

Coroner's Inquests into the London Bombings of 7 July 2005

Hearing transcripts - 11 October 2010 - Afternoon session

1 (2.00 pm)

2 LADY JUSTICE HALLETT: Sorry for the delay in resuming,
3 there were some technical hiccups, I understand. Yes,
4 Mr Keith?

5 MR KEITH: My Lady, before the short adjournment I was
6 dealing with the question of the bombs themselves and
7 the links to the bombers. Together with the outline of
8 the movements of the bombers and their links to the cars
9 and to Alexandra Grove and to the deadly equipment that
10 was found, must also of course be considered other
11 relevant evidence relating to the proximity of the four
12 men to the explosions and other evidence relating to
13 their intentions.

14 There are a number of strands all linking them to
15 the bombs, although I intend to do no more than outline
16 what they are, as we are not, of course, concerned with
17 their inquests, but there are a number of strands.

18 Firstly, exhaustive police enquiries established
19 clear links between Tanweer, Khan and Lindsay and the
20 places from which hydrogen peroxide was purchased
21 after February 2005. Between 22 February and
22 15 June 2005, there were 41 telephone contacts between
23 mobile phones attributed to Tanweer, Khan and Lindsay
24 and hydroponic outlets, that is to say places selling
25 hydrogen peroxide. Hussain's computer at college

1 revealed the names of two particular shops for which he
2 had searched online, and business cards and other
3 literature found at Alexandra Grove related to other
4 such similar shops.

5 Secondly, there is the CCTV and mobile phone
6 evidence of the reconnaissance mission on 28 June 2005.

7 Thirdly, we will hear in due course the expert
8 opinion of the pathologists to the effect that all four
9 men were in possession of explosive devices at the time
10 that they exploded. This is confirmed by the evidence
11 from an anthropologist, who reconstructed, as far as she
12 was able, the remaining parts of their bodies.

13 If there were any residual doubts, these are further
14 answered by two other pieces of evidence: Tanweer's
15 so-called last will and testament, which appeared a year
16 later on the internet, in which he seeks to justify
17 attacks, and the footage of Khan which appeared on
18 Al Jazeera, on 1 September 2005, to similar effect.

19 Those parts of the videos that showed them at any
20 rate must of course have been prepared prior to 7 July,
21 and thus, on account of their content, demonstrate that
22 their views had been held for some time. Indeed, the
23 release of the videos reinforces the terrorist dimension
24 of the attacks. They were made to be released following
25 the attacks themselves.

1 The bombers thus knew what they were doing and knew
2 they would die.

3 It is also likely that they deliberately intended
4 their identities to be discovered and also that the
5 links between them should be revealed, because there
6 were left in the carriages, a little way away from the
7 rucksacks, documents establishing their names.

8 Documents belonging to Khan were found not only in
9 the carriage at Edgware Road but also in the Aldgate
10 carriage. There was a credit card in his name found and
11 a Halifax Current Account Switch Card. In
12 Tavistock Square police found a wallet with identifiable
13 documents belonging to Khan.

14 My Lady, I have mentioned this evidence because
15 a number of unlikely conspiracy theories have been aired
16 in the press and on the internet. One particular
17 campaigning group has submitted voluminous submissions
18 to the Inquest team, and the submissions reflect
19 long-held views expressed on the website, that website,
20 to the effect that there are a large number of anomalies
21 that merit detailed attention.

22 We consider it important that such claims are
23 identified and addressed, many of the claims were
24 helpfully identified and summarised in the written
25 submissions advanced before you in April by

1 Kingsley Napley.
2 Where such claims do not appear to be supported by
3 the evidence that has been gathered, there is, we feel,
4 a danger that the continuation of such claims might
5 needlessly distress the bereaved families as well as
6 detracting attention away from the issues that you have
7 identified as being worthy of further investigation.
8 My Lady, as you know, the law does not oblige you to
9 conduct an inquisition into every stated rumour and
10 suspicion. There must be a reasonable basis in evidence
11 for such a suspicion before any coroner can be expected
12 to conduct an inquisition into it.
13 There is no evidence at all that we have seen to
14 suggest that the bombers were duped in some way so that
15 they did not know that they were going to die or, even
16 more absurdly, that they did not know that they were
17 carrying explosives at all. Indeed, such claims run
18 entirely contrary to all the evidence that I have
19 summarised so far.
20 It is right to say that the bombers were
21 surprisingly effective, it would seem, in concealing
22 their intentions from those around them. Tanweer played
23 cricket in the evening before putting the terrible plot
24 into effect and seemed more concerned, according to his
25 family, by the loss of his mobile phone.

1 Khan's wife was, of course, pregnant and he attended
2 hospital with her on 5 July. The evidence shows that he
3 appears to have had his car serviced the previous day
4 and he even went to the lengths of providing the parts
5 and the oil for that service.

6 Hussain told his mother that he was going to London
7 but would return to Leeds the following day.

8 Lindsay, who was married, spent his last few weeks
9 endeavouring to pursue a new relationship with a girl he
10 had met in June and tried to persuade her to spend the
11 night of 6 July with him in London. He may also have
12 been involved in criminal activity.

13 On 27 May, just five weeks before, Luton police
14 received a call from a man to the effect that there was
15 a gunman in his flat. When armed police arrived,
16 neither the owner of the flat, presumably the person who
17 called, nor the gunman were there. All had fled.

18 Then a member of the public called in to say he had
19 seen three males, two black and one Asian, wearing
20 balaclavas and running down the road and he saw one of
21 them holding a handgun. They got into a car and he
22 managed to the a note of the car registration number,
23 and it was a Fiat, R662 DSF. Lindsay's car.

24 The police marked on the police national computer an
25 interest in the car and requested that it be stopped if

1 it was sighted. They then also went to the address of
2 the registered keeper, Lindsay's address in Aylesbury
3 that we've seen on the map, but there was no reply.
4 A crime report was filed and an investigation
5 commenced. They did a silent drive-by past the address
6 again that night, but the car wasn't seen and was not
7 subsequently traced.
8 They drove past again the following day, but the
9 investigation went nowhere, I think primarily because
10 the victim of the armed robbery, or whatever it had
11 been, could neither be identified nor traced, and the
12 red Fiat Brava was not seen again until it was found in
13 the Luton car park after 7 July 2005.
14 It is entirely speculative, but there must exist the
15 possibility that, had Lindsay been apprehended and
16 arrested, his plans might have been disrupted. We will
17 never know. But may I say that, at your direction,
18 Mr Smith has written to the Chief Constable of
19 Bedfordshire asking what happened to that investigation
20 and to see what lessons, if any, can be learned.
21 The activities of the bombers, though superficially
22 out of place, are in our view entirely consistent of
23 course with their apparent determination to conceal
24 their activities. The rental of the Nissan Micra for
25 four days from the 4th to the 8th and the purchase of

1 return tickets, if that is indeed what they bought, are
2 further examples. Nor have we seen anything to support
3 the notion that the plot was monitored by one or more
4 domestic or foreign secret services, and was allowed to
5 happen in order for such agencies to exploit the
6 situation politically.

7 More prosaically, we have seen no evidence to
8 suggest that the explosions were connected to any sort
9 of power surge -- that the Aldgate explosion caused
10 extensive power cuts is an issue that I will return to
11 shortly -- or that the explosions took place under the
12 trains and thus had nothing to do with the bombers, or
13 that they were connected to fictional events aired on
14 a Panorama programme in May 2004, or to a fictional
15 terrorism training exercise that had been carried out
16 apparently that same morning by a private crisis
17 management company.

18 The suggestion in some quarters that the explosions
19 may have been caused by some sort of electrical failure
20 is contrary to the injuries, the forensic evidence and
21 the obvious fact that there were four connected
22 explosions, of which one of which occurred on a bus,
23 nowhere near any electrical source in plain sight of
24 those around it.

25 Turning to the CCTV which appears to be the object

1 of the substantial bulk of the claims, there is nothing
2 to suggest that, where there is CCTV missing, this
3 reflects anything other than the fact that many CCTV
4 systems do not continuously record. Hence, there is no
5 mystery in the fact that the CCTV at Woodall Services is
6 not continuous or that the CCTV at Luton railway station
7 appears superficially to cut part of Lindsay's leg off
8 or that several frames appear to place the railings
9 outside the station in front of Tanweer.

10 What would, we rhetorically ask, be the point in
11 anybody fabricating CCTV evidence showing them at Luton
12 when later CCTV evidence, not apparently fabricated or
13 challenged, proves them to be at King's Cross?

14 A number of other questions have been raised over
15 time concerning whether others were warned in advance
16 about 7/7 or may have had some idea of what would befall
17 London and whether there was a fifth bomber. I had
18 mentioned the fact that there may have been two cars at
19 Alexandra Grove, but a particular allegation surfaced at
20 one time in relation to a man whose extradition was
21 requested by the United States in relation to unrelated
22 matters and whether he was a "fifth man", quote.

23 Issues have also been raised whether the emergency
24 response was materially affected by the events taking
25 place at the G8 summit.

1 These issues, by contrast, whilst unlikely to have
2 much substance, do at least overlap to some extent with
3 the issues that you have directed we should look at.
4 They may have some reasonable basis, although we have
5 seen no evidence to support them so far, but they are
6 thus worthy of further investigation. They will be
7 addressed when we get to preventability and the generic
8 response of the emergency services.

9 My Lady, may I then turn to the first half an hour
10 of the events of 7 July 2005 and the timings?

11 In doing so, I shall address the precise effect of
12 the explosion of the Aldgate bomb in particular, because
13 that was the bomb that set the scene for the events that
14 followed thereafter insofar as the emergency services
15 are concerned, but of course we are concerned with all
16 four equally.

17 It's necessary to look at Aldgate because the way in
18 which that explosion affected the London Underground
19 system may shed light on the initial reaction of the
20 London Underground staff and the way in which the
21 emergency services responded thereafter.

22 In the course of describing the first half an hour
23 or so, it will become apparent that it is almost
24 impossible to separate out entirely the responses by
25 each of the emergency services to each bomb, given that

1 the calls and the responses are, of course, centrally
2 recorded.

3 There are also differences in the timings of the
4 records kept by the various services. Self-evidently,
5 they are not calibrated to any one time source, and so
6 the records from each of the different organisations
7 differ insofar as they may be recording the same events.
8 We have endeavoured to prepare time lines for each
9 scene to which I'll make reference in a moment. But it
10 has proved to be extremely difficult to be certain of
11 any of the precise times because, as I say, of the
12 difficulties in recording them.

13 Three bombs exploded in the Tube. One between
14 Liverpool Street and Aldgate station on the outer rail,
15 that is to say the eastbound rail of the Circle Line [INQ10280-4],
[INQ10280-6],

16 and we have on the screen there a picture or a schematic
17 diagram of Aldgate, a very broad map showing Aldgate in
18 relation to King's Cross station and, in the bottom
19 right-hand corner, the relevant section of the
20 Circle Line showing from King's Cross going eastbound to
21 Farringdon, Barbican, Liverpool Street and Aldgate
22 station.

23 My Lady, you will see on that Tube map on the bottom
24 right-hand corner that one of the lines, I think it's
25 Metropolitan, but I will be corrected if I'm wrong,

1 deviates away from the Circle Line just before Aldgate
2 station on the Circle Line and Aldgate East station on
3 the other line and we'll see in due course where the
4 tracks separate in the tunnel.

5 The second bomb exploded between Edgware Road and
6 Paddington stations on the inner rail, that is to say
7 the westbound rail of the Circle Line [INQ10282-4].
8 We can see there the map on the right-hand side of
9 the screen showing Edgware Road station in
10 contradistinction to King's Cross and the platforms
11 which we'll be looking at in greater detail in due
12 course of the London Underground station showing
13 platforms 1, 2, 3 and 4.

14 Just so that we can get our bearings, the platforms
15 are on the east side of the London Underground station
16 so the platforms show, as we can see here, the railway
17 lines going from east to west, on the right-hand side of
18 the page that is the railway lines of the tracks going
19 towards Baker Street eastbound. We are, of course,
20 concerned with events on the west side of the station,
21 but the platforms don't happen to be there, which is why
22 the platforms are where they are on this screen.

23 The third bomb in the underground exploded between
24 King's Cross and Russell Square station, on the
25 westbound road, that is to say the westbound rail of the

1 Piccadilly Line [INQ10283-7]. We can see from this screen, on the
2 left-hand side, the schematic diagram showing
3 King's Cross -- again, we'll become familiar in due
4 course with all the platforms and the various levels to
5 that Tube station, but in the box in the bottom
6 left-hand corner of the page, you can see there
7 a schematic diagram showing the approximate point of the
8 explosion and the location of the train as it departed
9 from King's Cross on its westbound journey.
10 Scrolling back out of the document, looking at the
11 whole page, we can see on the right-hand side an
12 expanded version of that segment showing how the train
13 had just passed the junction, as you can see, adjacent
14 to the number 5, the first carriage is at the bottom of
15 the page and the carriages are numbered sequentially.
16 As with the two other explosions in the
17 London Underground system, the trains, of course -- the
18 train, in this case, moved forward past the point of the
19 explosion and, therefore, the diagram shows that the
20 train had moved past the point at which the explosion
21 had occurred. It took place in carriage 1, and we can
22 see the point on the diagram, but by the time the train
23 stopped carriage 1 had moved further to the westbound or
24 southbound side of the explosion point.
25 When the bomb on the eastbound Circle Line -- that

1 is to say between Liverpool Street and Aldgate --
2 exploded, it damaged cables running along the tunnel
3 wall including an 11-kilo volt cable that runs between
4 Moorgate electricity substation and a distribution point
5 at a place called Mansell Street known as Feeder 642.
6 The damage to the cables caused the transformers,
7 the electrical transformers at the distribution point in
8 Mansell Street to trip, causing widespread power
9 disruption. The trip knocked out the traction current
10 and signal supplies to the entirety of the East London
11 line as well as the traction supplies for the
12 District Line from Whitechapel to Embankment and the
13 signal supplies between Bow Road and Tower Hill. They
14 also caused plant fault, electrical plant faults, on the
15 Piccadilly and Victoria Lines.
16 Those electrical disruptions were significant and
17 they explain why it was initially thought that the cause
18 of the disruption was a power failure or a power surge,
19 because, as we'll hear, numerous members of
20 London Underground staff called in to the control room
21 and sent radio messages to the effect that the lights
22 were out, escalators had stopped, and there had been
23 a complete power failure.
24 In addition, when the bombs exploded, they caused
25 the tunnel telephone circuits to operate for the three

1 sections of the traction current. Let me say something
2 about that and explain what those references are.
3 The tunnel telephone circuits are part of a failsafe
4 system in which the London Underground tunnels carry, we
5 understand, two 50-volt copper wires four inches apart
6 down the inside of all the tunnels. If the wires are
7 pinched together or otherwise short-circuited, the much
8 greater direct current in the traction, the traction
9 current, is cut off.
10 Two of the explosions caused the copper wires to
11 short-circuit directly, either because debris from the
12 explosions themselves cut the wires and caused them to
13 touch, or because, as London Underground believed
14 initially at Edgware Road, the train may have hit the
15 tunnel wall and caused the wires to knock together.
16 I should also add that some persons have wondered
17 why the explosive force of the bombs did not cause
18 fires. We are informed and we may hear evidence in due
19 course that, after the King's Cross fire in November of
20 1987, which you will recall, my Lady, was reported upon
21 by Sir Desmond Fennell OBE, London Underground took
22 steps to ensure that the combustible nature of trains
23 and seats and so on was reduced as much as possible.
24 I've said that two of the explosions caused the
25 copper wires to short-circuit directly. The two

1 explosions where that happened were the section on the
2 southbound Piccadilly Line between Holloway Road and
3 Russell Square, but in relation to the westbound section
4 of the Circle Line between Bouverie Place and
5 Paddington, ie the inner rail, what tripped was not, in
6 fact, the wire adjacent to the carriage which had
7 exploded, but a wire on the other rail which then caused
8 a power failure which caused the other side of the
9 tunnel to trip.

10 The point of this is that the trips provide us with
11 an exact time in two out of the three cases for the
12 moments of the explosion. Transport for London has
13 computed the exact times of those power trips from
14 time-stamped paper printouts which are generated in the
15 control room when such trips occur. They have also then
16 been adjusted to give the time according to the Atomic
17 time.

18 The London Underground power control desk to which
19 I've made reference are the desks where
20 London Underground monitor and run various parts of the
21 London Underground system insofar as the power is
22 concerned.

23 So looking at each of the sites in turn, the
24 Circle Line, the westbound inner rail section, tripped
25 at 08.49.00, that is to say the inner rail -- not the

1 outer rail where the explosion occurred, but the inner
2 rail -- but it can only have been tripped by force of
3 the explosion on the other rail. So we can say with
4 confidence that the explosion at Aldgate occurred at
5 that moment, 08.49.00.

6 The Piccadilly Line westbound section tripped
7 between Holloway Road and Russell Square at 08.49.48
8 and, two seconds later, the indicators in the control
9 room that indicated that the track had current in it
10 were also extinguished.

11 The Circle Line tripped westbound between
12 Baker Street and Bouverie Place, incorporating the
13 section of the track where the explosion on the
14 westbound Circle Line occurred, but no absolute time can
15 be computed for that explosion because there is
16 a variant of plus or minus 30 seconds or so in the
17 process by which the printout in the control room prints
18 out the time stamp of the moment of the trip.

19 But the time was somewhere around 08.49.43.

20 For some unknown reason -- perhaps to cause maximum
21 devastation in the morning rush hour -- it seems that
22 the bombers intended to explode all four bombs at the
23 same time, namely, 49 minutes past the hour, and we say
24 that because it's notable that Hussain, whose failure to
25 detonate his bomb I've outlined, and who then went

1 searching, it would seem, for a battery, detonated his
2 bomb almost exactly an hour later.

3 My Lady, may I now then turn to the position as far
4 as London Underground is concerned, and look for a while
5 at the reaction of the Network Control Centre, which is
6 the operational control centre of London Underground.

7 Looking back from the vantage point of each
8 organisation gives perhaps a more accurate
9 representation of what they faced, because the time
10 lines that we've prepared show a seamless movement in
11 all the times and the events and therefore are somewhat
12 unrealistic, they're slightly misleading, because they
13 introduce a seamlessness that doesn't, in fact, reflect
14 the reality at the time.

15 In a moment or two, I intend to play some of the
16 calls to and from the Network Control Centre of
17 London Underground and to look at some of the Transport
18 for London documentation.

19 Before I do so, may I emphasise a couple of points?
20 The audio recordings that we intend to play do not
21 include calls coming in simultaneously, but which
22 weren't recorded, or calls to mobiles or other incident
23 rooms and, moreover, they are, as I've said, a selection
24 of the recordings that have been made available to us by
25 Transport for London.

1 Secondly, for those who follow these recordings on
2 Lextranet, which is the data system that we are
3 operating in these proceedings, the times on the exhibit
4 front sheets for each of those audio recordings may
5 differ, in fact, from the actual time that the calls
6 were made; firstly, because they may reflect the times
7 that the calls ended rather than the time at which the
8 calls commenced and, subsequently, the times have been
9 amended through the good offices of Transport for London
10 to reflect a more accurate Atomic time rather than
11 a time that the system recorded.

12 Just after 08.49, just before 10 to 9, the
13 Metropolitan Line controller called the eastern power
14 desk at the London Underground power control room to
15 report that all the lights at Aldgate had gone off and
16 that the station was in sheer darkness. The power room
17 was told that both Circle Lines, that is to say the
18 inner and outer rails, had gone off as well as the
19 signals [TFL20-49], [TFL20-50].

20 So we can see there, a telephone conversation:

21 "Hello.

22 "What we lost at Moorgate?

23 "Both the Aldgate roads [the roads are the technical
24 terminology for the tracks] by the look ... and the
25 signals.

1 "Yeah, 'cause all the stations gone out as well down
2 there, the station's in sheer darkness ...
3 "We've had a trip somewhere ...
4 "We've lost traction between Moorgate and Aldgate
5 and signal roads as well."
6 So they've lost traction on the section that that
7 particular traction current dealt with, namely, the part
8 of the track between Moorgate and Aldgate, and the
9 signal roads, namely the signals for those tracks as
10 well.
11 "... let me know when you're in a position to reset
12 the TTs ..."
13 The TTs are the telephone tunnels, the failsafe trip
14 system to which I've already made reference.
15 This is the first call and thereafter calls followed
16 between other controllers and the power control room at
17 London Underground [TFL20-52]. Here is an example of one between
18 the District Line controller and the eastern desk power
19 control room operator, Mr Brimson. They've got no power
20 at Whitechapel to Tower, the rectifiers have tripped,
21 and he's lost signals between Tower and Whitechapel and
22 between Whitechapel and Campbell Road.
23 At 08.50, the London Underground Network Control
24 Centre [INQ8577-3]in Broadway in Victoria received a call to say
25 that there had been a loss of traction current at

1 Moorgate. The document on your screen, my Lady, is the
2 network operations log in which a very brief log is made
3 of each of the events as they occur. They are
4 replicated in other material elsewhere, they are
5 electric maintained documents which record events, but
6 these have a very brief summary of the times and the
7 events as they happen.

8 If we can enlarge the left-hand side of the page, we
9 can see "08.50, Met", Metropolitan Line, "Moorgate", on
10 the right-hand side, "lost TC", traction current.
11 "08.51, explosion Liverpool Street?", and then under
12 that "Met. Explosion on train [Liverpool Street -
13 Aldgate] Liverpool - Aldgate", and then there's
14 a reference to Old Street substation, the electrical
15 substation that provides electricity for the
16 underground .

17 Then at the bottom of the page, we can see at 08.59,
18 nine minutes later, under the heading of "Contact and
19 Place", "Station Edgware Road", "Particulars of
20 message", being the right-hand column:
21 "Train hit tunnel wall."
22 That's because the first information received by
23 London Underground in relation to Edgware Road was the
24 possibility of the fact that the train had hit a tunnel
25 wall.

1 At 09.01 on the top right-hand corner of that log:
2 "Met DOM", Metropolitan Line duty manager. "Person
3 under train?" Then under that, a message from somebody
4 called Steve Goz, who we believe to be a witness,
5 Mr Gozka, from whom we'll hear in due course:
6 "Walking wounded. Train hit wall - investigating
7 further."
8 Then 09.09:
9 "Explosion Moorgate - Mansion Street?"
10 Then, in fact, the story will be taken up by other
11 documents, but we can see, just to note it, because
12 we'll be coming back to it later, there is a reference
13 at 09.11 to a loud bang at Russell Square platform, and
14 also a reference to "X", possibly explosion,
15 "Russell Square, King's Cross", and then 09.19, to
16 "Code Amber" which was the system by which all services
17 on the London Underground were suspended and trains are
18 then thereafter ordered to proceed to the nearest place
19 where they can safely stop.
20 Can I, with that introduction to the
21 London Underground documents, say that it's around the
22 time, 08.50, going back to the left-hand side of that
23 page, please, that the London Ambulance Service receive
24 a call from the British Transport Police to attend
25 Liverpool underground station, and I'm going to show

1 you, if I may, the BTP transcript to give you some idea
2 of the material.
3 This is a document taken from the
4 British Transport Police files which shows a call ending
5 at 08.50.01:
6 "London Ambulance Service: London Ambulance Service.
7 "Hello, it's the BTP [British Transport Police]
8 here.
9 "Hello.
10 "Can we have your attendance, please, to
11 Liverpool Street as a precaution at Liverpool Street
12 underground station ...
13 "We believe there may have been an explosion at that
14 location.
15 "An explosion."
16 The timing of that, my Lady, is 08.50.01 and to give
17 you an example of how the documents differ, the London
18 Ambulance Service log, which I won't show up on this
19 occasion, refers to the call being made at 08.51.59,
20 almost two minutes later, but it's impossible to
21 calibrate whether that's because different systems
22 record the times at different times in the particular
23 call, and I'll come back to the London Ambulance Service
24 a little later.
25 Could we then look, please, at some of the

1 recordings of the calls to the Network Control Centre in
2 the London Underground offices in Broadway?
3 Mr Hay and Mr O'Connor, Mr Andrew O'Connor, to whom
4 I, again, am greatly indebted, have prepared schedules
5 of these recordings, as well as the time lines to which
6 we'll come in due course. We may have a problem with
7 the Trial Director.
8 My reference is INQ10483.
9 We'll come back to the schedule.
10 If I can just simply say something about the first
11 entries on it. At 08.52, so two minutes after the first
12 time that I gave, the Network Control Centre manager
13 reports to the Hammersmith & City duty office manager
14 that there has been an explosion at Liverpool Street and
15 at Edgware Road, and the log, or rather the audio
16 recordings kept by the Network Control Centre, show that
17 one of the persons to that call makes reference to
18 a call from the driver of the train, the Aldgate train,
19 Mr Batkin, who had been able to report in to the duty
20 office manager an explosion on his train, in fact a loud
21 bang, between Liverpool Street and Aldgate.
22 About a minute later, the Network Control Centre is
23 informed -- there we are, thank you very much -- at
24 08.53.09, the second entry, of a TT, a telephone tunnel
25 trip, at Holloway Road/Russell Square West, and then, at

1 08.53.28, the supervisor at Aldgate station,
2 Celia Harrison, contacts the control centre to report
3 a big explosion at Aldgate on platform 2, and she refers
4 to train 447.
5 She talks, in fact, in the call of an explosion at
6 the end of the train nearest Liverpool Street, whereas,
7 in fact, of course, the train is proceeding from
8 Liverpool Street to Aldgate, and she's asked whether or
9 not she's aware of any injuries. She says she's not
10 aware of anybody injured yet, but she asks the Control
11 Centre to call the emergency services.
12 Coincidentally, and fortunately, the
13 British Transport Police have one of their officers in
14 Aldgate station itself, so the moment there was a loss
15 of power, the British Transport Police officers were
16 able to come downstairs and she refers to the fact that
17 they are there.
18 From the way in which she describes the train, it
19 must have been apparent to the Control Centre that she's
20 talking about a train going from Aldgate to
21 Liverpool Street, which was in fact incorrect.
22 The electronic log finally before hearing these
23 recordings for 7 July, on the part of
24 London Underground, shows an entry at 08.56. We can see
25 that from the middle of the page, from this electronic

1 printout, because the time box has the entry "08.56" on
2 it, the date is adjacent, "7 July 2005", and it refers
3 to "Closures likely after an explosion in the ticket
4 office and the main line station".

5 So it gives a good example of how, notwithstanding
6 the accurate report that there had been an explosion,
7 there is a multitude of reports concerning whether or
8 not the explosion was in the ticket office or, as others
9 understood it in the mainline station, or in the
10 underground and, if so, in which part of the tunnel and,
11 if it was in a train, which part of the train.

12 At 08.57, remaining for one more moment with these
13 electronic printouts, there is an entry in relation to
14 Edgware Road for an explosion in the station:
15 "Explosion in station, Circle/District Line train
16 into wall."

17 So that documentary system seems to indicate that
18 the initial reports for this system at least were to the
19 effect, in relation to Edgware Road, that the staff
20 believed that the train had gone into the wall.

21 Finally -- I keep saying "finally", but finally,
22 before turning to the audio recordings, I should just
23 say that the first call to the Fire Brigade, the London
24 Fire Brigade, was from the Metropolitan Police and it
25 also was very quick, it was at 08.56, so just a handful

1 of minutes after the explosion at Aldgate and it was
2 a call to attend St Botolph in Aldgate [LFB23-2].
3 This document, if we go to the bottom of the page --
4 there should be a part underneath this, or on the
5 following page, if you can enlarge the top half of that
6 page -- this is an extract from London Fire Brigade
7 files which shows, at 08.57.39, a mobilisation order,
8 which is shown on the documentation as "Mobilise,
9 mobilise, mobilise" goes to a number of Fire Brigade
10 units [LFB23-3]. It's in connection with a fire and explosion, as
11 we can see, at St Botolph Street in the City, London,
12 and a number of vehicles, F331, F332, 0K16 and E216 are
13 directed to go to that location.
14 We should be able to go back to the page before,
15 please, and go to the top of the page -- it is the
16 bottom of the page as I originally thought. If you go
17 to the second half of that page, we can see "Open",
18 that's the time at which the log is opened, "08.56.49"
19 is the time of the call concerning the events at
20 St Botolph Street and we can see then in the timeline
21 that follows thereafter the internal electronic system
22 committing particular London Fire Brigade vehicles to
23 attend that incident.
24 This extract is from a document called the MOBIS
25 log. For those who wish to pursue the issue, that's the

1 acronym for the Mobilising Information System which
2 takes information from 999 calls made to the emergency
3 services and also information about the actions that are
4 then taken by the emergency services and puts it into
5 a form that we can see here after the incident has been
6 dealt with and closed.

7 I should say that each 999 call generates a unique
8 call number and the way in which these systems work
9 generally is that actions are recorded for each one of
10 those individual 999 calls and each of those calls then
11 generates an incident report. They all have different
12 numbers, because the system is recalibrated to zero at
13 the beginning of the day, and we'll be looking in due
14 course at some of the logs concerning those 999 calls
15 kept by City of London Police.

16 Before we leave this London Fire Brigade document,
17 if you perhaps could go forward to page 3 of the INQ
18 number we can see that at 08.57.39, as I've said, four
19 vehicles we think are dispatched, and then further down
20 the page, if you go down to 09.05, 09.06, we can see the
21 address to which they're being sent is superseded.

22 Further information is received. It's now plain to the
23 Fire Brigade that the address is Aldgate station,
24 London Underground station, and then further units are
25 then committed to that incident.

1 May I now then play, please, the select schedule of
2 the recordings -- play the recordings of the calls
3 received by the Network Control Centre in the morning of
4 7 July 2005 [INQ10483-1], [INQ10483-2], [INQ10483-3], [INQ10483-4][Network
Control Centre Audio].

5 Whilst we listen to them, the schedule prepared by
6 Mr Hay should, I think, appear on the screen.

7 My Lady, may I perhaps be seated while we listen to
8 it:

9 (Audio played)

10 MR KEITH: My Lady, may I pause the recording there simply
11 to add a note of explanation? There's a reference in
12 that last call to the "ERU". That is the Emergency
13 Response Unit of London Underground. I should say
14 something about them at this point, because it's most
15 relevant.

16 Other documentation, namely, the logs kept by the
17 Network Control Centre, show that half an hour after
18 that, at 09.28, the Emergency Response Unit was still
19 stuck in traffic in Bishops Bridge Road, in fact
20 requesting a police escort to get it to Edgware Road in
21 time. At 9.40, the ERU duty manager was still waiting
22 in Clapham for that police escort. So there were
23 differences across London in relation to the ERUs
24 insofar as they were able to attend Edgware Road and
25 Aldgate. The Edgware Road ERU was badly held up in

1 traffic, but the ERU was able to attend Aldgate in
2 fairly good time.
3 One of the recommendations made by the
4 London Assembly in the report to which I made reference
5 was that the ERU, the Emergency Response Unit, be given
6 the right to travel in Transport for London's own bus
7 lanes, a privilege apparently denied to it up to that
8 point. That was agreed.

9 If you can continue, please.

10 (Audio played)

11 MR KEITH: My Lady, may I just make one correction, if I
12 may, to the schedule, if we could just have that back on
13 the screen for one moment and, if we go to the first
14 page, Transport for London correctly pointed out at
15 08.58.16, the message to the London Fire Brigade is to
16 request attendance at Liverpool Street and Aldgate and
17 King's Cross underground, so if I could just make that
18 plain, if I may, and that version of the schedule will
19 be corrected in due course.

20 Madam, that brings me to the end of those audio
21 recordings. I don't know whether you were considering
22 taking a short break at this stage?

23 LADY JUSTICE HALLETT: I don't think the stenographer is
24 going to need it because we have been listening to the
25 audio. Do you need one?

1 MR KEITH: No, thank you, my Lady.

2 LADY JUSTICE HALLETT: Unless anybody else requires a break?

3 MR KEITH: Madam, those calls reveal considerable
4 difficulties in assimilating the information that is
5 coming in, and plainly a very confused picture presented
6 itself.

7 The Piccadilly Line, Earl's Court service control
8 manager's review, a document contained by Transport for
9 London, or held by Transport for London, contains an
10 interesting summary, because it makes reference to the
11 fact that the serious power failure that accompanied the
12 Aldgate bomb meant that the CCTV monitors in the central
13 area had failed and, moreover, it contains the phrase
14 that it was mostly impossible, from around 9.00 am, to
15 gather information or to make outgoing calls from
16 Earl's Court, which is where the Piccadilly Line service
17 control manager is located, due to overloading of the
18 telephone system.

19 So we can see at the first line, 08.50, the tunnel
20 telephone for Holloway Road-Russell Square westbound
21 tripped. There was then a reference to station staff
22 checking telephones in the tunnel, tunnel telephones.
23 "Early indications were of a serious power failure
24 with loss of CCTV monitors in the central area."
25 Then a reference, as we've heard to "heavy smoke",

1 but then a reference, as you can see, to:
2 "Mostly impossible to gather information or make
3 outgoing calls from Earl's Court due to overloading of
4 the telephone system."
5 It doesn't seem that, whatever the difficulties
6 encountered by the line controller manager, that the
7 Network Control Centre's ability to communicate was
8 affected.
9 But what does, you may feel, seem rather surprising
10 is that, perhaps on account of the fact that the bombs
11 had exploded in tunnels away from public sight, no one
12 at Edgware Road or Aldgate or
13 King's Cross/Russell Square, having spoken to the
14 passengers, or perhaps to the drivers, or perhaps having
15 seen the carriages themselves, was able to phone the
16 Network Control Centre and say definitively that there
17 have been bombs.
18 There are repeated references to explosions, and, as
19 you've heard, a high degree of confusion because, of
20 necessity, the way in which information is received, but
21 a considerable amount of time had elapsed, you will have
22 seen, from the moment of the explosion of the bombs to
23 the acceptance by the staff at the Network Control
24 Centre that, in fact, they were bomb-related.
25 The record of telephone calls to the

1 British Transport Police control room is another
2 important source of information [BTP167-1].
3 This document on the screen is a call timed at
4 08.47.06, but, again, an illustration of the
5 difficulties of the times logged at the time of some of
6 these documents, plainly couldn't have been a call at
7 08.47 because, for the reasons that I've explained, we
8 know for certain that the first bomb explodes at
9 precisely 08.49.00.
10 This is a call which therefore must have occurred
11 two minutes later, or thereabouts, at 08.47.38:
12 "Police emergency.
13 "Hello, mate. Liverpool Street here. We've had
14 a loud bang on the platform. We've got smoke at the
15 moment in Liverpool Street underground here. We are
16 evacuating."
17 We can see from further down the page that the
18 caller is a Mr Kent and he speaks of how the platforms
19 have been evacuated and the smoke and the bang appears
20 to have occurred on the platforms 1 and 2 on the
21 Metropolitan Line, but of course it wasn't, as we now
22 subsequently know.
23 At around about the same time, radio calls start
24 coming in to British Transport Police centre. I'm not
25 going to show, if you approve, the radio calls. I'm

1 going to move forward to some of the other transcripts
2 of the main line telephone calls.
3 This one is at 08.48.09. There a reference to
4 a caller from Old Street, and the caller speaks of power
5 failure. Then, at the bottom of the page, at 08.49.19,
6 a caller, a Mr Baker, from whom we'll hear in due
7 course, calls in from the BTP, the British Transport
8 Police office at Aldgate, the office that you heard the
9 caller Celia Harrison refer to in the audio recordings
10 from the London Underground Network Control Centre. He
11 says that there's been -- we can see -- "a huge big bang
12 down on the platforms. Having had a look at the moment,
13 I'm not quite sure what's happened".
14 "Possibly a train-related incident. There doesn't
15 appear to be anybody hurt. I don't know if
16 [something]".
17 He refers to lots of dust and to his mobile number
18 and at the bottom of the page, as we can see, to a bang,
19 and he refers to the fact that there was a train not
20 pulled in properly, it stopped short of the platform and
21 there's a load of dust around the area.
22 On page 5 of this document, we can then see a call
23 from BX, which is the Control Centre, the caller, so
24 that is call out from the British Transport Police
25 Control Centre, BX, asking for people to go to

1 Liverpool Street, and then, at the bottom of the page,
2 there is a phone call at 08.51.22:
3 "Hello there. Have you any update on
4 Liverpool Street?
5 "We are still looking into it. We are very busy
6 here. We have had reports of an explosion, a loud bang.
7 I don't know in what respect, at Edgware Road and
8 Aldgate."
9 Over the page, reports of power loss and the caller
10 says:
11 "So it's all power-related?"
12 And the answer is:
13 "Yeah, well, it looks that way."
14 On page 7, there is there a log of a call to the
15 London Ambulance Service for their attendance at
16 Liverpool Street as a precaution, and BTP certainly
17 state their view that they believe that there had been
18 an explosion at that location, and the address given is
19 the postal area in relation to Liverpool Street.
20 The London Ambulance Service log of that call is
21 timed approximately two minutes later so that would seem
22 to support the idea that these logs are two minutes out
23 in terms of their timings, which is consistent with the
24 first call being received, apparently, but wrongly two
25 minutes in advance of the first explosion at Aldgate.

1 Over the page on page 9, an officer from the
2 robbery -- sorry, that's page 8. If we go to page 9, an
3 officer from the robbery squad, DI Taylor, at the bottom
4 of the page, phones in to say that he's on the scene and
5 there has been a loud explosion. Over the page, please.
6 He talks of a sound of an explosion coming from Aldgate,
7 five lines down, "loads of smoke in the tunnel, from the
8 tunnel from the Aldgate end of Liverpool street".
9 Then he says at the bottom of the page in response
10 to a statement from the controller that there are plenty
11 of units going down, that is to say
12 British Transport Police units:
13 "Yeah, there's loads arriving at the moment. It's
14 actually cleared now. I mean, there's no sign of any
15 damage or any explosion. All it was, was loads of, I'm
16 told, loads of smoke."
17 Page 12, Mr Baker at the bottom of the page calls in
18 again:
19 "I've just spoken to one of your ladies, I think it
20 was 135 at Aldgate."
21 Over the page, he asks whether he can check if the
22 Fire Brigade are on the way for Aldgate:
23 "I want to make sure LFB are running", he says.
24 "We need the old incident team for the underground
25 as well as their emergency response team, whatever

1 they're called."

2 Then at the bottom of the page we can see that the

3 controller asks whether that was the Aldgate station

4 overground as opposed to Aldgate East.

5 So another issue which arises is the potential

6 confusion, not only as to which way the train is going,

7 which part of the train is affected, whether it's a bomb

8 or an explosion, but whether or not it is Aldgate

9 station or Aldgate East.

10 At page 16, two minutes later, we can see halfway

11 down the page the first reference, as far as

12 British Transport Police are concerned, to smoke and the

13 Piccadilly Line, because at 08.55 a gentleman called

14 Inspector Mingay, of whom we'll hear much more in due

15 course, calls in to say that he has smoke appearing to

16 be coming out of one of the Piccadilly Line tunnels.

17 Over the page on page 17, one of the callers to this

18 call, in the middle of the page, talks of reports of

19 a loud bang, sorts of explosions at a variety of

20 stations, Aldgate and Edgware Road, Liverpool Street,

21 and he makes reference to the fact that the Network

22 Control Centre at London Underground think that the

23 matter could still be power-related, and this is almost

24 approaching the hour because these times are about two

25 minutes out, we're about two or three minutes to

1 9 o'clock.

2 Page 39, to move forward again, Mr Baker calls in
3 again at 08.57, so in truth about 9.00, and he says that
4 he thinks that he should call in the matter as a major
5 incident, and the recipient of his call, the
6 British Transport Police controller, tells him about
7 instances elsewhere at Liverpool Street and
8 King's Cross.

9 The importance of this call is that Mr Baker
10 reiterates at the bottom of the page:

11 "Can we have ambulances to Aldgate, please? We've
12 taken injured into the Aldgate police office at
13 present."

14 So he's calling for ambulances, wounded having
15 already been taken into the Aldgate office.

16 Page 42, Mr Mingay calls in again -- and I think we
17 may have lost the part that I was intending to refer
18 to -- but at 08.58.53, there is a discussion --
19 a continuing discussion concerning a power failure. The
20 controller talks of "walking wounded" and the caller
21 refers to there being a power surge, and there is
22 a reference to three or four walking wounded. So from
23 the position of the British Transport Police, the
24 information coming in appears to be not much clearer at
25 that stage.

1 Then, page 51, Mr Baker again calls in to say at
2 09.03:
3 "I want to make sure we've got sufficient resources
4 coming. We'll call this a major incident. I've got
5 about 25 wounded in the office at Aldgate."
6 The controller says he's getting reports of various
7 different incidents that are happening at the moment.
8 The controller says:
9 "What happened? We're getting calls of a power
10 failure or explosion, train collision."
11 Mr Baker says:
12 "I don't know, I was in the office at Aldgate, then
13 all of a sudden the building shook and we obviously
14 thought 'What the fuck was that?', we came downstairs
15 and then we could see sort of smoke issuing at Aldgate
16 on platform 2, and then, about 5-10 minutes later,
17 walking wounded started coming out of the tunnel ...
18 "And that really is as much as we've got. We've got
19 pandemonium here at the moment and we really need to get
20 some control here."
21 At 08.59, so approaching 10 past 9, Inspector Munn,
22 I think it is, calls in to say at 09.06.44:
23 "I'm at Aldgate station [I] confirm this is a train
24 accident, declare a major incident. We have numerous
25 injured people at this station ..."

1 Staying with Inspector Munn for a moment, we can
2 look also, not just at the logs showing the landline
3 calls but to the radio logs showing calls made by radio
4 to British Transport Police. At page 51 of this other
5 document, [BTP150-51], Mr Munn, Inspector Munn, can be seen
6 from this document to be calling in. Right at the
7 bottom of the page, he says:
8 "I've liaised with Mr Lawson at Liverpool Street
9 and, after consultation with the London Fire Brigade, if
10 you haven't done so already, he wishes it declared as
11 a major incident by the British Transport Police."
12 Could we then go forward one page, please?
13 The references to this document have altered, so
14 could we scroll forward through the next one or two
15 pages and we'll see whether we can find the section that
16 I wanted to bring to your attention.
17 Could we go back, then, please, to page 51 and go
18 back to the previous three pages and we'll see whether
19 it's before. The top of page 49 of this document:
20 "Bravo Quebec 10, go ahead. Alpha India, stand by.
21 "Yes, BX [that's the caller saying 'Yes,
22 Control Centre']. Urgent request for an ambulance to
23 Aldgate from paramedics and Fire Brigade on trains.
24 There are people on these trains who will die if they do
25 not get immediate care. We need ambulances to Aldgate

1 urgently. Over."

2 The controller says "Received" and the caller says:

3 "... I have a doctor with our unit in a doctor's

4 vehicle heading to Aldgate now ...

5 "Could we please have a few units LAS [London

6 Ambulance Service] here? We have distressed passengers

7 coming off the underground."

8 From our assessment, this call is about 10 or 11

9 minutes past 9, and the first ambulance which had been

10 sent to the Aldgate scene had not, by that stage,

11 arrived because, as we'll see in a moment, it in fact

12 went via Liverpool Street and one of the difficulties

13 encountered in relation to Aldgate was that the

14 ambulance -- the address given to the Ambulance Service

15 was not in fact initially the address at Aldgate; it was

16 the address of Liverpool Street.

17 We may not be able to find it because I think the

18 references have been altered, but if you could go to

19 page 56 of this document, we may find another call from

20 Inspector Munn.

21 We can't find it. In any event, at about 18 past 9,

22 Inspector Munn, the gentleman who called earlier, tells

23 the control that he's with the train at Aldgate. He

24 says that one carriage is decimated and that there is

25 clear bomb damage to one carriage and two confirmed

1 fatalities.

2 Significantly, for our purposes, he also says that
3 the Fire Brigade are here but won't go trackside until
4 power is confirmed off and were going to need paramedics
5 to the train urgently.

6 So one of the issues, my Lady, that you will no
7 doubt wish to explore is, even when it was possible to
8 say with certainty where the correct location was,
9 whether or not the emergency services were, in fact,
10 able to go down straightaway and, if not, why that was
11 so.

12 The first Fire Brigade unit had arrived at about
13 9.00, some 15 minutes before Inspector Munn's call, the
14 call which I have just made reference to but which we
15 can't see on the screen, and we will hear evidence from
16 Inspector Munn in due course how he showed the
17 Fire Brigade that the power was off by putting a foot on
18 the third rail, but the officers to whom he spoke still
19 nevertheless sought confirmation from London Underground
20 staff that the power was off, and there may be an issue
21 as to whether or not that delayed the arrival of
22 emergency help to the train itself.

23 The evidence of concern as to the risks to rescuers
24 is an important issue, and I don't wish to be seen in
25 any way to downplay the dangers in the risks to those

1 who attended, and I've made reference already to the
2 risk of secondary devices, but you will certainly hear
3 from passengers, in particular a Mr Henning, who says
4 that, when he made his way forward to the Aldgate
5 platform, having walked out of the third carriage of the
6 train, he saw two groups of firemen standing on the
7 platform. According to him, although there may be some
8 dispute with another survivor as to what exactly was
9 said, he said "Why aren't you down there, people are
10 dying?" And one of the firemen responded by saying that
11 there could be a secondary explosion.

12 It may be worth making the point that, of course,
13 someone had been down to the train at Aldgate because,
14 otherwise, the information about casualties and
15 fatalities could not have been known, but whoever it
16 was, probably a British Transport Police officer or
17 a member of London Underground staff had surely
18 discovered that the power was off and there may be an
19 issue as to how widely knowledge that the power was off
20 was disseminated.

21 Some witnesses speak that the London Fire Brigade
22 were the first to arrive, and so it may be that some
23 firefighters went to the carriages while others remained
24 on platform. Another witness expressed surprise that
25 the Fire Brigade were laying hoses on the track rather

1 than helping the injured.

2 At any rate, by 9.31 on this transcript, and,
3 therefore, I think, two minutes later, the process of
4 rescuing passengers on the Aldgate train is well
5 underway. We can see that because the caller,
6 Inspector Munn again, refers there to the fact that they
7 urgently require three more teams with carry-seats,
8 that's to say seats or stretchers enabling the injured
9 and the wounded to be brought off the train and he asks
10 for more officers to try to detrain a full train at the
11 same time.

12 My Lady, as I've said, I'm trying to adduce the
13 material through the eyes of the individual emergency
14 response services so as to give a more realistic
15 impression of how difficult it was to deal with the
16 information when it was received.

17 The London Ambulance Service next, please. This is
18 what's called a primary incident log sheet dated
19 7 July 2005.

20 We can see that from the top of the page, and also
21 the start time at 08.51.59. There are a lot of acronyms
22 and expressions, abbreviations in this document, which
23 I won't take you through now, they will become, I'm
24 sure, very familiar to us in due course, but at
25 08.51.59, a first call is received from the

1 British Transport Police, and we can see that because
2 "BTP" appears in the sender of the message, to the
3 London Ambulance Service, and the information in the
4 message text, the far right column, is:
5 "Liverpool Street explosion at location. Station
6 has been evacuated. No further details available",
7 NFDA.
8 At 08.55.07, as well as 08.55.03, we can see
9 internal notations indicating that ambulance vehicles --
10 whether they be ambulance or fast-response units -- I'm
11 not entirely sure -- are dispatched to Liverpool Street.
12 At 08.58.49, British Transport Police call again:
13 "Explosion from either LUL [London Underground] or
14 Liverpool Street."
15 09.00.51, BTP call again:
16 "Burns/explosions. Not known if anything is still
17 burning. Possible explosion. Walking wounded. BTP had
18 no information. Smoke and a bang heard in the
19 underground."
20 Then at 09.01, the London Fire Brigade, we can see
21 that because the sender is LFCDA, I think it's London
22 Fire Civil Defence Team.
23 They call in and they say:
24 "Rendezvous point fire and explosion heard from
25 there [St Botolph]. Coming from Aldgate underground as

1 well. No further details available. LFB [London Fire
2 Brigade] on way."
3 At 09.02.34, the London Fire Brigade call in again,
4 but this time about Edgware Road, and we know that
5 because the message text includes a reference to
6 Praed Street, W2 "close to Paddington Tube station".
7 In the audio calls that we heard a few moments ago,
8 you will have heard repeated references to Praed Street.
9 Praed Street is not the location of the Edgware Road
10 London Underground station. It's a few streets away in
11 Chapel Street. One of the issues that you will need to
12 explore is the fact that the first information about the
13 bomb, or the explosion at Edgware Road use details
14 relating to Praed Street rather than Chapel Street and
15 this had an effect on the speed with which the emergency
16 services were able to respond.
17 At 09.03.11, a vehicle called N307, that is to say
18 an ambulance, calls in to say "status updated to red at
19 scene" and what that means is that the ambulance has
20 arrived at the scene and is ready to provide emergency
21 medical attention, but we can see that at 09.03 all that
22 that first ambulance has been able to achieve is to
23 attend the scene at Liverpool Street because that was
24 the address to which it had been sent, because that was
25 the address provided at the top of the page. It didn't,

1 of course, go to Aldgate.

2 At 09.03.40 there is then a call from the London
3 Fire Brigade concerning a major incident and a major
4 incident being declared at Liverpool Street, and also
5 a reference to an explosion at Paddington.

6 Over the page, please. At 09.04, London Underground
7 call in to the London Ambulance Service to give details
8 of an explosion at Chapel Street, and that is where the
9 reference is to the correct address for Edgware Road.

10 At 09.04, there is then a first reference to the
11 explosion at King's Cross because a caller, again the
12 British Transport Police, call in to say that:
13 "At King's Cross station at St Pancras Road, carbon
14 monoxide inhalation/hazardous chemicals, train stuck in
15 tunnel, smoke inhalation, people on board.
16 British Transport Police will come back to us with
17 further details when obtainable."

18 At 09.05.38, the first London Ambulance vehicle --
19 I think it's a fast-response paramedic -- is dispatched
20 to Praed Street. So at 09.04, that dispatch occurs
21 15 minutes after the actual time of the explosion and
22 that is the first dispatch to Praed Street.

23 At 09.05.57, report from London Underground service
24 of an explosion at Liverpool Street.

25 09.06, a further dispatch of a vehicle to

1 Praed Street, and then, at 09.06.16, the vehicle, the
2 London Ambulance vehicle which arrives at
3 Liverpool Street declares that its status is red and is
4 therefore in a position to provide care.
5 Could we then please go over the page to 09.00.13,
6 there's an important entry here because an ambulance at
7 09.14, E205, calls in to say "We've got an explosion on
8 one of the trains", this is at Edgware Road:
9 "We're unsure at the moment of what. Can you send
10 down as many as you can from the station ambulance-wise?
11 We haven't got any London Fire Brigade on the scene at
12 the moment. We've got one police car. We'll get back
13 to you."
14 There is then a discussion about a full CHALET
15 report. A CHALET report is a reference to an acronym,
16 CHALET, but which demands, I think, emergency services
17 to provide information in a certain way, but the L from
18 CHALET denotes "location", and plainly the receiver of
19 the call is concerned to get precise information as to
20 the location of the emergency.
21 The caller E205 says:
22 "I'll give you a CHALET report. At the moment,
23 casualty-wise, we're unsure. It's rush hour, it could
24 be anything up to 1,000. We're not too sure what the
25 explosion is, what hazards we have at the moment.

1 Access is on Chapel Street and on the Metropolitan Line,
2 which is pretty clear at the moment. That's the same
3 location. As I said before, we need the Fire Brigade
4 down here. We've got one police car so we're going to
5 deal with them. Unsure at the moment what else --
6 whether we need any CBRN [chemical, biological,
7 radiological or nuclear] assistance or anyone else, and
8 we're not too sure what type it is, so at the moment
9 that's it and unclear until I get back to you."
10 At 09.16 over the page, we can see a call from the
11 British Transport Police:
12 "Update Aldgate underground. BTT confirmed 20-25
13 walking wounded and others badly injured. Multiple
14 ambulances required."
15 Then at 09.16, E205 calls in:
16 "There's been some sort of explosion on the train.
17 As far as we know, there's a couple of trains in
18 a tunnel with numerous casualties floating around this
19 hallway, here, Edgware Road/Chapel. Edgware Road
20 station, Chapel Road. Just as many ambulances as you
21 can get, sort of, you know, at least 6, 7, 8. People
22 with burns, cuts, bruises and all sorts, so we need
23 just -- need as many ambulances as you can muster up at
24 the moment."
25 My Lady, I'll return to some of the other entries in

1 due course when dealing with the time lines for each
2 scene, but that short exploration of the LAS document
3 shows how, again, information is received piecemeal, how
4 there are conflicting reports, and the information
5 available to the emergency services is affected to
6 a considerable degree by a lack of precise knowledge as
7 to the location of the bombs themselves.

8 One other final source of information, if I may, is
9 the computer-aided dispatch record, the CAD document,
10 with which I know you'll be very familiar from other
11 judicial proceedings, but it is, in essence, the
12 computer-aided dispatch system which is the means by
13 which the Metropolitan Police and City of London Police
14 in London record messages received by way of emergency
15 calls and I mentioned it a little earlier.

16 In 2005, a 999 call to report an emergency would
17 have been received by a telephone operator who would
18 then direct the call to the appropriate emergency
19 service. If the call required police assistance, the
20 operator would then pass the caller to a call-receiving
21 unit, then known as the Central Communications Complex
22 Information Room in New Scotland Yard. Information is
23 then recorded and the taking of that information starts
24 an incident record within the CAD, the computer-aided
25 dispatch system, and then that information is then

1 passed to the relevant part of the police to deal with.
2 Those references or CAD numbers start sequentially
3 from 0 at the beginning of every day, so this one, which
4 was received around about 08.51, was CAD message 2334
5 for that day, 7 July.
6 We've been provided, my Lady, with hundreds of CADs,
7 computer-aided dispatch documents, for the day, but we
8 intend to focus on just a handful of the early ones.
9 There are different versions in circulation
10 depending on whether they originate from the City of
11 London Police or the Metropolitan Police. This one is
12 the City of London Police version.
13 Pages 2 and 3, please.
14 Page 2, we can see at the top of the page, four
15 lines down:
16 "Incident 2334 entered at 0851."
17 So that is the time of the first call to City of
18 London Police in relation to an incident that concerned
19 the 7 July bombs.
20 Over on page 2, please, we can see that the
21 substance of the first information is that there seems
22 to have been a bit of an explosion opposite the
23 Great Eastern Hotel, so this is a CAD report relating to
24 Aldgate.
25 At 08.53.45, there is a reference to "no further

1 details but units not on the hurry-up".
2 At 08.55.32 we can see an update from
3 British Transport Police that there's been some form of
4 explosion in the ticket office at Liverpool Street
5 station [TFL23-1].
6 This CAD is then superseded by another CAD, because
7 another call calls in -- there was another caller and
8 that generates a new record with other information in
9 relation to that call, and this one is CAD 2337, we can
10 see that number at the top of the page, incident 2337,
11 and this call is received at 08.51:
12 "British Transport Police assistance requested.
13 Loud bang heard on platforms 1-2 Met Line
14 [Metropolitan Line]. Station evacuated."
15 08.53.07 we can see a reference to London Ambulance
16 Service being called.
17 At 08.56.37:
18 "British Transport Police believe explosion on
19 Hammersmith & City line. No reports of injuries at this
20 time."
21 So this CAD report would seem to indicate that the
22 information erroneously was to the effect that there had
23 been an explosion in the Liverpool Street area as
24 opposed to nearer Aldgate, and that it was on the
25 Hammersmith & City line rather than the Circle Line.

1 2338, finally, we can see the incident number at the
2 top, it was entered at 08.51, the fourth line down, and
3 the caller, middle of the page, was a member of the
4 public, Mr Jitesh Sodha.
5 Over the page, we can see what he reported. He
6 reported at 08.51.45:
7 "Sounds of an explosion from empty building. Smoke
8 coming from a building. Also from the Tube station."
9 We'll hear from Mr Sodha in due course, but he will
10 recount how he was standing outside Beaufort House,
11 directly opposite the rear entrance of Aldgate
12 London Underground station, when he heard a very loud
13 explosion, and he and his colleague immediately formed
14 the view that it had been a bomb, and they tell the City
15 of London Police, or the Met Police, that smoke was
16 coming from storage buildings nearby.
17 We can see at 08.57.02:
18 "INFT believes [informant believes] explosion may be
19 from tunnel in Tube station."
20 A reference in the following line to the London Fire
21 Brigade called. 08.57.45:
22 "City of London Police CCTV, a large amount of smoke
23 coming up from the Tube line into Aldgate one-way by
24 St Botolph's."
25 08.58:

1 "Smoke is coming from the tunnel under the bridge."
2 08.57.47:
3 "The informant [that's Mr Sodha] can't see anybody
4 injured."
5 But he does report in the following line staff going
6 down into the station and the station being evacuated.
7 On the following page, a police officer at the top
8 of the page, I think calls in to say that London Fire
9 Brigade are on the scene, looks like Tube collision, 15
10 or so walking wounded, and then at 09.02, an officer
11 calls in to say there's been a large explosion between
12 Aldgate and Liverpool Street:
13 "Believe some civilians still trapped."
14 At 09.04, a caller reports at 43 that there seems to
15 have been an electrical explosion but injuries are more
16 severe.
17 Then at 09.09 there is a reference to an LFB,
18 a London Fire Brigade supervisor on the hurry, and
19 a minute later a police officer calls in to say:
20 "There is a bomb in one carriage 100 yards into the
21 tunnel -- I have multiple casualties, some possibly
22 fatal. I need a police liaison officer here at the
23 Aldgate end. London Ambulance Service also required as
24 well as more police officers to take witness
25 statements."

1 By that time, 09.010, the London Ambulance Service,
2 although called, had not yet reached Aldgate as opposed
3 to Liverpool Street.

4 Can I please put up for you the time line in
5 relation to Aldgate? Again, I'm very grateful to
6 Mr O'Connor and Mr Hay for their hard work in preparing
7 the time lines for each of the four bombsites.

8 This is the time line in relation to Aldgate. Many
9 of these entries we've looked at through the medium of
10 the records kept by the emergency services themselves,
11 so I can be fairly brief. But we can see at 08.47 the
12 reference there to the call to British Transport Police
13 about the loud bang on the platform, at platforms 1 and
14 2 on the Metropolitan Line, and that was one of the
15 calls that we saw on the British Transport Police hard
16 copy transcript of landline calls.

17 At 08.48.40, there's a reference to the tunnel
18 telephone trip. 08.48.42, the outer rail tripping, and
19 then, at 08.48.43, the track alive indications being
20 extinguished. All those obviously postdate -- they are
21 subsequent to the explosion which, as I said, occurred
22 at 08.49.00, but they precede the explosion on this time
23 line, my Lady, because those are the times given in the
24 contemporaneous documentation, but they must obviously
25 be wrong.

1 There is then a reference to the conversation that
2 we saw in the Transport for London document between the
3 Metropolitan Line controller and the power room control
4 operator, and then, at the bottom of the page, Mr Baker
5 reporting a bang at Aldgate from his vantage point in
6 the British Transport Police office above Aldgate
7 platforms.

8 Over the page, please, we can see that the London
9 Ambulance Service received then their first call at
10 08.50.

11 There are references then to the information taken
12 from the City of London computer-aided dispatch records
13 at 08.51, 08.51.38, the reference to smoke from
14 Mr Taylor that we saw in the transcript, and then the
15 999 call from Mr Sodha to which I've made reference just
16 a few moments ago, and then, at 08.51.59, the London
17 Ambulance Service receive an emergency call informing
18 them of an explosion at Liverpool Street.

19 The Fire Brigade are requested as a result of
20 Mr Baker's call at 08.52, and then over the page,
21 please, we can see the call that Celia Harrison, the
22 Aldgate station supervisor made at 08.53.38. Further
23 extracts from the CAD reports, and then, further down
24 the page, the first call to the Fire Control London Fire
25 Brigade from the Metropolitan Police to attend Aldgate.

1 The London Fire Brigade's log of that call is at
2 08.56.49, and then, from the Fire Brigade records that
3 we looked at some half an hour ago, we can see, at
4 08.57.39, that the London Fire Brigade sent mobilisation
5 messages to a number of units.

6 Halfway down the page, there is a further request to
7 London Ambulance Service by the British Transport Police
8 at 08.58 to attend to three to four walking wounded.

9 Further extracts from the CAD records, and then at
10 09.00, the first Fire Brigade appliance, F332, arrives
11 at the scene and at the same time London Fire Brigade
12 send mobilisation messages to other units to attend.

13 At 09.00.51 the London Ambulance Service receive
14 a call to attend Aldgate as opposed to Liverpool Street,
15 and at 09.02 London Fire Brigade send further
16 mobilisation messages to the Shadwell pump ladder,
17 Southwark pump ladder and to Station Commander Dowgate.

18 At 09.03, the London Ambulance Service, ambulance
19 N301, arrives at Liverpool Street and is diverted to
20 Aldgate, and at 09.06 the duty officer from the London
21 Ambulance Service also arrives at Liverpool Street.

22 By that time, major incidents have been declared by
23 the London Fire Brigade and British Transport Police,
24 but it's quite apparent from the time line there are
25 still difficulties concerning the exact location of the

1 Aldgate bomb.

2 Over the page, we can see at 09.08 further

3 mobilisation messages to further Fire Brigade units. At

4 10 past 9, PC Kemp from City of London Police makes the

5 reference that we saw just a few moments ago in the City

6 of London CAD to a bomb in one carriage 100 yards into

7 the trouble. I think I may have said that was

8 Inspector Munn; it was PC Kemp, and he is the officer

9 who makes that first connection to a bomb in the

10 carriage.

11 Inspector Munn to BTP control makes an urgent

12 request for an ambulance to Aldgate from paramedics and

13 Fire Brigade "There are people on these trains who will

14 die if they do not get immediate care", and that was the

15 reference I read out a few moments ago.

16 The first London Ambulance Service ambulance arrives

17 at Aldgate at 09.14, we can see that at the bottom of

18 the page and, over the page, they report an explosion,

19 possible fatalities and they request five further

20 ambulances.

21 It's not enough, and BTP report to the London

22 Ambulance Service at 09.16 that multiple ambulances are

23 required.

24 In fact, a fast-response car, EC46, arrives at

25 Aldgate after being flagged down by the police, so in

1 a way, the process of diversion from Liverpool Street to
2 Aldgate is circumvented because of that police officer
3 flagging the car down.

4 Then the London Ambulance Service declare a major
5 incident at 09.18. If we can turn to the Edgware Road
6 time line, please -- my Lady, perhaps that's
7 a convenient moment before, in fact, I turn to the
8 details of the time line in relation to Edgware Road.

9 LADY JUSTICE HALLETT: Certainly.

10 MR KEITH: I see, my Lady, that Mr Eadie has arrived and, as
11 my Lady knows from last week, there are certain issues
12 to be discussed in relation to the legal argument
13 concerning whether or not you may adopt a closed
14 material procedure, and we would invite to you give some
15 directions in relation to the skeletons and the timing
16 of that argument.

17 LADY JUSTICE HALLETT: Will those who don't wish to stay --
18 I'm not going to be deciding or hearing submissions in
19 relation to whether or not I can have closed hearings,
20 I'm just setting the timetable for hearing those
21 submissions, so I would understand if anybody felt that
22 they wished to leave at this stage.

23 MR KEITH: My Lady, I'm going to ask Mr Andrew O'Connor to
24 address you in relation to that matter on behalf of the
25 Inquest team.

1 Discussion re closed hearings

2 MR ANDREW O'CONNOR: My Lady, you will recall that at the
3 directions hearing last Monday, Mr Eadie raised two
4 legal issues, both of which relate in general terms to
5 closed processes upon which the Secretary of State seeks
6 your ruling.

7 Put shortly, those legal issues are, first, whether
8 you have power to receive in evidence material that
9 would otherwise be excluded by virtue of the prohibition
10 at section 17 of RIPA, that's the Regulation of
11 Investigatory Powers Act and, second, whether you have
12 the power to receive evidence in a closed hearing, that
13 is with the interested persons excluded.

14 At the hearing last week, my Lady, there was some
15 debate about the detailed procedure by which these
16 issues were to be resolved, but you made clear that you
17 wished to rule on them as soon as possible.

18 The main reason for expedition is to allow your
19 ruling to be considered by higher courts if any of the
20 interested parties wished to pursue that course without
21 interfering with our own timetable.

22 My Lady, at the last hearing you directed Mr Eadie
23 to provide written submissions addressing those two
24 issues by last Friday. That direction was complied
25 with, we have those submissions and we're grateful for

1 them.

2 My Lady, you indicated, as Mr Keith has said, that
3 you would hear further submissions and give further
4 directions today providing for the disposal of those
5 issues.

6 My Lady, there are a number of practical issues that
7 arise, such as the date on which you will hear oral
8 submissions on those issues and dates for service of
9 written submissions and so on.

10 There is also an issue of a little more substance
11 that was left over from the last hearing, that is
12 whether it is necessary or appropriate for you to
13 consider closed factual material served by the Secretary
14 of State, that is the material Mr Eadie referred to on
15 the last occasion as worked examples, in reaching your
16 conclusion on, in fact, the second of those issues.

17 My Lady, may I briefly address you on those two
18 areas?

19 As far as the practical issues are concerned, the
20 starting point, it seems to us, is the date on which you
21 will be able to hear oral submissions.

22 The witness timetable that has been devised only
23 provides for one day per week when we do not have
24 witnesses in attendance. Most weeks, that is a Friday,
25 although, as you've indicated, there are some weeks when

1 that will be a Thursday due to other judicial
2 commitments of yours on those weeks.
3 Insofar as the next few weeks are concerned,
4 my Lady, we have ourselves taken the view that Friday of
5 this week would simply be too early to hear these oral
6 submissions, given the need for a number of different
7 parties to prepare for them and to provide written
8 submissions.
9 Skipping over two weeks, in two weeks' time,
10 Thursday, 28 November, is not a possibility since you
11 have other judicial responsibilities on that day, and
12 going a week further, 5 December, simply seems to us to
13 be leaving it too late.
14 What that leaves my Lady is 22 October where we
15 believe that you are likely to be able to make available
16 at least some of the day to hear oral submissions.
17 It does, therefore, seem to us, my Lady, that
18 22 October, which is a Friday, is probably the day when
19 it will be necessary for you to hear oral submissions on
20 these two issues.
21 Turning to the question of the service of written
22 submissions, my Lady, as I have said, the Secretary of
23 State has already served written submissions. The next
24 step is for other interested parties who wish to address
25 you on these matters to file written submissions.

1 My Lady, we propose that the date on which they
2 should do so is by 4.00 pm this Friday, that is
3 15 October.

4 My Lady, there is one caveat to that which has been
5 a matter raised with me by Mr Patterson, and that is
6 this: the Leeds submissions, if I can put it this way,
7 on this issue on behalf of the families are likely to
8 come from Mr O'Connor Queen's Counsel who takes the lead
9 on the issue of preventability, but it is possible at
10 least that some of the other representatives of other
11 families may not wish simply to adopt his submissions,
12 they may wish to make supplementary or, indeed,
13 different submissions to those that he has made.

14 It therefore seems at least possible, my Lady -- and
15 I'm sure that others will address you on this -- that
16 other representatives of the families will wish to see
17 Mr O'Connor's submissions and serve their own
18 submissions after having seen his.

19 My Lady, in those circumstances, we propose that any
20 further submissions from any other representatives of
21 families following Mr O'Connor's submissions should be
22 served by close of play a week today, Monday,
23 18 October.

24 My Lady, I hope that that will provide them with
25 enough time. Although they will only have the weekend

1 to read Mr O'Connor's final submissions, I do understand
2 from him that he is proposing to circulate an outline of
3 his submissions this week, I think Wednesday, the day
4 after tomorrow.

5 We are all having to work with compressed
6 timetables, and we would hope that, since they will have
7 seen the outline of his submissions on Wednesday this
8 week, they will be in a position to serve their
9 submissions by the close of play next Monday.

10 LADY JUSTICE HALLETT: We're not just all working to
11 compressed timetables, Mr O'Connor. I'm afraid fitting
12 in this kind of legal argument at this stage with so
13 little notice is going to cause inconvenience, not only
14 to the parties here, but to a number of other people to
15 whom I have commitments.

16 MR ANDREW O'CONNOR: My Lady, quite so.
17 My Lady, two other matters. I have mentioned to the
18 Treasury Solicitor the desirability, given the fact that
19 there are likely to be a number of authorities referred
20 to, of preparing a combined bundle of authorities, and
21 they have indicated they would be prepared to do that,
22 so we would propose that they be directed to serve
23 a consolidated bundle of authorities by, say, noon on
24 Tuesday next week, that is the 19th.
25 Finally, my Lady, we would propose ourselves to

1 serve written submissions prior to the hearing. We
2 would propose to do that by, at the latest, 10.00 in the
3 morning on Thursday, 21 October, next Thursday.

4 My Lady, clearly you will wish to hear others on
5 those directions, but those are our suggestions.

6 My Lady, if I may touch briefly on the points of
7 principle that I mentioned.

8 As I've said at the last hearing, Mr Eadie indicated
9 his desire that in ruling on the second issue of
10 principle -- that is the question on whether you have
11 the power to hear closed evidence in the absence of the
12 public and interested persons -- that you might consider
13 what he described as worked examples. That is material
14 that is subject to PII claims.

15 Madam, at the last hearing, Mr Keith sounded a note
16 of caution about that proposal. We continue to be
17 cautious about it. May I just briefly outline why?

18 My Lady, first, there are a number of practical
19 problems.

20 The first, which really is a matter for Mr Eadie,
21 but he did mention at the last hearing the difficulties
22 that might be experienced in actually preparing these
23 worked examples. At that point, we didn't know what
24 date we were aiming for. We now know that we're aiming
25 for the 22nd. He will enlighten you as to whether that

1 is in itself a problem.

2 But even if it was possible to serve those closed
3 papers in good time for a hearing at the end of next
4 week, there is also the time available at the hearing
5 itself to take into account.

6 My Lady, we anticipate that not only will you need
7 to hear submissions from ourselves, Mr Eadie,
8 Mr O'Connor, possibly other families, possibly other
9 interested persons -- I'm afraid I don't know whether
10 the police intend to make submissions themselves.

11 So, my Lady, there will be a substantial amount of
12 oral submission that needs to be made, and we would have
13 a concern that, if it is necessary to go into the closed
14 material in any detail -- and one would imagine that it
15 probably is, otherwise the process would not be worth
16 undertaking -- that might cut short unnecessarily and
17 undesirably the time that is available for open legal
18 argument.

19 My Lady, there are also, it seems to us, at least
20 possibly certain principled objections to this course.
21 The first point we would make is this: the issue
22 Mr Eadie has identified is clearly a matter of
23 principle, not fact, simply whether you have the power
24 to conduct closed proceedings.

25 It is, as Mr Eadie recognises in his submissions,

1 a novel issue, and it is clear that it is at least
2 potentially an issue which would have great potential
3 significance for future inquests and, unsurprisingly,
4 therefore, it is one which, as I've said, may need to be
5 considered by the higher courts.

6 In all those circumstances, my Lady, we would
7 suggest that there is merit in confining the ruling that
8 you give on this issue simply to the point of principle:
9 namely, whether or not you have the power, and not, at
10 least at this point, descending into the facts of these
11 cases.

12 My Lady, that is of course the route that was
13 followed in the recent Al Rawi case, the Guantanamo Bay
14 civil damages claims. Although, as Mr Eadie rightly
15 observes in his submissions, that case was factually
16 distinct to this, in the sense that it concerned the
17 existence of a power to hear closed proceedings in civil
18 damages claims in the Queen's Bench division and not
19 coronial proceedings, the same principle, namely, the
20 existence or otherwise of a power to hold closed
21 proceedings, was in play and we would submit that the
22 course followed there, namely, to restrict argument to
23 that point of principle, has merit here.

24 My Lady, finally, there is one other consideration
25 which we would submit rather weighs against the worked

1 examples idea. That is simply that the worked examples
2 themselves would, of course, be closed material. If you
3 were to consider them, that would entail excluding the
4 families and their representatives from part of the
5 hearing on this issue. It may also require you to
6 produce a closed ruling that the families would not see.
7 Given the importance of this issue to the families,
8 we would submit that that approach would be highly
9 undesirable and is another factor that weighs against
10 considering closed material.

11 My Lady, can I just make it clear that if the
12 consideration of closed material was necessary to enable
13 to you determine these points, then plainly it may have
14 been necessary simply to bear these disadvantages, but
15 we don't understand that to be quite the way that the
16 Secretary of State puts it. The implication from
17 Mr Eadie's submissions, both the oral submissions he
18 made last week and his written submissions, is that
19 these worked examples provide a context to the argument
20 of principle but are not critical to resolving it.
21 It seems to us, in fact, that, whilst these examples
22 might be highly relevant to the question of whether you
23 exercise a power to sit in closed, they would not be
24 directly relevant to the prior question of whether that
25 power exists in the first place.

1 My Lady, I hope that explains the reservations that
2 we have on this small point. No doubt you'll hear
3 further submissions from Mr Eadie and on behalf of the
4 families about it. Perhaps it goes without saying that,
5 if you do decide that you will admit closed material, it
6 will need to be made available, both to us and, indeed,
7 to you, as soon as possible to enable preparations to be
8 made.

9 My Lady, unless I can assist further, those are the
10 points we wish to raise at this stage.

11 LADY JUSTICE HALLETT: No, thank you, Mr O'Connor. I keep
12 forgetting, apparently, to turn my microphone on. Will
13 the stenographer please cough loudly, if she needs my
14 attention?

15 Mr Eadie, are you going to go next? I think you're
16 probably principally in the firing line here.

17 MR EADIE: If that's convenient, I will.

18 My Lady, just before we start, it may be worth just
19 emphasising that the reason that the Security Service
20 and the Secretary of State are seeking the ruling from
21 my Lady that we are has nothing to do with concerns
22 about fault or about covering up material. It is solely
23 because there is information in their possession which
24 is judged to be highly relevant to the decision that you
25 have to make which cannot be made public for good

1 reasons of national security and, in this context,
2 national security in fact means the protection of the
3 public. That is the reason why certain material cannot
4 be put into the public domain.

5 My Lady, as far as the timetable is concerned,
6 perhaps I ought to come back to that and deal first with
7 Mr O'Connor's point about the mechanism for determining
8 the issues that are before you.

9 You will appreciate that, from the last hearing, the
10 reason that we wished, in addition to the points of
11 principle, to do worked examples and to get my Lady's
12 ruling on concrete examples in relation to public
13 interest immunity and matters of that kind was, firstly,
14 because my Lady has always expressed concern that these
15 sort of issues needed to be dealt with by reference to
16 concrete material, if at all possible, but, secondly,
17 because all concerned on our side recognised the scale
18 of the task which faced them, and the sooner there was
19 guidance from the inquest and from my Lady as to how, in
20 relation to particular types of material, the balances
21 that public interest immunity require to be struck are
22 to be struck, the better it will be for all concerned.

23 So our underlying concern with raising that
24 staggered or that example process with you was precisely
25 to further the aim that I know lies very close to

1 my Lady's heart: namely, to permit the preparation for
2 the hearing in February, or whenever it is, of the
3 preventability issues without causing disruption to the
4 timetable that you're currently engaged in, and the more
5 guidance, as I say, that can be provided in relation to
6 the actual approach that will be followed, the easier it
7 will be for all concerned to try to deal with that type
8 of material as expeditiously and as efficiently as
9 possible.

10 That is, therefore, the reason for suggesting worked
11 examples. We accept entirely the point that my learned
12 friend Mr O'Connor makes again today, and I hope it was
13 a point that I made the other day. It is, of course,
14 possible for my Lady to determine the issues of
15 principle separately from the worked example issues.

16 That, however, leads to something of a difficulty
17 and perhaps a proposal for a solution.

18 The difficulty is that it will not be possible to
19 have the worked examples ready by 22 October, which is
20 a date, if I may, I'm going to come back to, and,
21 therefore, if worked examples do find favour with
22 my Lady as a procedural course, the only realistic
23 procedural option would be to set a date at some future
24 point a little further in advance, hopefully not too far
25 in advance, for dealing with those worked examples.

1 That could happen separately from the points of
2 principle and, I'm afraid, if the timetable is the one
3 outlined by my learned friend, would have to follow on
4 a separate date.

5 So far as the date itself is concerned, we have
6 a little difficulty on this side, because 22 October,
7 which appears to be the date being proposed, is a date
8 that certainly I can't do because I'm already in court.
9 Now, I'm fully alive to the fact that there's
10 a limit to how much I can pray that in aid. I don't
11 know whether there is any flexibility within the
12 timetable, whether witnesses have been warned so that
13 the dates, as I see from the timetable helpfully put up
14 on the Lextranet, for any of those witnesses to move
15 from, say, a Thursday to a Friday, but you will
16 understand that my clients regard these issues of
17 principle and, indeed, the worked examples as being very
18 important and, if it is possible -- and of course it may
19 not be, but if it is possible, they would like me to
20 present the argument on their behalf.

21 If you are stuck with the Fridays that are currently
22 blank in the timetable, then I anticipate that may cause
23 something of a difficulty. I could do this Friday, but
24 it doesn't sound as though anyone else is going to be
25 ready to receive the argument by that date. I don't

1 know whether that is a practical course. My Lady was,
2 of course, very concerned to see that this issue was
3 determined as soon as possible, but it may not be
4 possible to have the oral argument this Friday.

5 I can't do the 22nd. The 28th, as I understand it,
6 which is the next Thursday, you can't sit, "Not sitting
7 today" it says in the timetable, but there are probably
8 reasons which can't be moved for that and then there are
9 witnesses scheduled for the Friday. So the week after
10 isn't a possibility.

11 The first Friday, I'm afraid, that I could do would
12 be 12 November and, of course, if it went to
13 12 November, one could perhaps have the issues of
14 principle and the worked examples all dealt with
15 together.

16 LADY JUSTICE HALLETT: I'm sorry to interrupt you, Mr Eadie,
17 but I've just received a piece of information that may
18 have an impact on this line of submissions.

19 Whereas I thought I had an immoveable commitment on
20 28 October all day, I am reminded properly that, in
21 fact, that commitment has itself been moved and I'm just
22 wondering whether 28 October -- I'm sorry it's coming as
23 a complete bolt from the blue to Mr O'Connor, who's
24 considered his submissions, because I told him earlier
25 I couldn't do 28 October.

1 Do you want to have a moment to reflect on how that
2 would affect your submissions on the timetable?

3 MR EADIE: My Lady, it would affect them, if I can put it
4 this way, positively and I can tell you that immediately
5 because I have my diary when I'm in court and when
6 I have conferences which I can move and, of course, any
7 conference can be moved, but a court date can't.

8 I could do Thursday, 28 October, if that is a date that
9 my Lady can do. I imagine that Mr O'Connor's timetable
10 could accommodate that, because it would simply involve
11 the luxury of another week for everyone to prepare for
12 this interesting argument.

13 But that would be a thoroughly welcome date from our
14 point of view. I don't know if that causes
15 inconvenience to anyone else. They may have planned
16 their diaries around it. (Pause)

17 LADY JUSTICE HALLETT: Sorry about that, Mr Eadie, I'm just
18 getting Mr Smith to double-check, but I'm as confident
19 as I can be, advised as I am by Mrs Anckorn that the
20 28th is available, in which case I don't know if
21 Mr O'Connor wants to just allow a little more leeway in
22 his timetable perhaps for the likes of Mr Saunders and
23 others to consider Mr O'Connor's submissions?

24 MR O'CONNOR: Yes, as Mr Eadie rightly observes, there can
25 be a little slightly more relaxed timetable. May

1 I suggest, then, if Mr O'Connor QC can still make Friday
2 the 15th, that is this Friday, the other families'
3 representatives could perhaps -- sorry, this Friday, the
4 other families' representatives could perhaps serve
5 their submissions on perhaps close of play on Wednesday,
6 the 20th, that is the middle of next week. The
7 authorities could be prepared the day after that,
8 Thursday, the 21st. My Lady, perhaps we could file our
9 submissions, we could then have the weekend and file our
10 submissions on the Monday of the following week. That
11 would be, I think, the 25th.

12 LADY JUSTICE HALLETT: Subject to hearing confirmation that
13 I am available on the 28th -- and I'm extremely grateful
14 to Mrs Anckorn for pointing out that I may be --
15 Mr Eadie, going back then to -- if that's possible, are
16 we confident that, if my rulings went against you, we
17 are still going to be able to maintain the timetable
18 because you may wish to pursue the points of law
19 elsewhere, they being, as everyone seems to agree,
20 possibly significant rulings?

21 MR EADIE: My Lady, that rather depends on how the superior
22 courts are placed, as you observed last time. The only
23 thing I can say -- and perhaps should have said last
24 time in relation to that, which you may not be aware of
25 and I don't think it necessarily helps the timetable

1 terribly, because it would take their Lordships and her
2 Ladyship some time to give judgment in any event, but
3 there is currently scheduled in the Supreme Court
4 a hearing in the linked cases of Al Rawi, which my
5 learned friend has mentioned, and also a case called
6 Tariq, which raises followup article 6 issues about
7 closed process. That is currently scheduled, I believe,
8 for some point in, I think, the second or third week
9 of January 2011. So next January.

10 I simply alert to you that fact. I'm not suggesting
11 that we can piggy-back into that timetable. There is,
12 of course, a leapfrog procedure which can be operated in
13 certain circumstances.

14 LADY JUSTICE HALLETT: I was going to ask you whether -- I'm
15 afraid I hadn't had the opportunity to consider it yet
16 myself. The leapfrog procedure might apply to these
17 proceedings, might it?

18 MR EADIE: I confess I'm afraid I haven't had a chance to
19 look at it either. I suspect it may be only from the
20 High Court rather than from a Coroner's Court, but --

21 LADY JUSTICE HALLETT: But it could go, as it were, from
22 after -- the one after me?

23 MR EADIE: Exactly so, and it may be that that would be an
24 appropriate course because it raises very similar
25 looking issues.

1 LADY JUSTICE HALLETT: Good news, 28 October is all right.

2 MR EADIE: Good news or bad news, from my point of view. We
3 are very grateful for that. We can work on the basis of
4 the 28th. That leaves the remaining issue: can we do,
5 on that date, issues of principle, arguments of
6 principle, get everyone through who needs to be heard on
7 that, and worked examples? I confess I have some doubt
8 given the array of legal talent which you will be
9 hearing from on that day, whether we can do everything
10 in that day, but can I leave it this way: that we will
11 use our best endeavours, if we possibly can do, to get
12 worked examples at least to you and your team, if we
13 possibly can do, in advance of that date and it may be
14 that we can and it may be that we won't have time to be
15 able to deal with that issue.

16 LADY JUSTICE HALLETT: You still have to confront and
17 address Mr O'Connor's argument that you are asking me to
18 consider closed material for the purposes of considering
19 whether I can have closed material, closed hearings and
20 there is, of course, the point Mr O'Connor made that the
21 families may have very real objections to that course.
22 I know not. The families may have different views
23 amongst themselves. But you need to be careful. Just
24 because the material is ready and available in time, it
25 doesn't mean I will be prepared to consider it for the

1 purposes of the argument. I need to put that marker
2 down, Mr Eadie.

3 MR EADIE: That I quite understand, but that may be an issue
4 about which you will have to receive submissions in the
5 event that Mr O'Connor and those who sit alongside him
6 object to that course.

7 However, in any event, and almost irrespective of
8 my Lady's ruling, you will have to consider PII
9 applications.

10 LADY JUSTICE HALLETT: Oh, indeed.

11 MR EADIE: But there can be no possible objection to going
12 into closed for that process.

13 LADY JUSTICE HALLETT: Indeed.

14 MR EADIE: Because there is no other way of determining it
15 without the issue being resolved by the disclosure in
16 advance of it, which would obviously not be sensible, so
17 of course I am alive to the point Mr O'Connor makes. It
18 would be a matter for my Lady at or around that time to
19 determine whether you wish to receive it for that
20 purpose. The only marker which I would wish to put down
21 is that, irrespective of my Lady's ruling, even assuming
22 you rule against me, it would still be beneficial, for
23 all the reasons I outlined, to have example PII issues
24 dealt with.

25 All that would be different would be that the

1 balance that you would have to strike would be different
2 because, obviously, if you get to the stage where you're
3 considering relevance/importance, on the one side,
4 against the damage to national security on the other, it
5 does make a bit of a difference whether you approach
6 that saying there was a closed process or there is not
7 a closed process.

8 LADY JUSTICE HALLETT: I'm not sure we're not confusing
9 different concepts here, which is: one, my using
10 material substantively; and, the other, my deciding what
11 material can be published. Anyway, we can come back to
12 that Mr Eadie.

13 May I ask you a question? In relation to if you
14 don't have your worked examples by the 28th, you were
15 talking earlier about you might -- we might have to have
16 separation of the decision on the issues in principle
17 and then the consideration of the worked examples. Can
18 you envisage that kind of system working as far as your
19 submissions are concerned if I did deal with the matters
20 as issues of principle and then, if I agreed, considered
21 your worked examples?

22 MR EADIE: My Lady, the short answer to that is "yes", we
23 would be content, as it were, to have a staggered
24 process and there may be good sense in it, whereby
25 my Lady would determine the points of principle first

1 and then move on to the worked examples. The only,
2 perhaps separate occasion, after you've ruled, we would
3 just have to approach those on the basis that my Lady
4 was right in her ruling, which I'm sure is an easy
5 assumption for us all to make. But we would entirely
6 accept that staggered process has good sense.

7 LADY JUSTICE HALLETT: Right, thank you.

8 Is there anything further, as far as you're
9 concerned?

10 MR EADIE: No, I'm grateful and I'm very grateful for the
11 28 October date.

12 LADY JUSTICE HALLETT: Well, I'm sure my team are too,
13 because I'm afraid that -- well, we won't start passing
14 blame, but anyway, I'm glad that suits all.

15 Does it suit you, Mr O'Connor?

16 MR PATRICK O'CONNOR: Madam, yes, we were prepared to
17 facilitate next Friday and we are obviously therefore
18 prepared to facilitate Thursday, the 28th, and to that
19 end, we have offered, in order to oil the wheels with
20 the other legal teams for the bereaved, we are prepared
21 to serve on them a summary of our position on Wednesday,
22 so they will have more time to consider the position.
23 Hopefully, my Lady, you do agree you would prefer to
24 have the maximum coordination between the legal teams
25 for the bereaved and it's in order to facilitate that

1 that we would give them that notice.

2 Now, granted we have the benefit of another six

3 days. We were going to be extremely compressed in

4 giving advice and obtaining instructions from our

5 clients. I'm sure each team has that practical

6 difficulty.

7 So it loses very little. We were offering to

8 basically circulate our completed skeleton argument by

9 Friday, 4.00 pm, but if we could please do it by 10.00

10 on Monday, granted we have another six days, that would

11 very much ease this practical burden on my instructing

12 solicitor, and whether we then serve our skeleton

13 argument Monday, 10.00 am, on everyone or whether we

14 hold it back until we get feedback from our colleagues

15 acting for the other bereaved, we're in your hands.

16 Either way, it doesn't matter too much. We can either

17 wait for feedback, discuss, coordinate as best we can

18 and then serve on everyone a few days later, on the

19 Wednesday, or not, simply go with our line and then

20 everyone else makes their decision. I'm in your hands

21 on that.

22 My Lady, the second issue is whether you should be

23 considering worked examples.

24 We submit not. We agree with the reservations of my

25 learned friend Mr O'Connor. First of all, we invite

1 you -- as with any issue of principle, we would be
2 inviting you to assume in favour of the Secretary of
3 State that there exists the strongest, most relevant
4 most exculpatory material, the best theoretical example
5 in his favour, because one always tests an argument that
6 way. Make that assumption as we have to, and then argue
7 the point about whether there is a power.

8 My Lady, secondly, there is a grave danger of
9 confusing this issue with the guidance that my learned
10 friend for the Secretary of State would be grateful for
11 in relation to how you're going to decide issues of
12 public interest immunity.

13 Now, they are different things and, in fact, my
14 learned friend has just demonstrated how different they
15 are, because he's just indicated that the answer to that
16 question, with respect to each document, is going to
17 differ whether you are accepting there's going to be
18 a closed process or not.

19 So my learned friend has really demonstrated how
20 separate they are and the logical order in which these
21 things must be approached; ie closed process or not
22 first, then the worked examples and how you're going to
23 practically approach public interest immunity criteria.

24 Madam, thirdly, this will not help anyone on the
25 RIPA question because, as my learned friend's skeleton

1 argument demonstrates, the remarkable anomaly is that,
2 if you're going to be invited to receive RIPA material,
3 it can't be shared with your own team of lawyers, by
4 contrast with the statutory position in relation to
5 inquiries under the Inquiries Act.

6 So you would be left, madam, metaphorically naked,
7 without assistance at all, which is also a logical
8 consequence of the propositions about how you receive
9 evidence, that you would literally, under some
10 extraordinary process, be receiving evidence without any
11 assistance from your Inquest team.

12 So you're not going to get -- you're in great
13 difficulty, we submit, procedurally and sensibly on the
14 RIPA half of the question.

15 Then fourthly, there's timescale, because we
16 anticipate being excluded from this room for really
17 quite a long time indeed if you're going to be
18 discussing practical examples and guidance on the
19 applicability of public interest immunity criteria.

20 We're not going to fit all that into one working day.
21 May we next express our concern that there's such
22 prompt and ready discussion about an appellate process
23 going right up to the Supreme Court. Madam, we do
24 sincerely hope that the whole disclosure process is not
25 going to be held back by these anticipated lines of

1 appeal, which are -- the whole process being begun so
2 belatedly now anyway, and we do hope that a rolling
3 process is going to be continuing as best it can
4 nevertheless.

5 Madam, finally, your team's response to the
6 different submissions on these questions, may I ask
7 that, because we now have a slightly more relaxed
8 process, we can have those on Monday, the 25th, if
9 you're going to be having the hearing on Thursday, the
10 28th. I missed it if my learned friend said it. So we
11 get three days' notice and we know where we stand.

12 Madam, I'm most grateful. That's all I say.

13 LADY JUSTICE HALLETT: Thank you, Mr O'Connor, and thank you
14 for offering to give your outline submissions earlier,
15 I'm sure that would help others to start forming their
16 own thinking, the extent to which they agree or disagree
17 with your submissions. I do, as you say, I'm afraid,
18 require maximum coordination. I mean, if other people
19 disagree with the submissions that are going to be made,
20 they must, of course, put forward those submissions, but
21 obviously we haven't got enough time for anybody to
22 repeat essential principles if they agree with them. As
23 I say, there's no room for repetition essentially.

24 MR PATRICK O'CONNOR: Madam, all I've left open for to you
25 clarify is whether we serve on everybody, including your

1 team, next Monday at 10.00 am, which we are offering, or
2 whether there should be that delay for us to reconsider,
3 in light of suggestions from our colleague teams and we
4 therefore postpone for 48 hours or so before we serve on
5 everyone. I absolutely leave that to you and perhaps my
6 learned friends as well.

7 LADY JUSTICE HALLETT: Mr Coltart, have you any views on
8 that?

9 MR COLTART: Yes, I have. I don't see any reason for any
10 further delay on that basis. Mr O'Connor has very
11 helpfully suggested that we receive a summary of his
12 points on Wednesday of this week. We will discuss those
13 amongst ourselves immediately and with him, and one
14 would hope he would be in a position still to serve his
15 submissions by Monday of next week as envisaged.

16 I do have two other issues to raise in relation to
17 this topic.

18 LADY JUSTICE HALLETT: Are they timetabling ones?

19 MR COLTART: They are in a sense, yes.

20 LADY JUSTICE HALLETT: Right.

21 MR COLTART: What I mean by that is this: that I would be
22 grateful for further clarification from the Secretary of
23 State in relation to two aspects of his submissions, and
24 I suggest that we ought to receive his clarification
25 before we respond next week.

1 The first is it's not clear to me to what extent he
2 envisages this closed process would operate.
3 At one end of the scale, is he suggesting that the
4 entirety of the preventability issues should be held
5 behind closed doors with no opportunity for us to attend
6 and ask questions or, at the other end of the scale, is
7 he simply suggesting that, as and when they arise in
8 evidence, small and discrete areas of that evidence
9 should be canvassed in closed session?
10 If it is the latter, which I hope very much it is,
11 what is the trigger in his submission for moving from
12 open session to closed session? Is it the same test
13 that would apply on an application for PII or, if it's
14 some different test, perhaps he could articulate what it
15 is?
16 That's the first area of clarification.
17 The second is this, and it relates to the protocol
18 which we thought had been agreed between the parties for
19 applications for public interest immunity and, madam,
20 you will recall that they are set out in a letter from
21 Mr Smith to all the interested persons dated 27 May and
22 they are set out in some detail and, in essence, and to
23 summarise, the position was this: that you would be
24 provided, and your legal team would be provided, with
25 copies of all documents in relation to which PII was

1 asserted, and you would have an opportunity to consider
2 the underlying material and decide whether the claim for
3 public interest immunity ought to be upheld or not.
4 Now, it may be, of course, those claims would be
5 upheld, but at least the families would have the comfort
6 of knowing that you had seen all the relevant material
7 and that you had been responsible for making the
8 decision as to whether it should be withheld or
9 otherwise.

10 My reading -- and I might be wrong about this -- my
11 reading of Mr Eadie's skeleton argument, particularly at
12 paragraphs 24 and 25, suggests a much more restrictive
13 approach to public interest immunity, and the
14 possibility that if a claim for PII is made, you may not
15 see the underlying material at all.

16 What he says is this: that PII is a preclusionary
17 principle. If it applies, the effect is that the
18 material covered by it cannot be produced to the
19 decision-making court or body at all, and I don't know
20 whether he envisages what I might describe as a more
21 old-fashioned approach to PII applications, whereby the
22 certificate is signed off by the minister in question
23 and is put before the judge but not the underlying
24 material and, if that is what he's suggesting, then we
25 would obviously wish to make further submissions about

1 that.

2 So I ask him to clarify that the Secretary of State
3 intends to adhere to the protocol which was set out in
4 Mr Smith's letter, but if that isn't the case, then we
5 ought to receive representations as to why there should
6 be some change in that procedure and what it should be.

7 So I would be grateful for that clarification
8 perhaps by the middle of this week before we're asked to
9 respond in writing to the arguments advanced.

10 LADY JUSTICE HALLETT: Mr Eadie, I don't think we need to
11 wait for the middle of this week, do we? Can you answer
12 the questions now?

13 MR EADIE: My Lady, I can, now I've had a moment or two to
14 recover from Mr O'Connor's metaphorical flight of fancy.
15 In relation to the first of the points that my learned
16 friend makes, of course we are not saying that the
17 entirety of the preventability issue should be tried in
18 closed. I hope it's clear throughout the submissions
19 that we recognise that every conceivable effort must be
20 made to put as much as can possibly be put into the
21 public domain and for that to be tested in public. That
22 is in everyone's interest, including the
23 Security Service's, and my Lady will be well aware that
24 the preventability issue has already been considered at
25 some length and in some detail by another body and that

1 body has released a significant quantity of material and
2 details into the public domain. So the answer to his
3 first question is a categorical "no". We do not
4 envisage the entirety of the preventability issue will
5 happen in closed.

6 The second issue that he raised is susceptible of an
7 equally clear answer. The material in question will of
8 course be made available to the inquests, to my Lady and
9 to her team. The point that is being made in
10 paragraph 24, as I hope is clear from paragraph 24, at
11 least to my Lady, is that if PII operates, it operates
12 as a preclusionary principle. That therefore prevents
13 relevant material, potentially important material that
14 cannot be disclosed for good public interest or national
15 security reasons from being available to the trier of
16 fact, ie my Lady, and that, we respectfully submit, is
17 a very, very unfortunate outcome, for all the reasons
18 that I gave last time, and it is for that reason that,
19 amongst others, we recommend a closed process as more
20 consistent with the interests of justice than the
21 full-blown operation of that preclusionary principle.
22 But in no sense were we intending in paragraph 24 or
23 anywhere else in our skeleton argument to suggest that
24 the material which might be the subject of a PII claim
25 would not be made available to my Lady. I hope that's

1 clear.

2 LADY JUSTICE HALLETT: That's how I understood it, Mr Eadie.

3 MR EADIE: I'm grateful.

4 LADY JUSTICE HALLETT: Thank you very much. Right,
5 Mr Coltart, you have your answers.
6 Mr Saunders, do you have any comments?

7 MR SAUNDERS: Nothing to add, my Lady, thank you.

8 LADY JUSTICE HALLETT: Thank you. Ms Sheff?

9 MS SHEFF: My Lady, we would appreciate the additional time
10 offered by Mr O'Connor QC to the rest of the bereaved
11 family representatives.
12 Just to reiterate, we would appreciate the
13 opportunity Mr O'Connor has offered us. We are in
14 a position where we have two clients who reside abroad,
15 and we have to contact them via interpreters.
16 We also have two other clients who are not able to
17 travel to solicitors' offices, and we know that the
18 preventability issue is one on which at least three of
19 them have expressed serious concerns as to the way in
20 which these matters will be dealt with by the inquest
21 and, therefore, if there is to be -- and hopefully there
22 is, for both time saving and lack of repetition
23 purposes -- a consistent approach from the bereaved
24 families we would very much like that opportunity and we
25 ask for only 24 to 48 hours, say, from -- if we adopt

1 Mr O'Connor's suggestion that he would be in a position
2 to serve that document on us at 10.00 am on Wednesday,
3 if it could then be discussed between the bereaved
4 families' representatives over the next day or two and
5 a consolidated document served on your Ladyship's team
6 and all the other parties by Wednesday morning. That
7 should give us enough time to take instructions.
8 We will in advance put our clients on notice of the
9 issues which are likely to be discussed and then we can
10 summarise the issues set out in Mr O'Connor's document
11 for them so that we can respond in respect of our
12 instructions and consolidate them within the one
13 document.

14 LADY JUSTICE HALLETT: I think this timetable is getting
15 a little messy with amendment. I think the best thing,
16 Ms Sheff, is for me to say I am content to allow as much
17 flexibility within the timetable as possible and
18 I suggest that you all get your heads together when
19 I leave to make sure you're happy with the timetable,
20 working towards a hearing on these issues on 28 October,
21 and then, if I'm happy with it, I'll order to that
22 effect.

23 MS SHEFF: Indeed, my Lady. All I suggest is that the final
24 document goes to your team by Wednesday which I think
25 was -- I see some nodding -- Wednesday, 20 October,

1 which I think was the date proposed in any event for the
2 families' submissions. Thank you, my Lady.

3 LADY JUSTICE HALLETT: Thank you very much.

4 Now, anybody else. Mr Hill, is the
5 Metropolitan Police concerned with these arguments?

6 MR HILL: May I just say this? We haven't made a final
7 decision, but I think it's unlikely, my Lady, that we
8 will submit a written document in relation to the
9 principles that you will be addressing on the 28th.
10 We'll make a final decision, but that's our current
11 indication to you, and, therefore, all I would ask for
12 today's purposes is that we act on the assumption that,
13 should the oral submissions on the 28th elucidate or
14 still more depart from what's been provided in writing,
15 we would assume that you would allow an opportunity for
16 brief representations to be made, even by an interested
17 person such as the Metropolitan Police who hasn't
18 submitted in writing.

19 The reverse would be true, therefore, if the
20 argument on principle is simply by way of adopting the
21 written submissions and we have not submitted in
22 writing, it follows we'd have nothing to add.

23 LADY JUSTICE HALLETT: It would depend upon the extent to
24 which any submission had deviated from a written
25 submission, Mr Hill, because obviously I can't allow

1 people to stand up and say: oh, well, I didn't expect to
2 say anything but now Mr Eadie has put it a slightly
3 different way in my submission, so I'm afraid you're
4 going to have to make sure that, if you want to make
5 written submissions, you somehow fit into part of this
6 timetable. Of course, if something completely
7 unexpected that affected the Metropolitan Police came
8 out then I wouldn't exclude anybody, but I do think you
9 need to be conscious of the fact that, if you are
10 intending to make submissions, you should put them into
11 writing out of fairness to everybody else concerned.

12 MR HILL: Thank you. That's helpful.

13 LADY JUSTICE HALLETT: Thank you. Any other organisation?
14 Yes, Mr Skelt?

15 MR SKELT: My Lady, it's likely we will submit our position
16 in writing. The only amendment muddying the waters --

17 LADY JUSTICE HALLETT: Do you have your microphone on,
18 Mr Skelt?

19 MR SKELT: Thank you. We will make our position clear in
20 writing. The only amendment to the timetable, without
21 wishing to complicate it any further, is that we would
22 seek to, in all likelihood, make some short
23 supplementary submissions once we've seen Mr O'Connor
24 QC's position on behalf of the families. At the moment,
25 Mr O'Connor's proposed timetable I think restricts

1 supplementary submissions to those on behalf of families
2 only.

3 LADY JUSTICE HALLETT: Any other interested persons.

4 MR SKELT: That aside, I have nothing else to add, thank
5 you.

6 LADY JUSTICE HALLETT: Any other organisation concerned?
7 Right, Mr O'Connor, are you content if I rise and leave
8 you to discuss the fine-tuning of the timetable, but in
9 broad terms I am content with the submissions made?

10 MR ANDREW O'CONNOR: Yes, my Lady, certainly, and in fact
11 I think that Mr Skelt's last point answers Mr O'Connor's
12 question for him as to whether he should serve generally
13 his submissions on that Monday or not. If other parties
14 other than simply the other representatives of the
15 deceased are to respond to them, then he will need to
16 serve them generally on that Monday. My Lady, the
17 answer is, yes, we are almost entirely agreed and we'll
18 be able to draft something between us.

19 LADY JUSTICE HALLETT: As it seems to me, given the time
20 available on 28 October, and given what Mr Eadie has
21 just told me, we don't really need to address the
22 question of the worked examples for the 28th.

23 Essentially the 28th is the hearing to consider the two
24 issues that Mr Eadie wishes to advance.

25 MR ANDREW O'CONNOR: My Lady, I think that will be the case.

1 LADY JUSTICE HALLETT: Right.

2 Of course we shouldn't forget there are
3 unrepresented parties, and so, if any unrepresented
4 party has any representations they want to make, I would
5 urge them to make them to Mr Smith by whatever means of
6 communication they have been using to date to contact
7 him.

8 MR O'CONNOR: My Lady, yes.

9 LADY JUSTICE HALLETT: So if you would go away, please, and
10 consider the timetable, I can put it into formal order,
11 perhaps tomorrow.

12 MR O'CONNOR: My Lady, yes. My Lady, will we be sitting at
13 10.00 or 10.30?

14 LADY JUSTICE HALLETT: I was about to ask Mr Keith, would
15 10.00 be appropriate? I mean, you're the one who knows
16 how much --

17 MR KEITH: I think it will be, yes.

18 LADY JUSTICE HALLETT: Very well, 10.00 tomorrow. Thank you
19 all.

20 (4.58 pm)

21 (The inquests adjourned until 10.00 am the following day)

22

23

24

25