

**Mr John McAllion.MSP
Convener,
Public Petition's Committee,
Room 5.22
Parliamentary Headquarters
EDINBURGH
EH99 1SP**

**27 Donnini Court,
South Beach Road,
AYR KA7 1JP**

8 December 2002.

Dear Mr McAllion,

PE544 Petition by Mr Allan J. Bayle – Openness and Accountability in the SCRO

As you are aware I was in Edinburgh when the above petition was presented to you. and I left with high hopes that given your involvement we were guaranteed an independent process not influenced by the Scottish Executive.

Your committee's recent decision to **'defer further consideration of the petition, until the civil action in the courts is concluded'** comes as a shock and has prompted me to write.

I am sure that you will understand that this decision, apparently influenced by a reply from the Executive and delivered without any explanation, has been greeted with some cynicism.

The petitioners and I have consistently argued that the petition referred to matters not related to my daughter's case but ones that should be pursued urgently in the public interest.

From your decision it is clear that this is not the opinion of the Scottish Executive and now the Petitions Committee.

This leads me to wonder on the ethics and legitimacy of making a decision to defer consideration on information supplied by the very people being sued by my daughter.

Clearly if the issues are linked the Committee should not have asked the Executive for comment on the Petition and the Executive should not have responded.

Whatever the rationale it certainly a continuation of the blocking tactics used by the Executive when ever free speech threatens to break out in respect of SCRO.

The Petition issues are clearly much broader in scope than the specifics of my daughter's case and refer to the overall stance taken by SCRO that fingerprint identifications are a matter of opinion and not fact. Also at issue is the perceived failure to follow through the recommendations re accountability and openness at the SCRO made by the HMCI and supported in subsequent Police and other enquiries.

In effect the petitioner's are arguing that SCRO's continued refusal to accept responsibility for their actions threatens anyone seeking justice in our courts where fingerprint evidence is involved.

Shirley's case has absolutely nothing to do with these matters and as we enter a 6th year of seeking justice my very real fear is that this matter will continue to drag on and that other innocent people will be subjected to the trauma suffered by Shirley and our family through the incompetence or dishonesty of the SCRO.

I would be extremely grateful if in a spirit of transparency you would answer the following questions.

1. What information did you receive from the Scottish Executive that influenced your decision to defer?
2. What is the evidence you have that my daughter's civil action could in any way threaten an independent enquiry along the lines suggested in the petition or vice versa?
3. Do you consider your decision to be in the public interest given the threat to justice represented by the continued refusal of SCRO, in the face of massive contrary evidence, to admit making mistakes in the Shirley McKie and David Asbury cases?

I would also appreciate it if this letter is brought to the attention of all your committee members.

Yours sincerely

Iain A J McKie

Copy: Mr Mike Russell.