

..... MP
House of Commons
Westminster
London SW1A 0AA

..... 2008

Dear

I am writing to ask you to press Prime Minister Gordon Brown to withdraw the provisions in the draft Constitutional Renewal Bill that would permit the Attorney General to halt criminal investigations and prosecutions simply by citing “national security” without any meaningful scrutiny by the courts or accountability to parliament.

By tradition, parliament and the courts have always accorded the Government a wide margin of discretion in matters of national security. However, these clauses appear to be a reaction by the Government to the success of the judicial review brought by the Campaign Against Arms Trade and The Corner House, which challenged the December 2006 decision to stop the Serious Fraud Office (SFO) investigation into BAE Systems' Al Yamamah arms deals with Saudi Arabia. The judges ruled in April this year that the decision to stop the investigation was unlawful.

SFO investigators had spent more than two years delving into allegations that BAE paid multi-million pound bribes to Saudi princes to secure the Al Yamamah arms deals. When the SFO obtained access to Swiss bank accounts in 2006, then Prime Minister Tony Blair was lobbied personally to stop the investigation by the Saudi Prince Bandar, who was himself at the centre of the corruption allegations. As Bandar's threats included the withdrawal of Saudi co-operation in providing intelligence, BAE and the UK government were able to use “national security” in the context of terrorism to cover up their real concern: the possible loss of a multi-billion deal to sell Eurofighter Typhoons to Saudi Arabia.

Having broken the law to help BAE, the Government now proposes to change the law with its new Bill to ensure the courts cannot stop it assisting BAE in future. The draft Bill would grant the Attorney General, a politician and member of the Government, an entirely new power to direct the Serious Fraud Office to halt investigations on the grounds of “national security”. The Bill would effectively place such a decision beyond judicial review, and would allow the Attorney General to provide little or no information to Parliament. The Bill's definition of national security is so broad and vague to serve easily as a fig leaf for a range of commercial and partisan interests.

I hope you will do all you can to persuade the Prime Minister to think again about these clauses in the draft Bill so as to ensure that independent prosecutors and investigators make decisions about prosecutions and investigations, not a politician such as the Attorney General, and to make the process accountable to Parliament and the courts.

Best wishes,

..... (Your signature)

..... (Your name printed)

..... (Your address)

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