



HOUSE OF COMMONS

## Home Affairs Committee

Oral evidence: [Counter-extremism and counter-terrorism](#), HC 784

Wednesday 23 September 2020

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[Watch the meeting](#)

Members present: Yvette Cooper (Chair); Ms Diane Abbott; Dehenna Davison; Ruth Edwards; Laura Farris; Simon Fell; Andrew Gwynne; Adam Holloway; Dame Diana Johnson; Tim Loughton; Stuart C. McDonald.

Questions 1-65

### Witnesses

[I](#): Sara Khan, Lead Commissioner, Commission for Countering Extremism.

[II](#): Assistant Commissioner Neil Basu, National Lead for Counter Terrorism Policing, Metropolitan Police Service.



## Examination of witnesses

Witnesses: Sara Khan.

**Q1 Chair:** Welcome to this evidence session for the Home Affairs Committee. We are taking evidence today on extremism and counter-terrorism. We welcome our first witness, Sara Khan, the lead commissioner for the Commission for Countering Extremism. It is very good to have you before us today.

**Sara Khan:** Good morning.

**Q2 Chair:** Can you begin by outlining what you see as the current challenges in facing extremism and in the work you are doing in response?

**Sara Khan:** The commission was established in March 2018, and I was tasked by the then Home Secretary with carrying out a strategic assessment of extremism across England and Wales. That resulted in our report, which was published in October last year, called “Challenging Hateful Extremism”. I was also asked to put forward proposals for a future Commission for Countering Extremism—what role and function it should play.

The commission is the only independent body to have reviewed the Government’s 2015 counter-extremism strategy. Back then, we said that there needs to be a complete and urgent overhaul of that strategy. We also highlighted in that report how the work around terrorism—

**Chair:** I am sorry to interrupt you. I think we have a technical problem with the sound from the room to our members who are online. I will let you carry on, but I just want to flag that so that we can try to follow up. Do carry on.

**Sara Khan:** In the report, we highlighted that there is clearly terrorism, and there is a strategy to deal with terrorism in this country. We identified a distinct type of extremist activity in this country, which we are calling hateful extremism. It is extremist organisations, individuals and groups who are inciting hatred against other people and making the moral case for violence, which is based on hateful, hostile supremacist beliefs and is causing harm. I am very happy to talk about the report.

Since the publication of that report, we have also been looking at covid, and at how hateful extremists have been exploiting the pandemic. We published a report about that in July. I also commissioned the former head of counter-terrorism at the Metropolitan police, Sir Mark Rowley, to lead a legal review into hateful extremism, which is currently ongoing.

We are also engaging with the Government to focus on getting the right counter-extremism policy and infrastructure in this country, and talking about the online harms Bill. I have to say that my primary concern and focus is ensuring that we have the right counter-extremism machinery in this country, because as the Committee knows better than anybody else,



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we have been having this conversation about extremism for a long time, but we do not have the right counter-extremism infrastructure to deal with what is now a growing problem in our country.

**Chair:** Thank you. We want to take each of those points in turn, looking at the nature of extremism, your assessment of hateful extremism and the response from the Government and the Home Office. We will start with Ruth Edwards, who I hope can now hear the evidence session.

Q3 **Ruth Edwards:** Thank you, Chair. Yes, I can. I apologise for missing the first part of your remarks, Ms Khan; I am afraid that my sound feed cut out. I want to ask you about the report that you produced last year, which introduced the idea of hateful extremism and called for the counter-extremism strategy to be refocused around that. Could you explain a bit more about how you define hateful extremism, and how it differs from how we understand other forms of extremism?

**Sara Khan:** The Government's definition of extremism is around the issue of British values. There has been a lot of discussion about that definition. One thing that we did was to carry out a public consultation, and we asked the public what they thought about the Government's definition of extremism and how they viewed extremism, what they described it as and how they identified it.

We collected a great deal of evidence for this report. I visited around 20 different towns and cities across England and Wales. We held 16 roundtables with academics, practitioners and critics—people are very critical of this work. We commissioned 19 academic papers. I reviewed data from 10 different Government Departments and regulators. Looking at all that evidence, we came up with this summary and definition of hateful extremism.

When we did the public consultation, we gave all that data to the Policy Institute at King's College, who looked at it and tried to understand where there was commonality among the public on extremism and where there were differences. There is no doubt that there is consensus among the public about terrorism; terrorism is clearly viewed by the public as being extremist. We then found that there were overarching themes and that there was consensus around three particular aspects—beliefs, behaviours and harms—which we describe as being the key pillars of hateful extremism.

We found that what we are seeing are the types of things that we identified in our report, such as behaviours that incite hatred against other people, where there is persistent hatred against individuals who belong to particular groups—often particular groups of people with protected characteristics. We also saw people who make the moral case for violence against other people. We have seen, for example, people celebrating the acts of suicide bombers, glorifying people like Brenton Tarrant or celebrating people like Thomas Mair, who murdered Jo Cox. That type of behaviour is often not caught by terrorism legislation, but we felt that there was consensus among the public about that type of activity. That



type of activity is interesting, because it is not caught by the threshold of terrorism legislation. It sits beyond hate crime and is a distinct type of activity that has not been dealt with effectively, and that is where we found the greatest consensus among the public on definitions.

The other interesting finding from the Policy Institute at King's College was that there is often a view that you can never get a definition of extremism. There is no doubt that the E-word is very much a subjective term, and it has been misused and is often overused, but we found that 95% of the public do believe that you can get a consensus on a definition of extremism that can be operational and can deal with the types of harms that we outline in our report.

**Q4 Ruth Edwards:** That is really interesting. Of course, a number of offences under terrorism legislation are connected to glorifying or promoting terrorism. Which particular acts of extremism are not covered by current legislation but should be?

**Sara Khan:** This is why we are doing a legal review. One of the recommendations that came out from our report was that, now that we have got this much tighter, more narrow and concise definition of hateful extremism, it is important to carry out a legal review to see and understand whether the law is catching this type of behaviour, where there are gaps in the law and what the implications of that are. That is why I have appointed Sir Mark Rowley to look at that. We are gathering evidence.

There are clearly cases of hateful extremism which we feel are not being captured by either CT legislation or hate crime legislation—or any other type of legislation. That is something we definitely want to present to the Committee.

Some of this behaviour is happening online and some is offline. We are seeing examples of people inciting hatred against Jews as a whole. If you look at organisations like the British Nationalist Socialist Movement, a neo-Nazi white supremacist organisation, it is not a proscribed terrorist organisation in this country. It meets the definition for hateful extremism. You can see some of the language and things they have been engaging in. For example, on Telegram, they have been encouraging users to deliberately infect Jews and Muslims. Again, it is this idea of targeting groups of people because of their race and their religious identity, whereas hate crime, for example, will very much look at attacking victims as individuals.

So there is a gap if we look at individuals. For example, Stephen Yaxley-Lennon repeatedly engages in hatred against Muslims as a whole—it is not a one-off; it is a repeat, persistent pattern of behaviour—but when I have spoken to law enforcement agencies and the CPS, there is clearly a gap. When it comes to people engaging in this behaviour against groups of people as a whole, the law is not dealing with this effectively. That is where our findings from the legal review will be really interesting to show that there are currently gaps in our legislation. Behaviour which is



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probably currently described as being legal should probably be made illegal.

- Q5 **Ruth Edwards:** One final question. You mentioned the app Telegram and online spread. Did you look at the role of online platforms and messaging services and the propagation of fake news in terms of the spread of hateful extremism and the ideas around that? Did you make any assessment of that role?

**Sara Khan:** Absolutely. I do not think we can talk about modern-day extremism without talking about the threats of online extremism. We are continuing to do that as part of the legal review.

Just to give you a flavour of the type of challenges that I regularly see in my role, take a social media platform such as 4chan, for example, which regularly hosts extremist content. Every day, around 6,000 images and memes of extremist material and content are uploaded on 4chan. We see how that is shared on 8kun, Telegram and Gab, and the spread and scale of that is just beyond belief.

Look at platforms like BitChute, for example, which is an alternative video platform to YouTube and a registered UK company founded by UK nationals. If you look at the type of material on just this one platform, there are videos that have supported National Action; videos supporting Brenton Tarrant; videos supporting Combat 18; material celebrating incels and promoting the idea of incels; conspiracy theories from QAnon, to the great replacement theory to George Soros; antisemitic material; and white supremacist material. In April this year, BitChute tweeted that it had about 20 million unique visitors alone in that month. Has there been a single penalty received by this platform? Not a single one.

As a country and a society we have to ask ourselves, "Is this acceptable?" because if people behaved like this offline, it would be completely unacceptable. The fact that this is allowed to happen and there is no punishment and no prosecution at this moment in time, or that it is not being dealt with effectively—again, this is where the online harms Bill is really critical—is completely unacceptable as a society. We have to grapple with this.

I have given you just one example, of BitChute. If we wanted to talk about Telegram, 4chan, 8kun, Gab and then the other, mainstream platforms, like Twitter, Facebook and all the others, you could get a sense of the scale of the problem that we are currently facing and what people in our country are currently facing, and the harms that that is causing.

**Ruth Edwards:** That is extremely disturbing. Thank you very much for the introduction to that.

- Q6 **Chair:** Is it your sense that the lack of action on BitChute is because there is no legal remedy there or because the different authorities have not worked out how to respond?



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**Sara Khan:** That is a very good question. I think there are a number of different challenges. The first is, again, whether this falls under CT legislation. In some cases, it probably does; in some cases, it does not. Some of it is not being captured by any legislation, so looking at the legalities of this is important. There is often an issue around jurisdiction and which police force should be looking at this. I have spoken to people from different police agencies who do not understand whose jurisdiction this falls under.

There is obviously an issue around the online harms Bill, which is going to be an incredibly important piece of legislation. We can talk about that, because I am quite concerned about it. I have not seen any strong policy proposals about how the Government are going to deal with the issue of online extremism. There is a whole discussion around that. There are different factors here, and it goes back to the fact that, fundamentally, overall, we lack an effective national counter-extremism policy and infrastructure in this country. We have a very robust counter-terrorism infrastructure in this country, but we do not have a counter-extremism machinery. It is weak, it is disjointed, it is behind the curve, and it is not operational, and that has to fundamentally change if we are now going to deal with this huge, growing problem of extremism.

To make this point, as a commission, we feel that the threat of extremism has increased over the past decade. The face of modern-day extremism has changed substantially. The ecosystem of hateful extremism has changed beyond recognition, despite the fact that we have a Prevent strategy and despite the fact that we have a counter-extremism strategy.

The current approach is not working or responding to this challenge, and part of the reason is that extremists have professionalised. They have really gone to town, and the way they are operating now is a way that I do not think we have seen before: they have intellectualised their hate, and they are now operating locally, nationally and transnationally. Many of these issues face not only us as a country, but many other western democracies.

When we talk about covid, one of our key findings was how extremists had exploited it. If we see what is coming down the pipeline now as a country, we know there are going to be huge unemployment rates. We know that local authorities are going to have to make massive cuts because they are going to be experiencing a financial black hole. We are seeing increasing rates of violence and soaring hate crime rates. That climate is going to be very conducive for extremists and for extremism; we have seen throughout history that that type of climate will be very conducive and extremists will seek to exploit that. The question we have to ask ourselves is, "Do we have the resource and the strategy to be able to deal with that?", because we know it is coming down the pipeline.

**Q7 Chair:** Your assessment is that there is an increase in hateful extremism happening and an increase in hateful extremist activity. Have you seen any increase in the Home Office response at all?



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**Sara Khan:** We are still waiting for the Government to officially respond to our report. The deadline was three months, and that deadline has been and gone.

Q8 **Chair:** That was October last year?

**Sara Khan:** Yes, we published the report in October. We need to bear in mind, of course, that there was an election, Brexit and the issue of covid. I have to be fair, and we have got to take that into consideration. I believe that Government care about this issue. From my conversations with them, I know that they are trying to look at counter-extremism policy, including Prevent. There is a question of where the counter-extremism strategy ends and where Prevent begins, and I think there is a slight overlap and a blurring of the boundaries around the work. I think the Government want to look at this properly, as well as to respond to our recommendations and discuss the future for the commission itself.

Getting that policy right is probably going to take a bit of time, but in the meantime there has to be a recognition that we also have to deal with the daily problem of extremism and at least work with the current infrastructure that we have in place, but home in specifically on the issue of hateful extremism. One of my criticisms of the current strategy is that it is far too broad. It includes things like forced marriage and honour-based violence. Those are all issues that I am personally very conscious of and care about, but they are not hateful extremism. In the meantime, while we are waiting for the Government to make sure the policy is right—the policy has to continue for the next four, five or 10 years—there has to be something coming out of Government to respond to the daily challenge of extremism.

Q9 **Ms Abbott:** I am very interested in this concept of hateful extremism. After 30 years in Parliament, I am well aware that, decade after decade, people's idea of what constitutes extremism, both in the popular press and even among politicians, can vary quite drastically. The groups singled out as extremists can vary quite drastically. Can you understand that some people might have a problem with the concept of hateful extremism, partly because it suggests two tiers of extremism, but also because it is an essentially subjective thing that you are talking about? I am glad that you are having a legal review, because it is really important that any action that we take on extremism takes place within the framework of law.

**Sara Khan:** I agree, and that is why it was so important for me, in the first year and a half of the commission's existence, to go out and engage with people, to do the public consultation and to have a very serious and honest conversation with the public about what is traditionally viewed as a very subjective term. That is why we did the public consultation, and we saw that there is consensus around the behaviours that we have identified as hateful extremism. There is no doubt that the E word is regularly misused; it is misused by politicians, political parties and all sorts of people for all sorts of different reasons. That is something that I don't want to see.



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From my perspective, there is a recognition that, yes, that type of behaviour happens, but that does not take away from the fact that there is a problem with the type of hateful extremist activity that we are seeking to address, which is harming our democracy and the rights of minorities, and creating a climate of censorship. Those are some of the harms that we found as a result of extremism. That is why I put forward in this report the idea of a rights-based response to extremism. That is in recognition of the fact that any counter-extremism measures that we put forward must be in line with the human rights norms and obligations that, as a country, we stand for. We often see in other countries—particularly authoritarian countries—that counter-extremism is used to silence legitimate debate and dissent. That is unacceptable. No British counter-extremism policy should do that.

There also has to be a recognition—I don't think this has been acknowledged enough—of how extremism itself threatens human rights and equality norms in this country. I would like to see, for example, more human rights organisations recognise that fact, say that, and put forward proposals for how we protect our human rights principles and values, which extremists are threatening every single day because of your race, religion, sexuality and so forth. It is really important that we take a rights-based approach to counter-extremism. It is always about balance. It is about the balance of one group of people or the individual against another. That is where a human rights framework is very helpful in enabling us to balance our responsibilities, ensuring that we have a proportionate response to extremism.

Yes, there is no doubt that the E word has been subjective over decades. As we have seen in history, green activists have wrongly been labelled extremists. We do not want to go down that road. I am clear about that in my report, which is why we are putting forward a genuine way of challenging the issue of what we are calling hateful extremism while ensuring that we do not cross over and have a counterproductive effect and silence legitimate debate, protest and free speech in this country.

**Q10 Ms Abbott:** You are resting a lot on your public consultation. It is really important to consult with the public and listen to them, but you also have to accept that what the public think at any point in time is framed by the broader debate and the media. If you did a public consultation today, you would find people who would say, for instance, Black Lives Matter are hateful extremists. People are wary of where you are going with this.

Twenty years ago, Gerry Adams and Martin McGuinness could have been deemed hateful extremists and yet, in the end, they formed an important part of the peace process. If you had looked at the issue over 30 years, you would tend to be cautious of where you are going with this two-tier extremism. Could you say a bit more about how you balance freedom of expression, including the right to be offensive, with the action you want to take about what you are calling hateful extremism?

**Sara Khan:** There are three things there. When we published our report, the reaction was actually very positive. We have not had the response that



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you are suggesting. We have had a very positive response. If you look at the response to the Government's proposed counter-extremism Bill in 2015, there was rightly a lot of furore about it. I gave evidence at that time speaking out against that Bill. Groups such as the Defend Free Speech alliance spoke out against that Bill, as did others—religious faith communities and so forth.

We have not had that response to this report. In fact, many of the people who were critical of the proposed counter-extremism Bill have supported our proposal and our thinking. The Defend Free Speech alliance, for example, have positively responded to our report, as have many faith communities and other people who have normally been quite hostile to this work.

You are absolutely right that the issue of free speech is critical. We made that clear in the report and outlined the distinction between free speech and the behaviours that we are looking at. Free speech is a qualified right. It can be legitimately restricted, as we know, in our country, but we have made it clear that the right to offend, to critical views or to dissent—all those things—we must protect in a democracy. There is absolutely no doubt about that in my mind. We made that distinction clear in our report.

We regularly get members of the public contacting us and saying, "Look, we've seen this happening in our area. We think this is extremism." We have to politely go back and say, "Thank you. This is quite offensive stuff, but it does not meet our threshold for what we are describing as hateful extremism."

A word on free speech and free expression, because that is such an important issue in our country right now in that, as I said, it is a qualified right. When you look at people and platforms such as BitChute and particularly the far right, they have weaponised free speech in a way where they are acting as if there are no boundaries to free speech and you cannot restrict free speech. They are engaging in speech and language that are directly undermining the rights of other people and of other minority communities. We have to have a better discussion about that and recognition of that, because that type of behaviour is, in my view, a direct assault on our democratic values.

Recognising the boundaries of free speech itself is critical. Sometimes we do not have a good mainstream debate about that and the fact that things such as free speech are being weaponised by the far right for them to continue to perpetuate extremism in our country. So—

**Chair:** Apologies for interrupting. All our members want to ask you questions. The responses are fascinating, but I ask you to give slightly shorter answers so that we can get everybody in.

Q11 **Simon Fell:** I would like to come back to social media platforms, but before I do, you published a report in July about hateful extremists using the pandemic as a platform to spread conspiracy theories. I am interested to know what your assessment is of how that disinformation



will spread in future and the effect of it.

**Sara Khan:** Disinformation conspiracy theories are fundamentally a key tactic for extremist groups. They are an everyday, bread-and-butter tactic for extremist organisations and individuals. Social media have amplified conspiracy theories in a way that we have never seen before. If you look at, say, the great replacement theory, around 20 years ago that theory was very much confined to the fringes of our society. It has now become a mainstream conspiracy theory, not only in our country but in many other parts of the world, and has directly contributed to inspiring terrorists to carry out terrorist attacks. QAnon is another conspiracy theory. Again, that is now infiltrating the UK and more and more people are being exposed to conspiracy theories and disinformation.

It is a tactic used by extremists to spread extremist narratives and extremist propaganda. My concern, again, is that we do not have a very sophisticated strategy to deal with that. One of the things that we want to propose in terms of the online harms Bill is to classify and devise a classification system when it comes to extremist material and conspiracy theories. No one is going to have a problem with harmless conspiracy theories about whether Neil Armstrong walked on the moon, for example, but there is a type of hateful extremist propaganda where, say, people on social media platforms are saying, "We must deliberately infect Jews and Muslims. It was Jews who created the virus." People are engaging in that type of hateful extremist propaganda through the use of conspiracy theories. We do not have a sophisticated approach to dealing with that, and we have to start to get better at addressing that.

Q12 **Simon Fell:** Can I just pick you up on the social media platforms? You are quite rightly talking about online harms and the role of the Government in creating a framework there, but I am interested in your assessment of how well the platforms themselves are responding to this content in terms of taking down offensive material and hateful content, and the divide, if there is one, between what might be seen as the traditional social media companies and their platforms and some of these new platforms, such as BitChute, Gab and others.

**Sara Khan:** I and my commission have had many conversations with social media companies. When it comes to illegal terrorist content, it is much simpler and easier. It is clarified in law what that looks like, and we know the counter-terrorism internet referral unit is regularly taking down that material. In the online harms Bill, extremism has been defined as being lawful but harmful. As I said earlier, I do not see any policy proposals dealing with that.

It goes back to what the Government mean by "extremism". That is the question that social media companies put to me. They say, "Yes, we want to play our part, but the Government haven't given us a definition, or haven't provided us with clarity, on what they mean by extremism." They put that back to the Government and say, "It's your problem. You're not telling us what that looks like and what kind of material we should be taking down." We have to overcome that. We should not give any room for

social media companies to evade their responsibility of responding to this type of material. That is why we are doing the legal review. I said earlier that I think that some of this material, which is currently classed as lawful, probably should be made illegal.

Secondly, for us, as a way forward in terms of dealing with online extremism, my policy proposal to the Government depends on who the regulator is. At the moment, it is suggested that Ofcom would be dealing with this material. Actually, I believe that the commission should be dealing with and assessing online extremism. We want to put together a very transparent and rigorous classification system. Think of something like the classification system for drugs. I think that is something that needs to be done with extremist material.

Using a single definition on its own is not going to be helpful, because there is such a diversity of extremist material out there. I believe that the commission should be the body that deals with assessing extremist content online, and that is my proposal to the Government. I think also that there should be a public duty on social media companies to have due regard to our recommendations. That way we are making it much more difficult for social media companies to evade their responsibility, and we are providing the clarity that they rightly seek.

**Q13 Simon Fell:** Last question, and it may be a slightly unfair one. Is it your assessment that the platforms themselves are willing to engage if the Government takes that step forward, or are some of them, which badge themselves as “freedom of speech platforms” or whatever the terminology may be, less willing to take that step?

**Sara Khan:** I think the mainstream platforms are willing to engage. The alternative platforms that you are referring to—they boast about the fact that they are less regulated, that they are free from any type of censorship. I think we are going to struggle with those platforms. So I think recognising that difference is really important.

**Q14 Andrew Gwynne:** Thank you, Sara, for your evidence today. I want to follow up on what you have already said about pinning down a definition—a working definition—of extremism, because, as you have said, the E word is regularly misused. Is it misused by public authorities? Are Government, the police service, local authorities, clear on what extremism is?

**Sara Khan:** This is again where the challenge lies and I think this is why the counter-extremism strategy, which is based on the Government’s definition of extremism from 2015, just does not work. As I said earlier, it is clearly a subjective term. It always has been; but it doesn’t dissuade and doesn’t take away from the fact that there is a genuine extremist problem that exists in our country and when we gathered all the evidence we found that many people have described those experiences—how they are being targeted by extremist organisations, from journalists to Jews, Muslims to a whole range of different groups of people. So I think it is trying to now bridge the gap and putting forward a clear proposal, a clear



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policy, and thinking around about this. People will continue to use the E word in whatever shape or form they want to, but in an institutionalised way this is where the counter-extremism policy really matters, because to deal with this in a much more operational sense that is where we need to go, and we just don't have that at the moment.

- Q15 **Andrew Gwynne:** You mentioned green activism in passing. What are your views on Extinction Rebellion? Are they or their recent activity extremist, in your view?

**Sara Khan:** As you probably recall, last year one of the counter-terrorism police units—I think it was in the south-east or the south-west—came out and stated Extinction Rebellion to be an extremist group. I made very clear at that point that I thought that was wrong. I do not consider Extinction Rebellion to be an extremist group. The issue of climate change is an incredibly important one and so I think it is really important to make the distinction regarding individuals in an organisation who may be engaging in criminality. We make sure that the law deals with them in the right way, but to brandish the entire organisation—and many people, many of our colleagues and friends who support Extinction Rebellion on the issue of climate change—as an extremist organisation I think is blatantly wrong. There have been concerns about some senior leaders promoting antisemitic views. Again, I think we need to challenge that, raise that, and highlight that issue, but the work of Extinction Rebellion clearly does not meet my threshold for hateful extremism.

- Q16 **Andrew Gwynne:** Doesn't that really pinpoint the danger here, that unless we have a very clear definition that everybody can agree on, you are going to get some public authorities branding organisations as extremist. Doesn't that therefore really highlight the need for a legal definition—the need for absolute clarity on what forms extremism versus free speech?

**Sara Khan:** I don't think that is difficult. I think it's possible to have that. Like I said, what we found was 95% of the public also believe and agree that it is possible to get consensus on a definition. I think this is where, actually, the very positive response to our work and our report has shown that there is a way forward—that we can deliver a strategy, we can deliver consensus, we can deliver a definition of extremism which is specifically addressing the extremism you and I and everybody else in the country are actually concerned about, as opposed to curtailing legitimate dissent and all sorts of other lawful behaviour in our country.

- Q17 **Dame Diana Johnson:** Thank you, Sara, for everything you are doing. I wanted to just pick up on what you've been saying about the Government's counter-extremism strategy this morning and what you said in the report that you published last year, where you talked about it being "unfocused, unnecessarily broad and at times confusing", and the need for a complete overhaul. You have already said that you have not received a response yet. Obviously, we have had covid, and you are very conscious of the broadness of this whole issue and the blurring you have talked about. However, you also mentioned that this is something that



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needs to be tackled on a daily basis. I wondered if you could say a bit more about what the Government could do now to deal with some of the issues you have highlighted—the problems with the current strategy—to provide some way forward now, before they perhaps produce a completely new strategy.

**Sara Khan:** As part of the Government's counter-extremism strategy, there is funding that goes to civil society groups as part of their Building a Stronger Britain Together programme. There are community co-ordinators—I cannot quite remember the figure; it is around 40—that are embedded in local authorities, whose job it is to work with local councils, local communities and civil society groups to tackle local-based extremism.

My advice to the Government would be that we have put forward the types of activity and behaviour and the beliefs and narratives that underpin hateful extremism. Our current structure should be focusing on that, and any type of work that is not dealing with the type of hateful extremism I have highlighted should be abandoned. For example, my advice to the Government would be that work around forced marriages or honour-based violence should receive no funding from BSBT projects, and no community co-ordinator should be doing work on that. They need to be focusing on tackling what I have identified as the beliefs, behaviours and harms of hateful extremism, such as challenging the narratives of far-right groups. If far-right organisations are spreading conspiracy theories or antisemitic or anti-Muslim narratives, we need to challenge those beliefs, challenge the behaviours, and do more to support victims.

The issues around harm were really important. What we found was that victims of extremism and their experiences are not even acknowledged, to be totally honest with you. There has been no support for them, so how can we better support them? The Government should be focusing their efforts on work around those three pillars, in terms of funding for civil society groups and also community co-ordinators.

Q18 **Dame Diana Johnson:** That is very helpful. You have also stated that the Government's efforts have suffered from a lack of consistent, strong internal leadership on the issue, and recommended that the Home Secretary take the lead by chairing a new taskforce. From the conversations you are having, do you think that is something we might see happen?

**Sara Khan:** As a general comment, one thing that is very apparent to me when it comes to tackling extremism is that leadership is required. To be able to speak out against extremism, extremist groups and individuals, particularly within our own political parties or our own faith communities, is not an easy thing to do, so leadership is required. Of course, we have to have leadership from the Government, but we also need leadership from social media companies, local authorities and faith leaders. Leadership is something we need to see from everybody if we genuinely want to address this problem. I still strongly believe that the Home Secretary should lead a



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taskforce on extremism. That is a formal recommendation; I am waiting for the response, but I hope it is something the Government will do.

The first question you asked me was about support and what more the Government could do. I would just make a point about the experiences of counter-extremists. This is a shocking statistic, which we do not acknowledge enough: one thing that came out of our report was that 78% of the people who do this work experience abuse, intimidation, threats. People have told me they have experienced rape threats or death threats. A third of the people who have said that have been shunned by their family or their local community.

This is really shocking, and I do not think we recognise or appreciate the work of counter-extremists in this country, who are experiencing severe levels of distress and abuse and who are, for example, being labelled as Islamophobic because they are challenging Islamist extremism, or how often public figures end up supporting those very organisations, as opposed to the counter-extremists, who are putting a lot of their time and effort into protecting our democracy and democratic values. That is something else I would say to the Government: that has to be looked at pretty quickly, because a lot of people I know no longer want to do this work. The cost to them and to their lives is just far too high.

Q19 **Chair:** So the taskforce that you recommended is not up and running?

**Sara Khan:** No.

Q20 **Chair:** I asked the Home Secretary about that on 15 June, and she told me that work on the taskforce is taking place now and has been for some time in the Department. Are you aware of what that work is?

**Sara Khan:** I am not aware of any work on the taskforce. As far as I understand and am aware, no work is happening on the taskforce.

Q21 **Chair:** When did you last meet the Home Secretary?

**Sara Khan:** Yesterday.

Q22 **Chair:** Did you raise the taskforce?

**Sara Khan:** Yes. I put it to her that it is something that I believe she needs to lead. Again, it would be very interesting to see if it is something that they will respond to.

Q23 **Laura Farris:** Thank you very much for your evidence. It has been a shock to me to learn that BitChute's registered office is in Newbury, in my constituency. I think I have seen directly some of the things that you have been talking about, with the difficulties that I have had in knowing how to report it, either to Ofcom or to Thames Valley police. What do you think the online harms Bill should seek to achieve, in terms of creating a direct reporting mechanism or a body that is accountable and can deal with those extreme social media sites that set up wherever?

**Sara Khan:** Again, this is where the Government need to be clear about dealing specifically with online extremism, because if you are talking about



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illegal behaviour, what we need to do is clearer. When it comes to this type of activity, which is currently defined as lawful but harmful, I am not seeing strong policy proposals. The first thing we need to do is be very clear on the assessment of that material, because there are always going to be disputes about whether it indeed meets the threshold for the level of hateful extremism that I am concerned about. That is why having a clear system to assess that material is important, and why we are saying that we want to devise a classification system with clear boundaries, so that everyone is clear as to what that type of material is and what should be done about it.

That is something that we are working on at the moment: what should the response be to the different types of material? In some cases, it may be to refer that material to the police; in others, it may be companies taking it down. I feel that, in some cases, there should be civil and criminal sanctions—legal sanctions. I feel that, at the moment, nothing should be off the table; we need to have serious conversations about whether it should be acceptable for sites like 4chan or BitChute to even exist. Those conversations need to be had, and I do not think that we are having them properly. Nothing should be off the table.

**Q24 Laura Farris:** Can I ask another question about article 10 rights and freedom of speech? When I looked at the BitChute site, it was quite obvious that they were playing to a sense of honest conversation; they were appealing to a sense of grievance. I thought that some of their content was obviously unlawful or inciting unlawful behaviour, and other content was far more difficult to classify—to give just one example, some of the incel stuff about the views of women. Some of the videos, in and of themselves, would not, I think, meet any threshold. I think you mentioned a classification system, a bit like with drugs. Could you talk about that and where criminal thresholds might apply?

**Sara Khan:** What we have also identified in our report is that extremist organisations engage in a whole range of lawful and illegal behaviour. A lot of the things that you will see on BitChute are perfectly acceptable in terms of discussion; it might be offensive or rude, but they are perfectly legitimate discussions to have in our country. At the same time, you have very disturbing, illegal and incredibly dangerous types of speech in terms of incitement and so forth. That is why I think a classification system is really needed, because you will then use a criteria to assess different types of material—we do not have that at the moment.

There has been a flaw in counter-extremism policy over the years because there is an expectation that we have one definition of extremism and will somehow use that as a criteria to judge everything. That is just not going to work practically, because extremism is a spectrum of different types of activity and material. That is why we feel that having that classification approach is really important.

I laugh when I hear the founders of BitChute say, “Use the language of human rights and free speech” to defend their attacks on minorities and to



defend white supremacist, neo-Nazi and neo-fascist material. We should not fall for that argument either.

- Q25 Laura Farris:** One of the senses I had from BitChute is that there are gateway clips that you might view, which are less extreme but would lead you to the more extreme. What is your view on the engagement issues around social media platforms? We have seen these new, very young far-right groups, such as British Hand, and the way that they have been reported as interacting with one another over the small boat crossings. Do you have a view on the recruitment, engagement or drawing in of young people or unexpected people to these?

**Sara Khan:** There has always been a concern around young people being radicalised and the gateway. What is interesting is how the ecosystem of far-right extremism in this country is rapidly changing. We know there are broadly three areas: radical-right populist groups, neo-fascist groups and neo-Nazi groups. But even that is now changing quite rapidly. For example, you have anti-vax conspiracy theories, QAnon and those types of discussions. That is drawing young people and others into the far right. I was reading something over the weekend where somebody was saying that their mother and grandmother had come across QAnon conspiracy theories during lockdown, and that was exposing them to more far-right extremist material. Often what you find is that this material acts a gateway. It acts as a door to much more extremist material, and where does it end? It is really concerning, and it is social media that has allowed that to happen.

- Q26 Stuart C. McDonald:** Thank you for your evidence, Ms Khan. To pick up on Laura Farris's last question, there have been increasing reports of children and young people who have engaged with and been recruited into far-right groups. What is the scale of that, as far as you are aware? How do we go about tackling that and stopping it happening?

**Sara Khan:** It is difficult to put a figure on it. Obviously, people are often referred to Channel at all sorts of ages. We are now seeing that around half of referrals to Channel are for far-right extremism. The issue of extremism in young people has always been a long-term concern; I don't think this is anything new. This is why the Prevent duty was brought in—the fact that schools have an obligation to ensure that any concerns around people being drawn into extremism should be reported and dealt with. We need to provide a support system for young people, and the work of the Prevent duty is really critical in that regard. If we did not have that, I am not sure we would have anything else.

When I have gone around the country and spoken to hundreds of teachers and headteachers across England and Wales, this issue of young people espousing extremist and racist views has been quite alarming. I repeatedly hear that. Again, a lot of this information is anecdotal, but there is clearly a problem felt among many teachers that more and more young people are promoting and holding racist, extremist and anti-women views. I am not sure whether the current system and the national curriculum are dealing with that effectively. I would like that to be dealt



with and much more mainstreamed in the national curriculum, but it is clearly a growing problem.

- Q27 **Stuart C. McDonald:** Isn't the problem with relying on the Prevent duty that if you get to that stage, we are already leaving it too late? More has to be done to try to get young folk and children into a position whereby they are aware that they are being groomed or recruited by these far-right organisations in the first place. If we are having to refer them down into the Prevent strategy, surely things have gone too far already.

**Sara Khan:** Again, this is why I am saying that we need a national curriculum that responds to this very 21st-century problem. It is important that we are building resilience among young people, that we talk to them about extremism and that we talk to them about what extremist ideological beliefs are, how dangerous they are and why they are wrong. It is about challenging conspiracy theories, so you need to do that preventive, building-resilience work within schools.

The Prevent duty almost acts as a net that captures young people who are spouting these views and who clearly need that one-to-one support and safeguard. We need to have a stronger focus within the national curriculum whereby we are building resilience, because young people are being exposed to this material every single day. Everyone has their smartphones, and it is easily accessible. I don't feel that we are helping to build resilience among young people and keeping them informed about how a lot of these conspiracy theories are blatantly untrue.

- Q28 **Tim Loughton:** I am interested in your ideas about the drug classification, but I want to hear your thoughts about whether we need to change the law. If you look at what laws we have already, the Public Order Act 1986 criminalised conduct that was "intended" or "likely to" lead to an offence—it did not actually have to do it—and there have been very few prosecutions. The highest number was 13, in 2018-19, so it was tiny.

You said just now that this is a uniquely 21st-century problem, but it isn't really, is it? If we go back to the 1930s, there was the Public Order Act 1936, which, among other things, banned the wearing of political uniforms in order to counter the Blackshirts. They were not banned, and Mosley was not imprisoned until wartime, under internment laws, rather than under existing laws. Arguably, one could say that some of these right-wing lunatics marching through Dover are the equivalent of the people at Cable Street, trying to incite violence there. We have these rules, but, for some reason, they have not actually been applied, so will changing laws change anything?

**Sara Khan:** You're absolutely right: this is not a unique problem. To clarify what I mean, the modern face of extremism in terms of social media is a new and unique problem. Extremism has existed throughout time—there are many historical records of extremism—and it will continue to exist because it is a human social ill. We will always have peaks and troughs of extremism in our society.



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In terms of the law, we are conducting a legal review. As I said, I have appointed Sir Mark Rowley to look at this to understand whether there are gaps in the law or whether the application of the current legislation is not adequate and not dealing with this growing problem. You are right to highlight the fact that, last year, there were around 11 cases for incitement offences. If you look at that and at the regular incitement that I see on a day-to-day basis and at what extremists are doing, there seems to be a bit of a mismatch. Again, this is why doing the legal review is absolutely critical, and we are happy to come back to report on our findings.

**Q29 Tim Loughton:** It strikes me that if the laws that are there are, for some reason, not working, the first point of call should be why they are not working and whether they need to be adapted. Or are they just not being applied, in which case why are the police, or the courts, not applying them or whatever? How do you disentangle legitimate debate among people with concerns that might be viewed by many as extreme, and individuals, or more commonly groups—particularly these extreme right-wing groups now—that hijack those concerns to promote an innate hatred and discrimination that they have? It just happens to be that migrant boats are the cause they are going to leap upon to be anti-migrant, racist or whatever it might be. How do we disentangle the two, so that people can be prejudiced and cause offence, but not cause harm to the people they have dodgy opinions about, and set them aside from those who do want to cause harm, physically or mentally or in whatever form, and that is really what they are about?

**Sara Khan:** Absolutely. The example of Dover and Britain First is a really good example to have this discussion around. The ability to have a debate about immigration is something we have to protect. There are people who will try to close down that debate altogether, branding anybody as being racist, and that is completely unhelpful. The distinction, therefore, is when you see—this is what we see time and time again—far-right groups exploiting that issue to deliberately engage in campaigns of hatred, dehumanising migrants and engaging in incitement and really frightening tactics against migrants, asylum seekers and refugees. That is the difference. This is precisely why the hateful extremism definition is helpful, because people can have all sorts of views about immigration. When you are coming into the space where you are deliberately inciting hatred with intent against people, particularly people who have a protected characteristic, and when you justify violence against them, that is not the same as people having legitimate concerns about immigration. And there have been legitimate concerns raised in Dover by local people, and we should allow that to happen, but that is very different from the activity of groups like Britain First, as we have been seeing.

**Q30 Tim Loughton:** Finally, we have talked exclusively about extreme right-wing groups. Can you apply the same concerns to left-wing alternative groups? For example, citing the measures in the Public Order Act 1936 against political uniforms, we saw during the Black Lives Matter demonstrations uniformed demonstrators, which could have merited



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certainly an investigation if not a prosecution under the 1936 Act. Then we have, as part of modern hip culture, black comedians talking about killing whiteys—I think that was the term that was used on television recently. There is no reason that that should be immune in any way from investigation under these sorts of considerations about inciting hatred.

**Sara Khan:** I made it very clear when I took on this role that we would be looking at all forms of extremism. I commissioned some academics to look at the issue of far-left extremism in this country. There is no doubt that we lack research—academic research—about far-left extremism in this country. There are probably a whole load of reasons why that is, and I am not going to go into them now.

However, I think that we have seen, and I am very aware that there is, for example, hateful extremism emanating from the far left against Jews—the kind of incitement against Jewish MPs and against Jewish organisations, for example. It is very clear and very obvious, and I do not think we have a very good discussion about that, and there are some of the examples you have given.

To be very clear, extremism is not confined to one particular ideology. It cuts across all different types of groups of people, including faith communities. We looked at issues around Sikh extremism. There are aspects of hate in Hindu extremism that we are concerned about. We looked at the issues around animal rights extremism and far-left extremism. I think the only way you can deal with the issue of extremism is to take a consistent approach and be prepared to call it all out, wherever it comes from.

Q31 **Chair:** I want to move to our next panel in a second, so there is just one final question from me. Given that we do not yet have a timetable for the online harms Bill, we have not yet got the taskforce in place and we also have not yet got in place the provisions and the measures that you have been recommending. If we do not have any further action, say over the next 12 months, in any of these fields, what do you see as being the risks?

**Sara Khan:** As I said earlier, in terms of the covid landscape, there was already an issue of growing extremism anyway. Regarding the issue of the impact that covid will have on our country, we are going to see a growing climate of extremism in our country, and we are ill-equipped currently to deal with that.

This is a matter of urgency, and if the Government do not have a strategy in place pretty soon, I am afraid that it will impact on our country in many different ways—from undermining community cohesion, to some of the harms that we have highlighted in our reports, which include, as you will see, social division. We will see crime, public disorder, violence and harassment. We will see people trying to restrict our citizens' rights and there will be an undermining of democracy overall. There is a genuine concern and impact on our country, to the rights of citizens, so it is really

important that the Government recognise this and deal with it appropriately.

**Chair:** Thank you very much, Sara Khan, for your evidence. We will briefly pause the Committee while we just change panels.

### Examination of witness

Witness: Assistant Commissioner Neil Basu.

Q32 **Chair:** We continue our Home Affairs Committee evidence session and we welcome Assistant Commissioner Neil Basu, the national lead for counter-terrorism.

I am very conscious that we are hearing from you at a time when the public inquiry is under way into the attack at the Manchester Arena. Obviously, everyone will have heard the very many moving stories and tributes to the victims of that awful and vile attack. We have heard much bravery from the families of victims, whom we pay tribute to, in giving such moving testimony to their loved ones whom they lost. Our thoughts are with them. We also thank you for the work that all of your officers and teams have done in supporting victims of the Manchester attack and in pursuing all those involved.

**Assistant Commissioner Basu:** Thank you, Chair.

**Chair:** Can you give us your reflections on the terror threat that you face at the moment, and that you anticipate?

**Assistant Commissioner Basu:** If you could give me one minute to say that we are only just in the third week of that Manchester public inquiry, and myself and a number of my senior team will be giving evidence to that inquiry. It has been incredibly moving, day by day, to hear the accounts that family members have made. Our hearts, our condolences and our sympathies—from all of my organisation, and I am sure from my sister organisation, MI5—go out to the families.

We get up every day to stop terrorist attacks. I was a very experienced murder investigator once, and I never wanted to be that in counter-terrorism—we want to stop these attacks. Everywhere I go, my organisation and I are constantly thanked for what we do. I am very aware that, since March 2017, there have been 12 attacks, and it is very difficult to accept that thanks when those attacks always feel, to me, like a personal failure. I said two years ago, when I appeared in front of you, that my job in 2017 was to work with MI5 and stop terrorist attacks. There were five that year on my watch. I thought about that every single day, and I can tell you, two years later, that I still think about those attacks every single day, and the seven that have succeeded following that.

The only reason I took this job, I told you two years ago, was to try to make the UK counter-terrorism machine as effective as it possibly could be. One thing we do whenever there is an attack, sometimes while we are



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in the middle of investigating, is to start the debrief and learning process. That is something that the Chief Coroner picked up on in the Westminster and London Bridge inquests, recognising that we are constantly trying to tweak the machine to make it as effective as it can be, to stop any victim being killed, any family being crucified and grieving, and to help survivors. We desperately want to make our machine the best it can be.

We talked in 2018 about the work we did in 2017, commissioned by the Metropolitan Police Commissioner and the DG of MI5—the operational improvement review. We have been working at pace for three years on learning the 103 recommendations that came from that. Of course, every subsequent attack post-2017 has been subject to the same debrief. We are implementing hundreds of recommendations. This is very frustrating for families involved in inquests, but some of the changes to the machine that we have made are not able to be talked about in an open public forum. Myself, the new DG of MI5, Cressida and Andrew Parker spent nearly 10 hours in front of the Intelligence and Security Committee talking about some of those changes that we wanted to make post-2017. Essentially, the reason I am sitting here today is to reassure your Committee that I am continuing that work.

I will turn to the threat and tempo as it currently stands. I have also refreshed my memory of what I said to you in 2018. At that time, we talked about having breached 700 investigations, jointly with MI5. We are now at well over 800. We predicted in 2017 that the threat would rise by 30%, and it did, and it is still there; it is sustained at that very high level. We would describe it as diverse, complex and unpredictable. It is largely a result of two big factors. The first is the post-Snowden encryption effect, where encryption has made it very difficult to see terrorists communicating. The second is the prevalence of changing types of terrorist and methodology and types of vector of attack.

Since 2010, there have been 16 terrorist attacks, and 15 of them have been committed by what we have all got used to calling lone actors. The reality is that “lone actor” is a poor definition, and we are trying to give a better definition, because they are rarely actually alone. They have quite often talked about their plans with somebody else, who may not realise that that is what they are doing, and quite often operated with somebody else, but what they have not been is directed, supported, financed or enabled by a group.

That, of course, was a change in tactic from Islamic State when they started to try to inspire people to commit attacks. What has changed, certainly over the last five years, is that effectively the groups that were al-Qaeda and Daesh in the Islamist terrorism space have become that much weaker because of military campaigns. So their ability to direct and inspire overseas has become very limited, but their ability to inspire, rather than direct, through media and propaganda has not diminished and in fact is showing some signs of resurgence. That is something we are very alive to.



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Alongside that, the rise that Sara has just been talking about in right-wing terrorism and extremism has been pretty dramatic. In 2016, I would have talked about 6% of my casework being right-wing terrorism and somewhere in the region of 75% to 80% being Islamist. It is still 75% to 80% Islamist, but actually it is now 10% right-wing terrorism. One of the learnings from 2017 was that we needed MI5—the UK intelligence community—to get involved in this. We had to be ideologically agnostic to the threat, and they needed to look much more closely at right-wing terrorism. I am incredibly proud that our organisation has managed to do that. MI5 took over the intelligence primacy responsibility on 6 April. Almost immediately we are beginning to discover more, thanks to the tools and techniques that we have been able to use.

Does that mean there is more volume? I do not know, and I am not saying that. But we have been able to see more of what is there. But a near doubling of that threat since 2016 does worry me, and the ability of the messaging and the way that people are incited, groomed and effectively brought to the fore is largely what Sara has just been talking about. I came to listen, and I was joking with Sara outside, saying, “I would be incredibly surprised if I disagree with a single word you say.” I am not surprised, and I do not disagree with it. If you wanted me to, I would adopt her evidence tomorrow. That is my biggest concern at the moment: where extremism affects malleable, vulnerable people of all kinds, age groups and societal backgrounds—there is no one route to a terrorist path. The amplification of extremism and its ability to incite a vulnerable section of the population towards terrorism, which is where myself and MI5 set in, is probably my greatest single fear.

**Q33 Chair:** So you agree that there has been a rise in hateful extremism and you are seeing the consequences in terms of the terrorist threat.

**Assistant Commissioner Basu:** Yes. I do not just think that; that is what the joint terrorism analysis centre would say, what the Home Office’s office for security counter-terrorism would say, what Ricu, its internal unit would say, and it is what my experts would say. What is interesting is that covid-19 has amplified that problem. But my experts tell me we have not seen an increase in TACT-related material; what we have seen is an increase in hateful extremism-related material, if I were to use Sara’s commission’s definition.

One of the things we did not talk about with Sara was the ability of terrorists, much earlier in their journey, to be talking in extremist ways, which we were incapable of dealing with as a law enforcement community. ALM, one of the most famous groups behind Islamist extremism, who have motivated and inspired many terrorist attacks worldwide, started as an organisation that we could not get a prosecution on because of the way they were speaking. They were very clever about staying the right side of the law as it stood then. That is a significant issue for society.

**Q34 Dehenna Davison:** Thank you, Assistant Commissioner, for being with us today. Can I get on the record my thanks to you and your whole team for all the work you are doing to try to keep the country safe, as well as to



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the wider policing family for the additional pressures they are under and all their hard work during the lockdown? My sincerest thanks.

This is quite a broad question to begin, but what overall impact has covid and the subsequent lockdown had on your work in counter-terror policing?

**Assistant Commissioner Basu:** I would probably talk about two things. One is the impact on the threat that we are currently facing, and the other is the impact on us as an operational organisation, alongside the UK intelligence community.

Let us talk about the threat. We don't see that covid-19 has increased the terrorist threat. I have just said that what it has done is definitely increase the amplification of hateful extremism. Sara has given good evidence on that, and I will not repeat what she said. We are yet to see the outcome of all that. I do not know how that is going to influence the next generation. What I am seeing, particularly in the right-wing terrorism space—this is anecdotal, not academic—is that there is an increase in lots of young people being attracted to it. We are seeing people as young as 13 starting to talk about committing terrorist acts. We are seeing people mixed in their ideology. The largest growth in Prevent referrals—38% of them—is in people whose ideology we cannot determine. We do not know whether it is Islamist, right-wing or left-wing extremism or incel; they are just interested in violence.

Social media has such an influence over every single one of us in our daily lives, but when you have been locked down, you are able to sit there and take that in permanently with no other form of distraction or protective factor around you—I am thinking of schooling, employment, other friends, family members who are not influenced or potentially extremists themselves. That is a concern. That is definitely an effect of covid-19 that we are worried about.

One of the other effects, which affects Protect and Prepare, is the change in crowded spaces, particularly when we go back to March and April, where we saw supermarkets and hospitals become the new crowded spaces of the future. Now we are looking at a model in which we don't actually talk about crowded spaces. There is no doubt that terrorists will always go for iconic venues, but they will go for the crowd. Across this country there are, I think, well over 600,000 publicly accessible spaces at which a crowd could be targeted. Of course, the Streatham High Road attack tells you that it could just be a local high street. That concerns us. There is no way that we are going to be able to police or secure that volume of sites.

We have been talking with the Government about the Protect duty, which they are talking about a public consultation on. The owners and operators of places where the public have access will need to step up in the same way that they do for health and safety or licencing. There will need to be a security measure, I think. It needs to be low cost, preferably nil cost. We provide free training. It is online. We will be looking to create a much better website and information-sharing platform. I am acutely aware of

the economic consequences of covid on small business. They don't need extra red tape, regulation and cost, but what they can do is massively amplify their effect with some free online training simply to their staff to look out for their customers. That is something that covid-19 has brought very clearly to the fore.

You will be pleased to know that my organisation was perfectly resilient. We brought in working practices that meant that we were perfectly capable of dealing with a concurrent terrorist attack, and I think we proved that in the Reading case. We were exercising and testing that before Reading occurred, to make sure we were match fit.

What we saw during covid and the lockdown was a suppression in all crime, including terrorism. That suppression and the lack of travel meant that large bits of my business were not employed in CT duties, such as aviation policing. Some of the main borders were closed and some of the major ports had reduced demand. We weren't protecting VIPs, because they weren't moving around and travelling. Particularly on the investigation side, there was clearly a suppression in terrorist attack planning. We used that spare capacity to help in the organised crime and major crime space, and in what were called in London the Pima patrols around mass gatherings. We used counter-terrorism capability to help my core policing colleagues as well.

Clearly, as we came out of lockdown, and the demand started to go up, that is not going to be sustainable. In terms of our ability to respond to protect the public, I think we were in a very good place.

**Dehenna Davison:** Excellent. Thank you so much.

- Q35 **Laura Farris:** Can I pick up on what you were talking about in relation to the lone attacks? One of the features of Reading, Fishmongers' Hall and, I believe, Streatham is that all the assailants were recently released from prison. Could you perhaps talk about where you think responsibility falls on the prison estate and difficulties that you may have had in engagement with that, and also about the new sentencing White Paper that Robert Buckland announced in the House last week? That has specific powers for probation officers to recommend continuing remand for people whose behaviour has exhibited worrying signs in prison. Is there anything that you have to say about that?

**Assistant Commissioner Basu:** I support all of that. I think Robert Buckland has tried to improve our ability to deal with terrorist risk offenders in the community. I use "terrorist risk offenders" as a title because that is what Jonathan Hall, the independent reviewer of terrorist legislation, talked about in his very well-considered and detailed examination of the MAPPA system. This is a joint responsibility between policing and MI5 and the Prison and Probation Service. I am not going to talk about one of those services not being match-fit or better than the rest, but I talked about our learning and debriefing process, and there are eight debriefing learning inquiry processes going on as a result just of Fishmongers', let alone the other three attacks.



They have all led to obvious improvements that we can make in our system, both in terms of our consistency in the way we deal with terrorists within the secure estate and when they are released, and some gaps in the law that needed to be filled, and I think Robert Buckland has explained those. The Counter-Terrorism and Sentencing Bill, which also has some measures in there, including the end of early release and extended sentencing, and the Sentencing Council work that we did the year before to improve sentencing, is all incredibly important as well. I refer the Committee to Tim Jacques's evidence—I believe it was in late June—in front of the parliamentary Bill Committee. He would have talked about our support for some of those measures.

There is no doubt about it: there is a massive difficulty in our ability to see somebody escalating. Being able to understand what people's thought processes are and whether they still represent a violent extremist terrorist threat to communities is incredibly difficult. One of the frameworks we use is a 22-point reference framework that can only be applied by experienced clinical psychologists, because otherwise we would end up with a massive number of false positives. The problem that my organisation and MI5 deal with on a minute-by-minute daily basis is trying to deduce what is in someone's mind and what trajectory they are on. It is incredibly complicated.

**Q36 Laura Farris:** It has been interesting to hear you talk about the new provisions that are coming through. Are you satisfied that that blend of enhanced sentencing, the potential to continue detention or imprisonment and generally the new counter-terrorism Bill provide you with the suite of powers that you need to tackle this threat, or are there still gaps that you think the Government have not properly addressed?

**Assistant Commissioner Basu:** There are very few gaps in terrorist legislation in this country. This country has had very robust terrorist legislation because of its history, certainly with Northern Ireland and dissident republican terrorism and the way it has had to develop its terrorist legislation. We are often asked whether we need more powers, and we are very circumspect about what we say. There is no point having powers—I answered an earlier question on public order powers and whether they were sufficient or whether they were being sufficiently used—because if we ask for lots of legislation that we never use, it comes into disrepute. We do not want to be in that space. I think this suite of measures is important; some of them were not necessarily asked for by policing and law enforcement, but they are manifesto commitments. I have looked at all of them in detail, and I do not see that any of them are things that we would not want to bring in, given the way the threat is changing, as I have described.

There are other things we need; if I really wanted to put weight behind legislation that we need in this country it would be the Protect duty that I have mentioned, the online harms Bill—I will not repeat what Sara said, but that will be incredibly important in terms of one of the greatest threats to this country, which is the fomentation of hatred online—and the espionage Bill that we are working on. Because of our name as counter-



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terrorism policing, people forget we are the prime law enforcement body that deals with hostile state activity as well, and that is on the rise. There are those three things. I could talk about section 49, which is our ability to demand a password to get into encrypted devices and our ability to get data from cloud servers, which is complicated by the Computer Misuse Act 1990 when they are outside UK jurisdiction and we cannot use our regular arrest, search and warrant powers to get access to that data. That is a lacuna in the law.

There is probably one other that I have been thinking about that, unfortunately, I have had a senior moment about. Generally speaking, we have a Government, and preceding Governments, that have been very positive about wanting to close off lacunas in the law, so we have good support. We have good involvement. We are asked to go and demonstrate our operational need on a regular basis with OSCT with whom we have a good relationship, so I am not here to complain about a lack of legal cover.

**Q37 Andrew Gwynne:** Thank you, Assistant Commissioner, for the evidence that you are giving today and for the work that you and your officers do to keep us safe. On that, the Reading attacker had been assessed by Prevent and MI5 and had been deemed to pose no danger of staging an attack. Can any lessons be learned from that about the assessment process to avoid any future loss of life?

**Assistant Commissioner Basu:** Yes, but it will never, ever be foolproof. I was trying to make the point earlier about how difficult it is to assess somebody who is saying things, and maybe even doing things that look like acts of preparation. Actually understanding whether that is a genuine threat and when to intervene is precisely what our day job is, together with MI5. The more sources of information we have on a person's background, thoughts and behaviours, the better.

There is a big lesson to learn and, let us be honest, in policing, we learned this lesson a long time ago, if you think about the way we deal with domestic abuse and violent serious crime offenders in a multi-agency partnership. That has been lacking in the terrorism space. The biggest lesson learned was that you need people, some of whose agencies sit outside the national security community, to be brought within that data-sharing and information-sharing bubble to properly assess the threats.

We are doing precisely that. In fact, we started long before Fishmongers' Hall. It was one of the lessons learned from 2017 about how we mobilise partners, as well as mobilising the public to help in the counter-terrorism threat. That communities defeat terrorism is not supposed to be a soundbite; it is an actual way of working. Some of those communities—local authorities, health, education—are fundamentally not used to dealing with the kind of intelligence and are not vetted to deal with that kind of intelligence, but nevertheless hold lots of information of their own that might actually help us. The two-way communication process needs to be better.



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Project Semper is the operation that we set up in 2018 to deal with that. In 2018, while we were dealing with the height of a terrorist and hostile state threat, priorities went on funding other operations at that time. Post Fishmongers' Hall, a lot of work has gone into the data-sharing agreements and the policy and process of sharing with those non-statutory security partners that have information, and into setting up within the secure prison estate dedicated teams to deal with the intelligence flows.

We now know exactly what cohort we are talking about and they are not all TACT offenders. Obviously we use Achilles' heel techniques to take out people who we think are of national security concern. There are people sitting in the custody estate who are non-TACT offenders who we think have an extremist or terrorist bent. There are people who start off in the secure estate who become radicalised within the secure prison estate. We have a very close working relationship with HMPPS and their security arm, which has an excellent director who deals with my leads for Pursue. We have set up a much better system.

One of the things we are asking the Government for in the spending review is enough money to make a nationally consistent, multi-agency process for dealing with terrorism. Jonathan Hall's report has been incredibly good at underlining some of the need for that. You are right to call it out. We are addressing it. We are putting more in place.

**Q38 Andrew Gwynne:** Thank you for that, Assistant Commissioner. I, too, think that that data sharing and that co-operation across agencies is crucial, because in February, you said that UK counter-terrorism policing has around 3,000 or so subjects of interest on its radar, in addition to convicted terrorists due to be released from prison, and that we simply cannot watch all of them all of the time. What more can be done in terms of bringing onboard those partner agencies that are not statutory, in order that those risks can be mitigated?

**Assistant Commissioner Basu:** Precisely as I have described. Semper is a model of multi-agency assessment around individuals, where actually some of the risk mitigation will not be anything to do with Pursue. It will not be anything to do with covert operations by the UK intelligence community and counter-terrorism policing to prosecute an individual. Actually, catching people early, at their stage of radicalisation, is the most important thing that we can do, putting protective factors around them. That might be around the assessment of complex psychological needs, or it might be in economics, housing, employment or social skills.

All those things are equally important and it is why—I have often said this publicly, when I was the deputy to this role as well as now—Prevent is the most important pillar of the counter-terrorism Government strategy. We have to be much more positive about how we talk about it and how we use it to divert the threat before it spins up into a threat to life. I do not think that we do enough about that. One of the things within Prevent is that the statutory guidance in 2015 has hugely increased the number of referrals from education. I think that education are now in an excellent



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place where they understand the safeguarding responsibility of Prevent. It has increased, and is increasing, in health. They understand the safeguarding responsibility in health.

Where it fails, because of the way Prevent has been talked about publicly, is in friends and family. We need to convince friends, families and people who are in communities, who are going to be the first people to spot the signs of people being radicalised or moving towards radical thoughts and behaviours that might actually lead to terrorism, to have the confidence to refer people for help, because that is what it is. Prevent was largely a voluntary system before desistance and disengagement programmes.

**Q39 Chair:** Is it a problem that the Prevent independent review has been delayed?

**Assistant Commissioner Basu:** I am in my sixth year of counter-terrorism, and I called for it right at the start, largely because what I wanted was a strong independent review that, in my view, would see the incredible good that is done at community level.

**Q40 Chair:** Given that, is it a problem that it has been delayed again?

**Assistant Commissioner Basu:** Yes, the delay is a problem, but I can understand it, at the stage that we are in after the Prime Minister spoke last night about covid. Like Sara, all our day jobs have been flung to the right. What is important to me is that I know that there is a shortlist of good-quality candidates. I know that a successor will be chosen. I am really delighted that a very strong director of Prevent has been chosen by the Home Office, who will start their new job. He is someone with great gravitas in Whitehall. He is somebody who has been a partner of mine for many years. It has proven to me that the Home Office are treating Prevent in a very serious way. The Security Minister has given two excellent op-eds on it. I would like to see more.

**Q41 Ms Abbott:** I noted that Sara Khan said earlier that this country does not have an effective counter-extremism strategy and the current approach is not working. Would you agree with that?

**Assistant Commissioner Basu:** Yes. In fact, I think it is almost a direct quote from my illustrious predecessor, Sir Mark Rowley. He would be horrified if I did not agree with him in public. I think it is true, unfortunately. Everything Sara was talking about is in a space that I do not deal with, but it is a space where radicalisers and people who want to try to get people out of that space and into terrorism straddle that line.

Unless we have better join-up between Prevent, counter-extremism, all the multi-agency work I have described and the counter-terrorism portfolio, there are going to be gaps, and those gaps are being exploited by people who want to cause us harm. So yes, I think we need a much more robust counter-extremism machine, in the same way as we have spent decades developing the counter-terrorism machine.

**Q42 Ms Abbott:** In your opinion, how great a threat do returning foreign fighters pose to this country? And what processes do we have in place to



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monitor and address any threat that returning foreign fighters and their partners—female partners, in most cases—may pose?

**Assistant Commissioner Basu:** That is a really good question and, back in 2016, it was probably the No. 1 topic of conversation in the national security community, because we were really concerned at that time about the directed threat by Daesh and, indeed, the threat that we had seen from al-Qaeda previously—trying to get fully trained fighters back into the west to conduct attacks. Then in 2015 France and Belgium and in 2017 the United Kingdom—but actually, 70% of the attacks were by domestic, home-grown people. What we were doing in 2016 was preparing for the contingency that we might see the returning threat, so you should be reassured that every single person we know about has an operational plan against them. So we are monitoring. Let's be honest: we don't know where everybody is; we don't always have sources of intelligence that would allow us to do that. But everyone we know about is effectively—has a plan against them. And were they to come into this country and we were to stop or interdict them at a border, or we were to discover them in this country, they would be arrested and investigated by counter-terrorism police. That plan is in place for every single individual.

The numbers are actually relatively small. The vast majority of people who left for war zones returned very quickly. Over half, I think—certainly between 40% and 50%—came back very quickly, largely because they had gone there because they thought a different life was on offer and did not realise it was going to be what it was. Some of them went for genuine humanitarian aid reasons. These are not people we considered a national security threat. The ones that remain have remained for a reason, and that reason, in my mind, can only be that they believe in the ideology; they believe in the violence; and they may have participated in it. That makes them highly dangerous.

I am not making any distinction between gender or age in that. To me, they all have to be—it is an unfortunate fact of life, but they all have to be treated as a threat by me until I know otherwise, which is why the investigation plan is set against each and every one of them. Every single one of them has to be treated on a case-by-case basis, so part of that returning plan includes all kinds of local authority support, child safeguarding support, psychological support—there is a full plan wrapped around them and family or any kind of foster care that minors, for instance, would have to go into. But it is a very good question. Hopefully I have reassured you that it is not one that we parked in 2016; it is one that we are still very much alive to.

Q43 **Ms Abbott:** So any foreign fighter, or their partner or wife, that comes home will be arrested at the border.

**Assistant Commissioner Basu:** It is highly likely. That does not mean necessarily that they will face a charge, because we have to look at the evidence that we have on a case-by-case basis. But for any returning foreign fighter who has been fighting in a war zone, the evidence against them will be investigated by the police.



- Q44 **Tim Loughton:** On the subject of proscribing terrorist organisations, what impact does that have on police operational activity, and what impact do you think it has on recruitment to the organisation as well?

**Assistant Commissioner Basu:** You have hit the nail on the head: it is a double-edged sword. Proscription is a rare and difficult thing to get. Prior to National Action in 2016, the British Union of Fascists in 1940 was the only other proscribed right-wing organisation. There is obviously a substantial number of proscribed organisations that are constantly checked. What proscription allows us to do in counter-terrorism policing is this. It brings them into the ambit of law enforcement and allows us to use tools, techniques and the law against members of those proscribed organisations.

At a relatively low level, simple membership, if we can prove it, would allow us to prosecute somebody, rather than waiting for them to actually spin up into terrorist behaviour. That is the usefulness of it, and that has proved remarkably useful with National Action. I am proud to say that we have, relatively, dismantled and disrupted it, and it was my teams, back in 2015, that put the case together for Amber Rudd to proscribe it in 2016. The proscription process, however, is quite bureaucratic; we have found with other proscribed organisations that by the time they are proscribed we have already disrupted and dismantled them. That is a problem, because their proscription, as you quite rightly say, could glorify them, and could make them a subject of interest. But then so does talking about them. I come to a public hearing and I know I have to talk about them. I don't like talking about them and I certainly don't like talking about individuals, because every time you do that they don't care that I am talking about them in a way that means I want to arrest, prosecute and put them behind bars. To them any publicity is good publicity, and proscription is any publicity.

- Q45 **Tim Loughton:** In terms of disruption, against prosecution, have there been many people prosecuted purely on the grounds of their membership of a proscribed organisation, rather than affiliated activity with it?

**Assistant Commissioner Basu:** A number, but membership is very hard to prove. But it is useful legislation, so I absolutely do—I cannot give you numbers off the top of my head, but, if you consider, National Action as an organisation was at most 80 to 100 strong when we started looking at it, and 20 of those have been prosecuted and a number of those were for membership only.

- Q46 **Tim Loughton:** Right, but it's the disruption activity that proscription aids; it is actually probably more effective in that?

**Assistant Commissioner Basu:** Yes.

- Q47 **Tim Loughton:** Can I ask you about removal of citizenship? It has happened to about 150 people in the last 10 years, but there have been criticisms about its effectiveness in terms of your now having on the loose, somewhere abroad, people who would do harm to this country. Also it has been criticised for an absence of some of the scrutiny. Do you



think those criticisms are justified? Could the system be improved? Is it an important part of what you are trying to do?

**Assistant Commissioner Basu:** I can't really answer the scrutiny point. I think that is a political point, about how the use of the power is scrutinised. Is the power useful, and does it help mitigate threat to UK residents within UK borders? The answer to that would be yes. The numbers are relatively low at 150 over 10 years—the high point was, I think, 2018, where it was 21 in one year—but given the threats that we face and the potential I have just described in my answer to Diane Abbott, I think the Government's strategic distance policy is important to keep this country safe. That is, to keep fighters who have fought for Islamist terrorist causes, or have fought in extremist circumstances, out of this country. I think it is important for that. The idea that they would somehow be loose abroad, and that they would be better off behind bars here, discounts the fact that it is sometimes incredibly difficult to prove the offences they have committed using evidence that would be admissible in a British court. It is often intelligence rather than evidence, so that is part of weighing up whether deprivation is the most important way of keeping the country safe. It is an important tactic.

Q48 **Tim Loughton:** Do you think there is an international role, here, in that we need something that does not go down the Guantanamo Bay route and we need something that does not fall foul of the threshold of evidence in the UK, but we need to have an international body? We have an international body; but do we need one that would deal with what is a problem in limbo, clearly, with many of them in camps in Kurdish territory and other informal settings as well? We don't know who is there, in many cases, and we can't keep track of them. What actually is the solution to this problematic group of several hundred or potentially several thousand?

**Assistant Commissioner Basu:** That's a great question, which is being debated at length within the national security community. I would have to say that your comment about some form of international criminal court is the right one. There is obviously one of those in The Hague. One of my other responsibilities, alongside hostile state activity, is war crimes. We know just how difficult it is for international tribunals to be in this space, but that is one long-term option that needs to be considered.

**Tim Loughton:** Thank you.

Q49 **Chair:** Why has there been no action against the promotion of National Action on BitChute?

**Assistant Commissioner Basu:** I was listening to Sara about that. I am not aware of a piece of extremist propaganda being reported to us that actually promotes National Action. That, in my view, would be something I would want to sit down with Max Hill about, asking whether it crosses the TACT threshold. I would be surprised if it did not, so I would want to investigate that. The short answer is that I cannot answer that question, but I want to investigate it.



BitChute was a really interesting conversation, because other than with the top six major providers, as Sara very kindly said, the stuff that the CTIRU—the counter-terrorism internet referral unit—takes down is a voluntary process. We can only work in taking down extremist material because the companies actually co-operate with us. We point out what needs to be taken down. We have assisted with public messaging, to get the public to report things, and then they go about with their processes and technology and take stuff down. There are many other providers—BitChute is an example and Sara quoted others—that want nothing to do with law enforcement, will not co-operate and do not volunteer.

**Q50 Chair:** Does the fact that BitChute is registered here make that easier? Do you have any additional powers to pursue it because it is UK-registered?

**Assistant Commissioner Basu:** There was a really good question about this. It is not about crossing legal thresholds. If they break the law and are registered here, that is absolutely within our jurisdiction, so that is not an issue. As for the stuff that they are promoting, Sara was talking about hateful extremism and the line with free speech, and a lot of these platforms will do the same thing and then, as Sara described, hide behind freedom of speech to effectively promote stuff that may or may not cross the lawful threshold. However, the bar is set very high by the Crown Prosecution Service, as you know, and quite rightly, in some respects—we are a liberal democracy. But some of it that I would find egregious is still not unlawful, if you see what I mean.

**Q51 Chair:** It would be really helpful if you could look further into the issue about the promotion of National Action and write to us on that.

**Assistant Commissioner Basu:** I have made a note of it.

**Q52 Chair:** Even if there is a clear case for changing the law on some of these issues, that looks to be something that should be covered by current law. It would be very helpful for us to know whether it is either not covered by current law, and therefore the gap is wider than we would think, or whether there is some sort of system gap, in terms of the identification of this kind of material and then the further prosecution and pursuit of it.

**Assistant Commissioner Basu:** I have offered the Commissioner help in that space. Any cases that we have not been able to prosecute will be evidence for the future.

**Chair:** It would be would be very helpful if you could write to us further on that.

**Q53 Ruth Edwards:** I would like to talk a bit about deradicalisation. Given that some terrorist attack perpetrators, such as the Fishmongers' Hall attacker, participated in deradicalisation programmes and then went on to commit attacks, how effective do you feel our current deradicalisation programmes are?

**Assistant Commissioner Basu:** Deradicalisation and desistance programmes are run by the joint extremism unit, which is Government-run, so that question might be better directed at them. I would not take



one single example to show that D&DP programmes are not useful. Any society is going to need something like that. The fact is that we have been very successful at arresting and locking up terrorists, but a lot of those come out eventually, and unless there is some way of doing this—of course, D&DP is mandatory. I like to call it second chances. We used to talk about Prevent as being a voluntary safeguarding role, and it is, but part of the Prevent work now has to be to giving people who have been radicalised and have become terrorists a second chance of reintegrating with society, because there is no other choice—they will be in our communities.

I think it is important. How good they are, I do not know, because I have not seen a public evaluation of the process. I know that we are working towards that. Our own multi-agency processes are very similar, because they involve intervention providers who talk about ideological training, effectively, and ideological intervention, talking about a counter-narrative. We are having those assessed as well. It is incredibly important to do it. How effective are they? They have been running for only four years. They will be needed for generations to come, in my view, so we need to start putting some evaluation behind it, finding out what works and taking it forward. The UK has the potential to be a global leader in this space. When I talk about managing terrorists in the community, I cannot find anywhere in the world that has a gold standard of how they do this.

- Q54 **Ruth Edwards:** That is very interesting, particularly your comments about how we do not have any great benchmarks overseas to look at either. As somebody who investigates these people and spends a lot more time trying to understand their mindset than many of us do, how do you think we can even begin to deradicalise people who are motivated enough to commit these attacks? What we are essentially trying to do is not like in other forms of rehabilitation in prison, whereby we are trying to help people off drugs or alcohol. Instead, we are effectively trying to change someone's entire worldview, which is so poisoned with hatred against our society that they want to kill people in our society. As a layperson, it is very difficult to understand how you would even begin to do that, and I would be really interested in your views.

**Assistant Commissioner Basu:** It is incredibly hard to do. Once they have crossed that Rubicon and have reached the level that you have described, trying to change someone's mind is incredibly difficult. A layperson might look at it and think, "Well, clearly somebody like Salman Abedi and his brother must have been mentally disturbed to commit an atrocity that egregious." How could anybody? I have been in policing for 28 years and I could not understand it, to be frank. But they were not mad. They think they are morally right. Trying to change somebody's mind when they feel that way is an incredibly difficult thing to do. As I am not a qualified clinical psychologist or psychiatrist, I don't know how you would go about that.

You mentioned drugs and alcohol. The interesting thing is that there is an analogy. Generally speaking, the only way you can get people off drugs and alcohol is if they want it. Effectively, this a voluntary process of



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deradicalisation; you cannot mandate it. Mandating somebody to change their mind—somebody who is in the kind of space that you have described—is impossible. Actually, the only way to cure this in the long term is right at the start of the journey. Sara said something really interesting, which I have been talking about for core policing and which is actually a wider issue: introducing the concept of rules-based order and law in primary school.

When I was dealing with gangland crime many years ago, one of the problems I had was that by the time we dealt with an offender, it was too late. One of the depressing things about that is those offenders were not in their early 20s anymore; they were becoming 16, 17 and 18-year-olds. Now I have 12, 13 and 14-year-olds, both in the gangland space and in terrorism. How do we intervene and safeguard people long before they even get sucked into this? That is where a lot more effort has to go in. Just over 100 people have been through the desistance and disengagement programme. We have already said there are 3,000 active terrorists, and there are many more who have been a national security concern in the past. If we want to stop that becoming the problem for my successor's successor's successor, it is about prevention at the earliest age, which is the only thing that I think will succeed.

**Q55 Ruth Edwards:** Do we have any estimate of how many young people that you were talking about—13 and 14-year-olds—are getting sucked into extremism?

**Assistant Commissioner Basu:** I would not want to give a professional estimate. A lot of my stuff is anecdotal, because it is actually in my casework. I could give you a breakdown of the age of offenders. Most terrorist offenders will be 30 or less and male—I can give you that as a definitive statistic. What has been disturbing is the number that are becoming much younger. It is still small; if I showed you the figures, you would say, "Well, that's not much." But the worrying thing is that the trajectory is downwards in age terms. Sara worried me when she talked about the prevalence of young people in extremism.

One of the things that you were talking about is how that is happening. It is grooming online in some of those open spaces that are legitimate platforms and that many people who are listening to this probably use every day. The radicalisers will start on that platform and lure you on to the BitChutes, 4chans and 8chans of the future, or into the closed and encrypted groups, and that is where they will groom you. That is happening younger, both because they are tech-savvy and they are on these things and because they are on open platforms that are not policed, to be frank.

**Q56 Stuart C. McDonald:** We cannot let you go without asking you about Brexit. Can I ask how our preparations for the potential loss of access to tools such as the European arrest warrant, passenger name records and SIS II are going?



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**Assistant Commissioner Basu:** We are stitched into all of the relevant Government committees that are discussing this. I think you have taken evidence from Richard Martin several times, who is a good colleague of mine. He set up the ICCC, which was the organisation that was there to help policing mitigate any problems from the loss of those tools you have described.

I am in a slightly different space from core policing and the National Crime Agency, because I am a low-volume user of those tools. The mitigations Richard Martin has put in place will be incredibly helpful, but they will be slower and clunkier, and they do affect some of my investigations. I cannot tell you that crashing out with no deal and no security deal is not a risk: it very clearly is a risk. We would not be as safe as we are today, so we are obviously encouraging the negotiations to give us a security treaty that gives us as many of those tools, or as much access to those tools, as possible. The ones you have described are of real concern to me. SIS II, SIENA, and the European arrest warrant are very important, and passenger name records could not be more important. We have made those issues very clear, and I have said publicly that they are operationally effective for us.

In national security, I have the advantage that we can deal bilaterally with countries. They are not bound by EU regulations while dealing with national security. My difficulty is that I cannot negotiate a mitigation with those countries until the final Government negotiations are done, so the longer they take to negotiate the treaty, the shorter the period of time I am going to have to potentially renegotiate 27 bilateral treaties to exchange information. What I do know is that every single one of those countries recognises that the UK is a world leader in this space, and that they need our intelligence as much as we need theirs for Europe to be a safe space, so I am not anticipating any country turning around and saying, "I won't share with you." The one caveat to that is the data adequacy argument that is going on at the moment. The UK will have to prove that it has the systems and processes that allow it to process European data adequately. I am as caught by that as any other organisation.

Q57 **Stuart C. McDonald:** We are short of time, so you might want to write with answers to some of this if you can, but can you give us just a flavour of the sorts of contingencies and alternatives that have been put in place, even for the particular systems that you mentioned there as being important to your work, like access to SIENA, PNR and EAW?

**Assistant Commissioner Basu:** The European arrest warrant was a great step forward for policing in this country, allowing us to arrest on the basis of a case put by another country whose legal system we approved of. That is being replaced by Interpol notices; we will go back to Interpol notices to do that. Extradition is the other issue: that is going back to the old 1957 Act, so that will be much slower. On the Interpol notices, I believe Richard was negotiating an arrest power for Interpol red notices so that we do not have to go for a warrant when we stop someone who is



subject to such a notice, but can arrest them there and then. Those are a couple of the systems.

On the SIS II stuff and the Interpol database, that is an issue for national security, because the Interpol database is much larger than the SIS II database. It goes to countries we ordinarily would not deal with, so there are complications to sharing data in that way that we will need to work through. To avoid me having to write to you, that is a short synopsis. On passenger name records, I think there is legislation that will allow us to continue receiving PNR information.

- Q58 **Stuart C. McDonald:** In terms of SIS II, you mentioned the issues you would have with sharing information with Interpol instead, but what about the other way around? Police in the United Kingdom search that database hundreds of millions of times every year. How important is that for you and your work, and where are you going to get that information from if you do not have direct access to SIS II?

**Assistant Commissioner Basu:** We have bilateral arrangements with those countries and we have two accesses. We have the intelligence community dealing with the intelligence community, and I have a network of police officers who are established internationally who will have third country status and will still have access on a bilateral basis with individual countries. We will not be invited and we will not be in the room in Europol any more, but, as I said, I am a low volume user. If Lynne Owens, Martin Hewitt or Cress were sitting here for wider policing, they would have a much more difficult problem than I do. Overall, we need a security treaty that gives us as much access as we can get to the tools and techniques that we have today. That would be my bottom line.

- Q59 **Stuart C. McDonald:** Finally, is passenger name records an issue of trying to come to bilateral arrangements with member states?

**Assistant Commissioner Basu:** It is, but of course that is incredibly important for the security of our borders full stop. It is not just a CT issue. That is something that is absolutely required, yes.

- Q60 **Stuart C. McDonald:** But you are saying that that cannot be done until after the end of the transition period, so there is a potential gap before that work can even begin.

**Assistant Commissioner Basu:** I'm not the expert on that. Richard Martin is, so I will leave that for his answer. We have an operational requirement that we have made very clear to the negotiators, and we will need that information for our security in the future.

- Q61 **Chair:** If we lose passenger name records and SIS II, does that mean we will not know who is arriving in the country and we will not be able to check whether they are wanted in other European countries for any extremism-related activity?

**Assistant Commissioner Basu:** We will be able to if those European countries have uploaded their SIS II information on to the Interpol database.



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Q62 **Chair:** How many so far have done so?

**Assistant Commissioner Basu:** I don't know. Again, that is a question for Richard Martin. I would be foolish to assume that they would see the same urgency as I would.

Q63 **Chair:** In terms of these bilaterals that you said you would need to negotiate if there isn't a full agreement, would that also allow you to exchange evidence that you can use in criminal prosecutions, or would it just be about exchanging intelligence?

**Assistant Commissioner Basu:** It would be evidence as well.

Q64 **Chair:** And how far have you got in preliminary pre-talks in case those bilaterals are needed?

**Assistant Commissioner Basu:** We have not been able to have any of those pre-talks. I can understand the Government's position, as in they do not want to interfere with the negotiation, so we have only been co-operating with our European partners on an operational basis so far. We have not been negotiating at all around future bilateral arrangements.

Q65 **Chair:** Final question from me. Are you confident that legally it can be done to establish those bilateral arrangements, as opposed to whatever political agreements might be reached? Can it legally be done?

**Assistant Commissioner Basu:** Yes, under the European treaty.

**Chair:** Assistant Commissioner, thank you very much for your evidence. We very much appreciate it. And thank you again to you and all of your officers for the work that you do to keep the country safe.