

Former ambassador posts censored passages from memoir on website

*by David Leigh
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The government is threatening to sue former ambassador Craig Murray for breach of copyright if he does not remove from his website intelligence material that was censored out of his newly published memoirs.

Mr Murray has posted full texts of all passages the Foreign Office ordered deleted from the book version of *Murder in Samarkand*, the former Tashkent ambassador's account of alleged British complicity in torture by the despotic Uzbekistan regime. His book contains links to the website.

The Foreign Office is also demanding, in a claim that breaks new legal ground, that Mr Murray remove from his website the text of Foreign Office correspondence which he says he obtained officially through Freedom of Information Act and Data Protection Act requests. The Treasury solicitors, the government lawyers, wrote to Mr Murray last week claiming: "Even if a document is released under the Freedom of Information Act or the Data Protection Act, that does not entitle you to make further reproductions of that document by, for example, putting them on your website."

Mr Murray said yesterday: "If the media do not react to this, they will lose the ability to report in any detail material released under the Freedom of Information Act. The documents in question are the supporting evidence for my book. The government continues to claim my story is untrue."

Ministers have been casting about in recent months to find new legal methods of suppressing disclosures by dissident officials. The intelligence and security committee said last month that the Home Office was working on proposals to toughen up the Official Secrets Act.

Despite claiming to Mr Murray that "disclosure undermines trust maintained with intelligence sources", the Foreign Office has proved unwilling to bring official secrets charges against the former ambassador, who says he was forced out of his job for raising moral objections to torture.

But tactical use of copyright in the Murray case seems unlikely to succeed. Copyright law is designed to protect the commercial interests of writers and artists, not alleged state secrets. Lawyers say Mr Murray would be able to argue a defence of public interest for his own non-commercial disclosures, as would the media if quoting from the government documents on his website while reporting on current news events.

See also <http://politics.guardian.co.uk/foreignaffairs/story/0,,1817625,00.html>.