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In the terrorist's corner

by Nicola Barry

The life of Professor Hans Koechler reads like a spy thriller. You keep expecting Jason Bourne to make an appearance. A United Nations official, he has served as co-ordinator of the International Committee for Palestinian Human Rights and worked on philosophical matters with Cardinal Karol Wojtyla who, later, became Pope John Paul II.

He is also president of the International Progress Organisation (IPO), an independent body based in Vienna, with a reputation for tackling complex international issues with candour and objectivity.

But, most importantly, Koechler was the UN-appointed observer at the Lockerbie trial and subsequent appeal in the Netherlands. Which is why, last week, he found himself back in Scotland, as part of his mission to find out if the convicted Pan Am bomber, Abdelbaset Ali Mohmed Al Megrahi, is the victim of a miscarriage of justice.

Koechler, 60, visited Greshornish House, on Skye, for a meeting of the Lockerbie Justice Group to try and fathom out why Megrahi's appeal has been so delayed. The meeting also wanted to consider questions about the fairness and impartiality of proceedings at Camp Zeist.

Koechler is clearly not happy at the way things have been going.

"It has been six years since his appeal was rejected," he says. "Why so long? Only a child would be satisfied with what we know now, namely that there is just one bad guy. This was a highly sophisticated operation."

It is the considered opinion of Koechler, professor of philosophy at Innsbruck University in Austria, that no-one within the Scottish legal establishment or the governments at Holyrood and Westminster is interested in finding out who was really responsible for blowing up Pan Am Flight 103, in December 1988.

The professor insists that papers have been kept from Megrahi's defence team on the basis that they present a threat to national security.

He is referring to a decision not to allow the disclosure of a document, provided by a foreign government, most likely relating to the timer device which supposedly triggered the bomb on board the Boeing 747.

"Criminal proceedings cannot be fair if Megrahi's defence team are denied access to evidence revealed to the prosecution," Koechler insists. "And the invocation of Public Interest Immunity (PII) is unprecedented in the history of Scottish criminal justice and is political interference into the Appeal Court's conduct."

Koechler has had support from Robert Black, Professor Emeritus of Scots Law at Edinburgh University, who ended years of arguments between Libya, the United States and Britain by suggesting the trial of the two Libyan suspects under Scottish law be held in a neutral country.

Black joined Koechler last week in calling for significant legal reform in Scotland in the wake of what they described as "one of the most unfair trials in Scottish legal history".

Koechler explains his dichotomy was that a letter he received from Foreign Secretary David Miliband's office which stated, dramatically, that the release of material covered by the PII certificate would do lasting damage to the UK.

He says: "That is a complete contrast with what I was told in Scotland – that an official who had seen the documents said they posed no national security risk whatsoever."

The Government has decided to appoint a special counsel, ostensibly to safeguard Mr Megrahi's interests.

However, Koechler sees this as a worrying development: "This counsel will be appointed instead of Mr Megrahi's counsel and will see a summary of the PII material.

"I consider this totally incompatible with a fair trial and in violation of the European Human Rights Convention."

One of five independent observers selected for the Lockerbie trial by then UN Secretary-General Kofi Annan, Koechler's CV is impressive, to put it mildly. Born in 1948, in Schwaz, Tyrol, he graduated in philosophy from the University of Innsbruck with the highest honours, and in 1972 founded the IPO.

Asked what he thinks of Scotland believing it had the best and fairest justice system in the world, he says it is "patriotism gone too far".

He believes the Crown Office regards Megrahi as "a headache" and wants him out of Scotland to avoid further embarrassment. "The establishment would prefer to have the entire legal case collapse without any more questions. Fortunately, there are individuals in Scotland committed to the rule of law."

Asked what would happen if Megrahi were found innocent, Koechler says: "He would be free to go to a place of his own choosing and would have to be compensated."

"If Megrahi is acquitted then the Government must find out why the Scottish justiciary conducted itself so imperfectly. So many mistakes were made. And whether those in public office like it or not, the Lockerbie trial has become a test case for the criminal justice system of Scotland."