

New head of Britain's GCHQ demands Internet companies act as state informers

Robert Stevens
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Within hours of Robert Hannigan becoming the new director of Britain's Government Communications Headquarters (GCHQ) spy centre last week, he demanded it be allotted even more draconian powers.

Hannigan cited the threat of Islamic State in Iraq and Syria (ISIS) as the pretext for demanding that major technology companies including Facebook and Twitter deepen their co-operation with GCHQ.

In 2007, Hannigan was appointed Head of Security, Intelligence and Resilience at the Cabinet Office, responsible for co-ordinating between the intelligence services and government. From 2010, he was Director-General, Defence and Intelligence, Foreign and Commonwealth Office. He was in charge during the governments' standoff with Ecuador when *WikiLeaks* founder Julian Assange took up asylum in its embassy in London in 2012.

In an extraordinary high-profile intervention he authored a November 3 *Financial Times* (FT) op-ed provocatively headlined, "The web is a terrorist's command-and-control network of choice."

He wrote that without further voluntary collaboration between Internet and technology companies and the intelligence agencies, new legislation will be required to compel them. Hannigan, and through him, the government, is demanding nothing less than that the world's major private technology firms, who he castigates for being "in denial" about the "terrorist" threat, become open adjuncts of the state.

These companies "aspire to be neutral conduits of data and to sit outside or above politics. But increasingly their services... are the routes for the facilitation of crime and terrorism," he asserts. "However much they may dislike it, they have become the command-and-control networks of choice for terrorists and criminals, who find their services as

transformational as the rest of us." He continued, "The extremists of ISIS use messaging and social media services such as Twitter, Facebook and WhatsApp, and a language their peers understand."

"GCHQ and its sister agencies, MI5 and the Secret Intelligence Service," he adds, "cannot tackle these challenges at scale without greater support from the private sector, including the largest US technology companies which dominate the web."

The solution "means coming up with better arrangements for facilitating lawful investigation by security and law enforcement agencies than we have now."

Hannigan's article is a loud complaint that the already extraordinarily pervasive and all embracing mass spying operation being mounted against the UK's population is still nowhere near enough. He bemoaned the existence of "Techniques for encrypting messages or making them anonymous which were once the preserve of the most sophisticated criminals or nation states," that "now come as standard."

He is referring to services such as Tor and PGP encryption, which he said are "supplemented by freely available programs and apps adding extra layers of security, many of them proudly advertising that they are 'Snowden approved'."

"There is no doubt that young foreign fighters have learnt and benefited from the leaks of the past two years," he asserted, in yet another attempt to associate Edward Snowden, the former US National Security Agency whistleblower, with terrorism. Britain already operates what Snowden describes as the world's first "full take" surveillance operation, meaning that it hoovers up *all* the online activity and communications of the UK population. Snowden revealed that GCHQ infiltrates all the communications in and out of the

British Isles by tapping transatlantic cables and has warrantless access to NSA databases, which include the data of all UK citizens.

Hannigan's article was denounced by journalist Glenn Greenwald who worked closely with Snowden to ensure the publication of his revelations. Greenwald told *Channel 4 News* that Hannigan's statements were "the most extreme fear mongering screed that has come from a senior national security or intelligence official since the Snowden reporting began."

Within hours of the first of Snowden's documents being made public by the *Guardian* in June 2013, the UK government, in concert with the security agencies, moved to clamp down on the further proliferation of the devastating exposures. The *Guardian* was eventually threatened with closure if it continued to possess Snowden's documents and publish material relating to them. On July 20, 2013, security service operatives came to the *Guardian*'s London headquarters and oversaw the smashing up of computer drives containing the Snowden files.

The following month, on August 18, David Miranda, the partner of Greenwald, was detained for hours at London's Heathrow airport and threatened with prison if he did not cooperate. His possessions, including a laptop, mobile phone and portable storage devices containing thousands of documents, were seized.

The operation against Miranda was jointly hatched by the British and US governments, with the UK's security agencies and police.

In the light of these events, Hannigan's pledge in the *FT* that "GCHQ is happy to be part of a mature debate on privacy in the digital age" reads as a Swiftian satire.

Hannigan ended his article by warning that "privacy has never been an absolute right and the debate about this should not become a reason for postponing urgent and difficult decisions."

This stands in direct opposition to Article 8 of the Human Rights Act, which declares, "Everyone has the right to respect for his private and family life, his home and his correspondence."

Before Hannigan's article was published, its contents were approved by Downing Street, with a spokesman saying Prime Minister David Cameron "very much shares the view that is being expressed there ... and the need to do more."

The *FT* issued a virtual carbon copy of Hannigan's

article as its editorial headlined, "It is time to forge a post-Snowden settlement."

"Mr. Hannigan is correct to state that 'privacy has never been an absolute right'," it pronounced. "The *FT* believes the moment has come to redress the balance in the debate over privacy and security. Mr. Hannigan's call for a 'new deal' between the intelligence agencies and the tech companies is a good place to start—before another wave of jihadist violence is inflicted on the west."

The draconian nature of this preferred "settlement" was confirmed with another *FT* article, which noted that Hannigan, "although he does not mention it by name, wants to see the UK government's communications data bill—the so-called snoopers' charter—passed into law."

Hannigan peppered his op-ed with hypocritical references to the "values of western democracy" and the need to "protect our citizens." But just days after his article was published, further exposures revealed the extent to which GCHQ and the other spying agencies operate as a law unto themselves, trampling over basic tenets of democratic rule.

In an ongoing complaint case brought by two Libyans against the intelligence agencies, the Investigatory Powers Tribunal was presented with evidence from internal GCHQ, MI5 and MI6 documents revealing routine interception of legally-privileged communications (LPP). Lawyer-to-client materials are generally covered by LPP and are critical to safeguarding privacy and the right to a free trial. A guidance document issued by GCHQ said its staff "may in principle target the communications of lawyers." An MI5 document said legally-privileged material may be used "just like any other item of intelligence."



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