AVIATION TERRORISM, 20th February 2009

Mr Dawson divided his talk into two parts: the first a Historical Review; the second about the Lockerbie bombing on the PAN AM aeroplane, just over 20 years ago - with which he has been closely associated.

HISTORICAL REVIEW  Terrorism goes back a long way. It is not new, but Aviation Terrorism has a high profile.

The first hijack was in Peru in February 1931 – for a leaflet drop. The first bomb was in May 1949 in the Philippines. The first airport attack was at Lod Airport in Israel in May 1972 by the “Japanese Red Army”.

Friend or Foe ? – Hero or Terrorist ? People escaping from “tyranny” in, say Eastern Europe or Cuba with a hijacked plane would be regarded in the west as heroes, but villains if doing so from the USA to Cuba. Successful or unsuccessful escapes: 16 from East Europe in 1947-53; 16 from Cuba in 1958-60; 121 from USA to Cuba in 1968-73.

Major incidents started well before the ‘twin towers’ of 11 September 2001 (9-11) – there were hijackings, bombings and airport shootings in 1970s and 1980s. The Tamil tigers blew up Air Lanka planes in Sri Lanka, Sikhs were active in Canada. There were simultaneous attacks on Rome and Vienna airports in December 1985; and on two Air India planes in June 1988, 328 killed on a Boeing 747 though the other failed.

**International Treaties & Agreements:**

- **Warsaw Convention, 1929** The airline is responsible for the passenger (though the airline may sue the airport, or whoever, in turn).
- **Tokyo Convention** 1963, ratified in 1969, extended normal territorial rules of national criminal law to aircraft – the laws of the country where the aircraft is registered apply.
- **Hague Convention 1970** Seizure of aircraft (hijacking) made a serious crime by all ratifying states.
- **Montreal Convention 1971** Acts of violence (bombs), threatening safety, made a serious crime by all ratifying states.
- **Bonn Declaration 1978** by the then Economic Group of 7 Isolation of non-compliant states (by denying landing rights). This was applied against Afghanistan in 1982 when Ariana was banned from Western Europe.
- **Montreal Protocol 1988** Violent acts at airports or destroying facilities made a serious crime by all ratifying states.

ENFORCEMENT  depends on whether the perpetrator is seen as ‘Friend or Foe’. Extradition can be denied because of differing views – the USA not extraditing members of the IRA to Britain - Belgium not extraditing an attempted assassinator of Napoleon III to France. The French Constitution, 1793, grants asylum to foreigners escaping tyranny.

**Airport Precautions** One gets to the airport two, or three, hours early; one is screened and, perhaps, asked to take off ones shoes & belt (London City Airport has operated a 10 minutes on/10 minutes off ‘shoes & belt’ policy). One might not be allowed to take even a tube of toothpaste (from London, but ok when returning from Dublin). The first screening machines came in 1973, looking for metal. Nowadays we have drug sniffing machines. But for a poor third world country, whose hospitals lack X-ray machines, these are expensive. And once you board an aircraft, even if the precautions were few, you are in the system. Richard Reid, the shoe bomber, exactly fitted the official terrorist profile, but was not only allowed to fly, but had been put up at a 4-star hotel in Paris after missing his plane.

And yet there is a huge air-side workforce; 40-50 000 at Heathrow – aircraft maintenance works, cleaners, food distribution, baggage handling, cargo etc. They do not go through screening, just having a pass - how secure is that? Bribery, fanaticism… In 1986, in Karachi, a bomb was loaded onto an aeroplane in a metal food trolley (so a scanner would not have seen it anyway). Mr Dawson felt that airport precautions did little to prevent a determined terrorist.
Military Aircraft can be involved, if an airliner strays into a restricted area. The Russians shot down a Korean plane (Mr Dawson saying that many Korean pilots seemed to have connections with their spy service). Using military aircraft to shoot down a hijacked plane was mooted after 9-11 but political, legal & insurance issues are very complex.

LOCKERBIE 12-12-1988 The public has only heard of Libya as responsible; but the generally held Intelligence view is that Iran and Syria were more likely. In 1988 an Iran Air airliner was shot down by USS Vincennes, killing all 290 on board. Since Lockerbie, the USA removed Syria from its list of countries harbouring terrorists, and in November 1990 Syrian forces joined Desert Storm (so prosecuting them for Lockerbie would not do). At that time Libya was first mentioned in a British newspaper; and Granada TV showed how the suitcase could have been flown by Air Malta but retracted because of evidence that there was no unaccompanied baggage. Nevertheless, these stories did not die.

In November 1991 Al Megrahi (Head of Security, Libyan Arab Airlines) and Fhimah (LAA Station Manager at Malta) were named as suspects. Al Megrahi allegedly bought the clothes in Malta, and Fhimah put the suitcase on the Air Malta plane to Frankfurt. The next January the UN applied sanctions on Libya until the two were surrendered. Eventually, in April 1999, they were – to be tried in Holland under Scottish law. Five Scottish judges sat: proceedings were slowed by translation between English, Arabic and Maltese – for the shopkeeper who sold the clothes (though he had excellent English). Al Megrahi was found guilty and Fhimah acquitted. The UN had an observer at the trial who said that it was not fair nor conducted in an objective manner, key witnesses lacked credibility, and the evidence was entirely circumstantial. An appeal by Al Megrahi in March 2002 was dismissed. Libya “admitted responsibility” in 2003 and paid $2.16 Bn. In 2007 the Scottish Criminal Cases Review Commission said a miscarriage of justice may have occurred (with documents withheld); another appeal was launched, to come up in April 2009 at the Scottish Appeal Court - and put it back in the news. Last summer the USA lifted sanctions when Libya paid another $1.5 Bn (equivalent to about three months oil revenue). Mr Dawson had been involved as an aviation expert in the defence of the two Libyans in the Dutch trial, but said that had not affected his views – which agreed with the UN observer. He doubted the tortuous means of getting the case on the PAN AM plane, it being likely that it was loaded directly; if the PAN AM plane had not been 20 minutes late it would have blown up over the Atlantic, with little found. He felt there were political machinations, as in much else in dealing with aviation terrorism.