

LOCKERBIE UPDATE

Lockerbie reflections

<http://edsblogcity.blogspot.com/2008/11/lockerbie-reflections.html>

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From Sunday Mercury, 9th Nov.08

1. Its prostate, not prostrate!
2. I became convinced of his innocence before the verdict was passed on him.
3. I do not believe the US ordered the Vincennes to shoot down the Iranian airbus - it was a ghastly mistake by her captain (Rogers).
4. My meetings may have helped, but others were much more important (eg Mandela, OAU etc)
5. I am not convinced the Libyans were not involved, only that Megrahi was not guilty as charged.

But otherwise, a fair article.

<http://www.sundaymercury.net:80/news/midlands-news/2008/11/08/20-years-on-and-lockerbie-victim-s-father-still-searches-for-the-truth-93633-22211467/>

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<http://whereismydata.wordpress.com/2008/11/08/lapd-fingerprint-errors/>

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WORLD COVERAGE

Scotsman

'Compelling' case to free dying Megrahi but Crown insists he must remain behind bars

Published Date: 07 November 2008

By JOHN ROBERTSON

Law Correspondent

THERE is a "compelling" case to release on bail the terminally ill Lockerbie bombeyesBut Abdelbaset Ali Mohmed al-Megrahi and relatives of his 270 victims will have to wait to hear whether he is to be allowed to leave prison.

Appeal judges heard Megrahi's application for bail and said they wanted time to consider their decision.

The Libyan's lawyer said he did not have long to live, and would stay with his family in the west of Scotland if he were freed. The Crown opposed Megrahi's release, arguing his prognosis was "uncertain" and that he could receive in jail whatever medical treatment was required.

For reasons of "sensitivity", details of his condition were not disclosed at yesterday's hearing.

Megrahi, 56, was convicted in 2001 of the 1988 bombing of Pan Am Flight 103 and is serving a minimum 27-year life sentence. He has already lost one appeal, but is pursuing a second, which is unlikely to begin before next spring.

The defence counsel, Margaret Scott, QC, told the Court of Criminal Appeal in Edinburgh: "He is terminally ill. His suffering will be reduced if he is released from prison conditions.

"Medically, the treatment will be the same, but his suffering will be reduced clearly if he is allowed to reside with his family while he deteriorates from his illness."

She added: "There is a compelling case for the release of this man on interim liberation."

Ms Scott said Megrahi was married with five children aged 25 to ten, and two grandchildren. Immediately after his conviction, his family moved to Glasgow, and are required each year to apply for visas. If given bail, he would stay with his family in Strathclyde. Measures would be taken for his personal security.

There was no risk of Megrahi fleeing Scotland, and an undertaking had been given by a Libyan government official that he would not be allowed into the country unless it was appropriate for him to return, she said.

The advocate-depute, Ronald Clancy, QC, said that, in light of the Libyan government saying different things at different times in the past about accepting responsibility for the bombing, the court should be reticent to attach any weight to its current undertaking.

But the "dominant" reasons for opposing Megrahi's release were the "incomparable" gravity of his crime and the unanimous verdict returned against him by the three judges at his trial.

Mr Clancy said that the Crown at the appeal would argue that there were good reasons for concluding that Megrahi's conviction was not a miscarriage of justice.

In relation to his illness, the diagnosis was not disputed but the prognosis was uncertain.

"As far as physical symptoms are concerned, he is essentially symptom-free," he said. "There is very minor discomfort for which analgesic treatment was offered but declined.

"As for psychological effects, there is no suggestion he is suffering from or on the verge of a recognised condition."

Mr Clancy said there was a system for Scottish ministers to allow compassionate release of prisoners where death was "likely to occur soon" and a life expectancy of three months had been thought appropriate.

"It cannot be said (Megrahi] is in that category," said Mr Clancy.

The appeal judges are expected to announce their decision within days rather than weeks.

TIMELINE

21 DECEMBER, 1988: Pan Am Flight 103 explodes over Lockerbie, killing 270 people.

13 NOVEMBER, 1991: Ali Mohmed al-Megrahi and Al Amin Khalifa Fhimah indicted.

31 JANUARY, 2001: Megrahi found guilty.

25 NOVEMBER, 2003: Three judges at High Court in Glasgow set 27-year minimum term on his sentence.

15 OCTOBER, 2008: He wins latest step in a long-running battle to overturn conviction.

21 OCTOBER, 2008: It is revealed the 56-year-old has advanced prostate cancer.

The full article contains 646 words and appears in The Scotsman newspaper.
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- **Last Updated:** 07 November 2008 1:30 AM
- **Source:** The Scotsman

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Times on line

From The Times
November 6, 2008

Dying Lockerbie bomber asks court to grant bail as he awaits appeal hearing

Almost 20 years since Pan Am Flight 103 was brought down in Britain's worst terrorist outrage, the Lockerbie case came back to court yesterday. Rarely out of the headlines since the day of the attack in December 1988, it has tested the Scottish legal system to its limits. In the High Court, the case took a new turn when lawyers for the Libyan man convicted of the bombing sought bail for their client.

Margaret Scott, QC, for the defence, set out three reasons for requesting the release of Abdul Baset Ali al-Megrahi: the strength of his appeal, delays in the appeal process, and his deteriorating health. It was disclosed last month that al-Megrahi has advanced cancer.

Ronnie Clancy, QC, for the Crown, asked the appeal judges to deny the request because of the "incomparable gravity" of the offence.

Lord Justice General Lord Hamilton, Lord Kingarth and Lord Wheatley said that they would deliver their decision at a later, undisclosed date.

Al-Megrahi, 56, who has consistently protested his innocence, is serving a life sentence with a minimum term of 27 years after being convicted in 2001 of the atrocity. All 259 men, women and children on board the aircraft died, along with 11 residents of the Scottish Borders town who were killed by falling wreckage.

Initial inquiries suggested the involvement of a Syrian-based terrorist group, but suspicion later switched to Libya. Al-Megrahi was found guilty after a unique trial, held in the Netherlands but under Scottish law.

At the 2-hour hearing yesterday, Ms Scott said that there were "unusual and compelling" reasons to grant bail. These included the "comprehensive nature" of Al-Megrahi's appeal, due to be heard next year, and a series of delays that have set back the appeal process. It has been 17 months since the Scottish Criminal Cases Review Commission referred the case back to court. She said that there was also a case for bail because of his personal circumstances. "The appellant is terminally ill," she said. "His suffering will be reduced if he is released from prison conditions."

The court was told that al-Megrahi was married and had five children aged between 25 and 10, and two grandchildren. His family had moved to Glasgow and had visas to visit and reside in Scotland. If released on bail al-Megrahi would stay with them, Ms Scott said. Al-Megrahi was not considered a "flight risk", she added.

Opposing bail, Mr Clancy said that some of the grounds of appeal were likely to fail, and that al-Megrahi's illness could be satisfactorily treated in prison. He also maintained that the delays in his appeal being heard were not the fault of the Crown.

Mr Clancy requested that if al-Megrahi were granted bail, he should not be allowed to travel for more than 10 miles unless for court appearances or medical treatment. He should also be made to report to a police station every week.

Jim Swire, whose daughter died in the atrocity, was in court for the hearing. He said that he approved of al-Megrahi being granted bail. "He is a human being, he is dying, and he needs to be with his family," he said.

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Voice of America news

Libyan Lockerbie Bomber Seeks Early Release on Bail

By VOA News

06 November 2008

Lawyers for the Libyan man convicted in the 1988 bombing of a U.S. airliner over the Scottish town of Lockerbie are calling for the release of their client because he has terminal cancer.

Attorneys for Abdel Basset al-Meghrahi Thursday asked Scotland's High Court to release him on bail while he awaits the results of an appeal against his conviction.

The lawyers argued that their client does not have long to live and deserves to be treated with compassion.

But prosecutors said Megrahi committed an "incomparably grave" crime and should not be granted bail.

Megrahi's lawyers said last month that their client has been diagnosed with advanced prostate cancer, which has spread to other parts of his body.

Megrahi, a former Libyan intelligence agent, stood trial in The Hague in 2001 for his role in the

bombing of Pan Am flight 203, which killed 270 people.

Libya has recently paid \$1.5 billion into a compensation fund for claims related to Libyan terrorist attacks. Those attacks include the Lockerbie bombing and the 1986 bombing of a Berlin disco.

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CNN

November 6, 2008 -- Updated 1603 GMT (0003 HKT)

Court considers early release for ill Lockerbie bomber

- Story Highlights
- Lawyers for Lockerbie bomber seek his release because he has cancer
- 56-year-old could be eligible for early release
- Megrahi faces minimum of 27 years in jail for Lockerbie bombing
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LONDON, England (CNN) -- A Scottish court is considering releasing convicted Lockerbie bomber Abdelbaset Ali Mohmed Al Megrahi because he is suffering from advanced prostate cancer, a court spokeswoman says. The spokeswoman for the Court of Criminal Appeal in Edinburgh, Scotland, said the court would not make a decision Thursday.

A three-judge panel at the court heard earlier Thursday an appeal from Megrahi's lawyers asking that he be freed.

Megrahi is currently serving a life sentence in Scotland's Greenock Prison for his role in the December 21, 1988, bombing of Pan Am Flight 103 over the Scottish town of Lockerbie. The bombing killed 270 people, including 11 on the ground.

Under Scottish law, prisoners with less than three months to live may be freed early on compassionate grounds. Megrahi's lawyer, Tony Kelly, confirmed his client's cancer diagnosis last month.

Megrahi was convicted of the bombing in January 2001. A Scottish court ruled in 2003 that he must serve at least 27 years of his sentence before becoming eligible for parole.

A separate appeal of his conviction is pending. If the judges decide to free Megrahi now because of his medical condition, it would officially be considered "interim liberation" while his other appeal waits to be heard, a prosecution spokeswoman said.

Megrahi was convicted after the prosecution argued he had placed the bomb, hidden in a suitcase, on a flight from Malta to Frankfurt, Germany. There, prosecutors said, the bomb was

transferred onto the Pan Am plane that went first to London's Heathrow airport and then was to continue to New York.

Another man -- Al-Amin Khalifa Fahima -- was also tried in the bombing but was acquitted.

The prosecution maintained that Megrahi, who worked at Malta's Luqa Airport, was an agent for the Libyan intelligence services and had been seen buying clothes that were in the suitcase which contained the bomb.

Libya has formally accepted responsibility for the bombing, though Libyan Leader Moammar Gadhafi later denied it.

Last week Libya completed a \$1.5 billion payment to the families of victims of several terrorist attacks, including the Lockerbie bombing.

The payment ended Tripoli's legal liability in U.S. terrorism cases and ended the remaining roadblock to full relations with the United States, the State Department said.

Under the payment plan, Libya paid more than \$500 million to settle remaining claims from the Lockerbie case. Libya had agreed to pay each of the 268 families involved in the case \$10 million each, but until last week it had withheld part of the money in a dispute over U.S. obligations to Libya.

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Daily Telegraph

Lockerbie bomber should not be freed

The Lockerbie bomber is dying of cancer but does not have any physical symptoms and should not be freed on compassionate grounds, appeal judges have been told.

By Auslan Cramb, Scottish Correspondent
Last Updated: 6:26PM GMT 06 Nov 2008

Abdelbaset Ali Mohamed Al Megrahi, 56, who was convicted in 2001 of the biggest mass murder in British legal history, hopes to be released on bail pending the outcome of his second appeal.

It emerged recently that he is suffering from prostate cancer that has spread to other parts of his body and that he may not live to see the outcome of his latest attempt to clear his name.

His lawyers told the Court of Criminal Appeal in Edinburgh that he "did not have long to live" and should be freed on compassionate grounds to live with his wife and children in Scotland while the appeal process continued.

His full appeal may not begin until next summer and is expected to be a lengthy and complicated affair.

His life-expectancy was not revealed in court, but prosecutors said that consultants believe he has more than three months to live - the time period normally used to decide when a terminally ill prisoner should be freed.

Ronald Clancy QC, advocate depute, said the Crown opposed the bail application because of the "incomprehensible gravity" of the offence.

He added that medical reports suggested that the Libyan's prognosis was uncertain, but that he was "symptom free" and suffering from only minor discomfort for which he had refused painkillers.

In addition, there was no suggestion that he was suffering from a serious psychological condition. He could also receive all the treatment he needed in prison, or through out-patient visits.

Mr Clancy claimed the long delays to the appeal process were part and parcel of the "unique proceedings" and that the length and complexity of the grounds of appeal should not be taken as "a prospect of their success".

If Megrahi - who is married with five children aged ten to 25 - were to be released, he would have to live in Glasgow, travel no more than ten miles unless to hospital or court, check-in at a police station weekly, and co-operate with immigration authorities.

The senior Libyan intelligence agent is the only man who has been found guilty of the bombing of the "Maid of the Seas", Pan Am Flight 103, which blew up on December 21, 1988, over the small town of Lockerbie. All 259 passengers and crew died and 11 people were killed on the ground.

Maggie Scott QC, for Megrahi, said he deserved "interim liberation" because of the many delays in his appeal, the strength of evidence suggesting he is the victim of a miscarriage of justice, and because of his poor health.

She added: "The appellant is very ill and he doesn't have long to live. His suffering will be reduced if he is released from prison conditions."

She also said a prison doctor had expressed concern about Megrahi's psychological well-being and added that his lack of privacy in Greenock Prison caused him "considerable distress".

Mrs Scott assured the court there was no danger that he would attempt to flee from Scotland if released. Libya had given an undertaking that he would not be allowed to return there unless permitted to do so by the Scottish authorities.

He also wanted to remain in Glasgow, where his wife is living and where his security would be provided by Libya, to receive medical treatment.

He was described as a model prisoner and is classified in Greenock Prison, where he is serving 27 years, as a "low supervision" inmate.

There was a compelling case, argued Mrs Scott, for him to be free pending his appeal which could quash his conviction.

Lord Hamilton, the Lord Justice General, sitting with Lords Kingarth and Wheatley, will issue their decision on the bail application at a later date.

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AFP (Agence France Press)

Lockerbie bomber seeks release due to cancer

1 day ago

LONDON (AFP) — The Libyan man jailed over the 1988 Lockerbie bombing applied Thursday to be freed because he has terminal cancer, but prosecutors objected due to the "incomprehensible gravity" of the attack.

A defence lawyer said Abdelbaset Ali Mohmet Al-Megrahi, jailed in 2001 over the bombing which killed 270 people, does not have long to live and should be released on compassionate grounds.

"The appellant is terminally ill. His suffering will be reduced if he is released from prison conditions," said his lawyer Maggie Scott.

The 56-year-old former Libyan intelligence officer is serving life with a minimum term of 27 years in a Scottish prison for blowing up Pan Am flight 103 from London to New York on the night of December 21, 1988.

He is seeking to have his conviction overturned, but his lawyers announced last month that Al-Megrahi has advanced prostate cancer which has spread to other parts of his body.

And on Thursday they took the case to the Court of Criminal Appeal in Edinburgh, seeking his release pending an appeal which is due to be heard next year.

"He is very ill and does not have long to live so bail is therefore sought on compassionate grounds. There is a compelling case for the release of this man on interim liberation," said Scott.

If he is released Al-Megrahi would remain in Scotland, to where his family has moved. "If released on bail the appellant would reside with his family," she said, adding that the Libyan presented no "flight risk".

"There is no security issue in respect of granting interim liberation," she said.

But prosecutor Ronnie Clancy said he should not be released due to the seriousness of the offence. "The crime of which the appellant stands convicted is one of incomprehensible gravity," he said.

"Given as a mere figure, the total number of dead does not reveal the personal tragedy or the details of the suffering inflicted on hundreds and hundreds of families of those involved," he added.

"There were people of all ages killed -- the youngest was a child of two months old. Over 400 parents lost a son or daughter, 46 of those lost their only child.

"Seventy-six men and women lost their spouse, over 140 lost a parent and seven of the children lost both parents."

Jim Swire, whose daughter Flora died in the bombing and who became a spokesman for the Lockerbie victims' families in the years following the tragedy, last week backed Al-Megrahi's provisional release.

"My personal feelings are that to force him to remain segregated from his family and his five children for the short remaining time that he may have before him would amount to exquisite torture," he told the BBC.

Libyan leader Moamer Kadhafi's son Seif al-Islam said in August that Tripoli had only accepted responsibility for the Lockerbie bombing to get sanctions lifted and slammed the victims' "greedy" families.

He admitted the move was hypocritical, adding that he believed that Al-Megrahi was not responsible for the bombing.

US-Libyan relations which were cut off in 1981, were restored in 2004, a few weeks after Kadhafi announced that Tripoli was abandoning efforts to acquire weapons of mass destruction -- and a few months after it accepted responsibility for the Lockerbie attack.

After Thursday's court hearing in Edinburgh, the three judges hearing the case retired to consider their verdict. A date for the ruling was not given.

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Reuters South Africa

Libyan convicted of Lockerbie bombing seeks bail

Thu 6 Nov 2008, 15:33 GMT

By Ian Mackenzie

EDINBURGH, Nov 6 (Reuters) - Lawyers for Abdel Basset al-Megrahi, the Libyan convicted of bombing an airliner over the Scottish town of Lockerbie in 1988 killing 270 people, asked a court on Thursday to free him on bail because he has cancer.

Lawyer Maggie Scott made an appeal for bail at Scotland's High Court, saying Megrahi was very ill and "doesn't have very long to live".

Megrahi's lawyers said last month that he had been diagnosed with prostate cancer, which had spread to other parts of his body and was now at an advanced stage.

They want him freed on bail pending the outcome of an appeal against his conviction.

The Pan Am jumbo jet was blown up as it flew from London to New York on Dec. 18, 1988, killing all 259 people on board, including 189 Americans. Eleven residents of the town of Lockerbie were killed by falling wreckage.

Scott said that, if the court agreed to bail, Megrahi would stay in Glasgow with his family in a house taken by the Libyan government.

Scott said Megrahi was suffering psychologically as a result of his imprisonment and advancing illness. "His suffering will be reduced if he can be with his family," she said.

Prosecution lawyer Ronnie Clancy opposed the immediate bail application because of the "incomparable gravity" of Megrahi's offence.

Clancy said that if Megrahi was freed on bail he should be prohibited from travelling more than 10 miles (16 km) from his house in Glasgow unless making a court appearance or for medical treatment. He said he should have to make a weekly visit to the police and be barred from holding a passport.

Clancy quoted Glasgow police as saying they had considered Megrahi's case and concluded there was "no significant risk to his personal safety" if he was freed.

Presiding judge, Lord Hamilton, said a decision on the bail application would be made as soon as possible but gave no time.

Megrahi, 56, a former Libyan intelligence agent, was convicted in 2001 after a trial held in the Netherlands under Scottish law and sentenced to life in prison. An initial appeal was rejected in 2002.

But a Scottish criminal review body decided last year that Megrahi was entitled to another appeal on the grounds that he might have been the victim of a miscarriage of justice.

Scott said the complexity of the case made a long delay in hearing the appeal inevitable. Megrahi, who is held at Greenock prison in Scotland, was not in court for Thursday's hearing.

Clancy said Libya had paid out more than \$3.2 billion to the families of victims of the bombing. The move has helped Libya's international rehabilitation after long being regarded by the West as a pariah state. (Editing by Diana Abdallah)