

# The Assange precedent: Journalists in Britain threatened with Official Secrets Act

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London's Metropolitan Police threatened journalists with prosecution under the Official Secrets Act last Friday in an unprecedented attack on media freedom.

Assistant Commissioner Neil Basu announced that Counter Terrorism Command would investigate alleged breaches of the Official Secrets Act over publication of leaked diplomatic telegrams written by Sir Kim Darroch.

Darroch resigned last week as Britain's ambassador to the US after his damning confidential assessments of President Donald Trump were published by the *Mail on Sunday*. Trump had publicly reprimanded Darroch over descriptions of his administration as "uniquely dysfunctional" and "inept."

Speaking outside New Scotland Yard, Basu stated, "Given the widely reported consequences of that leak, I am satisfied that there has been damage caused to UK international relations, and there would be clear public interest in bringing the person or people responsible to justice."

He told the leaker, "Turn yourself in at the earliest opportunity, explain yourself and face the consequences."

Basu's statement also targeted journalists and media organisations: "The publication of leaked communications, knowing the damage they have caused or are likely to cause may also be a criminal matter."

"I would advise all owners, editors and publishers of social and mainstream media not to publish leaked government documents that may already be in their possession, or which may be offered to them, and to turn them over to the police or give them back to their rightful owner, Her Majesty's Government."

A storm of protest followed Basu's threats, as newspaper editors weighed in to oppose what *Sunday Times* political editor Tim Shipman described as his "sinister, absurd, anti-democratic statement."

On Saturday afternoon, Basu issued a follow-up statement widely described in the media as a "row-back."

It was not.

He declared, "The Metropolitan Police respects the rights of the media and has no intention of seeking to prevent editors from publishing stories in the public interest in a liberal democracy. The media hold an important role in scrutinising the actions of the state."

He continued, "However, we have also been told the publication of these specific documents, now knowing they may be a breach of the Official Secrets Act, could also constitute a criminal offence and one that carries no public interest defence."

In other words, any journalist or media organisation publishing the leaked material *after* the Met's announcement would be committing a criminal offence. "We know these documents and potentially others remain in circulation," he warned.

Facing opprobrium from major news outlets, Conservative Party leadership contenders Boris Johnson and Jeremy Hunt both felt it necessary to condemn the Met's threats as an "infringement on press freedom."

But this was a transparent cover-up. According to a report in the *Guardian*, the Met's investigation was launched under a "Gateway Process" following discussions between "Senior Cabinet Office officials" and Met Deputy Assistant Commissioner Dean Haydon, who is "the senior national coordinator at Scotland yard's SO15."

SO15 is the Met's Counter Terrorism Command (CTC) unit and is the police body charged with national responsibility for investigating allegations of criminal breaches of the Official Secrets Act.

What the Met proposed was the de facto criminalisation of journalism so that it could be bracketed within terrorist activity.

Statements such as those made by former Tory Chancellor and current *Evening Standard* editor George Osborne, portraying Basu as a bumbling incompetent,

were an attempt at damage control. Osborne described Basu's statement as "very stupid and ill-advised," the work of "a junior officer who doesn't appear to understand much about press freedom."

But the sinister import of the Met's investigation was made clear by the intervention of former defence secretary, Sir Michael Fallon. Speaking to BBC Radio Four's "Today" programme on Saturday, Fallon insisted journalists should be subject to the Official Secrets Act. He described Basu's attack on the media as "quite logical," adding, "If they [newspapers] are receiving stolen material then they should give it back to the rightful owner and should be aware of the huge damage done and potential greater damage by further breaches of the Official Secrets Act."

Asked whether journalists should comply with the act he replied, "I don't think anyone can entirely absolve themselves of the need to avoid damage to this country. ... We have press freedom ... but we also have laws. We have the Official Secrets Act and it is important that law is upheld."

Fallon was backed up by Security Minister Ben Wallace who tweeted that "members of the general public are also bound by a part of the Act."

The Official Secrets Act has been on the statute books since 1911 and was adopted in its current form in 1989. Under it, "disclosing information, documents or other articles relating to" security or intelligence, defence, and international relations is an offence. Currently, only serving or former civil servants, government contractors, or members of the security and intelligence services can be prosecuted for committing offences under the act. Those found guilty face fines or a jail sentence of between two and 14 years.

Speaking on Friday, Executive Director of the Society of Editors Ian Murray condemned the Met's invocation of the Act against journalists, "Frankly it is the kind of approach we would expect from totalitarian regimes where the media are expected to be little more than a tame arm of the government." The Met's dictatorial edicts show the Assange precedent in action. The decision of the US government, with the backing of outgoing Prime Minister Theresa May and Foreign Secretary Jeremy Hunt, to prosecute the WikiLeaks founder under the Espionage Act for publishing leaked government documents has opened the floodgates.

Passed in 1917, the Espionage Act was heavily modelled on the original UK Official Secrets Act of 1889 that was updated just three years prior to the outbreak of

World War I.

Friday's threats by the Met follow raids by the Australian Federal Police (AFP) on the headquarters of the Australian Broadcasting Corporation and the home of *Sunday Telegraph* political editor Annika Smethurst. AFP officers seized hundreds of files relating to articles exposing government spying and war crimes committed by Australian troops in Afghanistan.

The growing state suppression of core journalistic activity takes place amid an escalating drive to war. Britain is working to assist US war plans against Iran, staging provocations in Gibraltar and the Strait of Hormuz in the past fortnight that have been used to ratchet up tensions.

Fallon's involvement and his demand that journalists be subject to the Official Secrets Act is aimed at concealing from the public the advanced preparations for war. According to last week's *Foreign Policy* magazine, the UK and France have agreed behind closed doors to bolster their ground forces in Syria by 10-15 percent, with the UK sending more Special Forces troops.

If the provisions threatened by the British state are enacted, journalists will face years in prison for bringing to light the intrigues of those preparing new wars and other anti-democratic measures.

The call by the *World Socialist Web Site* and the International Committee of the Fourth International for a global campaign to stop Assange's extradition to the US warned that his persecution "is the spearhead of a massive assault on democratic rights, aimed at destroying freedom of speech, illegalizing investigative journalism, intimidating and terrorizing critics, preventing the exposure of government crimes and suppressing mass popular opposition to social inequality and war." Heeding this warning means joining the global campaign today.



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