Witness: MI5 Witness 3

Party: 4th Respondent

Number: 1

Annexes A and B, Exhibits 1-12

Date: 17/06/2019

Case Nos, IPT/17/86 & 87/CH

IN THE INVESTIGATORY POWERS TRIBUNAL BETWEEN:

(1) PRIVACY INTERNATIONAL
(2) REPRIEVE
(3) COMMITTEE ON THE ADMINISTRATION OF JUSTICE
(4) PAT FINUCANE CENTRE

<u>Claimants</u>

and

(1) SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS
(2) SECRETARY OF STATE FOR THE HOME DEPARTMENT
(3) GOVERNMENT COMMUNICATION HEADQUARTERS
(4) SECURITY SERVICE
(5) SECRET INTELLIGENCE SERVICE

Respondents

WITNESS STATEMENT OF MI5 Witness Statement

I, MI5 Witness Statement, of the Security Service, of Thames House, London SW1, WILL SAY as follows:

Introduction

1) I have worked for MI5 for 27 years

In the course of my MI5 career I have acquired substantial experience of MI5's use

and deployment of agents including those who may participate in criminal activity, and am familiar with the work of all MI5's agent-running teams.

2) I am authorised to make this statement on behalf of MI5. The contents of this statement are within my own knowledge and are true to the best of my knowledge and belief. Where matters are not within my own knowledge they are based upon documentation made available to me and from discussions with others within MI5.

Purpose of witness statement

3) In this witness statement I address the value of agent intelligence and the importance of agents being able to engage in criminality where appropriate. I describe: the importance of human intelligence against the background of the current threats to the UK's national security,

The Current Threat Picture

4) MI5 has the statutory function of protecting the UK's national security. The UK has for many years faced a serious threat from terrorism, which is joined by heightened and complex threats from threat and recklessness from state actors.

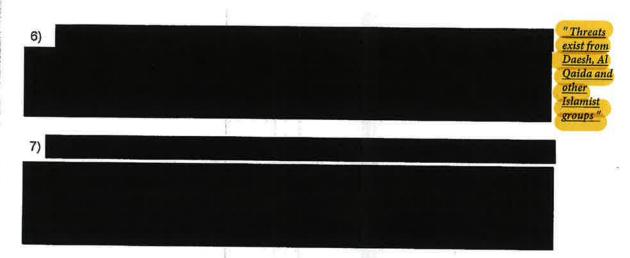
"This includes threats from international terrorism, Northern Ireland-Related Terrorism and right and leftwing terrorism"

International Terrorism

5) 2017 saw four Islamist terrorist attacks in GB (Westminster Bridge, Manchester Arena, London Bridge, Parsons Green) 2018 saw one non-fatal attack (Manchester Victoria).

The Joint Terrorism

Analysis Centre (JTAC) have set the UK national threat level to SEVERE – meaning an attack is highly likely. The UK National threat level has been at SEVERE since 29 August 2014. During this time, JTAC have increased the UK National threat level to CRITICAL (an attack is expected imminently) twice,

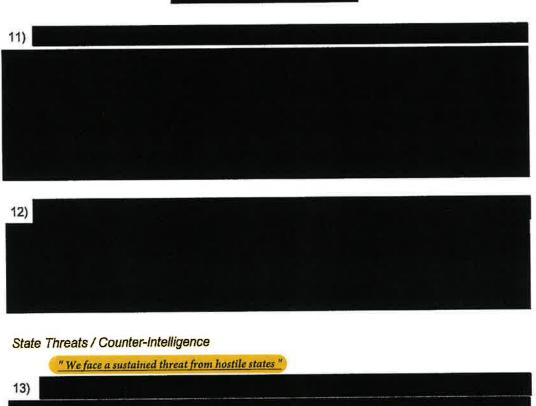


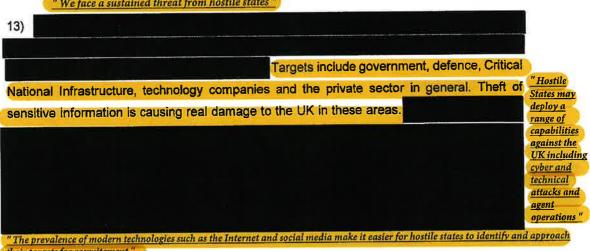
8) 2018 saw terrorist attacks in Nairobi and Kabul which killed British nationals. Prior to that, 2015 marked a significant increase in Daesh-led violence against British nationals, with large numbers killed in attacks in Tunisia and Paris.

Northern Ireland-Related Terrorism

9) The threat level from Northern Ireland-related terrorism (NIRT) in Northern Ireland is SEVERE.

10) The current threat level from NIRT to Great Britain is MODERATE (meaning an attack is possible but not likely).

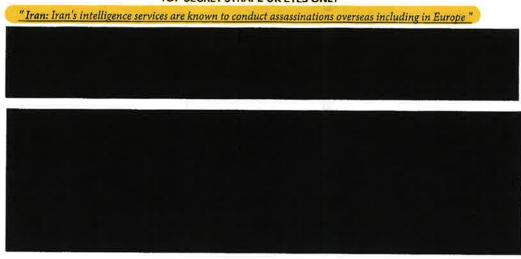




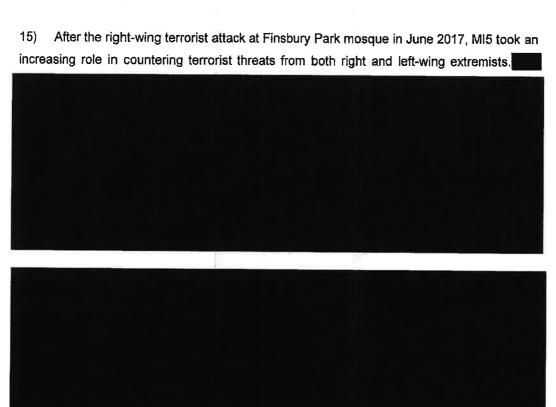
14) Certain hostile states also pose a physical threat to their dissidents in the UK or to others who have displeased the state. For example:

a. Russia: The vocal Putin critic Aleksandr LITVINENKO was murdered in London in 2006, which was almost certainly arranged by the Russian Federal Security Service (FSB). The Russian military intelligence service GRU killed Dawn Sturgess, and seriously injured four others, when attempting to murder the former spy Sergel SKRIPAL in Salisbury by poisoning him with novichok.

TOP SECRET STRAP2 UK EYES ONLY



Right and Left-Wing Terrorism



The role of intelligence

17) In order to counter threats from terrorists and hostile states, MI5 must first understand the nature and scale of those threats. This is the primary role of covert intelligence-gathering

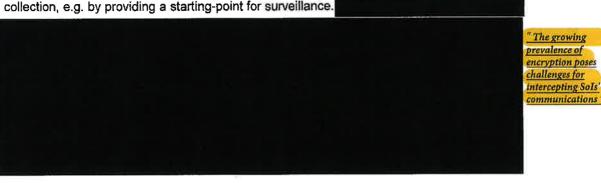
Many, or most, of those protective actions are not directly controlled by MI5. For instance, at a tactical level, we work closely with the police to deliver the arrests and prosecutions that disrupt terrorists. More strategically, our Centre for the Protection of National Infrastructure advises the public and private sectors on protective measure that can be taken. MI5's intelligence will inform JTAC's work on setting threat levels, which in addition to triggering practical defensive measures, also serve to inform the public, and raise awareness of the kinds of activities and behaviours to look out for.

Intelligence collection methods

18) MI5 has access to a range of intelligence collection capabilities. These vary in their effectiveness in meeting any particular intelligence requirement and in the extent to which they interfere with an individual's privacy.



20) Intercept: Intercept provides significant intelligence and can help inform other forms of collection, e.g. by providing a starting-point for surveillance.

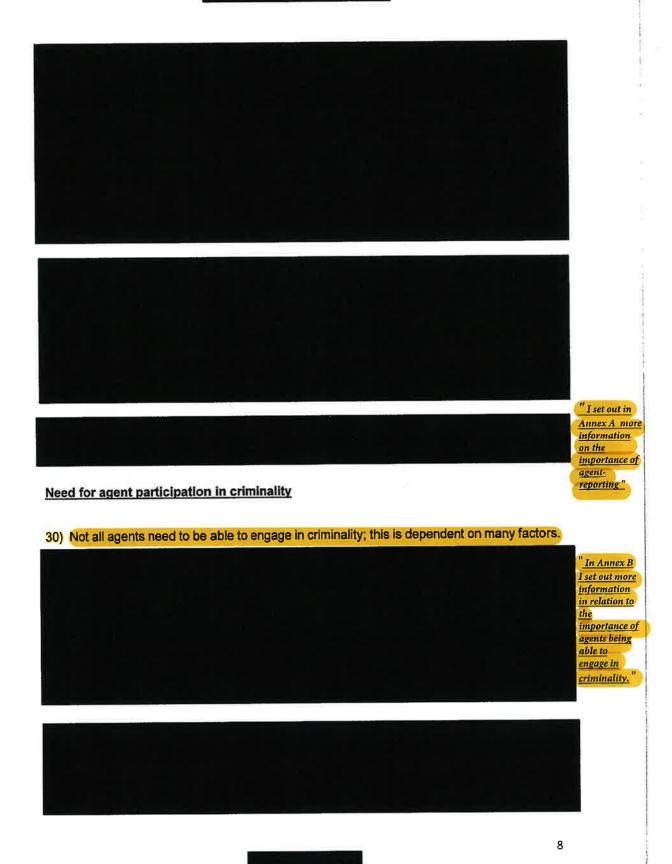


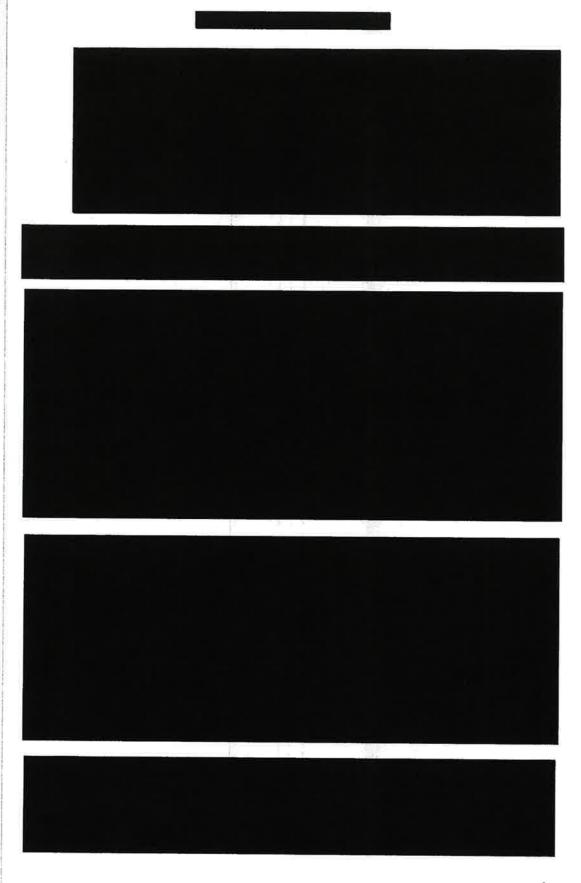
21) Acquisition and analysis of data:

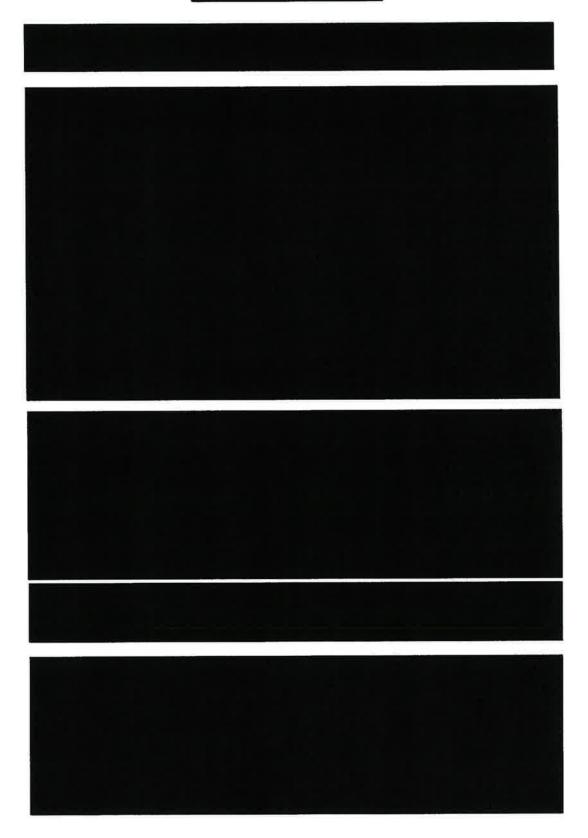
Analysis of

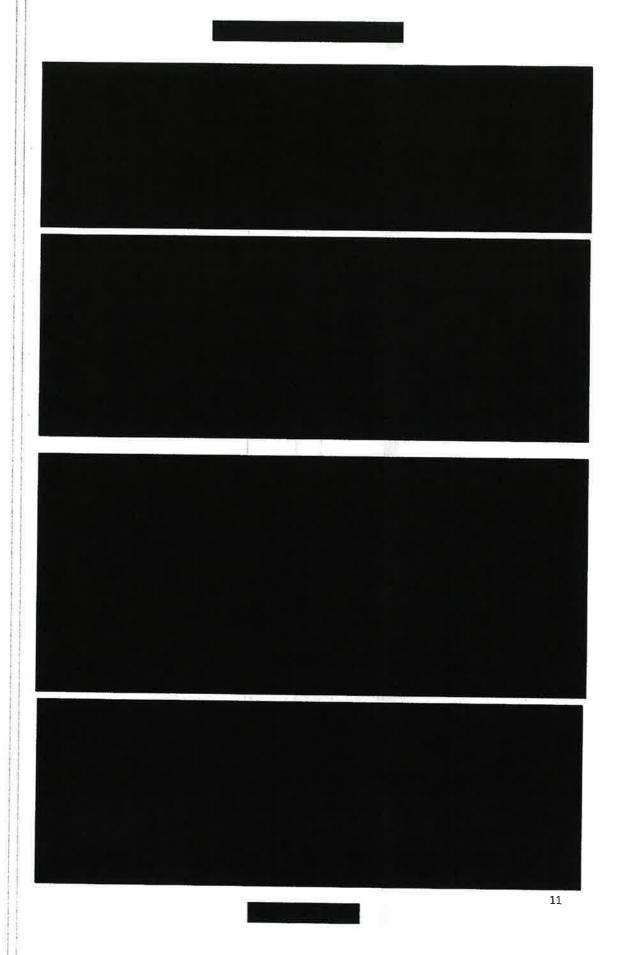
data helps provide links and identify other individuals who may be of interest. It can also inform other forms of collection. Data analysis is often the bedrock of any covert investigation.

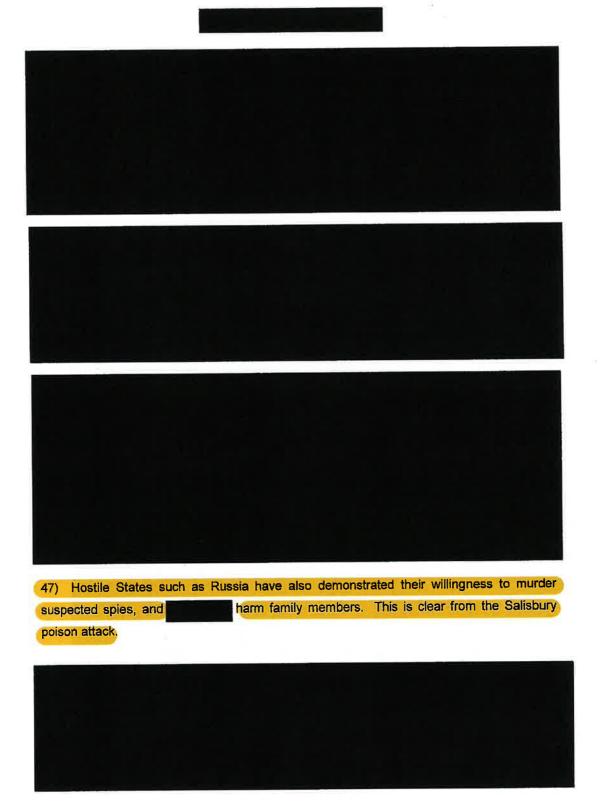
22) Surveillance and technical operations: The	se operations, which are resourc	e-
intensive, are often used to illuminate the highest priori		
	<u> </u>	
23) Intelligence provided by partners.		"MI5 may receive
		intelligence from foreign liaison
		services obtained through any of
		the capabilities
		listed above "
Effect of agent-running on the threat		
24) At its hand level as anothing inches		_
24) At its base level, an agent is simply a person who of interest to MI5.	can provide intelligence on individua	ls .
of interest to line.		
		7

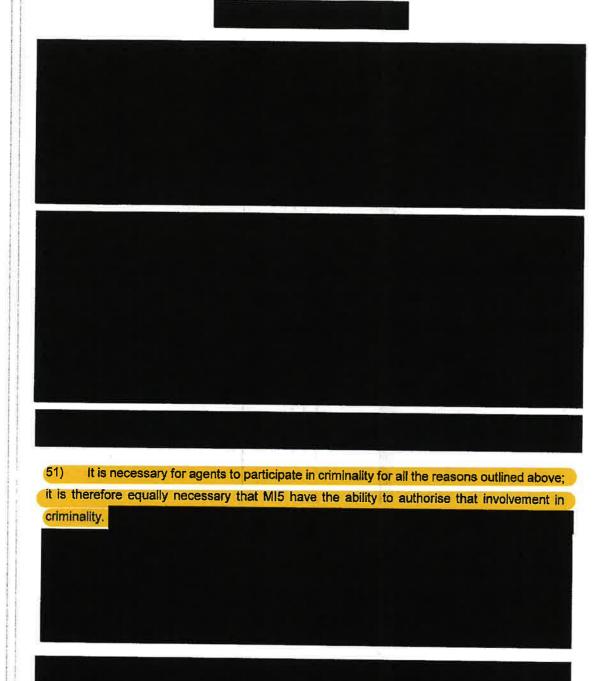




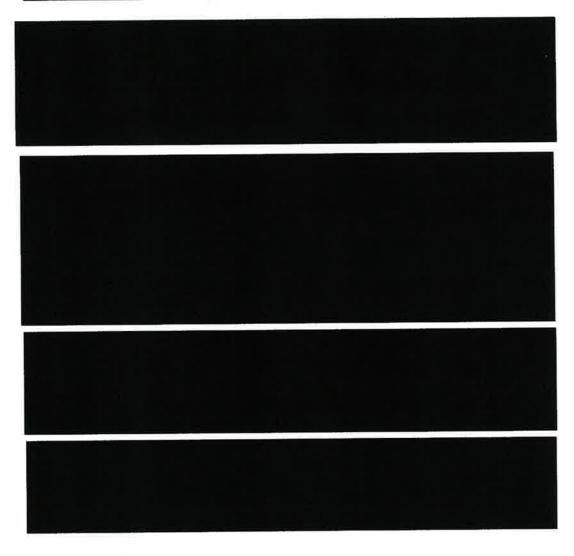








The impact of ceasing all agent participation operations



Statement of Truth

I believe that the facts stated in this witness statement are true.

[INSERT SIGNATURE

signed by MI5 Witness 3