

PAN AM 103 TALKING POINTS

(U) Trial Status:

(U) The prosecution of two Libyan defendants for the murder of 270 passengers on flight Pan Am 103 ended on 18 January 2001. The three Scottish judges deliberated for approximately two weeks and their verdict was a finding of guilty against al-Megrahi and not guilty against Fhimah.

(U) **Not guilty verdict:** Defendant Fhimah goes free and it is expected to be returned to Libya immediately.

(U) **Guilty:** Defendant al-Megrahi was sentenced to life imprisonment in Scotland. He will be eligible for parole in 20 years. The prosecution anticipates that the guilty verdict will be appealed.

~~(S)~~ CIA Support to the Prosecution:

(S) CIA's cooperation with the DoJ, the Scots, and the British has been extraordinary. Indeed, CIA was the most forward-leaning of all intelligence services in the world in supporting this case. [redacted]

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provided both witnesses and documents in support of the prosecution. Throughout the trial, CIA stood ready to provide [redacted] witnesses, [redacted] assets, and approximately [redacted] documents. Highlights of our assistance follow.

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- **CIA's role after the bombing:** For the first time, CIA publicly admitted its role in the investigation of Pan Am 103.

- **Witnesses:** [redacted] CIA witnesses testified for the prosecution, including currently serving [redacted] officers. The court accepted reasonable alterations to the physical characteristics of these witnesses and we were thus able to protect their true identities. On two separate occasions, [redacted] additional CIA witnesses were on call and prepared to testify in the Netherlands. However, the

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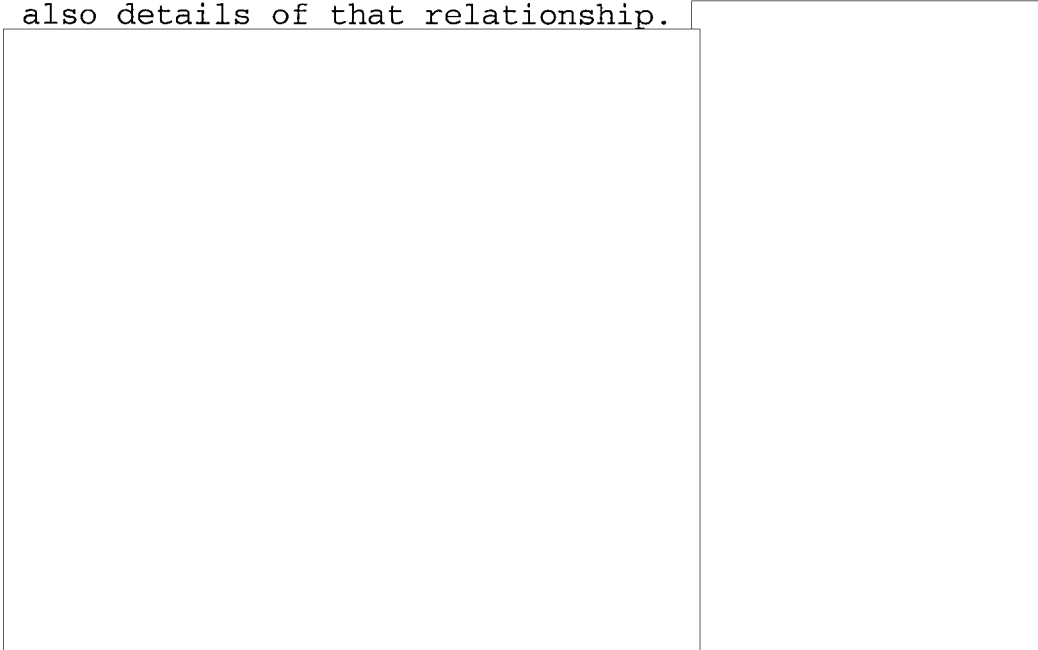
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prosecution and defense eventually stipulated to their statements and they did not testify.

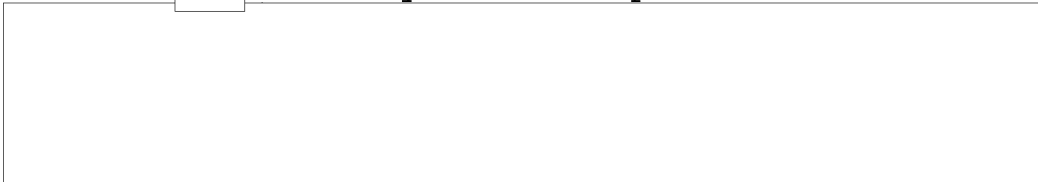
- With the consent of CIA, a former CIA asset testified at the trial, exposing not only the existence of his relationship with the Agency, but also details of that relationship.



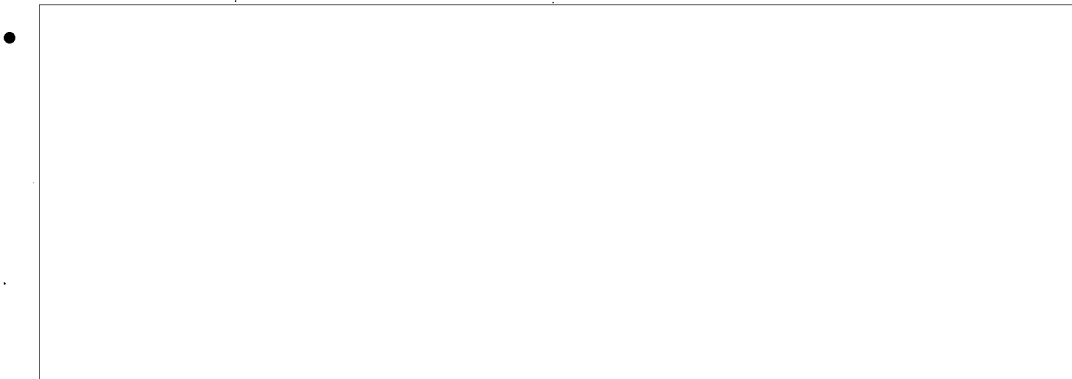
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- **Documents:** To my knowledge, for the first time in our history, the Agency provided Directorate of Operations operational cables to a foreign government for use in a non-U.S. trial.

- Documents provided to the prosecution and defense included [redacted] minimally redacted operational cables



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(S) CIA's Future Involvement in Pan Am 103:

- We have kept the intelligence oversight committees informed of our support and of the major developments in this case.



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