

MARGARET GILMORE SPEECH TO “RUSI 3RD ANNUAL SCIENCE AND TECHNOLOGY FOR HOMELAND SECURITY AND RESILIENCE CONFERENCE”

“THREAT PERCEPTIONS Vs TECHNOLOGY REALITIES”

An examination of the proportionality of security technologies being introduced in relation to the actual threats that are faced from terrorism in the UK: and the impacts of these technologies upon society and the role of the media in covering these areas of public concern.

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SPEECH

For seven years, even since 9/11, politicians have been introducing new technologies at huge expense to the taxpayer. Throughout that time, as a journalist specialising in Home Affairs, I have been examining whether those technologies are actually needed to fight terrorism. Are they proportionate to the threat – and if so why are some people so sceptical about them? RUSI has asked me to look at this today, and to study the gap between the perceived threat and the reality.

There is no doubt there is a gap between what’s being introduced and what many believe is actually necessary. Identity cards are an obvious example – massively expensive, yet we all know and the politicians admit – they would not have stopped the July the 7th attacks.

What about the new computer systems at airports in the USA? Colleagues tell me if you’re doing a trip across the states say from New York, to Miami, to LA to Washington and back to New York, each leg registers as a one way, rather than a return journey, and because it appears you’re on a single trip, you’re flagged up as a suspect. Four little crosses appear on your boarding card. Now it wouldn’t take long for a terrorist carrying out a reconnoitre to work this out, and while they’ll be booking return tickets instead, precious resources are wasted giving television crews the once over. It may be in the past few months this has been dealt with – many of you here today will know better than me – but the question remains, is the money being spent on technologies that will actually prevent terrorism? And are the technologies being suggested now, fighting the Al Qaeda of five years ago instead of the Al Qaeda the security forces are currently combating?

THREAT PERCEPTION SET BY 7/7

Let’s start by looking at the threat. The one key event which has set our perception of the terrorist threat is of course 7/7.

That was the day that showed the threat was real. I witnessed the effects first hand, as some of you did. I remember how the first phone call I received that morning came within ten minutes of the first three explosions. Initially we were told it was a series of power failures – a big enough story on its own given it was the day after London had been awarded the 2012 Olympics.

But as I drove down the M4, and saw the London Closed sign above the motorway and heard there'd been a fourth explosion on a bus, it became crystal clear these were terrorist attacks.

I had prepared for this, for years. I had been briefed by the intelligence agencies, the police and government. There'd even been a full drill one Sunday in the City of London when all the emergency services, in fact everyone involved including the media, had rehearsed the very scenario of a bomb on the underground.

Back to July 7th. I drove in as queues of traffic left London. I saw how quickly, much of the city became like a ghost town, with small groups of people huddled round TV shops watching the story unfold.

I went first to Edgware Road, and there were the emergency services, fire brigade police ambulance, moving fast but relatively calmly, people who didn't need treatment dazed, describing in graphic detail what they'd seen below. That was disturbing enough, although in retrospect I realize we had little idea at that point, of the horror of what was still happening as the rescue operation continued underground.

OUTLINE OF THIS SPEECH

It's not surprising 7/7 has set out our perception of the threat – it's the only recent incident that's happened on UK soil. But there is a huge backlog of other alleged failed plots which can't be reported because our contempt laws won't allow it. This afternoon I will argue that as a result of this, our perceptions of the terrorists, of how Al Qaeda organizes itself, and its aims and objectives are to a great extent, frozen in time. This makes it very difficult for the public to match the threat as they perceive it, with new laws and technologies that are being proposed now. It makes it extremely difficult for people to judge whether the response is proportionate. We have to rely on what politicians tell us, and there is a wide belief that they spin terror – in the interests of getting the right headlines.

I plan to argue that only with greater transparency can the true nature of the threat be understood by the voting public – and that means changes in the contempt laws as called for recently by senior police officers and lawyers. Only when that happens will the public really accept the need for new technologies and laws. Only when that happens will the people be able to properly evaluate how appropriate new technologies are for fighting terrorism. On identity cards for example, as I said they wouldn't have stopped 7/7 but would they have stopped other incidents? Right now the public can't know.

HOW MODERN TECHNOLOGY IS EXPLOITED BY TERRORISTS, AND HAS CHANGED THE WAY TERRORISM IS REPORTED

These are things we have to address because while we as a society have this tension, the terrorists are exploiting modern technology. But before I move onto the technologies used by the authorities to fight terrorism, let me talk a little about what the terrorists use. Their oxygen is communication via the internet. They rely on our broadcasting

technologies – they want “spectaculars”, knowing the media will cover them. The truth is if the media didn’t cover them, the public would be profoundly uneasy and policing terrorism would be even more difficult. And that’s because ever-more sophisticated mobile phones, and websites like You Tube, mean terrorist attacks would get reported anyway but in a less reliable way.

If there is one outstanding thing about the way 7/7 was reported, it was the way advanced technologies meant public participation in the coverage was overwhelming.

Within minutes of the first bombs people were emailing the BBC with mobile phone pictures of the attacks. There could not be any cover-up of what happened, any delay in confronting the situation by police or ministers while they worked on a panic limitation policy - because the public wouldn’t allow it. The police and the government could not pretend these were anything other than bomb attacks because the public had filmed and broadcast the blasts, published their pictures on the internet and sent them to us. It was the first major domestic story where the public drove the coverage. The police and the government had no choice but to speak out, openly and fast. Don’t forget we the press, the TV crews were not allowed underground for days so the only pictures we had of that came from the public. I should tell you the TV channels were very quick to exploit this, appealing for pictures on the day – whereas the police took several days before they started appealing for material, which of course they needed as evidence.

Within hours of the attacks we were being emailed photographs and details of missing people - we didn't have to go looking for phone numbers - they were coming to us

There were rumours the police had shut down the mobile phone system but the police in fact decided not to in case it caused panic. I know they didn’t because every now and again I did get a call – mostly from bosses giving competing instructions, so I was quite happy that most of their calls did not get through.

And I have to admit I did have the added help of being able to communicate with the cameraman I was meeting at Edgware Road because the BBC had been given a small number of emergency phones which over-ride the normal system. These are phones given to key people in government and the emergency services but also a small number to the BBC to carry out its public service remit giving out critical information.

So is the threat real? Yes. 7/7 proved it.

Has modern technology changed the way we report it, and the way the terrorists seek to exploit the media? Yes.

HOW TECHNOLOGIES INTRODUCED TO PREVENT TERRORISM AFFECT SOCIETY

So why is the public’s perception of the threat different from the current reality?

And why are so many people sceptical about the technologies used to prevent terrorism, to track suspects before the event. Can these new technologies be justified by events like 7/7, and what impact are they having on our society? Are they really helping the fight against terrorism or are they simply making it easier for the state and for private industry to spy on us?

I believe many people are already worried about how far commercial companies use modern technologies to glean information about our behaviour, about what we eat and buy and do, and even to predict our future behaviour.

There's concern that technology introduced for one thing is sometimes then put to a completely different use –

- Oyster cards which pay for travel on the London underground are now increasingly used to help police inquiries for example.
- The system used for congestion charging in London is now also used to look for stolen cars and for terrorist suspects.
- The police number plate recognition system currently used to check anyone's car for traffic and other offences was originally used to look for IRA bombers.

Now people see that in the name of fighting terrorism, law enforcement agencies are using machines which for example, screen us down to our bare flesh, others which can follow our every financial move, or intercept every word we speak or write on a computer. We are filmed and followed, and monitored as never before. There are vast databases some used by law enforcement agencies, some by private companies and some by both.

And some people are worried that however sophisticated these technologies are, they are not infallible. That creates distrust of them. What happens when they go wrong? It's bad enough when it's commercial – we suddenly become a credit risk and can't get a bank account or use our credit card. But many government run technologies and databases have a poor reputation, which only serves to compound the public's lack of confidence in the government's new technologies.

People have been refused jobs because they've wrongly been branded criminals after checks by the CRB, the Criminal Records Bureau, which relies on various official databases and does occasionally mistake the identities of those they are checking. Obviously I'm talking about a tiny minority here. But even DNA technology is not infallible.

And some people are also worried at how much further these increasingly invasive and sophisticated technologies could go. There are digital CCTV cameras which can give an alert when they think they recognise a face. Computer chips and GPS systems are used to tag and follow those who've broken the law. In a pilot scheme in America dozens of elderly people suffering from degenerative diseases have been implanted with chips so their carers can find them easily. How soon before those implants are used here against criminals? Are we as a society comfortable with what's going on? Is there enough

regulation, or has the use of new technologies in the “war on terror”, gone too far in undermining our democracy and our individual rights?

I believe the UK public would reluctantly put up with these new intrusive technologies, they’d put up with being spied on more, they’d even accept the odd resulting miscarriage of justice, if they believe it’s really helping. They wouldn’t mind what technologies police and MI5 are using if they were convinced it worked. The trouble is they are not always convinced.

WHY THE PUBLIC IS SCEPTICAL OF WHAT POLITICIANS SAY ABOUT THE THREAT

Many simply don’t trust the government or believe all they are told about terrorism by politicians and are therefore sceptical about the degree of the threat, and the need for ever more public cash to be spent on new counter-terrorist technologies.

Some in our community, some Muslims, in particular, feel they’re being unfairly targeted, by news technologies and laws aimed at tackling international terrorism. The risk is this will push them away from doing what the intelligence agencies really need them to be do, and that is for them to feel confident enough to give information about suspects who may be hiding in their midst.

The public scepticism, distancing ordinary people from those running the country, is just what the terrorists want – Al Qaeda is playing a sophisticated propaganda war using the latest technologies, in particular internet technologies, to foster mistrust and disunity.

So why this general public mistrust of ministers? In the eyes of many the so called “dodgy dossier” which was used to help justify the war in Iraq, created the biggest dent in public confidence. But the way things like ID cards have been handled has also compounded the problem – one minute we’re told they’re to tackle benefit fraud, then its terrorism, then we’ll need one to get a doctor. No wonder people are confused and sceptical about the motives of politicians.

We are often told we are one of the most watched over societies in the world. I think we need to be very sure the measures used which are eroding our freedoms and our privacy, really do work against terrorism – and are not just an easy way to check up on a wide range of people for lesser reasons than terrorism. We need to be very sure what’s used has not been introduced for political gain – because the politicians need to sound tough. If you were a police or intelligence officer it would be natural to accept any tool that can help counter terrorism.

But are they all really needed? Look at the recent ITV expose on Birmingham Airport. It’s one thing spending a small fortune on new systems and equipment to stop suspects but if those manning it don’t bother using it then it’s a waste of time and money.

Why does the Home Secretary say he wants to give the police new powers to stop and search terrorist suspects even if there are not obvious grounds for suspicion. They already

have this as a special power and they use it frequently. Senior police officers from the Met confirmed this to their police authority less than two weeks, ago. We need to check the motives for new technologies and we need to check if they'll really bring results. That is the way to convince the public to have confidence in them.

ROLE OF THE MEDIA

I think it is very important for the media to highlight these things. These are fast changing times, new technologies, new laws and a new threat, we are all feeling our way, and it is new territory for all of us. As journalists we must not simply become a mouthpiece for the establishment. If we report what's happening without analysis, or without a critical, questioning mind, all sorts of initiatives and laws and technologies could be introduced without the public even knowing. It is all the more important now for us to be watchful and detached, since the policies of all the three main political parties are so close.

I have to say there is every opportunity for us to become extremely close to the authorities. You may think we don't really know what we're talking about when we stand in front of the cameras at Ten O'Clock at night and say "The Home Secretary's done this or a senior police officer's done that or intelligence sources suggest x, y and z". I can assure you that is exactly what they or their closest advisers are saying. The government in particular, is spinning as never before. Bring it on, I say. As a journalist I'll take all the inside information, all the scoops I possibly can.

BUT – I will NOT take them at face value. When we are briefed you can bet your bottom dollar what's we're told has been rubber stamped at the highest level. The job of the special adviser is to push a particular message – and my job is to analyse and where necessary challenge this. And we have to be pretty resilient. You'd be amazed how often a cabinet minister or one of his advisers will phone the Director General of the BBC or an Editor direct, to complain about something that's on the Six O'clock News, not because it's inaccurate but because they don't like the tone. What they're hoping is they will put pressure on the journalist down the line who has written it, in the hope the slant will change and become more benign by the time it appears on the next high profile bulletin.

I think the public needs to know this. The way the past seven years since 9/11 has played out, the handling of the war in Iraq, the way the government largely ignored warnings from military, warnings I heard aired in this very room ahead of the invasion of Iraq, all of this has dented trust in the government.

CONTEMPT

But there is another problem which means that the perception of the threat does not live up to the reality and makes it difficult therefore, for people to understand the need for new technology. I touched on it earlier. Let me here explain more fully.

Those fighting terrorism believe Al Qaeda has changed since 7/7. It is better at avoiding surveillance, more likely to use cell structure, works harder at disguising its links to

Pakistan. And it seems it's trying to use increasingly sophisticated methods to launch attacks. Yet I can't spell out the reasons for saying this.

That's because we are severely restricted in our reporting of terrorism and it's a frustration not just for journalists but for the police, and government and MI5. It means the public perception of the terrorist threat is out of date.

Remember the Crevice plotters, arrested in 2004 and recently jailed for plotting to use conventional, fertiliser based devices to attack civilian targets in London? For nearly two years the intelligence agencies and journalists had known the Crevice plotters had also met two of the July 7 bombers. We had known that those July 7 bombers had been filmed, photographed, followed and recorded by undercover officers from MI5. Yet the men were never treated as a priority and more than a year later went on to detonate the London bombs, killing 52 people, and injuring 700.

Contempt laws meant the British public and more crucially the families of victims of 7/7 were not allowed to know what we the journalists, and lawyers and the security services knew. It meant public understanding of the current threat was incomplete. It also meant the successful operation to prevent the Crevice plot became overshadowed by the failure to prevent 7/7. Having sat on the story for so long the press wasn't simply going to write and broadcast about the thwarted Crevice plot: they would inevitably focus on how MI5 failed to stop one of Britain's worst terrorist outrages even though its ringleader had been under surveillance. With all the technology at their fingertips, all the extra cash being ploughed into fighting terrorism, how could they have made such a miss?

THE PUBLIC PERCEPTION OF THE THREAT IS OLD

What this story also shows is that the public perception of the terrorist threat is old. The reporting of the Crevice story itself, was a story about the about the Al Qaeda of four years ago. The story of MI5's failure to stop the July 7 attacks is rooted in the activities of the Al Qaeda of two years ago (and for that matter the MI5 of two years ago). And little can be told to the British public about the threat from al Qaeda now, in 2007, because the media are in effect prevented from doing so.

Journalists would like people to know about cases waiting to go through the courts because these cases would shed light on the current threat. In a rare example of common cause the security services would also like this to be the case. However as the law stands it's impossible for journalists to write about these cases without being seen to prejudice the trials. The effect of the contempt laws is to prevent the public getting up to date information which would help them assess how great the threat of terrorism is, and how far they should allow politicians to pass new laws and curb civil liberties to tackle it.

In a major speech in April Peter Clarke, head of the police Counter-Terrorism Command, hinted at his frustration. He suggested modern juries could be mature enough to work out for themselves what's prejudicial and what's not.

“I understand the difficulties in this” he said, “but I just wonder if we could be bolder and, dare I say it, trust juries to distinguish the prejudicial from the probative”. Now the Attorney General has said he also thinks juries should be allowed to hear more of the information sooner, so the public gets the information sooner.

If it had not been for the contempt laws the fact MI5 had come across the 7/7 bombers would have become public much earlier. The story of failure then would not have overshadowed Crevice; the success of the police and MI5 in stopping that plot would have dominated coverage at the end of the trial. More importantly the public would not once again be questioning how much they can trust the security services – for have no doubt the delayed revelations about the 7/7 bombers have shaken public confidence as to how much they’re told is true.

And that lack of confidence has been compounded by statements from ministers in all this – so we’re back to the issue of spin. Within days of the horrific attacks of 7/7 ministers were saying the bombers were “clean skins” – people unknown to the security services. In retrospect many people will wonder why they were so quick to say this, and what evidence they had to hand.

For nearly two years these ministerial pronouncements were to the forefront of most people’s understanding of 7/7. Many people continued to believe the initial statements that the bombers were ‘clean skins’. When it came, the revelation that this wasn’t the case was, to many deeply shocking, and corrosive to trust.

It all happened years ago. You will know better than me whether Social network Analysis technology, software which works on identifying suspicious behaviour, would now be more successful at identifying the risk from people like Khan and Tanweer. It didn’t exist or wasn’t doing the job adequately then and the 7/7 attacks went ahead.

We as journalists pushed the perimeters on the Crevice case, but in the interests of playing by the book in order to secure convictions the authorities were quick to clamp down on us. Very soon after 7/7 the security services realised the bombers were not ‘clean skins’, and that they’d had them on their radar. Journalists picked up whispers. Just two days after the attacks, on July 9 2005, the Attorney General, citing the contempt laws, warned editors against speculation linking the bombers to terrorist suspects already under arrest.

On January 13 2006, the Judge in the Crevice case issued a court order banning mention of any link between the 7/7 bombers and the Crevice suspects who were by then finally about to be tried. He was correct to do so - under British law the jurors were not allowed to hear anything which could prejudice their view or undermine the rights of the suspects before them, to a fair, unbiased trial.

The result of all this was the British public was kept in the dark about the 7/7 bombers for almost two years and about the workings of the Crevice cell for even longer - which brings us back to the contempt laws and people’s perception of the threat.

If public trust in what the security services say about the Al Qaeda threat is to be re-established either the speed at which trials are heard needs to be vastly increased (unlikely) or Britain has to change its contempt laws. At the moment the press struggles to write about how the reorganised Al Qaeda of 2007 operates in the UK, because the cases which would illustrate this won't emerge into court for another two years.

We all understand why we have contempt laws. Yet juries aren't stupid. If we can trust them to find someone guilty of a charge that will condemn them to life in prison should we not, as Peter Clarke suggests, also trust them to follow evidence they hear in court, rather than press accounts? After all, many countries – including the US – have very different laws in this area.

Even Shami Chakrabati, Director of the human rights group Liberty, thinks there is room for investigating a cautious loosening of the laws, although she warns, “There's a balance to be struck between keeping people in the loop in order to retain public confidence, and ensuring cases aren't tried in the media on rumour and gossip rather than on evidence in court”.

MI5's failure to stop the 7/7 plot will always be remembered. And the awkward truth is that if they'd diverted people to monitor Mohammad Sidique Khan back in 2004, we might be bemoaning the fact they didn't stop other attacks. Take the alleged plot to bomb trans-Atlantic aircraft - if that had succeeded intelligence officers claim thousands of people could have been killed.

Nevertheless this issue of public trust must be dealt with. Peter Clarke warns: “It is no exaggeration to say that the lack of public trust in intelligence is in danger of infecting the relationship between the police and the communities we serve... We must maintain that trust”. Why? Because no amount of new technologies or laws will end the threat, unless law enforcers also have intelligence and much of that will come from the public. One of the people who alerted the police in the Crevice case for example, was some one at the storage unit in West London where the fertiliser was kept.

Peter Clarke and his colleagues face a tough struggle. As the delay in revealing the truth about the 7/7 bombers illustrates, we have the British public kept in the dark but being told the threat is as bad as ever. We have enraged victims who believe they've been short changed because they discover vital facts have been kept from them. And we have the police and MI5 frustrated that when rumour and speculation does get out, they can't answer back or comment.

CONCLUSION

In conclusion, if the public knew more, they'd question what's being suggested to fight terrorism. Why for example is it taking so long to bring in a system to check exactly who is coming into and leaving the country? Crevice, and 7/7 for example taught us that the

modern terrorist is likely to travel relatively frequently between here and Pakistan. Now I hear there's evidence they're using intermediate staging posts to disguise this.

The response to the threat may well be proportionate – but the public can't be certain of that. Many of the technologies being introduced in the name of tackling terrorist undermine our privacy and liberties, but the people don't have enough understanding of the threat to know whether that's justified.

As we move into a new political era, our next leaders will need to make brave decisions on the legal front about the contempt laws, on the technological front about borders and intercept surveillance. Critically, they must also regain public confidence and convince people that whatever they do to fight terrorism, they do it not for any political motive, but because it will keep us all safer in future.

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