



John Ashton  
By email: john@ashy.demon.co.uk



Your ref:  
Our ref:

7 November 2012

**FOI 2012/01382**

Dear Mr Ashton

Thank you for your request dated 25 September 2012 under the Freedom of Information (Scotland) Act 2002 (FOISA) for information concerning the following issues:

1. Discussions between members of the Government in the few days before and in the months subsequent to the publication of the Scottish Criminal Cases Review Commission's Statement of Reasons for referring the conviction of Abdelbaset Al-Megrahi to the Appeal Court about a) the statement's contents and b) the implications of the statement for the Government's previously expressed view that it did not doubt the safety of Mr Al-Megrahi's conviction?
2. Confirmation of whether the Government sought briefings from the Crown Office regarding the Statement of Reasons.
3. Confirmation as to whether the Cabinet Secretary for Justice and the First Minister have read the Statement of Reasons and, if not, why not?
4. An indication of whether the Statement of Reasons gives the Government any concerns about the administration of justice in Scotland, and if not, why not?

Following a search of our paper and electronic records, we have identified the following information relevant to your request. On 25 March, the Cabinet Secretary for Justice requested information from Scottish Government officials regarding the contents of the SCCRC's Statement of Reasons. On 27 March, Scottish Government officials provided the Cabinet Secretary with a brief summary of the SCCRC's statement in the event that the issue arose at Cabinet and a more detailed submission providing information on the six

grounds on which the SCCRC referred Al-Megrahi's conviction back to the High Court. On 28 March, officials provided a standard briefing note to Ministers for responding to Ministerial questions in Parliament.

Possible exemptions under section 30(b)(i) apply to some of the information requested as the release of the information would be likely to inhibit the free and frank provision of advice to Ministers.

As the exemption is conditional we have applied the 'public interest test'. This means we have, in all the circumstances of this case, considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of releasing three of the documents. However, for two of the documents, briefing for Ministerial questions and briefing for Cabinet, we have determined that the public interest lies in upholding the exemption. While we recognise that there is some public interest in release because of the degree of public interest in matters concerning the Lockerbie atrocity, this is outweighed by the public interest in allowing Ministers to be briefed by officials in confidence on the handling of topical issues.

It might be helpful for me to clarify Scottish Ministers' position concerning the safety of Mr Al-Megrahi's conviction. Scottish Ministers have stated repeatedly their view that as Mr Al-Megrahi was convicted in a court of law, that a court remains the only appropriate forum for considering the evidence and determining his guilt or innocence. Following consideration of all relevant matters, only a court has the power to either uphold or overturn Mr Al-Megrahi's conviction. It remains open for relatives of Mr Al-Megrahi or, potentially, relatives of the Lockerbie bombing victims, to ask the Scottish Criminal Cases Review Commission to refer the case to the court for a further appeal and Ministers have made clear they would be comfortable if this were to happen.

Regarding the second and third parts of your FOI request, I can confirm that the Scottish Government has not sought briefing from the Crown Office concerning the material contained in the SCCRC's Statement of Reasons. I can confirm that the Cabinet Secretary for Justice has read the SCCRC's Statement of Reasons. The First Minister was provided with briefing on its contents.

In your letter you also ask whether the Statement of Reasons gives the Government any concerns about the administration of justice in Scotland. The SCCRC was established in 1999 to review cases where it is alleged that a miscarriage of justice has occurred, either in respect of a conviction or sentence. Where, following investigation, the SCCRC concludes that a miscarriage of justice *may* have occurred and that it is in the interests of justice to do so, it will refer the case to the High Court for determination. Mr Al-Megrahi, as you know, chose to abandon his appeal before it was determined by the High Court. However, the Scottish Government is confident that there are appropriate processes within the Scottish justice system to provide a robust means by which allegations that a person has suffered a miscarriage of justice can be independently and impartially investigated and determined. As noted above, it remains open for relatives of Mr Al-Megrahi to ask the SCCRC to consider referring the case back to the High Court.

## Review

If you are unhappy with this response to your request, you may ask us to carry out an internal review, by writing to Leslie Evans, Director General for Learning and Justice, St Andrew's House, Edinburgh EH1 3DG. Your request should explain why you wish a review to be carried out, and should be made within 40 working days of receipt of this letter, and we

will reply within 20 working days of receipt. If you are not satisfied with the result of the review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

Yours sincerely,



**Patrick Down**



From: Nikki Brown  
Justice Directorate: Law Reform Division  
27 March 2012

Cabinet Secretary for Justice

## **STATEMENT OF REASONS IN THE AL-MEGRAHI CASE**

### **Purpose**

1. To provide a summary of key points from the statement of reasons produced by the Scottish Criminal Cases Review Commission (SCCRC) in their review of the conviction of Abdelbaset al-Megrahi.

### **Priority**

2. Routine.

### **Background**

3. A copy of the statement of reasons was published by the Sunday Herald on its website on 25 March 2012, with only very minor redactions. The accompanying appendices have not been published. The SCCRC has confirmed that from an initial read-through the copy appears to them to be genuine.

### **Summary**

4. The document confirms that, as we had previously understood, the SCCRC rejected all but 3 of the 48 grounds for possible appeal raised by Mr al-Megrahi. However, the SCCRC also identified 3 further grounds, leading to a referral to the appeal court on the basis of six grounds in total.

5. The grounds on which the SCCRC referred the case were:

- that on the evidence presented, it may be argued that the court reached an unreasonable verdict;
- that the Crown did not disclose to the defence evidence that the Maltese shopkeeper, Anthony Gauci, who identified Mr al-Megrahi as the purchaser of clothes found in the suitcase containing the bomb had seen a picture of Mr al-Megrahi in "Focus Magazine" in which he was described as a suspect in the case;
- that the Crown did not disclose evidence concerning reward monies allegedly sought by Mr Gauci for giving evidence identifying Mr al-Megrahi;
- that there is evidence which may cast doubt on the court's identification of 7 December as the date on which the clothes were purchased from Mr Gauci, both because of (1) evidence regarding the time the Christmas lights near his shop were switched on and (2) undisclosed evidence from Mr Gauci's Crown precognition;

- that protectively marked documents held by the Crown and not disclosed to the defence may have undermined the case against Mr al-Megrahi.

More detail on each of these grounds for referral is contained at **Annex A**.

### **Other issues highlighted in the statement of reasons**

6. The SCCRC rejected a number of allegations about the al-Megrahi case which have been quoted in the press. In relation to the suggestion that the timer-fragment was not of the type identified as having been sold to the Libyan security services, the report states:

*“the Commission has examined for itself all aspects of the chapter of evidence relating to PT/35(b) (the timer fragment), and has considered in detail the various allegations raised about the fragment. Even when these matters are considered cumulatively, the Commission does not believe that a miscarriage of justice may have occurred in this connection.”*

On this particular point about the timer fragment it has been suggested there have been further developments since the report was completed. However these are matters on which only a court could determine whether they are of significance.

7. The SCCRC's report also dismisses evidence submitted by an anonymous former police officer, referred to as “the Golfer” (a former detective sergeant involved in the investigation who spoke to the SCCRC under conditions of anonymity), which has been widely reported in the press. The SCCRC news release of 28 June 2007 described the evidence of “the Golfer” in the following terms:

- ‘a vast array of inconsistencies and contradictions between, and sometimes within, his statements to the Commission.’;
- ‘allegations to be implausible when considered alongside other evidence in the case.’

The full statement of reasons expands on these conclusions and contains nothing that adds to the credibility of the allegations of fabricated evidence and altered statements. It concludes:

*“the Commission has serious misgivings as to the Golfer's credibility and reliability as a witness. In determining this issue, the Commission is aware that such matters are, in the final result, for the High Court to determine. Accordingly, in assessing credibility and reliability the Commission generally applies a low standard and may hold that a witness is credible merely where it considers the witness capable of being believed by a reasonable jury. In the Golfer's case, however, the Commission is not persuaded that his accounts satisfy even this standard.”*

8. There has been considerable press interest in recent weeks in allegations about the Crown's handling of the case, both in terms of their alleged failure to disclose vital evidence to Mr al-Megrahi's defence team, and their alleged failure fully to cooperate with the SCCRC's investigations. Allegations that the Crown failed to disclose

evidence which might have been of assistance to the defence team do form a part of the grounds on which the SCCRC referred the case to the Appeal Court. The key points from the relevant sections of the report appear in **Annex A** (chapters 22, 23, 24 and 25). However, there is no suggestion that the Crown deliberately obstructed the SCCRC's inquiry. The report states:

*"While the delays experienced in obtaining materials from Crown Office were a source of great concern and frustration to the Commission, it is fair to say that their 64 responses to requests were often detailed and helpful. Furthermore, at an early stage in the Commission's enquiries Crown Office provided the Commission with an electronic database containing virtually all the statements obtained by police during the original investigation and throughout the preparations for trial. As indicated, Crown Office also facilitated the provision to the Commission of the flipdrives. Without these resources, the Commission's ability to review the case would have been seriously hampered."*

9. The SCCRC have confirmed publicly that the copy of the statement of reasons, published by the Sunday Herald, appears to be genuine. The SCCRC's chief executive has separately told officials that the very limited redactions in the version published by the Sunday Herald remove the names of people whom "the Golfer" accused of impropriety in respect of the al-Megrahi case and concern information about girlfriends that Mr al-Megrahi and Mr Fhimah (his co-accused) had in Malta.

## **Conclusion**

10. I invite you to note this summary of the key points from the SCCRC's statement of reasons.

**Nikki Brown**  
Deputy Director Law Reform  
Ext. 43537

27 March 2012

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
First Minister Minister for Community Safety and Legal Affairs			X X		

Permanent Secretary  
 DG Learning and Justice  
 Bridget Campbell  
 Don McGillivray  
 Craig French, SGLD  
 Andrew Ruxton SGLD  
 Philip Lamont  
 Patrick Down  
 Jim Wilson  
 Walter Drummond-Murray  
 Communications Safer and Stronger  
 Kevin Pringle  
 Stuart Nicolson  
 John McFarlane

## GROUNDS OF APPEAL FORMING THE BASIS OF THE SCCRC'S REFERRAL

### Chapter 21 – “Unreasonable Verdict”

**The Issue:** In a substantial portion of his submissions to the SCCRC, Mr Al-Megrahi seeks to demonstrate that the verdict in his case was one which no reasonable trial court, properly directed, could have returned. The Commission considered that in respect of grounds concerning the approach taken by the trial court to Mr Gauci's identification of Mr Al-Megrahi as the purchaser of clothes in the suitcase in which the bomb was contained, the trial court may have reached an unreasonable verdict.

**Details:** The Commission considered that the great length of time between the purchase and the identification parade at which Mr Gauci identified Mr Al-Megrahi, and the evidence of Mr Gauci's exposure to the photograph in *Focus* magazine shortly before the identity parade, cast doubt upon the reliability of that identification, even though it was one of resemblance only. The Commission note that Mr Gauci had earlier identified Mr Al-Megrahi from a photo-spread at a time when he was not at any risk of exposure to Mr Al-Megrahi's photograph in the media and at a point in time significantly closer to the date of the purchase. However, like those other identifications, the identification by photograph in 1991 was one of resemblance only and was qualified and equivocal, having been undermined by Mr Gauci's initial identification of the purchaser, particularly of his height and age.

The Commission also considered evidence about the date on which the purchase was made. Mr Gauci recalls that his brother, Paul Gauci, had left the shop to watch a football match. There is clear evidence that live football was broadcast on 23 November and 7 December 1988. They note that the Crown's case that the purchase was made on 7 December 1988 was important because a finding of any other date would, on the evidence before the court, effectively have excluded Mr Al-Megrahi as the purchaser. They conclude that evidence regarding the weather, while not necessarily excluding 7 December as the date of purchase, strongly favoured 23 November in any choice between the two.

**Reason for referral:** The Commission concluded, after considering all the evidence before the court in this connection, that there is no reasonable basis for the conclusion that the purchase took place on 7 December 1988. In the absence of a reasonable foundation for the date of purchase accepted by the trial court, the Commission came to the view that no reasonable trial court could have drawn the inference that Mr Al-Megrahi was the purchaser.

The Commission considered whether, leaving aside the evidence as to the date of purchase, there exists an alternative means by which a verdict of guilty could reasonably have been returned. They concluded that, given the importance of the date of purchase to the identification of Mr Al-Megrahi as the purchaser, this is a matter more appropriately determined by the High Court in the event that it arises at appeal.

Based on these conclusions, the Commission state that it *“is of the view that the verdict in the case is at least arguably one which no reasonable court, properly*

*directed, could have returned. In these circumstances, the Commission considers that a miscarriage of justice may have occurred in the applicant's case."*

## **Chapter 22 – Undisclosed evidence relating to identification by Tony Gauci**

**The issue:** Tony Gauci saw a number of media articles which included photographs of Al-Megrahi before an ID parade which took place in April 2009 and before trial.

**Details:** Tony Gauci's evidence that he believed Al-Megrahi was the man who bought the clothing that was identified as being in the suitcase with the bomb was critical to the conviction.

There is a long history to Gauci's identification evidence. He picked out photographs of Megrahi from a police photo spread as early as February 1991, before Megrahi's image had been widely released. However, his identification at every stage has been somewhat equivocal and has been to the effect that Megrahi and photographs of him resemble the man who bought the clothes. This was noted by the judges at the original trial in their judgement.

Tony Gauci picked Megrahi out in an ID parade in the Netherlands in April 1999 ahead of the Camp Zeist trial.

**What wasn't disclosed:** Statements from Maltese police to the effect that Tony Gauci had seen photographs of Megrahi in Focus magazine and a Maltese newspaper article before the ID parade. While it was well known that Al-Megrahi's photograph had been printed many times in the media and it was likely that Tony Gauci had seen it, there was limited evidence as to the effect of this led by the defence at the original trial (though they did strongly challenge the reliability of the identification). The statement that wasn't disclosed makes clear that Tony Gauci had had the copy of Focus magazine in his possession for some months before the ID parade and had been profoundly affected by it.

**Reason for referral:** At the time of the original trial, there was already a requirement in common law to disclose to the defence information which would tend to exculpate the accused. The disclosure issue was considered at the first appeal and dismissed. The SCCRC, however, also apply case law that evolved **after** the original trial and also after the first appeal.

The Commission concludes that the document that was not disclosed would have strengthened a defence case that the identification at the ID parade and at trial was influenced by photographs Mr Gauci had seen in the media. While it does not affect the identification that Tony Gauci made from a photo spread in 1991, it is possible the additional evidence might affect the overall reliance that the court would place on Tony Gauci's identification evidence as a whole.

The non-disclosed material is not exclusively helpful to the defence. It makes clear that Tony Gauci approached Maltese police when he saw the Focus article and the police evidence is to the effect that Tony Gauci said "that's him" to police in relation to the photograph of Al-Megrahi. However, the Commission quotes case law that no assumptions can be made about the effect it would have had on the defence.

### **Chapter 23 – offer of money/reward to Tony Gauci**

**The issue:** A memo from an investigating officer (Mr Bell) from February 1991 and a confidential report from Strathclyde Police in 1999 both indicate an interest from the Gauci brothers in money or financial compensation. These were not disclosed to the defence

**Details:** As noted above, Tony Gauci's evidence was critical to the identification of Al-Megrahi. The reliability of his evidence was challenged at the trial, but his credibility wasn't. The judges at the trial concluded that he was doing his best to tell the truth.

The Bell memorandum mainly deals with possible witness protection measures but also mentions Tony Gauci's interest in receiving money and knowledge of US reward monies. The Strathclyde report from 1999 says Tony Gauci was frustrated by lack of financial compensation but makes clear he had not been offered any inducements for giving evidence. Paul Gauci is referred to as being much more assertive about money. There is various evidence to the effect that police were well aware of the need to avoid linking money and evidence and acted accordingly.

The SCCRC report highlights that both Gauci brothers received money from a US rewards for justice programme after the conclusion of the first appeal. The Gaucis had, however, refused money for interviews from the media on several occasions and the police report concludes that their motive was not financial. The SCCRC report also highlights a number of examples of where the Gaucis were reluctant to cooperate with police which would not have been expected had they been motivated by money.

**Reason for referral:** The Commission believes the two documents that were not disclosed could have allowed the defence to mount a challenge to Tony Gauci's credibility.

The basis for considering what should have been disclosed and its effect on the original evidence is made with reference to case law that developed both before and after the trial and first appeal (see previous chapter).

The Commission concludes that the non-disclosed material was not entirely risk-free for the defence as it mentions Gauci being visited by people purporting to represent the defence and the Libyan Government, the implication being that they were trying to threaten him or buy him off. Again, the Commission quotes case law that no assumptions can be made about the effect it would have had on the defence.

**Chapter 24 – Date of purchase of clothes that were in the suitcase with the bomb**

**The issue:** Tony Gauci gave a number of partially contradictory statements about whether the Christmas lights were on outside his shop at the time the clothes were purchased. He also mentions a specific date of purchase as a possibility in a Crown precognition that conflicts with the date that was established at trial. The precognition was not disclosed to the defence.

**Details:** The date of purchase of the clothes is an important piece of evidence. Megrahi was only in Malta on certain dates and the Crown needed to prove that the purchase took place on one of these dates to link him to the clothes.

The trial concluded that the date of purchase was 7 December 1998. Tony Gauci gave statements in 1989 and 1990 in which he said the Christmas lights were not on at the time the clothes were purchased. Later statements contradict this and his evidence at trial was also contradictory on this point. The SCCRC investigation concludes the lights were switched on on 6 December 1998.

In his precognition, Gauci mentions end November or December 1998 as the date of purchase but also the specific date of 29 November as a possibility. He mentions an argument with a girlfriend around that date.

Other evidence from Tony Gauci, which appears not to be challenged, helped to pin the date down to either 23 November or 7 December, on the basis that his brother was at home watching football on the date of purchase.

The contradictions and uncertainties around the Christmas lights was explored at trial and appeal. The trial accepted that he purchase was made around the time the lights were going up but noted the contradictions in Gauci's evidence. The defence decided that the information wasn't necessarily helpful to them and Megrahi himself decided it should not be led.

**Reason for referral:** The SCCRC concludes that the information in the precognition should have been disclosed. While it may have been of limited use to the defence, it may have allowed them to carry out further investigations e.g. around the date of the argument with the girlfriend.

The information about the Christmas lights was included as a reason for referral on the basis that the more specific date for the switching on of the lights contradicts the most contemporaneous statements Gauci made on this in 1989 and 1990.

**Chapter 25 – Non-disclosure of confidential information**

**The issue:** Two protectively marked documents were shown to SCCRC that were not disclosed to the defence.

**Details:** The Crown told the SCCRC that it had considered carefully whether the documents needed to be disclosed to the defence and had concluded that they did not require to be disclosed.

It is not clear what the content of the documents is but it appears to relate to the timers and come from a foreign government. The following passage from a Crown letter to SCCRC suggests that the information relates to similar timers found in countries other than Libya:

*“it has never been the Crown’s position in this case that the MST-13 timers were not supplied by the Libyan intelligence services to any other party or that only the Libyan intelligence services were in possession of the timers”*

**Reasons for referral:** The Commission concludes that one of the documents could have been of assistance to the defence, but there is little further discussion due to the confidentiality of the material.

**Criminal Justice and Parole Division  
March 2012**

**RELEVANT LAW ON DISCLOSURE**

At the time of the Lockerbie Trial (2001) and first appeal (2002) the rules on disclosure of evidence were common law rules set out in case law. In 1998 the High Court of Justiciary had established the basic principle in the MacLeod case. The principle was that the Crown had a duty to disclose to the defence information which would tend to exculpate the accused. The appeal in the High Court of Justiciary at Camp Zeist noted that the Crown followed the *MacLeod* approach.

The Courts expanded and clarified the law after the Lockerbie trial and appeal. When the SCCRC prepared its report (between 2003 and 2007) it took account of these later decisions particularly in the cases of Holland and Sinclair (2005). The SCCRC decided to refer the case back to the High Court based on a number of issues including matters of disclosure.

In the meantime the law on disclosure was examined by Lord Coulsfield between 2006 and 2007 at the request of the Minister of Justice, Cathy Jamieson. The Scottish Government implemented his proposals to codify and clarify the law as part of the Criminal Justice and Licensing Bill introduced in 2009 and passed in 2010.

The SCCRC is tasked with asking "could there have been a miscarriage of justice?" and deciding whether that question needs to be referred back to the High Court of Justiciary. It is then for the Court to consider whether there may have been. It is for the Court to authoritatively consider the questions and issues raised in the context of all aspects of the case.

**Criminal Justice and Parole Division  
March 2012**

Timeline**1992: Edwards v UK**

Judgement of ECtHR:

*...it is a requirement of fairness under Art. 6(1), ...that the prosecution authorities disclose to the defence all material evidence for or against the accused...*

**1998: McLeod v HMA - (High Court of Justiciary)**

McLeod, was the leading Scots authority on the extent of the Crown's obligations as regards disclosure. Consistent with guidance given by the European Court of Human Rights in Edwards (above), McLeod provides (in summary, as per the Coulsfield report) : *"... what should be disclosed is "all material evidence for or against the accused" and "all information which would tend to exculpate the accused. This correctly reflects the requirements of the European Court decisions,"*

**03 May 2000: Lockerbie Trial commenced – High Court of Justiciary (Camp Zeist)****31 January 2001: Lockerbie Trial judgement issued****23 January 2002: Mr Megrahi's Appeal hearing commenced High Court of Justiciary (Camp Zeist)****14 March 2002: Mr Megrahi's Appeal judgement issued**

Disclosure - Para 218:

*"...The defence was unusually dependent on Crown assistance in preparing for the trial. The Crown had indicated that it would approach disclosure of evidence in accordance with the principles laid down in McLeod v HM Advocate 1998..."*

**23 September 2003 SCCRC receives application on behalf of Mr Megrahi****2005: Holland v HMA, Sinclair v HMA (Judicial Committee to the Privy Council – (JCPC) – predecessor of UK Supreme Court)**

The principles as laid down by the High Court of Justiciary in McLeod in 1998 were refined by the JCPC in the cases of Holland and Sinclair. It was held that the information covered by the disclosure requirement extended to all statements, and included Crown statements from persons listed as defence witnesses and the previous convictions of witnesses. The accused is also entitled to be told of any relevant information obtained by way of Crown precognitions.

**27 June 2007 SCCRC announce decision to refer Mr Megrahi's case to the Appeal Court****12 September 2007: Lord Coulsfield's report published.**

From executive summary:

*"... a workable and fair system requires ... a clear definition of the duty of disclosure coupled with a reasonable and flexible approach to its application,... I hope that this report will itself help to promote the clarity and security that the system of disclosure*

*needs; as no doubt will future decisions of the higher courts. However, a range of legislative and executive action is also needed to secure substantial improvements to disclosure practices at the present time."*

**15 November 2007:** SG consultation "A Statutory Basis for Disclosure in Criminal Proceedings in Scotland: Proposals for Legislation to Implement the Recommendations in the Coulsfield Report"

**2008 MacDonald v HMA JCPC**

Decision on the ongoing nature of the duty on the Crown to disclose.

**15 October 2008 High Court of Justiciary decision on further grounds of appeal lodged by Mr Megrahi.**

A series of hearings followed until the appeal was abandoned.

**05 March 2009:** Criminal Justice and Licensing (Scotland) Bill introduced

**August 2009** Appeal abandoned by Mr Megrahi

**30 June 2010:** Criminal Justice and Licensing (Scotland) Bill passed

**06 August 2010:** Criminal Justice and Licensing (Scotland) Act receives Royal Assent – Having a statutory framework for disclosure should reduce likelihood of MoJ based on nondisclosure as extent and scope of obligation on Crown much clearer.



**Email From Cabinet Secretary for Justice Requesting advice:**

-----Original Message-----

From: Cabinet Secretary for Justice

Sent: 25 March 2012 15:03

To: McGillivray D (Donald); Brown N (Nikki)

Cc: Campbell B (Bridget); DG Learning & Justice; Hannan M (Mark); Communications Safer & Stronger; McFarlane J (John); Nicolson S (Stuart) Special Adviser; Kowal T (Terry); Lamont P (Philip); Cabinet Secretary for Justice

Subject:

Don / Nikki,

The First Minister has been speaking to Mr MacAskill today about the release of the SCCRC report.

The First Minister and Mr MacAskill would like people looking at the report first thing tomorrow morning and SG lines / view developed appropriately. (This will of course be separate from the CO lines).

The First Minister and Mr MacAskill are both keen to be briefed on the 'non-disclosure' aspect. Additionally, Mr MacAskill has asked what the position was at the time of the trial, as he thinks disclosure may not have been brought in till later? Grateful for confirmation and briefing on these points.

Grateful if this could be actioned first thing tomorrow, with an initial update by lunchtime.

Thanks,  
Linda

Linda Pollock  
PS / Cabinet Secretary for Justice

**Email from Cabinet Secretary for Justice confirming sight of submission:**

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From: McDonald K (Katrina) On Behalf Of Cabinet Secretary for Justice

Sent: 28 March 2012 12:50

To: Brown N (Nikki)

Cc: First Minister; Permanent Secretary; DG Learning & Justice; Campbell B (Bridget); McGillivray D (Donald); French C (Craig); Ruxton A (Andrew); Lamont P (Philip); Drummond-Murray WMR (Walter); Down P (Patrick); Wilson J (Jim); Communications Safer & Stronger; Slorance AR (Andrew); Hannan M (Mark); Pringle K (Kevin); Nicolson S (Stuart) Special Adviser; McFarlane J (John)

Subject: RE: SCCRC's statement of reasons

Nikki

SCCRC's statement of reasons

Thank you for this summary, which the Cabinet Secretary has noted. Mr MacAskill was grateful to all officials involved in pulling this advice together at short notice.

Regards

Katrina McDonald

Assistant Private Secretary to the Cabinet Secretary for Justice  
St. Andrews House | Regent Road | Edinburgh | EH1 3DG|