

United States Senate

WASHINGTON, DC 20510

August 20, 2010

Rt Hon Alex Salmond MSP
First Minister of Scotland
St. Andrew's House, Regent Road, Edinburgh EH13DG

H. H. Sheikh Hamad Bin Khalifa al-Thani
Emir of Qatar
Embassy of Qatar
2555 M St NW
Washington, DC 20037

Col. Muammar Abu Minyar al-Qadhafi
Head of State of Libya
Embassy of Libya
2600 Virginia Ave NW, Suite 705
Washington, DC 20037

Dear Sirs,

Following the release of Libyan intelligence officer and convicted bomber Abdelbaset Ali al-Megrahi from a Scottish prison, the Scottish First Minister Alex Salmond has stressed that Mr. al-Megrahi was released strictly on the merits of a medical record that supported a likely prognosis of less than three months until death. Indeed, Scottish Secretary for Justice Kenny MacAskill said that he made his decision to release Mr. al-Megrahi "*without consideration of political, economic, or diplomatic considerations.*"¹

However, Mr. al-Megrahi remains alive one year after his release. Many questions have been raised as to whether the doctors who Scottish authorities consulted believed at the time Mr. al-Megrahi had only three months to live. Because these questions remain open, the families of the victims of Pan Am Flight 103 remain concerned that commercial concerns between Scotland, Qatar, and Libya played a role in Mr. al-Megrahi's release. We note:

- On 20 October 2008, Libyan Charge d' Affairs Omar Jelban wrote to First Minister Salmond's private secretary, Mr. Ian Donaldson, requesting an audience with the First Minister. After the First Minister's office requested clarification regarding why the Libyan Government wanted an audience, Mr. Jelban replied in a letter dated 23 October that the issues were two-fold: 1) the medical condition of Mr. al-Megrahi and 2) enhancing current trade links between Libya and Scotland.²

¹ Document entitled "Official Report 24 August 2009" Col 19005.

² Letter dated 23 October 2009, from Libyan Charge d' Affairs Omar Jelban to Principal Private Secretary Francesca Osowska.

- On 17 July 2009, Lord Trefgarne of the UK House of Lords wrote to Secretary MacAskill as a member of the House of Lords and Chairman of the Libyan British Business Council (LBBC). Lord Trefgarne noted that the LBBC had Scottish members who were anxious concerning the case of Mr. al-Megrahi. Lord Trefgarne continued that Secretary MacAskill ought to quickly consider the prisoner transfer or compassionate release options given humanitarian concerns as well as “*the shadow which may otherwise fall over the UK-Libyan relations – and especially the interests of LBBC Scottish members and indeed others.*”³
- On 17 July 2009, Qatari Minister for International Cooperation and Acting Minister of Business and Trade Khalid bin Mohammed al-Attiyah wrote to Secretary MacAskill on behalf of Qatari Emir Sheikh Hamad Bin Khalifa al-Thani; Emir al-Thani was noted to also be the Chairman of the Arab League. The Qatari Emir requested that Secretary MacAskill immediately remove Mr. al-Megrahi from prison into a Scottish home while appeals were pending. This was sent via email and via diplomatic channels.
- In 2008 the Scottish Government pursued financing from the Qatari Government for public works projects.⁴
- On 21 July 2009, First Minister Salmond wrote to Qatari Ambassador Khalid Rahid al-Hamoudi al-Mansouri regarding a meeting that the First Minister had with Qatari Minister al-Attiyah on June 11. During the meeting, First Minister Salmond and Minister al-Attiyah discussed Mr. al-Megrahi and the Prisoner Transfer Agreement (PTA).⁵

These communications are only those that have been selectively released by the Governments involved in Mr. al-Megrahi’s release to date. We see an inherent conflict of interest in doing so, as it gives no certainty that some documents were chosen for release while others were not. In short, it leaves us unable to tell our constituents – and the 21 other nations that experienced the death of their citizens in the bombing of Pan Am Flight 103 – that commercial interests did not influence Mr. al-Megrahi’s early release.

Our concerns are further supported by statements made by UK and Libyan officials. To the former, we know that BP lobbied the UK Government in 2007 regarding the PTA. They are on record as saying that a delay in ratification could have a “*negative impact*” on BP’s exploration agreement with Libya.⁶ Moreover, former UK Ministers Miliband and Straw have both stated publically that trade issues – most especially the BP / Libya deal – was a major consideration as they and the UK government negotiated the particulars of the PTA with Libya.^{7,8} During these same PTA negotiations, Scottish Government officials – including First Minister Salmond – were in contact with these same UK Ministers and assorted UK government officials.

³ Letter dated 17 July 2009, from Rt Hon Lord Trefgarne PC to Kenny MacAskill MSP.

⁴ Eddie Barnes, *Salmond Targets Qatar for Cash*, Scotland on Sunday, 28 Sept. 2008

⁵ Letter dated 21 July 2009, from First Minister Alex Salmond to His Excellency Khalid Rashid Al-Hamoudi Al-Mansouri

⁶ Robert Winnett and Christopher Hope, *U.S. Senators Demand BP Records on Libya Lobbying*, The Daily Telegraph, 15 July 2010

⁷ Mary Riddell, Simon Johnson, and Andrew Porter, *Jack Straw Admits Lockerbie Bomber’s Release was Linked to Oil*, The Daily Telegraph, 4 Sept. 2009

⁸ 12 Oct. 2009, Parl. Deb., H.C. (2009) 29-33

We also highlight statements made by Saif al-Qadhafi, who publically noted that "*the commerce and politics and deals were all with the PTA.*"⁹

To ensure that commercial considerations were not a factor in the early release of Mr. al-Megrahi, we call on each of your governments to support a comprehensive, independent investigation with subpoena authority into Mr. al-Megrahi's release, fully supported by the UK and Scottish Governments. UK Prime Minister Cameron has already laid the groundwork for a prospective investigation, saying such could be "*led by a former permanent secretary or former judge,*" adding that "*the time has come*" to do so.¹⁰

We appreciate your consideration of our request.

Sincerely,



ROBERT MENENDEZ
United States Senator



FRANK R. LAUTENBERG
United States Senator



CHARLES SCHUMER
United States Senator



KIRSTEN E. GILLIBRAND
United States Senator

⁹ Qaddafi Son: 'Obvious' Lockerbie Bomber's Release Tied to Oil, FoxNews.com, 28 Aug. 2009

¹⁰ Severin Carrell and Nicholas Watt, *Gordon Brown's Role in Release of Megrahi Revealed*, The Guardian, 2 Sept. 2009