



General Assembly Security Council

Distr.  
GENERAL

A/46/826\*

S/23307\*

31 December 1991

ORIGINAL: ENGLISH

GENERAL ASSEMBLY

Forty-sixth session

Agenda item 125

MEASURES TO PREVENT INTERNATIONAL

TERRORISM WHICH **ENDANGERS** OR  
TAKES INNOCENT HUMAN LIVES OR  
JEOPARDIZES FUNDAMENTAL FREEDOMS  
AND STUDY OF THE UNDERLYING  
CAUSES OF THOSE FORMS OF  
TERRORISM AND ACTS **OF** VIOLENCE  
WHICH LIE IN MISERY, FRUSTRATION,  
GRIEVANCE AND DESPAIR AND WHICH  
CAUSE SOME PEOPLE TO SACRIFICE  
HUMAN LIVES, INCLUDING THEIR **OWN**,  
IN AN ATTEMPT TO EFFECT RADICAL  
CHANGES

SECURITY COUNCIL

Forty-sixth year

Letter dated 20 December 1991 from the Permanent Representative  
of the United Kingdom of Great Britain and Northern Ireland to  
the United Nations addressed to the Secretary-General

I have the honour to **enclose**:

(a) The text of the statement made by the Lord Advocate of Scotland on 14 November 1991 relating to the investigation into the destruction of a Pan Am airliner over Scotland on 21 December 1988 with the loss of 270 lives (annex I);

(b) The text of the Foreign Secretary's statement on the matter in the British Houses of Parliament on 14 November 1991 (annex II);

---

\* This communication is reissued at the request of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations.

**A/46/826**

**S/23307**

English

Page 2

(c) The text of a statement issued by the British Government on 27 November 1991 (annex III).

I should be grateful if you would have this letter and its enclosures circulated as a document of the General Assembly, under agenda item 125, and of the Security Council.

**(Signed) D. H. A. HANNAY**

## ANNEX

Announcement by the Lord Advocate of Scotland on 14 November 1991

The Lockerbie investigation has **now been** in progress **for** almost three years. In the recent months the Lockerbie investigation team headed by the Chief Constable of Dumfries and Galloway Mr. George Esson and the **Senior** Investigating Officer Chief Superintendent Stuart Henderson have **been** reporting to the Procurator Fiscal on the results of the investigation.

In consultation **with** the United States Attorney General I have concluded there is sufficient evidence to justify application to the Court for warrants **for** the arrest of named individuals. I instructed the Procurator Fiscal at Dumfries to make the necessary application to the Sheriff and yesterday **Mr. MacDougall** obtained **from** him the grant of warrants **for** the arrest of two Libyan nationals on charges **of** conspiracy, murder and contravention of **the** Aviation Security Act 1982.

The two accused are Abdelbaset **Ali Mohamed Al Megrah'** and Al **Amin** Khalifa Fhimah.

It is alleged that Megrahi is a senior officer **of** the Libyan **Intelligence** Services, holding positions with Libyan **Arab** Airlines and as Director **of** the Centre for Strategic Studies in Tripoli at the time of these offences.

It is alleged that Fhimah was also an officer of the Libyan Intelligence Services, holding a position as Station Officer with Libyan Arab Airlines in Malta.

The first charge in the petition is that between 1 January 1985 and 21 December 1988 at the premises occupied by Megrahi and by the Libyan Intelligence Services, in Tripoli, Libya, at a special forces training area, Sabha, Libya, at the premises occupied by the firm Mebo **Ag** at the **Novapark** Hotel, Zurich, Switzerland, at the Holiday Inn and the Libyan Cultural Centre, both in Sliema, Malta, at the house occupied by Fhimah at 3 St. John's Flat, **Mosta**, Malta, at Luqa Airport, **Malta**, and **at** the Libyan People's Bureau, East Berlin, German Democratic Republic, and elsewhere in Libya, Malta, Switzerland, Czechoslovakia and the German Democratic Republic.

Being members of the Libyan Intelligence Services, and in particular Megrahi being the Head of Security of Libyan Arab Airlines and thereafter Director of the Centre for Strategic Studies, Tripoli, Libya and Fhimah being the Station Manager of Libyan Arab Airlines in Malta.

Did conspire together and with others to further the purposes of the Libyan Intelligence Services by criminal **means**, namely the commission of acts of terrorism directed against nationals and the interests of other countries and in particular the destruction of a civil passenger aircraft and murder of its occupants.

And, in pursuance of the conspiracy, while acting in concert together and with others

(a) Between 1 **January** 1985 and 31 December 1985, at ~~the~~ premises occupied by Mebo **Ag**, in Zurich, at the premises of the Libyan Intelligence Services, in Tripoli, at the Libyan People's Bureau, East Berlin and elsewhere, they did order, cause to be manufactured and obtain from the firm of Mebo **Ag** twenty electronic timers capable of detonating explosive devices;

(b) Between 1 January 1985 and 31 July 1986 at the special forces training area at **Sabha**, Libya, they did cause the effectiveness of such timers to be tested **in** conjunction with **explosives**;

(c) Between 20 March 1986 and 31 December 1988, within the offices of Libyan **Arab** Airlines at Luqa Airport, Malta, and at the said Libyan Cultural **Centre**, Sliema, and elsewhere in Malta they did have in their possession and under their control a quantity **of** high performance plastic explosive;

(d) Between 31 July 1987 and 21 December 1988, within the premises occupied by Mebo **Ag**, in Zurich they did establish and maintain a pretended business under the name Abh as a cover for the operations of the Libyan Intelligence Servicest

(e) On 20 February 1988 at Dakar Airport, Senegal, they did cause one of these **timers**, together with other components of an improvised explosive device, including a quantity **of** high performance plastic explosive and a firearm and ammunition, to be introduced into Senegal for terrorist purposes;

(f) Between 1 **September** 1988 and 21 December 1988, at Eucharistic Congress Road, Malta, they did establish and maintain a pretended business to be known as and under the name **of** Med Tours or Medtours Services Limited, as a cover **for** the operations of the Libyan Intelligence Servicest

(g) Between 1 and 20 December 1988, at the ~~premis~~**s** occupied by Mebo **Ag**, in Zurich at the premises occupied by Megrabi and by the Libyan Intelligence Services, in Tripoli and elsewhere in Switzerland and Libya they did order and attempt to obtain delivery of forty further such timers from the firm of Mebo **Ag**;

(h) Between 1 and 21 December 1988, at Luqa Airport, Malta, or elsewhere in Malta they did **unlawfully** acquire airline luggage tags;

(i) On 7 December 1988 **in** the shop premises known as Mary's House at Tower Road, Sliema, Malta, they did purchase a quantity of clothing and an umbrella;

(j) On 20 December 1988 at Luqa Airport, **Malta**, Megrabi did enter Malta using a passport in the **false** name of **Ahmed** Khalifa Abdusamad and they did cause a suitcase to **be introduced to Malta**;

(k) On 20 and 21 December 1988 Megrahi did reside at the Holiday Inn, Sliema, Malta, under the false identity of Ahmed Khalifa Abdusamad; and

(1) On 21 December 1988 at Luqa Airport, they did place or cause to be placed on board an aircraft of Air Malta Flight KM180 to Frankfurt Am Main Airport, Federal Republic of Germany, the suitcase or a similar **suitcase** containing clothing and umbrella and an improvised explosive device containing high performance plastic explosive concealed with a radio cassette recorder and programmed to be detonated by one of the electronic timers, having tagged or caused such suitcase to be tagged so as to be carried by aircraft **from** Frankfurt Am Main via London, Heathrow Airport to New York, John F. Kennedy Airport.

And such suitcase was thus carried to Frankfurt Am Main Airport and there placed on board an aircraft of Pan American World Airways Flight **PA103A** and carried to London, Heathrow Airport and there, in turn, placed on board an **aircraft of Pan American World Airways Flight PA103** to New York, John F. Kennedy Airport,

And the improvised explosive device detonated and exploded on board the aircraft flight PA103 while in flight **near** to Lockerbie, whereby the aircraft was destroyed **and** the wreckage crashed to the ground and the 259 passengers and crew **and 11 residents** of Lockerbie hereof were killed **and** they did murder them.

The second alternative charge is one of murder on a **more** restricted basis.

The third **alternative** charge is that being *members* of the Libyan **Intelligence Services** and having, while acting in concert with others, formed a criminal purpose to destroy a civil passenger aircraft and murder the occupants and having obtained possession of and tested the effectiveness of electronic timers and being in possession of and having under their control a quantity of high performance plastic explosive, they did on and between the dates and at the places and by the means stated in the second charge unlawfully and intentionally destroy the aircraft in service and commit on board the aircraft in flight acts of violence which were likely to and did endanger the safety of the aircraft, in respect that they did murder those 270 persons: contrary to the Aviation Security **Act** 1982, Section **2(1)** and **(5)**.

Both accused are believed to be in Libya. The warrants will be circulated through Interpol but it is considered unlikely that they will be arrested in the normal way. A demand is being made to Libya for the surrender of these men for trial.

A simultaneous announcement is being made in Washington by Attorney General Barr following on the handing down of an indictment by a Grand Jury in Washington. The **terms** of the United States indictment and the Scottish petition have been drawn up in full consultation. Differences between the indictment and petition are explained by differences in our legal **systems** and procedures and I would wish to make it clear that we are in full agreement on

the allegations made. The charges are essentially identical and are in respect. of the same two accused persons.

This does not **mark** the end of the police investigation, although it plainly marks the **most** important public **development** to date in this unique criminal inquiry. I would wish to pay tribute to the outstanding work and ongoing commitment shown by many police **officers** and agencies not only in this country but throughout the world in their determined **efforts to** solve this **crime**.

I would wish to make particular mention **of** the extraordinary work done by forensic scientists and other specialists.

I remain committed to bring this **matter** to a proper conclusion in a Court **of** Law whether it is to be in this country or in the United States.

I **must** remind the media that for the purposes of the Contempt of Court **Act** 1381 proceedings became active when Sheriff Barr granted warrants for arrest. The Chief Constable and I cannot and will not comment on the evidence on which these charges are based.

ANNEX II

Statement by the Foreign Secretary, The Rt. Hon. Douglas Hurd,  
in the House of Commons, 14 November 1991

Mr. Speaker,

With permission, I should like to make a statement about the **conclusion** of the Lockerbie investigation and its implications.

**My** noble and learned friend the Lord Advocate has today announced the issue of warrants for the arrest of two Libyan Intelligence Officers against whom, on the basis **of** the evidence available, the Procurator **Fiscal** has brought charges alleging their involvement in the destruction **of** Pan **Am** Flight 103 on 21 December 1988. The American authorities have taken **similar** action.

Two hundred seventy people **were** killed at Lockerbie, 66 of them **British**. The relatives and friends of these victims have suffered and continue **to** suffer great pain and sorrow, The House will be thinking of them today.

**Mr.** Speaker, as the Lord Advocate has said a demand is being made of the Libyan authorities for the surrender of the accused to stand trial. I repeat that demand on behalf of the whole Government. I know the House will unreservedly endorse it.

The accusations **levelled** at Libyan officials **are** of the gravest possible kind. **As** the warrants which the Lord Advocate will be making public make clear, the charges allege that the **individuals** acted as part of a conspiracy to further the purposes of the Libyan Intelligence Services **by** criminal **means**, and that those means were acts of terrorism. This was a **mass** murder, which is alleged to involve the organs **of** government **of** a State. Libyan officials have been accused of this **crime** not only in Scotland and America but also in France where arrest warrants were issued on 30 October over the destruction of Flight **UTA** 772 in September 1969. We are consulting the United States and other friendly governments, many of whom lost nationals in Flight Pan Am 103, about the next steps.

I understand that the investigation has revealed no evidence to support suggestion of involvement by other countries. This **matter** does not therefore affect our relations with other countries in the region.

Let **me** pay tribute to all of those whose untiring work under the direction of the Lord Advocate over almost three years has produced this remarkable **outcome**. In particular, I salute the work of the Dumfries and Galloway Constabulary, and all those in many parts of the world who have helped with the gathering of evidence and information. The Government is grateful for all the help given to the investigation in many countries.

We expect Libya to respond fully to our demand for the surrender of the accused. The interests of justice require no less. This fiendish act of wickedness cannot be passed **over or** ignored.

## ANNEX III

Statement issued by the British Government on 27 November 1991

Following the issue of warrants against two Libyan officials for their involvement in the Lockerbie atrocity, the Government demanded of Libya the surrender of the two accused for trial. We have so far received no satisfactory response from the Libyan authorities.

The British and American Governments today declare that the Government Of Libya must:

Surrender for trial all those charged with the crime; and accept complete responsibility for the actions of Libyan officials.

Disclose all it knows of this crime, including the names of all those responsible, and allow full access to all witnesses, documents and other material evidence, including all the remaining timers.

Pay appropriate compensation.

We are conveying our demands to Libya through the Italians, as our protecting power. We expect Libya to comply promptly and in full.

-----