PRIVACY INTERNATIONAL

Interim Report

Mistaken Identity; Exploring the Relationship Between National Identity Cards & the Prevention of Terrorism

April 2004

This report has been compiled by Privacy International (PI) www.privacyinternational.org a global human rights group formed in 1990 as a watchdog on surveillance by governments and corporations. PI is based in London, and has an office in Washington, D.C. Together with members in 50 countries, PI has conducted research on issues ranging from wiretapping and national security activities, to identity cards, video surveillance, data matching, police information systems, and medical privacy. The organisation maintains an extensive archive of material on its website and is the Internet's most popular resource on the issue of ID cards.

The study is an independent initiative, and has been compiled in association with a wide range of security specialists, academics and human rights groups throughout the world. The Interim report contains the key findings and base data and is intended to promote informed debate in advance of the publication of the final report in May 2004. Comments should be sent to simon@privacy.org

Summary

- While a link between identity cards and anti-terrorism is frequently suggested, the connection appears to be largely intuitive. Almost no empirical research has been undertaken to clearly establish how identity tokens can be used as a means of preventing terrorism.

- The presence of an identity card is not recognised by analysts as a meaningful or significant component in anti-terrorism strategies. Five criteria are generally used to assess and benchmark the level of terrorist threat within a particular country: motivation of terrorists, the presence of terror groups, the scale and frequency of past attacks, efficacy of the groups in carrying out attacks, and prevention - how many attacks have been thwarted by the country.

- The detailed analysis of information in the public domain in this study has produced no evidence to establish a connection between identity cards and successful anti-terrorism measures. Terrorists have traditionally moved across borders using tourist visas (such as those who were involved in the US terrorist attacks), or they are domicile and are equipped with legitimate identification cards (such as those who carried out the Madrid bombings).

- Of the 25 countries that have been most adversely affected by terrorism since 1986, eighty per cent have national identity cards, one third of which incorporate biometrics. This research was unable to uncover any instance where the presence of an identity card system in those countries was seen as a significant deterrent to terrorist activity.

- Almost two thirds of known terrorists operate under their true identity. The remainder use a variety of techniques to forge or impersonate identities. It is possible that the existence of a high integrity identity card would provide a measure of improved legitimacy for these people.

- Of the ten most frequently employed methods terrorists use to enter or operate within a country, only one would potentially be combated by a national identity card. Most terrorists enter a country on tourist visas which because of their popularity are subject to low-level scrutiny,

- At a theoretical level, a national identity card as outlined by the UK government could only assist anti-terrorism efforts if it was used by a terrorist who was eligible and willing to register for one, if the person was using their true identity, and if intelligence data could be connected to that identity. Only a small fraction of the ninety million crossings into the UK each year are supported by comprehensive security and identity checks.

Introduction

Countries that have endured endemic warfare and violence have for many decades recognised the potential for national identity cards to provide protection against terrorism. However the connection has been explored in most Western countries only since the US terrorist attacks on 11th September 2001. Until then identity cards had been seen primarily as a means of providing entitlement to benefits & services and establishing residency status.

While the link between identity cards and anti-terrorism is often cited, the relationship appears to be largely intuitive. Almost no empirical research has been undertaken to clearly establish how identity tokens can be used as a means of preventing terrorism.

This dearth of research is due in part to the overwhelming importance of primary anti-terrorism techniques such as intelligence-gathering and border control. Identity cards are generally viewed as secondary measures of little significance to the task of identifying potential terrorists operating within a country.

Although this study has general relevance to the relationship between identity and terrorism, it focuses on the UK government's proposal for a national identity card. The card will incorporate comprehensive background checking and biometric

components, and would possibly establish a gold standard for such systems. It is therefore important to determine whether the proposed card would assist anti-terrorism measures.

This interim report has been published to help clarify a complex and emotive issue, and to provide input to the debate currently underway in the UK. A more comprehensive report will be published in May 2004.

Background

Within two weeks of the 2001 terrorist attacks on New York and Washington DC, the UK Home Office had drawn up skeleton plans for a compulsory national identity card (Travis, 2001). The idea was ambitious, but it was not novel. A national card had been proposed in 1998 by the former Home Secretary Jack Straw, but was eventually dropped in favour of financing 5,000 extra police (Travis, 2003). In 1995 John Major's government issued a consultation paper on a national card, but the idea was quietly buried following a split in Cabinet.

An ID card was instituted during both World Wars to facilitate identification of aliens. Persons were required to carry the card at all times and show it on demand to police and members of the armed forces. In 1951, Acting Lord Chief Justice, Lord Goddard opined that police demanding that individuals show their ID cards in peacetime was an improper practice because it was not relevant to the purposes for which the card was adopted (Goddard). This view led the following year to the repeal of the National Registration Act and the end of the national ID card.

The card system envisioned by the Home Office in 2001 is substantially different in nature than anything that had been previously proposed (Davies, 2001). It embraces "smart card" technology, similar to the systems proposed in 1995 and 1998. It engaged the concept of entitlement to public services, similar to the previous plans. However, the context and scope of the new proposal was far more complex and far-reaching than before. The heightened threat of terrorism required a card system that contained much more accurate and robust identity and security features. The Home Office proposed a solution that would incorporate "biographical footprint checking" to trace and authenticate an applicants transactions and activities over a period of time, together with a system of biometrics, involving fingerprinting or scans of the iris.

The biometrics process allows a technique of *padlocking*[1] the citizen to the card. In doing so, the card cannot easily be transferred to another individual. If an accurate biometric is centrally stored, the system theoretically detects if a single individual has made multiple applications for ID cards. If in widespread use, such a system could provide an audit trail of individual movements and transactions. The new Home Office scheme was designed to form the basis of general government administration. The card number would, in effect, become a national registration number used as a common identifier for many government agencies and for individuals' transactions with employers, banks and other areas of the private sector.

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[1] SchlumbergerSema White Paper on Identity. Submission to the UK Home Office consultation on the Entitlement Card. September 2002.

On February 5th, 2002, Home Secretary David Blunkett, announced the government's intention to launch a public consultation on options for the introduction of a national identity card. While arguing that a card could help to combat illegal working and reduce fraud against individuals, public services and the private sector he acknowledged that the events of 11th September had been the catalyst for the government's change of heart over identity cards.

The consultation was launched on July 3rd 2002 (Home Office, 2002). While continuing to claim a mandate on the issue of terrorism, the Home Secretary appeared uncertain about the precise role that a card would play. In response to a question by Chris Mullin MP, David Blunkett said "I accept that it is important that we do not pretend that an entitlement card would be an overwhelming factor in combating international terrorism". Ten minutes later, in answer to a question from Sir Teddy Taylor MP, he said he would not rule out the possibility of "their substantial contribution to countering terrorism".

Despite divisions in Cabinet, the government decided in late 2003 to proceed with an ID card. While the proposed system embraces a range of objects and functions, the claim that a card can combat terrorism remains the most emotive and yet least substantiated justification. This study investigates whether there is evidence to support the connection that has been drawn between identity cards and the fight against terrorism.

Published documentation together with Ministerial statements provides some indication of how the card system will operate.

1) UK nationals and holders of certain visas will be invited to apply for a national identity card.

2) During a face-to-face interview a "biographical footprint" check will be conducted to trace the transactions and activity of the applicant. This procedure will help determine the authenticity of the applicant.

3) If the vetting reveals no abnormalities, the applicant's biometrics (iris scan and/or fingerprints) will be taken. These will be recorded on the identity card and also stored centrally as part of the national registry

4) A continuous scan of all registered biometrics will theoretically determine whether the same biometric exists in more than one identity.

The Rationale

Establishing a relationship between ID cards and anti-terrorism is extremely problematic. No government has set out a clear framework to demonstrate how the terrorist threat might be reduced, nor has any government provided empirical evidence to assist research in this field. While the connection is constantly made through rhetoric, few details have emerged to show how in practice the threat of terrorism can be minimised through an ID card. During a lengthy questioning of Home Office officials in its identity card hearings, the Home Affairs Committee of the UK Parliament did not raise the subject.

The UK Home Secretary, David Blunkett, has argued that the government's proposed card system will be more effective than other national ID systems in preventing terrorism because it will use "fool proof" biometric facilities operating on a clean database (BBC. 2004) This line of reasoning is superficially convincing, but with further analysis it proves to be false.

Ministers have suggested four ways by which a biometric ID system may deter terrorism:

- A central database of biometric identifiers will detect whether a person is using multiple identities.

- A process of comprehensive "biographical footprint checking" will help determine whether a person is using a false identity.

- A comprehensive vetting of card applicants might detect those people who have a background that is indicative of a terrorist profile.

- The existence of a compulsory identity card will expose those terrorists in the UK who have not registered.

Taken at face value, these claims assume the following circumstances:

- The target terrorists will be entitled to an identity card.

- The target terrorists will apply for an identity card.

- Target terrorists who are entitled and motivated to apply will do so using their true identity.

- Measures will be in place to detect suspected persons who are living in the UK without an identity card.

- Data matching systems will reveal information that relates to a suspect.

Survey of terrorist target countries with ID systems

The London-based *World Markets Research Centre* recently produced a comprehensive report that assessed the risk of terrorism in 186 countries (WMRC). Five criteria were used: motivation of terrorists, the presence of terror groups, the scale and frequency of past attacks, efficacy of the groups in carrying out attacks, and prevention - how many attacks have been thwarted by the country. The report does not suggest that the ranking of a country will be influenced by the existence of an ID card.

There is no known correlation between the extent of terrorism and the presence of an identity system. Data obtained from the US State Department and from the Israel-based *International Policy Institute for Counter-terrorism* (IPICT 2004) indicates the 25 countries that have suffered most from terrorist attacks since 1986. This list can then be compared with available data on the existence of identity cards.

	No. of attacks	deaths	ID card	Biometric
Afghanistan	4	34	yes	no
Algeria	41	280	yes	no
Argentina	2	129	yes	no
Bangladesh	5	49	yes	no
Cambodia	8	37	yes	yes
Colombia	90	400	yes	no
Egypt	22	115	yes	yes
France	31	37	yes	no
India	46	520	no	no
Indonesia	14	250	yes	no
Israel	227	-	yes	yes
Kenya	3	267	yes	no
Morocco	-	-	yes	no
Nigeria	2	171	yes	yes
Pakistan	68	420	yes	yes
Palestine	240	-	yes	no
Peru	31	40	yes	yes
Philippines	38	113	no	no
Russia	32	620	yes	yes
Saudi Arabia	10	30	no	no
Spain	51	250	yes	yes
Sri Lanka	27	440	yes	no
Turkey	57	85	yes	no
Uganda	12	42	no	no
United States	13	3650	no	no

Eighty per cent of these countries have long-standing identity card systems, a third of which contain a biometric such as a fingerprint. While it is impossible to claim that terrorist incidents have been thwarted as a result of an ID card, the above data establishes that the cards are unable to eliminate terrorist incidents.

The *Modus Operandi* of terrorists

An identification system that has the potential to prevent or detect terrorists must have functionality that takes into account the activities and circumstances of terrorists. It is therefore essential to review the key methods used by terrorists to enter a country or to operate within its borders.

Five keywords generally apply to the character of modern terrorism: mobility, flexibility, invisibility, tenacity and audacity. Any study of the modus operandi of terrorists will highlight skills in exploiting weaknesses and loopholes, manipulating administrative procedures and circumventing vetting systems. This is demonstrated with great clarity in the use by terrorists of tourist visas.

It is worth noting that all visa applications are matched against a number of databases of known and suspected terrorists. However the data provided to consular officials –

as noted below – is often false or misleading. US consular officials were thus unable to detect a terrorist connection to any of the 19 9/11 hijackers.

There are numerous methods by which terrorists can cross borders. These include:

- **Legal entry on tourist visas using legitimate documentation.** This was accomplished, for example, by at least two of the 9/11 terrorists.

- **Legal entry by tourist visas using forged travel documents.**

- **Legal entry using legitimate passports under assumed names**. This is usually based on forged primary documentation.

- **Providing false or misleading information on visa applications**

- **Exploitation of Visa Express programmes**. Online, postal and third-party application processes have frequently been used to conceal the true identity of terrorist applicants.

- **Illegal entry**. A minority of terrorists enter a country outside the official channels.

- **Overstaying**. A substantial number of terrorists enter a country on a short-term tourist visa and then choose to illegally overstay rather than be subjected to scrutiny by applying for a change of status

- **Asylum**. Terrorists have used the asylum route to enter countries. In this process documents are not presented to authorities, and thus an identity and profile can easily be created.

- **Entry using stolen or acquired identities.** In many cases, terrorists have stolen the identity of a "clean" person or have taken over the identity of a non-suspect.

- **Permanent resident**. In Western countries, a small number of terrorists were born in the country in which they operate.

Practical considerations in combating terrorism through ID cards

There is significant – perhaps overwhelming – potential for terrorists to circumvent the proposed identity measures. These include:

Use of tourist visas. There are 90 million crossings into the UK each year. 25 million people visit as tourists, half of them from outside the European Economic Area. The Home Secretary has already stated that these visitors cannot be comprehensively vetted to determine identity and background. All but one of the hijackers involved in the US attacks had entered the country on tourist visas.

Masquerading as an "outlier". Biometrics vendors are familiar with the problem of "outliers", those people who are physically unable to provide meaningful biometric data. A small percentage of the population cannot provide fingerprints. A larger

number are unable to provide an iris scan, either because of a defective focusing mechanism or absence of an iris. This population substantially weakens the security of a biometric card, and provides opportunities for terrorists to impersonate an outlier by using forged medical documentation.

Acquiring false identity. The effectiveness of an ID system in combating terrorism depends largely on ensuring that an applicant's true identity and background is known. While this is possible to investigate within the UK, the government has been unable to explain how such scrutiny could be accomplished in overseas countries. It is a relatively simple matter for a terrorist to assume a clean and legitimate identity of another person. The UK immigration authorities would be unable to determine whether the applicant was genuine.

Failure to match identities with watch-lists. Evidence to *The National Commission on Terrorist Attacks Upon the United States* (the *9/11 Commission*) has demonstrated that terrorists frequently escape detection and are often absent from the watch-list databases that are relied on by immigration authorities. This is certainly the case with new recruits, but is even more prevalent when a terrorist provides false information to authorities.

Spoofing identity. Far from providing a "foolproof" means of identity checking, iris cameras and fingerprinting technologies are vulnerable to spoofing. German researchers recently established that even high quality "live" iris cameras can be fooled by merely holding a print of another person's iris in front of a camera. Forged iris patterns can be printed on a contact lens.

Identity dodging. Government Ministers have said on numerous occasions that people will not be required to carry the identity card. It appears therefore that the production of a card will depend largely on goodwill. If asked to attend a police station at a later date to establish identity, a terrorist need do no more than fail to show up.

The task of tracking and identifying terrorists through an identity system is daunting. The Home Affairs Committee has observed:

> *In the nature of things it is not possible to know how many people are illegally present in the UK. It is arguable that a compulsory national identity card scheme might 'flush out' significant numbers of such people —although it might be that some would continue to lead an underground existence, lacking a card, working illegally and therefore statistically invisible.(HAC)*

Much play is made of the need to properly identify who is living in the UK, who is seeking asylum, and who is granted the right to live here (around 130,000 people a year). But this is just the tip of the iceberg. According to the Home Office report *Control of Immigration: Statistics United Kingdom 2002* there were 89.3 million international arrivals from outside the Common Travel Area in 2001 There are, for example, just over 25 million tourist visitors each year to the UK. In 2000, over 1.4 million applications for temporary residence were granted. 369,000 students were admitted to the UK. It is not possible to apply a uniform standard of identity and biographical checking for these entrants. Can it be therefore argued that the ID card is effectively useless for purposes of anti-terrorism?

In a letter leaked to the press, Foreign Secretary Jack Straw identified a number of practical problems associated with the card proposal:

> *Technical issues and public acceptance to one side, we must be clear we will never be able to require from all people the production of a card to access employment or services. There will be large numbers of people who will be entitled to both without a card, starting with EU nationals, who will be able to stay and work here for three months without any official documentation. Other groups both of UK citizens resident abroad and other categories of third country nationals will also need exceptions. This is an obvious loophole for illegals to exploit, given poor security of some EU documents.(Straw, 2003)*

Straw continued:

> *We need to think carefully about issuing ID cards to foreign nationals and whether and how nationality is recorded on the face of the card. I want to avoid a heavy bureaucratic burden on non-EU foreign nationals. The UK needs to remain a competitive place for foreign nationals to work and study. The arrangements should be as simple and accessible as possible. As I have argued before, proof of identity will be a particular problem for all non-British applicants. There would clearly need to be stringent checks to make the scheme effective, but it is not easy to see how this would be done. It may not be possible to do background checks for applicants from overseas. So what proof of identity will suffice which allows the application of foreign nationals to be processed as quickly as those of British applicants?*

An addition security threat arises because of the Common Travel Area between Ireland and the UK. For the government's scheme to work even at a theoretical level an identity card would need to be established in Ireland. In a similar vein, all EU states would ideally be required to agree to a common identity standard enforced throughout the Union.

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