



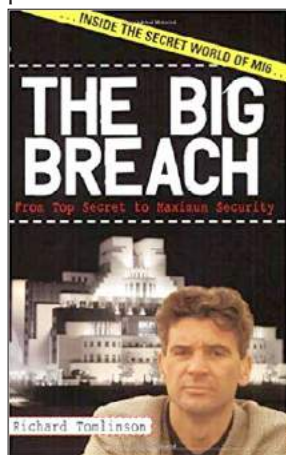
MI6's global reach: The story of former British spy Richard Tomlinson

By Elisa Barwick

In the final analysis there is one reason why the Australian government will not intervene in the case of mistreated Australian citizen and WikiLeaks founder Julian Assange: the Five Eyes.

The top secret Five Eyes spy alliance, which consists of the intelligence agencies of the USA, UK, Canada, Australia and New Zealand, would not tolerate such an intervention, which at least in the case of former Prime Minister Malcolm Turnbull might have otherwise been an option. As a lawyer, Turnbull had defended former senior MI5 officer Peter Wright in the late 1980s court case concerning his book *Spycatcher* breaching the UK's *Official Secrets Act*. Turnbull admitted in a 2011 speech to lawyers at Sydney University that as Assange had "broken no Australian law", the *Spycatcher* precedent made it clear that an Australian court would not uphold any action which tried to stop him publishing his cables. The High Court "was very clear in declaring that an Australian Court should not act to protect the intelligence secrets and confidential political information of a foreign government, even ... a very friendly one, and even in circumstances where the Australian government requested the court to do so", Turnbull said.

Assisting a foreign government to protect its secrets is exactly what Australian intelligence agencies did, along with those of other Five Eyes states and numerous European countries, to prevent former British Secret Intelligence Service (MI6) officer Richard Tomlinson from publishing his story. This is documented in Tomlinson's book, *The Big Breach: From top secret to maximum security* (Cutting Edge Press and HarperCollins, 2001).



Assange currently resides in the same Belmarsh prison in which Tomlinson spent nearly a year. He must serve a 50-week sentence in the notorious London prison, for skipping bail when he fled to the Ecuadorian embassy in London, before a court rules on whether he will be extradited

to the USA as requested by US authorities and approved by UK Home Secretary Sajid Javid. Assange has revealed that he has no laptop, no internet access or library access to prepare for his trial; only two visits a month; it takes four weeks to get someone screened and onto your call list; the maximum ten-minute calls are recorded (except calls with lawyers); and he must compete with other prisoners for a phone in a limited 30-minute daily window (Inside Belmarsh, below).



German and Spanish MPs outside Belmarsh Prison on 15 April. Photo: AFP/Daniel Leal-Olivas

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Going rogue?

Tomlinson's case, like that of Peter Wright, started as a personnel issue. Having been sought out by a talent scout at Cambridge, after his 1991 training Tomlinson was plunged into the deep end of smuggling nuclear secrets, undercover operations in war zones and infiltrating criminal groups, while most of his peers negotiated language learning and cocktail parties in embassy postings. While his immediate superior provided glowing reports, some in the service were not happy with him, and he was fired after four years, mid-assignment. He was not happy to accept the cushy higher-paying "job in the City" that MI6 promised to organise for him as an alternative, and demanded his right to be provided a justifiable reason for dismissal and a review of his case. When MI6 refused any serious investigation—its personnel department, staffed by career spies, "operated like a mini secret service within the secret service" according to Tomlinson—he tried to launch an unfair dismissal case with an employment tribunal. MI6 legal officers, however, ruled any discussion of

Inside Belmarsh

Given his clean record and that he was charged with a white-collar crime, the murderers, armed robbers and paedophiles in Her Majesty's Prison Belmarsh could hardly believe Richard Tomlinson was there at all, let alone as a Category A prisoner—the highest level of security, reserved for the most dangerous criminals. When Health and Safety signs were erected to warn prisoners of various dangers, one of Tomlinson's friends joked: "What a bleedin' liberty. They lock up an ordinary, decent armed robber like me with dangerous, book-writing ex-secret agents like you, and then they warn us about steep bleedin' stairs." Built on reclaimed marshland infested by rats

and mosquitoes, Belmarsh is known for its harsh regime and elaborate security. Prisoners are locked in filthy cells, in which they eat alone, with only one hour of "association" and one hour of exercise per day. When not in their cells, A-cat prisoners are observed at all times. Written permission from the Governor is required to trim your toenails or cut your hair, Tomlinson wrote. After PM Margaret Thatcher shut down the mental hospital system, Belmarsh became a dumping ground for the most troubled prisoners. All of Tomlinson's associates in Belmarsh, many of them career criminals, affirmed its reputation as the "worst prison anyone had ever experienced".

the case, even in closed session, would be “gravely prejudicial to national security”. This was backed up by a Public Interest Immunity certificate issued by the Foreign Secretary to block release of any documents. Tomlinson even tried going to his Member of Parliament, who was personally assured by the chief of MI6 that he had been treated fairly.

Realising he was being watched by MI6, and driven into a corner financially, Tomlinson considered writing a book to expose the managerial incompetency of the secret service. Forced to vacate his flat, he travelled to France. In an attempt to get MI6 to negotiate, the ex-spy leaked juicy but suitably vague details of MI6 operations intersecting current events, which made the news. MI6 soon contacted him but still wouldn't budge on even a closed hearing of the dispute. Tomlinson was presented with a pre-written agreement offering him a job in “industry” if he gave up his push for an employment tribunal, which he ultimately signed. MI6 had threatened him: “Richard, you know that MI6 is a very powerful organisation, with influence around the world. If you don't sign up, we'll use this to harass you for the rest of your life wherever you go. We'll make sure you never get a decent job again and can never settle in any country with friendly relations with Britain.” This is precisely what they did anyway, once the short-lived agreement fell apart.

Discovering the job was not to his liking and the pay 25 per cent less than promised, Tomlinson decided to try his luck in Australia, or New Zealand—his place of birth. Finding employment was difficult, given his mysterious “resignation” (as he was forced to describe it) from the UK Foreign and Commonwealth Office; so, still unhappy about his treatment, he returned to the prospect of the book. Given the *Spycatcher* precedent, he tried his luck with an Australian publisher, who requested a synopsis to consider—to be kept under lock and key. In the meantime, Tomlinson took the industry job back in the UK and wrote to MI6 telling them he was considering writing a book which he would send them for vetting. They replied that it would be illegal for him even to write a draft. A few days later his house was ransacked and his laptop taken. The Australian Federal Police (AFP) forced the Australian publisher to hand over his seven-page synopsis—a document of which Tomlinson said, “Even if [the publisher] had shown it to the top dog in the KGB, it was anodyne and innocuous.” Days afterwards Tomlinson was arrested at his house by armed

THE IRISH TIMES

Ex-MI6 agent charged over planned memoirs

The Guardian

I fear for my life, says renegade MI6 spy

nzherald.co.nz

Outcast: the spy who wants to spill the beans

1997-2000 headlines about Richard Tomlinson from the UK to New Zealand.

police, for breaching the *Official Secrets Act*. A three-hour search of the house ensued, with electronic equipment and disks taken. Simultaneously police descended on his parents' home and his office.

After three days in a police cell, Tomlinson was moved to Brixton Jail. BBC reported he was arrested for “selling secrets”. After being denied bail, he was taken to HMP Belmarsh with a helicopter escort, designated a Category A prisoner—a highly dangerous threat to the state. Faced with spending at least a year in Belmarsh just awaiting trial, Tomlinson reluctantly decided to plead guilty and proceed directly to sentencing—set at 12 months, less the time already spent in jail. The *Times* repeated the “sold secrets” line, while the *Telegraph* repeated the MI6 line that he'd “endangered the lives of agents”—despite having revealed no names, details or current operations.

Global pursuit

After his hellish stay in Belmarsh, Tomlinson soon found the drama was just beginning. His probation conditions required him to hand over his British and New Zealand passports; prevented any contact with journalists; and restricted any internet or email access! Immediately upon leaving prison he was put under full surveillance—from his mail, to his phone, to constant shadowing by MI6 officers. Suspecting

The Diana case

Richard Tomlinson once asked his superior if MI6 had ever assassinated a peacetime target. While this met with denial, a senior MI6 officer shared with him “A proposal to assassinate Serbian President Slobodan Milosevic”, a formal document (not a draft) with a high-level distribution list including the assistant to the chief of MI6. Options provided for assassination included: training and equipping a dissident Serbian paramilitary faction to conduct the assassination; using a team to infiltrate and kill Milosevic with a bomb or sniper ambush; or arranging a car “accident” to kill him, “using a bright flashing strobe gun to disorientate Milosevic's chauffeur while the cavalcade passed through a tunnel”. (A tunnel minimises witnesses and maximises the fatality rate.) The plan was never enacted, but Tomlinson noted the similarities with reports of a flashing light discharged before the crash of Princess Diana's car in a Paris tunnel.

Furthermore, the driver of Diana's car was likely an MI6 agent. Henri Paul was Acting Head of Security at the

Ritz Hotel in Paris at the time. Five years prior to Diana's death, Tomlinson came across a report about an intelligence informant stationed at the Paris Ritz. He was a security manager and was paid cash by his MI6 handler for his reports. (Hotel security managers are often agents of the secret service.) “I have no doubt with the benefit of hindsight that this was Henri Paul”, wrote Tomlinson. Paul, who also died in the crash, had a large sum of cash on him at the time and his whereabouts for an hour on the night of the crash is unknown.

Following his release from prison in May 1998, Tomlinson saw a documentary on Diana's death which reminded him of the information he'd seen. He sent a letter to the father of Diana's companion Dodi al-Fayed relaying his desire to discuss the matter, discovering later that it had never arrived, obviously having been intercepted. He eventually gave evidence to the French inquest (and later, the British inquest), but the judge did not request the MI6 files that Tomlinson suggested may shed light on the matter.

MI6 had plans to frame him for something, to get him out of the way, he decided to leave the UK—a few days prior to his probation expiry so that it would not be anticipated. Arriving in France he contacted the New Zealand embassy in London who agreed to return his passport to him, as he had “broken no New Zealand law”. But he was called back a couple of hours later and told that Wellington had issued “new instructions”, and his passport would not be returned. They relented, however, after Tomlinson contacted New Zealand media with the story. Before he could collect the document, police showed up at his hotel room. They roughed him up, handcuffed and arrested him, again taking his laptop and equipment. The Brits had told them he was a “terrorist” and “dangerous” and the French had arrested him under the *Mutual Assistance Act*, but had to let him go after 24 hours. The same day, the flat of a journalist he’d contacted was raided; she was taken to the police station for questioning for two hours, and threatened with her UK work permit being revoked.

With his New Zealand passport handed back, Tomlinson left for Auckland, but was served with an injunction during a stopover at the Tokyo airport—a gag order to prevent him talking to New Zealand media, who had latched on to the story. The order empowered the New Zealand Security Intelligence Service (NZSIS) to keep a close eye on the former spy. NZSIS maintained very close links to MI6, wrote Tomlinson, even more so than Australia or Canada. Tomlinson thus decided to continue on to Australia, where he had some leads on a job. Buying a ticket at the very last minute, he was nonetheless hauled off the plane before take-off, told that he had not been granted an Australian visa, despite one not normally being required for a NZ citizen. He was referred to the Australian consulate in Auckland for explanation, but upon calling them he soon discovered they knew nothing of it. No sooner was he back at his hotel than the police busted in again, searched his room, pulling everything apart, leaving with his phone, laptop and other devices.

“I felt really let down by the New Zealand and Australian authorities’ attitude to me”, wrote Tomlinson. “They were joining in with MI6’s bullying and harassment without examining the issues for themselves.... It was far easier for them just to bow to political pressure from MI6 than stand up for the rights of one individual.”

Returning to Europe, Tomlinson found relief for a time in

Switzerland, but was detained at JFK airport in New York when he flew to America for an interview with NBC’s Today show—on the subject of the death of Diana, Princess of Wales, one year after her August 1997 death (box, p. 13). He was shown a State Department directive, made at the request of a “friendly government”, stating that he was banned from entering the USA, for life. Upon his return to Switzerland, Tomlinson was again under surveillance, and the British government tried to have him deported back to the UK. An attempt to enter France revealed his entry in the system: “Subject is a menace to the security of France.” He was served papers banning him from France for life. Trying to challenge his Australia ban with legal action, a Freedom of Information request revealed “a copy of a telegram sent by MI6 to ASIO [the Australian Security Intelligence Organisation] on 2 November 1998. Although many paragraphs were blacked out with the censor’s ink, it was clear that it was a request for ban, with which the Australians had complied limply.”

Tomlinson was subsequently banned from Switzerland. Moving on to Germany he found himself again detained on brief trips to France and Switzerland, and was prevented from returning to Germany. He ended up in Italy, where he ran into the same MI6 buzzsaw. Sick of the impasse by this point, he proffered his book to MI6 for review, fully prepared to agree not to publish it if it would make them back off. There was no response. He was raided shortly thereafter, for the tenth time, in yet another MI6 attempt to get their hands on the manuscript. Moving north, he was soon arrested in Monaco on MI6 orders, and released after six hours.

Tomlinson sent his book to a UK publisher, which was subsequently raided and its computers confiscated. Threatened with legal action, it declined to publish. A potential US publisher declined after a visit from the FBI. Injunctions stopped the book’s publication in Switzerland. In the end, Tomlinson first published it on the internet. Finally in 2001, after a decade of entanglements with MI6, it was published in Russia, and soon thereafter in the UK and Australia.

As Tomlinson points out, the amount of time, effort and public money MI6 spent on him was extraordinary. He was never a danger to anyone, only wanting the justice owed him. What Tomlinson threatened to expose was rather benign compared with the malignant morass of Five Eyes spying operations later revealed by Assange; but MI6’s heavy-handed response made it a tale worth telling.

MI6: Untouchable

From the moment Tomlinson tried to have his dismissal reviewed, MI6 made clear it was untouchable and set about to uphold that status. MI6’s staff counsellor refused on the grounds of secrecy to request the minutes and records of his personnel meetings and reports on his work—even for internal use. When he pushed to be provided with reasons for his dismissal, as required by UK law, he got only weak generalisations. The head of the personnel department told him he would not get his job back even if an employment tribunal backed him up, because “No-body can tell the Chief of MI6 what to do.”

While in prison, Tomlinson heard about Hong Kong Governor Chris Patten’s breach of the *Official Secrets Act*. He directly provided confidential MI6 intelligence reports to his official biographer, to spice up his book—but British Attorney General John Morris, who signed off on Tomlinson’s punishment, stated there was “no useful purpose” in prosecuting Patten. This was far more serious than providing an Australian publisher “a heavily disguised synopsis

that was never published”, wrote Tomlinson. “If breaches of secrecy laws are not applied to all offenders, whatever their status, then they are political offences.”

In May 2000 press reported that the former head of MI5, Stella Rimington, was negotiating a huge advance for the publication of her memoirs, with the full blessing of British authorities. There was clearly “one rule for the people at the top and another for the little guy like me”, observed Tomlinson. The interview Sky news had lined up with Tomlinson to discuss this hypocrisy was prevented by Italian police bursting into his Rimini flat as the phone rang.

When a drunk MI6 officer lost his laptop, and another fell asleep on a train, “mislacing” his briefcase, MI6 assured the nation that national security was not compromised in any way. “The reason MI6 spent so much money suppressing this book”, wrote Tomlinson, “is not because it contains anything damaging, but because they fear it may undermine their quasi-mythical status”.