

1st statement:
Eliza Manningham-Buller:
On behalf of the Secretary of State:
Dated 20 September 2005:
Exhibit "EM1":

IN THE HOUSE OF LORDS
ON APPEAL FROM
HER MAJESTY'S COURT OF APPEAL (ENGLAND)

BETWEEN:

A and OTHERS

Appellants

- v -

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

A and OTHERS (FC) and ANOTHER

Appellants

- v -

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

(CONJOINED APPEALS)

STATEMENT OF ELIZA MANNINGHAM-BULLER

I, Eliza Manningham-Buller of The Security Service, Thames House, Millbank, London SW1 make this statement to assist the House in its consideration of this appeal.

1. I am the Director-General of the Security Service. I make this statement from my own knowledge, or from information I have obtained in the course of my duties, and believe it to be true.

2. Al Qaida and its affiliates pose a uniquely transnational threat which requires an international response. This has led to increased co-operation between governments, including on security/intelligence channels. The need for enhanced international co-operation to combat the threat from Al Qa'ida and its affiliates was recognised and has been emphasised since September 2001 in, for example, Security Council resolution 1373.

3. The Security Service and Secret Intelligence Service ("the Agencies") have relationships with a large number of foreign intelligence services with whom they exchange information through liaison. The primary purpose of liaison with foreign intelligence services is to maximise the flow of intelligence into and out of the Agencies to assist them with the discharge of their statutory responsibilities under the Security Service Act 1989 and Intelligence Services Act 1994. To achieve this, the Agencies seek to ensure that foreign intelligence services are aware of relevant UK intelligence requirements and are motivated to assist us. The Agencies also undertake training and joint operations with foreign services.

4. Both Agencies receive material, mainly in writing but sometimes orally, from foreign intelligence services. In the case of most countries, it is usually passed to SIS in the first instance. SIS make a first assessment of the value and reliability of the intelligence against other information available to them. It is then passed, together with an assessment of reliability, to colleagues in HMG. In the case of intelligence about terrorist threats, the recipients will include the Security Service and the Joint Terrorism Analysis Centre (JTAC) who will evaluate it as part of a broader picture. In the case of countries with whom there is a more developed liaison relationship, and in some other instances, material is sometimes passed directly to the Security Service who will share it with other customers in HMG as appropriate and evaluate it against other information held.

5. Intelligence received from foreign intelligence services can originate from a wide range of different sources, human and technical. However, its provenance is often obscured by the foreign service in order to protect sensitive sources or to comply with local legislation.

6. Where circumstances permit, the Agencies will of course seek to acquire as much context as possible, particularly if the intelligence is threat-related. However, our ability to do this effectively is often limited. Even if the foreign intelligence service is not prevented from disclosing such information by local legislation, it will usually decline to provide it in order to protect its source. In such circumstances the Agencies will generally not press to be told the source, as to do so would be likely to damage co-operation and the future flow of intelligence from the originating service. Further, some foreign services, especially those with whom the liaison relationship is less mature, will often provide access to "liaison officers" rather than to operational staff. These liaison officers will be working from tightly defined briefs and will often not be in a position to provide further context.

7. Where more context can be obtained it may assist the Agencies in assessing the reliability of the reporting. However, where the reporting is threat-related, the desire for context will usually be subservient to the need to take action to establish the facts, in order to protect life. Most credible threat-reporting received by the Agencies requires immediate action. Often there is no specific timescale attached to the reporting, but public safety concerns dictate that the Agencies work from a position of possible imminence. The need to react swiftly to safeguard life precludes the possibility of spending days or weeks probing the precise sourcing of the intelligence before taking action upon it, especially when such probing is in any event unlikely to be productive.

8. In some cases, it may be apparent to the Agencies that the intelligence has been obtained from individuals in detention ("detainee reporting"), though, even then, the Agencies will often not know the location or details of detention. We treat such intelligence with great care, for two main reasons: detainees can seek to mislead their questioners, and, where the Agencies are not aware of the circumstances in which the intelligence was obtained, it is likely to be more difficult to assess its reliability.

However, experience proves that detainee reporting can be accurate and may enable lives to be saved. Two examples that are in the public domain illustrate the value which this form of reporting can have.

- (a) *Beghal*. In 2001, Djamel Beghal was detained in the United Arab Emirates. He there admitted involvement in a plot to mount terrorist attacks in France. These included an attack on the United States Embassy in Paris. He identified conspirators who were then arrested and the plot was disrupted. Police forces in France and other European countries acted on this information when it was shared through liaison. They did so to avoid loss of life. Beghal was returned to France where he protested that his confession had been extracted under duress. Nonetheless, the essential accuracy of his statement was confirmed by corroborative intelligence and items found in police searches. The "Beghal plot" formed part of the generic case before SIAC. At that time he was awaiting trial in France. He has since been convicted in France for his part in the plot and been sentenced to 10 years' imprisonment.
- (b) *Meguerba*. (i) Intelligence provided by Mohammed Meguerba to Algerian liaison was disclosed as unused material in the trial of *R v Bourgass and others*, which concerned allegations of a plot to produce and use ricin poison in this country.
- (ii) I exhibit to this statement marked "EM1" a paginated bundle containing some of the intelligence material disclosed in that trial which came from Algerian liaison. I have limited it to the early exchanges. On 31st December 2002 (p 1) Algerian liaison passed on information that they had arrested Meguerba and that he had told them of a plot to use a fatal poison in London within "the next few days". He described the poison as being hidden in two Nivea cream boxes at 12 Harrow Road Wood Green. That was a non-existent address. Further information was sought from Algerian liaison. On 2nd January 2003 (p 2) they passed further detail of Meguerba's description of the plot and, importantly, a detailed description of where the flat was located in which Meguerba said the poison could be found. That was an accurate description of 352, High Road London N22, an address which was confirmed

by Algerian liaison on 4th January 2003 (p 3). That flat was raided on 5th January 2003. On 8th January 2003 (p 4) Algerian liaison provided further information from Meguerba, both about the address and about the plot. Nadir, referred to in that document, was Bourgass.

(iii) Acting on this information, the police made a number of arrests in January 2003 and executed a search warrant obtained against the flat described by Meguerba. No ricin was found there, but the following relevant finds were made:

- Three sets of recipes/instructions for the making of poisons/explosives
- A (partial) list of chemicals
- Small quantities of basic ingredients for the making of ricin and cyanide, namely castor beans, apple seeds and ground cherry stones
- Materials/ equipment capable of use in the making of ricin and cyanide including:-
 - (a) a bottle containing acetone
 - (b) a bottle containing isopropanol
 - (c) a pestle and mortar
 - (d) a funnel
 - (e) two packets of blotting paper
 - (f) thermometers
 - (g) rubber gloves
 - (h) coffee mill
 - (i) scales
- a Nivea jar containing a substance which was an apparent attempt to make a form of nicotine poison
- items capable of being used in the making of explosives eg batteries, bulbs

(iv) Bourgass was subsequently convicted of attempted murder and conspiracy to cause public nuisance (in connection with ricin) and sentenced

to 15 years' imprisonment for attempted murder and 17 years' imprisonment for the conspiracy, to run consecutively. He was also convicted of the murder of Detective Constable Stephen Oake, whom he attacked during the course of the search of a flat in Manchester, and was sentenced to life imprisonment with a recommendation that he serve 22 years. The other defendants in the trial, who were alleged conspirators, were acquitted.

9. The Meguerba reporting is an example of a situation as described at paragraph 7 above. Prior to the Meguerba reporting the plan to produce ricin had not been discovered. The information contained in the material from Algeria identifying apparent associates of Meguerba lent credibility to the reporting. Meguerba was already known to the Security Service and the police. The reporting required urgent operational action and was also relied upon for the purposes of immediate legal action (arrests on grounds of reasonable suspicion and a search). In those circumstances, no inquiries were made of Algerian liaison about the precise circumstances that attended their questioning of Meguerba. In any event, questioning of Algerian liaison about their methods of questioning detainees would almost certainly have been rebuffed and at the same time would have damaged the relationship to the detriment of our ability to counter international terrorism (see paragraph 6 above). There has subsequently been speculation in the press about the circumstances in which Meguerba was interviewed in Algeria. Unusually in this case, because of the potential importance of what he was saying, British police officers sought direct access to him but that was not permitted by the Algerian authorities. Instead, questions were provided to the judicial authorities in Algeria through a formal letter of request, and Meguerba was formally examined on them at length by the Chief Examining Magistrate in Algiers.

10. The Meguerba case provides an example of full co-operation with our Algerian partners. Many other countries provide little more than the bare bones of the information they believe would assist us and are resistant to giving more. Liaison partners make judgements about what information to pass to us and others in order to assist in counter terrorist work. They collect intelligence primarily for their own purposes.

11. The international community has recognised the importance of co-operation

between States in countering the threat from international terrorism. That co-operation includes the sharing of intelligence material. Such material itself includes detainee reporting which has proved to be very valuable in disrupting terrorist activity. That material may be used operationally and, as the two examples given above show, may also feed into legal proceedings.

Signed *Eliza Manningham-Buller*.....
ELIZA MANNINGHAM-BULLER

Dated: *20th*..... September 2005