



The Scottish Parliament
Pàrlamaid na h-Alba

(For official use only)
PUBLIC PETITION NO.

PE1370

1. Name of petitioner
Dr Jim Swire, Professor Robert Black QC, Mr Robert Forrester, Father Patrick Keegans and Mr Iain McKie on behalf of 'Justice for Megrahi'
2. Petition title
Justice for Megrahi
3. Petition text
Calling on the Scottish Parliament to urge the Scottish Government to open an independent inquiry into the 2001 Kamp van Zeist conviction of Abdelbaset Ali Mohmed al-Megrahi for the bombing of Pan Am flight 103 in December 1988.
4. Action taken to resolve issues of concern before submitting the petition
<p>In support of Justice for Megrahi's (JFM's) call for a full and open public inquiry, the group has lobbied the following bodies and individuals:</p> <ul style="list-style-type: none">• the President of the General Assembly of the United Nations Organisation• all missions with a seat at the General Assembly of the UN• the African Union• the League of Arab States• the Non-Aligned Movement• the President of Egypt• the governments of Libya, Malta, Cuba, Nicaragua, Venezuela, United States of America and Scotland <p>With the exception of the Maltese and Scottish governments, none of the above has responded to our advances.</p> <p>In September 2010, JFM made representations to the First Minister, Mr Alex Salmond MSP, in the hope that the Scottish Government would establish an inquiry into the affair under its auspices citing the following reasons:</p> <ul style="list-style-type: none">• the event occurred over and on Scottish territory.• the case was investigated by a Scottish police force.• the trial was conducted under Scots Law.• Mr Al-Megrahi was convicted under Scots Law.• Mr Al-Megrahi was imprisoned in a Scottish gaol.• the Scottish Criminal Cases Review Commission referred the second appeal to the Scottish Court of Appeal.• Mr Al-Megrahi was given compassionate release by the Scottish Cabinet Secretary for Justice.

In declining JFM's submission, a Scottish Government spokesman stated the following as justification for the decision not to endorse the campaign's request that Edinburgh set up an inquiry into the Lockerbie case:

"The Scottish Government do not doubt the safety of the conviction of al-Megrahi. Nevertheless, there remain concerns to some on the wider issues of the Lockerbie atrocity. The questions to be asked and answered in any such inquiry would be beyond the jurisdiction of Scots Law and the remit of the Scottish Government, and such an inquiry would, therefore, need to be initiated by those with the required power and authority to deal with an issue, international in its nature."

JFM continues to maintain that more than adequate evidence required to establish whether there was a miscarriage of justice at Kamp van Zeist falls well within the jurisdiction of Scotland. Amongst other things, JFM points to all documents and testimony pertaining to the investigation, the trial and the referral of Mr al-Megrahi's conviction back to the Court of Appeal, on no fewer than six grounds, by the SCCRC. Moreover JFM asserts that in accordance with *"current UK legislation as expressed by the Inquiries Act 2005 (c12), which indicates, in sections 1, 27 and 32, that the Scottish Government possesses more than adequate powers to open an inquiry into the Lockerbie case under its own auspices."*

(see: www.legislation.gov.uk/ukpga/2005/12/contents)

For the above reasons, JFM now wishes to petition the Scottish Parliament to urge the Scottish Government to support its call for an inquiry and through an e-petition to allow the general public at home and abroad to become signatories to that petition.

5. Petition background information

We invite the Scottish Parliament to request the Scottish Government to open an independent inquiry into all those matters pertaining to the downing of Pan Am flight 103 at Lockerbie on 21 December 1988 as lie within the jurisdiction of Scotland, and those pertaining to the Scottish criminal conviction of Abdelbaset Ali Mohmed al-Megrahi at Kamp van Zeist in January 2001 for the following reasons:

- the event occurred over and on Scottish territory.
- the case was investigated by a Scottish police force.
- the trial was conducted under Scots Law.
- the Zeist trial site itself was designated 'Scottish territory' throughout the trial and first appeal, patrolled and protected by armed Scottish police.
- Mr Al-Megrahi was convicted under Scots Law.
- Mr Al-Megrahi was imprisoned in a Scottish gaol.
- the Scottish Criminal Cases Review Commission referred the case to the Scottish Criminal Appeal Court on the basis that, on six grounds, the conviction may have been a miscarriage of justice and there is widespread public concern about the safety of the conviction.
- Mr Al-Megrahi was given compassionate release by the Scottish Cabinet Secretary for Justice.

Such an inquiry should be open, transparent, comprehensive, conducted under the auspices of the Scottish Government and take cognisance of the powers invested in the government under current UK legislation as expressed by the Inquiries Act 2005 and, furthermore, ought to cover:

- the Fatal Accident Inquiry into the downing of Pan Am 103
- the police investigation of the tragedy
- the subsequent Kamp van Zeist trial
- the acquittal of Mr Fhimah and conviction of Mr Al-Megrahi
- the Scottish Criminal Cases Review Commission's (SCCRC) referral of Mr Al-Megrahi's case to the Court of Appeal
- the dropping of this second appeal and the compassionate release of Mr Al-Megrahi.

We contend that the Scottish criminal justice system has suffered a severe blow to its reputation because of a number of factors resultant from what has come to be known generally as the 'Lockerbie case'. Given that Mr al-Megrahi's second appeal has been dropped, it appears unlikely that the concerns voiced by the SCCRC when referring Mr al-Megrahi's conviction back to the Court of Appeal will now be heard in a court of law. It is, therefore, imperative that an inquiry be established in order to restore public confidence in the Scottish criminal justice system both at home and abroad. Whilst we accept the Scottish Government's position that some of the international facets to the case are problematic, in that they may not fall under Scottish jurisdiction, we entirely reject this as being reason to refuse to open an inquiry. If sufficient evidence was available under Scottish jurisdiction for the SCCRC to conclude that there may have been a miscarriage of justice, it follows that the same sources would be available to an inquiry to arrive at the same conclusion. It is the duty of the Scottish Government to try its utmost to establish the truth of this highly contentious issue.

The petitioner and the JFM committee believe that the Scottish Government did not take all the facts into account when refusing their request to open an independent inquiry into all matters surrounding the Lockerbie tragedy. It is petitioning the Scottish Parliament to support the contention that even although that inquiry might not receive the co-operation of the UK and other governments, and therefore might be limited in scope, the government of Scotland has a duty to the people of Scotland and its justice system to do everything in its power to uncover the truth behind this unspeakable crime which has so damaged the reputation of the Scottish criminal justice system at home and abroad. JFM feels that it is vitally important that the people of Scotland and beyond are given the opportunity, by becoming signatories to this petition, to demonstrate to the Scottish Government that establishing the truth about Lockerbie is essential to re-establishing confidence in Scotland's institutions of justice.

Justice for Megrahi

Justice for Megrahi (JFM) is a single issue justice campaign group comprising the committee and the signatories. It maintains that on the basis of the evidence laid by the Crown before the three judges of the High Court of Justiciary at Kamp van Zeist (Netherlands), the 2001 conviction of Abdelbaset Ali Mohamed al-Megrahi for the 1988 bombing of Pan Am flight 103 over Lockerbie (Scotland) was a miscarriage of justice. Although the central plank of JFM's position is concerned with the contention that no reasonable court could have convicted on the basis of the evidence as presented to the court, it also acknowledges other factors beyond this relating to, amongst other things, the fact that whilst the Crown was aware of evidence of value to the defence case before the trial, this evidence did not become public knowledge until after the verdict had been passed. JFM exists to address issues surrounding

the investigation of the destruction of the aircraft and the subsequent trial of Mr al-Megrahi and Mr Al Amin Khalifa Fhimah. Its main objective is to campaign to have Mr al-Megrahi's conviction quashed.

History

Justice for Megrahi was founded in November 2008 following the judicial hearing which set out the arrangements for Mr al-Megrahi's second appeal. The appeal had been referred back to the Court of Appeal on a total of six grounds (largely concerned with the quality of evidence provided by the Crown's star witness at Kamp van Zeist, Maltese shopkeeper Mr Tony Gauci) by Scotland's expert and independent legal authority, which has responsibility for referring cases to the Court of Appeal: the Scottish Criminal Cases Review Commission (SCCRC). The initial aim of JFM was to campaign, by means of a public petition to be submitted to Scottish Government ministers, for the compassionate release of Mr al-Megrahi in light of his terminal medical condition. In September 2009, following the prisoner's release, JFM began its campaign to have the 2001 verdict overturned via a comprehensive independent inquiry, or other judicial means, into the Lockerbie case. JFM contends that the reputation of Scotland's justice system has suffered a severe blow because of the Zeist verdict and that only through testing the validity of the verdict can this reputation be redeemed.

Structure

Justice for Megrahi comprises the committee, made up of its founding members, and the signatories who endorse the JFM campaign.

The current (August 2010) committee members:

Professor Robert Black QC

Mr Robert Forrester

Father Pat Keegans

Mr Iain McKie

Doctor Jim Swire

The current (August 2010) signatories:

Ms Kate Adie (Former Chief News Correspondent for BBC News)

Mr John Ashton (Co- author of: 'Cover Up of Convenience')

Mr David Benson (Actor/author of the play 'Lockerbie: Unfinished Business')

Mrs Jean Berkley (Mother of Alistair Berkley: victim of Pan Am 103)

Mr Peter Biddulph (Lockerbie tragedy researcher)

Professor Robert Black QC ('Architect' of the Kamp van Zeist Trial)

Professor Noam Chomsky (Human rights, social and political commentator)

Mr Tam Dalyell (UK MP: 1962-2005. Father of the House: 2001-2005)

Mr Ian Ferguson (Co- author of: 'Cover Up of Convenience')

Mr Robert Forrester (Justice for Megrahi Committee)

Ms Christine Grahame MSP (Member of the Scottish Parliament)

Mr Ian Hislop (Editor of 'Private Eye')

Fr Pat Keegans (Lockerbie parish priest on 21st December 1988)

Ms A L Kennedy (Author)

Mr Andrew Killgore (Former US Ambassador to Qatar)

Mr Adam Larson (Editor and proprietor of 'The Lockerbie Divide')

Mr Iain McKie (Retired police superintendent)

Ms Heather Mills (Reporter for 'Private Eye')

Rev'd John F Mosey (Father of Helga Mosey: victim of Pan Am 103)

Mr Charles Norrie (Brother of Tony Norrie: victim of UT 772)

Mr Denis Phipps (Aviation security expert)

<p><i>Mr John Pilger</i> (Campaigning human rights journalist) <i>Mr Steven Raeburn</i> (Editor of 'The Firm') <i>Mr James Robertson</i> (Author) <i>Dr Jim Swire</i> (Father of Flora Swire: victim of Pan Am 103) <i>Sir Teddy Taylor</i> (UK MP: 1964-2005. Shadow Secretary of State for Scotland) <i>Archbishop Desmond Tutu</i> (Nobel Peace Prize Winner).</p>
<p>6. Do you wish your petition to be hosted on the Parliament's website as an e-petition?</p>
<p>YES</p>
<p>7. Closing date for e-petition</p>
<p>28 October 2010</p>
<p>8. Comments to stimulate on-line discussion</p>
<p>It is imperative that the Scottish Government open an inquiry under its own auspices to deal with the corrosive and deeply damaging effects 'The Lockerbie Case' has had upon the Scottish criminal justice system. It is abundantly clear that if the SCCRC found there to be a sufficiency of evidence falling under Scottish jurisdiction from which they could conclude that Mr al-Megrahi may have been the victim of a miscarriage of justice, these same grounds for appeal ought now to be placed, along with any other pertinent material which falls under Scottish jurisdiction, before an inquiry. Only in such a manner can Scotland demonstrate that it is making a sincere attempt to resolve this highly contentious issue.</p>