

**INTERVIEW WITH DR THOMAS HAYES, FORT HALSTEAD, DSTL
FORENSIC EXPLOSIVES LABORATORY
WEDNESDAY 8 MARCH 2006**

Present: Gordon Newall, Legal Officer, SCCRC
Andrew Beadsworth, Legal Officer, SCCRC
Dr Thomas Hayes

Q OK, that's us recording, so if I can just record for the benefit of the tape that it's Wednesday 8 March and we're at Fort Halstead, DSTL and we're at the Forensic Explosives Laboratory and present is myself, Gordon Newall, my colleague Andrew Beadsworth and if you could perhaps state your full name for me?

A. Yes, Dr Thomas Hayes.

Q. Dr Thomas Hayes, thanks. And can you give us your date of birth as well?

A. Yes. 14th of July 1946.

Q. That's great. We'll record your address, just for the benefit of the tape, as just care of the Commission. What's your present occupation?

A. I'm presently a self-employed chiropodist.

Q. You are? You're still practising as a chiropodist?

A. Yes, but a bit beyond the practising stage.

Q. Right, OK. And your previous involvement was at RARDE, is that correct?

A. Yes, under one of its guises I was a forensic scientist.

Q. And could you perhaps just give me, just explain exactly what your role was here and when you started, that kind of thing?

A. Well I started 15 years before I ended and started off as a Higher Scientific Officer and progressed through the ranks to what was then called a Principal Scientific Officer and when I was running the section. And pretty well exclusively in that capacity I took on, with colleagues, the Lockerbie investigation.

Q. OK. And you retired, or you left rather, RARDE around what time?

A. Now those dates and figures are blurred, but we're talking, oh 20 years or so ago I would think.

- Q. So is that a unique number then for the Lockerbie case?
- A. It should be a unique number.
- Q. OK. And as well as PP8932 Lockerbie, when you were first if you like allocated Lockerbie for investigation, did you have any other active cases on the go at the Laboratory as well?
- A. Yes, I think there were about personally 12 animal rights cases I was working on.
- Q. 12 animal rights cases, OK. I've written in handwriting on the front of that cover the details that are on the police label which was attached to it, and one of the references on the police label is PT90. Do you recall what PT90 means, what it was used for?
- A. No, I don't.
- Q. You don't remember a system of PT numbering?
- A. When I examined items as with any other case officer it was normal practice to raise exhibits as parts of the original exhibit. Normally I would have given those a TSH number. I believe at some stage there was a transfer from the TSH number to a PT number, but I can't remember what the PT now referred to – some individual I imagine.
- Q. Right, OK. So it was a departure from normal procedure for the Lockerbie case to use PT numbering for items that had been raised, is that correct?
- A. I don't know whether it was a departure from normal procedure. It clearly was a departure in this case.
- Q. And you don't remember when that PT numbering system was introduced into this case?
- A. No, I don't.
- Q. OK. If you open up the file you'll see there's some papers on the right-hand side and some papers on the left-hand side – that's that bit there. You can see there that on the right-hand side as you look there's pages of examination notes and I think on the left-hand side are more sort of general papers, things like indexes, those kind of things.
- A. Yes.
- Q. Does that sort of ring bells with you about how you would have organised your files?

RECORD OF INTERVIEW OF ALLEN FERADAY OBE
c/o Scottish Criminal Cases Review Commission

Date of Interview: 7 March 2006

Place of Interview: Forensic Explosives Laboratory, Dstl, Fort Halstead,
Kent

Present: Andrew Beadsworth, Legal Officer, SCCRC
Gordon Newall, Legal Officer, SCCRC
Allen Feraday OBE

States:

Personal details

I confirm that my full name is Allen William Feraday. My date of birth is 23/12/37. I am retired.

Details of employment at RARDE and involvement with Lockerbie case

I began working at the Forensic Explosives Laboratory in Woolwich in 1971. In 1985 the laboratory relocated to RARDE (Royal Armaments Research and Development Establishment), Fort Halstead, Kent. I worked at RARDE until I retired in 1997 at age 60. Latterly I was head of the Forensic Explosives Laboratory at RARDE. There were various forensic laboratories in the United Kingdom, but only one laboratory dealt with explosives crimes and because of this it had to be situated inside a Ministry of Defence establishment. However, the Home Office funded the Forensic Explosives Laboratory at RARDE so we were, in effect, permanently contracted out to the Home Office.

I have been asked about my role in the Lockerbie investigations. During the Lockerbie investigation I believe I had approximately 56 other bombings to work on. Dr Thomas Hayes started work on the Lockerbie case. I also became involved in work on the Lockerbie case after about 10 days. Dr Hayes worked on the case for several months. He then left the Forensic Explosives Laboratory and I took charge of the case. The trial of the applicant and his co-accused took place a couple of years after I retired. I gave evidence at the trial at Camp Zeist.

MEMORANDUM

To D/Supt. J. Gilchrist
D/SIO L.C.C.
Date 9.4.91.
Your Ref

From A. W. Fenaday.
Tel Hd/FEL RARDE.
Our Ref

Subject Reply to your note of 5/4/91

Dear Jim,

- (a) Concerning the solder obtained from Bother (promotion DP158). The solder is a commercially available item freely available throughout the world. Analysis of solders and soldered joints is a notoriously complex subject to interpret and I hesitate to embark upon a deep series of tests unless there is any hope that the information achieved is likely to be of any use to the inquiry. I could do a very limited comparison and hence achieve a limited result. I suggest that is probably the best course of action. Perhaps we should discuss this aspect further by telephone.
- (b) The examination of the brown ball (DP1022) from Malta for explosive traces is in hand and I will inform you of the result as soon as possible.
- (c) I have received the enclosed FAX from Tom Thurman (FBI) requesting attendance during my examinations of

K-1 etc. I name not yet replied. I am disappointed with the apparent response from S.I.O. in that I do not need Thurman present during my examinations. I also can see no advantage for Thurman IF I only examine 'K-1' in his presence, because he has already done that himself. Clearly he is seeking entry to all the other exhibits and examination notes, which I am unwilling to supply him. If he comes I will have to watch him 100% of the time. - I seek your views before replying to Thurman.

(d) Concerning any unidentified items, - I have previously pointed out item PI/1588 of which some colour photocopies are enclosed. This item is predominantly of black plastic with a piece of spring steel and a cross-head screw embedded in it. I have been unable to match it against any mechanisms from the suitcase or the Toshiba radio and have compared it with clocks and altitude indicator mechanisms all to no avail. Frankly, I do not know what it is, or when to even start looking to identify it.

Callum and Brian asked me to include item PI/1249 in this picture gallery. It is

of black plastic with wires embedded in it. I think it may be from the output wire side of the device, perhaps the terminal block arrangement. I am checking it with other items as I go along. There is nothing for you guys to do on this item, in my opinion.

(2) As always I can only assure you that I am addressing the question of the Forensic Report with as much effort as I can muster. No amount of continual reminders will hasten the final completion by even one day. I remain as dedicated as ever to completing the report in as short a time as possible without detriment to quality.

Best wishes

Yours Sincerely

Allen Fung

HA/FEL

9/4/91.

DUMFRIES AND GALLOWAY CONSTABULARY

Chief Constable
GEORGE ESSON, O.P.M., U.S.

Police Headquarters
Loreburn Street
Dumfries DG1 1HP
Telephone: (0387) 52112

Ref.
Your Ref.

Lockerbie Incident Control Centre,
Dryfe Road,
Lockerbie,
DG11 2AL,
Dumfriesshire.
11 November 1991.

Dr Maurice Marshall,
Superintendent EC2 Group,
Defence Research Agency,
RARDE,
Fort Halstead,
Kent TN14 7BP.

Dear Maurice,

REQUEST BY F.B.I. FOR VISIT
OF SA THURMAN TO RARDE

With reference to your communication of this date, relative to the aforementioned subject, as you are aware this suggestion was again put to me during last week.

I advised Richard Marquise of the FBI that we are awaiting the completion of the forensic report, in order to include it in the final police report and Mr. Feraday is attempting to fulfil a suggested timescale for completion during mid December 1991. As far as I was concerned, I did not wish any intrusions, which might obstruct Mr. Feraday's work and suggested Mr. Thurman could visit RARDE at some date suitable to Mr. Feraday, once he had submitted his report.

The response to me at that time was Mr. Thurman would wish to visit RARDE before the completion of Mr. Feraday's report.

I learned on Wednesday (6th instant) that the US Department of Justice had approached the Procurator Fiscal, Mr. MacDougall, on the same subject. Mr. MacDougall informed me that he had been very firm in deterring the Americans from the idea of Thurman visiting RARDE before the completion of the report.

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The excuse used by the Americans is that Thurman requires to visit Mr. Feraday, in order to get access to two electronic components, which would then enable him to furnish his report in the USA.

That excuse is not accurate, because it is not necessary for Mr. Thurman to examine any components at RARDE to complete his report.

This charade is an attempt by Thurman to gain access to RARDE and all the forensic evidence held by Mr. Feraday, in order to return to America with the 'poached' information and include it in a report he would submit on behalf of the FBI. In all probability he would then claim that the information contained in that report was in fact the result of his own efforts.

A visit under such circumstances would not be acceptable to the Procurator Fiscal or myself on two counts. Firstly Thurman has no authority to gain or attempt to gain access to any of the forensic evidence held by Mr. Feraday which has not as yet been submitted to myself. Secondly my knowledge of Thurman leads me to believe he is capable of interfering with productions at any given stage, if not closely supervised by Mr. Feraday.

I am well aware that Mr. Feraday requires to maintain a working relationship with this man for future occasions, beyond the Lockerbie investigation and to that end I have no wish to compromise Mr. Feraday's position. That is why the FBI and Department of Justice have been advised on two occasions by myself and the Procurator Fiscal that Thurman will not be permitted to gain access to RARDE until after such time as Mr. Feraday's forensic report has been submitted to me.

Any further unofficial approaches by the FBI/Thurman should be referred to the Procurator Fiscal or myself in the first instance.

As the forensic evidence held at RARDE is at present the property of Dumfries and Galloway Police and will be transferred to the control of the Crown Office at a later date, Thurman has no authority to go beyond myself or the Procurator Fiscal.

Yours sincerely,



Detective Chief Superintendent
Senior Investigating Officer.

that were hacked off PT/35(b). You would need to ask William Williamson about that.

I have been shown two booklets of photographs taken recently at the Commission's request, which show what purports to be DP/11. I am asked to explain what is depicted in these photographs. What the photographs show is the mounting which contains DP/11. DP/11 has been mounted and put in a resin so that it could be put under an electron microscope. I have pointed out what I believe may be DP/11 in the photograph which you are showing me but you would be better to ask the person who cut off DP/11 and put it in the mounting. I am not the person to ask about this.

I have been referred to a memo from me dated 8 July 1991. It has been explained to me that the memo outlines my belief that DP/11 did not originate from PT/35(b), and that the memo lists differences which I noted between DP/11 and PT/35(b). I have been shown the memo. I remember what happened here. William Williamson carried out investigations in connection with PT/35(b). During these investigations, someone had hacked off a bit of PT/35(b). However, William Williamson did not tell me that this had happened. He did not tell me that the piece that was cut off was then ground down. I did not know that it had happened and no-one told me about it, so when I received the pieces back I queried this. You can see from my memo that they carved off three layers of DP/11. William Williamson then explained to me that this had been done to DP/11 because they "wanted to examine the resin". This incident turned into a bone of contention. I was never told by Williamson who it was that had butchered the fragment.

Link to MST-13 timer

I am asked if I recall how the link was eventually made between the timer fragment and an MST-13 timer. I think that Stuart Henderson may have told me that Tom Thurman had matched an item to PT/35(b) in the United States. I got the message anyway that Thurman had identified the timer fragment. Henderson asked me to bring PT/35(b) to the United States. Henderson, John Maclean and myself travelled to the United States. I have been asked if I recall William Williamson being present in the

United States. I do not remember Williamson being present, but now I think about it, I think it is correct that Williamson was there.

Whilst in the United States we met Thurman. We went to the FBI lab. Thurman had a photographer standing by who photographed PT/35(b). I made sure that we got PT/35(b) photographed with the timer. I am asked what the reference K1 refers to, which I am reminded was the reference used for the timer in the FBI's possession. I do not know where the reference K1 comes from. I recall that Thurman wanted us to leave the timer fragment. There was no way that we would do that. At this point the FBI were looking to take over the Lockerbie investigation. The division between the UK investigation team and the US investigation team was tangible.

I remember inspecting the timer Thurman had matched to PT/35(b). I noticed somebody had tried to scratch out something on it, which looked like the letters "MEBQ." I remember that when I pointed this out, it all went dead in the laboratory. There was something about Thurman's reaction which made me worried that I was being played for a dummy. I remember that Thurman opened his drawer and handed me a photograph which featured a close-up of the marking that I had seen on the timer. The Commission's legal officer (Mr Newall) has shown me a printout of the scanned image of photograph 15 from trial production 287. I confirm that the photograph Thurman handed to me is the same as the image the legal officer has just shown me. I just put the copy photograph in my briefcase before Thurman could object. I brought the photo back to the UK with me. I told Stuart Henderson to look for something with "MEBQ" and that started the ball rolling with our efforts to trace and find "MEBQ" and then "MEBO."

I think that the Americans already knew that the reference on the timer was "MEBO." I could not prove that but I have my suspicions. I felt I was being played. That was why I took the photograph of the close-up and got a photo of our fragment beside the timer they had recovered.

I have been referred to part of a Crown precognition of William Williamson dated 17 November 1999. An extract from that precognition has been read to me as follows: