

CHRISTIANS AGAINST MENTAL SLAVERY

98 High Street Knaresborough N Yorks HG5 0HN info@slavery.org.uk 07930 519793

An international group that wants the non-consensual technological monitoring or influence of human thought to be declared a crime against humanity worldwide

22 September 2003

Mr Simon Watkin
Covert Investigation Policy Team
Intelligence and Security Liaison Unit
The Home Office
7th Floor, 50 Queen Anne's Gate
LONDON. SW1H 9AT

Dear Mr Watkin

Thank you for elaborating some of the provisions of The Regulation of Investigatory Powers Act 2000 (RIPA). Since this Act can be read in full via the internet, this was unnecessary, but nevertheless generous on your part, providing me with a handy ready reference.

The human rights abuse which concerns the members of this group, is the use non-consensually of technology that enables human thought to be monitored or influenced. Our research suggest that either or both of technological thought monitoring and influence are presently feasible. You, or anybody else, is welcome to a copy of the findings of our research, for information or evaluation.

As you doubtless appreciate, surveillance must be "covert" as defined by RIPA for it to satisfy the RIPA definition of "intrusive surveillance", no matter how intrusive in the ordinary, everyday sense of the word that "surveillance" might be. This loophole I have found in RIPA is one which Prof David Feldman (Legal Advisor, Joint Human Rights Committee) conceded over a year ago was a "significant matter".

The use together of both thought monitoring and thought influencing technologies allows intimidation. The surveillance element of such intimidation is clearly not "covert", because supplementing the monitoring with influence aimed at intimidation means that the monitoring is deliberately not conducted in such a manner that the victim is intended not to become aware of it, but rather it is conducted with the hope that the victim *will* become aware, so that he will be intimidated, as intended. Thus such intimidation is never capable of ever satisfying the somewhat perverse definition of "intrusive surveillance", that is contained in RIPA.

The use together of both thought monitoring and thought influencing technologies also enables the *undetected* perpetration of thought influence that is skillfully tailored to the individual victim. All that is required is that the attempts to influence human thought should be perpetrated using artificially induced auditory quasi-hallucinations of voice messages that are *barely audible*, intended to have an effect that psychologists might describe as "subliminal suggestion".

Your role in the *Covert* Investigation Policy Team ostensibly permits you to comment only upon subliminal suggestion. It does not cover intimidation, since there is nothing about intimidation that is in the least "covert". I therefore request that you please ensure that I receive *additional* comment from whoever within the Intelligence and Security Liaison Unit liaises (unlike you) with the intelligence services upon policy regarding surveillance that is *overt* rather than *covert*. RIPA's wording denies that such surveillance can be "intrusive" as RIPA defines "intrusive". Nevertheless even the most calculatingly overt surveillance that *monitors human thought technologically* clearly intrudes in a manner that creates as bad an intrusion as it is possible to conceive, however perverse may be the precise wording of RIPA which would seem to deny this.

None of the members of this group thinks that non-consensual use of technology that enables human thought to be monitored or influenced should be regarded as a peccadillo that is anything short of a fully fledged *crime against humanity*, however inadequate RIPA might be at promulgating such a view through the ranks of those with access to the relevant technology.

I invite you to review this group's letter of 9 June 2003 to the Prime Minister. That letter requests a policy change. Your letter is at least the fifth which I received from the government arising from that June 9 letter, and the second letter since I was promised by Number Ten (in a letter that contained the phrase "I apologise" twice) that the Home Office would provide on the Prime Minister's behalf the substantive response that Number Ten had failed to provide directly

Assuming that your letter was supposed to be that long-awaited substantive reply, to our call for a new crime against humanity to be defined, I think that you have told me that the British government considers itself *entitled* to monitor and influence the thoughts of civilian citizens technologically. Because affected citizens are permitted under RIPA to complain about the thought *monitoring* (but not any thought *influencing* component) to the Investigatory Powers Tribunal, which, I have learnt, has never upheld a single complaint during its entire existence, even when it has been *overt* surveillance that the complainant has raised, so that there can be no doubt that the activity complained of had been taking place, the government, you appear to imply, is *completely satisfied* with this state of affairs, and is therefore declining to act upon this group's suggestion that a new crime against humanity should be defined. Is that a true statement of the government's response to this group's letter to the Prime Minister of 9 June 2003?

It is often said that the Human Rights Act 1998 (HRA) "incorporates into UK domestic law the European Convention on Human Rights (ECHR)", but that Act doesn't address *Article 13*. A *conflict* exists between the aspiration to keep the use of classified technology secret from those whose human rights it has been used to abuse, and the UK's obligations under ECHR Article 13.

That is because, even if that technology that is used in order to abuse human rights is officially secret, refusing to provide information about how their human rights have arguably been abused to *would-be plaintiffs*, or to *would-be applicants for judicial review*, frustrates access to legal redress on the part of those whose human rights have been abused by those who have been using the classified technology to abuse those rights, something the perpetrators were in a position to do only because they were "acting in an official capacity" (to quote the Article 13).

The only way that I can see that this conflict could have been avoided would have been for the government to have refrained from perpetrating human rights abuses using classified technology in the first place.

In summary:

(1) Have I understood correctly the government's position, that no further legal protection is desirable for citizens against the technological monitoring and influencing of their thoughts non-consensually?

(2) Will you please ascertain what those in the Home Office whose liaison with the intelligence community embraces *overt* surveillance have to say?

I look forward to complete clarification. As you know, I am very likely to be invited to present a report on our 9 June letter and the government's response to it during a radio programme to be broadcast in the USA quite soon. I do not wish to misrepresent to listeners the government's response to the 9 June letter.

I think I have understood from what you have told me that the government's position is that it is *refusing* to introduce legislation that would define non-consensual technological thought monitoring or influence as a crime against humanity worldwide as far as UK domestic law is concerned, or to seek to negotiate an international convention that would bind other nations to a similar view. I also think that you have said the government's grounds for this refusal is not to claim that no technology could possibly exist that would nowadays enable the proposed new crime against humanity to be committed. Rather, I think that you have told me that the government considers itself to be *entitled* to commit the actus reus of the proposed new crime against humanity and wishes to be allowed to get on with doing so unmolested, albeit subject to the somewhat theoretical risk that the Investigatory Powers Tribunal might one day actually uphold a complaint for a change, something it has certainly never done so far, ever since it was first created.

Since I shall probably be asked to report on the government's response to our June 9 letter when I am interviewed on the radio in the USA, I suggest that you tell me quickly whether or not what I have told you that I think is the government's answer, on the basis of your letter, is indeed the government's *true* answer, and its *final* answer.

Yours sincerely,

John Allman