

The Herald

Lockerbie: a disgraceful episode for Scots law

Sometimes, justice miscarries. Mistakes are made. The innocent pay a heavy price for innocent stupidity and duly we mourn those dull, collective human errors, our endless, fathomless fallibility. Sometimes.

At other times, legality becomes a lethal weapon. Everyone becomes a conspiracy theorist. Who did kill Jack Kennedy? A mere five words, but a big question. Who bombed Lockerbie? Just three words, but worth the asking, I think, for the sake of 270 dead in a shower of falling corpses over a corner of Scotland.

Someone - the eternal "they" - ignited an aircraft over my small country. They then attempted to hinder an investigation, prevent a trial and sought to keep the bereaved from the truth. They, the hag-ridden Foggy Bottom desk-jockeys, did not even plant the bomb. So who did?

Not many days ago, the First Minister of Scotland, Alex Salmond, was being accused of vote-grubbing because he suggested that an occupant of 10 Downing Street was trading prisoners without the consent of the Holyrood parliament. Not for the first time, mass murder and diplomacy appeared to be in conflict. Salmond, they said, was "picking a fight" with London. Over mass murder? He's glib, but not that glib. I'm glib, too, but I can write a bit, sometimes. If the Scottish Criminal Cases Review Commission has concluded that the conviction of Abdelbaset Ali Mohamed al-Megrahi is "unsafe" what, exactly, is going on?

This is the man's second appeal. This is merely the latest confirmation that an £80m "Scottish" trial in the Netherlands was rigged. This is still more proof that Iran/Syria did the job, as was always obvious. This is the proof, if you needed such, that you live in a comatose colony of the United States of America, with justice for all.

Grow up. Lockerbie was traded away as necessary barter when Gulf War I mattered most to the ruling party in Washington. Afterwards, it became a mere nuisance. Who planted the bomb and slaughtered all those people? Who - and I offer the merest gloss of the cruel official paraphrase - cares?

Another device has just turned up in London, as I write. It is, might have been, a big one, tucked into a nice, big, unassuming car. He bombs us; we bomb him; so civilisations clash. It is intended to be understood as a lesson. Welcome to the job, Mr Brown.

But is that how it really is, or ever was? You cannot argue with a very large explosive device. I saw bleeding Omagh on the morning after: I am not actually naive. I do wonder, though, about the political uses of terror, or rather about the political utility of ignorant fear. They like us to be worried.

Lockerbie was not designed by one of Tony Blair's "implacable foes". Bin Laden, far less Libya and the poor sap, Ali Mohamed al-Megrahi, had nothing to do with it. The atrocity was a trading of blows, diplomatically-speaking, and meant to be understood as such by people who mean to matter, after America "accidentally" brought down an Iranian passenger jet. Just the 270 dead in Scotland, then.

This is how they run your world. Your faiths and allegiances are entirely incidental. The real point about Lockerbie is that it happened above and inside a very small country that did not have the means to object, or to respond. The "integrity of the Scottish legal system", once co-respondent in the birth of the European Enlightenment, was treated as a joke. Is it to remain a joke?

Let's see. When the criminal cases review commission detects the possibility of legal discomfort for the body politic, it is saying, in effect, that a conviction stinks.

It's lousy. The commission has spent years on this case and it reports, at your considerable expense, that Scots law cannot begin to digest the conviction of Abdelbaset Ali Mohamed al-Megrahi. Where now?

Salmond, First Minister, has said a very few words. The apparatus of the Scottish state will not expand on those, when last I checked. Legally, things are very tricky, possibly by design. But the worst terrorist atrocity in our history should count for more than a squabble between Edinburgh and London. A few CIA men in a Scottish court, with their past and present masters in tow, might suffice.

Don't hold your breath, though. It is a truly shocking thing to say about the Lockerbie carnage, but that slaughter was a mere glimpse of how this world is run. Oddly - a plot may be involved - I didn't need a conspiracy theorist to tell me as much. Why will the al-Megrahi case refuse to go away? Why will no-one answer the questions? Why is Scots law debased? Why, for that matter, are "improvised explosive devices" being found on the streets of London?

This space is reserved for an "essay". I take it to mean that I should provide more than the usual comment. I take that to suggest I should attempt a meaning, if any, in Mr al-Megrahi's inevitable return to court, what it implies for Scottish justice and what it says about the British state.

The former would be better off without the latter. An innocent man would have done better under a real democracy than in our version of a civic society.

And London bombs may yet speak for themselves.

Risk an idea. Ask yourself if the horror of 9/11 did not, in fact, begin over Lockerbie. Then ask yourself why either horror was imaginable, or imagined.

Ask yourself what is being done in your name. In London, glib as I could ever manage, the revisionists these days mock the notion. They think "Not in My Name" is funny. I've heard them laugh.

So who murdered the Lockerbie innocents? As well, ask who put a pair of 20-year-olds from Fife into a British uniform, in someone else's country and invited a sacrifice for no reason I could name.

That was this week: history already. My fumbling point is that these things are connected. If you need an essay on the dignity of Scots law, think of our security state and our traditions of jurisprudence. Are we truly at war? With whom? Why? By which Act of either parliament? Justice miscarries, sometimes. Cops and lawyers and courts get it wrong, now and then. Those same fallible people spend many days protecting the rest of us from ourselves.

But the case of Abdelbaset Ali Mohmed al-Megrahi is an example of a system corrupted, for base political ends, by people who do not take your democracy seriously.

He didn't do it. No-one with a straight face thinks otherwise.

The Americans, the Iranians, Gaddafi, the Syrians and some pensionable suits in Whitehall can supply the details.

So Salmond picks a fight with London? Not exactly. For now, our executive is very circumspect. It needs, so it believes, to take care. But as this case continues to unravel, a robust political exchange, as such things are known, may become unavoidable.

The atrocity happened on our soil. Our national legal system was somewhat compromised.

Scotland was wounded, then insulted, then treated as a colony's colony.

I don't think I've used the word too often before, but the al-Megrahi case is a disgrace.

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By IAN BELL