Justice for Megrahi emergency supplement to its communication with the Justice Committee of the Scottish Parliament on 25th December 2015

Introduction

This additional submission relates to a response JfM received from the Lord Advocate dated 24th December, 2015, (copy attached) relating to the former’s request to have an independent prosecutor appointed to consider and make decisions on the Police Scotland 'Operation Sandwood' report which is due shortly.

This update should be read in conjunction with our previous submission dated 25th December and to others related to our request for an independent prosecutor to be appointed.

Information

We have received a response from the Lord Advocate(copy attached) to our letter of 5th November (copy attached)

In our opinion the latest missive from the Lord Advocate makes his position and that of the Crown Office even more untenable and fails to answer the 8 questions we put to him in our letter of 5th November. (copy attached) We repeat our request for the Justice Committee to ask these questions

The Lord Advocate indicates that Catherine Dyer the Crown Agent will be the Crown Office official responsible for co-ordinating matters with the ‘independent counsel’ they claim to have appointed.

In his letter of 6th October, 2015, to the JC the Lord Advocate states he decided on the criteria for the appointment of the ‘independent prosecutor’. From this it is clear that he approved Mrs Dyer’s appointment even although she as Crown Agent is his principal legal adviser on prosecution matters. Any claim of ‘independence’ from him is unrealistic at best.

The Lord Advocate lays great stress on Mrs Dyer’s independence stating that she, ‘has had no involvement whatsoever in the investigation into the bombing of Pan Am 103 over Lockerbie on 21st December 1988.’

This reply is disingenuous.

During 2012 and specifically in letters dated 31 October and 13 December 2012 author John Ashton, a close associate of JFM whose work formed the basis of some of the nine criminal allegations, complained about misleading public statements made by COPFS in relation to his book ‘Megrahi: You are my jury – The Lockerbie evidence’.

This major work, published on 27 February 2012, followed detailed research into the flaws in the investigation and trial of the two Libyans at Camp Zeist.

On 7th February 2013 Mr Ashton received an official response to his complaints from Crown Agent Catherine Dyer in which she stated that her rejection of the complaints was based on her own ‘review of the whole circumstances surrounding your complaint’ (copy attached)
It is difficult to avoid the conclusion that as Mrs Dyer had carried out such a comprehensive review she must have been well aware of the contents of Mr Ashton’s book and in dismissing Mr Ashton’s complaints had formed an opinion regarding them.

It is also very possible that not only was she fully aware of the public statements made by the LA/Crown Office in September 2012 and December 2012 dismissing JfM’s 9 criminal allegations and vilifying the JFM ‘conspiracy theorists’ who made them but that she might well have played a part in creating them.

http://lockerbiecase.blogspot.co.uk/2012/09/deliberately-false-and-misleading.html
http://lockerbiecase.blogspot.co.uk/2012/12/pro-megrahi-backers-flayed-by-new-lord.html

It is also worthy of note that in 2010 Mrs Dyer took over as Crown Agent from Norman McFadyen who led the Crown’s discredited investigation into the Lockerbie case.

There is a clear continuity between him and Dyer and many of her staff would have been intimately involved in Lockerbie. This virtually ensures that most if not all those working under her would only be too aware of the Lockerbie investigation and aftermath and that some of those she would be seeking advice from would have been closely involved in the Megrahi prosecution.

She might have had no involvement in the Lockerbie investigation itself but she certainly played a major part in defending the Crown Office position.

By any definition she cannot claim to be an independent mind capable of liaising with an independent prosecutor in an objective and unbiased way.

This latest in information from the Lord Advocate only seems to reinforce our argument that it will prove impossible to find anyone in the Crown Office who could be termed ‘independent’ from the LA’s influence or who will be totally unaware of a case which has been a cause célèbre since 1988.

As argued in our previous submissions to the Justice Committee it is essential that a prosecutor totally independent to the Crown Office be appointed to consider the Police Report into our 9 allegations and to make decisions on that report totally independent of the Crown.

The above facts appear to make it even more important that the Lord Advocate be challenged to answer the 8 questions we lodged and to reconsider his decision to appoint Mrs Dyer or indeed anyone associated with the Crown Office to be in any way involved in the consideration of the police report into our allegations.

We would also inform you that two senior independent legal sources have confirmed that in their opinion the Lord Advocate might well have a case to answer in relation to his bias and prejudice in dealing with our 9 criminal allegations.

Robert Forrester
Secretary.
The Committee of Justice for Megrahi.