

EXHIBIT H



Intelligence and Security Committee

Rendition

Chairman:
The Rt. Hon. Paul Murphy, MP

Cm 7171

£18.00



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Presented to Parliament by the Prime Minister
by Command of Her Majesty
JULY 2007

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Gambian authorities searched the men's baggage and discovered "*a suspicious collection of items*".⁹⁸ They arrested all five men.⁹⁹ The Security Service assessment was that "*these items may well have formed the basis for their detention*".¹⁰⁰

129. It seems to us that there are a number of possible reasons why the men were initially arrested. It is possible that the Gambian police or border authorities at Banjul airport decided to search the men based on a "hunch" – something that happens routinely at customs and immigration points around the world. It is also possible that the Gambians broke the caveats on the intelligence shared with them and chose to take executive action. Another possibility is that the U.S. authorities neglected to pass on the caveats or instigated the men's arrest themselves. Whatever the reason for the men's arrest, it is clear that it was not at the instigation of the Security Service.

130. The Security Service was informed of the arrests on 10 November and, the following day, sent a telegram to notify SIS and the FCO of this and to provide background to the case. On 14 November, the Deputy Director General of the Security Service wrote to the Home Office and MPSB in similar terms.

131. Initially, the remaining men were detained by the Gambian authorities but they were subsequently transferred into American custody.¹⁰¹ During the men's detention, the Security Service received information about the progress of the investigation into the men's intended activities, although they were not told where the men were being held.¹⁰²

132. In late November, the Security Service was informed by the U.S. authorities that they intended to conduct what we have defined as a "Rendition to Detention" operation, to transfer the four men from The Gambia to Bagram Air Base in Afghanistan. The Service registered strong concerns, both orally and in writing, at this suggestion and alerted the FCO.

⁹⁸ "... the items included a solar panel for a satellite phone, several thousand dollars worth of outdoor equipment, a repair kit for wetsuits, mountain-climbing gear and a large plastic bag full of hand-soldered electrical components." Open statement of Security Service Witness "A", R. (*Al-Rawi & Others*) v. *Secretary of State for Foreign and Commonwealth Affairs & Another* [2006].

⁹⁹ We understand that Omar Omari was released on 9 November, the day after the men's arrest at Banjul airport.

¹⁰⁰ Open statement of Security Service Witness "A", dated 14 March 2006, R. (*Al-Rawi & Others*) v. *Secretary of State for Foreign and Commonwealth Affairs & Another* [2006].

¹⁰¹ It is unclear precisely at what stage the men were transferred into U.S. custody.

¹⁰² Open statement of Security Service Witness "A", dated 14 March 2006, R. (*Al-Rawi & Others*) v. *Secretary of State for Foreign and Commonwealth Affairs & Another* [2006].