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Libyan citizen kidnapped and flown to US to face Lockerbie charges

A 71-year-old Libyan, Abu Agila Mohammad Mas'ud Kheir Al-Marimi, appeared in a US federal court in Washington DC this month to face charges related to the bombing of Pan Am Flight 103, December 21, 1988, over Lockerbie, Scotland.

The bombing killed 270 people (259 on the flight and 11 ground fatalities).



The remains of the forward section from Clipper Maid of the Seas on Tundergarth Hill [Photo by Air Accident Investigation Branch - Air Accident Investigation Branch Report No: 2/1990 - Report on the accident to Boeing 747-121, N739PA, at Lockerbie, Dumfriesshire, Scotland on 21 December 1988 Report name: 2/1990 Boeing

747-121,

N739PAhttp://www.aaib.gov.uk/publications/formal_reports/2_1990_n739pa.cfmAppendix B, Image B-9 "Photograph of nose and flight

deck"http://www.aaib.gov.uk/cms_resources.cfm?file=/2-

1990%20N739PA%20Append.pdf, OGL 2,

https://commons.wikimedia.org/w/index.php?curid=30369951]

Mas'ud is accused of two counts of destruction of an aircraft resulting in death and one of destruction of a vehicle used in foreign commerce, resulting in death. Mas'ud, who followed proceedings in court on December 12 through an interpreter, made no plea. The US Department of Justice (DoJ) will return to court later this month to detain Mas'ud pending trial.

The DoJ allege that Mas'ud worked from 1973 until 2011 for the intelligence agencies of murdered former Libyan leader, Colonel Muammar Gaddafi, including as a “technical expert in building explosive devices”. In late 1988 Mas'ud was allegedly instructed to fly to Malta with a “prepared suitcase” where he was instructed by the only man found guilty of the Lockerbie attack, Abdelbaset Ali Mohmed Al Megrahi, to “set the timer on the device for the following morning”. The DoJ also accuse the only man acquitted of any involvement in the bombing, Al Amin Khalifa Fhimah, of placing the suitcase on an aircraft luggage conveyor belt in Malta's Luqa airport.

US Attorney General Merrick Garland hailed Mas'ud's appearance as “an important step forward in our mission to honor the victims and pursue justice on behalf of their loved ones.” Garland's predecessor, William Barr, informed the BBC that in his view the original 2001 trial at which Megrahi was convicted should have been held in the US because the death penalty would have been available.

Barr, in a previous stint in office, was directly responsible for the shift in focus of the Lockerbie investigation towards Libya, at the same time as he was whitewashing all those involved in the Iran/Contra scandal of the late 1980s. The Lockerbie attack took place after the 1987 murder by the USS Vincennes of 290 innocent passengers and crew in IranAir Flight 655 and, prior to charges laid against Libyans, was assumed to be an Iranian sponsored revenge attack.

The DoJ case against Mas'ud, like the case against Megrahi and Fhimah, is a concoction. He has effectively been kidnapped and subjected to extraordinary rendition. The DoJ's purpose is to maintain the official line, upheld on both sides of the Atlantic, regarding the origins and perpetrators of the atrocity.

Whatever misdeeds Mas'ud may have on his conscience, the Lockerbie attack is not one of them. The DoJ charges seek to place Mas'ud in Malta at the same time as Megrahi. But this only proves Mas'ud had nothing to do with Lockerbie because the suitcase bomb in PA103's hold was placed there in London's Heathrow Airport long before the feeder flight from Frankfurt—which would have been carrying Mas'ud, Megrahi and Fhimah's alleged Malta case had even landed. This is detailed in the book *Adequately Explained by Stupidity? Lockerbie, Luggage and Lies* by Dr. Morag Kerr of the Justice for Megrahi campaign, a work which has never been refuted.

Megrahi was tried in a non-jury show trial, held under Scots law in a disused army base at Camp Zeist, the Netherlands in 2000. Its purpose was to allow the then Gaddafi government to be brought in from the cold of international isolation in which it had been languishing for years by taking the rap for Lockerbie. In 2004, Gaddafi and then British Prime Minister, Tony Blair, concluded their “deal in the desert” allowing Libyan oil fields to open up to the operations of US and European oil companies.

The politically motivated verdict, delivered in 2001, ignored countless inconsistencies, evidence having been tampered with, CIA witness coaching and found Megrahi guilty while his alleged accomplice, Fhimah, walked free.

In 2009, renowned UK human rights lawyer, Gareth Peirce, whose clients have included the Birmingham Six, and Guildford Four—falsely accused of IRA bombings—and Moazam Begg, who was held for years in Guantánamo Bay, described the verdict as “profoundly shocking”. She wrote in the *London Review of Books*, “Al-Megrahi’s trial constituted a unique legal construct, engineered to achieve a political rapprochement, but its content was so manipulated that in reality there was only ever an illusion of a trial.”

Megrahi died in 2012, protesting his innocence. A second posthumous appeal against his conviction was thrown out last year by Scottish judges who upheld Maltese shop owner Tony Gauci's identification of Megrahi despite evidence of coaching and \$2 million changing hands.

In 2011, eight months of continuous bombing by the US-NATO laid waste to whole swathes of Libya, while the US and the European powers utilized Al Qaeda-linked militias as their proxy ground troops in a war for regime-change that ended in the torture and murder of Gaddafi.

The formerly relatively advanced country collapsed into a fractured and hellish civil war landscape of competing heavily armed militias, both equally committed to torturing and enslaving large numbers of people in pursuit of the patronage of one or other major power.

Despite various peace efforts, there are currently two governments, one in Tripoli, the other in Sirte and Tobruk.

Meanwhile, the US and Scottish authorities have sought to maintain the threadbare and collapsing case against Megrahi by pursuing his supposed accomplices. Part of the evidence against Mas'ud appears to be a confession extracted in 2012 under unknown conditions when he was in the brutal hands of one of the militias.

An official told AP that the US government had been pressing the Tripoli government for Mas'ud for months. "Every time they communicated, Abu Agila [Mas'ud] was on the agenda". According to the *Guardian*, the government, led by Abdul Hamid Dbeibah, offered up Mas'ud shortly after he was released from a 10-year prison sentence. Mas'ud was held without charge or any pretence of a legal extradition process until he was handed over to the US.

Masud's nephew told the *Observer*, "We have filed a complaint with the attorney general's office and demanded an investigation of the people who kidnapped him and those who handed him over. We want them to face justice. This is an assault on a citizen in his home."

The kidnapping is reported to have been carried out by a local militia, led by Abdel Ghani al-Kikli, accused by Amnesty International of administering beatings, denying medical care, and starving and enslaving people caught at a migrant detention centre outside Tripoli.

Libya does not have an extradition treaty with the US, nor is any Libyan court known to have examined an extradition request.

None of this caused the Scottish legal authorities to bat an eyelid. Lord Advocate, Dorothy Bain KC welcomed the DoJ "progress towards a legal breakthrough", endorsing Mas'ud's illegal kidnapping and rendition.

Dr. Jim Swire, whose daughter Flora died in the tragedy and who subsequently came to view Megrahi as another innocent victim, warned of any trial taking place in the US or Scotland.

"There are so many loose ends that hang from this dreadful case, largely emanating from America, that I think we should... seek a court that is free of being beholden to any nation directly involved in the atrocity itself." Swire continued "in view of what we now know about how Scotland handled the case, it should not take place in Scotland."

There are signs of an unraveling as earlier lies come into conflict with current ones. Aamer Anwar, the lawyer for the family of Megrahi, noted that one aspect of the US case against

Mas'ud claims that he had confessed to buying clothes which Megrahi had previously been identified by Tony Gauci as buying. Anwar asked, “How can both Megrahi and Mas'ud both be held responsible?”

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