Transcript from Pan Am 103 Press Conference

12/21/2020

**ATTORNEY GENERL BARR**

Good morning everyone. Thank you all, those of you who are joining us in person and those who are joining us remotely for this press conference.

On this day 32 years ago, on December 21, 1988, at 7:03 p.m. local time, a bomb destroyed Pan Am Flight 103 as it flew 31,000 feet over Lockerbie, Scotland. The massive Boeing 747, known as the “Clipper Maiden of the Seas,” exploded and fell to the ground in countless pieces scattered across 840 square miles, nearly the entire width of Scotland. The explosion killed all 259 people on board — 243 passengers and 16 crew members, including 190 Americans. Falling debris claimed the lives of 11 Lockerbie residents on the ground, just at the time they were home and sitting down to dinner. The Lockerbie bombing remains the deadliest single terrorist attack in the history of the United Kingdom, and the second deadliest terrorist attack in American history, the costliest being 9/11.

Immediately after the bombing, the FBI partnered with law enforcement agencies from Scotland to investigate. That joint investigation led to the filing of charges in 1991 against two Libyan intelligence officers. The investigation also pointed to a third conspirator — a man known by the name “Abu Agela Masud”— but at the time, investigators were unable to identify or locate this third person.

Joined this morning by the head of our National Security Division here at the Department of Justice, John Demers, by Acting U.S. Attorney for the District of Columbia Michael Sherwin, and by Steve D’Antuono, the Assistant Director in Charge of the Washington Field Office of the FBI. I’m also joined by Kara Weipz, who I met last year at the memorial for the 103 victims and whose brother Rick Monetti was killed on that flight. Kara now leads a Pan Am Flight 103 advocacy organization. I also want to say that I talked earlier this morning with the director Chris Wray, who regrets very much he can’t be here in person, to underscore the commitment and tenacity of the FBI in this investigation. That was underscored to me also last year, when I spoke at the memorial at Arlington National Cemetery and among the audience were so many FBI agents and DOJ former employees and current employees who had been involved in this investigation; still thirty years later, coming out to support the victims’ families and that speaks volumes for the commitment that exists here at the department. I am pleased to announce that the United States has filed criminal charges against the third conspirator, Abu Agila Mas’ud Kheir Al-Marimi, for his role in the bombing of Pan Am Flight 103.

Let there be no mistake: no amount of time or distance will stop the United States, and our Scottish partners, from pursuing justice in this case.

Well over a third of Americans alive today were either not born or not old enough to remember the downing of Pan Am 103. But for those of us who do remember the tragic event and the iconic images of its aftermath, some of which are displayed here today, this is forever seared in our memories.

Passengers and crew aboard the flight came from 21 countries around the world. But by far the largest contingent on the flight were Americans, including a group of 35 study-abroad students from Syracuse University who were on their way home to spend Christmas with their families.

There is no question that the Pan Am 103 attack was aimed at the United States, and this heinous assault lives in infamy in the collective memory of the American people. At Arlington National Cemetery, a cairn of 270 Scottish stones honors “those who lost their lives in this attack against America.” And at Syracuse University, 35 Remembrance Scholarships are awarded each year, with each recipient representing a particular Syracuse student killed aboard the plane.

Following the bombing, many of the victims’ families made an agonizing journey to Scotland to the place where their loved ones lost their lives. The people of Lockerbie, though devastated themselves, provided around-the-clock hospitality. In an unforgettable gesture, a group of Scottish women meticulously collected clothing from amid the wreckage; washed, ironed, and folded the garments they found; and sent them home to the victims’ family members as a final connection to their loved ones. Sadly, the remains of 17 victims were never identified or found.

From the beginning, the United States and Scotland have been determined to find and hold accountable those who perpetrated this attack. As I mentioned, our joint investigation led to the filing of charges in November 1991 in both the United States and in Scotland against the two Libyan intelligence officers —al-Megrahi and Fhimah. Nearly ten years later, in May 2000, a specially established Scottish court convened in The Netherlands to try these two men. And in January 2001, Megrahi was convicted and Fhimah was acquitted.

The breakthrough that led to the charges announced today arose when law enforcement learned in 2016 that the third conspirator had been arrested after the collapse of the Qaddafi regime and had been interviewed by a Libyan law enforcement. The interview occurred in September of 2012. According to the criminal complaint affidavit, Masud built the bomb that destroyed Pan Am 103 and worked with Megrahi and Fhimah to carry out the plot. The affidavit also alleges that the operation had been ordered by the leadership of Libyan intelligence and that, after the downing of the aircraft, Qaddafi had personally thanked Masud for the successful attack on the United States. In addition to his involvement in the Lockerbie bombing, Masud also was involved, as we allege in the complaint, in the 1986 bombing of the LaBelle Discotheque in Berlin, West Germany, which killed two American servicemen and a Turkish woman. Although Masud remains in Libyan custody, Libyan authorities provided a copy of their interview to law enforcement.

Based on that and other evidence, prosecutors from the U.S. Attorney’s Office in the District of Columbia and the Counterterrorism Section of the National Security Division unsealed a complaint this morning in U.S. District Court for the District of Columbia charging Masud with terrorism-related crimes for his role in the bombing of Pan Am 103. At long last, this man responsible for killing Americans and many others will be subject to justice for his crimes.

The Lockerbie bombing case holds a special significance for me because I was serving as Acting Attorney General when charges were filed against Megrahi and Fhimah in 1991. I know firsthand the toil, tears, and sweat that have been poured into pursuing justice for the victims of the bombing and their families. And so it is with profound gratitude that I recognize and thank our law enforcement friends in Scotland for their nearly 32-year partnership with us on this case. I also thank Lord Advocate of Scotland James Wolffe for his continued partnership. There is much work still to be done, and we will not be able to do it without our colleagues in Scotland. We are committed to working arm-in-arm with them as we move forward in this case. I am especially proud of the countless agents and analysts of the FBI who have worked the Pan Am 103 case relentlessly over the decades. Thank you for your dedication and perseverance. And finally, I thank the prosecutors of the U.S. Attorney’s Office for the District of Columbia and the National Security Division for their many years of hard work and for preparing the charges in this case.

Today, Masud remains in Libyan custody, and we intend to work closely with our Scottish counterparts to use every feasible and appropriate means to ensure that he answers for his part in the Lockerbie bombing. And it is my hope that Libyan authorities will allow Masud to be tried for this crime in the United States and will provide the support and witnesses necessary for us to bring him to justice.

To the families of those who died in the sky over Lockerbie all those years ago, I know that the small step we take today cannot compensate for the sorrow you feel to this day. But I hope that you will find some measure of solace in knowing that we in the United States Government, on behalf of the American people and in partnership with our counterparts in Scotland, have never relented, and will never relent, in the pursuit of justice for you and for your loved ones.

Thank you. And now I’d like to ask Acting U.S. Attorney Sherwin to make some remarks.

**ACTING U.S. ATTORNEY MICHAEL SHERWIN**

Alright, thank you sir. As the Attorney General mentioned, in 1991 the Attorney General stood on this very stage when he unsealed the indictment of Megrahi and Fhimah. And at that time the Attorney General said this is not the beginning, this is not the end, this is only the beginning. The Attorney General also said in 1991 that by no means would the investigation end with that sealed indictment. And the Attorney General has lived up to those words.

Nearly 20 years later after that unsealing of that indictment, we have been able to successfully charge the alleged bomb-maker of Pan Am 103. And that has only come to fruition because of the amazing work of the Scottish and the FBI investigators in this case, which is really unheard of, the lengths the investigators both overseas and in the United States that the investigators went to put this criminal complaint together.

But make no mistake about, it this criminal complaint would never have been filed without the leadership, energy, and wherewithal of the attorney General.

So let’s look at that criminal complaint. The criminal complaint, the forensics, the evidence that all led us to file the charges in the criminal complaint, are really fascinating, and really something almost out of Tom Clancy novel. From the beginning of the case, from where the Pan Am flight exploded at 30,000 feet. Just to give you reference 30,000 feet is about 5.5 miles up in the atmosphere. It took literally four to five minutes for the debris to hit the ground. When that debris hit the ground, it fell into a debris scatter pattern of over 850 square miles.

Again in terms of reference the fourth largest city in the United States, Houston, is 580 square miles. So again this was 850 square miles, which was, and I believe still remains today, the largest crime scene in world history. When that debris hit the ground literally thousands of foreign agents, foreign law enforcement, U.S. law enforcement agents combed every blade of grass looking for evidence in the case, linking all of the coconspirators in the indictment and the criminal complaint that was just unsealed this morning.

I am going to go over some of the highlights of the evidence linking both the circumstantial and direct evidence linking Abu Agela Masud being the alleged bomb maker of Pan Am 103.

First of all, the investigators found pieces of the Samsonite luggage, it was a copper piece of the Samsonite luggage that was only sold in the Middle East at that time. And there were scaring marks, there were blast indicators showing that some type of plastic explosive, the residue was RDX and petn, which are ingredients used in semtex which is a very common plastic explosive. It is even used in Afghanistan and in Iraq with a lot of IEDs. Now that residue on the Samsonite luggage was also linked to pieces of clothing that were scattered over 100’s of miles, tiny micro pieces of clothing. And some of those clothing had labels, linking the clothing to a clothing store in Malta. Embedded within some of those tiny pieces of clothing were tiny pieces of black plastic that forensically were linked to a Toshiba radio cassette.

It is believed and alleged in the indictment and the criminal complaint that the semtex explosives were placed within that Toshiba radio cassette player. The timer used, a piece of the timer used to trigger that explosion of Lockerbie was also found, which is incredible. It was a micro piece of the circuit board chip of the timer found 25 miles from where the main fuselage landed, a tiny piece of a thumbnail. And on that piece of circuit board was meebo which the FBI and Scottish investigators linked to a very small outfit, a boutique electronics outfit, in Zurich. The individual that ran that outfit spoke to investigators and he said that during that period of time in the late 80’s, he had an exclusive partnership with the Libyans where he supplied those circuit boards, those timing mechanisms, to the Libyan government, and specifically the Libyan military. Now, in addition to that, we have the admission that the Attorney General made reference to, statements from Masud in which he talks about his role in the bombing, making the bomb and also the role with the coconspirators. Also another circumstantial fact that really ties everything together are the travel records that really pin, and the government believes really proves beyond a reasonable doubt Masood’s role in this conspiracy. And this is highlighted in the criminal complaint. But I will just bring out some of the main facts.

The criminal complaint states that through travel records, on Dec. 14, 1988, Mr. Masud flies from Tripoli, Libya to Malta. Six days later, Dec. 20, 1988, his coconspirators Fhimah and Megrahi, also then travel from Tripoli to Malta. It is alleged in the criminal complaint and the indictment that at that time all coconspirators worked together to arm the explosive device in the suitcase, and they used clothing from that Malta clothing shop, Mary’s clothing shop, in Malta, to conceal the Toshiba cassette that contained the bomb.

As stated and alleged in the criminal complaint, Masud armed the device on Dec. 21, 1988, and he gave it to his coconspirators, and Fhimah put it on the flight, a feeder flight that went from Malta to Frankfurt, and then on to a feeder flight that put that Samsonite briefcase on Pan AM 103 at Heathrow airport in the afternoon on Dec. 21. Now tying this all together, after the Samsonite hand off by Masud he then boards an aircraft, with Megrahi that morning from Malta and they fly back to Tripoli. So based on this aggregate evidence, the direct evidence in terms of the statements Masud made, the circumstantial evidence, the debris, witnesses that confirmed the sale of some of these materials to the coconspirators, the United States believes we have an extremely compelling case and can clearly prove this case beyond a reasonable doubt at trial.

I want to circle back though that even though this case is fascinating and the forensics are amazing, and it is a testament to the FBI and the Scottish and British investigators, that this case really is about the victims. And I am pleased Kara Weipz is here and she will be able to speak. And it, that’s obviously why we do our job. And looking back on this event, even though it was 32 years ago, it really is telling how this single incident really wiped out generations of family members, generations, and that cannot be forgotten.

So in closing, I want to end with a statement that Robert Muller made at the Lockerbie Ceremony at Arlington National Cemetery in 2008. And his comments I think, I believe is just as telling today as it was 12 years ago. He said that “as we stand here today, in the darkest hour, we give reference and deference to the victims and we have to bring justice in order to ensure that those victims are not forgotten. We will continue to move forward but we will never forget.” Thank you.

**KARA WEIPZ, Victims Advocate**

Thank you Mr. Sherwin. First and foremost, I would like to thank Attorney General Barr, Director Wray, the prosecutors from the DC U.S. Attorney’s Office. I think I speak for the majority of family members when I say that we are justified, vindicated, our patience and persistence has proved fruitful with this decision today.

The motto of the family member over the past 32 years has been “the truth must be known.” Today confirms what we believed to be true, and a step forward in holding all those responsible for the murders of 270 innocent people on this day in 1988.

For the last 30 plus years, the dedicated men and women past and present of the FBI, Department of Justice, Crown Office, Police Scotland, and all of the Administrations since 1989 have never stopped investigating this case, working to make sure all those who perpetrated this crime are brought to justice. We have worked with so many over the past three decades, many of whom have dedicated the majority of their professional careers to this case. We have always been assured that this was an open case and no lead would be followed. Today is the culmination of that hard work.

It is the resilience of family members who have not let anyone forget our loved ones who were lost on that tragic night 32 years ago. We will continue to pursue justice for all those who are responsible for this bombing, but today is a small victory in that conquest. We are grateful the Department of Justice and the FBI continue to fight for justice for all Americans. And for the family members who are not here, but who are watching and listening, our loved ones are not forgotten and I know that you are here with me. Thank you.

**ATTORNEY GENERAL BARR**

Thank you very much, Kara. So with that, I will open it up to questions. Initially, on topic questions.

Yes, Mike.

**REPORTER**

 On topic here — what are the prospects that that the defendant will be brought back to the U.S. to face justice in a court room?

And then if I can off topic — do you believe there should be a special counsel appointed to investigate the allegations against Hunter Biden?

**ATTORNEY GENERAL BARR**

On your first question, we think that the prospects are very good. Masud is in the custody of the current government of Libya, and we have no reason to think that that government is interested in associating itself with this heinous act of terrorism. We are optimistic that they will turn him over to face justice.

On the second question, I think to the extent that there is an investigation, I think that it is being handled responsibly and professionally, currently, within the Department. And to this point I have not seen a reason to appoint a special counsel, and I have no plan to do so before I leave.

Yes.

**REPORTER**

On topic, can you say what the last piece was that got you to where you were able to charge the third conspirator?

And as far as off topic, do you have any concerns or worries that the next AG that comes into the Biden administration will try to scuttle or kill the Hunter investigation and or the Durham investigation?

**ATTORNEY GENERAL BARR**

Obviously, the big breakthrough in the investigation of Pan AM 103, this further progress that we’ve made came when the interview that was done by the Libyan law enforcement of Masud was provided to us. Then, there was some additional evidence checking out some of the facts that were set forth in that interview. I’ll ask Mike right now if there is anything other than that that he wishes to say.

**ACTING U.S. ATTORNEY MICHAEL SHERWIN**

No, you’re right sir. The tipping point was that interview that the Libyan intelligence service provided us.

**ATTORNEY GENERAL BARR**

And then confirming some of the additional factual information that was in there. What was the second question?

Before the election, as you know, I designated John Durham as a special counsel because I wanted to provide him and his team with assurance that they’d be able to finish their work. And they’re making good progress now, and I expect that they will be able to finish their work.

**REPORTER**

As far as the Biden investigation, do you think it might get scuttled or pushed out?

**ATTORNEY GENERAL BARR**

You know, I’m hoping the next administration handles that matter responsibly.

**REPORTER**

Attorney General, is there any outrage at all to the Libyan authorities about the suspect? And off topic, does the President have the legal authority to order the seizure of voting machines around the country? And you’ve talked about in the past, the broad views that you have of presidential power. Does the President — any president — have the authority to pardon themselves?

**ATTORNEY GENERAL BARR**

The first question was? The one that was on topic?

**REPORTER**

Has there been any outrage to Libyan authorities?

**ATTORNEY GENERAL BARR**

I can’t comment on that. And the second one — I see no basis now for seizing machines by the federal government — you know, a wholesale seizure of machines by the federal government. And you know, off the top of my head, I’m not gonna opine on a constitutional issue — as far as the pardon power goes.

Yes.

**REPORTER**

The president had continued to make the case that there was fraud in the election. You have already made your statement on that in an interview — do you believe there’s enough evidence to warrant appointing a special counsel to look into it — something that he appears to be thinking about. Perhaps Sidney Powell? Do you believe that there is any reason to do that? Have you already given your opinion on this to the president and to the White House?

**ATTORNEY GENERAL BARR**

As you said, I have already commented on fraud. Let me just say that there are fraud in unfortunately most elections — I think we’re too tolerant of it, and I’m sure there was fraud in this election — but I was commenting on the extent to which we had a looked at suggestions or allegations of systemic or broad-based fraud that would affect the outcome of the election. And I already spoke to that, and I stand by that statement.

**REPORTER**

But about the idea of appointing a special counsel — would you answer that question about whether you believe there’s enough there — even with what you’ve already said. Do you believe there is enough evidence to warrant a special counsel to investigate that? Perhaps Sidney Powell or someone else.

**ATTORNEY GENERAL BARR**

Well, if I thought that a special counsel at this stage was the right tool, and it was appropriate, I would name one. But I haven’t, and I’m not going to.

Yes, Sadie.

**REPORTER**

Hi there, two questions. The first — you talked a lot about your partnership with the Scots throughout this investigation. Can you explain a little bit more about why they are not prosecuting this case? And secondly, I had a question about the solar winds hack. First of all, has the Justice Department or the FBI been hacked, and do you agree with the conclusions so far that Russians are responsible? And what possible responses could we see from the Justice Department?

**ATTORNEY GENERAL BARR**

The Scottish have not ruled out — the Scottish authorities have not ruled out bringing charges. Right now they’re dealing with an appeal by Megrahi, curiously enough — since he’s dead. But nonetheless, under their system, there is an appeal and they’re dealing with that. But I think once that has been dealt with, they’re going to turn their attention to whether or not they want to bring charges, but they are supportive of our action today, and we will rely on them to help us with evidence at trial.

I just want to say something about the Scottish law enforcement on this that impressed me at the time I was here 32 years ago. And you know, I have a particular affection for Scotland and I’ve spent a lot of time there, since I’ve played the bagpipes since I was eight years old and I visited Scotland during this first investigation and met with the Strathclyde police who were conducting it in Scotland. And what Mike Sherwin alluded to, was to me Homeric, by lining up police officers and literally looking at every blade of grass in that footprint, was astounding. There is a picture of me pointing to the little chip that was found it was smaller than a finger nail. That was critical to cracking the case and that was found out in the field and that was painstaking work just shows the professionalism of the Scottish police. But also it shows how important international cooperation is in cracking these heinous crimes. Now was there another part to you question.

**REPORTER**

I wanted to ask about the solar wind hack, and if you believe the conclusion that the Russians are responsible? And what responses we might see from DOJ?

**ATTORNEY GENERAL BARR**

From the information I have, I agree with Secretary Pompeo’s assessment. It certainly appears to be the Russian’s but I am not going to discuss it beyond that.

Excuse me, Katherine.

**REPORTER**

On topic, Attorney General, can you explain to us why it was important to you personally to bring the Lockerbie investigation full circle with the announcement of today’s indictment? And off topic, respecting that it is an ongoing investigation, has special counsel John Durham, concluded that the FBI 2016 Russia probe, known as Cross Fire Hurricane, was not properly predicated?

**ATTORNEY GENERAL BARR**

I think it was important to bring this case which in some ways for me is coming full circle. For the country I think it is important that we are relentless in pursuing acts of terrorism and that terrorist have to know that eventually we will get them. For me personally, it was because I felt it was unfinished business, in that I was the cabinet official who had to face the grief of the victims and their families, actually had the honor of dealing with the victims. I felt that our follow up to the attack was not sufficient and that justice was delayed and the full measure of justice was denied. I think we reacted initially with sanctions and things like that. I felt that that would encourage further terrorism so I just felt it was unfinished, business from a personal statement.

I am sorry, I am not going to try to characterize what his conclusions are.

Katie.

**REPORTER**

Robert Mueller was the head of the Criminal Division when this case was brought in 1991. Did you invite him to be here today? Did he want to? He spoke about this case extensively, and said that it still haunts him to this day that he was not able to bring more charges. And my second question is when you spoke to the Federalist Society last year you said that it was ironic that the left talked about shredding norms. You said it is the left that is engaged in the systemic shredding of norms and the undermining of the role of law. You said conservatives do not do that. Do you still think these remarks hold given the President’s claims and actions in the wake of the election and his attempts to undo the results?

**ATTORNEY GENERAL BARR**

Yes, Bob was the head of the Criminal Division and worked closely on the case. I did not invite him to this event. I am just not going to get into my remarks at the Federalist Society or into recent developments. You know when I came, as you know when I came I was not intending to come back into government but I knew I was signing up for a difficult assignment at this department. As I have said there were rough times and I came in because I felt that I could lead the DOJ during this particular period and I do not regret that at all. I do not regret coming in because I think it is always an honor to serve the nation and the American people. That concludes this press conference. Thank you very much.