



REVEALING the Unusual and Selective Prosecution of Craig Murray

This transcript may not be 100% accurate due to audio quality or other factors.

Taylor Hudak (HD): Hi, everyone, I'm Taylor Hudak, and welcome back to another Craig Murray case update.

The contempt of court case against former UK ambassador turned writer and historian Craig Murray concluded after just one day of court proceedings at the Court of Appeals in Edinburg. The hearing began at 10.30 a.m on the morning of January 27th (2021) and after a few hours of oral arguments, the case was adjourned later that afternoon. The court was heard before a panel of three judges, including Lady Dorien, Lord Menzies and Lord Turnbull. The respondent, Craig Murray, was represented by advocate John Scott QC and the Crown was represented by Alex Prentiss.

Murray is charged with contempt of court on three separate counts, including publication of material likely to influence a jury, reporting the exclusion of a juror and a jigsaw identification. This is all in relation to Murray's reporting on the Alex Salmond trial. Salmond, the former first minister of Scotland, faced 13 charges of sexual assault. One of the charges was dropped and Salmond was found not guilty on all charges in March of 2020. An investigation into the political motivations behind the prosecution of Salmond is ongoing. During Craig Murray's hearing on January 27th, the crown, represented by Alex Prentice, argued that two articles in particular titled "The Alex Salmond Fit Up", which was published in August of 2019, and "Yes Minister Fan Fiction", which was published in January of 2020, posed a substantial risk of influencing the jury in the Salmond case. John Scott for the defense argued that a significant amount of time had passed from the publication of the articles and the issuing of the contempt of court petition against Murray. Lady Dorien, who was one of three judges hearing the case, questioned Prentice regarding the amount of time passing between the publication of the articles and the petition. She stated that the articles were published prior to the trial and if the Crown was concerned that this material could influence a jury, action should have been taken at that time. Now, in January of 2020, Murray received a notice from the Crown Office to remove the article "Yes, Minister Fan Fiction" because the Crown believed it to be in contempt of court. Murray did not agree with this assessment and chose not to take the article down. And technically, only a judge and not the Crown Office has the authority to order that an article be removed. But that's not all. When

Murray first received this notification in January of 2020, the Crown only stated that they considered "Yes Minister Fan fiction" to be in contempt of court, but did not explain why. And then several weeks later, when Murray was issued the petition, it stated that that article was in contempt for jigsaw identification. This was not mentioned in the January 2020 notification, and it also doesn't make sense, considering there was not an order in effect, to protect identities at that time. And in Murray's affidavit, it states, quote, "The Crown Office cannot just order censorship on entirely spurious grounds thought up several months later" end quote. Murray's legal team also submitted to the court that if the Crown Office was concerned that the contents of the article was a risk to protected individuals, a court order to remove the article should have been issued.

A second count alleges that Murray's reporting on the removal of a juror was in violation of a contempt of court order. The defense argued that Murray was not in violation of the order because Murray only reported that the juror had been dismissed, not why he or she had been dismissed, which was specifically prohibited in the court order. However, the Crown argues that while Murray did not report on the issues raised by the Advocate deputy, he is still in violation because he provided his own perspective on the removal of the juror.

The third count, which we had briefly touched on, is jigsaw identification. The Crown argues that Murray's articles alone or with information already publicly available, could lead to the identification of protected individuals, and that Murray intentionally left hints in his articles that would lead to the identification of Salmond's accusers. However, the defense argued that Murray was aware of the names of the accusers before the order to protect identities was in effect and therefore, Murray could have identified the accusers without penalty and he chose not to. In fact, Murray went to great lengths to ensure that he did not jigsaw identify anyone. In his affidavit to the court it states, quote, "There was a period of several months when I was fully aware of the names of the accusers and also fully aware that there was no general law or court order in place, preventing me from simply publishing. That, however, would not have been responsible journalism. The fact that I did not publish the names when I could over months makes ludicrous the accusation of the Lord Advocate that I intentionally leaked little bits of information as jigsaw identification", end quote.

But how the judges should interpret jigsaw identification has been a point of dispute. Prentice argues that jigsaw identification should be interpreted broadly. This would mean that it would be a violation if the content in question would allow for an individual with specialist knowledge to jigsaw identify a protected person. Scott argued that it is too wide of an interpretation in this case and that the standard for jigsaw identification should be determined on a case by case basis. Scott also referenced a 2020 family law case where Justice Anthony Heydon ruled that, quote, "the potential for jigsaw identification by which is meant diverse pieces of information in the public domain, which, when placed together, reveal the identity of an individual, can sometimes be too loosely asserted and the risk overstated. Jigsaw's come with varying complexities" end quote. Lady Dorian also weighed in on this matter and suggested that perhaps that jigsaw information and identification should be considered on a

case by case basis. However, it is unclear if the judges will adopt a broad or more narrow interpretation on this charge.

The court hearing concluded early on January 27th, but there is still no verdict in Craig Murray's case. A panel of three judges will have to determine if the Crown made its case beyond a reasonable doubt. If found guilty, Murray could face two years in prison and possibly an unlimited fine. Lady Dorian said a decision will be published in writing in due course. And lastly, in Murray's affidavit, he explains the great irony of the case in his own words, Murray says, quote, "I am the one upholding the dignity of the court and explaining to the public why a diligent jury reached the sound verdict it did. Yet it is I, the supporter of the court, who is allegedly in contempt while the attackers of the courts are not. The truth is, of course, that the failed prosecutors are favoring those who support the prosecution, that these failed prosecutors get to decide who is tried for contempt is an abuse of process" end quote.

acTVism Munich will continue to follow this case and provide you all with the latest updates, including the judge's decision as soon as that is made public. And also, please make sure that you are subscribed to our YouTube channel and hit that bell to make sure that you are notified each time we upload a new video. Now, unfortunately, independent media has been under attack recently, and so we do need your support now more than ever. acTVism Munich does not take corporate money and so your donations are would allow us to keep on with our independent journalism news and analysis. I'm Taylor Hudak with acTVism Munich. Thank you guys for watching and I'll see you in my next report.

END