

United States Senate

WASHINGTON, DC 20510

August 2, 2010

Rt Hon Alex Salmond MSP
First Minister of Scotland
St Andrew's House
Regent Road
Edinburgh EH1 3DG

Dear First Minister Salmond,

The circumstances surrounding the release of Abdelbaset Ali Mohmed al-Megrahi are of immense importance in the United States, where our citizens want fundamental justice in the murder of 189 Americans and want to ensure our national security is not compromised by future terrorists who see this case and believe that they too can escape punishment for killing scores of Americans.

You wrote in a letter to Foreign Relations Committee Chairman Kerry dated July 22, 2010 and reiterated in a letter to Senator Menendez that the "Scottish Government would also be happy to answer, formally and in writing, any additional questions that may arise around the hearing." While we do not believe this is a fully adequate replacement for testimony before the committee, we appreciate the offer and intend to pursue it.

One of your stated reasons for not participating in our hearing process is that you judge that the inquiry by the Scottish Parliament and the Scottish Parliament Justice Committee was sufficient. In reviewing the documents available from your inquiry in the absence of direct testimony, it seems that the inquiry was quite limited, which leads us to the first series of questions we would appreciate your help in answering.

- Why was there no inquiry by an independent, professional investigator with the power to compel testimony and the production of documents? The only way to be sure all the facts are brought to light is to have a truly independent and thorough investigation.
- Why was the inquiry only on the process underlying the release of al-Megrahi, but not the decision itself? The Justice Committee wrote that the "Committee agreed, by division, to undertake a short inquiry into the way in which the compassionate release application, and the application for prisoner transfer, were handled, rather than the merits of the final decision to release on compassionate grounds."^[1]

^[1] Justice Committee Report, "The decision on Abdelbaset al-Megrahi," SP Paper 383, J/S3/10/R3, 3rd Report, 2010 (Session 3), paragraph 30.

- Why wasn't an effort made to question more witnesses? The record seems to show that the only persons questioned, and for a limited time, were Cabinet Secretary Kenneth MacAskill, Director General for Justice and Communities Robert Gordon, and Head of Criminal Law and Licensing Division George Burgess. Has a transcript of those interviews been released? Was an interview of Mr. Burgess's colleague Linda Miller conducted? Were interviews of the medical professionals who examined Mr. al-Megrahi conducted? If not, why not? If so, please provide the records of these interviews.
- Did an independent investigator have the opportunity to review government records and choose which ones to make available or was this simply an internal process by the government itself? Documents are valuable, of course, but they can be misleading if one interested party is able to decide which documents to release.

Thank you in advance for your answers to our questions. Without a meaningful Scottish Government witness at our upcoming hearing, we see no other way to get the facts surrounding the al-Megrahi release from your government's perspective than to submit these and future specific questions for your response.

Sincerely,


ROBERT MENENDEZ
United States Senator


FRANK R. LAUTENBERG
United States Senator