

*The Observer  
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## The Shayler case

THIS PAPER finds itself before the courts. At issue is our reporting of the case of David Shayler, a former officer with MI5, whose allegations of an illegal plot by officers of MI6 to assassinate the Libyan leader, Colonel Gaddafi, have been carried by a number of papers. His claims have been sent to the Home Secretary, Jack Straw. They are available for anyone to see at a number of websites, including Shayler's ([www.shayler.com](http://www.shayler.com)).

So how have the security services and Special Branch responded? Not by investigating whether servants of the Crown colluded in an illegal plan to murder a head of state, albeit an unpleasant one. Instead, they have come after *The Observer* (and our sister paper, the *Guardian*), demanding that we provide them with notes, books, emails and letters so that they can build a case against Shayler and, potentially, those journalists who have had contact with him.

As a newspaper, we have no difficulty with secrets with the principle that secrecy, where necessary, should be protected by the law. What we find unacceptable, however, is that those laws should be used to prevent the reporting of alleged wrongdoing to protect barely accountable state organs.

It is not enough for us to say that we believe that the judgment made against us on Friday at the Old Bailey is fundamentally flawed. We believe that important principles are at stake. The first is the principle that people should be able to contact the media, safe in the knowledge that we will not disclose their identities or hand over their communications to the police. Secondly, is the principle that a free press should be able to report allegations of serious wrongdoing by Crown servants without the risk of being bullied in the courts.

We shall, of course, be seeking judicial review.

## Can men read?

A SURVEY CARRIED out by the organisers of the Orange Prize for Fiction has found that men are narrow-minded when it comes to choosing books. They are put off by 'female reads', things with 'love' in the title and by soppy covers. Such inhibitions mean that only 2 per cent of the survey group would consider reading highly rated authors such as A.S. Byatt, Anne Tyler and Margaret Atwood. Ian McEwan's *Enduring Love* (taken from us, a solid masculine read) would be kept, if at all, under the mattress or in plain brown wrapping.

Women, on the other hand, as well as now playing football by the raucous coach load, read widely and open-mindedly, including books such as Nick Hornby's *High Fidelity*, marketed as blokish. No doubt the Government will step in soon and order a boys' own literary hour. But, as that very male writer Samuel Johnson once said of women preachers (like a dog standing on his hind legs, he thought), the surprise is not what men are reading, but that they do it at all.



The Observer Profile David Shayler By Martin Bright

# Spy v Spy

He's the secret agent who blew the whistle on his spymasters' incompetence ... and now he faces being sued by MI5

ON THE AFTERNOON of Friday 29 August 1997 a team from Special Branch acting on instructions from MI5 smashed into a flat in St George's Drive, Pimlico, owned by David Shayler and his girlfriend, Annie Machon, both former intelligence officers. In the three-day search that followed, the flat was ransacked for documents to incriminate Shayler, who had gone public in a Sunday newspaper a week earlier with his claims about MI5 incompetence.

In the search, the police took away a handful of innocent papers. They also stripped the couple's sheets, which they confiscated along with a pair of Machon's knickers. But they overlooked a report Machon had written for a management consultancy, into personnel problems at MI5. Shayler has always claimed that he was merely attempting to highlight serious flaws in the way the intelligence services operate in Britain. The operation to find evidence in his own case seemed to prove his point.

In the years since, however, the focus has shifted away from the substance of Shayler's claims and on to the reliability of the man himself. Until this month, even the interest of the media was drying up. In the year that followed his release, Shayler slipped out of the public eye, exiled in Paris, eking out a living as a journalist using his increasingly out-of-date knowledge of intelligence.

He still lives with Annie, who acts as spokeswoman for 'Public Friend No 1', spending much of her time travelling between France and Britain, something which Shayler is unable to do. They live in a flat in Paris's comfortable 11th *arrondissement*, close to the Bastille. It is unlikely they are still surviving on the money received for the original *Mail on Sunday* article, around £39,000, but Shayler has continued to work as a journalist, notably for Mohamed al-Fayed's *Punch* magazine, in which he writes a monthly column.

Much of the life of the couple centres around the cafés and restaurants near

the Gare du Nord, where they meet lawyers and journalists for sometimes several lunch appointments a week. Both are French speakers - Shayler's degree was in French - but are nevertheless isolated and desperate to return to Britain. Machon, a Cambridge classics graduate, has remained a somewhat enigmatic figure: blonde, slim and extremely careful with her words, she could not be more different to her partner. Throughout the past three years, she has studiously avoided talking about her own experiences in intelligence.

Apart from Tony Benn, no MP has publicly defended Shayler. This week-end one prominent Labour backbencher said that Shayler was his own worst enemy: 'He has become a media personality, always willing to appear on TV and get quoted in the papers and that does enormous damage to his credibility.'

From the outset, Shayler has had an image problem. When he walked free from La Santé prison in France in November 1998 he claimed a victory for free speech and justice. He had successfully demonstrated to the satisfaction of the French courts that he was a whistleblower, not a traitor. All attempts by the British government to extradite him had been deemed politically motivated. Shayler felt he had been vindicated.

As he left the prison his delight was captured by French photographer Jacques Brinon. This single photograph, which appeared on the front pages all over the world, probably did more for Her Majesty's Government's case than any previous smears about his unreliability and incompetence. It showed Shayler with his hands behind his head, eyes half closed and mouth wide, revealing the full extent of his double chin. With a Middlesbrough FC away strip visible under his jacket, he looked for all the world like a fat, stupid football yob. When the papers arrived on the desk of MI5 chief Stephen Lander the image staring out at him must have confirmed his beliefs that this was a man who was not 'one of us', who should never have been recruited in the first place.

Shayler has been described variously as a 'born rebel', a 'blabbermouth' and a 'trouble-maker'. The Foreign Secretary himself said that his talk of the involvement of British agents in a plot to kill Colonel Gadaffi of Libya was 'pure fantasy'. For his enemies, the combination of Shayler's appearance, his quickfire patter and an obsession with football, make him a distinctly dodgy geezer. But people who have met Shayler describe him as charming and amenable, and capable of inspiring a surprising amount of loyalty among friends and associates.

The events of the past two weeks increasingly suggest that Shayler has been telling the truth from the beginning. An MI6 document posted on the Internet appeared to confirm there had been a plot to kill the Libyan leader in early 1996 as Shayler had said. The suspicion that Shayler has highlighted serious wrongdoing by the intelligence services is given added credibility by the lengths to which the British state is prepared to go to silence him, including this weekend's news that the Government is taking out a civil action against him.

## David Shayler

Born:	Middlesbrough, 24 December 1965
Girlfriend:	Annie Machon
Studied:	Grammar school, Buckinghamshire; Dundee University
Jobs:	Sunday Times trainee (sacked); newspaper proprietor; launched student newspaper, <i>The Paper</i> ; spy (resigned)
Lives:	Paris, 11th <i>arrondissement</i>
Website:	<a href="http://www.shayler.com">www.shayler.com</a>





David Shayler joined MI5 as part of a recruitment drive in the early Nineties to attract a new breed of non-public school, non-Oxbridge graduates who would shake up the moribund service. With the end of the Cold War, it was felt that MI5 had to shift the emphasis of its operations towards the very real threat from the IRA, Islamic fundamentalists and hostile regimes in the Middle East. A cryptic advert appeared in national newspapers in 1991 showing three empty chairs, with the catchline 'Godot Isn't Coming'. It read: 'If you have already achieved plenty, but now find yourself marking time, stuck in a rut and unable to progress, then it's time to act.'

Shayler, who attended a Buckinghamshire grammar school and Dundee University, seemed the perfect candidate ... bright, able, with experience of the real world, but without any traditional preconceptions of how an intelligence

officer should behave. He even had a background in left-wing politics, campaigning for the miners during the 1984 strike, and as a student editor publishing extracts from *Spycatcher*, the memoirs of former MI5 agent Peter Wright, but even this did not exclude him from what he believed was a reformed service.

According to Shayler, he and other officers of his generation soon became disillusioned with intelligence work. Most of it seemed to involve shuffling papers and getting official clearance for

the endless MI5 phone taps on ordinary individuals. He became appalled by the level of surveillance of tiny extreme left groups, while the intelligence service was unable to stop terrorist acts by the IRA such as the bombings at Bishopsgate and Canary Wharf. Most seriously he was convinced that MI5 and MI6 agents often acted outside the rule of law, knowing they were unlikely to be punished. After raising his concerns with senior officers he, like many of his colleagues, left around the time the Labour government came to power in 1997 pledging to make the intelligence services more accountable.

Tony Benn believes Shayler has raised important issues about the way MI5 and MI6 operate without any real control from Ministers or Parliament: 'If what he was saying was irrelevant and inaccurate they could easily dismiss it. What he is doing must be extremely unsettling to the secret services.'

Benn, a Cabinet Minister in the Wilson government, added: 'What Shayler has demonstrated is that you can challenge the muddles and bungles of the intelligence services as long as you don't challenge their right to do it.'

Others are less convinced. One former Tory Cabinet Minister told *The Observer* that he had it on good authority that Shayler 'got into the service by mistake', that there were distinct indications that Shayler had entered MI5 'with the specific object of finding embarrassing things and publishing them'.

Shayler describes himself as 'almost autistic' in his memory for detail about the history of Middlesbrough football club, and admits to having a chip on his shoulder about the public school and Oxbridge types who dominated MI5 and MI6 while he was there. But opponents should not underestimate his chippiness and his memory for detail. It has served him very well so far.

Illustration by Paul Hamlyn