

**STATEMENT BY THE OFFICE OF THE INTELLIGENCE SERVICES COMMISSIONER ON
PUBLICATION OF THE COMMISSIONER'S SUPPLEMENTARY REPORT 'CONCERNS RAISED BY
THE INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT ABOUT THE
GOVERNMENT'S RESPONSIBILITIES IN RELATION TO PARTNER COUNTER-TERRORISM
UNITS OVERSEAS'**

15 Sept 2016

**EMBARGOED FOR USE UNTIL AFTER THE REPORT IS LAID IN THE HOUSE BY THE PRIME
MINISTER, THE RT HON. THERESA MAY MP**

Today the Government has published a report submitted to the Prime Minister by Sir Mark Waller, Intelligence Services Commissioner, supplementary to his Annual Report for 2015 on his investigation into the concerns raised by the Intelligence and Security Committee of Parliament (ISC) in their report on the 'Intelligence related to the murder of Fusilier Lee Rigby'.

The ISC published its Report on the intelligence relating to Fusilier Lee Rigby in November 2014. In its report the ISC was critical of the Secret Intelligence Service (SIS) for its handling of allegations that Michael Adebolajo was mistreated in Kenya made during his interview by the police under the Terrorism Act 2000 on his return to the UK in November 2010. On 27 November 2014 the Prime Minister asked the Commissioner to examine the concerns the Committee raised on the Government's responsibilities in relation to partner counter-terrorism units overseas. This report is the result of that examination.

In his report the Commissioner found that:

- Mr Adebolajo was not the victim of a conspiracy, torture or mistreatment (6.1);
- MI5 and SIS's response to the arrest and detention was generally good (6.2-6.4) and the Commissioner said "To my mind, the disruption of Mr Adebolajo's travel to Somalia represented an effective and satisfactory outcome which served the national security interests of the UK";
- MI5 and SIS's response to the arrest and detention suffered from some defects (6.5 (1)-(3));
- UK consular officers' response to the arrest and detention was inadequate (6.6);
- Metropolitan Police Counter-Terrorism Command (SO15) performed well interviewing and handling Mr Adebolajo's allegations of mistreatment, but failed to pass on important information (6.7);
- SIS'S and (to a lesser extent MI5's) response to allegations of mistreatment was inadequate (6.8-6.12);
- The FCO's response to the allegations of mistreatment was inadequate (6.13-6.14);

- SIS's engagement with the ISC's investigation and with the Commissioner's investigation was wholly inadequate (6.15-6.18).

The Commissioner recommended that HMG, involving SO15 as needed:

- Review and consult third parties about the Consolidated Guidance with a view to addressing various issues highlighted in the report;
- Review, clarify and regularise the role and functions of SO15's Counter Terrorism and Counter Extremism Liaison Officers;
- Review and amend the SO15 torture and inhuman treatment questionnaire to prompt an automatic attempt to obtain consent of individuals to the onward disclosure and/or pursuit of allegations of mistreatment;
- Ensure, whether by software fix or as part of a planned upgrade, that the SIS IT system no longer blocks emails without alerting the sender;
- Review the extent of circulation of SIS intelligence reports, particularly from the perspective of the Data Protection Act 1998 and the Human Rights Act 1998; and
- Consult internally on, produce and adopt a protocol for improving engagement with security and intelligence oversight investigations.

The Commissioner's detailed findings are attached and once the embargo has been lifted you will be able to find the report here: <http://www.intelligencecommissioner.com>

Notes for editors:

Details of the Prime Minister's request to Sir Mark to carry out the review can be found here: <http://www.parliament.uk/documents/commons-vote-office/November%202014/27%20November/13-PM-IntelligenceServicesCommissioner.pdf>

And Sir Mark's Annual Report and Supplementary Report are available here: <http://www.intelligencecommissioner.com>

Sir Mark was appointed by the Prime Minister and took up his post in January 2011. Sir Mark agreed to the Prime Minister's request that he serve an additional term of 3 years from 1 January 2014. He is stepping down from his post on 31 December 2016.

Sir Mark was a Lord Justice of Appeal between 1996 and 2010, Chairman of the Judicial Studies Board from 1999 to 2003 and President of the Council of the Inns of Court from 2003 to 2006. He was Vice-President of the Court of Appeal Civil Division between 2006 and 2010 and is currently an Arbitrator and Mediator at Serle Court, London.

Contact:

For more information about the Intelligence Services Commissioner, what he does, and for a full copy of the report please go to: <http://www.intelligencecommissioner.com>

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