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Your Ref :

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Date : 19 January 2006

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The Private Secretary, Prime Minister and Cabinet Office
Direct Communications Unit
10 Downing Street
London SW1 2AA

Dear Sir

Freedom of Information Request: Discussions re bombing of Al-Jazeera

We make this request on behalf of Al-Jazeera Satellite Network which is headquartered in the city of Doha in Qatar and on behalf of its Managing Director, Mr Wadah Khanfar. We also make it on behalf of Al-Jazeera International, which has a substantial regional office in London at 3 Albert Embankment, London SE1 7SL. The other applicants are Mr Don Christopher, an English solicitor heading the company's legal department at its Doha offices and Mr Nigel Parsons, Managing Director of Al-Jazeera International, formerly with the BBC and Associated Press Television News.

This is a request for information, namely for any record or document or extract thereof reporting or evidencing discussions between President Bush and the Prime Minister about the bombing of Al-Jazeera television offices in Qatar or elsewhere. The request additionally seeks any document which records comment upon or analysis of such discussions.

We have been supplied by Mr Steve Wood with a copy of your answer, dated 22nd September 2005, to his similar request made on November 24th (annexure 1). You have chosen to confirm that the Cabinet Office does hold relevant information, namely '*memos or notes that record President Bush's discussions with the Prime Minister about the bombing of the Al-Jazeera TV Station in Qatar*'. The Cabinet Office accepts that there is a '*general public interest*' in this issue, but withholds the information from Mr Wood pursuant to section 27 of the Act by claiming that the disclosure would '*harm international relations*' and '*breach confidentiality*'.

This application is crucially different to that made by Mr Wood in two respects:

- I. We do not seek disclosure of the entire document, which reportedly records wide ranging discussions between the two leaders at their meeting in April 2004. Instead, the applicants require to have communicated to them only such part of the record as relates to the admitted discussion about the bombing of Al-Jazeera, together with any relevant context (and obviously, any other exchange about Al-Jazeera or media reporting would be relevant).
- II. Mr Wood was, so we understand, applying as a member of the public. He has no connection with Al-Jazeera. The applicants whom we represent are not only the company which would suffer grave damage, both economic and reputational from such targeting, but individuals whose very right to life – guaranteed by Article 2 of the European Convention on Human Rights – is at stake. As persons who may

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regularly be found on Al-Jazeera premises, Mr Khanfar, Mr Christopher and Mr Parsons would run the risk of suffering death or serious personal injury as a result of any bombing raid. They are representative of 1,250 journalists, broadcasters and executives of many nationalities who work in the Doha Headquarters or in other offices of the television station around the world. It is vital for them to know the nature of the US President's intentions and whether he really is prepared to go ahead with a bombing attack on the place where they work.

Any thought of bombing Al-Jazeera, in Qatar or anywhere else, would be both morally wicked and legally indefensible. Under no stretch of any honest imagination can this television station be regarded as a legitimate military target. It is a respected and professional media organisation, sponsored by a nation – Qatar – with which the US and the UK have friendly relations (indeed, the Coalition attack on Iraq was launched in 2003 from the US Airbase within the country). The Channel does, of course, present an Arabic view of Middle Eastern issues but contrary to some reports it has never shown hostage (or any other) beheadings and has no links with terrorist organisations. It is worth noting that prior to the invasion of Iraq its main critics were Arab regimes (including Saddam's) for exposing corruption and breaches of human rights. Al-Jazeera employs a significant number of UK nationals working for it as professional journalists, broadcasters, cameramen and executives. It has achieved an audience of 50 million in the Arab world. Its Arabic Children's Channel is widely admired – and of course there may well be children on the premises at the time of any bombing raid on downtown Doha. Not far from the Al-Jazeera compound are shopping streets, housing blocks, an international school and mosques where innocent civilians would also run the risk of becoming 'collateral damage'.

Your concession that there is a '*general public interest*' in the issue is the understatement of the year. There is an overriding public interest in finding out whether there was any serious discussion – or a discussion at all – of an action that would result in mass murder under English law, a crime against humanity under international law and a war crime as defined by Article 8 (2)b i) ii) v) of the Statute of the International Criminal Court. The applicants now assert their right, under Section 1(1)(b) of the Freedom of Information Act 2000 to the information which the Cabinet Office has admitted it possesses on this matter.

The reasons that you gave for rejecting Mr Wood's request do not apply to this application. You cannot seriously suggest that this revelation would harm international relations: Acts preparatory to an international crime can never be in the interest of good international relations. Disclosure of plans for such acts may "harm" (in the sense of embarrassing or providing evidence for indictment of) a party to the conversation but it cannot 'harm' the relations with his State, since States are assumed to obey international law. Your admission that disclosure would be 'harmful' must mean that President Bush did in fact propose bombing the television station and your real concern is to limit the obloquy which would rightfully be attracted by public revelation. This is not a purpose for which the exemption was granted. Section 27 was never envisaged by parliament as a means of covering up high crimes and misdemeanours.

The other ground on which you rely is breach of confidence. Your lawyers will explain that it is a fundamental principle of English law that there is no confidence in iniquity. Iniquity of this order – proposing an attack on a 24 hour television station which would inevitably kill some civilians working inside it – cannot conceivably give rise to a confidence that merits protection under any civilized moral standard.

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It follows that our clients are entitled under Section 1(1)(b) of the Freedom Of Information Act 2000 to have this information communicated to them. This would most speedily be done by providing a copy of the memorandum, appropriately redacted, and of any other document recording comment or analysis of President Bush's remarks about Al-Jazeera.

You will appreciate the genuineness and seriousness of this request which is supported not only by the general interest in freedom of expression but by the overriding interest of protecting the lives of journalists and broadcasters and enabling the public to judge whether or to what extent the leaders of the coalition that invaded Iraq were prepared to contemplate the destruction of a legitimate television station and the deaths of its employees and visitors.

Yours faithfully

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