

Scottish Socialist Party leader jailed

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Alan McCombes, policy coordinator for the Scottish Socialist Party, was imprisoned May 26 for 12 days after refusing to surrender the minutes of a party leadership meeting to the Court of Session in Edinburgh. The following day, the SSP's offices and McCombes's home were searched by court officers.

The actions taken against the SSP and one of its leading members have major implications for the right to organise politically free from interference by large corporate interests and the state.

The SSP, which campaigns for Scottish independence and a limited programme of social reforms, has six members of the Scottish parliament (MSPs).

The court had demanded that the party's internal minutes be handed over in response to a request by the *News of the World*, part of Rupert Murdoch's News International group. The newspaper is the subject of a libel action brought by Tommy Sheridan, an MSP for the Scottish Socialist Party in Glasgow and a former party convenor, over stories alleging that he had extra-marital affairs. Sheridan has denied the allegations and is suing the *News of the World* for £200,000 in damages. The hearing opens on July 4.

In initiating his libel case in 2004, Sheridan stood down as party leader. The *News of the World* is seeking access to the record of a November 9, 2004, meeting of the SSP's executive committee at which Sheridan's resignation was discussed. The newspaper has argued that leaks to the media indicated that the SSP did not believe Sheridan's denials and therefore did not support his legal action.

At the Edinburgh court, the judge, Lady Janet Smith, ordered that the minutes in question be handed in to the court. A separate hearing would then decide if the document should be passed on to the *News of the World*.

Four officers of the SSP were called on to hand over the minutes, but McCombes told the court that he had

the only copy and was not prepared to surrender it. His lawyer, Paul Cullen QC, argued that McCombes was "bound by a strong confidentiality obligation" to his party colleagues, who held their meeting in private. Forcing the surrender of such internal documents would have a "chilling effect" on frank debate within political parties, he said.

Cullen also argued that McCombes was entitled to a private life under Article 8 of the European Convention on Human Rights, asserting that the ruling of the court was incompatible with the convention.

Lady Smith rejected Cullen's argument, stating that the issue of confidentiality was being raised too soon, as the court had yet to determine whether the minutes would be handed over to the *News of the World*. McCombes must hand over the documents to the court so that such a determination could be made, she insisted.

Giving McCombes two hours to comply with the ruling, Lady Smith warned that he would be jailed for contempt of court if he failed to produce the documents. When McCombes reiterated his refusal to hand over the minutes, Lady Smith sentenced him to 12 days' imprisonment and urged him to reconsider his position. The SSP leader will be returned to jail when he is brought back before the court on June 6, if he again refuses to surrender the minutes.

McCombes has issued a statement explaining that he had "full support of the SSP's executive and our National Council" in refusing to comply with the court order.

He further stated: "I took my stand on the clear position that the Scottish Socialist Party, like all democratic organisations, has the right to hold private discussions on sensitive matters and for those discussions to remain confidential....

"We now face the grotesque position that a small party is being pressed by the state to hand over its

internal records while the Executive is allowed to keep policy decisions and other matters of vital public interest under lock and key.

“To comply with the demand to hand over the documents would endanger the right of free debate inside political parties and mean that our rights of free association would be threatened.

“In such discussions the keeping of records and minutes is a vital part of ensuring that elected officers are accountable to their members and meeting the court’s demand to hand over internal records threatens that right.”

Lady Smith also ordered that the SSP’s offices in Stanley Street, Glasgow, be searched, as well as McCombes’s flat. The searches were undertaken the following day by four messengers-at-arms.

Jo Harvie, the editor of the SSP’s newspaper *Socialist Voice*, said the officials examined paperwork for more than three hours at the party headquarters. There is no information regarding the search of McCombes’s flat.

SSP regional organiser Richie Venton said of the search, “These are the methods of a police state.... We should be entitled to have a private meeting without anyone having to know about it.”

The SSP was also presented with an interim interdict forbidding it from destroying or tampering with any evidence sought by the *News of the World*. In issuing this order, Lady Smith was prompted by reports that the SSP’s Cardonald branch in Glasgow had submitted a motion to a party conference calling for any minutes concerning Sheridan’s private life to be destroyed. The judge indicated that she may want to question members of the branch.

There have been a number of press reports that the survival of the SSP is now in question. The case not only threatens to bankrupt the party, but to precipitate a split between supporters of Sheridan and a majority in the leadership grouped around McCombes.

The *Sunday Herald* said of the court case, “The *News of the World* is seemingly pursuing a successful strategy of divide and rule. Not only will the SSP be forced to pay last week’s legal bills, it will also have to pay costs for the 13 members of the party executive who have been cited by the paper. The party, never well-off, is now spending money on a court action it has never supported.



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