

British journalist Craig Murray found guilty of contempt of court

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Author, journalist and whistleblower Craig Murray was found guilty last week of contempt of court for his reporting on the trial of former Scottish First Minister and former Scottish National Party (SNP) leader Alex Salmond. Murray faces a potentially unlimited fine and two-year jail sentence. He is due to be sentenced May 7, the day after the upcoming Scottish elections, and intends to appeal.

Salmond was last year acquitted in a criminal trial on 13 counts including charges of attempted rape.

The 42-page verdict in Murray's case notes that the judges would have been likely, under the Contempt of Court Act 1981, to find Murray guilty of publications which "seriously impeded or prejudiced" Salmond's trial for articles he published August 23, 2019 and January 18, 2020.

The judges stated that "it seems to us that examined at the proper time the articles would have constituted a contempt". They found, however, that since the trial court had not been informed of the articles by the Crown Office until a month after the trial ended the petition to convict Murray on this basis was refused.

The two articles in question, along with many others on his blog, laid out Murray's exposure of the machinations involving the SNP leadership, the Scottish government, the Crown Office and police to convict, and potentially jail, Salmond on charges of sexual harassment, including attempted rape.

Before and during the trial, Murray, a fervent Scottish nationalist, was nevertheless one of the few commentators who attempted to make sense of what was happening. He reported Salmond's defence during the trial, despite being barred from the court and refused accreditation as a journalist.

On August 23, 2019, Murray commented on the proximity of one of Sturgeon's aides to the *Daily Record* which published a sensationalised and leaked report of

allegations against Salmond. He also reported on the scale of the police operation then unfolding, which he described as "the biggest and most maliciously motivated, fishing expedition in Scottish police history."

Murray's January 18, 2020 article included an imaginary script from the famous BBC satire *Yes Minister* to describe underhand tactics utilised to depict a fictitious public figure, regardless of the outcome of any trial, as a sex criminal and thereby destroy his reputation and career.

The judges found Murray guilty of breaching Section 11 of the contempt legislation "preventing the publication of the names and identity and any information likely to disclose the identity of the complainers" in the Salmond case.

Lifetime anonymity of complainers in rape cases is guaranteed in England and Wales. In Scotland, according to the judges, anonymity rests on evidence being given in a "closed court" from whom all but "bona fide journalists" are excluded.

The Crown alleged, and the judges agreed, that Murray had enabled "jigsaw identification", which "can occur through the combination of separate pieces of information or details about *inter alia* the victims, nature and timing of the offences and locations".

The judges summarised part of Murray's defence as "The fact that there may be some people, such as work colleagues, who might be able to identify a complainer is not sufficient for a breach of a section 11 order. The information must be such as to lead to the public in general being able to identify the complainer."

The verdict rejected this, citing precedent, despite acknowledging that Murray was seeking to avoid being in contempt. They cited several of Murray's articles and a tweet from March and April 2020 which alone or taken together with other articles, including the August 23 and January 18 articles, could, they claimed, have led to complainants being identified.

In fact, Murray named no-one, and, as he repeatedly made clear, his intention was to reveal *what* was going on, while avoiding naming those involved. His blog, briefly taken down, has been updated to remove the offending articles.

The verdict against Murray has serious implications for democratic rights, especially given the political background of the case taken against him.

Murray's nationalist politics are deeply divisive. He seeks to channel social discontent behind support for a Scottish state that would represent a minor imperialist formation, pitting Scottish workers against those in England, Europe, and the rest of the world, in alliance with the regional bourgeoisie and those sections of global capital who will support a cheap labour, low tax, investment platform with access to the European market.

But his treatment at the hands of the state has been ruthless and chilling in its implications for press freedoms.

Murray's central contention, backed up by evidence to the Scottish parliamentary inquiry into the harassment allegations, and successive partial document releases, was that close supporters of Sturgeon, including several complainants, exaggerated existing allegations and encouraged the concoction of new ones to prevent Salmond's return to political life.

The verdict of the three judges in Murray's case, delivered in writing weeks after a short hearing, came after the publication of two reports which avoided direct criticism of Sturgeon over the Salmond affair.

A report by former Irish Director of Public Prosecution James Hamilton exonerated Sturgeon of misleading parliament. The report was so heavily redacted, however, that many of its pages were incomprehensible. A report from an all-party committee was critical of the Scottish government's handling of the allegations of sexual harassment against Salmond, but carefully avoided direct accusations against Sturgeon. After both reports were published, Sturgeon easily survived a vote of no confidence in Holyrood tabled by the Conservatives.

Politically, the campaign against Salmond has its roots in post-Brexit disagreements between the Salmond and Sturgeon wings in the SNP over moves towards a second independence referendum, and how best to sustain relations with the European Union—especially over whether organising an illegal referendum as was done in Catalonia will backfire.

Since coming to power in 2007, the SNP has mushroomed in size and taken control of much of the

Scottish local and national state apparatus, while both the Labour and Tories have been reduced to rumps. Even now, amid the worst crisis of its history, the SNP is expected to win as much as 50 percent of first preferences votes on May 6.

Last week saw the launch of the Alba Party, led by Salmond. The hastily formed party aims to exploit the peculiarities of the d'Hondt system of proportional representation.

Programmatically it consists of little more than Salmond and a flag as symbols of a more hardline nationalist agenda: "We're hoisting the flag, we are staking our Saltire on the hill, we are appealing to people to rally in support," said Salmond over a shaky video link. By standing candidates for four of the eight regional lists, Alba (Scottish gaelic for Scotland) aims to maximise the number of members elected to the Scottish parliament that support independence and pressure the SNP towards more aggressively separatist measures.

Salmond's new vehicle was hailed by Murray, who abandoned his plans to stand for the Alliance for Independence, whose 42 candidates all stood down in preparation for supporting Alba. The new venture was also endorsed by leading figures in the SNP, including former justice minister Kenny MacAskill as well as former leader of the pseudo-left Scottish Socialist Party, Tommy Sheridan.

Salmond posed as a defender of the SNP and even said of Sturgeon, whose close allies, on his own evidence, recently sought to jail him for life, "I'm sure she will be First Minister after the election and I am advising people to vote SNP in the constituency ballot." But this only indicates that he has not abandoned an ambition to again lead the SNP himself.



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