

The photographic identification of Abdelbaset al-Megrahi

Looking at a range of photographs it can be seen that al-Megrahi's appearance remained generally similar over nearly thirty years, before and after 1988.



Wales, 1971/2
age about 19



1987 passport
age when photo taken unknown



February 1992
age 39



October 1998
age 46

- The first image is from his international [student identity card](#), when he was studying marine engineering in Cardiff.
- The second image is from the [coded passport](#) in the name of Abdusamad.
- The third image is a [press photograph](#) taken on 18th February 1992 in Libya.
- The fourth image is from a [documentary](#) filmed in Libya and broadcast in October 1998.

Although the "Abdusamad" passport was issued in 1987, the appearance of the photo suggests it was already some years old before it was used for that purpose. Thus the 1992 photograph (which also fits the contemporary descriptions of Megrahi as a smart dresser in a senior executive position) probably provides the best guide to his actual appearance in late 1988, the time of the alleged clothes purchase from Tony Gauci.

Tony Gauci was first asked about this pretty routine transaction in September 1989, nine months after the event. The description of the purchaser he volunteered at that time concentrated mainly on build and age - 50 years old, heavily built, over six feet in height, dark-skinned. (Megrahi was 36, of medium build, 5 feet 8 inches tall and does not appear to be particularly dark-skinned.) Gauci was asked to create images of the purchaser, and produced two.



artist's impression



photofit

He said that both images were reasonable likenesses, but of the two, the artist's impression was better. He was concerned that the photofit image appeared about ten years too young to match the customer, however "an alteration to the picture to take this into account was not possible without reducing the otherwise high quality."

In the months that followed, he was shown scores of photographs of men more or less resembling his description, but all were considerably younger than the 50 years he had estimated as the purchaser's age. He picked out several of these photographs as showing a resemblance to the purchaser, but unsurprisingly he invariably qualified his selections by stating that the man in the picture was too young. The only one of these picks in the public domain is the photograph of Mohamed Salem, but he also became quite enamoured by a picture of Abu Talb he saw in a newspaper, which identified him as the suspected bomber (as he was at that time). Mohamed Salem is only four years younger than Megrahi, but Gauci said his picture was too young "by about 20 years" to be the purchaser.



Mohamed Salem



Abu Talb

Megrahi didn't become a suspect until late 1990 or early 1991, and it was not until February 1991 that Tony Gauci was shown a photospread which included his picture - well over two years after the transaction in his shop. This is what he was shown.



Tony's first reaction was to state that *all* the photographs were “too young” to be his elusive customer, apparently including pictures 4 and 9, which appear to be of men in their forties. He declined to select any of them. The detectives then urged him to go back and pick someone, and at that point he selected the picture of Megrahi. However, once again he merely said that this image “resembled” the customer, and indeed he remarked at the time that the resemblance was less strong than the picture of Abu Talb.

Much has been written about this exercise ([Clark, 2008](#); [Valentine, 2008](#); [Canter, 2010](#)), and it has been criticised for not being tape-recorded or videoed. Even a cursory examination of the full photo-spread reveals that Megrahi's picture (middle row, extreme right) stands out as being smaller and of a different quality to the others. The odd curved flash on the left of the picture is seen in some reproductions of this photo but not all, and it is unclear whether it appeared on the original photo-spread. If it did, that image stood out to a quite remarkable degree. It also appears that only three or four of the twelve pictures bear much resemblance to the photofit or artist's impression, and several of the men look extraordinarily youthful. In addition, the card was large enough for the police officers present, all of whom knew the identity of the suspect, to be aware of which picture Gauci was examining at any time. This presents a clear danger of invoking the “Clever Hans” effect, in which unconscious clues are picked up from an informed observer. DC John Crawford, one of the Scottish police officers, reveals as much in his memoirs, describing his own reactions as he watched Gauci “look carefully at each picture in turn”, and his excitement as Tony seemed to be homing in on the desired image.

However, what has not previously been remarked on is that the image of Megrahi included in that photospread is not only of very poor quality indeed (it appears to be a bad photocopy), but *it is such a poor likeness as to be virtually unrecognisable*.



photospread image



Megrahi aged 39
(he was 36 at the time of the clothes purchase)

The provenance of that picture is unclear, but it seems to have been obtained from the authorities in Czechoslovakia. It is believed to be (presumably a photocopy of) the photograph in his own passport, held in his own name, and issued in 1986. This would suggest Megrahi was 34 in that picture, but Gauci stated that the man, whom he estimated as being in his thirties, would need to be “ten or fifteen years older” before he would look like the purchaser. (There was some discussion of this point among the investigators, including the suggestion that the photograph might date from the late 1970s and so justify claiming that “ten years older” might describe the 36-year-old Megrahi in 1988, but the fact remains that all Gauci's statements concerning the age of the customer, including this one, were consistent in estimating around or even over 50 years.)

The investigators had two pictures of Megrahi available to them at that time; the one shown to Gauci, which originally showed a collar and tie, and one with an “open neck shirt”. The latter appears to be another print of the photo used on the Abdusamad passport, which seems to have formed part of another identity document in Megrahi's own name. Why they chose the blurry, smeared Czech image over this better-quality, apparently colour, photograph is an unfathomable mystery. Apart from everything else, the Czech picture had to be cropped to conceal the collar and

tie, to match the other pictures in the photospread. Of course, it's possible someone had noticed that the Czech one bore a vague resemblance to Gauci's 1989 photofit....



open-neck shirt image



collar-and-tie image



1989 photofit

Thus, in February 1991, over two years after the event, and after having been shown scores of photographs of men vaguely resembling his description (but all too young), the picture that Gauci picked out as merely "resembling" his customer was a picture that didn't even look like Megrahi. It is questionable whether Gauci retained any real memory of the original customer by 1991, after so much prodding and hinting, poring over so many photospreads, and his fixation on the newspaper photograph of Abu Talb he kept referring to. However, if he did, and if the image he picked out then did indeed resemble the customer, then his selection of this image is surely one more thing that argues *against* the customer actually being Megrahi.

If the police had continued to show Gauci photographs of clean-shaven middle-aged men with a full head of black hair, it seems perfectly probable that he would have continued to pick out pictures that resembled his memory of the customer, or that were at least the best fit of the group in front of him at the time. Nevertheless, matters were left there, and he was shown no more photographs. The suggestion that he might be shown a more recent image of Megrahi, a recognisable likeness, was rejected, "for fear of tainting what he has already provided." However, the investigators never again used the black-and-white Czech image to identify Megrahi. When the official indictment was issued a few months later the colour photo above was used, despite the basis for the indictment being Gauci's identification of the black-and-white picture. Later, the colour photo was again chosen for the "wanted" posters, and thereafter it became somewhat iconic.

Eight years passed. Years during which Gauci's memory of the original purchaser inevitably faded even more. Years during which Megrahi's age inexorably approached the age of the purchaser in 1988. Years during which many newspaper and magazine articles appeared containing newer and better photographs of him, including the 1992 photograph above and others from the same series. There was even a feature documentary, in 1994, and two other televised interviews, in 1991 and 1998. This was all of course completely improper, in relation to a case which was officially *sub judice*, and in which identification evidence was crucial, but nothing was done to prevent it.

In April of 1999, Gauci was taken to Camp Zeist to face Megrahi in person, in an identity parade. Four days before doing that, a copy of a magazine article with a good photograph of Megrahi was taken from him, apparently the 1992 picture. Tony had had this for several months, and others - apparently his brother had been saving press articles identifying Megrahi as the Lockerbie accused! Tony pointed to the magazine photograph and declared, "that's him!" Nobody seems to have enquired whether he meant "that's the man I saw in the shop," (unlikely, given the spectacular lack of resemblance between the 1992 picture and the image in the photospread) or "I know that's the man who is accused, whom I'm being taken to identify." Indeed, by the time of the identity parade the publicity had been such that anyone who had followed the case would have been able to recognise Megrahi in person, even if they had never seen him before.

Once again, the problem of age reared its head. According to Gauci's consistent estimate of the customer's age, by 1999 they should have been looking for a man in his early sixties. However, Megrahi was one of the oldest men in the line-up, with only one man slightly older than him included (and that man was only 5 feet 3 inches tall). Four of the seven stand-ins would have been in their twenties in 1988, one only 21 (and one of the men excluded after an objection by the defence was only 15 at the time of the clothes purchase). By this time, of course, Megrahi at 47 was now close to the age the customer was said to have been in 1988. It is also said that he stood out by being visibly nervous, and that he was forced to wear brown shoes when the others all wore trainers.

Between September 1989 and February 1991 Gauci was all over the place as regards the facial appearance of his customer, as evidenced by the variety of images he was prepared to identify as resembling the man. The fuzzy image he picked out over two years after the original encounter was only one of several in that category. Nevertheless, the investigators seized on this as the basis for issuing an indictment against Megrahi in November 1991. Then, over ten years after the original encounter, Gauci picked out Megrahi in person from the lineup. Yet again he only testified to a *resemblance* ("Not the man I saw in the shop, but..."), not to recognition, but this was enough for the prosecutors - and the judges.



1991 photospread



Megrahi in late 1998, age 46



Why? The peculiar picture Gauci picked out in 1991, as resembling his memory of the purchaser, bore no resemblance at all to the man he picked out of the identity parade in April 1999, as resembling his memory of the purchaser. Megrahi (in 1988 or 1999) also bore no resemblance to Gauci's original 1989 description as regards height, build, age or skin colour. He did, however, bear a close resemblance to the press photos Gauci had been perusing in the interim, photos illustrating articles clearly identifying Megrahi as the Libyan accused of the Lockerbie bombing....

Tony Gauci saw the clothes purchaser once, for less than half an hour, one wet evening in 1988. At the time he had no reason to imagine he would ever have cause to remember him again, and indeed he had no such cause until nine months (and many hundreds of other customers) later. It was well over two years after the encounter before he was shown a picture of Megrahi, and that picture was essentially unrecognisable as its alleged subject. By the time of the identity parade, nearly ten-and-a-half years had passed. What is the accuracy rate for the identification of a complete stranger, of a different race, seen once, after that sort of time? Nobody knows, of course. The best available data suggest however that after only *eleven months*, witnesses perform no better than chance ([Shepherd et al., 1982](#)).

Eyewitness identifications have been shown to be false, conclusively, time and time again, under far more favourable circumstances than this exercise. For a vague resemblance agreed to by a witness both anxious to please (and aware of a \$4 million reward offer) to be elevated to identification "beyond reasonable doubt", as the only piece of evidence linking the accused directly to an atrocity that claimed 270 lives, is an affront to both reason and justice.

Appendix: Photograph album

Abdelbaset al-Megrahi over the years (he was diagnosed with aggressive prostate cancer at the age of 56).



age 19



age 30? younger?



age 39



age 46



age 55



age 57

The third photograph is the closest approximation to Megrahi's appearance in December 1988, although three years older.

Images Tony Gauci picked out as "resembling" the 1988 mystery shopper, who was "about 50 years old, heavily built, dark-skinned".



artist's impression
good likeness



photofit
10 years too young



Mohamed Salem
20 years too young



Abu Talb
could be the man



Megrahi??
10 to 15 years too young



Megrahi, 10 years on
(and still only 47)

The indictment was based on Tony identifying a dreadful picture that looked nothing like Megrahi. The conviction was based on Tony picking out Megrahi himself - although he looked nothing like the picture previously identified, was at least ten years younger than Tony's consistent estimate of the purchaser's age, and bore only the vaguest resemblance to the other images. This was the basis for branding Megrahi "the Lockerbie bomber" beyond reasonable doubt, and handing him a life sentence.