

HOUSE OF COMMONS  
ORAL EVIDENCE  
TAKEN BEFORE THE  
HOME AFFAIRS COMMITTEE

**COUNTER-TERRORISM**

TUESDAY 3 DECEMBER 2013

ALAN RUSBRIDGER

SIR BERNARD HOGAN-HOWE and CRESSIDA DICK

Evidence heard in Public

Questions 234 - 397

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## Oral Evidence

Taken before the Home Affairs Committee

on Tuesday 3 December 2013

Members present:

Keith Vaz (Chair)  
Ian Austin  
Nicola Blackwood  
Michael Ellis  
Paul Flynn  
Dr Julian Huppert  
Yasmin Qureshi  
Mark Reckless  
Mr David Winnick

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### Examination of Witness

*Witness: Alan Rusbridger, Editor, The Guardian, gave evidence.*

**Q234 Chair:** I welcome to today's session our witness Alan Rusbridger, the Editor of *The Guardian*. Mr Rusbridger, you are giving evidence as part of the Committee's inquiry into counter-terrorism. Thank you very much for coming here this afternoon. Could I refer all those present to the Register of Members' Interests where the interests of the members of this Committee are noted. Could I ask other members to declare any special interests?

**Dr Huppert:** I have written two articles for *The Guardian* on this issue for which, as a pleasant surprise, I was paid. I need to draw the Committee's attention to this.

**Q235 Chair:** Thank you very much. Of course I should say that we are all *Guardian* readers, some more avidly than others, so we all declare our interests. I did read it this morning.

Mr Rusbridger, could we start with some facts and then members of the Committee will come in and probe you on a number of issues? There was reference made in some newspapers that you have been compelled to come here against your wishes. We wrote to you and invited you to come here and you are here as part of that inquiry. You do not feel under any compulsion, do you?

**Alan Rusbridger:** I was not aware it was optional, but I am glad to be here anyway.

**Q236 Chair:** Well, you said yes, so there was no need to take that further. On the question of facts, you said very clearly in your written evidence to this Committee that you have published only 1% of the information that you have from Mr Snowden. Is that still correct?

**Alan Rusbridger:** It is approximately correct. Remember we continue to publish stuff, but it is about 1% of what we were given.

**Q237 Chair:** As far as I can see, you have had 58,000 files. Are you telling this Committee that only 1% of the information in those files has now gone public?

**Alan Rusbridger:** Yes.

**Chair:** Where are the other files?

**Alan Rusbridger:** Can I give some general context that I think would help you understand about this, because I think it is important to realise that initial leak from Edward Snowden—

**Q238 Chair:** We will come to that in a minute, Mr Rusbridger. If you could just establish the facts for me, and please do put it in context. These are factual questions the Committee would like to ask. You have a lot of files, 58,000 files; you have published 1%. Where are the other files?

**Alan Rusbridger:** Well, as I would have explained, this is an ongoing story that we are writing. If you think it is sensible that I talk here about where the exact files are I am happy to write to you, but I am not sure that that is a sensible thing to do about the existence of other files in different bits of the world.

**Q239 Chair:** Are there other files under your control in different parts of the world?

**Alan Rusbridger:** There is one file that we hold jointly with *The New York Times*, which is obviously in New York.

**Q240 Chair:** This is important in respect of the inquiry. Obviously the context is important but there is criticism that some of these files may not be under your control. Are they all under your control one way or the other?

**Alan Rusbridger:** No. One of them, as I would have explained—I think it would be helpful if I could give some context because it is important to understand that there were four different sets of information that went to four different parties in four different countries in three different continents. It is important to establish that to begin with. One of them was *The Guardian*, one of them was the *Washington Post*, clearly not under my control. One went to Rio and one went to Germany. That is the hand of cards we were all dealt—*The Guardian*, the security services, Governments. So I cannot obviously say that *The Washington Post* files are under my control, because they are not.

**Q241 Chair:** No, of course not. We are in touch with *The New York Times* and we may take evidence from *The New York Times* in the future, written or oral. But in terms of the files under your control, 99% of which have not been published, you have full control, you know where they are, they are secure and in a place where you feel they cannot get into other people's hands?

**Alan Rusbridger:** I believe that to be true.

**Q242 Chair:** You also said in reply to our parliamentary colleague, Julian Smith, in a letter that was published that there are 850,000 people in the world who have the same information as you have in those files.

**Alan Rusbridger:** This goes to the original leak, which is obviously the thing that people are most concerned about. We were told that 850,000 people had access to the information that a 29-year-old in Hawaii, who was not even employed by the American Government, had access to.

**Q243 Chair:** Is this 850,000 people a figure given to you of people who have security clearance or would know what was in the files that you have?

**Alan Rusbridger:** Obviously people were aghast. I think people at GCHQ were aghast that a 29-year-old in Hawaii, not even employed by the American Government, could get access to their files. I was told the figure was 850,000 people who had that kind of access.

**Q244 Chair:** Obviously there is a lot of controversy regarding your publication of this information. Is part of the defence that you may have this information but so do 850,000 other people and they are also in the same position if they choose to be, as Mr Snowden was, to release this information—that there is safety in numbers, in other words?

**Alan Rusbridger:** I think the point is that twice in the last three years these giant databases that were created after 9/11 have proved porous. These secret things have escaped and that is because so many people have access to them. That is the only point that I think we were trying to make. People use the word “catastrophe” or the fact that there has been this catastrophic loss and have compared it with Maclean and Burgess, Philby, all kinds of things. That was down to the original leak, and that was because this 29 year-old, who was one of hundreds of thousands of people, had access to information. I am sure it is something that everyone must now be considering what to do about it.

**Q245 Chair:** In respect of what was said to our sister Committee, the Intelligence and Security Committee, you were severely criticised. You were perhaps not criticised personally but your newspaper certainly was, and so was the decision that you took, by the heads of the security services, and this is your opportunity to answer them. Mr Andrew Parker described what you and your newspaper did as a gift that our enemies needed to evade us and to strike us at will. I am sure you have heard this phrase before. John Sawers, the head of MI6, said that our adversaries were rubbing their hands with glee. All heads of the security services were very clear in their evidence to the Intelligence and Security Committee that you had damaged this country as a result of what you had done. Clearly other editors took the decision as well. We know it has been in *The New York Times*, *The Washington Post*, *El País*, *Le Monde* and other newspapers, but they are not before us today. Do you recognise what you have done? Do you accept that this has damaged the country? This is severe criticism that I have not seen before from the head of our security services.

**Alan Rusbridger:** I think it is an important context that editors of probably the world’s leading newspapers—in America, *The Washington Post* and *The New York Times*—took virtually identical decisions, so this is not a rogue newspaper. These are serious newspapers that have long experience of dealing with national security. The problem with these accusations is that they tend to be very vague and they are not rooted in the specific stories. You have quoted two. I would like to quote four people back at you who have told me personally there has been no damage or who have not seen it. You took evidence I think last week from Norman Baker, the current Home Office Minister—I will not repeat that evidence—who said he had seen no damage.

**Chair:** Yes, that is right.

**Alan Rusbridger:** The second person we have consulted is a member of the Senate Intelligence Committee, so somebody who is sitting in oversight of all the intelligence and has seen it all. He asked not to be named, but we asked him because we want to know, “Have you seen anything *The Guardian* has published that has caused damage?” and he said, “I have been

incredibly impressed by what you have done, how you have done it. You have written about the scope and the scale. I have seen nothing that you have done that has caused damage.” We asked the same question of a senior administration official in the current Obama Administration who told us last week, “I have been incredibly impressed by the judgment and care that you would expect from a great news organisation”. Finally, a senior Whitehall official at the heart of these stories said on 9 September, “I have not seen anything you have published to date which has risked lives”. So there are different views about this and I listen with respect to the views that you have given, but I do not—

**Q246 Chair:** But you disagree with them?

**Alan Rusbridger:** Well, it is not that I disagree. It is impossible to assess, because no one has given me specific evidence and I hear the contrary from respected people.

**Q247 Chair:** The real criticism is that the information that you have contains the names of individual security officers, and this has been sent around the world, sometimes paid for by *The Guardian*, and these names are of our security officers, people who are there to protect our country. That is how you have damaged the country, because others who do not have security clearance have been able to read these names, know who they are and possibly know where they live. That is the damage that they allege you have done.

**Alan Rusbridger:** First of all, we have never used a single name. I think that is the crucial bit. We have published no names and we have lost control of no names. It has never been a secret that these documents contain names. A lot of them are PowerPoint presentations given by named individual. From the beginning of June when we published the first presentation we redacted the name of somebody. It was apparent that these documents had names, and then the material was seized off David Miranda under the terror laws. It is apparent from the witness statements that the Government knew then, although I would say they knew already, and in fact we discussed the use of names with the Cabinet Secretary when he visited us in mid-June. So there have been six months when it has been apparent that there have been names in these documents. I told the Cabinet Secretary personally that we were sharing this material with the *New York Times*. On 22 July I gave the editor of *The New York Times* phone number, email address, and Stephen Engelberg from *ProPublica*. Not once in six months—

**Q248 Chair:** I find it difficult that you are telling this Committee that you can guarantee the security of all the names of these officers.

**Alan Rusbridger:** Your original question was do I believe that the copy that *The New York Times* has is being held securely. Yes.

**Q249 Chair:** Well all the copies, anything under your control. You have these names. Can you guarantee that these names will not leak out?

**Alan Rusbridger:** I can only talk about the copies under the joint control of the *Guardian* and the *New York Times* and I can say that that is being held securely.

**Chair:** You can guarantee it? Right. Now, both the criticism—

**Alan Rusbridger:** Incidentally, Chairman, I just want to add that in that six months it would have been open to anybody from Her Majesty’s Government to come and ask about the names and that has not happened.

**Q250 Chair:** Has anyone asked you to destroy this information or hand it over?

**Alan Rusbridger:** It is a matter of public record that the Cabinet Secretary came and asked me to destroy the entire cache of documents, so yes.

**Q251 Chair:** Right. But you have not done so?

**Alan Rusbridger:** No, that is also a matter of public record. No, I told the Cabinet Secretary at the time.

**Q252 Chair:** Let me ask you this finally before I go to other members of this Committee, some of the criticism against you and *The Guardian* have been very personal, you and I were both born outside this country, but I love this country. Do you love this country?

**Mr Winnick:** How do you answer that kind of question.

**Alan Rusbridger:** We live in a democracy. Most of the people working on this story are British people who have families in this country who love this country. I am slightly surprised to be asked the question. But, yes, we are patriots and one of the things we are patriotic about is the nature of the democracy and the nature of a free press and the fact that one can in this country discuss and report these things.

**Q253 Chair:** So the reason why you have done this has not been to damage the country; it is to help the country understand what is going on so far as surveillance is concerned?

**Alan Rusbridger:** I think there are countries and they are not generally democracies where the press are not free to write about these things and where the security services do tell editors what to write and where politicians do censor newspapers. That is not the country that we live in, in Britain. It is not the country that America is, and it is one of the things I love about this country that we have that freedom to write and report and to think and we have some privacy. Those are the concerns that need to be balanced against national security, which no one is underestimating. I can speak for the entire *Guardian* staff who have families who live in this country; they want to be secure, too.

**Q254 Dr Huppert:** Thank you, Mr Rusbridger, for coming before this Committee. I hope we will have similar co-operation from the intelligence and security services because I think many of us would like to ask them questions. Now that they have established they can answer them in public and it should just be the people that they trust to answer questions, they should be able to answer everyone's. Could I also place it on record briefly that I think *The Guardian* has done a great service to the public debate in this country? I have put that at length elsewhere and we had a Westminster Hall debate on it, and I think it is up to Parliament how to write the rules now.

You have published very selectively. You have taken off these documents only very small elements and published those. If, when you were given the documents, you had refused them and sent them back, what do you think would have happened to the information? Would it have been silenced or would it have been published in some other mechanism?

**Alan Rusbridger:** That is why I wanted the initial context to be understood. By the way, I do not think there is an editor on Earth who, offered this material, would have sent it back unseen. We asked 30 leading editors in the world to talk about this difficulty of handling secret material and they were all familiar with doing it. They all said they would have done what *The Guardian* did. You look at it and you make judgments. People talk about mass dumps of data.

We have not. I think we have published 26 documents so far out of the 58,000-plus that we have seen. We have made very selective judgments about what to print.

What would have happened if we had sent it back? That is the whole point of my initial point to the Chairman. Glenn Greenwald had this material in Rio. Laura Poitras had a copy in Berlin. *The Washington Post* had a copy. The thought that this material would not have been published is ridiculous.

**Q255 Dr Huppert:** As you know, there is a DA-Notice system in the UK that is intended to prevent people being put at risk, particularly where there is real risk to life. Have you had any conversations with the DA-Notice Secretary and have they told you that the material would pose a risk to life?

**Alan Rusbridger:** Yes, we have. I think we have gone back and counted this. Out of all the stories that we have published, and there are about 35 of them, we have consulted with the relevant authorities on all but one, which was the first story that we published specifically about GCHQ. I think that was on 16 June. The reason I did not consult with the DA-Notice Committee was a fear of prior restraint, which exists in this country but not in the United States. Since the Pentagon papers case in 1972 it is inconceivable that any American Government would get prior restraint of a publication of this material. That reassurance does not exist in this country. Indeed, we were directly threatened with prior restraint by the Cabinet Secretary and so I did not seek the advice of the DA-Notice Committee on that story.

I have engaged with Air Vice-Marshal Vallance since. I think Air Vice-Marshal Vallance would confirm that we have been in touch and that there was also, to some extent, a misunderstanding that he said extended to the Prime Minister. I think there was a lot of misunderstanding by the DA-Notice Committee because the Prime Minister has talked about threatening people with DA-Notices. That is not how it works. Air Vice-Marshal Vallance says that the misunderstanding is that he would have kept that material confidential from the Government. We have, in fact, collaborated with him since and he has been at *The Guardian* to talk to all our reporters.

**Q256 Dr Huppert:** Did he give you any feedback as to whether what you are publishing posed a risk to life or not?

**Alan Rusbridger:** He was quite explicit that nothing we had seen contravened national security in terms of risking life. He was explicit about that. That is not to say he would give us a complete bill of health on things that appeared downstream, but nothing he saw had risk to life and most of the time when we have rung him and put stories to him his response is, "There is nothing that concerns me there. This stuff might be politically embarrassing, but there is nothing here that is risking national security".

**Dr Huppert:** It seems like you followed established procedure for the vast majority of these things.

**Alan Rusbridger:** On all but the one story.

**Q257 Dr Huppert:** You have touched on issues that are of fundamental national importance; fundamental questions about the future of surveillance, information that was not given to us on the Communications Data Bill, and a whole range of things about the future of privacy in a digital age. In Germany there is huge interest in this subject. In the US there is huge interest, with parliamentarians trying to revisit legislation and responses from the President. Why

do you think there has been so little interest here? A few of us managed to secure this one big parliamentary debate, but otherwise what we have seen, and even there, was attacks on *The Guardian* rather than Parliament trying to work out what the rules ought to be. Why do you think that is?

**Alan Rusbridger:** Shooting the messenger is the oldest diversionary trick in the book. I cannot explain why some people have not taken interest in this. My experience is that, when you speak to people about it and explain the issues, they are deeply interested in it. As you say, in terms of the broader debate, I cannot think of any story in recent times that has ricocheted around the world like this has and which been more broadly debated in Parliaments, in the courts and among NGOs.

The roll call of people who have said that there needs to be a debate about this include, by my count, three Presidents of the United States, two Vice Presidents, generals, the security chiefs in the US are all saying, “This is a debate that, in retrospect, we know that we had to have”. There are Members of the House of Lords, people who have been charged with oversight of security measures here—the former chairman of the IFC, Tom King, said that this was a debate that had to be had and they had to review the laws. The Director of National Intelligence in the US said these were conversations that needed to happen. In terms of the public interest, I do not think anyone is seriously questioning that this leaps over the hurdles of public interest.

**Q258 Michael Ellis:** Mr Rusbridger, you authorised files stolen by Snowden that contained the names of intelligence staff to be communicated elsewhere, didn’t you? Yes or no?

**Alan Rusbridger:** I think I have already dealt with that. It was never—

**Michael Ellis:** Could you just answer my question?

**Alan Rusbridger:** I think it has been known for six months that these documents contained names and I shared them with *The New York Times*.

**Q259 Michael Ellis:** Do you accept from me that that is a criminal offence under section 58A of the Terrorism Act 2000?

**Alan Rusbridger:** You may be a lawyer, Mr Ellis; I am not, so I will leave that to you.

**Q260 Michael Ellis:** 50,000 plus files were communicated by you as editor-in-chief of *The Guardian*. You caused them to be communicated and they contained a wealth of information. It was effectively an IT-sharing platform between the United States and the United Kingdom intelligence services, wasn’t it?

**Alan Rusbridger:** I will leave you to express those words. They are not my words.

**Michael Ellis:** You decline to answer that. Very well. But that was information that contained a wealth of data, protected data that was both secret and even top secret under the protective classifications of this country.

**Alan Rusbridger:** They were secret documents.

**Q261 Michael Ellis:** Secret and top secret documents. Do you accept that that information contained personal information that could lead to the identity, even the sexual orientation, of persons working within GCHQ?

**Alan Rusbridger:** The sexual orientation thing is completely new to me. If you can explain how we have done that then I would be interested.

**Q262 Michael Ellis:** In part from your own newspaper on 2 August, which is still available online, because you refer to the fact that GCHQ has its own pride group for staff. I suggest to you that the data contained within the 58,000 documents also contained data that allowed your newspaper to report that information. Therefore, it is now information that is no longer protected under the laws of this country and it jeopardises those individuals, does it not?

**Alan Rusbridger:** You have completely lost me, Mr Ellis. There are gay members of GCHQ. Is that a surprise and that they have a—

**Michael Ellis:** It is not amusing, Mr Rusbridger. They should not be outed by you and your newspaper.

**Alan Rusbridger:** I don't think it—

**Michael Ellis:** What about the fact that GCHQ organised a trip—

**Alan Rusbridger:** Hold on a second.

**Michael Ellis:** Either you are going to answer the question or you are not.

**Alan Rusbridger:** If you let me answer, I will answer the question.

**Chair:** Mr Ellis, order. If Mr Rusbridger could have the opportunity of answering, then please do go on. Mr Rusbridger.

**Alan Rusbridger:** On the mention of the existence of a pride group within GCHQ, if you go to the Stonewall website you can find the same information there. I fail to see how that outs a single member of the GCHQ.

**Q263 Michael Ellis:** You said it was news to you. You know about the Stonewall website, so it is not news to you. It was in your newspaper. What about the fact that GCHQ organised trips to Disneyland and Paris? That has also been printed in your newspaper. Does that mean, if you knew that, that information including the family details of members of GCHQ is also within the 58,000 documents, the security of which you have seriously jeopardised?

**Alan Rusbridger:** Again, your references are lost to me. The fact that there was a family outing from GCHQ to Disneyland—

**Michael Ellis:** Do you accept that these files contain methods of trapping cyber-criminals like paedophiles and hackers?

**Alan Rusbridger:** The only story that has been identified to us that resembles that description is the story about Tor and I would welcome the opportunity to talk about that.

**Q264 Michael Ellis:** No, I would rather you didn't. I do not see any need to further publicise that information. What about the location of safe houses and other safe locations, secret locations; 58,000 documents that contain that information?

**Alan Rusbridger:** If you don't mind me just referring to Tor, because we are in danger of having a rather analogue discussion about the digital age, the point about Tor is that anybody who is interested in this would have learnt nothing from *The Guardian* that is not available on the Tor's own website, so let us get real about this. There is nothing *The Guardian* published that is endangering people in the way that you talk about that is not there already.

**Q265 Michael Ellis:** Mr Rusbridger, it is not only about what you have published. It is about what you have communicated. That is what amounts or can amount to a criminal offence. You have caused the communication of secret documents. We classify things as secret and top secret in this country for a reason—not to hide them from *The Guardian*, but to hide them from those who are out to harm us. You have communicated those documents.

**Chair:** Mr Ellis, is that a question?

**Michael Ellis:** If you had known about the Enigma Code during World War II would you have transmitted that information to the Nazis?

**Alan Rusbridger:** That is a well-worn red herring, if you don't mind me saying so, Mr Ellis. I think most journalists can make a distinction between the kind of thing that you are talking about and the Enigma Code or the travel or the troop ships. This is very well-worn material that has been dealt with by the Supreme Court and that you learn when you do your NCTJ course. I can make those distinctions, Mr Ellis, thank you.

**Q266 Michael Ellis:** Have members of the board of *The Guardian* newspaper conceded to you that the law may have been broken in this matter?

**Alan Rusbridger:** No.

**Q267 Michael Ellis:** Have you been told by members of the board of *The Guardian* newspaper that your job is on the line connected with this matter?

**Alan Rusbridger:** I think you are under some misapprehension, Mr Ellis.

**Michael Ellis:** I am asking you a question.

**Alan Rusbridger:** The board of *The Guardian* newspaper, if you understood the structure of *The Guardian*, has no jurisdiction over the editor of *The Guardian*.

**Michael Ellis:** Did *The Guardian*—

**Chair:** Mr Ellis, I think this needs to be your final question.

**Michael Ellis:** No, I think it is less than six minutes, Mr Vaz.

**Chair:** Mr Ellis, order.

**Michael Ellis:** I am coming to a conclusion.

**Chair:** Mr Ellis, order. I am chairing this meeting. This is your final question.

**Q268 Michael Ellis:** This is not a Labour love-in, Mr Rusbridger, and I am asking you some questions that I think you should answer. Did *The Guardian* pay for flights by David Miranda to courier secret files?

**Alan Rusbridger:** We paid for Mr Miranda's flights. He was acting as intermediary between—

**Michael Ellis:** You did pay for those flights? Have they been accounted for as a business expense, those flights? Is the UK taxpayer funding a tax break for the transfer of stolen files?

**Chair:** You may not be familiar with the tax laws, so I think we will move on to our next questioner.

**Michael Ellis:** I do not see why you should move on.

**Chair:** Order, Mr Ellis.

**Q269 Mr Winnick:** Perhaps you are fortunate not to be in a Moscow courtroom in the 1930s, Mr Rusbridger, with Mr Vechinski asking you questions. Were you surprised at the amount of intelligence gathering that was revealed as a result of what Snowden gave to your newspaper and other media outlets?

**Alan Rusbridger:** I think many people are staggered by the amount of—

**Mr Winnick:** You, yourself, if I may interrupt. Were you staggered and surprised?

**Alan Rusbridger:** I was staggered. I think we all knew that the intelligence agencies collected a lot of data and people are still trying to make out as though nothing has changed in

the last 15 years since the laws were passed. We have a lot of analogue laws that deal with the digital world. I think the last serious law that was passed about any of this material was 2000, which was at a time when Facebook had not been invented and when Google was still doing its initial funding round, and were pretending that the laws that covered crocodile clips on copper wires are stretchable to deal with the collection of maybe 3 billion phone events and the meta data around those a day. Yes, I think there is a staggering amount of information being collected, which has surprised even though who passed the laws that apparently, I say, authorised the collection.

**Q270 Mr Winnick:** Would it be right to say that since the reports have occurred, while some senior American politicians in Congress denounce, as one would expect, Snowden as a traitor, others have expressed surprise that their own country has been involved in such intelligence-gathering on the sort of extensive scale as Snowden has revealed?

*Alan Rusbridger:* The people who are most disturbed by the revelations include the people who pass the laws that are being used to justify it. Senator Brenner, who is a right-wing Republican who drafted and passed the Patriot Act, was the first person out of the stocks to say that he was appalled that the Patriot Act that he drafted was being used to justify what he regarded as un-American, to come to your question, Mr Chairman, about patriotism. He was appalled. He said, “This is not what I intended by the Patriot Act”, and there are currently three Bills in Congress that are being proposed to limit—

**Mr Winnick:** Arising from Snowden?

*Alan Rusbridger:* Arising from Snowden and arising from Snowden through newspapers and through our publication, which are being used—and these are cross-party Bills—to limit what is going on. You are quite right to say that people have been extremely surprised at what has been going on and in Congress, at least, there is meaningful oversight where people are now trying to place some limits on what has been going on.

**Q271 Mr Winnick:** Coming to our own country, would you say that it has changed the course of debate, whether the oversight is sufficient; the subject, of course, of the recent public session of the Intelligence and Security Committee? I am sure we were all impressed by the robust questioning that took place there at the time, but do you feel that it has changed the course of this particular debate how far Parliament is inadequate at this stage to deal with such a vast amount of intelligence-gathering involving many, many people who are not public figures?

*Alan Rusbridger:* I think it has absolutely impacted on that debate. I think there are many parliamentarians who are anxious, for instance, about what they were told during the passage of the Data Communications Bill and the so-called capability gap and were rather appalled to learn that stuff that they were being asked to pass was already being done and that this information was not shared with them at the time. I think it comes to the heart of parliamentary oversight and whether what is done in the name of parliamentary oversight is remotely adequate at the moment or whether it is well-resourced enough or whether they have the technological expertise.

I would like to quote one little section because we have now spent about 10 minutes in this Committee discussing leaks that did not happen. The catastrophic leak that did happen was dealt with by the ISC with the following exchange, “Chairman: Can we assume you are having discussions with your American colleagues about the hundreds of thousands of people who appear to have access to your information? Head of MI5: All three of us are involved in those discussions, Chairman. Chair: Thank you very much.” That is the only question that has been

asked in Parliament about the loss of 58,000 documents through a data-sharing scheme between GCHQ and NSA. If that amounts to oversight, the budget for oversight, even now, is £1.3 million, supposedly a secret incidentally, which is about a third of the amount that Cheltenham Borough Council spends on car-parks.

**Q272 Mr Winnick:** The Prime Minister in the Chamber said that he wants to reach agreement, or words to that effect, with *The Guardian* but if *The Guardian* is not willing to see the point of view of the authorities then, with reluctance, other measures may be taken. Presumably, he is referring to DA-Notices and the rest. How far do you feel there is a threat to the newspaper if you continue to publish revelations from Snowden? Do you feel under pressure?

**Alan Rusbridger:** Things have happened in this country that would be inconceivable in parts of Europe or in America. They include prior restraint. They include a senior Whitehall official going to see an editor to say, “There has been enough debate now”. They include asking for the destruction of our discs. They include MPs calling for the police to prosecute an editor. There are things that are inconceivable in America under the First Amendment.

**Q273 Mr Winnick:** Are you under pressure yourself? Do you feel this pressure from the Government?

**Alan Rusbridger:** I feel that some of this activity has been designed to intimidate *The Guardian*, yes.

**Q274 Chair:** Thank you. We must move on but, before we do, are you telling this Committee that, as a result of Parliament’s failure to oversee the security services and the failure to have the necessary expertise and the failure to have a sufficient budget, that is why you were obliged to publish because, had you not done so, nobody would have found out about this?

**Alan Rusbridger:** The only way any of this information has come into the public domain is through the press.

**Q275 Chair:** We should look at our structures better?

**Alan Rusbridger:** We should and America is. Senator Dianne Feinstein, who is the Malcolm Rifkind equivalent in America and who had been supporting the NSA for about three months—the Merkel telephone call happens, they did not know about that—said at that point, “It is abundantly clear that a total review of all intelligence programmes is necessary”. That was the oversight committee saying, “We had no idea what was going on”, and that must be true of our own—

**Chair:** I am sorry. In respect of our inquiry, you think that it would be good if this Committee looked at the structures of oversight as part of the counter-terrorism structure?

**Alan Rusbridger:** Absolutely. I think that would have been important to you.

**Q276 Mark Reckless:** You wrote in your letter of 7 November to Gillian Smith that *The Guardian* had not published the names or identifying information for staff of our intelligence agencies and I think in reply to the Chair earlier you added that you had not used or lost control of that information.

**Alan Rusbridger:** Yes.

**Mark Reckless:** Can I clarify, though? In your response to Michael Ellis earlier did you say that you had communicated that information to *The New York Times*?

**Alan Rusbridger:** At the danger of repeating myself, we gave the material to *The New York Times* at roughly the same time as we told the Cabinet Secretary that we were doing that and gave the Cabinet Secretary the name of the editor of *The New York Times* and how to contact her.

**Q277 Mark Reckless:** You referred earlier to material given to *The Washington Post* not being under your control. Did the material shared with *The New York Times* remain under your control?

**Alan Rusbridger:** Yes. The material was given to *The Washington Post* by Edward Snowden himself via a journalist called Barton Gellman. The material that we had with *The New York Times* is in the joint control of me and the editor of *The New York Times*.

**Q278 Mark Reckless:** When you say you had not lost control of the relevant data at any time, does that include the periods when the data was with FedEx, who I understand you have admitted to using to transfer some of that information?

**Alan Rusbridger:** Yes. No data was lost or we lost control of no data. No names have leaked from *The Guardian*.

**Q279 Mark Reckless:** I have previously used FedEx. I would not naturally refer to the period while whatever I was sending was with FedEx as being a period that it was under my control. Is that what you are saying?

**Alan Rusbridger:** I am saying we have not lost control of it. The reporting of the FedEx transmission was grossly exaggerated. It was reported as tens of thousands of documents including MI5 and MI6 spies. That was not the case. It was a small amount of material relating to one story that was encrypted to military-trade encryption. It was sent safely, arrived safely and did not involve any loss of control.

**Q280 Mark Reckless:** You referred earlier to the information having commenced with *The Guardian*, *The Washington Post*, Rio, by which I assume you mean Glenn Greenwald, and Germany. Are you saying that all 53,000 files began with each of those four places?

**Alan Rusbridger:** Can you repeat the question?

**Mark Reckless:** Before you said *Guardian*, *Washington Post*, Rio—I assume Glenn Greenwald—and Germany. You were saying that the data information had started in each of those four places. Are you saying that all of the 53,000 files had started in each of those places?

**Alan Rusbridger:** I don't think we know exactly who has what. Probably the only person who knows that is Edward Snowden.

**Q281 Mark Reckless:** Was there any information that you had at *The Guardian* but that Glenn Greenwald did not until you transferred it to him?

**Alan Rusbridger:** I don't know the exact answer to that because I don't know who got what in the initial handing out.

**Q282 Mark Reckless:** Why would *The Guardian* have bothered to transfer information to Glenn Greenwald if he already had it?

**Alan Rusbridger:** I do not want to get too drawn into the methodology of how we have worked, but—

**Mark Reckless:** It is an issue, though, of whether you have communicated this information outside your jurisdiction.

**Alan Rusbridger:** I cannot be entirely sure what Mr Greenwald had separately from us; what is encrypted in different ways; what is held in what way; what he has that Laura Poitras does or does not have. I have seen him on the public record say that he and Laura Poitras are the only people who have complete sets, but I do not know that to be true.

**Q283 Mark Reckless:** Has he not said on the public record that some files relating to GCHQ that *The Guardian* shared with *The New York Times* were a set of documents that only *The Guardian* had until you did that?

**Alan Rusbridger:** I don't want to repeat myself too much. I know that Mr Greenwald has GCHQ material that was given to him directly from Mr Snowden, so I can't tell you exactly what we gave him that he did not have already.

**Q284 Mark Reckless:** I understand if you choose not to answer this question, but do you consider that you have communicated information on the identities of staff of the intelligence agencies out of jurisdiction contrary to section 58A of the Terrorism Act?

**Alan Rusbridger:** I think I have answered that to the Chairman.

**Mark Reckless:** Your answer was not clear, at least not to me.

**Alan Rusbridger:** I will try to repeat myself clearly. I think it has been apparent to the Government for many months that the material that Mr Snowden leaked included a good many documents that had names of security people working for both the NSA and GCHQ. As I said and I will say it again, I told the Cabinet Secretary in mid-July that we were sharing this with *The New York Times*.

**Mark Reckless:** Which you would accept constitutes communicating it outside of the UK jurisdiction.

**Alan Rusbridger:** Self-evidently they work in New York, yes. I have bought this book along with me today. Some of you will be familiar with this. People will remember, in the mid-1980s, the Cabinet Secretary travelling to Australia to try to suppress this book that was written by a former MI5 agent and we had the ridiculous sight of a British Cabinet Secretary trying to stop the publication of something that had already been published in Australia. What was very much in my mind was the ridiculous situation that we would be in if *The Guardian* was the only publication in the world that was not able to publish material that was being published in Rio or Germany or around the world.

**Q285 Mark Reckless:** You have, I think, Mr Rusbridger, committed a criminal offence in your response just then. Do you consider that it would not be in the public interest for the CPS to prosecute you or should that be dealt with in the authorities in the normal way?

**Alan Rusbridger:** I think it depends on your view of free press. In America Attorney General Eric Holder came out within the last two weeks and said that, on what he had seen so far, he had no intention of prosecuting Glenn Greenwald. He has gone further. He said that under his watch as Attorney General of the US he will not prosecute any journalist doing their duty journalistically. In New York within the last month I debated with the former general counsel of the NSA, Stewart Baker, and he makes absolutely the distinction between what Snowden did and

what journalists did. He said, "Once the information is in the hands of the journalists that is protected material," and my reading of our own DPP and the guidelines that he laid down during the Leveson process is that public interest will weigh very carefully and very highly in any deliberations he takes.

**Q286 Mark Reckless:** Did Glenn Greenwald not also make a distinction between journalism, including what he was, according to him, engaged in and what he says *The Guardian* was doing, which was the distributing or indeed trafficking across international borders that information?

**Alan Rusbridger:** We were sharing this information with journalistic colleagues on *The New York Times* in order to stimulate a debate which presidents and legislatures around the world think vital.

**Q287 Chair:** Just to clarify, is there a current police investigation into *The Guardian*?

**Alan Rusbridger:** I don't know.

**Chair:** Nobody has communicating with you or interviewed you or asked you any questions about this from the Metropolitan Police?

**Alan Rusbridger:** I have seen Scotland Yard say that they are holding an investigation into the matters generally. No one has told us whether that includes *The Guardian* or not.

**Chair:** For your records and for public record, the Committee has decided to call Andrew Parker, the head of MI5, in open session next year.

**Q288 Paul Flynn:** Did you have advance notice of the questions we are asking you today?

**Mr Winnick:** Including yours.

**Alan Rusbridger:** I was not. I was told the general areas of concern that might be covered.

**Q289 Paul Flynn:** Were you stunned at having an open meeting of the Intelligence and Security Committee with their carefully manicured questions and rehearsed answers, a Committee that is accused of being a poodle to many Governments, including being cheerleaders for the Iraq war? Do you think this raises the question that the scrutiny provided by that Committee is inadequate and we need a reform?

**Alan Rusbridger:** As I said, I think lots of people, including former chairs of the ISC, have said that we need to re-look at the oversight, and Sir Malcolm Rifkind has himself said that he wants to look into his own Committee. I hope this will be an opportunity for people to talk about how oversight could be approved, because I think there is no question that it should be.

**Q290 Paul Flynn:** The United Kingdom Government's reaction to this has been very different from any other Government and Frank La Rue, the United Nations Special Rapporteur, has said the UK Government's response is "unacceptable in a democratic society", and *The New York Times* said, "The UK Government is challenging the idea of a free inquisitive press". Isn't that true?

**Alan Rusbridger:** I think what has been going on in the United Kingdom in the last six months has dismayed many people who care about free speech or free press and that includes

NGOs. It includes at least two UN Special Rapporteurs. It includes people in Europe and many editors around the world.

**Q291 Paul Flynn:** Does the fact that a 29-year-old Hawaiian and 850,000 other people had access to the information suggest that our potential enemies have access to it, too?

**Alan Rusbridger:** It is in the witness statement of Oliver Robbins, the Deputy National Security Advisor, that they have been working on that assumption since Snowden disappeared with the material.

**Q292 Paul Flynn:** Were you shocked by the revelations of the intense surveillance of allies by this country in a place like the G-20 and so on?

**Alan Rusbridger:** Again, there is the question of the public interest; the fact that President Obama effectively had to concede that his country had been bugging President Merkel. There has been no denial from Australia that they were intercepting the phone calls of the President of Indonesia and his wife. That was the thing that led Senator Feinstein to say that she had to review all the activities of the intelligence services because, clearly, this was going on without knowledge. You will remember that the United States came out and said, “Okay, we will stop bugging these gatherings of the IMF”, or the World Bank or the European Parliament or all these things that they had been bugging. We do not know, but there were some specific organisations of allies devoted not to espionage or to hostilities but to bridge building and peace making; a lot of institutions set up after the World War II and the United States has come out and said, “We won’t be bugging them anymore”, which to me is an implicit admission that they were.

**Q293 Paul Flynn:** Do you think that the reaction of Government was less to do with security and more to do with the fact that we have traditionally been neurotically secretive?

**Alan Rusbridger:** Funnily enough, the DA-Notice Committee that we have been talking about earlier have just published their minutes of their last meeting in November. That is a meeting of the press side and the official side, and the vice chairman of that body said it was important to distinguish between embarrassment and genuine concerns for national security. The vice chairman felt that much of the material published by *The Guardian* fell into the former category. A lot of this stuff is embarrassing because it has come into the public domain rather than threatening national security.

**Q294 Paul Flynn:** Would you agree that you have performed a very important public service for legislatures and for everyone else? A difficult question I know.

**Alan Rusbridger:** There is no doubt in my mind. I will say this again and it is not blowing my own trumpet—

**Paul Flynn:** Please do.

**Alan Rusbridger:** Well, it is not done in that spirit; this has been a coalition of newspapers, including newspapers in Europe. If the President of United States calls a review of everything to do with intelligence and that information only came into the public domain through newspaper then it is self-evident, is it not, that newspapers had done something that oversight failed to do? I would say that was true of this country and of the United States.

**Q295 Nicola Blackwood:** Mr Rusbridger, I am interested to understand how, as an editor, when you come into possession of documents of this nature that clearly indicate a big story for you but also contain very sensitive, national security material, you go about judging what you can publish and what you can't publish.

**Alan Rusbridger:** I don't know of an editor in the world who does not agonise about these kinds of decisions in the way that you would expect. We touched on it earlier. We are all patriots and we all care about security.

**Q296 Nicola Blackwood:** To be more specific, how in this case did you go about it in terms of the specific process?

**Alan Rusbridger:** I discussed this with colleagues who are some of the most experienced colleagues in Fleet Street in terms of dealing with this kind of material. It is important to know that in the last six months there have been more than 100 contacts with the official side of things. In America that has been with the White House, with the Director of National Intelligence, with the FBI, with the NSA, with the National Security Council and with the Pentagon. In this country it has included Downing Street, the Cabinet Office, the National Security Advisor, GCHQ themselves and the DA-Notice Committee. We have consulted on more than 100 times with the agencies in order to be aware of their concerns before we publish material.

**Q297 Nicola Blackwood:** I suppose my question is, have you gone through all the 53,000 documents and have some been specifically excluded from publication and will they not be appearing? Have others been put under "Yes, okay for publication"?

**Alan Rusbridger:** In terms of publishing documents, I think we have published 26.

**Nicola Blackwood:** Yes, but I am more thinking about the ones that have not yet been.

**Alan Rusbridger:** We have published a few individual pages from documents that have been redacted. I would not be expecting us to be publishing a huge amount more. With 26 over six months, I would say it has been a trickle.

**Q298 Nicola Blackwood:** What about the ones that have been communicating to the United States? I understand in some of those the names have been redacted and some of them have not. How did you go about deciding which names to redact and which ones not to?

**Alan Rusbridger:** Let us be completely clear about this. *The Guardian* has not used any names. On the rare occasion where we have used individual slides from documents that had names on, we absolutely redacted those. It has been said that *The Guardian* used names. We did not use names.

**Chair:** Mr Rusbridger, you made it clear that no names have been used.

**Alan Rusbridger:** Yes, but nevertheless it—

**Q299 Nicola Blackwood:** Yes, but that is not the question that I asked here. Where you communicated the documents to the United States, and in some cases in those documents you did redact the names and in other cases you did not, how did you decide?

**Alan Rusbridger:** No, you are wrong. I am sorry.

**Nicola Blackwood:** I am sorry. I thought that was the case.

**Alan Rusbridger:** No, we have not used—

**Nicola Blackwood:** You have not redacted any names?

**Alan Rusbridger:** We have not used any names. We have redacted—

**Nicola Blackwood:** No, but where you have communicated the documents to other papers that you—

**Alan Rusbridger:** I see, before transmission?

**Nicola Blackwood:** Yes.

**Alan Rusbridger:** Yes, you are quite right.

**Q300 Chair:** Sorry, what is she right about? I am confused. Is she right that you sent the names or you redacted the names?

**Alan Rusbridger:** At the risk of repeating myself, there were names in these documents. The Government has been aware of that. Those documents were shared with *The New York Times*.

**Q301 Nicola Blackwood:** Did you redact any of those names before sending them?

**Alan Rusbridger:** Not before they were sent.

**Nicola Blackwood:** You just sent the names as they were out of the country?

**Alan Rusbridger:** *The New York Times* has not used any names either.

**Q302 Nicola Blackwood:** Did you have an agreement before you sent the documents that they would not be used?

**Alan Rusbridger:** We did.

**Nicola Blackwood:** You did. What about with *The Washington Post*?

**Alan Rusbridger:** *The Washington Post* was leaked material directly by Edward Snowden.

**Nicola Blackwood:** Okay. But you are working with them, I understand.

**Alan Rusbridger:** We are not working with *The Washington Post*.

**Nicola Blackwood:** You are not working with them at all, no.

**Alan Rusbridger:** The only other body we are working with in America is ProPublica. The chief of ProPublica is a man called Paul Steiger who has 16 Pulitzer Prizes to his name and is extremely experienced in handling this kind of material.

**Q303 Nicola Blackwood:** Did you send documents to him?

**Alan Rusbridger:** That was the material I referred to earlier; one story, a small number of documents. Again, it is open knowledge. I gave the Cabinet Secretary his name, too, in mid-July.

**Q304 Mark Reckless:** Can I ask why you didn't redact those names before showing them to *The New York Times*?

**Alan Rusbridger:** There were 58,000 documents, Mr Reckless.

**Q305 Mark Reckless:** The public interest defence is not actually the journalism but that you did not have the time or did not want to spend the resources going through them before showing them to *The New York Times*?

**Alan Rusbridger:** There were conversations with the Cabinet Secretary that led me to think that it was wise to share this material.

**Q306 Chair:** How many people were at the secret ceremony, attended by yourself and others, that took place in your basement?

**Alan Rusbridger:** There were two from the GCHQ side and I think two or three from *The Guardian*.

**Q307 Chair:** You just broke up the hard discs and the laptops. Is that right? Is that what everyone was doing?

**Alan Rusbridger:** Yes. It is harder to smash up a computer than you might think. I believe they have things like food mixers into which you can drop the computer, which reduces them to dust.

**Q308 Chair:** So the food mixer was brought to the basement of *The Guardian* and you popped things in?

**Alan Rusbridger:** No, we did it with Black & Deckers.

**Q309 Chair:** Was there any point in that exercise if you had the documents anyway and you were going to publish them, the food mixer thing?

**Alan Rusbridger:** The serious point is, and it goes back to *Spycatcher*, that I was completely clear with the Cabinet Secretary that there were copies elsewhere and that the destruction of these computers was not going to stop reporting. I think—

**Chair:** But they still went ahead and brought the food mixer and you still had the ceremony?

**Alan Rusbridger:** We did it with our Black & Deckers, but to their instructions. I accept this was a hard choice for the Government. I think they were balancing a free press with security. I understand the nature of the choice, but the point was that I think the alternative to having the newspapers—and you can criminalise newspapers all you like and try to take them out of this—the next leak or the next Edward Snowden or the next Chelsea Manning will not go to newspapers. They will dump the stuff on the internet.

**Q310 Chair:** Yes, we understand that is a wider point, but on the ceremony it was just a public relations exercise in the end?

**Alan Rusbridger:** I would not say that, but I would say if their aim was to stop publication and to have a dialogue of the sort that we were having—and Mr Robbins' witness statement makes apparent the reason they did not go for an injunction was because they felt that we were behaving responsibly—they lost control of the documents the moment they destroyed them in London.

**Q311 Yasmin Qureshi:** From what you have said this afternoon, is it the case that you say that what the newspaper published would not have caused any harm to any intelligence personnel nor put to risk any intelligence operation dealing with security issues?

**Alan Rusbridger:** I don't know because no one has come to me and said, "This is the specific harm that you have done". I have seen lots of people who have dealt with the security agencies. I have seen the former Lord Chancellor. I have seen former Home Office Ministers and former Foreign Office Ministers, Paddy Ashdown, who was a former Royal Marine. I have seen people who are serious figures who have dealt with the agencies who say that one should always treat the claims of national security with proper scepticism. I think that is a proper thing. The only story that any Member of Parliament has directly referred to is the story about the Tor, the so-called deep internet, which I am very happy to talk about if anybody is interested.

**Q312 Yasmin Qureshi:** Ben Emmerson, Queen’s Counsel, who is the UN Special Rapporteur in counter-terrorism, has just announced they are going to be looking into this whole issue about intelligence-gathering or information-gathering by the US and the UK. I am just going to summarise what he said. He said it is the role of the free press to hold a Government to account and some of the suggestions from the Tory MPs that *The Guardian* should face criminal investigation are outrageous and even some of the tabloid newspapers are joining that. Are you welcoming the UN investigation into the whole issue of gathering information and the extent of it?

**Alan Rusbridger:** Absolutely. I think we have just had a long and tortured debate about Leveson and during that debate we heard repeated assurances from all three party leaders that politicians would not interfere in the press. It seems to me at the very first hurdle Parliament is in danger of falling in that. As I quoted earlier, the general counsel of the NSA—so this is not necessarily a friend of journalists, he is a full-time securocrat—said, “Of course, we did not want this stuff in the public and I perfectly understand why intelligence agencies want to keep all this stuff secret”. But once it is in the public domain and once it is in the hands of the press, the NSA guy says, “The press must be protected”, and that is a wonderful thing about America and I think it is a lesson that we are still learning in this country.

**Q313 Yasmin Qureshi:** My final question relates to the fact that there have been articles published in your newspaper and, I think, others have expressed at times—and I know the Chair has alluded to this—about the fact there is a question about the extent of parliamentary oversight of the working of the security agencies. I know in the end Parliament will make its own decision, but do you have some suggestions as to a possible way that Parliament can in fact improve or have more oversight of what the security agencies are doing?

**Alan Rusbridger:** I think somebody has to hold the ring between these conflicting debates. We are not talking about one public interest here. Security is obviously a very great public interest. No one is contradicting that. There is a public interest in privacy and there is public interest in the economic health of tech companies, the economic basis of the digital economy in this country. I have seen a figure of £36 billion as the likely damage to US and UK companies because people are not going to trust these companies on the basis of some of the stories that have come into the domain.

I think you need a privacy advocate. You need somebody external who has the technical knowledge, which I doubt many of the members of that committee have. They have a small budget of £1.3 million. I think there are all kinds of questions that parliamentarians have started asking: whether it is right for this not to be a full select committee of the House, whether it is right that the Chair should be a person who has had dealings with intelligence committees and responsibility for them, whether they have enough resource and so on. I am hearing very helpful suggestions and very interesting suggestions about how the ISC might be reformed as a result of newspaper coverage.

**Q314 Ian Austin:** What is point of principle? It is obvious, is it not, that all Governments are going to gather intelligence and all Governments are going to keep that information secret? Why should I accept from you that you are better placed to judge what bits of that information should become public? Why are you better placed to be able to be able to

judge that than the heads of the security services who say Al Qaeda is having a field day and this has helped Britain's enemies?

**Alan Rusbridger:** I am not claiming to be better placed than the heads of the security agencies. I am just saying there is a broader debate than just security and the democracy that I want to live in—

**Ian Austin:** I accept that.

**Alan Rusbridger:** I don't want the national security to be used as a trump card that says, "I am sorry, you can't publish anything else because national security is going to trump that".

**Q315 Ian Austin:** I am not suggesting that. What I want to know is when the people who are experts in this, dealing with it all the time, serving the country and trying to protect us all, say that this is stuff that should not be in the public domain, how can you argue that you and the colleagues at *The Guardian* that you consulted are better able to make a judgment on that? Obviously you do because you went ahead and published it.

**Alan Rusbridger:** Let us talk about the Tor story. Tor, for members of the Committee who are not familiar with this, is a system of communicating in encrypted form. It was built by the US Navy. It is funded to this day by the State Department. Why is it funded by the State Department? It is funded so that dissidents in horrible countries can communicate safely. That is a good thing, isn't it? It is also used by paedophiles. That is a bad thing.

If we publish a story after talking to the White House for three weeks to say that this is a network that still seems to be safe to use, is that a good thing or a bad thing? It is bad for dissidents and it is good for paedophiles. We use our judgment and, to come back to the earlier question, there was nothing *The Guardian* published that is not on the Tor's own website.

**Q316 Ian Austin:** Yes, but I think there are two separate things here. It is one thing to report on the extent of surveillance and to say this information is being gathered and to report the facts that this is happening. That is one thing. I think it is something very different to then transmit the information in a risky way, in an insecure way, which could put at risk security personnel. Those are two very different things, aren't they? I am not worried if the Americans are embarrassed. Reporting the extent of surveillance is fine, but I think the transmission of information and the way you managed it is something very different.

**Alan Rusbridger:** I took your question to be the judgment of editors versus the judgment of security services, but you are making a different point now.

**Ian Austin:** It is a separate question, yes.

**Alan Rusbridger:** We can talk endlessly about how the material was held. The only time the material has leaked has been from the NSA, not from *The Guardian*.

**Ian Austin:** No, I understand that.

**Alan Rusbridger:** You understand that point.

**Q317 Ian Austin:** Why were some of the names redacted? I am not clearly why some of the names and some of the information that was sent was redacted and some of it was not. Is it because you did not know what was in all of the 58,000 files before they were sent?

**Alan Rusbridger:** The redaction was of any documents that we published that might have had a name on it. We have not used any names. In redaction I am talking about published material.

**Q318 Ian Austin:** Stuff that was just transmitted as it was?

**Alan Rusbridger:** We did some cleaning up, but we did not clean up every one of the 58,000 documents.

**Q319 Ian Austin:** What proportion of the 58,000 documents were read before they were sent to other people?

**Alan Rusbridger:** I could not tell you. I don't know.

**Q320 Ian Austin:** You don't know what was transmitted do you? The guy Miranda when he was transporting this stuff had the files encrypted but he had a bit of paper in his pocket with the passwords to unencrypt them. That does not strike me, as Ollie Robbins said, as being the best way of looking after secure information.

**Alan Rusbridger:** That is not—

**Ian Austin:** I think that is a matter of legitimate concern.

**Alan Rusbridger:** What you say is factually not quite right.

**Ian Austin:** That is what Ollie Robbins told the *Telegraph*.

**Alan Rusbridger:** If you read his witness statement—

**Ian Austin:** I have it here.

**Alan Rusbridger:** —it is not quite right. What he talks about is the password to one file, which was a kind of index to other files. If you read Mr Robbins' witness statement, which was made 11 days after the material was seized, it is apparent that the encryption on the files themselves have not been broken by GCHQ's finest. There is a supplementary witness statement given some time later in which the case they make for retaining the files is that the police could not break the kind of encryption that was being used.

**Q321 Ian Austin:** Was any of the information taken home from the *Guardian* by any of your staff?

**Alan Rusbridger:** No.

**Q322 Ian Austin:** In the documentary about WikiLeaks, James Ball says that he took a copy of the encrypted documents back home to his flat, but in this case you are absolutely certain that that did not happen?

**Alan Rusbridger:** Yes. We were not blind to the sensitivity of this material and we went to more precautions over this material than any other story we have ever handled and this was not being carried around in that way.

**Q323 Ian Austin:** Just one point of clarification. In the early questions you were asked about the DA-Notices and you said that there was one story that did not follow that process. Was that the Tor story or was that something else?

**Alan Rusbridger:** The one in relation to DA-Notices? No, that was a story that I think falls into the category of political embarrassment rather than national security. It was about the bugging of leaders at the G-20 meeting in London.

**Q324 Chair:** In your Orwell lecture in November 2011 you set out a number of criteria, five Rusbridger tests, that journalists must follow if they are going to be involved in intrusive behaviour. Indeed, *The Guardian* has been commended by this Committee and others for the

work you did on phone hacking. Do you think that what you have done meets those five tests in regard to sufficient cause, the integrity of motive, the methods used, that there is proper authority and that there is a reasonable prospect of success? Have they met those tests?

**Alan Rusbridger:** Yes, we were discussing that this week. I think they are very good tests.

**Chair:** They are yours.

**Alan Rusbridger:** It is harm versus good. It is authority. It is proportionality: 1%, not all of it. It is not fishing expeditions. One of the things I said to the reporters right at the beginning of this is, “We are not going to use this as a bran tub for stories. There is stuff in there about Iraq and Afghanistan. We are not even going to look at it”. That is not what Edward Snowden was doing when he wanted responsible journalists to go through this material. I believe we have abided by those five tests.

**Q325 Chair:** Are you in touch personally with Mr Snowden?

**Alan Rusbridger:** I am not.

**Chair:** You are not, but somebody else is on your behalf?

**Alan Rusbridger:** Not since Mr Greenwald left *The Guardian*. We have no contact with him.

**Chair:** Can I say to colleagues who have indicated they wish to ask a further question that I am going to ask you to ask only one question? We have the Commissioner coming in. I would like Mr Rusbridger to go before he arrives not for any reason other—I don’t suspect anything is going to happen—than that we have another session on counter-terrorism.

**Q326 Dr Huppert:** There are many interesting things but I would be grateful for any advice you can give us on how we can resolve this fundamental problem that the security services will tend to say, “Trust us, this is a problem but we can’t prove it to you”, and there is simply no way to explore that properly. We also have the issue that terrorism, like paedophiles, as referred to by my colleague earlier, is clearly something that is so heinous that you should do anything to stop it, and this is often used to argue for further legislation. What is the solution to this conundrum? How can we avoid ourselves being in this constant position where the security services will just claim things and there is no way to establish it? The agencies have the oversight. How can we break that gap? What would your recommendations be?

**Alan Rusbridger:** As briefly as possible and this is clearly the dilemma at the heart of it. In the real world this is going to come back to Parliament and Parliament and Congress, all countries with security services, are going to have to work out this question of oversight, but those committees, it seems to me, must contain the technological challenge and the representatives of civil society who can represent the public interest in things that are not purely security.

**Q327 Michael Ellis:** Mr Rusbridger, your journalist James Ball said in the documentary called *We Steal Secrets* that he took top secret encrypted documents back to his flat, as Mr Austin has pointed out to you. In an online interview, I think on BuzzFeed with David Miranda, he said one of your staffers at *The Guardian* was due to carry some stolen secret files, got cold feet and then they were sent via FedEx. Did you know that FedEx conditions of carriage included at section 8(16) that that would be an unauthorised thing to do? I think you said to Mr Reckless that you had used FedEx. My question to you is that, bearing all that in mind, do you

not accept that you have been at the very least woefully irresponsible with secret information and thereby people's lives?

**Alan Rusbridger:** The James Bull quote, as you know, is about Wikileaks not about this story at all. It has nothing to do with this story and, no, I don't accept your premise.

**Q328 Mr Winnick:** Can you clarify the situation of where you go from here or where *The Guardian* goes from here? The Prime Minister, and I don't quote directly, said in the House that threats have been made, some may describe it as intimidation, use whatever word one would like. Will *The Guardian* continue to publish, despite all that, revelations from Snowden that you consider should be in the public domain?

**Alan Rusbridger:** We have been working slowly and responsibly through this material with some of the best journalists in the world, with 100 contacts with Government and agency sources, so we will continue to consult them. We are not going to be put off by intimidation but nor are we going to behave recklessly.

**Mr Winnick:** I am glad to hear that.

**Q329 Paul Flynn:** What question do you think this Committee should ask the head of MI5 when he is here, bearing in mind he likes advance notice of questions?

**Alan Rusbridger:** I think the question that Mr Huppert raised at the end is the crucial one. I have met most of the heads of agencies and I know they are serious people who think about these things but equally it is apparent that some elements of the intelligence services—I am speaking generally and not necessarily about ours—have been a bit out of control, literally, because they were not within the control of people who should have known about it. That is a dangerous state of affairs and, if it is true of America, it is to some extent true here because of the relationship between NSA and GCHQ. So I think the question for the head of MI5 is the one that Mr Huppert raised, which is what is the forum in which this can be meaningfully overseen by people who have an understanding of the technology, are adequately resourced and understand the broader questions and the broader public interests of civil society that are engaged by these questions.

**Q330 Chair:** Are you quite satisfied that those who protect our country by gathering information and dealing with terrorist organisations like Al-Qaeda, Al-Shabaab and other organisations have not been undermined by what you have done, and those of us who sleep safely in our beds at night should not feel that they have been undermined at all by what *The Guardian* has done?

**Alan Rusbridger:** The biggest threat is if you are working in a situation where there are people inside these organisations who are so troubled by what they see and who are troubled by the relationship between the legality of what is going on and what engineers can now do—as President Obama said, what they can do as opposed to what they should do. As long as you have people among those hundreds of thousands of people who are so troubled that they are going to leak these massive databases in order to generate the public debate that the President says is necessary, then you have no security. President Clinton talked the other day about that we are in danger of having a world where there is no privacy and no security. That is a bad situation for everyone, so I think there are mature conversations to be had as a result of what has been published.

**Chair:** Mr Rusbridger, thank you very much for coming here. You have been clear and open in your evidence. Thank you.

### **Examination of Witnesses**

*Witnesses:* **Sir Bernard Hogan-Howe**, Commissioner, Metropolitan Police, and **Cressida Dick**, Assistant Commissioner, Metropolitan Police, gave evidence.

**Q331 Chair:** Commissioner, Assistant Commissioner Dick, thank you very much for coming. We thought that you were not going to be able to join us, Ms Dick, but you are here.

**Cressida Dick:** I am delighted to be here.

**Q332 Chair:** We are also delighted.

Commissioner, could I start with a couple of issues before we turn to the issues of counter-terrorism? Of course, no session with any police officers is complete without asking the Andrew Mitchell question, since it has been so much in the fore. The last time you appeared before us, which was in January this year, matters had not been concluded and the reports had not been ended. We now have a situation where one of your officers has been charged with a criminal offence and eight are now subject to disciplinary proceedings. Is that factually correct?

**Sir Bernard Hogan-Howe:** That is right, although one of the officers is also charged with a criminal offence. There is a total of eight, one of whom is charged with a criminal offence and an issue of misconduct.

**Q333 Chair:** Bearing that in mind and bearing in mind the statement that you made to Victoria Derbyshire, which was broadcast and then picked up by many others, do you regret saying that you were 100% behind your officers since we now are clear that eight are subject to disciplinary proceedings? I know hindsight is a wonderful gift that they don't give you when you become Commissioner, nor Members of Parliament, but on balance, on reflection, it was the wrong thing to say. Would you like to take this opportunity of apologising or regretting what you have done?

**Sir Bernard Hogan-Howe:** I think we had the same conversation the last time I appeared before the Committee. What I tried to say then is that if anything I have said at any time has led anybody to believe that we are not going to have a ruthless inquiry then I apologise for that. What I tried to explain was that at the time I made the statement circumstances were different to how we find them now. I think I made that statement on 21 November last year. At the time Andrew Mitchell had resigned from his post on 19 October and he had previously apologised to the officer for his behaviour. The Operation Alice leak investigation into the leak of the police log published in *The Daily Telegraph* was completed in October, prior to me making that statement, and that was said prior to the Met being made aware of the letter sent to John Randall MP, which we were informed of about 13 December. While later, as you say, it appears unwise, and I would not want to let anybody think that we are doing anything other than being independent in our investigation, at the time those were the circumstances when I made the comment.

**Q334 Chair:** Bearing in mind that now we have had three chief constables of forces, other officers and the President of ACPO looking back, and I think everyone wants to turn the

page on this at some stage, quite quickly in some circumstances, do you want to draw a line by basically apologising for what the Met did?

**Sir Bernard Hogan-Howe:** I don't think I can at this moment, only because until we have all heard the outcome of the criminal investigation and prosecution, and also the gross misconduct and the misconduct charges, I think it would be unwise to say anything. I would draw the attention of the Committee to a couple of things I have said. One is that at the conclusion of these proceedings, if there is a need to apologise to Andrew Mitchell for anything that any Metropolitan Police officer has done, I will do it. I will do it personally if that is necessary. I am only hesitating to make those comments until we have given a fair chance to the criminal justice system and the misconduct process. I have no inherent defensiveness about making those comments at the appropriate time, and I think there will be a need to clear the air should there be any findings against the Met.

**Q335 Chair:** We have been troubled by evidence we have received in successive evidence sessions about the crime figures and evidence given to our sister committee, the Public Administration Committee, that basically the crime figures in the Met have been fiddled. One of your officers talked about a misrecording of between 22% and 25% for rape and serious sexual offences and a deliberate attempt to downgrade the figures, with the witness, Mr James Patrick, saying that you can physically see this in the notes. We put this to Peter Fahy and Hugh Orde but of course this was not the Met so they left it to you, which was very kind of them, since you are the Commissioner.

**Sir Bernard Hogan-Howe:** Quite properly.

**Chair:** Were you alarmed to hear that members of your force had been, in effect, fiddling some of those crime figures?

**Sir Bernard Hogan-Howe:** I was very shocked by the allegation and therefore we will take it seriously. I had not heard those allegations before, but what we have said we will do as a result of that is to make a very clear statement—which I did at the ACPO conference and I will repeat it—that it is essential that we have accurate and truthful crime stats. We know that they are never fully the story. We know that probably 85% of rapes and serious sexual offences are not reported, so they are an incomplete story, but what is vital is that what we have is accurate and truthful. It does not help the victim or the police if they are inaccurate. That is a very clear statement. In terms of what we are going to do about that—

**Q336 Chair:** Just before you do that, are you really telling me—you have been a chief constable, you have been the Met Commissioner for two years and two months—that no one has ever said to you in all that time, 36 years in policing, that police officers are misrecording figures? Is this the first time you have ever heard this?

**Sir Bernard Hogan-Howe:** That isn't what I said.

**Chair:** No, but I was asking you.

**Sir Bernard Hogan-Howe:** Do you mind if I just finish on the particular point about what we are doing about that serious allegation, because it is really important? First of all, we are investigating. Secondly, I have asked Her Majesty's Inspector to come and inspect our existing systems. The HMI inspected our systems in 2012 and found them to be competent and reliable. We carry out our own audits internally, about six every year, and all of them have been passed with around 95% efficiency. You might say that is the Met inspecting the Met. The Deputy Mayor, Stephen Greenhalgh, has asked his own auditors to come in and look at our figures.

Finally, and this is particularly pertinent to the sexual offences and rape allegations, there is an issue in rape about what is called “no crime”. I won’t bore the Committee with all the details of that but there is one particular thing that is important. A “no crime” is raised where in fact it is said eventually that no crime happened, not that there was a mistake about the type of crime but there was no crime, that there was consent present in a rape or whatever. That has historically been an issue and we think that some of the comments that this officer made to the Public Affairs Committee relate to a period of over two years ago when the no crime issue was around 25%. As I sit before you, that no crime issue is around 9.75%, so it is far lower. There are always reasons in sexual offences for being very careful on behalf of the suspect and the victim. So we will take that seriously. What we are going to do is carry out a piece of separate research by some academics to go back and talk to women over at least the last two years where there has been no crime to establish whether that was true and, if it was not true, “Did any police officer play a part in putting pressure on you or anyone to withdraw that crime?” I think it is vital that someone else does this rather than the police.

**Q337 Chair:** Can I say on behalf of the Committee how much we welcome your decision to have this investigated and the fact that you are treating it very seriously, because we do believe it is very serious. The whole basis of policing, and indeed the debates that we have in the House of Commons and the policies that we fashion, is having accurate figures. We welcome that you have said to us today that you are having an inquiry.

Turning to counter-terrorism now, we have just had evidence from the editor of *The Guardian*. He does not know if there is an investigation into *The Guardian* in respect of the publication of the documents. I don’t expect you to have listened to his evidence because obviously you were travelling over here. I don’t know whether you were cycling or not, Commissioner. We will come on to cycling later with Dr Huppert. Is there an investigation into *The Guardian*? Mr Rusbridger has not had a knock on the door yet.

**Cressida Dick:** Perhaps I can answer that question. As you know, we conducted a port stop in August that resulted in us receiving a large amount of material. We announced later that we were investigating whether anyone had committed any offences in relation to that material and we subsequently clarified that to include Official Secrets Act offences and potential offences in relation to counter-terrorism. We are continuing with that inquiry. We are taking it carefully. There is a lot of very difficult material to find our way into. We will go where the evidence takes us and we will be proportionate and careful about every step that we take. If people make complaints to us of other offences by others or parties involved or apparently involved or not involved, we will take those complaints very seriously.

**Q338 Chair:** Is there currently an ongoing investigation?

**Cressida Dick:** There is an investigation ongoing into that material, sir.

**Chair:** Into the material but not into any individual?

**Cressida Dick:** We are scoping what the material tells us about who may have committed what offences and we are working very closely with the Crown Prosecution Service and others to understand that.

**Q339 Chair:** I am just wanting to establish it so it is fact. Is it a scoping exercise?

**Cressida Dick:** No, it is an investigation but it is into what the material tells us.

**Q340 Chair:** I am trying to be clear here. It is an investigation that is scoping the material.

**Cressida Dick:** In effect, yes, sir.

**Chair:** Right. I think I am clear. Mr Reckless, are you clear?

**Q341 Mark Reckless:** In a previous context it was explained to us the difference, I thought, between a scoping exercise and an investigation. The police make a distinction between those two. Which of those is this?

**Cressida Dick:** It appears possible, once we look at the material, that some people may have committed offences. We need to establish whether they have or they haven't. We have an investigation to discover that, but that involves a huge amount of scoping of the material.

**Q342 Mark Reckless:** Can I clarify, is it the job of the police to investigate in this instance whether there has been a breach of section 58A of the Terrorism Act and, if so, the responsibility of the CPS to decide whether a prosecution would be in the public interest?

**Cressida Dick:** Broadly, yes. We take a very careful approach, as I have said, to any investigations into counter-terrorism or into the Official Secrets Act. The law is quite complicated, so the investigation is ours and we will continue with that investigation but we will and are taking advice from the Crown Prosecution Service about the law as we go forward.

**Q343 Chair:** Thank you. How many people are involved in this scoping exercise? How many officers have you allocated?

**Cressida Dick:** I am afraid, sir, I am going to have to come back to you with the precise number now.

**Q344 Chair:** Alice is now closed, is it? There were a number of officers, it had cost £250,000 at the end to the Met, but Alice is now wound up.

**Sir Bernard Hogan-Howe:** We can let you know but I am pretty sure we are now down to three or four officers who are preparing for two things, the criminal prosecution and the misconduct hearings.

**Q345 Chair:** Before I call Mr Winnick on Snowden, I would be grateful if you could pass on the Committee's condolences to the Chief Constable at Police Scotland, Sir Stephen House, on the tragic death of the officers in the helicopter crash. We all feel very upset about it, and if you could pass that on since you are the first uniformed officers to come before that.

**Sir Bernard Hogan-Howe:** Of course, Chair, we will pass that on, and also to the members of the public who were affected at the same time.

**Chair:** Of course, and to them.

**Q346 Mr Winnick:** The last remark of the Chair is shared by all of us and we have a book that we are signing in the Library for the tragedy that occurred in Glasgow.

As far as Snowden is concerned, can I get the position clear, Commissioner and Assistant Commissioner? You are working on complaints that have been made to you in the normal way. Am I correct?

**Cressida Dick:** I didn't say that, sir. I said we are investigating what the material tells us and whether anybody appears to have committed any offences from what we can see in that material. We will deal with any other complaints that we might get in the normal way.

**Q347 Mr Winnick:** What you are looking at at the moment is not entirely as a result of complaints that have been sent to the Met?

**Cressida Dick:** No, it is not.

**Sir Bernard Hogan-Howe:** It might be worth just reminding you about the chronology of what happened. Mr Miranda was passing through Heathrow airport, was stopped on a schedule 7 stop, was detained under that stop and material was seized. That material has now been the subject of a judicial review to see whether or not the police appropriately stopped him and whether we appropriately seized that material. The judicial review has now reserved its opinion and we await the outcome of that. It is under the information that was seized at that stop that we have tried to answer the questions as best we can at this stage.

**Q348 Mr Winnick:** Has the Attorney's office been in touch with the Met over this matter?

**Cressida Dick:** Not as far as I am aware, sir, and I would not expect them to be at this stage.

**Q349 Mr Winnick:** Finally, as far as the public interest is concerned, the decision on whether or not it is considered there should be a prosecution is out of your hands. Am I correct? It is entirely up to the Director of Public Prosecutions to decide what is in the public interest, or am I wrong?

**Cressida Dick:** If we believe there is sufficient evidence then, as you are aware I think, the CPS will look at whether the evidence is sufficient and, secondly, whether it is in the public interest. There may be, depending on the offence, also an involvement of the Attorney General.

**Q350 Michael Ellis:** My simple question on Snowden matters is will your investigation also incorporate potential or possible offences under section 58A of the Terrorism Act 2000?

**Cressida Dick:** Yes, indeed, we are looking at that as a potential.

**Q351 Michael Ellis:** Commissioner, can I ask you about Operation Alice, the matter concerning Andrew Mitchell? As the Chairman was saying, each of the three chief constables involved with the officers who were involved in the Sutton Coldfield matter have apologised and have been to see Mr Mitchell, apparently. They had one officer involved. You have said that there are eight Metropolitan Police officers involved in alleged disciplinary matters, and you did say that you were 100% behind your officers earlier on. I want to press you on why you differ from the three other chief constables as to the appropriateness of going to see Andrew Mitchell and apologising to him in the way that the other chiefs have done.

**Sir Bernard Hogan-Howe:** The only distinction I would draw is that my understanding is that in the other chief constables' appearances before you in fact no misconduct or criminal charges were to follow from the actions of their officers.

**Chair:** At that time.

**Sir Bernard Hogan-Howe:** That was the very challenge that you and others drew to their attention, which is not the position I find myself in. As I have tried to make clear, I have no

defensiveness in principle. I am quite happy to do it personally and publicly when the right time comes, should that be proved necessary. My only reservation is that until some things are dealt with it would be unwise to make that apology for something about which others may then say I made a pre-emptive decision.

**Q352 Paul Flynn:** You said that in this inquiry you are co-operating with the Crown Prosecution Service and others. Who are the others?

**Cressida Dick:** Clearly in relation to the material that appears to relate to Government material we have to speak to Government departments and agencies about that material.

**Q353 Paul Flynn:** Are you involving the security services? Would you be under pressure from them for a prosecution?

**Cressida Dick:** I don't think we would be under any pressure from them at all, sir. Whenever we are investigating terrorism offences, and sometimes when we are investigating Official Secrets Act offences, we will be in touch with the agencies. We would not be under any pressure. We would also normally be in some contact with the Cabinet Office in relation to the material.

**Q354 Chair:** Let us move to the rest of counter-terrorism. Cressida Dick, are you embarrassed by the fact that the Met has now lost two people who were subject to a TPIM?

**Cressida Dick:** I am not embarrassed, sir. I am, of course, as I think everybody is, quite frustrated. However, I am pleased that our response when this person went was very good.

**Q355 Chair:** Meaning what? He had escaped, so what response could be good?

**Cressida Dick:** It is clearly not a good situation but we didn't make it any worse, if you like, by failing in any way straight afterwards. I think we did very well in our immediate response to it.

**Q356 Chair:** What else could you have done? If one got into a taxi and went away and the other went into a mosque and put on a burkha, your response after the event is neither here nor there.

**Cressida Dick:** Less important. I accept that, sir.

**Chair:** The issue is that you are the head of counter-terrorism and these two people were the subject of TPIM orders. This is not something that the Home Secretary can monitor every day but presumably the police should be monitoring.

**Cressida Dick:** Certainly, and the agencies of the security service are in the position of working with the Home Office, but we are the primary people to try to manage the risk that these people may pose, primarily the risk that they may pose in engagement in terrorism and then, secondarily, of course, any risk that they might abscond. I have always been clear, and indeed at this Committee, that we cannot reduce all the risks to zero.

**Q357 Chair:** No, of course not, but there are so few of them on there. You have a very large budget and one of the reasons why Parliament votes you a large budget is to enable you to do your operational duties and the Home Secretary has to come before the House and take questions from Members when somebody goes missing. It is an operational issue. It is not necessarily an issue for Ministers. When the old regime goes in January, is it not going to be

worse in terms of the surveillance of individuals? Do you prefer the old control order system? Do you have a view on that?

**Cressida Dick:** There are quite a few points in your comments, sir. First of all, I would refer you back, and I know you have had other witnesses who have said that beyond incarceration we can't actually stop every single person from making off should they so wish, despite our very great efforts and indeed lots of resources. Secondly, as I have said before, and I think you have agreed with me, we have to balance across the whole of our counter-terrorism effort, managing risk posed by a wide variety of individuals, including those on the TPIM measures. Thirdly, I think you were talking about when they come off the measures. We will need to manage any lingering risk that there may be around them and also in this phase work as well as we can with them to try to ensure that they don't pose any further risk. You have talked to me before about the relative controls that exist within TPIMs and control orders. It really is not a matter for the police to say where the balance should lie.

**Q358 Chair:** We understand that, but we have all been in Parliament a long time and when Ministers go before the despatch box and say, "We want to increase the number of days that people stay in detention", as was the case before, they say, "We have spoken to the Commissioner—not this one of course, your predecessor—and he says it is a very good idea that we should have detention for 42 days". Do you not have a view as to what is the best way to implement these?

**Cressida Dick:** I don't wish to be discourteous, sir, but I think that was a good example of where sometimes it may be better for us not to get ourselves embroiled in great party politics. What I would say is that we will do our level best whatever the regime, for want of a better word. We will give professional advice to the Home Secretary and the Home Office. We have been consistent in saying that we did believe that relocation was an important measure, but of course it is not for us to decide where the balance should lie.

**Q359 Chair:** No, but Mohammed Ahmed Mohamed and Adebolajo—I don't want you to talk about the trial but just the fact that they have gone abroad, one to Kenya and one to Somalia—have both ended up back in the UK. Obviously Mohammed Ahmed Mohamed is still missing along with Ibrahim Magag. How closely do you work with the security services when people come back into this country? Obviously Adebolajo was brought back from Kenya and we heard from Charles Farr that he had an obligation to bring Mohammed Ahmed Mohamed back to the UK. Are they under surveillance from the time they arrive back?

**Cressida Dick:** I can't talk about Mr Adebolajo, for obvious reasons, but in terms of your general point we would expect—assuming we are all aware, assuming the security services, for example, are aware—to be informed when they come back if somebody has been involved or appears to have been involved or has been accused of being involved in a terrorist matter in another country, and we would work very closely with the security services, and do, from the moment they arrive at the port.

**Q360 Chair:** Did that happen with Mohammed Ahmed Mohamed?

**Cressida Dick:** I am not in a position to talk about the precise measures that we took but when we know about it we work very closely with the agencies.

**Chair:** Thank you. That is very helpful.

**Q361 Mr Winnick:** How far is the country in danger of another 7/7?

**Cressida Dick:** Sir, I think you will be aware that the threat level in the country is currently at substantial, which is one notch below where it was for much of the 2000s. There is, though, as you will have seen from the agency heads when they appeared at the Intelligence and Security Committee and Andrew Parker's speech in public, an ongoing and enduring threat. That threat is probably more diverse and more complex for us to deal with. Of course, we could not rule out that someone somewhere might wish to conduct a horribly impactful and spectacular attack on that scale. We could not rule it out.

**Q362 Mr Winnick:** According to what the police and the intelligence agencies have stated, there are a number of people, in the hundreds, who are considered to be dangerous and potentially dangerous by way of outright terrorism in the UK. Is that the position?

**Cressida Dick:** Yes, there are many people, both people born and brought up here and in a variety of other countries, who might pose a threat to the UK.

**Q363 Mr Winnick:** We all accept, and I am sure the police no less than we do, that the overwhelming majority of people whose religion is Islam or were born into Islam even if they don't observe the religion, like in other groups, are perfectly law-abiding, loathe terrorism, know full well that they could be as much the subject of terrorism as the rest of us. Are you satisfied that enough is being done by MOS and other Muslim groups in saying in effect that terrorism, certainly terrorism in a country like ours, is in total conflict with the Islamic religion?

**Cressida Dick:** I, for one, was very heartened by comments that have been made over the recent months and years, and in particular after the attack in Woolwich, by a very broad range of people from our Muslim communities to show their complete contempt for terrorism and to distance themselves from it. As you said, the vast majority of people in Muslim communities, and that includes the vast majority of people who are in positions of authority in mosques, do exactly that. But I am sure there are one or two or a few who are either less capable or innocent about what might be happening within their community, and on occasion we have had examples of people who are present in mosques being extremists. This is not by any means exclusive to Muslim communities.

**Q364 Mr Winnick:** Are there large numbers of people in this country who go abroad for jihad?

**Cressida Dick:** I am not able to put a precise number on it, nor do I think it would be very helpful even if I could.

**Mr Winnick:** But generally.

**Cressida Dick:** I think when Mr Farr was here not so long ago talked about the very large numbers of people, more broadly, that we know are travelling to Syria. Some of them are people who are seeking what you called jihad and that number is extremely worrying for us.

**Q365 Mr Winnick:** Would they be possibly people who might want to inflict terrorism on the UK, or do you make a separation there?

**Cressida Dick:** I think there is a very complex picture, to be put it one way. Even people who previously have been interested in jihad might travel for humanitarian purposes. At the other end of the spectrum, there are people who go very innocently and get caught up and

become very extreme and very trained, who might come back up and pose a threat. We are extremely concerned about people who may return from Syria and pose a threat in the UK.

**Q366 Yasmin Qureshi:** Picking up on the theme about overseas, we are told and it has happened that some of the plots in this country have an overseas connection. What is the Metropolitan Police doing to build relationships or liaisons with other countries as well as other agencies in those countries to tackle the issue of terrorism?

**Cressida Dick:** I was able to put in a submission to the Committee and I covered some of this in some detail. Our whole approach in the UK is to try to work really well locally with our local communities so that, for example, a family who are worried about somebody travelling would feel confident to come and speak to us—and that is happening—to work very effectively with our specialists at the regional and national level in a way that is interoperable and flexible, and then—to come to your point—to have a very strong international reach. We have a number of what we call counter-terrorism liaison officers in a variety of countries whose job is to improve the police-to-police relationship, to build capacity to help the local agencies deal with terrorist matters. We also work with and through the security service and MI6 to try to ensure that we have the best possible understanding of what is going on in other countries and where people in those countries might pose a threat for us.

**Q367 Yasmin Qureshi:** You say that you have a number of liaison officers in other countries. Do you think you have enough resources? Are there enough in numbers or do you need more or less?

**Cressida Dick:** It is important to say that these officers are primarily funded by the counter-terrorist branch, which you know is a ring-fenced branch so they are not funded by, for example, the Metropolitan Police budget, and secondarily also by the Foreign Office. They have been investing in that capability and this year we are expanding slightly the numbers that we have and the countries that we have them in. That is very much led by the Government saying where they think it would make sense and us saying where we think it would make best sense. So there are skilled people, a scarce resource, in my view doing an incredibly important job, and I know others believe that they are very important in the wider counter-terrorist effort. In general, we are expanding not getting smaller.

**Sir Bernard Hogan-Howe:** Although sometimes the British police are criticised at home, internationally we are well received, even where this country is not always well received in some countries. I think you are going to meet with an officer when you visit Kenya, or whoever from the Committee is visiting there. During the recent events, that officer was well received when Britain is not always well received. It is a useful conduit.

**Q368 Chair:** This is a point Mr Reckless has made on a number of occasions, that the brand Britain is very high in terms of policing. I don't know whether you have seen, because you were obviously preparing for this evidence session, the article in today's *Evening Standard* about the number of London teenagers who are travelling out to Syria to fight. Who is it who should say, "Don't go"? Commissioner, this message does not seem to come across. People travel because they think that they are going to take part in jihad. Some of them die and some of them become even more radicalised, and then they come back into this country. Who should tell them not to go, Commissioner?

**Sir Bernard Hogan-Howe:** I suppose a number of people, Chair. I invite Cressida to add anything if she would like to. First of all, parents. We have had contact from worried parents who don't know where to turn to stop it or get advice. You would hope that mosque leaders, as was said earlier, are going to play a part in that too, and of course politicians and governments have a role to play in sending a message out. As far as the police are concerned, we advise people not to get involved in terrorist groups and not to travel to war zones for their own safety let alone anything else.

**Q369 Chair:** Is there some profiling being done? Is there some research on the geographical areas that they go from? Perhaps there should be school visits by officers just telling these people.

**Sir Bernard Hogan-Howe:** Perhaps Cressida could add a little detail about what we do.

**Chair:** Yes, "Please don't go because if you go you will end up either dead or there will be severe problems for you when you get home". I think if we send that message across we have to stop them going. After the parents ring and ask for advice, it is probably too late, isn't it?

**Cressida Dick:** We entirely agree with you, sir, and we are doing a great deal of work. Not just police officers but our Prevent officers have a whole series of campaigns and messaging that they are doing in areas that we feel might be particularly vulnerable to this area of travel. We are monitoring as best we can where people are going from and concentrating our efforts there, but it is a collaborative approach, as the Commissioner said, across us and the communities, and also other public authorities.

**Q370 Chair:** Do you find your budget is under strain, Commissioner, in respect of spending money on Prevent, on sending officers out in order to tell them to stop?

**Sir Bernard Hogan-Howe:** We are always under strain, Chair, about our money but to be fair I am not sure we would say this is preventing us doing things that we want to. Of course more money is always appreciated but I don't think it would be reasonable to say it was causing us particular problems in this area.

**Cressida Dick:** If I could add, sir, as you know, the Home Secretary has said the counter-terrorist police capabilities will be maintained for two years. Within that we are constantly looking at where we can be more efficient and where we should adjust investment, and we will be investing some more in Prevent work because of what is going on at the moment.

**Q371 Michael Ellis:** I understand from recent reported cases that the Home Secretary has recently in one particular case of suspected terrorism cancelled a passport. It had already been cancelled once before and the Supreme Court had "uncancelled" it. Are there any extra powers that you think are needed by the police, whether it be going to fight in foreign parts or any other areas where you are screaming out for more powers, or are the powers sufficient?

**Cressida Dick:** There is quite a wide range of things that the police, and the Home Secretary can call on, not just powers but our covert capabilities and our police abilities and also the agencies' abilities. There is a wide range of things, but it would be ridiculous to say that we should not look at whether there are further powers that would be helpful. Indeed, in recent weeks we have been in some conversations with the Home Office about what might be adjusted or what might be—

**Michael Ellis:** Can you elaborate?

**Cressida Dick:** I am not sure it would be appropriate to give you any great detail, sir, and I am not the person that has been speaking to them, but in terms of—

**Michael Ellis:** But there are talks?

**Cressida Dick:** There are most certainly talks: what could we do to strengthen our powers in order to prevent people travelling?

**Q372 Michael Ellis:** Given the concerns about foreign fighters, what sort of work is the Metropolitan Police doing to identify and monitor UK nationals who travel in order to engage in this type of activity?

**Cressida Dick:** Again, it is very much a partnership approach with, where it is appropriate, the security service, but we are doing everything we can to try to find out who may be minded to go and why, as the Chair has said, to intervene and dissuade or help other people to dissuade them where we can. But also where they are set on going and there is no power, the intelligence would suggest they are going to go and we don't have any evidential reason or any other reason to be able to physically stop them, then we most certainly are monitoring what they are doing to the best of our ability.

**Q373 Michael Ellis:** Did you want to add anything, Commissioner?

**Sir Bernard Hogan-Howe:** The only thing I might add is that we make a broad point about British policing, which is having local neighbourhood officers, which is not often recognised, is fundamental to our national security investment; partly who do we identify as terrorists and partly what information we get from the public, from a parent, school or wherever about people who are thinking about, for example, going to Syria. That information is fed into the system. Then you have to check at the borders: is there any suspicious activity there? Of course, both security services work with us to see what we can gather from our intelligence from abroad and at home to see who might be thinking about this sort of movement.

**Q374 Michael Ellis:** Is this an area where community police officers have been able to help identify those who are claiming to engage or have engaged in fighting abroad?

**Cressida Dick:** Absolutely. As the Commissioner said, it is the foundation of counter-terrorism policing. People tend to think of the detectives and the forensic people and all the specialists who are very capable, and probably in many respects the best in the world, but actually the foundation is the local neighbourhood officers, the friendly face, those that people can get to know, trust and understand. That is where we get our intelligence from.

**Q375 Nicola Blackwood:** I want to ask you about prosecution of counter-terrorism. There is a major terrorism trial that was reported in *The Times* a few weeks ago. I realise you can't talk about the details of the case at all, but it is a little bit concerning that essentially what is being reported is that almost all of the details of the trial will be held secretly, the names of the accused, the details of the complaints against them and so on. This may be necessary for operational purposes in this case but how often has this happened with other similar terrorism cases?

**Cressida Dick:** I am not aware of any other case in which we have done this. I will double check when I go back but I am not aware of a single other case. I would agree with what I think is probably the subtext of your question, which is that it is absolutely imperative wherever we can that people know what is going on in the justice system and particularly in terrorism

where we have very great powers. It is a very controversial issue and people have all sorts of different views on the subject. We would want to be open wherever we possibly can and I can assure you, in terms of our first decisions around that case and any case, there is a very careful consideration as to whether that is the right thing to do. I would regard it as a very rare occurrence but, of course, as you are probably aware, in this instance the judge has put these restrictions on.

**Q376 Nicola Blackwood:** Those restrictions have gone on to this case but does your application for reporting restrictions, anonymity and non-disclosure of pretty much the whole case in this instance signal any kind of policy change?

*Cressida Dick:* Absolutely not.

**Q377 Nicola Blackwood:** Your intention would generally be to allow disclosure in every other case where it is possible?

*Cressida Dick:* Wherever we possibly can we would want to do that, yes.

**Q378 Paul Flynn:** How would you apportion the terrorist threat to the UK from three groups: Al-Qaeda, home-grown terrorists born and brought up here, and the Taliban?

*Cressida Dick:* Al-Qaeda, as know, is now very different in some respects from the Al-Qaeda of a few years ago. It has an awful lot of affiliated groups, people who aspire to be like, people who are interested in, so it is quite a wide set of groups now that might be put under the Al-Qaeda brand, if I can give it that name. Undoubtedly, several of those groups do pose a threat to people in the UK. As a brand, it inspires other people, coming to the home-grown, and we know that through the internet and other methods it has caused many people to move from being somewhat radicalised, slightly extreme in their views, to becoming violent extremists who actually want to cause attacks and hurt people. That phenomenon is very worrying to us, in particular the phenomenon that perhaps people may not in the future feel the need so much to seek permission or commander control from elsewhere but will just, having seen something on the internet, decide that is what they are going to be, will be self-starting. So both pose a very great threat to us, home-grown and from abroad. Al-Qaeda is a very pervasive brand that is affecting all of this. It is not the only one but it is a very pervasive brand. I am afraid I am not really qualified to talk about the importance of the Taliban as a threat to the UK.

**Q379 Paul Flynn:** You haven't answered my question. I asked for some proportion of risk. But moving on from that, the continuing justification for sending British troops to die in Afghanistan is the threat from the Taliban of committing terrorist threats in the United Kingdom. Next year those troops are coming home. Do you expect to see an increase in terrorist offences by the Taliban?

*Cressida Dick:* Again, sir, I do not think I am qualified to assess that. I am sorry if I didn't answer your question before.

**Q380 Paul Flynn:** All right, if I repeat it again. What I would like you to answer is is it a third, a third, a third? Is there no threat from the Taliban as Al-Qaeda disappear? Is it a threat almost entirely from home-grown terrorists? The majority of the atrocities that have occurred have been by people from this country who have been brought up in this country. Isn't that true? Are we fighting an enemy in Afghanistan that presents a threat that doesn't really exist? If it does

exist, we are getting rid of our protection next year and presumably the Taliban are going to come in in great numbers to blow up our streets.

**Cressida Dick:** I am sorry, sir, I am going to have to say I genuinely am not qualified to talk about the threat of the Taliban.

**Chair:** We can accept those remarks.

**Cressida Dick:** Nor do I think anybody, and certainly not me, could put figures on the degree of risk of Al-Qaeda in other parts of the world and its influence in the UK on individuals, together with some others who pose a significant threat to the UK.

**Q381 Mark Reckless:** Sir Bernard, we have seen how the reputation of British policing can be used to gain co-operation and support overseas. Do you see prospects for using that international reputation to generate more income that can be put back into British policing? Is the College of Policing the body we can look to to do that?

**Sir Bernard Hogan-Howe:** In short, I think there is an opportunity there and there are various ways we can do that. The Commonwealth remains a powerful link for us. We can think about the countries in which we have counter-terrorist links and serious and organised crime. The overall brand probably is British policing. The Metropolitan Police, New Scotland Yard, is a very powerful brand. We get visitors almost every week from different parts of the world who wanting to share but also learn, so I think we have something to offer. We have been approached by different people trying to help us to sell our brand and I think the only difficulty is working out what is an appropriate way of finding a vehicle to do that. We are already talking to the College of Policing about how we can work together, because of course they can offer training and they have their own brand but they don't have the operational brand and the size that the Met offers. So I think there is an opportunity. How it works I think is something for the Government to consider as well.

Finally, I would say whatever we do ought to support foreign policy. It ought not to be the Met or the College of Policing to say, "We will have this link with this country". We ought to be supporting and developing British foreign policy, and clearly with over 200 countries in the world we can't do it everywhere so we have to prioritise our efforts. But the military, security services and the police have something to offer in developing relationships.

**Q382 Chair:** You confirm that you did not come here on a cycle?

**Sir Bernard Hogan-Howe:** I do, Chair.

**Chair:** Good.

**Sir Bernard Hogan-Howe:** That is not remarkable of itself.

**Q383 Dr Huppert:** Terrorism is clearly something we are all very concerned about, as we are about the actions of paedophiles and a range of other things. These are often used as scapegoats, reasons why more and more powers are always needed. We have seen this many times. Presumably you are both aware of Project Spade in Canada.

**Sir Bernard Hogan-Howe:** I must admit I have not heard that one.

**Dr Huppert:** I find that extremely interesting. This is a very large operation by Canadian police where they broke a huge paedophile ring.

**Sir Bernard Hogan-Howe:** This is the recent one?

**Dr Huppert:** This was about 18 months ago. They managed to release hundreds of children from astonishingly abusive conditions. They also identified 2,345 suspects in the UK.

They sent the information approximately 18 months ago to CEOP. You say it is very recent, because until last week absolutely nothing had happened about this whatsoever. You say you don't know anything about it even now. 2,500 suspects for very serious offences and you are saying you did not know about it.

**Sir Bernard Hogan-Howe:** The first thing I was trying to explain is that I had not heard the name. We have so many operations, I did not recognise the name. Now that you have helpfully explained the particular case, I had not heard about the 18-month history of this and I am afraid I am not briefed to answer how CEOP dealt with that information, although I can go away and try to find out. It would not be the first time, sadly, that we have received large volumes of data where paedophilia has been an issue on the internet. Operation Ore, which I think is now probably over 10 years old, has had a long time in terms of trying to get to the bottom of these investigations. I can go away and find our best information. I am sorry I didn't recognise the name but I did see the press reports over the last two weeks, which was my "recent" comment.

**Q384 Dr Huppert:** The National Crime Agency have said that they are going to have an independent review as to how they managed not to look at this data. Would you agree that it is quite important that before asking for new powers to do all sorts of wonderful things, getting the basics right, like having a look at files containing names of suspects, might be a good thing to do?

**Sir Bernard Hogan-Howe:** I would. The only reason I am hesitant to make any judgment is that I don't know enough to know when CEOP received it, in what format and what they did with it. I want to make sure before I comment that the Metropolitan Police received nothing, and if we did what we did with it. I am afraid I am not briefed but I will go away, as a result of this question, and inform the Committee about what I find out.

**Q385 Dr Huppert:** That would be helpful. It would also be helpful if you could find out for us the form of the independent review that is going to be undertaken.

Moving on to another issues with counter-terrorism, we have discussed before the idea that counter-terrorism should move into the National Crime Agency, because it is an national issue after all. Has your position changed on that, either of you?

**Sir Bernard Hogan-Howe:** My view is that you have to be clear about why we would change. Our model in this country is very well respected, both in police and security service terms. Most of the rest of the world looks to our model with some respect and some awe at times. Without being complacent, I think we have a pretty good model that is working well. I have to be really careful because we could have an attack tomorrow and everybody would say, "Why didn't you predict it?" but on the whole I think our system is working very well. The things that I think make it strong are the fact that, going back to the original point, we have about 250,000 people involved in policing in this country, 130,000, 140,000 cops and then all the people who support us. That is a big very footprint of people. We need to connect with over 60 million people so it is vital that we have that link. I think if we isolate the terrorist investigators—we already have an isolated security service and the NCA are a national policing body and having a link in with local policing is a very important thing. During our investigations around extremism for Islamism we have allegations that this becomes a political issue. I think the fact that police get involved at a local level is a strength. So for me that is a very powerful point.

Secondly, the National Crime Agency is a very new body. It has been in place for a matter of weeks. The reason it was set up is because it was perceived that its predecessor was not working in the way that Parliament or anyone else wanted it to work. So it now has to establish its credentials and I think it would be unfair on it to then give it an extremely new and quite radical change in terms of these new powers and responsibilities. For many reasons, it is for the Government to decide what they would prefer but I think they are the things that would weigh on my mind if I was called on to give advice.

**Q386 Chair:** If I could just interrupt for one second on that. You are not ruling it out? Some of us agree with what you have said about the NCA, the jigsaw is not complete, as we know, but five years down the line it may be sensible to put counter-terrorism in a national organisation because counter-terrorism is a national issue, isn't it?

*Sir Bernard Hogan-Howe:* Chairman, I don't think I quite said that.

**Chair:** No, but I am asking you.

*Sir Bernard Hogan-Howe:* So I am giving you my view now and I am not trying to project something.

**Chair:** You are not ruling it out though?

*Sir Bernard Hogan-Howe:* I am not quite saying that. I am not projecting myself for four to five years for a few reasons. Lord Stevens independent report for the Labour Party proposes a different structure of policing altogether. If you accept that model there would be nine forces. This not a Met-led project.

**Q387 Chair:** He does not make a comment about where CT should sit, does he? That is the problem.

*Sir Bernard Hogan-Howe:* No, but if I develop this just a little. We have five counter-terrorist units out there. It is not just the Met. Then we have the counter-terrorist intelligence units. We have an embedded complex picture where we have a discrete body of people who are investigating counter-terrorism. We have a link to the security service. I think if we were to consider changing the model, for reasons that ought to be established, then we would have to consider all that picture. There are very many options, one of which might be the NCA. In considering those options, the NCA is one of them. I don't rule it out, but I think the model we have is pretty good.

**Q388 Dr Huppert:** To move away from counter-terrorism—we can explore that further—you made some interesting comments. It is a shame my colleague Ian Austin is not here because he and I co-chair the all-party parliamentary cycling group. You made some interesting comments in your role where you have a responsibility for traffic policing and safety through London and there have been a number of tragic deaths. Your comments were, "It seems to me there is a lot of traffic and personally I wouldn't cycle, fair enough, but some people don't have the choice. Economically it is not easy." I don't know if you have had a chance to reflect on your comments and whether there is anything you would like to say about your attitude to it but also what the Metropolitan Police are going to be doing to make it possible for people to cycle safely.

*Sir Bernard Hogan-Howe:* I have had a lot of opportunity to reflect on my comments. You may have seen that I published not a retraction but certainly a clarification within hours, so I have reflected on my comments. I suppose the first thing I have to say, and I was answering personally, is that I don't cycle. I can't be dishonest about that. I just don't cycle. I don't find it

attractive. I would ride a horse round London but I wouldn't ride a cycle, but neither would I in Sussex or anywhere else. It is not a comment on London necessarily but that is how it was taken. What I should have probably considered was that generally cycling is quite a safe event. If you look at London this year, I think one more person died on the roads, which is a very sad thing. I think 14 people have died this year compared to 13 last year and 11 the year before. I think there are fewer people seriously injured. This is despite the fact there has been more cycling. On the whole cycling is increasing and therefore you would think the risk increases. I suppose I was just reflecting on the fact that it can be very unfair for the cyclists regardless of whose mistake it is. So I think I made that point inelegantly, and straying into the economic area was not really any other point than some people may not have that choice. That is all.

**Q389 Dr Huppert:** Thank you for those comments. What will the Metropolitan Police be doing to assist in this?

**Sir Bernard Hogan-Howe:** Yes, of course. What we decided to do is for a period of around 90 days, three months, certainly over the next couple of months, at 166 locations we are asking our officers—I think we said over the 24-hour period around 2,500—to concentrate on junctions particularly where cyclists appear to be most vulnerable. So we have identified the 166 and already over the first three weeks I think we have issued 5,000 fixed penalty tickets to both drivers and cyclists for inappropriate behaviour to try to encourage them to bike better. Many have been stopped and advised. I was talking to a journalist before I came in who said he had been stopped and advised, so clearly it is having some impact. We are getting an indirect benefit. Many of the areas in which there are hotspots in terms of inappropriate behaviour or accidents and collisions also coincidentally are quite often crime hotspots, so by the high levels of patrolling we are getting a joint benefit. People seem to have appreciated it and the sort of things we are concentrating on are obviously motorists who use their mobile phones, drivers of large vehicles who don't seem to be giving consideration to cyclists, cyclists who go through red lights and don't look or go over the white line when they should remain behind. We are trying to deal with both fairly but acknowledge that often the cyclists will come off worse whatever the bad behaviour.

**Q390 Dr Huppert:** There have been a lot of comments in the past that the police haven't looked into collisions seriously. Will you make sure that that changes?

**Sir Bernard Hogan-Howe:** I think I might reject that, if you wouldn't mind. For any fatal collision we have a set of accident investigators who are pretty well qualified. In fact, if the Committee has never had a look, if you would like a visit to meet them I think you would find it fascinating. They are qualified as engineers. They work with many people to establish exactly what happened in a collision, not necessarily to blame but to understand so that the coroner is well informed and if there is a prosecution, which does not always happen, the court is well informed. It helps design the roads, affect driver behaviour and give advice to the Government and Parliament on what the law should be. I think we do pay particular attention and frankly whether someone has died on the roads or died by a criminal act, both are important things. We know that broadly probably two to two and a half times more people die on the roads than die by criminal acts or homicide.

**Q391 Chair:** Just a couple of points and then we are going to close. First of all, as far as Hillsborough is concerned, just to put this matter at rest, I know that the Hillsborough families

have talked about a statement you may or may not have made. It was 20 years ago and some of us can't necessarily remember what happened 20 minutes ago. Did you make a statement? Was it in writing, was it a telephone call, has it gone to the right people? Do you want to clarify it just for the record?

**Sir Bernard Hogan-Howe:** You are quite right, the length of time has not helped my memory. I have tried to put this in the public domain. I would say two things. One is that at the time I was an inspector in the South Yorkshire Police. I was at university and on the Saturday when this horrible event happened, at the request of the force I went back on duty to try to help at the local Hillsborough Boys Club. That is what I did that evening and tried to help until the following morning. There has been a more recent request by the press about whether or not I made a statement. I have to say genuinely I thought I had made a statement, which is what then got confusing when I was shown a document that I took to be a statement and now looks as though it was a written account of an oral telephone conversation. So I think that accounts for the mis-description. But I have said I am very happy to help the family—I think it is actually one family—and also the Independent Police Complaints Commission and those who are working for them around Hillsborough to do anything I can to clarify anything that happened in that boys club because there is nothing to be hidden and I don't think I have anything to be ashamed of.

**Q392 Chair:** As far as you are concerned, it was an account of a phone call and that was it?

**Sir Bernard Hogan-Howe:** I think that accounts for the confusion but I have contributed to that confusion by not recognising the difference in the documents I was shown.

**Q393 Mr Winnick:** No criticism of the Chair of course. He said 20 years is a long time. 39 years ago the pub atrocities occurred in Birmingham and the relatives are still seeking to find out who committed such a terrible crime. As far as Hillsborough is concerned, we have had evidence from those involved in the fight for justice to clear the names that were slurred by the press and the Government of the day, or at least some Ministers within the Government. Do you recognise the very strong feelings of those who are campaigning over this issue?

**Sir Bernard Hogan-Howe:** Of course. Some of them have lost children, certainly many people have lost a relative or a friend. That is a terrible thing and compounded by concerns about the truthfulness of the inquiry and the things that followed. I entirely understand it. I did work in Merseyside for nine years, as chief constable for five, and I met some of the families and their representatives, so I entirely understand the emotion. It is a very natural thing that everybody wants to make sure that they get justice.

**Q394 Chair:** I will be writing to you because I am sure you do not have the figures here about the amount of property that is seized or collected by the police and retained. There are specific examples of accidents that have occurred in London where the police have taken property and not returned it in a timely fashion. Would you look into that? I am giving you notice.

**Sir Bernard Hogan-Howe:** Can I just check, is this criminal assets where we have seized them or is it general?

**Q395 Chair:** It is general accidents on the roads where you have taken material and not handed it back. I am going to write to you about it but you are alerted to that.

Finally, the Committee has decided to hold an inquiry into female genital mutilation. Obviously this is an issue of interest to the Met. Is there an explanation as to why so few people, in fact nobody, have been prosecuted for FGM since the law came into existence?

**Sir Bernard Hogan-Howe:** There are some explanations where they are justified, but I think it is for others to judge. As I think we had a discussion about, I have a personal interest in making sure that we do get a prosecution. The Committee may have seen the documentary by Leyla Hussein. I recommend it to those who have not seen it. It is an incredibly powerful about what FGM is, not what is the theory but what actually happens, which is a pretty horrible thing. Also we need to educate not only men, I suspect, about what this means and what the expectations are of women. I offer it. I have met Leyla and we are going to work together to see what we can do about finding out whether we can get prosecutions, particularly around cutters, the people who commit this horrible thing either abroad or at home. We have made a start on that and we are meeting again in a couple of weeks time.

Going back to your original point about prosecution, over the last couple of years we have had five cases in the prosecution phase, certain investigations moving through to a potential charge. The usual challenge is that the victim will not complain. Sometimes it is a child or it is a child who would have to complain about the parent who arranged the cutting and that causes incredible tensions. I think we now have one case that we think may have some opportunities, which does not fall into that category. But the usual challenge is that either the child is too young to complain or they, as an adult, have to complain against a parent, apart from the fact that many people from some communities do not understand that it is illegal in this country.

**Chair:** Of course. We are holding an inquiry and we would very much like you or one of your colleagues to give evidence.

**Q396 Nicola Blackwood:** Sir Bernard, the challenges that you have just mentioned are challenges that often you have to deal with in complex child abuse cases, child sexual exploitation cases and domestic abuse cases. We have obviously come a long way in prosecuting those cases. One of the ways that we have come a long way is by raising awareness and expertise among statutory agencies and teachers and parents in identifying indicators and knowing when to refer and who to refer to. I know that there was statutory guidance and guidance that was put out from the Home Office. How many referrals, from secondary witnesses I suppose, do you actually get to pick up cases or are you just waiting for victims themselves to come in?

**Sir Bernard Hogan-Howe:** I will be careful how I describe this, but we do not get many referrals from education or health, and that would be helpful. If there is childbirth involved you would think that these things are fairly obvious. There are two things that come into play. One is a lack of education for all the professionals involved about what it means and what are the physical symptoms. You would think for health professionals it is obvious but I understand it is not always as obvious with various forms of FGM. Secondly, there are sometimes cultural sensitivities that I would say are inappropriate. People trying to do the right thing sometimes do the wrong thing. So I think the whole system needs a shakeup. I will accept our responsibility but I think together we have to do something significantly different. The final thing I would mention is discussions about how we could use some of the tactics we ordinarily use against organised crime in this area to prevent a victim having to give evidence.

**Q397 Nicola Blackwood:** To help us with our inquiry, would you send us your statistics about your referrals and the victims who have come forward that have led to the ongoing prosecutions that you have at the moment? It would be helpful.

**Sir Bernard Hogan-Howe:** Yes. I can certainly provide it if it is any help to the Committee, taking names out, giving the details of the cases so that you understand some of the dilemmas that you might appreciate and help you understand why individuals have a real dilemma.

**Q398 Chair:** That would be very helpful. Very finally, Assistant Commissioner, you are the most senior woman police officer in the country and, Sir Bernard, you are the most senior male police officer in the country, so the Committee is very fortunate to have you both together. How does the police service turn the page following Plebgate and Hillsborough and the Jimmy Savile issue and all these other problems in terms of leadership? How do we turn that page, Cressida Dick?

**Cressida Dick:** You have catalogued a number of issues and problems. I think that our day-to-day interactions with the public tell us that a huge proportion of the public judge us by our actions and not by what they read in the newspapers or other issues that they are finding out about second or third hand. The most important thing for me is that we continue to improve our day-to-day service delivery and our ability and, for example, prevent terrorist attacks or respond effectively. I think that we have very good and strong leadership of policing in this country. However, clearly some cases have suggested, as with other institutions, that we are not perfect. There is a job for all of us, including the most senior people, to focus on our leadership development, bringing up new, young, different people and ensuring that they are inculcated with the very best of British policing, which we touched on when we were talking about counter-terrorism liaison officers overseas. The ethos of British policing is admired all round the world. We have some great leaders and we need to develop some more great leaders.

**Q399 Chair:** You are one of those leaders, Commissioner. How have we turned the page over the last few years?

**Sir Bernard Hogan-Howe:** Just to build quickly on what Cressida said, I think we shouldn't throw out all our strengths. We have a great many strengths. We are one of the, if not the only, unarmed police services in the world, which means that we must have the support of the public. Without that we cannot go forward. We cannot be complacent about that. The Met has four values about being courageous, morally as well as physically, about compassion, about being professional, but it has to be built on a bedrock of integrity, and that is where the police service has to be. I think we should celebrate the fact that we are all shocked where integrity is challenged but we all have to respond with great vigour and make sure that integrity is maintained. There is no such thing as part-time integrity so we have to make sure that we maintain that and promote it in our selection and training of people and make sure that we respond with great alacrity if we find there are times when human behaviour lets us down. But we shouldn't throw out the great strengths that we have in the British police service.

**Chair:** Commissioner, Assistant Commissioner, thank you very much for coming today.