Justice Committee

Victims and Witnesses (Scotland) Bill

Written submission from Katrina Stewart

On the 21st May 2012 Nicola Sturgeon, Deputy First Minister stated that “Compassion is a long standing principle in the Scottish criminal justice system”. Really?

As a family we are still struggling to come to terms with the loss of our much loved son and brother Andrew Oates who, on the 22nd Oct 2010 was brutally, murdered by 3 members of his own family

For the last 29 months we, the victims have fought continually with outdated laws and bureaucracy. Where was our compassion?

Outdated laws which found us as a family having to fight for 15 months secure the release of Andrews's body, not from another country; but to bring him home, just 34 miles from a Police mortuary in Aberdeen, in order to lay him to rest. A basic human right. We begged Mr MacAskill to intervene, and help us bring Andrew home, but to no avail. Where was Mr MacAskill with his compassion when we asked for it?

Bureaucracy who found us unentitled to any financial aid whatsoever, nothing for funeral costs, nothing for solicitors fees and nothing for help towards court cost e.g. Time off work, travel expenses etc.; meanwhile the 3 convicted had all of their legal fees paid by legal aid (the Tax payer), how can this be right?

29 months on my elderly parents are still waiting for the payment of criminal injury compensation. This compensation is a legal right of Andrew's parents this was applied for over 2 years ago in order to help ease some of the financial pressure, can anyone explain why my parents, both in their eighties have had to continually telephone and as yet have received nothing. Our fight to bury my brother created a financial cost to the family of just under £10,000

Can Mr MacAskill, who states that's "he puts the victim at the heart of the Justice System" please explain why, that after suffering the worst pain and horror of our lives, that we the family, the victims, have had to fight continually for 29 months when we are supposed to be “at the heart of the justice system”.

When the Hollinsworth family planned, and carried out Andrews murder, they then went back to the house the following day and tied Andrew’s legs and wrists together, dragging him onto a tarpaulin, wrapping his head in a towel then wrapped him in a duvet and used more cable ties to secure. They then began cleaning up his blood and brain matter from the walls, floors and doors with the intention of burying him in the garden. For this part of the crime, the 2 females involved each received a 10 month sentence. Can Mr MacAskill explain why we the victims have a life sentence through no fault of our own and a continual fight for closure?
The Justice Committee have issued a call for written evidence as part of its consideration of the Victim and Witnesses (Scotland) Bill. I am also interested in providing oral evidence.

In order to put the victim at the heart of this Bill the points I would like to make are:

- I believe that a case companion should be available for victims and witnesses of traumatic crime, instead of repeatedly having to form new relationships when being passed from one organisation to another. At probably the most vulnerable time in your life my family’s experience was one of; having one visit from a victim support member, never hearing from them again and slipping through the net altogether. Clinging to each other and floundering. Very badly let down. And again on being taken out of the court directly after sentencing to have a media statement read to the waiting press, we were told to go straight back into the court where we would be given time to digest the outcome and have any questions we may have answered. On turning to go back into the court in a state of emotional shock we were met with locked doors and told by victim support member to get away quickly due to the press, we jumped into a taxi and left completely shell shocked. Again very badly let down.

- I believe it is a basic human right not to have to live within the same geographical area of the people involved with the murder of a loved one, before or after sentencing, In my case we had to live 200 yards from the 3 accused and my sister even lived in the same street for a period of 17 months, seeing them on an almost daily basis on buses, and being waved to in supermarkets and even having to pass them in the street. This made our lives almost unbearable; many of Andrews’s family were on medication for depression after this horrendous crime, and still remain so. Murderers should not be allowed to return to the same area on release from prison, the very thought of this is terrifying for us as a family; we would never be able to have any kind of recovery.

- I feel Victims are very often left in the dark as to what is going on in their case and are left running from one person to another with questions which more often than not go unanswered. They should have the right to access of information regarding the case and be kept informed of any developments.

- Compensation should be an automatic right in the case of murder; my parents are still waiting for criminal injuries compensation 29 months after my brother’s death. The cost incurred in way of legal fees, funeral costs have put extra burdens on a family already suffering the worst trauma ever.

- The victims surcharge sounds good in theory but I do not think it will work, by the time it filters down through all of the many organisations involved there would be little left. Again my sister and I were not even eligible to claim a penny to help with the cost of travelling to court in Edinburgh from Aberdeen and had to approach to a charity for financial help.
• Punishment should fit the crime. Sentences given should be served in full without discounts or time off for good behaviour.

• Sentences should not be concurrent but consecutive where more than one crime has been committed against one individual.

• Radical changes must be made to prevent victims suffering what my family have endured. Nothing will give us back our hearts desire, Andrew, and the changes can only be made with empathy not sympathy. We the victims need to be listened to.

Instead of spending our money on building bigger prisons put more time into introducing harsher deterrents.

Katrina Stewart
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