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COUR INTERNATIONALE DE JUSTICE

**AFFAIRE RELATIVE A DES QUESTIONS  
D'INTERPRETATION ET D'APPLICATION  
DE LA CONVENTION DE MONTREAL DE 1971  
RESULTANT DE L'INCIDENT AERIEN  
DE LOCKERBIE**

JAMAHIRIYA ARABE LIBYENNE  
CONTRE  
ROYAUME-UNI

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**OBSERVATIONS ET CONCLUSIONS DE LA  
GRANDE JAMAHIRIYA ARABE LIBYENNE  
POPULAIRE SOCIALISTE SUR LES EXCEPTIONS  
PRELIMINAIRES DU ROYAUME-UNI**

**ANNEXE**

22 DECEMBRE 1995

COUR INTERNATIONALE DE JUSTICE

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D'INTERPRÉTATION ET D'APPLICATION DE LA  
CONVENTION DE MONTRÉAL DE 1971 RÉSULTANT DE  
L'INCIDENT AÉRIEN DE LOCKERBIE**

**JAMAHIRIYA ARABE LIBYENNE  
CONTRE  
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**OBSERVATIONS ET CONCLUSIONS DE LA GRANDE  
JAMAHIRIYA ARABE LIBYENNE POPULAIRE  
SOCIALISTE SUR LES EXCEPTIONS  
PRÉLIMINAIRES DU ROYAUME-UNI**

**ANNEXES**

**22 DÉCEMBRE 1995**

## LISTE DES DOCUMENTS SOUMIS À LA COUR\*

- 1980 1 Lettre datée du 1er août 1980, adressée au Président du Conseil de sécurité par le Chargé d'affaires par intérim de la mission permanente de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies - S/14094 du 6 août 1980
- 2 Lettre datée du 28 novembre 1980, adressée au Président du Conseil de sécurité par le Chargé d'affaires par intérim de la mission permanente de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies - S/14276 du 28 novembre 1980
- 1983 3 Lettre datée du 18 février 1983, adressée au Président du Conseil de sécurité par le Représentant permanent de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies - S/15614 du 18 février 1983
- 4 Lettre datée du 19 février 1983, adressée au Président du Conseil de sécurité par le Représentant permanent de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies - S/15615 du 19 février 1983
- 5 Lettre datée du 10 mai 1983, adressée au Président du Conseil de sécurité par le Représentant permanent de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies - S/15755 du 10 mai 1983
- 1985 6 Liste des Etats considérés comme "terroristes" par le Président Reagan, *Keesing's Contemporary Archives*, septembre 1985, vol. XXXI, p. 33852
- 7 Extrait d'un article du *Washington Post* du 4 novembre 1985 reproduit dans le *Keesing's Contemporary Archives*, février 1986, vol. XXXII, p. 34201
- 8 Déclaration du porte-parole du Gouvernement allemand concernant l'absence de preuve à l'encontre de la Libye après l'attentat contre la discothèque "La Belle", *Keesing's Contemporary Archives*, juin 1986, vol. XXXII, p. 34456
- 1986 9 Lettre datée du 15 avril 1986 adressée au Président du Conseil de sécurité par le Représentant permanent de la Jamahiriya arabe

\* N.B. Les documents sont classés par ordre chronologique excepté l'annexe n° 58 relative à "l'indépendance du pouvoir judiciaire".

Certains documents repris dans les annexes comportent des allégations que la Libye conteste concernant la responsabilité de la Libye et la culpabilité des accusés dans l'attentat de Lockerbie. Ces documents ont toutefois été joints afin de faciliter la compréhension de certains faits. Leur présence dans les annexes n'implique évidemment pas reconnaissance par la Libye du contenu de ces allégations.

- libyenne auprès de l'Organisation des Nations Unies - S/17991 du 15 avril 1986
- 1989 10 *International Herald Tribune* du 5 janvier 1989
- 11 *Financial Times* du 5 janvier 1989
- 12 Algérie, Colombie, Ethiopie, Malaisie, Népal, Sénégal et Yougoslavie : projet de résolution - S/20378 du 11 janvier 1989
- 1990 13 *Washington Post* du 11 janvier 1990
- 1991 14 Débats parlementaires sur l'enquête au sujet de l'incident aérien de Lockerbie, House of Commons, *Parliamentary Debates*, 14 November 1991.
- 1992 15 Réponse de M. Hogg à M. Dalyell, House of Commons, *Parliamentary Debates*, 20 January 1992.
- 16 *International Herald Tribune* du 23 janvier 1992
- 17 *Le Soir* du 23 janvier 1992
- 18 Dépêche de l'AFP du 12 mars 1992
- 19 *International Herald Tribune* du 24 mars 1992
- 20 *The Spectator* du 28 mars 1992
- 21 Lettre du 2 avril 1992 contenant la réponse libyenne aux questions posées par le juge Schwebel aux deux parties à la fin de l'audience, tenue le samedi 28 mars 1992
- 22 *The International Herald Tribune* du 4 avril 1992
- 23 Conférence de presse de l'Ambassadeur Peter Burleigh, le 8 septembre 1992
- 24 Rapport d'une délégation de parlementaires britanniques sur les conséquences des sanctions imposées à la Libye ("Report of a fact finding delegation to investigate the effects of the sanctions imposed on Libya by United Nations Security Council Resolution 748"); mission du 15 au 18 septembre 1992
- 25 Discussion entre Lord James Douglas Hamilton et M. Dalyell, House of Commons, *Parliamentary Debates*, 27 November 1992
- 26 *The Scotsman* du 5 décembre 1992
- 27 *The Scotsman* du 22 décembre 1992
- 1993 28 *International Herald Tribune* du 30 septembre 1993
- 29 *The Times* du 29 novembre 1993



- 30 Lettre datée du 9 décembre 1993, adressée au Secrétaire général par le chargé d'affaires par intérim de la mission permanente de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies - S/26859 du 10 décembre 1993
- 31 *The Independent* du 20 décembre 1993
- 1994 32 Lettre datée du 31 mars 1994, adressée au Président du Conseil de sécurité par le Représentant permanent de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies - S/1994/373 31 mars 1994 (contient en annexe la résolution 5373 adoptée par le Conseil de la Ligue des Etats arabes le 27 mars 1994)
- 33 *Der Spiegel* du 18 avril 1994 (traduction)
- 34 Lettre datée du 26 juillet 1994, adressée au Secrétaire général par le Représentant permanent de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies - S/1994/900 du 29 juillet 1994
- 35 Lettre datée du 2 août 1994, adressée au Secrétaire général par le Représentant permanent de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies - S/1994/921 du 3 août 1994
- 36 Lettre datée du 5 août 1994, adressée au Secrétaire général par les représentants de la France, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et des Etats-Unis d'Amérique auprès de l'Organisation des Nations Unies - A/49/229 et S/1994/938 du 9 août 1994
- 37 Lettre datée du 19 septembre 1994, adressée au Secrétaire général par le Chargé d'affaires par intérim de la mission permanente de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies - S/1994/1071 du 19 septembre 1994 (contient en annexe le texte de la résolution 5431 adoptée par le Conseil de la Ligue des Etats arabes le 15 septembre 1994)
- 38 Déclaration de M. Muntasser à la 49<sup>ème</sup> session de l'Assemblée générale. Communiqué de presse GA/8740 du 7 octobre 1994 - DH/1747 du 10 octobre 1994
- 39 The Economist Intelligence Unit, *Libya*, 4th quarter 1994, London,
- 40 *Le Monde* du 25 novembre 1994
- 1995 41 *Le Soir* du 25 janvier 1995
- 42 *The Sunday Telegraph* du 5 février 1995
- 43 Lettre datée du 13 février 1995, adressée au Secrétaire général par le Représentant permanent de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies S/1995/138 du 14 février 1995 (contient en annexe la résolution CM/RES/1566/LXI adoptée par le Conseil des ministres de l'O.U.A.)
- 44 *The Scotsman* du 9 mars 1995

- 45 Lettre datée du 27 mars 1995, adressée au Secrétaire général par le Représentant permanent de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies - S/1995/226 du 27 mars 1995
- 46 Lettre datée du 27 mars 1995, adressée au Secrétaire général par la Secrétaire général de l'Organisation de l'unité africaine - S/1995/250 du 30 mars 1995
- 47 *The Independent* du 29 mars 1995
- 48 Lettre datée du 9 mai 1995 du Représentant permanent de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies adressée au Président du Conseil de sécurité - S/1995/381 du 10 mai 1995
- 49 *The Guardian* du 8 juin 1995
- 50 Lettre du 9 juin 1995, adressée au Secrétaire général par le Représentant permanent de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies - S/1995/474 du 12 juin 1995
- 51 Lettre datée du 19 juillet 1995, adressée au Secrétaire général par le Secrétaire général de l'Organisation de l'unité africaine - S/1995/596 du 19 juillet 1995
- 52 Lettre datée du 27 juillet 1995 du Représentant permanent de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies adressée au Président du Conseil de sécurité - S/1995/624 du 27 juillet 1995
- 53 *The Guardian* du 29 juillet 1995
- 54 Lettre datée du 31 juillet 1995, adressée au Secrétaire général par le Représentant permanent de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies - S/1995/633 du 1er août 1995
- 55 *Le Monde* du 23 août 1995
- 55 *Le Monde* du 25 août 1995
- 55 *Le Monde* des 27-28 août 1995
- 55 *Le Monde* du 29 août 1995
- 55 *Le Monde* du 30 août 1995
- 55 *Le Monde* du 31 août 1995
- 55 *Le Monde* du 6 septembre 1995
- 55 *Le Monde* du 23 septembre 1995
- 55 *Le Monde* du 3 octobre 1995
- 56 Déclaration de M. Muntasser devant l'Assemblée générale le 3 octobre 1995

- 57 Lettre datée du 4 octobre 1995, adressée au Secrétaire général par le Représentant permanent de la Jamahiriya arabe libyenne auprès de l'Organisation des Nations Unies - S/1995/834 du 4 octobre 1995 (contient en annexe le texte de la résolution R.5506 adoptée par le Conseil de la Ligue des Etats arabes le 21 septembre 1995)

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*Le Monde* des 22-23 octobre 1995

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*Le Monde* du 2 novembre 1995

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Annexe sur l'indépendance du pouvoir judiciaire en Libye, accompagné par les textes officiels (en langue arabe) :

- 1969 Article 28 de la Déclaration constitutionnelle, *Journal officiel*, numéro spécial, 15 décembre 1969, 6<sup>ème</sup> année
- 1970 ~~*Journal de la Cour Suprême* n° 1-2-3, avril 1970, 7<sup>ème</sup> année~~  
~~*Journal de la Cour Suprême* n° 1, octobre 1970, 7<sup>ème</sup> année~~
- 1976 Lois n° 51, 52 et 126 concernant l'indépendance judiciaire, *Journal officiel*, n° 45, 15 août 1976, 14<sup>ème</sup> année
- 1982 Loi n° 6 sur la réorganisation de la Cour suprême
- 1987 Loi n° 6 concernant la réorganisation de la Cour suprême, *Journal Officiel*, n° 22, 7 août 1987





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LETTRE DATEE DU 1er AOUT 1980, ADRESSEE AU PRESIDENT DU CONSEIL  
DE SECURITE PAR LE CHARGE D'AFFAIRES PAR INTERIM DE LA MISSION  
PERMANENTE DE LA JAMAHIRIYA ARABE LIBYENNE AUPRES DE L'ORGANISATION  
DES NATIONS UNIES

J'ai l'honneur de vous faire tenir ci-joint le texte de la déclaration publiée  
par le Secrétariat aux affaires étrangères de la Jamahiriya arabe libyenne  
populaire et socialiste.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente  
lettre comme document du Conseil de sécurité.

Le représentant permanent adjoint,  
Chargé d'affaires par intérim,  
(Signé) Awad S. BURWIN

Annexe

Déclaration du Secrétariat aux affaires étrangères de la Jamahiriya arabe libyenne  
(28 juillet 1980)

Les Etats-Unis d'Amérique, qui semblent mécontents de voir une Libye indépendante et non alignée, persistent à prendre des mesures hostiles contre le peuple libyen qu'ils ne cessent de s'efforcer de terroriser et de provoquer. Le fait que l'on ait arrêté en Libye 25 personnes, qui avaient pour instruction de commettre des meurtres, de semer la terreur et de se livrer à des activités subversives à l'intérieur des frontières libyennes, et dont il a été prouvé qu'elles avaient des liens avec des organisations terroristes, en est la meilleure preuve.

La présence des navires de guerre et des avions américains dans l'espace aérien et dans les eaux territoriales libyennes, constitue également une provocation permanente à l'égard du peuple libyen. Outre, donc, cette présence constante d'un nombre énorme d'avions et de navires en face des côtes libyennes, les violations de l'espace aérien et des eaux territoriales de la Libye, les opérations de brouillage et d'écoute des communications et de prises de vue à des fins de reconnaissance sont devenues monnaie courante dans les activités militaires des Etats-Unis dirigées contre le peuple libyen et son territoire. De plus, le ton des déclarations agressives et hostiles des Etats-Unis contre la Libye a montré à tel point que l'on assiste actuellement à une campagne organisée orchestrée par des membres du gouvernement et du Congrès. A cet égard, la teneur du rapport, établi par le Comité des relations extérieures de la Chambre des représentants, qui a été soumis au Congrès américain, n'est qu'un exemple parmi beaucoup d'autres.

D'après le rapport, ce serait la Libye qui serait principalement à l'origine des tentatives militaires et politiques visant à déstabiliser la région. De telles allégations ne font que révéler les desseins qui motivent cette vaste campagne, dont le but est d'égarer et de tromper l'opinion publique mondiale, de créer un climat propice à la préparation d'une agression contre la Jamahiriya arabe libyenne populaire et socialiste, et enfin d'en justifier fallacieusement la perpétration. Ce rapport est un tissu de mensonges totalement dénués de fondement. La coordination américano-égyptienne, la concentration d'armes américaines en Egypte, les manœuvres militaires provocatrices américano-égyptiennes le long des frontières libyennes, le nombre immense d'avions et de navires de guerre américains au large des côtes et des eaux territoriales de la Libye, et la concentration de forces aériennes américaines en Egypte, en particulier près des frontières et des eaux territoriales libyennes sont autant d'éléments indiquant la préparation d'une véritable agression contre le peuple libyen. La déclaration faite par le commandant en chef des forces aériennes américaines, le 14 février 1980, va d'ailleurs dans le même sens :

"Des exercices aériens plus importants suivront les manœuvres aériennes communes qui auront lieu en Egypte en juillet prochain.

Il n'est pas improbable que des bombardiers B-52 n'effectuent un jour des missions à partir du territoire égyptien."

/...

Le fait que le Gouvernement égyptien ait proclamé l'état d'urgence le long des frontières libyennes en prévision de la guerre, dès l'instant où des unités des forces aériennes américaines ont été stationnées en Egypte, en particulier le long de ses frontières avec la Libye, est l'élément le plus inquiétant, lourd de menace pour le peuple libyen et la paix dans la région. Tout cela constitue la preuve des plans d'agression qui se trament contre le peuple libyen, et dans lesquels le Gouvernement égyptien se voit attribuer le rôle de cheval de Troie. Ces préparatifs d'agression dont on a une manifestation apparente avec la proclamation de l'état d'urgence par les autorités égyptiennes qui massent aussi des brigades le long de la frontière libyenne, sont en fait planifiés, appuyés, financés et encouragés par les Etats-Unis d'Amérique. En agissant de la sorte, ceux-ci menacent la paix et la sécurité dans la région, et créent de nouveaux foyers de tension dans le monde en se servant du régime égyptien pour étendre l'instabilité et semer la terreur chez les populations dont elles troublent la sécurité. Ce régime est devenu l'instrument de l'agression américaine dont il sert les fins hostiles au peuple libyen, suivant un plan conçu et financé par les Etats-Unis d'Amérique et exécuté sur leur ordre. Le Président de l'Egypte a déclaré ouvertement à plusieurs occasions qu'il était le gendarme de l'Amérique dont il brandissait la matraque au-dessus de l'Afrique et des pays arabes, chose que jamais il n'eût osé dire si les Etats-Unis ne l'en avaient pas prié, ce dont le monde entier a conscience.

La Jamahiriya arabe libyenne populaire et socialiste voudrait que le Conseil de sécurité, la communauté internationale et les pays non alignés assument leurs responsabilités face à la dangereuse situation qui règne dans la région, situation qu'ont créée les Etats-Unis en encourageant ouvertement le régime égyptien à commettre des actes d'agression et en introduisant en territoire égyptien des forces aériennes dont la présence a coïncidé avec la proclamation par le Gouvernement égyptien de l'état d'urgence le long des frontières de la Libye, ce qui revient pour lui à une déclaration de guerre qui ne se justifie en rien si ce n'est pas le désir de coloniser la Libye et de l'asservir pour en faire un satellite des superpuissances. Le peuple libyen n'est coupable d'aucun autre crime que celui de chérir sa liberté et son unité auxquelles il est fermement attaché. Alors pourquoi déclencher des hostilités contre lui, lui imposer des conditions dont il ne veut pas en le contraignant à la confrontation avec une superpuissance, les Etats-Unis d'Amérique.

Le peuple libyen tout entier consacre son temps et son énergie à l'édification de ses structures sociales et à la réalisation du développement. Il aspire à vivre en paix, à participer avec les petits pays à l'oeuvre d'édification de la paix et de la sécurité internationales et à mettre en valeur le rôle des pays non alignés dans la réalisation de ces nobles objectifs. Il ne tient pas à s'immiscer dans les affaires d'autrui par plus qu'il ne veut qu'on s'ingère dans les siennes.

La Jamahiriya arabe libyenne populaire et socialiste soumet ces faits à la communauté internationale dont elle souhaite voir le Conseil endosser les responsabilités conformément au Chapitre 7 de la Charte de telle sorte qu'il prenne les mesures efficaces nécessaires pour mettre fin à cette agression avant qu'il ne soit trop tard. Le peuple libyen se réserve le droit d'assumer sa légitime défense et de préserver ses réalisations. Il est en outre résolu à repousser l'agression de toutes ses forces, quelles qu'en soient les conséquences pour la paix mondiale puisque aussi bien ce sont les Etats-Unis qui en prendront la responsabilité.

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Vous trouverez ci-joint une liste des violations de l'espace aérien libyen et des incursions des Etats-Unis dans cet espace aérien à des fins terroristes et d'espionnage, incursions auxquelles la Libye entend mettre un terme après avoir informé le Conseil de sécurité de cette situation qui constitue une provocation inadmissible et fait régner en permanence un climat de terreur et d'agression.



Pièce jointe

Violation par les Etats-Unis de l'espace aérien libyen et incursions américaines à des fins terroristes et d'espionnage au-dessus de la Jamahiriya arabe libyenne populaire et socialiste.

1975 - une violation de l'espace aérien, le 18 octobre 1975

1977 - huit violations par des avions américains, dont sept se sont produites au nord de Tripoli :

1. le 18 janvier 1977 à 11 h 53
2. le 11 avril 1977 à 10 h 53
3. le 11 janvier 1977 à 3 h 25
4. le 18 avril 1977 à 11 h 11
5. le 18 avril 1977 à 11 h 55
6. le 18 avril 1977 à
7. le 18 janvier 1977 à 12 h 4

- une violation de l'espace aérien au nord de Benghazi

1978 - sept violations de l'espace aérien :

- au nord de Tripoli -

1. le 12 février 1978 à 0 h 22
2. le 11 mars 1978 à 15 h 44
3. le 11 mars 1978 à 14 h 20
4. le 11 mars 1978 à 9 h 7
5. le 12 mars 1978 à 9 h 42

- au nord de Tobrouk -

1. le 7 décembre 1978 à 9 h 42
2. le 7 décembre 1978 à 9 h 55

1979 - six violations d'espace aérien :

- au nord de Tripoli -

1. le 3 février 1979 à 18 h 18
2. le 15 mars 1979 à 12 h 9
3. le 12 juin 1979 à 12 h 40
4. le 6 juillet 1979 à 10 h 31
5. le 19 juillet 1979 à 8 h 35
6. le 30 juillet 1979 à 10 h 30

1980 - jusqu'au mois de juin

- 135 violations de l'espace aérien :

- au nord de Tripoli - 103 violations
- au nord de Sert - 6 violations
- au nord de Benghazi - 26 violations

- violations de l'espace aérien au nord de Tripoli :

1. le 19 février 1980 à 12 h 5
  2. le 22 février 1980 à 10 h 27
  3. le 24 février 1980 à 23 h 25
  4. le 24 février 1980 à 9 h 35
  5. le 25 février 1980 à 8 h 29
  6. le 26 février 1980 à 7 h 42
  7. le 2 mars 1980 à 8 h 45
  8. le 2 mars 1980 à 9 h 45
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LETTRE DATEE DU 28 NOVEMBRE 1980, ADRESSEE AU PRESIDENT DU CONSEIL  
DE SECURITE PAR LE CHARGE D'AFFAIRES PAR INTERIM DE LA MISSION  
PERMANENTE DE LA JAMAHIRIYA ARABE LIBYENNE AUPRES DE L'ORGANISATION  
DES NATIONS UNIES

D'ordre du Secrétariat aux affaires étrangères de la Jamahiriva arabe libyenne populaire et socialiste, j'ai l'honneur de vous faire tenir ci-joint le texte d'une lettre du Secrétariat datée du 24 novembre 1980, concernant les actes d'agression commis par les Etats-Unis d'Amérique contre la Jamahiriva arabe libyenne.

Je vous serais obligé de bien vouloir faire distribuer le texte de la lettre susmentionnée comme document du Conseil de sécurité.

Le Ministre plénipotentiaire,  
Chargé d'affaires par intérim,  
(Signé) Awad S. BURWIN

Annexe

Lettre datée du 24 novembre 1980, adressée au Président du Conseil de sécurité par le Secrétariat aux affaires étrangères de la Jamahiriya arabe libyenne

Dans une lettre publiée comme document du Conseil de sécurité (S/14094) le 6 août 1980, la Jamahiriya arabe libyenne populaire et socialiste a déjà attiré l'attention du Conseil de sécurité et des pays non alignés sur les actes d'agression commis par l'administration américaine contre le peuple de la Jamahiriya arabe libyenne populaire et socialiste, des actes comme les provocations des navires de guerre et des avions américains qui violent les eaux territoriales et l'espace aérien de la Libye en menant quotidiennement des opérations d'écoute et de brouillage des communications et de reconnaissance. A ces actes d'agression il y a lieu d'ajouter la présence d'un nombre énorme d'avions et de navires de guerre américains dans la Méditerranée, près des côtes libyennes, et les campagnes haineuses des médias visant à discréditer et à déformer l'image de la Jamahiriya arabe libyenne populaire et socialiste.

Nous souhaitons attirer une fois de plus l'attention du Conseil de sécurité sur sa responsabilité face aux actes de provocation et d'agression que les Etats-Unis d'Amérique continuent de mener contre le peuple de la Jamahiriya arabe libyenne populaire et socialiste. L'administration américaine a intensifié ses actes de provocation contre le peuple libyen en poursuivant ses opérations de reconnaissance, au cours desquelles elle viole nos eaux territoriales et notre espace aérien par des actes de provocation prémédités, et en établissant un plus grand nombre de bases navales et aériennes en territoire égyptien près des frontières et des eaux territoriales de la Libye. Elle a poussé la provocation et l'agression jusqu'à envoyer des forces d'agression américaines - les forces à déploiement rapide - en Egypte et à mener des manoeuvres agressives en territoire égyptien, à proximité de nos frontières, sous la supervision du commandant des forces américaines d'agression.

Nous sommes convaincus que la concentration de ces bases navales et aériennes en Egypte, à proximité de nos frontières, ainsi que les manoeuvres agressives déjà mentionnées font partie des préparatifs et des plans d'agression qui se trament contre nous, puisque ces exercices militaires auxquels se livrent les forces d'agression américaines et les bases établies près de nos frontières sont dirigés essentiellement contre nous. Nous ne croyons pas qu'ils aient d'autre but que de préparer l'agression contre nous. Nous constatons également que ces préparatifs et ces manoeuvres s'accompagnent d'une campagne de propagande haineuse qui vise à déformer les faits pour ce qui est de notre peuple, à tromper l'opinion publique et à créer un climat propice à l'agression. Nous savons très bien que la communauté internationale et les peuples épris de paix ne se laisseront pas abuser par cette campagne haineuse lancée par les responsables et les médias des Etats-Unis.

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Ces manoeuvres, commencées le 16 novembre 1980, se sont terminées le 22 novembre 1980. Durant les manoeuvres, auxquelles ont participé des forces aériennes et navales, des avions militaires et des navires de guerre ont violé les eaux territoriales et l'espace aérien de la Libye. Cette attitude illégale et provocatrice du Gouvernement américain confirme ce que nous avons dit nettement dans notre lettre à propos des desseins d'agression nourris à l'encontre du peuple de la Jamahiriya arabe libyenne populaire et socialiste, desseins qui s'expriment par des provocations et des violations continues de son espace aérien et de ses eaux territoriales, ce qui pourrait provoquer l'effondrement de la paix et de la sécurité dans cette région sensible du monde. Ce sont les Etats-Unis d'Amérique qui en porteront la responsabilité.

Devant cette situation dangereuse, la Jamahiriya arabe libyenne populaire et socialiste tient à soumettre les faits au Conseil de sécurité et se réserve le droit, prévu par le Droit international et la Charte des Nations Unies, de prendre toute mesure nécessaire pour se défendre contre des actes de provocation. A la logique de force qui caractérise ces actes et ces provocations, le peuple libyen doit opposer une logique analogue.

Le Secrétariat des affaires étrangères  
de la Jamahiriya arabe libyenne  
populaire et socialiste

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CONSEIL  
DE SECURITE



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LETTRE DATEE DU 18 FEVRIER 1983, ADRESSEE AU PRESIDENT DU  
CONSEIL DE SECURITE PAR LE REPRESENTANT PERMANENT DE LA  
JAMAHIRIYA ARABE LIBYENNE

Je souhaite appeler votre attention sur la situation sérieuse que produisent les menaces et provocations militaires des Etats-Unis visant la Jamahiriya arabe libyenne dans le but de susciter un état de tension qui compromettrait la sécurité et la paix dans la région.

L'envoi par les Etats-Unis d'Amérique d'appareils AWACS à l'un des pays voisin de la Jamahiriya et les déplacements du porte-avions Nimitz ainsi que de plusieurs navires de sorte qu'ils soient en position près de la côte libyenne constituent une provocation claire et nette et une violation flagrante des principes de conduite et du droit internationaux. Ces actes, qui n'ont aucune justification, et les déclarations hostiles des milieux officiels américains, ainsi que la vaste campagne orchestrée simultanément par les médias, confirment les intentions agressives de l'Administration des Etats-Unis à l'égard de la Jamahiriya arabe libyenne.

En portant cette question à votre attention, je tiens à vous assurer que la Jamahiriya arabe libyenne est soucieuse de la paix et de la sécurité dans la région et que les Etats-Unis d'Amérique seront tenus pour responsables des conséquences de l'évolution éventuelle de la situation du fait des agissements susmentionnés.

Le survol incessant de nos frontières par des appareils de reconnaissance et de brouillage des Etats-Unis a créé une situation dangereuse et perturbé les communications civiles à l'intérieur de la Jamahiriya. De plus, la présence de la Sixième flotte des Etats-Unis à proximité de nos côtes risque de créer une situation dangereuse menaçant non seulement la paix dans la région mais également la paix et la sécurité internationales. Les Etats-Unis en seraient pleinement responsables.



La Jamahiriya confirme qu'il n'y a, dans la région, aucune tension qui justifie une telle provocation de la part des Etats-Unis, que la Jamahiriya n'avait et n'a aucunement l'intention d'intervenir dans les affaires intérieures d'aucun pays, voisin ou non, qu'elle est attachée à voir la sécurité et la paix régner dans la région, et que son seul souci, en tant que petit pays, est d'assurer son développement et sa stabilité.

En attirant l'attention des membres du Conseil de sécurité de l'Organisation des Nations Unies sur la gravité de telles provocations émanant d'un Etat membre du Conseil, je tiens à déclarer que nous nous réservons le droit de demander une réunion du Conseil si les provocations des Etats-Unis continuent ou s'intensifient. De même, nous nous réservons d'exercer notre droit de légitime défense et de prendre les mesures nécessaires pour préserver notre indépendance, notre souveraineté et notre intégrité territoriale, ainsi que l'inviolabilité de notre espace aérien et de nos eaux territoriales.

Je vous saurais obligé de bien vouloir faire distribuer la présente lettre comme document du Conseil de sécurité.

Le Représentant permanent de la  
Jamahiriya arabe libyenne  
populaire et socialiste

(Signé) Ali Abdel-Salam AL-TREIKI



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DE SECURITE



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LETTRE DATEE DU 19 FEVRIER 1983, ADRESSEE AU PRESIDENT  
DU CONSEIL DE SECURITE PAR LE REPRESENTANT PERMANENT DE  
LA JAMAHIRIYA ARABE LIBYENNE AUPRES DE L'ORGANISATION  
DES NATIONS UNIES

D'ordre de mon gouvernement, j'ai l'honneur de vous demander de bien vouloir convoquer d'urgence une réunion du Conseil de sécurité afin d'examiner la détérioration de la situation à proximité des côtes libyennes, qui pourrait mettre en danger la sécurité et la paix dans cette région et dans le monde.

Cette situation a été créée par les actions militaires de provocation dont le Gouvernement des Etats-Unis s'est rendu coupable en ordonnant au porte-avions Nimitz ainsi qu'à certains navires de guerre de se rapprocher des côtes libyennes et en envoyant quatre avions AWACS dans un des pays limitrophes de la Jamahiriya arabe libyenne aux fins d'espionnage et d'activités hostiles.

Le Représentant permanent,  
(Signé) Dr. Ali A. TREIKI





Conseil de sécurité

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LETRE DATEE DU 10 MAI 1983, ADRESSEE AU PRESIDENT DU CONSEIL DE SECURITE  
PAR LE REPRESENTANT PERMANENT DE LA JAMAHIRIYA ARABE LIBYENNE AUPRES DE  
L'ORGANISATION DES NATIONS UNIES

D'ordre du Bureau populaire des relations extérieures de la Jamahiriya arabe libyenne populaire et socialiste, j'ai l'honneur d'attirer votre attention sur la situation dangeureuse entraînée par les actes d'agression et de terrorisme répétés auxquels se livre l'administration américaine contre la sécurité, la souveraineté et l'indépendance du peuple de la Jamahiriya arabe libyenne populaire et socialiste et sur les violations de ses eaux territoriales et de son espace aérien. Ces agressions, qui s'intensifient de jour en jour, prennent une dimension dangereuse et menacent de ce fait la paix et la sécurité de la région. Les plus risquées de ces activités provocatrices ont été les opérations menées par la VIème flotte américaine les 25 et 26 avril 1983 dans la zone d'information aéronautique de Tripoli, lorsque des avions de guerre de trois types (F-14, A-6 et A-7), qui ont décollé du porte-avions nucléaire américain Nimitz, ont effectué des vols répétés le long de la côte libyenne entre Tripoli à l'ouest et Benghazi à l'est, violant ainsi les eaux territoriales et l'espace aérien de la Jamahiriya.

En outre, ces avions, ainsi que le porte-avions, ont entrepris de brouiller les radars et de perturber les dispositifs de défense aérienne et les télécommunications, mettant ainsi en péril la navigation aérienne civile. On trouvera ci-après des informations détaillées sur ces violations :

Les activités aériennes américaines ont commencé le 25 avril 1983 à 12 heures au nord de Benghazi, au nord-est de Tripoli et au nord de Syrte pour se terminer à 4 h 15 le 26 avril 1983. Les avions qui ont été repérés ont effectué 158 missions ainsi réparties :

1. Secteur de Tripoli et de Misuratah :

Les appareils ont pénétré dans l'espace aérien et survolé les eaux territoriales de la région côtière située à l'est de Tripoli à 24 reprises.

2. Secteur de Benghazi :

Soixante-quinze vols ont été observés au-dessus de la région côtière située au nord et au nord-ouest de Benghazi. Les avions ont survolé les eaux territoriales de cette région et pénétré dans l'espace surjacent.

3. Secteur de Syrte :

Au cours des 59 missions effectuées au-dessus de la région côtière située au nord de Syrte, les eaux territoriales de cette région ont été survolées et son espace aérien violé à plusieurs reprises.

Par ailleurs, toutes ces violations au-dessus des eaux territoriales au nord et au nord-est de Syrte ont eu lieu la nuit; les avions agresseurs volaient à une vitesse oscillant entre 400 et 800 kilomètres à l'heure, à une altitude allant de trois à huit kilomètres. Tous les appareils ont décollé du porte-avions Nimitz, stationné en face du golfe de Syrte.

La Maison Blanche a déclaré ouvertement que ces provocations visaient directement à menacer la Jamahiriya, sa révolution et son peuple, ce qui confirme les desseins agressifs flagrants de l'administration américaine à l'égard de la sécurité et de l'intégrité de la Jamahiriya et de l'inviolabilité du territoire d'un Etat Membre de l'Organisation des Nations Unies.

Le fait, pour l'administration américaine, d'envoyer ces avions violer les eaux territoriales et l'espace aérien libyens, constitue une provocation évidente et une violation manifeste des principes qui régissent la conduite des Etats, du droit international et de la Charte des Nations Unies.

Ces menaces et provocations ne sont ni fortuites ni passagères; elles relèvent d'une politique d'agression constante délibérée, menée depuis longtemps par l'administration américaine et qui se traduit par des menaces, des provocations et des agressions directes ou indirectes contre la Libye. L'agression perpétrée dans le golfe de Syrte en août 1981 et le blocus économique visant à asservir le peuple libyen et à entraver et perturber les plans de développement économique et social de la Jamahiriya, associés à la propagation d'informations tendancieuses et à des pressions politiques et économiques exercées sur les autres Etats pour les dresser contre la Libye, en sont des exemples.

Les violations américaines des eaux territoriales et de l'espace aérien libyens se sont intensifiées au point de constituer une grave menace contre le peuple libyen et la sécurité et la paix de la région et de représenter les préparatifs d'une agression totale contre la Jamahiriya.

La Jamahiriya arabe libyenne avait communiqué au Conseil de sécurité des informations détaillées concernant ces provocations et leur caractère dangereux. A cet égard, on pourra se rapporter aux documents du Conseil de sécurité, notamment :

1. Le document A/10939, daté du 30 mai 1973, concernant l'incursion d'avions militaires américains C 130 dans l'espace aérien libyen aux fins de reconnaissance et d'espionnage.

2. Le document S/14094, daté du 6 août 1980, qui contient une liste des violations de l'espace aérien libyen par des avions américains.

3. Le document S/14636, daté du 20 août 1981, concernant l'agression perpétrée par huit avions militaires américains affectés à la VIème flotte qui ont intercepté et attaqué deux avions libyens.

4. Le document S/14860, daté du 5 février 1982, concernant l'interception d'un avion de transport de passagers civil de la compagnie aérienne Libyan Arab Airlines, qui effectuait un vol régulier de Tripoli à Athènes, par deux avions américains affectés à la VIème flotte.

L'espace aérien libyen a été violé trois fois au début de 1982 dans la région de Syrte, une fois le 19 janvier 1983 dans la région de Benghazi et plusieurs fois en février 1983 dans la région de Syrte.

En outre, les avions américains AWACS effectuent des opérations d'espionnage continues au-dessus de l'est de la Libye.

Les délibérations qui ont eu lieu au Conseil de sécurité les 22 et 23 février 1983 dans le but d'examiner les provocations et les menaces de la VIème flotte et des avions espions américains à l'encontre de la Jamahiriya et les déclarations qui ont été faites soulignent la profonde inquiétude qu'inspire la situation dangereuse qui menace la paix et la sécurité dans la région du fait de ces actes de provocation continue contre la Jamahiriya. C'est pourquoi nous demandons au Conseil de sécurité de prendre les mesures concrètes susceptibles de faire renoncer l'administration américaine à poursuivre ses provocations et ses menaces répétées et croissantes contre la Jamahiriya et son peuple pacifique.

Il incombe au Conseil de sécurité d'assumer pleinement les responsabilités qu'il lui assigne la Charte de dissuader l'agresseur et de faire cesser ces menaces à la paix et à la sécurité internationales, notamment dans une région du monde où règne une situation explosive.

Tout en appelant l'attention du Conseil de sécurité sur le caractère dangereux de ces provocations et menaces répétées de la part d'un membre permanent du Conseil, la Jamahiriya se réserve pleinement le droit d'assurer sa légitime défense et de prendre les mesures nécessaires pour préserver son indépendance, sa souveraineté, son intégrité territoriale et l'inviolabilité de son espace aérien.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le Représentant permanent,

(Signé) Ali Abdessalam TRIK





India flight [which crashed off south-west Ireland on June 23, killing all 329 on board] all have reminded us that an imminent threat to the peace of all peoples comes from international terrorism. Just as civilized nations united against piracy a century ago, today we of the democratic world will need to act in concert if we are to eliminate this modern scourge."

Mr Reagan had on June 20 appointed Mr Bush to head a task force to co-ordinate US and allied efforts to curb international terrorism; Mr Bush subsequently named Adml. James Holloway (US Chief of Naval Operations in 1974-78) as executive director of the task force.

It was reported on March 4 that a US Advisory Panel on Overseas Security, set up by Mr Shultz in July 1984 under the direction of Adml. (ret'd) Bobby Inman, a former deputy director of the Central Intelligence Agency (CIA), had recommended the rebuilding or modification of 139 US diplomatic posts (two-thirds of them in the Middle East), at a cost of \$3,300 million, to decrease their vulnerability to terrorist attack. It had also been announced, on Feb. 4, that the State Department was setting up a joint venture with US corporations, known as the Overseas Security Advisory Council, to provide aid and advice to businesses on meeting security problems overseas.

On July 8 Mr Reagan warned that a "confederation of terrorist states", which was said to include, but not be limited to, Iran, Libya, the Democratic People's Republic of Korea (North Korea), Cuba and Nicaragua, was "engaged in war against the government of the United States" in an attempt to demoralize its allies and foster isolationist sentiment within the USA.

Mr Reagan did not mention the Soviet Union or Syria, both of which he had frequently condemned in the past in this context. Mr Reagan was scheduled to meet Mr Mikhail Gorbachev, the general secretary of the Communist Party of the Soviet Union, on Nov. 19-20, in the first top-level summit of his presidency, while he had earlier thanked President Assad of Syria for his assistance in securing the release of the TWA hostages.

In response, President Castro of Cuba said on July 9 that Mr Reagan was a madman and accused him also of being "the biggest liar of all the American presidents . . . [and] the worst terrorist in the history of mankind". North Korea charged that Mr Reagan had made a "tacit declaration of war" and Libya argued that what Mr Reagan described as terrorism was merely "self-defence", in contrast to the "state-organized terrorism" perpetrated by the USA.

Sr Daniel Ortega Saavedra, the President of Nicaragua, is reported to have sent Mr Reagan his "best wishes for your recovery" following Mr Reagan's surgery on July 13 for the removal of a cancerous tumour [see page 33773]. Mr Reagan had identified Nicaragua as providing a haven for the Irish Republican Army (IRA), but US sources in Nicaragua could find no evidence for such a claim. The IRA was generally considered to derive its principal financial help from legal support groups in the USA.

#### Criticism of Mr Shultz for alleged liberal bias - Delayed confirmation of State Department appointments by Senate

At a forum sponsored by the conservative Heritage Foundation on July 2, three former ambassadors, all of whom had been appointed by Mr Reagan in 1981, called for Mr Shultz's resignation as Secretary of State for "undermining President Reagan's foreign policy". It was charged that Mr Shultz had, since the autumn of 1984, presided over a purge of conservative appointees and their replacement by career foreign service officials. Calls for Mr Shultz's dismissal also came at a conference on Aug. 1 organized by four right-wing pressure groups: the Conservative Majority, the Conservative Caucus, the Conservative Democrats and the Committee for the Survival of a Free Congress.

Mr Jesse Helms (Rep., North Carolina), the chairman of the Senate foreign relations committee, blocked Senate confirmation of 29 appointees for several weeks in a protest against the alleged liberal bias of the State Department. The dispute ended on July 16, when the Senate approved the appointment of the least and most disputed, of the nominees, Mr Richard B. Fisher as ambassador to West Germany, Ms Rozanne L. Ridgway to succeed Mr Burt as Assistant Secretary of State for European Affairs and Mr Edwin G. Corr as ambassador to El Salvador. Mr Helms stated that he was "very satisfied" with assurances he had received from the State Department on the position of a number of conservatives in foreign service posts. On July 8, the Senate confirmed the nomination of Mr John Whitehead as Deputy Secretary of State [see page 33579].—(New York Times - International Herald Tribune - Times - Guardian - Financial Times - Le Monde - Information Service) (Prev. rep. Lebanon 33683 B; State Department appointments USA)

## ASIA — AUSTRALASIA — PACIFIC

### A. SOUTH PACIFIC — Regional nuclear issues - Attack on environmentalist ship in New Zealand - Allegations of French secret service involvement - Controversy over French nuclear tests in Pacific - French-US nuclear defence agreement

*Sinking of Rainbow Warrior at Auckland (July 10, 1985).*

*Arrest of French secret agents (July 12).*

*Establishment of official French inquiry (Aug. 7) and issue of report (Aug. 25).*

*Continuation of French nuclear weapons testing programme despite regional opposition (1983-85).*

*Renewal of French-US nuclear co-operation agreement (Aug. 1, 1985).*

The *Rainbow Warrior*, a converted 40-metre fishing vessel belonging to the international environmentalist organization Greenpeace, was blown up by two limpet mines and sank in Auckland harbour, New Zealand, on July 10, 1985. One member of the organization—a Portuguese-born photographer of Irish nationality, Mr Fernando Pereira (33)—was killed. The other people on board escaped after the first explosion without injury.

The ship had arrived in Auckland on July 7 and was prepared to lead an anti-nuclear protest cruise of the South Pacific including a visit to a French overseas territory, French Polynesia, to protest against nuclear weapons tests due to take place in the following months at Mururoa atoll [see below].

#### Allegations of French government involvement - Arrest of French agents

Several of those sought in connexion with the Auckland sinking, including two who were arrested on July 12 by New Zealand



Col. Kadhafi visited Algeria on Jan. 28, 1986. His discussions with President Chadli reportedly focused on the need to improve bilateral relations (which had been strained since the conclusion of the Moroccan-Libyan treaty in September 1984—see 33246 A) and the prospects of a solution to the Western Sahara dispute [see 303 A].

According to Algeria Presse Service, the two leaders "reaffirmed the right of the Saharan people to self-determination and to independence", and agreed on the need for "a peaceful solution of the conflict" in conformity with Organization of African Unity resolutions. According to Moroccan officials, Dr Turayki had informed King Hassan of Morocco of the likely content of the talks prior to their taking place. The UAE newspaper *Al-Ittihad* claimed on Feb. 3 that President Chadli had offered to send up to 100,000 troops to Libya in the event of any US aggression.

#### Military co-operation agreement with Iran - Severance of diplomatic relations by Iraq

A military co-operation agreement with Iran was concluded at the end of a visit to Tripoli on June 20-23 by Hojatoislam Hashemi Rafsanjani, the Speaker of the Iranian Majlis (parliament).

The agreement provided for the establishment of a joint political and military committee, an "Islamic Revolutionary League" and an "Army of Jerusalem to liberate Palestine". News of the agreement reportedly shocked King Hassan into postponing the scheduled meeting of the Moroccan-Libyan parliamentary assembly [see page 33757]. Tehran (i.e. the Iranian) radio reported that "some understandings in principle" had been reached during the talks, a phrase which was seen as indicating that certain differences had emerged between the two sides.

In response to the agreement, and to reports that Libya had expressed support for Iran in the war with Iraq, the Iraqi government announced on June 26 that it had "withdrawn its recognition of Libya as an Arab regime", and had severed diplomatic relations. Libya responded by calling for Iraq's expulsion from the Arab League.

A "clarifying statement" issued by the Libyan official news agency GANA on June 29 claimed that the agreement with Iran did not have the status of a treaty (as had initially been reported), and added that the Libyan side had made certain proposals for the ending of the Iran-Iraq war, which had however been rejected by the Iranian side.

#### Relations with Soviet bloc states and China

Libya maintained generally good relations with the Soviet Union and Eastern bloc countries during 1985, with a number of ministerial-level consultations taking place. Col. Kadhafi's speeches frequently stressed the Soviet Union's pro-Palestinian stance. Differences were revealed, however, during an official visit to Moscow by Col. Kadhafi on Oct. 10-14, when he failed to attend an official banquet given in his honour.

Some reports suggested that he had had a fierce argument with Mr Mikhail Gorbachev, the Soviet leader. Particular areas of disagreement seemed to include the question of Libyan support for hijackings and other violent actions by Palestinian guerrillas, notably the seizure of the cruise liner *Iran* [see 34074 A]. The visit did not, as had been widely predicted, conclude with the signing of a treaty of friendship, although the two sides did agree to extend an economic co-operation agreement concluded in 1981.

Soviet supplied long-range SAM-5 surface-to-air missiles were reportedly installed in Libya in December 1985. The US State Department condemned the deployment as "clearly exceeding any legitimate security interests which the Libyans may have".

A protocol on co-operation in the fields of security and justice was concluded with Yugoslavia on Feb. 20. Gen. Wojciech

Jaruzelski, the Polish leader, visited Tripoli at the end of November.

Mr Tian Jiyun, a Chinese Deputy Premier, held talks in Tripoli with Col. Kadhafi on Nov. 6, during which they agreed to expand economic ties.

#### Relations with USA - Report of CIA destabilization plan

Relations with the USA remained tense throughout the period from February 1985 to February 1986, with each side accusing the other of supporting international terrorism and destabilization efforts.

In an address on Feb. 20, 1985, relayed by satellite to a conference of the militant black Moslem "Nation of Islam" organization (led by Mr Louis Farrakhan—see page 32970), Col. Kadhafi urged black US soldiers to desert and fight their "racist oppressors". He offered weapons and financial support to the movement in its avowed aim of establishing an independent black state in the USA. He also declared himself in favour of similar action by American Indians.

A report in the *Washington Post* of Nov. 4 claimed that President Reagan had authorized a covert operation by the Central Intelligence Agency (CIA) against Col. Kadhafi's regime.

The operation allegedly had two aims: to halt Libyan support for "terrorist and subversive" actions abroad, and to lure Col. Kadhafi into a foreign "adventure" which would give the Libyan military an opportunity to seize power or provide a justification for a neighbouring Arab state to invade. The report claimed that the plan had encountered opposition in the intelligence committees of both the House of Representatives and the Senate, but that a narrow majority on both committees supported it. The report also quoted a CIA assessment of June 1984 as suggesting that the "vulnerabilities" of the Libyan regime could be exposed through "a broad programme in co-operation with key countries, combining political, economic and paramilitary action", and that exiled opposition groups could be encouraged to launch "an intermittent campaign of sabotage and violence".

A presidential spokesman refused to confirm or deny the report, but stated that President Reagan had ordered an inquiry into disclosures on the subject. JANA described the report as evidence of the failure of the US policy of "open blackmail and muscular thuggery" as applied against Libya, while the Soviet news agency Tass denounced the alleged plan as "a fresh instance of international terrorism which has been elevated to the status of national policy by the USA". On Nov. 7 Col. Kadhafi warned that, if the report proved to be true, Libya would engage in subversive activities inside the USA; he added, however, that he was "against all forms of terrorism".

A series of emergency sessions of BPCs decided on Sept. 14 that Col. Kadhafi should not attend the opening of the UN General Assembly later the same month, "since its headquarters are in America [which is] the leader of international terrorism and the enemy of humanity".

Subsequent US press reports in late November asserted that considerable quantities of US arms were being supplied to Chad via Cameroon, to support an attack by Chadian government forces against Libyan troops based in northern Chad, and that the Algerian government was co-operating in the effort to draw Libya into a costly and unpopular conflict in Chad [see 33833 A for details of Libyan involvement in Chad]. The Algerian government denied that it was in any way involved.

US forces in early January 1986 conducted air and sea manoeuvres in the Gulf of Sirte, an area claimed by Libya as territorial waters and which had on several occasions been the focus of confrontation between the two countries [see pages 32166-67; 31680 B; 31181 A].

#### Contacts with France and Norway

M. Roland Dumas, the French Foreign Minister, held talks with Col. Kadhafi in Tripoli on April 25, 1985. Dr Turayki visited Paris on Oct. 30-31 for talks with French officials, including M. Dumas.



### Bomb explosion in West Berlin nightclub - Allegations of Libyan culpability - US pressure for European action against Libya

A bomb exploded in a discotheque frequented by US servicemen in West Berlin in the early hours of April 5, killing a US soldier and a Turkish woman and injuring about 200 others, including 60 US citizens, mostly soldiers and their dependants. Responsibility was claimed by at least two West German groups, the Red Army Faction and the Holger Meins commando (which had also claimed the murder of Mr Olof Palme, the Swedish Prime Minister, in February—see 34363 A), and by the hitherto unknown "Anti-American Arab Liberation Front". Over the ensuing days, US officials increasingly accused Libya of being responsible.

US officials on April 5 said that there was "strong circumstantial evidence" of Libyan involvement, and Mr Richard Burt, the US ambassador to West Germany, claimed on April 7 that there were "clear indications" of it.

It was subsequently reported that US intelligence had intercepted signals from Tripoli to the Libyan people's bureau (embassy) in East Berlin which revealed that the attack had been planned by Libyan security agents. A message congratulating the people's bureau on the success of the attack was also said to have been intercepted. Gen. Bernard Rogers, the NATO Supreme Allied Commander Europe, said on April 9 that "indisputable evidence" existed of a Libyan role in the bombing, adding that intelligence had been received "about 15 minutes too late" to warn off-duty US troops of the possibility of an attack. President Reagan outlined the evidence of alleged Libyan complicity in his speech on April 15 (see below).

With the USA demanding that European countries expel Libyan diplomatic staff, the French government on April 5 ordered the expulsion of four Arabs, two of whom were Libyan diplomats, in connexion with the discovery of a purported plot to attack US interests in France. The West German government announced on April 6 that it had appointed a panel to investigate the possibility of the involvement of foreign governments in such attacks. On April 9 two Libyan diplomats were expelled from West Germany for "impermissible activities", but a spokesman said that "concrete evidence" of Libyan involvement in the Berlin bombing was still lacking.

The three-power allied command in West Berlin (comprising British, French and US officers) agreed on April 12 to give local police "exceptional and provisional" powers to prevent suspected terrorists entering West Berlin from the eastern sector of the city. The French were understood to have vetoed a US proposal to ban all Libyan diplomats in East Berlin from crossing into the West.

The Spanish ambassador to Libya was recalled to Madrid on April 12 after reported threats by Libya to attack US military targets in Spain.

#### Events leading up to the US air strikes

In a televised news conference on April 9 President Reagan described Col. Kadhafi as "a mad dog"—a term which had particularly insulting overtones in Arab culture—and warned that "if and when we can specifically identify someone responsible for one of these acts, we will respond". On the same day Col. Kadhafi said in a news conference that Libya had played no part in the West Berlin bombing, and warned that Libya would stage attacks against US interests all over the world if US forces attacked Libya.

During the ensuing five days, as US officials repeatedly accused Libya of responsibility for terrorist attacks, there was rising speculation, much of it fuelled by the US administration, that an attack on Libya was imminent. At this time, units of the Sixth Fleet began moving towards the Libyan coast. It was later

reported that President Reagan had given final approval on April 9 for an air strike. The plan was strongly supported by Mr Bush and Adm. John Poindexter, the President's National Security Adviser, while Mr Caspar Weinberger, the Defense Secretary, expressed reservations about some of the operational aspects. The plan provided for the raid to be called off only in the event of (i) European countries agreeing on stringent economic sanctions against Libya; or (ii) Libya promising to end its support for terrorism.

Gen. Vernon Walters, the US permanent representative to the UN, visited Europe on April 12-14, meeting with leaders of West Germany, the UK, France and Italy. On April 11 Sigfried Genscher, Helmut Kohl, the West German Federal Chancellor, and Lord Carrington, the Secretary-General of NATO, had both urged the USA to exercise restraint. Mrs Margaret Thatcher, the British Prime Minister, was initially reported to have warned Gen. Walters that an attack on Libya would be contrary to international law, although she was apparently persuaded of the necessity for such an action after seeing new evidence of Libyan support for terrorism, and consequently gave her approval secretly for aircraft based in the UK to be employed in an attack.

It was subsequently reported that President Mitterrand had urged US officials that France might be willing to participate in a new operation against Libya. President Mitterrand stated on April 14 that France was ready to take strong action against terrorism, and to use force if required, but that it insisted on international respect for the independence of its foreign policy.

A meeting of Foreign Ministers of European Community member countries in The Hague on April 14, called at the instigation of Spain and Italy, identified Libya as "implicated in terrorism", but did not impose economic sanctions, agreed only to restrict the numbers and movements of Libyan diplomats, and to place strict visa requirements on all Libyans. The meeting ended with a "restraint on all sides".

A Soviet military spokesman warned on April 14 that "Soviet troops are at risk in Libya", while another official commented that "everything will be done to help Libya". In general, however, the Soviet response to the US threat to Libya was seen as lukewarm, with officials issuing only generalized warnings against "any act of aggression".

In anticipation of an air attack, Libya announced on April 14 that all military bases thought to be potential US targets had been evacuated and that foreign oil industry workers would be moved into these locations. (There was no evidence that such an evacuation actually took place.) Libyan hospitals were placed on alert on April 14 and naval boats were moved out of harbours. A contingency plan prepared for the eventuality of a US attack was also activated.

#### US air strikes on Tripoli and Benghazi

US aircraft mounted air strikes on Tripoli and Benghazi on April 15, local time, on April 15.

The aircraft used in the raids were 18 F-111s and four F-15s, plus a jamming craft based at Upper Heyford and Lakenheath in England, UK, with in-flight refuelling by four KC-10 and KC-135 tankers, and A-6 bombers and several A-7 and F-18 aircraft based on the carriers *America* and *Coral Sea*. US officials justified the use of the F-111s by claiming that they were the only aircraft capable of carrying the particular type of low-level precision bombing needed for the raid. Other observers suggested that the principal motivation for the strikes was to ensure UK involvement in the action. Due to the French government's refusal to grant passage through its airspace, and to the Spanish rejection of any such request by the Spanish government, the main component of the strike force was compelled to make a journey over the Atlantic and through the Strait of Gibraltar into the Mediterranean.





Conseil de sécurité

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LETTRE DATEE DU 15 AVRIL 1986, ADRESSEE AU PRESIDENT DU CONSEIL  
DE SECURITE PAR LE CHARGE D'AFFAIRES PAR INTERIM DE LA MISSION  
PERMANENTE DE LA JAMAHIRIYA ARABE LIBYENNE AUPRES DE  
L'ORGANISATION DES NATIONS UNIES

D'ordre de mon gouvernement, j'ai l'honneur de demander que le Conseil de sécurité se réunisse immédiatement pour examiner la question de l'agression militaire armée perpétrée par les Etats-Unis d'Amérique contre la Jamahiriya arabe libyenne populaire et socialiste et prendre d'urgence des mesures efficaces.

Le Chargé d'affaires par intérim,

(Signé) Rajab A. AZZAROUK





# U.S. Downes 2 Libyan Fighters In Clash Over Mediterranean

## Tripoli Seemed to Fear Raid

By Joseph Fitchett  
*International Herald Tribune*

PARIS — Political and military analysts said Wednesday that the Mediterranean air battle showed that Libya expected a U.S. attack on its chemical factory at Rehta and that it believed the strike would be carried out by U.S. naval aircraft or warships operating close to Libya.

The explanation for the Libyan pilots' action in challenging U.S. warplanes, several said, was growing Libyan concern that the United States was assembling a task force in the Mediterranean that would reach full strength next week.

The U.S. secretary of defense, Frank C. Carlucci, said Wednesday that the 6th Fleet ships, whose planes were involved in the dogfight, were engaged in "operations that had no connection whatsoever with Libya's newly constructed chemical facility."

But President Ronald Reagan said Dec. 23 that he would "not rule out options" of military action against Libya to destroy the installation that his spokesman said could "produce enormous quantities of chemical weapons."

European officials and analysts said they saw the United States waging a two-pronged campaign to close the Libyan plant, leaking a stream of information about European companies' involvement in hopes of getting them to withdraw from the project and pursuing a naval buildup to threaten military action if the plant is not stopped.

The United States will concentrate maximum naval firepower off Libya next week when the aircraft carrier John F. Kennedy will be joined by a second carrier, the Theodore Roosevelt, and its battle group of electronic missile-guidance ships.

The arrival of U.S. reinforcements will coincide with the end of an international conference in Paris about banning chemical warfare. The U.S. secretary of state, George P. Shultz, is expected to use the conference to press European governments for help in stopping Western companies from supplying Libya with the aid it needs to build and operate the chemical plant.

The 20-ship U.S. task force, including electronic warships like the Leyte Gulf and routinely accompanied by submarines, would have an array of Maverick missiles on A-6 and F-16 fighter jets and cruise missiles on ships to destroy the Libyan industrial site, analysts said.

In contrast to the U.S. bombing raid against Tripoli in 1986, in which some targets were missed, the chemical factory is comparatively vulnerable. As in 1986, experts said, U.S. planes should be able to jam the Libyans' radar and blind their anti-aircraft missiles.

The main difference on this occasion, a British analyst said, is that this time a U.S. attack would apparently rely entirely on sea power, without using any land-based bombers requiring political cooperation from European allies.

In 1986, the Reagan administration encountered political difficulties among European allies in using land-based F-111 bombers in the raid. France refused to let the U.S. planes fly through its airspace, and the Thatcher government, which authorized the planes to operate from British air bases, appeared afterward to develop second thoughts.

"This time Washington is conducting an exercise in unilateral gunboat diplomacy," said a French official, who added that his government had not been approached by U.S. officials about military preparations against Libya.

As a result, he said, the United States has stronger military credibility that it will actually attack Libya and also has gained political leverage to make European governments stop helping the Libyan petrochemical venture.

His interpretation was endorsed by U.S., European and Arab diplomats and military analysts in several European capitals.

"By not asking for any European green light, the Reagan administration is saying, in effect, you can only stop an attack by stopping your chemical companies from helping Libya," another French official said.

Echoing this view, the British analyst said, "Knowing the robust

American rules of engagement these days, you only turn your radar on an F-14 if you want to go home in a parachute."

The Libyan pilots' decision to expose themselves to attack, he said, was "a sacrificial ploy" designed to attract sympathy in public opinion.

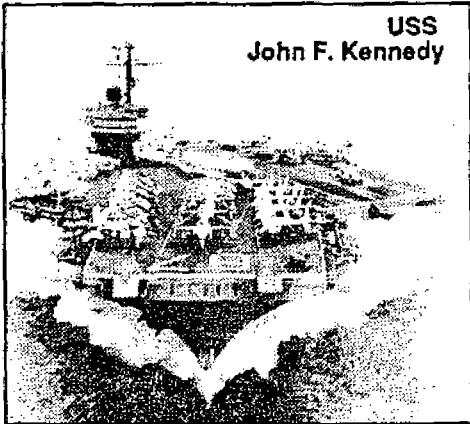
Libyan leaders, several analysts said, have realized that they are diplomatically isolated and that European governments, with whom Libya has improved relations in recent months, lack any tangible bargaining leverage if the Reagan administration decides to attack the plant.

Arab diplomats said Libya was convinced that the threat of a U.S. attack was real because Libya is politically vulnerable.

"Libya, in U.S. eyes, represents chemical weapons and terrorism and a threat to Israel," an Arab official said. He added, "Other Arab countries such as Syria and Iraq have chemical weapons, but the U.S. view, apparently, is a lesson for Libya might serve as a warning for others."

Moscow, several analysts said, cannot be trusted by Libya these days to provide any reconnaissance or other forms of help in defending itself against an air strike. In 1986, Libya apparently got no early warning from Soviet intelligence about U.S. activity before the bombers' arrival over Tripoli.

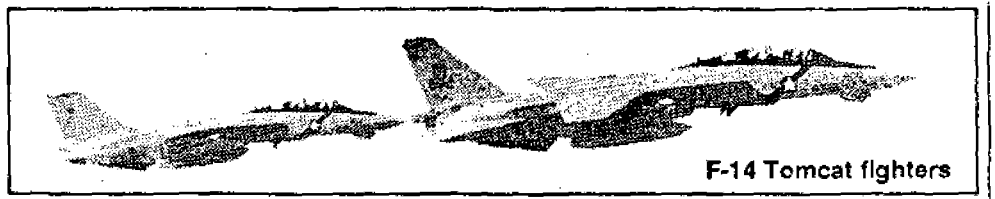
The International Herald  
Tribune  
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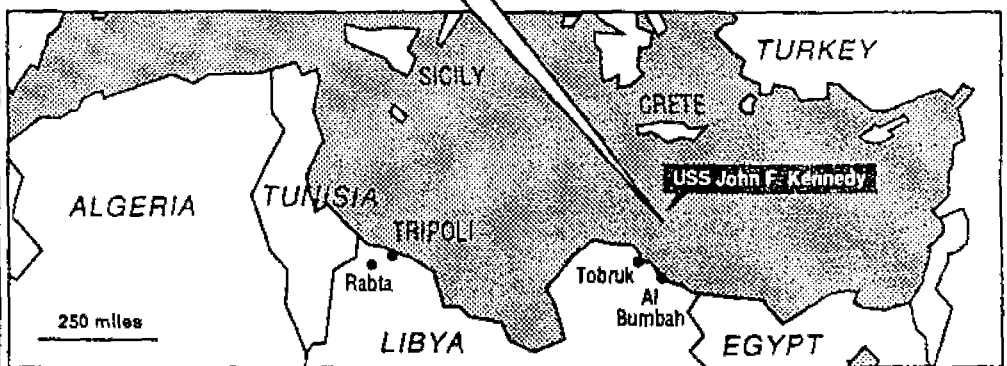
USS John F. Kennedy



MiG-23 fighters



F-14 Tomcat fighters



250 miles



# The Gaddafi problem

IN THE absence of any clear evidence to the contrary, Western public opinion will accept the American version of the facts of yesterday's incident in the Mediterranean, in which two Libyan jet fighters were shot down. It happened well outside Libyan airspace; the American pilots had good reason to believe they were under attack and consequently they fired in self-defence. If the Libyan fighters were not in fact about to open fire, they acted in a way which was bound to give that impression.

Yet the incident does raise a political question: why does the US, the world's greatest military power, find itself so frequently engaged in armed conflict with a state so much smaller and less powerful than itself as Libya?

The problem is already new. As long ago as August 1981, in an incident closely resembling yesterday's, US fighters shot down two Libyan jets which attacked them during naval exercises in the Gulf of Sirte, which Libya claims as territorial waters but most other countries regard as international; and in December 1981 a State Department official was quoted as saying that people within the Administration "seriously want to attack Libya," after reports that Colonel Gaddafi had sent "hit squads" to kill President Reagan.

## Chemicals factory

In March 1988 the US attacked Libyan patrol boats and a missile base in retaliation for unsuccessful Libyan attacks on US aircraft, again during manoeuvres in the Gulf of Sirte; and the next month came the US bombing of Tripoli.

All of that needs to be kept in mind when one analyses the events of the last few days. The US Administration believes it has discovered a newly-built chemical weapons factory in Libya. It leaked this fact to the American press, stimulating a question to the President on the possibility of military action. Mr Reagan confirmed that this had been discussed and hinted that it was being actively considered. Subsequently the US rejected a Lib-

yan offer to submit the factory to international inspection.

It may well be true that the movement of US ships and aircraft in the Mediterranean, some tens of miles off the Libyan coast, had nothing to do with all this. But it was surely predictable, if it was not positively intended, that Col Gaddafi would see this combination of events as threatening and provocative, and, given his track record, that he would respond in a provocative and dangerous manner. Was it necessary for the US to court such a reaction, and has it achieved anything?

## Strange inconsistency

The issue of chemical warfare, to be discussed at a high-level conference opening in Paris on Saturday, is a very serious one, and the US is right to take it seriously. The idea of Libya arming itself and possibly others, with chemical weapons is alarming. But there is a strange inconsistency in the US position. The existing 1925 protocol bans the use of chemical weapons, not their production or storage; that is the object of the treaty still being laboriously negotiated in Geneva - in which negotiations the US is insisting on on-site inspection as an essential means of verification. As the law stands, Libya has the same right which the US has, and exercises, to produce and stock chemical weapons as a deterrent.

There is thus no conceivable legal base for US military action against Libya on this count. Iraq, by contrast, has been publicly accused by the US not only of producing but of using chemical weapons, in clear violation of the 1925 protocol, and has refused to admit a team of UN inspectors. Yet the US has not even hinted that it might take military action against Iraq, and the Administration has sought to avoid being obliged to apply even economic sanctions.

It is hard to resist the conclusion that the US regards Col Gaddafi as a soft target who can safely be intimidated with military threats and actions while other, more dangerous criminals have to be treated with kid gloves.

Thursday January 5 1989

The Financial Times

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The Fin





Conseil de sécurité

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Algérie, Colombie, Ethiopie, Malaisie, Népal, Sénégal et  
Yougoslavie : projet de résolution

Le Conseil de sécurité,

Ayant entendu les déclarations faites par les représentants de la Jamahiriya arabe libyenne et des Etats-Unis d'Amérique,

Profondément préoccupé par l'aggravation de la tension résultant de la destruction de deux avions de reconnaissance libyens, abattus par les forces armées des Etats-Unis d'Amérique,

Conscient des répercussions défavorables de tels actes sur le climat politique international propice qui règne depuis quelque temps, et en particulier sur le maintien de la paix et de la sécurité dans la région de la Méditerranée,

Rappelant la Déclaration relative aux principes du droit international touchant les relations amicales et la coopération entre les Etats conformément à la Charte des Nations Unies, la Déclaration sur le renforcement de la sécurité internationale, et la Définition de l'agression,

1. Déplore la destruction de deux avions de reconnaissance libyens, abattus par les forces armées des Etats-Unis d'Amérique;
2. Demande aux Etats-Unis d'Amérique de suspendre leurs manoeuvres militaires au large des côtes libyennes afin de contribuer à réduire la tension dans la région;
3. Demande à toutes les parties de s'abstenir d'avoir recours à la force, de faire preuve de retenue dans cette situation critique et de régler leurs différends par des moyens pacifiques, conformément à la Charte des Nations Unies;
4. Demande aux Etats-Unis d'Amérique et à la Jamahiriya arabe libyenne de coopérer avec le Secrétaire général en vue de parvenir à un règlement pacifique des différends entre les deux pays;
5. Demande au Secrétaire général de tenir le Conseil de sécurité régulièrement informé de la suite donnée à la présente résolution;
6. Décide de demeurer saisi de la question.



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Jan 11, 1990

WASHINGTON POST

WASHINGTON POST

JACK ANDERSON and DALE VAN ATTA

JAN 11 1990

# LIBRARY Hiding the Story on Flight 103

**P**resident Bush and British Prime Minister Margaret Thatcher secretly agreed last spring to play down the truth about who blew up Pan Am Flight 103 over Lockerbie, Scotland.

After both leaders had intelligence reports pointing the finger at a terrorist hired by Ayatollah Ruhollah Khomeini, Thatcher called Bush. In that conversation, they agreed that neither could stand the political heat of making the evidence public because both were impotent to retaliate.

Highly placed White House sources told us that the phone call took place about mid-March. By that time, both the British and U.S. intelligence services had followed the trail of evidence to terrorist Ahmed Jibril, the hit man who was paid by Iran to blow up the plane. The intelligence services had evidence that Khomeini and his successor, Ali Akbar Hashemi Rafsanjani, had approved the bombing.

Pan Am 103 originated in Frankfurt, West Germany, stopped in London and was bound for New York when a bomb exploded at 30,000 feet over Scotland on Dec. 21, 1988. All 259 passengers were killed, along with 11 people in the village of Lockerbie;

Iranian-sponsored terrorists quickly asserted responsibility, but the British and U.S. governments put out the story that there were several suspects. Behind the scenes, all the evidence pointed to Jibril. He had been shopping for money for his terrorist group, the Popular Front for the Liberation of Palestine-General Command. His usual sponsors, Libyan leader Moammar Gadhafi and Syrian President Hafez Assad, were short of cash.

The intelligence reports told Bush and Thatcher that Jibril went to Iran in July 1988 and struck the deal with Khomeini and Rafsanjani to blow up an American plane in retaliation for the accidental U.S. downing of an Iranian airliner earlier that month.

When the intelligence reports began to leak last March, Thatcher called Bush to discuss their problem. She said no purpose would be served by making public the evidence against Iran because neither the United States or Britain could respond.

Bush knew that Khomeini had proved the undoing of Jimmy Carter and had nearly proved the undoing of Ronald Reagan. Carter lost an election because he couldn't get American hostages back from Iran, and Reagan suffered the biggest blow of his presidency when he tried to trade arms to Iran for American hostages.

So Bush didn't argue when Thatcher suggested that they "low-key" the findings—say that the investigation was inconclusive and long-term.

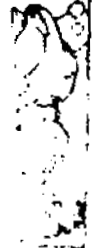
After the call, word was quickly passed to top officials conducting the Pan Am investigation that they were not to make any off-the-record remarks implicating Jibril or Iran. In Britain, when the press speculated about possible perpetrators, investigators called the speculation "wild" and "irresponsible."

U.S. intelligence sources who told us about the call said the decision was political cowardice.

Thatcher, the "Iron Lady," earned her reputation in a war with Argentina over the Falkland Islands. But by last March, her popularity was on the wane and she didn't need to be embarrassed by Khomeini. Bush, still fighting his "wimp" image, didn't want to face the ultimate calls for retribution.



LAST NIGHT WAS A SPUR



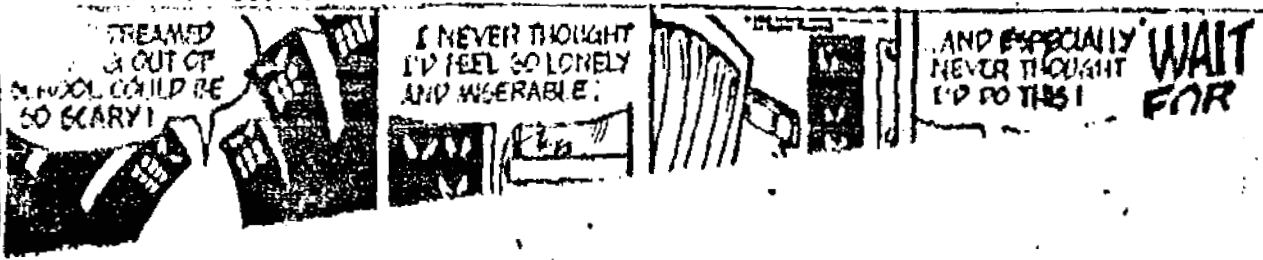
ROOM HILDA RUSSELL MYERS

I DREAMED I WAS OUT OF SCHOOL COULD BE SO SCARY!

I NEVER THOUGHT I'D FEEL SO LONELY AND MISERABLE.

AND ESPECIALLY NEVER THOUGHT I'D DO THIS!

WAIT FOR







[VISCOUNT ULLSWATER]

situation offshore where failure to follow certain health and safety regulations could prejudice the whole installation itself together with all those who work on it.

Every accident is a tragedy not just for the person injured but for the family, friends and colleagues. Accident prevention must be the first priority for employers, workers and the regulatory bodies such as HSE. But those who break the law must realise that they run the risk of very serious and substantial penalties. These new penalties are a signal to those with health and safety duties that the Government mean business.

Clause 5 deals with security of oil and gas installations. Similar statutory provisions already exists in respect of the telecommunications, electricity and water industries. The purpose of the clause is to empower the Secretary of State—in this case the Home Secretary—to issue directions to operators of an offshore installation, onshore terminal or oil refinery to preserve their security. Before issuing any such directions the Home Secretary would be required to consult the operator concerned and the Health and Safety Executive. Consultation with the HSE is necessary to avoid any possible conflict between safety and security. Operators would have to comply with such a direction, notwithstanding any other duties. A direction will be laid before Parliament unless the Home Secretary judges disclosure may prejudice national security or the commercial interests of any individual. In such circumstances, following notification from the Home Secretary, persons are prohibited from making disclosures about any such directions.

Directions could be general or specific in nature. General directions might reflect a warning that the industry faced a particular threat or they might address some widespread shortcoming which had been brought to light. Specific directions might be given to an individual operator if the Secretary of State came to the conclusion that there were particular shortcomings in security measures at the site which needed to be rectified.

The Government and the oil and gas industry take the subject of security at onshore and offshore installations very seriously. Arrangements already exist to give advice to operators on the measures necessary to protect the site adequately. I hope that your Lordships will understand if I do not go into too much detail on what those arrangements or measures may be.

I am glad to say that, by and large, operators are generally ready to take action in response to such advice. But some operators have not been so in the past. Necessary improvements can be deferred or overlooked. This can lead to varying standards so that some sites have very good security while at others there is room for improvement. It is these circumstances that the clause will cover ensuring that the Home Secretary can act to remedy matters where necessary.

I turn now to Clause 6 of the Bill. This deals with the parliamentary mechanism for extending the provisions of the Bill to Northern Ireland. Your

Lordships will wish to note that the Bill does not extend to Northern Ireland and the definitions in the Bill reflect this. Clause 6 will enable the corresponding Northern Ireland legislation to be enacted with the minimum possible delay soon after the Great Britain legislation becomes effective. This will be achieved by the negative resolution procedure.

I turn to the final clause. For the most part the Bill will come into effect on Royal Assent. The exceptions are those parts dealing with the model clauses—to which I have already referred—and those parts dealing with gas safety. Clause 7 also, as I said earlier, limits the application of the Bill to Great Britain.

This Bill is an important part of the implementation of the Cullen Report on the Piper Alpha disaster. I have, of necessity, concentrated on the main provisions in the Bill. I look forward with interest to your Lordships' views on the Bill. I commend the Bill to the House.

Moved, That the Bill be now read a second time.  
—(Viscount Ullswater.)

## Lockerbie Disaster: Investigation

3.52 p.m.

**The Minister of State, Foreign and Commonwealth Affairs (The Earl of Caithness):** My Lords, with the leave of the House, I shall now repeat a Statement made in another place by my right honourable friend the Secretary of State for Foreign and Commonwealth Affairs about the conclusion of the Lockerbie investigation and its implications. The Statement is as follows:

“Mr. Speaker, with permission, I should like to make a Statement about the conclusion of the Lockerbie investigation and its implications.

“My noble and learned friend the Lord Advocate has today announced the issue of a warrant for the arrest of two Libyan intelligence officers against whom, on the basis of the evidence available, the Procurator Fiscal has brought charges alleging their involvement in the destruction of Pan Am Flight 103 on 21st December 1988. The American authorities have taken similar action. The text of the warrant and of the Lord Advocate's announcement are being placed in the Library of the House.

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

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

“The accusations levelled at Libyan officials are of the gravest possible kind. As the warrant which the Lord Advocate will be making public makes clear, the charges allege that the individuals acted as part of a conspiracy to further the purposes of the Libyan intelligence services by criminal means

and that those means were acts of terrorism. This is a mass murder which is alleged to involve the organs of government of a state. Libyan officials have been accused of such a crime not only in Scotland and America but also in France where arrest warrants were issued on 30th October over the destruction of Flight UTA 772 in September 1989. We are consulting the United States and other friendly governments, many of whom lost nationals in Pan Am Flight 103, about the next steps.

"I understand that the investigation has revealed no evidence to support suggestion of involvement by other countries.

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

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

My Lords, that concludes the Statement.

3.55 p.m.

**Lord Cledwyn of Penrhos:** My Lords, we are grateful to the noble Earl for repeating the Statement and we welcome this important development which takes place after nearly three years of intense and dedicated work by all concerned. The relatives and friends of the victims of this dreadful crime are very much in our minds at this time.

As the House will appreciate, it would not be proper for us to discuss the merits or otherwise of the charges at this time. That will be decided by a court when and if those who are accused are brought before a court. We do of course strongly support the demand of the Lord Advocate that the accused be surrendered to stand trial.

I have one short question to put to the noble Earl. The position is that the sheriff in Dumfries has issued a warrant and further that an indictment has been handed down by a grand jury in Washington. Can the noble Earl say how the warrants will be enforced if Libya refuses to hand over the two individuals named? If he is not in a position to answer that question now, may I assume that his right honourable friend will keep us informed of developments over the next few days?

**Lord Hooson:** My Lords, I share entirely the sentiments expressed so adequately by the noble Lord, Lord Cledwyn, on this matter and also repeat the hope that the Libyan Government will co-operate. It was a dreadful thing for 270 people to be killed in a terrorist attack of this kind and we think of the implications for their families everywhere.

I have a different question to ask the noble Earl. The Statement claims that there was evidence of a conspiracy but that there was no evidence to support suggestions of involvement by other countries. Can he, however, tell us whether there was evidence of the involvement of individuals of other nationalities; that is, of nationalities other than Libyan? Was there any evidence of assistance being rendered in other countries by people of different nationalities to the two Libyans concerned?

**The Earl of Caithness:** My Lords, I am grateful for the words of the noble Lord the Leader of the Opposition, Lord Cledwyn of Penrhos, and of the noble Lord, Lord Hooson. Our thoughts are very much with the families. I am grateful for the strong support that both noble Lords have given to the actions of my noble and learned friend the Lord Advocate.

With regard to the question posed to me by the noble Lord, Lord Cledwyn, as a first step we expect Libya to respond promptly and positively to our demand for surrender of the accused and we await that response. Today the announcement concerns the judicial process. We shall then have to decide urgently—and we are considering this—what further steps may be needed. We are in close consultation, as I said, with the Americans on this. I can, however, assure the noble Lord that we shall keep the House fully informed as matters progress. I can also confirm that copies of the warrant and of the Lord Advocate's announcement, to which I referred in the Statement repeated on behalf of my right honourable friend the Secretary of State, will be placed in the Library of this House.

With regard to the question posed by the noble Lord, Lord Hooson, we have no evidence about individuals from other countries being involved.

4 p.m.

**Lord Mackay of Ardbrecknish:** My Lords, I am sure that no Member of your Lordships' House can ever forget the unfolding horror of that evening, especially those who know Lockerbie. Does my noble friend agree that our noble and learned friend the Lord Advocate, for the tenacious manner in which he has pursued this case, deserves our congratulations, as indeed does the very small police force of Dumfries and Galloway, on which the awful event was visited that night? The police dealt not only with the immediate aftermath but also carried out the investigation. I would mention particularly the chief constable, John Boyd, who was at the time responsible, and also George Esson.

While today's announcement is certainly successful in so far as it goes, we shall only really have success in this affair when the two Libyans responsible are in the dock being tried, either in Scotland or in the United States of America. Will my noble friend ensure that not only this country and the United States but all civilised countries bring every possible pressure to bear on Libya to release those two evil men up to justice, and that if Libya does not do so she will be treated as an international leper?

**The Earl of Caithness:** My Lords, I am most grateful for the words of my noble friend Lord Mackay, who knows the area well. I shall certainly pass them on to my noble and learned friend the Lord Advocate. In addition to congratulating the Dumfries and Galloway police I should also like to mention the forensic service, without which the Lord Advocate would not have been able to take matters as far as he has. I can assure my noble friend that we are working closely with all friendly governments on the matter. It is worth recalling that there were not only Americans and Britons on the plane; there were French and German nationals among the victims as well as citizens of other countries.

**Lord Macaulay of Bragar:** My Lords, I endorse everything said by those who have contributed. It is unfortunate that the noble and learned Lord the Lord Advocate is not in his place but I fully understand why he is not here. He is simultaneously issuing a statement in Edinburgh, as Scotland has been, to use the jargon phrase, the nerve centre of this inquiry. It is quite understandable that he should be there dealing with the interest expressed in this event which he himself described as a unique criminal inquiry.

In his statement the Lord Advocate describes the work of the forensic scientists as "extraordinary". From the little knowledge I have of that work, "extraordinary" may be too modest a word for the meticulous work which has been carried out by the scientists. I do not propose to substitute another word, but "extraordinary" is perhaps rather modest.

During the three years of this inquiry we on this side of the House have taken extreme care not to do or say anything which might in any way have prejudiced the course of the investigation and any subsequent proceedings. We shall continue to pursue that course as matters develop. It would be wrong to let this occasion pass without congratulating the Lord Advocate on his part in the investigation. I endorse the words of the noble Lord, Lord Mackay. The Lord Advocate has supervised not a local inquiry but an international investigation and has done so with diligence and dedication while under many pressures from various sources, press and otherwise. The dignity and authority with which he has conducted the public aspects of the inquiry have brought great credit to the office of Lord Advocate, and the whole proceedings to date have, I am certain, enhanced the reputation of the Scottish police and the Scottish legal system not only in the United Kingdom but throughout the civilised world.

Before I conclude my remarks, perhaps I may make two points. The Lord Advocate closed his statement in Edinburgh today with these words:

"I must remind the media that, for the purposes of the Contempt of Court Act 1981, proceedings became active when the Sheriff granted warrants for arrests. The chief constable and I cannot and will not comment on the evidence on which these charges are based".

I draw that to the attention of the House in case some extravagant words are used in the course of exchanges on these charges which could seriously prejudice any trial which may take place in the future.

I have one final point. We heard in the Statement that,

"Libyan officials have been accused of such a crime not only in Scotland and America but also in France where arrest warrants were issued on 30th October over the destruction of Flight UTA 772 in September 1989".

I presume that that is another aircraft and not Pan Am Flight 103. What response has been received from the Libyan authorities in respect of the arrest warrants which have been granted in France?

**The Earl of Caithness:** My Lords, I am grateful for the kind words of the noble Lord, Lord Macaulay, regarding my noble and learned friend the Lord Advocate and all those involved in this international investigation. I can confirm that Flight UTA 772 was a different flight from the Pan Am flight. The incident occurred some 10 months after the Lockerbie disaster. Some 170 victims were involved. Warrants for the arrest of four Libyan officials were issued by the examining magistrate on 30th October and the French authorities are pursuing the matter. I am unable to tell the noble Lord any more at this stage.

**Lord Macaulay of Bragar:** My Lords, before the noble Earl sits down, does that mean that there has been no response from the Libyan authorities?

**The Earl of Caithness:** My Lords, it means that I am unable to tell the noble Lord more at this stage.

**Lord Macaulay of Bragar:** My Lords, perhaps the noble Earl will keep me in touch.

## Offshore Safety Bill [H.L.]

4.6 p.m.

Debate on Second Reading resumed.

**Baroness Turner of Camden:** My Lords, I thank the Minister for his explanation of the Bill, which is fairly non-controversial. We on this side of the House support the Bill but I should like to make some comments on it.

We all know that getting oil from the seabed is a very dangerous business. That, as the Minister said, was brought home to all of us as a result of the horrendous Piper Alpha disaster. But the workings in the North Sea have been taking a toll in human lives and injuries ever since they started. Only on Saturday, the press carried a report of what is the longest hearing in Scottish legal history—the inquiry into the accident and fire on an oil rig operated by Arco British and owned by Odeco which resulted in the death of an employee. The report indicated that this could have been prevented had those in charge of the rig exercised proper control. The principal witnesses did not show up at all, thus occasioning sharp criticism from the Sheriff Principal. That accident took place three months after the Piper Alpha tragedy when everyone should have been very sharply aware of the hazards. It is not surprising that the union involved should be calling for the owners and operators to be prosecuted.

It is as well to remind ourselves when considering a Bill of this kind just how horrific the Piper Alpha tragedy was. On the evening of 6th July 1988, the lives of 165 people out of a total of 226 on board were lost. Two more lives were lost in a rescue attempt. Some bodies were never recovered. It was a total disaster for

## Lockerbie

3.22 pm

**The Secretary of State for Foreign and Commonwealth Affairs (Mr. Douglas Hurd):** With permission, Mr. Speaker, I should like to make a statement about the Lockerbie investigation and its implications.

My noble and learned Friend the Lord-advocate has today announced the issue of warrants for the arrest of two Libyan intelligence officers against whom, on the basis of the evidence available, the Procurator Fiscal has brought charges alleging their involvement in the destruction of Pan Am flight 103 on 21 December 1988. The American authorities have taken similar action. The text of the warrant and of the Lord-Advocate's announcement are being placed in the Library of the House.

Two hundred and seventy people were killed at Lockerbie. The relatives and friends of those victims have suffered and continue to suffer great pain and sorrow and the House will be thinking of them today. As the Lord-Advocate has said, a demand is being made of the Libyan authorities for the surrender of the accused to stand trial. I repeat that demand on behalf of the whole Government and I know that the House will unreservedly endorse it.

The accusations levelled at Libyan officials are of the gravest possible kind. As the warrants which the Lord-Advocate will be making public make clear, the charges allege that the individuals acted as a part of a conspiracy to further the purposes of the Libyan intelligence services by criminal means and that those means were acts of terrorism. This was a mass murder which is alleged to involve the organs of government of a state. Libyan officials have been accused of such a crime, not only in Scotland and America, but in France where arrest warrants were issued on 30 October over the destruction of flight UTA 772 in September 1989. We are consulting the United States and other friendly Governments, many of whom lost nationals in flight Pan Am 103, about the next steps.

I understand that the investigation has revealed no evidence to support the suggestion of involvement by other countries. I pay tribute to all those whose untiring work under the direction of the Lord-Advocate over almost three years has produced this remarkable outcome. In particular, I pay tribute to the work of the Dumfries and Galloway constabulary and all those in many parts of the world who have helped with the gathering of evidence and information. We are grateful for all the help given to the investigation in many countries.

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

**Mr. Gerald Kaufman (Manchester, Gorton):** I thank the Foreign Secretary for his statement, and I join him in congratulating the Dumfries and Galloway constabulary and all other law enforcement agencies and forensic experts, both here and in other countries, whose dogged work, obviously of great brilliance, has resulted in the successful outcome of the investigation.

Nothing can ever console those bereaved by that atrocious act of terrorist mass murder for the loss of their loved ones. However, they may be reassured to know that

not for one day have the police rested in their determination to bring the perpetrators to justice. I note that the investigation continues. Have we learnt all that we can learn and implemented all appropriate recommendations—such as reconciling baggage tags with passenger lists—emerging from that terrible tragedy?

The Libyans have for some time been sending signals that they wish to resume relations. Does the right hon. Gentleman agree that a test of their sincerity will be whether they deliver to the forces of law and order the men for whom warrants of arrest have been issued? If Libyan protestations of non-involvement in that terrorist act are true, they have nothing to fear from a fair trial. If they do not hand over those men for trial, we shall all know what conclusions to draw. In those circumstances, we shall have to consider what action to take in accordance with international law. For Libya can be received back into the world community only when it is clear beyond doubt that it is no longer involved in instigating, assisting and carrying out acts of terrorism that sicken the civilised world.

**Mr. Hurd:** I am grateful to the right hon. Gentleman. Certainly, as he says, the investigation continues, and one cannot be certain that other evidence may not come to light. My right hon. and learned Friend the Secretary of State for Transport and his predecessor have kept the House informed of developments in aviation security since the disaster. The right hon. Gentleman referred to professions which have been repeated over and over again by Ministers and others of the Libyan Government, that they have turned their backs on terrorism and are now opposed to it. I have warned my colleagues in Europe and elsewhere to be very reserved and cautious about such professions. The right hon. Gentleman set a test with which I would agree.

The right hon. Gentleman mentioned, but did not press me, on action which might follow. The House will not expect me to go further than I have today. We are following a course of law. There has been an independent investigation and a decision to issue warrants against two individuals. The next step is to require the handing over of those individuals for trial. Other steps may have to follow, but they are not for today.

**Sir Hector Monro (Dumfries):** May I add my praise of the Dumfries and Galloway constabulary, in particular the chief constable, Gordon Esson and detective chief superintendent Stewart Henderson and his team who led the investigation, and also the Lord-Advocate and his team for their tremendous support for the police in Dumfries and Galloway?

The people of Lockerbie have welcomed among them the relatives of the 270 who lost their lives in the town. They hope that today's announcement will go some way to easing the sorrow and the memory of those who died in the disaster. They feel that the best result is to bring those murderers to justice. I know that my right hon. Friend will do his very best to do that.

**Mr. Hurd:** I am grateful to my hon. Friend, who has represented the people of Lockerbie through this period of anxiety and, for some of them, torment, which great dignity and perseverance. I am sure that he is right in his conclusion.

**Sir David Steel** (Tweddale, Ettrick and Lauderdale): In addition to the well-deserved tributes that he has paid to the local people, will the Foreign Secretary also recognise the work that was carried out by Army units and other voluntary organisations, such as the mountain rescue teams, which had the anguished task of collecting the human and material remains of flight 103, which enabled the evidence to be pieced together and thus led to the charges that have been brought today? If need be, will he contemplate the possibility of going to the United Nations Security Council to press for the transfer to justice of the alleged perpetrators of that uniquely terrible international crime?

**Mr. Hurd:** The right hon. Gentleman is right on his first point, and I add to his words of thanks. For the reason that I have already given, I should rather not be carried further on the consequential steps today. We do not need to use an intermediary to make the demand that has been made by ourselves and the United States. We can do that direct to the Libyans, and that is what we are doing.

**Sir John Farr** (Harborough): What steps have been taken towards identifying the explosive that was used? Was it Semtex, and if so, what co-operation have we received from Czechoslovakia in terms of giving Semtex and other modern plastic explosives an identifying character, which the previous Czechoslovak Government refused to do?

**Mr. Hurd:** I should rather not be drawn into describing the evidence in any particulars. As I have said, my hon. Friend can find the Lord-Advocate's announcement in the Library. For obvious legal reasons, I should rather not paraphrase it or embroider on it. My hon. Friend asked a perfectly reasonable consequential question. For some time now, we have been in touch with the Czechoslovak authorities about the production and distribution of Semtex and especially about finding a means of identifying particular batches. Those discussions continue.

**Mr. Tam Dalyell** (Linlithgow): What obligations does the Foreign Secretary think that he has towards the British community of about 5,000 engineers and other workers who are working for Brown Root, Sir Alexander Gibb and partners and 36 other British companies which are involved in the great man-made river project? Does the right hon. Gentleman accept that my colleagues and I who went to Libya, led by my hon. Friend the Member for Tottenham (Mr. Grant), were assured vehemently—I do not want to be naive about this and can only report back that we were assured vehemently—that Libya was not responsible for the terrible thing that happened at Lockerbie? Will the right hon. Gentleman therefore proceed with the greatest caution, remembering that it is far from clear that the Libyans were responsible for the tragedy of the 1986 bombings and that that responsibility might lie elsewhere, perhaps in Syria?

**Mr. Hurd:** We are proceeding with care. I hope that the hon. Gentleman will look at what is available in the Library and that he will study it with care in the light of what he heard in Libya to the contrary effect. The hon. Gentleman referred perfectly reasonably to the fact that we have about 5,500 British nationals in Libya. The hon. Gentleman gave the figure correctly. There is no immediate threat, but we shall obviously need to watch the position in that country very carefully. All the British

nationals there know that in the absence of direct diplomatic relations, the scope for consular protection is, in practice, limited, but they should—and no doubt will—keep in close touch with the British interests section of the Italian embassy there.

**Sir Teddy Taylor** (Southend, East): In fairness to the Governments of Iran and Syria, with whom we have diplomatic relations, and in view of his comment about there being no involvement from other countries, will my right hon. Friend make it clear that the widespread and detailed reports that the job was commissioned by the Government of Iran from Syrian nationals, who were seized, and was then subcontracted to individuals in Libya, are wholly untrue? In view of the publication of those widespread and detailed reports, and in fairness to our friends in Iran and Syria, does my right hon. Friend feel that he has a duty to make it abundantly clear that, following detailed research, he has discovered that those reports are simply untrue?

**Mr. Hurd:** The police investigation deals with evidence, not rumours. But it has taken a long time because several lines of inquiry had to be followed not by the Government but by the Scottish police—my hon. Friend will accept that. I deliberately put in that sentence that there was no evidence about the involvement of other Governments because of the consideration which my hon. Friend mentions. He mentioned one part of a line of inquiry. Members of the Popular Front for the Liberation of Palestine general command cell in Germany arrested in 1988 clearly had bomb-making equipment, some of which was superficially similar to the Lockerbie bomb. They may well have had plans to attack civil aviation which were derailed when the arrests were made. But the thorough inquiries along that line failed to reveal any direct link between that group and Lockerbie. There were notable differences—especially the timer—between the bombs in which they were involved in making and the Lockerbie bomb.

Several Hon. Members rose—

**Mr. Speaker:** Order. There is great pressure on business today. We have Business Questions after this and an important debate. I shall allow questions on this matter to continue for a further five minutes, after which we must move on.

**Mr. David Trimble** (Upper Bann): May I also send congratulations to the constabulary of Dumfries and Galloway? I understand the Secretary of State's reluctance to discuss the consequential steps that Her Majesty's Government may have to take if the Libyans are not forthcoming, but will he give an assurance that he is taking suitable precautions against the consequential measures which the Libyans might themselves adopt? I have no doubt that he recalls the last time that the Government assisted the United States Government in actions against state-sponsored terrorism from Libya. The Libyans retaliated by making substantial supplies of munitions for arms available to the IRA. Shipments came into Northern Ireland during the period when the Foreign Secretary was Secretary of State for Northern Ireland, undoubtedly much to his embarrassment.

I hope that the Foreign Secretary will advise the Secretary of State for Northern Ireland, if he has not

[Mr. David Trimble]

already done so, that the co-operation that he is supposed to get from the Irish Republic in this matter is a broken reed.

**Mr. Hurd:** I do not want to be drawn on co-operation with the Irish Government. I informed the Irish Foreign Minister yesterday of the broad scope of the announcement that I intended to make today. The hon. Gentleman is right to this extent. In any steps decided on in consultation and concert with other friendly Governments we shall have to weigh carefully the consequences and precautions that need to follow.

**Mr. Jonathan Aitken (Thanet, South):** What is my right hon. Friend's estimate of the chances of the Libyan authorities responding favourably to the extradition request? If, as one must suspect, the chances are pretty low, does my right hon. Friend understand that the House will press him on what course of action the British Government intend to take? Can he at least say today that our Government have a firm and strong plan in mind, especially as we were somewhat weak in dealing with some of the Syrian terrorist episodes from official sources.

**Mr. Hurd:** I would rather not speculate in answer to my hon. Friend's point but I note what he says. I am sure that the pressure of which he speaks will reflect strong public opinion.

**Mr. Chris Mullin (Sunderland, South):** Does the Foreign Secretary accept that if the perpetrators of this atrocity are eventually caught, no one will be happier than me? Does he agree that it is unwise to use words such as "success" at this stage and to hand out applause to the various parties involved before a fair trial in front of all the evidence has taken place?

**Mr. Hurd:** I think that whatever happens hereafter, anyone who studies the documents in the Library or anyone who has followed the investigation will realise that it was a remarkable and complex investigation. That is what I have said.

**Mr. Ivor Stanbrook (Orpington):** Under what legal authority were the warrants issued? Was it the domestic application of a multilateral convention? If so, is not that an excellent precedent for dealing with war crimes committed in Iraq and Yugoslavia?

**Mr. Hurd:** That is not really a question for me, but the warrants were clearly issued under Scottish law. It was a straightforward matter and the crimes committed were committed under Scottish law.

**Mr. Andrew Welsh (Angus, East):** I, too, congratulate the Scottish police force and its international colleagues on the excellent work that they have done. Does the Foreign Secretary agree that the greatest tribute that we can pay to the innocent victims is to ensure that the perpetrators of the crime are brought to justice? Will the right hon. Gentleman explain exactly how that will be done? Will it be done through an international organisation such as the United Nations or will there be individual state action? Given the obvious Libyan involvement, will the right hon. Gentleman guarantee that there will be no diplomatic recognition of Libya while Gadaffi remains in power?

**Mr. Hurd:** I do not want to range wider than I have. A crime of mass murder has been committed. There has been an independent investigation, and as a result warrants have been issued against two individuals who are officials of the Libyan Government. We and the United States Government have asked that the two individuals be handed over. We have done that directly and there is no ambiguity about it. We await the response.

**Sir Nicholas Fairbairn (Perth and Kinross):** On a point of order, Mr. Speaker.

**Mr. Speaker:** Later, after business questions.

**Sir Nicholas Fairbairn:** My point of order is on this matter.

**Mr. Speaker:** That does not matter. I will take the point of order later. That is the usual procedure.

**Sir Nicholas Fairbairn:** No, Mr. Speaker. My point of order is on this matter.

**Mr. Speaker:** Order. I shall take the hon. and learned Gentleman's point of order at the usual time.

**Sir Nicholas Fairbairn:** As a former Law Officer, why was I not called to ask a question about a prosecution in Scotland?

**Mr. Speaker:** I think that we shall have the business statement from the Leader of the House first.

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## Lockerbie Bombing

*Motion made, and Question proposed, That this House do now adjourn.—[Mr. Kirkhope.]*

1.3 am

**Mr. Tam Dalyell (Linlithgow):** I have obtained a copy of part of an investigation report submitted by the Lockerbie police to the Lord Advocate, Lord Fraser of Carmyllie. The report is significant because it appears to contradict statements made to the House on 14 November by the Foreign Secretary about the Lockerbie bombing. In reply to the hon. Member for Southend, East (Mr. Taylor)—whose role, in my opinion, in relation to Libya has been serious and honourable throughout—the Foreign Secretary said:

"I deliberately put in that sentence that there was no evidence about the involvement of other Governments."—*[Official Report, 14 November 1991; Vol. 198, c. 1230.]* However, the report, publicly quoted I believe for the first time by me tonight, unambiguously details evidence from the Scottish police which implicates a Syrian-based terrorist organisation. The report is entitled:

"Bombing of Pan Am 103: Interview of Marwan Abdel Razzaq Mufti Khreesat as a suspect."

I should say to the House that I asked Sir William Sutherland, QPM, chief constable of Lothian and Borders, with whose force I have worked in harmony and respect for 30 years as a Member of Parliament, to approach chief constable Esson, and deputy chief constable Orr about the possibility of my talking to them. Understandably, these two police officers and their colleagues in the Scottish police, for whom I have sincere admiration, declined to do so. I would not like colleagues to think that I have been discourteous to the police or critical of them in the face of what is the greatest crime committed against civilians of the western world this decade.

I shall quote from the conclusions of the report, a copy of which I have given to the Foreign Office, together with tonight's speech. It states:

"Evidence could have been led to the fact that after being in Germany for 13 days he [Marwan Khreesat] had not approached Dynacord, which was supposed to be the reason for his visit."

That company was not approached by police until 22 February, 1989. I am exceedingly unhappy about the actions of the German police and the CIA and I am sending copies of this debate to the American and German ambassadors.

The long report ends:

"It is possible that the brown suitcase was delivered to another person while Dalkamoni was 'parking his car' and that that suitcase contained another IED (Improvised Explosive Device), and that the suitcase referred to is the brown Samsonite suitcase which contained the IED on PA103.

The IED which was recovered in the Ford Taunus appears to be similar to the IED which destroyed PA103.

A similar device, hidden in a record player, was used on the El Al plane in August 1972, and one Marwan Omar Krisat is still wanted in this connection.

There can be little doubt that Marwan Abdel Razzaq Mufti Khreesat is the bomb-maker for the PFLP-GC, that he was brought to West Germany for that express purpose and there is a possibility that he prepared the IED which destroyed PA103. As such he should not be at liberty but should be closely questioned regarding his activities with a view to tracing his associates in the attack."

Has the Foreign Secretary been shown that document by the Scottish police? Although it was written in 1989, I understand it has never been contradicted or withdrawn.

In my discussion of 50 minutes with the courteous Lord Advocate, I gained the impression that for the first 18 months of the inquiry there was substantial information, still relevant, pointing to the involvement of an Iranian and Syrian-based organisation.

Why has the Foreign Secretary been so categorical in ruling out the involvement of other parties when Lord Fraser, the Lord Advocate, has gone out of his way not to rule out the involvement of other states? How does the hon. Member for Grantham (Mr. Hogg) account for the discrepancy between the privately held view of the investigators and the public statement of his Government? Will the Foreign Secretary confirm that, contrary to his statement in November, the Government have not ruled out Syrian and Iranian involvement?

I shall quote pages 212 and 213 of David Leppard's excellent book "On the Trail of Terror". It states:

"The commissioning and the inspiration for the bombing came from the Iranians. They commissioned an operation against an American civilian airliner in revenge for the shootdown of the Iranian airbus in the Gulf in July of 1988. The original commission was given to Jibril. Jibril's commission was frustrated because the [West German] unit that was to go against aircraft including American civilian aircraft was arrested.

The CIA has evidence which indicates that Ali Akbar Hashemi Rafsanjani, the president of Iran, knew of the decision and supported it. Just what this evidence is, however, remains a closely guarded intelligence secret. 'It was not a rogue decision', Cannistraro stated. Rafsanjani, he pointed out, was commander-in-chief of the Iranian military in the summer of 1988 when the operation was reportedly commissioned through the Iranian Revolutionary Guard."

How can the Foreign Secretary state that there is no evidence that any Government but Libya was involved when the inquiry is, I understand, actively pursuing all possible evidence? Is he not prejudicing the inquiry by ruling out the possibility of finding new evidence which could lead to the indictment of officials or terrorists from Iran and Syria?

It seems to me that Libya is being used as a sole whipping boy when there was an alliance of elements from Iran, Syria and Libya. Father Patrick Keegans, of I Sherwood crescent, Lockerbie—than whom no one had more direct involvement in the tragedy—authorises me to repeat that concerns expressed in his letter to me of 13 January, of which the Foreign Office has a copy. He expresses concern in particular about the telephone conversation between Mrs. Thatcher and President Bush in March 1989, agreeing to "play down" the Lockerbie disaster, and the removal of Syria and Iran from any Lockerbie connection after that telephone call.

I cannot do better than quote the last paragraph of the powerful leader in *The Sunday Times* of 24 November, 1991:

"Maybe it has been necessary to be nice to Iran and Syria to secure the release of the remaining hostages in Beirut. It must be more than coincidence that both countries were officially cleared of any Lockerbie involvement just a few days before Terry Waite and Thomas Sutherland were at last released. Our joy at their freedom should be tempered by the shame of the cost: the relatives of the victims of the Lockerbie bomb must now come to terms with the fact that most of those behind the murder of their loved ones are going to get away with it. The cause of justice is being sacrificed on the altar of diplomatic convenience. We will live to regret it."

I find it extraordinary that the prime suspect, as identified by the Scottish police, has not—after three years and some £20 million of taxpayers' money spent on the inquiry—been interviewed. I also find it extraordinary that



we appear not to have actively sought information about the suspected involvement of officials, or foreign officials, of the Iranian and Syrian Governments in the conspiracy to blow up a western civilian airliner in the latter half of 1988.

Against that background, I plead with the Government not to embark on sanctions against Libya—let alone another military strike wreaking havoc in Tripoli and Benghazi, of the kind that, along with my hon. Friend the Member for Tottenham (Mr. Grant), I saw with my own eyes in November. I hope that my hon. Friend will be given time in which to speak tonight.

I was deeply concerned to read a front-page report in this week's *Tribune* by Ian Williams, the paper's United Nations correspondent. He wrote:

"Speculation is growing in the United Nations that John Major and George Bush are looking to fight their 1992 election campaigns on the back of military action against Libya."

That, apparently, is the view of the United Nations in some quarters.

Be it the adopted daughter of President Gaddafi or the daughter of Jim and Jane Swire, it is the innocent who suffer. Dr. Swire is concerned—and who is in a better position to be?—about the cycle of violence that could be unleashed. What we need is a round-table conference with middle eastern countries about the prevention of terrorism. Military action will lead to the tit-for-tat of another Lockerbie. Our time and energies—never mind our money—should be spent on fighting famine and disease throughout the world.

1.12 am

Mr. Bernie Grant (Tottenham): I thank my hon. Friend the Member for Linlithgow (Mr. Dalyell) for allowing me some time in which to speak.

As a person of African descent, I am particularly concerned about the plight of African countries and their peoples. That is why I am so keen to see justice done in the case of Libya. I am also opposed to terrorism, and keen to see the perpetrators of this horrendous crime brought to justice—but not tried by a kangaroo court.

After the Gulf war, President Bush talked about a new world order and about big nations not taking advantage of small ones. He talked about the need for legality, international law and respect for a nation's sovereignty. It is on precisely those points that I wish to dwell. My hon. Friend the Member for Linlithgow spoke about the evidence in the case, but I wish to deal with other matters.

Let me make three points. The first concerns the legal position. The Minister must state the legal basis on which he is acting when he asks the Libyans to hand over two of their nationals. Under which international convention or agreement is he acting?

Under the 1971 Montreal convention, the convention for the suppression of unlawful acts against the safety of civil aviation, unless there is an extradition treaty in force between countries—in this case, between Libya and Britain—Libya is entitled, indeed obliged, to try the offenders under her own domestic law. Article 7 applies, as there is no extradition treaty between Britain and Libya. The article states:

"The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those

authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State."

Furthermore, article 14 of the Montreal convention states:

"Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court."

Libya was a signatory to the Montreal convention on 19 February 1974. Britain is also a signatory to the convention.

The Minister will no doubt say that Libya is a terrorist state and therefore put itself outside the Montreal convention. I shall make two points. First, no United Nations body has declared that Libya is a terrorist state. That is something which the United States of America and the United Kingdom Governments alone have said. Secondly, I understand that there are proper and well defined procedures under the Vienna convention by which states that may have transgressed may be dealt with. These have not been utilised in the case of Libya. It is not therefore correct for the Minister to describe Libya as a terrorist state, as he has done, unless of course the British Government have now taken it upon themselves so to designate states unilaterally and arbitrarily, as does the United States.

Since Libya received the warrant from the Lord Advocate, it has acted in accordance with its own domestic law and with international law by appointing a High Court judge who is carrying out an investigation into the charges levelled against the two Libyan citizens. The Minister should state why the Government are not prepared to allow police officers, or other relevant officials, to co-operate with the Libyans in their attempts to deal with the matter, as international law both permits and demands that they do, especially as the articles in the Libyan criminal procedure code, which prohibits the handing over of the men without proper evidence, were set up by the British in 1953. The legal system in Libya has not been altered since that time, I understand. Just as Britain would not hand over its citizens to another country for trial without proper prima facie evidence, neither should Libya be expected to do so.

My second point concerns the position of Malta. The charges laid by the Lord Advocate make much of the Maltese link in the trail that led to the Lockerbie tragedy. Like so much else in the version of events that we have been given, there are grounds for believing that this, too, is open to question. I recently visited Malta and spoke to senior members of the Maltese Government about the Maltese connection in all this. I was told that in no uncertain terms that the Maltese Government, who had their own investigating team working alongside the Scottish police and the Federal Bureau of Investigation, co-operating with them at every stage and seeing the same evidence, came to a completely different conclusion from them.

In the opinion of the Maltese authorities, the evidence to support a Maltese connection is, at best, very feeble. They had found no evidence to support the United States-United Kingdom assertions that the bomb originated in Malta. The Maltese Government's views could not be reconciled with the views of the United States

[Mr. Bernie Grant]

and the United Kingdom Governments, despite visits to Malta by the Minister of State, the deputy Attorney-General of the United States and the Lord Advocate.

The Maltese Government believe that the Libyan authorities are acting properly under international law and their own domestic law by investigating the charges laid against the two Libyans and by refusing to extradite them. They are totally opposed to military action or sanctions against Libya. In fact, the Maltese Government felt that, although they did not want it, they would be prepared to consider a request that the Libyans be tried in Malta as a way out of the present impasse, especially as the British and United States Governments claim that the crime originated in Malta. Perhaps the Minister could tell us why the British Government are not prepared to consider that.

My third point concerns the consequences that sanctions or military action would have in the region and the Arab world generally. Since the Gulf war there has been considerable political turmoil in north Africa, especially in Algeria, where the rise in support for fundamentalism has been dramatic. Western economic or military action against Libya will cause further instability in the Maghreb region, which could result in refugees and asylum seekers pouring into Europe as their first port of call to escape political turmoil in their countries. Some people believe that such action by the United States and Britain could play into the hands of fundamentalists in the region.

It should be noted that, to date, the Arab League has unanimously supported the Libyan Government's actions and called for the formation of a joint United Nations and Arab League committee to investigate the matter and for it to be resolved peacefully. That scenario is different from the one that prevailed before and during the Gulf war, when the position of the United States was supported by several Arab countries.

The 1986 bombing of Libya, to which my hon. Friend the Member for Linlithgow has referred, was an unforgivable episode in international relations that later turned out to have been unjustified. Innocent civilians died. That mistake must not be repeated.

The proper way forward is a full and proper international inquiry into the Lockerbie disaster to establish the truth of what happened. The Libyans have suggested that an inquiry should be held and they would be willing to hand over the two named individuals to any international court set up to try them. In view of the recent miscarriages of justice in British courts and biased reporting in the media, it is questionable whether the two individuals could get a fair trial in Britain. But in Britain we can begin the search for truth and justice by setting up the public inquiry that has been demanded by the United Kingdom families of flight 103 campaign. Their courage and steadfastness deserve nothing less.

1.21 am

The Minister of State, Foreign and Commonwealth Office (Mr. Douglas Hogg): Hon. Members will recall that on 14 November last year my right hon. Friend the Foreign Secretary made a statement in the House in which he reported that a warrant had been obtained by my right hon. and learned Friend the Lord Advocate in connection with the bombing of Pan Am flight 103. The warrant,

backed by a full statement of the facts, was delivered to the Libyan Government by the Italian Government, and a text of it has been placed in the Library.

The House will recall that, on 27 November last year, the Government, with the Governments of France and the United States, made certain requests of the Libyan Government. On the same day, the British and American Governments, in a separate statement, requested the Government of Libya to surrender for trial all those charged with the crime and to accept complete responsibility for the actions of Libyan officials. We further requested the Libyan Government to disclose all that they knew of the offence, including the names of all those responsible, and to allow full access to all witnesses, documents and other material evidence, including the remaining timers. The Libyan Government were also asked to agree to pay appropriate compensation.

Since that time, the Government and the Governments of France and the United States have been assiduous in their respective efforts to persuade the Government of Libya to deliver the two named individuals for trial in Scotland or the United States. I do not suppose that the people of Scotland will have been pleased to have heard the hon. Member for Tottenham (Mr. Grant) describe their judicial procedures as a "kangaroo court".

Sir Hector Munro (Dumfries): Does my hon. and learned Friend agree that, in a way, the speeches of the hon. Members for Linlithgow (Mr. Dalyell) and for Tottenham (Mr. Grant) were a criticism of Dumfries and Galloway police, who have produced conclusive evidence about the culprits in Libya and have been supported entirely by the Lord Advocate, who believes that he can make a firm case against them? To try to shift the guilt to another country is surely a criticism of a police force that has done outstanding work.

Mr. Hogg: I have high regard for the work of the constabulary. It has produced a prima facie case sufficient to justify the issue of a warrant. It is now for the relevant courts, either of Scotland or of the United States, to determine whether the people named in the warrant are guilty or innocent—it being for the prosecution to prove the case beyond reasonable doubt. I share my hon. Friend's respect for the constabulary.

The House will further note that the United Nations Security Council is presently discussing a resolution supporting the decision of the Governments of France, United States and Britain. That resolution condemns the destruction of Pan Am flight 103 and the UTA flight and the resulting loss of lives. It also strongly deplores the fact that the Libyan Government have not yet responded effectively to the requests made of them to co-operate fully in establishing responsibility for those terrorist acts. It urges the Libyan Government immediately to provide a full and positive response to those requests. It urges all states—individually and collectively—to encourage the Libyan Government to respond fully and positively to what has been asked of them.

I turn now to the speeches made by the hon. Members for Linlithgow and Tottenham. Both went into the events in considerable detail. I have no intention of doing so. As they know, two individuals have been named in a warrant. It is our intention that those two individuals should be

brought to trial. In such circumstances, it would be wrong for me to comment on the evidence, not least because to do so may prejudice or be thought to prejudice a fair trial.

However, it is no secret that during the first 18 months of the criminal investigation attention was focused largely on the organisation known as the Popular Front for the Liberation of Palestine—General Command, based in Damascus. When as a result of forensic scientific evidence the facts of the investigation shifted, the investigators did not abandon the material which they had gathered together over the previous 18 months, but careful examination of that material has failed to disclose any evidence which would justify the issue of warrants against nationals of any country other than Libya.

As both hon. Gentlemen may know, I have practised for 20 at the common law Bar. I know well from personal experience that the police investigate many leads and go down many paths which ultimately take them nowhere. Those responsible for framing criminal proceedings must look at the totality of the evidence assembled at the conclusion of the investigation. It was on the basis of that evidence—the totality of the evidence—reviewed at the conclusion of the proceedings that my right hon. and learned Friend the Lord Advocate decided that there was a case for the two named Libyans to answer and he therefore issued the warrants against them. He also decided that there was no sufficient evidence to issue warrants against any other named individuals and, in particular, against individuals serving in Governments other than that of Libya.

Mr. Dalyell: Will the Minister explain his use of the word "sufficient"?

Mr. Hogg: There is no evidence to justify the issue of warrants against anyone other than the two named individuals.

Clearly we cannot exclude the possibility that other persons or governments were involved because one cannot prove a negative. What I can say to the House is that there is no sufficient evidence to justify making such an allegation in court.

I should like to correct the hon. Gentleman on one point. My right hon. Friend the Foreign Secretary has not said that Her Majesty's Government have ruled out the involvement of other countries. What he said is what I have just said and what the Lord Advocate had previously said—that the investigation had revealed no evidence of involvement by other countries. As has been said on a number of occasions, if there is such evidence involving officials from other countries we will look at it, and if anybody has such evidence they should pass it on to the investigating authorities.

As to the future, I hope that the Libyan Government will agree to deliver the two named individuals to the courts either of Scotland or of the United States. If the Libyan Government do not agree to do this, we will have to decide what further steps may be necessary. At the moment it would not be appropriate for me to speculate on the nature of those further steps.

The hon. Member for Linlithgow has called for a round table conference with middle eastern countries to discuss the prevention of terrorism. Indeed, to be fair to him, that is the only thing for which he called. I have to say that that is a wholly inappropriate, not to say inadequate, response to one of the gravest crimes committed in post-war

Europe. Two named people are charged with the gravest offences. They should stand trial. They will get a fair trial. It will be for the prosecution to prove the case against them. If there is any reasonable doubt as to their guilt, they will be acquitted. That is the way forward, and I hope that this House will endorse it.

Mr. Dalyell: Will the Minister answer the question put by Dr. Jim Swire about how one avoids a cycle of violence being unleashed? If military action is not ruled out—and I get the impression from what the Minister said that it is not ruled out—what does the Minister expect but tit for tat? Should we not recognise that the whole tragedy started with the bombing of Tripoli, with the bombing of the civilian areas of Benghazi and with the shooting down by the Vincennes, now discovered to have been in Iranian territorial waters, of the Iranian airline?

Mr. Hogg: I have never made any reference to the use of force. I have said here and elsewhere that we seek to persuade the Government of Libya to comply with our request that the two people should be brought to trial before the courts either of Scotland or of the United States. We hope that we shall secure a United Nations resolution underpinning that request. We hope that the Government of Libya will comply. Clearly, if they do not, we shall have to consider our next step. I have not suggested force. I have ruled nothing in and I rule nothing out.

Mr. Bernie Grant: As an ex-lawyer, will the Minister turn his attention to my points about the Montreal convention? Why are the British Government not prepared to follow the procedures laid down in that convention?

Mr. Hogg: Those who framed the Montreal convention never contemplated that the Government of a country in which the individuals—two in this case—would be present would themselves be party to the crime. It is clear nonsense to suggest that—

Mr. Grant: It has not been proved.

Mr. Hogg: I have not suggested that it has been proved. I have said that there is a prima facie case against two individuals who are officials of a Government. That is to say not that they are guilty, but merely that there is a prima facie case in respect of which they should stand trial. It is complete nonsense to say that the Government who employ them should also be the authority that tries them. We all know perfectly well that there is a close identity of interest between the judiciary and the intelligence services in Libya. We all know that the country is a tyranny.

Mr. Dalyell: The Minister has been very good about giving way. If the country is a tyranny, why is it that 5,500 expatriates, British people working there, earning the Minister's bread and butter, my bread and butter and the bread and butter of the rest of us, take a very different view of what they think is an incorrupt and very efficient regime? The fact is that 5,500 of our fellow countrymen, many of them Scottish engineers, are working in Libya. It is simply not good enough to shrug our shoulders and say, "These people knew perfectly well what dangers they were going to." Perhaps they did know, but that is no reason to wash our hands of them. What does the Foreign Office think will happen to them if there is any further military action? Who would sanction it first? If there were sanctions, it would mean that those people could not come

[Mr. Dalyell]

back as they do now. The general pattern is eight weeks in Libya working and two weeks over here seeing the headquarters of their homes and their families.

It is high time that the Foreign Office, if it does not want to talk to the Libyans, at least talked to people such as Dick Morris of Brown and Root and employees of the 36 other British firms that are working in Libya. The Foreign

Office should ask them whether they think that what the Minister has described is a sensible way to go about matters. For my part, I am extremely alarmed by the tone of the Minister's reply—

*The motion having been made after Ten o'clock on Monday evening, and the debate having continued for half an hour, MADAM DEPUTY SPEAKER adjourned the House without Question put, pursuant to the Standing Order.*

*Adjourned at twenty-seven minutes to Two o'clock.*



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## U.S. Calls Libyan Offer a 'Joke'

Reuters

LONDON — The United States insisted Wednesday on full Libyan compliance with a United Nations call to surrender two men suspected in the bombing of Pan Am Flight 103 and described Tripoli's offer to try them as a "sick joke."

The State Department's top counterterrorism official, Peter Burleigh, said in Washington that his government fully intended to see the two suspects brought to trial. Mr. Burleigh said the United States would rule out no option, including force, to that end.

The UN Security Council on Tuesday unanimously called on Tripoli to hand over two Libyan agents indicted in Scotland and the United States for the bombing of the New York-bound Pan Am jet over Lockerbie, Scotland, in 1988. A total of 270 people were killed in the explosion.

The UN resolution also called on Libya to cooperate with the investigation into the bombing of a French jetliner in Niger in 1989.

Mr. Burleigh said the United Nations expected Libya to respond in "a matter of days rather than months" to the resolution, which demands swift action but does not set a deadline.

Libya has denied responsibility for downing the Pan Am jet and has proposed putting the matter before a special international tribunal or trying the men in Libya.

Mr. Burleigh said the United States was not prepared to tolerate "half-steps" and expected full compliance by Libya. He declined to elaborate on what action could be taken if Libya ignored the call, but said Washington reserved the right to take any necessary action.

President George Bush "has not ruled out any option," Mr. Burleigh said.

The United States bombed Libya in 1986 after accusing Tripoli of involvement in airline bombings and an attack on a Berlin nightclub in which an American serviceman was killed.

Mr. Burleigh rejected Libya's proposal of a domestic trial for the two agents because, he said, Washington held the Libyan government responsible for the attack.

"Even a proposal in that regard would have to be considered something of a sick joke," he said.

UN diplomats have said that if Libya does not hand over the accused, the United States, Britain and France intend to press for a resolution within weeks that would

impose sanctions against Tripoli.

The sanctions would be limited to denying Libyan aircraft landing rights and barring the sales of aircraft parts.

Libya on Wednesday described the Security Council resolution as unjust and unacceptable.

Major Abdel Salam Jalloud, second in command to the Libyan leader, Colonel Moammar Gadhafi, used a stopover in New Delhi to protest India's support for the council resolution, an Indian Foreign Ministry spokesman said.

"The resolution was unjust and unacceptable," Major Jalloud was quoted as telling Prime Minister P. V. Narasimha Rao.

India is serving a two-year term on the council.

An Indian government source called Mr. Jalloud's stopover en route from China a "damage control visit largely aimed at preventing any drastic fallout from the UN resolution."

ESCORTS & GUIDES

**BELLE EPOCH**  
THE ESCORT SERVICE





Terrorisme : les conséquences de la résolution sur les enquêtes judiciaires

# Le Conseil de sécurité tance la Libye du colonel Kadhafi

**Grande première : le Conseil de sécurité élargit son champ de manœuvre au domaine judiciaire.**

**L**a Libye a, tout au plus, jusqu'à la fin du mois de février pour se conformer à la résolution du Conseil de sécurité, adoptée mardi, l'enjoignant de collaborer « immédiatement » aux enquêtes internationales après les attentats contre les avions Pan Am et UTA, indiquent diverses sources diplomatiques.

Au-delà de cette date, les trois pays auteurs de la résolution 731, les États-Unis, la France et la Grande-Bretagne, pourraient demander au Conseil l'établissement d'un embargo pétrolier et aérien contre la Libye si ce pays n'obtempérerait pas à la décision prise ce mardi par le Conseil. Cette échéance de fin février correspond au terme de la présidence américaine du Conseil de sécurité, actuellement assurée pendant le mois de janvier par la Grande-Bretagne.

La résolution 731 du Conseil ne fixe aucune date limite à la Libye à son exigence d'une collaboration « immédiate » des autorités locales aux enquêtes internationales en cours après les attentats aériens concernés.

La résolution, en termes volontairement ambigus, ouvre la porte à l'extradition de ces agents libyens, et demande aussi bien aux États membres de l'ONU qu'à son secrétaire général de faire pression sur Tripoli pour se conformer à cette résolution.

Ce dernier pourrait, dans les prochains jours, rencontrer personnellement de hauts responsables libyens ou dépêcher à Tripoli un de ses émissaires afin de persuader les autorités locales de collaborer aux enquêtes internationales en cours. Pour la Grande-Bretagne comme pour les États-Unis, la meilleure des collaborations possibles est l'extradition pure et simple des Libyens recherchés par leurs propres enquêteurs. La France évite de parler d'extradition et se contente de souligner l'urgence pour la Libye à collaborer rapidement.

Avant même l'adoption de cette résolution, les États-Unis, la Fran-

ce et la Grande-Bretagne avaient officieusement fait savoir qu'ils tenteraient d'obtenir du Conseil de sécurité un embargo pétrolier et aérien contre la Libye en cas de refus libyen de se conformer à la décision unanime du conseil. Pour y parvenir, il leur faudra toutefois obtenir une majorité d'au moins neuf des quinze voix du Conseil et aucun veto de membres permanents. Exercice délicat en raison de fortes réserves émises par les pays non alignés et la Chine sur les risques d'extradition que contient la résolution 731, mais souligne-t-on de sources diplomatiques, pas impossible en raison précisément de l'unanimité du

Conseil à condamner le terrorisme international.

Mardi, la Libye avait dépêché en vain son ministre de l'Industrie, Jadalah Azouz al Tattli pour convaincre le Conseil de sa disposition à lutter contre le terrorisme international, et partant, de l'inutilité d'une résolution « peu conforme au droit international ».

Pour couper court à tout suspense, la Libye a d'ailleurs déjà répété, par l'entremise du numéro deux du régime de Tripoli en visite à New Delhi, le commandant Abdel Salam Jalloud, son refus de livrer deux agents libyens accusés d'avoir participé à l'attentat dit de « Lockerbie » en 1988. (AFP.)

## Un droit de police internationale

La résolution du Conseil de sécurité demandant à la Libye de collaborer à la traduction devant une justice étrangère de ressortissants présumés terroristes n'est pas banale. Elle ne comporte certes ni une demande formelle d'extradition ni une menace précise de sanctions, mais ces deux éléments y sont implicitement présents. C'est une première. On ne se souvient pas en effet que le Conseil de sécurité, exécutif des Nations unies, soit intervenu dans un conflit de type judiciaire entre des États. Il revêt en l'occurrence l'habit du procureur.

Ce faisant, l'instance onusienne se reconnaît à la fois un rôle instrumental dans la lutte contre le terrorisme et vient enrichir la pratique du droit international. La Libye est désignée du doigt, mais la résolution a surtout valeur d'exemple et de précédent. Elle signifie en fait à tout État qui serait tenté d'organiser une action terroriste ou d'en abriter les auteurs qu'il s'expose à des représailles, juridiquement fondées, de la commu-

nauté internationale. C'est une forme de jurisprudence.

L'impulsion vient à l'évidence du monde occidental, des États-Unis et de la Grande-Bretagne en particulier. Et les contingences de la politique intérieure américaine n'y sont sans doute pas totalement étrangères. Lancé dans la course électorale et en position précaire dans les sondages, le président George Bush peut trouver intérêt à reprendre son combat contre les dragons habituels du Proche-Orient. Kadhafi reste à cet égard une valeur sûre. L'agitation qui reprend à Washington à propos d'un éventuel renversement de Saddam Hussein donne également à penser que la Maison-Blanche ne désespère pas de parachever sa victoire dans le Golfe avant le scrutin du mois de novembre.

La résolution des Nations unies n'en a pas moins été adoptée à l'unanimité des quinze membres du Conseil de sécurité, recevant l'aval de pays comme la Chine et le Maroc. Cela indique que la communauté internationale, plus ou moins volontairement, se rallie à

une sorte de nouveau code de bonne conduite des États, dont le Conseil de sécurité apparaît plus que jamais comme le gardien. Hier, c'était pour condamner et réprimer l'invasion du Koweït par l'Irak, puis pour maintenir celui-ci sous haute surveillance. Aujourd'hui, c'est pour punir un État suspecté de protéger des terroristes.

Après l'intervention en faveur des Kurdes d'Irak, également légalisée par le Conseil de sécurité, la résolution 731 visant la Libye apparaît comme une nouvelle application de ce « droit d'ingérence » que la communauté internationale se reconnaît progressivement, que ce soit pour se porter au secours de populations en danger ou maintenant pour décourager la menace terroriste. La disparition de l'antagonisme idéologique entre l'Est et l'Ouest débouche, dirait-on, sur la perception d'un bien commun universel, largement inspiré des valeurs occidentales, qui fonde une nouvelle légalité et un nouveau droit de police.

PIERRE LEFÈVRE





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Thaïlande-USA-Libye

Les Etats-Unis ont demandé à la Thaïlande d'évacuer ses travailleurs de Libye

BANGKOK, 12 mars (AFP) - Les Etats-Unis ont demandé plusieurs fois à la Thaïlande, au cours des derniers mois, d'évacuer ses quelque 10.000 travailleurs de Libye en raison de possible raids aériens américains, a-t-on indiqué jeudi au ministère thaïlandais des Affaires étrangères.

Selon des hauts fonctionnaires du ministère, des diplomates américains basés à Bangkok ont prévenu des hauts responsables du gouvernement thaïlandais que tant que les travailleurs ne seraient pas évacués, Washington ne pourrait pas garantir leur sécurité au cas où les Etats-Unis lancerait un raid contre la Libye.

L'ambassade des Etats-Unis à Bangkok s'est refusé à tout commentaire au sujet de ces informations.

Un responsable du ministère thaïlandais du Travail, Yuwarat Kamolvej, s'est rendu début mars en Libye, a confirmé son porte-parole, ajoutant qu'il était "fort possible" que cette visite ait concerné "en premier lieu la sécurité des travailleurs thaïlandais face à la menace des Etats-Unis".

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LEVEL 1 - 6 OF 7 STORIES

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HEADLINE: Iraq and Libya: Pressure, Not Punishment, Will Bring Change

BYLINE: Raghida Dergham

DATELINE: NEW YORK

## BODY:

United Nations Security Council is contemplating action this week against Libya, following its earlier punitive measures against Iraq. Although Washington contends that the two issues are separate, in Middle Eastern mind there is a linkage. If the international community allows itself to be guided by an obsession with punishment - sanctions and, as a last resort, bombardment - then the region will suffer. A better alternative would be to apply pressure to introduce democratic processes to both Libya and Iraq.

In Libya's case, the stated goal of the United States, Britain and France is to make Tripoli unconditionally hand over to American or British authorities the two Libyans suspected in the 1988 bombing of Pan Am 103 over Lockerbie, Scotland.

The allies are moving this week toward a Security Council resolution that would impose an international embargo on civilian flights to and from Libya as well as a total embargo on arms sales; it would also reduce diplomatic representation.

The leaders of Libya's Arab neighbors - particularly Egypt, Morocco, Tunisia and Algeria - are resisting this, not from solidarity with Moammar Gadhafi, but for fear of providing ammunition to powerful fundamentalist groups in their countries.

The Arab leaders also fear the principle of sanctions being used as a model to force change on other regimes in the region.

Even if sanctions should topple Colonel Gadhafi, the process would take years. An air embargo would, in effect, put the people under country-arrest, sentencing Libya to die slowly in isolation.

Over the weekend, the Maghreb countries - Libya, Tunisia, Algeria, Mauritania and Morocco - met in a last-ditch effort to stall the sanctions resolution. They also hope to persuade Colonel Gadhafi to deliver the suspects to UN Secretary-General Butros Butros Ghali, who would turn them over to one of the three countries sponsoring the sanctions resolution. Should the United States and Britain lend their support to this effort, and should it succeed, the suspects presumably would be tried in France.

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Otherwise, the United States could offer some vague improvement of relation with Libya if it agreed to turn over the suspects to American officials. Washington readily dealt with Damascus when Syrian help was needed during the Gulf War. A minor concession here could be easily reversed if developments warranted it.

Nor should obsession with punishment cause Western officials to overlook an opportunity to press the battle against terrorism. The UN should take Colonel Gadhafi up on his invitation to send delegates to investigate bases in Libya which the United States charges are terrorist training camps. Such a mission would either confirm the charges and Libyan support for terrorism or, at worst, give Libyan authorities strong incentive to sever old ties with terrorists.

The international community should also demand guarantees that Libyan opposition leaders will be permitted to live, in safety and free of harassment inside Libya, where they could contribute to a democratic process that might eventually bring a change of government.

Other steps can be taken to force a democratic process upon Iraq, thereby facilitating the downfall of Saddam Hussein. This can be done by widening and strengthening Security Council Resolution 688, which emphasized respect for human and political rights for Kurds and Shiites in Iraq; by demanding that such respect include the right to free elections; and by insisting, in a separate resolution, on international supervision through UN observers or an outside group of internationally respected individuals.

The United States should not be a partner in installing an Iraqi military regime that would create a mini-Saddam; nor should it acquiesce to border changes favoring Kuwait in order to frighten the Iraqi military into acting against Saddam.

Washington is right to push the Security Council to release Iraqi assets frozen abroad to alleviate humanitarian suffering and pay for weapons destruction. But it should reaffirm that the lifting of sanctions depends on full compliance with UN resolutions.

Rolf Ekeus, head of the UN special commission in charge of scrapping Iraq's weapons of mass destruction, said Friday that Iraq had reversed position and that Baghdad now accepted the destruction of equipment associated with ballistic missiles.

To the extent possible, the UN should permit the conversion of other equipment to civilian purposes. To bulldoze plants that could be transformed into civilian industrial complexes would reinforce the sense among Arabs that the West will not tolerate industrialized Arab countries.

Germany and Japan have begun to target the huge Arab market in their economic strategies, while the United States has kept a narrow focus on the region's oil. Encouraging the development of an industrial infrastructure in Arab countries should become an American priority.

The Security Council, in focusing on violations of international norms by the Iraqi and Libyan regimes, should take special care that its target does not become the Iraqi and Libyan peoples, or the resources they will need

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after their repressive regimes are gone.

The writer is senior diplomatic correspondent of Al-Hayat, a London-based Arabic daily, and of Paris-based Radio Orient. She contributed this view to the International Herald Tribune.



# LIES, LIBYA AND LOCKERBIE

*Alasdair Palmer explains why the men really behind the bombing of Pan Am Flight 103 will never be punished*

NEW YORK lawyers Lee and Jim Kreindler have reason to be cheerful. In one month, a jury in New York will be asked to decide whether the Lockerbie air disaster happened because Pan Am deliberately failed to implement elementary security procedures. If the answer is yes, then insurers will be looking at paying out \$400 million in damages to the families of those who died in the crash.

Kreindler and Kreindler are the kings of air crash litigation. Jim 'You name the air disaster, we've done it' Kreindler says the firm will be taking 'considerably less' than the customary 30 per cent contingency fee. They'll probably skim a modest 10 per cent instead, which should generate around \$30 million for the 12-man law firm. Hence the smiles on Lee and Jim's faces.

Nevertheless, for most of the American victims' families, the money isn't going to be enough. They have said they won't be satisfied until they have blood as well.

It is perhaps a revealing insight into national character that there is a straight split between British and American families on this issue. Bert Ammerman, the leader of The Victims of Flight 103, has continuously lobbied for military action

against whichever country turns out to have been responsible for the bomb. Jim Swire, the donnish doctor who leads the British equivalent, has pleaded for restraint, stressing at every opportunity that blood vengeance is the last thing that would please him and the British families he represents.

President Bush is unlikely to be swayed by the moderate doctor from Bromsgrove. According to Bert Ammerman, the President solemnly promised him military action would follow once Lockerbie's perpetrators were identified. In an election year, that may be one promise Bush is tempted to keep.

Past American responses to terrorism — possibly a more reliable guide to what Bush will do than his promises — suggest violent retaliation. The Berlin disco bombing of April 1986 cost the life of a single American soldier. The American response was to bomb Libya. That raid cost over one hundred Libyan lives, including Gaddafi's two-year-old daughter. If the death of one GI was thought to justify that, what response would be adequate to the murder of 250 American civilians?

Violent retribution is clearly coming.

The only problem is whom to hit. The answer to that question obviously depends on who was responsible for Lockerbie. Right? Wrong. The deciding factor isn't who was responsible, but who can be hit without damaging any of America's current interests in the Middle East.

To see that, go back again to America's last retaliatory raid. The 'clear, decisive and irrefutable' evidence which the State Department used to identify Libya as responsible for the Berlin disco bomb was a series of communications intercepts which showed Tripoli congratulating its Berlin bureau the day after the explosion. These intercepts were all that ever pointed to Libyan involvement. But they were thought more than enough for Reagan and his then deputy, George Bush, to order the raid.

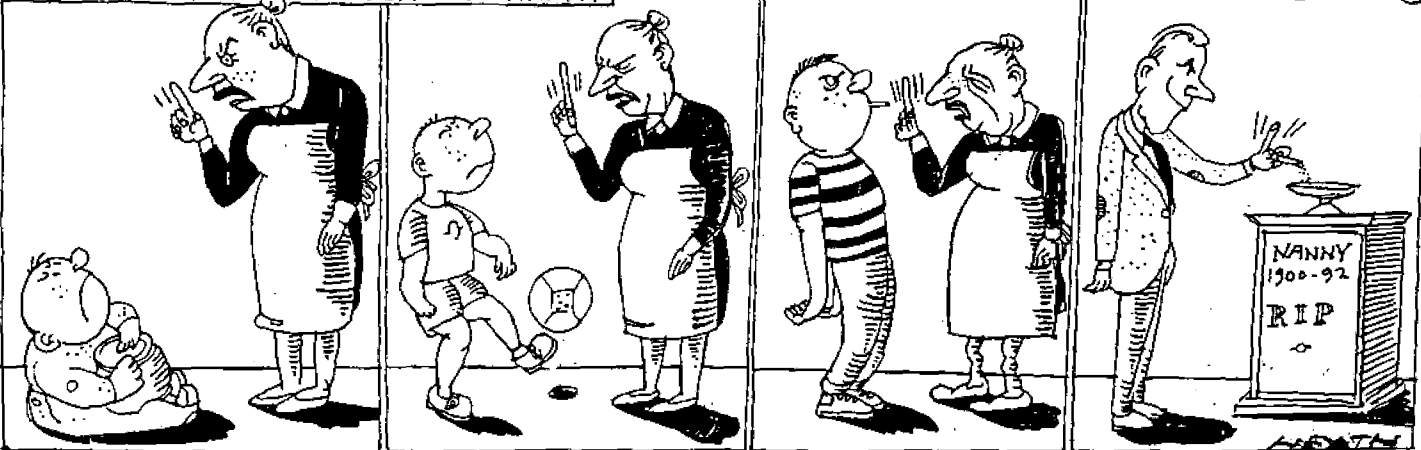
Intercepts of a strikingly similar nature were made available soon after Lockerbie. These intercepts were even clearer in pinpointing responsibility in that they actually showed money — \$12 million — being transferred as payment for the successful destruction of Pan Am's Flight 103. The only difference was that this time the country congratulating the terrorists on a job well done was not Libya. It was Iran. And the money was being paid to a terrorist group headquartered in Syria and led by the Palestinian, Ahmed Jibril.

No one has denied the authenticity of the intercepts, or the interpretation of them. It was the Americans who first pointed them out. Up until Saddam Hussein invaded Kuwait, the CIA's Anti-Terrorist Department would explain their significance to any journalist who asked about them. Privately, Foreign Office and even State Department officials, will acknowledge that the intercepts demonstrate that Iran was the prime mover behind the bombing, and that Syria must take some responsibility for it. But the Iranian intercepts won't be used as evidence to demonstrate Iranian and Syrian involvement. Why

## THE OUTLAW

*Michael Heath*

MICHAEL COMMON THINKS BACK OVER THE YEARS, AND REMEMBERS HIS DEAR OLD NANNY





not? 'National security. They would reveal too much about our eavesdropping capacity,' officials from the CIA's anti-terrorist section and the Foreign Office's Security Co-ordination Committee told me.

For 'national security' read 'political convenience'. Syria and Iran are now our friends. They helped release the hostages and they helped defeat Saddam. No one wants to offend them, let alone drop bombs on them. In the Middle East, with Iraq crippled and the peace conference underway, Syria and Iran are the two major powers. There is everything to play for. And the United States and Britain intend to make sure the play goes their way.

So the world is not going to wake up one morning to discover that American jets have bombed Teheran or Damascus. Iran and Syria are not even going to suffer diplomatic sanctions. Instead, they will be sent arms and given trade credits. And the intercepts which, just a few years ago, would have been claimed as 'clear, decisive and irrefutable' evidence that Ali Akbar Mohteshemi, Iran's Interior Minister in 1988, commissioned Ahmed Jibril, head of the PFLP-GC, a Palestinian terrorist group then based in Damascus, Syria, to organise the bomb that killed 271 innocent people, will be suppressed.

Libya is an entirely different matter. Colonel Gaddafi has few friends and precious little influence. The country is an ideal candidate for a bombing raid. It can't damage US interests, and it can't hit back.

The only problem is how to pin the blame for Lockerbie onto Libya.

Which is not to say that Libyans had nothing at all to do with the explosion. They almost certainly did. The two Libyans indicted for the bombing last November — Abdel Baset Mohamed Ali al-Megrahi, and Al-amin Khalifa Fhimah — are very likely the men who physically placed the bomb in the international baggage system, with a stolen baggage tag which ensured it would be transferred to Pan Am Flight 103. But in all the talk about the need for 'justice' and the importance of punishing them for what they did, both the American and British governments are conveniently forgetting who ordered them to do it. In a normal murder trial, the prosecution would hold the men who ordered and paid for a killing to be as guilty as the men who actually pulled the trigger. And the Iranians were quite frank about their desire to revenge the shooting down of the Iranian air bus by the USS *Vincennes* in the five months before Lockerbie. Ayatollah Khomeini promised that it would be avenged in the 'blood-splattered skies'.

Yet America, with Britain in tow, seems about to compensate for its diplomatic inability to touch Syria and Iran by hammering Libya. Many of the diplomatic moves which preceded the 1986 raid on Gaddafi's bunker were lined up last week: an air embargo, an arms embargo, together with a warning from the State Department and the Foreign Office to all

Americans and Britons to leave as fast as possible. Gaddafi is clearly a worried man. In an attempt to placate the United States, he has agreed to hand over the two suspects to the Arab League, who will probably hand them to the West. Gaddafi's hope is that this will be enough to satisfy George Bush. But if the President persists in identifying Gaddafi as solely responsible for the deaths of 250 American civilians, it is not clear how it can be.

If America does decide it needs to exact blood vengeance from Libya as well as the conviction of al-Megrahi and Fhimah, let us hope someone tightens up air security afterwards. For as things stand, Lockerbie could happen again, tomorrow, with revenge-hungry Libyans able to crawl through exactly the same security loophole that led to the destruction of Flight 103. Kreindler and Kreindler are going to win in New York because nine months before Lockerbie, Pan Am discontinued the one security procedure which almost certainly would have prevented the disaster: the matching of bags to passengers. Dropping the precaution broke the rules and probably saved Pan Am a few thousand dollars. It also ensured that when the unaccompanied bag containing the bomb was transferred onto Pan Am Flight 103, no one bothered to take it off the plane. The staggering fact is that almost every airline based in Europe followed, and still follows, Pan Am's example. Despite an International Civil Aviation Organisation rule which forbids it, unaccompanied bags are routine-

## If symptoms persist...

ONE OF THE hospital managers gave us a lecture last week on the forthcoming reforms of the Health Service. We've been through reforms before, of course: they're like the epidemics of Asiatic cholera that swept through Europe every ten years or so during the first half of the 19th century, terrorising the population. The problem with cholera is that it doesn't leave you immune from the next attack — just like reforms, in fact.

In the past, the reorganisations of the Health Service have in practice been less than fundamental, adding two or three layers to the bureaucracy and giving new titles to old employees. The principal effect in our hospital of one of these reorganisations, as far as I recall, was the appointment of an Auxiliary Services Manager (Laundry), after which my ward suffered a severe shortage of sheets and a huge, indeed overwhelming, surplus of X-ray gowns. But we were assured that the present reforms were altogether more far-reaching in scope.

I must admit that the manager did a good job of explaining what he called the 'philosophy' behind the proposals. They will involve a complete 'culture change', he said: the rigours of market competi-

tion will replace the cosy monopoly in medical care that has existed heretofore. At this point, the manager soared effortlessly upwards into the poetic realm of analogy. The relationship between those who held the purse-strings in the brave new Health Service and those who actually provided the medical care would be like the relationship between Marks and Spencer and the manufacturers of their underwear.

According to the manager, the Government had been much impressed by the efficiency of Marks and Spencer when drawing up its reforms of the Health Service, and had used the company as a model. 'What,' interjected a doctor in the audience, 'about our sandwiches?' Could we now look forward to sandwiches of a quality to match Marks and Spencer's at our clinical conferences? Everyone was agreed that if the reforms could do that, there might be something to be said for them after all.

The analogy between doctors and

manufacturers of underwear did not please everyone, however. It is not that we doctors have anything against such manufacturers, but we think of our profession in rather more elevated terms. We are learned men, with half-moon spectacles. Besides, we don't want the public complaining about what we do in the way that, presumably, they complain about underwear. Another of the lamentable ideas behind reforms is that doctors should be accountable for what they do (though not to the public, only to accountants).

Speaking for myself, I don't want anyone breathing down my neck, examining whether my patients stay more days than necessary in hospital, fail to get better, are prescribed too many drugs, have to wait too long for an appointment etc. I want to be a free agent, to throw tantrums when I feel like it, to bury my mistakes in silence etc. If I were a Californian, I might say that I want to be me. What's the point of all those years of study and toadying to senior doctors one couldn't abide if, at the end of it all, one still has a boss?

Theodore Dalrymple

ly carried on planes. The Aviation Minister, Lord Brabazon of Tara, has admitted bluntly stating that 'positive reconciliation of transfer bags is not practiced at any major airport.'

Translated into English, what that means is this: book a journey which involves a change of planes and airlines — as the Lockerbie bombers did — and no one will check whether you travel on the same connecting flight as your luggage. If you used an identical bomb to the one that destroyed Pan Am flight 103, no one would be able to trace it. The Lockerbie bomb was the third timethe world's terrorists have successfully exploited that loop-hole. It is a terrifying monument to official inertia that nothing has been done to close it.

If a fraction of the energy being poured into mobilising world opinion in favour of punishing Libya for the Berlin disco bomb had gone into ensuring onesimple security precaution was in place, the Lockerbie air disaster would not have happened. As it is, the next civilian airliner to go down is likely to be destroyed by exactly the same method which destroyed the last one. When it happens, Kreindler and Kreindler will be there to pick up the pieces.

*Alasdair Palmer works for Granada Television. Why Lockerbie?, a drama-documentary film on the disaster, was based on his investigation.*

# MAKE THE MONEY AND RUN

*Stephen Robinson on the presidential ambitions of a gung-ho Texan multi-billionaire*

*Washington*  
JUST AS the November presidential election seemed to be settling down as a dull two-horse race between George Bush and Bill Clinton, the devil you don't know, a Texan multi-billionaire, is threatening to make it interesting again.

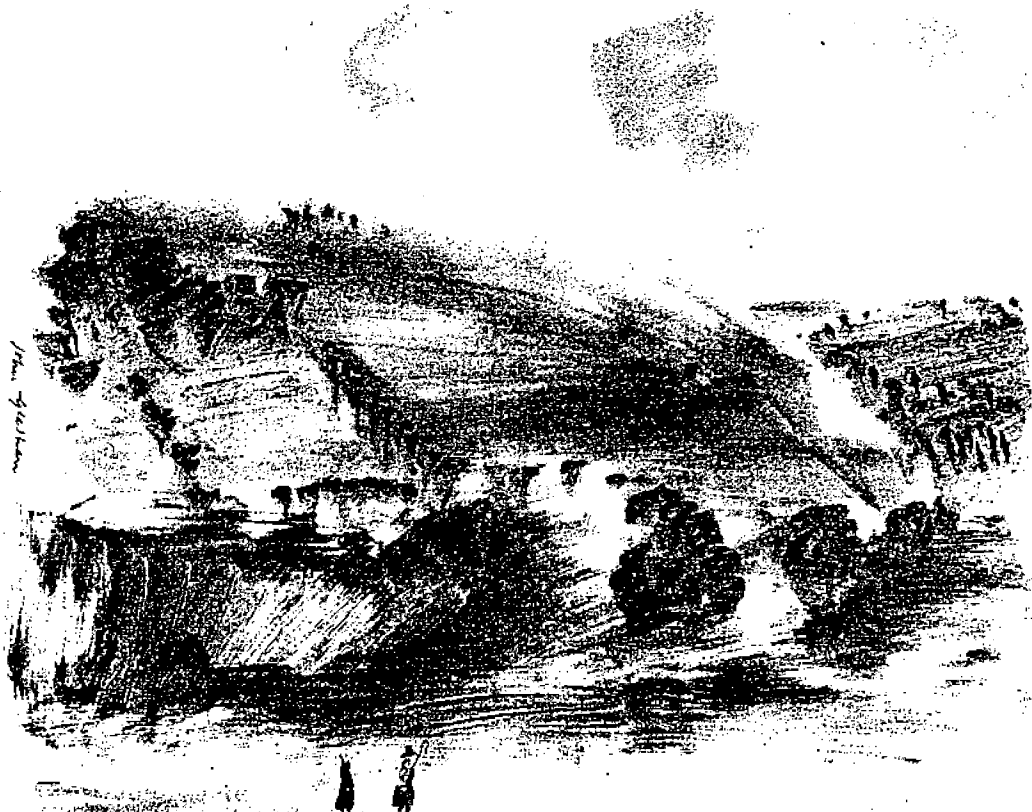
H. Ross Perot is 61 years old, jug-eared with a Marine crew cut, and has all the driving ambition of a man who stands only 5ft7ins in his socks. He is implausibly rich and, judging by the mean look in his eye during television interviews, he has given in the past few days, he could be deadly serious about running for the presidency, on an independent ticket.

Incredibly, a campaign which he claims

began as a bit of a lark with a radio interview a few weeks ago is gathering enough momentum to put the wind up the Bush campaign. 'You have to take seriously anybody who's got \$2 billion in the bank and wants to run for president,' says Charles Black, a Bush campaign strategist, nervously.

Perot's associates in Texas have long suspected he might take a run for the White House. 'If someone as blessed as I am is not willing to pick up a shovel and clean out the barn, who will?' he asks disingenuously.

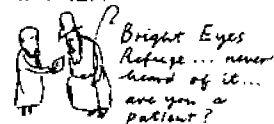
'Things don't just happen with H. Ross Perot,' says an associate who has known him for some years. 'If he enters the race



1. Good morning, shepherd, could you direct me to the asylum?

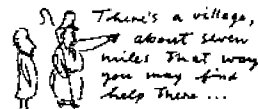
Asylum? I'm not aware of any asylum in this vicinity.

2. That's odd, it should be here, according to this letter.



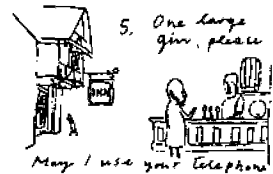
Bright Eyes Refuge... never heard of it... are you a patient?

3. No, I'm the new Lobotomy Consultant.



There's a village, about seven miles that way, you may find help there...

4. Two Hours LATER:



5. One large gin, please.

May I use your telephone?



Bright Eyes Refuge, please...

7. ... but the new Lobotomy Consultant arrived about two hours ago — a charming man with a shepherd's crook...





BUREAU POPULAIRE DE LA JAMAHIRIYA  
ARABE LIBYENNE POPULAIRE SOCIALISTE  
BRUXELLES



لاد بمقراطيه بدون  
مؤتمرات شعبية

Avenue Victoria 28 - 1050 Bruxelles  
Tél. 649.21.12 - 649.21.13  
Telex 23398

المكتب الشعبي  
للجمهورية العربية الليبية  
الشعبية الاشتراكية  
بروكسيل

REF.:

8/9/247

Bruxelles, le 2 avril 1992

Monsieur,

J'ai l'honneur de vous transmettre ci-joint la réponse libyenne aux questions posées par le juge Schwebel aux deux parties à la fin de l'audience, tenue le Samedi 28 mars 1992 à 15 heures 30 et consacrée à la demande en indication de mesures conservatoires (Jamahiriya arabe libyenne c. Etats-Unis d'Amérique; Jamahiriya arabe libyenne c. Royaume-Uni).

AL-FAITOURI SH. Mohamed  
AGENT DE LA JAMAHIRIYA ARABE LIBYENNE  
PRES LA COUR INTERNATIONALE DE JUSTICE

Mr. Eduardo VALENCIA-OPSINA  
Le Greffier  
Cour Internationale de Justice  
Palais de la Paix 2817  
LA HAYE



## Réponses de la Libye aux questions de Monsieur le juge Schwebel

La Libye croit comprendre que les trois questions posées par Monsieur le juge Schwebel consistent à interroger les Parties sur le point de savoir si la Convention de Montréal (en divers articles, notamment 10 et 12) s'applique lorsque la "personne" qui a commis l'infraction et qui est définie à l'art. 1er se trouve être un agent de l'Etat qui aurait agi "in pursuance of the purposes of that State" (dans l'exécution des desseins de cet Etat ?). Pour la Libye, la réponse est affirmative dans les trois cas pour les raisons développées ci-dessous.

Avant d'aborder cette démonstration la Libye se doit toutefois de signaler que l'hypothèse considérée par Monsieur le juge Schwebel s'appuie sur une qualification des faits, alléguée par le Royaume-Uni, que la Libye rejette totalement et que dès lors, les questions posées ont un caractère purement théorique.

### Question n° 1

1. La réponse aux deux parties de la question n° 1 est "oui" : d'une part la convention est parfaitement applicable à des personnes agissant en tant qu'~~organes~~ agents de l'Etat, d'autre part, rien ne s'oppose *a priori* à la poursuite de ces personnes par l'Etat dont ils sont les agents.

agents

### Commentaire

#### 1ère sous-question

2. L'art. 1 de la Convention de Montréal, qui détermine le champ d'application personnel de la Convention, vise "toute personne" (art. 1er § 1, 1ère proposition; art. 1er § 2, 1ère proposition; aussi art. 6 § 3), sans la moindre exception. Cela implique que "conformément au sens ordinaire à attribuer aux termes du traité" (Convention de Vienne de 1969 sur le droit des traités, art. 31 § 1), la convention s'applique aussi bien à des particuliers qu'à des fonctionnaires de l'Etat, même s'ils agissent en qualité officielle.

3. La Convention doit donc s'appliquer au cas où l'infraction a été commise par un fonctionnaire. Il est certain que si les Etats contractants avaient voulu introduire une exception de cette nature, ils l'auraient dit (*infra* §§ 6-8). Il est peu probable que telle ait pu être leur intention tant il est vrai qu'il est tout à fait possible d'imaginer que des agents de l'Etat, un policier, un gendarme, un militaire, un vigile, mais aussi d'autres fonctionnaires, apparemment paisibles, cachent une vocation de terroriste.

4. Cette conclusion résulte d'abord du texte de la Convention - "toute personne" - considéré dans son sens ordinaire (*supra* § 2) car les travaux préparatoires restent à peu près muets à ce



sujet. Tout au plus, lors de la conférence diplomatique à Montréal, la délégation tchèque avait-elle proposé que dans l'hypothèse où les faits visés par la Convention seraient commis

"by an employee of a State or airport authority or, for example, by someone entrusted with the regulation of air navigation safety (...) the convention should provide that the authority concerned must also bear responsibility for the act or omission in question." (I.C.A.O., *Int. Confer. on Air Law*, Montreal, Sept. 1971, doc. 9081-LC/A0-1, vol. 1, *Minutes*, p. 46 § 38).

Le Président de la Commission plénière avait alors répondu que :

"That point might perhaps be covered by means of an exclusion in Art. 4" (*Ibid.*).

En fait, la question ne semble plus avoir été débattue en séance ou en commission plénières; l'exclusion suggérée par le Président ne figure pas à l'art. 4, et la Convention ne stipule nulle part ailleurs que l'expression "toute personne" se limiterait aux seuls particuliers.

5. Les travaux préparatoires de la Convention de La Haye de 1970 pour la répression de la capture illicite d'aéronefs qui emploie la même expression - "toute personne" (art. 1er; art. 6 § 3) -, ne montrent pas davantage que la Convention ne s'appliquerait pas à des agents de l'Etat. Au contraire, on n'a pas retenu l'expression de "piraterie" aérienne pour qualifier l'infraction visée par la Convention. A la Colombie qui avait proposé cette qualification (O.A.C.I., *Conférence internat. de droit aérien*, La Haye, déc. 1970, Doc. 8979-LC/165-1, vol. 1, Procès-verbaux, p. 37 § 3), le Royaume-Uni répondit que

"l'emploi du terme 'piracy' pourrait causer une certaine confusion avec l'expression 'piracy jure gentium'" (*Ibid.*, p. 38 § 7; voy. aussi les oppositions de la Yougoslavie et de l'Inde, *ibid.*, pp. 38-39, §§ 9 et 17; voy. aussi GUILLAUME, G., "La Convention de La Haye du 16 décembre 1970, pour la répression de la capture illicite d'aéronefs", *A.F.D.I.*, 1970, p. 39).

Ce qui tendrait à montrer que là aussi on ne voulait pas limiter l'infraction aux faits commis par des personnes privées puisque le caractère privé de la piraterie est un des éléments constitutifs de l'infraction (voy. Convention de Genève du 29 avril 1958 sur la haute mer, art. 15, 1°; Convention de Montego Bay du 10 décembre 1982 sur le droit de la mer, art. 101, a).

6. Ce qui en revanche est beaucoup plus significatif pour fonder la thèse selon laquelle l'expression "toute personne" vise aussi bien des particuliers que des agents de l'Etat, c'est le fait que chaque fois que les Etats ont voulu limiter le champ d'application d'une convention de droit pénal international à certaines catégories de personnes, ils n'ont pas manqué de le préciser. C'est ainsi que la piraterie, comme on vient de le rappeler, est expressément limitée à des faits

"commis pour des buts personnels par l'équipage ou les passagers d'un navire privé ou d'un aéronef privé..." (nous soulignons) (Conv. de Genève de 1958, art. 15, 1° et Convention de Montego Bay, art. 101, a).

De même, la Convention internationale contre le recrutement, l'emploi, le financement et l'entraînement de mercenaires du 4 décembre 1989 limite la définition du mercenaire à des personnes privées, c'est-à-dire

"... toute personne qui

a...

b...

c...

d. N'est pas un membre des forces armées d'une Partie au conflit; et

e. N'a pas été envoyée par un Etat autre qu'une partie au conflit en mission officielle, en tant que membre des forces armées dudit Etat" (art. 1 § 1; aussi art. 1 § 2, d et e)."

De même encore, la Convention des Nations Unies du 10 décembre 1984 contre la torture et autres peines ou traitements cruels, inhumains ou dégradants limite son champ d'application *ratione personae* à des agents de l'Etat et à des personnes agissant *de facto* pour le compte de l'Etat. Des faits de torture commis par des particuliers ne sont pas visés par la Convention. L'art. 1er § 1 de la convention ne retient en effet, aux fins de la Convention, que les douleurs ou souffrances

"infligées par un agent de la fonction publique ou toute autre personne agissant à titre officiel ou à son instigation ou avec son consentement exprès ou tacite."

7. Il en résulte, *a contrario*, que dans les instruments réprimant le terrorisme international tels que les Conventions de La Haye de 1970, de Montréal de 1971, de New York de 1973 (infractions contre les personnes internationalement protégées) et 1979 (prise d'otages), de Vienne de 1980 (protection physique des matières nucléaires), de Rome de 1988 (sécurité de la navigation maritime), les expressions "toute personne" ou "quiconque" doivent être comprises, conformément d'ailleurs à leur sens ordinaire et premier, comme visant aussi bien des personnes privées que des personnes agissant *de jure* ou *de facto* pour le compte de l'Etat.

8. Cette thèse trouve confirmation dans les travaux préparatoires des conventions des Nations Unies du 17 décembre 1979 contre la prise d'otages et de l'O.M.I. du 10 mars 1988 pour la répression d'actes illicites contre la sécurité de la navigation maritime.

Dans le cas de la première, la R.F.A. avait déclaré que l'art. 1er de la Convention ("Commet l'infraction de prise d'otages au sens de la présente Convention, quiconque s'empare d'une personne...")

"covered the case of a person who, acting on behalf of a public institution or a State, committed an offence within the terms of this convention" (cité par SHUBBER, S., "The International Convention against the Taking of Hostages", *B.Y.B.I.L.*, 1981, p. 212).

Dans le cas de la deuxième convention, la délégation du Koweït avait proposé l'inclusion d'une disposition prévoyant que l'art. 3 de la Convention (qui définit les infractions) s'appliquerait aux infractions commises par une personne agissant pour le compte d'un gouvernement. Bien que les participants fussent d'accord avec l'idée que la Convention devait s'appliquer "to all types of international maritime terrorism, regardless of who the offender may be", la proposition du Koweït fut toutefois rejetée car

"it was felt that such an inclusion was not necessary as Art. 3 applies to 'any person' and therefore does not regard status as a defence." (WILLIAMS, S.A.,

"International Law and Terrorism : Age-Old Problems, Different Targets", *A.C.D.I.*, 1988, p. 108; dans le même sens, MOMTAZ, D., "La Convention

pour la répression d'actes illicites contre la sécurité de la navigation maritime", *A.F.D.I.*, 1988, p. 595).

### 2ème sous-question

9. Si la Convention de Montréal s'applique aux agents d'un Etat qui auraient commis un fait visé par la Convention, il en résulte que cet Etat doit poursuivre ces personnes s'il ne les extradé pas, conformément à ce que stipule l'art. 7 de la convention. Le fait que ces personnes sont des agents de l'Etat ne supprime pas l'application de la Convention. Tout le système de répression des crimes de guerre et des actes de génocide fonctionne sur base du même principe. Si les forces armées d'un Etat commettent des crimes de guerre, le premier devoir de cet Etat est de réprimer ces crimes. Ainsi, l'art. 49 (I), 50 (II), 129 (III) et 146 (IV) commun aux 4 Conventions de Genève du 12 août 1949 impose à chacune des H.P.C.

"l'obligation de rechercher les personnes prévenues d'avoir commis, ou d'avoir ordonné de commettre, l'une ou l'autre de ces infractions graves et elle devra les déférer à ses propres tribunaux, quelle que soit leur nationalité. Elle pourra aussi, *si elle le préfère, et selon les conditions prévues par sa législation*, les remettre pour jugement à une autre Partie contractante intéressée à la poursuite..." (nous soulignons) (voy. aussi 1er Protocole du 8 juin 1977 additionnel aux Conventions de Genève de 1949, art. 85-87).

Bien qu'il s'agisse d'infractions commises par des agents de l'Etat dans l'exercice de leurs fonctions, cet Etat doit assurer la répression de ces actes, même si ces crimes sont commis sur l'ordre de supérieurs. Si l'Etat n'assure pas cette répression, il encourt une responsabilité pour cette omission, responsabilité distincte de la responsabilité qu'il encourt déjà pour le crime de guerre commis par le militaire à son service (cfr. Règlement annexe à la 4ème Convention de La Haye du 18 octobre 1907, art. 3 et 1er Protocole additionnel de 1977, art. 91).

10. De même, si des faits de génocide sont commis par les autorités d'un Etat sur son propre territoire, il n'en demeure pas moins que selon l'art. VI de la Convention pour la prévention et la répression du crime de génocide, les personnes qui sont les auteurs présumés de ces faits

"seront traduites devant les tribunaux compétents de l'Etat sur le territoire duquel l'acte a été commis, ou devant la cour criminelle internationale..."

On pourrait aussi imaginer des cas similaires en matière de trafic de drogues dans le but de faire rentrer de l'argent dans les caisses de l'Etat.

11. Dans le domaine de la responsabilité de l'Etat, on trouve des situations analogues où l'épuisement des voies de recours internes permet de redresser les actes de fonctionnaires ayant agi sur ordre contrairement au droit international. Ce n'est que lorsque les recours auront été épuisés, et si ceux-ci n'aboutissent pas, que l'Etat mis en cause pourra voir sa responsabilité internationale engagée (voy. Projet d'articles sur la responsabilité des Etats, art. 22, *Ann. C.D.I.*, 1977, II, 2ème partie, pp. 31 ss.; pour la différence entre la responsabilité criminelle



personnelle des suspects et une responsabilité hypothétique de leur Etat, *cfr.* la plaidoirie du professeur Salmon, *in* CR 92/2, p. 50).

**12.** Les conventions de droit pénal international, sauf disposition contraire, obligent donc l'Etat à réprimer des faits commis par ses propres organes.

Tel est d'ailleurs le sens des résolutions de l'Assemblée générale des Nations Unies adoptées dans le domaine du terrorisme international. Ainsi, la rés. 40/61 du 9 décembre 1985

"7. Demande instamment à tous les Etats de ne laisser aucune circonstance faire obstacle à l'application des mesures appropriées d'exécution des lois prévues dans les conventions pertinentes auxquelles ils sont parties aux personnes qui commettent des actes de terrorisme international visés par ces conventions" (nous soulignons) (voy. dans un sens analogue, rés. 46/51 du 9 décembre 1991, § 4, b).

Bien entendu, si l'Etat s'abstient de procéder à cette répression, il viole la convention pertinente et met en jeu sa responsabilité internationale.

Questions 2 et 3

1. Par identité de motifs, les réponses à ces questions sont affirmatives : dès lors que la Convention de Montréal vise aussi bien les faits de particuliers que des faits commis par des personnes agissant pour le compte d'un Etat, la Convention s'applique en chacune de ses dispositions aux faits de ces personnes.

2. De manière générale, il faut rappeler que la violation d'une convention par un Etat ne supprime évidemment pas l'applicabilité de la convention à cet Etat, sinon cela conduirait à la désintégration du fondement même de la règle de droit : il suffirait qu'un sujet de droit n'applique plus la règle qui le lie pour que cette règle ne lui soit plus applicable !



# Gaddafi seems ready to turn and fight back

The Libyan leader may have decided he has nothing to lose by defying what Arabs see as US hegemony, writes Patrick Cockburn

"IF Gaddafi decides the Americans want his head — and there is no room for compromise — then he will fight it out," said a senior European ambassador in Tripoli, the Libyan capital, a month ago. He argued that ever since two Libyans were indicted for the Lockerbie bombing, Colonel Muammar Gaddafi, the Libyan leader, had surprised his own people by his moderate stance.

Within Libya, where people had expected Col Gaddafi to respond with an anti-American campaign, his appeal to international legality had a positive effect. The ambassador continued: "In November and December people were at first very critical of the government, thinking the crisis was the result of another of their leader's escapades. After the UN resolution on sanctions, the mood changed.

They feel they are all now under pressure. They think that the Americans want to get rid of Muammar Gaddafi and impose control on Libyan oil." The attack on the Western embassies

**"The US anti-terror campaign is aimed less at fighting terrorism than redrawing the map of the region"**

in Tripoli marks an about turn in Libyan policy. Col Gaddafi appears to have fulfilled the ambassador's expectations. Once the United Nations Security Council had passed its resolution on Libya and the Arab League had failed to come up with a compromise, Col Gaddafi and the Libyan leadership appear to have concluded they have nothing to lose.

The new militancy — and a change in Libya's attitudes — was predicted in other quarters. Khairallah Khairallah, the influential columnist on the London-based Arab daily *al-Hayat*, wrote at the end of March that Libya "will, within the next few weeks, begin dealing with the Lockerbie affair from a new angle, the angle of saving the regime".

The new angle chosen by Col Gaddafi, assuming he arranged the demonstrations, attacks on embassies and threats against foreign interests, is to show he will not come quietly. A month ago Mohammed Heikal, the Arab commentator, said the Libyan leader had reacted to Western threats "like a threatened mouse", and concluded that the lesson of Iraq's devastation had been well learned in the Arab world.

By shifting from conciliation to

confrontation, the Libyan leader appears to have decided he has nothing to lose and possibly something to gain. Although the Arab League was not supportive, public opinion in the Arab world is much more united in backing Libya than it was towards Iraq during the Gulf crisis. There are two main reasons for this. The first is the singling out of Libya for punishment over Lockerbie despite the widespread belief that the prime mover in the attack on the plane was Iran, seeking revenge for the shooting down of its civilian aircraft by the *USS Vincennes* in 1988.

The second cause for Arab misgivings is hostility towards the "new world order" in the Middle East which, since the Gulf crisis, has increasingly seen US predominance in the region as a form of colonial hegemony. Atef al-

Ghomari, writing in the semi-official Egyptian daily *al-Ahram*, typified this attitude when he wrote this week that the current "anti-terrorist campaign by the US is aimed less at

combating terrorism than redrawing the map of the region".

Within Libya it is unlikely Col Gaddafi faces any real threat. The secular opposition, led by the National Front for the Salvation of Libya, was able to put some 400 men into the field against Libyan government forces in Chad in the mid-1980s. Most of these have now been evacuated to the United States. Diplomats in Tripoli believe the government is solidly entrenched. There are some 600 to 800 political prisoners but most, according to human rights organisations, are Islamic fundamentalists picked up in 1988-90. They belonged to small groups of religious dissidents rather than any larger organisation.

Within the government, the army has declined in importance since its defeat in Chad. This does not mean Col Gaddafi can draw on a vast constituency of support, but the opposition, in a politically passive country, is also weak. A coup at the top would also be difficult because many of the top leaders come from Col Gaddafi's own tribe or allied tribes. As one diplomat said in Tripoli: "After 23 years in power Gaddafi has effective control and plenty of experience in holding on to it."



cookson

Tue Sep 8 16:18 page 1

SLUG	WRITER	STATUS	TIME
	cookson	READY	2:36

Press conference Tuesday September 8 1992. at 2pm. with AMBASSADOR PETER BURLEIGH. Co-ordinator for counter-terrorism department of state.

Sat. link with washington and journalists in Tunis and Berne.

It's our opinion and the Dept of Justice that there's strong evidence that the bomb was loaded at Malta. We're aware of what Air Malta is saying ...there's a difference of opinion. In the last 10 months since the indictment nothing has come to light to change our view.

There's an effort to discredit US GB and France. Monza al Kasar is in my view a bad source of information. No need to take him seriously. In view of information that's come to light we have no basic second thoughts about our original view.

We want justice. We have indicted two men who are members of the Libyan intelligence agency and we want a trial. Our justice department believes we have a case and I would say we want the Libyans to comply with French demands. And to cut ties with international terror groups.

We're looking for Libya to act in a way substantially different with its past history. The burden is on Libya to change and we're insistent that a government that supports terrorism should cease. Given the history of the last 20 years doesn't leave optimism that's possible.

Question about electronic chips supplied by mebo to Libya. No new information.

Ill informed question about sanctions. Burleigh sets out real position. nothing new.

If Libya wants to show commitment to comply with UN sanctions it can do. Either through the media or the UN. We also have representatives at the Belgian embassy in Tripoli and they can communicate through that.

There are no lack of channels. But we're looking for action.. not words. Various Libya officials have denounced terrorism but we need action.

Talks about sanctions in general.

And any change in Libya position must be confirmed through Security Council.

There've been no meetings between Libyan officials and American officials on the Lockerbie crisis.

He talks about Syrian involvement in terrorism generally.

Lockerbie.

Asked about Syrian an Iranian role in Lockerbie. Rules out PFLP GC link and says investigation in last 1 and a half shows that Syria and Iran had no hand in the matter. We have ~~very~~ compelling evidence and in our judgement that two Libyans bombed Pan Am 103.

Nothing has changed since November 1991 that would lead us to check the facts in this case.

We've had 10 months of no action. Now we want action. ~~And~~ 2 men should be handed over.

Libya has links with a wide range of terrorist organisations.

Asked question of involvement of Libyan diplomat in Berne. Sd he had no knowledge.





## APPENDIX ONE: RESOLUTION FOR ORGANISATIONS

### **This organisation notes:**

- i. That United Nations Security Council Resolution 748 imposes a total ban on air travel to Libya, and on the supply of maintenance and spare parts for aircraft;
- ii. That the resolution came into effect on April 15th this year - the sixth anniversary of the bombing of Tripoli and Benghazi by British-based US warplanes;
- iii. That the sanctions have had serious effects on the lives of ordinary Libyans, that they have disrupted the provision of health services in that country, and that they have thereby led to the deaths of innocent civilians;
- iv. That numerous individuals and organisations, including MPs, lawyers, relatives of the Lockerbie victims and representatives of the Christian and Islamic faiths, have called for the lifting of the sanctions on humanitarian grounds;

### **This organisation believes**

- i. That those responsible for the Lockerbie bombing must be brought to justice;
- ii. That the two accused Libyans remain innocent unless and until proven guilty;
- iii. That - owing to prejudicial media coverage - it would be very difficult for the two accused to get a fair trial in Britain or the US;
- iv. That the best solution would be a trial of the two accused in a neutral country acceptable to all the parties to the dispute and an international inquiry to establish the truth of the Lockerbie bombing and make appropriate recommendations;

### **This organisation resolves**

- i. To write to the Secretary General of the United Nations; the British Foreign Secretary and the President of the USA, to make these views clear;
- ii. To back campaigning initiatives launched in support of these objectives.



HOUSE OF COMMONS  
LONDON SW1A 0AA

17.10

# **REPORT OF A FACT FINDING DELEGATION TO INVESTIGATE THE EFFECTS OF THE SANCTIONS IMPOSED ON LIBYA BY UNITED NATIONS SECURITY COUNCIL RESOLUTION 748.**

**John Austin Walker MP, Bernie Grant MP,  
Bob Parry MP, Alan Simpson MP**

**Mustaq Ahmed, representing Jimmy Hood MP  
Angela Beveridge, representing Tony Banks MP  
Andy Erlam, representing Carole Tongue MEP  
Ramzi Mussalam, representing John Cummings MP**

## One: Introduction.

- i. The delegation, headed by MPs Bernie Grant, Alan Simpson and John Austin-Walker, visited Libya as guests of the Libyan Foreign Ministry between 15-18th September 1992.
- ii. The delegation's objectives were three-fold:
  - a) To investigate reports that UN sanctions were having severe consequences for the civilian population of Libya, particularly in regard to the provision of health care;
  - b) To seek the views of the Libyan government and other concerned parties on the Lockerbie question;
  - c) To make clear to the Libyan authorities our belief that there must be a fair trial for the two persons accused of the Lockerbie bombing at the earliest possible opportunity, and to discuss potential mutually acceptable venues for such a trial.
- iii. Throughout our visit, the delegation maintained a fiercely independent and critical attitude, questioning everything that we were told or shown. During a number of robust sessions, we vigorously put to the Libyan authorities the allegations made against them, and challenged their responses where we found them inadequate.
- iv. On such a brief visit, it was obviously not possible to fulfil all the objectives to our total satisfaction. Nevertheless, we were able to open a potentially useful dialogue about the Lockerbie crisis with both the Foreign Ministry in Tripoli and with legal representatives of the two accused men. Our visit also provided us with an opportunity to see for ourselves some of the effects of UN sanctions, and it is primarily with these that we deal in this report.

## Two: The Lockerbie Crisis

- i. On November 14th last year, the British and US governments issued warrants for the arrest of two Libyan citizens that they alleged were responsible for the bombing of Pan Am flight 103 over Lockerbie in December 1988.
- ii. The Libyan authorities responded by taking the men into custody and complying with the relevant piece of international legislation - the Montreal Convention.
- iii. The Convention imposes an obligation on the state on whose territory the suspects in such crimes are apprehended (in this case Libya) to investigate the allegations and, if a prima facie case exists, try the crime with the full vigour of its law.
- iii. The British and US governments, however, demanded the hand over of the two men, in the absence of any extradition treaties. They also refused to make available to the Libyan judiciary the evidence which they had collected and which would have enable the competent Libyan authorities to fulfil their obligations under the Montreal Convention to investigate and try the case.
- iv. Handing over the two men in the absence of any extradition treaties would be unprecedented in international law and illegal according to the Libyan constitution and penal code.
- v. The United Nations Security Council subsequently passed a resolution (UNSCR 731) calling on the Libyan government to co-operate with the efforts of the British and US authorities to bring the Lockerbie culprits to justice. Interpretations of the exact meaning of this call varied, and the Libyans continued to maintain that any co-operation could only be extended within the context of the Montreal Convention.
- vi. The Security Council subsequently passed a further resolution (UNSCR 748), imposing (among other measures) a total air embargo on Libya

See inside back cover for conclusions and recommendations

### Three: Effects of UN Sanctions on Health Services

- i. The delegation made an unscheduled visit to the Burns and Plastic Surgery centre in Tripoli. The centre is one of Tripoli's six specialist hospitals providing treatment to patients from all over the country, both directly and via transfer from one of Libya's more than 100 general hospitals. The Centre has 244 beds, including a 19 bed intensive care unit. The staff compliment is 77 doctors, 88 technicians, pharmacists and other staff and about 144 nurses (but see para xi, below).
- ii. In common with other hospitals in the country, up to 60% of the medical and para-medical staff are ex-patriate foreigners. In addition, the Centre has extensive links with specialist hospitals abroad - in particular in Cologne, Lyon and Vienna - and a regular programme of visiting doctors from these establishments. The Centre offers free health care to Libyans and foreigners alike, and caters for Libya's large expatriate (including British) community.
- iii. A total of 1874 patients were admitted to the Centre last year, including 591 requiring specialised treatment for burns. More than 60% of these were children under the age of 6 years.
- iv. The delegation was verbally briefed by the Centre's Director, Dr. Mustapha AlZaidi, who subsequently provided us with a written report. He informed us that there had been five principle effects of the air embargo on the service that the Centre was able to provide, in addition to the general consequences resulting from the economic dislocation that the country was experiencing. He was of the opinion that comparable effects had been experienced throughout the Libyan health system.

#### Transport abroad of severely burned patients

- v. Prior to the imposition of the air embargo it was standard practice at the Centre to transport patients with more than 40% burns abroad for treatment. This was done using the Libyan health ministry's air ambulance service. In 1991, according to the Centre's records, 123 patients were sent abroad in this fashion.
- vi. Dr. AlZaidi pointed out that seeking permission for such flights in accordance with UNSCR 748's provisions for humanitarian exceptions to the embargo was impractical, owing to the delays involved. We were able to discover from the

House of Commons library that such requests typically take up to 36 hours to process, which would seem to bear him out.

- vii. According to the Centre's records, 71 patients with more than 40% burns were admitted in the period 15th April 1992 (the date of the imposition of the sanctions) and 15th September 1992 (the date of our visit to the Centre). **Staff informed us that there had been a number of fatalities among these patients, which they attributed to their inability to transport them abroad.**

#### Transport within Libya of severely burned patients

- viii. Dr AlZaidi informed us that the air ambulance was no longer able to operate even internally, owing to the lack of spare parts (the export of which to Libya is also prohibited by UNSCR 748). He pointed out that, given the size of the country and the poor quality of some roads, transporting patients by conventional ambulance was often seriously detrimental to their condition.
- ix. Dr. AlZaidi informed us that, since 15th April 1992, **32 patients with more than 25% burns had arrived late at the Centre owing to the delays incurred in road transportation, with the result that their treatment was severely impeded. Staff attributed some fatalities among them to their late arrival.**

In addition, the Centre - as one of the foremost specialist hospitals in the region - also treated many patients transferred from hospitals in other North African and Maghreb countries. This work has ceased since the imposition of the sanctions.

#### Importation of specialised antibiotics

- xi. Infections which are resistant to standard antibiotics are apparently the most common problem faced at the Centre, and in the treatment of severely burned patients in general. Specialised antibiotics - Azuctam, Monaspor, Fortom and Augmentin - have to be imported, as do almost all Libya's medical supplies. According to Dr. AlZaidi, it has not been possible to make arrangements for the importation of these drugs by sea. **He attributed a total of 24 fatalities to the non-availability of these drugs.**

#### Effects on expatriate staff and visiting experts

- xii. In common with much of the Libyan health service (see para ii, above), the Centre is heavily dependent on expatriate staff and the visiting doctors programme both for maintaining the standard of their health care and for their

## **-Four: Other Effects of UN Sanctions**

i. The delegation was able to experience first hand the trials and tribulations that UNSCR 748 has imposed on Libyans and foreigners travelling to and from the country.

ii. There are two main routes currently utilised to travel to and from Tripoli: via sea from Malta and via land from Tunisia.

### **The sea route from Malta**

iii. A ferry service operates from Valetta to Tripoli. The journey takes 13 hours or more; the service departs only every other day, and is subject to delay and cancellation because of the weather.

iv. A catamaran (speedboat) service was also in operation over the Summer. The journey takes only seven hours but is extremely uncomfortable. The toilet facilities are inadequate, and owing to the high incidence of sea-sickness amongst the passengers, conditions in the cabin quickly become squalid. This service was also unreliable.

v. The facilities at Valetta where the ferry departs from, and at Tripoli where it arrives are obviously not geared to the numbers of passengers. In consequence there are long waits to clear customs and immigration. There is no shelter and nowhere to sit, and the whole process is a real ordeal, especially for the many families making the trip. For the elderly and infirm, it is nothing short of humiliating.

### **The land route from Tunisia**

vi. Jherba airport is 4-6 hours drive from Tripoli. There is an airport nearer the border but no commercial flights go there. In addition no extra services to Jherba are provided, so the existing flights are always overbooked - especially given Jherba's status as a popular holiday resort.

vii. The border facilities are inadequate on the Jherba-Tripoli road. A two or three hour wait is not uncommon. There are no facilities for refreshment or hygiene of any sort.

### **Internal transport.**

viii. Libya is a very large country and the distances between population centres

make internal flights a vital communications link. UNSCR 748 is clearly designed to prevent such flights. Notwithstanding, internal flights continue, but a number of aircraft on these routes have had to be taken out of commission, reducing the efficacy of the service.

### **The economy**

ix. Libya is currently dependent on imported foodstuffs. The price of these has risen steeply since the imposition of the embargo, causing real hardship to many Libyan families. There have also been reports of shortages of consumer goods, especially electrical equipment.

x. In his speech to the UN General Assembly, Dr. Beshari estimated the economic costs of the sanctions at over \$2 billion, primarily as a result of:

- a) lost export opportunities and a 44% decline in revenue from non-oil exports;
- b) costs of lost livestock and other agricultural produce caused by delays and difficulties in the importation of veterinary supplies.

xi. Fearful of an oil embargo, or the stepping up of sanctions in another way, the Libyan government has put a 100% freeze on the commencement of new development initiatives. Emergency plans have been put into operation at all levels of Libyan government, designed to preserve hard currency reserves. The sanctions have thus seriously impeded the development of Libya's economic and social infrastructure.

xii. Ongoing major civil engineering works such as the Great Artificial River Project are subject to delay and greatly increased costs. This is the result primarily of three factors:

- a) the increased difficulties and costs involved in recruiting and remunerating expatriate labour;
- b) the reduction in cargo capacity caused by the conversion of ships to passenger transport, and the difficulties of moving delicate instrumentation by sea;
- c) the inclusion in all their contracts with foreign contractors of a force majeure clause, making the Libyans responsible for any increased costs incurred.

xiii. Engineer Othman Jauda of the GARP told us that the morale and productivity of these expatriates continuing to work there had suffered as a result of the strains imposed by the embargo and the associated threat of military intervention.

**Five: Conclusions and recommendations**

- i. The delegation is seriously concerned that UNSCR 748 is costing the lives of innocent Libyan civilians, and imposing unjustified suffering and hardship on all those of whatever nationality who live and work there.
- ii. The character of the resolution remains contentious. Secrecy surrounds the evidence on which the accusations regarding the Lockerbie bombing are based. Demands for the arbitrary hand over of the two accused and insistence on a trial in Scotland or the US are clearly untenable, given the legal situation and the very deep fears that exist in Libya about the fairness of any such hearing.

**The sanctions**

- iii. In the light of these factors, we have no choice but to call on the Security Council to rescind the provisions of resolution 748 and instigate bi-lateral negotiations between the parties to the dispute in order that a mutually acceptable venue for a trial of the two accused Libyans can be agreed. Our discussions with the men's lawyers convinced us that a suitable venue could be found, and that the men would be happy to surrender themselves for trial there. Alternatively, if the British and US governments refuse to negotiate a venue and continue to be unable to present a prima facie case the charges should be dropped, bearing in mind the human rights of the accused.

**Lockerbie**

- iv. We also call for the establishment of an international judicial inquiry into the Lockerbie bombing in order to establish the full facts of the matter and make appropriate recommendations. It is clearly in the interests of everyone to uncover the truth about all aspects of the bombing, without regard to the national interest of any of the parties to the current dispute.

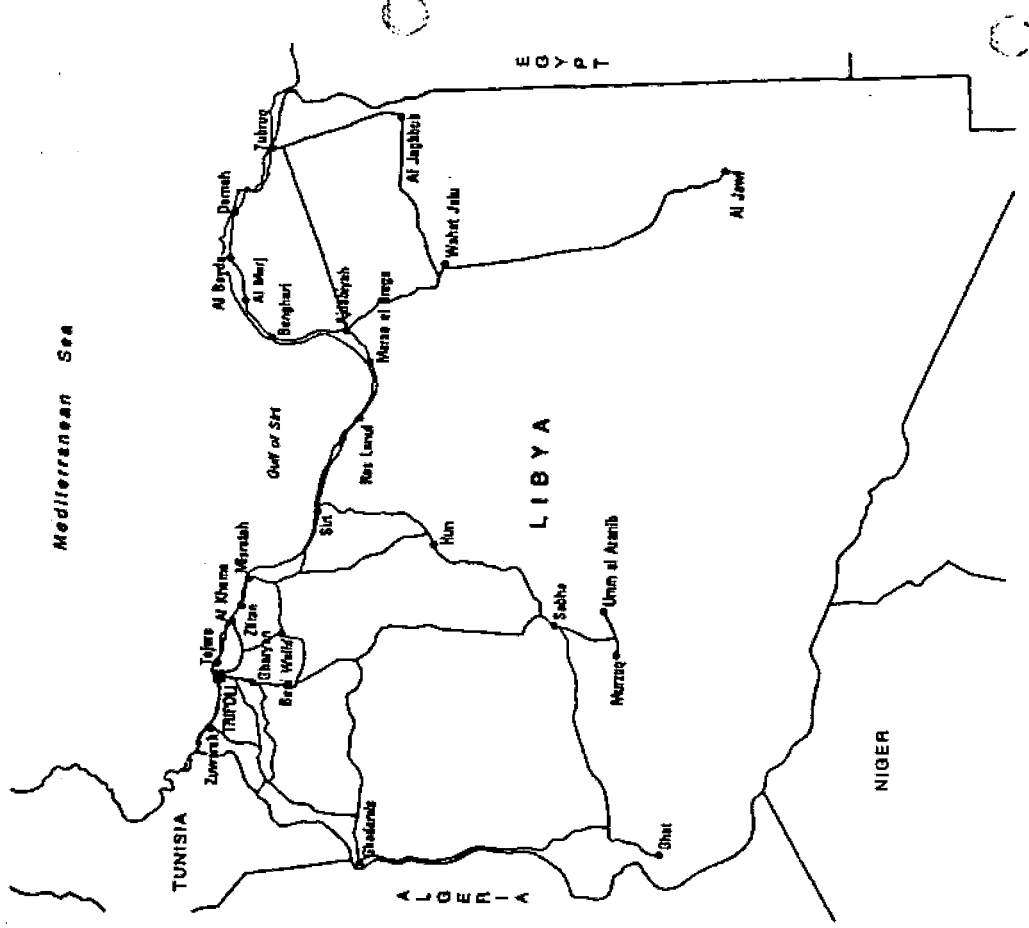
**Air Ambulance**

- v. In the meantime, we call for the UN to enter into immediate negotiations with the Libyan authorities, and other concerned parties such as the World Health Organisation and the Red Crescent in order to secure the restoration of the air ambulance service at the earliest possible date.

- vi. The delegation met some of those civilians who lost relatives in the 1986 bombing of Tripoli by the US. We note that no apology has ever been made to this victims of this attack and call for the US government to issue one forthwith.

xiii. He explained that the GARP will tap underground sources of water in the desert to irrigate and cultivate previously arid land, and provide clean drinking water to the whole coastal strip. Tens of thousands of agricultural and industrial jobs will be created, most of which will be filled by migrant workers from other Maghreb countries. Engineer Jauda pointed out that this could have an important impact on the regional economy, and added that it might help reduce migratory pressure towards Europe itself.

xiii. Delays to the GARP will therefore have a negative effect upon the economy, not just of Libya, but the whole Maghreb.



training regime.

xiii. **Following the imposition of the sanctions, a large number of staff either resigned their posts, or canceled contracts which they had to come and work at the centre. A total of 29 doctors (37% of the staff complement); 58 nurses (40%) and 28 other staff (32%) are not now serving at the Centre for these reasons.**

xiv. **In addition, the visiting doctors programme has been decimated by the air embargo. In 1991, a total of nine doctors from five countries, including France, Germany and Austria, took part in the programme. In 1992, 18 visits by doctors from six countries were planned. All but the three visits that took place in January and February had to be cancelled owing to the air embargo.**

xv. **According to Dr. AlZaidi, the remaining expatriate staff are working under conditions of great stress, both because of the difficulties of travel to and from their own countries and what he referred to as the ever-present threat of military action by the United States and/or its allies. He told us that this adversely affected their performance.**

#### **Dealing with civil disasters**

xvi. **On June 20th, a large explosion damaged a civil engineering depot at Al-Souwani, 21 km South West of Tripoli. Over 150 people were killed and injured. Many of the victims suffered extensive burns, as well as trauma and lacerations.**

xvii. **Dr. AlZaidi attributed a number of the 12 fatalities to the inability to use the air ambulance. He pointed out that the ability of the Centre, and of the country's health services generally, to respond to major civil disasters had been severely restricted by the embargo.**

#### **Other effects**

xviii. **According to Dr. AlZaidi, the work of the Centre had also been adversely effected by the long delays that the embargo entailed in the delivery of medical journals from overseas. The difficulties it created for staff trying to attend international conferences and symposia were a serious impediment to their efforts to keep abreast of the latest advances in medical expertise and technology.**

xix. **In addition, an interview with a spokesperson from the Libyan Ministry of Health, published by the national news agency Jana, listed a number of other effects of the sanctions:**

- a) **perishable medicines such as radiated iodine cannot be imported swiftly enough by sea;**
- b) **medical substances which require special storage and transport facilities not available in cargo ships or at ports such as anti-clotting agents and other blood products, bacterial cultures and hormones like insulin, cannot be imported safely by sea;**
- c) **blood or tissue samples from patients requiring urgent diagnosis can no longer be sent out of the country for analysis swiftly enough;**
- d) **Libyan nationals or foreigners wishing to travel abroad for medical treatment for chronic complaints now have to travel by sea, or seek treatment in Libya;**
- e) **in the longer term, the sanctions will affect contracts with overseas companies for the supply and maintenance of medical equipment and supplies, and impede the organisation of medical seminars, examinations etc.**

xx. **In a speech to the United Nations General Assembly, Dr. Ibrahim al Beshari, the Libyan Foreign Minister stated that:**

- a) **3,000 persons seeking medical treatment abroad had had to be treated in Libyan hospitals;**
- b) **over 150 people had died while being transported by road to Tunisia or Egypt for medical treatment.**



been very good-tempered and had to wait a long time for this Consolidated Fund debate, for keeping him out of his well-deserved bed and rest."

The then Under-Secretary of State for Energy, who replied to me at 5.47 in the morning, was one Mr. Norman Lamont, who began:

"The hon. Member for West Lothian (Mr. Dalyell) certainly need not apologise in any way for keeping the House up at this late hour. He had raised an extremely serious matter. I assure him that the Government share the concern that he has expressed today. We consider that the consequences of what has happened are potentially very far-reaching.

The hon. Gentleman was kind enough to give me a copy of his speech—in advance."—[*Official Report*, 18 December 1979; Vol. 976, c. 565.]

I refer to that debate not so that I can say "I told you so," but to show that I am not a Johnny-come-lately on this subject. I am anxious to recall that 13 years ago the Government said that they were concerned about the matter.

Throughout the 1980s I used to chat about such matters with my friend, then and now, Alan Clark—hardly the most secretive of parliamentary colleagues. I say bluntly that nobody in the House—of any party, on any Bench or in the Press Gallery—has an excuse for saying, if he or she claims to have a modicum of interest in Arab affairs, that we did not know what was going on.

A particular aspect of the whole situation puzzles me. If one does not want to export arms and arms-making material to a country such as Iraq, one does not have in the Government, let alone anywhere near the Ministry of Defence or the Department of Trade and Industry, a man like Alan Clark. What on earth could anybody believe he would do? He has never made any secret of what he thinks. The fact that he was there at all seems absolutely to undermine any excuse that any Minister, be he the Foreign Secretary or the Prime Minister, might have for saying that he did not know.

I did not know what I understand to be the now held view of Dr. Ekeus that exports reinforce one's capacity to make chemical weapons. Can the Minister say whether the Iraqi capacity to make chemical weapons was reinforced? While I do not know the answer to that question, I must make the general point that if I and many others knew all that, how on earth can the Foreign Secretary and Prime Minister now say that they did not know?

In particular, what about 29 September 1989 when the Prime Minister had a meeting with Tariq Aziz? What explanation does the Foreign Office have for its apparent failure to brief the Prime Minister? A wry, informal Foreign Office explanation is that "we were so busy trying to teach the new Foreign Secretary where Africa was that we may not properly have briefed him;" but that will not do. Frankly, the Prime Minister is quick on the uptake and I cannot believe that what we have been told represents any sort of convincing explanation.

How could such competent people—I refer to private secretaries in the Foreign Office private office—apparently not do what they clearly should have done? It must have been regarded as a crucial briefing, and not to have briefed the Foreign Secretary seems a dereliction of their professional duty. One does not send a Foreign Secretary to see Tariq Aziz without telling him of the various problems, especially problems of such a sensitive nature.

Will the Government comment on the allegations published in *The Sunday Times* on 22 November by Mr. Mark Higson, a former Iraq desk officer in the

Foreign Office, who described how he and other Government officials connived at the export of arms-making equipment to Iraq?

Will the Minister confirm that Mr. Higson worked for the Foreign and Commonwealth Office in 1989 and that among his responsibilities was the vetting of licence applications for exports to Iraq by British companies, including Matrix Churchill?

Will the Minister confirm that that happened while the present Prime Minister was Foreign Secretary?

Why was he not aware that the exporting of arms-making equipment was going on? Mr. Higson is quoted as saying that the export of munitions-making equipment to Iraq in which he connived was unacceptable. Was it the view of Ministers and other officials at the time that, as Mr. Higson says:

"The whole system was deeply flawed. The policy was bent to facilitate the export of machine tools"?

An explanation must be given about what the current Foreign Office thinks about the views of its own desk officer.

Alan Clark has played ducks and drakes with my parliamentary colleagues on the Select Committee on Trade and Industry. Much of his evidence was simply not true and not what he knew to be the truth. That view is shared by my hon. Friend the Member for Warrington, South (Mr. Hoyle), a member of the Select Committee and the present chairman of the parliamentary Labour party. I have his authority to say that we are both extremely curious about the Government's view of Mr. Clark's evidence to the Select Committee.

Will the Select Committee do anything about being flouted? Indeed, has it the power to do anything about it? It at least owes it to the House to invite Mr. Clark back and tell him that he owes it an explanation and to ask him how he accounts for what he told it.

The sad conclusion that I have drawn is that the Select Committee system—I know that this is the view of my hon. Friend the Member for Bolsover (Mr. Skinner), who is present—is totally inadequate in such situations.

Alan Clark, like Leon Brittan, was relaxed about cocking a snook at the Select Committee. A properly constituted court of law, however, even for the buccaneering Alan Clark, was a different kettle of fish and he seems to have thought it prudent not to commit perjury.

Reluctantly, I concede to my right hon. and learned Friend the Leader of the Opposition that he is right to say that Parliament cannot do the necessary job and that we need a council of tribunals under the 1921 Act. I say "reluctantly" because the setting up of an inquiry is too often a parliamentary cop out for a job that we ourselves should be doing. However, when one looks at what happened over Wealand and what Alan Clark has done to the Select Committee on Trade and Industry, one must ask whether Select Committee powers should be extended and whether Parliament should not look at how we operate in those crunch cases.

Ministers are being so coy about what they knew for a basically simple reason. If all that arms-making equipment was going to Iraq, did it not give Saddam the wrong signals? Why did they not approach their excellent customer on the basis of dignity before threatening war over Kuwait?

One of the reasons why 37 of us voted on the Adjournment against the war when the House was recalled was, as I put it at the time, because the Nelson eye had



Bench, there are grave concerns about the role of Iran and Syria in this matter. We should remember that one of the two accused, through his wife, has far more close relations with the terrorist gangs of Beirut than he has with Tripoli. There is a big question as to whether the Libyan state was involved at all.

I want to refer to another article in *The Scotsman* under the byline of Alan Hutchison—I have checked it with Father Keegans himself, the Catholic priest in Lockerbie, who has just been to the United States. The article states:

"Fr Keegans claimed: 'The British and American governments want it all finished and parcelled up neatly. They have no real intention of bringing the Libyans to trial. I think they are just making noises.'

The cat does not want to catch the mouse because the mouse would not just squeal, but scream and implicate Syria, Iran, Bush and Thatcher."

That is Father Keegan's quote, not my gloss on it. If that is what the priest at Lockerbie thinks, I think that there should be an explanation of the agreement that has been widely reported, attributed to March 1989, between Mrs Thatcher and the United States President, Mr. Bush, to play Lockerbie down. What is the truth or otherwise of that? What was said between those two?

Mr. John Marshall (Hendon, South): Would it not be much easier to get at the truth if the Libyans were willing to send those who have been accused of this crime to the United Kingdom? It is all very well for the Libyans to shield them and then for the hon. Gentleman to weave his story, but it would be much better if those men faced British justice, which is known throughout the world to be impartial.

Mr. Dalyell: One answer to that question was given in European Standing Committee B on Wednesday. There are complications because if that was done Colonel Gaddafi might well be toppled in favour of militant Islam, because one of those accused is a member of the tribe of Major Jalloud, Colonel Gaddafi's very powerful second-in-command. My hon. Friend the Member for Tottenham knows what I am on about.

The other answer to the hon. Member for Hendon, South (Mr. Marshall) is possibly a much easier one. If evidence was not presented, what would the hon. Gentleman say if two of his London constituents were despatched by the British Government to Tripoli in the circumstances of the mirror image? I do not think that the hon. Gentleman has made as powerful a point as usual.

I believe that the Crown Office, about which, as the longest serving Member representing Scotland I am pained to be deeply, deeply critical, should initiate a dialogue with Libyan lawyers on neutral territory. A year has passed since I went to see the then Lord Advocate, Lord Fraser of Carmyllie, to urge that action, but we are no further forward.

As my motion says, I believe that we should re-establish diplomatic relations with Tripoli. The Libyans, whose ancestors were among the greatest artists of the Roman empire and builders of the incomparable Leptis Magna, are a cultured people, yearning for contact with Britain, where many of them were educated.

If we had treated the Libyans with greater understanding and dignity in the late 1970s and the early 1980s, it was my impression from the visit that was organised through the good offices of my hon. Friend the

Member for Tottenham last year that the Libyans might never have been so misinformed as to become involved with the IRA in the first place. That would not have happened if we had remained, sensibly, on good relations with them.

We should re-establish direct air flights between London and Tripoli, both on the basis of medical need—about which my hon. Friend the Member for Tottenham may talk, because he has raised the matter in the House frequently—and the needs of the 5,000 British citizens working in Libya. I do not just quote my opinion, because I telephoned and talked with Viscount Weir, the head of G and J Weir and Company Pumps, not exactly a pillar of the Labour party. The quote that we agreed that I should read out in the House from William Weir reads as follows:

"I find little merit in posturing where trade is concerned and—in common with many exporters—prefer taking, as you do, a pragmatic and practical line in cases like Libya. Given our present balance of trade, little purpose is served in cutting off important markets of that kind when foreign competitors will supply them if we don't."

That is the view of one major industrialist.

I spoke about the matter last night with Gordon Law, managing director of Babcock and Wilcox. I have also raised with the Prime Minister the views of John Lacey, Babcock's managing director. So it is clear that yet another major British engineering firm other than Weir believes that we should re-establish relations and gain at least something from participating in some of the great projects that are taking place there, such as the great, ecologically-sound man-made river project.

As the motion says, we urge the United Nations and the United States Administration to lift sanctions. I hope that next week, with the hon. Member for Bexleyheath (Mr. Townsend) being first on the list, we shall return to the subject of the position of the United Nations.

I come to the question of Iraq, as raised in the motion. I begin from a totally different departure point from my Front Bench, though not from some of my hon. Friends who are here today and who care and know most about the issues of which I speak. I knew perfectly well that we were exporting considerable quantities of arms to Iraq. I knew from a UN official, for example, that he had to queue for his breakfast in the restaurant of the Rashid hotel in Baghdad, so packed was the place with arms salesman from Europe, including Britain.

I have been concerned for a long time with the question of arms sales. I recall the occasion in December 1979 when, on the Consolidated Fund Bill at 5.12 in the morning, I raised the subject of the joint centrifuge project at Almelo. I began my speech by saying:

"Remembering Alan Nunn May, Bruno Pontecorvo, the Rosenbergs and even Klaus Fuchs, with his overall grasp of the concept of the physics of the atom bomb, it is arguable whether any of them, or, indeed, all of them together, jeopardised world peace to a greater extent than the activities, in the second half of the 1970s, of Dr. Abel Qader Khan.

Certainly the effect of anything that Anthony Blunt may have done pales into trivial insignificance compared with the probable results of Dr. Khan's handiwork.

We now have the real threat of regional nuclear confrontation in Asia or the Arab world, laying a powder trail to a possible world holocaust.

So-called vertical proliferation is one thing. More nuclear weapons in the same hands do not necessarily increase the likelihood of nuclear war.

That is why, even at 10 minutes past 5 o'clock in the morning, I do not apologise to an Under-Secretary, who has

# House of Commons

Friday 27 November 1992

The House met at half-past Nine o'clock

## PRAYERS

[MADAM SPEAKER in the Chair]

## The Arab World

9.34 am

Mr. Tam Dalyell (Linlithgow): I beg to move,

That this House calls for a reassessment of relations with the Arab world, in particular supporting the lifting of sanctions by the United Nations against Libya, encouraging the re-establishment of direct air-flights and diplomatic relations between London and Tripoli, discussions on the Lockerbie Pan Am 103 bombing, and the 1986 bombing of Tripoli and Benghazi, by Crown Office and Libyan lawyers, the lifting of sanctions by the United Nations against Iraq and the establishment of a United Nations Conference on the supply of arms across frontiers; and calls on the Minister of State at the Foreign Office to make an interim response on behalf of Her Majesty's Government to the allegations broadcast on the Dispatches programme on Channel Four on 25th November relating to Sarkis Soghanalian, Wafic Said, Prince Banda, Nhad Ghadry, Howard Teicher and Mark Thatcher.

A Friday in Parliament can be a day for dissenting and unpopular opinions to be heard.

I shall present my credentials for being entitled to such views—something that I have never done before in more than 30 years as a Member of this House—because the motion contains propositions that may be as ill-received by some Members on the Opposition Front Bench as by Ministers.

Both my parents spoke fluent Arabic. Fred Pearce, the author of a remarkable book "The Dammed", has written:

"Only early this century did Sir William Willcocks, Britain's top imperial Victorian water engineer of the day, attempt to recreate the ancient irrigation systems, and in so doing fashioned much of modern Iraq. Central to his plan was the Hindaya barrage, completed in 1914."

My father was Willcock's military secretary and I have childhood memories of being taken to see my dad's friends, such as Freya Stark, the intrepid traveller, and Sir Leonard Woolley, the archaeologist of Ur of the Chaldees and excavator of the ziggurat at Ur. My father subsequently worked on the staff of Sir Percy Cox, who set up Kuwait.

On my honeymoon, when I was lucky enough to go to Egypt, I was invited to the private house of President Nasser—as was his wont—at midnight. I confess to being charmed by him. Sadly, he said, "We know that your mother and father spoke Arabic. Don't you think that you ought to learn?". My excuse is that British politics did not allow it. Albeit a non-Arabic speaker, with the perspective of having been influenced by the Israeli-oriented Dick Crossman, when I was his Parliamentary Private Secretary, I shall gently offer some proposals in keeping with my lifelong knowledge, respect for and friendship with Arab people.

First, we should seek a new relationship with Libya, or rather return to our traditional friendship.

Yes, the shooting of Yvonne Fletcher was a crime. I am glad to see the hon. Member for Southend, East (Sir T.

Taylor) in the House—on this occasion I shall call him my hon. Friend because his relationship with Libya has been entirely honourable and potentially to the great benefit of our country. I look forward with extreme interest to his speech.

Yes, the destruction of Gaddafi's home in Tripoli, the killing of his three-year-old daughter and the bombing of working-class homes in Benghazi in 1986 by bombers based in Britain was also a crime. Perhaps my hon. Friend the Member for Tottenham (Mr. Grant)—whom I am especially glad to see in the House as he has done so much good for Britain in many areas of the third world—will have more to say about that.

Yes, Lockerbie—as David Leppard put it in his book, "On the Trail of Terror"—was the biggest crime against western civilians since 1945. I went there.

Young policemen from the Lothian and Borders police, from my area, helped to clear up the human horror. I would not wish to be told that I underrate Lockerbie in any way.

But we should ask ourselves the mirror image question: would we British hand over to the Libyan judicial system—which, incidentally, has impressed those hard-headed Edinburgh lawyers involved—two Britons accused on evidence that has never been presented and which, in relation to Malta, has raised doubts in the minds of such men as Dr. Jim Swire and Father Patrick Keegans, of Sherwood crescent in Lockerbie, the men who have lost most?

If Jim Swire can go and meet Colonel Gaddafi and they can talk movingly about their lost daughters, so can the British Government proffer the hand of reconciliation. I ask the Minister of State to say something about his meeting with Dr. Swire on Monday, which I greatly welcomed.

The leader in *The Scotsman* of 14 November put it succinctly when it said:

"The other major concern has been the way in which blame for the outrage has been pinned exclusively on Libya. There are well founded suspicions that Syria and Iran were implicated in the plot, and that Iran may indeed have instigated the bombing. Yet officially the role of these two countries was swept under the carpet. It is therefore a step forward that the US president-elect, Bill Clinton, has told the family of an American victim that he intends to ensure that the question of Iranian and Syrian involvement will be addressed and fully answered."

What will the Government say to the new American Administration on this subject? The leader continued:

"There will be an opportunity to broach the subject of tightening the UN sanctions after next month's meeting of the sanctions review committee; but any attempt to harden the economic stranglehold on Libya should be resisted until Clinton has had time to act on his promise and the role of Syria and Iran has been properly exposed."

Mr. Bernie Grant (Tottenham): Hear, hear.

Mr. Dalyell: I note my hon. Friend's reaction. What is the Government's reaction to this? The leader also stated:

"Libya, with friends, makes a convenient scapegoat—rather than stirring up trouble with two Middle Eastern states who are of greater importance to Western policy in the region. One can argue that this is *realpolitik* but that is no answer. Britain and the US owe it to the victims and their families to attempt to uncover the real circumstances and call the culprits to account. Clinton is right to want the truth—the whole truth—surrounding the Lockerbie bombing to be uncovered."

As was said at great length on Wednesday in European Standing Committee B, when my hon. Friend the Member for The Wrekin (Mr. Grocott) was present on the Front

[Mr. Dalyell]

been turned on arms sales to Iraq. I shall believe to my dying day that a settlement could have been arrived at over Kuwait and the Gulf war could have been avoided had there been a proper approach to Saddam.

Mr. Bernie Grant indicated assent.

Mr Dalyell: I register the fact that my hon. Friend the Member for Tottenham assents to that.

The tragedy was that on 9 and 10 August the former Prime Minister was at Aspen, Colorado, and was able to contact President Bush and say something along the lines—there was evidence of this on the front page of the *Daily Express* of 10 August—"George, don't be a wimp. George, be a man!" The dithering Americans—or the uncertain Americans, because I do not wish to be critical of them as they were not sure what to do—reacted along lines on which they could not go back and we were plunged into what became the Gulf war.

Coming to the final part of the motion, I had many criticisms of the former Prime Minister about Zircon, the miners' strike, Westland, and aspects of the Falklands, but I never once raised the question of Mark Thatcher and Oman, partly because I did not know and partly because I found it distasteful to bring a person's family into the argument.

However, on Wednesday night, an important "Dispatches" programme by Box Productions was shown which must have been watched by more than 2 million people. The issues that it raised go to the heart of Government. The matter cannot be left hanging but must be cleared up. I cannot believe that the programme was broadcast without a tooth-comb of libel lawyers having gone through it.

It is not simply a question of getting at the former Prime Minister. The Iraqis might have been forgiven for being surprised at the west's reaction when they knew that Mark Thatcher was up to the neck in selling them arms-making equipment. There is a good deal of circumstantial evidence that they jumped to the conclusion that, if Mark Thatcher was involved, the general policy had the imprimatur of Prime Ministerial approval.

I should like to ask, therefore, some specific questions.

First, are the Government aware that an executive of the defence company, United Scientific, introduced Mark Thatcher to the arms dealer Sarkis Soghanalian in the autumn of 1983 as part of its efforts to win a contract to sell night vision devices, ultimately to be used by Iraq?

Secondly, will the Government confirm or deny that Prince Banda, Saudi Arabia's ambassador to the United States, personally presented a letter to former Prime Minister Margaret Thatcher from King Fahd of Saudi Arabia in 1985 and that that letter made it implicitly clear that commissions would be paid as part of the Al-Yamamah deal between Saudi Arabia and Britain, involving the sale of Tornado jets and other defence equipment to Saudi Arabia?

Thirdly, will the Government explain the purpose of that letter from King Fahd to Prime Minister Thatcher? Will they explain why Mrs. Thatcher dealt with the Saudi ambassador to the United States and not the Saudi ambassador to Britain while negotiating the Al-Yamamah deal?

Fourthly, will the Government confirm or deny that Mark Thatcher received approximately £10 million soon after the signing of the memorandum of understanding for the Al-Yamamah deal in September 1985 and that the agreement on the deal specified that he would receive a further approximately £10 million subsequently?

Fifthly, will the Government confirm or deny that Mark Thatcher and a Saudi Arabian middle man involved in the deal, whose name was Wafic Said, paid income tax on money which they earned from the Al-Yamamah deal?

Sixthly, are the Government aware that, for some time in 1989, Mark Thatcher lived in a house at 34 Eaton terrace while that house was owned by Formugul, a Panamanian company linked with Saudi Arabian business man, Wafic Said, who played a role in the Al-Yamamah deal?

Finally, can the Government confirm or deny that Mr. Christopher Prentice, a Foreign Office official working in the British embassy in Washington in the mid-1980s, was aware that Mark Thatcher was involved in the Al-Yamamah deal?

Those are serious and carefully-thought-out questions. Anyone who watched the programme cannot possibly suppose that the matter can simply be left in the air.

It must be remembered that, at the time, many people in the Foreign Office and in Britain saw Saddam Hussein as, in a sense, the successor of the Shah and as the gendarme of this country's and the west's interests. I quite agree that it is against that Khomeini background that my questions should be addressed, but addressed they must be. Before anyone jumps to the conclusion that I am an apologist for Saddam Hussein, may I say that, at the time, it was thought that Saddam Hussein was better than President Assad of Syria. When we consider what the Al-Sabah family has done to the Palestinians in Kuwait, we see that we should not rush to make moral judgments.

Mr. Dennis Skinner (Bolsover): I had not realised that my hon. Friend had finished the Mark Thatcher saga. I think that he may have missed one question. If someone finishes up making £10 million in commissions, might it not be reasonable to ask whether he was trained for the job and served an apprenticeship for it? The thing that puzzles me, as I am sure it does my hon. Friend, is that Mark Thatcher was an erstwhile rally driver. He got lost in the desert, then found himself in another part of the desert making loads of money out of arms dealing as a result of his mother being the Prime Minister. That looks odd—

Madam Deputy Speaker (Dame Janet Fookes): Order. The hon. Gentleman's intervention is going on far too long. I think that he has made his point.

Mr. Skinner: It seems odd—

Madam Deputy Speaker: Order.

Mr. Dalyell: I am an extremely cautious man and I think that I had better stick to my careful questions. My hon. Friend the Member for Bolsover has made his point, and I shall leave it at that.

But there must be answers to my questions, and to the question of my hon. Friend the Member for Bolsover. It simply will not do to pass by on the other side of the road. Hundreds of thousands of people in this country have seen the film. If Box Productions has it wrong, heaven help it in the courts.

But if no legal action is taken, what are our fellow people to think?

I think that my hon. Friend the Member for Bolsover will excuse me if I do not pursue his line of argument but merely say that I do not think that those issues can simply be left to Lord Justice Scott. There is a suggestion of the problem being kicked into touch. I thought that it was profoundly unsatisfactory when, on this Wednesday, during Foreign Office questions, the Foreign Secretary did not answer direct questions about the right hon. Member for Bristol, West (Mr. Waldegrave) which, had he the will to do so, he could easily have answered. They were questions of relatively simple fact.

One issue was most succinctly put by the chairman of the Bar Council, Anthony Scrivener, QC, who, writing in *The Independent*, said:

"There remains one simple unexplained fact in the Iraq arms case. Whoever read the confidential documents would have known that it was improper to proceed with the prosecution.

Why was the prosecution then not dropped instead of it being pursued, presumably in the hope that the judge would not allow the documents to be disclosed at the trial?"

Many of our fellow countrymen are extremely puzzled and want an urgent explanation as to how three men from Matrix Churchill were faced with the serious threat of imprisonment.

The motion calls for the lifting of sanctions against Iraq and for discussions in the United Nations on that issue. I rest my case on two submissions, one of which is from Mohammed Arif, the secretary of the British Afro-Asian Solidarity Organisation. He said:

"Nearly two years have passed since the Gulf war, yet the region remains as turbulent as ever and the toll of human suffering continues to mount.

In particular, Iraq continues to be subject to an almost unprecedented regime of sanction and blockade. Whatever the rights and wrongs of previous actions by any side to the dispute, it is our view that sanctions can no longer be justified on political, moral or legal grounds. There is no mandate for the removal of the Iraqi regime by outside forces and, moreover, no evidence has been produced to suggest that the regime's internal position has been weakened, and furthermore, the United Nations appears to be of a view that there have been efforts by Iraq to comply with the relevant United Nations Security Council resolutions.

The real victims of the continuing sanctions against Iraq are the most vulnerable members of that society—the old, the sick and wounded, the poor and, above all, children. According to various sources, up to 250,000 Iraqi children may have died. Civilian dwellings, schools, hospitals, sewage works and water, electricity and telecommunications facilities all suffered from war time bombings. Sanctions are preventing the restoration of these facilities, contributing in turn to the spread of hunger and disease. The environment in general has been severely damaged. The lack of medicine, drugs, anaesthetics, water purification materials and so on are leading to countless unnecessary deaths. In September this year, the renowned Norwegian child psychiatrist Professor Magnei Raundalen reported that he had found in Iraq 'a traumatised child population beyond any that he had ever seen.'"

Much of what I have said has not merely come with hindsight. I had a Commons debate on the "ecological consequences of the gulf war" before it ever happened.

The British Afro-Asian Solidarity Organisation continued:

"Those suffering from the sanctions are not the strong but the vulnerable members of society who have no say in political matters, including those of war and peace. We call for the immediate lifting of sanctions against Iraq, with priority to helping ensure the supply of food, medicine and other humanitarian requirements. We also call for the right of Iraqi children who cannot be adequately treated at home to be

enabled to receive hospital and recuperative treatment in countries where the relevant specialised resources and facilities are available.

It is now clear that there were times when the members of the government were not averse to supplying Iraq with the instruments of war and death. Now is the time to help enable the Iraqi people to receive some of the tools of life and peace." That is the view of members of our society who take such matters extremely seriously.

Mr. Bernie Grant: Is my hon. Friend aware that I went on a trip to Iraq, before the war started, with the British Afro-Asian Solidarity Organisation and with Mr. Mohammed Arif? While we were there, we met members of the revolutionary command council and various organisations in Baghdad. All those organisations were keen for a negotiated settlement. Is not it strange that, two years after the war, the people of Iraq are still suffering? There seems to be little impact on the Government of Iraq, although that was supposed to be the point of the policy of the western forces. Will my hon. Friend join me in congratulating the British Afro-Asian Solidarity Organisation on its steadfast work in the area?

Mr. Dalyell: Certainly I congratulate that organisation. My hon. Friend talked to me about his visit before and after he went, and I think that it was an extremely important visit.

I have friends in the Shia community. I will not name them for self-evident reasons, but I will talk privately to the Minister about them. Those friends say that, although they have cause not to love Saddam Hussein, they realise that the imposition of sanctions entrenches rather than weakens the hold of the hard-liners of the Baathist party and of Saddam Hussein on the Government of Iraq. If the object is to remove Saddam Hussein, consideration should be given to the lifting of sanctions.

I now turn to the recommendations of Christian Aid as presented by David Hampson, who is responsible for Gulf matters and for the Kurdish situation. Christian Aid says:

"The picture is complicated, but Christian Aid would recommend the international community should:

Separate issues of humanitarian aid from the military, economic and political issues unresolved at the end of hostilities.

Separate international claims for war compensation from humanitarian relief.

Direct humanitarian relief to Iraq on the same basis of need employed in other countries.

Urgently review all sanctions which disproportionately and dangerously harm vulnerable sections of Iraqi society.

Invest urgently, and under emergency budget lines, to meet the immediate needs of the agricultural, infrastructural and administrative sectors of the *de-facto* autonomous areas of Iraqi Kurdistan. The alternative is annual winter disaster amongst the Kurdish, Christian and Turcoman population."

I hope that thought will be given to the lifting of sanctions.

The motion refers to a United Nations conference on the supply of arms across frontiers. I will truncate a lot of what might be said by referring to the speech on Monday by the right hon. Member for Tweeddale, Ettrick and Lauderdale (Sir D. Steel) in which he urged action on arms sales.

The United Kingdom remains hopelessly dependent on defence production. In round terms, the figures are that defence supports 50 per cent. of the aerospace industry, 40 per cent. of shipbuilding and 30 per cent. of electronics. The Office of Public Service and Science suggests that a

[Mr. Dalyell]

move from military contracts to civil projects will be much harder for thousands of small contractors than was believed.

Let us not forget that behind all the argument revealed in the Matrix Churchill case is trade in the tools of death and chaos.

In the Westminster and Whitehall scales, it is possible for jobs saved at home to balance wars fuelled abroad. That is the black art of justification, which can be persuasive, but is also profoundly sad.

I am aware of the letter to *The Times* by Simon Brown, the director general of the Machine Tool Technologies Association. He says:

"Certainly the government should urgently co-ordinate its respective departments in one unified voice instead of having investigated three individuals, causing the loss of almost 1,000 jobs at the Matrix Churchill site.

It is incumbent on the government to address the whole subject of export licence procedures forthwith and clarify the situation as soon as possible especially as far as dual-use technology is concerned.

The Department of Trade and Industry and other government departments must ensure that such events are not repeated. Justice prevailed, but at an extremely high and unnecessary cost to all concerned."

The arms problem cannot be resolved in one country. The sad fact is that the five members of the Security Council of the United Nations are the five largest suppliers of arms in the world. Some of us are active in Labour Action for Peace and in other organisations that have addressed themselves to the problem. Surely the time has come. Good will come out of all the argument on Iraqgate, as it is generically termed, if at long last the attention of the House of Commons is fixed on the terrible problem of what to do about armaments. Shakespeare had the words for it when he wrote, "Now thrive the armourers". I fear that that is still the case. Unless we tackle the problem, many other unresolved problems will come to haunt us.

10.26 am

Mr. Roger Knapman (Stroud): Morning sittings of the House are an abomination and interfere unnecessarily with one's lifestyle. I hope that the Leader of the House does not consider that more are necessary. My comment should not be taken as a criticism of the hon. Member for Linlithgow (Mr. Dalyell), who customarily engages the interest and the respect of the House—although that does not mean that Conservative Members share all his conclusions.

On Monday, we heard much about the Matrix Churchill case. The hon. Gentleman knows that there is a judicial review during which all the questions can be asked. My understanding is that the judge can call for any documentation if he considers it to be in the public interest to do so. I believe that we should leave it at that.

The hon. Member for Linlithgow adopted a very reasonable tone. He had researched his questions well, unlike so many of his colleagues on Monday. I am not saying that some of his colleagues were encouraged to tell lies on the subject on Monday, but I believe that it was possible that they were telling half truths. I hope, Madam Deputy Speaker, that you find that comment half acceptable.

The speech by the hon. Member for Linlithgow was something of a tour de force—I hope that my hon. Friend

the Member for Southend, East (Sir T. Taylor) will excuse my attempt at French. On Monday, we heard about the arming of Argentina by a Labour Government in the 1970s. I know that the hon. Member for Linlithgow has a particular interest in Argentina and in what I prefer to call the Falkland islands. On more than one occasion I have heard him mention a ship called, I believe, the *Belgrano*. It would be interesting to carry out research to find out whether the *Belgrano* was armed with weaponry that had been supplied by a British Labour Government. However, I have not carried out that research. Although I disagree with the hon. Gentleman's conclusions, I enjoyed his speech. With regard to Libya, I remind him that if someone lets us down once, he will let us down again. I suspect that that applies to the present leader of Libya.

Mr. Dalyell: I concede that. I do not know whether the *Belgrano* carried British equipment, but the escort certainly did.

Mr. Knapman: I am grateful to the hon. Gentleman for making his position clear.

I am not sure whether I am allowed to refer to the motion standing in my name on the Order Paper today. Fortunately, some of the motions on the Order Paper have certain similarities and I hope that you will feel that I am trespassing, Madam Deputy Speaker.

I prefer to dwell on what I believe to be a constant friend in the middle east and a country with which we have a historical friendship. In the world today, where we seem to have great visions and grand designs and a constant need for new alliances, I hope that we will remember to concentrate on the friends with whom we have had ties over many decades—the English speaking world, the Commonwealth, the United States of America and Jordan.

At the present time, Jordan faces many problems. It is an Arab country without oil, and an Arab country without oil is like Britain without its civil service. There are just 4 million people in Jordan and of them perhaps 1 million are refugees from what I call the west bank. Can we imagine what would happen in this country if 25 per cent. of the population had arrived as refugees and had to be assimilated? Can you imagine the problems that that would cause in our schools, hospitals and infrastructure?

The ill-judged war by Saddam Hussein, to which the hon. Member for Linlithgow referred, affected Jordan far more seriously than any other country. In addition to the refugees, at the outbreak of war the markets traditionally enjoyed by Jordan in Kuwait, the Gulf states and Iraq amounted to 70 per cent of its available external trade. Seventy per cent. of its markets were lost virtually overnight.

That was not all the bad news two years ago. Jordan has had a traditionally high standard of education. It has treated its educational system as a means of providing "the software" for economic recovery in the middle east. It has trained huge numbers of engineers, scientists and teachers. Many of them were working in the countries most closely involved in the war. As a result of the war, there were 300,000 returnees. The social consequences of that were quite devastating and the effect on remittance via pay packets back home was also very serious.

For so many years, Jordan and Israel have been negotiating over water supplies. It is ironic and perhaps a very good lesson for us that United Nations resolutions



and international negotiations are not all about airy-fairy things. In the end, the general agreement on tariffs and trade plan did not depend on bread; it depended on oilseed rape, something even more mundane than bread. It is quite likely that the middle eastern negotiations will depend not, I am happy to say, on oilseed rape but on water.

In addition to those problems, during and after the war that tiny country of 4 million people had 1 million refugees from Iraq in transit across its territory, mainly going to Aqaba. That surely puts our problems with Bosnia into perspective. I suggest that, at the present time, Jordan does not have a lot going for it in a material sense.

I wish now to refer to a report in *The Times* on 24 November because there is criticism of Jordan at the present time. That report stated:

"Jordan's prince of peace unfurls the banner of reason." The report refers to Crown Prince Hassan who last night made the annual Winston Churchill address to the English Speaking Union, I believe, although I have not yet seen a copy of his speech. The report stated:

"Some MPs tried but failed to blackball the invitation." There are no details about such a blackball, and it was obviously unsuccessful, but if the report is true, I for one would be ashamed. The Crown Prince has made it quite plain that his main great problem is that his rational approach to the 44-year Arab-Israeli conflict may fail to win over the Islamic extremists and Palestinian radicals who pose the main threat to Jordan's stability. Those are problems that we should bear in mind before we criticise. The problems that I have described would have ground the spirit of lesser countries, perhaps not so much into the mud as into the dust. As hon. Members will know, disputes in the middle east are as intractable as the problems in Northern Ireland and they date from a great deal earlier.

Will my right hon. and learned Friend the Minister of State tell me why, with all those problems, that tiny nation is such a key player in the middle east? Why are its views so keenly sought by its larger and more powerful neighbours? Could it be that the key to Jordan's success is that it is a stable regime in an area of turbulence? One could say that it is an oasis of sanity in an area of shifting tendencies.

A key factor in that stability is the personality of His Majesty King Hussein. Britain and Jordan share a remarkable coincidence: this year, both our monarch and the King of Jordan have celebrated the 40th anniversaries of their reigns. In the latter's case, he gained the throne when he was very young; he has survived many assassination attempts; and he has a daily and constant need to deploy tact and diplomacy as his rivals are larger, better armed and have more money. That has been the lot of the King of Jordan for four decades. In those circumstances, the House would agree that an occasional *annus horribilis* was bound to occur. However, largely as a result of his dedication and consistency, there is sometimes an *annus mirabilis*.

Some people blame Jordan for its part in the Iraq war two years ago. They do that partly because they do not understand the association between Jordan and Iraq. As the King has said, we must remember that the quarrel was not with the Iraqi people but with Saddam Hussein. We should remember that the Hashemite dynasty in Jordan at one time ruled both Jordan and Iraq. We must also remember that in Jordan 92 per cent. of the population are

Sunni Muslim. Who could say how we would have reacted in those circumstances? No wonder Jordan was so frantic to negotiate a peace.

Those frantic efforts to negotiate peace, which were so well reported at the time, were quickly forgotten because they were unsuccessful. They were unsuccessful because it was a case of the logical pursuing the illogical. History so often proves that one cannot reason with a dictator and we should certainly not criticise the Jordanian authorities for their failure in that respect.

For those reasons, I hope that we will be sympathetic to Jordan and its people. Sympathy alone is helpful—but not very helpful. Sympathy with some practical help would be more important. Perhaps I can suggest four different ways in which sympathy, together with some practical assistance, may help. First, as I said, Jordan will play a role in peace talks out of all relation to its size. Does my right hon. and learned Friend the Minister agree that Jordan is a positive force for democracy and plurality? I hope that that is the case.

I understand that Jordan is one of the first countries to set an agenda in the middle eastern talks. Can my right hon. and learned Friend confirm that an agenda has been set—which is unusual in Arab Israeli talks—under the heading "Terms of Endearment". Let us hope that that is an appropriate heading. The draft agenda reportedly commits Israel and Jordan to seek just, lasting and comprehensive peace between the Arab states, the Palestinians and Israel based on the terms of reference contained in the invitations to the Madrid conference. Will Jordan and Israel take steps to arrive at a state of peace that is based on United Nations Security Council Council resolutions 242 and 338? Will Israel and Jordan refrain from actions that may adversely affect each other's security and that could pre-judge the final outcome of negotiations?

Another part of the agenda is that Jordan and Israel should combat threats to security which result from all sorts of terrorism. They should renounce the use of force and the use of conventional or non-conventional weapons of mass destruction against each other. There is much more on the agenda. If we can help Jordan, a stable and committed small country, that may encourage other countries in due course also to reach agreement with Israel. If Jordan is a friend, we should tell it so now.

My second point relates to refugees. I have already said that there are about 1 million refugees from the west bank and 300,000 returnees, as well as 1 million refugees in transit across Jordan as a result of the recent middle eastern war. That is a huge drain on the economy. If Jordan had not seen fit to cope well with all the difficulties, they would have created the most horrendous problem for the United Nations. I am sure that my right hon. and learned Friend the Minister will agree that we should do nothing to prejudice the efforts of Jordan and Israel.

I turn to my third point. Can my right hon. and learned Friend comment on press reports about the proposed canal which Israel and Jordan are reported to be discussing? Israel and Jordan propose to construct a \$2 billion canal to run along the common border from the Gulf of Eilat, or the Gulf of Aqaba, to the Dead sea. The canal would generate hydro-electric power for both countries and be hugely beneficial to them. Have Israel and Jordan sought financial assistance for the proposed canal? Can my right hon. and learned Friend acquaint the House with the present position of the talks?

[Mr. Knapman]

My fourth point concerns rescheduling of debt, which is a common problem throughout the world these days. As a result of the problems, largely with refugees, which I have described, Jordan now has a debt of some \$7 billion. That is a large amount of money for 4 million people. I understand that Great Britain has helped with the rescheduling of some of that debt. Can my right hon. and learned Friend tell the House the latest position of the talks on rescheduling the debt? If the talks are not successful and we are suddenly obliged through the United Nations to contribute in some way in solving the refugee problem in the middle east, we shall find that that is a much more expensive way to deal with the problem.

As I said, we live in an age of changing alliances and new structures. Some people think that those alliances and structures are federal; some think that they are not. The thread of the speech of the hon. Member for Linlithgow was that we must not forget our friends. Despite the fact that our friends have often been educated in this country and despite our historical ties, they tend to be somewhat overlooked. Perhaps we take them for granted—and we should not.

I know from my research of the position in Jordan that my right hon. and learned Friend is highly respected in middle eastern countries as a politician and almost invariably as a diplomat. I hope that he will use his undoubted talents to further our interests throughout the middle east, especially in a traditional ally such as Jordan.

10.47 am

Mr. Bernie Grant (Tottenham): I thank my hon. Friend the Member for Linlithgow (Mr. Dalyell) for giving the House the opportunity to debate this matter. The House has debated foreign affairs on far too few occasions, and I certainly welcome this opportunity for debate. My hon. Friend has been steadfast in his efforts to seek justice for the middle east. The meticulous work that he has done certainly needs congratulations.

I am glad that we have a new Opposition spokesman on our Front Bench. I hope that my hon. Friend the Member for The Wrekin (Mr. Grocott) will do something that the Labour Front-Bench team has not done recently—take an independent view of foreign affairs, especially on middle east matters. I believe that in Parliament, and certainly outside, the Labour party tends to follow on the coat-tails of the Government without having an independent view. I know that my hon. Friend will do what my hon. Friends have not done previously and ensure that he meets representatives from Governments such as those of Libya and Iraq. There is nothing better than meeting those people face to face to understand what is happening in the middle east and in foreign affairs generally.

As we know, there was a terrible tragedy at Lockerbie in December 1988. More than 200 people died on Pan Am flight 103, which was bound for New York. It was a terrible crime. Everyone with whom I have been involved is keen to get to the bottom of the tragedy and the truth of it. People whom I have met in Libya—I have been to Libya five or six times—have also said that they want the truth about Lockerbie to come out. They want the guilty parties to be punished. At the outset, we should say that we do not support terrorism. We want the issues of Lockerbie to be sorted out and the perpetrators brought to justice.

That is what the families want. My hon. Friend the Member for Linlithgow mentioned Dr. Jim Swire and his work. We all pay tribute to Dr. Jim Swire and to the Lockerbie families because their tragedy has been great. The way in which those families, particularly the British families, have conducted themselves is a tremendous credit to them in the face of the difficulties that they have suffered. In April 1986, there was another tragedy when the Americans bombed Tripoli and Benghazi and more than 100 people died. The planes that bombed Tripoli and Benghazi took off from British air bases. Therefore, the British have some responsibility for what was a terrible crime, perpetrated against the people of Libya. The reason for that bombing was that the Libyans were responsible for the La Belle discotheque bombing in Germany. Since then, most independent observers have shown that Libya was not responsible for that. To this day, neither the British Government nor the American Government have apologised to the Libyan people for that bombing or for the deaths that occurred as a result of it. To help relations, the Minister could say that, on behalf of the British Government, he is prepared to apologise to the Libyan people for that bombing.

Bearing in mind the bad blood that has existed between Libya, Britain and the United States, it is incumbent on us to examine what has happened. The British and American Governments have been demonstrating double standards in respect of Libya. For example, if we look at the United Nations resolutions, we find a very strange thing. We find that Britain, the United States and France voted for the resolution to impose sanctions on Libya. As I understand it—the Minister will correct me if I am wrong—a party that is involved in a dispute that goes before the United Nations Security Council does not take part in the vote. Britain, France and the United States voted on the resolution to impose sanctions on Libya. Of course, if they had not voted, they would not have had the required majority to pass the sanctions resolution.

We are told that the British and American Governments are concerned about human rights. I put to the Minister the human rights of the two suspects involved. Warrants were issued and the men were arrested by the Libyan Government and kept under house arrest. That is a problem. When our parliamentary delegation and others visited Libya in September, we met the men's lawyers. We were told that the men are being paid their salaries and that they are under tremendous pressure. The Libyan courts are unable to resolve the issue because no evidence is forthcoming and there have been no proper discussions or negotiations with the Libyan Government. One lawyer said that if that carries on for much longer, the men will have to be released from house arrest because their human rights are being transgressed.

One of the points that the lawyer, Mr. Legwill, made to us was that the Libyan authorities could not extradite the men because, according to Libyan law, there is no extradition treaty with Britain or the United States of America. He told me that if Colonel Gaddafi tried to get the men out of Libya, he would immediately apply to a judge in Libya and stop them being removed because Colonel Gaddafi does not have that power. That is an important point. The British and the Americans are claiming that they are acting legally, but they are trying to make Colonel Gaddafi break his own laws in Libya to meet their requirements. I want the Minister to explain that. If everything is operating on a proper legal basis, why does

**Madam Deputy Speaker:** Order. I hope that the hon. Gentleman will not continue down that path. A passing reference is one thing, but to make a long speech on that subject is not in order.

**Mr. Grant:** Thank you, Madam Deputy Speaker. I was only responding to the Minister's question.

**Mr. Duncan:** I am sure that the hon. Gentleman would not like to add to his list of exceptions when discussing how sanctions work, but does he agree that sanctions against South Africa have been totally ineffective and that they, too, should be abolished?

**Madam Deputy Speaker:** Order. The hon. Member must not tempt another hon. Member down the wrong path.

**Mr. Grant:** I agree with you, Madam Deputy Speaker, that we should not go down that path.

**Mr. John Marshall:** To return to the middle east, via Serbia and South Africa, the hon. Gentleman said that he did not believe in sanctions. Will he therefore make a categorical condemnation of the Arab boycott and ask the Government to stop their sanctions against Israel and agree to sell them arms and oil?

**Mr. Grant:** I am saying that sanctions against Iraq and Libya should be lifted and that, generally, sanctions do not work. I am not prepared to widen my statement because I am not as au fait with the points that the hon. Gentleman makes as he probably is.

**Mr. Marshall:** The hon. Gentleman should be.

**Mr. Grant:** Perhaps I should be, but one cannot do everything.

The Government allowed the sale of machine tools for arms to Iraq yet stopped the sale of trucks to Libya because, according to the Minister, they could be used for military purposes. It is amazing that the export of trucks was stopped because they could be used for military purposes, yet machine tools, which could clearly be used to make arms, were allowed to be exported. Perhaps the Minister will comment on the Government's apparent diverse policy.

Where do we go from here? There is a new President in America—thank God, some might say—so perhaps we will get a new policy. My hon. Friend the Member for Linlithgow said that Mr. Clinton has stated that he will examine matters ruled out by President Bush and the British Government on the involvement of Iran and Syria. Let us hope that those matters are given fresh and impartial consideration.

We know that the Government are involved in behind-the-scenes negotiations with the Libyans. I believe that the negotiations should be open and that hon. Members should debate what is going on to try to resolve the matter. If the British and American Governments have nothing to be afraid of, they should welcome the Arab League's proposed international inquiry, as it will break the deadlock. The Libyans and a number of other countries favour a third country trial, which is reasonable. The Maltese, for example, have offered to try the two Libyans who have been accused of planting the Lockerbie bomb. As the American and British Governments have stated that the crime started when the suitcase was put on the plane in Malta, I see no reason why both refuse to

allow the Maltese to try the Libyans. Libyan lawyers have told me that their system is based on that used in France and the majority of countries on the continent. They are happy to come to an arrangement whereby the men are tried in a country with a similar legal system.

**Mr. Douglas Hogg:** The hon. Gentleman has already spoken of the extradition difficulties standing in the way of the Libyan authorities, to which I shall refer in my speech. Is he saying that these two men would voluntarily surrender themselves to the courts of Malta or that the Libyan Government should extradite them?

**Mr. Grant:** That is a fair point. Lawyers for the men have stated that they would be quite prepared to allow the men to be tried in a third country. They are not prepared to allow Britain and America to dictate where their clients should be tried. That offer, which was made by Mr. Legwill, the principal lawyer concerned, should be pursued further. If discussions were held, we might see a breakthrough. Mr. Legwill made it clear that arrangements could be made for his clients to be tried outside Libya, not in Britain or the United States but in a third country.

With the new world situation and the new President of the United States, we should make progress. I know that the Security Council is due to discuss the matter in December, and I hope that the British Government will at least accept a suspension of sanctions to allow discussions on how to resolve the matter.

The north African region—Algeria, Tunisia and so on—is very volatile at the moment. One of the only stable countries is Libya. On its way to Libya, our delegation passed through Tunisia. Every half a mile our bus was stopped and searched by armed soldiers, despite arrangements having been made to allow us to pass. Libya was different: people were moving freely, there were no major military exercises and there was no hostility. I urge hon. Members to join an all-party delegation that I have been asked to put together by the General People's Congress in Libya in order to visit Libya next spring and hold discussions with the assembly, the congress, the Foreign Minister and the leader of Libya. If they do so, like a number of my hon. Friends and I did, they will find that Libyans are reasonable and cultured people. Libya was very peaceful. I certainly did not see any guns, apart from those worn by a few police officers, which were well obscured. We were treated very well, despite the pressure that Libya is under from the British Government. If the Government do not want to resolve the matter, parliamentarians in this country and in Libya should be able to speak because—who knows?—we might be able to achieve a solution that the Government have not been able to find so far.

11.28 am

**Mr. Alan Duncan (Rutland and Melton):** I am grateful for the opportunity to say a few words on the motion. I believe that the House will be aware of my continuing interest in the oil industry, inasmuch as I purchase oil from the middle east and supply it to surrounding countries that are not oil producers.

I hope that the House will accept my apologies for not being able to remain until the end of the debate, but I have a speaking engagement in my constituency. I hope that the Minister, in particular, will accept my apologies.



[Mr. Grant]

takes a minimum of 12 hours, and can take 48 hours—a special United Nations committee, headed by Hungary, has to call all parties together and ask them whether they will give permission for an exemption on medical grounds. When a British expatriate who worked in the Libyan oil fields needed medical attention urgently, the British Government tried to get an air ambulance into Libya; we understand that it took a minimum of 12 hours—possibly longer—for permission to be obtained. Fortunately, the person concerned recovered during that period but that person could easily have died in the process.

Britain is a signatory to United Nations resolution 748, and is a permanent member of the Security Council. If it took Britain 12 hours to obtain permission for one of its own citizens to leave Libya, one can imagine how long it would take for Libyans to obtain permission to leave Libya. I suggested to the Minister during the European Standing Committee debate that if Libya wanted to fly its citizens out of the country, air clearance should be granted, wherever they landed—in Switzerland, Holland, Germany, or wherever—and that in Egypt there should be a United Nations team of doctors to examine patients to establish whether they are genuinely ill. They could then be taken to hospital and treated humanely. To set up a United Nations bureaucracy to scrutinise any application for exemption is an atrocious abuse of the United Nations Security Council resolution.

Mr. Dalyell: I drew the *Hansard* record of the debate in European Standing Committee B to the attention of a number of expatriate workers and their families. They are ferociously angry with some of the attitudes adopted by the British Government. While working with their Libyan colleagues, they are earning money for this country, but they feel that they are greatly impeded in all sorts of ways by the strong attitude of the British Foreign Office.

Mr. Grant: I thank my hon. Friend. We, too, spoke to British expatriates. About 5,000 of them are working in Libya. They are very concerned about their position. Many of them have left Libya because they fear that, should they fall seriously ill, they would be unable to leave the country. Many of them earn large sums of money, much of which is sent back to Britain and helps our economy.

Libya acts as a magnet for workers from the whole of north Africa and even further afield. The economies of Morocco, Egypt and a number of other countries are supported by the work done in Libya by expatriate workers from those countries. More than 1 million people in the region go to work in Libya and send money back home. Libya runs a free health service for the Libyan people and for people who enter Libya from surrounding countries. Their free medical treatment is being impeded by sanctions.

The result of sanctions, in particular the sanctions against air flights, is that many Libyan projects have had to close. The Libyans have frozen all new developments. That has created a problem for Britain. My hon. Friend the Member for Linlithgow knows that Brown and Root is the main consultant for the great man-made river project, which employs tens of thousands of workers, including 5,000 from Britain and other countries. Because certain parts cannot reach Libya quickly as a result of

sanctions, real difficulties have been created. A number of sub-contracts that should have been awarded to British companies are now going to Korean companies and companies in other countries. Therefore, sanctions are hurting the British economy.

Mr. Dalyell: Last night, I was on the same platform as the Minister for Energy and Sir Richard Morris, the ex-chairman of Brown and Root, who is extremely concerned that those who work for Brown and Root are being put at a disadvantage because Libya is having to place contracts with South Korea and others on account of the political situation. That has very serious implications for employment in this country. That is not just my opinion, it is the opinion of Gordon Law, the managing director of Babcock and Wilcox. The injury done to British industry cannot be underestimated.

Mr. Grant: Once again I thank my hon. Friend for his intervention. I am glad that he has given me this opportunity to make these points. I know that he could have made them in his own speech, but he has now provided us with additional information. I was unaware of the fact that he had had that conversation, but the effect of sanctions on our economy is such that the Foreign Office must answer these points.

Mr. Iain Duncan-Smith (Chingford): To widen slightly what the hon. Gentleman has said about the sanctions against Libya, does he not agree that history has demonstrated that wherever sanctions are applied, they invariably fail to resolve the problem in that territory and that, as a general rule, Governments should avoid sanctions and employ other policies to bring about co-operation with other Governments, thereby involving them in a more humane environment?

Mr. Grant: I thank the hon. Gentleman for making that point. He is absolutely correct. I made the same point during the speech of my hon. Friend the Member for Linlithgow with regard to Iraq. Sanctions do not resolve problems, as those who impose them claim. It is about time that the British and American Governments changed their policy. It is not working. It is hurting the innocent people. We ought, in 1992, to be going down an alternative road.

The Minister of State, Foreign and Commonwealth Office (Mr. Douglas Hogg): The hon. Gentleman makes a general case against sanctions. Does he also oppose the sanctions that the United Nations has imposed on Serbia?

Mr. Grant: If we are to talk about Serbia, we shall be going down a different road. I believe that the United Nations should go down a different road in relation to Serbia. If the United Nations believes that ethnic cleansing should not take place, that we should not allow refugees to come into this and other countries and that they should stay in their own areas, it is incumbent on the United Nations to go into the former Yugoslavia, to create safe havens for those people and to do so by means of military force. I am not a pacifist. I do not oppose the use of military force. Sanctions are not working there. Arms are being smuggled across the Bulgarian and other borders, so—

he expect a country that does not have an extradition treaty to extradite its citizens to this country and break its own laws?.

Mr. Dalyell: That point greatly concerned the Minister's former colleague, Ivor Stanbrook, the previous Member for Orpington and a serious lawyer. We should respect Arab law in the same way as we hope that Arabs will respect our law.

Mr. Grant: I thank my hon. Friend for that intervention. He is absolutely correct. Double standards are being applied by the Americans and British in this matter.

The British and the Americans have done other things. They have ignored the Montreal convention relating to terrorism on aeroplanes and so on. It categorically states that if citizens of one country are suspected of committing such a crime, they should be tried in their own country. To get around the Montreal convention, it was necessary for the British, the Americans and the French to move the resolution in the Security Council which overrode international law. Before the resolution was passed, international law stated that the Montreal convention would apply in such cases.

The Libyans took out the equivalent of an injunction to try to have the matter resolved. Each judge seemed to have a different perspective on the matter. They did not allow the injunction, but they have still to make a full determination. We look forward to what the International Court of Justice has to say.

By no means could we say that the British and Americans have been acting legally—certainly not according to what was international law in such matters. The sanctions imposed on Libya have been very severe.

The House will remember that the French Government were directly responsible for the blowing up and the sinking of the *Rainbow Warrior*. In doing so, they killed a New Zealand citizen. New Zealand asked France to extradite the responsible citizens. It was clearly state terrorism by the French Government, because the persons who were responsible were members of the French secret service. The French refused to extradite their citizens, stating point blank that French law did not allow them to do so. That was the end of the matter. France is now to sign a motion demanding that another country extradite its citizens to Britain, the United States and other nations, which is an example of its double standards.

The United States has carried out acts of state terrorism for a long time, especially in that region itself. It invaded Grenada, breaking international law; it mined the Nicaraguan harbours, and took no notice when the International Court of Justice ruled that that had been an illegal action. It recently kidnapped General Noriega in Panama, on the pretext that he was involved in the drug trade.

Mr. Alan Duncan (Rutland and Melton): He was.

Mr. Grant: He may well have been, but many people are involved in drug trafficking. The Americans thought that that was sufficient reason to enter a sovereign country, kidnap the head of that country and bring him to justice.

Why has the United States not sent a task force to arrest the Colombian drug barons who could not be kept in Colombian prisons because the army was too weak and the Medellin too strong? Having adopted a policing role,

as it seems to have done, the United States should now kidnap all those who are directly responsible for the arrival of the crack, cocaine and heroin trade in that country and in Britain. We must view what is happening to Libya in the context of the actions of the Americans and the French—and the British Government have coat-tailed the Americans in this regard.

Sanctions have had a dramatic effect on Libya. In September, I led a delegation of parliamentarians, trade unionists and church and community leaders on a fact-finding mission. We were especially concerned about health matters, and our report—entitled "Report of a fact finding delegation to investigate the effects of the sanctions imposed on Libya by United Nations Security Council Resolution 748"—paid particular attention to those matters. Earlier in this Session of Parliament, the Minister made a number of statements about sanctions to *European Standing Committee B*; he said, among other things, that sanctions were intended to hurt. It seems that he is quite happy for innocent Libyans to be maimed and killed as a result of them and feels that that is what the Libyan Government should expect.

We were told that the United States' deployment of sanctions against Libya was intended to make the Libyan Government hand over the two accused men, either to Britain or to the United States itself, and was certainly not intended to affect the lives of innocent people. Has the Minister changed his view, or does he still feel that the deaths of innocent people are nothing to do with him?

Our delegation met a number of people in Tripoli, including Dr. Al Zaidi of the Tripoli burns unit. He told us that dozens of people had died, partly because the special antibiotics that were used to treat burns could not be imported by road or by sea; they had to be flown in. Children, housewives and other burns cases were dying because the drugs were not available. Moreover, the air ambulance that brought patients to the unit could not operate: it had no spare parts, because sanctions had been levied against all air transport. If an accident occurred in Benghazi, which is hundreds of miles from Tripoli, the best way to deal with it would be to fly the victims to Tripoli for treatment; but, because the air ambulance was out of service, people were having to be transported hundreds of miles by road, and a number of them would die during the journey.

The doctor told us that, earlier in the year, there had been an explosion in a Tripoli factory. A number of people had died because they could not be flown out of the country for treatment. Up to 60 per cent. of the units staff were expatriates, and 90 per cent. of them had left since April because of the uncertainty surrounding sanctions. President Bush had threatened not only sanctions but, following sanctions, military action, and that had forced a number of medical staff to leave. They could not be replaced.

The sanctions had also prevented consultants from flying into Libya from Switzerland, Britain and other countries to mark medical students' examination papers. As a result, the number of medical staff was becoming smaller and smaller. More than 150 people had died on the way to Tunisia or Egypt, because they had been forced to travel by road. Those are all serious problems, on which the Minister should comment.

The Minister told the *European Standing Committee* that Libya had not applied for special dispensation for the air ambulance. Obtaining such exemptions, however,

[Mr. Alan Duncan]

I intend to take a slightly broader sweep of the region than the hon. Member for Linlithgow (Mr. Dalyell). I do not possess his remarkable forensic qualities. There are moments when his extraordinarily close focus on such issues distorts his view. There are times when he sees the pigment but not the full picture.

I am happy to refer to the main arguments of the hon. Member for Linlithgow about Libya. I feel strongly about the subject, as one of my close friends in the oil business was on Pan Am flight 103, and I have vivid memories of that day. Some of the first transactions that I conducted in the oil business were in Libya. The hon. Gentleman referred to the fact that Korean companies have a major share of the construction business in Libya. They used to be paid in crude oil, which I purchased, sold in the market and converted to dollars to pay them. That is an example of how trade between two countries can extend far beyond the regions that are apparently involved.

I accept much of what the hon. Member for Linlithgow said about apportioning blame, and that one should not focus only on Libya as being responsible for the Lockerbie crime but should include Iran and Syria.

I confess that I am saddened and perplexed by the way in which Libya has behaved. I would love to find a solution to the problem of our diplomatic relations with that country. I should like nothing more than for our two cultures to be harmonious again, trading openly and with the two peoples speaking warmly of one another. However, we must be realistic and understand that that country has a particularly maverick Administration. Any Foreign Office Minister or official who seeks some sort of accord faces the utmost difficulty in conducting a rational conversation to try to reach some sort of solution. Furthermore—

Mr. Dalyell rose—

Mr. Duncan: I shall give way in a moment. When the hon. Gentleman rises to his feet, will he admit that Libya undoubtedly supplied Semtex explosives to the IRA, and has attempted to undermine our Government?

Mr. Dalyell: Bad things have been done since the early 1980s. Conservative Members would be welcome to stay to listen to the hon. Member for Southend, East (Sir T. Taylor)—I hope that the House will be able to hear his speech. He will speak for himself, but his mission to Libya was extremely important and it was a tragedy that that initiative was not taken up by the Foreign Office.

Mr. Duncan: I hear what the hon. Gentleman says, and I hope that I shall be able to stay to listen to my hon. Friend the Member for Southend, East (Sir T. Taylor), who is familiar with Libya. I am grateful to the hon. Member for Linlithgow for his views on the matter. He referred to the Matrix Churchill problems and the sale of weapons to Iraq. The fact that there was a queue for breakfast at the Rashid hotel does not necessarily prove that it was full of arms salesmen. In my experience, there is always a queue for breakfast there. It would be as well to play for time and to appreciate that a judicial inquiry will consider the matter in detail.

Our constituents often question the defence of the invasion of Kuwait. Some people accuse the Government of being interested in repelling that invasion because of oil

—they say that if there had been no oil they would not have done so. I do not accept that. Unlike Yugoslavia, where Islamic people face severe torture, the invasion of Kuwait by Iraq was a clear case of aggressive invasion, although it was admittedly in a sensitive part of the world in which we have interests.

The hon. Member for Linlithgow, applying his remarkable forensic skills, made certain allegations about Mark Thatcher's behaviour and said that the former Prime Minister, Margaret Thatcher, was in Aspen, Colorado when the invasion took place. He studied the matter in such detail that he almost seemed to imply that the Thatcher family was responsible for the invasion of Kuwait. Great danger lies in apportioning blame in that way. Saddam Hussein was to blame for the invasion of Kuwait. It is somewhat specious to suggest that Lady Thatcher was to blame because she was in Aspen—albeit she was there to stiffen the resolve of the then President of the United States.

Of course we have legitimate interests in the middle east. The flow of oil is important to world security. If one is kicked in the shins, one may react mildly, but if one is kicked in a more sensitive part of the anatomy, one is likely to react more acutely.

The market for oil supplies is fairly stable. Oil is flowing freely, at a reasonable price. Since the last oil shock in 1978-79, sources of oil have been discovered in many parts of the world, diluting the concentration on oil supplies in the middle east. None the less, the middle east and the Gulf remain critical to the stable supply of crude oil. If the Straits of Hormuz were shut, the price of oil would suddenly and dramatically increase and it would cut the flow of the major share of the world's consumed and exported oil.

My hon. Friend the Member for Chingford (Mr. Duncan-Smith) referred to embargoes. I agree with him that if there is a lesson to be learnt from the past 20 years, it is that embargoes—especially of oil—do not work unless they are supported by a military blockade. It is simply a fact of trading life that such embargoes are always circumvented. Even though ships are large objects, and cargoes of oil are supplied in hundreds of thousands of tonnes, there are ways and means to circumvent embargoes. They are an ineffective diplomatic device and cannot be applied effectively without military and intelligence support to monitor and enforce them.

That begs the question whether the Organisation of Petroleum Exporting Countries is dead. In many respects it is dormant. It can no longer control the price of oil as it did in the early 1970s, but if it were to disband one might find that the lack of its psychological influence, which affects and underpins the market, would lead to a dramatic further collapse in the price of oil.

The second question that I must study briefly is the nature of likely future Governments in the Gulf region. May I be allowed to include Pakistan in the Arab world as it is an Islamic country? It has a fragile democracy. I hope that it will survive, but it is in a perilous state. I was saddened to read a leader in *The Times* earlier this week denigrating Benazir Bhutto and saying that her attempt to rally popular opinion was almost an illegitimate activity. Rallying popular opinion strikes me as perfectly legitimate. It is remarkable that her leadership of the opposition is witnessing such a speedy and dramatic comeback.

The only democracy in the middle east is Israel. I know that some would enjoy denigrating the country, but we should not forget that, as a democracy, it enjoys certain validity. I defy any hon. Member to cite an example of two democracies that have gone to war. Some examples are close to meeting that definition, but I cannot think of one.

We must appreciate that, in the middle east, there is scope for various systems of government. The Gulf states illustrate the fragile position of monarchs under threat. In such tribal communities there is always the threat of domestic upheaval. Despotism and fundamentalist regimes nearby are a threat to those neighbours who enjoy traditional quasi-feudal systems of government.

We must appreciate that it would be desperately wrong for us to try to impose democracies on those countries and to say that their regimes are somehow less legitimate because they are not yet practising democracies. The path to democracy in many of those countries should not and cannot be accelerated. We would be doing them a grave disservice if we tried to impose our western ideals on their forms of government. In various parts of the world different countries are differently suited to different forms of government. As one wise old bird from the Foreign Office said to me only last night—he was probably looking back to India—"One has to appreciate that there needs to be variety in government. Indeed, there was a point when processions of elephants were an essential part of the governmental process."

The key to our good relations is trade. Our diplomatic influence will wane further if we believe that simply clubbiness and an Oxford accent will suffice when dealing with the political elites of the middle east. Our commercial relationships are inextricably linked to our political relationships and influence in that region.

I was heartened to learn from the autumn statement that the budget of the Export Credits Guarantee Department will be increased by £750 million. I hope that that budget will cover the Gulf states with which our trade is of great advantage, to them and to us. Last night a dinner was hosted by the Bahrain Society—I know that my hon. Friend the Member for Bexleyheath (Mr. Townsend) was unable to attend because he had the Adjournment debate—and that remarkable man, the Minister for Development, Mr. Yousef Shirawi, pointed out the enormous extent of the development that his country still wishes to undertake. That development offers us a remarkable trading opportunity, and I hope that Foreign Office Ministers and Ministers at the Department of Trade and Industry will concentrate their efforts upon it.

The pattern of influence in the middle east has changed dramatically with the collapse of the Soviet Union. For the past 10 years Syria has had a pivotal role in determining the balance of influence in that region, but it no longer has the backing of the Soviet Union, which it enjoyed for so long. The balance of trade and influence has changed and that offers us a remarkable opportunity to exercise our influence through diplomacy and trade.

I agree with my hon. Friend the Member for Hendon, South (Mr. Marshall) that the sooner we have greater trade within that region, with the withdrawal of the Arab boycott on Israel, the more fruitful it will be for the relationships of all those countries in that troubled part of the globe.

11.44 am

Mr. Neil Gerrard (Walthamstow): I shall make a brief contribution to the debate, which gives me the opportunity to raise the case of one of my constituents, Paul Ride, who is in prison in Baghdad. His case is greatly influenced by the general relationship between our Government and that of Iraq.

I appreciated greatly the opening speech of my hon. Friend the Member for Linlithgow (Mr. Dalyell), who made a powerful and reasoned case for his motion. It was also interesting to learn from the hon. Member for Stroud (Mr. Knapman) about the situation in Jordan, where one person in four is a refugee. I agree with the hon. Gentleman that that example should be viewed in the context of Europe and, in particular, of Bosnia. Perhaps the hon. Gentleman could draw that to the attention of some of his hon. Friends who seem so intent on pushing the Asylum and Immigration Appeals Bill through Parliament with the excuse that too many refugees are coming to this country. Jordan puts that claim into perspective.

As my hon. Friend the Member for Linlithgow said, it is clear that arms sales to Iraq have gone on for years. During the Iran-Iraq war people in this country were fed the idea of Iran as the aggressor—the villain of the piece in everything that was going on in the middle east. Iraq was presented as the buffer that would prevent Iran rolling across the middle east and imposing a fundamentalist regime.

During the war arms were sold to Iraq and it used chemical weapons. Before and after the war, the Kurdish minority were persecuted and internal repression was practised in Iraq. Those facts were drawn to the attention of the House by some of my hon. Friends, but they were largely ignored. The regime in Iraq was repressive then, and it is still.

As my hon. Friend the Member for Linlithgow also pointed out, the regime in Kuwait is hardly democratic, nor is the way in which Palestinians have been treated there since the Gulf war. Since that war, a regime of sanctions and blockades has operated against Iraq, and that is the background to my constituent's case.

Paul Ride was working as a catering manager in Kuwait and in late June he disappeared near the border with Iraq when he went to visit a friend who worked nearby. The exact circumstances are still not 100 per cent. clear, but we know that he was arrested by an Iraqi patrol. It was several weeks before his wife knew anything, because he simply disappeared. However, it then turned out that he was in prison in Baghdad and, when news of his appearance first came through, he was about to be put on trial. At that trial he was sentenced to seven years in prison on a charge of illegally entering the country.

Another Briton, Michael Wainwright, is also in prison in Baghdad and my hon. Friend the Member for Halifax (Mrs. Mahon) is dealing with his case. An American was also arrested by the Iraqis on the border, but he was soon released. Obviously that begs the question of why the Americans were able to get one of their citizens released so quickly, while our citizens are in gaol and are likely to stay there for several years.

The reason that Paul Ride and Michael Wainwright have been held is that their imprisonment is a form of retaliation against sanctions—it is a bargaining counter. Their release depends on our relationship with Iraq. We do

[Mr. Ken Livingstone]

If our involvement in the issue of Israel and Palestine has been slightly two-faced over the decades, our recent involvement with Iraq and Iran make it look a model of straightforwardness and honesty. Like most people in Britain, I have been amazed as revelation after revelation has emerged about the scale of our involvement in the Gulf wars in the past 12 years. I remember hearing numerous Ministers say that the Government did not support the continuation of the war between Iraq and Iran but that they were in favour of a complete arms embargo being imposed on Iran and Iraq so that the war could be brought to a conclusion.

It is now apparent that, from day one, Britain and America were doing everything in their power covertly to supply information and provide arms to sustain Iraq's attack on Iran, simply because they considered that Saddam Hussein was a lesser evil than the Ayatollah Khomeini.

The Iranian revolution was a genuine revolution from below. It was a wave of anger by the Iranian people, who had seen their nation subjected to outside western influences, decade after decade. They saw their Government, in the form of the Shah, as a western puppet and had seen that puppet supported by western Governments for convenience because he was anti-Communist. They had seen western Governments loth to raise any issues of human rights abuses. They had seen the oil companies exercising their influence. There was none of the pride of a nation state. Would we have tolerated that subject position? Of course not. Eventually, it created a revolution from below—as genuine a revolution as that in Russia in 1917, that in China in 1949 or that in Cuba in 1959. We should have recognised that.

Like virtually everyone here, I would have found it difficult to support the Ayatollah's political programme, but that was a matter for the Iranian people. However, because western interests felt threatened, we helped to arm and build up Iraq. There was, remarkably, a degree of anticipation at the end of the cold war. The Soviet Union was providing conventional weapons to Iraq and we in the west were covertly providing the rest, which was much more dangerous.

That war continued for eight years and resulted in the slaughter of millions of people, to achieve nothing. It left an Iraqi military machinery that was so powerful that America took the first opportunity to smash it; America perceived it as a threat to western interests, which it clearly was, as Saddam Hussein was a wild cannon.

Would not it have been better if we have kept out of the conflict during that eight years and not encouraged one side and prolonged the slaughter with our support? Did we think that simply because Saddam Hussein was temporarily on our side against the Ayatollah, he was someone whose military strength we should build up? Would it not have been more honest to work with the refugee groups—the Kurds who fled from Saddam Hussein's tyranny and the Shia Arabs in the south—who wanted a better Iraq?

It seems that our morality in terms of foreign policy goes no further than the immortal words of Franklin Delano Roosevelt who, when he was President in the 1930s, discussed the obnoxious regime of Somoza in Nicaragua with his Secretary of State. The Secretary of

State said, "This man is a son of a bitch" and President Roosevelt replied, "He is our son of a bitch." Sadly, that seems to be the underlying basis on which we in this country approach foreign policy issues.

The same is true of Government of both colours. Like many Labour Members, I listened with acute embarrassment when, in the debate on Iraq, the Government listed the degree of covert arms sales that Labour Governments had been prepared to go along with. Such a policy has to end. If we pump arms into the volatile regions of the world, we shall create wars that ultimately damage us greatly and cost much more than the short-term profits of one or two arms companies.

I shall now deal with precisely how the arms entered Iraq, which seems a particularly pernicious issue. It should not be an immediate party political issue. I believe the Prime Minister's assurance that he knew nothing of it. I have watched the right hon. Gentleman for 25 years and I can honestly say that I have never seen him lie—in Lambeth council or here. It may be embarrassing to him that the document was in his Office but he did not read it, but people under pressure occasionally make such mistakes. I do not think that there is any great shock or horror about the Prime Minister's role in the affair.

The shocks will come in relation to the role of the present Prime Minister's predecessor and her family. I hope that all parties will be prepared to deal with the issue honestly and openly. What has been going on is a scandal of immense proportions. We should all have an interest in ensuring that no party in government allows such a scandal again.

I knew virtually nothing about the involvement of Mark Thatcher in the arms trade, when I see Mark Thatcher's name in the newspaper, I usually turn over and move on to something else. He was not someone I had an interest in and he never struck me as particularly bright or as someone with very much to say. I was not terribly interested in motor racing. I have crossed the Sahara desert twice without getting lost and I find it difficult to see how anyone could get lost there. There is only one road crossing the desert, so one simply has to go along it one way or the other.

I was surprised when, one day sitting in my bath I was reading *The Guardian* and I came across a little article by Richard Norton-Taylor, who has an excellent track record for finding out embarrassing things that the Government prefer us not to know. The article spoke of a book that had published in America by a former Israeli military intelligence officer, Ari Ben-Menashe. The book could not be published in Britain because of our restrictive libel laws. It contained damaging revelations about Mark Thatcher and arms sales to Iraq.

By a stroke of immense good fortune, I was due to go to the United States the following week. I got straight off the plane and went into a bookshop to buy a copy of "Phrophets of War". I read it from cover to cover, and Mark Thatcher merely played a bit part—he had a walk-on role. The book was much more to do with what George Bush did or did not know about the hostage arrangements in Iraq in the 1980 election and other matters.

When I returned to the House, I submitted an early-day motion, which I resubmitted in a slightly different form after the Scott inquiry was announced by the Prime Minister. To my surprise, it attracted 53 signatures. I usually find it difficult to obtain double figures for



the future of Jerusalem is an issue about which no Israeli Government would negotiate. Those who favour religious tolerance and freedom must believe that Jerusalem should remain a united, not a divided, city. There is more religious freedom in Jerusalem today than there was when it was a divided city.

For Israelis in general, and for the Jewish community, the western wall is the holiest part of the world. When it was under Jordanian control, nobody was able to go from Israel to worship there. The first time that an Israeli could go there was in 1967. No Israeli Government could be expected to agree to Jerusalem again becoming a divided city. Some 70 per cent. of the population are Jewish. When it was partially under Jordanian control, the Jordanians did not honour their religious beliefs and they have therefore lost any right to have a say over Jerusalem's future.

I should like—I suspect that one or two former British ambassadors wish that it had happened—the British embassy to be transferred from Tel Aviv to Jerusalem. Those who have lived in Tel Aviv have often said that they would be happy if the next embassy went to Jerusalem.

There are many problems in the middle east, and there are many refugees in Jordan. In the late 1940s, there was a huge transfer of populations. Refugees from Arab countries went to Israel, and Palestinians left Israel to become refugees elsewhere. Let us consider the attitudes of their respective Governments. The Israeli Government set out to house their people and provide them with jobs and opportunities. Many of the Arab Governments did nothing of the sort but merely allowed the refugees to fester and multiply and did not provide them with decent housing conditions.

If the Arab states had wanted to solve the problem, they could have done so. Had they devoted two months' oil revenues to sorting out the problems of many of their refugees, the difficulties would have disappeared decades ago. We must accept the fact that certain Governments in the middle east are indifferent to the refugees' fate. Indeed, one suspects that, the worse that fate, the happier they are.

12.1 pm

Mr. Ken Livingstone (Brent, East): I was struck by how remarkably wide my hon. Friend the Member for Linlithgow (Mr. Dalyell) had managed to draw the motion. It allows us to range over a period of history that goes back to the Balfour declaration to the recent "Dispatches" programme. You will forgive me, Madam Deputy Speaker, if I cover much the same ground.

When I look at the history of our involvement in the Arab world, I am struck by how overwhelmingly destructive and divisive it has been. We have played a game of deceit in which we have said one thing while practising another. In an embarrassing moment immediately after the Russian revolution, Lenin and Trotsky decided on a breathtaking innovation. They published all the secret documents and treaties in the Russian Foreign Ministry, which proved embarrassing for Britain when it transpired that we had promised the land of Palestine to both the Jews and the Arabs at exactly the same time, while keeping both documents confidential and not telling either party what was proposed.

Such duplicity and behind-the-scenes dealings produce military conflicts that rumble on not just for decades but for the best part of a century. I have come to the

conclusion that all our interests would be better served if we based our foreign policy on some form of morality, rather than on the nonsense of looking for expediency and contracts, and working out what is in our immediate short-term interest. It is in our interest that there should be a stable world: the only way to achieve stability is if there is justice, if peoples have the right to self-determination and if one set of peoples does not enslave another.

Like many people, I am happy that some progress has been made in resolving the issue between the Palestinian people and the state of Israel. I am not overwhelmed with joy, however, at the slow pace of those negotiations. Even the new Israeli Government are being unrealistic about the future arrangements that they expect the Palestinian people to accept.

The Palestinians have been in that area for tens of thousands of years and have a long-standing, recognised culture. They are the most cosmopolitan and international of all the Arab peoples. Perhaps because most of the rest of the world has marched through their territory at some time, they have been open to more outside influence than anyone else in the Arab world. I know of no other Arab peoples more committed to the concept of democracy. Three generations have lived in camps for displaced persons with refugee status, eking out an existence on the margins of other peoples' nations and societies. That has given them more confidence in the commitment that the state that they eventually create will be democracy and will not replicate some of the unpleasant military or feudal dictatorships in the regime.

Israel should now show the imagination to offer the Palestinians not just a deal that they would be prepared to accept but one that lays the foundation for peaceful co-existence between Israelis and Palestinians. That must mean a Palestinian state on the west bank and Gaza. It will not be good enough to expect people who have suffered so much for so long to put up with municipal status, giving them about the same amount of power over their affairs as the people of Islington or Tottenham have under the present regime here.

No one wants to have an expansion of arms in the area. I should not be surprised to find that a deal could be struck between the Palestinians and Israelis that would ensure that the Palestinian state would be demilitarised. There could be economic co-operation and development, meaning that, within five or 10 years, everyone in the area would have an interest in preserving the peace because their economies would be growing and they would be trading with each other.

All the power rests with Israel. Israel has 200 nuclear weapons; the most powerful, modern and efficient military machine in the area; and a virtual blank cheque from the new United States President-elect, Bill Clinton, who is completely committed to the Israeli cause and has been in American politics for many years. From that position of strength, Israel must take the concessions. It cannot expect those who do not have a military machine, nuclear weapons, their own state or a right to vote under Israeli occupation to make concessions. They have nothing to concede. If Israel is now prepared to show imagination, a peace can be secured that will respect the traditions of the two peoples and lay the foundations for peace in the future. It means that Israel must make concessions and I hope that the British Government will make that point privately and publicly to the Israeli Government.

[Mr. Neil Gerrard]

not have an Iraqi embassy in London any more, but there is an Iraqi interest section at the Jordanian embassy and Iraqi diplomats are posted to other European countries. They have been approached by MEPs and others working on behalf of Paul Ride and Michael Wainwright.

Iraqi diplomats say, "How can you expect us to take the humanitarian steps you seek, and release those people who are in prison, when your sanctions mean that our children cannot obtain the medicines they need?" My hon. Friend the Member for Linlithgow vividly pointed out the situation. "How can we take such humanitarian steps when there would be repercussions for us in our country?", they ask.

We have heard how the real victims of the sanctions on Iraq are the most vulnerable, the old, the sick and the children. Up to a quarter of a million children may have died through lack of drugs and medicines. I have with me a letter from the head of the Iraqi interest section at the Jordanian embassy pointing out that the harsh economic sanctions have caused an acute shortage of medicines and medical appliances. It adds that the Iraqi Red Crescent Society is asking humanitarian organisations to supply urgently required items such as rubella vaccine, of which 200,000 doses are required, hepatitis B vaccine for adults and children, yellow fever vaccine, anti-gas gangrene serum and anti-snake serum. It is a long list.

I point out in my early-day motion 942, which has attracted a significant number of signatures in recent days, the contrast between the attitude of Governments in refusing to supply medicines and what was happening before the Gulf war. Whatever the circumstances of the arms sales—who knew about them, what they were and who signed this or that letter—everybody knows that arms and machine tools to make arms were sold. Contrast that state of affairs with what is happening now and the inability of people to obtain medicines.

**Mr. Douglas Hogg:** I am sure that the hon. Gentleman does not wish to mislead the House. He will appreciate that the sanctions regime does not prohibit the import of medicines into Iraq.

**Mr. Gerrard:** While the sanctions regime may not prohibit medicines being imported by Iraq, the embargo and freezing of assets in foreign currencies makes it virtually impossible for Iraq to obtain the supplies it needs.

The Government should reconsider their position over sanctions. I have raised the issue today from the point of view of an individual and the effect it is having on a constituent of mine. The general feeling is that nothing will happen to achieve his release until there is a change of position. Having raised it at the constituency level, I am anxious to make it clear that I share the views of my hon. Friend the Member for Linlithgow in the wider context of the need to lift the sanctions.

11.53 am

**Mr. John Marshall (Hendon, South):** I apologise to the Minister for the fact that I shall not be able to stay till the end of the debate. I explained in a letter to Madam Speaker that I had other engagements in my constituency.

I welcome the statement in the motion about the positive attitude of the United Kingdom towards its traditional friends in the middle east. In particular, I

welcome the fact that Prime Minister Rabin is due to visit this country next month. I am sure that he will receive a warm welcome, for during the few months that he has been Prime Minister he has shown greater flexibility of thought than many Arab states have shown since the foundation of the state of Israel.

Israeli Prime Ministers have visited this country on many occasions. It is noted in Israel that only one serving British Prime Minister has visited that country. I refer to Lady Thatcher, who went there in 1986. I remember that visit with great pleasure because I was there at the time. The warmth of the reception that she received should underline to my right hon. Friend the Prime Minister the wisdom perhaps of him paying a visit to Israel.

The people of Israel would also like a visit from a member of our royal family. Her Majesty the Queen has visited a number of Israel's neighbours. It would help relations in that part of the world if she or a member of her family visited Israel.

Everyone welcomes the fact that individuals such as Terry Waite are at long last free. They were incarcerated for far too long. The manoeuvres that started the release of hostages in the middle east began with the decision of Israel to release a number of prisoners held in that country. It hoped that the result would be that Israeli hostages who have been held in the middle east for many years and whose relatives have not heard from them might be released.

For example, I have met Mr. and Mrs. Baumel, whose son was captured by the Syrians in 1982 and taken to Damascus. He has been held under circumstances of which we are not aware, and we do not even know if he is still alive. His parents should be told what has happened to their son.

I also recently met Mr. and Mrs. Fink, from Manchester, who now live in Israel and whose son some was similarly captured. They have not had a word from his captors about his whereabouts. In both cases, the captors have acted against all international understanding and conventions governing the way in which prisoners should be treated.

I have recently heard from friends of Mr. Arad, who has been held for many years. His daughter has not had the privilege of getting to know her father. We should be told whether Mr. Arad, an Israeli navigator, is alive. He should be released, having been kept longer than any prisoner was detained during the second world war.

**Mr. Cyril D. Townsend (Bexleyheath):** I am sure that my hon. Friend wishes to give the House a balanced picture. He will be aware that no country in the middle east holds as many prisoners without proper trial as does Israel. A major step that Israel could take to help the peace process would be to release more than 1,000 Palestinians being held without proper legal trial.

**Mr. Marshall:** My hon. Friend expects my speeches on the middle east to be as balanced as his. There exists in Israel a rule of law which is the envy of many other states in the area. The justices there have an independence which is denied to many judges in other countries in the middle east and in other parts of the world.

We must accept certain realities about the middle east, one of which concerns the future of Jerusalem. While certain parts of the middle east are negotiable in the peace process, people should not blind themselves to the fact that

signatures on my early-day motions. However, people who are not known as my closest confidantes and who are not from my wing of the Labour party signed it.

The early-day motion contained the charges of Ari Ben-Menashe. I accept that we have to be cautious when dealing with the revelations of rogue intelligence officers who have turned against their former employer. However, it is important to remember that Mark Thatcher and the Iraqi arms deals played only a minor part in the book and were not essential to what the author was trying to establish.

The author makes various charges. The book stated that Mark Thatcher owned a Texas-based company that was used to move equipment directly from Britain to Iraq. It should be relatively easy for Lord Justice Scott to determine whether that is true or false. The allegation was that Mark Thatcher introduced the supergun designer, Gerald Bull—who was subsequently murdered—to the South African military intelligence general, Pieter Van der Westhuizen, who then introduced Gerald Bull to the Iraqi deputy chief of procurement, who arranged a payment for Gerald Bull's services via Cardoen Industries financial network.

The book also alleges that Mark Thatcher was an associate of Dr. Carlos Cardoen, who is now getting a little more publicity for his activities. Mr. Ari Ben-Menashe was invited by one of my colleagues and came to the House of Commons this week. He was questioned by several hon. Members. According to Ari Ben-Menashe, Dr. Cardoen's main job in life was the procurement of arms for Iraq in the west. When Ari Ben-Menashe—who was then still working for United States intelligence and trying to discourage Gerald Bull from going ahead with the supergun—arrived at Dr. Cardoen's office, he found Mark Thatcher there. What was Mark Thatcher doing with Iraq's main procurer of weapons in the west? The book alleges that Dr. Cardoen was introduced to Mr. Bull by Mark Thatcher, who was the link person.

If those allegations are true, they are breathtaking. Conservative Members are having to listen to unpleasant things about their former colleagues. But if we reverse the circumstances, we can ask what Conservative Members would be saying if my right hon. and learned Friend the Member for Monklands, East (Mr. Smith) had been Prime Minister for the past 10 years and it had just been discovered that his three daughters had all become multi-millionaires in the arms trade and had been wandering around selling armaments to a country with which we were ultimately at war. I suspect that we would have heard something from Conservative Members.

Mr. David Sumberg (Bury, South): The hon. Gentleman is making an extraordinary allegation—he is suggesting guilt by smear. He makes allegations about Mark Thatcher, who is not a colleague of any hon. Member. The hon. Gentleman must make absolutely clear whether he is making allegations against the former Prime Minister of this country or not. If he is not doing so, to try to imply that there is some association between the former Prime Minister and Mark Thatcher, other than that they are mother and son, is disgraceful.

Mr. Livingstone: I am afraid that I am now coming to specific details. The hon. Member for Bury, South (Mr. Sumberg) made it clear that he was not a former associate

of Mark Thatcher. I suspect that many Conservative Members will say much the same thing over coming months as Lord Justice Scott continues his inquiry.

Mr. Dalyell: I asked a number of specific and careful questions about Mark Thatcher. Some 2 million or more people watched the "Dispatches" programme, produced by Box Productions. As I stressed, the company must have gone to its libel lawyers. Those viewers heard of serious allegations by a member of the Reagan Administration, Mr. Howard Teicher suggesting that political families were involved in matters of considerable difficulty. The hon. Member for Bury, South (Mr. Sumberg) should see what hundreds of thousands of people have seen on television. He might then agree that it is at least up to the Foreign and Commonwealth Office to respond to those allegations.

Mr. Livingstone: I thank my hon. Friend. I made it clear in the early-day motion that I was repeating the allegations. At that stage, I was not certain of the extent to which the allegations might be gross exaggerations. When Mr. Ari Ben-Menashe came to the House this week, I pointed out that his book was published several months ago. Mark Thatcher is a resident of Texas. I asked Ari Ben-Menashe whether he had received any libel writs about the charges in the book. The answer was that he had not. Mark Thatcher is not short of a bob or two, so he could afford a lawyer. I should have thought that charges of such gravity would bring forth a writ if they were inaccurate. That is another mark that suggests that the allegations are probably true.

Mr. Dalyell: In relation to the meeting at the Carlton Tower, Howard Teicher is reported to have expressed great concern that a member of a political family should exploit a perceived connection to make money. Our hon. Friend the Member for Newcastle upon Tyne, Central (Mr. Cousins), a very responsible parliamentary colleague who is a member of the Select Committee on Trade and Industry, said that in the light of all that and in the light of what was said to the Select Committee, there must be a full disclosure. If those are not matters for the Floor of the House, I do not know what is.

Mr. Livingstone: I thank my hon. Friend again. He raises an important point. We in Britain know that in many instances Mark Thatcher was an embarrassment to his mother and to the Conservative party. That is why he was in effect bundled off into exile in Texas after the scandal involving Cementation. He was lucky to get away without going inside. He was bundled off so that he would no longer be an embarrassment.

Hon. Members know that Mark Thatcher is no mastermind who will one day inherit the Tory party leadership. However, there are many nations in which the sons and daughters of prime ministers and presidents inherit political office as a result of their control of political parties. Dynastic politics are powerful in many nations. We may have had no illusion about the real influence of Mark Thatcher, but many people in other countries who saw the son of a long-serving and powerful Prime Minister sitting at meetings discussing the purchase of British armaments for sale to Iraq would have thought that the Government must have some awareness of what was going on.

Mr. Dalyell: Does my hon. Friend recollect the previous occasion on which he and I put forward a



[Mr. Dalyell]

controversial view? We were rubbished on the Floor of the House by the then junior Home Office Minister, who is now the Secretary of State for Education, on the matter of Colin Wallace. Colin Wallace was then, rightly, awarded thousands of pounds of taxpayers' money in compensation. Everything that we said turned out to be true and everything that was said by Ministers turned out to be a load of drivel.

Mr. Livingstone: I am delighted to be reminded of that case. I recall my hon. Friend and I going through three years of general abuse. We were told that we were obsessive and monomaniacal, that we had wild staring eyes and that we tabled too many questions. Did anyone get up and apologise when it was all shown to be true? There was a deathly silence on the Conservative Benches.

One of the joys of the House of Commons is that one raises an issue and then suddenly one starts to get anonymous letters. I now receive anonymous letters from all round the world about people who bumped into Mark Thatcher or who saw him with somebody else. One must treat those letters circumspectly. I am now collaborating with a journalist, Mark Hollingsworth, who is writing a book about Mark Thatcher's arms dealings and I shall pass all the information to him. I am sure that Conservative Members look forward to the book's publication.

I received further information about an arms deal—this brings us back to our involvement with the Arab world—which was not with Iraq. I received information from a journalist which I then put forward in the form of three early-day motions. The first stated:

"That this House notes that the Foreign Secretary received a letter dated 3rd June 1992 from Mr. Abdul S. Minty, director of the World Campaign against Military and Nuclear Collaboration with South Africa, alleging that Mr. Mark Thatcher was involved in promoting the sale of South African G6 Howitzers to Saudi Arabia; further notes that Britain is a member of the United Nations 421 Arms Embargo Committee of the Security Council and was present when these allegations were discussed by the Committee; and requests that the Foreign Secretary report to the House on the action taken by Britain's representatives when this matter was reported and on the nature of his reply to Mr. Minty."

The second early-day motion stated:

"That this House notes the reports to the United Nations 421 Committee that Mr. Mark Thatcher offered to act as the 'middle man' in an attempt by Armscor, the South African government owned weapons dealer, to break the United Nations arms embargo and sell £328 million worth of G6 howitzers to Saudi Arabia".

I do not know what the commission rates are, but the commission on £328 million must be more than a few bob.

The early-day motion continued:

"the deal was dropped after pressure from the United States Government"—

who had been alerted to it. The early-day motion then "calls on the British Government to deposit in the Library of the House the reports on these events compiled by MI5 and MI6."

The third early-day motion stated:

"That this House notes that Lyttleton Engineering were participants at the four day Defence and Security Exhibition which opened in Bahrain on 11th May 1992, that Lyttleton Engineering is a former subsidiary of Armscor (and now part of the state-owned Denel Group) and known to produce G5 and G6 Howitzer guns; further notes that Mark Thatcher accompanied his mother to the opening of the 'Britain in the Gulf' trade fair in Dubai two weeks earlier and that Mark Thatcher's unofficial spokesman, Sir Tim Bell,"—

who is known to some Conservative Members—

"has refused to confirm or deny whether or not he attended the defence exhibition; and calls on Mr. Mark Thatcher to give a full account of his movements and activities in this area."

Mr. Knapman: The hon. Gentleman referred to an "unofficial spokesman." Will he describe the duties of an "unofficial spokesman"?

Mr. Livingstone: It is quite simple. When journalists telephone Mark Thatcher to ask whether he has been flogging arms to country A, B, C or D, he refers them to Sir Tim Bell. Sir Tim Bell then reminds the journalists about the libel laws and says that he cannot confirm or deny anything. That is the exact nature of the role. I do not know whether he is paid for his services, but I recall that Sir Tim Bell has very strong links with the Conservative party and the former Prime Minister.

To my surprise, I was told that my early-day motions were not acceptable because they were repetitious and were caught by Speaker Weatherill's ruling. Therefore, I resubmitted my motions as questions and I received answers to them yesterday. Those answers are interesting. The first states:

"A letter from Mr. Minty dated 3 June 1992 was received in the office of the Secretary of State for Foreign and Commonwealth Affairs on that day. The reply, from an official, dated 25 June, stated:

"The United Kingdom adheres to UN Security Council resolutions 558 and 591 concerning, inter alia, the import of South African-produced arms. We take seriously allegations of British involvement in any contravention of these resolutions."

In the case the hon. Member raises, we have no knowledge as to whether South African-produced arms were purchased by customers in third countries. But we shall investigate any alleged British involvement if it is established that such arms were imported in breach of the above resolutions."

The second reply states:

"There has been no substantive discussion within the committee"—

that is, the UN Committee on the arms embargo—

"to date, although the chairman has undertaken to seek information on the report from the relevant parties. But if the committee were to establish that arms have been imported in breach of United Nations Security Council resolution 558, we would of course be prepared to investigate any allegations of British involvement."

In response to my question about pressure from America to scrap the deal, the response was that the British Government

"are not aware of any such representations."—[Official Report, 26 November 1992; Vol. 214, c. 767-68.]

I tabled a written question to the Secretary of State for Defence asking if he would

"list all communications between his Department and Mr. Mark Thatcher concerning the Defence and Security Exhibition in Bahrain on 11 May."

I received an evasive answer to that question. The reply was:

"It is not the practice for Government Departments to list communications with members of the public."

I am not surprised about that.

It strikes me that those answers are remarkably similar, as my hon. Friend the Member for Linlithgow said, to the denials—if one can call them that—that we received on the Colin Wallace affair. There was never a categorical "no". We were told, "Well, if there's information we'll look into it. If you know anything, pass it to the police." When I do not receive an absolute denial, I am encouraged to continue probing.

Those rather open-ended replies, which do not dismiss the charges, suggest that the British Government are not writing out the allegations from Mr. Abdul Minty which are now being investigated by the United Nations Security Council.

Mr. Dalyell: Are we not further entitled to probe because there is every suggestion that the Cabinet guidelines issued in relation to behaviour in respect of such matters have been flouted? The "Dispatches" programme broadcast in print the Cabinet guidelines in relation to the undertakings that should be given by families because families are mentioned specifically in those guidelines. It is fair to ask whether the Cabinet guidelines were flouted. The Government will have to answer that at some time.

Mr. Livingstone: I am particularly struck by that point. Let us be honest about this. If the Foreign Secretary had been able to make me look a complete wally and if he could simply dismiss the charges out of hand, would he not have taken that opportunity? Would he not have said that it was nonsense? Would he not have struck me down and made me a laughing stock before the House? Instead, there have been guarded replies which leave it open to him, if he has to do so, to admit eventually that the allegations are true.

However, I must emphasise that we are still talking about allegations that Mark Thatcher was trading arms to Iraq and that he was trying to sell South African arms to Saudi Arabia. However, if there is any shred of truth in the charges, are we to believe that MI5 and MI6 did not warn the Prime Minister of the day about the activities in which her son was involved? Surely the director of MI5 or MI6 must have thought that it was important, if any information of that kind came to light, to warn the Prime Minister immediately that her son was engaged in activities that were illegal in British law and contravened United Nations resolutions. Of course, the director of MI5 or MI6 would have done that.

If the allegations are true, we will want to know what the intelligence and security services told the Prime Minister of the day. Was the Prime Minister of the day warned about what was happening and what action did she take? Lord Justice Scott will have to examine that matter. I hope that the Government will give a commitment that the full files of MI5 and MI6 on Mark Thatcher—I am prepared to bet money with any Government Members that those files exist—are made available to Lord Justice Scott. I hope that they will also be made available to hon. Members on the Labour Front Bench so that we can see whether there has been any abuse. We want no cover-up.

There is no reason whatever why the Government should defend Mark Thatcher and his arms deals. That is not a reflection on the Prime Minister. However, if the Government have been defending arms deals, we want it out in the open so that the defence of such deals will not happen again under a Tory Government, a Labour Government or any other Government.

I shall examine the position of Dr. Carlos Cardoen a little more. He is a major and powerful figure in Chile. According to Mr. Ari BenMenashe, Dr. Cardoen is a business associate of Mark Thatcher. A British journalist who went to investigate Dr. Cardoen has been murdered. That is a particularly unpleasant twist to the story.

I draw the attention of the House to early-day motion 827 which attracted considerable support. It stated:

"That this House, recalling the mysterious death in an hotel room in Santiago, Chile, in March 1990, subsequently held to be murder, of the British defence journalist Jonathan Moyle, conscious of the belief of Mr. Moyle's family that their son was murdered because of his investigations into the supply to Iraq of the Helios weapons guidance system and the Stonefish mine by Chilean arms dealers Cardoen Industries, and noting the links between Cardoen and Matrix Churchill and the Iraqi regime, calls upon Mr. Justice Scott to include in his inquiry an investigation into the circumstances of the murder of this young British journalist."

Mr. Harry Cohen (Leyton): Is my hon. Friend aware that the Chilean authorities investigating the murder have reported that the British Government have been unhelpful in that investigation? The British Government should come clean about that matter. Have the British Government been unhelpful to the Chilean authorities which are investigating the murder?

Mr. Livingstone: I am able to confirm what my hon. Friend the Member for Leyton said, I shall come to that matter in a moment.

A pattern has emerged. Mark Thatcher has been linked to Dr. Carlos Cardoen. It is alleged that Mark Thatcher's Texas-based company sent arms to Iraq. Then the British journalist who was sent to investigate was murdered. After the pattern emerged, I tabled another early-day motion, which stated:

"That this House notes the belief of Mr. Moyle's family that he was murdered because of his investigation into the arms deals of Carlos Cardoen, the Chilean associate of Mr. Mark Thatcher, and calls on both men to publish full details of their business links."

Once again, I was told by the Table Office that the early-day motion was repetitious, according to the previous Speaker's ruling on repetitious motions.

Yesterday, we saw Dr. Cardoen speak out in public for the first time. In the months and years that have passed, I have never seen a picture of that gentleman work its way into the press, let alone heard of him conducting an interview and being questioned by British journalists. However, in yesterday's *The Independent* an account of that interview was reported. That report is truly shocking. It brings a much more sinister twist to the matter and raises frightening issues.

Dr. Cardoen revealed that he briefed the British and United States Governments during most of the 1980s on Baghdad's efforts to acquire weapons. Dr. Cardoen is no longer some shady arms dealer; he claims to have briefed our Government and the United States' Government during the 1980s. The report states:

"Dr. Carlos Cardoen, who produced and procured weapons for Iraq from 1981"—

he admits the charge that he was the main arms procurer for Iraq in the West—

"told the *Independent* that the British and American embassies in Santiago, as well as US Department of Defense officials, were given 'ample explanation' of Iraq's procurement network"—

Why should they not be given that explanation? We were supporting Iraq in its war. It should come as no surprise to the public—

"and that officials visited his arms plants on several occasions and 'verified the entire manufacturing process of the arms in question.'"

We are now told by Iraq's main arms procurer that British and American embassy officials visited his plants

[Mr. Livingstone]

which made the arms for Iraq and inspected the process. We shall expect an explanation from the Minister when he replies to the debate.

Mr. Dalyell: Does that not underline the serious concern that many of us have about the ethics of officials? For many years, I never doubted the ethics of the British civil service. But, the whole Ponting trial and now the information that officials were apparently party to actions which are improper in the eyes of the House of Commons, raises deeply disturbing issues.

Mr. Livingstone: I certainly hope that Lord Justice Scott will interview the officials and bring them before his committee to question them on the exact details of whom they told and where the information went after they visited Dr. Cardoen's arms factories.

There is also the Matrix Churchill affair. In his first interview, certainly with Western media, Dr. Cardoen revealed that Matrix Churchill was allowed to export machine tools to him, even though the Foreign Office was fully aware of his relationship with Saddam Hussein. We shall want that matter to be investigated in full by Lord Justice Scott.

Dr. Cardoen said in his interview:

"On behalf of the Iraqi government, we acquired Matrix-manufactured machine tools and then re-exported them to Baghdad. All this was done in keeping with all legal documentation demanded by British law."

One must ask whether, as the officials saw the trial of the Matrix Churchill Three progress—I suppose one could call them that—any of them thought to alert the people who were conducting that prosecution that, throughout that time, Dr. Cardoen had passed to the British Government all that they needed to know, as he took Matrix Churchill's weaponry and machine tools and passed them on to Iraq.

How could officials be silent, knowing that all the documentation had been passed to the Government, having been briefed by Dr. Cardoen and having been allowed to see his arms factories, where the Matrix Churchill machinery was repackaged and shipped on?

The Foreign Office has a wonderful response. It says "We shall await the outcome of the Scott inquiry." That has become one of the most frequently used phrases in British politics today. I half expect the Chancellor of the Exchequer to say that the Budget will have to await the outcome of the Scott inquiry. Soon, government will stop until Lord Justice Scott manages to conclude the inquiry. How can it be that the Government cannot answer our simple questions? The Government are using Lord Justice Scott to hide behind.

Mr. Dalyell: Will my hon. Friend once again reflect that not only he and I, and a few other difficult—in the eyes of some people—Members of Parliament are asking these questions? The Chairman of the Bar Council has said:

"Whoever read the confidential documents would have known that it was improper to proceed with the prosecution.

Why was the prosecution then not dropped instead of it being pursued, presumably in the hope that the judge would not allow the documents to be disclosed at the trial? That was said by Anthony Scrivener QC, the chairman of the Bar Council, not the hon. Member for Brent, East or the hon. Member for Linlithgow.

Mr. Livingstone: We are in the company of not only the Chairman of the Bar Council but two junior Ministers.

What is now revealed in today's newspapers, and in *The Guardian* in particular, is that two junior Ministers in the Department of Trade and Industry refused to sign the documents which their senior colleagues were then prepared to sign. If two junior Ministers knew that it was wrong to sign those documents, how come the Secretary of State for Trade and Industry was able to override them and sign them? There are honourable Conservative Members who realise that the Government were behind the arms sales to Iraq and were not prepared to send innocent men to gaol, but their views as junior Ministers were overridden, and the Secretary of State for Trade and Industry signed in their place.

Mr. Dalyell: The Attorney-General has misled the lot of us in claiming that they had to do it. His argument has been destroyed by Anthony Bradley, professor emeritus of public and constitutional law at the university of Edinburgh and the editor of *Public Law*.

Mr. Deputy Speaker (Mr. Michael Morris): I am not sure whether I heard the hon. Gentleman correctly, but I thought that he said that the Attorney-General misled someone or other. I hope that he did not, but, if he did, would he mind rephrasing that?

Mr. Dalyell: The Attorney-General has led Parliament, the press and people into great confusion on the issue of public interest immunity and has been badly advised in this matter.

Mr. Livingstone: There is going to be a lot of confusion before this matter is out of the way, I assure you, Mr. Deputy Speaker.

In his interview, Dr. Cardoen refers to the murder of Jonathan Moyle, which brings me back to the point that was raised by my hon. Friend the Member for Leyton (Mr. Cohen). He believes that the point that was raised by my hon. Friend is correct. We read

"the Chilean authorities"—  
not our Government—

"announced last week that they were re-opening of the investigation into Jonathan Moyle's death. The judge co-ordinating the original inquiry, which was unable to identify Mr. Moyle's murderers, complained that his investigation was obstructed principally by the unwillingness of the British authorities to co-operate."

We are talking about embassy officials refusing to co-operate with a Chilean judge investigating the murder of a British journalist who was investigating arms deals involving the former Prime Minister's son. That is a scandal, if true, for which people should go to prison.

Who authorised British officials to refuse to co-operate with the Chilean judge investigating the murder of a British journalist? Was the decision taken at ministerial level? Was it taken on the advice of the security or intelligence services? That is what we wish to know. Then we see the disinformation nonsense again. We read

"Mr. Moyle died in a Santiago hotel room in March 1990, apparently after being injected in the heel. British officials alleged that he died while masturbating."

That is exactly what we would expect—disinformation, an attempt to smear someone who has been murdered, not by a Russian spy, not by Carlos Cardoen's henchmen, but by British officials. Who authorised the British officials—the responsible Minister is here; I am sure that he will

tell us—to brief the press that that journalist died while masturbating, when it now appears that he was injected with a lethal substance in his heel?

What did British officials have to cover up? Was it eight years of illegal sanctions busting and arms deals to Iraq that involved the former Prime Minister's son? Is that worth killing for? That is what it is beginning to look like—it is beginning to look like British officials have helped to cover up the murder of a British journalist who was getting embarrassingly close to breaking open story about the arms dealings of the son of the former British Prime Minister. That is why the matter becomes more sinister with every day that passes.

Arms dealers—unnamed—have insisted that Jonathan Moyle was killed by the Iraqis while investigating an arms deal by Dr. Cardoen and the Iraqis. That may have centred on negotiations that Dr. Cardoen and with Marconi Underwater Systems Ltd.—another British firm—based in Hampshire, for the transfer of sophisticated mine technology. I hope that the British firm will be interviewed by Lord Justice Scott. I hope that we shall be told exactly what it was negotiating to sell the Iraqi regime via Dr. Cardoen's military and financial network.

Dr. Cardoen

"denies any role in Mr. Moyle's death."

I put that on the record because it has been said that it would be unfair to quote part of Dr. Cardoen's interview without also quoting his denials.

"GEC-Marconi said that contacts with both Cardoen and Iraq were known in advance to the Ministry of Defence." Isn't that interesting! Why were we not told? Why was the Ministry of Defence alerted to what was going on? Did it tell Ministers? Was the Secretary of State for Defence involved? Should not the fact that, at the height of a war, we were helping to build up one of the most unstable of dictators and to construct a vast military machine in Iraq have been reported to Cabinet? Would not members of the whole Cabinet have liked to discuss whether that was a wise policy? I do not even ask whether it was a moral one. Has there been any discussion since then about how convenient Jonathan Moyle's death has been to the British Government, and to anyone else who may be involved in the matter?

Dr. Cardoen says:

"it was wrong to cast him as the 'mastermind of an arms procurement network' . . . considering the relatively small amount of business we did with that country in the face of the huge arms sales carried out by the United States and the United Kingdom."

I do not want to defend Dr. Cardoen. He has many interesting side interests: for instance, he possesses a major collection of Nazi war daggers. I suspect that he is not "one of us", as the former Prime Minister would have said—I doubt that he is a socialist, that is—but what he has said is of no assistance whatever to the Government.

Dr. Cardoen was educated in the United States of America and was advised to go into weapons production by General Pinochet—also not "one of us". In the early 1980s, he made his money by producing "aviation cluster bombs which kill over an area equivalent to 10 football pitches. For the duration of the war"—the war between Iraq and Iran, that is—

"he was making \$80 million a year selling the bombs to Iraq." I should have expected the Prime Minister of the day to advise her son that this was not a business associate with whom he should be involved. Can we imagine what would have happened if one of the children of my right hon. Friend the Member for Islwyn (Mr. Kinnoch), the former

Leader of the Opposition, had been involved with an arms dealer? We would have heard about it; I suspect, indeed, that the Tory press would have run the story for days, until my right hon. Friend had been driven out of public life. However, there was not a peep out of the press. I should also have expected MI6 to alert the Prime Minister to what was going on.

In 1987, Dr. Cardoen built a factory outside Baghdad. This was not some small-time supplier, but the Iraqi Government's main arms supplier other than Governments. The factory was built

"for the production of artillery ammunition and cluster bombs. He brought Matrix Churchill machine tools for this plant."

I would have expected MI5 to pick up on that, and brief someone in the British Government.

With the end of the Gulf war came a crisis. How could Dr. Cardoen continue to make ends meet? He diversified.

"He went into partnership with South Africa for the production of ammunition and he was also negotiating for the transfer of modified US-made Bell helicopters to Iraq. It was rumours of this deal that drew Jonathan Moyle to Santiago." That brings me back to the point at which I came in: the involvement of Mark Thatcher in an attempt to break United Nations sanctions and enable South African arms to be sold to Saudi Arabia.

I have no evidence; circumstantial evidence, however, can be so extensive and so cross-referenced as to build up a case that is overwhelmingly damning. I believe that *The Independent*, *The Guardian*, former Israeli intelligence agent Ari Ben-Menashe and many others who have investigated the matter have built up a case so overwhelming on the basis of such evidence that any jury would convict on what was put before it. It is now the Government's duty to prove their innocence. It is their duty to prove that they did not know what was going on and to convince the House that the former Prime Minister was not briefed about her son's activities. If they cannot do so, they have forfeited any moral claim to continue in office.

12.54 pm

Mr. Cyril D. Townsend (Bexleyheath): The House will be relieved to hear that I do not need 53 minutes to put over some thoughts on the middle east. The hon. Member for Brent, East (Mr. Livingstone) fired off a sheaf of allegations. His speech resembled a train with many carriages: I did not see very many passengers sitting in them, though the hon. Gentleman had his hon. Friend the Member for Linlithgow (Mr. Dalyell) stoking up the engine from time to time.

Since the hon. Gentleman has been a Member of Parliament, he has enjoyed spattering these Benches with allegations. I feel rather like a tramp who is asked to look through every single street litter bin in Pimlico just in case there is one unsmoked cigar to pick out and smoke. I shall not bother. Most of the points raised by the hon. Gentleman are matters for the law courts. I am interested in the fact that he made a speech that has the protection of the House of Commons. I wonder whether he will make a similar speech outside the House this afternoon.

If the hon. Gentleman and I sat in the Tea Room for an hour discussing politics, we would disagree on 99 points out of 100. I want to refer to the one issue on which I think we do agree; I believe it to be at the heart of our debate.

[Mr. Cyril D. Townsend]

I think we both agree that the core issue in the troubled middle east concerns the rights and the freedom of the Palestinian people.

Before I address that issue, I intend to say something about our troubled relationships with Libya, the main subject of the first motion on the Order Paper. It is curious that three of us independently approach the middle east from different angles. Those of my colleagues who are anxious to have lunch can read the synopsis of my remarks in the third motion on the Order Paper and rejoin us, having had their lunch.

We have diplomatic relations with all the 21 Arab countries in the middle east except Libya and Iraq. We had problems with Syria; but when British troops were serving alongside Syrian soldiers it was agreed that it would be wise to allow British and Syrian diplomats to meet one another. Thus, we restored relations with Syria.

It is not in the interests of this country to have no relations with Libya. Before Colonel Gaddafi arrived on the scene, we had rather good relations with Libya, from which both sides benefited. There is a great deal of trade to be had with Libya, to the mutual benefit of both countries. As the hon. Member for Linlithgow knows, no doubt in my capacity as chairman of the Conservative middle east council, I was invited to meet a senior member of the Libyan Government recently to talk about the possibility of restoring relations with Libya.

I shall be blunt with the House. There are many members of the Metropolitan police living in my constituency. If I talk to my constituents about restoring relations with Libya, the first thing they mention is the murder of WPC Yvonne Fletcher. Secondly, they refer to the shipment of arms to the IRA. It is a grim thought that, however successful the authorities may be in the north and the south of Ireland in finding arms caches, there are enough arms available to the IRA to last well into the next century, and perhaps to the year 2020.

Therefore, people regard Colonel Gaddafi, if not the Libyan people, with a jaundiced eye. The Lockerbie explosion was a disgrace. My right hon. and learned Friend the Minister of State described it as the worst civilian massacre in Europe since the end of the second world war, or words to that effect. I believe that that is true. Two hundred and seventy innocent people died in the explosion. I listened carefully to the hon. Member for Tottenham (Mr. Grant) and could not help thinking that Colonel Gaddafi might be well advised to extradite the two individuals in question and then we would see whether legal action followed in Libya.

The hon. Gentleman made a genuine point about the Montreal convention. My right hon. and learned Friend the Minister is well qualified to talk about that later.

What emerges is that we need an international court to try criminal cases. I know that it has been suggested that Libya would be happy to hold the trial in Malta, and I believe that Germany has been mentioned recently, but there is no precedent for it. I hope that the Government will raise in the Security Council—it has been raised before—the possibility of setting up an international criminal court to try those responsible for terrorist crimes and crimes against humanity.

I want to move on to the middle east peace process. Let me begin by paying tribute to President Bush and

Secretary of State Baker, who have painstakingly got the talks under way. It was a considerable achievement, but I cannot honestly regard the United States of America as a neutral between the Palestinians and the Israelis. Are the Palestinians in receipt of more than \$3 billion, paid in advance every year? Of course not.

The fact of the matter is that the United States has used Israel as a client state, and in the cold war Israel was seen as an aircraft carrier permanently moored in a strategic part of the world. That was an absurd idea, but I met many people in the United States who saw Israel in those terms. Israel has now become a liability to the United States. I cannot believe, although I pay tribute to the United States, that it is in a good position to push the talks to a peaceful conclusion unless the European Community puts its weight behind the wheel to an extent that I have not yet seen.

The European Community is more involved in the middle east than the United States. We share a border with the middle east. We have unique responsibilities for the creation of the problem in the first place, and I agree with the hon. Member for Brent, East that we promised Palestine to two different people, which was one of the biggest blunders of British diplomacy this century.

I hope that my right hon. and learned Friend the Minister will tell us that when Community leaders meet at Edinburgh—goodness knows, the problems hovering around the Edinburgh summit must be like the ravens hovering around Edinburgh castle—there will be a strong statement supporting what we said in Venice and in Lisbon, and backing the Palestinian people and the need to get a peaceful long-term settlement to this vexed problem.

I now turn to a related matter—the position of Israel in the Lebanon. My right hon. and learned Friend and I had a quick go at this at a late hour last night. It is monstrous that one middle eastern country is occupying 10 per cent. of an independent and sovereign Arab state. Worse, it has set up a surrogate army—the south Lebanese army—to hold down the people living in the area. It is a hornets' nest. I draw the House's attention to a splendid quote by the late Lord Caradon, who wrote some time ago:

"To imagine that security comes from repression, grabbing and holding territory, from creeping colonisation in Arab lands or from a concrete encirclement in Jerusalem, from domination by forts and outposts, is a most dangerous deception!"

He went on:

"every schoolboy knows that forts in enemy territory are not a guarantee of security, they are a guarantee of insecurity, an invitation to resistance and harassment and attack."

I suggest to the House that that is exactly what has happened in southern Lebanon in recent months.

A United Nations spokesman was quoted the other day as saying:

"The Israelis send their soldiers to occupy someone else's country and get bombed"—

it was after the recent incident involving Hezbollah.

"They then say they are being attacked by terrorists and blame us for not protecting them."

Mr. Sumberg: My hon. Friend said of the hon. Member for Brent, East (Mr. Livingstone) that there were 99 issues on which he would disagree with him and one on which he would agree with him. I imagine that my hon. Friend and I are in much the same position.

Will my learned Friend consider the state of the Lebanon? It is not a country or a state, but a piece of land, parceled up by warlords, including the Syrian army. To

pretend that Lebanon is a united nation, with all the structures of a modern state, is unrealistic. Israel is in Lebanon to protect its borders and its people from terrorist attacks, which have taken place year in and year out. To ignore that factor is to ignore the problems facing the Israeli Government.

Mr. Townsend: I am in danger of following the hon. Member for Brent, East in making a rather longer speech than I had intended to make. I am particularly interested in the Lebanon. I hope that my hon. Friend the Member for Bury, South (Mr. Sunberg) does not suggest that because one country is in a shambles—which I hope that it is emerging from—another country should be allowed to seal off 10 per cent. of it, and send a surrogate army in to repress the local people. That is an impossible international concept. Following the TAIIF agreement and international support, the new Government in Lebanon is seeking to establish law and order in that troubled and divided country. We should wish them well. Law and order will not be established as long as the Israelis are allowed to maraud in other people's territory.

When I raised the subject of Lebanon some years ago, one of the Minister's predecessors spoke strongly on the subject, saying:

"In common with our European Community partners and others, we remain committed to UNIFIL as a force of stability in southern Lebanon. We deplore the recent increase in fighting and all attacks on UNIFIL. Shooting at UNIFIL is completely unjustified. We condemn punitive expulsions—despite UNIFIL protests—of old men, women and children from their houses in Israel's self-declared security zone. The continued Israeli military presence in the Lebanon is provocative, destabilising and against Israel's own long-term interests."—[Official Report, 23 March 1992; Vol. 149, c. 133-34.]

I challenge my right hon. and learned Friend the Minister of State to be sufficiently robust to match that when he winds up.

The plight of the marsh Arabs in southern Iraq has troubled me for some time. I welcome the setting up of a no-fly zone there. One of the reasons behind that decision of the United Nations Security Council was to deal with the plight of the Shia people in the bottom of Iraq. There are two good books on the Arab world which I recommend to my hon. Friends for their holiday reading—Lawrence of Arabia's "Seven Pillars of Wisdom", and Alfred Thesiger's, "The Marsh Arabs". Thesiger writes charmingly of the community that he lived with in the marshes and points out that Iraq's civilisation was founded on the edge of the marshes.

To bring us up to date, my hon. Friend the Member for Torridge and Devon, West (Miss Nicholson) recently visited the marsh Arabs. To give the flavour, she told the House that just inside Iraq she found:

"There are great black, smoking areas, stretching into the water where one or more missiles landed, perhaps an hour earlier. The black zones are 300 metres long: if the missiles had landed in the town they would have demolished 20,000 homes . . . Food stocks have been removed . . . The farms have been burnt, including the small rice farms in the marshes"

She was also told by the villagers that Iraqi troops were stationed 30 km outside the marshes. Those soldiers returned daily by assault boats, which carry some 35 armed men, to burn, shoot and kill defenceless people and destroy their towns and villages. Whole areas are being emptied of their inhabitants.

We have stopped Saddam Hussein from using his aircraft to attack the marsh Arabs, but, of course, he has the military might to move into those villages by assault boat and to use his artillery to destroy them. Although it is true that marsh Arabs are fleeing daily into Iran, where there are already more than 3 million refugees, those who remain behind are captured, tortured and killed. Just maintaining a no-fly zone is insufficient.

I believe that the Government line—it is not my job to speak for them—is that they are greatly concerned about this, but, bearing in mind the trouble they had with the Arab world in setting up that no-fly zone, they do not believe that a further step is possible. I hope that my right hon. and learned Friend the Minister will make it absolutely clear that we will not sit idly by and that we will raise this matter in the Security Council.

I cannot recall a time since I entered the House—I came here in 1974—when we have all known from official reports produced in this country and abroad that 50,000 people are being exterminated like a plague of locusts. That is happening, and unless action is taken, frankly, by the turn of the year, those people who Wilfred Thesiger so ably described in his book will no longer be on the face of the earth. Surely there is something that we, a permanent member of the Security Council, can do about that.

Before I conclude, I should like to refer briefly to the Atlantic coast of the Arab world. In common with many of my hon. Friends, I enjoyed meeting the head of the Polisario, who was in London a few days ago. The Secretary of the United Nations, Dr. Boutros Boutros Ghali, faces an appalling dilemma that requires the wisdom of Solomon. We have promised a referendum on the western Sahara. The Polisario believes that those who are entitled to vote should be those on the Spanish census in 1974. The Moroccans believe that there are good grounds for adding names to the list—they have produced a lot of names that they want to be added. A journalist said that that was rather like asking the Irish in Boston to be allowed to have a vote in the Irish general election.

It is not for Britain to take sides, but it is for Britain to give all the help that it can, to strain the sinews, to help the United Nations Secretary General over this particular hurdle. I hope that my right hon. and learned Friend will find time to comment on that.

Mr. Knppman: I take it that my hon. Friend is making the point that a referendum is a good thing where constitutional issues are involved. If that is the case, may I take the opportunity of reminding him of that in forthcoming weeks?

Mr. Townsend: My hon. Friend has shared an office with me for many years and I think that he knows my views on that rather well. They are not entirely to his liking.

The moment has come for me to conclude, and I shall do so by reverting to my opening remarks. The peace process has made limited progress in the past year. Inevitably the wilder men in the Palestinian camp say that it is a waste of time and that they must go back to violence. The moderates in the Palestinian camp, including the PLO, are saying, "We must remain stuck into the talks, painful though that may be. Hopefully, Rabin and the new Labour Government in Israel will in time make concessions."



[Mr. Townsend]

If progress is not made in the talks, and if they finally collapse, the death and destruction that might follow among Palestinians and Israelis is beyond our imagination. I do not see how another war between Jews and Arabs could be avoided in the middle east if the talks finally run into the sand.

1.15 pm

Mr. Harry Cohen (Leyton): I congratulate the hon. Member for Bexleyheath (Mr. Townsend) on making a good speech. I agreed with much of it, indeed, I agreed with more of it than the 1 per cent. to which he referred in his opening remarks. I also congratulate my hon. Friend the Member for Linlithgow (Mr. Dalyell) on choosing this subject for debate.

The House has not had an opportunity for a long time to discuss the Arab world in general and relations with Libya and Iraq in particular. Hon. Members have not had a chance to air their views on that important issue, despite its importance to many people in that part of the world and here.

I will not follow the route taken by the hon. Member for Bexleyheath, or by my hon. Friend the Member for Brent, East (Mr. Livingstone) in his excellent speech. I shall not dwell on the monstrous Iraqgate scandal. In due course, that whole issue will have to be explained, and not just as a result of Lord Justice Scott's inquiry. It would be wrong for the Government to hide behind such a report. If they tried to do that, the issue would not go away, because innocent people nearly went to prison because of a Government cover-up.

Let us not forget that British and allied troops risked their lives because, out of greed, the Government promoted arms sales to the unstable Iraqi regime. British troops risked their lives by facing those very arms. The issue will not go away even after the Scott report is published. I suspect that it will have a prominent place at the next general election; perhaps it should have been raised more prominently at the last election. If the Government do not answer the Iraqgate questions now, they will have to do so at the next election.

I echo the comments of my neighbour and hon. Friend the Member for Walthamstow (Mr. Gerrard) in calling for the early release of his constituent, Paul Ride, who is in prison in Iraq. I endorse everything that he said and hope that Mr. Ride will be back with his family at the earliest opportunity.

Several hon. Members have referred to the need to improve relations with Libya. I agree that such an improvement would be beneficial for all concerned. The Lockerbie bombing was monstrous and disgusting, but it has not been proved conclusively, at any rate to my satisfaction, that the Libyans were solely responsible. While the blame has been heaped on Libya, Syria and Iran have been forgotten. At other times, when those countries were the *bêtes noir* of this country's foreign policy, the blame was heaped onto them. That is not a satisfactory way of getting to the truth.

Not long after that event, an Iranian civilian aircraft was shot down by American forces; I throw that fact out to the House because it could just as easily have been the case that Iran was seeking revenge by attacking American aircraft. It is therefore wrong to put all the blame on Libya

in that respect. I have visited Libya and seen the result of the American bombing when America attempted to kill General Gaddafi in his home and succeeded in killing his baby stepdaughter. That, too, was a disgraceful act.

The whole sorry affair should belong to the past and we should seek to improve relations with Libya. There is great scope to improve relations with Libya. There is great scope in Libya for work for British people and for improving non-military trade. As my hon. Friend the Member for Linlithgow said, we seem to place a disproportionate emphasis on defence sales and military trade, and that needs to be reshaped.

I welcome the election of Governor Clinton to the presidency of the United States for various economic reasons and because of the phrase used by his predecessor at the previous elections when he said that he hoped for a kinder, gentler world. That signally failed to appear and I hope that President-elect Clinton will help us to move towards that kinder, gentler world.

I hope for the eventual downfall—sooner rather than later—of Saddam Hussein in Iraq. He is a militarist human rights abuser and a warmonger of the worst order. As my hon. Friends the Members for Brent, East and for Linlithgow said, Saddam Hussein's military machine was built up and sustained by western Governments, including that of the United States and of Britain.

It is likely that, at the beginning of President-elect Clinton's term of office, he will be tested on Iraq. Iraq will probably provoke him and he will feel it necessary to show a demonstration of strength against Saddam Hussein. All that I ask is that it be a strength of character, not of might. The key point is that he should think of the children when he reacts to that provocation. I urge him to do nothing that will make the plight of children in Iraq worse than it already is. He can insist that Iraq complies with United Nations resolutions and dismantles all its weapons of mass destruction, and he can insist that Saddam Hussein be persona non grata throughout the civilised world. But he must not insist on the full enforcement of present United Nations economic sanctions. Those sanctions are much too harsh and damaging to the children of Iraq. That message is at the heart of my speech.

Mr. Cyril D. Townsend: Does not the hon. Gentleman think that the Security Council should have one weapon at its disposal while it searches for chemical and nuclear weapons in Iraq?

Mr. Cohen: Indeed, I think that there is a case for maintaining some sanctions—I favour the progressive easing of sanctions. We should take a carrot-and-stick approach. At present, the world is adopting only the stick approach to Saddam Hussein. The Foreign Office should know that that is not the ideal approach and it is better to use the temptation of a carrot. There should be no sanctions that damage the interests of those children or affect the flow of necessary medical supplies and foodstuffs to Iraq.

The rest of the world, the United Nations and our Government should back those who oppose the Iraqi regime. They met at a conference last month at Salahuddin; the delegation included representatives from the Kurdish people in Iraq. There was a coalition of four forces opposed to Hussein. They proposed that Iraq should be a federalist state. I support that suggestion,

which would also take into account the interests of the marsh Arabs—the Shi'ites of whom the hon. Member for Bexleyheath spoke.

The proposal is not supported by some of Iraq's neighbouring countries which contain Kurdish people, for example, Syria and Turkey. However, I believe that it is a sensible solution which would give the Kurdish people autonomy in their own affairs. Western Governments such as our own and that of the United States have been silent on the matter. They should openly support the proposal of a federalist state in Iraq, back the Iraqi opposition forces and give whatever support they can to the Kurds.

That policy is not supported by Iraq's neighbours such as Turkey. In recent months, we have seen the disgraceful annexation of part of northern Iraq by Turkish forces. Their incursion amounts to annexation. They have said that they will have to stay there until 31 December, but if we consider Cyprus, where they occupy the north, we see that they could well stay in northern Iraq for much longer. That would be an outrage; after all, the war was fought because of the invasion of one country by another—the invasion of Kuwait by Iraq. However, Turkey is invading part of northern Iraq. The Government have kept relatively silent on that matter.

**Mr. Nirj Joseph Deva (Brentford and Isleworth):** The hon. Gentleman referred to Cyprus. Is it not correct that, in 1960, under a treaty guaranteed by Britain, Greece, Turkey and the two communities in Cyprus, Turkey was given the power to intervene to guarantee the constitution of Cyprus when independence was given?

**Mr. Cohen:** We are talking about the Arab world, and I do not want to start discussing Cyprus. The Turkish invasion of Cyprus is totally unjustifiable. After all, the Berlin wall has come down and Germany is now united, whereas Cyprus continues to be arbitrarily divided and there is an occupying force there. No international law can justify that. The Government should speak openly about the Turkish annexation of northern Iraq and say that that is unacceptable. I hope that the Minister will say that later.

The key issue is the children in Iraq. I bring to the attention of the House an article entitled "Sanctions bite deep" in the *Middle East International* of 15 May 1992. The article was written six months ago, yet this is the first opportunity we have had to raise the matter in the House. We must thank my hon. Friend the Member for Linlithgow, not the Government for this opportunity.

The article points out that before the imposition of sanctions in August 1990, the World Health Organisation categorised Iraq as a developed country in terms of its health services. Some 96 per cent. of its urban population and 78 per cent. of its rural population had access to free public health care before sanctions were imposed. Of the 3.5 million Iraqi children under the age of five, 900,000 are at risk of severe malnutrition. The death rate has doubled since before the war because of diseases resulting from malnutrition. The long-term effects of stunting and retardation have yet to appear.

Between August 1990 and January 1992, 31,330 children below the age of five and 67,636 above the age of five have died of malnutrition and disease. In the first three months of 1992, 12,000 infants and 19,950 older children died. Infant mortality has trebled since the war and since sanctions were imposed, and the death rate for older children has doubled. The article refers to the fact that

Iraqi's foreign assets have been blocked. It says that Iraq cannot import vaccines. At least half of Iraq's 18 million people are forced to consume contaminated water, which leads to disease. Last year, there were 9,000 cases of cholera and typhoid cases increased dramatically.

There is undernourishment because Iraq cannot import foodstuffs at the pre-war level as a result of the sanctions. Hospitals are unable to treat patients and are now operating at 30 per cent. of capacity. Some 60 per cent. of specialised equipment is out of order because of a lack of spare parts. The hospitals have to reuse disposable syringes and surgical gloves are in such short supply that they have to be reused repeatedly. We know what happens if disposable syringes are reused—there is a danger of spreading AIDS. There is a block on chemicals for water purification and on the manufacture of anaesthetics. Some important medical items date back to the third quarter of 1989. Old items are being used when new items should be introduced.

The article points out that the Security Council chose to disregard the recommendation of its own adviser, Prince Sadruddin Aga Khan, that Iraq should be permitted to import \$500 million-worth of medical supplies. That can be described only as a vindictive act against the children. Iraq's total oil exports have had to be limited to \$1.6 billion a year. One third of that was to go towards paying for reparations. That meant that the remaining sum was \$840 million short of the \$1.73 billion that the Prince fixed as necessary to pay for urgent purchases of medical supplies and food. Those are vindictive acts not against Saddam Hussein, but against his population and especially against the children.

The Government should be pressing for the sanctions on foodstuffs and urgent medical supplies to be lifted. When President-elect Clinton demonstrates his strength, I hope that he will not insist that those sanctions should continue.

1.34 pm

**Mr. Matthew Carrington (Fulham):** I am pleased to have the opportunity to participate in this debate. However, I want first to apologise to the House for having missed the opening speeches of the hon. Member for Linlithgow (Mr. Dalyell) and of my hon. Friend the Member for Stroud (Mr. Knapman). I am sure that they made compelling and telling points about Anglo-Arab relations. That is an important subject and I am extremely glad that the House is debating it today.

It is also a pleasure to follow the hon. Member for Leyton (Mr. Cohen), who made an impassioned speech. He was right to highlight the plight of the population in Iraq which is desperate and worsening. I have a great deal of sympathy with the humanitarian spirit in which the hon. Gentleman spoke. The plight of the children and the minorities in Iraq is very sad and something that the world community should address seriously.

It must be said that the remedy for their plight and for the suffering of the Iraqi people lies in the hands of their President, Saddam Hussein. If he decided to allow the export of oil from Iraq under the United Nations agreements, he would be able to better the lot of his people. If he conformed entirely with the requirements of the Security Council, the sanctions would be lifted very quickly and that would allow the population to return to the prosperous lifestyle that they enjoyed before the wars



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of aggrandisement which, although not started against Iran by Saddam Hussein, were certainly aided and abetted by his policies.

I do not want to address my comments specifically to Iraq today. The nub of Anglo-Arab relations is the need to ensure that our relations with a wide variety of states in the Arab world are at the best possible level. The middle east is a very sad part of the world at the moment. It is fraught with many conflicts, some of which have broken out in war and some of which have the potential to break out in war. The roots of those conflicts are not the responsibility of the Arabs themselves. The conflicts date back to the partition of the Arab world after the first world war and the somewhat artificial boundaries that were created then.

The conflicts date back to the strains caused by the rapid growth in wealth of the Arab world with the increases in oil prices that began in 1973. That undoubtedly caused great strains between previously friendly neighbours. However, the principal problem in the Arab world—this is the key to much of the conflict in the middle east—is the plight of the Palestinians and the dispute between the Arabs and the Israelis.

One of the great tragedies of that dispute is that it was not created by the Israelis, the Arabs or the Palestinians, it was created from the problems after the first world war and the desperate plight of the Jewish nation after the second world war. That led to impossible pressures on land and resources in the middle east which we have not yet resolved. It is incumbent on the west to help the parties to find a solution to that problem.

With the election of Governor Clinton as President-elect, many of us are worried about a possible change in American policy between Israel, the Palestinians, the Arab world in general and, in particular, Syria. Opinion in Israel on the right way forward to find peace is divided; most obviously, on the question whether peace can be bought in exchange for concessions on land, whether there are other solutions or whether it is possible to create a state of Israel that encompasses the Palestinians and Arabs.

That is a problem which perhaps Israel cannot solve itself. There was hope that the negotiations which started in Madrid would result in a solution. However, there is an enormous variation in how the Palestinian and Israeli negotiating teams reach decisions about what is possible. There is certainly no universal agreement on the Arab side on what they want to come out of the negotiations, any more than there is on the Israeli side.

The only possibility of finding a satisfactory solution and getting a lasting agreement is if the President of the United States can hold together the pressure that has previously been put on both sides in the negotiations to enable the hotheads in Israel and the Arab world to be kept under control. I am afraid that the change of President will lead to a hiatus in United States policy and perhaps a slackening of resolve, perhaps for a short time. Such a slackening of resolve would mean that the talks which started in Madrid would break down. A breakdown in talks would allow the hotheads on both sides to get an upper hand and we would return to a conflict in the middle east which caused so much grief in the past.

We need to examine ways in which our Government can help the Americans to understand, in the transition

phase between the two Administrations, the issues that are at stake. To find a proper solution to the Palestinian problem is vital for world peace.

I encourage my right hon. and learned Friend to make every effort possible to persuade President-elect Clinton and his team of the vital importance of pursuing the policy which was previously pursued by President Bush.

1.43 pm

Mr. Bruce Grocott (The Wrekin): The hon. Member for Fulham (Mr. Carrington) said much with which I agree. I hope that I will have time in the next 19 minutes to talk about the peace talks which must be at the absolute centre of any discussion about the middle east and our relations with the Arab world. I congratulate my hon. Friend the Member for Linlithgow (Mr. Dalyell) on the breadth of the subject that he put down for debate today. The debate has given us an opportunity to discuss a range of issues connected with the Arab world.

I will summarise the points in my hon. Friend's motion. First, he wants to end the sanctions against Libya. Secondly, he wants to end the sanctions against Iraq. Thirdly, he wants a United Nations conference on arms sales. Fourthly, he wants a response to Wednesday's "Despatches" programme on Channel 4. Fifthly, and most importantly, he has called for a reassessment of relations with the Arab world. He will not be surprised when I tell him that I agree with much of what he said, but not all of it.

I will try to respond as effectively as I can to most of the main points made in the debate. I refer briefly to the specific issues in connection with Libya and Iraq. In the case of Libya, my hon. Friend referred to the bombing of Tripoli. Labour Members deplored and condemned that bombing unreservedly. It is worth remembering what my right hon. Friend the former Leader of the Opposition asked the Prime Minister at the time of the bombing. The day after the bombing he said:

"Will she accept that it has caused bloodshed and damage to innocents, will result in a loss of American and British influence, even over moderate Arab states and has meant a gain in support for Gaddafi, even from his sworn enemies? . . . Those are all terrible costs to pay. They are all reasons for us to condemn the United States actions and all reasons why the right hon. Lady, as a true and candid friend of the United States and as a true enemy of terrorism, should join us in that condemnation."—[Official Report, 15 April 1986; Vol. 95, c. 731.]

Our view is crystal clear. It is extremely important that Opposition Members reiterate that point today.

My hon. Friend the Member for Linlithgow went on to talk about sanctions against Libya. I have great respect for the enormous amount of information and the contacts that he has on the subject, and even the linguistic skills of his parents. We debated the matter in great detail in European Standing Committee B as recently as three weeks ago. It would take up extremely valuable time if I were to repeat all the arguments in that debate.

We clearly supported United Nations resolution 748, which imposed the sanctions on Libya. We noted the review of the sanctions by the United Nations sanctions committee this year. We know that, under the 120-day rule, they will be considered again by mid-December at the latest. We very much hope that there will be a positive response from the Libyans by that time.

I echo several points that my hon. Friends have made. It was never the intention that the sanctions should not

respect significant humanitarian needs. They are specifically spelt out in the United Nations resolution and also in the European Community regulation. I hope that the Minister will deal with those points.

I now refer to the problem of Iraq. The House will forgive me if I do not immediately talk about arms sales to Iraq, but I must talk briefly about sanctions. Again, a number of moving speeches have been made. I must remind the House that we support the continuation of sanctions against Iraq. The reasons for the continuation of the sanctions were spelt out in the Security Council's statement this week. I will not read out all the reasons, but among them were the refusal of Iraq

"to co-operate in selling oil to help fund humanitarian programmes in Iraq . . .

'Grave human rights abuses' against the Kurdish population in the north and Shiite Muslims in the south.

A refusal to recognise the new border drawn between Iraq and Kuwait by United Nations surveyors.

Refusal to renounce its territorial claim to Kuwait.

Harassment and threats against United Nations weapons inspectors sent to Iraq".

I commend that collection of powerful reasons to the House.

I should not leave the issue of relations with Iraq without referring to my hon. Friends the Members for Walthamstow (Mr. Gerrard) and for Halifax (Mrs. Mahon). The House will know about their sterling efforts in representing their constituents Paul Ride and Michael Wainwright. Whatever efforts the Foreign Office is making to deal with the serious plight of those two men and their families, I hope that they will be redoubled.

I now refer to Iraq and arms sales. That matter was dealt with extensively in the House on Monday, but there have been developments since then. One of them was contained in today's report in *The Guardian*. As hon. Members will know, one of the most telling points of the debate was when the President of the Board of Trade dealt with signing public interest immunity certificates. He was challenged by my right hon. Friend the Member for Islwyn (Mr. Kinnoch), the former Leader of the Opposition, about the signing of those certificates. I remind the House of a little question and answer session. My right hon. Friend asked:

"When the right hon. Gentleman signed the certificate, did he know that the people to which the material related had been of assistance to the Government in collecting intelligence information which was of use to the Government?"

Mr. Dalyell: That matter was raised earlier.

Mr. Grocott: My hon. Friend is right. It was raised earlier by the hon. and learned Member for Fife, North-East (Mr. Campbell). I quoted that passage because the response is quite telling. The President of the Board of Trade replied:

"The right hon. Gentleman knows as well as I do that the moment one is drawn into discussions on that subject a vast range of sub-questions arise which can be dealt with only by a proper and full inquiry."—[*Official Report*, 23 November 1992; Vol. 214, c. 650.]

According to a significant report in *The Guardian* today, which quotes Whitehall and legal sources, at least one Minister from the Department of Trade and Industry—perhaps even two—refused to sign public interest immunity certificates. The Ministers concerned are cited as probably the hon. Member for Wiltshire, North (Mr. Needham) and maybe the right hon. Member for Hove (Mr. Sainsbury). What is the Minister's response to that?

Did the Foreign office experience the same problem, with various Ministers passing certificates around and trying to get people to sign them?

The "Dispatches" programme on Channel 4, which is mentioned in the motion tabled by my hon. Friend the Member for Linlithgow, was watched by a large audience. A number of serious allegations were made in the programme, and were aired again by my hon. Friend the Member for Brent, East (Mr. Livingstone). As my hon. Friend the Member for Linlithgow pointed out, any television programme involved in such allegations would have to be very careful; certainly, when I was making television programmes, lawyers would go through material with a fine-toothed comb before deciding that it was fit to be broadcast. The chances are that some of the best material ended up on the cutting-room floor; that is normally what happens when lawyers deal with material cautiously. Despite all that, however, the "Dispatches" documentary clearly stated that there had been infringements of Cabinet rules. That suggestion cannot be ignored; the Government must respond.

Other important issues are arms sales and the middle east peace talks. As my hon. Friend the Member for Linlithgow said, the right body to deal with arms sales is the United Nations, whose five permanent members have a specific responsibility in that regard. In recent years they have produced about 86 per cent. of all weapons traded internationally—84 per cent. of tanks, 79 per cent. of armoured personnel carriers, 94 per cent. of supersonic combat aircraft, 99 per cent. of subsonic combat aircraft, 73 per cent. of field artillery and 87 per cent. of helicopters. There are good reasons why particular countries need particular weapons at particular times, and good reasons why other countries need to supply them; but the overall picture of arms supplies to the middle east is deeply worrying, especially since the end of the Gulf war.

I do not suggest that there are easy solutions to the problems. At least a start has been made with the common guidelines on arms exports which were agreed by the five permanent Security Council members in October 1991. Another useful development was the General Assembly's decision in December 1991 to establish a register of conventional arms transfers. The problem of arms sales, however, is one that we could begin to deal with at home. I feel that there should be much more openness about it. The Matrix Churchill case shows the need for greater public scrutiny of arms exports in order to enable Parliament to scrutinise the Government's activities.

Some hon. Members will be familiar with the pressure group Safer World. It believes that the minimum requirement should be the submission of a written report by the Government, with a description of the previous year's authorisation of deliveries of arms, together with a copy of the guidelines governing their control, and that the report should form the basis of an annual debate in Parliament, for the knowledge that Government decisions would be open to parliamentary scrutiny each year would have a salutary effect on any Government who were thinking of being flexible with the application of the rules governing the arms trade. The Government might have been much happier today had there been proper parliamentary scrutiny. There would have been no need for Lord Justice Scott's inquiry, or for worries about the issue of public interest immunity certificates.

That brings me to what must surely be at the heart of any debate on Britain's relations with the Arab world—the

[Mr. Grocott]

desperate need for a settlement of the problems between Israel and the Palestinian people. Every other issue in the middle east is, in some sense, subordinate to and dependent upon that one. The problem has not changed over the years—to achieve security for the states in the region and recognition and the right to self-determination for the Palestinian people.

During the past 12 months there has been more reason for optimism than has been the case for many years. The end of the cold war led to a great deal of optimism. It meant that at least there was the possibility that the great powers of the world would not use the states in the middle east as their pawns in the way that the imperial powers of old used them to fight their surrogate wars. The end of the Gulf war meant that for the first time in the United States, recognising its enormous power and influence in the middle east, showed a willingness to be a key player in trying to solve the problem between Israel and the Palestinians.

I never thought that I would congratulate a Republican Administration in the United States, but Secretary Baker ought to be admired for starting the talks. I must also mention the great optimism at the time of the Israeli general election. On 13 July of this year the new Prime Minister, Mr. Rabin, told the Knesset:

"We must join the international movement towards peace . . . lest we be the last to remain, all alone, in the station. The new Government has accordingly made it a prime goal to promote the making of peace and take vigorous steps that will lead to the conclusion of the Arab-Israeli conflict. . . . We believe wholeheartedly that peace is possible, that it is imperative and that it will ensue."

Those were golden words from anyone concerned about the problems of the middle east.

There are real concerns now about the delay in the peace process. When Secretary Baker set it up just over a year ago he said that he hoped that there would be an agreement between Israel and the Palestinians before the end of the first 12 months. That has not happened. Nobody disputes that an enormous amount of work has been done. There have been bilateral talks that will soon enter their eighth round. There has also been a range of multilateral talks, but the feeling persists that time is not on the side of the peace makers. For those who want to see peace in the middle east, time is of the essence to the negotiators. They need to be able to show to the people they represent that there are real benefits to be gained from the negotiating process.

The two key issues that need to be addressed were mentioned by the Foreign Secretary in his speech on Monday. He said:

"We urge the Israelis to improve the position on human rights in the occupied territories . . . so that the people who are negotiating on behalf of the Palestinians can actually show to their constituents the practical benefits of the peace process. A complete freeze on settlement activity . . . would be such a step."

What steps are the Government taking to inject new life and impetus into the peace process and to persuade President-elect Clinton of the urgent need to act? We have had a Baker initiative, so let us now have a Clinton initiative. Of all the pressing problems facing him, it is difficult to imagine a more important international problem than the continuation of the peace process and an attempt to settle the problems of the middle east.

Britain has made many mistakes in the history of its dealings with the countries of the middle east, but there can be no doubt about our duty now—to do all within our power through the EC, the United Nations and our support for the Madrid initiative to see that Governments representing the most dangerous part of the world continue to talk to each other rather than fight. We should be generous with our time and money. The settlement of the seemingly endless conflict between Israel and her neighbouring states is a prize worth all the effort.

2 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Douglas Hogg): The maintenance of peace in the middle east has been one of the most important strategic objectives of British foreign policy certainly since the beginning of this century. I am certain that it will remain so for decades to come. The reasons are quite evident: the ensuring of a stable and secure supply of oil to the west, the strategic geographical importance of the middle east, the fact that the area is riven with historical, religious and ethnic tensions, the fact that the countries involved have a substantial accumulation of weaponry—sometimes weaponry of mass destruction—and the fact that emanating from the middle east are muscles and nerves that reach other parts of the world and are capable of causing convulsions there. For all those reasons, therefore, the middle east is of enormous importance to this country in particular and the western world in general.

I am grateful to the hon. Member for Linlithgow (Mr. Dalyell) for tabling the motion and enabling the House to address those matters. I am grateful, too, to my hon. Friends the Members for Stroud (Mr. Knapman) and for Bexleyheath (Mr. Townsend) for having widened the nature and framework of the debate.

Clearly, I have to make my own assessment of priorities when I seek to reply to all the points that have been made. I candidly say, therefore, that I shall not follow the hon. Member for Brent, East (Mr. Livingstone) in the questions that he asked about Mark Thatcher. Against the background of such an important issue, it seemed to be a curious ordering of priorities to have spent nearly 50 minutes talking about Mark Thatcher.

I shall, however, deal with broader issues. I shall begin with a short comment on a point made by my hon. Friend the Member for Rutland and Melton (Mr. Duncan), who spoke of democracy. He was right to remind us that western concepts of pluralism and democracy cannot be imported into the middle east without some adjustment. He was also right that we must be careful not to undermine the legitimacy of existing regimes, and that is clearly true of the shakier Governments.

I do not draw from those observations the conclusion that we should simply reinforce the status quo, because enormous dangers would flow from that. People want greater participation in the process of government in their countries, and it seems to be in our interests—and it may be our duty—to reinforce that desire and to persuade friendly Governments in the middle east to respond to that pressure and to acknowledge when good change takes place. I willingly acknowledge the changes that have taken place in Saudi Arabia, Kuwait and, most obviously, in the Kingdom of Jordan. Those are all welcome, but we need to go on pressing our friends in the middle east to ensure

that their Governments are more responsive to the desires of the people whom they govern and are more accountable.

Several hon. Members—most obviously, the hon. Member for Linlithgow—focused on Libya. I shall respond to him and mention some other aspects of that issue. The hon. Gentleman was right—I saw Dr. James Swire earlier this week, together with Pamela Dix. I told them that the warrants had been issued only for those people against whom there was prima facie evidence of guilt. It was for the prosecution authorities—the Lord Advocate, the police and the agencies which have been responsible for the inquiries—to determine against whom there was sufficient evidence to issue a warrant. The Government have not in any way endeavoured to shape the outcome of those inquiries. Those authorities determined the outcome and followed where the evidence led.

Looking to the future, we expect Libya fully to comply with the United Nations Security Council resolutions. In particular, we expect the Libyan Government to surrender the two named individuals for trial—to either the courts of Scotland or of the United States.

My hon. Friend the Member for Bexleyheath reminded us of the Libyan Government's extremely poor record. They supplied arms and explosives to the IRA, as a result of which many people died; WPC Fletcher was shot by someone from within the Libyan embassy; and we believe that they were associated with the Lockerbie disaster and crime. All those incidents are on our minds, and I see no prospect of relations with Libya improving until it complies fully with the Security Council resolutions. I do not think that sanctions could or should be lifted until that happens.

Mr. Dalyell: The authorities have not followed entirely where the investigation led. The Scottish police have been unable to interview Marwan Khreifat, and Yvonne Ridley, the journalist of *Scotland on Sunday*, was told by Mr. Jibril that he would be willing to talk to western investigators. That has never been followed up, although I wrote to the Foreign Secretary about it.

Mr. Hogg: My noble Friend the Lord-Advocate is content with the evidence that he has accumulated against those named individuals. Warrants have been issued against those for whom we think that there is prima facie evidence of guilt. I have no hesitation in saying that they followed the evidence where it led.

The hon. Member for Tottenham (Mr. Grant) mentioned extradition. I disagree with his analysis. It may or may not be true that a Libyan law precludes the extradition of Libyan citizens, but the Libyans have suggested on various occasions that the two named individuals could be tried elsewhere, before an international court or the court of a third country. The hon. Gentleman echoed that when he referred to the Government of Malta and the courts there. From all the discussions of which I am aware, it does not seem that the Libyan Government have any difficulty in sending those two characters to a court of which they approve; therefore, it seems that the Libyan Government could have no difficulty in sending them to the courts of the United States or Scotland, which is what I hope and expect them to do.

The Montreal convention—

Mr. Bernie Grant rose—

Mr. Hogg: I shall proceed to the Montreal convention, which the hon. Member for Tottenham mentioned.

I do not accept that the British, United States or French Governments have acted in any way in breach of that convention. It is perhaps necessary to remind ourselves of the nature of the allegations against those two named individuals: it is that they, senior officials of the Libyan Government, committed these grave acts of murder. There must be a strong suspicion that what they did was authorised by higher officials in the Libyan Administration. I find it an offensive concept that a state, which may have authorised murder of this kind, should also be the state responsible for the trial of its, possibly, authorised agents. In my view, the Montreal convention does not apply to state crime and, in any event, the International Court of Justice made it plain that the decisions of the Security Council override the Montreal convention.

The hon. Member for Tottenham referred also to the Libyan health service and the difficulties that it faces. He made the same point in the European Standing Committee on Wednesday, so I shall deal with it swiftly, but I understand that he attaches considerable importance to it.

The first thing to understand is that the sanctions regime does not impose a prohibition on the importation of medicines or medical supplies. Moreover, as the hon. Gentleman knows well, the provisions of resolution 748 enable the Libyan Government to apply on humanitarian grounds for an exemption from the prohibition on air flights. The hon. Gentleman was fair enough to acknowledge that that Government have made no such application.

The hon. Gentleman said that the procedure is cumbersome. If the Libyan Government want to make an application, we are perfectly willing to look at the mechanism, but I suspect that the truth is that that Government do not want to recognise the existence of the sanctions regime. Therefore, however flexible the mechanism may be, they would not operate it.

It is true that doctors and medical staff have been leaving Libya, but that has as much to do with the fact that they have not been paid as with any other consideration that the hon. Gentleman suggested. The plain truth is that there are penalties associated with sanction regimes. If Libyans want to remove those penalties, they would do well to persuade their Government to comply with the Security Council resolution.

Mr. Bernie Grant: The right hon. and learned Gentleman has not answered my other point, that it is normal in the United Nations Security Council for parties to a dispute not to vote on a resolution involving that dispute. Why did Britain, France and the United States, which are parties to the dispute, vote on resolution 748?

Mr. Hogg: The hon. Gentleman raised precisely that point in the European Standing Committee and I was able to say then, and I now repeat, that he has entirely misunderstood the practice and procedure within the United Nations.

The hon. Member for Tottenham also referred to the AWD truck contract. The UN resolution imposes a positive ban on the sale of military vehicles, but some of the vehicles in question are to be supplied to the Libyan army. All of them have the characteristics of a military vehicle, in the sense that they are sand-coloured and have

[Mr. Hogg]

long-range fuel tanks. Clearly, they could be used to carry men and munitions. I am not saying that those vehicles are, as a matter of law, certainly military ones, but they may be. Therefore, if there is an application to export them to Libya—as yet we have not received one—we will do two things: first, we must refer to the sanctions committee, or, to put it more accurately, we will refer to that committee, and secondly, we must consider whether the vehicles fall within the scope of the secondary legislation that we have put in place. To do otherwise would be not to comply with the regulations which, broadly speaking, have the support of most hon. Members.

Much time has been spent on the guidelines relating to the supply to Iraq of arms and arms-making material. I remind the House that the matter was fully covered in Monday's debate. Whatever else may be true, it is a fact that this country has by far the most stringent arms control regime of any country in the world—hence the guidelines issued in 1985 by the then Foreign Secretary which prohibited absolutely the supply of lethal equipment.

Difficulties have arisen in respect of the supply of dual-use machinery which is not the subject of an absolute bar. Here, the criteria were directed to preventing the flow of machine tools designed significantly to enhance Iraqi military capacity. As the House knows, Lord Justice Scott's inquiry will address the question whether the Government's policies then in place were properly carried out.

I agree with my hon. Friend the Member for Stroud that that issue should be left to that inquiry. I also echo what he said about an awful lot of humbug having been talked on the matter. No one supposed in the 1980s that British troops would be involved in a war with Iraq. Hindsight of that kind distorts vision and makes dishonest the position being taken by many hon. Members.

I agree with the hon. Member for Brent, East that, applying those standards, he had every reason to be embarrassed by the substantial supply of arms authorised by the then Labour Government to the Argentine, involving type 42 destroyers, missiles of various kinds, RAF Canberra and helicopters. Neither side on this matter is in a position to criticise the other.

Mr. Grocott: The Minister will appreciate that there are several crucial aspects of the matter. One was the deliberate attempt by Ministers to mislead Parliament on the basis of known comments by civil servants at the time. For example, one civil servant was quoted as having said:

"There seems to be considerable merit in keeping as quiet as possible about this politically sensitive issue."  
So a crucial issue is the difference between what was happening in private and what was being said in public.

Mr. Hogg: The Prime Minister set up the Scott inquiry to see whether there was any merit in points of that kind.

The more substantive matter is the question of lifting sanctions on Iraq. I see no early prospect of that. There has not yet been full compliance with the relevant elements in the resolutions—for example, there are still 800 or so Kuwait detainees held by Iraq. There has been a failure to make full disclosure of all the weapons of mass destruction and a failure to sign up to the verification regime.

As my hon. Friend the Member for Bexleyheath said, massive repression is going on in the marshes of south Iraq. The hon. Member for Leyton (Mr. Cohen) rightly

alluded to the fact that an economic blockade is going on in the north of Iraq, and there has been complete failure to comply with the demarcation procedure along the Iraq-Kuwait frontier. The time has not come for sanctions to be lifted.

The hon. Member for Linlithgow has a point when he says that there is privation in Iraq, and the hon. Member for Walthamstow (Mr. Gerrard), to whose speech I shall come shortly, referred to difficulties with medicines. However, I am sure that both the hon. Member for The Wrekin and my hon. Friend the Member for Bexleyheath will bear in mind that, although resolutions 706 and 712 set up a mechanism whereby the supply of oil could be used to fund the purchase of medicines and other humanitarian supplies to Iraq, Saddam Hussein declined to accept that mechanism.

Mr. Knapman: Does my right hon. and learned Friend accept that, given that the border between Jordan and Iraq is largely a long line drawn in the sand, Jordan is doing its best to ensure that sanctions are not broken?

Mr. Hogg: I shall deal with the important points that my hon. Friend made about Jordan in a moment but the answer to his question is that Jordan's compliance with the sanctions regime has improved enormously in recent months. I accept that the Jordanian Government are making serious attempts to prevent a substantial evasion of sanctions across that border.

The hon. Member for Walthamstow asked about Mr. Ride. The sentences imposed by the Iraqi courts are grotesque and wholly disproportionate to the nature of the alleged offence. In the absence of diplomatic relations, we are doing our best to maintain contact with Mr. Ride and Mr. Wainwright and I am extremely grateful to the Russian government for what has been done by Russian diplomats in Baghdad to maintain contact. The Russians last saw Mr. Ride and Mr. Wainwright on 21 November and I am glad to say that both were physically well. As the hon. Member for Walthamstow knows, Mrs. Ride was able to visit her husband fairly recently.

We shall continue vigorously to press the case of Mr. Ride and Mr. Wainwright. Two diplomats are now in Oman awaiting visas to travel to Baghdad to see the conditions in which they are held. However, those diplomats are not in the business of negotiating. We shall not negotiate the release of those two people. There is no relationship between the sanctions and getting those people out of prison. The sanctions regime is justified, for all the reasons that I have given. The prison sentence is not justified, and one cannot and should not trade one for the other.

I know that my hon. Friend the Member for Bexleyheath is troubled by the issue of the marsh Arabs in south Iraq, and so am I. They are certainly being seriously oppressed, which was one of the reasons—perhaps the conclusive reason—why we instituted the no-fly zone. I accept that ground action is continuing against the marsh Arabs and, moreover, a blockade is in place. I know that it will disappoint my hon. Friend but I must be candid to the House and say that I see no early prospect of Security Council authority for taking military action in south Iraq. My hon. Friend, who knows the arguments involved—the sensitivities of the adjourning Arab states—will understand the difficulties, even if he thinks that we are wrong to heed them.

The only assurance that I can give my hon. Friend now flows from the recent signing of the memorandum of understanding, which authorises the setting up of a relief programme in south Iraq and the deployment of the United Nations guards. Using such channels as we have, we shall press the Iraqi Government to comply with the undertakings contained in the memorandum of understanding.

My hon. Friend the Member for Stroud made an important and interesting speech and touched on an issue of considerable importance to us—the stability of the kingdom of Jordan and this country's ancient friendship with Jordan and its present monarch. He was entirely right to say that. It is true that our relationship was put under serious strain during the Gulf war, but ours is an old friendship and has survived that strain. We very much wish to see the king remain in place, his country remain and his relationships with adjoining states in the middle east reinforced and, where necessary, improved. We shall help in that process as much as we are able.

There are a number of reasons for attaching importance to the kingdom of Jordan—one of which is, of course, geographical. As my hon. Friend the Member for Stroud said, that country is leading the way in developing democratic forms in the middle east. We welcome the election under universal franchise that took place in November 1989 as an extremely helpful step forward. The role of the king, especially in the peace process negotiations, has been to provide a useful voice for moderation—one that we reinforce and should like to endorse.

My hon. Friend the Member for Stroud also made an important point about the refugees. The return to Jordan of about 300,000 refugees as a consequence of the Gulf war has placed that country under a burden of considerable economic pressure. My hon. Friend asked what we were doing about the rescheduling of debt. Negotiations with Jordan on a Paris club bilateral agreement on the rescheduling of intergovernmental debt are currently proceeding to what I hope will be a successful conclusion. As for commercial debt, negotiations with the London club are continuing. The main aid from the United Kingdom goes via the European Community's financial protocols, under which 126 mecu have been made available. We have a small bilateral programme. The issue of the canal is probably best carried forward in the multilateral discussions currently under way.

My hon. Friend the Member for Hendon, South (Mr. Marshall) raised two important issues touching on the middle east. The first involves hostages, and there was a slight tension on the subject between my hon. Friend the Member for Bexleyheath and my hon. Friend the Member for Hendon, South. I very much agree that all those held without due process of law should be released. That certainly applies to Ron Arad, the navigator. We have made strenuous efforts, first, to determine whether he is alive—we believe that he is, but we have no concrete evidence—and, secondly, to press those with influence to secure his release. It is also true that people such as Sheikh Obeid and those held in south Lebanon without due process of law should be released. We have made that case on a number of occasions to the Israeli Government, and I hope that it will be heeded. I recognise what a vexing

subject Jerusalem is. We do not recognise Israeli sovereignty over any part of Jerusalem or recognise Jerusalem as the capital of the state of Israel, which is why no British ambassador will be posted there. Jerusalem, as a whole, is a special case and its status is yet to be determined. We believe that the city should not be divided. Jerusalem and its status must be addressed in the peace process. I suspect that the problem will not be resolved until the rest of the negotiations have been concluded and agreements are in place.

The subject of the peace process was touched on by a number of hon. Members including the hon. Member for The Wrekin (Mr. Grocott) and my hon. Friend the Member for Bexleyheath. I regard it as an enormously important issue—

**Mr. Dalyell:** Will the Minister give way?

**Mr. Hogg:** I am afraid that I shall not give way as I only have a few minutes left.

**Mr. Dalyell rose—**

**Mr. Hogg:** I shall not give way.

I very much welcome the flexibility shown by Prime Minister Rabin.

A number of principles should govern our approach and, I hope, that of the parties. First, talks must proceed on the basis of Security Council resolutions 242 and 338—the concept of land for peace. Secondly, the security of the state of Israel must be ensured. Thirdly, everybody must recognise that the Palestinians have a right to determine their own political future and have a right to land to make a reality of that self-determination. I believe that an agreement between the Israelis and the Palestinians is a condition precedent to any development between Israel and the Arab states. I do not believe that Israel can secure separate, free-standing agreements with the Arab states unless there is satisfaction about the Palestinians.

The Israelis will have to make substantial concessions and it will not be easy for them—

*It being half-past Two o'clock, the debate stood adjourned.*

**Mr. Dalyell:** On a point of order, Mr. Deputy Speaker. It is traditional in the House that, in Friday debates, Ministers answer questions rather than make general policy statements. Five hours ago, I began to ask a number of specific questions about Mr. Higson and what he had been reported as saying, about Libya and Iraq, and about the evidence given to me by the Shias. The Minister of State, who is a senior member of the Foreign and Commonwealth Office, has made no attempt to refer to the questions. He dismissed the other questions—

**Mr. Deputy Speaker (Mr. Michael Morris):** Order. The Chair has no responsibility for the content of any hon. Member's speech, as the hon. Gentleman knows.

**Mr. Knapman:** On a point of order, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Is it a new point of order?

**Mr. Knapman:** It is a related point of order.

**Mr. Deputy Speaker:** I have ruled on the matter already.



From DANIEL and SUSAN COHEN

Sir, - As the parents of a Pan Am 103 flight victim who received a letter from President-elect Bill Clinton, we would like to comment on your editorial ('Finding the truth,' 14 November). Like you, we believe that blaming LIBYA alone for the LOCKERBIE bombing conveniently ignores evidence implicating Syria and Iran, two far more powerful states.

LIBYA as the sole villain is the official view promoted by the governments of the United States and Britain and, incidentally, by some Scottish officials who have toured the US as evangelists of the LIBYA alone theory. But to say that LIBYA was not solely responsible is not the same as saying LIBYA was not involved at all.

You say that LIBYA has offered to turn the suspects over for trial in a neutral venue; what neutral venue, the government of Malta, the Arab League? LIBYA brought its case to the international court at The Hague and was turned down.

The United Nations Security Council passed two resolutions demanding that LIBYA turn the suspects over. LIBYA is simply defying the UN resolutions. All this talk about a theoretical 'neutral venue' is a Libyan ploy and we are surprised that you swallowed it.

Like you, we hope that President-elect Clinton will fully investigate all the circumstances surrounding the bombing. But it is safe to predict that any investigation will have to start with the trial of the two LIBYANS. The problem is not that poor little LIBYA is being pressed too hard; in fact LIBYA is hardly being pressed at all.

One of the sanctions imposed on LIBYA is an embargo on the sale of arms, yet that sanction has been so ineffective that LIBYA has had plenty of arms to supply to a particularly nasty group of rebels in Liberia.

The current US and British governments appear quite content to do what they have done for the last four years, as little as possible. Let's not give them an excuse to continue their charade one moment longer.

Daniel and Susan Cohen  
877 HAND AVENUE  
CAPE MAY COURT HOUSE  
NEW JERSEY, US  
24 NOVEMBER

The Scotsman  
Page 8





1 SCT 22 Dec 92 Lockerbie relatives complain of Major snub (478)

By JOY COPLEY, Parliamentary Correspondent

JOHN Major was accused of snubbing six relatives of the Lockerbie bombing victims yesterday when he swept past them in his Daimler in Downing Street. They had arrived on the fourth anniversary of the air tragedy to hand in a petition demanding a full public inquiry.

They were due to knock on the door of No 10 at 2pm but were kept back at the iron gates at the end of the street until 2:16pm, when the Prime Minister and his wife, Norma, were driven past them.

Dr Jim Swire, the chief spokesman for the relatives, whose daughter, Flora, was among the 270 who died, said: 'I was very sad he did not take the time to stop. I expect he had pressing affairs of state. But I have spoken to many senior members of the American administration.'

Pamela Dicks, whose brother, Peter, was killed, said: 'It was not arranged to see the Prime Minister but it was very disappointing that he made it so public that he had no interest whatsoever in seeing us.'

'He did not even look at us as he drove past,' she added. 'I consider it something of an affront.'

A Downing Street spokesman said there had been no plan for Mr Major to meet the relatives. He said: 'It is not usual for the Prime Minister to personally receive petitions because he gets so many of them. This was in no sense a snub.'

The relatives have been encouraged by a letter sent by the US President-elect, Bill Clinton, to Daniel and Susan Cohen, of New Jersey, whose daughter, Theodora, was killed.

Mr Clinton's letter, written in September, pledged that if he won the election all questions about Syrian and Iranian involvement in the terrorist attack on Pan-Am Flight 103 would be addressed and fully answered.

He said he would press the United Nations to broaden its current sanctions against LIBYA to include an oil embargo unless the two Libyan suspects were handed over for trial.

The letter pledged: 'I will do what is right and necessary to send a message that individuals who engage in, and countries which lend support for, terrorist activities will pay a high price for doing so.'

In New York, relatives of Lockerbie victims organised a march and vigil yesterday, followed by a memorial service.

The families remain dissatisfied in spite of two technical reports by the Air Accident Investigation Branch, a report by the Fatal Accident Inquiry, and extensive investigations by Dumfries and Galloway Police, who named two Libyans as being responsible for planting the bomb.

They believe a full public inquiry is the only way to find out the truth behind the attack - who planted the bomb, for whom they were acting and why Flight 103 was chosen.



The Herald, Thursday, September 30, 1993

# Government and press have made fair trial impossible, says SCCL

## Lord Advocate urged to drop Libya case

BY BRUCE MCKAIN  
Law Correspondent

THE Scottish Council for Civil Liberties yesterday called upon the Lord Advocate to abandon the attempt to prosecute the two Libyans suspected of the Lockerbie bombing.

The SCCL alleges that a combination of Government conduct and a flood of pre-trial publicity have fatally compromised any chance of a fair hearing in Scotland. It says any trial here would tarnish our legal system in the eyes of the international community.

Mr Alan Miller, chair of SCCL, has expressed the organisation's concerns in a letter to the Lord Advocate, Lord Rodger of Earlsferry.

Mr Miller says a primary concern is to bring to justice those who committed the act of terrorism in December 1988, and adds that a related concern

is the violation of the rights of the two men accused of the atrocity.

"The concern I seek to elaborate at this time is our view that the actions of the UK state have fatally compromised the capacity of our criminal justice system to afford a fair trial to the two accused.

"This conduct has, firstly, compromised the integrity of the prosecution, secondly, compromised the rights of the accused and, thirdly, compromised the selection process of a jury."

Outlining the legal and diplomatic history of the case, Mr Miller says that after the then Lord Advocate, Lord Fraser of Carmyllie, issued an indictment naming the two Libyans, Libya asked the UK to provide evidence.

It also announced the appointment of an investigating magistrate, and invited the UK to nominate lawyers to monitor

**The actions of the UK state have fatally compromised the capacity of our criminal justice system to afford a fair trial to the two accused**

Alan Miller

for the fairness of the investigation.

The SCCL alleges that Foreign Secretary Douglas Hurd instructed Lord Fraser, now a Scottish Office Minister, not to comply with either request, and claims: "This instruction to the Lord Advocate, the leading prosecutor of an independent criminal justice system, questions the independence and integrity of the prosecution proceedings."

He also points out that this declaration was just one of many stories widely reported in the media, the result of

which would "clearly contaminate" the selection of any potential jury.

The SCCL also believes that the UK and US Governments have effectively frustrated a proper resolution of the dispute by "subverting" existing international conventions and procedures, such as the Montreal Convention and the International Court of Justice.

This has been done, the SCCL claims, by both Governments abusing their powers as permanent members of the UN Security Council.

In the letter to the Lord Advocate, Mr Miller says that Libya has confirmed its willingness to surrender the two accused to a state, other than the UK or the US, which is a party to the European Convention on Human Rights and can provide a fair trial.

He says in March 1993

filed a suit against the US and UK in the International Court of Justice seeking a declaration that efforts to secure the extradition of the two men violated the Montreal Convention, which provides that the state in question may choose either to extradite a fugitive charged with sabotage or submit him to its own authorities for prosecution.

While Libya's case was pending, says Mr Miller, the UN Security Council adopted Resolution 748, which ordered Libya to comply with UK and US demands without delay. The resolution also imposed sanctions on Libya, including a ban on air travel.

"This Security Council resolution clearly pre-empted any finding by the International Court of Justice regarding Libya's application." Mr Miller



## Rowland threat to Gaddafi

TINY Rowland, joint chief executive of Lonrho, confirmed the company has set up a subsidiary to fund a film investigation into the Lockerbie bombing. He promised that if the findings showed Libya to be involved he would conduct no more business with Colonel Gaddafi.

Allan Francovich, the film producer, has been hired by a subsidiary of Lonrho's Metro-pole Hotels to make the film. Mr Rowland said: "Francovich is absolutely independent... He said, 'Any interference by you or Libya and I'm out!'"

Details, page 44

## Gaddafi privatises camel industry

FROM CHRISTOPHER WALKER  
IN CAIRO

COLONEL Muammar Gaddafi, the Libyan leader, has scrapped public ownership of all the country's camels and sheep amid signs that one of the world's few remaining doctrinaire socialist states is being forced to liberalise its economy under the pressure of United Nations sanctions.

The move was announced by Jara, the official news agency. It said the agriculture department, which had been paying millions of pounds annually for breeding, was distributing all the nationalised camels and sheep to state-owned farms and Libyans on low income. It said 6,000 animals had already been placed in private hands.

The effective privatisation of camels, a national symbol, comes just before the imposition on Wednesday of new UN sanctions to try to force the handover of the two Lockerbie bombing suspects for trial.

A recent Libyan estimate put the cost of UN sanctions at £1.4 billion in lost exports and losses to the livestock industry caused by a shortage of vaccines. Libyan Arab Airlines, the national carrier, had also lost millions.

Colonel Gaddafi is the Arab leader most closely associated by the masses with the camel. He makes a point of transporting one to summit conferences abroad to ensure a supply of camel's milk.

Earlier this year, as sanctions began to bite, he proposed that Libya should begin to encourage mass tourism and that it should make the dinar convertible and begin to attract new foreign investment.

Recent visitors to Tripoli have been struck by the economic turmoil resulting from the colonel's brand of socialism and by the new readiness of Libyans to denounce him publicly. In October, he survived the most serious attempted coup of his 24 years in power and ordered the jamming of the BBC Arabic service which broadcast news of it.





Conseil de sécurité

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GENERALE

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10 décembre 1993  
FRANCAIS  
ORIGINAL : ARABE

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LETTRE DATEE DU 9 DECEMBRE 1993, ADRESSEE AU SECRETAIRE  
GENERAL PAR LE CHARGE D'AFFAIRES PAR INTERIM DE LA MISSION  
PERMANENTE DE LA JAMAHIRIYA ARABE LIBYENNE AUPRES DE  
L'ORGANISATION DES NATIONS UNIES

J'ai l'honneur de vous faire tenir ci-joint le texte de deux lettres du Secrétaire du Comité populaire général pour les relations extérieures et la coopération internationale, l'une en date du 8 décembre 1993, concernant les initiatives prises par la Jamahiriya arabe libyenne en vue de parvenir à une solution qui réponde aux exigences de la résolution 731 (1992) du Conseil de sécurité, l'autre en date du 9 décembre 1993, concernant la position adoptée par le mini-Sommet des pays africains membres du Mécanisme de prévention, de gestion et de règlement des conflits en Afrique, qui s'est tenu au Caire les 6 et 7 décembre 1993, à l'égard du différend opposant la Jamahiriya arabe libyenne aux Etats-Unis d'Amérique, au Royaume-Uni et à la France.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre et de ses annexes comme document du Conseil de sécurité.

Le Chargé d'affaires par intérim

(Signé) Ibrahim Abd Al Aziz OMAR



ANNEXE I

Lettre datée du 8 novembre 1993, adressée au Secrétaire général  
par le Secrétaire du Comité populaire général pour les relations  
extérieures et la coopération de la Jamahiriya arabe libyenne

Me référant aux lettres en date des 11 septembre 1993, 11 octobre 1993, 3 novembre 1993 et 30 novembre 1993, j'ai l'honneur de vous faire savoir que la Grande Jamahiriya arabe libyenne populaire et socialiste, désireuse de réitérer sa volonté de parvenir à un règlement au conflit ouvert par les trois pays occidentaux concernant l'affaire de Lockerbie, a pris, au lendemain de l'adoption de la résolution 883 (1993) du Conseil de sécurité, plusieurs initiatives directement ou de concert avec des pays amis. Ces initiatives visent à parvenir à une solution qui réponde aux exigences de la résolution 731 (1992) du Conseil de sécurité, et à régler le différend qui oppose la Grande Jamahiriya aux trois pays occidentaux concernant les modalités d'application de cette résolution.

C'est ainsi que le colonel Muammar Khadhafi, le Guide de la Glorieuse Révolution du 1er septembre, a adressé à S. S. le pape Jean-Paul II une lettre en date du 25 novembre 1993, dans laquelle il lui affirmait son désir de coopérer avec Sa Sainteté ainsi qu'avec les Présidents Clinton et Mitterrand et le Premier Ministre britannique John Major, pour déterminer le lieu d'un procès équitable qui soit acceptable pour les suspects, leurs familles et leurs avocats.

De même, la République tunisienne soeur, en sa qualité de présidente en exercice de l'Union du Maghreb arabe, a proposé, de concert avec la Jamahiriya, que les deux suspects soient interrogés et jugés en France, d'autant que ce pays est l'un des auteurs des résolutions 731 (1992), 748 (1992) et 883 (1993) du Conseil de sécurité relatives au différend opposant la Grande Jamahiriya aux pays occidentaux en question.

Par ailleurs, la République arabe d'Egypte, de concert avec la Grande Jamahiriya, a proposé au Gouvernement du Royaume-Uni de faire juger les deux suspects par un tribunal écossais selon la loi en vigueur en Ecosse, le procès lui-même devant avoir lieu dans un pays tiers ou au siège de la Cour internationale de Justice à La Haye, mais nous n'avons reçu aucune réponse à ce sujet.

La position des avocats des deux suspects, telle qu'exprimée le 10 octobre 1993, a, comme nous l'avons annoncé dans notre lettre en date du 11 octobre 1993, limité les arguments que les autorités libyennes pouvaient avancer pour persuader les deux suspects de se rendre en Ecosse.

Nous pensons que les initiatives que nous avons prises au lendemain de l'adoption de la résolution 883 (1993) du Conseil de sécurité rencontreront l'agrément des deux suspects et de leurs avocats, et aideront le Conseil de sécurité à connaître l'identité de l'auteur de l'attentat contre le vol Pan Am 103, de le châtier et de garantir le droit des familles des victimes à réparation du préjudice subi du fait de cet attentat tragique.

Le Conseil de sécurité a réexaminé plus d'une de ses résolutions, et ce dans le souci de résoudre certaines questions qui semblaient complexes et difficiles à résoudre. Nous citons à titre d'exemple la résolution 799 en date du 18 décembre 1992, ainsi que la résolution 837 en date du 6 juin 1993, qui a été modifiée par la résolution 885 en date du 16 novembre 1993.

La bonne foi des trois pays occidentaux et les efforts, sincères, nous n'en doutons pas, que vous autorise à déployer la Charte des Nations Unies, tout comme le paragraphe 4 de la résolution 735 (1992) du Conseil de sécurité et le paragraphe 14 de la résolution 883 (1993) du Conseil de sécurité, aideront sans doute à parvenir à un règlement conforme à la légalité internationale et ne portant pas atteinte à la souveraineté de la Libye et à la dignité du peuple libyen.

Je vous prie de bien vouloir faire distribuer le texte de la présente lettre comme document de l'Assemblée générale et du Conseil de sécurité, et de susciter des consultations concernant les initiatives susmentionnées en vue de la prise d'une position à cet égard.

Veuillez agréer, Monsieur le Secrétaire général, l'expression de ma très haute considération.

Le Secrétaire du Comité populaire  
général pour les relations extérieures  
et la coopération internationale

(Signé) Omar Mustafa MUNTASSIR

ANNEXE II

Lettre datée du 9 décembre 1993, adressée au Secrétaire  
général par le Secrétaire du Comité populaire général pour  
les relations extérieures et la coopération internationale  
de la Jamahiriya arabe libyenne

Comme vous le savez, les 6 et 7 décembre courant a eu lieu au Caire un mini-Sommet des pays africains membres du Mécanisme de prévention, gestion et règlement des conflits en Afrique.

La réunion a examiné, parmi les questions figurant à son ordre du jour, la question relative au conflit opposant la Grande Jamahiriya arabe libyenne populaire et socialiste aux trois pays occidentaux, à savoir, les Etats-Unis d'Amérique, la France et la Grande-Bretagne. La réunion a adopté une déclaration, dont j'ai le plaisir de vous communiquer le paragraphe relatif à la question intéressant mon pays, en vous priant de bien vouloir le faire distribuer comme document de l'Assemblée générale et du Conseil de sécurité. Voici le texte :

Quant à la demande du Gouvernement libyen, les chefs d'Etat et de gouvernement ont examiné le différend opposant la Libye aux Etats-Unis d'Amérique, à la France et à la Grande-Bretagne, ont pris en considération les résolutions du Conseil de sécurité et ont rappelé les résolutions adoptées par l'Organisation de l'unité africaine au Caire en 1993.

Ils ont également lancé un appel en vue du règlement pacifique des différends, ont demandé que les deux suspects soient jugés équitablement dans un pays neutre, et engagé le Secrétaire général de l'Organisation à suivre la question de près et de présenter un rapport concernant le règlement pacifique de cette affaire.

Le Secrétaire du Comité populaire  
général pour les relations extérieures  
et la coopération internationale

(Signé) Omar Mustafa MUNTASSIR



# Iran ordered Lockerbie bomb, ex-CIA man says

20/12/73

LIBYA did not order the Lockerbie bombing, according to a former CIA officer who investigated the terrorist attack. Vincent Cannistraro is the first former Western agent to challenge publicly the official US and British version that Libya alone was involved.

In a BBC interview to be broadcast tomorrow night, Mr Cannistraro will claim that the bomb that destroyed PanAm flight 103 in December 1988, killing 270 people, was built for Iran by a Syrian-sponsored Palestinian terrorist group and Iran ordered the attack in revenge for the shooting down of an Iranian airliner.

When Britain and the US issued warrants in November 1991 for the arrest of two Libyans accused of the bombing, officials insisted that Libya had acted alone. George Bush, then US president, dismissed allegations of Syrian involvement as "a bum rap".

But Mr Cannistraro claims that, although Libyan agents may have physically placed the bomb on board the PanAm jumbo jet, it was Iran which ordered the attack after the USS Vincennes shot down an Iranian airbus in the Gulf in July

JOHN ARLIDGE  
Scotland Correspondent

1988 killing 290 people. Iranian officials commissioned the Damascus-based Popular Front for the Liberation of Palestine — General Command, led by Ahmed Jibril, to build the bomb hidden in a Toshiba radio, he says.

His allegations come in the wake of new evidence which casts doubt on Libyan involvement in the bombing. Edwin Bollier, a Swiss businessman, who told Scottish police that fragments of the bomb recovered by police scientists were part of a timer device made exclusively for Libya, has said that identical timers were also available in the former East Germany. He has told the BBC that he changed his story after his chief engineer, Ulrich Lumpert, "reminded" him of a visit to Berlin in 1985 when he delivered identical timers to the East German authorities. Mr Bollier's evidence was central to the charges against Abdel Baset Ali Mohamed Al Megrahi and Al Amin Khalifa Fhima. Mr Lumpert claims that he told British, American

and Swiss detectives that the timers were widely available, one year before the two Libyans were charged.

On the eve of the fifth anniversary of the disaster, the latest revelations have prompted relatives of the victims to demand an international investigation. Dr Jim Swire, whose daughter Flora died in the bombing, said: "It looks like finally, five years on, the truth about Lockerbie is beginning to emerge. Ever since the West realised that good relations with Iran and Syria were vital to secure the release of the Beirut hostages and take on Saddam Hussein and Iraq, Britain and America have covered up evidence of Iranian and Syrian involvement."

He went on: "Britain and America do not want to see the truth come out because it will expose hypocrisy and double-dealing that will make Irangate and Iraqgate look like a vicarage tea party. We, as relatives, cannot come to terms with our bereavement until we know the truth. We would like an international commission of inquiry along the lines of those used to examine allegations of war crimes in Bosnia."





Conseil de sécurité

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31 mars 1994  
FRANÇAIS  
ORIGINAL : ARABE

LETTRE DATÉE DU 31 MARS 1994, ADRESSÉE AU PRÉSIDENT DU  
CONSEIL DE SÉCURITÉ PAR LE REPRÉSENTANT PERMANENT DE  
LA JAMAHIRIYA ARABE LIBYENNE AUPRÈS DE L'ORGANISATION  
DES NATIONS UNIES

En ma qualité de Président du Groupe des États arabes pour le mois de mars 1994, j'ai l'honneur de vous faire tenir ci-joint le texte de la résolution 5373 adoptée par le Conseil de la Ligue des États arabes le 27 mars 1994, et intitulée "Les mesures coercitives et les menaces des États-Unis d'Amérique, de la Grande-Bretagne et de la France à l'encontre de la Jamahiriya arabe libyenne populaire et socialiste".

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre et de son annexe comme document du Conseil de sécurité.

L'Ambassadeur,

Représentant permanent

Président du Groupe des États arabes  
pour le mois de mars 1994

(Signé) Ali Ahmed L. HOUDOUEIRI

94-16096 (F) 010494 010494

040494

/...

Annexe

RÉSOLUTION ADOPTÉE PAR LE CONSEIL DE LA LIGUE DES ÉTATS ARABES  
LE 27 MARS 1994

Les mesures coercitives et les menaces des États-Unis d'Amérique, de la Grande-Bretagne et de la France à l'encontre de la Jamahiriya arabe libyenne populaire et socialiste,

Le Conseil de la Ligue des États arabes,

Rappelant ses résolutions 5156 du 5 décembre 1991, 5158 du 16 janvier 1992, 5161 du 22 mars 1992, 5224 du 13 septembre 1992, 5281 du 19 avril 1993 et 5328 du 21 septembre 1993, relatives aux mesures coercitives et aux menaces des États-Unis d'Amérique, de la Grande-Bretagne et de la France à l'encontre de la Grande Jamahiriya arabe libyenne populaire et socialiste,

- Rappelant les dispositions de l'Article 33 de la Charte des Nations Unies qui prescrit le règlement des différends par voie de négociation, de médiation et de règlement judiciaire.
- Exprimant sa profonde préoccupation devant les dommages subis sur le plan humain et matériel par le peuple libyen et ceux des pays voisins, du fait des mesures coercitives qui lui ont été imposées en vertu des résolutions 748 (1992) et 882 (1993) du Conseil de sécurité.
- Exprimant sa profonde satisfaction devant les initiatives constructives proposées par la Libye pour sortir de la crise et son application intégrale des obligations imposées par la résolution 731 (1992) du Conseil de sécurité
- Se déclarant profondément préoccupé par le fait que la crise a été exacerbée par le recours à des sanctions supplémentaires, à la menace de l'emploi de la force comme méthode pour régler les rapports entre États, en violation de toutes les conventions internationales et des principes du droit international.
- Se déclarant satisfait des efforts déployés par la Commission des Sept et le Secrétaire général de la Ligue des États arabes pour trouver une solution pacifique à la crise.
- Après avoir pris connaissance de la note du Secrétariat général
- Après avoir passé en revue les tout derniers développements de la situation.

DÉCIDE

1. De réitérer toutes ses précédentes résolutions relatives à sa solidarité avec la Grande Jamahiriya arabe libyenne populaire et socialiste et d'appuyer ses efforts tendant à parvenir à une solution pacifique de la crise,

/...



dans le cadre du respect de la souveraineté nationale de la Libye et des principes du droit international.

2. D'appuyer la proposition du Secrétariat général demandant que les deux suspects soient jugés équitablement par des juges écossais, conformément à la loi écossaise et que leur procès ait lieu au siège de la Cour internationale de Justice à La Haye, et d'exhorter le Conseil de sécurité à prendre en considération cette proposition nouvelle et constructive en vue de parvenir à un règlement pacifique, et d'éviter toute escalade de nature à exacerber la tension dans la région.

3. De charger le Secrétaire général de suivre l'application de la présente résolution.

(Résolution No 5373 en date du 27 mars 1994)

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Translation

Article in the German weekly Der Spiegel (April 18th, 1994), pp. 92-97.

**A WEB WITH MANY SPIDERS**

**The bloodbath at Lockerbie and the "Stasi" link to international terrorism**

The roughly six- by seven-inch color photograph merely enables a scorched fragment from a green synthetic-resin plate to be recognized, such a paltry item, the piece is smaller than a fingernail. Only the enlargement discloses the typical soldered joints of a printed circuit board.

The picture of a two-part gray synthetic casing also does not reveal much at first glance. The upper and the lower part are connected by a cable. Although not visible from the outside, two adjusting wheels are affixed to the piece of plastic.

Electronics experts made the connection immediately. This bit of synthetic resin belongs to a board; the wheels are used to program a timer. A timer like this is indispensable for precisely detonating a bomb.

Men of Victorian discretion have been displaying these photos for months, while conducting discreet investigations in Berlin. Spies from various secret services worldwide have been swarming to this city. It is almost like during the coldest days of the Cold War, when Berlin was the capital for secret agents.

This is a home game for German investigators. Officers of the Cologne-based federal office to protect the constitution, detectives from the Wiesbaden-based German Federal Bureau of Investigation (BKA), and public prosecutors from Frankfurt and Berlin are attempting to solve the most secret political thriller in recent years, namely the history of the timer.

This timer, which is not even worth DM 400 (\$ 230), is a "smoking gun" as the Americans say - an irrefutable piece of evidence. The big question is, who has handled it? With a timer like this, terrorists detonated a bomb which tore apart the Pan-Am Jumbo called "Maid of Seas" over the southern Scottish community of Lockerbie on December 21st, 1988. All 259 aboard, primarily US citizens, died, and eleven residents were killed by falling parts of the wreck, making a total of 270 victims. Lockerbie - the name of this village became synonymous with insane global terrorism. For many, the case was officially considered to be solved, at least until now.

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American and British investigatory agencies had revealed in November of 1991 that the Libyan secret agents Amin Khalifa Fuheima, then 35 years old, and Abd-el-Bassit Ali el-Mikrahi, then aged 39, were behind the crash of the Boeing 747. The most sinister villain in international society, the self-appointed patron of Arab terrorists, i.e. Libya's head of state Muammar al-Gaddafi, appeared to have been exposed once again as a murdering thug.

The US Department of Justice demanded the extradition of the two suspects - in vain. Therefore, the UN imposed an embargo on Libya, which was tightened once again last November.

Now new facts are shaking the laboriously compiled structure of the investigators, i.e. the indictments which are ready and waiting in Washington and Edinburgh. Secret agents and detectives are talking about the "German trail" and it is hot.

"It threatens" says German Lockerbie public prosecutor Volker Rath, "the indictments of the Americans and the Scots". The investigator from Frankfurt goes on to say, "It is plain as day to anyone familiar with the story".

In internal reports to his most senior superior, Mrs. Christine Hohmann-Denhardt, the Hessian Minister of Justice, Rath expresses himself even more clearly. To sum it up: No German local court judge would be able to issue a bench warrant against the suspects by virtue of the current body of evidence.

Rath, who is 40 years old, belongs to a handful of Lockerbie specialists working on the case worldwide. More than 450 files of documents are piling up in an office of the department which deals with crimes against the state at the Meckenheim office of the BKA, which cooperates closely with the FBI and Scotland Yard. All of these files bear the case number issued by the Frankfurt Office of Public Prosecutions: 50 Js 42.401/88.

Lockerbie was, as Scotland Yard boasted, the "most comprehensive and time-consuming detective work in the history of crime". To date, 15 000 statements from witnesses have been registered, 20 000 names have been checked, 35 000 photographs have been evaluated, and 180 000 pieces of evidence have been examined.

A West German trail had already been discovered at an early stage. It is highly probable that the deadly freight came from Frankfurt. According to the reconstruction by investigators, the suitcase containing the bomb made its way to this German hub on the morning of December 21st, 1988 as unaccompanied luggage via an Air Malta connecting flight from that Medi-terranean island.

At 13:07 P.M., a computer coded the bronze-colored Samsonite suitcase with the number B 8849. This suitcase is then supposed to have been loaded without being examined onto flight PA 103 traveling from Frankfurt to London between 3:12 P.M. and 4:50 P.M., during the stopover prior to the flight across the Atlantic.

The trail, which is now electrifying everyone however, was not among this mountain of evidence. It is completely fresh, leads to East Berlin and ends at the former (East German) Ministry for State Security (MfS).

Former MfS employees are being interrogated by the dozens. Prominent names have appeared on the list of witnesses that still need to be interviewed.

Thus, the office of public prosecutions not only wishes to interview former members of the "Politburo", but also Egon Krenz, Honecker's successor. Everything revolves around one point: When was the timer handed over, to whom and for what purpose?

Although nobody has voiced the audacious suspicion that the gruesome bloodbath at Lockerbie was the work of the "Stasi", who wanted to do a favor for their allied Arab organizations, people are already talking about the possibility of the "Stasi" acting as an accessory to several hundred murders.

What is certain is that detonators of the type used at Lockerbie were found in the possession of the East German state security service, a fact which is an extremely strong piece of circumstantial evidence. The knowledge obtained until now during the investigation must be re-evaluated in light of this turn of events.

Right from the start, the key to the Lockerbie puzzle has been that piece of PCB which detectives found on January 13th, 1989, after an exhaustive search of the debris from the plane, which was torn to pieces. It had made its way into the destroyed suitcase of terror-victim Karen Noonan and had burned itself into a shirt collar.

Technicians remove the fragment with a pair of tweezers. In weeks of painstaking work, Scottish specialist Thomas Hays identified the bit of plastic bearing production number PT 30 as part of the detonator.

The Lockerbie bomb corresponded almost exactly to the type of time bomb built by a group of militant Palestinians two months previously in Neuss, a Germany city on the Rhine River. In both cases, Semtex H served as the explosive, and in both cases, the explosive mass was glued into a Toshiba radio cassette recorder in a devilishly clever manner.

The two devices differed as follows. The group of Palastinians at Neuss used a barometric detonator, which triggers the bomb explosion when the air pressure changes, i.e. when an airplane reaches a certain altitude. This is why the group of terrorists in North-Rhine Westphalia, who were under the patronage of the Syrians, were long considered to be the prima suspects (see page 98).

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When, however, it became indubitably clear that the explosive on PA Flight 103 had been detonated by means of a simple timer, the investigation took a new course. Analyses by the CIA led detectives to the real manufacturer, the Mebo AG Company in Zurich (Switzerland). This company deals in electronic devices of all kinds. The MST-13 timer board was part of the company's own production, which had been developed in 1985 for the desert battles of the Libyans and which was impervious to dust or water.

According to what the CIA had learned, a mechanism of this type was employed during an attack on the American embassy in Togo. For this reason, two Libyans were arrested in February of 1988 in Senegal; they had ten kilos of plastics explosive and two MST-13 timers with them at the time. Although the company name had been scratched off, the word "Mebo" was able to be made visible by means of a special technique.

Not even two dozen examples had been produced in this series, all apparently for Gaddafi's auxiliary troops. The fact that Mebo did a lot of business with the Libyans was a strong piece of circumstantial evidence for the prosecutors. Mebo managers explained to the CIA, and to the American and British Lockerbie investigators, that the timers had been sold only to Tripolis and to the Libyan People's Office in East Berlin. The indictment against the two suspects rests to a large degree on this testimony.

However, the Mebo version has turned out to be a cover story, or perhaps it was even meant to be a wrong track that was deliberately laid. Edwin Bollier, 56 years old, one of two managers of Mebo, allegedly suddenly remembered two other customers only about six months ago, namely the "Institute for Technical Studies", or something like that, in East Berlin, as he confided to his interrogators.

This GDR office, abbreviated as ITU, could very well have been familiar with people like Bollier; after all, this was the place where the East German state security service secretly built all types of tools for secret agents, bugs, and direction-finding equipment.

At first, investigators believed that Bollier allowed himself to be bought by the Libyans and that he wanted to exonerate state terrorist Gaddafi with his statement. After all, the Arabs had generously refunded the Swiss businessman's expenses.

Detectives paid close attention to the mixed group of people attending a meeting in Geneva between President Bill Clinton and Syria's head of state Hafez el-Assad at the "President" Hotel in January, namely the large international, Libyan defense crew, including London solicitor Stephen M. Mitchell and American defense counsel Frank Rubino.

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Ibrahim Legwell, the suspects' Libyan attorney, was the spokesman. Of course, Bollier also made his way to Geneva and disclosed further details concerning the sale of the Mebo timers to East Berlin. Mitchell said, "He keeps coming out with new details".

However, the admissions of the Swiss electronics dealer proved to be basically correct, even though they constantly changed. It is now certain that the "Stasi" acquired MST-13 timers in 1985. The German office of public prosecutions assumes that Bollier procured up to seven timers for the GDR. This is the number indicated, at least, in a Mebo invoice which Bollier allegedly suddenly found and handed over to the investigators as evidence.

In the meantime, former "Stasi" procurement officers have also admitted that they had acquired "MST-13 type projector switch controls". Here is an excerpt from the interrogation of a former MfS officer by the West German office of state security in Meckenheim:

Question: Did you buy this timer?

Answer: Yes. I bought this timer, it was a package deal, which included not only two or three timers with a digital display and a casing, but also approximately 10 units without a casing. Moreover, the deal included a briefcase made of reddish-brown leather, of Italian manufacture, into which a transmitter had been installed, with which the detonation of explosives could be triggered by two different frequencies, through two radio receivers, which were also delivered along with the rest of the goods. We paid about DM 30 000 to DM 40 000 for this whole package.

And other responsible "Stasi" officials have reinforced the German trail. A former MfS colonel, who was interviewed by the BKA in Munich, chatted a bit last Thursday. Although he ruled out any direct or deliberate participation of his former ministry in the Lockerbie affair, yet the witness "by no means ruled out the passing on of a timer like this". The ex-officer stated for the record that "he would not assume any guarantee" in such a case.

Finally, it seems to be proved that the MfS was also involved in other murders. Most recent example: Last week "Stasi" anti-terror specialist Helmut Voigt was sentenced to four years imprisonment because he was allegedly involved in passing on the explosives used in the bombing attack on the 'Maison de France' in Berlin in 1983 (one fatality, 22 persons injured).

The previous theory of Libyan perpetrators acting alone has paled, regardless of how much this happened to suit the Americans politically. It is as if the indictment had been written using invisible ink, where the words suddenly disappear.

Lockerbie and the German trail lead directly to the bizarre world of secret agents, for whom deception and cover-ups are the elixir of life. Edwin Bollier, Mebo's manager in Zurich, a sinister man of many talents, fits exactly into this picture, or at least, he played a double game.

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While the prosecutors imagined that he was firmly on the side of Libyans, secretly he worked primarily for the GDR: He was an unofficial employee (IM) of the "Stasi", went by the code name of "Rubin" and procured highly sensitive goods for decades. At MS, he was registered under file No. 2550/70, and six thick binders comprise the chronology of his successes.

The records of this "jewel" among embargo-breakers, who acquire every type of prohibited merchandise worldwide and cleverly smuggle it into the buying countries, have been destroyed (what a surprise!) during the confusion caused by the change in the direction taken by East Germany in 1989 and 1990. Bollier was obviously supposed to be able to begin the new era unencumbered.

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 Bollier was not obligated to any one country or to any conviction.  
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The Swiss merchant acts as if he had no idea of what was going on. He says that only learned through the SPIEGEL that "I had been given a code name. All of the transactions were conducted under my official name or the name of the company."

He had sworn devotion to the Libyans, but also wooed other principals indiscriminately, as long as they were willing to throw some money his way. Bollier, who served many masters, was not obligated to any one country or to any one political conviction, but only to himself. Business with the East promised the biggest amount of loot, especially at the height of the Cold War.

What also fits this depiction of his character is the fact that Bollier did not have to be recruited, like a typical spy - he voluntarily offered his services to the "Stasi". At the time, i.e. the end of the sixties, the GDR had an enormous demand for electronic equipment. In Erich Mielke's Ministry of State Security, a special unit had just been created to listen in on West German telephone calls, namely Department III.

Bollier dined at the "Stadt Berlin" Interhotel with Horst Mannchen, who was the head of this department. The two of them, each of whom is a specialist in his own way, quickly came to an agreement with each other. The Swiss businessman supplied special antennas and impulse coders, police radio equipment, and data terminals. Mannchen's department took everything. More and more employees had to be furnished with technical equipment, towards the end, more than 3000 "Stasi" spies were bustling around in the field of radio reconnaissance.



7

IM (informal employee) Rubin traveled to the GDR almost every month. In order to announce his arrival, Bollier only had to dial the East German telephone number 5 59 49 48. The line, which had been installed especially for him, ended on the desk of his control officer in the "Overseas Operations" unit.

There were no passport or customs checks for Bollier. During discussions at a "Stasi" villa in elegant Embassy Row in Berlin-Pankow, lists of orders were dealt with and new orders were placed. The MfS paid cash, in hard currency, i.e. West German marks.

"Bollier", said a former "Stasi" officer, "earned much more than one million marks from us." He also delivered materials, the acquisition of which had appeared to be almost impossible. When the Moscow KGB urged their East German counterparts to procure coding devices from the Swiss Crypto AG Company, IM Rubin did the job promptly - in exchange for a fee of DM 120 000.

The Swiss company also maintained excellent contacts with Western services. Through many different channels, Bollier was even able to gain access to the most sensitive material. Thus, he supplied a carefully preserved American secret, the Mark voice analyzer, to the East German central reconnaissance office, i.e. to Stasi General Markus Wolf's group of spies. This device works like a lie detector and registers the finest fluctuations in the voice. Wolf wanted to use this device to test his own agents for their honesty.

What made the GDR secret-service agents suspicious was the fact that the Swiss dealer sometimes needed only a few weeks to obtain such highly desirable toys for secret agents from the USA. This is why Wolf's spies were supposed to find out for whom Bollier was really working.

The attempt failed. Bollier, constantly on the go, was unable to be tailed sufficiently. "Due Bollier's enormous travel activities", a former "Stasi" officer stated to West German investigators, "there were no tangible results".

The MfS was nevertheless sure that Bollier was also working for a Western intelligence service, "probably the CIA", according an internal report. Männchen's deputy, Colonel Gerhard Höferer, formed his opinion after a joint dinner with Rubin: "He is a double agent."

Is a capable multiple agent, who grotesquely enough was also in the pay of the CIA, ultimately responsible for the gruesome deaths of the mainly American passengers aboard the Pan Am jet? As a precaution, the Frankfurt Office of Public Prosecutions asked the West German intelligence service (BND) in March about "any pertinent connections". No answer has been received yet. A

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"Stasi" defector, whom the BND turned over to the Lockerbie investigators, assured BKA officials that "a man like Bollier had hidden protectors in the West". In response to a question about his CIA contacts Bollier replied "No comment on this subject" to SWIREFL reporters.

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 Nobody trusted anybody, everybody spied on everybody else,  
 traitors bought traitors  
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In the bizarre artificial world of agents and disinformation, such involvements are just one of the risks every principal runs. Nobody trusts anybody, everybody spies on everybody else, and traitors buy traitors, who then betray traitors. And so it is possible for the whole mess to get out of control, so that those who are actually supposed to be protected end up being harmed.

Was Bollier supposed to report to others - possibly Western - principals about his transactions with Bad Guy No. 1 Gaddafiy? Or was he supposed to assist the "Stasi" in their then declared policy of protecting the GDR against attacks by international terrorists - by cooperating with globally active groups of terrorists?

Information on Bollier's transactions with Mielke's men was able to be provided by a former "Stasi" man, who became IM Rubin's control officer in 1983. He introduced himself to the Swiss supplier as Joachim Wenzel. This brilliant technician, a radio mechanic and information science engineer by profession, had already been entrusted with unusual jobs at an early stage by the MfS; Wenzel built the electronic timer for a bomb which was supposed to be attached to the bottom of a car belonging to a man in Hamburg, Germany, who aided people trying to escape from East Germany. Meanwhile, this ex-officer has been interviewed half a dozen times by BKA officers. The game of questions and answers has almost become a ritual. Here is an excerpt from questions concerning the timer in the Lockerbie bomb:

BKA: Mr. Wenzel, I am now going to show you a two-part, gray plastic casing; what can you say about this?

Wenzel: This type of casing is exactly the type of model which Mr. Bollier used for the timers he sold to us.

BKA: When was this version with the adjusting wheels supplied by Bollier?

Wenzel: I am fairly sure that this timer represented the last of a series of variations and was presented to us by him between March and June of 1985.

BKA: Did Bollier ever say anything to you in any way about the attack on Pan Am Flight 103 over Lockerbie?

Wenzel: Not once.

Wenzel dictated for the record that the upper ranks at MfS had been extremely worried at the time that Bollier "might possibly have sold the timer to other groups". According to the "Stasi" agent: "I was mainly thinking of terrorist groups, such as the ETA, IRA, RAF, and possibly also the Libyans".

What is sure is that Wenzel took the timer supplied by Bollier in 1987 along to his new job in the Ferdinand-Schultze-Strasse. This is where Central Department XXII worked; this department was responsible for preventing terrorism and had very close contacts with militant Arab groups, but also with the West German Red Army Faction.

The timers have disappeared since then. It is unclear whether they were destroyed in the chaos of the changeover involved in the unification of Germany when the "Stasi" destroyed technical equipment from bugs to shredders, or whether they found their fateful way into the hands of international terrorists while still subject to the responsibility of Mielke and Erich Honecker.

There were enough potential buyers. Explosive solidarity gifts were considered by the "Stasi" as a helpful means for establishing good relationships with various Arab terrorist groups - a web with many spiders.

For example, the "Stasi" delivered shiploads of death-bringing material to the security department of the Palastinian Liberation Front (PLO); alone in 1980 this amounted to 5000 hand grenades, explosives, 1000 blasting caps and bridge-wire caps.

The many splinter groups of the Palastinian Movement, which covered the world with murderous terror attacks for 20 years, had also found a new base in the GDR. Thus, the leading representatives of such international gangs came to East Berlin and went in a continuous stream. Carlos, the world's most sought-after terrorist, who is still living under Syrian protection in Damascus according to recent secret service reports, once resided in the elegant Palast Hotel "Unter den Linden". The fighters of the notorious Abu Nidal completed a three-month course, including missile launchers, at the MfS in 1985. Only months after undergoing this training, this group butchered 15 persons at the airport in Rome and 4 persons at the airport in Vienna.

Abu Daud, who is considered to be one of the persons responsible for the massacre at the Munich Olympic Games in 1972, was also drawn to the Spree (River in Berlin). This former top terrorist resided at Prenzlauer Allee 178, in the middle of the red-light district of (East) Berlin in the Eighties.

The East German secret service slid deeper and deeper into an insidious partnership with Arab irregular soldiers; after all, they were fighting the same enemy.

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Who was the "Stasi" protecting? Who is behind Lockerbie? Was it the Iranians after all, who wanted revenge for the accidental shooting down of an airbus by the "Vincennes", an American destroyer in 1988 over the Straits of Hormus? And were they assisted by the Syrians, who now in favor with the Americans, after they opposed Iraqi Saddam Hussein in the Gulf War?

Secret service professionals must now burrow through a new jumble of conspiracy theories. The Russian secret service, for example, is not convinced by the American investigations showing that the Libyan perpetrators acted alone.

An essential CIA source is the "jabbering of the Arabs who were being listened to", says a Russian secret agent. Not once did the Americans use the "confidential communications channel", which was established in 1990, to ask Moscow for information.

And plenty such information would have been available there, where the bookkeepers of the worldwide secret service link-ups between the "Stasi" and Arabs, and terrorists and agents had accumulated a lot of unique knowledge. Leonid Chebarchin, the former head of Soviet Foreign Reconnaissance, is amazed that Washington kept silent; he said that "they did not ask even one single question".

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The bombing of a Pan-Am jumbo jet over Lockerbie in Britain in 1988, one of the bloodiest attacks by terrorists, has still not been cleared up. Two Libyans, according to the version to date, had done the deed alone, which cost 270 people their lives. Colonel Gaddafi's country refuses to hand them over, while in America and in Scotland the indictments have been drawn up. Now, however, the results of the investigations, which according to Scotland Yard represent "the most comprehensive and time-consuming detective work in the history of crime" are being looked at in a new way. There is a trail that leads from the bomb in the jumbo back to Germany, to the basement of the East German state security service. Numerous former Stasi employees, even former SED members of the Pullbuero and Egon Krenz, Honecker's successor, are now being interrogated. Have the West German secret agents rendered a service to their Arab brothers in arms? Are the indictments against the alleged perpetrators now threatened? Does the Lockerbie case have to be re-examined once again?



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LETTRE DATÉE DU 28 JUILLET 1994, ADRESSÉE AU PRÉSIDENT DU CONSEIL  
DE SÉCURITÉ PAR LE SECRÉTAIRE GÉNÉRAL

J'ai l'honneur d'appeler votre attention sur une lettre datée du 26 juillet 1994, dont je vous fais tenir copie ci-joint, qui m'a été adressée par M. Omar Mustafa Muntasser, Secrétaire du Comité populaire général pour les relations étrangères et la coopération internationale de la Jamahiriya arabe libyenne populaire et socialiste.

(Signé) Boutros BOUTROS-GHALI

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ANNEXE

Lettre datée du 26 juillet 1994, adressée au Secrétaire général  
par le Représentant permanent de la Jamahiriya arabe libyenne  
auprès de l'Organisation des Nations Unies

[Original : arabe]

J'ai l'honneur de vous faire tenir ci-joint le texte d'une lettre datée du 26 juillet 1994, qui émane de M. Omar Mustafa Muntasser, Secrétaire du Comité populaire général pour les relations étrangères et la coopération internationale.

Le Représentant permanent

(Signé) Mohamed A. AZWAI



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PIÈCE JOINTE

Lettre datée du 26 juillet 1994, adressée au Secrétaire général par le Secrétaire du Comité populaire général pour les relations étrangères et la coopération internationale de la Jamahiriya arabe libyenne

[Original : arabe]

Comme vous le savez, depuis l'adoption des résolutions 731 (1992) et 748 (1992) du Conseil de sécurité, la Jamahiriya arabe libyenne n'a épargné aucun effort pour résoudre, en toute sincérité et en toute bonne foi, le différend qui l'oppose aux États-Unis d'Amérique, au Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et à la France. C'est là un différend qu'elle aurait souhaité, certes, éviter et dont elle ne voit pas la raison d'être car il repose sur des malentendus, ne sert les intérêts légitimes d'aucune des parties concernées et est contraire au climat qui règne actuellement dans le monde.

Aussi, la Jamahiriya arabe libyenne a-t-elle cherché par tous les moyens à y mettre fin d'une manière qui soit conforme aux normes et aux dispositions du droit international, ainsi qu'à l'esprit et à la lettre des résolutions adoptées par l'Organisation des Nations Unies. Elle a fait tout ce qui était en son pouvoir pour trouver un moyen de régler ce problème ainsi qu'en témoignent les très nombreuses communications que je vous ai adressées.

Ces deux dernières années, la Jamahiriya arabe libyenne a cherché à coopérer étroitement et en faisant montre de souplesse avec les organes de l'ONU, en particulier avec le Conseil de sécurité, le Secrétariat et la Cour internationale de Justice. Loin de limiter cette volonté de coopération à des domaines isolés, elle en a fait une politique générale, estimant qu'il est du devoir de tous les États Membres de l'Organisation des Nations Unies de donner des gages de leur bonne foi et de montrer qu'ils sont prêts à traiter avec l'Organisation dans un esprit constructif, même lorsqu'il y a lieu de croire que cela ne servirait pas nécessairement leurs propres intérêts, et pour autant qu'une telle démarche ne soit pas contraire aux principes de souveraineté et aux intérêts stratégiques supérieurs des États.

Permettez-moi ici de récapituler les mesures que la Jamahiriya arabe libyenne a prises, en application de cette politique :

1. La Jamahiriya arabe libyenne s'est conformée intégralement et sans condition aucune à l'arrêt que la Cour internationale de Justice a rendu, le 3 février 1994, concernant le différend territorial tchado-libyen, et un accord sur les modalités pratiques d'exécution de cet arrêt a été conclu entre les deux pays le 4 avril 1994.

Par la suite, le Tchad et la Jamahiriya arabe libyenne ont publié, le 30 mai 1994, une déclaration conjointe indiquant que, le même jour, le retrait de l'administration et des troupes libyennes de la bande d'Aouzou s'était achevé à la satisfaction des parties et sous la surveillance du Groupe d'observateurs militaires des Nations Unies dans la bande d'Aouzou (GONUOA).

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Dans le rapport que vous avez présenté au Conseil de sécurité et qui figure dans le document S/1994/672, vous appelez l'attention sur la manière dont la Jamahiriya arabe libyenne s'était acquittée de ses obligations, tout en vous félicitant de la façon dont elle avait coopéré avec le GONUBA et de l'esprit d'amitié manifesté mutuellement par les deux pays.

2. Convaincue de la nécessité de coopérer avec l'Organisation des Nations Unies dans le domaine du maintien de la paix et de la sécurité internationales, la Jamahiriya arabe libyenne a déclaré, dans les très nombreuses lettres qu'elle vous a adressées, qu'elle avait renoncé à toutes les formes de terrorisme et qu'elle condamnait tous les actes terroristes. Pour donner une expression concrète à cette position sans équivoque, elle a pris un certain nombre de mesures bien précises et a en particulier :

- a) Rompu les liens avec tous les groupes et les factions impliqués dans ce que l'on a appelé des activités terroristes;
- b) Affirmé qu'il n'existait aucun camp d'entraînement terroriste ou siège d'organisation terroriste sur son territoire. À cet égard, elle vous a invité à envoyer une mission technique s'assurer de la véracité de ces informations et, bien qu'elle n'ait jusqu'ici reçu aucune réponse à cette proposition concrète et logique, vous renouvelle son invitation;
- c) Coopéré pleinement, en témoignage de sa bonne foi, avec le Gouvernement du Royaume-Uni qu'elle a aidé à déjouer les activités terroristes et communiqué toutes les informations en sa possession susceptibles de renforcer les moyens disponibles pour combattre et endiguer le terrorisme;
- d) S'est déclarée entièrement disposée à coopérer avec les autorités françaises qui enquêtent sur l'attentat contre l'avion d'UTA et à offrir toutes les facilités voulues au magistrat français chargé d'instruire ce dossier. Les autorités judiciaires des deux pays poursuivent leurs contacts en vue de s'entendre sur un programme qui puisse aider ledit magistrat à mener à bien son enquête.

3. Il n'existe aucun accord d'extradition entre les parties concernées, et tous les États parties au différend sont juridiquement liés par les dispositions d'une convention internationale ayant force obligatoire et qui est déjà entrée en vigueur, à savoir la Convention de Montréal de 1971. L'article 7 de cette convention stipule que l'État contractant sur le territoire duquel le délinquant présumé se trouve devra traduire immédiatement ce délinquant en justice, au cas où il déciderait de ne pas l'extrader. La Jamahiriya arabe libyenne s'est déclarée prête à juger les deux suspects sur son territoire, se conformant ainsi aux dispositions expresses de l'article 7 de la Convention de Montréal.

4. En dépit de tout ce qui précède, et soucieuse de parvenir à une solution acceptable pour toutes les parties, la Jamahiriya arabe libyenne pourrait, en principe, accepter que le procès ait lieu en dehors de son territoire, à la condition que la procédure suivie à cet effet puisse garantir un procès juste et équitable aux deux accusés. La Jamahiriya arabe libyenne est d'avis que pour ce faire, il faudrait que les parties concernées acceptent la

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proposition qui a été avancée par le secrétariat de la Ligue des États arabes, puis entérinée par le Conseil de cette même ligue dans sa résolution 5373 datée du 27 mars 1994, et tendant à ce que les accusés soient jugés au Siège de la Cour internationale de Justice à La Haye, par un tribunal écossais appliquant la loi écossaise.

Il va sans dire que cette proposition a recueilli l'assentiment des membres du Mouvement des non-alignés qui se sont réunis, au niveau ministériel, au Caire en juin dernier, et a par la suite été approuvée par la Conférence des chefs d'État et de gouvernement de l'Organisation de l'unité africaine réunie à Tunis.

Vous ne manquerez pas de noter qu'en adoptant de telles positions, la Jamahiriya arabe libyenne est allée aussi loin que possible et a fait tout ce qui était en son pouvoir pour trouver un moyen de sortir de l'impasse. Elle a consenti à une situation qu'elle n'était pas obligée d'accepter, si l'on s'en tient aux normes juridiques qui devraient normalement s'appliquer.

En conséquence, elle propose que pour traiter les aspects judiciaires du problème et pour pouvoir déterminer les responsabilités des deux personnes accusées d'avoir été à l'origine de l'incident de Lockerbie, l'on ait recours à l'une des solutions suivantes :

1. Les deux suspects pourraient être traduits immédiatement en justice sur le territoire libyen, en public et avec toutes les garanties voulues pour que le procès se déroule de manière juste et équitable, y compris en présence d'observateurs internationaux;
2. Le procès pourrait avoir lieu dans un pays arabe dont le choix resterait à convenir, et les accusés pourraient être jugés, soit par les tribunaux existants, soit par un tribunal spécial spécialement créé à cet effet;
3. Le procès se tiendrait au siège de la Cour internationale de Justice à La Haye ou au siège de tout organisme du système des Nations Unies sis sur le continent européen, étant entendu que les accusés seraient jugés par un tribunal écossais appliquant la loi écossaise. Au cas où les pays concernés et l'Organisation des Nations Unies accepteraient cette dernière proposition et en informeraient officiellement la Jamahiriya arabe libyenne, le Gouvernement libyen se déclarerait prêt à offrir toutes les garanties nécessaires pour que la procédure puisse suivre pleinement son cours, et prendrait toutes les mesures requises à cet effet, en concluant notamment des accords avec les parties concernées et en prenant tous les engagements voulus auprès de vous ainsi qu'auprès du Président du Conseil de sécurité.

La Jamahiriya arabe libyenne vous demande de bien vouloir communiquer la teneur de la présente lettre au Président du Conseil de sécurité, et de prendre tous les contacts que vous pourriez juger nécessaires pour que l'on puisse s'entendre sur le choix d'une des solutions proposées.

Le Secrétaire du Comité général populaire  
pour les liaisons étrangères et la  
coopération internationale

(Signé) Omar Mustafa MUNTASSER





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LETTRE DATÉE DU 2 AOÛT 1994, ADRESSÉE AU SECRÉTAIRE GÉNÉRAL PAR  
LE REPRÉSENTANT PERMANENT DE LA JAMAHIRIYA ARABE LIBYENNE AUPRÈS  
DE L'ORGANISATION DES NATIONS UNIES

J'ai l'honneur de vous faire tenir ci-joint un rapport sur les conséquences de l'application des résolutions 748 (1992) et 883 (1993) pour la période allant du 15 avril 1992 au 15 avril 1994.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre et de son annexe comme document du Conseil de sécurité.

Le Représentant permanent

(Signé) Mohamed Abul Gassem AZWAI

ANNEXE

Conséquences de l'application des résolutions 748 (1992)  
et 883 (1993) pour la période allant du 15 avril 1992 au  
15 avril 1994

L'application des résolutions 748 (1992) et 883 (1993) du Conseil de sécurité, adoptées le 15 avril 1992 et le 1er décembre 1993 respectivement, a eu, sur les plans humanitaire, social et économique, des effets extrêmement préjudiciables sur la vie quotidienne de la population libyenne.

1. CONSÉQUENCES SUR LE PLAN HUMANITAIRE

L'application des résolutions 748 (1992) et 883 (1993) du Conseil de sécurité a causé au peuple arabe libyen des préjudices considérables sur les plans humanitaire et social, en particulier dans le secteur de la santé et de la sécurité sociale, qui a été gravement touché (fournitures médicales, services de soins thérapeutiques et préventifs, coopération technique internationale). Elle a également eu de graves effets sur le fonctionnement et l'entretien des équipements nécessaires ainsi que sur tous les aspects économiques de la santé et de la sécurité sociale. Ces conséquences négatives peuvent se résumer comme suit :

- 1) Impossibilité d'évacuer quelque 9 000 malades qui ne pouvaient être traités sur place et qu'il aurait fallu transporter à l'étranger par avion-ambulance ou à bord d'autres avions de ligne, en particulier pour les cas de maladies évolutives et les cas urgents (traitement de troubles cardio-vasculaires graves, greffes du rein, traitement du décollement de la rétine, chirurgie du cerveau et neurochirurgie, greffe de moelle épinière, traitement de brûlures au troisième degré, traitement anti-cancéreux, etc.).
- 2) Vu la gravité de leur état et la longueur du trajet à parcourir, 350 de ces patients qui ont dû être transportés par la route vers des aéroports situés dans des pays voisins sont décédés en chemin.
- 3) Le programme dans le cadre duquel des professeurs de médecine, des spécialistes et des conférenciers d'universités et de facultés de médecine autrichiennes, yougoslaves, allemandes, suisses, françaises, italiennes, polonaises, bulgares et autres avaient été invités à se rendre en Libye n'a pas pu se dérouler comme prévu. Environ 150 professeurs et spécialistes de différentes disciplines médicales ont été empêchés de se rendre en Libye pour traiter certains cas difficiles, effectuer des interventions chirurgicales délicates, participer au déroulement des examens universitaires et assister aux conférences scientifiques et colloques médicaux internationaux qui sont organisés de temps à autre en Libye.

Par ailleurs, de nombreux médecins et professeurs libyens ont dû renoncer à se rendre à l'étranger pour participer à des conférences et rencontres internationales et à des programmes d'études et ont été ainsi empêchés de s'instruire, de participer aux travaux de ces

réunions et d'en tirer parti, et donc de suivre les progrès qui s'accomplissent dans le monde d'aujourd'hui dans différents domaines scientifiques.

- 4) De nombreux médecins et auxiliaires médicaux étrangers ont été amenés à refuser les offres de travail qui leur avaient été faites par la Libye. C'est ainsi que quelque 4 500 médecins et auxiliaires médicaux qui devaient venir travailler en Libye ont dû renoncer à leur projet. En outre, plus de 100 médecins et auxiliaires médicaux démissionnent chaque mois; le nombre total de ces démissions s'élève à ce jour à 2 500. Ces diminutions d'effectifs ont gravement perturbé le fonctionnement de l'ensemble des services de santé du pays.
- 5) Faute des pièces de rechange nécessaires qui avaient été commandées pour un montant de 10 millions de dollars, les appareils médicaux et électromécaniques utilisés dans les centres de santé libyens n'ont pas pu être entretenus comme il le fallait; de plus, les experts et techniciens étrangers qui devaient en assurer l'entretien n'ont pas pu se rendre en Libye. Dans la plupart des établissements hospitaliers et centres de santé libyens, les services de santé en ont été gravement perturbés.
- 6) Les malades souffrant d'allergies ont vu leur situation s'aggraver du fait que certains médicaments et types de matériel indispensables à leur traitement et qu'il avait fallu commander d'urgence à l'étranger ne sont pas arrivés à temps. Ces retards ont été à l'origine du décès de quelque 350 nourrissons dans différents établissements hospitaliers libyens et de plus de 150 parturientes, notamment à la suite d'hémorragies.
- 7) Les programmes qui devaient être exécutés en collaboration avec l'Organisation mondiale de la santé (OMS) n'ont pas pu être mis en oeuvre. La plupart des visites d'experts internationaux et de groupes de travail délégués par cette organisation ont dû être reportées ou annulées. Cette situation entrave le développement et le relèvement du secteur de la santé, freine l'exécution des programmes de soins primaires, compromet les activités de coopération internationale entreprises dans le domaine de la santé et empêche l'OMS de réaliser les objectifs de la stratégie "La santé pour tous d'ici à l'an 2000".
- 8) L'acheminement et le dédouanement de fournitures médicales ont été retardés, les bordereaux d'expédition n'ayant pu arriver à temps. De plus, les sanctions ont compliqué l'importation et le stockage de sérums, de vaccins, de produits dérivés du sang, d'hormones, de réactifs de laboratoire pour le dépistage du sida et d'iode radioactif qui, en raison de l'embargo aérien, ont dû être expédiés par bateau et transiter par des ports et se sont, de ce fait, détériorés. C'est ce qui est arrivé notamment aux vaccins antipoliomyélitiques transportés par voie maritime. De nombreuses sociétés qui fabriquent des produits de ce type continuent de se renseigner sur les moyens d'expédier lesdits produits qui doivent absolument être acheminés par avion. L'embargo aérien a non seulement provoqué des pénuries de stocks mais,

par suite des retards de livraison, il est aussi à l'origine de la perte de certains produits qui sont périmés à l'arrivée. Le meilleur exemple en est la perte d'une grande partie du chargement expédié par mer par les sociétés OANSSEM et TANSSEM, spécialisées dans la fabrication d'analgésiques, de produits anesthésiques et d'autres médicaments destinés aux hôpitaux et aux centres de santé.

- 9) Cent cinquante-six commandes de médicaments, d'appareils, d'équipements et de fournitures médicales n'ont pas pu être honorées. Les articles commandés consistaient en sérums, vaccins, réactifs de laboratoire et matériel d'une valeur totale voisine de 50 millions de dollars.
- 10) On n'a pas pu procéder à l'acheminement de produits radioactifs permettant d'identifier certaines hormones, dont on sait qu'ils doivent être acheminés par voie aérienne directe des pays producteurs aux consommateurs. Il s'agit de produits utilisés pour le traitement du cancer, en particulier d'un médicament appelé MASTIN.
- 11) Les accidents de la route dus à l'intensité de la circulation ont atteint le nombre de 10 200, faisant 1 622 morts, 4 220 blessés graves ou handicapés à vie et 3 124 blessés légers. Le nombre de personnes nécessitant l'usage d'une chaise roulante à la suite d'accidents graves s'élève à 9 200.
- 12) Le Comité créé en application de la résolution 748 (1992) du Conseil de sécurité a tardé à accorder l'autorisation de transporter à l'étranger par avion-ambulance des malades nécessitant des soins urgents et a empêché à plusieurs reprises l'évacuation de malades (le cas le plus récent remontant au 4 mai 1994), ce qui a entraîné le décès ou l'aggravation de l'état de nombreux patients. Ces retards et ces refus n'ont aucune justification sur le plan médical ou juridique et ne font que refléter la position hostile de certains membres du Comité, au mépris de toute considération humanitaire.
- 13) Voici quelques-unes des difficultés auxquelles se heurtent les sociétés qui travaillent en collaboration avec la Libye :
  - La société autrichienne VAMED ENGINEERING, de Vienne (contractant pour un projet de fourniture d'équipements au nouvel hôpital central de Tripoli), a fait savoir aux autorités libyennes, dans une lettre officielle datée du 27 février 1993, que les autorités des États-Unis d'Amérique ne l'autorisaient pas à exporter en Libye du matériel médical. La partie libyenne a donc été contrainte de rechercher d'autres arrangements, ce qui a retardé et empêché jusqu'à ce jour l'ouverture du nouvel hôpital central de Tripoli.
  - La société canadienne qui s'était engagée par contrat à exporter en Libye du matériel de traitement radiologique en a été empêchée par les autorités des États-Unis d'Amérique.



- La société maltaise MEDAVIA, spécialisée dans les services de secours médicaux d'urgence, a informé les autorités libyennes des nombreuses difficultés auxquelles elle se heurtait du fait des pressions exercées sur elle par plusieurs pays occidentaux afin qu'elle renonce à exporter en Libye le matériel médical nécessaire.
- 14) Le secteur de la santé a eu les plus grandes difficultés à assurer les services d'urgence et fournir le matériel médical nécessaires à l'équipe libyenne de secours qui s'est efforcée de s'acquitter de sa mission humanitaire lorsqu'un avion civil des lignes intérieures régulières libyennes s'est écrasé en vol entre Bengazi et Tripoli. Cet accident, survenu le 22 décembre 1992, a fait 170 victimes de différentes nationalités.

## 2. CONSÉQUENCES ÉCONOMIQUES

### Secteurs de la production agricole et de l'élevage

L'application des résolutions 748 (1992) et 883 (1993) a eu des conséquences désastreuses sur l'ensemble des institutions, des organismes, des politiques, des plans et des programmes relevant des secteurs de l'agriculture et de l'élevage, dont les pertes, pour la période allant du 15 avril 1992 au 15 avril 1994, peuvent se résumer comme suit :

#### 1) Élevage et production laitière :

- L'embargo a eu pour effet d'interrompre les livraisons de produits vétérinaires fabriqués dans certains pays européens, et en particulier de vaccins qui sont d'autant plus indispensables aux éleveurs que parmi les animaux non vaccinés; les taux de mortalité peuvent atteindre jusqu'à 90 %.
- Les échantillons qu'il est difficile, voire impossible, d'identifier ou d'analyser sur place, et dont l'étude était habituellement confiée à des organismes internationaux avec lesquels la Jamahiriya arabe libyenne a noué des liens de coopération étroits, ne peuvent désormais plus être envoyés à l'étranger.
- Les livraisons de volailles, de poussins et d'oeufs à couver importés des Pays-Bas, de Belgique et de France ont dû être interrompus.

Les pertes subies par le secteur de l'élevage s'alourdissent de jour en jour; on en trouvera le détail ci-après :

#### a) Ovins et caprins

- Les taux de mortalité enregistrés parmi les agneaux et les chevreaux nouveau-nés ont atteint 53 % (4 764 000 têtes).

- Les taux de mortalité enregistrés parmi les brebis et les chèvres ont atteint 20 % (1 124 000 têtes). Ces taux de mortalité élevés ont entraîné une baisse (de 53 080 tonnes) de la production de viande de boucherie et des pertes financières qui se chiffrent à 1 485 240 000 dollars.

b) Bovins

- Les taux de mortalité enregistrés parmi les veaux nouveau-nés ont atteint 30 % (18 950 têtes).
- Les taux de mortalité enregistrés parmi les génisses ont atteint 10 % (14 200 têtes). Ces taux de mortalité élevés ont entraîné une baisse (de 5 044 tonnes) de la production de viande de boucherie. Les pertes financières imputables à cette baisse se chiffrent à 78 720 000 dollars.

c) Production laitière

La baisse de la production laitière a été très forte (19 millions de litres). Les pertes financières imputables à cette baisse se chiffrent à 20 millions de dollars.

d) Oeufs et volailles

- La baisse de la production de viande de volaille a elle aussi été très forte (30 605 tonnes).
- On a également enregistré une forte baisse de la production d'oeufs destinés à la consommation (manque à gagner estimé à environ 627 150 000 oeufs).

Les pertes financières imputables à ces baisses se chiffrent à environ 324 914 250 dollars).

2) Production agricole

L'application de l'embargo a eu sur ce secteur les conséquences suivantes :

Il est devenu impossible d'importer des quantités suffisantes de plants d'arbres fruitiers et d'espèces sauvages. Ces pénuries ont non seulement porté un coup sévère aux programmes de boisement, mais aussi réduit de 50 % la quantité de plants importés dont la Jamahiriya arabe libyenne a besoin et qui sont habituellement acheminés par voie maritime. Les pertes financières encourues sont estimées à 4 310 000 dollars.

Les sociétés et les particuliers ne peuvent désormais plus importer de plantes d'agrément, de semences hybrides de légumes, de plants et autres intrants nécessaires à la production en serre. Ces restrictions ont entraîné une baisse de 40 % de la production locale de plants destinés aux agriculteurs. Les pertes financières imputables à cette baisse se chiffrent à 8 millions de dollars.

Les agriculteurs et les entreprises agricoles qui n'ont pas pu exporter les fruits et les légumes qu'ils produisaient sur place ont subi des pertes s'élevant à 274 millions de dollars.

La pénurie de matériel d'apiculture et de produits destinés à lutter contre les maladies et les ravageurs qui menacent les abeilles a entraîné une baisse de 33 % du nombre de ruches en Jamahiriya arabe libyenne. Les pertes imputables à cette diminution se chiffrent à 4 611 915 dollars, et celles qui découlent de la baisse de la production de miel se montent à 681 678 600 dollars.

Les essaims d'abeilles qui avaient été commandés à l'étranger et devaient être expédiés directement en Jamahiriya arabe libyenne par avion (soit 50 % du total des importations d'abeilles) n'ont pas pu parvenir à destination.

Les pertes de récolte subies par le secteur de l'agriculture peuvent se décomposer comme suit :

Produit	Production		Pertes	
	Prévue (en milliers de tonnes)	Effective (en milliers de tonnes)	Quantités (en milliers de tonnes)	Valeur (en millions de dollars)
Blé	255 302	118 800	135 502	29 810 440
Orge	530 904	143 800	187 104	33 304 512
Légumineuses	14 243	8 600	5 643	1 410 750
Alfa	644 648	546 936	97 712	25 698 256
Total	1 444 097	1 018 136	325 981	90 023 958

Les pertes de récolte auxquelles l'on peut s'attendre pour l'année 1994 se présentent comme suit :

- Baisse de 40 % de la production. Ces pertes peuvent se décomposer comme suit :

<u>Produits récoltés</u>	<u>Pertes (en milliers de tonnes)</u>	<u>Valeur (en millions de dollars)</u>
Fruits, olives et fruits secs	194 142	410 415 300
Légumes et plantes dont les feuilles servent à la fabrication de papier	411 740	817 810 000
Céréales	174 200	60 776 000

### 3) Sylviculture

L'application de l'embargo a infligé au secteur de la sylviculture des pertes non négligeables, qui peuvent se résumer comme suit :

- Les programmes d'aménagement des pâturages n'ont pas pu être exécutés dans les délais prévus. Les pertes imputables à ces retards se chiffrent à 300 000 dollars par an.
- Le matériel et les équipements nécessaires à la lutte contre les incendies n'ont pas pu être livrés à temps. Les dommages causés par ces retards se chiffrent à 1 080 000 dollars.
- Les équipements agricoles indispensables qui avaient été commandés à l'étranger n'ont pas pu être expédiés directement par avion et ont dû être acheminés par d'autres voies. Les pertes financières imputables à ces contretemps s'élèvent à 150 000 dollars.

4) Matériel et équipements indispensables à la production

Les projets agricoles qui, tant au niveau du secteur public que du secteur privé, ont connu une très rapide expansion, et utilisent en permanence du matériel de production importé, ont été gravement touchés par l'application de l'embargo. Les dommages qu'ils ont subis peuvent se résumer comme suit :

- Il a été impossible d'obtenir certains équipements et installations de pointe (stations de pompage, postes de télécommande, dispositifs de photographie aérienne "pour levés à distance") qui leur étaient indispensables. Ces difficultés ont entraîné l'annulation de certains projets agricoles, entravé l'exécution d'autres travaux, et empêché la mise en valeur d'un certain nombre de terres.
- Les machines et les installations hydrauliques et d'irrigation, de même que les pièces de rechange destinées aux fermes d'élevage de volaille ou de bovins et aux exploitations pratiquant la culture en serre qui sont importées doivent être acheminées rapidement par voie aérienne si l'on veut limiter les pertes causées par les retards dans la réparation et l'entretien des chaînes de production.

L'aide et les compétences indispensables à l'exécution de certains travaux n'ont pas pu être offertes à temps. Ces contretemps ont non seulement nui au bon déroulement des travaux en question, qui n'ont pas pu être réalisés dans les délais prévus, mais ont en outre entraîné des frais supplémentaires.

- La pénurie de pesticides a entraîné une baisse de la productivité.

L'interruption des livraisons de poules pondeuses et de poussins expédiés directement en Jamahiriya arabe libyenne par voie aérienne a provoqué une hausse des taux de mortalité et du nombre de brisures ainsi qu'une baisse des taux d'éclosion. Le recours à d'autres moyens de transport a entraîné des coûts supplémentaires qui ont contraint de très nombreux aviculteurs à cesser leurs activités. Ces difficultés ont fait baisser la production de viande de volaille et provoqué des pénuries sur les marchés locaux.

- Les retards dans la livraison de produits vétérinaires, de vaccins et de sérums, ont nui à la bonne exécution des programmes de vaccination destinés à immuniser la volaille et le cheptel contre divers types de

maladies endémiques, et contribué à la réapparition de maladies que l'on pensait avoir définitivement éliminées.

- Les campagnes de lutte contre la larve de la lucilie bouchère, qui étaient menées par voie aérienne, ont dû être interrompues car l'on manquait de pièces de rechange, d'avions épandeurs, de véhicules tout terrain et de pesticides. Ces problèmes ont empêché l'application et la mise en oeuvre des accords que la Jamahiriya arabe libyenne avait conclu avec le Fonds international pour le développement agricole et l'Organisation des Nations Unies pour l'alimentation et l'agriculture, et qui portaient sur la détection rapide de la larve de la lucilie bouchère ainsi que sur les moyens biologiques utilisés pour lutter contre ce type de ravageurs.
- Le contrôle des produits agricoles importés de l'étranger a dû être retardé, car les inspecteurs des services de quarantaine agricole et des services d'hygiène vétérinaire ont eu du mal à se rendre dans les pays exportateurs pour procéder aux inspections nécessaires et prendre les mesures de quarantaine voulues.
- La Jamahiriya arabe libyenne n'a pas pu assister aux sessions de formation, aux conférences, aux rencontres, aux séminaires et aux expositions qui avaient été organisés à l'étranger, ce qui l'a empêchée de tirer parti de ces activités.
- Les revues et publications scientifiques qui traitent des toutes dernières découvertes, études et recherches consacrées aux secteurs de l'agriculture et de la zootechnie ainsi qu'à d'autres domaines sont parvenues avec beaucoup de retard.

#### Secteur des transports et des communications

Entre le 15 janvier 1992 et le 15 avril 1994, l'application de la résolution imposant l'embargo aérien à l'encontre de la grande Jamahiriya libyenne a nui au secteur du transport aérien en provoquant des dommages matériels d'une valeur d'environ 834 637 000 dollars. Il convient d'y ajouter les préjudices moraux causés au personnel de ce secteur qui, par exemple, ne peut se maintenir au courant des innovations scientifiques et techniques réalisées dans ce secteur. Il est possible de récapituler les dommages infligés aux entreprises de transport aérien de la façon suivante :

##### 1) La Jamahiriya Libyan Arab Airlines

La compagnie Jamahiriya Libyan Arab Airlines, transporteur national pour les passagers en provenance et à destination de la grande Jamahiriya libyenne, a subi des pertes matérielles et morales importantes à la suite du blocus inique qui a provoqué la suspension des transports aériens, ce qui a fait perdre 600 millions de dollars en produits d'exploitation directs à la compagnie d'aviation libyenne, comme précisé ci-après.

a) Le coefficient de remplissage des avions de la Jamahiriya Libyan Arab Airlines a diminué de 85 % du fait de l'embargo. Il convient d'ajouter à cela

une diminution de 60 % du coefficient de remplissage sur les lignes intérieures, les vols étant liés à la circulation aérienne internationale et les pièces détachées pour les appareils faisant défaut.

b) La réduction du personnel libyen et le licenciement de la main-d'oeuvre locale dans les bureaux de la compagnie à l'étranger se sont traduits par des charges financières supplémentaires du fait de l'indemnisation du personnel, qui se sont élevées à 2 100 000 dollars.

c) Des dépenses supplémentaires correspondant aux frais de validation ont été encourues du fait du transfert des billets aux compagnies étrangères à partir du 15 avril 1992.

d) La diminution du stock de pièces détachées nécessaires pour les appareils de la compagnie aérienne libyenne, qui a provoqué la mise au chômage des mécaniciens et l'interdiction de vol d'un grand nombre d'appareils.

e) Le budget de la Jamahiriya Libyan Arab Airlines a été grevé par le versement des salaires et traitements du personnel et la location des bureaux des agences en Libye et à l'étranger sans que des recettes soient perçues en contrepartie.

f) L'interdiction faite d'honorer les billets et documents de chargement émis par la Jamahiriya Libyan Arab Airlines lui a fait perdre le marché libyen du transport aérien international au profit des compagnies étrangères.

g) Le non-renouvellement de la flotte de la Jamahiriya Libyan Arab Airlines et l'impossibilité pour les cadres techniques libyens de se maintenir au courant des innovations techniques ont nui à la sécurité aérienne.

## 2) La Société des aéroports

La Société des aéroports a perdu quelque 42 millions de dollars à la suite de l'interruption du trafic international, ventilés comme suit :

a) La Société des aéroports a versé les traitements et salaires des employés et a dû effectuer d'autres dépenses sans percevoir de recettes;

b) La Société des aéroports a cessé de percevoir ses recettes antérieures au titre des droits pour les services.

## 3) La Compagnie de transport aérien léger

La Compagnie de transport aérien léger a vu ses recettes diminuer de 12 637 000 dollars, faute d'avoir obtenu les pièces de rechange lui permettant d'atteindre les coefficients d'exploitation internationaux.

## 4) Compagnie arabe libyenne de transport aérien de marchandises

La Compagnie arabe libyenne de transport aérien de marchandises a cessé son activité extérieure, ce qui a provoqué une perte de recettes estimée à quelque 156 millions de dollars, ventilés comme suit :

a) La Compagnie a subi une perte de recettes liée à l'interruption du trafic aérien de marchandises;

b) La Compagnie a dû payer la maintenance de ses appareils sans percevoir de recettes;

c) La Compagnie a versé les traitements et les salaires de son personnel et a effectué d'autres paiements sans percevoir de recettes.

5) L'Organisation générale de l'aviation civile et de la météorologie

L'Organisation générale de l'aviation civile et de la météorologie a subi des pertes financières estimées à quelque 24 millions de dollars, ventilés comme suit :

a) Versements des traitements et salaires du personnel et autres paiements sans perception des recettes attendues;

b) Perte des recettes annuelles que la Compagnie percevait au titre du transit des appareils étrangers par l'espace aérien de la grande Jamahiriya;

c) Perte des recettes annuelles qu'elle percevait au titre des droits d'atterrissage et de décollage pour les appareils étrangers et au titre de la prestation de services sur les aéroports de la grande Jamahiriya.

Il existe aussi dans le domaine du transport aérien des effets moins évidents difficiles à quantifier avec précision :

a) La sécurité et la sûreté du transport aérien intérieur ne sont plus assurées faute d'approvisionnement en pièces de rechange et à cause de l'impossibilité d'effectuer les vérifications aux appareils en temps voulu, faute de stocks de pièces de rechange, ce qui a accru le nombre d'appareils interdits de vol qui ne peuvent pas effectuer de service quotidien régulier;

b) Les équipages de la Jamahiriya Libyan Arab Airlines et des autres compagnies d'aviation libyennes ne peuvent suivre des stages de formation et de qualification à l'étranger;

c) Les appareils libyens ne peuvent bénéficier de la maintenance fondamentale à l'étranger, ce qui empêche les appareils de voler et accroît les dépenses de service de maintenance en Libye;

d) Les appareils libyens ne peuvent bénéficier des services d'assurance internationaux, ce qui a accru les dépenses intérieures;

e) L'impossibilité pour les appareils ambulances de remplir leur fonction humanitaire alors que les frais fixes et les dépenses renouvelables restent à couvrir.

6) Transport de surface, transports maritimes et liaisons postales

Les pertes enregistrées par le secteur du transport de surface, des transports maritimes et des liaisons postales entre le 15 avril 1992 et le 15 avril 1994 sont estimées à quelque 93 millions de dollars, qui se répartissent comme suit :

a) L'affrètement des navires nécessaire pour atténuer le problème du transport de passagers à destination et à partir de la grande Jamahiriya a coûté quelque 36 millions de dollars;

b) L'utilisation accrue des véhicules privés et publics et des camions sur les routes a détérioré le réseau routier, ce qui a nécessité 21 millions de dollars supplémentaires pour l'entretien, auxquels viennent s'ajouter les dépenses supplémentaires afférentes à l'entretien de tous les moyens de transport et à la consommation accrue d'essence et de dérivés du pétrole;

c) Du fait de l'embargo aérien, les services postaux et les communications ont subi des retards considérables, ce qui a amené à choisir des bureaux de tri intermédiaires pour l'expédition ou la réception du courrier international, d'où des dépenses supplémentaires estimées à quelque 36 millions de dollars;

d) La suspension de l'acheminement du courrier par avion a affecté l'activité économique et les services notamment des banques et des entreprises;

e) Le transport de marchandises diverses dans les ports libyens a été perturbé car il a fallu assurer quotidiennement le transport de passagers dans ces ports, ce qui a nui aux services de transport de marchandises et engendré des dépenses supplémentaires liées à l'utilisation accrue des navires et des autres équipements (supérieure de 40 à 50 % aux taux habituels);

f) Il y a eu une utilisation accrue des moyens de transport de surface tels qu'autocars, automobiles publiques et privées, ainsi que des moyens de transport maritime;

g) Il a été très difficile d'acheminer les médicaments et les vaccins qui doivent impérativement être transportés rapidement par avion et être stockés dans des conditions appropriées.

Il convient de mentionner que du fait de l'embargo aérien, il a été impossible à de nombreux citoyens libyens désireux d'accomplir des rites religieux tels que le pèlerinage ou le petit pèlerinage, de l'effectuer selon leur condition physique en utilisant le moyen de transport qui leur convient.

Secteur industriel

Depuis le début de l'application des résolutions 748 (1992) et 883 (1993) du Conseil de sécurité, le secteur industriel a subi des pertes importantes dont la valeur totale atteint quelque 165 millions de dinars libyens, soit environ 500 millions de dollars des États-Unis, auxquels il convient d'ajouter les autres dommages et pertes énumérés ci-après :



a) Les fournisseurs s'abstiennent de faire des affaires avec les entreprises industrielles, n'ayant plus confiance en elles;

b) L'impossibilité d'ouvrir des crédits documentaires, en particulier à la suite de l'application de la résolution 883 (1993), qui a abouti au gel des fonds libyens à l'étranger, ressources qui étaient une source de financement très importante; à ce problème il convient d'ajouter le fait que les fournisseurs se méfient des lettres de crédit émises par la Banque centrale de Libye et demandent qu'elles soient cautionnées par des banques étrangères;

c) Le dysfonctionnement des transports maritimes nécessaires pour apporter les moyens de production et l'augmentation du coût du transport pour les navires se rendant en Jamahiriya du fait d'une part des risques escomptés, d'autre part de l'obligation d'utiliser des navires plus anciens que ceux prévus dans les contrats;

d) Les longs retards intervenus dans la transmission des documents de crédit ont conduit à un retard manifeste dans l'arrivée des biens de production; en outre, il n'a pas été possible d'obtenir ou d'entretenir certains biens visés dans la résolution 883 (1993) du Conseil de sécurité, tels que les pompes de moyenne capacité, qui, étant utilisées pour pomper l'eau nécessaire aux usines, sont considérées comme des biens de production;

e) Les navires et les bateaux se rendant dans les ports de la Jamahiriya sont régulièrement soumis à des perquisitions dans les ports de chargement ou de transbordement, ce qui a pour effet de retarder l'arrivée des matières premières et d'augmenter le prix des assurances et, partant, le prix des moyens de production;

f) Les ruptures d'approvisionnement en énergie dans l'industrie, notamment en électricité et en fuel lourd, dues à l'interdiction d'exporter en Libye des pompes de moyenne et de grande capacité, ont provoqué la fermeture de nombreuses usines;

g) La réticence des entreprises étrangères à exporter en Libye des matières, matériaux et pièces détachées destinés à l'industrie chimique;

h) La baisse du volume de production des usines faute d'un approvisionnement suffisant en moyens de production importés en temps voulu, ce qui a entravé la production des entreprises industrielles et leur a imposé des options difficiles, telles que procéder à des licenciements ou subir des pertes;

i) Les pièces détachées parviennent en retard et les experts et techniciens dont l'industrie a besoin renoncent à venir travailler, ce qui interrompt la production et provoque des pertes manifestes.

Quant aux effets des dommages infligés aux programmes et aux plans de développement afférents au secteur industriel, ils se présentent comme suit :

a) L'application des sanctions du Conseil de sécurité a entravé la passation de marchés, par appel d'offres, les échantillons et les offres demandés arrivant trop tard, et souvent même il n'y a pas de soumissions;

b) Il n'est plus possible d'envoyer des nationaux suivre des stages de formation spécialisée en vue de renforcer leurs capacités dans tous les domaines;

c) Le secteur ne peut obtenir les périodiques et autres publications scientifiques et techniques publiés par les organisations internationales et les institutions spécialisées et par conséquent, ne peut se tenir au courant des progrès scientifiques intéressants réalisés dans le monde;

d) L'impossibilité de transférer les contributions de la Jamahiriya aux organisations internationales et aux institutions spécialisées a entravé la coopération avec lesdites organisations et institutions, qui ont donc cessé de fournir leurs experts et leur assistance technique au secteur industriel, certaines d'entre elles ayant été jusqu'à menacer la Jamahiriya d'expulsion. Il convient à cet égard de mentionner l'interruption de la mise en oeuvre du programme de pays exécuté sous l'égide du PNUD. Il est impossible de commencer à exécuter le programme de développement du régime de la propriété industrielle et des capacités créatrices, qui avait été adopté par le Comité populaire général de la grande Jamahiriya, car il est impossible de transférer les ressources nécessaires et de participer aux réunions de l'Organisation arabe de développement industriel et de la métallurgie malgré l'importance de cette organisation et des projets qu'elle propose d'exécuter en Libye, tout cela à cause de l'application en particulier de la résolution inique 883 (1993) du Conseil de sécurité;

e) Le partenaire étranger hésite à s'engager dans le développement d'usines et de plans de production locaux du fait de l'embargo imposé en ce qui concerne les transferts bancaires et par crainte de voir s'intensifier les mesures internationales; il s'est par exemple révélé impossible de mettre en place une usine d'automobiles dans le cadre d'une coentreprise avec une partie coréenne;

f) L'application de la résolution 883 (1993) du Conseil de sécurité a privé certaines sociétés nationales de droits que leur confèrent des dispositions juridiques à l'égard de sociétés étrangères, la résolution susmentionnée disposant en particulier au paragraphe 8 qu'il est interdit d'exercer tout droit d'un demandeur en réponse à une demande émanant des autorités libyennes ou de toute entité libyenne, ce qui aboutit à la perte de sommes qui auraient pu servir à développer et à renforcer la capacité de production;

g) Dans le cadre du programme du secteur de l'industrie et de la métallurgie figure la création d'une société libyenne d'aluminium utilisant le gaz naturel comme source d'énergie principale; or, les appareils utilisés pour pomper le gaz naturel sont inscrits sur la liste des biens dont la fourniture à la Libye est interdite et figurant dans la résolution 883 (1993) du Conseil de sécurité, ce qui reporte l'exécution de ce projet et, partant, cause une perte considérable au peuple arabe libyen qui est privé des bénéfices qu'auraient constitué les recettes économiques;

h) En ce qui concerne le secteur coopératif industriel, l'application de nombreuses activités industrielles sur une petite échelle a été entravée par

l'embargo imposé en ce qui concerne les transferts financiers; les coopératives industrielles n'ont donc pas pu renforcer leur capacité de production, certaines d'entre elles ont même dû cesser leurs activités faute d'avoir obtenu des moyens de production, ce qui a provoqué une baisse de l'offre sur le marché local et une diminution de la production destinée à l'exportation et induit une perte de recettes en devises - or, ces dernières auraient pu servir à accroître la capacité de production de ces coopératives industrielles;

i) La banque de développement et les banques commerciales rencontrent de grandes difficultés pour ouvrir les crédits documentaires nécessaires en vue d'obtenir les moyens de production pour les coopératives et les usines du fait de l'embargo concernant les transferts financiers et de la pénurie de devises, ce qui a contribué à entraver l'exécution des programmes de restructuration.

#### Secteur économique et commercial

L'application des résolutions 748 (1992) et 883 (1993) dans la grande Jamahiriya arabe libyenne populaire et socialiste a eu des effets négatifs sur toutes les branches du secteur de l'économie et du commerce, notamment l'importation et l'exportation; l'augmentation du coût des opérations d'achat à l'étranger a induit une hausse des prix des biens et des services, ce qui se traduit par une diminution de la production industrielle et agricole et une baisse des captures halieutiques offertes sur les marchés locaux.

On peut résumer ainsi les effets subis par ce secteur et les secteurs de production connexes :

- Diminution des quantités de produits agricoles exportés du fait de la baisse de la production moyenne et des difficultés rencontrées pour exporter par voie de terre les produits qui sont périssables et ont une moindre valeur sur les marchés extérieurs et qui devraient être transportés directement par avion du producteur au consommateur;
- Baisse de 39 % des quantités de poissons capturés et exportés par rapport au chiffre relevé avant l'application des résolutions concernant l'embargo aérien imposé contre la Jamahiriya, cela étant dû au fait que les produits de la pêche doivent à présent être exportés par voie de terre ou par mer, ce qui prend plus de temps et en diminue la valeur sur les marchés;
- L'application des résolutions imposant l'embargo aérien a nui directement au transfert des documents commerciaux et financiers dans le domaine du transport, ainsi que des documents bancaires afférents aux importations et aux exportations, ce qui a induit des retards dans les livraisons de produits, marchandises et services, et, partant, une hausse du coût des opérations de vente et des services qui s'est répercutée sur les marchés locaux et extérieurs;
- L'application de la résolution 883 après le passage de la sécurité qui impose le gel des fonds des institutions financières étrangères à l'étranger, a eu pour effet que l'on a demandé aux banques notificatrices de couvrir jusqu'à 100 % les crédits couverts pour

l'importation de biens, de marchandises et de services, ce qui a fait monter le coût des opérations d'achat et, partant, les prix sur les marchés locaux;

- L'augmentation des coûts d'assurance pour les importations et les exportations en provenance et à destination de la Jamahiriya arabe libyenne populaire et socialiste a provoqué une augmentation du coût des biens importés et exportés, ce qui entrave leur commercialisation et nuit à leur compétitivité.
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ASSEMBLÉE GÉNÉRALE  
Quarante-neuvième session  
Point 145 de l'ordre du jour provisoire\*  
MESURES VISANT À ÉLIMINER LE TERRORISME  
INTERNATIONAL

CONSEIL DE SÉCURITÉ  
Quarante-neuvième année

Lettre datée du 5 août 1994, adressée au Secrétaire général  
par les Représentants de la France, du Royaume-Uni de  
Grande-Bretagne et d'Irlande du Nord et des États-Unis  
d'Amérique auprès de l'Organisation des Nations Unies

New York, le 5 août 1994

Monsieur le Secrétaire général,

Nous avons l'honneur de vous faire tenir ci-joint le texte d'une déclaration tripartite, publiée par nos trois gouvernements le 5 août 1994 (voir annexe), au sujet de l'application par la Jamahiriya arabe libyenne des résolutions 731 (1992) du 21 janvier 1992, 748 (1992) du 31 mars 1992 et 883 (1993) du 11 novembre 1993 du Conseil de sécurité (voir annexe).

Nous vous serions reconnaissants de bien vouloir faire distribuer le texte de la présente lettre et de son annexe comme document de l'Assemblée générale, au titre du point 145 de l'ordre du jour provisoire, et du Conseil de sécurité.

Nous vous prions de croire, Monsieur le Secrétaire général, à l'assurance de notre très haute considération.

(Signé) Hervé LADSOUS  
Chargé d'affaires a. i.  
Représentant permanent  
adjoint de la France  
auprès des Nations Unies

(Signé) David HANNAY  
Ambassadeur, Représentant  
permanent du Royaume-Uni  
auprès des Nations Unies

(Signé) Madeleine ALBRIGHT  
Ambassadeur, Représentant  
permanent des États-Unis  
auprès des Nations Unies

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ANNEXE

Déclaration faite le 5 août 1994 par les Gouvernements de la France, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et des États-Unis d'Amérique à l'occasion de la septième révision du régime de sanctions imposé à la Libye par le Conseil de sécurité dans sa résolution 748 (1992) du 31 mars 1992

La France, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et les États-Unis d'Amérique sont déterminés à présenter à la justice les responsables des attentats commis contre les vols Pan Am 103 et UTA 772. C'est le moins qui puisse être fait pour les victimes de ces atrocités et leurs familles.

Plus de deux ans ont passé depuis l'adoption par le Conseil de sécurité des résolutions 731 (1992) du 21 janvier 1992 et 748 (1992) du 31 mars 1992. Pour se conformer à ces textes, la Jamahiriya arabe libyenne doit assurer la comparution des suspects de l'attentat contre le vol Pan Am 103 devant un tribunal américain ou britannique compétent, satisfaire les demandes de la justice française relatives à l'attentat contre le vol UTA 772, s'engager à cesser de manière définitive toute forme d'action terroriste et toute assistance aux groupes terroristes et démontrer, par des actes concrets, sa renonciation au terrorisme.

Le Conseil a conduit aujourd'hui la septième révision du régime de sanctions imposé à la Jamahiriya arabe libyenne par la résolution 748 (1992). Il en a conclu que la Jamahiriya arabe libyenne ne s'était toujours pas conformée à ses obligations, qui sont claires, inconditionnelles et non négociables. Il n'était dès lors pas question de lever ou suspendre ces sanctions.

Bien qu'elles professent leur volonté de coopérer avec la justice française, les autorités libyennes n'ont pas répondu de manière satisfaisante aux demandes de coopération du magistrat français chargé de l'enquête.

S'agissant de l'affaire de Lockerbie, la Jamahiriya arabe libyenne a présenté plusieurs propositions, qui toutes sont loin de remplir les conditions posées par les résolutions. En particulier, un procès dans un pays tiers, même devant un tribunal international ou une soi-disant cour écossaise, n'est pas acceptable : les suspects ne sauraient être autorisés à choisir le lieu où ils seront jugés. Les propositions libyennes ne sont rien d'autre que des tentatives pour détourner l'attention de leur refus de s'exécuter.

Nos gouvernements notent que le Gouvernement de la Jamahiriya arabe libyenne a déclaré pouvoir accepter la tenue d'un procès en dehors du territoire libyen, pourvu que puissent en être garanties la justice et l'équité. Nos trois gouvernements saisissent cette occasion pour réaffirmer, conformément aux multiples assurances qu'ils ont déjà données dans ce sens, que les deux accusés recevront un procès juste et équitable devant un tribunal américain ou écossais.

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Quand le Secrétaire général aura rendu compte au Conseil que la Jamahiriya arabe libyenne a déféré aux demandes des autorités judiciaires françaises s'agissant de l'attentat contre le vol UTA 772 et assuré la comparution des suspects de l'attentat contre le vol Pan Am 103 devant un tribunal américain ou britannique compétent, nous examinerons favorablement pour ce qui nous concerne la suspension des sanctions contre la Jamahiriya arabe libyenne dans les conditions fixées au paragraphe 16 de la résolution 883 (1993) du 11 novembre 1993, en attendant le rapport que le Secrétaire général devra produire, dans les 90 jours qui suivent la suspension, sur le respect par la Jamahiriya arabe libyenne des autres dispositions des résolutions 731 (1992) et 748 (1992). Nos gouvernements rappellent qu'en cas de non-respect, le Conseil de sécurité a décidé qu'il serait immédiatement mis un terme à la suspension de ces mesures.

Rien ne contraint à rester dans l'impasse actuelle. La solution est entre les mains du Gouvernement de la Jamahiriya arabe libyenne. Nous réaffirmons que nous ne voulons rien d'autre que l'application des résolutions. Nos gouvernements appellent donc à nouveau la Jamahiriya arabe libyenne à satisfaire toutes ses obligations sans délai, dans son intérêt et celui de son peuple.







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LETTRE DATÉE DU 19 SEPTEMBRE 1994, ADRESSÉE AU SECRÉTAIRE  
GÉNÉRAL PAR LE CHARGÉ D'AFFAIRES PAR INTÉRIM DE LA MISSION  
PERMANENTE DE LA JAMAHIRIYA ARABE LIBYENNE AUPRÈS DE  
L'ORGANISATION DES NATIONS UNIES

J'ai l'honneur de vous faire tenir ci-joint le texte de la résolution 5431 (S/102) adoptée à sa troisième séance par le Conseil de la Ligue des États arabes le 15 septembre 1994 et intitulée "Mesures coercitives et menaces à l'encontre de la Grande Jamahiriya arabe libyenne populaire et socialiste de la part des États-Unis d'Amérique, de la Grande-Bretagne et de la France".

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre et de son annexe comme document du Conseil de sécurité.

Le Représentant permanent adjoint,

Chargé d'affaires par intérim

(Signé) Ali Sunni MUNTASSER

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propositions contenues dans la résolution du Conseil de la Ligue et de les accepter comme base de règlement de la crise;

4. De prier le Secrétaire général de veiller à l'application de la présente résolution et d'en rendre compte au Conseil à sa prochaine session.

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ANNEXE

Résolution

Mesures coercitives et menaces à l'encontre de la Grande  
Jamahiriya arabe libyenne populaire et socialiste de la  
part des États-Unis d'Amérique, de la Grande-Bretagne  
et de la France

Le Conseil de la Ligue des États arabes,

Rappelant ses résolutions antérieures, notamment la résolution 5373 (S/101) relative aux mesures coercitives et aux menaces à l'encontre de la Grande Jamahiriya arabe libyenne populaire et socialiste de la part des États-Unis d'Amérique, de la Grande-Bretagne et de la France, laquelle a été appuyée par l'Organisation de l'unité africaine, l'Organisation de la Conférence islamique et le Mouvement des pays non alignés,

Rappelant les dispositions de l'Article 33 et de l'Article 52 de la Charte des Nations Unies relatives au règlement pacifique des différends par voie de médiation et de règlement judiciaire de manière à ne pas menacer le maintien de la paix et de la sécurité internationales,

Profondément préoccupé par les préjudices humains et matériels subis par le peuple libyen et les peuples voisins du fait de l'application des résolutions 748 (1992) et 883 (1992) du Conseil de sécurité,

Déplorant la persistance des trois États occidentaux à vouloir maintenir les sanctions, en dépit de l'initiative constructive prise par le Conseil de la Ligue des États arabes et acceptée par la Jamahiriya, qui s'est conformée à toutes les dispositions de la résolution 731 (1992) du Conseil de sécurité,

Exprimant sa gratitude au Comité des Sept et au Secrétaire général pour les efforts qu'ils ont déployés afin de faciliter un règlement pacifique de la crise,

Décide

1. De réaffirmer ses résolutions antérieures dans lesquelles il avait exprimé sa solidarité avec la Jamahiriya arabe libyenne et s'était félicité de l'esprit de coopération dont elle faisait preuve afin d'aboutir à un règlement pacifique de la crise, dans le cadre de la souveraineté nationale de la Libye et du droit international;
2. D'engager les trois États occidentaux à répondre favorablement à la proposition positive contenue dans la résolution 5373 du Conseil et qui vise à aboutir à un règlement pacifique de la crise et à éviter toute escalade qui risquerait d'exacerber la tension dans la région;
3. D'inviter le Comité arabe des Sept chargé d'assurer le suivi de la crise de redoubler d'efforts et de prendre contact avec les parties concernées en vue de prier instamment le Conseil de sécurité de reconsidérer les nouvelles



LIBYA WILL ACCEPT TRIAL UNDER SCOTTISH LAW OF BOMBING SUSPECTS,  
REPRESENTATIVE OF THAT COUNTRY TELLS ASSEMBLY

In Debate, Viet Nam Calls for Lifting of Cuba  
Embargo, Saying Blockades Are 'Relics of the Past'

Condemning all forms of international terrorism, the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of Libya, Omar Mustafa Muntasser, told the General Assembly this afternoon that no terrorist training camps were located on its soil, and that Libya had severed all ties with organizations suspected of terrorist activities.

As the Assembly continued its general debate, he said his Government had spared no efforts to resolve the dispute surrounding the 1988 PanAm flight 103 incident, including agreeing to put the two suspects on trial. Based on a recent proposal of the Council of the League of Arab States, Libya had accepted the idea of trying the two suspects by Scottish judges, under Scottish law, at the Seat of the International Court of Justice.

Minister for Foreign Affairs of Viet Nam, Nguyen Manh Cam, said that the lifting of the United States embargo imposed upon Viet Nam had opened up new prospects for building and broadening multifaceted cooperation between the two countries. Blockades or embargoes, sanctions or the imposition of one nation's will in international relations were relics of the past and ran counter to the aspirations of the people. Viet Nam demanded an end to the economic, financial and commercial embargo imposed on Cuba.

Discussing the need for regional mechanisms to cope with conflict situations, the Prime Minister of Swaziland, Prince Mbilini Dlamini, said that many of Africa's conflicts could have been prevented or contained if properly coordinated mechanism had already been in place. Important resolutions were adopted at the Organization of African Unity (OAU) summit in Tunis and at the Southern African Development Community (SADC) summit in Gaborone which moved towards establishing regional response machinery. The OAU was clearly the best place to mobilize the efforts of its members, while the United Nations could continue to play its role as coordinator of the international response.

(page 1a follows)

Speaking in exercise of the right of reply this afternoon, the representative of the United States, Madeleine K. Albright, said that despite Iraqi claims of respect for international law, Iraq was in simultaneous violation of more Council resolutions than any Member State in the history of the United Nations. Even as Iraq promised compliance, two of Iraq's premier Republican Guards divisions were moving southward close to the Kuwaiti border.

Also in exercise of the right of reply, the representative of Iraq, Riyadh Al-Qaysi, said the United States was the permanent Council member that was blocking the full implementation of resolution 687 (1991), in violation of the Charter. On the allegation of troop movements in Iraq, he questioned how even the movement of troops within a State's boundaries could be seen as act without peaceful intentions.

During this afternoon's general debate, statements were also made by the Minister for Foreign Affairs of Thailand and the Deputy Prime Minister and Minister for Foreign Affairs of the Solomon Islands. The representatives of Albania and Cambodia spoke in exercise of the right of reply.

The Assembly will meet again at 10 a.m. on Monday, 10 October, to continue its general debate.

much-needed forum for the exchange of views. The Center for Asia and the Pacific had already held several meetings to promote dialogue and interaction.

Nepal stressed the need for timely implementation of Agenda 21, the programme of action adopted at the United Nations Conference on Environment and Development (UNCED). The Commission on Sustainable Development had made a good start and must not be allowed to falter. In addition to providing more financial resources and transferring environmentally sound technology to developing countries, the international community should concentrate on moderating consumption and waste in industrialized countries. He noted that Nepal was determined to implement structural adjustment programmes and economic liberalization policies, including privatization.

\* \* \*

Omar Mustafa Muntasser, Secretary of the General People's Committee for Foreign Liaison and International Cooperation of Libya, told the General Assembly on Friday that certain States had been using international organs to impose their control and expand their hegemony. They used the Security Council to punish countries which stuck to their principles by adopting independent policies. That was the context of the dispute between Libya and France, the United Kingdom and the United States. Action had been pushed through the Council under Chapter VII of the Charter, even though Libya had not threatened anyone or jeopardized international peace and security.

Libya had taken many steps to pinpoint responsibility for the terrorist acts against the American and French planes and had cooperated with French and British investigations. Instead of accepting Libya's calls for talks, the States in question had persuaded the Council to tighten sanctions. Their aim was not to uncover the truth but to achieve political goals. Libya had condemned international terrorism and declared its readiness to combat the scourge. Its territory, citizens and institutions would not be used for terrorist acts, and it would severely punish those involved in them. Libya had accepted a proposal that the two suspects in the Lockerbie bombing be tried by Scottish judges, under Scottish law, in the seat of the International Court of Justice. All it wanted was for the trial to be fair, just, and free from emotional or media influences, and in accordance with the norms of international law.

\* \* \*

Prince Mbilini Dlamini of Swaziland told the General Assembly on Friday that conflicts in Africa and elsewhere challenged the belief that man could ever live peacefully. He supported an integrated approach to conflict resolution in Africa. United Nations resources were being over-extended, and the Organization of African Unity (OAU) and the Southern African Development Community (SADC) had moved to establish regional responses to those situations. The OAU was the best place to mobilize the efforts of its members, while the United Nations could continue to play its role as

(more)





# Libya

**Important**

Please see the centrefold insert for notice of additional country reports in 1995

**4th quarter 1994**

The Economist Intelligence Unit  
15 Regent Street, London SW1Y 4LR  
United Kingdom

## Outlook

### Colonel Qadhafi will persist in his defiance—

Colonel Muammar Qadhafi used the 25th anniversary of his revolution to demonstrate his determination to stay in power. His tirade against the USA, his parade of military hardware and his threat that, "if Libya is attacked, it will blow up the whole of North Africa", were meant to impress on his audience that he would resist all attempts to overthrow him. The mood of defiance was emphasised when Libyan youths burned the American, British and French flags and when members of subversive organisations such as the Red Brigades and break-away Palestinian groups appeared at the celebrations. The display was intended to show that Libya will not submit to Western pressure to surrender the two Libyans accused of bombing the PanAm plane over Lockerbie in Scotland in 1988, which killed 270 people. Colonel Qadhafi has made it clear that they will never be sent for trial in Scotland or the USA. The Egyptian president, Hosni Mubarak, has warned that the colonel's removal would destabilise the region by unleashing tribal warfare in Libya and giving a boost to the Islamists. This warning will not deter the USA from using the Lockerbie disaster as the means by which Colonel Qadhafi can be removed from power.

### —further tightening his political control

The leader's concern for his own safety will determine the way in which he handles any signs of dissent. The coup attempt, one year ago, by army officers of the Warfella tribe has prompted him to seek new ways in which to identify and neutralise opposition to his regime. Not content with the mechanisms of the Basic People's Congresses and the committees of the Revolutionary Movement, Colonel Qadhafi has introduced a new layer of control in the so-called Socialist People's Commands. These will have the task of marshalling members of the recently created *mahallat* (communes) into absolute obedience to the leadership. Registration of the members of these commands will allow close monitoring of their zeal.

### Support for sanctions may wane—

Some members of the UN Security Council have argued in recent months for the easing of sanctions against Libya. When the Security Council met in August, Russia's representative cited Libya's latest proposal for the trial of the two suspects in the Lockerbie affair—that they should be tried by a Scottish jury at the International Court of Justice in The Hague—as a reasonable step which the international community should acknowledge. The offer was rejected on the grounds that accused persons have no right to choose the venue for their trial. But China and some non-permanent members of the Security Council supported the Russian position, while the Arab League and the Organisation of African Unity expressed disappointment over the Western stance. Libyan spokesmen, meanwhile, can be expected to exploit these favourable opinions in their campaign to get sanctions lifted.

### —and an oil embargo remains unlikely

Sanctions will be reviewed in December this year and are expected to remain in place well into 1995. But whereas west European countries are prepared to sustain the current level of sanctions, these countries will not be persuaded by US calls for an oil embargo. Italy, Germany, Spain and France remain important customers for Libyan oil (see OIL AND INDUSTRY) and oppose demands for sanctions on oil both because it would increase the cost of their supplies from

Warfella since the execution of Warfella army officers charged with a coup attempt last October. The Revolutionary Movement was subsequently called on to track down dissidents, but this in turn led to Colonel Qadhafi touring the country to talk to tribal leaders in an effort to regain their loyalty. On August 3 he told members of the Zintan tribe that they were responsible for punishing traitors in their midst. "When traitors are discovered within a tribe," he said, "the Libyan people automatically consider all members of that tribe to be traitors. They disdain the tribe and humiliate it." The phrase "the Libyan people" is taken to mean the committees within the Revolutionary Movement.

Such persecution of Libyan tribes could well hasten the demise of the present regime in Tripoli. According to Colonel Qadhafi, he personally stepped in to save the Jakah family from the tribe of the Zawiat al-Mahjoubara, who were about to be slaughtered and their houses burned by "the people". The price of their safety was for the head of the family to denounce his son, who is allegedly a key witness for the prosecution in the Lockerbie affair and who has fled to the USA. The father was reportedly forced to threaten publicly to cut his son's throat if he is ever found. This policy of public humiliation may lead the Libyan leadership into dangerous territory.

### **Neighbouring states make a show of support**

Colonel Qadhafi took advantage of the visits by the presidents of Sudan and Chad to discuss a plan to integrate the three countries—a process which he sees as a prerequisite for the export of the Libyan *jamahiriya* (state of the masses) system. The outcome of the meeting was a communiqué announcing the setting up of a committee to study the question; no time limit was put on the committee's deliberations. None of Libya's numerous past efforts at unification with other states has ever succeeded and there is no likelihood that a union of Libya, Sudan and Chad will materialise. The Algerian president, General Zeroual, expressed a "firm determination to achieve integration and comprehensive unity with Libya", but this was clearly meant to please the Libyan leader so as to elicit his support for the Algerian government's struggle against the Islamist opposition. Likewise the Sudanese and Chadian leaders' willingness to discuss integration with Libya stems from their understanding that unification dreams are close to Colonel Qadhafi's heart and that humouring him will inspire a favourable response to requests for financial and military assistance. Sudan makes regular announcements about plans for unity with Libya while doing absolutely nothing to carry them forward. At the ceremonial signing of an integration agreement between the two countries in August, the Sudanese minister of state at the Presidency, Awad Ahmed al-Jaz, described the document as "the political line defining the correct path for bringing down the barriers dividing the single nation" and as a "watershed in relations between the two countries".

### **UN sanctions come up for review in December**

The UN Security Council decided on August 5 to keep sanctions against Libya in place for a further 120 days; they will next be reviewed in December. Libya's information minister, Ahmed Ibrahim, had indicated just a few days earlier that his country expected positive acknowledgement of its decision to allow the two Libyan nationals accused of involvement in the bombing of the PanAm plane over Lockerbie in Scotland in 1988 to be tried by a Scottish jury at the International Court of Justice in The Hague. This optimism was

unfounded. Several members of the UN Security Council apparently argued in favour of modifying sanctions to take account of Libya's altered position on the suspects, but there was no overall agreement. The UK ambassador to the UN, David Hannay, stated that the UK, the USA and France all rejected Libya's latest proposal on the grounds that suspects cannot be allowed to choose the venue for their trial. He said that Libya had done nothing more than attempt to divert attention from its refusal to comply with the relevant Security Council resolution. As far as the Tripoli regime is concerned, the case for Libyan guilt in the Lockerbie disaster has been made to look very thin by the amount of evidence pointing to Syrian and/or Iranian involvement, and the renewal of sanctions is further evidence that their true aim is to remove Colonel Qadhafi from power.

### **Self-interest rules in relations with Egypt**

The absence of Arab Maghreb Union (AMU) leaders from the 25th anniversary celebrations, with the solitary exception of the Algerian president, bears testimony to the fact that the AMU exists only on paper. Libya has been excluded from all European dealings with Maghreb countries, and Tripoli has failed to induce its co-members in the union to defy the UN sanctions against Libya. Meanwhile, a separate dispute between Algeria and Morocco has led to the closure of their mutual border and further undermined the organisation's credibility. These developments help to explain why Libya is looking instead to Egypt to promote its political and economic interests. Mr Mubarak has become a more frequent visitor to Libya, even describing a recent visit to Sirte as "not really a visit" but "a meeting with my brother in the same country".

It has become clear that the Lockerbie affair is no longer the main issue discussed by the two leaders. When Mr Mubarak acceded to Colonel Qadhafi's wish and offered Egypt as a venue for the trial of the two Libyan suspects, he realised that there would be no trial anywhere. His pleas with Western leaders to cease their efforts to topple Colonel Qadhafi have fallen on deaf ears. The Egyptian leadership's view is that the most likely alternative to rule by Colonel Qadhafi in Libya would be vicious tribal warfare and anarchy, which could destabilise the whole region. With Colonel Qadhafi in power, Mr Mubarak sees opportunities for Egypt to benefit from Tripoli's orientation towards Cairo. As a result, bilateral talks now are focused on connecting the two countries by rail, linking their power grids, promoting joint ventures and trade, and providing employment opportunities in Libya for Egyptian teachers, doctors, university lecturers and farmers. Repression of the Islamist opposition remains a shared concern.

### **Libya shares concerns about arms to the Tuareg**

Libya was one of six Sahelian countries which met in the Malian capital, Bamako, in August to discuss security problems involving the Tuareg, whose tribal society has been dislocated in recent decades and drawn into regional conflicts by various factors such as drought. The closed meeting was attended by the countries' foreign ministers, with the exception of Libya, whose representative was its ambassador to Bamako, Abdel-Rahman Hama. Conflict between the Tuareg and government forces in Mali and Niger has led to the proliferation of arms in the region, an exodus of Tuareg refugees from areas of fighting and an increase in incidents of banditry across borders. Agreements have been signed between the government of Mali and the Movement of Unified Fronts of the Azawad (which includes the Tuareg and other groups)



La plainte déposée par le gouvernement suisse devant le Conseil d'Etat

## Selon le commissaire du gouvernement, la France n'aurait pas dû renvoyer deux terroristes iraniens à Téhéran

Invoquant « les intérêts supérieurs de l'Etat français », le gouvernement français avait expulsé vers Téhéran, le 29 décembre 1993, deux Iraniens poursuivis en Suisse pour l'assassinat d'un opposant au régime des mollahs. Les autorités helvétiques avaient déposé devant le Conseil d'Etat une plainte visant le refus d'extrader ces deux présumés terroristes. Le commissaire du gouvernement, chargé de dire le droit devant la haute juridiction, a conclu, mercredi 23 novembre, à l'annulation des retraits d'extradition pris par les autorités françaises.

Le gouvernement français avait paru donner une leçon de machiavélisme aux autorités suisses et aux victimes du terrorisme en décidant de renvoyer, lors des fêtes de fin d'année et en guise de cadeau à Téhéran, deux Iraniens soupçonnés d'assassinat politique. Les autorités helvétiques et l'association SOS-Attentats semblent aujourd'hui en passe d'infliger une leçon de droit au gouvernement de M. Balladur, accusé d'avoir manqué à la solidarité des démocraties contre le terrorisme.

A entendre les conclusions du commissaire du gouvernement, Christian Vigouroux, mercredi 23 novembre en séance publique du Conseil d'Etat, les autorités françaises ont été plus enclines à invoquer la raison d'Etat qu'à expliquer les raisons ayant conduit Paris à cette indulgence pour le régime des mollahs. Avec une indéfectible constance, le gouvernement s'est contenté d'opposer « les intérêts supérieurs de l'Etat ». « La mention des « intérêts supérieurs de l'Etat », version juridique de la raison d'Etat, peut-elle suffire ? », a interrogé le magistrat.

Un opposant déterminé au régime de Téhéran, le professeur d'université Kazem Rajdavi, avait

été assassiné le 24 avril 1990 près de Genève. La justice suisse avait lancé des mandats d'arrêt à diffusion internationale contre deux Iraniens, Moshen Scharif Es Fahani et Hamad Taberi, suspectés d'avoir participé au meurtre. Quand les deux hommes avaient été interpellés à Paris, en novembre 1992, la Suisse avait aussitôt demandé leur extradition en vertu de la Convention européenne d'extradition de 1957 (ratifiée en 1986 par la France). Le premier ministre, Edouard Balladur, avait signé, le 31 août 1993, les deux décrets d'extradition visant les Iraniens. La remise des intéressés à la justice suisse avait été annoncée à plusieurs reprises, mais à chaque fois reportée. Jusqu'à ce 29 décembre, où le Quai d'Orsay avait notifié au chargé d'affaires suisse que, « dans l'intérêt supérieur de l'Etat français », les deux Iraniens ne seraient pas extradés.

### Les intérêts des victimes d'attentats

Le soir même, les deux terroristes présumés étaient purement et simplement renvoyés à Téhéran, à bord d'un avion d'Air France. Après des protestations diplomatiques, le gouvernement helvétique avait décidé de porter plainte contre le refus d'extradition devant le Conseil d'Etat. « Il ne faut pas céder aux terroristes », avait déclaré le ministre suisse de la justice. Par une sorte d'hommage au droit français, Berne avait ainsi souhaité s'en remettre au Conseil d'Etat pour obtenir, selon son mémoire, « le redressement en temps utile, au niveau national, d'une situation qui lui paraît contraire au droit et qui pourrait, en cas de rejet du recours, avoir des conséquences juridiques plus graves ». A la sortie de l'audience, Olivier Jacot-Guillarmod, sous-directeur de l'Office fédéral de la justice helvétique, a précisé que « le constat

de l'illégalité est une forme de réparation » et « un point d'appui juridique pour éviter à l'avenir qu'un maillon de la chaîne d'entraide internationale contre le terrorisme ne fasse défaut ».

Parce que cette affaire correspond à son objet social — « la défense des intérêts des victimes d'attentats » —, SOS-Attentats s'est jointe en janvier à la procédure introduite contre le gouvernement. L'intervention de l'association, qui a dénoncé dans son mémoire la violation par la France de la convention européenne d'extradition de 1957 et de la Convention européenne de 1977 pour la répression du terrorisme, a été admise : « SOS-Attentats a un intérêt direct à faire poursuivre, tout auteur de crime de nature terroriste et donc à établir les manquements éventuels à la coopération internationale pour la répression du terrorisme », a estimé M. Vigouroux.

Le commissaire du gouvernement ne s'est pas seulement fondé sur la convention de 1957, qui fait « obligation d'extrader » aux Etats qui, comme la France et la Suisse, l'ont ratifiée. Rappelant l'important revirement de jurisprudence décidé en 1993 par le Conseil d'Etat, qui avait accepté de contrôler le refus d'extradition d'un Malaisien recherché pour détournements financiers par la justice de Hongkong et accepté, qu'un Etat étranger saisisse la justice administrative d'une décision ministérielle française (le Monde daté du 24-25 octobre 1993), M. Vigouroux a considéré que le retrait des décrets d'extradition des Iraniens ne peut être considéré comme « un acte de gouvernement ».

En d'autres termes, le Conseil d'Etat est fondé à statuer sur la légalité d'une décision qui ne saurait être considérée comme relevant de la haute diplomatie. Poursuivant son raisonnement, le commissaire du gouvernement a

estimé que, « s'agissant, non pas d'un acte de gouvernement, mais d'une mesure d'entraide pénale internationale, l'Etat français ne peut oublier les intérêts supérieurs de la sécurité nationale ». Une « marge d'appréciation » peut donc être reconnue au gouvernement. M. Vigouroux a remarqué que les autorités françaises pouvaient décider de juger en France les deux Iraniens. En outre, Paris aurait pu évoquer un « danger public menaçant la vie de la nation » et s'apparentant à « une situation de chantage à l'attentat aveugle, comme ceux connus par la France notamment en 1986 ». Pour autant, le pouvoir d'accorder ou de refuser l'extradition « n'est plus un pouvoir discrétionnaire », et ne pourrait pas « être justifié par de simples intérêts commerciaux ou diplomatiques ». Aussi le gouvernement français aurait-il dû évoquer des risques terroristes pour la « sécurité nationale », par exemple des « menaces d'actions militaires, d'attentats, ou de prise d'otages français ». Or, le gouvernement n'a pas, dans les mémoires remis au Conseil d'Etat, apporté de preuves à l'appui de ses dires.

« Une dérogation à l'obligation d'extrader entre pays démocratiques, parties aux mêmes conventions internationales et respectant les mêmes principes juridiques, est certes exceptionnellement possible », a conclu M. Vigouroux, en demandant l'annulation des décisions attaquées. Mais, a-t-il ajouté, une telle dérogation ne « peut être fondée que sur des motifs impérieux, assumés par les autorités et permettant au juge national d'exercer son contrôle. Ce n'était pas le cas en l'espèce ». La décision du Conseil d'Etat, qui suit en général les conclusions du commissaire du gouvernement, est attendue sous trois semaines.

ERICH INCYAN

DE L'IGNORANCE





## A contre-pied de la piste libyenne

# Lockerbie : nouvelles accusations contre l'Iran

Une nouvelle fois, des informations évoquent la responsabilité de l'Iran dans l'attentat de Lockerbie, que Washington et Londres, pour leur part, continuent d'attribuer à la Libye — attentat horrible, qui a provoqué la mort, en décembre 1988, de 270 personnes après l'explosion, au-dessus de l'Ecosse, d'un avion de la PanAm.

Ces nouvelles informations proviennent du journal écossais « The Daily Record », qui répercutait, hier, des documents émanant des services de renseignement de l'armée de l'air américaine. Documents qui affirment que l'ancien ministre iranien de l'Intérieur, l'ayatollah Ali Akbar Mohtachemi, a versé 10 millions de dollars (soit quelque 320 millions de FB), en argent liquide et en or, à diverses organisations — dont le Fatah-Conseil révolutionnaire d'Abou Nidal — pour perpétrer des attentats anti-occidentaux, et notamment celui de Lockerbie (1). Téhéran voulait se venger de la destruction « par erreur », en juillet 1988, d'un avion de ligne iranien, abattu au-dessus du Golfe, avec ses 290 passagers et membres d'équipage, par un croiseur américain.

D'où viennent ces documents américains ? Selon « The Daily Record », ils datent de 1991 et sont en fait des « messages d'espions » travaillant en Iran. Et si ce rapport est soudain apparu au grand jour c'est qu'il a été récemment « déclassifié » — on lui a retiré son caractère « confidentiel Défense ».

Ce n'est pas la première fois que l'on évoque la thèse de la responsabilité iranienne. Il y a un an, Lester Coleman, un ex-agent de la CIA, publiait un livre dans lequel il dénonçait l'implication de Téhéran et Damas dans l'attentat de Lockerbie. Un ouvrage qui, disait-il, lui avait valu de devoir se cacher à cause des menaces des services secrets américains, Washington ayant décidé, poursuivait-il — et il n'était pas le seul —, de « blanchir » la Syrie (et donc l'Iran) en raison de sa participation à la guerre du Golfe aux côtés des alliés anti-irakiens.

Plus récemment, début décembre 1994, l'Américain Al Francovich a projeté, pour première fois, un documentaire intitulé « La Double Croix de la Libye ». Donnant la parole à nombreux témoins, dont d'anciens membres de la CIA impliqués dans le dossier, le film multiplie les indices troublants

Sa thèse : un exécutant — probablement membre du Front populaire de libération de la Palestine-Commandement général d'Ahmed Jibril — aurait pu conclure d'un « arrangement » antérieur entre les services secrets américains et des Palestiniens pro-syriens — les premiers laissant passer des valises de drogue en échange d'une promesse d'aide à la libération des otages occidentaux encore détenus au Liban — pour introduire la bombe dans l'avion. C'est sans doute en raison d'un tel transport qu'il y avait eu, selon Francovich, plusieurs personnalités, dont le chef de la diplomatie sud-africaine à l'époque, ont annulé leur billet sur ce vol à la dernière minute.

Le film du réalisateur américain a suscité une grande émotion parmi les familles des victimes de l'attentat qui, relayées par un député britannique, ont demandé d'être entendues dans les enquêtes officielles et ont demandé d'autres recherches

En vain. Après avoir mis en doute l'impartialité du film — financé en partie par un homme d'affaires britannique proche de la Libye —, Londres continue hier à défendre la « version libyenne » — Washington n'avait pas fait de commentaire hier.

Difficile, dans ces arguments contradictoires des uns et des autres, de découvrir où se niche la vérité. Logiquement, Téhéran a nié hier tout lien avec le drame de Lockerbie. Tout aussi loquacement, Tripoli a fait référence à l'article du « Daily Record » pour réclamer la levée immédiate des sanctions imposées par l'ONU depuis avril 1992..

A. Gu (avec AF)

(1) Un partisan d'Abou Nidal a en effet revendiqué l'attentat en juin dernier devant un tribunal libanais. Mais il est à noter que le Fatah-CR entretient aussi des liens avec la Libye.



A police surgeon issued 59 death certificates: the authorities insist just 58 died

# Mystery of 'missing' body at Lockerbie

by John Coates

THE POLICE surgeon who issued death certificates for 59 victims of the Lockerbie bombing has vowed to continue his fight to solve the mystery of why Scottish police claim they have details of only 58 bodies.

He believes that a body may have been removed from the site of the crash, adding to claims that a team of American agents came to Lockerbie and tampered with the evidence in an attempt to cover up the cause of the disaster.

David Fieldhouse had 19 years' experience as a police surgeon, dealing with 20,000 victims of accidents or disasters when Pan Am flight 103 crashed over the Scottish border town of Lockerbie in December 1988, killing 270 people.

At the invitation of the local police, the Yorkshire-based surgeon, a veteran of the 1985 Bradford football stadium disaster, was at the disaster scene within four hours. He spent the next two days collecting bodies and issuing death certificates.

Accompanied by a police officer throughout, Mr Fieldhouse issued 59 death certificates. The location of each body was marked on a map.

He was therefore surprised to discover later that Scottish police had details on only 58 bodies:



Determined: Fieldhouse

Last week saw the mystery of the missing Lockerbie body raised in the Commons when Tam Dalyell, the Labour MP for Linlithgow who has campaigned on behalf of the victims' relatives, raised the issue with Douglas Hurd, the Foreign Secretary.

Mr Dalyell wanted to know why the authorities in Scotland responsible for investigating the Lockerbie disaster have taken no notice of Mr Fieldhouse's claim that there was a discrepancy in the body count.

Mr Hurd replied that Mr Fieldhouse had been "interviewed several times by Scottish police". Mr Fieldhouse, who was in the public gallery during last Wednesday's adjournment debate, could not believe his ears.

For despite Mr Hurd's assertion, Mr Fieldhouse insists that, even now, he has never been interviewed by police about why a body he labelled "DCF12" (using his initials) does not appear in their records.

Certainly Mr Fieldhouse, is in no doubt that he found the body. The field notes he made at the time read: "DCF12, Male, Hillside, N. East of Shawhill Farm."

The last lines of a formal report submitted by him to Dumfries and Galloway police in April 1989 read: "I am absolutely certain that the body coded DCF12 was in the field, east of Shawhill Farm."

But the investigating authorities denied Mr Fieldhouse's claim, saying they had no knowledge of a body at that location. Mr Fieldhouse is now convinced there has either been a mix-up due to poor record-keeping or attempts have been made to conceal the body of someone who should not have been travelling on Pan Am 103.

Relatives of the Lockerbie victims also harbour serious misgivings about the "missing" body.

The spokesman for the pressure group UK Families 103, Dr Jim Swire, whose daughter was killed in the crash, said: "If it turns out that there has been deliberate deception rather than incompetence over an unaccounted-for body, that has profound implications for the

truth of the official story of why the disaster occurred."

During the fatal accident inquiry held in Scotland in 1990 on Lockerbie, Mr Fieldhouse repeated his claim that there was a body missing. His evidence was countered by a police sergeant who claimed Mr Fieldhouse had not followed normal procedures during identification of the bodies. In his written report, however, Sheriff John Mowat remarked that Mr Fieldhouse's information had been "overlooked". He was happy to record an apology to the doctor "for the undeserved criticism of his activities".

Six years after the Lockerbie bombing, Mr Fieldhouse, now works in private practice. He has written to the officer in charge of the Lockerbie inquiry saying: "It is as remarkable as it is regrettable that there has been no further inquiry of me as to what could have happened in the case of the body which I labelled DCF12 — this being, so far as I am aware, an unresolved issue."

A reply from Dumfries and Galloway's Deputy Chief Constable says the letter is "being considered".



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LETTRE DATÉE DU 13 FÉVRIER 1995, ADRESSÉE AU SECRÉTAIRE GÉNÉRAL  
PAR LE REPRÉSENTANT PERMANENT DE LA JAMAHIRIYA ARABE LIBYENNE  
AUPRÈS DE L'ORGANISATION DES NATIONS UNIES

J'ai l'honneur de vous communiquer ci-joint le texte de la résolution CM/RES/1566/LXI sur la crise entre la Jamahiriya arabe libyenne et les États-Unis d'Amérique, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et la France, que le Conseil des ministres de l'Organisation de l'unité africaine a adoptée à sa soixante et unième session.

Je vous serais obligé de bien vouloir faire distribuer le texte de cette résolution comme document du Conseil de sécurité.

L'Ambassadeur,

Représentant permanent

(Signé) Mohamed A. AZWAI

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Annexe

[Original : anglais, arabe, français]

**RÉSOLUTION SUR LA CRISE ENTRE LA GRANDE JAMAHIRIYA ARABE LIBYENNE  
ET LES ÉTATS-UNIS D'AMÉRIQUE, LE ROYAUME-UNI ET LA FRANCE**

Le Conseil des ministres de l'Organisation de l'unité africaine, réuni en sa soixante et unième session ordinaire, du 23 au 27 janvier 1995 à Addis-Abeba, Éthiopie,

Avant examiné le rapport du Secrétaire général sur le différend qui oppose la Grande Jamahiriya arabe libyenne populaire et socialiste aux États-Unis d'Amérique, au Royaume-Uni et à la France, après avoir entendu le chef de la délégation libyenne et les interventions des différents délégués sur le différend qui oppose la Libye aux trois pays occidentaux,

Guidé par les principes et les objectifs des Chartes de l'ONU et de l'OUA qui demandent aux pays membres de ne pas recourir à la force ni à la menace d'utiliser de la force, mais de régler leurs différends par des moyens pacifiques dans le respect de l'indépendance de tous les pays membres, et de s'abstenir de mettre en danger leur souveraineté ou leur intégrité territoriale et la sécurité de leurs peuples,

Rappelant la déclaration du Secrétaire général de l'OUA du 6 décembre 1991 concernant les menaces américaine et britannique formulées contre la Grande Jamahiriya, et dans laquelle le Secrétaire général demande aux deux parties concernées de faire preuve de retenue et d'essayer de trouver une solution par le biais du dialogue et de moyens pacifiques, conformément aux principes du droit international, de respect de la souveraineté des États et de non-recours à des moyens qui sont contraires aux procédures légales,

Se référant à la résolution No 1457 de la cinquante-huitième session ordinaire du Conseil des ministres tenue au Caire du 21 au 26 juin 1993 et à la résolution No 1525 de la soixantième session ordinaire du Conseil des ministres tenue à Tunis du 6 au 11 juin 1994,

Rappelant également la déclaration de l'Organe central pour la prévention, la gestion et le règlement des conflits réuni au niveau des chefs d'État au Caire, le 7 décembre 1993, entérinant la résolution précédente concernant la solidarité avec la Grande Jamahiriya arabe libyenne populaire et socialiste, et soutenant ses efforts en vue de parvenir à une solution pacifique de la crise dans le cadre du respect de la souveraineté nationale libyenne et des principes du droit international,

Tenant compte de la position de la Grande Jamahiriya qui condamne le terrorisme sous toutes ses formes ainsi que tous ceux qui ont recours au terrorisme ou l'encouragent, ainsi que de la disponibilité totale de la Jamahiriya à apporter sa coopération à tout effort régional ou international visant à trouver une solution à ce problème,

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Notant avec satisfaction les initiatives positives prises par la Grande Jamahiriya pour résoudre ce différend, son acceptation de la résolution du Conseil de sécurité No 731/92 et sa requête au Secrétaire général pour qu'il trouve une formule pour l'application de ladite résolution, ainsi que la coopération dont elle a fait preuve dans le contexte de ses initiatives et de ses propositions,

Subissant les peuples arabes en Libye et dans les pays voisins à cause des mesures coercitives prises à l'encontre de la Libye en application des deux résolutions du Conseil de sécurité : (748/92 et 883/93),

Déplorent l'indifférence des trois pays occidentaux à l'égard de toutes les résolutions successives prises par les organisations régionales en faveur d'une solution juste et équitable du différend,

Soulignant les dangers que représente la continuation de cette crise (Lockerbie) sans une solution satisfaisante pour toutes les parties sur le plan de la sécurité et du rétablissement de l'ordre et de la paix en Afrique, notamment en Afrique du Nord et dans la région méditerranéenne,

1. SE FÉLICITE de la déclaration de la Grande Jamahiriya arabe libyenne populaire et socialiste réitérant sa condamnation du terrorisme et sa totale disponibilité à coopérer, dans le cadre des efforts internationaux, avec toute partie concernée par la lutte contre le terrorisme et son éradication, ainsi que du sens élevé de responsabilité et de la retenue avec lesquels la Libye traite cette crise;
2. EXPRIME SA PRÉOCCUPATION devant l'escalade de la crise et les menaces d'imposer des sanctions supplémentaires ou d'utiliser la force comme méthode dans les relations entre États, ce qui constituerait une violation des Chartes de l'OUA et de l'ONU ainsi que du droit et des normes internationaux;
3. RÉAFFIRME sa solidarité avec la Grande Jamahiriya arabe libyenne populaire et socialiste et recommande que soit évitée toute mesure susceptible de faire monter la tension et, partant, d'avoir des conséquences néfastes pour le peuple arabe libyen et les pays voisins;
4. LANCE UN APPEL à toutes les parties concernées pour qu'elles répondent favorablement aux initiatives allant dans le sens du dialogue et des négociations, en vue d'aboutir à une solution pacifique de la crise conformément à l'Article 33 du Chapitre VI de la Charte de l'ONU qui invite les pays à régler leurs différends par voie de négociation, de médiation conformément au droit international, et DEMANDE un jugement juste et équitable des deux suspects dans un pays neutre accepté par toutes les parties concernées;
5. DÉCIDE de mettre sur pied une commission ministérielle chargée de prendre contact avec les parties au différend en vue de coordonner les efforts et les initiatives et de permettre le dialogue en vue de parvenir à un règlement juste et équitable du conflit;

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6. RÉITÈRE SON APPEL lancé au Conseil de sécurité pour qu'il reconsidère ses résolutions 731/92, 748/92 et 883/93 et lève l'embargo imposé sur la Libye qui a pris des initiatives positives et a répondu favorablement aux résolutions des organisations régionales pour régler la crise, et LANCE UN APPEL au Conseil de sécurité pour qu'il adopte une nouvelle résolution sur le jugement juste des suspects dans un lieu accepté par toutes les parties concernées ce qui permettrait d'établir la vérité et de rendre justice aux victimes et à leurs familles;

7. DEMANDE au Secrétaire général de l'OUA de poursuivre ses efforts afin de trouver une solution rapide à cette crise et d'en faire rapport à la soixante-deuxième session ordinaire du Conseil des ministres.

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The Scotsman 9/3/1995

## Frankfurt denial undermines Lockerbie case

### Exclusive

By Christopher Cairns

LIBYAN prosecutors have left a gaping hole in the official case against two Libyan suspects wanted in connection with the Lockerbie bombing. Authorities in Frankfurt now say they have no knowledge of a bomb passing through the city's airport which could have been responsible for bringing down PanAm Flight 103. The shift in position, revealed in a letter to the parents of one of those killed in the December 8 atrocity, represents a huge blow to attempts by Britain and the US to have blame for the crash pinned on Libya. Investigations immediately after the bombing, which killed 270 people, were carried out with the co-operation of Germany's police and security services.

Indeed, it was information from Germany which first alerted Scottish police to the possibility of the bomb reaching the ill-fated Boeing 747 through a feeder flight from the Rhein-Main Airport at Frankfurt.

It is the Crown Office's contention that the flight was brought down by a bomb smuggled on board the German feeder flight, from another out of Malta, and originally planted by two Libyans.

However, in a letter sent to Elisabeth Mosey, whose 19-year-old daughter Helga was a passenger on the flight bound for New York, the Ministry of Justice in Bonn denies any evidence there was a bomb in Germany.

The letter, a copy of which has been seen by *The Scotsman*, reads: "The investigators of the Public Prosecution in Frankfurt have offered no knowledge (sic)

**'When the Germans deny Frankfurt was involved, it is a little difficult to be sure of anything in the case against the Libyan suspects'**

TAM DALYELL

that ... the explosive material ... got on board the feeder plane in Frankfurt."

The German government's position is further clarified in a written answer to one of Labour MP Tam Dalyell's parliamen-

tary questions from Minister of State at the Foreign Office, Douglas Hogg.

Asked about the refusal of the German government to support the British and American indictment against the two Libyan suspects, Mr Hogg replied: "I understand [Volke] Rath, German public prosecutor, has stated that he does not have sufficient evidence against the two accused to bring proceedings in Germany."

Tam Dalyell, MP for Linlithgow, said last night that the collapse of support from Germany was further evidence that the Government's position against Libya was becoming untenable.

"When the German government denies Frankfurt was involved, it is a little difficult to be sure of anything in the case against the Libyan suspects," he said.

Meanwhile, Allan Francovich, producer of the film *Maltese Double Cross*, which alleges that Iranian-backed Palestinian terrorists were behind the bombing, said the documentary had recently been shown to Mr Rath.

"His comment regarding the Libya case is that it would be thrown out of a German court within minutes through lack of evidence," said Mr Francovich.

"This is particularly interesting, of course, because it was the Germans who first alerted the Scottish police to the baggage document which is supposed to prove there was an unaccompanied bag from Malta that night."

A spokesman for the Crown Office in Edinburgh refused to comment on any aspect of an investigation which he described as still on-going.





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LETTRE DATÉE DU 27 MARS 1995, ADRESSÉE AU SECRÉTAIRE GÉNÉRAL  
PAR LE REPRÉSENTANT PERMANENT DE LA JAMAHIRIYA ARABE LIBYENNE  
AUPRÈS DE L'ORGANISATION DES NATIONS UNIES

J'ai l'honneur de vous faire tenir ci-joint le texte d'une note intitulée "résolution 731 (1992) du Conseil de sécurité et derniers événements dans l'affaire de Lockerbie".

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre et de son annexe comme document du Conseil de sécurité.

Le Représentant permanent

(Signé) Mohamed A. AZWAI



Annexe

RÉSOLUTION 731 (1992) DU CONSEIL DE SÉCURITÉ ET DERNIERS  
ÉVÉNEMENTS DANS L'AFFAIRE DE LOCKERBIE

1. La résolution 731 (1992) du Conseil de sécurité est fondée sur un acte d'accusation émis par le Procureur général d'Écosse le 14 novembre 1991 et sur un autre acte d'accusation prononcé par un grand jury au Tribunal de première instance du district de Columbia aux États-Unis dans l'affaire de l'accident du vol 103 de la Pan Am. La résolution est également fondée sur des renseignements réunis par l'Écosse et les États-Unis sur une période de trois ans, au terme de laquelle deux Libyens ont été accusés, sur des réclamations françaises liées à l'accident du vol 772 d'UTA, sur des réclamations britanniques et américaines et sur des réclamations communes présentées par les trois pays après l'annonce des deux actes d'accusation (documents S/23306, S/23307, S/23308, S/23309 et S/23317 du Conseil de sécurité). S'agissant de l'incident de l'avion de la Pan Am, les Gouvernements britannique et américain ont demandé à la Libye :

a) De livrer, afin qu'ils soient traduits en justice, tous ceux qui sont accusés de ce crime et d'assumer l'entière responsabilité des agissements des agents libyens;

b) De divulguer tous les renseignements en sa possession sur ce crime, y compris les noms de tous les responsables, et de permettre le libre accès à tous les témoins, documents et autres preuves matérielles, y compris tous les dispositifs d'horlogerie restants;

c) De verser des indemnités appropriées;

d) Les deux Gouvernements, auxquels s'est joint le Gouvernement français, ont également demandé à la Libye de s'engager concrètement et formellement à ne plus recourir au terrorisme, sous quelque forme que ce soit, et à ne plus offrir son aide aux groupes terroristes et de prouver immédiatement, en prenant des mesures concrètes, qu'elle a renoncé au terrorisme.

2. Sous la pression des trois Gouvernements, le Conseil de sécurité a adopté la résolution 748 (1992), dans laquelle il s'est attardé sur la question du terrorisme. Par cette résolution, le Conseil de sécurité a imposé à la Libye un embargo aérien, diplomatique et militaire, qui va à l'encontre de nombre de dispositions de la Charte des Nations Unies, bien que la question soit essentiellement un différend d'ordre juridique, régi par la Convention de Montréal de 1971 pour la répression d'actes illicites dirigés contre la sécurité de l'aviation civile. Par la suite, le Conseil a adopté la résolution 883 (1993), par laquelle il a renforcé les sanctions.

Ces sanctions ont fait beaucoup de tort à notre peuple dans des domaines divers. La Jamahiriya arabe libyenne a présenté au Conseil de sécurité les documents suivants pour exposer les effets négatifs que les sanctions ont eus dans différents secteurs ainsi que leurs conséquences néfastes pour les pays voisins : S/1994/921, S/26654, S/24961/Add.1, S/25559, S/25990, S/26139, S/24448, S/24463, S/24530, S/24629, S/24186, S/24334, S/24381, S/24427, S/24428, S/23855, S/23915, S/23954, S/24004 et S/24072.

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3. Malgré le caractère insolite des demandes présentées par les Gouvernements britannique et américain et le fait qu'elles soient en totale contradiction avec les dispositions du droit international et des instruments internationaux relatifs aux droits de l'homme, en particulier le paragraphe 2 de l'article 14 du Pacte international relatif aux droits civils et politiques, la Jamahiriya arabe libyenne s'est conformée à toutes les dispositions de la résolution 731 (1992) du Conseil de sécurité et a tout mis en oeuvre pour trouver une solution qui soit compatible avec la loi. Les mesures prises par la Libye peuvent être résumées comme suit :

a) Dès qu'elle a reçu les actes d'accusation établis par la Grande-Bretagne et les États-Unis, la Libye a exercé sa compétence conformément à la Convention de Montréal de 1971 et nommé un juge pour enquêter sur cette affaire. Les autorités américaines et britanniques ont toutefois refusé de coopérer avec les autorités libyennes, une intransigeance qui a eu pour effet de ralentir les procédures engagées pour juger les deux suspects (voir les documents S/23417, S/23416, S/23574 et S/23441 du Conseil de sécurité);

b) La Libye a suggéré que l'on saisisse la Cour internationale de Justice pour s'assurer de la validité des accusations portées contre les deux suspects libyens et a proposé de livrer ces derniers au siège du PNUD à Tripoli pour qu'ils soient interrogés. Elle a également suggéré que le Secrétaire général de l'ONU crée un comité juridique composé de juges connus pour leur neutralité et leur intégrité et qui seraient chargés d'établir les faits pour s'assurer du bien-fondé des accusations portées contre les deux suspects et de mener une enquête approfondie. Que le Secrétaire général établisse la validité des accusations, et la Jamahiriya arabe libyenne ne s'opposerait pas à ce que les deux suspects soient livrés à une tierce partie, sous la responsabilité du Secrétaire général, à condition que celle-ci s'engage à ne pas les livrer à une autre partie (voir le document S/23672 du Conseil de sécurité);

c) La Jamahiriya arabe libyenne a saisi unilatéralement la Cour internationale de Justice pour présenter son point de vue;

d) Cette affaire a été évoquée lors de la deuxième session des Congrès populaires généraux en 1992, qui n'ont vu aucun inconvénient à ce que les deux suspects soient interrogés et jugés par le Comité de sept personnes créé par la Ligue des États arabes ou par un tribunal juste et équitable accepté par toutes les parties. Au vu des faits susmentionnés, la Jamahiriya arabe libyenne a déclaré qu'elle était prête à engager des négociations avec les États intéressés, sous la direction du Secrétaire général, en vue d'organiser le procès dans un pays neutre sur lequel s'accorderaient toutes les parties au conflit et qui présenterait toutes les garanties nécessaires pour découvrir la vérité (voir les documents S/23918, S/26313, S/24961 et S/24209 du Conseil de sécurité);

e) La Jamahiriya arabe libyenne et les avocats des deux suspects ont adressé au Secrétaire général de l'ONU un certain nombre de questions pour qu'il les pose aux trois pays concernés ainsi qu'aux membres du Conseil de sécurité (voir les documents S/26500 et S/26523 du Conseil de sécurité).

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Après avoir reçu les réponses à certaines de ces questions, la Libye a notifié le Secrétaire général que les garanties qu'il offrait étaient acceptables et suffisantes et que la Jamahiriya arabe libyenne, en tant qu'État, non seulement ne voyait aucun inconvénient à ce que les deux suspects soient jugés par un tribunal, mais incitait ces derniers à accepter cette issue. Les avocats des deux suspects, au nombre desquels figurent des conseillers juridiques de différents pays, dont la Grande-Bretagne et les États-Unis, étaient toutefois très préoccupés par l'effet préjudiciable que pourrait avoir sur les jurés éventuels la publicité faite aux États-Unis et en Écosse autour du procès et avant que ce dernier n'ait lieu, par l'absence de procédures normales d'extradition et par le refus des autorités chargées des poursuites de faire connaître les preuves qu'elles entendaient présenter lors du procès. L'équipe chargée de la défense a estimé que ce refus compliquerait considérablement sa tâche (voir les documents S/26500, S/26523 et S/26629 du Conseil de sécurité).

4. Outre les initiatives de la Jamahiriya arabe libyenne et les efforts qu'elle a déployés en vue de parvenir à une solution compatible avec les dispositions du droit international, le Conseil de la Ligue des États arabes a adopté une résolution le 27 mars 1994, dans laquelle il a appuyé la proposition du Secrétariat général de la Ligue de faire juger équitablement les deux suspects par des juges écossais et conformément au droit écossais, au siège de la Cour internationale de Justice à La Haye. La Ligue arabe a prié le Conseil de sécurité de tenir compte de cette nouvelle proposition sérieuse en vue de trouver une solution pacifique et d'empêcher toute détérioration de la situation susceptible d'accroître la tension dans la région (voir le document S/1994/373 du Conseil de sécurité).

5. Les trois Gouvernements n'ont pas prêté aux tentatives et aux initiatives libyennes et arabes l'attention qu'elles méritaient et ont fait la sourde oreille aux points de vue exposés par l'Union du Maghreb arabe, la Ligue des États arabes, l'Organisation de l'unité africaine, l'Organisation de la Conférence islamique et le Mouvement des pays non alignés; ils sont demeurés intraitables, maintenant leur position, s'en tenant à leurs exigences illégitimes, en particulier l'obligation pour les deux suspects de comparaître devant un tribunal américain ou écossais. En conséquence, le Conseil de sécurité a été conduit à se hâter d'agir sous l'empire du Chapitre VII de la Charte au lieu des dispositions du Chapitre VI, et à imposer des sanctions draconiennes totalement disproportionnées avec le différend.

6. Les trois Gouvernements demeurent intraitables en dépit des faits nouveaux survenus rapportés par les moyens d'information, du débat qui s'est déroulé à la Chambre des communes britannique le 1er février 1995 et des déclarations faites par le porte-parole des familles des victimes britanniques du vol Pan Am. Ces faits nouveaux ont révélé de graves défauts et lacunes dans les investigations effectuées en vue de découvrir les véritables causes de l'explosion de l'avion de la Pan Am effectuant le vol 103. Par ailleurs, ils ont montré qu'un certain nombre de faits étaient obscurs et que nombre des questions demeuraient sans réponse; les familles des victimes britanniques du vol Pan Am ont de sérieux doutes sur les enquêtes menées par les autorités britanniques et les résultats auxquels elles ont abouti. Ces doutes ressortent clairement de la requête que M. Jim Sawyer, porte-parole des familles des victimes, a adressée le 19 janvier 1995 au Parlement européen, et dans laquelle il déclare que lesdites

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familles ont demandé instamment de nouvelles investigations et ont sollicité une rencontre avec Mme Thatcher, qui était alors Premier Ministre, puis avec M. Major, le Premier Ministre, qui ont tous deux refusé. Les familles considèrent que les enquêtes qui ont été menées n'ont pas réussi à découvrir la vérité.

Alors que les autorités chargées de l'enquête en Grande-Bretagne et aux États-Unis fondent leur acte d'accusation sur une version des faits selon laquelle, le 21 décembre 1988, les deux suspects ont déposé, de leur propre initiative ou non, à l'aéroport de Luke, à Malte, le sac en question ou un sac similaire à bord du vol de la compagnie aérienne Air Malta KM 180 à destination de l'aéroport de Francfort, après avoir placé sur le sac, de leur plein gré ou non, une étiquette visant à ce qu'il soit embarqué sur l'avion se rendant de Francfort à JFK airport, à New York, via l'aéroport de Heathrow.

Alors que l'acte d'accusation était fondé sur cette version des faits, un document du FBI dont a fait état le journal The Independent dans son édition du 30 janvier 1995, donne une version des faits complètement différente. Selon cette version, le sac aurait été embarqué dans l'avion à Francfort. Le document du FBI indique qu'il n'existe aucune preuve de la présence du sac à bord du vol d'Air Malta et mentionne d'autres parties que la Libye, qui seraient derrière l'explosion de l'avion.

Un document des Services de renseignement aériens américains récemment découvert donne une nouvelle version des faits contenant plus de détails sur qui est derrière l'explosion du vol 103 de la Pan Am. Un article publié dans le journal Sunday Telegraph du 29 janvier 1995 déclare que d'autres parties peuvent être derrière l'explosion susmentionnée. Un article publié dans le même journal le 5 janvier 1995 fait état de la divergence entre le nombre de certificats de décès établis par le médecin légiste pour 59 victimes à Lockerbie et le nombre de corps retrouvés, qui n'était que de 58, et explique cette différence en faisant état de l'hypothèse selon laquelle un des corps avait été retiré du lieu de l'explosion, une équipe d'agents américains étant venue à Lockerbie en vue de détruire les éléments de preuve dans le but de dissimuler les causes de la catastrophe. Le médecin légiste avait été étonné d'apprendre que la police écossaise n'avait des renseignements que sur 58 corps.

Les déclarations faites notamment par certains responsables et des proches des victimes suffisent en elles-mêmes à saper le fondement des actes d'accusation américain et britannique. Le seul moyen de s'en assurer est d'effectuer une enquête impartiale qui fasse toute la lumière et ne laisse aucune place au doute. On trouvera ci-après quelques exemples des nombreuses déclarations faites sur les circonstances de l'accident de Lockerbie qui méritent d'être réexaminées :

a) La déclaration faite par M. Martin Kadman, père d'une des victimes :  
"Un assistant du Président Bush m'a dit que le Gouvernement américain et le Gouvernement britannique savaient qui avait planté la bombe et comment cela avait été fait, mais qu'ils ne le divulgueraient jamais";

b) Une déclaration faite dans un club londonien, en mars 1989, par le Ministre britannique des transports, au cours de laquelle il a dit que le

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Président Bush et le Premier Ministre britannique Mme Margaret Thatcher avaient décidé lors d'un entretien téléphonique de réduire le niveau de l'enquête judiciaire à Lockerbie, déclaration que le journaliste David Libarow a corroborée avant de la supprimer du livre qu'il a publié par la suite;

c) La déclaration de M. Phibbs, ancien responsable des services de sécurité à British Airways : "Je n'ai trouvé dans les documents aucun élément prouvant l'existence d'un bagage non accompagné";

d) La déclaration de M. Baulière, vendeur de minuteurs, faite en 1990-1991 : "J'ai passé toute une semaine avec les membres du FBI et lorsque j'ai voulu voir la pièce du minuteur, ils m'ont répondu qu'ils ne l'avaient pas et que c'était la police écossaise qui l'avait. J'ai ensuite passé une semaine avec la police écossaise qui m'a déclaré n'avoir examiné qu'une photographie de ladite pièce." Il ajouta : "Un officier de police américain a dit qu'il y avait une explication à tout cela : trois de ses assistants avaient déclaré sous serment qu'ils avaient trouvé la pièce en question et qu'ils avaient rempli un document l'attestant. Cependant, j'ai appris par la suite que c'était la police écossaise qui avait trouvé la pièce dans une chemise originaire de Malte."

Quant au débat qui a eu lieu à la Chambre des communes britannique le 1er février 1995 sur l'affaire de Lockerbie, au cours duquel de nombreuses questions ont été posées et des réponses ont été faites par M. Douglas Hurd, Ministre des affaires étrangères et des affaires du Commonwealth, il a fait naître plus de doutes qu'il n'en a dissipés concernant l'enquête et a épaissi le brouillard entourant la situation au lieu de faire la lumière, le Ministre commençant dans une grande partie de ses réponses à se contredire, opinion qui est partagée par d'autres, comme en témoigne l'article paru dans le journal The Sunday Telegraph du 5 février 1995 sous le titre : "Le discours de Hurd renforce le chorus en faveur d'une enquête". Dans une partie de l'article il est dit de M. Hurd que son discours d'une demi-heure a certes fait une forte impression, mais qu'il contenait des contradictions marquantes. M. Hurd n'a pas répondu à une grande partie des questions importantes, si bien que l'auteur de l'article du journal précité pose la question suivante : "Si un Ministre des affaires étrangères qui est l'un des hommes politiques les plus puissants de Grande-Bretagne n'est pas en mesure de répondre à des questions sur la conduite d'une enquête internationale, qui est en mesure de le faire? Cela renforce la conviction croissante des familles des victimes et de ceux qui souhaitent connaître la vérité à propos de Lockerbie que plus tôt le Gouvernement mettra en place une commission d'enquête publique, mieux ce sera."

7. La Jamahiriya arabe libyenne n'est pas en mesure d'énumérer tous les défauts et lacunes qui entachent l'enquête et l'administration de la preuve. En effet, elle est obligée de s'appuyer sur ce qui est révélé par les médias, parce que les trois États ont refusé avec insistance jusqu'à présent de lui communiquer les éléments de preuve sur lesquels s'appuient les Gouvernements américain et britannique pour accuser les deux suspects. S'ils avaient porté ces éléments de preuve à la connaissance des autorités libyennes, elles auraient été en mesure de les évaluer en toute objectivité et impartialité.

Compte tenu de ces faits, il est devenu impossible de s'appuyer sur les actes d'accusation ainsi entachés de graves défauts et lacunes. Il est devenu

inacceptable du point de vue juridique, politique et humanitaire que tout un peuple continue de souffrir uniquement parce que l'on suspecte que deux personnes sont impliquées dans l'explosion de l'avion à cause d'une enquête qui est loin d'être achevée. Il est devenu essentiel de procéder à une enquête qui vise à faire toute la lumière. La Libye n'est plus seule à demander cela, car tel est le souhait des proches des victimes et de tous ceux qui veulent connaître la vérité sur Lockerbie.

8. S'agissant de l'enquête sur l'explosion du DC-10 d'UTA, le Gouvernement français a demandé à la Jamahiriya arabe libyenne :

a) De lui communiquer toutes les preuves matérielles en sa possession et de lui donner accès à tous les documents qui pourraient faciliter la recherche de la vérité;

b) De l'aider à prendre les contacts nécessaires au bon déroulement de l'enquête, notamment les contacts qui lui permettraient de rassembler des preuves;

c) D'autoriser les responsables libyens à répondre à toutes les questions du juge d'instruction chargé de l'enquête.

La Jamahiriya arabe libyenne a manifesté un vif intérêt pour toutes ces demandes qui, dans leur ensemble, lui ont paru ne pas contrevenir au droit. Les autorités judiciaires libyennes et françaises ont eu de très nombreux contacts et entretiens en vue de définir les responsabilités dans l'affaire de l'explosion du vol 772 d'UTA. Les juges d'instruction français et libyen chargés de l'enquête se sont rencontrés à plusieurs reprises et le juge français a pris connaissance du procès-verbal dressé par son homologue libyen. Il a ensuite été convenu qu'il se rendrait en Jamahiriya arabe libyenne pour y poursuivre son enquête. Les deux pays restent en contact de manière à ce que leurs efforts puissent se poursuivre et se compléter. Soucieux de voir s'instaurer des liens de coopération fructueux et durables entre les deux pays, le Secrétaire du Comité général du peuple chargé des relations extérieures et de la coopération internationale a présenté au Ministre français des affaires étrangères les propositions suivantes :

a) Le conseiller libyen et le juge d'instruction français chargés d'instruire le dossier pourraient se réunir d'urgence pour échanger leurs points de vue et se mettre d'accord sur la procédure qui devra être suivie par chacun d'eux;

b) On pourrait convenir de la date à laquelle le juge d'instruction français se rendrait en Jamahiriya arabe libyenne pour y poursuivre son enquête, en particulier pour entendre les témoins, examiner tous les éléments dont il a besoin et coopérer avec le conseiller libyen chargé du dossier, dans les limites des lois et règlements en vigueur;

c) Au cas où l'enquête en cours conclurait à la nécessité de déférer les suspects devant un tribunal, les autorités libyennes n'émettraient aucune objection (voir les documents S/26804, S/24961, S/26313, S/26523, S/23672, S/23828, S/23891, S/23918, S/32995 et S/23473 du Conseil de sécurité).

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9. Par ailleurs, les trois États qui ont formulé la demande relative au terrorisme sont précisément ceux qui ont délibérément cherché à établir un lien entre la Jamahiriya arabe libyenne et le terrorisme international et ont incité le Conseil de sécurité à ramener ce phénomène d'ampleur mondiale aux seuls accidents de Lockerbie et du DC-10 d'UTA. Ce sont ces mêmes États qui, depuis le début de la crise, ne cessent de demander que la Jamahiriya arabe libyenne s'engage concrètement et de manière définitive à renoncer à toute forme d'activité terroriste, à cesser toute aide aux groupes terroristes et à prendre sur le champ des mesures concrètes qui puissent témoigner de sa bonne volonté.

La Jamahiriya arabe libyenne a, dans une lettre datée du 11 mai 1992 qu'elle a adressée au Secrétaire général, condamné sans appel toutes les formes de terrorisme international quelle que soit leur origine. Elle a aussi confirmé qu'il n'existait sur son territoire aucun camp d'entraînement pour groupes ou organisations terroristes. Cette déclaration, qui était loin d'être une déclaration de pure forme, était accompagnée d'une proposition concrète. Le Gouvernement libyen proposait d'inviter une commission, composée de représentants du Conseil de sécurité, du Secrétariat des Nations Unies ou de toute autre instance relevant du système des Nations Unies et compétente en la matière, à venir, au moment qui lui conviendra, en Jamahiriya arabe libyenne pour s'assurer sur place de la véracité de ses affirmations.

En outre, la Jamahiriya a réaffirmé qu'elle ne laisserait personne se servir de son territoire ou de ses institutions pour commettre, directement ou indirectement, des actes de terrorisme et qu'elle était prête à infliger les châtiments les plus rigoureux aux auteurs de tels actes (voir le document S/23918 du Conseil de sécurité). En outre, le Comité général du peuple chargé des relations extérieures et de la coopération internationale a publié un communiqué dans lequel il réitérait les vues exprimées dans la lettre susmentionnée (voir document S/23917). La Jamahiriya a de nouveau exprimé les mêmes opinions dans une lettre datée du 8 décembre 1992, adressée au Secrétaire général (voir document S/24916). En outre, dans une lettre adressée au Secrétaire général et datée du 28 juillet 1993, elle s'est déclarée prête à accueillir sur son territoire une mission qui pourrait être dépêchée par le Secrétaire général et viendrait constater sur place que, contrairement à ce que l'on prétend, la Jamahiriya n'abrite aucun camp d'entraînement terroriste (voir document S/23417, S/23672 et S/24209).

Par ailleurs, la Jamahiriya arabe libyenne a coopéré de manière concrète avec le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, en ce qui concerne les demandes présentées par ce pays (voir les documents S/26313 et S/23995 du Conseil de sécurité). Malgré cela, les trois États dont il est fait mention plus haut, n'ont donné suite à aucune des propositions libyennes et continuent de s'opposer à l'envoi d'une mission chargée de vérifier que la Jamahiriya n'abrite aucun camp d'entraînement ou autre centre d'activités terroristes. En agissant ainsi, ces pays entendent faire du problème du terrorisme une sorte d'épée de Damoclès qui leur permettrait de maintenir et de renforcer les sanctions sous le prétexte que la Jamahiriya ne se conforme pas aux résolutions du Conseil de sécurité.

10. Les épreuves que les sanctions imposées par le Conseil de sécurité et maintenues sous la pression des trois susmentionnés continuent d'infliger

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au peuple arabe libyen ne se justifient plus. En effet, les événements les plus récents ont montré que les éléments sur lesquels le Conseil s'était fondé lorsqu'il a adopté sa résolution 731 (1992) ont beaucoup perdu de leur vigueur, voire n'existent plus. C'est pourquoi il appartient aux autres États membres du Conseil de sécurité d'assumer les responsabilités qui leur incombent sur les plans juridique, politique et humain, et de prendre les mesures suivantes :

Premièrement : Entreprendre une enquête impartiale sur l'explosion de Lockerbie, les enquêtes précédentes s'étant déroulées dans des conditions pour le moins douteuses;

Deuxièmement : Suspendre les sanctions imposées en vertu des résolutions 748 (1992) et 883 (1993) du Conseil de sécurité, en attendant que l'enquête aboutisse.

11. La Jamahiriya arabe libyenne tient à dissiper tous les doutes de ceux qui pourraient croire qu'en demandant la réouverture de l'enquête et la suspension des sanctions, elle ne cherche en fait qu'un échappatoire. En effet, elle continue de penser que la proposition du Secrétariat général de la Ligue des États arabes tendant à ce que les deux suspects soient jugés au siège de la Cour internationale de Justice de La Haye, par un tribunal écossais selon le droit écossais, est une solution de compromis qui permettrait de prendre en considération les intérêts de toutes les parties concernées. Elle se joint également au Conseil de la Ligue des États arabes pour inviter le Conseil de sécurité à tenir compte de cette nouvelle proposition, dont le sérieux ne fait aucun doute.

Dans la déclaration qu'il a prononcée le 1er février 1995 devant le Conseil de sécurité, M. Douglas Hurd, le Ministre des affaires étrangères et des affaires du Commonwealth du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, a déclaré que la solution préconisée par la Ligue des États arabes soulèverait des difficultés d'ordre juridique et qu'à supposer que ces difficultés soient résolues, rien ne garantissait que les suspects se présenteraient devant le tribunal. Ces affirmations ne sont que des prétextes visant à empêcher un règlement de la crise. En effet, la Jamahiriya arabe libyenne a confirmé, à plusieurs reprises, qu'elle tenait sincèrement à ce que les deux suspects soient jugés de manière impartiale. Si le Ministre des affaires étrangères britannique juge que la tenue du procès à La Haye risque de soulever des problèmes juridiques, que dire des difficultés juridiques que pourrait rencontrer un État contraint de remettre certains de ses citoyens à un autre État sans que cela soit fondé par le droit! Outre les assurances qu'elle a déjà fournies, la Jamahiriya arabe libyenne serait tout à fait prête à donner des garanties supplémentaires, au cas où le Gouvernement du Royaume-Uni ferait montre de bonne volonté et accepterait la proposition du Secrétariat de la Ligue des États arabes.

Le 13 février 1995

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Lettre datée du 27 mars 1995, adressée au Secrétaire général par  
le Secrétaire général de l'Organisation de l'unité africaine

J'ai l'honneur de vous informer que lors de sa soixante et unième session ordinaire tenue à Addis-Abeba du 23 au 27 janvier 1995, le Conseil des ministres de l'Organisation de l'unité africaine a adopté la résolution CM/Res.1566 (LXI) relative à la crise entre la Grande Jamahiriya arabe libyenne, d'une part, et les États-Unis d'Amérique, le Royaume-Uni et la France, d'autre part.

Je vous prie de bien vouloir trouver ci-joint le texte de ladite résolution et, tout en appelant instamment votre attention sur ses paragraphes 4 et 6, vous saurais gré de le faire distribuer comme document du Conseil de sécurité.

(Signé) Salim Ahmed SALIM

ANNEXE

{Original : anglais,  
arabe et français}

CM/Res.1566 (LXI)

Résolution sur la crise entre la Grande Jamahiriya arabe libyenne  
et les États-Unis d'Amérique, le Royaume-Uni et la France

Le Conseil des ministres de l'Organisation de l'unité africaine, réuni en sa soixante et unième session ordinaire, du 23 au 27 janvier 1995 à Addis-Abeba (Éthiopie),

Ayant examiné le rapport du Secrétaire général sur le différend qui oppose la Grande Jamahiriya arabe libyenne populaire et socialiste aux États-Unis d'Amérique, au Royaume-Uni et à la France, après avoir entendu le chef de la délégation libyenne et les interventions des différents délégués sur le différend qui oppose la Libye aux trois pays occidentaux,

Guidé par les principes et les objectifs des Chartes des Nations Unies et de l'Organisation de l'unité africaine qui demandent aux pays membres de ne pas recourir à la force ni à la menace d'utiliser de la force, mais de régler leurs différends par des moyens pacifiques dans le respect de l'indépendance de tous les pays membres, et de s'abstenir de mettre en danger leur souveraineté ou leur intégrité territoriale et la sécurité de leurs peuples,

Rappelant la déclaration du Secrétaire général de l'Organisation de l'unité africaine, en date du 6 décembre 1991 concernant les menaces américaine et britannique formulées contre la Grande Jamahiriya, et dans laquelle le Secrétaire général demande aux deux parties concernées de faire preuve de retenue et d'essayer de trouver une solution à cette question par le biais du dialogue et de moyens pacifiques, conformément aux principes du droit international, de respect de la souveraineté des États et de non-recours à des moyens qui sont contraires aux procédures légales,

Se référant à la résolution No 1457 de la cinquante-huitième session ordinaire du Conseil des ministres tenue au Caire du 21 au 26 juin 1993 et à la résolution No 1527 de la soixantième session ordinaire du Conseil des ministres tenue à Tunis du 6 au 11 juin 1994,

Rappelant également la déclaration de l'organe central pour la prévention, la gestion et le règlement des conflits réuni au niveau des chefs d'État au Caire, le 7 décembre 1993, entérinant la résolution précédente concernant la solidarité avec la Grande Jamahiriya arabe libyenne populaire et socialiste, et soutenant ses efforts en vue de parvenir à une solution pacifique de la crise dans le cadre du respect de la souveraineté nationale libyenne et des principes du droit international,

Tenant compte de la position de la Grande Jamahiriya qui condamne le terrorisme sous toutes ses formes ainsi que tous ceux qui ont recours au

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terrorisme ou l'encouragent, ainsi que de la disponibilité totale de la Jamahiriya à apporter sa coopération à tout effort régional ou international visant à trouver une solution à ce problème,

Notant avec satisfaction les initiatives positives prises par la Grande Jamahiriya pour résoudre ce différend, son acceptation de la résolution 731 (1992) du Conseil de sécurité et sa requête au Secrétaire général de l'Organisation des Nations Unies pour qu'il trouve une formule pour l'application de ladite résolution, ainsi que la coopération dont elle a fait preuve dans le contexte de ses initiatives et de ses propositions,

Profondément préoccupé par les préjudices humains et matériels que subissent les peuples arabes en Libye et dans les pays voisins à cause des mesures coercitives prises à l'encontre de la Libye en application des résolutions 748 (1992) et 883 (1993) du Conseil de sécurité des Nations Unies,

Déplorant l'indifférence des trois pays occidentaux à l'égard de toutes les résolutions successives prises par les organisations régionales en faveur d'une solution juste et équitable du différend,

Soulignant les dangers que représente la continuation de cette crise (Lockerbie) sans une solution satisfaisante pour toutes les parties sur le plan de la sécurité et du rétablissement de l'ordre et de la paix en Afrique, notamment en Afrique du Nord et dans la région méditerranéenne,

1. Se félicite de la Déclaration de la Grande Jamahiriya arabe libyenne populaire et socialiste réitérant sa condamnation du terrorisme et sa totale disponibilité à coopérer, dans le cadre des efforts internationaux, avec toute partie concernée par la lutte contre le terrorisme et son éradication, ainsi que du sens élevé de responsabilité et de la retenue avec lesquels la Libye traite cette crise;

2. Exprime sa préoccupation devant l'escalade de la crise et les menaces d'imposer des sanctions supplémentaires ou d'utiliser la force comme méthode dans les relations entre États, ce qui constituerait une violation des Chartes de l'Organisation de l'unité africaine et des Nations Unies, ainsi que du droit et des normes internationaux;

3. Réaffirme sa solidarité avec la Grande Jamahiriya arabe libyenne populaire et socialiste et recommande que soit évitée toute mesure susceptible de faire monter la tension et, partant, d'avoir des conséquences néfastes pour le peuple arabe libyen et les pays voisins;

4. Lance un appel à toutes les parties concernées pour qu'elles répondent favorablement aux initiatives allant dans le sens du dialogue et des négociations, en vue d'aboutir à une solution pacifique de la crise conformément à l'article 33 du Chapitre 6 de la Charte des Nations Unies qui invite les pays à régler leurs différends par voie de négociations, de médiation conformément au droit international, et demande un jugement juste et équitable des deux suspects dans un pays neutre accepté par toutes les parties concernées;

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5. Décide de mettre sur pied une commission ministérielle chargée de prendre contact avec les parties au différend en vue de coordonner les efforts et les initiatives et de permettre le dialogue en vue de parvenir à un règlement juste et équitable du conflit;

6. Réitère son appel lancé au Conseil de sécurité pour qu'il reconsidère ses résolutions 731 (1992), 748 (1992) et 883 (1993) et lève l'embargo imposé sur la Libye qui a pris des initiatives positives et a répondu favorablement aux résolutions des organisations régionales pour régler la crise, et lance un appel au Conseil de sécurité pour qu'il adopte une nouvelle résolution sur le jugement juste des suspects dans un lieu accepté par toutes les parties concernées, ce qui permettrait d'établir la vérité et de rendre justice aux victimes et à leurs familles;

7. Demande au Secrétaire général de l'Organisation de l'unité africaine de poursuivre ses efforts afin de trouver une solution rapide à cette crise et d'en faire rapport à la soixante deuxième session ordinaire du Conseil des ministres.

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# US tries to turn screw on Libya

BY MICHAEL SHERIDAN  
Diplomatic Correspondent

Britain and other European countries reacted cautiously last night to an American call for a world-wide embargo on Libyan oil to force the surrender of two suspects sought for the bombing of Pan Am Flight 103 over Lockerbie in 1988.

The White House surprised its European allies with a sudden announcement that the US is to seek tough new sanctions against Tripoli at the United Nations Security Council next month.

The move came after relatives of the American victims of the bombing met the US National Security Adviser, Anthony Lake, who assured them of "the administration's unwavering opposition to terrorism and its continuing effort to bring about justice on behalf of Libya's victims".

But there was scepticism in Western European capitals about the effectiveness or desirability of an oil embargo. Spokesmen for the Foreign Office and the French Foreign Ministry said they had not yet been consulted by the Clinton administration. Diplomats did not expect the US proposal to win immediate or automatic support in the Security Council.

The Libyan leader, Colonel Muammar Gaddafi, yesterday proclaimed his defiance of the existing UN sanctions by proposing to fly a group of Muslims to Mecca for the annual pilgrimage. He unhesitatingly described all of them as "ready for martyrdom".

Libya has refused to extradite the two wanted men, Abdel Basset Ali Meghtrahi and Lamem Khalifa Fhimah. Both were indicted by the US and Scottish authorities in 1991 after a forensic investigation. Limited UN sanctions, banning air travel and imposing financial restrictions, were enacted in 1992.

Western security officials believe the two are being protected because they are intelligence agents and close tribal relations of Major Abdessalam Jalloud, the second most powerful man in the Libyan regime. Libya says the men are innocent and would not receive a fair trial in the US or in Scotland.

The stand-off prompted the US administration last week to add the men to the FBI's Ten Most Wanted list and to offer a \$4m (£2.5) reward for their capture. The attempted prosecutions have also aroused controversy in the West, coupled with allegations that the possible involvement of Syria and Iran in the bombing has been

covered up for political ends.

The Foreign Secretary, Douglas Hurd, recently took an unusually high-profile stance in the House of Commons to reject all the claims of a conspiracy to conceal the truth.

The US move to force Libya's hand is unlikely to be welcome in Europe because most European governments consider the situation almost ideal. Colonel Gaddafi has been rendered politically impotent. His economy is subject to stringent restrictions but his domestic powerbase remains relatively stable, preventing the overthrow of his regime and its possible replacement by fundamentalists.

There are also strong economic arguments in Europe against halting the export of Libyan oil. A militant but small-capacity Opec producer, Libya earns about \$10bn a year from exports estimated at 1.2m barrels per day (bpd). Italy depends on Libyan crude for 500,000 bpd or 25 per cent of its daily needs, followed by Germany, Spain and Greece. Libyan oil is prized for its high grade quality and would be difficult to replace.

Despite its radical rhetoric, Colonel Gaddafi's regime has also gone to considerable lengths to construct a web of commercial relationships with international companies.

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LETTRE DATÉE DU 9 MAI 1995, ADRESSÉE AU PRÉSIDENT DU  
CONSEIL DE SÉCURITÉ PAR LE REPRÉSENTANT PERMANENT DE  
LA JAMAHIRIYA ARABE LIBYENNE AUPRÈS DE L'ORGANISATION  
DES NATIONS UNIES

Monsieur le Président,

J'ai l'honneur de vous faire tenir ci-joint un extrait du communiqué publié à l'issue de la Réunion ministérielle du Bureau de coordination des pays non alignés qui s'est tenue à Bandung (Indonésie) du 25 au 27 avril 1995. Cet extrait concerne le différend qui oppose la Jamahiriya arabe libyenne et trois États occidentaux.

Les ministres des affaires étrangères des pays non alignés manifestent clairement leur franc soutien à la Jamahiriya arabe libyenne dans le différend qui l'oppose aux États-Unis d'Amérique, au Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et à la France, et ils demandent de même la levée des sanctions imposées par les résolutions 731 (1992), 748 (1992) et 883 (1993) du Conseil de sécurité, sanctions qui ont gravement compromis les conditions de vie et la situation matérielle des Libyens et ont été à l'origine de pertes importantes pour les pays voisins.

Cette expression de la volonté de plus de 111 États non alignés, qui ont été soutenus par de nombreuses organisations internationales et régionales, nous oblige à demander au Conseil de sécurité, dont émanent ces résolutions : Qui insiste pour maintenir celles-ci? Tous ces États, qui représentent la majorité à l'Organisation des Nations Unies, demandent la levée immédiate des sanctions, la mise en oeuvre, pour résoudre le différend, des procédures prévues dans la Charte des Nations Unies et l'application des lois et pratiques internationales. Ils appellent les États occidentaux concernés à donner suite aux initiatives positives prises par la Jamahiriya, qui a par exemple accepté que ses ressortissants accusés soient jugés dans l'équité et avec impartialité en un terrain neutre convenu entre toutes les parties lors d'entretiens directs tenus sous les auspices de l'ONU.

Si le Conseil de sécurité représente véritablement tous les États Membres de l'ONU, pourquoi ne veut-il pas entendre les pays qui constituent la majorité de ces États? Le Conseil de sécurité ne représenterait-il en fait que les États-Unis, le Royaume-Uni et la France?

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1 ORIGINAL 2 COPIES 3 OTHER 4 REPORT 5 PRESS 6 OTHER 7 OTHER 8 OTHER

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Annexe

10

RÉSOLUTION ADOPTÉE PAR LE CONSEIL DE LA LIGUE DES ÉTATS ARABES  
À SA CENT QUATRIÈME SESSION ORDINAIRE

Les mesures arbitraires et les menaces que la Grande Jamahiriya  
arabe libyenne populaire et socialiste subit de la part des  
États-Unis d'Amérique, de la Grande-Bretagne et de la France

Le Conseil de la Ligue,

Rappelant ses précédentes résolutions sur ce sujet, notamment la dernière  
résolution (No 5470) en date du 29 mars 1995,

Exprimant sa profonde préoccupation devant les dommages causés aux  
personnes et aux biens en raison des mesures arbitraires imposées au peuple  
libyen en vertu des résolutions 748 (1992) et 883 (1993) du Conseil de sécurité,

Déploquant le fait que les trois pays occidentaux campent sur leur position  
et refusent de donner suite aux efforts déployés pour engager un dialogue  
constructif et pour parvenir à un règlement fondé sur les principes du droit  
international et de la légitimité internationale,

Exprimant sa gratitude aux organisations régionales, telles que  
l'Organisation de l'unité africaine, le Mouvement des pays non alignés,  
l'Organisation de la Conférence islamique et le Groupe des 77, pour leur  
solidarité avec la Jamahiriya arabe libyenne pendant cette crise,

1. Confirme ses précédentes résolutions dans lesquelles il exprime sa  
solidarité avec la Grande Jamahiriya arabe libyenne populaire et socialiste  
ainsi que son soutien aux efforts qu'elle déploie en vue de parvenir à un  
règlement pacifique de la crise;

2. Réitère la proposition pragmatique figurant dans sa résolution  
No 5373, en date du 27 mars 1994, dans laquelle il a proposé que les deux  
suspects soient jugés équitablement par des juges écossais et conformément au  
droit écossais, au siège de la Cour internationale de Justice à La Haye;

3. Déploque le maintien des sanctions imposées à la Jamahiriya arabe  
libyenne malgré les efforts et les initiatives des différentes organisations  
régionales et internationales visant à régler la crise d'une manière pacifique;

4. Invite le groupe des sept pays arabes à intensifier leurs efforts et à  
prendre contact avec les parties concernées en vue de parvenir à un règlement  
pacifique et équitable du conflit;

5. Charge le Secrétaire général de veiller à l'application de la présente  
résolution.

10  
Français  
Page 2

Nous attendons des réponses claires à ces questions.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre et de son annexe comme document officiel du Conseil de sécurité.

Veillez agréer, Monsieur le Président, les assurances de ma très haute considération.

Le Représentant permanent

(Signé) Mohamed Abulgassen AZWAI

21 11  
ANNEXE

41. Les ministres ont exprimé leur vive préoccupation devant les pertes humaines et matérielles subies par le peuple arabe libyen et les pays voisins du fait des sanctions imposées par les résolutions 748 (1992) et 883 (1993) du Conseil de sécurité. Ils ont affirmé que l'escalade de la crise, la menace de nouvelles sanctions et l'utilisation de la force comme méthode de conduite des relations entre les États constituent une violation de la Charte des Nations Unies, des principes proclamés par le Mouvement des pays non alignés ainsi que des lois et normes internationales. Ils demandent instamment au Conseil de sécurité de lever l'embargo aérien et les autres mesures imposées à la Libye, pour satisfaire aux décisions et résolutions adoptées par des organisations régionales sur le différend. Ils expriment leur solidarité avec la Libye et invitent les trois pays occidentaux intéressés à répondre aux initiatives positives invitant au dialogue et aux négociations et demandant que les deux suspects soient jugés justement et honnêtement dans un pays neutre convenu d'entente entre toutes les parties.

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# Clinton ends fight to try Lockerbie suspects

Jonathan Freedland  
in Washington, Ian Black  
and Erlend Clouston

**P**RESIDENT Clinton has effectively given up hope of bringing to trial the two Libyans accused of plotting the Lockerbie bomb, and will order no new efforts aimed at their extradition.

According to senior US officials, Mr Clinton has grown so frustrated at Libya's refusal to hand over Abdel Basset Ali Al-Megrahi and Al-Amin Khalifa Fhimah that he has decided to take no more action to enforce the long-standing demand that they be tried in either the United States or Scotland.

"There's very little more we can do unilaterally," an administration official told the respected weekly Jerusalem Report. Officials cited exasperation with America's allies who have not heeded Washington's call for strengthened sanctions against Tripoli over the 1988 bombing of Pan Am flight 103 over Lockerbie in Scotland, in which 270 people died.

While publicly insisting that the two suspects be tried in a Scottish or US court, British officials had already concluded privately that the likelihood of the two Libyans being handed over was close to nil.

Jim Swire, a spokesman for the British relatives group, UK Families-Flight 103, suggested yesterday that reducing the diplomatic tension might make it easier for the governments to come to an accommodation.

"It's a great pity we adopted the confrontational attitude to Libya on the issue of the indictments," said Dr Swire, who lost his daughter Flora in the bombing. "Perhaps a lessening of the pressure on the country could facilitate a fair trial."

But in the US, which was the driving force behind efforts to bring the suspects to book, relatives of the dead were scathing, claiming they had been be-

trayed by the Clinton administration.

"They can't say 'there's nothing else we can do,' because they haven't done anything," said Susan Cohen of Cape May, New Jersey, whose only daughter, Theodora, was killed. She urged military action to force Libya to give up the war men.

She noted that in 1992 Clinton, then a presidential candidate, wrote to her saying: "The US government should and must — do all it can bring about a full and just resolution of the Pan Am 103 case."

Washington's resolve to weaken Lockerbie had appeared to weaken for several months. The placing of the Libyans on the FBI's most wanted list — with the offer of a \$4 million reward — was viewed by many as a final dramatic gesture, more indicative of desperation than genuine hope.

The United Nations Security Council has never endorsed US-proposed worldwide sanctions on Libyan oil sales or global freezing of Libyan assets, as well as refusing to go beyond the ban on flights to Tripoli and scaling back of Libyan diplomatic representation.

"We've gotten a lot of assistance from our allies," the official told Jerusalem Report. "We've had very little reciprocity to our approaches."

British officials have argued that because the available evidence clearly shows the direct role of the Libyan government in planning the bomb, Colonel Muammar Gaddafi could not collaborate with a trial which that would be exposed.

In addition, the evidence allegedly implicates the head of Libya's intelligence service, Abdullah Senussi, Col Gaddafi's brother-in-law and a key member of the coalition of tribal families that make up the Tripoli regime.

Britain has consistently missed reports that Iraq, Syria, not Libya, was behind the bombing.





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LETTRE DATÉE DU 9 JUIN 1995, ADRESSÉE AU SECRÉTAIRE GÉNÉRAL PAR  
LE REPRÉSENTANT PERMANENT DE LA JAMAHIRIYA ARABE LIBYENNE AUPRÈS  
DE L'ORGANISATION DES NATIONS UNIES

J'ai l'honneur de vous faire tenir ci-joint le cinquième rapport sur les répercussions des résolutions 748 (1992) et 883 (1993), qui porte sur la période 15 avril 1992-31 décembre 1994.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre et de son annexe comme document du Conseil de sécurité.

Le Chargé d'affaires par intérim

(Signé) Ali Sunni MUNTASSER

ANNEXE

Répercussions des résolutions 748 (1992) et 883 (1993) du Conseil de sécurité (période 15 avril 1992-31 décembre 1994)

Le contrecoup des mesures coercitives injustes imposées au peuple arabe-libyen par les résolutions 748 (1992) et 883 (1993) s'aggrave de jour en jour et touche tout les secteurs socio-économiques. Les conditions ainsi créées font également obstacle aux plans et programmes de développement et frustrant les aspirations de la population au progrès, à la prospérité et à la stabilité.

On trouvera ci-après un aperçu des immenses dommages subis par le pays sur les plans humain et matériel durant la période considérée.

I. CONSÉQUENCES SUR LE PLAN HUMANITAIRE

Santé et sécurité sociale

Notre pays s'applique à assurer la protection sanitaire et sociale de toutes les couches de la société et de tous les individus et à réaliser les objectifs fixés par la communauté mondiale dans le cadre des instances internationales et régionales, afin de concrétiser le principe "la santé pour tous".

Le secteur de la santé et de la sécurité sociale a subi des dommages matériels graves qui ont eu des répercussions sur toutes les couches de la société libyenne, de même que sur les ressortissants étrangers qui vivent en Libye. Ces conséquences peuvent être résumées comme suit :

1. Quelque 13 500 personnes gravement malades et qui ne pouvaient être traitées sur place (chirurgie cardiaque, greffe de rein, décollement de la rétine, chirurgie de la cornée, chirurgie du cerveau et neurochirurgie, fracture de la colonne vertébrale et de la cage thoracique, greffe de la moelle épinière, brûlures graves, tumeurs malignes, etc.), n'ont pu être transportées à temps vers d'autres pays en raison de l'embargo aérien et la plupart d'entre elles sont de ce fait mortes dans la souffrance et dans des conditions dramatiques.

2. Il a souvent été très difficile d'utiliser les avions-ambulances libyens en cas d'urgence, ainsi :

a) Le Comité du Conseil de sécurité a tardé à donner les autorisations d'évacuation sanitaire pour les citoyens libyens (mais non pour les étrangers);

b) Le Comité du Conseil de sécurité empêche la Libye d'utiliser la totalité de ses avions-ambulances, ne donnant son accord que pour deux appareils seulement (un Jet Star L-329, No 5A-DAJ et un SN 601, No 5A-DCK), bien que le pays possède plusieurs avions aménagés pour ce type d'opérations. Le Comité a également empêché d'obtenir les pièces de rechange nécessaires à l'entretien des avions-ambulances, y compris les deux appareils tolérés. Il y a lieu de signaler que l'avion-ambulance SN 601 est immobilisé depuis le 7 août 1994, ce qui a pour le moins limité les possibilités d'assurer chaque fois que

nécessaire, rapidement et dans des conditions de sécurité, des services humanitaires aux malades et aux blessés, tant libyens que ressortissants étrangers résidant dans le pays;

c) Les vols d'évacuation sanitaire font l'objet de formalités bureaucratiques longues et compliquées qui se traduisent par des retards dans les autorisations de survol et d'atterrissage, la nécessité de faire des escales techniques, et des fouilles dans les aéroports à l'allée et au retour - ce qui ne se justifie nullement étant donné le caractère purement humanitaire et l'urgence de ces opérations;

d) Plus de 570 personnes gravement malades sont décédées durant leur transport par route vers des pays voisins d'où elles devaient être évacuées par avion.

3. Quelque 685 nourrissons et 369 femmes en couches sont morts dans différents hôpitaux parce que les sérums, vaccins et antiseptiques, qui avant l'embargo étaient envoyés directement par avion par le fournisseur, qui employait des techniques particulières pour préserver leur efficacité et veillait à leur bonne livraison, n'étaient pas arrivés à temps.

4. Le diabète est en recrudescence et provoque de plus en plus de décès du fait qu'il n'y a pas suffisamment de sérum pour traiter en temps voulu les malades.

5. La pénurie croissante de vaccins et sérums pour enfants a perturbé tous les programmes de santé lancés dans le cadre des campagnes de vaccination nationales ou internationales, de sorte que les enfants, libyens et autres, n'ont pu recevoir à l'âge voulu les doses prévues et être immunisés conformément aux prescriptions de l'Organisation mondiale de la santé.

6. La forte circulation routière, conséquence de l'embargo, a entraîné une recrudescence du nombre de décès par accident, les risques étant multipliés en raison des grandes distances qui séparent les principales villes. Des centaines de citoyens sont morts ou sont devenus invalides : le nombre des victimes de ces accidents de la circulation a atteint 12 700, dont 1 870 morts et 10 830 blessés graves ou invalides; les dégâts causés aux véhicules, dont le nombre dépasse 16 500, ont été évalués à 850 000 dollars.

7. Les commandes de fournitures médicales, d'équipements et de fournitures pour les facultés de médecine, les centres de rééducation des handicapés, les centres sociaux et les foyers de personnes âgées, dont le montant est estimé à 75 millions de dollars, ont toutes été bloquées.

8. La plupart des établissements de santé ne peuvent plus assurer l'entretien courant et manquent du matériel médical indispensable, alors qu'il y a eu pour 16,5 millions de dollars de commandes.

9. Les produits médicaux n'ont pas été livrés à temps, en particulier les sérums, vaccins et dérivés sanguins qui sont commandés et importés selon des modalités spéciales. La plupart de ces produits, en particulier le vaccin

contre la poliomyélite, étaient déjà périmés au moment de la livraison, ce qui a eu pour conséquence une augmentation des décès dans les hôpitaux, entre autres parmi les nourrissons et les femmes en couches.

10. Tous les établissements de santé manquent de plus en plus de pièces de rechange et de techniciens pour la réparation et l'entretien des équipements médicaux. C'est ainsi que parmi les équipements ultramodernes devenus ainsi hors d'usage :

a) L'appareil à laser de l'hôpital ophtalmologique central, qui servait pour le traitement des syndromes dus au diabète et la microchirurgie de l'oeil (rétine, cornée, etc.), est inutilisable. Or il est indispensable pour les malades de tous âges qui risquent de perdre la vue;

b) Le matériel cryogénique de l'hôpital de Tajoura, spécialisé dans le traitement et la chirurgie cardio-vasculaires, est en panne. Sans cet équipement, aucune de ces délicates interventions chirurgicales ne peut se faire et la plupart des malades sont morts dans des conditions dramatiques, tandis que d'autres qui languissent dans le service de réanimation ont perdu tout espoir d'être soignés comme il le faudrait.

11. Les programmes de prévention et de soins dans les établissements scolaires, les centres de protection maternelle et infantile et les centres pour handicapés mentaux ou sourds-muets ont été très fortement perturbés.

12. Les sociétés transnationales de l'étranger ont persisté à refuser d'envoyer les médicaments et les fournitures et le matériel indispensables pour les soins et la prévention, de même que les pièces de rechange pour les avions-ambulances et les ambulances, invoquant pour cela des raisons liées à l'application de la résolution 883 (1993).

13. L'approvisionnement en fournitures médicales et les services de soins et de prévention prévus dans le cadre des accords internationaux de coopération technique ont été perturbés, alors que la Libye s'applique à renforcer cette collaboration avec tous les pays du monde afin de développer le secteur de la santé et de la sécurité sociale et d'améliorer le niveau de la prévention et des soins pour tous ceux qui vivent sur son territoire, libyens et autres.

14. Quelque 7 000 médecins et agents médicaux de différents pays ont été dans l'impossibilité de se rendre en Libye en raison des difficultés que crée le maintien de l'embargo aérien. Par ailleurs, 5 000 médecins et agents médicaux ont démissionné, ce qui a gravement perturbé la bonne marche des services médicaux dans toutes les structures de santé.

15. Plus de 200 professeurs et spécialistes de différentes disciplines médicales n'ont pu se rendre en Libye traiter des cas difficiles, procéder à des opérations chirurgicales délicates dans les hôpitaux et centres de santé publique, participer à des congrès de médecine et faire passer les examens universitaires qui ont lieu à différentes époques de l'année dans les facultés de médecine libyennes.

## II. CONSÉQUENCES ÉCONOMIQUES

### A. Secteur de la production agricole et de l'élevage

L'application des sanctions décrétées en vertu des résolutions 748 (1992) et 883 (1993) pour la période allant du 15 avril 1992 au 31 décembre 1994 a causé des dommages considérables et des pertes financières importantes dans toutes les branches de l'agriculture et de l'élevage, comme précisé ci-après.

#### 1. Production agricole

Il a été impossible de passer des contrats en vue d'importer des greffons d'espèces qui résistent aux maladies et qui conviennent aux différents types de terre où les espèces locales ont du mal à pousser. Les plans et les programmes n'ont pas inclus de nouvelles espèces, de sujets sauvages, de semences et les principales plantes oléagineuses sur lesquels s'appuient la plupart des exploitants de pépinières privées et publiques en vue de produire des plants localement, ce qui s'est traduit par des pertes financières estimées à environ 6 310 000 dollars.

Les agriculteurs et nombre de communautés n'ont pas pu exporter leurs récoltes de fruits et légumes, dont la valeur est estimée à 495,5 millions de dollars.

Il a été impossible d'importer le matériel et les facteurs de production nécessaires aux vergers, ce qui vient s'ajouter à la difficulté de trouver la main-d'oeuvre technique pour travailler dans les projets agricoles publics et privés. Cela a fortement diminué la production des vergers locaux et empêché de dispenser les soins nécessaires aux arbres et les services connexes; les pertes sont estimées à 40 % de la production escomptée, ce qui représente un manque à gagner estimé à 12,5 millions de dollars.

Il a été impossible d'importer des ruches et les autres matériels d'apiculture et les pertes financières sont estimées à 5 111 915 dollars, la diminution de la production de miel se chiffrant à 8 116 786 dollars.

L'application des sanctions a entraîné une diminution de la production agricole, en particulier des céréales et du fourrage, ce qui a entraîné des pertes matérielles et financières ventilées ci-après :

Tableau 1

Produit	Production (en milliers de tonnes)		Déficit	
	Prévus	Effective	(Volume en tonnes)	(Valeur en dollars)
Blé	263 502	130 760	121 742	40 034 104
Orge	692 294	252 448	239 846	42 702 512
Légumes	30 243	16 000	16 243	3 817 750
Fourrage	789 994	576 716	213 278	56 207 256
<b>Total</b>	<b>1 065 933</b>	<b>974 524</b>	<b>650 109</b>	<b>142 516 622</b>

/...



Les pertes matérielles et financières enregistrées concernant certains produits agricoles au cours de la campagne agricole 1994 sont indiquées dans le tableau ci-après :

Tableau 2

Produits	Déficit (en tonnes)	Valeur (en dollars)
Fruits, olives et amandes	194 142	410 415 300
Légumes et plantes dont les feuilles servent à la fabrication de papier	411 740	617 610 000
Céréales	174 200	60 776 000
Total	780 082	1 088 801 300

2. Élevage

Les pertes enregistrées dans le secteur de l'élevage, qui augmentent de jour en jour, peuvent se résumer comme suit :

a) Ovins et caprins

Le taux de mortalité des agneaux et des chevreaux nouveau-nés a atteint 53 % (4 764 000 têtes).

Le taux de mortalité des brebis et des chèvres a atteint 35 % (2 692 000 têtes). Ce taux de mortalité a entraîné une baisse de 92 280 tonnes de la production de viande de boucherie et un manque à gagner qui s'élève à 2 442 840 000 dollars.

b) Bovins

Le taux de mortalité des veaux nouveau-nés a atteint 30 % (18 950 têtes).

Le taux de mortalité des vaches a atteint 28 % (24 200 têtes), ce qui a entraîné une baisse de la production de viande de boucherie atteignant 7 544 tonnes, d'où un manque à gagner de 121 320 000 dollars.

c) Production laitière

Le déficit de la production laitière a été d'environ 42 millions de litres, ce qui représente un manque à gagner de 23 millions de dollars.

d) Aviculture

Le déficit de la production de viande de volaille a atteint 41 421 tonnes et la baisse de la production d'œufs destinés à la consommation a atteint 683 590 750 œufs, le manque à gagner pour la viande et les œufs s'élevant à 329 967 617 dollars.

### 3. Bois et pâturages

Les pertes matérielles et financières enregistrées dans le domaine de la sylviculture peuvent se résumer comme suit :

Le matériel et les équipements nécessaires à la lutte contre les incendies de forêt n'ont pas pu être livrés à temps, ce qui a provoqué des dommages considérables d'un coût évalué à 2 280 000 dollars.

Les programmes d'aménagement et de mise en valeur des pâturages n'ont pas pu être exécutés dans les délais prévus, ce qui a entraîné des pertes énormes, dont le coût est estimé à 1 050 000 dollars.

Les problèmes rencontrés pour se procurer les fournitures, outils, appareils et diverses machines agricoles qui doivent être importés par avion et qui ont dû être acheminés par le biais d'autres États ont entraîné des dépenses supplémentaires estimées à 351 000 dollars.

### B. Secteur des transports et des communications

Le secteur des transports et des communications a subi pendant la période allant du 15 avril 1992 au 31 décembre 1994 des dommages matériels importants dont le coût est évalué à 905 157 000 dollars. Il convient d'y ajouter les préjudices moraux écrasants causés par la poursuite du blocus aérien imposé à l'encontre de la Grande Jamahiriya en vertu des résolutions 748 (1992) et 883 (1993) du Conseil de sécurité, qui ont eu des effets négatifs sur les compétences et le moral de tous les travailleurs du secteur. Les dommages infligés sont les suivants :

#### 1. La Jamahiriya Libyan Arab Airlines

La Jamahiriya Libyan Arab Airlines a subi les pertes financières les plus importantes, celles-ci s'élevant à 621 millions de dollars, ce qui a contraint ses responsables à fermer 18 agences à l'étranger et la plupart de ses agences à l'intérieur du pays, ainsi qu'à licencier de nombreux membres de son personnel.

#### 2. Société socialiste des aéroports

La société socialiste des aéroports a subi des pertes financières évaluées à 56 875 000 dollars, ce qui a contraint ses responsables à la dissoudre et à arrêter complètement ses activités, aucune recette n'étant perçue du fait de l'arrêt des mouvements de l'aviation internationale en direction de la Grande Jamahiriya et depuis celle-ci.

#### 3. La Compagnie de transport aérien léger

La Compagnie de transport aérien léger a vu ses recettes diminuer d'environ 17 337 000 dollars, faute d'avoir obtenu les pièces de rechange nécessaires pour exploiter ses appareils et former son personnel volant, et exécuter ses plans et programmes en harmonie avec le niveau et les taux d'exploitation relevés au plan international.

4. La Compagnie arabe libyenne de transport aérien de marchandises

La Compagnie arabe libyenne de transport aérien de marchandises a subi des pertes financières estimées à 163 millions de dollars, ayant dû arrêter ses activités extérieures et intérieures faute de pouvoir obtenir les pièces détachées nécessaires pour entretenir ses appareils et former son personnel naviguant, et exécuter ses plans et programmes en harmonie avec le niveau et les taux d'exploitation internationaux. Elle a dû en outre supporter les dépenses supplémentaires correspondant aux traitements et autres rémunérations qu'elle verse à son personnel sans percevoir de recettes.

5. L'Organisation générale de l'aviation civile et de la météorologie

L'Organisation générale de l'aviation civile et de la météorologie a subi des pertes financières estimées à quelque 34 millions de dollars, ventilées comme suit :

a) Versement des traitements, salaires et autres paiements sans perception des recettes escomptées;

b) Perte des recettes annuelles que la compagnie percevait au titre du transit des appareils étrangers par l'espace aérien de la Grande Jamahiriya;

c) L'arrêt de la circulation aérienne à destination des aéroports de la Grande Jamahiriya et depuis ceux-ci s'est traduit par la perte des recettes annuelles que la compagnie percevait au titre de la prestation de services au sol et de services de navigation aérienne ainsi que pour les autres facilités nécessaires, auxquelles il convient d'ajouter les autres pertes financières importantes enregistrées dans le domaine du transport aérien qui correspondent à des services et des facilités mais qui sont moins visibles et sont par conséquent difficiles à récapituler et à évaluer.

6. Transport de surface, transports maritimes et liaisons postales

Les pertes enregistrées par le secteur du transport de surface, des transports maritimes et des liaisons postales sont estimées à quelque 108 070 000 dollars qui se répartissent comme suit :

a) Compagnie nationale des transports maritimes

La Compagnie nationale des transports maritimes a subi des pertes estimées à quelque 38 570 000 dollars, dues à l'augmentation de l'utilisation des navires, et à l'augmentation des dépenses d'entretien et dépenses relatives aux services et aux pièces de rechange. La Compagnie a rencontré aussi des problèmes et des retards en matière d'émission de garanties bancaires par la Compagnie en faveur des compagnies d'assurance et des pools de garantie internationaux.

b) La compagnie socialiste des ports

Les pertes enregistrées par la Compagnie socialiste des ports sont estimées à 2 millions de dollars qui correspondent aux recettes autrefois perçues au

titre des services et de la desserte, auxquelles il convient d'ajouter l'impossibilité d'obtenir les pièces de rechange nécessaires pour exploiter et entretenir les navires.

c) Compagnie publique des postes et des communications télégraphiques et radiophoniques

Les pertes subies dans ce secteur, estimées à 39 millions de dollars, sont dues à l'augmentation des dépenses qui découlent de l'affectation de bureaux de rechange pour l'envoi et la réception de la poste internationale et du fait que des fonds destinés à la compagnie sont bloqués dans des administrations postales à l'étranger.

d) Réseau routier

Du fait de l'augmentation de l'utilisation des véhicules publics et privés, des camions et des remorques de toutes sortes sur les routes de pays, le réseau a été fortement endommagé, le coût des réparations étant estimé à 7,5 millions de dollars, auquel il convient d'ajouter la charge écrasante correspondant à l'augmentation des dépenses des travaux d'entretien des moyens de transport ainsi que l'augmentation de la consommation du pétrole et de ses dérivés.

À la suite de l'application de la résolution 883 (1993) du Conseil de sécurité, de nombreuses difficultés ont été enregistrées dans le secteur des communications et des transports du fait du blocage d'avoirs financiers appartenant aux sociétés et compagnies publiques dans ce secteur, auxquelles il convient d'ajouter les difficultés rencontrées pour émettre des lettres de garantie bancaire nécessaires pour exécuter les projets dans ce secteur public. D'autres difficultés ont été rencontrées en matière d'assurance et les opérations de transfert à l'étranger auxquelles procèdent les sociétés et compagnies publiques dans ce secteur ont engendré des dépenses supplémentaires.

C. Secteur de l'industrie et de l'exploitation minière

Depuis l'entrée en vigueur des sanctions décrétées en vertu des résolutions 748 (1992) et 883 (1993) du Conseil de sécurité, le secteur de l'industrie et de l'exploitation minière a subi des pertes financières considérables, de l'ordre de 2 milliards 500 millions de dollars, dues notamment aux facteurs suivants :

a) Forte baisse du taux d'activité, y compris dans les sociétés rattachées à ce secteur;

b) Multiplication des intermédiaires auxquels il a fallu recourir pour importer ce dont les secteurs public et privé ont absolument besoin pour pouvoir fonctionner et produire;

c) Baisse du solde d'exploitation (en devises) qui, de 1993 à 1994, a diminué de 15 % par rapport à l'année précédente, en raison des difficultés rencontrées par les banques et les établissements financiers libyens pour remplir les formalités de garanties de crédit exigées par les banques étrangères;

d) Diminution du budget des entreprises, en raison des difficultés d'émission des lettres de crédit, tardivement établies, et à la nécessité de passer par l'intermédiaire de banques étrangères.

Les pertes matérielles directes sont par ailleurs estimées à quelque 2 milliards 500 millions de dollars jusqu'à présent. Elles sont notamment dues aux facteurs suivants :

a) Les opérations d'implantation, d'exploitation et d'entretien ont dû être retardées, voire interrompues, en raison des difficultés rencontrées pour obtenir des crédits bancaires et traiter avec les sociétés et institutions étrangères concernées;

b) Certaines usines ont dû arrêter leur production durant l'année 1994, car elles manquaient de matières premières, de matériel d'exploitation et d'entretien, de pièces de rechange et autres articles indispensables;

c) Les exportations de produits industriels n'ont pas pu atteindre les niveaux visés;

d) La hausse des prix des matières premières a entraîné celle des coûts de production et du prix des différents produits fabriqués localement;

Les mesures arbitraires imposées par les résolutions 748 (1992) et 883 (1993) du Conseil de sécurité ont perturbé la coopération avec les organisations internationales et ainsi privé le secteur de l'industrie des compétences et services que nombre de ces organismes pouvaient lui offrir. Elles ont aussi gravement compromis l'exécution de bon nombre de projets, d'une importance vitale pour l'industrie et les services et qui reposent en grande partie sur l'étroite coopération de ces organisations. Ainsi :

a) Les capitaux que des institutions libyennes avaient déposés dans des fonds d'affectation spéciale de ces organisations ont été gelés (capitaux du Comité populaire général pour l'éducation et la recherche scientifique auprès de l'UNESCO; du Comité populaire général pour l'industrie et l'exploitation minière auprès de l'ONUDI; de la Caisse d'assurances sociales auprès de l'OIT, selon l'interprétation que le Comité du Conseil de sécurité créé par la résolution 748 (1992) a donnée du champ d'application de la résolution 883 (1993);

b) Le comité susmentionné a refusé d'approuver l'exécution de plusieurs projets d'une importance capitale, par exemple l'établissement par le Centre d'études agronomiques, avec la collaboration de l'Agence internationale de l'énergie atomique, d'un laboratoire devant permettre de mesurer les effets des pesticides et des engrais sur la santé humaine, animale et végétale;

c) Le Comité du Conseil de sécurité a refusé d'autoriser l'expédition, en exécution d'un marché, à la Malaisie via Singapour, de fours destinés à l'industrie pétrolière, sous prétexte que ce matériel pouvait servir à d'autres usages que celui annoncé;

d) Le Comité du Conseil de sécurité a refusé d'autoriser le retour en territoire libyen d'un avion appartenant aux Services du cadastre et qui se trouvait à Malte pour servir à des études et des projets de développement.

La hausse des prix des matières premières sur le marché local a entraîné une augmentation des coûts de production, infligeant de lourdes pertes à beaucoup d'entreprises, tenues de pratiquer des tarifs fixes qui ne couvrent pas ces augmentations.

#### D. Secteur des finances et du commerce

Le secteur des finances et du commerce, comme tous les autres secteurs vitaux, a été très largement touché. Les pertes qui ont pu être recensées jusqu'à présent sont de l'ordre de 1 milliard 832 millions de dollars. Elles sont notamment dues aux facteurs suivants :

a) Baisse du produit national brut dans l'industrie, l'agriculture, la pêche et le secteur monétaire et financier;

b) Contraction des importations et des exportations, due à la hausse des prix d'achat et de transport;

c) Diminution des recettes d'importation, en raison d'une part de la faible production industrielle agricole et dans le secteur de la pêche et, d'autre part, des difficultés auxquelles se heurtent les exportateurs du fait du maintien de l'embargo aérien;

d) Gel des avoirs libyens déposés à l'étranger, ce qui a eu pour effet de priver les agents économiques de facilités bancaires, de retarder les opérations financières et l'ouverture de crédits et d'empêcher les instruments financiers d'arriver dans les délais prévus;

e) Hausse sensible des prix sur le marché local. C'est ainsi que, pour certaines marchandises, le taux d'inflation a été supérieur à 200 % et, pour d'autres, se situait entre 70 % et 150 %. Cette flambée inflationniste a épuisé les économies des Libyens, en particulier des catégories les plus démunies, de même qu'elle a entraîné une baisse du revenu réel des ressortissants étrangers;

f) Les hommes d'affaires libyens et étrangers ont perdu beaucoup de marchés et ont aussi été contraints de voyager par mer et par voie terrestre, en passant par un ou plusieurs pays tiers, d'où des retards dans leurs calendriers de déplacements et des frais considérables.

Les pertes financières subies par le secteur des finances s'établissent comme suit :

a) Crédits bancaires destinés à financer l'importation de vêtements, chaussures, aliments pour nourrissons, appareils électroménagers et analogues, pièces de rechange, meubles, équipement de bureau et autres produits de première nécessité achetés à l'étranger pour répondre aux besoins des consommateurs locaux : environ 375 millions de dollars;

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b) Pertes dues à la baisse de la production industrielle agricole et dans le secteur de la pêche et dont les effets se sont déjà fait sentir sur le marché libyen : environ 1 milliard 75 millions de dollars;

c) Pertes dues à la baisse du volume des exportations et des importations de produits agricoles et de la pêche : environ 178 millions de dollars;

d) Pertes dues au gel des avoirs libyens déposés à l'étranger et à l'impossibilité de traiter avec des banques pour ouvrir des crédits et opérer des transferts afin d'importer et d'exporter tout ce qui est nécessaire au fonctionnement des secteurs public et privé : environ 107 millions de dollars;

e) Frais supplémentaires lorsque les hommes d'affaires libyens des secteurs public et privé ont dû, pour pouvoir s'acquitter de leurs tâches et autres obligations, aller prendre des avions de compagnies étrangères dans des pays voisins et faire de longs détours avant d'atteindre leur destination finale : environ 97 millions de dollars.

E. Récapitulatif des pertes financières imputables à l'application des résolutions 748 (1992) et 883 (1993) du Conseil de sécurité durant la période 15 avril 1992-31 décembre 1994

<u>Secteur</u>	<u>Montant des pertes (Dollars)</u>
1. Santé et services sociaux	92 350 000
2. Agriculture et pêche	4 679 710 240
3. Communications et transports	905 157 000
4. Industrie et exploitation minière	2 500 000 000
5. Finances et commerce	1 832 000 000
 Total	 <u>10 099 217 240</u>

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LETTRE DATÉE DU 19 JUILLET 1995, ADRESSÉE AU SECRÉTAIRE  
GÉNÉRAL PAR LE SECRÉTAIRE GÉNÉRAL DE L'ORGANISATION DE  
L'UNITÉ AFRICAINE

J'ai l'honneur de vous informer qu'à sa soixante-deuxième session, tenue à Addis-Abeba du 21 au 23 juin 1995, le Conseil des ministres de l'Organisation de l'unité africaine (OUA) a adopté la résolution CM/Res. 1587 (LXII) concernant la crise entre la Jamahiriya arabe libyenne et les États-Unis d'Amérique, le Royaume-Uni et la France. Veuillez trouver ci-joint le texte de ladite résolution, qui a été entérinée par la trente et unième session ordinaire de la Conférence des chefs d'État et de gouvernement de l'OUA.

Je vous serais obligé de bien vouloir faire distribuer le texte de cette résolution comme document du Conseil de sécurité.

(Signé) Salim Ahmed SALIM

ANNEXE

[Original : anglais, arabe  
et français]

Résolution sur la crise entre la Grande Jamahiriya arabe  
libyenne et les États-Unis d'Amérique, du Royaume-Uni et  
la France

Le Conseil des ministres de l'Organisation de l'unité africaine, réuni en sa soixante-deuxième session ordinaire, du 21 au 23 juin 1995, à Addis-Abeba, Éthiopie,

Guidé par les principes et objectifs des Chartes des Nations Unies et de l'OUA appelant les États Membres à régler leurs différends par des moyens pacifiques, à respecter l'indépendance de tous les États Membres et à s'abstenir de toute menace contre leur souveraineté, leur intégrité territoriale et la sécurité de leur peuple,

Ayant examiné le rapport du Secrétaire général sur le différend opposant la Libye aux États-Unis, au Royaume-Uni et à la France,

Ayant entendu la déclaration du Président du Comité ministériel de l'OUA sur ledit différend créé par la résolution CM/Res. 1566 (LXI) adoptée par la soixante et unième session ordinaire du Conseil, ainsi que celle du chef de la délégation libyenne,

Rappelant la déclaration du Secrétaire général de l'OUA du 6 décembre 1991 concernant les menaces américaine et britannique formulées contre la Grande Jamahiriya, et dans laquelle le Secrétaire général demande aux parties concernées de faire preuve de retenue et d'essayer de trouver une solution à cette question par le biais du dialogue et de moyens pacifiques, conformément aux principes du droit international, de respect de la souveraineté des États et de s'abstenir de tout acte susceptible d'entraver les procédures légales,

Tenant compte de la position de la Grande Jamahiriya qui condamne le terrorisme sous toutes ses formes et tous ceux qui ont recours au terrorisme ou l'encouragent, ainsi que de la disponibilité totale de la Jamahiriya à apporter sa coopération à tout effort régional ou international visant à trouver une solution à ce problème,

Notant avec satisfaction les initiatives positives prises par la Grande Jamahiriya pour résoudre ce différend, son acceptation de la résolution du Conseil de sécurité 731 (1992) et sa requête adressée au Secrétaire général pour qu'il trouve une formule pour l'application de ladite résolution, ainsi que la coopération dont elle a fait preuve dans le contexte de ses initiatives et de ses propositions,

Profondément préoccupé par les préjudices humains et matériels que subissent les peuples arabes en Libye et dans les pays voisins à cause des mesures coercitives prises à l'encontre de la Libye en application des deux résolutions du Conseil de sécurité 748 (1992) et 883 (1993),

Déplorant l'indifférence des trois pays occidentaux à l'égard de toutes les résolutions successives prises par les organisations régionales en faveur d'une solution juste et équitable du différend,

Réaffirmant la grave menace que représente la crise de Lockerbie pour la paix et la sécurité en Afrique, notamment en Afrique du Nord et dans la région méditerranéenne, s'il n'est pas trouvé une solution satisfaisante pour toutes les parties,

Rappelant toutes les déclarations, tous les communiqués et toutes les résolutions pertinentes du Conseil des ministres, de la Conférence des chefs d'État et de gouvernement, ainsi que de l'Organe central sur la prévention, la gestion et le règlement des conflits sur cette question,

Appréciant les initiatives positives prises par la Grande Jamahiriya arabe libyenne pour trouver une solution à la crise sur la base du respect de la souveraineté et du droit international et de son acceptation de la résolution 731 (1992) du Conseil de sécurité,

Toujours préoccupé par les souffrances endurées par le peuple arabe libyen et les États voisins à la suite des sanctions injustes imposées contre la Libye, avec toutes leurs conséquences sur les travailleurs immigrants dans ce pays,

1. Se félicite de la déclaration de la Grande Jamahiriya arabe libyenne populaire et socialiste réitérant sa condamnation du terrorisme et sa totale disponibilité à coopérer, dans le cadre des efforts internationaux, avec toute partie concernée par la lutte contre le terrorisme et son éradication, ainsi que du sens élevé de responsabilité et de la retenue avec lesquels la Libye traite cette crise;

2. Exprime sa préoccupation devant l'escalade de la crise et les menaces d'imposer des sanctions supplémentaires ou d'utiliser la force comme méthode dans les relations entre États, ce qui constituerait une violation des Chartes de l'OUA et de l'ONU ainsi que du droit et des normes internationaux;

3. Réaffirme sa solidarité avec la Grande Jamahiriya arabe libyenne populaire et socialiste et exhorte toutes les parties concernées à éviter toute mesure susceptible de faire monter la tension et, partant, d'avoir des conséquences néfastes pour le peuple arabe libyen et les pays voisins;

4. Exprime une fois de plus sa satisfaction pour la disponibilité de la Jamahiriya arabe libyenne à trouver une solution pacifique au différend et à coopérer à cette fin en instaurant un dialogue sincère avec les parties au conflit;

5. Se félicite du travail accompli par le Comité ministériel de l'OUA sur le différend et lui demande de continuer à coordonner les efforts et les initiatives, en explorant toutes les possibilités de dialogue avec le concours du Secrétaire général en vue de garantir un règlement pacifique et juste du différend et d'en faire rapport au Conseil en temps opportun;

6. Déplore le maintien des sanctions contre la Libye en dépit des efforts déployés et des initiatives prises par les différentes organisations régionales et internationales pour trouver une solution pacifique et juste à la crise, conformément au droit international;

7. Réitère son appel au Conseil de sécurité pour qu'il reconsidère ses résolutions 731 (1992), 748 (1992) et 883 (1993) dans le sens de la levée de l'embargo qui frappe la Libye;

8. Lance un appel à toutes les parties concernées pour qu'elles répondent favorablement aux initiatives allant dans le sens du dialogue et des négociations, en vue d'aboutir à une solution pacifique de la crise conformément à l'Article 33 du Chapitre 6 de la Charte de l'ONU qui invite les pays à régler leurs différends par voie de négociations, de médiation et de procédures légales conformément au droit international, et demande un jugement juste et équitable des deux suspects dans un pays neutre accepté par toutes les parties concernées;

9. Sollicite le soutien des organisations internationales, notamment la Ligue des États arabes, l'Organisation de la Conférence islamique, le Mouvement des non alignés et le Groupe des 77, en faveur de la Libye dans sa demande légitime d'un siège au Conseil de sécurité et se déclare énergiquement opposé à toute tentative visant à priver la Libye d'un siège au Conseil de sécurité en raison du différend de Lockerbie.

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LETTRE DATÉE DU 27 JUILLET 1995, ADRESSÉE AU PRÉSIDENT DU  
CONSEIL DE SÉCURITÉ PAR LE REPRÉSENTANT PERMANENT DE LA  
JAMAHIRIYA ARABE LIBYENNE AUPRÈS DE L'ORGANISATION DES  
NATIONS UNIES

J'ai l'honneur de vous faire tenir le texte d'une lettre émanant de  
S. E. M. Omar Mustafa Muntasser, Secrétaire du Comité populaire général pour les  
relations extérieures et la coopération internationale.

Je vous serais obligé de bien vouloir faire distribuer le texte de la  
présente lettre et de son annexe comme document du Conseil de sécurité.

Le Représentant permanent

(Signé) Mohamed Abulgassem AZWAI



Annexe

J'ai l'honneur de vous informer que l'Administration américaine, dans une lettre qu'elle a envoyée le 12 juillet 1995 au Congrès des États-Unis au sujet de l'état d'urgence national en Libye, a de nouveau prétendu que les politiques et les actions du Gouvernement libyen continuaient de constituer une menace anormale pour la sécurité nationale et la politique étrangère des États-Unis d'Amérique et que la paix et la sécurité internationales continuaient d'être menacées par le fait que le Gouvernement libyen persistait à ne pas démontrer qu'il avait renoncé au terrorisme et, en particulier, à ne pas se conformer pleinement et efficacement aux décisions et aux exigences énoncées dans les résolutions 731 (1992) et 748 (1992) du Conseil de sécurité. Dans sa lettre, l'Administration américaine a menacé de prendre des mesures internationales encore plus rigoureuses que celles qui ont été décrétées dans la résolution 883 (1993) du Conseil de sécurité, y compris un embargo total sur le pétrole.

Le Comité populaire général pour les relations extérieures et la coopération internationale tient à souligner que les allégations que l'Administration des États-Unis persiste à propager, depuis que l'état d'urgence a été déclaré le 17 janvier 1986 en vertu du décret No 12543 et que des sanctions économiques ont été décrétées à ce titre contre la Libye, sont mensongères et n'ont aucun fondement dans la réalité.

La Jamahiriya arabe libyenne est un pays pacifique attaché aux principes du droit international et aux buts et principes de l'Organisation des Nations Unies. Elle oeuvre de concert avec la communauté internationale en vue de maintenir la paix et la sécurité internationales et de renforcer les autres objectifs des Nations Unies. Elle s'efforce de régler ses différends avec d'autres pays par des moyens pacifiques, comme le montrent ses bons antécédents à l'égard de la Cour internationale de Justice, à la juridiction de laquelle elle a eu recours et dont elle a également respecté les jugements.

Le Comité populaire général pour les relations extérieures et la coopération internationale tient également à souligner que ni les politiques ni les actions de la Libye ne constituent en quoi que ce soit une menace pour la sécurité nationale ou la politique étrangère des États-Unis. Il est au contraire absolument impensable que ces politiques et ces actions puissent menacer la sécurité nationale américaine et il est ridicule de suggérer le contraire. Comme les faits et les événements le prouvent, la vérité est que ce sont les politiques et les actions de l'Administration américaine qui ont constitué une menace tout à fait réelle pour la sécurité nationale de la Libye au cours de ces dernières années. L'agression armée injustement commise par les États-Unis contre la Libye en 1986 n'est-elle pas un exemple sinistre de ces politiques et de ces actions?

Malgré ces allégations dénuées de tout fondement, la Jamahiriya arabe libyenne s'est toujours attachée à démontrer qu'elle était prête à examiner tout problème ou différend afin de le régler par l'un des moyens pacifiques préconisés dans la Charte des Nations Unies. En effet, depuis qu'est né le différend juridique concernant l'affaire Lockerbie, elle a demandé aux Gouvernements des États-Unis d'Amérique et du Royaume-Uni d'ouvrir la voie au dialogue afin de parvenir à un règlement pacifique. Toutefois, ces

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gouvernements persistent à fermer toute issue susceptible de conduire à une solution pacifique. Ils ont préféré laisser la situation s'aggraver et répéter leurs allégations mensongères afin de prolonger et d'accroître la gravité des sanctions. Ils restent indifférents aux souffrances que la dureté de ces sanctions cause au peuple arabe libyen et aux populations de la région.

L'allégation de l'Administration américaine selon laquelle la résolution 731 (1992) du Conseil de sécurité n'a pas été appliquée est également dénuée de fondement. La Jamahiriya arabe libyenne s'est conformée pleinement et efficacement à cette résolution. Seule demeure en suspens le procès des deux suspects, et la Libye ainsi que les organisations régionales auxquelles elle est associée ont entrepris des efforts extraordinaires pour trouver une solution juridique. Il n'est pas possible d'énumérer ici tous ces efforts, qui ont été fidèlement reflétés dans les documents du Conseil de sécurité.

Il suffit, en réponse à l'allégation de l'Administration américaine concernant le terrorisme, de dire que la Jamahiriya arabe libyenne a engagé les trois pays occidentaux à accepter sa suggestion qu'une délégation soit envoyée pour vérifier qu'aucun camp n'est utilisé, contrairement à ce qui est prétendu, pour entraîner des terroristes sur le territoire libyen. Tout cela est bien établi dans les documents du Conseil de sécurité.

L'Administration des États-Unis continue à propager des déclarations et des allégations mensongères afin de tromper l'opinion publique, d'influencer le Conseil de sécurité et de laisser planer, sans aucune justification, la menace de sanctions sur le peuple arabe libyen. La Jamahiriya arabe libyenne déclare donc officiellement au Conseil de sécurité ce qui suit :

1. Elle demande au Conseil de sécurité d'organiser un comité pour étudier les faits et examiner la véracité des allégations de l'Administration américaine selon lesquelles les politiques et les actions libyennes constituent une menace anormale pour la sécurité nationale et la politique étrangère des États-Unis d'Amérique.

2. La Jamahiriya arabe libyenne se déclare à nouveau disposée à recevoir une délégation choisie par le Secrétaire général de l'Organisation des Nations Unies afin de vérifier qu'aucun camp n'est utilisé, contrairement à ce qui est prétendu, pour entraîner des terroristes sur le territoire libyen. La Jamahiriya espère que le Conseil de sécurité demandera au Secrétaire général d'envoyer dès que possible une telle délégation. De même, elle espère que le Conseil de sécurité demandera aux trois États de cesser de faire des déclarations générales et ambiguës qui portent atteinte à la réputation d'un État Membre des Nations Unies.

3. La Jamahiriya arabe libyenne exige de nouveau qu'une enquête indépendante soit menée afin de faire la vérité sur l'incident qui a causé la destruction de l'appareil de la Pan American au-dessus de Lockerbie, étant donné l'insuffisance des enquêtes précédentes et les doutes qui s'y attachent. Elle exige également que soient suspendues les sanctions décrétées par le Conseil de sécurité dans les résolutions 748 (1992) et 883 (1993) jusqu'à ce que soient publiés les résultats de l'enquête.





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Si ces demandes sont satisfaites, elles mettront fin aux allégations mensongères qui sont répétées périodiquement et qui sont extrêmement nuisibles aux relations internationales.

Le Secrétaire du Comité populaire  
général pour les relations extérieures  
et la coopération internationale

(Signé) Omar Mustafa MUNTASSER

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# *The* **Guardian**

JULY 29 1995

► **Inside Story:** Paul Foot & John Ashton

More than six years on from the Lockerbie disaster, no one appears any wiser about how and why the bombing happened. The authorities always claimed there was no warning of an attack on a Pan-Am flight. New information proves that this is untrue

# Body of evidence

**W**HO planted the bomb which blew Pan Am 103 out of the sky over Scotland, killing all 259 people on board? Six-and-a-half years after the Lockerbie disaster, none of the bereaved families or friends of the dead knows the answer. A bewildering array of different suspects has been paraded before them. Even the identity of the airport where the bomb was planted is unclear.

From their governments on both sides of the Atlantic the families have had to put up with paralysis, duplicity and, finally, silence. The current suspects, they are told, are two Libyan airline officials who put the bomb on a flight from Malta. The officials vehemently deny the charge. They refuse to go to court in Britain or the US. Until they stand trial in either of those countries, say the governments and the United Nations, no questions about the disaster will be answered. The whole issue is gridlocked. All further inquiry is officially discouraged.

"The official version," says Dr Jim Swire, whose daughter died at Lockerbie, "is no longer credible." This article follows the Lockerbie story from the point of view of the bemused British relatives and friends of the victims. Drawing on hitherto unpublished documents, it casts doubt on the central thesis of the official version — that the Lockerbie bomb first went on a plane at Malta. It provides new information, until now classified, that western intelligence knew perfectly well that a Pan Am airliner was in danger from terrorists. It exposes a co-ordinated campaign by the authorities on both sides of the Atlantic to smear and intimidate investigators who question the official version — and their witnesses and sources. And it calls for more investigation and more disclosure on both sides of the Atlantic.

**THE FATAL NIGHT**  
*The Strange Case Of Dr Fieldhouse*  
Weird and inexplicable happenings haunted the Lockerbie disaster on the very night the plane went down — December 21, 1988. Dr David Fieldhouse, an experienced police surgeon from Bradford, Yorkshire, heard about it on News At Ten. He went straight to the telephone and phoned the police station at Lockerbie. If he could be of any use, he said, he could be at Lockerbie in less than an hour-and-a-half.

The Lockerbie police eagerly accepted his offer, and a few minutes later he was on the motorway to Scotland. He got there before midnight, reported to the police station, and was eventually sent out with a police officer to find bodies and certify them dead. All through the long, cold night the doctor and his companion slogged through the fields round Tundergarth church. Not stopping for sleep or food, he worked all through the following day as well. When he reported to the police station that evening, he had certified 59 bodies dead and labelled them accordingly. In the following weeks he gave up large chunks of his spare time travelling to Lockerbie and helping the police properly to identify the bodies and where they had been found.

For this selfless effort Dr Fieldhouse received, and expected to receive, no recognition. What was his reward? Nearly two years later, without any warning, he was unjustifiably tarnished by a police officer in official sworn evidence to the fatal accident inquiry into the Lockerbie disaster.

The officer was Sergeant David Johnston of the Strathclyde police. His evidence was "led" by Lord Fraser of Carmyllie, the Scottish Lord Advocate. Fraser is a career politician in the ruling Conservative Party, who had served briefly in the House of Commons as a Tory MP for Aberdeen. Sgt Johnston started his evidence about Dr Fieldhouse

as follows: "On the evening of the disaster," he said, "and in the early hours of the following day, Dr Fieldhouse went out and examined a number of victims on his own, pronouncing life extinct, and attached on them his own form of identification. This was not known to us until some considerable time later."

In fact, Dr Fieldhouse was accompanied throughout by police officers, three of whom he has named. He kept in close touch with the police throughout. The sergeant was completely wrong, but Lord Fraser did not correct him. On the contrary, the Lord Advocate continued with a series of questions which rubbed salt in the doctor's wounds. After asking about the discovery of the body of US businessman Tom Ammerman, Fraser went on:

Q. Would this be another example of Dr or Mr Fieldhouse carrying out a search on his own?

A. It would, my Lord.  
Q. And marking the body of a person who is dead without notifying the police?

A. That is correct.  
It was not correct at all. Mr Ammerman's body had been found by Dr Fieldhouse and an accompanying police officer. It was marked in the presence of and with the agreement of the police officer.

When Dr Fieldhouse appeared at the inquiry some weeks later — on January 22, 1991 — he quietly disposed of all the allegations which had been tossed about so freely in public. He was puzzled to hear that there were 58 bodies identified in the area he'd worked in — he had identified and tagged 59. He was amazed that all except two of his labels had all been thrown away and replaced with others.

Sheriff Mowat, who was in charge of the inquiry, concluded: "I would record my thanks to Dr Fieldhouse and my apologies for the undeserved criticism of his activities."

Nearly two years later, in December

Continued overleaf

1993, Dr Fieldhouse gave an interview for a film about Lockerbie. A few days after the interview, Fieldhouse was summoned to a meeting with two senior West Yorkshire police officers at Wakefield and sacked as police surgeon. He was given three month's notice — but no credible explanation.

#### **FARMER WILSON'S SUITCASE**

The treatment of Dr Fieldhouse is not the only story from the tragic windswept night round Lockerbie which still puzzles relatives of the dead. What is the truth, they wonder, about Farmer Jim Wilson, of Tundergarth Mains Farm near Lockerbie, whose fields were littered with the debris of bodies and baggage after the crash? He told one of the relatives who visited him soon after the disaster that he had been puzzled by the police response to a suitcase he had found in one of his fields.

The case, he said, was full of cellophane packets of a white powder, which he thought were drugs. He told the police about it, but they did not react. He had to ring them a second time before they came to take it away. Farmer Wilson, who now understandably refuses to answer questions on the subject, gave evidence at the fatal accident inquiry. To his surprise, he was not asked about the suitcase or the drugs he assumed were in it. The authorities on both sides of the Atlantic continued to insist that no drugs, save a small quantity of cannabis, were found on Pan Am 103.

Some of the relatives carried out further inquiries. They discovered that the name Farmer Wilson had seen on the suitcase did not correspond with any of the names on the Pan Am 103 passenger list.

#### **THE INVASION OF INVESTIGATORS**

A senior official at Carlisle airport was astonished at the numbers of officials who arrived by plane from London that night and the following day. At least two coachloads of people arrived before midnight on a Boeing 727. Around 20 of them were Pan Am employees, but there were many other Americans with no obvious affiliation. Another 727 arrived in the early afternoon of December 22, this time bringing people from the US. In it were yet more men in plain clothes. Among their baggage was a single coffin. When they realised that they were being filmed by a cameraman from the local Border TV, they became agitated and demanded that he stop.

Since permission had been granted by the local police, the airport official allowed the cameraman to continue and the pictures were broadcast that night. No explanation has been given about the coffin.

#### **THE STRANGE OFFER TO DAVID JOHNSTON**

David Johnston, a young reporter from Radio Forth in Edinburgh, with excellent contacts with the Scottish police, was one of the first journalists on the scene of the disaster. In a news bulletin on February 2, 1989, he reported a claim that the bomb had been planted on a crack team of US intelligence agents who were travelling on flight 103 on their way back from Beirut.

Within an hour of the programme being broadcast Johnston was visited in his office by senior Edinburgh police who demanded to know the source of the story. When he refused to disclose it, he was threatened with prosecution and, simultaneously, made a bizarre offer: to reveal his source to the Prime Minister in Downing Street. He turned that down as well.

#### **THE STRANGE CASE OF THE RED TARPULIN**

On the night of the disaster, and for weeks afterwards, teams of rescue volunteers searched the area. One volunteer was Ron Smith of Castle Douglas in Galloway. Earlier this year he revealed that fellow rescue workers had come across a large object under a red tarpaulin. As they approached it, they were warned off by gunmen in the doorway of a hovering helicopter. One of these volunteers has spoken to us. He confirms that the incident took place just north of the road from Lockerbie to Langholm Road, at Map reference 294 818. Farmer Innes Graham was also warned by Americans to stay away from a small wooded area on top of the hill to the west of his family's farm near Waterbeck, a few miles east of Lockerbie. These strange experiences on that first night worried many of the bereaved relatives. Their worries soon turned into anger.

#### **HOW MUCH DID THE AUTHORITIES KNOW BEFOREHAND?**

##### *Was Botha Warned?*

Almost at once, there was a strong suspicion that the authorities knew the airliner was in danger, and passed the information on to selected passengers. The most dramatic example of this which was published in the German paper *Die Zeit*, on the first anniversary of the disaster. The paper suggested that the South African Foreign Secretary, Pik Botha, and his retinue intended to fly on 103 but had been warned off. Botha eventually flew on the earlier flight, Pan Am 101, which, unlike flight 103, had special security checks at Heathrow.

Botha and the South African foreign office have denied that he was warned off 103, and no one in South Africa or Britain has been able finally to confirm or refute the *Die Zeit* story. But there were two other crucial pieces of evidence — one of them never before published — that Pan Am 103 was known to be in danger before it took off.

#### THE HELSINKI WARNING

On December 5 1988, 16 days before the disaster, a man rang the American Embassy in Helsinki, Finland, with a message that within the next two weeks a Finnish woman would carry a bomb aboard a Pan Am aircraft flying from Frankfurt to the US. The caller spoke with a Middle Eastern accent and said that the people behind the bomb attempt had links to the notorious terrorist Abu Nidal. The Embassy sent a classified cable to the state department, which was copied to the American consulate in Frankfurt and other embassies. The US President's Commission's report on aviation security and terrorism, which reported in May 1990, reckoned that "thousands of US government employees saw the Helsinki threat".

Among the lucky ones were the Americans who worked in the US Embassy in Moscow. On December 13, a week and a day before Pan Am 103 went down, an "administrative notice to all employees" was posted on the board of the Embassy.

At least one civilian in Moscow changed his flight as a result of the posted warning, and another employee changed the booking she had made for a US journalist. Not a single Russian embassy worker took flight Pan Am 103 from Frankfurt on December 21, a standard and popular route home for Christmas.

The US President's Commission on Lockerbie reported that by December 10 the Finnish Police had concluded that the warning was "not a credible one". Similarly, the British Department of Transport told Pan Am in December that the British intelligence community had concluded that the threat was "not real".

Yet the notice went up on the board in Moscow three days after the conclusion of the Finnish police that the notice was not credible. Moreover, the US Federal Aviation Authority did not give an "all clear" to the aviation authorities. Neither did Pan Am dismiss the warning. Their officials started special screening of Finnish women passengers.

The news of the Helsinki warning broke soon after the disaster and engulfed many relatives in rage and despair. The British Secretary of State for Transport, Paul Channon, reluctantly disclosed that there had been only 16 bomb warnings about aircraft relevant to Britain in 1988, none of them as specific as the one in Helsinki.

Channon and his successors insisted that the Helsinki warning was "a hoax". Martin and Rita Cadman were dubious. Their beloved son Bill, 32, a brilliant sound designer, was on the fatal plane. Three-and-half years after the disaster, in July 1992, they read in the Independent that a man called Stephen Docherty had been sent to prison for four years for making a hoax call to police about a bomb at Victoria station. Martin Cadman wrote at once to the Finnish embassy in London asking who had been prosecuted for the hoax call about the Pan Am airliner and what punishment they received. The answer came back on November 17, 1992. "The identity of the caller cannot be disclosed, as sufficient evidence has not been assembled to convict the chief suspect, a foreigner who obtained Finnish citizenship."

Martin and Rita Cadman were vindicated. If the hoaxer could not be identified, who could say for sure that the call was a hoax? They fired off a letter to the Earl of Caithness, junior Minister for Transport, asking for a further inquiry into the Helsinki warning. Caithness replied that he had "nothing to add, and had not got the authority to release the name of the hoax caller".

When the Cadmans pointed out that no hoaxer had yet been identified, they received a couple of testy letters from the director and coordinator of transport security at the Department of Transport, Mr Harry Ditmas. "This warning was a hoax," echoed by Mr Ditmas, without proof or explanation. The Cadmans' irritation at the duplicity of the authorities increased when the "Helsinki hoaxer" had been named two years before they were told he could not be identified. He was a Palestinian resident in Finland called Samra Mahayoun.

#### THE STATE DEPARTMENT WARNING

Today we can reveal another warning, issued by an intelligence source to the US State Department's Office of Diplomatic Security. This warning was issued three days before the phone call in Helsinki. It has recently been released - but not yet published under the Freedom of Information Act. The name of the informant is blacked out, and the message reads:

"Team of Palestinians not assoc with Palestinian Liberation Organisation (PLO) intends to atk US tgts in Europe. Time frame is present. Tgts specified are Pan Am airlines and US mil bases."

This is the clearest proof that the US government had direct intelligence information threatening Pan Am. The comment attached to it read as follows: "We cannot refute or confirm this".

#### OPERATION AUTUMN LEAVES

Astonishingly, five weeks before this warning was received, a "team of Palestinians not associated with the PLO" had been arrested in Germany in possession of a bomb in a Toshiba cassette recorder strikingly similar to the bomb which destroyed Pan Am 103 over Lockerbie.

In the months before the bombing the German police had mounted an anti-terrorist operation under the code-name Autumn Leaves. The operation had led to the arrest of a gang associated with a splinter group of the Palestinian movement, the Popular Front for the Liberation of Palestine - General Command (PFLP-GC). The leader of this splinter was Ahmed Jibril, who enjoyed the confidence and protection of the government of Syria and its dictator Hafez al-Assad. Jibril had masterminded several terrorist attacks in recent years, and had, so the intelligence agents reported, taken on an assignment to revenge the shooting down the previous summer of an Iranian airbus by a US warship.

All 290 people on the airbus had been killed. Outrage in Iran was intense and there were widespread demands for

revenge. Tehran radio declared that the incident would be avenged "in blood-spattered skies". Moreover, the intelligence reports revealed, the leader of Jibril's terrorist gang, Hafez Daikamoni, had been arrested outside a flat in Neuss, Germany, not two hours drive from Frankfurt, from whose airport Pan Am 103's feeder flight had originated. A bomb with a barometric pressure switch, packed inside a Toshiba radio cassette recorder, was found in his car.

Investigators were in no doubt that the bomb was specifically designed to blow up aircraft. Pieces of a similar model of recorder had been found in the wreckage at Lockerbie. The conclusion seemed inescapable. Pan Am 103 had been blown up by a Palestinian gang, protected by Syria and paid for by Iran. The German police knew the name of the bomb-maker they had arrested - Marwan Khreesat. Mysteriously, Khreesat was released soon after he had been arrested with Daikamoni. The official reason was that there was not enough evidence against him. In April 1989, further police raids in Neuss produced two more bombs designed by Khreesat specifically to blow up aircraft. By then no one was in any doubt that Khreesat had made the bomb which found its way on to Pan Am 103A before it left Frankfurt for Heathrow.

#### LUNCH AT THE GARRICK

One man utterly confident of this conclusion was Paul Channon, British Secretary of State for Transport. On March 16 1989, less than three months after Lockerbie, Channon lunched in London's exclusive Garrick Club with five of Britain's top journalists.

Channon beamed at the journalists over the excellent food and wine. The "brilliant detective work of the smallest police force in the country" - Dumfries and Galloway - had, he revealed, uncovered the guilty bombers. Arrests, Channon told his wide-eyed hosts, were imminent. Such conversations, espe-

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cially at the Garrick Club, are "on lobby terms": that is, not for attribution.

But the size of the scoop they had been offered was too much for at least one of the journalists. Next morning's papers carried the sensational news that a cabinet minister had revealed that the Lockerbie killers had been identified and would soon be arrested.

#### OPERATION 'LOW-KEY'

Almost at the exact moment as Channon was exciting the journalists over that Garrick lunch, George Bush, the US President, telephoned the British Prime Minister, Margaret Thatcher. Lockerbie was the subject of their conversation. No doubt Bush too had heard of the success of the Scottish police. His advice to Mrs Thatcher however was to "low-key" any excitement over Lockerbie.

The news of this telephone conversation was reported on January 11 1989 in the Washington Post by Jack Anderson and Dale Van Atta. The conversation was denied by both the White House and 10 Downing Street, but Anderson and Van Atta stuck to their story. Whatever was said that March morning, the subject of Lockerbie suddenly slipped from the ecstatic high sung by Channon to a very low key indeed.

The bereaved families, who had assumed after all the publicity for the Garrick lunch that the suspects for the bombing would soon be brought to trial, noticed to their horror that the whole affair seemed to slip suddenly from the public gaze. They stepped up their demand for a proper inquiry. In September 1989, six months after the Garrick lunch, the newly-formed UK Families Flight 103 met Paul Channon's successor as Transport Secretary, Cecil Parkinson. Parkinson promised the families a full judicial inquiry. To his horror, the Cabinet, and especially Prime Minister Margaret Thatcher, Parkinson's close friend and ally, slapped him down. He came whimpering back to the relatives to tell them he had failed.

"Low key" were the words allegedly used by President Bush in that denied telephone conversation with Thatcher in March. In September, the relatives came to know what "low key" meant — the refusal of a proper investigation and its replacement by an impotent fatal accident inquiry with no subpoena powers which refused to investigate how the bomb got on the plane for fear of interfering with the police inquiries.

Years later, in 1994, Parkinson took part in a television programme about another disaster — the sinking of the pleasure craft Marchioness on the Thames. He confirmed that Thatcher had blocked the Lockerbie inquiry. "I was discussing with the Lockerbie relatives," Parkinson explained, "whether we couldn't have some form of public inquiry which would have meant, because the security services were involved, inevitably a certain amount of suspicion — and I wondered whether I could get a High Court judge to look into the security aspects privately and report to me. If I could get the relatives to agree with that, if I got that done, that would satisfy them. Because when you get into the Lockerbie business — how did we find out certain information, how did we know this, how did we know that? — you would have had to recall not only our own intelligence sources but information we were receiving from overseas. Therefore, that had to be a closed area..."

This came as close as it could to identifying the real block to a proper inquiry: "our own intelligence sources". It was not clear to the relatives then, or now, why the intelligence services on either side of the Atlantic should oppose an inquiry. A month after the Parkinson fiasco, one remarkable answer emerged.



#### THE LEBANESE CONNECTION

On November 2, 1989, the news leaked of a report on the Lockerbie bombing by Interfor, a New York corporate investigative company hired by Pan Am and its insurers. The report suggested that the Dalkamoni gang had got the bomb on the airliner at Frankfurt by exploiting a security loophole. In their desperate bid to free American hostages in Beirut, American intelligence agents had, reported Interfor, struck a deal with Syrian narco-terrorists.

In exchange for information about the hostages, the agents agreed to facilitate a route for drugs from the Lebanon into the United States. The luggage with the drugs was protected by American intelligence. Normal security restrictions on baggage at the relevant airports was removed and the drugs allowed to sail through. The terrorist gang, with the help of allies at Frankfurt airport, had exploited this security loophole by exchanging a bag with a bomb for one with drugs. The report named a young passenger on the doomed plane, a Lebanese American called Khaled Jafaar as the "mule" whose bag of drugs was switched. Jafaar's name had already been mentioned in dramatic circumstances. On New Year's Eve 1988, 10 days after the Lockerbie disaster, the Daily Express devoted its front page to exposing Jafaar as, "THE BOMB CARRIER". The Express named its sources as "the FBI and Scotland Yard".

Even more fantastically, the Interfor report surmised that Major Charles McKee, the head of the US intelligence team on the plane, was shocked by the deal struck with the narco-terrorists, and was returning on Pan Am 103 to blow the whistle on his colleagues. The inference was obvious, and the report made it plain. Pan Am 103 was sacrificed by the intelligence community in part at least to get rid of the whistleblower.

The Interfor report was greeted with widespread scepticism. Commentators pointed out that Pan Am was being sued by the families for negligence, and stood to duck all responsibility for the disaster if the blame could be shifted to a bizarre intelligence plot. Scepticism about the Interfor report was compounded by new speculation about Lockerbie which

switched attention from Beirut and Frankfurt to the tiny Mediterranean island of Malta.

#### THE MALTESE CONNECTION

As the first anniversary of the crash grew closer, a long series of articles in the Sunday Times, which relied heavily on leaks from the Scottish police, reported that the "net was closing" on the Lockerbie suspects. These articles — by David Leppard — stated as irrefutable fact that the bombing had been carried out by the PFLP-GC under orders from Ahmed Jibril. The gang was led by Dalkamoni, the bomb was made by Marwan Khreesat.

Leppard's articles added a new twist. The bomb, they reported, had first been put on a plane not in London, where Pan Am 103 had taken off, nor in Frankfurt, where its "feeder", Pan Am 103A, had started, but in Malta. The Maltese connection had been detected, the articles argued, because some clothes made in Malta had been found in the suitcase in which, police believed, the bomb had been planted.

The finger of suspicion was pointed directly at another alleged member of the Dalkamoni gang: Abu Talb, a 35-year-old Palestinian, who was in prison in Sweden awaiting trial for terrorist offences there. Talb, reported the Sunday Times on December 17, 1989, had visited Malta and had been identified by a Maltese boutique owner as the man who bought the clothes in the bomb suitcase, including a Babygro. "The trail to Talb was so strong," wrote reporter David Leppard, that Scottish police had gone to Sweden to interview him. He was, the paper reported, due any moment to be extradited to stand trial for the Lockerbie bombing. The bomb, these articles insisted, had been put on a flight from Malta to Frankfurt for transfer there to Pan Am 103A which linked with Pan Am 103 at Heathrow. Thus the theory had the bomb surviving two airport switches — at Frankfurt and at Heathrow — before exploding over Lockerbie.

For this remarkable theory the Sunday Times (and their informants, the Scottish police) relied on two documents which had not been made available to them

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until several months after the bombing. These were a computerised list of all the transactions in Frankfurt airport's automated baggage system which related to Pan Am 103, and a hand-written work-sheet from one of the several stations where baggage came into the system.

A bag which ended up on Pan Am 103 could be traced to a station where one of the baggage handlers had, in a hurried scrawl, identified it as coming from an Air Malta flight. Yet there were no passengers on the Air Malta flight transferring to Pan Am 103A. It followed, the newspaper argued, that an unaccompanied bag from Malta carried the bomb which blew up Pan Am 103! Together with the Babygro from the boutique, these documents proved the Maltese connection — and the Maltese connection proved the guilt of Dalkamoni and Talb.

Almost all the information which led to these exciting scenarios came through the intelligence agencies. Journalists on their own in such inquiries have very little hope of discovering any information. They go cap in hand to intelligence sources and sift what they are given. In 1989, and most of 1990, the intelligence-based charges against the Jibril gang fitted snugly with American and British foreign policy in the Middle East. Both countries had broken off relations with Syria because of that country's known and persistent support for international terrorism. The long war between Iraq and Iran had ended in the summer of 1988, with the governments of both countries ranged firmly on the side of Iraq. The old hostility to Iran — which dated back to the 1979 revolution there and the seizure of US hostages — lingered on. Though the whole Lockerbie issue had been declared "low key", both governments were quite "comfortable" with what seemed at the time the obvious central truth about Lockerbie: that the Jibril gang and the regimes in Syria and Iran were responsible.

This official version was staged again in November 1990 in a long documentary programme by Granada Television to mark the second anniversary of the bombing. Special attention was given to the Maltese connection. A sinister looking Arab was seen to check in his bag at Malta airport and then to slide surreptitiously away to watch the plane take off with the bag in it.

The beauty of "intelligence journalism" is that it can hardly ever be tested. Granada Television, however, was unlucky. Immediately after the programme, Air Malta sued Granada for libel. A long, powerful and hitherto unpublished document from their lawyers, top city solicitors Norton Rose, demonstrated that there were 39 passengers and 55 pieces of baggage on the Air Malta flight; that all the bags had been checked in by the passengers which flew; that there were no bags on the flight interlined for Pan Am 103 or 103A. So the scenario outlined in the film was, the document insists, quite impossible.

The Norton Rose document proceeds in specific and irrefutable detail to challenge the entire theory that a bomb was put on the flight at Malta. The lawyers carefully investigated the documents — the print-out and the work-sheets from Frankfurt Airport — which had persuaded the Sunday Times and the Scottish police that the bomb bag had come from Malta. They concluded, first, that these documents were not designed to identify the flight from which baggage had come; second, that their accuracy depended on the dubious memory of harassed baggage handlers, and third, that even if they were accurate, they did not preclude the possibility that the suspect bomb-bag had been planted in the complex of Frankfurt airport.

This comprehensive demolition job on the Maltese connection was never heard in open court. Shortly before the case was due to come on early in 1993, Granada, which prides itself on openly defending libel actions, threw in the towel, and paid £15,005 into court. Air Malta accepted the money, and, in a statement allowed by the judge, insisted that they had cleared their name. The statement was studiously ignored by the entire British media.

By that time, the whole political situation in the Middle East had been turned upside down. In August 1990, Saddam Hussein invaded Kuwait, threatened to control 8 per cent of US oil supplies and to topple the sheikdoms of the Gulf and Saudi Arabia on which Western stability in the Middle East depended. "A new world order" was called for, with different alliances. If there was to be a western war with Iraq, Iran had to be seduced into neutrality. More importantly, the

Assad dictatorship in Syria had to be courted. If Iran was neutralised and Syria lined up against her old enemy Saddam, Iraq could be defeated without too much upset in the Arab world.

In November 1990, Britain restored diplomatic relations with Syria. Ahmed Jibril, whom everyone assumed was responsible for Lockerbie, was still living there. The same dictator, Assad, was still in charge, presiding over the same terrorism, the same torture in his prisons and the same denial of human rights to dissenters. But now he was an ally of the West. In January and February 1991 Syrian troops joined the western allies in an assault on occupied Kuwait. Saddam's forces were instantly repulsed. Cheap oil flowed freely again to the US, whose government was eternally grateful to its new allies. Opponents of the dictator Assad were still being locked up and tortured, but President Bush (like President Clinton after him) and Prime Minister John Major covered him with bouquets.

#### THE LIBYAN CONNECTION

As the political allegiances in the region changed, so, at first imperceptibly but with gathering speed, did the official investigations into the Lockerbie disaster. The centre of operations was effectively shifted from the quaint police headquarters in the Scottish Borders to the more sumptuous surroundings of Langley, the base of the CIA. The man in day-to-day charge of the Lockerbie investigation there was Vincent Cannistraro. Cannistraro had worked with Oliver North in President Reagan's National Security Council. He had been a leading figure in the movement to support the Contras in Nicaragua and UNITA in Angola. He had specialised in the US vendetta against Libya. He had helped mastermind a secret programme to destabilise the Libyan regime which culminated in the bombing of Libya in 1986 — an act of international piracy which, for the first time in the history of Muammar Gaddafi's turbulent and dictatorial rule, united the entire Libyan people behind him.

Cannistraro retired from the CIA in September 1990 but by then had helped lay the foundations for a completely new approach to the Lockerbie investigation.

This time the chief culprit country was not Iran or Syria — but Libya.

On November 14, 1991, in a blaze of publicity, the American and British governments announced that two Libyan airline officials — Abdel Basset Ali Al-Megrahi and Lamem Khalifa Fhimah — were charged with planting the bomb which brought down Pan Am 103. The official story had completely changed. Gone was any reference to Jibril, Dalkamoni, Talb, Khreesat, Syria, Iran or Palestine. President Bush went out of his way to exculpate Syria which, he announced in a characteristically elegant phrase, had taken "a bum rap" on Lockerbie.

Simultaneously, like an obedient sheep dog, British Foreign Secretary Douglas Hurd barked in the British House of Commons that Libyans alone were suspected. Other countries, he said, were not implicated. By amazing coincidence, the only culprits could now be found in the only Arab country besides Iraq to which the US and Britain were openly hostile. Pam Dix, secretary of the UK Families Flight 103, whose brother Peter died at Lockerbie, still remembers her sense of shock on hearing of the indictment against the Libyans. "In all the three years since the disaster," she said, "none of us ever had an inkling that Libyans were responsible. One question I asked myself at once was: why did the American authorities not wait until their suspects left Libya for a country from which they could be extradited? Why did they rush out the announcement when they knew their suspects would not be released for trial?"

To assist confused relatives and anyone else who had followed the story, the US State Department issued a special notice. The "dominant hypothesis of the early stages of the Pan Am 103 investigation", it conceded, had "focused" on Iran and Jibril. "Over time however fresh evidence undermined the initial theory linking the PFLP-GC to the bomb." Four reasons were given:

1. The radio with the bomb found in Dalkamoni's car "differed markedly" from the radio bomb in the plane.
2. The Maltese clothes in the suitcase indicated the bomb went on at Malta.
3. The bomb in the plane had been set off

by a "sophisticated electronic timer" while the PFLP-GC bomb discovered in Germany had "relatively crude timers". Furthermore, such sophisticated timers had been delivered from Switzerland to Libya.

4. There was no evidence of an altimeter switch in the Pan Am bomb.

None of this was persuasive. Marwan Khreesat made many bombs in many different radios. The "marked difference" between the radio in Dalkamoni's car and the one in the plane was that the first had one speaker, the other had two. Both were Toshibas. The clothes from the boutique had been used to confirm official suspicion of the PFLP-GC/Jibril gang. The rather subtle distinction between the timers and the switches hardly seemed enough evidence to justify such a dramatic change in the course of the inquiry

#### THE CASE OF THE UBIQUITOUS CIRCUIT BOARD

The central plank of the indictment was the alleged correlation between the timers — alleged to have been sold to Libyans — and the tiny fragment of circuit board found near Lockerbie. The timers, the indictment revealed, had been made by a firm in Switzerland. Their circuit boards matched a tiny fragment retrieved from the Lockerbie searches.

This coincidence between the circuit board and the timers has been plagued with questions from the moment it was first mooted. For instance, who found the circuit board and when? It depends what you read. In 1992, American journalist Mark Perry published a book called *Eclipse — The Last Days Of The CIA*.

This declares that the fragment was found by an unnamed Scottish worker in a field outside Lockerbie "on a misty morning in early April".

British journalist Diarmuid Jeffreys, on the other hand, in his book *The Bureau — Inside Today's FBI*, says that the fragment was found "sometime in 1990" in a "piece of charred shirt" by the FBI's forensic expert Thomas Thurman. Another recent book on the FBI, by Ronald Kessler, quotes the assistant director of the FBI forensic laboratory saying that the British found the fragment a whole year before Thurman got it. And who identified the fragment as part of the timer? Jeffreys and Kessler give the credit to Thomas Thurman, Perry to a "veteran CIA analyst" and David Leppard of the *Sunday Times* to a British military forensic scientist (and hero of the investigation which wrongly jailed the Maguire Seven) Dr Thomas Hayes. The four authors each have different dates for the establishing of the link. They offer a choice between June, August, October and November 1990. It is not hard to imagine the enthusiasm with which a top barrister would expose the history of this crucial "evidence" linking the bombing to Libya.

And just how firm was the Libyan connection to the timers? To start with, the US State department claimed that all

timers from the Swiss firm had been delivered to Libya. This theory was weakened in December 1993 when the BBC radio programme *File On Four* proved that the Swiss firm had provided the same model of timers to the East German secret police, the Stasi.

The bulk of the indictment asserted without proof that Libyan intelligence had planned the bomb attack, and carried it out through two of its agents. These assertions relied on the say-so of an intelligence team led by a man who once worked closely with Oliver North.

#### THE HIDDEN AGENDA

None of the active British relatives is convinced by the indictment. In the four years since the indictment was announced, the case against the Libyans has got weaker. The British families continue to be puzzled about the sudden and unexpected change in the Lockerbie suspects. It seems obvious to them that the Dalkamoni gang was responsible for the bombing. So why was the gang not pursued, and why was such a crude official blanket cast over the whole Lockerbie affair? Increasingly, the families hark back to the ghastly theories expounded in the Interfor report. Is there, they wonder, a hidden agenda to Lockerbie, a story within a story, which is the real reason for the "low-key" approach of officialdom on both sides of the Atlantic?

These suspicions were further aroused by the publication in September 1993 — in Britain alone — of *Trail Of The Octopus* by Donald Goddard, the story of former Defence Intelligence Agency agent Lester Coleman. Like the Interfor report, Coleman concludes there is a connection between the drugs run from Lebanon through Cyprus, where he was based, and Frankfurt airport which contributed to the Lockerbie disaster. Coleman's detractors accuse him of fleeing his country to avoid charges of falsely procuring a passport. New information published in the *Scotsman* in March this year, however, suggests that the passport charges were trumped up. The FBI claimed that Coleman had asked for a copy of a birth certificate of a dead person, Thomas Leavy, with which to forge a false passport. The relevant authority at New London, Connecticut, however,

insists that no person of that name was born at the time claimed by the FBI.

The entire case was invented. But why would a charge of passport fraud be invented unless to intimidate Coleman, and why would the authorities want to do that? Four days before his book was published, Coleman was indicted on another charge: perjury. The first count alleges that he falsely claimed to speak Arabic — which he speaks fluently.

Lester Coleman is not the only sceptic about the official version of the Lockerbie story who has suffered at the hands of the authorities. Juval Aviv, the president of Interfor, who carried out the inquiry for Pan Am and arrived at such extraordinary conclusions, has recently been charged with mail fraud. John Brennan, the President of the insurers for the now defunct Pan Am, has been charged with fraud.

Like Lester Coleman, Aviv insists that charges against him have been trumped up. All three investigations were started by the same assistant US attorney in the Eastern District of New York Court — yet neither Brennan nor Aviv have their businesses located in that district, and none of their alleged offences was committed there. All these instances of alleged state harassment came within a few weeks of a 90-minute Channel 4 programme on Lockerbie entitled *The Maltese Double Cross*. Produced by the American film-maker Allan Francovich, it was broadcast on May 11. It featured an interview with a relative of a passenger on the fatal flight called Khalid Jafaar. The relative stated that the boy had been duped by terrorists into taking the bomb on the plane in a bag he believed was carrying drugs. Francovich's film was dogged by continuous official obstruction and resistance.

When it finally got on the air, the Scottish Crown Office, and the US Embassy took the unusual step of issuing a strongly-worded press release vigorously attacking the programme and the people who appeared in it. For years the same Crown Office had insisted that it was not the job of government to comment on media speculation about Lockerbie.

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#### THE 'SUB JUDICE' STALEMATE

In the aftermath of The Maltese Double Cross, the stalemate returns. As soon as the indictments were revealed, the British and American governments insisted that the two Libyan suspects should be brought to trial in Scotland or the US. The Libyan government refused to release them. Feeble economic sanctions, not including an oil embargo, were imposed on Libya by the UN in a supposed bid to force the suspects out. Predictably, they have not worked. The Libyan government has, however, agreed to release the men to stand trial in a neutral country, such as the Hague in Holland or Switzerland.

Jim Swire, whose daughter Flora died in Pan Am 103 and who has campaigned ever since to find out what happened, asks: "What is wrong with a trial in a neutral country? Why shouldn't both sides be treated fairly in Holland or Switzerland? There is talk all the time of the need for international courts — to try Bosnian war criminals for example. We want these men to stand trial. I've written again and again to British and American governments to ask why the Libyans can't be tried in a neutral country, but haven't had a satisfactory reply. In fact the US government hasn't replied at all."

There are many precedents in English law for shifting the place of a trial to avoid local prejudice against the accused. Why can't the same argument prevail at international level? One crucial effect of the stalemate caused by the Libyan indictments has been the deflection of all independent investigation into the Lockerbie disaster. "We have the suspects," is the official answer to all inquiries. "The case is sub judice. No comment."

Many British relatives suspect that this official silence suits both governments. Their suspicions have been confirmed by two recent incidents.

#### THE SNUBBING OF ALLAN STEWART

No one served the conservative government more faithfully than Allan Stewart MP. He became a junior Minister in the Scottish Office in 1981, and he was still there in 1995. He resigned his post after an incident on a contested motor-

way site, in which he allegedly brandished an axe-handle against the protestors. Out of office, he decided to respond to Muslim constituents who were worried about government sanctions against Libya. He went to Libya and secured the agreement of the Gadaffi government to release the two suspects for trial before a Scottish judge and jury and according to Scottish legal procedures in a neutral country. At last was hope of a compromise, a break in the deadlock. The Libyan government's concessions were substantial. What possible objection could there now be against holding the trial in a neutral country? Back in the House of Commons, Stewart proposed an amendment to the Scottish Criminal Justice Bill then going through the Scottish Grand Committee. His amendment permitted cases to be heard by a Scottish judge and jury outside Scotland. It was voted down by the Labour and Tory members of the Committee — only one backbencher, Tam Dalyell, Labour MP for Linlithgow, who for years has challenged the official version of the Lockerbie story, supported him.

#### THE US AUTHORITIES THROW IN THE TOWEL

Many families now suspect that the British and American authorities would be delighted if the Libyan suspects are never released, and there is never a trial. On June 8 a front page article in the Guardian quoted anonymous US officials saying that President Clinton had effectively given up on efforts to bring the two Libyans to trial.

Perhaps the most infuriating effect of the sub judice stalemate is the official silence. In the United States, attempts to get information about Lockerbie under the Freedom of Information Act have been constantly thwarted on grounds of national security. Only two important documents have been released, both after a delay of four years. In the prevailing silence, the relatives feel they are pawns being pushed around on the chess board of international power politics. The ques-

tions go on forever. Why did the police so recklessly tarnish Dr Fieldhouse? Why did Farmer Wilson's suitcase vanish? Why was there such a prompt official denunciation of the Helsinki warning as a hoax? Why was nothing done to respond to the clear warning issued to the American government about the terrorist danger to Pan Am? Why was the Jibril story, so convincing at the time, brusquely junked? What is there left of the Maltese connection? Why have the British and US governments refused a proper inquiry, and why will the Libyans not be brought to trial on neutral territory? Why, if its hands are clean on the matter, is the US government holding back information about the bombing of a civilian airliner?

Ask all these questions together and it is difficult to avoid the conclusion that someone in authority knows the answers, but won't disclose them. On February 16 1990, a group of British relatives, including Martin Cadman, went to the American Embassy in London for a meeting with the seven members of the President's Commission on Aviation Security and Terrorism.

"After we'd had our say," says Cadman, "the meeting broke up, and we moved towards the door. As we got there, I found myself talking to two members of the Commission — I think they were Senators. One of them said: 'Your government and our government knows what happened at Lockerbie. But they are not going to tell you'." It is hard to imagine a more serious charge, nor one which more requires the most urgent and relentless probing. **G**

● John Ashton was the chief researcher on Channel 4 documentary *The Maltese Double Cross*.







Conseil de sécurité

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LETTRE DATÉE DU 31 JUILLET 1995, ADRESSÉE AU SECRÉTAIRE GÉNÉRAL  
PAR LE REPRÉSENTANT PERMANENT DE LA JAMAHIRIYA ARABE LIBYENNE  
AUPRÈS DE L'ORGANISATION DES NATIONS UNIES

J'ai l'honneur de faire part à Votre Excellence de la réponse de mon gouvernement à la déclaration faite par les Gouvernements de la France, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et des États-Unis d'Amérique à l'occasion du dixième examen des sanctions que le Conseil de sécurité a imposées à la Jamahiriya arabe libyenne par sa résolution 748 (1992).

Comme chacun sait, la Grande Jamahiriya a accepté la résolution 731 (1992) et a répondu à toutes les demandes qui y figurent : elle a condamné le terrorisme sous toutes ses formes et a rompu ses relations avec toutes les organisations suspectées d'avoir recouru au terrorisme dans le cadre de leur lutte, elle a coopéré avec la France et la Grande-Bretagne là où cette coopération lui était demandée et elle a demandé à Votre Excellence de dépêcher une délégation chargée de s'assurer que les allégations des États-Unis selon lesquelles il y aurait sur le territoire de la Jamahiriya des camps d'entraînement de terroristes sont sans fondement. Elle a avancé des propositions positives en vue de résoudre le problème du jugement des personnes suspectées dans l'affaire de Lockerbee, la dernière en date de ces propositions étant celle émanant de la Ligue des États arabes et tendant à ce que le procès ait lieu au siège de la Cour internationale de Justice, sous la conduite de magistrats écossais et selon le droit écossais. Cette proposition a recueilli l'appui du Mouvement des non-alignés, de l'Organisation de l'unité africaine et de l'Organisation de la Conférence islamique.

La Grande Jamahiriya a de même porté à votre attention, ainsi qu'à celle du Conseil de sécurité, l'impossibilité de remettre les suspects au Royaume-Uni ou aux États-Unis, parce que cela serait contraire à son droit interne ainsi qu'à toutes les règles du droit international, d'autant qu'il n'existe pas d'accords entre elle et ces deux pays sur l'extradition des suspects, et que la Convention de Montréal relative à la sécurité de l'aviation civile, que les parties à cette affaire invoquent, stipule non pas l'extradition mais au contraire la compétence de la justice de la Jamahiriya arabe libyenne.

Le refus des trois pays occidentaux susmentionnés d'admettre cela ne repose sur aucune logique ou droit et dénote essentiellement un entêtement qui ne peut avoir pour résultat que la multiplication des pertes humaines et matérielles

subies par le peuple arabe libyen et par les peuples voisins, sans parler du surcroît de souffrances infligé aux familles des victimes.

La Jamahiriya arabe libyenne, à l'instar des autres parties dans cette affaire, a le plus grand intérêt à ce que les suspects soient jugés le plus rapidement possible, mais en un lieu neutre, et dire que cela ne répond pas aux demandes du Conseil de sécurité c'est faire offense à la vérité. À notre avis, le Conseil de sécurité, par ses résolutions, ne vise pas à humilier la Grande Jamahiriya mais veut que justice soit faite et que la vérité soit établie, ce qui peut tout à fait être accompli par la proposition susmentionnée de la Ligue des États arabes.

S'agissant de la question, mentionnée dans la déclaration des trois pays susmentionnés, des pèlerins libyens dont le transport par avion jusqu'aux Lieux saints est qualifié de violation des dispositions relatives aux sanctions imposées à la Jamahiriya, nous voudrions réitérer ce que nous avons déjà porté à l'attention du Président du Comité des sanctions, à savoir que la Jamahiriya n'a pas violé lesdites dispositions et qu'elle ne le fera jamais, mais que la question de la pratique par les Libyens de leur foi est une question tout à fait différente, qui relève en tout premier lieu de la pratique religieuse et n'est sujette à aucune autorisation préalable, de la part du Conseil de sécurité ou de qui que ce soit de par le monde. Il s'agit d'une question circonscrite par le principe qu'aucune créature ne doit être obéie si cela revient à désobéir au Créateur. Il faut qu'ils comprennent sans ambiguïté que le peuple libyen pratiquera sa foi en toute liberté et qu'aucune force sur cette terre ne l'en empêchera, et ce, jusqu'au jour où cette terre et ceux qui l'habitent seront rappelés à leur créateur.

Enfin, nous tenons à porter à votre attention que la Jamahiriya arabe libyenne se conforme à la légalité internationale et la respecte en tous points, la preuve la plus éclatante de cela étant qu'elle s'en remet à la Cour internationale de Justice pour tous ses différends avec d'autres États et qu'elle respecte les arrêts de la Cour, qu'ils lui soient favorables ou non.

En application de la résolution 731 (1992) du Conseil de sécurité, la Grande Jamahiriya a appliqué toutes les dispositions de ladite résolution et s'est montrée constamment disposée à régler le problème conformément aux dispositions du Chapitre VI de la Charte des Nations Unies. Elle demande à Votre Excellence d'exhorter les autres parties à répondre rapidement à son initiative de paix, dans l'intérêt de la paix et de la sécurité internationales, et à renoncer à la politique des menaces et des provocations, qui ne mènera à rien face à un peuple qui, comme le peuple arabe libyen, a sacrifié la moitié de ses fils pour la liberté, la dignité et l'honneur, et dont l'amour du sacrifice pour ces mêmes objectifs demeure aussi intense.

Je serais reconnaissant à Votre Excellence de bien vouloir faire distribuer le texte de la présente lettre en tant que document du Conseil de sécurité.

Le Représentant permanent de la Grande Jamahiriya  
auprès de l'Organisation des Nations Unies

(Signé) Mohamed A. AZWAI

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Le Monde 23 août 1995

# L'Algérien interpellé en Suède est soupçonné d'être impliqué dans les attentats de Paris

## Les enquêteurs poursuivent avec discrétion la piste des islamistes du GIA

INTERPELLÉ, lundi 21 août près de Stockholm, à la demande du juge d'instruction Jean-François Ricard, chargé de l'enquête sur l'attentat du RER, Abdelkrim Deneche serait l'un des responsables en Europe du Groupe Islamiste armé (GIA), aile radicale du terrorisme intégriste algérien. Il est considéré comme un « suspect » important par les policiers chargés d'élucider l'assassinat de l'imam Sabraoui, le 11 juillet, et les deux attentats commis à Paris les 25 juillet et 17 août. Les enquêteurs demeurent toutefois sur la réserve, mardi matin 22 août, le magistrat français, présent à Stockholm depuis vendredi, n'ayant pas encore pu interroger lui-même Abdelkrim Deneche. Le garde des sceaux, Jacques Toubon, a indiqué, mardi matin, sur RTL, que « le gouvernement regretterait » la diffusion d'informations sur cette piste suédoise. M. Toubon a ajouté que « la France souhaite la démocratie en Algérie ».

Abdelkrim Deneche, alias « Abdessabour », réside depuis plusieurs années en Suède, où il est notamment l'un des fondateurs du bulletin clandestin du GIA, *El Anzar*.



comme l'un des responsables de l'assassinat à Paris de l'imam Sabraoui - et un témoignage recueilli au cours de l'enquête sur l'attentat de la station Saint-Michel. Un gendarme breton, de passage à Paris le 25 juillet, avait voyagé, à bord du RER, face à un homme de type

brûlé », assis à la place où devaient quelques instants plus tard, exploser la bombe. Abdelkrim Deneche aurait été formellement identifié, d'après une photographie, comme étant cet individu par ce témoin.

# Le Monde

Le Monde des livres  
Un portrait de Gado Fuentes  
Un cahier de 8 pages

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Le PCF  
fait des signes  
d'ouverture  
en direction  
de M. Chirac

**GISÈLE MOREAU**, membre du secrétariat du comité national du PCF, a déclaré, mardi 22 août, qu'« une attitude purement négative » face à l'action de Jacques Chirac ne « ferait rien gagner » aux communistes. Cette analyse intervient après d'autres propos analogues tenus par les dirigeants communistes qui ont souligné, depuis l'élection de Jacques Chirac à la présidence de la République, que sa politique n'était pas comparable à celle de la droite libérale. Ce virage stratégique permet à Robert Hue de se distinguer de Lionel Jospin auquel il reproche de ne pas préparer une véritable « alternative », au-delà d'un discours apparemment sévère. Le secrétaire national du PCF espère ainsi rééquilibrer les rapports de forces internes à la gauche. Pour faire admettre à ses militants cette nouvelle orientation, la direction du PCF peut s'appuyer sur la tradition « nationale » du communisme français, qui lui a permis dans le passé de se retrouver à plusieurs reprises aux côtés des gaullistes.

Lire page 5

## L'enquête sur les attentats suscite une tension entre Paris et Stockholm

Malgré son alibi, Abdelkrim Deneche pourrait être expulsé de Suède

EN VINGT-QUATRE HEURES, le dossier « Abdessabour » - pseudonyme d'Abdelkrim Deneche, dirigeant du Groupe Islamiste armé (GIA) - est devenu brutalement l'enjeu d'un bras de fer diplomatico-judiciaire inédit entre les gouvernements suédois et français. Tandis que l'on apprenait, jeudi matin 24 août, à Stockholm, qu'Abdelkrim Deneche, soupçonné par le juge Jean-François Ricard d'être impliqué dans les attentats de Paris, pourrait être expulsé de Suède pour « contact avec des terroristes », le gouvernement français, par la voix du premier ministre Alain Juppé, insistait, auprès des autorités suédoises, sur l'importance du mandat d'arrêt international lancé la veille par le juge Laurence le Vert contre cet islamiste algérien. Mercredi 23 août, ainsi que *Le Monde* l'avait révélé, la police suédoise avait établi que Abdelkrim Deneche disposait d'un alibi, ayant produit des « documents administratifs faisant état d'opérations bancaires effectuées en Suède le 25 juillet », soit le jour de l'attentat contre le RER parisien. Ce nouveau rebondissement a eu pour conséquence de susciter des tensions entre le gouvernement, le monde judiciaire et la police. Exaspéré par les révélations de la presse sur l'enquête en cours, le garde



des sceaux a demandé, mercredi 23 août, au parquet d'ouvrir une information judiciaire contre X pour violation du secret de l'instruction. Plusieurs hauts responsables policiers ne cachaient pas, jeudi matin,

Lire page 6

## La condamnation d'un ex-dissident ravive la crise sino-américaine

Harry Wu pourrait néanmoins être rapatrié aux Etats-Unis

WASHINGTON ET PÉKIN s'efforcent de limiter la crise de leurs relations qui se sont gravement détériorées depuis la tournée américaine du président taiwanais Lee Teng-hui, en juin. Le sous-secrétaire d'Etat américain Peter Tarnoff était attendu en Chine, jeudi 24 août, afin de maintenir le contact avec les autorités de Pékin. Cette visite a lieu alors que le militant américain des droits de l'homme d'origine chinoise, Harry Wu, vient d'être condamné à quinze ans de prison, peine assortie d'une mesure d'expulsion. Le cas de M. Wu, dont l'arrestation avait soulevé une vive émotion aux Etats-Unis, figurait parmi les dossiers que l'envoyé américain entendait aborder avec ses interlocuteurs chinois. Un compromis pourrait être trouvé au sujet de l'ancien dissident : Pékin l'expulserait sans délai en échange de la confirmation par Washington de la présence de Hilary Clinton, l'épouse du président américain, à la conférence de l'ONU sur les femmes qui doit avoir lieu, début septembre, dans la capitale chinoise.

La dégradation des relations sino-américaines se produit alors que la Chine continue son pro-

gramme nucléaire sans se soucier des réactions internationales qu'il peut susciter. Ses récentes démonstrations de force - essais nucléaires, tirs de missiles, manœuvres à proximité de Taiwan - ont pour but de montrer que l'Empire du milieu retègne la tête et entend s'imposer comme le principal centre de décision stratégique de la région. Illustration de cette ambition, la télévision vient de s'en prendre au président taiwanais Lee Teng-hui en des termes extrêmement virulents, le dénonçant comme « traître à la nation ».

Dans le Pacifique sud, c'est la reprise annoncée des tests nucléaires français qui retient l'attention. La « flottille de paix » achève les préparatifs de sa campagne de protestation contre les essais de Mururoa. La décision de M. Chirac de reprendre les expérimentations est défendue par de nombreuses personnalités de la majorité, dont François Léotard, ancien ministre de la défense, ainsi que par le ministre des DOM-TOM, Jean-Jacques de Peretti, qui va entamer une visite dans les territoires français du Pacifique sud.

Lire page 2

**TERRORISME** Le sort d'Abdelkrim Deneche, responsable du GIA interpellé à Stockholm dans l'enquête sur l'attentat de la station Saint-Michel (7 morts le 25 juillet),

est l'enjeu d'un bras de fer diplomatique-judiciaire entre la France et la Suède. Après la délivrance d'un mandat d'arrêt international à son encontre par la justice française, le

premier ministre, Alain Juppé, a qualifié cette initiative d'« étape importante ». Le L'ALBI du dirigeant islamiste a pourtant été vérifié par la police suédoise, qui a indiqué, mer-

credi 23 août, qu'« Abdessabour » n'était plus considéré comme « suspect ». Ce dernier a bien retiré en personne une somme d'argent à Stockholm le jour de l'attentat de « contacts avec des terroristes ».

# L'enquête sur les attentats oppose Paris et Stockholm

## Alors que l'alibi du dirigeant du GIA algérien détenu en Suède a été vérifié, la justice française a délivré à son encontre un mandat d'arrêt international. L'ouverture d'une information judiciaire contre X visant la presse inquiète certains magistrats et policiers

**EN VINGT-QUATRE HEURES**, le dossier « Abdessabour » est désormais devenu l'enjeu d'un bras de fer diplomatique-judiciaire entre la France et la Suède. Ce dirigeant du Groupe islamique armé (GIA) algérien - de son vrai nom, Abdelkrim Deneche -, interpellé le 21 août dans la banlieue de Stockholm à la demande du juge Jean-François Ricard, était toujours en détention, jeudi matin 24 août.

Mais, alors même que les soupçons initialement retenus à son encontre semblaient s'effiloche, sa situation juridique ne fait que se compliquer: la Suède, qui ne le tenait plus pour « suspect », ne l'avait pas remis en liberté, et envisageait même de l'expulser; la France, elle, continuait de le réclamer.

Mercrredi 23 août, en fin d'après-midi, c'est au moment où la police, puis la justice suédoise, avaient officiellement annoncé qu'Abdelkrim Deneche n'était plus considéré comme « suspect » que l'enquête sur l'attentat de la station Saint-Michel que les autorités françaises ont contre-atta-

qué. De Paris, le juge d'instruction Laurence Le Vert a délivré, au nom de son collègue Jean-François Ricard, présent à Stockholm depuis une semaine - elle est, pour sa part, chargée de l'enquête sur l'attentat de la place de l'Étoile - un mandat d'arrêt international contre le même Abdelkrim Deneche, qui devrait prélever à une demande d'extradition vers la France.

Appuyant cette initiative, le premier ministre, Alain Juppé, l'a qualifiée d'« étape importante » dans l'enquête sur les attentats de Paris: « C'est grâce à l'action de la justice suédoise que nous avons obtenu des renseignements sur le rôle de Deneche dans la coopération arabe par les conventions auxquelles la France et la Suède sont parties », indiquait le communiqué diffusé par Matignon, qui avait fortement appuyé d'un message de fermement pour ne pas être davantage - en direction de la Suède.

C'est peu dire, pourtant, qu'à Stockholm comme à Paris, les enquêteurs n'ont guère progressé

sur la piste « Abdessabour ». L'Algérien Le Vert a communiqué avec son avocat dès les premiers instants ayant suivi son interpellation, avant d'embler avant un alibi: il avait produit des « documents administratifs faisant état d'opérations bancaires effectuées en Suède le 25 juillet », indiquaient des sources proches de l'enquête à Paris (nos éditions du 24 août).

Les vérifications entreprises par la police suédoise ont confirmé ses dires, Abdelkrim Deneche, qui réside à Stockholm depuis plusieurs années - il a épousé une Suédoise, dont il a deux enfants - est officiellement au chômage et perçoit une aide sociale, qui lui est versée par mandat. A la poste de Halmstad, dans les faubourgs de la capitale suédoise, l'employé de la poste où il a retiré, le jour de l'attentat du RER, une somme d'argent en espèces, a confirmé sa présence. Le relevé de cette opération a été expertisé par des graphologues, qui ont conclu qu'il s'agissait bien de l'écriture et de la signature d'Abdelkrim Deneche.

« Nous n'avons pas réussi à établir que cet homme disposait de contacts ou de points de chute en France, encore moins qu'il ait pu se trouver à Paris le jour de l'attentat de la station Saint-Michel », conclut mercredi soir un responsable policier français, au terme de recherches intructives conduites sur le territoire hexagonal.

Au lendemain de l'interpellation d'« Abdessabour », les enquêteurs n'avaient pas caché, au demeurant, que s'ils persistaient à considérer la piste algérienne comme « de loin la plus sérieuse », ils étaient loin d'avoir la certitude que leur « suspect » se changerait un jour en coupable...

Tout se passe néanmoins comme si le juge Ricard, engagé avec fougue sur cette piste, ne voulait pas reculer. Le magistrat dispose toujours d'un témoignage particulièrement circonstancié, celui d'un gendarme breton, en permission à Paris le 25 juillet, qui affirmait avoir remarqué, alors qu'il se trouvait dans le RER, un groupe de « trois Maghrébins » au

comportement étrange, et qui a formellement identifié, sur des photographies, Abdelkrim Deneche.

Ce témoignage a, pour le magistrat français, d'autant plus de poids que les clichés d'« Abdessabour » qui ont été présentés au gendarme sont extrêmement récents. Une équipe de policiers de la direction de la surveillance du territoire (DST) avait été dépêchée à Stockholm, en toute discrétion, il y a une dizaine de jours, afin de surveiller l'homme du GIA. Ce sont les photographies qu'ils ont prises sur place qui ont permis au témoin de l'identifier.

La surveillance mise en place dès avant l'arrivée du juge à Stockholm avait en outre conforté le sentiment d'avoir affaire à un activiste vivant dans la clandestinité: ainsi Abdelkrim Deneche, qui ne dispose d'aucun téléphone à son domicile, se rend-il régulièrement, pour passer ses communications, chez l'un de ses amis, ressortissant marocain; les policiers ont noté qu'il effectuait, à chacun de ses trajets, de multiples détours, dans le souci manifeste - mais vain - d'éviter toute filature...

Les comptes-rendus de la DST présentant « Abdessabour » comme un haut responsable du GIA en Europe, chargé notamment de la collecte de fonds au profit des maquis algériens et de la diffusion sur tout le continent européen d'« Al-Ansar », bulletin clandestin destiné aux sympathisants des islamistes, les recherches s'orientent par ailleurs sur les liens entre cette publication et l'organisation humanitaire Human Concern International (HCI), dont le siège se trouve lui aussi à Stockholm.

Selon des sources proches de l'enquête, le juge Ricard aurait récemment délivré une commission rogatoire à la DST sur cette organisation, qui pourrait avoir abrité des militants de la mouvance « afghane » du GIA, et dont l'annonce de Zagreb, en Croatie, pourrait avoir servi d'« étape » aux poseurs de bombes de Paris (Le Monde du 24 août).

Reputé bien informé auprès des services secrets algériens, le quotidien algérois *Le Tribune* avait évoqué, dans son édition datée du 30 juin-1<sup>er</sup> juillet, la présence sur le sol français d'un « groupe composé de cinq terroristes algériens, des anciens de la guerre d'Algérie », venus de Bosnie après un passage à Zagreb afin de commettre des attentats.

### Tout se passe comme si le juge Ricard, engagé avec fougue sur cette piste, ne voulait pas reculer

Les services de renseignement français avaient d'ailleurs reçu de leurs homologues algériens la même information. Quelques jours après l'assassinat de l'imam Saïraoui, le 11 juillet à Paris, *Le Tribune* désignait « Abdessabour » comme le chef de cette organisation.

Ces rapprochements sont certes troublants. Mais ils restent en même temps peu compréhensibles à l'égard d'un chef du GIA qui, selon l'hypothèse du juge, pourrait avoir pris part en personne à un attentat dont un journal avait par avance désigné « comme le commanditaire ».

Jeudi matin, alors que la suite des investigations du juge Ricard a été publiée et que la justice suédoise sur le sort de son « suspect », on indiquait, de source proche de l'enquête à Paris, que « la piste du GIA restait la plus vraisemblable » et que « si son rôle direct n'est pas établi dans l'attentat du 25 juillet », « Abdessabour » pourrait néanmoins « avoir eu connaissance, à un titre ou à un autre », des actions programmées dans la capitale française.

## Abdelkrim Deneche pourrait être expulsé pour « contact avec des terroristes »

« Abdelkrim DENECHÉ est maintenant en garde à vue » à Stockholm, on applique de l'Unionjagen, la loi sur les étrangers qui est essentiellement une loi antiterroriste. Après la vague de déjouements d'attentats et d'attentats commis dans les années 70 dans la capitale par le mouvement nationaliste croate Oustacha, la Fraction armée rouge allemande, notamment, contre l'ambassade de RFA à Stockholm (1975), et les nombreux règlements de comptes entre groupes kurdes rivaux, la Suède, longtemps épargnée par le terrorisme, s'était vue dans l'obligation de se doter d'un nouveau dispositif judiciaire plus répressif.

Alors qu'en 1975, plus amendée, une dernière fois, en mai 1991, elle permit à présent à la police de sécurité (Säpo) de réclamer l'expulsion du territoire suédois d'étrangers soupçonnés de se livrer à des activités politiques extrémistes pouvant porter atteinte à la sécurité du royaume, ou d'appartenir à des réseaux terroristes internationaux. Les dossiers préparés par la police sont soumis au ministre de la justice puis au gouvernement, qui tranche en dernier ressort. Dans la

soit pour annoncer la remise en liberté d'Abdelkrim Deneche, soit pour entériner rapidement la mesure d'expulsion. Le problème est que ces affaires se traitent dans le passé, à Stockholm, dans la plus grande discrétion et que celle-ci est devenue publique, dans deux pays - des États de droit - qui n'ont pas le même système juridique. Dans son enquête en Suède, la mission française s'est d'ailleurs demandée, semblerait-il, l'aide d'experts en droit suédois, pour avoir notamment à quels documents elle peut avoir accès dans le dossier de l'Algérien. Le fait que le juge Laurence Le Vert ait lancé, mercredi soir, un mandat d'arrêt international contre Abdelkrim Deneche ne vient pas simplifier les choses.

C'est une histoire unique, explique-t-on du RER à Paris, mais il est maintenu en « garde à vue » en vertu du paragraphe de la loi concernant le « contrôle particulier des étrangers ». Pour faire approuver éventuellement cette expulsion par le gouvernement, la Säpo doit compléter son dossier, ce qui devrait prendre entre trois et quatre semaines.

En théorie, puisqu'il s'agit d'une décision poli-

Alain Dreyfus

**JUSTICE** Le gouvernement français devrait faire parvenir en début de semaine aux autorités suédoises une demande d'extradition visant Abdelkrim Deneche, l'islamiste algé-

rien soupçonné par le juge Ricard d'être impliqué dans l'attentat du RER parisien. ● LE GOUVERNEMENT SUÉDOIS, visiblement irrité par l'attitude de la justice française, semble

pour sa part hésiter sur la conduite à adopter. En tout état de cause, il devra choisir, dans les prochaines semaines, entre l'expulsion réclamée par la police de sécurité et l'extra-

dition requise par la France. ● EN FRANCE, les deux attentats parisiens, et les mesures de sécurité qui s'en sont suivies, ont aggravé la situation des immigrés en situation ir-

régulière. Ainsi que l'a confié une enseignante bénévole à notre reporter, « ils se méfient de tous, même de ceux qui les aident. Ils vivent en reclus et entre eux ».

## La Suède hésite entre l'expulsion et l'extradition d'Abdelkrim Deneche

Le Quai d'Orsay devrait faire parvenir en début de semaine au gouvernement suédois la demande d'extradition de l'islamiste algérien soupçonné d'être impliqué dans l'attentat du RER parisien

LA DEMANDE d'extradition visant Abdelkrim Deneche, l'Algérien soupçonné par le juge Ricard d'être impliqué dans l'attentat du RER, est actuellement en cours de rédaction : vendredi 25 août, le procureur général de Paris, Jean-François Burgelin, a indiqué qu'il venait de transmettre le dossier à la chancellerie. « Il revient maintenant au gouvernement français, ajoute le parquet général, de le transmettre par voie diplomatique au gouvernement suédois, ce qui devrait être effectué à très bref délai. »

Cette demande est fondée sur la Convention européenne d'extradition du 13 décembre 1957, qui précise, dans son article premier, que les Etats signataires

« s'engagent à se livrer réciproquement les individus qui sont poursuivis pour une infraction, ou recherchés aux fins d'exécution d'une peine ou d'une mesure de sûreté. »

### UN SIGNALEMENT « PRÉCIS »

Depuis le 23 août, c'est le cas d'Abdelkrim Deneche : ce jour-là, alors que Jean-François Ricard était toujours à Stockholm, le juge Laurence Le Vert, se substituant à son collègue, délivrait un mandat d'arrêt international à l'encontre du suspect algérien. Sur cette base, le procureur de Paris a demandé le jour même, par l'intermédiaire d'Interpol, l'arrestation provisoire de l'intéressé.

Au regard de la convention de

1957, la requête doit comporter le mandat d'arrêt, un exposé des faits pour lesquels l'extradition est demandée - « le temps et le lieu de leur perpétration, leur qualification légale et les références aux dispositions qui leur sont applicables » -, une copie des textes en vigueur, le signalement « aussi précis que possible » de l'intéressé et « tous autres renseignements de nature à déterminer son identité et sa nationalité ».

Une fois que le juge d'instruction a fourni les éléments nécessaires, le dossier est transmis, via le parquet général, au ministère de la justice, qui est chargé de le « mettre en forme ». La requête est alors transmise au Quai d'Orsay, qui est chargé de le faire par-

venir à Stockholm par la voie diplomatique.

Irrités par l'attitude offensive de la justice française, les autorités suédoises semblent encore hésiter sur la conduite à adopter : Abdelkrim Deneche, qui a été longuement interrogé au sujet de l'attentat du RER parisien, est actuellement retenu en garde à vue en vertu de l'Utlänningslagen, une loi antiterroriste suédoise adoptée en 1975.

### « DES ACTIVITÉS INDÉSIRABLES »

« Il est soupçonné de se livrer à des activités indésirables dans notre pays », a laconiquement déclaré, vendredi 25 août, le ministre de la justice suédois, Laila Freivalds. Après enquête, la po-

lice de sécurité, la Säpo, a demandé son expulsion, ce qui complique notablement la situation : dans les semaines ou les mois à venir, la Suède devra choisir entre l'expulsion demandée par la Säpo et l'extradition requise par la France.

Apparemment, la position de Stockholm n'est pas encore arrêtée : le directeur général du ministère de la justice, Stefan Stroemberg, a estimé, vendredi 25 août, que la demande française serait « prioritaire », tandis que le procureur Jan Danielsson, visiblement exaspéré par l'insistance de la France, se montrait plus réservé : « L'extradition primera si les conditions fixées par la loi suédoise sont remplies. De toute façon, la

procédure sera longue et pourra prendre plusieurs semaines, voire plusieurs mois. »

La loi suédoise sur l'extradition de 1957 prévoit en effet plusieurs étapes : avant que le gouvernement prenne sa décision, le procureur général de Suède « procède à l'enquête nécessaire » afin de rendre un avis. Il transmet ensuite la requête assortie de cet avis à la Cour suprême de l'Etat. Si le suspect consent à être livré, le dossier est transmis au gouvernement. Dans le cas contraire, la Cour suprême « examine si l'extradition peut légalement être accordée », en organisant, si elle l'estime nécessaire, une audience.

Anne Chemin

Le Monde 23 août 1985

### Confusion en Suède sur le sort d'Abdelkrim Deneche

Une certaine confusion régnait, lundi 28 août à Stockholm, autour du sort d'Abdelkrim Deneche, qui est toujours retenu par les autorités suédoises en vertu d'une loi antiterroriste. Dimanche soir, la radio nationale suédoise avait affirmé, citant l'avocat de l'Algérien, M. Bengt H. Nilsson, que « son client avait été informé par le procureur Danielsson qu'il était soupçonné dans l'assassinat de l'imam Sahraoui ». Interrogée lundi matin par l'AFP, la direction de la rédaction de la radio a reconnu avoir commis « une erreur d'interprétation » des propos de l'avocat de l'Algérien.

Lundi 28 août, M. Danielsson a estimé pour sa part qu'il s'agissait d'un « malentendu », précisant en outre ne pas s'être entretenu de ce dossier avec M. Nilsson. « Non, il n'a pas été notifié [à M. Deneche] de soupçon pour meurtre et la police française n'a pas demandé qu'il soit interrogé pour cette affaire », a souligné le procureur en chef suédois.



Le Monde 30 août 95

## X. Abdelkrim Deneche de nouveau suspecté par la police suédoise

### COPENHAGUE

de notre correspondant

Mardi matin 29 août, on ne savait toujours pas si la police suédoise considérait que l'islamiste algérien Abdelkrim Deneche pouvait être impliqué dans l'attentat contre le RER parisien, qui a eu lieu le 25 juillet à Paris. Disculpé la semaine dernière des soupçons de meurtre et de tentative de meurtre par les alibis qu'il avait fournis aux enquêteurs suédois - et qui ont depuis été mis en doute, en particulier par le témoignage de l'une de ses voisines -, il a été de nouveau entendu sur cette affaire, lundi 28 août dans la soirée, par la police secrète suédoise, la Säpo.

« L'homme n'est pas blanchi, a déclaré le procureur en chef suédois, Jan Danielsson. Nous révérifions son alibi de plusieurs manières et nous examinons à nouveau méticuleusement ce qu'il a fait durant la journée du 25 juillet. » Ce même procureur

Danielsson avait pourtant indiqué, voici quelques jours, qu'Abdelkrim Deneche avait un alibi qui éliminait tous les soupçons portés à son égard, allant même jusqu'à lever l'ordre de son arrestation. Et si, en définitive, l'Algérien est resté en prison, dans une cellule isolée, sans radio, sans télévision et sans journaux, c'est en vertu de la loi spéciale antiterroriste, qui autorise la police secrète suédoise à détenir un étranger risquant de porter atteinte à la sécurité de l'Etat et à ses intérêts.

### GRÈVE DE LA FAIM

Des rumeurs avaient circulé, dimanche 27 août, selon lesquelles Abdelkrim Deneche serait soupçonné du meurtre de l'imam Sahraoui, le 11 juillet dernier à Paris. « Faux », assure M. Danielsson. Pour lui, l'Algérien reste soupçonné d'avoir participé au seul attentat commis dans le RER. « On a pen-

dant l'interrogatoire, évoqué l'assassinat de l'imam, mais cela ne veut pas dire qu'on le soupçonne d'y avoir participé. » Selon son avocat M<sup>e</sup> Bengt Nilsson, Abdelkrim Deneche aurait entrepris, depuis vendredi 25 août, une grève de la faim se contentant uniquement de boire « pour protester contre le fait qu'on le traite de terroriste et pour montrer qu'il est un pacifiste ». Par ailleurs M<sup>e</sup> Nilsson se plaint de ne pas avoir toutes les pièces du dossier. « Mon client nie tout et affirme qu'il ne se mêle à aucune activité terroriste. Il a juste un intérêt politique tre accusé pour son pays. C'est tout. Pour l'avocat, « il est important que l'enquête sur son expulsion, réclame par la police secrète suédoise, et so. éventuelle extradition vers la France ne soient pas précipitées. Il faut consacrer le temps nécessaire pour éviter toute erreur judiciaire. »

Alexandre Sauri

le Monde 31 août 1995

## Stockholm a reçu la demande d'extradition d'Abdelkrim Deneche

LE GOUVERNEMENT SUÉDOIS a reçu, mardi 29 août, la demande française d'extradition à l'encontre d'Abdelkrim Deneche, considéré en France par les enquêteurs comme un « suspect important » pour l'attentat du 25 juillet contre le RER à Saint-Michel (7 morts, 117 blessés). La requête vise notamment les infractions d'« assassinats et tentatives d'assassinat, destruction de biens appartenant à autrui par l'effet d'une substance explosive (...) en relation avec une entreprise terroriste ». Les autorités de Stockholm devront trancher entre cette demande d'extradition et une expulsion du dirigeant islamiste algérien vers un pays de son choix. Cette décision gouvernementale pourrait être rendue, selon le ministère de la justice suédois, dans un délai d'environ deux mois.

Le Monde 6 septembre 1995

# Selon Stockholm, Abdelkrim Deneche ne serait pas impliqué dans l'attentat du RER

## En dépit de la demande française d'extradition, son expulsion semble acquise

### STOCKHOLM

de notre envoyé spécial

Surprenant pays que la Suède, où un respect pointilleux de la liberté d'expression permet d'applaudir publiquement aux assassins commis par des terroristes mais où, aussi, un texte exorbitant du droit commun autorise la police à garder sous les verrous pour un temps indéterminé, sans même avoir à en fournir la raison, n'importe quel étranger. Jusqu'à récemment, Abdelkrim Deneche, citoyen algérien et leader présumé des groupes islamistes armés (GIA) en Europe, avait goûté aux avantages de la liberté de parole, salués en toute impunité les odieux « faits d'armes » de ses camarades, encensés chaque semaine dans son bulletin, *Al-Ansar*. Depuis, il savourait si les charmes de la détention sans motif, en attente d'une expulsion qui ne semble plus faire de doute.

Le déplacement, le 18 août à Stockholm, du juge Jean-François Ricard, magistrat instructeur en charge des dossiers sur l'attentat commis dans le RER parisien trois semaines auparavant, suivi, le 21 août, de l'arrestation d'un certain Abdelkrim Deneche, rapidement présenté comme un chef important des commandos islamistes, avait un instant semblé ouvrir une « piste suédoise ». Las, la « piste » a aujourd'hui tout de l'impassé (*lire ci-contre*). La justice française, qui, le 29 août, a officiellement demandé à la Suède l'extradition d'Abdelkrim Deneche, qu'elle accuse « d'assassinats et tentatives d'assassinat à main armée par l'effet d'une substance explosive (...) en relation avec une entreprise terroriste », devra s'y faire : à Stockholm, aujourd'hui, aucun des policiers et des magistrats qui ont prêté leur concours à

l'enquête du juge Ricard ne prend cette hypothèse au sérieux. Et si Deneche demeure en prison, c'est qu'il relève désormais non plus de la justice, mais de la police de sécurité (Säpo).

Dans toute cette affaire, l'Algérie aura joué un rôle essentiel. C'est en effet d'outre-Méditerranée que, plusieurs mois avant les faits, sont arrivées les premières informations mettant en cause Abdelkrim Deneche. Sans grande réussite, les autorités algériennes avaient fait des représentations auprès du gouvernement suédois pour qu'il se montre moins tolérant à l'égard de Deneche, qui s'agitait beaucoup. En mai dernier, de passage dans la capitale suédoise, le secrétaire général du ministère algérien des affaires étrangères, Abdelkader Taffar, avait fait une nouvelle démarche. Sans plus de succès : pour la Suède, Abdelkrim Deneche n'était qu'un opposant au régime algérien.

### CERVEAU CACHÉ

SEUL alors venues les confidences de *La Tribune*, quotidien algérien qui, selon l'expression consacrée, passe pour être bien informé dans les cercles du pouvoir. Le 1<sup>er</sup> juillet, le journal évoquait ainsi un commando « ultraclandestin » de cinq Algériens venus de Bosnie à Paris pour y « perpétrer des attentats à la bombe » et y assassiner quelques personnalités parmi lesquelles Cheikh Sahraoui, l'imam de la mosquée parisienne de la rue Myrha. L'assassinat de ce dernier, le 11 juillet, puis un premier attentat à la bombe, le 25 juillet, devaient donner un crédit rétrospectif à *La Tribune*, qui, dès le 17 juillet, avait désigné Abdelkrim Deneche comme le cerveau caché derrière les crimes commis et à commettre.

Abdelkrim Deneche n'a prouvé rien du clandestin. Irrayant, volubile et surtout chercheur d'histoires, il n'a eu de cesse d'attirer l'attention en tentant de prendre le contrôle des institutions musulmanes de Stockholm, quitte, sous couvert de divergences politiques, à faire le coup de poing avec ses adversaires ou à distribuer un bulletin de propagande, *Al-Ansar*. Rien que revendiquant haut et fort ses sympathies pour le GIA, il n'avait pas

## Le scepticisme du procureur Danielsson

« Les soupçons (qui pèsent contre Deneche) dans cette affaire (l'attentat à la station Saint-Michel du RER) ne se sont pas renforcés », a déclaré le 4 septembre à l'agence de presse TT le procureur suédois Jan Danielsson, mettant ouvertement en cause les bases de la demande française d'extradition du militant islamiste. Recevant le Monde quelques heures plus tôt dans son bureau de Stockholm, le magistrat avait mané la liote de façon anodine, ne laissant aucun doute sur ce qu'il pensait d'une éventuelle implication de Deneche dans cette affaire. Accusé par une partie de la presse française d'avoir bâclé son travail, la police suédoise a vérifié à nouveau l'alibi du suspect. Selon certaines sources, les nouvelles vérifications, faites notamment auprès des voisins d'Abdelkrim Deneche, renforceraient cet alibi. Autrement dit, à moins que le juge Ricard ait dans sa manche un atout non encore dévoilé, seul demeure le témoignage du gendarme breton qui aurait reconnu sur photo l'Algérien.

hésité, le 16 août dernier, à se présenter à l'ambassade d'Algérie pour y faire enregistrer son douzième enfant, né douze jours auparavant.

Agé aujourd'hui de quarante ans, formé en Allemagne de l'Est dans les techniques du bâtiment, Abdelkrim Deneche est arrivé à Stockholm via Berlin, à la fin de 1988, accompagné de sa femme, une Algérienne épousée au pays un an plus tôt. Les démarches qui venaient en octobre de secouer l'Algérie l'ont-elles incité à quitter un pays qui commençait à s'enfoncer dans les difficultés ? Il semble bien, en

fondé avec quelques amis maghrébins et libanais une association, Masjid Okba, dont l'objet officiel est « la prière, l'éducation islamique et la célébration des fêtes religieuses ». L'enregistrement qu'il demande auprès des autorités pour obtenir des subventions lui est refusé : il manque quelques pièces justificatives. Deux ans plus tard, nouvelle démarche et nouvel échec. Sans que l'on puisse l'imputer au nouvel objet de l'association, qui est, entre autres, la distribution d'*Al-Ansar*, « organe des partisans d'une dihalad en Algérie ».

En quelques années, le paysage islamiste est profondément modifié. En Algérie, sous les coups d'une répression sans pitié, le FIS est écarté et les « émiris » pulvérisés, plus radicaux les uns que les autres ; les mêmes tendances centrifuges se manifestent dans l'émigration. Et, à Stockholm, Abdelkrim Deneche défie les vieux bonzes pro-FIS de la fédération en collectant des fonds parmi leurs ouailles ou en distribuant son brûlant chaque vendredi sur leur territoire, à la sortie de la mosquée de Rönwägen, dans le sud de la ville.

Depuis, le « groupe d'Hanninge » — du nom du faubourg où Deneche avait ses quartiers — a plus vivement que vécu. Quinshimot épuisé de la mosquée de Stockholm, réunit à une vingtaine de membres, il se consacre essentiellement à la distribution d'*Al-Ansar*, que tous les tournaux algériens reçoivent par télécopie.

Jusqu'à son arrestation, Abdelkrim Deneche était le diable, par la queue : il laisse à sa propriétaire deux mois de loyer impayé et à la compagnie du téléphone une note de quelque 30 000 francs.

Georges Marton

# Les policiers français vont examiner les effets personnels d'Abdelkrim Deneche

Samedi 23/9/95

PM

TROIS PAIRES de lunettes, deux bracelets-montres et un avis de virement-postal : à défaut d'interroger Abdelkrim Deneche, les policiers français vont pouvoir se pencher sur ses effets personnels. Le gouvernement suédois a en effet autorisé, jeudi 21 septembre, l'envoi vers la France de quelques pièces appartenant à l'Algérien soupçonné par les enquêteurs d'être impliqué dans l'attentat qui avait tué sept personnes, le 25 juillet, dans la station de RER Saint-Michel, à Paris. Ces objets « seront restitués à la Suède lorsque l'enquête en France sera terminée », a précisé le ministère de la Justice suédois, qui n'a, en revanche, pas indiqué la date de cet envoi.

Saisies par les policiers suédois au domicile d'Abdelkrim Deneche, ces pièces sont jugées d'une grande importance par le juge Jean-François Ricard. Le magistrat souhaite en effet les présenter au principal témoin, un gendarme breton en permission, qui affirme avoir vu Abdelkrim Deneche dans le RER quelques minutes avant l'explosion. Le fonctionnaire avait notamment donné des détails sur la montre et les lunettes portées par cet homme, dont le comportement avait éveillé son attention. La police entend aussi faire analyser l'avis de virement postal que l'Algérien aurait signé dans un bureau de la banlieue sud de Stockholm le jour de l'attentat. Les enquêteurs, pour qui Abdelkrim Deneche demeure suspect, aimeraient pouvoir s'assurer que ce document n'a pas été falsifié.

En l'état actuel de l'enquête, la piste de celui qui était présenté comme le suspect numéro un, paraît des plus fragiles. Il y a six semaines, le journal algérien *La Tribune* le désignait comme un des chefs du GIA en Europe. Derrière le rédacteur du bulletin pro-GIA *Al Arisar*, assurait le journal, se cachait un militant actif du Groupe islamique armé, organisant, à partir de

la Suède où il vivait depuis plusieurs années, de nombreux attentats. Il y a un mois, le juge Ricard, sous couvert de vacances, sautait dans un avion pour tenter d'entendre cet homme. Les enquêteurs assuraient d'ailleurs qu'il se trouvait à Paris le jour du premier attentat. Aujourd'hui, le portrait du dangereux terroriste semble avoir laissé place à celui d'un illuminé, parlant beaucoup mais dont on ignore les réels agissements. Les autorités suédoises, elles, doutent en tout cas de son implication dans l'attentat de Saint-Michel.

Fortes de l'alibi présenté par l'Algérien, elles ne semblent pas décidées à l'extrader vers la France. Certes, arrêté le 21 août, il est toujours

maintenu en détention à la demande de la Säpo, la police secrète suédoise, en vertu de la loi anti-terroriste. Mais Stockholm a tenu à préciser, jeudi, que le feu vert du gouvernement concernant les effets personnels de l'Algérien ne présageait en rien de la décision sur une éventuelle extradition. « Ce sont deux choses différentes », a affirmé le ministère de la Justice. Tout porte à croire, d'ailleurs, que le gouvernement suédois donnera sa préférence à la procédure d'expulsion engagée contre lui par la Säpo, qui le juge « indésirable » dans le royaume. Si tel était le cas, on ignore vers quel pays il serait expulsé.

Nathaniel Herzberg

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ÉTABLISSEMENT D'ENSEIGNEMENT SUPÉRIEUR PRIVÉ

Reconnu par l'État - Habilité à délivrer le diplôme d'ingénieur par la CTF

Le Monde 3 octobre 1995

## M. Deneche n'était pas à Paris le jour de l'attentat du RER

STOCKHOLM  
de notre correspondant

en Europe du Nord

Abdelkrim Deneche, le ressortissant algérien résidant en Suède et dont la France a demandé l'extradition pour son implication présumée dans l'attentat à la bombe à la station Saint-Michel du RER, le 25 juillet dernier, ne se trouvait pas à Paris ce jour-là. La police suédoise vient en effet de confirmer l'alibi présenté, dès le début de l'affaire, par le militant islamiste, sympathisant du GIA, qui avait été « reconnu » sur photos par un gendarme breton présent dans le métro au moment de l'attentat.

Selon le quotidien de Stockholm *Svenska Dagbladet* du 1<sup>er</sup> octobre, le laboratoire central de la brigade criminelle suédoise (SKL) a conclu de ses investigations et analyses graphologiques qu'Abdelkrim Deneche, âgé de trente-neuf ans, s'était bien rendu, le 25 juillet, dans un bureau de poste d'une banlieue de la capitale du royaume, où il avait signé de sa main un avis postal. Les experts sont certains de l'authenticité de la signature.

### OÙ L'EXPULSER ?

En dépit de la faiblesse du dossier d'accusation, Abdelkrim Deneche demeure détenu à Stockholm, en vertu de la loi sur le contrôle des étrangers - l'équivalent d'une législation antiterroriste - et en raison de ses liens avec le GIA que la police de sécurité (Säpo) paraît avoir établis. La Cour suprême suédoise devrait se réunir dans le courant de la semaine pour décider si, oui ou non, l'Algérien peut être extradé vers la France - conformément aux conventions européennes - ou s'il doit être expulsé vers un autre pays. Mais c'est en dernier ressort le gouvernement social-démocrate qui franchera. Cette décision interviendra probablement à l'occasion du conseil des ministres du 12 octobre.

Si Stockholm choisit d'expulser Abdelkrim Deneche, il est hors de question de le renvoyer en Algérie, son pays d'origine, en raison de la situation qui y règne. Il s'agit donc de trouver un autre Etat, tel le Soudan, qui serait disposé à accueillir un militant du GIA. Une troisième solution pourrait toutefois être retenue : la Suède peut fort bien, par exemple, décider d'expulser officiellement l'islamiste de son territoire, mais estimer que cette mesure ne peut être appliquée dans les circonstances actuelles. Aucun pays étranger n'acceptant de lui fournir un asile. Dans ce cas, Abdelkrim Deneche serait sans doute libéré, autorisé à rester en Suède et astreint à se présenter à l'interpolite régulier à la police.

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# La justice suédoise refuse l'extradition d'Abdelkrim Denèche

## La France soupçonne toujours l'Algérien d'être impliqué dans l'attentat du 25 juillet

Dans un arrêt rendu vendredi 20 octobre, la Cour suprême fédérale suédoise a refusé l'extradition vers la France de l'Algérien Abdelkrim Denèche, soupçonné par la police française d'être impliqué dans l'attentat du 25 juillet à la station de RER Saint-Michel. Le ministre de la justice, Jacques Toubon, a « regretté » cette décision de la plus haute instance judiciaire suédoise, estimant que cette « piste » demeurait « sérieuse ».

**STOCKHOLM**  
de notre correspondant  
en Europe du Nord

La France, qui soupçonne Abdelkrim Denèche d'être impliqué dans l'attentat du 25 juillet à la station de RER Saint-Michel, avait lancé un mandat d'arrêt international contre lui, « pour assassinats et tentative d'assassinats », et demandé, le 29 août, son extradition. Mais la Cour suprême de Stockholm a estimé, dans son arrêt du vendredi 20 octobre, que ce ressortissant algérien résidant en Suède possédait un solide alibi pour le jour de l'attentat et qu'il ne pouvait être livré aux autorités françaises. L'enquête suédoise avait conclu que certains points demeuraient douteux dans l'emploi du temps de M. Denèche pour la journée du 25 juillet, et que ce dernier avait fait des déclarations contradictoires. Toutefois, la Cour rappelle que le premier interrogatoire a eu lieu un mois après l'attentat. Dès lors, estime-t-elle, il n'est pas étonnant qu'il ne se souvienne plus exactement de ce qu'il a fait ce jour précis.

La Cour considère qu'Abdelkrim Denèche s'est bien rendu, ce fameux 25 juillet, au bureau de la Sécurité sociale d'une banlieue de Stockholm où il habitait, puis au guichet de la poste du quartier où, « à 17 h 23 », selon les relevés

de la caisse, il a retiré de l'argent. Parmi les témoins entendus, un seul - une voisine de la famille Denèche - tendrait à indiquer qu'il « était parti » le 25 juillet, mais ce témoignage imprécis est contredit par une autre personne « qui se trouvait avec cette voisine au moment des observations ». Une autre locataire a affirmé « avoir parlé [ce jour-là] avec Denèche dans l'escalier vers 18 heures ».

La Cour considère donc que les indices établissant que M. Denèche se trouvait bien dans l'après-midi du 25 juillet « dans la région de Stockholm » sont « si forts » que la demande d'extradition repose sur des bases erro-

nées. Un des juges a tout de même émis des réserves. Il estime que l'enquête ne « permet pas d'exclure totalement que Denèche était bien à Paris le jour de l'attentat » et que, dans ce cas, l'extradition était envisageable.

### UN « MILITANT VOLONTAIRE »

Le dernier mot reviendra au gouvernement, qui ne peut, bien entendu, désavouer la Cour suprême. L'Algérien, maintenu en détention depuis le 21 août, ne sera pas libre pour autant car la police de sécurité suédoise (Säpo) le soupçonne d'avoir entretenu des liens avec des « organisations terroristes » et réclame son expulsion. Dans un entretien au quoti-

dien *Expressen* du 27 septembre, Abdelkrim Denèche déclarait être un « militant volontaire ». « Notre mission, disait-il, est de révéler le terrorisme d'Etat en Algérie et son mandant, le néocolonialisme français. Je suis un membre du GLA-LTE, qui est une organisation pacifique dont les activités s'étendent aux Algériens qui vivent en Suède et en Europe en général. »

Plusieurs scénarios sont maintenant envisageables. Le gouvernement suédois, estimant que le dossier de la Säpo est convaincant, peut décider de l'expulser vers un pays disposé à l'accueillir. Son avocat affirme cependant qu'il veut rester en Suède. Faute d'asile, il pourrait, en fait, continuer à y vivre en étant soumis à un contrôle judiciaire. Enfin, il pourrait quand même être livré à la France - en application, non plus du code pénal et des règlements sur l'extradition, mais de la loi antiterroriste. « Un gros risque pour notre gouvernement, indique un commentateur de la radio suédoise, car des groupes extrémistes algériens pourraient être tentés de se venger. » La Säpo a récemment laissé entendre que plusieurs organisations terroristes - sans préciser lesquelles - avaient tendance à utiliser la Suède comme « relais » ou « bases ».

### M. Toubon « regrette » la décision de Stockholm

Jacques Toubon a « regretté », vendredi 20 octobre, la décision de la Cour suprême fédérale suédoise de refuser l'extradition d'Abdelkrim Denèche. « C'est un acte souverain de la justice suédoise, j'en prends acte, mais je le regrette, ayant avec le gouvernement demandé cette extradition », a dit le garde des sceaux. « La piste Denèche est une piste sérieuse, je l'ai toujours dit », a-t-il insisté. Revenant sur le refus suédois, il a ajouté : « Autant il existe dans notre pays une vraie solidarité entre tous, comme les familles politiques, autant entre les différents pays, d'Europe ou non, il n'y a pas suffisamment de solidarité. »

Selon M. Toubon, « un certain nombre de pays n'attachent pas la même importance que nous à l'intégrisme islamique, ou cherchent à s'en préserver ». Le ministre a « lancé un appel à l'ensemble des nations européennes » pour « une véritable solidarité humaine, politique et judiciaire ».

Alain Debove

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## Suède : libération sous contrôle pour Abdelkrim Deneche

LA SUÈDE a décidé, mardi 31 octobre, de remettre en liberté sous contrôle judiciaire l'Algérien Abdelkrim Deneche, suspecté par la France d'être impliqué dans l'attentat commis à la station Saint-Michel du RER. Les autorités suédoises ont également arrêté le principe de l'expulsion de cet homme de 39 ans en estimant qu'il y avait « lieu de craindre » que celui-ci « ne commette ou ne participe à des actes de nature terroriste ». Toutefois, le gouvernement n'entend pas le renvoyer vers son pays d'origine et considère qu'une expulsion vers un autre pays « ne peut être envisagée ». A l'issue d'une réunion extraordinaire, il a donc décidé de « suspendre » sa décision jusqu'à nouvel ordre. Le 26 octobre, une demande française d'extradition avait été rejetée.





développement et les pays développés, exige d'être rationalisée. Par ailleurs, les politiques sélectives adoptées par certains pays développés lors de la libéralisation de leurs échanges commerciaux et les politiques protectionnistes déguisées mises en place derrière un rideau de considérations sur l'environnement, les droits de l'homme ou autres, contredisent l'esprit et l'appel à la libéralisation du commerce international et conduisent à l'aggravation et au renforcement des déséquilibres actuels.

Nous nous réjouissons de l'ouverture des travaux de l'Organisation mondiale du commerce. Nous espérons que l'une de ses tâches les plus importantes à l'avenir sera de rectifier ces déséquilibres. Nous voudrions également souligner la nécessité pour la Conférence des Nations Unies sur le commerce et le développement de continuer à tenir son rôle de forum de négociations international qualifié pour édifier un consensus sur les questions liées aux échanges commerciaux et au développement, et de source très précieuse, pour les pays en développement, d'assistance technique et d'information sur l'économie mondiale.

Les changements intervenus dans l'arène économique internationale rendent nécessaire un examen global du rôle, des capacités et des structures des institutions de financement internationales, afin de permettre à ces institutions de répondre à ces changements et aux exigences d'un développement global et durable d'une manière qui refléterait l'esprit de démocratie et de réforme.

Indubitablement, le phénomène du terrorisme reste un sujet de grave préoccupation pour beaucoup de gens, qui sont excédés par les actes criminels visant à terroriser des sociétés entières et par l'exportation du terrorisme par des pays qui ont accepté de devenir des lieux d'asile pour l'extrémisme et une base pour les assassins et les criminels, accueillant les terroristes et leur fournissant refuge, protection et assistance.

À cet égard, je voudrais souligner que les événements ont démontré que le terrorisme n'est pas limité à une zone géographique spécifique, ou à une culture ou religion particulière. Il n'est donc pas raisonnable pour certains de prétendre que l'islam est synonyme d'extrémisme. Il serait également totalement injuste d'ignorer la différence fondamentale entre l'islam, religion de tolérance qui défend les valeurs humaines, et le terrorisme pratiqué par certains groupes fondamentalistes égarés prétendument religieux, qui s'écartent de l'islam.

Il nous appartient donc de mettre en œuvre la Déclaration sur les mesures visant à éliminer le terrorisme

international, que nous avons adoptée l'an dernier. Fermons la porte à ceux dont les mains sont tachées du sang de victimes innocentes et mettons au point un régime juridique sévère pour traduire en justice les terroristes et les juger pour les crimes odieux qu'ils commettent au détriment de la stabilité et de la sécurité internationales.

Pour conclure, je voudrais rendre hommage au rôle éminent du Secrétaire général, M. Boutros Boutros-Ghali, et aux efforts sincères qu'il déploie en vue d'améliorer et de revitaliser l'Organisation des Nations Unies afin qu'elle puisse affronter les réalités de notre époque et répondre aux espoirs de paix, de sécurité, de développement, de justice et d'égalité de nos peuples. L'Égypte est fière de voir l'un de ses fils éminents à la barre des Nations Unies, à ce tournant important de leur histoire et au cours de cette période critique de l'histoire de l'humanité.

Alors que nous célébrons le cinquantième anniversaire de l'Organisation des Nations Unies, nous sommes encore loin d'atteindre les nobles buts et objectifs inscrits dans sa Charte. Il nous appartient au seuil d'un nouveau siècle et d'un nouveau millénaire, de soutenir les Nations Unies et de renforcer leurs capacités. C'est là une nécessité absolue si nous voulons regarder vers l'avenir avec confiance et espoir d'une vie meilleure pour tous.

Le Président par intérim (*interprétation de l'anglais*) : Je donne maintenant la parole au Secrétaire du Comité populaire général du Bureau du peuple pour les relations extérieures et la coopération internationale de la Jamahiriya arabe libyenne, S. E. M. Omar Mustafa Muntasser.

→ M. Muntasser (Jamahiriya arabe libyenne) (*interprétation de l'arabe*) : C'est pour moi un plaisir de féliciter M. Freitas do Amaral de son élection unanime à la présidence de la cinquantième session de l'Assemblée générale. En l'élisant à d'aussi nobles fonctions la communauté internationale lui rend hommage ainsi qu'à son pays. C'est aussi la consécration de sa compétence et de ses talents. Quant à son prédécesseur, M. Amara Essy, Président de la quarante-neuvième session de l'Assemblée générale, qui a fait preuve d'un grand dévouement et d'une grande compétence, nous aimerions lui transmettre notre profonde reconnaissance pour les efforts qu'il a déployés et pour l'efficacité dont il a fait preuve.

Je saisis également cette occasion pour exprimer la reconnaissance de ma délégation au Secrétaire général de l'Organisation, M. Boutros Boutros-Ghali, pour les efforts inlassables qu'il déploie afin de rehausser les Nations Unies

et d'accroître leur efficacité. Dans son «Supplément à l'Agenda pour la paix», il a fait preuve une fois de plus de son esprit d'initiative en cherchant à mettre les Nations Unies à même de relever les défis que pose le monde hautement complexe d'aujourd'hui.

Cette session de l'Assemblée générale se réunit dans des circonstances très importantes. Dans quelques jours, nous commencerons à célébrer le cinquantième anniversaire de la fondation de l'Organisation des Nations Unies dont l'objectif à l'origine était de préserver l'humanité de la répétition des souffrances que deux guerres mondiales lui ont infligées. Cette occasion historique, qui marque la fin de l'après-guerre froide et de toutes ses ramifications, nous offre la possibilité, tout en la célébrant, de dresser le bilan. Les progrès réalisés par l'Organisation au cours des 50 dernières années, d'évaluer ses réalisations et de chercher les moyens qui lui permettraient de surmonter les facteurs négatifs qui dans le passé l'ont empêchée de réaliser ses objectifs. Ce faisant, nous devrions proposer des plans et des programmes d'action qui auraient pour but de revitaliser les Nations Unies et de leur permettre de faire face aux défis à venir et d'instaurer un monde meilleur, conforme aux principes de la Charte et aux valeurs et aspirations communes de toutes les nations.

L'année dernière, le monde a été témoin d'événements encourageants. Les efforts déployés pour promouvoir la coopération internationale, dans l'intérêt du développement économique et social, pour limiter la dégradation de l'environnement et pour combattre les phénomènes de la pauvreté, du terrorisme et des stupéfiants, se sont poursuivis. Le conflit au Mozambique a été réglé par des moyens pacifiques, et la paix en Amérique centrale a été consolidée. Tous ces événements et toutes ces tendances offrent des raisons d'espérer. Cependant il ne faut pas pour autant exulter. Les guerres civiles et les conflits régionaux continuent de faire rage et de saper la sécurité et la stabilité dans de nombreuses parties du monde. Le monde de l'après-guerre froide comporte de nombreux autres défis que je vais passer en revue. Auparavant, je demande toutefois à l'Assemblée de me permettre de soulever une autre question qui n'est guère éloignée de la situation internationale actuelle et de la façon dont les petits pays sont maintenant traités, en particulier lorsqu'ils adoptent des politiques et des positions indépendantes. J'entends par là la dispute entre mon pays et la France, le Royaume-Uni et les États-Unis d'Amérique au sujet de l'explosion du vol 103 de la Pan Am, et l'écrasement au sol de l'appareil français de l'UTA. Cette dispute n'aurait pas autant persisté si l'approche convenable avait été adoptée et si l'appel au dialogue

et à la négociation avait été saisi en vue de régler cette dispute.

Pendant plusieurs années, et dans le secret le plus absolu, certains organes soi-disant indépendants ont enquêté sur ces deux incidents. Soudain, et sans preuve à l'appui, la Grande-Bretagne et les États-Unis d'Amérique ont surpris le monde en déclarant que l'accident du vol Pan Am 103 était l'oeuvre de deux ressortissants libyens. En même temps, la France déclarait que des preuves circonstancielles indiquaient que plusieurs Libyens avaient participé à l'attaque contre le vol UTA 772. Même si leurs auteurs n'ont étayé ces allégations d'aucun document, témoignage ou fait concret, la Jamahiriya arabe libyenne, lorsqu'elle en a eu connaissance, a annoncé qu'elle était prête à coopérer pour découvrir les faits entourant ces deux affaires. J'estime inutile de rappeler les mesures que nous avons prises à cet égard, que j'ai énumérées au cours des deux sessions précédentes de cette Assemblée. De plus, nous avons informé tous les États Membres de nos positions et de nos initiatives à cet égard, dans des documents officiels qui leur ont été distribués. Cependant, j'aimerais rappeler brièvement que mon pays a condamné le terrorisme sous toutes ses formes, s'engageant à appliquer toute mesure que prendra la communauté internationale pour lutter contre le terrorisme. Mon pays a d'ailleurs coopéré dans ce sens avec le Gouvernement britannique. Les responsables britanniques eux-mêmes se sont montrés satisfaits de la réponse de la Libye. Des contacts ont été établis et se poursuivent avec les autorités françaises afin de déterminer les circonstances entourant l'écrasement au sol de l'avion français. Mon pays n'a épargné aucun effort dans sa recherche de la ligne de conduite à suivre à l'égard des deux individus soupçonnés d'avoir été mêlés à l'accident de l'avion américain. Les autorités judiciaires libyennes ont commencé à interroger les deux suspects, mais elles ont dû suspendre leur enquête en raison du refus des autorités américaines et britanniques de fournir tout document dont elles disposent. Bien que la question du procès des deux suspects relève de la Convention de Montréal de 1971, qui confère à la Libye le droit de les passer en jugement, le refus de la Grande-Bretagne et des États-Unis de se conformer à cette convention, à laquelle tous deux sont parties, a incité la Libye à rechercher d'autres solutions à la question du procès. À cet égard, elle a d'ailleurs fait plusieurs propositions, dont l'une invite à recourir à la Cour internationale de Justice, ou traduire les deux suspects devant un tribunal dont le siège serait convenu par les parties concernées.

Bien que les Gouvernements américain et britannique aient tous deux annoncé que leurs allégations se fondaient

sur des faits précis et une information fiable, les faits mis en lumière au cours des trois dernières années réfutent cette affirmation. Outre la déclaration faite par le ressortissant palestinien Yusuf Sha'aban devant les tribunaux libanais et celle du gérant d'une société suisse d'électronique qui savent sérieusement l'aspect le plus important de l'accusation portée contre les deux nationaux libyens, l'information publiée dans le livre *Tracking the Octopus* pointe un doigt accusateur vers d'autres milieux. Nonobstant ces faits, la Libye a continué de coopérer en vue de mettre à jour tous les faits relatifs à l'explosion du vol Pan Am 103. Partant de là, la Libye a accepté la proposition de la Ligue des États arabes, qui demande que les deux suspects soient jugés par des juges écossais, selon la loi écossaise, au siège de la Cour internationale de Justice à La Haye.

Les nombreux secrets et les dimensions mystérieuses de l'affaire Lockerbie, qui ont été découverts depuis, ont été récemment mis en lumière, entre autres, par le documentaire télévisé intitulé *The Maltese Double-Cross*, par le livre de William Chasey *The Lockerbie Cover-Up* et par le livre de Geoff Simmons *Libya: The Struggle for Survival*. De plus, plusieurs articles sur la question ont été publiés dans de nombreux journaux, y compris *The Guardian* de Londres (article paru le 29 juin 1995). Tous les documentaires et publications réfutent les accusations portées contre les deux Libyens, et donnent des preuves que l'affaire Lockerbie avait été planifiée par des agences professionnelles pour camoufler certaines activités louches. Malgré tout, la Libye, qui, depuis le début, a déclaré qu'elle s'intéressait véritablement à découvrir la vérité au sujet de cette affaire, n'est pas revenue sur sa position déclarée, à savoir qu'elle ne s'opposait aucunement à ce que ses deux nationaux suspectés soient jugés devant un tribunal.

La préoccupation principale de la Libye dans tout cela est que ses deux ressortissants obtiennent un procès juste, équitable et neutre, à l'abri de toute influence émotionnelle ou médiatique, et qui se déroulerait conformément aux règles du droit international que la Libye a toujours soutenues et respectées. La Cour internationale de Justice peut témoigner de notre respect du droit international et de notre adhésion à ses principes, comme cela a été prouvé dans trois cas, dont le dernier a été le jugement rendu par la Cour à propos du différend territorial entre la Jamahiriya arabe libyenne et le Tchad. Bien que le jugement ait été rendu contre notre position, la Libye, par respect pour le droit international, a accepté l'ordonnance de la Cour et l'a appliquée de façon constructive. Cela confirme le respect de la Libye envers le droit international, que l'une des grandes puissances ne cesse de citer, sans jamais l'appliquer. Elle refuse même de recourir à la Cour internationale

de Justice, car cette grande puissance croit au droit de la force et pas à la force du droit.

Il est évident que les Gouvernements américain et britannique n'ont guère envie de révéler la vérité au sujet des auteurs du tragique accident de Lockerbie. Il est devenu tout à fait clair que l'on a prémédité d'impliquer la Libye dans cette affaire afin de parvenir à certains objectifs. Sinon, pourquoi ces deux gouvernements s'opposeraient-ils à ce que les deux suspects comparaissent devant les instances judiciaires d'un pays tiers ou devant la Cour internationale de Justice, alors que c'est acceptable par la Jamahiriya arabe libyenne et que c'est appuyé par la plupart des membres de la communauté internationale, représentés par leurs organisations régionales : la Ligue des États arabes, l'Organisation de la Conférence islamique, l'Organisation de l'unité africaine et le Mouvement des pays non alignés? Qu'est-ce qui empêche les deux gouvernements d'accepter la voie du dialogue et de la négociation, comme le stipule la Charte des Nations Unies? Pourquoi le Conseil de sécurité est-il empêché de réagir aux appels et demandes répétés de plus des deux tiers des Membres de l'ONU au nom desquels le Conseil de sécurité est censé agir? Et pourquoi avoir recours au système du double critère lorsqu'il s'agit de traiter des questions de légalité internationale? En outre, comment certaine grande puissance peut-elle expliquer le fait que, alors qu'elle prétend être attachée à préserver cette légalité, son histoire montre qu'elle n'a aucun respect pour la volonté de la communauté internationale, fait qui est prouvé par le fait que cette grande puissance continue d'appuyer un certain État et de protéger cet État contre tout châtement pour son refus d'appliquer les résolutions internationales dont le nombre s'élève à 143, y compris des dizaines de résolutions adoptées par le Conseil de sécurité?

Le rejet par les deux Gouvernements américain et britannique de toutes les propositions de la Libye et de toutes les initiatives régionales prouve qu'ils veulent que cette crise continue aussi longtemps que possible. La preuve en est que plus les positions de la Libye sont bien accueillies et plus l'appel à lever les sanctions imposées contre le peuple libyen se généralise, plus les deux gouvernements se hâtent de s'opposer à ces positions sous le prétexte fallacieux que la Libye ne réagit pas aux résolutions du Conseil, gardant ainsi le peuple libyen otage de sanctions non justifiées — comme si ces pays n'étaient pas satisfaits des difficultés et des souffrances endurées par le peuple libyen aux mains des colonialistes et des fascistes qui ont mené contre lui, sur son territoire, une guerre qui a tué et déplacé des centaines de milliers de Libyens et implanté dans les fermes et sous les maisons des millions

de mines qui explosent encore aujourd'hui, faisant d'innocentes victimes. Ces mines entravent également les efforts que fait la Libye pour lutter contre la désertification, protéger l'environnement et étendre son développement économique et social. Il semble même que ces pays ne sont pas satisfaits des souffrances endurées jusqu'à présent par le peuple libyen, y compris les actes de terrorisme auxquels il a été soumis, tels que la destruction intentionnelle d'un avion civil libyen par une escadrille militaire israélienne en 1973, qui a tué ses 108 passagers. Également, en 1986, des centaines d'avions de combat américains ont bombardé des villes libyennes alors que leurs résidents dormaient. Cette agression a coûté la vie à de nombreuses personnes et a provoqué de lourds dégâts matériels. Il s'est avéré par la suite que le prétexte utilisé par les États-Unis d'Amérique pour commettre cet acte d'agression était faux et sans fondement. Le désir profond de punir le peuple libyen est également devenu manifeste lorsque ces pays ont insisté pour priver son aviation civile des pièces détachées nécessaires. Cela a causé, en 1992, la chute de l'un de ces aéronefs et la mort de ses 157 passagers.

Tout cela incite à se poser la question suivante : Est-ce le désir de découvrir la vérité, ou est-ce un désir, une soif, de se venger sur la Libye de la défaite essuyée par la flotte américaine en 1805? Où se trouve la vérité? Est-ce la soif de revanche, une vendetta lancée par une grande puissance contre un petit pays, une vendetta qui remonte à 150 ans?

La Jamahiriya arabe libyenne a cherché une solution rapide et équitable à son différend avec la France, la Grande-Bretagne et les États-Unis d'Amérique. Tout ce qu'elle a demandé est que le problème soit réglé conformément aux principes de l'ONU et des règles du droit international. À cette fin, nous avons frappé à de nombreuses portes, mais nos efforts, et ceux déployés par d'autres, pour régler ce différend et lever les sanctions ont toujours été systématiquement rejetés. De plus, il semblerait que d'autres mesures pourraient être adoptées pour renforcer les sanctions contre nous sous prétexte que la Libye n'a pas répondu aux exigences du Conseil de sécurité. Ce n'est pas vrai. Cela ne représente qu'une manipulation de l'interprétation de ces résolutions.

Maintenant que j'ai exposé cette crise pour la quatrième fois devant l'Assemblée générale et afin d'éviter toute nouvelle ramification, nous sommes d'avis qu'il incombe maintenant à cette auguste assemblée d'intervenir et d'agir conformément aux pouvoirs qui lui sont octroyés par la Charte afin d'obtenir que ces trois pays répondent aux appels répétés en vue de régler ce problème de façon

urgente et pacifique, conformément au Chapitre VI de la Charte des Nations Unies. Cette Assemblée doit également prier instamment le Conseil de sécurité de revoir ses résolutions afin de lever les sanctions. Le recours aux sanctions n'est pas la bonne manière de résoudre les différends entre États, particulièrement lorsque ces sanctions sont imposées de manière injustifiée, comme c'est le cas pour les sanctions imposées contre le peuple libyen. Ces sanctions ont entraîné le gel des avoirs de la Libye et l'ont empêchée d'obtenir des pièces détachées, y compris les pièces nécessaires pour réparer les centrales électriques et les machines de dessalement, ce qui a entravé les efforts du peuple libyen en matière de développement et paralysé les activités de la plupart des secteurs économiques. L'aspect le plus grave des effets de ces sanctions est l'énormité des pertes matérielles et humaines que je n'ai pas besoin d'énumérer ici en détail, puisque nous les avons signalées dans plusieurs documents officiels, dont le plus récent est le document des Nations Unies S/1995/474, en date du 12 juin 1995. Qu'il suffise de mentionner ici que le nombre des personnes blessées dans les accidents de la route a atteint 12 700, parmi lesquelles 1 870 sont mortes des suites de leurs blessures alors que d'autres restent handicapés et mutilés de façon permanente. Les dégâts matériels dépassent les 10 milliards de dollars. En outre, les effets négatifs des sanctions n'ont pas uniquement atteint le peuple libyen. Ils ont également touché les pays voisins et tous les peuples de la région. Je me dois de répéter ici que plus ces sanctions dureront, plus il y aura de morts et plus il y aura de souffrances et de dommages. Il n'y a absolument aucune raison de garder le silence au sujet de cette injustice et de ce tort que l'on continue de nous causer. Pour l'information de cette assemblée, un accident de la route qui a eu lieu il y a deux jours sur la route de Tripoli à Tunis a causé la mort de trois membres d'une délégation maltaise.

Comme je l'ai déjà dit, la situation politique internationale a connu une nouvelle évolution positive, dont mon pays se réjouit. Nous devons toutefois reconnaître que de nombreux défis à la paix existent toujours dans le monde et par conséquent, la communauté internationale est appelée à mobiliser toutes ses capacités pour les relever.

La détérioration continue de la situation en Somalie et les tensions exacerbées dans ce pays exigent de nouveaux efforts régionaux pour amener les dirigeants somaliens à prendre de nouveaux engagements politiques et à travailler à l'instauration de la paix et au rétablissement d'une stabilité permanente dans leur pays. Pour faire du monde un lieu plus sûr et plus stable, il faut appuyer les efforts de réconciliation nationale en Afghanistan, encourager une solution satisfaisante au problème de Chypre, résoudre les pro-

blèmes au Rwanda et au Burundi et régler les différends en Angola et au Libéria. Il faut également mettre un terme aux échecs répétés que connaissent les efforts de paix dans les Balkans et épargner au peuple de Bosnie-Herzégovine, ainsi qu'à d'autres peuples de l'ex-Yougoslavie, de nouvelles épreuves et des souffrances accrues.

Afin d'instaurer la stabilité permanente dans la région du Golfe, l'unité et l'intégrité territoriale de l'Iraq doivent être respectées et toute ingérence dans ses affaires intérieures doit cesser. En outre, les sanctions qui causent tant de souffrances au peuple iraquien doivent être levées.

Dans le contexte d'une action menée pour consolider la paix mondiale, il est indispensable de prendre des mesures concrètes pour résoudre les problèmes du Moyen-Orient. Il est inacceptable que le peuple palestinien continue d'être exilé de sa terre et que ceux qui sont restés soient traités brutalement. La majorité écrasante de la communauté internationale qui, ces 40 dernières années, n'a cessé d'appuyer les droits légitimes du peuple palestinien devrait prendre des mesures fermes pour mettre fin aux pratiques israéliennes contre les Palestiniens et les autres habitants des territoires arabes occupés dans le Golan et au Sud-Liban. Il faut persuader les Israéliens, conformément à la Charte des Nations Unies, de renoncer à défier systématiquement la volonté de la communauté internationale. La vérité incontournable est que l'occupation et l'expansion sont les véritables objectifs des Israéliens. Leurs positions et leurs pratiques passées et présentes indiquent qu'ils ne veulent pas d'une paix globale et juste. Leur participation au prétendu processus de paix n'est qu'un écran de fumée derrière lequel ils se cachent pour consacrer leur occupation et pour renforcer leur supériorité.

Une solution juste, globale et durable aux problèmes du Moyen-Orient ne peut être réalisée en cédant l'administration des affaires locales à Gaza et à Jéricho, mais en libérant tous les territoires arabes occupés et en faisant en sorte que le peuple palestinien puisse exercer intégralement tous ses droits, en premier le droit de retour dans sa patrie, son droit à l'autodétermination et le droit de créer son propre État indépendant en Palestine, avec Al Qods comme capitale, où Arabes et Juifs pourront vivre ensemble. Il n'y a pas d'alternative. Les solutions proposées actuellement et les résultats escomptés ne pourront, quoi qu'on en dise, répondre aux aspirations des Palestiniens et aux espoirs des pays concernés, tout simplement parce que ces solutions sont irréalistes et méconnaissent les faits de l'histoire.

L'existence continue d'armes nucléaires et le stockage accru de ces armes et autres armes de destruction massive figurent parmi les principales préoccupations de la communauté internationale. On avait espéré que la Conférence d'examen des États parties au Traité sur la non-prolifération (TNP), qui s'est tenue au premier semestre de cette année, aboutirait à des résultats satisfaisants. Toutefois, ce qui s'est vraiment produit c'est que certaines puissances nucléaires ont exercé des pressions sans précédent qui ont permis de proroger indéfiniment le TNP. Mon pays a manifesté son opposition à cette prorogation, et nous restons convaincus que la prorogation du Traité, de cette manière, ne répondra jamais à l'objectif de désarmement nucléaire.

Le TNP n'a pas reçu l'adhésion universelle, et ses nombreuses lacunes n'ont pas été corrigées de façon appropriée. À notre avis, ce n'est pas en clamant des victoires remportées grâce à des manoeuvres et des mesures non conventionnelles qu'on pourra débarrasser le monde de la terreur nucléaire, mais bien plutôt quand les États nucléaires eux-mêmes prendront des mesures sérieuses à cet égard. Dans ce contexte, la fourniture de matières fissiles doit cesser, et les États nucléaires doivent s'engager à respecter une date limite pour l'élimination totale de toutes les armes nucléaires. Ces États doivent mettre un terme aux essais nucléaires et conclure, dans les plus brefs délais, un traité d'interdiction complète de ces essais. En outre, les États nucléaires doivent manifester la volonté politique nécessaire pour conclure un traité efficace destiné à garantir la sécurité des États non nucléaires.

Une autre situation qui exige de promptes mesures correctives implique la restriction injustifiée sur le transfert de technologies nucléaires aux États non nucléaires à des fins pacifiques. Et, plus important que tout, il faudra prendre des mesures pour assurer l'universalité du TNP. Mon pays attache une extrême importance à cette question, parce que la région à laquelle nous appartenons souffre d'un déséquilibre de sécurité, du fait de l'énorme capacité nucléaire d'Israël, qui possède plus de 200 ogives nucléaires et des installations nucléaires qui ne sont pas soumises au contrôle international. Cela pose une menace à la sécurité des peuples de la région. Nul ne saurait rester silencieux devant une telle situation ni accepter la prorogation du TNP tant que cette situation existe.

Pour que la prorogation indéfinie du TNP bénéficie de l'appui de tous, il faut prendre des mesures à l'échelle internationale pour répondre à toutes ces exigences et pour

garantir l'adhésion de tous au Traité, y compris en particulier les Israéliens, qui doivent accepter de soumettre leurs installations nucléaires au régime de garanties de l'Agence internationale de l'énergie atomique, et de fixer un échéancier pour démanteler et détruire leur arsenal nucléaire.

Quand on examine la situation économique internationale, il apparaît clairement que le développement économique de la plupart des pays en développement, notamment en Afrique, traîne et connaît des fluctuations et des déséquilibres. Les indicateurs actuels laissent croire que la situation risque de s'aggraver à moins que des mesures efficaces ne soient prises pour l'inverser. Le fait est que les difficultés économiques des pays en développement ne découlent pas d'une absence de lois ou de plans. L'Afrique, par exemple, a adopté des plans et stratégies pour encourager le développement et conclu un traité visant l'intégration économique. Toutefois, le problème relève des critères injustes qui sont toujours en vigueur dans les relations économiques internationales. Cet état de choses exige que l'on y remédie par des solutions réalistes et responsables et sans imposer des conditions à motifs politiques.

Les conférences qui se sont déroulées ces dernières années ont créé des possibilités nouvelles d'améliorer la situation économique et sociale existant. Nous espérons que les accords consensuels émanant de ces conférences encourageront la volonté politique nécessaire pour l'application des résolutions adoptées dans ces forums ou en d'autres instances internationales, y compris les engagements annoncés pendant la Conférence des Nations Unies sur l'environnement et le développement. Ce qui est encore plus urgent c'est la nécessité de prendre des mesures immédiates pour remédier aux causes externes de la régression économique dans les pays en développement, à savoir la tendance croissante au protectionnisme, les termes de l'échange de plus en plus défavorables, la diminution de l'aide publique au développement et les restrictions quant au transfert de technologie.

Parallèlement, il faut mettre fin aux pratiques injustes dans les relations économiques internationales, telles que les mesures économiques coercitives, y compris le boycottage, le gel des actifs, la confiscation de propriétés et l'interdiction d'exportation de pièces de rechange, mesure imposée par certains pays développés contre nombre de pays en développement, y compris le mien. Ces mesures non seulement entravent le développement et sont contraires à la Charte des Nations Unies, aux résolutions de l'Assemblée générale et à l'orientation vers la création d'un système de relations économiques internationales fondé sur la justice et l'équité, mais violent également les normes du

droit international. Quand les pays occidentaux fabriquant les pièces de rechange, les fournitures médicales, l'équipement de dessalement de l'eau et d'énergie électrique prennent ces mesures coercitives, ils violent leurs engagements pris en vertu des accords de libre-échange. Cela devrait servir d'avertissement pour quiconque traite avec ces pays, parce qu'il n'est pas sûr que ces mesures ne s'appliqueront pas éventuellement à eux.

L'année dernière et l'année d'avant, de vastes discussions ont été tenues sur la restructuration de l'Organisation des Nations Unies. Ces discussions ont montré la nécessité d'examiner et de modifier les procédures et les méthodes de travail du Conseil de sécurité de sorte qu'il puisse traiter sérieusement et de façon équitable les questions qui ont trait à la paix et à la sécurité internationales. Au cours des réunions du Groupe de travail créé par l'Assemblée générale pour examiner la question de la répartition équitable des sièges du Conseil de sécurité et de l'augmentation du nombre de ses membres, et autres questions connexes, mon pays a déclaré qu'il appuyait l'appel lancé pour accroître les pouvoirs de l'Assemblée générale, y compris le droit de traiter les questions de paix et de sécurité dans le monde, conformément aux dispositions de la Charte. Mon pays réaffirme sa conviction que la réforme du Conseil de sécurité et l'élargissement de sa composition devraient être des éléments d'un processus intégral de réforme basé sur les principes de l'égalité souveraine des États, une distribution géographique équitable et la nécessité de démocratiser les procédures et les méthodes appliquées au Conseil de sécurité, y compris la procédure de prise de décisions.

La Libye a été l'un des premiers États à demander la levée de tous les obstacles qui entravent les travaux du Conseil de sécurité, en particulier le droit de veto. Aujourd'hui, mon pays note avec satisfaction que cet appel, lancé il y a 20 ans par la Libye, bénéficie aujourd'hui du soutien de nombreux pays. Cela montre que ces pays sont maintenant convaincus qu'il n'existe plus de justification au droit de veto et que sa perpétuation viole l'un des principes des Nations Unies, à savoir l'égalité des États. C'est ce pouvoir du veto qui contrarie tous les efforts visant à la démocratisation de la composition et des fonctions des organes des Nations Unies.

Depuis qu'il est devenu Membre des Nations Unies, mon pays a joué un rôle actif et a contribué aux réalisations dont l'Organisation peut être fière. Mon pays contribuera également à tous les projets que l'Organisation s'efforcera de mener à bien à l'avenir. Suivant cette ligne de conduite, nous avons participé activement aux conférences internationales récemment organisées par les Nations Unies sur la

population, le développement social, les droits de l'homme, et les femmes. Nous l'avons fait dans le même esprit que celui qui anime les activités internationales de notre pays à d'autres niveaux. C'est pourquoi la Libye a participé à tous les efforts visant à renforcer l'Union du Maghreb arabe. Nous sommes fiers de constater que cette Union a fait des progrès constants et a pris des initiatives sérieuses pour servir les peuples de l'Union et protéger leurs intérêts. La Libye oeuvre avec la même détermination à l'adoption de mesures efficaces visant à améliorer la coopération et à renforcer la confiance et la sécurité dans la région méditerranéenne, afin d'y éliminer les causes de tension. Cela inclut nos efforts en vue de fermer les bases militaires étrangères dans la région méditerranéenne et d'obtenir le retrait des flottes militaires de ses eaux. Procédant de ses positions de principe, la Libye a été à l'avant-garde des défenseurs des aspirations des peuples, qu'il s'agisse de la décolonisation, de la protection et du maintien des droits de l'homme, ou de l'amélioration du rôle que doivent jouer, dans les relations internationales, les principes de justice et d'équité.

La Libye s'est toujours efforcée de résoudre un certain nombre de conflits régionaux par des moyens pacifiques. Dans cet esprit, elle a assuré plusieurs missions de médiation, apportant notamment son assistance au règlement des problèmes affectant le sud des Philippines et contribuant à freiner la détérioration du conflit entre le Soudan et l'Ouganda, ainsi qu'entre le Nigéria et le Cameroun, et entre la Grèce et la Turquie. La Libye a également participé aux efforts visant à enrayer l'escalade du conflit entre l'Inde et le Pakistan, et s'est efforcée de conjurer les événements dans le nord du Niger et au Mali.

À la présente session en particulier, la Libye est fière de constater que ces positions ont exercé des effets importants, reflétés dans la confiance accordée à mon pays par les États arabes et par le groupe des États africains, qui ont choisi à l'unanimité la Libye pour siéger au Conseil de sécurité pour les deux années à venir. Tout en exprimant sa gratitude pour cette position arabe et africaine, la Libye voudrait remercier à l'avance tous les pays qui soutiendront sa candidature à ce siège. Nous voudrions également confirmer à tous que la Libye soutiendra tous les efforts visant la réalisation des buts des Nations Unies et, en coopération avec les membres du Conseil de sécurité et les autres Membres de l'Organisation, oeuvrera en vue de renforcer le rôle des Nations Unies dans le maintien de la paix et de la sécurité internationales, et serrera les rangs avec les autres pays face aux dangers qui menacent la paix et la sécurité dans le monde.

Si j'ai dit au début de cette déclaration que cette session de l'Assemblée générale revêtait une signification particulière, c'est que j'estime que l'occasion historique dans l'aura de laquelle elle se déroule, à savoir la célébration du cinquantième anniversaire des Nations Unies, nous offre à tous une opportunité que nous devons saisir, celle de réaliser la paix, la sécurité et la prospérité pour l'humanité.

À notre avis, le point de départ serait d'oeuvrer sérieusement pour établir la structure d'un nouvel ordre mondial. Un tel ordre ne doit pas être édifié selon les vœux des quelques pays qui cherchent à imposer aux autres leur hégémonie pour décider du sort du monde et dicter leurs propres méthodes de gestion des relations internationales.

Le nouvel ordre qui nous satisferait tous devrait être édifié à partir des aspirations de tous. Ce devrait être un ordre qui garantirait la pleine égalité entre tous les pays ainsi que le respect du libre choix politique, économique et social de tous les peuples. Il devrait protéger et renforcer les droits de l'homme, créer les conditions favorables au règlement des disputes et des conflits et à la résolution par des moyens pacifiques des différends entre les États, assurer la sécurité et la stabilité et permettre à toutes les nations d'aspirer au développement et d'être optimistes quant à l'avenir. Ce nouvel ordre devrait incarner les nobles concepts et idéaux inscrits dans la Charte; et notamment associer nos efforts pour préserver l'humanité du fléau de la guerre, maintenir la justice, respecter les obligations nées des traités et autres sources du droit international, et instaurer de meilleures conditions de vie dans une liberté plus grande.

**Le Président par intérim (interprétation de l'anglais) :** Je donne maintenant la parole au Ministre des affaires étrangères du Qatar, S. E. le cheikh Hamad Bin Jassem Bin Jabr Al Thani.

**Le cheikh Al Thani (Qatar) (interprétation de l'arabe) :** Pour commencer, c'est avec un grand plaisir que je félicite S. E. M. Diogo Freitas do Amaral pour son élection à la présidence de cette historique cinquantième session de l'Assemblée générale. Son élection reflète l'estime dans laquelle est tenu son pays, le Portugal ami, et la certitude que ses talents diplomatiques rendront possible l'aboutissement heureux des travaux de cette importante session.

Je voudrais également exprimer l'estime de ma délégation à son prédécesseur, S. E. M. Amara Essy, pour la



compétence avec laquelle il a conduit les travaux de la quarante-neuvième session.

J'ai également le plaisir d'exprimer la confiance et l'estime du Qatar à l'endroit du Secrétaire général, M. Boutros Boutros-Ghali. En fait, il a beaucoup accompli au service de cette Organisation internationale, et a été extrêmement assidu dans la mise en oeuvre de ses nobles principes et dans le renforcement de son rôle dans le maintien de la paix et de la sécurité internationales.

Je souhaite féliciter les États Membres qui ont récemment rejoint l'Organisation. Nous espérons que ces États seront des participants actifs et contribueront de façon constructive aux activités de l'ONU et à la défense de ses principes.

Cette cinquantième session se tient à un tournant historique et complexe de l'histoire, dans lequel une complexité extrême caractérise les concepts liés aux relations internationales. Ces concepts, en raison de leur diversité et de leurs cheminements erratiques, suscitent, pour l'ordre international désiré, des obstacles et un certain nombre de difficultés sérieuses. Tout cela s'est matérialisé dans la résurgence de conflits interethniques et interraciaux extrémistes qui menacent les fondements mêmes de la communauté internationale, laquelle doit continuer à s'appuyer sur la tolérance et les principes et valeurs des Nations Unies. D'où la nécessité de redoubler d'efforts pour mettre un terme à de tels conflits et à circonscrire leurs conséquences et les menaces qu'ils posent à la communauté internationale.

Tout en exprimant notre satisfaction pour les efforts déployés par cette organisation internationale en vue de faire face aux déplorables événements intervenus en Somalie, au Rwanda, au Burundi et en Bosnie-Herzégovine, nous sommes conscients des difficultés qui entravent de tels efforts et rendent difficile pour l'Organisation de trouver les solutions appropriées à ces problèmes.

*M. Pibulsonggram (Thaïlande), Vice-Président, assume la présidence.*

Outre ces diverses difficultés, il est manifeste que le Conseil de sécurité, qui a adopté des résolutions pertinentes pour régler ces problèmes, se heurte à des obstacles qui entravent la réalisation des solutions désirées. Ces obstacles qui demeurent nuisent à la crédibilité et à la réputation de l'ONU. Depuis la fin de la guerre froide, l'Organisation a été mise véritablement à l'épreuve dans les domaines du maintien de la paix et de la sécurité internationales. Il est

donc urgent, au cours du cinquantième anniversaire, de ne ménager aucun effort pour réformer fondamentalement l'ONU afin d'augmenter son efficacité et de rehausser sa réputation. Chacun de nous aspire à la réforme de l'ONU, et mon pays attache une importance particulière à cet objectif. En effet, cette réforme renforcerait l'efficacité de l'organisation internationale de même qu'elle rehausserait son image.

Nous n'ignorons pas que les obstacles auxquels se heurte le Conseil de sécurité sont à l'origine de la demande de réforme dont fait l'objet le principal organe qui, au titre de la Charte, est responsable du maintien de la paix et de la sécurité internationales. Cette réforme du Conseil de sécurité revêt un caractère prioritaire et vient en tête de la liste des réformes qui semblent désirables pour l'ONU. L'État du Qatar attache une importance particulière aux efforts entrepris pour réformer le Conseil et augmenter le nombre de ses membres en fonction de l'augmentation des Membres de l'ONU. Il ne faut pas oublier qu'il est nécessaire d'augmenter le nombre de sièges permanents pour assurer un équilibre dans la représentation. Le grand défi qui se pose à la communauté internationale au moment où elle s'efforce de réformer le Conseil de sécurité est de veiller à équilibrer le nombre de ses membres et à faire en sorte que les changements aboutissent à une efficacité plus grande. Il convient également d'accélérer la réforme des méthodes de travail et des procédures du Conseil de sécurité. Il faut revoir le droit de veto et en freiner l'usage, ce droit étant parfois utilisé contre les intérêts de la communauté internationale et en faveur de certains États.

Se fondant sur la conviction que la paix internationale ne peut être réalisée que grâce au désarmement et à la prévention de la course aux armements, notamment en ce qui concerne les armes de destruction massive, et sur le fait que l'arrêt de la prolifération des armes de destruction massive est le fondement même de la paix et de la sécurité internationales, l'État du Qatar salue la Convention sur l'interdiction de la mise au point, de la production, du stockage et de l'utilisation d'armes chimiques et sur leur destruction, et appuie la prorogation du Traité sur la non-prolifération des armes nucléaires, même s'il estime que cette prorogation indéfinie du Traité ne pourra jamais réaliser le but recherché à moins que tous les États n'y adhèrent. Nous espérons donc que tous les États qui ne l'ont pas encore fait adhéreront au Traité.

Le Qatar continue d'insister sur la nécessité pour Israël d'adhérer au Traité sur la non-prolifération des armes nucléaires et de soumettre ses installations nucléaires au régime de garanties de l'Agence internationale de l'énergie





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LETTRE DATÉE DU 4 OCTOBRE 1995, ADRESSÉE AU SECRÉTAIRE GÉNÉRAL  
PAR LE REPRÉSENTANT PERMANENT DE LA JAMAHIRIYA ARABE LIBYENNE  
AUPRÈS DE L'ORGANISATION DES NATIONS UNIES

J'ai l'honneur de vous faire tenir ci-joint le texte de la résolution (R.5506-S.O.104-C3) concernant "les mesures arbitraires et les menaces que la Grande Jamahiriya arabe libyenne populaire et socialiste subit de la part des États-Unis d'Amérique, de la Grande-Bretagne et de la France", adoptée par le Conseil de la Ligue des États arabes à sa cent quatrième session, tenue le 21 septembre 1995 au Caire.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre et de son annexe comme document du Conseil de sécurité.

Le Représentant permanent

(Signé) Mohamed A. AZWAI

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Français  
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Annexe

RÉSOLUTION ADOPTÉE PAR LE CONSEIL DE LA LIGUE DES ÉTATS ARABES  
À SA CENT QUATRIÈME SESSION ORDINAIRE

Les mesures arbitraires et les menaces que la Grande Jamahiriya  
arabe libyenne populaire et socialiste subit de la part des  
États-Unis d'Amérique, de la Grande-Bretagne et de la France

Le Conseil de la Ligue,

Rappelant ses précédentes résolutions sur ce sujet, notamment la dernière  
résolution (No 5470) en date du 29 mars 1995,

Exprimant sa profonde préoccupation devant les dommages causés aux  
personnes et aux biens en raison des mesures arbitraires imposées au peuple  
libyen en vertu des résolutions 748 (1992) et 833 (1993) du Conseil de sécurité,

Déplorant le fait que les trois pays occidentaux campent sur leur position  
et refusent de donner suite aux efforts déployés pour engager un dialogue  
constructif et pour parvenir à un règlement fondé sur les principes du droit  
international et de la légitimité internationale,

Exprimant sa gratitude aux organisations régionales, telles que  
l'Organisation de l'unité africaine, le Mouvement des pays non alignés,  
l'Organisation de la Conférence islamique et le Groupe des 77, pour leur  
solidarité avec la Jamahiriya arabe libyenne pendant cette crise,

1. Confirme ses précédentes résolutions dans lesquelles il exprime sa  
solidarité avec la Grande Jamahiriya arabe libyenne populaire et socialiste  
ainsi que son soutien aux efforts qu'elle déploie en vue de parvenir à un  
règlement pacifique de la crise;
2. Réitère la proposition pragmatique figurant dans sa résolution  
No 5373, en date du 27 mars 1994, dans laquelle il a proposé que les deux  
suspects soient jugés équitablement par des juges écossais et conformément au  
droit écossais, au siège de la Cour internationale de Justice à La Haye;
3. Déploie le maintien des sanctions imposées à la Jamahiriya arabe  
libyenne malgré les efforts et les initiatives des différentes organisations  
régionales et internationales visant à régler la crise d'une manière pacifique;
4. Invite le groupe des sept pays arabes à intensifier leurs efforts et à  
prendre contact avec les parties concernées en vue de parvenir à un règlement  
pacifique et équitable du conflit;
5. Charge le Secrétaire général de veiller à l'application de la présente  
résolution.



## L'INDEPENDANCE DU POUVOIR JUDICIAIRE EN LIBYE \*

Dans son allocution de novembre 1969, à l'occasion de la réforme de la Cour suprême de Libye, le Guide de la révolution a mis l'accent sur l'indépendance du pouvoir judiciaire :

"Le Conseil du commandement de la révolution, qui est le pouvoir suprême du pays et le représentant du peuple, a le droit de diriger et de contrôler la totalité du système étatique, à l'exception du pouvoir judiciaire en général, et de la Cour suprême en particulier." <sup>1</sup>

Ce principe a été confirmé dans la Déclaration constitutionnelle du 11 décembre 1969, dont l'article 28 énonce le principe de l'indépendance du pouvoir judiciaire en ces termes :

"Les juges sont indépendants et aucune autorité n'a le droit d'interférer dans l'exercice de leurs fonctions. Ils appliquent les lois en âme et conscience." <sup>2</sup>

Conformément à ce principe, des dispositions législatives ont été adoptées afin d'organiser le système judiciaire. L'indépendance et l'impartialité du juge sont énoncées dans l'article 52 de la loi n° 51/1976 sur le système judiciaire :

"Les juges ne peuvent être démis ni relevés de leurs fonctions." <sup>3</sup>

L'article 126 de la même loi instaure le Conseil supérieur de la Magistrature, dans lequel siègent notamment le Président de la Cour suprême, le Procureur général et le doyen des Présidents des Cours d'Appel, le Président du Département de l'inspection judiciaire, le Président du Département du contentieux... En vertu des articles 131 et 132, ce Conseil est compétent pour toutes les questions concernant les juges et le ministère public, telles que leur nomination, promotion, transfert, délégation et sanction, et autres.

La Loi sur la Cour suprême n° 6/1982 prévoit encore en son article 10 que le Président et les Conseillers de la Cour suprême ne peuvent être démis de leurs fonctions <sup>4</sup>. En son article 31, cette même loi prévoit :

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\* Les textes originaux (en arabe) des extraits qui figurent dans ce texte sont reproduits à la suite de ce document.

<sup>1</sup> *Journal de la Cour suprême*, 6ème année, avril 1970, n° 1-2-3, p. 5.

<sup>2</sup> *Journal Officiel*, édition spéciale, 15 décembre 1969, p. 9.

<sup>3</sup> *Journal Officiel*, vol. 45, 15 août 1976, p. 2339.

<sup>4</sup> *Journal Officiel*, 1982, vol. 22, p. 154.

"Les principes établis par la jurisprudence de la Cour suprême lient tous les tribunaux et toutes les autres autorités dans la Jamahiriya Arabe Libyenne Populaire Socialiste."

Ces textes montrent que la législation libyenne attache une importance primordiale au principe de l'indépendance et de l'impartialité du pouvoir judiciaire, et règlemente les questions concrètes assurant le respect de ces principes.

Les tribunaux ont, dans de nombreux cas, pris des décisions à l'encontre du pouvoir exécutif. La Cour suprême a annulé un grand nombre de résolutions du pouvoir exécutif qui étaient contraires à la loi.

Dans son jugement dans l'affaire n° 1/14 du 14 juin 1971, la Cour suprême a rappelé le principe de l'indépendance du pouvoir judiciaire:

"L'autorité judiciaire offre une importante protection à tout citoyen, gouvernant ou gouverné, contre toute injustice présente ou future. Les juges sont l'ombre d'Allah sur terre. Ils sont les arbitres d'Allah parmi ses créatures. Le ciel et la terre sont tenus en équilibre par la balance de la Justice divine; la dignité du juge est la dignité de la nation qui est la source de toute autorité." <sup>5</sup>

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<sup>5</sup> *Journal de la Cour suprême*, 7ème année, vol. 1, octobre 1970, p. 11.

## بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

### تصدير

قبس من الكلمة التي وجهها الاخ العقيد معمر القذافي  
رئيس مجلس قيادة الثورة الى رئيس ومستشارى المحكمة  
العليا عند حلف اليمين الدستورية

ان ثورة الفاتح من سبتمبر سنة ١٩٦٩ قامت تنفيذا للارادة الحرة للشعب الليبي العظيم ، وتحقيقا لاماله وامانية ، بايجاد حياة كريمة حرة ، الناس فيها سواسية ، ويسودها الحق والعدل ، ولا سلطان فيها الا لهما . وبوثبة واحدة من الجيش الليبي البطل ، تهاوت الاصنام الباغية ، وشاهت وجوه الرجعية الطاغية ، وصارت كلمة الله التي هي كلمة الشعب العليا ، وكلمة الذين طفوا وبغوا هي السفلى . وتحقق قوله تعالى (ولتكن منكم امة يدعون الى الخير ويأمرون بالمعروف وينهون عن المنكر) وتحقق قول الرسول : من رأى منكم منكرا فليغيره بيده، فان لم يستطع فليسانه ، فان لم يستطع فليقلبه وهذا اضعف الايمان .

ولقد نهض مجلس قيادة الثورة بالعبء منذ اللحظة الاولى ، فاعلن سقوط النظام الملكى الرجعى ، واعلن سقوط مؤسساته ومجالسه التشريعية والتنفيذية وبقية نظم الحكم البائد ، كما اعلن قيام ( الجمهورية العربية الليبية ) التي تؤمن ايمانا عميقا بقدسية الاديان ، وبقيمة المثل الروحية النابعة من صميم كتابنا المقدس - القرآن الكريم - ، والتي تسعى بعزم اكيد وارادة صلبة لبناء ليبيا الثورة ، ليبيا الاشتراكية، النابعة من صميم وطننا والبعيدة عن التقوقع العقائدى . وشعارها الحرية والاشتراكية والوحدة .

وكان حتما مقضيا ان تعيد الثورة بناء اجهزة الدولة على اسس سليمة صالحة فكان اول ما بدأت به المحكمة العليا التي هي راس السلطة القضائية . فاعادت تشكيلها بعد بحث متزن واستقصاء عميق . وتلك امانة اختاركم الله لحملها ، وانى لموقن انكم خير من ياخذها بحقها ويوفى الذى عليه فيها ، متأسين بقوله الله تعالى ( واذا حكمتم بين الناس ان تحكموا بالعدل) .

وان مجلس قيادة الثورة باعتباره السلطة العليا فى البلاد ، وباعتباره ممثل الشعب ، له حق التوجيه والرقابة على جميع اجهزة الحكم فى الدولة ، عدا جهة واحدة هي السلطة القضائية عامة والمحكمة العليا خاصة .

فسيروا على بركة الله وتوفيقه

(معمر القذافي)

مادة ( ٢٨ )

القضاة مستقلون لاسلطان عليهم في قضائهم لغير القانون والضمير .

مادة ( ٢٩ )

تصدر الأحكام وتنفذ باسم الشعب .

مادة ( ٣٠ )

لكل شخص الحق في الالتجاء الى المحاكم وفقاً للقانون .

مادة ( ٣١ )

أ) لاجرمة ولا عقوبة الا بناء على قانون .

ب) العقوبة شخصية .

ج) المتهم بريء حتى تثبت ادانته ، وتؤمن له كافة الضمانات الضرورية لممارسة حق الدفاع ، ويحظر ايداء المتهم أو المسجون جسدياً أو نفسانياً .

مادة ( ٣٢ )

يكون العفو عن العقوبة أو تخفيفها بقرار من مجلس قيادة الثورة ، اما العفو العام فيكون بقانون .

الباب الثالث

أحكام متفرقة وانتقالية

مادة ( ٣٣ )

يلغى النظام الدستوري المقرر في الدستور الصادر في (٧) اكتوبر ١٩٥١م وتعديلاته مع ما يترتب على ذلك من آثار .



الباب الرابع  
المجلس الاعلى للهيئات القضائية

مادة (١٢٦)

يقوم على شئون القضاء مجلس أعلى للهيئات القضائية ويرأسه رئيس مجلس قيادة الثورة ، ويشكل المجلس على النحو الآتي : -

نائباً للرئيس

وزير العدل

رئيس المحكمة العليا

النائب العام

أعضاء:

أقدم رؤساء محاكم الاستئناف

رئيس ادارة التفتيش القضائي

رئيس ادارة قضايا الحكومة

مادة (١٢٧)

اذا لم يحضر رئيس المجلس ونائبه تكون الرئاسة لرئيس المحكمة العليا .  
واذا تغيب أحد أعضاء المجلس الآخرين أو منعه مانع من الحضور  
حضر بدلا عنه من يليه في الاقدمية بالنسبة الى رؤساء محاكم الاستئناف  
أو من يقوم مقامه بالنسبة الى غيرهم .

مادة (١٢٨)

يجتمع المجلس الاعلى للهيئات القضائية وذلك بناء على دعوة من رئيس  
المجلس أو نائبه ، ولا يكون انعقاد المجلس صحيحاً الا بحضور أغلبية  
أعضائه على الأقل ، وتصدر قرارات وتوصيات المجلس بأغلبية أصوات  
الحاضرين . وعند التساوي يرجح الجانب الذي منه الرئيس .  
ويحدد المجلس الاجراءات التي يسير عليها في مباشرة اختصاصاته .

مادة (١٢٩)

للمجلس الاعلى للهيئات القضائية أن يطلب ما يراه لازماً من البيانات

والنيابة وادارة قضايا الحكومة السابقين المشار اليهم في الفقرتين (أ) و(ب) من البنود أولا الى ثامناً من المادة المذكورة أن يسبقوا في الدرجة أو الاقدمية من كانوا يتقدمونهم من زملائهم اثناء خدمتهم السابقة ، ويراعى بالنسبة الى الاشخاص المشار اليهم في الفقرتين (ج) و (د) من بنود المادة المذكورة أن تحدد أقدمياتهم بحيث تكون تالية لزملائهم في التخرج من رجال القضاء العاملين .

### (ب) عدم قابلية رجال القضاء للعزل

#### مادة (٥٢)

رجال القضاء غير قابلين للعزل أو الاعفاء من الوظيفة على أنه اذا كان رجل القضاء معينا ابتداء من خارج سلك القضاء أو النيابة العامة فلا يتمتع بهذه الحصانة إلا بعد مضي سنتين من تاريخ التعيين . ولا يجوز عزله أو أعاؤه من الوظيفة خلال هذه المدة الا بموافقة المجلس الاعلى للهيئات القضائية ولأسباب جدية تتعلق بمسلكه .

### (ج) النقل والذنب والاعارة

#### مادة (٥٣)

لا يجوز نقل رجال القضاء أو نذبهم أو أعارتهم الا في الاحوال وبالكيفية المبينة بهذا القانون .

#### مادة (٥٤)

يكون نقل رجال القضاء من محكمة الى أخرى بقرار من مجلس قيادة الثورة بناء على اقتراح من وزير العدل وموافقة المجلس الاعلى للهيئات القضائية يحدد فيه المحاكم التي يلحقون بها ويعتبر تاريخ النقل من يوم التبليغ بالقرار . وتحدد بقرار من مجلس قيادة الثورة بعد موافقة المجلس الاعلى للهيئات القضائية القواعد الخاصة بتحديد أماكن عمل رجال القضاء والمدد التي يقضونها في هذه الاماكن والضوابط التي تتبع في شأن نقلهم بما يحقق تكافؤ الفرص بينهم ويكفل صالح العمل .

## المادة الثامنة والعشرون

ينظر أحد مستشاري كل دائرة طلبات المساعدة القضائية وتتبع في شأنها الأحكام المنصوص عليها في الباب السادس من قانون نظام القضاء .

## المادة التاسعة والعشرون

إذا طلب رد أحد مستشاري المحكمة حكمت في هذا الطلب دائرة أخرى غير الدائرة التي يكون هذا المستشار عضواً فيها ، ولا يقبل طلب رد جميع مستشاري المحكمة أو بعضهم بحيث لا يبقى منهم من يكفي للحكم في طلب الرد أو في موضوع الدعوى عند قبول طلب الرد ، وتتبع في شأن أحوال التنحي أو الرد واجراءاتها الأحكام المنصوص عليها في قانون المرافعات المدنية والتجارية .

## الباب السادس

## في صدور الأحكام

## المادة الثلاثون

تصدر الأحكام بأغلبية الآراء في المسائل المنصوص عليها في المادة ٢٣ من هذا القانون فإذا لم تتوافر الأغلبية وانقسمت الآراء الى قسمين رجح رأى الجانب الذي منه الرئيس وإذا تشعبت الآراء لأكثر من رأيين وجب أن ينضم الفريق الأقل عدداً أو الفريق الذي يضم أحدث الأعضاء للرأى الصادر عن الأكثر عدداً وذلك بعد أخذ الآراء مرة ثانية .

## المادة الحادية والثلاثون

تكون المبادئ القانونية التي تقررها المحكمة العليا في أحكامها ملزمة لجميع المحاكم وكافة الجهات الأخرى في الجماهيرية العربية الليبية الشعبية الاشتراكية .

## المادة الثانية والثلاثون

الأحكام الصادرة بالالغاء من دائرة الطعون الادارية تكون صورتها التنفيذية مشمولة بالصيغة الآتية :

## المادة التاسعة

في حالة غياب رئيس المحكمة أو قيام مانع به يحل محله أقدم المستشارين .

## المادة العاشرة

رئيس المحكمة ومستشاروها غير قابلين للعزل ومع ذلك اذا أتضح أن أحدهم أصبح غير قادر على أداء عمله لأسباب صحية أو فقد الثقة والاعتبار اللذين تتطلبهما الوظيفة جاز اغناؤه من منصبه بعد سماع أقواله وموافقة الجمعية العمومية .

ويصدر بالاعفاء قرار من مؤتمر الشعب العام .

## المادة الحادية عشر

يتقاضى رئيس المحكمة العليا ومستشاروها مرتباتهم وفقاً لما هو منصوص عليه في القانون رقم (١٥) لسنة ١٩٨١م بشأن نظام المرتبات للعاملين الوطنيين بالجمهورية العربية الليبية الشعبية الاشتراكية وتحدد معاشاتهم وفقاً لقانون انضمام الاجتماعي .

## المادة الثانية عشرة

يحظر على المستشار بالمحكمة العليا مزاوله الأعمال التي لا تتفق وكرامة الوظيفة واستقلالها .

## المادة الثالثة عشرة

يجوز ندب أحد مستشاري المحكمة العليا لعمل آخر بالاضافة الى عمله أو على سبيل التفرغ وذلك بموافقة الجمعية العمومية وشريطة ألا تتعارض طبيعة العمل المنتدب اليه مع طبيعة عمله كمستشار بالمحكمة العليا .

## المادة الرابعة عشرة

يحال رئيس ومستشارو المحكمة العليا على المعاش ببلوغهم سن الخامسة والستين سنة ميلادية ويجوز بناء على موافقة صاحب الشأن وبقرار من الجمعية العمومية أن تمتد خدمته حتى بلوغ سن السبعين .

٦ - مقتضى نص المادة ٤ من المرسوم بقانون المطعون فيه عزل جميع رجال القضاء وإباحة إصدار قرارات إدارية إيجابية من اللجنة التي شكلها بذكر بعض الأسماء وقرارات إدارية سلبية بعدم ذكر البعض المراد إخراجهم وينقل من أبعدها عن القضاء إلى وظائف إدارية ثم إعادة التشكيل في جميع المحاكم المدنية والشرعية وفي النيابة العامة بالنقل بين بعضها البعض .

٦ - قرارات إعادة تعيين رجال القضاء . مقتضاها . مرسوم بقانون . قرار إداري .

والمرسوم بقانون المطعون فيه إذ صدر في غيبة البرلمان هو في حقيقته قرار إداري صادر من السلطة التنفيذية مغتصبا بحقوق السلطة التشريعية في لهفة ظاهرة من نشره يوم صدوره ومن دعوة اللجنة التي شكلها على عجل فانعقدت يوما واحدا فرغت فيه مما اراده ذوو السلطان من إعادة تعيين وإعادة تشكيل وتشريد ونقل .

٧ - القضاء هو الركن الركين والحصن الحصين الذي يحمي كل مواطن حاكما كان أو محكوما من كل حيف في يومه وفي غده وفي مستقبله والقضاة هم بعد الرسل ظل الله في أرضه وحكامه بين خلقه وبالعدل قامت السموات والأرض . ورفعة القاضي هي رفعة للامة التي هي مصدر السلطات وتمكين للعدالة التي هي تمكين لنوى السلطان والملك .

٧ - استقلال القضاء تمكين للعدالة .

٨ - ان المادة ٤ من المرسوم بقانون المطعون فيه إذ نصت على انه ( في جميع الاحوال تكون قرارات اللجنة بإعادة التعيين والنقل غير قابلة للطعن بأي وجه كان ) تكون قد أغلقت باب التقاضي أمام القاضي وحرمان أي مواطن من حق الالتجاء إلى القضاء مخالف لكل دساتير العالم المكتوبة وغير المكتوبة على انه اذا خلا أي دستور مكتوب من النص على حق كل مواطن في الالتجاء إلى القضاء تؤمن له فيه حقوق الدفاع فان هذا الحق مكفول دون الحاجة إلى النص عليه صراحة لانه حق مستمد من أوامر العقل القدير وهو من الحقوق الطبيعية للإنسان منذ ان خلق .

٨ - حرمان القاضي من حق التقاضي اذا وقع عليه حيف مخالف لكل الدساتير . عيارة الحرمان عامة وشاملة .

