11. National counter-terrorism responses: United Kingdom

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POLITICAL AND SECURITY CONTEXT OF UK TERRORISM

The evolution of the various definitions of terrorism in the United Kingdom (UK) is central to understanding the political and security background of what has evolved into the UK's counter-terrorism (CT) landscape. The historical context of the UK's CT legislation is derived in large part from the problems of Irish and Northern Irish terrorism. Although the problem can be traced back as far as the Eleven Years War (1641–1653), a more pragmatic starting point is 'the Troubles' and the bombing campaign that came with their expansion in the early 1970s. Days after the Birmingham pub bombings, which killed 21 people and injured 182 more on 21 November 1974, the Irish Republican Army (IRA), the prime suspect for the attacks, was proscribed and the Prevention of Terrorism (Temporary Provisions) Act (PTA) became law (Walker, 1992, pp. 31–32; Donohue, 2000, pp. 2–5). One of the provisions of the PTA allowed the police to detain and question terrorist suspects for up to seven days. Other extraordinary measures were introduced, with varying degrees of success in combating the problem of terrorism. To combat the rise of intimidation of juries in terrorism cases in Northern Ireland, a drastic solution was introduced: the so-called 'Diplock Courts' (Arthur and Jeffrey, 1996). Instead of the traditional use of a jury and a judge, the Diplock Courts instead employed a sole judge to hear the initial case. Any further hearings or appeals were subsequently heard by a panel of three judges. The Diplock Courts were an unusual departure for the UK's justice system, as the necessity for the jury system to safeguard the legal process is such an important cornerstone in English law.

Another controversial tool was internment without trial, which was introduced in 1971 to combat the rise in terrorist violence in Northern Ireland. Internment had been used as a military tactic by the British Army in the colonial wars following the end of World War II, including in Malaya, Kenya and

Cyprus. Its introduction in Northern Ireland was highly controversial and led to fresh outbreaks of internecine violence between Catholic and Protestant communities. Internment was less suited to the urban, first-world environment of Northern Ireland than to the jungles of Malaya, and was not widely supported by senior British military officers, who believed it would be counter-productive (Neumann, 2003, p. 98). The average length of detention under internment, in April 1973, was around six weeks (*Hansard*, 1973). Just over one year later this had increased to an average period of six months (Northern Ireland Office, 1975, para. 155), resulting in more sympathy for the Republican movement from the local population (Neumann, 2003, p. 98). Once a peace agreement was signed in 1998, the context of the UK's legal definition evolved from one that was focused on Northern Irish-related terrorism to one that recognised the increasingly potent threat of international terrorism.

International Terrorism

The Good Friday Agreement was signed in April 1998 and was central to ending the majority of the sectarian violence that had plagued Northern Ireland for decades. In that same year, the government commissioned Lord Lloyd of Berwick to produce a paper on terrorism legislation. This was aimed at replacing the emergency legislation with permanent legislation that would provide full, UK-wide counter-terrorism provisions. Based on Lord Lloyd's report, the government published its consultation paper in December 1998 (Lloyd, 1998, para. 1.2) which highlighted that, in a post-Good Friday Agreement environment, terrorism had more forms than a simply Northern Irish-related model, and it needed to be considered as more than primarily a Northern Irish problem. The PTA 1974 temporary legislation was finally replaced after 26 years by the Terrorism Act 2000 (Parliament, 2000). The passing into law of the Terrorism Act 2000 (TA 2000) brought in a more comprehensive, encompassing definition of terrorism:

- (1) 'terrorism' means the use or threat of action where –
 - (a) the action falls within subsection (2),
 - (b) the use or threat is designed to influence the government, or an international governmental organisation, or to intimidate the public or a section of the public, and
 - (c) the use or threat is made for the purpose of advancing a political, religious, racial or ideological cause.
- (2) Action falls within this subsection if it –
 - (a) involves serious violence against a person,
 - (b) involves serious damage to property,

- (c) endangers a person's life, other than that of the person committing the action,
- (d) creates a serious risk to the health or safety of the public or a section of the public, or
- (e) is designed seriously to interfere with or seriously to disrupt an electronic system. (Parliament, 2000, pt I)

TERRORISM THREATS TO THE UK

At strategic level, threats to the UK are identified in the government's National Security Strategy (NSS). This is a quinquennial review, the most recent being published in 2015.¹ It sets out three primary objectives, prior to identifying and assessing any threats to the UK: 'to protect our people ... to project our global influence ... to promote our prosperity' (HM Government, 2015, secs 1.10–1.14).

It also identified four challenges expected to drive the UK's security priorities over the next decade. First is the threat of terrorism and extremism; second is the resurgence of state-level threats; third is the increasing impact of technology, in particular in the cyber domain; and finally, the continual erosion of the international order (HM Government, 2015, sec. 3.3).

The NSS includes terrorism and extremism in the same threat category, including a number of component threats. Islamist terrorism is identified as the first threat, which includes the activities of the so-called Islamic State (IS, but also widely referred to in the media as ISIS or ISIL). The associated threat of foreign fighters is also noted, with the assessment that by 2015, around 800 British nationals had travelled to Syria to participate in the fighting. By 2019 this had increased to around 850–900, half of whom had returned to UK, bringing with them an increased threat of terrorist actions carried out by returnees from the fighting (BBC, 2017b; Dearden, 2019; Grierson, 2019).

The changing vector of terrorist attack methods was also highlighted, from recent attacks using knives, through to more complex terrorist operations using multiple attackers equipped with firearms and explosives. The assessment considers that the targeting of the aviation sector is unlikely to diminish in the near future and it reiterates that al-Qaeda (AQ), IS and others will continue their efforts to obtain chemical, biological, radiological and nuclear (CBRN) materials (HM Government, 2015, secs 3.5–3.7).

The use of the internet and social media is viewed as a key driver for recruitment purposes and for the propagation of terrorist and extremist propaganda. The NSS considers that future attacks may be more difficult to interdict due to the increased use of encryption tools by terrorists. It also raises some of the difficulties involved in investigating terrorist plots emanating from other

countries which may lack the necessary investigation skills, or which may have lower standards of human rights compliance (HM Government, 2015, sec. 3.8). Northern Irish terrorism persists on the UK threat radar, primarily from dissident Irish Republican groups (HM Government, 2015, sec. 3.10).

Using Syria and Iraq as examples, the NSS explains how wide-scale regional instability can assist terrorist groups in exploiting the resulting security and governance vacuum. While not explicitly linking the problems caused by mass migration with the issue of terrorism, it is clear from recent attacks that increased vigilance is required in securing national borders at immigration control points, to assist in the fight against terrorism (HM Government, 2015, secs 3.11–3.15).

The linkages between terrorism and serious and organised crime are not easily bifurcated, as organised crime groups often act as a supply chain for terrorists (with varying degrees of awareness of this fact), providing services such as facilitating the illicit movement of people and goods, particularly arms, across borders.² Likewise, the threats from money-laundering intersect across both terrorism and criminality, and cannot be tackled using isolated policies (HM Government, 2015, secs 3.14–3.15). The cyber-threat is not excluded as a terrorist threat, but the larger-scale, sophisticated hacking attacks seen previously have almost certainly been conducted by state-sponsored or state-controlled groups. The cyber-threat is thus considered more extensively as a state-sponsored threat (HM Government, 2015, sec. 3.26).

Previous Terrorist Attacks in the UK

From the 1970s through to 2001, the majority of terrorist attacks committed in the UK were a result of Northern Irish terrorism. Following the Good Friday Agreement of 1998, terrorist activity by the IRA rapidly dwindled, and in July 2005 the IRA formally declared the end of its military campaign, while in June 2009, the loyalist Ulster Volunteer Force (UVF) confirmed that it had fully decommissioned its military capability.

The deadliest terrorist attack against the UK took place in London in July 2005, when four coordinated suicide attacks were conducted by Islamist terrorists who targeted the London transport network. The coordinated attacks targeted three London Underground trains and one London bus, during the morning rush-hour. In addition to the four attackers, 52 people were killed in the attacks and a further 784 people were injured (House of Commons, 2006). A ‘martyrdom’ video recorded by the leader of the group, Mohammed Siddique Khan (MSK), was released shortly after the attacks, confirming the allegiance of MSK and his group to al-Qaeda and to Osama bin Laden, Abu Musab al-Zarqawi and Ayman al-Zawahiri (House of Commons, 2006).

Two weeks after these bomb attacks, another series of almost identical suicide attacks was attempted by another Islamist terrorist cell, again targeting the London transport network. These attacks failed, due to issues in the detonators and also due to the organic compound used in the manufacture of the explosive substance in the devices (Crown Prosecution Service, 2007a). Another massive police operation was launched (Operation Vivace) to identify and apprehend the bombers, who were arrested, successfully prosecuted and sentenced to long prison terms.

On 29 June 2007, two car bombs were planted in central London by Bilal Abdullah and Kafeel Ahmed. The improvised devices were configured to detonate a mixture of petrol, gas cylinders and nails, but they did not explode, and both devices were recovered intact for forensic examination. Following the failed attempt in London, both men then drove to Scotland and configured another vehicle as a car bomb, before driving it to Glasgow airport to attempt a ramming attack on the passenger terminal. The vehicle hit security bollards, which prevented it from continuing into the passenger terminal, although the cabin of the vehicle caught fire. Ahmed was arrested and treated for 90 per cent burns, but died of his injuries four weeks later. Abdullah was also arrested, and following the police investigation into both attacks (Operation Seagram), subsequently sentenced to life imprisonment with a minimum of 32 years.

On 22 May 2013, a British Army soldier, Fusilier Lee Rigby, was returning home from his work at an Army Recruiting Office in London when he was attacked by Michael Adebolajo and Michael Adebowale. The pair drove their car into Rigby before continuing their attack against the injured soldier on the pavement, using a meat cleaver and knives (Intelligence and Security Committee, 2014, p. 1). They then dragged his body into the road and told passers-by that the attack was in revenge for British involvement in military action in Afghanistan and elsewhere (Whitehead, 2013). Adebolajo had become known to the Security Service through a number of operations before the attack (Operations Beech, Cedar, Dogwood, Elm and Ash). Adebowale was also the target of two separate Security Service investigations that focused on possible links between UK-based individuals believed to have an interest in media with an extremist content (Operations Fir and Gum). Both attackers were convicted of murder and sentenced to life imprisonment, Adebolajo receiving a 'whole life order' with no possibility of parole, and Adebowale receiving a minimum term of 45 years.

On 22 March 2017, Khalid Masood drove his car onto the pavement of Westminster Bridge at an assessed speed of 75 mph in a deliberate and targeted attack upon pedestrians, which killed four innocent bystanders and injured more than 50 others (BBC, 2017a). Masood's car finally crashed into security railings outside the Houses of Parliament, and Masood abandoned the vehicle and ran into the entrance to Parliament, where he fatally stabbed

Police Constable Keith Palmer, an officer serving with the Parliamentary and Diplomatic Protection Command (Metropolitan Police, 2017). Masood was then shot by an armed police officer and died at the scene of the stabbing. Masood is known to have used the WhatsApp encrypted messaging tool minutes before the attack started. The attack re-ignited the debate in the UK over the rights to individual digital privacy and the necessity for the police and the Security Service to have access to the encrypted communications of suspected terrorists, subject to the necessary warrants being in place (Rayner, 2017; Sparrow, 2017; Hill, 2018).

While the threat of Islamist terrorism is currently the most serious for the UK, other forms of terrorism also present a threat. Single-issue terrorism still occurs, although infrequently, such as Miles Cooper's 2007 mail bomb attacks in protest at what he saw as the rise of a surveillance society (BBC, 2007). The threat from extreme right-wing terrorism has become a resurgent one in the UK. In 2015, a serving Member of Parliament, Jo Cox, was shot and stabbed to death by Thomas Mair, a right-wing extremist, who was sentenced to whole-life imprisonment (Burgis, 2016). In 2019 the Metropolitan Police confirmed the increase in extreme right-wing threats, highlighting that more than 25 per cent of all terrorism arrests in 2019 were linked to far-right violence (Dodd and Grierson, 2019).

Radicalisation and Countering Violent Extremism (CVE)

The problem of radicalisation has become more widespread since the 9/11 attacks against the United States of America (USA), and it has been significantly facilitated by the instantaneous nature of the internet. Naturally there are other drivers for radicalisation which do not depend on the internet, and this is easily overlooked in an 'always-on' society. Prisons are a recognised source of radicalisation, whether by Islamists, extreme right-wingers or otherwise. The closed nature of prison sub-cultures reinforces the pressures created by incarceration and magnifies conflicts, such as those based on race, religion, colour, sexual orientation and other similar factors. In 2009, a report published by the Quilliam Foundation highlighted the risks of radicalisation in British prisons, focusing on four individuals who were considered to have been radicalised during their incarceration in prison, and who were subsequently convicted and imprisoned for offences of terrorism (Brandon, 2009, p. 14).

THE ARCHITECTURE OF UK COUNTER-TERRORISM

More than 35 agencies, departments and bodies are involved in UK counter-terrorism, from sectors including defence, legal, border security, counter-radicalisation, immigration, finance, Cabinet, prisons and the

Treasury. A small number of these bodies set policy, while others collect and produce intelligence as a core function, and a large number of them are more generally involved in the wider CT landscape, such as in emergency planning, infrastructure protection, counter-radicalisation, and so on. In the event of a major terrorist attack, other agencies and stakeholders can be co-opted into the post-attack recovery phase. There are around 40 or 50 bodies and departments involved, but all of these stakeholder bodies are integral components of the UK's national CT strategy called CONTEST (an acronym derived from Counter-Terrorism Strategy).

The UK has traditionally divided the threat of terrorism (as well as other threats such as espionage, subversion, and so on) on a 'domestic versus overseas' approach, with the Security Service (also referred to as MI5) and the police having primacy for domestic threats and the Secret Intelligence Service (also referred to as SIS or MI6) having primacy for overseas issues. As the nature of global or international terrorism has morphed, the distinction between these two spheres has become increasingly opaque. The complexity of a transnational threat is now more common and this has resulted in 'an unprecedented degree' of collaboration between SIS, Government Communications Headquarters (GCHQ), the Security Service and the police (Burke, 2013, sec. 138).

In operational terms, the bulk of CT work in the UK still falls to the three primary intelligence agencies (SIS, Security Service and GCHQ) and to specialist police elements, such as Counter-Terrorism Command (CTC or SO15) of the Metropolitan Police Service, and the regional Counter-Terrorism Units (CTUs). The Security Service leads on countering the terrorist threat to the UK and it is legislated by the Security Service Act 1989 (Parliament, 1989). Officers from the Security Service have no powers of arrest or executive powers and work very closely with the police (Security Service, 2020). In 2017 there were nine regional CTUs in the UK, and these combine Security Service officers with specialist police staff, such as detectives, financial investigators, community contact teams, intelligence analysts, forensic specialists and high-tech investigators (West Yorkshire Police, 2017). By 2020, this had increased to 11 CTUs (National Police Chiefs' Council, 2020) and this partnership allows the CTUs to deliver a more coordinated response to terrorist threats, while also being able to supply more specialist counter-terrorism advice to the police forces in their region.

Overseas, much of the counter-terrorism work lies with SIS, working in cooperation with other UK and foreign agencies to collect sensitive intelligence (primarily human intelligence, HUMINT) on a range of targets including international terrorism (SIS, 2020). SIS also mounts covert operations overseas in support of counter-terrorism and national security, and it also has a highly developed capability for technical intelligence collection. The

main instrument legislating SIS is the Intelligence Services Act (ISA) of 1994 (Parliament, 1994).

The third primary agency is GCHQ, which supports counter-terrorism primarily through the collection and production of signals intelligence (SIGINT). One of the agency's two primary roles is to conduct SIGINT operations in support of UK national security and the economic well-being of the UK, as well as supporting the operational capacity of the UK Armed Forces and the UK law enforcement community. Its second role is conducting information assurance (IA), which aims to secure and protect the sensitive information of the UK government and its associated entities. Like SIS, GCHQ is also regulated by the Intelligence Services Act of 1994.

Although not a collection body, the Joint Terrorism Analysis Centre (JTAC), created in 2003, is a key partner of the three primary agencies. Its role is to analyse and assess all intelligence that pertains to international terrorism, whether domestic or abroad (Security Service, 2015). JTAC sets threat levels for the UK, it issues threat warnings on terrorism, and produces in-depth reports on terrorist trends, networks and capabilities. The formation of JTAC brought a unique and unprecedented ability for inter-agency collaboration in UK counter-terrorism, as it allowed all of the key intelligence and law enforcement agencies, together with the relevant departments and ministries, to be co-located in a single workspace. More importantly, each agency brings its own information technology (IT) systems that allow for intelligence-sharing, all-source fusion and multi-agency assessments all to be conducted in real time.

Another of JTAC's unique attributes is the ability to rapidly add 'bolt-on' sections to the core body of 16 agencies and departments, in the event of a crisis. The terrorist attacks against the London transport network in 2005 were one example of when this additional capability was very quickly deployed. Staff from agencies not traditionally involved in counter-terrorism were brought into the post-attack phase to assist with critical areas such as traffic management, coordination of medical support and communications management.

UK COUNTER-TERRORISM LEGISLATION AND THE LEGAL FRAMEWORK

The UK intends its various legislative instruments to criminalise terrorism offences sufficiently that such offences can be tried as standard criminal offences whenever possible. Pre-dating the 9/11 attacks by a year, the Terrorism Act (2000) introduced the power to proscribe named groups or organisations; it provided for the power of arrest on suspicion of terrorism without an actual warrant; and allowed suspects to be detained for a maximum

pre-charge period of seven days (Parliament, 2000, sec. 3 and sch. 8). It also introduced new offences, such as seeking or providing terrorism training, in the UK or overseas; the provision of training and/or instruction in weapons, covering the whole range from handguns through to nuclear weapons; and finally, inciting terrorism (Parliament, 2000, secs 54, 55, 59–61). After al-Qaeda's 11 September attacks against the USA, Parliament passed the Anti-Terrorism, Crime and Security Act of 2001 (ACTSA 2001) (Parliament, 2001), which allowed for the potentially indefinite detention of suspected foreign terrorists without charge, if it was not possible to deport such suspects for legal reasons (for example, if the suspect could face torture or the death penalty if deported).

In 2004, the Law Lords ruled that the incarceration of a group of detainees being held in Her Majesty's Prison (HMP) Belmarsh was unlawful. The Prevention of Terrorism Act (PTA) 2005 introduced a measure called a 'Control Order', defined by the Act as 'an order against an individual that imposes obligations on him for purposes connected with protecting members of the public' (Parliament, 2005, sec. 2.1). The highest number of individuals subject to a Control Order at any one time was 20, during 2009 (Allen and Kirk-Wade, 2020, p. 27). The Act was replaced in 2011 with the Terrorism Prevention and Investigation Measures Act of 2011 (Parliament, 2011).

After the 2005 suicide bombing attacks on the London transport network, the government was faced with a number of high-profile and widely reported public displays of support for the bombers. The introduction of the Terrorism Act 2006 was mostly aimed at disrupting the ability for terrorist groups to recruit, train and deploy supporters for terrorist purposes. The Act brought in new offences, such as the so-called 'glorification' offence (covering 'any form of praise or celebration' of 'the commission or preparation of (terrorist) acts' and carrying a maximum penalty of seven years' imprisonment (Parliament, 2006, sub-secs 20–21). Also criminalised were the dissemination of terrorist publications, and the providing or receiving of training in terrorist techniques, while the powers of the police to detain terrorist suspects without charge were extended from 14 days to 28 days (Parliament, 2006, secs 2, 6, 8, 23). This increase was mainly to address concerns about the ability of the police to process increasingly massive volumes of evidence before being able to charge a suspect (House of Commons, 2006, sec. 74).

The passage of this Bill between the House of Commons and the House of Lords was contentious, in part because of the plan to extend pre-charge detention to 90 days for terrorist suspects, a significant increase on the 14 days' pre-charge detention period authorised by the Criminal Justice Act 2003 (Parliament, 2003). The Bill was rejected five times by the House of Lords before it was finally passed in amended form (BBC, 2006).

In January 2007, following a six-month investigation and surveillance operation (Operation Gamble), a large-scale police operation took place to arrest

nine people suspected of planning to kidnap, torture and behead a Muslim member of the British Army. Five of the group were subsequently convicted and sentenced to imprisonment (Crown Prosecution Service, 2016). The following year, the Counter-Terrorism Act 2008 was passed, which created a new offence of eliciting, or attempting to elicit, information about members of the Armed Forces, a member of any of the intelligence services, or a police officer, which would be of use to someone preparing to commit acts of terrorism (Parliament, 2008, sec. 76). The Bill for this Act originally attempted to extend pre-charge detention to 42 days, but this was eventually dropped. The Independent Reviewer of Terrorism Legislation supported the proposal, adding that the 42-day detention period would only affect ‘maybe five or six people in the next four or five years’ (*Hansard*, 2008, col. 506).

Repealing the use of Control Measures, the Terrorism Prevention and Investigation Measures (TPIM) Act (2011) was designed to impose restrictions on individuals who ‘pose a real terrorist threat, but whom we cannot prosecute or, in the case of foreign nationals, deport’ (Home Office, 2016). The new TPIM had a higher threshold for the imposition of measures, and it introduced a more targeted system of use. The TPIM also has a finite limit of two years, which can only be extended if the individual has re-engaged in terrorist activities during the period in which they are subject to the conditions of a TPIM. Measures available in a TPIM include electronic tagging, financial restrictions and regularly reporting one’s location to the police. Unlike the previous Control Orders, a TPIM permits the use of a mobile phones and the internet. By the end of 2019, the maximum number of TPIM orders in force at any one time was ten, which occurred in 2012 (Allen and Kirk-Wade, 2020, p. 28). TPIMs have been criticised for being a ‘Control Order lite’ (Travis, 2012) and two suspects absconded while subject to a TPIM, one of whom entered a mosque in West London, illegally removed his tracking tag, donned a burqa and escaped (Home Affairs Committee, 2014, sec. 108).

The Counter-Terrorism and Security Act 2015 (CTSA 2015) was largely introduced to prevent citizens from the UK travelling to Syria and Iraq to fight for or support IS. It introduced new powers to prevent the travel of anyone suspected of involvement in terrorism, by seizing their passport; and also provided for the power to temporarily bar someone entering the UK, enforced with an exclusion order (Parliament, 2015, secs 1,2-4). Internet service providers (ISPs) were also mandated to retain more data than previously, especially that pertaining to the ability to match an internet protocol (IP) address with a specific computer (Parliament, 2015, sec. 21). More controversial among some parts of academia was the imposition of a statutory duty on schools, universities, councils and prisons to prevent individuals being drawn into terrorism (MacDonald, 2015; Adams, 2016). The Act also empowered the Home Office to issue a court order which would legally oblige one of the aforemen-

tioned bodies to comply with a directive regarding this threat, such as the order to prevent someone preaching extremist views (Parliament, 2015, secs 26–35).

On 30 December 2016, a new law came into force with the aim of providing a legislative framework governing both the use and the oversight of a wide range of investigatory powers used by the police and the intelligence agencies (UK Government, 2016). The Investigatory Powers Act (IPA) 2016 made three significant advances in the UK's counter-terrorism legislation. First, it gathered together the existing powers available to the police and intelligence agencies for the collection of communications data and metadata. Second, a new tool was introduced for the approval and oversight of interception warrants: the so-called 'double-lock'. This new mechanism means that any application for a warrant for the most intrusive techniques must be approved by both the executive (Secretary of State) and the judiciary. In this case, it means a judge sitting on the Investigatory Powers Commission, which was itself a new addition brought in by the IPA 2016. Finally, the Act was designed to provide as much 'future-proofing' as possible, to ensure that the legislation remains valid despite advances in communications methods and technology.

In addition to confirming existing powers, the IPA also added new offences, including those of unlawfully intercepting communications and of unlawfully obtaining communications data. The Act also added new powers, including the requirement for communications service providers (CSPs) to retain records on individuals for a period of one year (Parliament, 2016). The new oversight body of the Investigatory Powers Commission was created by the IPA and it became operational on 3 March 2017, performing the 'watchdog' function for investigatory powers and working in close cooperation with other relevant oversight bodies.

UK COUNTER-TERRORISM TOOLS AND TACTICS

The UK government has an array of tools and tactics at its disposal to deal with terrorism across a broad front. Since its inception in 2003, CONTEST has been the UK's national-level counter-terrorism strategy. The aim of the most recent (2018) strategy is to 'reduce the risk to the UK and its interests overseas from terrorism, so that people can go about their lives freely and with confidence' (Home Office, 2018, p. 13). The CONTEST strategy encompasses a very wide spectrum of policy options: from the softer end, such as intervention efforts including the CHANNEL programme which is aimed at helping individuals to break the hold of an extremist or terrorist ideology, through to the more kinetic options, such as dynamic assault techniques, which are used as a last resort to protect public safety.

The strategy comprises four pillars: Prevent (reduce intent), Pursue (reduce capability), Protect (reduce vulnerability) and Prepare (reduce impact).

Designed to work in union with each other, the four pillars reduce the threats and the vulnerabilities, resulting in an overall risk reduction in a terrorist attack being successfully carried out against the UK (Burke, 2013, p. 112).

CONTEST: The Four Ps

The aim of Pursue is 'to stop terrorist attacks happening in the UK and overseas' (Home Office, 2018, para. 85). Clearly focused on intelligence-led interdiction, disruption and criminal prosecution, Pursue covers the UK's counter-terrorism legislation; the ability to prosecute and deport those involved in terrorism-related offences; the capabilities to detect, investigate and disrupt terrorist threats; the ability of the courts to more effectively use classified intelligence; and the international cooperation necessary for dealing with terrorist threats to the UK and overseas.

The Prevent pillar seeks to tackle the root causes of radicalisation and to reduce the potential for individuals to progress to violent extremism or terrorism. A Home Office department has defined radicalisation as 'the process by which people come to support terrorism and violent extremism and, in some cases, then join terrorist groups' (BSU, 2008), and the 2011 CONTEST strategy defines it almost identically (Home Office, 2011, sec. 2.59). Prevent has employed a variety of outreach programmes in its attempts to aim to counter the narratives of extremist and terrorist dogmas that play such an important role in recruiting followers to these causes (Home Office, 2011, pp. 58–77; HM Government, 2018, sec. 110). The Prevent pillar does not imply that disrupting terrorist groups is the only tactic relied on to neutralise the possibility of an attack occurring; rather, it is accepted that close collaboration is required amongst a wider partnership of bodies spanning law enforcement, government (both central and local) and the community itself.

The Protect pillar works towards keeping 'the public safe by strengthening our protection against a terrorist attack in the UK or against our interests overseas, and so reduc[ing] our vulnerability' (HM Government, 2018, sec. 181) and it directs particular focus to critical national infrastructure (CNI), the transport network, crowded places and the UK border. Protect is a more defensive pillar, which aims to reduce the vulnerabilities, rather than tackle the causes and manifestations of terrorism, and is largely conducted by the Security Service working in close cooperation with the private sector.

Following the 2005 attacks in London, there has been a drive to increase the physical protection of key facilities from explosive damage. One example is the increased knowledge of improvised explosive device (IED) manufacturing techniques and their explosive effects being shared at the appropriate levels with architectural and construction professionals, to enhance mitigation measures at the design stage. The government's counter-terrorism security advisers

(CTSAs), working with the police, are the most public face of this bilateral counter-terrorism discussion between the government and the public sector (Metropolitan Police Service, 2014). The other focus areas for Protect are the UK's transport sector and crowded places, both of which have been previously targeted by terrorist groups with the intention of carrying out mass-casualty attacks. Both these attacks were defeated through intelligence-led operations (Operation Crevice and Operation Rhyme) which resulted in the effective disruption of the group and the arrest and conviction of the key individuals (Crown Prosecution Service, 2005, 2007b; Clarke, 2007)

Unlike the other pillars, Prepare concentrates on dealing with the impact and immediate aftermath of a terrorist attack. This phase is known as post-attack recovery, and it relies on sound planning, communications, well-rehearsed drills, inter-agency cooperation and effective decision-making delegated down to the lowest possible level. The key aims of Prepare are to mitigate the effects of an attack, to be resilient in the immediate post-attack period, and to achieve a return to normal operations as quickly as possible.

In addition to the threat of now traditional attack vectors, such as the use of suicide bombers and of vehicles used as weapon platforms, Prepare also has to contend with the low-probability but high-impact threat of attack from CBRN devices. The capability and the intent still exists for weaponising biological, chemical and radiological elements by terrorist groups, as evidenced by the Tokyo subway attacks in 1994 and 1995, the radiological scare in Moscow in 1995, and the ricin attacks against the USA in 2001 (Seto, 2001, pp. 14–17; Heinrich, 2003, pp. 1–3; Bale, 2004). These events, combined with the stated aim of al-Qaeda to obtain nuclear components, and the proliferation of nuclear materials by the AQ Khan network, have forced the CBRN issue to be taken seriously for post-attack planning purposes (CIA, 2003, pp. 1–2; Butler, 2004, pp. 17–21, 26–27).

Pre-Charge Detention in the UK

The use of pre-charge detention creates a tension between the need for the police and the Security Service to detain a terrorist suspect for sufficient time to conduct investigations, and a suspect's right to not be detained without charge for any longer than necessary. In the UK, both legislation and the agreement of the judiciary are used in combination, to decide the maximum period for which an individual can be detained without charge. The Habeas Corpus Act was passed by Parliament in 1679 (Parliament, 1679), although the legal principle enshrined in it is believed to have existed in English common law even before the publication of the Magna Carta in 1215. '*Habeas corpus (ad subjiciendum)*' is an important legal principle in English law, translating as

‘you may have the body (subject to examination)’, that is, a person should only be held in detention so long as their detention is proved to be lawful.

Pre-charge detention limits in the UK have fluctuated between seven and 28 days, and a number of attempts have been made by different governments to increase this limit. The Terrorism Act (2000) provided for a maximum period of seven days, which was increased to 14 days through the Criminal Justice Act (2003). An attempt in 2006 to increase the limit to 90 days was defeated in Parliament, but the Terrorism Act (2006) raised the maximum period to 28 days, subject to annual review. Another attempt was made by the government in 2008 to legislate for a maximum period of 42 days, but this was again defeated. After a review of counter-terrorism and security powers carried out by Lord Macdonald, a strong case was made to reduce the maximum period from 28 days to 14 days (MacDonald, 2011, p. 3). In 2011, the 28-day period was allowed to expire naturally without renewal, resulting in the maximum period reverting to 14 days. Notwithstanding emergency legislation, 14 days is the current maximum allowed for pre-charge detention in the UK. A summary of pre-charge detention periods is below:

1. Until January 2004: 7 days.
2. Until July 2006: 14 days.
3. Until January 2011: 28 days.
4. Current maximum period: 14 days.

CHANNEL: The UK’s Counter-Radicalisation Programme

The CHANNEL programme was launched as a pilot initiative in 2007, as a direct response to the London bombings of 7 July 2005. Designed as a multi-agency, early intervention programme, CHANNEL is funded by the Office for Security and Counter-Terrorism (OSCT) and works with people of all ages, including children, who are assessed to be at serious risk of exploitation, not just from terrorist dialogue but also from extremist dialogue (Peters, 2012, p. 3). Individuals are referred to the scheme on a voluntary basis, and engagement with the CHANNEL process is not enforceable.

The first stage of the CHANNEL process is the identification of a person or persons deemed vulnerable to radicalisation. This assessment will usually be derived from concerns that a person is demonstrating behavioural traits which indicate that they are either considered as susceptible to radicalisation, or that they closely identify with a belief system or dialogue which supports extremist, terrorist or radical beliefs. The next stage is the conducting of a multi-agency risk assessment of the individual’s case, aiming to identify any issues of concern that may need to be dealt with. The final stage is the provision of dedicated support and, if necessary, subsequent referral to specialists.

A targeted package of support measures is then designed and delivered, supported by a continuous review mechanism, to provide the required assistance to blunt the radical or extremist influences which the vulnerable individual may be subjected to (HM Government, 2018, p. 22).

The CHANNEL programme is able to deliver a variety of assistance mechanisms to vulnerable individuals, such as the provision of a support network, basic counselling, faith-specific guidance such as the involvement of moderate religious leaders, and more typical mainstream services such as housing advice and support, health guidance, social services assistance, education support, and employment counselling and support. CHANNEL employs an ambitious spread of partners that collaborate using the strength of their individual specialist areas.

These partners can include stakeholders, such as the police, social services, youth services, prison and probation services, the wider education sector, children's services, and other agencies with a statutory duty to assist, while other partners can come from a wider societal and governmental ecosphere.

Other stakeholders, such as non-governmental organisations (NGOs), charities and welfare groups, also become involved in the CHANNEL process. A key actor often overlooked in the model is the community policing team from the local police force, who bring the depth of local knowledge often lacking from other partners. Another key factor, sometimes a contentious one, is the willing provision of valuable information from elements of the local community, and this can often provide the first indications that an individual is being exposed to radical or extremist influences. At the far end of the community policing spectrum, such information can provide the police and security services with the initial indicators that a terrorist attack may be in the planning stage.

NOTES

1. The 2020 NSS is unlikely to be completed on schedule, largely due to the Covid-19 coronavirus pandemic (Curtis, 2019; Gallardo, 2020).
2. See, for example, Elnakhala's paper on 'Walls and fences', where she discusses Hamas imposing taxes on tunnel-building and on illegally imported commodities (Elnakhala, 2014, p. 108); Malik's (2019) article on the terrorism–criminality nexus; and Clarke's (2017) article on the commercial relationship between IS and the drug trade.

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