

Injustice in Scotland: case studies

Shirley McKie

Background

In February 1997 in Kilmarnock, Scotland, police officer Shirley McKie was accused of leaving her fingerprint at a murder scene and lying about it.

Shirley testified as a crown witness at the trial of David Asbury accused of murdering Marion Ross that she had never entered the murder house and the print identified by 4 experts from the Scottish Criminal Records Office (SCRO) was not hers.

Asbury was convicted and sentenced to life imprisonment.

A few months later in an early morning raid Shirley was arrested by the police and charged with perjury, jailed and bailed. The only evidence against her was the disputed fingerprint found in the murder house.

The SCRO experts continued to maintain that they had not made a mistake and also to challenge international experts who claimed that they had made a second identification mistake crucial to Asbury's conviction.

In May 1999 Shirley was found unanimously found not guilty in Glasgow High Court. The SCRO fingerprint evidence was rejected in favour of that by defence experts.

The acquittal by the court should have closed the case with an apology from SCRO and the rehabilitation of Shirley. But that never happened, instead the mis-information continued in an effort to discredit both Shirley and the foreign experts.

Among the many reasons offered for the continuing cover up was one linking the case to the need in 1999 to ensure the Scottish Justice system was seen as 'whiter than white' in the run up to the trial of the alleged "Lockerbie Bombers".

Despite government admissions that a mistake has been made, numerous official enquiries and reports confirming the court's conclusions and international condemnation of the SCRO they and Crown Office continued to maintain that they were right in their identification.' A massive media campaign in Scotland forced the authorities to re-think their position.

In August 2002 David Asbury who was jailed for the murder of Marion Ross had his sentence quashed by the appeal court who expressed 'considerable concern' and deemed the SCRO fingerprint evidence to be 'unsafe'. He awaits compensation.

Ten years after the original accusation in February 2006 the Scottish Executive accepted 'an honest mistake' had been made and Shirley was awarded 750,000 pounds. As a result of the case SCRO was closed and a new Scottish Forensic Service created. Most of the SCRO experts have now retired or resigned still asserting their innocence.

In 2006/7 a Parliamentary enquiry fudged the issue of responsibility although they supported a large number of changes within the Scottish Fingerprint Service.

After winning the 2007 election the new SNP administration undertook to authorise the judicial enquiry refused by the previous labour/liberal administration.

Further information:

- <http://www.shirleymckie.com/>
- <http://www.scottish.parliament.uk/business/committees/justice1/reports-07/j1r07-03-vol1-00.htm>
- <http://www.google.co.uk/search?q=Shirley+McKie%2BSCRO%2BLockerbie%2Bfingerprints&hl=en&start=60&sa=N>

Who have questions to answer:

- SCRO experts and management.
- Successive Lord Advocates.
- Successive Ministers for Justice.
- Senior police officers.

What needs to be done:

- A judicial enquiry. (now promised)
- A judicial enquiry into the Lockerbie investigation, trial and its aftermath.

Supporting MSP's

- Alex Neil, Central Scotland.