

Digest

Press line forwarded in an e-mail from an FCO official to an official in LSLO (18 March 2003)

“Have any legal advisers left the Foreign Office?”

I can confirm that a legal adviser has decided to leave;

Who is it?

Not our practice to name officers in these circumstances;

Why have they left?

Matter for them”

Extract from a minute between FCO officials (18 March 2003)

“We also discussed how to inform Legal Advisers [of Elizabeth Wilmshurst’s resignation], but without coming to a conclusion. She has, in fact, told a number of them, so my view is that we should tell everyone reasonably soon. There is nothing worse than rumour.”

Extract from a quotation from a letter from David Lepper MP to the Attorney General quoted in an e-mail from an official in LSLO to an official at the FCO (12 May 2003):

“The Foreign Office’s deputy legal adviser, Elizabeth Wilmshurst, resigned on precisely this point [whether military action in Iraq without proper UN security council authorisation was lawful under international law] after 20 years’ service.”

Extract from a minute from an official in the FCO to the Private Secretary to the Secretary of State (27 February 2004):

“[Elizabeth Wilmshurst] made a very brief statement in the last day or so... It reads as follows: ‘I left my job as a Deputy Legal Adviser in the Foreign and Commonwealth Office because I did not agree that the use of force against Iraq was lawful, and in all the circumstances I did not want to continue as a Legal Adviser.’”

Extract of Questions and Answers prepared for the Parliamentary Debate on legal advice on 9 March 2004, quoted in an e-mail between officials at the FCO (1 April 2004):

“Resignation of Elizabeth Wilmshurst

Question: Why did Elizabeth Wilmshurst, Deputy legal Adviser in the FCO, resign?

Answer: It is not our practice to comment on such cases, which are a matter for the individual concerned.

Question: Do you have any comment on the statement issued by Elizabeth Wilmshurst recently in which she said: 'I left my job because I did not agree that the use of force against Iraq was lawful and in all the circumstances I did not want to continue as a legal adviser.'

Answer: It is not for us to comment."

Extract from a briefing note prepared for the Attorney General's oral evidence session before the Butler Review, 4 May 2004:

"The Committee has seen press comments on reported differences between judgements reached by the Attorney General and the views of Ms Elizabeth Wilmshurst, including comments attributed to Ms Wilmshurst. Both stories include allegations that the differences were so substantial as to lead Ms Wilmshurst to conclude that she should resign from her position in the legal staff of the FCO. Were the grounds of legal difference between Ms Wilmshurst and the Attorney general in any way based on, or related to, WMD-related intelligence?"

Proposed reply: The reasons why Elizabeth Wilmshurst resigned from the FCO are a matter for her, not me.

If pressed: I cannot comment on why she disagreed with my view. I have had no discussion with her about the legal conclusions I reached..."

Extract from an e-mail between officials at the FCO (18 June 2004):

"... in her BBC interview last Saturday [Elizabeth Wilmshurst] ... confined herself to her earlier statement along the lines of 'I resigned because I disagreed with the Attorney's view and felt I could not continue as a Deputy Legal Adviser'."