

Parliamentary Question

To ask the Scottish Executive, whether it will make a statement about establishing a public judicial inquiry into the Shirley McKie case.

Answer

The Shirley McKie case has cast a cloud over the individuals involved and has been a source of serious concern for the criminal justice system for the past decade. Previous reviews have helped to shed some light on matters, but they have not fully explained the events and, therefore, have not entirely dispersed that cloud. Public concern remains. The Scottish Government has given a commitment, therefore, that it will establish an independent, public, judicial inquiry into the case. The inquiry will be constituted under the Inquiries Act 2005 and subject to the Inquiries (Scotland) Rules 2007. In accordance with section 6 of the 2005 Act, I am announcing today that the chairman will be Lord Justice Sir Anthony Campbell, one of the Northern Ireland Court of Appeal judges. At this point, I have no plans to appoint any other person to the inquiry panel.

Having consulted with Lord Justice Campbell, as required by section 5 of the 2005 Act, I have determined that the inquiry's terms of reference will be:

- to inquire into the steps that were taken to identify and verify the fingerprints associated with, and leading up to, the case of HM Advocate v. McKie in 1999, and
- to determine, in relation to the fingerprint designated Y7, the consequences of the steps taken, or not taken, and
- to report findings of fact and make recommendations as to what measures might now be introduced, beyond those that have already been introduced since 1999, to ensure that any shortcomings are avoided in the future.

The Scottish legal system has served Scotland well for centuries. Occasionally things go wrong. When they do, it is to the credit of the system and the country that we seek to resolve them and set matters right. The purpose of this inquiry is not to try or retry any individual for the events of the past, nor to challenge the decisions of the prosecution, the defence or the courts in relation to any of those events. Indeed, the law is quite explicit that an inquiry cannot rule on, and has no power to determine, any person's civil or criminal liability. The purpose is to open up and understand those events and to learn from them, in order to ensure that, for the future, Scotland has an approach to the identification, verification and presentation of fingerprints that everyone can trust. For this purpose, the inquiry will have at its disposal the full powers bestowed by the 2005 Act, including powers relating to access to documents and witnesses.

For its part, the Scottish Government will volunteer any material that it holds and which might be useful to the inquiry. The Lord Advocate has also made clear that she will, exceptionally, make available to the inquiry any material that the Crown Office holds and which might be useful to the inquiry, including the Mackay report, Crown precognitions and reports by Crown Office officials. Additionally, if requested by the inquiry, Ministers and officials from both the Scottish Government and the Crown Office and Procurator Fiscal Service will appear in person to provide an account of their knowledge of events. Nothing will be hidden from the inquiry.

For the purposes of the 2005 Act, the inquiry's 'setting-up date' is today. Lord Justice Campbell will remain focused on his existing judicial duties in Northern Ireland until the end of August and he will not be taking evidence or representations until then. It is anticipated, however, that the planning and preparatory work that is necessary for the inquiry will begin now under his guidance. Future public announcements about the conduct of the inquiry will be made by the inquiry team in due course.

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