

Scottish Crown Office blocks release of documents vital for Craig Murray's defence

By Steve James
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The Scottish Crown Office and Procurator Fiscal Service (COPFS) are blocking efforts by journalist Craig Murray to access documents necessary for his legal defence against charges of contempt of court. Murray faces up to two years in jail and/or an unlimited fine for his reporting activities during the trial, earlier this year, of former Scottish First Minister, Alex Salmond, on sex offence charges.

Murray is accused of having “impeded or prejudiced” the former Scottish National Party (SNP) leader’s trial by his reporting and analysis of events leading up to the hearing. His popular blog offered insight into the vicious faction fight within the Scottish National Party and ruling establishment that set current First Minister Nicola Sturgeon against Salmond, her predecessor, and which culminated in the trial.

Murray is also accused of publishing material which could have led to the identification of one of the complainants in the case against Salmond. Yet Murray identified no-one, nor did he publish material which could allow identification. Any reports he published were less explicit than many published in the mainstream press, none of whose reporters face comparable proceedings against them.

Murray is known internationally for his work in defence of Julian Assange and commentary on the techniques deployed by the British state, judiciary and media against the world’s most famous political prisoner and founder of Wikileaks. He has decided to set aside work on his own defence to travel to London’s Old Bailey to report on the ongoing hearings in the Assange case, which resumed this Monday for three-four weeks. The hearing is the product of years of efforts to dispatch Assange to the United States, where he faces up to 175 years in jail. Murray was recently inexplicably denied the renewal of his membership of the National Union of Journalists, meaning he has had to report proceedings from one of the few seats available in the public gallery.

In his reporting on the Salmond case, Murray, a former diplomat, has exposed the machinations of the powerful forces seeking to silence and jail the former SNP leader. But Murray’s own views—he is a Scottish nationalist, an SNP member, and an advocate of a nationalist uprising for Scottish independence—are themselves dangerous and hopelessly reactionary. He takes a clearly partisan stance in an internecine

conflict between two bourgeois factions equally hostile to the working class.

Salmond resigned as SNP leader and first minister following the 2014 referendum on Scottish independence, which voted “No” by 55 to 45 percent. In 2016, Salmond began to drop hints of disagreement with Sturgeon for not forcefully demanding a swift second referendum on independence.

Sturgeon has stated that a new independence poll would have to be approved by the British government and should only take place if there was a sustained majority for it. In the meantime, she sought coalition alliances with the Labour Party and Liberal Democrats and positioned the SNP as a leading force advocating for both Scotland and the UK remaining in the European Union—with the aim of cultivating support domestically and in Europe’s capitals. During the pandemic, Sturgeon’s government has implemented measures every bit as catastrophic as those of Boris Johnson, differing generally only in presentation and timing.

The SNP is far ahead of all its rivals in the opinion polls, despite the party’s ever more open assault on workers’ living standards in the interests of finance capital. The Labour Party, once dominant in Scotland, is in a state of freefall, third in polls, and barely ahead of the Liberal Democrats.

This has emboldened the most hard-line nationalist supporters, associated with the All Under One Banner umbrella group and including the entire Scottish pseudo-left, to demand a new independence referendum, legally recognised by Westminster or not. Many of these forces, including Murray, view Salmond as their leader in waiting.

Scottish independence offers nothing to the working class other than to sow dangerous divisions that undermine a unified struggle against the capitalist enemy on both sides of the border. Whether attached to Britain, Scotland’s biggest market, or seeking re-admittance to the EU post-Brexit, the Scottish bourgeoisie will aim to ramp up exploitation, lower corporate taxes, and slash spending on essential services and welfare to compete for inward investment by the transnational corporations and banks and to secure a greater international market share.

In conditions of pandemic and the greatest world crisis of the capitalist system at least since World War Two, the “success”

of independence for the capitalists will be conditional on imposing wage cuts, productivity hikes and an accelerating collapse of already poor living standards for workers.

In 2017, Salmond pitched both the SNP leadership and the British authorities into apoplexy when he struck a lucrative high-profile deal with the Russian state-backed broadcaster RT. His actions flew in the face of British efforts to demonise Russia as part of its foreign policy manoeuvres with the US.

Legal moves to entangle Salmond in sexual harassment cases emerged in this context. In 2019, he won a judicial review against the Scottish government acknowledging that processes utilised to investigate sexual harassment claims against him were unlawful. Salmond won £500,000 in compensation. The matter was expected to be dropped.

Instead, a criminal case was launched against Salmond which went to trial earlier this year. Salmond, however, was acquitted of charges of sexual harassment and attempted rape levelled against him by 14 complainants, most of whom were either civil servants in the upper echelons of the Scottish government or prominent within the SNP.

Salmond, during the trial, had hinted at the operation against him and on his acquittal stated, “There is certain evidence that I would have liked to have seen led in this trial but for a variety of reasons we were not able to do so. Those facts will see the light...”

To date, Salmond has kept silent. But whether he is seeking an opportune moment to attack his enemies in the SNP leadership or secure a favourable compromise with them, his threat is significant. Salmond has been around the SNP a long time and knows where all the skeletons are buried.

While this skulduggery continues behind the scenes, Murray has been left to fight his own corner by those he would have considered to be allies—such as former justice secretary Kenny MacAskill. Murray’s legal team has requested access to the following material from Salmond’s trial:

- a text exchange between two of the complainants containing the phrase “I have a plan...” which may have been part of a “wider orchestration of the criminal proceedings against Salmond.”

- a Whatsapp exchange from the day of the judicial review verdict stating, “We have lost the battle but we will win the war.” The exchange was widely reported as being from the head of the Scottish Civil Service, Leslie Evans, to a colleague.

- Scottish government documents and “One Notes” from the judicial review supporting Salmond’s contention that the Scottish government’s actions “bordered on encouragement” in setting legal action in motion.

- documents on the circumstances of leaks from the Scottish government to the *Daily Record* and the *Sunday Post* in August 2018 including information that proceedings against Salmond had been passed to the police.

- “All other documents in the possession of the Crown which disclose or tend to suggest the existence of the conspiracy referred to in the articles published by our client [Murray] and proffered by the Lord Advocate as instances of contempt of court.”

- Whatsapp or similar messages from Peter Murrell (Nicola Sturgeon’s husband) or Sue Ruddick, leading SNP officials, referring to Salmond or to Police Scotland.

Murray explained on his blog that he was not “fishing” and was certain that all the requested documentation existed.

In response to the request, Procurator Fiscal Kenny Donnelly wrote that the requested materials were “not relevant” and “the Crown will not be providing any of the items listed.”

Craig Murray should be defended, and all charges against him dropped. He should be allowed to continue his work as a journalist. This does not imply any support for the vicious contending factions within Scottish nationalism. Rather, the anti-democratic and right-wing machinations exposed by Murray confirm that democratic rights, including press freedoms, can only be defended by a unified movement of the working class across Britain and internationally, seeking the broadest expansion of democratic rights through the fight for socialism.

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