

# JUSTICE PRESS RELEASE

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## CARLOWAY REPORTS: SAFEGUARDS ENHANCED AT THE POLICE STATION BUT REMOVED AT TRIAL

Lord Carloway today reported following the Cabinet Secretary for Justice's decision a year ago to review key elements of law and practice as a result of the decision in *Cadder v HM Advocate* and subsequent emergency legislation. The terms of reference were extremely wide, covering almost all aspects of the criminal justice procedure. As such the Report is extremely detailed.

There are recommendations which we are very pleased to see in the Report which will enable the period of police detention to far better provide for safeguards for suspects. Equally the role of the SCCRC would be largely restored under these proposals. However, the parts of the Report which deal with evidence and appeals in our view demonstrate how little time was afforded to consider such wide ranging issues. The proposed reforms here would do much to strip away the safeguards recommended for police detention and risk unfair trials once the case is before the courts.

Maggie Scott QC, Chair of JUSTICE Scotland said:

**Whilst we welcome the safeguards Lord Carloway has recommended to ensure suspects at the police station will be afforded a fair trial from the outset of proceedings, we are dismayed by the suggested wholesale removal of corroboration absent alternative safeguards to ensure evidence which ought not to be before a jury is excluded. Were this proposal to be followed by Government, accused and victims at trial would be at risk of justice being undone.**

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### Notes for Editors

1. The Carloway Review was commissioned in November 2011 by the Cabinet Secretary for Justice. All materials considered are available on the Review website <http://www.scotland.gov.uk/About/CarlowayReview>
2. JUSTICE responded to the Carloway Review in June. Our response is available on our website here <http://www.justice.org.uk/data/files/resources/278/JUSTICE-Response-to-Carloway-Review.pdf>
3. Attached is JUSTICE's initial view on the proposals in the report which we will follow up in due course.