

FREEDOM OF INFORMATION

On many an occasion, usually after several glasses of wine and a good rant at some friend or another about how much I hated the lowlife that masqueraded as our Government, people had suggested that I file a freedom of information request to establish what the Government Ministers were saying about me behind my back. I had always pooh-pooed the idea because I couldn't see anything productive coming out of it. If they really were plotting behind the scenes to have us sent no matter what, they were hardly going to send me the evidence in the post, were they?

There came a point, though, when all of a sudden the idea seemed to make sense. News broke at the end of April 2006 that the Home Office had 'lost' over a thousand foreign criminals who had been released from prison here when they should have been deported. Amongst their number were serious sex offenders and scores of violent men.

Coming, as it did, just days before local elections at which Labour was destined to get a good kicking anyway, the fact that the Home Office was in chaos was a dream come true for the newspapers. When Charles Clarke admitted that they only had an idea where about ten per cent of the missing prisoners were, he effectively signed his own death warrant. He would be replaced within a week by John Reid, once famously described as a "safe pair of fists".

Labour – 'tough on crime, tough on the causes of crime'. Except if you were a foreign criminal, apparently.

I figured that consumed by this debacle, everyone at the Home Office would be running round like headless chickens trying to find the dodgy foreigners, and probably worrying where the next nasty headline about them was going to come from. There had already been embarrassing stories about illegal immigrants working in their offices as cleaners and security guards.

So I filed a request under the Data Protection Act, asking for copies of all documents referring to me or the 'NatWest Three'. Perhaps it would slip through unnoticed. What the hell? The worst thing that could happen would be that I would get nothing back.

Instead, I got a very nice letter back from a Lesley Menzies (Ms), of the Home Office Information Policy Team, asking me for a cheque for £10 and some proof of identity, both of which I duly provided. She then wrote to me again, telling me that she would search both the Private Office of the Home Secretary, and the Extradition Policy Section, and would get all the relevant

information back to me within the statutory 40 day period, which ended on 10th July 2006.

Blimey, this could be interesting, I thought.

I spoke to her on a couple of occasions over the next few weeks. She was a charming Scottish woman, who knew exactly who I was, and why I was asking for the papers, and she seemed quite determined to help as best she could. A week or so before the deadline, she told me that she had received all of the papers, and that there were literally thousands of pages, which she had therefore sent out to be copied.

I was beginning to get genuinely excited. Perhaps the Government really did take its obligations on Freedom of Information seriously.

Come the deadline of 10th July, however, I had received nothing, and so I rang to speak to Ms Menzies, to be told that she no longer worked for the Home Office. In her place, a youngish sounding man by the name of Oliver Lendrum told me that he had taken on my case, and that he was expecting the documents back from the printers any day, and that he would send them on as soon as they arrived.

The following day he sent me an e-mail, informing me that he had now received all the documents, but that it now appeared that further vetting was going to be necessary. Yes, I'll bet it did. Wouldn't want to send out anything that revealed the truth now, Oliver, would we?

My extradition would come and go, without any sign of the documents. But if the Home Office thought I would give up, they were wrong. I kept e-mailing Oliver Lendrum from Houston, and he kept promising to send the papers, and not doing so. Finally, in October, when Lendrum had stopped answering my e-mails, I wrote to the Information Commissioner to lodge a formal complaint.

I got several communications over several months from the Information Commissioners' Office. They were always polite, and acknowledged that the Home Office were breaching their legal obligations, but kept saying that this case looked to be exceptional, and that in the circumstances they weren't sure how the Home Office could have done any better.

Eventually in early 2007 I wrote a letter demanding that they slap an enforcement order on the Home Office, and questioning whether the routine allegations of cover-ups and document destruction in this Government that were appearing almost daily in the papers by that stage had made their way up to the ICO's sleepy hollow in Cheshire yet. These mostly related to the

Cash for Honours inquiry, and the rumours of document destruction in Tony Blair's private office, but the rot tends to start at the top, as they say.

Finally, on 23rd March 2007, Mark Spragg received a package of 140 pages of useless guff from the Home Office. Almost all of it was repetitious stuff from internal briefing documents, and copies of letters from Caroline Flint that we already had. There were numerous partial extracts from Home Office e-mails, but usually only the sentences that mentioned my name, so that you had no idea what was actually being said.

I was reminded of this exercise during the MPs' expenses scandal in 2009, when the documents that the Government would have wanted to be made public were shown for the first time, and consisted mostly of solid black rectangles of redaction where all the useful and incriminating stuff about moats, duck houses and flipping of second homes would have been. Luckily, the Daily Telegraph had the unredacted versions. I would give a lot to see all the unredacted stuff on my file.

Hard though they obviously tried, though, the Home Office censors didn't quite extract every single piece of incriminating evidence. Everybody is fallible, it seems. An extract from an internal e-mail had the following commentary on the day's proceedings in the High Court on 30th November 2005. The author's identity was redacted, of course.

On the forum point they (judges) have specifically asked counsel for the US why they are pursuing the 3 over offences against an English bank; and not had a satisfactory answer. It is a bit of a stretch but they may conceivably find that it is article 8 disproportionate for the three to be prosecuted in the US or find some other formula.

There is therefore an identifiable risk that, when judgment is eventually pronounced, the three men may be discharged from extradition proceedings.

Now call me old fashioned, but Home Office civil servants are supposed to be totally dispassionate on the outcome of extradition proceedings, which are for the courts alone, and nothing whatsoever to do with the Home Office. Indeed, if you asked any Home Office Minister on any given day whether he or she had a personal vested interest in someone winning or losing an extradition fight, the answer that you would get back would always be that it's entirely a matter for the courts. As the cowardly Alan Johnson tried time and again to claim when defending his decision as Home Secretary in early 2010 to stand idly by and potentially allow Gary McKinnon to be hauled off to the States.

Which begs the question as to why it would be an “identifiable risk” that we might win our extradition case? A risk to what, exactly? To the safety and security of the country perhaps?

There was another slightly intriguing entry, which was an extract from an internal brief in advance of a meeting in the House of Commons on 16th February 2006. This meeting, which was being hosted by the human rights group Justice, was calling for an urgent review of the extradition arrangements with the US.

There was an eminent panel of speakers including Boris, Vince Cable for the Liberal Democrats, and Moazzem Begg who had recently been returned to Britain having spent several years being tortured in Guantanamo Bay and Bagram Air Force Base before finally being released without charge. Babar Ahmad’s father and Sadiq Khan were also due to speak. I was most definitely not on the panel, though, and planned to attend only as a member of the audience. My attendance was not trailed anywhere.

The extract from the Home Office brief, however, identified me a day in advance of the meeting as being one of the contributors. Could it be that my e-mails and telephone conversations were being monitored? I’d be flattered, of course, but surely the security services have better things to do with their time.

In any event I think it’s safe to say that somewhere in the thousands of pages of documents which Leslie Menzies was going to send to me before she ceased to be a Home Office employee would have been a vast pile of illuminating documents, showing what dirty dealings were really going on behind the scenes.

Perhaps Leslie Menzies is reading this and fancies telling the truth about what happened, for the benefit of history and democracy. I’m sure there’s not a serious newspaper in the country that would turn her down!