

NEWS RELEASE

21 JUNE 2007

The Scottish Criminal Cases Review Commission (the Commission) will announce its decision in the case of Abdelbaset Ali Mohamed Al Megrahi on 28 June 2007. Mr Megrahi was convicted in 2001 of the murder of 270 people arising from the bombing of Pan Am flight 103 over Lockerbie, Scotland on 21 December 1988.

In accordance with its statutory obligations the Commission's statement of reasons for its decision in the case, which in this case extends to over 800 pages and will be accompanied by numerous volumes of appendices, will not be made public. However, at 12:00 midday on 28 June 2007 the Commission will issue to the media a short summary of its main findings by way of a news release. Copies of the summary will be available on the Commission's website, www.sccrc.org.uk and from its offices at 17 Renfield Street, Glasgow.

Along with the summary of the main findings, the Commission will also release additional information regarding the scale and format of the investigation, the volume of documents and evidence reviewed and the resource requirements of the investigation.

No further comment will be made by the Commission on the case.

NOTES FOR EDITORS

When issuing a press release the Commission normally attaches a brief background note on the work of the Commission for the benefit of editors. As this case is likely to attract additional media interest beyond the Scottish media, the Commission has prepared this expanded note, which is provided in advance for your assistance. In addition to the news release, although the Commission will not be giving any interviews regarding their decision, stock video footage of the Commissions' offices will be available from BBC Scotland at no cost by contacting the Planning Department, telephone 0141 338 2760, email scottish.planning@bbc.co.uk

1.0 The Commission

1.1 Background

The Commission is an independent, public body which was established in 1999 by section 194A of the Criminal Procedure (Scotland) Act 1995 as amended. It has responsibility for reviewing alleged miscarriages of justice in Scotland.

Under section 194B of the 1995 Act, the Commission has the power to refer to the High Court of Justiciary any conviction or sentence passed on a person, whether or not an appeal against the conviction or sentence has been heard and determined previously. The consequence of a reference is that the High Court hears an appeal in the case.

Section 194C of the Act provides that the Commission may refer a case where it believes that:-

- (a) a miscarriage of justice may have occurred; and
- (b) it is in the interests of justice that a reference should be made.

Details of these tests, and how they may be applied, can be found on the Commission's website, www.sccrc.org.uk.

The Commission has a statutory obligation to provide statements of reasons for its decisions. In referral cases the statement of reasons is sent to the High Court, the applicant concerned (and his representatives, if any) and Crown Office. In cases in which the Commission decides not to refer a case, its statement of reasons is sent only to the applicant and any representatives.

A decision by the Commission to refer a case to the High Court does not guarantee the success of the subsequent appeal. A reference is simply an indication to the court that a miscarriage of justice may have occurred and that it is in the interests of justice for the court to consider the case. Once a decision is made by the Commission to refer a case its role in the matter is at an end and it is the responsibility of the applicant or his legal representatives to decide upon and formulate the grounds of appeal and thereafter to present the appeal.

In order to assist in its investigation of cases the Commission has the power to apply for an order from the High Court for the production of documents held by a person or public body. In addition, where a witness refuses to provide a statement the Commission may apply to a sheriff for a warrant compelling that person to do so. During 2006-07 the Commission did not require to use either of these powers.

The Commission operates under statutory non-disclosure provisions whereby, subject to certain statutory exceptions, it is a criminal offence for any Member of the Board or employee to disclose information obtained by the Commission in the exercise of any of its functions.

The Commission's governing legislation is posted on its website, www.sccrc.org.uk.

1.2 The Review Process

The Board of the Commission is responsible for deciding whether or not cases should be referred to the High Court. All applications received by the

Commission are initially considered by the Chief Executive before a recommendation is made to the Board on whether or not to accept, reject or continue the case for further information.

If accepted for full review, the case is allocated to one of more Legal Officers and the investigation process commences in accordance with the Commission's case handling procedures. These procedures are set out in full on the Commission's website, www.sccrc.org.uk.

The main focus of reviews carried out by the Commission is the grounds presented by the applicant, although the Commission may investigate cases more widely if it considers this appropriate.

If the Commission decides not to refer a case to the High Court, an interim statement of reasons will be issued to the applicant and his representatives. The applicant is then given a period of 21 days in which to submit any further representations to the Commission. Any requests to extend this period will be considered by the Board of the Commission. If no further representations are submitted, a letter will be issued after the 21 day period has expired stating that the Commission has decided finally not to refer the case.

If further representations are submitted these are considered by the Commission which may decide to carry out further enquiries. If the Board of the Commission is of the view that no further issues have been raised which cause it to believe that a miscarriage of justice may have occurred then a supplementary statement of reasons is issued. This details any additional enquiries undertaken since the issue of the interim statement of reasons and confirms the decision not to refer the case to the High Court.

Where the Board of the Commission considers that the further representations suggest that a miscarriage of justice may have occurred, it may reverse its interim decision and refer the case to the High Court.

2.0 Case Statistics

2.1 Summary

As at 31 March 2007, the Commission had reviewed 841 cases, of which 67 were referred to the High Court. As at that date the Commission had received a total of 887 cases since its establishment in April 1999.

2.2 High Court Referrals

As at 31 March 2007, the Commission had referred a total of 67 cases to the High Court, 39 of which have so far been determined. Of these, 25 appeals have been granted, 11 rejected and 3 abandoned.

3.0 Board Members

The Board of the Commission currently operates with eight Members, one of whom is the Chair, all of whom are appointed by Royal Warrant on the advice of Scottish Ministers. Board Member appointments are made in line with the Code of Practice issued by the Commissioner for Public Appointments in Scotland.

The Chair of the Commission is the Very Reverend Graham Forbes CBE, Provost of St Mary's Cathedral, Edinburgh. Board Membership currently comprises: Sir Gerald Gordon Q.C. CBE; Sheriff Ruth Anderson Q.C.; Professor Peter Duff, Professor of Criminal Justice at Aberdeen University; Mr David Belfall, retired senior civil servant (Mr Belfall was not involved in the review of Mr Megrahi's case); Mr James MacKay, retired Deputy Chief Constable of Tayside Police, Mr Graham Bell Q.C.; and Mr Robert Anthony Q.C., who was appointed on 26 March 2007.

During 2006-07, a further 3 new Board Members were appointed in order to replace three outgoing Board Members in 2007-08. Professor Brian Caddy, Mr Stewart Campbell and Mr Gerard McClay will all take up their appointments from 1 July 2007.

4.0 Staff

The Commission's full time staff complement consists of a chief executive (Mr Gerard Sinclair), a director of administration (Mr Chris Reddick), a senior legal officer (Mr Robin Johnston), 8 legal officers and 3 administrative support staff. Staffing levels are monitored closely in line with case volumes on an ongoing basis.

The Commission was accredited with the Investors in People award in March 2004 and was successful in retaining this award during 2006-07 following a review by the IIP assessor. The award recognises the Commission's ongoing commitment to staff training and development as well as its focus on organisational achievement.

The Commission's continuing work to ensure excellence in meeting stakeholders' needs was also formally recognised in April 2006, when the Commission officially retained its Charter Mark award. This further demonstrates the Commission's commitment to its key stakeholders.

For any further general information about the Commission please contact Mr Chris Reddick, Director of Administration, SCCRC, 5th Floor, Portland House, 17 Renfield Street, Glasgow, G2 5AH, Tel: 0141 270 7030, email: creddick@sccrc.org.uk or visit the Commission's website at www.sccrc.org.uk