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Explanatory notes

Background

Tony Gauci was easily the most important witness in the Lockerbie case. The Crown alleged that on 7 December 1988, two weeks before the bombing, Abdelbaset al-Megrahi bought a selection of clothes from Gauci's small shop in Malta, which he later packed into the suitcase that contained the bomb.

On 15 February 1991 Gauci picked out a photo of Megrahi as resembling a man who had bought similar clothes (although he made clear that Megrahi, was considerably younger than the man). He made two other partial identifications, each slightly less equivocal: the first at an identity parade in 1999, a year before Megrahi's trial; and the second a so-called dock identification during the trial. He told the court that the purchase had occurred 'about a fortnight before Christmas', at around the time the Christmas lights were being put up on the street outside, which was consistent with the Crown case. In finding Megrahi guilty the judges said that they found Gauci to be 'entirely credible'.

In some key respects Gauci's trial evidence was more helpful to the Crown than the police statements that he gave years earlier. In those statements he consistently described the clothes purchaser as considerably older and taller than Megrahi,¹ but he told the Court, 'I think he was below six feet. I'm not an expert on these things, I can't say' and 'I don't have experience on height and age.' He also said in the statements that the purchase had taken place in November or December, before the lights had been erected.

The documents²

The documents confirm the impression that Gauci was a decent man who did his best to tell the truth and help the police investigation, despite all the pressure and stress that this caused him and his family. Throughout the police insist that he was not motivated by financial gain; that they did their best not to discuss rewards prior to the trial; and that they made no promises to him or his brother Paul, with whom he lived and ran the shop. When taken together, however, it is clear from the documents that the police's belief about the absence of financial motivation was, very likely, wishful thinking.

Document 1 is a dictated extract of a diary kept by Detective Chief Inspector Harry Bell, dated 29 September 29th 1989, which was less than a month after the police first discovered Gauci. It records a conversation that Bell had that day with FBI agent Chris Murray and states:

¹ He described the man as around 6ft tall and 50 years old and, whereas Megrahi was 5ft 8in and, at the time of the purchase, just 36.

² Many of the documents are heavily redacted. Where noted, I have made additional redactions of superfluous private information.

[Murray] had the authority to arrange unlimited money for Tony Gauci and relocation is available. Murray states that he could arrange \$10,000 immediately.

It is still not known whether the FBI had put the offer of money to Gauci.

Documents 2 & 3 confirm that Gauci had first expressed an interest rewards prior to picking out Megrahi's photograph on 15 February 1991. **Document 2**, a memo by DCI Bell dated 21 February 1991, states:

During recent meetings with Tony he has expressed an interest in receiving money. It would appear that he is aware of the US reward monies which have been reported in the press.

Document 3, written by Bell on June 14 1991 states:

I have had no personal contact with the witness Anthony Gauci since he made the "Partial Identification of Abdel Baset [al-Megrahi]".

In other words, the 'recent meetings' referred to in Document 2 must have occurred on or before the day that he made the partial identification.

Document 4 is a heavily redacted confidential police report, dated 10 June 1999. It describes Tony Gauci as being:

somewhat frustrated that he will not be compensated in any financial way for his contribution to the case.

It says of Paul:

It is apparent from speaking to him for any length of time that he has a clear desire to gain financial benefit from the position he and his brother are in relative to the case. As a consequence he exaggerates his own importance as a witness and clearly inflates the fears that he and his brother have. He is anxious to establish what advantage he can gain from the Scottish police ... Although demanding, Paul Gauci remains an asset to the case but will continue to explore any means he can to identify where financial advantage can be gained. However, if this area is explored in court with this witness however (sic) he will also strongly refute that he has been advantaged.

The document also reveals that the police visited Tony probably in excess of 50 times and that he gave 23 statements. Only 19 statements were given to Megrahi's defence team and most of the 50 visits were not recorded in any of the disclosed paperwork.

Document 5³ is an impact assessment dated 12 January 2001, which was after the trial had finished and before the verdict. It states:

³ I have made additional redactions on the third page.

The issue of financial remuneration has not previously been discussed in detail with the witnesses and no promises exist. It is considered that the witnesses may harbour some expectation of their situation being recognised.

It goes on to imply that, if the brothers were paid a reward, then they could be relied upon not to embarrass the police and Crown:

It is considered that the implementation of the foregoing recommendations will ensure that when the inevitable reflections and media examinations take place in future years the witnesses who are the subject of this report will maintain their current position and not seek to make adverse comment regarding any perceived lack of recognition of their position. Nor is it anticipated would they ever seek to highlight any remuneration received.

Document 6⁴ was written by the police after Megrahi's unsuccessful first appeal in 2002 and sets out 14 reasons why, in the police's view, the Gauci brothers should receive a reward. It says of Paul:

it should never be overlooked that his major contribution has been maintaining the resolve of his brother. Although younger, Paul has taken on the role of his father (died 7 years ago) with regard to family affairs. His influence over Anthony has been considerable (It is considered critical that the contribution of Paul is recognised in order to preserve their relationship and prevent any difficulties arising in the future).

The considerable influence that Paul held over Tony is highly significant given what Document 4 says about Paul's 'clear desire to gain financial benefit'.

Documents 7 & 8 are letters written by Senior Investigating Officer Detective Chief Superintendent Tom McCulloch to the US government in pursuit of rewards. **Document 7**, written a week after the trial verdict, to the US Embassy in The Hague, nominated Gauci for a US government reward.

Document 8⁵ is addressed to an official in the US Department of Justice's Terrorism and Violent Crimes section and is dated 19 April 2002, a month after Megrahi's first appeal. In it McCulloch states:

At the meeting on 9 April, I proposed that US 2 million dollars should be paid to Anthony Gauci and US 1 million dollars to his brother Paul. These figures were based on my understanding that US 2 million dollars was the maximum payable to a single individual by the Rewards Programme. However, following further informal discussions I was encouraged to learn that those responsible for making the final decision retain a large degree of flexibility to increase this figure. Given the exceptional circumstances of this case ... I would invite those charged with approving the reward to ensure that the

⁴ I have made additional redactions at point 8 on the second page.

⁵ First released February 2012.

payments made to Anthony and Paul Gauci properly reflect not only the importance of their evidence, but also their integrity and courage.

Remarkably, he then indicates that the Crown Office was prevented by its own rules from being involved in rewards, but apparently had no intention of preventing McCulloch's efforts:

As requested by [name deleted], I have consulted with the Crown Office about this application for payment of a reward. The prosecution in Scotland cannot become involved in such an application. It would therefore be improper for the Crown Office to offer a view on the application, although they fully recognise the importance of the evidence of Tony and Paul Gauci to the case.

<p>27 September 1989 L.2.</p>	<p>German. Learned that Pinsdorf had made reference to a Libyan named Mohammed Shukri born 1.2.42. Pinsdorf supplied a photograph of this person who had visited Frankfurt some time ago when he was allegedly robbed of money in the red light district. This person's photograph will be considered for the future viewing of the witness. BKA Pinsdorf also in possession of a photograph of a male named Abu Bahr which he believes is a Libyan who visited Frankfurt at various times. Discuss with FBI possibility of a bleeper being supplied to Tony direct to Police Headquarters should he see the suspect again. Thereafter, a list of arrivals and departures in relation to a person named Shukri. BKA Pinsdorf requests that the German nationals be interviewed as soon as possible. These in particular relate to Klaus Schickendanz to a Mr and Mrs Lohbeck and a Gunter Fricke. Arrangements made to see Tony Gauci at 7.00 pm to show him photographs and a card layout. Met with Tony Gauci in Tower Road with Maltese officer Albert Galela. Conveyed him to Police Headquarters where in the presence of Scicluna and FBI and BKA, Bell showed selection of photographs to the witness. No identification made but the witness eventually pointed out the photograph of Shukri, the one supplied by the BKA as having same hairstyle but still too young for suspect. Gauci signed photograph on production label.</p>
<p>Thursday 28 September 1989 L.2</p>	<p>Notation that Mr Grech has an officer committed to the airport with a description of the suspect should he be seen attempting to leave the country. Mr Grech makes reference to Twentieth Celebration party involving Libyans. He thinks there was a man, a Libyan, at the event similar to the photofit. FBI Agent Murray advised Bell at the hotel that a satellite had been positioned over Malta. He had authority to arrange unlimited money for Tony Gauci and relocation is available. Murray states he could arrange \$10,000 immediately. Thereafter there is comment about challenging Murray as to what he thought Tony Gauci could give in return that he was not already giving. Murray was advised that no facilities are to be used without Bell's knowledge and consultation with the Maltese authorities. It would appear that Murray personally is concerned over his welfare on the island as an FBI agent.</p>
<p>Friday 29 September 1989 L.2</p>	<p>Reference is made to a number of enquiries regarding KM180 passengers, namely Vella now married and named Camelleri; enquiry re the German passenger Shickendanz; enquiry re Brinkat; enquiry re passenger Calleja. Advised that the Maltese newspaper Il Helsien had a front page article regarding the Lockerbie air disaster. Thereafter there is an outline of a press statement in the event of any challenges to the Maltese Police or the High Commission.</p>
<p>Saturday 30 September 1989 L.2.</p>	<p>Notation that LICC team checking over their statements and preparing packages including full actions for each passenger.</p>

MEMORANDUM

From: DCI Bell,
B.H.C.
Malta
21.02.91.

To: Supt. J. Gilchrist,
D/SIO,
L.I.C.C.

Security of Witness Anthony Gauci, Malta.

I refer to your fax message dated today's date regarding the above subject and have to report as follows;

On Friday 15th February 1991, following the partial identification made by the witness Gauci, of the photograph of the suspect Abdel Baset, I attended at Maltese Police Headquarters, Floriana around 17.00 hrs same day. As the identification had been made in mid-afternoon Assistant Commissioner Grech had not been within the police office at that time, he was therefore unaware of the identification until I met him within his office at the above time.

I informed Mr Grech of the development and attempted to discuss a review of any security measures currently in force in respect of the witness. Mr Grech's response was that in his opinion the witness Gauci's security position had not changed from what it was earlier that morning or in the past months. Grech stated that an armed police officer was on duty at Gauci's home address, however there was no security at Gauci's shop premises at any time. Grech was of the opinion that if anyone intended to cause harm to Gauci then they have had plenty of opportunity for some months and nothing untoward has occurred.

Mr Grech pointed out that no person outwith a limited number of his officers and foreign officers presently stationed on the island were aware of the new development regarding the identification therefore if this information remained secure, as it should, then there is no cause for further concern regarding the witnesses welfare or security. However if the information leaked to any other source and he, Grech, was made aware of it then he would review the security circumstances. Grech asked me if I was worried about a leak and I advised him that we would do everything possible to insure that such a situation did not occur and that the Senior Investigating Officer at Lockerbie would no doubt be discussing this very aspect with the most senior officials representing other organisations involved in the enquiry.

No written directives have ever been supplied to me by the Maltese Police Authorities regarding security arrangements surrounding witness Gauci. I am confident that prior to the meeting between Minister Bonnici, the Chief Constable and the Lord Advocate no security measures were in force and the armed police officer presently detailed at the witnesses home is as a direct result of the statement made by Minister Bonnici during the said meeting.

There has been no approach made by me to the witness in relation to any aspect surrounding a possible U.S. Witness Protection Programme. I have however confirmed, from the witness, that he holds a Maltese Passport. The only time he has ever left Malta was on a trip to Italy, when he was 14 years of age. I have discussed, in general terms, how Gauci would view a trip outwith Malta and have suggested Italy, because he races his pigeons from there and it would be a place of interest for him. I have also suggested that he might consider visiting ~~Italy~~.

////

Scotland as he has a contact there who is also a pigeon fancier. His reaction to such suggestions was concern as to whom would look after his father's shop. He does not consider his brother, Paul, responsible enough to do this. He also expressed concern as to who would care for his pigeons during his absence. I attempted to assure him that should a situation actually develop then we could overcome his problem some how

With regard to the witness taking part in any witness protection programme it must be considered that his background and present environment would both influence greatly his long term participation. He is by nature a reserved and introverted individual, his command of the English language, while adequate, is limited. Gauci is a single man who has been employed by his father all his working life, he is dominated by his father and still expresses a fear of him. His father suffered a heart attack prior to the initial police enquiry and gets very upset and excited furthermore he has warned his son not to assist our enquiry. Recent meetings with the witness have been outwith the father's knowledge. Paul Gauci shares his father's sentiments, their view appears to be as a direct result of Press speculation and publicity. Although Paul is the younger son he is a more intelligent individual and more "street wise" than Tony. It is believed that Paul is presently visiting relatives in Australia and this again may provide an opportunity to suggest to Tony that he considers a trip to Australia at no cost to himself.

It is not known when Paul intends to return to Malta and his continued absence will most certainly be a barrier, at this time, to Tony leaving Malta. There is no doubt that Tony is a devoted member of the Gauci family, if the suggestion is ever made that he should leave the island permanently because of a concern for his safety then he would undoubtedly relate this to include other members of his family. Any such suggestion to him will have to be considered and handled with the utmost care.

I would recommend that the initial approach to Gauci should be along the lines of;

1. A visit, on his own, to his relatives in Australia. This could involve an absence from Malta of at least a month, or more and may well be acceptable to his family as it would conceal his continued co-operation with our enquiry and be a natural progression to his brother's recent trip.
2. A short term visit to Italy on the pretext of his interest in pigeon racing. This would allow a direct approach to be made to him outwith the immediate concern for his father's reaction.
3. A visit to Scotland again on the pretext of his interest in Pigeon racing, however the fact that his father is well aware of Scotland's position in relation to the police enquiry in Malta may well preclude such a suggestion.

There is no doubt that if Tony Gauci is willing to co-operate in at least a short term absence from Malta then Mr Grech may demand that one of his officers accompany Tony.

If the witness is willing to go on such a trip then consideration should be given to documenting his evidence on video tape.

If at any time in the future there is a leak highlighting Tony's identification then there is the strongest possibility that he will withdraw any co-operation

co-operation ////

he has given in the past or may give in the future.

During recent meetings with Tony he has expressed an interest in receiving money. It would appear that he is aware of the U.S. reward monies which have been reported in the press. If a monetary offer was made to Gauci this may well change his view and allow him to consider a witness protection programme as a serious avenue.

H. W. Bell,
Detective Chief Inspector.

INTERNAL MEMORANDUM

From:
Det. Chief Inspector Bell,
L.I.C.C.
14.6.91.

To:
Det. Ch. Supt. Henderson/
Supt. Gilchrist,
SIO and D/SIO,
L.I.C.C.

PRESENT STATUS OF MALTA ENQUIRY

A total of 10 Actions remain outstanding in Malta. 'Six' of these actions have been marked off as 'Pending', as at this time it would appear unlikely that they can in fact be completed.

The remaining four actions have been left with the Maltese Security Branch. Inspector Scicluna should complete these at some time in the future and fax the results direct to L.I.C.C.

The 'Six' pending actions relate to the following.

1. Action No. 10359 F/R.

Refers to enquiry at the Libyan owned and operated hotel in Malta known as the 'Jerma Palace'. This action was raised on 21 January 1991. Assistant Commissioner Grech instructed that Inspector Scicluna progress this enquiry as he anticipated a possible 'hostile' reaction by the Libyans towards foreign police officers. The action originally related to 'Shukri Ghanam' a former Category '3' suspect who resided at the hotel between 10 and 13 August 1988. The action was later amended to include other possible suspects, in particular 'ABOUAGLA M. MASUD' and a 'ABDUSALM'. Several attempts were made to resolve this enquiry and on 14 May 1991, Inspector Scicluna handed over a letter dated 30 April 1991, which he had received from the Acting General Manager of the hotel a Mr. 'FARAG ZINTANI'. The letter indicated that the relevant documentation had been housed in an outside store and that they were unable to supply any records at this time. However it is implied that they will do their 'utmost' to search for these records. In view of this response I would consider it unlikely that this enquiry will ever be completed. It is perhaps not surprising that of all the hotel enquiries carried out in Malta, the only hotel which could be assessed as being 'unco-operative' is the 'Jerma Palace'. The fact that this establishment is as stated Libyan owned and operated may well be considered significant, more so when related to the 'unco-operative' attitude of the staff of Libyan Arab Airlines in Malta, Action No. 10525 refers. This is the only airline company to date who have failed to provide assistance to the LICC enquiry.

In addition the packs of 'I.R.O.' cards held at LICG, Lockerbie, will have to be returned to Malta. This should be carried out under 'Diplomatic Bag' as Mr. Grech has stated that he does not want anyone to know that he allowed these documents to be removed from Malta. I will remain in contact with Assistant Commissioner Grech, in order that we are updated as to any developments regarding any of the witnesses in Malta. Particularly should Vassallo have further contact with Fhimah or Abdel Baset.

I have had no personal contact with witness Anthony Gauci since he made the 'Partial Identification of Abdel Baset'. The overall security of this witness will obviously require to be assessed should there be further developments or press speculation.

Henry W. Bell,
Detective Chief Inspector.

1.

- [REDACTED]
- [REDACTED]
- 4.3 Having possession of all the relevant background information the subject was interviewed at his home address by the reporting officer and [REDACTED]. This was the first occasion that Scottish Police Officers had visited his home. In recognition of the potentially sensitive nature of the interview [REDACTED] agreed that no Maltese Officers should be present. The impression gained from speaking to the subject was entirely consistent with the previous information given by those who had knowledge of him. He is a humble man who leads a very simple life which is firmly built on a strong sense of honesty and decency. He accepts and understands his position as a witness, his integrity would not allow him to do otherwise. Although nervous he relates to the evidence in assured tones and his value lies, not only as it does critically with the content of his evidence but with him as an honest individual which will without doubt be apparent to the court.
- 4.4 His character is complemented by an appreciation of honesty and openness in others who deal with him. During his interview he became quite emotional when he reflected on his own position and how isolated he felt. He understands the role of the police agencies dealing with him but is somewhat frustrated that he will not be compensated in any financial way for his contribution to the case. There is always a danger that he could be overwhelmed as the tension increases in the build up to the trial. He has given a total of twenty three statements and has been seen by enquiry officers on many more occasions. He clearly places great trust in Detective Chief Superintendent Bell and it remains crucial to his future resolve that the trust

established remains consistent without as previously stated impacting on his integrity as a witness. This witness has not at any stage been offered inducements of any kind in return for providing his evidence. Great care has clearly been taken in that regard and if alleged at trial there is no doubt that the witness would refute it strongly. Nevertheless given the statements he has provided and the other occasions he has been visited by Scottish Police officers, probably in excess of fifty, there is now a need to review that situation. Other than when it is absolutely necessary for evidence gathering purposes, this witness should not be visited by members of the enquiry team. The need for officers who are not part of the current enquiry team and are not themselves should deal with all matters relating to this witness and his position as a witness.

4.5

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6.5 Both the subject and his brother highlighted the difficulties they currently face regarding the ownership of the house. They are apparently under pressure from the other members of the family to sell the house in order that the proceeds can be shared with entire family (five sisters and three brothers). Although the subject and more so his brother Paul relate this difficulty to their current uncertainty, it is a situation which they would have had to confront regardless. Nonetheless it is important that any liaison with the subject should display an element of understanding of their personal difficulties notwithstanding of the need to demonstrate the complete lack of any incentive for the subject to co-operate with the judicial authorities. Tony has already alluded to the fact that he has been approached by a Maltese solicitor retained by the Defence team who pressed him on the question of what he had been offered or already given by the Police, he was specifically asked how much he had been paid.

6.6 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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LOCKERBIE AIR DISASTER INVESTIGATION

IMPACT ASSESSMENT

ANTHONY GAUCI PAUL GAUCI

Background

The witnesses Anthony Gauci, [REDACTED], and his brother Paul Gauci, [REDACTED] were identified as key witnesses at a relatively early stage of the enquiry (September 1989). It was clear even at that point that their evidence would be crucial to any future proceedings.

In essence, Anthony Gauci's evidence related to the positive identification of the blast damaged clothing from the case containing the Improvised Explosive Device (IED) and critically the identification of the accused Abdelbaset Ali Mohmed Al MEGRAHI as the person who purchased the clothing. The evidence of Paul Gauci concerned issues which supported the evidence of his brother, for example, the documentation relating to the clothing.

The witnesses continue to operate the shop known as Mary's House in Tower Road, Sliema, these premises were a focal point of the case as the accused MEGRAHI purchased the clothing from there. The shop offers a limited range of clothing and linens for sale and it is fair to say that they cater for the lower end of the market. The shop is well established and both brothers are extremely well known in the local area. The shop is situated in the street adjacent to the Libyan Peoples Bureau at a distance of approximately 150 metres.

Personal Issues

The witnesses Anthony and Paul Gauci were, prior to their identification as witnesses, very ordinary, law abiding citizens who were living their lives with complete freedom and anonymity that they in common with the vast majority of people take for granted. When they were first visited by Scottish Police Officers in relation to the Lockerbie Air Disaster Investigation and later when their names and involvement became public their lives changed dramatically.

Their names, the location of the shop premises and the details of their role as witnesses have been published in every major newspaper in the world. They have also featured in many television news broadcasts and documentaries. This exposure has caused them considerable anxiety and embarrassment over the years. It has been the habit of the Maltese press to reproduce stories featuring Malta that have appeared

internationally, the consequence of which is that any reference to the witnesses' role in any publication in the world is featured in the local press immediately following.

The witnesses have received visits from numerous newspaper journalists, photographers and television crews seeking to enhance the story and obtain an "exclusive". The Gauci brothers have refused all requests for interviews and photographs. They have, on occasions, been offered payment in return for their story, they have also refused such offers. The position which they have steadfastly maintained for the past ten years is based not only on their own integrity, but also on a sense of loyalty that they have for the investigation and what they regard as their duty as witnesses in a case where so many innocent people lost their lives.

The publicity surrounding the brothers' involvement has resulted in issues relating to the case being a permanent feature of their lives. Unsolicited questions from friends, relatives, business associates and even complete strangers have been a constant feature. Both brothers have referred to a feeling of almost ceasing to be themselves and being looked upon only as the "Lockerbie witnesses".

Threat

The current assessment of the threat both from the police in Malta and from intelligence sources within the UK is that the specific threat is LOW. However, the social and business routines of the witnesses cannot rule out the possibility of some form of action being taken against them. This view is based on the following conclusions.

- (i) It is extremely difficult to predict the reaction of an individual Libyan in a particular situation and the volatility in respect of this case makes them difficult to assess or indeed identify.
- (ii) The fear that a rogue individual or group who are unconcerned for the consequences and are not influenced by the wider political considerations of their actions may also pose a threat.



The threat posed as a result of their position has also been a constant worry for the witnesses. As previously indicated, the location of the shop in relation to the Libyan Peoples Bureau highlights proximity of the obvious source of a potential threat. A number of Libyan customers have made broad references to the case and others have merely made general comments which have heightened the concerns. An example being when a Libyan male who called at the shop on three occasions in a single day made reference to a display of trousers stating that they were similar to what he could

purchase in Tripoli, the trousers were the same as purchased by the accused Megrahi. This incident may have been innocent or a deliberate attempt to create anxiety in the mind of the witness in the weeks prior to giving his evidence. Whatever the circumstances, it clearly illustrates the extent to which the anxiety stemming from their involvement impacts on their everyday lives.

[REDACTED]

[REDACTED]

[REDACTED]

Financial Issues

It is the convention of the witness Paul Gauci that the publicity surrounding their involvement in the investigation has had an adverse effect on the turnover of the shop. He supports this with the view that people are reluctant to shop in premises that are associated with such a notorious terrorist act. He cannot support this contention with any authoritative financial evidence. His view that takings have fallen may be the case, however, a possible explanation could have stronger links to the increased competition in the local area (a number of more up-market shops have opened within the area) than any impact the investigation may have had. The shop has changed very little both in décor and stock for almost twenty years.

Since the death of their father, who was also a witness, the family have still to resolve a number of issues relating to the disposal of the family home and other related financial matters surrounding the estate. It is the view of the brothers that they have delayed the resolution of these issues until the case has been concluded. This course of action has caused friction within the family group and whilst Paul considers that it was a prudent measure to await the outcome of the trial, it has impacted on the complex situation regarding the family finances. There are seven brothers and two sisters in the family. Anthony and Paul remain within the family home.

Conclusion

The issue of financial remuneration has not previously been discussed in detail with the witnesses and no promises exist. It is considered that the witnesses may harbour some expectation of their situation being recognised, however, whilst proceedings were still "live" they displayed a clear understanding that such matters could not be explored.

From the outset of the investigation, the efforts of the Scottish Police Service and the Crown Office have established a strong reputation for integrity and professionalism. The management of these witnesses who are the subject of this report has reflected the established regard that not only the witnesses, but the Maltese Police have for the Scottish Police. Dumfries and Galloway Constabulary have of course ensured that the highest standards have been maintained through not only the past ten years, but also the immediate pre-trial phase and during the trial. The conduct of the Gauci brothers reflects both their own integrity and their response to the manner with which the police have dealt with them. It is therefore vital that they continue to perceive that their position is recognised and they continue to receive the respect that their conduct has earned.

It is considered that the implementation of the foregoing recommendations will ensure that when the inevitable reflections and media examinations take place in future years the witnesses, who are the subject of this report, will maintain their current position and not seek to make adverse comment regarding any perceived lack of recognition of their position. Nor is it anticipated would they ever seek to highlight any remuneration received.

The foregoing situation is somewhat unique to the Scottish legal process, notwithstanding the entire incident, investigation and proceedings have been entirely unique. Any recognition of their loyalty and the sense of duty which they have displayed and the impact that the events have had on their lives would not only be fair and justified, but would bring credit to those responsible for such an award.



12 January 2001

LOCKERBIE AIR DISASTER INVESTIGATION

WITNESSES: ANTHONY GAUCI & PAUL GAUCI

REWARD / COMPENSATION PAYMENTS

Key Considerations

- 1. The witnesses gave their initial statements in September 1989 and since that time their evidence has remained critical and consistent.**

Since September 1989, both brothers have been interviewed on numerous occasions. The information provided in the initial stages related to the positive identification of the blast-damaged remnants of clothing from the suitcase containing the LED, the recollection of the purchase and its uniqueness, including a description of the purchaser, and also the timing of the purchase. Their evidence went beyond that of mere recollection, documents such as invoices and delivery notes were produced and many hours were spent compiling both an artist's impression and a video-fit of the suspect. Not only was the evidence consistent, but when interviewed regarding further recollections they remained co-operative at all times. This is clearly displayed when Anthony identified the photograph of the new convicted Abdelbaset Ali Mohamed Al Megrahi.

- 2. The loss of anonymity and continued harassment from the media since 1989.**

The media have been aware of the nature of the evidence obtained from the Gauci brothers since 1989. Involvement as a critical witness in such a high profile terrorist investigation is not a situation that a normal law abiding person would welcome and this discomfort was compounded by the fact that their role was so public. Over the years the "Lockerbie case" has been a constant feature of their lives and this has resulted in some ways to a loss of identity. To be referred to constantly by so many people from strangers to friends as "the Lockerbie witnesses" has been described by them as being constantly under scrutiny, with the accompanying loss of privacy and peace of mind that such intrusion brings.

- 3. Offers of substantial financial remuneration from the media have been consistently refused.**

The media attention has been international and has included representation from both British and US concerns. In addition, German, Middle Eastern and local newspapers and television crews have visited the witnesses. Many have offered payment in return for the "exclusive" interview, and cash and cheque books have been produced. All requests for interviews have been declined.

4. **Threat:** Despite reassurance, both brothers have perceived that the threat from "Libya" is HIGH. Given the scale of the events and the status of the two accused, that view is absolutely understandable.

Both witnesses have expressed fears and have always considered that they should maintain constant vigilance should anyone attempt to cause them harm. Despite this background of fear, they have never faltered in their honesty and willingness to give evidence.

5. **Many Libyan Nationals have visited the shop and made oblique references to the case, such visits were clearly designed to have an intimidating impact on the brothers, particularly Anthony.**

Despite such reminders of their vulnerability, they refuse to be intimidated.

6. **Their resolve continued when the trial became a reality.**

Their resolve was given its greatest test they were informed that a trial would be taking place in the Netherlands and that they would be required to give evidence. It was clear at this stage that their willingness to co-operate was a great deal more than superficial. However, important their information was regarding the resolution of the investigation, it was quite another matter to give evidence in court. Despite an increase in their fears regarding retribution by supporters of the accused and the accompanying media scramble, their co-operation continued.

7. [REDACTED]

[REDACTED]

8. [REDACTED]

Their involvement as witnesses has on occasions been intense.

The stress of such close involvement in such a high profile case has been immense.

[REDACTED] It is hoped that with the conclusion of all proceedings, the impact will diminish.

9. **They contend that the publicity surrounding the case has had a negative impact on the business, with potential customers not wishing to shop in premises that are connected with such a notorious terrorist act.**

Mary's House in Sliema has featured in national media publications and broadcasts throughout the world. It is understandable that potential customers, both local and tourists, are reluctant to shop in premises associated with such a notorious terrorist outrage.

10. **They depend on the shop for their income and their current financial position would suffer considerable if they left the business.**

The shop remains their only source of income.

11. **At no time prior to the conclusion of the trial was the subject of a reward / compensation discussed.**

The motivation of the witnesses has never at any stage been financial, as can be seen from their refusal of money from the media. They have received no financial gain from the Scottish Police; as a result, their integrity as witnesses remain intact. This has been a priority from the outset and at the conclusion of the trial was reinforced by the Judges' comments relating to another witness –

“Information provided by a paid informer is always open to criticism that it may be invented in order to justify payment, and in our view this is the case where such criticism is more than usually justified”.

The view formed by the Judges is further highlighted by their observations that the witness –

“Endeavoured from the outset to give a false impression”

and also concluded that elements of his evidence –

“Were at best grossly exaggerated, at worst simply untrue”.

They finally state in relation to his evidence –

“Putting the matter shortly we are unable to accept Abdul Majid as a credible witness on any matter, except his description of the organisation of the JSO and the personnel involved there”.

In contrast, the evidence of Anthony Gauci was viewed positively by the trial court, and in relation to attacks on his character by the defence they stated –

“We have to say we find no substance in any of these criticisms – the clear impression we formed was that he was in the first place entirely credible, that is to say, doing his best to tell the truth to the best of his recollection”.

The Judges also noted that the witness's involvement in the trial has caused friction within his family, which was contrary to the suggestion made by the defence that he was seeking attention. They also described him as a careful witness, and crucially in relation to his identification of the accused Megrahi they regarded him as reliable.

The very fact that the witness was not motivated by financial gain and as a result his integrity as crucial witness was maintained, reinforces the need to ensure that at this stage his contribution and more importantly the manner of his contribution is recognised.

It is also worthy of note that the evidence of Anthony Gauci formed a significant part of the appeal. Following the appeal court hearing and the subsequent consideration of his evidence, the conclusion reached was to confirm not only the importance of his contribution, but also to maintain his evidence entirely. Such scrutiny and positive conclusions places Anthony Gauci at the very core of the Crown case against the accused.

12. Following the verdict, a direct approach from representatives of the Libyan regime offering rewards was met with a firm refusal.

This direct approach highlights the position of the witnesses that they would not accept money from a source which could potentially lead to a distortion of their evidence.

13. The witnesses have received psychological support and as a result the following issue has been highlighted. It is considered critical to the future stability of the relationship between the brothers that they both receive recognition. This would ensure that no animosity develops in the future.

In relation to Paul Gauci, it was a decision of the Crown not to call him to give evidence and agree a joint minute for elements of his evidence. His evidence was important as it related to the identification of the clothing. However, it should never be overlooked that his major contribution has been maintaining the resolve of his brother. Although younger, Paul has taken the role of his father (died 7 years ago) with regard to family affairs. His influence over Anthony has been considerable.

(It is considered critical that the contribution of Paul is recognised in order to preserve their relationship and prevent any difficulties arising in the future).

The Scottish Court in The Netherlands
Kamp Van Zeist
POSTBUS 1990
3700 BZ ZEIST

from UK – 0031 346 334 727
Fax No from UK – 0031 346 334 867

07 February 2001

[REDACTED]
American Embassy
Lange Voorhout 102
2514 EJ The Hague

Dear

ANTHONY GAUCI – NOMINATION FOR A REWARD

As you are undoubtedly aware, Anthony Gauci was a witness at the trial of the two Libyans accused of the Lockerbie bombing. In his evidence, Gauci identified Abdelbaset Ali Mohamed Al Megrahi as the person who purchased the clothing from his shop in Tower Road, Sliema, Malta. **The significance of his evidence cannot be under-estimated and the emphasis placed on it by the court is adequately explained in the Judgement** – a copy of which is enclosed.

The majority of those murdered in this terrorist attack were United States citizens and I understand from discussions with [REDACTED] that provision is made within the terms of the State Department Reward Programme for a foreign agency to nominate a witnesses for a reward.

The investigation of these murders and the subsequent trial placed significant pressures on the witness Gauci, but throughout he maintained his dignity, integrity and courage. Following the conviction of Megrahi the witness Gauci was visited by two men at his shop in Sliema and invited to travel to Tripoli for a "meeting with Government officials and members of the Defence Team". He was also informed that he "would not return home empty handed" but would be "handsomely rewarded". As expected, Gauci refused the invitation but this incident is perhaps evidence of his continued vulnerability. *I have enclosed an Impact Assessment Report prepared by [REDACTED] in respect of Anthony Gauci and his brother, Paul Gauci.*

At Paragraph 88 of the Judgement it is recorded that

"A major factor in the case against the first accused is the identification evidence of Mr Gauci".

///

There is little doubt that his evidence was the key to the conviction of Abdelbaset Ali Mohmed Al Megrahi. I therefore feel that he is a worthy nominee for the Reward Programme and ask for your assistance in forwarding this nomination to the Department responsible for administering the Programme. I have not consulted with the FBI or Justice Department, but I am certain that if consulted they will endorse the legitimacy of the nomination.

Should you require any further information or wish to discuss this matter further, then please do not hesitate to contact me at Kamp Van Zeist, Tel No 0346 334 727. I look forward to hearing from you.

Yours sincerely

T McCulloch
Detective Chief Superintendent
Senior Investigating Officer

Copy: HOLMES

TMcC/MJJ

19 April 2002

[REDACTED]
Deputy Chief
US Department of Justice
Criminal Division
Terrorism & Violent Crime Section
601 D Street NW
Suite 6500
WASHINGTON DC 20530
United States of America

Dear

REWARDS FOR JUSTICE - ANTHONY GAUCI & PAUL GAUCI

Following our very positive meeting on 9 April 2002, I am writing to confirm the submission by Dumfries and Galloway Constabulary for payment of a reward to Anthony and Paul Gauci. For ease of reference and to avoid unnecessary duplication, I have attached a copy of previous correspondence dated 7 February 2001, which outlines the background circumstances of the exceptional contribution made by the witnesses to the Lockerbie investigation and trial. I was particularly satisfied that the meeting acknowledged the significant role of Paul Gauci and recognised the need to reward him separately from his brother.

At the meeting on 9 April, I proposed that US 2 million dollars should be paid to Anthony Gauci and US 1 million dollars to his brother Paul. These figures were based on my understanding that US 2 million dollars was the maximum payable to a single individual by the Rewards Programme. However, following further informal discussions I was encouraged to learn that those responsible for making the final decision retain a large degree of flexibility to increase this figure.

Given the exceptional circumstances of this case which involved the destruction of a United States aircraft with the loss of 270 innocent lives and the subsequent conviction of a Libyan Intelligence Agent for this crime, I would invite those charged with approving the reward to ensure that the payments made to Anthony and Paul Gauci properly reflect not only the importance of their evidence, but also their integrity and courage.

As requested by [REDACTED], I have consulted with Crown Office about this application for payment of a reward. The prosecution in Scotland cannot become involved in such an application. It would therefore be improper for the Crown Office to offer a view on the application, although they fully recognise the importance of the evidence of Tony and Paul Gauci to the case.

As you are aware, the Federal Bureau of Investigation was represented at the meeting on 9 April and gave their full support to the payment of a reward to both Anthony and Paul Gauci as proposed.

As I explained at the meeting, it would be helpful if a decision on this matter could be reached in a very short timescale, and I would be grateful if this application could be processed expeditiously.

Yours sincerely

T McCulloch QPM
Detective Chief Superintendent