

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

Hearing transcripts - 23 February 2011 - Morning session

1 Wednesday, 23 February 2011

2 (10.00 am)

3 (Proceedings delayed)

4 (10.05 am)

5 LADY JUSTICE HALLETT: Mr O'Connor?

6 MR PATRICK O'CONNOR: My Lady, Mr Hill kindly confirms the
7 position in respect of the transcript at our
8 bundle tab 37, it is system document SYS11033 [SYS11033-1], it is the
9 typed transcript of the 23 March 2004 audio
10 surveillance. My Lady will remember the handwriting,
11 top left-hand corner, which may or may not be 21 March
12 or 21 August. Mr Hill has confirmed it's 21/8/05,
13 therefore after the 7/7 bombings. Therefore, we put to
14 one side.

15 LADY JUSTICE HALLETT: Thank you.

16 WITNESS G (continued)

17 Questions by MR PATRICK O'CONNOR (continued)

18 MR PATRICK O'CONNOR: Mr G, could we have up, please, ISC2,
19 which is INQ8305 at system page 48 [INQ8305-48] .

20 Do you see within the box that 20 per cent of all
21 targets were given no surveillance coverage, 19 per cent
22 were given no surveillance coverage?

23 A. 19 per cent on none, yes.

24 Q. Yes, and if we then go to the footnote 47, which may
25 need a little enhancement, do we see that is the

1 position for men D and E?

2 A. That they had no surveillance, yes.

3 Q. They were in the lowest 19 per cent, and that remained

4 the position throughout all relevant times until 7/7,

5 perfectly obviously?

6 A. That's correct.

7 Q. That was obviously, may I take it, a result of the

8 assessments we've been discussing in detail yesterday?

9 A. That's correct.

10 Q. Thank you. Could I go to a new topic, please? It

11 arises out of the ELG gists at our core tab 6 and could

12 I ask for [MPS5-14], please, to be brought up?

13 I'm looking at under "Intelligence update" for that

14 date, the fourth bullet point:

15 "Khyam is reported to have indicated that there are

16 four cells which provide resilience for an unspecified

17 act if one fails. This reporting was being assessed and

18 was subject to alteration."

19 Is that what it reads?

20 A. It does indeed.

21 Q. Do you agree that that is quite a significant and

22 worrying piece of information, granted the concerns

23 behind the ELG meetings?

24 A. Absolutely, and that's why it was discussed at the ELG.

25 Q. Indeed. Now, do you happen to recollect -- you do, if I

1 may say so, have a lot of detail in your mind -- that
2 that entry was a result of audio surveillance on that
3 very day of things Khyam was saying?

4 A. That's my belief, Mr O'Connor. I have reviewed the
5 audio surveillance of that day, and I can't find
6 anything which directly reflects to this.

7 Q. Right. May I assist you, because I have in my hand here
8 the monitoring -- it's quite short, and indeed the
9 reference is very short -- the actual Security Service
10 monitoring note for that date and we may be able
11 actually to track the source of this.

12 My Lady, I do suggest the actual monitoring notice
13 is quite important, so may I invite the witness's
14 attention to that, and I have copies for many others, if
15 not everyone in court. And one for my Lady, please.

16 (Handed).

17 Can you confirm that that is, indeed, 20 February,
18 the same day, and from the code and, indeed, from the
19 very first entry, this is monitoring from -- again, from
20 Omar Khyam's Vitara car?

21 A. No, because I haven't actually got the code on it. The
22 code I would expect to see on this isn't on the product.
23 I'm sure it is, but I can't confirm it.

24 Q. You see, "sounds consistent with vehicle in motion",
25 et cetera, "sound of vehicle", the very first entries.

1 So it's from a car in which Omar Khyam is.

2 Can you confirm that it was on this day, at about
3 midday, that Omar Khyam was collecting Khawaja from the
4 airport upon his arrival?

5 A. Yes, I thought it was a little earlier than that, but it
6 was on that day.

7 Q. That's the very point, that it is earlier, and thus, in
8 fact, it's recorded as being within that hour, earlier
9 just after midday, so this is very likely to be Khyam
10 talking to Khawaja?

11 A. Yes, I think that's a reasonable assumption.

12 Q. Thank you very much. I go straight, but certainly
13 I pause to allow you -- it's very important -- to glance
14 down and see the whole context, but in one moment --
15 please, do glance down -- I'm going to go to the second
16 page where I think we have the source of this ELG
17 minute.

18 If you go to the second page, you see that whole
19 first entry between 12.47 and 12.50, and if you glance
20 down, please, and then reach four lines from the bottom
21 of that entry, and then, if I may, I will read out.

22 This is what the Security Service monitor noted:

23 "One cell goes down. Won't affect other one. We've
24 got four. Don't mix people up. Refer to disobeying.

25 We have our own stuff to do and our own projects. We

1 will help you."

2 I stop there. I don't think there's anything more.

3 Now, do you agree, this really obviously is the source
4 for the ELG minute that day, is it not?

5 A. That would seem likely. I mean, the only uncertainty
6 there, of course, is the ELG is given as being at 11.00
7 that morning.

8 Q. Ah, well, that's the beginning of the meeting.

9 A. Yes, so, yes, you're right, it could have been fed in,
10 though if the meeting would have been running for two
11 hours, which it would have needed to do to feed this
12 piece in, that would have been quite a long time.

13 Q. Subject to that, subject to our not having seen any
14 other source for this, and this being pretty urgent
15 information in the context, do you agree, it is likely,
16 if the EGL were still sitting, it would have been fed
17 through as quickly as possible?

18 A. Yes, Mr O'Connor, and I think the one thing I would say
19 about this is you heard me say yesterday that by and
20 large we relied on the next iteration, rather than
21 this --

22 Q. Oh yes, yes.

23 A. -- and I haven't seen, I haven't reviewed this note
24 before, but I have reviewed the next stage down, and the
25 reporting, I think, is slightly different in that case.

1 Q. All right. May I -- and I don't have access to that,
2 for the moment. So may I just leave that and that can
3 be looked up? But my questions are quite short, I'm
4 going to move on to another aspect of the ELG minutes.
5 Do you see there is one contrast between the ELG
6 record -- and this is no criticism of anyone at all,
7 granted the speed of events -- the ELG minute refers to
8 four cells which provide resilience for an unspecified
9 act, if one fails, in the singular, do you follow?
10 A. Yes.
11 Q. Whereas if, and of course if, the monitor has got it
12 right, there's a reference to, "We have our own stuff to
13 do and our own projects". Thus, if the monitor is
14 right, it would be wrong to confine this piece of
15 information definitively to one, necessarily to only
16 one, terrorist act. Do you agree?
17 A. Yes, and I imagine that's why, sensibly, the ELG minutes
18 say the reporting was being assessed and was subject to
19 alteration.
20 Q. Thank you very much. That can be checked, but subject
21 to that, we have this very worrying emergence of a piece
22 of information. May I go next, please, to page 15 [MPS5-15]?
23 It's the next page. It's the next meeting, 21 February.
24 Halfway down "Operational update":
25 "It is a real possibility that planning for more

1 than one device is underway."

2 Yes?

3 A. Yes.

4 Q. If we can go to page 63 [MPS5-63] in the same document, much
5 later, 28 March, and this is very shortly before
6 executive action or arrests were made. Do you have
7 page 63, please?

8 A. Yes, thank you.

9 Q. Do you have under "Operational strategy":

10 "The rationale for the date of executive action was
11 explained. Detective Superintendent Prunty explained
12 that the intelligence that had been briefed to the ELG
13 'last Saturday' indicates the existence of a second plot
14 of which 'we had no visibility' and another attack was
15 planned. 'We could not ensure public safety with no
16 knowledge of this plot'. Intensive investigation has
17 not provided any greater visibility to the second plot
18 and without being able to discount its existence and
19 with no control over it in combination with intelligence
20 regarding the intended departure of the main targets it
21 is possible to assess that they may be planning for an
22 attack."

23 Do you follow?

24 A. I do.

25 Q. That's a bringing together of all the information from

1 the mounting concern over various detected things being
2 said in the audio surveillance by the Crevice plotters.

3 A. Well, it's more of a specific reference to the reporting
4 on the 20th of the 3rd which is discussed here.

5 Q. Just in case we wish to go back to the 20 March ELG
6 minute -- I don't complain about this, because it's of
7 course a gist. It doesn't help us to ascertain what
8 that intelligence was, but that doesn't matter for the
9 moment at all and I don't spend time looking, it doesn't
10 help us.

11 A. Mr O'Connor, it might be helpful to tell you that's not
12 an issue with the gist, nor do the actual ELG minutes
13 for that date.

14 Q. Right, fine. But we don't know, and I suggest, unless
15 it matters to you, it doesn't matter to us.

16 So here we have, putting these three things
17 together, possible parameters to the Crevice plot which
18 go beyond the individual Crevice plotters, and about
19 which it had proved very difficult to ascertain
20 satisfactory intelligence. Is that fair?

21 A. That is fair. I think it's worth saying that I have
22 looked very carefully at the 20th of the 3rd
23 intelligence referred to here and, as I think is clear
24 from earlier discussions about Crevice, there were
25 separate strands within the Crevice plot, which we know.

1 Q. Yes.

2 A. I don't think it is clear from the specific intelligence
3 on 20th of the 3rd whether those references are, in
4 fact, references to separate strands of which we knew
5 nothing or they are separate strands of which we knew
6 something.

7 Q. Right. So your position would be separate strands of
8 which you didn't have satisfactory intelligence, but you
9 may have had some intelligence?

10 A. That's correct.

11 Q. Thank you very much. Just to complete this picture, you
12 have told us, confirmed this in your statement, but it
13 also appears at appendix A to your third statement, so
14 this is Security Service document SYS11080 at
15 paragraph 22?

16 LADY JUSTICE HALLETT: Where do I find this, Mr O'Connor?

17 MR PATRICK O'CONNOR: I'm very sorry, my Lady. I'm not sure
18 where it's been put because it is this annex, appendix
19 to G's third statement, my Lady. It's SYS11080. Can we
20 bring that up? It's on screen, my Lady, now.

21 LADY JUSTICE HALLETT: I know, but I personally prefer
22 looking at a hard copy where possible.

23 MR PATRICK O'CONNOR: I understand. I do as well. It's the
24 fourth page of that document.

25 MR KEITH: My Lady, we'll see whether we can put our hands

1 on an unmarked copy which would then be inserted,
2 I think, at tab 52 or 53 in my Lady's bundle behind
3 the -- what is called the ex post facto review.
4 LADY JUSTICE HALLETT: Thank you. (Handed).
5 MR PATRICK O'CONNOR: This is the summary of
6 Operation Crevice. It's not the review document; this
7 is a summary of Operation Crevice, okay?
8 A. Correct, prepared very recently.
9 Q. This is the source for actually what you mentioned in
10 your witness statement as well.
11 Fourth page [SYS11080-4], paragraph 22, one sentence:
12 "On 12 March, there was discussions [there were
13 discussions] of the 'three' bombs."
14 Can you confirm this: what you had been told by
15 a member of the public in February 2004 had been
16 confirmed by investigations of the storage facility,
17 that there was there a huge bag of 600 kilos of
18 fertiliser?
19 A. There was.
20 Q. Can you confirm that that quantity potentially is more
21 than sufficient to make several substantial explosive
22 devices?
23 A. I'm not an explosives expert, but I believe that to be
24 so.
25 Q. Thank you. By comparison, may I put this to you from

1 a terrible previous incident. Fertiliser had been used
2 in the Canary Wharf Provisional IRA bomb of 1996, hadn't
3 it?

4 A. It had.

5 Q. It had caused -- the exact figure doesn't matter --
6 £85 million worth of damage, it was a devastating
7 explosion, and it was estimated that that had used
8 500 kilos of fertiliser. Is that approximately right?

9 A. I'm not sure of the latter figure.

10 Q. Do you say, on what was known by the end of March 2004,
11 that the visitors from Yorkshire can be ruled out on the
12 material before this inquest from having wanted to be
13 members of the Crevice plot?

14 A. Having, in other words, aspiring to be members of the
15 Crevice --

16 Q. That's right.

17 A. There is no evidence or intelligence to suggest that was
18 the case.

19 Q. No, but you know that my question is different. Please
20 listen to it, although it was long and I don't criticise
21 you at all.

22 Do you say that the visitors from Yorkshire can be
23 excluded from having been aspirational members of the
24 Crevice plot on the material before this inquest?

25 A. They could not be entirely excluded and, therefore, nor

1 could anyone else who had been -- who had come up during
2 Crevice.

3 Q. Right. Let me put this to you, and I will repeat it if
4 you wish, but I'm going to ask you if this can be
5 excluded as a sequence of events. That the visitors
6 from Yorkshire wanted to be members of an explosives
7 conspiracy, that that was the reason for their visits,
8 that attack planning, at some stage, was discussed
9 during their visits, that because of the Crevice arrests
10 and the seizure of the bomb material, their intentions
11 were frustrated, and that, for the ensuing months, they
12 simply lay low, counting their blessings that they
13 hadn't been arrested. That's a very long sequence of
14 events, but I've gone fairly slowly. Is it a reasonably
15 clear sequence of events?

16 A. It is clear.

17 Q. Now, do you say that that sequence of events could be
18 entirely excluded on the material before this inquest?

19 A. It is not my judgment that that is the sequence of
20 events --

21 Q. No.

22 A. -- but I would accept that it cannot be entirely
23 excluded. Nor could it be for anyone else involved in
24 Crevice.

25 Q. Do you say -- I'll start again. You must come across

1 a very great variety of contacts between different
2 groups of suspects. They can take place in an enormous
3 variety of locations, times and general circumstances.
4 So I'm not crudely suggesting that you have some
5 scientific equivalence here where you compare. Do you
6 follow?

7 But we do have the features which we agreed of these
8 four contacts with the visitors from Yorkshire, that
9 they were repeated, four of them, the numbers of people
10 who visited, the distances they travelled, the elements
11 of possible anti-surveillance, the timings increasingly
12 close to the real development of the Crevice plot and,
13 I just add to this, the previous connection with
14 Mohammed Qayum Khan, an Al-Qaeda facilitator which, do
15 you agree, at all times the Security Service was aware
16 of?

17 A. Yes, though we had not made the connection between UDM E
18 and the contacts with Mohammed Qayum Khan the previous
19 year.

20 Q. Those are all relevant factors going to these contacts,
21 aren't they? Now, do you say that the other more
22 powerful targets targeted by Operation Scraw, do you
23 recollect, the twelve, that the nature of those contacts
24 obviously outweighs the nature of these contacts in
25 significance; is that what you say?

1 A. I do.

2 Q. Every single one of them?

3 A. For different reasons --

4 Q. Of course.

5 A. -- but all twelve of them, which I have reviewed.

6 Q. Right. I just want to understand your evidence.

7 Now, could we adopt the approach you have adopted to

8 examining retrospectively what the assessments were by

9 looking at what actions were taken -- do you

10 understand? --

11 A. (Witness nods).

12 Q. -- and examine what you have just said in the light of

13 what was actually done.

14 Could we go, please, to MPS4, the FBI summaries of

15 the Babar interviews? They are tab 45.

16 This page, my Lady, is not in the core bundle.

17 LADY JUSTICE HALLETT: Why isn't it? Is it because it's not

18 a document that my Inquest team knew was going to be

19 produced?

20 I am concerned about this, Mr O'Connor. I've just

21 received a note that the monitor's note you have

22 produced this morning, you gave no notice to the team

23 that it was going to be produced, and it's not on

24 Lextranet, I'm told.

25 MR PATRICK O'CONNOR: No.

1 LADY JUSTICE HALLETT: Why did you not notify my team that
2 this document was going to be produced?

3 MR PATRICK O'CONNOR: My Lady, I'm not asking for sympathy,
4 but the hours that one has been working and trying to
5 get information and preparing cross-examination have
6 been extreme and, of course, if any -- first of all,
7 I apologise for any discourtesy, if it's taken.
8 If there is any harm done and anyone has been misled
9 by anything, then of course it can be rectified.

10 LADY JUSTICE HALLETT: Are there any other documents that
11 you haven't had time to tell my team you wish to put to
12 this witness? I think we're entitled to know now,
13 Mr O'Connor.

14 MR PATRICK O'CONNOR: Of course. We have -- this is very
15 much later down the line --

16 MR KEITH: My Lady, one matter that does concern me is that
17 there is case law concerning implied restrictions on
18 documents that can be used for other proceedings if they
19 have been provided by way of disclosure in criminal
20 proceedings. There was a case before their Lordships in
21 the House of Lords, the full name of which fully escapes
22 me, but it was a case concerning the Serious Fraud
23 Office and an attempt to sue in proceedings based on
24 documents disclosed by way of disclosure in the course
25 of criminal proceedings.

1 If my learned friend, in fact, sourced that
2 document, not from documents provided in these
3 proceedings, but from disclosure given to him as counsel
4 in the course of other criminal proceedings, there may
5 be issues concerning the implied obligation of
6 confidentiality and of derivative use.

7 So it would be of some help, if documents such as
8 that -- which presumably have been in my learned
9 friend's possession for years -- can be provided to us
10 in advance of his use of them in these proceedings.

11 LADY JUSTICE HALLETT: Mr O'Connor, how many more documents
12 are there that you intend or wish to put to the witness
13 about which we've had no notice and what was their
14 source?

15 MR PATRICK O'CONNOR: A public document, the Intelligence
16 and Security Committee report of which we have full
17 copies for the year 2004-2005, which goes to resources.

18 LADY JUSTICE HALLETT: Was the monitor's note sourced from
19 the criminal proceedings?

20 MR PATRICK O'CONNOR: My Lady, I do not know.

21 LADY JUSTICE HALLETT: It wasn't sourced from you as counsel
22 in criminal proceedings?

23 MR PATRICK O'CONNOR: I do not -- it may well have come from
24 me personally, forgive me. I'll be careful, I'll think
25 about it, try to remember, because we have a flood of

1 documentation, and I will give my Lady an answer when
2 I am sure of what the answer is.

3 LADY JUSTICE HALLETT: Right, I'm sure you take Mr Keith's
4 point we need to be careful what we're doing.

5 MR PATRICK O'CONNOR: We do indeed.

6 LADY JUSTICE HALLETT: So I have those two documents. Any
7 other documents that you wish to put to the witness?

8 MR PATRICK O'CONNOR: I have other documents on the system.

9 LADY JUSTICE HALLETT: No, other documents that, as it were,
10 my team haven't been alerted to and, therefore, the
11 interested parties generally won't have been alerted to?

12 MR PATRICK O'CONNOR: I don't think so, no.

13 LADY JUSTICE HALLETT: Right. Is it possible to say before
14 we reach it, so that Witness G has the opportunity to
15 consider it, the particular passages you're going to go
16 to in the 2004 ISC report?

17 MR PATRICK O'CONNOR: Absolutely.

18 LADY JUSTICE HALLETT: If you could do that, so that --
19 I assume we're not going through the whole report --
20 Witness G can have a chance to --

21 MR PATRICK O'CONNOR: My Lady, it is one page dealing with
22 resources which is very much Mr G's home territory.

23 LADY JUSTICE HALLETT: While you're looking for that
24 reference, has somebody got a copy for at least Mr Eadie
25 or Mr Keith? Thank you.

1 MR PATRICK O'CONNOR: Of course, we have them.

2 MR KEITH: My Lady, may I just say, I'm very grateful to
3 Mr Hill, he recalled the other half of the name of the
4 case before their Lordships' House, it was Taylor v The
5 Serious Fraud Office.

6 LADY JUSTICE HALLETT: Thank you. Right, sorry, don't you
7 worry about handing them out, somebody else can do that,
8 Mr O'Connor. What I want from you is the reference.

9 MR PATRICK O'CONNOR: I'm on the spot here and I'm trying to
10 help everyone. If one could be given to the witness,
11 so, at his leisure, he can ...

12 LADY JUSTICE HALLETT: I don't think he's going to have much
13 time for leisure.

14 MR PATRICK O'CONNOR: No, I agree.

15 LADY JUSTICE HALLETT: And the pages?

16 MR PATRICK O'CONNOR: Page 11, I think, I've just been told,
17 but I think it's page 11 and ensuing pages, two or three
18 pages. It's around then.

19 My Lady, I have been fed this and I made my notes
20 last night and it's very much come from a draft document
21 prepared by my junior and --

22 LADY JUSTICE HALLETT: So if we call it chapter under the
23 heading "Expenditure and Resources". So what page?
24 Pages 11 to 16, is that it?

25 MR PATRICK O'CONNOR: Yes, something like that, I'm sorry.

1 LADY JUSTICE HALLETT: We'll see whether Witness G has
2 sufficient time to read it during the break. If not,
3 we'll have to allow you sufficient time. Very well.

4 MR PATRICK O'CONNOR: Thank you.

5 LADY JUSTICE HALLETT: Thank you.

6 MR PATRICK O'CONNOR: Now, the FBI summaries on the system,
7 if we have, please, MPS4-14, April 2004.

8 We start here with --

9 A. Sorry, Mr O'Connor, just before we go on, is 14 on the
10 system but not in my bundle?

11 Q. This isn't in the core bundle.

12 A. Okay, thank you.

13 Q. This is an FBI summary. Perhaps we should just go back
14 a page and see the date of it. Can we just go back and
15 back again, please? And back again. We're just trying
16 to find the date, but it's definitely April 2004.

17 MR KEITH: It's 6 April. It's the same segment to which
18 Witness G was shown yesterday.

19 MR PATRICK O'CONNOR: If we can go back to 14, we see at the
20 beginning there is a list, is there not, on the fifth
21 entry down:

22 "Babar was shown photographs of Operation Crevice
23 subject as passed by the British authorities. The
24 photographs were labelled A through C1."
25 Do you follow?

1 A. I do.

2 Q. I just want to go through and see what we can glean from
3 these photographs, and I think we'll find that these
4 bullet points are not numbered, but I think we'll find
5 there are 28 listed in total.

6 LADY JUSTICE HALLETT: What, bullet points?

7 MR PATRICK O'CONNOR: 28 photographs shown as recorded.
8 The first is somebody called Mohammed Adnan Anwar
9 Khan. Was he somebody from the Crawley area associated
10 with Omar Khyam or not?

11 A. That particular name is not one that I recognise.

12 Q. The next is Omar Khyam himself, yes?

13 A. Yes.

14 Q. C is Mohammed Qayum Khan, we know him, Luton?

15 A. Correct.

16 Q. D is blanked. Can you tell us if that is somebody
17 associated with the Crawley group?

18 A. I'm afraid I can't, because -- I can't tell you because
19 I don't know, rather than because it's secret.

20 Q. E is Waleed Mahmood Khan, or Abdul Waheed. Is he
21 a Crawley group member?

22 A. We are assuming that's Waheed Mahmood Khan, rather than
23 Waleed, yes.

24 Q. Thank you. Over the page, please, F is Jawad Akbar,
25 a Crevice conspirator, tried and convicted.

1 Wajid Rahim, is he a Crawley group person or not?
2 A. I'm not familiar with him.
3 Q. Right. Then man D, so that's our man D, is it?
4 A. I assume so.
5 Q. Yes. Next is somebody called Abdel Karim El-Ghariaoui.
6 That doesn't ring a bell for the Crawley group, so is
7 that an outside contact?
8 A. No. Again, I'm not familiar with him.
9 Q. Right. Next is Azhar Shezad Khan. Is he Crawley group
10 or, as it were, an outside contact?
11 A. No, he is a Crawley group member.
12 Q. Right. Then Shujah Mahmood, who is Omar Khyam's
13 brother?
14 A. Correct.
15 Q. Then man C, who's our man C, let us assume reasonably.
16 Then Khawaja, yes?
17 A. Yes.
18 Q. Then Ali Ahmed Khan, is he a Crawley close associate of
19 Omar Khyam?
20 A. He's a close associate, he didn't actually live in
21 Crawley, but he's of that group.
22 Q. Right. So certainly not a contact from distance, as it
23 were?
24 A. No, not in his case.
25 Q. Next is Asim Rashid. Is he a Crawley associate or

1 a contact from distance?
2 A. Not familiar with him.
3 Q. Right. Next is Syed M Hashmi, same question.
4 A. I suspect that's a slight mistransliteration of another
5 target, who is a Crevice target. I am afraid I'm not
6 sure whether that target was Crawley-based or not.
7 Q. Fine, fine.
8 A. I think he probably wasn't, but I'm not sure.
9 Q. Right, so it could well be an outside contact, as it
10 were?
11 A. Yes.
12 Q. Then over the page, please, Rahman Adam, is that Garcia?
13 A. I would imagine so.
14 Q. He's the tried and convicted Crevice plotter?
15 A. Yes.
16 Q. Ibrahim Adam?
17 A. He's not a core member of the Crevice group.
18 Q. Right. Nabil Hussain, a --
19 A. He is a core member of the Crevice group.
20 Q. A Crevice conspirator -- in fact, acquitted. As these
21 are public proceedings, I should just add that. But
22 nevertheless, a charged and tried core member of the
23 conspiracy. Then Umer Bin Amin, again, is he a core
24 Crawley person or an outside contact?
25 A. No, he is an outside contact.

1 Q. Right, and then Salahuddin Amin. He is in Pakistan at
2 all stages?
3 A. At all stages under discussion here, yes.
4 Q. That's right. Then Mohammed Nazam Khan. Is he
5 a Crawley core --
6 A. I'm not familiar with him.
7 Q. Oh, right. Then Mohammed Qamar Khan?
8 A. Again, not familiar with him.
9 Q. Next -- we're nearly finished, I think, Umer Bin Amin
10 also known as Amir?
11 A. Not sure whether that's the same as the Umer Bin Amin
12 above, I imagine it is.
13 Q. Yes, and so, is he a close Crawley person or an
14 outside --
15 A. No, assuming that's the Umer Bin Amin above, there are
16 not two Umer Bin Amins. If there are two
17 Umer Bin Amins, I don't know who the second one is.
18 That is not a Crawley-based person.
19 Q. But this is the same person as we've already dealt with,
20 are you saying?
21 A. That's my assumption.
22 Q. Fine, then Ashfaq Ahmad.
23 A. Yes, I'm not familiar with him.
24 Q. Right, Vargas Salas Nelida doesn't appear on anything.
25 A. No, I'm not familiar with him.

1 Q. Right, Nazar Zeshan?

2 A. I'm not familiar with him.

3 Q. Over the page, please, finally, Imtiaz Ahmed?

4 A. Not familiar with him.

5 Q. There are, in fact, photographs of 27 people, because we
6 take one off because there's a duplication; do you
7 follow?

8 A. I do.

9 Q. We take off that number, that crude number, the men who
10 are, in fact, either Crevice tried and convicted
11 plotters or close Crawley associates, do you understand,
12 we've gone through and identified several of those?

13 A. Some. I mean, I didn't keep account of my own tally
14 there. I think there were at least ten individuals
15 I didn't recognise the name of.

16 Q. I quite agree. I've not come to them, I'm going to deal
17 with that.

18 A. Okay.

19 Q. Yes, you have not recognised and we allow for the fact
20 that at least 10 out of this 27 may be outside contacts.
21 Do you follow?

22 A. Yes, and indeed, I would judge that to be likely, given
23 my knowledge of the core Crevice players.

24 Q. Yes. Now, I think you told us that because this was
25 a very early stage in using Babar as a resource of

1 information, some photographs would be inserted, as it
2 were, as integrity tests?

3 A. That's probably putting it a bit too strongly, but it
4 would have been very helpful for us to see that he knew
5 people whom we already knew the identity of.

6 Q. Yes. So were some photographs inserted into these 27 as
7 integrity tests, not actually because they were prime
8 suspects whom you hoped Babar would recognise?

9 A. That would be my assumption. There's no contemporaneous
10 documentation to say that, but it's a reasonable
11 assumption. But just to come back on the word
12 "integrity", it's not necessarily to suggest his
13 trustworthiness; it's also just to test his knowledge
14 and his ability to identify them.

15 Q. His accuracy, yes. So we allow for an unspecified
16 number, a few, which may have been inserted for that
17 purpose, not really because they were priority targets?

18 A. Yes, I think that's fair.

19 Q. Now, you see, once we then take off C, D and E, who are
20 in here --

21 A. Not E.

22 Q. Forgive me, not E, right. C and D. We are not left
23 with very many priority targets who are outside contacts
24 for the Crevice plotters, are we?

25 A. I can't make that assumption without being able to

1 review those individuals that I don't -- that I can't
2 identify from that list -- sorry, that I don't know,
3 rather.

4 Q. I'm allowing for approximately ten. We can easily do it
5 from the transcript. I readily expected you to say, and
6 we acknowledge, there are about ten where you said these
7 are or may well be outside contacts for the Crevice
8 plotters. Do you understand?

9 A. Yes, yes.

10 Q. Is that a reflection of the true alternative candidates
11 who were in the frame to be attack planning with the
12 Crevice plotters?

13 A. That list of 27?

14 Q. Yes.

15 A. No, I don't believe so.

16 Q. Well, why wouldn't it be? Why wouldn't photographs of
17 all the candidates to be priority investigation targets
18 overriding C, D and E -- do you follow -- more important
19 to be targeted in Scraw, why wouldn't they be reflected
20 in this list of photographs?

21 A. Well, all the attack planners would be, and again, I'd
22 need to go through that list, but I'm pretty sure that
23 everyone that we think was an attack planner is on that
24 list, and then there are quite a lot of other people on
25 that list whom we did not believe and continue not to

1 believe were attack planners.

2 Q. How does the sending of C and D's photographs at this
3 very early stage to the FBI for Babar to see fit with
4 the purported assessment of C and D as small-time
5 fraudsters?

6 A. I think it fits well with them being individuals that we
7 sought to identify.

8 Q. Yes, but surely they wouldn't be sent as part of this
9 first tranche of photographs for Babar to examine, if
10 they were only assessed as being small-time fraudsters.

11 A. Well, they were assessed as being small-time fraudsters,
12 and the photographs were sent.

13 Q. During Operation Crevice, did you cooperate and share
14 intelligence with the Metropolitan Police
15 Special Branch?

16 A. Yes, and with -- as Peter Clarke's statement says, with
17 Metropolitan Police S013 Anti-terrorism Squad.

18 Q. And with West Yorkshire Police?

19 A. Yes, indeed.

20 Q. I'm focusing just on Special Branch for the moment.
21 Now, I'm not suggesting that you necessarily share
22 absolutely everything you've got, there may be some
23 reasons why you have some pieces of intelligence which
24 you don't actually share. Do you agree that would be
25 exceptional in the circumstances of March and April of

1 2004?

2 A. In an operation like Crevice, we would aim to share
3 everything significant with the national coordinator
4 actually, rather than with necessarily S013 or S012.

5 Q. Does the Special Branch have a code letter?

6 A. Yes, I'm sorry, S013 is the Anti-terrorist Squad and
7 S012 is Special Branch.

8 Q. Is Special Branch, lovely. When you say the
9 "coordinator", is he just -- is that person just the
10 channel through which --

11 A. You really need a police officer to explain the police
12 structures, but the national coordinator is
13 Peter Clarke, who's provided a statement for the
14 inquest, who is a Metropolitan Police officer and head
15 of the Anti-terrorist Squad, but that doesn't mean
16 everything that's passed to him is passed to the
17 Anti-terrorist Squad.

18 Q. Or to the Special Branch, necessarily?

19 A. Not necessarily, but as you rightly say, in an operation
20 like this, we would have been passing almost everything.

21 Q. Right. Anyway, he's the channel through which it would
22 reach, if it reaches them, the Special Branch and the
23 Metropolitan -- and S013?

24 A. That's an oversimplification, but, yes. I think you
25 need to explore that with the police, if it's important.

1 Q. Now, if we go in our core bundle, please, to tab 41,
2 [MPS3-92], that is Metropolitan Police Special Branch note
3 dated 17 May 2004. Could I just read out the first
4 paragraph:

5 "This branch note seeks to identify intelligence
6 strands, both individuals and organisations, suitable
7 for development that have arisen as a result of
8 Operation Crevice. It should not be regarded as
9 a comprehensive guide due to the sheer volume of
10 information generated by Crevice."

11 So that is a caveat over the whole document.

12 Nevertheless, it is the Metropolitan Police's
13 Special Branch identification of intelligence strands,
14 as at May 2004, suitable for development, with that
15 caveat.

16 There then follow two pages, if we just go over the
17 page, a list -- if we discount paragraph 1 -- of 15
18 intelligence strands suitable for development, one of
19 which, over the page [MPS3-93] at paragraph 12, is tracing the
20 green Honda, and it names addresses, et cetera. Do you
21 follow?

22 A. Yes.

23 Q. Now, again, do you see -- I hope it's transparent, the
24 reason for my asking this question, because here is
25 another insight, I suggest, with the caveat in

1 paragraph 1, of what the priority intelligence strands
2 suitable for development were. Do you understand?
3 A. Yes, indeed.
4 Q. They are actually summarised in a typescript in our core
5 bundle on the next page, but it's actually [MPS3-94], the
6 next page on the screen, second paragraph:
7 "The branch note identifies 11 individuals,
8 1 organisation and three vehicles of interest."
9 It quotes the passage relating to the green Honda,
10 which is, of course, the most relevant for these
11 purposes.
12 Now, if you please -- are you familiar with this
13 document?
14 A. I am.
15 Q. Right.
16 A. Though I think I have to say I've probably seen an
17 unredacted version of this --
18 Q. I hope --
19 A. -- some time ago and don't have a precise memory of
20 everything in it.
21 Q. I understand. But from your general recollection, do
22 any of the 12 highest priority targets in
23 Operation Scraw feature here?
24 A. Yes.
25 Q. They do. I'm not actually -- because it might be

1 sensitive -- going to ask you which ones, do you
2 understand, at all, but can you give us an idea of how
3 many?

4 A. Of the eleven individuals -- and, of course, Scraw is
5 a list of individuals -- at least two, but if this is
6 important, I'd really want to compare the Scraw list
7 with an unredacted version of this.

8 Q. Right. Because I suggest -- and I'm not going to read
9 it all out, but you are familiar with the unredacted
10 version -- I suggest --

11 A. Sorry, Mr O'Connor, no, I'm not very familiar with the
12 unredacted version of this.

13 Q. Forgive me, the redacted version you're familiar with
14 and that's what we're looking at. I'm sorry for the
15 slip of the tongue.

16 I suggest that some of these, for instance
17 paragraph 2, take the first one, this is somebody who
18 has really been in contact with Anthony Garcia, yes?

19 A. Yes.

20 Q. No suggestion he's been in contact with Omar Khyam?

21 A. I don't know whether I can answer that question in open,
22 I'm sorry.

23 Q. Fine. The next says -- this is paragraph 3 -- this is
24 somebody who is a habitual associate of Garcia, yes?

25 A. Yes.

1 Q. And Market Value, was Market Value Garcia?
2 A. That's correct.
3 Q. So again, paragraph 4, again, so far as unredacted, is
4 another connection with Garcia's family address this
5 time?
6 A. Correct.
7 Q. 5 is plainly more core, isn't it? There's some
8 connection with Khawaja and Omar Khyam, and possible
9 candidate for suicide missions. That's very serious and
10 very direct.
11 A. It's very serious. I wouldn't accept it's plainly more
12 core. Of course, Anthony Garcia himself was a very
13 significant Crevice player.
14 Q. When I say core, I mean, this is a direct connection
15 with the head of the plot, Omar Khyam --
16 A. Yes, it is an important lead.
17 Q. -- and with Khawaja, who was a very serious figure as
18 well.
19 Then there's -- well, it's difficult to see from 6.
20 7 appears again to be a connection with Garcia, yes?
21 A. Do you mean 8? There is no 7.
22 Q. Oh, well, I know -- it is a separate paragraph at the
23 top of the next page --
24 A. Oh, is it?
25 Q. -- and I've called it 7. Can we call it 7 and write in

1 7? I think it makes sense of it. That's a connection
2 with Garcia, isn't it?

3 A. Yes, so it appears.

4 Q. 8 is a connection with The Hollows. 9, a connection
5 with Bashful Dwarf in Luton, et cetera.

6 I just bring this to a halt, because from the
7 redacted version of this document, I suggest with the
8 exception very much of paragraph 5, and arguably
9 paragraph 15, nothing here strikes one, does it, as
10 being of overwhelming significance and importance on the
11 redacted version of this document?

12 A. No, I think that's fair.

13 Q. So we don't really get a clue here at all, do we, of the
14 existence of 12 priority targets for Operation Scraw
15 whose features of connections with the Crevice plotters,
16 overwhelm the features that exist for men D and E, do
17 we?

18 A. No, but, of course, this isn't the Scraw list.

19 Q. No. No, it's not. Now, I move on, if I may.

20 Do you agree that in the light of the information
21 about possible four teams and of possible three bombs,
22 that lent extra importance to tracing the contacts with
23 the Crevice plotters?

24 A. Unquestionably.

25 Q. You, in your witness statement at G1, paragraphs 81 and

1 82, explain what you did in Operation Scraw, and it's
2 [SYS11005-52].
3 You explain in paragraph 81 the purpose of
4 Operation Scraw and in 82 you say:
5 "The investigative work done on UDMS D and E
6 following the Crevice arrests is set out above in
7 paragraphs 70-74."
8 That is where we will go.
9 If we go there now, which is at page 47 [SYS11005-47], you set
10 out, having -- basically, paragraph 70 is, in fact,
11 a comment, isn't it, but it's from 71 and 72 that we get
12 what you say was the positive action taken in
13 Operation Scraw.
14 A. Correct.
15 Q. It amounts to this, doesn't it: a message to the
16 West Yorkshire Police dated 8 June which is set out in
17 paragraph 72 [SYS11005-48]?
18 A. (Witness nods).
19 Q. And a response in paragraph 73 [SYS11005-49] to that message from the
20 north-east regional intelligence cell on 14 July 2004?
21 A. Yes.
22 Q. We can see the original, as we should, perhaps, of the
23 8 June message to the West Yorkshire Police at our
24 tab 42 in the core bundle and at SYS11004 [SYS11004-1].
25 Is this that document?

1 A. It is.

2 Q. Can I just go back to what you say in your paragraph 71
3 in your statement and then come back to this document,
4 forgive me, it sets the context properly, so
5 [SYS11005-47], paragraph 71:

6 "The intelligence held by the Service on UDMS D and
7 E arising from Crevice is effectively set out in an
8 exchange of information", and this is the exchange. Do
9 you follow?

10 If you please glance down, paragraph 2 [SYS11004-1], you're
11 telling the West Yorkshire Police: we identified the
12 following possible connections between the Crevice and
13 West Yorkshire contacts.

14 You set out the green Honda, Omar Khyam,
15 registered -- associated with Omar Khyam, registered
16 keeper, Sidique Khan, et cetera, had been Hasina Patel,
17 and then Sidique Khan's two traced connections with two
18 addresses, Thornhill Park Avenue and Stratford Street,
19 yes?

20 A. Yes, correct.

21 Q. Then you summarise the surveillance of 28 February in
22 your paragraph 4; yes?

23 A. Correct.

24 Q. Then paragraph 5 [SYS11004-2], you say the driver of the Honda is
25 believed to be identical with the driver of the Corsa?

1 A. Yes.

2 Q. 6 is redacted. 7 refers to some phone contacts. 8
3 refers to the Ibrahim and Zubair information?

4 A. (Witness nods).

5 Q. Now, you've said in your statement that that's the sum
6 total of the intelligence that you had on men D and E.

7 A. I described it as a summary, I think.

8 Q. No, you said this:
9 "The intelligence held by the Service on UDMS D and
10 E [paragraph 71, this is] is effectively set out in an
11 exchange of information ..."

12 A. Yes, I wouldn't say that was all of it. Clearly this
13 isn't all of it.

14 Q. It isn't effectively set out, is it? I'll go through
15 the things it doesn't include, if you want.

16 A. Yes, I mean, I'm happy to do the same.

17 Q. It does not -- well, I'll go through the list. It
18 doesn't mention 2 February.

19 A. Indeed.

20 Q. It doesn't mention 21 March.

21 A. No.

22 Q. Does it mention the detected talk about fraud?

23 A. No, because that probably wouldn't have been considered
24 significant in terms of what we were passing to
25 West Yorks.

1 Q. No, but in terms of tracing and identifying these
2 people, there was the possibility that they, their
3 ordinary policing, had got on to a team of vehicle fraud
4 people and a connection might be made.

5 A. I think this is here where "effectively set out" in my
6 summary may mean something different to you than to I.
7 I would consider that this was a good summary for the
8 purposes that we were seeking West Yorkshire to help us
9 with.

10 Q. What about the writing on the side of the Corsa and the
11 telephone number? That's not there, is it?

12 A. No, though, of course, work had been done on that
13 already.

14 Q. Yes. It had been traced to Lombard Vehicle Management
15 and had been traced to the Just Car Clinic?

16 A. Yes.

17 Q. Which wasn't an advance, really, much, on what had been
18 detected immediately. So you didn't give the
19 West Yorkshire Police, in this document, any lead to
20 check up on the Just Car Clinic or the phone number, did
21 you?

22 A. No, that's correct. But that was done separately.

23 Q. I'm going to examine that. Did you indicate what had
24 been overheard and we established yesterday, that one of
25 the visitors from Yorkshire said he was a teacher

1 working in Leeds?

2 A. No, but I think at that point it would have been
3 extremely difficult to be certain who that one was.

4 Q. No, I couldn't agree more. That's the whole object of
5 this communication, though, to further your
6 intelligence.

7 A. But the point of this communication is to give
8 West Yorks material which we could be reasonably
9 confident of.

10 Q. Did you send any of the surveillance photographs from
11 2 February?

12 A. To West Yorkshire?

13 Q. Yes.

14 A. I don't know the answer to that. It is possible that
15 some went via joint agent sources, but I do not know the
16 answer to that.

17 Q. They are certainly not sent with this communication?

18 A. No, definitely not.

19 Q. Or the photographs of 28 March -- sorry, 28 February or
20 the photographs of 23 March?

21 A. No, that's correct.

22 Q. So for instance, it's not then very surprising, is it,
23 that the response, over the page, 14 July -- so this is
24 SYS10994 [SYS10994-1] -- it's a long document -- page 129, then
25 adding an old custody photograph of Sidique Khan from

1 1993.

2 This is an assiduous checkup on addresses and
3 vehicles, isn't it?

4 A. Yes, I agree.

5 Q. It sets out various other checks that are done from
6 obvious sources. But, for example, granted that you had
7 not given the lead with the phone number and the name to
8 West Yorkshire Police, we see on page 7 [SYS10994-7] that all that
9 West Yorkshire Police come back with is what you'd
10 actually learnt on the day of the observation on
11 23 March, that the Corsa was registered to Lombard
12 Vehicle Management.

13 A. Yes, that's correct.

14 Q. Can I just ask you to confirm, though, that what was
15 said on the first page of this document, by way of
16 response, under "Green Honda and Sidique Khan", it says
17 this, doesn't it:

18 "Sidique Khan has been identified as born
19 20 October 1974 in Leeds."

20 It refers to a caution in 1992, and to two addresses
21 on their systems, 30 Brunswick Place, Holbeck and
22 99 Stratford Street, Beeston, yes?

23 A. Yes.

24 Q. So, is this right: that you'd started off being given
25 a date of birth which had been given by Sidique Khan

1 associated with his driving licence or with his
2 insurance policy?
3 A. With his insurance, I think you're right.
4 Q. That's right, and that, as you rightly say, is, as it
5 were, a purported date of birth?
6 A. Yes.
7 Q. It may or may not be right?
8 A. Yes.
9 Q. Do you agree the more times that you get back --
10 A. Absolutely.
11 Q. -- 20 October 1974, really the firmer that gets --
12 A. Absolutely.
13 Q. -- and, when you've got it on a criminal record, which
14 is long-standing, you now very, very clearly have this
15 is Sidique Khan with that date of birth?
16 A. Yes, and as I commented earlier, information like a date
17 of birth is much more helpful than a name.
18 Q. Because, as it were, for each of the surrounding
19 years -- so you get a description of somebody being in
20 their 30s, and you actually get their date of birth --
21 you're narrowing down the possibilities by 3,560, aren't
22 you, for each day of those ten years?
23 A. Of course that's true, but why it is more helpful is --
24 we discussed with Mr Keith -- issues around difficulties
25 in interrogating systems for names. Dates of birth are

1 just much easier, in those circumstances --

2 Q. Very much.

3 A. -- providing they're correct.

4 Q. And I'm going to come to that.

5 Now let's come to the Corsa, please, because you had

6 learnt pretty early on, if we go to [MPS11009-66], on

7 23 -- well, there's a mixup of the dates, isn't there,

8 in the middle there? This is an action. Can we assume

9 that the result is in March 2004? Is that a sensible

10 assumption or not?

11 A. I think that's a sensible assumption.

12 Q. Yes. Good. You've learnt pretty early on that, beyond

13 Lombard Vehicle Management, it has been established that

14 the vehicle is shown as being leased to Just Car Clinic

15 with an address. Do you follow?

16 A. Yes.

17 Q. That links with what had been seen on the very day, that

18 name --

19 A. Yes.

20 Q. -- but you also had the phone number, from the outside

21 of the car.

22 So this was a pretty -- this wasn't one of the more

23 difficult aspects of the investigation to pursue, was

24 it, really?

25 A. No, but nor was it one of the high priority ones.

1 Q. No. Could we have up INQ9342, please?

2 This is a statement of Andrew Swift, who's the
3 general manager at Just Car Clinic.

4 My Lady, this isn't in the core bundle.

5 He confirms, does he not, that on 18 March -- so
6 we're concerned with 21 and 23 March sightings:

7 "... the Corsa was given to Mr S Khan whilst we
8 repaired his ... green Honda Civic."

9 You get his insurance company giving his -- because
10 his insurance company is involved in the repair process
11 so they've got that with the address 11 Gregory Street.
12 You are given a mobile phone number. That adds a little
13 bit to the picture, doesn't it?

14 A. It does.

15 Q. He has asked for the car, in fact, to be dropped off at
16 a different address, and there's an agreement form
17 produced that he's signed, and if you go down the page,
18 please, it was returned on 24 March, the day after
19 23 March. If we go down the statement further, please,
20 we've got a signature on a collection note.

21 Now, we've seen the date on that statement is
22 27 January.

23 A. 2005.

24 Q. Yes.

25 A. Yes.

1 Q. Why is that?

2 A. I think that's -- I mean, that's effectively a question
3 for the Metropolitan Police, but it would reflect the
4 relatively -- correctly, in my view -- low priority
5 following up that particular enquiry had.

6 Q. Can we please have MPS3-74? Could we just go down the
7 document, please? And over the page.

8 Forgive me, if I can just track this, my Lady, there
9 is just one sentence on this and I don't have the tab
10 number. I'm sure we have this on our system -- on our
11 core bundle, I'm very sorry.

12 LADY JUSTICE HALLETT: Don't worry, put it and I'll keep up,
13 Mr O'Connor, if you're thinking of my benefit.

14 MR PATRICK O'CONNOR: Yes, but I haven't found the
15 precise -- please, do please forgive me, I normally have
16 my tab number noted down here. 24 March 2004, it's
17 likely to be tabs 32 or 33.

18 Can I put -- I am very sorry, this is actually,
19 certainly today, the first time this has happened and
20 I do apologise.

21 There is an entry on 24 March 2004 by the
22 Special Branch. This is my point, and perhaps I'll move
23 on, but it can be checked in the short break that we
24 have, that the Special Branch noted this as a "priority
25 line of enquiry".

1 A. I'm sorry, what did they identify as a priority line of
2 enquiry?

3 Q. Tracing the usage of the Corsa. I'm responding to your
4 last answer, which was that the delay may well have been
5 because this was a low priority and I'm suggesting to
6 you that, on the documents, this is actually recorded as
7 a priority line of enquiry.

8 A. Okay, I mean, I'd need to look at the documents,
9 clearly, to see what "tracing the usage" means.

10 Q. That's not the phrase used in it --

11 A. Okay.

12 Q. -- it's my summary of it. The third topic here, all
13 about, effectively, Operation Scraw and that period of
14 furthering the intelligence strands, is to do with
15 21 February and the visit of Khawaja.

16 Now, for all sorts of reasons, that was a very
17 important short visit, wasn't it?

18 A. It was.

19 Q. Can you confirm that you had very strong suspicions
20 about Khawaja's expertise at the time in improvised
21 explosive devices and remote detonation and --

22 A. I can.

23 Q. You can. Can you also confirm, of course, Khawaja was
24 arrested in Ottawa at about the same time as the Crevice
25 arrests?

1 A. He was.

2 Q. In very general terms, did you learn pretty quickly that
3 what had been found in Khawaja's residence upon his
4 arrest was a virtual laboratory and storeroom of
5 electronic devices and electronic equipment?

6 A. I believe that to be so, I'm less clear on what was
7 found in his address.

8 Q. Precisely, but as a broad picture, and you, I dare say,
9 without revealing any secrets, will have learnt about
10 that fairly quickly from your Canadian associates
11 because it confirmed your suspicions very graphically?

12 A. That's a reasonable assumption.

13 Q. Now obviously, there is this gathering of quite a large
14 number of people leaving at midnight and Khawaja is in
15 number 2, The Hollows.

16 Could we look at the first transcript at core
17 tab 18.

18 There is the monitor note at core 17, which I don't
19 go to for the moment because this is prepared on the
20 next day, 22 February, isn't it?

21 A. That's correct.

22 Q. If you go from the beginning to the end of the effective
23 transcription, we're talking about from 20.51 to the
24 last page under this tab, which is at about 21.30. Do
25 you agree?

1 A. Well, the last page on the tab isn't, but, yes, that's
2 when speech ceases.

3 Q. That's right. So we're talking about 40 minutes?
4 A. Yes.

5 Q. Do you remember we looked at what I suggested was
6 a very, very sparse transcript yesterday of two hours,
7 two and a half hours?
8 Considering this is 40 minutes, we actually have ten
9 pages of text here, don't we? Compared to that, this is
10 really quite good.

11 A. In terms of the transcript rather than the quality, yes.

12 Q. Yes. Can you confirm that from the third page, 21.05,
13 we get unidentified male 3, UM3?
14 A. The first mention of him, yes.

15 Q. Yes. So it is apparent from the next day, and from this
16 transcription, that there are at least three people
17 there?
18 A. It is apparent from that transcript, yes.

19 Q. Secondly, in that same paragraph, could you just confirm
20 from the last sentence:
21 "UM2 again repeats his desire to purchase something,
22 of not, however, wanting to have travelled for hours
23 just to exchange greetings."
24 Now, in general terms, that supports an inference
25 that this is a visitor from some distance.

1 A. Only in very general terms. It's not clear what the
2 conversation is about, and it's not clear it's reference
3 to travel that day.

4 Q. Yes. If you could please go to -- I've marked it as
5 page 7, but it's the next section of transcript, and
6 21.10, second paragraph:

7 "UM! ..."

8 Let's assume UM1, I don't know.

9 "... resumes [you see] with all this kit we have,
10 was almost ready now. Tomorrow morning, I could take
11 you to ... that's an hour's drive to where it is. It's
12 all been, query, stuffed. Then you can just go in to
13 get. UM3 says (words lost) 'I don't want to keep coming
14 down doing stuff but in saying only in an emergency'."
15 The more indicators to this effect, the better, but
16 that's another possible little indicator that this is
17 a visitor, isn't it?

18 A. It's a possible indicator, yes.

19 Q. If you go to the very last page -- sorry, the
20 penultimate page, penultimate short paragraph --

21 LADY JUSTICE HALLETT: Mr O'Connor, I'm asked to ask you to
22 provide the Lextranet reference, because, otherwise,
23 those in the media annex cannot follow your questions.

24 MR PATRICK O'CONNOR: Yes, my Lady, I can gladly do that.

25 LADY JUSTICE HALLETT: And presumably those in the family

1 annex.

2 MR PATRICK O'CONNOR: I apologise immediately. I can do
3 that and I should have done. It is -- I'm looking at
4 our tab 18, and it is SYS11065 and I have been looking
5 at pages 3 and 7 in that document. I'm now looking at
6 what I hope is pages 15 [SYS11065-15] and 16 [SYS11065-16].
7 If you could look at page 15 at the bottom, please,
8 the penultimate short paragraph:

9 "He asks UM2 to tell him when he can come down and
10 they will work it out."

11 A. I'm sorry, Mr O'Connor, I haven't got the Lextranet
12 references on my one, so can you tell me where that one
13 is?

14 Q. It's the penultimate page in the whole tab, the bottom
15 of the page, penultimate paragraph.

16 MR KEITH: It says page 3 at the bottom.

17 MR PATRICK O'CONNOR: It says page 3 at the bottom.

18 A. Yes, I have that one.

19 Q. The penultimate paragraph, he asks UM2 to tell him when
20 he can come down and they will work it out.

21 A. I'm sorry, that's not my penultimate paragraph.

22 Q. It should be.

23 A. If it's the one with page 3 at the bottom.

24 Q. But there are several page 3s.

25 A. Ah, I see.

1 Q. Does the top of the page say "They are British"?

2 A. Yes.

3 Q. Good, the penultimate paragraph on that.

4 A. My penultimate paragraph is:

5 "UM requires the name and an address."

6 Q. That's right, and then:

7 "He asks UM2 to tell him when he can come down and

8 they will work it out."

9 A. Yes, I have that, thank you.

10 Q. Putting that together with, over the page, in the middle

11 of the page, six down:

12 "UM suggests UM2 come down for a day and 'we' will

13 fill in the application forms for all the credit cards."

14 That's obviously a reference to fraud?

15 A. Yes.

16 Q. So there are repeated references to coming down, aren't

17 there? Pointers to there being visitors, in broad

18 terms?

19 A. Yes.

20 Q. Now, so far as the quality of the actual physical

21 product, as opposed to any transcription, is concerned,

22 an expert ultimately examined that quality and gave

23 a view on it. So, for this purpose, and not for any

24 other purpose, what is said in 2008 might be helpful, do

25 you follow?

1 A. (Witness nods).

2 Q. If you could go, please, to tab 16, it's MPS6-5 [MPS6-5].

3 My Lady, it's the top of page 3 of the report.

4 This is the overview of the quality, do you follow,

5 of the product, paragraph 4.2.

6 A. Yes.

7 Q. "On examination, the disputed recording ... was found to

8 contain approximately 40 minutes of conversation. The

9 technical quality of the recording was variable, ranging

10 from reasonably good to very poor. At worst, the target

11 speech signal was heavily overlaid by music and

12 environmental noise, including apparent traffic and/or

13 vehicle noise, unidentified movement sounds and

14 competing speech from other speakers. The speech

15 content of some sections of the recording were

16 unintelligible or only marginally intelligible. At

17 best, the target speech signal was characterised by

18 a fairly strong signal-to-noise ratio and the speech was

19 largely intelligible."

20 That meets with the ten pages of text that the

21 Security Service had managed to get from those

22 40 minutes the very next day, do you follow?

23 A. It does.

24 Q. So it would be wrong, wouldn't it -- I mean, the

25 impression that we got -- nobody's fault, but the

1 impression we got from listening to those extracts over
2 the court system were that, actually, almost not
3 a single word could be heard apart from the word
4 "Insh'Allah" which I managed to pick up, I think, do you
5 agree?

6 A. I think for non-specialist listeners, that's
7 a reasonable impression. Of course, the person who
8 prepared this report and our own are specialist in this
9 area.

10 Q. That's right, and your transcriber had certain skills
11 which worked very effectively to get ten pages of text.

12 A. Indeed.

13 Q. So certainly also, we had quite a pronounced echo,
14 didn't we, on what was played in court, and there's no
15 reference by the expert to there being any echo, is
16 there?

17 A. No, indeed.

18 Q. That seems to have been an artefact.

19 LADY JUSTICE HALLETT: I've already given evidence,
20 Mr O'Connor, that when I listened to the tape, I could
21 hear far more than I could hear in court.

22 MR PATRICK O'CONNOR: Exactly, my Lady. Thank you very
23 much.

24 Now, we have on two of these transcripts the letters
25 "NM". Can we just indicate where -- it's already been

1 done, I know, but this is quite important. Tab 20, so
2 it is [SYS11071-1], and we are told this is 4 April.
3 I'm doing this in the wrong order. I do apologise
4 very much. We should go in time order.
5 The previous tab -- I do apologise for this.
6 LADY JUSTICE HALLETT: Why don't we take a break now,
7 Mr O'Connor, and then you can get yourself in the right
8 order?
9 MR PATRICK O'CONNOR: I am now in order, but it's
10 a convenient time anyway. I apologise.
11 LADY JUSTICE HALLETT: Very well. I shall wait to be told
12 whether people are ready because I appreciate there may
13 be one or two things that need to be done over the short
14 break.
15 (11.25 am)
16 (A short break)
17 (11.40 am)
18 LADY JUSTICE HALLETT: Mr O'Connor?
19 MR PATRICK O'CONNOR: Mr G, could we sort out the Corsa
20 priority note? You will remember I couldn't find the
21 document, and it's not in our core bundle, but it's on
22 the system and it's [MPS3-79] is the reference.
23 The document starts at page 74 -- could we have that
24 up first, please? -- and that dates this document as
25 a Special Branch note dated 24 March 2004.

1 If we go to page 79 [MPS3-79], please, do you see under
2 "Priority lines of enquiry", the second bullet point:
3 "Enquiries are to be made on a number of new
4 vehicles that were introduced into the operation during
5 the reporting period. Priority is the Vauxhall Corsa
6 seen in company with Omar Khyam and Shujah ..."

7 Is that right?

8 A. Correct.

9 Q. "... and vehicle 3 [the Vitara] and the identification
10 of its occupants."

11 So the Metropolitan Police Special Branch deemed
12 this to be a priority line of enquiry in March 2004.

13 Thank you very much.

14 Going to where I broke off, if I may, core tab 19,
15 SYS11070 [SYS11070-1], and we are told that this is a document
16 from March 2004?

17 A. Yes, that's correct.

18 Q. In fact, handwritten on there is "February 2004", isn't
19 it?

20 A. Yes, I understand that is an error.

21 Q. Has that been written by a Security Service colleague in
22 an attempt to assist the inquest?

23 A. I believe so, but I don't know so, Mr O'Connor.

24 Q. Right. In fact, it is, perhaps, with hindsight, a bit
25 unfortunate so many of these transcripts actually don't

1 have a date of production on them, do they?

2 A. Well, that's not true for Security Service transcripts.

3 Q. Right. But it is of Metropolitan Police Service
4 transcripts. They don't, do they? And we've had to try
5 to -- your colleagues have tried to reconstruct.

6 A. It may well be that there's a means in the reference
7 which I don't understand, but a Met colleague would say
8 that's clearly from a particular date.

9 Q. I see what you mean. Now, we see in the right-hand
10 column there in this transcript, produced by the
11 Metropolitan Police -- is that right; this one?

12 A. Yes, correct.

13 Q. In March 2004, the reference to NM1 and NM2, and if we
14 go to the next tab, 20, which is document SYS11071 [SYS11071-1], this
15 is dated now, I think, as 4 April 2004. We see "NM1"
16 and "NM2" written again on the right-hand column.

17 Right?

18 A. Yes, correct.

19 Q. In fact, the Intelligence and Security Committee in
20 their second report were told, I suggest obviously by
21 the Security Service what the understanding was of this.

22 My Lady, page 33 in the hard copy, the second ISC
23 report is at INQ8305 and, therefore, we're going to be
24 looking at page 40 [INQ8305-40] on the system.

25 Can you look in the box at the bottom:

1 "What was discovered after Operation Crevice."

2 Do you see that?

3 A. Yes.

4 Q. "After the Crevice arrests, the eavesdropping material
5 was assessed and summary transcripts produced
6 (4 April 2004)."

7 A. Yes.

8 Q. So that's the document we're looking at?

9 A. Yes.

10 Q. "This particular conversation was described as involving
11 'Asian male voices, including Omar Khyam and his
12 father'. This first version suggested that Omar Khyam
13 was talking to two unidentified males with northern
14 accents."

15 A. Yes.

16 Q. So the ISC must have been told, do you agree, by the ISC
17 evidence that the understanding of Security Service
18 officers from that transcript at the time was that
19 northern accents had been detected?

20 A. I'd have to look back at the actual ISC transcript
21 evidence. Our understanding of the development of all
22 the different Metropolitan Police transcripts is much
23 clearer now than it was then.

24 LADY JUSTICE HALLETT: I'm sorry, Mr O'Connor, can I just
25 check: would the ISC necessarily have been relying on

1 what the Security Service has told them, to come to that
2 conclusion? Because they did hear from police officers
3 as well.

4 MR PATRICK O'CONNOR: My Lady, they did, and I agree that
5 that is -- my question is -- to that extent, should have
6 been phrased differently, "from somebody", they did
7 receive evidence --

8 LADY JUSTICE HALLETT: So the ISC from somebody were told
9 that it was a northern accent?

10 MR PATRICK O'CONNOR: That's right.

11 MR EADIE: My Lady, you will see at the bottom of the screen
12 a reference to the Metropolitan Police Service, at least
13 for part of that box.

14 MR PATRICK O'CONNOR: Oh, yes, and they were asked about the
15 reference to the father. Is that what that note
16 indicates? Thank you.

17 Can I suggest a concrete reason as to why the
18 Security Service are very likely to have understood at
19 the time what "NM1" and "NM2" means in March
20 and April 2004?

21 You see, we see the name DC Vernon on the April
22 transcript, do we not, and DC Wallace on the March
23 transcript.

24 A. Yes, correct.

25 Q. Where will they physically have been preparing these

1 transcripts?

2 A. They were in Thames House. Sorry, they were in our
3 Security Service headquarters, Thames House.

4 Q. That's right, working there, on the best, as it were,
5 original product that you had in your custody,
6 because --

7 A. That's correct.

8 Q. -- this is, as it were -- obviously, you hold it for
9 other purposes, but it's your property, you have
10 ownership over these tapes.

11 So these officers are working there for periods of
12 time, which, of course, we can't quantify now, but
13 significant periods of time, aren't they?

14 A. I assume they were. Like you, I can't quantify.

15 Q. In the same building as the relevant Security Service
16 case officers, desk officers?

17 A. That's correct.

18 Q. Don't you think it's quite likely that they had some
19 communications about their mutual work at this time?

20 A. No, I think it is unlikely.

21 Q. Unlikely?

22 A. This work was being done as part of the preparation of
23 the evidential case for Crevice, rather than as part of
24 the intelligence exploitation.

25 Q. Yes, but the intelligence exploitation is going to be

1 furthered potentially by the product of the work of
2 these Metropolitan Police officers in the same building.

3 A. It potentially would have been, yes.

4 Q. Exactly. So there's not, as it were, some complete
5 divide. You're not going to ignore -- in fact, you very
6 much should not ignore -- whatever you can glean from
7 the evidential investigation for the purposes of the
8 trial.

9 A. We and the police would not have ignored anything that
10 we identified at the time as being significant.

11 Q. Precisely. So they're not going to be, as it were, not
12 talking to each other because they've got nothing to do
13 with each other at all. They would be getting on with
14 their jobs. But it is, I repeat, quite likely that
15 there will have been a degree of communication between
16 the relevant case officer or officers and these police
17 officers transcribing in the same building the
18 Security Service product of this audio surveillance,
19 isn't there?

20 A. No, I continue to think it would have been unlikely
21 unless something of significance was identified.

22 Q. Or perhaps if there was something about the transcripts,
23 when received by the Security Service, which they didn't
24 understand?

25 A. Yes, that would have been true too.

1 Q. Yes. So, for instance, the March transcript had been
2 received by the Security Service, you've got the
3 reference "NM1" and "NM2", and DC Vernon goes back
4 in April and there is every opportunity -- we can't say
5 more than that -- for the relevant case officer to
6 clarify with DC Vernon in April what "NM1" and "NM2"
7 mean, isn't there?

8 A. As I noted yesterday, or Monday, I think it is unlikely
9 that these transcripts would have gone to the case
10 officer, the desk officer, in the first instance, and as
11 I also noted, I would have expected most desk officers
12 at the time to assume, without any key, that "NM" meant
13 "nominal male".

14 Q. Have any of the desk officers said that to you?

15 A. No.

16 Q. Well, have you asked them?

17 A. I haven't asked them specifically what the desk officers
18 at the time would have thought about "NM1", because it
19 remains my view that the desk officer did not see this
20 transcript at the time.

21 Q. What do you mean by "at the time"?

22 A. Well, clearly they've seen it subsequently because we
23 have been collecting and reviewing this material.

24 Q. Can you in some way ascertain when these were passed
25 back to the Security Service?

1 A. I can't, I'm afraid, no.

2 Q. Will there be any record of that?

3 A. I don't know if there is one. I haven't been able to

4 find one.

5 Q. I mean, if the Metropolitan Police send something back

6 which is the product of transcribing a tape which is

7 your property, as it were, is there a system whereby

8 receipt back of a transcript of it should be recorded?

9 A. I don't know of such a system.

10 Q. There isn't a recording of inward-bound documentation in

11 any particular investigation?

12 A. I don't know of such a system in this kind of

13 circumstance where we're passing back new versions of

14 transcripts of material we already have.

15 Q. Yes, but you don't already have improving transcripts of

16 a very important audio surveillance occasion, do you?

17 A. No, but as I've said before, we would have based our

18 assessments on the transcripts that we had on

19 22 February.

20 Q. And you would have stuck with that, even though you knew

21 the Met were preparing potentially better ones?

22 A. Well, the Met clearly were preparing very, very, very

23 large quantities of material. We would not have made

24 a judgment that we were going to review all of that

25 because we simply wouldn't have had the capacity.

1 Q. No, but you see that's reblending 21 February back into
2 the general mass of material in Crevice. This is a very
3 special occasion, isn't it?

4 A. No, it would not have been seen so at the time.

5 Q. 21 February?

6 A. It would not have been seen so at the time.

7 Q. Who was associating with Khawaja would not have been
8 seen as an important matter at the time?

9 A. This conversation, Khawaja is not involved in.

10 Q. But this is during his visit, and this is potentially
11 revealing who was meeting him.

12 A. This conversation, Khawaja is not involved in.

13 Q. No. If I said "involved", that's of course wrong. This
14 is a conversation of people who enter The Hollows, and
15 identifying the people in the conversation is
16 identifying some of the people who enter The Hollows and
17 meet Khawaja.

18 A. Well, the surveillance record at the time suggests that
19 two people entered The Hollows.

20 Q. I know, sorry, we are now -- but the audio very promptly
21 contradicted that and revealed there were three or more.

22 A. There were three people in the car. You can't draw the
23 conclusion from that, therefore, the third person who
24 was not seen on surveillance went into The Hollows.

25 Q. Would you like to think of any other reason why, as

1 we've seen, a visitor to the location would go to that
2 location and be talking in the Vitara or to the
3 occupants of the Vitara, parked outside number 2,
4 The Hollows?

5 A. Well, there are a number of reasons why.

6 Q. Like what?

7 A. Well, they may have come down for that particular
8 conversation and then gone away again. As we have seen,
9 their behaviour is somewhat unusual.

10 Q. Yes there's no surveillance of a vehicle leaving, is
11 there, during the course of that evening, which could
12 have carried away the visitors from this conversation?

13 A. No, but of course, the surveillance has not spotted
14 those individuals in the first instance.

15 Q. If we put aside what I suggest are abstruse and unreal
16 possibilities, the overwhelming probability is that the
17 people in this conversation were going to the gathering
18 of what proved to be 12 people leaving at midnight. Do
19 you agree?

20 A. I think it's a possibility. I wouldn't say it was the
21 overwhelming probability, no.

22 Q. Right. Thus, identifying who was on this transcript
23 would, if that is the reality, assist, potentially, to
24 identify who was at the meeting?

25 A. Yes, that's true.

1 Q. Granted the brevity of the meeting and the qualities
2 that we've identified of Khawaja, identifying any
3 contacts with him during this short visit was,
4 I suggest, quite an important thing, and more important
5 than the average identification of a contact?

6 A. Yes, I think that's fair.

7 Q. Could I go to a different topic, please, tab 7 in our
8 core bundle? That is the subscriber check on
9 11 March 2003.

10 This was kept on Security Service files, was it?

11 A. On Security Service records, yes.

12 Q. It's the -- I should identify it. It is SYS11076 [SYS11076-1] it's
13 a subscriber check on 11 March 2003.

14 I'll take you to the reference, if you wish, but
15 ISC2 records when Crevice started as being
16 late March 2003. Do you follow? I'll take to you the
17 reference. It's page 57 in the hard copy, so page 64 of
18 ISC2 which is INQ8305 [INQ8305-63].

19 Do you see there's a time-line there?

20 A. I think I have a different one up.

21 Q. Late March 2003. Is that not -- I'm not saying it's
22 a big error, but is that somewhat in error, then?

23 A. Well, that would be my view, yes. I mean, having looked
24 at the early part of Crevice, I would have put it
25 a little bit earlier than that.

1 Q. So that this document falls within Operation Crevice?
2 A. Yes.
3 Q. If we go to the next page in the ISC document, so that's
4 page 65 , halfway down the first paragraph, 13 July 2003,
5 if you glance down the first few --
6 A. I think we're working to different references. The
7 65 --
8 Q. I said page 65. It's page 64 [INQ8305-64], I'm sorry, I'm adding
9 seven -- that's what I've been consistently doing, if
10 I'm wrong, I'm wrong. Page 64, then.
11 A. 13 July 2003, yes, I've got that.
12 Q. Yes, now, if you please glance down it, but if you go
13 four or five lines down, it says:
14 "MI5 cannot match the name 'Siddique Khan' [spelt
15 with two Ds] with any in their databases ..."
16 Do you see that?
17 A. Yes.
18 Q. Now, you had this telephone subscriber check in your
19 records?
20 A. Yes, as I explain in, I think, my second statement, or
21 possibly my third, the ISC is in error here because we
22 didn't brief them correctly.
23 Q. Do you think you didn't brief the ISC correctly because
24 there are two Ds rather than one? Do you see? You're
25 checking, in July 2003, a number against Siddique Khan,

1 two Ds, so that somebody has said, maybe accurately,
2 that MI5 couldn't match Siddique, with two Ds, Khan?

3 A. No, we didn't brief them correctly because we'd
4 misunderstood what our own records said and believed
5 that this 11 March 2003 date for the check was an error
6 and should have said July, but our reinvestigations
7 recently confirm that 11 March is correct.

8 Q. So it's not that your systems were flummoxed by there
9 being two Ds rather than one?

10 A. That's not relevant for the system we're talking about
11 here. The error was ours in assuming that the 11 March
12 date on this document was incorrect when it was, in
13 fact, correct.

14 Q. Your first witness statement referred to -- at page 43,
15 so it is [SYS11005-43], paragraph 64. You refer to calls
16 between a pay-as-you-go mobile and the numbers used by
17 Omar Khyam in the latter part of 2003 and into 2004.

18 Yes?

19 A. Yes.

20 Q. So this is not Mohammed Qayum Khan?

21 A. Correct.

22 Q. This is Omar Khyam in the period developing into the
23 Crevice bomb plot?

24 A. Yes, that's correct.

25 Q. As you explain, the links were only made after 7 July.

1 Now, there is some reference to such calls in
2 appendix B to your third witness statement which is the
3 review document.

4 My Lady didn't have appendix A before. Do you have
5 appendix B?

6 LADY JUSTICE HALLETT: I do, thank you.

7 MR PATRICK O'CONNOR: I'm most grateful. This is SYS11079 [SYS11079-3],
8 and at paragraph 16. Paragraph 16 starts with the first
9 meeting of 2 February, do you follow?

10 A. Yes.

11 Q. That paragraph -- I'm going to take you through what
12 I think is a pattern -- that paragraph, heavily
13 redacted, refers to connections between a mobile phone
14 and Khyam's phone on 28 January?

15 A. Yes.

16 Q. So a few days before this first meeting on 2 February.
17 Do you follow?

18 A. I do.

19 Q. Then the next paragraph, 17, deals with further
20 telephone contact later in the day, and then there's the
21 narrative of the actual meeting. Do you follow?

22 A. Yes.

23 Q. If we then go to 28 February, which is on the sixth page [SYS11079-6]
24 of this document, paragraph 32, this deals with the
25 second meeting, 28 February. Do you follow?

1 A. I do.

2 Q. The introductory paragraph, heavily redacted, deals with
3 a period of time between 6.33 and 6.56, a couple of
4 hours before the actual meeting at 8.56.

5 If we go to -- putting 21 March -- no, 21 March is
6 dealt with in paragraph 41.

7 Paragraph 41 [SYS11079-7], again redacted, the unredacted part is
8 dealing with the 21 March meeting, isn't it?

9 A. Yes, that's correct.

10 Q. The redacted part is something that happens on 20 March?

11 A. I'm afraid I can't comment beyond what that says.

12 Q. It says "on 20 March", redacted, so something going on
13 on 20 March?

14 A. Well, the part after that is redacted.

15 Q. Again, this is the fourth and final part of the pattern,
16 paragraph 44, bottom of that page "activities of
17 23 March", paragraph 46, over the page [SYS11079-8], recounts the
18 events, but paragraph 44 [SYS11079-7] refers to mobile phone contact
19 between Khyam and MSK. Do you follow?

20 A. Yes, I do.

21 Q. Can we find from here, therefore -- I'm not asking you
22 for anything confidential, but in broad terms --
23 a pattern of mobile phone use between
24 Mohammed Sidique Khan and Omar Khyam in the lead-up to
25 each of these meetings?

1 A. Yes, that's fair.

2 Q. Good. That's what I thought I detected. I'm not going
3 to go behind the redactions.

4 A. I would be grateful if you didn't.

5 Q. No, I'm not going to. So obviously somebody has, and
6 you have, reviewed what is the sensitive aspect of this
7 and what is in this document and what's been redacted.
8 Can I ask you this, though, because it's obviously
9 not sensitive that there is this pattern, do you
10 understand: was there similar contact before
11 21 February 2004?

12 MR EADIE: My Lady, that's very problematic, or it may be.

13 MR PATRICK O'CONNOR: Why? It's the same principle. Why is
14 this more secret than what the witness has accepted?

15 LADY JUSTICE HALLETT: I think you'd better allow Mr Keith
16 or Mr O'Connor to whisper certain letters in your ear,
17 Mr O'Connor.

18 MR KEITH: We can't whisper anything, I'm afraid, because
19 that would be equally impermissible.

20 LADY JUSTICE HALLETT: If supposing, though, that something
21 existed ...

22 MR KEITH: Could my learned friend ask the question and then
23 we will reassess or rephrase it and then we will see
24 where we need to go thereafter?

25 MR PATRICK O'CONNOR: Fine. My Lady, what I'm very happy to

1 do is I will rephrase it, just on my feet, and then
2 leave it, everyone can think about it, perhaps speak to
3 me in general terms over the luncheon adjournment and
4 that's it.

5 LADY JUSTICE HALLETT: Mr O'Connor, you keep saying we're
6 going to do something later. At some stage, I have to
7 discuss with counsel the question of timing, because we
8 have limited time for dealing with this witness, and
9 I know Mr Smith, who has lined up other witnesses for
10 this week, is beginning to get anxious about timing.
11 So don't assume there's just going to be
12 a never-ending amount of time for us or for you to
13 examine Witness G.

14 MR PATRICK O'CONNOR: My Lady, very much, and we never have.
15 We are acutely aware of --

16 LADY JUSTICE HALLETT: Anyway, try the question again to see
17 whether we can avoid offending any of my rulings,
18 statutory instruments, Parliament Acts, whatever.

19 MR PATRICK O'CONNOR: Was there any mobile phone contact
20 between a mobile phone attributed to
21 Mohammed Sidique Khan and a mobile phone attributed to
22 Omar Khyam which took place on 20 or 21 February 2004?

23 A. My Lady, for the reasons you've identified, I don't know
24 whether I can answer this question.

25 Q. From a very early stage indeed -- this is a quite

1 different topic -- you were aware of a date of birth --
2 a purported date of birth, at any rate -- for
3 Mohammed Sidique Khan, 20 October 1974, and in
4 connection with the Stratford Street address. Is that
5 right?

6 A. Yes, that's right.

7 Q. It's our tab 27, but you've agreed --

8 LADY JUSTICE HALLETT: We don't need to go there. We've
9 already established that.

10 MR PATRICK O'CONNOR: I'm grateful.

11 The name Mohammed Sadikue Khan came up on a few
12 occasions in connection with the name Sidique Khan, did
13 it not?

14 A. Can you amplify that a bit?

15 Q. Yes. I can do it with a document. [MPS11009-55], please,
16 our tab 27.

17 This is a response to an action to research
18 99 Stratford Street saying the address is linked to
19 Sidique Khan. Do you follow?

20 A. Yes.

21 Q. Actioned on 2 March 2004.

22 A. Yes.

23 Q. Stratford Street is registered, blah.

24 "According to the voter's register, the following
25 are registered as occupants ..."

1 3:
2 "Mohammed Sadikue Khan", spelt S-A-D-I-K-U-E, which
3 is different from other spellings, is it not?
4 A. Yes.
5 Q. "Date of birth: 20 October 1974. Driver number",
6 et cetera.
7 That's driving licence number, isn't it?
8 A. Yes.
9 Q. "This licence is held with the surname spelt Sidique",
10 S-I-D-I-Q-U-E.
11 Do you follow?
12 A. I do.
13 Q. Granted the date of birth is there, do you follow, and
14 the address Stratford Street, which is heavily connected
15 with Sidique Khan, it would have been quite wrong for
16 anyone to look at this and say this is a quite different
17 person because the name Mohammed is there and Sadique is
18 spelt differently?
19 A. Yes, I think that's fair.
20 Q. Thank you. Did the Security Service, at any stage, do
21 any passport checks against -- I'll go slowly here and
22 carefully -- the name Khan, just the name Khan, and the
23 date of birth 20 October 1974?
24 A. I'm not aware that we did, no.
25 Q. Or any passport checks in relation to this person that

1 we're talking about --

2 A. Not prior to 7/7, no.

3 Q. No. Can I ask you -- we're talking about the systems in
4 2004/2005, they may well be completely different now --
5 but if, in 2004/2005, a Security Service officer had
6 interrogated your resources with the name "Khan" and the
7 date of birth 20/10/74 with a view to discovering if
8 there was a British passport and registering under those
9 details, would it have worked and come up with all
10 people named Khan with that date of birth?

11 A. Not if they had interrogated our systems, no.

12 Q. Did you have then -- I emphasise "then" -- any facility
13 for investigating whatever agency it was, the
14 Passport Agency, and their records?

15 A. Yes.

16 Q. You did. So if you approach them or interrogated their
17 system directly -- it doesn't matter how -- and asked
18 them to come back to you or asked the computer to come
19 back to you with "Khan, 20/10/74", you would have
20 expected it to have worked and come back?

21 A. I don't know, you'd have to ask the Passport Agency,
22 because I don't know how their systems work.

23 Q. You would expect it to work and come back with this
24 person's passport, wouldn't you?

25 A. I just don't know, because I don't know what details

1 they record.

2 Q. I mean, it so happens, by the way, in passing, that by
3 a remarkable coincidence, there was Mohammed Khan with
4 the same date of birth living in Lancashire, but that
5 just illustrates, perhaps, strange coincidences, but it
6 would have immediately come up and it would have been,
7 I suggest, distinguished.

8 You see, do you agree a passport, if you obtain it,
9 is a particularly informative document?

10 A. Yes, they're very valuable.

11 Q. There are quite a number of that things that arise out
12 of it. May we see Mohammed Sidique Khan's passport,
13 INQ11405 beginning at page 2 [INQ11405-2].

14 If we can go to page 10 [INQ11405-10], which is the basic identity
15 information, we see that this passport was issued in
16 1999 and has, obviously not reproduced here very well,
17 but a good, typical passport photograph and relatively
18 recent, it so happens, from 1999.

19 A. (Witness nods).

20 Q. So that's number one. If you're lucky, and here one
21 would have been, you can acquire a pretty good
22 photograph; yes?

23 A. Yes.

24 Q. Number two, of course, you can detect that person's
25 travel and visa history, can't you?

1 A. Well, you can for those ones that they legitimately put
2 in their passport, yes.

3 Q. Unless they've got another passport. All sorts
4 of possibilities. But you can detect at least some of
5 their travel history from the documentation.

6 Now, could we have up, please, the witness statement
7 of Natasha Brunning, INQ5796, because, although we could
8 look at the original passport, it has many foreign
9 stamps in Urdu and they're difficult for us to
10 understand and decipher; yes?

11 Now, if we look at this document, which reveals the
12 travel history of Mohammed Sidique Khan, after all her
13 many qualifications and experience, does she set out on
14 the second page, at paragraph 4, the travel history for
15 this passport as revealed by this passport?

16 A. She seems to. I haven't seen this document before.

17 LADY JUSTICE HALLETT: Mr O'Connor, I'm sorry to interrupt
18 you again. I thought the line of questioning was you
19 had the date of birth, you had the name, therefore you
20 could have enquired of the Passport Office and you would
21 have got presumably details as originally put on the
22 application, I think was the basis of your question.
23 You're not going to get the entries on the passport
24 itself, are you?

25 MR PATRICK O'CONNOR: No, then there's a misunderstanding,

1 my Lady. I wasn't purporting to refer to the
2 application form. I meant actually getting a copy of
3 the passport itself.

4 LADY JUSTICE HALLETT: But you won't get a copy of the
5 passport with the entry and exit visa stamps. They
6 don't go on to the Passport Office's record, or I don't
7 think mine ever have, as far as I know, they just go on
8 to the passport.

9 MR PATRICK O'CONNOR: My Lady, yes. My Lady, that is
10 absolutely right.

11 LADY JUSTICE HALLETT: So I don't follow this line of
12 questioning.

13 MR PATRICK O'CONNOR: I agree, and I'm corrected and I'm
14 grateful.

15 What I should be asking, and I stand corrected, is
16 a different route by which you may have discovered this
17 information.

18 May I put that different route just for the moment
19 to one side and just look at the information which was
20 potentially available about MSK's travel? My Lady
21 I apologise, that was a quite wrongly phrased question.
22 The different route I'll come to.

23 Mohammed Sidique's travel history, reveals, does it
24 not, we see from this witness statement, between
25 29 July 2001 and 4 September 2001 a visit to Pakistan?

1 A. Yes are.

2 Q. Can you confirm that Omar Khyam was in Pakistan between
3 29 June 2001 and 20 August 2001?

4 A. No, I can't, but that's because I don't know it, rather
5 than I'm saying it isn't true.

6 Q. I put that to you and that can be confirmed, hopefully.
7 Thus, there is a significant overlap with

8 Mohammed Sidique Khan's stay. I move on to the next --

9 LADY JUSTICE HALLETT: Just before we go through this, what
10 is the alternative route that this could have become
11 known by enquiries at the time?

12 MR PATRICK O'CONNOR: I'll gladly explore that with the
13 witness.

14 LADY JUSTICE HALLETT: I need to know, Mr O'Connor, because
15 I don't think it's fair to put to the witness: we now
16 know, because we actually have the physical passports,
17 where people went, when.

18 I think, as I understood it, the force of your
19 questions -- and I would find this most helpful -- is:
20 what could they have found out at the time?

21 Now, going back, for example, to your "Could you
22 have contacted the Passport Office? Could you have got
23 the copy of the application form?", that was the kind of
24 thing I would have thought was a relevant line of
25 questioning.

1 I'm sorry, I don't follow this is, unless you're
2 saying there's a way the Security Services could have
3 found out back at this time.

4 MR PATRICK O'CONNOR: Right. Was there any system of
5 record-keeping -- it wasn't the Border Agency then,
6 I don't think, in 2001, 2004, 2005, 2003 -- but was
7 there any system of record-keeping -- bare
8 record-keeping -- of departures and arrivals at UK
9 border points?

10 A. I'm afraid you'd need an expert from the Home Office or
11 the Passport Office or whatever, but my view, based on
12 my limited knowledge of these things, is that they were
13 not, at this time, recording departures from the UK
14 routinely of British citizens, but that is not a certain
15 answer, Mr O'Connor.

16 Q. Right. Have you heard of something called
17 Operation Theseus?

18 A. I have.

19 Q. Is that a system run by the Pakistani -- Pisces, I'm
20 getting muddled.

21 A. I haven't.

22 Q. You haven't heard of Operation Pisces. So I can't ask
23 you anything about that?

24 A. I'm afraid you can't, no.

25 Q. Right. I'll state the point, because, my Lady, I'm not

1 being as clear as I might be.

2 The proposition is that the Pakistani authorities,
3 from at least 2002, kept a record of arrivals and
4 departures through all the major airports, including
5 Islamabad, which is the relevant one, and the
6 Security Service has a close liaison partnership with
7 the Pakistani authorities, doesn't it?

8 A. The UK authorities do, yes.

9 Q. Is it right that if you asked or instigated a request
10 from the Pakistan authorities for information from any
11 such system, you would expect it to be answered
12 cooperatively by the Pakistani authorities?

13 A. I don't know, to be honest, Mr O'Connor. It would
14 depend what the question was.

15 Q. This is not a highly sensitive piece of information to
16 pass to the Security Service here, is it?

17 A. It really would depend on what the piece of the
18 information was and how the Pakistanis felt.

19 LADY JUSTICE HALLETT: Could we go back, Witness G, to, if
20 you had somebody's date of birth and a name and an
21 address, what, back in 2004, you might have expected, as
22 a senior manager, your staff could get from the
23 Passport Office by way of details on that person?

24 A. I think my Lady characterised this correctly earlier
25 that, with that sort of detail, we would have the

1 original application and any further applications for
2 the passport. I'm not sure whether we would have had an
3 image from it. I imagine we would have done, but
4 I don't know.

5 MR PATRICK O'CONNOR: Could we have [INQ11332-2], please,
6 because this says, does it not, in the small type above
7 the photograph, that this is indeed a copy of the
8 passport application form of Mohammed Sidique Khan --

9 A. Yes, it does.

10 Q. -- in 1999, with the good photograph?

11 A. Yes.

12 Q. If we go to -- well, there are mere bureaucratic
13 records, I think, on the next two pages of that document
14 which don't matter.

15 LADY JUSTICE HALLETT: There would be more if you saw the
16 original application. This is a summary of the document
17 as issued.

18 MR PATRICK O'CONNOR: It's just the photograph.

19 LADY JUSTICE HALLETT: I'm trying to help you, Mr O'Connor,
20 don't become defensive. What you might see in the
21 application form is a great deal more information.
22 I can't remember what one has to fill in, but it
23 includes addresses.

24 MR PATRICK O'CONNOR: Oh yes, it does, yes.

25 A. Sponsors, all sorts of things.

1 MR PATRICK O'CONNOR: Sponsors. In fact, there are sponsors
2 on the next page. But anyway, look, I'm not going to
3 dwell on this. I think the next page and the following
4 page, do you see, the third page, which is in fact
5 system page 4 [INQ11332-4], has Shakil, Mohammed, signed by an imam
6 and an address, but that doesn't take matters very
7 further.

8 I am going to move on and tackle this in
9 a slightly -- the same kind of issue, but in a slightly
10 different way, and it's to do with Operation Downtempo.
11 That, as we see from the gist at our tab 48, was set
12 up on 12 April 2005, and this document is at SYS11069 [SYS11069-2],
13 and on the second page of that document, at paragraph 9,
14 it sets out when Operation Downtempo was set up; yes?

15 A. Yes.

16 Q. That was because of fresh information that had been
17 passed from Babar in March 2005 and that's set out in
18 the paragraph just before; yes?

19 A. That's correct.

20 Q. Now, do you agree that, when that operation was set up,
21 it's not just going to be focusing on that new
22 information, but it's going to be looking at the
23 original information about Ibrahim and Zubair, provided
24 by Babar?

25 A. Yes, with the one exception that the new information

1 provided about where they lived; ie, Bradford rather
2 than Leeds --

3 Q. Yes, I understand?

4 A. -- was the information to be concentrated on.

5 Q. Yes. Of course, Bradford is very close indeed to Leeds,
6 isn't it?

7 A. Yes, it's not the same place, though.

8 Q. No. I'm sure people from each place would insist upon
9 that.

10 Shall we look back, then, at what Babar had first
11 said about Zubair and Ibrahim, core tab 45, this is our
12 starting point. Pages 62 and 63.

13 This is from 62, MPS4-62. It identifies the date
14 12 May 2004 and, over the page, could you please look at
15 the paragraph in the middle of the page, the longer
16 paragraph? This is Babar's original information about
17 Ibrahim and Zubair:

18 "Babar advised that in June 2003, Omar Khyam and
19 Babar travelled to Islamabad International Airport to
20 pick up Mashup (Babar identified [as] Ali Ahmed Khan).
21 Akib and Hamza (Babar identified by photograph as
22 Jawad Akbar), who were arriving from the UK. At the
23 airport, Babar and Khyam met Khalid, who was there to
24 pick up Ibrahim and Zubair, who had also arrived from
25 the UK. Babar advised that Khalid introduced Ibrahim

1 and Zubair (using their names) to the group. All the
2 individuals then travelled to a restaurant to have
3 breakfast."

4 That's it.

5 A. That's it.

6 Q. He doesn't then say anything about going to training
7 camps or anything like that?

8 A. Indeed.

9 Q. But if we just pause to think, do you not see that here
10 there are very significant clues as to the identity of
11 Ibrahim and Zubair? Do you not?

12 A. No, I think there are some, but I don't think there are
13 very significant ones.

14 Q. Because he names two of the people arriving at this
15 time, doesn't he, having identified them?

16 Ali Ahmed Khan; yes?

17 A. Yes.

18 Q. And Jawad Akbar?

19 A. Yes.

20 Q. Jawad Akbar was a charged defendant awaiting trial in
21 the Crevice proceedings, wasn't he?

22 A. Correct.

23 Q. His travel history will have been thoroughly
24 investigated for the purposes of that trial, won't it?

25 A. I would believe that to be so. I do not know that to be

1 so.

2 Q. Do you begin to see where I'm going, Mr G?

3 LADY JUSTICE HALLETT: Can you get there, Mr O'Connor?

4 Because at the moment, I don't.

5 MR PATRICK O'CONNOR: Right. You see it was immediately
6 ascertained, very promptly within weeks, I suggest, that
7 Jawad Akbar arrived at that airport on 25 July 2003 on
8 flight GF434. Do you understand?

9 A. Yes.

10 Q. These people were all arriving from the UK?

11 A. Well, Jawad Akbar was. The reporting doesn't suggest
12 that these had arrived from the UK that day.

13 Q. Yes, it's at the airport --

14 A. Who had arrived from the UK.

15 Q. -- Ibrahim and Zubair, who had also arrived from the UK.

16 A. Yes, but not necessarily that day or that flight.

17 Q. They're all meeting at the airport and Khalid is there
18 to pick up Ibrahim and Zubair, who had arrived from the
19 UK --

20 A. Yes.

21 Q. -- as had those two named people: Ali Ahmed Khan, who's
22 known to the Crevice investigation; and Jawad Akbar,
23 who's a charged defendant awaiting trial.

24 Now, do you not see that from this information it
25 would have been very easy to -- obviously, the police

1 found out the flight that Jawad Akbar used and all you
2 need to do is interrogate the passenger list for the
3 same flight and you would have come up with the
4 correct -- at least the passport identities, from that
5 passenger list of Ibrahim and Zubair, wouldn't you?

6 A. You certainly wouldn't have come up with the identities
7 of Ibrahim and Zubair, because they did not use those
8 identities. Nor would you have found any way to connect
9 them with others on the flight.

10 Q. We now know that Ibrahim was Mohammed Sidique Khan.

11 A. But we only knew that after 7 July.

12 Q. I know. We see Mohammed Sidique Khan's passport. We
13 know that that was the passport he used and, indeed,
14 further down, Ms Brunning's statement confirms exactly
15 that date that he arrived on 25 July 2003. Do you
16 understand?

17 A. A date, of course, different to the date given by
18 Mohammed Junaid Babar.

19 Q. I'm going to come to that because you're missing part of
20 Babar's account, but don't worry, we won't forget about
21 that.

22 But Ms Brunning -- and we didn't reach it because we
23 broke off -- confirms from Mohammed Sidique Khan's
24 passport that he arrived on 25 July 2003, and
25 overwhelmingly, even just looking at this text, these

1 people were arriving on the same flight, weren't they?
2 A. I wouldn't have drawn that assumption at the time.
3 Q. No?
4 A. No.
5 Q. They are arriving at the same time from the UK, aren't
6 they?
7 A. They are arriving -- they're at the airport at the same
8 time and they've all come from the UK.
9 Q. Arriving from the UK. That's what Babar --
10 LADY JUSTICE HALLETT: Can we just go back? I want to
11 follow this. How did you ascertain -- Mr O'Connor put
12 to you and you agreed, you immediately ascertained that
13 Akbar arrived on 25 July on that particular flight. How
14 was that done?
15 A. Well, Mr O'Connor tells me the police did that after the
16 Crevice arrest.
17 MR PATRICK O'CONNOR: My Lady, yes, that's from open
18 information from the used -- all the used time-lines,
19 travel-lines, in the Crevice trial. Obviously, the
20 police were interrogating that very anxiously and found
21 that information.
22 LADY JUSTICE HALLETT: Right, because, otherwise, as far as
23 Babar was concerned, he hadn't given us much idea of the
24 date, just --
25 MR PATRICK O'CONNOR: No.

1 LADY JUSTICE HALLETT: So we don't know how many flight
2 passenger lists one would have had to interrogate.
3 MR PATRICK O'CONNOR: I agree, unless and until you find out
4 when Jawad Akbar arrived from his passport.
5 LADY JUSTICE HALLETT: That's what I was asking, that's why
6 I wanted to --
7 MR PATRICK O'CONNOR: Yes, and once you've got that date,
8 you've -- I suggest realistically you've only got one
9 flight passenger list to interrogate and you would have
10 come up with the name Mohammed Sidique Khan. Do you
11 understand?
12 A. I do.
13 Q. That could -- Operation Downtempo, being set up
14 in April 2005, looking back at this, Jawad Akbar's
15 travel history amply established by that time -- do you
16 understand -- all your Security Service colleague has to
17 do is find out from the police what Jawad Akbar's
18 arrival date was -- do you follow? --
19 A. I do.
20 Q. -- and, indeed, the flight number, and then check the
21 passenger list of one flight, and you would have found
22 somewhere in that passenger list, you will have known to
23 say 90 per cent of certainty, is Ibrahim and Zubair, and
24 then you come across Mohammed Sidique Khan and you've
25 hit the jackpot. Do you understand?

1 A. I can see your logic, yes.

2 Q. Was any of this done in Operation Downtempo?

3 A. The comparison of Jawad Akbar's flight details was not
4 done, no.

5 Q. Can I just deal with your perfectly partially accurate
6 reference to Babar talking about June in this paragraph?

7 At another time -- and this appears from the review
8 document -- forgive me that this is indirect, but let us
9 assume it's accurate. From the review document
10 appendix B to your third statement at paragraph 10 -- so
11 the second page of [SYS11079-2] -- this is an account of
12 Babar's evidential interview, which begins at
13 paragraph 9, in March 2005 -- do you follow? --

14 A. Yes.

15 Q. -- before the start of Operation Downtempo.

16 A. Yes, well, that was one that triggered the start of
17 Operation Downtempo.

18 Q. Good. So this is the text, indeed, of the first account
19 of attendance at the training camp which is the trigger
20 to Operation Downtempo.

21 A. That's correct.

22 Q. It's in paragraph 10 that he talks about the Malakand
23 training camp:

24 "[Babar] advised that the Malakand training camp
25 commenced in early July 2003 with the initial attendees

1 consisting of: Omar Khyam, Shujah Uddin Mahmood,
2 Anthony Garcia, Shiraj Ui-Islam, Ayoub,
3 Zeeshan Siddique, Imran ... and Atif Jaleel. Later
4 in July 2003, this group was joined by Khan, Akbar,
5 Gulzar ... Khawaja, [Mohammed Sidique Khan], Ibrahim and
6 Mohammed Shakil ... Zubair."

7 Do you follow?

8 A. I do.

9 Q. So that timing is entirely consistent with arrival on
10 25 July, which actually we now know to be the case?

11 A. Yes, correct.

12 Q. Do you agree?

13 A. Yes, I do.

14 Q. So it would be quite wrong to sort of latch
15 upon June 2003 as being set in stone and, therefore,
16 inconsistent with his arrival with Jawad Akbar?

17 A. But it would be significant at the time we began looking
18 at this, that was the date we had.

19 Q. Of course, part of the picture.

20 Now, if Mohammed Sidique Khan had been identified as
21 Ibrahim by this passenger list route early in
22 Operation Downtempo, do you agree that would have
23 transformed the assessment of him?

24 A. It would have made him much more significant.

25 Q. You've already accepted that if it had been

1 established -- and it wasn't -- but if it had been
2 established that he had been present at the 21 February
3 meeting with Khawaja in London, that would have sent him
4 up the ratings, as it were, in priority. This would
5 have sent him much further up the priorities, wouldn't
6 it?

7 A. This is a more important piece of information than the
8 21 February information, yes.

9 Q. If we go back to appendix B again, please,
10 paragraph 14 [SYS11079-3] -- I'm very sorry if we came away from it
11 unnecessarily. It's on the screen already:

12 "Several possible candidates for Ibrahim and Zubair
13 were identified, but the identification was difficult as
14 the above bears no resemblance to their real names and
15 the task was further complicated as Babar erroneously
16 reported that they were from Bradford as opposed to
17 Leeds."

18 Right?

19 A. Yes.

20 Q. "In May 2005, the three Leeds-based individuals who
21 featured in the 2 February surveillance coverage of
22 Omar Khyam were flagged up as three of several possible
23 candidates for Ibrahim and Zubair."

24 On what basis was that?

25 A. That was an intuition by the desk officer at the time,

1 who remembered the northern figures who had been in
2 Crevice.

3 Q. Right. It was an accurate intuition and a tribute to
4 him?

5 A. Yes, it was indeed.

6 Q. Do you agree, if that intuition had been taken this one
7 step further of tracking through Jawad Akbar's flight,
8 one would have reached the jackpot?

9 A. If it had worked in that way, yes. It would have been
10 unusual to work further on that intuition because of the
11 strong contra-indicators that the men referred to as the
12 "three Leeds-based individuals" had been shown to
13 Mohammed Junaid Babar and to the second detainee who had
14 not identified them.

15 Q. That's part of the picture, the photographs.
16 Can I ask you a final question about Babar? You
17 will be aware recently it's come to your knowledge,
18 public knowledge, about Babar being sentenced in
19 New York very recently in December and, it may be you
20 can say, he was sentenced to immediate release and that
21 caused a certain amount of surprise. To you?

22 A. I can't say it caused any surprise to me one way or the
23 other.

24 Q. No, right. You know, bringing it together, that the
25 burden of a certain amount of perhaps speculative

1 publicity, but based on bits and pieces, whatever, the
2 burden of a certain amount of recent publicity has been
3 to the effect that Babar might have been acting
4 long-term as an information source for the American
5 authorities for years before his detention in New York
6 in March/April 2004. That's the story, as it were. Do
7 you follow?

8 A. I do.

9 Q. The only reason I'm asking you that is, of course, that
10 if he was, and if such information was passed on to the
11 Security Service, for example, then that potentially
12 could have been a source of vital information about all
13 these activities that we are -- many of these activities
14 we're talking about. Do you agree with that in
15 principle?

16 A. That's a hypothetical question, but, yes.

17 Q. Yes. So I literally ask you one question, then, and it
18 may be you'll be pleased to say this publicly, I do not
19 know.

20 Are you aware of any information which could tend to
21 confirm that Babar had been providing information on the
22 activities of the Crevice plotters and of other people
23 in Pakistan before his detention in New York?

24 A. I am not.

25 Q. Right.

1 In relation to the Saddique and Imran gist, which is
2 [SYS53-1]. Now, that is the unrevised one, probably. The
3 revised one, my Lady, was appendix D to this witness's
4 third statement, and so I do not know if it's on the
5 system, forgive me, that's something I've not
6 ascertained, because these appendices --

7 MR KEITH: The amended version was sent round by Mr Smith to
8 all the interested persons. The copy on the system was
9 replaced with the new, amended version. It is the
10 version in my Lady's bundle and we can verify that if it
11 has underlinings on it.

12 A. I'm not sure I have it at 53. I think the court is
13 aware I'm particularly anxious to follow this one.

14 MR PATRICK O'CONNOR: Oh, yes, you must be. The reference
15 we had -- if it's been replaced on the system, which
16 Mr Keith very helpfully is suggesting, and that's the
17 simplest way in which it was done --

18 A. That's right, I have it on the screen.

19 MR KEITH: The underlined version is the new version.

20 MR PATRICK O'CONNOR: Yes, it's SYS53. We have it at
21 tab 47.

22 A. 47?

23 Q. Tab 47.

24 A. Thank you.

25 Q. Can I ask you to confirm from the second paragraph --

1 there's a reference to Batley -- I'll start more fairly.

2 The intelligence comes between January

3 and March 2005 to the effect two men by the names of

4 Saddique (with the name not Khan) and Imran, both from

5 Batley in West Yorkshire, and they'd been trained in

6 Afghanistan in the late 1990s/early 2000s. Yes?

7 A. Correct.

8 Q. Intelligence suggested -- well, just pausing there, if

9 Mohammed Sidique Khan did indeed visit Pakistan in 2001,

10 as I have suggested he did, and is confirmed by

11 Ms Brunning, that is a possible occasion falling into

12 the early 2000s when he could have been trained by going

13 over the border, do you agree?

14 A. That's a possibility, yes.

15 Q. Next sentence:

16 "Intelligence suggested that Saddique lived in the

17 Soothill area of Batley."

18 Now, can you confirm that Gregory Street in Batley,

19 an address regularly connected with

20 Mohammed Sidique Khan, is, indeed, in the Soothill area

21 of Batley?

22 A. I can confirm that that one is, and the other addresses

23 connected with him are not.

24 Q. No, they're not. In fact, Batley isn't Leeds, and

25 indeed, it's so close that I think that your

1 surveillance officers, on their two follows, record,
2 I think, that when they're following and housing the
3 occupants of the Honda, they actually go along a road
4 very close to where this is all happening and it's
5 Soothill Park Road or something like that?

6 A. (Witness nods).

7 Q. Jumping a sentence about their intentions:

8 "Saddique [or Sidique] (or Sidiq) was in his early
9 30s ..."

10 That is right for Mohammed Sidique Khan, isn't it?

11 A. It is.

12 Q. "... and attended the gym."

13 We've heard many references in
14 Mohammed Sidique Khan's background to him attending
15 a gym, haven't we, although that, of course, applies to
16 many hundreds of thousands of people?

17 A. It does.

18 Q. "It was reported that Saddique had travelled to Pakistan
19 in 2001 for two months where he received some military
20 training in a Mujahaddin camp."

21 Now, again, specifically 2001 this time, that
22 applies to Mohammed Sidique Khan?

23 A. It does.

24 Q. At least the date and the travel to Pakistan, we don't
25 know what he was doing in that time.

1 A. No, yes, you're quite right.

2 Q. It's a fair qualification. You get a telephone number
3 for Imran?

4 A. (Witness nods).

5 Q. And paragraph 3, these people are associated with "Taf",
6 which immediately was connected with Tafazal Mohammed?

7 A. Yes.

8 Q. That applies to Mohammed Sidique Khan?

9 A. Yes, in a limited way, but, yes.

10 Q. Yes, and it is accepted that the Security Service had
11 the responsibility of taking action and developing this
12 intelligence, if at all?

13 A. Yes.

14 Q. It was considered to be reliable?

15 A. Yes.

16 Q. But when it says in paragraph 5 "no investigative steps
17 were taken to identify Saddique", does that literally
18 mean nothing was done?

19 A. It does.

20 Q. Granted the history of training, perhaps more than one
21 visit to Pakistan and the intelligence about this
22 person's intentions and views, if possible, it would
23 have been very important indeed to identify Saddique?

24 A. It would have been worthwhile rather than very important
25 indeed. This would not have put him at the top of our

1 priority list.

2 Q. No. Can you really tell us -- and I do pause after
3 asking this question and ask you, please, to think;
4 my Lady's made a ruling that this is the information
5 that can be provided -- is it really not possible,
6 taking into account the understandable concerns of the
7 bereaved on this, to give any more information at all
8 about the reasons why this wasn't actioned? Is that --

9 MR EADIE: My Lady, you've made a ruling on this. Mr Keith
10 was about to make the same point. We've been over this
11 ground with my Lady in some detail in closed session and
12 it's not fair to ask that.

13 MR PATRICK O'CONNOR: All right.

14 MR KEITH: My Lady, could I add one point to that? I hold
15 no brief, of course, for the Security Service or for the
16 Home Secretary for the Home Department, but it seems to
17 me to be particularly unfair, in the light of my Lady's
18 ruling, that there should be a link or a suggestion made
19 that the interests of the bereaved families should in
20 some way lead to the witness departing from that ruling.
21 It is not, if I may say so, with the greatest of
22 respect, a proper basis on which to invite the witness
23 to depart from something he knows to be a ruling from
24 this court.

25 MR PATRICK O'CONNOR: I mentioned the ruling, and of course

1 I wasn't seeking to do anything in defiance of it and
2 I withdraw the question, which I hope one would
3 understand is, as it were, a natural human one, but an
4 unfair one legally, and I withdraw it, I do. My learned
5 friends have made good objections.

6 The causation point is to the following effect, is
7 it not, if I may call it the causation point, in your
8 statement? It's really to this effect, isn't it: that
9 because of the video made by Mohammed Sidique Khan
10 in November 2004 -- in fact, I think more than one he
11 made -- before he went to Pakistan, effectively saying
12 goodbye, that at that stage, he cannot have had any kind
13 of intention to carry out a terrorist atrocity in this
14 country because he wasn't intending to come back?

15 A. That's part of the causation point, yes.

16 Q. Exactly. The history is then from the diary entry, is
17 it not, of his wife recording that there was a change of
18 intention, 25 November, I think, shortly after he went,
19 one begins -- the possibility of him doing something
20 back in this country reopens?

21 A. Well, the possibility of him returning to this country
22 rather than necessarily conducting a terrorist attack
23 here, but certainly returning to this country.

24 Q. That's right. As it were, the inconsistency between his
25 intentions of not coming back and any terrorist

1 intentions here disappears because he's coming back, but
2 of course it's quite some time before he does come back,
3 25 November, he comes back on 8 February 2005.

4 Now, the causation point is that no matter what you
5 had done earlier in 2004, do you follow, there were no
6 conceivable, reasonable means of any kind which you
7 could have done to detect the July 2005 plot in 2004
8 because it hadn't even been formed, and on this history
9 was only formed, at the earliest, December 2004 and
10 onwards.

11 A. That's correct.

12 Q. That's the point, isn't it?

13 A. That's correct.

14 Q. You see, if the assessment had been, in 2004, not that
15 these were small-time fraudsters who had not been
16 engaged in attack planning -- do you follow? -- which
17 was the assessment --

18 A. Yes, yes.

19 Q. -- if the assessment was, in fact, maybe that he had
20 been engaged in attack planning but had been
21 frustrated by the arrests and the seizure of the
22 fertiliser -- do you understand?

23 A. Yes.

24 Q. Looking at it through those eyes, I suggest that limited
25 measures could have been taken in 2004, in loose terms,

1 to keep tabs on men D and E. Do you understand?

2 A. I do.

3 Q. And, granted that you had a lot of pointers to man E
4 being Mohammed Sidique Khan, to monitoring his travel,
5 particularly between the UK and Pakistan, is that
6 something that you had the resource to do?

7 A. If our assessment had justified it, which it did not,
8 yes.

9 Q. So if your assessment in 2004 had been along the lines
10 I've just explained, and you had then acted on it and
11 detected his travel to Pakistan and back -- do you
12 understand -- then upon his return he could and should
13 have been given quite a high priority, shouldn't he?

14 A. Not the mere fact he'd been to Pakistan and back, no,
15 that wouldn't -- that would have been of interest, but
16 I wouldn't say that could and should have meant that he
17 would have had a higher priority.

18 Q. But in light of the previous different assessment that
19 I put to you, plus his travel to Pakistan, he would have
20 been given a higher priority, wouldn't he?

21 A. Possibly. Lots of people, including our targets, do
22 travel to Pakistan for non-nefarious purposes.

23 Q. It isn't, surely, that either the Security Service, or
24 indeed the police, confine themselves to keeping tabs
25 only on people who are, as it were, members of

1 a completely formed and defined conspiracy, is it?

2 A. No, absolutely not.

3 Q. Because -- take a pretty everyday example: the police
4 can be monitoring a gang of armed robbers before knowing
5 that they're going to hit a town outside London and,
6 indeed, particular banks. So similarly --

7 A. But they would normally be satisfied they believed them
8 to be armed robbers.

9 Q. Oh, correct. So the fact that this particular
10 conspiracy cannot -- and we accept -- cannot have been
11 formed before about December 2004 in itself, I suggest,
12 is not an answer to why they were not detected of
13 itself, is it?

14 A. Sorry, Mr O'Connor, I think you will have to repeat the
15 question, I don't quite understand it.

16 Q. The core of the causation point is that the 7/7 plot was
17 not and could not have been formed before
18 about December 2004.

19 A. Yes.

20 Q. A specific bomb plot for London. But that doesn't
21 justify absolutely no priority being given to man D and
22 E, to Mohammed Sidique Khan, and taking some measures to
23 monitor their activities.

24 A. We believe the correct priority was accorded to them and
25 we did take some measures.

1 Q. You sent one message to West Yorkshire Police, subject
2 to all the qualifications and limitations that we've
3 established. That's all you did.

4 A. And that's a reflection of their low priority.

5 Q. I agree. That's what actually happened, but in fact,
6 that's the wrong priority that was given to them,
7 because no allowance was made for the possibility they
8 had been attack planning. Do you follow?

9 A. Because we judged, and continue to judge, that they were
10 not involved in attack planning relating to Crevice or
11 anything else in the summer of 2004.

12 Q. A certain amount of training activity in Pakistan takes
13 place surprisingly openly, doesn't it?

14 A. Yes, it does.

15 Q. So if -- and this is on the hypothesis that you're
16 monitoring Mohammed Sidique Khan's travel. Do you
17 follow?

18 A. (Witness nods).

19 Q. And he does go to Pakistan. It is possible for the
20 Security Service to enquire of your liaison partners in
21 Pakistan if they have any information about the
22 activities of that person after their arrival. It's
23 possible to ask.

24 A. It is possible.

25 Q. And the Pakistan ISI -- which is your liaison partner,

1 or one of your liaison partners there -- is an extremely
2 powerful organisation, isn't it, in Pakistan?

3 A. Well, it's the external Intelligence Service.

4 MR PATRICK O'CONNOR: Right, my Lady, very happily, I've
5 reached my last topic. The topic is resources and
6 that's very different.

7 LADY JUSTICE HALLETT: Right. Is that the 2004 report
8 you --

9 MR PATRICK O'CONNOR: That's part of it. May I just ask --
10 after my Lady has risen, I will securely ascertain
11 precisely which pages we're going to be referring to,
12 make sure Witness G is told that, if he doesn't mind,
13 and I'll tell my learned friends as well, of course.

14 LADY JUSTICE HALLETT: Thank you. As far as anybody else is
15 concerned, do any other representatives of the bereaved
16 families seek to ask any questions?

17 MR SAUNDERS: No thank you, my Lady.

18 MS SHEFF: No, my Lady.

19 MR PATTERSON: No.

20 LADY JUSTICE HALLETT: Any other representative of police
21 forces? Right, so it's just -- I thought Mr Taylor
22 wished to --

23 MR KEITH: I don't believe Mr Taylor is here. He's not here
24 yet.

25 LADY JUSTICE HALLETT: So Mr Taylor, and then, Mr Eadie, do

1 you have any estimate at the moment as to how long you
2 think you might require? It's just that I don't think
3 at the moment Witness G has been asked to attend
4 tomorrow.

5 MR EADIE: He hasn't.

6 LADY JUSTICE HALLETT: So we need to work out whether we're
7 going to have sufficient time. Unfortunately, I'm not
8 in a position to sit late this evening either.

9 MR EADIE: I don't know how long my learned friend
10 Mr O'Connor is going to be this afternoon.

11 MR PATRICK O'CONNOR: I will try very hard to keep it to
12 three-quarters of an hour. But --

13 LADY JUSTICE HALLETT: On resources?

14 MR PATRICK O'CONNOR: Yes, it's an immense topic. But I've
15 got some very condensed material.

16 LADY JUSTICE HALLETT: Right, well, I do understand that
17 this is a very important topic and, therefore, I don't
18 want to be too overly zealous about imposing it,
19 although we obviously need to stick to the timetable as
20 best we can.

21 So Witness G, can you be here tomorrow, if we
22 absolutely had to ask you to come?

23 A. I can.

24 LADY JUSTICE HALLETT: Very well. 2.05.

25 (1.05 pm)

1 (The short adjournment)

2