



NEWS RELEASE

Application on behalf of Mr Abdelbaset Ali Mohamed Al Megrahi

The Scottish Criminal Cases Review Commission has been made aware today that it will receive an application shortly, at the request of Dr Jim Swire on behalf of himself and several others, to review the conviction in the case of Abdelbaset Ali Mohamed Al-Megrahi.

Mr Megrahi was convicted in 2001 of the murder of the 259 passengers and crew on board Pan American World Airways flight PA 103 from London to New York, and 11 residents of Lockerbie on 21 December 1988. He subsequently appealed his conviction and his appeal was refused by the High Court in 2002.

Mr Megrahi previously applied to the Scottish Criminal Cases Review Commission for a review of his conviction in 2003, and his case was referred by the Commission to the High Court for a new appeal in 2007. Mr Megrahi subsequently abandoned his appeal in 2009.

Gerard Sinclair, the Chief Executive of the SCCRC, said today:- *“There are several important matters which will clearly affect the timescale within which the Commission will be able to deal with a fresh application.*

Even before deciding whether to accept this new application for review, the Commission will require to consider a number of preliminary matters relating to the application. These include whether Dr Swire has a “legitimate interest” to pursue, on behalf of Mr Megrahi, an application to the Commission and any subsequent appeal, as required by S303A(4) of the Criminal Procedure (Scotland) Act 1995. In order to address this matter the Commission may require to petition the High Court for a formal opinion under S194D(3) of the 1995 Act.

If it is decided that Dr Swire has a “legitimate interest” in this matter the Commission will also require to address whether it is “in the interests of justice” to accept for a further review the conviction of Mr Megrahi, 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 be required 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. Consideration of these matters could take some time.

As this is a fresh application, if it is then accepted for review, the Commission will have to allow some time for Board Members to acquaint themselves with the terms of the application and the basis for the previous review and referral, as none of the present Members of the SCCRC were Members at the time the matter was previously referred in 2007.

Likewise, if this case is accepted for review, the Commission will require to address the various grounds of review, taking account of any changes in the law since the application was previously reviewed and carry out relevant enquiries and investigations.

It is anticipated therefore that, if there is to be a further review of this conviction, any such review will take some time to complete”.

No further comment will be made by the Commission at this time.

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 194A. L of the Criminal Procedure (Scotland) Act 1995, as inserted by section 25 of the Crime and Punishment (Scotland) Act 1997, the Commission may 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 the Commission refers a case to the High Court, the case will proceed as a normal appeal.

Where a convicted person has died, court rules allow the High Court to consider an appeal where it considers the person taking the appeal has a legitimate interest in the case. The determination of whether a person has a legitimate interest is a decision for the High Court to make. The Commission may petition the High Court to establish whether Dr Jim Swire is a person with a legitimate interest who could pursue an appeal on behalf of Mr Al-Megrahi in the event that the Commission was to refer the case back to the High Court.

The Commission will disclose the fact that a case has been referred to the High Court, and will provide a short summary of the reasons for this. However, as the Commission operates under statutory non-disclosure provisions, the Commission does not consider it to be appropriate to disclose any additional information about such cases. The Commission will not release any information about 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; telephone: 0141 270 7030; e-mail: creddick@sccrc.org.uk; or visit the Commission's website at www.sccrc.org.uk