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THAMES VALLEY POLICE

## Contact sport

**WHEN** people think of investigative reporters meeting secret contacts, they recall the Washington car park where Deep Throat dished the dirt on Watergate, not the Jury's Inn, Milton Keynes.

Nevertheless, it was in this unglamorous three-star hotel that a part comic, but mainly sinister battle over the future of free reporting in Britain began in December 2006

Izale McLeod, then the star striker for the Milton Keynes Dons, was enjoying an engagement party in the Infusion Restaurant. By all accounts, it got out of hand. Sally Murrer of the *Milton Keynes Citizen* contacted a source in the Thames Valley police, who said that McLeod had been arrested after an allegation of GBH. Murrer ran the story and later reported that the charges had been dropped.

Murrer is a straight journalist from the old school; the mother of two young girls and the carer of a 20-year old autistic son. She can cope with her children and a job on the *Citizen* because she has contacts who have fed her with stories like the McLeod case for 33 years.

Proud of her work though she is, she would never claim to have broken earth-shattering exclusives. In April, for instance, she checked with a police source after a local man Doug Belcher was killed – apparently while fighting burglars who were stealing his van. “Didn’t he serve a prison sentence in France in the 90s?” she asked.

“Yes, for supplying cannabis,” replied her source. “And it ought to ring a bell because you wrote about it.”

“Silly me,” she thought, and dug out her old cutting.

About the time of Belcher’s murder, a police contact also chatted to her about an Islamist fanatic who had been released early from prison even though he boasted about becoming a suicide bomber. It was background. Nothing could be written because a D Notice was slapped on the story.

Murrer’s life seemed routine until she was shopping on 8 May and a colleague called to warn her: “The police are here. They’re seizing your computer.” Detectives from the Thames Valley and Hertfordshire forces didn’t stop there. They spent three hours searching everything, right down to the packets of Cup-a-Soup by the office kettle.

Eight officers then went through her home and removed bugs they had been using to tape her conversations with sources. They took her to Banbury police station and left her in a cold cell for

24 hours. By the end she was suitably bewildered and terrified, and ready for the interrogation.

Detectives didn’t ask her about state secrets: they wanted to know how she had found out about Izale McLeod; who had reminded her about her old piece on Doug Belcher; and they also asked whether she could confirm that she had talked about a potential suicide bomber with a police officer but printed nothing.

Murrer was released but when she returned for her next interview the officers had a treat for her. “The first thing they did was strip search me. They took me into a side room and put the rubber gloves on. I started shaking. My brain went to cotton wool.” They charged her with “aiding wilful misconduct in a public place” and warned her that she could go to prison for years. There’s a committal hearing at Kingston-on-Thames magistrates court in February 2008, and a full trial is expected in the autumn.

A police officer who is due to retire was arrested along with her. His colleagues also arrested his son, who has fought for his country in Afghanistan and is due to go back for a second tour.

Allegedly he had some ecstasy tablets and had also tried to win the favour a pretty young reporter on the *Citizen*’s rival, *The Milton Keynes News*, by telling her about how a clueless copper had lost a complete set of keys for Milton Keynes central nick – including the keys for the custody cells. She ran the story, which was all over town in any event, and was duly interrogated by Thames Valley and Hertfordshire officers.

They have now spent hundreds of thousands of pounds on the Murrer inquiry. Originally it was a police corruption investigation: officers selling stories for money. But Sally Murrer isn’t a high-rolling scoop-hound from the *News of the World*; she’s a local reporter who has never paid for a story in her life.

Thames Valley clearly want to get the arrested officer. But what was personal has become political. If the police lose, they will have wasted hundreds of thousands on a fatuous and oppressive prosecution when the money might have been better spent on, say, monitoring ex-prisoners who threaten to blow up the transport system.

If the police win, it will become a crime for journalists to report what a police officer or any other public official tells them without authorisation – as will just talking to them and not even publishing what they say.



*‘Ratbiter’*

## THE HACK, HER CONTACT, THE POLICE AND THE SILLY BUGGERS



## Eye told you so

**T**HE full ramifications of the Eye story broken by “Ratbiter” in December (issue 1200) about Thames Valley police’s bizarrely aggressive treatment of the *Milton Keynes Citizen*’s crime correspondent are only now becoming clear.

As Eye readers will recall, anti-corruption officers bugged the phone of respected reporter Sally Murrer and recorded hours of her conversations with local police officer Det Sgt Mark Kearney (pictured) – subsequently revealed as the officer at the heart of the Sadiq Khan bugging inquiry (see article below).

They raided Murrer’s home and the *Citizen*’s offices. Twice they interrogated her – once after leaving her for 30 hours in a police cell; the second time after softening her up with a strip search. Now Murrer and Kearney (who were once lovers), along with Kearney’s son Harry and Derek Webb, a private detective, face the obscure common law charge of “aiding and abetting gross misconduct in a public office”.

So what’s going on? The police seemed to think Murrer was a cheque-book journalist who bribed officers to sell her stories. But the *Milton Keynes Citizen* doesn’t do cheque-book journalism: it can barely afford to pay parish correspondents 12p a line for their reports of church fetes.

Stranger still, after the police went through

Murrer’s and Kearney’s bank accounts, they accepted that no money had changed hands. All they now allege is that, like journalists and their contacts do every day, Kearney *told* her stories about a local footballer and drug dealer that didn’t come within a thousand miles of breaking the official secrets act.

Ordinarily, this nasty tale of oppressive policing wouldn’t have wider consequences. But with a gratifying poetic justice rarely encountered outside Hollywood movies, Thames Valley police must now answer for inadvertently letting loose havoc in Whitehall, infuriating MI5 and forcing a shaken justice secretary Jack Straw to the despatch box.

Mark Kearney had a nervous breakdown after his arrest. His mental state wasn’t helped by the police upping the pressure on him by also arresting his son. In a statement to the police professional standards department, he explained why he couldn’t go to Milton Keynes station, saying he wasn’t only worried about going to prison with his son but feared he may have broken the law when he succumbed to pressure from the Met police to bug a meeting in Woodhill Prison between Labour MP Sadiq Khan and prisoner Babar Ahmad, who is fighting extradition to the US on terrorist charges.

Neither police nor the crown prosecution

service (CPS) has accused Kearney of leaking details of the bugging.

(Kearney himself denies it – not least because the disclosure has made him a target for Islamists.) But his statement did the rounds in Milton Keynes.

Lawyers and uniformed officers read it, and wives and partners of the suspects, furious that their homes had been ransacked, stormed to their MPs and councillors and told them everything they knew. No one will say how he found out, but within weeks of Kearney writing his statement, David Davis, shadow home secretary, privately asked Gordon Brown about the bugging of MPs and lawyers. Brown didn’t reply; and a few weeks later, the story was all over the papers.

If Sara Thornton, chief constable of Thames Valley, thinks she is going to have a hard time explaining to ministers how an hysterically disproportionate operation against a local journalist triggered a national scandal, she should look at the press bench at Murrer’s pre-trial hearings and realise that her life is only going to get worse. Normally hacks don’t bother to cover arcane legal discussions about procedure, but the court was packed for Murrer’s five-minute hearing on 11 February. This one will run and run.

‘Ratbiter’



## Operation whitewash

**G**IVEN only two weeks to investigate the controversial bugging of Muslim Labour MP and human rights lawyer Sadiq Khan (pictured left), one would have thought that Sir Christopher Rose, the chief surveillance commissioner, would have beaten a hasty path to St George’s army barracks in Bicester, Oxfordshire.

Why? Because there, inside a secret storage facility, lies all the paperwork and the hundreds of covert tape recordings at the centre of the controversy, revealing exactly who knew what about the eavesdropping operation at Woodhill prison.

As the deadline imposed by Justice Secretary Jack Straw approached, however, not only were the boxes and their contents undisturbed, but no one from Rose’s team had been near Mark Kearney, the Thames Valley police intelligence officer, who reluctantly carried out the bugging (see article above).

Given the tight deadlines, limited scope and the secondment of an officer from the Association of Chief Police Officers (ACPO) to lead the Rose investigation, the inquiry already

smells of whitewash. For ACPO, too, is caught up in the scandal. Kearney attended meetings of the ACPO prison intelligence working group; and a Special Branch detective superintendent attached to it thanked the reluctant officer for bugging the MP.

Of course when the story first broke, Inspector Knacker started privately “briefing” hacks that no one knew that Khan was a MP when he visited his constituent, Babar Ahmad (pictured right), who is fighting extradition to the US. But this is not true. Within weeks of Ahmad’s transfer to Woodhill in August 2004, Scotland Yard authorised the bugging of all his non-legal visits and phone calls. Kearney’s prison intelligence unit was in regular contact with the Met’s Special Branch prison liaison team, who later became more discerning about which specific visits should be bugged as part of Operation Quarrier.

The Eye has learned that the Rose inquiry has been given the names of two Special Branch detective constables who, it is alleged, instructed Kearney specifically to bug Khan’s visits, knowing that he was an MP. Kearney ensured that Ahmad was seated at “talking tables” G2 (in May 2005) and F2 (in June 2006) when Khan visited.

Under security procedures agreed by Rose’s predecessor as the “interception of communications commissioner”, Sir Swinton Thomas, only the Met’s anti-terrorist and Special Branch officers were allowed to take away copies of the tapes, from which transcripts were made and analysed. Hundreds of Ahmad’s conversations were bugged over the three years he spent on remand at Woodhill.

Many of these conversations contained sensitive information about his appeal against extradition and a civil case he was bringing against the Met for assault, which his lawyers will now argue is a breach of legal privilege by the back door.

The Met, of course, has form in this area. Eye readers will remember that in December 2006, commissioner Sir Ian Blair was found guilty of overseeing the unlawful bugging of phone conversations of Muslim detective superintendent Ali Dizaei, the legal adviser to the National Black Police Association (NBPA). And who was Dizaei and NBPA’s solicitor? None other than Sadiq Khan!



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PRESS FREEDOM

## Loan sharks

**H**AVING just boasted of making a £178m profit, one would have thought Johnston Press might be happy to fund the defence of senior journalist Sally Murrer, who faces a controversial criminal prosecution which goes to the heart of press freedom.

But the *Eye* has learned that the wealthy publisher of the *Milton Keynes Citizen* has merely offered Murrer a loan – repayment of which could render the mother of three homeless if she loses the case. Perhaps as a measure of its deep concern, however, Johnston has generously agreed not to charge interest or a fee on the deal!

Murrer was arrested last May, strip-searched and had her home and office raided by Thames Valley Police (see *Eye* 1200). She was finally charged with soliciting and receiving leaks from local detective Mark Kearney. He, of course, is the retired officer who recently blew the whistle on the Sadiq Khan prison bugging scandal (see *Eye* 1204). Though the charges the pair now face are unrelated and concern rather trivial stories, Murrer believes the prosecution is connected to the Khan affair, because Kearney, her then partner, had

confided in her that he was being asked to do something unethical.

At the time Johnston Press publicly pledged to fund Murrer's defence. But behind closed doors its subsidiary, Premier Newspaper Ltd, drew up an agreement under which she must pay back all her legal costs. The loan offer is staggering, not least because Premier specifically recognises that Murrer's prosecution arose out of her work for the newspaper, whose managers were aware of her relationship with Kearney, a police press officer before he switched to prison intelligence.

If the case were to go to appeal, the costs could reach well into six figures, and Murrer, who works part time to look after her children – one of whom is severely autistic – would face bankruptcy. Colleagues, who recently went on strike over pay, understaffing and editorial quality issues, claim bosses seized on comments Murrer made soon after her traumatic arrest in which she apparently offered to pay them back.

Like Kearney, Murrer would be entitled to legal aid; but the private arrangement being pushed by Johnston and her solicitors, Woodfines, would stop her entitlement and would also prevent trade union funding. But a senior Johnston executive, who earlier this month left the office in mysterious circumstances, told her not to agree.

On 10 March Murrer struggled through her tears to enter a not guilty plea. Her trial – one of a number of cases where Inspector Knacker is trying to criminalise unauthorized contact between police officers and reporters – is set for November. As a measure of the state's resolve to get a result, the prosecution is being led by Sir Allan Green, the former director of public prosecutions who was forced to resign for kerb-crawling.

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PRESS FREEDOM

## Murrer the merrier?

**I**NSPECTOR KNACKER looks set to score a couple of hilarious own goals with his flat-footed determination to prosecute local paper reporter Sally Murrer (pictured) and her former partner and police contact, Mark Kearney.

The investigation has already sparked one embarrassing scandal over the dodgy prison bugging of human rights lawyer and Tooting MP Sadiq Khan, after Kearney, a former police intelligence officer, revealed that he had protested about being ordered to eavesdrop on the MP (*Eyes passim*).

More will be revealed when the couple, along with private detective Derek Webb, a former police officer, face trial in November on obscure common law charges of “gross misconduct in a public office” and “aiding and abetting gross misconduct” etc, etc..

*Milton Keynes Citizen* part-timer Murrer was arrested last May, strip-searched, and had her home and office raided by Thames Valley police, who believed that money was changing hands in return for sensitive police information. But even when it became clear that there was no corruption, and no issue of national security, Knacker blundered on, pursuing the trio merely for doing what all journalists and contacts do, i.e. discussing potential stories. Kearney met Murrer when he worked as a

police press officer and was *paid* to talk to reporters.

The prosecution will, with supreme irony, put into the public domain embarrassing stories that were never revealed by Murrer or indeed anyone else. Such as Thames Valley police’s cynical attempts to get officers to volunteer for extra shifts to search and stake out woods, as part of “Operation Overt”, the investigation into an alleged plot to blow up trans-Atlantic airliners. Emails offering overtime to officers said they could earn enough to buy a week in Spain, a night at the Savoy, a plasma TV, and “the admiration of your children on Christmas morning”. Another suggested “things to do in the woods” – such as taking a book to read, studying for their sergeants’ or inspectors’ exams, or “working out the compound interest” on their overtime. No wonder the operation ended up costing more than £22m.

Then there is the little matter of the murderer serving a life sentence, Sydney Draper, who made an audacious helicopter escape from Gartree prison, only to be recaptured and later sent to an open prison, from where – of course – he simply walked out.

Wouldn’t Knacker’s time be better spent pursuing such villains rather than Murrer & Co?



## THE SALLY MURRER CASE

**What a tangled Webb**

**I**NSPECTOR Knacker's clod-hopping pursuit of local newspaper reporter Sally Murrer and her police contacts has already had the unintended consequence of showing that human-rights lawyers and the MP Sadiq Khan were secretly bugged while talking to prisoners. Now, more embarrassingly still, it threatens to expose sexual shenanigans involving senior government figures and members of the judiciary.

The allegations are contained in the diaries of former police officer and private investigator Derek Webb, who is accused alongside Murrer and her ex-partner and police contact Mark Kearney with various obscure misconduct in public office charges (see *Eye* 1207).

Seized by Thames Valley police as part of their investigation into the trio, the diaries describe surveillance operations he carried out for tabloid newspapers on high-profile targets suspected of having affairs. Two government ministers are said to be mentioned, as well as the former attorney general Lord Goldsmith (pictured, right) and the outgoing director of public prosecutions, Sir Ken Macdonald.

Goldsmith admitted an affair with a female

colleague when confronted last year. Soon afterwards it was Sir Ken's turn, as the *Daily Mail* disclosed that he too had been exceeding his briefs with a young female barrister. As head of the CPS, Sir Ken is technically in charge of prosecuting the man who investigated him for the tabloids, Derek Webb.

Webb's lawyers maintain that he needs his diaries to respond fully to the charges he faces. Initially the CPS said it was withholding them, while denying that it was trying to preserve anybody's reputation. Now it says it doesn't have the diaries.

Webb and his team are unlikely to leave it there. They could bring an allegation of theft against Thames Valley police, issue a personal property summons against the chief constable or seek a court hearing over the matter, which could lead to the naming of certain politicians and legal bigwigs in court – thus allowing libel-proof publication of the salacious allegations that the tabloids wanted to make in the first place. Brilliant!



PRESS FREEDOM

## Murrer Xmas, Sally!

**E**VEN as Inspector Knacker was preparing to raid MP Damian Green's parliamentary office, Scotland Yard's action was in effect already being declared unlawful by the judge presiding over the trial of respected local paper journalist, Sally Murrer (*Eyes passim*).



Sally Murrer

As Judge Southwell found, unless issues of national security are at stake, journalists and their sources are protected under the human rights act's article 10, governing freedom of expression over leaked material. Lawyers will argue the same legal protection is afforded to MPs going about their business.

Thus by the time the Met swooped on the Tory MP for Ashford and shadow immigration spokesman, Judge Southwell had the day before thrown out an almost identical case, involving misconduct in public office and leaked material, against Murrer and her former police partner and contact, Mark Kearney, and another former detective, Derek Webb.

The case became a *cause célèbre* for press freedom and has already caused Thames Valley police huge embarrassment – not least by highlighting the scandal of the bugging of human rights lawyer turned MP Sadiq Khan during visits to a constituent in Woodhill prison. Indeed, the three believe they were only targeted because Kearney, a former police intelligence officer, had protested about being ordered to eavesdrop on the MP, an action he believed to be unlawful. As the trio now prepare to sue police for unlawful arrest and detention, there will be even more red faces at Thames Valley.

Kearney was once a police press officer, paid to talk to reporters. That was how he and Murrer met. When crime stories appeared in Murrer's paper, the *Milton Keynes Citizen*, after he no longer held that post, Knacker apparently believed that money must have changed hands.

Murrer, a single mother with a severely autistic child, was arrested in May last year, strip-searched and detained, and had her home and office raided by Thames Valley police. Kearney, his son and Webb, a former detective turned private eye working for national newspapers, were similarly targeted. But even when it became clear that there was no corruption and no issue of national security, the trio were simply pursued for doing what all journalists and contacts do: discussing potential stories – some trivial, some already in



Sadiq Khan

the public domain. Hardly the crime of the century; but Webb maintains no fewer than 23 officers were involved in the heavy-handed raid on his house.

The trio are also claiming that material confiscated by police, some of it pointing to their innocence, has now "gone missing". That includes two of Webb's diaries and dozens of Murrer's notebooks. Transcripts of Murrer's interviews with police were found to have been doctored; and it has also emerged that two Thames Valley officers involved in the lengthy investigation were removed over unrelated disciplinary matters.

Webb is also claiming that when he was held in police cells he was wrongly denied medical treatment for eight hours and that when a doctor finally examined him, he needed emergency treatment in hospital for dangerously high blood pressure.

Thus a case that had wasted far in excess of £1m of taxpayers' money looks set to cost far more. But it is not just Inspector Knacker who has resorted to extraordinarily heavy-handed and costly tactics in this extraordinary case: the crown prosecution service embarked on an equally over-the-top response to head off reporters' inquiries about Webb's diaries.

The diaries apparently describe a number of sensitive surveillance operations Webb apparently carried out on behalf of tabloid newspapers and were said to involve senior government figures and members of the judiciary. Two government ministers as well as the former attorney-general Lord Goldsmith and the outgoing director of public prosecutions, Sir Ken Macdonald, were said to have been mentioned.

Goldsmith admitted an affair with a female colleague when confronted by tabloids last year; and soon afterwards the *Daily Mail* claimed Sir Ken had also had an affair with a young female barrister. But when one hack sought to check out whether any such sensitive claims might be behind the decision by the CPS not to return Webb's diaries, top libel lawyers Shillings were called in and he was suddenly threatened with an injunction and forced to sign an undertaking not to publish certain material. Furthermore, an application under the freedom of information act for the cost to the taxpayer of using Schillings to protect the blushes of CPS bosses was refused, er, "in the public interest". Initially the CPS said it was considering the return of the diaries but it now says it doesn't have them.

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