

Justice Committee

Defamation

Written submission from Fiona McBride

The Justice Committee work on defamation may be informed by my experience of attack on freedom of expression of expert witnesses, and attack on my reputation.

I consider there to have been many instances of defamation in my case, many building on, and/or encouraged by past attacks on my reputation: and each calculated to cause serious harm. While it may presumably be claimed by some that those attacks were in the public interest, I do not believe that to have been the case in any single instance. The expenditure of huge sums of money on proving that the defamatory statements had no foundation in truth, and the serious, and continued harm to my reputation cannot be claimed to be in the public interest. Wilful ignorance of evidence that statements were defamatory appears to have contributed to and encouraged further defamation, and consequent harm to my reputation.

Repeated defamatory statements, which might be considered stale publication, have in fact served to extend harm to me. Anxiety, and distress that I have experienced, and harm to my reputation caused by repetition of the same defamatory statements, and variations on the theme of those defamatory statements are not stale. My view, based on my experience, is that each individual who opportunistically availed her or himself of the benefits of creating or repeating defamation, was morally and ethically culpable.

I expect that a more detailed submission would reveal a more informative picture of exchanges, and statements emanating from MSPs, and others, and the extent to which they are connected to the issue of defamation; however, since I do not know your preferred level of detail I leave it to the Committee to decide whether it requires more data. I will, of course, endeavour to provide further material should you wish it.

The vehicle for defamation was my evidence of identification of a thumb print found at the locus of a murder, which was perpetrated on 8 January, 1997. Information includes that located on the Parliamentary website.

In their Submission to the Justice 1 Inquiry, Shirley McKie's four Lawyers state that their client's Case was founded upon "Malicious Conduct on the part of the Members of the SCRO" and that the "thrust of the Case" was that the SCRO Officers "Conspired together to seek to Pervert the Course of Justice." (Paragraph 1.4). Ms. McKie's Lawyers then give an account of "The Evidence of Malice and Cover-up" (Paragraph 2.3), contending that "there was a deliberate Misidentification of the Q12 Mark; and a deliberate misrepresentation of the Y7 Mark".
(<http://archive.scottish.parliament.uk/business/committees/justice1/reports-07/j1r07-03-vol2-01.htm>)

I have provided the clerk to the Committee with other relevant pieces of information: the full range of connected evidence, defamatory comments, and their impacts would take quite a length of time to collate and prepare for scrutiny. Not being a specialist

in the legal nuances of defamation but merely someone who has been defamed, my submission reflects that level of knowledge. You should be aware that where information contains copied electronic links to source material, which are no longer functional; I have left them to aid potential, future searches for the material. The information has been gathered from a range of sources, and I have attempted to accurately convey that information to the Committee: I hope that I have succeeded. As mentioned above, if the Committee wishes further, and fuller data, I will endeavour to provide it within your specified timeframe.

Though a public authority may not bring defamation proceedings, when Michael Russell MSP named me in the Scottish Parliament, it seems that I could have been expected to attempt to bring defamation proceedings against him. Though Michael Russell MSP could try to claim Parliamentary Privilege, I was later aware that he had faxed a press release informing the media of the content of his statement; which named me in the Scottish Parliament. However, as Michael Russell (and other SNP MSPs) openly threatened my employment, and enabled and participated in a campaign of debilitating statements, I was unable to respond at that time.

My employment case against the Scottish Police Authority ended with the Judgment published on 4 April 2018. Despite years of successful litigation, I was not reinstated.

I hope this submission informs the Justice Committee's round table discussion on defamation.

Fiona McBride
11 June 2018