



NEWS RELEASE

Application on behalf of Mr Abdelbaset Ali Mohamed Al Megrahi

The Scottish Criminal Cases Review Commission has confirmed that it has lodged a Petition at the High Court 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

On 5 June 2014, the Commission received an application for a further review of Mr Megrahi's conviction from Messrs Aamer Anwar & Co, solicitors. This application was lodged on behalf of two separate groups, the family members of the deceased victims of the Lockerbie bombing and members of Mr Megrahi's family.

The aim of the Petition is to seek the advice of the court on the meaning of the phrase "legitimate interest" where it occurs in s303A(4) of the Criminal Procedure (Scotland) Act 1995.

Gerard Sinclair, the Chief Executive of the SCCRC, said today: *"As we indicated in our news release of 6 May 2014 prior to receipt of the current application, there are a number of preliminary matters that the Commission needs to determine before it can decide whether or not to accept the case for a full review. One of these is the need for the Commission to be satisfied that, in the event of a referral, someone with the right to do so will be willing and able to pursue the appeal.*

The Commission has, since June, proceeded on the basis that Mr Megrahi's family are involved in the present application. However, despite the Commission's repeated requests, the members of the Megrahi family have failed to provide appropriate evidence to support this position.

The Commission has now reached the conclusion that the current application is being actively supported only by the members of the victims' families, who would no doubt be prepared to pursue an appeal if allowed to do so.

The aim of the Petition is to seek the advice of the court on whether members of the victims' families would be entitled to pursue an appeal on behalf of Mr Megrahi if the Commission ultimately decided to refer the current application, as previous court decisions have restricted this role to executors and the "next of kin" of the convicted person".

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.

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. Mr Megrahi died in 2011.

Where a convicted person has died, court rules allow the High Court to consider an appeal where it considers the person taking the appeal is the executor of the deceased's estate or otherwise 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 had initially proceeded under the assumption that the executor of the estate was actively supporting the application and would be in a position to take any appeal arising from a Commission referral. However, the Commission has, over the course of a number of months, made numerous requests for evidence confirming the executor's status. This has not been provided. The Commission has thus formed the impression that the executor of the estate is not actively involved in the process.

The Commission has now petitioned the High Court, in terms of s194D(3) of the Criminal Procedure (Scotland) Act 1995, to establish whether Dr Jim Swire or another member of the victims' families might be classed as a person with a legitimate interest to 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.

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, G2 5AH; telephone: 0141 270 7030; email: creddick@sccrc.org.uk; or visit the Commission's website at www.sccrc.org.uk