

Goldsmith broke rules on disclosing Iraq war advice

By Robert Verkaik and Ben Russell, *The Independent*
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The Attorney General, Lord Goldsmith, breached his Government's own freedom of information laws by refusing to make public how he came to the controversial conclusion that war with Iraq would be legal. Upholding a complaint made by *The Independent*, the UK's information watchdog ordered Lord Goldsmith yesterday to publish details of how and why he had hardened up his final legal opinion, presented to Parliament on 17 March 2003.

In an enforcement notice issued against the Attorney General, the information commissioner, Richard Thomas, said: "When Government chooses to publish a statement which was intended to be seen as a clear statement of the legal position the Government was adopting, there is a public interest in knowing the extent to which it had been based on firm and confident analysis and advice, or was at least consistent with what had gone before."

As a consequence of this ruling, the Attorney General has agreed to release some information about the chain of events during the 10 days before Britain went to war with Iraq.

Mr Thomas held back from making Lord Goldsmith publish further documents, including minutes, e-mails and memos, that would show exactly what political or other pressures were in play between 7 March, when he gave his confidential advice to the Cabinet, and 17 March.

Instead Lord Goldsmith released a "joint disclosure statement" which confirmed that he had originally believed the "safest course" would be for a second United Nations resolution explicitly permitting the use of military force.

The statement makes clear that the Chief of the Defence Staff had asked for a "clear indication of the legal position" before committing troops, and a similar request was made by the Treasury Solicitor in respect of the Civil Service, which would be giving assistance to the military.

After discussions with Sir Jeremy Greenstock, who was the UK's ambassador to the UN at the time, and representatives from the US government, Lord Goldsmith decided that the "better view was that there was a lawful basis for the use of force without a second resolution," the statement said.

The disclosure also confirms that on 13 March the Attorney General met Baroness Morgan of Huyton and Lord Falconer of Thoroton, the Lord Chancellor, to discuss the need for a further resolution.

These further disclosures fail to satisfy *The Independent's* request for all documents, e-mails, memos and minutes relating to the formulation of the Attorney General's advice.

The information commissioner said the disclosure statement satisfied the terms of the disclosure notice and that there were important exemptions under the Freedom of Information Act that prevented the Attorney General from releasing further documents.

But Clare Short, the former international development secretary who resigned from the Cabinet after war broke out, said last night the release underlined the case for a high-

level judicial inquiry. She said: "We know from the Hutton inquiry how the e-mails show a lot of the true events. If we had them, they would show the pressure put on the Attorney. We have to have a high-level judicial or parliamentary inquiry."

Dominic Grieve, the shadow Attorney General, said the document showed that "the Prime Minister misled the Attorney General in the same way that he misled Parliament".

The Independent now plans to take its complaint to the Information Tribunal.