Partner of Glenn Greenwald was held at London airport

UK ruling against David Miranda escalates assault on democratic rights

Robert Stevens
20 February 2014

In what was clearly a politically motivated judgment, the High Court in London ruled Wednesday that David Miranda, the partner of journalist Glenn Greenwald, was detained lawfully when he was held for nine hours last August at London's Heathrow Airport. The 28-year-old Brazilian was in transit from Germany to Brazil when he was arbitrarily detained by the Metropolitan Police.

Greenwald, a former *Guardian* journalist, is a close associate of National Security Agency (NSA) whistle-blower Edward Snowden. He has written and contributed to numerous articles detailing the mass surveillance of the world's population by the NSA, Britain's Government Communications Headquarters (GCHQ), and the spying networks of other nations.

On detaining Miranda on August 18, 2013, police officers threatened him with jail and seized his laptop, camera, cell phone and other personal items. The detention was carried out under Schedule 7 of the UK Terrorism Act 2000, which permits the police to detain any individual at UK borders and confiscate their possessions, even if the police have no suspicion of criminal activity.

Miranda's seizure was a chilling confirmation of the police state apparatus built up by successive British governments on the pretext of the "war on terror."

The court judgement provides legal sanction for such dictatorial measures. Despite acknowledging that the detention of Miranda "constituted an indirect interference with press freedom", the High Court gave it its blessing. The court also advised that an application for judicial review by Miranda be dismissed.

Following the ruling, Miranda said he intended to lodge an appeal. However, under UK law, he must petition the Court of Appeal directly to hear his case and the court may decide not to accept.

In the 34 page ruling, the three judges hearing the case, Lord Justice Laws, Mr. Justice Ouseley and Mr. Justice Openshaw, ruled that Miranda's detention was a "proportionate measure in the circumstances," and that "Its objective was not only legitimate, but very pressing."

Authoring the decision, Justice Laws said, "The claimant was not a journalist; the stolen GCHQ intelligence material he was carrying was not 'journalistic material', or if it was, only in the weakest sense.

"But he was acting in support of Mr. Greenwald's activities as a journalist. I accept that the Schedule 7 stop constituted an indirect interference with press freedom, though no such interference was asserted by the claimant at the time. In my judgement, however, it is shown by compelling evidence to have been justified."

The ruling accepts the UK government's version of events without question.

Laws wrote: "Mr. Oliver Robbins, Deputy National Security Adviser for Intelligence, Security and Resilience in the Cabinet Office, indicates in his first witness statement (paragraph 6) that the encrypted data contained in the external hard drive taken from the claimant contains approximately 58,000 highly classified UK intelligence documents. Many are classified SECRET or TOP SECRET. Mr Robbins states that *release or compromise of such data would be likely to cause very great damage to security interests and possible loss of life*." [Emphasis added].

In fact, no evidence was provided to the court by Robbins to support such claims. Neither does the ruling attempt to provide any evidence, with Laws blithely declaring, "It is plainly to be inferred that in describing the actual or potential damaging effects of the dissemination of this material Mr. Robbins has been as specific as open evidence allows."

© World Socialist Web Site

The ruling further states: "It is necessary to cite some of his [Robbins'] testimony, taken from his second witness statement of 24 September 2013." This submission likewise revealed no evidence supporting the government's claims.

Robbins said, "It is *obviously not possible in an open statement to go into detail* about the real and serious damage already caused by the disclosures based on Mr. Snowden's misappropriations, *nor about what further damage may follow*." [Emphasis added].

He added: "However, given the volume of media reporting published over the past three months, and public statements from the UK and US Governments, I can say with confidence that the material seized is *highly likely to describe techniques that have been crucial in life-saving counter-terrorism operations, the prevention and detection of serious crime, and other intelligence activities vital to the security of the UK. The compromise of these methods would do serious damage to UK national security, and ultimately put lives at risk*." [Emphasis added].

So threadbare was the submission cited favourably by Justice Laws that it concluded with a self-serving statement from the US Office of National Intelligence! That body includes the separate branches of the US military, the NSA, the CIA, the FBI and other agencies whose nefarious activities have been exposed by Snowden's revelations.

The ruling reveals the extent to which the British state was closely monitoring the movements and communications of Miranda and Greenwald prior to the former's detention. It notes: "The Security Service… had undertaken an operation relating to Mr. Snowden. They became aware of the claimant's [Miranda] movements."

The operation to detain Miranda was prepared at least three days before it was carried out. The ruling notes that Detective Superintendent Stokley of SO15, the Counter-Terrorism Command in the Metropolitan Police, was briefed about the operation by the Security Services on the morning of August 15.

On August 16, the Security Service sent a note to Stokley headed "National Security Justification for proposed operational action around David MIRANDA."

The text, which, as the judge noted, is redacted, stated: "We strongly assess that MIRANDA is carrying items which will assist in GREENWALD releasing more of the NSA and GCHQ material we judge to be in GREENWALD's possession. Open source research details the relationship between [journalist Laura] POITRAS, GREENWALD and SNOWDEN which corroborates our assessment as to the likelihood that GREENWALD has access to the protectively marked material SNOWDEN possesses. Our main objectives against David MIRANDA are to understand the nature of any material he is carrying, mitigate the risks to national security that this material poses..."

In order to stop Miranda, no less than three Port Circulation Sheets (PCS), documents used to provide information to counter-terrorism police officers, were issued by the Security Service to the Metropolitan Police.

The first was issued on August 16. The final PCS issued on August 17 requested that Miranda be stopped specifically on the grounds that he engaged in activity defined as "terrorism". It said he was "knowingly carrying material, the release of which would endanger people's lives. *Additionally the disclosure, or threat of disclosure, is designed to influence a government, and is made for the purpose of promoting a political or ideological cause. This therefore falls within the definition of terrorism and as such we request that the subject is examined under Schedule 7.*" [Emphasis added].

This unprecedented action was the first time Schedule 7 of the Terrorism Act was applied to the possession of journalistic materials.

Miranda's detention was a blatant act of political intimidation, sanctioned at the highest levels by London and Washington. Its aim was to prevent any further disclosure of the illegal surveillance operations conducted by their spying agencies, as revealed by Snowden.

The persecution of and subsequent ruling against Miranda, and the ongoing operation to silence the *Guardian*, are part of a larger effort by the British state to intimidate those involved in disseminating the Snowden revelations and all those opposed to the police state being built up in the UK, the US and around the world. The *Guardian* has been threatened repeatedly with prosecution for supposedly endangering national security. This verdict increases the likelihood of such a prosecution being mounted.

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact

© World Socialist Web Site