



NEWS RELEASE

The Scottish Criminal Cases Review Commission (“the Commission”) has referred the conviction of AZ (“the applicant”) to the High Court of Justiciary.

In 2011 the applicant was convicted after trial of a single charge of the murder of her newborn son. The court sentenced her to life imprisonment with a punishment part of 15 years.

The applicant applied to the Commission in 2020, seeking a review of her conviction. Her application to the Commission was based primarily on psychological work that the Scottish Prison Service (“SPS”) had conducted during her imprisonment. That work had concluded that it was likely that the applicant’s decision-making at the time of the offence had been affected seriously by conditions that had not been diagnosed before the trial. The applicant suggested to the Commission that this might amount to fresh evidence. She considered that she ought to have been convicted of culpable homicide instead of murder.

The Commission conducted a lengthy and wide-ranging review of the case. In 2021, the Commission sought the opinion of a forensic psychiatrist. The psychiatrist formed a view similar to that of the SPS psychologist. The Commission believes that the new psychiatric and psychological evidence is significant. The Commission considers that a miscarriage of justice may have occurred.

In accordance with the Commission’s statutory obligations, a statement of reasons for its decision has been sent to the applicant, the High Court, the Lord Advocate and Crown Office. The Commission has no power under its founding statute to make copies of its statements of reasons available to the public. This release is for information purposes only and the content of this news release should not be treated as forming part of the Commission’s statement of reasons.

Notes for Editors

The Scottish Criminal Cases Review Commission was established as an independent body on 1 April 1999 to review alleged miscarriages of justice in Scottish convictions and/or sentences. Under section 194 A–T of the Criminal Procedure (Scotland) Act 1995, the Commission may refer a case to the High Court if it believes that a miscarriage of justice may have occurred and that it is in the interests of justice that a reference should be made. Once a case is referred to the High Court by the Commission, it will proceed as a normal appeal.

The Commission operates with a Board of 8 Members, one of whom is the Chairperson, a Chief Executive, a Director of Corporate Services, 2 Senior Legal Officers, 3 Legal Officers and administrative support staff.

In terms of its disclosure policy, the Commission will disclose the fact that a case has been referred. However, as it operated under statutory non-disclosure provisions, the Commission will not disclose any further information about such cases.

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