

Day 86

January 31, 2001

--- Proceedings commenced at 11.04 a.m.

THE CLERK: Call the diet, Her Majesty's Advocate against Abdelbaset Ali Mohamed Al Megrahi and Al Amin Khalifa Fhimah.

Take your seat, gentlemen, please.

My Lords, have you reached a verdict in respect of each accused on the second alternative charge as now amended?

LORD SUTHERLAND: We have.

THE CLERK: Would you give me, please, your verdict in respect of the first named accused, Abdelbaset Ali Mohamed Al Megrahi.

LORD SUTHERLAND: Guilty.

There are certain deletions to the indictment. In subhead (e), in line 4, delete from the words "and you" to the end of that subhead.

In subhead (g), in the fourth line, delete the words "said suitcase, or"; and in the following line, the word "similar."

THE CLERK: That is all the deletions, My Lord?

LORD SUTHERLAND: These are all the deletions.

THE CLERK: Is that verdict unanimous, or by a majority?

LORD SUTHERLAND: Unanimous.

THE CLERK: Would you give me, please, your verdict in respect of the second named accused, Al Amin Khalifa Fhimah.

LORD SUTHERLAND: Not guilty.

THE CLERK: Is that, My Lords, unanimous, or by a majority?

LORD SUTHERLAND: Unanimous.

THE CLERK: I will now record the verdict, My Lords.

My Lords, is the verdict truly recorded as follows: The court unanimously find the accused Abdelbaset Ali Mohamed Al Megrahi guilty on the second alternative charge, but that under deletion of the words "and you Abdelbaset Ali Mohamed Al Megrahi and Al Amin Khalifa Fhimah did there and then cause a suitcase to be introduced to Malta" in lines 4 to 6 of subhead (e) of the said charge, and under deletion of the words "said suitcase, or," in line 4 of subhead (g), and deletion of the word "similar" in line 5 of subhead (g), unanimously find the accused Al Amin Khalifa Fhimah not guilty.

Is that a true record, My Lord?

LORD SUTHERLAND: That is correct.

THE CLERK: Thank you.

LORD SUTHERLAND: Al Amin Khalifa Fhimah, in view of the verdict of the court, you are now discharged and are free to go.

MR. KEEN: My Lords, in light of the verdict of the court, I would move on behalf of myself and my

junior counsel for leave to withdraw.

LORD SUTHERLAND: Certainly, Mr. Keen.

MR. KEEN: I'm obliged, My Lords.

LORD SUTHERLAND: Lord Advocate.

THE LORD ADVOCATE: My Lords, I move for sentence.

Megrahi is 49 years of age, his date of birth being the 1st of April 1952. So far as is known to the Crown, he is married and has children. A petition warrant was granted for his arrest on the 13th of November 1991. He was delivered to the Netherlands on the 5th of April 1999, when he was arrested on a provisional extradition warrant issued by the Dutch authorities, and having waived his rights to contest extradition, he was arrested by Scottish police officers the same day. He was committed for further examination in custody on the 6th of April 1999. He was fully committed on the 14th of April 1999 and has been in custody since that date.

My Lords, in accordance with normal practice, as he is a non-British citizen, he has been served with a notice under Section 6(2) of the Immigration Act 1971, and it is open to Your Lordships to recommend in terms of Section 3(6) of that Act that he be deported if and when he is released from custody in the future.

My Lords, the names of those who died were read to the court on the 5th of May 2000. In any ordinary case, Your Lordships would have heard something of the circumstances of the deceased and the family left behind. In this case it is not possible to do that, and I don't intend to try. I need hardly say to the court that each one left relatives, wives, husbands, parents and children. Something of the scale of the impact can be gleaned from the fact that more than 400 parents lost a son or a daughter; 46 parents lost their only child; 65 women were widowed; and 11 men lost their wives. More than 140 lost a parent, and seven children lost both parents.

My Lords, they, together with the other friends and their relatives left behind, are also victims of the Lockerbie bombing.

LORD SUTHERLAND: Thank you, Lord Advocate.

Mr. Taylor, I should say at the outset that as you will appreciate, having regards to the nature of this offence, the court may have to consider a recommendation under Section 205(4) of the 1995 Act. We should say that the written reasons for the verdict will be available shortly, by which I mean within the next half hour or so. We do not know if you would wish to see these reasons before addressing the matter of a possible recommendation, but if you should so wish, obviously we shall be only too glad to give you time to do so.

MR. TAYLOR: I am grateful to Your Lordship for that indication. I have given, as Your Lordship would anticipate, some consideration to the matter, and I am content that Your Lordships should proceed.

LORD SUTHERLAND: Very well. Thank you, Mr. Taylor.

MR. TAYLOR: There are two matters that I should draw to Your Lordships' attention. The first is in relation to my client. He maintains his innocence, and therefore there is nothing I can say by way of mitigation.

The second is in relation to the point at which Your Lordships will require to determine the sentence has to run from, and the submission I make to the court is that it should be from the 5th of April 1999.

Your Lordships are entitled to make recommendations on how long -- given the mandatory nature of the life sentence is concerned -- how long the individual should remain in prison prior to release being considered, and I have taken the view that that's a matter within Your Lordships' discretion, having heard all of the evidence in the case, and I have no submissions to make on it.

LORD SUTHERLAND: Thank you, Mr. Taylor.

We shall take time to consider the matter of a recommendation. The court will adjourn until 2.00, when sentence will be pronounced.

--- Proceedings recessed at 11.18 a.m.

--- Proceedings resumed at 2.00 p.m.

LORD SUTHERLAND: Abdelbaset Ali Mohamed Al Megrahi, the mandatory sentence for the crime of murder is imprisonment for life, and that is the sentence that we impose.

That sentence will be backdated to the 5th of April 1999.

In view of the horrendous nature of this crime, we think it right that we should make a recommendation to the Secretary of State as to the minimum period which you should serve before being considered for release on licence, but for the age that you will have attained at the time of your release and the fact that you will be serving this sentence in what is to you a foreign country, the period that we recommend is substantially less than it would otherwise have been. However, we consider that the appropriate recommendation to the Secretary of State is that a period of 20 years should elapse before you are considered for release.

You will also be recommended for deportation at the end of the sentence.

That is all.

--- Proceedings recessed at 2.04 p.m.

We hereby certify the foregoing to be a true and accurate computerised transcription of the proceedings, to the best of our skill and ability.

Lori Oxley, Realtime Reporter

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