

# UK Foreign Commonwealth and Development Office pays £423,000 Damages in Whistleblower Case

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In *Maria Bamieh v Foreign Commonwealth and Development Office* [2200909/2015], the UK Foreign Commonwealth & Development Office pays £423,000 in tax payer money to a whistleblower who was hounded out of office.

A prosecutor dismissed from a Foreign Office job after blowing the whistle on suspected corruption in the EU's biggest foreign mission has agreed a settlement with the UK government of more than £400,000.

Maria Bamieh, a barrister, has claimed for the past eight years that the Foreign, Commonwealth and Development Office (FCDO) failed to provide support after she attempted to expose possible collusion between EU officials and suspected criminals in Kosovo.

Instead, she said, government officials told her to ignore apparent evidence of collusion at the EU's rule of law mission, called EULEX.

Her employment claim was due to be heard by an employment tribunal in May and June this year, but a settlement of just under £423,000 was agreed shortly before the first hearing with no admission of liability. The FCDO said it continued to strongly deny Bamieh's claims.

Speaking for the first time since the settlement, Bamieh told the Guardian she should have been praised for exposing evidence of corruption, but instead was mistreated and forced out of her job.

"I believe that I should have been commended and supported by the FCDO for raising my concerns about possible corruption within EULEX and the treatment I suffered afterwards, but instead I felt abandoned," she said.

Commenting on the case, the chair of the foreign affairs select committee, Tom Tugendhat, called for the Foreign Office to overhaul its complaints procedures.

"It takes great moral fibre and courage to raise your head above the parapet, knowing there may be significant personal cost.

“Cover-up culture benefits no one. Perhaps if the Foreign Office strengthened its complaint processes, and increased its openness, members of staff within the department would not have to resort to such drastic measures,” he said.

Bamieh was working in Kosovo as an international prosecutor for EULEX when she first raised her concerns in mid-2012.

Eulex had cost more than €1bn (£703m) to set up by the EU, with a promise of pursuing the “big fish” among Kosovan politicians who were alleged to be involved in organised crime.

Bamieh, a former Crown Prosecution Service and UN lawyer who had dealt with war crimes and organised crime, told the tribunal that a failure by the FCDO to support and intervene led to the termination of her FCDO employment in late 2014.

Court documents claim that in 2012 she discovered a conspiracy to undermine her own corruption inquiries into a Kosovan health official. Conversations recorded through court-authorized intercepts suggested intermediaries for the official who was under investigation had discussed disrupting Bamieh’s inquiries with a senior EULEX judge, court documents claimed.

Another leak appeared to show that a senior prosecutor had shared details of Bamieh’s inquiries with a contact of the health ministry official, it was claimed.

Bamieh, who was employed by the Foreign Office and seconded to EULEX, then raised her concerns with a UK government official in June 2012.

According to her account, Bamieh set up a meeting with the then UK contingent leader in Kosovo in a bistro bar in Pristina, the capital city. The diplomat was handed copies of relevant documents, including transcripts of wiretaps, which showed that subjects of her investigations were themselves being illicitly briefed, it was claimed.

Bamieh alleged that the diplomat did not look at the evidence, instead advising her to “turn a blind eye”, although this was denied by the FCDO in its response to the claim.

Senior officials from the embassy were also contacted by Bamieh about the allegations, the documents claim.

The following year, Bamieh was subject to disciplinary proceedings for car parking violations and failing to follow procedures on work experience opportunities.

The disciplinary action was conspicuous compared with how other EULEX staff had been treated in similar circumstances, Bamieh’s solicitors claimed.

In 2014, it was announced that the FCDO would be reducing its number of prosecutors in EULEX. Bamieh was subsequently served a termination notice in November.

Mike Cain, a partner at the law firm Leigh Day, who represented Bamieh, said: "The protection of whistleblowers is crucial for a fair and functioning democratic society. This is all the more the case in spaces where public power is being exercised as it was when our client formed and reported her concerns both in Kosovo and to senior figures within the FCDO."

Bamieh is hoping to give evidence to the foreign affairs select committee about her treatment with another EULEX whistleblower, Malcolm Simmons.

A Foreign Office spokesperson said: "We have agreed to settle this long-running case without any admission of liability and continue to strongly refute these allegations."

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