

# REPORTING TERRORISM

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1. Mainstream western journalists are not, of course, terrorist sympathisers. But terrorism is unique among crimes in that the *appearance* matters more than the *reality*. And because it is still journalists who to a large extent determine how many people are watching and what they see, those who report on terrorism find themselves in a uniquely intimate relationship with the subject. At the same time, they find themselves potentially affected by a number of laws that impinge on their freedom to research and to communicate. So journalists active in this field face some dilemmas that do not confront the ordinary crime reporter or features writer. I propose to explore some of those differences this evening.
2. But to put them in perspective, I need to start with some words about the threat from terrorism – distinguishing between the *perception* and the *reality* – and the objectives of the terrorist. Then I shall go on to look at the particular position of the journalist whose work takes them into terrorism, first as *investigator* and then as *reporter*.

## THE THREAT

### Perceptions

3. The European Union conducted a Eurobarometer survey in the autumn of 2018 on “*the two most important issues facing the EU at the moment.*” Though the survey came after a year devoid of major atrocities in Europe, terrorism was still considered to be the second most important issue, well behind immigration but ahead of the economic situation, unemployment, climate change and crime. In this six-monthly poll, terrorism has been in first or second place continuously for more than three years. Brexit did not make the top 12.
4. In the United States, the preoccupation with terrorism is more striking still. In a Pew research poll early last year, citizens were asked to identify what they considered to be the top policy priorities for the President and Congress. In first place, identified

by 73%, came responding to terrorism – a more popular answer than healthcare costs, reducing crime and race relations.<sup>1</sup>

5. In a *global* Pew Research poll of more than 40,000 people, conducted shortly before that in 18 countries across the world, ISIS was the most commonly-named “major threat to our country”. More people mentioned ISIS than global warming by margins of between 10 and 25% in the UK, France, Germany, Italy, Poland and the US. In Canada, Spain, Sweden and the Netherlands perceptions of the two were more evenly balanced. Other threats – cyber-attack, the condition of the global economy and Russian and Chinese influence – finished well down the list in all countries save those most immediately exposed, for example as neighbours of China.<sup>2</sup>
6. Nor is concern about terrorism directed solely to ISIS, or the jihadist ideology of which ISIS is the latest expression. Extreme right wing views now account for almost a third of referrals to Channel, the mentoring programme designed to stop Britons from being drawn into terrorism. That may do something to reassure Muslims that anti-terrorism policy is not only concerned with them. But it also reminds them that they are potential victims. And no such reminder is needed by the Jews, who are targeted by both types of extremist – and by some on the left as well. The overall *impression*, as in many western countries, is of society facing a *huge*, some have even said *existential* threat from terrorism, which takes multiple forms and from which nobody is immune.

### **The reality**

7. How do those perceptions stack up against the reality of terrorism?
8. Those who suffer in terrorist atrocities can never be reduced to mere numbers, any more than can the victims of other kinds of crime. But to be brutally frank about it, the numbers are not large.
  - a. 89 innocent lives have been taken in the UK by Islamist terrorists in the 17 years since 9/11: around 5 a year on average.<sup>3</sup> Nearly all these lives were lost in the 7/7 bombings of 2005 and the London and Manchester attacks of

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<sup>1</sup> <http://www.pewresearch.org/fact-tank/2018/09/11/defending-against-terrorism-has-remained-a-top-policy-priority-for-americans-since-9-11/>

<sup>2</sup> <http://www.pewglobal.org/2017/08/01/globally-people-point-to-isis-and-climate-change-as-leading-security-threats/>

<sup>3</sup> <http://researchbriefings.files.parliament.uk/documents/CBP-7613/CBP-7613.pdf>

2017, which are to this day the only instances of multiple-casualty jihadist plots on UK soil.

- b. To those must be added the small number of deaths still attributable to paramilitary violence in Northern Ireland,<sup>4</sup> and three murders by right-wing extremists since 2013 – including the killing of Jo Cox MP – that crossed the line from hate crime to terrorism.<sup>5</sup>
9. Everyone in Britain remembers the brutal killing by two Muslim converts of the off-duty soldier Lee Rigby, in 2013. But few could name even one of the other 186 people to be killed that year in England and Wales by a knife or bladed instrument. There was another such tragic incident here, today: the fatal stabbing reported in central Colchester this morning.
10. In America, an annual average of around 10 deaths from all forms of terrorism since 9/11<sup>6</sup> compares to an annual total of well over 10,000 homicides by firearm.<sup>7</sup> This is the country where, you will remember, sorting out terrorism is seen as a more important federal priority than reducing crime.
11. Terrorism is different in one sense: it strikes symbols of our democracy, and of our state; and it spreads fear by attacking randomly on religious, cultural and festive occasions. Such elements render terrorist crimes more serious, a factor which the courts reflect in their sentences. But violent acts of terrorism are invariably offences under the ordinary criminal law; and the grief of the bereaved is the same, whatever the motivation of the attack.
12. The reality is that the *actual* threat from terrorism in the West, eye-catching and tragic though its occasional manifestations are, is modest in scale when compared to other types of violent crime, to other causes of death such as hospital-acquired infections, or, I suggest, to other types of national security threat such as epidemic, cyber-attack, nuclear proliferation or the manipulation of information sources to threaten our democracy.
13. Yet we have allowed ourselves to be persuaded that terrorism is a threat of a uniquely serious kind, at home as well as abroad. How did that come to be? The

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<sup>4</sup> [https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/security-situation-statistics/2018/august/security-situation-statistics-to-august\\_2018.pdf](https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/security-situation-statistics/2018/august/security-situation-statistics-to-august_2018.pdf)

<sup>5</sup> The murders of Mohammed Saleem (2013), Jo Cox MP (2016) and Makram Ali (2017).

<sup>6</sup> [http://www.start.umd.edu/pubs/START\\_AmericanTerrorismDeaths\\_FactSheet\\_Nov2017.pdf](http://www.start.umd.edu/pubs/START_AmericanTerrorismDeaths_FactSheet_Nov2017.pdf)

<sup>7</sup> <https://www.vox.com/policy-and-politics/2017/10/2/16399418/us-gun-violence-statistics-maps-charts>

answer, I'm afraid, is that Islamist terrorism in particular has punched well above its weight. And we have helped it to do so, in part by failing to understand its purpose.

14. So what are the terrorists' objectives?

## WHAT TERRORISTS WANT

### The objectives of terrorism

15. Louise Richardson, Vice-Chancellor of Oxford University, answered that question in her book *"What do Terrorists Want?"*<sup>8</sup> Leaving aside the specific political objectives of the separatist or nationalist terrorists that we saw for example in Northern Ireland or in Sri Lanka, her answer was the Three Rs: *Revenge* (for their grievances), *Renown* (for their actions) and *Reaction* (from the state where they are operating).

### *Attention and fear*

16. The emphasis on reaction is particularly important. What reactions are terrorists looking for?

17. *Attention*, first of all, and *fear*. As envisaged by the Anarchists of Josef Conrad's day, terrorism is, after all, *"the propaganda of the deed"*. For these purposes a visual spectacular is best of all – particularly if, like the Twin Towers attacks, it plays well on television. But as time has gone by, the realisation has dawned that the same effect can be produced by something much lower-budget: As Brian Jenkins wrote in 1975, the terrorist needs only *"a lot of people watching, not a lot of people dead"*.

18. A blood-stained machete, as brandished by the killers of Lee Rigby in 2013 who lingered on the scene to ensure that they were filmed. The dressing of victims in orange jumpsuits, to imitate Guantanamo. Beheading with swords, drowning in cages. Electronically-captured images of ideological cruelty, medieval barbarity. All planned, of course, with the specific aim of seeing those pictures flashed around the world, respectable news sources screaming TERROR, the reader or viewer shocked, transfixed and eager for more.

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<sup>8</sup> [https://www.amazon.co.uk/What-Terrorists-Want-Understanding-Containing/dp/0812975448/ref=sr\\_1\\_1?s=books&ie=UTF8&qid=1538129914&sr=1-1&keywords=what+terrorists+want](https://www.amazon.co.uk/What-Terrorists-Want-Understanding-Containing/dp/0812975448/ref=sr_1_1?s=books&ie=UTF8&qid=1538129914&sr=1-1&keywords=what+terrorists+want)

## ***Over-reaction***

19. The reaction sought by the terrorists is not limited to our attention and our fear: better still, if they can achieve it, is an *over-reaction* by the Government. As the terrorists rightly see, it is by such over-reactions – particularly if targeted on the community from which they seek their recruits – that Governments play into their hands.
20. This was explained after the Charlie Hebdo attack of 2015, when the Islamic State magazine ran a leading article entitled “The extinction of the Grayzone”. Further terrorist attacks would, they advised, “*bring further division to the world*”. In other words, if you can provoke *non-Muslims* – whether in government, the media or on the street – to treat *Muslims* with fear and hostility, then Muslims who previously shunned conflict may begin to feel marginalized and heed the call of the more radical voices among them.
21. The attempt to provoke an overreaction is a strategy common to the Islamists and the extreme right wing. The former paint a picture of oppressive police powers, rampant Islamophobia, and an unfeeling state trampling on cherished religious beliefs. The latter complain of creeping Islamisation, a dangerous immigrant horde and a state that has lost the will to defend its people. Their behaviour is not only similar but symbiotic: in places like Luton, they feed off each other. For each tribe, the best evidence of the narrative it seeks to confect is the opposite tribe, which it therefore needs and promotes.
22. The power to provoke an over-reaction is a force multiplier for terrorism. In his recent book *Homo Deus*, Yaval Noah Harari puts it like this:

“Terrorists are like a fly that tries to destroy a china shop. The fly is so weak that it cannot budge even a single teacup. So it finds a bull, gets inside its ear and starts buzzing. The bull goes wild with fear and anger, and destroys the china shop.”
23. Anyone who has watched the American news channels in the aftermath of even the smallest and most inconsequential Islamist attack will know what he means. Nor, I’m afraid, are we immune from this tendency in Europe.

## THE ROLE OF JOURNALISM

24. So that, for me, is what terrorism is about. What are the risks for journalists who are attracted, as so many of us have been, by the powerful allure of the T-word, or who simply want to help the rest of us understand its perpetrators?

### **Journalists as *victims* of terrorism**

25. The first risk, to put it bluntly, is of death, personal injury or capture. Journalists, editors, cartoonists, photographers and other media personnel are, to a greater extent than perhaps any other occupational group, the *victims* of terrorism – and not only in terrorist heartlands abroad. We think of the six journalists held hostage by Hezbollah in 1980s Beirut; of Daniel Pearl, the Wall Street Journal correspondent decapitated by al-Qaeda in 2002; of Simon Cumbers, the cameraman shot dead two years later in Saudi, in the incident which disabled the BBC's irrepressible security correspondent Frank Gardner; of the gruesome beheadings of American, British and Japanese journalists by ISIS in 2014 and 2015; and of the British photographer and correspondent John Cantlie, kidnapped in 2012 with a colleague, whose fate remains unknown. But closer to home, we think also of the repeated attacks and plots against the offices of Jyllands-Posten and other newspapers that reprinted the Danish Mohammed cartoons, among them Charlie Hebdo which was firebombed in 2011 and lost no fewer than eight cartoonists, columnists and editors when its editorial meeting was attacked in January 2015.

### **Journalists as *investigators* of terrorism**

26. So there are risks enough in reporting and commenting fearlessly on terrorism and terrorism-related issues. But the value of good investigative reporting is very great; and as I mentioned, one objective of terrorism is to force governments into over-reaction, not least by the enactment of repressive laws. Have those laws impacted on *journalistic investigation*, to the point where they are prevented from doing their job or at least, and more indirectly, so as to create a chilling effect which deters them from taking certain stories on?
27. Here, I would suggest, there is a danger: but it is greater in theory than in practice.

### ***Section 38B***

28. We have a full armoury of anti-terrorism laws and procedures, some of them catching conduct quite peripheral to the actual attack and most of which apply

without distinction to the whole population, including journalists. Thankfully we also have a lively human rights culture in NGOs and the legal professions, which means that these laws are routinely tested in our own courts and, if necessary, before the European Court of Human Rights. Where they are found wanting, as in the case of the Terrorism Act no-suspicion stop and search power that was still so resented when I started reviewing the counter-terrorism laws in 2011, they are repealed.

29. One provision that has not been challenged in this way but that has always seemed to me *potentially* problematic for journalists is the legal requirement on all of us to disclose to the police any information which we know or believe might be of material assistance in preventing an act of terrorism or prosecuting somebody for committing, preparing or instigating an act of terrorism. This is currently known as section 38B of the Terrorism Act 2000, which importantly acknowledges a reasonable excuse defence, though it has antecedents going right back to the medieval offence of misprision of treason.
30. Journalists have a duty to protect their sources; yet section 38 would seem, in certain circumstances, to require them to *shop* those sources. Does that offence operate as an impediment, or at least a disincentive, to investigative journalism in this field?
31. A piece, published last month by the former BBC Newsnight producer, Richard Danbury, concludes that the case for repeal has not been made out.<sup>9</sup> Danbury notes that there is a distinction between the *proactive* duty to inform imposed by section 38B and the *reactive* duties that may arise in other contexts when the state seeks information from a journalist. But section 38B has been useful in prosecuting friends or family members of terrorists for concealing information about what they are planning. And it is not self-evident that journalists should be exempted from a duty that applies to all other citizens – not least because of the difficulties, in this age of the citizen journalist, in defining who journalists are. As Danbury himself says, “*Surely a serious journalist, or indeed any responsible citizen, should have no objection to helping the police prevent terrorism?*”
32. It is easy to agree with this, in the classic if largely apocryphal ticking time bomb scenario. But what if a source, or one of their contacts, had a more peripheral or historic role in terrorist activity? Could journalists be deterred from investigating their stories by fear of being prosecuted for failing to inform the police of potentially criminal behaviour? Some of his interviewees told Danbury that section 38B might

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<sup>9</sup> R. Danbury, “Investigative journalism and terrorism: the proactive legal duty to report” in *Journalism Power and Investigation*, S. Price ed., Routledge 2019. Cf. D. Anderson, *The Terrorism Acts in 2015*, December 2016, 9.38-9.42.

indeed chill certain sorts of investigation: into those who have returned from Syria, for example, or the sort of story where the interviewee says “*I’m a good guy, I’m fed up with fighting*”.

33. But like Danbury, I found few journalists who felt strongly enough about this to press for the repeal of section 38B. Perhaps they were mollified by the existence of a reasonable excuse defence, and by the fact that no journalist has ever been prosecuted under this law or its predecessors. The closest anyone came to that, strangely enough, was the young Jeremy Paxman, who as a Panorama reporter in Northern Ireland, failed to inform the authorities of an Irish National Liberation Army roadblock set up in October 1979. The Attorney General sent a furious letter to the Chairman of the BBC, and Paxman was summoned by the police though not in the end charged with any offence. You can read more about it in his 2016 memoir, *A Life in Questions*.
34. As independent reviewer, I explored the possibility of what Danbury *does* recommend: an amendment to the CPS guidelines for prosecuting cases involving the media. But as the CPS and a former Attorney General were keen to emphasise to me, the existing guidelines give a very high priority to the freedom to receive and impart information, including in cases where there is an express public interest defence.

#### ***Law vs discretion***

35. This reliance on prosecutorial discretion as a guarantor of journalistic freedom may still be considered less than ideal. In the 2013 terrorism appeal of *R v Gül*, the Supreme Court warned against Parliament delegating to the DPP or to the Attorney-General the power to decide whether an activity should be treated as criminal for the purpose of prosecution. That, as the Supreme Court said, leaves citizens unclear whether their actions or projected actions will be judged to be criminal and risks undermining the rule of law.
36. But across the field of counter-terrorism law, those fine principles are honoured more in the breach than in the observance: the combination of a desire for maximum flexibility on the part of prosecutors and police, coupled with a House of Commons which is normally only too ready to comply with what the authorities ask for in the emotively charged area of counter-terrorism, particularly in the aftermath of attacks which is when these Bills tend to be introduced.



37. The House of Lords, with its substantial independent element, is less easily swayed. But our influence on the content of these Bills is always likely to be limited without the support of the major opposition party, something I have seen for myself over the past few months as the new Counter-Terrorism and Security Bill has completed its parliamentary passage, improved but still replete with examples of very much the sort of new offence that the Supreme Court was deprecating in *R v Gül*.
38. To be fair, politicians may be more ready to listen to calls for special treatment from journalists than they are from other affected groups – for what reason one can only speculate. As an example, take the new declared area offence in clause 4 of the CT and BS Bill, which for the first time will make it a criminal offence for UK citizens or residents to travel to or remain in areas which have been designated by the Secretary of State for the purpose of protecting members of the public from the risk of terrorism. Under similar laws in Australia and Denmark, Raqqa and Mosul have been designated: the UK's Security Minister indicated that he might go further.
39. That rather novel and far-reaching offence did not form part of the Bill as introduced, being introduced as a Government amendment only at third reading in the House of Commons. When it reached the House of Lords I, with others, drafted amendments to exclude various groups from its application, including those carrying out work as a journalist, those providing aid of a humanitarian nature and those who were engaged in conflict negotiation or peacebuilding. The easiest task was to persuade the Government to exclude journalists, who enjoy exemption from the law without having to prove reasonable excuse as in the case of section 38B; aid workers were eventually excluded too, but peacebuilders, despite some warm words spoken in debate, must take their chances with the law.
40. The Investigatory Powers Act 2016 – the so-called Snoopers' Charter – also contains some fairly solid protections for journalists,<sup>10</sup> as do the various powers for stopping people on national security grounds at ports and airports.<sup>11</sup> The courts have been generally helpful, notably in the case brought by Edward Snowden's accomplice David Miranda,<sup>12</sup> but Parliament too is generally sensitive to journalistic concerns.

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<sup>10</sup> Sections 28, 29, 53, 77, 113, 114, 150, 154, 195, 264. However, while applications for authorisations to identify or confirm journalistic sources may be granted only if a Judicial Commissioner (a serving or retired senior Judge) is satisfied that there is an overriding public interest, journalists are not afforded the right to appear and make submissions before the Commissioner, as some had argued that they should be: section 77.

<sup>11</sup> Counter-Terrorism and Border Security Act 2019, Schedule 3, para 12, and equivalent safeguards under Schedule 7 to the Terrorism Act 2000.

<sup>12</sup> *R (Miranda) ex p SSHD* [2016] EWCA Civ 6.

41. So while it is still certainly safer to meet a contact in an underground car park armed only with notepad and stubby pencil, our law does at least provide a framework for protecting journalistic sources from state surveillance. In that respect I should refer to the broader comments of the UN Special Rapporteur on the Right to Privacy, Professor Joe Cannataci, who reported in June 2018 that “*the relatively extensive safeguards now provided by UK law are in very good hands indeed*” and that “*the UK is now co-leading with that tiny minority of EU states which have made a successful effort to update their legislative and oversight frameworks dealing with surveillance*”.<sup>13</sup>
42. There are other aspects of this subject which there is no time to touch on this evening: for example, the lack of journalistic access to legal proceedings where national security-sensitive information is deployed.<sup>14</sup> But my overall answer to the question of whether the British Government has shackled the freedom of journalists by over-reacting to the terrorist threat is a cautious no. Our counter-terrorism laws have some unsatisfactory features - I have identified a number in recent speeches in the House of Lords – but it would be an exaggeration to claim that our democratic values being extinguished by measures designed to protect them.<sup>15</sup> There are much more serious threats to the future of investigative journalism, not least – and I don’t need to tell any journalist this – the collapse in revenues owing to competition from more targeted social media advertising models.

### **Journalists as *reporters* of terrorism**

43. Social media is also ever-present when we turn from investigations to the other side of the journalistic equation: *reporting* on terrorism. Certain principles, enforced by OFCOM, by the Independent Press Standards Organisation IPSO and by Editors’ codes have long been benchmarks for good journalism in this area:
- a. the vital importance of the media in explaining what is happening and why;
  - b. impartiality, accuracy and the avoidance of unjustified harm and offence.
44. But in a hyper-competitive media market, where the open internet is constantly available to consumers on the same screens as traditional and broadcast media, the temptation to stretch these boundaries can be irresistible. Indeed if you will forgive

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<sup>13</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23297&LangID=E>.

<sup>14</sup> See *Guardian News Media v R and Incedal* [2016] EWCA Crim 11.

<sup>15</sup> See the conclusion of my last regular report as Independent Reviewer of Terrorism Legislation, *The Terrorism Acts in 2015*, December 2016, chapter 11.

a personal anecdote, the temptation can be pretty strong even in less urgent circumstances.

45. In summer 2017 I made a programme for Radio 4 called “Understanding Prevent”, still available as a podcast, in which I started with the Manchester bomber Salman Abedi: raised and educated in the UK, but drawn into the murder of young children at a pop concert without anyone in authority having identified or tried to stop his radicalisation. Hoping to hook listeners into the programme, my producer and I chose a contemporary recording in which the suicide vest explodes and onlookers can be heard reacting in panic. The BBC compliance people demurred, telling us that exceptional reasons were required for a moment of death to be broadcast; and yet to my discredit I pressed the matter to a formal ruling, after which we were quite rightly told to settle for something less controversial: the ambulance sirens that came after the attack.
46. In retrospect the compliance people were completely right: but that brief and wholly amateur experience as a programme maker gave me some insight into how strong the impulse is for impact, and how difficult it is to rely wholly on judgments made by journalists in the heat of the moment.

### ***Covering attacks***

47. I can only imagine how much stronger the pressure must be when an attack is actually breaking, and split-second decisions have to be made: what footage to transmit; when to give a name or hazard a motivation; whether to interview children; how far to intrude into privacy or grief; how to react to the reporting of less cautious media, or to social media gossip. The staple decisions of crime reporting, but given more intense significance by the guaranteed audience for anything to which the T-word can be attached, and by the fact that as we have seen, the very essence of terrorism – unlike any other type of crime – lies in the attention, the fear and the reaction that it is able to provoke.
48. Those pressures reached their apogee with the killing of the off-duty soldier Lee Rigby on the streets of Woolwich on 22<sup>nd</sup> May 2013. As I have already mentioned, this was one of 187 deaths by knife or bladed instrument in England and Wales that year. The act itself required only a small car to knock the victim down, and two machetes to hack him to death. But its propaganda value was ensured after the death, when the killers – rather than fleeing the scene – lingered to be filmed by the members of the public as they ranted about injustice, bloodstained machetes in hand.

49. They could not have hoped for a more dramatic reaction: a denunciation from the White House by Barack Obama, David Cameron cutting short a foreign visit, convening COBRA, and forming a counter-extremism task force which in response to the attack produced some of the most illiberal ideas yet floated to counter Islamist ideology, fortunately never given the force of law. One personal recollection: at the time of the killing I was at a national conference in Birmingham of the police counter-terrorism network. Within minutes, police at the conference – conscious that after almost eight years during which there had been not a single fatality from Islamist terrorism in the UK – started referring to this car and knife attack on a solitary individual as “22/5”.

50. These responses were preceded by and in part no doubt prompted by the media reaction – which was to gobble up the bait so temptingly laid by the killers. The ranting, bloody images were shown on every main UK channel except Sky News, and across much of the rest of the world. 23<sup>rd</sup> May saw seven pages of coverage in the Daily Mail; on 24<sup>th</sup> May this rose to 13. It is hard to disagree with the verdict of Simon Jenkins:

"Tabloid terror invited tabloid government ... While imitators were encouraged to imitate, racist extremists were invited on to the streets in retaliation. All sense of proportion departed. We were soon at terrorism's apotheosis, violence dignified on the altar of fame. ... It is this echo chamber of horror, set up by the media, public figures and government, that does much of terrorism's job for it."<sup>16</sup>

51. The broadcast media coverage prompted 700 complaints to OFCOM, a high proportion of the annual total of some 20,000 complaints on all subjects. In subsequent comments Adam Baxter, Principal of Standards and Audience Protection at OFCOM, emphasised the importance of editorial judgments – whether to show the footage repeatedly, with or without prior warnings, moving pictures or just stills, with blurring of the attacker’s face or the victim’s body, with or without sound. But having reviewed the various complaints, and in the light of the Article 10 right of the audience to receive information and ideas, OFCOM’s conclusion was that all content was compliant with its Code.<sup>17</sup>

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<sup>16</sup> S. Jenkins, “Woolwich attack: this echo chamber of mass hysteria only aids terrorists”, *The Guardian* 23 May 2013.

<sup>17</sup> Comments at Council of Europe Colloquium on the role of media actors in confronting terrorism, 19 June 2017, video available online.

52. Fair enough: but is there a bigger picture here? Looking back from almost six years on, terrorism experts have seen Lee Rigby's killing and the global media coverage it attracted as something of a turning point in jihadist tactics in the West. The aim, as always, is to attract attention: but as this incident showed, saturation coverage can be achieved without anything as dramatic as bombs on public transport or aircraft colliding with tall buildings. Just one murder using everyday objects will do it, if the accompanying propaganda is sufficiently gruesome, and the media sufficiently keen to give it airtime. That lesson has been well learned in the recent wave of do-it-yourself jihad. In the four calendar years following Lee Rigby's murder, vehicles were used as weapons in 11 terrorist attacks in Europe, causing 45% of injuries and 37% of deaths in all Islamist plots in that continent. The methodology pioneered by Rigby's killers – a vehicle mounting the pavement, followed by knife attacks, was used in both the Westminster and the London Bridge attacks of 2017.
53. So while it is reassuring to learn that OFCOM's Code was not contravened by broadcast coverage of the attack, I am struck by the effect that the non-contravening media coverage has had. One feels nostalgic for the far more measured way in which terrorism was handled by the media, even at the height of the Troubles, and one has to wonder if more cannot now required by way of self-restraint.
54. How that is to be achieved is another matter, particularly against the backdrop of the open internet. After Charlie Hebdo, some French newspapers including *Le Parisien* announced that they would no longer give terrorists' names or broadcast their photographs – but as a French journalist put it to me, "*Of course, this was a lost cause in a global world and in the social network era*". Part of the answer, perhaps, lies in improved self-regulation by social media companies, and the publication of their detailed guidelines so that they can be held to account. But our best hope may simply be for greater understanding by editors and journalists of the ease with which the media may be used by terrorists as an accessory after the fact, and enough self-respect to try and avoid that happening.

### ***Interviewing extremists***

55. Another difficult area is the question of when terrorist sympathisers should be given a public media platform. When Nick Griffin of the BNP went on Question Time he was effectively exposed for the unpleasant racist he was by the other panellists. So why should radicalisers such as Anjem Choudary, former chairman of the Society of Muslim Lawyers and the founder of proscribed organisation al-Muhajiroun, not be put through the same process? That at any rate was my view when I spoke to the PM programme about this in 2013, saying:

“I’m a great believer in the marketplace of ideas, the good ideas drive out the bad. .. One has got to allow him to speak, one has got to test very severely what he has to say, and one has to discredit his ideas.”

56. Though at the time those comments earned me the plaudits of right-minded liberals, I do wonder if my emphasis was quite right. We now know that:

- a. Of the 269 persons convicted in the UK of Islamist-related terrorist offences between 1998 and 2015, 25% had direct links with al-Muhajiroun or its aliases (as against 10% for al-Qaida and 5% for ISIS).<sup>18</sup>
- b. And between 200 and 300 supporters of al-Muhajiroun or associated groups are believed to have left northern Europe to fight in Syria.

So though Choudary – until his conviction in 2016 - was generally speaking clever enough to avoid expressing openly his sympathies for terrorism, the role of his organisation as a nursery for terrorists – including the killers of Lee Rigby and the London Bridge ringleader Khuram Butt – is undeniable. Only a few months after my comments, I sat with my head between my hands as Anjem Choudary was interviewed on the Today programme by a presenter who had not been adequately briefed for the searching inquisition that could alone have justified Choudary’s exposure on so high-profile a platform.

57. Was Choudary given added traction by his exposure on mainstream media; or were his disagreeable views imputed by listeners to British Muslims more generally? It is hard to say. But the more potentially dangerous the interview subject, the more skilled and merciless the interviewer needs to be. When no such interrogation is possible, the wise editorial decision will be to deprive the Choudarys of this world – and their counterparts on other extremes – of what Mrs Thatcher used aptly to call the oxygen of publicity.

## **Othering**

58. I end with one final respect in which a minority of journalists have seemed to me to play into the terrorists’ agenda in a highly regrettable way. That is by the gratuitous objectification and demonisation of Muslims as a group, promoting precisely that

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<sup>18</sup> Hannah Stuart, *Islamist Terrorism* (2016).

polarisation – the “extinction of the Grayzone” – which, as you will recall, is the central objective of both extremes.

59. An example that sticks in my mind is the Daily Express front page from 2006 reading: “NOW MUSLIMS TELL US HOW TO RUN OUR SCHOOLS”. Those pronouns providing a textbook example of “othering”. It is impossible to imagine such a headline about Catholics or Protestants in the press favoured by either community in Northern Ireland, where the real dangers of sectarianism are properly appreciated by all.

60. Or there is the infamous Daily Mail cartoon of 2015, in which gun-toting migrants in Islamic dress were depicted swarming across frontiers accompanied by vermin – establishing a powerful and indelible link between asylum-seekers, Muslims, terrorists and rats.

61. Can anything can be done about this, consistently with the freedom of the press? Perhaps time will be a healer: after all, 20 years ago, when The Sun faced a backlash for its bigoted headline “ARE WE BEING RUN BY A GAY MAFIA?”, it was shamefaced enough to announce a change of policy. But I fear more may be needed. We have self-regulation of the press in the form of the IPSO Editors’ Code, Rule 12 of which requires the press to avoid

“prejudicial or pejorative reference to an *individual’s* race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability”.

62. So if an *individual* is unfairly mocked on the grounds of religion, race or disability, he or she may claim redress from IPSO: an apology, and perhaps a fine. But there is no remedy when *unspecified* members of a religious, racial or disabled *group* are the object of prejudicial or pejorative treatment by the press. Had IPSO existed in 1930s Germany, it would have had nothing to say about the cartoons in *Der Stürmer*, depicting Jews *in general* as sexual predators or as rats. Nor does it have jurisdiction today to pass judgment on the sort of headlines and cartoons to which I have referred – unless it can find that they were *factually inaccurate*.

63. Such a jurisdiction was recommended by Lord Justice Leveson, in his report of 2012.<sup>19</sup> He noted that “*in relation to reporting on Muslims, immigrants and asylum seekers, there was a tendency for some titles to adopt a sensationalist mode of reporting intended to support a world-view rather than to report a story*”. And he said: “*A new regulator will need to address these issues as a matter of priority, the first step being to amend practice and the Code to permit third party complaints.*”

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<sup>19</sup> Leveson Report, vol 2, 8.52.

64. That recommendation was not taken up, and the application of such a jurisdiction would not be simple. There should be a strong presumption in favour of negative comment and ridicule, even where religion is concerned. But IPSO is used to fine, context-specific judgments – and the subject-matter may be too important for the issue to be avoided. Media poison of this kind is doubly harmful: it intimidates minority groups and creates or reinforces prejudice in the majority community. On both grounds, it is a proper subject, not for state censorship, but for action by a self-regulatory body made up of lay people and journalists, whose Code aims, in the words of IPSO itself, to “*set[ ] the framework for the highest professional standards*”.

## **Conclusion**

65. None of these issues is straightforward: and I am conscious that I have raised more questions than answers. But I hope I have provoked some thoughts, and look forward to hearing what some of you have to say – not least my old friend Tim Fenton, who as a proper journalist will understand much more about some of this than I do myself.

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