Officials Walk Fine Line in Terror Probes

BY CASSELL BRYAN-LOW

LONDON—The case of two suspects in the killing of a British soldier here, both previously known to intelligence officials, raises the tricky question of what authorities can do about individuals they suspect of having extremist views when no crime has been committed.

Police shot and arrested the two suspects at the scene of the brutal stabbing in broad daylight last week that resulted in the death of 25-year-old soldier Lee Rigby. Counterterror police have charged 22-year-old Michael Adebowale with Mr. Rigby’s murder and with possessing a gun. The other suspect, 29-year-old Michael Adebolajo, was arrested on suspicion of murder and remains in the hospital for injuries; he hasn’t been charged.

Neither suspect has publicly commented on the allegations. Both men were known to intelligence officials, having surfaced during probes into Islamic extremists in recent years, people familiar with the matter have said. That raises the question of whether British authorities could have prevented the attack—a notion being probed by the Intelligence and Security Committee, an independent parliamentary panel with the power to access top secret documents from MI5, the U.K.’s domestic intelligence agency.

The U.K. isn’t alone in having to navigate how best to handle extremists seen as potentially violent who haven’t committed criminal activity. An Associated Press review of foreign intelligence reports in recent weeks indicates the difficulties authorities face worldwide in deciding how to best handle the army of extremists around the world.

In the U.S., for example, Federal Bureau of Investigation agents can carry out a so-called assessment on someone who warrants further scrutiny. Such an assessment, which is a step short of a full-fledged investigation that typically lasts 90 days, was done on Boston Marathon bombing suspect Tamerlan Tsarnaev in early 2011 after Russian authorities contacted the FBI with concerns about his activities, according to U.S. law-enforcement officials. If agents find evidence that warrants more attention—in Mr. Tsarnaev’s case none was found, U.S. authorities have said—FBI agents can open a formal investigation to conduct more intrusive scrutiny, such as wiretaps and surveillance.

In Spain, which has combated domestic terrorism for decades, various activities can justify heightened police surveillance, including exchanging mail or email with known terrorists, possessing instruments for carrying out crimes, and providing financial support to people involved in criminal activities, according to human-rights group Cageprisoners Ltd., which was contacted by Mr. Adebolajo and an immediate family member following his return from Kenya, seeking advice on what to do about approaches from U.K. intelligence officials.

“Did MI5 fall down on the job? My inclination is to have a lot of sympathy with [the agency],” said David Anderson, a lawyer and the U.K.’s independent reviewer of terrorism legislation. It is reassuring that the two suspects were on MI5’s radar, and while it didn’t identify them as about to allegedly carry out an attack, “it is extraordinarily difficult to know who is about to turn violent,” Mr. Anderson said.

U.K. Home Secretary Theresa May has said intelligence officials do “excellent work” in disrupting plots but “when things like this happen, we do need to look at whether there are any lessons to be learned.”

British intelligence officials and police say they interrupt one or more major terror plots each year. British authorities have made about 2,300 terror-related arrests since Sept. 11, 2001, of which more than 800 resulted in charges, according to government figures.

But there are many more people who authorities believe present a serious risk. British officials say MI5 is aware of about 2,000 extremists in the U.K. who are believed to pose a direct threat to national security. As a result, intelligence officials are under pressure to make difficult judgments about where to focus resources. Surveillance is costly and in the U.K. requires obtaining a time-limited warrant for so-called intrusive measures, such as bugging someone’s home. An intensive operation focusing on extremists planning an imminent attack can consume almost half the security service’s operational and investigative resources.

To prioritize efforts, British security officials place possible extremists into categories of importance, according to reports published by the Intelligence and Security Committee in 2006 and 2009. Top priority is given to those believed to be directly involved in, or know about, a terrorist plot. Associates of such individuals, or those suspected of terrorist funding, come next.

The work of intelligence officers is made more challenging by the increasingly decentralized nature of terrorist groups and the rise of lone-wolf operators. Obtaining knives and stabbing someone in a public place doesn’t necessarily involve the same level of planning or support network that assembling explosives may, for instance.

“We cannot know everything,” said Jonathan Evans, then-head of MI5, in a 2007 speech. “Knowing of somebody that the government know about somebody. And it would be perverse for my service to avoid knowing of somebody for fear of being held to blame if they later become involved in an attack.”

British officials faced similar questions after a series of coordinated suicide bombings on July 7, 2005, in London killed 56 people. Prior to the attack, MI5 had come across two of the bombers “on the peripherals” of other investigations, the Intelligence and Security Committee found. The committee concluded that the judgments of security agents and police were reasonable “based on the information that they had.”

—Evan Perez, Nickas Rolander, Dan Brut, Laura Stevens and Ellen Emmerszoon Jervell contributed to this article.