



Home Affairs Committee

Oral evidence: Counter-Terrorism and Security Bill, HC 838

Wednesday, 3 December 2014

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Members present: Rt Hon Keith Vaz (Chair); Mr James Clappison, Michael Ellis, Lorraine Fullbrook, Dr Julian Huppert, Tim Loughton, Mr David Winnick.

In the absence of the Chair, Michael Ellis was called to the Chair

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Examination of Witnesses

Witness: **Helen Ball**, Deputy Assistant Commissioner, Counter-terrorism Senior National Coordinator for Terrorist Investigations, Metropolitan Police, gave evidence.

Q1 Chair: I welcome our first witness, Helen Ball, Deputy Assistant Commissioner for counter-terrorism and the senior national co-ordinator for terrorist investigations at the Metropolitan police. This is the Committee's very short look at the new counter-terrorism Bill. The Government published its Bill last week as you know, Deputy Assistant Commissioner, and the Second Reading was yesterday, so the Committee did not have the opportunity to scrutinise the Bill before it got to the Floor of the House. I know that has absolutely nothing to do with you, as you are not the Home Secretary. However, we thought we would make that clear, on the record, to all our witnesses. Thank you for coming in.

Would you also pass on our thanks and good wishes to Cressida Dick? We understand from the newspapers that she is leaving the Metropolitan police after many years of service and is going to the Foreign Office. Does this make you the most senior woman police officer in the country?

Helen Ball: It does not, actually, no. In the Metropolitan police there is a female Assistant Commissioner and there are four female Deputy Assistant Commissioners, so just within the Met I am very lucky to work with a number of women colleagues, and there are female Chief Constables as well.

Q2 Chair: Good. And this is your first appearance before our Committee?

Helen Ball: It certainly is.

Q3 Chair: Thank you for coming. Yesterday, we had the Second Reading of the Bill and the day before I met the Chair of the French Senate Committee that is looking into jihadists. I was surprised to learn that the problem of people going abroad from France was even greater than in the United Kingdom. This problem was mirrored in countries such as Australia, Belgium and Germany. Is there much international co-operation between the Metropolitan police and those other countries to try to find out the root cause of the problem?

Helen Ball: You are absolutely right: the lure of Syria has proved to be an unprecedented and complete change, and it is like a romance for many people who are travelling from many different countries. We have a counter-terrorism liaison network with a number of the countries that are involved and we are working very closely with them at a quite tactical level in investigations and prevention work. We are also looking at some of their initiatives, comparing and sharing the initiatives that we are using, and sharing information and intelligence as well.

Q4 Chair: The current threat level is “severe”. Why do you think we are losing the war against these terrorists?

Helen Ball: I do not think we are losing the war against terrorists, and I do not approach my job as a war, actually. “Severe” means an attack is highly likely. We have to be very careful—very vigilant. I think that is true; it is the right position. A lot of people are working extremely hard to make sure that an attack does not happen. I am not at all defeatist. What I think we need is to be building community confidence as far as we can to make sure that people in communities whose families, schools and institutions have the intelligence about people who may be getting radicalised, may be getting angry and may be wanting to carry out an attack give us that intelligence so we can act on it.

Q5 Chair: But you see, if we are not losing the war on terror—I realise it is really President Bush who said this, rather than anyone at the Met—and we are containing it and preventing people from going abroad, why do we need more powers? Why have you and your police colleagues asked the Government for more powers to deal with a situation that you have under control? Some of the powers that we are going to examine today are pretty draconian.

Helen Ball: We are constantly talking to the Home Office about how the operational picture is changing, what the threat is, how that is morphing and what we are now seeing, and discussing various different ways of dealing with a changing threat. For example, we have been worried and I personally have been appealing, for many months now, to families and communities to help us to prevent people from travelling. A large number of people are making—

Q6 Chair: That’s fine—we will come on to it—but it is not about getting more powers. Do you really need more powers to compel families to deal with you? That is something you are

doing by persuasion and by the work. I am talking about the powers the Home Secretary has announced in her Bill—the temporary exclusion order, the removal of passports. These are pretty draconian powers. Why are we going to increase the number of powers held by the state when you are containing the problem of terrorism? Why do we need this if everything is under control?

Helen Ball: I have not said everything is under control. We are doing our best to contain the problem.

Q7 Chair: So it is not under control?

Helen Ball: It is not a control issue. What I meant to say was that we have been alarmed by the number of people who are making often quite impulsive, naïve decisions to travel to Syria. I have been very worried about—when they get there—how they might be preyed upon by terrorists and radicalisers and people who will really give them a very angry, very terrorist mindset, and that they might return and carry out attacks here.

Q8 Chair: So you believe these powers will prevent this from happening?

Helen Ball: Our focus has been, “Let’s try to prevent people from travelling; let’s try to protect them from those naïve decisions,” and the ability for us to seize a passport at a border and keep it for 14 or maybe 30 days to see what their motivation is—what their intent is—will be very valuable.

Q9 Chair: Sure. Are you aware of any cases where a person has returned from terrorist-related activity abroad and it has not been possible to prosecute them in the United Kingdom?

Helen Ball: We do have cases like that. There are obvious operational sensitivities, but an example might be a person who had travelled and who we believed had been in a terrorist training camp receiving training, who had now come back.

Q10 Chair: Do you have such cases?

Helen Ball: Yes, we do. Sometimes we lack evidence to take forward to a prosecution; sometimes, prosecution would not be the right outcome. In a particular case, for example, we were able to intervene with a person who did return and help with their mental health problems. They started to adjust and return very normally. That extra control and insight into them was very valuable.

Q11 Chair: Finally, let me ask you this: I have just met with a delegation from another country, and they put to me a very interesting point. What if another country decided to use the same powers that we have to introduce temporary exclusion orders so that one of their citizens who happens to be involved in terrorist activities in, for example, the United

Kingdom suddenly found themselves unable to return to their country and were therefore our responsibility? What would we do about that?

Helen Ball: Some of those possibilities are a matter for the Government to decide what to do. In those circumstances, the police—

Q12 Chair: I understand that, but what would you do about it? You just said that you support the temporary exclusion orders, so what if, for example, a country such as Pakistan decided to introduce its own temporary exclusion orders and so refused to have its citizens returned? Where would that leave the Metropolitan police?

Helen Ball: I think it would leave national CT policing in the position where we would know that that had happened because the person had been identified, we would know that they were in our communities, and we would need to deal with them as a potential risk for us and work with that country—

Q13 Chair: But you could not get rid of them, could you?

Helen Ball: I cannot speculate on what might happen in every circumstance.

Chair: No, but if another country had the same powers as we have, they would be stuck here, wouldn't they?

Helen Ball: I think that there are deportation possibilities in the Bill.

Q14 Mr Clappison: There is no doubt that in his questioning the Chairman reflects proper parliamentary concern for civil liberties issues, about which we must always be vigilant. Nevertheless, you will understand that the public are very grateful for the thwarting of what I understand to be a number of terrorist plots and the possible perpetrators being brought to justice and receiving proper sentences from the courts. The public also support taking appropriate measures to protect us in future in the light of what has been discovered in the past. Do you understand that? The public are very grateful for all the work that the police and the security services have done on that front.

Helen Ball: Thank you. I do understand that. In fact, our relationships with the public are very strong. Since the threat level went up at the end of August, the calls to the anti-terrorism hotline have increased enormously—really significantly. The public have responded by bringing to us their concerns and intelligence. As I have said before, I am extremely keen that we build really strong relationships with the public to keep that intelligence coming in.

Q15 Chair: I am happy to endorse Mr Clappison's views on behalf of the entire Committee for the marvellous work that is being done by the counter-terrorism unit at the Metropolitan police, by Cressida Dick, by yourself and by your team. Please pass back to them our good

wishes. You will understand that we ask these questions because we need to be robust in knowing that the legislation is fit for purpose.

Helen Ball: Thank you. May I just mention something? As you kindly explained, I have a national role, so if I may I will take that thanks to the national CT network.

Chair: Please, if you would.

Q16 Mr Winnick: Deputy Assistant Commissioner, the views expressed by the Chair are obviously the views of us all, but that does not alter the fact that we want to probe—that is our duty and responsibility. Would it be right to say that the Met lobbied for these new extra powers?

Helen Ball: No, I don't think that it would be. We talk all the time to the Home Office, to Ministers and to our security and intelligence partners about what we understand to be the threat, how it is changing, and how we can best combat it. As you would expect, in the course of those conversations, ideas come up, we discuss them, and we provide a view as to their operational impact.

Q17 Mr Winnick: At the time, nine years ago, the Met were undoubtedly very strongly of the view that in order to deal with terrorism, it was necessary for legislation to have a pre-charge detention of 92 days and then later 42 days. Would you say that what has occurred as a result of not having longer than 14 days has done anything to undermine the fight against terrorism?

Helen Ball: When I talk about the threat constantly changing, I also mean that other things are continually changing. Just at the moment, I would point to the very large volume of investigations that we are doing and the large amount of work that we are doing with what is carried on people's digital media. That takes time; it takes time to investigate what they have on their media, to understand that and to carry out a full investigation. Recently our investigations have been within the limits allowed. I can't predict whether in future we might need longer, but it is possible, because our investigations are becoming both higher-volume and more complex.

Q18 Mr Winnick: I have one more question. Politicians are renowned, and not only in the United Kingdom, for not always answering the question. With respect, you haven't answered the question whether the fact that detention has been limited to 14 days has undermined the fight against terrorism. To a large extent—if I may put words into your mouth, which I hesitate to do—it is a yes or no answer, isn't it?

Helen Ball: I don't think these things are often yes or no answers. I am not aware of a case that has significantly suffered from the 14-day limit so far, but it would be very wrong of me, given how we see the threat and our investigations changing, to leave you in a position of believing that I thought that that was going to hold in future.

Q19 Dr Huppert: Can I pick up the Chair's excellent question to you about issues of symmetry? Presumably it is reasonable to assume that if we impose rules, other countries may do the same thing. You said that, if another country—the Chair mentioned Pakistan, so we will use that as an example—applied the equivalent of a temporary exclusion order on somebody in the UK, you would expect to know about it. Does that mean that we would notify other countries if we had exclusion orders affecting people from those countries?

Helen Ball: This is going into areas on which I don't feel qualified to comment. You have already got two ifs in the question, and I don't know what would happen in those circumstances, so I'm afraid that I don't think I can answer that.

Q20 Dr Huppert: But do you accept that there is a reasonable expectation that if we impose powers like this, other countries may choose to do the same thing? Do you accept that as a premise?

Helen Ball: As a premise, yes, it is reasonable to think that that could happen.

Q21 Dr Huppert: So we ought to think through the consequences of reciprocal behaviour?

Helen Ball: I have no doubt that Government are thinking that through, and that it will be one of the things considered as the Bill passes through.

Q22 Michael Ellis: On the issue of stopping people's passports for up to 14 days, in principle we already have laws on our statute books stopping people from travelling abroad under football banning orders, don't we?

Helen Ball: Yes.

Q23 Michael Ellis: I realise that this is a completely different area, but the principle is already available to the courts and the police in this country. We already stop people's passports to stop them from travelling for football violence, so it is a logical extension to seek to stop them for terrorism. Do you agree?

Helen Ball: I think that they are different things. Where I see this power most being used within the counter-terrorism world is with people who have arrived at a port, where we haven't been aware that they were intending to travel and we don't know much about them, where they may have with them clothing and equipment that makes us pretty sure that they might be planning to travel out to, say, Syria or to a war zone, and where we want to disrupt that. In such a situation, we haven't had the build-up of intelligence that you would have if you were going to impose a football banning order.

Q24 Michael Ellis: I appreciate that from a policing perspective and also a criminal justice perspective they are very different things, but the principle that offends certain individuals—

interfering with people's right to have a passport and travel outside this country—has already historically been practised in the stopping of passports for football banning orders.

Helen Ball: I understand, yes.

Q25 Michael Ellis: Moving on to data retention, if I may, I think your immediate superior in the Metropolitan Police is Assistant Commissioner Mark Rowley—is that right?

Helen Ball: Yes.

Q26 Michael Ellis: He spoke about the police having a degraded, or degrading, capability in terms of communications data. We also had a report in the last few days into the murder of Lee Rigby. Do you believe the provisions on IP addresses that have recently been announced are sufficient? Do you feel that we need to expand into the area of communications data in the way the Government have tried to do?

Helen Ball: The provisions on IP addresses that are in the Bill are very welcome and will be helpful in identifying how people are communicating and, indeed, who was doing what at a certain time. I know that Richard Berry, the national police lead for communications data, has spoken to the Committee and is intending to write to you. I have talked to him about this issue.

I would say that it is clear that our ability to understand how people are communicating is degrading, partly because of people's own wishes to have more secrecy and encryption and partly because of the development in technology that means there are more and different methods of communicating.

Q27 Michael Ellis: Just to make sure that we follow each other, because this is not an area that everyone who might be listening to this is expert on—

Helen Ball: Including me.

Michael Ellis: Because fewer people are using landline telephones, mobile telephones and the more traditional forms of communication, the legislation has not successfully kept up with the modern advances in communication. The police have lost some of their ability to track terrorists and criminals because the legislation has not kept up. Is that roughly what you mean?

Helen Ball: We have lost some of that ability, but not simply for legislative issues. It is also through people's changing practice and how they encrypt their communications, and from the development in new communications technology, which makes it harder. We are feeding into the work that is being done by David Anderson in his review and into future legislation.

Q28 Michael Ellis: But it would be very helpful to you in your counter-terrorist job to have more communications data available to you.

Helen Ball: It would be, yes.

Q29 Chair: Thank you. We will be hearing from David Anderson later.

There were concerns that the police were able to access far too much data about individuals already. Do you feel those concerns?

Helen Ball: Of course I do.

Q30 Chair: So what is the answer to the public's concern that so much information is known about them?

Helen Ball: Probably where I would start is with an explanation of how communication is changing so much. I have heard it described like this: we used to write to each other in envelopes, and now it is like a postcard that is very readable by a number of people. The whole communications world is changing. Whereas we used to be able to separate off looking at the content of a message from looking at the fact that a message had been sent—and the fact that a message has been sent is very valuable—it is less and less easy to do that. There are legitimate public concerns, and I am very grateful that this whole area is being reviewed.

Q31 Chair: Were you aware that the Commissioner had recently written to Vodafone to ask for permission to look at the details of who one particular individual had called and how long the calls were for? Vodafone, by mistake, sent back the details of 1,700 people. You are aware of that?

Helen Ball: I am.

Q32 Chair: Why didn't the Metropolitan police send back the extra 1,699 pieces of information rather than retaining them?

Helen Ball: You have written to the Commissioner—

Chair: I have.

Helen Ball: And I don't know if you have yet seen it, but a reply has been sent to your office today.

Q33 Chair: What was the reason you held on to all that when you did not need it?

Helen Ball: When the Met realised that a mistake had been made and extra data had been sent, my colleagues consulted with the Interception Commissioner's Office, the Information Commissioner's Office and the CPS. There are requirements for disclosure in court cases that meant that that material had to be reviewed to make sure that the Met could comply with its disclosure requirements. That was done in relation to six individuals who were going through trials. It was used in disclosure for two people—one was the original applicant—and all of that process has now finished and all the material has been returned.

Q34 Chair: Were you given permission by the commissioners to retain the information or was that a judgment made by the Met?

Helen Ball: I don't think that I can answer that, I'm afraid. I don't know.

Chair: Don't worry. We will write to the Commissioner.

Q35 Lorraine Fullbrook: I was interested in your comment that your ability to review communications data is degrading. There is a two-track system on communications data in that the highly organised, sophisticated groups who are planning large-scale attacks tend not to communicate via electronic data. However, the lone wolf, such as Adebawale, who posted on Facebook, still communicates using electronic data. There is a two-track system so that you would still have the ability, along with security services, to see both ends of the spectrum.

Helen Ball: At the moment, the way that technology is changing and the way that people use technology is changing. Past experience is not a good guide as to what will happen in future. People communicate differently now from the way they did a year ago and, certainly, from the way they did three years ago. In six months and in a year, it will be different again. It is difficult to predict what capability we will need. I think it is incredibly important that we have a collaborative approach to intelligence sharing. If people are seeing something that is of intelligence or of concern, it is important that they feel confidence to share it with the police so that we can act on it.

Q36 Lorraine Fullbrook: Do you mean members of the public, or are you talking about other security services?

Helen Ball: I am talking about members of the public, communities, public services, people who run institutions, internet providers and businesses—really anyone who is seeing anything that is of concern. I would appeal to them to let the police know.

Q37 Dr Huppert: It is striking in the very detailed report from the Intelligence and Security Committee about the murder of Lee Rigby that, in fact, none of the powers of the Communications Data Bill would have made any difference. That was highlighted by two members of that Committee when we had the statement. When Keith Bristow from the National Crime Agency gave evidence to us, he estimated that in somewhere between 90%

and 100% of the cases in which he cannot make progress, the problem has been to do with IP address matching. Would that fit with your experience?

Helen Ball: I am not sure on the details within counter-terrorism. This provision is wider than counter-terrorism, and I am afraid I do not know about the proportions.

Q38 Dr Huppert: Certainly a number of people have suggested to us that it is the vast majority of the problem.

Can I move back to the issue of seizing travel documents? You were talking about what the police should do when they think that somebody is going to take part in terrorist activity and do not know they are about to travel. Presumably, the police have a power of arrest already if they believe that somebody is planning to commit a criminal act. Under what circumstances would you not have enough information to arrest somebody but have enough information to seize their travel documents?

Helen Ball: There might well be suspicion that arose from, for example, the way that they had left home, the way that they had come to the port, the route that they were proposing to travel and where their ticket was to, which could have an entirely innocent explanation as well. We would not have grounds to arrest them, but we would have grounds based on our reasonable suspicion that they were going to travel for terrorist purposes to seize a passport and disrupt that travel. In fact, that would be the use of a much less intrusive and less strong power, that would be appropriate in the circumstances.

Q39 Dr Huppert: But it is an existing power. We know how an arrest works. We know the process, and sometimes people are de-arrested afterwards. Can you remind us what the legal test is to arrest somebody?

Helen Ball: Reasonable grounds to believe that they have been or are about to be engaged in criminal activities.

Q40 Dr Huppert: So you are distinguishing it. Reasonable grounds to believe is for an arrest, and you are saying that reasonable grounds for suspicion is the test that you are going to use for this.

Helen Ball: I believe that is right.

Q41 Dr Huppert: So one should expect quite a large extension. Do police have any powers to seize passports at any time at all?

Helen Ball: To seize passports to prevent travel?

Dr Huppert: Yes.

Helen Ball: No. We can take someone's passport, as we can with other property, if we are carrying out an examination under schedule 7 of the Terrorism Act. We would do that to examine whether they were engaged in the commission, preparation or instigation of acts of terrorism, but not to prevent them from travelling.

Q42 Dr Huppert: As you know, there has been a lot of criticism of stop-and-search powers around the country, including in respect of the Met police, although there have been improvements recently. How can you assure us that the stop-and-seize powers will not have similar problems—that you won't find that people from particular ethnic backgrounds have their passports taken consistently, and that the same problems with stop and search that the Home Secretary has spoken about will not occur?

Helen Ball: I've looked at the provisions in the Bill, and I think that quite a lot of things have been built into it to prevent that from happening: the immediate review if a police officer seizes a passport and wants to retain it; an immediate review by a more senior officer, at superintendent level; a review at 72 hours by a senior officer again; and, if it is wished to be retained beyond 14 days, a review by a court. And then there are codes of practice being created for that usage. We will record all instances of that usage and report it to the Home Office, so those figures can be examined.

Q43 Dr Huppert: To just the Home Office or to Parliament as well, for us to have a look at?

Helen Ball: I have no doubt that the Home Office will pass it on to Parliament. Whatever is the most appropriate thing, we will do.

Dr Huppert: We would certainly want to see that information, by whichever route.

Q44 Mr Clappison: Dr Huppert has rightly been probing on these issues, but he was asking you about the difference between reasonable grounds to believe and reasonable grounds to suspect. It would help Dr Huppert, other members of this Committee and members of the public if you could tell us exactly what it is that such people will be suspected of, for the purposes of triggering the power.

Helen Ball: The power to seize passports?

Mr Clappison: Yes, exactly.

Helen Ball: I understand it is defined in the Bill as terrorism-related activity, which can be facilitation of terrorism and a wide range—

Q45 Mr Clappison: We are talking about seizing passports for a limited period as a result of a suspicion of terrorist activity. Do you agree that it is important to bear that in mind—that there have to be grounds for suspecting?

Helen Ball: Yes.

Q46 Mr Winnick: Deputy Assistant Commissioner, as I understand the situation, no one is subject to a TPIM at the moment. Is that correct?

Helen Ball: I'm not sure that that information is in the public domain. *[Interruption.]*

Chair: I shouldn't rely on Dr Huppert, although he is very helpful; you're the witness. Dr Huppert isn't the witness—yet. If you know and you want to tell us, that's fine. Whether it is in the public domain—

Helen Ball: I am sorry. I do know the answer, and if it is—

Mr Winnick: If it is not supposed to be in the public domain, it is not your job to tell us.

Helen Ball: I beg your pardon. I just don't know; I am sorry.

Chair: Sorry—what was the answer to Mr Winnick's question?

Helen Ball: I do know the answer, but I'm not sure I can put it in the public domain. If it is public domain, I am very willing to answer, but I am afraid I don't know.

Q47 Chair: My apologies. If it is something you could have disclosed to us, would you please write to us to tell us?

Helen Ball: I certainly will.

Mr Winnick: I wasn't aware that that was confidential at every stage, but I take exactly what you say.

Helen Ball: I may be completely wrong.

Q48 Mr Winnick: Do you think that more people are likely to be subject to this form of house arrest, or whatever one wants to call it, as a result of the new powers in the Bill?

Helen Ball: On the whole, I do think there will be more people subject to terrorism prevention and investigation measures in future, and that arises from where I see the threat and how that is changing. So I would predict that, yes, there will be more.

Q49 Mr Winnick: Many more?

Helen Ball: I am not able to predict that.

Q50 Mr Winnick: But what made you take the view that it is likely to change? Because the terrorist danger will increase, or because people who should be, in your view, subject to this are not at the moment?

Helen Ball: I think the volume of people who might be involved in terrorism is increasing. We've seen a very rapid increase in volume—we are making 35% more arrests this year than we did three years ago—so that is one reason. Also, I think it is difficult at times to get sufficient evidence to take a case through to prosecution, and if you haven't got that but you really have a very strong suspicion that people have been or are going to be engaged in terrorism, then a TPIM is the right measure. Because we have to intervene early, sometimes, to protect public safety; because, particularly, technology is changing and it is harder to obtain evidence; and because some evidence of people's activity will come from abroad and is very hard to obtain from a war-torn area—for all those reasons, we are going to find it hard, sometimes, to get the right level of evidence to take forward a prosecution.

Q51 Mr Winnick: I am going to change my line of questioning for just a few moments. Of course, the powers in the Bill are sensitive and controversial, and inevitably so. As far as the Muslim community as a whole is concerned—I think some of my colleagues will be asking questions later about those who are radicalised, or likely to be, but I think we would agree that the overwhelming majority of the Muslim community have no more desire to be involved in terrorism than any of us—how far has the Met learned from what occurred in Birmingham not so long ago? You will know that there was a CCTV arrangement around a Muslim community, which West Midlands police said was necessary as a crime prevention measure. When it was looked into further and there was an external report by the chief constable of Thames Valley police, Sara Thornton, the explanation was somewhat different: it was a prevention of terrorism measure. The point is that the community had not been told the truth. How far would you say the Met has learned from that unfortunate event?

Helen Ball: Not only the Met but policing as a whole has learned enormously from that event. My understanding is that it was approached in good faith but had quite the opposite impact on the community where that CCTV was used. It is incumbent on us in policing to have really strong relationships with communities, otherwise we are not doing our job well at all. Particularly in counter-terrorism, the worst thing that we could do would be to establish divides between the police and the community, and within communities, effectively doing the terrorists' work for them. That is why we have such a strong focus on community relations and community confidence.

Q52 Mr Winnick: During the years that the mainland was subject to terrorism, albeit at nowhere near the scale of the suffering that occurred in Northern Ireland, every effort was made by the terrorists responsible to try to bring on board the Irish community to give them support. I think that you would agree that that did not succeed. Are you confident that the manner in which you deal with the current terrorism will not antagonise the Muslim community any more than the Irish were? Although sympathetic to reforms in Northern Ireland, the Irish community was certainly opposed to terrorism.

Helen Ball: I know that I, and my colleagues both within CT policing and in wider policing, will work extremely hard to make sure that that does not happen. I agree with what you said at the beginning: the Muslim community as a whole are revolted by some of the things that they have seen and by some of the threats that they are aware of. They really want to work hard with us, particularly to prevent the danger to some of their young people who are travelling naively and putting themselves into terrible danger. I am currently seeing really strong relationships between police and Muslim communities, and real support from those communities, for which I am extremely grateful.

Q53 Chair: Have you managed to locate Mohammed Ahmed Mohamed and Ibrahim Magag, two people who have been missing? They were on these orders but have not been located—do we know where they are yet?

Helen Ball: I am not able to answer that, I'm afraid.

Q54 Chair: But have they been brought back? Will you write to us? Of course, there have been statements to Parliament about them by the Home Secretary, so please tell us whether they have come back.

Helen Ball: Yes.

Q55 Mr Clappison: Can you say a few words about passenger information and why the provisions are needed?

Helen Ball: By and large, airlines already provide passenger information to police and Border Force, both for people who are travelling into the country and for people who are travelling out. That is valuable information. It can help us to understand who is travelling—it can give us intelligence—but it can also help us to intervene with people who we see as being a risk, and we do that regularly. The Bill will extend some of that information provision to ferries and rail operators, which will very much help because we already have some data from them, but it is not comprehensive. That will help us to understand the full information about how people are travelling and what their travel patterns are.

Mr Clappison: Thank you.

Q56 Chair: Are you happy that exit checks will be introduced at our borders by the end of April? Are you being kept in the loop about the conversations between the Home Office and the ferry operators?

Helen Ball: Yes, we are.

Q57 Chair: Do you think that it is on track?

Helen Ball: I think it's on track. Obviously, some of that data can't be provided until the last moment, otherwise we would be forcing people to arrive very early at a port to get that information in a more timely way. So sometimes people may have travelled, but it will still be very useful information.

Q58 Lorraine Fullbrook: I would like to ask you about the Bill requiring a local panel to be put in place to produce a plan for individuals identified by the police as vulnerable and likely to become involved in terrorist-related activities, for example. How do you envisage that the police will be able to identify those individuals, and how do you think this plan will work?

Helen Ball: We already have local panels, and we work as part of a number of different agencies to prevent people from getting involved in terrorism.

As far as the police part is concerned, one of the very successful things we do is that we look at the family, and particularly the siblings, of people who are involved in terrorism and make sure that, if they are being influenced by their siblings, we can intervene. We can take those cases to a panel and say, "We believe there is some vulnerability here." Then, if what is needed is help from health to work with someone who may be mentally unwell, or help from housing to take them away from a difficult situation or a difficult environment, that can be achieved in a multi-agency way, like normal safeguarding. This makes statutory what is very good practice.

Q59 Lorraine Fullbrook: That was going to be my next question. So you don't see a problem with these panels becoming a statutory requirement if they are already operating?

Helen Ball: No. I am very keen, and I have asked, that they do become statutory. I think that gives support to all the people who are involved in the process and helps different agencies prioritise the work that is being done.

Q60 Lorraine Fullbrook: When we had the Commissioner of the Metropolitan police in front of us a few weeks ago, I asked about the software that is being trialled, which is likely to indicate the future committing of crime by individuals. Would that software be the same for terrorist-related activities?

Helen Ball: I would be very interested to see it. I know it is being looked at at the moment in relation to people who might become gang members or involved with gang activity.

Lorraine Fullbrook: To be fair, he couldn't give us the results of the pilot at that stage.

Helen Ball: No. I will be looking at the results of the pilot, as I am sure a number of people will be. If it were applicable, we would be interested in it.

Q61 Chair: We now have a body of information about the kinds of people who go abroad. We know that, in the murder of James Foley, the voice of the self-appointed executioner was unmistakably British. We may not know who this person was, but, clearly, young British people—men and women—are going abroad. We read about it in the *Evening Standard* and other newspapers every single day, but the parents seem to be the last to know that this is happening. There is now a whole body of evidence from interviews with people who have come back.

What is the tipping point, in your view, that makes someone who is a law-abiding British citizen, who may have been to school and been born in this country, who supports the values of this country and who supports a football team, suddenly decide one day that they are going to go to fight in another country, to join ISIL and to kill people? Are we anywhere nearer finding out what this tipping point is? Surely that is the key for dealing with radicalisation.

Helen Ball: I absolutely agree. It has been very alarming to see the speed at which some people have become radicalised. You are right: often the parents have had no idea that this was happening. But, sometimes, when they look back, they do see signs—people getting angry, perhaps getting more religious, discussing Syria, discussing ISIL. So sometimes there are signs along the way. As we have become more aware of that, we have talked to our communities about it.

There is a real concern about a combination where someone who is young and impulsive is fed information or radicalising material—perhaps over the internet—and very quickly becomes very angry and very radicalised. I am not qualified to give you a good answer to this question, but we are starting to see signs of how that can happen.

Q62 Chair: Indeed, but the Committee has looked at this, and we looked at videos done by Abdullah-X. We have seen what Google and other companies have done; indeed, we held a seminar at Google headquarters. It is that counter-narrative that needs to be put forward. But more are going—500 from our country, and hundreds, possibly thousands, from France and mainland Europe. We do not seem to be stopping them going, so who is looking at dealing with this issue? You cannot just have police officers involved. It has to come from within the DNA of the community.

Helen Ball: Absolutely, yes. The communities will provide the best counter-narratives, and there are organisations working with communities that are, for example, equipping mothers to understand what internet searching might look like and how they can challenge some of the ideology that their children might be seeing. Some of that work is really effective. But it will take all of us, particularly community-led approaches, to safeguard these people.

Q63 Chair: When Cressida Dick came before us for our last but one inquiry, she talked about the need to go into the schools—in London, in particular, because it was the Met—and try and make the counter-narrative stick. Are we doing that at the moment? Is the Met, with the challenges of its budget, able to go into schools and have these conversations?

Helen Ball: The Met and other forces are working in schools. There has been training of front-line workers in health and education as well in terms of Prevent, so they are more able to spot signs and bring forward their concerns.

Q64 Mr Winnick: I hope this is not private information. Could you give any indication of the number of Muslims in the Met?

Helen Ball: I think I would need to write to you with the numbers, if I may.

Q65 Mr Winnick: Would you take the view that it would be useful, arising from what the Chair has asked you about the fight against radicalisation, to, if one may say so, substantially increase the number of minority officers and minority ethnic groups in the Met?

Helen Ball: Yes. The Met and policing as a whole have a very big ambition to bring in more minority ethnic officers, which I completely support. I can absolutely see how more police officers from Muslim communities will help us with our overall approach. But we do also have very good relationships with Muslim communities, so we are getting good advice from them as well.

Q66 Mr Winnick: One last question, on prisons. How far is action being taken to prevent what often appears to be happening—people converting to Islam, but the most perverted, extreme form, which can easily lead, unfortunately and tragically, to murder? Are you satisfied—it is not your branch, of course—that this is a problem that the authorities are fully aware of?

Helen Ball: There are programmes in prison that challenge that sort of ideology. There are imams in prison who are specifically working to challenge it. We charge and prosecute someone. If they are convicted and go to prison, that could be seen as a success, but if their ideology is not challenged, we still have a problem after they finish their prison sentence, so the work in prisons is very important.

Q67 Michael Ellis: Deputy Assistant Commissioner, your role involves communicating with police forces around England and Wales. Does it include Scotland?

Helen Ball: Yes.

Q68 Michael Ellis: Is it the whole of the United Kingdom?

Helen Ball: It is the whole of the United Kingdom, and Northern Ireland in relation to Northern Ireland-related terrorism over here.

Q69 Michael Ellis: So you are a co-ordinator to someone with direct command authority over police forces, special branches and other anti-terrorist units. Is that right?

Helen Ball: That is exactly right, yes. Chief constables have agreed that because CT is a national issue, there should be two roles that operate nationally: mine and Mark Rowley's. By their agreement, I can move counter-terrorism resources around the country, according to where the demand is, and I can influence the way investigations are carried out, because there has to be that national lead. They retain responsibility for their jurisdiction.

Q70 Michael Ellis: They retain responsibility and jurisdiction. You may give some guidance and advice, and perhaps help prioritise issues.

Helen Ball: Yes.

Q71 Michael Ellis: It is within your knowledge that the current security threat assessment is a live one—the severe risk to the security of this country. Is that right?

Helen Ball: Yes.

Q72 Michael Ellis: Is there anything in particular that you are concerned about—that you feel you need from your superiors in policing, the Home Office or the Government? Is there anything that you want to take this opportunity to say that you could do with some more help on? Of course, we all want more resources, but is there a particular gap?

Chair: Maybe you could write to us with your shopping list.

Helen Ball: Very well.

Michael Ellis: Unless there's a brief, immediate thing.

Helen Ball: No, that's fine, thank you.

Michael Ellis: If there is, let us know.

Helen Ball: Thank you.

Michael Ellis: Thank you for all that you do.

Q73 Chair: What is the equivalent of the green line? In France, they have a green line that people can ring and say that they suspect that people are involved in terrorism. I know there is a similar thing in the UK.

Helen Ball: We have the anti-terrorist hotline: 0800 789 321.

Q74 Chair: Have you thought about finding another name for it instead of the anti-terrorist hotline? The French have decided to call theirs the green line, which sounds like a bus, but it enables people to feel comfortable about ringing. When people come home for their tea, the father won't turn to the mother and say, "Have you rung the anti-terrorist hotline?" Can you look at finding another name for it?

Helen Ball: I certainly shall.

Chair: Thank you very much. That would be very helpful. Thank you so much for coming. Perhaps you could write to us about the things we asked for, including Mr Winnick's point about the number of Muslim officers in the Met. That would be helpful. We hope to see you back in the Select Committee at some other time.

Examination of Witness

Witness: Shami Chakrabarti, Director, Liberty, gave evidence.

Q75 Chair: Welcome, Shami Chakrabarti. It seems a long time since we last saw you before the Committee. We are delighted to see you back here.

As you may have gathered from the Second Reading debate yesterday, the Committee is concerned about the lack of time for scrutiny by this Committee of the Government's legislation. We will do our best in the short time available; we understand the Government's need to make progress.

On page 16 of your fascinating book, of which, of course, I have obtained a copy, you talk about the war on terror. You talk about society and citizens living in permanent fear, presumably fear that has been orchestrated by Governments as a result of President Bush's statement that there is a war on terror and everyone needs to rush around and try to do something about it. Do you think that the powers that the Government seek are justified, or do you believe that this is part of what you say in your book: keeping the citizens on their toes?

Shami Chakrabarti: Thank you, Mr Chair. It is always a great privilege to come before such an important parliamentary Committee.

To clarify what I and Liberty have been trying to say all these years, it is legitimate and right to be afraid of terrorism. Our concern is about the war on terror constructed as a permanent state of emergency. Concerns about serious crime, including political crime that is terrorism, are understandable, right, sensible, practical and legitimate. The question is about the response. The problem with a war on terror and, indeed, constant emergency measures is that if you live in a permanent state of emergency, you have lost your compass.

Q76 Chair: Do you think that we are in that position at the moment?

Shami Chakrabarti: I am afraid that I do. I have been coming before your Committee for some years and you and I are both growing old in our respective positions.

Chair: Me, I think, slightly older physically.

Shami Chakrabarti: My concern is that things that were once emergency provisions are now routine, made permanent, established and re-established, and we go further and further with this period of exceptionalism.

Q77 Chair: Let us explore some of that because it is interesting. I know that the Bill was published only last week and you have lots to do, but I am sure that you have looked at it. Is there anything in it that you think is justified at the moment, bearing in mind that we switch on YouTube and the telly and see: British citizens being executed; British citizens doing the executing; 500 civilians leaving our country and going abroad; those civilians coming back; murders on the streets of London, as with Lee Rigby, by British citizens who have lived all their lives in our country? Do you think that any of this is justified, or that it is all part of the Orwellian state that we live in, where we are all in fear of these terrorists?

Shami Chakrabarti: I would say three things, if I may. First, terrorism, if it is designed to do anything, is designed to provoke. Just as the atrocity that was 9/11 was an extraordinary and horrific provocation, in a different but equally horrific way those images on YouTube and elsewhere are deliberately designed—they are, let's face it—to be the most horrific and extraordinary provocation. That's the first point. The second point is that it is understandable that democratic states want to respond. The third point is, what should the nature of the response be?

Q78 Chair: I accept all that—it is a very good argument—and I accept everything that you have said in the sense that you firmly believe it, but this is a Bill put before Parliament by a British Home Secretary and not opposed by the Opposition on Second Reading.

Shami Chakrabarti: You can imagine that that is a huge concern to me.

Q79 Chair: I am sure, but is there nothing in the Bill that you think is justified, given what I have said about the current state?

Shami Chakrabarti: It would be surprising if a UK Parliament did not feel the need to look at its response, given the nature of the threat. I have no problem with that.

Q80 Chair: Sure. Tell us about the specific powers.

Shami Chakrabarti: The specific concerns I have with the Bill—

Q81 Chair: No, before you come to the concerns, which we will come on to, is there anything in here you think is justified—in this whole Bill?

Shami Chakrabarti: Pretty much everything in the Bill is likely to be counter-productive, however well meant. Some of it will be completely laudable in its intention; some—understandably, due to the nature of party politics—will be a little political.

Q82 Chair: Thank you. That is a very good summary. Let me go to a specific issue—the temporary exclusion order. Lord Carlile, who was the reviewer of counter-terrorism legislation and who knows a little bit about this issue, says that the temporary exclusion order is perfectly justified and does not render people stateless. Do you agree?

Shami Chakrabarti: I do not agree. To tell British citizens that they may not return to their country unless they accept a form of punishment without trial, which is a TPIM or a control order or whatever you want to call it, is de facto statelessness. I do not want to make legalistic arguments; I want to make practical ones.

Chair: Yes, we would like the practical.

Shami Chakrabarti: That, to me, is completely counter-productive. It seems to me that the kind of people who will be caught here—returning from dubious places, if I may put it that way—are either complete innocents who have gone off to do what they think is humanitarian work and so on or naive adventurers, or they thought they were going to fight for a cause they thought was just, changed their mind and wanted to come home to mummy. Or, the fourth category, they were up for it and are dangerous people who ought to be punished and locked up. In relation to each of the four categories I have mentioned, to dump them like toxic waste abroad is a mistake.

Q83 Chair: Okay. The point has been put to me, and I put it to Helen Ball from the Metropolitan police, that other countries may want to do the same thing. Another country may suddenly want to institute legislation with a temporary exclusion order, so their citizen, who happens to be getting up to unsavoury activity in the United Kingdom, is suddenly subject to this order and therefore they might be left in the same position. Have you looked at that? Is it a possibility?

Shami Chakrabarti: I have not seen it yet, but of course that is the logic. At the moment, we are looking at Denmark and other countries that want to go a different way and want to look at the people coming back as the potential examples to the young of why you don't want to go and do this, and they are looking at how you rehabilitate and reintegrate people. No doubt there will be others who would understandably go with, forgive me, the knee-jerk that our Government has gone with.

Chair: That is very helpful. So there is a possibility that that might happen. Mr Winnick is next.

Q84 Mr Winnick: Lord Carlile is often mentioned as being in favour of various measures, including temporary exclusion orders, and I am sure Lord Carlile is a person—I don't think you would disagree for one moment—of the utmost integrity, but is it not the case that Lord

Carlile, in the past, was a very enthusiastic defender of 92 days, of 42 days, pre-trial detention?

Shami Chakrabarti: Lord Carlile and I have been on the opposite sides of arguments about anti-terror strategy for a very long time. Everywhere I go, people cite two people to me: Abu Qatada and Lord Carlile. They are not in the same category, and they have different arguments and different beliefs, but they are names that come up. We don't agree about anti-terror strategy and rights and freedoms very often.

Q85 Mr Winnick: Let me put this to you, if I may: if we do have temporary exclusion orders, and all the indications are that this will go through the House of Commons—

Sitting suspended for a Division in the House.

On resuming—

Q86 Mr Winnick: Whether we like it or not, the indication that we got from the Second Reading debate yesterday, which perhaps you have read, is that temporary exclusion orders will go through. If that was the case—obviously, you would wish it to be otherwise, but given what I have just said—what action could be taken legislatively to try to improve the situation over a matter that I know that you are opposed to?

Shami Chakrabarti: If the rather damning report by the Intelligence and Security Committee, notwithstanding all its holes—it being appointed not by Parliament like this Committee but by the Prime Minister—teaches us anything, it is that where there are concerns in anti-terror policy they are in administration rather than in legal provision. If there is anything to be said about this area of practice, there could be an argument for a streamlined power to demand that airlines that become aware that a particular suspect is returning give notice to the Home Secretary that someone who is a terror suspect is coming back on their airline. If they are required by statute to give that notice, the Home Secretary already has powers, under the infamous schedule 7 and a whole raft of other anti-terror offences, to interview that person on arrival. I opposed them, but TPIMs—they are going to be bumped up—already exist, so there is no need, in my view, to have this threat of depriving a British national from coming back to the country that is responsible for them.

Q87 Mr Winnick: Were you consulted at all by the Government?

Shami Chakrabarti: No. We are, of course, cross-party and non-party. We have been completely unconsulted for rather a long time by the coalition Government on any aspect of this policy.

Q88 Mr Winnick: You were appointed, I believe, to the post of director of Liberty in 2001, so that would have been, if I am right, after the Irish terrorist attacks. Would you say that there are lessons to be learned from the way in which the IRA committed undoubted crimes

in London—not as bad as in Northern Ireland, but certainly bad enough? Do you think any measures that were taken at the time by the Government of the day were counterproductive?

Shami Chakrabarti: Very briefly, I worked in the Home Office including on counter-terror policy from 1996 to 2001, when I came to Liberty as a lawyer. I became director in 2003. The one thing I would remind this incredibly important parliamentary Committee is that in the end, in our constitution, accountability is either democratic—elected representatives—or independent judges, not in special tribunals or whatever. Those are the two checks and balances in our system, and everything else is a quango. Everything else is a seductive fig leaf. In the end if you want scrutiny and you want checks and balances, it is either Parliament properly or the courts properly. Every other expert, including me, is just an opinion. It is not a special opinion; it is just an opinion and just an interest. I think that that is important to point out.

Q89 Lorraine Fullbrook: I would just like to clarify what you said about people who wish to come back, and that you thought that when they wished to come back, the airline should alert the authorities.

Shami Chakrabarti: There has been, including in the response to the report last week, a lot of passing the buck, and Facebook should have done this, and everybody should have done this, that and the other except the people who actually have the statutory power. That is what happens when people panic about very bad crises.

Q90 Lorraine Fullbrook: Could I ask my question? I was just clarifying that that is what you said.

Shami Chakrabarti: What I said was that if you are going to do anything new in legislation in relation to returning people, I do not think that you should exclude them. Whether they are suspect, innocent or guilty, they are British nationals. This is a shrinking, interconnected planet and we have to take responsibility for our nationals, innocent or guilty.

Q91 Lorraine Fullbrook: Okay, but you have just said that the airlines should identify it.

Shami Chakrabarti: You can't expect the airlines to be the spooks and to be doing surveillance. This TEO power only kicks in if the Home Secretary knows that somebody is a suspect and they want potentially to stop them coming back if they don't agree to a TPIM. Instead of doing that, what you could do is say, "This person is a suspect. I am now giving notice to relevant airlines that if this person has bought a ticket, they must inform me." Then, under existing powers—schedule 7 and other anti-terror powers—our people will be ready to interview them on return. That does not offend any principle.

Q92 Lorraine Fullbrook: Are you saying that the airline, knowing that they are suspected of terrorist-related activity, should allow them to get on the plane to come back?

Shami Chakrabarti: I think they are British nationals and therefore we have a responsibility, whether they are innocent or guilty.

Q93 Lorraine Fullbrook: But we have a responsibility to other passengers on the plane. If they are suspected of a terrorist-related activity and they are booking in at an airport on their way back, whatever they have been involved in—say, a greater or lesser degree of activity in Syria—are you suggesting that the airline should advise the security services that “We have got this person and they have a right to travel so we are going to let them on the plane”? Is that what you are saying?

Shami Chakrabarti: I am suggesting that the report of last week shows that we have been allowing people to fly backwards and forwards and that, in fact, our anti-terror policy has been about letting them fly backwards and forwards, including, potentially, to be questioned elsewhere. To me, that is rather shocking. Of course, people can always be arrested anywhere in the world by way of judicial co-operation if you think you have sufficient grounds to arrest them—

Q94 Lorraine Fullbrook: But is that not what this does?

Shami Chakrabarti: No. This is about excluding people. My concern about the exclusion order is that we could literally be dumping people and not taking responsibility for our people whether they are innocent, naive or guilty. Dumping them in another jurisdiction including in, frankly, a jurisdiction where they might be tortured or where they might just wander off without sufficient monitoring. In a shrinking, interconnected world of organised terrorism, you take responsibility for your citizens; you do not render them stateless.

Chair: Thank you, I think you have made that very clear.

Q95 Lorraine Fullbrook: If I may ask my final question, at the start you were asked about the Bill. You said that as laudable or well-intentioned as it appeared to be, you did not think any of it would do what we wished it to do. If you were a member of the Government or the Home Secretary and you were responsible for the fundamental duty of ensuring the safety of the people of this country, what would your Bill look like?

Shami Chakrabarti: Do you know what? There might not be a Bill. I have been working in this area of law and practice all my adult life and I am now a middle-aged woman—

Q96 Mr Clappison: Very young.

Shami Chakrabarti: Very gallant. What I would say, if you forgive me, is that talk is cheap and legislation is almost as cheap—

Q97 Lorraine Fullbrook: I am being serious—

Shami Chakrabarti: I am being serious too—

Q98 Lorraine Fullbrook: I am not being cheap, I am asking what your Bill would look like.

Shami Chakrabarti: I am saying there may not be a Bill—

Chair: For the record, I do not think that Ms Chakrabarti was referring to you as cheap.

Q99 Lorraine Fullbrook: I was just clarifying. It was a serious question.

Shami Chakrabarti: Talk is cheap and legislation is almost as cheap. If I were Home Secretary I might not even legislate. That's the thing; there is always this idea that legislation will help and often it doesn't. Sometimes, it makes things worse. Everything in that rather chilling report into the Lee Rigby atrocity suggests to me that there are operational issues that one always needs to hone and perfect, but there was nothing there that suggested a gap in legislation.

Q100 Tim Loughton: May I just clarify a few points. You said just now that a prime concern of yours, if this goes through, is that we might “dump” suspected terrorists in other jurisdictions where they might be subject to torture. Are you equally concerned that we might “dump” suspected terrorists in other jurisdictions where they might inflict terrorist acts from afar—remotely—on the UK?

Shami Chakrabarti: Absolutely. Indeed the two might be closely related because you are talking about jurisdictions where the rule of law is a little lighter than it is, mercifully, still here.

Q101 Tim Loughton: They are not as rigorous. That is what I am trying to ascertain.

Shami Chakrabarti: They could be the same places actually, where people wander.

Q102 Tim Loughton: Secondly, you fully acknowledge that over many years actual terrorists have been leaving this country, training in and maybe committing terrorist acts in other countries, and freely coming back with impunity. Yes?

Shami Chakrabarti: That would seem to be the case.

Q103 Tim Loughton: Right. So you are against these proposals because, as you also stated, there are sufficient laws in place to deal with them, such as schedule 7, but then you said that you did not support schedule 7.

Shami Chakrabarti: My concern about schedule 7 is that it is such a broad administrative power and it is a blanket, sweeping power.

Q104 Tim Loughton: So you don't support it?

Shami Chakrabarti: I would support a more targeted power that allowed you to arrest people on arrival.

Q105 Tim Loughton: But you do not support schedule 7 as it stands?

Shami Chakrabarti: Not in its current form, but I don't support a lot of things that exist that are currently available to the authorities.

Q106 Tim Loughton: To carry on from Mrs Fullbrook's perfectly legitimate line of questioning, I am trying to get to the bottom of this issue. I might say that it is equally cheap to say that legislation is not the panacea for anything, and talk is cheap, but one has to do something.

Shami Chakrabarti: Does one?

Q107 Tim Loughton: This is what I am trying to get at. I want to know what you would do. It is all very intellectually stimulating to talk about the use of the language of war on terrorism as a controlling tool of the state. Whether we like it or not, it is a feature of the modern day world. We also talk about wars on obesity and other public health matters, and those are deemed good things. I need to know from you what would be a good proposal that has to take the shape of legislation probably—

Shami Chakrabarti: May I answer?

Q108 Tim Loughton: What would help practically deal with some of the terrorist problems that the Bill is trying to address?

Shami Chakrabarti: Generally speaking, I think there is an instinctive rush to legislation, whereas the challenge is bigger than that. It is an enormous challenge; I do not run away from that. But for the most part it is an operational, not a legislative challenge. There has been so much legislation in this area for so many years. There are so many powers to detain people, so many powers to watch them. These are all over the statute book. I am not a democratically elected politician; you are. I do understand the pressures that you are under. None the less, I think there is a lot of power out there to watch people, arrest people, charge people, convict people.

Q109 Tim Loughton: But that results from legislation. Legislation does not arrest people. Legislation enables law enforcement.

Shami Chakrabarti: Yet you are talking about more legislation. I am saying that there is plenty of legislation there, yet the report of last week demonstrates that we have to keep perfecting the operational capacity and learn the lessons of operational failings without always legislating.

Chair: Thank you. We will come back to this, Mr Loughton.

Q110 Michael Ellis: Ms Chakrabarti, I admire your work and appreciate what you do and the important role that you play. However, do you accept that many people feel that they hear too much about rights and not enough about responsibilities? There necessarily has to be a reasonable infringement on people's rights in order to keep our society safe. That has always been the case and it is not a new concept. The concept does have to evolve as the threat evolves.

You have said that there is too much legislation, but we have just had Deputy Assistant Commissioner Helen Ball saying that in fact police powers have degraded as far as communications data, for example, are concerned, because, with the advent of modern technologies, legislation has not kept up. The police have certain powers over landline telephones, mobile telephones and the like, but not in the same way over voice over internet communications. So the police differ from you in the assessment of the legislation. Can you address that?

Chair: Not to any great extent.

Michael Ellis: So far, my questioning is a lot briefer than that of any other member of the Committee, so I am going to continue.

Chair: That is not a criticism of you, Mr Ellis. It was a perfectly proper question to put, but Ms Chakrabarti has, in answer to many of the questions, elucidated her views, so I ask her just to tailor the assessment.

Shami Chakrabarti: We certainly agree that most rights and freedoms are qualified and need to be balanced against the rights and freedoms of others, and particularly their security. That includes most of the rights and freedoms we are talking about, such as physical liberty and privacy. In the specific context of internet-based surveillance, I think the police are arguing for too much blanket surveillance, and for the development of law and practice too much in relation to collecting everybody's data and then sifting it. That goes away from an approach that I prefer, which is to move the law and the technology towards targeted surveillance of suspects. That is a philosophical and practical difference.

Q111 Michael Ellis: I appreciate that, but the practicality is very different. The police did not previously record every telephone call on the old-fashioned landline systems because they did

not have to. The way internet communications have developed means that metadata—for those listening, it is important to differentiate and say that we are not talking about intercept evidence—are collated in a different way by the systems being used. Necessarily, we have to think slightly differently from the traditional policing methods as far as national security is concerned.

Can I put something to you about something you said to one of my colleagues? I put it to you that the question of statelessness does not arise because certain individuals—it would be a very limited number—would not be exiled, and would not be unable to return to this jurisdiction indefinitely. A limitation would be put on the time frame and they would have to return under certain conditions. We would still have to abide by the United Nations charter, which prevents statelessness, but do you not accept that the fact is that there is a difference: they can come back in and are not being dumped abroad for ever?

Shami Chakrabarti: You made two significant points to me and I will try to respond quicker than the question. The first was about metadata. This is a very intimate profile of somebody's online activities, so I do not think one should just brush it off and say it is metadata. If any member of this august Committee were to find out in subsequent years that their metadata had been collected, they would be concerned about it. It includes every website you have visited and everybody you have communicated with, and location data—it shows where you were at particular times. I am not saying that it is not terribly useful in a terrorism context, but let's not pretend that it is not also intrusive.

The second point was on whether we are talking about statelessness or not. The principle goes back many years—it is pre-convention on human rights and pre-war—and is a common-law principle. If you are a British citizen, you get to come without let or hindrance. Whatever you decide and whatever you and Parliament decide, let's not pretend that putting conditionality on your right to return is not a very serious step. I would argue that conditionality should come on arrival. We should say, "If you are suspect, we will arrest you." That is what we do with terrorism suspects.

Q112 Michael Ellis: But it is not statelessness though, is it? It may be conditionality, but it is not statelessness.

Shami Chakrabarti: It is de facto statelessness to say to somebody that you can only come back if you agree effectively to punishment without trial, which is what TPIMs and control orders are.

Chair: Thank you Mr Ellis. Dr Julian Huppert has an interest to declare.

Q113 Dr Huppert: Yes, I used to be a member of the national council of Liberty and stood down shortly after being elected.

We could talk about lots, but can I just pick up a couple of the issues, first on the plan to seize travel documents as people leave? As you know, that has been applied to football hooligans for quite a long time. How would you compare those two cases?

Shami Chakrabarti: The comparison that I think should be made is with stop-and-search. I am interested in the fact that the Home Secretary has said herself that stop-and-search powers in this country have been counter-productive and led to discrimination.

Q114 Dr Huppert: That was going to be my second question—we talked about it in the previous session—but can I get this distinction first, because I would quite like to understand it?

Shami Chakrabarti: Summary powers to stop and search or stop and seize will spread a broad net. The proposal is stop-and-search-plus-plus-plus, because you are not just getting hassled in the street for a few minutes—you don't get to go to your stag weekend or your football match. It's you and a chum who don't get to fly out and, frankly, it's your white friends who do get to fly. The alienation, discrimination and recipe for counter-productivity are even greater than in the context of stop-and-search. That is a real concern. Yet, if someone were a terror suspect or you suspected that they were flying for bad reasons, you can arrest them. The difference between the two—between just stopping and searching or stopping and seizing on the one hand as a summary police power, and the discipline of arrest and then heading down the criminal justice road to charging someone—is the discipline. The difference is whether we are just being sloppy and disrupting or we are saying that there is going to have to be evidence at the end of this. That is quite significant, in my view.

Q115 Dr Huppert: I am not quite sure that that answered the question, but let me move on to something else because we have limited time. You will have seen the report from David Anderson and presumably the Government response to it as well. Can I get your reaction to, particularly, recommendations 2, 3 and 10 and their implementation? Recommendation 2 was that the “broad definition of terrorism-related activity” should be “revisited” and trimmed down. Recommendation 3 was that, rather than reasonable belief, the test should be a requirement to “satisfy a court” of balance of probability involvement. Recommendation 10 is to set up a working group chaired by a High Court judge and to try to avoid having “closed material proceedings” in all the different areas that they are conducted, whether it is the more recent ones or some of the earlier ones like SIAC—I know that you know that very well. What is your reaction to those three recommendations and their implementation?

Shami Chakrabarti: I certainly agree that the definition of terrorism is very broad. Liberty has been arguing for the revisitation of that for a very long time. Forgive me, but succinctness dictates bluntness: everything else is a bit of a fig leaf.

Q116 Chair: Thank you. Is Liberty involved in any way in any deradicalisation programmes? Obviously, Liberty speaks with a great voice of authority on these issues. When we look at trying to stop people going in the first place, there is a tipping point when a British citizen who is born in this country, goes to school here and is part of our way of life suddenly becomes an international terrorist. Is there any research being done or any thought as to why that happens suddenly?

Shami Chakrabarti: We are not a think-tank, but in our own way, we are almost a permanent deradicalisation programme because we represent independence, dissent and the rule of law. I get to sit here and I don't get arrested. The fact that we exist and that you treat us with the courtesy that you do now is one of the best adverts for democracy and the rule of law. To instruct, for example, nursery schools and universities that they must take the Home Secretary's directions in deradicalisation is missing the point. It is the independent voices, the dissent and allowing civil society to be its own independent space that is the best advert and the best deradicalisation strategy.

Q117 Chair: But Shami Chakrabarti, you are not just saying that we leave everything as it is and that, with no attempt to engage with communities or challenge the narrative, everyone will hug each other and everything will be all right.

Shami Chakrabarti: I am not saying that.

Q118 Chair: Would you agree that we need a counter-terrorist narrative?

Shami Chakrabarti: We do but, ironically, I believe that the best narrative comes from championing—everyone will go and celebrate the Magna Carta next spring. I am sure that I will see you all there. But how do you really champion our values as opposed to the values of those who want to shut down our open society? That is the question. To me, anything that suggests a moment's hypocrisy or undermines these values is an own goal. I have been saying that for a very long time, and no one has proven me wrong yet.

Chair: Indeed. A final point from James Clappison.

Q119 Mr Clappison: The power to seize passports and travel documents is triggered by suspicion of an intention to leave the country to engage in terrorist-related activity. It is way more serious than those relating to, say, football hooligans—serious though they are in their own way. Members of the public would regard this as being a very serious suspicion for someone to have. However, the points that you made about the exercise of these powers are perfectly reasonable and proper ones. Would it be possible for Liberty to go away, have a look and see if you can suggest ways in which some of the problems you have underlined can be avoided in the exercise of these powers, perhaps through amendments to the legislation?

Shami Chakrabarti: You are quite right, Sir, that the reasonable suspicion trigger is not the old section 44 terrorism stop-and-search trigger but the normal stop-and-search trigger—the section 1 trigger. Yet when it is a summary police power—it was only stop-and-search, and now it is stop-and-seizure—and it doesn't lead to arrest and the discipline that comes from that, the statistics suggest that it is overused. HMIC has just published statistics on stop-and-search under reasonable suspicion that suggest that it is way beyond reasonable in practice because it is a summary police power.

Q120 Mr Clappison: That is a common feature of this type of legislation. It gets used in all sorts of ways in which it wasn't originally envisaged. My question to you is this. Is it possible for you to take a look at it and help to put in place a safeguard to ensure it is exercised in the way that people envisaged.

Shami Chakrabarti: But the safeguard, in my view, would be, if you really think a person is about to fight for an enemy and commit murder and terrorism, arrest them.

One more thing, if I may. Remove the current prohibition on police bail in terrorism cases. Police bail has been misused and journalists are upset, etc. However, police bail is a way of putting conditions on somebody. Even if you arrest them and let them go for a limited period, you can take their passport and make them subject to reporting conditions, but you have brought it within the proper discipline of the criminal justice system. We can put time limits on police bail on the one hand, and on the other hand we can remove the prohibition on police bail in terrorism cases. I think that would be better than stop-and-seizure being used as a routine police power like stop-and-search.

Q121 Chair: Thank you. We are now going to hear from the reviewer of counter-terrorism. What is your view of the role of the reviewer of counter-terrorism? Do you think it has been a success? Do you think it provides an independent look at terrorist legislation, or are you disappointed?

Shami Chakrabarti: You put me in a difficult position because I like David Anderson very much. I am going to make a constitutional point, not a personal one. It is kind of a reiteration of what I said. I say this as someone who was a Home Office civil servant and who has been doing this for a while. The real checks and balances are Parliament—elected people—on the one hand and judges on the other. Everything else is a bit of a quango. Everyone is doing their best, and the moment you invite somebody in to see the things that other people don't see, that is not a proper check. It is not judicial on the one hand, and it is not elected on the other. It is an opinion—a voice, just like mine—and I don't really believe it is much of a safeguard. Such roles would not exist if exceptional powers were not constantly introduced. These things are usually added to legislation to make it more palatable so people such as you will vote for it.

Chair: Shami Chakrabarti, thank you very much for giving evidence to us today. We are most grateful. Thank you.

Examination of Witnesses

Witness: **David Anderson QC**, Independent Reviewer of Terrorism Legislation, gave evidence.

Q122 Chair: Mr Anderson, welcome back. Do we need this legislation?

David Anderson: It is a reaction to the changing nature of the threat. It gives the police a couple of reasonably useful extra powers.

Q123 Chair: Which ones?

David Anderson: The two powers concerned with travel: the temporary exclusion order for people coming back and the withdrawal of passports for people going out. It also makes some extremely useful changes of a rather technical nature that are often overlooked.

Q124 Chair: Were you consulted before the legislation was drafted?

David Anderson: Only one of the aspects of the legislation falls within my statutory remit, and that is TPIMs, on which, as you just remarked, Chairman, I wrote my annual report in March. I was not only consulted on that but asked to produce a further report in September for the Prime Minister and the Deputy Prime Minister on one aspect of what was proposed, and I did that. The only other aspect that I was kept informed about were the plans for my office, which were run past me on one or two occasions.

Q125 Chair: You have talked about the two aspects that you think are good. Does that mean you think the other ones are unnecessary?

David Anderson: No, I don't say that, but you asked me for headlines, and those would be my headlines.

Q126 Chair: But the others are also acceptable.

David Anderson: I don't find anything in this legislation to be really alarmed about, although I certainly find things in it that could be improved.

Q127 Chair: The Home Secretary announced on 24 November—not to Parliament but in her speech at RUSI—that she was going to put an end to the uncertainty about insurance and reinsurance payments for kidnap and ransom. Were you aware of that?

David Anderson: No.

Q128 Chair: So you can't comment on whether you—do you think that this is a good idea? Because apparently the UN estimates that ransom payments raised up to £28 million for ISIL in the last 12 months.

David Anderson: Yes. It is well known that different countries take a different view and that the payment of ransom insurance was capable of allowing more money to flow to terrorists.

Q129 Chair: So you would be in favour of it being removed.

David Anderson: Well, I have not been asked to look at it. It is not part of my responsibilities. A cynic might say, “Well, one effect of this is it is going to drive ransom insurance out of London into other markets where it is still allowed.”

Q130 Chair: What international co-operation is there in respect of counter-terrorism legislation? Do you get to meet—is there a David Anderson in Paris?

David Anderson: There is one in Australia, though he is currently waiting to be replaced. There has not been one since April.

Q131 Chair: And do you get to speak with them and compare what we are doing to what is being done by other countries and in other jurisdictions?

David Anderson: I do my best to speak to my equivalents. I am going to Germany next week, and I shall be speaking, I hope, to the equivalent Committee to this one. Certainly, I have spoken to other people who have supervision of intelligence—sort of counter-terrorism in other countries. I think Australia is the only country that has a job remotely like mine.

Q132 Dr Huppert: I apologise; the autumn statement means I am going to have to leave in a short bit. I asked Shami Chakrabarti about the consequence of your report and recommendations that you made—and in particular recommendations 2, 3 and 10. Do you place the same weight on them that she does, or do you think they are more significant?

David Anderson: No, she is quite right that the safeguards that really matter are Parliament and the courts, but what I think one could add to that is that the reviewer may have influence both on the courts and on Parliament, because he can read things that they cannot, and in the case of the courts, he can look at the broad range of cases and not just at a particular case that is before him; but he can also, if he is lucky, have influence with recommendations that are accepted by Government. I made 10 recommendations on TPIMs in March. Pretty much all of them were accepted in the Bill and in the accompanying statement. I would cavil at perhaps one or two, where I do not think the Government went quite as far as I hoped; but the great majority were accepted.

Q133 Dr Huppert: Which bits did not go as far as you had hoped?

David Anderson: Well, you read out my third recommendation, which was that the idea of the Home Secretary having to persuade a court on the balance of probabilities that

somebody was involved in terrorism should be revisited and made the test for TPIMs. It is true that the phrase “balance of probabilities” appears in the Act, but it seems the Home Secretary need only persuade herself as to the balance of probabilities. The provisions relating to the courts remain unchanged. That is not to say they will be interpreted in an unchanged manner—it will be interesting to see what the courts make of it when it comes before them; but in that respect, they did not go quite as far as I suggested.

Q134 Dr Huppert: The courts presumably should interpret a change in legislation as meaning some sort of change, so—

David Anderson: No doubt, that submission will be made.

Q135 Dr Huppert: But almost 10 out of 10 is quite an impressive record. Of the other recommendations you have made in your time, how many are there that still ought to be implemented; and could this Bill be a vehicle for them, or are other processes needed?

David Anderson: I would entirely echo Shami Chakrabarti’s last point, which itself echoes recommendations I have repeatedly made about police bail being available. I have never met a politician who was at all enthusiastic about the idea, because it carries connotations of dangerous terrorists running free; but I have rarely met a police officer who did not think it was a good idea. One problem, of course, with 14 days—it used to be 28 days—is that the police have to act extremely quickly in what can be, sometimes, a very technical case, with terabytes of documents and witnesses all over the world, in order to build a case for charge. If you allow police bail—and police bail can, of course, be under extremely strict conditions—it is a way of giving yourself a little more time.

Q136 Dr Huppert: One last question, if I may, Chair. You are doing a review of communications data capabilities and making recommendations to feed into a big process after the elections. Do you find it frustrating that, while you are doing this very detailed and expert review, the Home Secretary keeps pre-announcing what she thinks the outcome will be?

David Anderson: No, not at all, because there is, it is true, provision made for the resolution of IP addresses, which, incidentally, I think is a very sensible thing to do; but that is sunsetted. It will expire in December 2016, at the same time as the DRIP Act itself will expire. My review, as I understand it, is intended to inform the law that should apply after December 2016, so I do not feel in any way pre-empted.

Q137 Dr Huppert: I do not mean the IP address-matching section, which I think is reasonable, although there are technical errors in what the Government have been saying so far, but the fact that the Home Secretary keeps saying she would like to see the full Communications Data Bill that she was originally proposing. Do you not find that frustrating: that she has already worked out what the outcome of the review should be for what does take over after 2016?

David Anderson: Not at all, because I have no idea whether she will still be Home Secretary after May next year, and politicians are elected to have views and express them.

Q138 Michael Ellis: Quite right. May I establish, for the sake of clarity, that as far as temporary exclusion orders are concerned, there was some limited reporting when the Bill was produced that indicated otherwise than that you were happy with temporary exclusion orders? I understand that you are happy with the proposals for temporary exclusion orders. Is that right?

David Anderson: I think they are a huge improvement on what was announced in September, which I rather rudely described as an announcement waiting for a policy. It seems that, despite the name, they are not really about forcibly excluding anyone from the territory. As the Home Secretary said, they are about controlled and managed return.

Michael Ellis: Exactly.

David Anderson: And I think that they might have some benefits. They will be cumbersome and require some negotiations with other countries and I do not know how they are going. I imagine myself in the position of the father of one of these people—my children are a similar age to those who go to fight in Syria. If I was told, “We have discovered your son and we’re going to bring him back,” my reaction would be, “Will he be questioned or charged?” If the answer was, “No. We’ll send a couple of police officers over. They will bring him back. After that he would have to tell us where he is living, he will have to report daily to a police station and attend regular meetings with people who might be able to deradicalise him and we will assess the situation and see where we go from there.” I would feel rather more reassured by that than by someone being thrown directly into the criminal justice process.

I am not saying by any means that everyone who goes over there is vulnerable, but there are some young and vulnerable people going over there and getting trapped. It seems that if it is used imaginatively, that process might be quite useful for them. You absolutely have to inject some judicial control into it because it is quite an onerous thing to do to somebody; the order can last for up to two years. A court should authorise the making of these orders, as is the case with the TPIM, and there should be a right of appeal.

Q139 Michael Ellis: But that is what is being proposed, isn’t it?

David Anderson: It is not in the Bill.

Q140 Michael Ellis: But the reality—the nature of the beast—is that we have to make some concessions for those, such as Liberty, that would say that these powers are draconian, and others who would say that they do not go far enough. The challenge for any Government focused on national security is to find a balance that will address both sides as adequately as possible. Therefore, we are never going to get perfection. Sadly, politics rarely results in

perfection—present company excepted, of course. That is the sad reality. We have to find an equal balance or try to do our best to balance those two conflicting issues.

David Anderson: Yes, but in peacetime we have never accepted the power of the Home Secretary simply to place someone under Executive constraint for two years without providing for some relatively speedy process of appeal. I would say that the consent of the court in the first place is also very important, because that—

Q141 Michael Ellis: There's judicial review, isn't there?

David Anderson: Well, there's judicial review, but if you are in Turkey with one of these orders served on you, I would suggest that the practicalities of bringing a case for judicial review in London are pretty difficult.

Q142 Mr Winnick: On the basis that temporary exclusion orders are likely to be passed into legislation—as I said to the director of Liberty, there seems to be no chance that they won't be—you effectively say that it would be that much better if there was legal oversight. As I understand it, in your reply to Mr Ellis you were saying that any order made by the Home Secretary should be subject to a court order—is that correct?

David Anderson: Certainly an order with consequences as great as this one has, yes.

Q143 Mr Winnick: May I ask whether you said that to the Home Secretary? Presumably you have ongoing talks with her.

David Anderson: No. Of course, I do have ongoing talks with her, but it is for the Government to decide whether they want to involve me in the review of a Bill, and I would say that, at least as things stand, I am not to be the reviewer of the provisions of the Bill. Still more, it is for the Government to decide whether to bring me in at an earlier stage. They have done that on occasion—I was brought in at a relatively early stage when the Justice and Security Bill was going through—but they do not have to do that, and nor should they. There is a risk to me that if I get involved too early, I become invested in the process and a less-than-impartial reviewer when the time comes to do that.

Q144 Mr Winnick: Indeed, you have made that position perfectly clear.

David Anderson: Had she consulted me, I would certainly have said that.

Q145 Mr Winnick: But you were not consulted on the counter-terrorism Bill.

David Anderson: Not on that aspect of it, no.

Q146 Mr Winnick: Not on that aspect. On other aspects?

David Anderson: Well, I was asked to do the special report on TPIMs and I was kept informed about the proposals for the future of my office.

Q147 Mr Winnick: So, when you appeared before the Joint Committee on Human Rights and were asked the question, “Where are the courts on all this?” this is precisely what you meant in the reply that you gave?

David Anderson: Yes, I was reacting to a document that I had seen in draft only shortly before.

Q148 Mr Winnick: And do you consider that your role as independent reviewer of terrorism is to urge that this should occur, or not?

David Anderson: Sorry—is to urge?

Q149 Mr Winnick: Let me put it differently. Since you hold this particular view that the courts should be the deciding point of whether or not temporary exclusion orders should be made, would you urge that this should be done?

David Anderson: I think I have got to be a little careful what I urge. After all, I am not elected; I am not part of the civil service. My statutory functions are limited to reviewing law that is passed and reporting on how it works. If I get too far away from that evidence-based approach, I think I risk getting too big for my boots.

Q150 Mr Winnick: I understand that. I am right, therefore, in saying that your view is that it would be better if the courts were involved from the very beginning, once the Home Secretary has made an order?

David Anderson: Yes. And if I am asked for that advice by yourselves or by Government, of course I will give it, but I feel it is not always for me simply to urge it of my own initiative.

Mr Winnick: I understand that.

Q151 Lorraine Fullbrook: Do you have particular problems with the seizure of passports from 14 to 30 days, given that a passport can already be seized for seven days? Is there anything significant about 14 to 30 days?

David Anderson: Well, I would say, as a general comment, that the law on passports is a bit of a mess and too much of it is under the royal prerogative, and therefore very little controlled by law, including the Home Secretary’s power to take passports indefinitely, which he has been exercising since the spring of last year.

In relation to this particular plan, again I think it can be a beneficial thing. I am sure, again, as a family member of someone who might be travelling out there I would be extremely relieved to think that perhaps something could be done to prevent them from travelling, and 30 days certainly ought to give enough time to enable the relevant decisions to be made about whether to apply for the royal prerogative from the Home Secretary or whether to prosecute.

You could argue that the courts should be involved earlier than 14 days. After all, if your assets are seized under the Counter-Terrorism Act, then the person who seizes them has to go to court in 48 hours to explain why they have done it and to justify it, and you might think that taking someone's passport away and possibly interfering with their family life might be more onerous than that. It is also true that when you get to court, as I understand it, the court will only look at whether the police are proceeding expeditiously and diligently in their investigations, so they will not actually look at the national security case which prompted the action in the first place.

Q152 Lorraine Fullbrook: But if you were so inclined, you could seize their passport for seven days at that stage, currently.

David Anderson: Yes; under schedule 7, the police have a power to seize anything and keep it for up to seven days. My sense is that they do not actually use that power very much on passports. I have asked them about that and I never get much of a response. Of course, they can do that only in order to determine whether someone is a terrorist; it is for quite a defined purpose.

In the absence of a Chair, Mr Ellis was called to the Chair.

Q153 Chair: Magistrates have the power to temporarily seize passports for far longer periods as a bail condition, do they not?

David Anderson: Yes, as part of the criminal justice process, that is certainly true.

Q154 Chair: Mr Anderson, the use of TPIMs has apparently rapidly fallen, and currently there are said to be no orders in place, or very few anyway. So, do you expect these measures to wither on the vine? Do you think that they will do that, or will the expansion of TPIM powers in the Bill lead to more use of them?

David Anderson: My starting point is that I would be delighted if there were no TPIMs in force and if there were never any TPIMs in force, because they are not very pleasant measures. We—successive Parliaments and successive courts—have done our absolute best to make them as fair as possible, but they are still not wholly fair. You end up with people seeking to defend themselves against allegations that they can't know all the details of, and that is always undesirable.

However, I take the view that TPIMs are a necessary thing to have on the statute book, and if you look at some of the people that control orders, and now TPIMs, have been imposed on in the past, you get some sense of what I mean. Two people were reasonably believed, so the courts have found, to have helped plan the liquid bomb plot of 2006, which was a viable plan to bring down eight or 10 airliners simultaneously across the Atlantic. One was acquitted by a jury, and one was never brought to trial, for reasons concerning the admissibility of evidence. Speaking as a citizen of this country, I was very glad that the Home Secretary had something in her locker at that stage—or, it was originally his locker—in order to at least contain the threat, while we worked out what to do about it longer-term.

Q155 Chair: Have the Government accepted all of your conclusions in your recent TPIMs review?

David Anderson: I think they have. You heard my quibble about burden of proof, where they didn't go quite as far as I recommended.

Q156 Chair: But, generally speaking, you are—

David Anderson: But, generally speaking, they have, and I am very pleased about that. Not only have they said they will reintroduce relocation, which, I regret, I believe is necessary in order to make these orders work, but they have also injected an element of deradicalisation, which I think is very important. You need an exit strategy for these people; you can't just park them for two years and then let them go on to the street. You should talk to them, try to find out what makes them tick, although I don't think that they have gone quite as far as they need to on that. If you are going to get sensible conversations out of people, you need to give them some assurance that what they say to you won't be used as evidence against them in a criminal trial. I hope that, as the Bill goes through, consideration may be given to amendments along those lines.

Chair: David Anderson, QC, Independent Reviewer of Terrorism Legislation, thank you very much for coming in.