

SUPPLEMENTARY WRITTEN SUBMISSIONS

FOR THE PETITIONER

In the Petition and Complaint

of

The Right Honourable

JAMES WOLFFE, Queen's Counsel,

Her Majesty's Advocate

For Her Majesty's Interest

Petitioner

against

CRAIG MURRAY, 63 Oxfangs Road, Edinburgh, EH10 7BD

Respondent

1. The purpose of these supplementary submissions is to give notice of objection taken by the petitioner to the leading of evidence from the witnesses listed by the Respondent in the above proceedings.

2. It is respectfully submitted that the witnesses listed by the Respondent speak to matters which are *prima facie* irrelevant to the questions to be determined by the court at the hearing of 26 October 2020. It appears from the precognitions statements which have been provided to the crown that the witnesses will speak to evidence which falls into two broad categories:-

i) The extent to which they as individuals were able to identify the complainers in the trial of HMA v Alexander Elliot Anderson Salmond from reading publications written by third parties;

ii) The extent to which they as individuals were able to identify the complainers in the trial of HMA v Alexander Elliot Anderson Salmond from reading the Respondent's publications;

There is also expected to be evidence regarding a poll which was instructed on behalf of the Respondent which purported to survey a number of people by asking questions relating to the above two matters.

3. It is understood that the evidence is listed by the Respondent in answer to the question of whether the Respondent has breached the court order of 10 March 2020. The order was made at common law and in terms of s.11 of the Contempt of Court Act 1981: "*preventing the publication of the names and identity and any information likely to disclose the identity of the complainers in the case of HMA v Alexander Elliot Salmond*".

4. In respect of the first category of evidence listed by the Respondent and referred to above, reference is made to the written submissions for the petitioner at paragraph 11: the question of whether other commentators have breached the order cannot be a defence to the Respondent and is irrelevant to the question before the court.

5. In respect of the second category of evidence above, reference is made to the written submissions for the petitioner at paragraph 12: the order prohibited publication of any information likely to disclose the identity of the complainers.

6. It is respectfully submitted that the examination of individual witnesses who did not identify the complainers would of necessity involve exploration of collateral matters. Such evidence based on the state of knowledge of a limited number of individuals cannot assist in the central issue of whether the Respondent published information likely to disclose the identity of the complainers.

Alex Pentie ac AD

Advocate Depute