I refer to the previous correspondence on Police Scotland’s response to the criminal allegations presented by Justice for Megrahi, and the assurance provided by the Chief Constable Sir Stephen House, in his letter dated 20th February 2014, to provide the Justice Committee with an update on progress.

On 2nd April 2014 I hosted a meeting at Tulliallan, between Police Scotland and a JFM Liaison Group. A summary of the meeting is enclosed for your information.

I trust that you find this update to be useful and informative. Please do not hesitate to contact me should you require any further information or clarification.

Iain Livingstone  
Deputy Chief Constable  
28 May 2014

MEETING SUMMARY

Police Scotland and Justice for Megrahi (JFM)

Tulliallan Castle: Wednesday 2nd April 2014.

Present:

Police Scotland: Deputy Chief Constable Iain Livingstone; Detective Superintendent Stuart Johnstone.

Justice for Megrahi (JFM): Iain McKie; Len Murray; James Robertson.

The meeting was held to facilitate liaison between Police Scotland and JFM in respect of the ongoing police investigation into JFM’s 9 criminal allegations, with both parties keen to resolve the recent difficulties and use the meeting as a positive basis to move forward.

In a full and frank discussion, JFM expressed their concern at the progress of the investigation to date, the lack of feedback in this regard and sought to restore and maintain mutual confidence through regular liaison. In acknowledgement of the JFM position, DCC Livingstone reiterated that Sir Stephen House had stated his priority was an efficient and effective investigation into the allegations and that DCC Livingstone had been appointed to ensure that this was delivered. Regular liaison between Police Scotland and JFM was welcomed and would serve to underline this commitment.

Police Scotland provided a brief synopsis of the extent of the investigations into the allegations, to date, with some reassurance through emphasis of the high standard
of work and level of detail applied by Mr Shearer prior to his retirement. This work, in turn, has been subject to independent scrutiny and review, the opinion of which will help inform the enquiry as it moves forward. This update and explanation was welcomed by JFM, and served to dispel some misconceptions that the allegations were not being effectively investigated.

A robust governance structure is now in place, with the appointment of Detective Superintendent Johnstone as senior investigating officer, to progress work on the allegations, as directed by Deputy Chief Constable, Crime and on behalf of the Chief Constable. The enquiry is now being managed through established major incident procedures, with immediate effect. This methodology was welcomed by the JFM Liaison Group, and provided an assurance that the enquiry was being robustly managed, and following established major enquiry processes. A dedicated enquiry team of selected officers is being appointed under Detective Superintendent Johnstone, whose full-time remit and responsibility is now the investigation into the allegations.

JFM stated that they could find no justification in the August 2013 decision to delay enquiry into allegations 5, 6 and 7, and also challenged the implication, in the Chief Constable’s letter to JFM dated 26th February 2014, that effectively investigation into all 9 allegations had been temporarily halted because of this ‘conflict’. The delay had arisen because of a perceived ‘conflict’ with investigations being carried out by the Crown Office/Police team seeking evidence against Abdelbaset al Megrahi and possible others in relation to the downing of Pan Am 103 and the murder of 270 persons. JFM could see no good reason why the allegations could not be investigated in parallel with the other Libyan enquiries. It was highlighted that on two occasions the Justice Committee had been informed that the ‘conflict’ would shortly be resolved and investigation would be restarted. This had not happened. JFM maintained that far from being in conflict a number of their allegations actually had relevance to the separate Crown enquiry.

Police Scotland noted JFM’s position and stated that following liaison between Mr Shearer and the Crown Office conflict between the two enquiries had been identified and thus delays occurred in progressing certain of the allegations. It was not possible to share the exact detail of that conflict due to operational security. The current position was that, of now, a full investigation of JFM’s allegations was resuming and that it was accepted that in some aspects the two separate enquiries had common threads running through them that would require to be examined. However, should such conflicts present themselves the live investigation will at all times take precedent. This will not, however, preclude the full, proper, and timeous investigation to the JFM allegations.

The need for regular liaison was recognised as being an important factor if mutual confidence was to be restored and maintained during the investigative process. JFM undertook to be available as required to assist the ongoing investigation, and proposed the formation of a ‘Liaison Group’ charged with responsibility for maintaining close police links. While inviting the JFM representatives to contact the enquiry team at any time Police Scotland indicated that they welcomed the concept of a ‘Liaison Group’ whereby trust and mutual confidence could develop. They would institute a series of regular meetings shortly where there would be an opportunity to meet and review. JFM agreed to this proposal but made it clear that as an
organisation with a specific aim (i.e. ‘Justice for Megrahi’) it reserved the right to challenge the police during the ongoing liaison. Given the length of time that had already passed, JFM stated that further unexplained or unreasonable delays in the investigation would not be acceptable.

In conclusion, JFM representatives stated that while they had reservations about the way their allegations had been handled in the past they were confident that today’s discussions would prove to be an excellent basis for moving the investigation forward. Police Scotland underlined their total commitment to the investigation and their determination that these high priority allegations would be effectively investigated.

Both parties agreed that the discussions had been open, frank and extremely useful, and gave a commitment to build on this accord. Police Scotland and JFM agreed that further liaison meetings will be held in future.