

JUSTICE PRESS RELEASE

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FOR IMMEDIATE RELEASE

CARLOWAY CONSULTATION ON CRIMINAL JUSTICE – TOO MUCH, TOO SOON

JUSTICE Scotland has submitted a response to the Scottish Government on its review of criminal justice following the *Cadder* case and Lord Carloway's inquiry into the way the system functions.

Over 130 pages, JUSTICE Scotland demonstrates why whilst there is much to welcome in Lord Carloway's report, detailed analysis is badly lacking to justify many of the proposed changes. It agreed that the privilege against self-incrimination was a corner stone of justice to retain and that many positive suggestions for repeal of the emergency legislation should be looked at by the Government. It welcomed review of children and vulnerable suspects to ensure that they gain access to a lawyer and appropriate treatment in police custody. It welcomed the return of decision making to the Scottish Criminal Cases Review Commission and a reduction in the length of time the police can detain suspects.

However, there are many concerning suggestions about how reform might operate, in particular in relation to police bail, appeals and High Court powers over miscarriage of justice cases.

JUSTICE Scotland joins the Senators of the College of Justice and the Scottish Police Federation in voicing its concerns about the proposed abolition of the corroboration rule. In its view, the case for abolition has not been made out and many of the recommendations would benefit from a full inquiry. Tony Kelly, the chair of JUSTICE Scotland said:

Absent from the Report is recognition of the need for safeguards in the trial process to ensure that it is fair. In fact, the suggestion is less direction to the jury on how to approach evidence. Time and again the UK has been praised by Strasbourg for having safeguards in place to ensure that trials are fair. If these changes are imposed without further thought, we risk creating miscarriages of justice.

For further information contact Jodie Blackstock, Director of Criminal and EU Justice Policy at jblackstock@justice.org.uk or by telephone on 0207 7626436 or Tony Kelly, Chair of the Scottish Executive Committee at scotland@justice.org.uk or telephone on 01236 710999.

Notes to Editors

1. The JUSTICE Scotland response is available here <http://www.justice.org.uk/data/files/resources/278/JUSTICE-Scotland-Response-to-Carloway-Consultation.pdf>
The corroboration section is at pages 50 – 74. In the annex is the actual position in some comparable jurisdictions which don't have a corroboration rule, but have many other safeguards, including judicial warnings on how to treat the evidence.
2. JUSTICE intervened in the *Cadder* case before the UK Supreme Court and has continued to respond to the proposed policy changes in its wake.
3. The Scottish Government consultation asks forty one questions that span the criminal procedure from arrest to final appellate review. It is detailed and complex with many new proposals for Scots law. The consultation paper is available here <http://www.scotland.gov.uk/Publications/2012/07/4794>

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