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Linda Fabiani MSP
Convener – Committee on the Scottish
Government Handling of Harassment Complaints
c/o Clerk to the Committee
Room T1.03
The Scottish Parliament
Edinburgh
EH99 1SP

4 March 2021

Dear Convener

I refer to my letter to you of yesterday.

I confirm that we are publishing today on the Scottish Government website a further four previously legally privileged documents from the judicial review. These documents are being published, with the agreement of the Law Officers, in the context of the exceptional circumstances set out in my letter to you of 1 March 2021. We will publish further documents, including the notes of Counsel advice, this week, subject to necessary statutory and data protection checks being completed.

As requested by the Committee, the documents include two notes of advice from Counsel and one submission from the Lord Advocate which include material relevant to the issue of whether the Scottish Government sought to sist the judicial review. During his evidence session with the Committee on Friday 26 February, Mr Salmond raised an allegation that there was a desire within Government to seek to sist the judicial review until criminal proceedings against him were concluded. In Scottish Ministers' view, the documents do not support this allegation. From September 2018, once the Scottish Government was content that necessary arrangements were in place to protect the identities of the complainers to minimise the impact of the judicial review proceedings on the police investigation, the Scottish Government's view was that there was no need to sist the case. I confirm that we have not identified any other documents relevant to this allegation.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire
Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

Scottish Ministers, special advisers and the Permanent Secretary are covered
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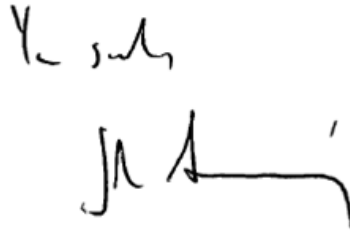


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It is, of course, a matter for the Committee to consider this evidence relative to the the allegations that have been made.



JOHN SWINNEY

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