

HCA/2020-06/XM

**UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD
JUSTICE CLERK AND LORDS COMMISSIONERS OF JUSTICIARY**

Answers to the Application by Respondent for a Ruling on Disclosure

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 answers is to give notice of the Petitioner's opposition to the application dated 13 January 2021 requesting disclosure of certain material which the Respondent argues is relevant to his defence.
2. It is respectfully submitted that the material listed by the Respondent is irrelevant to the questions to be determined by the court in respect of the petition and complaint for contempt of court which has been brought against him.
3. The Respondent contends that the material is relevant to two matters to be determined by the court:- Firstly, the question of whether the Respondent has published information likely to disclose the identity of the complainers in the case of HMA v Alexander Elliot Anderson Salmond, contrary to the section 11 order imposed by the Court on 10 March 2020. Secondly, the question of whether the Respondent's rights under Article 10 of the European Convention of Human Rights ('ECHR') have been breached.

4. In respect of the first question, it is understood that the material referred to in paragraphs 4a – 4f of the disclosure application are private communications. As such they can have no bearing on the question of the degree of likelihood of the disclosure of the complainers' identities by the publishing of the articles detailed in the Petition and Complaint and Submissions for the Petitioner.
5. In respect of the second question, the Respondent asserts in his answers and submissions that a finding of contempt would be contrary to his Article 10 rights. The material is not relevant to the court's consideration of the Respondent's Article 10 rights. Further, the disclosure of the material may constitute a breach of the Article 8 rights of the parties to those private communications.

Alex Prentice ac AD

Advocate Depute