

## Justice Committee

### Petition PE1370

#### Written submission from Justice for Megrahi

At PE1370's last consideration before the Justice Committee, on 25<sup>th</sup> September 2012, committee members resolved to maintain its 'open' status pending further information regarding allegations of criminality submitted to Justice Secretary Mr MacAskill against police officers, forensic investigators and legal officials involved the Lockerbie inquiry and the 2000-01 trial at the Scottish Court in the Netherlands.

This submission and its attachments provide an update for members on these matters.

#### Allegations of criminality

On 13<sup>th</sup> September 2012, in a letter (see appendix A) marked 'private and confidential', Justice for Megrahi (JFM) wrote to the Cabinet Secretary for Justice, Mr Kenny MacAskill, specifying a series of six allegations (now eight) of serious criminal wrongdoing, ranging from perjury to perverting the course of justice. The allegations were against a number of named individuals in relation to their involvement in the investigation into the destruction of Pan Am 103 over Lockerbie on 21<sup>st</sup> December 1988, and the subsequent trial of Messrs Fhimah and al-Megrahi.

The letter requested that Mr MacAskill appoint an individual or body independent of the original investigation and trial to examine our allegations fully. We made it clear that, given the history of the case, the seriousness of the allegations and because certain of them involved the Crown Office and Scottish Police service, we believed their involvement in any independent investigation of our allegations would be inappropriate.

We also informed the Justice Secretary that we shared the current concern being expressed about the *'perceived lack of independence in Scotland between the Lord Advocate and the Scottish Government'* and requested, *'that your response to this letter will be free from Crown Office influence of any kind.'*

Finally, we placed a self-imposed media embargo on the letter's contents of 30 days in order to permit the Justice Secretary sufficient time to deal with the request without intrusion from the growing media interest.

A reply dated 8<sup>th</sup> October (see appendix B) was received from Mr Neil Rennick, the Deputy Director of Criminal Law and Licensing at the Justice Directorate, on behalf of Mr MacAskill in which he stated among other things:

*'It is not the function of the Scottish Government to investigate allegations that criminal offences have been committed. This is the responsibility of the Lord Advocate who operates independently of the Scottish Government in such matters and your letter acknowledges the importance of this separation of duties within Scotland's justice system.'*

Moreover, we were informed that if we wished to take the allegations further we should refer them to two of the organisations cited in the allegations, namely, Dumfries and Galloway Constabulary and the Crown Office.

In our response dated 17<sup>th</sup> October (see appendix C) we expressed our disappointment at Mr MacAskill's response which we maintained, *'distorts and utterly misrepresents our request to you'*.

We pointed out that we had not requested that the Justice Secretary, or any other member of the executive, investigate our allegations but that, because the Scottish Police and Crown Office were among those complained of, the allegations should be independently investigated.

*'As Secretary for Justice you have a clear duty to make sure that our justice system is administered in a way that instils public confidence in that system. We will leave it to you to decide if, by failing to facilitate a full and independent enquiry into our allegations, you have abrogated that responsibility to the people of Scotland.'*

We also expressed our considerable surprise that our confidential letter of 13<sup>th</sup> September, which contained allegations against the Crown Office, had not only been passed on to them but that the Crown Office had clearly been authorised to act as respondent via the medium of the press. They did so in a confrontational manner by accusing JFM of:

1. *'making deliberately false and misleading allegations'*, when the Crown Office had obviously not had sight of the supporting evidence;
2. suggesting that *'police officers'* and *'officials fabricated evidence'*, when JFM had done no such thing;
3. making *'defamatory and entirely unfounded allegations'*, when, again, the Crown Office had not had sight of the supporting evidence, and it is clearly a self evident truism that when making an allegation against an individual, one will inevitably impugn that person's reputation.

(See: <http://www.scotsman.com/the-scotsman/lockerbie-cover-up-like-hillsborough-claim-campaigners-1-2543953>)

We considered it to be highly improper for the Crown Office to respond, and, furthermore, to respond inaccurately, to a private and confidential letter to the Justice Secretary, which had contained criminal allegations against that very organisation, via the media and without any recourse to us.

In the event and under protest, because we were left with no alternative, we have since reported our allegations to Chief Constable Patrick Shearer of Dumfries and Galloway Police and on 9<sup>th</sup> November supplied him with a 41 page paper detailing evidence in support of our allegations. We await a response on how he intends to proceed.

## Documentation

In order to avoid unnecessary repetition, the redacted correspondence between JFM and the Justice Directorate may be viewed by committee members by referring to the appendices to this submission or by following these links:

- A. JFM's 13<sup>th</sup> September 2012 letter:  
[https://docs.google.com/document/d/1T1Uil78JCAXQQqAlmfjFtb56JtazK\\_2UdPHLRoVBnZs/edit](https://docs.google.com/document/d/1T1Uil78JCAXQQqAlmfjFtb56JtazK_2UdPHLRoVBnZs/edit)
- B. Justice Directorate's 8<sup>th</sup> October letter page 1:  
<https://docs.google.com/file/d/0B4LGbS6Gpf8HRHBiTGnftk92UFU/edit>
- C. Justice Directorate's 8<sup>th</sup> October letter page 2:  
<https://docs.google.com/file/d/0B4LGbS6Gpf8HZWtGanp1bXE2Y3c/edit>
- D. JFM's 17<sup>th</sup> October letter:  
<https://docs.google.com/document/d/1Z9zKpz0ayFKuKOAht3paJrw4BM0QbE1uO3CPD3q52cg/edit>

## Discussion

It is clear from the above that we are extremely concerned at the way the Secretary for Justice and Crown Office are handling the serious allegations we have made. Our initial pleas for a confidential and independent examination of our allegations have been summarily dismissed and we have been forced to report matters to a police force intimately involved in the Lockerbie tragedy since day one. It seems almost inevitable given the seriousness of these allegations that the matter will require to be passed back to the Crown Office for advice, and, yet again, an accused organisation will be acting as judge and jury in its own cause.

JFM firmly believes it has sound and compelling evidence to back up its allegations, and that this evidence submitted to support them (contained in its 41 page paper) is not susceptible to the customary type of blanket dismissal by the Crown Office, namely, that the matter has already been attended to by the courts, or by that normally employed by the Scottish Government, namely, that it has no doubt as to the safety of Mr al-Megrahi's conviction.

We also believe that the Crown's suggestion that the only course of action is for the al-Megrahi family to lodge an appeal is not a viable one given the rampant political factionalism in today's Libya that must be placing the family under extreme pressure not to do so. Additionally, for the bereaved to step into the breach would no doubt result in their efforts falling foul of the double standards and conflict of interest embodied in section 7 of the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010. Ultimately, should it not be the responsibility of the Crown to serve the interests of justice in Scotland rather than that of an embattled and isolated Libyan family or the Lockerbie bereaved?

We believe that the official response to our allegations clearly demonstrates:

1. An abrogation of his responsibilities by the Secretary for Justice.
2. A cynical placing of the Chief Constable of Dumfries and Galloway Constabulary in the invidious and unenviable position of either having to investigate his own force or refer the matter to the Crown Office against whom some of the allegations are made (this aspect of the matter is of course compounded by the fact that Dumfries and Galloway Constabulary is working together with the Crown on the 'live' investigation which is attempting to seek out Libyans whom they believe may have been co-conspirators in Lockerbie).
3. A blatant disregard for the public interest which clearly demands that after nearly 25 years the biggest terrorist outrage ever perpetrated within the UK is fully investigated and those responsible held to account.
4. A failure to exercise the power to appoint an independent body invested in the Justice Secretary by the electorate.
5. Evidence of an unhealthy and unconstitutional relationship between the Secretary for Justice and the Crown Office.

### **The allegations and PE1370**

As referred to above we firmly believe our allegations to be both compelling and immune to the usual blanket rebuffs so commonly presented by the Crown. JFM took the decision to lodge its allegations in order to break the logjam which is currently blocking its request for an inquiry into Lockerbie/Zeist.

Dumfries and Galloway Constabulary and the Crown Office insist that their enquiry is still 'live'. In 11 years they have interviewed Mr Moussa Koussa in London, visited Tripoli to persuade the new Libyan Government to produce concrete evidence, and conducted in camera hearings on Malta in an effort to locate others responsible for the downing of PA103, and yet, all this has produced is a succession of 'no comments' and a feeling of extreme frustration among the Lockerbie relatives and others committed to the truth being revealed.

Meanwhile, in the space of two months, JFM has assembled a total of now eight allegations of criminality against employees, former or otherwise, of Dumfries and Galloway Constabulary, other police forces, the Crown Office and forensic investigators backed up with copious evidence, all of which points in an entirely different direction to the Zeist conviction and the Crown's current quest.

It is extremely important that this matter remains a 'live' issue within the Scottish Parliament so that it cannot be arbitrarily closed down by the very people we believe might have culpability in the matter. It is vital that clear and unambiguous answers are forthcoming from the appropriate authorities.

In light of the integral relationship between PE1370 and the allegations we have lodged with Dumfries and Galloway Constabulary, we would request that the Justice Committee maintain the status of PE1370 as 'open' whilst decisions are made in

respect of these allegations. It is obvious that we have raised many important questions that the ongoing Crown Office/police enquiry has failed to answer.

The case for an independent public enquiry into the whole Lockerbie/Zeist affair, as petitioned for, is growing and we hope that the Justice Committee will do all that it can to ensure that all the relevant questions are answered and that the actions of the government and their officials are carefully scrutinised. Justice must be done and as importantly be seen to be done by those directly involved in the Lockerbie tragedy and the Scottish people in whose name the government is acting.

The detailed evidence recently presented to Dumfries and Galloway Constabulary is not being released at this time to maintain the integrity of the whole enquiry.

Please do not hesitate to contact Justice for Megrahi should further information be required.

The Committee of Justice for Megrahi  
27 November 2012

## **Appendix A**

### **The Committee of Justice for Megrahi to Justice Secretary Mr MacAskill on 13<sup>th</sup> September 2012.**

The Committee of Justice for Megrahi hereby formally lodge with you complaints alleging criminal wrongdoing in the investigation and prosecution of Abdelbaset al-Megrahi and Lamin Fhimah for the murder of 270 people in the downing of Pan Am 103 on 21st December 1988. These complaints are directed against the persons and bodies named below whom, for the reasons given, we believe may be guilty of the criminal offences specified.

1. On 22 August 2000 the Lord Advocate, Colin Boyd QC, communicated to the judges of the Scottish Court in the Netherlands information about the contents of CIA cables relating to the Crown witness Abdul Majid Giaka that was known to members of the prosecution team [A. B. and C. D.] who had scrutinised the cables, to be false. The Lord Advocate did so after consulting these members of the prosecution team. It is submitted that this constituted an attempt to pervert the course of justice.

2. Members of the Lockerbie prosecution team, including but not limited to [C. D.], devised and presented or allowed to be presented to the trial court a scenario regarding the placement of items in luggage container AVE4041 which was known to be false, in order to obfuscate and conceal compelling evidence that the bomb suitcase was introduced by a terrorist infiltration at Heathrow airport. It is submitted that this constituted an attempt to pervert the course of justice.

3. Dumfries and Galloway Police, and those individuals employed by that force responsible for the recording, prioritising and submission to the Crown Office of evidence gathered in the investigation into the downing of Pan Am Flight 103, and the Crown Office, and those individuals in that organisation responsible for the analysis of said evidence and identifying what material required to be passed on to

those acting for Megrahi and Fhimah, concealed the witness statement relating to the break-in to Heathrow airside giving access to the luggage loading shed used by Pan Am 103 in the early hours of 21st December 1988 which was provided by Heathrow Security Officer Raymond Manly to the Metropolitan Police shortly after Mr Manly's discovery of the break-in. It is submitted that the concealment of this witness statement, which was or ought to have been known to Dumfries and Galloway Police and the Crown Office to be of the highest possible significance to the defence, constituted an attempt to pervert the course of justice.

4. [In the course of his testimony at Camp Zeist, witness E. F.] told the Court that the materials and tracking analysis of fragment PT/35b, the sliver of printed circuit board said to have originated from a circuit board contained in one of the 20 MST-13 digital timer instruments supplied by MEBO AG to Libya (the boards for all these timers having been custom-made for MEBO by Thuring AG), were "similar in all respects" to the control samples of MST-13 circuit boards. [E. F.] consistently used this form of words to describe analyses of items which were identical or of common origin. This statement was false. While the tracking pattern was indeed identical, [E. F.] was aware that the coating on the circuitry of the control boards was the standard alloy of 70% tin and 30% lead, while the coating on the circuitry of fragment PT/35b (most unusually) lacked the 30% lead content. It is submitted that his statement to the Court was a deliberate falsehood designed to conceal a significant and material difference between the evidential fragment and the control items, and thus constituted both perjury and an attempt to pervert the course of justice.

5. The Lockerbie investigation, and in particular [police officer G. H.], knew by 1990 that the coating on the circuitry of fragment PT/35b was composed of pure tin, and that this composition was highly unusual, being described as "by far the most interesting feature" of the fragment by all the experts who were consulted, "without exception". By early 1992 [G. H.] and those in the Crown Office to whom he reported also knew that the metallurgy testing on the control MST-13 circuit boards showed the circuitry on these boards to be coated with the standard 70% tin / 30% lead alloy. [G. H.] and those in the Crown Office to whom he reported either failed to inquire with the manufacturer Thuring AG whether they had supplied any MST-13 timer boards with the unusual lead-free coating, or did make such inquiries and failed to disclose the results of these inquiries to the defence. It was discovered by the defence team in 2008 that Thuring AG did not manufacture printed circuit boards with a lead-free coating, and indeed lacked the manufacturing capacity to do so. If [G. H.] and/or those in the Crown Office to whom he reported failed to make the relevant inquiries with Thuring AG, it is submitted that this omission was grossly negligent. If [G. H.] and/or those in the Crown Office to whom he reported made such inquiries and failed to disclose the results to the defence, it is submitted that this failure constitutes an attempt to pervert the course of justice.

6. From our assessment of the 'SCCRC Statement of Reasons', relating to its referral of Mr Megrahi's case to the Court of Criminal Appeal in 2007, and the 'Grounds of Appeal 1 and 2' documents prepared by his legal team in furtherance of that appeal, it is clear that a number of questions have been raised in relation to the process which led to the identification of Mr Megrahi by witness Mr Anthony Gauci. These include doubts about the legitimacy of the process by which Mr Gauci's identification evidence was obtained, assessed and delivered, and what prompted

significant failures by the Crown to disclose related material information. From these documents it appears that [police officer I. J.] and other police officers who were involved in this identification process might well have been aware that a number of the aspects of the process they were following were flawed and did not accord with guidelines extant at the time or with any general principles of fairness to the accused. It is submitted that the omissions and failings referred to in the relevant reports indicate that [I. J.] and others have important questions to answer in connection with the identification process, and we believe, taken as a whole, that their conduct constitutes an attempt to pervert the course of justice and a breach of section 44 (2) of the Police (Scotland) Act 1967 (violation of duty by a constable).

The above numbered complaints simply constitute the basic allegations. Documents containing detailed supporting material have been prepared and will be made available to the investigating authorities as and when requested by them.

You above all will realise the seriousness of these allegations which strike at the very heart of the Lockerbie investigation past and present. Effectively, we are complaining about the actions of Crown Office officials, the prosecution and investigating authorities including the police, and certain other agencies and individuals. Given the controversy surrounding this whole affair we request that you give serious thought to the independence of any investigating authority you appoint. As a group we believe that you should appoint someone outwith Scotland who has no previous direct or indirect association with Lockerbie or its ramifications.

You will be aware of the disquiet we feel about the delay and obfuscation which have surrounded this whole affair since 1988. Nevertheless we understand you will require reasonable time to inquire into these allegations and decide how you wish to proceed. We therefore propose to keep these matters private and confidential for a period of thirty days from the date of this letter to allow you to carry out the necessary enquiries, decide how you wish the matter to be investigated, and respond to us. We thereafter reserve the right to make the above matters public as and when we feel appropriate and reasonable. Furthermore, on the grounds that JFM's petition PE1370 is due for consideration on 25th September, we also reserve the right to inform the Justice Committee of the fact that we have lodged this document with yourself, making reference (in general terms only) to the fact that it contains serious allegations relating to the Lockerbie/Zeist case.

In passing we would also note the recent publicity given to the perceived lack of independence in Scotland between the Lord Advocate and the Scottish Government by Mr Andrew Tickell. (<http://lallandspeatworrier.blogspot.co.uk/2012/08/the-unpolitical-snps-pied-lord-advocate.html>) We also share this concern and would hope, for reasons that must be obvious from the foregoing, that your response to this letter will be free from Crown Office influence of any kind.

We thank you for your time and attention in this matter and look forward to an acknowledgment of receipt by return.

Robert Forrester

On behalf of the Committee of Justice for Megrahi

Professor Robert Black QC  
Mr Robert Forrester  
Father Patrick Keegans  
Dr Morag Kerr  
Mr Iain McKie  
Mr Leonard Murray  
Dr Jim Swire

## **Appendix B**

### **Mr Neil Rennick, Deputy Director of Criminal Law and Licensing Division of the Justice Directorate, to the Committee of Justice for Megrahi on 8<sup>th</sup> October 2012.**

I refer to your letter of 13 September to the Cabinet Secretary for Justice making a complaint alleging criminal offences were committed in the investigation and prosecution of Abdelbaset Al-Megrahi. I have been asked to reply.

Your letter makes very serious allegations of criminal activity against named individuals. Your letter indicates that you have documents containing detailed supporting material about these allegations, although you have not included this information with your letter. Your letter links these allegations with your wider call for an inquiry into the conviction of Mr Al-Megrahi.

On the wider issue of Mr Al-Megrahi's prosecution and conviction, he was convicted in a court of law and the Scottish Ministers have stated their view that a court remains the only appropriate forum for considering all the evidence in the case and determining his guilt or innocence. Following consideration of all relevant matters, only a court has the power to either uphold or overturn Mr Al-Megrahi's conviction. It remains open for relatives of Mr Al-Megrahi or, potentially, relatives of the Lockerbie bombing victims, to ask the Scottish Criminal Cases Review Commission to refer the case to the court for a further appeal and Ministers have made clear they would be comfortable if this were to happen.

It is also the case that Lockerbie remains a live, ongoing criminal investigation and the Lord Advocate has confirmed that enquiries are underway as a result of recent developments in Libya to bring others to justice.

Separate from the above wider issues, you ask Scottish Ministers to appoint an investigating authority to examine your allegations. Scottish Ministers take exceptionally seriously any suggestion of inappropriate or criminal activity by individuals with key responsibilities within Scotland's justice system. Such allegations should be reported and investigated through the appropriate procedures.

It is not the function of the Scottish Government to investigate allegations that criminal offences have been committed. This is the responsibility of the Lord Advocate who operates independently of the Scottish Government in relation to such matters and your letter acknowledges the importance of this separation of duties within Scotland's justice system.



Where allegations relate to the conduct of police officers or members of the prosecution service, there are established arrangements for investigating these, independent of those involved in the original case. Where there is evidence of potential criminal actions, final decisions on whether to proceed with a prosecution would be taken based on advice from Crown Counsel.

If you believe criminal offences have been committed you should provide any evidence which supports your allegations to the police, in this case Dumfries and Galloway Constabulary, for them to consider. I suggest that you may wish to contact Chief Constable Patrick Shearer at Police Headquarters, Cornwall Mount, Dumfries, DG1 1PZ.

I trust that this reply explains the position of the Scottish Government. Given the consideration by the Justice Committee of your petition, I am copying this response to the clerk of the Justice Committee for information. As your letter included allegations against named individuals I have not copied it to the Committee.

Neil Rennick  
Deputy Director

## **Appendix C**

### **The Committee of Justice for Megrahi to Justice Secretary Mr MacAskill on 17<sup>th</sup> October 2012.**

The Committee of Justice for Megrahi wishes to convey its thanks to Mr Neil Rennick, the Deputy Director of Criminal Law and Licensing at the Justice Directorate, for responding on your behalf to our letter to you of 13th September 2012. For the purposes of this current letter, we must assume that what Mr Rennick wrote represents in its entirety your own views on the issues under discussion. Herein we wish to deal with some of the unusual developments pursuant to your receipt of our letter outlining the six allegations of criminal wrongdoing in relation to the investigation of the Lockerbie case and the subsequent legal process at Zeist, and in addition, your views as expressed in Mr Rennick's reply.

Our letter was addressed to you as 'private and confidential', and we adopted a self-imposed media embargo on its contents for a period of thirty days, ten days longer we understand than is the norm for ministerial responses. The Lockerbie case is an extremely sensitive and highly charged issue, which even now, almost twenty-four years after the tragedy itself and twelve years after the trial of Mr Fhimah and Mr al-Megrahi, generates considerable media interest. To compound matters, the allegations we are making are of a particularly serious nature. We took these measures because we wished to minimise any pressure you might feel, and hoped by freeing you from the distraction of media intrusion to provide time and opportunity for constructive reflection. Indeed, had you requested it, we would have been happy to have extended the thirty-day period. For our part, at the time of writing this, the media embargo still obtains in respect of the detail of our allegations Furthermore,

our letter contained a paragraph expressing our concerns regarding Crown Office involvement in our discussion with yourself thus:

*In passing we would also note the recent publicity given to the perceived lack of independence in Scotland between the Lord Advocate and the Scottish Government by Mr Andrew Tickell. (<http://lallandspeatworrier.blogspot.co.uk/2012/08/the-unpolitical-snps-pied-lord-advocate.html>) We also share this concern and would hope, for reasons that must be obvious from the foregoing, that your response to this letter will be free from Crown Office influence of any kind.*

We therefore find it profoundly regrettable that the Crown Office has clearly not only become privy to the contents of our communication to you, but that that very institution, headed by a government minister, the Lord Advocate, appears to have been permitted free rein to take on the role of respondent via the medium of the press. Our complaints have been branded 'defamatory and entirely unfounded' in a most belligerent tone, and we have been accused of submitting 'deliberately false and misleading allegations'. To add injury to insult, the response also contained an insinuation that we had accused police officers and/or officials of fabricating evidence, which as you know we most certainly did not. Curiously, the Crown's comments mirror those it made with reference to Mr John Ashton's book *Megrahi: You are my Jury*; comments which the Crown has signally failed to substantiate or follow up.

With respect to the relationship between the Lord Advocate and the Scottish Government, it is worthy of note that Jock Thomson QC in a letter to the Herald on 6th October complains about this very issue and speaks of:

*.... the unholy, unhealthy alliance of law officers and law makers: Kenny MacAskill and Frank Mulholland, in the same bed. There is no separation of powers. Constitutionally the system now is morally and mortally flawed.*  
*([www.heraldscotland.com/comment/letters/career-prosecutors-as-lawofficers-have-destroyed-criminal-justice-system.19073061](http://www.heraldscotland.com/comment/letters/career-prosecutors-as-lawofficers-have-destroyed-criminal-justice-system.19073061)).*

Your actions in allowing the Crown Office sight of our 'Private and Confidential' letter, and we must assume sanctioning the response, make Mr Thomson's comments particularly apposite. It appears to us that an extremely important constitutional point has been raised which carries with it serious political implications for yourself and the Scottish Government.

In his letter, Mr Rennick states:

*It is not the function of the Scottish Government to investigate allegations that criminal offences have been committed. This is the responsibility of the Lord Advocate who operates independently of the Scottish Government in such matters and your letter acknowledges the importance of this separation of duties within Scotland's justice system.*

His response distorts and utterly misrepresents our request to you. We did not request that you as Justice Secretary, or any other member of the executive, investigate our allegations. We stated the following:

*Given the controversy surrounding this whole affair we request that you give serious thought to the independence of any investigating authority you appoint. As a group we believe that you should appoint someone outwith Scotland who has no previous direct or indirect association with Lockerbie or its ramifications.*

In view of the high profile of the Lockerbie case, we consider it essential that absolutely no criticism of bias can be levelled at any investigation of allegations of this nature. If the choice is seen to be entirely independent of the original investigation and the trial, the opportunities for criticism are significantly reduced. We specifically did not approach Dumfries and Galloway Constabulary, since we considered that to ask Chief Constable Patrick Shearer to investigate not only the conduct of his own force but also that of the Crown Office would be to place him in a particularly invidious position. Moreover, whilst we are cognisant of the involvement of both Strathclyde Police and Lothian and Borders Constabulary in the Lockerbie investigation, we are unaware of how many other Scottish police forces took part in it. We therefore believed it was entirely appropriate that we request our complaints be investigated by a body outwith Scotland appointed by yourself; something which falls well within your powers.

As Secretary for Justice you have a clear duty to make sure that our justice system is administered in a way that instils public confidence in that system. We will leave it to you to decide if, by failing to facilitate a full and independent enquiry into our allegations, you have abrogated that responsibility to the people of Scotland.

Nevertheless, whatever our thinking on independent scrutiny, Chief Constable Patrick Shearer is now in possession of our request that he investigate our allegations. We are confident that he will approach the matter without fear or favour and with consummate professionalism.

We have not addressed the question of an appeal. Following the addition of the Criminal Procedures (Legal Assistance, Detentions and Appeals) (Scotland) 2010 Act to the statute book, a third appeal is clearly highly problematic. The difficulties faced by Mr al-Megrahi's family due to the current political factionalism in Libya create a further obstacle. It is our belief that the resolution of the serious problems in the Lockerbie investigation and the Kamp van Zeist trial process identified by us and others should not depend on the decision, and the resources, of a single embattled family in a foreign land.

Robert Forrester

On behalf of the Committee of Justice for Megrahi  
Professor Robert Black QC  
Mr Robert Forrester  
Father Patrick Keegans  
Dr Morag Kerr  
Mr Iain McKie  
Mr Leonard Murray  
Dr Jim Swire