

## UNITED KINGDOM, HOUSE OF LORDS

### Lords Hansard text for 12 Oct 2009 (excerpt)

(....)

5.24 pm

**Lord Thomas of Gresford:** My Lords, in August 2007 the noble Lord, Lord Hunt, wrote to Mr MacAskill, who took the decision in this case, saying:

"As you know, the Government has on a number of occasions made it clear to the Libyan authorities that any PTA between the UK and Libya would not cover al Megrahi. This was done

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because the Government recognised the sensitivities surrounding this case. It also reflected the position set out in the letter from the UK and US Governments to the United Nations Secretary General (dated 24 August 1998), which made it clear that in the event of a conviction, al Megrahi would serve his sentence in the United Kingdom".

So a joint letter appears to have been drawn up for the UN Secretary-General. Why was it that in his statement Mr MacAskill found that that was not at all clear? He told the Scottish Parliament that both the United States Attorney-General, Mr Holder, and the United States Secretary of State, Hillary Clinton, were under the impression that an assurance had been given that Megrahi would serve his sentence in this country. That is obviously consistent with the letter I have read out.

Mr MacAskill said to the Scottish Parliament:

"I sought the views of the United Kingdom Government, and I offered the right to make representations or to provide information. It declined to do so. It simply informed me that it saw no legal barrier to transfer, and that it had given no assurances to the US Government at the time. It declined to offer a full explanation. As I said last Thursday, I found that highly regrettable".

Can the Minister clear up this complete ambiguity which has done so much damage to our relationship with the United States, as the noble Lord, Lord Howell, said a moment ago?

Another matter I should like to ask the Minister about is in relation to a public interest immunity certificate. On 21 July 2008, the United Nations observer at the Lockerbie trial, Dr Hans Köchler, wrote to the Foreign Secretary, Mr David Miliband, saying:

"As international observer, appointed by the United Nations, at the Scottish Court in the Netherlands I am also concerned about the Public Interest Immunity (PII) certificate which has been issued by you in

connection with the new Appeal of the convicted Libyan national. Withholding of evidence from the Defence was one of the reasons why the Scottish Criminal Cases Review Commission has referred Mr. Al-Megrahi's case back to the High Court of Justiciary".

Why did the Foreign Secretary issue a public interest immunity certificate and in what area did that certificate deal?

Does this not underline the point I made at Question Time today that the results of the four-year inquiry of the Scottish Criminal Cases Review Commission-all 800 pages of it-should be revealed so that we can see why it came to the conclusion that leave should be granted to Mr Megrahi to appeal against the conviction for a second time, a highly unusual step? All the circumstances involved in his conviction are not now in the public domain, and without some form of public inquiry we shall never know whether his conviction was safe, or as a result of evidence withheld, or anything of that nature. The suspicion will remain that he has been released and his appeal withdrawn-which was not necessary for compassionate release-in order to cover up the documents that the Government are withholding. I should like an answer to those questions.

(...)