



INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT



PRESS RELEASE

The Intelligence and Security Committee of Parliament has today published its Report on the intelligence relating to the murder of Fusilier Lee Rigby. The Chairman of the ISC, the Rt. Hon. Sir Malcolm Rifkind MP, said:

“The murder of Fusilier Lee Rigby on 22 May 2013 was first and foremost a tragedy for his family and friends: our thoughts are with them today.

When there is a terrorist attack, such as that in Woolwich last year, it is essential that there is a thorough investigation to establish whether mistakes were made, whether the attack could have been prevented, and to ensure that any lessons are learned. Over the past eighteen months, the Intelligence and Security Committee of Parliament has examined in considerable detail the actions of the intelligence and security Agencies in relation to the two men who killed Fusilier Rigby. We have inspected hundreds of highly classified documents and questioned Ministers, the Heads of the three Agencies, and senior officers from the Metropolitan Police Service. We are today publishing the results of our Inquiry. This is the most detailed Report we have ever published, which has been possible because of the Committee’s new powers of investigation under the Justice and Security Act 2013.

In terms of the action taken by the Agencies, our findings are that:

- The two men appeared, between them, in seven different Agency investigations – for the most part as low-level Subjects of Interest. There were errors in these operations, where processes were not followed, decisions not recorded, or delays encountered. However we do not consider that any of these errors, taken individually, were significant enough to have made a difference.
- We have also considered whether, taken together, these errors may have affected the outcome. We have concluded that, given what the Agencies knew at the time, they were not in a position to prevent the murder of Fusilier Rigby.
- Michael Adebolajo was a high priority for MI5 during two operations: they put significant effort into investigating him and employed a broad range of intrusive techniques. None of these revealed any evidence of attack planning.
- By contrast, Michael Adebowale was never more than a low level SoI and the Agencies took appropriate action based on the rigorous threshold set down in law: they had not received any intelligence that Adebowale was planning an attack and, based on that evidence, more intrusive action would not have been justified.

To put these investigations into perspective, it should be borne in mind that at any one time MI5 is investigating several thousand individuals who are linked to Islamic extremist activities in the UK.

The one issue which we have learned of which, in our view, could have been decisive only came to light after the attack. This was an online exchange in December 2012 between Adebowale and an extremist overseas, in which Adebowale expressed his intent to murder a

soldier in the most graphic and emotive manner. This was highly significant. Had MI5 had access to this exchange at the time, Adebowale would have become a top priority. There is then a significant possibility that MI5 would have been able to prevent the attack.

We have examined whether the Agencies could have discovered this intelligence before the attack, had they had cause to do so: it is highly unlikely. What is clear is that the one party which could have made a difference was the company on whose system the exchange took place. However, this company does not regard themselves as under any obligation to ensure that they identify such threats, or to report them to the authorities. We find this unacceptable: however unintentionally, they are providing a safe haven for terrorists.

Our Report considers the wider relationship between law enforcement authorities and Communications Service Providers. None of the major US companies we approached proactively monitor and review suspicious content on their systems, largely relying on users to notify them of offensive or suspicious content. We also found that none of them regard themselves as compelled to comply with UK warrants obtained under the Regulation of Investigatory Powers Act 2000. Therefore, even if MI5 had sought information - under a warrant - before the attack, the company might not have responded. They appear to accept no responsibility for the services they provide. This is of very serious concern: the capability of the Agencies to access the communications of their targets is essential to their ability to detect and prevent terrorist threats in the UK.

We note that the Government has already started to take action on these issues, through the Data Retention and Investigatory Powers Act 2014 and the appointment of the Special Envoy on intelligence and law enforcement data sharing. However, the problem is acute: until it is resolved the British public are exposed to a higher level of threat.

Whilst this is the major issue in our Report, we have also identified a number of lessons which the Agencies must learn. These are listed in the Report in detail. However, I wish to draw attention to two of them today, as they are particularly relevant to the current threats faced by the UK:

- i) We have seen in recent months the numbers of young British men and women who have travelled to Syria and Iraq to engage in terrorism. The scale of the problem indicates that the Government's counter-terrorism programmes are not working. Successfully diverting individuals from the radicalisation path is essential, yet *Prevent* programmes have not been given sufficient priority. We strongly urge our colleagues on the Home Affairs or Communities Select Committees to consider this issue as a matter of urgency, given the threat our country currently faces.
- ii) In the same context, we have also considered SIS's work to disrupt the link between UK extremists and terrorist organisations overseas. In the case of Adebolajo – a British citizen arrested overseas and suspected of trying to join a terrorist organisation – SIS's response was inadequate. They considered deportation (or voluntary departure) to be a sufficient solution; they failed to investigate his allegations of mistreatment; and neither they nor MI5 accorded him sufficient priority upon his return to the UK. Given the current situation in Syria and Iraq, we have very significant concerns in this regard.”

NOTES TO EDITORS:

1. The Committee has assessed what the intelligence Agencies knew before the attack about the two men who killed Fusilier Lee Rigby; whether any more could have been done to stop them; and what lessons should be learned.
2. The resulting Report is the most substantial the Committee has yet produced, and it contains more sensitive material about the Agencies than has ever been published before. In accordance with the provisions of the Justice and Security Act 2013, the Report is being made to Parliament, rather than to the Prime Minister.
3. The key sections are:
 - the Executive Summary ('Could it have been prevented?') (page 4);
 - What was missed: Contact with FOXTROT (page 127);
 - Difficulties accessing communications content (page 139);
 - Allegations of mistreatment (page 153); and
 - the List of Recommendations and Conclusions (page 165).

As with other ISC reports, where redactions have been necessary on national security grounds, they are indicated by ***. An explanation of why redactions have been made (in broad terms) is included at paragraphs 6-8.

4. The ISC is a cross-party committee of nine parliamentarians from the Commons and the Lords. The Committee's membership is as follows:

The Rt. Hon. Sir Malcolm Rifkind MP (Chair)

The Rt. Hon. Hazel Blears MP

Mr Mark Field MP

The Rt. Hon. Lord Butler KG GCB CVO

The Rt. Hon. George Howarth MP

The Rt. Hon. Sir Menzies Campbell CH CBE QC, MP

Dr Julian Lewis MP

The Rt. Hon. Paul Goggins MP (until January 2014)

The Most Hon. the Marquess of

Ms Fiona Mactaggart MP (from May 2014)

Lothian QC PC

5. The ISC was established in 1994 under the Intelligence Services Act, and was reformed last year under the Justice and Security Act 2013. This legislation made the ISC a statutory committee of Parliament and strengthened its power. The Committee now has greater access to information, including primary material held within the Agencies. Its remit has also been expanded to include oversight of intelligence and security operations, and oversight of all intelligence and security activities of Government.
6. The Committee routinely takes evidence in private, and its Members are subject to the Official Secrets Act 1989. This ensures they are able to scrutinise the most sensitive work of the intelligence Agencies which cannot be made public. However, when producing reports, the Committee aims to put as much material as possible into the public domain, subject only to restrictions on grounds of national security or *sub judice* rules.