

REPORTING TERRORISM

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It's nearly two years since I wandered away
With the local battalion of the bold IRA,
For I read of our heroes, and wanted the same
To play out my part in the patriot game.

I don't mind a bit if I shoot down police
They are lackeys for war never guardians of peace
And yet at deserters I'm never let aim
The rebels who sold out the patriot game

And now as I lie here, my body all holes
I think of those traitors who bargained in souls
And I wish that my rifle had given the same
To those Quislings who sold out the patriot game.

The Patriot Game, **Dominic Behan (1957)**

In a way, the murder of the infidel, the first on British soil, foreshadowed what happened on 7/7. But it was strange, until I saw his dead body, it hadn't clicked that we were putting ideas into people's heads that would mean the murder of innocent people.

Ed Husain (2007)

Behan's lyrics, from 1957, celebrate and romanticise an IRA attack that year on a police barracks in Northern Ireland. The lyric's voice is Fergal O'Hanlon who died in the raid. Just seven years later, the Clancy Brothers were singing it in New York's Carnegie Hall. The man who planned and led the action, Sean Garland, is in his seventies now. He's wanted for extradition by U.S. law enforcement authorities investigating a counterfeiting ring. Today, half a century later, Behan's song would probably be counted a glorification of terrorism, and therefore an offence under the 2006 Terrorism Act. But enough dewy-eyed nostalgia for the terrorism of bygone days.

The second quote from Ed Husain, author of *The Islamist*, recounts his involvement in the ideological movement that drew some young British Muslims towards terrorism, and a little later on it will become clear why that murder marks a missed opportunity in the reporting of terrorism.

There are many clichés around the reporting of terrorism: that the media encourages terrorism, legitimises it or demonises it; that the media inflates the level of threat to scare, or refuses to take sides when society itself is imperilled. I don't want to waste time on these clichés, because I regard them as a waste of journalists' time (unless they're columnists, of course).

Nor am I going to spend time on the dilemmas of airing hostage videos, or the coverage of events like Beslan or 9/11. Many of these so-called ethical debates are actually arguments about 'hygiene' – the taste issues involved in using such material.

So how do we define terrorism? Do we include attacks on Britons overseas? Or terrorist attacks undertaken by British citizens? Issues of jurisdiction are increasingly important. Security services might choose to allow the agencies of other countries to try individuals if their own legal system is not sufficiently accommodating, or may find their freedom to act constrained where conspiracies are international. The co-ordination of investigations between agencies and jurisdictions is fraught with not just legal, but political, operational and linguistic problems.

Before giving up immediately, what interests me is our ability to report on terrorism as it affects our own society – which is to say within the controlled environment where reporters are both citizens and observers.

Let me make a distinction here between reporting and journalism. Journalism's most important role is the packaging and marketing for information – publicity. Journalists 'sell' and 'pitch' their stories to editors. I'm not using publicity in a derogatory way. Here, for example, are its uses:

- It can provide a publicity platform for terrorist activity, for terrorist sympathisers and apologists, for the police and security services, for interest groups and occasionally for terrorism victims and the public.
- Publicity can act as a safeguard on the criminal prosecution of suspected terrorists, assessing the effectiveness and competence of the police and security services.
- That publicity can also suggest remedial action (e.g. tougher legislation, increased resources, greater public vigilance or understanding).

But reporting is different. It is not the marketing of information; it is the primary task of creating information by investigation and organising it as explanation. I want to argue:

- that we need more reporting and more records, to give us better public understanding of the issues around terrorism

- that we've missed opportunities to debate major changes
- that reporting alone can't carry the burden of informing the public and acting as a watchdog on the security services.

The non-conspiracies around David Copeland

Young man. Self-confessed terrorist. 'Normal, quiet bloke.' Admits setting out to cause fear and disruption. His dad's amazed. Says he's been transformed into a bomber by extremists. Sound familiar?

Except it's not a British-born Muslim, or convert to Islam. It's David Copeland. In 1999, aged 22, Copeland set off three nail bombs across London – each one aimed at minority groups. His brief campaign of terror left three people dead, including a woman who was four-months pregnant. 129 people were injured.

As the police website on the investigation, dubbed Operation Marathon, made clear:

The arrest of Copeland was not the end of the investigation. Officers had to establish whether he was acting alone before they could be certain the bomb threat was over. A membership card for a small (and now defunct) group called the National Socialist Movement was found among Copeland's belongings. Copeland maintained throughout his detention that he acted entirely alone and never even discussed his plans with anyone else. Police could obviously not rely on his word and so they went to enormous lengths to

trace and investigate everyone he had contact with – going right back to his school days.

Copeland's murderous activities were framed by right-wing extremism, but he was the instrument of his own terror. He had turned his back on the British National Party because it didn't offer a sufficient outlet for violence. The tiny National Socialist Movement, to which Copeland belonged, had collapsed after one member stabbed another to death at a house in Chelmsford in 1998.

Two men were imprisoned for their part in that murder, one of them was named in a television documentary as a paid informant for the security services. The information he had allegedly provided related to a bombing campaign involving a Danish neo-Nazi. (The security services obviously took the National Socialist Movement seriously enough to monitor it, and in doing so, they had prevented another bombing campaign.)

Although there were pictures of Copeland with leading BNP figures, and although the miniature National Socialist Movement counted would-be bombers and actual murderers amongst its ranks, the police did not uncover evidence that Copeland had been radicalised by any of the people he'd associated with, as his father had claimed.

The BNP were not outlawed because of Copeland's association with them. The reporting of his trial made his neo-Nazism quite clear, and media coverage reflected the widespread revulsion at his views and his actions.

There was one big difference between Copeland and other terrorism cases. His social isolation – Copeland was a loner, and the catalyst of his own crimes. There was no network effect, no cell to amplify their impact. The reporting of his case concentrated on his mental state – was he mad or bad? The jury preferred wickedness to mental illness.

The public overall gained little positive information from the reporting of the case. But they did learn a great deal about the police investigation, which silenced conspiracy theorists and answered public doubts. Copeland was caught after a phone tip-off an hour before the Admiral Duncan pub in Soho had been blown up. Could the police have prevented that bombing? It was clear from the investigation and trial that the police hadn't had time to prevent Copeland's murderous attack.

Now we are told by the Attorney General and Scotland Yard's anti-terrorism chief that we need to change the rules on contempt so that we can be better informed, or better understand the nature and scale of the threat before us.

I would suggest that is a poor reason for changing the rules, and that the Copeland case provides a better one. Namely, that we understand how threats are assessed and how they are managed. Copeland's trial demonstrated publicly what the police had done to bring him to justice – and how they had managed their investigation.

The mysterious career of Kazi Rahman

I want to bear that in mind when we look at another young man currently imprisoned for terrorist offences. His case was not reported whilst it was being tried because of a contempt of court order. He is a couple of years older than Copeland, born in Wandsworth, south London towards the end of the 1970s. His name is Kazi Nurur Rahman, and his family were Muslims, of Bangladeshi origin. Rahman first came to public attention in the mid-1990s, when he was a student at Newham College of Further Education. He stood trial for a murder on campus.

On Thursday, 23 February 1995, Omar Bakri Mohammed had given a lecture at the Newham College. Bakri was the leader of Hizb ut-Tahrir, and later Al Muhajiroun. In 1991, during the first Gulf War he'd been detained briefly by British police for making a veiled threat against the then prime minister John Major. A couple of hundred students came to hear Bakri speak, and according to one of them, he did not disappoint – 'Bakri had visited our campus a few days before and had given one of his incendiary speeches and everyone was all worked up.'

At lunchtime, the following Monday, a 20 year old student, Tundi Obanubi, was set upon by a group of Muslim students and stabbed to death, just outside Newham College's East Ham building. The Nigerian's crime, one of his attackers said later, was to disrespect the Muslim religion.

Asian students killing a young African in a forgotten corner of London didn't make much national news, but a week later it did merit a report in the *Times Higher Educational Supplement*. The story began: 'Police were this week playing down reports that the fatal stabbing of a London student was racially motivated, for fear of heightening factional tension on campus.' It quoted a member of staff:

Concerns have also been expressed about the college not coming to terms with a group of Asian fundamentalists, some of whom are students, some from outside the college. Basically they have taken over student societies and only ever want to discuss elements of Islam in an increasingly hostile type of environment.

However, the same staff member said it was unclear if this group had anything to do with the stabbing.

The Islamic element of the story then disappeared. This is important. The original report raised serious questions about religiously-motivated campus violence – a murder. The authorities played it down.

In his book, *The Islamist*, Ed Husain gives a detailed account of the murder of Obanubi and its context. He quotes an eyewitness, Majid Nawaz, now a prominent figure in Hizb ut-Tahrir:

...the boy, a Christian student of Nigerian extraction, had been throwing his weight around and being generally offensive towards Muslims and about their

attitudes. Someone had phoned Saeed [Nur], who, as he had done previously, turned up within fifteen minutes. The pair confronted each other outside. The black boy drew a knife.

Saeed remained calm, looked the boy in the eye and said, 'Put that knife away or I will have to kill you.'

The boy did not respond. Perhaps he thought Saeed was bluffing. Saeed walked closer and warned him again. Exactly what happened next is unclear, but within seconds Saeed had pulled out Abdul Jabbar [a dagger] and thrust it into the boy's chest.

Husain called the killing, the direct result of Hizb ut-Tahrir's ideas.

Just over a year later, when the murder went to court, the *Guardian's* brief summary ran under the headline NEWS IN BRIEF: ASIANS DENY MURDER CHARGE. It began: 'A dispute over a game of table tennis led to a group of Asians murdering a Nigerian student.'

Four men were accused of killing Obanubi. One of those found guilty wasn't a student or Asian, but a regular college visitor, called Saeed Nur. Nur was an African Muslim of Somali origin. He carried a card that said 'Soldier of Allah.' During Nur's murder trial a number of witnesses identified him as having engaged in vigorous pro-Muslim activity in the run-up to Obanubi's murder, which had included threatening the Nigerian. Reporting of Nur's sentence was banned because jurors could not decide

on a verdict for one of his co-accused and it went for re-trial. One man had been acquitted outright – Kazi Nurur Rahman.

The re-trial took more than six months to return to the Old Bailey and ended in an acquittal. But by this time, the story seemed clearer. The *Times* headlined a short account, ‘Muslims “killed student over an insult to Islam.”’

In retrospect, this gang murder was a jihadi milestone. For Ed Husain, one of the Islamist extremists at Newham that day, it began a long journey away from violence towards a very different interpretation of Islam. For Kazi Rahman it led to Pakistan, and a few years later, to an appearance on my programme, *five news*.

In 2001, at a shabby house on Ilyas Street, Lahore that served as the office of Al Muhajiroun Hassan Butt wheeled out a rather nervous and masked British Muslim to talk to ITN reporter Jon Gilbert. The man told British television viewers: ‘I cannot wait for the day that I meet British soldiers on the battlefield and see them run... I am very happy to kill them.’ The nervous young man was Kazi Rahman, although he never got an opportunity to make good on his threats.

One of Rahman’s associates in that Lahore office was Mohammed Junaid Babar, an American supporter of Al Muhajiroun. He too was also interviewed by Gilbert condemning his country. That soundbite, re-broadcast on CNN, brought Babar to the attention of the FBI. Three years later, in April 2004, they arrested him in New York.

Babar's plea-bargaining deal with the FBI included an agreement to testify against a Canadian, Mohammad Momin Khawaja (who had been arrested on 29 March 2004) and a number British men who had been arrested the following day.

The Brits were the fertiliser bomb gang, under the leadership of Omar Khyam, who were storing ammonium nitrate for use in possible terrorist attacks. (During their surveillance operation the police swapped it for cat litter.) Khyam and his associates had come to light during Operation Crevice, a surveillance operation initially centred on a Luton taxi-driver who was allegedly in contact with a senior al-Qaeda figure in Iraq (now detained at Guantánamo).

The Crevice surveillance operation also turned up two of the men who, fifteen months later, would go on to carry out suicide attacks on the London underground system – Mohammed Sidique Khan and Shehzad Tanweer. In March 2004, their names were placed on a list of 40 'desirables.' It focused attention on Rahman too. He was placed on a list of 15 'essentials.'

We know this from an anonymous briefing after Omar Khyam and his gang were found guilty of their plot. On 30 April 2007, the Associated Press reported on the Khyam group's links with the 7/7 bombers, which had been kept secret for two years in order not to prejudice their trial:

A government security official, who briefed reporters on the case in exchange for anonymity, said 15 other terror suspects were ranked as higher priorities than [Mohamed Sidique] Khan and [Shehzad] Tanweer.

But only one of those suspects was later jailed: Kazi Rahman, a man officials believe was trying to buy missile launchers to target passenger jets. He pleaded guilty to possessing weapons for the purpose of terrorism.

Babar had told the FBI that Rahman had once planted an arms cache near a university in Lahore, and later offered it for use to another of the Operation Crevice targets.

Despite these claims, and his presence on MI5's 'essentials' list, no action was taken against Rahman until a fortnight *after* the 7/7 bombings. So how did Rahman end up going to prison?

Entrapment

On 20 July 2005, the security services began an entrapment operation targeting Rahman. He was introduced – it's unclear by whom – to a security service officer known as Salim. Together, they discussed counterfeit money, passports and the possibility of weapons purchases.

At some time shortly after this meeting, Rahman appears to have flown to Bangladesh. It didn't come up at his guilty plea, but a Bangladeshi news agency reported a curious incident on 8 August 2005. Six Muslim passengers were taken off the British Airways flight from Dhaka to London.

The airport's head of security told the agency that they had to check some passengers at British Airways' request. The airline said British Intelligence had informed them that someone travelling in a wheelchair could be a suspected criminal. The passenger was a woman. One of her two male companions was identified as Kazi Nurur Rahman. Security officials also detained three Moroccans. The plane was searched but nothing was found, and the six off-loaded passengers went on to London on a later flight. The story headlined the incident as no more than a security scare.

Still, it's hard not to believe that this story – discoverable via an Internet search – would have compromised Rahman to any terrorist associates. At the very least it would have alerted Rahman and others, to the fact that his movements were being tracked by the British security services.

Despite this, a little over two weeks later, Rahman and undercover security services agent Salim met again. Salim indicated that he could set up a meeting with an arms dealer. Phone calls were exchanged. Another meeting took place in a café at Liverpool Street Station on 29 September and the meeting with the 'arms dealer' Mohamed – actually an undercover policeman – was fixed for 4 October at South Mimms service station on the M25. Rahman asked Mohamed for three Uzis with silencers and 3,000 rounds of ammunition. A week later, Rahman met once more with Salim.

The next meeting with Mohamed was on 15 October, again at South Mimms. Rahman handed over £2,000 (later found to be £3,000). Rahman discussed the possibility of acquiring rocket-propelled grenades and surface-to-air missiles. On 19 October

Mohamed texted Rahman with a price for these weapon systems. What happened next?

Rahman flew to Saudi Arabia. It's not clear why a major terrorist suspect in such a case was allowed to leave the country, nor who he met and how he was monitored whilst he was away. He returned to Britain on 10 November. A week later, on 17 November, Mohamed and Rahman met again. When asked about the details of the weapons exchange Rahman said he would bring someone along to check their authenticity.

The weapons handover was scheduled for 11am on Tuesday, 29 November with the initial meeting at South Mimms services, off the M25. Rahman hadn't managed to find anyone to bring along with him. Mohamed introduced him to another undercover officer, Iqbal. Iqbal and Rahman drove to backstreet in Welham Green where he was shown three Uzis. After seeing them, he expressed concern that he was being set up in a sting, and went back to his car to call Mohamed. It was at this point that he was arrested by armed police.

The strange thing about the entrapment is that you could equally read Rahman's involvement as an attempt to sting his suitors. When he asked for advanced weapons systems, the price offered (getting on for £70,000) would have made him the best-financed terrorist in British history. Previously, he mistakenly handed over £3,000 instead of £2,000 – who gave him that money?

But now comes the interesting part. Before he entered his guilty plea Rahman claimed to have been an MI5 informant. It's worth considering exactly what he told police on 1 December 2005. This is from the court documents:

[Rahman] said that he was not a terrorist and had no link with terrorist organisations, claiming that he had been acting under duress, fearing for the safety of himself and his family. He further claimed to have been tasked by an Anti-Terrorist Organisation, which he claimed to be in fear of.

An interview then followed at 1.38pm in which he gave a story stating that he had been specifically tasked to infiltrate terrorist groups. He claimed that he was recruited when he was on remand in prison about 10 years before [for the Obanubi killing – recruitment on remand is such standard practice that ACPO informant guidelines specifically mention it] and that he had been involved in a number of successful operations. He referred to meeting his handlers in hotel rooms and that he had been paid tens of thousands of pounds over the years. He later stated that he had no knowledge of the fact that there were Uzi machine guns in the van, and that he had expected to see two or three handguns and that he was to report back to his handlers by text message...

In a later interview when disclosure had been given concerning items found at the search of his home address, Rahman stated items seized by police would have been planted by the Anti-Terrorist Organisation. He identified this organisation as being MI5.

On 2 December in further interview concerning 55 Huddleston Road, he stated the following:

I have come to the conclusion that 55 Huddleston is owned by either MI5 or you guys and I have been badly stitched up.

He then referred to a map of Afghanistan inside the premises and stated that it should be examined for fingerprints, stating that either police or MI5 fingerprints would be found on it.

He subsequently retracted these claims and was sentenced to nine years imprisonment. It was only after the Crevice trial finished in May 2007 that reporting restrictions on Rahman's case were finally lifted. It didn't generate much coverage. Attention focused on the potential for Rahman to purchase the surface-to-air missiles he'd expressed an interest in, and the possibility that they might have been used to bring down an airliner. The headlines?

- Maniac planned missile hit on jet – *The Express*
- Plumber 'planned to bring down jet' in rocket attack – *The Times*
- PASSENGER JET TERROR PLOT FOILED AFTER 7/7 – *Press Association*

Informants, information and public credibility

So what do we make of the delayed reporting of Rahman's guilty plea and conviction?

On the one hand, thanks to the security services, an individual who fantasised about committing terrorist acts was not given the instruments to realize those fantasies.

On the other, recalling the tenacity of police in pursuing every contact of David Copeland's, we might ask why the entrapment operation was so long in coming against Rahman and why similar stings were not launched against the other essentials listed with him? We might be concerned about the management of informants,ⁱ their role as *agents provocateurs* and the safety of entrapment operations. We might also be concerned about the management of terrorist threats with the involvement of foreign agencies for whom the safety of UK citizens is a lower priority and with their own *raisons d'état*.

Informant handling is a murky business. It came up in the Northern Ireland Police Ombudsman's report on the killing of Raymond McCord Jnr. The report looked at management of informants in the province during the 1990s. Nuala O'Loan found that over a number of years police acted in such a way as to protect informants from being fully accountable to the law.

(Ironically, an inquiry like O'Loan's could not take place now, since Special Branch responsibilities in terrorism were moved to MI5. A window of accountability closes before it half-opens.)

In October 2003 the Police Service of Northern Ireland (PSNI) carried out a major review of all their informants, as well as informants who were run by the military with

the knowledge of PSNI. It was carried out by the Covert Human Intelligence Source Risk Analysis Group (CRAG for short). As a result, nearly a quarter of all police informants had their relationships ended. Half were 'retired' because they no longer had access to relevant intelligence. The remaining 12% were 'let go' because the CRAG review found that they had been too deeply involved in criminal activity for their continued employment to meet the legal and ethical standards set by parliament. That means 12% of informants were found to be involved in criminal activity. That percentage is actually misleading, since what we really want to know is the scale and nature of that criminal involvement.

Management of informants wasn't put on a statutory basis until the Regulation of Investigatory Powers Act in 2000. That required record keeping and reviews of covert human intelligence sources, but not necessarily of casual contacts. It also appointed an Intelligence Services Commissioner to review the authorisation of informants – currently a retired Appeal Court judge, Sir Peter Gibson.

In his April 2007 speech, the National Coordinator of Terrorist Investigations, Peter Clarke, called for greater public understanding of the terrorist threat. He criticized the length of time taken to bring cases to court. He criticized too the reporting restrictions imposed because of evidence emerging in one case prejudicing jurors in another.

Clarke said:

I just wonder if we could be bolder and, dare I say it, trust juries to distinguish the prejudicial from the probative ... Is it not important for government, business, community leaders and the wider public to be able to consider, in an

informed way, what the impact of ... an attack would be if it had actually happened? Should we not be considering the political and economic consequences, or the potentially devastating impact on community cohesion? Apart from anything else, I honestly believe that the public are entitled to know why airport security is becoming ever more intrusive and inconvenient.

At the time, media attention was directed to his criticism of leaked information about arrests in an alleged plot to kidnap and behead a British Muslim soldier. His call for a change in our rules on contempt went largely unreported. That call has been echoed by the Lord Chancellor and the Attorney General.

In November 2006, the Director of Public Prosecutions publicly backed the decision to allow reporting of the case of Dhiran Barot after he pleaded guilty, whilst seven co-accused were awaiting trial, in a step towards recognising that juries can make decisions on the evidence presented to them in court.

Barot was jailed for 40 years in 2006, reduced on appeal to 30. The Met's Peter Clarke described the case like this:

It is no exaggeration to say that at the time of the arrest there was not one shred of admissible evidence against Barot. The arrest was perfectly lawful – there were more than sufficient grounds, but in terms of evidence to put before a court, there was nothing. There then began the race against time to retrieve evidence from the mass of computers and other IT equipment that we seized.

It was only at the very end of the permitted period of detention that sufficient evidence was found to justify charges.

Clarke, and others in law enforcement, wanted reporting of the case to inform or influence the debate on pre-trial detention. It wasn't that successful. Melanie Phillips wrote of the Barot case in the *Spectator*:

...the case attracted relatively little media attention. Certainly, the lurid details of the plot were fully reported, but there has been virtually no analysis of the significance of the Barot case. There's been no discussion of what it tells us about the sheer scale of the threat to this country, or how best we should protect ourselves against it.

On the other hand, in June 2006, 'security sources' told the *Sunday Telegraph* that a possible Sarin attack on the London Underground had been foiled with the arrest of two brothers in Forest Gate. The Met's Peter Clarke told reporters: 'This operation was planned in response to specific intelligence.'

More than a week after the Forest Gate arrests, Melanie Phillips wrote in the *Daily Mail*:

That affair is now cloaked in rumour and counter-rumour. Some police officers are reported still to believe that there is a chemical weapon somewhere, even if it was not where they thought it was. Another report says that before the raid Scotland Yard had serious doubts about the credibility of

the MI5 source. Yet another says the original tip-off did not come from an MI5 informer, but from someone who phoned the Met's anti-terrorist hotline.

But this April, Peter Clarke once more publicly declared that such a raid would not have been launched without very good reason.

We're already familiar with the murder acquittal where the police announce that they're not looking for anyone else. So, who to believe?

Improving public understanding

One of the great barriers to public understanding, not just in terrorist trials but in all criminal proceedings, is the wider impact of that activity on our society. The legal proceedings in the case of Tundi Obanubi effectively shut down wider discussion of the impact of Islamist recruitment on campuses. So too did the pronouncements of the police. Politicians, the press and the public were denied the opportunity to debate how to respond to a threat by a security agency seeking to manage that threat for them.

Our tradition of public communication – in our courts, and in our parliament – is adversarial. We would do well to remember that when it comes to enabling public understanding of the issues arising out of terrorist activity. We can't guarantee understanding, but without allowing political, partisan discussion of those issues (and allowing juries to make up their minds on the facts and evidence presented to them in court), we risk the slow process of justice blinding us to the rapid transformations taking place around us.

The other problem we face is the lack of public communication by the security services themselves. This makes the default position of reporting, the 'security source.' These sources are likely to be at best, disinterested public servants, at worst, apologists or blame-shifters. Their claims are almost impossible to verify.

Let me illustrate that with an example, a stretching of the thin existing facts to reach one of those fantasy conclusions so beloved of conspiracy theorists.

Recall that we have an official, but anonymous, confirmation that Rahman was one of the 15 'essential' targets identified by MI5 after March 2004. Our conspiracy theorist would point out that no action was taken against him until late July 2005. And also, that none of the remaining fourteen people on that list had been arrested at the time of the statement in April.

The conspiracy theorist would point to two of the 7/7 bombers who were on the list of 40 desirables. One of them was Mohamed Sidique Khan, the supposed ringleader of the 7/7 conspiracy. He was recorded in Omar Khyam's car. Here's some of that recording from the *Daily Telegraph*, although it appeared in many places:

At one point, Sidique Khan asked Khyam: Are you really a terrorist?

Khyam: They are working with us.

Sidique Khan: You are serious, you are basically?

Khyam: I am not a terrorist, they are working through us.

Sidique Khan: Who are? There is no one higher than you.

It's a strange fragment of a conversation.

A conspiracy theorist might put that together with the timing of the move against Rahman and ask what if the security services had been double-crossed by someone that had previously relied on as an informant? They might then wonder if the security services didn't decide to rapidly terminate any existing arrangements on the grounds that – well, you couldn't be too careful.

So, was Rahman a casual contact of the security services? Someone whose services had not been properly dispensed with? Or was he a jihadi opportunist just waiting for a chance?

Just to puncture the speculative bubble, Rahman pleaded guilty. And he withdrew his claims about MI5.

But does what you've learned about his history inspire you with confidence that this is the totality of his story? Do the anonymous sources and leaks satisfy your citizen's curiosity that intelligence efforts are being handled in a way that gives you confidence?

By contrast, the Copeland case is not a fertile breeding ground for conspiracy theories and rumours. It does not lurk at the back of the public imagination, poisoning the image of the police and security services as secretive, homophobic, or racist. I would

argue that's because the trial and the facts presented to the public denied them the ability to flourish.

The future

I don't really think we can expect reporting as it is currently resourced to provide either the answers or the kind of public scrutiny these important questions require. (I don't even know if we can ask the public *en masse* to be interested.) And there are few incentives for journalism to shoulder the burden of informing the public in the first instance (although there are niche opportunities for that to happen). So what can we do?

Publicly accountable communication might restore our confidence. The pressure of open, public communication is as much about the burden it places on an organisation to tell a consistent story, as it is about the communication itself.

We need public access to trial records, information and documents. The current system where provision of trial transcripts is farmed out to agencies is impossible to justify.

Court transcripts and documents ought to be made publicly available online. It is bizarre in the extreme that Old Bailey records from the seventeenth to nineteenth centuries are freely available and searchable on the Internet, that the Hutton Inquiry transcripts and documents are available online, but not the cases coming before our

courts every day. In a modern information society, their non-availability is actually an abuse of the public's trust.

This surely needs addressing as part of a wider review of the public provision of information. Once that material is freely available, let journalists do what they are good at – market it, scrutinise it, argue over it, examine it. And let interested parties and the general public do the same online.

I'm sure the security services would not want to rely on the vagaries of news planners and assignment desks to ensure that information on their successes went duly noted. I'm sure too that the public and Parliament, would feel the same about information on their failures.

We need more effective institutional oversight of the security services. In the United States, the Office of the Inspector General in the Justice Department has played an important part in auditing the FBI's performance as it shifts from law enforcement to terrorism prevention. Our own domestic security service, which is now called on to play a similar role to the FBI, needs at least the same degree of regular, organised scrutiny.

In the US, several Congressional committees exercise oversight in respect of the FBI and its operations. Here, it is just one – the Intelligence Select Committee. The Prime Minister with Opposition consultation appoints its members. Ideally, the House of Commons should elect that committee. More committees, where appropriate, need to be able to scrutinise MI5 operations to ensure that security policy really is 'joined up.'

The final issue that needs addressing is libel. Some individuals have won large settlements from news organisations after being wrongly identified as terrorist suspects. Being a suspect is not the same as being found guilty in a court of law. The suspects in the killing of Stephen Lawrence were publicly identified by the *Daily Mail*. They have never been found guilty of his murder and yet live under the shadow of suspicion. Would a jury be minded to award them libel damages? We will all have to get used to a society where a presumption of innocence is replaced by an absence of legal conviction. It's a realistic consequence of developments like control orders and of the data trails we leave behind us in everything we do.

None of this will prevent the international conflicts of interest that arise in countering a global terrorist threat, but it might give us confidence in the probity and effectiveness of our own nation's part in that effort.

ⁱ The main executive guidelines are contained in the Home Office Consolidated Circular to the Police on Crime and Kindred Matters (reprinted 1986) (Home Office Circular 35/1986). These guidelines state (in paragraph 1.92):

- a. No member of a police force, and no public informant, should counsel, incite or procure the commission of a crime.
- b. Where an informant gives the police information about the intention of others to commit a crime in which they intend that he shall play a part, his participation should be allowed to continue only where -
 - i. he does not actively engage in planning and committing the crime;
 - ii. he is intended to play only a minor role; and
 - iii. his participation is essential to enable the police to frustrate the principal criminals and to arrest them (albeit for lesser offences such as attempt or conspiracy to commit the crime, or carrying offensive weapons) before injury is done to any person or serious damage to property.

The informant should always be instructed that he must on no account act as *agent provocateur*, whether by suggesting to others that they should commit offences or encouraging them to do so....