

Sheriff Principal Ian Abercrombie KC
Chair of the Independent Review of
Fatal Accident Inquiries relating to
Deaths in Custody in Scotland

Via email: walter.drummond-murray@gov.scot

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Dear Sheriff Principal Abercrombie KC

Engagement with Independent FAI Review

Thank you for your recent letter. I am writing to welcome your appointment as independent Chair of the Review into the Fatal Accident Inquiry System as a mechanism for investigating deaths in custody, and to offer early engagement with the Commission as you begin work.

As you may be aware, the Scottish Human Rights Commission (SHRC) has been advocating for improvements to the system of investigation of deaths in detention for a number of years. Our recent monitoring report, "[Review, Recommend, Repeat](#)", published in July 2024, highlights unimplemented recommendations from domestic and international human rights bodies, dating back a number of years, directly relating to reform of the FAI system and the prevention of suicide in detention.

It is clear to the SHRC, having previously co-chaired the Independent Review of the Response to Deaths in Prison Custody, that the current FAI process is neither providing what it should for families, nor in its current format, is it delivering the systemic change, learning and improvement that is needed. A core concern is the lack of effective practice, compliant with Article 2 ECHR and the requirement for the independent, adequate and prompt investigation of all deaths where there may be State responsibility. The meaningful involvement of a person's next of kin is also required and the investigation must be subject to public scrutiny. One of the fundamental principles underpinning Article 2 investigations is that the State must learn from and promptly rectify its failings, with the aim of preventing future deaths. It is these criteria that our FAI system must be assessed against.

I look forward to the forthcoming call for evidence emerging with compliance with Article 2 ECHR at the heart of the Review's work.

The SHRC is progressing with its own work in relation to reform of the FAI system this year, and it is likely that work will centre on the experiences of those whose families have died in detention, whilst your review is ongoing. We are clear that the close involvement of families of those who have died in custody will be central to the Review's success.

Again, I welcome your appointment and the promise of the work to come and wish you well in your endeavours. I would welcome a meeting at your earliest convenience to discuss your work and how the SHRC might engage with the Review in the coming months.

Yours sincerely,

A handwritten signature in purple ink, appearing to read 'A. O'Hagan', with a long horizontal flourish extending to the right.

Prof. Angela O'Hagan
Chair, Scottish Human Rights Commission