

# SHELAGH M MCCALL

## YEAR OF CALL

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2000

## EDUCATION

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1987-91	University of Edinburgh <i>LLB (Honours)</i>
1991-92	University of Edinburgh <i>Diploma in Legal Practice</i>
1998	University of Strathclyde <i>LLM (research)</i>

## PROFESSIONAL EXPERIENCE

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1992-1999	Solicitor, Alex Lafferty & Co, Tranent
2006-2008	Appeals Counsel, Office of the Prosecutor, UN International Tribunal for the Former Yugoslavia, Netherlands

## AREAS OF PRACTICE

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Criminal trials and appeals

Fatal Accident Inquiries

Public Inquiries

Public law

Judicial Review

Human Rights

Regulatory Crime

International criminal law

International Humanitarian Law

Professional disciplinary proceedings

Licensing (security, liquor, taxi)

Proceeds of Crime (civil and criminal)

Children's Referrals

## COURTS/TRIBUNAL EXPERIENCE

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High Court, Court of Criminal Appeal, Court of Session Outer House, Court of Session Inner House, Judicial Committee of Privy Council, Sheriff Appeal Court, Sheriff Court civil and criminal, International Criminal Tribunal for the Former Yugoslavia (Appeals Chamber), Police Misconduct Proceedings, ICAS, Judicial Fitness Tribunal

## SELECTED CASES

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*Darbaži v HMA* [2021] HCJAC 10: appeal against conviction following refusal to allow notice of defence of consent

*SJ v HMA* [2020] HCJAC 18: appeal against refusal of section 275 application

*HMA v Alexander Salmond* [2020]: defence of former First Minister on sexual offence charges (joint senior counsel)

*Clutha FAI (FAI into deaths of Gary Louis Arthur & 9)* [2019] FAI 46: representing next of kin of Captain David Traill in relation to police helicopter crash into the Clutha Bar, Glasgow

*Perrault v HMA* [2018] HCJAC 25: air safety; right to independent testing

*Glass v HMA* [2018] HCJAC 70: interpretation of statutory test for hearsay

*Mackay v HMA* [2017] HCJAC 44: interpretation of new statutory test for criminal responsibility and mental disorder

*Milligan v HMA* [2016] HCJAC 22: SCCRC reference of conviction for conspiracy

*AS v HMA* [2016] HCJAC 126: 5 judge bench, competency of challenge to valid search warrant

*HMA v Angus Sinclair* [2014] HCJAC 130: first application under the Double Jeopardy (Scotland) Act 2011, in connection with Worlds End murders

*Epic Group (Scotland) Ltd v PF Aberdeen* [2014] HCJAC 20 - appeal re application of due diligence defence.

*Rehman & Ishaq v HMA* [2014] HCJAC 472 - (as senior) appeal against murder conviction - adoption of statements and concert

*Ferguson et al v HMA* [2014] HCJAC 19 - (as senior) appeal court guidelines case re Orders for Lifelong Restriction

*Robert Dempster senior & Ors v Security Industry Authority* B831/09, 19 September 2013, Sh Principal Kerr: Application of A6 to public law regime under Private Security Industry Act, appeal against revocation of licences

*Mark Chamberlain-Davidson v HMA* [2013] HCJAC 54: Violation of A6 right to legal assistance

*Mark Chamberlain-Davidson v HMA* [2012] HCJAC 120: Power of High

Court to reject a reference from SCCRC, standard to be applied, application of A6

*Miller v Smith* [2012] HCJAC 166: Wildlife Crime, admissibility of interview by wildlife inspector

*Dundee Cold Stores Limited v HMA* [2012] HCJAC 102: Appeal relating to violation of Health and Safety at Work Act, appropriate use of guidelines

*Gifford & Glass v HMA* [2011] HCJAC 101: Appeal relating to application of A10 to direct action protests

*HMA v Thomas Sheridan & 1* (18 November 2011): plea in bar of trial on grounds of prejudicial publicity in prosecution of former MSP for perjury

*John McDonald v HMA* [2010] HCJAC 45: Appeal against conviction for murder

*Megrabi v HMA*: Appeal against conviction for the Lockerbie bombing (SCCRC ref)

*HMA v Fleming* 2005 SCCR 324: Appeal re first instance decision to desert trial simpliciter based on violation of ECHR

*Holland v HMA* 2005 PC 3: Dock identification and disclosure; A6

*Campbell & Steele v HMA* 2004 SCCR 220: “ice cream wars” case, fresh evidence (SCCRC ref)

*Hugh King v PF Paisley*, 29 June 2004, XJI968/03: Appeal re competence and relevance, Public Bodies Corrupt Practices Act 1889

*Galbraith v HMA* 2002 JC 1: Definition of diminished responsibility

*Prosecutor v Momčilo Krajišnik* IT-00-39-A: Appeal by former President of Bosnian Serb Assembly, Crimes against Humanity, Joint Criminal Enterprise (ethnic cleansing of Bosnia 1992) (joint senior counsel)

*Prosecutor v Stanislav Galić* IT-98-29-A: Appeal: Crime of Terror, Crimes against Humanity, War Crimes, Fair Trial (siege of Sarajevo)

*Prosecutor v Limaj, Bala & Musliu* IT-03-66-A: Appeal: Joint Criminal Enterprise, Identification, Alibi (Kosovo Liberation Army prison camp case)

*Prosecutor v Hadžibasanović & Kubura* IT-01-47-A: Appeal: Superior Responsibility for Crimes against Humanity and War Crimes (plunder and cruel treatment) (joint senior counsel)

## APPOINTMENTS & MEMBERSHIPS

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Commissioner, Scottish Human Rights Commission (2008-2015)

Part-time Sheriff (2009-present)

Legal Member, Mental Health Tribunal for Scotland (2013-present)

Chair, JUSTICE Scotland

Convenor, Faculty of Advocates Human Rights and Rule of Law Committee

Faculty of Advocates Quality Assurance Assessor

## PUBLICATIONS

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Contributor: Restorative Approaches to Conflict in Schools: Inter-disciplinary perspectives on managing relationships in the classroom; eds. Cremin, McCluskey, Sellman 2013

Contributor: Thinking Differently: Making a Difference Using Mediation; Core Solutions 2011

## ADDITIONAL INFORMATION

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Former Appeals Counsel, UN International Criminal Tribunal for the Former Yugoslavia (2006-2008)

Former Ad Hoc Advocate Depute (2005-2006)

Membership of Expert Reference Groups:

Carloway Review of Criminal Law and Practice (2010-2011)

Post-Corroboration Safeguards Review (2014-2015)

Independent Review of Hate Crime Legislation (2017-2018)

First Minister's Advisory Group on Human Rights Leadership (2018)

Misogyny and Criminal Justice in Scotland Working Group (2021)