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Explanatory notes

Dr Richard Fuisz's was an international businessman and deep-cover CIA spy, who worked in the USSR and across the Middle East during the Eighties and Nineties. As well as having a very successful medical technology company, he ran training programmes for the Saudi military, supplied computers with a secret spying capability to the unwitting Soviets (via Raisa Gorbachev) and had a model agency that supplied the first Miss USSR.

In May 2000, not long after the start of the Lockerbie trial, the defence lawyers got wind of Fuisz, via an associate of his, Susan Lindauer, who said that he had been based in Syria in 1988 and had irrefutable intelligence that Lockerbie was the work of the PFLP-GC. Lindauer also said that he was the subject of a gagging order, a breach of which would result in a significant prison sentence.

On 31 May, defence solicitor Eddie MacKechnie wrote to the US department of justice's Lockerbie prosecutor Brian Murtagh to ask if Fuisz was indeed prevented from speaking (**Document 1**). Six weeks later Murtagh wrote back. He confirmed that Fuisz was the subject of a gagging order in relation to another case, which involved the supply of military equipment to Iraq by a company called Terex, however, he claimed that Fuisz was free to talk about Lockerbie, writing: *"I found no factual basis to the allegation that any representative of the US Government has taken any action to deter Dr Fuisz from talking to anyone about the bombing of Pan Am Flight 103."*(See **Document 2**.)

Fuisz insisted that this was not true and that he was the subject of another gagging order that was quite independent of the Terex litigation. Furthermore, he claimed that Murtagh and another DoJ lawyer had advised him that he was not in fact free to talk about Lockerbie. (See **Document 3**.)

Murtagh again denied it, telling MacKechnie: *"You ask whether or not you can assume that the defense is at liberty to ask Dr Fuisz any questions in relation to Pan Am 103, and further whether he is fully at liberty to answer any questions relating to Pan Am 103? The answer to both questions as far as I am concerned is "yes". The problem here is with Dr Fuisz himself, and not with any court order or attempt by the Government to keep him from talking to the defense about the destruction of Pan Am Flight 103."* (See **Document 4**.)

MacKechnie replied: *"Dr Fuisz insists that it is not the Department of Justice or even the Attorney General herself which possess the authority to release him from what he refers to as his statutory obligations of secrecy. It has been suggested to us that the President himself, but perhaps more sensibly the Director of the Central Intelligence Agency, George Tenet, would be able to release him from any possible remaining inhibitions so that he could provide a statement in relation to Pan Am 103 and the alleged perpetrators of the bombing."*(See **Document 5**.)

CIA lawyer Robert EATINGER then wrote to Murtagh: *"Dr Fuisz has been informed that neither the CIA nor the DoJ pose any objection to his discussing with the defense, or anyone else for that matter, his knowledge of the Pan Am flight 103*

*bombing. There is and has been no impediment to his being interviewed on this matter... As you and I have discussed, there simply is no court order of which we are aware that in any way limits Dr Fuisz from revealing his knowledge of who bombed Pan Am flight 103. (See **Document 6**.)*

The following day, 13 October 2000, Eatinger wrote to Fuisz. Although the letter downplayed Fuisz's knowledge of Lockerbie, it is highly significant, because it acknowledged de facto that Fuisz was, indeed, involved with the CIA. Moreover, it conceded that he had been briefed by the CIA about Lockerbie and that they had told him that Jibril was to blame. It also tacitly admitted that, contrary to earlier assurances, he was restricted in what he could say. The key passage read:

"Now that you have clarified that you have no personal knowledge of who is responsible for the bombing of Pan Am flight 103, we can provide you more specific guidance. You may freely identify the number of briefings you received by CIA officials the dates on which you received them. You may identify whom the CIA briefers said was responsible for the bombing of Pan flight 103. However, you may not reveal the identities of the CIA officers, nor the purpose for which you were receiving these security briefings."(See **Document 7**.)

Finally, on 6 December 2000, Fuisz was deposed. As well as his own lawyer, a DoJ lawyer and two unnamed CIA officials were also present at the first deposition and three at the second. Fuisz's story was covered briefly in a few media reports, which suggested that he had been effectively prevented from saying anything that he knew about Lockerbie. However, earlier this year I learnt that this was not true. I came across a lawyer's note of the first of his two depositions(**Document 8**) and a transcript of the second (**Document 9**).

Although he was very restricted in what he could say, he nevertheless went on the record with two extraordinary revelations. Firstly, he confirmed that he received multiple briefings from CIA agents in 1989 in which they told him, inter alia, that the Popular front for the Liberation of Palestine – General Command was responsible for Lockerbie. Secondly, and even more significantly, he said that between 1990 and 1995 he was told separately by around 10-15 high level Syrian officials that the group was to blame. These officials, he said, interacted with the group's leader, AhmedJibril "*on a constant basis*".

It's very clear from the records of the depositions that Fuisz knew a lot more than he was allowed to say.

Our Ref: EMM.FH0255.000001

E-MAIL ADDRESS eddiem@mcgrigors.com DIRECT DIAL NUMBER 0141 567 9279

Brian Murtagh Esq
US Department of Justice
Criminal Division
601 D Street N.W.
Suite 6500
Washington DC 20530

31 May 2000

Dear Brian

Project Arrow
Dr Richard Fuisz

I write to you in relation to the above named in the hope that you may be able to assist the Defence in obtaining a precognition from him.

I do not know whether Dr Fuisz is known to you or any of your colleagues but I have good reason to believe that he will be known to the CIA and sister clandestine agencies. He was the subject of a recent article in a Scottish Sunday newspaper, "The Sunday Herald". In essence, the article suggested Dr Fuisz wanted to provide a statement relevant to Lockerbie but was prevented by a State Secrets Statute (unspecified) and by a Court order, from doing so. I take the newspaper report with a measure of salt.

Dr Fuisz maintains he has vital information concerning the perpetrators of the Pan Am 103 bombing and it will not surprise you to learn, given my interest in him, that he does not believe the perpetrators to have been Libyan, let alone either of the two accused in this case. While I do not know what precisely his role in the Middle East was, he appears to have spent a great deal of his time in Syria and I suspect he was an important source of intelligence in the 1980s.

I should be grateful if you would make whatever enquiries you might think would be appropriate in relation to Dr Fuisz's background and if you would thereafter, if you think it fit, let me know if Dr Fuisz is to be believed when he maintains that he has been effectively prevented from providing a Statement or even information relevant to the Lockerbie case because of the existence of some form of legal threat that he could face a significant period of imprisonment for disclosing secret information.

If/

If you are unable to help for any reason then I should be grateful if you would let me know.

Yours sincerely

EDWARD M MACKECHNIE

c.c. A Duff
 A Jenkins



U.S. Department of Justice

Criminal Division

Terrorism and Violent Crime Section
601 D Street, N.W., Suite 6500
Washington, D.C. 20530

Mr. Edward M Mackechnie, Esquire
McGrigor Donald
Solicitors
Pacific House
70 Wellington Street
Glasgow G2 6SB
Scotland

July 12, 2000

By Facsimile 0141 204 1351

Re: HMA v Megrahi and Fhimah

Dear Eddie:

This is in response to your letter of June 28, concerning pending matters. I am sorry for the delay in getting back to you, but there have been a number of requests pertaining to a wide range of subjects involving multiple components of the U.S. Government. Some of the matters which you have previously written about have required retrieval from storage of records and their review before I was in a position to respond. In addition, I believe that by now you should have received the letter of Assistant Procurator Fiscal Jim Brisbane which addresses the issues raised in your prior letters to me. Consistent with the position taken therein by Mr. Brisbane, I will attempt to provide what additional information I have at this juncture.

Prompted by news accounts alleging that Dr. Richard Fulsz has being precluded by a federal court gag order from providing, what he claims is first hand knowledge about the Lockerbie case- specifically who orchestrated and executed the bombing- you asked that I make enquiries in this regard. I have done so, and at this point I feel comfortable in responding as follows:

1. Before the recent news story, I never heard of Dr. Fuisz. I have since learned that in 1992 Terex Corporation, an American corporation and its Scottish subsidiary, Terex Equipment Limited of Motherwell, Scotland, filed a civil action for defamation (No. 92-0941) in the United States District Court for the District of Columbia against Richard C. Fuisz, and New York Times reporter Seymour Hersh. The gravamen of the complaint was a January 26, 1992 article written by Hersh, which in substance relates Fuisz's account that during the Gulf War he was visiting Terex's Motherwell plant and observed armor plated vehicles painted in desert camouflage, and that he (Fuisz) was told that these were missile launchers for the Iraqi military.
2. On March 9, 1993, pursuant to 28 U.S.C. § 571, the United States Department of Justice filed a Statement of Interest in connection with Terex's motion to compel certain deposition testimony of defendant Richard Fuisz. The United States also moved at that time for an order protecting certain national security information from disclosure in that case pursuant to the state secrets privilege, and to establish procedures to ensure that the United States had an opportunity in future proceedings to assert the state secret privilege and protect its national security interest in that case. In support of the motion of the United States, the Department of Justice subsequently made a classified submission, which was considered by the court ex parte, in camera.
3. On October 6, 1994, the district court upheld claim of states secret privilege asserted by the United States and entered an order in Civil Action No. 92-0941.
4. On December 2, 1996 a Stipulation of Dismissal with prejudice was filed by the parties in Civil Action No. 92-0941.
5. Whatever Dr. Fuisz and his spokespersons are basing the assertion, reported by the media, that they have been gaged, or threatened with prosecution if they reveal evidence relating to the bombing of Pan Am Flight 103, this has not occurred in the context of the investigation of the bombing or in any of the civil or criminal litigation in U.S. or Scottish courts which resulted from the bombing of Pan Am Flight 103. Stated another way I have found no factual basis to the allegation that any representative of the U.S. Government has taken any action to deter Dr. Fuisz from talking to anyone about the bombing of Pan Am Flight 103.
6. While I have no idea what evidence Dr. Fuisz purports to have, he is not barred from providing the defense, or the Crown, with his alleged evidence of who he believes was responsible for orchestrating and executing the bombing of Pan Am Flight 103.

7. If Dr. Fuisz believes that he is under some legal prohibition from providing such evidence, based upon the existing order in the unrelated Terex litigation he should have his lawyer contact me, and I will take the appropriate steps to have this misapprehension on his part cleared up. I am somewhat at a disadvantage, however, since I have no knowledge of what evidence Dr. Fuisz purports to be able to provide in relation to the bombing of Pan Am Flight 103. While I am aware of his legal constraints as a result of the Texex litigation, I can not see any relationship between those constraints, and Dr. Fuisz's alleged ability to provide a first hand account of the orchestration and execution of the bombing of Pan Am Flight 103.

In regard to the list of FBI Agents/ Crown witnesses about whom you seek information, you will perhaps recall our previous conversation to the effect that, out of an abundance of caution, just about any FBI Agent who had anything to do with the investigation was listed as a witness. The majority of these individuals were agents who interviewed the friends and families of the American victims. They would typically be only able to testify as to what the interviewee told them. Further, these agents would only be called to testify, in my view, if the primary witness became unavailable. May I suggest that before any more costs are incurred in locating and interviewing these agents, that you seek an intimation from the Crown as to whether they will even be called as witnesses. I have no objection to the Crown providing the defense with any FD-302's pertaining to these individuals. I believe that this has already been done, and certainly in relation to any victim reflected in the Crown's proposed Statement of Uncontroverted Evidence.

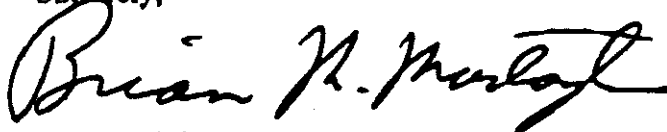
As you are no doubt aware the Boeing 747- Maid of the Seas, U.S. Registration Number N 739, which departed Heathrow as Pan Am Flight 103, had previously been flown to London from Los Angeles via San Francisco as Pan Am Flight 124. Consequently, in the FBI's investigation immediately after the bombing, agents from the Los Angeles and San Francisco Field Offices conducted investigations at the those respective airports. I believe the results of those enquiries were provided to the Scottish Police in 1989. Here also I believe that it would be useful, given the present posture of the case, to first determine whether or not the Crown intends to call any of the individuals from these Field Offices reflected on your list.

In regard to the remaining witnesses on your witness list, some of whom did not prepare FD-302's, the following information is provided:

No. 458. Richard Hahn Agent/Examiner Explosives Unit, FBI Laboratory, TDY LICC

11-12-01 10:00
202 514 8714
DEPT OF JUSTICE
FBI
Lastly, I believe you also requested assistance in obtaining copies of the reward posters relating to the two accused. I have obtained copies and will bring them with me when I return to Camp Zeist next week.

Sincerely,



Brian M. Murtagh
Deputy Chief
Terrorism and Violent Crime Section

cc: Mr. Jim Brisbane
Mr. Alistair Duff
Ms. Ingrid Elliott

Our Ref: LAE/EMM FH0255 000001

Brian Murtagh Esq
Deputy Chief, Terrorism and Violent Crimes Section
US Department of Justice, Criminal Division
601 D Street, N.W. Suite 6500
Washington DC 20530
UNITED STATES OF AMERICA

BY FAX AND POST (001 202 514 8714)

25 August 2000

Dear Brian

**HMA v Megrahi and Fhimah
Dr Richard Fuisz**

I very much regret having to contact you again in relation to Dr Richard Fuisz.

He has now had sight of a copy of the relevant part of your letter confirming that he is free to give a statement in relation to Pan Am 103 to the Defence. However he maintains that after he received our letter he contacted Mr Rothstein and yourself and was advised that he is not in fact free to give such a statement. I attach a copy of a letter from Susan Lindauer who Dr Fuisz appears to use as a point of contact.

This all seems highly unlikely and I want to make sure that Dr Fuisz cannot hide behind this excuse. Can I assume that we are at liberty to ask him, and he is fully at liberty to answer any questions relating to Pan Am 103?

Kind regards.

Yours sincerely

EDWARD M MACKECHNIE



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FROM: Department of Justice
Criminal Division
Terrorism and Violent Crime

The Scottish Court in the Netherlands
Camp Zeist

Fax 011-31-34-633-4844
Voice 011-31-34-633-4847

SENT BY: Brian Murtagh

TO: *Ingrid Elliott*

SUBJECT: *Mr. Toney*

FAX No: *00044 2141 204 1351*

NUMBER OF PAGES SENT (INCLUDING COVER PAGE): 3

Instructions: *Mail hand delivery to Eddie 8/29*



U.S. Department of Justice

Criminal Division

*Terrorism and Violent Crime Section
601 D Street, N.W., Suite 6500
Washington, D.C. 20530*

Mr. Edward M Mackechnie, Esquire
McGrigor Donald Solicitors
Pacific House
70 Wellington Street
Glasgow G2 6SB

August 28, 2000

BY HAND AND FAX (0141-204 1351)

Re: HMA v. Megrahi and Fhimah (Dr. Richard Fuisz)

Dear Eddie:

This is in response to your letter to me of August 25, 2000, concerning Dr. Richard Fuisz, to which a letter from Susan Lindauer.

As you may recall you wrote to me concerning Dr. Fuisz after a media story appeared in the Scottish press alleging that Dr. Fuisz was prevented from identifying those responsible for the bombing of Pan Am Flight 103 by a "gag order" allegedly imposed by a U.S. District Court. No further information was provided which might help identify the litigation or court in which this order was alleged to have been issued. I responded to your inquiry by my letter of July 12, 2000, stating that the order issued in the Terex litigation was unrelated to the Pan Am 103 case, and posed no legal prohibition to Dr. Fuisz's ability to provide, what he claims is a first hand account of the orchestration and execution of the bombing of Pan Am 103. I further related that I found no factual basis to the allegation that any representative of the U.S. Government has taken any action to deter Dr. Fuisz from talking to anyone about the bombing of Pan Am Flight 103. In conclusion, I advised you that if Dr. Fuisz believed he was under some legal prohibition from providing evidence, based upon the existing order in the unrelated Terex litigation, he should have his lawyer contact me, and I would take the appropriate steps to have this misapprehension on his part cleared up.

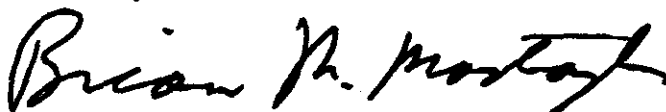
I have never been contacted by any lawyer representing Dr. Fuisz, nor Ms. Lindauer, nor have I ever spoken to or corresponded with Dr. Fuisz himself. However, after receipt of your letter of 16 July 2000, in which you suggested that Dr. Fuisz contact me or Mr. Rothstein at the Department of Justice, Dr. Fuisz called my colleague. In his conversation with Mr. Rothstein, Dr. Fuisz stated that he was very upset about my letter to yourself, that it was not the court order in the Terex litigation which prevented him from talking, but rather some other unspecified restriction, which absent a grant of transactional immunity from the Department of Justice he could not even discuss, which prevented him from talking about Pan Am 103. Further, Dr. Fuisz

advised that he was not represented by counsel, and was not going to incur the expense of retaining one. Mr. Rothstein was unable to convince Dr. Fuisz that he was under no legal restriction from talking to the defense about Pan Am 103. Dr. Fuisz rejected Mr. Rothstein's efforts to set up a conference with other government attorneys to help resolve this matter. No mention was made by Dr. Fuisz of some sort of presidential authorization as a precondition to him talking to the defense.

We have had no contact with journalist Susan Lindauer, and consequently do not accept the factual averments in her letter to you. There is no truth whatsoever in the assertion that either Mr. Rothstein or myself advised Dr. Fuisz that he is not in fact free to give a statement to the defense in relation to Pan Am 103. Having read her letter, I have no idea what she is talking about, and have no intention of attempting to communicate further with Dr. Fuisz through her.

You ask whether or not you can assume that the defense is at liberty to ask Dr. Fuisz any questions in relation to Pan Am 103, and further whether he is fully at liberty to answer any questions relating to Pan Am 103? The answer to both questions as far as I am concerned is "yes". The problem here is with Dr. Fuisz himself, and not with any court order or attempt by the government to keep him from talking to the defense about the destruction of Pan Am Flight 103.

Sincerely,



Brian M. Murtagh
Deputy Chief
Terrorism & Violent Crime Section

Our Ref: EMM/FH0255.000001

Brian Murtagh Esq
Deputy Chief, Terrorism and Violent Crimes Section
US Department of Justice, Criminal Division
601 D Street. N.W. Suite 6500
Washington DC 20530
UNITED STATES OF AMERICA

BY FAX AND POST (001 202 514 8714/0031 346 334 751)

08 September 2000

Dear Brian

**HMA v Megrahi & Fhimah
Dr Richard Fuisz**

Notwithstanding your recent further helpful correspondence concerning the above named regarding our desire to precognosce him, no precognition has yet been taken as Dr Fuisz insists that it is not the Department of Justice or even the Attorney General herself which possess the authority to release him from what he refers to as his statutory obligations of secrecy. It has been suggested to us that the President himself, but perhaps more sensibly the Director of the Central Intelligence Agency, George Tenet, would be able to release him from any possible remaining inhibitions so that he could provide a statement in relation to Pan Am 103 and the alleged perpetrators of the bombing.

I understand that the Director of the Central Intelligence Agency has recently provided a message to the families of Pan Am 103 to the effect that the CIA is *inter alia* committed to making every relevant piece of evidence available to the Court in Holland.

In fairness, I have no reason to doubt that the Director wishes to support the Court in Holland in every possible way provided, of course, that National Security considerations should not be prejudiced.

I wish to request the Director of the Central Intelligence Agency to formally release Dr Fuisz from any obligation he conceivably might have to remain silent on issues to do with Pan Am 103 and the planning and perpetration of the bombing of it. I believe that if Dr Fuisz, with whom I have now spoken, received written assurance from the Director that there was no bar to him providing us with a relevant statement then I could proceed to meet with him.

I did not want to write directly to Mr Tenet without your knowledge and authority.

Would you be so kind as to confirm whether you will forward my request for some written clearance for Dr Fuisz to Mr Tenet or let me know that it is now in order for me to write directly to him on the matter.

I am copying this letter to Norman McFadyen of the Crown office and also to Alistair Duff for information.

Yours sincerely

EDWARD M. MACKECHNIE

C.C. Norman McFadyen
Alistair Duff

**CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505**

Office of General Counsel

12 October 2000

**Mr. Brian Murtagh, Esq.
Deputy Chief, Terrorism and Violent
Crimes Section
Criminal Division
US Department of Justice
601 D Street, NW, Suite 6500
Washington, DC 20530**

Re: Letter from Edward M. MacKechnie

Dear Mr. Murtagh:

Thank you for providing us with a copy of Mr. MacKechnie's 10 October 2000 letter to you requesting the Director of Central Intelligence to give written sanction to Dr. Richard Fuiss to be interviewed regarding Dr. Fuiss's knowledge of matters that pertain directly or indirectly to the 21 December 1988 bombing of the Pan Am flight 103. Due to a number of current events in the national security arena requiring his priority attention, the DCI presently is not available. However, Dr. Fuiss has been informed that neither the Central Intelligence Agency nor the Department of Justice pose any objection to his discussing with the defense, or anyone for that matter, his knowledge of the Pan Am flight 103 bombing. There is and has been no impediment to his being interviewed on this matter.

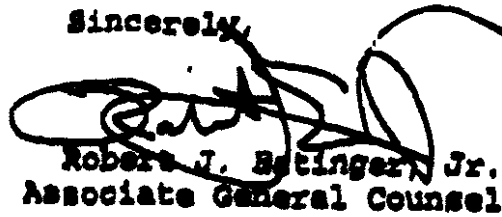
The US Government has assured Dr. Fuiss that he is free to discuss what he knows about the bombing of Pan Am flight 103. Attorneys from the Central Intelligence Agency offered to meet with him at the Department of Justice to address his continued insistence that he is somehow barred by a court order from discussing Pan Am flight 103 and to answer any questions he might have. Dr. Fuiss refused this meeting. Even so, we remain available for such a meeting.

As you and I have discussed, there simply is no court order of which we are aware that in any way limits Dr. Fuiss from revealing his knowledge of who bombed Pan Am flight 103.

Mr. Brian Murtagh, Esq.

You are free to share a copy of this letter with Mr. MacKechnie and Dr. Fuiss, as well as to re-extend our willingness to meet with him at the Department of Justice.

Sincerely,



Robert J. Bttinger, Jr.
Associate General Counsel

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Office of General Counsel

13 October 2000

Dr. Richard Fuisz, MD
Virginia

Dear Dr. Fuisz:

Thank you for your telephone call today seeking clarification of my 12 October 2000 letter to Brian Murtagh of the Department of Justice. In our conversation, you related to me that you have no personal knowledge of who was involved in the bombing of Pan Am 103. However, you advised me that you had recalled receiving more than one briefing from officers of the Central Intelligence Agency during late 1988 and 1989 on security matters. While these briefings were not about Pan Am 103, during those briefings, the CIA officers told you whom at that time the CIA believed had been the primary party behind the bombing of Pan Am 103. You advised me that the party identified at that time as the primary party responsible for the bombing was Ahmed Jibril.

You asked for clarification whether you were free to discuss completely the security briefings you received, as well as to identify the officers who provided the briefings, or to give the reason for which you were receiving these briefings.

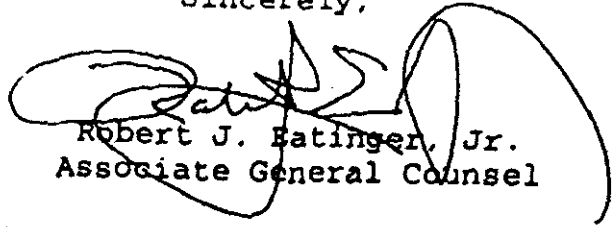
Now that you have clarified that you have no personal knowledge of who is responsible for the bombing of Pan Am flight 103, we can provide you more specific guidance. You may freely identify the number of briefings you received by CIA officials and the dates on which you received them. You may identify whom the CIA briefers said was responsible for the bombing of Pan Am flight 103. However, you may not reveal the identities of the CIA officers, nor the purpose for which you were receiving these security briefings.

As you may or may not know, the CIA, as well as most other US agencies investigating the bombing of Pan Am flight 103 initially inquired into allegations that bombing may have been carried out by various Palestinian groups. It was not until

Dr. Richard Fuisz, MD

later in 1990 that the evidence began to point towards the individuals presently on trial.

Sincerely,



Robert J. EATINGER, Jr.
Associate General Counsel

cc: US Department of Justice

Notes on Fuisz deposition taken on 6th December 2000

Present:	Dennis, Steve & Fiona	Butera & Andrews	Eddie MacKechnie
	James Falk & Meredith Long	Falk Law Firm	Dr Richard Fuisz
	Anthony Coppolino	DoJ, Civil Division	US Government
	Two unnamed officials of the CIA		

Judge found that the witness may possess information which falls within the State Secrets privilege – therefore US Attorneys allowed to be present and to make or waive objections and instruct witness not to answer certain questions – then arguable in Court.

Of Interest:-

Have to ever been to Damascus?	<i>No.</i>
Have you ever been in Syria, the country Syria?	<i>Possibly.</i>
Do you remember when that might have been?	<i>No, I don't recall.</i>
Do you remember what decade it was?	<i>No, I don't recall.</i>

[Fuisz explains that he was in Lebanon during the 70s and 80s perhaps 20, 25 times and the borders were close so he may have entered Syria that way. He had travelled to Lebanon on extended transit on his way to or from the Gulf. Travel was associated with one of his companies that provided training, initially medical then it became military.]

Do you speak Arabic? *I would hesitate to say that any more. I did at one time.*

Did you spend any time in the Golan Heights? *I don't recall.*

Do you know Basel Bushnaq? *To my knowledge, I don't.*

Do you know a man by the name Ahmed Jibril? Have knowledge of? *Yes, I have knowledge of the man.*

How did you acquire the knowledge? *Some of my knowledge, from the press.*

Okay. And the rest? *I'd prefer not answering that.*

Can you tell us why you prefer not to answer? *I don't feel I can.*

Have you been instructed not to answer that?

MR COPPOLINO: We are going to interpose an objection at this point. First of all, let me just say that if the witness believes the question cannot be answered without disclosing classified information and state secrets, the government objects.

[Eatinger's 13 October letter referred to at this point and its two qualifications as to the state secrets matter at hand.]

Did you ever meet Mr Jibril? *No.*

Did you ever speak with him? *Not to my knowledge.*

Do you know of any of Mr Jibril's relatives? *I'm not sure.*

Anyone you understood were affiliated with Mr Jibril? *No, I can't answer.*

Could you tell us why you can't answer that?

MR COPPOLINO: Well, if the witness feels he cannot answer because the answer would disclose classified information or state secrets, let me just pose the objection. We'll consult and we'll see if we can get you an answer for that question before the end of the day.

[Briefings: Fuisz estimated there to have been 5 to 10 of them, principally throughout 1988 and 1989. It was asked later if these briefings had happened after the Pan Am bombing. Fuisz said they werer all

after. Objection was raised to Fuisz answering where the briefings took place. The briefings were in person.]

Did any of the briefings concern the identity of the person who was responsible for the bombing of Pan Am 103? *I was going to ask him to define "responsible".*

Caused it directly or indirectly. *That's a good definition.*

That's why we're lawyers. Go ahead. *Jibril.*

Is that the only person the briefings identified? *Yes.*

Did the briefings identify the organisation?

Well, it is public knowledge that he is involved with an organisation. I have to ask, counselor, am I --- can I ---according to this letter, can I go the next step further?

OFF THE RECORD DISCUSSIONS

Dr Fuisz, did the briefings identify an organisation that was responsible for the bombing?

I believe it's the Popular Front for the Liberation of Palestine General Command

[He is asked how many times the PFLP-GC was mentioned in the briefings and he cannot recall specifically. The same question is posed in relation to Jibril and the answer is several times.]

Did they briefers explain to you why they thought at that time Ahmed Jibril was responsible?

Yes.

Do you recall the facts they told you during those briefings that supported their theory of who was responsible for the bombing of Pan Am 103?

To my recollection, it was principally in retaliation for the other airliner that was taken down. And it was Iranian money transferred to Jibril, and that Jibril was the chief operative.

When they told you that they thought Ahmed Jibril was involved in the bombing of Pan Am 103, one of the facts that they mentioned was Iranian money. Did they tell you how much money was involved?

MR COPPOLINO: I guess we need to object for now.

Did they tell you anything about their knowledge of the transfer?

I'd prefer not answering that question.

Let's start with the first, that he was involved. Do you recall any other facts that the briefers told you that supported the conclusion that Jibril was involved in the bombing of Pan Am 103?

I don't recall.

Second Part: How was he involved? Same question.

I would say no.

Within those briefings, when they discussed Ahmed Jibril's involvement, did they support that conclusion with any other facts or statements besides the transfer of money?

I am going to be like Clinton. Who's they?

The people who spoke to you during the briefing?

During the briefing? No.

[I feel there is something more here.]

Did you receive briefings from any other agency?

No.

Have you spoken to people who you know to be employed with Mossad?

Yes.

Was this during the period 1985-1992?

Yes.

Did you speak to them in connection with Ahmed Jibril?

I don't recall.

[The CIA did not mention any other group than the PFLP-GC as responsible.]

Did there ever come a time during those briefings when the briefers told you that they had changed their mind about Ahmed Jibril or the PFLP-GC? *No.*

Without naming any names, or without in any way compromising the names of intelligence operatives or operations, during the briefings, were you advised of any intercepts that reflected indications of complicity by Jibril or his group in the Pan Am 103 bombing?

MR COPPOLINO: Objection.

Were you advised of the government possessing statements from any third parties about Jibril or his organisation planning the Pan Am Bombing? *No.*

Did any Mossad operative ever tell you who Mossad thought was responsible for the Pan Am 103 bombing? *I don't recall.*

The contact you had with Mossad, was that before or after the destruction of Pan Am 103?

I'm not sure.

In the CIA briefings did you ever get the impression that the briefers or the United States Government knew about the plans to bomb Pan Am 103 before it took place? *No. No, I didn't.*

[According to Fuisz, they did not identify the individual paymaster of the PFLP-GC, nor did they give a bank. Only Iran.]

Did they identify when this transaction took place-----that is the money transaction?

No, I don't recall that. No.

Did they identify who from the side of the Iranian government represented their side of the equation?

Not to my memory.

[Then runs through names, Goben, McKee, Gannon, Lariviere. Fuisz did not know any. In relation to contact with the DEA, Fuisz had contact through his medical licence but not to his knowledge other than that.]

Have you ever been to the Bekaa valley? *I may have been.*

Do you remember when it was? *No*

Do you remember how many times it was? *No. It would not be frequent if I were ever there.*

Are you familiar with the name Khalid Jaafar?

Yes I am familiar with the name, but I don't know why.

Do you know if you've ever met anyone in Lebanon with the last name Jaafar, the family name Jaafar?

You know, I've met so many people, I wouldn't say I haven't met someone with that name.

You on your own did you ever conduct any investigations into the Pan Am 103 bombing? *No.*

Do you have any knowledge of the perpetrators of Pan Am 103 other than the briefings you received from the Central intelligence Agency?

MR COPPOLINO: I guess we need to confer.

Answer: *No.*

How many people were there, besides the briefers? *A handful.*

We're speaking of five to ten briefings, is that correct? Was it the same people at each briefing? So a handful is an average? *Yeah, two, three, four.*

[Used to send cheques to help feed Coleman's children. The last one was about eight weeks ago but he did not think it was Coleman's wife. He received approx. 15 calls from Coleman and 10 -15 on his behalf. Coleman once wanted to discuss the Pan Am 103 bombing on the air (local radio station).

He may have discussed Jibril or the PFLP-GC with Coleman. Oscar Lewinter used to call him a lot and that is how he came into contact with Coleman.

Asked about Folkon –involved in computers in Russia in the mid-80s. It had 3-4 employees in the US and 10 in Russia.]

Were any employees in Russia hired by you at the request of the Central Intelligence Agency?

MR COPPOLINO: Objection.

Did Folkon do any work for the Central Intelligence Agency?

MR COPPOLINO: Objection

Did Folkon ever receive money from the CIA?

MR COPPOLINO: Objection.

Were there any links between the CIA and any of the companies that you ran?

MR COPPOLINO: Objection.

Did you have any contact with the DIA.

MR COPPOLINO: I guess I have to object to that one, as well.

Did you receive any briefings from the DIA?

MR COPPOLINO: Objection.

Did you have any contact with the DIA regarding Pan Am 103?

MR COPPOLINO: I guess I have to make the same objection, because I simply don't know what the basis of that is.

.....illegible.....surveillance work on Ahmed Jibril?

MR COPPOLINO: Objection

Dr Fuisz, can you tell us in your view what if any the relationship is between the questions we've asked you for the last hour and twenty minutes and the matters that were involved in the Terex litigation?

MR COPPOLINO: Objection. The question cannot be answered without disclosing classified information and state secrets.

[Did not know Juval Aviv, nor the Interfor Report. Knows Lindauer but denied ever telling her he knew who bombed Pan Am 103. Said he had not told anyone that.]

Do you know a person by the name of Deiter Blome?

A German?

Yes

No, not ---no, I don't not by that name.

You don't know if you've had any contact with Hezbollah?

I think they once paid a visit to an office I had. But I'm not sure. Intense – I might have to say I don't know. I did not hold any extensive discussions with them.

Do you know the nature of their visit?

No, I don't. I don't. I just have a recollection of it, and I can't remember the gentleman, because he is fairly high up in that organisation.

[No mechanical details of bomb mentioned in the briefings, nor by whom it was constructed, nor how it got on the plane. No mention of Frankfurt or Luqa airport.]

Was there any discussion about DEA drug operations being run out of Frankfurt in that meeting, in that CIA briefing? *No, I don't recall that.*

[Said it had come out of conversations with Lewinter and Francovic.

THE PROCEEDINGS RETURNED TO QUESTIONS OBJECTED TO:

Not told what amount of money from Iran. Was not told who had sent it but that Jibril himself (or the organisation- he is not sure which – told Jibril but that term could cover the organisation as well) had received it. He was not told the form of transfer, nor the bank.

The Terex litigation did not involve Jibril or the PFLP-GC to his knowledge nor with the Pan Am 103 bombing.

That left three questions for the judge:-

- What knowledge do you have outside of the CIA briefings about Ahmed Jibril or the PFLP-GC?
- Where were the locations of the briefings?

At the briefings, were you informed of or shown purported transcripts of intercepts of communications that dealt with Pan Am 103?

Dr Fuisz answered this – but the answer is cut off. I presume it is no.

After consultation with Judge Lee – more questions:-

Did you obtain any information about Ahmed Jibril or the PFLP-GC from non-privileged sources? If so what was the nature of that information?

I would say no.

Did you obtain information about Ahmed Jibril or the PFLP-GC other than what you have told us, and we are not interested in newspapers or public information.

MR COPPOLINO: Objection.

END

1 UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
2 ALEXANDRIA DIVISION

3 -----x

In re APPLICATION OF :
4 THE LAW FIRM OF McGRIGOR :
DONALD FOR ISSUANCE OF A :
5 DEPOSITION SUBPOENA FOR :
RICHARD FUISZE FOR USE IN AN : No. 00-77-MC
6 ACTION PENDING IN THE HIGH :
COURT OF JUSTICIARY OF :
7 SCOTLAND PURSUANT TO :
28 U.S.C. SECTION 1782 :
8 -----x

9 Alexandria, Virginia

10 Thursday, January 4, 2001

11 Deposition of

12 RICHARD FUISZ

13 A witness, called for examination by counsel for

14 Applicants, pursuant to notice and agreement of

15 counsel, beginning at approximately 11:42 a.m., at

16 the United States Courthouse, 401 Courthouse

17 Square, Alexandria, Virginia, before Peter Lee

18 Ayres of Beta Reporting & Videography Services,

19 notary public in and for the Commonwealth of

20 Virginia, when were present on behalf of the

21 respective parties:

22

BETA REPORTING

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1 APPEARANCES:

2 On Behalf of the Applicants:

3 DENNIS M. HART, ESQUIRE
STEPHEN C. LECKAR, ESQUIRE
4 Butera & Andrews
1301 Pennsylvania Avenue, N.W., Suite 500
5 Washington, D.C. 20004
(202) 347-6875

6
7 On Behalf of the United States:

8 ANTHONY J. COPPOLINO, ESQUIRE
Trial Attorney
Civil Division
9 United States Department of Justice
901 E Street, N.W., Room 1084
10 Washington, D.C. 20530
(202) 514-4782

11
12 On Behalf of the Deponent:

13 JAMES H. FALK, SR., ESQUIRE
The Falk Law Firm
One Westin Center, Suite 260
14 2445 M Street, N.W.
Washington, D.C. 20037
15 (202) 833-8700

16

17

18

19

20

21

22

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3	Counsel for Applicants	4

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1 PROCEEDINGS

2 MR. FALK: My name is James Falk.
3 I'm attorney for Dr. Richard Fuisz, his
4 personal counsel. And as a preliminary
5 matter, I simply wanted to record for the
6 record that we are gathered for this
7 deposition -- or this continuation of a
8 deposition -- pursuant to an amended order
9 entered this morning by Judge Lee. Which
10 amended order slightly changes the ordering
11 paragraphs of the previously issued order,
12 governing the manner in which the examination
13 will continue. And all parties have been
14 served with a copy of this order. And I
15 think all parties were present in court when
16 the order was read from the bench. And with
17 that, I think we're ready to proceed in
18 accordance with the order.

19 Thank you.

20 Whereupon,

21 RICHARD FUISZ

22 was called as a witness and, having first

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1 been duly sworn, was examined and testified

2 as follows:

3 EXAMINATION BY COUNSEL FOR.

4 APPLICANTS

5 BY MR. HART:

6 Q Dr. Fuisz, my name is Dennis Hart,

7 along with Stephen Leckar, and we'd like to

8 ask you some questions in line with what we

9 asked you in the previous version of this

10 deposition. But before I do, I'd like the

11 other parties to identify themselves as best

12 they can for the record.

13 MR. COPPOLINO: Anthony Coppolino,

14 Department of Justice, Civil Division.

15 MR. HART: Do we have anyone else

16 present here that can be identified by

17 presence?

18 MR. COPPOLINO: I think at the last

19 deposition, we identified three officials of

20 the Central Intelligence Agency.

21 BY MR. HART:

22 Q Dr. Fuisz, when we spoke last time,

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1 we asked you some questions about your
2 knowledge of the PFL-PGC and a man by the
3 name of Jibril. We've learned -- and this is
4 a summary, so correct me if I'm wrong --
5 we've learned what you learned from briefings
6 from the Central Intelligence Agency about
7 that.

8 You also indicated that you knew
9 something about this man or the PFL-PGC from
10 news reports, from public sources. And you
11 seemed to imply that there was a third
12 category; that is, knowledge of these two
13 subjects that was not from the CIA briefings
14 and was not from public sources.

15 Is that a fair review of what you
16 told us before with regards to this subject?
17 Would you amend that in any way?

18 A No, I -- I wouldn't amend it.

19 There is another category.

20 Q And could you tell us what that is?

21 A I don't feel I can answer the other
22 category.

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1 Q If I divide the knowledge into
2 three areas -- the CIA information, which
3 we've covered, the public information which
4 we're not interested in, and the third is, is
5 that information which you've learned on your
6 own that you have knowledge of, that you
7 obtained -- is that a fair description of
8 this third category?

9 A No, because it was not on my own.

10 Q Well, can I describe it as
11 information that you heard with your ears?

12 A Yes.

13 Q Is there a fourth category, other
14 than information you heard with your ears or
15 saw with your eyes?

16 A You'd have to explain that. I'm
17 not --

18 Q Well, information that you obtained
19 through the use of your ears or your eyes
20 that wasn't from CIA and it wasn't from
21 public sources.

22 A Did you say it wasn't at the CIA?

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1 Q No, wasn't from the CIA or from
2 public sources?

3 I'm trying to define this third --

4 A Oh, but then it would go to five in
5 the judge's order this morning. That's my
6 problem.

7 Five in this order -- okay, I see,
8 yeah. They have five in this order as "his
9 employment capacity or relationship as it
10 relates to the United States."

11 Q Well, I'm not asking you what your
12 employment capacity was; I'm asking if
13 there's a categ --

14 A No, it's a -- I'm sorry. I didn't
15 mean to interrupt you. What it's saying is,
16 "information gathered."

17 MR. HART: May I have a copy of the
18 order, please? Thanks.

19 BY MR. HART:

20 Q Can you tell me what part you're
21 reading?

22 A Well, if you go from the top, Order

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1 of the United States Government to

2 Participate in a Deposition --

3 Q Right.

4 A Including but not limited to. And

5 then if you go on from that, it says,

6 "Employment capacity covers any formal,

7 informal understanding with the government

8 compensated or uncompensated.

9 "The substance of whatever

10 information Mr. Fuisz possesses which is not

11 covered in one of the above five categories,

12 and is not objected to by the government,

13 should be revealed."

14 And what I'm saying is, it's

15 covered by those categories, what I have in

16 mind. And I don't feel I can give it,

17 whether or not they object or not.

18 Q Could you give me a description so

19 that I can put a handle on this of what you

20 would call this information or category?

21 A It would be information gained in

22 my employment by the government.

1 Q Now, assuming I'm not asking you
2 about the nature of your employment, can you
3 tell me about the information?

4 A I -- I -- I don't know how to
5 disconnect it from the employment.

6 Q Is this information about Ahmed
7 Jibril?

8 A Yes.

9 Q Is it information about the
10 PFL-PGC?

11 A Yes, but principally Jibril.

12 Q And is it information that you
13 obtained through your own senses?

14 A Yes.

15 Q Can you describe to us why you
16 can't disconnect the information from the
17 nature of the employment?

18 A Because I feel that to convey to
19 you accurately and not delude you, it's
20 impossible to not include the context in
21 which any information is given.

22 Q Well, if we have that caveat, and

1 you exclude the context, can you give us the
2 information itself?

3 A I can give you I think a broad
4 brush of the information, a very broad brush.
5 If I get into specifics, then I get into
6 context.

7 Q And do you believe context is
8 prohibited by this order?

9 A Well, I feel it is prohibited.
10 It's prohibited by a contract I have with the
11 government and by the order. Well, I said --

12 Q Could you give us the broad brush
13 then?

14 A No, the broad -- broad brush would
15 simply be that numerous high officials in the
16 Syrian government were quite affirmative on
17 Jibril's involvement in Pan Am 103.

18 Q And can you give us the names of
19 those officials?

20 A No, then I'm starting to get into
21 context if I give you the names.

22 Q Can you give us how many there

1 were?

2 MR. COPPOLINO: Excuse me, Mr.

3 Hart. You're asking names -- I'm sorry,

4 number of Syrian officials?

5 MR. HART: Yes.

6 MR. COPPOLINO: Okay.

7 THE WITNESS: Perhaps 10, 15.

8 BY MR. HART:

9 Q And are these people that you spoke
10 to?

11 A Yes.

12 Q And could you give us a time frame
13 when you spoke to them?

14 A Roughly, January of '90 on.

15 Q Is there a stop date?

16 A Personal stop date -- again,
17 staying out of context, and not meaning to
18 imply anything by the stop date, I would
19 say '95.

20 Q Can you be more specific about the
21 opinion of the high officials in Syria about
22 Jibril's involvement? Did they explain to

1 you, for example, what they thought he was
2 involved in and particular actions that they
3 thought he did in particular?

4 A No. The broad brush again would be
5 that he master-minded the 103.

6 Q Can you tell us any facts, if any,
7 they base this on?

8 A I would get into context if I
9 started on that.

10 Q Were there any other sources that
11 you spoke to, or that you had contact with,
12 that had this same opinion, other than these
13 high officials in the Syrian government?

14 A Well, we've already did the last
15 one. It was admission at the U.S.
16 government.

17 Q Other than the CIA briefings and
18 these 10 to 15 people who you describe as
19 high officials in the Syrian government, was
20 there anyone else that you obtained
21 information on that implicated Mr. Jibril?

22 MR. FALK: I'm going to object to

1 the form of the question, Mr. Hart. I think
2 it's not information on, rather information
3 from, information communicated to him that
4 you're seeking.

5 If you would amend the question,
6 I'd withdraw the objection. I'm simply
7 objecting to the form.

8 BY MR. HART:

9 Q Do you understand the question?

10 A No, I agree with Jim. Just refine
11 that a little bit.

12 Q If you exclude the category of the
13 CIA briefers --

14 A Correct.

15 Q And you exclude the category of
16 the 10 to 15 high officials in the Syrian
17 government, did you obtain information from
18 anyone else about Mr. Jibril or the PFL-PGC
19 involvement in Pan Am 103?

20 A Yes.

21 Q Could you describe who those people
22 were?

1 A No, just broad brush, because I
2 don't want to do context again. It would be
3 just a limited number of people from the
4 Russian government.

5 Q And can you tell us time?

6 A I think basically 1990.

7 Q And can you tell us number? By
8 number, I mean number of people.

9 A Yeah, I would say they're more
10 limited. Probably four, four or five.

11 Q And can you disclose their names to
12 us?

13 A No.

14 Q Now, other than the CIA briefing,
15 other than the high officials in the Syrian
16 government, and other than the people in the
17 Russian government, was there any other
18 category or people from which you obtained
19 information about Mr. Jibril's involvement or
20 the PFL-PGC?

21 A No.

22 Q In speaking with the 10 to 15

1 officials in the Syrian government, did the

2 name Dalkamoni come up?

3 A Let me just say now, I -- I cannot

4 recall names. And if I were -- if there was

5 not a contextual problem, it would involve --

6 because of the time interval and because my

7 career path is so varied in terms of other

8 things, it would take me, I think, a good

9 week probably looking through whatever

10 resources I could find, to refresh the names.

11 I just simply -- I don't have a

12 good retention anyway for Arabic names. They

13 all kind of sound the same to me.

14 Q All right. Did you ever meet

15 Mr. Jibril?

16 A Not to my knowledge.

17 Q I'm showing you what's been marked

18 as page 6. Does this person look familiar to

19 you?

20 MR. FALK: Can you identify the

21 document that you're asking him to examine?

22 MR. HART: It's labeled Production

1 No. 1244, Police Reference DC-71-7.

2 MR. FALK: Is it your intention to
3 make that document an exhibit to this
4 deposition?

5 MR. HART: No.

6 MR. FALK: Is it your intention to
7 make that photograph that you're asking him
8 to identify an exhibit?

9 MR. HART: No.

10 MR. COPPOLINO: Excuse me,
11 Mr. Hart. It's number 6?

12 MR. HART: Yes.

13 THE WITNESS: I don't have a
14 recollection specifically.

15 BY MR. HART:

16 Q You don't know a man by the name of
17 Bushnaq, do you?

18 A You asked me that last time, and I
19 said no.

20 BY MR. LECKAR:

21 Q Let me focus back to the meetings
22 with the Syrian officials. Did you get

1 business cards from any of them?

2 A No, we didn't deal in business

3 cards, no.

4 Q Did you take down any notes during

5 those meetings?

6 A No, I generally don't keep notes.

7 No, I don't keep notes.

8 Q My question is, did you take notes

9 during those meetings?

10 A No.

11 Q Did you take notes after that

12 meeting to refresh your recollection?

13 A No.

14 Q Did you have conversations

15 following that meeting, or any of those

16 meetings, with officials of the United States

17 government?

18 A Yes.

19 Q Did you report what you had

20 learned?

21 A Yes.

22 Q Would it be fair to say, without

1 naming names, dates or context, that the
2 officials you reported to were officials of
3 the CIA?

4 A Yes.

5 Q Now, during the meetings with the
6 Syrian government officials, were you shown
7 any documents?

8 A Not to my recollection. It's a
9 long time ago. I said, it's a long time ago.

10 Q After you reported to officials of
11 CIA what you had been told by Syrian
12 officials, did you ever see any documents
13 prepared by the CIA that purported to
14 memorialize your discussion?

15 A No.

16 Q Did you report to members of United
17 States government other than the CIA of your
18 interaction with the Syrian officials?

19 A No, I wouldn't have been allowed
20 to.

21 Q I'm sorry, Doctor?

22 A No, I would not have been allowed

1 to, so I didn't.

2 Q So, you're not allowed to because
3 of some agreement you had with the agency?

4 A Yes.

5 MR. FALK: Objection.

6 MR. LECKAR: I'm not going to probe
7 it further, but I just wanted to make sure.

8 BY MR. LECKAR:

9 Q Apropos of the discussion with the
10 Syrian government officials, did any of them
11 tell you how they knew that Jibril had
12 master-minded this bombing?

13 A Again, it goes to context, so I
14 just can't get into it.

15 Q I'm not asking you what they told
16 you; I'm asking you did any of them tell you
17 how they knew that Jibril was involved with
18 the bombing.

19 A I think, again, broad brush, knew
20 because they interacted with him on a
21 constant basis.

22 Q Did any of them tell you who their

1 sources were?

2 MR. FALK: You're referring to
3 Syrian government officials?

4 MR. LECKAR: Yes.

5 THE WITNESS: Again, staying out of
6 context, broad brush, my recollection is they
7 were direct. They were not hearsay sources
8 on their part.

9 BY MR. LECKAR:

10 Q Direct in the sense that as you
11 understood it, you were being told by members
12 of the Syrian government that Jibril, and/or
13 members of the PFLGC were taking credit for
14 the bombing?

15 A Yes.

16 Q And did any of them tell you that
17 Jibril had in fact admitted to the bombing?

18 A Again, it goes to context, but
19 broad brush, you know, to me, "admitted" is a
20 fairly definitive word. For purposes of this
21 deposition, I don't want to take that
22 lightly, that word "admitted."

1 So I would have to say that, I
2 don't have a recollection specific enough on
3 the word to say "admitted." I would say that
4 the word "assumed" -- I'll stand behind the
5 word absolutely "assumed."

6 Q You've lost me in terms of --

7 A In other words, the -- the --
8 you're asking did they say he admitted it.
9 And that calls in my mind for a strong
10 recollection on my part, which I'm hesitant
11 to be that strong. I would say these were
12 people who knew him well. And it was an
13 automatic assumption, his involvement. It
14 wasn't something -- I got the opinion -- that
15 required an admittance.

16 Q Well, how did you understand these
17 people knew Jibril very well?

18 A I can't go on -- I can't go into
19 that.

20 Q I'm sorry?

21 A No, I just can't go into that.

22 Q Well, did they tell you they knew

1 Jibril well?

2 A On broad brush, of course.

3 Q And did any of them tell you that

4 Jibril had said that he or his group had an

5 involvement in the bombing?

6 A I don't ever recall speaking to

7 anyone saying they personally had an

8 involvement in the bombing.

9 Q No, my question was different. Did

10 any of these Syrian officials tell you that

11 they had been told by Jibril or PFLGC that

12 Jibril or the PFLGC had had an involvement in

13 the bombing?

14 A Again, avoiding context, in broad

15 brush, there would have been no reason, given

16 our relationship, for them to make that type

17 of statement.

18 Q I'm not interested in whether there

19 was a reason or not; I'm interested in

20 whether you were told that.

21 A Broad brush, there's no question

22 that some of the people who were interacted

1 with felt certitude that Jibril had brought
2 down Pan Am 103. So it never would arise to
3 the question of, you know, did he admit it.

4 Q My question is a little bit
5 different, or maybe it's a variation of that.

6 Did any of the Syrian government
7 officials tell you that members of the PFLGC
8 had told them that PFLGC had brought down
9 that plane?

10 A I -- I don't recall that type of
11 chain or hear -- it's like hearsay to me.
12 And I could have heard that, but I don't
13 recall it.

14 Q Did any of those Syrian government
15 officials tell you that Jibril had told them
16 his group had taken responsibility for
17 bringing down the plane?

18 A I think I answered that already.

19 MR. FALK: I think that's been
20 asked and answered.

21 MR. LECKAR: No, it wasn't.

22 THE WITNESS: Yeah, I think it was

1 answered in an earlier question.

2 BY MR. LECKAR:

3 Q Well, I want an answer.

4 A Well, say the --

5 Q You heard the question.

6 A Rephrase it.

7 Q Did any of those Syrian officials

8 tell you that Jibril had said his group had

9 responsibility for the bombing?

10 MR. FALK: It has been asked and
11 answered. You asked the question about
12 admission, and we went through a long
13 colloquy about admission. So you've really
14 asked the same question again.

15 BY MR. LECKAR:

16 Q I'd like an answer.

17 A Say it again, slowly.

18 Q Did any of those Syrian officials

19 tell you, Dr. Fuisz, that Jibril had told

20 them that his group had involvement in the
21 bombing?

22 MR. FALK: I'm going to object

1 again on the basis that it was asked and
2 answered. He said that no one admitted.

3 THE WITNESS: I would say that
4 you -- you phrased it and the answer's no.

5 BY MR. LECKAR:

6 Q Now, did any of the officials tell
7 you that any other entity besides the PFLGC
8 was involved in that bombing?

9 A No.

10 Q Would it be fair to say that you
11 heard this theme -- I'll call it Jibril or
12 PFLGC's involvement -- on more than one
13 occasion from Syrian government officials?

14 A Yes.

15 Q Did you hear it on more than five
16 occasions between 1990 to 1995?

17 A Yes.

18 Q And would it be fair to say that
19 each time you heard it, you made contact with
20 somebody at the CIA to report what you heard?

21 A No.

22 MR. COPPOLINO: Objection. Excuse

1 me. Could you just hold on for a minute?

2 MR. LECKAR: Well, he said no.

3 MR. FALK: It's objectionable

4 because it calls his employment capacity into

5 the issue --

6 MR. LECKAR: No, it doesn't.

7 MR. FALK: Which was specifically

8 excluded by the order. So I'll object, move

9 to strike the answer and move to strike the

10 question.

11 MR. LECKAR: Okay. Well, I'll deny

12 it the presiding official. We'll leave that

13 up to the judge.

14 (Pause)

15 MR. COPPOLINO: I'm sorry to

16 interrupt. Continue.

17 MR. LECKAR: Let me make a

18 statement, Mr. Falk, and to you guys, so as

19 to try to assuage everybody's concerns. And

20 let me also say this to you directly.

21 Neither Dennis or I or our clients

22 have a slightest interest in who you were

1 employed with, what you were doing, et
2 cetera. What we are concerned with is trying
3 to support our client's defense, which was
4 lodged formally in a Scottish court, that
5 this bombing was perpetrated by Jibril and
6 the PFLGC.

7 So, obviously, to the extent that
8 you were told this at various times and
9 relayed this information to people in the
10 U.S. government, that's a matter of some
11 interest to us and that we're going to have
12 to take up with the U.S. government.

13 All we're seeking from you is
14 information that you can tell us within the
15 broad strokes, confines, so as to try to help
16 us. You're a witness here. Nobody asked you
17 to get involved. And we just happened to
18 have learned some things.

19 That's where we're coming from.
20 We're not coming to give you a hard time or
21 to expose your business dealings or private
22 relationships to the world. I want to make

1 that real clear to you. That's one of the
2 reasons this was brought under seal in the
3 first place.

4 All right, let me back up.

5 MR. FALK: Let me just respond to
6 what you just said.

7 One question was certified to the
8 court. It was our understanding that this
9 one additional question was going to be
10 inquired into in this continued deposition.

11 I think you've more than fully
12 explored that one additional question which
13 was certified to the court, and I think we're
14 now going well afield of the questions that
15 were represented to us were going to be the
16 continuation of the deposition.

17 I'm trying to be patient. I know
18 the gentlemen at the end of the table are
19 trying to be patient and not restrict your
20 inquiry because we don't want to restrict
21 your inquiry. But we don't want this to go
22 on forever. And there was one question

1 certified. That question has been asked and
2 answered. I'd like you to try and wrap it
3 up.

4 MR. LECKAR: Well, I'll do it at
5 our pace, but there's information that we
6 want to try to learn. And I suggest to you
7 that there isn't a way you can say with a
8 straight face to a judge that any of these
9 questions are not related to the certified
10 question.

11 I'm mindful of your concern --

12 MR. FALK: I can say with a
13 straight face that when someone tells me that
14 they're going to ask one additional question
15 and certifies one question to a court, that
16 that means one question, and that we've had
17 numerous additional questions and variations
18 on the theme.

19 BY MR. LECKAR:

20 Q Dr. Fuisz, would it be fair to say
21 that on more than one occasion, between 1990
22 to 1995, you advised officials of the U.S.

1 government of what you had learned during
2 this interaction with Syrian government
3 officials?

4 MR. FALK: Objection, asked and
5 answered.

6 MR. LECKAR: No. The question was
7 did he ever, and he said yes. And my
8 question was it on more than one occasion.

9 MR. COPPOLINO: I'm sorry. I
10 didn't hear the end of the question,
11 Mr. Leckar.

12 MR. LECKAR: Okay. My question
13 was -- as to which Dr. Fuisz answered yes --
14 was it fair to say that on more than one
15 occasion, following your interaction with the
16 Syrian government officials, you advised U.S.
17 Government officials of what they had told
18 you.

19 MR. COPPOLINO: Regarding?

20 MR. LECKAR: Jibril and PFLGC.

21 MR. COPPOLINO: Could you just give
22 me a moment. That was, I believe, asked and

1 answered, sir. Just continue.

2 BY MR. LECKAR:

3 Q Let's move on to the Russian
4 government officials. Do you remember any of
5 their names?

6 A No, I just -- that's a contextual
7 question that I just can't answer.

8 Q I didn't ask you the context of
9 where you learned this, what room you were
10 in, what city you were in. I asked you do
11 you remember any of their names?

12 A No, that's not what I mean by
13 context -- city or room.

14 Q Do you refuse to answer whether you
15 remember any of their names?

16 A No, I have a contract that states
17 that I cannot answer questions like that.

18 MR. LECKAR: You guys want to
19 confer or --

20 MR. FALK: I don't think there's
21 any need to confer. I think that's clearly
22 covered by the amended order of this morning.

1 MR. LECKAR: I don't agree with
2 you. They're the ones that really enforce
3 the contract.

4 MR. COPPOLINO: What was the
5 question?

6 BY MR. LECKAR:

7 Q The question was yes or no, do you
8 remember the names of any of the Russian
9 government officials you spoke with?

10 MR. COPPOLINO: I have no
11 objection.

12 MR. LECKAR: The government has no
13 objection, Dr. Fuisz.

14 THE WITNESS: Can we take a break?

15 MR. HART: Sure.

16 MR. LECKAR: Sure.

17 (Recess)

18 BY MR. LECKAR:

19 Q Dr. Fuisz, before we went off the
20 record, you had declined to provide names.
21 And I'm not asking you for names of the
22 Russian government people you spoke with. My

1 question's simple.

2 Do you remember the names of any of
3 the Russian people with whom you spoke?

4 A Yes.

5 Q Now, with that in mind, did any of
6 them tell you who had told them of Jibril's
7 involvement?

8 A I think it was primarily a -- a
9 heavy Syrian population in Russia at the
10 time.

11 Q So can I infer that you understood
12 from your discussions with these unnamed
13 Russian officials that Syrian contacts in
14 Russia had told them of Jibril's involvement?

15 A Yes.

16 Q Did any of the Russian officials
17 show you any documents?

18 A No.

19 Q Did any of the Russian officials
20 tell you that they had spoken with Jibril
21 personally?

22 A No, not that I recollect.

1 Q Did any of the Russian officials
2 tell you if any of their subordinates had
3 spoken with Jibril personally?

4 A No.

5 Q Did any of the Russian officials
6 tell you that they had spoken with members of
7 the PFLGC?

8 MR. COPPOLINO: PFL-PGC.

9 BY MR. LECKAR:

10 Q The PFL-PGC.

11 A Not that I recall, no.

12 Q And did they tell you whether any
13 of their subordinates had spoken with
14 representatives of that organization?

15 A No, not that I recall.

16 Q Do I correctly understand, though,
17 that the information that was imparted to you
18 by these Russian officials was to the effect
19 that Jibril and his group were responsible
20 for the bombing of Pan Am 103?

21 A Yes.

22 Q And without going into any

1 specifics, did any of these Russian officials
2 tell you how the operation had been carried
3 out?

4 A No.

5 Q Let me back up a bit. In terms of
6 the Syrian people, did any of them tell you
7 how they understood the operation had been
8 carried out? Without going into details.

9 A No -- no, other than I think we
10 covered in the other sessions, some reference
11 to the monetary transfer. We covered it the
12 last time. I think it was \$10 million.

13 Q Now, following your discussion with
14 any of the Russian officials, did you report
15 the substance of that discussion to officials
16 of the United States government?

17 A Yes.

18 Q And were these officials -- I'm not
19 asking you for names -- of the CIA?

20 A Yes.

21 Q Were there any other United States
22 government agency officials to whom you

1 spoke, concerning these contacts with the
2 Syrians?

3 A No.

4 Q And did you have such discussions
5 with the CIA officials on more than one
6 occasion, following your discussions with the
7 Russian officials?

8 A No. But let me -- let me just put
9 something in con -- I'm adding context, but
10 it's not negative context.

11 Q Depends on whose perspective.

12 A No, no. I mean context in the
13 other sense.

14 Q Oh.

15 A Recognize that when you're asking
16 these questions, for example, of the
17 Russians -- and even questions you're asking
18 about the Syrians -- the Pan Am matter --
19 when you say reported to officials at the
20 CIA, et cetera, et cetera, cetera, keep in
21 perspective that that Pan Am matter was by no
22 means the primary reason that all this was

1 going on. It didn't have any primacy; it was
2 something else, which I, obviously, can't
3 talk about.

4 But I don't want to mislead you
5 with that. From your questions, the
6 implication I'm getting is that you kind of
7 think that was the main purpose of all this,
8 and it certainly was not.

9 Q Let me tell you what I thought,
10 what I understood you to be telling me. And
11 if I'm wrong, please correct me. And I don't
12 care why you were contacting CIA officials.

13 But it might have come up as part
14 of a discussion concerning a wide number of
15 matters; is that correct?

16 A Correct.

17 Q And my final question to you is --
18 I'm not sure I really understood the answer,
19 although I got an answer to my question --
20 did you speak with CIA officials on more than
21 one occasion following your discussions with
22 Russian officials in which Pan Am 103 and

1 Jibril came up?

2 A Yes.

3 BY MR. HART:

4 Q Doctor, when you met with the
5 Syrian officials about PFL-PGC and Jibril,
6 and you received their information; did you
7 believe it?

8 A At that time, yes, I believed it.

9 Q And when you received the
10 information from the Russian officials, did
11 you have any reason to doubt the information
12 they gave you?

13 A No.

14 Q All right. What I'd like to do is
15 go over the questions he declined to answer
16 so that we can ask the judge to compel him.

17 We asked for the names of Syrian
18 officials, and you declined to answer that.

19 A Yes.

20 Q We asked for the specifics of the
21 information they gave you, and you declined
22 to answer that. And this is just the Syrians

1 now, we're speaking about.

2 A Yes.

3 Q We asked for a general range of
4 dates. I guess we would ask you for specific
5 dates. Are you able to give us those or you
6 decline?

7 MR. COPPOLINO: Specific dates for
8 what?

9 MR. HART: The meetings with the
10 Syrian officials.

11 That's a decline?

12 THE WITNESS: Yes.

13 BY MR. HART:

14 Q And we asked you how they knew the
15 facts that they said they relied on, and you
16 declined to answer that; is that correct?

17 A I don't recall declining.

18 Q Are you prepared to tell us the
19 facts that they used to support the
20 conclusion that they told you about
21 involvement?

22 A I think we answered that question.

1 I think we answered that. I think said it
2 was a general assumption of theirs. There
3 was no requirement for discussion of facts of
4 how they knew.

5 Q Did they relate any facts to you?

6 A Of how they knew?

7 Q Yes.

8 A No, I don't think so.

9 MR. HART: Excuse me. Well, I
10 think they would be in the specifics.

11 BY MR. HART:

12 Q I'm going to ask you questions
13 about the Russian meeting then.

14 MR. FALK: Before you get away from
15 that, I was just going to ask what the
16 difference is between the question he just
17 answered and the second question you said he
18 didn't answer.

19 MR. HART: The specifics of the
20 information; what we'd like to know; under
21 what circumstances it was said; location;
22 what, if he can recall, was said; that is,

1 what the statements of the speaker were.

2 MR. COPPOLINO: Those are separate
3 questions.

4 MR. HART: Do you want to list them
5 specifically then?

6 MR. COPPOLINO: Well, I'd like you
7 to list them specifically.

8 MR. HART: All right. Under
9 specifics of information, I'd like to ask you
10 the location of these meetings, the time they
11 occurred, who was present, what was said.

12 Did I leave any out?

13 MR. LECKAR: Any documents that
14 were generated.

15 MR. HART: And if there were any
16 documents that he reviewed during these
17 meetings.

18 MR. COPPOLINO: I thought that was
19 asked and answered.

20 MR. HART: If he says no, then
21 we'll scratch that off it.

22 MR. COPPOLINO: All right. And

1 those are with Syrian government officials?

2 MR. HART: Syrian, yes.

3 THE WITNESS: Documents relating to

4 what?

5 BY MR. HART:

6 Q The PFL-PGC.

7 A Well, I think we answered that.

8 Q The answer's no then?

9 A Yeah, yeah, yeah.

10 Q Okay, we'll scratch that off.

11 So it's location, time, who was

12 present and what was said.

13 MR. COPPOLINO: We're happy to

14 confer with him on those if the doctor feels

15 it's necessary, which I take it you do.

16 THE WITNESS: Yeah, we have to --

17 MR. COPPOLINO: Did you want to

18 confer on those four?

19 THE WITNESS: On this?

20 MR. COPPOLINO: Yeah.

21 THE WITNESS: Well, he's asking

22 location. I mean, you're going directly to

1 the -- against the order, aren't we?

2 MR. HART: Yes.

3 MR. COPPOLINO: Yeah, let's confer

4 on --

5 (Recess)

6 BY MR. HART:

7 Q Dr. Fuisz, after consultation with

8 various counsel, I'd like to ask you some

9 more questions. And these questions concern

10 the meeting with the Syrian government

11 officials.

12 I'd like to ask you if you remember

13 how many meetings there were.

14 A Just define a meeting. I mean, how

15 are you defining meeting?

16 Q Same room.

17 A 10, 10, 15.

18 Q Did these all occur at the same

19 location?

20 A No.

21 Q Do you remember where they

22 occurred?

1 A This is to my recollection.

2 Q I understand.

3 A Paris, London, South of France,
4 Frankfurt, Amsterdam, Geneve, and --

5 Q Is that in Switzerland?

6 A Geneva, yeah. Geneva, I'm sorry.

7 And -- there's a resort -- I never can
8 remember the name of it -- in Switzerland.
9 We'll call it resort in Switzerland. Lugano.

10 Q Do you want to spell that?

11 A Yeah, L-u-g-a-n-o.

12 Q Now, did you meet on more than one
13 occasion in any of these locations?

14 A I believe Lugano was one time. I
15 believe Southern France was one time. And
16 the others, I think were, you know, more than
17 once.

18 Q And could you give us a time for
19 the meetings in Paris?

20 A No, I can't give you specific
21 dates.

22 Q How close can you get? Can you get

1 to years?

2 A Years.

3 Q In what years did they occur?

4 A I think principally, let's see,

5 between '90 and '93.

6 Q Where in Paris did you meet?

7 A Don't recall the -- the various

8 locations. Apartments and hotels.

9 Q Don't recall the name of the hotels

10 though?

11 A No.

12 Q Do you remember how many times you

13 met in London?

14 A Not specifically.

15 Q And do you recall when you met in

16 London?

17 A It would be roughly that same time

18 frame, '90, '93.

19 Q Do you recall the location in

20 London where you met?

21 A No, again, it would be hotel or

22 apartment.

1 Q Hotel or a bar?

2 A Apartment.

3 Q Apartment. I'm sorry. Do you
4 recall the time that you met in Southern
5 France, what date that was?

6 A Probably in late '89 or '90,
7 possibly in '91.

8 Q Do you recall where in Southern
9 France you met?

10 A I think it would be Cannes or Nice.

11 Q And where in Cannes or Nice?

12 A Don't -- again, a hotel probably.

13 Q Do you remember how many times you
14 met in Frankfurt?

15 A Not specifically, not -- once or
16 twice probably.

17 Q And do you remember what dates you
18 met in Frankfurt?

19 A No, I think that same window. On
20 that one, I'd say '90 to '93, in that range.

21 Q And do you remember where in
22 Frankfurt you met?

1 A No. Again, hotel.

2 Q Do you remember how many times you
3 met in Amsterdam?

4 A Like two or three.

5 Q Do you remember the time?

6 A No, it would be that same window.

7 Q And what window was that?

8 A In '90, '92, '93.

9 Q And do you recall where in
10 Amsterdam you met?

11 A No. Again, it would be hotel or
12 apartment.

13 Q Geneva, Switzerland; how many
14 times?

15 A Once or twice.

16 Q And the time frame?

17 A Same, '90, '93.

18 Q And the specific location in
19 Geneva?

20 A Again, a hotel probably --

21 Q I'm sorry, a hotel --

22 A Yeah, a hotel I think in Geneva.

1 Q You mean the resort, Lugano?

2 A Lugano, right.

3 Q Lugano. One time. Do you remember
4 when that was?

5 A '91 maybe, '90, '91, '92, in that
6 range.

7 Q Now, earlier in the day, you told
8 us that you'd spoken to Syrian officials in
9 the time period of 1990 through '95.

10 A Right.

11 Q My list here says nothing after '93
12 for the meetings we went through.

13 Were there meetings after '93 that
14 you recall?

15 A Yeah, but they principally would be
16 U.S.

17 Q In the United States?

18 A Yeah.

19 Q And you met Syrian officials in the
20 United States?

21 A Certain. And you're terminating
22 at '93, you could theoretically, along my

1 recollection, draw that to '94 even.

2 Q All right. In the period of '94
3 to '95, did you have any meetings?

4 A '94 to '95? You know, I just don't
5 recollect. I could have.

6 Q You mentioned meeting Syrian
7 officials in the United States. Do you know
8 how often that was?

9 A Not frequently.

10 Q Could you give us some number?

11 A Twice maybe.

12 Q And could you give us a time frame?

13 A '92, '93.

14 Q And could you tell us where in the
15 United States?

16 A Oh, Washington, D.C.

17 Q Both times?

18 A Virginia and Washington, D.C. Yes,
19 both times.

20 Q Do you remember where in Virginia
21 you might have met these people, person?

22 A Oh, once at my home, I believe.

1 Q In the District of Columbia?

2 A I don't recall where. Hotel.

3 Q In the meetings in Paris, did you
4 discuss Pan Am 103 or Jibril or the PFL-PGC?

5 A I don't -- I can't tie a specific
6 recollection to each location.

7 Q All right. Do you remember of
8 these meetings that we discussed, now, with
9 Syrian officials, how often the subject of
10 Pan Am 103, the PFL-PGC involvement or Ahmed
11 Jibril's involvement occurred?

12 A I would say occurred frequently,
13 but keep in mind -- again, not to delude
14 you -- frequently, but not as a main issue.

15 Q All right. I'm going to ask you
16 some of the same questions about the Russian
17 meetings. You indicated that there were
18 approximately four people in the Russian
19 government from which you obtained
20 information about this subject.

21 Is that still your recollection?

22 A No, no, it is, but -- and maybe I'm

1 quibbling. But when you say obtained
2 information, to me it gives the implication I
3 met with them to obtain that information.

4 MR. COPPOLINO: You learned
5 something.

6 THE WITNESS: Yeah --

7 MR. COPPOLINO: Learned something.
8 Is that --

9 THE WITNESS: Yeah, better
10 phraseology.

11 BY MR. HART:

12 Q Was this more than one meeting?

13 A Yes.

14 Q And how many meetings occurred?

15 A I think four, five.

16 Q Do you remember the time frame?

17 A It would be I think probably a bit
18 later time frame, maybe more '91 to '93, '94,
19 a little different time frame.

20 Q And do you remember where the
21 meetings took place?

22 A Meetings there were principally in

1 Moscow, and Geneve -- Geneva.

2 Q Geneva, Switzerland. Did the
3 Geneva meetings with the Russians take place
4 at the same time with the Geneva meetings
5 with the Syrians? Was that the same meeting?

6 A No, Geneva's a separate meeting,
7 and then also Lugano with the Russians.

8 Q Do you remember when the Moscow
9 meeting took place?

10 A No, I don't remember.

11 Q Do you remember where in Moscow you
12 met?

13 A No.

14 Q Do you remember when the Geneva
15 meeting took place?

16 A No. Again, it's in that time
17 frame.

18 Q '91 to '93?

19 A '91 to '94, I would put for --

20 Q And do you remember where in Geneva
21 you met?

22 A No. It would be a hotel.

1 Q Lugano? Do you remember what --

2 A Lugano was --

3 Q I'm sorry -- Ugano?

4 A Lugano, with an "L." Lugano is --

5 is -- it's the one meeting that includes the

6 Syrians and the Russians.

7 Q Oh, I'm sorry. And that would have

8 occurred about what time?

9 A In that -- '90, '91.

10 Q Do you remember how many people

11 were at the Lugano meeting?

12 A I think about seven.

13 Q Approximately seven?

14 A Yeah.

15 Q How about at the Russian meeting in

16 Geneva?

17 A Two or three.

18 Q And you said there were four or

19 five meetings with the Russians. Were there

20 multiple meetings in Moscow?

21 A Oh, yes.

22 Q Do you know how many there were?

1 A I think three, four.

2 Q Did you always meet with the same
3 person or persons in Moscow?

4 A I'd say not exactly. Pretty much
5 so, but it varied, individuals.

6 Q Were any of the people at the
7 Moscow meetings also present at the Geneva
8 meetings?

9 A Like --

10 Q Other than yourself?

11 A You know, I just don't recall.

12 Q How about at the Lugano meetings?

13 A Lugano, I told you Syrian and
14 Russian.

15 Q Right. But was there any Russian
16 person in common with any of these meetings?

17 A Let me tell you why you're asking
18 this a difficult question, because I'm trying
19 to -- to in my mind separate out the modeling
20 agency business, which was -- you know, we
21 had --

22 Q Is that Mrs. Gorbachev?

1 A No, we -- in Washington, D.C., we
2 had -- I -- I had a company that handled all
3 the Russian Miss USSR's. I was their agent
4 here. And so, I'm trying to balance some of
5 these meetings that are with women who are --
6 have just won their agency contracts in the
7 U.S.

8 So the first one, Yelia Sakinova,
9 was ours. And we have a couple that are in
10 film now.

11 So there -- some of this is the
12 model business. I'm trying to separate out,
13 but --

14 Q All right. When the meetings --
15 let me go back to the Syrians now. Do you
16 know if there was any one or more persons in
17 common for all the meetings or majority of
18 the meetings?

19 A There were some people that were
20 fairly common.

21 MR. HART: Just a second. I
22 believe that's all the questions I have about

1 time and location.

2 MR. LECKAR: I have a couple more.

3 BY MR. LECKAR:

4 Q Dr. Fuisz, focusing on the Syrian
5 meetings, was it your practice, following
6 each of those meetings, to have contact with
7 a member or members of the CIA, which relayed
8 the topics that had been brought up?

9 A No.

10 Q Did you have contact with CIA on
11 more than one instance following the Syrian
12 meetings?

13 A Yes, yes.

14 Q Do you remember which meetings
15 those were?

16 A No.

17 Q And did you have contact with the
18 CIA officials following the meetings with the
19 Russian officials?

20 A Yes.

21 Q Particularly focusing on the Lugano
22 meeting in which there were Syrian and

1 Russian people in attendance, without respect
2 to the subject, was that an important meeting
3 in your mind?

4 A No, it was a dangerous meeting.

5 Q Did you report to the CIA official
6 or officials of whom you dealt following that
7 particular meeting?

8 A I don't have a specific
9 recollection. I know that I did, but I don't
10 have a specific recollection.

11 Q At any of the meetings with the
12 Russian officials, did any of them say to
13 you, you know, well, Ron, Jibril and/or the
14 PFLPC is not involved?

15 A No.

16 Q Did any of the Syrian officials
17 ever say that to you?

18 A No.

19 Q So as far as you knew, as of
20 roughly 1995, it would be fair to say it was
21 your understanding that there were officials
22 in the Syrian government and officials in the

1 Russian government who were taking a
2 consistent position that Jibril and/or his
3 organization were involved in Pan Am 103?

4 A Yeah, not to consternate your
5 answer, but --

6 Q Consternate?

7 A No, no, because -- I'm being --
8 it's being picky almost. But when you say
9 knew, you know, a sense, I didn't know other
10 people would make a statement. My knowledge
11 was they made the statement.

12 Q Oh, no. All right. Let me
13 rephrase this. Let me see if I can help you
14 with this so we're all on the same
15 wavelength.

16 It was your understanding as late
17 as 1995 that there were officials in Russian
18 and the Syrian government --

19 A Go '94. It's possible '95.

20 Q Who believed that Jibril and/or his
21 organization were responsible for Pan Am 103?

22 A Yes.

1 Q And none of those people ever
2 subsequent to that time met you or spoke with
3 you and disabused you of that belief?

4 A That's true. But in fairness, some
5 of them I've not seen since either, so --

6 BY MR. HART:

7 Q Doctor, we'd also ask you who was
8 present at each of these meetings. Do you
9 decline to answer that?

10 A Yes.

11 Q And we'd like to ask you also what
12 you recall was said at each of the meetings.
13 Do you decline to answer that?

14 A Yes.

15 MR. HART: All right. We're
16 finished. I'm sorry. Is there an objection?

17 MR. LECKAR: Yeah. I thought you
18 guys said it was okay to go into that.

19 MR. COPPOLINO: Let me just confer
20 for a minute.

21 (Off the record)

22 BY MR. HART:

1 Q Dr. Fuisz, after consultation with
2 counsel, we'd like to ask you what you recall
3 was said about Pan Am 103, Ahmed Jibril or
4 the PFLPG, in the Paris meetings in '90
5 and '93.

6 A Again, not -- the recollection not
7 specific to a specific meeting.

8 Q I don't mean to interrupt you. Do
9 you have a specific recollection of the Paris
10 meetings?

11 A Oh, of the meetings, yes.

12 Q Yes.

13 A But not of the individual meeting.

14 Q All right. How many meetings took
15 place in Paris?

16 A Two, three.

17 Q And can you separate those out?

18 A No.

19 Q Of those meetings, do you recall
20 what was said about the following subjects:
21 Machebrome, the PFL-PGC, Pan Am 103?

22 A I do recall, but I think -- I think

1 I answered it earlier. I think what I would
2 have to say is I don't have a specific
3 recollection I can tie to each meeting. The
4 general theme, though, of the recollections
5 hadn't changed. And the theme of the
6 recollection is simply the assertion that
7 Jibril had bombed Pan Am 103.

8 Q But you do not recall who told you
9 that at the Paris meetings, or do you?

10 A I think I said earlier, a number of
11 people had mentioned that.

12 Q Just focusing on the Paris
13 meetings.

14 A Oh, I don't -- I can't connect
15 exactly who's at the Paris meetings.

16 Q Do you remember anyone who was at
17 the Paris meetings?

18 A I -- no, I don't. I don't want to
19 answer who's present at the meetings.

20 Q I'm not asking you who was present;
21 I'm asking you if you recall who was present.

22 A I recall some of them, yeah.

1 Q And do you recall anyone speaking
2 about those three subjects at the Paris
3 meetings?

4 A I don't have recollections of the
5 three. As I said to you, my main
6 recollection is the acceptance by those
7 individuals, which they seem to feel with
8 some certitude that Jibril was involved in
9 bringing down Pan Am 103.

10 Q And did they explain that, the
11 basis for that certitude?

12 A No, nor did I pursue that.

13 Q But you don't recall how they
14 expressed that certitude, do you?

15 A They said it.

16 Q In what words?

17 A It was similar I guess to what I'm
18 saying to you now.

19 Q Did they explain how --

20 A I mean, it was in English. They
21 said it using the English language.

22 Q Did they explain how they thought

1 he --

2 A I mean in terms of -- I didn't mean
3 to be a wise guy. As opposed to Arabic or
4 anything.

5 Q Did they explain to you why or how
6 they thought he did it?

7 A No, no.

8 Q Did they explain to you why they
9 thought he did it?

10 A No. And I was not particularly
11 anxious to hunt in that forest.

12 Q I'm not asking if you hunted; I'm
13 asking if you learned from these meetings any
14 information that would support that
15 conclusion.

16 A No, other than them saying it.

17 Q Now, they didn't say it in unison,
18 did they; they said it individually?

19 A Yeah.

20 Q Is it fair to say they said it in
21 each of these meetings? I'm talking about
22 Syria now.

1 A I don't think -- no. I don't think
2 every single meeting somebody said that.
3 That wouldn't be characterized as fair. I
4 would say it was a general theme which wasn't
5 the main topic of the meeting necessarily,
6 but it was something they were very cognizant
7 of.

8 Q Did you know of a reason that they
9 told you this conclusion?

10 A Yes, I knew, yes.

11 Q It wasn't in response to a question
12 then?

13 A No.

14 Q Can you tell us why you think they
15 told you?

16 A No.

17 Q Excuse me. I apparently asked a
18 confusing question.

19 A Okay.

20 Q Is it because you decline to answer
21 that or --

22 MR. COPPOLINO: I'm sorry. I

1 didn't understand what you just said.

2 MR. HART: The question was, does
3 he know why they told him this. And your
4 answer was --

5 THE WITNESS: Yes.

6 BY MR. HART:

7 Q You know why. Can you tell us why
8 it is you thought that they told you this?

9 MR. COPPOLINO: Well, we may have
10 to object on that or just confer. I'd like
11 to confer with the witness on that one.

12 BY MR. HART:

13 Q Now, when they expressed the
14 opinion that Jibril was responsible, did they
15 always use the same expression?

16 A Oh, I -- I can't recall that.

17 Q Did they ever elaborate in any
18 form?

19 A No, I don't think beyond that he
20 was responsible.

21 MR. FALK: They're probably a few
22 more words in the English language that you

1 could use that are variations on the theme.
2 But you've asked him repeatedly if they
3 explained it, and he said no. Did they say
4 why? No. Did he learn any information? No.
5 I mean, you've covered everything
6 other than did they hand him a written
7 document saying no. There's no other --
8 you've covered every possibility. It's all
9 been asked and answered.

10 BY MR. HART:

11 Q All right. I'm going to ask you
12 the same questions about the Russian meeting
13 then. Did the Russians ever explain to you
14 why they thought they reached this
15 conclusion?

16 A No. I think that the Russians
17 would probably -- it's just -- it's my
18 opinion it would fall more into a hearsay
19 category because many of the Russian meetings
20 had Syrians in the meeting.

21 Q All right. Now, I know of one
22 meeting that is in Lugano.

1 Did Geneva and Moscow have Syrians
2 present at the meeting?

3 A I believe so, yes.

4 Q Did they express this view about
5 Jibril or PFL-PGC in response to a question
6 by you?

7 A No.

8 Q Do you know why they told you this
9 information?

10 MR. COPPOLINO: I think that's the
11 same question that I objected to earlier and
12 suggested that we would confer on that to see
13 if an answer were possible.

14 MR. HART: All right.

15 BY MR. HART:

16 Q Now, speaking of the Russian
17 meetings, did they at any time go beyond the
18 "we think he did it"?

19 A No.

20 Q And did you assign the same amount
21 of certitude to the Russian conclusion that
22 you did to the Syrian conclusion?

1 A Looking back at it, I would say I
2 would not. It was much more derivative.

3 Q Now, how did you know it was
4 derivative?

5 A I don't know. It appeared to me to
6 be more derivative because it had Syrians
7 there.

8 Q Is that the only basis for your
9 conclusion --

10 A Yes, it's the only basis.

11 MR. LECKAR: I have a couple
12 questions here.

13 BY MR. LECKAR:

14 Q Dr. Fuisz, referring to your
15 meetings with the Russians and Syrians, was
16 there ever a meeting at which Pan Am 103 was
17 a major or main topic?

18 A No.

19 Q You refer to the Lugano meeting in
20 which there are Syrians and Russians present.
21 You also said that there were Syrians present
22 at some of the Moscow and some of the Geneva

1 meetings.

2 A Yes.

3 Q And my question to you apropos
4 that, is there any overlap of this presence
5 of the Syrians in the Moscow and Geneva
6 meetings with the meetings you had with
7 Syrians in Paris, London, Southern France,
8 Frankfurt, Amsterdam and/or Geneva, and the
9 United States?

10 A I don't --

11 Q Were any of the Syrians at the
12 Moscow or Geneva meetings Syrians that you
13 had met at other meetings at which there were
14 no Russians? London, Southern France,
15 Frankfurt, et cetera?

16 A Yes, but minimally.

17 Q Now, let's focus on 1995. At the
18 end of 1995, you'd had a number of meetings
19 with Syrians and Russian officials in which
20 Pan Am 103 had been brought up. I mean,
21 that's been established pretty much here
22 today.