

~~CONFIDENTIAL~~

MR TURNBULL
MR CAMPBELL

Copy: Mr Brisbane
Mr Dunn ✓
Mr Harvie

LOCKERBIE -- CIA EVIDENCE

Mr Turnbull and I attended with Dana Biehl at the US Embassy in the Hague on 1 June 2000 to review cables which had been redacted before they had been provided to the Crown.

[REDACTED]

[REDACTED]

[REDACTED]

~~CONFIDENTIAL~~

The Chief of Station left and Mr Biehl returned and we were asked to and agreed to sign undertakings respecting the confidentiality of the material we were to see. We were confirming that we were examining it for the purpose of determining whether there was any material which required to be disclosed to the defence. If we found material which we wished to use in evidence we would require to raise that issue with the CIA and not make any use of the material without their agreement.

[REDACTED]

[REDACTED]

[REDACTED]

We reviewed the cables which had been prepared for our inspection. As [REDACTED] and Mr McNair explained these were almost entirely unredacted, the only blacked out words being cryptonyms and names of agents, and wherever possible notes had been made as to who the person described by a cryptonym was.

The cables produced were all of these already provided, not all of which were listed as productions. We examined all of them alongside copies of the redacted cables on which annotations had previously been made. In the case of the productions annotated copies had, with the agreement of the CIA, been made available to the defence. We were able to satisfy ourselves that there was nothing omitted which could assist the defence in itself. There were some references to matters which in isolation might be thought to assist the defence - eg details of payments or of efforts by Majid to secure sham surgery - but

~~CONFIDENTIAL~~

since evidence was being provided as to the total of payments made and of the request for sham surgery, the particular material did not appear to be disclosable.

We were satisfied that the material which had been redacted was not relevant to the case or helpful to the defence.

Mr McNair explained that the process of redaction and of annotation of the redactions was carried out under his supervision. The annotations were either by him or by staff acting under his supervision. The approach which he had taken to redaction was as described by him in the witness statement which [REDACTED] had previously provided.

Generally, cables normally commence with technical details as to routing and often end with the same sort of material. This can take up considerable space. Most of the language of the annotations is reasonably self explanatory. References to "S2" are to "Source 2" and simply indicate that there were two sources being discussed in the cable. "Collection details" is the term applied to how information was gathered.

Mr Harvie had raised points about pro 275 and 279. He referred to a handwritten note on the former production. This appeared in the copy which had been used as the production in the case. Mr McNair thought it likely that an agent having a cursory look at the material had scribbled this note. They had not established who had written it. He said that good practice is to cross refer to any other relevant document. This was probably just a prompt to the person who write it. Mr Harvie asked if redactions refer to the company. The company was not mentioned in the cable.

Mr Harvie also queried the redaction of reference to material which is not classified in pro 279. He correctly infers that this is because of the third country rule: if the CIA had not been given permission to disclose material they would need to redact it, unless they had obtained prior authorisation from the other country.

Mr McNair also discussed the revision of the payment details for Majid. He explained that in the original calculation - pro 863 - his assistant had looked at the intended budget rather than the actual payments. When it became obvious that this overstated the payments he had arranged for their financial people to pull out the vouchers and identify all the money which his case officers had said that they had expended on him. The original projections related to budget rather than actual expenditure and would have included safe house expenditure, case officer travel etc. The costs which had now been calculated (pro 1841) were of payments to him and did not include such ancillary expenditure, nor would they include such expenses of the agent (eg in getting to a meeting). He will also be able to offer a fuller explanation of the revised payments to the translator.

~~CONFIDENTIAL~~

I had previously raised the issue of two redacted Majid cables (pro 817 and 819) where the process of redaction and annotation had been contradictory. It was possible from reading them together to identify one person (Malik) by name and the other (Nasr Ashur) by description. The CIA had taken the point and handed over further copies of these cables with the recacted material more fully annotated. They were happy for these copies to be passed on to the defence.

[REDACTED]

I will send copies of the expanded annotated versions of pro 817 and 819 to the defence.

N McFADYEN
Procurator Fiscal
Camp Zeist

2 June 2000