-Simpson
ONE HUNDRED FIFTY-SEVEN	Irja Syhnove Skabo
ONE HUNDRED FIFTY-EIGHT	Mary Edna Smith
ONE HUNDRED FIFTY-NINE	Cynthia Joan Smith
ONE HUNDRED SIXTY	James Alvin Smith
ONE HUNDRED SIXTY-ONE	Charlotte Ann Stinnett
ONE HUNDRED SIXTY-TWO	Stacey Leanne Stinnett
ONE HUNDRED SIXTY-THREE	Michael Gary Stinnett
ONE HUNDRED SIXTY-FOUR	James Ralph Stow
ONE HUNDRED SIXTY-FIVE	Elia G. Stratis
ONE HUNDRED SIXTY-SIX	Jonathan Ryan Thomas
ONE HUNDRED SIXTY-SEVEN	Lawanda Thomas

ONE HUNDRED SIXTY-EIGHT	Arva Anthony Thomas
ONE HUNDRED SIXTY-NINE	Mark Lawrence Tobin
ONE HUNDRED SEVENTY	David William Trimmer-Smith
ONE HUNDRED SEVENTY-ONE	Alexia Kathryn Tsairis
ONE HUNDRED SEVENTY-TWO	Barry Joseph Valentino
ONE HUNDRED SEVENTY-THREE	Asaad Eidi Vejdany
ONE HUNDRED SEVENTY-FOUR	Milutin Velimirovich
ONE HUNDRED SEVENTY-FIVE	Nicholas Andreas Vrenios
ONE HUNDRED SEVENTY-SIX	Peter Vulcu
ONE HUNDRED SEVENTY-SEVEN	Raymond Ronald Wagner
ONE HUNDRED SEVENTY-EIGHT	Janina Jozefa Waido
ONE HUNDRED SEVENTY-NINE	Thomas Edwin Walker
ONE HUNDRED EIGHTY	Kesha Weedon
ONE HUNDRED EIGHTY-ONE	Jerome Lee Weston
ONE HUNDRED EIGHTY-TWO	Jonathan White
ONE HUNDRED EIGHTY-THREE	Stephanie Leigh Williams
ONE HUNDRED EIGHTY-FOUR	Brittany Leigh Williams
ONE HUNDRED EIGHTY-FIVE	George Waterson Williams
ONE HUNDRED EIGHTY-SIX	Bonnie Leigh Williams
ONE HUNDRED EIGHTY-SEVEN	Eric Jon Williams
ONE HUNDRED EIGHTY-EIGHT	Miriam Luby Wolfe
ONE HUNDRED EIGHTY-NINE	Chelsea Marie Woods

ONE HUNDRED NINETY	Joe Nathan Woods
ONE HUNDRED NINETY-ONE	Joe Nathan Woods, Jr.
ONE HUNDRED NINETY-TWO	Dedera Lynn Woods
ONE HUNDRED NINETY-THREE	Mark James Zwynenburg

(Violation of Title 18, United States Code, Sections 2331 and 2).

A TRUE BILL:

Foreperson.



Attorney for the United States in
and for the District of Columbia

Fact Sheet

Additional Information On the Bombing Of Pan Am Flight 103

The Government of Libya was responsible for the bombing of Pan Am Flight 103 on December 21, 1988. This paper reviews both evidentiary material upon which the US indictment of two Libyan officials is based, and background information that establishes links between those indicted and senior Libyan Government officials.

Summary

Scottish authorities and the US Department of Justice have charged two Libyans with carrying out the attack: Abd al-Basit al-Maqrabi, a senior Libyan intelligence official, and Lamin Fhimah, the former manager of the Libyan Arab Airlines (LAA) office in Malta. The charges are based on clear evidence that al-Maqrabi, Fhimah, and other unidentified co-conspirators planned to bomb Pan Am 103 by:

- Obtaining and attaching an appropriately marked Air Malta tag that circumvented baggage security measures and routed the bag containing the bomb to the Pan Am 103 feeder flight to Heathrow and then to Pan Am 103;
- Setting the timer that activated the device so that the bomb would explode about 1 hour after Pan Am 103 was scheduled to depart Heathrow Airport in London;
- Using the knowledge and access gained from their official status as representatives of Libyan Arab Airlines (LAA) to facilitate the operation at Valetta's Luqa airport. This would have enabled them to bypass security checks and ensure that the suitcase containing the bomb was inserted into the baggage of an Air Malta flight to Frankfurt.

Al-Maqrabi, a senior Libyan intelligence official, acted with the approval of the highest levels of the Libyan Government. We believe Sa'id Rashid—a leading architect and executor of Libya's anti-US and anti-dissident terrorist policies for the last decade, and a member of the Libyan Government's inner circle—was the senior government official who orchestrated the attack. An operation of this sophistication and magnitude, involving people so close to the Libyan leadership, could have been undertaken only with the approval of senior Libyan officials.

The Case

The US indictment is based on evidence, summarized below, directly linking Libyan officials to the suitcase containing the bomb and its insertion into the baggage system. The evidence also directly links al-Maqrabi to the Swiss company that manufactured the timer used in the attack.

The Suitcase. Forensic analysis has identified the bag that contained the Pan Am 103 bomb as a brown, hardsided Samsonite suitcase. The following evidence links al-Maqrabi and Fhimah to the suitcase.

- Al-Maqrabi, traveling in alias, arrived in Valetta with Fhimah from Libya on the evening of December 20, 1988, the day before the bombing. Fhimah, the former manager of the LAA office in Valetta, retained full access to the airport. Al-Maqrabi and Fhimah brought a large, brown, hardsided Samsonite suitcase with them into Malta on that occasion.

- Scottish investigators traced clothing that had been packed in the bomb suitcase to a Maltese clothing shop. A Libyan bought the items several weeks before the bombing, most likely on December 7, 1988. Airport arrival cards demonstrate that al-Maqrabi was in Malta on December 7.
- In February 1991, al-Maqrabi was described as resembling the Libyan who had purchased the clothing items.

The Insertion. Frankfurt airport records for December 21 show that an unaccompanied bag was routed from Air Malta flight 180 (KM 180), out of Valetta's Luqa airport, to Frankfurt, where it was loaded onto the Pan Am 103 feeder flight to London. The evidence indicates that a properly marked Air Malta baggage tag would have routed the suitcase containing the bomb to John F. Kennedy airport in New York via Pan Am 103. The following evidence directly implicates al-Maqrabi and Fhimah in this process:

- Fhimah's diary contains a reminder for December 15, 1988, to pick up Air Malta tags—a violation of airport and airline regulations. Other diary notations indicate that Fhimah accomplished this task.
- According to Luqa airport records and staff, the baggage for KM 180 was processed at about the same time as their bags for a Libyan Arab Airlines flight (LN 147), bound for Tripoli.
- Al-Maqrabi, still traveling in alias, boarded LN 147 on the morning of December 21, 1988, the same morning that the bomb was inserted into the baggage of the KM 180 flight. Al-Maqrabi's flight back to Libya checked



in at the same airport passenger check-in counter as KM 180, and the check-in periods for the two flights overlapped.

The Timer. A circuit board fragment recovered from the Pan Am 103 bomb was part of a sophisticated electronic timer of a type that Senegalese authorities discovered in the possession of two Libyan terrorists arrested in February 1988. The timers, marked MST-13, were manufactured by Meister et Bollier (MEBO), a Swiss electronics firm located in Zurich.

The MST-13 timers are unique. MEBO was the sole manufacturer. All the MST-13 timers produced were delivered to the Libyans.

MEBO provided the Libyan External Security Organization (ESO, also referred to as the Jamahirya Security Organization—JSO) with 20 MST-13 timers in late 1985 and made no more MST-13 timers. Two ESO electrical engineers commissioned and took possession of the timers: Izz Aldin Hinshiri, Libya's current Minister of Communications and Transport, and Sa'id Rashid.

Al-Maqrabi is a close relative and longtime associate of Sa'id Rashid. At the time Rashid took delivery of the timers, al-Maqrabi was his immediate subordinate.

Al-Maqrabi rented office space at MEBO and transited Zurich on at least two occasions in December 1988.

Libyan Government Responsibility

The conclusion that the Libyan Government approved the Pan Am 103 bombing is based on Abd al-Basit al-Maqrabi's central and continuing role in Libyan intelligence operations and on his close association with Libyan Government officials who have implemented and directed Libya's use of terrorism over the years as a tool of government policy. The career progress of these officials over the years indicates that the Libyan Government has consistently endorsed their operations, tactics, and targets.

Al-Maqrabi's Intelligence Responsibilities. Abd al-Basit al-Maqrabi's deep involvement in Libya's most sensitive, high priority procurement operations indicates that he enjoyed the fullest confidence of Libya's leadership.

We believe that his contacts and experience in the fields of civil aviation, cargo movement, and small business operations also provided him with a ready-made infrastructure to support the staging of the Pan Am 103 bombing.

Al-Maqrabi is a senior intelligence official with strong ties to Libya's military procurement apparatus and to the External Security Organization (ESO). In 1987, he became the director of the Center for Strategic Studies (CSS), a unit that served the ESO and the Department of Military Procurement through a variety of activities, including:

- Procurement of chemical weapons precursors. An al-Maqrabi subordinate operating in Germany in 1988 played an important role in acquiring and shipping chemical weapons precursors to Libya. Al-Maqrabi is also linked to a senior manager of Libya's chemical weapons development program;

- Procurement of aircraft and aircraft components for the Libyan military and LAA. Badri Hasan, another close collaborator of al-Maqrabi, is one of Libya's leading experts in circumventing US embargo provisions barring the sale of US technology and aircraft components to Libya;

- Assisting with Libya's effort to co-opt or sponsor Latin American terrorist groups. Under al-Maqrabi's leadership, the CSS assisted other Libyan outreach agencies by contributing to propaganda campaigns, collecting intelligence on the attitudes of radical groups, and assessing the intelligence or operational utility of Arabs who resided in target countries; and

- Setting up travel agencies and other front companies to facilitate the travel and movement of goods and people, an activity that we believe supported both the procurement and outreach programs of the CSS and other Libyan intelligence entities.

Senior Libyans who worked closely with al-Maqrabi and other CSS officials involved in these activities include:

Col. Rifi Ali al-Sharif, a senior Libyan military officer with a prominent role in Libya's procurement effort. Col. al-Sharif, the mentor/patron of Badri Hasan, reportedly assisted efforts

by al-Maqrabi and Badri Hasan to illegally acquire US aircraft via Benin in 1986 and 1987 and sponsored the establishment of a travel agency as a joint CSS/military procurement enterprise in Eastern Europe.

Sa'id Rashid, who in 1988 paid and instructed the chemical weapons precursor procurement specialist working for al-Maqrabi in Germany.

Al-Maqrabi's Terrorist Record

Al-Maqrabi's position and contacts in the Libyan intelligence apparatus place him firmly in the camp of his first cousin Sa'id Rashid—a leading architect and implementer of Libya's terrorist policies and a powerful member of the Libyan Government's inner circle. For at least 2 years prior to his early 1987 appointment as CSS director, al-Maqrabi was ESO chief of airline security, reporting directly to Rashid, who was ESO chief of operations throughout 1986.

Al-Maqrabi continued his terrorist activities after becoming CSS director in early 1987. During 1988, al-Maqrabi:

- Met in Malta with a team of Libyan intelligence operatives planning to travel to Chad to conduct an unspecified operation. Abdallah Sanussi, newly appointed chief of ESO operations, ordered the team to abort the operation when it was unable to make appropriate airline connections. Sanussi is one of four Libyans whom France indicted on October 30, 1991, for the September 1989 bombing of UTA 772, which exploded after leaving Ndjamena airport in Chad.

- Met with Greek arms dealers and expressed interest in acquiring 1,000 letter bombs and associated technical equipment.

Sa'id Rashid and Libyan Terrorist Operations

Sa'id Rashid has managed a sustained Libyan effort to conduct terrorist attacks against US interests since the early 1980s. Rashid has long enjoyed privileged access to the top levels of the Libyan Government and is involved in a wide range of intelligence activities. He is a senior member of the Revolutionary Committees Bureau, which oversees the execution of the Libyan Government's radical policies in Libya and abroad.

Rashid rose rapidly in the ESO and in Libya's revolutionary committee apparatus during the early- and mid-1980s while aggressively pursuing the Libyan Government's dissident assassination programs and the terrorist and subversive aspects of the government's African policies.

An Italian court has sentenced Rashid in absentia to life imprisonment for his leadership of a team that assassinated a Libyan exile in a Milan train station in July 1980. This assassination was one of many in an anti-dissident campaign that spanned Western Europe and was directed by Rashid through at least 1985.

- In October 1980, Rashid led a team to Togo that planned to assassinate Chadian President Hissan Habre.

- In 1983, Libya illegally detained 37 French citizens in a successful effort to force France to release Rashid, who had been jailed in Paris pending extradition to Italy on murder charges related to the 1980 assassination in Milan.

Rashid began to direct attacks specifically against US interests in late 1981, when he assumed overall operational responsibility for Libya's effort to overthrow the Sudanese regime of President Ja'far Numeiri, then a close ally of the United States. During this period, Rashid and his subordinates trained, equipped, and directed Sudanese terrorists who attempted to bomb US interests, on several occasions using concealed bombs equipped with "decade" timers and containing Semtex-H. Decade timers were a signature item of Libyan and Libyan-sponsored terrorists during the early 1980s.

One such bomb, concealed in a cigarette carton, was used in a failed attempt to bomb a Pan Am flight in December 1983. The terrorist attempted to check an unaccompanied bag onto an Alitalia flight departing Istanbul for Rome. The bag, which was discovered by Turkish authorities as a result of heightened security procedures, was tagged in such a way that it would have connected with a Pan Am flight departing Rome for New York, thus following essentially the same procedure that succeeded in the case of Pan Am 103.

Rashid continued to play a key role in Libyan targeting of US interests after tensions mounted between the two countries in mid-1985.

- Rashid's operatives began planning an attack on US facilities in Turkey in early 1986, culminating in a failed attempt to bomb the US Officers Club in Ankara in late April 1986. The Libyan intelligence officer who directed the operation within Turkey was operating under cover as an LAA official.

- Rashid tasked several Palestinians to target US facilities in Germany and directed the April 1986 bombing of the La Belle disco in Berlin. The La Belle bomb, specifically intended to kill American service personnel and their dependents, killed three people, two of them Americans.

- The day after the La Belle disco bombing, Rashid traveled to Khartoum, where he continued his work with Sudanese oppositionists. Rashid was in Khartoum on April 15, 1986, when a US Embassy official was seriously wounded in retaliation for the US bombing of Libya earlier the same day.

- Rashid was one of the Libyan engineers who provided design specifications to the Swiss firm (MEBO) that manufactured the timer used in the Pan Am 103 bomb. He also demonstrated a MEBO remotely activated briefcase bomb to Palestinian recruits.

- Both the Libyans arrested in Senegal with the MEBO timer had been Rashid's subordinates since the early 1980s.

In early 1987, the Libyan Government moved Rashid from the ESO to the directorship of the Libyan Electronics Company, which is heavily involved in technology transfer and other procurement activities. At the same time, the Libyan Government placed al-Maqrabi in charge of the Center for Strategic Studies. We believe that the two cousins continued to coordinate their activities as they became more deeply involved in procurement programs—as in their joint supervision of al-Maqrabi's chemical weapons procurement specialist in Germany.

Al-Maqrabi's Other Supervisors.

Al-Maqrabi, as CSS director, reported, or can be linked directly, to the following prominent Libyans.

ESO director Ibrahim al-Bishari used al-Maqrabi's office at MEBO, in Zurich, as an accommodation address and claimed that al-Maqrabi worked directly under him as director of the CSS. Al-Bishari is currently Libya's Foreign Minister and reportedly retains his intelligence portfolio.

In fall 1988, Abdallah al-Sanussi was al-Maqrabi's immediate ESO supervisor. Al-Maqrabi was a terrorist who worked at the CSS for Sanussi. Al-Sanussi is one of the Libyan Government's chief intelligence aides. He authorized, directed, and provided funding for a number of Libyan terrorist operations over the years. French judicial authorities have lodged criminal charges against al-Sanussi for the September 1989 bombing of UTA 772.

Nasir Ali Ashur has been linked both to al-Maqrabi and to the MEBO timers. Ashur, who oversaw earlier tests of the timers to ensure they would be completely destroyed by an explosion, was seen at a meeting at al-Maqrabi's house 2 days before the Pan Am 103 bombing. Maltese embarkation records and a US intelligence source also show that Ashur and al-Maqrabi met on Malta in early October 1988 and that the two traveled together from Zurich to Malta in August 1987. Ashur has been declared by the French to be the equivalent of an unindicted co-conspirator for his management of Libya's policies of providing massive amounts of arms—including tons of Semtex-H—to the Provisional Irish Republican Army.

Abdallah Mahmud Hijazi is probably also a key contact of al-Maqrabi, although we lack concrete evidence of direct linkage. Hijazi, Rashid's longtime patron, was until 1986 the director of Libya's Department of Military Procurement. In 1988, he was reportedly a key organizer of Libyan subversive operations in West Africa and Chad.

Ibrahim Nayili, whom the French indicted on October 30, 1991, for his role in the bombing of UTA 772, has been identified by several sources as the ESO

official in Athens who placed potential sources of arms and aircraft components in contact with al-Maqrahi. Al-Nayili became ESO chief of airline security in mid-1989, the same position that al-Maqrahi held before becoming CSS director.

The Historical Context

The foregoing has described Libya's links to Pan Am 103, the individuals involved, and the central role those individuals play in the terrorist and intelligence programs of the Libyan Government. The terrorist case against the government does not begin or end with the destruction of Pan Am 103. We have seen a consistent pattern of Libyan-inspired terrorism that continues after the Pan Am 103 atrocity to the present. This pattern seriously under-

mines any argument that Pan Am 103 was a rogue operation that did not meet with the approval of Libya's most senior authorities. An operation this important could not have been undertaken without the consent of the highest levels in the Libyan Government.

Many more Libyan-sponsored terrorist events are described in unclassified white papers published by the Department of State in mid-November 1991, August 1990, January 1989, and throughout 1986. ■

Fact Sheet

The Iranians and the PFLP-GC: Early Suspects In the Pan Am 103 Bombing

The dominant hypothesis of the early stages of the Pan Am 103 investigation focused on indications that the bombing was the outcome of joint planning by the Iranian Revolutionary Guard Corps (IRGC) and the Popular Front for the Liberation of Palestine—General Command (PFLP-GC):

- Reliable intelligence reporting indicated that the PFLP-GC and elements of the Iranian Government were planning to attack a US target in retaliation for the accidental downing in July 1988 of an Iranian Airbus by a US warship.

- On October 26, 1988, German police arrested members of a PFLP-GC cell led by Hafiz Dalkamoni. Police found a bomb in Dalkamoni's automobile that had been designed specifically for use against civilian aircraft. It contained an altimeter switch that ensured both that the bomb exploded at cruising altitude and that brief alterations in pressure at airport security facilities would not trigger a premature detonation.

- An early finding in the Pan Am 103 investigation was that the 103 bomb, like the PFLP-GC device found in Dalkamoni's automobile, had been concealed in a Toshiba radio and consisted of less than 500 grams of PETN and RDX—the two explosive ingredients used in SEMTEX-H.

- Investigators determined that the suitcase containing the bomb was in a luggage container that held bags

transferred from the Pan Am 103 feeder flight out of Frankfurt—the location of much of the PFLP-GC cell's activity during October 1988.

Over time, however, fresh evidence undermined the initial theory linking the PFLP-GC to the Pan Am 103 bomb and led the continuing investigation in other directions:

- It was determined that the Toshiba radio housing the PFLP-GC bomb found in Dalkamoni's car differed markedly from the appearance of the radio that forensic examiners said had contained the Pan Am 103 bomb.

- Clothing items packed with the Pan Am 103 bomb had been purchased in Valletta, Malta, on or about December 7, 1988. Frankfurt airport records also indicated that the suitcase containing the bomb had been transferred as an unaccompanied bag to the Pan Am 103 feeder flight from an Air Malta flight that had departed Valletta earlier on the day of the bombing.

- We discovered in June 1990 that the Pan Am 103 bomb had been activated by a sophisticated electronic timer, in contrast to the PFLP-GC bombs, which had altimeter switches and relatively crude timers. Furthermore, we learned that the Pan Am 103 timer had been delivered to Libyan intelligence officials in 1985 and that two Libyan terrorists had been arrested with an identical timer in February 1988 in Senegal.

- No evidence has surfaced at the Pan Am 103 crash site indicating that the terrorists used an altimeter switch.

Collusion by Multiple State Sponsors?

We now hold the Libyan Government responsible for the Pan Am 103 bombing. We cannot rule out a broader conspiracy between Libya and other governments or terrorist organizations, but the available information does not support that conclusion. We believe that Libya—the primary source of PFLP-GC funding during the 1980s—was probably aware of Dalkamoni's earlier plans to bomb aircraft. The activities in fall 1988 by those Libyans directly responsible for the December 1988 Pan Am bombing indicate that Libya was planning an aircraft bombing at the same time as the PFLP-GC cell was building its bombs in Germany. Tripoli was also aware of the PFLP-GC's relationship with Iran—and itself was a close ally of Tehran during the Iran-Iraq war.

Syria, the primary political sponsor of the PFLP-GC and another strong ally of Iran, was at least broadly aware of the PFLP-GC's alliances and operations. Despite these links, we lack information indicating direct collaboration among Iran, Syria, and Libya, either in sponsoring the PFLP-GC's planned bombings of aircraft or in Libya's bombing of Pan Am 103. ■



Reynolds

PAN AM 103 BRIEFING

In its essence, the Grand Jury indictment charges Abdel Basset and Lamem Fhimah with having carried out a conspiracy, together with other co-conspirators unknown to the Grand Jury, which resulted in the destruction of Pan Am Flight 103 and the deaths of 270 persons. The indictment alleges that the defendants committed their crimes as officers and operatives of the Jamahirya Security Organization ("JSO"), the Libyan intelligence service, which is used by the government of Libya to conduct acts of terrorism against other nations.

The indictment charges 193 violations of United States law. Those charges can be summarized as follows:

Count One alleges a conspiracy to destroy United States civilian aircraft and to kill U.S. nationals. Title 18, U.S. Code, Section 371.

Count Two alleges that the defendants caused a destructive device to be placed on board Pan Am Flight 103, resulting in the deaths of 270 persons, each of whom is named in the count. Two hundred fifty-nine of those victims were passengers or crew members aboard Pan Am Flight 103 while the other 11 victims were residents of Lockerbie who were killed as the result of falling debris from the airplane. Title 18, U.S. Code, Sections 32(a)(2), 34, and 2.

Count Three alleges that the defendants destroyed Pan Am Flight 103 by means of a destructive device and thereby caused the deaths of 270 persons. Title 18, U.S. Code, Sections 32(a)(1), 34, and 2.

Count Four alleges that the defendants destroyed a vehicle used in foreign commerce, Pan Am Flight 103, and thereby caused the deaths of 270 persons. Title 18, U.S. Code, Sections 844(i) and 2.

Counts Five through One Ninety-three allege that, outside the United States, the defendants with premeditation and malice aforethought killed 189 nationals of the United States who were passengers and crew on Pan Am Flight 103. The killing of each of the American victims is alleged as a separate count in the indictment. Title 18, U.S. Code, Sections 2331 and 2.

I will review for you briefly the investigative process which led to this indictment and some of the key aspects of the indictment. At the conclusion of the briefing, I will entertain your questions.

Gathering Evidence

On December 21, 1988, at 7:03 p.m., Greenwich Mean Time, a bomb detonated on board Pan American World Airways Flight 103, destroying the airplane at an altitude of approximately 6 miles above the town of Lockerbie, Scotland. Passengers and crew, as well as hundreds of thousands of pieces of the airplane and its

contents, fell to the ground through a wind of over 140 m.p.h. Although the explosion occurred only a few miles from the west coast of Scotland, parts of the airplane and cargo were blown all the way across Scotland, some falling into the sea off the east coast. Pieces of Pan Am Flight 103 were found over 845 square miles of Scotland.

For months after the crash, thousands of Scottish police officers, military personnel, and citizen volunteers systematically searched the fields, forests, lakes, and towns which comprise this 845 square mile area. The search was initially conducted in the short, cold days and cold of late December, January, and February. The magnitude of this task is unique in the annals of criminal investigation.

reconstruction: Id. of Baggage Container

Scottish officials gathered the debris from the bombed aircraft in a large hangar and painstakingly undertook to reconstruct both the airplane and its contents. Through this effort, forensic experts were able to establish that the bomb exploded in an aluminum baggage container marked AVE 4041 PA, which had been placed in the forward cargo hold of the airplane.

Container loaded from P.A. 103A

Scotland Yard investigators determined that at London's Heathrow Airport, container AVE 4041 had been loaded with baggage from Pan Am Flight 103A, which had arrived earlier on December 21 from Frankfurt. German authorities cooperating in the investigation discovered computerized baggage records from the Frankfurt airport suggesting that one piece of unaccompanied

luggage had been transferred to Pan Am Flight 103A from Air Malta Flight KM 180. That flight had arrived in Frankfurt from Malta earlier on December 21.

Meanwhile, United Kingdom investigators and forensic experts examined every piece of baggage and clothing recovered from among the debris from the bombed airplane. From this, they were able to identify specific items that contained blast damage, thereby establishing which items immediately surrounded the bomb. Further, they were able to determine that the bomb was composed of 10 to 14 ounces of a plastic explosive consistent with Semtex.

These forensic examinations disclosed that a small fragment of a radio circuit board had been driven by the force of the blast into cargo container AVE 4041. The fragment, which contained blast damage, was no larger than a small fingernail. Nevertheless, forensic experts were able to identify it positively as having been part of a circuit board of a Toshiba radio cassette player.

Similarly, through forensic examination, British experts were able to identify a brown colored, hard-sided Samsonite suitcase as having contained the Toshiba radio cassette player. They also identified, based on blast damage, pieces of clothing which had been contained in the suitcase with the Toshiba radio cassette player. From this, forensic experts were able to establish that the bomb was housed in a Toshiba radio cassette player which was packed together with articles of clothing inside the brown Samsonite suitcase.

One of those items of clothing in the brown suitcase, a Slalom brand shirt, contained fragments from the radio casing, fragments of paper from the radio instruction manual, and a green circuit board fragment, referred to by the investigators as PT35. Examination of the green circuit board fragment by the FBI laboratory, in conjunction with Scottish authorities, established that its characteristics were identical with the pattern of circuitry of a digital timer which had been observed in 1986. That timer had been manufactured by Meister et Bollier, Ltd., Telecommunications, also known as MEBO AG, a company located in Zurich, Switzerland. Following this lead, it was established that PT35, the chip found in the Slalom shirt, was part of a timer manufactured by MEBO AG and sold to a high official of the Libyan JSO in 1985.

Investigation relating to the items of clothing, identified as having been packed in the suitcase containing the bomb, established that they were manufactured exclusively in Malta. It was further determined that in early December 1988, a retail store in Malta made a sale of some items of clothing which matched those contained in the brown Samsonite suitcase.

As alleged in the indictment, the investigation has established that one of the covers used by the JSO to place its officers in various countries is to have them serve as employees of Libyan Arab Airlines (LAA). Using this procedure, the JSO was involved in the LAA operation in Malta. As a result, they were in

a position to circumvent Maltese customs and airline security procedures at Luqa Airport and to improperly utilize Air Malta baggage tags necessary to cause the interline transfer of luggage.

From these investigative findings, it became apparent that the suitcase containing the bomb had been packed with clothing from Malta and introduced into the interline baggage system in Malta. The suitcase had been placed on the December 21, 1988, Air Malta Flight KM-180 at Luqa Airport, Malta. Through the interline baggage transfer system, the bomb suitcase had been transferred to Pan Am Flight 103A in Frankfurt, Germany, and thereafter transferred to Pan Am Flight 103 at Heathrow Airport in London. As the investigation continued, evidence was developed relating to the two named defendants establishing their specific roles in the bombing.

Defendant Abdel Basset was a JSO officer who, during the mid-1980's had cover employment as an officer for a Libyan-front company which sublet space in Zurich, Switzerland, from Meister et Bollier, the company from which the JSO purchased the timer used in the bombing of Pan Am Flight 103. At that time, he served as chief of the Airline Security Section which was part of the Operations Administration of the JSO. The director of the Operations Administration, Said Rashid, is the person who contracted with MEBO in 1985 to develop timers for the JSO.

Defendant Lamem Fhimah is a citizen of Libya who was utilized by the JSO in various cover positions, including as Station Manager

for Libyan Arab Airlines at Luqa Airport, Malta. In September 1988, Lamén Fhimah left his position with Libyan Arab Airlines. However, having served as Station Manager, Lamén Fhimah was familiar with Maltese customs and airport security procedures and had continuing access to Air Malta luggage tags and the Air Malta facilities used to board passengers and baggage for LAA flights from Luqa Airport.

While serving as Libyan Arab Airlines station manager, Lamén Fhimah stored a quantity of Semtex plastic explosive in the LAA offices at Luqa Airport. In September 1988, Lamén Fhimah went into business with Abdel Basset in Malta. During the period which followed in the fall of 1988, Abdel Basset flew in and out of the airport at Malta on several occasions using false identifications.

On December 7, 1988, Abdel Basset purchased items of clothing, selected at random, from Mary's House. At that time he was staying in a hotel located approximately 300 yards from Mary's House, registered as a "flight dispatcher" for Libyan Arab Airlines. The items of clothing which he purchased match the bomb-damaged clothing identified as having been contained in the brown Samsonite suitcase which housed the bomb.

~~On December 9, 1988, Abdel Basset traveled from Malta to Zurich, Switzerland. On December 15, 1988, Lamén Fhimah noted in his diary <"Abdel Basset is coming from Zurich to Salvu . . ." and "take taggs [sic] from Air Malta.">The word taggs was underlined. The "Notes" section of his diary contained the entry <"bring the~~

tags from the Airport (Abdel Basset - Abdul Salam). "》 Lamén Fhimah also wrote the letters <"OK"> adjacent to the November 15 notation concerning the acquisition of Air Malta baggage tags. On December 17, 1988, Abdel Basset did in fact travel from Zurich, Switzerland, to Luqa Airport, Malta. From there, he traveled to Tripoli, Libya.

On December 18, 1988, Lamén Fhimah traveled from Malta to Libya to meet with Abdel Basset. Two days later, Abdel Basset, using a false identity, traveled from Libya to Luqa Airport, Malta, on the same flight as Lamén Fhimah. On that occasion, the two defendants brought a large, brown hard-sided Samsonite suitcase into Malta.

On December 20, 1988, Abdel Basset registered in a hotel in Malta using a false name. That same day, he had a meeting with Lamén Fhimah in Malta.

On December 21, 1988, at 7:11 a.m. local time, Abdel Basset placed a telephone call to Lamén Fhimah. Later that morning, Abdel Basset took Libyan Arab Airlines Flight LN 147, which boarded from 8:50 to 9:50 a.m. local time, at Luqa Airport, back to Tripoli, Libya. The same check-in position used for LAA Flight LN 147 was also accepting baggage for Air Malta Flight KM-180, which boarded from 8:15 to 9:15 a.m. ~~The suitcase containing the bomb departed~~ Malta for Frankfurt, and eventual transfer to Pan Am Flight 103, on Air Malta Flight KM-180 that morning.

I will take questions concerning the investigation and the content of the indictment.



Washington, D.C. 20530

MEMORANDUM

TO: Robert S. Mueller, III
Assistant Attorney General
Criminal Division

FROM: James S. Reynolds, Chief
Terrorism and Violent Crime Section
Criminal Division

SUBJECT: Talking Points For Possible UN Presentation

This responds to your request that we furnish you talking points in the event that you are invited to speak at a meeting of UN representatives.

a. Factors Militating Against Trial in Libya

-- The Libyans cannot be expected to conduct an impartial trial in view of the following factors:

- * Libya has an established record of sponsoring and supporting international terrorism;
- * As stated in the indictment, the defendants were acting as "officers and operatives" of the Libyan government when they bombed Pan Am Flight 103;
- * One of the defendants is a high official of the Libyan government;
- * Other high Libyan officials were involved in acquisition of the timer used in the Pan Am 103 bomb;
- * The leader of Libya has already publicly rejected as meritless the criminal charges filed in the United States and Scotland.

-- Evidence and information necessary to conduct a successful prosecution is now in the hands of the United States and Scotland. Considerations of security and the protection of possible witnesses preclude the United States and Scotland from furnishing such information to Libya.

RSM:JFD:pt
T:01/15/92
Records
TVCS
Reynolds
DePina

b. Factors Militating Against Trial by Authorities Outside the United States or Scotland.

-- There is no basis in international law for trial of this case by an international tribunal.

-- The principal victims of this act of terrorism were the United States and Scotland and nationals of those countries. It is almost certain that any third country in which the case might be prosecuted would not possess the same prosecutive interest as these countries;

-- The bulk of the witnesses necessary for the trial of this case reside in the United States or Scotland.

-- The case was investigated and developed under the criminal justice systems of the United States and Scotland. As a result, the evidence has been obtained in a manner that meets the legal requirements of these countries. While the criminal justice systems of the United States and Scotland are generally regarded as paradigms of fairness, the procedural rules applicable to the gathering and handling of evidence differ substantially from procedures in many other countries.

-- Many countries lack jurisdiction to try this offense. For a country to have criminal jurisdiction, one of five internationally recognized principles of jurisdiction must exist: ① the crime must have occurred within their territory (including a country's aircraft); ② the crime must constitute an attack on the country's vital interests; ③ a victim must be a national of the country; ④ the defendant must be a national of the country; or ⑤ the defendant must be "found in" the country. For those countries that may have a basis to apply one of these principles, their jurisdictional predicate for proceeding with the prosecution is clearly subordinate to those of the United States and Scotland.

-- The security considerations, which preclude the United States or Scotland from providing essential evidence or witnesses to Libya, would be somewhat attenuated if the trial were to occur in a third country. Such security concerns, however, are most effectively addressed by a trial in the United States or Scotland.



U. S. Department of Justice

Criminal Division

Office of the Assistant Attorney General

Washington, D.C. 20530

5/14/92

Lord Fraser of Carmyllie
Minister of State
Scottish Office
St. Andrews House
Regent Road
Edinburgh, Scotland

Dear Lord Fraser:

It was with mixed feelings that I learned recently of your appointment to the position of Minister of State for Scotland. You, of course, have my congratulations and best wishes as you move into your important new position. However, you will be missed by those of us who continue to be involved with the Pan Am Flight 103 investigation.

The investigation into the terrorist bombing of that flight over Lockerbie, Scotland, has been unprecedented in its magnitude and world-wide scope. The resulting challenges to investigators and prosecutors have been enormous. Your steadfast leadership has had a major impact on the close and productive relationship that has developed between the Lord Advocate's Office and the United States Department of Justice.

The success of the Pan Am Flight 103 investigation serves as an outstanding example of what can be achieved when law enforcement officials of different nations work cooperatively. If all civilized nations join together to apply the rule of law to international terrorists, certainly we will be successful in ridding the world of the scourge of terrorism. Your efforts in this regard stand as a model for others to follow.

Again, congratulations and best wishes in your new position.

Sincerely,

RSM:MMR:JSR:bh #920006593
Typed: 5/5/92
Record
TVCS
Mueller
Richard
Reynolds

Robert S. Mueller, III
Assistant Attorney General

7



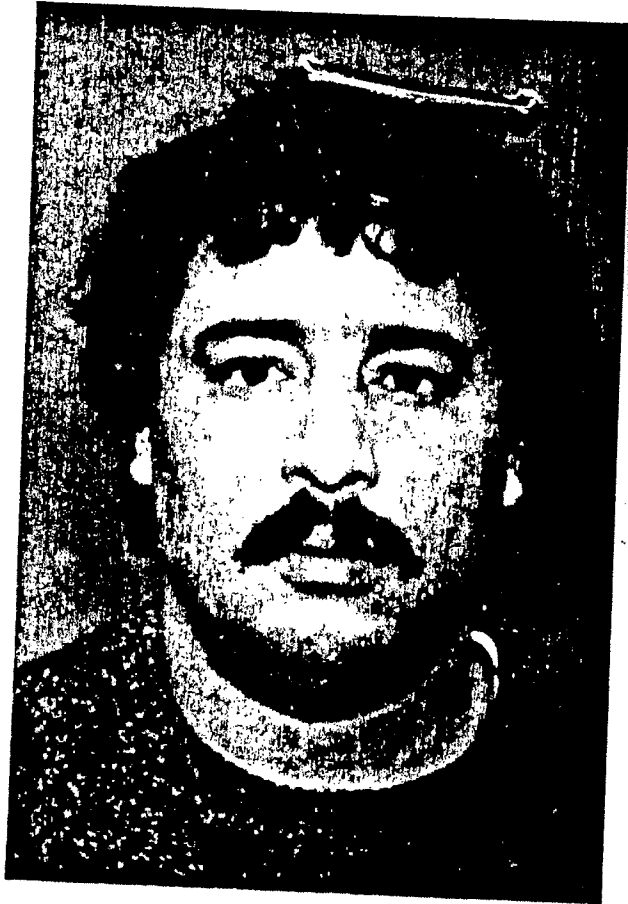
ABDEL BASSET ALI AL-MEGRAHI

Aliases: Abd Al Basset Al Megrahi
Abdelbaset Ali Mohmed Al Megrahi
Abdelbaset Ali Mohmed
Mr. Baset
Ahmed Khalifa Abdusamad

Description:

- Date of Birth: April 1, 1952
- POB: Tripoli, Libya
- Height: Approximately 5' 8"
- Weight: Approximately 190 lbs.
- Hair: Black Curly, Clean Shaven
- Eyes: Dark Brown or Black
- Complexion: Light Brown
- Marital Status: Married
- Nationality: Libyan
- Occupation: Formerly Chief of
Airline Security Section

7



LAMEN KHALIFA FHIMAH

Aliases: Al Amin Khalifa Fhimah
Mr. Lamin

Description:

- Date of Birth: 1956
- POB: Suk Giuma, Libya
- Height: Approximately 5' 7"
- Weight: Approximately 190 lbs.
- Hair: Black, Light Brown Mustache
- Complexion: Light Brown
- Marital Status: Married
- Nationality: Libyan
- Occupation: Station Manager,
Libyan Arab Airlines

12/21/88
PA 103A
Arrives London
5:40 PM
PA 103
Departs 6:25 PM

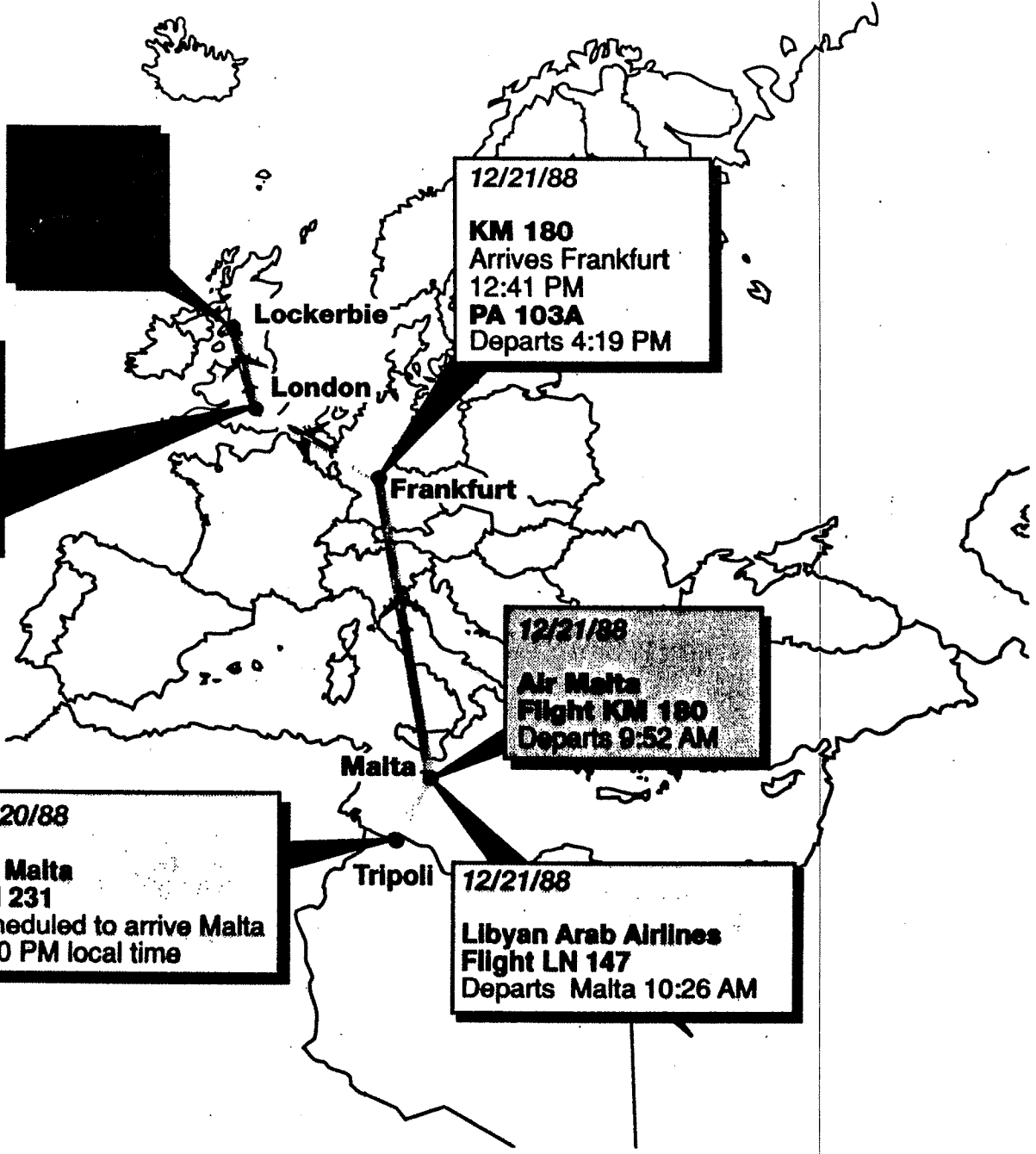


12/21/88
KM 180
Arrives Frankfurt
12:41 PM
PA 103A
Departs 4:19 PM

12/21/88
Air Malta
Flight KM 180
Departs 9:52 AM

12/20/88
Air Malta
KM 231
Scheduled to arrive Malta
5:30 PM local time

12/21/88
Libyan Arab Airlines
Flight LN 147
Departs Malta 10:26 AM



EVIDENCE AGAINST LAMIN KHALIEA FHIMAH

o Fhimah has had a long and close relationship with Abdel Basset including:

- Worked with Abdel Basset at Libyan Arab Airlines (LAA) in mid-1970's.

(6/17/92) [REDACTED]

- In 1988, Fhimah founded Med Tours, Inc., in Malta, with Basset as his partner.

o Fhimah stored large amounts of plastic explosive at his LAA office at Luqa Airport. [REDACTED]

(6/17/92) [REDACTED]

o On December 20, 1988, Fhimah and Basset arrived from Libya on KM Flight 231 at 5:30 p.m.

(6/17/92) o Fhimah carried a brown hardcase suitcase out of the airport without going through customs. The suitcase was of the same description as the IED suitcase containing the bomb.

o Telephone records reflect that on December 21, at 7:11 a.m., a phone call was made from Basset's Holiday Inn room to Fhimah's flat.

o Fhimah's diary,

[redacted] has an entry dated 14 December 1988 which reads "Abdel Basset is coming from Zurich with Salvu . . . take taggs [sic] from the Maltese Airline." The word "taggs" was written in English and underlined twice. Additionally, an entry on the last page of Fhimah's diary, which is not dated, states, "bring the tags from the airport (Abd Bassett, Abd Al Salam)." Next to the entry was the notation "ok."

(6)(7)(C)
(D)

EVIDENCE AGAINST ABDEL BASSET ALI-MEGRAHI

- o Abdel Basset is first cousin to Said Kashid, Izzel Din Al-Henshari, and Abdallah Sanussi. Sanussi is Khadafi's brother-in-law.
- o Basset is the present Director of the Center for Strategic Studies; has had JSO commands, including the Airline Security Section.
- o Basset and Badri Hasan established ABH Company, which had offices co-located with MEBO in Zurich where the timer was manufactured.

o

- o Our best analysis puts this clothes purchase on December 7, 1988. IRO records show Bassett arrived in Malta on December 7, 1988, at 8:20 a.m. He stayed in the Holiday Inn,

- o Bassett used three Libyan passports in different names in the three months before December 21, 1988.

- o Traveling under the name Abdusamad, Bassett arrived in Malta on December 20, from Libya, traveling with Fhimah.

o On that occasion, Fhimah carried a brown suitcase, of similar design and appearance to the bomb suitcase, around Malta customs and out of the airport.

o Telephone records reveal a December 21, 1988, 7:11 a.m., phone call from Basset's hotel room to Fhimah's flat.

11
6
(178)

()

PREREQUISITES FOR A U.S. TRIAL

(6)
(7)(C)

[]

- o) diary, etc.
- o About 30 additional business, government, and airport witnesses from Malta for IRO records, December 21 phone call, hotel records, loading KM 180, Fhimah's car, etc.
- o Testing of Bollier, Meister, Lumpert relating to the timer.
- o (witness from ()
- o (-- () and one-half dozen policemen.
- o Germany -- 30 witnesses, baggage computer records, passengers, and luggage.
- o Approximately 500 Scots and Englishmen.

AGENT D7518

Basel is coming from Zurich

Mr Salvo

- 1. The Post office Box
- 2. Half of the Aluminium value
- 3. The priority after 4 years (sale or rent)

take (AGGS from the Maltese Airline (the word (AGGS underlined twice)

PAGE 53

Saturday 17th December (17/12/88)

an appointment with () to visit () Home 445112
 dinner part (party ?) ()

PAGE 54

Tuesday 20th December (20/12/88)

Contact engineer, () regarding the vacation.

PAGE 55

Thursday 22nd December (22/12/88)

two dresses for () shampoo ()

*all deleted
(6/7/88)(C)*

Handwritten notes on the left page of a lined notebook. The text is mostly illegible due to blurring and low contrast, but appears to be several lines of cursive or semi-cursive handwriting.

NOTES

Handwritten notes on the right page of a lined notebook. The text is mostly illegible due to blurring and low contrast, but appears to be several lines of cursive or semi-cursive handwriting.

NOTES

DOCUMENT D7518

PAGE 56

Friday 23rd December (231298)

[] from Tripoli

• regarding the ticket message

PAGE 57

Tuesday 27th December (271288)

The message of []

PAGE 58

notes page

476365 []

PAGE 59

1. Tobacco for []

OK

2. Contact the carpet seller.

3. Contact the printer shop

4. Buy the parts

*all deletions
(6)(7)(C)*

DOCUMENT D7518

Sending a letter to Germany and making a phone call.

concerning ()

Insurance for the car OK

Write cheques for payment OK

The car subject Tony ()

The photo machine subject

Contact the companies in regard to the gifts

Writing a letter regarding the Agency business

Contact ()

Bring the 1AGB from the airport (Abdel Baset, ()

Give the son of Ghedar the book

The mercedes car

Finish the preparation of () car

Renting cars to the school.

Opposite Page

OK

M. al Magmati OK Next week

popular office

(phonetic)

(phonetic)

Petroleum ()

ma Hotel () OK Next week

*all deletions
(6) (7) (C)*



~~CONFIDENTIAL~~

Washington, D.C. 20530

OCT 5 1992

MEMORANDUM

TO: Robert S. Mueller, III
Assistant Attorney General
Criminal Division

FROM: James S. Reynolds, Chief
Terrorism & Violent Crime Section
Criminal Division

SUBJECT: Pan Am 103 Meeting with Lord Rodger and the
Scottish Delegation on October 7, 1992

You are scheduled to chair a meeting on Wednesday, October 7, 1992, between U.S. and Scottish law enforcement officials concerning the Pan Am Flight 103 case. The material which follows is provided to assist you in preparing for the meeting. We have also scheduled a meeting with you at 3:30 p.m. today, at which Dick Marquise, Dan Seikaly, Brian Murtagh, and involved attorneys from this Section will be available to respond to any questions which you might have.

Meeting Schedule

The meeting with the Scots is scheduled for 10:00 a.m. to noon this Wednesday. It is to be held in the Criminal Division Conference Room. Following the meeting, there is a luncheon at The Peasant, Ninth and Pennsylvania Avenue, N.W. We have obtained funds to defray part of the cost of the luncheon. While those funds should cover the cost of the Scottish delegation, the remainder of the cost will have to be divided among the members of the various U.S. delegations. We have notified each participating agency of this fact.

Participants

The following is a list, by agency, of the anticipated participants in the meeting:

Declassified by: Mark A. Brally

USDOJ/NSD

Date: Dec 14, 2009

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~~CONFIDENTIAL~~

- 2 -

Declassified by: Mark A. Bragg

USDOJ/NSD

Date: Dec 14 2008

Scotland:

Lord Rodger of Earlsferry
The Lord Advocate of Scotland

Norman McFadyen
Assistant Solicitor, Crown Office

James McDougal
Procurator Fiscal South Strathclyde

James Gilchrist
Senior Investigating Officer, Lockerbie Bombing

Federal Bureau of Investigation (Headquarters)

[

]

(b)(7)(C)

Federal Bureau of Investigation (Washington Field Office)

[

]

(b)(7)(C)

U.S. Attorney's Office

Jay B. Stephens
Dan Seikaly
Brian Murtagh

Criminal Division

Robert S. Mueller, III
Mark Richard
Jim Reynolds
Dana Biehl

Correspondence Leading to This Meeting

This meeting is the outgrowth of exchanges of correspondence between you and the Lord Advocate. In a letter to the Attorney General dated April 7, 1992, Lord Fraser, then the Lord Advocate, raised issues concerning (1) the priority of the claims of the U.K. and the U.S. to try the defendants should they become available through a third country or an international body, and (2) the prospect of assuring Libya, as a possible condition of surrender of

~~CONFIDENTIAL~~

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Declassified by: Mark A. B. J.
USDOJ/NSD
Date: December 14, 2002

- 3 -

(b)(7)(C) the defendants, that the recipient nation, whether the U.S. or the U.K., would not extradite the defendants to the other nation. The Lord Advocate also stated his objections to a possible reinterview of [redacted] Attachment 1.

On May 1, 1992, you responded to that letter in correspondence addressed to Lord Rodger, who is Lord Fraser's successor. As relates to the inquiry concerning the priority of U.K. and U.S. claims to proceed with the trial, your response deflected the issue by suggesting that we first needed to pursue additional investigation in Malta. On the issue of re-extradition, your letter suggested that public statements simply refer to the terms of the U.S.-U.K. bilateral extradition treaty, which would appear to preclude re-extradition following a trial for the same offense. The letter noted, however, that U.S. domestic law would not preclude a prosecution here following a U.K. prosecution. Attachment 2.

(b)(7)(C) Lord Rodger's reply was communicated to you in correspondence dated May 27, 1992. It indicated that the Lord Advocate does not see the need to associate the issue of priority of prosecutive claims with the issue of further investigation in Malta. The balance of the Lord Advocate's reply discussed possible additional investigation in Malta. He stated that he does not oppose careful, closely coordinated further investigation in Malta "at the appropriate time." He is concerned about further inquiries of [redacted] which "could be seized upon by those in Malta, Libya and elsewhere . . . who are hostile to the conclusions of the investigation." The Lord Advocate concluded by stating that he would welcome the opportunity to discuss with you "how any necessary further enquiries might best be pursued in Malta." Attachment 3.

You responded to the Lord Advocate in a letter dated July 24, 1992, which invited Lord Rodger and his associates to a meeting in Washington, D.C. Attachment 4. Based on conflicts in schedules, October 7, 1992, was the first opportunity to meet.

Potential Topics for Discussion

The following is a list of topics which you may want to raise with the Scots during the meeting.

1. The possibility of further investigation in Malta: Attached is a list of witnesses in Malta who should be considered for interview. Attachment 5. As promised in your July 24, 1992, letter to Lord Rodger, this list has, in substance, been shared with Lord Rodger's staff.
2. Case preparation, including U.S. access to physical evidence and witnesses, such as: (1) [redacted]

~~CONFIDENTIAL~~

(b)(7)(C)

Classified by: 11 March 1984

USDOJ/NSD

Date: December 14, 2007

~~CONFIDENTIAL~~

USDOJ/NSD

Declassified by:

- 4 -

(6)(7)(C)

- (2) handwriting and fingerprint experts and reports; (3) photos of all documents examined and access to review documents in British custody, for example, the IRO cards; and (4) access to critical police witnesses.
3. Issues which will arise if the defendants are apprehended or turned over by Libya.
 - A. Commitment to jointly debrief defendants if one country or the other obtains them and reaches a point where debriefings occur.
 - B. Commitment that neither party will reach an agreement with Libya to limit the investigation to the two charged defendants.
4. Venue for trial; i.e., priority of U.S. and U.K. claims.
5. Material witness warrants: The Federal Bureau of Investigation continues to press us to obtain, and publicize, material witness warrants for Libyan officials Masoud, Badri Hassan, Izzel Din Hinshari, Said Rashid, Nayil, and Sabir.

Attachment

~~CONFIDENTIAL~~



U. S. Department of Justice

Criminal Division

Declassified by: Mark H. Bredt

~~CONFIDENTIAL~~

USDOJ/NSD

Date: Dec 17, 2003

Office of the Assistant Attorney General

Washington, D.C. 20530

MAY - 1 1992

Honorable Alan Rodger
The Lord Advocate
The Lord Advocate's Chambers
517 Regent Road
Edinburgh EH7 5BL
Scotland

Dear Mr. Rodger:

I want to reiterate the congratulations I expressed in our telephone conversation concerning your appointment to the position of Lord Advocate.

Since the terrorist bombing of Pan Am Flight 103 over Lockerbie, Scotland, in December 1988, a close and productive relationship has developed between the Lord Advocate's Office and this Department. Your predecessor, Lord Fraser, was always most professional and we enjoyed working with him. We look forward to continuing that relationship as we work with you.

Lord Fraser recently sent a letter to Attorney General Barr concerning our pending cases against the two defendants charged with the destruction of Pan Am Flight 103. For your convenience, I am attaching a copy of that communication, as it was transmitted to us by the British Embassy in Washington, D.C. Mr. Barr has asked that I respond to that letter.

I share Lord Fraser's concern over the fluidity of the current situation. It remains unclear whether the Libyan policy makers will ultimately comply with the Security Council's demands. Further, in the event Libya does decide to surrender the defendants, it may, or other parties may, play a major role in determining the locus of that surrender. Under these circumstances it is difficult, if not impossible, to formulate responses to all of the foreseeable contingencies. However, to the extent that circumstances are within our power to control, I support the notion that uncertainties be eliminated.

Lord Fraser's first question was as follows: "If the Libyans are prepared to deliver the accused to one or other of us on condition that we do not extradite on, can we guarantee that condition?"

~~CONFIDENTIAL~~

Declassified by:

Mark ABoul
USDOJ/NSD

Date: Dec 14, 2009

2

We concur that the United States-United Kingdom treaty appears to preclude extradition of a defendant who has already been prosecuted for the offense at issue. However, our domestic law, unlike yours, does not preclude prosecution in the United States following a prosecution elsewhere. We intend, of course, to comply fully with our treaty obligations, and we have no difficulty with your informing others that you will do so. We are disinclined, however, to make any representations that might be construed as limiting our right or our resolve to try these defendants at any time that we are able to secure their custody. To avoid any misunderstanding in this regard, I propose, at least for the present, that both countries merely refer to the terms of the bilateral extradition treaty and make whatever representations are appropriate under applicable domestic law.

The second question posed by Lord Fraser was as follows: "If the Libyans simply deliver them to a third country or deliver them to the Office of an International Body and we are able to pursue a request for extradition or informal delivery, whose claim should have priority?"

Let me assure you that the goal of the United States is to have these defendants and their co-conspirators brought to justice, whether in Scotland or the United States. I recognize that Scotland has significant equities which support trial of the case in your country. However, the primary target of this act of terrorism was the United States. The majority of the victims were Americans and the Pan American aircraft was targeted precisely because it was of United States registry. Thus, we have a strong desire to try the case to a successful conclusion in the United States. Before we are in a position to determine which country should have priority for a trial, we believe that some additional inquiry needs to be pursued.

This brings us to the third issue raised in Lord Fraser's letter. As he noted, Scotland spared no expense or effort in preparing the case for trial. Those portions of the Scottish police reports which have been shared with us in draft form reveal the remarkable, painstaking efforts of your officers and investigators to develop each link in the evidentiary chain to meet the requirements of Scottish law. In contrast, our investigators and prosecutors have not had so full an opportunity to ensure that the available evidence meets all of the admissibility requirements of United States law. Our greatest concern in this regard relates to the evidence from Malta. We have consistently deferred to the insistence of the Scottish police that we not pursue inquiries in that country. In the spirit of cooperation, we have expressed no objection to repeated interviews of Maltese witnesses by Scottish officers, notwithstanding the fact that the procedure utilized may create trial problems in our courts.

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USDOJ/NSD

Date: December 14, 2008


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Since the indictment, however, events have occurred which make it imperative that the United States pursue some inquiries in Malta. The first of these occurrences was the interview of Abdel Basset and the surrounding publicity in the Maltese media. The second factor is the Maltese government's obvious reluctance to admit to the use of its territory as a staging area by the Libyans. We need to know whether these, or any other factors, have caused witnesses in Malta to waver in their resolve to tell what they know or whether they will continue to be cooperative. We also need to determine whether the evidence they have to provide is in a form which comports with U.S. evidentiary requirements. (b)(7)(C)

As we have previously indicated to your colleagues, we are prepared to conduct this limited investigation in Malta jointly with Scottish investigators. If your preference is not to have Scottish authorities participate, you can be assured that our inquiries will be conducted as quickly and discreetly as possible. In view of the importance of these matters, I am prepared to travel to Malta to discuss our requirements with Maltese authorities and to provide appropriate briefings and assurances in an effort to obtain the cooperation of the Maltese. After we have completed this task, we will be in a position to respond more definitively to Lord Fraser's question concerning which country's claim should have priority. If you wish to discuss this matter before we initiate discussions with Maltese authorities concerning our proposed inquiries, I am prepared to meet with you at your earliest convenience.

Again, congratulations on your appointment as Lord Advocate. I look forward to a productive working relationship.

Sincerely,



Robert S. Mueller, III
Assistant Attorney General

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U.S. Department of Justice

Criminal Division

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Declassified by: Mark B. [Signature]

USDOJ/NSD

Date: Dec 14 2009

Office of the Assistant Attorney General

Washington, D.C. 20530

JUL 24 1992

Lord Rodger of Earlsferry
The Lord Advocate
The Lord Advocate's Chambers
517 Regent Road
Edinburgh EH7 5BL
Scotland

Dear Lord Rodger:

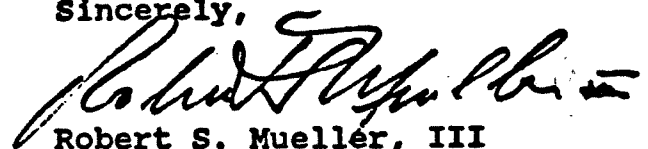
This responds to a May 27, 1992, message on your behalf from Scottish Crown Agent () (b)(7)(C)

I am pleased to learn that you are not opposed to further investigation in Malta. I certainly share your concern that such investigation must be carefully planned and carried out in a manner that avoids any misconstruction which could be used to undermine the ongoing international effort to require Libya to comply fully with United Nations Resolution 731.

From your message, it is apparent that we have somewhat different perspectives concerning the appropriate scope of the further investigation in Malta. This doubtless results from differences in the way in which our respective legal systems treat photographic identifications and prior statements by witnesses. My hope is that by meeting together we will be able to develop an investigative approach that satisfies the prosecutorial requirements of both our nations.

I would be pleased to host a meeting with you and members of your staff at your convenience. To facilitate the scheduling of such a meeting, I will have one of my assigned prosecutors contact your office next week. In the interim, we will, of course, not proceed with further investigative action relating to Malta without first coordinating with you. Further, consistent with your suggestion, prior to our meeting I will arrange for your office to be provided a list of investigative steps we would propose to undertake in Malta.

Sincerely,



Robert S. Mueller, III
Assistant Attorney General

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