

**PE1501/H**

Attn. Chris Hynd

**Re- Further inputs to Petition PE1501**

1<sup>st</sup> April 2014

I would like to add one further point to my previous submissions. The essence of this point refers to the significant limitations of an FAI in the context of the petition. It is my belief, from the many cases I have read of from families asking for an FAI, that there is a very broad ignorance of what can be reviewed at an FAI. If you take the statement below taken verbatim from the FAI of Colin Marr you will see that certain areas of review are prohibited.

*“Now evidence which could conceivably shed any light on the cause of death is one thing and, clearly, is entirely admissible, but **evidence which is simply concerned with the quality of the police investigation or any other matter of that sort, in my respectful submission, is well out-with the scope of the inquiry**” Feb 15<sup>th</sup> 2011 – Crown QC Ronnie Clancy*

I do not want to use this to question the validity of FAIs but recognise that as they stand they fulfil a very different need than that which is at the core of the petition. I personally see the function of an FAI as a critical tool for assessing many types of tragedies and I have personal experience of this value as my brother died in the Chinook Helicopter disaster of November 1986.

The issue we face in Scotland is that many deaths cannot be determined by the evidence of expert witnesses as more than one perpetrator of death can be ascribed. This is very different from cause of death which in most cases can be somewhat more straightforward.

When such uncertainty does exist, invariably, the assignment of who caused this unfortunate incident is down to the assessment of the statements of other witnesses, families and friends. It is these circumstances that today we are unable to query effectively as we no access to the full set of information/statements that is assessed to make decisions in such cases.

It does seem strange that we can challenge the most esteemed expert on how they have come to their opinion and we can test the source information where this conclusion is drawn from and yet in these other problem cases there is a barrier to full disclosure and testing of the veracity of the source material used by police and COPFS.

As stated at the outset, my intentions are to highlight the limitations of an FAI in the context of the petition and in no way undermine the FAI as a valuable mechanism within our society. Also, in doing so show that another “form” of inquiry is required.

Stuart Graham