



NEWS RELEASE

The Scottish Criminal Cases Review Commission (Permitted Disclosure of Information) Order 2009.

The Commission announced today that it had been unsuccessful in its attempts to reach agreement with the relevant parties to obtain their consent to the publication of the Statement of Reasons relating to the referral of the case of Abdelbaset Ali Mohamed Al Megrahi in June 2007.

The Scottish Criminal Cases Review Commission (Permitted Disclosure of Information) Order 2009, which came into force on 1 February 2010, only permits the Commission to disclose such information with the consent of those who have, either directly or indirectly, provided the information.

The Commission had agreed, in principle, that it would be prepared to consider the release and publication of the Statement of Reasons which were provided to the Appeal Court in Mr Megrahi's case provided it could obtain the consent of the relevant parties.

Gerard Sinclair, the Commission's Chief Executive, said:

"As I indicated at the time the above Order came into force, in order to release our Statement of Reasons the Commission would require the consent of those who had, either directly or indirectly, provided the information.

Over the last nine months I have been in ongoing correspondence and, in some instances, discussion with a number of the main parties who were responsible, either directly or indirectly, for providing information to the Commission. I asked them if they were prepared to provide their consent, in writing, to the disclosure of the information contained within our Statement of Reasons. This included Crown Office, the Foreign Office, the relevant police authorities, as well as Mr Al Megrahi and his legal representatives.

It has become obvious that there is no likelihood of obtaining the unqualified consent required in terms of the 2009 Order, and consequently the Board decided at its last meeting to discontinue the discussions at this time.

The Commission will be happy to revisit this matter if the 2009 Order is varied and the requirement to obtain the consent of parties is removed."

Notes for Editors

The Scottish Criminal Cases Review Commission was established as an independent body on 1 April 1999 to review alleged miscarriages of justice in Scottish convictions and/or sentences. Under section 194 A to L of the Criminal Procedure (Scotland) Act 1995 (as inserted by section 25 of the Crime and Punishment (Scotland) Act 1997) the Commission can refer a case to the High Court if it believes that a miscarriage of justice may have occurred and that it is in the interests of justice that a reference should be made. Once a case is referred to the High Court by the Commission, it will proceed as a normal appeal.

The Commission operates with a Board of ten Members, one of whom is the Chairman, a Chief Executive, a Director of Corporate Services, two Senior Legal Officers, five Legal Officers and administrative support staff.

The Commission has reviewed its policy on disclosure and, from 1 April 2003, will disclose the fact that a case has been referred. However, as the Commission operates under strict statutory non-disclosure provisions, it is not possible for the Commission to disclose any further information about such cases. The Commission will not release any information regarding cases in which no referral has been made or in respect of cases under review.

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