

Fishmongers' Hall: Policy Exchange

A Preventable Tragedy

Peter Clarke CVO OBE QPM



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About the Author

Peter Clarke CVO OBE QPM joined the Metropolitan Police in 1977 after graduating in Law from Bristol University. He served in a variety of uniformed and detective roles in London, and in 1997 became commander of the Royalty and Diplomatic Protection Department. In May 2002 he was appointed as head of the Anti-Terrorist Branch at New Scotland Yard and National Co-ordinator of Terrorist Investigations, leading the investigation into all acts of terrorism in the UK and against British interests overseas, including the Bali bombings in 2002, the London bombings of 2005, the plot to bring down transatlantic airliners in 2006, and the murder of Alexander Litvinenko. In 2006 he became the first head of the newly formed Counter Terrorism Command. In 2009 he was appointed by the Prime Minister to be a member of the UK national Security Forum, created to advise Government on the implementation of the UK National Security Strategy. In addition to holding a number of advisory and consultative roles in the private sector, he was a non-executive Director of the UK Serious Organised Crime Agency from 2009-13. He became a member of the Board of the Charity Commission in 2013 and in 2014 he was appointed by the Secretary of State for Education to be the Education Commissioner for Birmingham with a specific remit to investigate alleged Islamist infiltration in schools. He became HM Chief Inspector of Prisons on 1 February 2016, holding that role until November 2020.

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Contents

About the Author	2
Executive Summary	5
Policy recommendations	6
Fishmongers' Hall – An Avoidable Tragedy	7
Usman Khan	7
The Inquest	8
The background to countering Islamist terrorism in the UK	8
Khan In Prison	9
Learning Together	13
Managing Usman Khan after his release from prison	15
Recent cases where terrorists did not 'desist'	17
Khairi Saadallah	17
Sudesh Amman	17
Sahayb Abu	18
Conclusions	18

Executive Summary

On 29th November 2019 the Learning Together programme of the Cambridge University Institute of Criminology organised a celebration of their 5th anniversary to be held at the Fishmonger's' Hall in the City of London. The programme is intended to bring serving prisoners and undergraduates together in a learning environment. On this occasion one of the invitees was Usman Khan, who had been released from prison some 11 months previously after serving 8 years of a sentence imposed for terrorist offences.

It transpired that Khan had travelled to the event having equipped himself with knives and an imitation suicide belt. He attacked and killed Jack Merritt and Saskia Jones, both of whom were working with the Learning Together programme. Khan was subsequently killed by armed police officers

The inquest into the appalling tragedy of the deaths of Mr Merritt and Ms Jones has exposed a catalogue of failures on the part of virtually every organisation involved with the management and monitoring of Khan in the lead up to, and following his release from prison in December 2018. Vital intelligence about his possible intention to mount a terrorist attack was not properly shared with those who needed to be aware of it. The Multi-Agency Public Protection Arrangements meetings did not receive crucial information, despite those who were aware of it being present at their meetings. Neither the police nor the probation officers assigned to monitor and manage Khan had the training or experience needed to deal with such a dangerous and deceitful terrorist.

The process and structures for managing terrorists both in prisons and after release needs to be thoroughly overhauled. This inquest has exposed extraordinary systemic failings that had unspeakably tragic consequences.

The case of Usman Khan is not an isolated one of terrorists mounting violent attacks on the public following their release from prison. The essential role that prisons should fulfil in contributing to public safety, both by holding prisoners safely and preparing them for safe release back into the community should be recognised by returning their management to the Home Office from the Ministry of Justice. There should also be urgent reviews of the use of Separation centres in prisons and the management and monitoring of released terrorists should be removed from local police and probation officers into an entirely new structure.

Policy recommendations

- That responsibility for managing Her Majesty's Prison and Probation Service should be transferred from the Ministry of Justice to the Home Office, enabling closer alignment with all aspects of law enforcement and intelligence, and emphasising the essential role of prisons in protecting the public both during a prisoner's sentence and in preparing for safe release into the community.
- That there should be a distinct and separate structure for managing the treatment and risk of all offenders convicted of terrorism or terrorist related offences. This should be organised on a regional or national basis, and its staff should be trained and experienced in dealing with the specific risks presented by terrorist offenders, particularly those who are ideologically inspired.
- That there should be an urgent review of the use of Separation Centres in prisons to ensure that they fulfil the function of protecting both vulnerable prisoners and ultimately the public from being exposed to the risks posed by prisoners who have been radicalised while serving their sentences.

Fishmongers' Hall – An Avoidable Tragedy

On 29th November 2019 the Learning Together programme of the Cambridge University Institute of Criminology organised a celebration of their 5th anniversary to be held at the Fishmonger's' Hall in the City of London. The programme is intended to bring serving prisoners and undergraduates together in a learning environment. On this occasion one of the invitees was Usman Khan, who had been released from prison some 11 months previously after serving 8 years of a sentence imposed for terrorist offences. During the course of the event he fatally stabbed Jack Merritt, a co-ordinator of Learning Together and Saskia Jones, a volunteer with the scheme. These two young people, clearly committed to the cause of supporting and rehabilitating prisoners, were the tragic victims not only of a determined and deceitful terrorist murderer, but also of failures on the part not only of those who should have held a duty of care towards them, but also on the part of those public bodies whose role it is to protect the public from the predation of people such as Khan. Khan himself was subsequently shot and killed by police, having been found to be wearing an imitation suicide vest.¹

Usman Khan

Usman Khan was born in Stoke on Trent in 1991. In 2010, at the age of 19, he was convicted of 25 terrorist offences, including planning to set up a terrorist training camp in Pakistan. He was associated with groups of terrorists in the UK who were planning to attack the Houses of Parliament, the US Embassy, synagogues and the London Stock Exchange. He successfully appealed against his original indeterminate sentence, which would have needed the Parole Board to sanction his release. It was substituted by a fixed sentence of 16 years, which meant that he would automatically be released after serving 8 years. This duly happened on Christmas Eve 2018.²

Usman Khan was one of the most dangerous terrorists to be released from a British prison in recent years. After serving 8 years at the highest level of security categorisation he was released to live in Stafford. It is almost unknown for a prisoner to be released into the community whilst at 'High Risk category A', a categorisation that is only afforded to around 0.1% of the prison population.³

While serving his sentence in HMP Whitemoor, Khan had been accepted onto the Learning Together programme. Khan was invited to

1. London Bridge: What we know about the attack, BBC News, Published: 3 December 2019, <https://www.bbc.co.uk/news/uk-50594810>
2. The Queen -v- Mohammed Chowdhury & Others, Sentencing Remarks of Mr Justice Wilkie, 9 February 2012 <https://www.judiciary.uk/wp-content/uploads/JCO/Documents/Judgments/mr-j-wilkie-sentencing-remarks-r-v-chowdhury.pdf>
3. Fishmongers' Hall Inquests, Day 26, May 20, 2021 <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/05/FHI-Day-26-20-May-2021-FINAL.pdf>

the event at Fishmonger's Hall and attended. He had been allowed by his probation officer, working with the Multi-Agency Public Protection Arrangements (MAPPA) to travel by train to London from his home in Stafford, unaccompanied. Subsequent investigation showed that en route he donned an imitation suicide belt in the train's lavatory, covering it with an oversized coat he had bought as part of his preparations. He was also in possession of knives that he had recently bought in Stafford.⁴

During the event he murdered Saskia Jones and Jack Merritt using the knives he had brought with him. He subsequently left the Fishmonger's Hall where he was pursued by other attendees from the event. He was then confronted by armed police who, on seeing the suicide belt, shot him dead.

The Inquest

The inquest into the deaths of Jack Merritt and Saskia Jones was held in April and May 2021, presided over by the Chief Coroner, HHJ Mark Lucraft QC, and reached the inevitable conclusion that they were unlawfully killed by Khan. Over the course of many weeks evidence was heard from attendees at the event, first responders, Learning Together staff, the Prison and Probation Services, the police, MI5 and others. There were some inspiring stories of courageous attempts to stop Khan's murderous rampage. The immediate response from the emergency services was swift and commendable. But evidence has unfolded as to how it came about that such an obviously dangerous man as Khan was able to attend the event and then carry out his attack. What has emerged is a truly depressing tale of incompetence, complacency, ignorance and blame-shifting between organisations. Time and again the inquest heard how information had not been shared, giving witnesses the chance to say that they would have behaved differently had they but known one thing or the other. This is a sure sign of what we now know to be a catastrophic systemic failure. Nick Armstrong QC, acting for the Merritt family pointedly commented during the inquest, "You know how often it is being said 'I thought it was somebody else's job'."⁵

The background to countering Islamist terrorism in the UK

Two decades ago, MI5 and counter terrorist police in the UK realised that much of their learning and experience from dealing with 30 years of the IRA and other Irish paramilitary groups was becoming obsolete. In the aftermath of 9/11 they saw that the new enemy was different. Ideologically driven Islamist terrorists were the complete opposite of their Irish counterparts in terms of their modus operandi and the risk they posed to the public. Unlike PIRA, for instance they had no interest in being part of a political process and they cared not whether they were killed or captured. Their ambition was, quite simply, to inflict as many casualties as possible in pursuit of their unattainable goals. MI5 and the police realised

4. Fishmongers' Hall inquest: Woman begged terrorist not to stab her, 14 April 2021, BBC News, <https://www.bbc.co.uk/news/uk-england-london-56744130>

5. Fishmongers' Hall Inquests, Day 26, May 20, 2021, <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/05/FHI-Day-26-20-May-2021-FINAL.pdf>

they had to find new ways of working together to mitigate this new level of threat. They did just that, sharing intelligence and collaborating more closely and earlier in the investigative process than ever before

In 2007, as Head of Counter Terrorism Command at Scotland Yard, in a lecture at the Policy Exchange I explained the new approach:

“There can be no doubt that the most important change in counter-terrorism in the UK in recent years has been the development of the relationship between the police and the Security Service. In my role as National Co-ordinator of Terrorist Investigations I act as the bridge between the world of intelligence and the world of law enforcement. It would now be more accurate to describe it not as a bridge but a very wide two-way street, and my job is to make sure the traffic flows freely.”⁶

I then added,

“No longer can the police service feed off the crumbs falling from the end of the intelligence table.this is no longer acceptable for very sound legal reasons, but it is also not acceptable in terms of public safety.”⁷

These principles have for many years underpinned the investigation of terrorism in the UK. Despite the appalling attacks that have taken place, many more potential atrocities have been prevented. A system of counter-terrorist investigation and prosecution was created that attracted international recognition as being highly effective.

The inquest into the deaths of Jack Merritt and Saskia Jones has shown that the risks that intelligence agencies and counter-terrorist police have been managing for many years were neither recognised nor properly addressed. Prisons, probation, police and academia were all shown to have either not properly learned, forgotten or ignored vital lessons about risk, motivation, deception and the willingness to die in pursuit of a cause. Intelligence was neither properly shared nor acted on, allowing Khan to play the system, fool people into believing he was making progress, and become what was described to the inquest as a ‘poster boy’ for the Learning Together programme.⁸ The tragic loss of two young lives makes almost unbearable the ghastly irony that has run through the inquest which is that Khan had been portrayed as a success for the Learning Together programme, no doubt ensuring his invitation to the event.

Khan In Prison

Throughout his sentence Khan was a disruptive and violent individual. His prison record ran to more than 2,000 pages. He tried to radicalise other prisoners. He mixed with convicted terrorists including Brusthom Ziamani who had been convicted in 2015 for plotting to behead a soldier and was subsequently convicted of attempting to kill a prison officer, and other serious criminals.⁹ There was intelligence that suggested Khan might return ‘to his old ways’ or even mount an attack after his release. While all this was going on he was telling a prison chaplain that he wanted to ‘change and make a fresh start’. The chaplain told the inquest that if the

6. Learning from Experience: Counter Terrorism in the UK since 9/11, Policy Exchange, 1 June 2007, <https://policyexchange.org.uk/wp-content/uploads/2016/09/learning-from-experience-jun-07.pdf>

7. Learning from Experience: Counter Terrorism in the UK since 9/11, Policy Exchange, 1 June 2007, <https://policyexchange.org.uk/wp-content/uploads/2016/09/learning-from-experience-jun-07.pdf>

8. Fishmongers' Hall Inquests, Day 26, May 20, 2021 <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/05/FHI-Day-26-20-May-2021-FINAL.pdf>

9. Fishmongers' Hall Inquests, Day 11, April 27, 2021, <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/04/FHI-Day-11-27-April-2021-FINAL.pdf>

intelligence was correct (which of course it was), then Khan was 'presenting himself in a way that was set to deceive the likes of me and others'.¹⁰

One of the few people to see through Khan's deceit was a prison psychologist, Ieva Cechaviciute, who despite receiving a report from prison imams that Khan had made 'more progress than we could have hoped for', reached her own detailed conclusions about Khan, which eventually proved to be entirely correct. She found him not to have changed, that what he was telling her was contradicted by prison intelligence, that the risk he posed was likely made worse by the company he was keeping in prison, and could increase following his release. From Cechaviciute's evidence it is clear that Khan was 'gaming' the system, setting out to deceive. She said in evidence

*"So for me that's an indication that he is able to contain himself when he needs to, so he's able to perform in different environments and with different people when he needs to impress."*¹¹

So how is it that after many years dealing with terrorist prisoners, the Prison Service not failed to find a way to address Khan's behaviour. , It allowed him to spend his entire adult life in an environment where he mixed with other terrorists, was disruptive and violent, yet successfully pulled the wool over so many peoples' eyes as to the danger he really posed?

As long ago as 2015, the then Secretary of State for Justice, Michael Gove, commissioned a former prison governor, Ian Acheson, to enquire and report to him on the subject of radicalisation in prisons. I was appointed as HM Chief Inspector of Prisons in early 2016, and although Acheson's report had yet to be produced, I was immediately given negative briefings from the Prison Service about it. In fact, it was essentially a report that recognised what law enforcement and the intelligence agencies had been saying for over a decade – that ideologically driven terrorists needed a fundamentally different approach because of the different risks they presented when compared to other 'ordinary' criminals or the terrorists that the Prison Service had been dealing with in the past.

The Prison Service produced a slimmed down version of the report, reducing its 69 recommendations to 11, and then stating an intention to implement 8 of them.¹² The government response to the Acheson review stated:

*"For the highest risk terrorists and radicalisers, the government will use all the measures at its disposal, including separation from the mainstream prison population, to contain their risk and prevent the spread of poisonous ideologies. Extremists cannot be allowed to prey on the vulnerable. Through targeted interventions and careful individual case management we will encourage all extremists to disengage, while monitoring and managing the risk presented by those who choose not to."*¹³

By this time Michael Gove had moved on, after having reportedly accepted the overwhelming majority of the original 69 recommendations. However,

10. Fishmongers' Hall Inquests, Day 8, April 22, 2021, <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/04/FHI-Day-8-22-April-2021.pdf>

11. Fishmongers' Hall Inquests, Day 18, May 7, 2021, <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/05/FHI-Day-18-7-May-2021-FINAL.pdf>

12. Summary of the main findings of the review of Islamist extremism in prisons, probation and youth justice, Led by Ian Acheson, August 2016, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/547032/acheson-review-summary-aug-2016.pdf

13. Policy paper, Government response to the review of Islamist extremism in prisons, probation and youth justice, Published 22 August 2016, <https://www.gov.uk/government/publications/islamist-extremism-in-prisons-probation-and-youth-justice/government-response-to-the-review-of-islamist-extremism-in-prisons-probation-and-youth-justice>

the full original report never saw the light of day. One of Acheson's key recommendations, accepted by the government, was that there should be 'separation centres' for prisoners like Khan who presented a risk to other prisoners, prison staff and potentially the public on release. Eventually three of these centres were set up, but they have hardly been used. At present it is believed that two of them remain open holding a total of 5 prisoners, which is perhaps a reflection of the 'institutional timidity' that Acheson said typified the approach to dealing with extremist prisoners.

When one reads the accounts of Khan's consistently disruptive and dangerous behaviour throughout his 8 years in custody, he is obviously the type of dangerous ideologue Acheson had in mind, and was without any doubt 'one of the highest risk terrorists and radicalisers' referred to in the Government's response. Despite the abundant evidence of Khan's dangerous behaviours, it seems that little was done to manage his risk in prison. Indeed, when Richard Vince, the Executive Director of the Long term and High Security Estate for the Prison Service gave evidence to the inquest he said that "I think in the case of Khan, our window of opportunity to seek to engage with him and reduce his risk was quite small relative to the long-term high security estate he was quite lightly sentenced".¹⁴ Mr Vince seems to be claiming that 8 years was insufficient time for the Prison Service to work to reduce Khan's risk, but one is left to wonder, given the wealth of material in their possession, what more would have been done if Khan had an even longer sentence?

There came a time when, as Chief Inspector of Prisons I wanted to draw up plans to inspect the separation centres. I asked to see a copy of Acheson's original report, but senior officials refused to allow me to see it, only relenting when Rory Stewart, the then Prisons Minister intervened. I was told that the Prison Service had 'gone beyond Acheson' and that his work was therefore no longer relevant. In light of this case, there must surely be a review of the use, or lack of use, of separation centres, and in particular how they could be used to protect other prisoners from the predations of people such as Khan. Separation Centres should be seen as a vital means of safeguarding vulnerable prisoners. They should be seen as protective, not punitive. Protective of other vulnerable prisoners, and protective of the public who will be spared attack from prisoners who have been radicalised while serving their sentences in what is supposed to be the safe environment of a prison. However, Richard Vince told the inquest that he was not privy to any "current plans to change the provision in the prison estate in a way that would increase opportunities for dispersal and separation."¹⁵

Perhaps the Prison Service should look carefully at the evidence given by John Crilly, a former prisoner. He was one of those at the Learning Together event who bravely chased and tackled Usman Khan on London Bridge following his attack. He reflected on his experience of serving his sentence alongside Islamist terrorist prisoners:¹⁶

Q. Today you have told us about your knowledge of terrorist prisoners from the prison system, your experience of that, and you knew the words "Allah Akbar" in the event itself, and I gather that you had heard those words being misused

14. Fishmongers' Hall Inquests, Day 19, May 10, 2021, <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/05/FHI-Day-19-10-May-2021-FINAL.pdf>

15. Fishmongers' Hall Inquests, Day 20, May 11, 2021, <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/05/FHI-Day-20-11-May-2021-FINAL.pdf>

16. Fishmongers' Hall Inquests, Day 7, April 21, 2021 <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/04/FHI-Day-7-21-April-2021-amended.pdf>

by terrorist offenders inside prison.

A. Yes.

Q. So you were familiar with what that really meant?

A. I 've been — they tried to convert me a few times in prison. I 've seen what they do. . . . They literally run every dispersal¹⁷ in the country.

Q. So when you say running the prisons, running the dispersal, let me just break it down, because the jury might just want to understand a bit about what terrorist offenders, your experience of them is. . . . so inside the prison you have the group of terrorist offenders within whom they essentially form a gang, don't they, in these prisons?

A. Yes.

Q. And you are either in the gang or you are not, so they try and convert people, they try and encourage people to their way of belief?

A. They just want numbers. They go to the extent of — I had an experience in prison before that they will allow sex offenders, [transferred] off sex offenders wings to come onto the main wings as long as they convert, so they'll forgive anything just to get numbers.

Q. And sex offenders are picked on there, presumably, because they are often subject to violence because of the dislike of their offences?

A. I don't know why they pick them.

Q. But in terms of running it, in terms of this gang operation inside the prison, this is enforced by violence and threats, isn't it?

A. Yes.

Q. So if you don't toe their line and join their beliefs, then you can be punished by physical violence or threats?

A. Yes.

Q. And within the gangs themselves there are also hierarchies, aren't there, there are those who pull the strings?

A. Yes, definitely.

Q. And is it your understanding that generally the prisons know who that is?

A. Yes.

Q. Behind the scenes, they know who is causing the trouble?

17. i.e. a high security prison

A. Definitely. The prison staff?

Q. Yes.

A. 110%, yes.

Q. So insofar as your experience of the terrorist offenders is concerned, certainly they are distinct and different in your experience in the way that they behave and operate through the prison system?

21 A. Yes.

Learning Together

Learning Together is the education programme founded by the Institute of Criminology, which is part of the University of Cambridge.¹⁸ The basic concept is that prisoners and students benefit from working alongside each other in a study setting. Dr Amy Ludlow, one of the founders of the course, was very clear in her evidence that it was an education programme and not a rehabilitation intervention. Nevertheless, it is apparent from the evidence given at the inquest that those boundaries are far from clear, with a range of evidence given about the long-term benefits of the programme, and members of staff offering references and sharing job opportunities for prisoner students. The Institute has very close links to the Prison Service. A senior prison service official, Dr Jamie Bennett, was instrumental in introducing it into prisons when he was governor at HMP Grendon, and the Institute works closely with the Prison Service in offering its members the opportunity for study.¹⁹

Khan was accepted onto the programme while serving his sentence in HMP Whitemoor. Possibly because of its closeness to Cambridge, the prison has received a great deal of attention from the academic world over the years. The Learning Together programme started in HMP Grendon, which is a far from typical prison, often referred to as a 'therapeutic community' where prisoners who are carefully selected and have set out on a rehabilitative path are placed. The programme was also used at HMP Warren Hill, a category C prison. In 2016 and 2017 it was extended into HMP Whitemoor – the first time it had been used in a high security Category A prison.

Dr Ludlow was clear that assessing the potential risks posed by prisoner students taking part in her programme was in her view entirely a matter for the prison, and she would rely on their assessments as to whether it was safe for them to take part. It emerged that the Institute had not conducted any formal risk assessments for prison-based work, nor indeed for the event at Fishmonger's Hall. Dr Ludlow gave evidence that even if there had been a risk assessment, 'the measures to manage them would have been identical to the measures we in fact followed.'²⁰ This statement at least arguably indicates a flaw in the Institute's apparent approach, in that it fails sufficiently to distinguish between the risks presented by different types of offender. Dr

18. Institute of Criminology, University of Cambridge, <https://www.crim.cam.ac.uk/>

19. What is Learning Together? University of Cambridge, <https://www.cgsj.crim.cam.ac.uk/LT/What>

20. Fishmongers' Hall Inquests, Day 8, April 22, 2021, <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/04/FHI-Day-8-22-April-2021.pdf>

Ludlow explained:

“In my field, people attend with criminal convictions all the time, it’s considered to be an element of good practice. I’ve organised lots of events. I’ve never had those discussions with a venue about security measures, save that you have to be satisfied that the venue is reasonably sound and safe. In this case, Fishmongers’ Hall colleagues told us that they’d hosted recently an event for the Prison Education Trust, so people with criminal convictions. The security measures that we had in place on the day of our event were identical to those that were used at that previous event. So unfortunately, I don’t think it would have prompted any different reflections.”

She went on to say that:

“my main protection, my main approach for managing risk in that case, is relying on my colleagues in probation, MAPPA teams, to take a view about whether that person, who has already been considered safe to be in the community, whether that person can attend this event.”²¹

However, the fact that a prisoner has been released from prison may offer little insight into whether he can be considered to be safe in the community. Khan was of course serving a determinate sentence with a fixed date of release, and by virtue of his high risk category A status was considered to pose a very high risk to the public. This profound misunderstanding was repeated later in the inquest by Detective Chief Superintendent Javid Oomer of West Midlands Police who said that as Khan had been released, he assumed he had been de-radicalised.

However, the fundamental mistake in believing that ideologically inspired terrorists can safely be treated in the same way as other criminals is repeated later in her evidence by Dr Ludlow:

Q. But if somebody in the past, like Usman Khan, has demonstrated a mindset that causes them to want to set up a training camp for marauding terrorists or suicide bombers, doesn’t that mean of itself that that sort of person needs to be handled specially and carefully within a programme like yours?

A. I think it gives rise to some specific risks, but I think that that individual may benefit to exactly the same extent as somebody convicted of other serious offences, from an educational perspective, and so I think it’s really important that education and its potential benefits are afforded to everybody that’s considered safe to engage in those activities. So I can’t find a principled basis on which I can differentiate the risks that were Usman’s risks compared to the risks that might be present in other people who engage in our activities.²²

This ‘principled’ but tragically wrong approach to the risks posed by offenders such as Khan was mirrored by the co-founder of Learning Together, Dr Ruth Armstrong. When it was put to her that Khan, being a high risk category A prisoner presented a higher risk than other prisoners, she replied:

21. Fishmongers’ Hall Inquests, Day 8, April 22, 2021, <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/04/FHI-Day-8-22-April-2021.pdf>

22. Fishmongers’ Hall Inquests, Day 8, April 22, 2021, <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/04/FHI-Day-8-22-April-2021.pdf>

“I don't know that that's true. What we do know from research is that people convicted of terrorist offences desist. So the age crime curve across the life course shows how people move away from crime and people convicted of terrorist offences also move away from crime. We're hearing about Usman Khan but there are a lot of people who have been released from prison with TACT offences who have not re-offended.”²³

Given the many occasions in recent history when released terrorist or extremist prisoners have re-offended (see below for the cases of Khairi Saadallah, Sudesh Amman and Sahayb Abu), Dr Armstrong's assertion 'that people convicted of terrorist crimes desist' is arguably very wide of the mark, and dangerously so. A further indication of her thinking can be found when she was asked about her attitude to receiving training in respect of the Prevent Duty. She conceded that she had felt 'somewhat of a conscientious objector. As a school governor I also refused to take part in this.'²⁴ She only completed the training when it became mandatory to do so.

Following his release from prison, Khan remained in touch with the Learning Together programme, but it would not seem that he was particularly active. In early 2019 he was refused permission by his probation officer to attend a Learning Together event. Instead, he was interviewed by Dr Armstrong on video, and the video was played at the event. During the interview Khan spoke about how he had suffered in prison because of the conditions he had endured, and in particular the extended lengths of time he had been held in segregation. It subsequently transpired that he had lied about these experiences in the interview. He later attended an event at HMP Whitemoor to which he was escorted by police officers, which passed without incident. He also had fairly regular telephone contact with an administrator at the programme offices in Cambridge. The programme supplied him with a Chromebook so that he could pursue his creative writing ambitions, but it would seem that he made no use of it.²⁵ This was the sum of his contact with Learning Together throughout the whole of 2019, prior to him going to the November event at Fishmonger's Hall.

During the inquest it emerged that the Institute of Criminology had received some £214,000 in funding for the Learning Together programme from the Ministry of Justice.²⁶ It was also alleged that the Learning Together programme had never been fully evaluated, which is surprising given the level of public funding it has attracted.

Managing Usman Khan after his release from prison

Following his release from prison in December 2018, Khan was put into Approved Premises in Stafford. He was subject to restrictive licence conditions, and could be recalled to prison if he was found to be in breach of them. In terms of the conditions of his licence, he was monitored by officers from the Prevent Team of Staffordshire Police. These officers were experienced police officers, but not in the management of high-risk terrorist offenders, and evidence was given at the inquest that there was some friction between them and more experienced counter terrorism officers from the West Midlands Counter Terrorism Unit. Meanwhile

23. Fishmongers' Hall Inquests, Day 9, April 23, 2021, <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/04/FHI-Day-9-23-April-2021.pdf>

24. Fishmongers' Hall Inquests, Day 9, April 23, 2021, <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/04/FHI-Day-9-23-April-2021.pdf>

25. London Bridge attacker was poster boy for rehab scheme he targeted, The Telegraph, 1st December 2019, <https://www.telegraph.co.uk/news/2019/12/01/london-bridge-attacker-poster-boy-rehab-scheme-targeted/>

26. Fishmongers' Hall Inquests, Day 9, April 23, 2021 <https://fishmongershallinquests.independent.gov.uk/wp-content/uploads/2021/04/FHI-Day-9-23-April-2021.pdf>

Staffordshire probation officers worked with Khan in terms of fulfilling the responsibilities of the probation Service. It became apparent that they too had little experience in working with released terrorist prisoners, and certainly none who presented the very high level of risk of someone like Khan.²⁷

It transpired that there was intelligence held by the Prison Service prior to his release that Khan was going to 'go back to his old ways' and even that he was planning to mount an attack after his release. An MI5 operation was set up to investigate this intelligence, supported by officers from the West Midlands Counter Terrorism Unit. The inquest spent a great deal of time probing the ways in which this intelligence was disseminated. Suffice it to say that it was not passed to relevant parties as it should have been. Some parts of it were shared with some parties, and not others. The Multi-Agency Public Protection Arrangements Meeting, chaired by a senior probation officer, was not made aware of the totality of the intelligence. Since that meeting was the body that should supervise and authorise activities such as Khan travelling by train to London, this was a major failing.

The handling of this crucial intelligence was actually deeply flawed. It was passive, with various parties falling back on intelligence-handling protocols and procedures as a reason for not ensuring that those who needed to know about it did in fact do so. There were many references to 'sterile corridors' and the need to ensure no-one with direct contact with Khan should be in possession of the intelligence. There are actually well-established procedures to ensure that the essence of sensitive intelligence can reach those who need to know it without risking either the source or the methods by which it was obtained. Nobody seems to have thought to do what should have been done which was to revert to the 'owner' of the intelligence and ask whether and in what form it could be shared with those who needed to know about it. The witness from MI5 was adamant that had such a request been made they would have been happy for the intelligence to be shared. Had it been, it is entirely possible that the whole train of events that led to the murders at Fishmonger's Hall could have been avoided.

This failure in intelligence management is damning for those agencies involved. It is hard to understand the failure to ensure that intelligence of this kind was not properly handled. Several witnesses suggested it was not their job to do so, and that others were responsible. Some parties agreed that they could and should have done things differently. There can be no excuse for the fact that intelligence of a potential threat to public safety was not shared with those responsible for managing and monitoring a man as dangerous as Khan. The fact remains that the principles that have underpinned the UK's approach to managing the risks presented by Islamist terrorists for at least the past 15 years were not followed. The concept that the 'need to share' is as important as the 'need to know' when there is a threat to public safety seems to have become lost because of a dogmatic focus on intelligence handling procedures instead of anyone

27. Fishmongers' Hall Inquests, Hearing Transcripts, <https://fishmongershallinquests.independent.gov.uk/documents/>

taking responsibility for ensuring that it was properly dealt with. It was to avoid precisely this kind of failing that in 2006 the Metropolitan Police brought together their Special Branch and Anti-Terrorist Branch into one unit, now known as SO15, the Counter Terrorism Command. It seems difficult to argue that some structural changes in the management of released terrorist prisoners are not demanded by the egregious failures in this case.

Recent cases where terrorists did not 'desist'

The three cases outlined here have all happened since Usman Khan mounted his attack at Fishmonger's Hall in November 2019. It is reassuring that in two cases successful investigations were mounted and attacks prevented. Nevertheless, they show a pattern of prisoners with known extremist views emerging from prison to commit terrorist offences soon after their release.

Khairi Saadallah

Saadallah was released from a prison sentence, imposed for non-terrorist violence in early June 2020. He almost immediately started planning his attack, and 17 days later stabbed three men to death in a park in Reading.²⁸

As a teenager in Libya he was trained to fight, and actually fought, for the al-Qaeda aligned Islamic militia Ansar al-Sharia, which has subsequently been proscribed in the UK as a terrorist organisation²⁹ In 2012 Saadallah applied for asylum in the UK and lied about his role with Ansar al-Sharia. In 2019, MI5 was told Saadallah might wish to travel to Syria - but, after an assessment, he was discounted as a threat and therefore not investigated. While serving his sentence, a fellow inmate has said that he openly discussed jihad, and that Saadallah had said that 'if he could get away with it he would kill as many people as possible.' Early in 2020, he successfully applied to the Court of Appeal to reduce his sentence, meaning he was eventually released eight months earlier than expected. When sentencing him for the three murders Mr Justice Sweeney said that Saadallah had "held extremist Islamic views" up to and including the time of the murders.³⁰ While serving a prison sentence in the UK he was known to be mixing with extremists and had shown interest in extremist material. The judge said that all of the offences committed by Saadallah had a terrorist connection.³¹

Sudesh Amman

Amman had been sentenced to a term of imprisonment in 2018 for terrorist offences relating to suspicion that he had been planning a terrorist attack. He was released from prison in January 2020 and was subject of a counter-terrorist investigation. On 2 February 2020 he attacked members of the public with knives on Streatham High Road in south London, and was shortly afterwards shot dead by police. His inquest is scheduled to be held in August 2021.³²

28. In the Central Criminal Court, Sentencing remarks of The Honourable Mr Justice Sweeney, *The Queen -v- KHAIRI SAADALLAH*, <https://www.judiciary.uk/wp-content/uploads/2021/01/R-v-Khairi-Saadallah-Sentencing-Remarks.pdf>

29. In the Central Criminal Court, Sentencing remarks of The Honourable Mr Justice Sweeney, *The Queen -v- KHAIRI SAADALLAH*, <https://www.judiciary.uk/wp-content/uploads/2021/01/R-v-Khairi-Saadallah-Sentencing-Remarks.pdf>

30. In the Central Criminal Court, Sentencing remarks of The Honourable Mr Justice Sweeney, *The Queen -v- KHAIRI SAADALLAH*, <https://www.judiciary.uk/wp-content/uploads/2021/01/R-v-Khairi-Saadallah-Sentencing-Remarks.pdf>

31. In the Central Criminal Court, Sentencing remarks of The Honourable Mr Justice Sweeney, *The Queen -v- KHAIRI SAADALLAH*, <https://www.judiciary.uk/wp-content/uploads/2021/01/R-v-Khairi-Saadallah-Sentencing-Remarks.pdf>

32. Streatham terror inquest 'should examine attacker's background', coroner told, *Evening Standard*, 31 March 2021, <https://www.standard.co.uk/news/uk/streatham-london-streatham-high-road-royal-courts-of-justice-metropolitan-police-b927245.html>

Sahayb Abu

While serving a previous prison sentence for burglary in 2018 Abu had mixed with other extremists including a man who had been sentenced for planning to harm Prince George. He also associated with Abuthaher Mamun, who had been jailed for 13 years for showing Islamic State videos to schoolchildren. Abu is reported to be the sixth member of his family to have become involved with Islamic State (IS), including two who died fighting in Syria. Following his release from prison he started planning a terrorist attack, but was arrested in July 2020 and convicted in March 2021.³³

Conclusions

The failure to make sure that the intelligence about Khan's possible intentions after his release from prison clearly had an impact on - but do not fully explain - the shortcomings in the MAPPA's role in managing Khan's risk. The minutes of the various MAPPA meetings were woefully deficient in terms of providing clear evidence of precisely what information was shared and what decisions were actually taken at the meetings. For instance, the crucial decision around allowing Khan to travel to London seems to have been something of an assumption that it had been authorised, based on a lack of specific objections to a somewhat vague reference to the proposed trip, rather than a positive one taken by the meeting in response to a clear proposal.

Jonathan Hall QC, the Independent Reviewer of Terrorist Legislation, in light of this case, has reviewed the effectiveness of the MAPPA arrangements in the management of terrorist and other extremist offenders. His review was published in September 2020 and the government response was jointly presented by the Lord Chancellor and the Home Secretary in December 2020. The inquest also heard evidence of new expenditure and processes to improve the handling of prison intelligence, and also that the police are going to bring the management of released terrorist prisoners into much closer alignment with the investigation teams who routinely have access to counter terrorist intelligence. While these are all welcome developments, it is not clear that they will resolve the basic structural and cultural weaknesses exposed by this inquest.

Given the history of the past 20 years of counter terrorism in the UK, it is disappointing that the distinct and often intractable threat posed by Islamist terrorists should not have been embedded more deeply in operational thinking and practice. Several witnesses at the inquest spoke of the need to accept that the lack of negative overt behaviours after Khan's release from prison did not mean that he was actually progressing on a rehabilitative path. However, too many seemed happy to accept that he was making progress, on exactly this erroneous basis. There was insufficient scepticism that he was could have been 'gaming' the system, and complying with conditions so as not to be recalled to prison before he could mount his attack. The information and the intelligence to warrant far more intrusive monitoring of his activity was there, both from the report of the prison

33. Drill-rapping jihadist Sahayb Abu jailed for life for plotting terror attack with Gladiator-style sword, Sky News, 13 April 2021, <https://news.sky.com/story/drill-rapping-jihadist-sahayb-abu-jailed-for-life-for-plotting-terror-attack-with-gladiator-style-sword-12274430>

psychologist and the in the prison intelligence.

It has been a mistake to add the management of high-risk terrorist offenders to the workload of already overstretched local probation and police units. Giving those same units more powers and some new procedures is not in itself the answer. The monitoring and management of deceitful, dangerous ideologues is a highly skilled enterprise, which this inquest has shown is unlikely to be done to the required standard by under-resourced or inexperienced local agencies. The management of all terrorist prisoners should be carried out by a new and separate organisation. In the same way that the investigation of terrorism became a properly structured regional and national enterprise nearly 20 years ago, managing those same offenders once they have been sentenced and subsequently released back into the community should be put on a comparable footing. This will help to ensure that there is consistent professionalism, specialist knowledge, consistency and communication at all times. Without this, the potential for more preventable tragedies is all too real.



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