

ROBERT MENENDEZ  
NEW JERSEY

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## United States Senate

WASHINGTON, DC 20510-3005

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Robert Dudley  
Group Chief Executive, BP p.l.c  
c/o BP America Inc.  
4101 Winfield Road  
Warrenville, IL 60555

Dear Mr. Dudley,

I am writing to congratulate you on your appointment as CEO of BP. I'd like to also bring to your attention a serious issue over which you will have oversight in your new capacity. As you are aware, on December 21, 1988, a terrorist bomb brought down Pan Am Flight 103, claiming the lives of 270 people, including 189 Americans. On January 31, 2001, Abdelbaset Ali Mohmed al-Megrahi was sentenced to life in prison for his role in the bombing. Yet on August 20, 2009, less than nine years later, the Scottish Cabinet Secretary for Justice, Kenneth Wright MacAskill, announced his release.

As I'm sure you know, BP has a \$900 million oil exploration agreement with Libya negotiated by current BP CEO Tony Hayward. I am concerned about allegations that this agreement may not have gone forward if not for the release of al-Megrahi. According to a Scottish Parliament investigation, Mr. MacAskill received assurances from the UK government "that it saw no legal obstacle" to transferring Mr. al-Megrahi to Libyan custody. Further, it appears that in negotiating a Prisoner Transfer Agreement with Libya, the UK Justice Secretary's office wrote that negotiations did not allow for Al-Megrahi to be specifically excluded from any Prisoner Transfer Agreement.

The timing of these communications from the UK government contemporaneously to BP negotiations with Libya over a stalled oil exploration agreement has raised many unresolved questions about the decision to release al-Megrahi and, in particular, whether the oil exploration deal between BP and Libya directly or indirectly influenced the decision to release al-Megrahi.

I have extended an invitation to Mr. Hayward and to Sir Mark Allen, a BP consultant who was directly involved in the Libya negotiations, to participate in a United States Senate Foreign Relations Committee hearing to fully explore allegations surrounding the Scottish Cabinet Secretary for Justice's decision to release Abdelbaset Ali Mohmed al-Megrahi on compassionate grounds and, in particular, whether the \$900 million oil exploration deal between BP and Libya directly or indirectly influenced the decision. Unfortunately, to date they have both declined, and the BP Congressional Liaison has instead offered Peter Mather, Regional VP for Europe and Head of Country for the UK, as a witness.

Since Mr. Hayward and Sir Allen declined to testify on the original hearing date, we have postponed the hearing and look forward to working with the BP Congressional Liaison to determine a date in September that they will be available to testify on this important matter. I know you will have many pressing issues to deal with as you assume the role of CEO, so I would assume that putting this matter behind you sooner, rather than later, would be of great interest to you.

That al-Megrahi was released and is now living out his remaining days outside of Scottish custody is not only an affront to the victims' families, it also poses a threat to our own national security. I appreciate the full cooperation of BP in this issue as we seek to review the underlying facts and circumstances leading to the release of al-Megrahi.

Sincerely,



ROBERT MENENDEZ  
U.S. Senator