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January 27, 2011

Rt Hon Alex Salmond MSP
First Minister of Scotland
January 11, 2011
St Andrew's House, Regent Road, Edinburgh EH13DG
T: 0845 7741741

Dear First Minister Salmond,

I write to you in light of the article published yesterday by Vanity Fair, which reports that, among other reasons, the Scottish Government released Lockerbie bomber Abdelbaset Mohmed Ali al-Megrahi to avoid £50 million in liability for human rights abuses. To release a convicted mass-murdering terrorist on alleged "humanitarian" grounds, when we now read that it was done to avoid liability for abusing human rights, is one of the most outrageous examples of hypocrisy I can imagine. I ask that you immediately apologize to the families of the Pan Am Flight 103 bombing, authorize an independent investigation of this sordid affair, and that you call for the immediate return of al-Megrahi to Scottish prison.

The article also confirms the findings from my December investigation -- namely that your government knew, or should have known, that al-Megrahi had more than three months to live when he was released and that the UK government pressured your government to release him because they wanted to help UK commercial interests.

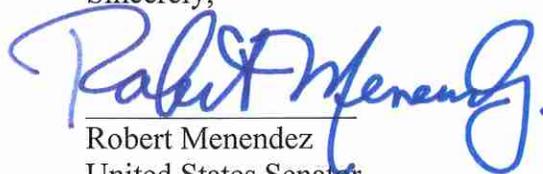
I also found it noteworthy that you questioned the veracity of the Vanity Fair article because it states that the Scottish Government considered providing Abiraterone to al-Megrahi, a drug that had not yet been approved for use in the UK. Such arguments ring hollow. My investigation also found that Abiraterone trials were occurring in London at the same time your government was considering administering the drug to al-Megrahi. In fact, our report points out that a Dr. David Dearnaley, a lead researcher on Abiraterone, provided a medical assessment of al-Megrahi prior to his release. Given such a fact, it is not surprising that your government would have considered administering the drug to al-Megrahi, whether as part of a trial or as an off-label use.

Among all of the disturbing allegations in this news account, I think the most galling is the report of your government's quid pro quo agreement with the UK government to release al-Megrahi in order to avoid liability for violating the human rights of Scottish prisoners. According to press reports and thousands of lawsuits, Scottish prisoners have been subjected to living in prison cells without toilet facilities. The article reports that, in exchange for the release of al-Megrahi to benefit BP and other UK commercial interests, the UK parliament lowered the statute of limitations on these so-called "slopping out" cases in Scotland to one year. This action denied thousands the opportunity to redress these wrongs in court.

The Vanity Fair article exposes the staggering hypocrisy that has marked the botched handling of the al-Megrahi case, and deals yet another blow to your claims that al-Megrahi had only three months to live, and therefore, was properly released on the grounds of compassion. During our entire investigation, your administration has stood by the false claim that al-Megrahi's release was in line with 'Scots law' and free of economic and political pressure from Britain, Libya, or Qatar. You said that you would "rather be first minister of a society with too much compassion than be first minister of a country with too little compassion." However, based on recent reports, it is difficult to see how those claims could still stand. What you and your administration have claimed as compassion has been nothing more than a betrayal of the victims of this tragic event.

Mr. Salmond, according to the findings of this article, you commanded your government to trade the life of a convicted terrorist, in large part, for a mere £50 million. I call on you again to apologize to the victims of the Pan Am Flight 103 bombing, to request al-Megrahi's return to Scottish prison, to authorize a truly independent investigation into this matter, and to release al-Megrahi's entire medical record and all documents related to the Convention Rights Proceedings Amendment (Scotland) Act 2009 so that this shameful case can finally be laid to rest and compassion, mercy and justice can once again be shown to the families of the 270 victims of the Pan Am Flight 103 bombing.

Sincerely,



Robert Menendez
United States Senator