

# Britain: Prosecution of civil servant under Official Secrets Act fails

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A civil servant at the Foreign Office accused of breaching the Official Secrets Act by leaking government documents to the media had the charges against him dropped at the Old Bailey last week.

Derek Pasquill had been charged with six counts of making damaging disclosures after passing documents and memos to the *New Statesman* and the *Observer*. The leaks included information concerning the government's policies on engagement with radical Islamist groups and the extent of its knowledge on Washington's "extraordinary rendition" programme.

Although not classified as top secret, the government had claimed the documents contained information damaging to the UK's international relations. But at the hearing, Mark Ellison, counsel for the government, told the court that there was "no longer a realistic prospect of a conviction in this case."

According to the *Guardian*, he "indicated that internal FCO papers revealed that senior officials privately admitted that, far from harming British interests, Pasquill's leaking of the documents had actually helped to provoke a constructive debate." Other reports indicated that several government ministers could have been called by the defence, including Ruth Kelly, Hazel Blears and Foreign Secretary David Miliband.

In response, Judge Peter Beaumont ordered not guilty verdicts on all six counts.

*New Statesman* editor John Kampfner hailed the outcome as "a spectacular and astonishing victory for freedom of the press in the United Kingdom," while the *Observer* expressed delight, stating that Pasquill was "an honourable civil servant who stood up for the best liberal values of his country."

Pasquill, who could still face internal disciplinary procedures, said he had been subjected to "a very unpleasant ordeal. Over a period of 20 months I have been arrested, suspended from my job, subject to a Special Branch investigation, on police bail and then charged.

"I am relieved that I have now been completely vindicated in my actions in exposing dangerous government policy and changing its priorities."

The *New Statesman* called for an inquiry into the Foreign Office's decision to prosecute Pasquill, urging Miliband to establish if "politicians or officials played a role in perverting the course of justice."

The abandonment of Pasquill's trial is to be welcomed. The Official Secrets Act has long been employed to cover up state crimes and intimidate and harass government critics, particularly in the civil service and defence. Over the course of some 20 months, Pasquill was suspended from his job and committed to trial, as the government maintained its pressure against him up until the last moments.

Claims that the outcome represents a triumph for democracy and liberal values, however, are wide of the mark.

The government's decision not to proceed in this instance is in stark contrast to the punishment meted out to civil servant David Keogh and political researcher Leo O'Connor just eight months ago. Both were jailed for six months and three months, respectively, after being convicted of

leaking a secret government memo from 2003, alleged to contain minutes of a meeting between then-Prime Minister Tony Blair and President George W. Bush in which the latter reportedly advocated bombing *Al Jazeera's* headquarters in Qatar.

The government's decision not to continue with Pasquill's prosecution is just as politically motivated. In the first place, it hopes to conceal any further damaging revelations of its involvement in the abuse of democratic rights under the guise of the war on terror. In addition, there are indications that the decision to abandon Pasquill's trial is bound up with a rapprochement between various sections of the ruling establishment, which has resulted in a change in government policy.

By far, the most damaging information disclosed by Pasquill were documents establishing that government ministers were fully aware that any involvement by the UK in Washington's "extraordinary rendition" of terror suspects—i.e., the kidnapping and transfer of individuals to third states for torture—would be illegal. But in the face of this breach of international law, the memos indicated that if the government was not actively conniving in renditions, then it was deliberately turning a blind eye to the actions of its ally.

Following the court hearing, the *New Statesman* claimed that its reports on the leaked documents had meant that the "indefensible policy of tacit support for the US was quietly dropped." In fact, while the government made certain adaptations to the public furore over the revelations, there is evidence that the UK was complicit in the kidnap and torture of several individuals under extraordinary rendition. A Channel 4 "Dispatches" programme aired in June 2007 highlighted the case of the Egyptian cleric Abu Omar who was kidnapped off the streets of Milan, Italy, in February 2003 by CIA operatives, and taken to Cairo. There, Omar alleges, he was stripped naked and beaten with fists, sticks and truncheons and threatened with rape over a 14-month period.

The jet used to kidnap Omar had flown twice over British airspace. The government, along with other European governments, denied any knowledge of rendition flights. But the "Dispatches" programme revealed that many of these were classified as state flights, meaning that in order to enter British airspace, the UK government would have to give permission and be warned of any possible controversial nature to the mission.

There is no doubt that allegation of UK involvement in extraordinary rendition was uppermost in the government's initial decision to prosecute Pasquill. What is most remarkable, therefore, is that this fundamental issue has barely featured in any of the subsequent coverage. What appears to have more greatly troubled the likes of the *New Statesman* was the policy taken by the British government under Blair towards radical Islamist groups.

Writing in the *Guardian*, Kampfner complained that this policy had been formulated by then-Foreign Secretary Jack Straw, who had "put the Muslim Council of Britain at the heart of consultation, almost to the exclusion of more moderate groups. The move caused disquiet across Whitehall, as did Britain's policy of covert engagement with the Islamist

Muslim Brotherhood in Egypt.”

Pasquill indicated that his own unease over this policy, which was shared by others within the Foreign Office, was a major factor in his decision to leak the documents. He sent the material to Martin Bright, political editor of the *New Statesman*, who used them for a series of exposures between August 2005 and February 2006.

The first article, “Rendition: the cover-up,” dealt with fact that “the government knows rendition is illegal but it has no idea what it has been letting the CIA get away with on our soil.” British involvement in rendition was the product of ignorance. “[T]he government is involved in a cover-up, not so much of what it knows about this shady business, but what it doesn’t know.”

Two others articles, “Losing the plot” and “Talking to terrorists,” focussed on divisions within and between government ministers and intelligence chiefs over anti-terror policy being made up “on the hoof.” While Blair, for example, in the wake of the July 7 bombings, had promised to ban Islamic political groups such as Hizb ut-Tahrir, the leaked documents showed that the government was preparing to open a dialogue with Egypt’s opposition Muslim Brotherhood.

Bright wrote that the choice facing the government was “should it refuse to deal with radical Islamic movements altogether, and so risk alienating large parts of the Muslim world, or should it make overtures towards the leaders of these movements and face down accusations that it is appeasing Islamo-fascists?”

The Foreign Office “has opted for the latter course, and has decided on a policy of engagement with what it calls ‘political Islam,’ ” specifically to develop “working-level contacts” with the Muslim Brotherhood, “which is banned in many countries in the region and considered a terrorist organisation by the United States.”

It is well documented that the British state has collaborated with Muslim extremists from Pakistan to Afghanistan and the Balkans in furtherance of its strategic geo-political interests, and that this policy has always and everywhere been directed against the interests of working people. In the aftermath of its involvement in the illegal war against Iraq, the Blair government was especially keen to co-opt so-called “Muslim” leaders, through which it hoped to neuter popular hostility. Its relations with the Muslim Council of Britain were directed towards this end.

But two wrongs do not make a right, and the opposition of *New Statesman*, the *Observer* and others towards the relationships being cultivated by Blair were no more “progressive” and “liberal” than those they denounced.

In 2007, Bright wrote a document for the think tank Policy Exchange, “When Progressives treat with reactionaries,” detailing what he described as “The British state’s flirtation with radical Islamism”

He dedicated the pamphlet “to a Foreign Office whistleblower [i.e., Pasquill] whose courageous actions have allowed me to expose Whitehall’s love affair with Islamism.”

The document was directed against government links with the MCB and the establishment of a department attached to the Foreign Office, “now called the ‘Engaging with the Islamic World Group,’ where the MCB’s influence is still strongly felt.”

“Instead of tackling the ideology that helps to breed terrorism,” Bright complained, “Whitehall has embraced a narrow, austere version of the religion.”

Bright complained specifically against “Mockbul Ali, the Islamic Issues adviser at the Foreign Office” for writing in the aftermath of 9/11, “It is paradox of the American system, indeed of the history of the Western nation states, that the nonwhite world has been terrorised in the name of freedom. If you are not white, you are most likely to be ‘liberated’ through bombings, massacres and chaos. Welcome to terrorism as a liberating force. Welcome to civilisation-Western style.”

Bright continued, “As the Political Editor of a left-wing magazine, it

depresses me deeply that a Labour Government has been prepared to rush so easily into the arms of the representatives of a reactionary, authoritarian brand of Islam rather than look to real grassroots moderates as allies.... It has therefore been left to the Tory progressives at Policy Exchange to take the issue forward—and I salute them for that.”

What a topsy-turvy world the likes of Bright inhabit. “Tory progressives”? Policy Exchange is a right-wing, neo-conservative think tank, which promotes the untrammelled rule of the market. Its research director is one Dean Godson, formerly a special assistant to John Lehman, a signatory to the Project for a New American Century, and previously chief editorial writer at the *Daily Telegraph* and associate editor of the *Spectator*.

Spinwatch states that during his time at the Policy Exchange, Godson has “been at the forefront of the debate about the British Government’s engagement with the Muslim community. He has been particularly critical of Government contacts with the Muslim Council of Britain (MCB), which he describes as an ‘Islamist front group.’

“In July 2006, Godson sponsored the publication of ‘When Progressives treat with reactionaries’ in which *New Statesman* editor, Martin Bright, denounced the Foreign Office’s attempts to engage with political Islam, notably the Muslim Brotherhood. The pamphlet featured copies of twelve high-level Whitehall documents leaked to Bright by a Foreign Office official.”

Policy Exchange can “claim some success in influencing Government policy,” Spinwatch continued. “In October last year, Communities Secretary Ruth Kelly called for a ‘fundamental rebalancing’ of the Government’s relations with Muslim organisations, a move that was widely seen as a repudiation to the MCB.”

Godson became embroiled in controversy only recently over an October 2007 Policy Exchange report, “The Hijacking of British Islam,” which purported to have uncovered extremist penetration of “mainstream” mosques in Britain. Its findings, which received widespread media coverage, were subsequently challenged by BBC’s “Newsnight”, which presented evidence that some of the data may have been forged. (See “Britain: Who and what is the Policy Exchange think tank?”)

Over the last months, the government has distanced itself from its previous policy of co-opting the MCB.

It is not the first time that so-called “leftists” have joined with avowed right-wingers, supposedly in defence of secular values against Muslim extremists. The *World Socialist Web Site* has written previously on the Euston Manifesto group launched in 2006 by a number of former left and liberal academics and journalists, most of whom defended the Iraq war based on the premise that US and British imperialism should be entrusted with opposing dictatorship and spreading democracy. It won backing from, amongst other prominent rightists, the US neo-conservative William Kristol, a co-founder of Project for the New American Century and a long-time member of the American Enterprise Institute.



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