Introduction

We refer to the Justice for Megrahi (JfM) submission dated 16th March 2018, considered by the Justice Committee at its meeting on Tuesday 27th March 2018.

At Appendix ‘B’ to that submission we posed a number of questions relating to public statements made by ex-Ministers Alex Salmond and Kenny MacAskill which we believed affected the consideration of our petition in Parliament in general and in the Justice Committee in particular and the political and public assessment of our criminal allegations.

At this meeting the Justice Committee decided to keep the petition open, write to Police Scotland and the Scottish Criminal Cases Review Commission requesting information on issues raised during discussion of the petition, and ask the Scottish Parliament Information Centre (SPICe) to provide a briefing on the petition.

In relation to the SPICe enquiry we believe that it might be helpful to de-personalise the questions we asked in that submission in order to highlight the core issues with which we are concerned.

All relate to important principles of parliamentary process, procedure and rules which have been raised by JfM and others over the years the Committee has been considering our petition and have become relevant to its consideration.

Questions

1. What are the rules and obligations on ministers to ensure independence when criminal allegations are made against Crown Office and the Police Service?

2. What restrictions are placed on former ministers making public statements relating to matters under criminal investigation upon which they made political decisions while in office?

3. What are the restrictions on former ministers making public statements containing information, confidential or otherwise, obtained while they were in office, on ongoing criminal enquiries?

4. What is the position of Crown Office in supplying briefings to ministers and former ministers about matters under criminal investigation?

5. How do ministers ensure independence from Crown Office when briefings are supplied on matters under criminal investigation?
6. What rules and obligations apply to the Lord Advocate and Crown Office to ensure complete independence when criminal allegations against Crown Office and the Police Service are made?

7. What restrictions apply to the Lord Advocate and Crown Office in making public statements about criminal allegations against Crown Office and the Police Service before the criminal investigation is complete?

8. Given the imminent submission of the Operation Sandwood Report, by what process will the Crown Office decision be made known to the complainers, the Scottish Parliament and the general public?

Iain McKie (Secretary, on behalf of Justice for Megrahi)  
20 April 2018