

THE NEXT ATTACK

GREG
AUSTIN

PREFACE BY
STEPHEN
TWIGG

The Foreign Policy Centre



**The Next Attack:
'Know Your Enemy and Know Yourself'**

Greg Austin

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49 Chalton Street
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Preface

In publishing this pamphlet, the Foreign Policy Centre is conscious that an authoritative and comprehensive overview of counter-terrorism policy is something of a closed book to all but a few senior Ministers and senior officials. Any view by an external commentator about strengths or weaknesses of that policy will in part be speculative. An authoritative or reliable assessment of the way in which resources are allocated would depend on comprehensive access to all classified information. Few people have such access. The FPC, and the author of this pamphlet, do not.

Nevertheless, the stakes are high and the public interest demands some effort by research centres such as ours to comment, to the extent that our knowledge from the public record and our experience allows. We do have a pretty full picture of attacks against the UK at a broad level: eight attempted attacks thwarted since 11 September 2001, two serious attacks executed, and about 20 lower level attacks executed or attempted. Beyond that, a comprehensive and detailed view becomes more difficult.

The FPC presents the analysis in this pamphlet as just one perspective on current policy. The views in it are the author's and do not necessarily represent the views of the FPC. But work like this is important as a sounding board for public concerns and specialist opinion.

At the same time, such work needs to be augmented, as the author suggests, by a more consistent effort from government to inform public opinion about the nature and level of the threat, and about policy responses. Moreover, given the closed nature of counter-terrorism policy-making, it is equally important that there be strong internal review mechanisms. The history of dramatic terrorist 'successes' and associated intelligence failures around the world is simply too great to leave all of our eggs in one basket, especially since some *jihadists* have studied and widely canvassed the possible use of weapons of mass destruction. There needs to be a standing, independent review mechanism that does have wide

access to all classified data and which reports on an annual basis to the Prime Minister at a classified level and to Parliament at unclassified level. This review mechanism would complement the work of Parliament's Intelligence and Security Committee (ISC), and would differ from the ISC in being staffed by full-time specialists trained in intelligence and counter-intelligence policy, analysis and operations. It need not be large. It would ensure that the government, Parliament and the public have access to a fully-informed, and therefore credible alternative view of threat and responses. We review all other areas of government policy through the National Audit Office, but the nature of the terrorist threat and the intelligence problems it presents require a unique mechanism.

This is not just a question of refining government processes by finding a new way of examining the work of the intelligence and security agencies in a way that is appropriate to their special nature. It is a question of a necessary emergency response to the level and nature of this particular terrorist threat. If the government accepts, as we understand it does, that *jihadist* terrorists outside the country may be attempting to acquire and use weapons of mass destruction, then we simply have to do better than we have done so far. One slip-up may be one too many, regardless of whether the attack is in London or New York.

Stephen Twigg
Director

There is no compromise with these people possible; you either get defeated by them or defeat them.

Tony Blair, 5 August 2005

It is no use saying, 'We are doing our best'. You have got to succeed in doing what is necessary.

Winston Churchill

Know your enemy and know yourself, find nothing to fear for 100 battles. Know yourself but not your enemy, find both loss and victory. Know your enemy but not yourself, wallow in defeat everytime.

Sun Tzu

EXECUTIVE SUMMARY

The UK is not doing enough to defeat Al Qaeda and other *jihadist* terrorists who threaten the country and its citizens with mass murder. The UK is not alone in the dock, but it is in the dock. Osama bin Laden remains at large and Saudi Arabia remains an important point of origin for the export of terrorism, especially extremist sentiment and money. Saudi money is also feeding the insurgency and terrorism in Iraq. Not enough new money is going to MI6. Notwithstanding the attention paid to young male British Muslims after the attacks of 7 July, the bigger threat probably remains foreign members or followers of Al Qaeda.

At home, there is evidence of important weaknesses in intelligence and training of officials involved in counter-terrorism work, especially border control officials and police. There are weaknesses in intelligence process, a proposition demonstrated beyond all doubt by the shooting of Jean Charles de Menezes. There are not enough police dedicated to counter-terrorism work. The time delay in training new counter-terrorism intelligence officials is too protracted. There have been too few successful prosecutions under anti-terrorist legislation. There are doubts that the Crown Prosecution Service has been equipped to meet the counter-terrorist challenge, though that now appears to be changing.

There will be more attempts by the self-proclaimed *jihadists* to murder large numbers of Britons in coming years, either at home or abroad. Their campaign has been going on for over a decade and will almost certainly continue for another decade at least. Their tactics and targets will change in that time. To defeat this threat, the British community as a whole must 'know' its enemies and it must 'know' its own capacities to disrupt, capture or kill them. So far, it does not know either adequately.

The '*jihadists*' can be found in almost any place that Muslim communities can be found. This is not a uniquely British phenomenon. In fact, it is the opposite. It is a global threat. The *jihadists* have thousands of 'members' (people trained in terrorist techniques) spread out around the world and a support network that

spans more than 50 countries. The success of terrorist attacks in one place emboldens terrorists in other places to strike. As of July 2005, the *ihadists* were opening new fronts, drawing new recruits and recording important successes around the world – in Afghanistan, in Iraq, in Africa and in Europe.

If the record of the last four years is a guide, the number of attempted attacks in Britain will be small, about two to four in the coming twelve months. But the consequences could be very serious. Each successful attack will embolden others to act,¹ and some *ihadists* outside Britain have been considering new ways of mass murder, possibly involving nuclear, chemical or biological weapons.

This anti-terrorist struggle will be a long and difficult one. Policies with medium and long term effect in geopolitics will be important: in areas such as pacification of Iraq and Afghanistan, creation of a Palestinian state, a peace settlement in Chechnya or democratisation of Saudi Arabia,. But policies that enhance police and investigative capacities over the medium term and are targeted narrowly on actual terrorists or people who provide them material support will have the most decisive effect.

Policy responses to the attacks in London on 7 July 2005 must be evaluated against the global canvas of the anti-*ihadist* campaign. But they must also be evaluated against a sure knowledge of the capacities of the British system to respond. The mix of reactions among leading Britons in many walks of life, but especially in the police and government, to the bombings has created an impression among experienced observers that the machinery of government is not yet up to the task. It may be doing 'its best', but there are warning signs – not least the bomb attacks just two weeks apart – that, in the words of Winston Churchill, it is not 'doing what is necessary'.

UK counter-terrorist policy settings prior to the attacks in London of 7 July 2005 appear to this outside observer as broadly on track. The

¹ The reverse is also true: each attempt thwarted or each terrorist captured will help to deter other attacks.

Prime Minister's statement of 5 August laying out a new 12-point action plan will close important gaps in the effective delivery of pre-existing policy. Yet it is essential that the main virtue of our democratic system, its system of 'checks and balances', is brought to bear on this massive threat we face. The government has complained, as recently as August 2005, of lack of support from key agencies and the public in its counter-terrorism effort, but the government is neglecting the role that a better informed parliament and more inquisitive parliament can play in mobilising that support.

Taking the two of the main requirements for victory together ('know the enemy and know oneself'), and applying Churchill's dictum of doing 'all that is necessary', the following lines of policy action recommend themselves for immediate attention.

Independent Review of Priorities: The government would be wise to set up an independent, standing review mechanism of the operational priorities and capacities of its counter-terrorism effort. This would complement Parliament's Intelligence and Security Committee and it would be different from the current review processes for the legislative regime. The review mechanism would need comprehensive access to all classified information and would need to be staffed by specialists.

Independent Advice: The government should consider appointing an independent panel of non-government specialists in counter-terrorism, with appropriate security clearances, for confidential advice to Ministers and senior officials.

Parliamentary Scrutiny: Parliament's Intelligence and Security Committee (ISC) needs to regularly 'check' the performance of the government through a standing inquiry dedicated exclusively to the mechanics and success of the counter-terrorism effort.

Parliament should conduct an inquiry into the setting of the 'shoot to kill policy' that led to the killing of an unarmed man, Charles de Menezes, in Stockwell by a police officer on 22 July 2005.

Investigative Resources: There needs to be a quantum improvement in UK and allied intelligence capability to defeat the global terrorist threat. This probably means an even greater investment in intelligence collection and intelligence analysis, and this increased investment would need to be applied both to international and domestic targets.

Training: There needs to be a quantum improvement in the anti-terrorist training of all officials involved in border controls as well as regular police so that they perform better their vital role in the intelligence and investigative process.

Prioritisation of Resources: Policy resources must be re-focused on the most important causes of terrorism and the means of fighting it, not the less important. Given the scarcity of resources, more attention should be paid to staffing and training of the Crown Prosecution Service and the police, customs and immigration services than to issues like 'indirect incitement' to terrorism. The appropriate response to inadequate information to convict suspects is not to deprive people of their civil liberties in case they are terrorists. The only response is to look harder and better for the information to convict.

The priority of the intelligence and security services must be on arresting or at least discovering and monitoring all of the hundreds of potential terrorists, before diverting attention to the thousands of 'extremists'. This is a very fine but fundamental distinction. The latter group is clearly a recruit pool for the former, and judging the difference or the transition point from one category to the other is difficult, but that is not an excuse for spreading resources thinly.

Public Treatment of the Issues: The government should consider a step change in its public treatment of the anti-*jihadist* campaign. Successes against the global *jihadist* campaign need to be regularly reported in a more consistent way by the government to the British public and press, especially television. The public mobilisation would be assisted by the members of the proposed panel of non-government advisers.

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Shock and Good Public Policy

After the bombings in London on 7 July 2005, and the attempted attacks two weeks later, political leaders, the media and sections of the public have been advocating significant new settings for UK counter-terrorism policy. This has been provoked either by the perception that somehow policy has failed or by the view that there is a need to be seen to be acting decisively. Two lines of policy have been most prominent: the need to criminalise indirect incitement of terrorism and the need to combat extremism among British Muslims by better 'integrating' them into the 'mainstream'.

The dangers of over-reaction to the attacks were brought home with the shooting dead on 22 July of a young Brazilian, Charles de Menezes, who was mistaken for a suicide bomber on the basis of what appears to have been the flimsiest of evidence. According to the Commissioner of the Metropolitan Police, Sir Ian Blair, de Menezes was not an isolated case. He was one of 250 people in the two weeks since 7 July who had been wrongly identified as a suspected suicide bomber, some seven of whom the police had believed – until almost the last moment ('as close as "that"') – warranted response on that suspicion, presumably by using a shoot to kill policy.²

The talk of combating British-born extremism or the need to get better legislative settings, including in the area of a 'shoot to kill' policy, has obscured some of the essential aspects of counter-terrorist operations. One of the most important is that it is immensely difficult, if not impossible, to prevent all such attacks where the mobilised pool of potential terrorists capable of targeting the UK from around the world numbers in the thousands. The equally important consideration flowing from the scale of threat facing the UK is that all

² Sir Ian Blair said: 'I know there have been 250 incidents since July 7 where we have considered whether we are seeing a suicide bomber. I know that when I last saw it there had been seven times when we have got as close to calling it as "that" and we haven't.' See Vikram Dodd and Michael White, 'Shooting to kill needs no warning', *The Guardian*, 27 July 2005, http://www.guardian.co.uk/uk_news/story/0,3604,1536751,00.html#article_continue.

policy effort and all resources need to be focussed on the highest priority task: identifying all of the people who are planning or materially supporting terrorist crimes against targets in the UK or anywhere else in the world against UK citizens or UK interests. The UK also has an obligation to support other governments in a global effort against people planning or carrying out terrorist attacks.

Prior to 7 July, the UK government had identified four broad policy priorities in its counter-terrorism effort:

- prevention
- pursuit (arrest and prosecution of terrorists)
- protective security
- preparedness to respond to the consequences of a terrorist attack.

This pamphlet concentrates its attention on two of the four policy areas: prevention and pursuit. It considers where the emphasis in prevention policy should lie. What is the balance between domestic and international policy? What is the balance to be given to prevention versus pursuit? Within domestic policy, what attention should be paid to the prevention of radicalisation and formation of extremist views when there are clearly inadequate resources to identify and capture actual terrorists? Is it even possible or desirable to legislate against the expression of extremist views?

The sub-title of the pamphlet, 'Know Your Enemy and Know Yourself', highlights the central role to be played by effective and real time intelligence effort in defeating terrorists. The security, police and border services must not only know the terrorists, they must be able to transfer that knowledge in the most timely and effective fashion to those who must act on it, either in the police, the courts or at border check points. The pamphlet offers one view of what need there may be for change in the current balance of priorities in UK counter-terrorism policy using the lens of 'intelligence'. The turmoil in UK public life surrounding the intelligence agencies and the government in recent years will make this analysis somewhat controversial and perhaps 'unwanted'. Yet these very circumstances should recommend to any prudent government the need for an especially close look at its counter-terrorist intelligence effort.

There is too much of a temptation for ministers, intelligence chiefs and senior police to dismiss ineffective effort by talking about how hard it is to get good intelligence and to prevent every attack. While true, such propositions cannot be left as the last word, or even taken as a useful contribution to the policy debate.

A subsidiary purpose of the pamphlet is to draw together some of the key reference information on the international terrorist threat to the UK since documents on this topic released by the government are usually very general. In a report by the House of Commons Select Committee on Home Affairs issued in March 2005, the Committee called for much better public information from the government on terrorism-related activity, particularly arrests and trials.³ That is but one aspect of many that warrants greater public attention.

The Jihadists and Al Qaeda

The events of 7 July 2005 were not the beginning of a new war with terrorism but a horrifying enemy success in a war that had been declared as early as 1992⁴ by Osama bin Laden and a number of Arab or Islamist terrorist groups with similar goals.⁵ This war had seen a series of deadly attacks in the years after 1992 in many countries on civilian and military targets. Many of these targets were American – the World Trade Centre in New York in 1993, US military accommodation in Saudi Arabia (Khobar Towers) in 1996, US embassies in Kenya and Tanzania in 1998, the *USS Cole* in Yemen in 2000, on the World Trade Centre and Pentagon on 11 September 2001. But many targets were not American: a bar in Bali (Indonesia) in 2002, an expatriate workers' compound in Saudi Arabia in 2003, and a train in Madrid in 2004. These attacks resulted in the deaths of

³ House of Commons, Select Committee on Home Affairs, 'Terrorism and Community Relations', 22 March 2005, paras. 161-162, <http://www.publications.parliament.uk/pa/cm200405/cmselect/cmhaff/165/16502.htm>.

⁴ The US State Department's Fact Sheet of 21 August 1988 on Osama bin Laden accused 'members of his network' of conspiring to kill US servicemen deployed to Yemen and Somalia in 1992 in connection with Operation Restore Hope in Somalia. Eighteen US servicemen were killed in Somalia.

⁵ For an analysis of bin Laden's various statements or manifestos, see Greg Austin, 'Preventing Terrorism? Direct Measures First – Intrusive, Normative and Personal!', in David Carment and Albrecht Schnabel (eds), *Applied Conflict Prevention: Opportunities and Constraints*, Lexington Books, Lanham MD, 2004.

thousands of people (including scores of British nationals) before 7 July 2005.

The *jihadists* include Osama bin Laden, members of his Al Qaeda group,⁶ and other close military and political supporters. At the same time, there are numerous groups and individuals around the world who have no direct operational links with Al Qaeda but who seek to emulate its terrorist actions. They share hostility to the USA, Israel and governments of certain states like Saudi Arabia and Egypt, which they see as repressive and un-Islamic, even anti-Islamic. They think that these governments have abandoned the law of Islam and squandered the potential of political pan-Islamism. In almost all cases, this hostility is linked in their rhetoric to the US military presence in Islamic countries, especially Saudi Arabia;⁷ repeated US military attacks on Islamic countries (Iraq, Sudan, Afghanistan) over a number of years; US military support for Israel; Israel's occupation of Palestine⁸ (especially Jerusalem); and the military alliance between the 'un-Islamic' Saudi government and the USA.

⁶ According to the US State Department's 1999 Annual Report on Terrorism, al Qaeda was 'established by Osama Bin Ladin in the late 1980s to bring together Arabs who fought in Afghanistan against the Soviet invasion. Helped finance, recruit, transport, and train Sunni Islamic extremists for the Afghan resistance. ...Plotted to carry out terrorist operations against US and Israeli tourists visiting Jordan for millennial celebrations. (Jordanian authorities thwarted the planned attacks and put 28 suspects on trial.) Conducted the bombings in August 1998 of the US Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, that killed at least 301 persons and injured more than 5,000 others. Claims to have shot down US helicopters and killed US servicemen in Somalia in 1993 and to have conducted three bombings that targeted US troops in Aden, Yemen, in December 1992. Linked to the following plans that were not carried out: to assassinate Pope John Paul II during his visit to Manila in late 1994, simultaneous bombings of the US and Israeli Embassies in Manila and other Asian capitals in late 1994, the midair bombing of a dozen US trans-Pacific flights in 1995, and to kill President Clinton during a visit to the Philippines in early 1995.'

⁷ US air forces had been based there from 1946 to 1962. Other very small-scale deployments of air assets occurred in 1963 and 1980. After Iraq invaded Kuwait in August 1990, the US began one its largest operational deployments since the Korean War, when it deployed 400,000 military personnel to the country. See Congressional Research Service Country Study, Saudi Arabia, [http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID-sa0105\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID-sa0105)). Some 6,000 troops remained there as of 1996. See 'CRS Issues Brief 93113: Saudi Arabia: Post-war Issues and US Relations', updated 2 December 1996, available at www.fas.org/man/crs/93-113.htm. By 2004, all but a small number had been withdrawn.

⁸ This view does not depend on any precise view of what is Palestine, except that it is Arab territory. Whether it includes the territory inside the state of Israel is not a distinction always made.

The *ihadists* share a commitment to use of deadly violence against civilian and military targets and use of terror tactics. They cloak their political sentiments and ideals in a legitimating mantle of fundamentalist Islam⁹ and defence against infidel aggressor-occupiers. Beyond these commonalities, it is less clear that they have a common political view of deeper issues, such as globalisation or the economic future of the Islamic world, or Saudi Arabia in particular. There is also the important psychological dimension to their motivations – a fundamental spiritual revulsion against (or at least confusion toward) what they see as a collision between Islamic values and Western ‘civilisation’.

A failure by the coalition forces to pacify Iraq under a representative government would temporarily remove one argument used by the terrorists for their campaign, but it would probably embolden them to extend actions in the UK or against British nationals, not curtail them. The longer the insurgents in Iraq can go on mounting terrorist attacks with relative impunity, the greater the likelihood that they will shift operations to targets in Britain or British targets elsewhere outside Iraq.

Resurgent Islam and Radical Arab Politics

The root causes of the Arab jihadist movement cannot be understood without reference to the resurgence of politicised Islam and the link that radical Arab activists and extremists have made between it and Arab nationalism, one element of which is support (however nominal) for Palestinian aspirations to statehood.

A specific variant of this resurgent Islam, and one that gave both moral and physical support to bin Laden and al Qaeda was the Taliban in Afghanistan. The emergence of the Taliban gave new life

⁹ According to a number of observers, such as Edward Said, there is such diversity in religious beliefs and practices between fundamentalists from different national backgrounds that a claim to commonality rooted in religion gives no greater commonality than that between mystical catholicism of Spain and austere and highly intellectualised protestantism of northern Europe.

to the concept of a unified, militant and militarily victorious Islam, a historical memory from the military victories that spread Islam from Mecca to Spain in the West and India in the East. In this respect, the symbolic appeal of the Taliban as a victorious and righteous army of avenging angels of Allah cannot be under-estimated. Such a historical memory has been prominent in the post-colonial politics of many Islamic countries. Nevertheless, as a political vision in the 21st century, any universality of the appeal of militant and victorious Islam on the march is immediately undercut by the many schisms that have occurred in 'orthodox' Islam since the time of the military conquests in its name centuries ago. These changes have occurred as much under the influence of local politics as under the influence of differences in theological understanding or religious vision. These schisms are marked at the most visible level in the differences between Sunni and Shiite, but apart from this division of the Islamic faithful, there are a number of other sub-groups in Islam akin to the various 'denominations' of the Christian religion.

The rise of the Taliban and the policies it implemented demonstrated fairly convincingly yet again that political groups claiming the mantle of some Islamic orthodoxy are at least as heavily influenced by local politics and traditions as by the claimed orthodox Islam. The Taliban success also demonstrated that their version of Islam is shared by few outside the immediate circle of believers. Iranian fundamentalism as advocated by Ayatollah Khomeini in Iran in 1978 is not Taliban fundamentalism as advocated by Mullah Umar in 1994 or 2001. Neither is the fundamentalism of Saudi Arabia the same as it was in Afghanistan, though there were closer affinities in terms of the variant of Islam practised.

In Saudi Arabia itself, there is a sharp political and religious contest going on about which fundamentalism is more orthodox. Bin Laden and a number of his followers tap directly into that contest for political supremacy in Saudi Arabia.

There are two important political implications to draw from the above. First, the emergence of religious fundamentalism as a dominant political force is first and foremost a political and social event that occurs in reaction to local conditions, especially sustained repression, sustained violence or sustained social disorientation (as with Christian fundamentalism in the USA). Second, the acts of

governments of Muslim countries in allying with a fundamentalist movement will be in essence acts of political expediency in which the religious mantle or religious aspects are secondary considerations.

But there are three other features of resurgent orthodox Islam that need to be remarked upon. First, it is a popular movement whose appeal has been growing since the 1970s. In this context, it is not – as the *Economist* and other sources have crowed – a positive virtue for the conduct of the war on terrorism if ‘virtually every Muslim government’ has rejected the terrorists’ interpretation of Islam.¹⁰ Virtually every Muslim government is a dictatorship, traditional monarchy or oligarchy,¹¹ and the *Economist* itself also noted that many were authoritarian, ‘deservedly unpopular, and manifestly incompetent’. But one needs to go further. As discussed below, some of these governments represent a root cause of the terrorism.

Second, because resurgent Islam is a popular movement, it is highly variegated and incoherent. One of the most serious manifestations of this is that there are no reference points outside the self for what the religion might legislate as right or wrong. As Olivier Roy describes astutely, the new orthodox Islamic intellectual can all too often be an ‘autodidact’, a tinker who creates a montage of bites from religion, the media and his or her own head to create an idiosyncratic vision of right and wrong, a vision which must be right to that individual simply because he or she is a devout Muslim.¹² But regardless of this incoherence, each and every member of the fundamentalist resurgence movement believes it to be unified around a common set of precepts of Islam.

Third, the resurgent orthodox Islam has an overlay of Muslim ‘nationalism’. Though political forms of this are almost dead, after being quite popular for many decades, at a social or personal level in Muslim countries, there is still a close identification of ‘community’ or ‘brotherhood’ among Muslims relative to non-Muslims. This sense of solidarity underpins the feelings of hurt or injustice that people in one

¹⁰ *The Economist*, 17 November 2001, p. 10.

¹¹ Exceptions include Indonesia, Malaysia and Turkey – all countries on the geographic fringe of the Islamic world, and none in the Arab world.

¹² Olivier Roy, *The Failure of Political Islam*, I. B. Tauris, New York, 1995, p. 97.

Muslim country feel toward people in another when they suffer at the hand of non-Muslims.

As one author recently put it, 'Islamism has arisen from a combination of push-and-pull factors from Morocco to Indonesia, ranging from dissatisfaction to lack of mobility and impeded political participation, to increased religiosity and a desire to revitalize the religious dimension after the failure of other secularist ideologies'.¹³ She noted that the 'most destructive and energetic of Islamic radicals were not members of the most miserable of social rankings' but middle-income professionals, or as in the case of Osama bin Laden, wealthy. While, the claims of economic or social disadvantage are exploited by *jihadi* recruiters, this is not the central element of their ideology nor a central cause of resort to terrorist action.

Britain as an Al Qaeda Target

Britain, like France, has been a target of the *jihadi* hatred since the early 1990s. This has been documented in several places, but an indicative source identifies statements by bin Laden as early as 1996, saying that Britain 'bears the greatest enmity toward the Muslim world'.¹⁴ In 2000, bin Laden catalogued what he saw as Britain's many 'transgressions' against the Muslim world: destroying the caliphate system, creating the Palestine problem, creating the Kashmir problem, denying defensive weapons to Bosnian Muslims, denying Iraqi children food under UN sanctions, and bombing Iraqi children.

After the attacks of July 2005, one of bin Laden's deputies said that the UK had been a legitimate target ever since it supported corrupt

¹³ Sherifa Zuhur, 'Saudi Arabia: Islamic Threat, Political Reform, and the Global War on Terror', US Army War College, March 2005, <http://www.carlisle.army.mil/sssi/pdf/files/PUB598.pdf>.

¹⁴ *Through our Enemies' Eyes: Osama bin Laden, Radical Islam, and the Future of America*, Brassey's Press, Washington DC. 2003, pp.233-34. The author was anonymous, but was clearly a former US intelligence official of some sort with extensive knowledge of bin Laden.

Arab rulers, invaded Afghanistan and invaded Iraq.¹⁵ He justified the attacks in the following terms:

Blair has brought destruction upon you, to the centre of London, and he will have more of it, Allah willing. Oh the peoples of the Crusader coalition, we have offered you, at least, to stop your aggression against the Muslims. We have offered you... The lion of Islam, the mujahed Sheik Osama bin Laden, may Allah protect him, has offered you a truce, so you will leave the lands of Islam. Did Sheik Osama bin Laden not tell you that you could not dream of security before we live it as a reality in Palestine and before all the infidel armies leave the land of Muhammad? ... Our message to you is clear and unequivocal: You will not be saved unless you withdraw from our land, stop stealing our oil and our resources, and cease your support of the corrupt (Arab) rulers.

This statement should be read as evidence of a continued threat by Al Qaeda and its sympathizers to attack Britain. It should also be read as a call to potential followers to use the successful attacks as a foundation of further action. (It should not be read as an objective statement of why *ihadists* are launching attacks on the UK.)

The British internal security service, MI5, has described the current global threat from Al Qaeda in the following terms:

While damaged, however, Al Qaida and associated networks remain capable of carrying out major terrorist attacks, such as those on commuter trains in Madrid in March 2004. A number of its senior leaders, including Usama bin Laden himself, and many trained terrorists remain at large. The threat from Al Qaida and associated networks is therefore likely to persist for some time.¹⁶

Focusing more specifically on Britain, the Home Office provides the following elaboration:

We know that both British and foreign nationals belonging to Al Qaida cells and associated networks are currently present throughout the UK, and that they are supporting the activities of terrorist groups in a range of ways, for example through the

¹⁵ Excerpt from an interview with Al Qaeda leader, Ayman Al-Zawahiri, Al-Jazeera TV, 4 August 2005. See <http://memri.org/bin/latestnews.cgi?ID=SD95005>.

¹⁶ See <http://www.mi5.gov.uk/output/Page8.html>.

provision of resources for networks engaged in conflict overseas; fundraising for terrorist networks overseas and in the UK; acquiring and disseminating false documents for use by terrorists in the UK and overseas; and the facilitation of training in the UK and overseas in both ideology and terrorist techniques. In some cases they have also been engaged in directly planning, or attempting to carry out, terrorist attacks.

Some of these terrorists have received military and specialist terrorist training in camps overseas, for example in Afghanistan. Relationships forged in these training camps form the basis of loose networks of terrorists who can operate outside structured organisations.

These networks operate covertly, using clandestine methods to communicate and shield their activities from scrutiny, which makes gathering intelligence on their activities more difficult.¹⁷

There are several elements of these assessments worthy of comment. First, the threat will persist for some time. The Al Qaeda message has gained more recruits, not fewer, since the attacks on 11 September 2001 and the subsequent invasions of Afghanistan and Iraq, and as a result of continuing military pressure by Pakistan on its militants, by Israel on the Palestinians (provoked in part by Palestinian terrorist attacks) and as a result of continuing Russian military pressure on Chechen rebels (provoked in part by Chechen terrorist attacks). There are a host of other reasons why the threat from Al Qaeda will persist for some years. Sustained violence by the Iranian and Saudi authorities against various dissident groups, and the unremitting insurgent campaign in Iraq provide further fuel for recruitment. The de-centralised and self-generating nature of Al Qaeda cells is another contributing factor to the long term persistence of the threat, regardless of the fate of key leaders, including bin Laden himself.

A recent article in *The Guardian* cited several important statistics on terrorism in the UK linked to Al Qaeda.¹⁸ It cited Lord Stevens who suggested that that up to 3,000 British-born or British-based people

¹⁷ See <http://www.homeoffice.gov.uk/terrorism/threat/index.html>.

¹⁸ Rosie Cowan, Duncan Campbell, Richard Norton-Taylor and Giles Tremlett, 'US bomb clues may hold key to terror attack', *The Guardian*, 11 July 2005, <http://www.guardian.co.uk/attackonlondon/story/0,16132,1525813,00.html>.

had passed through Osama bin Laden's training camps and that there were now about 200 committed 'home-grown terrorists'. Commenting to *The Guardian*, an intelligence official described a 'very small number of inner-core al-Qaida people' in Britain consisting of 30 or so members, with several hundred who have been to training camps or have fought in Afghanistan, Bosnia or Chechnya. The intelligence source also mentioned a third group of 'home-grown' radicalised Britons not linked to the external groups.

A similar report published before the 7 July attacks by *The Times* makes a link between the war in Iraq and the decision by some 70 Britons to go to Iraq to fight coalition forces there.¹⁹ If there are 70 Britons known to have travelled to Iraq to fight, it might not be unreasonable to assume that the number in the UK prepared to use terrorist methods to attack targets here may be smaller or about the same.

Notwithstanding the attention paid to young male British Muslims after the attacks of 7 July, the bigger threat probably remains foreign members or followers of Al Qaeda. These may as readily be Arab, Indonesian, Black African or 'white', as Asian. If citizenship is to be any criterion for directing of counter-terrorism resources, the monitoring of foreigners linked to terrorism must remain a higher priority than monitoring of British-born suspects.

Weapons of Mass Destruction

When questioned directly on his efforts to acquire and use weapons of mass destruction, bin Laden declined to rule out their use. In December 2002, the USA released a new 'National Strategy to Combat Weapons of Mass Destruction'²⁰ which linked the National Security Strategy more directly to preventing the acquisition by terrorists of WMD. The document committed the USA to preventing terrorists from threatening it with the 'world's most dangerous

¹⁹ David Leppard and Hala Jaber, '70 British Muslims join Iraq fighters', *The Sunday Times*, 26 June 2005, <http://www.timesonline.co.uk/article/0,,2087-1669637,00.html>.

²⁰ <http://www.whitehouse.gov/news/releases/2002/12/WMDStrategy.pdf>.

weapons'. The threat of possible terrorist attack from WMD has been recognized in UN Security Council Resolution 1540 (2004).²¹

There are several reliable reports that Al Qaeda and its followers continue to attempt to acquire weapons of mass destruction – nuclear (radiological), chemical and biological.

According to a US intelligence community assessment of 2004, there is a high likelihood that Al Qaeda and its followers will continue to plan attacks 'intended to cause ever higher casualties'.²² In a US National Intelligence Committee study finalised in December 2004, and released in 2005, the US concluded that the 'most worrisome trend has been an intensified search by some terrorist groups to acquire WMD'.²³ The report identified biological weapons as the greatest concern, and nuclear weapons as 'less likely'. It said that terrorists continue to attempt to acquire nuclear weapons and that a nuclear attack by terrorists before 2020 'cannot be ruled out'.

Policy responses to terrorist interest in weapons of mass destruction have been well treated in a number of places, not least the 2004 pamphlet, *Pre-Emptying Nuclear Terrorism in a New Global Order*, by Amitai Etzioni.²⁴ He argued for a 'strategic shift' of policy and resources to 'deproliferation' – bringing nuclear fissible materials around the world into safe hands. This is a massive undertaking in itself, with implications for security relations with states like Pakistan and Russia, which he sees as the mains location of the danger – uncontrolled nuclear materials slipping into the hands of terrorists.

²¹ In the Resolution, the Council said it was '*gravely concerned* by the threat of terrorism and the risk that non-State actors such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery'.

²² See National Commission on Terrorist Attacks Upon the United States, 'Overview of the Enemy', Staff Study No. 15, http://www.9-11commission.gov/staff_statements/staff_statement_15.pdf.

²³ US National Intelligence Committee, *Mapping the Global Future*, NIC 204-13, December 2004, Washington DC, p. 95.

²⁴ Amitai Etzioni, *Pre-Emptying Nuclear Terrorism in a New Global Order*, Foreign Policy Centre, London, 2004.

Etzioni notes that these efforts, preventing nuclear terrorism through control of nuclear materials, are receiving insufficient attention, both in policy terms and in resources.²⁵

The threat of terrorist use of WMD is a complex one which demands counteractions across a very broad range of foreign policy, from non-proliferation regimes at the global level, to military pressure on states like North Korea and Iran not to acquire nuclear weapons. Domestically, the threat must be met by new regimes at ports and other entry points with sophisticated scanning and detection equipment and large numbers of highly trained staff familiar with the technical issues at a large number of entry points.

Why Terrorists Do It?

There are definitional approaches to understanding terrorism which concentrate on the type of act. This might be the 'high-jacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)' or the use of threats against someone taken hostage as a bargaining chip to compel a third party to do something in return for the release of the hostage. It can also include a violent attack upon an internationally protected person, assassination or the use of any biological agent, chemical agent, or nuclear weapon. Under US law, a terrorist act can also be a 'threat, attempt, or conspiracy to do any of the foregoing'. The US legislation also defines support in planning or conducting such activities, including knowingly providing financial support, as engaging in a terrorist act.

But an important feature of this US legislation is that it makes plain that the acts it covers are already criminal offences under other US laws.²⁶ The effect of those parts of the legislation²⁷ specifically related to terrorism is not therefore to criminalise the actions for the first time, but to give them a special stigmatisation and provide thereby harsher penalties. And this is in fact the primary conclusion

²⁵ Ibid p. iii.

²⁶ The relevant wording of the Act reads: 'any activity which is unlawful under the laws of the place where it is committed (or which, if committed in the United States, would be unlawful under the laws of the United States or any State)'.

²⁷ The legislation also served the important purpose of bringing all related offences under federal jurisdiction.

one can draw about the term 'terrorism'. Its most important characteristic is that the decision of others to use the term to describe an act of violence as terrorist is more political than descriptive.²⁸

In recent years, especially under the influence of the September 11 events in the USA in 2001, leaders of some Western countries have tried to stigmatise all attacks on 'civilians' by sub-state actors as 'terrorist'. Thus, the old proposition that 'one person's terrorist is another's freedom fighter' has been counter-balanced somewhat by growing international acceptance that any military-style attacks (even of an irregular or unconventional nature) on civilian targets are war crimes or crimes against humanity.

Small-scale violence of the type normally associated with terrorism is in peaceful societies called terrorism because it is more shocking, while in highly unstable societies it is usually called guerrilla war or an insurrection, or as in Iraq today, an 'insurgency'.²⁹ It is only in countries of relative peace that small group violence of the type associated with the term terrorism is likely to attract the label. In societies where violence is more common, most western sources, governmental or non-governmental, do not use the word terrorism to describe such violence.

There are additional perspectives though that help us to understand why terrorists do it, the shape of the terrorist threat, how serious it is, and what influence we can have – if any – over a person's choice to become a terrorist.

Terrorism Is Case Specific: Terrorism should not be considered as a coherent form of violence, or as a 'single phenomenon'. Different

²⁸ In legal terms, a person who has committed a terrorist act may remain a terrorist, if that person abandons terrorist acts as a political tool, he or she can often graduate to the class of the politically acceptable. In this respect, terrorism can pay, and has done so in several cases this century. Thus, while we can have a clear functional vision of terrorism as a tool of political strategy, it is the possibility of a political evolution – that terrorism can pay, that terrorism can be legitimated, that one man's terrorist is another man's freedom fighter – which underscores the colour and prejudice in use of the term.

²⁹ Adrian Guelke, *The Age of Terrorism and the International Political System*, I. B. Tauris, London, 1998, pp. 29-31, 48, 188. This section the pamphlet draws heavily on this work by Guelke, one of the best available on the subject of terrorism.

explanations for each case take us much further than efforts to construct a single theory of terrorism.³⁰ Similarly, the causes why one person decides to become a terrorist may not be the same causes for another person to decide to do so. Nevertheless, as suggested immediately below, some insights can be gained into the *ihadists* by looking at some comparative analysis.

Are the *ihadists* Rational? Specialists on terrorism identify several types of which one of the most important is the 'cataclysmic' or 'messianic', a type of person not seeking identifiable political aims but rather the complete collapse of the existing social or political system. The Japanese group, Aum Shinrikyo, is clearly in this mould as was the Unabomber in the USA. Terrorists of this type are very difficult to contain unless they are physically locked up or killed. The main reason is that they will keep killing and using terror regardless of changes in policy. But even groups of this sort depend for their recruitment or other support on legitimating ideas rooted in the contemporary realities of politics and perceptions of those realities.

Since most people are not terrorist by nature, the proportion of people in a terrorist group who are actually motivated by a self-destructive cataclysmic goal is usually small. For this reason, even groups with cataclysmic goals need to be able to maintain some link between the claims they pretend to be fighting for and a continuation of the circumstances they say justifies the fight.

Osama bin Laden has specific political goals which he is aiming to achieve. He is rational.³¹ Governments should not trust specialists who say otherwise. The main unifying thread of his organisation and his followers is that they are fighting a defensive war for the protection of Islam and the Islamic community. One of the main geographical focal points of the *ihadist* campaign remains Saudi Arabia. A recent study published by the US Army War College had a number of recommendations centred on links between Saudi nationals and terrorism. Two of some relevance to the UK today are:

³⁰ Guelke, *The Age of Terrorism*, pp. 47, 51.

³¹ See Anonymous, *Through our Enemies' Eyes: Osama bin Laden, Radical Islam and the Future of America*, Brassey's, Dulles VA, 2003, for a thorough demonstration of this view.

Examining and more carefully analyzing the influence of Saudi *'ulama* and Islamic institutions in the Kingdom and upon the progress of reform and democratization in neighboring countries.

Monitoring the impact on Saudi Arabia of the security situation in Iraq, and eliciting allies' cooperation in monitoring travel for religious purposes in the Kingdom and regionally.³²

When Do People Use Terrorism? According to a leading study by Guelke, terrorism is a form of low intensity conflict. The term terrorism is used most often when the 'scale of violence used is conspicuously much smaller' than that likely to be necessary for the successful achievement of the declared goals. Terrorism is the weapon of those without access of other, more lethal forms of violence or without access to a mass recruit base. If Al Qaeda could count on 'civilian battalions' or 'brigades', such as those that formed in the Spanish Civil War, then bin Laden would have them in Saudi Arabia fighting to control that country. Thus, by definition almost, terrorists rarely succeed in terrorising governments and rarely succeed in achieving its political goals.³³

The big implication of this is that for the most part, the terrorists need to fear the coercive and intelligence powers of the modern state more than we need fear them. This calculation is however dramatically reversed if the terrorist, not constrained by moral reservations about mass murder, can acquire and use weapons of mass destruction.

An additional corollary of the 'terrorists are weak' argument is that terrorism is more likely to arise in times when there is greater uncertainty about the consequences of the actions. It is this uncertainty that gives a small, weak group even some hope that its limited actions will have the claimed political utility.³⁴ When the uncertainty is operating at an international level, then there is more likelihood that there will be simultaneous outbreaks of terrorism in different countries in response to that uncertainty.

³² Sherifa Zuhur, Saudi Arabia: Islamic Threat, Political Reform, and the Global War on Terror, March 2005, <http://www.carlisle.army.mil/ssi/pdffiles/PUB598.pdf>.

³³ Guelke, *The Age of Terrorism*, pp. 36, 188.

³⁴ Ibid. pp. 180-181.

When Does Terrorism Work? The higher the level of violence, the more likely that it will begin to show results (and the more likelihood that use of the term terrorism will be less frequent in connection with that violence). Another characteristic of terrorism in general that is identified in much of the literature is that it is in part a 'product of the weakening of the constraints on violence'.³⁵ In many acts labelled terrorist, there is often a strong motivation of revenge or retaliation, without substantial reference to broader political goals.

One implication of these observations is that the decades of war in the Middle East undoubtedly demonstrated a weakening of the moral constraints on violence, mostly by Arab governments, one of which even used chemical weapons. This was and remains one main cause of *jihadist* terrorism. It also follows that the invasions by coalition forces of Afghanistan and then Iraq were destined to aggravate the perceptions of unconstrained, unremitting violence, and thus increase the prospects of more terrorist acts.

Are There Really 'Root Causes' of Terrorism? Terrorism cannot be understood without reference to the 'user's perceptions of its utility'.³⁶ But in addition to asking why the terrorist makes a utilitarian calculation, there is also the need to consider that there may be non-utilitarian reasons (emotional or psychological) for the choice.³⁷ There can be a strong causal link between the terrorist's calculation of the utility of such acts and the level of popular support he or she believes the acts or their putative goals will attract. Therefore, in addressing the basis of the choice for terrorism, it is important also to look at the causes of popular support for the terrorists or their acts. (This is not the same thing as looking at what social or economic grievances the support base might have, but rather why the supporters can readily accept that murder, maiming and mayhem are appropriate responses to their grievances.)

³⁵ Ibid. p. 24.

³⁶ Ibid. p. 181.

³⁷ A particularly useful statement of this perspective is provided by Erich Fromm in 'Escape from Freedom'. He describes individuals unable to deal with modernity who escape the feeling of their own powerlessness in comparison with the outside world 'by destroying it'. This they do in the name of something bigger and more powerful whole outside themselves, whether it is a person, an institution or God. The author would like to thank Dr Judith Klinghoffer of Rutgers University for drawing this to his attention.

Since terrorism is just one form of violent political action, this author regards it as important for policy makers seeking to address its root causes to focus not just on the things that make terrorism unique, but also on the causes of resort to violence in general. One must know why an actor makes a new calculation about the utility of terrorism in his/her political plan versus peaceful forms of political contest.

Counter-Terrorist Operations, Not Counter-Terrorism! One trap associated with use of the word terrorism can be that governments become victims of their own propaganda. While it is in a target government's interest to have its public see terrorists as less than human, it may unwittingly prolong a campaign if its rhetoric blinds it to the need to take into account the processes by which the terrorists justify their actions.³⁸ A government that takes actions confirming the terrorists' precepts will run the risk of generating further terrorist acts. By contrast, if events 'falsify a group's theory of change', there is a greater prospect that the group will stop engaging in violence, disintegrate or modify its behaviour.³⁹

But fundamental policy change to eliminate the grievance is not the only way, and probably not, in most cases, even a desirable way to falsify a group's theory of change. The capture and suppression of individual terrorists, especially by non-military police and judicial process, can often be the most powerful way to falsify the group's theory that terrorism can work in support of the declared aims. Preventing terrorism is first and foremost a struggle to influence the political and personal choices of the individual terrorists.

Terrorist Activity in Britain: All Groups

Policy responses to terrorist attacks must be commensurate with the threat. What is the record for terrorist attacks and threatened attacks in the UK in recent years? According to the US government, the following terrorist groups were active or of concern in the UK in 2005 in terms of attacks:

³⁸ Guelke, *The Age of Terrorism*, p. 42.

³⁹ *Ibid.* p. 180.

Earth Liberation Front (ELF)
 Moroccan Islamic Combatant Group
 New Armenian Resistance (NAR)
 Takfir wa Hijra
 Yemen Islamic Jihad
 al-Qaeda

In the five and half years between 10 July 1998 and 31 December 2004, according to US official data, there were 20 significant terrorist attacks in the UK, excluding Northern Ireland. These are listed in Table 1. That figure represents an average of less than four per year. Of these, the source of attack in 13 cases is listed as unknown.

**Table 1: List of Significant Terrorist Attacks in the UK (excl. Northern Ireland)
 1 January 1998 to 31 December 2004⁴⁰**

Unknown Group – Government target (5 Jan 2004)
 Unknown Group – Airports & Airlines target (13 Feb 2003)
 Unknown Group – Diplomatic target (9 May 2002)
 Unknown Group – Government target (12 Apr 2002)
 Unknown Group – Unknown target (4 Apr 2002)⁴¹
 Real Irish Republican Army (RIRA) – Other target (2 Nov 2001)
 Unknown Group – Business target (19 Oct 2001)
 Real Irish Republican Army (RIRA) – Private Citizens & Property target (3 Aug 2001)
 Real Irish Republican Army (RIRA) – Government target (6 May 2001)
 Real Irish Republican Army (RIRA) – Government target (14 Apr 2001)
 Real Irish Republican Army (RIRA) – Journalists & Media target (4 Mar 2001)
 Unknown Group – Business target (11 Dec 2000)
 Real Irish Republican Army (RIRA) – Government target (20 Sept 2000)
 Unknown Group – Unknown target (20 Aug 2000)
 Unknown Group – Transportation target (19 July 2000)
 Continuity Irish Republican Army (CIRA) – Transportation target (1 June 2000)
 Unknown Group – Airports & Airlines target (7 Feb 2000)
 Unknown Group – Government target (13 July 1998)
 Unknown Group – Unknown target (10 July 1998)
 Unknown Group – Private Citizens & Property target (12 Feb 1998)

⁴⁰ US National Counterterrorism Center, Country Reports, United Kingdom, <http://www.tkb.org/MoreCountryIncidents.jsp?countryCd=UK>.

⁴¹ Such as a bomb assumed to be made by a terrorist but not located adjacent to an obvious target.

If we take 11 September 2001 as the reference point, there were seven significant attacks in the UK between then and the end of 2004. According to the US government, at an unclassified level of information, the source of six of the seven attacks since 11 September 2001 was unknown. Since that date, there were more significant attacks in the UK before it invaded Iraq than after, though the 7 July 2005 attacks were obviously far more serious than any in the preceding period. The Omagh bombing of 1998 killed as many people (29) as some of the single attacks in London on 7 July 2005, and was until 1998 the worst incident of its kind in terms of numbers of fatalities.

If one moves beyond actual terrorist incidents to planned incidents, the record is equally low in numerical terms. There are several sources. The Home Office says that a 'significant number of terrorist attacks have been thwarted in the UK since 11 September 2001. Intelligence-led operations have contributed to numerous arrests made under the Terrorism Act 2000'.⁴² But while the number of arrests has been high, the number of thwarted attacks prior to the end of 2004 appears to have been eight,⁴³ with two in 2004,⁴⁴ and the number of convictions for terrorist related offences in the same period was 21.

According to the Home Office, police records show that from 11 September 2001 until 31 March 2005, 732 people were arrested under the Terrorism Act 2000.⁴⁵ Of these, 121 were charged under the Act (with 46 of the 121 also charged with offences under other legislation). Another 138 were charged under other legislation, including charges for terrorist offences that are already covered in general criminal law such as murder, grievous bodily harm and use of firearms or explosives. By March 2005, 21 of those charged had been convicted of offences under the Terrorism Act. Table 2 below summarises the outcome, as of March 2005, for the 732 cases.

⁴² Home Office, <http://www.homeoffice.gov.uk/terrorism/threat/index.html>.

⁴³ Rosie Cowan, Duncan Campbell, Richard Norton-Taylor and Giles Tremlett, 'US bomb clues may hold key to terror attack', *The Guardian*, 11 July 2005, <http://www.guardian.co.uk/attackonlondon/story/0,16132,1525813,00.html>.

⁴⁴ Uncorrected evidence, Home Affairs Committee, 'Counter-Terrorism and Community Relations' inquiry, 13 September 2005, evidence of the Home Secretary, Charles Clarke.

⁴⁵ http://www.homeoffice.gov.uk/docs3/tatc_arrest_stats.html.

**Table 2: Arrests, Convictions and other Actions under Terrorism Act 2000
11 September 2001 to 31 March 2005⁴⁶**

Total arrested	732
Charged under Terrorism Act	121
Charged under other legislation & not the Terrorism Act	138
Transferred to Immigration Authorities	59
On Bail to Return	23
Cautioned	7
Dealt with under Mental Health Legislation	7
Awaiting Extradition	1
Returned to Prison Service Custody	1
Released Without Charge	376

**Table 3: Persons detained under any legislation and charged with offences
contained specifically in the Terrorism Act:
1 January 2004 – 31 December 2004⁴⁷**

Section 11 (Membership)	4
Section 12 (Support)	0
Section 13 (Uniform)	0
Section 15 (Fund raising)	2
Section 16 (Use and possession)	0
Section 17 (Funding arrangements)	4
Section 18 (Money laundering)	1
Section 19 (Disclosure of information: duty)	0
Section 38B (Information about acts of terrorism)	0
Section 54 (Weapons training)	0
Section 56 (Directing Terrorist Organisation)	0
Section 57 (Possession for Terrorist purposes)	2
Section 58 (Collection of information)	5
Total Number Of Charges	19
Total Number Of Persons Charged	19

**Table 4: Arrests under the Terrorism Act 2000 1 January 2004 – 31 December
2004⁴⁸**

Total Arrests	162
Number Charged	40
Terrorism Act	19
Other Legislation	21
Arrests by Type of Terrorism	
Irish Terrorism	16
International Terrorism	137
Domestic Terrorism	9

⁴⁶ Source: Home Office. There is a discrepancy of one for numbers of individuals in the data supplied by the Home Office.

⁴⁷ 'Report on the Operation in 2004 of the Terrorism Act 2000', Annex C, http://www.homeoffice.gov.uk/docs4/Terrorism_Act_Report.pdf.

⁴⁸ Ibid. Annex E.

In 2004, the tempo of charges had slowed considerably. According to information provided by the Metropolitan police and cited by Lord Carlile, the number of persons detained under any legislation but charged for offences contained specifically in the Terrorism Act was nineteen, broken down as shown in Tables 3 and 4. The seizure and forfeiture of terrorist cash in the UK in 2004 was also small: three seizures, for a total amount of £16,312.⁴⁹ Figures for freezing of bank accounts since 11 September 2001 appear to be £370,000 worth of assets in 45 accounts.⁵⁰

In April 2005, two men were convicted for separate terrorist offences (one for planning to blow-up a passenger aircraft in 2001 and one for conspiracy to cause a public nuisance using toxic chemicals and explosives).⁵¹ In August 2004, three British Muslims were arrested and charged with planning attacks on key financial centres in the USA.⁵² US officials said that one of the men is a senior al-Qa'ida operative who formerly reported to Khalid Sheikh Mohammed, one of the organisers of the 2001 terror attacks (and who was arrested in Pakistan in 2003). US prosecutors say the three British men conducted surveillance on the buildings between August 2000 and April 2001.

Attacks against UK nationals outside the country also need to be mentioned. These have not been numerous and include: the car bomb attack on the British Consulate in Istanbul in November 2003, killing five people, shooting of a British national in Saudi Arabia in September 2004, the murder of Kenneth Bigley in Iraq in October 2004, and the murder by a suicide bomber of a British national in Doha (Qatar) in March 2005.

⁴⁹ Ibid. Annex D.

⁵⁰ This figure was given in testimony by Gordon Brown to Parliament. See Reuters, 19 July 2005, http://www.iol.co.za/index.php?set_id=1&click_id=3&art_id=qw1121747763256B226.

⁵¹ Home Office, 'The Threat to the UK from International Terrorism', 8 July 2005, <http://www.homeoffice.gov.uk/terrorism/threat/index.html>.

⁵² Rupert Cornwell, 'Three Britons face US charges of plotting terror attacks', *The Independent*, 13 April 2005, <http://news.independent.co.uk/world/americas/story.jsp?story=628887>.

Europe as a Terrorist Target: 2004

To understand the scale of the threat facing the UK and its nationals, and to appreciate the relative success of its security services, it is useful to consider the pattern of terrorist attacks elsewhere in Europe. It is beyond the scope of this paper to give a historical review or detailed analysis, but statistics for 2004 provide some reference points. According to US data, there were only 24 significant terrorist attacks in 2004 in all of Europe and Eurasia, though these resulted in some 636 deaths, compared with 726 killed in the Middle East and 502 killed in South Asia. Apart from fatalities, there was a higher number of people injured in Europe and Eurasia by terrorist attacks (2,950) in 2004 than in the Middle East (1,794) or in South Asia (1,694).

The country break-down for 2004 in Table 5 shows that the UK (excluding Northern Ireland) had been until the end of 2004 a very quiet location in terms of terrorist incidents compared with at least Turkey, Spain and France.

Table 5: Terrorist Incidents for Selected Countries 2004

Country	Number	Fatalities (incidents)	Wounded (incidents)
UK ⁵³	32	0	11(7)
Turkey	89	36 (18)	155 (37)
Spain	33	192 (2)	1941 (7)
Netherlands	4	1	1
France	67	0	15 (4)
Sub-total	225	228	2123
TOTAL	319	234	2159

Global Terrorist Trends 2004

In 2004, according to US data, there were 651 significant 'terrorist' attacks throughout the world.⁵⁴ In regional terms, there were more

⁵³ Excluding Northern Ireland.

⁵⁴ US National Counterterrorism Center, *A Chronology of Significant International Terrorism for 2004*, 27 April 2005. The data in the NCTC report for 2004 was not

terrorist attacks in South Asia in 2004 than in the Middle East (327 as against 270). Of some note, only three per cent of all attacks globally in 2004 were suicide bombings (18 attacks). The data for 2004 included attacks in Iraq. Of some considerable note, both Africa and the Americas were virtually free of terrorist attacks in 2004: 9 and 13 respectively.

In the three years after 11 September 2001, the US could report that federal authorities had 'charged over 350 individuals uncovered in the course of terrorist investigations, and convicted or secured guilty pleas from over 185 individuals'. The US also reported that it disrupted alleged terrorist cells in New York, Washington, Oregon, Northern Virginia, North Carolina, and Florida.⁵⁵

In terms of terrorists captured or killed, President Bush reported on 11 July 2005 as follows: 'We have damaged the al Qaeda network across the world. In the Persian Gulf, al Qaeda's chief of operations has been captured. In Southeast Asia, a top strategist for al Qaeda's associate group was captured. In Pakistan, top al Qaeda leaders have been captured, including one of bin Laden's senior terrorist facilitators. We captured the mastermind of the September the 11th attacks. We captured a terrorist involved in the bombings of the U.S. embassies in Kenya and Tanzania, and a key planner in the attack on the USS Cole. Our ally, Pakistan, has killed or captured more than 600 terrorists, including bin Laden's chief of operations, a man named al-Libbi'.⁵⁶

The USA also reported that by the third anniversary of the attacks, it had designated 387 entities as terrorists or supporters of designated terrorists and frozen nearly \$142 million in terrorist-related assets. More than \$37 million has been frozen in the United States. It had identified and frozen over \$4.5 million in al Qaeda-related funds. In addition, almost \$72 million has been frozen by other governments worldwide. Almost 1,500 terrorist-related accounts and transactions

collated using the same definitions as the data in earlier State Department annual reports on international terrorism, when it had the responsibility on behalf of the US Administration for publishing them.

⁵⁵ White House, 'Three Years of Progress in the War on Terror', <http://www.whitehouse.gov/news/releases/2004/09/20040911.html>.

⁵⁶ Speech by President Bush, FBI Academy, Quantico, 11 July 2005, <http://www.whitehouse.gov/news/releases/2005/07/20050711-1.html>.

have been blocked around the world, including 151 in the United States. Over 80 countries have also introduced new terrorism-related legislation, and 94 have established Financial Intelligence Units. Consistent with applicable UN Security Council Resolutions, more than 170 countries and jurisdictions have issued freezing orders.

Of special note is the success of the Saudi Arabian government against Al Qaeda in that country. By 2005, only six of the top 26 most wanted Al Qaeda suspects in Saudi Arabia remained at large. Between 400 and 500 suspected terrorists or militants had been killed or captured. According to the US-based Centre for Strategic and International Studies, Al Qaeda in Saudi Arabia is almost a spent force.⁵⁷

A study of Southeast Asian radicalism and terrorism concluded that the Bali bombing of 2002 was a 'blessing in disguise' on three main grounds.⁵⁸ First, the police succeeded in catching the bombers and unearthing significant information on terrorist networks in Southeast Asia. They were able to confirm links between the Bali attacks and earlier bombing incidents in Indonesia in the previous two years. Second, the capture of the attackers and their own radical statements served to dispel a widely held belief that the attacks were some sort of conspiracy. The lack of remorse shown by the attackers during their trials showed their motivation to be a uniquely personal hatred and violent ideology. Third, the capture proved that there were terrorists among the population who would use Islam to justify violence. The trials exposed radical clerics who had previously blurred their defence of radicalism and the defence of terrorist violence.

⁵⁷ Anthony H. Cordesman and Nawaf Obaid, 'Al Qaeda in Saudi Arabia: Asymmetric Threats and Islamist Extremists', Working Draft, 26 January 2005.

⁵⁸ Azyumardi Azra, 'Bali and Southeast Asian Islam: Debunking the Myths', in Kumar Ramakrishna & See Seng Tan (eds), *After Bali, The Threat of Terrorism in Southeast Asia*, Institute of Defence and Strategic Studies, Nanyang Technological University, Singapore, 2003, http://www.worldscibooks.com/eastasianstudies/etextbook/5438/5438_chap1.pdf.

Funding Terrorism

Tracking the movement of terrorist funds is one of the most important ways in which security services can establish links between terrorists, and can be especially useful in disrupting coordination and in preventing attacks. Even though the cost of many terrorist operations can be quite small, the movement of funds can provide important signals. The regular work of the UK authorities, such as the Bank of England and the Charities Commission, provides some basic data about which individuals or groups are targeted. Nevertheless, this work is rarely reported in the UK press in any sort of consolidated manner. There is no comprehensive reporting in the public domain and by the government on terrorist financing in the UK. According to a 2005 report, 'in the absence of reported data by the National Criminal Intelligence Service (NCIS), it is unclear how much money is laundered in the UK, and to what extent charities are involved'.⁵⁹

The UK Charities Commission is one of the front line agencies addressing possible links between terrorism and charitable foundations. According to the Commission, it had inquiries open into the activities of five charities on 11 September 2001 and was evaluating concerns about two others. Since then, it has investigated a further ten charities, and opened formal inquiries into five of them. The Commission closed down two and froze the assets of a third.⁶⁰

In an investigation of a Muslim charity, the Charity Commission found that two of the people named on the UN Sanctions Committee list under resolution 1390 (2002) as belonging to or associated with certain terrorist organisations matched the names of two individuals listed as trustees of the charity. The Commission noted in its report:

The Charity Commission is alert to the possibilities of charities being used to further or support terrorist activities. It will deal with

⁵⁹ See 'A Regulatory Perspective on Money Laundering and the POCA', http://www.cipfa.org.uk/panels/charity/download/regulatory_perspective.doc.

⁶⁰ See <http://www.charity-commission.gov.uk/tcc/terrorism.asp>.

any allegation of potential links between a charity and terrorist activity as an immediate priority.⁶¹

But such concerns have not been limited to Muslim groups. In a report on an appeal for flood victims in Gujarat in 2001, a Commission investigation encountered concerns that £2 million raised from the UK by a group called Hindu Swayamsevak Sangh (HSS) might have been passed to the 'Hindu Nationalist Organisation Rashtriya Swayamsevak Sangh ('RSS')⁶² linked by some observers to the promotion of hate crimes akin to terrorism.⁶³ The Commission was 'satisfied that the trustees have taken sufficient steps to ensure funds have been applied in accordance with the appeal'. But the Commission also noted that it 'was unable to establish for itself how the funds were utilised as its request for visas to visit India to undertake an inspection visit were refused by the Indian government'.

⁶¹ Charities Commission, Investigation into the Islamic Foundation, 4 February 2004, <http://www.charity-commission.gov.uk/investigations/inquiryreports/if.asp>.

⁶² For the Commission report into the Hindu Swayamsevak Sangh, see <http://www.charity-commission.gov.uk/investigations/inquiryreports/hss.asp>.

⁶³ According to AWAAZ-South Asia Watch: 'The RSS, the 'National Volunteers' Corps', was formed in 1926 and is dedicated to turning India from a secular, democratic, multi-religious nation into an authoritarian anti-minority "Hindu nation". It has a large family of closely allied organisations operating in India and abroad. The founders and key leaders of the RSS were strongly inspired by Fascist Italy and vocally supported Nazi Germany, including Nazi policies towards German-Jews. The ideology of the RSS is 'Hindutva', a belief that India only belongs to Hindus who "share the blood" of "Vedic-Aryans" and who consider India as their "holyland". Hindu Swayamsevak Sangh UK is the British branch of the RSS. Sewa International UK is its "service project" and is the British fundraising arm for RSS front organisations in India.' See http://www.awaazsaw.org/awaaz_camp.htm. According to web-site of AWAAZ: 'Awaaz was established following the violence and killings of Indian citizens, mainly Muslims, in the state of Gujarat after February 2002. The Gujarat carnage was a turning point in the recent history of India and showed how genocidal Hindutva forces have established a firm hold on many aspects of Indian society. Awaaz campaigns against religious fundamentalist control of the state, civil society, political life and personal freedoms. Awaaz campaigns for secular democratic state institutions and civil life where all citizens have the right to live in peace and security and fully participate in the political and civil process and decision-making. Awaaz stands for peaceful resolution of problems between South Asian countries, opposes violation of human rights, and opposes discrimination based on caste, gender, religion, region, ethnicity, race, sexuality and other factors. Awaaz unreservedly condemns the political use of religion to attack individuals and minorities including Muslims in India, Christians and dalits across South Asia, Hindus in Bangladesh and Shias and Ahmaddis in Pakistan.'

But the charities investigated by the Commission or other authorities for possible links to extremism or terrorism are often the unwitting dupes of terrorist organisations.⁶⁴

There is widespread disaffection in the charitable sector with findings and methods of the Commission in respect of possible terrorist financing, as Lord Swinfen made clear in the House of Lords on 7 June 2005.⁶⁵

Saudi citizens remain an important source of terrorist financing. There is no evidence that the Saudi government has, as deliberate policy, funded Al Qaeda.⁶⁶ Nevertheless, there is a strong link between the high levels of funding from Saudi Arabia, especially its government, for fundamentalist religious education, and the growth of Islamist extremism. In some cases, the terrorist capacities of Al Qaeda and its affiliates and supporters have been directly funded by Saudi-based organisations. One of the principal targets of US interest in this regard has been Al Haramain, a Saudi Arabia-based nonprofit organisation established in the early 1990s. According to a staff study for the 9/11 Commission in the USA, al Haramain 'exists to promote Wahhabi Islam by funding religious education, mosques, and humanitarian projects around the world'. At its peak, the report noted, al Haramain had a presence in at least 50 countries, with its headquarters in Riyadh and branch offices in a number of countries.⁶⁷

⁶⁴ For a report on this see, 'A Regulatory Perspective on Money Laundering and the POCA', http://www.cipfa.org.uk/panels/charity/download/regulatory_perspective.doc.

⁶⁵ Lords' Hansard, 7 Jun 2005, Column 809, <http://www.publications.parliament.uk/pa/d199900/ldhansrd/pdvn/lds05/text/50607-10.htm>.

⁶⁶ See National Commission on Terrorist Attacks Upon the United States, 'Overview of the Enemy', Staff Study No. 15, http://www.9-11commission.gov/staff_statements/staff_statement_15.pdf.

⁶⁷ See National Commission on Terrorist Attacks upon the United States, Staff Monographs, 'Al Haramain Case Study', http://www.9-11commission.gov/staff_statements/911_TerrFin_Ch7.pdf. According to the staff report, 'estimates of its budget range from \$30 to \$80 million. It claims to have constructed more than 1,299 mosques, it funds imams and others to work in the mosques, and it sponsors more than 3,000 "callers to Islam" for tours of duty in different locations "to teach the people good and to warn them from wrongs". Although both the Saudi government and al Haramain say that it is a private organization, al Haramain has considerable ties to the Saudi government. Two government ministers have supervisory roles (nominal or otherwise) over al Haramain, and there is some evidence that low-level Saudi officials had substantial influence over various HIF offices outside of Saudi Arabia. The Saudi

In June 2003, the US government presented to the government of Saudi Arabia a non-paper which suggested 'that many al Haramain field offices and representatives operating throughout the world, as well as its headquarters in Saudi Arabia, appeared to be providing important support to al Qaeda'. The nonpaper provided 'details on the role of the HIF headquarters [Al Haramain] in supporting terrorist organizations'.

In testimony before a Senate Committee on 13 July 2005, a senior US official described the 'challenges posed by terrorist financing from within Saudi Arabia' as 'amongst the most daunting we have faced'.⁶⁸ He said that 'Saudi donors may still be a significant source of terrorist financing, including for the insurgency in Iraq'. He went on in a firmer tone: 'Saudi Arabia-based and funded organisations remain a key source for the promotion of ideologies used by terrorists and violent extremists around the world to justify their hate-filled agenda'.

UK Responses

In a press conference on 5 August 2005, laying out his government's response to the attacks of 7 July and the attempted attacks of 24 July, Prime Minister Tony Blair observed:

I see this as a global threat that has to be handled at a number of different levels, including the level of ideas and ideology, as well as security measures, ... I think it has got some of the same characteristics as revolutionary communism.⁶⁹

He noted that 'what happens in the Middle East ... in Iraq and Afghanistan is an important part of winning this battle here'. In response to a later question, Mr Blair returned to the global threat,

government has also historically provided financial support to al Haramain, although that may have diminished in recent years'.

⁶⁸ Senate Committee on Banking, Housing and Urban Affairs, Testimony of Stuart Levey, Under Secretary, Office of Terrorism and Financial Intelligence, US Dept of Treasury, 13 July 2005.

⁶⁹ Prime Minister's Press Conference, 5 August 2005, <http://www.number-10.gov.uk/output/Page8041.asp>.

and made plain his view that the response had to be multi-layered, involving both the ideological battle and security measures:

You can't win this battle by security measures alone. Now it doesn't follow from that that you don't have to take security measures, you do. But I have constantly said this is a battle of ideology as well and you have got to defeat the ideas of these people. You have got to take them head on. You have got to take them head on in their perversion of the two doctrines in faith of Islam, you have got to take them head on in their assertions about America, about American Foreign policy, about what the West wants, or does not want.

The remainder of this pamphlet takes those two levels of operation (security measures and the ideological battle) as the reference point for commenting on UK responses to the *jihadist* threat. In doing so, this section addresses the questions posed in the Introduction through the lens of 'intelligence'. Where should the emphasis in prevention policy should lie? What is the balance between domestic and international policy? What is the balance to be given to prevention versus pursuit? Within domestic policy, what attention should be paid to the prevention of radicalisation and formation of extremist views when there are clearly inadequate resources to identify and capture actual terrorists? It is even possible or desirable to legislate against the expression of extremist views?

Security Measures: Identifying the 'Enemy'

Many more people contemplate terrorism than take it up. Just taking the *'jihadist'* threat alone, an estimated 3,000 British citizens travelled to terrorist training camps in Afghanistan prior to 2002, according to *The Times*. There is no police force anywhere capable of monitoring all of these people who think positively about terrorism as a justifiable form of action. The UK police forces and security service cannot monitor all of the Muslims, Sikhs, Hindus, Jews and Christians in the UK who passively support or even positively condone the terrorist acts committed in the name of their religion in the last ten years either in the UK or abroad.

According to poll data identifying the numbers of people in the UK who condone terrorist action in some form, this figure is in the

hundreds of thousands. Poll data after 7 July 2005 puts the number of UK people who condone *jihadist* terrorism in Britain at greater than 100,000.⁷⁰

In addition, it is simply impossible to prevent all planned terrorist attacks. If protective security is put around political leaders, then others become the target. If security is enhanced in airports, then attacks will come against trains, or theatres, hospitals, schools or kindergartens, as we have seen in the case of Chechen terrorists in Russia in recent years. Detecting the plans for a specific terrorist attack is like finding a needle in a haystack. In the UK between 2001 and 2004, the authorities thwarted some eight serious terrorist attacks while another twenty attacks of varying seriousness were not prevented.

While the threat to the UK in terms of numbers of attacks or people charged with terrorism offences has in the past five years remained low level, the consequences, both immediate and longer term, of such attacks has been much more significant. Attacks can result in mass casualties, as those on 7 July 2005 in London showed. Failure to thwart terrorist attacks can embolden other terrorists, and since the *jihadist* campaign is nearly global in scope, and other campaigns cross several national boundaries, attacks in places like New York, Istanbul, Bali or Madrid can embolden terrorists in Britain. More significantly, not just one but several terrorist groups have discussed or experimented with weapons of mass destruction, and at least one group (Aum Shinrikyo) has used them. Even without use of such weapons, contemporary terrorists, such as Timothy McVeigh, the IRA faction at Omagh in 1998, Aum Shinrikyo in Japan and the '*jihadists*', have shown a willingness to undertake mass murder. In the case of the '*jihadists*', this threat has been evident since at least 1993 when the World Trade Centre was attacked.

The demands on police and security services to identify the most dangerous people and then to focus maximum political and

⁷⁰ See for example the poll reported in Vikram Dodd, 'Two Thirds of Muslims Consider Leaving the UK', *The Guardian*, 26 July 2005. Around ten per cent of the Muslim adults surveyed sympathised with the bombings, and half of that ten per cent felt that more attacks would be justified. Other polls confirm these broad findings.

personnel resources on preventing terrorist or terrorist related actions by these people are starkly evident.

Enforcement 1: Intelligence

The front line of counter-terrorism intelligence in the UK has three components: MI5, police agencies and border control agencies (customs and immigration). The three groups have to be equally good at their job. The first question to ask in evaluating UK counter-terrorism efforts is how well trained are the police and border control personnel in counter-terrorism issues?

The government has invested significantly in the police for counter-terrorism operations: for the Metropolitan Police, £49 million in 2002/2003, specifically for counter-terrorism purposes and an additional £62 million outside their general grant in 2003/2004; for the regional police forces of England and Wales, £12 million in specific counter-terrorist funding in 2002/2003, with a similar commitment for 2003/2004.⁷¹ It would be useful to know what shares of this increase in allocations goes to counter-terrorist training of police and border control personnel. What share has been spent on ensuring regular and timely provision to border control personnel of 'pursuit' alerts for terrorist suspects.

The government has also invested heavily in the intelligence agencies. Since 11 September 2001, the UK has doubled the size of MI5 and increased the size of its police forces in response to the

⁷¹ See Home Office web-site, <http://www.homeoffice.gov.uk/terrorism/govprotect/depts/index.html#Other%20security%20and%20intelligence%20agencies>. 'Police on both the national and local level are responsible for investigating terrorism, as part of their role of investigating, detecting and preventing crime. They investigate criminal offences, and decide whether or not to make arrests. In consultation with the Crown Prosecution Service, they also decide whether or not to bring charges. The police work closely in conjunction with the Home Office, other law enforcement agencies, and the security and intelligence agencies in these regards.

The Commander of the Metropolitan Police Anti-Terrorist Branch is appointed by the Association of Chief Police Officers (ACPO) as the national co-ordinator for the investigation of acts of terrorism.

The Home Office gives the police the powers and funding they need to do their job. But day to day policing - such as deciding to make arrests and how to allocate officers so as best to protect the public from a range of potential threats - is entirely the independent responsibility of each force's Chief Constable. This is part of the separation between operational and political (or executive) responsibility.'

jihadist threat. There have been some increases in intelligence effort devoted to counter-terrorism in other agencies, though the scale of increase is less visible and probably much smaller than the doubling that occurred in MI5. According to an informed source, it is currently taking up to four years to recruit and train a good counter-terrorism intelligence officer.

According to the Home Office, the national security and intelligence agencies⁷² overall received funding in excess of £990 million in 2002/2003 and a commitment of more than £1,099 million in 2003/2004. This funding covered all the work carried out by the agencies, not just counter-terrorism, and represented an increase of 6.4 per cent annually – the ‘highest sustained growth since the end of the cold war’.⁷³ If these years saw a doubling of MI5, but the overall increase across all agencies was only around six per cent, there is considerable room to ask whether the government has made the necessary level of investment appropriate to the task in terms of new counter-terrorist intelligence training and infrastructure in the intelligence agencies.

It is indisputable that there are insufficient resources applied to the counter-terrorism intelligence in all of the relevant agencies. The failure to capture Osama bin Laden four years after the 2001 attacks is proof enough of this, but there is other evidence as well. Though it may be impossible in principle to prevent all terrorist attacks, there would appear to be little credible explanation for the escape, reportedly by Eurostar, of one of Britain’s most wanted terrorist fugitives days after the attack of 21 July.

Enforcement 2: Decision-Making for Arrest and Prosecution

The Crown Prosecution Service (CPS) is the key agency in effective decision-making for arrest and prosecution. In 2004, in written evidence to the House of Commons Select Committee on Terrorism, the CPS reported that in terrorist cases, ‘following the introduction of statutory charging it is no longer the police but CPS who decide on a review of material gathered by investigators who shall be charged

⁷² There are three agencies included in this funding line: MI5, MI6 and GCHQ (communications interception agency).

⁷³ As for note 71.

and with what offences'.⁷⁴ The CPS says that legal proceedings are only 'brought and maintained where based on evidence there is a realistic prospect of conviction and where the prosecution is in the public interest'. The role of good intelligence and of people in the CPS trained to understand and use it specifically for counter-terrorist prosecutions cannot be under-estimated.

The government has consistently complained that the courts frustrate the legislative intent of Parliament. There is room to ask whether the resources devoted to the decision-making process for arrest and prosecution of terrorist suspects are adequate.

There is around 7,100 staff in the CPS, of which more than a thousand are part time. Of those 2,365 are lawyers and 4,779 are caseworkers and administration staff.⁷⁵ During 2004-05, the CPS prosecuted over 1.25 million cases, with over 943,000 defendants convicted in the magistrates' court and almost 72,000 convicted in the Crown Court. The CPS advised the police or took a pre-charge decision in 441,194 cases, an increase of 126 per cent (on the previous year). Convictions rose from 78.6 per cent in 2003-04 to 80.4 per cent in 2004-05. The staff is split between more than 40 offices around the country, with responsibilities extending across the full range of criminal investigations, including hate crime, domestic violence, theft and murder.

Until recently, terrorism has occupied a low profile in the priorities of the CPS. In 2005, the CPS decided to transform its casework directorate into three new central casework divisions to be known as Organised Crime Division, the Counter-Terrorism Division and Special Crime Division.⁷⁶ It planned to have these new structures and operating arrangements in place by October 2005. The issue of terrorism received little specific mention in CPS Board minutes as published for the three meetings held between November 2004 and May 2005.

⁷⁴ House of Commons, Select Committee on Home Affairs, Sixth Report, 'Terrorism and Community Relations', 22 March 2005, <http://www.publications.parliament.uk/pa/cm200405/cmselect/cmhaff/165ii/165we11.htm>.

⁷⁵ See the CPS web-site: <http://www.cps.gov.uk/publications/humanresources/cpspeople.html>.

⁷⁶ CPS Annual Report, 2004-05, 12 July 2005, <http://www.cps.gov.uk/publications/docs/annualreport05.pdf>.

Enforcement 3: Intelligence for a 'Shoot to Kill Regime'

As mentioned in the introduction to this pamphlet, the targeting of Mr de Menezes on 22 July as a possible suspect who might need to be killed was not an isolated case. He was one of 250 people in the two weeks since 7 July who had been wrongly identified as a suspected suicide bomber, some seven of whom the police had believed – until almost the last moment ('as close as "that"') – warranted response based on that suspicion, presumably by using a shoot to kill policy.⁷⁷

There are several matters of concern flowing from details that have emerged around the incident, particularly that at no stage was there any hard evidence that Menezes did in fact possess a weapon of any sort. These concerns relate to the use of 'information' about the suspects in the decision-making process for what is non-judicial execution. If a citizen's life is to be threatened, there must be solid information on which that decision is based. The protocol for implementation of a shoot to kill policy must contain clear information-related points in the check list for authorisation. It is this author's view that this protocol, if it exists, should be published.

In operations against a suspected terrorist, possible use of deadly force will always involve the personal judgement of a law enforcement officer. It cannot be otherwise. But in exercising that judgement, law enforcement officers deserve the best support they can get in terms of calibrated rules of engagement and regular, comprehensive training in applying those calibrated rules of engagement. Appendix 1 contains some possible points for consideration for a set of calibrated rules of engagement.

The mistaken non-judicial execution of a citizen, and the fact that his mistaken targeting was not an isolated case, reinforce the case made above for significant increases in intelligence and training of front-line officers.

⁷⁷ Sir Ian Blair said: 'I know there have been 250 incidents since July 7 where we have considered whether we are seeing a suicide bomber. I know that when I last saw it there had been seven times when we have got as close to calling it as "that" and we haven't.' See Vikram Dodd and Michael White, 'Shooting to kill needs no warning', *The Guardian*, 27 July 2005, http://www.guardian.co.uk/uk_news/story/0,3604,1536751,00.html#article_continue.

Legislative and Judicial

As Lord Carlile has noted, there is wide acceptance in the UK that specific anti-terrorist legislation is needed to complement extant provisions of the criminal law that cover acts committed by 'terrorists'.⁷⁸ A good overview of the evolution of UK Terrorism legislation can be found in his 'Report on the Operation in 2004 of the Terrorism Act 2000'.⁷⁹ He complained that the changes were coming rather rapidly and even the Home Office was having difficulty keeping the legal profession and public informed of them on its home page.⁸⁰

The Prevention of Terrorism (Temporary Provisions) Act 1989 and the Northern Ireland (Emergency Provisions) Act 1996 ceased to have effect when the Terrorism Act 2000 (TA2000) came into force on 19 February 2001. The TA2000 has been the subject of significant amendment by the Anti-Terrorism, Crime and Security Act 2001 (ATCSA2001).⁸¹ The Prevention of Terrorism Act 2005 adds a further element, as do indications of possible further legislation specific to terrorism later in 2005.

⁷⁸ 'I have taken it as a basic tenet ... that specific anti-terrorism legislation is necessary as an adjunct to and strengthening of the ordinary criminal law. The debates in Parliament and in the media over the recently enacted Prevention of Terrorism Act 2005 showed a greater degree of agreement than in some recent years to that effect at least'. See 'Report on the Operation in 2004 of the Terrorism Act 2000', p. 6, http://www.homeoffice.gov.uk/docs4/Terrorism_Act_Report.pdf.

⁷⁹ Ibid.

⁸⁰ He said: 'I repeat yet again my request made elsewhere that an up to date edition of the TA2000 as *currently in force* should appear on the Home Office website. Given the prevalence of new criminal justice legislation as a policy preference in most Parliamentary sessions, even those of us involved on a frequent basis in the effects of TA2000 find it difficult to keep up with changes. This plea is especially important for the police. At least the text of the Act as passed, the Queen's Printers version, has been on the Home Office website for some time now, though the existence of amendments means it must be treated with caution. I very much welcome the decision to place on the website the recent Terrorism Bill during its Parliamentary stages to becoming what is now the Prevention of Terrorism Act 2005. This enabled interested persons to follow important and controversial proposed legislation. I have been assured by the Home Secretary that the updated TA2000 will be on the Home Office website soon'. http://www.homeoffice.gov.uk/docs4/Terrorism_Act_Report.pdf.

⁸¹ According to Lord Carlile, a 'consequence of the repeal of parts of the TA2000 without substituting new sections into the same Act is that those parts are no longer subject to' the form of review he was charged with, 'whereas new sections inserted into the TA2000 are'.

Section 126 of TA2000 requires the Secretary of State to present an annual report to parliament on its operation. The principal reviewer has called for more direct engagement with this review process by the general public, especially people affected by the Act.⁸²

Important quarters of British society have expressed concerns about the breadth of operation of certain provisions of the TA2000, especially stop and search powers. Even Lord Carlile was prepared to cite approvingly a court's decision that identified the 'arms show'⁸³ case as a close call: 'In relation to the arms fair there was "*just enough*" evidence that it was an occasion that concerned the police sufficiently to persuade them that use of s44 powers was needed. It was however "*a close call*" and the Metropolitan Police would do well to review their training and briefing, and the language of the standard forms used for s44 stop and searches'.

Carlile recommended a 50 per cent cut in the use of section 44 powers because 'the bottom line of the section 44 issue is that it involves a substantial encroachment into the reasonable expectation of the public at large that they will only face police intervention in their lives (even when protesters) if there is reasonable suspicion that they will commit a crime. Whilst section 44 is necessary for a small range of circumstances, I believe that its use could be cut by at least 50 per cent without significant risk to the public or detriment to policing'.⁸⁴

Lord Carlile identified general aviation as a cause for growing concern (private hire of sophisticated jet aircraft) but also bemoaned the failure of the UK to insist on notification of passenger manifests

⁸² He said: 'I am particularly anxious to obtain the assistance of more members of the public who have had some contact with the TA 2000, whether as observers, witnesses, persons made subject to powers given under the Act or as terrorist suspects. It is not always as easy as one would wish to make contact with those who have had these real-life experiences. Such contacts as I have made have provided me with valuable insights into their different experiences' ... 'Anyone wishing to provide me with information is very welcome to do so by writing to me at the House of Lords, London SW1A 0PW or sending me information via the Internet on carlilea@parliament.uk.'

⁸³ The event that triggered the use of police powers under the Act was a defence industry exhibition.

⁸⁴ 'Report on the Operation in 2004 of the Terrorism Act 2000', p. 28.

at the time of departure of foreign aircraft bound for Britain. Their presentation at time of arrival did not, he said, allow adequate time for checks.⁸⁵

Carlile noted that key UK allies, presumably the USA, that there is a 'degree of disappointment ... at the low level of information provided by terrorists arrested in the UK'. He did not see plea bargaining as necessarily providing the solution, but advocated instead a 'formalised system of law to provide an opportunity for repentant and advantageous confession, if such a system can be devised'. He provided details of what such a system might look like.

On the question of arresting and charging those UK nationals or others who had attended terrorist training camps, such as those in Afghanistan operated by Al Qaeda prior to 2002, Carlile noted that 'Sections 54 and 55 provide for an offence of instructing and training another, or receiving instruction or training, in the making or use of firearms, explosives or chemical, biological or nuclear weapons. The offence includes recruitment for training that is to take place outside the UK'. He went to note that 'there have been no prosecutions under the section since its enactment'. He reported Lord Lloyd who had noted that the precedent for this offence applicable only in Northern Ireland had never been used, and presented real evidential difficulties. He noted that HMG had commented on Lord Lloyd's remarks in its consultation paper prior to the TA2000 with reference to international terrorism and its recruitment methods.⁸⁶ He observed firmly: 'Any person who invites, incites or encourages young people to receive instruction or training in terrorist violence (wherever in the World such instruction or training was to be given) is guilty of an offence'.

Ideological Battle: Identifying the 'Enemy'

On 5 August 2005, Prime Minister Tony Blair announced a twelve point action plan as the government's considered response to the attacks of 7 July and the attempted attacks of 21 July.⁸⁷ The action

⁸⁵ Ibid. pp.35-36.

⁸⁶ Ibid. p. 41.

⁸⁷ Prime Minister's Press Conference, 5 August 2005, <http://www.number-10.gov.uk/output/Page8041.asp>.

plan concentrated exclusively on domestic legal, administrative or social policy measures, with six of the twelve measures directly addressing the ideological battle. Mr Blair said the government would:

1. introduce new grounds for deportation and exclusion that will include fostering hatred, advocating violence to further a person's beliefs, or justifying or validating such violence;
2. introduce new anti-terrorism legislation in the Autumn to criminalise 'condoning or glorifying terrorism ... anywhere, not just in the United Kingdom';
3. consult on extension of powers to 'strip citizenship from those individuals with British or dual nationality who act in a way that is contrary to the interests of this country' and to 'naturalised citizens engaged in extremism';
4. proscribe Hizb-ut-Tahira and the successor organisation of Al Mujahiroun and examine the grounds for proscription with a view to widening them in new legislation;
5. review the 'threshold' for British citizenship to make sure it is adequate, and establish with the Muslim community a commission to advise on how, 'consistent with peoples complete freedom to worship in the way they want and to follow their own religion and culture, there is better integration of those parts of the community presently inadequately integrated' (to be undertaken by the Police Minister);
6. consult on a new power to order closure of a 'place of worship which is used as a centre for fomenting extremism', and 'consult with Muslim leaders in respect of those clerics who are not British citizens to draw up a list of those not suitable to preach' and who will be excluded from our country in future.

In announcing these measures, the Prime Minister drew a firm line between what he thought was the correct government view and the opposition that it faced in parliament, in the courts and in public

opinion. He mentioned this several times, using language like 'we were being fiercely opposed in the measures we had taken and the actual legislation that we had was being struck down'. He said that as a result of the 7 July attacks, 'people now understand that when we warn of the terrorist threat this is not scare-mongering'. He included the introduction by the government of a new test of 'Britishness' for citizenship as one of three counterterrorist initiatives by his government along with the doubling of the size of MI5 and the extension of detention powers for terrorist suspects. He said he wanted to 'drive out the extremists': 'in my view anyone who is a foreign national who is inciting or engaged in extremism in this country should be out'. He warned that 'there will be lots of battles in the months ahead' on just who was an extremist and how to keep them out.

Mr Blair said there was a 'common sense difference between people who have political views that I don't agree with, that you don't agree with, and people who are actively engaged in trying to incite people to kill others or justifying it'.

On 19 July, the Home Secretary Charles Clarke, made a statement to parliament setting out government responses to the 7/7 attacks. He identified three main areas for new legislation, one of which was 'indirect incitement'. He noted that 'direct incitement to commit acts of violence is already a criminal offence'. The new proposal, he said, 'targets those who ... glorify and condone terrorist acts knowing full well that the effect on their listeners will be to encourage them to turn to terrorism'. As members of the House of Lords quickly noted the following day: 'The measures on indirect incitement to terrorism will be very difficult to define' (Lord Dholakia).⁸⁸ Baroness Williams noted with regard to indirect incitement, 'that during apartheid many people in this country strongly supported the anti-apartheid movement and did so even after the creation of Umkhonto we Sizwe, which could have been described as taking part in acts of violence'. She asked the government for an assurance that 'every effort will be made to try to ensure that there is a sharp distinction between those we rightly accuse of incitement to violence on grounds of their wish to create

⁸⁸ Lords Hansard, 20 Jul 2005 : Column 1479.

acts of terrorism and those who are generally attempting to overturn extreme dictatorships'.⁸⁹

As a result of the bombings and the later attacks in London, there is a danger that UK counter-terrorism policy will be increasingly drawn away from the highest priority tasks of detecting, tracking and capturing people planning terrorist attacks. There is a danger that effort will shift to lesser priority tasks (in counter-terrorism) of 'disrupting and preventing radicalisation', 'tackling extremism among Muslim youth' and 'integrating' diverse communities into the so-called 'mainstream'.⁹⁰ Radicalisation, extremism and social integration are linked to terrorism, but a successful fight against terrorism must be conducted in a different time scale and in a manner more highly focussed on individual suspects than policies directed at social integration and social engineering of thought patterns will ever allow.

The moral element is important in fighting terrorism, but the highest priority task in this area is not to fight all extremists or radicals, but to identify those few among the extremists and radicals who actually decide to commit terrorist acts. Policy must take a lead from the remarks of the Prime Minister about where attention should be directed when he was asked about indirect causes: the 'people who are responsible for doing these things are the people who do them'.⁹¹

There is a danger that shock effects from the attacks of 7 and 21 July will increasingly degrade good counter-terrorist policy by infecting it unnecessarily by media politics and community stereotyping. This has been evident in several ways. First there have

⁸⁹ Lords' Hansard, 20 Jul 2005 : Columns 1483-1484.

⁹⁰ These terms are used in correspondence by senior UK officials in a 'Draft Report on Young Muslims and Extremism' prepared jointly by the Foreign Office and Home Office in April 2004. A text of this document, which appears authentic, was leaked to the press and subsequently posted to a website. The draft report has a Nixonesque almost Orwellian flavour suggesting the possibility that radicalisation of youth can be prevented. One section of the report sets the UK government the task of 'promoting mainstream Islam'. The report confuses in one document the very different requirements for an effective fight against terrorism and the requirements of good social and education policies for an inclusive society that does not marginalise young people. See www.globalsecurity.org/security/library/report/2004/muslimext-uk.htm.

⁹¹ Press Conference, 21 July 2005.

been more strident calls from many quarters for the Muslim community to 'police itself'. This notion has clear appeal and some relevance in counter-terrorism work, but on close examination the idea presents several problems. The idea runs counter to our concept of community and the common good. It should be no more the task of Muslims to monitor the political and moral deviations of their co-religionists than it is for Christians, Hindus, Jews or atheists. The idea of a religious congregation policing itself to weed out and identify people contemplating a terrorist act is as silly for Muslims as it would be for the Catholic congregations of Belfast. Counter-terrorism work demands detailed intelligence work by professionals, not the wild judgements or tip-offs of well-meaning but mis-informed church-goers about the secret thoughts of the person praying beside them. If an attackers' parents don't know what their sons are planning, it is quite unlikely that other members of the community will have much of an idea.

Second, the demand to tighten terrorist legislation to criminalise indirect incitement to terrorism appears to be based on the view that something essentially evil and criminal is happening out there in British mosques that is not currently regulated by law nor criminalised but needs to be. Incitement to terrorism (by any route) is already a crime. The main test has to be what a jury will convict on, and what an appeal court will uphold, not the various elaborations on what constitutes incitement in ever-evolving legislation. The move to tighten legislation has many political roots, few of which are based on a sound understanding of terrorism in general or of the current threat from '*jihadi*' terrorists.

Most important, the new interest in legislating against 'indirect incitement' runs counter to many people's perceptions of the moral and legal foundations of the modern democratic state in key areas (such as freedom of thought and rules of evidence in our legal system). In the hierarchy of causes of terrorism, indirect incitement, such as the glorification of suicide bombing, is one of the least of our worries. Police time and effort spent monitoring indirect incitement will be police time and money diverted from the immensely difficult task of tracking individual terrorists (or addressing other serious crime). There can only be one answer to the choice between allocating resources to tracking nuclear or biological weapons that

might be used by terrorists or allocating resources to monitoring 'indirect incitement'.

Conclusion

The nature of an open society coupled with the extreme difficulty of counter-terrorist intelligence collection dictate such a highly focused approach. What needs to be condemned and rooted out is not the contemplation of terrorism, but the decision to commit or provide material support to specific terrorist acts.

At a systemic level, preventing terrorism is connected with radicalism but the link in terms of defining policing and intelligence priorities is not as direct as at first sight. Prevention is above all a struggle to influence the initial choices of those radicals who decide to commit a terrorist act or to support the commission of a terrorist act. But influencing that decision is extremely difficult once people get close to it. The time scales in which a person can go from not even contemplating terrorism to planning or conducting a terrorist act can be very short. Thus, the most effective forms of prevention will have to be direct and personal, based on specific intelligence about the motives and actions of individual people. Preventing a terrorist act by a few members of a large group of potential terrorists (the 'radical' pool) requires massive intelligence resources (both collection and analysis) and large numbers of counter-terrorist operatives. In particular, it must be noted that the large number of personnel needed to conduct surveillance will need to be augmented by a large number of personnel with the training and capability to track, disarm and detain a terrorist or group of terrorists on the move.

Longer term measures directed at the potential recruit pool for terrorists are important. Yet the priority in resources and political capital attached to them must remain much lower in relative terms to investment in the direct, immediate counter-terrorist capacities aimed at specific individuals who have decided (or appear close to deciding) to commit a terrorist act. People who directly incite terrorist action must be a much higher priority for criminal legislation and law enforcement action than those whose actions are seen as indirectly inciting terrorism. If people who directly incite terrorism can escape

the law because of questions of evidence, there would appear to be little value in using the law to criminalise indirect incitement.

On the immediate aftermath of 7 July, the government will need all the political capital it can muster to achieve the necessary counter-terrorist outcomes. It must not burn up that precious political capital by going down blind alleys. The government has called for an international conference to address the issues of terrorism and extremism. It needs to make sure that it convenes a conference of domestic specialists, as well, to review the threat and seek their advice.

Policy responses to the attacks in London on 7 July 2005 must be evaluated against the global canvas of the anti-*jihadi* campaign. But they must also be evaluated against a sure knowledge of the capacities of the British system to respond. The mix of reactions among leading Britons in many walks of life, but especially in the police and government, to the bombings has created an impression among experienced observers that the machinery of government is not yet up to the task. To quote Churchill, it is doing 'its best', but there are warning signs – not least the bomb attacks just two weeks apart – that it is not 'doing what is necessary'.

This can only be an intuitive analysis. The full facts are available to only handful of senior ministers and senior officials.

UK counter-terrorist policy settings prior to the attacks in London of 7 July 2005 appear to this outside observer as broadly on track. The Prime Minister's statement of 5 August laying out a new 12-point action plan will close important gaps in the effective delivery of pre-existing policy. Yet it is essential that the main virtue of our democratic system, its system of 'checks and balances', is brought to bear on this massive threat we face.

Taking the two of the main requirements for victory together ('know the enemy and know oneself'), and applying Churchill's dictum of doing 'all that is necessary', the following lines of policy action recommend themselves for immediate attention.

Independent Review of Priorities: Since 1998, the government has been regularly reviewing its counter-terrorism priorities, making

important step changes as it judged appropriate. At the same time, many political figures and community leaders in the UK, and key intelligence allies, have been expressing doubt about some of the tendencies in UK policy. Whatever the merits of specific criticisms, the government would be wise to set up an independent, standing review mechanism of the operational priorities of its counter-terrorism effort. This would complement Parliament's Intelligence and Security Committee and it would be different from the current review processes for the legislative regime (Terrorism Act 2000 and others). The review mechanism would need comprehensive access to all classified information and would need to be staffed by specialists. The review team should make a comprehensive report to the Prime Minister at a classified level and to Parliament at unclassified level on an annual basis.

Independent Advice: The government should consider appointing an independent panel of specialists for confidential advice in the counter-terrorist campaign. The government will quickly come to see that benefits of such a panel will outweigh its inevitable disadvantages. This panel could then be used by the government to improve its communications with the community on the issues of terrorism and how to fight it.

Parliamentary Scrutiny: Parliament needs to regularly check what the government is doing. It can do this through a standing inquiry on the mechanics and success of the counter-terrorism effort. The inquiry, which should publish regular reports, should be undertaken by the Intelligence and Security Committee (ISC). (The government has announced that the ISC will inquire into the intelligence aspects of the July bombing, but this is only one aspect.) This committee should conduct an inquiry into a range of operational and training issues as well, especially the policy behind the shooting dead of an unarmed man in Stockwell by a police officer on 22 July 2005 on suspicion of being a suicide bomber. Community leaders must work to ensure that Parliament, government agencies and the Metropolitan Police address the questions arising fully and quickly. Some officials may regard more inquiries by Parliament as a burden they can do without given their stretched resources. The government will need to provide the additional staff and financial resources.

Investigative Resources: There needs to be a new, massive increase in UK and allied intelligence capability to defeat the global terrorist threat. This increase must occur both in the area of intelligence collection and intelligence analysis, and be applied both to international and domestic targets. But if past experience is any guide, analytical resources, rather than collection resources, will need to be improved most dramatically. This will be hard to swallow for the British government given the scale of recent increases in British intelligence staffs and budget pressures. Intelligence chiefs may also resist it for a number of reasons. There needs to be a massive improvement in the anti-terrorist training of all officials involved in border controls as well as regular police so that they perform better their vital role in the intelligence and investigative process. UK and allied intelligence effort in the Middle East is still visibly inadequate because it is not getting the job done as thoroughly as it needs to be done.

Prioritisation of Resources: Policy resources must be re-focussed on the most important causes of terrorism and the means of fighting it, not the less important. For example, on the domestic front, there is some evidence that the Crown Prosecution Service has been inadequately resourced and staffed for this counter-terrorist campaign. The Metropolitan Police Federation has complained about the visibly inadequate numbers of police. There are questions about how the need for higher levels of training of front-line officers in the police, customs and immigration services. Issues like integration of Muslims into British society or even 'indirect incitement' to terrorism have some relevance but – given the scarcity of resources – should be quite low in priority in counter-terrorism policy relative to the effort needed for surveillance of suspect individuals and monitoring of UK border controls. The government estimates that in the UK there are up to 16,000 supporters of *jihadist* terrorism, but probably only several hundred prepared to commit terrorist acts. The priority must be on arresting or at least discovering and monitoring a larger percentage of the hundreds of terrorists, before even turning to the tens of thousands of 'extremists'. The government needs to heed the views of British Muslim leaders that the continued linkage drawn by senior government officials between terrorism on the one hand and, on the other, issues of immigrant integration or indirect incitement will probably have negative effects on community attitudes.

Public Treatment of the Issues: The government should consider a step change in its public treatment of the anti-*jihadist* campaign. Successes against the global *jihadist* campaign need to be regularly reported in a more consistent way by the government to the British public and press, especially television. Local media and cultural outlets that reach Muslims should be a particular target of this effort. The government should publish, and disseminate widely, quarterly reports on the terrorist threat globally and in Europe, on arrests and successful prosecutions, and on casualties. These reports should include anecdotal accounts from victims and from the families of terrorists. Local media and cultural outlets that reach Muslims should be a particular target of this effort. This effort is of national significance and cannot be left to the 'news' choices of commercial outlets or the BBC.

Appendix 1: A 'Shoot to Protect' Regime

- 1) In operations against a suspected terrorist, possible use of deadly force will always involve the personal judgement of a law enforcement officer. It cannot be otherwise. But in exercising that judgement, law enforcement officers deserve the best support they can get in terms of calibrated rules of engagement and regular, comprehensive training in applying those calibrated rules of engagement.
- 2) Use of deadly force must only be permitted or authorised when there is unambiguous proof of the suspect's possessing a weapon capable of killing at least one person in a single move. Use of deadly force can never be permitted or authorised where there is mere suspicion of possession of such a weapon. Reasonable suspicion of possession of such a weapon should not be sufficient to justify use of deadly force. The trigger for use of deadly force should be a move to activate or use such a weapon known to be in the possession of the suspect even though the warning of such activation or use could be very brief.
- 3) Use of deadly force must not be permitted or authorised when there are options for physically restraining a suspect in such a way as to prevent him/her from detonating or otherwise activating or using such a weapon.
- 4) In situations where there is no unambiguous proof of possession of such a weapon, use of force must be applied in such a way that is commensurate with the available evidence. If there is some evidence that a weapon may be in the possession of a suspect, but there is not unambiguous proof of such possession, then use of force that disables the suspect and threatens use of deadly force but does not kill, may be more appropriate than use of deadly force.
- 5) The principle at all times must be 'shoot to protect', not 'shoot to kill' and not 'shoot to kill to protect'. The principle of reasonable protection must apply both to the suspect as well as to the bystanders.

- 6) The Metropolitan Police should only authorise use of deadly force in a counter-terrorist operation by an officer who is highly trained on an ongoing basis on the tactics and operational methods of the relevant terrorist organisations. Such officers also need to be highly trained in person to person combat.

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About the Author

Dr Greg Austin is Director of Research at the Foreign Policy Centre in London and the author or editor of several books and major reports on international security, including a UK Cabinet Office review of UK conflict prevention policy. He is the author of 'Preventing Terrorism? Direct Measures First – Intrusive, Normative and Personal!', in David Carment and Albrecht Schnabel (eds), *Applied Conflict Prevention: Opportunities and Constraints*, Lexington Books, Lanham MD, 2004. He has worked on intelligence issues, including counter-terrorism, for government. Dr Austin has held senior posts in the Brussels and Washington offices of the International Crisis Group. He has also held posts in the Australian National University, Bradford University (Peace Studies), the Australian Commission in Hong Kong, and the Senate Committee on Foreign Affairs, Defence and Trade in the Australian parliament. He has also worked as a Ministerial adviser in the development cooperation and defence portfolios, as an intelligence analyst, and as foreign affairs and defence correspondent for a leading Australian newspaper. He has postgraduate qualifications in international relations and international law.

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