

"What is the threat to the UK today?"
(Bright Blue, 7 July 2021)

Introduction

1. Today is the 16th anniversary of 7/7, the terrorist attacks on the London transport system in which 52 people were murdered.
2. I vividly recall the evidence at the inquests of Peter Clarke, a former head of police counter-terrorism command. The inquests revealed that Mohammad Sidique Khan, the ringleader of 7/7, had been detected at the fringes of an earlier plot in 2004. This was the plot to blow up Bluewater Shopping Centre in Kent, the Ministry of Sound nightclub, and London synagogues, with a fertiliser-based bomb.
3. Mr Clarke explained how a decision was taken to let the operation 'run' in the parlance – to allow it to progress until there was the strongest possible evidence of an actual terrorist plot rather than carrying out early disruptive arrests. It involved the authorities covertly switching the fertiliser for the bomb with an inert substance. The reason for letting it run was that the authorities wanted a conviction to prove to the general public the nature of the Islamist terrorist threat in this country; and to get a conviction they needed to persuade a jury that the plot was real and deadly serious. 4 individuals were convicted and sentenced to life.
4. How things have changed. Very few people today need proof that there is an Islamist terrorist threat. But if you ask me about the threat today compared to only a few years ago, I would say the threat is becoming more blurred. I don't mean that in some way the threat is not real, simply that there are more cases in which it is hard to distinguish between what is conventionally understood as terrorism and what is not.

Two Factors

5. Crudely speaking there are two factors behind this blurring. Both factors are profoundly connected to the digitalisation of ordinary life.
6. The **first** factor is the changing impact of real world terrorist groups.
7. Terrorism legislation was born out of the response to organised political violence in Northern Ireland. Added to the proscribed NI groups the most notable banned organisations today are the Islamist terrorist groups Al Qa'eda, Da'esh, Al-Muhajaroun; and the Right Wing Terrorist groups National Action. These groups have proven themselves to be capable and dangerous with real membership and programmes of action.
8. But the greatest risk of terrorist violence in E&W (note that I exclude Northern Ireland) does not flow from physical groups exercising command and control. It flows

from what used to be called lone actors, and are now sometimes known as self-initiators.

9. Their involvement with any group or ideology is online. It is probably divorced from family or personal connection, unlike more traditional iterations of terrorism which is frequently profoundly based on social or family networks. Because it is online it is uncomplicated by the need to find a covert place to meet or carry out weapons training, and avoids the possibility of the awkward question from a family member, “Where are you going, who are you meeting, and why on earth are you going out dressed like that?”. It is uninhibited by the needs of old-fashioned tradecraft when transmitting propaganda or bomb manuals.
10. It is true to say that most completed terrorist attacks, at least on the Extreme Right Wing, are carried out by adults. Think of Thomas Mair who murdered Jo Cox MP, Darren Osborne who carried out the attacks at Finsbury Park mosque, and Vincent Fuller who stabbed a teenager in a Surrey car park.
11. But we need to talk about children. Take a real example.
12. By early 2020 the individual I am going to talk about was consuming radical jihadist online material. He was arrested by Hampshire Police and then by CT Police. They found that he had researched explosives and prepared shrapnel bombs using bottles, to bring about the end of the Western Race as he put it. He was 14.
13. This sort of arrest is happening at what appears to me to be an astonishing level of frequency. As part of my role I am notified whenever an individual is detained under terrorism powers: this allows me to speak to investigating officers to test the investigative temperature. I have lost count of the times the detainee in a recent arrest has turned out to be child; and on occasion the rather pathetic information has been conveyed that the child seems to prefer the calm and attention of a specialist terrorism suite to their own home lives.
14. Official statistics, most recently published in June, show that arrests for terrorism related activity amongst the under 18s were rare in the years 2003 to 2012: never rising about 5% of the total. The rate crept up to a maximum of 6% until March 2020. But in each of the last quarters ending March 2021 it has been between 10% and 16%. The pandemic dramatically affected the arrest rates for all age categories, but not for the under 18s: here the absolute number of arrests went up. Almost half the arrests of under 18s since March 2001 have been in the last 5 years.
15. As it happened the boy with the shrapnel bombs was acquitted. According to the reports of the trial, there was terrible neglect at home and a desire to be respected and cool. The jury cannot have accepted that he really intended to carry out acts of terrorism. Did the grisly CT Police officers with all their training and experience (I use the word grisly advisedly – most CT investigating officers are men) expect that they would be arresting a 14-year old boy? No, but what could they do?

16. They could not sensibly take the view articulated by the priest in *Waverley* by Sir Walter Scott, who thought that that serious ideological violence was excusable owing to “youth, misled by the wild visions of chivalry and imaginary loyalty”. The problem is that these wild visions may lead to actual violence. Even if lone individuals do not move to violence themselves, they may encourage it in others.
17. It is also necessary to speak about autism. It has not received much public attention, and there is a very real and respectable fear that making any sort of link will lead to stigma. It is quite possible, and this is supported by some of the research, that the relevant factor is autism plus, meaning that for people on the autistic spectrum who are drawn into terrorist violence there tends to be some additional factor at work like a very unstable family background or some other cognitive difficulty. But consider these recent convictions:
- 2018 17-year old Lloyd Gunton who declared himself an Islamic State soldier and prepared a vehicle and knife attack in Cardiff (autistic, sentenced to life)
 - 2019 Jack Reed involved in occult neo-Nazism since age of 13 who planned attack on Durham synagogues (autistic, 6 years 8 months)
 - 2020 17-year old Paul Dunleavy involved in attack planning in the West Midlands inspired by Feuerkrieg Division (autistic, 5 and a half years)
 - 2021 a 16 yr old from Newcastle who invited support for National Action in the interest of creating a white ethno-state (autistic, a referral order).
18. My understanding is that the incidents of autism and Prevent referrals are also staggeringly high. It is as if a social problem has been unearthed and fallen into lap of counter-terrorism professionals.
19. From the point of view of counter-terrorism legislation, is the use of strong powers to detect and investigate suspected terrorism in children justified? I believe it is because of the potential risk to the general public. But is the criminal justice outcome the right one in all cases? Consider the offence of possession of material likely to be useful to a terrorist. Academics use the word remoteness to draw attention to the fact that having possession of something does not necessarily mean you are going to do something with it. What about autistic people who simply develop what is called a “special interest” in this sort of material? Police and prosecutors fret about whether there is an alternative to arrest and prosecution.
20. So the relationship that today’s lone actors or self-initiators’ relationship have with terrorist groups is an online one. UK legislation is more agile than US legislation in banning terrorist organisations, but the UK is moving towards of the edges of what our law allows. The most recent proscriptions of RWT organisations such as Sonnenkrieg, Feuerkrieg and Atomwaffen, undoubtedly inspirers of violent racism, concerned groups that have little any physical presence in the UK. Banning these groups does have intangible benefits: proscription does have a dissuasive effect, it does support online takedowns, it does spread uncertainty and distrust in terrorism-minded individuals. But it is not possible to ban an ideology or a reputation or a franchise.

21. The **second** factor is the rise of new motivating hateful ideologies. I do not want to minimise the role of Islamist terrorism and traditional Right Wing Terrorism. But when Lord Lloyd carried out his review that led to the Terrorism Act 2000, which is notable for being threat-neutral, the fear over the horizon was of animal rights terrorism and terrorism against abortion clinics. In the event neither of these causes reached a point at which they were treated as terrorism.
22. Instead, there is now consistent evidence of causes which inspire violence but which do not superficially appear to be political, religious, racial or ideological at all. Consider the veneration of US school shootings, most notably the Columbine attacks in 1999:
- In 2018, two teenage boys from North Yorkshire plotted a Columbine-style shooting and were convicted of conspiracy to murder. They were said to have idolised the Columbine killers and wanted to be 'anti-heroes'.
 - In 2019 Kyle Davies from Gloucester who was sentenced to 19 years' imprisonment for attempting to possess firearms and ammunition with intention of carrying out a mass shooting under the banner "Gotterdammerung". He had carried out extensive research into Columbine, in addition to the Norway attacks by Anders Breivik.
 - Again in 2019, 21-year old Shane Fletcher was convicted of plotting a massacre at a football match in Workington, Cumbria. He too idolised the Columbine shooters.
23. If there is an ideological component, and I think there may well be one, it is a nihilism which seeks the end of days. It has something akin to the revolution of the unhappy or the "beta uprising" carried out by incels or involuntary celibates.
24. The practical impact of this blurring of the lines of terrorist violence is three-fold.
25. Firstly, our understanding of terrorist risk must be constantly updated. There are considerable difficulties in identifying whether desires to kill expressed online, particularly when expressed by the young, will translate into acts of terrorism in real life. Cut adrift from groups, whose behaviour we understand, and from ideologies whose proneness to violence we recognise from bitter experience, we lack the equipment of navigation.
26. Secondly, the tools for addressing violent ideologies before it is too late must be reviewed. It is one thing to employ a theologian to debate the late sermons of Anwar Al-Awlaki with a potential Islamist radicaliser. It is another thing to deal with a young, perhaps neurodivergent, individual who has become obsessed by accelerationism and the occult.
27. Thirdly, the authorities must continually ensure that terrorism powers and terrorism prosecutions are used against individuals who the public recognise as terrorists.

Powerful terrorism laws lose their legitimacy if there are debates about whether the person is really a terrorist at all.

Quick tour

28. Because I was an assiduous school child, I am going to try and answer the question which is the title of this speech, "What is the threat to the UK today?" The current threat level in E&W has been substantial since Feb 2021 - it went up to severe at the end of 2020 after the attacks in France and Austria but fears that they would have galvanising effect in the UK did not materialise. The most recent terrorist murders were just over a year ago: the Reading attacks by Khairi Saadallah.
29. The most likely attack will be self-initiated using a bladed or blunt force weapon: this type of attack is difficult to identify and disrupt, and has been promoted by terrorist groups in preference to more spectacular but complex attacks. The greatest risk remains an Islamist terrorist attack. We are in an era of global uncertainty, and potentially an era of less money being available for counter-terrorism at home and military action overseas.
30. The pandemic had a temporary suppressive effect, because terrorists too have been affected by Covid restrictions and preoccupations. Fewer crowds have meant fewer targeting opportunities. Now crowds are back, the findings of the Manchester Arena inquiry are of dramatic relevance. New laws are likely in connection with protecting crowded places.
31. Whatever laws are enacted I hope that the public are clear-eyed about the trade-offs involved. These are delicate balances. The human rights calculus through which lawyers such as myself attempt to evaluate the necessity and fairness of counter-terrorism laws is generally focussed on the individual: and what could be more precious than the protection of the right to human life? But the collective impact on society matters greatly.
32. In the words of Professor Jeremy Waldron, we need to guard against terrorism leading to a reduction in "large-scale social interaction, and a marked degradation... in the cheerful spirit of security that permeates our society and on which its prosperity depends". Few of us have not experienced the deadening effect of over-zealous interpretation of data protection laws on normal social interaction – for example, trying to get a phone number from a school or sports club. Any Protect duty must be carefully apportioned. But looking at locations as well as individuals is a step forward. In my current review of terrorism in prisons I have been struck by the need to look at the behaviour of whole wings, and not just focus on particular individuals.
33. So let me turn briefly to the threat posed by the main 4 terrorist categories encountered in the UK today.

NI

34. The threat in NI from NIRT remains severe.
35. I don't believe that the terrorist situation in NI is appreciated by many people outside NI. In April this year the BBC reported 12 days of violence as crowds rioted in towns and cities and attacked police. Petrol bombs, iron bars, men in masks, a bus hijacked and burned. And that is not to mention the real fear of sophisticated devices made by trained and dangerous professional Dissident Republicans. The prevalence of ideological violence and the seriousness of weapons that are routinely used, such as pipebombs, is regarded quite differently in NI, as a fact of life.
36. Northern Ireland has wrestled for decades with how to delegitimise proscribed organisations. In recent years the highest threat groups, such as the New IRA, have sat at the top attracting the main counter-terrorism resources of the state; below them have been groups, mainly but not only Loyalist, whose interest has turned to drugs and extortion and have been dealt with as "paramilitaries" (a special term only used in NI to blur the distinction between terrorist and non-terrorist activity). That model now looks less stable. All these groups have a knowledge and capability, and a political trigger like the Northern Ireland Protocol can prioritise violent political goals over violent criminal gains.

Islamist

37. Turning to Islamist terrorism, it is worth considering the arc of Islamist terrorism over the last 20 years or so. Many of our laws have been introduced or revived specifically to deal with aspects of the Islamist threat: Belmarsh detention and then control orders for non-nationals who could not be deported after 9/11; deprivation of citizenship to deal with individuals who travelled to the so-called Caliphate, and Temporary Exclusions Orders to deal with those who have a right to return; and the creation of the designated area offence (so far not used but on the statute book) to dissuade people from travelling in the first place.
38. At the time of 9/11 much focus was on the border areas between Pakistan and Afghanistan. Individuals would travel from the UK for training at Al Qa'eda camps. Emirs would give their blessings to attack plans carried out in Western capitals or in the air. Now the drawdown of US troops in Afghanistan introduces the possibility that hostile or ungoverned spaces will be exploited once again by individuals keen to project a terrorist threat back into the UK.
39. 10 years or so after 9/11, the so-called Caliphate was declared in Syria and Iraq and Da'esh supplanted AQ as the main draw. Today there is less travel, but the brands created by both AQ Da'esh are still strong. Just 2 weeks ago, the AQ media outlet released a speech praising AQ' activities in the Sahel, and West and Central Africa, encouraging those seeking jihad to travel abroad.
40. In my first annual report I referred to the threat of returning jihadis from Iraq and Syria as the dog that didn't bark. In general, that remains the case. Of course the US

is asking European nations to repatriate their citizens and residents from the detention camps. So the question arises as to what should be done about Shamima Begum and people like her. As it happened, like my predecessors, I asked the government to be allowed to review the use of immigration and nationality-depriving powers when they were used for counter-terrorism purposes, but that request was refused.

41. The answer must be to treat people as individuals. Some individuals will be dangerous and difficult to deal with if they are allowed to return. Others will not. I was disappointed that the Shamima Begum case proceeded all the way to the Supreme Court on stark preliminary issues and I look forward to seeing how the courts consider the particular factors in her case. Not all returners have proven to be dangerous; but some individuals undoubtedly are.
42. The next point on the arc is the attacks of 2017. These really alerted the authorities to the risk from closed Subjects of Interest and the width of the pool of individuals who might carry out an act of terrorism.
43. Shortly after this, the 2019-20 attacks in Fishmongers' Hall, HMP Whitemoor and in Streatham placed the focus on offender management, begging the question, What do you do if you have not only caught the terrorist, but prosecuted and sentenced them? What then?
44. It is interesting to note that the modalities of Usman Khan's original offence were very much of the vintage of the early 2000s, a plot with others to set up a training camp overseas. His second terrorist offence was redolent of later methods: knives, alone, difficult to detect and disrupt.

RWT

45. There are no special terrorism laws invented to deal with RWT. Mostly they have proved very adaptable. Membership of a proscribed organisation was rarely prosecuted: but there were 15 offences in the last 5 years of being a member of just a single proscribed organisation, National Action.
46. It is US culture that has an almost total lock on the ideologies of RWT in the Anglophone world. Most notable has been James Mason's fascist text *Siege* which was systematically injected into the online world by the website *Ironmarch*, then *Fascist Forge*, and by the banned US group *Atomwaffen*. I say almost total – the teenage neo-Nazi Jack Reed used a Twitter handle referring to Oswald Mosley, a rare nod to the homegrown.
47. Where do the online platforms that spread these ideologies operate? More and more, like the platform *Telegram*, they look for hosting opportunities in less regulated and more permissive jurisdictions such as Russia.

48. The Biden administration has recently adopted a new national strategy for countering domestic terrorism, what we would refer to as RWT: it is a powerful statement of intent and commitment although it is opaque on whether and how US laws might be rewritten to allow the banning by the US of domestic terrorist groups. The strategy makes three references the relevance of end-to-end encryption to domestic terrorism. The decision of the major US social media companies to push ahead with end-to-end encryption offers great comfort to the spreaders of terrorist hatred across the world.
49. Looking at the position in the US, it is impossible not to be grateful for the UK's tight gun controls. It is thankfully difficult for UK teenagers or adults to replicate the game-orientated kill counts of immigrants or Jews that are being discussed online right now.

MUU

50. The most dynamic new category of terrorist activity illustrates the point exactly about blurring. The category is known to investigators and analysts as Mixed, Unclear or Uncertain ("MUU"). This is a reference to the difficulty of pinning down the 'ideology' rather than the violence with which it is connected.
51. That difficulty shouts from the statistics. In 2019/20, 51% of the 6,287 referrals to Prevent comprised individuals with MUU. That means members of the public, many of them in educational settings, extremely worried about overt behaviour which might be terrorist.
52. After weeding out, 351 cases were discussed at a Channel Panel and ultimately a total of 127 were adopted as Channel cases. That amounts to a 535% increase on 2018/19, when only 20 MUU were adopted. For comparison, in 2019/20 there were 210 Islamist terrorism and 302 extreme right-wing referrals adopted as Channel cases.
53. The 2020 mass killer from Hanau, Germany, Tobias Rathjen exemplifies the mixed ideology. Aged 43, Rathjen lived with his parents most of his life. He was openly racist but obsessed with conspiracy theories involving ritual child abuse. He called himself an incel. He was a loner, not connected to any group. It is impossible to say that he had a single programme: there were plenty of hooks for his violent hatred.
54. But we don't have to look too far away. I have already referred to school shooting. All the three UK plots I have referred to inspired by Columbine also involved profound expressions of race hatred. And of course there are the recent murders by Danyal Hussein, widely reported in this morning's media.

Conclusion

55. Terrorism remains statistically rare. It was reported yesterday that 21 teenagers have been killed this year in London alone, none of those attacks involving terrorism.

The chances are that if you are caught up in a violent crime then almost certainly not be a terrorist one. Now the blurring of the terrorist threat means that even identifying a terrorist attack may, in some cases, be more difficult.

56. So this is what police and Prevent practitioners are dealing with. No doubt new types of violence will either gain acceptance as a new form of terrorism or perhaps, or like fears of animal rights terrorism, fade out of sight.
57. There is a maturing effect as we learn to see what is in front of us. This brings me back to that evidence at the 7/7 inquests. It is possible that we are at a point where our understanding of terrorism and the terrorist threat is going to have to shift once again.

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