Justice for Megrahi (JFM) submission to the Justice Committee of the Scottish Parliament consideration of PE1370 on 15th September 2015.

On the 28th April 2015 the Convener of the Justice Committee wrote to the Lord Advocate seeking his view on JFM’s suggestion that an independent prosecutor be appointed to consider the forthcoming Police Scotland ‘Operation Sandwood’ report.

In his response of 8th May 2015 the Lord Advocate stated that it was his intention to appoint an, ‘independent Crown Counsel who has not been involved in the Lockerbie case to deal with this matter if and when the need arises.’

http://www.scottish.parliament.uk/S4_JusticeCommittee/General%20Documents/20150508_LA_to_CG.pdf

In our letter to the committee dated 29th May JFM, objecting to this decision, we observed:

‘If the Lord Advocate is proposing a Crown Office advocate depute as an independent prosecutor to consider any Police Scotland report stemming from the investigation of JFM’s 9 allegations of criminality, known as Operation Sandwood, such a proposal falls well short of JFM’s concept of an independent, unbiased and constitutionally sound approach.’

http://www.scottish.parliament.uk/S4_JusticeCommittee/General%20Documents/20150526_JFM_response_to_LA.pdf

Our letter lays out precisely why JFM objects in the strongest possible terms to the Lord Advocate’s proposal contained in his letter to the convener dated 8th May 2015 and we would ask the committee to fully consider our detailed objections at its 15th September meeting.

In particular JFM wishes to emphasise the following passage from page 4 of its 26th May letter:

‘We strongly believe that in order to acquire a fair, unprejudiced and truly independent reading of the final police report a special prosecutor must be appointed by a process independent of the Lord Advocate and the Crown Office, and must be seen to exercise his/ her decision-making and prosecutorial functions without reference to the Lord Advocate and the Crown Office.

Since the Lord Advocate’s position and independence as head of the prosecution system in Scotland is enshrined in the Scotland Act, such a mechanism must be put in place by the Lord Advocate himself, failing which, the Scottish Government should seek from the UK Government a section 30 Order in Council to enable the Scottish Government to do so.’

We believe that these facts offer the Justice Committee a way forward.

Over past years a number of serious questions have been raised about the office of the Lord Advocate, the Crown Office and the Scottish Justice System in general.

The collapse of the Andy Coulson trial, the hasty decision to take no proceedings in relation to the Bin Lorry accident are but two examples.
The astonishing public outbursts in relation to our 9 allegations first from the Crown Office and then from the Lord Advocate to which we have already referred before they even knew what the allegations were, are two more cases in point.

This latest attempt by the Lord Advocate not to surrender his control, despite irrefutable evidence that he should, only serves to provide further focus to these concerns and throw serious doubt on the Crown’s internal decision making processes.

We feel it is important to emphasise that while we have highlighted the actions of the current Lord Advocate and Crown Office this only serves to highlight a much more central concern about the general constitutional and political position of the Office of the Lord Advocate and the Crown Office.

We believe that the only authority providing any form of political oversight of the Scottish Justice System is the Justice Committee and as such we believe that your continuing monitoring of the action of the prosecution authorities in relation to our petition is critical and very much in the public interest.

We would respectfully urge the Committee to allow Petition PE1370 to remain on the table.

The Committee of Justice for Megrahi.