

THE FINGERPRINT INQUIRY SCOTLAND
WITNESS STATEMENT OF IAIN ARTHUR JAMES MCKIE

Part 1

(i) PERSONAL DETAILS

1. My name is Iain Arthur James McKie. I am 70 years old. I was formally a superintendent with Strathclyde Police and retired in 1992. Since then I have been self employed as a counsellor.

(ii) BACKGROUND TO GIVING THIS STATEMENT

2. At the time of giving this statement certain persons have been designated as 'Core Participants' under the Inquiries (Scotland) Rules 2007. It is envisaged that this statement may be disclosed in advance of public hearings to such Core Participants. Such disclosure is to be on a confidential basis and each Core Participant is to give a written confidentiality undertaking prior to disclosure.
3. I give this statement on condition that prior to disclosure to any Core Participant that such Core Participant
 - a) Has given a written confidentiality undertaking or
 - b) Has been subject to an order by The Chairman of the Inquiry, the Right Hon. Sir Anthony Campbell, requiring such core participant to keep the contents of this statement confidential.

(iii) OPENING STATEMENT

4. In opening this statement I would like to pay tribute to the memory of Marion Ross the innocent victim of an unspeakable crime. I believe that I owe her a duty to ensure that as far as is humanly possible that my evidence to this Inquiry assists in ascertaining the truth behind the issues under examination.
5. I would also like to highlight that while Ms Ross was the primary victim in this whole affair other have suffered because of a failure of our justice system to resolve the issues before this Inquiry.

6. From a personal point of view the pain and suffering caused to my daughter Shirley and the psychological and emotional trauma she suffered is a matter of deep regret to myself and my family

Redacted

8. Over the years since then the continual failures of the justice system in Scotland to resolve the issues under review at this Inquiry have only served to add to that trauma.

Redacted

10. I would also acknowledge the debt of gratitude we owe to the hundreds of experts across the world that have supported Shirley over the years and proved that the science of fingerprinting still retains a premier place among our crime prevention and detection tools and is underpinned by honesty and integrity.
11. It is also proper to remember that these years have been very difficult for the friends and families of the SCRO experts and their supporters who share none of the blame for what has happened over the past 13 years.
12. I still retain the hope that a spirit of truth and reconciliation will imbue our deliberations and that when the Inquiry has finally reached its conclusions that all parties to it can accept the findings and move on in their lives.

(iv) INTRODUCTION

13. Because of the length and complexity of my statement and Inquiry deadlines for its presentation I have divided it into two parts.

- a) **PART 1:** I will address the questions posed at 'Annex A' to the Inquiry Letter of 24 August 2009.
- b) **PART 2:** I will address issues that I wish to bring to the Inquiry's attention.

PART 1

(v) PREPARATION FOR HMA V MCKIE

- 14. Three experts in total were instructed by Solicitors Levy and McRae on behalf of Shirley viz. Peter Swann, Pat Wertheim and David Grieve

Peter Swann

- 15. After Shirley's 1998 arrest and in the lead up to her April 1999 trial I made extensive enquiries at home and abroad to try and trace qualified experts who would be able to ascertain if print Y7 had been forged or transplanted in the murder house.
- 16. As part of these enquiries Peter Swann was recommended to me and I arranged through solicitors Levy and McRae for Shirley and myself to meet him in his office at 17 Barstow Square, Wakefield, Yorkshire in May, 1998.
- 17. At this meeting we had a full discussion with Mr Swann re his qualifications and the work we wished him to carry out.
- 18. We explained that while Shirley's print had been identified by SCRO experts within the murder house she denied having ever entered the house. We requested that he consider acting as her defence expert and carry out an examination of the productions to ascertain if the print Y7 had been forged or transplanted at the scene.
- 19. He agreed to carry out the necessary work and on my return to Scotland I informed lawyers Levy and McRae that Shirley was willing to have Mr Swann act for her.

20. I have no personal direct knowledge of the ongoing negotiations and contact between the parties other than access to copies of related correspondence (DB_0671-DB_0706) Statement of Iain Arthur James McKie: Appendix B.
21. Mr Swann in a submission to the Justice 1 Enquiry also attached correspondence documenting his contacts with Levy and McRae.
<http://www.scottish.parliament.uk/business/committees/justice1/papers-06/PeterSwannforweb.pdf>
22. Mr Swann was appointed as a defence expert on 22 May 1998 by Peter Watson of Levy and McRae. Following a delay in gaining access to the relevant productions he eventually made his examination on 2 March 1999 at Glasgow Sheriff Court accompanied by solicitor Angela McCracken.
23. Later the same day he confirmed to Donald Findlay that in his opinion the fingerprint Y7 had been correctly identified by the SCRO experts as belonging to Shirley.
24. At a meeting with Mr Findlay and the legal team on the 5th March 1999 this information was passed to Shirley and me. On 7 March I submitted a paper to Levy and McRae entitled, '*Some Questions to be Answered by the Fingerprint Experts*' in which I posed a series of questions to be answered by Mr Swann and any other experts involved in production examinations.
25. Mr Swann thereafter submitted two reports dated 16 March 1999, the first related to his original examination on 2 March and the second as a response to my paper.
26. Copies can be found on the Justice 1 Enquiry website;
<http://www.scottish.parliament.uk/business/committees/justice1/papers-06/PeterSwannforweb.pdf> (Pages 30 to 48 inclusive)

Pat Wertheim

27. I made the initial contact with Mr Wertheim by telephone on the 23 December 1998 and explained the background to Shirley's case. I informed him that we

had found his name on the internet as an expert in forgery and transplanting and that we wished him to come to Scotland and view the productions.

28. The same day I wrote to Levy and McRae giving them his phone and fax numbers and asking them to make contact with a view to employing him to make an examination of all the productions.
29. On 17 February 1999 I telephoned the solicitors and they informed me that they had not been able to contact Pat Wertheim. I immediately telephoned him and after a discussion he said he would be in Scotland in March and offered to take up the case.
30. The following day I wrote to Levy and McRae highlighting Mr Wertheim's importance:

'Shirley and I feel that expert opinion on the forgery and fabrication of fingerprints is vital to her defence and Pat Wertheim is potentially an essential witness.'
31. On or about the 9th March 1999 I received a letter from Mr Wertheim confirming his willingness to review the evidence and I immediately passed it onto Levy and McRae.
32. Mr Wertheim travelled to Scotland on 24 March 1999 and carried out his examination of the documentation and productions relevant to print 'Y7'. Shirley met with Mr Wertheim to allow him to take a large number of her fingerprints for examination purposes. A lawyer was present at this time and no conversation was allowed between them. This was the only contact Shirley had with this expert until after her acquittal.
33. On 26 March Mr Wertheim continued his examination and on completion advised Levy and McRae that print was not Shirley McKie's.
34. He confirmed this conclusion in a report dated 2nd April 1999 and in an additional report of 12 April submitted at the request of Levy and McRae.

35. Mr Wertheim's statement to the Inquiry, (FI_0118) Inquiry Statement of Pat A. Wertheim, contains information on these reports and on his meetings with Shirley and his work on behalf of Levy and McRae.

David Grieve

36. Although aware that Levy and McRae had instructed American expert David Grieve for the defence I am not aware of the details of these instructions.
37. Neither Shirley nor I met Mr Grieve until after he had given his evidence at Shirley's trial.
38. The relevant documents that passed between myself and Levy and McRae in respect of Mr Swann, Mr Wertheim and other experts contacted by me are attached at (DB_0671-DB_0706) Statement of Iain Arthur James McKie: Appendix B.

(vi) EXTENT OF SHIRLEY MCKIE'S CONTACT WITH EXPERTS

39. From shortly after the accusations were made against her in February 1997 and because of Shirley's failing health I had been mandated to act on her behalf in all aspects of the case and little of what I was working at to further her cause was known to her.
40. From her arrest in March 1998 until after her unanimous acquittal on 14 May 1999 her psychological and emotional health was particularly poor and was a source of great concern for myself and my wife and family. Redacted
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41. Her fragile health inhibited Shirley's ability to participate in the preparation of her defence to a great degree.
42. Over the whole period virtually all communication with the lawyers and experts was carried out by me on Shirley's behalf and over this time I prepared a number of letters for Shirley's signature. At no time did she read them and she took no part in their preparation other than when I was checking facts with her. Occasionally Mr Findlay would request to see Shirley on her own and specifically in early April 1999 when he informed her of the result of

