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ANNEX

**COUNCIL OF
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Brussels, 10 November 2004

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NOTE

from : General Secretariat
to : Working Party on Terrorism

Subject : Evaluation of National Anti-Terrorist Arrangements
Report about the Evaluation of United Kingdom, 17-19 May 2004

Evaluation of United Kingdom, 17-19 May 2004

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1. Terrorist situation

1.1. Domestic terrorism

For decades the United Kingdom faced highly violent and bloody domestic terrorism in the affairs of Northern Ireland¹. Irish republican terrorist groups that rejected the Belfast Agreement (the "Good Friday" Agreement) the Real IRA (RIRA) and the Continuity IRA (CIRA) continue to present a serious threat. The Provisional IRA (PIRA) remains intact and some paramilitary activity continues, however it has not mounted a terrorist campaign since 1997 and its associated political party, Sinn Fein, is engaged in the Northern Ireland political process.

14 groups involved in terrorism in Northern Ireland are amongst those currently proscribed under the Terrorism Act 2000.

1.2. International terrorism

There has been no successful international terrorist attack on UK soil since 1994 but there have been attacks on UK interests overseas, as demonstrated by the terrorist attack of November 2003 against the British Consulate in Istanbul. British citizens were caught up in the attacks on New York and in Bali and most recently the death of Kenneth Bigley in Iraq demonstrates the continuing threat.

¹ "Terrorism has been part of life in Northern Ireland for over thirty years. Between 1969 and 2002, 3352 people have been murdered. 957 members of the security forces were murdered; of whom 302 were police officers. In addition to this some 48 000 people have been injured, of whom 11 587 are members of the police service" (Mrs Nuala O'Loan, Police Ombudsman for Northern Ireland)

1.2.1. Due to the involvement of the UK in fighting terrorism at international level as well as the UK military activity in Iraq, the principal threats come from international terrorism and extremist groups. This threat is currently considered as real, serious and at a high level due to Usama bin Laden's public statements on targeting the UK and its interests abroad and the encouragement he provided to affiliated terrorist groups to carry out attacks². In that context the UK obviously paid great attention to the recent events in Madrid that demonstrated the capability of such a group to carry out an attack within the UK or the EU. In addition, the UK considers as realistic the "possibility of some form of unconventional attack. That could include a Chemical, Biological, Radiological or Nuclear attack". According to key persons in the UK, "given the widespread proliferation of the technical knowledge to construct these weapons, it will be only a matter of time before a crude version of a CBRN attack is launched at a major Western city" (statement by the Director General of the Security Service)³.

1.2.2. This evaluation of the threat from international terrorism is reinforced by the situation within the UK. This situation is an incentive for improvements in the intelligence and law enforcement area, in terms of reinforced co-operation between the Security Service and Special Branches as well as in terms of consistent increasing of the capacity to gather and assess information.

² "But we should remember that there are other Islamist and nationalist terrorists groups who have the capability and intent to attack Western interests. Recent events in Riyadh and Casablanca demonstrate that Al Qa'ida, and groups sympathetic to its aims, remain a potent and deadly terrorist threat" (Extracts from a Keynote Address by the Director General of MI5, Eliza Manningham-Buller, at the RUSI conference, 17 June 2003)

³ This point is for instance mentioned in the 2004 guidelines for Special Branches and at the heart of the in depth reform of the UK system in the area of resilience and civil protection (cg guidelines to local authorities). Cf. also the analysis by the FCO: "the focus of our security and defence policy will be on understanding and countering new threats, often from non-state actors empowered by new technologies, and originating outside Europe. (...) The use of WMD against us, and terrorist attacks on western targets around the world, now constitute the most potentially catastrophic threats to UK security. The major western countries will need to tackle these threats assertively using a wide range of instruments. Preventing states from acquiring or spreading WMD will remain a top priority. The highest concern of all will be to prevent international terrorist groups acquiring nuclear or biological weapons". In March 2004, the commissioner of the Metropolitan police warned that such an attack was "inevitable".

1.3. Following 11 September 2001 – domestic measures

"The Government was well aware before 11 September 2001 that Usama bin Laden and his networks posed a serious threat". However, it sincerely admitted that "last September's (2001) attacks changed (its) appreciation of the vulnerability of UK interests to international terrorism, as well as (its) understanding of the nature of the terrorist threat – both the sophistication of the planning and the willingness of the terrorists to inflict mass civilian casualties. Since then (the Government) have kept the nature of that threat under constant review and (has) developed (its) response accordingly"⁴.

1.3.1. In the immediate aftermath of 11 September 2001 the UK set out objectives for countering the new threat with clear priorities: to protect the United Kingdom and its overseas territories and prevent further terrorist attacks, and elimination of terrorism as a force in international affairs⁵. Taking advantage of its long lasting experience in fighting domestic terrorism and other major incidents over the last 30 years, the Government immediately took a wide range of measures in various domains in order to reduce consistently the terrorist risks from international terrorism⁶.

⁴ Cf the Progress Report "the United Kingdom and the campaign against international terrorism", Cabinet Office, September 2002, which also details the UK diplomatic and military dimensions.

⁵ To disrupt the Al Qa'ida network in the United Kingdom by maintaining controls on and surveillance of known terrorist suspects; by maintaining the increased effort and capacity of the Intelligence Agencies to locate and identify terrorists and their supporters; by continued close liaison and exchange of information with foreign governments and intelligence agencies, particularly on extremists based in, or associated with, the United Kingdom.

⁶ Measures related to immigration, security of port, airport and border, proscribed organisations, extradition procedures, freezing of assets of international terrorist organisations, exercises and terrorist scenarios, sensible areas, control on dangerous materials, government Resilience Programme, etc. Cf the Progress Report "the United Kingdom and the campaign against international terrorism", Cabinet Office, September 2002, which also details the UK diplomatic and military dimensions.

Work in this area has been done as a matter of urgency, based on an in depth review of security issues that focused on the identification of vulnerabilities and tightened existing security measures. It has been co-ordinated by Ministerial Committees: A Cabinet committee (DOP(IT)), chaired by the Prime Minister, which was established to oversee the campaign, DOP(IT)(T), chaired by the Home Secretary, which co-ordinates policy on protective and preventative security; and the Civil Contingencies Committee (CCC) now part of DOP(IT)(R) the committee on resilience. This is also chaired by the Home Secretary, and is tasked with ensuring supplies and essential services in an emergency.

1.3.2. Following the events of 11 September 2001 it was decided as a key point to enhance the UK's existing Anti-Terrorism legislation⁷. This resulted in the Anti-Terrorism, Crime and Security Act 2001 that bolstered and enlarged existing provisions for dealing with terrorists. The Act ensures that the law enforcement agencies have the powers and information – including inter-agency exchanges – necessary to counter terrorist activity. Other powers in the legislation relate to terrorist funding (freezing assets, seizing cash and securing the disclosure of information), preventing abuses of immigration and asylum procedures by allowing extended detention of those suspected of being international terrorists but who cannot immediately be removed from the country).⁸

1.3.3. In the law enforcement and intelligence area, a number of major joint operations against suspected international terrorists in the United Kingdom with a significant impact on the terrorists have been carried out following the events of 11 September⁹. They have resulted in a number of arrests and prosecutions.

⁷ Before 11 September 2001 the United Kingdom had a wide range of legislative measures in place to counteract terrorist activity. The centrepiece of this legislative framework was Terrorism Act 2000 that namely allows the Home Secretary to proscribe terrorist organisations. Other relevant legislation included the Immigration Act 1971, the Customs and Excise Management Act 1979, the Extradition Act 1989 and the Export of Goods (Control) Order 1994

⁸ Sections 21-23 of the Anti-Terrorism, Crime and Security Act 2001, which allows the Home Secretary to detain foreign nationals suspected of involvement in international terrorism pending their deportation, will cease to have effect at the end of November 2006.

⁹ The key intelligence priority has been to increase efforts to locate and identify terrorists and their supporters based in the UK, and to disrupt their activities.

1.3.4. The government adopted appropriate measures in order to reinforce substantially the capacity of law enforcement bodies and intelligence agencies to collect intelligence with the view to prevent and disrupt terrorist activities.

- **NOT DECLASSIFIED**

- On the operational side, the Police International Counter Terrorist Unit (PICTU) was created in order to further enhance the already close relationship between the Security Service and the Special Branches, and the Metropolitan Police Anti-Terrorist Branch (ATB). This jointly staffed unit was created with the aim to facilitate and assist in existing arrangements for the co-ordination of operations to counter international terrorism.
- For instance in law enforcement the Metropolitan Police ATB doubled in size, and got £22 million extra funding.

1.3.5. Since 9/11 the UK has permanently upgraded its counter terrorist strategy as well as its counter terrorism machinery in order to take into account the new scale and nature of the threat (that poses a global challenge) with reference to the new characteristics of international terrorism.

1.3.6. The current global counter terrorism policy for responding to security threats is based on key elements¹⁰. These are part of the strategy entitled CONTEST whose aim is to provide the UK with a 5 year strategy for countering international terrorism. In this context, to reduce the risk from international terrorism primarily means reducing the threat (prevention and pursuit) and reducing vulnerability (protection and preparedness), all underpinned by assessed intelligence and public communications. The changed nature of the threat from international terrorism has led to intelligence having a wider application in policy making as well as in operational matters.

¹⁰ Cf also the "Home Office strategic plan: confident communities in a secure Britain".

These key elements are :

- Prevention
- Addressing the underlying causes of terrorism
- In addition to support moderate Islam and the promotion of interfaith dialogue (cf. the Christian/Islamic seminar at Lambeth Palace in early 2002, "Connecting Futures", an initiative to encourage interchange between young people from the United Kingdom and countries with large Muslim populations and the creation of an Islamic Media Unit within the Foreign and Commonwealth Office with the aim to promote a better understanding of United Kingdom policies amongst people in the Muslim world)
- Preventing the next generation of terrorists from emerging¹¹.
- Pursuit:
 - To investigate and prosecute the present generation of terrorists and those that support and finance them,
 - To disrupt their operations and networks and where it is possible to bring them to justice,
 - Improving the domestic legal framework as well as building up intelligence and law enforcement capabilities with increased joint working and intelligence-sharing internationally,
 - Tightened border security and new measures to target identity theft and terrorist finance.
- Protection:
 - Using protective security precautions to minimise risks to the UK public at home and abroad in the light of the new characteristics of international terrorism

¹¹ "That involves work both domestically tackling the dangers of radicalisation and its roots as well as working together overseas helping create conditions of stability, resolve conflicts, to support moderate Islam and reform and diminish support for terrorism and help states build up their own counter-terrorist capabilities" (Sir David Omand, 1 July 2004).

- Preparedness:
- Improving resilience to cope with terrorist attacks or other serious disruption (ensuring an effective immediate response backed up by effective arrangements at regional and national level, delivering specific improvements in national capabilities to deal with disaster, particularly associated with chemical, biological or radiological attack)¹².
- This includes for instance the national crisis management centre COBR, the Civil Contingencies Bill, the UK capabilities programme, the UK National Resilience, etc.
- Public information:
- The National Security Advice Centre (NSAC) works both to protect key Government assets and the UK's Critical National Infrastructure (CNI), such as transport, power and water, and to reduce their vulnerability to terrorist threats. Much of this advice is relevant to a broad range of other organisations, private and public, and is now available on the Security Service's website¹³ since April 2004.
- This also includes among other measures the Media Emergency Forum to plan emergency arrangements with the broadcasters.
- As part of the Government's strategy to increase the information available to the public on dealing with emergencies, an information booklet - containing practical, common sense information - has been delivered to all households in the UK during August.

1.3.7. In the law enforcement and intelligence area, the following measures among others highlight the willingness to adapt the UK response to the specific threat from international terrorism on the basis of unprecedented measures:

¹² Cf for instance the exercise Red Signal in February 2004: over 2000 people from 29 agencies at local, regional and national level were involved in a Home Office sponsored counter terrorist exercise that provided an essential test of the national guidance for dealing with terrorist chemical, biological, radiological and nuclear incidents.

¹³ Security advice is also available on other government websites (Home Office, etc). Cf also Counter Terrorist Security Advisers within the regional police forces and the role of NaCTSO.

1371. At ministerial level

In order to enhance the capacity at the centre of Government to co-ordinate security, intelligence and consequence management matters, the Prime Minister appointed for the first time in the UK in July 2002 a Security and Intelligence Co-ordinator and Permanent Secretary to the Cabinet Office.

- In April 2004 the Prime Minister formally designated a Minister as Minister of State for counter-terrorism and resilience issues (also dealing with CBRN issues) that will deputise for the Home Secretary on domestic security through counter-terrorism policy and legislation, the police and the security and intelligence work of the Security Service.

1372. At Special Branches level of law enforcement

- The creation of the function and office of National Co-ordinator of Special Branches in April 2004 (NCSB)
- **NOT DECLASSIFIED**
- In the aftermath of the 11 March 2004, the Government (Home Office) committed to provide substantial additional funding with £15 million to help police to counter terrorism (£12 million to the counter terrorism branch of the Metropolitan police and £3 million to strengthen regional special branch co-operation¹⁴).
- As part of the Spending Review 2004, an extra £50 million will be provided for counter-terrorism. The Home Secretary announced in September 2004 an extra £90 million counter-terrorism funding for 2005/2006 to fund a number of measures, including more special branch officers to work with the expanded security service and pursue intelligence on terrorist activity¹⁵.

¹⁴ In addition to £3 million announced in February with the aim to enabling more effective use of special branches throughout the country (set up of the network of regional network of Special Branch intelligence cells).

¹⁵ Additional funding will include funding to recruit additional special branch and other counter terrorism officers, and strengthen regional and national capacity. These officers will work with the Security Service to carry out regional surveillance and investigations into terrorist activity. This will ensure that the Government continues to increase the amount spent on counter-terrorism - which will have doubled between 11 September 2001 and 2008.

1373. In the field of intelligence/security issues

- A remarkable innovation was the recent creation of the Joint Terrorism Analysis Centre (JTAC) that deals with a regularly reviewed and updated threat assessment to the UK from international terrorism. It is the response to the need for detailed and timely threat assessments on which Ministers, Departments and military commanders can base sound operational decisions. These detailed threat analysis (on a 24/7 basis) makes sense of all available information and intelligence to judge whether action is needed or not, for instance in the field of level of alert posture for protective security measures or alert states for parts of the CNI. JTAC is staffed by a number of UK Government departments, including the police. The Security Service retains responsibility for assessing the threat from other forms of terrorism.

- **NOT DECLASSIFIED**

- For the first time since 1945, the Security Service is to create a network of offices in order to improve co-operation with regional Special Branch police around the country. The Security Service is setting up a pilot scheme to test this strategy within months.

1374 At civil protection level

In that domain, the UK authorities took a wide range of measures in the aftermath of 11 September 2001¹⁶.

In addition to the creation in July 2001 of the Civil Contingencies Secretariat¹⁷ which is part of the Cabinet Office, the Home Office introduced in 2003 a Civil Contingencies Bill, this is currently under consideration by Parliament.

Among other purposes, the Bill and its annexes aim at:

- setting out clear expectations and responsibilities for front line responders at the local level, to ensure that they can deal with the full range of emergencies from localised major incidents through to catastrophic emergencies
- providing a framework for performance management of civil protection activity at all levels (local, regional and central) to ensure operational effectiveness
- providing a strong bridge between the centre and local areas
- modernising the legislative tools available to Government to deal with the most serious emergencies.

¹⁶ Cf the Cabinet Office's Progress Report of September 2002. Cf also for instance the programme Cyclamen that is an initiative on the introduction of routine screening of traffic entering the country for the illicit movement of radioactive materials. This programme is part of a wide range of measures and activities to reduce the country's vulnerability to terrorist attack.

¹⁷ The head of the CCS reports to Ministers through the Security and Intelligence Co-ordinator and Permanent Secretary to the Cabinet Office. The CCS was set up to improve the UK's resilience against disruptive challenges (to anticipate, assess, prevent, prepare, respond and recover) and this could range from floods, through outbreaks of human or animal disease, to terrorist attacks. The CCS services the Committees chaired by the Home Secretary which address consequence management and resilience issues and the Civil Contingencies Committee which handles individual crises

1.3.8. The UK approach of terrorism and counter terrorism is based upon following considerations :

- The UK is fully aware that it faces a global threat of an enduring nature and that the nature of the threat requires a different response. This means that a lot of work has been done, a lot of gaps have been identified and these gaps are being closed on the basis of a continuing process.
- There is no department and/or agency standing alone in response to the terrorist threat and a co-ordinated approach has been adopted to deal with any terrorist threat or incident.
- There is a permanent promotion of a joined up approach that includes both co-ordination and co-operation ("network approach" of counter terrorism)
- A strong characteristic of the UK counter terrorism effort is the integrated nature of the response and this means that if police and the Security Service are key players, there are also other players acting in an integrated and co-ordinated way. Countering terrorism does not only required a policing, law enforcement and intelligence and security response but political will, diplomatic efforts, fight against terrorist finances, military involvement, etc.
- Terrorism is treated as a threat to national security, and as such, lead responsibility rests with the Security Service. But the police have the executive powers, which are required, when an investigation moves to arrest suspects on the basis of a criminal offence.
- However, intelligence is at the centre of counter terrorism because of the need to stop the terrorists before they have the opportunity to mount their operations and to act. From this perspective, the Security Service has the national lead for the collection and analysis of intelligence, acting in close co-ordination and co-operation with Special Branch. **NOT DECLASSIFIED**

- The assessment of the threat is a continuous process at various levels (for instance with DOP(IT)(T) and within the JIC) and at the JTAC level in particular. JTAC and the Security Service threat assessments are made available to the police through Special Branches and to others ("customers").
- Most of relevant Police resources (Cf. the 2004 guidelines for Special Branches) and Security Service resources¹⁸ are counter terrorism oriented.

1.3.9. Further steps

➤ ID¹⁹.

Government plans for a secure ID card scheme that would include basic personal information, a digital photo and a "biometric" which can include facial recognition, iris scans or fingerprints²⁰ in order to:

- disrupt the use of false and multiple identities by terrorists and organised crime groups such as money laundering which supports their terrorist or other criminal activities
- as well as to tackle immigration abuse, to boost the fight against illegal working, etc.

¹⁸ "Since our establishment in 1909 the Service's priorities have changed dramatically, so that today our most important task is countering terrorism and approaching 70% of our effort is devoted to all its manifestations" (Global terrorism: are we meeting the challenges? 13 November 2003 by the Director General of the Security Service).

¹⁹ The UK Government published a consultation paper on Entitlement Cards and Identity Fraud on 3 July 2002.

²⁰ In May 2003, the International Civil Aviation Organisation (ICAO) adopted a global, harmonised blueprint for biometric information in passports and other travel documents. The agreed ICAO standard is the inclusion of a mandatory facial image biometric in a contactless chip (i.e. the document is placed on a reader rather than being inserted), with the option of including a secondary biometric (e.g. fingerprint or iris image).

- Future counter terrorism laws²¹

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²¹ Under the terms of the ATCSA Act 2001, part 4 of the act is subject to annual review. Part 4 of the ATCSA has a sunset clause, which means that sections 21-23 of the Act will expire at the end of November 2006.

2. Structures of authorities

2.1. Constitution

The United Kingdom does not have a written constitution. The equivalent body of law is based on statute, common law, and "traditional rights." Changes may come about formally through new acts of parliament, informally through the acceptance of new practices and usage, or by judicial precedents.

2.2. Head of State

The Queen is the United Kingdom's Head of State and she carries out constitutional functions. The Queen is also head of the Commonwealth.

2.3. Government

Executive government rests nominally with the monarch but is actually exercised by a committee of ministers (cabinet) traditionally selected from the members of the House of Commons and, to a lesser extent, the House of Lords.

The Cabinet is chaired by the Prime Minister who chooses its 20 senior government ministers, both departmental and non-departmental. The Cabinet balances ministers' individual duties with their collective responsibility as members of the Government and takes the final decisions on all government policy. It controls the executive arm of the government and consequently is at the centre of the British political system and is the supreme decision-making body in Government.

The Cabinet has a group of sub-committees called cabinet committees, which perform most of the day-to-day work of cabinet government²². One of them is the Ministerial Sub-Committee on International Terrorism DOP (IT) that the Prime Minister chairs.

The Cabinet Office is a government department whose remit is to support the Prime Minister in ensuring delivery of the Government's strategy with particular priority areas such as terrorism. The Cabinet Office provides the secretariat for all cabinet committees and has responsibility for ensuring the various Governmental stakeholders are fully involved in policy discussions relating both to protective work and contingencies planning. Departments retain responsibility for their specific areas of expertise, but the work is co-ordinated through the committees. Government Departments work closely with the emergency services, local authorities and the Devolved Administrations to ensure joined-up planning in all aspects of counter-terrorism and contingencies planning. In general terms, the Cabinet Office has a co-ordinating role in collating interdepartmental/interagency response and is responsible for government crisis management machinery.

In particular the Civil Contingencies Secretariat (CCS) within the Cabinet Office is a co-ordinating body and centre of expertise set up to improve the resilience of Central Government. Its tasks are to identify potential crises, to help departments pre-empt them or handle them and to manage any necessary co-ordination machinery. Its functions include some of the emergency planning responsibilities previously in the Home Office. The work includes the review of emergency planning legislation, which deals with the responsibilities of those involved in the local reactions.

²² Cabinet Committees provide a framework for collective consideration of and decisions on, major policy issues and issues of significant public interest. They ensure that issues that are of interest to more than one department are properly discussed and that the view of all relevant Ministers are considered.

2.4. Parliament

Parliament represents the entire country and can legislate for the whole or for any constituent part or combination of parts.

The focus of legislative power is the House of Commons, which has sole jurisdiction over finance.

The House of Lords can still review, amend, or delay temporarily any bills except those relating to the budget. One of the most important functions of the House of Lords is to debate public issues.

2.5. Judiciary

The judiciary is independent of the legislative and executive branches but cannot review the constitutionality of legislation.

3. Structures of authorities and the fight against terrorism

3.1. Prime Minister

The Prime Minister is vested with the supervision and overall political responsibility as well as co-ordination of the counter terrorism machinery as a whole. In addition the Prime Minister has overall responsibility for intelligence and security matters²³.

In particular he chairs the Ministerial Sub-Committee on International Terrorism (DOP(IT)) and the Ministerial Committee on the Intelligence Services (CSI).

²³ The Secretary of the Cabinet supports him in that capacity.

The role of the Prime Minister has also to be seen in the light of the appointment of a Security and Intelligence Co-ordinator and Permanent Secretary in the Cabinet Office,²⁴ in order to strengthen the UK capacity at the centre of Government. He is responsible for co-ordinating security, intelligence and civil contingencies and for dealing with risks and major emergencies.

For that purpose, the Security and Intelligence Co-ordinator is tasked as follows:

- Chairing the Permanent Secretaries' Committee on the Intelligence Services (PSIS), which provides advice on issues to do with the intelligence agencies²⁵
- Chairing the Official Committee on Security which formulates policies and co-ordinates action on protective security²⁶
- Responsible for the work of the Civil Contingencies Secretariat (and as Deputy Chair of the Civil Contingencies Committee, supports the Home Secretary in his role as Chair and in the event of any serious incident requiring central Government co-ordination acts as the Government's senior Crisis Manager)
- Liaison with the Overseas and Defence Secretariat's domestic counter-terrorism and crisis-management work.

²⁴ He forms part of the Cabinet Office

²⁵ The role of PSIS is to assist Ministers in the oversight of the agencies. It scrutinises the agencies' annual expenditure forecasts, management plans and intelligence requirements. Its recommendations are submitted to Ministers, who agree the appropriate level of funding for the agencies (Single Intelligence Vote/SIV). The Secretary of the Cabinet chairs PSIS whose members are the Permanent Under Secretaries of the Foreign & Commonwealth Office, Ministry of Defence, Home Office and Treasury.

²⁶ The Security and Intelligence Co-ordinator chairs the official committee on UK resilience TIDO(R). TIDO Committee is a Cabinet Committee, which reviews the threat of Irish and domestic terrorism. It is divided into subcommittees. For instance (TIDO(O)) deals with UK policy on international terrorism and is chaired by the Foreign and Commonwealth Office. The Cabinet Office, the Home Office, the Ministry of Defence, HM Treasury, HM Customs and Excise, the Department for Trade and Industry, the Police Service and the Intelligence Agencies are all represented on the committee, which reports to Ministers as necessary. TIDO(TF) is chaired by the Home Office - members include: HM Treasury, the Financial Services Authority, and the Bank of England.

3.2. Leading Minister/Ministry and other Ministers/Ministries

3.2.1. Leading Minister/Ministry

Headed by a Secretary of State for the Home Department (Home Secretary), the Home Office is responsible for internal affairs in England and Wales and non-devolved matters, such as security, throughout the UK. The Home Secretary is responsible for a wide range of issues,²⁷ and in particular for terrorism matters in terms of domestic security. He has direct responsibility for counter-terrorist policy and legislation, the police²⁸, and the security and intelligence work of the Security Service²⁹ (cf. Security Service Act 1989). Consequently the Home Office holds lead responsibility for co-ordinating the response to the terrorist threat within the UK³⁰.

²⁷ The Home Office funds the police, the Crown Prosecution Service (Administration of the courts and legal services is the responsibility of the Lord Chancellor's Department), the Prison Service and the Probation Service and sets their overall policy framework. Immigration and Nationality policy is also a Home Office responsibility.

²⁸ The Home Secretary has a national responsibility for the police service in England and Wales.

²⁹ The Director General of the Security Service reports to The Home Secretary, who is responsible to Parliament for the Security Service. Any Secretary of State can authorise warrants allowing the Security Service to carry out intrusive surveillance. However, in domestic or foreign matters it is normally the preserve of the Home or Foreign Secretary respectively (Cf also the role of the Home Secretary in the area of disclosure of information related to the claim for public interest immunity (PII)).

³⁰ For instance the UK Central Authority (UKCA), based in the Home Office, is the designated central authority for all requests for mutual assistance in criminal (including terrorist) investigations both in and outside the UK. Requests for assistance (both in and outside) come to the Home Office and are examined and then acted upon by staff in the UKCA.

In addition to his overall responsibility for Civil Emergencies (counter terrorist contingency planning)³¹, Security and Counter Terrorism within the UK, the Home Secretary chairs ad hoc co-ordination committees (Cabinet committees on terrorism and related issues³²). This allows the Home Secretary to have and maintain a clear oversight of the issues and measures being taken to strengthen the UK's ability to respond to the terrorist threat.

The recently appointed Minister of State for counter-terrorism and resilience issues is answerable to him. This minister has the responsibility, as previously mentioned, of deputising for the Home Secretary on terrorism and resilience (the Minister sits on the two Cabinet committees on protective security (DOP (IT)(T)) and resilience (DOP (IT)(R)) which the Home Secretary chairs).

The Home Secretary also chairs the Ministerial Civil Contingencies Committee (CCC). Its role has been simplified into overseeing lead Department management of major emergencies once they have taken place. In the immediate aftermath of any attack or in circumstances in which there is intelligence of a possible attack, the Cabinet Office would bring together the relevant Government Departments and agencies in the Government Crisis Centre. For civil contingencies (which could for example include a major accident involving release of hazardous substances) the Ministerial Civil Contingencies Committee would meet in the Government Crisis Centre to discuss the emergency response.

³¹ The Home Office is responsible for a set of classified contingency plans that cover the range of terrorist scenarios. The Home Office has a Terrorism and Protection Unit dealing with CBRN aspects.

³² He also chairs the Ministerial Committee on Organised Crime.

When a specific terrorist incident occurs, the government crisis management centre (the Cabinet Office Briefing Rooms/COBR)³³ is activated under the chairmanship of the Home Secretary³⁴ (co-ordination of counter terrorism strategy, crisis management and response to the terrorist incident). In such a case, the expertise of government departments, the intelligence agencies, the police, the military, scientific and other specialist advice, local authorities and the emergency services is drawn on as appropriate³⁵ (collective response).

3.2.2. The Foreign and Commonwealth Office (FCO)

Headed by the Secretary of State for Foreign and Commonwealth Affairs, the Foreign and Commonwealth Office (FCO) is the government department responsible for countering the terrorist threat against UK interests overseas. It represents the UK in most international and regional fora and chairs an inter-departmental committee of officials (TIDO(O)) on UK policy on overseas terrorism. The Cabinet Office, the Home Office, the Ministry of Defence, HM Treasury, HM Customs and Excise, the Department for Trade and Industry, the Police Service and the Intelligence Agencies are all represented on the committee, which reports to Ministers as necessary.

³³ The other name is COBRA or Cabinet Office Briefing Room A.

³⁴ In case of terrorist incident, the Home Office is the Lead Government Department (LGD) that is responsible for the overall management of the Central Government response to the incident. When needed (the LGD determines that the crisis response may require the deployment of wider government resources) COBR/Civil Contingencies Committee are involved. Prime Minister or nominated Secretary of State leads in the event of a catastrophic incident requiring the involvement of Central Government from the outset to deliver an effective response, or where Emergency Powers are invoked. The list of LGDs and their responsibilities, is maintained, and updated where appropriate, by the CCS in the Cabinet Office. The Home Office is responsible for a set of classified contingency plans that cover the full range of terrorist scenarios.

³⁵ In this domain, cf. the Home Office guidelines for local authorities.

"A world safer from global terrorism and weapons of mass destruction" is the top strategic policy priority of the FCO. Other priorities are: help to resolve the key regional disputes that might create incentives for terrorism and proliferation, or lead to use of WMD, maintain the UK's commitment to rebuilding Afghanistan and Iraq, work with others to prevent the development of nuclear weapons by Iran and North Korea, lead a systematic strategy across Government for engaging with the Islamic world and promoting peaceful political and social reform in Arab countries, also working with EU partners and the US, strengthen UK, EU and international approaches to dealing in advance with the problems of state failure, strengthen the capacity of key states to deal with terrorism and proliferation, including through disposal or protection of WMD materials, security sector reform, and stronger legal systems, ensure that multilateral arms and export control regimes evolve to reflect technological change, agree more effective verification, and negotiate stronger compliance measures for biological arms control, help to make the UK and her interests overseas a more difficult and resilient target, and strengthen international co-operation on civil emergency planning.

This FCO's responsibility includes the lead on mainstreaming counter terrorism co-operation and assistance in UK bilateral and multilateral relations.

The FCO's Counter Terrorism Programme aims at increasing international capacity to Counter Terrorism and other threats in support of UK bilateral and multilateral security objectives and focuses on target countries³⁶ that have been identified according to the current threat posed to UK interests from terrorism³⁷. They also address specific thematic issues of global concern including those covered by UNSCR 1373 and the work of the UN Counter-Terrorism Committee (combating the financing of terrorism and border control), aviation and maritime security, anti-kidnap training and counter-proliferation.

³⁶ Middle East and North Africa, South East Asia, East and Horn of Africa and South Asia.

³⁷ In support of the work of the UN Counter-Terrorism Committee, assistance programmes are delivered to raise global standards of CT capacity in the areas of CT legislation, combating the financing of terrorism, charity regulation, border control and counter-proliferation.

The Secretary of State for Foreign and Commonwealth Affairs is also responsible for the work of the Secret Intelligence Service (SIS) and the Government Communications Headquarters (GCHQ)³⁸.

The FCO includes a Counter Terrorism Policy Department (CTPD) whose responsibilities are, among other tasks, " successful resolution of all international terrorist incidents involving UK interests overseas. Minimise threat to UK interests from foreign terrorist groups through contingency planning, persuading foreign governments to take effective action against terrorism, provision of training and advice to foreign governments and by providing posts and others with accurate information, analysis and advice on terrorist threats".

The Foreign & Commonwealth Office's (FCO) Travel Advice Notices³⁹ inform travellers and British citizens resident overseas on terrorist risks in over 200 countries and for instance focus on countries the FCO advises against all travels to. Information advice from foreign governments is also available.

³⁸ SIS and GCHQ as well as DIS were out of the scope of the evaluation. The 1994 Intelligence Services Act placed SIS and GCHQ on a statutory basis. The SIS is responsible for obtaining secret information and conducting operations in support of the UK's foreign policy objectives in accordance with requirements established by the Joint Intelligence Committee and approved by Ministers, and to counter threats to UK interests worldwide. This involves a variety of activities, including conducting operations to obtain intelligence and working to disrupt threats to UK citizens or assets. GCHQ deals with computing and engineering for the benefit of national security in the fields of both Signals Intelligence (intercepting communications and other signals) and Information Security. GCHQ acts on the basis of requirements established by the Joint Intelligence Committee and approved by Ministers. It works closely with the Security Service in particular.

³⁹ The FCO is one of the "customers" of JTAC.

The FCO has set up three Rapid Deployment Teams that can be despatched to support Diplomatic Posts within 24 hours when a major consular crisis occurs including major attacks on our interests overseas⁴⁰. These teams are on 24 hours stand-by in rotation (plans exist to replace the current system by a Response Centre operating 24 hours a day, seven days a week over the coming months). Each Rapid Deployment Team is led by a senior Diplomatic Service officer and comprises about eight staff, equipped with IT and communications⁴¹. Experts in counter-terrorism and security issues will reinforce the teams as necessary.

When deployed, the teams will be under the overall charge of the Head of Post. Their role includes :

- providing help to British nationals affected by the incident, and to the families of victim
- establishing links with the local authorities and emergency services

and ensuring efficient co-operation with other British agencies, such as the Police, who may be called to the scene.

3.2.3. HM Treasury

HM Treasury is responsible for implementing financial measures against terrorists and for instance the Chancellor for the Exchequer (cf. SI 3365(2001)) has power to freeze assets of individuals and organisations suspected of involvement in terrorism.

The UK has a very comprehensive system of controls and laws to combat money laundering and the financing of terrorism. The assets freeze list is published on the Bank of England's website. The Bank maintains a circulation list of over 600 banks and trade associations to draw their attention to any changes in sanctions information published on

⁴⁰ One of these teams was deployed in the aftermath of the terrorist bombing in Saudi Arabia and in Istanbul.

⁴¹ The FCO is developing training courses for all members of the Rapid Deployment Teams.

3.2.4. Other Ministers/Ministries and departments⁴²

In general terms, other Ministers and Ministries are involved in the fight against terrorism in their respective fields of competence.

The Ministry of Defence⁴³

The Defence Intelligence Staff (DIS) of the Ministry of Defence contributes to the fight against the threat from international terrorism. It is the main provider of strategic defence intelligence (information gathered globally about possible threats to the United Kingdom and its allies). It is also a key element of the United Kingdom's central intelligence machinery (with GCHQ, SIS and the Security Service).

In the area of resilience the Ministry of Defence also have a specific programme under which military assistance is provided to support the civil authorities. There are three categories of Military Aid to the Civil Community (MACC)⁴⁴.

Assistance to the civil authorities in dealing with an emergency is divided into three categories. : Category A refers to natural disaster or major incident, Category B to short-term, routine assistance on special projects of significant social value to the civil community and Category C to full-time attachment of volunteers to social service (or similar) organisations for specific periods.

⁴² Out of the scope of the evaluation.

⁴³ The Defence Intelligence Staff (DIS), which is part of the Ministry of Defence, is also an element of the UK national intelligence machinery. The DIS's task is to analyse information, from both overt and covert sources, and provide intelligence assessments, advice and strategic warning to the Joint Intelligence Committee, the MOD, Military Commands and deployed forces. The Defence Geographic and Imagery Intelligence Agency (DGIA), and the Defence Intelligence and Security Centre (DISC), which are responsible for providing imagery, geographic products and intelligence training, are part of the DIS.

⁴⁴ MACC is one of three strands of Military Aid to the Civil Authorities (MACA). The other two are the Military Aid to the Civil Power (MACP), used only in the maintenance of law and order and the Military Aid to Other Government Departments (MAGD), used for work of national importance and in maintaining services essential to the life, health and safety of the community.

Department of Transport

Transec, a division of the Department of Transport is responsible for security issues relating to transport including aviation, maritime and railway security, Transec works closely with the Security Service.

HM Customs and Excise

HM Customs and Excise has the lead for detecting prohibited goods at import and export including goods that may be used by terrorists. Customs Officers are also Examining Officers under Anti-Terrorist legislation under which they provide information and intelligence to the lead counter terrorism agencies and have power to seize terrorist-linked cash anywhere in the UK). HM Customs and Excise also co-operates with police's Special Branches in ports.

Department of Trade and Industry

Department of Trade and Industry is responsible for all aspects relating to export control including licensing policy)

Secretary of State for Health (bioterrorism...), etc.

4. Co-ordination body at interministerial and ministerial level

4.1. At Cabinet level

Ministerial committees and sub-committees dealing with terrorism and related matters support cabinet's activities are.

- The Ministerial Sub-Committee on International Terrorism (DOP(IT)).

DOP (IT) was set up after 11 September. It consists of the Deputy Prime Minister and, Chancellor of the Exchequer, Secretary of State for Foreign and Commonwealth Affairs, Secretary of State for the Home Department, Secretary of State for Transport and Secretary of State for Scotland, Secretary of State for Health and Secretary of State for Defence under the chairmanship of the Prime Minister.

Other Ministers, the Heads of the Intelligence Agencies, the Chief of the Defence Staff, the Commissioner of the Metropolitan Police, and a representative of the Association of Chief Police Officers (ACPO) may also attend meetings as necessary.

This ministerial sub-committee is tasked as follows: "To keep under review the Government's policy for combating international terrorism, and for preventing and protecting against terrorist attacks in the United Kingdom and its interests overseas".

It is divided between its two sub-groups, DOP (IT)(T) and DOP (IT)(R). The Home Secretary chairs both.

- The Ministerial Committee on the Intelligence Services (CSI) keeps under review policy on the security and intelligence services.

It consists of Deputy Prime Minister and First Secretary of State, Chancellor of the Exchequer, Secretary of State for Foreign and Commonwealth Affairs, Secretary of State for the Home Department and Secretary of State for Defence under the chairmanship of the Prime Minister.

4.2. At ministerial level under the lead of the Home Secretary

- The Ministerial Sub Committee on Consequence Management and Resilience (DOP(IT)(R))

The role of this committee is to "to keep under review the Government's policy for managing the consequences of major terrorist or other disruptive incidents in the United Kingdom, and to report to the Sub-Committee on International Terrorism as appropriate".

It is responsible for policy on managing the consequences of major terrorist or other disruptive incidents. This committee for instance oversaw preparation of the Civil Contingencies Bill. The earlier role and structure of the Civil Contingencies Committee (CCC) including its three sub-committees on UK Resilience, London Resilience and CBRN has been combined into (DOP (IT)(R)).

Under the chair of the Secretary of State for the Home Department members of this committee are Deputy Prime Minister and First Secretary of State, Secretary of State for Environment, Food and Rural Affairs, Secretary of State for Transport and Secretary of State for Scotland, Secretary of State for Health, Secretary of State for Northern Ireland, Secretary of State for Defence, Secretary of State for Trade and Industry, Chief Secretary, Treasury, Leader of the House of Commons, Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster, Minister of State, Office of the Deputy Prime Minister, Minister of State, Foreign and Commonwealth Office, Minister of State, Home Office and Minister for Work.

- The Ministerial Sub-Committee on Protective and Preventive Security (DOP(IT)(T))

The mandate of this committee is "to keep under review the Government's policy on preventive and precautionary security measures to counter the threat of terrorism in the United Kingdom and to British interests overseas; and to report to the Sub-Committee on International Terrorism as appropriate".

It consists of Deputy Prime Minister and First Secretary of State, Secretary of State for Foreign and Commonwealth Affairs, Secretary of State for Environment, Food and Rural Affairs, Secretary of State for Transport and Secretary of State for Scotland, Secretary of State for Health, Secretary of State for Northern Ireland, Secretary of State for Defence, Secretary of State for Trade and Industry and the Chief Secretary, Treasury. The Secretary of State for the Home Department chairs this committee.

The Director General of the Security Service and the chair of the Association of the Chief Police Officers (ACPO) may attend as required and other Ministers and the heads of the other Intelligence Agencies may be invited to attend as necessary.

This committee meets every two to three months to direct the work being taken forward at official level and its sub-committees.

- There is also a Ministerial Sub Committee on London Resilience (DOP(IT)(R)(LR)) whose mission is to "to review the contingency arrangements for London, particularly in the light of the terrorist attacks of 11 September 2001; and to report and make recommendations as necessary to the Ministerial Sub-Committee on Consequence Management and Resilience (DOP(IT)(R))".

It consists of representatives of Office of the Deputy Prime Minister, HM Treasury, Home Office, Cabinet Office, Department for Transport and Government Office for London under the chairmanship of the Minister of State, Office of the Deputy Prime Minister.

Other Departments, agencies and institutions, including the Mayor of London, the Greater London Authority and London Boroughs and the London emergency services may be invited to attend as necessary.

- The Home Office also chairs the committee (TIDO(TF)) that co-ordinates policy towards the financial aspects of terrorism. Membership includes HM Treasury, the Financial Services Authority, and the Bank of England. The committee reports regularly to Ministers.

5. The security and law enforcement machinery

Various law enforcement bodies, security and intelligence services contribute to the fight against terrorism⁴⁵. However with regard to combating terrorism within the UK the most important key players are the police and the Security Service.

5.1. The police

In general terms, police are responsible for investigating criminal offences, decide whether or not to make arrests and whether or not to bring charges in consultation with the Crown Prosecution Service. With regard to terrorism, each regional police has a Special Branch that has the police lead in this area. The most important is the Metropolitan Police Special Branch, which has a particular role related to other Special Branches.

⁴⁵ There are various law enforcement bodies dealing with security issues and that contribute to the fight against terrorism in their respective fields of competence e.g. the security department of transport, Transec. This report mainly focuses on the Police service as such. Each of them makes an important and different contribution to the overall effort based on its distinctive role and expertise.

5.1.1. General frame work

The organisation of police forces is peculiar to the UK due to the existence of 51 regional police forces (43 police forces in England and Wales, 8 in Scotland plus the Police Service of Northern Ireland). If "national police force" means a single centralised police body that covers the whole territory and is only answerable to the minister for the interior (or the Home Secretary in the UK), the 51 regional police forces do not compose a "national police" entity as such. The philosophy of strong local policing (at the heart of the UK policing system) and tripartite framework of policing which brings together the local Chief Constable, the local Police Authority and the Home Secretary are the factors underlying the system.

- In broad terms this means that the Home Secretary sets out priorities (policy) and related guidelines, provides regional police forces with funds and legislation.
- Day to day policing - such as deciding to make arrests and how to allocate officers to protect the public from potential threats - is entirely the independent responsibility of each force's Chief Constable, who is ultimately accountable to their police authority. They in turn may be local sensitive to local community demands e.g. burglary as well as having to reinforce national security demands on the Chief Constable. This implies that Special Branch is only answerable to the Chief Police Officer of the force its belongs to and that that each chief of regional police force can decide to increase or to decrease the Special Branch staff or to divert part of this staff from counter terrorism in order to take into account other priorities⁴⁶.

⁴⁶ The chief constable is responsible for the general organisation of the regional force, this includes setting local objectives and co-ordinating the publication of annual policing plans and report. This also means that in the event of any terrorist incident, including one involving the use CBRN materials or the threat of the use of CBRN materials, the Chief Officer of the Police Force within whose boundaries the incident occurs takes responsibility for the resolution of that incident.

The head of the Metropolitan Police Anti-Terrorist Branch has been appointed as National Co-ordinator of Counter Terrorist Investigations⁴⁷. When requested by the relevant Chief Constable, the National Co-ordinator may assume responsibility for the co-ordination and direction of enquiries into terrorist and other related activity. With other words, the National Co-ordinator is available to be invited in by a Chief Officer to deal with a terrorist crime within his region⁴⁸. The remit of the National Co-ordinator includes the overall command of the investigation with the authority to direct all aspects of police activity in each and all of the police areas that may be affected. He/she will also be responsible for the management of intelligence and evidential matters to bring matters to the point of trial, and decisions in respect of extradition proceedings

However, this framework also includes a fourth key player, which is the Association of Chief Police Officers (ACPO) whose role is essential. All chief police officers are member of ACPO, the body that acts as the interface between the Home Secretary/Home Office and the regional police forces. In addition ACPO officially represents the police in various areas and fora and works closely with the Home Office. In particular the ACPO's subgroup ACPO (Terrorism and Allied Matters/TAM) aims at effectively bridging the government's direction of counter terrorism and operational implementation⁴⁹.

⁴⁷ Co-ordination was a key point in the investigation in April 2003 concerning a dissident Irish Republican terrorist cell responsible for bombings in London and Birmingham during 2001. The National Co-ordinator directed the activities of West Midlands and West Yorkshire Police Services (over 40 000 documents were placed in evidence).

⁴⁸ In practice, Chief Officers invite the National Co-ordinator who brings with him the Anti Terrorist Branch and therefore the handling of the scene, etc. If needed, an Executive Liaison Group (ELG) is set up.

⁴⁹ ACPO (TAM) is a forum wherein the Home Office can relate on counter terrorist matters and provides ACPO with the opportunity to formulate and present advice on counter terrorism (and consequently it primarily deals with policy issues). ACPO (TAM) invites the Security Service and in a broader sense all services that have clearly an interest in counter terrorism (for instance the FCO, the SIS, the Ministry of Defence, the CCS and others).

5.1.2. Special Branches and counter terrorism

Countering the threat from terrorism, originating within or outside the United Kingdom, is the most important single function of the Special Branch. **NOT DECLASSIFIED**

Special Branch operates in compliance with appropriate legislation whose most important pieces are the Terrorism Act 2000 and the Anti-terrorism, Crime and Security Act 2001. They use special techniques for that purpose under the Regulation of Investigatory Powers Act 2000.

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5.1.3. Special Branch and the Security Service

Links that bridge Special Branch and the Security Service are very strong, and are based on a long standing experience. **NOT DECLASSIFIED**

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5.1.4. The Metropolitan Police Special Branch (MPSB)

Its priorities are to secure the Capital against terrorism in preventing and disrupting terrorist activity and in maintaining an effective response to suspected and actual terrorist incidents.

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5.1.5. Recent changes within Special Branch

In order to take into account the new scale of the threat from international terrorism, some changes have enhanced both the co-operation and the exchange of information of Special Branch.

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5.2. The Security Service

Although the Director General of the Security Service reports personally to the Home Secretary⁵⁰, who is responsible to Parliament for their actions, the Security Service is not part of the Home Office. However, the Home Secretary is involved with the most sensitive work of the Security Service (warrants must be authorised by a Secretary of State, normally the Home Secretary).

5.2.1. In general terms, the work of the intelligence agencies collectively is to provide the intelligence picture of the threat. **NOT DECLASSIFIED**

5.2.2. **NOT DECLASSIFIED**

⁵⁰ Cf the Security Service Act of 1989 that provided for the first time a statutory framework for the Security Service.

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5.2.3. **NOT DECLASSIFIED**

The Joint Terrorism Analysis Centre (JTAC)

JTAC was created as the UK's centre of excellence and expertise on assessing the threat from international terrorism, and is responsible for setting the threat levels to UK interests at home and overseas. It has been in existence since June 2003 and was set up to improve the provision of assessed intelligence on international terrorism, providing increased efficiency and responsiveness to customer requirements. JTAC is a major structural development within the UK Intelligence Community, and it has developed rapidly with the support of Ministers, the JIC, and relevant Departments and Agencies.

The Head of JTAC is responsible to the Director General of the Security Service, but JTAC is a self-standing organisation comprised of representatives from twelve government departments and agencies. This includes the three intelligence agencies (Security Service, GCHQ and SIS), the Ministry of Defence, Home Office, Foreign Office, Police, Department for Transport, Office for Civil and Nuclear Security, HMCE, and Department of Health, and Cabinet Office. The Head of JTAC could come from any of the 3 intelligence agencies and the DIS.

JTAC receives all intelligence relevant to international terrorism, and has teams of analysts, who assess this intelligence, set threat levels, and report this assessment to a wide range of government departments and agencies.

It is important that JTAC includes both intelligence producers and consumers.

JTAC does not provide risk assessments: it is for departments to use their own expertise and experience together with JTAC's threat assessment or advice to produce a risk assessment that informs the Departments' strategic resource allocation decisions and prioritisation.

JTAC assessments contribute to assessments made by the Joint Intelligence Committee that is also responsible for strategic assessments of the international terrorist threat and related issues. It also works closely with the US Terrorist Threat Integration Centre and other partners worldwide⁵¹.

6. The fight against the financing of terrorism

6.1. General background

Both the Terrorism Act 2000 and the Anti-Terrorism, Crime and Security Act 2001 are the main relevant pieces of legislation in addition to the ratification of the UN Conventions and in particular the UN Convention for Suppression of Financing of Terrorism that the UK ratified in February 2000.

⁵¹ In May 2004, the Spanish State Secretary for Security and the director of the newly created National Antiterrorist Co-ordination Centre (CNCA) visited JTAC. The State Secretary for Security has invited JTAC to visit the CNCA in Nov 2004 in order to share its experience.

The UK also complies with the FTAF 8 special recommendations⁵² and implements the UNSCR 1373 (Terrorism) and the UNSCR 1267 (Taliban), UNSCR 1333 (Usama bin Laden) and 1390 (Taliban/UBL). In this domain, the Treasury is responsible for the UN financial sanction regimes that are enforced by the Bank of England Sanctions Unit. This unit has issued 13 Notices requiring financial institutions to freeze the assets of named individuals and entities since 11 September⁵³. An Interdepartmental Group has been established to oversee the implementation of UNSCR 1373.

6.2. The intelligence and law enforcement dimension

In this field main key players are the Security Service that works closely with dedicated law enforcement bodies, principally the Special Branch.

- The National Criminal Intelligence Service, which is the UK's Financial Intelligence Unit, houses the Economic Crime Branch (ECB). ECB handles suspicious transaction reports and is the national reception point for disclosure. The Economic Crime Branch is staffed jointly by police and customs officers. NCIS includes a Terrorist Finance Team (TFT) that was set up on 15 October 2001 and is made up of specialist personnel from law enforcement, regulatory and intelligence agencies. TFT is part of the ECB and complements the existing bodies responsible for combating terrorist financing in the UK. NCIS's key partners are HM Customs and Excise, regional police forces, the National Crime Squad of England and Wales, the Organised Crime Task Force and the Scottish Drug Enforcement Agency on the basis of partnership agreements, working protocols and memoranda of understanding.
- The National Terrorist Financial Investigation Unit (NTFIU) based within Special Branch at New Scotland Yard is the law enforcement agency responsible for the investigation of terrorist finance in Great Britain. It supplies experienced terrorist finance investigators to the Terrorist Finance Team at NCIS.

⁵² For instance a new domestic supervisory regime was introduced to ensure that bureaux de change and money transmitters implement money-laundering regulations effectively.

⁵³ Cf. also the role of the Financial Services Authority

7. Good practices and recommendations

In general terms, the UK counter terrorism machinery as a whole is effective and involve all partners with a key interest in preventing and combating terrorism. A wide system consisting of law enforcement bodies and intelligence agencies as well as numerous co-ordinating bodies provides an efficient network with one voice. There is systematic screening of existing arrangements and security gaps, with political backing for a long-term and joined up approach.

7.1. Good practices

In the opinion of experts good practices are as follows:

- The UK adopted a wide approach to the new terrorist risk and systematically screened for vulnerabilities before adopting/implementing appropriate policy/measures in the light of the new nature of the threat from international terrorism (a global counter terrorism strategy in response to a global threat).
- This applies to counter terrorism legislation including the fight against the financing of terrorism at both national and international level.
- The capacity to co-ordinate security, intelligence and consequence management matters at the centre of Government has been enhanced (cf. the appointment of a Security and Intelligence Co-ordinator and Permanent Secretary to the Cabinet Office as well as the role devoted to the CCS, cf. also crisis management COBR level that provides a co-ordinated government response and arranges any necessary assistance to the police that has the lead on the ground. The Home Office Counter Terrorist Contingency Planning Guidance has been issued to all police Chiefs Officers).
- The Home Secretary clearly has the lead and his wide range of responsibilities facilitates a pivotal role in counter terrorism. In fact he co-ordinates all aspects of counter terrorism including resilience.

- In terms of preparedness, structural and legislative improvements have been made or are expected including guidelines on respective roles of local, regional and central authority. In this domain, the UK pays attention to exercises (lessons to be learned) and not just to classroom exercises to test all procedures (coherence and efficiency of the network, response and effectiveness of the response).
- In that domain as in others (for instance in the area of intelligence gathering) there is no department and/or agency solely responsible for the terrorist threat and a co-ordinated approach has been adopted.
- Countering terrorism requires the integration of political will, diplomatic efforts, and military involvement in addition to the work of intelligence and law enforcement bodies.
- The permanent and effective culture of "joined up approach" (or "network approach" of counter terrorism) and its consequence – "joined up operative mechanism/system" – leads to co-ordination and co-operation and this in particular applies to the respective role and work of intelligence and law enforcement bodies.
- The assessment of the threat is a continuous process at various levels and from that perspective the creation of JTAC and its "philosophy" was a remarkable innovation that fully demonstrated the already mentioned "joined up approach". In particular JTAC ensures that the person responsible will have relevant information in a proper and timely way and for the purpose of threat assessment has access via "customer departments" to relevant databases and information sources.
- Terrorism is treated as a threat to national security, and as such, lead responsibility rests with the security service. But the police have the executive powers, which are required, when an investigation moves to arrest suspects on the basis of a criminal offence.
- The law enforcement bodies and intelligence agencies fully took into account the threat from international terrorism and consequently its impact led them to re-allocate resources. Most relevant Special Branch resources are counter terrorism oriented in the long run.

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- The respective roles of the Police, the Special Branch and the Security Service -whose lead is unequivocal - are dependent on the division of responsibilities and there is no overlap or confusion. They act together on the basis of an extremely longstanding co-operation and institutional and operational arrangements. Special Branch bridges the police and intelligence agencies and this point is undoubtedly crucial to ensure the effective co-operation and exchange of information.
- The Security Service's National Security Advice Centre (NSAC) and NaCTSO's works (protective security) is valuable in both reducing vulnerability to terrorist threats and increasing the awareness of a terrorist event. In connection with this work, the public information policy is to be mentioned.
- In addition, the new Special Branch guidelines focus on the need to give counter terrorism greater priority within the wider police service agenda. The close partnership that already exists between Special Branch and the Security Service will be further enhanced if this is achieved.
- The role and the importance of the role of ACPO in general and ACPO (TAM) in particular is to be highlighted in the UK context.
- The list of proscribed organisations is also considered as valuable tool.
- International co-operation (including the EU aspects) are considered as essential for countering terrorism worldwide and internally. This applies to all bodies/agencies and entities involved.
- In the area of countering the financing of terrorism, the existence of the Charity Commission that is a quasi-judicial department is very good practice.

7.2. Recommendations

7.2.1. As above-mentioned the experts consider the appointment of a national co-ordinator of Special Branches and the creation of a regional network of Special Branch intelligence cells as improvements and good practices.

7211. The national co-ordinator of Special Branches

In this domain, they took note of the limited role of this co-ordinator that is only tasked with an advisory function with a focus on co-ordination and promulgation of Special Branch Policy, standards and codes of practice for Special Branch activity, implementation of best practice and policy within Special Branch. He will also review annually guidelines for Special Branch and will report on them and will make recommendations for amendment if appropriate. However, this does not affect, constitutionally, the existing situation: the Chief Police Officer is the only person responsible for implementing the guidelines and for solving local difficulties related to for instance the allocation of resources with regard to other police missions.

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- (i) assess the role and importance of Special Branches in the counter terrorism area within each police force (with the aim to solve difficulties on the basis of exchanges of views with the Chief Police Officer and relevant entities)⁵⁴
- (ii) ensure that guidelines are effectively implemented (keeping in mind that some police force have no important staff and that the operational capability of individual units depends very much on their size).

These additional tasks will provide the national co-ordinator of Special Branches with material in order to report to the Home Office and ACPO (TAM) and to propose amendments to the existing guidelines including best practices.

7212. The regional network of Special Branch intelligence cells

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⁵⁴ "Prior to 11th September 2001 some forces were downsizing their Special Branches on the basis of a perceived reduction in the overall threat to national security. Since then there has been a limited re-appraisal of commitment based on the UK response to global events and the evident requirement to ensure that the UK's security arrangements are fully effective" (HMIC Thematic Inspection of Special Branch and Ports Policing). The report also mentions that it is "evident that the operational capability of individual units depends very much on their size, the smaller units having neither the officers nor resources to meet the full range of operational requirements. It (is) also apparent that the large number of Branches and the disparities in their size, command structures and influence creates difficulties particularly in their interaction with key partners".

7.2.2. The National Co-ordinator of Counter Terrorist Investigations

The National Co-ordinator may, by invitation of the relevant Chief Constable, assume responsibility for the co-ordination and direction of enquiries into terrorist and other related activity. In practice, the national co-ordinator will invariably be invited to act because he provides vital additional resources. Given the complexity of issues related to international terrorism⁵⁵ and the need to properly deal with, the experts consider that the National Co-ordinator should be able to operate on his own authority. This conclusion and suggestion is logic and constitute both a potential development and a follow up of what implicitly exists de facto. Another point is that, apart from the MPSB mainly, other police force would face difficulties where dealing with major terrorist investigations (e.g. in case of CBRN attack) and would stand-alone. In such a case in particular, centralisation and effective dissemination of all kind of information as well as the involvement of partners abroad are crucial in order to investigate all dimensions of the terrorist event.

In addition to this, the experts suggest the examination of a related development that could be the establishment of a permanent National Counter Terrorism Co-ordination body or mechanism taking into account existing arrangements. This body or mechanism would be responsible for the exchange of operational information (mainly in the field of prevention of terrorist acts and ongoing investigations) among all law enforcement bodies, the intelligence agencies and other bodies with a key interest and role in this area (cf. the findings of the post analysis of the terrorist attacks in Madrid). At another level, the experts note that the appointment of a Security and Intelligence Co-ordinator and Permanent Secretary in the Cabinet Office aims at enhance co-ordination at the centre of government and at overcoming difficulties related to the existing structural organisation.

The experts add that, in the past, the National Criminal Intelligence Service and the National Crime Squad were the appropriate response to the need to address trans-national crime. It is not in the view of experts that combating international terrorism is a less complex or delicate issue than combating trans-national crime. This has been obviously demonstrated by the UK reaction to 11 September 2001 and recent major terrorist attacks in the EU and in other countries.

⁵⁵ From this perspective, it is not needed to recall that recent major terrorist attacks were subject to "international investigations" e.g. the terrorist attacks in Madrid. Cf. the concept of global threat.

7.2.3. Common counter terrorism police database

Possibly in connection to the previous point, the experts note that each police force including Special Branch has its own database and that there is no single Special Branches database dedicated to counter terrorism.

The current situation is as follows: information held by regional forces and not uploaded to the Police National Computer⁵⁶ is only available through phone calls or meetings. This PNC does not include a specific working database on terrorism and more precisely there is no central or common Special Branch database on terrorism. In this domain, a Special Branch has no way of knowing what intelligence, if any, is held on a particular individual by another Special Branch and in this area in particular, intelligence held by individual Special Branch must be available nationally. Consequently the experts recommend to set up as a priority a national intelligence sharing capability in that domain for Special Branches with the aim to make intelligence available to all Special Branches on the basis of data quality and timeliness standards. The prerequisite to that national intelligence sharing capability is provide police forces in general and Special Branches in particular with compatible technical equipment⁵⁷.

⁵⁶ This database consists of several relational databases for instance on criminal records. The Police Information Technology Organisation (PITO) provides and maintains PNC. However the responsibility for how the equipment is used and the quality of the data rests with individual chief officers. PNC is currently the only truly national police computer system. Cf in this domain the Second Report on the Inspection by HMIC Police National Computer Data Quality and Timeliness. Link with the Schengen Information System (SIS) is expected in 2005 and it will be enabled through the Sirene UK bureau.

⁵⁷ According to the Bichard Report that was published on 22 June 2004 (inquiry into the employment of Soham murderer Ian Huntley in a school) there is no common IT system for managing criminal intelligence and that each police force has a variety of IT systems with as practical consequence that interfaces between systems at force-to-force level are almost non-existent. Cf the document Confident Communities in a Secure Britain for the response to the Bichard Report. Cf in particular the HMIC Thematic Inspection of Special Branch and Ports Policing. The report mentions that the creation of a national IT system to help the police combat terrorist threats is "in need of urgent attention". It also specifies that Special Branch "lacks adequate IT overall", and that a national IT network would "significantly enhance effectiveness". Experts are aware of current work in this domain within ACPO (A joined-up national IT system for Special Branch is currently being developed by ACPO that will identify the current and future IT needs for Special Branch on a national level) and of the Government response by Home Office Minister John Denham.

7.2.4. Special Prosecutors for terrorist cases

In the area of the Crown Prosecution Service, it is suggested to appoint special prosecutors for dealing with terrorist investigations by the police in most sensible areas (at regional level). They will be experts and a central contact point for all local police agencies dealing with the problem⁵⁸.

⁵⁸ Experts note that in April 2004 the Home Secretary, Attorney General and Director of Public Prosecutions launched A new team of specialist prosecutors will be responsible to the local community for pursuing anti-social behaviour cases through the courts.