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WELL-TRAVELED MIAMIAN JOINS LIBYAN AGENTS' DEFENSE.

By David Lyons - Herald Staff Writer

Until now, Gen. Manuel Noriega was Frank A Rubino's most visible and most controversial client. But if the deposed Panamanian leader was a leading symbol of notoriety in the '90s, Rubino's latest foray in the field of international criminal law might soon eclipse the attention accorded Noriega, who is in the Miami-Dade federal prison serving 40 years as a convicted drug racketeer.

This Saturday, Rubino is scheduled to travel to Libya for a weeklong series of meetings with a multinational team of lawyers to map a defense strategy for the accused bombers of Pan Am Flight 103.

The meeting comes in the wake of Libya's acceptance of an Anglo-American proposal to try two of its citizens---both reputed to be intelligence agents---at The Hague, the Netherlands, before three Scottish judges, under Scottish law.

"I've kind of made a practice of representing foreign military figures," Rubino said in an interview Wednesday. "It's a unique practice."

Although a jury convicted Noriega in 1992, the Miami lawyer's willingness to defend unpopular foreign figures has attracted more business from abroad.

'Can affect foreign policy'

"It's practicing law on a different playing field," he said. "It's higher stakes---a bigger field involving international incidents. The results not only affect the defendants themselves, they can affect the foreign policy of a country."

Since Noriega, Rubino has represented Joseph Michel Francois, once a de facto leader of Haiti, now ducking a U. S. drug indictment in Honduras. Another major client: retired Gen. Ramon Guillen Davila, former drug czar of Venezuela, accused mastermind of a major drug export ring in his native country. From his home in Venezuela, the general denies the charges.

As with most of the clients who have yet to see a courtroom, Rubino has worked largely behind the scenes on behalf of the Libyans,

identified in a 1991 federal indictment in Washington as Abdel Basset Ali Al-Megrahi and Lamem Fhalifa Fhimah.

They are charged with killing American nationals and conspiring to destroy civil aircraft with explosives. Similar charges were brought against the men in Scotland, presumably the ones that would be heard in The Hague. A Scottish lawyer, Alistair Duff, is handling the legal matters in Scotland.

Investigators allege that both defendants are members of Libya's Jamahiriya Security Organization, and used Libyan Arab Airlines as a cover to shield their alleged activities leading up to the bombing. Rubino said the two men deny that they are Libyan agents.

In 1993, Rubino, Duff and two other lawyers from Malta and Switzerland, where portions of the bombing plot were allegedly hatched were retained by Libyan lawyer Ibrahim Legwell, who is coordinating the defense. Rubino had to obtain a special license from the U. S. Treasury Department to do business with the Libyans.

Referred by Egyptians.

Rubino said he was referred to the Libyans by Egyptian authorities after he successfully defended retired Egyptian Air Force Gen. Mounir Fahmy, who was arrested in a U. S. Customs sting and accused of trying to illegally export TOW missiles from Florida to Uganda. A federal judge dismissed the charges.

Shortly thereafter, Legwell came calling.

In the ensuing five years, Rubino performed a number of duties indigenous to defense work, and encountered people and events that most lawyers may never see during their careers.

Traveling to Libya three times, Rubino met once with Libyan leader Moammar Gadhafi. He said he unsuccessfully sought to persuade the strongman that the defendants could receive a fair trial in the United States.

Back home, Rubino unsuccessfully sought to dismiss the Pan Am 103 indictment in Washington on several grounds, including lack of jurisdiction and failure to gain extradition of the defendants to this country.

Stalemate broken.

In 1996, Rubino wrote the Justice Department to urge the U. S. government to allow a trial at The Hague under American law, but with a panel of 12 international jurists. In early 1997, the office of Attorney General Janet Reno rejected the suggestion, saying the men could be adequately tried in an American or Scottish court.

Rubino said he feels it is about time the stalemate was broken.

"I think it's important than an end comes to this," Rubino said. "It's been 10 years."

But he said Libya's acquiescence to the trial plan does not mean it will immediately surrender the men.

There are still a lot of things to be resolved," Rubino said. "Where are they going to be held? How are they going to visit with their lawyers? What the [Libyan] government was concerned about was they could go to Holland, only to get extradited to the United States or Scotland."

"They want to be assured that if they go to Holland, they are going to be tried there." Rubino said. "They want to make sure they are treated correctly. They want to make sure all their rights are protected.

The trial proposal---advanced through the United Nations earlier this week---pledges the men's safe passage from Libya to the Netherlands, lawyers of their choice and a public trial. It also envisions the use of Arabic interpreters, visits by international observers and routine medical attention. If convicted, the men would serve their sentences in the United Kingdom.

Rubino acknowledged that his work for the Libyans is anything but popular, particularly among the families who lost relatives in the disaster. Of the 270 who died in Lockerbie, 189 were Americans.

But he said he firmly believes he is helping to uphold the systems of American and Western jurisprudence.

"How can you have a system of justice without defense lawyers?" Rubino asked. "The point is, we are still a constitutional state. We haven't resorted to throwing ropes over trees, yet."