

# State Censorship: Seizing Journalists Notes, Restricting Press Freedom

By [True Publica](#)

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Region: [Europe](#)

Theme: [Law and Justice](#), [Media Disinformation](#), [Police State & Civil Rights](#)

In our recent article entitled – [Rise of the Techno Stasi-State](#) we asked the question was that too strong a news headline after the High Court decided the government’s architecture of mass surveillance over the population was perfectly legal. The legal representative, **Chamberlain QC**, said on the High Court steps after Liberty-Human-Rights lost the challenge said:

**“the possibility of abuse of power necessarily exercised in secret and the generally chilling effect on individuals’ communications and expression of ideas is caused by the existence of such powers.”**

*Slowly, Britain’s authorities are shutting down press freedom – without a murmur from the mainstream media.*

That ‘abuse of power’ possibility was demonstrated recently when the Met Police threatened to prosecute journalists for publishing government documents related to the Kim Darroch affair. This was about the leak of diplomatic memos in which Britain’s ambassador to the US criticised **President Donald Trump**’s administration and then subsequently resigned. The Met’s counterterrorism command launched an investigation and stated it was a criminal matter –

“I would advise all owners, editors and publishers of social and mainstream media not to publish leaked government documents that may already be in their possession, or which may be offered to them, and to turn them over to the police or give them back to their rightful owner, Her Majesty’s Government.”

**Norman Lamb**, the Liberal Democrat former health secretary, told [The Independent](#) that these remarks were “intolerable” and

“it strikes at the heart of the principle of a free press. We undermine this principle at our peril. It is central to our liberal democracy and must be defended. We do not live in a police state.”

Mr Lamb is supposed to be right of course – we should not be living in a police state.

However, just this week it emerged that there is a court hearing to decide whether

journalists will be forced to hand over their notes from interviews with “ISIS bride” **Shamima Begum**. It has been adjourned in order to find a suitable judge.

You might remember that Begum was thrust into the media lights as one of three girls from Bethnal Green, east London, who left the UK aged just 15 in February 2015 and travelled to Syria to join Islamic State. Within days of her arrival, she married a Dutch-born ISIS fighter.

She was eventually tracked down while nine months pregnant by Times war correspondent Anthony Lloyd in a refugee camp in northern Syria in February this year and later gave interviews to other media outlets including ITV News and Sky News.

The Metropolitan Police is now seeking a court order under the Terrorism Act 2000 compelling media organisations to hand over their notes from their meetings with Begum.

The case was due to be heard by Mr Justice Sweeney, a High Court judge, at the Old Bailey last week but was adjourned after he ruled the case must be first heard by a circuit judge.

The date of the next hearing or who will hear the case has yet to be set.

Lawyers for The Times, Sky News and ITN have instructed legal representation to resist the application

The question has to be asked here – why is the Met Police so concerned about what Begum has to say? What is so damning or sensitive to counter-terror police that Begum – at the time just a pregnant teenager – would be so damaging for the public to hear.

### **Intrusive surveillance of journalists**

On July 17th this year, Ministers were questioned about police surveillance of journalists.

Home Office Minister, **Nick Hurd** responded by telling MPs;

“Our security, and intelligence and law enforcement agencies will, in very limited circumstances, have a legitimate need to investigate a journalist or their source. But there need to be protections around that. The Investigatory Powers Act we believe does provide strong protections in relation to the use of investigatory powers for the purpose of identifying or confirming a journalistic source and for the obtaining of confidential journalistic information.”

Three weeks later that very same Act, *The Investigatory Powers Act* was challenged by Liberty the civil liberties charity, in the High Court as to its lawfulness. The court gave the government its blessing to do as it pleased when it comes to surveillance and that includes intrusive powers over journalists and their sources. The QC fighting Liberty’s corner eventually said after losing the challenge:

**“the possibility of abuse of power necessarily exercised in secret, and the generally chilling effect on individuals’ communications and expression of ideas is caused by the existence of such powers”**

Just six months ago the state was back in the dock [defending](#) its latest intrusive power grab

- with the rather innocent sounding "Crime (Overseas Production Orders) Bill." The result - the National Union of Journalists, News Media Association (NMA), Reporters Without Borders and a number of press freedom groups all criticised the governments proposed Bill for lacking basic journalistic safeguards.

Broadly speaking - the new bill, creates a general power for the police to access electronic communications which are stored on overseas servers - such as those belonging to social media companies - for the first time.

The NMA said the scope of this would be **"far greater than many realise, given the majority of UK citizens' emails, social media messages and other electronic communications is stored on servers overseas, typically the US"**.

In other words - currently, a judge must be consulted over attempts of the state to grab journalistic material, which can be contested by news organisations in court. The new bill only contains a requirement to notify organisations when something is deemed confidential i.e. the police can simply go for what they want without legal permission.

**Rebecca Vincent**, RSF's (Reporters Without Borders) UK bureau director, said:

"We are concerned about the press freedom implications of this bill, particularly in light of other moves that could serve to further restrict press freedom in the UK, such as the Counter-Terrorism and Border Security Bill, and a recent proposal by [intelligence department] GCHQ that would force a backdoor into encryption tools."

The bill became the Crime (Overseas Production Orders) Act 2019 - on 12th February. It was sponsored by the Home Office under **Sajid Javid**.

The Counter-Terrorism and Border Security Bill also became an Act having been given Royal assent on the same day - 12th February.

**"The Counter-Terrorism and Border Security Act crosses a line that takes the law very close to prohibiting opinions,"** said [Index on Censorship's](#) Head of Advocacy Joy Hyvarinen. **"This is a very dangerous legislative step to take in a democratic society,"** Hyvarinen added.

Index on Censorship is also concerned about the implications of the new legislation for press freedom in the UK where government agencies now have wide-ranging new border security powers contained in Schedule 3, which lack adequate safeguards to protect journalists and their confidential sources.

The civil liberties organisation [Committee on the Administration of Justice \(CAJ\)](#) identified a catalogue of problems related to Northern Ireland within the same (Act), which also threw its general flaws into sharp relief. As a CAJ briefing paper noted:

**"We can quite properly criticise this legislation for criminalising what could often be innocuous or trivial behaviour. When looked at in the light of Northern Ireland reality, however, it looks grossly disproportionate if not ridiculous. The idiocy of applying these**

## **measures to Northern Ireland ought to give legislators pause for thought before they pass them for the whole of the UK."**

The journalism campaigner [Press-Gazette](#) said prior to this Bill becoming an Act that it was – **"a death sentence for investigative journalism in the UK."** At the time, over [130,000](#) members of the public signed a government petition to stop the legislation – which was ignored.

It was only a few days ago that TruePublica reported that the state was fully censoring Boris Johnson's tour of Scotland, Wales and Northern Ireland with several highly experienced broadcast journalists [confirming](#) that both BBC Wales and ITV Wales were *"refused the opportunity to ask Boris Johnson a single question on camera"*.

### **Right-Wing hate rag and the Met Police**

In the governments' recent surge to right-wing politics, the Met Police have [appointed](#) without question *The Daily Mail's* Chris Greenwood as the force's head of media. Greenwood joined the Mail as crime correspondent in 2010. The Met Press Bureau operates 24/7 and is one of the busiest press offices in the country, tasked with, and this should be of no surprise – handling requests from all sections of the media.

The frank question to be asked here – why have the police not appointed someone with huge experience and political impartiality in the massive public relations sphere – instead of from a right-wing hate rag like *The Daily Mail* that has willfully been deceiving and lying to the general public for decades?

From: DSMA Secretary <[secretary@dsma.uk](mailto:secretary@dsma.uk)>

Date: 7 March 2018

Subject: URGENT FOR ALL EDITORS - DEFENCE AND SECURITY MEDIA ADVISORY (DSMA) NOTICE

To: DSMA Secretary <[secretary@dsma.uk](mailto:secretary@dsma.uk)>

**Private and Confidential: Not for Publication, Broadcast or for use on Social Media**

**TO ALL EDITORS**

The issue surrounding the identify of a former MI6 informer, Sergei Skripal, is already widely available in the public domain. However, the identifies of intelligence personnel associated with Sergei Skripal are not yet widely available in the public domain. Therefore notice 05 therefore apply to these

From: DSMA Secretary <[secretary@dsma.uk](mailto:secretary@dsma.uk)>

Date: 14 March 2018

Subject: DEFENCE AND SECURITY MEDIA ADVISORY COMMITTEE

**Private and Confidential: Not for Publication, Broadcast or for use on Social Media**

**TO ALL EDITORS**

One of the reactions from the Russian authorities in response to the measures that the UK authorities have recently announced, may include the publication or broadcast of Sensitive Personal Information (SPI).

Any publication or broadcast of SPI could identify personnel (and their family members) who work in sensitive positions. These identities are covered by the purpose of DSMA notice 05. I would like to take this opportunity to remind editors of the purpose of DSMA notice 05 which inter alia states that:

### **Skripal and the D-Notices**

The Skripal affair resulted in the state issuing not one but two 'D-Notices' (British government instruction preventing particular information from being made public) to the British media, which were marked private and confidential. Even publication of the D-Notices could have resulted in prosecution. The Skripal affair is well documented. Less well known is the story about Pablo Miller - the MI6 agent inside the Estonian embassy who had recruited Sergei Skripal in the first place.

Millar was also implicated - as was Christopher Steel in the controversial dossier on Donald Trump and Russia that turned out [paid for by the Clinton campaign and the Democratic National Convention](#). You can read about all of this [HERE](#).

The point here is that the state was losing control of the public narrative on the Skripal affair and at the tipping point, then issues notices to prosecute even though this story was very much in the public interest.

### **Without Irony**

The UK already had one of the [worst environments for press freedom in western Europe](#), according to a global ranking that places Britain below the likes of Jamaica, Latvia and Ghana for restrictions on reporters as they seek to hold power to account.

On July 10th this year, the government issued a press release stating that it supported

global media freedom. It headlined as - "[UK aid "bold new support" to promote media freedom around the world](#)" - and promised to "pioneer new approaches to keeping media outlets free and independent." On the very same day of that press release - 400 miles away in Strasbourg, UK government lawyers were fighting for the right to [continue spying on journalists and the press](#) in the highest human rights court in Europe.

As Jeremy Hunt, the then Foreign Secretary made his magnanimous address in London to the Global Conference for Media Freedom, in Strasbourg the British government were defending its harsh regime of mass surveillance of data — including that of journalistic communications. At that conference, Britain and Canada publicly led a push to secure more protections for journalists, saying a free press "protects society from the abuse of power."

Two months earlier - the 2019 World Press Freedom [report](#) said -

"Canadian journalists are not immune to attempts from government officials to deny them access to events of public interest, and the relationship shared between authorities and journalists is particularly tense."

Of Britain, they were much more scathing adding that Britain should *-formally repeal Section 40 of the Crime and Courts Act 2013, cease efforts to force a backdoor into encryption tools, implement the Magnitsky Amendment without further delay, and lift the ongoing [threat of legal action](#) against journalists [Trevor Birney and Barry McCaffrey](#) in Northern Ireland, who remain under police bail.*

## Trajectory

The route to shutting down of oppositional voices and those seeking to hold power to account has been through government legislation. Reporters Without Borders are right to say of Britain -

"Too often steps taken in the name of national security trample press freedom, and too often legislation is adopted without adequate protection for journalists. Press freedom must be respected at the very core of domestic law, policies and practices, in line with the UK's international human rights obligations."

Without press freedom and protection of journalist and their sources, the flame of democracy is snuffed out. The current trajectory is one where political power is taking a stranglehold on the national narrative which in itself is the fastest route to political corruption. After that, everything has a price.

If the political debate slides surreptitiously, which it is, towards a combative atmosphere, in which journalists are treated as scapegoats on the one hand, and denied the ability to do their jobs without government aggression, then democracy is in great danger. That is the current path of Britain's press freedom today.

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