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This conference comes as I am a mere three days away from stepping down as Independent Reviewer. So I am grateful for this opportunity to offer brief thoughts on some of my work and conclusions whilst in this role, and I do so by reference to the preparation of my final Annual Report on the use of the terrorism legislation. I have been told that the Report will be published any day now. I shall do my best to maintain propriety, and to remember that the Report is only open for public comment and scrutiny once presented to Parliament. However, my departure means that I will be unable to offer any public comment after this week, so it is inevitable that some of the themes I shall mention also feature in the Report. It has been a real privilege to serve as Independent Reviewer. My excitement at the prospect of going on to serve as Director of Public Prosecutions next month is tempered by sadness and an apology that I am unable to do more in relation to reviewing our terrorism laws.

The latest developments in the Independent Reviewer's area of interest are of course the re-launch of the Government Counter Terrorism strategy (known as CONTEST), presented by the Home Secretary on 4th June, and the new Counter-Terrorism and Border Security Bill 2018, which is making its way through Parliamentary scrutiny.

As to the latter, I have twice given evidence to Parliament, namely to the Joint Committee on Human Rights on 20th June and to the Bill scrutiny Committee on 26th June. Thereafter, I have provided written submissions to the Home Office and to the Bill Committee in conjunction with my Senior Special Adviser Professor Clive Walker.

Early last month, the Government tabled a series of amendments to the Counter Terrorism Bill, on which I offered brief thoughts in a new post on the Independent Reviewer website last week. The other event of particular note during the last year has been the passage of the Sanctions and Money Laundering Bill through Parliament. I gave evidence to the Joint Committee for Human Rights on 31st January 2018. Following that, it is now clear that the Independent Reviewer's remit for terrorism-related sanctions will remain within the new Act.

Throughout my 20 months in post, I have travelled across the country, including of course Northern Ireland, in order to meet with as many people as possible, with the sole purpose of hearing the views of all on the operation and impact of our legislation. The office of IRTL is an open channel for any person or group with relevant information or views. I add only this for the sake of clarity; engagement does not equate to endorsement. More on this later.

Now, some headline thoughts, which I shall follow with my departing comments:

Threat picture

Analysing the statistics which form the worldwide picture of terrorism in 2017, it is clear that Muslims remain the most numerous victims of terrorism, far outnumbering members of other faiths in many of the countries where terrorism-related activity is most prevalent.

Meanwhile here in the UK, England last year suffered the worst combination of terrorist attacks for many years. Since March 22nd 2017, we have all lived through the pain of witnessing murderous attacks at

Westminster Bridge, Manchester Arena, and London Bridge followed by Borough Market. The attack outside Finsbury Park Mosque on 19th June marked the fourth in this list of major terrorism events, and there was another attack at Parsons Green on 15th September. And it tells you something about the even-handedness with which the authorities deal with these attacks that the white non-Muslim perpetrator of the Finsbury Park attack and the Asian Muslim attacker at Parsons Green both received similar sentences, namely richly deserved Life terms with very long tariffs of years to serve.

It is remarkable that the UK threat level was elevated from Severe to Critical twice only during 2017, namely for a short period after the Manchester Arena attack, and for a short period after the discovery of the partially-detonated explosive device on a London Underground train at Parsons Green.

Daesh continued to represent the most significant terrorist threat, but not the only threat. The threat level for Northern Ireland-related terrorism in Great Britain was raised in May 2016 to Substantial; the threat in Northern Ireland itself remains Severe.

The increase in police awareness of extreme and far right activity in the UK is reflected in the rise in the number of arrests this year relating to members of such groups. More on this later.

So, despite the terrorist attacks and other events of 2017, the UK consistently avoids long-term elevation of the national threat level to the highest category, avoids recourse to Article 15 derogation under the European Convention on Human Rights, avoids the declaration of a national state of emergency as seen in France, and benefits from policing and intelligence work which successfully disrupts terrorism-related activity

almost every time. Nonetheless the trends for the threat from terrorism here and abroad demand constant attention.

More on the major terrorist attacks in 2017

As Independent Reviewer, I am entitled to conduct discretionary reviews of police investigations. To that end, because the Westminster Bridge attack on 22nd March 2017 did not lead to criminal proceedings, I reviewed the police investigation and duly presented my Report into Operation Classific to the Home Office in early February this year, and it was presented to Parliament at the end of March. I concluded in my report that Operation Classific was fast, efficient and comprehensive.

Since then, I have reviewed the police investigations which followed the Manchester Arena attack (Operation Manteline) and the London Bridge & Borough Market attack (Operation Dativa l). Counter-terrorism policing officers arrested and detained 23 people in the course of operation Manteline. All were released without charge. 22 people were arrested and detained under Op Dativa l, including 11 individuals in one address. All were released without charge.

In relation to both of these major investigations, I am happy to say that I found nothing to suggest impropriety as to the use of the legislation for the purposes of arrest and search. On the contrary, the Police are to be commended for the thoroughness and rigour of the Manchester Arena investigation which commenced as a possible man-hunt, to the extent that some considered the complexity and duration of Abedi's preparations to be beyond the capacity of a lone individual.

Three individuals were detained for up to the maximum of 14 days under this investigation. I have noted in my previous Annual Report the circumstances in which the Home Secretary may invoke 28 days' pre-

charge detention. Physical and financial resource is not a matter for me, but learned experience always helps to reveal whether statutory powers are sufficient for current times. In my strong view, the maximum fourteen days pre-charge detention remains long enough. Any move to reconsider or to amend these provisions would require very wide scrutiny and debate.

As to the London Bridge investigation, I reach similarly complimentary conclusions about the police investigation, though I note that the police arrested 11 individuals at the same premises on the first day of this investigation. These premises were the home address of one of the terrorist, Butt. His family were arrested there hours later. It is important to remember that any arrest requires reasonable grounds to suspect in relation to an individual, rather than a general scenario presented to officers on entry to premises, therefore any competent reviewer should question the reasonable grounds to suspect in each individual case, whilst however noting that there were multiple considerations, including the unknown risk of a further attack in the aftermath of London Bridge, the question of whether any of those arrested may have had prior knowledge of the principal attack, and the extent of communication between individuals during the early hours immediately after the attack.

Community engagement

I mentioned earlier my engagement with communities affected by the legislation, this includes the Manchester community, whose views I have reflected in the Forward Thinking Building Bridges Report published in July 2017. Good community policing, as well as good counter-terrorism policing, demands that real efforts are made to work within and with local communities, where many blameless residents will have been inconvenienced if not traumatised by the regular appearance of Police search

and arrest teams on their street or in their home. The Police should always consider and reflect upon the community impact of a large-scale investigation, particularly in the context of Manteline, centring as it did on particular areas of Manchester with a large Muslim population. I again visited south Manchester last month, and am grateful for the welcome I received from all within that community.

A run through the key statistics from 2017.

Proscribed organisations & Executive Orders

There are 74 organisations proscribed under the Terrorism Act 2000. There are also 14 organisations in Northern Ireland that were originally proscribed under previous legislation.

Previous Independent Reviewer reports have called for a deproscription regime, in the manner of a sunset clause or limited life span of a proscription order, similar to that present in the equivalent legislation in Australia. I repeat those calls here. Proscription should not be for ever, but should be regularly reviewed and evaluated.

As of 31 August 2017, there were six TPIM notices in force, five in respect of British citizens. All six subjects were relocated. That number stayed almost constant for the year since.

Here, I offer two thoughts:

TPIMs are here to stay for the foreseeable future, and I suggest there should be ever more flexible use of the available measures, specifically including the comparatively low-cost option of a non-relocation TPIM. There are sixteen possible measures which can be imposed under a TPIM; it is not necessary to use them all every time.

I also suggest that local authorities including their Social Services departments should be appropriately briefed on TPIMs wherever relevant and necessary, with suitable limitations upon the use of any information provided. Of course, there needs to be a limited circle of confidence in relation to the existence of a TPIM, but that should involve local authorities on a need to know basis.

Port and border controls

The frequency of use of Schedule 7 powers to examine people at ports and airports has continued to decline, with 16,349 examinations in 2017, compared to 19,355 in 2016.

Brief thoughts from me in this area:

First, this power does not require a reasonable suspicion. However, the code of practice makes clear that no officer may conduct a random examination or detention of a person under Schedule 7. No officer may use ethnicity alone for the exercise of such powers. Every officer is bound by the terms of the Code of Practice, which require that one or more of the 'selection criteria' is present before any examination/detention can take place. In the absence of a reasonable suspicion threshold, I recommended in my previous report that the Code of Practice be at least enshrined in the adoption of a universal threshold, namely 'reasonable grounds to support' the exercise of Schedule 7 powers by the application of the criteria within the Code of Practice. That recommendation has not yet been accepted; so it will be for my successor to consider again.

Second, It is open to the police to use screening questions to determine whether a Schedule 7 stop is necessary. These questions are not an exercise under Schedule 7. There may be merit in considering the extent and number of permissible screening questions, where they do not lead to the use of Schedule 7 detention. At the moment, the fact of screening questions is not routinely recorded, therefore statistics do not exist. However, there is an argument that careful screening questions reduce traveller interference overall, because of the lower use of detention powers. I hope that this will receive careful consideration.

Arrest and detention

In Great Britain, there were 156 arrests in 2017 under s41 Terrorism Act 2000, compared to 37 in 2016, and 55 in 2015. There were however a total of 412 arrests for terrorism-related offences in 2017, compared to 261 in 2016 (a 58% increase).

The increase in police disruption of extreme and far right activity in the UK is reflected in the rise in the number of arrests this year relating to members of such groups.

So despite a sharp increase in the use of TACT arrests, the majority of arrests (62%) did not use TACT.

In Northern Ireland, there were 171 arrests under s41 Terrorism Act 2000 in 2017, up from 123 in 2016, but comparable to 169 in 2015 and 222 in 2014.

In Great Britain, 33% were held in pre-charge detention for less than 48 hours (after which time, a WOFD is required from the court). In Northern Ireland, only 14% were detained for more than 48 hours. Once again, detention beyond 48 hours, common in Great Britain, is still rare in Northern Ireland.

In Great Britain, 33% of the people arrested under TA 2000 s41 were charged. This is down from a charge rate of 73% under TACT last year, in part due to the large number of arrests during the various major investigations in 2017. Charging rates in Northern Ireland continue to be consistently low, with only 6% of those arrested under TA 2000 s41 charged.

Criminal proceedings

86 trials for terrorism-related offences were completed in 2017. Of these, 77 persons (90%) were convicted and 8 acquitted. A very high conviction rate; testament to the Counter Terrorism Division of the CPS.

Conclusion

That is the overall picture of the use of our terrorism legislation in 2017.

Had I been able to remain in post as Independent Reviewer, I would have wished to focus upon matters including the following, within the next annual report 'The Terrorism Acts in 2018':

1. The practical implications of repealing Part 1 of TAFA 2010 in favour of a new terrorism sanctions regime under the Sanctions and Anti-Money Laundering Act 2018, on which I mentioned that I have given evidence in Parliament when it was a Bill.

2. A fresh review of the definition of terrorism within section 1 of Terrorism Act 2000, particularly in light of the changing nature of the threat from

international terrorism, including the Salisbury Novichok attack. The question of state terrorism and its inclusion/exclusion from the section 1 TACT 2000 definition is 'work in progress'. I invited my Senior Special Adviser Clive Walker to consider the question, and to review the legal and academic research in this area. He has produced a comprehensive 'Note on the definition of terrorism under the Terrorism Act 2000, section 1, in the light of the Salisbury incident', which I have annexed to my Report. The content and any opinions expressed in the Note are Professor Walker's, rather than mine, but I am grateful to him for his work and hope that it may fuel debate and indeed further consideration by my successor.

3. A continued focus on the appropriate use of Schedule 7, Terrorism Act 2000, including in Northern Ireland.
4. A review of the use of stop and search pursuant to section 47A of Terrorism 2000, which occurred in September 2017 for the first time since 2011.
5. An investigation into any wider ramifications of Brexit in relation to the operation of the legislation which I have reviewed.

Of course, these matters will be for my successor, once identified, to consider and to confirm or reject. Again, I am sorry that my departure for public service in another role prevents me from doing more as Independent Reviewer. I regret that there will be a gap in oversight until the next Reviewer is appointed, but I am confident that the Home Office will make that appointment as soon as possible.