



Application on behalf of Mr Abdelbaset Ali Mohamed Al Megrahi

The Scottish Criminal Cases Review Commission lodged a petition in Edinburgh, under s194D(3) of the Criminal Procedure (Scotland) Act 1995, seeking the opinion of the High Court in relation to a matter arising from the case of Abdelbaset Ali Mohamed al Megrahi

The purpose of the petition was to seek the advice of the court on the meaning of the phrase “legitimate interest” where it occurs in s303A(4)(b) of the Criminal Procedure (Scotland) Act 1995. In particular, the Commission wished to seek the advice of the court on whether members of the victims’ families, including Dr Jim Swire and Rev. John F Mosey, would be entitled to pursue an appeal on behalf of Mr Megrahi if the Commission ultimately decided to refer the current application. Previous court decisions had restricted this role to executors and the “next of kin” of the convicted person.

A hearing was held on 3 July 2015. The court asked the Commission to publish its written note of argument in relation to its request. The note of argument can now be accessed [here](#). The petition itself may be accessed [here](#).

On 3 July 2015, the court issued its opinion on the matter. A copy of the opinion can be accessed [here](#).

In light of this opinion of the court the Commission will now need to address whether it is “in the interests of justice” to accept the conviction of Mr Megrahi for a full further review, taking account of the statutory requirement for “finality and certainty” in criminal proceedings under s194C(2) of the 1995 Act. In considering this matter the Commission will require to address the fact that Mr Megrahi abandoned his appeal in 2009 after a referral from the Commission and that neither he nor any member of his family lodged an application for a further review of his conviction prior to his death in May 2012.

The Commission has written to the solicitors who presented the current application, requesting access to the defence papers in order to allow it to consider the circumstances surrounding the abandonment of Mr Megrahi’s second appeal.