



Northern Ireland Affairs Committee

Oral evidence: [HM Government support for UK victims of IRA attacks that used Gaddafi-supplied Semtex and Weapons](#), HC 406

14 October 2015

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Written evidence from witnesses:

- [Andrew MacKinlay, former Member of Parliament for Thurrock](#)
- Sir Vincent Fean KCVO, former HM Ambassador to Libya

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Members present: Laurence Robertson (Chair); Nigel Evans; Nigel Mills; Alasdair McDonnell; Ian Paisley; Gavin Robinson; Kate Hoey; Lady Hermon, Oliver Colvile, Danny Kinahan

Questions 197 – 287

Witness: Andrew MacKinlay, former Member of Parliament for Thurrock, gave evidence.

Q197 Chair: Mr MacKinlay, thank you very much for joining us.

Andrew MacKinlay: Thank you very much, Chairman.

Q198 Chair: I think you are aware of the inquiry we are carrying out. Thank you very much for your written submission. Before we ask questions, I would like to give you an opportunity maybe just to say a few words of introduction, particularly perhaps telling us how you came to get involved in this issue in the first place and the work you have done. Over to you. Thank you very much for joining us.

Andrew MacKinlay: Thank you very much, Chairman and former colleagues. For me, the matter you are deliberating on is unfinished business. I have been deeply concerned about the plight of the victims of IRA Libyan Semtex, etc. On my statement that I gave you, if I could just make one clarification. I had assumed that the bombing on 10 April 1992 was about two o'clock in the morning. In fact, it was after nine o'clock that night. It is a marginal point, but that is the day when John Major formed his last Government. It was the day of the general election results. I just wanted to clarify that.

On that day, unknown to me, a constituent, inasmuch as his mother was a constituent of mine and he was a single man, was killed. I was unaware of this until many months later

when she came into my surgery and complained, very legitimately, that nobody in government—and I use “government” in the broadest sense—had ever been in contact with her at all. She felt badly isolated and let down and, as many of you probably have experienced in your own professional work, she broke down trying to find words appropriate, which do not readily come. She had had just nothing from the, if I can use the word, establishment. I wrote to John Major and my recollection is that he sent a very courteous and kind letter, as you would expect. I sort of said, “I will try to do something more,” but I remember her saying, “Do not bother.” Over subsequent years, I would meet her and we would embrace one another, but my inability to do anything for her remained with me.

As you know, I have taken an interest in Irish matters and bilateral affairs, and I remember reading in the *Belfast Newsletter* in 2008 about the frustration of the lawyers representing the victims to have any breakthrough, any remedy—the frustration that was explained to you on your first sitting session day. I got involved and, of course, the Honourable Member for Belfast North, Nigel Dodds, and Jeffrey Donaldson were friends of mine, so I was obviously talking to them about this. We all thought that if we could get to the Prime Minister, things would be changed, simply because of the compelling, we thought, case and justice and bureaucracy, which was frustrating some remedy for these people. I seized an opportunity. I cannot find the reference now, but Gordon Brown was at the despatch box and I got up and asked him if he would meet a delegation of victims to discuss this matter, and that was arranged. I shall pause there, because probably this comes on to other areas you want to ask me, but that was how I got re-involved, and I think I have set out in my statement my disappointment about the outcome of that meeting.

Q199 Chair: Yes, thank you for that. It is a good place to stop, your relationship and involvement with Gordon Brown at the time, because he is obviously a potential witness for this inquiry. What was his involvement, as far as you could see?

Andrew MacKinlay: I watched your own hearing and a number of you were almost bewildered as to why Government could not see one of their primary duties and obligations was to protect and promote the interest of citizens, particularly substantially disadvantaged and wounded citizens. I and my colleagues Nigel Dodds and Jeffrey Donaldson naively thought that if we could get to the Prime Minister he would be able to immediately see the justice of the case and sweep away the bureaucracy and say, “I want some action done.” That did not happen and I have described the meeting we had. I do not want to be unfair or unkind to Gordon Brown, but he was not engaged. We sat on these wretched settees and armchairs rather than formally like this. He looked at the floor. He ran his hand through his hair and there was no engagement. After about a minute, the door opened and one of his secretariat raised her arm and was frantically pointing at her watch.

Q200 Chair: After a minute?

Andrew MacKinlay: Yes, and after a relatively short space of time she returned, even more frantically banging her watch. I tell you this story because it illustrates the response we got. He promised us nothing. In fact, it would be difficult for me to summarise the conclusion. The meeting ended, we had stated our case, but he said he could not do

anything. I cannot be quite certain about his precise words, but we left that meeting and I remember the three people who had come to join the delegation as victims said, “What do you think?” and I could not bring myself to tell them the truth—that it was a complete waste of time.

It is also against the backdrop, as you know from my statement to you, that it was made quite clear to me that we had to have a small delegation. The emphasis was on “small”, so we had Willie Frazer, Jonathan Ganesh, who, in my view, represents the victims outside Northern Ireland, and Ms Williamson, whose parents were murdered on Shankhill. At the time of the meeting, it was made clear to me that three was too many and I had to have two. I remember having that dilemma of either saying, “You can stuff your meeting,” or going ahead with it. I come back to the point that we thought if we could get to the Prime Minister things would change, so I was reluctant to kick up and protest too much, and Willie Frazer, very graciously, after having crossed the sea, stepped aside and did not come in. It was against this backdrop the victims and the Members of Parliament, Nigel Dodds and I, were received. It was a most frustrating, disappointing day, and that is my recollection of it.

By that time, I was engaged and I made other efforts to intervene in Parliament with this. I think Nigel Dodds had a Westminster Hall debate and participated. There came a stage when—and I can only speak for myself—I was telling anybody who would listen that, if the British Government did not do something, I myself would get on a plane and go to Tripoli. I have to say I did not know what I would do if I got on a plane and went to Tripoli, but that is what I was saying in order to try to emphasize this matter was not going to go away. I can pause there because there is the Tripoli trip.

Q201 Chair: What was your take on it? Why were you met with that attitude?

Andrew MacKinlay: At this stage, I think in 2008, it was the height of the Megrahi matter, but if I can go back a bit, before the 2005 general election and those two years preceding, the British Government was ever so excited, particularly Jack Straw, about the breakthrough of getting Gaddafi to come in from the cold and abandon nuclear weapons, which was itself quite a legitimate prize, I guess. However, it seems to me they became craven to the Gaddafi regime. I was aware of what success the United States Administration had for their relatively small number of victims. They managed to negotiate with the Gaddafi regime, by a formula, some compensation, and I was and remain totally bewildered why the British Government could not do this. All the indications are—and Gordon Brown said this—“We would love to, but it is not possible.” Clearly, there were wider interests prevailing that were more important than the victims, both at a political level and in the Foreign Office.

Q202 Chair: The last question from me: have you had any involvement with Tony Blair on this issue?

Andrew MacKinlay: No, I have not, though in my statement you will see I make a reference to my visit to Tripoli and my discussion with Mr Fean, who is appearing before you later.

Chair: We will speak to Sir Vincent later. Thank you, Mr MacKinlay.

Q203 Kate Hoey: Thank you very much for your very useful statement. Can I just take you straight on to the one person who probably would have known an awful lot about what was going on in the relationship between Libya and the British Government, and that is Moussa Koussa? You have mentioned him here. Can you just say a little on why you think he is so relevant, and is that something that we should be pursuing in the Committee?

Andrew MacKinlay: It is a statement of fact that Moussa Koussa was a big, big player in the Gaddafi regime for a score or more years. He was briefly the equivalent of their ambassador in London during the time of Margaret Thatcher's Government and he was expelled by the Conservative Foreign Secretary because of his boasting about promoting terrorism and murder. That is a fact about Moussa Koussa.

Then, in 2005, as a member of the Foreign Affairs Select Committee, I went to Tripoli and I met Moussa Koussa. We were ushered into a room and sitting on my immediate left was the then British Ambassador, Layden, and before the meeting was called to order he prompted me, he poked me and he called me to his ear. Pointing at Moussa Koussa, he said, "This man is up to his neck in Lockerbie." They were his precise words and I found them chilling and I recorded them.

If I can then fast forward to when the Gaddafi regime is collapsing, in March 2011, Moussa Koussa turns up in a small aeroplane at Farnborough aerodrome and he is detained for three days. It was similar to Rudolf Hess, except I seem to recall Rudolf Hess was detained a little longer than three days. Moussa Koussa was then allowed to go into exile in Qatar. I find it breath-taking that he was allowed to go. I would find it hard to believe that various law enforcement investigatory agencies, particularly the PSNI, were given access to him, and it begs the question why this man was allowed to leave our jurisdiction. He is a known terrorist, and certainly the fact he was here a totality of three days shows that there were some people who really did not want him in our country.

Q204 Kate Hoey: Can you just explain why you think they would not have? I perhaps would want to give my views of why, but I am not going to do it here. Would you like to give us why you think people wanted rid of him as quickly as possible?

Andrew MacKinlay: After Gaddafi came in from the cold, if I can put it that way, we know there was extensive commercial probing, particularly regarding oil, in relation to Libya. There were senior politicians who had courted Gaddafi and his main son, Saif. There were academia in London, the London School of Economics. There were far too many people and agencies who would have been embarrassed if Moussa Koussa had been examined in either a British or an international court. Also, the relevance to you is, I think, though I cannot prove it but it is a reasonable assumption, that his fingerprints would have been all over the supplying of Semtex and other weaponry to the IRA. I return to the fact that the Conservative Government expelled this man for both his utterances and his behaviour in the 1980s. This was a bad fellow, but I do not believe that the normal law enforcement agencies were given access to him. You can ask the PSNI and also the Procurator Fiscal in Scotland or the Scottish Police whether they were given access to him in relation to Lockerbie. I return to the fact—this is not hearsay—the British Ambassador to Tripoli said to me, "This man is up to his neck in Lockerbie," and that was in 2005.

Q205 Kate Hoey: Do you think Moussa Koussa would have known anything about the key people in Northern Ireland who would have been ordering the Semtex?

Andrew MacKinlay: Yes, I would have thought that was highly likely. This was a very powerful man. He was the equivalent not so much of MI6 but Gaddafi's CIA. It was a ministry, it was a big player and it was on the world stage. That was his job.

The other thing is, just before the British general election your own Committee held an inquiry into on-the-runs and the letters of comfort and the royal prerogative of mercy. I do not know if Moussa Koussa is the beneficiary strictly of one of these, but basically he has had the same facility extended to him. There is no logical reason why he should have been allowed to land here—it begs the question why and who invited him—and why he was allowed to leave our jurisdiction for Qatar.

Q206 Kate Hoey: Do you think it was anything to do with a fear that, if he talked too much—all the contacts with people in Sinn Féin, IRA, for example—it might bring down the peace process?

Andrew MacKinlay: He would have known about the Semtex and the supplying of arms to the IRA over many years—and probably authorised it.

Q207 Kate Hoey: Did the Government then really let go somebody who could have been incredibly useful in terms of not just the Libyan Semtex—

Andrew MacKinlay: Yes, of course, and what is surprising and disappointing is that neither politicians nor the press seemed to notice that Moussa Koussa had landed and the gravity of this man's reputation.

Q208 Lady Hermon: Andrew, it is very good to see you and very kind of you to come back, having left the House of Commons after a very distinguished contribution as an MP. The evidence that you have given is very powerful and very devastating. I say that because, of course, you were a Labour Member of Parliament. Before I go back to the evidence that you have given about Gordon Brown in particular, when he was Prime Minister, could you just summarise your views about the fact that we now have a Conservative majority Government? Are you therefore surprised or even disappointed that this particular Government has not yet moved to take some action to ensure that victims of IRA Libyan-sponsored violence are compensated?

Andrew MacKinlay: I am very disappointed, Chairman, about the Conservative Government or this Administration—I do not want to put it in party terms—and it is against the backdrop of Prime Minister Cameron, William Hague and David Lidington, when in opposition, saying some very supportive things about the victims and implicit criticism of the Brown Government for not taking the initiative. Somebody somewhere seems to have the ear of ministers and is able to persuade them, “Do not go there,” because that is what, on the face of it, seems to have happened under the current Cameron Administration. It is on record—David Lidington, who was Shadow Northern Ireland Secretary at the time, William Hague, who was Shadow Foreign Secretary, and the Leader

of the Opposition, Cameron, did make very supportive interventions for the victims, and when they came into office, for reasons that only they can explain, the situation changed.

Q209 Lady Hermon: Likewise, you have very serious concerns about the involvement of Moussa Koussa. You say that he probably directed the supply of Semtex and arms, tonnes and tonnes of weapons to the IRA—

Andrew MacKinlay: Over decades.

Lady Hermon: —over decades, when in fact the only vessel that was intercepted was the Eksund in the Republic of Ireland, but we know that tonnes and tonnes of weapons had been shipped before it was intercepted. Given your concerns, are you also surprised that the current Government or, indeed, the Coalition Government before it have not sought his extradition?

Andrew MacKinlay: I am not surprised, because I return to the point that there are too many agencies and individuals who do not want him here. If I may just buttress my point, as you know, Saif Gaddafi is under sentence of death in one of these Libyan governments, but the United Kingdom is not really pursuing or pressing all the buttons to get him returned to the International Criminal Court. It suits a lot of people and agencies that Saif Gaddafi and Moussa Koussa and others are not exposed to examination in the courts because of cosy relationships, some of them commercial, I expect, and personal. Personal relationships have been publicised: spending time with Saif Gaddafi, the question of his degree at the London School of Economics. It goes through a whole strata of key people and organisations and agencies in the United Kingdom who do not want revealed their close, cosy relationship with the Gaddafi regime.

Also, I notice in Anthony Seldon's book on David Cameron, *Cameron at 10*, apparently David Cameron, under United States pressure, on coming into office, required a review into the circumstances relating to the release of Megrahi, the Lockerbie bomber. All the indications are that it revealed that it was not merely a decision of the Scottish Justice Secretary; there was extensive lobbying by oil interests for the release of Megrahi. I mention this to underline all these other factors: powerful, influential people who had access to senior people in Government prevailed upon the three administrations, the Blair, the Brown and the Cameron Government, not to go anywhere near compensating the victims, which is the primary interest to you this morning, and also why they do not want Moussa Koussa extradited.

Q210 Lady Hermon: You have mentioned “cosy relationships”, and they were the precise words that you used. Who, in particular, are the senior persons within the British Government? We are concerned about the relationship with oil companies. We have asked the present Minister from the Foreign Office, who gave us evidence, to find out more about the British oil companies who were working in Libya, but who, in particular, do you think is being protected from scrutiny if Moussa Koussa were to appear before an international court? Who are the senior people who had a “cosy relationship” with Gaddafi and his family?

Andrew MacKinlay: Tony Blair and the British Government collectively. We know Tony Blair has had a very close relationship with Gaddafi, particularly after he left office.

In fact, in my statement to you I did refer to something I noted Vincent Fean said to us. He can clarify this, but in one of my face-to-face meetings with Vincent Fean as the United Kingdom Ambassador, he showed, to me anyway, some exasperation and bewilderment at the frequency with which former Prime Minister Tony Blair was turning up in Tripoli. That is my interpretation of what Mr Fean said, but he said words to that effect. Whether or not he felt frustrated, as an ambassador, hearing that the British Prime Minister was in Tripoli and he did not know about it or the former British Prime Minister was in Tripoli and he was having to facilitate it, I do not know, but you can ask Mr Fean. He talked about Tony Blair turning up in Tripoli, and the tone or the mood, the way I recall it to the best of my ability, was one of bewilderment, frustration and irritation.

Q211 Lady Hermon: We will be able to put those points to Mr Fean after you have completed your evidence to us, which is very valuable indeed. Can I just take you back to the comments that you made about Gordon Brown? You have identified Tony Blair as one of the people whom you believe to have had a cosy relationship, and I am very disappointed and concerned about that, but what about Gordon Brown? You met with him when he was Prime Minister. You seem to have got short shrift, so to speak.

Andrew MacKinlay: We did. It was an embarrassing meeting. I felt embarrassed, as a politician, taking these vulnerable victims to see a Prime Minister and, as I say, absolutely getting nothing. We hardly got eye contact. I do not embroider this. He was looking at the floor. He was running his hands through his hair for the brief time we were there. We went through the motions of stating our case. I do not think he was engaged or listening. He had all the appearance of somebody who had been up very late, and I have told you—and I emphasise this because it was a particularly irritating thing—within about a minute the door opened and his gate-keeper was telling him to get a move on, time was up, and it happened on a second occasion. We were not labouring the point; there was not a great deal to say, but it is indicative of the way we, or the victims, were treated, plus the fact that I had to leave Willie outside.

Q212 Lady Hermon: Yes. Sorry to interrupt, Andrew. That was an extremely unhelpful meeting, but you are not asserting, or are you, that in fact there was a similar cosy relationship between Prime Minister—

Andrew MacKinlay: No, no. I have no reason to believe that. I think Gordon Brown met Gaddafi. I think I saw on Google a picture of him embracing him.

Q213 Lady Hermon: But he was not a frequent visitor—

Andrew MacKinlay: No, no, no.

Q214 Lady Hermon: Even after he left office?

Andrew MacKinlay: Certainly not as far as I am aware, no, no. Although I am very critical of Gordon Brown, it is on this narrow point of his response and approach to what

should have been given greater attention and, I hoped, found in our favour. I have no criticism of Gordon Brown in that sense, but we do know that the previous Prime Minister was ever so enthusiastic, probably for the good reason of their abandoning the nuclear programme initially—I fully support that. However, after that, Tony Blair and Jack Straw, as Foreign Secretary and then as Justice Secretary, were over the moon; they were encouraging—and that is how the Foreign Affairs Select Committee, in my view, in 2005 went to Tripoli. We were coaxed and encouraged to go by Jack Straw. There is nothing wrong in that. It was perfectly proper. I am pleased we went, but they were ever so excited by this.

But by that time, lots of other interests were coming in. We know that there were oil interests; BP is mentioned. We know about the London School of Economics—how Saif Gaddafi had this wonderful degree by, no doubt, sheer diligence awarded to him and the close personal relationships of people on the same yachts as Saif Gaddafi. It became all very incestuous, in my view.

Q215 Chair: I remember distinctly a meeting with a Foreign Office official in 1985 when I raised this issue of Libya supplying Semtex, arms or whatever, and he accepted that was the case—that that was happening. He said, “It is not to be exaggerated,” but it was happening. That is a long time ago, so it seems that successive prime ministers and foreign secretaries have not exactly turned a blind eye to it but seem to have wanted to live with it. It did not seem to trouble their conscience too much. Is that your take?

Andrew MacKinlay: Precisely, and that is why I see a parallel with your previous inquiry just before the general election. Basically, Moussa Koussa and all this gang have either literally been given letters of comfort or implicitly they have been out of sight and out of mind.

Q216 Nigel Mills: Can you estimate what the length of that meeting was with Gordon Brown?

Andrew MacKinlay: At the maximum, five minutes. It was within about a minute this woman opened the door and was indicating to the Prime Minister, if he would look up, that he had to get a move on, and within about another minute she was frantically tapping at her watch.

Chair: Prime ministers are very busy people, but you would have thought this was a serious enough issue to deserve a little longer than that.

Q217 Ian Paisley: Andrew, it is good to see you here. I know you are a genuine friend of Northern Ireland and your evidence really does come across like that, so thank you for coming. At the outset, I read through your paper. I have read many of these papers in inquiries. I must say it is one of the best committee submissions I have ever read, because it just gets straight to the point and goes through what happened and gives us a really impressive bird’s eye view of your experience. It is very clear from the paper your sense of let-down, and it also very clear from your paper the extremely important role that a backbench Member of Parliament can play in these really significant international affairs. Going back to your sense of let-down, if you had had a blank sheet of paper, what was your

real expectation? What did you see as the obvious object of your meeting? What did you really want to achieve?

Andrew MacKinlay: I have thought about this a lot since, as it were. You see, I and we had hoped that eventually the British Government would clock into this, see the merit of this, see the potential to succeed, of getting some compensation—by a formula, no doubt, after negotiations, because things are not done quite simply in black and white terms. I do not know if you want me to come to the fact that, in September 2009, on a Sunday morning we woke up to find in the Sunday papers that Gordon Brown had done an apparent U-turn and was ordering the Foreign Office to set up a unit to facilitate a parliamentary delegation. We obviously got quite excited; it was like a rollercoaster thing. So, we got ourselves together, and the group that emerged was: Lord Brennan, a distinguished lawyer, Lord Bew, who is now Chairman of the Committee on Standards in Public Life, Nigel Dodds, Jeffrey Donaldson and Andrew MacKinlay. They said they would facilitate us going to Tripoli.

But that is all they did. They said they would do that, and the good offices of Mr Fean fixed the meetings in Tripoli and gave us a car to get around, but that was the extent of the Foreign Office involvement. There was nothing more, and when we went to Tripoli I felt really quite handicapped, because we were Members of Parliament. We were not HMG. We do not know also what other things—oil, academia, business, defence, security—are being discussed. We are there as three backbenchers and two peers—if I say “representing”, I put that in quotes—representing the United Kingdom, but we had neither authority to negotiate nor the capacity to negotiate.

We met a man called Obeidi, who spoke English and, at one stage, had been the Prime Minister of Gaddafi’s regime, and others. We were received courteously and we were listened to, and what I want to tell the Committee is, so far as I can recall—and I have researched this—they did not say no. They most certainly did not say yes, but it was almost as if they were expecting us to come up with a negotiating position. However, we could not negotiate because we had no power to do so. We were just five parliamentarians, self-appointed, self-funded, and there we were exploring and they did not say no. They made it clear they were not in the business of writing out a cheque but, as you know, negotiations are much more sophisticated and complicated than that.

If we had had a minister with us, it would have transformed the situation. If the United Kingdom Ambassador had been empowered to speak on behalf of Her Majesty’s Government in forthright, trenchant terms and had some ideas of what could be discussed, it would have helped. As far as I am aware, Vincent Fean was probably under instructions not to get engaged. He accompanied us; he did not join in our discussions. He made it clear that he had no mandate to do so, so we were handicapped.

In preparation for this meeting, I have obviously reflected on these events endlessly and I do think that probably the door, when we left there, was still ajar. We were not told, “Forget it, on your bike, get out. We are not prepared to discuss this.” They made it clear that they were not readily either accepting that they should pay up or that they would do so, but in the narrow context of us going there, we were received courteously and were never shunned in that way.

Q218 Ian Paisley: This group had potential, but what you are saying is it did not reach its full potential because it did not have the mandate or the authority to do that.

Andrew MacKinlay: It would be an understatement. It did not reach its full potential because, in hindsight, we had nothing to say to them other than we put out the case and said fairly predictable things—that it would create goodwill between the United Kingdom and Libya, and we obviously emphasised the fact of the victims. I remember them asking us if we would be interested in visiting what I think is a shrine under the Gaddafi regime, the bombed out house of where “Gaddafi’s granddaughter” had been killed. That was a big ask, particularly for my colleagues Nigel and Jeffrey, but all five of us were in agreement throughout that weekend that we were not going to say no to anything. It did not come about, but it was not because there was a breakdown; it was just the discussions were left in limbo.

Q219 Ian Paisley: There was willingness, obviously, on the side of the delegation to be open to these things—

Andrew MacKinlay: Yes, absolutely.

Q220 Ian Paisley: —but you are also telling us, am I right, that there was a willingness to do it on the Libyan side—that if you came up with a negotiating term there was a willingness, an “open door”, as you put it, to make this happen?

Andrew MacKinlay: Mr Paisley, I have to say it is my impression. My impression was that if the British Government had been there as the British Government, at least at ambassador level but a minister of state, they could and would have been able to work out a formula, which would have been fairly small change for the totality of the Libyan regime—

Q221 Ian Paisley: You were building the bridgehead and the bridgehead would seem to indicate—

Andrew MacKinlay: That was what we hoped to do, but there was nothing followed up on that.

Q222 Ian Paisley: Could we go back then to the comments that you have made about Sir Vincent and his predecessor? It is fairly clear to me, from what you have said, that the Ambassadors gave the Members of Parliament a huge degree of respect and acknowledged their position as backbenchers, because they probably told you things that, as backbenchers, put you in real power. Regarding the information you got about Moussa Koussa and being told exactly who this man is, they did you a huge favour.

Andrew MacKinlay: Yes, absolutely. I remember, if I go back to 2005, it was not Vincent Fean but the gentleman Layden who told me about Moussa Koussa in the terms I have explained to you. I remember him also going on to say, “Do not be deceived. This is a pretty dreadful regime in the league table,” and he amplified upon that, because initially, as it were, you got the feeling of quite a civilised and certainly secular regime, which it

was in terms of North Africa, but I think both of them had a very jaundiced, poor view of this regime. I think they saw it as rotten to the core.

Q223 Ian Paisley: My impression of our ambassadors in Libya over that period of time is that they have been exceptional people who worked under very difficult circumstances, and any time a Member of Parliament sought assistance from them, they have gone to the nth degree to assist them.

Andrew MacKinlay: I should make it clear, and not because Sir Vincent Fean is here today, I have absolutely no criticism—quite the reverse. I think they are distinguished diplomats and very brave people in very difficult, hostile, cold circumstances.

Q224 Ian Paisley: They are probably getting very confused signals that the Government is saying this and backbenchers are saying that.

Andrew MacKinlay: Absolutely, absolutely. I imagine that they were told, basically, “When these parliamentarians come over, set up the meetings with them, but do not, under any circumstances, get engaged.”

As a delegation, we hoped we might see Saif Gaddafi, who I keep referring to. He was the senior son of Gaddafi and the man who got the degree at the London School of Economics and so on and very western. We had hoped we might see him. We did not succeed, but I keep coming back to the fact that we had no pressure. We had no capacity to have access.

Q225 Ian Paisley: Your experience seems to reflect others’ experience. My colleagues’ and I know my own experience is that, whenever you sought these meetings, sometimes they came off; a lot of the time they were promised but could not come off, and that was largely because of their nomadic approach to life.

Andrew MacKinlay: Yes, and also they would not understand the difference between a Member of Parliament and a member of the Government. It is all under their very peculiar regime.

Ian Paisley: I do not think they were as daft as that. I think they were cute. I think they understood.

Q226 Oliver Colvile: First of all, thank you very much for coming to see us. Coming on to that issue, did you get the impression that they thought you had more clout than you really did have?

Andrew MacKinlay: Yes. That is why I come back to the point that I was just saying to Mr Paisley. They were certainly very intelligent and well briefed, but they would have seen us perhaps, without any justification, as senior players. They expected our delegation could have said, “How about this and we will do that,” just traditional negotiations, but we had nothing in our toolbox, so we had nothing to give them.

Q227 Oliver Colvile: I am very aware when I have done some of this stuff, going to a foreign country and most certainly in Africa, I have always had to point out that I am not there as far as the British Government is concerned; I am there as a private individual Member of Parliament and all that. When you had your meeting with Gordon Brown and his official came in and started tapping their watch after a minute, did you not think to yourself to say to him, “Prime Minister, you are quite obviously so busy, would you like us to rearrange?” Did you think about doing that?

Andrew MacKinlay: There were lots of things flashing through my mind, but do not forget I had vulnerable victims with me, if I can put it that way. Another day I will tell you how I engaged with Gordon Brown on a number of occasions and told him his fortune, but I was not going to do that in front of these good people. You were just hoping that something would suddenly turn—he would be alert to this, the gravity of it, the injustice of it. All those emotions, I am sure, went through my mind in those few minutes, but it was not appropriate for me to tell Gordon Brown that this was wrong and discourteous. If we had said we would come back another day, I do not think it would have been set up.

Q228 Oliver Colvile: Probably not, but on the other hand, he had set it up in the first place and surely he—

Andrew MacKinlay: He set it up because he had no alternative, because I basically, if I can use the phrase, ambushed him in the Chamber, asking whether he would have a meeting, and he said, “Yes, of course.” He had to agree to a meeting because I had asked him in the Chamber.

Q229 Oliver Colvile: You could have repeated it again the next time around when you got him in the Chamber. So, we are where we are and, obviously, this inquiry is finding information and doing research into this. How do you think we can bring to light some of the shenanigans that have been going on within the Government? Should we do a Freedom of Information Act request or what?

Andrew MacKinlay: I do not think you need to do an FOI, because you are Parliament. I think that you need full disclosure as to why Moussa Koussa was released, what opportunities were given to traditional law enforcement agencies—the PSNI, the Scottish authorities, et cetera—to have access to him. I have also attached to my statement one letter, which I found in my little archive, from the Minister of State to a victim, and if I may read it, he said, “We made representations to the United States Administration that the claimants should be included. Despite our efforts, this proved not to be possible.” I think you should seek disclosure, a demonstration, of what representations they made and when and why it was not possible. Also, bearing in mind, as you will be familiar with, the United States Constitution, any sensible government would make representations both to the Administration and to Congress. I personally do not think they did anything at all of any appreciable extent.

In the last paragraph on the first page of that letter, he says, “We will not enter into bilateral discussions with Libya on this.” It was as blatant and upfront as that, and I am pleased that you are able to see this. However, it does seem to me that with Moussa Koussa, both in the sense of your inquiry and also your colleagues on the Foreign Affairs Select Committee, you need to know what the circumstances were. Was

he invited? What is his true track record, as understood by our law enforcement agencies, our security and intelligence services and the Foreign Office? I believe he was up to his neck not just in Lockerbie but in IRA Semtex and terrorism right across Europe. You will have to confirm that. Why was he allowed to go?

Q230 Oliver Colvile: Do you think that we should invite the then Foreign Secretary, who I presume is Jack Straw, to come and explain as to why Moussa Koussa—

Andrew MacKinlay: Yes, but you should go for Gordon Brown, because Gordon Brown was obviously told or fed that the line must not be passed.

Oliver Colvile: Maybe we will invite him.

Andrew MacKinlay: If Gordon Brown thinks I have been unfair, as it were, if it is important to him, he can say, “MacKinlay has got it wrong.” I have not embroidered this; what happened is ingrained in my memory.

Q231 Gavin Robinson: Thanks very much, Andrew, for coming along. I want to build on some of the exchanges you had with Ian. In your information to us and in your evidence so far, you have talked about feeling handicapped in the discussions on your visit to Tripoli, although you have indicated that you felt had you have been mandated to negotiate on behalf of HMG there would have been a favourable outcome.

Andrew MacKinlay: Could have been, yes.

Q232 Gavin Robinson: I am interested to know whether, when you left Tripoli, you engaged with the FCO or Downing Street, and did you say, “Here is my impression. Here is what I believe could have been the outcome. Please take up the cudgel, because there is a resolution to be had”?

Andrew MacKinlay: I think we did do. We certainly had other meetings at the Foreign Office, but I was in my last weeks in Parliament by then, and I was invited, after I left Parliament, to go to one meeting. I do not think I had formally resigned, but I certainly had no mandate to be there and, in any event, I retired and so the thing, as far as I am aware, fizzled out. Certainly I and my colleagues, in the post-mortem of that meeting, did not give up and we would have indicated to the Foreign Office, because we did have meetings, that we wanted to go on. If I am honest with you, I suppose we would have used a phrase like that or “we are not going to surrender on this”, but I keep saying there was nothing in our toolbox, our armoury, to prosecute this matter.

Q233 Gavin Robinson: Yes. It sounded as if you were suggesting there was a golden opportunity to be had, but you were the wrong people to seize it.

Andrew MacKinlay: Yes.

Q234 Gavin Robinson: If you presented that opportunity to the FCO, what was their response?

Andrew MacKinlay: There was going to be no change in Her Majesty's Government's policy. They were not going to. Admittedly, this is November 2008, but the mantra has been: "We will not enter into bilateral discussions with Libya on this." That was the position in 2008 and in 2009 and, after I left in 2010—I think the last meeting—nothing changed. There was not going to be any variation on that, because it did not suit some agencies or individuals' agendas.

As I say, it is against a backdrop of the Megrahi release. It seems to me everything was subordinated to that, and I have looked and looked and researched and researched. Of course, it was the Justice Secretary in Scotland who released Megrahi on "humanitarian grounds", but what it disguises is the full force of the United Kingdom Foreign Office and the Justice Secretary to get Megrahi back to Tripoli. A deal was done. It is documented; I was looking at it last night. There was a prisoner transfer deal done. In fact, I think that the Government here in London were desperately anxious that Scotland would let them down, so it all fitted. They were able to hide behind the Scottish Secretary releasing on humanitarian grounds, but it fitted; it was part of this thing that had been hatched out between the United Kingdom Foreign Office and Justice Secretary to release Megrahi, and everything was subordinated to that. Implicit in that was a line was drawn. Again, that is why they did not want to raise with the Libyans the question of this compensation.

Q235 Gavin Robinson: Finally, in your written submission and this morning again you have re-emphasised that when you left Tripoli you felt the door was still open or still "ajar" you said this morning. Where does the door sit today?

Andrew MacKinlay: It is interesting. You had the Minister here a fortnight ago and he predicted it absolutely accurately. He said, "There will be a new Libyan government in a fortnight's time," and I saw this week there is, apparently, a new Libyan government. I would say seize it while it exists, because they are very fragile governments. No doubt they are wanting to seek the support of the United Kingdom. There should be a minister on a plane today to go and meet them; now is the time to do that. I am not privy to the lawyers' attempts, but there was this Benghazi agreement, which, from the little bit I know about international law, is, arguably, valid. However, if it is invalid, they should start again with this new government. The resources are there. Obviously, this fragile government wants to have the support of the United Kingdom and others; now is the time for a settlement.

Q236 Danny Kinahan: Andrew, I echo particularly what Ian said about you and your support for Northern Ireland. You talked of a golden opportunity when you were in Tripoli. When you came back, did the Foreign Office show any interest in debriefing you, finding out what had gone on and whether that opportunity was now there?

Andrew MacKinlay: Not much, because Vincent Fean would have diligently reported back anyway what happened and what was discussed. I did not go to any more of these meetings, as I have told you, because at the time I was no longer a Member of Parliament and I did not think it was appropriate I should be there, but also it was going nowhere. I went to one meeting, and you would sit there for an hour, an hour and a half, and then you would think, "Why am I here?" We were going through the motions. It is very difficult to describe to you, but there was no post-mortem, not really, because there was not much

forensically to look at. However, I do believe that these Libyans never said, “No, forget it, go away. We are not discussing it.” The door was slightly left open.

Q237 Danny Kinahan: Were you aware of the sums of frozen assets that were here in the United Kingdom? Did you have any information given to you on that?

Andrew MacKinlay: I was aware of them and I knew they were colossal. When you run into millions and billions, it sort of blurs the landscape. You know the resource is there. That is why I think, going back to your earlier question, even now, if this government has got control of the whole of Libya and will, no doubt, be seeking access to these frozen funds, the kind of compensation I had in my mind’s eye would be a drop in the ocean against the totality. It would be a price worth paying for them, I would have thought, but it requires somebody to bang on their door, not with a wet sponge, but bang.

Q238 Danny Kinahan: That would be great. We need a minister on the plane as soon as possible. Thank you.

Chair: I do want to wind this session up fairly quickly, but two final, quick questions, from Sylvia and then Kate.

Q239 Lady Hermon: Thank you very much indeed. Your evidence has been very compelling and very worrying. I would like you to tell the Committee what you think or you believe to be the rationale for the British Government seeking and receiving compensation, quite rightly, in my view, from the Libyan Government in relation to Lockerbie and also in relation, quite rightly again, to Woman Police Constable Yvonne Fletcher, but not seeking, and wilfully not seeking, compensation for those many victims, not just in Northern Ireland but right across the United Kingdom, whose lives have been maimed forever because of the loss of a loved one, because of Libyan-supplied Semtex and arms. What justification could the British Government possibly have for seeking compensation for a couple of groups, as I say, quite rightly—and I am not criticising that—but certainly not seeking compensation for the large group of those who have been wounded and offended and hurt by IRA violence?

Andrew MacKinlay: Lady Hermon, I am totally bewildered, as you are, why they cannot see that it should be a primary responsibility of Government to pursue this, and I think you have made that point before in other hearings. Secondly, as you are very much aware, for many people compensation is not so much a monetary thing; it is the acknowledgement. However, I have been privileged to know Jonathan Ganesh for some years and he has indicated to me, and I think he did in the hearing, how there are some people who are suffering from a lack of resources to care for themselves. Again, it is breath-taking, is it not, that the British Government have not done anything in that regard?

I have not spoken to many victims—I do not know them intimately and, in a sense, that is not my job and I do not want to—but clearly the case for compensation is compelling and overwhelming, both in terms of the humanitarian gesture, the conciliation gesture, but in practical terms, because there are people who are struggling to maintain their poor and difficult lives as a direct, physical consequence of bombs that were exploded in Northern Ireland, in London and elsewhere in the United Kingdom. I find it absolutely amazing that there was not a minister, let alone a prime minister, who said, “We cannot defend this; this is wrong,” but our system of government makes sheep-like people who accept the mantra given to them by civil servants and, I suspect, probably the security and

intelligence services, because they were deeply and intimately involved with people like Moussa Koussa for that objective of trying to bring Gaddafi back in from the cold, the abandonment of a nuclear weapons programme, et cetera. However, some of them got, forgive me if I use the term, too cosy with the regime and did not see priorities—and their own capacity. If they had had courage and skills, they could have had all that and still got justice and compensation for these victims—substantial compensation.

Q240 Kate Hoey: You have been on select committees and you know how we work in terms of our reports and so on. If you had to give us a top line of what you would like to see in this report, knowing, as you do, most of what you have heard already, what would you say?

Andrew MacKinlay: First and foremost, this British Government, if they accept your report, which I feel that you are likely to be saying, they ought to be on a plane at the earliest opportunity. Also, they are making it clear both to their colleagues in the West and to this new Libyan Government that this needs to be dealt with, with some dispatch—it is the top of our list, and it can be dealt with expeditiously. Also, I hope your report, and probably the Foreign Affairs Committee's perhaps more closely, will look at this Moussa Koussa business. It does stink and it raises whole questions about our credibility with things like the International Criminal Court, et cetera. Generally, there should be some transparency about the depth of the relationships that exist and, finally, what facilities could or should or have been given to Tony Blair and others like that since he left office.

Chair: That is great. Thank you very much, Mr MacKinlay. You have been a very valuable witness. Thank you very much for joining us.

Andrew MacKinlay: Thank you for having me.

Examination of Witness

Witness: **Sir Vincent Fean KCVO**, former HM Ambassador to Libya, gave evidence.

Q241 Chair: Just to remind the Committee and our witness, we have Northern Ireland Questions at 11.30, so I will have to wind this session up at 11.20 at the very latest, so if we can be reasonably disciplined.

Sir Vincent, thank you very much for joining us. I am not going to ask you to make an opening statement; I think we can cover most things in questions. You have just heard a presentation or responses from a witness who has been perhaps more forthright than we normally get from witnesses, so what is your reaction?

Sir Vincent Fean: First, may I say thank you for inviting me and just clarify the terms in which I am speaking, as a private individual? I retired from the Foreign Office in February of last year, so I am not speaking for Government. I am speaking for myself, and I came

along because you asked me and out of respect for this Committee and out of respect for the victims.

We will come on to questions, but my reaction, swiftly, is that this issue matters, that it is a very tricky one for Government and has been over decades, it does need to be addressed and I hope that the Committee's work will facilitate that and that my evidence today can be of some use. I need to confine myself to the period when I was in Libya, which is mid-2006 to April 2010, so I do not know the substantive follow up to the visit that Mr MacKinlay and his colleagues undertook. I was around for a few months after that, so I can talk about that period, but what happened after April 2010 is outside my knowledge.

Q242 Chair: During your time there, did you see things changing in the regime or in the approach from the British Government to this issue? Were there any changes that you identified?

Sir Vincent Fean: I can say something about the general picture in Libya in my time and then perhaps touch on the particular change by Mr Brown in 2009, which led to the visit we have talked about. I summarise the experience of working with the Libyan regime as difficult. The regime was corrupt and self-serving. It centred on one man, Gaddafi, and his immediate family, including Saif. Around him there were some clever and sensible people who wanted to do good, but they were firefighting. One of them was Obeidi, who was one of the people the delegation met back in 2009, but they spent a lot of time on damage limitation and the survival of the regime, which was the priority for Gaddafi.

When I first arrived, the memory of the renunciation of WMD and the renunciation of support for terrorism was fresh, and I felt optimism, as an incoming ambassador, that there was a chance to improve matters both in Libya and in the relationship between the UK and Libya. There was a hope that Gaddafi would let his son Saif reform the economy and even democratise the country, but that did not happen. As a practitioner, I found that Libya was very hard to read, hard to understand: no free press, no political opposition during my time—it has grown, obviously, since—and decision-making confined to a very small group of people, some of whom would talk to an ambassador, others not.

I met Gaddafi a few times myself, usually in the company of visitors, and I would say he was neither mad nor stupid. He ran the country in a very ramshackle way for 40 years. He was vain, arrogant and vindictive and he did not really change much in the time that I was there. He was anti-colonialist, anti-imperialist, worked a lot on Africa—he had aspirations to be a leader in Africa. He was courted a lot by Italy and France and other countries in my time. I would say he was afraid of the USA and he tried to combat Al Qaeda and other Islamist groups, so that was one of the things that stood out. He tried to improve education and health; he inherited a country that was poor in both back in 1969.

To conclude, the relationship with the UK in my four years, I would say, cooled in that time. The realisation that problems would continue to crop up throughout my time with Libya became real. They needed us for some things. They needed us for education help through the British Council, through our universities—there were lots of postgrad students from Libya coming here—and we tried to facilitate that. We did some good projects, like improving prison conditions in Libyan prisons, with some astute advice. However, where the bilateral issues, like WPC Fletcher, like Megrahi, like the IRA Semtex victims, cropped up, they were preoccupations and they remained obstacles virtually throughout

my time, and our political relationship was never normal, so a rollercoaster existence, as Mr MacKinlay mentioned.

On the issue, which we will come back to, I am sure, of 2009 and the decision by Mr Brown to create the unit and to facilitate the visit of the delegation, that did make a difference. It meant that the embassy was directly involved for, essentially, the first time in seeking to understand what the Libyan regime would and would not do. We did facilitate the visit. I accompanied throughout and, as Mr MacKinlay said, reported back as best I could. We did lobby. We lobbied on the issue of goodwill, on the issue of clearing the air and on the issue of trying to ensure that the relationship was improving, and we made it clear that this visit particularly was important in that regard.

Just to conclude, I would say that there was a possibility, I thought, of a gesture from the Libyan authorities. I was never sure, personally, that they would move to the level of compensation that Mr McCue and his team were eventually seeking, but there was an issue to do with investment in Northern Ireland by the Libyan Investment Authority—infrastructure projects in Northern Ireland that were worthy, needed to be done and where the LIA had funds that could be devoted to that on a kind of win-win. That was one option at the back of my mind when the delegation came.

Chair: Thank you very much for a very comprehensive account.

Q243 Lady Hermon: Sir Vincent, it is extremely good of you to come and give us evidence, particularly now that you have retired. You are still prepared to come back, so thank you so much for doing that. It is really valuable to have you here today. I can understand why you were an ambassador and a diplomat, because in your opening remarks you have given some key information and then some very diplomatic phrases. When asked about your reaction to Andrew MacKinlay's evidence, in your immediate response you said, "This is a very tricky issue." Did you mean the issue of compensation for the families of those who have lost loved ones to IRA Libyan-sponsored violence? Is the tricky issue the issue of compensation?

Sir Vincent Fean: I meant that negotiating with Libya or advocating a concession by Libya on this issue was tricky for me and for the embassy. If I can take the opportunity just to say my own opinion on the course of events before 2009—

Q244 Lady Hermon: Do you mind if I just follow through on this? You described it as a very tricky issue and then you said, "It needs to be addressed." Could I just ask you to clarify what exactly you mean by that? Now that we have a Libyan government to deal with—I know it is very fragile and all the rest of it—should the present Government do the morally right thing, and that is seek compensation for those throughout the United Kingdom who have lost family members or who have been maimed because of IRA Libyan-sponsored violence?

Sir Vincent Fean: To come back to you point about "tricky", I was focusing on the work that I had to do in order to try to deliver an outcome specifically in 2009. On your question, it is important that this issue should be presented to the future Libyan government.

Lady Hermon: Are you talking about the issue of compensation?

Sir Vincent Fean: Yes. That is important, which is why this Committee is focused on it.

Lady Hermon: More than important; it is a moral responsibility of this Government.

Sir Vincent Fean: I cannot speak for the Government, as you know, but perhaps I may offer some advice. At the moment, to my knowledge, there are still two governments in Libya today. They have not reconciled. That has to come, because there is no easy way of dealing with two. I hope it comes. I hope it comes soon. When it does, my advice would be that the victims and their representatives and their advocates should make common cause with those who have also suffered under Gaddafi—Libyans, who have also suffered under Gaddafi—to say that their issue is the same and that their suffering has been the same and that they should be compensated in the same way. The reason I say that is there is a risk—I put it no higher than that, but this is my personal opinion—that the successor government to Gaddafi will disown all of Gaddafi’s actions, which would leave the situation in suspense.

Q245 Lady Hermon: Yes. That is very worrying, but thank you for that personal opinion. You will also have heard the previous witness, Andrew MacKinlay, asserting that when he visited with other MPs and again when he met with you, he believed that you were under instructions at the time, from the British Government, not to get involved. Is that the case? Is that true? Is that accurate? This is 2009, Tripoli.

Sir Vincent Fean: It depends what you call “involved”, if I may be as precise as I can.

Lady Hermon: Yes, that is what we want you to be—precise.

Sir Vincent Fean: I was involved; the embassy was involved to the extent that our instructions allowed, and that was—

Q246 Lady Hermon: Excuse me, were your instructions from the Prime Minister or the Foreign Office?

Sir Vincent Fean: They were from the Foreign Office. The sequence was the decision by Mr Brown to create the unit and to facilitate the subsequent consultations leading to a visit. The process thereafter was that Mr McCue and parliamentarians were invited to several meetings in the Foreign Office, operated by video conference with people in the embassy, including me whenever I could, to discuss what was achievable and to discuss what line the visit would take. I call that “involvement”. Were we empowered to speak for the delegation? No. That is not what the remit of the unit was and not what the remit, therefore, by extension, of the embassy was.

Q247 Lady Hermon: Why did no Government Minister go with the delegation? Mr MacKinlay made it quite clear that he felt that, if a Government Minister had been there, rather than just a delegation of MPs, though very worthy individuals in their own right, it would have made a difference. Was there an instruction that no Government Minister went with that delegation? Did you understand that at the time?

Sir Vincent Fean: I concluded that the delegation was free-standing. In other words, it was not representing Government. It was not a Government delegation.

Q248 Lady Hermon: Were you comfortable with that?

Sir Vincent Fean: If you are an ambassador or if you are a diplomat, it is not really a matter of whether you are comfortable or not, you get on with it, and I got on with it.

Q249 Lady Hermon: Did you think it was odd at the time? Having set up a special unit, supposedly to help victims of IRA Libyan-sponsored violence in the UK, did you not think it was rather odd and perverse that no Government Minister came with that delegation to Tripoli?

Sir Vincent Fean: I was aware that the remit to the unit and therefore to the embassy was not to assume governmental responsibility for the negotiations. That I knew.

Q250 Lady Hermon: It was a hands-off approach.

Sir Vincent Fean: My hands were on, in the sense that I was involved in the planning and in the conduct of the visit and was involved in trying, if I may put it this way, to prepare the ground for a positive outcome to that visit.

Q251 Lady Hermon: Otherwise, though, it was a hands-off approach by the British Government and Foreign Office at that time.

Sir Vincent Fean: I do not know if you could call it hands-off compared with 2008, 2007, 2006. It was an engagement.

Q252 Lady Hermon: Let us go to 2008, after Prime Minister Tony Blair had resigned from office. There is an email that you will be aware of, I am sure, and that was an exchange and, again, in his evidence, Mr MacKinlay said that you appeared to be exasperated by the number of times that former Prime Minister Tony Blair returned to Tripoli after he left office. That was his impression. He made it quite clear that was his impression. Can I ask you directly, since you are here, were you exasperated by the number of times that former Prime Minister Tony Blair returned to Tripoli after he left office?

Sir Vincent Fean: No. I do not recall that conversation. The visit of a former prime minister to the country to which you are accredited is an important visit whenever it occurs, because that person has held the highest office in the United Kingdom and requires security assistance on any visit anywhere, so I was not frustrated or upset by the fact that Mr Blair visited. That is not the way I felt.

Q253 Lady Hermon: Did he visit often? The impression was he visited on a number of occasions.

Sir Vincent Fean: I have tried to look back, without having access to the files since I am in my personal life now. I seem to recall three visits in my time after he left office, so between 2007 and 2010.

Q254 Lady Hermon: In the very detailed email that the Committee has access to between you and the former Prime Minister, sent to his office, the office of Tony Blair, there were lots of detailed pieces of information. One of them was about arms supplies, and I think I recall also oil companies. Were those obstacles—and the word “obstacles” has been used—to the compensation issue being resolved? There was the supply of British weapons, British arms sales, and that meant jobs in the UK and maintaining those jobs—that certainly appears in the email between you and Tony Blair. Were those obstacles to compensation to British victims in this country of IRA Libyan-sponsored violence? You are not nodding your head because that is agreement.

Sir Vincent Fean: No, no, I am thinking. I did not see them as obstacles competing in order of priority. I did not see them that way. Just to describe that email to you, it was a briefing note written on my own authority to Mr Blair in an attempt to bring him up to date with events before his visit, because I did not think I would have the opportunity to brief him on arrival. That was the status of it.

Let me make one other point about business. The job of an embassy is, at least in part, to protect British citizens in the country and uphold their rights, and to facilitate and support trade and investment, in the sense that that creates and sustains jobs in the United Kingdom. That was part of the background to that email. The job of an ambassador in Libya after Libya came back in to the mainstream, if you like, of world affairs after Lockerbie and after the resolution of Lockerbie was to promote legitimate business between British businesses and Libya. Therefore, part of my job each month was to receive a trade mission from some part of the United Kingdom, occasionally from Northern Ireland, to try to introduce them to Libyan businesses that sought to take advantage of the new freedoms. As part of my research—and I hope this is relevant—I have discovered an email in turn, which is a press statement from Mr Blair’s office. This email of mine is in the public domain and has been for some time, and if I may read out to the Committee the press release that Mr Blair’s office have made about it, not my words but theirs—

Q255 Lady Hermon: This was dated when?

Sir Vincent Fean: I do not have the date, but my email was in mid-2008. I do not remember when it came into the public domain, but at that point Mr Blair’s office were asked a question about it. I am sure that could be found, but I do not have it.

Lady Hermon: That is fine.

Sir Vincent Fean: It is about the very beginning of the email, I think. “Mr Blair did not have any involvement with the terms of compensation nor any discussion with President Bush on the matter. The email you reference expresses Government policy at the time, which was to re-engage with the Libyans after they gave up their WMD programme and chose to co-operate rather than sponsor terrorism.” That is the email response—the press release response of the Blair office.

Q256 Lady Hermon: I just complete this by repeating my question. Were the growing business links between the UK and Libya, at that time, obstacles to the British Government seeking, which they ought to have done, compensation for IRA Libyan victims?

Sir Vincent Fean: As I think I said, no. They were issues on the table. They were issues with which we, as a government, were dealing in an attempt to facilitate, as I said earlier—

Q257 Lady Hermon: There was no trade-off with trying to help business.

Sir Vincent Fean: No, not to my knowledge. The issue, for instance, of WPC Fletcher was an ongoing concern and an ongoing priority for the embassy and for the British Government throughout my time and a difficult one to deal with, because the Libyan regime played a very hard game on issues like visa access for Metropolitan Police Officers trying to get into Libya to conduct interviews. They promised and then did not deliver. That was an ongoing issue in my time. There are other issues of a like nature in the Megrahi case that Mr MacKinlay referred to, but I did not see a cross-fertilisation between those issues and the issue that is the focus of your inquiry.

Lady Hermon: Thanks so much.

Chair: Thank you very much. I have a long list of people who want to come in now, and we will start with Gavin.

Q258 Gavin Robinson: Good morning, Sir Vincent. When we explored the issue of how you described it being “tricky”, you said it was tricky for you and tricky for the embassy. As somebody who is being candid this morning, can I ask were you ever personally frustrated with the political parameters you were given and in which you operated, as opposed to being professionally frustrated, which I suspect you would not agree with?

Sir Vincent Fean: To be honest, and this would apply more generally, if you are a civil servant you play with the hand that you are dealt. In other words, there are policy decisions taken back in London, which you implement, and if the issue is—how shall I put it—of direct concern and interest to the relationship between Libya and the United Kingdom, then you offer advice on it. The decision is taken in London, usually by ministers, if it is a big enough decision.

The issue that I know is at the heart of some of your thinking is this issue of whether the Government should have assumed direct responsibility for negotiating an outcome with the Libyan authorities for the Semtex victims. If I may put it very directly, I inherited that decision in the sense that it was already made, I think, in 2006. I came in 2006. At that point, as I saw from Mr McCue’s evidence, the legal representatives of the victims had made a decision to go to the American courts, because the UK courts were not, in a sense, available to them. That decision having been taken, it was not for me to re-examine it. The issue came back to the fore at around the time of the US compensation negotiations with Libya, at which point, as I have read from Mr Rammel’s answers in Parliament, there was a decision by the United Kingdom Government to seek to join the UK case to that of the US victims, and that was turned down.

If I may add one personal comment, since you asked for my personal views, I deeply regret that. I found that decision sad and negative. I was not party to it. It was a decision taken in Washington, and I do not know the detail of how it came about and who said what to whom. But I find that deeply regrettable, because the United States had a large amount of influence on Libya at that time and, indeed, now, and joining with them would have

increased the chances of success. However, the United States, for reasons that I do not really understand, did not wish to associate the UK victims with the US victims.

Q259 Gavin Robinson: Sure, and if that is the personal reflection, then, as it were, it may have been tricky for you, and you have given some personal reflection of it being tricky for the embassy. Did you feel that you were having to go through the motions with those who had an earnest endeavour to settle the claim with Libya whilst recognising, yourself, that HMG's position was entirely different?

Sir Vincent Fean: I sought always to be honest with the team who came together in London to prepare the visit. The fact that the US had done what it did meant that the Libyans were aware that the issue was one of goodwill and opportunity and clearing the decks, if you like, of legacy. That was their impression. They had good legal teams themselves. They knew the sequence of events involving the decision not to go to UK courts, the decision to go to US courts and then the US decision. In those circumstances, my objective in talking to the team in preparation for the visit was not to give them any false impression of the chances of success but to seek ways to influence the interlocutors that they were about to go and see, to try to ensure that that issue of good relations—it may sound rather weak—between the United Kingdom and Libya mattered to them for the future and that, therefore, they should be open to listening to the representations being made.

Q260 Gavin Robinson: I suspect, with time, we are not going to get the opportunity to explore that as fully as I would like, but I want to turn in one question, if I may, to your email. You had indicated to Tony Blair in your email, “Her Majesty’s Government is not involved in the talks, although some British citizens might be affected by them,” and you refer to Northern Ireland victims, so I see you flagging up the issue of compensation in this email. You then go on to indicate that “the UK’s main objective is to promote the City of London as a safe and profitable place for Libya to invest a sovereign wealth fund”, and then you say New York had shot itself in the foot, or at least President George Bush had, in the way in which they had engaged with Libya. Would you agree that the pursuit of a profitable and prosperous relationship with Libya was at the expense of compensation and justice for victims?

Sir Vincent Fean: No. As I said earlier, I do not believe that the issues that I regarded as important objectives for the British Ambassador were in conflict. There was an objective in relation to WPC Fletcher. There was an objective in relation to the aftermath of Lockerbie.

Q261 Gavin Robinson: With respect, are you not linking them in this email that I have just read, in those two paragraphs?

Sir Vincent Fean: Yes.

Q262 Gavin Robinson: You are linking them?

Sir Vincent Fean: The issue there, I think, related back to the question of whether the UK Government was going to take the lead or not in the issue of seeking compensation, and this was an email written in mid-2008, so this is the implication of what I was saying. The background to my stay in Libya was that the UK Government had decided not to take up the cudgels on behalf of the victims directly.

Q263 Gavin Robinson: Would the consequence of doing so be to shoot yourself in the foot like New York did?

Sir Vincent Fean: The bit about shooting yourself in the foot is a rather detailed point, but let me make it. There was the decision by the US President, which I regarded as a threat, as I now look back, leading to the successful negotiation of the compensation settlement. The threat was issued in January 2008 by adding a couple of sentences to a US Congressional Defence Act. The import of that decision was to open the way for US courts to attach assets of Libya in the US. The result of that was that Libya pulled a lot of its money out of the US fast, before it could be attached—\$9 billion, I think. That money went somewhere. Some of it went to Switzerland, some of it went, I think, to the UK. The economic impact of that was important, and I come back to my original thought that one of the objectives of the embassy, one of the Government, is to try to facilitate trade. It is not the only objective; it is one of them. I saw some opportunity for the City of London in that change of heart by the Libyan Government, with a view to the Libyan Investment Authority having an office here in London in order to facilitate activity. Looking further down the pipe, looking on to 2009 and the decision that Mr Brown made to open the door to that delegation visit, that could have led to LIA investment in the United Kingdom and could have led to LIA investment in Northern Ireland.

Q264 Ian Paisley: First of all, this gives me an opportunity to publicly thank you, Sir Vincent, for all the really hard work I know that you did for Northern Ireland. Any trade delegation, any business group, any lawyers, any victims group that we sent, and I was instrumental in sending some of those groups to you and meeting you personally over the years, you have always treated them with the utmost courtesy and with the utmost of help. I know that any delay in achieving what we have hoped to achieve has certainly not been at your behest, and this gives me an opportunity to publicly thank you for that.

You have given us some fantastic evidence. I wish we had more time with you, but you said that victims should make common cause. You have given some advice about what victims should do. I am really tempted to ask you whether you would come out of retirement and advise or lead such a group, given your intricate and intimate knowledge of the situation in Libya.

Sir Vincent Fean: Thank you for the compliment and thank you for the thought. My problem is this: I left in 2010, went to Jerusalem and my mind is now rather preoccupied with the Israel-Palestine question, particularly now with the violence under way. That has been my interest since retirement. The Libyan situation now is wholly different from the one that I lived. I mentioned in the beginning that there was no opposition in Libya in my time. The nearest thing to an opposition was Saif—political opposition. He had rows with his father about liberalisation, about the way forward. He tended to lose. Now we have

tribal interests, militias—you know the story—and finding a way through that, to be honest, requires somebody who has been involved more recently than me.

I would say that it should be possible for the FCO to offer some advice in this area. They have an embassy currently in Tunis, but they have an ambassador, who is a good guy, Peter Millett, and the North Africa team in London have followed the ups and downs of Libyan politics over the last five years in a way that I have not. The idea that there could be discussion between victims' representatives from Northern Ireland and the rest of the UK and Libya itself—people who have suffered under Gaddafi and who make claims upon the next Libyan government—seems, to me, to be a logical way to go and it kind of bypasses the issue that I mentioned, which is a risk of the next Libyan government simply disowning everything that Gaddafi did.

Q265 Mr Nigel Evans: We are all trying to get to grips with why it is that compensation has not been paid fully to UK victims whereas it has in a number of other cases, other nationalities. Do you believe that someone has made a distinction between, let us say, the Lockerbie bombing, where the Libyans were directly involved, and other atrocities where the Libyans supplied weapons? Do you believe a distinction has been made, either by the UK Government, the Libyan Government or both, that there is a distinct difference between the two things and therefore they should not be treated equally?

Sir Vincent Fean: I can only speak for myself and I do not know what the last Libyan regime felt, other than to say that, knowing them, if they could get away without paying they would. You put your finger on an important point. This is a very personal view; I am not a lawyer, but I think one of the reasons why the British courts were averse or unwilling to take the case back in 2006 was partly time expiry under our laws of the tragic incidents, but also that the litigants were addressing not the direct perpetrators but the suppliers. There is no doubt about the supply; there is no contestation about that, but they were not the people who placed the bombs. They were not Libyan.

The other thing to say is that there was an internationally agreed package through UN Security Council resolutions relating to Lockerbie, UTA and the Berlin bombing. They were the subject of sanctions. They were the subject of internationally agreed economic sanctions on Libya that hurt. This issue was not part of that package. I cannot say why, but this issue was not part of that package and therefore was treated differently.

Q266 Nigel Mills: I suppose we are in danger of going round and round the same point, but the question I want to understand is: when you became the Ambassador for Libya, what were you told your priorities were? What were you told you were there to achieve?

Sir Vincent Fean: I inherited the job from Anthony Layden, who was mentioned by Mr MacKinlay, so it was not a blank page. I was the third Ambassador, I think, since the renewal of relations. I was given clear instructions by officials, and I cannot remember whether I met the Minister for foreign affairs before leaving—I probably did—to pursue British interests, to defend them. The issues immediately on the table were to try to secure identification and conviction of the murderer of WPC Fletcher, which was one specific issue, and to ensure that the aftermath of WMD—there was still some yellowcake in Libya—was got rid of. So, if I can be generic, there was a series of instructions.

To be honest with you, I do not recall an instruction on the issue that is the focus of this inquiry. That may be because, speaking with the benefit of hindsight, the choice of litigation by the representatives of the victims—litigation, by the time I got to Libya, in the US courts—meant that for the people who were instructing me that issue was being dealt with on a legal basis elsewhere and, therefore, was not something that I should take a direct interest in, because it was not happening in Libya, with Libya, if you understand me; it was a litigation case elsewhere.

Q267 Nigel Mills: The contrast with the US, where Congress almost said, “We will not agree to lift US sanctions unless our victims get compensated,” is quite stark, is it not, because presumably we were doing lots of things without any kind of caveat of, “We want the compensation”? It was not prioritised.

Sir Vincent Fean: If I may say, if I understand correctly, what the US did is co-operate with the UK and France and the rest of the Security Council in relation to the sanctions. The international sanctions were lifted. They were lifted by the time I got there, so it was legitimate, at that point, for oil companies and others to invest in Libya. I have one small point about that, because I remember from earlier evidence there was a question about how many oil companies were involved. There were three British oil companies out of about 40 or 45 oil companies. BG, BP and Shell were engaged in Libya when I arrived and there were American, Italian, Indian, et cetera, oil companies active as well.

To come back to your point, sir, the internationally agreed sanctions had gone. There was Libya’s return to the international community. What the Americans did in January 2008 was a unilateral act, but because they are big and powerful and important it was an effective unilateral act, and my wish, as I expressed earlier, my hope, would have been that the UK request to associate itself with that act and with the subsequent negotiations could have been accepted by the US.

Q268 Danny Kinahan: Sir Vincent, you mentioned earlier that the likely new government is likely to disown everything that Gaddafi did in the past, yet we still have the frozen assets here, so they are, presumably, still a bargaining chip or a factor involved. Presumably, it has to be something that is important to them. Surely that is the way forward.

Sir Vincent Fean: I read the evidence of Mr Ellwood, which suggested that there are legal reasons why we would not seek to attach those assets. “We” the Government; I cannot speak for the Government. That was my reading of his evidence. The next Libyan government is going to face myriad challenges to survive, in terms of security, to create jobs for its people, because oil and gas is the only thing they do right now, and to cater for the educated graduate people. They will have many challenges. If my conclusion from the previous evidence is correct, Her Majesty’s Government is unlikely to attach the frozen assets. That is why I suggest the other way that I have aired of trying to persuade the Libyan Government that the issue that motivates this Committee and motivates the victims is theirs, because there is shared suffering under Gaddafi.

Q269 Danny Kinahan: On a different angle, when we have been talking about the fear of losing contracts, for the British Government, whether it is oil, were there still other fears? Did Libya have a massive influence in other countries where we would be doing other deals? On

another angle to the same question, was the regime totally clean, without effect of other would-be terrorists? Did it have a powerful position both in trade and what was going on in the world?

Sir Vincent Fean: Libya, in the period that I was there, had come back and was more open to trade and investment and to discussion than ever before. The renunciation of terrorism by Libya, I think, in terms of the West, was real. Gaddafi continued to take an interest or ferment trouble—you can put it either way—in neighbouring countries like Sudan, Mali and Niger, and continued to have a very antagonistic relationship with Saudi Arabia. Those issues, while troublesome, were not a direct threat to British citizens or to British interests, so we monitored them, we tried to observe them, but we did not regard them as a threat to us. They were often a great cause of irritation. That is what I would say.

Q270 Oliver Colvile: Thank you very much indeed, Sir Vincent, for coming to speak to us. I am not going to pretend for one moment that I understand totally how the Foreign Office works, but am I right in thinking that you, as the Ambassador, with your head of station would have been relaying information back—any intelligence that you might have picked up within the gossip around Libya? Is that fair?

Sir Vincent Fean: I shall duck the assertion about the head of station. Our job, as an entity, as a collective, was to seek information that would be of use to British policymakers, to promote British interests, as we saw them, and in the particular phase that Libya was in, to do what we could to try to ensure that there was no stepping back to support for terrorism, to support for WMD—that the decisions that Gaddafi had made, maybe expediently, were maintained, because the opposite of that would have been a threat to British interests.

Q271 Oliver Colvile: During your time, from 2006 onwards, would you have been aware or did you know of any involvement between the IRA and the Libyan Administration at the time?

Sir Vincent Fean: I cannot recall any. I cannot recall any. There was warmth from Libya to the nationalist side.

Lady Hermon: Sinn Féin.

Sir Vincent Fean: Yes. I do not remember visits. I am trying to remember. I do not remember visits, but I would not necessarily have known. I did not see any operational relationship.

Q272 Oliver Colvile: When the parliamentarians came out and whilst it was not an official Government-sponsored visit, you most certainly had obviously been very helpful in making sure that Mr MacKinlay and his colleagues had all the help they possibly could get. Did you then expect them to come back to the United Kingdom and go and talk to the Foreign Office and to ministers?

Sir Vincent Fean: Yes, and I am sure they did. Mr MacKinlay may have ceased his direct involvement, but I am sure there were debriefings in the Foreign Office with the Director Middle East and others. I do not want to leave an impression of false hope, but

Mr MacKinlay is right in saying that those exchanges with the Libyan interlocutors in late 2009 were not negative; they were interrogative. It was the beginning of a process: the clarification of what the United Kingdom, in the shape of the victims, wanted and what Libya could or could not offer. It was not conclusive. I expected it to be part of a sequence of exchanges. I then left the scene in April 2010 and Gaddafi got into deep trouble in February 2011.

Q273 Oliver Colville: Once the delegation had come back to the UK and spoken to the Foreign Office and ministers, did you get any other instructions that came out from the Foreign Office towards you?

Sir Vincent Fean: I do not have a specific recollection, but I know that the message was that this issue was alive. This was not the end of the process; this was not the end of the road. There was a requirement, if I remember correctly, on the part of the participants to consult with the legal representatives of the victims and to see where to go next. There had been no discussion of specific amounts in that first visit. The issue, therefore, was very open and there was a debate, I think I recall, about whether the next step should be to try to encourage some investment from Libya into Northern Ireland, infrastructure investment, as a means of consolidating the relationships that had just begun.

Q274 Kate Hoey: How often did you meet Moussa Koussa during your time as Ambassador and how well did you know him?

Sir Vincent Fean: He had two jobs in my time. He was the Head of the CIA, as Mr MacKinlay said. Subsequently, he became Foreign Minister. My relationship with the Libyan equivalent of the CIA was limited but, as Mr MacKinlay said, he was an important figure, one of those few that I mentioned who was both willing to talk to foreigners and very influential with—

Q275 Kate Hoey: So, he talked to you.

Sir Vincent Fean: Yes.

Q276 Kate Hoey: Would you broadly agree with Mr MacKinlay's analysis of the kind of person he was, in terms of his background and links with terrorism?

Sir Vincent Fean: I remember that he was expelled from the UK for boasting about terrorist acts, not personally conducted, I do not think, in the 1990s.

Q277 Kate Hoey: Where were you on 30 March 2011? What post were you in then?

Sir Vincent Fean: I would have been in Jerusalem, I think.

Q278 Kate Hoey: Did you hear at the time, did anyone give you a call, as the former ambassador, to tell you that he had landed in Farnborough?

Sir Vincent Fean: No.

Q279 Kate Hoey: You knew nothing about it.

Sir Vincent Fean: No. I knew what was in the media.

Q280 Kate Hoey: Looking back on it now or at the time, were you surprised that he was allowed to leave after three days?

Sir Vincent Fean: I cannot really comment, to be honest with you, because I was out of that picture.

Q281 Kate Hoey: Once you go to another country you do not really get involved at all.

Sir Vincent Fean: You are full-time on the day job.

Q282 Chair: Does it sound surprising, though, to hear it now?

Sir Vincent Fean: It was a time of great flux in Libya. That is all I would say.

Q283 Kate Hoey: Yes, but the person had not changed. He had been expelled from the country not long before. He comes back in. This was our opportunity. Does it not surprise you that people did not say, “Great, he is back in now. We can find out an awful lot about what is going on”?

Sir Vincent Fean: I really cannot comment.

Q284 Kate Hoey: I understand that. Just tell me who would have made that decision. Would the decision have been made at Prime Minister-level that he should be allowed to leave Farnborough after three days?

Sir Vincent Fean: I do not know.

Q285 Kate Hoey: As a diplomat of long-standing, you must know who would have made that decision. Would it have got to the Prime Minister’s level?

Sir Vincent Fean: I really do not know.

Q286 Kate Hoey: Would it have got to William Hague’s level, the Foreign Office?

Sir Vincent Fean: I cannot say, because I do not know.

Q287 Kate Hoey: You are being very diplomatic, just as you were very diplomatic about the frustration about the previous Prime Minister Tony Blair. I felt you were being very diplomatic. Thank you very much.

Chair: I am afraid we are out of time and we will have to, for the reasons I gave, close the session. So many issues have come up, it may be we want to invite you to help us again, but we will come back to you on that. For now, though, thank you very much indeed, Sir Vincent.

Sir Vincent Fean: Thank you.