AS THE wheels of his Emirates flight rose off the Riyadh tarmac late one December night in 2010, Ian Foxley sank back in his seat and breathed a heavy sigh of relief. By the narrowest margin he had escaped arrest and imprisonment for committing the most heinous crime in the Kingdom of Saudi Arabia: he had blown the whistle on corruption.

For Foxley, a 54-year-old former lieutenant-colonel in the British army who had seen action in Bosnia and Northern Ireland, it was his tightest scrape. That afternoon, on the 20th floor of the Al Faisaliah Tower (pictured), his boss had confronted him with a string of emails. They showed that Foxley, the programme director on a £2bn contract between the UK government and the Saudi Arabian National Guard to supply telecoms and electronic warfare equipment, had disclosed to the Ministry of Defence evidence of what he was convinced were corrupt payments.

“It’s theft,” said Jeff Cook, managing director of GPT Special Project Management Ltd, the British company the government had contracted to run the project, referring to the evidence Foxley had gathered. “You’ve stolen company property and in this country I can call the police and have you arrested and thrown in jail, can’t I?” His Saudi colleague sitting beside him, a princess in the royal family and a member of the project’s governing board, replied: “Yes, certainly Jeff.”

At this point Foxley realised the imminent danger. He wouldn’t have been the first awkward foreigner to be kept in a Riyadh jail for using alcohol or some other trumped-up offence while his credibility was trashed. So he stood up and, ignoring Cook’s calls to “come back here”, marched to the lift, descended to the basement car park and drove out into the Riyadh heat.

Foxley faced a sweaty afternoon evading the company’s efforts to track him down and cursing the local MoD team for betraying him. When he had discovered a stream of dubious payments to offshore companies and gifts to senior Saudi officials, he had assumed both that it was his duty to show them to the MoD’s local team on the Saudi Arabia National Guard Communications (“SANGCOM”) project and that it would be safe to do so. Instead, the MoD team simply sent the unsolicited revelations back to GPT, the British government’s contractor on the deal and Foxley’s employer, exposing him as a whistleblower. Officialdom really didn’t care about corruption.

While Saudi Arabia routinely executes and maims its citizens, stifles dissent and spawns some of the world’s worst extremism, it also provides a £7bn export market for the UK.

Corruption in this trade sustained the brutal Saudi regime for decades, but a series of scandals and a worldwide clampdown should have ended this Faustian bargain. “We will root out any problems of bribery and corruption wherever and whenever they appear,” prime minister David Cameron claimed last year.

But a Private Eye investigation into a major military contract signed in the UK taxpayer’s name reveals how bribery is still sanctioned and covered up by the British government, helping despots stay in power and fixers to become very rich indeed.

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Ethics Men

Foxley, who had a distinguished career in the army Signal Corps before going into industry to run large communications projects, had taken the SANGCOM job only six months earlier. He presumed his role included strict cost control, so when he discovered that the largest payments on the programme he was in charge of were in charge of were for what the paperwork delphically referred to as “bought-in services”, he had checked what services were being bought in. The answer was: none at all.

He was not the first to spot the anomaly. Both his predecessor as programme director and the company’s former financial controller, Mike Paterson, had complained at length internally about the payments. Paterson had even identified the recipients as a couple of Cayman Islands companies called Simec International Ltd and Duranton International Ltd, and as early as 2007 had alerted the senior figures responsible for signing off the payments to his concerns.

Paterson had also taken the matter to the corporate hierarchy above GPT, which since 2007 has been a subsidiary of European...
project too. The officer running the National Guard’s end of the contract, Major General Mohammed Khaled Al Nahedh (“MK” as he was known) was given a Range Rover Vogue costing around £70,000. Others received a Lexus LX 750 worth £55,000 and two Landcruiser VXRs at £38,000 a go. Then there was a Riyadh villa leased by GPT from a National Guard general for what appeared to be above the market rent, paid for five years up-front, and prizes for horse races that would be won by a favoured sheikh.

Paterson was foiled off with the promise of an internal audit – which, lo and behold, found nothing – before being sidelined. Foxley received a hearing from the SFO’s then director Richard Alderman, but it would be another 18 months, and three months after Private Eye 1314 had first revealed details of the payments and gifts, before new director David Green QC launched a criminal investigation. Soon he would be able to learn from the pages of the book: the remarkable history and exotic backdrop to the British government’s longest-running military export deal.

**SECRET AGENTS**

The contract to provide modern communications technology for the Saudi Arabian National Guard – a 100,000-strong private army protecting the Saudi royal family from its own subjects and military coups – was conceived in the early decades of the western drive to cash in on Saudi Arabia’s oil wealth (see accompanying article The sands of time).

Britain wasn’t alone in seeing Saudi Arabia as a big earnings opportunity, so competition for contracts was intense. Since the paymaster was a country controlled by one extended family under little scrutiny, operating through a system of patronage, no deal could be won without some palms being greased.

When the original SANGCOM contract was negotiated in the mid-1970s with Cable & Wireless as the UK government’s contractor, three commissions were proposed. MoD documents unearthed from national archives by Nicholas Gilby, author of a recent arms trade history, Deception in High Places, reveal that a 10 percent commission would go to a company called Engineering and Trading Operations Company Beirut, run by Saud Ali Mahmood Fustok. He was also brother-in-law of the head of the National Guard at the time, Prince Abdullah, who in 2005 would ascend the Saudi throne on which he remains today at the age of 90.

A further 2 percent would go to a company called Cable & Wireless Middle East and 3 percent to an outfit called Simec International (although by the time anything...
was known decades later, all the "commissions" went to Simec and its sister company, Duranton). In a draft memo the then head of defence sales, Louie Suffield, wrote: "In neither [another deal] nor the SANGCOM case do I consider that the fees being demanded are exceptionally large in terms of the percentages commonly charged in Saudi Arabia for the sort of services being offered which, although described as ‘technical consultancy’, amounted [sic] in practice to the exortion of influence to sway decisions in favour of the client.” In plain English, these were bribes.

In 1978, after what the Times called “exceptionally fierce foreign competition, especially from the US”, the “client”, ie the UK government and its contractor Cable & Wireless, won the contract (worth £400m or around £2bn today). The “exertion of influence” by the Saudi fixer Fustok’s company and Simec had clearly been successful. But who was behind Simec International?

One of the men who tracked the origins of Simec International to the Alpine tax haven of Liechtenstein where it had been set up in October 1975 as an anstalt (a type of foundation) with a business address in Geneva, at the same time as Cable & Wireless was putting together its SANGCOM proposal. Simec International’s formation documents revealed two men operating in what was euphemistically known as the “representation” business now thriving in Saudi Arabia’s commercial hubs of Riyadh and Jeddah and the liberal Lebanese capital of Beirut where agents and sheikhs could enjoy more western pleasures.

One of the men was Bryan Somerfield, who had been a diplomat in Aden until Britain relinquished the protectorate to Saudi Arabia’s eastern neighbour Yemen in the late 1960s. He went on to exploit his connections as an agent and was now said to live in the village of Shemlan, home to a

Mahmoud Fustok, whose Beirut firm took a 10% cut of the first SANGCOM deal

language school for British spies and diplomats in the Chouf mountains above Beirut. A 1980 letter from late Tory MP Julian Amery, asking for foreign secretaries’ Lord Carrington’s support on a separate deal, described Somerfield as “quite a good Arabist and a good [former] member of the Colonial Service”. A 1972 embassy minute talked of his “special pull with the Royal Family”, while as early as 1969 Britain’s Saudi ambassador reported that Somerfield had told the MoD’s head of defence sales that “he had found the right connections for doing business with the National Guard” (almost certainly Prince Abdullah’s Beirut-based brother-in-law, Fustok).

Somerfield’s partner in Simec, based in downtown Beirut, was a 32-year-old engineer from Chelmsford, Peter Austin (see accompanying story Treasure Island), whom the well-connected Arabist would mentor in the ways of deal-brokering well beyond the SANGCOM contract. It was a business facilitated in the post by the British political and financial establishment.

On the day Simec was born in Liechtenstein a company belonging to blue-blooded merchant banking group Anthony Gibbs, which was chaired by a former private secretary to three British prime ministers, changed its name to Duranton Ltd. Its role became that of “agents, advisers and consultants, in particular to persons and institutions interested in trade between Europe and the Middle East”. Five years later, when Anthony Gibbs was bought by the Hong Kong and Shanghai Bank (now HSBC), Simec itself acquired Duranton, and Somerfield and Austin came on to the board. When Somerfield retired a couple of years later, Austin, at 37, was running the show as chairman of Duranton Ltd and sole owner of Simec.

“I am prepared to accept some corruption because I like my company better than ethics”

Philipe Troyes, International Compliance Officer of Astrium

The sands of time Fifty years of SANGCOM

EVER since Saudi Arabia’s oil was discovered after the kingdom’s creation in the 1930s, governments and companies from around the world have been chasing business there.

The big deals first emerged in the 1960s as the Cold War powers competed for influence and Saudi Arabia sought to build its armed forces. Britain was well-placed to exploit its historic role in the region and, following the mid-60s sterling crisis, was desperate for foreign earnings. The breakthrough came in 1965 when British Aircraft Corporation, BAE’s forerunner, won a contract to supply the Saudi Air Force with Lightning fighter jets. The deal was brokered by notorious fixing fixer Geoffrey Edwards and SAS founder David Stirling (pictured) after the latter had stepped in to protect the Saudis in the early 1960s.

In those days the main threat to Saudi Arabia came from its neighbour Yemen, invaded by President Nasser’s Soviet-backed Egyptian army in 1962. This in turn posed a threat to British interests and trade through its neighbouring protectorate of Aden. In the wake of the Suez debacle, however, Harold Macmillan’s government refused to intervene directly. But the prime minister did sanction covert and deniable mercenary operations funded by the Saudis in support of Yemeni Royalist forces, at the suggestion of Tory aviation minister Julian Amery and his friend Stirling.

Once the Egyptians had been forced to withdraw from Yemen with the help of the dogs of war, Stirling and Edwards closed the

Lightning deal, paying the requisite commissions.

The ex-SAS men then managed the contract, training local forces and maintaining the fleet. One of Stirling’s men in the Yemeni campaign, Bernard Mills, would tell film-maker Adam Curtis in 1999: “We had already shown in Yemen and other theatres we had the capability of doing it, in a private way.”

It was the start of a rich trade, opening the way, in Mills’ words, for “deals for hospitals… deals for building roads, deals for building airfields…” The same Mills became one of Duranton Ltd’s first directors in February 1976, travelling the Middle East for the company until 1979. When the Eye spoke to him last year, he described Duranton’s business as “the marriage brokers, putting together companies who wanted to do deals in the Middle East with people in the Middle East who wanted a product like a hotel…”

The National Guard, like the country’s defence forces, became an important customer for such middlemen. As far back as 1963 the Saudi royals had approached the British government to train its private army. Foreign secretary Sir Alec Douglas-Home agreed since “it is in our interest that the present regime should survive and its principal prop [the National Guard] be efficient”. As the SANGCOM deal showed, it was to be a long and lucrative affair.

Doors to riches? Duranton Services’ office, the hub of Austin’s operations, in secretive Geneva

The younger man set about exploiting the secrecy offered by the world’s burgeoning tax havens, distancing the operation from the UK. His first step, in 1982, was to set up two companies in the Cayman Islands with familiar names: Simec International Ltd and a new Duranton Ltd, which almost 30 years later would still be receiving payments from the SANGCOM deal. As the Duranton UK company wound down and the Liechtenstein anstalt was liquidated in 1985, other companies were set up with these names. In the early 1990s one appeared in Ireland and another, Duranton Services AG, in Geneva became the main administrative base.

THE KICKBACK CLUB

This was the network that would be used for commissions under repeated renewals and extensions of the SANGCOM contract, taking in everything from satellite systems, training schools and command centres.

When the second deal was signed in 1982, a Foreign Office note to prime minister Margaret Thatcher reported that for the first two and a half years is was worth £200m, or about £700m at today’s prices. With commissions of around 15 percent, there was plenty of cash to go round.

One Eye reader who worked on the project in the 1980s recalled: “When the invoices were presented there was always a bottom line that said ‘administrative charge 3 percent’. That went to Mr Austin and he →

SPECIAL REPORT: THE DESERT FIX
and owned by the same Jersey foundation and hangs up on prying officers and princes of the royal family. I think there were about 30 as far as I can remember." The most important members of this “club” were the Saudi general in charge of the National Guard’s end of the deal at the time, Abdul Aziz Ayar, known as A3, and figures known usually as “T1, T2 and T3”. Author Gilby’s researches again provide illumination. “Prince Abdullah still makes all major decisions and Shaikh (sic) Abdul Aziz al Tuwajri, known as T1, is responsible for the day to day running of the National Guard”, read a 1979 embassy memo. Another key player was said to be “Shaikh Abdul Aziz Ali al Tuwajri, nephew of T1 and known as T2”.

The gravy train didn’t always run smoothly. Following an oil price slump in the early 1990s the Saudis began to cut back. By 1994 it announced that it would pull out the following year, leaving the UK government scrabbling to find a new prime contractor if it wanted to keep the strategically important contract. Up stepped GEC Plessey Communications Ltd (see Strange company).

This turned out to be an opportune time to get in with the Saudi National Guard. The repercussions of the first Gulf War of 1991 and the emergence of al-Qaeda deepened the National Guard’s dependence on communications and electronic warfare equipment, demanding repeated renewals of the initial 1978 contract. By the late 2000s the most expensive phase yet – adapting to new internet-based systems – was being lined up with the MoD. Now, however, UK-Saudi defence trade was under a harsher spotlight.

In 2006 prime minister Tony Blair had ordered cancellation of the Serious Fraud Office investigation into BAE Systems’ bribes on the infamous UK-Saudi Al Yamamah deal to supply billions of pounds worth of military hardware, including jets and missiles. The official reason was that a prosecution would, according to the then attorney general Lord Goldsmith, “cause serious damage to UK/Saudi security, intelligence and diplomatic co-operation”, although few doubted the importance of UK threats to pull other huge deals, notably a £4.3bn order for BAE’s Typhoon fighters.

Given this scandal and the UK’s lamentable record fighting overseas corruption generally, Britain faced withering criticism from international anti-bribery watchdogs at the Organisation for Economic Cooperation and Development. The Labour government’s response was what looked like tough new anti-bribery legislation, which passed through parliament unopposed in 2009 and became the 2010 Bribery Act. The notion of graft as a way of doing business, even in Saudi Arabia, ought to have had its day.

**ALARM CALL**

It was on this bright new dawn in May 2010 at his north Yorkshire home that Ian Foxley picked up the appointments section of the *Sunday Times* and found an advertisement for a “Programme Director – Defence” based in Riyadh. The job, running the new phase of the SANGCOM contract eventually agreed with the Saudis in February 2010 and valued at £2bn, was a perfect fit. He had recently managed large communications projects in industry and much of his expertise in military communications had been acquired in the Royal Signals with Brigadier David Hargreaves, the current project director of the 20 Riyadh-based military personnel and 50 civil servants that made up the MoD’s SANGCOM team. Within weeks Foxley was at his new desk in GPT Special Project Management’s offices in the Faisaliah Tower.

The new boy had one major failing, however: a determination to do the job properly at a company that appeared to have other priorities. Where Foxley wanted to lay the groundwork for a successful project, for example by installing essential fibre optic...
Strange company GPT and the government adviser

GPT’s name comes from GEC Plessey Telecommunications, part of the GEC engineering group that in the late 1990s was still something of a national champion under captain of industry Lord (Arnold) Weinstock. The GPT part of the business was run by an ambitious mathematician and computer specialist called Peter Gershon (pictured), described at the time in the Observer as a “high-flying manager” but without “stature or charisma to run a major corporation”. In 1994 Gershon created GPT Special Project Management Ltd, the single-contract company through which GEC Plessey Telecommunications would take on the SANGCOM deal. It has new shareholders. Company records show Gershon sat on the new company’s board from its inception in October 1999 for just three weeks. But he remained managing director of GEC Plessey Telecommunications Ltd, of which it was part, as it took over from Cable & Wireless as the prime SANGCOM contractor. He remained at the helm when a new phase of the deal was negotiated in 1997, entrenching GPT as the National Guard’s long-term supplier.

Soon after GEC sold its defence business to BAE in 1999, chancellor Gordon Brown made Gershon head of a new Office of Government Commerce. He would become “efficiency” adviser to both Gordon Brown and David Cameron. Knighted in 2004, Sir Peter is now one of Britain’s busiest senior businessmen. He chairs two FTSE100 companies (Tate & Lyle plc and National Grid plc) and the Aircraft Carrier Alliance. The latter is a partnership between the Ministry of Defence and the builders of Britain’s new aircraft carriers – BAE Systems, Babcock and Thales – and is responsible for keeping tabs on £6bn of public spending on the ships.

The Eye asked, among other things, whether Sir Peter had ever been aware of and queried payments to Simcorp when GPT had to make them and what dealings he had had with Peter Austin. His spokesman replied: Sir Peter has seen your questions and is declining to comment.”

Since the 1990s GPT has changed hands a couple of times. In 2007 it was bought by European defence giant EADS, since renamed Airbus, and placed within its Paradigm Services division.

OFFICIAL APPROVAL

The instant betrayal of Foxley by the MoD team showed how, when it came to accepting the bought-in services payments, some of the MoD’s SANGCOM team were operating behind the back of one of whose senior executives including MD Jeff Cook, came direct from the MoD.

The “change proposal” documents detailing payments for which GPT was reimbursed by the MoD made clear that the scale of the “bought-in services” was enormous. They showed how the Payments to the Cayman Islands company are unlikely to be approved when next reviewed by the MoD in the UK.” Somehow, though, the approvals continued right up until late 2010, on the new contract signed in February of that year (and on a new government’s watch).

Evidence that the MoD knew it was approving corrupt payments was numerous questions over how it controls contracts that are signed in the British taxpayer’s name. But inquiries from the Eye to the MoD under freedom of information laws elicited only the most dismissive response.

Asked how the MoD’s SANGCOM team approves payments under the contract, the MoD said that payments by GPT to subcontractors, such as the recipients of bought-in services fees, are matters for the company alone. But this contradicts documented evidence from Paterson and Foxley that the MoD’s SANGCOM team does approve payments.

Furthermore, a request for details of when bought-in services were queried by the MoD’s SANGCOM team revealed that there is some information on this point. The MoD refuses to provide it, however, on the grounds that to do so would cause such harm to international relations, the economy, law enforcement and the commercial interests of those involved that it would not be in the public’s interest. The MoD turns to control after Foxley went to the Serious Fraud Office in January 2011.

The department did reveal to the Eye that the latest phase of the contract signed in February 2010 was negotiated by two senior civil servants, Darrell Midgley and Chris Church. The latter, who retired soon afterwards, describes himself in a LinkedIn profile as having been a “lead commercial negotiator” and “Head of Commercial / Commercial Director”. This places him under the MoD’s top commercial director between 2006 and May 2009, Amyas Morse, after the latest phase of the contract signed in February 2010.

CARRY ON Bribing

The British government’s closeness to GPT turned to control after Foxley went to the Serious Fraud Office in January 2011.
Wise monkeys

Beancounters and bankers who turn a blind eye

GPT’s illicit payments persisted over decades only because those paid to check the books turned a blind eye.

The first line of defence against corporate corruption should be a company’s auditors, one of whose tasks is to ensure funds are used legally. The UK’s financial reporting watchdog, the Financial Reporting Council, lists matters that raise particular risks, such as the use of “business intermediaries for which there appears to be no business justification for the services” for which there was no “business”.

Yet for a decade, as recently as July 2009, GPT’s auditor KPMG issued clean audit certificates. It was not the first time that happened: in 1998 the company had been audited by Coopers & Lybrand, which that year became audited by Coopers & Lybrand, 1998 the company had been the first firm to do so: until auditor KPMG issued clean audits of BAE Systems). GPT’s illicit payments persisted over decades only because those paid to check the books turned a blind eye.

Before then he was a partner of the MoD’s accounts “found no evidence of improper payments or corruption relating to monies flowing through the MoD accounts”. This is hard to square, to say the least, with the MoD’s approval and processing of payments from the Saudis that were to a significant extent reimbursing GPT for paying the offshore companies for “bought-in services”.

Coincidentally, between 2006 and May 2009 Morse was head of the MoD’s commercial directorate and boss of the officials who negotiated the latest phase of the SANGCOM contract, under which the payments to the Caymans companies were made in 2010. Before then he was a partner at PwC.

GPT’s bank, HSBC, merely cleared the payments too. Up to 2009 they went through the bank’s New York branch but in 2010, with US investigators on HSBC’s case over its money-laundering operations, the transfers were switched to London (with its less intrusive regulators). By coincidence, the British ambassador to Riyadh who signed the latest phase of the SANGCOM deal on behalf of the defence secretary in February 2010, Sir William Patay, became a director of HSBC Bank Middle East when he retired in 2012.

It is only through the bravery of a couple of whistleblowers, exceptional in this field, that anything at all is known about just one of these deals. But it is surely time, years after the Al Yamamah scandal should have ended the dirty business, that all such contracts are opened up and purged of bribery and corruption.

Business as usual as David Cameron meets King Abdullah in Riyadh in 2012 and Prince Charles rubs shoulders with Saudi National Guard minister Mutaib bin Abdullah this February again re-negotiated, with no doubt suitable measures to stop Simec/Duranton’s Peter Austin pursuing his legal action against GPT. Some time in 2013 Simec and Duranton’s legal claims were “determined with no liability to GPT”, and thus there was no embarrassing litigation. Job done, Keith Allen resigned from GPT that September after a productive six months at the helm.

New arrangements were enshrined in a further “letter of agreement”, signed by ambassador Sir John Jenkins in Riyadh in June 2013 in conditions of total secrecy. The MoD refuses to say what the agreement covers, never mind disclose the details. Members of the public must not know anything about a deal signed in their name, in order “to ensure that good relations with the KSA [Kingdom of Saudi Arabia] are maintained and to avoid the adverse impact on the UK’s interests both in the KSA and the wider region that disclosure would cause”.

These words ominously echo those of former attorney general Lord Goldsmith when, eight years ago, he dropped the Al Yamamah investigation. If relations with the Saudis are more important than the public’s right to know, what hope can there be for serious criminal proceedings under new and inexperienced attorney general Jeremy Wright when trials would expose Saudi Arabia’s corrupt rulers and upset the Foreign Office and the MoD?