

The Fingerprint Inquiry | Scotland

FAQs

1. Why was the Inquiry set up?

The Scottish Government set up the inquiry to fulfil its commitment to hold an independent, public, judicial inquiry into the circumstances surrounding the Shirley McKie case. More details are available on the *About the Inquiry* section of the Inquiry website (www.thefingerprintinquiryScotland.org.uk).

2. Is this a statutory inquiry?

Yes. It has been set up under the Inquiries Act 2005. It is one of the first inquiries under that Act to use the Inquiries (Scotland) Rules 2007. More details are available on the *Legislative Context* page of the Inquiry website.

3. Who undertakes the inquiry?

An “inquiry panel” which consists of a chairman alone or a chairman with one or more other members. In this Inquiry the Chairman will act alone.

4. Who is the Inquiry Chairman?

Sir Anthony Campbell, a retired appeal court judge from Northern Ireland.

5. When was the Inquiry set up?

For the purposes of the Inquiries Act 2005, the Inquiry was formally set up on 14 March 2008 as announced by Justice Secretary Kenny MacAskill. However, the Chairman remained focussed on his existing judicial duties in Northern Ireland until the end of August 2008 when he retired.

6. What are the Inquiry’s terms of reference?

- 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;
- to determine, in relation to the fingerprint designated Y7, the consequences of the steps taken, or not taken;
- 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.

7. Who decided the Inquiry’s terms of reference?

To fulfil the requirements of the Inquiries Act 2005, Scottish Ministers agreed the terms of reference after consultation with the Chairman of the Inquiry.

8. What has been happening since the Inquiry was announced?

An Initial Hearing was held on Monday 20 October 2008. At the hearing the Chairman, Sir Anthony Campbell announced the core participants in the Inquiry to date and asked for written submissions about how the Inquiry should operate.

A Procedural Hearing followed on Friday 21 November 2008 when the Chairman announced the broad issues within the Inquiry's terms of reference which would be considered. These were to be kept under review.

The Inquiry team then collected evidence - documents and witness statements - and prepared for the main hearings.

The main hearings began in Glasgow on 2 June 2009 with an introduction by the Chairman and an Opening Statement by Senior Counsel to the Inquiry which included a public presentation of the material that the Inquiry had collected. Oral evidence hearings followed, with the first session of hearings concluding on 10 July.

Statements from witnesses have been used as the basis of their evidence. Where a witness's evidence has been non-controversial the Inquiry has relied on the statement alone however, where additional information has been required, witnesses have been called to give oral evidence before the Inquiry.

Hearings will commence again on 22 September 2009.

After all the evidence has been taken and considered, the Inquiry will publish a report as required by its terms of reference.

9. Do you have a timetable for future hearings and preparation of the final report?

Inquiry hearings will continue on Tuesday 22 September at 10am. At present the Inquiry intends to sit each week until Friday 6th November. With some exceptions, hearings are on Tuesdays to Fridays - for example the venue is closed for the Glasgow holiday on Friday 25 September and so there will be no hearing that day.

Witness statements are published on the website at the start of the week in which those witnesses are expected to give evidence. Information about the programme for each day of the hearings is normally published on the *Progress* section of the website the day before.

There will be an interval after hearings have finished for the Inquiry report to be prepared.

10. Why have the hearings proposed for August not gone ahead?

Since the conclusion of the oral hearings in July, the Inquiry has been undertaking two exercises. The first exercise has been looking at developments in practice since 1997, with particular reference to the non-numeric system and working practices.

The second is a comparative fingerprint exercise looking at Y7 and the part of Q12 attributed to Marion Ross. This exercise involves the four main SCRO witnesses and a number of other fingerprint practitioners, using a common set of images.

The work on these exercises was not sufficiently advanced to restart hearings in August.

11. What will be covered in the next hearings?

The hearings in September will begin with opinion evidence on the comparative fingerprint exercise that the Inquiry has been conducting. It is likely that there will then be further oral evidence from factual witnesses, followed by witnesses who have been involved in the exercise looking at developments in fingerprint practice since 1997.

12. Will the conclusion of the next phase of hearings mark the end of the Inquiry's hearings?

This has not yet been decided.

13. Who are Counsel to the Inquiry?

Mr Gerry Moynihan QC is Senior Counsel to the Inquiry. Ms Ailsa Carmichael QC is Junior Counsel to the Inquiry. More information is available on the Inquiry Team page.

14. Who is the Inquiry's Solicitor and Secretary?

Mrs Ann Nelson.

15. Who else works for the Inquiry?

A team of legal and administrative staff.

16. Who else will be involved in the Inquiry?

The Inquiry is obtaining evidence from a range of individuals and organisations. Some individuals or organisations have been designated as core participants in the Inquiry.

17. Who are the core participants in this Inquiry?

Under the Inquiries (Scotland) Rules 2007, the Chairman may designate a person as a core participant at any time during the course of an inquiry – but only with the consent of that person.

The complete list of persons designated is on the *Chairman's Decisions* page of the Inquiry website.

18. What if someone does not want to assist the Inquiry or fails to assist with evidence gathering?

The Inquiry is receiving good co-operation. However, if necessary the Inquiry has powers, under statute, in relation to the production of documents and the attendance of witnesses to give evidence.

19. Who are the witnesses in the Inquiry?

Information about witnesses is provided on the website at the time their evidence is considered at the Inquiry. Their names are added to the list of witnesses on the *Witnesses* section of the website.

Each witness has a page on the website with links to his or her statement to the Inquiry and the documents referred to in that statement. If that witness gives oral evidence there is also a link to the transcript of proceedings for the relevant day/s.

20. If I want to give evidence to the Inquiry do I have to be a core participant?

No. If you are unsure whether you should ask to be designated as a core participant, please refer to the notes and form on the *Procedures* page of the website.

21. What is the difference between a core participant and a witness?

Persons or organisations may be involved in the Inquiry in various capacities. Some may be core participants. Others may attend as witnesses or produce documents or other evidence.

A witness is someone who has information which relates to the Inquiry's terms of reference. Witnesses will provide this evidence in writing or orally to the Inquiry.

A core participant is a person or organisation who has an interest and has, for example, played a direct and significant role in the matters that the Inquiry is addressing.

A core participant is eligible to have a wider role in the Inquiry including advance access, for preparation purposes, to the evidence that will be given at a particular day's hearing and opportunities to submit questions for witnesses. Being designated as a core participant does not automatically mean that they will appear before the Inquiry or give evidence as a witness in the Inquiry.

22. Will all witnesses appear in person at the oral hearings?

Where a witness's evidence is non-controversial the Inquiry will rely on that witness's written statement alone.

23. Can witnesses be compelled to attend the oral hearings?

Yes, under section 21 of the Inquiries Act 2005.

24. Will the Inquiry pay for legal assistance?

The Chairman has various powers under the Act and there are a number of qualifications and conditions. These include a Determination by Scottish Ministers about awards for legal representation. You do not have to be a core participant to apply for an award for legal representation. For more information, visit the *Procedures* page of the Inquiry website.

25. What should I do if I believe I have some information that is relevant to the Inquiry?

Before submitting information, please contact the Inquiry team. Contact details can be found on the Inquiry website.

26. How will I know what's happening with the Inquiry?

The Inquiry website will be updated throughout the Inquiry. Among the information provided is a full transcript of all proceedings which is normally on the website within a few hours of the conclusion of the day's proceedings.

During hearings there is normally a daily update on the *Progress* page of the website outlining who has given evidence that day and who is expected to give evidence the following day.

Relevant evidence is also published on the website.

The *Documents* section of the website is in two parts. One part has relevant pre-existing material which has been gathered in the course of the Inquiry's investigations. The other part has documents prepared for the Inquiry, such as witness statements, and specialist reports.

The *Witnesses* section lists the Inquiry witnesses as their evidence is taken and includes links to various other material such as relevant transcripts and documents.

27. Where are the hearings held?

The hearings are being held in the Maryhill Community Central Hall, 304 Maryhill Road, Glasgow, G20 7YE.

28. When are the hearings?

Please check the *Hearings and Evidence* section of the website for details of the hearings. Hearings normally run from Tuesday to Friday, starting at 10am. They usually finish at 4/4.30pm, with an earlier finish on Fridays.

Hearings resume on 22 September 2009.

29. Why was Maryhill Community Central Hall chosen as the venue?

A rigorous site search was carried out by the Inquiry Team in conjunction with the Scottish Government's estates team.

The Community Central Hall was selected following its successful use for the purposes of the ICL Inquiry. With its recent upgrading and refurbishment it was considered to be a viable and cost-effective location. While use of the hall for the purposes of the Fingerprint Inquiry reduces the availability of some facilities in the building, this is on a temporary basis only and should not have a lasting effect on the public's use of the premises.

30. Will the hearings be open to the public?

The Inquiry anticipates that all the hearings will be in public.

31. Will the hearings be broadcast?

The Chairman permitted filming of his introduction on Tuesday 2 June 2009, however it is not anticipated that the Chairman will permit any further broadcasting at this stage.

32. Will the Inquiry produce a Report at the end?

Yes

**33. I work for an organisation that I expect will have an interest in this Inquiry.
What should I do?**

That's a matter for you but you might want to draw the organisation's attention to the information on the Inquiry website.