

"Lockerbie Retrial an Imperative of the Rule of Law"

Hans Koechler's exclusive interview with Al-Jazeera International

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If the *Scottish Criminal Cases Review Commission* (SCCRC) is allowed to act in full independence and, thus, to evaluate the new evidence brought before it in an impartial manner, an order by the SCCRC for a new appeal in the Lockerbie case is to be expected. A comprehensive and independent judicial review of the Lockerbie proceedings in the Netherlands by a new appeal court is not only imperative in terms of the rule of law, but will be a crucial test of the integrity of the Scottish judicial system.

Dr. Hans Koechler, United Nations-appointed international observer of the Lockerbie trial, expressed these views yesterday in an exclusive interview for the program "People and Power" of *Al-Jazeera International* in Doha, Qatar. The English-language channel of the worldwide Arabic satellite station is to be launched later this year.

In light of the revelations in the British and Scottish media about the tampering with evidence, planting of evidence at the crash site, lack of reliability of forensic experts, interference of intelligence services, lack of credibility of key witnesses, etc. in the Lockerbie case and in view of the recent McKie fingerprint scandal (involving Scottish police) a thorough review of the conduct of the trial and appeal proceedings at Camp Zeist in the Netherlands will be indispensable in order to restore confidence in the Scottish judicial system, Dr. Koechler said. As international observer appointed by the Secretary-General of the United Nations on the basis of Security Council resolution 1192 (1998), Dr. Koechler had issued analytical reports about the Lockerbie trial (2001) and Lockerbie appeal (2002). In the meantime, all the concerns raised by him in these two reports about the fairness and impartiality of the proceedings have been confirmed through new evidence some of which transpired in the media. Doubts as to the credibility of a key witness of the prosecution (which Dr. Koechler had expressed in his first report) have even been raised by the former Lord Advocate who was responsible for indicting the convicted Libyan national. Defence experts have simulated the explosion that occurred on the Pan Am plane; the results of several test explosions suggest that the fragment of circuit board that was presented as crucial evidence could not have survived the explosion. It was further revealed in the British media that two key forensic experts on whom the Court relied have given false or unreliable testimony in other trials, etc.

If a fresh appeal is ordered, the arrangements should be made according to the intention of the provisions for the original trial and appeal, which were meant to ensure a maximum of judicial independence and international transparency, Dr. Koechler said. The *High Court of Justiciary (Proceedings in the Netherlands) Order 1998*, which was promulgated on the basis of the *United Nations Act 1946*, provided for an extraterritorial trial according to Scots Law in the Netherlands.

The handling of the matter by the SCCRC and an eventual new panel of Scottish appeal judges will be a test case for the separation of powers in the constitutional setup of Scotland and the United Kingdom. The question whether criminal proceedings can be conducted fairly and independently in a case that is heavily impacted by international power politics still needs to be answered, Dr. Koechler said.

- Dr. Koechler's report on the Lockerbie trial (3 February 2001)
- Dr. Koechler's report on the Lockerbie appeal (26 March 2002)
- Dr. Hans Koechler's statement on the agreement between the United States, the United Kingdom and Libya (23 August 2003)
- I.P.O. news release on new revelations in the Lockerbie case (14 October 2005)
- "Cover-up, conspiracy and the Lockerbie bomb connection": *Scotland on Sunday*, 19 February 2006
- Pan Am Flight 103: *Wikipedia Online Encyclopedia*
- Web site of the Lockerbie Observer Mission of the I.P.O.

END/"Lockerbie Retrial an Imperative of the Rule of Law" -- Dr. Hans Koechler's exclusive interview with Al-Jazeera

International/P/RE/19746c-is
INTERNATIONAL PROGRESS ORGANIZATION
A-1010 Vienna, Kohlmarkt 4, Austria
Telephone +431-5332877
Telefax: +431-5332962
info@i-p-o.org
<http://i-p-o.org>