

Angiolini rapped over Lockerbie file

SCOTSMAN

By JOHN ROBERTSON

THE Lord Advocate, Elish Angiolini, was criticised by Scotland's senior judge yesterday over the appeal by the convicted Lockerbie bomber.

The spat between Mrs Angiolini, QC, and Lord Hamilton, the Lord Justice-General, centred on her failure to spell out clearly in written submissions her stance on the possible disclosure of confidential documents to lawyers for Abdelbaset Ali Mohamed al-Megrahi, 55, the Libyan serving a life sentence for the 1988 bombing.

Earlier this year, Megrahi's case was referred to the appeal court by the Scottish Criminal Cases Review Commission, which concluded he may have suffered a miscarriage of justice in being convicted of the murders of the 270 people who died when Pan Am flight 103 was blown up over Lockerbie.

The judges at Megrahi's trial accepted the bomb's timer was made by a Swiss company, MEBO, and was one of a number supplied by its director, Edwin Bollier, to the Libyan intelligence service.

The commission held there had been a failure by the Crown to disclose documents, concerning the supply of timers, to the defence before the trial. The documents had been given in confidence to the UK government by a foreign government and Megrahi's lawyers are asking the appeal judges to order their release.

The court was told yesterday that the unidentified government – it is not the United States – had refused consent for the papers to be handed over.

The Lord Advocate's written answers to Megrahi's petition opposed disclosure of the documents, stating there was no duty on the Crown to produce them. The Advocate-General for Scotland, Lord Davidson, QC, who advises the UK government on Scots law, also submitted answers and claimed public interest immunity against disclosure.

Yesterday, Lord Hamilton, sitting with Lords Kingarth and Eassie said:

"We regard it as very unsatisfactory that the Lord Advocate has not seen fit to make plain in her answers what her position is in relation to the matter of public interest immunity."

However, Megrahi's request to have the immunity plea dismissed immediately was refused; there will be another hearing in February.

Jim Swire, whose daughter died in the bombing and who was at the hearing, believes Megrahi is innocent. He said it was "very worrying" that there seemed to be so many delays in the appeal.

Mr Bollier also attended. He said: "Libya and Mr Megrahi had nothing to do with the Lockerbie case." He branded as "a fraud" the link between a MEBO timer and the bomb.