

Coroner's Inquests into the London Bombings of 7 July 2005
Hearing transcripts - 24 February 2011 - Afternoon session

1 (2.05 pm)

2 LADY JUSTICE HALLETT: Mr Keith?

3 MR KEITH: My Lady, Witness G is back with us to deal with
4 the last point to which my learned friend Mr Eadie made
5 reference. I will leave it to him to address the point.

6 LADY JUSTICE HALLETT: Mr Eadie?

7 WITNESS G (continued)

8 Questions by MR EADIE (continued)

9 MR EADIE: Witness G, have you, overnight, had cause to have
10 some researches conducted into what we are calling the
11 manifest point?

12 A. I have.

13 Q. Is the product of those researches contained in a --

14 MR KEITH: It's on the system, if my learned friend needs
15 it, at temp 2.

16 MR EADIE: Can we have that up on the screen, please?

17 I don't know if we can blow that up a little. It's
18 not very legible.

19 G, I want particularly to focus, if I may, on
20 paragraph 3 of that document, taking the rest of it as
21 read, as it were.

22 So far as that is concerned, is it your
23 understanding that a formal request was made by the
24 Metropolitan Police post-arrest in order to obtain
25 details about Akbar's travel?

1 A. It is my understanding.

2 Q. What was the date on which that request was made?

3 A. June 2005.

4 Q. When was a response received from the Pakistani
5 authorities in relation to that?

6 A. That was received in September 2005.

7 Q. Is that the date we see in subparagraph (d) of
8 paragraph 3?

9 A. It is.

10 Q. In order to produce that result, had the Pakistani
11 authorities simply gone to an airline and got the
12 manifest details with a list of all the passengers?

13 A. They had not.

14 Q. What had they gone to?

15 A. They had interrogated their system, Pisces.

16 Q. What does that give you?

17 A. Pisces, as I understand it, is a central system operated
18 by the Pakistani authorities which will offer a date and
19 time of passing through immigration control for named
20 individuals, not flight manifests.

21 Q. As part of that, as we see from paragraph 3(a), the form
22 in which that request was made was by way of a request
23 for mutual legal assistance, was it?

24 A. That is correct.

25 Q. The response that came back was, what? It was in the

1 form of a statement, according to 3(c). Is that right?

2 A. That's my understanding.

3 Q. That gave a flight number and carrier and route?

4 A. That is correct.

5 Q. As a result of that, the Met made further enquiries;

6 yes?

7 A. That's correct.

8 Q. Those are set out in subparagraph (e) of paragraph 3.

9 Is that right?

10 A. They are.

11 Q. As a result of that, because those enquiries were

12 carried out after the 7/7 attacks, it was by that date

13 known that Ibrahim was, in fact, MSK. Is that right?

14 A. That is correct.

15 Q. It was through that route, and that route only, that

16 they arrived at MSK being on that flight?

17 A. That is correct.

18 Q. Could we go to the next page, please, on the screen? Is

19 the point that is the core point that's being made in

20 paragraph 4 that SYS wouldn't have had any reason, prior

21 to March 2005, to make a any sort of similar request to

22 the Pakistani authorities? Why is that?

23 A. Because we wouldn't have required that for intelligence

24 purposes, unlike the Met requiring it for evidential

25 purposes.

1 Q. What's the significance of the March 2005 date?

2 A. In March 2005, that's when we received the additional
3 information from Mohammed Junaid Babar.

4 Q. If you had made a similar request, does paragraph 5 then
5 set out the additional steps that you would have needed
6 to take in order to achieve an identification result?

7 A. Yes, I think that's correct.

8 Q. Paragraph 6 looks, unless I'm missing something, to be
9 something of a repetition of what we've already seen in
10 paragraph 3: namely, the date of the request by the Met
11 and the date on which the response was given. Is that
12 right?

13 A. Yes, that's correct.

14 Q. Then in paragraph 7, you deal with the most likely
15 mechanism for seeking to establish the identity of
16 Ibrahim, which was through photographs. Is that right?

17 A. That's correct.

18 Q. Rather than this sort of, as we now know it would have
19 to have been, convoluted process?

20 A. That's correct.

21 Q. In any event, paragraph 8 is dealing with whether or not
22 you had enough specific details at the time to make
23 a sensible interrogation of the Pakistani authorities
24 even assuming that time and everything else permitted?

25 A. That's correct.

1 MR EADIE: I'm grateful. Thank you, Witness G.

2 MR PATRICK O'CONNOR: Very briefly, my Lady.

3 LADY JUSTICE HALLETT: As long as it's to put this issue to
4 rest, Mr O'Connor, is it, or is it to explore it
5 further?

6 MR PATRICK O'CONNOR: My Lady, it's to put it to rest very
7 substantially in our favour.

8 LADY JUSTICE HALLETT: I'm not sure that that's going to be
9 possible. I'll allow you a certain amount of leeway,
10 but I'm going to be cutting you short, I suspect,
11 Mr O'Connor, if it goes on too long.

12 Questions by MR PATRICK O'CONNOR

13 MR PATRICK O'CONNOR: This information confirms, doesn't it,
14 that it was possible for the British authorities to
15 identify the date and flight number of Jawad Akbar's
16 arrival in Pakistan in July 2003 through cooperation
17 with the Pakistani authorities and the Pisces system?

18 A. That's correct.

19 Q. It also confirms, does it not, that if the authorities
20 had wished to obtain from the airline, which would have
21 been disclosed by the Jawad Akbar flight information, it
22 could have obtained the full manifest for that
23 particular flight? That is confirmed, isn't it, that
24 that was possible?

25 A. It could have done.

1 Q. It is quite right, isn't it, and accepted, that there
2 was no reason for the Security Service of itself to try
3 to find out about Jawad Akbar's actual travel times and
4 dates, because he was in custody awaiting trial and you
5 didn't have sufficient interest to try to find that
6 information out of itself?

7 A. That's correct.

8 Q. However, you understood yesterday that from a proper
9 reading of Babar's first information, it could have been
10 inferred, in fact as we see correctly, but it could have
11 been inferred that Ibrahim arrived on the same flight as
12 Jawad Akbar?

13 A. It couldn't have been inferred correctly from his first
14 statement, because he said they arrived in June 2003.

15 Q. Whenever the arrival was -- and I'm going to come to
16 this because there is a further little point on this by
17 way of answer -- in whatever month it was, it could have
18 been inferred that Ibrahim arrived on the same flight as
19 Jawad Akbar, couldn't it, from the meeting at the
20 airport?

21 A. It's a possibility.

22 Q. Yes, and that's proved to be correct, hasn't it?

23 A. It has.

24 LADY JUSTICE HALLETT: Pausing there, do we know how many
25 flights from how many routes land at that airport on any

1 particular day, Witness G?

2 A. My Lady, I can't offer you any figures on that, but
3 I can tell you that London to Islamabad via a number of
4 routes, particularly including the Gulf, is quite common
5 because there is so much traffic both ways.

6 MR PATRICK O'CONNOR: But a clear possibility -- I suggest
7 probability, but let's not argue over it -- which has
8 proved to be correct, that they arrived on the same
9 flight?

10 A. They did arrive on the same flight, yes.

11 Q. Now, in fact, addressing this month point, could we have
12 up, please, INQ10300-41, and this is Babar's witness
13 statement dated 14 March 2005. Do you understand?
14 Therefore, highly relevant to the Downtempo
15 investigation --

16 A. Correct.

17 Q. -- of who Ibrahim was. You see from page 41 that, in
18 fact, Babar's account there is halfway down the page:
19 "Around the end of July 2003, there was a group of
20 guys who were to arrive in Pakistan for the training
21 camp. Around this same time Ausman and I went to
22 Islamabad airport to collect ... When we got to the
23 airport Khalid ... there ... collect two other guys ...
24 fact-finding mission for Q."
25 Then it named Zubair and Ibrahim, do you follow?

1 A. I do.

2 Q. So the month point -- and I don't suggest this entirely
3 disappears because Babar is being inconsistent, but his
4 latest account was plainly from a gist and also from
5 this, an FBI summary in this, that it was July?

6 A. You're quite right, Mr O'Connor, he is inconsistent, but
7 you're quite right in this statement he says July.

8 Q. And July is the correct month?

9 A. It is.

10 Q. Finally, this gist gives us a helpful indication through
11 other enquiries that were made about the time lag that
12 in fact happened between the enquiry of the Pakistan
13 authorities in June 2005, about Akbar, and the witness
14 statement being produced on 6 September 2005. Do you
15 follow?

16 A. I do.

17 Q. Query, do you allow the receipt of the formal witness
18 statement may not actually reflect precisely the receipt
19 of the bare information. It's possible that was
20 communicated --

21 LADY JUSTICE HALLETT: Wait a minute, Mr O'Connor, I'm
22 sorry, I'm stopping you here. This was a request made
23 by UK authorities after London had just been blown up.

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

25 LADY JUSTICE HALLETT: You cannot ask me to find as a fact

1 that you'd have received the same kind of rapid
2 cooperation if some kind of request had been sent years
3 before in relation to somebody they didn't really know
4 much about. I'm sorry, that is not a good point and
5 I am not going to allow you to pursue it.

6 MR PATRICK O'CONNOR: My Lady, the point is, in fact, the
7 opposite. This is my last question, my Lady, and I have
8 a document to go to, so we're talking about, once I ask
9 this question --

10 LADY JUSTICE HALLETT: All right, carry on.

11 MR PATRICK O'CONNOR: My Lady, may I explain why it's the
12 opposite? Because it's the very fact that Akbar is in
13 custody and the authorities had this information from
14 his passport anyway, as this gist points out.

15 So this enquiry was not actually urgent and, by
16 contrast, the enquiry about Ibrahim was because he's
17 free and potentially a threat. Does my Lady see the
18 point?

19 LADY JUSTICE HALLETT: Mr O'Connor, unless I'm going to ask
20 Witness G to take me through the kind of time-lag you
21 get from requests to foreign countries we will be here
22 for, I suspect, days.

23 I have done a number of cases involving requests to
24 foreign countries. I suspect you have too. And the
25 response from foreign countries varies enormously,

1 depending on the circumstances, both in our country, in
2 their countries, and their response.

3 I am not going to enable you to make a bad point
4 without saying to Witness G: go away and get me the
5 evidence about the average response time to an ordinary
6 request to Pakistan.

7 MR PATRICK O'CONNOR: My Lady, I'm sorry, but the tension
8 between us at this moment is entirely a result of the
9 way this morning was very substantially expended without
10 very much product.

11 My Lady, I would like, please -- there is going to
12 be no such explanation as you fear. There is one
13 document which illustrates my point very simply and
14 clearly. Can I ask for it to be put up, we'll see it
15 and we'll see the time-lag?

16 LADY JUSTICE HALLETT: You can ask for it to be put up,
17 because I'm going to let you just have this one last
18 piece of leeway. If you describe a tension, it is
19 because parties -- wrongly, in my view, and wrongly in
20 law -- have been treating these proceedings as if they
21 are adversarial. They have been accusing Counsel to the
22 Inquests of asking questions with a particular motive in
23 mind.

24 MR PATRICK O'CONNOR: We haven't, my Lady.

25 LADY JUSTICE HALLETT: Mr O'Connor, may I finish, please?

1 MR PATRICK O'CONNOR: Yes.

2 LADY JUSTICE HALLETT: They act for me and they do not take
3 sides, and if tension is arising in these proceedings,
4 I attribute it solely to the way some parties have been
5 treating these proceedings.

6 So could we please all allow the temperatures to
7 calm or to lower and for everybody's tempers to calm
8 down and to focus on the issues which can properly be
9 put to the witnesses.

10 Right, you have two minutes.

11 MR PATRICK O'CONNOR: Could we please have INQ9398-2 up,
12 please? Could it be expanded?

13 Do you see this is a Pisces answer to a request for
14 information?

15 A. So it appears to me. I'm not familiar with these.

16 Q. You see that it is a reply of 22 August 2005.

17 A. Is that in the top right, Mr O'Connor? I can barely
18 read it.

19 Q. I agree. Do you see "Available query particulars, query
20 date 22 August 2005"?

21 A. Yes.

22 Q. And you see "deputy command", blah blah blah,
23 "Islamabad, through Pisces via letter", blah blah blah,
24 "dated 22 August 2005"?

25 A. No, I'm afraid I can't read the second bit, but I'm

1 assuming that is what it says.

2 Q. That is what it says. Do you agree this query is very
3 likely to have been sent after the 7 July bombings,
4 there's no reason for it to have been sent before?

5 A. It is likely, but I do not know.

6 Q. If this answer -- I've asked Mr Hill to help us on this,
7 and Mr Hill is nodding, my Lady, I asked him earlier
8 today to save time -- but if this answer is dated
9 22 August 2005, it shows that there's a time-lag of some
10 six weeks or so, seven weeks perhaps. Is that right?

11 MR HILL: Can I help?

12 MR PATRICK O'CONNOR: Thank you.

13 MR HILL: Request made on 1 August, answered on the 22nd.

14 MR PATRICK O'CONNOR: Three weeks.

15 My Lady, I apologise for going beyond the two
16 minutes, but it has established something which is
17 informative and takes us well, well, well beneath the
18 four months appearing in this gist in relation to those
19 other enquiries.

20 That's all I ask. Thank you.

21 LADY JUSTICE HALLETT: Any other questions?

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

23 LADY JUSTICE HALLETT: Right, Witness G, whatever
24 conclusions I reach, I would like to thank you and your
25 team for the enormous amount of work that you have

1 obviously put in to getting this material before me. It
2 has, I hope you would agree, enabled me to carry out an
3 incredibly thorough and detailed investigation.

4 It is unfortunate that tensions have risen. We have
5 dealt with some incredibly difficult evidence during the
6 course of these inquests, as you know, and it was not
7 until this week, I'm afraid, that temperatures have
8 seemed to rise to extent that they have.

9 Anyway, I hope that you would agree that we have now
10 carried out a very detailed examination on the issue of
11 preventability to be assisted shortly before other
12 senior police officers, but thank you for your help in
13 putting the material before me.

14 A. Thank you, my Lady.

15 LADY JUSTICE HALLETT: I do hope, truly, that we haven't
16 impacted, to any overly significant extent, on your
17 ability to protect all of us. Thank you.

18 MR KEITH: Thank you, G.

19 LADY JUSTICE HALLETT: I think actually people want me to
20 rise.

21 MR KEITH: Yes, please.

22 (2.25 pm)

23 (A short break)

24 (2.30 pm)

25 MR KEITH: Thank you very much, my Lady, may we return to

1 Assistant Chief Constable Parkinson?

2 LADY JUSTICE HALLETT: Certainly.

3 ASSISTANT CHIEF CONSTABLE JOHN DAVID PARKINSON (continued)

4 Questions by MR KEITH

5 MR KEITH: Mr Parkinson, we touched on the assistance given

6 by West Yorkshire Police after the end of

7 Operation Crevice this morning.

8 The significance of the assistance given after

9 Crevice by West Yorkshire Police was twofold, was it

10 not, because the Security Service contacted your

11 organisation, not only to bring together the threads of

12 the intelligence relating to Crevice, but they also

13 brought your attention, did they not, to the enquiries

14 that were then outstanding in relation to Zubair and

15 Ibrahim; is that correct?

16 A. Yes.

17 Q. Could we just have on the screen SYS11004-2, the second

18 page, my Lady's tab 42, of the 8 June request of

19 West Yorkshire Police. Paragraphs 8 and 9 were

20 coincidentally, of course, in relation to the same

21 person, the enquiries in relation to Ibrahim and Zubair?

22 A. Yes.

23 Q. West Yorkshire Police went through its records in

24 relation to those two names as well, but there was

25 nothing on them?

1 A. That's correct.

2 Q. Finally, in relation to the last intelligence strand
3 which was Saddique (surname not Khan), you, of course,
4 have seen the gist and your organisation has contributed
5 to the gist which is at my Lady's tab 47, our document
6 SYS53.

7 The intelligence that we see referred to there came
8 in part from West Yorkshire Police, did it not?

9 A. Yes.

10 Q. You also have been party to the process by which the
11 further additional information that my learned friend
12 Mr Eadie put to Witness G was compiled: namely, the
13 clarification of the effect of the operational reasons
14 for the matters referred to in paragraph 5?

15 A. Yes, I'm aware of those.

16 Q. And you're content with the way in which that matter was
17 clarified and left?

18 A. Yes.

19 MR KEITH: Thank you very much, Mr Parkinson. I've no
20 further questions for you.

21 LADY JUSTICE HALLETT: Mr O'Connor?

22 Questions by MR PATRICK O'CONNOR

23 MR PATRICK O'CONNOR: Mr Parkinson, if possible, we'll try
24 to save time between us, if it's fair to do so, by
25 avoiding unnecessary reference to documentation,

1 provided you know what we're talking about.
2 We're very familiar with the Warlock photograph, it
3 turns out, of Mohammed Sidique Khan, from 2001. We have
4 the image in our mind. Do you agree that it would have
5 been perfectly possible to crop that, to eliminate the
6 distinctive stone wall and the country cottage doorframe
7 and just to focus upon the upper part of his torso and
8 face and head?

9 A. That would have been possible, yes.

10 Q. In relation to the use of that photograph, you've
11 explained how it was used. Was there any restriction
12 upon you showing that to your trusted local
13 Special Branch officers, maybe community beat officers,
14 do you understand, in the more Pakistani-populated areas
15 of your jurisdiction, was there any restriction on you
16 doing that with that photograph?

17 A. I don't think there was any placed restriction.
18 However, there was very limited, I think, opportunity to
19 be able to show it to anybody else without, perhaps, you
20 know, giving away what had been done.

21 Q. That is indeed why I referred to cropping, so that the
22 location details really just do go and you just have the
23 black shadow behind him -- I'm saving time now -- the
24 black shadow behind him, date off, just the upper part
25 of his torso, his face and head. Do you understand?

1 A. I do. I think the point I'm making is it's not an
2 official photograph and, therefore, it would indicate,
3 regardless of how much cropping, that it was a discrete
4 photograph that we held, and that might, of course,
5 indicate to somebody that we had an interest, other than
6 an official one.

7 Q. I understand, but I'm only talking about showing it to
8 your own -- West Yorkshire Police officers?

9 A. Yes, I understand that.

10 Q. There would still be a hesitation, for the reason you've
11 explained, over showing it to your own police officers?

12 A. I think in 2001, and that's the era that we're talking
13 about, it was very important that the information was --
14 all information in relation to Special Branch activity
15 was kept within the branch for good reason.

16 Q. Can I ask for -- it's our tab 42, my Lady, SYS10994-1 to
17 come up. Do you see this is the response from NERIC to
18 the enquiry of the Security Service date 8 June 2004.
19 Are you with me?

20 A. Yes.

21 Q. Indeed, it says it's a reply to their cluster of
22 8 June 2004. Could you go to the second line from the
23 bottom of that page, please? Under the underlined
24 heading of "Sidique Khan", do you see after "Other
25 details":

1 "No trace of Khan or NERIC/West Yorkshire
2 Special Branch systems."
3 A. I do, yes.
4 Q. That's what I want to ask you about. Are they two
5 separate systems, or is that one interconnected one?
6 A. No, at that time, there were two separate systems, not
7 connected.
8 Q. So does this mean there is no trace, therefore, on
9 either of those two systems?
10 A. That's correct.
11 Q. The question I'm about to explore is why that is so
12 after the sighting of Mr Khan and his identification as
13 the owner of the BMW -- do you understand? --
14 A. I do.
15 Q. -- on the McDaid sighting in April 2003.
16 You were taken through, by my learned friend each of
17 the stages of your investigation at the time
18 in April 2003 of the registered owner of the vehicle,
19 et cetera, what you recorded, what you didn't record.
20 A. Yes.
21 Q. But the one thing that does go, surely, on to your
22 computer system is the name "Khan"?
23 A. Yes.
24 Q. The name Sidique Khan?
25 A. It does.

1 Q. So this is the question. You've explained very well
2 what happens with vehicle records, but the name
3 "Sidique Khan" is on both NERIC and West Yorkshire
4 Special Branch systems, and, indeed, it's spelt exactly
5 the same, so why is there no trace?

6 A. This is an area that we've examined very, very closely,
7 and exhaustive enquiries have reconstructed the search
8 at that time, and I can't give you an explanation as to
9 exactly why that name of Sidique Khan did not respond to
10 a search against Sidique Khan.

11 Those enquiries include speaking to the individuals
12 concerned that would have conducted those searches.
13 They assure me that they conducted them properly. But
14 we've reconstructed that and put Sidique Khan into that
15 old Legacy system in the way that it's described there,
16 it returns the result that we talked about earlier,
17 the --

18 Q. The 2001 result?

19 A. -- report from 2003.

20 Q. I'm very sorry, the 2003 result. So it works now, it
21 works now?

22 A. Yes.

23 Q. You could do it today --

24 A. Yes.

25 Q. -- and you'd come up with the 2003 BMW link --

1 A. That's correct.

2 Q. -- under the name?

3 A. Yes.

4 Q. Forgive me, the reason perhaps why I'm asking this is
5 I don't think you deal with this in your witness
6 statement.

7 A. There's no technical reason that we can find. In fact,
8 those exhaustive enquiries have included examinations of
9 the computer system to see -- or to offer some kind of
10 explanation why that would show as a "no trace" on that
11 West Yorkshire Police Special Branch system, which was
12 known as CLUE, as was described this morning.

13 Q. It must have been some problem with both the systems
14 independently.

15 A. No, because the two systems contain different
16 information.

17 The only system that what I'm saying now refers to
18 is the one that's after the oblique where it says
19 "West Yorkshire Police Special Branch systems" and by
20 that I infer that was -- they were referring to the CLUE
21 system --

22 Q. Yes.

23 A. -- and on the CLUE system was the entry of Sidique Khan
24 from the April 2003 message.

25 Q. Yes, but you told us these are separate computers --

1 A. Yes.

2 Q. -- and this "no trace" clearly relates to both those
3 computers?

4 A. It does. There would have been no previous entry on the
5 NERIC computer. The report from 2003 -- if I may, by
6 way of explanation, my Lady -- went on to the CLUE
7 system. That is a different computer system than the
8 one that was held by the North-East Regional
9 Intelligence Cell. It was a Special Branch system.
10 In those days, they were separate and independent.
11 That is not the case now.

12 Q. So it didn't go into NERIC at all?

13 A. No.

14 Q. Do you think it should have done?

15 A. They were independent systems for different reasons.
16 One was a broader analysis system to give oversight.
17 The other one was an investigative, intelligence-based
18 system.

19 Q. Is your answer that, in the normal course of events, as
20 things worked then, it didn't necessarily have to go on
21 NERIC?

22 A. No.

23 Q. It didn't, right, okay. So it's something that's gone
24 wrong with the check on the Special Branch computer
25 system --

1 A. Yes, that's right.

2 Q. -- which you can't explain and we can't spend -- we're
3 not going to get any further on it, you can't explain it
4 and you've tried?

5 A. I can assure you we've spent considerable time and
6 effort to try to establish the precise reason.

7 Q. Now, a quite different topic. You have considerable
8 experience of attending ELG meetings?

9 A. Yes.

10 Q. Sadly, we all wish they didn't have to take place. But
11 they are marked and their object is that there should be
12 a very high degree of cooperation between the agencies
13 there represented?

14 A. Yes.

15 Q. So, for instance, if and when it arises that one agency
16 has an investigative product such as photographs or
17 audio surveillance, a request can be made, a request, by
18 a different agency for access to it?

19 A. Yes.

20 Q. That access may or may not be granted, but in the normal
21 course of events would be granted if there's good
22 reason?

23 A. If there's good reason.

24 Q. That's right. Now, in fact, the West Yorkshire Police
25 were never -- well, were West Yorkshire Police ever

1 invited to go to the ELG meetings of Operation Crevice?

2 A. No.

3 Q. There is a trace of it being considered, but they were
4 never actually invited?

5 A. No.

6 Q. As we know -- you may know -- on the ELG minutes, only
7 one of the four known contacts between the visiting
8 people from Yorkshire and the Crevice plotters is
9 recorded. The one for 28 February. Do you understand?

10 A. I do.

11 Q. If you had, in fact -- imagine yourself as the
12 West Yorkshire representative on ELG in
13 Operation Crevice. If you had been there and been aware
14 that there had been four contacts between people from
15 your jurisdiction and the Crevice plotters, and that
16 there was photographic product from three of those
17 contacts -- do you understand?

18 A. I do.

19 Q. A series of "ifs". Do you think it likely that you
20 would have asked for access to that photographic
21 product?

22 A. I think it's important to say that my experience of ELGs
23 is post the events of 2005 --

24 Q. Yes.

25 A. -- and, therefore, their content and tone may be -- my

1 experience is post-7/7. But the ones that I've been at,
2 then there would be discussion about those kinds of
3 things.

4 Q. Yes, such requests would be made, do you mean?

5 A. Yes.

6 Q. I understand. I have posited -- I will repeat it if
7 necessary, it doesn't take too long, but I have posited
8 the scenario here, a scenario here. Do you think it's
9 likely that you could well, all other things being
10 equal, have asked for access to that photographic
11 product?

12 A. That's a possibility, yes.

13 Q. Yes, indeed. Have you seen the broad range of
14 photographic product there is, it varies a lot, from the
15 three contacts of which photographs were obtained?

16 A. I've seen the photographs that are in these proceedings.

17 Q. That's right, that's right. They're not so bad that you
18 wouldn't have thought about asking for access to them,
19 would you?

20 A. If I'd seen them at that time, that's a possibility,
21 yes.

22 Q. Yes, right. Were your force ever asked to check out the
23 provenance of a Vauxhall Corsa car which actually had
24 written on it "Just Car Clinic" and a phone number?

25 Were you ever asked to check that out?

1 A. The only reference that I'm aware of around the Corsa
2 car is the one that's contained in the lengthy message
3 in -- I think it's the one that's contained in the
4 lengthy message in June 2004.

5 Q. But were you ever asked to check that car out and find
6 out who would have been using it at the time?

7 A. Not to my knowledge.

8 Q. Because, in fact, that happened November/December 2004;
9 do you follow?

10 A. Yes.

11 Q. Was it your force who actually did check it out in the
12 end and obtain the witness statement or not?

13 A. I'm not sure.

14 Q. No. Right.

15 A. I don't know.

16 Q. Were you ever told that one of the suspects in contact
17 from your area with the Crevice plotters was: (a) from
18 Leeds, (b) probably named Sidique Khan, (c) a teacher
19 and (d) at a school with about 250 pupils? Were you
20 ever told that?

21 A. Could you just break that down perhaps?

22 Q. Of course I would. It would all come at once. I hope
23 it's not an avalanche.

24 Were you ever told: (a) that one of the suspects
25 from your area, in contact with the Crevice plotters,

1 was called Sidique Khan, or may well have been called
2 Sidique Khan, right? Secondly, was from Leeds.
3 Thirdly, was a teacher. And fourthly, taught at
4 a school with about 250 pupils?

5 LADY JUSTICE HALLETT: Sorry, I understand where you're
6 getting "the teacher" and the "probably at the school",
7 that's of the transcript that you took him through.

8 MR PATRICK O'CONNOR: Yes, that's right.

9 LADY JUSTICE HALLETT: For these purposes, where are you
10 getting the "probably known as Sidique Khan" from?

11 MR PATRICK O'CONNOR: That doesn't come from the transcript
12 of course, but that comes from a later understanding of
13 the name Sidique Khan developing through contact with
14 the Honda as being --

15 MR KEITH: If I can assist my learned friend, the answer to
16 my Lady's question must surely be the "Sidique Khan" was
17 apparent from the immediate enquiries made about the
18 Honda Civic.

19 LADY JUSTICE HALLETT: It's the Honda Civic for these
20 purposes? Right, I follow. I wasn't being critical,
21 Mr O'Connor.

22 MR PATRICK O'CONNOR: You weren't, I know.

23 LADY JUSTICE HALLETT: I appreciate you may have thought so,
24 given certain comments today. I was just checking where
25 exactly it came from.

1 MR PATRICK O'CONNOR: Yes, and in fact, that was on the tip
2 of my tongue, but I was far slower and less
3 silver-tongued than my learned friend.

4 Right, we get "called Sidique Khan, from Leeds,
5 a teacher and from a school of about 250 pupils". Do
6 you understand? Were you ever given that information?

7 A. The only information that we were given or told, that
8 I am aware of, is contained within the cluster messages.

9 Q. It's not the most precise of information that, at all,
10 is it? It really is not, I suggest to you, and
11 I concede.

12 Nevertheless, if you were told that this person was
13 a suspect contact with attack-planning terrorists, is
14 that something you might have been able to work with
15 through your community officers and your Special Branch?

16 A. It would be a very different, perhaps, approach now than
17 it would have been in 2004.

18 Q. Yes, but is it something, in 2004, you might have been
19 able to work with?

20 A. I think the extent of the enquiries which were done,
21 which was quite extensive from the exchange of
22 information in 2004, is exactly what extent of enquiries
23 could have been made.

24 Q. Well, yes, but you weren't given the chance to follow
25 this up, so that's why I have to ask the question.

1 If you weren't told this -- do you understand -- you
2 were not told this so far as I know. If you had been
3 told it, do you think it's something you'd have just, as
4 it were, given up on, on the basis couldn't get anywhere
5 with it, or you could have worked with it and tried?

6 A. I think that's difficult to answer, with hindsight,
7 understanding now the context. I think it depends very
8 much, as I said this morning, in relation to the
9 specific request that is given, depending on the
10 information and the limitations or parameters that may
11 be given on the request.

12 And, as you can see, there is reference about the
13 sensitivity and being very discreet about the level of
14 enquiries that were made. So the enquiries we made,
15 from my assessment of those, is exactly what was asked.

16 Q. Yes, well, I entirely agree. So really, the relevant
17 part of your answer there is all these investigations
18 had to be conducted discreetly, and that is a limitation
19 on what you could have done?

20 A. Of course.

21 Q. Can I just ask one final attempt, then? If you had been
22 told, "Please try to find something out about this
23 discreetly", do you think you could have worked with it
24 or would you just not have tried because it was too
25 vague?

1 A. If we'd have been asked to conduct further enquiries,
2 then of course we would have endeavoured to conduct
3 further enquiries.

4 Q. Quite apart from that, would it have been of some
5 interest to you, perhaps outside direct terrorism
6 investigation, that a terrorism suspect, do you
7 follow -- I'll put it more carefully -- a suspicious
8 contact with active terrorism attack planners, do you
9 follow, was actually teaching in a school in your area,
10 is that something which would have been of some value to
11 you, some interest to you? It's just "Yes" or "No" and
12 I move on.

13 A. Well, as I sit here in 2011, of course it would have
14 been of interest.

15 Q. Yes, it would have been. My Lady, I'm going to finish
16 2.55, when I was given a timetable of 3.15.

17 I just ask now one or two questions about
18 Gilbertson. I say absolutely nothing at all about that
19 substantial part of his evidence where he asserts he
20 warned West Yorkshire Police about a terrorism threat;
21 do you follow? Please put that completely out of your
22 mind.

23 The basic part of his account, putting that to one
24 side, is that he became close to extremists who were
25 associated with the Iqra bookshop and he did work for

1 them, et cetera. That's a basic part of his account
2 before one reaches the more dubious aspects. Is that
3 right?

4 A. That's my understanding, yes.

5 Q. Is there any basic doubt about the fact that he was
6 working with those people who were extremists?

7 A. I don't know personally about any doubt about what he
8 actually did. We've doubts about what he claimed, as
9 you can see.

10 Q. Yes, I quite understand. But I mean, he has produced
11 the actual computer DVDs, has he not, on a large scale
12 which emanated from his work with these extremists and
13 handed them over to you and they're digested for us; he
14 did do that, didn't he?

15 A. We recovered some DVDs, but they weren't as described.

16 Q. Right. Well, I do ask -- I must ask you this, then,
17 because if there is real doubt about almost everything
18 he says, it is important that her Ladyship hears it; do
19 you follow?

20 A. Yes.

21 Q. Is there really any substantial doubt over the fact that
22 he spent time with extremists associated with the Iqra
23 bookshop, worked there, did computer work for them,
24 helped to produce DVDs and internet things, is there any
25 real doubt about that?

1 A. My understanding is almost exclusively from what
2 Mr Gilbertson said himself, so I can't really expand on
3 what I have heard from him.

4 Q. So you're agnostic on that; is that fair?

5 A. That's correct.

6 Q. If he is telling the truth about that -- if -- then do
7 you agree that it shows that it was perfectly possible
8 for a white, English person, or whatever ethnic minority
9 he comes from, but, do you follow, non-Muslim,
10 non-practising religious, not politically, apparently,
11 sympathetic to them, apparently, to get quite close to
12 and be with these people for quite a time?

13 A. That's a possibility.

14 Q. You have quite considerable experience with ACPO, do
15 you?

16 A. Yes.

17 Q. You're aware, are you, that ACPO has, over the last ten
18 years or more, a long-term commitment to covert
19 infiltration of environmental groups?

20 A. I'm aware there's an operational requirement to ...

21 Q. Yes. Now, was there -- I go slowly and cautiously on
22 this, still within my timetable, I hope -- without any
23 specifics at all, but was there at least the same
24 commitment in ACPO to deploying similar tactics against
25 extreme Islamic terrorist threats?

1 A. I think they are almost entirely different and,
2 therefore, it's almost impossible to compare the
3 operational response to two completely different issues.

4 Q. It's not a -- they're very, very different, of course.
5 But I think the answer could be "Yes" or "No" to my
6 question. I'll repeat it.

7 LADY JUSTICE HALLETT: Well, no, it may be different, it may
8 be: I wasn't, at ACPO, part of the decision-making
9 process or --

10 MR PATRICK O'CONNOR: If he doesn't know, then that's the
11 answer. But if you're sufficiently familiar with ACPO
12 through the last decade, through substantial parts of
13 the last decade, I'll repeat the question and, if you
14 don't know, say so, if you can say "Yes" or "No" please
15 say so: was there at least the same commitment as I've
16 described with environmental groups to using that kind
17 of resource against the threat of Islamic terrorism?

18 A. I don't know specifically.

19 Q. You don't know, right.

20 Two what might be read as criticisms in the ISC2
21 report of West Yorkshire Police, and I'll ask -- in
22 a sense, I'm giving you an opportunity to answer them,
23 just in case they're taken as criticisms -- both from
24 the time-line -- my Lady, page 59 which is, therefore,
25 page 66 from ISC2, and that is tab 51 and it's INQ8305,

1 page 65 on the system. The numbers have changed.
2 There is a reference to there not being -- if it was
3 dealt with this morning, I missed it. I apologise.
4 I'll go straight to the other one, then, page 69. It is
5 my page 63. Therefore, it should be page 69 on the
6 system. Sorry if I didn't make that clear. Hopefully
7 it has 17 January 2005 at the bottom. Yes, it has.
8 Do you see the last sentence before the entry for
9 12 August 2004.
10 A reading of that, of the last sentence:
11 "No further action is taken independently and
12 West Yorkshire Police await any further tasking."
13 It might be thought that that is implicitly
14 suggesting that West Yorkshire Police were more passive
15 than they should have been. Do you understand? Is that
16 something that is accepted or not?
17 A. Sorry, could you just repeat that?
18 Q. Of course, the last sentence above 12 August 2004:
19 "No further action is taken independently and
20 West Yorkshire Police await any further tasking."
21 Do you understand?
22 LADY JUSTICE HALLETT: I didn't read it that way,
23 Mr O'Connor.
24 MR PATRICK O'CONNOR: Well, it's ambiguous.
25 LADY JUSTICE HALLETT: I don't think it's ambiguous.

1 I think it's --

2 MR PATRICK O'CONNOR: Just a fact?

3 LADY JUSTICE HALLETT: -- just a fact, isn't it? It's as

4 Mr Parkinson's told us. You were given a task. You

5 completed it.

6 MR PATRICK O'CONNOR: I move on to my last question.

7 SYS10994, please, which is hard copy tab 42, two related

8 pages.

9 A. Sorry, did you say tab 22?

10 Q. Tab 42 in the hard copy. So it's SYS10994. It's

11 pages 4 and 5.

12 It's the top of page 4 and it is really dealing from

13 the previous page with -- under the heading

14 "10 Thornhill Park Avenue linked address to

15 Hasina Patel", and obviously your force had been asked

16 for details about that link to Hasina Patel, previous

17 owner of the Honda.

18 So going to page 4, four lines down:

19 "*** Please note - The NERIC has no knowledge of this

20 initial enquiry."

21 Do you see that?

22 A. Yes.

23 Q. We'll see the same thing over the page on 5, the query

24 or the topic is "Tempest Road ... third passenger

25 dropped off", and again:

1 *** Please note - The NERIC has no knowledge of this
2 initial enquiry."

3 In fact, it's again further down the page, four
4 lines from the bottom of 5.

5 Why is that there?

6 A. I think that's an explanation of what I said earlier,
7 that although they were co-located in the same building,
8 essentially, they were two separate entities, the
9 West Yorkshire Police Special Branch was
10 a West Yorkshire Police department; the North-East
11 Regional Intelligence Cell was exactly that drawn from
12 officers and staff from other police forces that
13 happened to work in the same building.

14 The original enquiries relating to this, from the
15 clusters in the early part of February, were directed to
16 the West Yorkshire Police Special Branch. This one was
17 directed to the North-East Regional Intelligence Cell.

18 Q. Do you think, in retrospect, there was a bit of a lack
19 of coordination between the Special Branch and NERIC
20 which is reflected here?

21 A. It depended on the type of enquiry. If it was an
22 investigative enquiry, it would have been done and, if
23 it was directed to the Special Branch, they would have
24 conducted it. If they were looking for a broader
25 analysis, which I believe is my reading of the 8 June,

1 which is a much broader collection of all of the
2 information sent, then the regional intelligence cell,
3 that was their purpose to try to draw that together.

4 Q. Do you agree it's difficult to define a clear dividing
5 line between a broader picture and an investigative
6 picture?

7 A. Yes, and that's why we don't have that distinction any
8 more.

9 MR PATRICK O'CONNOR: Yes, exactly, and this is a reflection
10 of the old position. Thank you very much.

11 LADY JUSTICE HALLETT: Any other questions? Yes, Mr Beggs?
12 Questions by MR BEGGS

13 MR BEGGS: Mr Parkinson, just very quickly, can we just deal
14 with one bit of detail arising out of the structures
15 that Mr Keith helpfully took you to. I think pre-7/7
16 there might have been as many as seven different police
17 computer systems, Legacy and Extant, that your officers
18 might have had to go to. Is that right?

19 A. Yes, that's correct.

20 Q. Just to give her Ladyship some comfort, that number
21 I think is reduced to four?

22 A. Yes.

23 Q. But not only has the overall number reduced, which is
24 a good thing, but this is right, that the ability of
25 different forces to access each other's data has

1 improved?

2 A. It has significantly, yes.

3 Q. I think there's two --

4 LADY JUSTICE HALLETT: Sorry, Mr Beggs, pre-7/7 -- I had so
5 many sevens -- pre-7/7, there were seven different
6 computer systems spread across ...?

7 MR BEGGS: Accessible by Mr Parkinson's officers and staff,
8 some Legacy, some live. I was simply getting him to
9 confirm that that's been reduced to four, which, in
10 fact, he'd better just quickly, for the avoidance of
11 doubt, say what those four are.

12 A. Well, there's an intelligence-based system, there's an
13 investigative-based system, and of course there remain
14 for good reason the Legacy systems that are just there
15 where no new information or intelligence goes on but are
16 there purely for research purposes.

17 LADY JUSTICE HALLETT: So these are computer systems for
18 West Yorkshire we're talking about? Sorry, I wasn't
19 sure whether we were talking about the region or --

20 A. They are, my Lady, but they're replicated around the
21 country.

22 MR BEGGS: Also, the PNC is in fact morphing into the PND --

23 A. That's correct.

24 Q. -- the police national database? I think that's
25 largely, isn't it, a result of the Bichard Inquiry, the

1 need for joined-up intelligence?

2 A. That's absolutely right, yes.

3 Q. Taking it very briefly, because we're pressed for time,

4 I think you would say that system is a significant

5 improvement on PNC in terms of forces being able to

6 access each other's intelligence?

7 A. That's absolutely right, yes.

8 Q. When I say "significant", you do mean significant

9 improvement?

10 A. Very significant, yes.

11 Q. Very briefly dealing with Honeysuckle, lest people

12 watching this inquiry miss the point, after the April

13 surveillance, April 2003, it wouldn't be right to say,

14 would it, that West Yorkshire Police had no further

15 interest in McDaid?

16 A. We continued to have interest in McDaid, yes.

17 Q. And although you wouldn't wish, for obvious reasons, to

18 go into that detail, it's fair to say there was a great

19 deal of interest and activity, putting it as --

20 A. That's correct, yes.

21 Q. For the record, on 27 November 2003, you searched one of

22 his home addresses, you took his computer and you

23 examined his computer?

24 A. That's correct, yes.

25 Q. I think, contrary to any impression that Mr Gilbertson

1 may have given, it was of precious little interest?

2 A. That's right, yes.

3 Q. Turning quickly then to Crevice and the lengthy response
4 to the report from the Security Service dated 8 June,
5 but in fact sent on 10 June, and likewise your report,
6 your response, which her Ladyship has seen, is dated
7 14 July, but for the avoidance of doubt appears to have
8 in fact been sent on 16 July.

9 A. Yes.

10 Q. If one didn't have the redactions, I think you could
11 confirm that West Yorkshire Police in response to those
12 requests researched 31 different names, 21 different
13 vehicles and 22 different addresses?

14 A. That's correct, yes.

15 Q. The photograph that you sent of MSK from
16 his February 1993 caution is, in fact, a lot better than
17 the one poorly photocopied through no fault of anyone.
18 You sent a perfect version of the original mugshot,
19 didn't you?

20 A. Yes, there was a scanned JPEG version.

21 Q. On that point, if we go to tab 42, SYS10997-1, we see
22 that it was a JPEG that you sent because that's clear
23 from the email of 16 July, which in fact incorporated
24 the report of 14 July, but it leads me to this next
25 point.

1 Your staff also produced three different charts,
2 didn't they, of looking at different associations of
3 telephone numbers, cars, or whatever, a typical sort of
4 anacapa chart?

5 A. That's correct, yes.

6 Q. That was also sent to the Security Service by that
7 email, that cluster?

8 A. Yes, that's correct.

9 Q. Just for absolute clarity, your officers never received,
10 in June or July of 2004, the Toddington photographs,
11 Toddington services?

12 A. No, that's correct. We didn't receive them until after
13 7 July.

14 MR BEGGS: Thank you very much. I have no further
15 questions.

16 LADY JUSTICE HALLETT: Thank you, Mr Beggs.

17 Thank you very much indeed, Mr Parkinson, and thank
18 you for the time and trouble you've taken to assist me.

19 A. Thank you.

20 MR KEITH: My Lady, may I invite you to call Peter Clarke,
21 please?

22 MR PETER CLARKE (sworn)

23 Questions by MR KEITH

24 MR KEITH: Good afternoon. Could you give the court your
25 full name, please?

1 A. It's Peter Clarke, my Lady.
2 Q. Mr Clarke, you had many years' experience with the
3 Metropolitan Police, did you not?
4 A. I did, sir.
5 Q. You were staff officer to the Commissioner,
6 Sir Paul Condon?
7 A. I was.
8 Q. Divisional commander at Brixton Division?
9 A. I was.
10 Q. Head of the Royalty and Diplomatic Protection Group?
11 A. Yes.
12 Q. Then head of the Anti-terrorist Branch?
13 A. That's correct.
14 Q. National coordinator of terrorist investigations, to
15 which I will return?
16 A. That's correct.
17 Q. And thereafter, Assistant Commissioner, specialist
18 operations?
19 A. That's the position I retired from, sir, yes.
20 Q. In 2008?
21 A. Correct.
22 Q. After 31 years' service?
23 A. Correct.
24 Q. You had, as national coordinator of terrorist
25 investigations, a unique experience, did you not, at

1 senior level of the policing and investigation of
2 terrorist matters?

3 A. I've been involved in matters of security protection and
4 counter-terrorism since about 1996, yes.

5 Q. I think you are now -- or you were appointed,
6 in March 2009, to be a member of the national security
7 forum and a nonexecutive director, from later in that
8 year, of the Serious Organised Crime Agency?

9 A. That's correct.

10 Q. I want to ask you, please, in particular, about the role
11 of the national coordinator of terrorist investigations,
12 the role that you performed from 2002.

13 For our immediate purposes, that person chairs the
14 Executive Liaison Group, does he or she not?

15 A. That's correct.

16 Q. What is the role of the national coordinator, in general
17 terms?

18 A. In general terms, an easy way to describe it, my Lady,
19 is perhaps to act as the bridge between the worlds of
20 intelligence and the world of law enforcement, and to
21 coordinate investigations, to make sure that resources
22 are available and properly applied, in achieving the
23 strategic objectives as set by the Executive Liaison
24 Group.

25 Q. Why is a bridge needed, Mr Clarke? Why or where do the

1 worlds differ?

2 A. Historically, there was more of a divide than there is
3 now, and I think perhaps the -- one of the thrusts of
4 the past decade has been the bringing together of those
5 two worlds, and the Executive Liaison Group has played
6 a part in that, and a significant part of this has been
7 the ambition to bring as much material as is possible
8 into the evidential arena so that people can be brought
9 before the courts as a means of dealing with their
10 activities.

11 Q. There is a debate in the wider public and political
12 world, is there not, as to whether or not the most
13 efficacious way of dealing with terrorism is to disrupt
14 it or to prosecute the perpetrators, but that depends,
15 does it not, to a very large extent on whether or not --
16 an equally difficult debate -- certain material may be
17 adduced into evidence, and used in court proceedings?

18 A. That's absolutely right. Our view, for a number of
19 years, has been that the -- as a matter of preference,
20 the way of dealing with terrorists should be that they
21 should be treated like criminals and placed before the
22 courts and prosecuted for criminal offences.

23 That, of course, means that we have to try to ensure
24 that as much material as possible is available in
25 evidential form.

1 Q. Is that in part why the police, and in particular the
2 Metropolitan Police, of course, in the present case, are
3 invited -- and, of course, as the national coordinator,
4 you are always there, but they are invited to join an
5 ELG to be able to contribute to the debate as to where
6 the course of an operation should develop?

7 A. If I understand your question, sir, do you suggest that
8 the police are invited to join the ELG?

9 Q. "Invited" perhaps is the wrong word. I've put it
10 inelegantly.

11 Why are the police present at a meeting which, at
12 its start, and in its inception, may be a purely
13 intelligence-based discussion?

14 A. The decision to call an ELG is one that is reached as
15 a result of discussions between the national coordinator
16 and senior members of the Security Service, and it's
17 usually when the prospect of executive action involving
18 the police becomes a realistic prospect in any
19 investigation.

20 Q. What do you mean, if I may interrupt, by "executive
21 action"?

22 A. "Executive action" means action by the police involving
23 the use of police powers. Typically, that would mean
24 making arrests.

25 Q. I understand.

1 A. So when that becomes a realistic prospect, then the
2 likelihood is that an Executive Liaison Group would be
3 called to manage the investigation.

4 Q. Why does the national coordinator of terrorist
5 investigations happen to be a police officer rather than
6 a member of the Security Service?

7 A. This is historical and it goes back to about 1990, after
8 the murder of Ian Gow, the Conservative MP in Sussex.
9 The role of the national coordinator was created in
10 recognition of the fact that as terrorism was inevitably
11 a matter that crossed police force boundaries, there
12 needed to be a role to ensure consistency across police
13 investigations and that all the various police forces
14 involved were properly coordinated, and to coordinate
15 the police effort with that of the Security Service.

16 Q. So may we take it, then, that in the present case, when
17 you, as the national coordinator, and then, through you,
18 the Metropolitan Police, were approached in relation to
19 Crevice and thereafter contributed to the daily ELG, it
20 was because executive action -- namely, arrest -- became
21 at that point a possibility?

22 A. I would say it's possibly a little early to say that,
23 but what there was was very troubling intelligence which
24 was shared with me on 11 February 2004. It was quite
25 clear that there was an investigation which was going to

1 have to take place to a threat to the British public
2 which might well involve the use of police powers in due
3 course, and so as a matter of priority, a meeting was --
4 the first Executive Liaison Group on Operation Crevice
5 was called that day.

6 Q. It is plain, Mr Clarke, from the ELGs, that the police
7 and Security Service cooperate extremely closely in the
8 development of the operation, the direction in which it
9 will go, the investigative tools that are deployed
10 thereafter, and in relation to the minutiae of the way
11 in which the suspected terrorists are thereafter
12 pursued.

13 But my Lady, in the course of these proceedings, has
14 heard of a transcript, prepared, in fact, by the
15 Metropolitan Police, of an audio probe inserted in
16 a vehicle by the Security Service, and has heard
17 evidence about how the Security Service prepared their
18 own transcription of that probe and, thereafter, how two
19 or three Metropolitan Police officers prepared their own
20 versions for the potential purposes of future criminal
21 proceedings.

22 In general terms, how does the Security Service and
23 the Metropolitan Police liaise in relation to giving
24 each other sight of the material or the documents or the
25 intelligence that is being developed by the respective

1 officers?

2 A. I think it's important here to understand the various
3 levels of activity that are taking place. That sort of
4 material would not, as a rule, come anywhere near an
5 Executive Liaison Group.

6 Q. Quite so.

7 A. You mentioned that the Executive Liaison Group would
8 look at the minutiae of an investigation. It would not.
9 The Executive Liaison Group is very much about the
10 strategic direction of an investigation, setting aims
11 and objectives, making sure that strategies are in place
12 to achieve those aims and objectives, and to make sure
13 that the resources are available to support that
14 strategy.

15 The intelligence feed is an assessment from the
16 Security Service. On a day-to-day basis, of course
17 there is continual liaison and exchange of information
18 between the police service and the Security Service.

19 Q. So there is a liaison process.

20 How is that managed, do you know? Can you help us
21 with how automatic it is, whether or not it is kept
22 under review, whether there are checks or balances, in
23 relation to how each party sees the material produced by
24 the other? Is that an area in which you can help us?

25 A. To an extent. When an investigation is the type that's

1 subject to an Executive Liaison Group, then there are
2 people working, if you like, the next layer down, who
3 will be meeting constantly to exchange information at
4 several levels themselves.

5 On a day-to-day basis, there, of course, the normal
6 process is of interchange of material of the sort of
7 messaging and actions and messages and the things that
8 we've seen during the course of this inquest.

9 Q. The ELGs, as I've observed, commenced on 11 February.
10 There were, I think, 48 or 49 -- I'll be corrected if
11 I'm wrong -- I think perhaps 48. Was there anything
12 particularly unusual or significant about Crevice, the
13 operation with which, of course, you were concerned?
14 Was it unique or unprecedented in terms of its scale or
15 size at that point?

16 A. It became unprecedented in terms of its scale and size.
17 What was -- not unique, but unprecedented at that time
18 was that the intelligence which gave rise to the first
19 ELG was extremely troubling in terms of the threat that
20 it posed to public safety and, secondly, it appeared to
21 indicate that for the first time we would be looking at
22 a group of British citizens who were likely to be
23 engaged in activity which would lead to an attack here
24 in the United Kingdom.

25 Q. To press you a little further, there was express

1 reference, was there not, to the possibility of
2 explosive devices being constructed and used and, of
3 course, thereafter, you will recall, on 20 February and
4 then on, the nature of that potential plot became even
5 clearer and Mr Khawaja arrived from Canada?

6 A. It unfolded between 11 February and 30 March, yes.

7 Q. You refer in your statement, in the context of the key
8 decisions agreed by the ELG -- and you've already also
9 made reference to this issue -- to the balance between
10 waiting to try to secure as much evidence as possible
11 with a view to prosecution, and disrupting, short of
12 criminal prosecution, and to allow perhaps intelligence
13 to be gathered.

14 Did you form a view, as the national coordinator and
15 as chairman of the ELG, as to the significance or the
16 importance of having to wait to gather evidence in order
17 to try to secure a criminal proceedings and ultimately
18 criminal prosecutions and convictions?

19 A. I formed a view immediately that this was a case where
20 it was of paramount importance, if it could possibly be
21 achieved, that we should gather unequivocal evidence of
22 terrorist activity before intervening; in other words,
23 before making arrests.

24 Q. Why?

25 A. I think one needs to look back a year before these

1 events to understand this.

2 There had been a considerable amount of activity in
3 terms of counter-terrorism in this country throughout
4 2002 and 2003. There was a lot of public criticism that
5 arrests were being made and that those arrests weren't
6 following through to prosecutions. That was only partly
7 true. It was also the fact that a lot of cases had yet
8 to reach court and, of course, we were unable to discuss
9 that publicly whilst those cases were waiting.

10 So there was criticism of police action, there were
11 allegations that it was discriminatory and, worst of
12 all, there were allegations, in 2003, that the police
13 were exaggerating the threat in order to perhaps support
14 UK foreign policy, and there was cynicism about the word
15 "intelligence".

16 My judgment was that, if we could not secure that
17 unequivocal evidence that I was talking about, and we
18 had to arrest and release possibly a large group of
19 young, British men, then the confidence that we would
20 lose from certain communities could be such that it
21 could make it even more difficult for us to carry out
22 successful operations in the future.

23 In other words, community confidence in the
24 integrity and the objectivity of counter-terrorism
25 operations was hugely important.

1 Q. In striking that balance, in pursuing that general aim,
2 presumably the participants in the ELG had to pay the
3 closest attention to, not only the number of targets in
4 the enquiry, in the investigation, but also, of course,
5 as to whether or not the resources available to the
6 investigative bodies would be sufficient to be able to
7 pursue the relevant and the most essential targets to
8 a point of arrest and criminal proceedings?

9 A. That's absolutely right.

10 Q. Is that why the ELGs reflect, throughout their course,
11 an intense debate about who should merit and who should
12 be the subject of surveillance, whether the resources
13 were available, whether or not the application resources
14 to particular targets can be merited and justified and
15 so on?

16 A. Yes, and the key point here, I think, is that the
17 balance is not a true balance because the balance is
18 between gaining evidence and public safety, and on the
19 basis that we were not prepared to compromise with the
20 safety of the public, that has to take priority and,
21 therefore, everything else follows on behind that.

22 Q. May we, in the light of that, then, just look at one or
23 two of the ELGs, in particular those most closely
24 associated with the events with which my Lady is
25 concerned: namely, the occasions on which relevant

1 people were seen by surveillance officers to be in the
2 Crawley area.
3 Because the first occasion on which the Honda Civic
4 is spotted is on 2 February, before the ELGs commence,
5 there is of course no reference to an ELG meeting or
6 minute for that occasion, 2 February, but in relation to
7 21 February, the ELG that is contemporaneous with that
8 appearance in Crawley is that at MPS5-15. It's
9 paragraph 29 of your witness statement, Mr Clarke, if
10 you have the hard copy in front of you.
11 We can see there that you are the chair --
12 A. Sorry, sir, I'm not there yet. Yes, I am, sorry.
13 Q. If you look at the screen, you'll see our version of the
14 document is there.
15 We can see that you chaired the meeting. Other
16 attendees included Detective Superintendent John Prunty,
17 who is in court today, who was the senior investigating
18 officer, and representatives from the Security Service,
19 S012 -- that was then Special Branch, was it not? --
20 A. It was.
21 Q. -- Thames Valley, Sussex and Bedfordshire
22 Special Branches.
23 This ELG, to give us a flavour of the matters under
24 consideration, reflected, did it not, the
25 extraordinarily significant feature of the call from

1 a member of the public concerning the discovery of the
2 600-kilogram bag of fertiliser?

3 A. That's correct.

4 Q. There is then an intelligence update as to the
5 significance, of course, of the lock-up in which the
6 fertiliser was found, the visitor, Khawaja, of whom
7 we've heard, from Canada, and then an update in relation
8 to the operational approach and a discussion of whether
9 or not executive action could be justified; that is to
10 say whether or not arrests could follow on the basis of
11 conspiracy to cause explosions and a debate as to where
12 the investigation might follow.

13 Does that give us some idea as to the sorts of
14 issues which are debated at the ELG?

15 A. Yes, indeed.

16 Q. At the bottom of the page, if you could just simply
17 scroll down, we can see then a reference to the
18 technical and surveillance deployments and how
19 surveillance is then discussed in the context of being
20 removed from one person to another, from perhaps one
21 place to another, and how priorities are then drawn up.

22 A. That's right.

23 Q. It is, is it not, these reflect intensely difficult,
24 fine judgments as to how limited resources are to be
25 deployed and in relation to which particular priorities

1 or targets?

2 A. That's absolutely right.

3 Q. To that extent, there is some quite detailed
4 consideration, is there not?

5 A. To that extent, there is, yes.

6 Q. Not necessarily in terms, therefore, of the minutiae of
7 the investigation, but certainly in terms of who is to
8 receive prioritisation, resources, surveillance and the
9 like?

10 A. The ELG would probably not -- let me correct that. The
11 ELG will ask for recommendations as to which targets
12 should be the focus of surveillance, and that would be
13 discussed and then recommendations would be made, and
14 then, of course, from that flows all the work about
15 feasibility, whether it's possible to actually mount
16 surveillance of the kind that's considered.

17 Q. Page 16, please in this document, in this exhibit, is
18 a second ELG of the same day, because there were two, in
19 fact, on that day, were there not?

20 A. There were.

21 Q. We can see there how there is further debate in
22 connection to the lock-up, in relation to the strategy
23 which is to be adopted, and we can see there at the
24 bottom reference to whether or not Khawaja should be
25 permitted to leave the United Kingdom.

1 Of course, that itself gave rise to further intense
2 debate, did it not, as to whether or not the public
3 would be put at risk if he were to be allowed to travel
4 on a plane?

5 A. Again, the balance, the risk to the public potentially
6 of him being allowed to travel against the risk to the
7 public of arresting him and, therefore, premature
8 disruption of this terrorist group before we had full
9 visibility of its capabilities and intentions.

10 Q. There is on page 18, the next day, 21 February,
11 a reference to the meeting at 2, The Hollows in Crawley,
12 because we can see there, can we not, further down the
13 page:

14 "A large number of individuals attended a meeting on
15 21 February ..."

16 There had been previous indications that a meal
17 would be held for Khawaja prior to his departure and
18 this is judged to have been that meal."

19 Although there is a broad reference to "nothing of
20 huge significance being obtained from a separate
21 technical deployment", there is no analysis at this
22 level, is there not, of who was actually seen to be
23 outside the address, what time they arrived and what
24 cars and vehicles and so on were present?

25 A. No, at this level, it was simply reported, if my memory

1 serves me, that it was an extremely difficult area in
2 which to keep close surveillance.

3 Q. The next date which is of particular significance to
4 these proceedings is 28 February. Could we have
5 MPS5-26, which is ELG 19 for 28 February?

6 There is a reference there, is there not, in the
7 third bullet point of the Security Service briefing, and
8 this is the reference, my Lady, to which -- or the
9 document to which G referred on Monday, to another
10 vehicle, R480 CCA, which was the Honda Civic, meeting
11 Khyam and Shujahuddin Mahmood and travelling round
12 builders' merchants in convoy.

13 So this was quite a rare reference, in fact, to
14 a particular vehicle?

15 A. It's a rare reference and, looking at this, I suspect
16 that was because it was some live material being fed in
17 just for the information of the ELG as to what was
18 happening with the targets at that particular time.

19 Q. As February ended and March began, there then began, did
20 there not, a more intensive debate as to when executive
21 action, that is to say arrests, would take place, and
22 discussion ensued as to who might be most appropriately
23 arrested first, whether or not others would be allowed
24 to proceed with their movements and then perhaps
25 arrested later. Is that correct?

1 A. That's correct.

2 Q. By the middle of March -- perhaps we could have page 49
3 of MPS5 -- 17 March, there was quite considerable debate
4 about resources and, in particular, the drain on the
5 resources that the operation constituted, was there not?

6 A. That's right, there was.

7 Q. We can see that you, yourself, referred to that towards
8 the bottom of the page and there is a reference there,
9 isn't there, to your conclusion, or the group's
10 conclusion, that the present approach of attempting to
11 gain best evidence remained valid?

12 A. That's right.

13 Q. So that is a reflection, isn't it, of the debate to
14 which you referred earlier, of how those balances
15 continued to be struck?

16 A. That's correct.

17 Q. The ELGs did not discuss in general terms the
18 West Yorkshire links to Operation Crevice, did it; that
19 is to say where the cars that had come from
20 West Yorkshire were traced back to on the two occasions
21 in February, or the information relating to the
22 ownership of two cars in particular which had been
23 spotted in Crawley?

24 A. No, they didn't.

25 Q. Was it necessary, in the course of the investigation, at

1 this stage, to draw upon the resources of a number of
2 local police forces?

3 A. Indeed. This investigation involved, as we know, forces
4 particularly around London, but also Humberside as well,
5 at one stage, became a member of the ELG, but Surrey,
6 Bedfordshire, Thames Valley police. It was a true
7 cross-border investigation.

8 Q. You observe in your statement, do you not, that the
9 result was that, for a period, the investigation of some
10 serious crime in the south-east began to slow quite
11 considerably?

12 A. Yes, it did.

13 Q. Then towards the end of March, another of our dates is
14 23 March. Could we have, please, MPS5-57? There is
15 a reference in the ELG to Omar Khyam and Sheet Metal
16 travelling in convoy on the M25, is there not?

17 A. Yes, there is.

18 Q. But again, an indication of the lack of specific
19 operational detail at this level, there was, and it
20 would be unreasonable to expect there to have been any
21 debate about the nature of the other vehicle or who else
22 was in it?

23 A. Absolutely.

24 Q. The time came to arrest. Was that because, Mr Clarke,
25 it became apparent that whatever was being planned and

1 plotted was reaching its fruition?

2 A. No, sir, that wasn't --

3 Q. That wasn't the reason?

4 A. -- the primary reason. The main reason was that some
5 intelligence was received to the effect that this group
6 that we were looking at might have access to some other
7 device or some other means of causing harm of which we
8 were unsighted.

9 So that comes back to the primary objective, of
10 course, which is public safety, and so, if we were
11 unsighted, had no knowledge of what this other threat
12 might be, that was an unacceptable risk and, therefore,
13 we had to make the decision to intervene and make the
14 arrests.

15 Q. The ELGs and the operational intelligence do suggest
16 that, by the end of March, there was much more specific
17 debate amongst the plotters as to their future
18 intentions, references to leaving, leaving the country,
19 references to "It will be soon now", and so on and so
20 forth. So there was some quite detailed operational
21 intelligence to that effect, was there not?

22 A. That's right, there was.

23 Q. Following the arrests, who retained the primary function
24 of collating, assessing and putting together the
25 intelligence that had arisen in the course of Crevice?

1 A. Putting together the evidential case --

2 Q. I said "intelligence"; not the evidential case,
3 intelligence.

4 A. The intelligence will always remain with the
5 Security Service because of their statutory remit.

6 Q. In relation to the evidence, who took the primary
7 responsibility for that?

8 A. The responsibility for putting together the evidential
9 case rests with the police.

10 Q. We are aware, of course, that requests were made by the
11 Security Service of West Yorkshire Police and of the
12 Metropolitan Police, in relation to intelligence
13 investigations, and those requests continued after the
14 arrests in Crevice?

15 A. Yes.

16 Q. May we take it that the relationship between the
17 Metropolitan Police and the Security Service, insofar as
18 intelligence is concerned, continued regardless of the
19 need of the Metropolitan Police in addition to prepare
20 for possible criminal proceedings?

21 A. That's correct.

22 Q. One point in that regard that is of significance here is
23 Junaid Babar. I don't know whether you can assist with
24 this, but the ISC report refers -- and my Lady has heard
25 evidence to this effect -- to the fact that the

1 Metropolitan Police had prepared a bundle of photographs
2 that came to the attention of Babar and he was able to
3 comment upon them and invited to express views as to
4 whether or not he recognised them.

5 Can we just have, please, the ISC report,
6 INQ8305-87, paragraphs 274 and 275?

7 Mr Clarke, the ISC had originally erroneously
8 thought that there had been a missed opportunity insofar
9 as the cropped picture of Mohammed Sidique Khan taken on
10 2 February at Tooting service station had not been
11 put to Mr Babar, but subsequently, they were informed,
12 at 275, that the Metropolitan Police, unknown to MI5,
13 had prepared a bundle of photographs from Crevice, which
14 included Khan and Tanweer and other peripherals, and
15 that that bundle of photographs had been put to Babar
16 after all. So the erroneous thought, which is that
17 there had been a missed opportunity, evaporated.

18 In general terms, is that an indication, therefore,
19 of how, despite the fact that criminal proceedings may
20 be in the offing, the Metropolitan Police will continue
21 to investigate and to develop intelligence strands
22 alongside the Security Service?

23 A. Yes, I'm probably not the best person to speak to about
24 the specifics of this.

25 Q. It may be you're not.

1 A. But in general terms, absolutely, and of course,
2 Special Branch -- S012, as it then was -- its function
3 was to develop intelligence leads bringing a police
4 perspective to bear upon the investigation.

5 Q. Finally, would it have been reasonable to expect that
6 the ELGs would have addressed the fine detail of the
7 pursuit of particular targets based on the intelligence
8 then available?

9 A. As the chair of the ELG, I'd have made sure that the ELG
10 did not get drawn into that sort of detail.

11 MR KEITH: Thank you very much. Those are all the questions
12 that I have for you arising out of your role as chairman
13 of that committee and as the national coordinator for
14 terrorism at that time.

15 LADY JUSTICE HALLETT: Mr O'Connor, I think the transcribers
16 would like a break. Are you content that we take it
17 now?

18 MR PATRICK O'CONNOR: Of course.

19 LADY JUSTICE HALLETT: Thank you.

20 (3.35 pm)

21 (A short break)

22 (3.45 pm)

23 LADY JUSTICE HALLETT: Mr O'Connor?

24 Questions by MR PATRICK O'CONNOR

25 MR PATRICK O'CONNOR: Mr Clarke, I hope it is of some value

1 to you, and to the men and women who were working under
2 your command at the time, to convey on behalf of the
3 bereaved families all represented here their full
4 acknowledgment of your great successes in saving many
5 lives, not just in Operation Crevise, but in many of the
6 other operations we've heard about, and some we will
7 never hear about.

8 A. Thank you, sir.

9 Q. May I ask you, first of all, about a speech that you
10 made -- you may know that I'm going to ask you about
11 this -- in 2007, when you commented on the state of play
12 in 2002 in relation to awareness of terrorist threat.
13 This was quite a prestigious lecture you gave and I'm
14 sure your words were carefully chosen.

15 May I read to you what I suggest you said:

16 "In 2002, the perception was that, if there was
17 a threat to the UK, its origins were overseas. The
18 spectre of a home-grown terrorist threat was not yet
19 with us."

20 Now, may I follow the normal rules and ask you if
21 you said that?

22 A. I did say that, yes.

23 Q. Thank you. It seems to apply to agencies in the plural
24 and, therefore, to include the police and the
25 Security Services, is that right?

1 A. Well, inevitably, I can only speak for myself, but I was
2 reflecting, obviously, the discussions and what
3 I believed to be the perception at that time, yes.

4 Q. 2002 is when you came into post in a counter-terrorism
5 role?

6 A. That's correct.

7 Q. Why did you say that then, please?

8 A. I said that because I was contrasting the position with
9 that which we had reached by 2007 when I gave that
10 lecture.

11 Q. Do you have any thoughts or understanding about why it
12 was that that was the state of play in 2002?

13 A. Why the perception was that the threat came from -- if
14 you could read the sentence back to me. The perception
15 was that the threat came from overseas?

16 Q. Yes, of course:

17 "The perception was that, if there was a threat to
18 the UK, its origins were overseas. The spectre of
19 a home-grown terrorist threat was not yet with us."
20 Why was that the perception in 2002?

21 A. That was the perception in 2002 and, indeed, into part
22 of 2003, because the focus of our investigations at that
23 time was particularly on a very large network of
24 Islamists, who were not British citizens, many of whom
25 had motivations which were related to their countries of

1 origin, and it wasn't clear whether or not they
2 presented a threat to the United Kingdom.
3 It did become clear, in 2003, that, in fact, they
4 did present a very clear terrorist threat to the
5 United Kingdom, even though they were not British
6 citizens.

7 Q. Right. I'm seeking to address the home-grown threat
8 that is UK-born terrorists to the United Kingdom, do you
9 follow? That's what I'm seeking to address.

10 A. Yes.

11 Q. There had been, in the year 2000, a successful
12 preemption of a bomb plot in the UK involving Islamist
13 terrorism in the Midlands. Do you recollect this?
14 Operation Large, July 2000, when a bomb factory was
15 apprehended, as it were, before anything further could
16 be done. Do you recollect that?

17 A. I was aware of that case, yes.

18 Q. I mean, that plainly was Islamist terrorism aimed at the
19 UK, wasn't it?

20 A. But if you are relating my comments from that lecture,
21 Mr O'Connor, you will see the title of the lecture was
22 "Learning from experience: counter-terrorism in the
23 United Kingdom since 9/11 2001".

24 Q. Yes, and you were addressing that when talking about the
25 state of play in 2002. Absolutely right. But there had

1 been this incident in 2000, which surely was a wake-up
2 call, wasn't it?

3 A. I can't say whether it was a wake-up call to those who
4 were dealing with that case at that time or not. I was
5 not.

6 Q. All right.

7 LADY JUSTICE HALLETT: So were the extremists in Birmingham
8 home-grown?

9 A. I would have to -- it depends, my Lady, upon one's
10 definition of "home-grown", and I don't want to get into
11 the theology of this, but there's an awful lot of debate
12 at the moment as to what is "home-grown".

13 Is it somebody who's born in a particular country,
14 then is radicalised elsewhere and then attacks somewhere
15 else, or is born somewhere, then moves somewhere else
16 and attacks? It all gets very complicated.

17 If, in this context, we take it to mean British
18 citizens who, for whatever reason, and through whatever
19 course, then end up with an intention to attack the
20 United Kingdom, I can certainly talk about cases since
21 2002, but here and now I can't recall whether the people
22 involved in Operation Large in 2000 were British
23 citizens or not.

24 MR PATRICK O'CONNOR: May I come to more home territory and
25 the ELG meetings? It was considered at one stage as to

1 whether the West Yorkshire Police should be invited to
2 join those meetings, but it never, in fact, happened.

3 Is that right?

4 A. That's right.

5 Q. The ELG were only told -- according to the gists we have
6 at any rate -- of one of the four known contacts between
7 the visitors from the Yorkshire area and the Crevice
8 plotters, and that one you've been taken to was the
9 28 February contact.

10 A. This is the reference to the vehicle?

11 Q. Yes.

12 A. Yes.

13 Q. If you had been aware, as chair of the ELG at the time,
14 that there had, in fact, been four contacts, four
15 suspicious contacts, with visitors from the Yorkshire
16 area, from the Leeds area, to the Crevice plotters in
17 this period, do you think that would have led you to
18 recommend that the West Yorkshire Police be invited on
19 to the ELG?

20 A. If we can put aside the word "suspicious" for a moment,
21 I'm not quite sure what that means in this context.

22 Q. Because there are all sorts of irrelevant contacts which
23 are meaningless, but these were suspicious contacts.

24 A. That can be a matter of judgment as to whether a contact
25 is suspicious or not.

1 Q. Yes.

2 A. The criteria for deciding whether somebody is invited to
3 join the ELG or not sits, obviously, with the national
4 coordinator, and what I would, at that time, have been
5 looking for would be some sort of indication perhaps
6 that executive action might take place in a particular
7 location or that there is specific information about
8 targeting before inviting a particular police force to
9 join the ELG.

10 Q. Humberside Special Branch were represented regularly on
11 these ELG meetings.

12 A. No, they weren't, sir. They were represented for
13 a short period.

14 Q. Right. But West Yorkshire were not at all. That's my
15 contrast. The Humberside connection was surely
16 Omar Khyam's business and family connections with
17 Humberside, wasn't it, that was the reason?

18 A. And, at that time, a concern about what -- whether there
19 were premises there that might be linked to the core
20 Crevice plot.

21 Q. I understand.

22 LADY JUSTICE HALLETT: You were looking for where he might
23 be storing bombs.

24 A. Indeed, my Lady, correct.

25 MR PATRICK O'CONNOR: In fact, that was a concern for the

1 Leeds area, because enquiries were sent up to the
2 West Yorkshire Police enquiring about garages and
3 lock-ups associated with the premises to which the
4 vehicle had been traced when it was followed. Do you
5 understand?

6 A. I stand to be corrected here, my Lady, but I think
7 you'll find that that enquiry was sent to every force
8 where there were vehicles which needed to be followed up
9 as a result of this investigation.

10 Q. Yes I understand, but I was just really following on
11 my Lady's absolutely accurate point. Humberside was
12 a possibility for the storage of relevant material.
13 West Yorkshire most certainly was as well.

14 A. The point I was making, Mr O'Connor, is that
15 West Yorkshire didn't stand out from many other
16 locations in that respect.

17 Q. Right. Do you say it wouldn't have stood out if it had
18 been drawn to the ELG's attention that there were four
19 meetings in this short period involving certainly two of
20 the same people?

21 A. What the ELG would be looking for would be for an
22 assessment from the Security Service of the importance
23 of those meetings and what they signified, what their
24 assessment was of those meetings.

25 Q. Right. A very alarming piece of information was

1 conveyed to the ELG of 20 February. We perhaps needn't
2 look at it because it may stand out in your mind, of
3 a detected reference by Omar Khyam to there possibly
4 being four independent cells or teams. Do you recollect
5 that?

6 A. Yes, I do.

7 Q. For obvious reasons, that is of very great concern to
8 you because that's a parameter to the conspiracy which
9 is, as yet, undetected?

10 A. That reference, if I remember correctly, also said that
11 it was to be further assessed --

12 Q. Oh yes, yes, very much.

13 A. -- as to what that meant and whether it was, indeed,
14 four cells or what the wording was.

15 Q. Yes. We've looked at that and that's not something that
16 will have come to your attention at the time
17 strategically, but were you aware at any time of any
18 executive action being taken against any individual or
19 groups of individuals who could have constituted one of
20 these other independent cells?

21 A. I'm not sure that I follow your question, Mr O'Connor.
22 Do you mean here, in the United Kingdom, elsewhere?

23 Q. Yes, in the United Kingdom, yes.

24 A. Well, if there had been any executive action in
25 connection with Crevice, it would have been part of the

1 Crevice ELG process.

2 Q. Yes, but -- well, we know who was arrested. Do you
3 follow?

4 A. Yes.

5 Q. We know who was charged. This will have been of concern
6 to you, because here is a reference potentially to
7 others actually who may actively be involved in
8 terrorist attacks as opposed to supporting or
9 facilitating anything. Do you understand?

10 A. Yes, and there are several references throughout the ELG
11 process to possibly other plots --

12 Q. Yes, there are.

13 A. -- of which we might not have visibility, and this fits
14 in very much with that general -- those strands of
15 reporting, pointing out that there are unknowns in this
16 whole process, which is why the preservation of public
17 safety always remains the top priority.

18 Q. I couldn't agree more, and to adapt Donald Rumsfeld,
19 this was a known unknown, because you have -- there are
20 always unknowns and possibilities, but here was
21 a specific reference to an unknown, a possible unknown
22 element.

23 Anyway, my only question is this -- and if the
24 answer is "No", that's absolutely fine and I move on --
25 about whether, at the time, you learnt of any arrests

1 which could be connected to, and therefore in a sense
2 mitigate and alleviate the natural concern you'll have
3 had about independent cells. Do any arrests ring a bell
4 with you connected with that?

5 A. I'm still not quite sure where we're going, Mr O'Connor.
6 If you're asking me whether there were other arrests
7 in the United Kingdom, at that time, which in any way
8 mitigated my concern about any of the other plotting
9 that may or may not sit behind the main Crevice plot --

10 Q. Yes.

11 A. -- then I can't recall it.

12 Q. Right, fine.

13 A. If that's what the question is.

14 Q. That's it, and I move on, thank you very much.

15 LADY JUSTICE HALLETT: Mr O'Connor, I'm sorry, I'm afraid
16 I'm not following either.

17 Surely we don't know to what extent all the Crevice
18 arrests and then the twelve who were part of
19 Operation Scraw, we haven't any idea how they fit into
20 the four cells, have we?

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

22 LADY JUSTICE HALLETT: We don't know that all those who were
23 arrested in Operation Crevice are necessarily
24 independent of the four other cells, do we?

25 MR PATRICK O'CONNOR: No, my Lady, there are grave

1 limitations to any answers that I can achieve to that
2 question.

3 LADY JUSTICE HALLETT: All you have is one man, Omar Khyam,
4 talking about four other cells, if that's the
5 interpretation we put on it.

6 MR PATRICK O'CONNOR: Yes, I think it might be three other
7 cells, and four -- or four all together, yes.

8 LADY JUSTICE HALLETT: But we have no idea what he means by
9 that.

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

11 LADY JUSTICE HALLETT: We have no idea whether he means that
12 he's got little groups of other people. For all we
13 know, they could have been included in the Crevice
14 arrests, couldn't they?

15 MR PATRICK O'CONNOR: Well, yes, that's what I'm seeking
16 actually to explore, but, my Lady, it has got nowhere,
17 and I'm not going to dig further.

18 LADY JUSTICE HALLETT: It's all right, I, too, was puzzled,
19 that was all, as to what you were asking.

20 MR PATRICK O'CONNOR: No, but that is the point, exactly,
21 yes.

22 I just have one final question, Mr Clarke. It is
23 paragraph 13 of your witness statement, so it's MPS13-9,
24 where you explained the very commencement of
25 Operation Crevice.

1 Do you have it there, please?

2 A. It's not up on the screen -- yes, it is now.

3 Q. You're explaining the inception of Operation Crevice and
4 you describe from March 2003 focus on activities of MQK
5 and him leaving the UK in the summer of 2003 and his
6 place being taken in the facilitation network by
7 Film Crew, returning in autumn 2003, Film Crew
8 travelling to Pakistan and coming back as well, and then
9 obviously attention later turning to Omar Khyam.
10 So it's really about that information. Crevice was
11 a facilitation investigation first into those two
12 people, MQK, into facilitation.

13 A. It had been, as I understand it, a facilitation
14 investigation until this day, yes.

15 Q. Yes. Do we take it -- I do not ask how, but do we take
16 it from this paragraph that the suspects in that
17 investigation, their travel movements were monitored?
18 I do not ask how, but just that they were being
19 monitored at that stage of Operation Crevice.

20 A. I think it could be a leap to say that their travel
21 movements were being monitored. Clearly, there's some
22 information here about their location at the various
23 times. That's not necessarily the same as monitoring
24 travel.

25 Q. It isn't, from this. That's why I'm asking the

1 question.

2 A. That's my answer, sir.

3 Q. You don't know, in other words, whether their travel
4 movements were actually being monitored?

5 A. I don't know.

6 Q. You don't know?

7 A. No.

8 MR PATRICK O'CONNOR: Right. It's a question I might leave
9 with Mr Hill, then. He might be able to answer the
10 question. Thank you very much.

11 LADY JUSTICE HALLETT: Does anybody else have any questions?
12 Mr Hill?

13 Questions by MR HILL

14 MR HILL: Just me, I think, my Lady. The reason you didn't
15 know, and wouldn't know, the answer to Mr O'Connor's
16 last question, is this right, is because your first
17 involvement was, as you've already told us, on
18 11 February 2004?

19 A. That's absolutely right, that's the first briefing I had
20 in connection with this investigation.

21 Q. Therefore, the fact that there had been an ongoing
22 Security Service interest, operation, call it what one
23 will, which predated 11 February 2004, did not involve
24 you, and any questions about it would have to be
25 directed to the Security Service and not you?

1 A. That's right.

2 Q. There is very little else I have for you, Mr Clarke.

3 Can I just ask, because we touched on it during

4 earlier questions, about the unusual feature -- in other

5 words, this was not the norm but was an exceptional

6 occasion -- where live product, for want of a better

7 phrase, live surveillance, ongoing, as it happened to

8 be, during an ELG meeting, was brought to your attention

9 as part of a Security Service briefing, there were one

10 or two examples of that within this process running from

11 11 February to 30 March, weren't there?

12 A. There were.

13 Q. Mr Keith touched on one example. For my Lady's note,

14 one, I think, not mentioned, but which we might just

15 spend a few seconds on, would be the ELG held on

16 23 March, for which I'll give the reference if I can

17 just find it.

18 In relation to that event, 23 March 2004 --

19 I'll just check my reference and see if I've found the

20 best reference. Forgive me for a moment, my Lady, if

21 you would.

22 Forgive me, I want to find a better reference, and

23 that is 28 February, which is MPS5-26. Same document,

24 just a little earlier.

25 What we see is ongoing surveillance within the

1 intelligence update, the Security Service briefing,
2 looking either at the first bullet point, technical
3 coverage of Khyam's car, or, indeed, at the third bullet
4 point:

5 "This morning, Khyam and his brother have been
6 observed ..."

7 What's happening is that almost in real-time you are
8 being given some awareness through a Security Service
9 briefing of surveillance that is being carried out on
10 the day itself at which you've convened this Executive
11 Liaison Group meeting?

12 A. Yes, looking at this, it looks as if it's from the
13 Metropolitan Police Special Branch, that particular
14 piece of information.

15 Q. Does it follow that it is part of the remit of the ELG
16 to act upon, as it were, surveillance product which is
17 being fed to you live, or is there another mechanism
18 that comes into play, even though reference is made to
19 live events during a meeting?

20 A. I would specifically say that it is definitely not the
21 function of the Executive Liaison Group to respond to
22 live intelligence of that nature. It's very unusual for
23 this sort of material to be fed live into an ELG. It
24 may be a reflection of the fact that this was an unusual
25 case in itself. The regularity of the ELGs was

1 unprecedented. But I would expect, after that sort of
2 material has been fed in, for it to be assessed and then
3 brought back to the ELG if there is any action that is
4 recommended should flow from it.

5 Q. Thank you. Can I just ask this -- and again, you've
6 touched on it earlier, but let's just see the
7 references. The tension or part of the tension between
8 the absolute need to preserve and protect public safety
9 and the desire to present the best evidential case in
10 the event of executive action -- in other words
11 arrests -- resulted -- and this is an example of it --
12 in some reference to the Crown Prosecution Service
13 before executive action was taken. Is that right?

14 A. Yes, indeed.

15 Q. So it's on that basis that we do see references to
16 consultation with the Crown Prosecution Service before
17 executive action was actually mounted?

18 A. That's correct.

19 Q. In your own statement where you give a running account
20 of each of the ELG meetings, if we look in your
21 statement, which is MPS13, at paragraph 55, which is
22 MPS13-29, top of the page, we can see that you were
23 informed that the Director of Public Prosecutions had
24 been consulted by 19 March to discuss evidential
25 progress. So we were still, at that stage, eleven days

1 short of potential arrests, executive action, which we
2 know was undertaken on 30 March.

3 A. That's right.

4 Q. Does it mean, in any sense, the fact that there was
5 reference to the Crown Prosecution Service, who
6 ultimately would take over any evidential case, that
7 that at all ate into, undermined -- use whatever phrase
8 you wish -- the primary function of recognising risk to
9 the safety of the British public and acting when that
10 risk was identified?

11 A. No, not in the least. I could not possibly allow
12 anything other than the safety of the public to be the
13 guiding influence on the overall strategy and, indeed,
14 the decision as to when to take executive action.

15 If there had to be a compromise in terms of
16 evidential product, then so be it, but public safety has
17 to, and always does, come first.

18 Q. With that, we can go back in time on MPS5-24, please, to
19 the ELG meeting considerably earlier, 26 February, so
20 we're a month prior to arrest, under the operational
21 update. Is it noted on that day that S013,
22 Anti-terrorist Branch, had spoken to the CPS regarding
23 the evidence available at this stage, and the note
24 continues:

25 "The CPS has stated that the investigation is at an

1 early stage of bringing charges for conspiracy to cause
2 explosions."

3 A. That's right.

4 Q. But it was part of -- I don't know whether you would
5 call it liaison in this context, but it was part of the
6 function of the ELG to try to advance to the strongest
7 evidential position for the reasons that you gave
8 earlier?

9 A. Absolutely.

10 Q. Then, finally, back to the first question that
11 Mr O'Connor put to you, which was to quote you some
12 years later, the phrase being "the spectre of
13 a home-grown terrorist threat", the fact was that, on
14 11 February 2004, for the first occasion, a Metropolitan
15 police officer of your rank and experience, being unique
16 as was indicated earlier, you did find, as a result of
17 the briefing you received that day, that that spectre
18 was coming to roost?

19 A. That's absolutely right, sir.

20 Q. On that basis, finally, then, could we go to -- we
21 haven't looked at it yet -- the final paragraph of your
22 statement, MPS13-37, paragraph 74. Does it follow,
23 Mr Clarke, that the spectre of a home-grown terrorist
24 threat coming to visit for the first time on
25 11 February 2004 would have meant that every antenna was

1 twitching to ensure that that threat was identified and
2 closed down as soon as could be done?

3 A. That's exactly why Operation Crevice was pursued and
4 prosecuted with unprecedented scale and intensity.

5 Q. Do you, on that basis, stand by the very final sentence
6 of your statement which expresses your determination
7 through the ELG process to maintain an unwavering focus
8 on those people who were assessed from the intelligence
9 to pose an immediate threat to the safety of the British
10 public?

11 A. That's absolutely right, sir.

12 Q. Was there anything at any time through your role in this
13 process that was brought to your attention that would
14 indicate that any of those who subsequently became 7/7
15 bombers, as we now call them, were part of the
16 Operation Crevice plot, or to put it another way, at
17 that time represented or posed an immediate threat to
18 the safety of the British public?

19 A. To the best of my knowledge, my Lady, there's never been
20 a single shred of evidence that those people were part
21 of the Crevice attack planning.

22 MR HILL: Thank you.

23 LADY JUSTICE HALLETT: It looks as if those are all the
24 questions we have for you, Mr Clarke. Thank you for all
25 that you did to try to keep us safe, along with your

1 colleagues in the Security Service, obviously, and thank
2 you for the help that you've given me.

3 A. Thank you, my Lady.

4 MR KEITH: My Lady, may I now finally call, please,
5 Detective Superintendent Prunty.

6 DETECTIVE CHIEF SUPERINTENDENT JOHN PRUNTY (sworn)

7 Questions by MR KEITH

8 MR KEITH: Good afternoon, could you give the court your
9 full name, please?

10 A. John Prunty.

11 Q. Mr Prunty, you are a detective superintendent for the
12 Metropolitan Police. Is that correct?

13 A. I'm actually now a Detective Chief Superintendent, I've
14 recently been promoted, sir.

15 Q. It may be that you have been promoted since the date on
16 which your original statement was provided.

17 A. I have sir, yes.

18 Q. No doubt at the end of a long list, you are to be
19 congratulated on your promotion. You were importantly,
20 of course, the senior investigating officer in relation
21 to Operation Crevice on behalf of the
22 Metropolitan Police?

23 A. I was.

24 Q. That role comprised a number of functions, did it not?

25 A. It did.

1 Q. I think you've set out for us in your witness statement
2 the broad functions of the senior investigating officer.

3 Perhaps, could you have MPS11-2?

4 My screen has died on me, but I think we'll find the
5 second page of your witness statement there.

6 The role comprises developing, implementing the
7 investigation strategy, managing resources, pursuing
8 evidential leads, being accountable in general terms for
9 the conduct of the investigation?

10 A. That's correct.

11 Q. You have been able to provide for us, in your statement,
12 have you not, some of the details concerning the nature
13 and extent of Operation Crevice?

14 A. Yes.

15 Q. You, of course, could only have been appointed, I think,
16 after the Metropolitan Police joined the ELG process on
17 11 February, so the heart of the Crevice operation was,
18 therefore, prior to the arrests from that date to the
19 end of March?

20 A. Yes.

21 Q. On 30 March, were a number of men arrested?

22 A. They were.

23 Q. Were they Omar Khyam, Anthony Garcia, Jawad Akbar,
24 Waheed Mahmood, Nabil Hussain and Shujahuddin Mahmood?

25 A. That's correct.

1 Q. My Lady, they are at paragraph 8 of my Lady's statement.
2 A number of individuals were arrested but then
3 released without charge, is that correct?
4 A. That is correct.
5 Q. One or two of the threads, if I may, arising out of the
6 evidence. Khawaja, notably, was not, of course, amongst
7 those arrested in England. What was Khawaja's fate?
8 A. Khawaja was in Canada and was arrested the day before
9 the King's Cross arrests took place.
10 Q. Was he subsequently tried in Ottawa?
11 A. Yes.
12 Q. Found guilty by Judge Justice Rutherford on seven
13 separate counts and sentenced to a long period in
14 custody?
15 A. That's correct.
16 Q. We have heard also of an individual called
17 Mohammed Qayum Khan, to whom reference was made by the
18 initial "Q", I think, in the course of the Crevice
19 trial. Was he ever tried?
20 A. No.
21 Q. The persons who faced trial, were they all convicted?
22 A. No.
23 Q. How many were convicted and how many were acquitted?
24 A. Two individuals were acquitted. The remainder were
25 convicted.

1 Q. Were they sentenced to long terms of imprisonment?

2 A. They were.

3 Q. The scale of the investigation was vast, was it not?

4 A. It was huge.

5 Q. Albeit by comparison to the later investigation,

6 Operation Theseus, it was dwarfed in terms of the scale
7 there?

8 A. Yes, it was.

9 Q. But at the time that Crevice started, it was very, very
10 large indeed, it was not?

11 A. Yes.

12 Q. You set out for us, I think, some of the figures. If we
13 could have, please, page 5 of MPS11, paragraph 12.

14 There were many thousands of messages and actions, even
15 during the covert phase which had ended on 30 March, and
16 then, thereafter, many thousands more messages and
17 actions, statements, and so on, created in the course of
18 the enquiries.

19 Over the page, we get some idea, do we not, of the
20 number of exhibits at paragraph 14?

21 During the searches alone, some 8,000-exhibits were
22 seized. Hundreds were submitted for forensic
23 examination. There were -- if you could scroll further
24 down the page, please -- some 20,000 hours of material
25 from listening devices alone.

1 I raise this with you, Detective Chief
2 Superintendent, because, do those figures give some idea
3 of the scale of the intelligence, let alone the
4 evidence, that confronted the Metropolitan Police?

5 A. They do.

6 Q. You refer at paragraph 16, the same paragraph, to the
7 team of officers from S013 then Anti-terrorist Branch,
8 who were put together to listen to and transcribe
9 conversations that were deemed to be important.

10 Can I ask you about that? Because, of course, this has
11 featured in the course of these proceedings by virtue of
12 the transcript of the 21 February audio probe from the
13 Vitara car.

14 They were, as you described, deployed full-time in
15 the Security Service, presumably at Thames House. Do we
16 take it from that that there was close liaison, not just
17 in relation to the physical presence of those officers,
18 but in relation to the product of their work? What
19 steps were taken to bring to the attention of yourself,
20 do you know, as well as the Security Service, what those
21 transcripts revealed?

22 A. Well, ultimately, the transcripts would have gone
23 through the Security Service before they came to us,
24 hence whilst that transcription process was done within
25 the confines of Thames House.

1 Q. Why? Because they were there, it would have gone to
2 them first?

3 A. The product belonged to the Security Service and it
4 wasn't until a later date that authority was given for
5 us to actually use that probe product in relation to the
6 investigation.

7 Q. The probe product was initially transcribed for the
8 Security Service on 22 February, for that particular
9 probe?

10 A. The process, yes.

11 Q. But it continued long thereafter?

12 A. It continued, I think, until September of that year.

13 Q. We have seen a number of variants. The
14 Security Service's own transcription was, as I say,
15 22 February and then police officers -- I think there's
16 reference to a DC Vernon and DC Wallace -- prepared
17 versions for the Metropolitan Police, albeit in
18 Thames House.

19 Would those transcripts of March 2004, 4 April 2004,
20 22 May 2004 and March 2005 have been distributed around
21 the team, including the Security Service?

22 A. Yes.

23 Q. Presumably because they contained potentially relevant
24 material?

25 A. Yes.

1 Q. But you continue in your statement again with some idea
2 of the overall scope of the investigation, the same
3 page, page 7, please, 24,000 hours of video product,
4 80 computers were seized and examined, almost 10,000
5 telephone numbers were identified, and subscriber
6 details, page 12, obtained in relation to 126 telephone
7 numbers.

8 A. Yes.

9 Q. There are one or two specific matters arising out of the
10 Crevice investigation insofar as they impact upon
11 my Lady's provisional issues.

12 Firstly, in relation to the surveillance
13 photographs, photographs were assembled, or rather
14 photographs were taken, in particular on 28 February and
15 23 March 2004, of some of the Crevice plotters,
16 including, as it happens, Khan.

17 Could we have SYS11066-5, please? We have in our
18 bundle, my Lady's tab 49, a document, that document,
19 which appears to be a Metropolitan Police document,
20 which appears to be the cover for some photographs which
21 follow. Could we have page 9? Page 10. Page 11, thank
22 you very much.

23 From the ISC report, we know that these, along with
24 other photographs, including Khan, were put together in
25 a bundle and shown to a detainee subsequently identified

1 as Mohammed Junaid Babar?

2 A. That's correct.

3 Q. Was that done for specific purposes arising out of
4 Operation Crevice, or is it customary for photographs
5 coming to light in the course of police investigations
6 to be routinely assembled so that they may be shown, if
7 it's deemed appropriate, to sources, detainees, and
8 other people subsequently?

9 A. It depends on the individual circumstances of the case.

10 Q. Let me put it another way. Was this a one-off or did
11 this reflect a sensible and commonplace attempt by the
12 Metropolitan Police to use photographic evidence in its
13 possession?

14 A. I think it's important to point out that these
15 photographs belong to us, but they weren't shown by us
16 to Babar.

17 Q. Ah. Certainly the Intelligence and Security Committee
18 simply refers to Metropolitan Police photographs and, in
19 fact, to you showing them, but must we therefore leave
20 it on the basis that they were yours but you had no
21 role, therefore, in the actual showing?

22 A. That is correct.

23 Q. All right. Is the production of such photographs
24 commonplace?

25 A. Yes.

1 Q. Right. That is why these photographs came to be shown
2 to Babar, one presumes?

3 A. One presumes.

4 Q. In relation to the probe material, just coming back to
5 the question of the transcripts, were you, yourself,
6 personally, as the SIO, the senior investigating
7 officer, made aware of the product of individual audio
8 eavesdropped conversations?

9 A. Only if it was considered relevant.

10 Q. Were you aware of these particular audio transcripts
11 involving, as they did, people on the periphery of
12 Crevice?

13 A. Yes.

14 Q. At that time or subsequently?

15 A. Subsequently.

16 Q. Two other matters, please, if I may. At page 44 of your
17 statement, you deal with the Toyota Avensis. The
18 Toyota Avensis, to get our bearings, Detective Chief
19 Superintendent, was the car, the registration plate of
20 which was not observed by surveillance officers, but the
21 general make was seen by them on 22 February outside
22 the Hollows address?

23 A. Yes.

24 Q. Officers under your command subsequently were able to
25 work out the registration number of the car because

1 after 7/7 it transpired that Khan had rented that car
2 from Salford Van and Car Hire, had he not, the day
3 before?

4 A. I think there's an assessment that that was the vehicle,
5 yes.

6 Q. It's MPS11011-48. It's a message from your police force
7 message, M9612.

8 Long after the event -- we can see it's 8 July --
9 officers were able to put together the reference in the
10 surveillance notes to a Toyota Avensis and a tiny
11 reference in the voluminous documents prepared in
12 Operation Theseus, to Khan using a car hire company
13 regularly and one of the car hires he made was the hire
14 of the Toyota Avensis?

15 A. That's correct.

16 Q. You took a statement, or officers under your command
17 took a statement, from the employee at the Salford Van
18 and Car Hire, Mr Turner?

19 A. That's correct.

20 Q. But that registration plate and the details there, only
21 came to light when that link was made?

22 A. Yes.

23 Q. The second matter, then, please, and the final matter.
24 There was also, we have seen, in the course of evidence,
25 a reference to the Vauxhall Corsa, which was seen on two

1 occasions.

2 There was a reference, was there not, in the
3 communications between the Metropolitan Police and the
4 Security Service as to whether or not the registration
5 number of the car was YB52 ULF or YB52 LUF.

6 A. Yes.

7 Q. There was a simple error in the transcription of the
8 number plate. But, very quickly, the error was spotted
9 and the link, in fact, to the company -- was it
10 Lombard Management or something of that sort --

11 A. I understand that, yes.

12 Q. -- who had rented or made the car available, was
13 established?

14 A. Yes.

15 Q. So it didn't appear to have had any operational effect
16 at all. Was the Metropolitan Police finally involved in
17 Operation Scraw, which was the operation of the
18 Security Service after the Crevice arrests to attempt to
19 identify some of the peripherals in Crevice?

20 A. No.

21 MR KEITH: Thank you very much. Those are all the questions
22 I have for you.

23 LADY JUSTICE HALLETT: Mr O'Connor?

24 Questions by MR PATRICK O'CONNOR

25 MR PATRICK O'CONNOR: Thank you, my Lady. Mr Prunty, could

1 we please have up paragraph 114 of your witness
2 statement? So that's MPS11-39, and over to 40.
3 You there explain how, in the immediate and terrible
4 aftermath of 7 July, recovered documentation was being
5 checked, including a bank card in the name of
6 Sidique Khan and an officer managed to track that
7 through on 9 July through financial research and found
8 that the name had been entered previously on the HOLMES
9 database on 15 March 2004.

10 A. Not through financial enquiries. By just checking those
11 details against those on the HOLMES database, yes.

12 Q. Thank you very much. I think that's what I meant, but
13 thank you very much for making that clearer.

14 Now, two points out of this, really. In this
15 paragraph you, if I may continue towards the end,
16 explain how the nominal reference system works, don't
17 you?

18 A. Yes.

19 Q. "Every individual coming to the attention of the
20 enquiry, whether they are a suspect, victim or witness
21 is assigned a nominal reference number. A nominal
22 reference number is generated by the HOLMES database
23 when the individual's details are inputted. Further
24 information about a subject as it becomes known is then
25 added to that record."

1 Does that mean, put simply, that at the very start
2 of a massive investigation such as this, literally on
3 day one, you'll be entering nominal reference 1 and
4 maybe up to 50, and then, as a massive enquiry like this
5 develops, you're reaching nominal reference 3,000, 4,000
6 and 5,000?

7 A. Yes.

8 Q. Literally that?

9 A. Yes, and I --

10 Q. So that nominal reference, "1" means literally, this may
11 or may not be significant, prove significant, but just
12 a method of ordering it, this is literally the first
13 entry under this system?

14 A. Yes.

15 Q. Could we go, if you have a hard copy of our core
16 bundles, please, to tabs 19 and 20?

17 A. I don't, actually.

18 Q. I'm very sorry, then. Could we have SYS11070, which is
19 the first of these two transcripts which we have, and
20 this first one is prepared by DC Wallace, a Metropolitan
21 police officer.

22 Do you see to the right-hand subject column, "NM1"
23 and "NM2", do you follow?

24 A. Yes.

25 Q. This is happening in March 2004.

1 Could this conceivably have been intended by
2 DC Wallace to mean, under the system you've explained,
3 nominal reference 1, in Operation Crevice, and nominal
4 reference 2?

5 A. No.

6 Q. Just going back, please, to the actual entry on
7 15 March 2004, do you know why the name
8 "Mohammed Sidique Khan" had been entered on
9 15 March 2004 on the HOLMES database?

10 A. I can only assume it's as a result of the documents in
11 our possession that caused us at some point to create
12 a nominal record in the name of Sidique Khan.

13 Q. May I suggest what seems to me to be the most likely
14 sequence?

15 A Honda Civic had been observed in suspicious
16 contact with the Crevice plotters on 2 February and
17 28 February 2004 and had been tracked as having the
18 registered owner of Sidique Khan. Do you understand?

19 A. At some point, the name Sidique Khan has entered that
20 system, yes.

21 Q. It makes sense that it's there entered.

22 LADY JUSTICE HALLETT: Sorry, was the record on the database
23 Mohammed Sidique Khan or Sidique Khan?

24 A. I don't know, my Lady.

25 LADY JUSTICE HALLETT: In your statement it says "Mohammed".

1 A. Then it would be on the basis of my statement, my Lady,
2 yes.

3 MR PATRICK O'CONNOR: My Lady, the answer to that appears in
4 this document I'm coming to. INQ10499, please, which is
5 a statement of an officer called Robin Sinclair and
6 I don't have a hard copy of that, none of them do, but
7 in S015, if we go to page 2, he sets out, eight lines
8 from the top:

9 "On 15 March, an individual by the name of
10 Sidique Khan with a date of birth 20/10/1974 was created
11 on the Crevice HOLMES database [with a] unique nominal
12 number [of] N337. An address of 11 Gregory Street ...
13 also created ... The information ... had arrived ... by
14 way ..."

15 It describes the route, it may be that doesn't
16 matter too much:

17 "On 20 March, [it] was updated to include another
18 name for the subject: namely, Mohammad Sadikue Khan."

19 My Lady will be familiar with that, that was the
20 electoral register spelling, was it not, that we saw on
21 a West Yorkshire Police answer to an enquiry?

22 "This update was again based on information received
23 from S012."

24 If we could just scroll down, please, thank you:

25 "On 22 February ... again updated to show

1 alternative spellings ... Sidikue, Siddique, Sidkue and
2 Mohammed Khan."

3 So if I may just comment very wisely, variants on
4 this name, which can be spelt in very many ways, are
5 being entered at various times by officers in the
6 investigation.

7 Now, it's fair to say this officer doesn't explain
8 why, but we've agreed there is a sensible -- there is
9 a very, very clear and sensible reason why that entry
10 was made.

11 Now, another reason perhaps for asking you this
12 question is that I can say on behalf of our clients that
13 a degree of concern has quite often been expressed about
14 the implications of this name coming up so quickly by
15 means of the police records and leading people -- and
16 one can understand it -- to thinking, "Good Lord, this
17 person had already been marked down as a terrorist and
18 had been missed".

19 Do you understand how the thinking might go,
20 especially amongst those who were bereaved --

21 A. I understand.

22 Q. -- and distressed; do you follow?

23 I think this tracks it, doesn't it? The HOLMES
24 database is intended to be an extremely efficient
25 retrieval system for information as it develops through

1 a vast investigation.

2 A. That's one of the purposes of the system, yes.

3 Q. This, in a sense, is a tribute and proof of that, that
4 two days after this atrocity, this name, which had been
5 entered for reasons we can see were sensible,
6 in March 2004, comes up extremely quickly?

7 A. Yes, on the basis of picking the needle from the
8 haystack, absolutely, on that information, yes.

9 Q. My Lady, I felt it necessary to ask that in the light of
10 my Lady's function in, as it were, clarifying things --

11 LADY JUSTICE HALLETT: Of course, Mr O'Connor.

12 MR PATRICK O'CONNOR: -- dispelling suspicions and, whether
13 it satisfies everyone or not, this is a clear
14 explanation for that sequence of events, is it not?

15 A. Absolutely.

16 Q. Thank you.

17 You refer in paragraph 75 to a request for CCTV
18 product from Toddington CCTV being cancelled. It is
19 MPS11-26. It's your paragraph 75 on page 26 of your
20 statement. We know where that comes into the history,
21 but there was a request to obtain CCTV product from that
22 place in relation to occupants of a Honda and then it
23 was cancelled. Do you know why it was cancelled?

24 A. I don't.

25 Q. All right. We know that Metropolitan Police

1 Special Branch described as being high priority --

2 LADY JUSTICE HALLETT: Sorry, just before we go on, I think

3 you said Toddington, Mr O'Connor. Is it

4 Castle Donington?

5 MR PATRICK O'CONNOR: I'm sorry, is it not Toddington?

6 LADY JUSTICE HALLETT: If you look at paragraph 75.

7 MR PATRICK O'CONNOR: I've closed the page now.

8 LADY JUSTICE HALLETT: "Instruction is to obtain CCTV

9 products. Stopping for petrol at Castle Donington

10 services on the M1. The words 'action cancelled' have

11 been added."

12 MR PATRICK O'CONNOR: Please forgive me, then, my Lady, it's

13 there and I've simply misread it. I think it still fits

14 into the sequence of events of 28 February, but if I'm

15 wrong, I'm wrong.

16 LADY JUSTICE HALLETT: I just wanted to make sure, because

17 I had written down "Toddington" because I think you said

18 "Toddington", I just wanted to check.

19 MR PATRICK O'CONNOR: I'm sorry. It's the seniority of the

20 advocate and the time of the day. It's

21 Castle Donington, but I repeat, I think we slot that

22 into the 28 February movements, we understand why.

23 LADY JUSTICE HALLETT: Thank you.

24 MR PATRICK O'CONNOR: Do you know that two of the four

25 contacts between the Yorkshire visitors and the Crevice

1 plotters involved a Vauxhall Corsa car?

2 A. Yes.

3 Q. And that it had "Just Car Clinic" printed clearly on the
4 side and it had a phone number on the side?

5 A. As I understand it, yes.

6 Q. And that it was denoted as a priority line of enquiry,
7 not surprisingly, by the Metropolitan Police
8 Special Branch not long afterwards in March 2004?

9 A. Yes.

10 Q. From the history, we know that, in fact, the full
11 available information was not obtained until, in fact,
12 January 2005 by means of a witness statement from
13 Andrew Smith from Just Car Clinic, and it revealed some
14 very helpful details: a mobile phone number for
15 Mohammed Sidique Khan, address information, links to all
16 sorts of things.

17 Now, can you explain why it took that long to check
18 this out?

19 A. Priorities change through an investigation. What might
20 be important today is not necessarily a priority
21 tomorrow.

22 Q. It's a very long time for what is described as
23 a priority line of investigation, isn't it?

24 A. But I think, as was said earlier on, my Lady, there was
25 a substantial amount of actions in relation to this

1 investigation, as -- there has to be a priority process
2 of what's important in terms of what we're trying to
3 achieve. So as I said, priorities today might not
4 necessarily be so as important tomorrow.

5 Q. Yes. We know that Just Car Clinic is a business in
6 West Yorkshire.

7 A. (Witness nods).

8 Q. I mean, what would have been the problem over just
9 requesting the West Yorkshire Police to go round and
10 find out about that?

11 A. Well, in principle, no problem, but it wasn't part of --
12 at that point, it wasn't deemed to be important.

13 Q. But it was. You see, it was recorded by the
14 Metropolitan Police Special Branch as being a priority
15 line of investigation.

16 A. I accept that on the day that it's created, but not
17 necessarily in the scale of the enquiry.

18 Q. Right. Can you confirm -- this is just a slight
19 development on my learned friend's questions about the
20 Avensis -- my learned friend went to a slightly indirect
21 document, but we actually have the very original
22 document signed by Mohammed Sidique Khan in relation to
23 that and perhaps I can save the moment of going to them
24 if you can confirm that it actually shows the fairly
25 extraordinary circumstance that, on 21 February, he had

1 hired it and he'd returned it within 24 hours on the
2 22nd. Can you confirm that?

3 A. If that's what the document says, without referring to
4 it, yes.

5 Q. I'll just give the reference without bringing them up.
6 It's MPS11010-2.

7 The sequence must therefore have been: he hires it
8 at some time like midday, he drives all the way down to
9 Crawley, he drives all the way back and within 24 hours
10 he is returning with the same vehicle. That has to be
11 the sequence. Do you follow?

12 A. If you put it like that.

13 LADY JUSTICE HALLETT: Are you suggesting that there was
14 a way that they should have found out about the Avensis,
15 therefore, that must --

16 MR PATRICK O'CONNOR: No, and, my Lady, may I confirm --
17 I am trying to be helpful; in fact, the opposite of
18 being adversarial -- that when those questions were
19 being asked of G about the grave difficulty of
20 observation at number 2, The Hollows, there is actually
21 a street plan which --

22 LADY JUSTICE HALLETT: Mr O'Connor, through me.

23 MR PATRICK O'CONNOR: I'm very sorry, there is actually
24 a street plan which reveals very clearly why that is
25 right. There were grave difficulties over visual

1 observation at that place, so they didn't get the
2 registration number.

3 LADY JUSTICE HALLETT: Thank you.

4 MR PATRICK O'CONNOR: My Lady, I think, very helpfully, that
5 is it. I've just got -- I'm very sorry -- oh, yes, yes,
6 yes. Does this ring a bell with you: a lost fax between
7 the Metropolitan Police and West Yorkshire Police during
8 the course of this investigation?

9 A. No, my Lady.

10 MR PATRICK O'CONNOR: No? Fine. That's that.

11 LADY JUSTICE HALLETT: Thank you, Mr O'Connor. Any other
12 questions? Mr Hill?

13 MR HILL: Not that it will take very long, I give that
14 guarantee.

15 Questions by MR HILL

16 MR HILL: Exceptionally, if I might suggest, you have
17 performed a dual function in your effort to provide
18 my Lady with assistance in her proceedings and I say
19 that, not because they are my words, but because they're
20 your own words at concluding paragraph 131 of your
21 statement -- no need to bring it up on screen -- which
22 was provided on 12 January this year.

23 I say "exceptionally", because the dual function
24 that you have performed is to come to court to provide
25 an account, insofar as it has been necessary, of your

1 actions at the time as the senior investigating officer
2 of Operation Crevice from February 2004 onwards, first
3 role and function.
4 But second function, for the purpose of these
5 proceedings, which led to the generation of your
6 statement, MPS11, you have caused your colleagues to go
7 back through the systems here and now, as it were, to
8 trawl for any material that may be of assistance and it
9 is in that regard that we see -- and my Lady was correct
10 to pick up on it -- at paragraph 114, the result of
11 those researches in relation to a record on the HOLMES
12 database in the name Sidique Khan, and Mr O'Connor, in
13 turn, is absolutely right to demonstrate that it was one
14 of the officers currently attached to the team who
15 support you in these proceedings -- DC Sinclair -- who
16 performed that research task recently and it did not
17 demonstrate that there was a nominal record in the name
18 Mohammed Sidique Khan in 2004; it did, as Mr O'Connor
19 has ably demonstrated, indicate an entry in the name
20 Sidique Khan with a number of other variations added
21 later?
22 A. Yes, that's correct.
23 Q. That's the context of that.
24 Next point, possibly even the final point -- well,
25 there are two linked points. Is "NM" short for "nominal

1 male"?

2 A. Not in the circumstances on the transcript, no.

3 Q. Right. Linked to that, can we just look at the
4 documents, going back into your role at the time as
5 opposed to subsequently.

6 The procedure by which Metropolitan Police officers
7 were afforded facilities at the premises of the
8 Security Service was something that was specifically
9 inserted by virtue -- is this right -- of the nature and
10 the scale of Operation Crevice as it unfolded?

11 A. That's correct.

12 Q. We can trace that through very quickly, I hope, because
13 in your own decision logs, which you've presented to
14 these proceedings, if we see MPS2-6, if that could be
15 brought up on screen, thank you, that is what's known as
16 a sensitive decision log, number 12, the decision number
17 we see at the top of the page, and that is an entry made
18 by you, in your hand, on 23 February, in which you
19 record the fact that you have requested copies of all
20 the recordings.

21 So this is your decision, as the officer charged
22 with creating an evidential case, as opposed to
23 analysing intelligence material, to request access to
24 the material being generated by Security Service
25 surveillance operation?

1 A. Yes.

2 Q. That then follows through, is this right, to the minutes
3 of the ELG for that day which we can see at MPS5-21,
4 near the end of the ELG minutes for that day,
5 23 February. The meeting, in fact, convened at
6 16.00 hours. There is now an agreement that the
7 Security Service share material from technical
8 deployments with S013 for evidential purposes?

9 A. Yes.

10 Q. It follows that it was the evidential purpose that was
11 being deployed by officers tasked by you, not an
12 intelligence function?

13 A. Absolutely, yes.

14 Q. In fact, final reference MPS5-27, ELG 19, five days
15 later on 28 February, recorded the continuing request --
16 this is as an action, top of our screen, this is the
17 action at the end of the operational strategy section in
18 which you are named. The action was a request,
19 I suggest made by you, that transcribers highlight
20 particular areas of interest to the Metropolitan Police
21 Special Branch?

22 A. Yes.

23 Q. So you were asking for Security Service transcribers to
24 bring to the attention of your officers particular
25 aspects of their product which you would then task your

1 officers to transcribe?

2 A. That's correct, my Lady, yes.

3 Q. We then go into a sequence which I shan't repeat again,
4 we've looked at it before, where there are, over
5 a period of time, to take the example of the 21 February
6 product, a number of successive transcripts.

7 If there were time and if it were of sufficient
8 import, we would see, wouldn't we, that they are draft
9 transcripts? The one prepared by Officer Wallace
10 doesn't, in fact, even bear his signature at the end.

11 It's work in progress, later perfected by DC Vernon, and
12 there are successive dates to it.

13 A. Yes.

14 MR HILL: May I just have a moment? I think that's all
15 I wish to ask of you. Yes, thank you.

16 LADY JUSTICE HALLETT: Those are the questions that we have
17 for you, Chief Superintendent Prunty. Thank you very
18 much for all the help that you and your officers have
19 given. I am conscious that in responding to our
20 requests for help we've impacted upon a number of
21 organisations, including yours, and I'm sorry for that,
22 but I am sure we are all very grateful for the help you
23 have given. Thank you.

24 A. Thank you, my Lady.

25 MR KEITH: My Lady, that concludes the evidence --

1 LADY JUSTICE HALLETT: I congratulate everyone.

2 MR KEITH: -- in relation to background. May we invite
3 my Lady to turn to Command and Control part 2 at 11.00
4 on Monday?

5 LADY JUSTICE HALLETT: I have, during the course of today,
6 I know, been asked by Mr Smith to agree a timetable for
7 final submissions. I understand that timetable is the
8 result of discussions amongst everybody and everybody is
9 content with it?

10 MR KEITH: My Lady, yes, there have been a number of drafts
11 and most views have been incorporated into the final
12 order, but it requires my Lady's diktat to bring it to
13 life.

14 LADY JUSTICE HALLETT: It's been sent out. Apparently,
15 I have ordered it.

16 MR PATRICK O'CONNOR: My Lady, it is, in relation to me,
17 absolutely brutal. I have agreed to it, but I am
18 absolutely gulping. May I explain why? It's the
19 tightest timetable for me, and --

20 LADY JUSTICE HALLETT: I thought that we'd been asked to
21 stick to that timetable because Ms Gallagher wanted us
22 to.

23 MR PATRICK O'CONNOR: I'm not entering a caveat, I am not,
24 but it is really, really difficult, partly because
25 I have to consult and it means Wednesday for

1 preventability means I have to finish all my work really
2 by Monday night to get it to the other teams. So I have
3 two working days, really. But --

4 LADY JUSTICE HALLETT: Mr O'Connor, I promise you, when
5 I heard that there were representations being made and
6 that we ought to, therefore, move to a little later, and
7 then I heard that representations were being received,
8 certainly from your legal team, that I should stick to
9 the original dates, so I said "Well, check with
10 everybody" --

11 MR PATRICK O'CONNOR: I know, I know.

12 LADY JUSTICE HALLETT: -- "If everybody is content, then
13 that is what I shall order".

14 MR PATRICK O'CONNOR: I understand.

15 LADY JUSTICE HALLETT: On the basis that everybody was
16 content, I understand that's what I've ordered.

17 MR PATRICK O'CONNOR: Yes. In that meaning of the term, I'm
18 content, my Lady, yes. Might I just raise one thing,
19 though?

20 LADY JUSTICE HALLETT: Certainly.

21 MR PATRICK O'CONNOR: It's an enquiry. We didn't get
22 anywhere, for very understandable reasons, with Mr G on
23 the question of the capability to monitor the travelling
24 of suspects, not how, but just that there was the
25 capacity to do it at the time, and in trying to reach it

1 by another route with Mr Clarke by asking about 2003 and
2 the journey that we know Q took, et cetera, et cetera,
3 I didn't get anywhere in that way.

4 Now, the Security Service know the answer to this
5 properly, more as a body than --

6 LADY JUSTICE HALLETT: Sorry, what is the question?

7 MR PATRICK O'CONNOR: The question is this: could my Lady
8 please invite the Security Service to say clearly
9 whether, in 2004/2005, there was an ability -- how, we
10 leave out of the point -- to monitor the international
11 travel of suspects involved in counter-terrorism,
12 involved in terrorism.

13 LADY JUSTICE HALLETT: You did touch on this with Witness G.

14 MR PATRICK O'CONNOR: Yes, I did, and he really couldn't
15 help. I don't think he was involved sufficiently in
16 operational matters at the time. I don't think he'd
17 said "Yes, it could be done". I think we got a bit of
18 a vague answer, and there's a very clear answer
19 potentially the Security Service can give. Not this
20 moment necessarily at all. But I just invite my Lady to
21 invite them to provide you with the clear information.

22 LADY JUSTICE HALLETT: I suspect Mr Garnham is going to say
23 he might need more detail in the question. Mr Garnham?

24 MR GARNHAM: I might if it goes beyond the answer we've
25 already given to that question, paragraph 8 of the third

1 statement of Mr G.

2 LADY JUSTICE HALLETT: I thought this was a matter we'd
3 dealt with. The third witness statement?

4 MR GARNHAM: Sorry, the second.

5 LADY JUSTICE HALLETT: Paragraph 8?

6 MR GARNHAM: Paragraph 8.

7 MR PATRICK O'CONNOR: Well, my Lady, this --

8 LADY JUSTICE HALLETT: I haven't got there yet. Which page
9 is it?

10 MR PATRICK O'CONNOR: It's only the third page, the last
11 page. Yes, and that makes my point. This is simply not
12 a clear answer at all. I mean --

13 LADY JUSTICE HALLETT: I'm still not there. I have all
14 three statements together and -- can someone remind
15 me ...?

16 MR KEITH: Can I just hand in -- my Lady, they are so
17 voluminous, they may have become detached from my Lady's
18 bundle.

19 LADY JUSTICE HALLETT: Oh, it's up.

20 MR GARNHAM: My Lady, I anticipate that the answer to
21 a request for a more detailed answer is provided by the
22 second sentence. The witness cannot be more specific in
23 open proceedings as to what those actions are.

24 MR PATRICK O'CONNOR: No --

25 LADY JUSTICE HALLETT: I think you have an answer to your

1 question. Clearly, there is an ability to monitor by
2 use, including of intrusive actions, with immigration
3 authorities and police when targets leave and enter the
4 UK, but we can't learn any more in open.

5 MR PATRICK O'CONNOR: My Lady, that is what has been --

6 LADY JUSTICE HALLETT: And that, in G's opinion -- which is
7 what he did say in evidence before me -- the case for
8 such, as far as unidentified males D and E, would have
9 been unsustainable.

10 MR PATRICK O'CONNOR: No, of course, of course, you have to
11 have identified men. So this is on the supposition they
12 have identified --

13 LADY JUSTICE HALLETT: Sorry, what more do you think you can
14 get than paragraph 8, Mr O'Connor? I'm not following.

15 MR PATRICK O'CONNOR: Nothing clear, because, basically,
16 I've made pretty clear what we're asking about is not
17 intrusive measures. It is measures which can, with some
18 ease, and without intrusive actions, without warrants or
19 anything, which can be taken to ascertain the travel
20 movements of suspects, and this simply blurs the issue,
21 not as to how, we're not asking how or what the measures
22 are beyond that you really do not need to go to
23 intrusive actions in order to trace the international
24 travel of terrorism suspects where there's a name.

25 LADY JUSTICE HALLETT: I'm still not following. Please give

1 me an example of the kind of answer you might get if you
2 felt the Security Service were being as open with you as
3 you say you needed them to be? What kind of answer do
4 you mean? I don't follow.

5 MR PATRICK O'CONNOR: The ideal answer would be: with the
6 passport number and date of birth of a terrorism suspect
7 we can tag that passport number and name and date of
8 birth on a computer system and, when somebody travels --
9 I know I'm not going to get this, but this is the
10 ideal -- when somebody travels, leaves Heathrow and
11 arrives in Pakistan, we know about it.

12 Now, I can't be told all of that, but the thrust and
13 common sense of it is: actually, we have a facility
14 which is regularly used, which can easily be used, not
15 intrusive actions at all, whereby we can monitor the
16 movements of terrorism suspects.

17 Now, my Lady's, I'm sure, got the point, it can be
18 formulated much better than I've formulated it now.

19 LADY JUSTICE HALLETT: For a start, before anybody goes off
20 with the idea that is the case --

21 MR PATRICK O'CONNOR: Yes, I agree. I --

22 LADY JUSTICE HALLETT: Pause. We don't know that that was
23 the case back in 2004/2005, and we don't know whether
24 the kind of actions you're describing do come within the
25 kind of material which the authorities would rather

1 I dealt with in closed session.

2 MR PATRICK O'CONNOR: I understand. That precise, detailed
3 information could well raise public interest immunity
4 issues, but some piece of information, which will assist
5 my Lady to reach a fair conclusion as to the facility
6 with which that kind of tracking could be done at the
7 time without setting out how it was actually done, and
8 the way the state of play at the moment is, well, it's
9 all disproportionate and may involve intrusive actions
10 and really it's not really on.

11 LADY JUSTICE HALLETT: Right, so the question would be: was
12 there an ability to monitor the international travel of
13 Mohammed Sidique Khan by name --

14 MR PATRICK O'CONNOR: Yes.

15 LADY JUSTICE HALLETT: -- and passport number?

16 MR PATRICK O'CONNOR: Yes.

17 LADY JUSTICE HALLETT: And Tanweer, by name and passport
18 number, in 2004/2005?

19 MR PATRICK O'CONNOR: That's right. It would be and/or,
20 yes.

21 LADY JUSTICE HALLETT: You want the answer to that, if there
22 is one, even if it's followed up with a rider: but even
23 if we had that ability, we wouldn't have used it because
24 we've described why they're not a high enough priority.

25 MR PATRICK O'CONNOR: That's right, and that's the case,

1 absolutely. My Lady has absolutely formulated it
2 infinitely better than I did, and I apologise for that,
3 but that is it, and perhaps one would add to my Lady's
4 formulation "short of intrusive actions".

5 LADY JUSTICE HALLETT: Sorry, where would they have got
6 Tanweer's passport number from?

7 MR PATRICK O'CONNOR: I'm thinking on my feet and I suspect
8 not, but they would have got -- they could have got --

9 LADY JUSTICE HALLETT: That's why I think it's important
10 that we try to pin down --

11 MR PATRICK O'CONNOR: Delete Tanweer, I wasn't thinking of
12 Tanweer. But Mohammed Sidique Khan.

13 LADY JUSTICE HALLETT: You've raised the matter. I'll give
14 Mr Keith and Mr O'Connor time to think about it, if they
15 wish to do so, and I'm sure, if it's a matter considered
16 worth pursuing, you can raise it again or Mr Keith can
17 raise it and we'll see where we go.

18 I think it's too late in the day for me to be
19 working out whether I want to go down this line or not.
20 Mr Saunders?

21 MR SAUNDERS: May I mention --

22 LADY JUSTICE HALLETT: You dare to rise to your feet at
23 5.00?

24 MR SAUNDERS: I do. Bearing in mind it's 5.00, I just
25 wanted to make one matter, and I'm sure your Ladyship

1 when you've used, as you have done, the phrase
2 "Ms Gallagher asked for", can I make it absolutely clear
3 all the families who are represented were asked about
4 your timetable and we all agreed, it's not simply
5 Ms Gallagher.

6 LADY JUSTICE HALLETT: I wasn't trying to put her in the
7 frame as some kind of suspect.

8 MR SAUNDERS: I thought I would make sure she wasn't in the
9 frame.

10 LADY JUSTICE HALLETT: Ever the gentleman, Mr Saunders.

11 MR SAUNDERS: I'm grateful Mr O'Connor has taken on
12 a timetable which is going to be fairly considerable for
13 himself, because we are trying, as the families, to put
14 together a group of submissions rather than doing it
15 individually, and I simply defend Ms Gallagher for her
16 efforts over the last few weeks, when we have all been
17 very grateful for her drafting initially and bringing us
18 all together. I simply thought I would mention that.

19 LADY JUSTICE HALLETT: I'm very grateful for your acting as
20 Sir Galahad and I'm sure Ms Gallagher is grateful.

21 Thank you all very much. 11.00 Monday, thank you.

22 (5.00 pm)

23 (The inquests adjourned until 11.00 am on Monday,

24 28 February 2011)

25