

Alex Salmond appears at Holyrood Harassment Committee – opening statement

The former First Minister the Rt Hon Salmond appeared on Friday at Holyrood before the 13th meeting of the Committee on the Scottish Government Handling of Harassment Complaints.

Mr Salmond had previously submitted evidence in writing in which he accused senior SNP figures of a conspiracy against him.



The Rt Hon. Alex Salmond, former First Minister, appears before the Scottish Parliament Committee on the Scottish Government Handling of Harassment Complaints today 26/02/2021. The committee met in Committee room 2 at the Scottish Parliament, Edinburgh. Pic – Andrew Cowan/Scottish Parliament. 26 February 2021.

He said in written evidence that the current First Minister, Nicola Sturgeon, once his protégé and now his successor in

office, has misled parliament and breached the [Ministerial Code](#). If a minister is in that position then they are expected to offer their resignation. Ms Sturgeon has denied this, and repeatedly said that she relishes the opportunity to give her own account to the committee.

Evidence began at 12.30 and while there will be an adjournment after 2pm it is expected to last for around four hours. As this article is published the session is still sitting at Holyrood.



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Mr Salmond said in his opening

statement: “I’ve already established the actions of The Scottish Government in the Court of Session. And I’ve been acquitted of all criminal charges by jury, in the highest court in the land. These are both the highest courts in the land, the highest civil court and the highest criminal court.

“The remit for this inquiry as about the actions of others, as investigations into the conduct of ministers, the permanent secretaries, civil servants and special advisors. It also requires to shine a light on the activities of the Crown Office and to examine the unacceptable conduct of those who appear to have no understanding of the importance of separation of party and government and prosecution authorities and indeed, of the rule of law itself.

“It was the government who were found to have acted unlawfully, unfairly and tainted by Parliament bias. I know that the First Minister asserts that I have to prove a case. I don’t. That has already been done. There have been two court cases, two judges, one jury. In this inquiry it is The Scottish Government, a government which has already admitted to behaving unlawfully who are under examination.

“Secondly, my interest in assisting this inquiry is out of respect for our parliament. I’ve made no personal public comment on these matters of any kind for 11 months, not a single television interview, or press interview or statement.

I have turned down hundreds of such offers, which as committee members will know has not hitherto been my normal policy. I have watched with growing frustration over the last six months while this committee has been systematically deprived of the evidence it has legitimately sought.

“Indeed, I’m just about your only witness who has been actively trying to present you with evidence as opposed to withholding it. As we saw this week, even after it is published, it is then unpublished by intervention of a Crown Office who should not be questioning the will of Parliament. I watched in astonishment on Wednesday when the First Minister of Scotland, the First Minister of Scotland, use a Covid press conference, a Covid press conference to effectively question the result of a jury.

“Still I said nothing. Well today, that changes.

“I have no incentive or advantage in revisiting the hurt and shock over the last few years from a personal perspective. Or indeed from the perspective of two complainants failed by the government and then forced directly against their express wishes into a criminal process. This now admitted action, neither served the wishes of the complainants nor the interests of justice.

“For two years and six months, this has been a nightmare.

“In fact I have every desire to move on, to turn the page to resist talking yet again about the series of events which have been amongst the most wounding that any person can face. But the reason I’m here today is because we can’t turn that page nor move on until the decision making which is undermining the system of government in Scotland is addressed.

“The competence and professionalism of the civil service matters. Independence of the Crown Office as acting in the public interest matters. Acting in accordance with legal advice matters.

“Concealing evidence from the courts matters.

“The duty of candour of public authorities matters. Democratic accountability through Parliament matters. Suppressing evidence from parliamentary committees matters. And yes, ministers telling the truth to parliament matters.

“The day such things come to not matter would be a dark and dangerous one for Scotland. Collectively, these events shine a light on a government whose actions are no longer true to the principles of openness, accountability and transparency, which are the core principles on which this Scottish Parliament was founded. I remember I was there.

“The failures of leadership are many and obvious. And yet Convener, not a single person has taken responsibility, not a single resignation, not a single sacking, not even admonition. Instead, we have promotions or extensions of contracts and self serving defences.

“The government acted illegally, but somehow nobody’s to blame. Delay and obstruction in making evidence available. A committee has been asked to do its job with both hands tied behind its back and a blindfold on. Witness after witness later adjusting evidence delivered under oath.

“Were it not for the independence of the judiciary, the robust scrutiny of the Court of Session and the common sense of a jury made up of members of the public, the matters before this committee would never have come to light. And indeed, no one would have cared about this inquiry. The Scottish courts emerge from these events reputation enhanced, and those leading the government and the Crown Office say the same.

“Some people say that the failures of these institutions, the blurring of the boundaries between party, government and prosecution service mean that Scotland is in danger of becoming a failed state. I disagree.

“The Scottish civil servant hasn’t failed, its leadership has failed. The Crown Office hasn’t failed. Its leadership has failed. Scotland hasn’t failed. Its leadership has failed.

“So the importance of this inquiry is for each and every one of us to help put this right. My final point is simply this: I’m a private citizen. Unlike just about every other person represented at this enquiry, I’ve had no one paying my legal fees. And I’ve had to contend with the resources of The Scottish Government being used to further tarnish my reputation just as they spent £600,000 defending their illegal policy before collapsing in the judicial review. And just as enormous time, effort and public money was devoted to the task of refusing to give this committee the documentation it requires. The pattern is undeniable.

“The government refused to hand over documentation in a civil case. It required a commission to extract them from them. The Permanent Secretary was brought to give evidence under oath just to extract documents she had a duty to provide to the court. The government ignored the provisions of a search warrant in the criminal case, and despite the impact on the administration of justice, still withheld key documents, which should have been put before the jury. This committee has been blocked and tackled at every turn with calculated and deliberate suppression of evidence.

“Even in Parliament, our Scottish Parliament, has been defied despite two votes demanding external legal advice – legal advice that the public have paid for. My evidence has been published, then subsequently censure by intervention of the Crown Office, evidence that they had previously agreed was lawful. And even today, I appear before you under the explicit threat of prosecution if I reveal evidence for which the committee has asked. Not to fulfil my oath and tell the truth, the whole truth and nothing but the truth would be a contempt. But Crown Office says it might lead to prosecution. People should just stop and think for a moment about that – the

ability of any witness before any parliament to tell the truth and fulfil their oath is effectively being questioned by the Crown Office.

“The truth is those who now demand to see evidence have invested a great deal of time and public money in attempting to hide that evidence. When this inquiry ends, neutered though it may be I’ll consider that I have discharged my duty as a citizen, as a former First Minister. It will then be for others to consider their own positions in the light of what this committee decides.

“This inquiry in my opinion is a chance to assert what type of Scotland we are trying to create. Few would now dispute that our country is a better place for achieving our Parliament. Our move to independence which I’ve sought all my political life and continue to seek must be accompanied by institutions whose leadership is strong and robust and capable of protecting each and every citizen from arbitrary authority. Such a principle is a central component of the rule of law. It matters to every person in Scotland as much as it always has done. It is the bedrock of our democracy, of justice and fairness. Thank you Convener.”

The written and oral evidence given to the committee are all subject to constraints on what may be said in public in order to avoid any identification of the women who made the complaints about Mr Salmond which resulted in a high court criminal trial. There is a real threat of contempt of court if any identification is possible. An SNP activist was jailed only yesterday for contempt of court for having done exactly that on social media.

Mr Salmond had been invited to appear on a couple of previous dates and most recently on Wednesday, but that session was cancelled after The Scottish Parliament redacted the written submission he provided. Salmond’s written submission has yo-yoed between publication in full and a redacted version. The

Lord Advocate, James Wolffe QC, was summoned to give evidence to Holyrood earlier this week when opposition parties claimed there was political influence in these redactions.

Ms Sturgeon will give evidence to the same committee next week, after several postponements of her evidence session.

The committee is charged with determining the following: “To consider and report on the actions of the First Minister, Scottish Government officials and special advisers in dealing with complaints about Alex Salmond, former First Minister, considered under the Scottish Government’s “Handling of harassment complaints involving current or former ministers” procedure and actions in relation to the Scottish Ministerial Code.”

Court cases

At the end of a criminal trial in March last year Mr Salmond said outside court after his acquittal that there was more information which would “see the light of day”.

A civil court case, or judicial review, found in Mr Salmond’s favour, establishing that the government’s internal investigation of the harassment complaints, conducted under a new retrospective code drafted up on 2010 was unlawful. This resulted in the government paying over £600,000 in expenses in the matter.

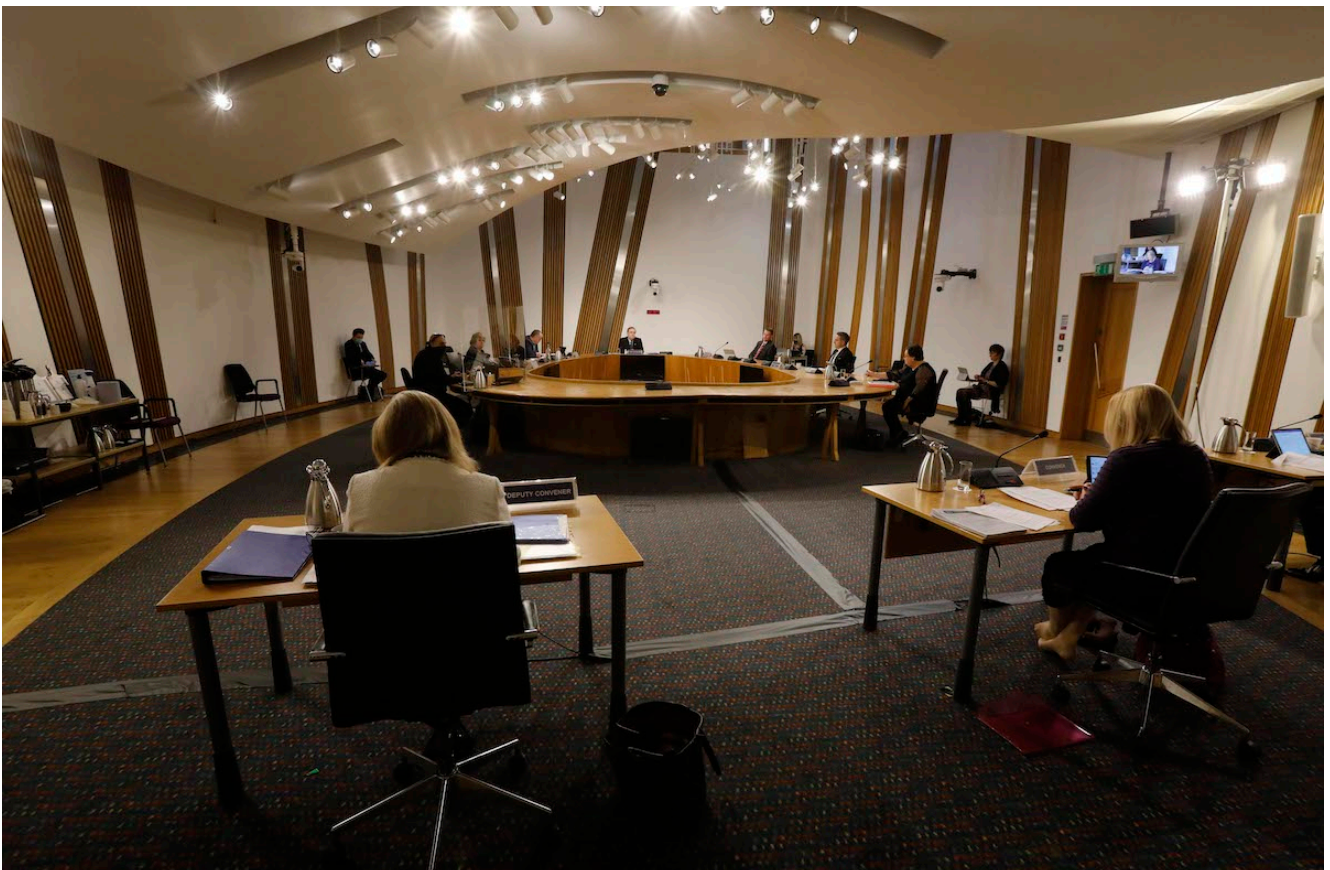
In March 2020, Mr Salmond was acquitted on 12 charges of

sexual assault, another was found not proven and a further charge was dropped by prosecutors. The complainants included an SNP politician, some civil servants and officials and an SNP party worker.

The committee is made up of nine politicians of all parties: Convener Linda Fabiani, Vice-Convener Margaret Mitchell, Alasdair Allan, Jackie Baillie, Alex Cole-Hamilton, Murdo Fraser, Alison Johnstone, Stuart McMillan, Maureen Watt and Andy Wightman.

To complicate matters even more, a further investigation is also running. This is led by Ireland's former director of public prosecutions and will investigate whether the ministerial code was breached.

Meantime, and in spite of any of these inquiries and court cases, the SNP appears to remain on course to win a majority in the upcoming Scottish Parliamentary elections according to all recent polls.



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