

# United States Senate

WASHINGTON, DC 20510

September 2, 2009

The Honorable John Kerry  
Chairman  
Senate Foreign Relations Committee  
Senate Dirksen Office Building  
Washington, DC 20510

The Honorable Richard Lugar  
Vice Chairman  
Senate Foreign Relations Committee  
Senate Dirksen Office Building  
Washington, DC 20510

Dear Chairman Kerry and Ranking Member Lugar:

I am writing to request that the Senate Foreign Relations Committee hold a hearing on and conduct an investigation into the recent release from a Scottish prison of Abdel Basset al-Megrahi, the former Libyan intelligence agent convicted of the 1988 Lockerbie bombing of Pan Am Flight 103. In particular, I ask that the Committee examine whether Mr. Megrahi's release was influenced by oil contracts between the U.K.-based oil company BP Plc. and the government of Libya.

The bombing of Pan Am 103 was a brutal act of terrorism that resulted in the deaths of 270 people, including 189 Americans. In 1998, the governments of the U.S. and the U.K. put forth a proposal to the government of Libya on the terms of a trial by a Scottish court in the Kingdom of the Netherlands. In that proposal, the U.S. and U.K. governments agreed that if found guilty, the accused would serve their sentences in the U.K. In 2001, Mr. Megrahi was convicted of this crime and sentenced to serve a minimum 20 year sentence in prison. Despite the international agreement, Mr. Megrahi was released on August 20, 2009, after serving only 8 years.

Scottish authorities have insisted that Mr. Megrahi's release was on "compassionate" grounds due to his failing health. While the U.K. maintains that the Scottish executive had full jurisdiction over the release of Mr. Megrahi, reports have surfaced indicating that an oil exploratory agreement may have influenced the position of the U.K. government concerning Mr. Megrahi's inclusion in a 2007 prisoner transfer agreement ("PTA") between the U.K. and Libya. Letters have been released showing that Jack Straw, the U.K.'s Secretary of State for Justice, initially intended to exclude Mr. Megrahi from the PTA by stipulating that any prisoners convicted before a specified date would not be considered for transfer. Five months later, Mr. Straw switched his position when he wrote to Scottish Justice Minister Kenny MacAskill announcing that the U.K. government was abandoning its attempt to exclude Mr. Megrahi from the PTA, citing national interest. "The wider negotiations with the Libyans are reaching a

critical stage and, in view of the overwhelming interests for the United Kingdom, I have agreed that in this instance the PTA should be in the standard form and not mention any individual," Mr. Straw wrote.

More recently, when reviewing Mr. Megrahi's applications for release, Mr. MacAskill asked for input from the U.K. government. While the U.K. government had the opportunity to express its opposition to releasing Mr. Megrahi at this time, officials did not support the position of the U.S. government that he serve out his full sentence in Scotland, consistent with the 1998 international agreement between the U.S. and the U.K.

I respectfully request that the Senate Foreign Relations Committee thoroughly investigate the role that commercial interests played in negotiations regarding the PTA and the decision to release Mr. Megrahi. Specifically, the Committee should explore:

- Whether oil and commercial interests led to the U.K.'s authorization to include Mr. Megrahi in the PTA when it had previously sought to exclude him;
- If the negotiated PTA and/or the August 20<sup>th</sup> release of Mr. Megrahi violated the international agreement between the U.S. and the U.K.;
- Whether oil contracts played a role in the U.K. government's actions leading up to the release of Mr. Megrahi, including the U.K.'s failure to object to Mr. Megrahi's release; and
- Whether commercial interests played a role in the decision to release Mr. Megrahi.

We must expose the truth behind the decision to release the man convicted in the Pan Am 103 bombing. For this reason, I urge the Senate Foreign Relations Committee to hold a hearing and investigation to uncover whether justice took a back seat to commercial interests in this case. Thank you for your consideration of this request.

Sincerely,



Frank R. Lautenberg