

International Court of Justice

Case Concerning Questions of
Interpretation and Application of the
1971 Montreal Convention Arising from
the Aerial Incident at Lockerbie
(Libyan Arab Jamahiriya v. United Kingdom)

*Preliminary Objections of the
United Kingdom*

ANNEXES: VOLUME III

LIST OF ANNEXES

Volume I of the annexes contains a set of basic documents. Documents in Volumes II and III are set out in chronological order. Where material has been circulated as a United Nations document, the date cited is that of the United Nations document itself.

BASIC DOCUMENTS

Annex
Number

Title and Reference

Convention

- 1 Convention for the Suppression of Unlawful Acts against the Safety of Civilian Aircraft, Montreal, 23 September 1971 (the Montreal Convention), 974 United Nations Treaty Series 177.

UN Security Council Resolutions

- 2 Security Council Document S/RES/731 (1992), 21 January 1992: Security Council resolution 731 (1992).
- 3 Security Council Document S/RES/748 (1992), 31 March 1992: Security Council resolution 748 (1992).
- 4 Security Council Document S/RES/883 (1993), 11 November 1993: Security Council resolution 883 (1993).

Letters Circulated as UN Documents

- 5 General Assembly Document A/46/825 and Security Council Document S/23306, 31 December 1991: Letter from the French Permanent Representative to the United Nations Secretary-General.
- 6 General Assembly Document A/46/826 and Security Council Document S/23307, 31 December 1991: Letter from the United Kingdom Permanent Representative to the United Nations Secretary-General.
- 7 General Assembly Document A/46/827 and Security Council Document S/23308, 31 December 1991: Letter from the United States Permanent Representative to the United Nations Secretary-General.
- 8 General Assembly Document A/46/828 and Security Council Document S/23309, 31 December 1991: Letter from the Permanent Representatives of France, the United Kingdom and the United States to the United Nations Secretary-General.

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Title and Reference

- 9 Security Council Document S/23441, 18 January 1992: Letter from the Libyan Permanent Representative to the President of the Security Council.

UN Security Council Debates

- 10 Security Council Document S/PV.3033, 21 January 1992: Provisional Verbatim record of the 3,033rd meeting of the Security Council.
- 11 Security Council Document S/PV.3063, 31 March 1992: Provisional Verbatim record of the 3,063rd meeting of the Security Council.
- 12 Security Council Document S/PV.3312, 11 November 1993: Provisional Verbatim record of the 3,312th meeting of the Security Council.

Reports of the UN Secretary-General

- 13 Security Council Document S/23574, 11 February 1992: Report by the Secretary-General pursuant to paragraph 4 of Security Council resolution 731 (1992).
- 14 Security Council Document S/23672, 3 March 1992: Further report by the Secretary-General pursuant to paragraph 4 of Security Council resolution 731 (1992).
- 15 Security Council Document S/23992, 22 May 1992: Report of the Secretary-General pursuant to paragraph 8 of Security Council resolution 748 (1992).

Scottish Criminal Proceedings

- 16 Statement of Facts by the Lord Advocate of Scotland in the case of Abdelbaset Ali Mohamed Al Megrahi and Al Amin Khalifa Fhimah, Edinburgh, 13 November 1991.
- 17 Petition of the Procurator Fiscal of Dumfries and Galloway charging Abdelbaset Ali Mohamed Al Megrahi and Al Amin Khalifa Fhimah, 13 November 1991.
- 18 Summary of Scottish Criminal Procedure in Murder Cases, May 1995.
- 19 Statement of Legal Provision concerning Offences under Scots Law, May 1995.

CHRONOLOGICAL LIST OF DOCUMENTS

(Documents included in Volume I are marked with an asterisk)

<u>Annex Number</u>	<u>Title and Reference</u>
1959	
20	House of Commons Debates, 16 February 1959, columns 31 to 34.
1969	
21	General Assembly Document A/RES/2551 (XXIV), 6 January 1970: General Assembly resolution 2551 (XXIV).
1970	
22	General Assembly Document A/RES/2625 (XXV), 4 November 1970: General Assembly resolution 2625 (XXV).
23	General Assembly Document A/RES/2645 (XXV), 30 November 1970: General Assembly Resolution 2645 (XXV).
24	Security Council Document S/RES/286 (1970), 9 September 1970: Security Council resolution 286 (1970).
1971	
1*	Convention for the Suppression of Unlawful Acts against the Safety of Civilian Aircraft, Montreal, 23 September 1971 (the Montreal Convention), 974 United Nations Treaty Series 177.
1973	
25	General Assembly Document A/RES/3034 (XXVII), 11 January 1973: General Assembly resolution 3034 (XXVII).
26	House of Commons Debates, 16 April 1973, columns 43 and 44.

Annex
Number

Title and Reference

1984

- 27 House of Commons Debates, 25 April 1984, columns 739 to 752.
- 28 House of Commons Debates, 1 May 1984, columns 195 to 208.
- 29 House of Commons Debates, 1 May 1984, columns 209 to 225.
- 30 Associated Press report, 17 November 1984.

1985

- 31 Security Council Document S/17554, 9 October 1985: Note by the President of the Security Council.
- 32 Security Council Document S/17702, 27 December 1985: Note by the President of the Security Council.

1986

- 33 *Le Monde* newspaper article, 5 March 1986.
- 34 House of Commons Debates, 24 April 1986, columns 209 to 211.

1987

- 35 Security Council Document S/18641, 28 January 1987: Note by the President of the Security Council.
- 36 Keesing's Record of World Events, Volume XXXIII (1987), p. 35218, June 1987.
- 37 House of Commons Debates, 18 November 1987, column 595.

Annex
Number

Title and Reference

1988

- 38 United Nations Press Release SC/5057, 30 December 1988: Statement made on behalf of Security Council members by the President of the Security Council.
- 39 Statement from the Air Accidents Investigation Branch, United Kingdom Department of Transport.

1989

- 40 Security Council Document S/RES/635, 14 June 1989: Security Council resolution 635 (1989).

1991

- 41 Associated Press report, 17 June 1991.
- 42 Statement of the Trustees of the Police Dependents' Trust, 18 October 1991.
- 16* Statement of Facts by the Lord Advocate of Scotland in the case of Abdelbaset Ali Mohamed Al Megrahi and Al Amin Khalifa Fhimah, Edinburgh, 13 November 1991.
- 17* Petition of the Procurator Fiscal of Dumfries and Galloway charging Abdelbaset Ali Mohamed Al Megrahi and Al Amin Khalifa Fhimah, 13 November 1991.
- 43 Security Council Document S/23221, 16 November 1991: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 44 General Assembly Document A/46/660 and Security Council Document S/23226, 20 November 1991: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 5* General Assembly Document A/46/825 and Security Council Document S/23306, 31 December 1991: Letter from the French Permanent Representative to the United Nations Secretary-General.
- 6* General Assembly Document A/46/826 and Security Council Document S/23307, 31 December 1991: Letter from the United Kingdom Permanent Representative to the United Nations Secretary-General.

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Title and Reference

1991 (continued)

- 7* General Assembly Document A/46/827 and Security Council Document S/23308, 31 December 1991: Letter from the United States Permanent Representative to the United Nations Secretary-General.
- 8* General Assembly Document A/46/828 and Security Council Document S/23309, 31 December 1991: Letter from the Permanent Representatives of France, the United Kingdom and the United States to the United Nations Secretary-General.

1992

- 45 General Assembly Document A/46/840, 9 January 1992 and A/46/840/Corr.1, 21 January 1992: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 46 General Assembly Document A/46/841 and Security Council Document S/23396, 9 January 1992: Letter from Libyan Permanent Representative to the United Nations Secretary-General.
- 47 General Assembly Document A/46/844 and Security Council Document S/23416, 13 January 1992: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 48 Security Council Document S/23436, 17 January 1992: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 9* Security Council Document S/23441, 18 January 1992: Letter from the Libyan Permanent Representative to the President of the Security Council.
- 2* Security Council Document S/RES/731 (1992), 21 January 1992: Security Council resolution 731 (1992).
- 10* Security Council Document S/PV.3033, 21 January 1992: Provisional Verbatim record of the 3,033rd meeting of the Security Council.
- 49 Security Council Document S/23500, 31 January 1992: Note by the President of the Security Council.

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Title and Reference

1992 (continued)

- 13* Security Council Document S/23574, 11 February 1992: Report by the Secretary-General pursuant to paragraph 4 of Security Council resolution 731 (1992).
- 14* Security Council Document S/23672, 3 March 1992: Further report by the Secretary-General pursuant to paragraph 4 of Security Council resolution 731 (1992).
- 3* Security Council Document S/RES/748 (1992), 31 March 1992: Security Council resolution 748 (1992).
- 11* Security Council Document S/PV.3063, 31 March 1992: Provisional Verbatim record of the 3,063rd meeting of the Security Council.
- 50 Letter from the Secretary of State for Foreign and Commonwealth Affairs to Mr Robert Muir, 1 April 1992.
- 51 United Nations Press Release SG/1925, 2 April 1992.
- 52 Security Council Document S/PV.3064, 2 April 1992: Provisional Verbatim record of the 3,064th meeting of the Security Council.
- 53 Security Council Document S/23828, 22 April 1992: Letter from the French Permanent Representative to the United Nations Secretary-General.
- 54 Security Council Document S/23891, 8 May 1992: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 55 Security Council Document S/23917, 14 May 1992: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 56 Security Council Document S/23918, 14 May 1992: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 15* Security Council Document S/23992, 22 May 1992: Report of the Secretary-General pursuant to paragraph 8 of Security Council resolution 748 (1992).
- 57 House of Commons Debates, 18 June 1992, columns 1038 to 1040.

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Number

Title and Reference

1992 (continued)

- 58 Security Council Document S/24209, 30 June 1992: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 59 Security Council Document S/24428, 14 August 1992: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 60 JANA (Libya News Agency) press report, 21 October 1992 (English translation).
- 61 House of Commons Debates, 20 November 1992, columns 432 and 433.
- 62 General Assembly Document A/47/758 and Security Council Document S/24913, 7 December 1992: Letter from the Permanent Representatives of France, the United Kingdom and the United States to the United Nations Secretary-General.
- 63 Security Council Document S/24961, 16 December 1992 and Security Council Document S/24961/Add.1, 18 December 1992: Letter from the Libyan Permanent Representative to United Nations Secretary-General.

1993

- 64 Security Council Document S/26139, 23 July 1993: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 65 General Assembly Document A/48/314 and Security Council Document S/26304, 13 August 1993: Letter from the Permanent Representatives of France, the United Kingdom and the United States to the United Nations Secretary-General.
- 66 Security Council Document S/26313, 17 August 1993: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 67 Security Council Document S/26500, 28 September 1993: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.

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Number

Title and Reference

1993 (continued)

- 68 Material on Scottish Criminal Trial Procedure Provided by the United Kingdom to the United Nations Secretary-General, September 1993.
- 69 Security Council Document S/26523, 1 October 1993: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 70 General Assembly Document A/48/PV.20, 26 October 1993: General Assembly 48th Session, 20th Plenary Meeting, Thursday 7 October 1993 pp.4 to 10.
- 71 Security Council Document S/26629, 26 October 1993: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 4* Security Council Document S/RES/883 (1993), 11 November 1993: Security Council resolution 883 (1993).
- 12* Security Council Document S/PV.3312, 11 November 1993: Provisional verbatim record of the 3312th meeting of the Security Council.
- 72 Security Council Document S/26760, 17 November 1993: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 73 Security Council Document S/26837, 3 December 1993: Letter from the French Permanent Representative to the United Nations Secretary-General.
- 74 Security Council Document S/26859, 10 December 1993: Letter from the Chargé d'affaires of the Libyan Permanent Mission to the United Nations Secretary-General.

1994

- 75 Security Council Document S/1994/900, 29 July 1994: Letter from the United Nations Secretary-General to the Security Council President.
- 76 Security Council Declaration S/PRST/1994/40, 29 July 1994.
- 77 General Assembly Document A/49/299 and Security Council Document S/1994/238, 9 August 1994: Letter from Representatives of France, the United Kingdom and the United States to the United Nations Secretary-General.

Annex
Number

Title and Reference

1994 (continued)

- 78 General Assembly Document A/49/PV.23: General Assembly 49th Session, 23rd Meeting, 7 October 1994 pp.9 to 15.
- 79 House of Commons Debates, 13 December 1994, columns 40 to 48.

1995

- 80 House of Commons Debates, 1 February 1995, columns 1056 to 1064.
- 81 General Assembly Document A/RES/49/60, 17 February 1995: General Assembly Resolution 49/60.
- 82 Security Council Document S/1995/226, 27 March 1995: Letter from the Libyan Permanent Representative to the United Nations Secretary-General.
- 83 Security Council Document S/PRST/1995/14, 30 March 1995: Note by the President of the Security Council.
- 84 General Assembly Document A/50/128 and Security Council Document S/1995/247, 30 March 1995: Letter from the Permanent Representatives of France, the United Kingdom and the United States to the United Nations Secretary-General.
- 18* Summary of Scottish Criminal Procedure in Murder Cases, May 1995.
- 19* Statement of Legal Provisions concerning Offences under Scots Law, May 1995.

Annex 51

United Nations

Press Release

Department of Public Information • News Coverage Service • New York

SG/1925
2 April 1992

SECRETARY-GENERAL PROTESTS TO LIBYAN AMBASSADOR
ATTACKS AGAINST VENEZUELAN EMBASSY IN TRIPOLI

The following is attributable to the Spokesman for Secretary-General Boutros Boutros-Ghali:

The Secretary-General today called in Libya's Permanent Representative to the United Nations, Ambassador Ali Ahmed Elhouderi, to protest the attacks against the Venezuelan Embassy in Tripoli.

The Libyan Ambassador presented his Government's apologies to the United Nations for this deplorable incident. He confirmed that he extended similar apologies to the Permanent Representative of Venezuela to the United Nations. The Ambassador informed the Secretary-General that the Libyan Government had appealed for restraint and for the safeguarding of the security of foreign embassies and their staff.

The Secretary-General trusts that all measures will be taken by the Libyan Government to ensure the safety and security of foreign embassies and their personnel, of United Nations staff currently serving in Libya and of all foreigners residing in that country.

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Annex 52



Security Council

PROVISIONAL

S/PV.3064
2 April 1992

ENGLISH

PROVISIONAL VERBATIM RECORD OF THE THREE THOUSAND AND
SIXTY-FOURTH MEETING

Held at Headquarters, New York,
on Thursday, 2 April 1992, at 4.30 p.m.

President: Mr. MUMBENEGWI (Zimbabwe)

Members:

Austria	Mr. HOHENFELLNER
Belgium	Mr. NOTERDAEME
Cape Verde	Mr. JESUS
China	Mr. JIN Yongjian
Ecuador	Mr. AYALA LASSO
France	Mr. MERIMEE
Hungary	Mr. BUDAI
India	Mr. BELL
Japan	Mr. HATANO
Morocco	Mr. BENJELLOUN-TOUIMI
Russian Federation	Mr. LOZINSKY
United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
United States of America	Mr. PICKERING
Venezuela	Mr. ARRIA

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the Official Records of the Security Council.

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week, to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

The meeting was called to order at 4.45 p.m.

EXPRESSION OF THANKS TO THE RETIRING PRESIDENT

The PRESIDENT: As this is the first meeting of the Security Council for the month of April, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Ambassador Diego Arria, Permanent Representative of Venezuela to the United Nations, for his service as President of the Security Council for the month of March 1992. I am sure I speak for all members of the Security Council in expressing deep appreciation to Ambassador Arria for the great diplomatic skill and unfailing courtesy with which he conducted the Council's business last month.

ADOPTION OF THE AGENDA

The agenda was adopted.

LETTER DATED 2 APRIL 1992 FROM THE PERMANENT REPRESENTATIVE OF VENEZUELA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/23771)

The PRESIDENT: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the request contained in the letter dated 2 April 1992 from the Permanent Representative of Venezuela to the United Nations, document S/23771.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council strongly condemns the violent attacks on and destruction of the premises of the Embassy of Venezuela in Tripoli that took place today. The fact that these intolerable and extremely grave events have been directed not only against the Government of Venezuela but also against and in reaction to Security Council resolution 748 (1992) underlines the seriousness of the situation.

(The President)

"The Council demands that the Government of the Libyan Arab Jamahiriya take all necessary measures to honour its international legal obligations to ensure the security of the personnel and to protect the property of the Embassy of Venezuela and of all other diplomatic and consular premises or personnel present in the Libyan Arab Jamahiriya, including those of the United Nations and related organizations, from acts of violence and terrorism.

"The Council further demands that the Libyan Arab Jamahiriya pay to the Government of Venezuela immediate and full compensation for the damage caused.

"Any suggestion that those acts of violence were not directed against the Government of Venezuela but against and in reaction to resolution 748 (1992) is extremely serious and totally unacceptable."

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 4.50 p.m.

Annex 53



Security Council

Distr.
GENERAL

S/23828*
22 April 1992
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 21 APRIL 1992 FROM THE PERMANENT REPRESENTATIVE OF
FRANCE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith the letter that Judge Bruguière, who is in charge of the investigation into the bombing of UTA flight 772, addressed to the Minister of State, Minister for Foreign Affairs, on 16 April 1992.

Beginning of quotation:

"Sir,

"You kindly transmitted to me a copy of the Libyan file on the inquiry into the bombing of the UTA DC-10, which Mr. Mujber, Ambassador of Libya in Paris, gave to you for transmission to me in order to meet the requirements of Security Council resolutions 731 and 748.

"At your request, in response to the Libyan offers of judicial cooperation brought to my attention by your departments, I defined the position that the Libyan authorities should adopt with respect to the investigation that I am in charge of.

"I indicated to you in that connection that Libya should be requested to transmit to me without any reservations or conditions any data relevant to the inquiry that it had in its possession. The probative value of such data was to be assessed by me without appeal, and I would thus be able to assess the genuineness of Libya's willingness to cooperate.

"After they had been translated, I carefully examined the documents thus transmitted to me.

* Reissued for technical reasons.

S/23828
English
Page 2

"I have the honour to inform you that the content of the documents produced as constituting the Libyan file on the inquiry is inconsistent and the documents therefore have no probative value. There are even anomalies in some documents.

"Thus, an examination of this file on the inquiry, which was transmitted late, moreover, does not in any way demonstrate that the Libyan authorities are willing to cooperate or that they genuinely intend to meet the requirements of the two above-mentioned Security Council resolutions.

"I shall leave it to you to transmit this assessment to Libya through the channel that you consider the most appropriate.

"Accept, Sir, the assurances of my highest consideration.

J. L. Bruguière
Senior Examining Magistrate
Paris, 16 April 1992"

End of quotation.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Jean-Bernard MERIMEE

Annex 54



Security Council

Distr.
GENERAL

S/23891
8 May 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 8 MAY 1992 FROM THE PERMANENT REPRESENTATIVE OF
THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL

Letter dated 5 December 1991 from the judge conducting the inquiry into the crash of the DC-10 aircraft belonging to the French UTA airline addressed to the Examining Magistrate at the Court of First Instance, Paris.

Letter dated 31 December 1991 from the judge conducting the inquiry into the incident addressed to the Examining Magistrate at the Court of First Instance, Paris.

Letter dated 26 April 1992 from the judge conducting the inquiry into the crash of the UTA aircraft addressed to the secretariat of the General People's Committee for Justice of the Jamahiriya in response to the letter from the French Examining Magistrate, Mr. J.-L. Bruguière, transmitted to the Secretary-General by the Permanent Representative of France to the United Nations.

I should be grateful if you would have this letter and its annexes circulated as a document of the Security Council.

(Signed) Ali Ahmed ELHOUEIRI
Permanent Representative

S/23891
English
Page 2

Annex I

Letter dated 5 December 1991 from the Counsellor at the
Supreme Court of the Libyan Arab Jamahiriya addressed to
the Examining Magistrate, Court of First Instance, Paris

I have the honour to inform you that I have been commissioned by the Plenum of the Supreme Court of the Libyan Jamahiriya to inquire into the incident of the crash of the DC-10 aircraft belonging to the French UTA airline over the territory of the Republic of the Niger some two years ago.

In notifying you of this, I should like to express my complete readiness to cooperate with you in bringing the truth to light. We request, in this connection, to be provided with a copy of the documents pertaining to the investigations that took place with regard to the said incident and the incriminating evidence amassed by you which led to the indictment of Libyan suspects as having had a role in the said incident.

(Signed) Mahmud MURSI
Counsellor at the Supreme Court

/...

Annex II

Letter dated 31 December 1991 from the Counsellor, Investigating
Commissioner of the Libyan Arab Jamahiriya addressed to the
Examining Magistrate, Court of First Instance, Paris

With reference to our letter to you of 5 December 1991, in which we expressed our readiness to cooperate with you in bringing the truth to light in the matter of the crash of the French aircraft in the Niger in 1989 and requested from you a copy of the documents pertaining to the investigations that took place in that regard or the evidence amassed by you which led to the indictment of Libyan suspects as having had a role in the said incident, I should like to inform you that I have as yet received no reply from you. In this present letter to you, I should like to propose that I am ready to come to Paris in order to examine the aforementioned investigatory documents.

Should you reach agreement with the official French authorities on this matter, I request you to inform us of the date. In another respect, we should like to inform you that we have no objection to your coming to the Libyan Jamahiriya and that we are ready to provide the inquiry with whatever you deem the inquiry should be provided with, whether the hearing of particular witnesses or otherwise.

(Signed) Mahmud Ahmad MURSI
Counsellor
Investigating Commissioner

Annex III

Letter dated 26 April 1992 from the Counsellor, Investigating
Judge of the Libyan Arab Jamahiriya addressed to the Adviser
to the Secretary of the General People's Committee for Justice
of the Libyan Arab Jamahiriya

We have received the text of the letter that you were kind enough to provide to us, namely the letter from our colleague the French Examining Magistrate, Mr. J.-L. Bruguière, addressed to the French Minister of State and transmitted to the Secretary-General of the United Nations by the Permanent Representative of France on 21 April 1992.

In light of the contents of that letter, we should like to state the following:

1. In the framework of our commitment to full and effective judicial cooperation in the legal proceedings being taken with regard to the incident of the DC-10 aircraft belonging to the UTA company, we took the initiative, on 5 December 1991, of writing to our colleague the Examining Magistrate at the Court of First Instance in Paris, expressing our complete readiness to cooperate with him in bringing the truth to light and requesting him to provide us with a copy of the documents pertaining to the investigations that had taken place in that regard and the incriminating evidence that had been amassed. (A copy of the letter is enclosed herewith.)
2. On 31 December 1991, we supported our first letter with another in which we reiterated our readiness to cooperate in bringing the truth to light and our request for a copy of the documents pertaining to the investigations and the evidence amassed. We proposed that we were ready to meet with him, and we informed him of our readiness to receive him in the Great Jamahiriya. (A copy of the letter is enclosed herewith.)
3. The French Examining Magistrate commented on the Libyan inquiry by saying "The content of the documents produced as constituting the Libyan file on the inquiry is inconsistent and the documents therefore have no probative value. There are even anomalies in some documents."

It is clear from the above that he has criticized the Libyan inquiry in terse and inscrutable terms. Let us therefore request him to get to the root of the matter, as he wishes to do. We are prepared to cooperate with him in bringing the truth to light.

For our part, in accordance with article 105 of the Libyan Code of Procedure, we instituted an inquiry with the three suspects after establishing their identities and informing them of the charges brought against them in the presence of their attorneys. We discussed with them in detail everything contained in the indictment brought by the French Examining Magistrate a copy of which had reached us and the existing suspicions against them, and we confronted each of them with what the others had said.

With regard to the fourth suspect, the Libyan authorities have presented evidence, by means of official documents, to establish his true name and that he died more than one year ago. With regard to the documents presented by the accused, they are documents issued by the official authorities sanctioned by the State.

In conclusion, we are prepared to cooperate fully with the French Examining Magistrate in order to bring the truth to light, and we request him to let us know about any matter which he wishes to look into more closely.

Mahmud Ahmad MURSI
Counsellor
Investigating Judge

Annex 55



Security Council

Distr.
GENERAL

S/23917
14 May 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 14 MAY 1992 FROM THE PERMANENT REPRESENTATIVE OF
THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the text of the communiqué issued by the People's Committee for Foreign Liaison and International Cooperation of the Socialist People's Libyan Arab Jamahiriya.

I should be grateful if you would have this communiqué circulated as an official document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

Annex

Communiqué from the People's Committee for Foreign Liaison
and International Cooperation

Proceeding from the belief of the Great Socialist People's Libyan Arab Jamahiriya in the necessity of strengthening the role of the United Nations in the maintenance of international peace and security, it has declared its acceptance of Security Council resolution 731 (1992) and its readiness to implement its provisions relating to definitive renunciation of terrorism in all its forms and of whatever origin.

Accordingly, the Great Jamahiriya is taking the following steps in confirmation of the above declaration of its condemnation of acts of terrorism that cause the loss of innocent human lives:

1. Libya severs relations with all organizations and groups involved in international terrorism of any kind;

2. It affirms that there are no terrorist training camps or terrorist groups or organizations in its territory and invites a committee from the Security Council, the United Nations Secretariat or any appropriate United Nations body to investigate this at any time;

3. Libya will not in any way permit its territory, its citizens or its institutions to be used directly or indirectly for the perpetration of terrorist acts. It is ready to impose the severest penalties on any one proved to be involved in such acts, whether they be citizens or residents in its territory;

4. Libya undertakes to respect the national options of all States and to base its relations on mutual respect and non-intervention in internal affairs.

In implementation of the above, Libya undertakes to adopt the following measures:

(a) Libya will comply with the United Kingdom's request concerning its previous relations with the Irish Republican Army and calls for a meeting between a Libyan representative and a United Kingdom representative to discuss this question;

(b) Libya undertakes to deport from its territory any person who is proved to be involved in terrorist acts;

(c) In addition to the above, Libya wishes to be informed - and agrees to full and effective cooperation - regarding the other concrete and practical measures required of it specifically for the implementation of Security Council resolution 731 (1992) with respect to the elimination of all forms of international terrorism.

S/23917
English
Page 3

Libya undertakes to respect all the terms of the letter addressed to the Secretary-General on 11 May 1992 by the Secretary of the People's Committee for Foreign Liaison and International Cooperation.

People's Committee for Foreign Liaison
and International Cooperation

Annex 56



Security Council

Distr.
GENERAL

S/23918
14 May 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 14 MAY 1992 FROM THE PERMANENT REPRESENTATIVE
OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith a letter addressed to you by Mr. Ibrahim M. Bishari, Secretary of the People's Committee of the People's Bureau for Foreign Liaison and International Cooperation, which he requests be made known to the Security Council and distributed as an official document.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

Annex

While I welcome your efforts to identify a peaceful solution to the crisis between my country on the one hand and the United States of America, the United Kingdom and France on the other, I wish to inform you of the following in the hope that this information will be passed on to the Security Council and distributed as an official document.

Libya accepts Security Council resolution 731 (1992), with a view to strengthening the role of the United Nations in the maintenance of international peace and security, declares once again that it definitively renounces all forms of international terrorism of whatever origin and, accordingly, is taking the following steps:

1. With regard to international terrorism

- (i) It severs relations with all groups and organizations involved in international terrorism of any kind;
- (ii) It affirms that there are no terrorist training camps or terrorist organizations or groups in its territory and invites a committee from the Security Council, the United Nations Secretariat or any appropriate United Nations body to investigate this at any time;
- (iii) Libya will not in any way permit its territory, its citizens or its institutions to be used directly or indirectly for the perpetration of terrorist acts. It is prepared to impose the severest penalties on anyone proved to be involved in such acts;
- (iv) Libya undertakes to respect the national options of all States and to base its relations on mutual respect and non-intervention in internal affairs.

With a view to implementing these commitments, Libya is adopting the following measures:

(a) Libya will comply promptly and effectively with the United Kingdom's request for information concerning Libya's links with the Irish Republican Army, including details of financial assistance, provision of weapons, training of personnel and names of contact points. In this connection, Libya proposes that a meeting be held between a Libyan representative and a United Kingdom representative, in the presence of the Secretary-General, at a United Nations headquarters location.

(b) Libya undertakes to deport from its territory the Palestinian national Khidr Samir Ilyas Hijab. Libya believes that this individual is not presently in its territory but undertakes to deport him whenever he may be located in Libyan territory.

(c) In addition to the above, Libya wishes to be informed - and agrees to full and effective cooperation - regarding other concrete and practical measures, including details such as names, contacts or actions specifically required to implement Security Council resolution 731 (1992), with respect to the renunciation of terrorism.

(d) Libya does not now have any link with Abu Musa or Abu Nidal. The last time when Abu Musa visited Libya was in late 1989.

2. With regard to compensation

Libya officially undertakes to pay appropriate compensation if its responsibility for this incident is established.

3. With regard to the French requests

In agreeing to all the French requests contained in document S/23306, submitted to the Secretary-General on 30 December 1991, the Great Socialist People's Libyan Arab Jamahiriya calls for a meeting between the Libyan Examining Magistrate and the French Examining Magistrate under the auspices of the Secretary-General at one of the United Nations headquarters locations, with a view to initiating practical measures for the required judicial cooperation between the two parties in order to establish the truth as soon as possible.

4. With regard to the surrender of the two suspected persons

The competent authorities in Libya have not rejected the principle of surrendering the two individuals under suspicion. Accordingly, they presented a number of initiatives and proposals in accordance with the legislation in force. Since these initiatives and proposals were not accepted by the other parties, they have referred the issue to the Basic People's Congresses (Libya's legislative authority) for the adoption of a suitable position at the earliest opportunity.

The Great Socialist People's Libyan Arab Jamahiriya affirms its determination to act in a manner which maintains international peace and security and is consistent with the principles of international law and the Charter of the United Nations. Since the onset of this crisis, it has striven - and continues to strive - for an honourable and peaceful solution which will spare the world any further escalation.

Ibrahim M. BISHARI
Secretary of the People's Committee of the
People's Bureau for Foreign Liaison
and International Cooperation

Annex 57

PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 209

HOUSE OF COMMONS

OFFICIAL REPORT

FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FORTY-FIRST YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 1992-93

COMPRISING PERIOD
8 June—19 June 1992

LONDON: HMSO
£90 net

Madam Speaker: Order. The right hon. Gentleman is being very unfair in putting so many questions in a short space of time. I call the Prime Minister to answer the first two.

The Prime Minister: I entirely agree with my right hon. Friend's comments on the subject of referendums. I believe that he states the classical position concerning parliament and democracy.

Q4. Mrs. Fyfe: To ask the Prime Minister if he will list his official engagements for Thursday 18 June.

The Prime Minister: I refer the hon. Lady to the reply that I gave some moments ago.

Mrs. Fyfe: As the Prime Minister says no to a devolved Scottish Parliament, against the wishes of the majority of the Scottish people, and also says no to a referendum on how Scotland should be governed, will he tell us to what, after 10 weeks of taking stock, he is prepared to say yes?

The Prime Minister: I shall tell the hon. Lady when we have concluded taking stock.

Q5. Mr. Evennett: To ask the Prime Minister if he will list his official engagements for Thursday 18 June.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Mr. Evennett: I congratulate my right hon. Friend on his excellent speech to the Adam Smith Institute, in which he advocated more choice and opportunity for the less privileged in our society. Does he agree that we have a lot to do for our inner cities—and in particular that we must ensure that standards in inner-city schools are raised?

The Prime Minister: I certainly agree with my hon. Friend about that. We are determined to raise standards in all our schools, and especially to deal with the problem that clearly exists in many of our inner-cities. I believe that school governors and education authorities must act quickly where inspectors' reports show that standards are unacceptably low. That is too often the case in many of our inner-city schools, and the Government do not intend to stand idly by and see it continue.

Mr. Ashdown: What will the Prime Minister do about unemployment, which is now rising inexorably towards 3 million? It is now two months since the election, and only a handful of weeks until school leavers come on to the register. Are the Government so consumed by self-satisfaction and so sunk in lethargy that they offer no hope, no policies and no action for those who are losing their jobs?

The Prime Minister: I am in no sense satisfied with the level of unemployment in this country, and I have made that clear before. We need the right sort of economic policy, which will sustain long-term employment prospects; that is what we are putting into place and we shall ensure that we achieve it.

When the right hon. Member for Yeovil (Mr. Ashdown) asks for action he means short-term subsidy—that is what he is really asking for. His only answer is to subsidise the inefficient, the uneconomic and the out of date. No wonder the Liberal Democrats have so much in common with the official Opposition.

Q6. Sir Michael Neubert: To ask the Prime Minister if he will list his official engagements for Thursday 18 June.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Sir Michael Neubert: Is the Prime Minister aware that a distinguished predecessor and former Minister for administrative affairs—Mr. Jim Hacker—reaches pensionable age today? In the spirit of that great statesman, I, too, welcome the Prime Minister's speech to the Adam Smith Institute this week. I also ask my right hon. Friend to urge his colleagues at tomorrow's citizens charter seminar at No. 10 to press forward with further improvements to our public services. In particular, will he tell us whether we can expect the publication of a courts charter, to deal with the interminable delays to which so much of our law is subject?

The Prime Minister: Yes, my hon. Friend touches an important matter, which causes frustration for many of our fellow citizens. We are proceeding to produce a courts charter and I hope that we shall be able to make announcements about it before too long.

Libya (Sanctions)

Q7. Mr. Dalyell: To ask the Prime Minister if he will make a statement on representations from Arab countries about sanctions against Libya.

The Prime Minister: We have had various approaches from Arab countries about sanctions against Libya. We and the Arab League share the same objective—to see a satisfactory outcome to the Lockerbie problem. This, as the Arab League well knows, will require Libya's full compliance with United Nations Security Council resolution 731.

Mr. Dalyell: In the light of my two letters to the Prime Minister on this subject, will he consider putting in the Library a response to the cover story of *Time* magazine—not exactly a publication of the left—which challenges the whole basis of the Anglo-American position? Will the right hon. Gentleman also consider approaching Spain on the legal proceedings relating to Monzer al Kassab, a Syrian drugs and arms dealer?

The Prime Minister: I saw the article in *Time* magazine; I examined it and sought advice on it. The theories about involvement and links with drugs are not new. They were thoroughly examined by the police during the investigation and were discounted at that stage, at the conclusion of the investigation. No evidence has yet been found to link the Syrian, al Kassab, to Lockerbie—but I shall, of course, examine the matter again in view of the hon. Gentleman's representations.

Mr. Wilkinson: Can my right hon. Friend enlighten the House about any dealings between Government officials and the Government of Libya over links between the Libyan regime and the Irish Republican Army? Has the IRA received any supplies from Libya recently? Have the Libyan authorities given assurances to the Government that they will not continue to supply the IRA?

The Prime Minister: The Libyans have provided some information to the Government about their relationships with the IRA; they did so in Geneva on 9 June. The

preliminary assessment of that information suggests that although in places it was incomplete and unsatisfactory, it contains some positive elements which may well prove useful. One positive development is the fact that the

Libyans have indicated to us that they wish to cease providing assistance to the IRA. We are not convinced that that is yet the case.

Annex 58



Security Council

Distr.
GENERAL

S/24209
30 June 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 29 JUNE 1992 FROM THE PERMANENT REPRESENTATIVE
OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith a document containing a resolution of the Basic People's Congresses at their second session for 1992 concerning foreign policy.

I should be grateful if you would have this document circulated as an official document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

Annex

Resolution of the Basic People's Congresses at their
second session for 1992, concerning foreign policy

The Basic People's Congresses at their second session for the year 1401 (corresponding to 1992) have reviewed the memorandum of the People's Bureau for Foreign Liaison and International Cooperation concerning American, British and French threats to the Great Jamahiriya.

Affirming the adherence of the Libyan Arab people to international laws and instruments, firmly believing in the peaceful settlement of problems and disputes and rejecting resort to methods of threats and sanctions, the Basic People's Congresses affirm their condemnation of all forms of international terrorism, from whatever source; call for the adoption of effective international measures to combat it; appreciate the intensive and ongoing efforts made to find a just and peaceful solution to the crisis that will ensure arrival at the truth with regard to this issue; and declare that the Libyan Arab people is striving and working for peace, inasmuch as it has put forward practical initiatives in all regional and international forums and has, through its popular institutions, been in contact with brothers and friends and all competent international organizations in order to avoid escalation and confrontation and to arrive at peaceful solutions based on international laws and instruments. Accordingly, the Basic People's Congresses hereby resolve that:

1. The Basic People's Congresses affirm their strong adherence to the principles and purposes of the great 1 September revolution, under the leadership of Colonel Muammar Qaddafi, and their full readiness to defend acquisitions and achievements resulting from the revolution and their rejection of all threats that seek to infringe on the independence and sovereignty of the Libyan Arab people and to impair its freedom.

2. The Basic People's Congresses hail the efforts of their Arab brothers - monarchs, presidents, emirs, parliaments, organizations, trade unions, associations and parties - that reflect the unity and solidarity of the Arab nation with the Libyan Arab people.

3. The Basic People's Congresses commend the League of Arab States and the role played by its Secretary-General and the efforts of the seven-member Ministerial Committee of the League Council, which has undertaken to defend the Great Jamahiriya.

4. The Basic People's Congresses express their high appreciation for the efforts of the Organization of the Islamic Conference and its Secretary-General and for the efforts of the Organization of African Unity and the Movement of Non-Aligned States.

5. The Basic People's Congresses hail the international stand that is sympathetic to the Great Jamahiriya in the face of the official international terrorism to which it is subjected, on the one hand, and that supports wise treatment of the issue in accordance with international law by recourse to the International Court of Justice, on the other hand, addressing the issue in a wise and civilized manner that has been commended and lauded by world public opinion.

6. The Basic People's Congresses affirm once again that they condemn all forms of terrorism, do not have dealings with any terrorist organizations or groups anywhere in the world and are ready to participate in any international effort to eliminate terrorism and treat its causes.

7. The Basic People's Congresses affirm the full readiness of the Great Jamahiriya to cooperate with all efforts made to elucidate the facts surrounding the bombing of the United States Pan Am aircraft and the French UTA aircraft and express their sympathy with the families of the victims.

8. The Basic People's Congresses affirm their adherence to the Libyan Criminal Code and the Libyan Code of Criminal Procedure. They raise no objection to the conduct of the investigation and the trial through the seven-member Committee established by the League of Arab States or through the United Nations before a just and impartial court to be agreed on.

9. The Basic People's Congresses call upon the Western States concerned to respond to the positive initiatives put forward by the Great Jamahiriya and the League of Arab States, in accordance with the United Nations Charter, which calls for the peaceful settlement of all disputes.

10. The Basic People's Congresses call upon the United States of America and the United Kingdom to establish relations of equality with the Great Jamahiriya within the framework of international law in a way that serves the mutual interests of our peoples and amid mutual respect and non-intervention in internal affairs.

11. The Basic People's Congresses call upon the international Security Council to rescind resolution 748 (1992), which the Basic People's Congresses deem a breach and violation of the spirit of the United Nations Charter, and its justification by Chapter VII, which constitutes a grave violation of the Charter, inasmuch as the Great Jamahiriya has not threatened international peace and security. We draw attention to the extreme gravity of the injury caused by the imposition of the sanctions, which have caused enormous injury to the Libyan Arab people, affected its strength, health and education, obstructed its development projects, prevented the performance of its religious rites, such as the Hajj and the Umrah, and participation in the international conferences of the Islamic States, and been prejudicial to the interests and citizens of other States.

12. The question of the iniquitous raid of 1986, with a toll of large numbers of innocent children, women and civilians, should be brought before the international Security Council.

13. The Basic People's Congresses affirm their faith in working with all peoples for the maintenance of international peace and security in order to achieve stability in the world.

14. The Basic People's Congresses call for the exertion of greater effort for the establishment of comprehensive Arab unity, which constitutes the ideal solution for all the issues of the Arab nations.

Annex 59



Security Council

Distr.
GENERAL

S/24428
14 August 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 11 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE
OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

I have the honour to transmit herewith a letter addressed to you by Mr. Ibrahim M. Bishari, Secretary of the People's Committee of the People's Bureau for Foreign Liaison and International Cooperation, with an annexed report on the impact of the implementation of Security Council resolution 748 (1992) during the period from 15 April to 31 July 1992.

I should be grateful if you would have the letter and the appended report circulated as official documents of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

Annex

I wish to inform you about the damage caused to the Libyan people as a result of an as yet unproven charge against my country, namely, the halting of the arrival of medical supply orders for drugs, appliances, equipment and medical necessities, the ban on sending abroad sick patients who cannot be treated locally and the fact that it is impossible for specialists in the medical sciences to come to the Jamahiriya in order to treat difficult cases and carry out delicate surgical procedures. This is in addition to the economic impact of the aerial embargo, for agricultural and livestock production has sustained large-scale damage.

When the members of the Security Council voted on resolution 731 (1992), their vote was not against Libya but against terrorism. Since Libya has proved its renunciation of terrorism, as witnessed by its dealings with the United Kingdom Government with regard to the question of the Irish Republican Army (IRA), has handed over to France the file on the Palestinian citizen and has called for the establishment by you of a commission to ascertain whether camps or installations for training terrorist elements exist in the Jamahiriya or not, which confirms that Libya has responded to resolution 731 (1992), as affirmed by the resolutions of the Basic Popular Congresses, the Jamahiriya asks the United Nations Security Council to send a commission to ascertain the enormous damage caused by the embargo imposed on the Libyan people and to see at close hand what that people is suffering as a result of the sanctions imposed on it on the basis of a charge that is so far unproven.

1. The harsh and distressing sanctions that have been imposed on the Libyan people constitute a violation of international law and the United Nations Charter. This wrong to which the small and peace-loving Libyan people has been exposed without committing any offence lacks any moral or legal basis.
2. The mere suspicion of Libyans who have not been proved to have any connection with the Pan American aircraft incident and concerning whom no legal judgement has been handed down, cannot be justification for the imposition of these unjust and harsh sanctions. It is as though the accused were guilty before being convicted, which shows clearly the depth of the moral and legal crisis in which the international community is engulfed.
3. Those who induced the Security Council to impose the sanctions bear political, legal and moral responsibility for the tragedies to which the Libyan people is exposed, such as the deaths of children, old people and women, the decline of living standards, the slowing down of the development process and the imprisonment of a whole people, because all these dimensions relate directly to the essence of human rights.
4. History will bear witness to the atrocity of what is being committed in the name of the Security Council against an entire people.

We urgently call upon you to lift, or at least to alleviate, the unjust and unjustified sanctions imposed on the Libyan people, because of the extensive damage that they cause to the entire people and because they have no moral or legal basis.

The continuation of the sanctions after Libya's response to Security Council resolution 731 (1992) and the positive initiatives that it has taken with a view to resolving the issue is interpreted by the Arabs as a racist action aimed at them exclusively.

In conclusion, I transmit herewith a list of the damage resulting from Security Council resolution 748 (1992) for your information and for circulation to the members of the Security Council and the Members of the United Nations as an official document.

(Signed) Ibrahim M. BISHARI
Secretary of the People's Committee
for Foreign Liaison and International
Cooperation

Appendix

Impact of the implementation of Security Council
resolution 748 (1992) during the period from
15 April to 31 July 1992

Since the beginning of its implementation on 15 April 1992, Security Council resolution 748 (1992) has caused damage to the Libyan Arab people in various aspects of human and economic life. This damage consists of the following:

I. Human impact

- Non-arrival of medical supply orders for essential drugs, appliances, equipment and medical requirements such as sera, vaccines, laboratory reagents and operating supplies. These orders total 156 at a value of \$50 million.
- It has been impossible to send abroad 3,445 sick patients whom it is impossible to treat locally. These cases include heart disease, multiple embolisms, kidney transplants, bone-marrow transplants, neurosurgery and third-degree burns. These patients cannot be transported by land, which would mean for them a sure sentence of death within sight and hearing of their families.
- The difficulty of transporting the dead to and from the Jamahiriya. For example, the corpse of one citizen was carried from Switzerland to Tunisia, then back to Switzerland, from there to Malta and then to Tripoli, where the corpse arrived 10 days after death.
- Eighty specialists in various medical fields were unable to come to the Jamahiriya in order to provide treatment for some difficult cases, perform delicate surgery and participate in medical symposiums, lectures, examinations and consultations.
- Five hundred and three medical and paramedical personnel under contract to work in the various health facilities were unable to come, while approximately 150 medical and paramedical personnel under contract to work in the various health facilities are submitting their resignation each month.
- There has been a stoppage of services for the maintenance of electromechanical medical equipment used in health facilities as a result of non-arrival of spare parts to a value of approximately US\$ 10 million.
- During the period from 15 April to 31 July 1992, the aerial embargo caused the death of 150 serious and urgent cases while they were being transported by land routes to airports in Egypt and Tunisia because it was impossible to treat them locally. The delay in the

/...

arrival of rush orders caused serious aggravation of illness and death in the case of 100 infants at hospitals in the Jamahiriya. In addition, the non-availability of the necessary spare parts for the maintenance of electromagnetic medical equipment, the delay in the arrival of essential operating supplies and the fact that some medical specialists and consultants were unable to come to the Jamahiriya has resulted in the deaths in childbirth of 20 Libyan women.

- In past years, Libyan pilgrims totalled an annual average of 30,000, while this year the total was approximately 3,500 only. The average number of Libyan Arabs performing the rights of the Umrah at the appropriate time was 25,000, but this number will not be able to perform the rite this season.
- The use of land routes for travel to and from the Jamahiriya led to an increase in traffic accidents during the past four months over the figure for the same period in 1991. Traffic accidents increased from 2,401 in 1991 to 3,788 during the past four months of 1992. The number of deaths resulting from such accidents rose from 389 to 528, an increase of approximately 35 per cent.
- International organizations were unable to fulfil their obligations vis-à-vis the Jamahiriya, since the joint programme to study preventive and training programmes with the World Health Organization was not implemented.
- Four meetings with the United Nations Food and Agriculture Organization and the Agricultural Development Fund relating to the screw-worm fly programme in the Jamahiriya. Four experts of the screw-worm fly programme left the Jamahiriya before the end of the programme.

II. Economic impact

As a result of the imposition of the aerial embargo on the Jamahiriya, agricultural and livestock production suffered widespread damage. Other economic activities were also affected by the embargo. The resultant loss amounts to US\$ 2,157 million, broken down as follows:

(a) Impact of the aerial embargo on food production

- \$175 million worth of dairy products and derivatives, including \$60 million worth of milk and infant foods, was not delivered.
- Exports of vegetables, fruits and fresh fish were affected, which caused a decline of \$60 million in export earnings.
- The loss in agricultural and livestock production was estimated at \$1,062,803,122.

This loss reflects the non-production of:

- 25,000 tons of mutton, lamb and goat-meat;
- 1,750 tons of beef;
- 5,500 tons of chicken;
- 6 million litres of milk;
- 250 million eggs for human consumption.

This resulted from the halting of supplies of veterinary drugs and sera by air from certain European States such as France, Switzerland, Germany and the United Kingdom to protect the livestock from epidemic and communicable diseases, since the proportion of deaths in unimmunized newborn animals came to 90 per cent.

- Loss of 208 million eggs for human consumption and 7,800 tons of chicken that would have been produced by importing 4.3 million eggs for incubation, 204,000 turkey chicks and 1.6 million 16-week-old chicks under contracts concluded with European countries; delivery was prevented by the aerial embargo.
- The competent authorities have been unable to import \$20 million worth of the following production inputs needed for cultivation of existing areas or reclamation of land within the framework of food self-sufficiency:
 - 3,000 tons of trace elements from the English company Fisons. Production of wheat and barley fell by 30 per cent because of failure to apply this kind of fertilizer.
 - 925 kilogrammes of hybrid seeds of various kinds of vegetables to be grown under cover in order to produce 96,000 tons to meet 80 per cent of the Jamahiriya's need for such vegetables to an estimated value of \$158 million.
 - 1.5 million fruit and banana seedlings, seeds and roots.
 - 2,000 swarms of bees from Australia and 20,000 strips of Apistan from Switzerland for bees.
 - The agreement concluded with the Netherlands Agropa Company for the export of 550 tons of tomatoes, cucumbers, eggplant and cantaloupes to a value of \$850,000 was not implemented.
 - The negative impact of the aerial embargo on agricultural and livestock production caused it to fall 40 per cent below the level before the adoption of the resolution.

(b) Impact of the aerial embargo on other economic activities

- The value of credits opened for the import by air of various foodstuffs, operating requirements, drugs and equipment required for the various economic activities totalled approximately \$500 million, and these goods have not yet arrived owing to the aerial embargo.
- The value of non-petroleum exports fell by 44 per cent, representing a reduction of \$234 million.
- The production process in many factories was affected as a result of the restrictions imposed on the import of chemicals and certain other cleaning materials needed by these factories.
- The delay in the arrival of spare parts needed by factories caused a delay in the production process and a loss of much time and effort.
- As a result of the cessation of air transport, transport was diverted to land routes, which caused a rise in the use of private and public vehicles and trucks. This increased the amount of damage to public roads. The increase was estimated at 61 per cent of the overall anticipated damage due to road use before the implementation of the aerial embargo. Accordingly, the required increase in funds for maintenance of the coastal road alone will amount to \$15 million.
- As a result of the cessation of air travel, Libyan Arab Airlines lost direct receipts of \$145 million.
- The rate of operation of Libyan Arab Airlines aircraft dropped 64 per cent from the previous figure, while the rate of domestic operation fell by 40 per cent, owing to linkage with international traffic.
- The reduction of Arab workers in the foreign offices of Libyan Arab Airlines and the laying-off of local workers in those offices gave rise to additional financial burdens resulting from workers' compensation in the amount of \$2 million.
- The Libyan Arab Air Freight Company bears the costs of maintaining its aircraft at a rate of \$10 million, without any return.
- The Libyan Arab Air Freight Company lost \$6 million as a result of the halt of air traffic.
- The Libyan Arab Air Freight Company bears the cost of wages and salaries equivalent to \$9.5 million, without any economic return.
- The Light Air Transport Company lost income estimated at \$1.25 million as a result of being unable to obtain the necessary spare parts to operate its aircraft.

- The operation of airports was halted because of the cessation of air traffic, and this resulted in a loss of income amounting to \$2 million.
- The General Board for Civil Aviation and Meteorology incurred costs of \$8 million representing payment of wages and salaries to workers.
- The Socialist Airports Company incurred costs of \$4 million in wages and salaries for workers, without any return.
- The Socialist Airports Company lost \$4.5 million as the result of the halting of international air traffic.
- As a result of the halting of air traffic, the Maritime Transport Company incurred the following costs:
 - Payment of expenses for rental and purchase of passenger vessels in the amount of \$12 million, with no prospect of an economic return.
 - Additional financial commitments as a result of the increase in demand for vessels and other equipment.
 - The general freight traffic in ports was affected as a result of the increase in passenger services.
- The General Company for Posts and Cables and Wireless Communications sustained additional financial burdens in the amount of \$250,000 as a result of the routing of mail through intermediate points.
- There was a delay ranging between 24 and 48 hours in the receipt of incoming mail and the forwarding of outgoing mail, and this affected the activities of the other sectors, including health, oil and banking.
- The non-arrival of spare parts gave rise to the interruption of internal communications, which had a direct effect on the provision of essential humanitarian services, such as hospital, first aid and civil defence services.
- The receipts of the General Company for Posts and Cable and Wireless Communications fell by \$8 million as a result of the non-arrival of spare parts and lack of the necessary maintenance.

The Libyan Arab people is a small people, and its capacities are limited. However, at the same time, it needs the necessary capacities to defend its extensive territory. It has never attacked and will not attack anyone. Nevertheless, the embargo resolution, particularly the ban on the obtaining of spare parts, has paralysed the defensive capacity of the country entirely. The continuation of this situation will not serve any party except Zionism, which has ambitions in the region.

Annex 60

[15]

External security organisation reportedly loses its independent role (Text) Tripoli, 21st October: JANA has learned that, in accordance with the restructuring of the specialised General People's Committees - which has recently been approved by the Basic People's Congresses in accordance with the new administrative structuring of the Great Jamahiriyah - the external security organisation has been abolished as an independent apparatus and has been incorporated into the Justice and Public Security Secretariat. Therefore it will be subject to the General People's Committee for Justice and Public Security. (*Jana in Arabic 1135 gmt 21 Oct 92*)

Annex 61

PARLIAMENTARY
DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 214

HOUSE OF COMMONS

OFFICIAL REPORT

FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FORTY-FIRST YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 1992-93

COMPRISING PERIOD
16 November—27 November 1992

LONDON: HMSO

£90 net

Mr. Robin Squire: The agreement between the London residuary body and the Shirayama Company provides for the sale of the riverside building to be completed in October 1993. The residuary body is pursuing the question of the disposal of the remainder of the County Hall site in accordance with its statutory responsibilities.

Capital Receipts

Mr. Nigel Jones: To ask the Secretary of State for the Environment if he will publish a table showing for each county council in England the total amount of unapplied capital receipts.

Mr. Robin Squire [pursuant to the answer given on 5 November 1992, *Official Report*, column 371]: The total usable receipts for each county council in England as at 31 March 1992 are shown in the table.

	£000s
Avon	9,488
Bedfordshire	204
Berkshire	566
Buckinghamshire	1,765
Cambridgeshire	296
Cheshire	0
Cleveland	13
Cornwall	0
Cumbria	822
Derbyshire	6,930
Devon	0
Dorset	0
Durham	139
East Sussex	3,096
Essex	726
Gloucestershire	240
Hampshire	52
Hereford and Worcester	1,318
Hertfordshire	853
Humberside	5,369
Isle of Wight	0
Kent	4,432
Lancashire	1,961
Leicestershire	2,519
Lincolnshire	0
Norfolk	2,409
North Yorkshire	651
Northamptonshire	11,829
Northumberland	496
Nottinghamshire	358
Oxfordshire	0
Shropshire	1,029
Somerset	140
Staffordshire	125
Suffolk	386
Surrey	605
Warwickshire	963
West Sussex	0
Wiltshire	350

Mr. Nigel Jones: To ask the Secretary of State for the Environment if he will publish a table showing for each housing authority in England the amount of unapplied capital receipts from (a) housing sales and (b) other capital sales.

Mr. Robin Squire [pursuant to his reply, 5 November 1992, c. 371]: I have arranged for the revised information to be placed in the Library of the House.

Separate figures for housing receipts and other capital receipts are not available.

SCOTLAND

Self-governing Hospital Trusts

Mr. Wilson: To ask the Secretary of State for Scotland if self-governing hospital trusts are exempt from compulsory competitive tendering; and if he will make a statement.

Mr. Stewart: The Government's position on market testing is set out in the White Paper, "Competing for Quality", and trusts have been asked to take account of this. The Government will be monitoring the position to ensure that the benefits of obtaining best value for money are realised in order to improve patient care.

Superannuation Division

Mr. Raymond S. Robertson: To ask the Secretary of State for Scotland when he plans to establish the superannuation division of the Scottish Office as an executive agency.

Mr. Lang: I announced on 6 March, *Official Report*, col. 335, that under the Next Steps initiative the Scottish Office superannuation division was to be designated an executive agency. I have now decided that the change in status should take effect from the start of the next financial year, on 1 April 1993. The agency will be known as the Scottish Office Pensions Agency (SOPA). Following open competition Mr. Norman MacLeod, currently head of the Scottish Office superannuation division, has been appointed chief executive of the new agency.

HCFC22

Mr. Chris Smith: To ask the Secretary of State for Scotland what quantity of HCFC22 is purchased by his Department per annum.

Mr. Lang [holding answer 19 November 1992]: The information required could be obtained only at disproportionate cost.

Ozone Depletion

Mr. Chris Smith: To ask the Secretary of State for Scotland if he will give an undertaking to purchase only ozone-friendly fridges that do not contain chlorofluorocarbons or hydrochlorofluorocarbons for his Department.

Mr. Lang [holding answer 19 November 1992]: The Scottish Office will purchase fridges which do not contain CFCs or HCFCs when they are available in the market place and provided that they offer good value for money.

PRIME MINISTER

Libya

Mr. John Greenway: To ask the Prime Minister if he will make a statement on what Libya has done to comply with Security Council resolutions 731 and 748 and Her Majesty's Government's policy to bring Libya to compliance.

The Prime Minister: It is our policy that Libya should implement in full the two SCRs to which the hon. Member

has referred. Neither we nor the other co-sponsors of the resolution in question, France, and the United States, will be satisfied with less. Unfortunately, I cannot report more than limited success at this stage.

During the summer the Libyan authorities closed, and in some cases dismantled, many of the camps previously used to house or train terrorists. They have also given us information on their links with the Provisional Irish Republican Army which we believe may prove useful. We welcome both these developments as steps towards demonstrating that Libya has renounced terrorism called for in SCR 731 and 748.

But the Libyans must take further steps in order to comply fully with those resolutions. In particular, it is necessary for them to surrender for trial in Scotland or the United States the two accused of responsibility for the Lockerbie bombing and for them to satisfy the French demands for co-operation on the investigation into the UTA bombing. Libya can be sure that a trial in Scotland will be fair, and in accordance with normal Scottish procedures, including trial by jury. If the Libyans convince us that they have decided to surrender the two suspects, then we would be willing to meet them to discuss the mechanics of handing them over.

We have no hidden agenda, and we are not seeking to use this issue to undermine the regime in Libya. But it is now a year since the warrants for the two accused of Lockerbie were issued. There can be no question of any relaxation of United Nations sanctions, complete or in part, until Libya has surrendered the two accused of Lockerbie and satisfied French requirements on UTA. If they do, this situation will be transformed. If they do not, the consequences for Libya are bound to be increasingly serious.

Iraq (Exports)

Mr. Dalyell: To ask the Prime Minister if he will make a statement on the letter, reference 000399, dated 20 June 1990, from the principal private secretary to the noble Lord, Lord Ridley, then Secretary of State for Trade and Industry, to the private secretary to the chairman of Customs and Excise, under the heading "Exports to Iraq" which was copied to him as Chancellor of the Exchequer, and the previous letter, reference 000395, copies of which have been sent to him.

The Prime Minister [*holding answer 16 November 1992*]: The first document to which the hon. Member refers relates to consultations between Her Majesty's Customs and Excise and the Department of Trade and Industry prior to a fact-finding visit by Customs officers to the premises of Matrix Churchill. A reply from Her Majesty's Customs and Excise to the Department of Trade and Industry dated 22 June 1990 made it clear that decisions about any follow-up action would rest with the Commissioners of Her Majesty's Customs and Excise in accordance with their statutory responsibilities. These documents were copied to my Private Secretary in the Treasury. Treasury records do not reveal whether I saw this correspondence, but I have no recollection of having done so. The then Paymaster General was responsible in the first instance for matters involving Her Majesty's Customs and Excise.

The second document is an internal submission dated 14 June 1990 to the right hon. Lord Ridley, then Secretary of State for Trade and Industry, concerning the

implications of the visit by customs officers to Matrix Churchill. It was not copied to other Ministers. It will be for Lord Justice Scott to consider the relevance of this document to the implementation of Government policy on the export of defence equipment to Iraq.

FOREIGN AND COMMONWEALTH AFFAIRS

Iraq

Mr. Flynn: To ask the Secretary of State for Foreign and Commonwealth Affairs whether the United Nations special inspection commission investigating Iraqi chemical weapons production sites at Ramadi, Fallujah, Saad-16, Salman Pak, Muthanna and Samara, respectively, found any United Kingdom origin technology or chemicals at any of these sites.

Mr. Douglas Hogg: The United Nations Special Commission has provided information on United Kingdom supplied materials and equipment discovered in Iraq. Any evidence of breaches of export controls are urgently investigated, and if substantiated would be a matter for the courts.

Kashmir

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs when he last discussed with the Government of India the current situation in Kashmir; and if he will make a statement.

Mr. Lennox-Boyd: My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs last discussed the situation in Kashmir with the Indian Government during his visit to New Delhi on 15 to 18 January 1992. Ministers and officials have discussed Kashmir with the Indian authorities on a number of occasions since then.

China

Mr. Duncan: To ask the Secretary of State for Foreign and Commonwealth Affairs what assurances he has received from the Chinese ambassador concerning the well-being and treatment of prisoners at the Lingyuan No. 2 labour reform detachment in Liaoning province of the People's Republic of China.

Mr. Goodlad: None. We take every opportunity to put on record with the Chinese authorities our serious concerns about human rights, including the treatment of prisoners detained at the Lingyuan No. 2 labour reform detachment.

Hong Kong

Sir Thomas Arnold: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment has been made of the consistency with the Basic Law of the proposals for democracy in Hong Kong; and if he will make a statement.

Mr. Goodlad: We and the Governor took full account of the provisions of the Joint Declaration and the Basic Law in developing the proposals that he announced on 7 October. We have pressed the Chinese side to change the Basic Law to allow for an increase in the number of

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General Assembly Security Council

Distr.
GENERAL

A/47/758

S/24913

7 December 1992

ENGLISH

ORIGINAL: ENGLISH/FRENCH

GENERAL ASSEMBLY
Forty-seventh session
Agenda item 69
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-seventh year

Letter dated 4 December 1992 from the Permanent Representatives
of France, the United Kingdom of Great Britain and Northern
Ireland and the United States of America to the United Nations
addressed to the Secretary-General

We have the honour to circulate herewith the text of a tripartite declaration issued by our three Governments on 27 November 1992, the anniversary of the tripartite declaration on terrorism following the investigation into the bombings of flights Pan Am 103 and UTA 772 (A/46/828-S/23309).

We should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 69, and of the Security Council.

(Signed) Jean-Bernard MERIMEE
Permanent Representative of
France to the United Nations

(Signed) D. H. A. HANNAY
Permanent Representative of
the United Kingdom of Great
Britain and Northern Ireland
to the United Nations

(Signed) Edward J. PERKINS
Permanent Representative of
the United States of America
to the United Nations

ANNEX

Declaration of France, the United Kingdom of Great Britain
and Northern Ireland and the United States of America on
Libyan terrorism

(27 November 1992)

One year ago today, the United States, France and the United Kingdom declared that, "following the investigations into the bombing of Pan Am 103 and UTA 772, the three States have presented specific demands to Libyan authorities related to the judicial procedures that are under way. They require that Libya comply with all these demands, and in addition, that Libya commit itself concretely and definitively to cease all forms of terrorist action and all assistance to terrorist groups. Libya must promptly, by concrete actions, prove its renunciation of terrorism".

On 21 January 1992, the United Nations Security Council, in resolution 731, deplored Libya's failure to respond positively and called upon it to do so immediately. On 31 March 1992, the United Nations Security Council, in resolution 748, expressed its deep concern that Libya still had not fully complied with resolution 731 and imposed mandatory sanctions upon Libya to persuade it to comply. These sanctions entered into force on 15 April 1992.

Today, the United States, France and the United Kingdom condemn Libya's failure to comply with the requirements of the United Nations Security Council. The Libyan Government continues its attempt to escape its international obligations through equivocation and delay. By its evasion, Libya continues to flout international law.

On this anniversary, the three States strongly reaffirm their single objective with respect to Libya: prompt, complete and unequivocal compliance with the terms of United Nations Security Council resolutions 731 and 748. Justice for all 441 victims of the Pan Am 103 and UTA 772 bombings, and international peace and security, which is threatened by Libya's support of terrorism, require no less.

Accordingly, the United States, France and the United Kingdom are determined to intensify their efforts, in close cooperation with the United Nations Secretary-General, to make the sanctions adopted by the United Nations Security Council in March yet more effective. They call upon the Government of Libya to end its defiance of the international community. Libya's continued failure to fulfil its international obligations will only result in furthering its isolation from the world community. The United States, France and the United Kingdom, together with all members of the international community, will continue closely to monitor Libya's actions. The Government of Libya is greatly mistaken if it doubts their resolve.

Annex 63

UNITED
NATIONS



Security Council

Distr.
GENERAL

S/24961*
16 December 1992

ORIGINAL: ENGLISH

LETTER DATED 9 DECEMBER 1992 FROM THE PERMANENT REPRESENTATIVE
OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

I have the honour to enclose herewith a letter addressed to you, from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation. I would be grateful if this letter be distributed as a document of the Security Council.

(Signed) Ali Ahmed ELHOUEIRI
Ambassador
Permanent Representative

* Reissued for technical reasons.

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Annex

Letter dated 8 December 1992 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya addressed to the Secretary-General

[Original: Arabic]

I have the pleasure to convey to you sincere greetings and the greatest appreciation for the outstanding efforts you are making to seek a peaceful solution to the ongoing crisis between my country and the United Kingdom, France and the United States of America.

I take the occasion of assuming my functions as Secretary of the General People's Committee of the People's Bureau for Foreign Liaison and International Cooperation to express to you my full readiness to cooperate with you and with the Security Council with a view to reaching a peaceful solution to the ongoing crisis between my country and the three countries concerned.

As you are aware, the Jamahiriya has on several occasions proclaimed its condemnation of international terrorism in all its forms and has affirmed its acceptance of and readiness for full and constructive cooperation for the implementation of the provisions of Security Council resolution 731 (1992).

In this connection, my country has undertaken the following:

1. It has severed its relations with all groups and organizations suspected of involvement in acts of terrorism.
2. It does not permit its territory, its nationals or its institutions to be used for the commission, directly or indirectly, of acts of terrorism, and it is prepared to impose the severest penalties on anyone proved to have been involved in such acts.
3. It has declared that there are not in its territory any camps for the training of terrorists, and it has invited the Security Council or any international body it may appoint to verify that fact on the spot.
4. It has cooperated constructively with the Government of the United Kingdom, as attested by British officials themselves, with a view to tracing those elements and organizations accused by the United Kingdom of involvement in terrorist acts.
5. It has maintained contacts and facilitated direct and intensive talks between the judicial authorities of the French Republic and of the Jamahiriya with a view to determining responsibility in the case of the bombing of the French UTA flight 772.

The French and Libyan investigating magistrates have met each other on a number of occasions, and the French examining magistrate has examined the records of the investigation conducted by the Libyan magistrate entrusted with the case. It has been agreed that the French magistrate should come to the Jamahiriya to complete his investigations and, despite the obstacle that has prevented that, contacts between my country and the French authorities continue to be maintained for the purpose of making renewed arrangements for the French magistrate to come to Libya.

My country has also cooperated with the French authorities in respect of their other requests as set forth in document S/23306, submitted to the Secretary-General on 30 December 1991.

Having undertaken all of the foregoing, my country believes that there remains only the matter of the legal prosecution of the two Libyans suspected of being connected with the case of United States Pan Am flight 103, which crashed over Locherbie, Scotland, in 1988.

As you know, and as is the legal norm in all countries of the world, the laws of my country prohibit the extradition of its subjects to other countries. Moreover, the 1971 Montreal Convention lays down the procedures relating to jurisdiction in such cases and, immediately its two citizens were charged, my country appointed an investigating magistrate and expressed its full readiness to cooperate with the judicial authorities in the countries concerned with a view to elucidating the truth. Its action did not, regrettably, meet with a positive response from the parties concerned.

Accordingly, the People's Bureau for Foreign Liaison and International Cooperation presented the issue to the Basic People's Congresses (the legislative authority), and they adopted a resolution to the effect that they had no objection to the two suspects being brought before a just and fair tribunal to be agreed upon. That resolution was communicated to you at the time.

On the basis of the resolution adopted by the Basic People's Congresses, my country declared that, while it had no objection to the two suspects appearing of their own accord before United States or British courts, it was prepared to enter into negotiations with the countries in question, under the auspices of the Secretary-General of the United Nations, on the trial being held in a neutral country to which the parties to the dispute had no objection and in which there was every guarantee of arriving at the truth, which we deem to have been the goal sought by Security Council resolution 731 (1992).

Our proposal that the trial should be held in a neutral country had been prompted by the desire that there should be every legal and psychological guarantee of reaching the truth as soon as possible. If the parties concerned are confident of the probative value of their evidence, it is meaningless to insist that the trial should be held in their territory without any support in law or in international covenants.

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English
Page 4

The focus should now be on the site of the trial and not on the principle of prosecution, which we not only support but insist upon.

On the basis of the foregoing, it must be obvious to you that Libya has earnestly and effectively implemented Security Council resolution 731 (1992). In requesting you to present the tenor of this letter to the Security Council, it hopes that you will exercise your good offices with a view to seeking a positive response to this initiative from the parties concerned so that a solution is reached that will ensure that the truth is brought to light and the file on this case is closed. There is henceforth no justification for its continuance except if the countries in question are seeking to invoke this issue in order to achieve other objectives.

I am sure you agree with me that what my country has done in terms of its compliance with all the requirements of Security Council resolution 731 (1992) and the practical proposals that we have presented to you in this letter will remove any justification for the continued implementation of Security Council resolution 748 (1992). The latter resolution has inflicted on the Libyan people grave damage and a great ordeal, and I transmit to you herewith a detailed dossier thereon with the request that you present it to the Security Council. I request you to use your best endeavours to have resolution 748 (1992) rescinded, given that the reasons for its maintenance no longer obtain.

(Signed) Omar Mustafa AL-MUNTASIR
Secretary of the General People's Committee
for Foreign Liaison
and International Cooperation



Security Council

Distr.
GENERAL

S/24961/Add.1
18 December 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 9 DECEMBER 1992 FROM THE PERMANENT REPRESENTATIVE
OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

Addendum

IMPACT OF THE IMPLEMENTATION OF SECURITY COUNCIL
RESOLUTION 748 (1992) DURING THE PERIOD FROM
15 APRIL TO 15 NOVEMBER 1992

Since it was first imposed on 15 April 1992, the implementation of Security Council resolution 748 (1992) has caused injury to the Libyan Arab people in various humanitarian and economic aspects of life, as follows:

Humanitarian impact

As a result of the implementation of the aerial embargo on the Jamahiriya, its citizens and various categories of aliens resident and working there have been exposed to a number of negative and highly dangerous humanitarian effects and repercussions, of which we give examples below.

It has been impossible to send abroad approximately 5,445 critically ill patients, who cannot be treated locally and require direct transport abroad by air. We mention in particular the urgent cases who would formerly have been transported by air ambulances or other passenger aircraft, such as cardiac patients, complex embolism patients, kidney transplant cases, separation of the retina cases, patients requiring brain surgery, neurosurgery or spinal transplants and various burn and cancer cases. One hundred and fifty of these seriously ill patients have died while being transported by land to the airports of neighbouring States, owing to the severity of their condition and the length of the journey.

The halt in air travel has delayed the arrival of the bodies of Libyan citizens who died abroad and also the transportation to their countries of the bodies of aliens who died in the Jamahiriya. The number of aliens who died in the Tripoli municipality alone during this period was 118. In addition, there

were the humanitarian and health problems involved in the transportation of these bodies through a number of ports.

The condition of many allergy patients has also deteriorated because of the delay in the arrival of certain drugs normally imported by special fast order and some of the necessary operating equipment and because of the suspension of maintenance services for medical and electromechanical apparatus as a result of the non-arrival of spare parts by air. This has resulted in the death of 150 nursing infants and 45 Libyan women in childbirth in the hospitals of the Jamahiriya.

It has been impossible for many medical and paramedical personnel to accept work in the Jamahiriya because of the difficulties facing them. Some 1,703 medical and paramedical personnel contracted to work in the various health facilities were unable to come. In addition, more than 100 medical and paramedical personnel present their resignations each month, so that the number of those who had resigned in each municipality up to mid-November totalled more than 700, which caused disruptions in the provision of health services in the various facilities.

The aerial embargo has caused a delay in the arrival of consignments of medical supplies and difficulties in obtaining their release because information and documents for the consignments did not arrive on time. There has also been difficulty and confusion in the delivery and storage of all vaccines, sera, blood derivatives, hormones, laboratory agents for AIDS and irradiated iodine. These are exposed to spoilage as a result of aerial conditions and handling aboard ship and in ports, which has actually caused a modification of infantile paralysis vaccine owing to its delivery by this method. In addition, there is the difficulty and lack of control over the transport of deliveries of anaesthetics by sea, inasmuch as a large part of the consignments shipped by the Janssem company were lost.

Orders to replace exhausted medical supplies such as drugs, apparatus, and essentials have been delayed, including 156 orders relating to sera, vaccines, laboratory reagents and operational materials, this has affected the level of the provision of medical services.

The programme of visits by medical professors, specialists and lecturers, invited from various universities and colleges in Austria, Yugoslavia, Germany, Switzerland, France, Italy, Poland and Bulgaria, has been obstructed, and approximately 130 professors and specialists in various medical fields have been unable to come to the Jamahiriya to treat ill and critically ill patients, perform delicate surgical operations, participate in university examinations and take part in scientific conferences, medical symposiums and other meetings held in the Jamahiriya.

The joint programme agreed on with the World Health Organization (WHO) has been held up, since most of the visits of experts and work teams assigned by WHO were cancelled or postponed. This constitutes an obstacle to the development of the health sector, impedes basic health care programmes,

endangers health cooperation and prevents the attainment of WHO's objectives of implementing a health strategy for all by the year 2000.

As a result of the aerial embargo, road traffic to ports and neighbouring countries has increased, leading to an increase in traffic accidents. Traffic accidents increased from 2,401 in 1991 to 4,318 in 1992, for the same period. The number of deaths increased from 389 to 691, an increase of approximately 100 per cent.

The aerial embargo has made it difficult for Libyan delegations to participate in a number of international and regional conferences, as well as scientific symposiums and seminars.

A number of Libyan citizens have been unable to perform religious rites, such as the Hajj and the Umrah, because they were unable to find means of transport to the holy places that were appropriate to the health and disposition of each pilgrim, as well as comfortable.

Economic impact

As a result of the imposition of the embargo on the Jamahiriya, the national economy has been exposed to considerable damage, and economic activities have also felt the impact of the embargo, inasmuch as the accessible direct loss may be estimated at approximately \$2.2 billion. We give some examples below:

Food

The loss in agricultural and livestock production from the date of the imposition of the embargo to 15 November 1992 was approximately \$1,474 million. That was due to the halt in air deliveries of veterinary drugs and vaccines from certain European countries, such as France, Switzerland, Germany and the United Kingdom, and it resulted in the non-implementation of the programme for the protection of livestock from epidemic and communicable diseases and a proportionate increase in deaths among non-vaccinated newborn animals.

Air shipments to the Jamahiriya were halted, and other means of transport were employed for delivery of incubator chicks and eggs. This led to a decline in incubation rates and a rise in death and breakage rate and, consequently, to a decline in the amounts of poultry and poultry products on the markets.

The aerial embargo also affected the flow of certain basic and essential consumer goods, in particular dairy products, such as milk and infant formula. The meat supply was also affected. There was a delay in the arrival of certain items essential for agricultural production.

Exports and industrial production

The programme for non-oil Libyan exports, particularly those goods that used to be exported by air, such as vegetables, fruits and fish, has seen a decline of 44 per cent below the target figure or an estimated \$234 million, as a result of the need to export them by land or by sea to an alternate shipping point. This is in addition to the necessity of exporting to markets that will realize a lower return for these exports.

The value of credits opened for the delivery by air of the various foodstuffs, operational requirements, drugs and the equipment needed for the various economic activities totalled \$500 million, but some of these essential goods, in particular drugs, did not arrive on time.

The production process in many factories has been affected as a result of the restrictions imposed on the import of chemicals and certain cleansing materials required by the factories. The spare parts necessary for the factories have also been delayed, as has the arrival of maintenance and assembly technicians and experts, and this has delayed the production process.

Transport and communications

As a result of the halting of external air transport, Libyan Arab Airlines has lost direct revenues as a result of a decline in sales amounting to approximately \$254 million. Moreover, the operating rate of the company's aircraft has declined by 70 per cent from the figure prior to 15 April 1992.

The security and safety of internal air transport has been endangered as a result of the unavailability of spare parts, the impossibility of carrying out required periodic maintenance on time and the decrease in stocks of spare parts in company stores, which have also caused an increase in the number of aircraft out of daily operation, affecting 50 per cent of the total fleet.

The company is incurring financial costs amounting to \$80 million for the payment of employees' salaries and wages, rental of offices at home and abroad and settlement of outstanding benefits without earning the planned economic return.

The cessation of external activity by the Libyan Arab Air Freight Company has caused the loss of large sums which would have been earned under expected contracts, as well as a loss of earnings from contracts already concluded amounting to \$6 million.

The company is bearing the costs of salaries and wages amounting to \$9.5 million, as well as the expense of maintaining its aircraft (\$10 million), without earning the planned economic return.

The Light Air Transport and Technical Services Company has lost income estimated at some \$1.25 million as a result of failure to obtain the spare parts required for programmed maintenance and operation of its aircraft.

The General Board for Civil Aviation and Meteorology has incurred costs of \$8 million representing payment of wages and salaries to workers without earning the planned return. It also incurred an annual loss of over \$3 million as a result of the halt in air traffic.

The Socialist Airports Company has incurred costs of \$4 million in wages and salaries for workers without earning the planned economic return. It has also lost income from parking and take-off fees and other services, amounting to \$5 million, as a result of the halt in international air traffic through the airports of the Jamahiriya.

Freight traffic at ports has been affected by the provision of daily passenger transport services from those ports. This has had an adverse effect on the services provided to freight vessels, in the form of delays which generate additional charges. Thus, the rates of depreciation for ships and other equipment have risen to between 20 and 25 per cent above normal.

It has been necessary to hire or purchase boats to overcome the problem of transporting passengers from and to the Jamahiriya, at a cost of \$14 million, with no prospect of economic return.

The increased use of private and public cars and lorries on land routes has resulted in a greater incidence of damage to roads. This in turn has led to additional expenditure on maintenance amounting to over \$15 million, as well as spending to compensate for increased wear and tear and maintenance for all means of transport and increased fuel consumption, which it has not yet been possible to quantify.

The annual receipts of the General Company for Posts and Cables and Wireless Communications have fallen by about \$8 million from their level before the embargo as a result of the non-arrival of spare parts and lack of necessary maintenance. The company has also sustained additional financial burdens in the amount of \$314,000 as a result of the routing of mail through intermediate points.

The increased delay, ranging between 48 and 72 hours, in the receipt of incoming mail and the forwarding of outgoing mail has further affected the activities of the oil, banking and information (receipt and distribution of foreign newspapers) sectors. The disruption of communications has had a direct effect on the provision of essential humanitarian services, such as hospital, first aid and civil defence services.

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Security Council

Distr.
GENERAL

S/26139
23 July 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 19 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF
THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO
THE SECRETARY-GENERAL

I have the honour to transmit herewith a report updating document S/24428 dated 14 August 1992, concerning the damage resulting from the implementation of Security Council resolution 748 (1992) for the period 15 April 1992 to 30 April 1993.

I should be grateful if you would have this document circulated as a document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

260793

Annex

Impact of the implementation of Security Council
resolution 748 (1992) during the period from
15 April 1992 to 30 April 1993

The implementation since 15 April 1992 of Security Council resolution 748 (1992) has caused large-scale injury to the Libyan Arab people in various humanitarian and economic aspects of life, such as the following:

I. Humanitarian impact

As a result of the implementation of the aerial embargo on the Great Socialist People's Libyan Arab Jamahiriya, its citizens and various categories of aliens residing and working there have been exposed to a number of negative and extremely hazardous humanitarian effects and repercussions, including the following:

- Inability to send some 8,525 incurably ill patients abroad by air in particular urgent cases where the patients would have been moved by air ambulance or by the aircraft of other airlines, in cases involving heart disease, kidney transplants, detached retina, brain surgery, neurosurgery, bone-marrow transplants, burns and malignant diseases.
- Two hundred and thirty of these seriously ill patients who should not have been transported by land died while travelling by overland routes to the airports of neighbouring States. Because of the distance and the difficulty of travelling overland with the speed necessary to save the patient, they were doomed to certain death.
- An obstacle was placed to scheduled visits by specialized medical professors and lecturers invited from various universities and colleges in Austria, Yugoslavia, Germany, Switzerland, France, Italy, Poland and Bulgaria. Some 150 professors and specialists in various medical fields were prevented from visiting the Great Jamahiriya to treat some incurably ill cases, to perform delicate surgical interventions and to participate in university examinations and in scientific and medical conferences and symposiums held in the Great Jamahiriya.
- Conversely, many of our physicians and professors were unable to participate in a number of international conferences and seminars held in various parts of the world, and that has deprived us of observation, participation and information.
- Many medical and paramedical personnel were unable to accept work in the Great Jamahiriya as a result of the difficulties facing them. Some 2,500 personnel were unable to come to the country. More than 100 medical and paramedical personnel tender their resignations each month, and the number of personnel resigning up to the end of March was approximately 1,200. This has caused complications in the provision of medical services at various health facilities.

- The maintenance services for medical and electromagnetic equipment used in health facilities are out of operation because of the non-arrival of spare parts, orders for which totalled \$10 million. The technicians responsible for the maintenance of this equipment are unable to come to the country, and this has led to the suspension of some services in many hospitals.
- The condition of many allergy sufferers has become critical because of the delay in the arrival of drugs imported by special rush order. In addition, there is a delay in the arrival of essential operational materials, which has led to the death of approximately 200 infants in the hospitals of the Jamahiriya and the deaths in child birth of 50 Libyan women.
- The joint programme agreed on with the World Health Organization (WHO) has been obstructed. Most of the visits by experts and work teams scheduled by WHO have been cancelled, and this constitutes an obstacle to the development of the health sector and impedes primary care programmes. Health cooperation is jeopardized, and attainment of the WHO objectives of achieving a health strategy for all by the year 2000 is impeded.
- The arrival of consignments of medical supplies has been delayed, and it has been difficult to unblock them because of non-arrival of data and samples of each consignment at the appropriate time. Difficulty has arisen in the delivery and storage of all sera vaccines, blood derivatives, hormones, AIDS-test reagents and irradiated iodine, and they have been exposed to spoilage and loss as a result of being imported by sea, which actually caused a transmutation to occur in infantile paralysis vaccine. Many manufacturing countries are inquiring about a way to ship these drugs that require air transport. This has caused further delays in the arrival of consignments and, consequently, their non-availability in drug stocks. In addition, they are exposed to loss and spoilage as a result of atmospheric conditions and the way in which they are handled on board vessels and in port, as happened in the case of the consignment delivered by sea from the TANSSEM company (anaesthesia and anaesthetics), when a large portion was lost.
- One hundred and fifty-six orders for medicines, equipment and other requirements were delayed. The orders related to sera, vaccines, laboratory reagents and operational items. The total value was approximately \$50 million.
- As a result of the aerial embargo, traffic has increased on the land routes linking the Jamahiriya with neighbouring countries, and this has led to an increase in road accidents to more than twice the previous figure. We should like to draw attention here to the grievous accident that took the life of the late Ibrahim Bakkar, Secretary of the General People's Committee for Justice and Public Security, on 6 January 1993, during his return to the Jamahiriya after attending the Meeting of Arab Ministers of the Interior held at Tunis.

II. Economic impact

As a result of the imposition of the aerial embargo on the Great Jamahiriya, the national economy suffered widespread damage. Economic activities were also affected by the embargo. So far as it is possible to estimate, direct losses amounted to approximately \$2,400 million, broken down as follows:

Agricultural and livestock production sector

The embargo resulted in the decline of approximately 40 per cent in agricultural and vegetable production. This damage may be summarized as follows:

1. Plant production

We may summarize the impact on this sector as follows:

- Inability to import a sufficient number of seedlings of various trees and the necessary requirements.
- Inability to import hybrid vegetable seeds, greenhouse requirements, etc.
- Difficulties with regard to the swarms of bees whose import from Australia was agreed on and difficulty in importing Apistan strips to treat the epidemic of varroa-mite disease affecting the bees.
- Difficulties in obtaining the seed samples required for experimentation.
- Halting of the campaigns to detect and combat the Saharan locust, owing to non-availability of spare parts for agricultural aircraft, desert vehicles and pesticides for locusts.
- Halting of dealings with the sector by foreign firms with regard to the establishment of a laboratory to analyse agricultural pesticide and fertilizer residues.
- Disruption of the programme to export locally produced fruit and vegetables, since a 44 per cent decline below target was registered, representing a value of \$234 million. The value of the credits opened for the delivery of various foodstuffs, operational necessities, drugs and equipment necessary for the various economic activities by air totalled \$500 million, and to date some of these goods have still not arrived. In particular, drugs have failed to arrive on time.

The volume of material damage affecting plant production and the estimated value may be summed up as follows:

		\$
- Fruit-tree seedlings	50 per cent of the seedlings	2 500 000
- Vegetable seeds		3 500 000
- Fruit and vegetable exports	100,000 tons	15 000 000
- Honey research and production	740 swarms	1 687 500
- Winter grain crops	158,000 tons	34 700 000
- Summer grain crops	10,800 tons	2 500 000
- Winter and summer fodder crops	678,000 tons	15 600 000

2. Livestock

The impact of the implementation of the resolution may be summarized in the following points:

- The arrival of veterinary supplies imported from some European countries such as France, Switzerland, Germany and the United Kingdom has ceased. The most important of such supplies are the vaccines that constitute the basis of livestock production, since without them the deaths of non-immunized stock amount to 90 per cent. There was also an absence of the preventive and diagnostic tools and veterinary treatment, which affected the implementation of prevention and treatment programmes and, consequently fodder consumption and reproductive cycles.
- The dispatch of samples to international authorities with which close cooperation had been established has been stopped, rendering diagnosis or analysis problematic.
- The arrival of consignments of chickens, chicks and eggs for incubation, imported from the Netherlands, Belgium and France, has ceased.
- If we examine the material losses of livestock, we find that it is very large and increases daily. The proportion of still births among sheep was approximately 55 per cent, or a loss of approximately 1,544,000 animals. Among females giving birth it was approximately 10 per cent, or 400,000 animals. The volume of losses resulting from deaths among sheep was approximately \$583,200,000. The proportion of stillbirths among cattle was approximately 30 per cent, or a loss of approximately 10,500 animals. The figure for females giving birth was 10 per cent, or 10,000 animals. The cost of stillbirths among cattle was approximately \$44,520,000. The quantity of milk is estimated at approximately 9 million litres, at a cost of \$8,100,000. The proportion of stillbirths among goats was 50 per cent, or approximately 1,120,000 animals, with 20 per cent of deaths among females giving birth, or approximately 224,000 animals. The cost of

the losses among goats are estimated at approximately \$212,040,000. Among poultry, losses totalled approximately \$126,314,250. Mutton and lamb losses totalled 13,328 tons, while beef losses totalled 2,512 tons, on the basis of males only. The figures for goats were 11,760 tons, for poultry 10,881 tons and for table eggs 182,150,000.

3. Production requirements

Since the great 1 September revolution, the agricultural sector has seen a great transformation. The transformation then focused on this sector, and many projects and agricultural activities were implemented. In this process, production requirements, machinery and heavy equipment were employed. They were and are imported from those States that possess this technology, namely, the United States of America and the other Western States. Following the implementation of resolution 748 (1992), the agricultural sector suffered many problems as a result of the halt in imports of production requirements, machinery and equipment needed for this sector in order to raise production levels.

That may be summarized as follows:

- Halting of the programme for the importation of water purification networks, sensitive irrigation networks and agricultural machinery and equipment.
- Inability to import goods for agricultural prevention and protection and means of combating forest fires.
- Inability to import various chemical substances such as pesticides and rare elements.
- Halting of the programme for the importation of spare parts for agricultural projects and for farmers and for agricultural professionals.
- A demand by companies exporting agricultural requirements for certification that the agricultural technology would not be used for military purposes or in chemical plants, particularly in the case of generators, large pumps and agricultural pesticides.
- Refusal of many companies to enter into bidding in the sector.

4. Planning, organization and administration

The negative impact of the implementation of the Security Council resolution was not confined to technical aspects directly. There were other, indirect effects on planning, programming, execution and administration in the sector, and their impact was greater than that of the direct effects on the material aspects. The disruption of programmes for the importation of production requirements and the exportation of the surplus made the production processes and programme execution in the sector more difficult and more complicated and made the sector and also farmers and raisers of livestock divert their production schedules to other activities that were perhaps not so

profitable or even so appropriate. That contributed to the decline in the level of agricultural production, while the difficulties facing the sector with regard to sending trainees abroad and ensuring the participation of its experts in foreign meetings, visits by international expert consultants and obtaining scientific and technical publications impeded the process of transfer of knowledge and of scientific and technical know-how, and this played a large part in the disruption of the agricultural sector's plans and activities.

Transport and communications sector

- As a result of the halting of foreign air traffic arising from the aerial embargo imposed under resolution 748 (1992), Libyan Arab Airlines lost \$361,284,000 in direct income owing to the drop in sales.
- The security and safety of domestic air transport was endangered as a result of the non-availability of the necessary spare parts, inability to perform the necessary maintenance in a timely manner and the absence of a stock of spare parts in the company's depots, which increasingly forced aircraft to cease daily operation.
- The overseas activity of the Libyan Arab Air Freight Company was halted, resulting in the loss of some \$128,700,000 in income.
- The Socialist Airports Company lost considerable sums as a result of the loss of fees for accommodation, takeoff and other services, estimated as approximately \$36,300,000.
- The Light Air Transport and Technical Services Company lost revenue estimated at \$5,887,000 as a result of failure to obtain the necessary spare parts for maintaining and operating its aircraft according to schedule.
- The General Board for Civil Aviation and Meteorology incurred costs of \$11 million, representing payment of wages and salaries to workers without any return and also loss of annual income of more than \$4 million, owing to the halting of air traffic.
- The general freight traffic in ports was affected as a result of the provision of daily services to passengers, which had a negative effect on services to freight vessels. Additional costs were incurred as a result of the increase in the consumption of shipping and other equipment, which was 20 to 25 per cent above normal rates.
- It was necessary to charter vessels in order to reduce the problem of passenger transport to and from the Jamahiriya, at a cost of \$18 million, without regard for an economic return.
- It was difficult for Libyan citizens wishing to perform the pilgrimage and the umrah to do so, because it was not possible for them to travel to the holy places in a comfortable manner suited to the health and fitness of each pilgrim.

- There was an increase in the rate of the use of private and public vehicles and trucks on land routes, exposing roads to increased damage. This led to an increase in the maintenance costs, which were over \$18 million, in addition to the increase in wear and tear, maintenance for all forms of transport and increased fuel consumption.
- The posts and communications sector was affected considerably by the aerial embargo, leading to the choice of intermediate exchanges to expedite and receive mail, which led to a 40 per cent increase in expenditures.

Industrial sector

The implementation of resolution 748 (1992) has had a clearly negative aspect on the industrialization movement in the Great Jamahiriya, particularly on production rates and follow-up of the implementation of industrial projects, which had been in the stage of completing the assembly of new production lines and becoming operational.

The implementation of the resolution had negative effects on the production process, because of the exhaustion of factory stocks of raw materials, delivery of which depended primarily on air transport.

The resolution also caused obvious confusion in the schedules and activities of our industrial companies in relation to their foreign counterparts as a result of the embargo. The Western propaganda that accompanied the implementation of the resolution also played an active role in influencing major industrial companies and the contractors executing our industrial projects to adopt a negative position, on feeble pretexts, regarding continued fulfilment of existing obligations under the contracts concluded with those companies. Damage to the industrial sector may be summarized as follows:

- The difficulty of importing spare parts for emergency cases arising from sudden stoppages. This led to prolonged emergency stoppages in plants.
- Difficulty in obtaining replacements for defective or missing parts or components for assembly industries when speedy air delivery was required.
- Obstruction and delay in direct meetings between the organs of the industrial sector and companies, normally held periodically or if urgently needed, for discussion of matters relating to the delivery of production requirements, spare parts and technical assistance.
- Inability of factories to send representatives abroad to inspect imported goods at the port of shipment with the desired expedition at the specified time and delay in the arrival of packages of samples of raw materials. This has had a negative impact on the flow of raw materials and production requirements delivered to factories.

Annex 65



General Assembly
Security Council

Distr.
GENERAL

A/48/314
S/26304
13 August 1993
ENGLISH
ORIGINAL: ENGLISH/FRENCH

GENERAL ASSEMBLY
Forty-eighth session
Item 142 of the provisional agenda*
MEASURES TO ELIMINATE INTERNATIONAL
TERRORISM

SECURITY COUNCIL
Forty-eighth year

Letter dated 13 August 1993 from the representatives of France,
the United Kingdom of Great Britain and Northern Ireland and
the United States of America to the United Nations addressed
to the Secretary-General

We have the honour to transmit herewith the text of a tripartite declaration issued by our three Governments on 13 August 1993 (see annex) concerning the implementation of Security Council resolutions 731 (1992) and 748 (1992) by the Libyan Arab Jamahiriya.

We should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under item 142 of the provisional agenda, and of the Security Council.

(Signed)

Jean-Bernard MERIMEE
Permanent Representative of
France to the United Nations

(Signed)

Thomas RICHARDSON
Chargé d'affaires a.i. of
the Permanent Mission of
the United Kingdom of Great
Britain and Northern Ireland

(Signed)

Madeleine Korbelt ALBRIGHT
Permanent Representative of the
United States of America to the
United Nations

* A/48/150.

ANNEX

Declaration of the Governments of France, the United Kingdom
of Great Britain and Northern Ireland and the United States
of America on Libyan terrorism, issued on 13 August 1993

Over 16 months have passed since the Security Council imposed sanctions on the Libyan Government for failure to comply with its demands as set forth in United Nations Security Council resolution 731 (1992) that Libya commit itself concretely and definitively to cease all forms of terrorist action and all assistance to terrorist groups, agree to surrender the two accused of bombing Pan Am flight 103 for trial in Scotland or the United States, respond fully to the requests put forward by the French judge investigating the bombing of UTA flight 772, and provide evidence or information about the bombings of Pan Am flight 103 and UTA flight 772.

Today, for the fourth time, the Council has reviewed Libyan compliance with sanctions as called for in Security Council resolution 748 (1992) and found Libya once again to be in defiance of the will of the international community. Instead of seeking ways to cooperate with the Council and the Secretary-General of the United Nations, Libya has consistently sought ways to avoid full compliance.

The United States, the United Kingdom and France have observed with diminishing patience that the envoys of the Secretary-General of the United Nations to Tripoli repeatedly come back empty-handed, without indications of compliance although with many assurances of Libya's cooperation. We have waited the four months requested by the Secretary-General of the League of Arab States, who wished to serve as an intermediary between the international community and the Libyans. We have repeatedly rejected Libyan efforts to distract the international community from its lack of compliance with empty offers to surrender the Lockerbie suspects and to comply with the requirements of French justice and to prove their partial compliance with the Security Council's demands.

However, our three Governments, in the interests of giving Libya one last chance, have asked the Secretary-General of the United Nations to look into the matter and take the necessary steps to achieve the full implementation by the Libyan Government of resolution 731 (1992) within 40 to 45 days.

If, by October first, the Libyan Government has failed to comply with resolutions 731 (1992) and 748 (1992), including the transfer to United States or United Kingdom jurisdiction of the Lockerbie suspects and compliance with the requests of French justice on UTA flight 772, we will table a resolution strengthening the sanctions in key oil-related, financial and technological areas.

Once more, our three Governments reiterate that they have no hidden agenda and that, on the contrary, upon full implementation by Libya of Security Council resolutions 731 (1992) and 748 (1992), the conditions would be met for the lifting of sanctions by the Security Council.

Annex 66



Security Council

Distr.
GENERAL

S/26313
17 August 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 16 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE
OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith the text of a statement issued by the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya on 14 August 1993 following the renewal by the Security Council of the sanctions imposed under resolution 748 (1992).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

Annex

Statement issued by the General People's Committee for Foreign
Liaison and International Cooperation of the Libyan Arab
Jamahiriya on 14 August 1993

The General People's Committee for Foreign Liaison and International Cooperation expresses its strong indignation that the sanctions imposed on the Libyan Arab people are to be maintained despite the divergence of views that was apparent in the consultations among the members of the Security Council, thereby confirming that the measures and initiatives taken by the Great Socialist People's Libyan Arab Jamahiriya in implementation of Security Council resolution 731 (1992) had met with a positive response and were welcomed within the Council itself. This conflicts with the rigid positions being maintained by the three Western States in disregard of all the concrete measures taken by the Great Socialist People's Libyan Arab Jamahiriya for the implementation of resolution 731 (1992).

Despite the continued suffering of the Libyan Arab people under the burden of the sanctions imposed on it by the unjust application of resolution 748 (1992), the Great Jamahiriya has spared no effort and neglected no available means in order to affirm its concern to see justice done and to comply with international law, in a framework of constructive dialogue and mutual understanding that eschews the language of intimidation, in the expectation that this would lead to the lifting of the sanctions.

Despite the foregoing, the General People's Committee for Foreign Liaison and International Cooperation once again affirms as follows:

1. The Great Jamahiriya has complied with resolution 731 (1992) in all its aspects, and it has informed the Secretary-General of the United Nations of all the measures it has taken in implementation of that resolution. It has cooperated with the Secretary-General and his envoys in a positive manner out of respect for international legitimacy and in its concern for a peaceful solution to the crisis that respects the interests of all parties. This refutes the statement made in the declaration of the three Western States accusing the Jamahiriya of being in defiance of the Security Council.
2. The Jamahiriya has acceded to the request for cooperation with the United Kingdom with regard to the organizations that it accuses of terrorism, and the United Kingdom has given official expression to its satisfaction with that cooperation.
3. The Jamahiriya has expressed its complete readiness to cooperate with French justice, and talks are still in progress with the French authorities with a view to having the magistrate entrusted with the dossier come to the Great Jamahiriya to complete his inquiries. It is hoped that this will take place as soon as possible.
4. The Great Jamahiriya acknowledges that it is necessary for the two suspects to be brought to trial, and it is prepared to discuss the venue where the trial must be held if it is to be just and fair.

5. The Jamahiriya affirms that the reversion of the three Western States to the language of intimidation and blackmail, as in their latest declaration, does not advance the goal that the United Nations is seeking to achieve, namely the peaceful settlement of disputes between States, respect for international norms and conventions and regard for the sovereignty of States. The first step towards that goal is the adoption of a language of serious dialogue between the parties to the dispute with a view to reaching peaceful solutions that are satisfactory to all parties, and it is this that has been urged by all the regional and international organizations, in particular the League of Arab States, the Organization of African Unity, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries. Moreover, the current approach does not serve the interests of the families of the victims. The Jamahiriya therefore declares before world public opinion that it is fully prepared to sit down at the negotiating table with the parties concerned and the Security Council in order to arrive at a peaceful solution to the crisis that will serve the interests of all parties.

Given the rejection by the three Western States of all the measures it has taken to meet the demands made upon it by resolution 731 (1992), and given its refusal to accept that its people should continue to suffer under the sanctions for a long time to come, the Great Jamahiriya can only request the Secretary-General and the Security Council to establish a mechanism for reaching a mutual understanding of what it is that resolution 731 (1992) requires and of what measures the Jamahiriya has taken to meet those requirements. The Council may then be persuaded that the Great Jamahiriya has discharged all of its obligations, and the maintenance of the sanctions against its people would be shown to be unjust and aberrant and find none to support it among the members of the Security Council or in the international community as a whole.

It is indeed astonishing that in their declaration the three Western States should have set a time-limit of a matter of weeks for the resolution of a problem of such proportions and one that, as they acknowledge, required long years of investigation and research in order to uncover no more than a suspicion.

Annex 67



Security Council

Distr.
GENERAL

S/26500
28 September 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 22 SEPTEMBER 1993 FROM THE PERMANENT REPRESENTATIVE
OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO
TO THE SECRETARY-GENERAL

I have the honour to refer to the letter dated 11 September 1993 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation and to the accompanying memorandum on points relating to the legal position of the Libyan Arab Jamahiriya with regard to Security Council resolutions 731 (1992) and 748 (1992), both of which were handed to you on 14 September 1993, and should be grateful if you would have them circulated as a document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

Annex

Letter dated 11 September 1993 from the Secretary of the General
People's Committee for Foreign Liaison and International
Cooperation of the Libyan Arab Jamahiriya addressed to the
Secretary-General

I refer to Security Council resolution 731 (1992) concerning the requests addressed to the Great Socialist People's Libyan Arab Jamahiriya by the United States of America, the United Kingdom and France.

I also refer to the fact that the Great Jamahiriya has declared that it accepts the aforesaid resolution and that it is fully prepared to deal with it in a positive manner and in a spirit of concern to bring the truth to light and of respect for international legitimacy. You are fully informed, Mr. Secretary-General, of the measures the Great Jamahiriya has taken to implement the provisions of the resolution in question. We have notified you, through your Personal Envoy and by our numerous letters, that we have implemented all the provisions of the resolution except for a single point relating to the venue of the trial, and we believe that it is possible to reach a satisfactory solution on this matter if the States concerned will agree to sit down directly with the Great Jamahiriya to negotiate thereon in order to bring about a trial that is just and fair.

Since the three Western States continue to insist that the Great Jamahiriya has not complied with resolution 731 (1992), most recently in their tripartite declaration of 13 August 1993, the Great Jamahiriya and the attorneys for the two suspects deem it appropriate to submit to you a set of questions to be put to them and to the members of the Security Council with a view to seeking a definitive clarification of the understanding that the three Western States have of the resolution so that the Great Jamahiriya may see what, in their view, are the points that it has not implemented and so that the resolution will not remain impending and capable of being used to blackmail the Great Jamahiriya for a long time into the future.

The response of the three Western States to the questions of the attorneys for the two suspects can be of assistance in reaching agreement on the venue of the trial.

Accordingly, we hope that you will present these questions to the States concerned and to the members of the Security Council with a view to obtaining a precise response, and we hope this will be a step towards a mutual understanding on devising a peaceful and satisfactory solution to a problem into which my country has been thrust and which has become an instrument for blackmail.

(Signed) Omar Mustafa ALMUNTASSER
Secretary of the General People's Committee
for Foreign Liaison and International Cooperation

Enclosure

MEMORANDUM TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

We have the honour to present our compliments and should like to submit to you the following memorandum setting forth legal points relating to the legal position of the Great Jamahiriya on Security Council resolutions 731 (1992) and 748 (1992).

Security Council resolution 748 (1992) was adopted on 21 March 1992, and it imposed iniquitous and unwarranted sanctions on the Jamahiriya merely on grounds of suspicion that Libyan individuals had committed acts against an aircraft belonging to the Pan American company and an aircraft belonging to the French company UTA.

Since the adoption of that resolution, which does not accord with the general norms of international law or established customary principles approved by the international community, the Jamahiriya has been striving diligently, in all sincerity and good faith, to settle the dispute. The dispute is not one between the Jamahiriya and the international community or the United Nations but is a controversy precipitated by the United States of America, the United Kingdom and France because of their dissatisfaction with the role assumed by the Jamahiriya.

Support for the liberation movements of peoples and for their right to freedom and overall and independent development does not entail an adversarial relationship between the Jamahiriya and the peoples and Governments of the three States. Indeed, the Jamahiriya constantly declares that it is prepared to interact with these States and others on a basis of honour, dignity and respect for the principles of justice, equity and national sovereignty.

The role undertaken by the Jamahiriya was a necessary and natural one at the juncture at which it found itself and in the context of the international and regional parameters then prevailing. It was never the intention thereby to depart from the norms approved by the international community to govern its intercourse and regulate its actions.

It was also not intended thereby to harm the interests of particular peoples. The Jamahiriya has a profound belief that the real interests of all peoples of the Earth are one and the same, and it concedes that they have an equal right to contribute to building a better future for mankind as part of a philosophy of human brotherhood and the unity of the human race combined with respect for distinctive characteristics and particular identities.

On this basis, Libya endeavours in all sincerity and earnestness to promote links of friendship and cooperation with all nations and peoples without distinction or discrimination. It does not consider itself to be in a state of conflict or enmity with any country that respects its sovereignty and its freedom to pursue the policy that accords with an outlook and interests of its own that do not violate the freedom and interests of others.

Despite the legitimate reservations the Jamahiriya entertains with regard to Security Council resolution 748 (1992) and despite its objection to those of its provisions that violate domestic and international law and are in discord with the established customary norms in the field of international politics, the Jamahiriya has expressed its intention and demonstrated its readiness by both word and deed to end this dispute and to cooperate with the Security Council and the Secretary-General of the United Nations with a view to settling the conflict and, indeed, turning a new page in its relations with the three Western States that have placed themselves in an adversarial position with regard to the Jamahiriya without objective justification.

In this context, the Jamahiriya has made a point of officially notifying the Security Council and the Secretary-General of the United Nations of its readiness to cooperate with the Council in a positive and constructive spirit, not by yielding to dictation and compulsion from any quarter but out of a desire to remove a contrived and transitory dispute from the orbit of international relations, and especially so at a time when the international community is endeavouring to create a climate for the establishment of a new kind of world solidarity imbued with a spirit of peace, cooperation and justice.

In our estimation, any international order must be based on the firm establishment of principles of sovereignty and political, economic, social and cultural independence, on conceding the right of all peoples, great and small, rich and poor, to develop their societies, on respect for human rights and on strengthening the foundations of democracy in the way that each people chooses and that it deems appropriate to its own circumstances and situation.

To that end, the Secretary of the General People's Committee for Foreign Liaison and International Cooperation addressed to you a number of letters, and we specifically recall those dated 9 January 1992, 27 February 1992, 14 May 1992, 19 July 1992, 9 August 1992, 14 August 1992, 21 August 1992 and 8 July 1993, in which he notified you of the measures taken by the Jamahiriya with regard to organizations and individuals engaged in activities characterized as terrorism. These measures included the severance of any contacts with such elements, refraining from providing them with any assistance and the closure of the camps they had been using in any way.

The Secretary for Foreign Liaison also requested you to dispatch a technical mission to verify Libya's compliance with the resolution and with those obligations that it bears, together with the international community, for the repudiation of terrorism. To its surprise, however, the Jamahiriya received no response from the Security Council or the Secretariat of the United Nations to this logical and spontaneous offer.

The failure to keep the question under consideration and the abandonment of the idea of sending a mission to verify implementation of the resolution was a position that we interpreted at the time, and that we still interpret, as meaning that the Security Council was persuaded that the Jamahiriya had carried out all of the measures entailed by the resolution.

Despite the foregoing, we renew the invitation to you promptly to dispatch the mission in question.

The Jamahiriya has expressed its readiness to reach an acceptable formula for the implementation of the other provisions of the resolution, and, as you are aware, it has taken initiatives to approach the States that have adopted an adversarial stance towards it.

For all of the foregoing reasons, because of a conviction that intentions are worthy, seeking to manifest a sincere desire to cooperate and out of respect for international law, the position of the Jamahiriya has been characterized by sagacity, as the world may testify. The Jamahiriya had thus been expecting, as it had every right to expect, that the three States and the Security Council would take equivalent steps to end a dispute that has no sound historical or cultural basis.

It was, however, most regrettably surprised when the three States issued a joint declaration on 13 August 1993 in which they claim that Libya has not discharged its obligations. In light of all of the foregoing, Libya feels duty bound, as a law-abiding State Member of the United Nations, to place on record the following points:

I. THE POLICY OF DOUBLE STANDARDS

1. At the present delicate juncture in which the international community finds itself, it is astonishing that the United Nations, or the activist Powers in it, should employ two different measures or adopt a mode of procedure in which the application of double standards has the upper hand. It changes the policy it pursues and the rules it applies with the party being addressed, in the sense that it deals with particular States with firm resolve and pursues a policy of indifference towards States that have committed crimes and offenses hundreds of times worse than those attributed to others.

Libya is of the view - one shared by all third-world countries - that this policy will indisputably undermine the confidence of peoples in the Organization and in the new world order and the values that it proclaims and invokes. We have no need to refer to the cases that demonstrate that a policy of double standards has been pursued in recent years.

2. The double standards embraced by the Security Council have led to a duality in the way matters are taken up and a selectivity in the way they are handled, thereby violating the rules of justice and equity on which international law is based and the provisions of the Charter of the United Nations.

3. At a time when, on an important issue, sponsorship is offered to and direct negotiations are imposed on the Palestinians and Israel, the parties concerned refuse to sit down and negotiate with the Jamahiriya. Why do these same parties refuse to adopt the method of direct negotiations to resolve all their differences with the Jamahiriya?

4. On the night of 15 April 1986, the Great Jamahiriya was subjected to unprovoked armed military aggression aimed against the life of Colonel Muammar Qaddafi, Leader of the Revolution, the members of his family and other innocent and defenceless persons and carried out by a great Power that is a permanent member of the Security Council.

Despite that aggression and its persistence in the form of an economic embargo, and despite the fact that it was in breach of international law, the Security Council did not adopt a stance condemning the use of force against an independent sovereign State and a Member of the United Nations.

5. There is eagerness for the implementation of Security Council resolutions relating to the imposition of sanctions on the Jamahiriya, but no similar eagerness for the implementation of the dozens of resolutions adopted by the same Council on the question of Palestine.

Why is there so much stress on the implementation of resolution 731 (1992), while the implementation of resolutions 425 (1978) and 799 (1992) is ignored? Israel has proceeded to implement resolution 799 (1992), requiring the immediate return of the deportees, in the manner it saw fit, and the Security Council has had no objection to make.

In relation to resolution 731 (1992), why is the Jamahiriya not treated as Israel was treated in the matter of the implementation of resolution 799 (1992)?

Does this not constitute discrimination in the way Members of the United Nations are treated? And can it not be regarded as the application of two different standards by the body that has particular responsibility for the maintenance of security?

6. Would the United States of America and the United Kingdom agree and would they give official undertakings to accede to a request from the Great Jamahiriya in the event that the Libyan judicial authorities were to seek to question and bring to trial nationals of those countries who planned and participated in the murder of innocent citizens in the armed aggression of 1986? Similarly, what possibility is there of the extradition of those who undertook the training of criminal elements who have committed murder and sabotage in the territory of the Great Jamahiriya and those responsible for the forcible abduction of Libyan nationals from Chad?

7. As a result of the sanctions imposed by the Security Council under resolution 748 (1992) and of the prohibition on the supply to Libya of replacement parts for aircraft for purposes of maintenance, an aircraft of Libyan Arab Airlines, flight number 1103, crashed on an internal flight from Benghazi to Tripoli in 1992 taking the lives of 157 innocent persons.

The Jamahiriya, on the grounds of mere suspicion of two persons whose guilt has not been established, has sustained losses of more than 3 billion dollars and has lost the lives of 630 innocent people owing to the shortage of vaccines, in travel-related mishaps and because of other difficulties.

8. The Jamahiriya is astonished at the insistence of the three States on acting in the framework of Chapter VII of the Charter of the United Nations with regard to incidents in which the proximate or remote involvement of any Libyan elements has not been established. At the same time, the provisions of Chapter VII are not applied in dealing with the State of Israel, which commits crimes and atrocities that are condemned by the entire international community and are incompatible with the most elementary norms of law and legitimacy.

II. THE LEGAL POSITION (DOMESTIC AND INTERNATIONAL) ON THE QUESTION OF EXTRADITION

It is perhaps superfluous to recall that the requests from the States in question for the extradition of the two suspects holding the citizenship of the country from which extradition is requested meet with many legal obstacles, the most significant of which can be summarized as follows:

1. Article 1, paragraph 3, of the Charter of the United Nations states that one of the Purposes of the United Nations is "To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights". It is clear that the Organization is committed to the application of this text, and it is therefore necessary to give precedence to human rights over all other considerations. World peace can be achieved, according to the United Nations philosophy, only by respect for human beings.

In other words, justice at the domestic and international levels must not be achieved at the cost of denying human rights.

Accordingly, in its concern that legitimacy be respected, the Jamahiriya is prepared to implement Security Council resolutions whenever they are compatible with the provisions of the Charter and of international law and can be interpreted in conformity with them.

2. Security Council resolutions 731 (1992) and 748 (1992) can be legitimized and their implementation thus honoured only in light of their legitimacy vis-à-vis the provisions of international law and human rights legislation.

Under the provisions of the Charter, the Security Council is legally entrusted with a fundamental task that relates to respect for international law, not to its breach and violation.

How is it conceivable that the Jamahiriya should be obliged to extradite its nationals with all that entails in terms of violating Article 2, paragraph 7, of the Charter, which establishes the principle of non-intervention in the domestic jurisdiction of Member States?

3. The two resolutions, as a whole and in their various parts, run into a number of problematical legal issues raised by the matter of Libyan State sovereignty. The most significant of them are:

(a) The impermissibility of the extradition of a person holding citizenship of the State (Libyan Penal and Criminal Procedure Code);

(b) The absence of an agreement between the parties concerned governing rules of extradition;

(c) The accession of the Jamahiriya to all of the international human rights covenants prevents it from taking measures that may void human rights guarantees to a just and fair trial.

4. How can there be extradition in the absence of an extradition agreement between the parties concerned and while there is an international agreement in force that is binding on all the parties (the 1971 Montreal Convention) and makes extradition subject to the legislation of the State requested without according any priority or pre-eminence to the jurisdiction to the aircraft's flag country (the United States of America) or the country in which the act took place (Scotland)? All of this goes to support the Libyan proposal that a trial in a third country should be accepted.

5. How is it possible to accede to a request for the extradition of the two suspects on the mere basis of preliminary and undisclosed inquiries carried out by one State or by two States without the State from which extradition is requested verifying the existence of sufficient evidence for the charge?

The intense media campaigns, the atmosphere of hostility surrounding the two suspects, the attacks on the Arabs in general and Libya in particular and official declarations and statements asserting that the two suspects were responsible, all are factors that dissipate any hope of a just and fair trial. They consequently prevent the Security Council resolutions from being interpreted to mean that the Great Jamahiriya has an obligation to extradite. To accept in principle the extradition of the two suspects might void a basic legal guarantee in the field of human rights to a just and fair trial.

It can be expected that a trial that may take place in another State that is an adversary of that of the two suspects will not provide the minimum guarantees, even if it is maintained otherwise, since the relations of the parties to the dispute are marked by certain manifestations of tension, hostility and an accumulated series of media campaigns.

These factors, constituting the environment in which the trial would take place, have created an unsuitable climate for justice to be served and circumstances that cannot be characterized as congenial to ensuring a just and fair trial.

If we add to this the legal character of the jury system, there is a clear danger in adopting the principle of extradition of voiding the guarantee of a just and fair verdict.

6. The Security Council and the International Court of Justice are counterbalanced and complementary organs of the United Nations. In light of Article 36, paragraph 3, of the Charter of the United Nations, the jurisdiction of the International Court of Justice may be invaded, and it is not conceivable or possible that the resolutions of the Security Council should be interpreted as imposing the obligation to extradite and thus obstruct or prevent the Court from performing its role in the settlement of the dispute.

7. The Jamahiriya is not prepared to accept any infringement of its sovereignty, independence and freedom of decision. It further refuses to be drawn into any action that gives rise to the creation of a dangerous precedent that may have adverse repercussions on international relations as a whole.

Libya shall not yield to pressure and shall not be intimidated by threats of sanctions or of the strengthening of sanctions. No price can be set on the

freedom of peoples, and we are prepared to bear all the consequences of safeguarding the dignity of our nation and its people as long as we believe that we are acting within the bounds of law and legitimacy.

8. The Jamahiriya cannot accept offense to the dignity of the Libyan people or any of its members, because it is of the view that its basic mission is to protect that dignity and impose respect for it.

On the basis of the foregoing, the Jamahiriya refuses to compel two of its nationals to extradite themselves to a foreign country that adopts a hostile and adversarial stance towards their own and renders a prior verdict on their guilt before it is established at a judicial trial providing adequate guarantees and sheltered from political or cultural chauvinism.

9. In view of the fact that there is no agreement in force between the Jamahiriya and the United States or the United Kingdom for the extradition of offenders, Libya is unable to compel the two suspects to extradite themselves to either country. It remains for them to decide by their own free will whether they will present themselves to the legal jurisdiction of either of the two countries.

III. SUPPOSITION THAT THE TWO SUSPECTS WILL CHALLENGE THE CHARGES AGAINST THEM AND AGREE TO APPEAR BEFORE A FOREIGN JURISDICTION

1. It may be possible for the two suspects to take the initiative of proceeding to a foreign country, without specification or exclusion, and appear before the judicial authorities to challenge the unjust charge against them and secure their acquittal in a just and fair trial unaffected by political influences and media campaigns that would prejudice the fairness of the trial and place it outside the domain of law and legal guarantees. It may be appropriate for us to notify you that the two suspects have informed us that they have recently appointed a team of attorneys in Scotland and England. They have requested this team, together with the attorneys who represented them in the United States in the past, to take the necessary measures to challenge the legal competence of either country to provide them with a fair trial.

The two suspects base this move on the obvious fact that there has been widespread advance media condemnation, which would make it impossible to select an impartial and uninfluenced jury in either country.

It goes without saying that in the event this move succeeds it will automatically imply the removal of any basis for strengthening the sanctions imposed on the Jamahiriya. Strengthening the sanctions would necessarily bring about the prejudgement of matters pending before the judicial authorities in the two countries, and this would further prejudice the position of the two suspects, who have already sustained much harm, and violate their human rights.

Through their representatives, the two suspects have raised a number of questions, and we submit them hereunder on their behalf in the hope that the answers provided to them will have a role in their adoption of a positive decision.

Assuming that their appearance before a foreign jurisdiction is possible and that it will take place and be on their own responsibility and not that of the Libyan State, what are the answers to the questions set forth hereunder, which may be provided by the two States concerned and the Security Council directly to the Jamahiriya or through the Secretary-General of the United Nations?

Are the answers to the questions posed to be considered as legal and political guarantees provided to the two suspects and their defence team?

1. Does the State concerned to which the two suspects would proceed in order to appear before a just and fair tribunal undertake to conduct the trial in a legal framework removed from the influence of political factors?
2. Does this State undertake not to conduct an inquiry with the two accused outside the purview of the court so that the two suspects are not subjected to questioning by other agencies such as domestic or foreign intelligence police?
3. Does the State undertake not to exert any physical or mental pressures on the two suspects while they are in detention during the trial?
4. Will the two suspects be guaranteed that no question will be addressed to them and no measures taken other than in the presence of the defence team appointed by them?
5. Does the State concerned undertake to allow representatives of the defence team, the Secretariat of the United Nations, the secretariat of the League of Arab States and the secretariat of the Arab Lawyers' Union to visit the suspects at their place of detention during the trial in order to ascertain that they have not been subjected to torture, pressure or coercion?
6. Does the State undertake not to offer any inducements or specific deals to the two suspects that may tend to alter the truth, or to render a reduced sentence or consider them State's witnesses if they should make certain admissions?
7. Does the State undertake that no individual apart from its own judicial officials will participate in the reception of the two suspects and that, in any event, this will take place only in the presence of representatives of the defence team?
8. How will the defence team for the two suspects ascertain the suitability of the persons proposed as prospective members of the jury that may decide the facts without prejudgement and uninfluenced by the images imprinted on their minds?
9. Does the State undertake that the trial will be in public and that the two suspects shall have the right to defend themselves, directly or through the defence team, in all stages of consideration of the case?

10. What would happen should the jury be unable to reach a verdict of guilty or not guilty?
11. Does the State undertake that the trial will be restricted to the incidents connected with Pan American flight 103 and will not go beyond them to include other incidents or other charges?
12. Does the State undertake to allow the two suspects to leave its territory and return to their homes on the same day a verdict of innocent is rendered or on completion of execution of the penalty against them should their guilt be proved? In this event, and in the event of a judgement for compensation that they are unable to pay, there shall be no liability for the Jamahiriya, which will not have been on trial, and thus its assets may not be placed at risk.
13. Does the State concerned undertake not to extradite the two suspects to another State under any pretext and for whatever reason?
14. Does the State undertake to ensure the two suspects the right to request a retrial, if the law applied therein permits retrial, or to appeal against the verdict?
15. Supposing that the prosecuting authorities wished to prefer charges against other persons in the same case or to prefer charges against the same two suspects in respect of other incidents, would the United States of America and the United Kingdom undertake to accept that consideration of such fresh charges should take place outside the framework of Security Council resolutions 731 (1992) and 748 (1992)?
16. In the absence of a bilateral agreement between the parties that regulates relationships between different legal systems, how can procedures be established to enable the two to appear before a foreign jurisdiction?
17. What legal, social and cultural guarantees are there to ensure just and fair investigation procedures and trial, for example guarantees relating to the non-subjection of the two to police procedures, respect for their cultural and religious identity, regard for health conditions and the facilitation of daily communication with their families?
18. What is the role of the Secretary-General of the United Nations and of the United Nations itself in determining the procedures for the appearance of the two suspects before a foreign jurisdiction and the aforementioned guarantees relating to the investigation and trial?
19. The international covenants relating to human rights legislation have without exception set forth the judicial obligations that States assume in order to ensure respect for the rights they embody, and they have done so by stipulating them explicitly. Most of them refer to the obligation of all States:

"To ensure that any person shall have an effective legal or administrative remedy in the event of any violation of the rights and freedoms established in the covenants, notwithstanding that the violation has been committed by persons acting in an official capacity."

The right of litigation is one of the most important mechanisms for ensuring human rights. It is, indeed, the most important of all, since rights have no meaning without the possibility of litigation to compel respect for them.

At all events, the matter requires that negotiations be conducted under the auspices of the Security Council, represented in the person of the Secretary-General or his representative, at United Nations Headquarters in New York or at Geneva, in order to draw up the necessary terms and guarantees for the inquiry and trial procedures. There should also be negotiations among the prosecuting and trial authorities, in any country satisfactory to the two accused, in the presence of their legal representative and under the supervision of the Secretary-General of the United Nations, to establish the terms necessary for their voluntary appearance.

IV. CLARIFICATIONS AND GUARANTEES REQUESTED BY THE JAMAHIRIYA

As a member of the international community and a State that respects international law and the obligations stemming from the Charter, the Jamahiriya deems itself obliged to pose a set of questions that revolve around the legal and political guarantees that the two States or the Security Council, directly or through the Secretary-General of the United Nations, may undertake to provide.

The guarantees and clarifications that the Great Jamahiriya is requesting are such as to assist in facilitating the task of applying national and international law and to bring the question in dispute to a definitive end.

With respect to these questions, we should like to address the following points:

1. Do the two States concerned undertake to request the Security Council to lift the sanctions imposed on Libya under resolution 748 (1992) immediately on arrival of the two suspects in the jurisdiction of the court that will consider the case, without awaiting the completion of the trial proceedings or the rendering of a verdict?
2. Do the two States undertake not to claim that Libya has not discharged its obligations, particularly with respect to those entailed by resolution 748 (1992) and particularly in the field of terrorism in accordance with the text of paragraph 2 of that resolution?
3. Should either of the two States have reservations in this regard, what precisely in their view is required of the Jamahiriya for it to demonstrate that it has discharged this obligation in full?

4. Do the two States undertake to enter into dialogue with the Jamahiriya on the normalization of relations and the elimination of the remaining factors that cloud them immediately on arrival of the two suspects in the jurisdiction of the court at which the trial will take place?
5. Do the two States agree to cooperate with the Jamahiriya immediately on commencement of the trial in adopting the necessary measures with the Libyan or foreign elements concerning which the Jamahiriya has evidence of their involvement in sabotage or terrorist activities that jeopardize the interests of the Libyan State or of its nationals?
6. Do the two States agree that, after the appearance of the two suspects before the court, the role of the Security Council shall be restricted to the lifting of sanctions and shall not extend to monitoring the progress of the trial proceedings or any other aspects?
7. It is clear from a reading of Security Council resolution 731 (1992) that it accuses the Great Jamahiriya, in a general and vague manner, of acts of terrorism and assistance to terrorism.

Assistance by the Great Jamahiriya to certain liberation organizations was provided on the basis of our belief in freedom and the right of peoples to self-determination. This is in conformity with the resolutions adopted by the United Nations General Assembly at successive sessions on the need to support liberation movements and to promote the right of peoples to self-determination.

In the absence of an international agreement defining the concept and bounds of terrorism, certain actions may be interpreted and cooperation with certain liberation movements may be characterized as terrorism by some parties without there being any basis in international law for doing so.

In this connection, the Great Jamahiriya has declared on a number of occasions and in numerous communications that it has implemented resolution 731 (1992) as it relates to the charge against it having supported and assisted groups suspected of engaging in terrorist activities. The letters and statements of the Great Jamahiriya on this matter have documented this fact to the United Nations.

As an additional manifestation of good faith on the part of the Great Jamahiriya, in its appreciation of the role of the Security Council, and in its desire to cooperate with the United Nations and its Secretary-General in promoting the norms of international cooperation and world peace, the Great Jamahiriya requested that a United Nations mission be dispatched to verify its implementation of resolution 731 (1992) as it relates to terrorism, but this request was not granted. Do the two States concerned undertake not to characterize the Jamahiriya as a State that supports groups whose activities are said to constitute terrorism?

8. In their declaration of 13 August 1993, the three States reiterate that they have no hidden agenda against the Jamahiriya, meaning that they have no intention of intervening in the internal affairs or interfering with the political and economic choices of the Libyan Arab people, and that, on the

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contrary, upon implementation by the Great Jamahiriya of resolution 731 (1992) the conditions would be met for the lifting of the sanctions imposed.

To what extent are the three States prepared to affirm that this is a commitment they will fulfil within the Security Council on discussion of the lifting of the measures of compulsion against the Great Jamahiriya?

9. The Jamahiriya understands from the declaration of the three States issued on 13 August 1993 that it contains a modification of the demands set forth in the declaration of 27 November 1991 contained in document S/23308. Will the appearance of the two suspects on their own initiative be regarded as compliance with the requests of these States and lead to the immediate lifting of the compulsory sanctions imposed?

The Jamahiriya hopes to receive your reply to these questions as quickly as possible so that it may communicate it to the legal representatives of the two suspects before they make their decision on the matter and so that the Jamahiriya may determine its future steps at the proper time and without delay.

In conclusion, we request you to have this letter circulated as a document of the Security Council.

We must convey to you our sincere gratitude and appreciation for your active role in safeguarding international legitimacy, promoting the principles of justice and law and protecting international peace and security.

Annex 68

MATERIAL ON SCOTTISH CRIMINAL PROCEDURE
PROVIDED BY THE UNITED KINGDOM TO THE
UNITED NATIONS SECRETARY-GENERAL, SEPTEMBER 1993

(a) if the suspects are surrendered, or surrender themselves for trial in Scotland they will receive a fair trial with the full protection of Scottish legal procedures. The jury will be asked only to decide on the guilt or otherwise of the two men. There is no question of any political influence in the trial:

(b) after their surrender the two accused would not be interrogated; between their arrest and trial nobody would be entitled to question them except at a judicial examination by the Prosecutor conducted before a Judge, when they would be legally represented and entitled to refuse to answer questions. At their trial they could only be questioned if they chose to give evidence on their own behalf:

(c) there is no question of material or moral pressure being exerted on the two accused by the British government while they are awaiting trial:

(d) Defence Counsel will be able to be present at all legal procedures involving the two accused:

(e) during their detention awaiting trial, the two accused could be visited daily by observers if the two accused so wished. Such observers could include representatives from the UN General Secretariat, the Arab League General Secretariat and the Arab Lawyers Unit, as well as the Defence Counsel:

(f) on arrival in the UK, the two accused would be detained by police officers in the same way as any other alleged criminals. Defence Counsel would be able to be present:

(g) the trial would be held in accordance with normal Scottish legal procedures and the two accused would receive the full protection these procedures afford. The two accused would have the right to defend themselves (directly or through Defence Counsel) at all stages in the trial. Defence Counsel would be able to challenge members of the jury in the normal way:

(h) under Scottish law the accused are innocent until proved guilty. Unless a majority of the jurors agree that a particular accused is guilty, he will be acquitted by a verdict of not guilty or not proven: the consequences of either verdict of acquittal for the accused are precisely the same and he cannot be retried for the offence:

(i) the purpose of the trial will be to establish the guilt or otherwise of the two accused on the charges in the Warrant, and nothing else:

(j) if they were acquitted, the two accused would either leave the UK under their own arrangements or by Home Office deportation back to Libya. After acquittal, both Scottish Law and the terms of the UK/US Extradition Agreement would prevent their extradition to the US to stand trial on the same facts:

(k) the criminal courts in Scotland cannot make orders against accused persons requiring them to pay compensation in respect of death caused by criminal acts. Any question of compensation by the accused persons would be one for civil courts, to be pursued by private claimants and would not involve the British government. This does not affect the requirement on Libya under SCR 731 to pay appropriate compensation. Compensation would be appropriate if the accused were found guilty or if Libyan involvement were demonstrated in some way:

(l) after their surrender to the UK, the two accused would be taken to Scotland, charged and detained in safe custody until their trial. There would be no question of their being forced to travel outside the UK prior to the verdict or if they were convicted:

(m) if convicted, the two would be able to appeal in the normal way:

(n) if the Prosecuting authorities wished to indict other people in the same case, or level accusations against a suspect for other incidents, the British government would consider the new accusations outside the scope of the provisions of Resolution 731 and 748:

(o) once Libya has stated, authoritatively and irrevocably, that she is ready to surrender the Lockerbie suspects, or that they are willing to surrender themselves, to stand trial in Scotland, the British government would be willing to meet Libyan officials to discuss the mechanics of how to effect this:

(p) while awaiting trial, the two accused, will, for their own benefit, be held in a special prison facility. This will include provision for religious observance, special dietary requirements and daily visits by family, observers and others. There will also be access to any necessary medical facilities. The Scottish prison authorities would also be willing to consider other reasonable requests (English language lessons etc).

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Security Council

Distr.
GENERAL

S/26523
1 October 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 1 OCTOBER 1993 FROM THE PERMANENT REPRESENTATIVE
OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

With reference to the two letters from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation which were sent to you on 29 September and 1 October 1993 respectively, I should be grateful if you would have them circulated as a document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

ANNEX I

Letter dated 29 September 1993 from the Secretary
of the General People's Committee for Foreign
Liaison and International Cooperation of the
Libyan Arab Jamahiriya

I received your letter dated 24 September 1993 which contains replies to certain questions which were raised in the letter which we sent to you on 11 September 1993. I should like to express my appreciation to you for the speed and objectivity of your reply and for your recognition of our willingness to cooperate with you and to take positive and meaningful measures.

I should like to assure you once again of our determination to settle all pending issues with the countries concerned in order to improve our relations with all the countries of the world within a framework of dialogue, understanding and cooperation on the basis of the purposes and principles of the Charter of the United Nations.

The replies contained in your letter concern the questions raised and the clarification requested by the lawyers of the two suspects but we are still awaiting the replies to the questions asked and clarification sought from the three Western countries.

We have sent to the lawyers of the two suspects the replies which you sent to us. For our part, we wish to say that the assurances you have given us are adequate and acceptable. As a State, and after these assurances, not only are we no longer opposed to the suspects going to trial, but we will encourage them to do so. We believe that there is only one more step which needs to be taken to resolve this crisis which has lasted for years, namely to convince the suspects, their families and their lawyers to go to trial. For our part, as we have already said, we will encourage them to do so.

As to the disaster of the UTA 772 aircraft, we assure you of our full willingness to cooperate with the competent French authorities, in accordance with the French demands in relation to the investigation of this incident.

(Signed) Omar Mustafa ALMUNTASSER
Secretary of the General People's
Committee for Foreign Liaison and
International Cooperation

ANNEX II

Letter dated 1 October 1993 from the Secretary
of the General People's Committee for Foreign
Liaison and International Cooperation of the
Libyan Arab Jamahiriya addressed to the
Secretary-General

With reference to the letter I addressed to you on 29 September 1993, I should like to confirm that the replies you gave to the questions raised by the two suspects are adequate and acceptable, and that the Libyan Arab Jamahiriya is encouraging the two suspects to appear before the Scottish courts.

As a token of our good will we are prepared to welcome a group of representatives from the Scottish courts to see the efforts we are making, to meet the two suspects, their families and lawyers and to contribute to the efforts designed to convince them to appear before the Scottish courts.

Furthermore, I wish to assure you that we will respond to the French requests with the same earnestness and determination we have shown with respect to the American and British requests.

I sincerely hope that the three countries will give some acknowledgement of our earnestness and our firm determination to implement Security Council resolution 731 (1992). I also hope that the countries concerned will help to create a favourable climate, devoid of any threat, ultimatum or escalation of the aggravation of sanctions, and that this will come about prior to the date scheduled for consideration of the action taken on resolution 748. In acting thus, these countries will be helping to bring us to the final stage of the long road we have travelled. There is no need to recall that we received answers to some of our questions on 28 September 1993 and that answers to the other questions would help to create this favourable climate.

(Signed) Omar Mustafa ALMUNTASSER
Secretary of the General People's
Committee for Foreign Liaison and
International Cooperation

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through with its intervention or decide to rescind that intervention. One way or another, it cannot continue with the present policy, which makes it an accomplice in the destruction of the Bosnian people.

My Government remains committed to peace and to the ideals of a pluralistic, democratic and multi-religious society. Unfortunately, some of the very nations that espouse these ideals world wide have betrayed them by inaction, and in their own backyards. We cannot indefinitely continue a struggle on principle without adequate help from outside or without at least being afforded the full opportunity to defend ourselves.

The action of our Parliament is clear in its commitment to peace, its demands for a viable State and a durable peace. Principles have been shamelessly abandoned by those who had the greatest duty and reason to uphold them in our country. We cannot and will not accommodate the anxieties of those same Governments and allow them to pressure us to abandon our last hope for self-preservation and a real and durable peace.

Although there has been a process through which many witnesses to this crime have become anaesthetized to its horror, the horror itself will never go away, and future generations of the righteous and the just in every nation will neither forgive nor trust the countries which allowed it to happen. At least a billion people are waiting for this body to act. Are Members really ready to surrender Bosnia and its people to annihilation? Those billion people I have mentioned, and not only they, will never forgive you.

The PRESIDENT: On behalf of the General Assembly, I wish to thank the President of the Republic of Bosnia and Herzegovina for the statement he has just made.

Mr. Alija Izetbegović, President of Bosnia and Herzegovina, was escorted from the General Assembly Hall.

AGENDA ITEM 9 (continued)

GENERAL DEBATE

The PRESIDENT: May I remind delegates once again that any congratulations to be expressed to speakers should be done through the delegations in the aisles adjoining the plenary.

Mr. AL-MUNTASSER (Libyan Arab Jamahiriya) (*interpretation from Arabic*): On behalf of my delegation, may I condole through the delegation of India, with the Government and people of India over the natural calamity which has befallen that great people. Allow me, at the outset, to congratulate you sincerely on your election to the presidency of the forty-eighth session of the United Nations General Assembly. I should also like to express my country's appreciation to your predecessor, Mr. Stoyan Ganev, for his constructive efforts. We hope that in continuing to play a constructive role in the new international environment the General Assembly will benefit from your diplomatic skills and broad experience.

May I also take this opportunity to express our appreciation to the Secretary-General, Mr. Boutros Boutros-Ghali, for his dedication to the United Nations and for his efforts aimed at reforming the Organization at this critical juncture.

I should like also to welcome the new countries that have joined the United Nations. We are confident that their membership will enhance the role of the Organization and further universal acceptance of its principles and purposes, which aim at establishing and strengthening international peace and security and ensuring that justice is done.

Today, the people of the Jamahiriya celebrate the anniversary of the departure of the last remnants of Fascism from Libyan soil, thus putting an end to a period in its history that was characterized by the domination of settler-colonialism, a period during which injustice and persecution prevailed. As our people celebrate this anniversary today, they reaffirm that relations between Libya and the State from which those settlers came are now relations of good-neighbourliness, based on understanding and cooperation in every field.

During the forty-seventh session of the General Assembly, there were numerous developments in the international situation. However, before I speak of my country's position on those developments, allow me to start with a question which is of great importance to us and which is not unrelated to those recent international developments. Rather, it is one of their by-products. It has to do with the tendency of certain countries to impose solutions to their differences with other countries in a manner that is not consonant with the Charter of the United Nations or with international norms and conventions. In so doing, those countries tend to deliberately apply double standards, especially when the

dispute is with a country that pursues independent policies and adopts unsubmitive positions. This is the case with regard to the dispute that arose between the Libyan Arab Jamahiriya and France, Britain and the United States of America, when the three countries declared that they suspected the involvement of Libyan nationals in the Pan American and UTA plane incidents and demanded that two Libyan citizens be handed over to stand trial in Scotland or the United States of America. Notwithstanding the fact that the Libyan authorities, once notified, took the appropriate legal steps, the other parties refused to cooperate with the Libyan authorities or to await the results of their ongoing investigations. Instead, they resorted to the Security Council and directed it to deal with this matter under Chapter VII of the Charter, which has nothing to do with the issue in question. Libya has not threatened anyone, nor has it endangered international peace and security. The whole thing is a question of suspicions and allegations that have to be investigated through judicial channels.

Although my country realizes that this matter has been addressed, intentionally, within a framework that is totally incompatible with its legal character, it has continued to investigate the whole issue, as it has done since it was notified of the matter, because it is determined to uncover the circumstances and facts surrounding the case. Libya has also declared its readiness to cooperate by responding to the requirements of Security Council resolution 731 (1992), which include cooperation with the Secretary-General of the United Nations to ensure the success of the mission entrusted to him by that resolution.

In this respect, my country has reiterated its condemnation of international terrorism in every shape and form. It has severed relations with all organizations and entities suspected of being involved in terrorist acts and has affirmed that it will not allow its territory, institutions or citizens to be used, directly or indirectly, for the carrying out of such acts. It has declared its readiness to punish severely those proven guilty of involvement in terrorist activities. My country has also declared that there are no terrorist training camps on its soil and has invited the Security Council, or any other international body the Council may choose, to investigate and verify this.

In addition, my country has cooperated with the Government of the United Kingdom in trying to find individuals whom the British Government has accused of involvement in terrorist acts. More than one meeting has been held in this respect, and British officials have confirmed the Jamahiriya's positive cooperation with them

in this matter. Moreover, in order to determine the responsibility for the bombing of the French UTA plane, more than one meeting has been held between the Libyan investigative judge and his French counterpart. Contacts are ongoing with the French authorities to arrange the French judge's visit, and his mission will be facilitated, provided he arrives in a peaceful and civilized manner and not in the manner of sixteenth-century gunboat diplomacy.

I have spoken briefly of the measures taken by Libya in response to the stipulations of Security Council resolution 731 (1992). As regards the determination of responsibility for these terrorist acts to which the American and French planes were subjected, my country took legal and investigative measures and has called on the British and American authorities to cooperate in completing the investigation. It has also called on neutral bodies and international and humanitarian organizations to verify the fairness of the investigations.

Concerning its contribution to the eradication of international terrorism, the aforementioned practical measures prove my country's seriousness in stamping out this phenomenon. Libya's eagerness to eliminate international terrorism was embodied in our call for the convening of a special session of the General Assembly to study the causes and dimensions of the problem.

The matter that has not yet been resolved is that relating to the request by the British and American authorities to turn over the two suspects to stand trial in the courts of one of those countries. My country has spared no effort in seeking to resolve this problem in accordance with the conventions of legality. We offered to go to the International Court of Justice and we proposed surrendering the two suspects to the United Nations office in Libya for investigation. We also proposed that the Secretary-General of the United Nations establish a legal fact-finding committee to examine the verisimilitude of the accusations and carry out a comprehensive investigation.

The competent authorities in my country put this problem before the Basic People's Congresses - the legislative authority - in Libya, which adopted a decision wherein they stated they would not object to the suspects being tried before an unbiased and fair court agreed upon by all concerned. On this basis, my country announced its readiness to enter into negotiations with the countries concerned, under the auspices of the Secretary-General, on a venue for the trial that could be agreed upon by all parties to the dispute and that would guarantee an

environment conducive to revealing the truth. To our minds, this is the substance of Security Council resolution 731 (1992). The Secretary-General was notified of this step in December 1992 and again last July, when he was informed that Libya was prepared to discuss the proceedings and arrangements relating to the trial.

The position taken by the Libyan Arab Jamahiriya concerning these disputes met with widespread approval from various States and regional organizations, including the Non-Aligned Movement, which is made up of some 110 States (see the Jakarta Message, A/47/675); the Organization of the Islamic Conference, with its 54 members (resolutions 6/20 and 21/14); the League of Arab States, which has 22 members (resolutions 5156, 5158, 5161, 5224 and 5281); and, last but not least, the Organization of African Unity (OAU), which consists of more than 50 States. The OAU, in resolution 1457, expressed appreciation for Libya's initiatives towards the resolution of this dispute and commended Libya's readiness to cooperate with the legal and judicial authorities and called upon the Security Council to review resolution 748 (1992) with a view to lifting the embargo imposed on Libya.

The positions taken by these organizations show that they see the justice of the Libyan viewpoint, and also highlight their interest in playing their roles in resolving the dispute by peaceful means according to Chapter VIII of the Charter. It was hoped that the three States concerned would take these positions into consideration and respond to the Libyan initiatives, but our efforts have been rejected. Moreover, the States concerned have discredited both the flexibility and responsiveness of the Libyan position and have insisted, in contravention of international laws and practices, on the extradition of the suspects to the United States or Britain to stand trial before the courts of one of those countries.

Libya has not, in principle, rejected the trial of the suspects, as it has confirmed from the very start. All Libya has asked for, and is still determined to obtain, is a legitimate and unbiased trial with all the legal and psychological guarantees that go with it. Intensive consultations and contacts in this regard were recently conducted, and their results were communicated to the Secretary-General on 24 September 1993. Libya considers the content of the Secretary-General's reply sufficient and acceptable, and, therefore, the only step left in the resolution of this problem is that of convincing the suspects to submit themselves to the Scottish judiciary. The Libyan Arab Jamahiriya is encouraging them to do so.

This was communicated to the Secretary-General in two letters contained in document S/26523, dated 1 October 1993.

The Libyan Arab Jamahiriya has responded pragmatically to the stipulations of Security Council resolution 731 (1992). Now it becomes necessary not only to abandon the efforts aimed at tightening the sanctions imposed by resolution 748 (1992), but to lift those sanctions immediately. This is why we appeal to this Assembly, which represents the conscience of the world, to support the measures that have been called for by the international and regional organizations I have mentioned.

The sanctions have caused the Libyan people much misery and have cost them billions of dollars in material losses, to which must be added the deaths of hundreds of children, women and elderly people. I do not want to go into detail, for we have elaborated on this in 14 documents, the latest of which is document S/26139. However, in brief, let me say that the embargo has prevented about 8,525 patients with severe illnesses from travelling abroad for treatment. It has prevented college professors from travelling to Libya and has led to the suspension of contracts with hundreds of physicians. The embargo has caused the number of fatal road accidents to double because of the difficulty in transporting the injured to specialized hospitals in neighbouring countries. Also, the death rate among cattle has been high because of lack of immunization and a shortage of preventive medications. It has cut the revenue from economic activities by more than \$2,400,000,000. Furthermore, there is a severe lack of spare parts for aircraft, which has led to a plane crash with 157 fatalities among passengers of various nationalities.

The easing of tensions in international relations has enabled the international community to achieve progress in the areas of disarmament and the protection of human rights. It has also enhanced international efforts aimed at solving disputes which, until recently, have been a source of great concern. This has included the reconciliation in Cambodia and the maintenance of stability in Central America. There are also positive signs regarding the attainment of lasting peace in Mozambique. Important steps have been taken towards full national reconciliation in Liberia, and the dispute in Rwanda is on its way to a final solution. However, these hopeful developments should not mask the fact that the world now is in the grip of unprecedented tensions and conflicts, which necessitate further efforts by the United Nations and regional organizations not only to resolve them but also to prevent certain countries from monopolizing the resolution of such

conflicts. The problem of Cyprus remains unsolved. The situation in Bosnia and Herzegovina and the Balkans in general has deteriorated and continues to cause much human misery. Afghanistan has not achieved total stability yet, and fighting in Angola has intensified. The national peace accords there have not been genuinely observed, regardless of the international and regional efforts deployed. The situation in South Africa has witnessed some positive developments, but an immediate stop must be put to the acts of violence which negatively affect the transformation of South Africa into a unified, democratic and non-racial State.

For more than four decades, the United Nations has continued to adopt numerous resolutions on the question of Palestine. Regardless, the Israelis have refused to comply with any of those resolutions, all of which recognize the inalienable and legitimate right of the Palestinian people to self-determination and their right to return to their homeland. The provisions of General Assembly resolution 194 (III) on the right of return for refugees, of resolution 478 (1980) on Jerusalem, of resolution 3375 (XXX) on the right to self-determination and of resolution 799 (1992) on deportees are only a few dead letter examples. Despite the recent developments concerning the question of Palestine, the position of the Libyan Arab Jamahiriya regarding this issue and the conflict in the Middle East remains as we have previously explained it, and let me now reiterate it: all occupied Arab territories should be liberated, and the Palestinian people should be supported until they have regained all their rights - the foremost of which being their right to self-determination, their right to return to their land and their right to establish in Palestine their own State, where both Arabs and Jews can live on an equal footing.

In another part of the Arab homeland, namely Somalia, the situation is still a source of grave concern. Although earlier efforts were successful in creating a safe environment for the distribution of humanitarian relief assistance to those suffering from the widespread famine, the recent events, which indicate that the circumstances have changed, show how sensitive the situation is in that region. My country, which has closely followed the developments in Somalia, remains convinced that solutions to problems cannot be imposed by force regardless of the enforcer. Solutions can be found only through dialogue and understanding.

First and foremost, the Somalis themselves should abandon their differences and work together to implement the agreements they have reached so that Somalia and its people may regain peace, security and stability.

Given our conviction that peace and security in the Mediterranean region is closely related, not only to security and cooperation with Africa and Europe, but also to world peace and security, the strengthening of security and cooperation in the region is a high priority for the Libyan Arab Jamahiriya. That is the reason why my country welcomed General Assembly resolutions in this regard as well as the resolutions adopted on the subject by other organizations, such as the Non-Aligned Movement. Once again, we declare that we welcome any and all initiatives aimed at removing the causes of tension, enhancing stability and expanding cooperation in the region.

My country is fully cognizant of the fact that the strengthening of security and cooperation in the Mediterranean region is a multidimensional issue. However, we continue to believe that withdrawal of foreign fleets and the closing down of foreign bases in this region constitute the essential elements. Such a step would enhance confidence-building in the area and channel resources towards economic and social development. At the same time, the Libyan Arab Jamahiriya believes that the use of dialogue and understanding - on the basis of mutual respect for sovereignty and in accordance with international norms and conventions - to settle differences would also constitute a basic element in restoring security and stability to the Mediterranean region. Moreover, intensified collaboration and coordination of efforts in areas of common interest would further enhance cooperation. For this reason, the Jamahiriya welcomes the steps taken within regional groupings such as the Arab Maghreb Union and the Western Mediterranean Grouping (5 + 5), as such steps constitute an important breakthrough towards the realization of peoples' aspirations after peace, security and cooperation.

Concrete progress has been made over the past few years in the area of disarmament, especially with regard to the reduction of nuclear-weapon stockpiles and accession by more countries to the Non-Proliferation Treaty. While it welcomes those developments, the Libyan Arab Jamahiriya does not consider them to be sufficient and believes that the danger of nuclear proliferation requires further international efforts that would lead to the complete elimination of all weapons of mass destruction in the case of every State that possesses, produces or stockpiles them. Consequently, my country supports all initiatives aimed at achieving this end, including the enhancement of the United Nations disarmament mechanisms and especially the Conference on Disarmament, whose work has been crowned by the Chemical Weapons Convention. This is an ambitious document on the road to general and complete

disarmament. However, my country has so far abstained from signing this Convention because of the existence in the region we live in of weapons of mass destruction that are not subject to international safeguards and inspection. Under such circumstances, it is difficult to consider the Chemical Weapons Convention without considering other weapons of mass destruction in the Middle East, mainly nuclear weapons.

My country has supported the call for the establishment of nuclear-weapon-free zones, including the proposal by the Arab Republic of Egypt which calls for making the Middle East an area free of weapons of mass destruction. Based on my country's eagerness to stamp out the dangers of such weapons and in order to get rid of them, it has called on the United Nations to adopt the necessary measures to destroy nuclear, bacteriological, chemical and other weapons of mass destruction, such as ballistic missiles, and to prohibit and criminalize the development, possession and use of all such weapons.

The international family's current efforts to establish security and stability in the world, mainly through the redoubling of efforts to contain political crises and end regional disputes, should be expanded to embrace economic problems as well. The impact of economic problems on international peace and security is not less dangerous than that of armed conflicts. According to the 1993 World Economic Survey, the world economy continues to stagnate. Its revitalization requires urgent international measures which would give special attention to the developing countries, which suffer from economic difficulties that arise from trade protectionism, large external debts, restrictions on the transfer of technology, the reverse flow of resources and low commodity prices.

In the context of the international community's efforts to promote economic and social development, my country wishes to draw attention to the danger of the coercive measures of various forms, to which some developing countries, including mine, are being subjected. Such measures constitute one of the main obstacles to development and run counter to the Charter, the rules of international law and to all relevant General Assembly resolutions.

Support for development efforts also requires the international community to honour its commitments to certain development programmes, such as the United Nations New Agenda for the Development of Africa in the 1990s. Africa attaches great hope to this programme because it would help promote developmental efforts that

began with the establishment of Africa's economic community and have been enhanced by the establishment of a number of subregional groupings such as the Arab Maghreb Union, which has taken important steps towards improving the use of the region's resources and towards strengthening the regional ties that would enhance the adoption of common policies by its member countries in the political, economic and social spheres.

Last year's Earth Summit yielded important results. We are satisfied with the measures adopted towards the realization of the Conference's objectives, especially the beginnings of a convention to combat drought and desertification. This is an extremely important issue for my country and for the whole North Africa region, which suffers from a shortage of water and is threatened by drought and creeping desertification. Furthermore, we believe that true determination to protect the environment lies in international cooperation and in honouring the commitments made at the Rio Conference. Protection of the environment is one of my country's top priorities. Our first step in combating drought and desertification is the great man-made river. Our national plans include the reclamation of thousands of hectares of desert for the purpose of agriculture and settlement.

In this respect, I must inform the Assembly that our efforts to expand environmental protection and maintenance are being hampered by the widespread presence of remnants of war, and of mines that were laid in Libya's soil during World War II. International and regional organizations have adopted numerous resolutions in this connection, and the General Assembly has also adopted similar resolutions, the latest of which was resolution 40/197. All those resolutions have called upon the countries responsible to provide the information and technical assistance required for the removal of those mines and other remnants of war, and to pay compensation for the damage caused. Today, we call once again upon those countries to shoulder their responsibility and to respond to the calls of the international community and the United Nations resolutions on the remnants and debris of war.

The adoption of international policies and programmes aimed at ensuring mankind's well-being and attaining the best possible standard of living is one of our objectives. On this basis, my country welcomes the convening of the International Conference on Population and Development next year, and of the World Conference on Women and the World Summit for Social Development in 1995. To our mind, these conferences will give a strong political impetus

to international efforts and activities aimed at stamping out underdevelopment, poverty and hunger. In welcoming these conferences, we are encouraged by the important results from the International Conference on Human Rights. They are a great achievement in the promotion of respect for human rights and basic freedoms.

My country which belongs to one of the great cultures of the world, namely the Arab-Islamic culture that has contributed greatly to the promotion of human rights, is determined to continue to support the international community's efforts, deployed through the United Nations and its organs, in the area of human rights, so that we may realize the goals of the Vienna Declaration and Programme of Action.

Given its interest in human rights which it considers to be the basis for development and prosperity, my country has worked to achieve and strengthen equality for all its citizens and to guarantee their rights. This has been stressed in the great green document on human rights and basic freedoms. The freedom enhancement act was promulgated in 1991, and a large number of international agreements in the area of human rights have also been ratified. In addition, the International Committee on the Qaddafi Award for Human Rights has been established.

The restructuring and reform of the United Nations and the democratization of the composition of its organs have become a necessity if the United Nations is to be enabled to meet international demands, become more responsive to the needs of Member States and more effective in its work, in consonance with the goals of the Charter.

My country has been following with interest the current attempts at reforming the United Nations in the economic and social fields. We welcome the decision on the revitalization of the General Assembly and the streamlining of its agenda. We hope that the ad hoc working group established for this purpose will reach a conclusion that strikes a balance between, and safeguards the interests of, all Member States.

The Secretary-General's proposals in his report entitled "An Agenda for Peace" are a valuable contribution towards enhancing the Organization's ability to meet the challenges of the coming period. My country welcomed those proposals, and has taken note of the two resolutions adopted by the General Assembly in this respect.

In carrying out the recommendations of the Agenda for Peace, the United Nations should be guided by the principles of the Charter and especially by its respect for the sovereignty, territorial integrity and political independence of States, as stipulated in resolution 47/120, and confirmed by resolution 47/233 adopted by the General Assembly just last month. The strengthening of the General Assembly so that it may perform the role entrusted to it by the Charter should be one of the main objectives in reforming the United Nations. The Security Council, which Member States have entrusted with the maintenance of international peace and security on their behalf, should carry out its duties in a manner that fully conforms with the principles and purposes of the Charter and with international laws and norms. The Council should also improve its methods of work and adopt an objective course of action. It should not apply double standards when dealing with issues of world peace and security. The present facts on the ground necessitate an enlargement of the membership of the Security Council not through partial measures but through radical solutions that reflect the increase in the membership of the United Nations and take into consideration equal geographical distribution in accordance with the provisions of Article 23 of the Charter and the objectives of General Assembly resolution 47/62.

Within the context of the reform process, it is highly important to review some of the provisions of the Charter that are no longer in keeping with the great changes that have taken place in the international arena. The world situation in 1945 and the situation now are different. This requires the adoption of bold measures in relation to certain provisions of the Charter whose continued existence constitutes a major impediment to the most important role of the United Nations, namely, the maintenance of international peace and security. Here, we refer to the veto power in the United Nations Security Council, which is held by a very few countries. The abolition of this privilege is something that has long been called for; calls for abolition have grown over the last few years. The position expressed by many countries, including my country, during the last session of the General Assembly and in other forums, confirms the widespread desire to abolish this privilege and highlights the fact that any collective security system that is subject to the veto power of some countries cannot be depended upon to maintain international peace and security.

In conclusion, as we prepare to celebrate the fiftieth anniversary of the United Nations, and as we look forward

to the next 50 years, we are duty bound, both as States and as peoples, to lay down a strong and just foundation for the world of tomorrow. The world we aspire to is a world free from conflicts, disputes and wars; a world where the means of annihilation and destruction do not exist and where the manifestations of poverty and suffering have long disappeared; a world of security and stability built by people on the basis of virtue, justice and equality, where democracy and human rights are reinforced by the absence of violence, injustice and arbitrary acts; a world where all people have a genuine opportunity to look to the future with optimism and to enjoy peace, security and happiness by truly applying the principles of the Charter of the United Nations. In contributing to the achievement of these goals, the Libyan Arab Jamahiriya put forward a proposal designed to deal with and solve many of the problems and issues with which mankind is preoccupied. That proposal was circulated in document A/46/840 which I shall not address but which is available to representatives as an addendum to this statement.

Mr. GOMBOSUREN (Mongolia): At the outset, permit me to offer to you, Sir, my delegation's sincere congratulations on your unanimous election to the presidency of the forty-eighth session of the General Assembly. Your professional experience as your country's Permanent Representative to the United Nations will undoubtedly be an asset in our important deliberations.

We pay tribute to your predecessor, Mr. Stoyan Ganev, for his dedicated service. We applaud the Secretary-General, Mr. Boutros Boutros-Ghali, for his bold and tireless efforts to strengthen the world Organization. We warmly welcome the new Members and wish them well.

A retrospective look at developments since the end of the cold war reveals the complexity of advancing towards a new fabric of international relations. On the one hand, the spirit of cooperation and interaction is becoming prevalent. The new democracies are making headway in the face of the formidable difficulties of transition. Recent events in Russia are ample evidence of this. We are confident that the democratic forces, led by President Yeltsin, will overcome the present ordeal and succeed in their endeavours. The significance for the region and the entire world of the success of Russia's reforms can hardly be overemphasized.

Mr. Ouedraogo (Burkina Faso), Vice-Chairman, took the Chair.

Furthermore, solutions are being found even to the most protracted regional conflicts. The recent historic act of mutual recognition between Israel and the Palestine Liberation Organization (PLO) and the interim peace agreement are a case in point. We hope that this will lead to a just and comprehensive solution to the Arab-Israeli conflict.

An important breakthrough towards democracy and a multiracial society in South Africa has been made. Peace and the national reconciliation that had eluded Cambodia for so long has been restored to this land of ancient civilization. Landmark agreements on the prohibition of chemical weapons and on the reduction of nuclear armaments have been concluded.

In the meantime, it is clear that old, deep-seated problems still await solutions and new ones, once held in check by the circumstances of the time, are emerging.

Indeed, no tangible progress has been registered in addressing the issues of poverty, external debt, drugs, organized crime, the widening gap between the affluent and the poor, and environmental crises. Though the cold war is over, the "hot wars" have multiplied. Suffice it to mention the continuing tragedies of Bosnia and Herzegovina, Somalia, Nagorny-Karabakh and Abkhazia.

It is widely recognized today that the concept of development has acquired a multidimensional character encompassing not only economic growth, but also political, social and environmental aspects. Moreover, greater emphasis is being placed on the human dimension of development, as in the final analysis the well-being of people stands as a true measurement of development. We believe that the United Nations is the only, and irreplaceable, mechanism to translate this concept into reality.

In this respect, the United Nations-sponsored world conferences on population and on women and the World Summit for Social Development are called upon to open up better prospects to that end. No lasting solution to today's various problems can be sought unless the developmental challenges are adequately addressed. The concept of development and its practical aspects will certainly be enriched by the Secretary-General's interim report on an agenda for development and its upcoming discussion during this session.

Now is the time resolutely to address the long-standing agenda relating to economic disparities between

Annex 71



Security Council

Distr.
GENERAL

S/26629
26 October 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 22 OCTOBER 1993 FROM THE PERMANENT REPRESENTATIVE
OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

I refer to my letter of 11 October 1993 addressed to you, in which I informed you of the press release issued by the defence team for the two Libyan nationals on 10 October 1993 following its two-day meeting in Tripoli, and I have the honour to transmit to you herewith the following documents:

1. Statement of 27 September 1993 by an official source in the secretariat of the General People's Committee for Foreign Liaison and International Cooperation (annex I);
2. Agreed press release issued on 10 October 1993 by the defence team for the two Libyan nationals (annex II);
3. Statement issued by the Libyan Arab Human Rights Committee on 11 October 1993 (annex III);
4. Statement issued on 12 October 1993 by an official source in the General People's Committee for Foreign Liaison and International Cooperation (annex IV).

I should be grateful if you would have this letter and its annexes circulated as a document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

Annex I

Statement of 27 September 1993 by an official source
in the secretariat of the General People's Committee
for Foreign Liaison and International Cooperation

An official source in the secretariat of the General People's Committee for Foreign Liaison and International Cooperation has stated that the replies received to the legal questions posed by the attorneys for the two suspects were positive.

The General People's Committee for Foreign Liaison and International Cooperation affirms that the Secretary-General's letter on this matter is regarded as adequate and acceptable. We do not object to the two appearing before a Scottish court, and we urge them to agree to do so. We believe that all that remains to resolve a long-standing crisis that has caused our people and neighbouring peoples grave human, material and moral damage is a single step, namely that of persuading the two suspects, their families and their attorneys that the two should appear before a Scottish court.

Annex II

[Original: English]

Agreed press release issued on 10 October 1993 by
the defence team for the two Libyan nationals

The legal advisers to Abdelbaset Ali Mohamed Al Megrahi ("Abdelbaset") and Al Amin Khalifa Fhima ("Al Amin") met in Tripoli for discussions on 8 and 9 October 1993. Present at some of the sessions were Abdelbaset and Al Amin, who confirmed again in the strongest terms their innocence of the charges and, notwithstanding their right under domestic and international law to remain in Libya, their willingness to stand a fair trial after due process of law.

The legal advisers discussed the fundamental rights of every accused, namely the right to be afforded a fair trial before an impartial tribunal, the maintenance of the presumption of innocence and the right to be given adequate time for the preparation of the case after being notified not only of the charges but also of the evidence the prosecution wish to adduce in support of the charges.

In the context of these discussions, grave concern was expressed over the possible prejudicial effect on potential jurors of pre-trial publicity in the United States and Scotland and also, in the absence of a normal extradition procedure, the refusal of the prosecution authorities to disclose the evidence upon which they intended to rely at any trial. The latter refusal seriously undermines the advisers' ability to prepare for the case properly.

All of these matters and others were exhaustively discussed and advice was tendered to Abdelbaset and Al Amin. It will be understood that the advisers' deliberations and the advice tendered by them to Abdelbaset and Al Amin are the subject of legal professional privilege and no details of it will be divulged beyond the terms of this memorandum.

The legal advisers have noted a statement issued on behalf of the Libyan Government on 1 October 1993, which, inter alia said:

"... we are prepared to receive a group of competent judicial Scottish officials to be acquainted with our efforts and to interview the suspects, their families and their lawyers, as well as to participate in the efforts to persuade them to appear before a Scottish court."

This attempt by the Libyan Government to interfere with the advice given to the two men is totally unacceptable. In accordance with normal and accepted international legal practice, the advice to Abdelbaset and Al Amin has been and remains that they should not communicate with third parties about the case other than through their legal advisers. In particular, warrants having been issued by the judicial authorities in the United States and the United Kingdom, it would be improper and unethical for there to be any direct communication between the prosecution authorities, their Governments or their agents and either Abdelbaset or Al Amin.

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English
Page 4

The legal advisers wish to emphasize that they represent Abdelbaset and Al Amin and do not represent Libya. In their endeavours to perform their duties, professional ethics dictate that any advice given to their clients is aimed to reflect and protect their individual and personal interests and rights in law.

Following upon the decisions taken at the meetings, the legal advisers intend in the immediate future to contact both the Foreign Office in the United Kingdom and the State Department in the United States to discuss future progress.

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Annex III

Statement issued by the Libyan Arab Human Rights
Committee on 11 October 1993

The various information media have reported that a statement has been issued by the People's Bureau for Foreign Liaison and International Cooperation of the Jamahiriya to the effect that the Bureau does not object to the two suspects in the Lockerbie case appearing before a court in one of the two countries concerned (the United Kingdom and the United States of America) and that it even goes so far as to urge them to do so.

The Libyan Arab Human Rights Committee is of the view that the position adopted by the People's Bureau for Foreign Liaison and International Cooperation is in breach of the Libyan laws in force. These laws prohibit the State outright from extraditing its citizens to a foreign country, and such an action would also be incompatible with the human rights covenants and the norms of international law that affirm the human right to a just and fair trial. There can be no just and fair trial in the countries concerned in view of the wave of animosity and the frenetic campaigns against the two suspects in the media - radio, press and television alike - and of the statements made by certain officials of the two countries. This would render any trial in these countries unjust and unfair, inasmuch as their judicial systems are confronted with the prior condemnation of the two suspects.

Accordingly,

The Libyan Arab Human Rights Committee condemns and rejects the entire tenor of the statement of the People's Bureau for Foreign Liaison and International Cooperation and any other statements of a similar nature, because they constitute a violation of the laws in force, the norms of international law and the principles of human rights. In this connection, the Committee appeals for the support of all local, regional and international organizations in the human rights field in challenging any attempt to encroach upon the basic legitimate rights of these two citizens or to prejudice their case and in opposing any measures or pressures aimed at depriving them of the right to defend themselves before a just and fair court.

The Committee endorses the agreed press release issued by the attorneys for the two suspects, who are of various nationalities and include attorneys from the two countries involved, which indicates that there can be no just and fair trial in either country.

The Libyan Arab Human Rights Committee deprecates and rejects the position taken by the Libyan authorities dealing with foreign affairs and will continue to monitor closely any attempts to infringe upon the basic rights of these two citizens. It will cooperate with all human rights organizations, anywhere in the world, with a view to securing full respect for human rights and the norms of international law.

Annex IV

Statement issued on 12 October 1993 by an official source
in the General People's Committee for Foreign Liaison and
International Cooperation

An unnamed source in the General People's Committee for Foreign Liaison and International Cooperation has stated as follows:

"In its resolution 731 (1992), the Security Council calls upon the judicial authorities of the Great Jamahiriya to cooperate in the French judicial inquiries into the incident involving the UTA aircraft. Despite the complete cooperation, compliance and flexibility of the Libyan judicial authorities with the French investigating magistrate and despite the sustained positive contacts maintained with the French authorities concerned, France still refuses to resolve its problem with Libya. Rather than doing so, it links the resolution of this problem with that of the Lockerbie case, despite the fact that the French demands differ from those of the parties to that issue. France's insistence on linkage with the United States and the United Kingdom and its refusal to solve its problem with Libya reflect an extreme position that reminds us of the collusion among the racist regimes. It also constitutes procrastination by France in the implementation of Security Council resolution 731 (1992) and even an open violation of that resolution."

Annex 72



Security Council

Distr.
GENERAL

S/26760
17 November 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 15 NOVEMBER 1993 FROM THE PERMANENT REPRESENTATIVE
OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith the text of a statement issued by the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya on 11 November 1993 following the adoption by the Security Council of its resolution 883 (1993).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

Annex

Statement issued by the General People's Committee for Foreign
Liaison and International Cooperation of the Libyan Arab
Jamahiriya on 11 November 1993

The General People's Committee for Foreign Liaison and International Cooperation has taken note of Security Council resolution 883 (1993) of 11 November 1993.

It expresses its displeasure and deep regret that the Security Council has once again yielded to the pressures and manoeuvres of the United States of America, the United Kingdom and France, three countries that are pursuing a policy of force, admonition and threat as their only means of intercourse with the Great Socialist People's Libyan Arab Jamahiriya with a view to prolonging the dispute, inflicting the greatest possible harm on the Libyan Arab people and achieving other objectives that bear no relation to the subject-matter of the dispute.

Having thus expressed itself, the General People's Committee for Foreign Liaison and International Cooperation affirms at the same time the earnest and sincere desire of the Jamahiriya to arrive at a solution to this contrived crisis as soon as possible. It has demonstrated this desire in the many initiatives and proposals it has made that have met with the approval and support of international and regional organizations by virtue of their marked flexibility and realism in responding to Security Council resolution 731 (1992), most recently that set forth in the letter dated 27 September 1993 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation to the effect that the Libyan State has no objection to the appearance of the two suspects before a Scottish jurisdiction and that it is prepared to urge them to do so.

Security Council resolution 883 (1993), in the manner of its wording and with the measures that it envisages, will undoubtedly have the consequence of aggravating the damage sustained by the Libyan Arab people, which will extend to neighbouring countries, the countries of the region and other countries.

The insistence of the three States on regarding the Great Jamahiriya as posing a threat to international peace and security bears no relation to the true state of affairs. That insistence deliberately overlooks the Jamahiriya's condemnation of terrorism in all its forms, its readiness to cooperate in international efforts for its elimination and its invitation to the Secretary-General of the United Nations to dispatch a mission to verify the concrete measures taken that demonstrate the absence of any connection between the Jamahiriya and terrorism. For these reasons, there is nothing to justify the resolution's invocation of Chapter VII of the Charter.

The General People's Committee for Foreign Liaison and International Cooperation once again reaffirms the readiness of the Great Jamahiriya to resolve the contrived crisis without regard for threat or admonition or for what the three Western States are contemplating and to do so, in the first instance,

in order to clear itself of suspicion and then to cooperate with the international community in bringing the truth to light.

It alerts the international community to two issues:

1. The enormity of the damage that would be inflicted on the Libyan Arab people, on neighbouring countries and on the other countries of the world by the implementation of the resolution;
 2. The deplorable state to which international relations have been reduced, inasmuch as this crisis has shown that whenever the United Kingdom, the United States and France agree on a particular matter they are able to impose it on the international community through the Security Council, which bears sole responsibility for the consequent material and human losses.
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Annex 73



Security Council

Distr.
GENERAL

S/26837
3 December 1993
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 3 DECEMBER 1993 FROM THE PERMANENT REPRESENTATIVE
OF FRANCE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

You will find herewith the reply of Mr. Alain Juppé, Minister for Foreign Affairs of the French Republic, to the letter which was addressed to him by Mr. Omar Mountasser, Secretary of the People's Committee of the People's Bureau for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya.

I should be grateful if you could arrange for the text of the present letter to be circulated as a document of the Security Council.

(Signed) Jean-Bernard MERIMEE

Annex

LETTER DATED 2 DECEMBER 1993 FROM THE MINISTER FOR FOREIGN
AFFAIRS OF THE FRENCH REPUBLIC ADDRESSED TO THE SECRETARY
OF THE PEOPLE'S COMMITTEE OF THE PEOPLE'S BUREAU FOR
FOREIGN LIAISON AND INTERNATIONAL COOPERATION OF THE
LIBYAN ARAB JAMAHIRIYA

I thank you for the mail which you kindly delivered to our Ambassador in Tripoli. I assure you that it is the will of the French authorities to obtain a reply from Libya to the requests formulated by the French Judiciary and of which the Libyan Judiciary is fully informed.

The content of your letter was transmitted by me to the French examining judge. The French authorities continue to hope that Libya will give its entire cooperation to the French Judiciary in full respect of the relevant Security Council resolutions.

Rest assured that the French authorities are determined to do everything possible to arrive at a judicial solution which administers justice to the victims and ensures respect for the legitimate rights of their families.

Annex 74



Security Council

Distr.
GENERAL

S/26859
10 December 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 9 DECEMBER 1993 FROM THE CHARGE D'AFFAIRES A.I. OF
THE PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA TO THE
UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith two letters from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation, one dated 8 December 1993, concerning the initiatives taken by the Libyan Arab Jamahiriya with a view to finding a solution which meets the requirements of Security Council resolution 731 (1992), and the other dated 9 December 1993, concerning the position adopted by the summit meeting of African States participating in the machinery for the prevention, settlement and management of conflicts in Africa, held in Cairo on 6 and 7 December 1993, with regard to the conflict between the Libyan Arab Jamahiriya, the United States of America, the United Kingdom and France.

I should be grateful if you would have the text of this letter and its annexes circulated as a document of the Security Council.

(Signed) Ibrahim Abd Al Aziz OMAR
Chargé d'affaires a.i.

Annex I

Letter dated 8 December 1993 from the Secretary of the General People's Committee for Foreign Relations and International Cooperation of the Libyan Arab Jamahiriya addressed to the Secretary-General

With reference to the letters dated 11 September 1993, 11 October 1993, 3 November 1993 and 30 November 1993, I have the honour to inform you that the Great Socialist People's Libyan Arab Jamahiriya, reaffirming its desire to reach a settlement of the conflict provoked by the three Western States over the Lockerbie case, has, following the adoption of Security Council resolution 883 (1993), taken several initiatives, directly or in consultation with friendly countries. These initiatives are aimed at finding a solution which meets the requirements of Security Council resolution 731 (1992) and settling the dispute between the Libyan Arab Jamahiriya and the three Western States over the means of implementing that resolution.

Thus, Colonel Muammar Qaddafi, leader of the glorious revolution of 1 September, sent a letter dated 25 November 1993 to His Holiness Pope John Paul II, in which he expressed his desire to cooperate with His Holiness and with Presidents Clinton and Mitterrand and Prime Minister John Major of the United Kingdom in determining the venue of a fair trial which would be acceptable to the suspects, their families and their lawyers.

Likewise, the sister Republic of Tunisia, which holds the chairmanship of the Arab Maghreb Union, proposed, in consultation with the Libyan Arab Jamahiriya, that the two suspects be interrogated and tried in France, as that country is one of the sponsors of Security Council resolutions 731 (1992), 748 (1992) and 883 (1993), relating to the dispute between the Libyan Arab Jamahiriya and the Western States concerned.

Furthermore, the Arab Republic of Egypt in consultation with the Great Jamahiriya, proposed to the Government of the United Kingdom that the two suspects be tried by a Scottish Court under the legislation applied in Scotland, provided that the trial were held in a third country or at the headquarters of the International Court of Justice in The Hague. No reply has been received to this proposal.

As we indicated in our letter of 11 October 1993, the position of the lawyers for the two suspects, as stated on 10 October 1993, has limited the arguments that the Libyan authorities might advance to persuade the suspects to travel to Scotland.

We believe that the initiatives we took following the adoption of Security Council resolution 883 (1993) will meet the approval of the two suspects and their lawyers and help the Security Council to discover the identity of the perpetrator of the bombing of Pan Am flight 103 and to punish him, and also to guarantee the right of the victims' families to receive compensation for the loss they suffered as a result of that tragic bombing.

In a desire to resolve certain issues which appeared complex and difficult to resolve, the Security Council has reconsidered more than one of its resolutions, such as resolution 799 (1992) of 18 December 1992 and resolution 837 (1993) of 6 June 1993, which was modified by resolution 885 (1993) of 16 November 1993.

The good faith of the three Western States and the sincere efforts which we have no doubt the Charter of the United Nations authorizes you to make and also paragraph 4 of Security Council resolution 731 (1992) and paragraph 14 of resolution 883 (1993) are, without a doubt, all elements which will make it possible to reach a settlement that respects international legality and preserves Libyan sovereignty and the honour of its people.

I should like to request that this letter be circulated as an official document of the General Assembly and of the Security Council and that you call for consultations on the aforesaid initiatives with a view to taking a position thereon.

(Signed) Omar Mustafa EL-MUNTASSER
Secretary of the General People's
Committee for Foreign Liaison and
International Cooperation

Annex II

Letter dated 9 December 1993 from the Secretary of the General
People's Committee for Foreign Relations and International
Cooperation of the Libyan Arab Jamahiriya addressed to the
Secretary-General

As you know, on 6 and 7 December 1993, a summit meeting of the African countries which are members of the mechanism to prevent, manage and settle conflicts in Africa, took place in Cairo.

Among the items on its agenda, the meeting considered the question of the conflict between the great Socialist People's Libyan Arab Jamahiriya and the three Western States, namely, the United States of America, France and the United Kingdom. The meeting adopted a declaration, of which I have the pleasure to transmit to you the paragraph concerning the question that relates to my country, which I request you to have circulated as a document of the General Assembly and the Security Council. The text reads as follows:

With regard to the request by the Libyan Government, the Heads of State and Government considered the dispute between the Libyan Arab Jamahiriya and the United States of America, France and the United Kingdom, took into account the resolutions of the Security Council and recalled those adopted by the Organization of African Unity in Cairo in 1993.

They also launched an appeal for the peaceful settlement of disputes, requested that the two suspects should be given a fair trial in a neutral country, and called upon the Secretary-General of the Organization to follow the question closely and submit a report on the peaceful settlement of the matter.

Accept, Sir, the assurances of my highest consideration.

(Signed) Omar Mustafa EL-MUNTASSER
Secretary of the General People's
Committee for Foreign Liaison and
International Cooperation

Annex 75



Security Council

Distr.
GENERAL

S/1994/900
29 July 1994

ORIGINAL: ENGLISH

LETTER DATED 28 JULY 1994 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to bring to your attention the attached letter dated 26 July 1994, addressed to me by His Excellency Mr. Omar Mustafa Muntasser, Secretary of the General People's Bureau for Foreign Liaison and International Cooperation of the Socialist People's Libyan Arab Jamahiriya.

(Signed) Boutros BOUTROS-GHALI

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English
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Annex

[Original: Arabic]

Letter dated 26 July 1994 from the Permanent Representative
of the Libyan Arab Jamahiriya to the United Nations addressed
to the Secretary-General

I have the honour to transmit to you herewith a letter dated 26 July 1994 from Mr. Omar Mustafa Muntasser, Secretary of the General People's Committee for Foreign Liaison and International Cooperation.

(Signed) Mohamed A. AZWAI
Permanent Representative

/...

Enclosure

[Original: Arabic]

Letter dated 26 July 1994 from the Secretary of the General
People's Committee for Foreign Liaison and International
Cooperation of the Socialist People's Libyan Arab Jamahiriya
addressed to the Secretary-General

As you know, since the adoption of Security Council resolutions 731 (1992) and 748 (1992) the Libyan Arab Jamahiriya has spared no effort, in all sincerity and good faith, to resolve the ongoing dispute between it and the United States, the United Kingdom and France. This is a dispute that the Libyan Arab Jamahiriya did not wish to see arise in the first place; and it sees no logical basis for its continued existence, since it is built on mistaken premises, does not advance the legitimate interest of any party involved and is incompatible with the climate that currently prevails world wide.

For all these reasons, the Libyan Arab Jamahiriya has been anxious to strive by all available means to end this dispute in a manner that is in keeping with the norms and provisions of international law and in compliance with the letter and spirit of the resolutions adopted by the United Nations. The Libyan Arab Jamahiriya has left no stone unturned to find a way out of this problem, as has been demonstrated in my numerous communications with you.

For the past two years, the Libyan Arab Jamahiriya has endeavoured to cooperate closely with and to be responsive to the organs of the United Nations, particularly the Security Council, the Secretariat and the International Court of Justice. It has not limited this cooperation to particular areas but has made it the embodiment of a general position adopted by the Libyan Arab Jamahiriya in the belief that it is the duty of all States Members of the United Nations to show their good faith and demonstrate their readiness to deal with the Organization in a positive manner, even if outward appearances indicate that this may not necessarily be in keeping with their own interests, as long as such a course is not incompatible with the principles of sovereignty and the higher strategic interests of the country.

Let me here place on record the steps that the Libyan Arab Jamahiriya has taken in the context of this policy:

1. It has complied fully and unconditionally with the Judgment of the International Court of Justice issued on 3 February 1994 concerning its territorial dispute with Chad, and an agreement was subsequently signed by the two countries on 4 April 1994 concerning practical modalities for the implementation of the Judgment.

Accordingly, a joint statement was issued by the two countries on 30 May 1994 recording the completion of the withdrawal of all Libyan military and civilian personnel from the Aouzou Strip with effect from that date under the supervision of the United Nations Aouzou Strip Observer Group (UNASOG) and in a manner satisfactory to both parties.

/...

In your report to the Security Council contained in document S/1994/672 you called attention to the manner in which the Libyan Arab Jamahiriya had acquitted itself and you commended its cooperation with UNASOG and the spirit of friendship that had been shown by the two countries.

2. Convinced of the importance of cooperating with the United Nations in the maintenance of international peace and security, the Libyan Arab Jamahiriya has declared in numerous letters addressed to you its total renunciation of terrorism in all its forms and its condemnation of all acts of terrorism. It has given expression to this clear position with a number of specific measures including, as purely indicative examples:

(a) The severance of contacts with all groups and factions involved in what are characterized as terrorist activities;

(b) The affirmation that there are no terrorist training camps or terrorist organizations in its territory. In this connection, the Libyan Arab Jamahiriya invited you to send a technical mission to ascertain this matter and, despite the absence thus far of any response to this objective and logical proposal, it renews its invitation for the dispatch of such a technical mission;

(c) Full cooperation by the Libyan Arab Jamahiriya, in demonstration of its good faith, with the Government of the United Kingdom in enhancing its capacity to counter terrorist activities. It has provided all of the information in its possession that might strengthen the capacity to counter and contain terrorism;

(d) The announcement by the Libyan Arab Jamahiriya of its complete readiness to cooperate with the French authorities investigating the UTA case and to provide all possible facilities to the French examining magistrate. Contacts continue to be maintained between the judicial authorities in the two countries with a view to reaching agreement on a programme to assist the French examining magistrate in completing his task.

3. There is no extradition agreement between the parties concerned, and all of the States that are parties to this dispute are legally bound by the provisions of a binding international convention that has entered into force, namely the 1971 Montreal Convention. Article 7 of the Convention stipulates that the Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, bring him to trial without delay. The Libyan Arab Jamahiriya has expressed its readiness to try the two suspects in Libya, and this is in keeping with the explicit provisions of article 7 of the Montreal Convention.

4. Despite all of the foregoing, and in an endeavour to reach a solution acceptable to all the parties, the Libyan Arab Jamahiriya can in principle accept the holding of the trial outside Libyan territory, provided that procedural guarantees can be provided to ensure a just and fair trial for the two accused. The Libyan Arab Jamahiriya is of the view that this can be achieved by the parties concerned accepting the proposal made by the secretariat of the League of Arab States and endorsed by the Council of the League in its resolution 5373 of 27 March 1994, which envisages the holding of the trial at

the seat of the International Court of Justice at The Hague by a Scottish court applying Scots Law.

It goes without saying that this proposal met with the support of the members of the Movement of Non-Aligned Countries at the Ministerial Meeting held in Cairo last month, and it was subsequently supported by the Assembly of Heads of State and Government of the Organization of African Unity, meeting in Tunis.

You will doubtless note that in adopting these positions the Libyan Arab Jamahiriya has gone as far as it is possible to go and has reached the end of the road in seeking a way out of this problem. It has accepted a situation that it was not obliged to accept in accordance with correct legal norms.

Accordingly, the Libyan Arab Jamahiriya proposes the following alternatives for addressing the judicial dimension of the crisis with a view to determining the responsibility of the two accused for the Lockerbie incident:

1. That the two suspects be brought to trial immediately in Libya, in public and with full guarantees to ensure the justice and fairness of the trial, including the acceptance of international observers;
2. That the trial be held in any Arab country to be agreed upon, either by the existing courts or by a special tribunal instituted for this purpose;
3. That the trial be held at the seat of the International Court of Justice at The Hague or at any United Nations premises on the European continent, without opposition to the trial being conducted by a Scottish court applying Scots Law. Should the countries concerned and the United Nations accept this proposal and notify the Libyan Arab Jamahiriya accordingly in an official manner, the Libyan Arab Jamahiriya expresses its readiness to provide all the guarantees necessary for its full and faithful implementation, to take all the steps required thereby, including the conclusion of agreements with the countries concerned, and to provide the necessary undertakings to you and to the President of the Security Council.

The Libyan Arab Jamahiriya requests you to inform the President of the Security Council of the contents of this letter and to establish whatever contacts you deem appropriate with a view to reaching agreement on the selection of one of the proposed alternatives.

(Signed) Omar Mustafa MUNTASSER
Secretary of the General People's Committee for
Foreign Liaison and International Cooperation

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S/PRST/1994/39 Progress towards implementation of settlement plan for Western Sahara

Date: 29 July 1994

Meeting: 3411

The Security Council takes note with satisfaction of the report of the Secretary-General dated 12 July 1994 (S/1994/819) on the situation concerning Western Sahara as well as the oral report by the Secretariat on 28 July 1994. It welcomes the progress made to date on the issues outlined in the Secretary-General's report towards the implementation of the settlement plan in accordance with the relevant resolutions of the Council. It commends, in particular, the work of the Identification Commission and the efforts of the Deputy Special Representative pursuant to resolution 907 (1994) of 29 March 1994.

The Security Council notes that, in the light of delays in the registration process, the Secretary-General has proposed a revised timetable for the organization of the referendum for self-determination of the people of Western Sahara on 14 February 1995. It looks forward to the next report of the Secretary-General, at the end of August 1994, on the basis of which it hopes to be able to take appropriate decisions on the organization and timing of the referendum. In the meantime, it welcomes the intention of the Identification Commission to set 31 August 1994 as the deadline for receipt of voter application forms.

The Security Council welcomes the goodwill shown by the parties thus far and urges them to continue to cooperate with the Secretary-General and MINURSO to ensure the earliest possible implementation of the settlement plan.

S/PRST/1994/40 Condemnation of acts of terrorism in Argentina and United Kingdom

Date: 29 July 1994

After consultations

The members of the Security Council recall the statement issued on the occasion of the Security Council Summit of 31 January 1992 (S/23500), expressing deep concern over acts of international terrorism, and emphasizing the need for the international community to deal effectively with all such acts.

The members of the Security Council strongly condemn the terrorist attack which took place in Buenos Aires, Argentina on 18 July 1994, which resulted in great loss of human life.

The members of the Security Council express their sympathy and condolences to the victims and their families and to the people and Government of Argentina, who have suffered the consequences of this terrorist act.

The members of the Security Council also strongly condemn the terrorist attacks in London on 26 and 27 July 1994, and express their sympathy to the victims and their families, and to the people and Government of the United Kingdom.

The members of the Security Council demand an immediate end to all such terrorist attacks. They stress the need to strengthen international cooperation in order to take full and effective measures to prevent, combat and eliminate all forms of terrorism, which affect the international community as a whole.

Annex 77



General Assembly
Security Council

Distr.
GENERAL

A/49/299
S/1994/938
9 August 1994
ENGLISH

ORIGINAL: ENGLISH AND FRENCH

GENERAL ASSEMBLY
Forty-ninth session
Item 145 of the provisional agenda*
MEASURES TO ELIMINATE INTERNATIONAL
TERRORISM

SECURITY COUNCIL
Forty-ninth year

Letter dated 5 August 1994 from the representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the text of a tripartite declaration issued by our three Governments on 5 August 1994 concerning the implementation of Security Council resolutions 731 (1992) of 21 January 1992, 748 (1992) of 31 March 1992 and 883 (1993) of 11 November 1993 by the Libyan Arab Jamahiriya (see annex).

We should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under item 145 of the provisional agenda, and of the Security Council.

(Signed) Hervé LADSOUS
Chargé d'affaires a.i.
of the Permanent Mission
of France to the
United Nations

(Signed) D. H. A. HANNAY
Permanent Representative
of the United Kingdom
of Great Britain and
Northern Ireland to
the United Nations

(Signed) Madeleine K. ALBRIGHT
Permanent Representative
of the United States
of America to the
United Nations

* A/49/150.

ANNEX

Declaration made on 5 August 1994 by the Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America on the occasion of the seventh review of sanctions imposed on the Libyan Arab Jamahiriya by the Security Council in its resolution 748 (1992) of 31 March 1992

The Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America are determined to bring to justice those responsible for the bombings of flights Pan Am 103 and UTA 772. The victims of these two atrocities and their families deserve no less.

It is now over two years since the adoption by the Security Council of resolutions 731 (1992) of 21 January 1992 and 748 (1992) of 31 March 1992. In order to comply with those resolutions the Government of the Libyan Arab Jamahiriya must ensure the appearance of those charged with the bombing of Pan Am 103 for trial before the appropriate UK or US court, satisfy the French judicial authorities with respect to the bombing of UTA 772 and commit itself definitively to ceasing all forms of terrorist activity and all assistance to terrorist groups and demonstrate, by concrete actions, its renunciation of terrorism.

Today the Council conducted its seventh review of the sanctions regime imposed on the Libyan Arab Jamahiriya by resolution 748 (1992) and concluded that Libya had not yet complied with its obligations, which are clear, unconditional and not negotiable. There was therefore no question of lifting or suspending the sanctions.

Despite professing willingness to cooperate with the French judicial authorities, the Libyan authorities have not responded satisfactorily to the requests for cooperation from the French investigating magistrate.

As regards the Lockerbie issue, the Libyan Arab Jamahiriya has made a number of proposals, all of which would fall far short of compliance with the resolutions. In particular, a trial in a third country, even one before an international tribunal or a so-called Scottish court, is unacceptable: suspects cannot be allowed to choose the venue of their trial. These Libyan proposals are nothing more than attempts to divert attention from their refusal to comply.

Our Governments note that the Government of the Libyan Arab Jamahiriya has stated that it can accept the holding of the trial outside Libyan territory, provided that a just and fair trial can be guaranteed. The three Governments take this opportunity to emphasize once more that, in line with numerous assurances that have already been given, the two accused will receive a just and fair trial before a US or Scottish court.

Once the Secretary-General has reported to the Council that the Libyan Arab Jamahiriya has satisfied the French judicial authorities with respect to the bombing of UTA 772 and ensured the appearance before the appropriate UK or US

court of those charged with the bombing of Pan Am 103, we for our part will consider favourably the suspension of the sanctions against the Libyan Arab Jamahiriya in accordance with paragraph 16 of resolution 883 (1993) of 11 November 1993, pending the report on Libya's compliance with the remaining provisions of resolutions 731 (1992) and 748 (1992), which the Secretary-General will produce within 90 days of the suspension. Our Governments recall that in the case of non-compliance the Security Council has resolved to terminate the suspension immediately.

There is no need for the current impasse to continue. The solution lies with the Government of the Libyan Arab Jamahiriya. We reaffirm that we seek no more than compliance with the resolutions. Our Governments therefore call once again on the Libyan Arab Jamahiriya, in its own interest and that of its people, to fulfil its obligations completely and without any further delay.

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have undertaken to avoid any regrettable consequences and agreed to begin negotiations with Vietnam soon to settle this problem.

The lifting by the United States of the embargo imposed upon Viet Nam has opened up new prospects for building and broadening multi-faceted cooperation between our two countries in the interests of the two peoples and in the service of peace, stability, cooperation and development in the region and throughout the world.

We firmly believe that multilateral relations, especially within the framework of the United Nations, are playing an increasingly important role in international life. As we move towards the commemoration of the fiftieth anniversary of the founding of our Organization, we shall be reviewing all the activities of the past 50 years, drawing the necessary lessons to enhance the capacity and effectiveness of the United Nations system and to pursue tasks worthy of the confidence and expectations of the peoples of the world. For its modest part, Viet Nam will unceasingly strive to make positive contributions to the common cause of the United Nations for peace, development and social progress throughout the world.

The President (*interpretation from French*): I now call on the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya, His Excellency Mr. Omar Mustafa Muntasser.

Mr. Muntasser (Libyan Arab Jamahiriya) (*interpretation from Arabic*): On behalf of my country and in my own behalf, it gives me great pleasure to congratulate you, Mr. President, on your election to the Presidency of the General Assembly at its forty-ninth session. The fact that you belong to our beloved continent, coming as you do from a country bound with my own by bonds of brotherhood and relations of friendship and cooperation is a source of added pride to us in your assumption of this high office. My delegation is confident that, familiar as you are with the work of the United Nations, and with your extensive experience in the field of international relations, you will be able to steer this session to a successful conclusion. I should also like to seize this opportunity to express my delegation's appreciation of your predecessor, His Excellency Ambassador Insanally, for the wisdom he displayed, the efforts he made and the initiatives he took to reform the United Nations and enhance its role. Further, I wish to express our gratitude to Mr. Boutros Boutros-Ghali, the Secretary-General, for his tireless efforts to strengthen our Organization so as to

enable it to face the numerous crises that beset the international community.

The international situation witnessed many developments during the forty-eighth session. The will of the people of South Africa has triumphed after a long struggle and great sacrifices. It is indeed heartening to see in our midst today the delegation of South Africa, representing a united, democratic and non-racial country.

Brotherly Yemen has survived its transient crisis and remains one united country, whose citizens are working with more determination and greater expectations, to build the modern State of Yemen. Along with these developments, tangible progress has been recorded in the implementation of the Peace Accord in Mozambique. Moreover, the artificial tension in the Korean peninsula is now subsiding. We are hopeful that the difficulties relating to the reunification of the Korean peninsula will be overcome through dialogue to be entered into on equal footing.

Such developments are a source of satisfaction and we greatly welcome them. However, they do not mask the gloomy points of the wider picture of the international situation. Many disputes still await a solution. The outbursts of nationalist passions, ethnic chauvinism and power struggles in the absence of any power among the people, have led to the outbreak of new regional conflicts. Although some of these conflicts are getting closer to a solution, as is the case in Liberia, where the conflict is heading towards a permanent solution, the international community must still support national reconciliation efforts in Afghanistan, overcome the setbacks to the peace efforts being undertaken in the Balkans, consolidate the role of the United Nations in establishing peace in that region and guarantee the legitimate rights of the parties to the dispute there.

The international community is also called upon to renew its efforts aimed at reaching a satisfactory solution to the problem of Cyprus. It must encourage peace talks on Angola and support work towards a negotiated solution in sisterly Somalia, in addition to demonstrating increased solidarity to alleviate the tragedy of the Rwandan people. It must also make more efforts to solve the problem of Kashmir on the basis of bilateral agreements and the relevant United Nations resolutions in particular.

In the interest of stability in the Persian Gulf region, my country stresses the importance of the unity and

territorial integrity of Iraq, and calls for an end to all interference in its internal affairs. We also consider that the sanctions imposed on Iraq, which cause suffering to the Iraqi people, should be lifted, since the reasons for these sanctions are no longer valid. Their continuation can only mean a grave injustice aimed at the destruction of the Iraqi people and the extermination of large groups of its population.

The United Nations has adopted many resolutions on the Question of Palestine, all of which acknowledge the right of the Palestinian people to return to their homeland and to exercise the right of self-determination. Although the United Nations has repeatedly reaffirmed these resolutions for more than 40 years, the Palestinian question still awaits a solution, the Palestinian people remain displaced and their rights are systematically and continuously violated. This proves that the so-called ongoing peace process lacks the elements necessary for any comprehensive settlement. This also shows that the resolution of the Palestinian question and the establishment of comprehensive peace in the Middle East cannot be realized merely by returning Gaza back to its status as a municipality and adding Jericho to it, but must rather come about through the liberation of all occupied Arab territories including the Syrian Golan and the acceptance of a democratic solution that would meet all the rights of the Palestinian people, including their right to return to their homeland and establish their own independent State.

A few months ago, we celebrated the historic victory of the people of South Africa. It is no coincidence that the struggle of the Palestinian people is in many ways similar to that of the people of South Africa, and that many of the acts of heroism of both peoples echo each other. The solution that made it possible to build a united, democratic and non-racial state in South Africa offers a model for resolving the question of Palestine through the establishment in Palestine of a democratic non-racial State with Al Quds as its capital, where Arabs and Jews can live together. This is the proper solution, without which it would be impossible to reach a just and lasting peace that serves the interests of both Jews and the Palestinian Arabs.

Mr. Sinunguruzza (Burundi), Vice-President, took the Chair.

The numerous changes witnessed by the world after the cold war have created opportunities to build a more stable and secure world. However, the hopes of the peoples of the world for greater and better understanding and for wider cooperation have started to wane. The

experience of the past few years has caused deep concern regarding some developments. Some States have begun to try to impose their control and to expand their hegemony, using their power and influence in utilizing international organs to implement their plans, and using them, particularly the Security Council, as a tool to punish those countries which abide by their principles and adopt independent policies and positions. This was the very context of the dispute between my country and France, Britain and the United States of America in what has become known as the Lockerbie crisis. This problem was raised, pushed arbitrarily through the Security Council, and dealt with under Chapter VII of the Charter, which is not applicable in this case since Libya has not threatened anybody and has never acted in a manner that jeopardized international peace and security. The whole issue is merely the suspicion that two Libyans may be connected to the Pan Am flight 103 incident.

Aware as it has been all along of the motivation behind this entire issue, my country has shown sincere readiness to cooperate in uncovering the truth and circumstances of that incident. We have taken the necessary judicial measures consistent with the Charter of the United Nations and international law, with only one proviso, that they do not involve any violation of Libya's sovereign rights.

Although the Security Council was pushed into the adoption of resolution 731 (1992), Libya did declare its readiness effectively to cooperate in the implementation of that resolution. In that respect Libya took practical steps that were widely welcomed by numerous organizations, including the League of Arab States, the Organization of African Unity, the Organization of the Islamic Conference, and the Non-Aligned Movement. It was our hope that the three States concerned would take that into consideration and respond positively to the requests of Libyan authorities for cooperation in completing the investigation. However, the three States concerned responded in an entirely different way. Instead of accepting the initiatives calling for dialogue and negotiation, and showing flexibility in dealing with the other aspects of the crisis, by reconsidering Security Council resolution 748 (1992) with a view to lifting the sanctions imposed on the Libyan people, instead, they resorted to the Security Council once again and, using their influence, managed to persuade it to adopt resolution 883 (1993), tightening the sanctions imposed by resolution 748 (1992).

The argument invoked by the three States concerned to justify maintaining the sanctions and the threat even to tighten them further, is that Libya has not complied with the requirements of Security Council resolution 731 (1992). And when these States are confronted with the fact that the Jamahiriya has really complied with these requirements, their officials, and particularly British and American officials, answer with the words "Libya knows what is required of her". Officials in both countries have repeatedly used this phrase to such an extent that we are convinced that the aim behind the raising of the Lockerbie incident is not to uncover the truth and the circumstances of the issue but rather to achieve premeditated political objectives. Indeed, if the aim had really been to bring Libya to comply with the requirements of resolution 731 (1992), that aim has been fully realized. Libya has taken the legal measures necessary to pinpoint responsibility for the terrorist acts perpetrated against both American and French planes. Libya has requested the three States concerned to cooperate in completing the investigation in this respect. Libya has even invited neutral bodies to follow it up and international and humanitarian organizations to monitor its fairness. My country has cooperated with the French judge in charge of the investigation aimed at determining responsibility for the explosion aboard French UTA flight 772. Contacts in this respect still continue. My country has also cooperated with the Government of the United Kingdom in trying to uncover certain elements accused by the British Government of involvement in terrorist acts. To this end, several meetings were held between the Libyan and British sides. Today, we are very glad to see that negotiations have already started between Britain and the political and military wings of the Irish Republic Army (IRA) and that an agreement has been signed by the two parties. Now the leaders of the IRA are being received and welcomed at the highest level in both London and Washington with a view to holding negotiations with a view to ending the dispute and all its side effects.

Libya has condemned international terrorism in all its forms and declared its readiness to commit itself to whatever measures are adopted by the international community to combat this scourge. Libya has also severed all its relations with all groups and organizations suspected of being involved in terrorist acts. Libya has emphasized that it will not allow its territory, citizens or institutions to be used for such acts whether directly or indirectly. We have declared our readiness to punish severely whoever is proved to be involved in any terrorist acts. Libya has also declared that there are no terrorist training camps on its soil. It has repeated its invitation to the Security Council,

or any international body mandated by the Council, to verify this. All these practical measures confirm the extent of my country's seriousness in stamping out the phenomenon of international terrorism. This seriousness has been reflected in the call by the Jamahiriya for the convening of a special session of the General Assembly to be devoted to the study of the causes and dimensions of this problem and its support of the proposal to convene an international conference to define terrorism, including State terrorism, and the means to eradicate it in all its forms. It is State terrorism with which Libya is now being threatened at the hands of a State which is a permanent member of the Security Council. That State has abducted Libyan prisoners of war from Chad and is now training them and equipping them to undermine the security and stability of Libya. This is the same terrorism to which Libya fell victim in 1973 when Israeli planes intentionally shot down a Libyan civilian airliner, killing all 108 passengers aboard; and also when the United States of America in 1986 bombed Libyan cities while people were asleep in their beds and caused great loss of life and damage to property. Later it was revealed that the acts used by that State as a pretext for its aggression were unfounded.

The Libyan Arab Jamahiriya has spared no effort in trying to resolve the dispute, including trying the two suspects in the Pan Am flight 103 incident, although the matter has been predetermined by the 1971 Montreal Convention which gives Libya the right to try the two suspects itself. However, the refusal by Britain and the United States of America to abide by this Convention, to which they are both parties, has prompted Libya to seek other ways of holding the trial. Thus, Libya offered to resort to the International Court of Justice or to surrender the two suspects to the United Nations office in Libya for investigation. Libya has also proposed that the Secretary-General of the United Nations should establish a fact-finding legal commission to verify the seriousness of the accusations, including carrying out a comprehensive investigation. Competent Libyan authorities referred the matter to the basic popular congresses which constitute our legislative authority and they in turn made the decision that they had no objection to letting the two suspects stand trial before a fair tribunal to be agreed upon. Proceeding from this, my country declared its readiness to enter into negotiations with the States concerned under the supervision of the Secretary-General of the United Nations on the trial to be held in a place agreed to by all parties concerned where full guarantees would be available to establish the truth, indeed the very aim of Security Council resolution 731 (1992).

Recently, new information on the American aircraft incident has been uncovered, including a book entitled *Tracking the Octopus* by Coleman and Donald and the statements by the manager of a Swiss electronics company. These new revelations obliterate the central element on which the accusations against the two Libyan citizens was based. Despite all this, Libya maintained its cooperation in trying to identify all the circumstances surrounding the incident. On this basis, Libya accepted the proposal of the Council of the League of Arab States contained in its resolution 5373 of 27 March 1994. That proposal called for trying the two suspects by Scottish judges under Scottish law at the seat of the International Court of Justice. Even after new information was revealed by the Palestinian citizen, Yousef Shaaban, before a Lebanese Court, Libya did not hesitate to go ahead with the trial and did not waver in its declared readiness to accept any verdict emanating from such a trial.

This, once again, underlines the fact that the Libyan Jamahiriya has no objection to the trial of the two suspects. All that Libya wants is for the trial to be fair and just, free from any emotional or media influences, and with the availability of all guarantees consistent with the norms of legality and international law, which Libya has observed and applied. The International Court of Justice (ICJ) can testify to this, since that Court has considered, over the past 10 years, three cases to which Libya was a party. The ICJ decided the case relating to the continental shelf between Libya and Tunisia, and both parties fully implemented the ruling of the Court. The same happened in the case of the continental shelf between Libya and Malta; once again the two parties implemented the ruling of the International Court of Justice. This year, the Court decided the territorial dispute between the Jamahiriya and Chad. Though the ruling rejected Libya's demands, the Jamahiriya did implement it in a constructive spirit that was welcomed and appreciated by both the Security Council and the Secretary-General. This shows the extent of my country's commitment to and respect of international legality, something that great powers pay lip service to but never apply. These States refuse even to appear before the ICJ, since they believe in the legality of force and not the force of legality.

Most international and regional organizations have renewed their appeal to the three States to accept the initiatives calling for dialogue and negotiation, with a view to reaching a peaceful settlement to the crises. Those organizations, including the 11th Ministerial Conference of the States Members of the Non-Aligned Movement and the 60th Session of the Council of Ministers of the

Organization of African Unity, welcomed Libya's acceptance of the Arab League's proposal. This august Assembly, which includes all States represented in those organizations, is now called upon to show its appreciation of Libya's position, Libya's steps and initiatives and the proposals that we have accepted. It should call on the three States concerned to show flexibility and enter into dialogue with the Jamahiriya with the aim of reaching a peaceful settlement to this problem. This Assembly is also called upon to express its support of these demands, so that the Security Council will reconsider its resolutions on the crisis and lift the unjust sanctions. It is absurd and ignorant to depict the sanctions as being against the Libyan Government, because in Libya there is no Government as such. The power is in the hands of the people, who now suffer the consequences of these sanctions - for example, the crash of a Libyan civilian aircraft in 1992, leading to the death of all 157 civilians aboard, as a result of the ban on spare parts. Furthermore, 1,622 people have been killed in car accidents, and 350 people, most of whom were children, old men and women died as a result of delays in moving them abroad for medical treatment. These sanctions have also caused economic damage estimated at \$4.5 billion. These damages are detailed in official document S/1994/921.

Before the Second World War, and following the end of that war, the Libyan people suffered and continue to suffer all sorts of pressure, troubles and pains. We have been subjected to colonialism in its worst form: a Fascism that wreaked havoc in our country, killing, displacing and exiling countless numbers of our citizens. Against our will, we had to be a theatre of war between the colonial powers, a war that was fought on our soil and for which we were the fuel. That war's mines are still buried in our soil, in our farms and under our homes. From time to time, these mines explode and kill innocent people. In previous sessions of this Assembly, my country has repeatedly called on the States concerned to cooperate with us in removing these mines. Today, 7 October, coincides with the commemoration of the Libyan people of the 25th anniversary of the evacuation of the last Fascists who had settled in Libya and oppressed its people. Once again I repeat my call and urge the States concerned to respond positively to the resolutions of the General Assembly, instructing them to provide the necessary information on mines, give technical assistance in removing them, and pay compensation for the losses they have caused. This may also be a good opportunity to remind the imperialist

states that occupied our lands for over 40 years that we have not forgotten the ruin and destruction they left behind.

I should also like to announce that my country, through this Assembly and other forums, will seek to compel colonialist states to pay fair compensation for the resources they have looted and the wealth and money they have plundered from our country. The peoples of the world are called upon to adopt a historic resolution, through this Organization, condemning colonialism and forcing former colonial powers to compensate their former colonies, in order to prevent the re-emergence of colonialism and prevent the powerful from once more blackmailing and oppressing the weak.

The Libyan Arab Jamahiriya welcomes efforts aimed at enhancing security and cooperation in the Mediterranean region. We voice our satisfaction with the initiatives whose objective is to enhance economic, social, cultural and environmental cooperation in the region. Libya calls for taking all measures necessary to remove all causes of tension in the area, especially through the withdrawal of foreign military fleets whose continued presence jeopardizes peace and security in the Mediterranean, which in turn are closely linked to international peace and security. The Arab Maghreb Union has achieved tangible progress on the road towards economic integration among its countries and towards the consolidation of the underpinnings of development in these countries. It has also opened new channels of cooperation with organizations in the areas to which we belong both geographically and culturally. Libya welcomes those steps and expresses the hope that the Maghreb Union will succeed in playing a similar role with its counterpart organizations on the other side of the Mediterranean, beginning with the intensification of contacts and meetings, as well as active dialogue with the institutions concerned, on a basis of equality and common interests in a manner capable of responding to the concept of joint development and the collective responsibility for maintaining peace and strengthening cooperation on the shores of the Mediterranean.

In view of the stability of the political system in the Jamahiriya and its importance as an economic market, it would be impossible to marginalize or ignore its role in any cooperation between the shores of the Mediterranean if such cooperation is to achieve its objectives, at the forefront of which is serving the peoples of the region and achieving their prosperity.

Some progress has been registered recently in the field of disarmament. This is a welcome development. Libya looks forward to more international cooperation with a view to destroying nuclear, chemical and biological weapons, as well as other weapons of mass destruction. We look forward to the banning of the development, stockpiling and use of all such weapons. My country also hopes that more efforts will be made to conclude a treaty on making Africa a nuclear-weapon-free zone and the activation of the initiative aimed at making the Middle East region free from weapons of mass destruction. The Libyan Arab Jamahiriya is a party to the nuclear Non-Proliferation Treaty. We hope that the preparatory committee for the 1995 review conference will, in its next session, reach an understanding that takes into consideration the concerns of all parties to the Treaty, especially as regards its extension. My country still has some difficulty in accepting an indefinite extension of the Treaty, because such an extension does not take into account several of our concerns, including the unavailability of credible security guarantees for non-nuclear-weapon states. Furthermore, the area in which we live suffers from a security imbalance, resulting from Israel's acquisition of nuclear weapons and its non-adherence to the non-proliferation regime. It has not acceded to the Treaty, nor has it signed a safeguard agreement with the International Atomic Energy Agency (IAEA). That is why my country would like to emphasize that it is essential to address these concerns at the time of considering the extension of the Non-Proliferation Treaty in 1995.

Respect for and protection of human rights is one of the fundamental underpinnings of Libyan policy. This has been demonstrated in various forms which included the setting up of the International Committee for the Qaddafi Human Rights Prize and the adoption of the green document on human rights and basic human freedoms. Libya is determined to support and contribute to all international efforts aimed at guaranteeing the effective enjoyment of human rights. We thus welcome the conclusions of the Vienna Conference, which constitute a step on the road to the support and enhancement of human rights. That human rights Conference rejected the manipulation of human rights and their use as a tool of political pressure. This universally adopted principle must be respected, especially by States that selectively raise problems related to human rights. The international community must stand up to any attempt by any State or group of States to exploit human rights as a means of interfering in the internal affairs of

other States. It must also oppose any attempt by any State or group of States to distort the principles and values of other peoples or to promote the principles and values of such States or groups of States as the only proper values that should be embraced by all peoples.

The international community's hopes for a secure and stable world cannot be realized without addressing economic problems, particularly in the developing countries, where economies continue to face difficulties as a result of the aggravation of the problem of external debts, the application of protectionist trade policies, the imposition of harsh conditions for their importation of advanced technology, the deteriorating prices of raw materials and the continued attempts to impose new taxes, such as the carbon tax, which could hurt not only the economies of the oil-exporting States but also those of oil-importing countries. We believe it is impossible to solve these problems effectively unless the international community deals seriously with and puts an end to the erroneous practices that continue to characterize international economic relations. Such practices include coercive economic measures, such as the freezing of assets and the confiscation by certain developing countries of the property of a number of developing countries, including my own. Such measures constitute an impediment to growth, aside from the fact that they run counter to the Charter of the United Nations, norms of international law and the resolutions of the General Assembly.

The General Assembly is the natural place for Member States to exercise their rights and express their views on the initiatives aimed at reforming the United Nations. In the course of the last session, we followed with keen interest everything that was achieved in this regard. My country expresses its satisfaction at the progress made towards revitalizing the activities of the General Assembly and the establishment of an effective working relationship between the Assembly and the Security Council. We hope future efforts will result in an increase in the membership of the Security Council based on equitable geographical distribution. To our mind, this process must be accompanied by measures to remove obstacles to the proper functioning of the Council, such as the privilege of veto power, and improvements in its working methods so that it can function in accordance with the principles of the Charter and, eschewing double standards, deal consistently with all issues.

If we examine past Security Council practices we shall find that while the Council showed interest in trying to secure commitment to the nuclear Non-Proliferation

Treaty, it has turned and continues to turn a blind eye to Israel, which has not acceded to the Treaty and actually possesses 200 nuclear warheads. Furthermore, the Security Council has insisted on invoking Chapter VII of the Charter in cases to which it is not applicable, while at the same time failing to invoke Chapter VII in the case of Israel, despite its defiance of United Nations resolutions and its continued occupation of the territories of States Members of the United Nations. The Council kept silent on the Israeli refusal to withdraw from southern Lebanon and on the massacres perpetrated against the Palestinians, such as the one in Hebron's Al-Haram Al-Ibrahimi Al-Sharif - the Mosque of Abraham - where, in an act of terrorism, a fanatical Zionist settler, trained in an American camp, killed over 50 Palestinians while they were praying.

My country believes that, in the context of reforming the Security Council, the Council must be neutral and give none of its members a chance to dominate it or steer it towards serving its own interests, as has been the case in so many instances, the latest of which was the Council's granting of permission to one of its permanent members to invade an independent State Member of the United Nations, the Republic of Haiti. It has been said that the objective of that action was to restore democracy and protect human rights. If this were true, why was there no such action in the past, when the people of that country were suffering under the yoke of a repressive regime, subjected to the most vicious violations of their human rights? What happened was a flagrant violation of the Charter, an act of aggression against the inviolability of an independent country. It also establishes the dangerous precedent of giving permission to a State, unhappy about waves of immigrants reaching its shores, to occupy the land where the immigration originates.

Libya cannot afford to overlook this invasion or keep silent about it, first, as a matter of principle and, secondly, because Haiti has a special place in our history. Forty-five years ago Haiti played a decisive role in a matter of interest to us. Its deciding vote won the adoption of the General Assembly resolution on Libya's independence.

At this time next year, the celebration of the fiftieth anniversary of the United Nations will begin. While developments in recent years have revealed some weaknesses in some of the United Nations organs' handling of dispute settlement and crisis management, this cannot be attributed to the Charter but, rather, to the

tendency by certain Powers, insisting that their approach alone should be adopted, to impose their hegemony on the handling of international matters.

This question should be the focus of attention in the next session because it will mark the demise of the old order and the building of the new order that will replace it. The Libyan Arab Jamahiriya intends to participate with others in building this new order to ensure that it will be an order based on justice and equality that respects peoples' political and economic options, secures full commitment to international law and full respect for the Charter of the United Nations and stands up to those who would push the United Nations towards the fate of the League of Nations. The new order we need is one that enhances and protects human rights and eradicates poverty, suffering, division, conflicts, disputes and wars. It must be an order in which no State seeks to impose its hegemony and abuse its influence, an order that supports the settlement of disputes among States by peaceful means, not by arbitrary and coercive means. We need a new order under whose umbrella all peoples can look optimistically to a future where security, peace and stability prevail.

The President (*interpretation from French*): I now call on the Deputy Prime Minister and Minister for Foreign Affairs of Solomon Islands, His Excellency the Honourable Francis Joseph Saemala.

Mr. Saemala (Solomon Islands): I wish, first of all, to warmly congratulate Mr. Amara Essy on his election as President of the General Assembly at its forty-ninth session, a responsibility he will discharge effectively with the proven diplomatic skills with which he has served his country and his region so well. I take this opportunity also to applaud the good work and leadership of his predecessor, His Excellency Mr. Samuel Insanally, who presided over the General Assembly at its forty-eighth session.

It is appropriate that on the eve of the fiftieth anniversary of this Organization we enter a new era in international relations, an era untainted by the cold-war politics that held peace and positive change hostage for too long. Opportunities now abound for change and lasting peace. This new era demands that all Member States take a global view of how the Organization can best meet the objectives set out in the Charter.

President Bill Clinton and President Boris Yeltsin demonstrated this new hope for peace at the opening of the general debate, when both addressed the General Assembly

on the same day instead of on consecutive days, as was the old practice. In a spirit of cooperation, these two world leaders described their intent to reduce their nation's stockpiles of nuclear and other weapons of mass destruction. But disarmament must start from the heart. And I hope that this is the case with the step these two Presidents have taken towards the betterment of all humankind.

Today, we would recall that peace and hatred come from within people - the mirror of a nation, the image of a region and the living treasure of the global community. In order to build a peaceful and safe world for future generations, our resolve to reduce nuclear and other weapons of mass destruction must lie within the hearts of our leaders and policy makers throughout the world. We must therefore seize this opportunity and work together to build a better world.

In this regard, Solomon Islands welcomes the various peace initiatives that continue to bring hope to the world community. The noble efforts of President Mandela to chart a new direction for South Africa must be commended. In his first address as the first President of the new democratic South Africa, President Mandela acknowledged the efforts of the international community in this way:

"The universal struggle against apartheid and its final dismantlement was not an act of charity arising out of pity for the majority of South African people but an affirmation of our common humanity."

Progress towards a lasting peace in the Middle East has renewed the hope of the international community for stability in that region. The parties involved in these negotiations deserve our sincere acclaim and praise and our continuing support. Replacing guns with meaningful handshakes often takes leaders beyond their physical nature and leads them to resort to their spiritual mindsets - a dimension that is often ignored but which is an essential ingredient in a recipe for conflict resolution.

The cease-fire in Northern Ireland has changed people's perception of the impossibility of the simple reality of living without guns and bullets. These are telling achievements for our times, and their roots are embedded in the human spirit of love and kindness.

Despite United Nations interventions to restore intra-State and international peace and security, the world is still riddled with trouble spots and endangered by

Annex 79

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Scottish Grand Committee

Tuesday 13 December 1994

(Westminster)

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[Mr. Stewart]

check *Hansard*, but I thought the hon. Gentleman said £2 billion. If he is now saying £1 billion, we shall work on that.

The debate has been typical. *Opposition Members* have consistently said that they want more for almost every programme except—I take the point made by the hon. Member for Dundee, East—for a programme which involves the extension of parental choice in education, a policy opposed in principle by the Opposition although, as we know, not opposed in practice by the Leader of the Opposition. I congratulate him on exercising his right to choose. I am not in any way criticising him. What I am criticising is a party which will not recognise the right of parents to choose and which has opposed that choice at every move made by the Government.

Much of the debate has concentrated on local government. The hon. Member for Angus, East (Mr. Welsh) made reasonable points about sparsity of population, but the fact is that local authorities in Scotland spend considerably more per head of population, not only compared with their counterparts in England but with their counterparts in Wales, a similar country socially, economically and politically.

Provision for Government-supported expenditure by local authorities is £1,195 per head of population in Scotland. That compares with £896 per head in England—a differential of 33 per cent. The hon. Member for Angus, East (Mr. Welsh) has the gall to say that somehow that provision is unfair to Scotland. It would be hard to find anyone in England who would agree with him.

It being One o'clock, the motion for the Adjournment of the Committee lapsed without Question put, pursuant to the Standing Order.

Lockerbie

Motion made, and Question proposed, That the Committee do now adjourn.—[Lord James Douglas-Hamilton]

1 pm

Mr. Tam Dalyell (Linlithgow): Excavating an event that occurred six, long years ago to this month, if it was only out of historical curiosity or a perceived party political advantage would not be making proper use of the first Adjournment debate of its kind that under the new procedure is taking place in the Scottish Grand Committee here in London.

Lockerbie is a here-and-now problem.

Lockerbie is the cause of United Nations sanctions against Libya.

Lockerbie is the reason why 5,000 of our fellow countrymen—many from the west of Scotland—who work in Cyrenaica, have to make the exhausting journey across the desert to Tunisia or Egypt before travelling home.

Lockerbie is the reason why Babcock's of Renfrew, denied our traditional engineering markets, had to pay off hundreds of skilled workers.

Lockerbie is causing hardship to the Libyan people, in relation to spare parts for British-made and American-made aircraft and medical contracts with Britain.

The Foreign Secretary, who courteously gave me 25 minutes of his time alone with a senior Foreign Office private secretary in his room last night, will excuse me if I use his word "stalemate".

Above all, Lockerbie is ever present for relatives, who are represented in this Room by Pamela Dix and Tim Swire. They are entitled to the certainty that everything possible is being done by the British Government to ascertain that truth, however unpalatable—

The Chairman: Order. It is not in order for the hon. Gentleman to refer to anyone in the Public Gallery and I ask him to desist from so doing.

Mr. Dalyell: I apologise.

We must ascertain that truth however unpalatable and embarrassing it may be.

I make a charge against the Crown Office in Edinburgh: either it is lazy and incompetent to a mindboggling degree which, frankly, I do not believe; or, as I believe, it has been pressurised by the previous British Prime Minister and two previous Presidents of the United States into suppressing the appalling truth that is gradually emerging about Lockerbie, the most serious case of murder in the Western world since 1945.

The abject failure to follow up leads is astonishing.

Hansard records that on 21 December 1988, on a point of order, I raised the question of what appeared to have been an appalling accident involving a Pan Am jet.

On new year's eve—Hogmanay 1988—a policeman from the Lothian and Borders police who, along with colleagues, was entrusted with the gruesome task of going through the wreckage, observed to me that he found it odd that Americans were frantically tampering with the bodies and the evidence. Such was the experience of the Bradford

police surgeon, Dr. David Fieldhouse, in charge of the previous major incident, the Bradford football stadium fire disaster, who drove post-haste to Lockerbie.

Given all that has been written and filmed about the crucial pivotal figure of Major Charles McKee, about the drug enforcement agency and the one missing body in the count, why is it that the Crown Office has made no attempt to contact Dr. Fieldhouse, who has told me that he was mysteriously sacked last month from his job as a police surgeon?

Why has no attempt been made at least to see Lester Coleman III, co-author of "Trail of the Octopus" in Sweden, or the other co-author, Don Goddard, who is staying in London and was considered sufficiently responsible to be an editor of the *New York Times* for 10 years?

During the hour that I spent on the Terrace with Ray Seitz, former American ambassador, he preferred not to address that question.

In March 1989, the right hon. Member for Southend, West (Mr. Channon) went to the Garrick club and told experienced lobby journalists that the Lockerbie bomber had been identified. He was much reviled for blurting out, albeit incautiously, what I now believe to be the truth.

Mrs. Thatcher soon sacked him from the Cabinet.

I have known the right hon. Gentleman for 32 years, since he arranged for the late Jimmy Hill—then Member of Parliament for Midlothian—and me to see Rab Butler, whose Parliamentary Private Secretary he was, about the Shale Oil industry and BMC. I do not believe that the right hon. Gentleman would have said any such thing unless he had had good cause for believing it to be true.

I gave the right hon. Gentleman notice that I would be raising this topic today and, possibly, on oral question number 5 to the Prime Minister on Thursday. His reaction was that he was not delighted that I should do so.

I believe that by March 1989 the British and American Governments were in little doubt about what had happened—and it had nothing to do with the Libyans.

On 19 September 1989 Cecil Parkinson—now Lord Parkinson—then Secretary of State for Transport promised Pamela Dix, Jim Swire, Mr. and Mrs. Cadman and other British relatives the public inquiry for which they craved, adding only that he would have to clear the setting up of a public inquiry with his colleagues. At that time only one colleague in Government had the clout to stop Lord Parkinson doing what he had agreed in good faith to do. So why did she do it? To deny deeply distressed and angry relatives a public inquiry endorsed by her own Secretary of State for Transport.

Has the Crown Office bothered to ask Lord Parkinson why his best judgement was rejected?

Lady Thatcher herself has some explaining to do. She published 800 self-serving pages of autobiography. It was very well written, interesting and revealing, but never once did she mention Lockerbie. Yet on page 449, justifying the 1986 raid which destroyed working class tenements in Benghazi and Tripoli, she says:

"the much vaunted Libyan counter-attack did not and could not take place".

With her access to intelligence, how could she say that if she really thought that Libya was responsible for Lockerbie? Has the Crown Office been near Lady Thatcher?

It is no good Ministers sheltering behind the responsibilities of the Dumfries and Galloway police. I saw that courteous and distinguished police officer, chief superintendent Gilchrist, who, absolutely correctly, told me time and again, "These are questions, Mr Dalyell which you will have to put to the Crown Office and the Foreign Office".

Why are the Government reluctant to let Edwin Bollier and his engineer Ulrich Lumpart see their own timing device to determine whether it is of the batch that went to Libya or that which went to the Stasi?

The so-called forensic evidence of the timing devices was the only so-called hard evidence against the Libyans. Bollier stated in *The Observer* of 23 January that the fragment of the timing device might have been planted by Western intelligence agents seeking to frame Colonel Gaddafi's regime.

If that is true, it is damning.

If it is untrue, how can Bollier be regarded as a credible witness when it suits Washington and London? When did the Crown Office or the police last see Bollier or Lumpart?

In October 1993, Bollier asserted that he had told western intelligence a year before the Libyans were charged that timers had gone to the Stasi and, furthermore, that two or more timers had probably been stolen from his Zurich factory. Yet the timer is the so-called independent, indispensable, undisputable forensic evidence pointing to Libya.

Indeed, Robert Mueller, assistant United States attorney general in charge of the Lockerbie investigation, said in a BBC radio interview that the pieces of circuit board and the timing device were.

"indisputably for a particular timer, which was purchased by Libya." Mueller said:

"It could not have been bought by anybody else."

It is precisely that "indisputable evidence" that Allan Francovich's two-and-three-quarter hour film has blown apart. Bollier has totally dissociated himself from the Crown Office's case.

The Crown Office could hardly call Bollier as a key witness, because he is clearly now witness for the defence. Has the Crown Office bothered to examine what Goddard and Francovich said about another key witness, Tony Gauci, the Maltese shopkeeper? Gauci identified the two Libyans on the basis of one sighting one year earlier, having recanted on his identification of Abu Kalb, who took Maltese clothing to Sweden.

What happened to the report of the Scottish police officers who went to Sweden and recovered Malta-originated clothing in May 1989? Why was their evidence ignored? What happened to the calendar found in Sweden, which had a circle round the date of 21 December 1988?

What follow-up has there been to the detailed article by David Leppard and Nick Rufford, with crucial additional reporting by Lars Persson in Stockholm, which appeared in *The Sunday Times* of 17 December 1989? It asserted: "from the moment, three weeks into the Lockerbie inquiry, a policeman picked up a little piece of printed circuit board which had fallen on to the floor from a shattered luggage pallet, investigators were on their way to solving the mystery".

Has Mr. Allan Fereday been interviewed recently?

[Mr. Dalyell]

Any investigation that was interested in the truth would long since have gone to Allan Francovich and Don Goddard and asked them about their material, which showed that Maltese clothes went to Sweden, and would have examined the whole Maltese connection, which has been vigorously denied by the Maltese police, Air Malta, by the Luqa airport authorities and by the Maltese Government.

Indeed, how do the Government and the Crown Office respond to Robert Black, the Professor of Scots Law in the University of Edinburgh, who has been much involved in the case, when he points out that although there was documentary evidence for the rest of the luggage, there was no documentary evidence for the Samsonite case?

Dr. Juan Buantempo, a retired senior Maltese ambassador who came to see me in London, told me on the phone from Valetta on Sunday that to the best of his knowledge, there had been no recent approach made to the Maltese authorities. Why on earth not?

Has the Crown Office asked Mr. Francovich about the witness in California, Abdu Maged Jiacha, a so-called undercover agent, who was a sub-manager in Luqa airport, where the two Libyans worked? Jiacha got a \$4 million reward. As an informer, Jiacha said that he had a diary that belonged to Mr. Phimah and luggage tags. That might be thought to be a rather odd thing for a secret agent, as Phimah was alleged to be, to do in his line business.

However, Tony Gauci was a crucial witness. Francovich exposes that, as did Goddard and Coleman before him.

Last night, the Foreign Secy complained to me that his understanding was that Mr. Francovich had refused to give the police documents and that the Crown Office was considering whether to require Mr. Francovich to do so. Mr. Francovich tells me that he has constantly offered help to the investigators. Perhaps that misunderstanding could be cleared up.

I guess that the Lord Advocate's Office and the Department of Justice in Washington must be praying that the two Libyans are never brought near to trial, because the case would be laughed out of court.

Finally, as time does not permit more, it has never been explained how the United States Government knew enough to warn their staff at the Moscow and Helsinki embassies not to travel on Pan Am 103, to warn Pik Botha and senior South African chiefs of staff to avoid that flight, but allowed the kids—Flora Swire, the young Cadman boy and those 32 students from the University of Rochester, New York—to board the doomed aircraft.

That all those leads have not been followed up amounts to criminal negligence by the lead Departments—the Crown Office and the Foreign Office. Bluntly, Mr. Bush and Lady Thatcher may not want the truth, but the relatives do.

1.14 pm

The Parliamentary Under-Secretary of State for Scotland (Lord James Douglas-Hamilton): I am glad to respond to the hon. Member for Linlithgow (Mr. Dalyell). I was at the scene of Lockerbie with my right hon. and learned Friend the Member for Edinburgh, Pentlands (Mr. Rifkind) and the hon. Member for Glasgow, Garscadden

(Mr. Dewar) a few hours after the commission of what was undoubtedly an international atrocity and a monstrous crime.

A few days later, between Christmas and New Year, I went back to pay the respects of the British Government to those who had lost their lives, as well as to give financial support from the Government for the clearing up operations. To give some kind of picture of the enormity of the crime committed, it is only necessary for me to mention that more Americans lost their lives in that single incident that did British people in the Falklands war.

However, I reject the hon. Gentleman's charges that the Lord Advocate's Department has been either lazy, incompetent or pressurised. I repeat what the Secretary of State for Scotland said to the hon. Gentleman. Nothing in the evidence that the Lord Advocate has received has prompted him to consider any changes in the charges he wishes to make. I should make it quite clear that, of course, the Lord Advocate's Department is always prepared to examine new evidence. Evidence pertaining to the Maltese doublecross and the Francovich film have been studied by officials and it is Mr. Francovich's responsibility to bring forward evidence—if, indeed, he has any.

The hon. Gentleman has protested that the Lord Advocate should reply on the Floor of the House, but under the rules of the House the Lord Advocate cannot reply as he is a Peer.

The new Standing Order changes, with the exception of the Standing Order on ministerial statements, apply to Scottish Office Ministers and Law Officers only if they are members of the Scottish Grand Committee. The exception is the Standing Order on ministerial statements. That allows the Lord Advocate to make a statement to the Grand Committee about some aspect of his responsibilities. The Lord Advocate would have to volunteer a statement. The Grand Committee could not require him to attend.

The hon. Gentleman knows that any answer that I can give to the points that he makes is circumscribed by the fact that criminal proceedings are pending against the two accused and have been since November 1991. The surrender of the two accused for trial in Scotland or the United States is being actively pursued.

To that end, we have sought and received the endorsement of the United Nations Security Council for the British and United States Governments' demands regarding the Lockerbie bombing, and the demands of the French Government over the bombing of the UTA flight 727 over Niger in 1989. As a consequence of Libya's refusal to comply with those demands, the United Nations Security Council adopted resolution 748 imposing economic, diplomatic and aviation-related sanctions against Libya in March 1992. A further sanctions resolution was adopted in November 1993.

It is a matter of great regret that Libya continues to defy the international community and, indeed, to promote so-called compromise proposals in order to divert attention from this defiance, including the proposal that the two accused should be tried before a so-called Scottish court at the seat of the International Court of Justice at the Hague. Even if this were a genuine proposal it would be entirely unacceptable. A Scottish court cannot sit abroad. To allow that, we would need complex legislation in both countries. It would be quite wrong to make such

special arrangements for suspected terrorists at the behest of the country whose official purposes they were alleged to be serving.

Mr. Dalzell: Last night, I asked to the Foreign Secretary whether, if the accused were two Scots, we would surrender them to a country with which we had no extradition treaty, where we might perceive that justice had gone as wrong as it had in the cases of the Birmingham Six and the Guildford Four. The Foreign Secretary's own words to me were: stalemate—we are faced with stalemate on this matter. Anyone who knows the Arab world—I have initiated Friday debate on Britain's relations with the Arab world—knows that there is not the proverbial cat in hell's chance of the two accused being sent to the United Kingdom. If Scots had committed atrocities abroad, there would be a strong case for them facing trial and being brought before the bar of the court for the crimes that they had committed. It may be that we do not have extradition agreements with certain countries and that we should explore the possibility of more agreements in future. We have no reason to believe, in light of Libyan prevarication that the proposal is genuine.

Trial in Scotland will be fair. Since Libya has stated that it does not object to trial before a Scottish court in the Hague, it follows that Libya accepts that a Scottish trial will be fair. A trial in Scotland or the United States is required by the Security Council. I am glad that position is accepted by the international community and that, following the recent review of the sanctions introduced by resolution 748, the Security Council president concluded that there was no agreement that the necessary conditions existed for modification of the Security Council sanctions.

We do not, however, see sanctions as an end in themselves. For that reason Security Council resolution 883, adopted in November last year, contains a suspension clause that states that the sanctions will be reviewed immediately, with a view to their being suspended as soon as the Secretary-General reports to the Council that the Libyan Government have ensured the appearance of those charged with the bombing of Pan Am 103 for trial before the appropriate United Kingdom or United States court and have satisfied the French judicial authorities as to the bombing of UTA 772.

The resolution also indicated the Security Council's willingness to lift the sanctions completely once Libya complies in full with all the resolutions. Therefore, there is a powerful incentive for Libya to surrender the two suspects, and we shall continue to do everything possible to bring that about. But so long as a criminal trial for the two accused is pending, the details of the evidence in the criminal case cannot and should not be discussed or debated.

Mr. Dalzell: What evidence?

Lord James Douglas-Hamilton: The hon. Gentleman asks "What evidence?" and he made a speech asking that details of the evidence should be revealed. When I was an advocate and counsel in a murder case, I travelled in a train with the hon. Gentleman's distinguished father-in-law. The hon. Gentleman's father-in-law properly said that he would discuss anything with me, but not the evidence of the case in question.

In exactly the same way, the Lord Advocate cannot properly or correctly discuss the evidence of what was an international atrocity before the case comes to court. It is incorrect of the hon. Gentleman to apply pressure to make him do so. It would not be in accordance with the independent role of the judiciary and I believe that the Lord Advocate's conduct is correct.

To debate details of the evidence, as the hon. Gentleman would have me do, would be to jeopardise the prospect of a fair criminal trial and render worthless the painstaking work involved in the investigation and efforts made since the announcement of warrants on 14 November 1991 to secure the surrender of the two Libyans who stand accused of an international atrocity and monstrous crime. The primary purpose in not disclosing details of the evidence is protection of the interests of the two accused. It is only proper that the prosecuting authorities do all they can to ensure that the two accused receive as fair a trial as possible, unhampered by any attempts to scrutinise the evidence in advance. That is the responsibility of the prosecuting authorities in any case in Scotland, and the same rules apply in the case involving the Libyan accused as would apply to any other case where persons were charged with a crime.

It has sometimes been suggested that the accused would not receive a fair trial in a Scottish court because of publicity in the media. I wish to make three points in reply. First, certain individuals, for example Mr. Francovich, have done much to promote media coverage of the case. In contrast, the prosecuting authorities have been scrupulous not to do so. Secondly, much of that publicity has sought to undermine the prosecution case. That would not of itself be prejudicial to the position of the accused. None the less, in as much as it seeks to damage the prosecution case before the prosecution has the opportunity even to lead its witnesses in court, that publicity can be said not to be in the wider interests of justice. The prosecution, like the defence, should be able to present its case without being hampered by what is, inevitably, ill-informed and one-sided comment.

Finally, if the accused came to trial in Scotland, they would have the right to argue before the High Court of Justiciary that, due to all the publicity and other circumstances, they could not get a fair trial. If the court upheld that contention, the proceedings would be stopped. If the judge did not uphold the argument, the accused could appeal to the Criminal Appeal Court. They again would have the power to stop the proceedings. Therefore the whole issue of possible prejudice would be decided by the independent judges in the High Court. That is the protection afforded by the law of Scotland, which is always anxious to uphold the rights of accused persons in appropriate circumstances. That protection is available to the Libyan accused, just as it would be available to any other accused persons before the Scottish courts.

In those circumstances it is unhelpful for the prosecuting authorities to be subjected to this type of criticism when the hon. Gentleman well knows that they cannot respond in detail to his allegations, or those made in the film by Allan Francovich, for fear of prejudicing in particular the position of the accused in the criminal trial that is actively being pursued.

Mr. Dalzell: I might have more respect for the prosecuting authorities if they had not refused to allow Edwin Bollier and his engineer Ulrich Lumpart to

[Mr. Dalyell]

examine their own crucial timing devices. Why have not the prosecuting authorities allowed them to try to identify their own devices?

Lord James Douglas-Hamilton: For the same reason that the hon. Gentleman's father-in-law gave me on the train. The hon. Gentleman suggests that either the evidence itself should be revealed or details of the investigation of it. That would be incorrect and improper. The hon. Gentleman's father-in-law, a judge, would not have tolerated that. In the same way, no independent Lord Advocate could possibly give way to that kind of pressure.

Mr. Dalyell: Will the Minister give way?

Lord James Douglas-Hamilton: No, the hon. Gentleman has made his point. If I may say so, he is in danger of trying to bring political pressure to bear on an independent prosecuting service. That is a very dangerous road to do down. It is vitally important in a democratic country that the prosecution service should be totally independent of the Government and of politicians in general.

Of course new evidence will be considered and should be submitted, but the hon. Gentleman's request that details of the evidence should be revealed is incorrect. That has never been done in relation to other cases and should not and cannot, be done in relation to this one.

The Libyan Government should be encouraged to surrender the two accused persons for trial. I pay tribute to the work of the police and of those associated with the investigation. I will go so far as to say that there has never been a more extensive and thorough investigation into the commissioning of a crime in the history of Scottish criminal investigation. Anyone who believes himself or herself to be in possession of any evidence pertinent to that inquiry should make it available by presenting it to Dumfries and Galloway constabulary.

Of course the allegations made within Allan Francovich's film are being considered by that constabulary, although the hon. Gentleman will not be surprised to hear that many of the matters raised were the subject of extensive enquiry at earlier stages of the investigation. The hon. Gentleman must understand that while the investigation remains open, and any relevant line of inquiry that has not already been pursued will be pursued, the details of any investigative steps cannot be made public.

No effective criminal investigation could be conducted in such a manner and, as I have already pointed out, this case is different from any other only in its scale and complexity. It is quite wrong to suggest that there is any lack of commitment to the resolution of the Lockerbie case on the part of the Crown Office. The Crown Office and the Procurator Fiscal Service have worked very closely with Dumfries and Galloway constabulary and the authorities of a number of countries in pursuing the largest criminal investigation in peace time.

From the first day of the investigation until well after the issue of warrants, the then procurator fiscal for Dumfries worked full time on the Lockerbie case, for the most part actually sharing accommodation with the police. There has never been a case in Scotland in which there has been such close co-ordination between the prosecution and investigating authorities. It is mischievous to suggest that my noble and learned friend the Lord Advocate's departments have given anything less than total commitment to this case, in accordance with established procedures.

Mr. Dalyell: Rubbish.

Lord James Douglas-Hamilton: The hon. Gentleman says "Rubbish". I must say—

The debate having continued for half an hour, the Chairman adjourned the Committee without Question put, pursuant to the Standing Order.

Committee adjourned accordingly at half-past One o'clock.

Annex 80

Wednesday
1 February 1995

Volume 253
No. 42



HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY
DEBATES

(HANSARD)

Wednesday 1 February 1995

LONDON: HMSO
£7.50 net

I hope that my reply has been helpful to my hon. Friend. Given the crucial role of the county council in determining what should be its priorities for expenditure, it might be useful if my hon. Friends the Members for Worcester and for Worcestershire, South and their constituents direct their principal concerns to the county council. It is the council which—

Mr. Deputy Speaker (Mr. Geoffrey Lofthouse): Order. We must move on to the next debate.

Lockerbie

2 pm

Mr. Tam Dalyell (Linlithgow): My concerns about Lockerbie have been set out in Adjournment debates, foreign affairs debates and endless parliamentary questions over six years, most recently on 13 December in the Scottish Grand Committee at column 40, so I invite the Foreign Secretary to address the following questions, of which the Foreign Office has had 26 hours' notice.

Did the Scottish police request interviews with Ghadanfar and Dalkoumani? If not, why not? If so, were they denied access to the two men? Will the British Government object if Dalkoumani is released later this year? Did the British authorities ever interview Marwan Khreesat, briefly detained and then released in Neuss, Germany?

Considering two Libyans have been indicted on the basis of circumstantial evidence, would the Foreign Secretary acknowledge contrary circumstantial evidence set out in recent days by Alan Francovitch, Con Coughlin and John Arlidge, and in their seminal, if derided, book "Trail of the Octopus" by Don Goddard and Lester Coleman? In particular, is the Foreign Secretary at ease, in the light of the "File on Four" programme, in respect of the pivotal witness, Toni Gauci, clothing shopkeeper from Malta?

If the Foreign Secretary is so sure about the Malta connection, how does he explain that Air Malta won an out-of-court settlement against Granada and *The Independent*, neither of which could substantiate its story of Maltese involvement?

Is the Foreign Secretary any more at ease in respect of another crucial witness, Edwin Bollier? Did he not sign a statement to the effect that his timing device had been sold only to the Libyans? But does not interrogation of Bollier's Stasi control reveal that that was a lie, as he had sold the same device to the Stasi?

What is the Foreign Secretary's assessment of the report of the air intelligence unit of the United States air force that Ali Akbar Mostashemi paid the Al Abas and Abu Nidal groups \$10 million in cash and gold to bomb Pan Am flight 103, in retaliation for the US "shoot-down" of the Iranian airbus?

Is the Foreign Secretary aware that the Crown Office received crucial American intelligence implicating Libya from Mr. Vincent Cannistraro of the CIA, who, by his own admission in the mid-1980s, ran a programme at the US National Security Council designed to destabilise and topple the regime of Colonel Gaddafi, and that one of the methods used in the campaign was the spreading of disinformation about Libya?

How can seemingly eternal United Nations sanctions against Libya be justified? Is the Foreign Secretary sure that the Crown Office "certainties" are not constructed on the quicksand of CIA disinformation?

How much reliance does the Crown Office put on the so-called testimony of Abdu Maged Jiacha, who worked at Luqa airport, who has received a \$4 million reward and a new identity, and the benefits of the US federal witness protection programme? Apart from anything else, he seems to have quarrelled with the one of the two accused Libyans over a girl. That is about the level of it.

[Mr. Tam Dalyell]

Is the Foreign Secretary aware that after Lockerbie all the Drug Enforcement Agency chiefs in Europe were ordered to Washington, and told that there were DEA agents and a drug courier on flight 103, and that all DEA officers received a cable informing all agents that they were in no circumstances to talk to anyone about the DEA people on that plane, including Khalid Jaafar?

Were drugs found among the debris near Lockerbie, and were Americans involved in concealing the discovery of drugs?

Hansard records in column 522 on 21 December 1988 that at 8.30 pm I intervened on the subject of the crash. My concerns about Lockerbie became acute when a West Lothian police officer—a friend of mine and a constituent—observed to me on new year's eve, 1988 that he did not know how so many Americans could be on such a gruesome scene messing around with the evidence.

Why has the Crown Office not talked properly to Dr. David Fieldhouse, the distinguished Bradford police surgeon, especially to correlate his body count with its count?

Will the Foreign Secretary explain why the German authorities did not join their US and UK colleagues in indicting the two Libyans for a crime committed on German soil, at the Rhein-Main airport, where by any account the bomb went on board?

Is it not the case that, shortly after the Anglo-American indictment, the German public prosecutor, Volke Rath, was quoted as stating that the Federal Republic of Germany had declined to join the US and UK indictment on the ground, as he put it, "of lack of evidence"?

In the investigation of a crime, the police in Scotland act, and must act, on the directions and instructions of the procurator fiscal and the Crown Office. Have the Crown Office and the procurator fiscal given the police directions or instructions to investigate recent allegations of Iranian and Syrian involvement in the bombing of Pan Am flight 103? Again, if not, why not?

In deciding whether charges should be brought and in preparing a case for trial, it is the duty of the prosecuting authorities in Scotland to consider and investigate evidence which tends to exculpate a suspect or an accused as well as evidence which tends to incriminate the suspect. Have the prosecuting authorities complied with that duty in the case of the two Libyan suspects, and are they currently complying?

A petition charging named individuals with the Lockerbie bombing having been presented to the sheriff of Dumfries, presumably on evidence regarded by the Lord Advocate as sufficient at the time to justify that step, and arrest warrants having been granted, do the prosecuting authorities in Scotland regard their investigating functions as being at an end?

Should they not, for example, seek to interview officials of the US embassy in Nicosia who were there in 1988 to determine what they knew of the events leading up to the Lockerbie disaster? In particular, should they not seek to interview the 1988 CIA station chief and the DEA country attaché, both now retired from Government service?

Have the Crown Office and the Scottish police investigated the possibility that the terrorists responsible took advantage of an American law enforcement operation to smuggle the bomb aboard flight 103?

Do the prosecuting authorities regard themselves as being free now to close their eyes to any new leads and decline to investigate any potential evidence which go counter to the allegations narrated in the petition or which appear to cast doubt thereon?

Do the prosecuting authorities really assert that the sole responsibility for investigating any such evidence rests on those entrusted with the task of representing the relatives if and when a trial takes place?

Ending with the relatives, six long years later, they want to know exactly why US personnel were withdrawn from flight 103, and exactly what US Government officials knew which was not made available to the youngsters going to their death.

2.7 pm

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Douglas Hurd): I am grateful to the hon. Member for Linlithgow (Mr. Dalyell) because, as he said, he gave notice to my office of his line of questioning. He gave me plenty of time, but he has asked many detailed questions. If there are gaps between his questions and the fullness of my answers, I shall write to him to fill the gaps. I shall certainly deal with the main points that he raised.

I thought that it was right to reply to the debate myself for three reasons: first, because of my respect for the hon. Gentleman and for his integrity in this and other matters; secondly, because of the enormity of the crime at Lockerbie and the suffering which it caused and is causing; thirdly, because I wish to deal plainly and lay to rest certain suspicions and accusations which have arisen not so much from the hon. Gentleman's speech as from what he has copiously written in newspapers.

The Lockerbie investigation has been the most extensive ever carried out into one crime in Britain. On the basis of that criminal investigation and the vast amount of evidence uncovered, my noble and learned Friend the then Lord Advocate sought and was granted warrants for the arrest of two Libyan nationals accused of having carried out the bombing.

I must stress the total independence from Government of the investigation of the Lord Advocate in his responsibility for criminal prosecutions. Neither he nor his predecessor would have brooked any attempt to influence them in exercising their independent judgment. It is not the job of Ministers or the Foreign office to decide who should be prosecuted for a crime. It is not the job of Ministers or the Foreign Office to pronounce opinions as to who is guilty. There is no place in the matter for diplomatic or political considerations, and we have not at any time allowed such considerations any place in our actions.

Neither the Foreign Office nor any agency for which I am responsible has attempted to steer the Lockerbie investigation or to shield any individual or state who may have been responsible. There is no hidden political influence behind the investigation, and there has been no censorship by the Foreign Office. All significant information relevant to Lockerbie obtained by the intelligence agencies—or anyone else, to my

knowledge—is invariably and as a matter of course provided to those who are responsible for the investigation. It is for the prosecuting authorities and, ultimately, we hope, for the courts, not the Government, to weigh the evidence; so when the hon. Gentleman asks whether I am at ease with that, or whether I am satisfied with that, those are not questions for me. It is not for me to weigh or ponder the evidence or to allow those under my control to do so.

There have been many debates on this matter, and the hon. Gentleman has asked many questions. Most recently, there was a discussion in the Scottish Grand Committee on 13 December last year. My hon. Friend the Under-Secretary of State at the Scottish Office explained why no Minister could discuss the detail of evidence into the Lockerbie bombing or, indeed, any other criminal case, because once we began to do that, it would jeopardise the prospect of a fair criminal trial and render worthless the painstaking work of the investigators.

Of course—this is one of the hon. Gentleman's main concerns—the books can never be closed. The Dumfries and Galloway constabulary must remain, and does remain, ready to consider any new evidence that might be relevant to the case. The investigation remains open. If anyone has any new information that he or she considers relevant to the case, he or she should give it to the police without delay. Minds cannot be closed to fresh evidence, even if it were to open up new ideas on who carried out the bombing or backed the bombers.

Sir Teddy Taylor (Southend, East): Can my right hon. Friend say, therefore, who has been responsible for denying Mr. Bollier the right to see the evidence about the timing devices? It is a very important part of the evidence. He has been denied the right to see it, because he believes that he could decide whether it was sold to the Libyans or others. Who makes that kind of decision? Is it political, judicial or made by the police?

Mr. Hurd: It is certainly not political. It is certainly not made by me or any other Minister. Let me inquire into that aspect of the case. I shall write to my hon. Friend. It is certainly not me who would have taken any such decision, or could have done so.

The Lord Advocate—this is on a point that the hon. Member for Linlithgow raised—has always been at pains to make it clear that he is not in a position to exonerate other nations or their nationals. He simply has not seen, in his judgment, credible evidence to implicate them.

Mr. Alex Salmond (Banff and Buchan): The Foreign Secretary has seen the replies to me in *Hansard* today from the Secretary of State for Scotland, which, briefly, say that the Crown authorities were not aware of the existence of the US air intelligence report until 23 January this year. The replies discount the report and say that it has no relevance to the inquiry. I ask a simple question: given that the Crown authorities were co-operating so closely with the American authorities, why were they not aware of the existence of that report? Can the Foreign Secretary offer an explanation?

Mr. Hurd: I shall come to that report in a minute.

The hon. Member for Linlithgow asked a number of detailed questions. I can reply to some of them. He spoke of the Palestinian terrorists who were arrested in Germany in October 1988. It is the firm policy of the Lord

Advocate not to give details of what inquiries have or have not been carried out, but it is necessary to make an exception in this case. In the case of Dalkoumani and Ghadanfar, I can confirm that requests were made for both men to be interviewed, that those requests were granted and that Scottish police officers were present at the interviews.

The hon. Gentleman also asked me to acknowledge what he described as contrary circumstantial evidence put forward by various individuals. We all know that there are a host of alternative theories on the subject. It is not for me, I repeat, to assess those theories. That is and must be a matter for the prosecuting authorities and the Lord Advocate. It is clear that such theories can be based only on an incomplete knowledge and understanding of the mass of evidence that is available to the Lord Advocate, who remains in no doubt that the charges against the two Libyan accused are justified.

That covers the reliability and significance of any particular piece of evidence put before a criminal court by the prosecution, including such matters, to which the hon. Gentleman referred, as the sale of clothing in Malta, the testimony of Edwin Bollier and evidence obtained from staff at Luqa airport. Those are matters which, eventually, we hope, a jury will consider once it has heard all the evidence.

I now deal with the American document, which was mentioned by the hon. Member for Linlithgow and the hon. Member for Banff and Buchan (Mr. Salmond). It was released by the US Government under the Freedom of Information Act. It contains, as both hon. Members have said, the allegation that former Iranian interior Minister, Ali Akbar Mohtashemi, paid the sum of \$10 million to have the Lockerbie bombing carried out. I make two points on the report. The document, as the hon. Gentleman said and as my right hon. Friend the Secretary of State told him, was available to the Crown Office on 24 January, but the allegation in it circulated well before that as a well-publicised rumour during the early stages of the investigation. It appeared in *The Sunday Times* in the second half of 1989. It appeared later in a book by David Leppard, "On The Trail of Terror", published in 1991.

As anyone who follows the case knows—certainly the two hon. Members do—during the early stages of the investigation, the possibility that Palestinian extremist groups might be responsible was extensively investigated, as were reports of Iranian involvement. No credible evidence—the assessment of the prosecuting authorities—has been found to substantiate either theory.

The document is not, as is sometimes made out, a statement of the views of the American authorities. It is a report of the views of an American intelligence agency source—in fact, an Iranian defector. He or she was reporting second or third-hand information. The source was untried and its reliability could not have been assessed. During the investigation, literally thousands of pieces of raw intelligence, often contradictory, were seen. When the document in question was assessed, as a US Government spokesman made clear last week, it was discarded as a "dud".

The hon. Gentleman asked a number of questions about the US Drug Enforcement Administration. I am assured that no DEA chiefs in Europe were recalled to Washington in the wake of the Lockerbie disaster. As regards the allegation that it was running an anti-narcotics operation, which went wrong, a copy of the film by Mr.

[Mr. Hurd]

Allan Francovitch, which contains those allegations, has been sent—I think by the hon. Gentleman—to the Crown Office. The matter was considered by the US House of Representatives Committee on Government Operations, Government Information Justice and Agriculture Sub-Committee in December 1990. I am arranging for a copy of the statement to that sub-committee by the assistant administrator of the DEA to be placed in the Library of the House.

The hon. Gentleman talked about the discovery of drugs. I think that the Lord Advocate wrote to him on 3 July 1992, saying that the only discovery of drugs at the Lockerbie site was a small quantity of cannabis.

The hon. Gentleman asked about Mr. David Fieldhouse. My understanding is that he has been interviewed several times by the Scottish police and that he gave at the fatal accident inquiry.

The hon. Gentleman asked me to explain why the German authorities have not indicted the two Libyan accused. That clearly is a matter for the German prosecuting judicial authorities. It is not something that I can comment on, except to make the obvious point. Given that the bulk of the evidence is in the hands of the Scottish and American authorities, it seems clear to us that the trial should take place in one of those two countries. The German Government agree, as does the Security Council.

Incidentally, I understand that the comments that the hon. Member for Linlithgow attributed to the German state prosecutor were misquoted. The state prosecutor was referring not to the case brought by the Lord Advocate and the American authorities, but to the question of proceedings in Germany based on the evidence held there. The German state prosecutor is not familiar with the full details of the prosecution case.

Let me deal with a point of principle that I consider to be at the heart of the hon. Gentleman's remarks. I can confirm to him that the prosecuting authorities would take any evidence that tended to exculpate the accused just as seriously as any further evidence that tended to incriminate them. The hon. Gentleman said that that was the authorities' duty, and they see it as their duty.

The hon. Gentleman talked about American personnel being withdrawn from flight 103. I understand that one American Government employee who was booked on the flight missed it because of traffic congestion at Frankfurt, but it is true that a further 23, sadly, were victims of the disaster.

Let me return to the central question of where we stand now. The hon. Gentleman asked how the United Nation sanctions against Libya could be justified. We have asked ourselves repeatedly how best to proceed. The painstaking work of the Scottish police and the Crown Office has led to charges being brought against two Libyan individuals; the case against them stands. It is not a case constructed by me, or by the Foreign Office, and it owes nothing to diplomatic or political considerations. It was put together after the most massive investigation ever to take place in respect of any crime in Britain, and sustained by the Lord Advocate in the warrants that he issued. In his judgment, the case stands.

Dr. Norman A. Godman (Greenock and Port Glasgow): Is it the Government's view that one day the perpetrators of this terrible mass murder will stand trial in

the High Court in Edinburgh—or a similar court elsewhere—or does the Foreign Secretary genuinely believe that they will never be brought to trial?

Mr. Hurd: I do not know the answer to that question, but I believe that it is our job to do our utmost to ensure that they do come to trial. They are outside our reach at present; we are making every effort to bring them within the reach of the court, but matters are not entirely under our control.

We and the American and French Governments—the French are currently concerned with another terrorist crime—have gone to unprecedented lengths to put diplomatic pressure on Libya to surrender the two Libyan citizens who are alleged to have carried out the bombing, and to satisfy the requirements of French justice over the bombing of flight UTA772 in September 1989.

Sir David Steel (Tweeddale, Ettrick and Lauderdale): Why do the British and French Governments set their faces so determinedly against the idea of trying the two individuals in some other place, such as The Hague, in the absence of an international criminal court?

Mr. Hurd: There are several answers to that. Primary legislation would be required in this country. I am not sure of the grounds on which a Minister would tell the House, "The instruments of justice in Scotland are inadequate for this purpose," but that would have to be the case. Nor, after all that has occurred, could we conceivably feel confident—whatever assurances were given in advance—that the Libyans would hand over those concerned to a court. We would go to the infinite trouble of constructing such a court, in the face of difficulty and controversy, when there could be no guarantee that those concerned would appear before it. We have considered the question, because—as the right hon. Member for Tweeddale, Ettrick and Lauderdale (Sir D. Steel) is aware—people have urged us in good faith to take such a course; but I do not think that it is a tenable answer.

Sanctions were imposed on Libya by the Security Council because of Libya's refusal to comply with resolution 731. We do not believe that they should or could be lifted until Libya has complied in full with Security Council resolutions. Let me explain the broader picture, to clear away any misunderstanding of what is involved on the part of the Libyan Government. In pursuing the sanctions and taking the view that I have just expressed, we have no hidden agenda; we are not involved in any vindictive campaign against either the Libyan people or their Government. Provided that Libya shows by concrete means that she has renounced all support for terrorism, we have no desire for sanctions to remain in force any longer than is necessary. On the contrary—I am not sure whether the House knows this—in an attempt to establish that the renunciation of terrorism is real, we have engaged in a number of meetings, at official level, with Libyan representatives to discuss their past links with the Provisional IRA. Although those discussions have not led to a fully satisfactory conclusion, they are evidence of our efforts to show that Libyan assurances in this matter are real.

Once the Libyan Government have arranged for the two Lockerbie suspects to appear for trial in Scotland or the United States and have satisfied French justice over the UTA bombing, we stand ready to see the sanctions suspended immediately. Once Libya has complied with the other requirements of the Security Council resolutions, we expect the sanctions to be lifted without delay. Those who argue that sanctions should be lifted now would do better to help us to persuade the Libyan Government to comply with the Security Council resolutions without further delay.

The hon. Member for Linlithgow asked whether I entertained any serious hope about the outcome. There have been times over the past two years when, on the basis of the information that I had, I thought that we were quite close to the possibility that the Libyans would comply with the resolution and that the two accused would come forward. I have taken great trouble to explain to various intermediaries how Scottish law functions: I have been fully briefed on that—on the safeguards, the legal precautions, the rights of representation and the nature of evidence required. We have repeatedly given those assurances to the Libyans. Although I have sometimes felt that we are close to the possibility that I have described, we have never actually reached that point; instead, there have been numerous side proposals which I fear were designed simply to prolong delay and throw dust in the eyes of all concerned.

Nevertheless, I do not think that we should despair. I should be reluctant—as, I am sure, the Lord Advocate would be—ever to say, “We give up.” I repeat, however, that this is not a political or diplomatic exercise on our part: the crime committed was unique in the history of crime in this country, and our concern is that justice should be done. We shall continue to pursue that objective, and the fewer ramifications or complications are introduced into that simple story, the better will be our chances of success. There may be some points of

detail that I have not picked up from the hon. Gentleman, but I hope that I have managed to deal with the gravamen of his case.

Some people are worried that there has been political interference in this case. The hon. Gentleman has been worried that the Crown Office may not be taking account of all the evidence and all the information that is available. I hope that I have dealt from my own knowledge with the first point and, from the knowledge that has been made available to me, I hope that I have dealt with the second. I thank the House.

Mr. Dalyell: The Foreign Secretary refers to points of detail. The trouble is that it is not a detail that Toni Gauci, the owner of this clothing shop in Malta, on whom the whole case rests, is an exceedingly unreliable witness. Since Scots MPs cannot get at the Lord Advocate, I do not know what more we can do. The fact remains that what the Foreign Secretary says are details brought up by Mr. Francovitch and others are absolutely crucial to any kind of respectable case, and respectable case there is none. *[Interruption.]*

The professor of Scots law at the university of Edinburgh has publicly said not only that does he think that a jury would not convict but that a judge in Scotland might well throw the case out on the ground that there is no case to answer. That is the situation that we have reached. I do not think that senior Cabinet Ministers can pass everything to the Lord Advocate in such a case.

Dr. Godman: Or worse, pass it to Washington.

Mr. Dalyell: Nor, as my hon. Friend says, can they pass it to Washington.

I thank the Foreign Secretary for his courtesy, but in a sense the gravamen of the case has not been responded to. I beg the Government to go to the Lord Advocate and ask him whether he is at ease—

It being half-past Two o'clock, the motion for the Adjournment of the House lapsed, pursuant to order [19 December].

Annex 81



General Assembly

Distr.
GENERAL

A/RES/49/60
17 February 1995

Forty-ninth session
Agenda item 142

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY
[on the report of the Sixth Committee (A/49/743)]

49/60. Measures to eliminate international terrorism

The General Assembly,

Recalling its resolution 46/51 of 9 December 1991 and its decision 48/411 of 9 December 1993,

Taking note of the report of the Secretary-General, 1/

Having considered in depth the question of measures to eliminate international terrorism,

Convinced that the adoption of the declaration on measures to eliminate international terrorism should contribute to the enhancement of the struggle against international terrorism,

1. Approves the Declaration on Measures to Eliminate International Terrorism, the text of which is annexed to the present resolution;
2. Invites the Secretary-General to inform all States, the Security Council, the International Court of Justice and the relevant specialized agencies, organizations and organisms of the adoption of the Declaration;
3. Urges that every effort be made in order that the Declaration becomes generally known and is observed and implemented in full;
4. Urges States, in accordance with the provisions of the Declaration, to take all appropriate measures at the national and international levels to eliminate terrorism;

1/ A/49/257 and Add.1-3.

5. Invites the Secretary-General to follow up closely the implementation of the present resolution and the Declaration, and to submit to the General Assembly at its fiftieth session a report thereon, relating, in particular, to the modalities of implementation of paragraph 10 of the Declaration;

6. Decides to include in the provisional agenda of its fiftieth session the item entitled "Measures to eliminate international terrorism", in order to examine the report of the Secretary-General requested in paragraph 5 above, without prejudice to the annual or biennial consideration of the item.

84th plenary meeting
9 December 1994

ANNEX

Declaration on Measures to Eliminate International Terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 2/ the Declaration on the Strengthening of International Security, 3/ the Definition of Aggression, 4/ the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, 5/ the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, 6/ the International Covenant on Economic, Social and Cultural Rights 7/ and the International Covenant on Civil and Political Rights, 7/

Deeply disturbed by the world-wide persistence of acts of international terrorism in all its forms and manifestations, including those in which States are directly or indirectly involved, which endanger or take innocent lives, have a deleterious effect on international relations and may jeopardize the security of States,

2/ Resolution 2625 (XXV), annex.

3/ Resolution 2734 (XXV).

4/ Resolution 3314 (XXIX), annex.

5/ Resolution 42/22, annex.

6/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

7/ See resolution 2200 A (XXI), annex.

Deeply concerned by the increase, in many regions of the world, of acts of terrorism based on intolerance or extremism,

Concerned at the growing and dangerous links between terrorist groups and drug traffickers and their paramilitary gangs, which have resorted to all types of violence, thus endangering the constitutional order of States and violating basic human rights,

Convinced of the desirability for closer coordination and cooperation among States in combating crimes closely connected with terrorism, including drug trafficking, unlawful arms trade, money laundering and smuggling of nuclear and other potentially deadly materials, and bearing in mind the role that could be played by both the United Nations and regional organizations in this respect,

Firmly determined to eliminate international terrorism in all its forms and manifestations,

Convinced also that the suppression of acts of international terrorism, including those in which States are directly or indirectly involved, is an essential element for the maintenance of international peace and security,

Convinced further that those responsible for acts of international terrorism must be brought to justice,

Stressing the imperative need to further strengthen international cooperation between States in order to take and adopt practical and effective measures to prevent, combat and eliminate all forms of terrorism that affect the international community as a whole,

Conscious of the important role that might be played by the United Nations, the relevant specialized agencies and States in fostering widespread cooperation in preventing and combating international terrorism, inter alia, by increasing public awareness of the problem,

Recalling the existing international treaties relating to various aspects of the problem of international terrorism, inter alia, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, 8/ the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, 9/ the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971, 10/ the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted in New York on 14 December 1973, 11/ the International Convention against the Taking of

8/ United Nations, Treaty Series, vol. 704, No. 10106.

9/ Ibid., vol. 860, No. 12325.

10/ Ibid., vol. 974, No. 14118.

11/ Ibid., vol. 1035, No. 15410.

Hostages, adopted in New York on 17 December 1979, 12/ the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980, 13/ the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988, 14/ the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988, 15/ the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March 1988, 16/ and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991, 17/

Welcoming the conclusion of regional agreements and mutually agreed declarations to combat and eliminate terrorism in all its forms and manifestations,

Convinced of the desirability of keeping under review the scope of existing international legal provisions to combat terrorism in all its forms and manifestations, with the aim of ensuring a comprehensive legal framework for the prevention and elimination of terrorism,

Solemnly declares the following:

I

1. The States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism, as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States;

2. Acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations, which may pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society;

3. Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them;

12/ Resolution 34/146, annex.

13/ International Atomic Energy Agency, document INFCIRC/225; to be published in United Nations, Treaty Series, vol. 1456, No. 24631.

14/ International Civil Aviation Organization, document DOC 9518.

15/ International Maritime Organization, document SUA/CONF/15/Rev.1.

16/ Ibid., document SUA/CONF/16/Rev.2.

17/ See S/22393 and Corr.1.

II

4. States, guided by the purposes and principles of the Charter of the United Nations and other relevant rules of international law, must refrain from organizing, instigating, assisting or participating in terrorist acts in territories of other States, or from acquiescing in or encouraging activities within their territories directed towards the commission of such acts;

5. States must also fulfil their obligations under the Charter of the United Nations and other provisions of international law with respect to combating international terrorism and are urged to take effective and resolute measures in accordance with the relevant provisions of international law and international standards of human rights for the speedy and final elimination of international terrorism, in particular:

(a) To refrain from organizing, instigating, facilitating, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that their respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens;

(b) To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of their national law;

(c) To endeavour to conclude special agreements to that effect on a bilateral, regional and multilateral basis, and to prepare, to that effect, model agreements on cooperation;

(d) To cooperate with one another in exchanging relevant information concerning the prevention and combating of terrorism;

(e) To take promptly all steps necessary to implement the existing international conventions on this subject to which they are parties, including the harmonization of their domestic legislation with those conventions;

(f) To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in subparagraph (a) above;

6. In order to combat effectively the increase in, and the growing international character and effects of, acts of terrorism, States should enhance their cooperation in this area through, in particular, systematizing the exchange of information concerning the prevention and combating of terrorism, as well as by effective implementation of the relevant international conventions and conclusion of mutual judicial assistance and extradition agreements on a bilateral, regional and multilateral basis;

7. In this context, States are encouraged to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter;

8. Furthermore States that have not yet done so are urged to consider, as a matter of priority, becoming parties to the international conventions and protocols relating to various aspects of international terrorism referred to in the preamble to the present Declaration;

III

9. The United Nations, the relevant specialized agencies and intergovernmental organizations and other relevant bodies must make every effort with a view to promoting measures to combat and eliminate acts of terrorism and to strengthening their role in this field;

10. The Secretary-General should assist in the implementation of the present Declaration by taking, within existing resources, the following practical measures to enhance international cooperation:

(a) A collection of data on the status and implementation of existing multilateral, regional and bilateral agreements relating to international terrorism, including information on incidents caused by international terrorism and criminal prosecutions and sentencing, based on information received from the depositaries of those agreements and from Member States;

(b) A compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations, based on information received from Member States;

(c) An analytical review of existing international legal instruments relating to international terrorism, in order to assist States in identifying aspects of this matter that have not been covered by such instruments and could be addressed to develop further a comprehensive legal framework of conventions dealing with international terrorism;

(d) A review of existing possibilities within the United Nations system for assisting States in organizing workshops and training courses on combating crimes connected with international terrorism;

IV

11. All States are urged to promote and implement in good faith and effectively the provisions of the present Declaration in all its aspects;

12. Emphasis is placed on the need to pursue efforts aiming at eliminating definitively all acts of terrorism by the strengthening of international cooperation and progressive development of international law and its codification, as well as by enhancement of coordination between, and increase of the efficiency of, the United Nations and the relevant specialized agencies, organizations and bodies.

Annex 82



Security Council

Distr.
GENERAL

S/1995/226
27 March 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 27 MARCH 1995 FROM THE PERMANENT REPRESENTATIVE
OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith a note entitled "Security Council resolution 731 (1992) and the latest developments in the Lockerbie question".

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Mohamed A. AZWAI
Permanent Representative

Annex

SECURITY COUNCIL RESOLUTION 731 (1992) AND THE
LATEST DEVELOPMENTS IN THE LOCKERBIE QUESTION

13 February 1995

1. Security Council resolution 731 (1992) was based on the indictments in connection with the bombing of Pan Am flight 103 that were handed down on 14 November 1991 by the Lord Advocate (attorney-general) of Scotland and by a grand jury at the United States District Court for the District of Columbia. The decision to indict was based on the information gathered by the two countries over a three-year period and, as a result, they brought charges against two Libyan nationals. The resolution in question was also based on French demands relating to the bombing of UTA flight 772, demands made by the United Kingdom and the United States and joint demands made by all three Governments after the indictments were handed down. (See documents S/23306, S/23307, S/23308, S/23309 and S/23317.) In connection with the Pan Am incident, the British and American governments declared (S/23308) that the Libyan Government must:

"(a) Surrender for trial all those charged with the crime and accept responsibility for the actions of Libyan officials;

"(b) 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;

"(c) Pay appropriate compensation."

They then joined the French Government in making an additional demand, namely that Libya must "commit itself concretely and definitively to cease all forms of terrorist action and all assistance to terrorist groups" and that it "must promptly, by concrete actions, prove its renunciation of terrorism" (S/23309).

2. Under pressure from the three Governments, the Security Council then adopted its resolution 748 (1992), into which the question of terrorism on a wide scale had been forcibly injected. In violation of many of the provisions of the Charter of the United Nations, the Council thereby imposed an aerial, diplomatic and military embargo on Libya despite the fact that the matter at issue was in essence a legal dispute governed by the 1971 Montreal Convention for the Suppression of Unlawful Acts against Civil Aviation. The Council subsequently adopted its resolution 883 (1993) by which the sanctions were made more stringent.

These sanctions have done great harm to our people in all aspects of life, and the Libyan Arab Jamahiriya has submitted to the Security Council the following documents showing the damage inflicted and the obstacles imposed on the various sectors by the sanctions as well as the adverse impact they have had on neighbouring countries: S/23855, S/23915, S/23954, S/24004, S/24072,

/...

S/24186, S/24334, S/24381, S/24427, S/24428, S/24448, S/24463, S/24530, S/24629, S/24961/Add.1, S/25559, S/25990, S/26139, S/26654 and S/1994/921.

3. Despite the extraordinary demands made by the British and American Governments and the fact that those demands were patently contrary to the provisions of international law and of the international human rights instruments, and in particular to article 14, paragraph 2, of the International Covenant on Civil and Political Rights, the Libyan Arab Jamahiriya nevertheless complied in full with Security Council resolution 731 (1992) and spared no effort to seek a possible solution in keeping with the provisions of the law. The initiatives taken by Libya can be summed up as follows:

(a) On receipt of the two indictments, it exercised its jurisdiction under the 1971 Montreal Convention and appointed an investigating magistrate. However, the United States and British Governments refused to cooperate with the Libyan authorities, with the result that measures to bring the accused to trial failed because of their intransigence. (See documents S/23416, S/23417, S/23441 and S/23574.)

(b) It proposed that the question should be referred to the International Court of Justice with a view to ascertaining whether the charges made against the Libyan suspects were well grounded, and it proposed that the two might be handed over to the office of the United Nations Development Programme in Tripoli for questioning. It further proposed that the Secretary-General of the United Nations should undertake to form a legal committee made up of judges of attested impartiality and fairness to inquire into the facts, ascertain whether the charges made against the two suspects were well founded and conduct a full investigation, stating that should it become evident to the Secretary-General that the charges were well founded, the Jamahiriya would not oppose the hand-over of the two suspects, under his personal supervision, to a third party, on the understanding that they should not again be handed over. (See document S/23672, annex I.)

(c) The Libyan Arab Jamahiriya approached the International Court of Justice unilaterally in order to present its viewpoint.

(d) The matter was referred to the Basic People's Congresses at their second session for 1992. They expressed the view that there could be no objection to an investigation and trial arranged through the Committee of Seven of the League of Arab States or through the United Nations before a just and fair tribunal to be agreed upon. On that basis, the Libyan Arab Jamahiriya declared that it was ready to begin negotiations with the countries concerned, under the auspices of the Secretary-General of the United Nations, on the conduct of the trial in a neutral country to which none of the parties to the dispute objected and where all the guarantees necessary to bringing the truth to light could be provided. (See documents S/23918, S/24209, S/24961 and S/26313.)

(e) The Libyan Arab Jamahiriya and the attorneys for the suspects submitted a number of questions to the Secretary-General of the United Nations for forwarding to the three countries concerned and to the members of the Security Council. (See documents S/26500 and S/26523.) Following receipt of answers to the questions, the Secretary-General was notified that the guarantees

provided by him were sufficient and acceptable and that the Libyan Arab Jamahiriya, as a State, not only had no objection to the suspects going to trial but was urging them to do so. However, the defence team for the two, made up of legal advisers of different nationalities and including Britons and Americans, was deeply concerned by the effect pre-trial publicity in the United States and Scotland might have in prejudicing prospective jurors, by the absence of the customary extradition procedures and by the refusal of the prosecuting authorities to disclose the evidence to be used in the trial. The defence was of the view that this refusal would greatly limit its ability to prepare its case in the proper manner. (See documents S/26500, S/26523 and S/26629.)

4. In parallel with the efforts and initiatives undertaken by the Libyan Arab Jamahiriya with a view to arriving at a solution in keeping with the provisions of international law, the Council of the League of Arab States adopted a resolution on 27 March 1994 in which it endorsed the proposal of the Secretary-General of the League that the two suspects should be tried by Scottish judges under Scots law at the seat of the International Court of Justice at The Hague and urged the Security Council to take account of this new and constructive proposal in seeking a peaceful settlement so as to prevent any escalation of the situation that might exacerbate tension in the region. (See document S/1994/373.)

5. The three Governments did not accord the endeavours and initiatives undertaken by the Jamahiriya and the League the attention they deserved. They turned a deaf ear to the views expressed by the Arab Maghreb Union, the League of Arab States, the Organization of African Unity, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries, and they maintained their intransigent position of insisting on their unlawful demands and especially on the need for the suspects to appear before American and Scottish courts. Consequently, the Security Council was hurriedly pressed into taking action under Chapter VII of the Charter, instead of applying the provisions of Chapter VI, and into imposing harsh sanctions that are in no way appropriate to this dispute.

6. The three Governments have maintained their intransigent attitude despite the developments revealed in the news media, the debate held in the British House of Commons on 1 February 1995 and the statements made by the spokesman for the families of the British "Pan Am Victims". These developments have revealed serious flaws and shortcomings in the investigation of the true reasons for the crash of Pan Am flight 103, and they have highlighted the uncertainty surrounding a number of occurrences and the fact that many questions remain to be answered. The families of the British Pan Am victims have serious misgivings about the inquiries carried out by the British authorities and therefore about their outcome. These doubts are revealed in the petition presented to the European Parliament on 19 January 1995 by Dr. Jim Sawyer, spokesman for the victims' families, which states that the families have been pressing for a reopening of the investigation, that neither Prime Minister Thatcher nor her successor Major would agree to a meeting with them and that they think that the investigations carried out failed to uncover the truth.

The investigating authorities in both the United Kingdom and the United States base their indictments on an account to the effect that "On

21 December 1988 at Luqa Airport, [Malta, the two suspects] did place or cause to be placed on board an aircraft of Air Malta, flight KM-180 to Frankfurt ..., the suitcase or a similar suitcase ..., having tagged or caused such suitcase to be tagged so as to be carried by aircraft from Frankfurt ... via London, Heathrow Airport, to New York, John F. Kennedy Airport" (S/23307). However, a Federal Bureau of Investigation document mentioned by the newspaper The Independent in its issue for 30 January 1995 gives a completely different story according to which the suitcase was placed on board the aircraft in Frankfurt. The FBI document indicates that there is no documented proof that the suitcase was on board the Air Malta aircraft, and it also points to parties other than Libya as being behind the Pan Am bombing.

A recently disclosed United States Air Force Intelligence document tells another and more detailed story of who was behind the bombing of Pan Am Flight 103, and an article in The Sunday Telegraph of 29 January 1995 refers to other parties that may be behind the bombing.

An article in the 5 February 1995 issue of the same newspaper reveals a discrepancy, in that the coroner issued death certificates for 59 decedents at Lockerbie while there were only 58 bodies. The article attributes the discrepancy to the belief that one body was removed from the crash site when a team of American agents came to Lockerbie and tampered with the evidence in an attempt to falsify the causes of the disaster. The coroner was later surprised to learn that the Scottish police had particulars of only 58 bodies.

The statements made by some officials and by the relatives of victims and others are alone sufficient to undermine the foundations on which the United States and British indictments are based, and this can only be ascertained by an impartial inquiry that brings the truth to light and leaves no room for doubt. We shall here cite a few examples of the many statements concerning those circumstances surrounding the Lockerbie incident that require clarification:

(a) Mr. Martin Cadman, the father of one of the victims, has said that "An aide to President George Bush told me, 'Both of our governments know who planted the bomb and how, but they will never admit it'".

(b) The British Minister of Transport stated at a London club in March 1989 that President Bush and Prime Minister Margaret Thatcher had decided in a telephone conversation to downgrade the criminal investigation into the Lockerbie affair. The journalist David Libarow confirmed this statement before suppressing it in the book he subsequently published.

(c) Mr. Phipps, former chief of the British Airways security department, has stated: "I found no evidence in the documents of the existence of any unaccompanied suitcase".

(d) Mr. Bollier, the supplier of the timers, said in 1990/1991: "I spent a whole week with the FBI agents and tried to get a look at the timer part. But they told me they didn't have it and that it was with the Scottish police." Then he spent another week with the Scottish police, who showed him only a picture. He added: "An American police officer said that there was an explanation for all this and that three of his assistants had stated on oath

that they had found the part and had signed an affidavit to that effect. However, I later heard that it was the Scottish police who had found the part in a shirt that had come from Malta."

The debate on the Lockerbie affair that took place in the House of Commons on 1 February 1995, the many questions asked and the answers given by Mr. Douglas Hurd, Secretary of State for Foreign and Commonwealth Affairs, aroused more suspicions than they removed with respect to the investigations carried out and thickened the fog surrounding the issue more than they dispelled it. In many of his replies, he seemed inconsistent. This view is not ours alone but is shared by others, as is indicated by the article that appeared in The Sunday Telegraph on 5 February 1995 under the headline "Hurd Speech Only Adds to Clamour for Inquiry". At one point it is said, concerning Mr. Hurd, "His half-hour speech certainly made a striking impression, but it included striking inconsistencies". There were many important questions to which Mr. Hurd did not respond, to the extent that the writer of the article was prompted to ask: "If a Foreign Secretary, one of the most powerful politicians in Britain, cannot answer questions about the conduct of an international inquiry, who can? Which adds to the mounting conviction of the victims' relatives and those wanting to learn the truth about Lockerbie that the sooner the Government sets up a public inquiry the better."

7. The Libyan Arab Jamahiriya is not in a position to present a list of all the flaws and shortcomings that have vitiated the inquiry and evidentiary proceedings. It is obliged to rely on revelations in the media because the three countries in question have thus far persistently refused to provide it with the evidence on which the Governments of the United States and the United Kingdom based themselves in making charges against the two suspects. Had they kept the Libyan authorities informed, those authorities would have been able to evaluate the evidence objectively and impartially.

In view of these developments, it is no longer possible to place any reliance on indictments that are vitiated by such serious defects and flaws. It is also no longer acceptable from a legal, political or humanitarian point of view for an entire people to continue to suffer because of a mere suspicion that two persons may be connected with the bombing of an aircraft based on investigations that are not yet complete. It has become essential to institute an inquiry that will bring the truth to light. This is no longer the demand of Libya alone but has become that of the victims' relatives and of all who wish to know the truth about the Lockerbie incident.

8. In connection with the demands of the French Government stemming from the bombing of the UTA aircraft (S/23306), France calls upon Libya:

"To produce all the material evidence in its possession and to facilitate access to all documents that might be useful for establishing the truth;

"To facilitate the necessary contacts and meetings, inter alia, for the assembly of witnesses;

"To authorize the responsible Libyan officials to respond to any request made by the examining magistrate responsible for judicial information."

Seeing nothing in their ensemble that is incompatible with the law, the Libyan Arab Jamahiriya has accorded great attention to these demands. There have been intensive contacts and discussions between the judicial authorities in the Libyan Arab Jamahiriya and in France with a view to establishing responsibility for the bombing of UTA flight 772. The French and Libyan investigating magistrates have met on a number of occasions, the French magistrate has been shown the records of the investigation carried out by the Libyan magistrate and it has been agreed that the French magistrate should travel to Libya to complete his inquiries. Contacts between the two countries are being maintained in order to pursue and complete these endeavours. With a view to establishing ongoing and constructive cooperation between the two countries, on 22 November 1993 the Secretary of the General People's Committee for Foreign Liaison and International Cooperation proposed the following to the French Minister for Foreign Affairs (S/26804, annex, enclosure):

"1. That an urgent meeting should be held between the Libyan investigating counsellor and the French examining magistrate in order to exchange views and establish procedures for the completion of the inquiries being carried out by both sides;

"2. That a date should be fixed for the French examining magistrate to come to the Jamahiriya to complete his inquiries by, inter alia, hearing the statements of individuals and examining materials essential to the inquiry, in cooperation with the Libyan investigating counsellor and within the bounds of the laws and statutes in force;

"3. That, should the inquiries result in demonstrating that it is essential for the two suspects to appear before the court, the Libyan authorities would have no objection to them doing so."

(See also documents S/23473, S/23672, S/23828, S/23891, S/23918, S/24961, S/26313 and S/26523 and S/32995.)

9. The three countries in question have deliberately linked their demand relating to terrorism with the Libyan Arab Jamahiriya, and they have induced the Security Council to confine this universal phenomenon to the Lockerbie and UTA incidents. Since the onset of the crisis, they have not ceased to reiterate that Libya must "commit itself concretely and definitively to cease all forms of terrorist action and all assistance to terrorist groups" and that it "must promptly, by concrete actions, prove its renunciation of terrorism" (S/23309).

In a letter dated 11 May 1992 addressed to the Secretary-General of the United Nations (S/23918), the Jamahiriya declared that it definitively condemned all forms of international terrorism of whatever origin and affirmed that there were no terrorist training camps or terrorist organizations or groups in its territory. This was no mere abstract declaration, and Libya followed it up with a practical proposal by inviting a committee from the Security Council, the United Nations Secretariat or any appropriate United Nations body to investigate this at any time. At the same time, Libya also stated that it would not in any way permit its territory or its institutions to be used directly or indirectly for the perpetration of terrorist acts and that it was prepared to impose the severest penalties on anyone proved to be involved in such acts.

The General People's Committee for Foreign Liaison and International Cooperation issued a statement (S/23917) confirming the undertakings given in that letter. Libya confirmed them once again in a letter dated 8 December 1992 addressed to the Secretary-General (S/24916) and, in a letter dated 28 July 1993, assured the Secretary-General that it was prepared to receive a mission of his choosing to verify that there were no camps in Libyan territory allegedly used for the training of terrorists. (See documents S/23417, S/23672 and S/24209.) The Libyan Arab Jamahiriya has also cooperated with the United Kingdom in a concrete manner in connection with its particular demands. (See documents S/23995 and S/26313.) However, these three countries choose to ignore all of the foregoing and reject the idea of sending a mission to verify that there are no camps and so forth, so that the question of terrorism remains a sword of Damocles and they have a justification to retain and strengthen the sanctions on the pretext that Libya is failing to comply with the resolutions of the Security Council.

10. Recent developments having shown that the foundation on which the Security Council based its resolution 731 (1992) is weak if not non-existent, the continued suffering of the Libyan Arab people as a result of the sanctions imposed by the Council under strong pressure from these three countries no longer has any justification. The other members of the Council must assume their legal, political and humanitarian responsibilities, and they must:

1. Urge the institution of an impartial inquiry into the true state of affairs with respect to the bombing of the Pan Am aircraft over Lockerbie in view of the fact that the investigations conducted in the past have been vitiated by flaws and beset with suspicion;
2. Suspend the application of the sanctions imposed by the Security Council under its resolutions 748 (1992) and 883 (1993) pending the outcome of the inquiry.

11. The Libyan Arab Jamahiriya would like to dispel any suspicion that may arise that its request for a new inquiry and for the suspension of sanctions conceals an attempt to extricate itself from the crisis. It continues to view the proposal of the Secretary-General of the League of Arab States that the two suspects should be tried by Scottish judges under Scots law at the seat of the International Court of Justice at The Hague as a compromise solution that takes account of the interests of all the parties concerned, and it joins the Council of the League of Arab States in urging the Security Council to take account of this new and constructive proposal.

The legal impediments to this proposal that were raised in the House of Commons on 1 February 1995 by Mr. Douglas Hurd, British Secretary of State for Foreign and Commonwealth Affairs, and the doubts he cast on guarantees for the appearance of the two suspects before the court in the event such legal impediments were overcome represent no more than an attempt to erect obstacles to a resolution of the crisis. The Jamahiriya has, after all, on more than one occasion given assurances of the seriousness of its intention to conduct an impartial trial for the two suspects. If the Secretary of State for Foreign and Commonwealth Affairs feels that there is a legal obstacle to holding the trial at The Hague, then he should grasp the legal difficulties encountered by a

country that is requested to extradite its nationals to another country without any legal justification. Over and above the assurances given by the Libyan Arab Jamahiriya, it is prepared to discuss additional guarantees in the event that the Government of the United Kingdom should show good faith and accept the proposal of the Secretary-General of the League of Arab States.

Annex 83



Security Council

Distr.
GENERAL

S/PRST/1995/14
30 March 1995

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

After the consultations held on 30 March 1995, the President of the Security Council issued the following statement on behalf of the members in connection with the item relating to the Libyan Arab Jamahiriya:

"The members of the Security Council held informal consultations on 30 March 1995 pursuant to paragraph 13 of resolution 748 (1992), by which the Council decided to review every 120 days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

"After hearing all the opinions expressed in the course of consultations the President of the Council concluded that there was no agreement that the necessary conditions existed for modification of the measures of sanctions established in paragraphs 3 to 7 of resolution 748 (1992)."



Annex 84



General Assembly
Security Council

Distr.
GENERAL

A/50/128
S/1995/247
30 March 1995
ENGLISH
ORIGINAL: ENGLISH AND
FRENCH

GENERAL ASSEMBLY
Fiftieth session
Item 149 of the preliminary list*
MEASURES TO ELIMINATE
INTERNATIONAL TERRORISM

SECURITY COUNCIL
Fiftieth year

Letter dated 30 March 1995 from the Permanent Representatives
of France, the United Kingdom of Great Britain and Northern
Ireland and the United States of America to the United Nations
addressed to the Secretary-General

We have the honour to transmit herewith the text of a tripartite declaration issued by our three Governments on 30 March 1995 concerning the implementation of Security Council resolutions 731 (1992) of 21 January 1992, 748 (1992) of 31 March 1992 and 833 (1993) of 11 November 1993 by the Libyan Arab Jamahiriya.

We should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under item 149 of the preliminary list, and of the Security Council.

(Signed) Jean-Bernard MÉRIMÉE
Permanent Representative of France
to the United Nations

(Signed) David H. A. HANNAY
Permanent Representative of the
United Kingdom of Great Britain
and Northern Ireland to the
United Nations

(Signed) Madeleine K. ALBRIGHT
Permanent Representative of
the United States of America
to the United Nations

* A/50/50.

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Annex

Declaration dated 30 March 1995 by the Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America on the occasion of the ninth review of sanctions imposed on the Libyan Arab Jamahiriya by the Security Council in its resolution 748 (1992) of 31 March 1992

France, The United Kingdom of Great Britain and Northern Ireland and the United States of America reaffirm their joint declaration of 5 August 1994 (S/1994/938) and their common determination to bring to justice those responsible for the bombings of flights Pan Am 103 and UTA 772.

The three States regret that the Libyan Arab Jamahiriya has still not satisfied the French judicial authorities with respect to the bombing of flight UTA 772.

They are committed to full and comprehensive enforcement of the sanctions imposed on the Libyan Arab Jamahiriya.

They also reaffirm that the Libyan Arab Jamahiriya must commit itself definitively to ceasing all forms of terrorist activity and all assistance to terrorist groups and demonstrate, by concrete actions, its renunciation of terrorism.

They reiterate that, in accordance with the Security Council resolutions, the Government of the Libyan Arab Jamahiriya must ensure the appearance of the two Lockerbie suspects in the United Kingdom or United States, where they will receive a fair trial. The three States reaffirm that alternative proposals for trial in The Hague or elsewhere do not meet the Security Council requirements and are therefore unacceptable.

