



Government Response to the
Intelligence and Security
Committee's Report into the
Security and Intelligence Agencies'
handling of the information
provided by Mr Mitrokhin

Presented to Parliament by the Prime Minister
by Command of Her Majesty

June 2000

**GOVERNMENT RESPONSE TO THE
INTELLIGENCE AND SECURITY COMMITTEE'S
REPORT INTO THE SECURITY
AND INTELLIGENCE AGENCIES' HANDLING
OF THE INFORMATION PROVIDED
BY MR MITROKHIN**

1. The Government is very grateful to the Intelligence and Security Committee (the Committee) for the report of its inquiry into the Intelligence and Security Agencies' handling of the information provided by Vasili Mitrokhin. The Committee was thorough in its inquiry. It examined over thirty witnesses and took a large amount of written evidence. In view of the public interest in the issues which arose from the publication of *The Mitrokhin Archive*, the Government agreed that the Committee could exceptionally also examine copies of the relevant original documents held in the files of the Agencies and Departments. The Committee examined advice given to Ministers of both the current and previous administration. In accordance with the normal conventions, papers of the previous administration have not been seen by present Ministers.
2. The Committee pays tribute to the outstanding intelligence work, which Mr Mitrokhin's exfiltration from Russia with his material represents, and the Agencies' success thereafter in exploiting the material for counter-espionage purposes, not just in this country but across the world where the KGB had been operating. The Government fully shares this view. Mr Mitrokhin's material led to over 3,500 counter-intelligence reports being passed to 36 countries. The security with which these extensive leads were handled was very high and demonstrated an excellent level of international co-operation. Although there were some leaks in other countries, as the Committee noted, these were modest in comparison to the very large amount of valuable information made available and no damage was done.
3. One of the key messages in the Mitrokhin material was that the Russian intelligence services have for many years found the United Kingdom an extremely difficult intelligence target and country in which to operate. It has been the policies of successive governments, underpinned by the effective work of the security and intelligence Agencies, which has created this satisfactory position. In particular Mr Mitrokhin's material demonstrates the success of the work of the Security Service especially after the expulsions of Soviet intelligence officers in 1971. The Government pays tribute to that important work.
4. The Committee recognised that Mr Mitrokhin's motivation in coming to the UK was to see his information published. Both the present and previous administrations needed to balance this reasonable wish with the need, first, to exploit the material for counter-

espionage purposes and, secondly, to ensure that the material was properly understood and not used in a damaging or unfair way. The publication project which led to *The Mitrokhin Archive* was the result. The Government welcomes the Committee's recognition that Professor Christopher Andrew was a good choice to undertake the work of collaboration with Mr Mitrokhin. The Government believes that *The Mitrokhin Archive* represents a clear and long-lasting testimony to Mr Mitrokhin's brave work to expose the role of the KGB within the Soviet system.

The ISC's Conclusions and Recommendations

5. Dealing with each of the Committee's conclusions and recommendations:
 - A. *Carrying the initial contact with Mr Mitrokhin right through to his and his family's successful exfiltration together with all his material represents a major achievement by SIS. In addition the management of the material and its dissemination, as appropriate, to foreign liaison services was well handled. The Committee wish to pay tribute to this outstanding piece of intelligence work.*

The Government endorses the tributes paid by the Committee to the intelligence work which led to the UK gaining access to the notes made by Mr Mitrokhin during his time as a KGB archivist. The acquisition of this unique archive of counter-intelligence material was of great significance, particularly to our overseas allies.

- B. *The Committee believes that it was a serious failure of the Security Service not to refer Mrs Norwood's case to the Law Officers in mid 1993. This failure to consult the Law Officers resulted in the decision whether or not to prosecute Mrs Norwood effectively being taken by the Security Service. The Committee is concerned that the Service used public interest reasons to justify taking no further action against Mrs Norwood, when this was for the Law Officers to decide. We also believe that the failure of the Security Service to interview Mrs Norwood at this time prevented her possible prosecution.*
 - C. *The Committee is concerned that Mrs Norwood's case "slipped out of sight" between 1993 and 1998. The Committee believes that Mrs Norwood's case should have been kept under review during this period. This was a further serious failure by the Security Service.*

The Government accepts the Committee's conclusions on the case of Mrs Norwood. Immediately following the publication of *The Mitrokhin Archive* the Government acknowledged, as did the Director General of the Security Service, that there had been in this case a failure of process by the Security Service in 1993. The allegations made in the book about Mrs Norwood are serious, although the Committee's report notes that her activities were not as significant as was suggested last year. This was a case that had been

well known to the Security Service for many years and about which a previous Government had been briefed. Nevertheless, the information provided by Mr Mitrokhin shed new light on the case and Ministers should have been made aware of it. These matters should at the time have been put to the Law Officers, who are responsible for deciding whether or not such cases can and should be prosecuted.

The Government also acknowledges the Committee's concern that the case of Mrs Norwood was not kept under review. The Director General of the Security Service has made clear his regret that the system for internal review did not ensure that management attention continued to be given to this case. Steps have been taken to ensure that such an error should not recur. The Government notes however that counter-espionage resources had been reduced after the Cold War and, at the end of 1992–93, the Security Service was also responding to significant new responsibilities in countering the threat from Irish Terrorist groups. Thus, there were limited resources available at that time to deal with more than two hundred UK leads revealed in the Mitrokhin papers, including the case of Mrs Norwood. While many of those leads were to cases already known to the Security Service, some needed active investigation because of the risk of continuing damage. In these circumstances, the Security Service judged that the investigation of leads to current espionage, where damage was or might be continuing, was more important than an old case where there was no continuing damage.

- D. We are concerned that it took over three months to consult the Law Officers after Mrs Norwood's case was raised in 1998. The Committee also questions the basis on which the Security Service took the decision not to interview Mrs Norwood prior to her name being made public by the BBC. We believe that the Service could have interviewed Mrs Norwood, at least for the intelligence and historical record.*
- E. The Committee believes that it was a serious failure of the Security Service not to refer Mr Symonds' case to the Law Officers in mid 1993. We are concerned that it took over 9 months to consult the Law Officers after he was identified in the draft book. We believe that the Service could have interviewed Mr Symonds, at least for the intelligence and historical record.*

The Government notes the Committee's conclusions. The Security Service's view was that no useful purpose would have been served by an interview with Mrs Norwood or Mr Symonds. Mr Symonds had already been granted an immunity from prosecution by the time Mr Mitrokhin's material became available. The Mitrokhin papers show that the KGB itself did not trust him. In making judgements on his case, the Security Service had the benefit of the earlier views of the Director of Public Prosecutions and the police that he could not be taken seriously.

- F. When the authority to start the publication project was sought in 1996, Mrs Norwood had "slipped out of sight" of the Security Service. The Director General of the Security Service did not know about Mrs Norwood and Mr Symonds and she was*

therefore unable to brief the PUS at the Home Office, Richard Wilson, or the Home Secretary, Michael Howard. As far as she was concerned the main Mitrokhin related leads had been followed up. This meant that when Michael Howard was made aware of the publication project, both he and Richard Wilson were unsighted on Mrs Norwood and any potential controversy within the UK material.

- G. While the Committee believes that the establishment of the Interdepartmental Working Group to handle matters was a sound decision, the group failed fully to brief senior officials and ministers because it was likewise unaware of the significance of this UK material until late 1998.*

The Government accepts the Committee's conclusions.

- H. The Committee believes that the October 1997 submission to the Foreign Secretary, Robin Cook, should have included the Rifkind criteria for naming individuals. We believe that the submission could have done so within the rules governing the disclosure of information on previous administrations.*

The Government accepts that officials could have drawn the substance of Sir Malcolm Rifkind's conditions to the present Foreign Secretary's attention without breaching the conventions governing the disclosure of views of previous Ministers of a different administration.

- I. The submission sent to the Foreign Secretary on 22 March 1999 requested authorisation to proceed with publication. It stated that the "Security Service are clearing the detail contained in those chapters [on the UK] with the Home Secretary (who was briefed on the project in 1998, and is supportive) and the Attorney General." This was not accurate. The Committee believes that it was a failing of the system that allowed the Foreign Secretary, under the false impression that the Home Secretary had been consulted, to authorise the publication of a book containing allegations about spies in the UK who had not been prosecuted by the Security Service.*

The Government notes the Committee's conclusion. There was an inadvertent breakdown in interdepartmental communications in relation to submissions to the Foreign Secretary and Home Secretary in the early months of 1999. The Government regrets this lapse from which lessons have been learned.

- J. The Committee believes that the Security Service and Home Office in particular failed to ensure that working group decisions were carried out, noting that on two occasions the Home Secretary was not consulted in the manner the working group had agreed.*

The Government accepts that there were gaps in communication which led to misunderstandings on action which had been or could have been taken. The Government regrets these lapses.

K. The Committee believes that the above points were serious failures by officials either to inform ministers of the true situation or to ensure that agreed actions were being carried out. The working group also failed to ensure that the Rifkind criteria were met. These failures by officials, some at senior level, caused Ministers to make decisions on the basis of incorrect information.

The Government regrets that there were breakdowns in communications amongst officials. As noted above, lessons have been learned.

As the Committee has recognised, Sir Malcolm Rifkind's criteria for naming those targeted by the KGB were not the basis on which the present Government agreed to the continuation of the publication project. Even so the concerns which they reflected were actively considered by the Interdepartmental Working Group.

The conditions which the present Government set down for the continuation of the publication project were designed to ensure that no intentionally damaging material, nor uncorroborated or controversial information was published about British citizens. Recommendations on the inclusion of names in the book were made by the Interdepartmental Working Group, not by any single Department. The alleged KGB connection of many of those named in the book had already been discussed in public. Mr Symonds had publicly claimed a KGB connection some years previously.

The decision to allow Mrs Melita Norwood to be named in *The Mitrokhin Archive*, although she had not admitted to any connection with the KGB, stemmed from her having been identified by the BBC and the Government's knowledge that her name and connection were going to be put into the public domain before the book's publication. It was clear from that point that no useful purpose would be served by seeking to prevent Professor Andrew and Mr Mitrokhin, and their publishers, from naming Mrs Norwood in the book.

L. The Committee believes that the Interdepartmental Working Group, as constituted, was not adequate to develop the necessary media strategy and ensure that publication was in a controlled and unsensationalised manner. The group were unable to alert ministers in a timely manner to the key issues and to provide them with appropriate and robust lines to take.

M. The Committee believes that misleading stories were allowed to receive wide circulation by a failure to anticipate the likely media focus and to have prepared and promulgated appropriate responses.

The Government accepts that the preparations for handling the publicity surrounding *The Mitrokhin Archive* were ineffective. Officials recognised that there would be considerable public interest and that the Government's normal and entirely proper refusal

to comment on intelligence-related matters would not be adequate. The implications of non-prosecution of Mrs Norwood were not sufficiently worked through. In consequence there was inadequate preparation of responses for the reaction and interest which arose in the media and Parliament.

N. The Committee believes that these matters were of such a significance that they required regular briefing of ministers. Additionally, whilst the situation is certainly more complex when briefing a new minister, careful consideration is needed on exactly when to brief ministers on sensitive material such as The Mitrokhin Archive.

The Government agrees on the need to ensure that Ministers are fully briefed on issues which have continuing significance and on which decisions are needed. It also agrees that careful thought needs to be given to the timing of such briefing.

O. The Committee recommends that the hand-over briefing for Permanent Under Secretaries should include any sensitive material of possible continuing interest, on which the previous Permanent Under Secretary had been briefed. This should assist in preventing information lying dormant and unknown within the department.

The Government accepts the need to ensure that on coming into a new post both Ministers and senior officials are appropriately briefed on issues which will be of continuing significance and on which they may need to reach a view, whilst noting that careful judgement needs to be applied to prioritisation of issues. Emerging or re-emerging issues will be brought to the attention of Ministers and senior officials in the usual way, as decisions are required.

P. The Committee believes that the sharing of Mr Mitrokhin's material with foreign liaison by the SIS was in a proper and controlled manner.

The Government notes the Committee's conclusion.

Q. Whilst the Committee recognises the difficulties the SIS has in ensuring that foreign liaison services afford material sufficient protection, it is concerned that material was compromised in a way that could have been damaging to the SIS and UK.

The Government notes the Committee's conclusion. Counter-intelligence reports, such as those derived from Mr Mitrokhin's material, are passed to friendly governments to help them maintain their national security and to support criminal or other investigations. As in this case, liaison services are asked to abide by a number of clearly stated handling controls, the primary aim of which is to ensure protection of the source of the information.

- R. *The Committee believes that it would have been advisable and could have been beneficial for the Agencies and Government to inform us earlier than they did about the publication project. The Committee recommends that in future the Committee be notified as soon as it is reasonably possible when material, particularly potentially controversial material, is being placed in the public domain.*

The Government accepts that the Committee should have been informed once the decision had been taken to proceed with the publication project.

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