

Britain: Two charged under Secrets Act for leaking Bush threat to bomb Al Jazeera

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Two men have been charged under the Official Secrets Act (OSA) over the alleged leak of a top-secret government memo. Civil servant David Keogh, 49, a former communications officer at the Cabinet Office, was charged with making a “damaging disclosure of a document relating to international relations” without lawful authority. Keogh did not indicate how he would plead.

Leo O’Connor, 42, was charged with having received a document while acting as a researcher for former Labour Member of Parliament Anthony Clarke, “through its disclosure without lawful authority by a Crown servant.” O’Connor said he intended to plead not guilty.

Both were bailed to return to Bow Street Magistrates Court on January 10 on condition they do not travel outside the UK and do not contact each other.

The court heard that the Official Secrets Act was allegedly violated between April 16 and May 28, 2004. Under the act, a civil servant is guilty of a criminal offence if he makes a damaging disclosure regarding international affairs without lawful permission. Anyone receiving such information is also guilty of a criminal offence should he disclose it to another party, knowing that it breaches the OSA. A disclosure is considered to be damaging if it could endanger UK interests abroad, or the safety of British citizens overseas.

The proceedings had a Kafkaesque quality. No details of the memo were given in court and O’Connor’s lawyer Neil Clark has said he does not know what is in the alleged document, and has never seen it. Calling for the government to release the information, he said he needed to “know the case” against his client as it would be “impossible” to defend him otherwise.

Prosecutor Rosemary Fernandes has said she will seek reporting restrictions on the case if information in the memo is likely to be disclosed in court.

The veil of secrecy was lent an absurd quality because the memo’s alleged contents have at least in part been made public. On November 22, the *Daily Mirror* published a front-page exclusive under the headline “Bush Plot to Bomb his

Ally.”

According to the newspaper, the memo was a secret minute of a conversation held between President George W. Bush and Prime Minister Tony Blair on April 16, 2004, in which the US leader threatened to bomb the headquarters of Arab TV station Al Jazeera in the Persian Gulf sheikdom of Qatar, but was dissuaded by Blair.

The newspaper wrote that the memo “turned up” in 2004 at Clarke’s office, who had taken an antiwar stance over Iraq and subsequently lost his seat in the May 2005 election. Keogh and O’Connor are accused of passing the memo on to Clarke, who returned it to its source.

The revelations were extremely damaging, but the government’s response to the *Mirror*’s story and the secrecy surrounding the opening of the trial of Keogh and O’Connor indicates that it may contain even more damning material. Immediately following the newspaper’s exclusive, Britain’s Attorney General Lord Goldsmith threatened the *Mirror* and other newspaper editors with prosecution under the OSA if they disclosed any further details from the memo.

This is the first time that an attorney general has threatened the media with prosecution under the Official Secrets Act. Usually the government can resort to a host of other censorship means to keep a story under wraps. These include issuing “D” notices (a “voluntary” system of guidance on publishing), contempt of court proceedings (where a story may prejudice a trial) or a “law of confidence” civil action, with massive financial penalties against the publishers concerned. In this instance, newspaper editors were apparently issued with copies of the Act.

Resort to the OSA against civil servants is also unusual. Former intelligence officer David Shayler was prosecuted and imprisoned under the act, after he disclosed that Britain’s MI6 had backed a failed plot to assassinate Libyan leader Colonel Gaddafi.

Several journalists have queried whether the government’s extreme measures to silence reports could backfire, as they appear to confirm the existence of the memo and the contents already reported. However, the move was

successful for the government in one key respect, in that newspaper editors agreed to comply with Goldsmith's demands. The government has thus far succeeded in suppressing further revelations and setting yet another dangerous precedent in its ongoing attack on democratic rights.

Mirror journalist Kevin Maguire co-authored the newspaper's exclusive. Addressing a public meeting at the London Press Club last week, he indicated that he did not have a copy of the memo but had been briefed on its content. According to a *Newsweek* report on the meeting, Maguire confirmed that it had been written by officials at 10 Downing Street and carried markings indicating it was classified "Top Secret."

The *Mirror* journalist also reported that bloggers and international publications had said they would defy the UK government and publish the memo in full if it were passed on to them. However, Maguire declined to give any further information relating to the memo, *Newsweek* reported, indicating that "he was legally bound from discussing further details."

Senior Al Jazeera officials visited London last week to investigate the seriousness of the threats allegedly made against their network. However, its director general, Wada Khanfar, acknowledged that "because of the attorney general's warning against publishing the memorandum and the vague general statements that came from 10 Downing Street and the White House, we still do not know exactly what the context was nor do we do know many details aside from what has been published."

Al Jazeera's officials have consulted lawyers over the disclosures made in the memo and sought to petition Blair for a meeting during their visit, and submitted a request to Downing Street that it "reveal the truth" about the document. Instead, Khanfar wrote in the *Guardian* December 1, "Officials in Britain have come up with nothing, and their silence is likely to reinforce suspicion and mistrust."

Other newspapers have queried whether the government would benefit by publishing the memo, especially when it apparently records Blair restraining a gung-ho US president. Should the memo's contents be true, they have argued, it is at last evidence that Britain carries some influence with its more powerful ally.

The November 27 *Independent on Sunday* went so far as to argue that it "remains curious, however, that the Attorney General should try so hard to suppress information that, so far, does not reflect badly on the Prime Minister," whilst Simon Jenkins in the *Sunday Times* said what was "heartening is that Blair appears to have opposed the attack," and that "Britons will surely welcome this evidence

of Blair's much-vaunted 'cojones' on display in Washington."

Such arguments serve to divert attention not only from the issues already raised by the memo, but also from what else it may contain.

In general, the media has treated claims that Bush should have wanted to bomb Al Jazeera as self-evident. Numerous reports have detailed previous attacks by the US on the network, including the bombing of its offices in Afghanistan in 2001 and Iraq in 2003, killing its correspondent. One of its reporters is currently locked up without charge in Guantánamo Bay.

As to the memo's full contents, writing in the *Independent*, Andreas Whittam Smith noted that Keogh was a "civil servant with 25 years' experience of tough postings in places such as Islamabad and Khartoum, who was often involved in intelligence work."

If such a man "did leak the document... [he] must have felt exceptionally troubled by what he was seeing."

Even if the disclosures already made were proved to be true, then the heads of two of the most powerful nations in the world are caught on record discussing the pros and cons of carrying out a war crime.

Al Jazeera's head office is in Qatar, a country not at war with either the US or Britain, but rather one of Washington's most reliable allies. Those injured or killed in a US attack would have been journalists and civilians of a friendly power, and therefore not legitimate targets under international law. Should the alleged conversation be verified, it would provide compelling evidence that previous attacks by the US against Al Jazeera were deliberate rather than accidental, as Washington has claimed.

Blair has dismissed allegations over the leaked memo, stating "there's a limit to what I can say" due to sub judice laws. He then went on to disparage "conspiracy theories."

In fact, the entire Iraq war was a conspiracy from beginning to end—planned and commissioned by a cabal in Washington and aided and abetted by their counterparts in London, who ran roughshod over democratic procedures, using threats, lies and disinformation to establish geopolitical control in the oil-rich region. The efforts to suppress the memo are a continuation of this campaign.



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