



# Document: Gerald James 2007 FOIA Appeal Statement

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## Document Provenance

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The document has been assembled from OCR scans of the papers used to present and argue an appeal by Gerald James against decisions of the UK Information Commissioner to support the refusal of various UK government departments to release documents relating to his allegations against the SIS's, Government Ministers and Senior Civil Servants. His allegations concern the events surrounding what has become known as the "Arms to Iraq Affair". Even a cursory reading of regular MSM reports of the affair support James' allegations of corruption, cover-up and collusion at the highest levels of government. His book "In the Public Interest" together with the articles and paper referenced here put the matter beyond reasonable doubt.

## Document

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# IN THE MATTER OF AN APPEAL TO THE INFORMATION TRIBUNAL UNDER SECTION 57 OF THE FREEDOM OF INFORMATION ACT 2000

### Between:

Gerald R James

Appellant

### and

The Information Commissioner

Respondent

The Department of Trade and Industry

First Additional Party

The Cabinet Office

Second Additional Party

The Foreign and Commonwealth Office

Third Additional Party

The Ministry of Defence

Fourth Additional Party

## WITNESS STATEMENT OF GERALD JAMES

Numbers in brackets refer to the Hearing Bundle

**I, Gerald Reveley James, of 2 Laurel Road, London SW13 OEE, the Appellant. make this statement:**

### 1. Background / History

I am 69 years of age and the former Chairman of Astra Holdings PLC and of all its subsidiary companies, the principal of which were Astra Pyrotechnics Ltd. British Manufacture and Research Company Ltd ('BMAC'), Haley & Weller Ltd, Unwin International Ltd, Astra Fireworks, John Grey Textiles, OFS in the United Kingdom; Astra Holdings Corporation, Kilgore Corporation, Astra Canada Ltd, Walters Group Inc. E Walters & Co Inc. Accudyne Corporation in Canada and the United States; Poudrieres Reunies de Belgique ('PRB'), Belcan Technologies Inc and International Ordnance Sales and Services fLOSS') in Belgium and Canada.

After military service, I trained as a Chartered Accountant with Peat Marwick Mitchell (now KPMG) and then worked on the corporate finance side of four merchant banks: Hill Samuel & Co Ltd, Baring Brothers & Co Ltd, Henry Ansbacher & Co Ltd, Singer & Friedlander Ltd. I was a director of Ansbacher and a consultant to Singer & Friedlander. In addition I became a director of several companies in the plastics, electronics, engineering, glass, aerospace and telephone industries.

In 1981 I led a team of chemists, engineers and former military personnel in the purchase of Astra Fireworks of Richborough, Sandwich, Kent. The aims which were quickly achieved were to turn the company Astra into a military pyrotechnics company with the ability to manufacture up to military standard (0524) and also up to research and development standards (0521). Through Ministry of Defence ('MoD') contacts and defence exhibitions, notably the Las Vegas exhibition of 1983, we were introduced to Roger

Harding, the Defence Counsellor at the British Embassy, Washington. Harding, in turn, introduced us to US lawyers, Leva Hawes Mason & Martin, who acted for British interests in relation to the Pentagon and the US defence industry. He also introduced us to two former British military personnel, Clifford Smith and Richard ('Dick') White who ran a Washington-based defence advisory business called Allied Defense Industries. Smith was a former nuclear submarine Captain and White a former army Major. It was clear both had strong intelligence connections. Harding also introduced our company to William Casey, the then Head of the CIA, on the face of it with regard to the purchase of specialised equipment but as became clear later, to me much later, as a vehicle for fronting covert and undoubtedly illegal US/UK foreign policy.

Our business originally had been based largely on the aim of winning substantial military pyrotechnic orders from the Far East, particularly Malaysia. When this failed to materialise and, under pressure from our main shareholder 3i, Arthur Reed the first Managing Director was replaced by Chris Gumbley, a former soldier and salesman.

It also became clear that Astra had to expand into other areas of the defence market such as ammunition, explosives, weapons, fuses, propellants, cannon, mortars etc and related activities such as security and electronics.

After introductions to the top level of the US military establishment, we were even offered the possibility of running GOCOS' (Government owned contractor operated establishments) of which ICI at the time was the only other British company involved. With US backing, we soon started to win orders for practice bombs for the US Navy and Air Force and also for propellants for 155mm shells from companies such as Allivane (pages 505-529), a CIA/MI6 front company.

At the same time, the MoD encouraged us to compete with Royal Ordnance via the Chief of Defence Procurement's Office (Sir Peter, now Lord, Levene). We were also encouraged to change banks to Midland Bank on the basis that they had a specialist military department. Midland Industrial Trade Services. From this department, and under top level pressure from Midland and a client of theirs, Richard Unwin, whose company we had acquired, Stephanus Adolphus Kock (pages 202-291) was appointed to the Astra Board. Kock was a consultant to Midland and both he and Unwin later proved to be MI6 agents and Kock an MI5 and MI6 agent with access to the Prime Minister (pages 272-274) and with considerable seniority. Inside sources said Kock was from Carpo Ruthenia via South Africa and Rhodesia and became a naturalised British citizen in 1968. He was said to be Robert Maxwell's brother and a former head of Group 13, the Government's dirty tricks and murder squad.

Kock was in Brussels on the three days immediately prior to Bull's murder on 22nd March 1990. On 19th, 20th, 21st March 1990 he was there in the company of two special forces Colonels Hardy and Jack, and with an SIS/MI6 officer Blane (Holdness) (pages 288 and 289).

It is also known from US State Department documents held by a journalist Ted Oliver of the Mirror Group who worked closely with Robert Maxwell, that Kock and SIS/MI6 officer Holdness were seen using the

Hotel Carrera, Santiago, Chile during the week up to the murder of British defence journalist Jonathan Moyle in that hotel on 30, h/315t March 1990, eight or nine days after the Bull murder.

Although concealed from the DTI Select Committee, it was also said the sponsors of Kock's UK citizenship were Malcolm Rifkind, Michael Heseltine and Viscount Monckton.

In furtherance of the policy advocated by the MoD and Levene, and with his regular encouragement, we tried to buy Royal Ordnance but this was sold to British Aerospace (BAe) which was the MoD's and Levene's real intention. The arguments over competition advanced by Levene were spurious and we were used merely to force Royal Ordnance's prices down. This became totally apparent when we met George Younger the Secretary of State for Defence, with a view to purchasing Bishopton, a plant in Scotland manufacturing propellant which Royal Ordnance under B/Ae wished to close and then sell off the land. Even though this would have retained jobs, we were refused.

Afterwards we decided to increase our international capability and cover the whole sector by planned acquisitions. As a result we set up Astra Canada, purchased the Walters Group in the USA, including Walters Inc and Accudyne and then Kilgore. In the UK we acquired BMARC, Haley & Weller and several smaller companies and in Belgium PRB with five large plants.

This gave Astra a full arsenal capability across the full range of artillery, tank and naval ammunition, cannon, mortars etc, propellant and the ability to manufacture naval, tank, aircraft cannon and guns. We became one of the leading fuse suppliers to the US government and the main supplier of missile decoy flares to the US Navy and Air Force, as well as manufacturers of grenades and pyrotechnic training devices.

The companies we acquired were long-established defence manufacturers with close connections to the MoD, US Department of Defense ('DoD') and foreign and NATO governments.

In order to achieve acquisitions, we took on major shareholders such as The Prudential and Clerical & Medical as well as 3i. In addition, a bank consortium was formed under Bank of Boston. It soon emerged that this particular bank was closely connected to the US government / intelligence community as well as Paine Webber, our financial advisers. The director in charge of our account at Paine Webber was John Lehman, the former US Navy Secretary in the Reagan administration who had overseen the largest naval build-up in US and world history.

Set out in the bundle are various documents which give more detail of the background to Astra and my requests under the Freedom of Information Act 2000 (ie pages 565-614). I also wrote a book 'In The Public Interest' published by Little Brown in hardback in 1995 and a more detailed paperback by Little Brown Warner in 1996.

## **2. Events leading to concerns and change and disruption**

The principal companies which Astra acquired under my Chairmanship were all long-established defence contractors, the founding dates varying from the Napoleonic Wars up to 1948. All had existing experienced management with longstanding relationships with their main customers, the US and UK governments, European, NATO and Commonwealth governments. Business with other governments in the Middle and Far East, Africa and South America, as well as the Eastern bloc was conducted through and with the full knowledge and help of the UK, US, Canadian and Belgian governments. The media talk glibly of 'arms dealers' as if private individuals and companies conduct business secretly and illegally. This is total nonsense. There are arms manufacturers and some middlemen or sales companies which are closely monitored by government. Occasionally there is news of some scandal which invariably involves some middleman or company disowned by his or its particular sponsor government due to embarrassment over policies and sales becoming public knowledge. It is true, however, that sometimes even elected Ministers do not know what is going on as the deals and policies are made by unelected unaccountable senior civil servants and intelligence and security officers. A typical case is the £2bn Pergau Dam related Malaysian defence deal (pages 270-274). Secrecy is the road to corruption and the two are never far apart.

Within our group companies and acquisitions were companies and individuals with relationships which were long-established. These relationships ensured a smooth continuing contact with the main customers which were governments. It was essential in order to obtain contracts to keep these contacts but it was difficult at the same time to protect the interests of other parties such as shareholders because of the close-knit secretive attitude of some of these individuals. Senior military figures such as Admirals, Generals, Air Marshals and other senior officers whom Astra had as directors or consultants often looked to some higher authority outside the company's Board of Directors for guidance. Astra inherited much of this attitude and there was resentment when questions were asked and restrictions imposed. Similar attitudes existed at lower levels.

From an early stage, even before major acquisitions were made, the MoD conducted operations through our Astra factory at Sandwich transferring container loads of equipment and weapons from Earley, near Reading, to the Middle East (mainly Iraq and Iran, often via third party destinations) and using our factory as a transit depot. There were also sub-contractors from companies like Allivane the CIA/MI6 front company (pages 516-529 and particularly pages 527-528). James Taylor (page 523) worked on our site at Sandwich on secondment from the MoD. I have copies of the Swedish customs report which led to the Dutch Economic Police Report into Muiden Chemie (pages 521-522). This Swedish customs report was into the propellant 'Cartel' which involved companies such as ICI/Nobel Industries of the UK, Muiden Chemie of Holland, PRB of Belgium, Astra of the UK, Royal Ordnance of the UK, Rio Tinto of Spain, Nobel/Bofors of Sweden and Raufoss of Norway. The cartel was set up to supply the huge amounts of propellant required to supply Iraq and Iran for their artillery in the eight year war 1981-1988 and in furtherance of US/UK policy (pages 516-529). After other acquisitions such as Walters Group in the USA (Walters Inc and Accudyne), BMARC in the UK, Kilgore in the USA and PRB in Belgium, it became clear

that there was a vast underlying traffic of weapons and ammunition and fuses involving these companies. At first it seemed politic to accept arrangements which clearly were included in contracts approved by the UK and US governments and where lawyers and professionals such as bankers and accountants were fully in the picture. It is, after all, governments who determine foreign policy, not companies, and if governments approved the policy and its legality it was inappropriate and uncommercial to question the policy.

My concerns were accentuated when I realised that there were contracts of which I and some of my directors were unaware; there were contracts not in the books; there were secret commission arrangements and parallel bank accounts; there was the unauthorised use of our letter headings and stationery; and there were operations conducted in our names of which most of us had no knowledge or control.

Attempts at investigation caused friction as when I quizzed individuals, wrote memoranda, attended night shifts without warning, attended premises and searched premises without warning, or asked to be shown premises and operations without warning. It was clear that certain individuals in all our operations had knowledge of activities which were intelligence / security or government related. Such people, with their own agendas, were untruthful, confident and arrogant and did not like to be accountable.

Typical of these were Major-General Isles (page 521), Lt Col Avery, John Pike and W McNaught at BMARC, Guy Cardinael, Philippe Glibert and Jean-Louis Jourdain at PRB and Ed Walters at the Walters Group. Dick White, our overall US/Canada manager, always tried to conceal salient information and 'keep the lid on' what was really going on. He sacked the MD of Kilgore to prevent him 'blowing the whistle.' In our main company Kock, who had been inflicted on us by Midland Bank, reported on our activities while helping to run illegal operations in which he liaised with Sir John (now Lord) Cuckney, Sir Peter (now Lord) Levene, Sir Colin Chandler, Sir John Bourn (now Auditor General), Sir James (now Lord) Blythe, senior officers at MI5 and MI6 and the Prime Minister, Ministers, the Cabinet Office and the DTI, MOD, FCO from where his authority to negotiate the Malaysian defence deal came. Kock was at the centre of a huge organisation involving the whole defence establishment and companies such as Allivane, Astra, Polly Peck, Ferranti/ISC, Maxwell, BCCI (which were all deliberately collapsed) and 150 various front companies at the centre of the secret US/UK policy. Other companies deliberately collapsed included SRC of Belgium, Matrix Churchill, Ordtec, Euromac, Atlantic Commercial in the UK. It was disconcerting and alarming to discover that not only were Astra's bankers, Midland and Bank of Boston, and consortium banks such as the Bank of Nova Scotia part of the UK and US governments' tools in furthering policy but also that our lawyers, Baileys Shaw & Gillett, and accountants, Stoy Hayward, were implicated. Baileys Shaw & Gillett were an old firm of solicitors founded in the 18th century and a founder member of the Law Society. They acted without our knowledge in the purchase of Matrix Churchill by the Iraqi procurement network and Stoy Hayward were part of the secret team administering the various front companies in conjunction with Kock. One of the key figures in Stoy's was Dennis Robertson, a senior partner closely associated with Kock and one of the main personnel who oversaw the collapse of Astra and Polly Peck as the audit partner installed to replace other

partners. It also now seems clear that one of Astra's investigating accountants who worked with Kock and Robertson in administering front companies, Tim Laxton, a Cambridge languages graduate, was also working for MI6. Both Baileys Shaw & Gillett and Wright Webb & Syrett, the lawyers for Allivane went out of business as part of the government's closure process.

Matters came to a head when members of our staff such as Isles, Avery, McNaught could not answer questions, frustrated (with the Sales Director, John Sellens) major contracts I had negotiated with Spain and another major contract opportunity in Cyprus. At the same time, it became clear our US companies were conducting secret contracts through BMARC organised by White destined for Iraq, and PRB was engaged in a whole range of contracts for Iraq, including the 'Supergun propellant contract. Main personnel at Societe Generale de Belgique ('SGB'), the vendors of PRB to Astra such as former EC Commissioner Davignon, the SGB Chairman and the SGB Managing Director, Herve de Carmoy, formerly senior foreign director of Midland Bank and a close associate of Kock, as well as Jean Duronsoy, the negotiator of the PRB sale to Astra were leaned on by the UK and Belgian governments from a high level and panicked. Contracts which were controversial re Iraq were secretly removed from PRB and the PRB turnover /profit position was undermined to facilitate the removal of the Astra directors (except Kock) and the eventual closure of the whole operation to keep the lid on the covert US/UK policy. The genuine and honourable intentions of myself and Chris Gumbley, the Astra Managing Director, are acknowledged in the MI5/MI6 documents (page 258, third paragraph): "SIS were able to tell me more. Gerald James and his partner Chris Gumbie(y)(phon) had been Chairman and Chief Executive respectively of Astra Holdings and they had indeed reported the Iraqi 'Supergun' to the MoD (Defence Export Services). They were 'the goodies' and there was no reason for HMG to investigate them - Astra Holdings had played their cards face up on the table." The same report says next we were commercially inept in order to explain away what happened later and the report does not make clear that we reported to Bob Primrose, an SIS officer based at DESO. In spite of all this, a lot of trouble was stirred up. In early November 1989 I received copies of two letters written by Gerald Bull, the head of SRC and 'Supergun' designer, to Philippe Glibert of PRB and dated 3181 October 1989. The letters referred to the activities of the UK government, the fact that Bull had been threatened by the FCO with an imminent accident and that Astra was a front for the Israelis. The latter is true in the sense that US/UK policy favoured Israel re Iran and Iraq conflict and Astra was under HMG supplying both sides. We also dealt with Israelis such as Aaron Ochert with connections to the highest levels of Israeli political / military establishment, particularly through Isles.

I met Bull in November 1989 and he warned me of the fact that we would be set up, of serious corruption and of the fact that he intended to do something about it. He also told me of current cooperation with PRB and BMARC re Iraq. He approached us again in March 1990 through our Austrian agent, Cranz, and Chris Gumbley. He met Gurnbley on 22nd March 1990 for a whole day with Cranz and his lawyers and told him he wanted me to return the next week with documents to help his case against HMG and senior civil servants which he had already launched. Bull was particularly concerned about corruption and the fact he

had offered more for PRB than Astra. He also seemed to know we would all be set up. An hour after Gumbley left him he was shot.

In January to March 1990 HMG, through Kock and others including 3i (Sir John Cuckney), Prudential, Clerical & Medical our main shareholders conspired to remove all the original Astra directors except Kock. We were all removed by 15th April 1990 except Kock. Two incompetent stooges were brought in: Roy Barber, an accountant with security service connections and a so-called company doctor, and Tony McCann, an unknown figure. Neither had any experience whatsoever of the defence industry. In spite of a £300m order book and the certainty of signing a \$1.5bn contract through our US companies with Taiwan as lead contractor; PRB was sold back to SGB for £3m and then to GIAT of France, the Taiwan contract was cancelled and over the next two years Astra was wrecked winning no new orders and being put into receivership in February 1992 as the public furore over the illegal and covert policy with Iraq grew. The US companies were sold to Charter Industries of Singapore and BMARC to Royal Ordnance / BAe. The other companies were sold off to different buyers.

### **3. The orchestration of subsequent events**

In the turmoil caused by the Bull assassination and the leaking of the 'Supergun' saga, the government acted to smear the Astra directors (except Kock) by a series of false press leaks, the arrest of Gumbley, the last real contact with Bull and his plans for court action and disclosure, by having him arrested on bogus corruption charges by MoD police and eventually imprisoned. To deal with me particularly and to avoid further disclosures a DTI inquiry was set up in August 1990 allegedly to look at the circumstances surrounding the PRB acquisition. This took three years and in reality produced nothing. The Mouldsdale letter (pages 388-389 and pages 565-614) written in April 1993 showed there was no case against the Astra directors except Anderson who had been intimidated by the MoD police and nearly killed in a police car crash and who seemed to have been coerced into giving false or incorrect evidence and incriminating himself. It is clear from the MI5/MI6 papers (pages 256, 257, 264) that Kock set up the DTI Inquiry for his masters.

In spite of this the DTI concealed the Mouldsdale letter, (pages 388, 389), and embarked on a four year and £3m plus case against the directors (except Kock). During the DTI inquiry, the Inspectors, CPF Rimer QC, now a High Court Judge and John White FCA, a partner in KPMG, also concealed thousands of company papers from the directors while asking detailed questions. In the discovery process during the DTI prosecution case the DTI and Treasury solicitors together with the administrative receivers, Cork Gully, later Coopers and Lybrand, concealed thousands of documents on the totally false grounds of public interest immunity ('PIIC'). When later pressed to produce certificates they admitted these did not exist and claimed *"irrelevance and sought to produce as few papers as possible. As a result the discovery process took over six months and involved all the DTI Inspector's files (see Irwin Mitchell letter, page 222). Apart from these false claims, there were illegibility problems, false claims of privilege, wrong descriptions, delays, late service and general obfuscation. Many documents which were essential like the DTI*



*Inspector's files 106. 120 and 121 were totally withheld. The DTI seem, with the Treasury solicitors and Counsel, to wish to go to any lengths to conceal these files. It is particularly ironic when one of the DTI charges against the directors of Astra related to a comparatively small commission payment to Astra as opposed to hundreds of £millions paid by Astra many times in excess of Astra turnover and profits. It is possible to see extracts obtained separately and elsewhere from these files (pages 558-559. Astra Defence Systems, formerly BMARC; and pages 560-562 from Astra Holdings PLC). The Astra Holdings Commissions were March to November 1986 only for the Lostock Division at Devonshire Works, Dukes Avenue. London W4 - an operation totally unknown to the real Astra management (except Kock). These documents should be read in conjunction with pages (534-556) to obtain a fuller picture.*

Following the collapse of the corrupt DTI case, the DTI colluded with the accountants' Joint Disciplinary Scheme (JDS) to concoct another fraudulent case based on the same false and withheld evidence against me. This had already started but had been suspended pending DTI proceedings. The DTI case itself was dropped in mid-proceedings against two Astra directors, our lawyer (Lawrence Kingswood), from our solicitors (Bailey Shaw & Gillett), the firm which acted for the Iraqis and Martin Guest our Technical Director with the highest security clearance.

The JDS proceedings once again involved the wholesale withholding of relevant evidence, particularly files 106. 120 and 121. On this basis both the original JDS case before Roger Henderson QC in December 1999 and the appeal in June 2000 before Mr Justice Popplewell were a complete travesty and farce. This was particularly so because Sir David Latham QC heard two appeals in December 1999 for judicial review of the JDS and DTI with a view to obtaining documents, particularly files 106. 120 and 121. He refused both appeals and did not recuse himself in spite of a huge conflict of interests. This was particularly so as he had advised ECGD and the DTI on many of the contracts included in the Astra Commission statements (pages 505-507 and pages 560 to 562). The Board of Trade / DTI provided the export credits on these illegal contracts (page 524) and Latham was their adviser. Please note, all the Astra / Allivane correspondence / documents were seized by HM Customs (page 520). Also please note, between April 1990 and August 1990 the MoD police carried out 17 raids on Astra's premises and confiscated all Astra's sales correspondence / documents including all Allivane transactions. These were never recovered or seen again. I made complaints to Scott because of the impropriety of Latham's position and the relevance to his report and his position as Head of Civil Justice, but he took no action whatsoever (pages 409 to 420). Subsequent complaints to the police were similarly ineffective.

In addition to all this activity, there was a House of Commons DTI Select Committee Inquiry into Project Babylon and Long Range Guns from October 1991 to March 1992. I gave published written and oral evidence to this inquiry. I also gave written evidence to the Foreign Affairs Select Committee re the Pergau Dam contract and the associated Malaysian defence deal in 1994. Although the Committee were told by Tim Laxton and myself that Kock, Unwin and Martin Laing were the key figures (pages 272, 273, 274), none of them were interviewed by the Committee and our written evidence was not published although

available in the House of Lords' record room and House of Commons' library. Between 1992 and 1996 I gave copious written evidence to the Scott Inquiry only some of which is in the Scott Report (pages 551, 552), and although the inquiry asked to interview me they never did. In 1995 and 1996 I gave both written and oral evidence to the House of Commons DTI Select Committee on PROJECT LISI and BMARC and exports to Iran. During the course of this inquiry I was arrested by HM Customs and my evidence, both written and oral, was published. In 1995 and 1996 and previously, I gave written evidence to the Public Accounts Committee and Constitutional Affairs Committee regarding Astra, Iran. Iraq and related matters. Earlier in 1992 and 1993 I had given written evidence and documents to Sir Nicholas Bonsor and the House of Commons Defence Select Committee.

#### **4. Contacts with Sir Nicholas Bonsor**

In September 1992 I wrote to Sir Nicholas Bonsor and he agreed to meet me. We met at the House of Commons and I raised the question of Astra, the DTI inquiry, covert dealings and commissions, the knowledge of HM Government and the fact that various companies and their directors, such as SRC, Astra. Matrix Churchill, Ordtec, Euromac and Atlantic Commercial were being set up. or had been set up. and blamed for the government's policy. I also gave him certain documents. Sir Nicholas advised me to pass on anything I had to Scott which I did although I expressed reservations about Scott, which seem to have been justified i.e. Scott made no reference to the two Bull letters of 31SI October 1989 which he received from me and an intelligence source. He also did not mention Cuckney whom he interviewed and did not follow the financial trail among many glaring omissions in his report. On 30th November 1993 I wrote to Sir Nicholas and asked that the Defence Select Committee investigate Astra. He replied by letter dated 14th December 1993 saying they did not have the resources to do so and asking me to send the Bull letters (attached) to Scott. He also referred to the fact that he and the Defence Committee "would do what they could ... and to prevent the re-occurrence of any of the underhand methods of policy making which clearly led you and your company, together with many others, to disaster" (page 394).

In 2000 I obtained from discovery in the JDS proceedings Sir Nicholas Bonsor's letter to John Taylor at the DTI dated 4,h April 1996. In this, Sir Nicholas wrote, "I still consider that some of the authorities concerned with investigating accusations against Mr James and his associates behaved extremely badly" (page 395).

In the Parliamentary debate on Astra / BMARC and arms to Iran in Hansard 19th June 1995 (page 450), Sir Nicholas confirmed lie Mad met me and that I had sent a lot of papers to him which he had sent on to Scott. He confirmed he was disturbed by what he saw and that I was treated very badly by certain members of the administration with or without government knowledge.

On 29th December 2006 (page 324) he wrote to the Information Tribunal confirming he had sent mine and other correspondence with Defence Ministers to Scott. Aitken, a former Astra Defence Systems (BMARC) director, was, he says the lead Minister regarding me and the Defence Procurement Minister at the time. Aitken was later a Treasury Minister. Sir Nicholas also refers to asking the Clerk of the Defence Select

Committee to let Scott have copies of relevant documents. Again, Sir Nicholas refers to my shabby treatment and the fact that I was made a scapegoat.

I have met and corresponded with Sir Nicholas Bonsor since December 2006 and he has reconfirmed the position as stated in his letters, at a meeting and in Hansard.

## **5. Requests for information under The Freedom of Information Act 2000**

I have requested copies of the Bonsor submissions to Scott under the above Act, firstly from the DTI and then from the Cabinet Office. Both these departments claim they cannot find the documents after review and it would exceed the £600 cost limit to look further. Similarly, I have asked the MoD and FCO for the same information and they have come up with similar responses after review. I have complained to the Information Commissioner in all four cases and he has upheld the stance of all four government departments with a minor reprimand to the Cabinet Office. I have appealed to the Information Tribunal and upon my request at the Directions Hearing on 21st September 2006 all four cases - DTI, Cabinet Office, MoD and FCO - were deferred for decision on all from the Information Commissioner re the MoD and FCO (pages 294-296) and then consolidated on 12th January 2007 (page 332).

## **6. Reasons for Appeals**

I have submitted detailed reasons as to why I consider the Commissioner's decisions to be wrong in correspondence in the bundle. These include:

- a. the long history of obfuscation and untruthfulness over many years; (pages 222 to 235)
- b. the obvious sensitivity of the departments; (pages 275, 276, 277, 278 to 283 and 530 to 533)
- c. the Commissioner's failure to understand how the Scott Inquiry operated and how all receipts of documents were logged, recorded and included on a register or index. The Commissioner's deputy has visited the Cabinet Office where the discrepancy in the files alleged to exist and those which actually existed was some 200 (ie from 400 to 600), an error of 50%. (pages 320 to 323; 367 to 369)
- d. There seems also to be no understanding by the Commissioner that each department had a Scott Inquiry Unit with its own files and logs and indices, (page 203, para 3)
- e. No reference is made by the Commissioner to requesting the logs, indices and registers and no reference is made by the Commissioner to inspecting these in any correspondence or decision notices.
- f. The Commissioner does not appear to have asked how the files were transferred and who made the decisions as to the basis on and how this should be done or what happened to the logs, indices or registers.
- g. No query has been raised as to the relative importance of evidence and the importance of who submitted it. Sir Nicholas was not only an FCO Minister, but previously a Chairman of the Defence Select Committee. This is a most important post with direct access to the Prime Minister and the

ability to interview on demand senior civil servants or senior intelligence and security service personnel before the Committee or in camera on a one-to-one basis.

Evidence submitted by a Chairman of the Defence Select Committee should be readily available and not destroyed, particularly such evidence to a public judicial inquiry such as the Scott Inquiry.

h. There is a possibility Scott did not receive the evidence although this seems unlikely. The Commissioner does not seem to have asked whether it was concealed or diverted or destroyed.

i. The Appellant in this case has had very bad experience of the Commissioner's weakness and lack of resolution in Data Protection cases where criminal offences were committed by several institutions but no action was taken, (pages 355 to 356). These cases have similar hallmarks and complaints were made to the EC Commissioner who had expressed criticism of the UK data protection procedures(pages 357 to 363).

j. The Constitutional Affairs Select Committee referred to a lack of robustness by the Commissioner in dealing with Government as have several press articles submitted to the Tribunal and in the bundle.

k. The Commissioner is currently seeking to 'water down' the Freedom of Information Act as are the Lord Chancellor and Parliament. The Commissioner in respect of what he terms frivolous requests, the Lord Chancellor generally and Parliament, re MPs expenses.

l. This request is very much in the public interest as the case overall involves secrecy and serious corruption which has led to two wars, created chaos in the Middle East and disaster which could and probably would have been avoided if disclosure had been made, as ordered in court proceedings previously, of the Astra papers. This is especially true in relation to files 106, 120 and 121 held by the DTI from the Astra DTI Inspectors files relating to Commissions. Regrettably, the judiciary have allowed or tolerated continued concealment and not declared a conflict of interests, as with Sir David Latham.

The MoD is a party to this case. It is therefore important to realise that two former MoD Ministers, Jonathan Aitken and Sir Jeremy Hanley, have intervened improperly in both the DTI directors disqualification case and the JDS tribunal case. Sir Nicholas Bonsor refers to Aitken in his letter of 29 December 2006 as the lead Minister (page 324). The MoD, FCO, DTI and Cabinet Office were also the key parties in orchestrating arms exports both legal and illegal. The DTI was the lead department of the MoD, FCO and DTI.

Aitken later moved from being Procurement Minister at the MoD. where he was from 1992 to 1994, to become First Secretary at the Treasury (1994-1995). Hanley was an Under-Secretary of State for Northern Ireland (1990-1993), an MoD Minister (1993-1994), Conservative Party Chairman and Leader of the House (1994-1995) and a Minister at the FCO (1995-1997). Hanley also has close links to the ICAEW/JDS, including the former President, Dame Sheila Masters. During the period of their ministries, Aitken and Hanley orchestrated an assault on me by the Inland Revenue using that body as a tool of oppression in much the same way former totalitarian governments used the Gestapo or KGB. Others involved in these

matters had similar experiences. Dame Sheila Masters was a member of the Board of Inland Revenue at the relevant times and Alan Clark MP a friend of Aitken. was both a DTI and MoD Minister at the relevant times. At the time Aitken and Clark served as MoD Procurement Ministers, they were responsible for the MoD police who removed Astra documents and were used against Astra personnel, in both cases quite improperly.

Please also note that the Commissioner appears to have acted very recently to save the face of authority by ruling in a Freedom of Information Act application by the Daily Mail newspaper that the report into the handling of the Deepcut affair by the Surrey Police remain concealed. This is very similar to his attitude in this case and demonstrates an attitude contrary to the public interest. His one inconsistency appears to be his ordering the FCO to produce the draft of the "dodgy dossier" used to justify the recent war with Iraq.

## **7. Conclusions**

I know that the same tactics are being adopted by the various government departments (DTI, Cabinet Office, MoD and FCO) regarding my Freedom of Information Act request as were used over many years in DTI court and JDS tribunal proceedings. The information exists and is legally disclosable but any excuse will be made to avoid disclosure. The reasons vary from embarrassment, fear of repercussions, exposure of corruption and illegal and controversial dealings and policy.

Within the bundle is evidence which bears this out and where disclosure was avoided even when ordered by the courts. Examples are:

- i. The Irwin Mitchell solicitors' letter 'To Whom It May Concern', undated (page 222);
- ii. Correspondence with the Treasury solicitors (pages 223-238);
- iii. The Savill Memorandum to Mr Gibson, Parliamentary Private Secretary to the President of the Board of Trade or Secretary of State at the DTI Heseltine, dated 12th June 1995. This memorandum comes from the Head of the Nuclear Proliferation Section of the DTI (XNP) and involves DTI and MoD. It is clear that the DTI and MoD would not even tell Parliament what was in the Company Inspectors' papers of Astra / BMARC; ie they would conceal significant evidence from what is supposed to be the highest court in the land (page 275);
- iv. Correspondence to Amanda Brooks, Assistant Private Secretary to the Deputy Prime Minister (once again Heseltine) from M A Venables, Private Secretary to the Secretary of State MoD dated 21st December 1995-(pages 276-277);
- v. The denials and information regarding Kock, the MI5/MI6 agent (pages 202-291).

Attached as addenda are the two letters from Gerald Bull dated 31st October 1989 to Philippe Gilbert of PRB, an Astra subsidiary; and extracts from the brochure of the Baghdad Arms Fair of April 1989 where details of Astra's business are omitted in order to facilitate illegal activities and the address and telex number shown are not Astra's but those of B/Ae at Weybridge, once again to facilitate illegal activities.

I believe disclosure to be in the public interest.

Signed:

G R James - Dated 1 June 2007

## **Appendix to Witness Statement of Gerald James**

### **Contents:**

Two letters dated 31st October 1989 from Dr Gerald Bull to Philippe Glibert of PRB.

Extracts from the Baghdad Arms Fair Brochure of 28th April - 2nd May 1989 showing the address of Astra Holdings and the telex numbers as being those of British Aerospace Logistics in Weybridge, Surrey.

## **References**

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1. ISBN 0316877190 In the Public Interest - Gerald R James
2. File:Information Tribunal Decision - Gerald James.pdf
3. File:Gerald Bull letters and Bagdad Arms Fair 1987.pdf - 2 x letters from Gerald Bull + Bagdad Arms Fair brochure

## APPEALS DECISION

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The Appeal was heard in July 2007 and - unsurprisingly given the sordid history of government duplicity in the whole affair - dismissed on 25 September 2007. The Decision wording is as follows:

**“These appeals are dismissed. The Additional Parties are not required to take further steps. This is a result which we regard as inevitable on the evidence but which on its face appears to do scant justice to the Appellant, who has, in a broad sense, been proved right and whose tenacity has been demonstrably justified.”**

No doubt an attempt at consolation; but ***“demonstrably justified”*** is a pretty inept attempt at consolation since the decision flies in the face of any such justification and represents a pretty final slap in the face - which of course is the least you can expect if you insist on being *‘tenacious* in the pursuit of government wrongdoing.