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From The National Security Adviser, and The Deputy National Security Adviser,

Matt Western MP
Chair, Joint Committee on National Security Strategy

via email

23 October 2025

Inquiry into ‘Espionage cases and the Official Secrets Acts’

Dear Mr. Western,

Thank you for your letter of 17 October 2025. We welcome the Committee's inquiry into 'Espionage cases and the Official Secrets Acts'. Our responses to your questions are set out below.

Preparation of Government Evidence (Questions 1 & 2)

1. Extent and limits of typical NSA/DNSA involvement in the preparation of Government evidence to support espionage cases.

Prosecution under the Official Secrets Act 1911 is rare. It is also highly unusual for a government official, such as the DNSA or NSA, to be involved in providing evidence in a criminal espionage case as a witness of fact. There is, therefore, no ‘typical’ approach to such involvement.

In this instance, the DNSA provided evidence in the Roussev case and then the Chris Cash/Chris Berry case to support operational partners and the Crown Prosecution Service (CPS) in pursuing prosecution under the Official Secrets Act 1911. It is important to note that, ultimately, the CPS were pursuing charges and a conviction using the outdated legislation of the Official Secrets Act 1911, which was the legislation in force at the time when the alleged offences were committed. This legislation has now been updated with the National Security Act 2023.

Counter Terrorism Police (CTP) requested the DNSA act as a witness in the Chris Cash/Chris Berry case in August 2023 in order to provide an assessment of some of the evidential material and whether it was prejudicial to the safety or interests of the state, and to cover the 'enemy' aspect of the OSA 1911.

Before finalising his statement in December 2023, the DNSA sighted the then National Security Adviser and the then Cabinet Office Permanent Secretary, who were supportive of the DNSA acting as a witness for the case and of the text. The draft was also sent to the then Prime Minister through No.10 private office. At this time the then Cabinet Secretary was on medical leave.

Following the submission of the first DNSA witness statement to CTP, no minister or special adviser (including the current NSA) played any role in the provision of evidence. The DNSA understood from lawyers that following the charging decision, his witness statement could not be shared.

The DNSA was asked by CTP subsequently to provide further details around points made in the first statement through two additional statements, which were provided in February 2025 and then in August 2025. These subsequent statements were not subject to further internal clearance process other than checking them with departmental lawyers. They were submitted to CTP and the CPS after charges were laid, which meant they became part of active court proceedings. The DNSA was a fully bound witness in criminal proceedings, whose evidence was not yet heard or tested and therefore his witness statements could not be shared following the charging decision; this was confirmed as such by the CPS.

2. How the nature of the Deputy National Security Adviser's work in this regard differs to that of the National Security Adviser?

The DNSA acted as a witness of fact in providing evidence in this case.

Before finalising his statement in December 2023, the DNSA sighted the then National Security Adviser, who was supportive of the DNSA acting as a witness for the case and of the text. Once the witness statement was submitted to the CTP, the NSA had no further involvement with the compilation and submission of the DNSA's witness statements or role as a witness.

The current National Security Adviser has played no role in the provision of evidence.

2a. Was there anything unusual about your respective involvement in the recent case of alleged espionage?

It is highly unusual for the DNSA to be involved in giving evidence in espionage cases as a witness of fact.

National Security Council and Legal Assessment (Questions 3-6)

3. Extent to which the Government's evidence for espionage cases is a subject for the National Security Council (NSC).

4. Please could you confirm whether the recent case was noted or discussed at the National Security Council and, if so, the relevant dates.

The National Security Council (NSC) is a Cabinet Committee chaired by the Prime Minister and focuses on strategic policy direction. Evidence for a criminal prosecution would therefore not be a matter for discussion.

It is a long-established precedent that information about the discussions that have taken place in Cabinet and its committees, of which the NSC is one, is not normally shared publicly.

Under this government no Minister or special adviser (including the current NSA) played any role in the provision of evidence.

5. Does the Government typically conduct an internal legal assessment about the way in which it should provide evidence to the Crown Prosecution Service?

It is highly unusual for the DNSA to be involved in giving evidence for espionage cases as a witness of fact.

For any instances whereby the government, or in this case a government official, is asked to provide evidence to support a CPS criminal case it would be completely typical for the government to consult the relevant government legal team on how to approach a CPS request. In some cases, specialist external counsel may be engaged. In this case external counsel was instructed by departmental legal advisers to provide criminal law expertise.

6. Did the Government do so for the recent case in question?

Departmental legal advisers assisted with a request from CTP for DNSA to act as a witness in this recent case. External counsel with experience in criminal law also provided assistance to DNSA throughout this process.

Timeline and Deviation (Questions 7 & 8)

7. Please could you set out the typical timeline and sequence of steps... in relation to an espionage case?

It is highly unusual for the DNSA to be involved in giving evidence for espionage cases as a witness of fact, so there is no 'typical timeline'.

In this particular matter, the main phases of activity were as follows:

1. CTP requested that the DNSA act as a witness in this case in August 2023. As part of this request, CTP briefed the DNSA on the available evidence and nature of the alleged offences, as well as the potential impact of the evidence. CTP specifically asked for the DNSA to provide an assessment of some of the evidential material they had collected for the case, specifically in relation to whether or not the information alleged to have been passed by Berry/Cash to China was prejudicial to the safety or interests of the UK. The then National Security Adviser approved that the DNSA act as a witness in the case.
2. Following this, legal support was sought, and external counsel were instructed. This was to ensure that the DNSA, as a potential witness, understood the process and what was required of him, including what his statement was expected to address and that this should only reflect the witness's own assessment of evidence.
3. Following DNSA's agreement to provide a witness statement, his external counsel worked in conjunction with a small number of junior officials in the National Security Secretariat (NSS) and Cabinet Office Legal Advisers, to review the evidence provided by operational partners and prepared a draft text which could form the basis of a witness statement. This drafting process took place between August and December 2023. It is usual practice for counsel and junior officials to pull together materials and produce initial drafts of witness statements given by civil servants in their official capacity ahead of the witness producing their final statement.
4. DNSA reviewed draft wording and amended the statement to ensure factual accuracy and that it was in line with current government policy. These amendments reflected the DNSA's assessment of the evidence provided by operational partners based on his professional experience in advising the Prime Minister on national security threats, and to accurately represent the government's view of the range of national security threats posed by China. Drafts of a statement provided to DNSA included the term 'enemy' but he removed this term from the final draft as it did not reflect government policy. The DNSA made amendments to ensure his witness statement text reflected his assessment of the strongest elements of the evidential material provided by CTP,

by demonstrating that the information that was alleged to have been provided was prejudicial to safety or interests of the UK.

5. Before finalising his statement in December 2023, the DNSA sighted the then National Security Adviser and the then Cabinet Office Permanent Secretary. The then Cabinet Office Permanent Secretary came back with three comments on 18th December for the DNSA to consider. The DNSA then finalised the statement and his private office sent a final version of the draft to the Prime Minister via No.10 private office, to also be shared with No.10 special advisers.
6. During this time, CTP was updated on the progress that was being made. This included conveying to CTP that DNSA could not call China an ‘enemy’ as this did not reflect government policy. We understand from CTP that the CPS were aware of this in December 2023, which was before charges were brought.
7. The first statement was signed on 22 December 2023 and provided to CTP.
8. Following a further approach from CTP on 25 November 2024, a second witness statement was submitted on 21 February 2025. CTP requested that the DNSA provide further detail around points made in his first statement regarding the threat posed by China and the senior CCP (Chinese Communist Party) official mentioned in evidential material, which had been provided by CTP. He was also specifically asked to comment on whether China is a State which, during the period 31 December 2021 to 3 February 2023, posed an active threat to the UK's national security; and to confirm whether that remains the position at the time of writing.
9. The DNSA's external counsel conducted a similar exercise of preparing draft text for this supplementary statement in conjunction with a small number of NSS officials and Cabinet Office Legal Advisers. The DNSA again amended the draft to ensure factual accuracy regarding the government's position on China.
10. Following a further approach from CTP on 10 May 2025, a third witness statement was produced on 04 August 2025. CTP specifically requested that the DNSA provide further points of detail regarding the UK Government assessment of the nature and extent of the threat to the UK from China. Examples were requested, to support the CPS with a finding that, at the material time that the offences were alleged to have been committed, China was ‘an enemy’ for the purposes of s.1 OSA 1911. It was made clear by CTP that they were only asking for the government's view of the threat from China at the material time that the offences were committed. This was followed by further emails from the CPS to clarify the ask on 14 July.

11. A similar exercise of NSS officials preparing and external counsel checking a draft text took place in coordination with Cabinet Office Legal Advisers. The DNSA amended the statement to reflect his assessment of the government's policy position on China at the time that the alleged offences had been committed.
12. On 03 September 2025 the Director for Public Prosecutions informed the Cabinet Secretary and the DNSA of his intention, subject to confirmation, that the CPS would not be putting forward evidence at the trial. At that point, the DPP made clear that this fact must not be briefed any further at that stage, with the exception of informing the NSA and Permanent Secretary of the FCDO. The Cabinet Secretary and DNSA therefore did not inform anyone else until shortly before the case became public. The Prime Minister and the Foreign Secretary could be briefed closer to the hearing with that agreement of the CPS.
13. On 09 September 2025 the CPS explained their decision to offer no evidence in the forthcoming trial to the DNSA.

The current NSA had no role in either the substance of the case or the evidence provided. He chaired a senior officials meeting on 01 September 2025 to discuss the management of the UK's bilateral relationship with China in the context of both this specific legal case and wider relevant events. Meetings such as this are a routine part of the NSA's role coordinating departments across government, and at the time of the meeting the Government's expectation was that the trial was going to proceed.

8. Was there any deviation from the typical timeline, the sequencing or the nature of the requests in the recent case?

There is no typical timeline for the sequencing around the requests for evidence in the recent case, therefore it is not possible to say if there was any deviation.

Best wishes,



JONATHAN POWELL

National Security Adviser



MATT COLLINS

Deputy National Security Adviser