

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

Claim Numbers: HQ08X01180,
HQ08X01413
HQ08X01416
HQ08X03220
HQ08X01686

BETWEEN:

- (1) BISHAR AL RAWI
- (2) JAMIL EL BANNA
- (3) RICHARD BELMAR
- (4) OMAR DEGHAYES
- (5) BINYAM MOHAMMED
- (6) MARTIN MUBANGA

Claimants

and

- (1) THE SECURITY SERVICE
- (2) THE SECRET INTELLIGENCE SERVICE
- (3) THE ATTORNEY GENERAL
- (4) THE FOREIGN AND COMMONWEALTH OFFICE
- (5) THE HOME OFFICE

Defendants

EXHIBIT LC9



INTELLIGENCE AND SECURITY COMMITTEE
35 Great Smith Street, London SW1P 3BQ

INTELLIGENCE AND SECURITY COMMITTEE
ANNUAL REPORT 2008 -2009

The Intelligence and Security Committee's Annual Report for 2008-2009 was laid before Parliament today by the Prime Minister.

Commenting on the Report, the Rt. Hon. Dr Kim Howells MP, Chairman of the Committee, said:

"This report covers the period December 08 to July 09, and was delivered to the Prime Minister on 15 December 2009. Much of the work focuses on the essential nuts and bolts: the workings of the Agencies in terms of finance, administration and policy. This is central to our oversight role, and absolutely vital as we seek to ensure that the very considerable resources given to the Agencies are properly deployed and accounted for.

"During the period up to July 09, the Committee also spent a considerable amount of time on two separate investigations:

(i) On 20 May 2009 we published our updated *Review of the Intelligence on the London Terrorist Attacks on 7 July 2005* to reflect developments since our original Report into the attacks was published in May 2006.

(ii) Following new information coming to light in the Binyam Mohamed case, we took further, in-depth evidence from the intelligence and security Agencies and the FCO. We reported our findings on a number of aspects – including the issues raised about the policies that the UK security and intelligence Agencies followed – and wrote to the Prime Minister on 17 March 2009 with our recommendations.

"Work has continued in relation to the Government's policy in this area: on 18 March 2009 the Prime Minister wrote to the Committee inviting us to review the UK intelligence and security Agencies current guidance regarding the treatment and interviewing of detainees overseas. It was a matter of great disappointment to the Committee that this guidance had not been received by the end of July 2009, when we completed this Annual Report, despite our repeated requests to the Cabinet Office. We eventually received the guidance on 18 November 2009 and have taken evidence on it since then. We reported our findings to him on Friday 5 March 2010. Publication is a matter for the Prime Minister, but we have been assured by him that this will take place in good time before the debate in the House of Commons on this Report, scheduled for 18 March.

"We also sent our Annual Report for 2009-10 to the Prime Minister on Friday 5 March 2010. This is a shorter report, given the duration of the Parliamentary year, however it covers some fundamental issues. In addition to information on the finance, administration and policy of the Agencies it also includes details of essential changes which the Committee has requested that the Prime Minister and the Cabinet Secretary make in order to safeguard the independence of this Committee (which include the separation of our administration and finance from the Cabinet Office). We have been assured by the Prime Minister that this Report will also be published in good time before the debate next week.

"Returning to the matters covered in this report, it details the continuing range of evolving threats to the UK – both terrorist and from a range of other sources. While the primary focus is necessarily on International Counter-terrorism (ICT) work, the attacks in Northern Ireland in March 2009 showed that the threat from dissident Republicans remains very real.

"The UK's intelligence and Security Agencies are also dedicating resources towards countering the threat posed by the proliferation of weapons of mass destruction, regional instability, espionage and other challenges. In addition, they continue to provide unprecedented operational support to UK military operations.

"The threat from espionage remains high – several countries are actively seeking UK information and material to advance their own military, technological, political and economic programmes. This report covers the work that the Agencies are doing to counter these evolving threats. Electronic attack is an example of an important area which the Committee recommended should be given higher priority, and which we are glad to see is now being given greater resources (since we concluded our Report).

"This Report also comments on cross-cutting issues, and on the other departments and organisations that make up the intelligence community: the Government's counter-terrorism strategy (CONTEST) and the work of the Office for Security and Counter-Terrorism in the Home Office; the intelligence structure in the Cabinet Office (including the Joint Intelligence Committee and the Assessments Staff); and other Agencies within the community such as the Defence Intelligence Staff, the Joint Terrorism Analysis Centre and the Centre for the Protection of National Infrastructure.

"It is a matter of some disappointment to the Committee that the Prime Minister is publishing this Report eight months after the Reporting period concluded, and that it is now therefore considerably out of date. We hope however that our next two Reports – which cover issues of considerable public interest and were sent to the Prime Minister on Friday 5 March 2010 – will be published quickly, and that the Government will undertake not to allow such a significant delay to occur in the future.

"We also hope that, given the seriousness of the issues that both Reports cover, the Government will give proper consideration to our Recommendations and Conclusions and accept the changes we have proposed rather than seek to provide excuses for maintaining the status quo."

NOTES TO EDITORS

1. The Intelligence and Security Committee (ISC) was established by the Intelligence Services Act 1994 to examine the policy, administration and expenditure of the Security Service, Secret Intelligence Service (SIS) and Government Communications Headquarters (GCHQ). The Committee also examines the work of the Joint Intelligence Committee (JIC), the Assessments Staff and the Intelligence and Security Secretariat in the Cabinet Office, and the Defence Intelligence Staff (DIS) in the Ministry of Defence.
2. The Intelligence and Security Committee (ISC) is a cross-party Committee made up of 9 Parliamentarians, however it is not a Parliamentary Committee. The Prime Minister appoints ISC Members after considering nominations from Parliament and consulting with the leaders of the two main opposition parties. The Committee meets in private and does not discuss its work, apart from through the publication of its Reports.
3. For reasons of national security it reports to the Prime Minister, and all Committee reports are published by the Prime Minister. The Annual Report may contain some redactions, where the Committee has agreed, after careful consideration, that publication of the material would harm national security.
4. The ISC is hosted by the Cabinet Office, however this is for administrative purposes only. Given that the role of the Cabinet Office in security and intelligence matters has grown considerably, and the Committee oversees this work, the Committee has requested a change in host department in order to ensure that there is clear separation and to safeguard its independence.
5. The Committee's membership is as follows:

	Rt. Hon. Dr Kim Howells MP (Chairman)
Rt. Hon. Michael Ancram QC DL MP	Rt. Hon. Sir Menzies Campbell QC MP
Mr Ben Chapman MP	Rt. Hon. Lord Foulkes of Cumnock
Rt. Hon. George Howarth MP	Rt. Hon. Michael Mates MP
Mr Richard Ottaway MP	Ms Dari Taylor MP
6. Copies of the Committee's Annual Report 2008-09 (Cm7807) can be purchased from TSO for £14.35. The Report can also be found on the ISC's website:
<http://www.cabinetoffice.gov.uk/intelligence>