



Scottish Criminal Cases  
Review Commission

**Information  
for Witnesses**

**Contacting us:**

5th Floor  
Portland House  
17 Renfield Street  
Glasgow  
G2 5AH

Tel: 0141 270 7030  
Fax: 0141 270 7040  
Email: [info@sccrc.org.uk](mailto:info@sccrc.org.uk)  
Web: [www.sccrc.org.uk](http://www.sccrc.org.uk)

**More Information:**

The SCCRC was created by section 194 of the Criminal Procedure (Scotland) Act 1995, as amended by section 25 of the Crime and Punishment (Scotland) Act 1997, which sets out the powers and duties of the SCCRC.

# Information for Witnesses

## 1. The Scottish Criminal Cases Review Commission

### Who are we?

We are the independent public body that investigates and reviews alleged miscarriages of justice in Scotland. We receive applications from convicted persons who believe they have suffered a miscarriage of justice in respect of their conviction or sentence (or both).

### Whom do we represent?

We are an independent body: we do *not* represent the prosecution, the defence, the police, the courts or any other part of the criminal justice system. We do *not* represent the convicted persons who apply to us.

## 2. The work of the SCCRC

### What do we do?

We review cases to decide whether they should be referred to the High Court to be considered again. We refer cases to the High Court where we believe that there may have been a miscarriage of justice and it is in the interests of justice to do so. The High Court must then decide whether the conviction or sentence should be overturned.

### Why do we need to speak to witnesses?

We interview witnesses to gain further information about the cases we are reviewing. We interview all types of witnesses, including persons who gave evidence at the original trial and those who did not, expert witnesses and police officers.

## 3. The investigative powers of the SCCRC

### Are witnesses required to speak to us?

Yes. Most witnesses we approach are willing to assist us in our investigations. However, where we believe a person may have information relevant to our investigation and that person refuses to provide a statement, we may apply to a sheriff for a warrant to cite him to give a precognition on oath. If the sheriff grants the warrant, that person will require to attend a sheriff court to answer the questions we wish to ask him. His failure to attend the court, or to provide information within his knowledge, is a criminal offence for which the penalty is up to £1000 fine and/or 21 days' imprisonment.

## 4. The interview

### Who conducts the interview?

Our legal officers, who are employed to investigate the cases, will interview you. You should not be afraid about speaking to our legal officers: they are experienced in interviewing witnesses and dealing with sensitive information.

If you have any concerns about being interviewed, please do not hesitate to contact the legal officer on the Commission's main telephone number: 0141 270 7030; he or she will try to address any concerns you have. If you remain concerned about being interviewed, you should seek legal advice.

### Where will the interview take place?

We prefer interviews to take place at our office, which is in Glasgow. Where you cannot attend our office, the legal officer will arrange to meet you at another suitable location (eg, a local authority building, a sheriff court or a police station).

### May you bring another person to the interview?

If you do not wish to speak to the legal officer on your own, you may bring your solicitor or another person to the interview.

### Do we provide the services of an interpreter?

If you do not speak English, we shall arrange for an interpreter to attend the interview.

## 5. After the conclusion of the review

### Will you need to attend court to give evidence?

Where we refer a case to the High Court, it is possible you may be called to give evidence at any appeal.

### Do we disclose your personal details?

We may include in our written decision your name and the information you gave us. We shall not include your address. We shall not disclose your address or telephone number to any other person or organisation without your express consent.

Further information about the SCCRC is available on our website: [www.sccrc.org.uk](http://www.sccrc.org.uk)