Twitter Thread by James Doleman



James Doleman
@jamesdoleman

Craig Murray contempt of court case has begun.
I'll post updates on this thread.

Court now dealing with some preliminary matters,

The Advocate Depute, Alec Prentice QC begins his submissions for the Crown.

Prentice: Three strands to the matters:
1. Material published contains information likely to identify the complainers
2 Substantial risk of prejudicing the trial via his articles and readers comments on them.
3 information published breached court order.

Prentice says Crown did write to Craig Murray about one of articles before the trial warning him they might constitute contempt of court, but decided not to take formal proceedings at the time.

Lady Dorian notes some of these articles were in advance of trial, asks why the Crown thought there was a risk or prejudicing the trial says "it seems strange the crown did not take action at the time" she says

The Advocate Depute says that that is a matter the court can take into consideration.

Lady Dorian notes that internet and twitter searches produce different results depending on when they are done.

Lady Dorian now moves on to ask about comments on the articles published, asks if a failure to moderate them makes Murray responsible for them?
Advocate Depute says it does.

Prentice says a breach of the order, banning information that could identify the complainants, does not mean anyone could identify them, could mean someone who works in the same building could realise who they were.

Advocate Depute says each article cannot be looked at in isolation, but as part of the whole body of the material.
Lady Dorian asks how an article published before the order (banning the names from being published) could be in breach of

it.
Prentice says they are still online.

Lady Dorian finishes her questions, the other two judges have no questions the Crown submissions end.

John Scott, for Mr Murray, begins his submissions.
Notes 313 people on WebEx and hundreds of others are attending the hearing virtually. "More than would fit into the biggest courtroom"
Says this shows the public interest in the case

Says that the Crown is relying on internet searches which change over time. Says that search results change from moment to moment due to the algorithmic nature of Google

Defence say Murray is not a single issue writer, he also writes about open Justice and covered the Julian Assange case in London "on a daily basis."
Says this shows a "sincere and genuine commitment"

"It's not an approach the court deals with regularly, but it speaks to his sincerity," defence counsel says

Defence say Mr Murray knew the names of the complainers before the court order was in place, so even while he could have legally published them then, he chose not to.

Defence submit Murray was not engaged in a campaign to identify the complainers, "he sees the bigger picture," Scott says, "He is not fixated in naming the complainers."

Defence say that they agree Murray was warned by the Crown, but he saw this as "unacceptable censorship," but would have removed any material if the court itself had asked him to.

Defence notes that Mr Murray was not in court when the complainers gave evidence, but instead relied on media reports on what they had testified to.

Murray saw his reporting of the trial as "Whistleblowing the big picture," and had always been respectful of the court and the jury, while saying the media coverage was biased and one-sided.

Defence move on to legal arguments.

Scott says it is unusual for the Crown to claim it's case was prejudiced, especially as, before a trial, "they are in a unique position to do something about it "
Lady Dorian notes "The jury might take a scunner, to put it that way."

Defence "If the Crown argument is correct it's hard to see how anything could be published."

"In any case there will be individuals who already have the pieces of the jigsaw" Scott says, people might have particular knowledge, and just knowing where the alleged crime was committed might be enough for them to work out who the complainer was.

Defence say the Crown interpretation would make even responsible reporting impossible

Scott "There is a difference between a 500 piece Jigsaw and an 8 piece Jigsaw of Peppa Pig."

If the test is "anyone can work it out," that contradicts the principles of open justice defence conclude

Lady Dorian asks "where do you draw the dividing line?"
Defence say that depends on the case, and the court should look at the standard of "beyond a reasonable doubt." And that any other standard would mean no cases could be reported at all.

Lady Dorian notes there could be an assault in a building society, and just reporting the location could allow some people to identify the complainant.

Defence ask for a moment to consult with their client.

Defence notes Mr Murray did make redactions to his online articles when he received the letter of complaint.
Defence end their submissions.

Lady Dorian concludes the hearing saying the court will deliver it's verdict in writing in due course.
Declares "Avizandum" the Scots legal term for judges taking time to consider it's judgment.

Court adjourns