



## INTERNATIONAL PROGRESS ORGANIZATION

Vienna, 2 June 2002  
P/RE/17743

**Re.: statement of the Secretary of State for Foreign and Commonwealth Affairs in the House of Commons (Hansard, 20 May 2002, Column: 66W);**

### **Note concerning the status of Prof. Hans Koechler as international observer at the Lockerbie trial in the Netherlands**

Referring to the statement given by Mr. Bradshaw, Secretary of State for Foreign and Commonwealth Affairs, in answer to a question by Mr. Dalyell, Father of the House of Commons, the International Progress Organization (I.P.O.) would like to give the following clarifications:

1. In a letter dated 22 February 2000, addressed to the Permanent Representative of the I.P.O. to the United Nations (New York), the United Nations Under-Secretary-General for Legal Affairs, Mr. Hans Corell, wrote, *inter alia*: "Pursuant to paragraph 6 of resolution 1192 (1998) I would like to invite your organization to inform me of the names of its representative or representatives who could be nominated to attend the trial as international observers."
2. In another paragraph of the same letter the following statement is made: "It follows from paragraph 6 of resolution 1192 (1998) entrusting me with the authority to nominate international observers that after an observer is nominated I shall retain the right to withdraw the nomination if the circumstances so require."
3. In a letter dated 26 April 2000, addressed to the President of the Security Council, the Secretary-General of the United Nations, Mr. Kofi Annan, wrote: "I have the honour to inform you and, through you, the members of the Security Council of the names of the international observers nominated by me pursuant to paragraph 6 of Security Council resolution 1192 (1998) to attend the trial of the two persons charged with the bombing of Pan Am flight 103 before the Scottish Court sitting in the Netherlands: ..."
4. In a letter dated 20 February 2001, addressed to the President of the International Progress Organization, the United Nations Under-Secretary-General for Legal Affairs, Mr. Hans Corell, wrote: "On behalf of the Secretary-General I would like to acknowledge the receipt of your letter of 3 February 2001 which transmits remarks constituting your personal views on the trial conducted by the Scottish Court sitting in the Netherlands. These remarks have been forwarded to Mr. Gordon Beaton, Registrar of the Scottish Court in the Netherlands. ..."
5. The International Progress Organization was the only non-governmental organization that was invited to inform the Secretary-General of the names of its representative(s) who could be nominated to attend the trial as international observers. This is obvious also from a letter dated 31 May 2001 addressed by the Under-Secretary-General for Legal Affairs to the parents of one of the victims, Mr. and Ms. Cohen, in which he explains the procedures of the nomination of representatives of the International Progress Organization as international observers and states that "[c]ertain intergovernmental organizations were similarly approached." Those organizations

were the European Union, the League of Arab States, the Organization of African Unity and the Non-aligned Movement. No mention is made at all of other non-governmental organizations.

6. On the basis of the written communication received from the United Nations Under-Secretary-General for Legal Affairs, Mr. Hans Corell, the Scottish Court in the Netherlands, High Court of Justiciary, issued a pass, Card Number 13946, to Professor Hans Koechler. The text printed on the pass issued by the Scottish Court in the Netherlands reads: “HANS KOECHLER – International Progress Organisation – UN Observer.”

It is obvious, from the foregoing, that Professor Hans Koechler, like the other UN-nominated observers, was not merely offered an “opportunity to observe the appeal hearings,” as Mr. Bradshaw suggests, but was (a) “nominated” by the UN Secretary-General after the International Progress Organization had been “invited” by the UN Under-Secretary-General for Legal Affairs to inform him of names of representatives “who could be nominated to attend the trial as international observers,” and (b) was considered by the Scottish Court in the Netherlands, on the basis of the official communications received from the United Nations, as “UN Observer.” This interpretation by the Scottish Court in the Netherlands was further strengthened by the Under-Secretary-General for Legal Affairs having forwarded Professor Koechler’s report on the Lockerbie trial (2001) to the Registrar of the Scottish Court in the Netherlands.

Neither the International Progress Organization nor Professor Koechler has ever claimed that the reports issued by Professor Koechler in his capacity as international observer – or the reports issued by other international observers – are United Nations reports or reports made upon United Nations request. Full agreement on this interpretation was reached in a meeting held on 6 December 2001 at United Nations headquarters between the Under-Secretary-General for Legal Affairs, Mr. Hans Corell, and the President of the International Progress Organization, Prof. Hans Koechler, in the presence of the Permanent Representative of the I.P.O. to the United Nations, Mr. Robert Thabit.

