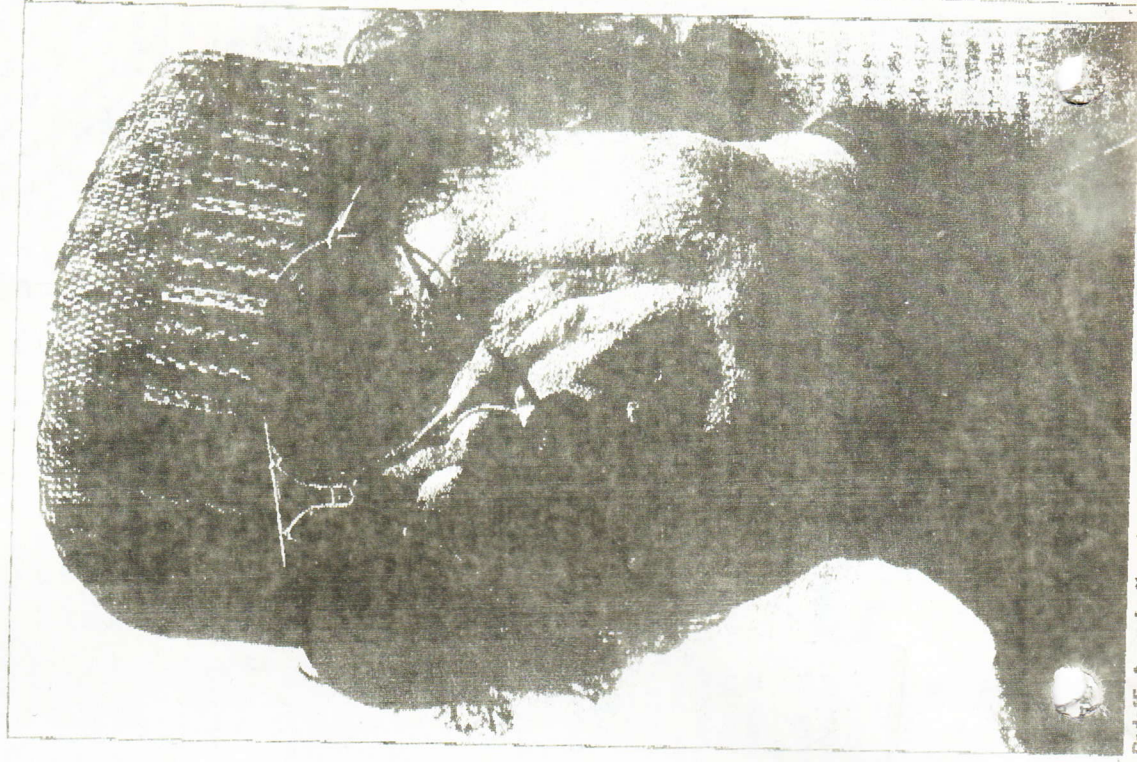


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# Why the spooks are out to get us

The free press has been declared the enemy in a new Cold War being waged by the secret services and judicial system in the wake of the Staylor affair. **Antony Ball** investigates





IT BEGAN in the sweltering heat of a North African summer in 1985 when a senior member of Libya's armed forces strode in to the M16 post in Tunis and said he had information about a coup to topple Colonel Gaddafi.

In secret service jargon this was a 'walk in', which intelligence officers are told to treat with extreme caution, but this was far too tantalising to resist.

The mole, codenamed 'Tunworth', said he could act as a go-between with a group of Islamic fundamentalists who were planning the coup. According to a top secret M16 report written at the time, this would begin with uprisings in cities across Libya and culminate with the overthrow of Gaddafi himself.

On 6 March 1986 members of the obscure militant Islamic Fighting Force launched an attack on a motorcade they believed was taking Gaddafi to the Libyan General People's Congress in the north of the country.

The attack went wrong. According to reports in Arab newspapers, the Islamists hit the wrong car. Gaddafi escaped, but in the ensuing shoot-out several people were killed.

Half a decade later the consequences of Tunworth's action are still resonating through the British establishment, with serious questions remaining over the true role played by M16 in the plot and what ministers were told.

Last week the story of the Gaddafi plot took a new and extraordinary twist as the Government launched an action against *The Observer*

and its sister paper the *Guardian* at the Old Bailey to extract evidence of any contacts with David Shayler, the M16 officer who continues to claim that British intelligence became involved without ministers knowing.

To those unfamiliar with the workings of the secret service, the latest attempt to target journalists might seem hard to fathom. Shayler, now living in exile in Paris, has



Shayler: Bigger threat than ever.

been talking to journalists ever since he left M16 in 1987 and has sent full details of his version of the Gaddafi plot to the Home Secretary Jack Straw. Most newspapers have reported on his claims.

The current press crack-down, which includes action for damages against the *Mail on Sunday* for printing Shayler's original allegations, is one of the fiercest since the end of the Cold War. And as *The Observer* reveals today, questions are now being asked at the highest level about the affair.

The puzzle is why, two years on from the appearance of the initial disclosures, are the security services now so keen to start criminal proceedings against those

thought to be in recent contact with David Shayler?

Less than a fortnight ago, 36-year old Julie Ann Davies, a student supporter of Shayler's campaign, was pulled out of a lecture at Kingston University by Special Branch officers and kept in a cell for 24 hours on suspicion of offences under the Official Secrets Acts.

The key to the riddle is a top secret document marked

If nothing else, this was intensely embarrassing to Robin Cook, who had asked civil servants to reassure him that there was nothing in Shayler's allegations when they first surfaced in 1993. It was beginning to look as if the Foreign Secretary, who said on BBC's Breakfast with Frost programme that the claims were 'pure fantasy', was misled about the plot by the intelligence services. He had been made to look a fool.

SHAYLER'S CLAIMS of a cover-up began to gain credibility outside the ranks of conspiracy theorists.

Until the appearance of the CX report David Shayler had been very quiet. Despite continued demands for investigation of his allegations and attempts to return to Britain from exile in France, even the press was losing interest.

But in the weeks since the publication of the report, his name has rarely been out of the headlines - and the security services are rattled. Either Shayler was responsible for the document's appearance, in which case their attempts to gag him had failed or, even worse, Shayler did not do it, and there is another whistleblower.

Stephen Dorrill, author of a history of M16 to be published this month, said that the end game was approaching: 'What Shayler has is potentially very dangerous. He played a canny game at the beginning by releasing information that was mostly old hat.' On Friday Judge Martin Stephens ruled that *The Guardian* and *The Observer* must produce any material

relating to Shayler's latest revelations. They have 21 days to comply or face contempt of court charges. Special Branch are hunting for evidence on Shayler should he ever return to England, and M16 and M18 fear what he knows.

Three weeks ago *The Observer* printed an article saying that the names of two M16 men alleged by Shayler to be involved in the plot were about to be revealed.

Although *The Observer*, like many other newspapers, knew the names, they were not disclosed. During the hearing last week, lawyers acting for Special Branch argued that, for reasons of national security, the *Observer's* Home Affairs Correspondent Martin Bright should hand over any documents relevant to an investigation into serious breaches of the Official Secrets Act. The case has brought a growing disquiet about implications for press freedom.

As *Guardian* editor Alan Rusbridger said after the judgment: 'These police powers should only be used in exceptional circumstances against newspapers as they

represent an interference with freedom of expression. Sources would be unwilling to contact journalists if they feared that their communications were likely to be handed over to the police.'

He has been joined by a chorus of outrage by civil rights activists. John Wadham, Shayler's lawyer and director of human rights group Liberty said: 'This has huge implications for press freedom and the accountability of the intelligence services. It is incredible that a Government which believes in human rights and the freedom of information should be behaving like this.'

Shayler himself added: 'The Government is adopting the tactics of a totalitarian state by attacking the press in this way. If they really believe I have documents that could damage national security, why don't they come and talk to me about them instead of intimidating journalists.'

Whether Shayler has more secret material is unknown, but it is certain he will remain a thorn in their side for a long time to come.

Editorial by David Butler, *Observer*, 28





# Shayler — the truth is out there, on the Net

AS WE REPORT on our news pages, Robin Cook and Peter Hain, his Foreign Office junior, are behaving rather bravely. They are letting it be known that they oppose what amounts to a sustained attack on the press over the David Shayler debacle.

I wrote last week about *The Observer* and our sister paper, the *Guardian*, being hauled off to the Old Bailey. The *Guardian's* crime was to publish a letter from Shayler. M15 said it was absolutely vital to get the original as evidence against its renegade spy. (Apparently, the case against him was so weak, the spooks couldn't claim he had bro-

ken the Official Secrets Act until they saw his contribution to a letters page.) My colleague, Martin Bright, was ordered to hand over notes, if notes exist, about a story he wrote about Shayler naming the names of M16 officers who certainly knew about, and may have given money to, plotters trying to overthrow Gaddafi.

The judge ordered us to comply with the spies' demands. At no point did he recognise, even in passing, that a free press must scrutinise government and that the only way we can do this — however inadequately — is to assure readers that a whimsical secret police will

not be able to leaf through our notebooks and browse through our computer systems (which they'd also like to do) after you have spoken to us in confidence. We are challenging the order.

Hain is the Minister responsible for Libya. He is horrified by what is happening: in part because he's a South African who suffered from the attentions of Boss, the 'intelligence community' of the white dictatorship, in part because he wasn't told about the court action. Cook, meanwhile, is protesting in the strongest language behind the scenes. Jack Straw, I'd guess, is his main target. This criminal investigation is being run

out of the Home Office, M15's nominal controllers, and all our inquiries are referred to its press office.

Both are courageous because Shayler's most damning revelation was that M15 keeps files on politicians. American Presidents allowed J. Edgar Hoover to run the FBI as a private army which ignored the Mafia and hounded Martin Luther King. They knew Hoover had files on them, and guessed that if they checked him all kinds of dirt would appear. Cook and Hain must have some nagging fears themselves. (Who wouldn't?) That they still behave like democrats is very much to their credit.

They may be influenced by the absurdity of what is going on. Half of the print and broadcast media could be drawn into this in the run-up to a general election. While *The Observer* and *Guardian* are up before the courts for printing pretty innocuous pieces, a history of M16 is arriving at the bookshops. *M16: Fifty Years of Special Operations* (Fourth Estate, £25) is a corking read which I urge you to buy while you can. The author, Stephen Dorrell, names agents and shows how M16 lied to successive Foreign Secretaries. At one point he identifies the M16 officers involved in a plan to assassinate Slobbo Milosevic.

I asked him if he was worried about his book being banned? Well, naturally he was. In the present climate. But he maintained that every fact he quoted and spy he named has been published before in newspapers, specialist journals or on the Internet. What he has done is pull it all together.

The Internet Blair workshops renders futile the cloaking of the bungling and sinister behind the Official Secrets Act. As the stars of the X Files, who are far more credible investigators than the security services, know: the truth is out there — on [www.shayler.com](http://www.shayler.com), to be precise.

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