

SPY TRIAL BY TELEVISION

Three months ago, Channel 4 claimed to have found an undetected 'Czech agent'. But the Special Branch say they found 'insufficient evidence to support any action'. The programme-makers say the police are covering-up MI5's incompetence; the 'spy' says that he was falsely accused by a dishonest acquaintance, and lied to by the programme makers. **DUNCAN CAMPBELL, PATRICK FORBES and JOLYON JENKINS report**

Derek Donaldson (below), and the man he said was a spy, Brian Gentleman



BRIAN GENTLEMAN is an uncertain, slow-thinking character, the antithesis of a civil service high-flyer. He has been employed for six years as a clerical assistant in the Department of Trade and Industry. Last autumn, he was befriended by television journalists who told him that he had been selected for a special 'People Living and Working in London Survey'. Two 20/20 Vision employees then met him at least once a week for about six months, affording him reasonably generous hospitality. In return, he responded about his life and times.

The sting came this April when he was invited to spend a weekend with the TV team

at a Cotswolds cottage. There, he suddenly learned that their real interest in his life was sensationally to expose him as a Czech spy. They told him that he had been brought away on the trip to 'protect him from the press'.

Ten minutes later, 20/20 Vision went on the air. Next day's papers were already printing front page stories about him. A dossier of evidence was simultaneously delivered to Scotland Yard. International news agencies were soon reporting the unearthing of yet another British agent for the Soviet bloc.

The 20/20 Vision programme claimed that Gentleman had 'passed military secrets behind the Iron Curtain' and that he was 'a

Czech agent'. They did not detail their evidence against Gentleman, which consists entirely of confessions he made to the two men who befriended him. The nub of the allegations was that a Czech diplomat who had talked to Gentleman in his local pub had thereby obtained officially secret information from him. Gentleman has never denied meeting the man, talking to him, or believing that he was a diplomat. But he now denies the information described changed hands.

The man, who introduced himself only as 'Mick', was actually Colonel Miroslav Merhaut — then the military attache at the Czech Embassy. There is little doubt that Merhaut was an intelligence officer who would have wished to recruit Gentleman as a spy, if it was worth doing so. But did Gentleman really tell 'Mick' secret information from his work at the DTI? The idea that Gentleman did pass confidential information had come only from an Edinburgh crook called Derek Donaldson, whom Gentlemen knew from school.

Although Channel 4 were evidently satisfied that the programme was firmly based, there are grounds for serious doubt about the value of their evidence. The programme understated the dishonesty and overstated the credibility of Donaldson, their only witness against Gentleman. Allegations of espionage were never put to Gentleman, on screen.

The police investigation has not resulted in any charges against Gentleman. Investigating officers even told him and other interviewees that instead of espionage charges, he might be facing prosecution for perjured affidavits and wasting police time. Meanwhile, TV's watchdog body, the Broadcasting Complaints Commission (BCC) is to investigate a complaint from Gentleman's parents about the allegedly misleading presentation and dishonest methods used by the programme.

THE COMPLAINT of misrepresentation concerns the credibility of Derek Donaldson, and the way he was presented. Donaldson was said to be running a 'successful property business'. But Donaldson did not appear in vision, and was allowed to use the alias 'Adrian'. While he spoke, viewers glimpsed a man in a Jaguar, creating the false impression that Donaldson was wealthy and respectable.

20/20 Vision did make it clear that Donaldson had criminal convictions, and that he had spent time in prison. But these offences were said by the programme to be 'on a totally different matter', while Donaldson himself shrugged them off in his interview, untruthfully, as 'some company offences'. The programme did not state that:

- Donaldson was their only source of evidence that Gentleman was a Czech agent, from which investigations had began;
- They knew that a year before he identified Gentleman to them, Donaldson had been convicted of offences of dishonesty. He had pleaded guilty to two groups of 34 charges of fraud, serving six months in prison;
- They had evidence that Donaldson, rather than Gentleman, had attempted to obtain DTI information for the Czechs.

Nor did the programme examine the actual character of Donaldson's 'successful property business' or find out that, at the time the programme went out, it had flopped.

Donaldson is now on the run, and is wanted for questioning by the Serious Crimes Squad of Lothians and Borders Police. They have been investigating allegations that he obtained houses on personal mortgages by making false declarations to building societies. He then filled them with young men on the dole, whose lodgings allowances they paid to him. This was the basis of his business, D and S Properties.

The house where Donaldson was living when the programme was made has been sold, and his HP car has been repossessed. Between January and May this year, he has been wanted for bad debts totalling over £2,000. After selling up, Donaldson moved to the home of his partner in D and S Properties, Grant Sutherland. But Sutherland's house was raided early in June, and police found their business papers. Sutherland is now in Barlinnie Prison, Glasgow, awaiting trial for a separate £54,000 fraud.

There is evidence that Donaldson has at least twice offered acquaintances large sums of money to obtain secret information for espionage purposes. In the 'confession' on which 20/20 Vision otherwise relies, Gentleman recounts how Donaldson approached him in London and offered him £1,500 for secret information about Rolls-Royce engines. In the confession affidavit Gentleman says that he refused the offer, and reported Donaldson's approach to the DTI security department.

Another acquaintance of Donaldson's, who has known him for more than five years, made a statement to Edinburgh police in April about a gay blackmail plot devised by Donaldson. He had been offered up to £30,000 by Donaldson to install a secret camera in his bedroom ceiling, so as to photograph, compromise and blackmail serving soldiers with whom he has sexual relationships.

We have confirmed that Edinburgh police have obtained evidence about this matter, and that they now wish to question Donaldson about a series of other alleged sexual offences involving teenage male tenants in his houses. One of the cases involves sex with a boy under 16, and another concerns a teenager who was allegedly drugged before having sex.

Since Donaldson is in hiding, we have been unable to discuss these allegations with him. Asked if the omission of details of Donaldson's record of dishonesty might not have affected viewers' judgments as to his reliability in accusing Gentleman, producer Claudia Milne said this week that the programme did not try to deceive viewers about Donaldson. 'If it was not clear that he was a dishonest person, I regret that — it was not our intention to make him appear more salubrious than he was.' They had found him reliable on some other stories, she said. But had 20/20 Vision made enquiries in Edinburgh's gay community, in which Donaldson has been active for years, it would have been virtually impossible to avoid discovering that he was widely known and reviled as a confidence trickster.

TIPPED OFF by Donaldson, programme

researchers had at first secretly watched the west London hostel where Gentleman lives. But they could not identify him. So to get access to Gentleman, 20/20 Vision admit they made up the story about the 'Survey'. Researcher Gerry Gable then went to the hostel management, and obtained permission to film residents inside the hostel. It was all a hoax, devised to get film of Gentleman.

20/20 Vision do not dispute that they wrote Gentleman's confessional affidavits for him, or that they deliberately misled him and other about their reasons for talking to him. But they claim that all the admissions made in his affidavits are based on remarks he made during the time that he was befriended by Gable and another programme employee. 20/20 Vision say that Gentleman was not given any inducement to confess, or put under any duress, and deny that leading questions were used to persuade Gentleman of the truth of the story that Donaldson had suggested to them. They say also that many of these numerous meetings were secretly tape recorded by Gable, and that he corrected and amended the affidavits they wrote for him to sign.

But all but two tape recordings have now been 'wiped', 20/20 Vision director Claudia Milne said this week. There is thus no surviving corroborative evidence as to how Gentleman actually came to 'confess'. The two tapes which do survive, having been 'found in the cutting room', do record Gentleman reading out parts of a draft of one affidavit. Earlier this week, 20/20 Vision played to the *New Statesman* a six minute edited extract from one of the surviving tapes. They refused to play the beginning or ending of the tapes, so we have no knowledge as to whether they reveal circumstances in which he was induced to read out to journalists a document that, if accurate, put him in jail.

In the extract we were allowed to hear, Gentleman reads a passage saying that he was 'able to supply him (the diplomat) with detailed classified confidential and top secret information from our files in response to most of our questions and areas of interest... I handed over one piece of paper'. Gentleman can be heard correcting some of the statements in the affidavit, and reading out others.

Gentleman now says that he became confused, and was induced to mislead himself into reconstructing his acquaintance with 'Mick' because of the constant questioning by the researchers:

Gable did the dictating and I added bits in. He got me to admit things that I knew couldn't possibly have happened, but he had been so crafty he got me admitting that it actually had happened. He was clever at that. In the passage we have quoted, Gentleman does indeed falsely imply he had access to top secret information.

But it should be stressed at this point that Gentleman's reliability and ability to recall past events accurately, as is clear from the above account, is wholly suspect. Little that he says can clearly be trusted, whether about his dealings with 20/20 Vision or about his pub acquaintance, 'Mick'. For example, last week Gentleman signed another affidavit in which he repudiates the allegations in the affidavits he signed for 20/20 Vision. His new affidavit says there is 'no truth' in his previous

admissions. All his affidavits contain clear inaccuracies; we have found that in conversation he is frequently inconsistent, easily confused, and always grateful for personal attention. What might be his motives in admitting espionage?

20/20 Vision say that he was glad to get a burden of guilt off his chest. They say that they persuaded him that their possession of the affidavits would be a valuable 'insurance policy' if he were ever contacted again. But they didn't confront him on camera with accusations of espionage, producer Claudia Milne now says, because 'he was a vulnerable young man who might have run away... We were concerned for his welfare.'

The day after transmission, Special Branch detectives spent 8 hours questioning Gentleman, who signed a 75-page statement. In the statement, he first confessed to espionage, he says; then he denied it, after 'I began to realise that I had been used'. At the end of the police interrogation, Gentleman was neither arrested, charged, taken into custody or put on bail. He was not asked to hand in his passport. Although still suspended from his work while his future is decided, he remains, then as now, on full pay — in contrast to other recent Official Secrets Act suspects like Clive Ponting, who faced much less serious charges. It is therefore clear that the police rapidly formed a firm view about the case and the 'evidence' with which they had been presented, and did not think that serious charges were likely.

20/20 Vision say this must have been because MI5 had intervened to ensure that their incompetence would be covered up. But they admit that this is speculative.

In their programme, 20/20 Vision repeatedly stressed that Gentleman was a lonely, vulnerable young man with a weak personality. He was, they said, 'easy prey'. In exchange for a few drinks, they alleged, he told the Czech what he wanted to know.

The way that Gentleman was treated raises serious questions about the methods of investigative journalism. There is no dispute that 20/20 Vision gave Gentleman far more free drinks, hospitality and personal attention than the Czech Secret Service. Since it is well known to psychiatrists that lonely and weak personalities are easily influenced by authority figures, and can in such circumstances readily pour out what they think their listeners want to hear, there was a clear but undischarged obligation on the programme makers — who themselves repeatedly stressed Gentleman's weak character — to prove to their audience that they had not caused Gentleman to make up the confession they wanted to hear.

IBA guidelines require TV investigations not to turn into 'trial by television'. But the vulnerable Brian Gentleman was accused, questioned, and prosecuted without ever knowing that charges had been laid against him, let alone being allowed to defend himself in a fair hearing. It is unlikely that any court of law would fail to comment on the erasure of crucial corroborating evidence as to how his confessions came to be made. But with what evidence remains, the BCC will have to adjudicate on Gentleman v Gentleman, and so deliver a verdict on how 20/20 Vision arranged his trial.