

Petition PE1370: Letter from Police Scotland to the Committee.

Lockerbie Air Disaster – PE1370 – Justice for Megrahi

It has come to my attention that on 24 September 2013, the Justice Committee will consider further submissions made by the Justice for Megrahi Committee in connection with Petition PE1370.

In particular, I refer to Annexe B and Annexe C which contain reference to recent meetings I had with members of the Justice for Megrahi Committee. It is asserted by the Justice for Megrahi Committee that I was instructed to not investigate allegations numbered 5, 6 and 7 by Crown Office. This assertion is incorrect and it is important I provide the following clarification.

This is a passage of a file note outlining the relevant part of my meeting with Justice for Megrahi Committee members:

‘Mr Shearer thereafter provided an update on the progress of his investigation to all three members. He outlined that his point of contact in Crown Office to facilitate documentation etc worked in their Policy Unit therefore was removed from any previous current involvement with the criminal investigation.

As part of the update, the group were advised that as a result of his (Mr Shearer) awareness of the ongoing separate criminal investigation, he had raised a concern with Crown Office about the appropriateness of reviewing the allegations listed by JFM at 5, 6 and 7 within the aforesaid document (relating to the fragment of timer device that was recovered) at that time as this could bring him into conflict with the criminal investigation.

Crown Office shared that concern and it was agreed to defer investigation of complaints 5, 6 and 7 until such times as it was appropriate to consider them in detail without possible interference with the parallel criminal investigation. This issue generated some discussion and questions from JFM members during which it was confirmed that it was Mr Shearer who had raised the matter initially with Crown [Office] and that the agreement reached was a deferment of investigation, not that the concerns would not be investigated.’

This passage is an accurate reflection of what I explained to the Justice for Megrahi Committee members and of the current position regarding their allegations numbered 5, 6 and 7. I am very clear that ultimately, the decision not to pursue these allegations at this time rests with me alone.

My engagement with Crown Office in respect of these allegations was merely to confirm my understanding of the live investigation was correct and that a significant conflict with the live investigation did exist.

I also wished to establish that my decision to defer any active enquiry into these allegations before the outcome of certain enquiries are known, was appropriate in light of the current status of these enquiries.

I can add, however, that the background enquiries relating to allegations 5, 6 and 7 have been undertaken and can be advanced at a time when there is no conflict with the live investigation. I am confident that this deferment will only be a matter of

weeks as I now understand that the point of conflict with the live investigation will then be resolved.

As the Justice Committee will appreciate, I cannot provide any details of the live investigation and the conflict that exists.

I would be obliged if this letter could be drawn to the attention of the Justice Committee prior to their meeting on 24 September 2013. I will also be providing a copy of this letter to the Secretary of the Justice for Megrahi Committee in effort to address any misunderstanding that may have arisen.

Deputy Chief Constable Patrick Shearer
Police Scotland
24 September 2013