

1 Wednesday, 3 December 2008

2 (10.00 am)

3 (Proceedings delayed)

4 (10.10 am)

13 (In the presence of the jury)

14 SUMMING-UP (continued)

15 SIR MICHAEL WRIGHT: Ladies and gentlemen, yesterday, before  
16 we broke off, I had just started on, as you will  
17 remember, the research that was being carried out to get  
18 photographs, to try to get more photographs of  
19 Hussain Osman, and I'll go back a little bit just to  
20 fill you in again.

21 Shortly after 4 o'clock in the morning, instructions  
22 were given to research intelligence on Hussain Osman,  
23 and those researches were to reveal that he had been  
24 stopped by police on a driving matter, and officers were  
25 told to contact the driving licensing authorities, the

1 DVLA, and the immigration authorities, to obtain  
2 photographs and other information about Osman.

3 However, it appears that the DVLA photographs did  
4 not come through until about midday on the 22nd, and  
5 that was of course after the shooting had occurred in  
6 Stockwell, and the immigration authorities' photographs  
7 came through later in the afternoon.

8 Detective Chief Inspector Southworth explained how  
9 these things work, and it can take some hours to get  
10 such photographs or intelligence from those sources.  
11 One thing that he said was that a problem with the DVLA  
12 was that the office in Swansea couldn't be accessed  
13 outside office hours. But since he gave that evidence,  
14 and you remember I told you that contrary to my ruling  
15 this is one fresh bit of evidence you are going to get,  
16 because it came in before the guillotine came down, as  
17 it were, and he has submitted another statement which  
18 I am going to read to you.

19 Statement of DCI KEVIN SOUTHWORTH (read)

20 SIR MICHAEL WRIGHT: This is Chief Inspector Southworth:

21 "I make this witness statement further to my witness  
22 statement dated 8 October 2008 and further to my  
23 evidence in the inquest on the 10th.

24 "In response to the Coroner's question on  
25 10 November as to the MPS/DVLA designated point of

1 contact was accessible outside office hours ... I said  
2 that at the time it was not. Again, when asked further  
3 by Mr Mansfield Queen's Counsel about the matter ...

4 I said that my understanding was that the MPS designated  
5 point of contact was limited to office hours, although  
6 I did qualify this by acknowledging the possibility of  
7 error ... and suggesting that DVLA themselves might be  
8 able to give a definitive answer.

9 "The reason I qualified my replies was that I am not  
10 (and was not at the time) myself directly involved in  
11 conducting DVLA checks. As intelligence Detective  
12 Inspector, my role was to manage the intelligence unit,  
13 some of whose staff themselves carried out the check.

14 "For this reason, before giving evidence on  
15 10 November I spoke on the phone with the MPS/DVLA  
16 liaison team to establish the route by which the Osman  
17 photo was obtained from DVLA on 22 July. I spoke to  
18 a colleague of Detective Constable Martin Edwards  
19 (DC Edwards himself being on annual leave that week) and  
20 my understanding from that discussion was that they only  
21 worked office hours. However, having now read the  
22 witness statement of DC Martin Edwards dated  
23 13 November, I accept that my understanding was  
24 erroneous and I am anxious to correct my evidence in  
25 this respect."

1 Statement of DC MARTIN EDWARDS (read)

2 SIR MICHAEL WRIGHT: I have also got, which I will read to

3 you, two statements from Detective Constable Edwards.

4 I won't read all of it, because there is quite a lot of

5 detailed technical stuff about how these things are

6 managed, but the gist of it is this: he says:

7 "I am a police officer with 28 years service based

8 at Cobalt Square, employed working within the

9 Metropolitan Police intelligence bureau. Any enquiries

10 made to the DVLA have to be made through a DVLA liaison

11 officer of which I am one of two such officers. In

12 2005, this would have included checks with DVLA for

13 terrorism."

14 Then he goes on to deal with the details of the

15 liaison and how it all works. He said that:

16 "The call-out procedure operated by DVLA for out of

17 hours requests has been in operation since 1985. The

18 call-out procedure in 2005 is the identical procedure as

19 used today."

20 Then he goes on to say:

21 "DVLA hours of operation are 8.15 am-4.30 pm Monday

22 to Friday. DVLA do not operate 24 hours a day [but]

23 should the Metropolitan Police Service require

24 information outside these core hours for

25 a life-threatening incident, the following procedure was

1 in place in 2005."

2 I don't think, Ms Hill, I need to go through the  
3 details of it.

4 MS H HILL: No, sir, it's just the very last part about the  
5 timescale.

6 SIR MICHAEL WRIGHT: Absolutely. Then he sets out in  
7 considerable detail, it's rather a complicated procedure  
8 of ringing up people and calling them out and getting  
9 them to come into the office. Essentially the summary,  
10 he says: there is a procedure; it is possible to call  
11 somebody out from the DVLA in Swansea, to go in, open up  
12 the office, access the files and get the information  
13 that's required.

14 "This procedure from start to finish normally takes  
15 no more than one to one and a half hours."

16 Then his second statement, Mr Edwards deals with  
17 what he actually did on 22 July, in response to the  
18 instruction to get the information that I told you  
19 about. He sets out the details of the inquiry he made,  
20 and he said:

21 "I completed a Data Protection Act form requesting  
22 the photograph of Mr Hussain Ahmed Osman..."

23 Then he sets out date of birth and driver number and  
24 that sort of thing:

25 "This I emailed to the DVLA in Swansea. I received

1 in return by email the photograph of Mr Hussain Ahmed  
2 Osman [details again]. I produce a copy of this emailed  
3 photograph..."

4 Which of course you have all seen the DVLA  
5 photograph.

6 "My daily log which contains the details and result  
7 of any request, does not include any times [but] I have  
8 subsequently made enquiries with DVLA as to the times  
9 the request was made to the DVLA and the time the  
10 photograph was despatched from the DVLA to the  
11 Metropolitan Police. I produce a self-exhibiting  
12 authenticated for court purposes print-out from DVLA  
13 which shows the email from myself to the DVLA requesting  
14 the photograph was received by them at 10.49 am on  
15 [22 July 2005] and read..."

16 Then there is the detail of the inquiry made with  
17 the attached Protection Act form.

18 "The photograph was emailed to the  
19 Metropolitan Police by the DVLA at 12.10 pm..."

20 Is that all we need, Ms Hill?

21 MS H HILL: Yes.

22 SIR MICHAEL WRIGHT: Thank you very much indeed. So now you  
23 know the inquiry was made at 10.49, and the photograph  
24 was sent at ten past 12, midday.

25 Another significant connection was made at around

1 this time. According to Mr Boutcher, researches on the  
2 name Abdi Omar on police databases showed that he was  
3 linked to Operation Ragstone. As you have heard, that  
4 was a Special Branch operation in the Lake District in  
5 May 2004, where a group of men gathered for what was  
6 suspected to be a terrorist training exercise.

7 Over 300 photographs had been taken in the course of  
8 that operation. Hussain Osman appeared in a number of  
9 the photographs. Some of the people on the photographs  
10 had been identified by the police by name, but Osman had  
11 not. The Ragstone photographs were viewed from around  
12 11.40 am in the morning of 22 July, again after the  
13 shooting.

14 At 4.20 am, Mr McDowall had a meeting in which he  
15 was briefed on the developing intelligence picture. He  
16 noted in his log the names of the two suspects, Osman  
17 and Omar, and the address 21 Scotia Road. He noted the  
18 link with Ragstone, and details of a number of vehicles  
19 that had been seen during Ragstone. He noted that the  
20 scene examiners had found in the rucksack at  
21 Shepherd's Bush some torn up correspondence with the  
22 name Elias Girma. He noted a vehicle connected with  
23 Ragstone which was registered to Yeshiembet Girma at 40  
24 Blair House, Stockwell Gardens. There were a number of  
25 other enquiries of which he appraised himself,

1 including, you remember, those at certain prisons.

2 At 4.55 in the morning on 22 July, Mr McDowall set  
3 his Gold strategy. By this time, he had one priority  
4 address, 21 Scotia Road. He had two suspects, Osman and  
5 Omar. He had the gym photographs for those two, and he  
6 had CCTV, closed-circuit television, stills from the two  
7 scenes.

8 At the time of setting the strategy, Mr McDowall  
9 thought that 21 Scotia Road was a single address with  
10 its own front door, and not, as we now know, a flat  
11 within a block which had a communal front door. He  
12 decided that the operation should be a covert one and  
13 recorded it as follows -- and you probably remember  
14 these fairly cryptic notes which I'll interpret for you  
15 in a minute:

16 "Gold firearms strategy in respect of premises --  
17 control. Challenge. Stopped."

18 Then "W", which is short for "with"; "CO19 recce",  
19 short for "reconnaissance".

20 "4.55 am Silver to be ident [identified] each plot  
21 to liaise [with] Silver DSO [designated senior officer]  
22 Cress [short, of course, for Cressida Dick] (consult  
23 CDR Carter) and update accord to developing int [short  
24 for intelligence]."

25 In other words the strategy was to try to control



1 the premises through covert surveillance, to follow any  
2 person leaving those premises until it was felt safe to  
3 challenge them and then stop them. Because it was  
4 a covert operation, this would mean taking them under  
5 surveillance control some distance away from the  
6 premises.

7 The stop element would be carried out by specialist  
8 firearms officers from CO19. Ideally he would have  
9 wanted a firearms team and a surveillance team to take  
10 up position as soon as possible and certainly intended  
11 that the firearms team should be in place as soon as  
12 possible after the surveillance team had got there.

13 He was hoping that the firearms team would have been  
14 there by 7 o'clock in the morning.

15 From 5 o'clock onwards, Mr McDowall had a rolling  
16 series of meetings, as the various officers came to his  
17 office to brief him and to receive information. DCI,  
18 Detective Chief Inspector Mellody, contacted the SO13  
19 operations room for an officer who had completed the  
20 Inspector Firearms Command Accreditation Training,  
21 IFCAT, to act as Silver Commander for a firearms  
22 operation as soon as possible.

23 By 4.57, Detective Inspector Merrick Rose was  
24 informed that he was required to Silver a firearms  
25 operation and was to attend New Scotland Yard.

1           At 5 o'clock in the morning, Derek, the team leader  
2           of the red surveillance team, was at New Scotland Yard,  
3           and he was aware of the emerging intelligence. He went  
4           to the 16th floor operations room where he spoke to the  
5           officer using the pseudonym Alan. He was the deputy  
6           co-ordinator of the ops room. Alan informed him of the  
7           requirement to deploy the red team, and you will know  
8           from the start time in the red team log that they were  
9           actually in position in the Scotia Road vicinity by four  
10          minutes past 6 that morning.

11          Central 2402, who we saw at a very late stage in the  
12          evidence, he was the leader of the blue surveillance  
13          team, and he was also instructed at about 5 o'clock to  
14          get his team to New Scotland Yard as soon as possible.  
15          Just in brackets, just to remind you, they were the team  
16          that eventually went to Portnall Road.

17          You may think that the position about firearms teams  
18          is rather less clear. Alan has a note which he made  
19          timed at 5.05 am, and I quote:

20                 "ZAJ tac adviser called and team deployed."

21          He thinks that around this time he called  
22          Inspector ZAJ, said they had identified premises linked  
23          to the attacks, the 21/7 attacks, and that Mr McDowall  
24          wanted a firearms team to go to 21 Scotia Road as soon  
25          as was practicable. Alan says that ZAJ told him that

1 a team would be deployed, and Alan's telephone records  
2 show a call to Inspector ZAJ at 17 minutes past 5 that  
3 morning.

4 ZAJ says that he was not told about this  
5 requirement. However, at seven minutes past 5, ZAJ  
6 telephoned Alpha 1, who was the leader of the orange  
7 firearms team. They were the oncall night duty firearms  
8 team.

9 ZAJ thought that he made this call after  
10 a discussion with Andrew, in which it was decided to  
11 bring the team to New Scotland Yard in case an overt  
12 strategy required them to deploy, and it would then be  
13 easier for them to deploy from that central location.  
14 And indeed, at some time between seven minutes past 5  
15 and 20 past 5, the orange team were called to New  
16 Scotland Yard. They were fully equipped, fully armed,  
17 and you remember they settled down in the canteen.

18 At 15 minutes past 5, Mr McDowall records that he  
19 met with the firearms tactical advisers. He thought  
20 that it was Andrew and ZAJ. Mr Mellody, DCI Mellody,  
21 also thinks that Andrew was one of those present, but  
22 Andrew believes that he was not there.

23 At 5.17 and 5.25, Andrew made calls to Mr Boutcher  
24 lasting for four and six seconds, and at 5.25 he also  
25 called Angie Scott, Detective Chief Inspector Scott.

1           However, Andrew does not recall being made aware of  
2           the covert strategy by Mr McDowall or being aware of any  
3           discussions about arrangements to deploy a firearms team  
4           to Scotia Road.

5           So you will want to consider, when you consider all  
6           that evidence, whether all this represents a failure of  
7           recollection on the part of Andrew subsequently -- and  
8           here, as elsewhere, in all respects, you will have to  
9           make allowance for the passage of time since 2005 -- or  
10          does it represent misunderstandings and failures of  
11          communication at the time these events were actually  
12          happening?

13          DCI Scott remembers getting a call from Andrew in  
14          which he asked whether she was going to be the Silver on  
15          an operation, and she contacted the S013 ops room at  
16          5.28, asking to be updated on S012 and C019 deployment  
17          towards the subject of interest.

18          At 5.35, it is recorded that Mr Mellody told her  
19          that Mr Rose had been identified to be the Silver. By  
20          that time, Mr Rose was being updated by Mr McDowall, who  
21          outlined the Scotia Road strategy to him. Then at 5.45,  
22          those present in Mr McDowall's office were told that  
23          they now had the latest address for Abdi Omar, and that  
24          was 61A Portnall Road. It was accordingly decided that  
25          there was a need for two firearms operations.

1           According to Mr Rose, Andrew said that there would  
2           be sufficient teams on from 7 o'clock. When Mr Andrew  
3           gave evidence, he told you that the grey team could not  
4           have been deployed because they had only gone off duty  
5           at 4 o'clock, and they had been on duty for 20 hours or  
6           more. But what about the orange team, who had been at  
7           New Scotland Yard waiting in the canteen since about 20  
8           past 5?

9           The suggestion was made many times in these  
10          proceedings that, given the emerging intelligence and  
11          the available resources, it would have been entirely  
12          sensible to have called the orange team to New Scotland  
13          Yard as a central location from where they could deploy  
14          as needed. It's been suggested that it would have been  
15          sensible not to deploy them immediately to Scotia Road  
16          when it might have been anticipated that other addresses  
17          would come to light which might require a firearms team.

18          On the other hand, no-one says or recalls now that  
19          orange team was actually called to New Scotland Yard for  
20          that reason. Again, is this a suggestion made with the  
21          benefit of hindsight, which you have been cautioned so  
22          often against, or was there at the least some  
23          misunderstanding or miscommunication at the time, or is  
24          it simply a failure of recollection by those who were  
25          involved in those decisions?

1           Meanwhile, DCI Purser was telephoned, I think he was  
2           at home, and he was told to be at New Scotland Yard by  
3           6.30 am. Inspector ZAJ contacted Trojan 84, who was the  
4           firearms tactical adviser for the black team, and told  
5           him that he and his firearms team would be going to  
6           Scotia Road.

7           At ten to 7, 6.50, McDowall chaired a large meeting,  
8           a formal update briefing, and you saw a list of those  
9           present. You will recall that it was at this meeting  
10          that Mr Purser volunteered to be the Silver for  
11          Scotia Road. Mr Rose volunteered to do the same job for  
12          Portnall Road. While this meeting was going on, you  
13          heard that the first member of the blue surveillance  
14          team arrived in the vicinity of Portnall Road, and that  
15          was at eight minutes past 7.

16          Commander Dick, as she then was, Deputy Assistant  
17          Commissioner Dick as she now is, joined the meeting  
18          a little late. That wasn't her fault. She had been  
19          given the wrong location, the 16th floor ops room, and  
20          while she had waited there, she had been updated by Alan  
21          and by Detective Chief Inspector Noel Baker, who was the  
22          ops room co-ordinator. In any event, before she left  
23          the meeting, she spoke to Mr McDowall, who told her that  
24          surveillance teams had gone to Scotia Road and  
25          Portnall Road, that arrangements had been made in

1 respect of the black and orange teams, and he went  
2 through for her the strategy that he had set. He also  
3 checked whether Ms Dick needed anything else.

4           Going back to the firearms arrangements, Mr Purser  
5 and Mr Rose obtained a full intelligence briefing from  
6 Mr Mellody before deploying to the respective addresses  
7 that they were responsible for. Ms Dick went to the  
8 operations room and to a meeting in the forward  
9 intelligence cell. You remember the little room to the  
10 right-hand side as you saw it on the plan. That was at  
11 about 8 o'clock. She thinks that it was shortly before  
12 she went to that meeting that she became aware of the  
13 true nature of the premises at Scotia Road, the communal  
14 block.

15           At that meeting, she indicated that she would be in  
16 charge of the operation, and not merely in respect of  
17 any decisions that would have to be taken by a DSO. The  
18 strategy was discussed and written up on a board.

19           Back to firearms. The black team came on duty at  
20 Lemn Street at 7 o'clock in the morning. First of all,  
21 Ralph, the team leader, gave the team a postings  
22 briefing and you saw a list, and you have it in your  
23 bundle, of the various cars to which the various team  
24 members were allocated. They booked out their weapons,  
25 a process which takes a little time.

1           At 7.45, they were briefed by Trojan 84. They were  
2 told, among other things, that they might have to use  
3 unusual tactics, and that was a reference to the  
4 possibility of a critical shot., and that they should  
5 trust the information that they were given. The vital  
6 point, you may think, was to make sure that any subject  
7 they were directed towards had in fact been correctly  
8 identified as a would-be suicide bomber.

9           Trojan 84 acknowledged the importance of briefings,  
10 and he said that he thought that Charlie 2 and  
11 Charlie 12 were put in an invidious position, and you  
12 may remember this because this was an impassioned  
13 outburst that he gave you and I'm going to read it to  
14 you. He said this:

15           "There is no doubt in my mind about that. And the  
16 mindset played a huge part in relation to it. I mean,  
17 in relation to what those officers thought in relation  
18 to all those briefings, I am sure they tried to justify  
19 it in their own minds as to what all this meant, but  
20 even when I delivered the line, I mean one of the guys  
21 in his statement has put in 'because of the urgency in  
22 his voice'. I mean, that, coupled with the positive  
23 identification of a suicide bomber from the day before  
24 and all of the mindset, all of the briefing, I am sure  
25 had a huge impact on the way they thought.



1           "And that is the crying shame in all of this, you  
2           know, we released 2 and 12 into an impossible situation  
3           where they had to make sense, because of the individual  
4           officer responsibility, they were given the judgment  
5           call, and that is unbelievably outrageous that they  
6           should be left with that responsibility. I mean, we  
7           can't do it any other way and it was difficult, but  
8           yeah, I think you are absolutely right in that, the  
9           concertinaing of all the information, I'm sure had  
10          a huge part in the outcome."

11           That was what he said to you.

12           About ten past 8 they began making their way to  
13          police premises at Nightingale Lane for the briefing by  
14          Detective Chief Inspector Purser. The control car  
15          picked him up from New Scotland Yard en route, and  
16          Mr Purser's briefing began at about 8.45 am, and  
17          concluded by about 9.15 when Mr Purser gave the team the  
18          guidelines about when it was permissible to use force.  
19          You will remember, you have seen it on the blue card,  
20          and it was also set out in his briefing note.

21           It seems that at the time those who were briefed  
22          took the view that it had been a thorough and  
23          comprehensive briefing. You heard evidence that in the  
24          course of it, the team were told that the suicide  
25          bombers were deadly and determined. Some recalled

1 Mr Purser also saying that the bombers were "up for it".  
2 He doesn't accept that he would have used those words.

3 Mr Mansfield criticised the briefing as being  
4 unbalanced. Mr McDowall accepted that a balanced  
5 briefing would include a warning to firearms officers  
6 that the bombers may not be at the address in question.  
7 Mr Boutcher agreed that it should include a reference to  
8 the fact that a person who emerged may or may not be  
9 a bomber from that day or a previous day. I will go  
10 back to the briefing in much greater detail when  
11 I discuss with you the evidence that Charlie 12 gave.

12 At the end of the briefing, Mr Purser briefed the  
13 S013 team, including Sergeant Dingemans, who, you  
14 remember, was -- anti-terrorist team who would make any  
15 stops that did not involve or did not need to involve  
16 the firearms officers.

17 Now, what, in the meantime, had been going on at  
18 Scotia Road with the red surveillance team who had begun  
19 at four minutes past 6? Well, Derek told you that it  
20 was immediately obvious to the team that they were  
21 dealing with a communal block of flats, and he said he  
22 would have relayed this back to the control room. He  
23 understood that any subjects were to be stopped by S019,  
24 but he was concerned to know where S019 were. He made  
25 a number of telephone enquiries from the control room,

1 complaining that they didn't have the necessary support.  
2 He was never given a satisfactory answer for the absence  
3 of firearms support. He was, as he thought, being  
4 fobbed off with explanations such as "they are on their  
5 way", or "they are being briefed", or "they will be  
6 there soon".

7 Derek was aware of the TA Centre in  
8 Upper Tulse Hill, and he drew the attention of the ops  
9 room to this facility in the first half hour of the  
10 surveillance. The response was that this was being  
11 looked into. Derek was also aware that there were bus  
12 stops within a reasonably short walking distance from  
13 Scotia Road, so that any suspected suicide terrorist  
14 would be able to get on a bus within a very short time  
15 of leaving the premises, and in the light of the events  
16 of the previous day, Derek thought that this was  
17 something to be avoided.

18 The bus stops that were causing Derek particular  
19 concern were the ones in Upper Tulse Hill, almost  
20 opposite Marnfield Crescent, and he asked his monitor if  
21 he could arrange for the bus services to be suspended.  
22 It appears at one stage members of the team thought that  
23 the bus services had been suspended, but it is apparent  
24 that they had not been, and that was for fear of drawing  
25 attention to the fact that something was going on in the

1 area.

2 Ms Dick told you that she was adamant that services  
3 should not be suspended for that reason, but there are  
4 indications that some people thought that they had been.

5 Well, is that an indication, do you think, of some  
6 problem or inadequacy in the communication of  
7 information to and from the control room to the teams?

8 Well, once the briefing at Nightingale Lane had  
9 finished, Ralph and Trojan -- Ralph sent a car, the  
10 Alpha car, 805A, Ralph sent a car containing Charlie 5,  
11 Charlie 2 and Charlie 6 to the TA Centre. They were the  
12 leading car.

13 At 9.27, Charlie 2 telephoned Ralph to tell him that  
14 they had arrived at the centre, and then the remaining  
15 vehicles began to make their way there. The next one to  
16 arrive was Charlie car, 805C, and that arrived next.  
17 The journey time involved was between five and eight  
18 minutes.

19 At about the same time, 9.33 or 9.34, the entry  
20 times in some logs vary, Jean Charles de Menezes left  
21 the block at Scotia Road. He was seen by Frank of the  
22 red team, who was in a van parked nearby. Frank was  
23 unable to take any film of him, as you heard, but he  
24 described him physically as being 5-foot 8 inches, dark  
25 hair, stubble, and he thought that he was a white,

1           that's IC1, male. He said he more or less disregarded  
2           him at that stage, but as Mr de Menezes passed the van,  
3           Frank compared him with the photograph that he had of  
4           Osman and Frank then transmitted that he thought it was  
5           worth somebody else having a look.

6           To do that, he used the Airwave system, which the  
7           ops room could not monitor, Airwave radio system. But  
8           the message was repeated over the Cougar system, which  
9           the ops room was monitoring.

10          Edward, also of the red team, was parked in  
11          a car park opposite the junction with Marnfield Crescent  
12          in Upper Tulse Hill. He saw Mr de Menezes as he  
13          approached the junction of Marnfield Crescent and  
14          Upper Tulse Hill and turned left towards Tulse Hill  
15          itself. He described him as North African.

16          Tango 2 of the red team also saw Jean Charles, but  
17          he was too far away to make an identification. Then of  
18          course, as you remember, as Jean Charles moved away from  
19          close to Scotia Road and along Upper Tulse Hill, grey  
20          team took over from red team.

21          Harry, grey team officer, followed Jean Charles in  
22          Upper Tulse Hill and noticed that he was looking over  
23          his shoulder, acting in a wary manner, and appeared  
24          nervous.

25          James and Ken, in one car, drove past Jean Charles.

1 James got a view of the side of Jean Charles' face, and  
2 a partial view of the front of his face. He dropped Ken  
3 off, and Ken then walked towards Jean Charles but was  
4 unable to see his face. He saw him go to the bus stop  
5 at Tulse Hill and get on the number 2 bus, and it looks  
6 as though he got on the bus at 9.38 am, and we are  
7 calling it Lambeth time, to make the times consonant  
8 with, at any rate, one set of clocks.

9 James took the opportunity to look at the photograph  
10 of Osman or Nettle Tip as the codename was being given  
11 to him, and he thought that Jean Charles was possibly  
12 identical with him, and he recorded in his log:

13 "LJ03 MXL [that's the bus number] red bus number 2  
14 double decker N [north] in Tulse Hill towards Brixton  
15 PIW [possibly identical with] NT [Nettle Tip] on bus all  
16 in denim."

17 That, as I said, PIW, possibly identical with, NT,  
18 short for Nettle Tip, the codename for the suspect  
19 Hussain Osman.

20 In a supplementary entry in the log, he describes  
21 him as wearing a denim jacket and jeans, faded, was  
22 about 5-foot 10 inches tall, and stocky. He had  
23 collar-length black hair and stubble and a wide face.

24 At 9.41, James contacted Pat in the ops room -- pat,  
25 you will remember, was the surveillance monitor working

1 in the ops room -- and told him that Jean Charles was  
2 PIW-NT. Pat's log has an entry with a time of 9.34 am:

3 "U/I IC6/IC2 male, fattish face, stubbled, 5-foot  
4 10 inches, PIW-NT in jeans out of communal door."

5 "U/I" means "unidentified". The code "IC2" is used  
6 to indicate that a person is of dark European  
7 appearance, while "IC6" indicates that a person is of  
8 North African appearance.

9 Significantly, Pat accepts that not all of the  
10 information in this entry may have been recorded at the  
11 same time; he may have made in effect a composite entry  
12 of a number of reports.

13 Callum was with Mr Esposito, and was keeping  
14 a record. That record states that at 9.42:

15 "Male from Scotia Road information unconfirmed as at  
16 9.42 am. IC1 male from address may or may not be  
17 subject now on bus."

18 Ivor then drove ahead of the bus, parked his car and  
19 got on the bus around the area of Brixton Water Lane.  
20 He sat in the disabled seating area in the bus and  
21 Jean Charles was sitting downstairs at the back of the  
22 bus facing towards.

23 At 9.43 Harry telephoned Ivor, who told him that he  
24 could not positively identify the subject as Nettle Tip,  
25 but did say that he said he had distinctive eyes. He

1           said Mongolian looking. Harry then confirmed over the  
2           radio that the subject was on the bus and words to the  
3           effect that Ivor could not confirm that he was  
4           Nettle Tip.

5           There then appears to be an example, or perhaps  
6           another example of a misunderstanding or a failure in  
7           communication. I say that because at around 9.45  
8           Trojan 84 and the ops room understood that Jean Charles  
9           was believed not to be the subject, rather than it was  
10          undecided. At 9.45 there was a four-second call from  
11          the ops room to James. Owen's note about that  
12          conversation reads as follows:

13                 "CD to greys. [CD, I think, was Cressida Dick]  
14           Telephone. Don't think it's him. Three to four minutes  
15           of follow. CD Q [question] why still following. Call  
16           to team leader to establish."

17           Then Callum's log has an entry at 9.46 am:

18                 "Not ident male as above discounted. Surveillance  
19           team to withdraw to original positions."

20           As a result of that, the decision was taken to  
21           deploy the S013 arrest team, not a firearms team, to  
22           conduct a stop of this male for the purposes of  
23           intelligence gathering. Mr Purser telephoned  
24           Sergeant Dingemans at 9.48.50 that morning to tell him  
25           to carry out the stop. And plainly that would not have



1           happened if the ops room did not believe that at that  
2           stage Jean Charles had been positively discounted.

3           At 9.47.26, Lambeth time, the number 2 bus pulled in  
4           at the bus stop on the Brixton Road. Jean Charles  
5           walked past Ivor to get off the bus. Ivor also got off.  
6           He saw Jean Charles walk north for about 20 metres  
7           before turning round and running back towards the same  
8           bus. You may think that he must obviously have realised  
9           that Brixton station was closed. He appeared to use his  
10          telephone. He then joined the bus queue, and Ivor  
11          transmitted this information, Jean Charles' movements,  
12          over the Cougar radio.

13          Lawrence, another grey team member, drove past  
14          Jean Charles at this time. He had a side view of him,  
15          and then a full frontal view just for a split second.  
16          Graham and Malcolm also drove past Jean Charles and also  
17          had brief opportunities to see him.

18          At 9.49.33 Jean Charles got back on the bus. James  
19          contacted Pat in the ops room because he wanted to be  
20          sure that the ops room had heard about Jean Charles'  
21          movements because he thought they were important. He  
22          thought they looked suspicious, and might be  
23          an anti-surveillance device. He asked for directions  
24          from the ops room but said that he never got any.

25          Mr Cremin was Commander Dick's loggist. He recorded

1 at 9.52, and I quote:

2 "Possible Nettle Tip O/S [outside] Brixton tube (on  
3 bus) station [obviously referring to Brixton station]  
4 'very jumpy' (probable ident) no bags visible."

5 Purser recalled hearing that Jean Charles was  
6 nervous or twitchy.

7 Mr Cremin's log also records:

8 "Establish ID and hold."

9 Which reflected an instruction from DAC Dick that  
10 the surveillance was to continue.

11 James was asking whether SO12 were to stop this man,  
12 but Mr Cremin records that Ms Dick did not want the  
13 surveillance officers going up to this man. That would  
14 be for CO19. James picked up Lawrence in his car with  
15 a view to getting ahead of the number 2 bus, and then  
16 dropping Lawrence off again so that he could get on the  
17 bus. After he had picked up Lawrence, James spoke to  
18 Pat, who wanted to know if the grey team could put  
19 a percentage on how sure they were that the man they  
20 were following was Nettle Tip.

21 This was following a request from Ms Dick. James  
22 said that he thought it was a ridiculous question, but  
23 he nonetheless asked around his team over the radio.  
24 There was no reply, so James said he took it that no-one  
25 could assist.

1           Pat, in the ops room, asked James if he could say  
2           anything to assist, and James told you that he replied  
3           either, "For what it's worth, I think it's him", which  
4           is how he put it in his witness statement, or, "I think  
5           it could be him".

6           Mr Cremin's log records:

7           "It is him, the man off [the] bus. They think it is  
8           him and he is very, very jumpy."

9           Mr Cremin and Ms Dick say that this information came  
10          from Pat, the surveillance monitor. Mr Boutcher,  
11          Ms Scott, and Mr Lewindon gave evidence to similar  
12          effect. Pat does not recall saying, "They think it's  
13          him", but he agrees that he could have done.

14          You will, however, notice that in all Pat's entries  
15          in the surveillance log, the running log, right down to  
16          the very end, when Jean Charles went down into the tube,  
17          he was always described as "U/I", unidentified.

18          Pat confirmed that this represented the fact that  
19          the man who was being followed was never clearly  
20          positively identified to him as the subject, and if he  
21          had been, he would have referred to him in his log  
22          either by his full subject name or by the abbreviation  
23          NT.

24          You do know that before James gave his reply to  
25          Pat's inquiry, he had a discussion with Lawrence, who

1 was in the car. Lawrence said he didn't think it was  
2 Nettle Tip, and he explained that he had had a chance to  
3 see the subject when he got off the bus at Brixton and  
4 Lawrence had driven past. They looked again at the  
5 photograph, the briefing image, and according to James,  
6 Lawrence became less certain. James did not tell Pat  
7 that another member of his team had expressed doubts.

8 At 9.54, Callum recorded that Mr Esposito made  
9 contact with Trojan 84, tac adviser to the black team,  
10 and Esposito told him that he needed to get in  
11 contention with the bus. At 9.54 Pat's log records:

12 "Believed U/I M [male] is using mobile phone,  
13 possibly texting, on bus, Stockwell Road."

14 Boutcher recalls Pat saying that the subject was  
15 texting and was nervous.

16 At 9.55, Purser was sitting in the control room at  
17 the TA Centre when he says he heard a surveillance  
18 officer say over the radio, "It's him, Nettle Tip,  
19 believed him", or "Believed Nettle Tip, it's him".

20 DAC Dick telephoned Purser and asked if he was  
21 getting this; he said he was, they were rolling, and the  
22 officers made their way to their cars. Five cars  
23 containing specialist firearms officers then set off to  
24 catch up with the bus, with the control car at the rear.

25 At 9.55.27, Purser called Dingemans' telephone and

1           said that the S013 arrest team should stand down because  
2           the firearms team was deploying. By this time,  
3           Sergeant Dingemans had already driven up Clapham Road as  
4           far as Stockwell station, turned right into the  
5           Stockwell Road, and made a U-turn behind the bus which  
6           was coming up the other way.

7           Having received Purser's instructions, he stopped  
8           his attempt to follow the bus closely with a view to  
9           intercepting Mr de Menezes.

10          Mr Cremin's log has an entry for 9.56 am:

11          "Still on bus LJ03 [the index number is actually  
12          recorded as 'MEL', which may be a mistake] No 2 route.  
13          Stockwell Road up on map. Are you moving your firearms  
14          team?" is a question recorded. Answer: "Yes".

15          At 9.56.21 the number 2 bus was on the  
16          Stockwell Road at the junction with Sidney Road, part of  
17          the way up the Stockwell Road. At 9.56.48 Trojan 84  
18          made a two minute 31 second call to James' mobile, which  
19          was answered by his passenger, Ken. The caller said he  
20          was from C019 and asked for the location of the bus and  
21          the position of the subject within it. James asked over  
22          the radio for that information.

23          At 9.59 Harry called Lawrence, who was sitting three  
24          rows behind Jean Charles on the top deck. Jean Charles  
25          got up and went towards the stairs. Lawrence passed

1 that information to Harry, who relayed it over the  
2 Cougar radio, and Ken relayed that information to  
3 Trojan 84. At 9.59 Mr Cremin recorded:

4 "Bus is almost at Dorset Road."

5 Then obviously a reference to the subject:

6 "Top deck heading down the stairs."

7 The call between Trojan 84 and Ken ended at 9.59.19.  
8 James then transmitted over the Cougar radio that CO19  
9 may be making its way through the follow. You may  
10 remember the words, "all units alert, CO19 coming  
11 through".

12 By this time, the bus had begun to turn from  
13 Stockwell Road into South Lambeth Road. Trojan  
14 vehicles, 805A and 805B, were on the Brixton Road in the  
15 vicinity of Brixton Underground station.

16 At 9.59.36 Trojan 84 began a nine minute and 14  
17 second call to Mr Esposito. The control vehicle by then  
18 was at Brixton Town Hall. Esposito was anxious to know  
19 whether the firearms team was in contention, and  
20 Trojan 84 knew at this stage that there were three  
21 Trojan vehicles in front of the command vehicle in which  
22 he was but he did not know where the other two Trojan  
23 vehicles were.

24 Trojan 805 Delta, D, the car in which Charlie 12 was  
25 travelling, had taken a different route towards the

1 junction of Stockwell Road and the South Lambeth Road,  
2 which is where Stockwell station is. When Trojan 805D  
3 was on the Clapham Road, about 100 metres south of  
4 Stockwell station, Charlie 12, who was in that car,  
5 heard that the bus was in the junction with Stockwell  
6 Underground station at an angle and that the subject was  
7 acting nervously and preparing to leave the bus.

8 I'll tell you at this stage that I am going to ask  
9 that you should see the film again at a later stage in  
10 the summing-up, just to remind you of what it all looked  
11 like.

12 At 10.01, Mr Cremin recorded:

13 "Guy has been on phone sending text messages.  
14 Dorset Road 3rd address. If good ident [identification]  
15 can't let him down the tube."

16 At about this time, Ms Dick said she wanted the man  
17 stopped. There appears to have been some discussion  
18 about whether or not the man should be allowed to run.  
19 You heard a lot about Mr Owen's record of that  
20 discussion and you may have doubts about his explanation  
21 for why he altered his record. However, everybody does  
22 agree that the decision was made that the man should be  
23 stopped before getting on the tube.

24 Esposito relayed that order to Trojan 84. According  
25 to Mr Esposito, Trojan 84 initially said that they were

1 in position. However, as the surveillance officers  
2 reported that the man who was being followed was getting  
3 off the bus, Trojan 84 thought that he might be behind  
4 the wrong bus, and in any event he told Mr Esposito at  
5 that point that they were not in contention.

6 Superintendent Johnston told you that he heard  
7 Esposito, presumably speaking to Trojan 84, saying  
8 something like, "What do you mean you can't do it? Get  
9 yourself there". He then told Commander Dick that the  
10 S019 officers were not able to get to this person in  
11 time.

12 Ken went and waited at the bus stop by the NatWest  
13 Bank on the corner, you remember, of South Lambeth Road,  
14 and he saw Jean Charles get off the bus. He was -- Ken  
15 was about 6 to 10 feet away from him and got a side view  
16 of him. He thought that he was a good possible for  
17 Nettle Tip, but he didn't transmit that view.

18 At 10.02 Lambeth time Jean Charles walked past the  
19 NatWest Bank cash machines. Ken followed him to  
20 Stockwell station, and saw him go in, and he transmitted  
21 this over the Cougar radio. Ken entered the ticket hall  
22 at 10.02.56. He saw Ivor there. He saw Jean Charles  
23 collect a copy of the Metro newspaper, get a ticket from  
24 his pocket and go towards the barriers. He heard Ivor  
25 ask over the Cougar radio, "Do you want him lifted?"



1           which was relayed as, "Do you want him detained?".  
2           James told Ivor to wait and telephoned the ops room at  
3           10.03. James spoke to Pat and asked the ops room if  
4           S012 should do the stop and made it clear that the  
5           decision had to be made very quickly.

6           Pat conveyed the request to the ops room.  
7           Commander Dick took advice and said that S012 were to do  
8           the stop. She said that it was her understanding that  
9           at that point the subject was still above ground and had  
10          just entered the tube station.

11          Pat says that he relayed the instruction after  
12          a very small delay. Superintendent Johnston also  
13          remembers hearing Pat relay this instruction. James  
14          said that he never received any response to his  
15          question.

16          Is that another failure of communication or is it  
17          a failure of his recollection?

18          At 10.02.45, Trojan vehicle -- as I say, you will  
19          see the film again -- 805 Alpha can be seen on the  
20          closed-circuit television beginning to pull out near the  
21          traffic lights on Stockwell Road at the junction with  
22          Clapham Road.

23          At 10.03 Cremin records:

24          "19 can see the bus."

25          Esposito received information from Trojan that they

1           were there, and he relayed that information to Ms Dick,  
2           who countermanded her decision about S012 doing the stop  
3           and said that C019 were to do it.

4           Dick said that the order was countermanded almost  
5           immediately, as did Detective Superintendent Cummings.  
6           Boutcher said that it took place within a matter of  
7           seconds, certainly not as much as a minute.

8           Detective Superintendent Johnston said that within  
9           seconds of the instruction being given to S012 to  
10          conduct the stop, Esposito said that C019 were able to  
11          deal, and that the instruction was given that C019 were  
12          to conduct the stop.

13          DCI Scott said that it took place within a matter of  
14          seconds, if not a minute; and Nick's recollection was  
15          that this took place relatively quickly within, at the  
16          most, a minute.

17          Once the order was given for C019 to do the stop,  
18          Esposito relayed it to Trojan 84 and said that the  
19          subject must not be allowed to get on the tube. Ms Dick  
20          told you that it was not her understanding that  
21          Jean Charles was already on the escalator when she was  
22          informed that C019 were in a position to conduct the  
23          stop, and so countermanded her earlier order.

24          On the other hand, her decision is recorded in her  
25          decision log in these terms:

1           "CO19 to arrest subject if possible in Underground  
2           station before he enters tube train."

3           The reason reads as follows:

4           "Am informed CO19 are up with SO12. Subject has  
5           gone down escalator. Environment not good for  
6           intervention clearly as crowded, no [communications] but  
7           still convinced he must be detained and not allowed to  
8           travel on the tube for public safety reasons."

9           Assuming that the reason for a decision exists  
10          before or at the time of the decision, that rather  
11          suggests, you may think, that Jean Charles had gone down  
12          the escalator when the decision was made to use CO19.

13          Boutcher's recollection was that after the  
14          countermanding order had been given, he heard Pat say  
15          that the subject was going down the escalator; and  
16          DCI Scott's recollection is to the same effect.

17          Pat could not recall whether he heard that the man,  
18          Mr de Menezes, was on the escalator before or after the  
19          order was given to use CO19.

20          Nick recalled that the subject was on the escalator  
21          when the order was given.

22          Trojan 84 said that when he relayed the order over  
23          the radio, in his mind the subject was entering the tube  
24          station or thereabouts. As the control car was pulling  
25          up in Binfield Road after state red was called,

1 Trojan 84 did not know if the interception would take  
2 place inside or outside the tube, or below ground.

3 Mr Purser's recollection was that he heard Ms Dick  
4 say that S012 were to deploy and almost immediately  
5 after that he heard "escalator, going down the tube" and  
6 he then heard firearms officers say they were in  
7 a position to do it. He told Ms Dick that C019 were  
8 saying they could do it, and she almost immediately said  
9 "19 to do it".

10 Ralph's recollection -- he, remember, is the black  
11 team leader -- was that at the time Trojan 84 issued the  
12 instruction for C019 to do it, the subject was already  
13 in the station and making his way to the escalator. On  
14 the CCTV film, Jean Charles can be seen at the top of  
15 the escalator at 10.03.18. Before calling state red,  
16 Ralph asked Trojan 84 for confirmation of the order  
17 because his understanding was that the man was already  
18 in the station and from the surveillance commentary  
19 already on the tube.

20 The order was confirmed. Ralph called state red  
21 over the radio, which was effectively an order for the  
22 firearms officers to perform an armed intervention.

23 I am going to turn in a moment to the events in  
24 Stockwell Underground station, so that might be  
25 a convenient point for us all to have a break.



1 an unprecedented situation for Mr de Menezes. I am  
2 going to remind you of the evidence that the officers  
3 gave to you, and you may want to consider why they might  
4 have shot him if they did not genuinely believe that he  
5 posed an imminent and lethal threat, even though they  
6 were obviously in error about that.

7 So, when Mr de Menezes entered the Underground  
8 station, two members of the grey surveillance team, Ivor  
9 and Ken, were ahead of him already in the concourse.  
10 After the events I have told you about, Mr de Menezes  
11 went down the escalators. Ken was a little further  
12 back, but he heard Ivor's offer to stop Mr de Menezes  
13 and the instruction to wait. He also saw Mr de Menezes  
14 getting his paper and producing his ticket to get  
15 through the barriers. Both he and Ivor followed, saw  
16 Mr de Menezes about halfway down the escalators begin to  
17 run, and turn left at the first archway entrance towards  
18 platform 2.

19 There was a train waiting at the platform with its  
20 doors open; and both officers saw Mr de Menezes enter  
21 the doors immediately opposite the cross tunnel, turn  
22 right and walk along the carriage to the seat just  
23 beyond the next set of double doors facing the platform,  
24 which he ultimately took as shown on your plan at  
25 tab 35.

1           Ken went straight forward into the carriage by the  
2           same set of double doors as Mr de Menezes had entered  
3           by, and he took a seat on the far side of the carriage  
4           facing the platform. Ivor, for his part, turned right,  
5           walked down the platform, and entered the train through  
6           the single door beyond where Mr de Menezes was sitting.  
7           He also took a seat on the same side of the carriage as  
8           Mr de Menezes somewhere near the end of that row of  
9           seats. He saw Geoff, another grey team surveillance  
10          officer, enter the carriage by the same door as he had  
11          and stand on his left in the standing area.

12          Ken saw Malcolm come on to the platform and step on  
13          to the train through the same set of double doors that  
14          he had used. Somewhat to his surprise, Malcolm, having  
15          looked around, then got back off the train and walked  
16          back towards the tunnel entrance, apparently not having  
17          seen any of his colleagues.

18          Ken stood up and moved forwards to the doors but  
19          Malcolm walked away out of his view through the cross  
20          tunnel. He then saw Malcolm returning with a group of  
21          four or five men whom he recognised as officers from the  
22          firearms branch carrying weapons. He remembers seeing  
23          a police issue cap but he can't specify who was wearing  
24          it.

25          He also saw both a rifle and a pistol which he

1 recognised as police issue firearms. One of those  
2 officers mouthed towards him, "Where is he?" and Ken  
3 indicated with his hand and nodded to his left. The  
4 officers then moved along the platform in that direction  
5 and it is Ken's recollection that he heard the words  
6 "armed police" shouted, but he can't say who that was,  
7 but his assessment is that it came from one of that  
8 group of armed officers.

9 Ivor saw the four men moving along the platform  
10 towards the next set of open double doors, and realised,  
11 having seen a pistol and a long barrelled weapon, that  
12 they were CO19 officers. He also remembers seeing  
13 a blue police baseball cap but he cannot say whether any  
14 of these four men were actually wearing one. He assumed  
15 that they were looking for Mr de Menezes, and so he  
16 stood up, walked over to the open double carriage doors,  
17 and placed his left foot against the open door to  
18 prevent it from shutting. He was standing with his back  
19 against the adjacent glass panel.

20 He leaned partially out of the carriage, shouted  
21 "he's here", and indicated Mr de Menezes with his right  
22 hand. At this stage, he could hear shouting generally  
23 from the vicinity of the platform, which included the  
24 word "police" and at that point he turned to face  
25 Mr de Menezes.



1           His evidence is that when he turned, Mr de Menezes,  
2           who at that time was still sitting down, immediately  
3           stood up and advanced towards him and the firearms  
4           officers. He appeared agitated, looking to right and  
5           left, and he noticed that Mr de Menezes' hands were held  
6           below his waist and slightly in front of him, far enough  
7           apart to accommodate something of the size of a football  
8           or a basketball.

9           He advanced to within about 3 or 4 feet of Ivor and  
10          the CO19 officers who by that time were very close to  
11          his, Ivor's, left-hand side, and Ivor, assessing that he  
12          might be dealing with a terrorist subject and in fear  
13          for the safety of the public, the armed officers and  
14          himself, grabbed Mr de Menezes by wrapping both of his  
15          arms around his torso, pinning his arms to his sides,  
16          and pushing him back into the seat where he had  
17          previously been sitting.

18          Ivor had the right-hand side of his chest (sic)  
19          pressed against the right-hand side of Mr de Menezes'  
20          chest. He explained to you that the reason why he  
21          intervened at this stage and in this manner was because  
22          that hitherto, based upon the instructions or lack of  
23          instructions that he had received in the concourse, he  
24          believed that it was safe for the surveillance to  
25          continue, although he was uncomfortable and as he said,

1 very nervous.

2 When he saw the C019 officers on the platform, the  
3 only conclusion that he could come to was that the  
4 intelligence picture had changed and that what he was  
5 now being presented with was a man possibly identical  
6 with someone who had been involved in an attack the day  
7 before, and it was impossible to rule out that he might  
8 now be carrying arms or explosives.

9 The fact that the matter was so urgent that C019 now  
10 had to be deployed made it necessary for him to seek to  
11 try to protect the public on the carriage. It was in  
12 his mind that the man with whom he was dealing might be  
13 carrying a device or a bomb of some kind, and that he  
14 might be about to detonate it at that point. His  
15 action, he said, was instinctive and intended to offer  
16 some restraint to the use of a firearm or a knife or  
17 possibly an explosive device. The fact that he held his  
18 hands slightly below his waist made Ivor regard  
19 Mr de Menezes' waistband as an area of concern.

20 He acknowledged in answer to a specific question  
21 that he was asked in the witness box that he was in fear  
22 of his own life.

23 Ken, standing in the further set of double doors,  
24 saw Ivor leave his seat, walk past Mr de Menezes to the  
25 standing area by the double door, and swing out his

1 right hand towards Mr de Menezes shouting "he's here".  
2 As the armed officers moved towards the doors, Ken  
3 describes Mr de Menezes as moving to his feet forward,  
4 out of his seat, towards the middle of the carriage area  
5 and towards his right, so that he covered about half the  
6 distance between his seat and the doors.

7 The officers at that point were entering the train.  
8 Ken thought that Mr de Menezes was holding his hands in  
9 front of his body in what seems an unnatural posture to  
10 him, and at that point Ivor came forward and into  
11 contact with Mr de Menezes, wrapping his arms around  
12 him, in effect pinning his arms to his sides. Both  
13 moved backwards towards the seating area and a grappling  
14 struggle ensued, with Ivor trying to maintain his hold  
15 upon Mr de Menezes as they went back towards the row of  
16 seats.

17 Geoff, from his position standing at the far  
18 right-hand end of the carriage as you look at it on the  
19 plan, saw Ivor go to the door and gesture back with his  
20 right arm towards the place where Mr de Menezes was  
21 sitting. He heard noise from the direction of the  
22 double doors, including, he remembers, the word  
23 "police". He became aware of a passenger, whom he now  
24 realises was Mr de Menezes, getting up from his seat in  
25 a rapid movement, rising from his seat quite sharply and

1 moving towards the double doors. He saw Ivor grab  
2 Mr de Menezes in a bear hug, which he describes almost  
3 like an upright rugby tackle, so as to get right round  
4 Mr de Menezes' arms. At the same moment he was aware of  
5 two people very closely followed by a third, one of whom  
6 was carrying a machine gun and wearing a chequered  
7 police cap and he realised that these must be C019  
8 officers.

9 The witnesses I have reminded you about so far in  
10 this part of the narrative are all, you will remember,  
11 surveillance officers from the grey team. I am now  
12 going to go back a little and I'm going to remind you of  
13 the evidence given by the specialist firearms officers  
14 who were most closely involved in the shooting of  
15 Mr de Menezes.

16 I am going to begin with Charlie 12, because you  
17 may, on the evidence, think he was probably -- as he  
18 accepts, he was probably the officer who fired first.  
19 I am, I tell you now, going to go into his and  
20 Charlie 2's evidence in considerable detail.

21 Charlie 12 joined the police in 1983. In 1989 he  
22 passed his divisional shooting course for general  
23 firearms duties and he applied to join C019 in 1996.  
24 This is a voluntary process. No-one is accepted until  
25 he has been initially approved by his divisional

1 inspector. He then has to undertake a four-day  
2 assessment process when his mental strengths, his  
3 capacity for team building and teamwork, physical  
4 fitness and general shooting skills are assessed.

5 If he fails that test, he goes no further. After  
6 that, he embarks on a series of courses, learning skills  
7 such as abseiling and rope work, to teach him how to  
8 enter buildings in an unconventional manner; a shotgun  
9 course to learn skills in the use of firearms and  
10 ammunition of that kind; and then, if these courses have  
11 been passed successfully, he goes on to the full  
12 seven-week SFO course. Each course is a barricade.  
13 Failure on any one of them means that the candidate will  
14 progress no further. In 1998 he passed all these  
15 examinations and he has been a specialist firearms  
16 officer ever since.

17 However, his training has continued, because all  
18 SFOs work on a routine when one week in six is devoted  
19 to training. He's repeatedly been given instruction and  
20 training in the circumstances in which he, as a firearms  
21 officer, would be entitled to use force to fire his  
22 weapon. Also, prior to 22 July, and in the light of the  
23 9/11 experience in New York, he had received specific  
24 training and instruction concerned with suicide bombers.

25 In 2002 for a period of two and a half years

1 Charlie 12 served as an instructor, full-time  
2 instructing other CO19 officers. He himself had  
3 received training in operations Kratos and Clydesdale.  
4 He had been involved in other firearms incidents. But  
5 as at July 2005 he had never fired his gun at a suspect.

6 On 21 July he finished his day's work at 9 o'clock  
7 in the evening and went home, due to come back the  
8 following morning at 7 am for his regular shift. He was  
9 teamed with Vic as a driver and William as the observer  
10 in a car of which he would be the Commander. When he  
11 arrived at Leman Street the general talk was that there  
12 was likely to be involvement in a counter-terrorism  
13 operation and soon after arrival he and fellow members  
14 of his team drew their guns and ammunition.

15 Although each officer takes a substantial amount of  
16 equipment, the relevant items in the present case were  
17 a Glock 9mm pistol carried in a holster, and 17 rounds  
18 of 124-grain hollow point bullets. He understood that  
19 this ammunition was generally thought to be more  
20 suitable for dealing with suicide bombers and he loaded  
21 his sidearm with that ammunition. He also had  
22 a silenced carbine, a shotgun, and some stun grenades.

23 At 7.45 that morning, he received the briefing from  
24 the team's tactical firearms adviser, Trojan 84. He was  
25 given an outline to tell him what the team were looking

1 for. He heard about Osman, his age, and the address at  
2 21 Scotia Road where he was thought to be living.

3 On the tactical side, he was told that the  
4 Silver Commander for this operation would be provided by  
5 SO13, the anti-terrorist squad, but SO12 Special Branch  
6 officers would be carrying out the surveillance of the  
7 addresses and, if possible, the suspects; that  
8 mr Esposito, whom they all knew, was serving as the  
9 firearms tactical adviser, Trojan 80, for the control  
10 room at New Scotland Yard.

11 He was told that there was to be a designated senior  
12 officer for this operation, although he can't remember  
13 whether the individual officer was identified at that  
14 stage. He had never deployed with a DSO before and he  
15 could only speculate as to what task they were intended  
16 for, although he realised that the appointment of a DSO  
17 meant that they might have to deal with suicide killers.

18 He appreciated that a DSO could authorise a critical  
19 shot, which meant that the individual firearms officers  
20 were entitled, once the authorisation had been given, to  
21 deliver such a shot on the basis of their own assessment  
22 of the threat that they were facing, and without further  
23 reference back to a senior officer.

24 He was told that the team might be using unusual  
25 tactics that they had not used before, and this meant to

1           him that they might well have to face suicide bombers.  
2           He was also told that he would have to trust the  
3           information that the team received from the operations  
4           room. This instruction was in accordance with his  
5           previous training, and meant that the firearms officers  
6           would have to trust the DSO to have made decisions on  
7           the basis of intelligence received to which they  
8           themselves might well not be party. The circumstances  
9           might well be that there would not be time to question  
10          a particular order.

11                 He added that in his view, this requirement to trust  
12          the intelligence that they received applied to material  
13          coming from the surveillance teams also, and not merely  
14          the control room at Scotland Yard. If a surveillance  
15          team identified a subject, then the firearms teams would  
16          act upon that identification. They would have to trust  
17          them and their professionalism. He was not told at what  
18          point in the operation he might expect the DSO to take  
19          charge.

20                 The team then moved off from Leman Street to  
21          Nightingale Lane. At that stage, he was not aware of  
22          any particular urgency in the deployment, and at  
23          Nightingale Lane he received a further briefing from  
24          Mr Purser, the Silver Commander appointed for this  
25          operation.



1           In this briefing he was told that they would be  
2           concerned with Osman, the failed Shepherd's Bush suicide  
3           bomber, and Omar, the Warren Street bomber. They were  
4           told about the correspondence found at Shepherd's Bush  
5           which appeared to link Osman and Omar, and provided  
6           an address for both of them at 21 Scotia Road.

7           They were told about Operation Ragstone and the  
8           apparent terrorist training in Cumbria with relation to  
9           Omar and also about the Nissan Primera car linked to  
10          Omar which by this time had been spotted but in  
11          Scotia Road.

12          They were shown the photographs of Osman and Omar  
13          which they were told were good likenesses, and given  
14          technical information about the nature of the explosives  
15          used in the bombs on the previous day, together with the  
16          methods of ignition and the levels of damage and  
17          destruction that might be expected from such devices.

18          He appreciated, as he said, that he was being told  
19          about matters which involved an unbelievable threat to  
20          life.

21          They were told about the munitions that had been  
22          found at Luton, that such devices could be easily  
23          concealed about the body, and in response to a specific  
24          question from one of the team, that the failed bombers  
25          that had disappeared might well still have ready access

1 to explosives and that such explosives could be  
2 detonated easily. Mr Purser used expressions such as  
3 "well prepared", "up for it", "deadly and determined"  
4 when describing the members of this terrorist group.  
5 Charlie 12 was left in no doubt, as he described in his  
6 statement of the following day, as to the type of  
7 suspects that they were preparing to intercept, that  
8 they were prepared to take their own and other lives and  
9 that the danger faced would be immeasurable.

10 Trojan 84 then added to the briefing, to detail the  
11 strategy, that any subject coming from the premises  
12 would not be allowed to run, but that they would be  
13 intercepted as soon as possible away from the address so  
14 as not to compromise the operation. An observation  
15 point had been set up, and had a view of the address,  
16 which had a communal front door, and several people had  
17 already left the address and been discounted as not  
18 being suspects.

19 He recalled thinking at the time of the briefing  
20 that his team were going to have to come up against  
21 people with a totally unknown threat, the highest  
22 possible threat that certainly he had ever imagined  
23 coming up against. The whole experience was  
24 an extremely emotional one for him, listening to the  
25 briefing and listening to the nature of the threat, and

1 the danger that these people posed, and realising that  
2 he possibly was not going home again at the end of the  
3 day.

4 At the end of the briefing, the team moved off to  
5 the TA Centre in Upper Tulse Hill. He was still not  
6 aware of any particular urgency but he did comment that  
7 the communications were, to use his word, "awful".  
8 Because they were working in conjunction with the  
9 surveillance teams, they were relying on the main Cougar  
10 radio channel, and it was so bad that he thought that  
11 there was interference from another channel. Sometimes  
12 the signals were intermittent; at others weak and faint  
13 and so fuzzy that the message couldn't be understood.

14 His was the last car in the convoy and as he was on  
15 his way up to the TA Centre he did make out a signal  
16 that a subject from 21 Scotia Road was on a bus heading  
17 for Brixton. He phoned the team leader, Ralph, and had  
18 that information confirmed. So he changed course to  
19 head towards Stockwell.

20 Now, this was now a follow, and it was a matter of  
21 urgency. Because he thought Ralph would be preoccupied,  
22 he rang the second in command of the team, who was  
23 Charlie 2, and learnt that the subject was on a number 2  
24 bus. His car drove down Clapham Common South Side to  
25 Clapham Road using the blue lights and the two tone

1 sirens and in the course of the journey he heard  
2 a warning over the radio that S019 units would be moving  
3 through, and that's a warning which we know was  
4 delivered by James.

5 He assumed from this that his team had moved up to  
6 state amber. In that he later discovered he was wrong.  
7 State amber indicates that the arrest or intervention  
8 phase was now going to take place. It also indicated to  
9 him that there had been a positive identification of the  
10 subject and an active follow.

11 As they approached Stockwell tube, he asked for the  
12 blues and twos to be turned off so as not to advertise  
13 their approach. He could see a number 2 bus in the  
14 junction, but he wasn't sure that it was the actual one.  
15 As they got nearer to Stockwell, communications were  
16 improving and he heard from the surveillance officers  
17 over the Cougar radio that the suspect was preparing to  
18 leave the bus and appeared to be acting nervously. He  
19 later heard that he was off the bus and by the NatWest  
20 Bank.

21 By this time, his car was about 100 metres short of  
22 Stockwell tube and he instructed his driver, Vic, to  
23 drive slowly so that they were in a position to react  
24 quickly if state red should be called. He heard that  
25 the suspect was walking towards the tube station and

1 entered it. He didn't hear anything to the effect that  
2 S019(sic) were to do the stop or that later they were  
3 not to do the stop. There was still a frustrating radio  
4 silence.

5 He did, however, hear the words "towards platforms 1  
6 and 2" which he assumed referred to the suspect, and he  
7 couldn't understand why at this stage state red had not  
8 been given. Given that his team had been called  
9 through, his understanding was that the suspect was now  
10 a positively identified failed suicide bomber. Had he  
11 heard an instruction given to S012 to do the stop, this  
12 would have altered his perception of what was going on,  
13 because his briefing led him to suppose that his own  
14 team would only be brought in and given the arrest phase  
15 on identified suspects.

16 He then heard Trojan 84 saying something to the  
17 effect, "They said that he was to be stopped getting on  
18 the tube, he must not be allowed to get on the tube".  
19 The use of the expression "they said" led him to think,  
20 correctly as we know, that this was an instruction that  
21 had come down from the control room at New Scotland  
22 Yard, and therefore was from the DSO. Almost  
23 immediately, Ralph declared state red on the  
24 back-to-back radio network which the firearms team use.

25 He was immediately out of the car and sprinting for

1 the station. He took with him his pistol and magazine  
2 in its holster and he also had his radio set on the  
3 Cougar system which was designed to be carried on his  
4 own body. He was conscious of frustration and growing  
5 unease because he feared that the suspect had already  
6 entered the tube system and that he didn't know where he  
7 was.

8 When he got to the entrance of the station, he made  
9 eye contact with Charlie 2, and that was a reassurance  
10 to him because he realised that there must be another  
11 firearms car already there. He jumped over a barrier,  
12 pushing a member of the station staff out of the way,  
13 and he drew his pistol. He could hear voices behind him  
14 shouting "armed police" and as he went down the  
15 escalator he saw a man at the bottom, almost certainly  
16 Malcolm, who said, "He's on the northbound tube".

17 His immediate reaction was that they had lost him,  
18 but he ran through the cross tunnel and saw that the  
19 train was still there. There was another man standing  
20 in the open double doorway immediately across from the  
21 tunnel, who indicated to his left -- that's to  
22 Charlie 12's right -- and so he went briskly along the  
23 platform searching in the carriage to try to pick up  
24 where the suspect was. He was holding his gun down  
25 beside his leg in an attempt to maintain his cover. He

1 saw another man in the next doorway, and that we know  
2 was Ivor, with his foot in the doorway, seeking eye  
3 contact and he assumed that it was a surveillance  
4 officer.

5 He still, at this stage, had no preconceived idea of  
6 what he was going to do or what he was going to be faced  
7 with, but the man in the door made a clear pointing  
8 gesture and said "that's him". As far as Charlie 12 was  
9 concerned, any identification issue had now been  
10 determined. The man indicated by the gesture had been  
11 positively identified as a suicide bomber and the  
12 gesture by the surveillance officer reinforced that  
13 belief.

14 The man, who was Mr de Menezes, stood up.  
15 Charlie 12 thought that the blue denim jacket that he  
16 was wearing appeared bulky. In fact, we know that the  
17 jacket was an ordinary denim jacket, and you have seen  
18 it.

19 However, I understand that Mr Mansfield does not  
20 press a suggestion that the officers' description of the  
21 jacket as bulky was anything other than a mistaken  
22 perception at the time.

23 Charlie 12 then describes a flowing movement as  
24 Mr de Menezes came towards himself and Charlie 2, and he  
25 used the expression "closing us down", namely reducing

1 the distance between him and them. Mr de Menezes was  
2 holding his hands down at waist level or hip level, and  
3 Charlie 12 couldn't understand how or why he was coming  
4 towards what would be to him a potential threat area.

5 I now go back to quote his own words:

6 "I shouted 'armed police' and brought my gun up  
7 facing his head -- hoping he might see it but he  
8 continued forward. I formed the view he's going to  
9 detonate. He's going to kill us. I must shoot him  
10 before he kills -- I have no choice.

11 "The surveillance officer grabbed him and pushed him  
12 backwards onto the seat. This reconfirmed to me that  
13 I must use force as soon as possible. To me this was  
14 an identified suicide bomber and therefore potentially  
15 had equipment with him to cause mass death. I thought  
16 he was getting closer to give me the full benefit of the  
17 blast, and I had to use force as possibly otherwise we  
18 would all be killed. I had no alternative as  
19 I genuinely believed that I had a duty to protect the  
20 public."

21 He then observed that the question of an authority  
22 from a DSO to take a critical shot did not come into his  
23 calculations at all.

24 When Ivor pushed Mr de Menezes back, C12 was  
25 virtually on top of Ivor, slightly behind him, and he



1 had to get his gun past Ivor's head -- he actually  
2 contacted it in so doing. I go back to Charlie 12's own  
3 words:

4 "I put my gun close to Mr de Menezes' head because  
5 I could not afford to miss. I fired a number of shots.  
6 I was aware after a time of other shots being fired.  
7 I intended to kill him, this was a threat of the highest  
8 order, and if I had felt differently I would have done  
9 anything other than take the life of another person."

10 He could see Charlie 2 to his left, but in his own  
11 mind he is clear that he fired first. He fired several  
12 shots to make sure that the man was dead. He had been  
13 trained that a single shot to the base of the skull  
14 would cause total incapacity, but the awkwardness of his  
15 position reaching over Ivor was such that he couldn't be  
16 sure of achieving that, and he added this, and again  
17 I quote his own words:

18 "If he had stayed in his seat I would not have fired  
19 if I didn't perceive a threat. If he had stopped coming  
20 forward so that I didn't perceive a threat, I would not  
21 have fired."

22 Then, to go back to his narrative, he said he then  
23 began shouting to people to get out of the carriage. He  
24 feared that there might still be an explosion. He then  
25 moved off the train into the cross tunnel where he found

1 Charlie 2.

2 I think I should remind you at this stage, although  
3 I don't doubt that you will remember that it was at this  
4 point in his evidence that this tough, fit, highly  
5 trained, mature man broke down in tears, and this fact  
6 may assist you in assessing the depth of the emotional  
7 experience that he was going through here when he was  
8 re-living the terrible events of 22 July.

9 He learnt at about midday on the following day, on  
10 the 23rd, that the man that had been shot was not Osman.  
11 He was asked by Mr Hilliard how he felt when he learned  
12 that fact and you may find his answer instructive. He  
13 said:

14 "A sense of disbelief and of shock, sadness,  
15 confusion. Everything I have ever trained for, for  
16 threat assessment, seeing threats, perceiving threats  
17 and acting on threats proved wrong, and I am responsible  
18 for the death of an innocent man. That's something  
19 I have to live with for the rest of my life."

20 In answer to Mr Mansfield, he said that he did not  
21 hear any member of the firearms team say they were not  
22 there and couldn't do it. As far as he was concerned he  
23 was there and could do it. He had not heard anyone  
24 instruct S012 to do the stop. He didn't know that  
25 surveillance officers had already gone into the tube

1           when he had arrived. When he heard from Ralph that the  
2           subject was on a bus heading towards Stockwell, he  
3           joined the follow on the basis that this was  
4           an identified person or persons from the events of the  
5           previous day, and as you will remember Mr Mansfield  
6           accepted that this was indeed his genuine belief.

7           When he heard the warning "CO19 units are moving  
8           through" at a time when he in his car was just clear of  
9           Clapham High Street, he took this to be a declaration of  
10          state amber, which involved a positive identification  
11          and an active following. He was quite clear that he had  
12          heard from the surveillance network that Mr de Menezes  
13          was being described as nervous and twitchy and this was  
14          not a situation in which he was panicked into anything  
15          or lost control in any way.

16          So far as the difficulty of identification was  
17          concerned, he believed, having heard the transmission  
18          about platform 1 and 2, he was entitled to assume --  
19          rightly as it turned out -- there was at least one  
20          surveillance officer ahead of him in the Underground who  
21          could point out the suspect to him.

22          His previous training on suicide risks had been  
23          largely focused upon the technicalities of achieving  
24          a critical shot coupled with a PowerPoint presentation  
25          about vehicle-borne tactics. He was well aware of the

1           devastating effects of a suicide bomb. He had had no  
2           specific training in relation to the assessment of  
3           a perceived threat; indeed, he didn't accept that there  
4           could be any such training, because it always eventually  
5           boils down to the individual officer's assessment. As  
6           he said, it was an impossible question. Who looks like  
7           a suicide bomber? What is it that you have to be  
8           trained to look for?

9           He categorically denied the central suggestion put  
10          to him by Mr Mansfield to the effect that the  
11          intelligence that he had received had fixed the subject  
12          in his mind as a potential mass killer from the day  
13          before and that effectively his attitude was that he was  
14          simply going to get down the escalators and kill him.  
15          His answer was:

16          "All I had going through my mind was, I have got to  
17          get to him, I have got to get to him, I have got to get  
18          to him before he goes, and I distinctly remember that.  
19          I did not have any preconceived idea of what I was going  
20          to do, I did not even know where he was at that stage,  
21          let alone the delivery of a critical shot. I just  
22          didn't have that in my mind, I just wanted to know where  
23          he was and try to find him and through the  
24          professionalism of the surveillance officers who were  
25          down at the tube they actually led me on to him

1 otherwise I would never have found him..."

2 He didn't interpret "stop before he gets on the  
3 tube" as being an authorisation to take a critical shot.

4 "We had been given the order to stop and detain the  
5 identified person. I did not have the authorisation to  
6 take a critical shot without warning. This came down to  
7 his own individual assessment, taking everything into  
8 consideration. What Mr de Menezes did both before and  
9 after his challenge led me to the conclusion that he was  
10 about to detonate a bomb."

11 In that, of course, he accepts that he was mistaken.

12 There were a number of factors working on his mind  
13 on this particular day: the fact that the special  
14 ammunition had been issued to them led him to think that  
15 there might be a need to use it at close quarters with  
16 a suicide bomber; the fact that they had been informed  
17 that a DSO was to be appointed led him to believe that  
18 structures were in place to make an appropriate decision  
19 to authorise a critical shot should it need to be taken;  
20 the briefing that they might have to use unusual tactics  
21 led him to suppose that a critical shot was something  
22 that was in contemplation by the senior officers; the  
23 exhortation to trust the information coming through from  
24 the control room led him to think that there might well  
25 be intelligence that the senior officers were aware of

1           that he was not.

2           He had been told that the suspected suicide bombers  
3           were "deadly and determined and up for it", and while he  
4           was aware that the CO19 team would only be involved if  
5           there was a positive identification, in his view there  
6           was such an identification in the form of an officer,  
7           Ivor, saying "that's him".

8           While he was doing what he could to remain covert  
9           because he didn't want the suspect to realise that he  
10          was about to be arrested and thus detonate his bomb, the  
11          possibility that this might happen could not be ignored.

12          Mr de Menezes' act in getting up was not in itself  
13          aggressive at that stage and did not cause Charlie 12 to  
14          go immediately to a critical shot. It was his  
15          continuing to come forward and close him down after  
16          a challenge, combined with Ivor's intervention and all  
17          the other intelligence that he had received, brought him  
18          to the point where he could not afford to pause because  
19          he was expecting a detonation.

20          He himself, he said, was not out of control. He did  
21          issue a challenge. He said:

22                 "I am human, and I did feel fear. If there had  
23                 been any alternative I would have taken it."

24          To Mr Stern he said that the belief that he had  
25          acquired during the follow that this man had been

1 positively identified as a suicide bomber increased his  
2 assessment of the level of risk. So also did the rest  
3 of the briefing that he had been given.

4 Now, Charlie 2. I am going to remind you again of  
5 the evidence of Charlie 2, the other firearms officer  
6 who actually fired his weapon at Mr de Menezes. I am  
7 going to summarise him rather more briefly, because his  
8 evidence, as Mr Mansfield pointed out to you, very  
9 largely mirrors that of Charlie 12.

10 He has been a police officer since 1985,  
11 an authorised firearms officer since 1988, and  
12 a specialist firearms officer since 1991. He has been  
13 a national firearms instructor since May 1996. He has  
14 been through a similar regime of instruction to that  
15 followed by Charlie 12 and he has also had specific  
16 instruction relating to suicide bombers consisting of  
17 classroom lessons, PowerPoint presentations and  
18 exercises in specific tactics.

19 He also reported at Leman Street early on 22 July  
20 for a 7 o'clock parade, and he was posted to the Alpha  
21 car, the lead car, which was a Mercedes, with Charlie 5  
22 and Charlie 6. He drew similar weapons and ammunition  
23 and he also appreciated the significance of the issue of  
24 124-grain hollow point ammunition, and that it had been  
25 specifically authorised for this operation.

1           At 7.45 he participated in the briefing by  
2 Trojan 84. He was told about Osman and Omar, the  
3 addresses at Scotia Road and Portnall Road, and the  
4 finding of the Nissan car. He was told about the  
5 appointment of the Silver Commander, DCI Purser from  
6 SO13, who was going to give a further briefing at  
7 Nightingale Lane.

8           At that briefing Mr Purser gave the history of  
9 recent bombings and the attempted bombings and the  
10 explosives that were being used, and described those  
11 responsible as being deadly and determined and up for  
12 it. Trojan 84 re-stated the strategy, as we have heard  
13 it, about intercepting anybody from the premises away  
14 from the house to avoid compromise; somebody, either  
15 Trojan 84 or Silver, said that the bus route outside the  
16 premises had been suspended. There was confirmation  
17 that the devices that might be used could be easily  
18 concealed about the body and that both terrorists were  
19 thought to be within the premises at Scotia Road.  
20 Finally, he records that he also received the standard  
21 instructions on the relevant law and guidance on the use  
22 of force.

23           They then went on towards the TA Centre in  
24 Upper Tulse Hill and as Charlie 2 was in the lead car,  
25 he got there first. Over the next few minutes, several



1 other cars arrived, except only the Delta car with  
2 Charlie 12 in it which you will remember peeled off  
3 early and went by a different route when the follow was  
4 started.

5 At this stage, in the light of the briefings that he  
6 had received, he believed that it was very likely that  
7 he would be asked to intercept deadly and determined  
8 terrorist suicide bombers, who were willing to take  
9 their own lives, his life and those of members of the  
10 public. He had never had to face this kind of threat  
11 before and he was conscious that if it all went wrong  
12 the consequences would be huge and that he also might  
13 not go home that day.

14 Soon after they had arrived at the TA Centre,  
15 a message came over the radio that surveillance officers  
16 were following someone who might be Nettle Tip away from  
17 the premises, a man described as a light skinned North  
18 African male, stocky, 5-foot 10, with stubble, wearing  
19 a blue denim jacket and blue jeans. He heard that this  
20 person had now boarded a number 2 bus, and Trojan 84  
21 then gave instructions that they should get behind that  
22 bus. He took this to mean that they were to follow the  
23 surveillance team and that at that stage they were still  
24 at state green. Charlie 12, in the Delta car, who had  
25 still not reached the TA Centre, called him and, as he

1 told us, Charlie 2 updated him on what was happening.

2 They, that's he and his car, caught up with the bus  
3 in the Stockwell Road, just north of the junction with  
4 Clapham Road in heavy traffic. The bus was stationary  
5 in the South Lambeth Road outside the NatWest Bank while  
6 the Mercedes was, as you will remember seeing it on the  
7 video, still short of the Clapham Road junction.

8 Charlie 2 was hearing over the radio that there were  
9 surveillance officers on the bus and heard one say,  
10 "This is definitely our man", and also that he was  
11 nervous and acting strangely, standing on the stairs of  
12 the bus and very twitchy. He next heard that the  
13 suspect was off the bus, had walked towards the tube  
14 station and gone in by the main entrance. He didn't  
15 hear any offer by SO12 to do the stop; he never heard  
16 state red called. He was anticipating state amber, and  
17 so he directed his driver to take them into  
18 Binfield Road, from where he was expecting to be  
19 deployed.

20 He then heard from Trojan 84, "Stop him getting on  
21 the tube -- he must not get on the tube". The voice was  
22 definite and with a sense of urgency, and the situation  
23 was urgent because Mr de Menezes was nearly into the  
24 tube system, and Charlie 2 again regarded this as  
25 a relayed instruction from the DSO and understood from

1           that that this was a suicide bomber who had been  
2           positively identified and was entering the tube system  
3           to blow up a train.

4           Although he didn't know, he thought it a distinct  
5           possibility that this man, Hussain Osman, who had  
6           previously attempted to commit mass murder, would have  
7           a bomb with him, and that if he was not stopped it was  
8           very likely that he would blow up a train.

9           He took the instruction from Trojan 84 as an order  
10          to intercept the suspect, and he ran to the entrance of  
11          the station where he saw Charlie 12. He vaulted over  
12          the barriers, where he was challenged by railway staff  
13          and he shouted "armed police, get back". At that stage  
14          he had no preconceived idea of what he should do, and he  
15          was clear that he had not been given authority to take  
16          a critical shot.

17          At the bottom of the escalator, he saw a man,  
18          probably Malcolm, who said to him "on the northbound  
19          tube". He went through the cross tunnel archway  
20          following Charlie 12 and saw a man standing by the open  
21          doorway who pointed to his right, to the next set of  
22          doors. Charlie 2 had drawn his gun by this time and at  
23          the next door he saw a man, whom we know to be Ivor,  
24          holding the door open with his foot and he presumed this  
25          to be a surveillance officer. That officer turned and

1 pointed at an Asian looking man with a bulky looking  
2 jacket. He said -- he, Charlie 2 -- nothing to identify  
3 himself at that stage because he believed that shouting  
4 too early would alert the suspect and might cause him to  
5 initiate any device.

6 There was other shouting going on, but he cannot say  
7 who or what or when. As Mr de Menezes was sitting down,  
8 in the fraction of a second that he had to look at it,  
9 his jacket appeared to be bulky in its lower part at the  
10 front and the side. That man, Mr de Menezes, looked at  
11 him, stood up very quickly, and advanced towards the  
12 three officers, that's Charlie 2, Charlie 12 and Ivor,  
13 with his hands down by his sides and slightly in front  
14 of him. He couldn't see the palms of the hands.  
15 Charlie 2 did not say anything, nor did he hear anybody  
16 else say anything, but he brought his gun up and as he  
17 did so, Ivor turned, grabbed the man and pushed him back  
18 towards his seat. He intended, Charlie 2 I am speaking  
19 of, to challenge with the words "armed police", but he  
20 didn't have the opportunity. Ivor stepped in before the  
21 man got to him.

22 At this point, he was convinced that this man was  
23 a suicide bomber, he was about to detonate a bomb and  
24 blow them all up. He honestly believed that unless he  
25 acted immediately, he and other persons present were

1           about to die. It was his opinion that his only option  
2           was to shoot this man in the head and kill him instantly  
3           to prevent any detonation.

4           He went over, reached over the top of Ivor, and  
5           pushed the man down. He shouted "armed police", held  
6           his gun to the man's head and fired. He was asked why  
7           he shouted at that late stage, and he answered that it  
8           was mainly out of habit because of his normal training,  
9           and also because he wished to be sure that any members  
10          of the public who saw what was happening would realise  
11          that they were police officers.

12          It was, however, his intention to shoot when he  
13          shouted. He held his gun close to the head of  
14          Mr de Menezes because he didn't want to shoot the  
15          surveillance officer, and also because he could not  
16          afford to miss. He doesn't know how many shots he fired  
17          but he was aware that his gun had a stoppage which meant  
18          that he had to clear it manually by pulling the slide  
19          back to clear the blocked round and to push it forward  
20          to feed another live round. The reason why he fired so  
21          many shots was that at the time he believed that he and  
22          everyone else in the vicinity was about to die. From  
23          the position in which he was, he could not place his gun  
24          close to the area of the brain stem, and so he fired  
25          several times to be certain that the subject was in no

1 position to detonate anything.

2 He then left the train and went into the cross  
3 tunnel where he was joined by Charlie 12 and each  
4 checked each other to make sure that they were all  
5 right. They were joined by Ralph, the black team  
6 leader, and he thinks Trojan 84, but he cannot recall  
7 what he may have said to either of those officers as at  
8 that time he was in shock. They were both taken back to  
9 Leman Street police station where they went through  
10 post-incident procedures. Their clothes and weapons  
11 were taken, they were seen by a doctor, allowed to have  
12 a shower, and get cleaned up.

13 His initial feelings were of relief that he had  
14 prevented the public, his colleagues and himself from  
15 getting killed by a man whom he genuinely believed to be  
16 a suicide bomber. When he discovered on the following  
17 day that this was not the case, and that the man he had  
18 shot was entirely innocent, he was deeply shocked. He  
19 said this:

20 "This was against everything I had ever trained for.  
21 As a firearms instructor and as an SFO, I knew that it  
22 was an individual officer's decision to fire a weapon  
23 and it was my responsibility and I killed an innocent  
24 man and I think about that every day."

25 He told you that although he had written his

1 statement on the Saturday afternoon with Charlie 12 and  
2 other firearms officers present, and they did confer  
3 over such matters as timings and locations, these were  
4 nonetheless their own individual accounts. He admitted  
5 to Mr Mansfield that he had indeed followed the evidence  
6 that Charlie 12 had given on the previous day to the day  
7 that he gave evidence, but this had not influenced the  
8 evidence that he himself had given, even though some of  
9 the phrases that he used are very similar.

10 He never heard state amber. Indeed, it was never  
11 called. For him the instruction to stop Nettle Tip  
12 getting on the tube was for practical purposes the same  
13 as "state red".

14 He had been on a number of exercises where there had  
15 been a DSO in the control room, but this was the first  
16 actual operation on which he had been engaged where  
17 a DSO had been appointed. His understanding of the role  
18 of the DSO was that he or she would dictate the tactics  
19 in relation to dealing with identified suicide bombers  
20 and he believed that he and his team would only be  
21 deployed in an operation on someone who had been so  
22 positively identified.

23 Accordingly, he heard the orders from Trojan 84,  
24 which he believed -- as we know correctly -- to be  
25 a relay from the DSO. Then this convinced him that the

1 man who was being followed had now been positively  
2 identified as a man who had attempted to commit mass  
3 murder the day before.

4 Even at that stage, however, he did not think that  
5 this man actually had to be shot. No-one had ordered  
6 him to do anything beyond carrying out an interception.  
7 He understood that the instruction authorising  
8 a critical shot may allow an officer to approach in  
9 a covert manner and deliver such a shot without warning.  
10 Otherwise the decision may rest with an individual  
11 officer if he feels that such action is justified. It  
12 all depends on the circumstances. It all depends on the  
13 information and intelligence that you have, and what you  
14 believe to be true. It was always a very difficult  
15 judgment, but he had to do it.

16 He categorically denies what was put to him by  
17 Mr Mansfield, namely that he only had one object in mind  
18 when he went down the escalator: that was to kill the  
19 man that they were following. It was not his objective  
20 to deliver a covert shot without warning and the reason  
21 why he did not order Mr de Menezes to stand still or  
22 shout "hands up" was that everything happened so fast  
23 that he simply did not have time. It was not enough to  
24 make up his mind for him that this man had been pointed  
25 out by Ivor. There were all the other circumstances:



1 the belief in the positive identification that this was  
2 a man who had attempted to blow up a train on the  
3 previous day and might well do so again; the appearance  
4 of what he thought was a bulky jacket; and  
5 Mr de Menezes' reaction when he saw officers approaching  
6 were all facets of his state of mind.

7 While he accepts that he was wrong in his assessment  
8 of the situation, nevertheless he insists that this is  
9 what he genuinely believed at the time. He did think  
10 that Mr de Menezes was closing them down, although that  
11 phrase does not appear in his statement. When Ivor  
12 grabbed the man so as to immobilise him, he could not  
13 see to what extent Mr de Menezes' hands may have been  
14 immobilised so that he could not see what he might be  
15 able to do with them, and even after his initial shots  
16 when Mr de Menezes was falling away from him, he was  
17 still not sure that he was incapacitated, that he was  
18 dead, and so he continued to fire. It was not the case  
19 that he was simply intent upon dispatching him, whatever  
20 the circumstances.

21 He was asked what went wrong, and he suggested that  
22 the misidentification that had originally taken place  
23 had put him into an impossible situation in which he  
24 made the wrong decision. He did not fail to make  
25 an objective and independent assessment, even though it

1 turned out to be wrong. He still regards Mr de Menezes'  
2 death as his responsibility.

3 He repeated to Mr Stern that in very real terms he  
4 believed that he, his fellow police officers and other  
5 members of the public present were about to die. He was  
6 frightened and nervous, but he made his decision  
7 honestly, believing that this man was a threat to the  
8 life of himself and everyone else in the carriage, and  
9 if he had not had that perception or if he had had any  
10 doubt whatsoever, then he would not have fired.

11 He realised that when he heard the words "definitely  
12 our man", that he and his team were likely to be called  
13 upon to make an intervention, but at that stage, on the  
14 face of it, the words were merely indicating  
15 an identification of the man on the bus as being one of  
16 the suspects.

17 That concludes Charlie 2's evidence, as I summarise  
18 it to you. I turn now to Charlie 5. He was the driver  
19 of the Mercedes, the lead firearms car, with Charlie 2  
20 as his front seat passenger. He followed his two  
21 colleagues in the car into the station, and as he was  
22 going down the escalator, he wanted to warn people who  
23 he thought were going down into danger to get back, so  
24 he was shouting, "Leave the tube, get out of the tube".  
25 He is not sure if he used the words "armed police" but

1 he was seeking to make people leave, and some appeared  
2 to do so.

3 He was one of the group of three or four SFOs who  
4 were first on to the platform and who were seen by Ken.  
5 He actually turned left out of the tunnel and went to  
6 the single door at the left-hand end of the carriage, as  
7 you saw it on the plan. He did so because he had a fear  
8 that if he did not get onto the train it might pull out  
9 and leave him on the platform and that something  
10 terrible would happen, namely an explosion in the tunnel  
11 further up.

12 While he was looking around to see where his  
13 colleagues were, someone on the train touched his arm  
14 and directed him down the carriage. He saw the man whom  
15 he now knows to be Ivor, and momentarily he wondered  
16 whether he was in fact the subject. He pointed out that  
17 his recollection of the subsequent events are very  
18 condensed. He describes them as snapshots. He then saw  
19 Ivor lurch towards another male. He was focusing  
20 intently on Ivor and wasn't able to say much about what  
21 anybody else around was doing, and at that stage he  
22 hadn't really registered Mr de Menezes at all. He saw  
23 Ivor grapple with this man and there was a blur of  
24 movement. He thinks, largely from the statement that he  
25 made much closer to events, that that man was either

1 standing or attempting to stand. He was aware of  
2 Charlie 2 and Charlie 12 moving across the carriage from  
3 the double doorways that were on his right, but he  
4 cannot remember seeing their weapons.

5 The three of them forced Mr de Menezes back on to  
6 the seat from where he had come. He has a recollection  
7 of hearing shouts of "armed police". There was more  
8 than one shout and they occurred as Mr de Menezes was  
9 being forced back, but he was focusing so intently on  
10 Ivor that he cannot say whether the shouts had come from  
11 the platform or from Charlie 2 and Charlie 12. He  
12 thinks it likely that it was one or both of them.

13 At that remove of time, he cannot say honestly at  
14 what precise point during the period that he is  
15 describing that those shouts were made, but he is  
16 positive that they were made. When Mr de Menezes was  
17 pushed back, he heard shots fired, he tensed up,  
18 expecting an explosion to happen, but it did not, and he  
19 had to draw himself back to the job in hand. He was  
20 still concerned about who Ivor was, because he had not  
21 ruled him out as being a subject. He also realised that  
22 Ivor might well be in a position of danger, so he pulled  
23 him out of the fray as hard as he could, and that is the  
24 explanation as to how Ivor came to be ejected from the  
25 train.

1           He covered Ivor with a pistol until Ivor protested  
2           that he was a policeman, and Charlie 5 then turned back  
3           to the events in the carriage. He saw the man whom he  
4           now knows to be Mr de Menezes in a denim jacket slumped  
5           across the seats.

6           He agreed with Mr Mansfield that in circumstances  
7           like these in a constrained space with other people  
8           around, it is imperative to get to close quarters if he  
9           is to be sure of delivering an incapacitating shot. But  
10          in circumstances where there has not been a critical  
11          shot authorisation, conventional firearms teaching  
12          requires that the officer should reveal to the person  
13          concerned, in one way or another, that they are armed  
14          police officers and by shouting an instruction before  
15          the shot is fired. It's then for the firearms officer  
16          to make an assessment of what it is that he's facing.

17          But these circumstances were unique, and it has to  
18          be left to an individual officer to decide how he would  
19          deal with the situation, and he didn't think that  
20          an officer could be criticised for deciding to take one  
21          course rather than another. It is a very difficult call  
22          to make to assess whether someone is wearing anything  
23          under their clothing and because it is impossible to  
24          produce a profile of a typical suicide bomber, in the  
25          end it must be for the individual officer to make his

1 own assessment.

2 He was asked whether he might have shot Ivor, and he  
3 said that in fact, although he was still in doubt,  
4 because he had heard and seen what had happened, his  
5 threat assessment was diminishing at that stage, but  
6 nevertheless it was difficult.

7 He insisted that he did hear shouts of "armed  
8 police", and in that context he said that it was in any  
9 event an incredibly difficult thing in the heat of the  
10 moment to decide whether an oral warning was or was not  
11 the right thing to do. There is in truth, he said, no  
12 right answer. One officer may consider one thing, one  
13 may consider another at the time, depending what they  
14 see and what they feel. No one has ever suggested any  
15 technique that would enable a firearms officer,  
16 particularly in restricted spaces, to be able to get up  
17 close to a real suicide bomber and to challenge him  
18 without effectively sacrificing his own life.

19 He could not conceive of any technique that there  
20 might be. He considered that this was precisely the  
21 kind of situation that would justify a decision that  
22 a warning should not be given.

23 That was Charlie 5. I am going on to deal with one  
24 or two other firearms officers who were in the vicinity,  
25 but no doubt you will be relieved to hear that I will do

1           that at 2 o'clock.

2           (12.40 pm)

3                                 (The short adjournment)

4           (2.00 pm)

5                                 (In the presence of the jury)

6   SIR MICHAEL WRIGHT: I am ashamed to tell you that I have  
7           two small slips of the tongue to correct. I hope you  
8           won't hold it against me too hard. When I was  
9           describing how Ivor tackled Mr de Menezes, I said that  
10          he finished up -- I said that he wrapped both of his  
11          arms round his torso, pinning his arms to his side and  
12          pushing him back into the seat where he had previously  
13          been sitting. Ivor had the right-hand side of his  
14          head -- I think I said "chest" which would have sounded  
15          a bit odd -- it was of course the right-hand side of his  
16          head pressed against the right-hand side of  
17          Mr de Menezes' chest.

18                 The other slip, which I suspect you probably picked  
19                 up, was that when I was describing Charlie 12's approach  
20                 to the station, he said he heard that the suspect was  
21                 walking towards the tube station and entered it. He did  
22                 not hear anything to the effect that, and I think  
23                 I believe I said C019 were going to do the stop; it  
24                 should of course have been S012 were going to do the  
25                 stop or that they were not going to do the stop.

1           I suspect that neither of those slips misled you,  
2           but I'm glad to have put it right.

3           Charlie 7 was one of the firearms team who had been  
4           posted into the rifle car, and it may be you can  
5           conclude that he must have been the man who was seen on  
6           the platform carrying what's been described as a long  
7           gun. When they reached Stockwell station, and he heard  
8           "state red" from Ralph, his state of mind was that he  
9           believed that the person he was going to stop from  
10          getting on the tube was a suicide bomber who had already  
11          entered the tube and was descending the escalator. He  
12          thinks he may have heard that as well. He entered the  
13          station, jumped over the barriers, and went down the  
14          escalators and drew his gun. As he went down the  
15          escalators, he was shouting at two people that he was  
16          an armed police officer and telling people to leave the  
17          station as quickly as possible.

18          This reflects his fear that the man they were  
19          following was a suicide bomber.

20          He turned towards platform 2 at the bottom of the  
21          escalators on the directions of a man who was standing  
22          there, and as he went through the cross tunnel, he could  
23          see what appeared to be a struggle on the train and at  
24          least two of his colleagues entering the train. The  
25          struggle appeared to be just inside the main standing



1 area, adjacent to the far set of double doors to the  
2 right and just to the right of that space. He was aware  
3 that Charlie 2 was present but it all happened so  
4 incredibly quickly that he couldn't really estimate how  
5 many people were involved, save that there were at least  
6 two.

7 As he was aware that there were armed officers in  
8 that area, he went down to the next single access door  
9 to the right to act as a cut-off or containment. There  
10 was a surveillance officer already there wearing  
11 a police cap with the black and white chequered band.

12 When he was down by the train, he has no  
13 recollection of anybody shouting "armed police", and he  
14 said:

15 "That's not to say it didn't happen, I just don't  
16 recollect it."

17 He stayed by the doorway, but he could see  
18 Mr de Menezes, obviously badly wounded, slumped across  
19 the seat and the floor of the train with his knees on  
20 the floor and across one of the arms of the seat.  
21 A little later, he saw that Mr de Menezes' body had been  
22 moved because he was now lying on the floor of the  
23 train.

24 He reaffirmed his belief that when he heard "state  
25 red" that this was a man who had been identified and

1 definitely identified as a suicide bomber from the  
2 previous day. Indeed, that it was Hussain Osman. He  
3 appreciated that this was neither a Kratos nor  
4 a Clydesdale situation, and so that any armed stop that  
5 took place would be governed by the conventional rules  
6 relating to firearms operations.

7 In such circumstances, the ultimate responsibility  
8 is on the individual firearms officer involving threat  
9 assessments coupled with the intelligence that they have  
10 got.

11 The big difference, he said, between this situation  
12 and what might be described as a conventional firearms  
13 intervention is that what was in question here was the  
14 possibility of a bomb; and this was something that this  
15 officer had never faced before, and in respect of which  
16 he was conscious that he might not be going back up the  
17 escalator again. He said:

18 "I knew that if anything went wrong I was dead, and  
19 that was the bottom line."

20 I go back now to the other officers who were at  
21 Stockwell station. In particular I go back to Ivor, Ken  
22 and Geoff, the grey surveillance officers, and I go back  
23 to the point where we left them, which was as Ivor was  
24 tackling Mr de Menezes by wrapping his arms round his  
25 body and arms.

1           The next thing Ivor heard was a gunshot very close  
2           to his left ear and he was hit by the shock wave of the  
3           weapon. He was dragged to the floor of the carriage and  
4           pulled away from the area, and we know who did that. He  
5           landed on his knees with both hands on the floor, looked  
6           up, and saw an armed officer wearing a chequered cap who  
7           he thought must have assisted in dragging him away. We  
8           know this was Charlie 5. He was aiming a firearm at  
9           him, and so Ivor held out his hands and shouted "police"  
10          as loudly as he could. As he was being dragged on the  
11          floor and away from the scene, he heard several more  
12          gunshots. He was dragged out of the carriage and was  
13          able to stand up with his back to the platform wall with  
14          his hands still raised and at this stage he was able to  
15          extract his police chequered cap and put it on. The  
16          armed police officers who were challenging him then  
17          clearly accepted that he was a police officer and they  
18          let him go.

19                 At no stage did he hear Mr de Menezes say anything.  
20                 When he wrapped his arms around him and pushed him back  
21                 towards his seat he did not take up a sitting position  
22                 but appeared to keep his body stiff and rigid, but Ivor  
23                 was not prepared to say that he was resisting.

24                 He told Mr Mansfield that he was frustrated at his  
25                 inability to obtain permission to detain Mr de Menezes

1 before he entered the station itself. He felt that once  
2 Mr de Menezes had crossed the barriers and gone into the  
3 tube network, there were a number of circumstances in  
4 which they might have lost him, or the follow might have  
5 become compromised, and while they were underground they  
6 would not have been in a position to inform the ops room  
7 of the situation.

8 He confirmed that he would not have made the offer  
9 to stop Mr de Menezes in the first place unless he  
10 thought that he really could stop him with the  
11 assistance of Ken and any other surveillance officers  
12 who might have been available.

13 He explained, both to Mr Mansfield and Mr Horwell,  
14 that as Mr de Menezes had his hands occupied with his  
15 mobile phone in one hand and his newspaper in the other,  
16 he, Ivor, in conjunction with Ken, could simply probably  
17 have walked up to him from behind, each grabbed an arm,  
18 told him they were police officers, put him down to the  
19 ground and detained him, probably using handcuffs. He  
20 would not have required to produce his pistol.

21 On the other hand, I remind you what I told you  
22 yesterday and what he had said, that Mr Swain, with his  
23 knowledge of the volatility of peroxide-based  
24 explosives, thought that even this might have been  
25 an extremely hazardous thing to do.

1           However, of course, as we now know in hindsight,  
2           Mr de Menezes was not carrying a bomb. Ivor thought  
3           that he could carry out this manoeuvre and in the  
4           circumstances, as we now know them to be, you may think  
5           that Ivor could have done it and it would have been  
6           a feasible and safe thing to do.

7           Ivor described Mr de Menezes' movement towards him  
8           and the firearms officers only over a few feet as  
9           a "fast walk". It could only have been two or three  
10          steps. At this point his view, having seen the CO19  
11          officers, was that the threat assessment had changed and  
12          he could not now afford to take a chance. Until the  
13          CO19 officers appeared, although he was anxious and very  
14          uncomfortable about what was happening, he was prepared  
15          to try to continue with the surveillance follow.

16          I turn to Ken. After he saw the grappling struggle  
17          between Ivor and Mr de Menezes, he saw the SO19 officers  
18          move in closer, and saw their weapons. He saw one armed  
19          officer go to the left-hand side of Ivor, and the other  
20          probably to the other side and he heard somebody shout  
21          "armed police, get down". This appeared to come from  
22          someone within the carriage. One officer leant forward  
23          over Ivor with a black pistol in his right hand, moved  
24          it down towards Mr de Menezes in proximity to his upper  
25          torso and head, and fired several shots.

1           He was not aware whether the other officer had also  
2           fired. There was an immediate action from the people on  
3           the train, screaming and shouting, and running out. Ken  
4           drew his gun in case he might need it, and put on his  
5           blue police firearms cap. He shouted, "armed police,  
6           get down". He could see Mr de Menezes slumped on the  
7           seat and then assisted the S019 officers to clear the  
8           train carriage of people.

9           He insisted that when the group of armed officers  
10          were moving towards the doors of the carriage, he  
11          clearly heard the words "armed police" shouted. The  
12          description of Mr de Menezes appearing to lunge or bolt  
13          forward towards the open door, which is what is  
14          contained in his original statement, was a very accurate  
15          description of what he saw. What surprised him about  
16          Mr de Menezes' reaction was that it was not what he  
17          would have expected from someone being challenged by the  
18          police. The challenge that he refers to was the  
19          shouting of "armed police" as the group of men moved  
20          towards the carriage doors.

21          He took the view that the fact that Mr de Menezes  
22          appeared to start getting up was indicative of  
23          non-compliance, and he did not think that the movement  
24          was one of a man acting in a normal manner. He also  
25          thought that it was unusual that Mr de Menezes did not

1 use his arms on the armrests in order to get up, and he  
2 believed that the struggle that started between Ivor and  
3 Mr de Menezes was indicative of the fact that  
4 Mr de Menezes was resisting, moving and trying to evade  
5 Ivor's grasp.

6 He was challenged as to whether or not he really  
7 perceived Mr de Menezes to be a threat, and his answer  
8 was that he was convinced that Mr de Menezes was indeed  
9 a possible for the subject and therefore a potential  
10 threat, and that he, like the other surveillance  
11 officers, was of the view that once the opportunity to  
12 detain Mr de Menezes on the concourse had not been taken  
13 up, they were expecting the surveillance follow to  
14 continue. He thought Mr de Menezes was indeed  
15 a potential threat, but as far as he was concerned, it  
16 was his job to follow people and that was what he was  
17 going to do.

18 Geoff added very little to what he had already said  
19 before, when I broke off with his account, and that's no  
20 doubt because he was a little further away at the end of  
21 the carriage. But having seen Ivor pushing  
22 Mr de Menezes back down towards his seat, he saw one of  
23 the S019 officers lean over Ivor, put his pistol towards  
24 the side of Mr de Menezes' head and the next he heard  
25 was gunfire.

1           He heard several shots. He then left the train at  
2           the door by which he had entered it, and rushed round to  
3           the open double doors to see Ivor being dragged off the  
4           train or out of the carriage by one of the S019  
5           officers. The whole incident only took from five to ten  
6           seconds, from the first time that he heard the noises on  
7           the platform, and the shots were fired over a maximum  
8           period of a couple of seconds. It was all exceptionally  
9           quick.

10           Neither of the officers who went across to  
11           Mr de Menezes were wearing chequered caps, nor did  
12           either of them, so far as he could remember, say or  
13           shout anything. The distance between Mr de Menezes and  
14           Ivor was only a few feet, so that he had not got very  
15           far to go before Ivor grabbed him. He was reminded of  
16           the evidence that he gave at the criminal trial in  
17           November last year, and it was apparent that he had used  
18           the word "jump up" or "rose sharply" in relation to  
19           Mr de Menezes on that occasion also, and his impression,  
20           he told you, was that Mr de Menezes was trying to leave  
21           the train in a hurry.

22           The only other police officers who add very much to  
23           the description of the events on the carriage are two  
24           members of the green firearms team who were temporarily  
25           attached to the black team, namely Terry, who was the



1 green team leader, and Delta 9.

2 When Terry arrived at Binfield Road, he ran into the  
3 station carrying both his pistol and his rifle. He went  
4 through the barriers and down the escalator and on  
5 reaching the platform, he saw a surveillance officer  
6 standing in the open carriage doorway pointing to his  
7 left. This is obviously, you may think, Ken.

8 Accordingly, Terry turned to his right, Ken's left,  
9 turned to his right down the platform and he was at that  
10 point superficially aware, as he said, of Charlie 2 who  
11 was a few paces in front of him.

12 By the time Terry got to the second set of open  
13 carriage doors, there was a struggle taking place in  
14 front of him in the carriage, but his view was blocked  
15 and he could not see clearly. Everything was happening  
16 very, very quickly, and as he entered the carriage he  
17 could hear "police" and "armed police" being shouted  
18 around him, but he could not say from which specific  
19 direction.

20 He then heard cracking noises which he realised were  
21 pistol shots, saw debris flying into the air, and then  
22 saw an individual slumped over the seat with his face  
23 down.

24 His recollection is that the shouts of "armed  
25 police" were issued loudly and clearly within the

1 carriage, and that he himself repeated and reinforced  
2 them as he entered the carriage.

3 In the immediate aftermath of the shooting, he was  
4 very, very concerned that there was a possibility that  
5 the individual whom he had seen slumped over the seat  
6 was still wearing a concealed explosive device which  
7 might still detonate, and he took steps first of all by  
8 calling out warnings, by directing the public to  
9 evacuate the platform area, and by passing messages up  
10 to the surface to ensure that first aid equipment and  
11 explosives officers were brought to the scene as quickly  
12 as possible.

13 Delta 9, the other green team officer, went down the  
14 escalator shouting, "Armed police, don't go on the  
15 platforms", and this was because he thought that the  
16 suspect was carrying a device and would detonate it if  
17 he became aware of pursuit.

18 When he got down to the lower concourse, he saw  
19 through the cross tunnel a train standing at the  
20 platform and an officer indicating diagonally right into  
21 the open door. He said that he could hear shouting of  
22 "armed police" but he couldn't say where it was coming  
23 from. He saw Mr de Menezes sitting in his seat and  
24 suddenly stand up and try to get away. He definitely  
25 moved away from his seat when he was grabbed by

1 Charlie 2, Charlie 12 and another officer.

2 Delta 9 then got onto the train and saw that  
3 Mr de Menezes appeared to have gone rigid and that his  
4 hand was down to his side below where Ivor was wrapping  
5 his arms around his body. And accordingly, Delta 9 bent  
6 down to get hold of the hand in order to prevent it  
7 being used to detonate a device, and it was as he was  
8 trying to do this that he heard the shots, saw the  
9 blood, and realised that Mr de Menezes had been  
10 seriously injured.

11 This officer also thought that the suspect might  
12 have a bomb, and he also joined in urging people to get  
13 out. He was insistent to Mr Mansfield that he did hear  
14 "armed police" and also that Mr de Menezes did  
15 definitely get up, and he thought that the stiffness in  
16 Mr de Menezes was indicative of resistance.

17 I turn now to consider with you the evidence that  
18 you heard from the various, what I call bystander  
19 witnesses, that's to say members of the public, not  
20 members of the police.

21 Seven passengers on the train were called to give  
22 live evidence. In general, they illustrate the well  
23 known truth that where a varying number of people  
24 perceive the same unexpected, frightening, shocking,  
25 violent and fast-moving incident, the eyewitness

1 versions that are produced thereafter are likely to vary  
2 in a very substantial and sometimes almost bizarre  
3 degree.

4           However that may be, the witnesses with the best  
5 point of view were probably Mr Livock and Ms Wilson, who  
6 were sitting side by side, almost opposite  
7 Mr de Menezes.

8           Mr Livock remembers a man, probably Ivor, passing  
9 him from right to left, and then hearing a voice from  
10 his left including the word "here". Next he saw a man  
11 coming through the door on his left with a pistol  
12 levelled at the head of the man opposite, Mr de Menezes.  
13 He heard nothing said and Mr de Menezes did not look  
14 frightened. He seemed to be waiting for someone to tell  
15 him what was going on. Three more men followed the  
16 first man in, two with handguns, one with a rifle.

17           They all moved towards Mr de Menezes and the two  
18 other handguns were also aimed at Mr de Menezes. No-one  
19 was wearing any identifying clothing, and nothing, he's  
20 absolutely certain, was said about police. He had no  
21 idea who these people were. He was wondering what was  
22 going on and Mr de Menezes was sitting there, looking at  
23 the leader, almost expectantly. He does remember,  
24 however, seeing Mr de Menezes' hand reaching to the  
25 waistband area on the right-hand side of his trousers.

1           The leading man advanced his gun to about 1 foot from  
2           the head of Mr de Menezes and fired.

3           Mr Livock realised that he should not be there, and  
4           he stood up and moved away to his right. He heard one  
5           or two more shots and looked around, and saw  
6           Mr de Menezes slumped in the seat, leaning over to his  
7           left. He heard at least one more shot and heard voices  
8           shouting "get out". He saw a man in the single doorway  
9           with a gun, and that troubled him, but that man stood  
10          back in order to let him off the train. He told  
11          Mr Gibbs that Mr de Menezes appeared to be reaching  
12          inside his jacket, possibly to a trouser pocket; or  
13          alternatively to Mr Stern, that he might have been  
14          reaching for something on his belt. He did not recall  
15          Mr de Menezes leaving his seat, but in common with many  
16          other witnesses, including some of the police officers  
17          who were present, he thinks that there are gaps or holes  
18          in his recollection.

19          He wondered at first whether this group were people  
20          having a joke in very bad taste in the light of what had  
21          happened the previous day. He didn't think that  
22          Mr de Menezes advanced towards anybody, and equally he  
23          did not see him being pushed back or being grabbed by  
24          anybody, and his recollection is that no-one else was  
25          touching Mr de Menezes when he was shot. He only saw

1           one person shooting; the other two with pistols were  
2           further back and the rifleman was further back still by  
3           the double doors on the other side of the carriage. He  
4           was absolutely sure that he did not hear "armed police"  
5           shouted.

6           Ms Wilson remembers a man who had been sitting on  
7           her left hurriedly getting off the train just before  
8           this incident happened but she had no memory of anybody  
9           crossing from right to left in front of them. Seconds  
10          after that man left, she heard shouting on the platform  
11          and several people came onto the train. They were  
12          casually dressed, she had no idea who they were, nothing  
13          was said to give her any clue, so at first she thought  
14          they were people playing the fool, and then she thought  
15          they were terrorists and it was only after the incident  
16          was over that she realised that they were not.

17          Specifically, she never heard anybody shout "armed  
18          police" because if she had heard that, she would have  
19          known who they were. She saw that one of the men was  
20          carrying a long gun which required two hands to hold,  
21          and the others were carrying handguns. They stood  
22          between the glass panels in the door section of the  
23          carriage, looking around, and focused on the man sitting  
24          opposite to her, Mr de Menezes. At least one man with  
25          a handgun then moved forward towards Mr de Menezes and

1 to one side of him, and fired into the right rear part  
2 of his head. She did not see Mr de Menezes move but she  
3 was focusing on the man with the long gun and it was not  
4 until the first shot occurred that she looked across the  
5 carriage.

6 Several shots were fired. She didn't count them but  
7 there seemed to be more than five, and she only saw one  
8 person firing. She sat very still so as not to attract  
9 attention to herself, and when the shooting finished she  
10 moved away towards the single door at the right-hand end  
11 of the carriage as we look at it and out onto the  
12 platform. She repeated to Mr Stern that she never saw  
13 Mr de Menezes leave his seat but she only looked over at  
14 him after the first shot was fired. Curiously she did  
15 not feel under threat from these men as they were not  
16 looking at her. She was shocked but not scared. She  
17 remembers Mr de Menezes as having light coloured or  
18 mousy brown hair. She remembers no shouting of "armed  
19 police" or anything else:

20 "One of the things I recall the most is the silence  
21 of the thing."

22 She agreed that she could be hazy about details, but  
23 she believes that her recollection of the order of  
24 events is correct.

25 Wesley Merrill was sitting on one of the folding

1 seats on the far side of the carriage to the left of the  
2 right-hand double doors. He heard heavy footsteps and  
3 people running outside, and he saw a man in the standing  
4 area, pointing across the carriage with words such as  
5 "that's the man" or "that's the guy" in a loud  
6 authoritative voice. He immediately identified this man  
7 as an undercover police officer, being well built with  
8 a short haircut, heavy boots and a T-shirt tucked into  
9 his jeans.

10 This man was followed by two or three more officers,  
11 one with a rifle and at least one other with a handgun.  
12 They came in around the man who had pointed, and that  
13 man and one of the others moved over to Mr de Menezes  
14 and pushed him down over the seats. Mr Merrill realised  
15 that something serious was going on and he stood up,  
16 focusing mostly on the man with the rifle. He remembers  
17 that the man with the rifle was wearing a police cap, as  
18 was another officer whom he saw later.

19 He saw one of the officers come around from behind  
20 the rifleman, raise his pistol, and begin shooting. He  
21 heard five or six shots. He didn't remember seeing  
22 Mr de Menezes move forward from his seat at all, but  
23 he's not sure that he would have been looking at him at  
24 that point. He heard neither Mr de Menezes nor any of  
25 the officers say anything. The next thing he remembers



1 is that there was a police officer with a pistol and  
2 a cap standing in front of him and telling him to stand  
3 still.

4 The officers who had been grouped around  
5 Mr de Menezes moved away. He, Mr Merrill, was  
6 instructed to get off the tube train, and as he did so,  
7 he saw Mr de Menezes lying across the seats to his left  
8 with his feet towards the right, and face down away from  
9 him.

10 The rucksack that he saw which we now know had been  
11 brought in by Ivor, he thought belonged to  
12 Mr de Menezes. He never heard anybody shout "armed  
13 police" at any time. He did hear generalised shouting  
14 for people to get off the train or stand still or get  
15 off the platform.

16 Anna Dunwoodie got on at Tooting Bec, and sat in  
17 a seat on the right-hand block of seats facing the  
18 platform, as you can see in tab 35. She remembers  
19 Mr Livock and Ms Wilson getting on, and she remembered  
20 Ivor as we now know getting on at Stockwell sitting next  
21 to her on her left, which would be the end seat, with  
22 a rucksack on his knee.

23 The general atmosphere in the train that day was  
24 tense, and everyone was a bit jumpy. Ivor seemed  
25 nervous, unzipping his bag and going through it and he

1           made her nervous. Suddenly he got up and moved very  
2           quickly to the double doors to her right and she saw  
3           a group of men on the platform in jeans and T-shirts  
4           shouting to each other and to the man in the doorway.  
5           And she heard Ivor shout something like "this is it" or  
6           more likely "there he is", because he was pointing  
7           towards the row of seats that she was sitting in.

8           There was suddenly a lot of people in a relatively  
9           small space, all big men, and there was shouting and  
10          shuffling around and guns appeared, and the next thing  
11          she saw was a gun pressed to the head of the man sitting  
12          on her right.

13          Everyone sat very still, but further away in the  
14          carriage there was a sense of panic and people moving,  
15          and she also felt a sense of panic in the men in the  
16          doorway, in that they didn't seem quite sure what they  
17          were going to do next and she found that very  
18          frightening.

19          There was other shouting from people outside the  
20          carriage and from this point on she also has a memory of  
21          separate short images or snapshots rather than a  
22          continuous flow.

23          Initially she told the police that it was Ivor who  
24          held the gun to the neck of the man on her right, but  
25          she quickly realised that that was wrong. She does,

1           however, remember him as being part of the general scrum  
2           of men going towards the man on her right.

3           The man with the gun was holding it at arm's-length  
4           pressed against Mr de Menezes' neck, whose eyes were  
5           closed and he looked almost calm. She saw flashes, and  
6           heard a quiet popping noise. She saw at least two  
7           handguns and definitely one longer gun, and there may  
8           have been more. The shots were not a continuous  
9           sequence. There were breaks.

10          She heard no shouting directed at Mr de Menezes, and  
11          no shouts from the area of the platform containing the  
12          word "police". She had no memory of Mr de Menezes  
13          getting up or moving forward in any way. She's very  
14          clear that she never heard any mention of police,  
15          because she would have seized on this as an explanation  
16          of what was happening.

17          The next thing she really remembers is looking for  
18          a way out and going through the door on her left, and  
19          she went over to the Victoria Line and caught a train to  
20          Pimlico.

21          She explained her reference to panic in the police  
22          officers by saying that the surveillance officer, that's  
23          Ivor, really seemed to be frightened or hyped up, and  
24          when he was calling the other men in, they seemed full  
25          of adrenalin and moving quickly and jerkily and things

1           felt like they were a bit out of control. That's what  
2           it felt like.

3           She picked up on this because there was little space  
4           and they were very close to her. She did remember  
5           shouting to the effect, "get off the train", "everybody  
6           out", "everybody off the train". She did say in  
7           re-examination by Mr Hough that the differences between  
8           the accounts given in her first and second statements  
9           may be accounted for by the pressure that she felt under  
10          at the time.

11          Simon Dixon also got on at Tooting Bec, took a seat  
12          at the left-hand end of the carriage as we see it on  
13          tab 35, and sat with his back to the platform. That end  
14          of the carriage was moderately busy, no-one standing  
15          that he could remember, and at Stockwell he was aware  
16          that there was a delay. He heard a noise over his right  
17          shoulder which sounded like a group running for the  
18          train, shouting and hurrying along together. He looked  
19          across and saw four men who appeared to be coming from  
20          the concourse at the foot of the escalators whom he  
21          immediately recognised as being police officers. One  
22          was wearing a police cap and carrying a submachine gun,  
23          and he presumed that all of them were police officers.

24          He then became aware of disquiet and panic from the  
25          other end of the carriage, a girl's voice cry out "oh my

1 God" or something like that, and it was at this stage  
2 that he believes that his perception of timing becomes  
3 slightly awry because he is another witness who  
4 recollects what he called freeze frame images of events.

5 The men he had seen entered the carriage at the far  
6 set of double doors from him. He became aware of  
7 a movement or struggle and then a movement of someone  
8 being dragged to the floor in the carriage and  
9 surrounded by men with guns.

10 He confirmed the content of his statement, to the  
11 effect that there were about four or five officers in  
12 the carriage, a mixture of uniformed officers who were  
13 wearing police caps and plain clothes officers holding  
14 guns who appeared to be pinning someone to the floor.  
15 At that stage he only saw a submachine gun, and he  
16 didn't see any handguns. He explained the noises that  
17 he had initially heard as being a group of men running  
18 for the train, because he heard words such as "here" or  
19 "this way" or "over here".

20 He then heard the gunshots, between six and eight  
21 distinct shots, fairly evenly spaced with no break in  
22 the sequence that he heard. The whole situation seemed  
23 to be under control and ordered in that the police  
24 officers seemed to know what they were doing and  
25 carrying out their roles very efficiently. Because of

1 the events of the previous day and two weeks earlier, he  
2 presumed that they were indeed apprehending a suicide  
3 bomber.

4 After this, there were numerous shouts of "get off"  
5 but he couldn't see what had happened down the carriage  
6 because the officers themselves were obscuring his view.  
7 He immediately walked off the carriage and was directed  
8 out of the station by a plain clothes officer with  
9 a gun. There was repeated shouting of "get off" and he  
10 left the station.

11 He stressed that one of the difficulties in  
12 describing an event of this kind is the question of  
13 timing, and he found it difficult to say whether the  
14 episode lasted half a second, two seconds or five  
15 seconds. It seemed almost instantaneous in his mind and  
16 at no stage did he hear anybody identify themselves as  
17 police officers.

18 Robert Preston said that now his recollection of the  
19 whole event is very, very shaky and he preferred to rely  
20 upon the statements that he made in July and  
21 August 2005. But he remembers getting on at  
22 Clapham Common and sitting in the right-hand end of the  
23 middle block of seats in the carriage with his back to  
24 the platform. He was reading a newspaper when he heard  
25 a disturbance on the platform involving loud shouting.

1 The tone of the shouting was very sharp and he saw a man  
2 get on the double doors just to his right. This man  
3 stopped in the centre of the carriage looking left and  
4 right, and made eye contact with Mr Preston, whose  
5 impression was that he looked scared as though something  
6 was wrong. He then recollects this man heading towards  
7 the seats at the right-hand end of the carriage but not  
8 sitting down. His general impression was that this man  
9 might have been Asian.

10 His attention was then drawn away by more noise  
11 outside and more people came through the doorway whom he  
12 instantly realised were police officers. He thought he  
13 saw bullet-proof vests. When they spoke, shouting  
14 something like "down, get down", their voices were  
15 commanding. They appeared to be focusing on the Asian  
16 male and although the sequence of events is very unclear  
17 to him, he remembers them getting into a kind of rugby  
18 huddle as they jumped on him and tackled him to the  
19 ground in some way.

20 Although the contents of his statement sound  
21 accurate to him, his present live recollection is very  
22 dim, but at this stage he decided to get off the train,  
23 and when he was just through the door, he heard the  
24 shots. He then left the station as fast as he could.  
25 He was referred to his statement of 22 July, in which he

1 described the first man running on the train, the man of  
2 Asian appearance, as wearing a lot of very baggy  
3 clothing or alternatively being very large. He was  
4 shown some of the still photographs of Mr de Menezes in  
5 the station and those pictures do not remind him of the  
6 man he saw at all.

7 Mark Whitby entered the tube at Stockwell station  
8 shortly before 10 o'clock, went down, and got on the  
9 northbound Northern Line train that was then sitting at  
10 the platform with its doors open. He took a seat to the  
11 right of the first set of double doors, and then heard  
12 a lot of noise coming from the escalator region shouting  
13 "get down" or "get out" repeatedly.

14 He looked to his right, and saw an Asian man come on  
15 to the train first, who appeared to be being pursued by  
16 a group of other men. He saw a hand push that man to  
17 the floor and a couple of people jump on him to pin him  
18 down. This man appeared to stumble as he came on the  
19 carriage, and looked left and right and was bundled to  
20 the floor by the group behind him. Having now seen the  
21 CCTV footage, he believes that this man was in fact  
22 Ivor, and that he was bundled out of the way to allow  
23 passage for the man who ultimately shot Mr de Menezes.  
24 He describes him as wearing a heavy jacket and a darker  
25 coloured baseball cap, and when he came on the train he



1 really looked petrified.

2 Another man came on through the double doors to  
3 Mr Whitby's left who pointed to the area where this man  
4 had stumbled on and shouted out "there he is". Another  
5 man came on through the double doors to his left. He  
6 pointed to where the Asian man had stumbled on and  
7 shouted "there he is". He then moved to what was  
8 becoming a bit of a scrum where the Asian man was either  
9 flat on the floor or on his knees going down as though  
10 he was being pushed from behind by the people who had  
11 been pursuing him.

12 I am conscious that I may have repeated the same  
13 sentence twice just a moment ago, and that's the fault  
14 of my typed-up note. I think there is only one man  
15 coming through the double doors pointing to the Asian  
16 man and shouting "there he is", not two.

17 This witness also, because of the events of the  
18 previous day and the week before, thought that this was  
19 a case of a suicide bomber being pursued by police.

20 The men who had come in were followed by another  
21 man, a tall chap, with a large black automatic gun in  
22 his left hand held at head height and pointing to the  
23 ceiling. He walked calmly on, took about a pace forward  
24 and leant forward. Throughout this account,  
25 Mr de Menezes was completely hidden from this witness's

1 view by the bodies that were between him and Mr Whitby.  
2 He saw the tall man lean down and fire five times and at  
3 this stage he thought it was time to get off the train.

4 There was a distinct pattern of shots, two very  
5 quick, a very short hesitation, and three more fired  
6 more slowly and more deliberately. He only saw one  
7 person firing and he did not see any other guns.

8 No person shouted "armed police" when the men were  
9 on the train; there was no mention of police. He left  
10 the platform and began to make his way up the stairs.  
11 About one third of the way up he heard three more shots  
12 and he and the large lady he was then helping crouched  
13 down. He thinks that this must have been about 30  
14 seconds after hearing the first five shots, and at that  
15 time there were a group of S019 officers or C019  
16 officers wearing baseball caps with the chequered  
17 pattern and carrying submachine guns who were running  
18 down the other side.

19 You may think, it's a matter for you, he must have  
20 been mistaken about hearing shots so long after the  
21 initial confrontation between the officers and  
22 Mr de Menezes. Is that an example of the sort of timing  
23 problem about which Mr Dixon spoke? He did not hear any  
24 mention of "armed police", nor any shout such as "stand  
25 up, stand still", or any instruction of that kind. All

1 he heard was "get down" or "get out".

2 When he was examined by Mr Gibbs, he made it plain  
3 that the Asian man he saw enter the carriage, whom he  
4 has now identified as Ivor, is the man that he  
5 originally thought was the man who had been shot.

6 Seven other civilian witnesses gave evidence that  
7 was read to you. Here again, there was a wide variation  
8 in the details observed or recollected by these various  
9 witnesses.

10 They include a description by the driver of the  
11 train, Mr Oji, who remembers the shots being fired from  
12 the platform; Ms Wrobel, who described the shots being  
13 fired into the ceiling of the carriage; another witness  
14 who thought that the police officers were wearing  
15 bullet-proof jackets; and at least one witness who  
16 suggests that the shooting was done with rifles rather  
17 than handguns.

18 Several witnesses remember only one person shooting.  
19 Most of the witnesses recollect some form of shouting,  
20 often "get out" but on one occasion "stay in". Nobody,  
21 however, remembers hearing the words "armed police",  
22 although some recognised people on the platform and  
23 entering the carriage as police officers.

24 That's all I have as far as the events in the  
25 station and on the train are concerned, and so with

1 Mr Hilliard's assistance, I am going to show you, remind  
2 you about some of the film.

3 I am not going to worry about the following in the  
4 cars. You may think it doesn't take it very much  
5 further. I am going to concentrate on the film at  
6 Stockwell station. Start with MB/2, camera 12. I am  
7 not going to commentate, I am just going to let you  
8 watch it.

9 (Video footage shown)

10 CC/3, camera 6.

11 (Video footage shown)

12 CC/3, camera 8.

13 (Video footage shown)

14 CC/3, camera 4.

15 (Video footage shown)

16 CC/3, camera 7.

17 (Video footage shown)

18 CC/3, camera 5.

19 (Video footage shown)

20 I can deal with the aftermath of events in the  
21 carriage relatively briefly. It is perhaps, you may  
22 think, indicative of the degree of concern that was felt  
23 among the various police officers involved that expert  
24 explosives officers were almost immediately on the  
25 scene, arriving in fact at 10.10, only four minutes

1 after the shots were fired. Even the ambulance  
2 paramedics were not allowed down until David, that was  
3 his pseudonym, the explosives officer, had carried out  
4 at least some checks to ascertain that it was safe to go  
5 down into the tube. Those checks included not only  
6 visual checks upon Mr de Menezes' body and clothing but  
7 also x-ray examination of his shoes and his mobile  
8 phone.

9 The ambulance crew arrived at 10.17, and were held  
10 back for a time by one of the CO19 officers to make sure  
11 that it was safe for them to go down. Having been taken  
12 down, it was only necessary for them to see that there  
13 was a man lying face down on the carriage floor directly  
14 in front of the doors with a massive trauma to his head,  
15 and only a relatively superficial visual examination  
16 made it clear that he was dead.

17 At 10.26 the helicopter emergency medical service  
18 arrived, with Dr Roderick MacKenzie, who also confined  
19 himself to a visual examination of Mr de Menezes' body  
20 because it was quite obvious that he had unsurvivable  
21 head injuries. The doctor formally confirmed death at  
22 10.30 that morning.

23 He also briefly checked on Charlie 12 and Charlie 2  
24 who were at the main station entrance. Their main  
25 concern was related to the fact that they had blood and

1 body fluids on them and they were reassured by the  
2 doctor that there was a low risk of contamination, and  
3 he describes them both as quite subdued and looking  
4 exhausted.

5 As is always the case in violent death, a consultant  
6 pathologist is called to carry out an examination and  
7 post-mortem on the body. The pathologist in this case  
8 is Dr Ken Shorrock who has been a consultant pathologist  
9 for some 20 years during which time he has conducted  
10 many, many examinations which have resulted in his  
11 having to give evidence in court.

12 His report is dated 27 July 2005, and you have seen  
13 it, together with the drawings that were done by  
14 Mr Tomei. He was asked to deal with the history section  
15 of his report, and his explanation is that when he  
16 arrived at Stockwell tube station on the 22nd, he was  
17 given a run-through of the scene, or a walk-through if  
18 you like, with a number of police officers, and there  
19 was then a talk through as to what was supposed to have  
20 happened. He didn't make any notes at the time,  
21 although he was talking to several people, and  
22 subsequently he got his dictaphone and began to dictate  
23 his report.

24 The information that is contained in his history  
25 section, he asserts, is something that he received

1 before he saw it on the news or read it in the  
2 newspapers or anything else. He suggests that he and  
3 the press got that information from a common source.  
4 I'll come back to it in a moment.

5 On the following day he went to Greenwich Mortuary  
6 to conduct the post-mortem and he asked whether anything  
7 had changed and he was told in essence that nothing had  
8 changed overnight. Accordingly, his history is  
9 a distillation of what he was told on the first day and  
10 that history contains, as you will remember, assertions  
11 that Mr de Menezes had jumped over a ticket barrier, and  
12 when he entered the train, he stumbled and was  
13 immobilised by police officers. A small reflection, I  
14 think, of one of the civilian witnesses, you may  
15 remember.

16 As this version does not accord with anybody else's  
17 recollection or evidence, Detective Superintendent Evans  
18 and Detective Sergeant Slade, who were the officers of  
19 the special investigations command of the  
20 Directorate of Professional Standards of the  
21 Metropolitan Police, who were responsible for the  
22 immediate investigation of this death, were called to  
23 tell you what it was that they say Dr Shorrocks had been  
24 told.

25 In summary, Mr Evans told you that his understanding

1 was that shortly after 10 o'clock that morning,  
2 a surveillance officer had called for armed assistance  
3 at Stockwell, two officers had entered the tube train  
4 and when the suspect was identified to them he leapt  
5 towards them. The surveillance officer was pushed out  
6 of the way and shots were fired. The suspect was shot  
7 in the head.

8 Mr Evans told you that he got that information from  
9 Trojan 84, who had briefed them when they arrived at the  
10 Underground station. Nothing had ever been said to him  
11 or by him about Mr de Menezes jumping over a ticket  
12 barrier or anything about him stumbling or being  
13 immobilised.

14 Detective Sergeant Slade, as he then was, was also  
15 called to deal with this question and he was able to  
16 tell you that at about 12.45 that day he had on  
17 Mr Evans' instruction contacted the Southwark Coroner  
18 via the Coroner's officer, and he produced the report  
19 that was written by the Coroner's officer, Mrs Fendt,  
20 which in its relevant portions confirmed in identical  
21 terms the account that Mr Evans said that he had given  
22 to Dr Shorrocks. This account was repeated on the  
23 following day at Greenwich Mortuary when the post-mortem  
24 was carried out.

25 However, both officers remember hearing, and



1 Dr Shorrocks referring to the radio reports which had  
2 contained these inaccuracies being broadcast on the  
3 morning of Saturday the 23rd. Given that the history  
4 actually set out by Dr Shorrocks appears to bear very  
5 substantial discrepancies from everything that you have  
6 been told by other witnesses and indeed what you have  
7 seen on the closed-circuit television, you are invited  
8 to consider and you may consider that for the reasons  
9 suggested, the pathologist appears to have got hold of  
10 the wrong end of the stick as far as this aspect of the  
11 matter is concerned.

12 Now turning to his professional investigation, he  
13 was able to tell you that by the time he went into the  
14 carriage, the scene had been checked for explosives and  
15 he found Mr de Menezes lying on the floor face down with  
16 very obvious severe head injuries. He saw that the  
17 third seat from the double doors on the right, furthest  
18 away from the platform, was heavily saturated with blood  
19 and this was known to be the seat next to the one in  
20 which Mr de Menezes had been sitting.

21 On the following day, at the Greenwich Mortuary, he  
22 confirms that Mr Alex Pereira, Mr de Menezes' cousin,  
23 identified the body and he noted that he was a young  
24 man, 5-foot 8 inches tall, weighing 70 kilograms and of  
25 Mediterranean complexion. He himself found some sort of

1 identification document in a pocket of Mr de Menezes'  
2 clothes. There were a number of bullet wounds which  
3 were noted on a body map sketch by the firearms expert,  
4 Mr Tomei, one such wound to Mr de Menezes' back and the  
5 remainder to the head.

6 Let me identify each numbered mark. Number 1 does  
7 not appear on the sketch because it was to the right  
8 side of the upper part of the back level with the  
9 shoulder. The track from that entry wound passed from  
10 right to left across the body and the bullet was still  
11 there.

12 Number 2, which is marked, this was a deep entry  
13 wound to the right side of the head above and behind the  
14 ear.

15 Number 3 was not an entry wound at all.

16 Number 4 was a deep entry wound to the right side of  
17 the head above the ear.

18 Number 5 was a tangential wound where the bullet may  
19 not have entered the head at all.

20 Number 6, this was an entry wound to the right side  
21 of the head behind the ear.

22 Number 7 was an entry wound to the rear of the head  
23 at the right side.

24 Number 8 was another tangential wound where the  
25 bullet may not have entered the head at all.

1           So there were four bullet entry wounds where the  
2           bullets had entered the head and done much damage  
3           internally.

4           Numbers 5 and 8 were not; they were furrows where  
5           the bullet had passed tangentially across the skull,  
6           seriously damaging the scalp and to some extent the  
7           skull beneath.

8           On the other side of the head, the left-hand side,  
9           were exit wounds, either of bullets or of fragments of  
10          bone which had been created by the force of the impact,  
11          and had then themselves come out through the left-hand  
12          side of the skull.

13          There was also bruising to the right upper eye,  
14          caused almost certainly by the trauma of the head; to  
15          the left side of the chest, almost certainly caused by  
16          the bullet that had lodged in the body; and a single  
17          bruise on the left forearm which may or may not have  
18          been contemporaneous with the shooting.

19          Any one of the four entry wounds to the head, that's  
20          2, 4, 6 and 7, would have been fatal. And because of  
21          the nature of the injury, death would have been  
22          instantaneous.

23          Furthermore, once the first bullet had hit  
24          Mr de Menezes' head and went in, he will have had no  
25          perception of what was going on. The cause of death was

1 multiple gunshot wounds to the head. It was impossible  
2 to say whether the brain stem was injured, because the  
3 brain was so badly damaged that it simply wasn't  
4 possible to tell.

5         There was not only the direct damage caused by the  
6 immediate entry and passage of the bullets, but there  
7 was also the collateral damage caused by fragments of  
8 bullet and of bone and also by the shockwaves caused by  
9 the impacts. As soon as the first shot had gone in, and  
10 we don't know which one it was, Mr de Menezes would have  
11 been incapacitated and unconscious and death would have  
12 occurred instantly. He can't say in what relative  
13 positions the two firearms officers were in, in relation  
14 to Mr de Menezes when they fired.

15         He can only say that the general trend was that the  
16 bullets had passed from right to left across the body  
17 and that the exit wounds were at a slightly higher level  
18 than the entry wounds but not much could be read into  
19 that.

20         Although death was instantaneous, the heart could  
21 continue to beat for a little time thereafter so that  
22 the bruise on the arm could have been caused before or  
23 after death.

24         Also called to the scene of the shooting on 22 July  
25 was a Mr Franco Tomei who is a forensic scientist who

1 has been specialising in the examination of firearms and  
2 ammunition for more than 30 years.

3 He originally worked for 22 years as a forensic  
4 scientist for the Metropolitan Police laboratory and  
5 since then he's been working for the Forensic Science  
6 Service which is now an independent laboratory.

7 He was called to the scene of the shooting on  
8 22 July and when he arrived the body of Mr de Menezes  
9 was still present. He noted the presence of various  
10 spent cartridge cases lying around the carriage and both  
11 bullets and fragments of bullet and bullet damage to  
12 an armrest and some seats and he noted a dent to the  
13 window surround in the carriage.

14 He was present at a post-mortem examination the  
15 following day at Greenwich Mortuary. The wound sites on  
16 the left-hand side of the head, he said were exit sites,  
17 either of bullet material or bone fragments; and the  
18 extent of the damage to the skull and the tissue was so  
19 great that it was not possible to associate any  
20 particular entry wound with any of the exit injuries;  
21 and the numbering which is used on the body map which  
22 I showed you is arbitrary; it's not possible to say  
23 anything about the order in which the wounds were sus-  
24 strained.

25 The presence of particles of propellant found in the

1 skin indicates that on all but one of the head wounds,  
2 the range of firing had to be relatively short, but it's  
3 not possible to determine specifically at what distance  
4 the shots were actually fired.

5 After the post-mortem, Mr Tomei went back to the  
6 tube carriage itself to establish whether Mr de Menezes  
7 was actually on the floor at the time when the shots  
8 were fired, and he was able to establish from the  
9 absence of damage to the floor that he was not. He also  
10 investigated the possibility of establishing where he  
11 was at the time of the shooting, and he concluded from  
12 the bullet damage to the armrest between seats 3 and 4  
13 and the extensive bloodstaining on seat 3 and the bullet  
14 damage to the seats, that Mr de Menezes was completely  
15 bent over to his left such that his head was overhanging  
16 seat number 3.

17 All the shots were fired from right to left, and the  
18 bullets appeared to have travelled largely horizontally  
19 with respect to the head. Given that Mr Tomei concludes  
20 that the head was bent over to the left, he thinks that  
21 the guns therefore must have been pointed downwards.

22 He also carried out forensic examination of all the  
23 firearms that had been collected from the C019 officers  
24 involved in the incident, and he was able to establish  
25 that only two guns had contributed to the death of

1 Mr de Menezes and they were the block pistols issued to  
2 Charlie 12 and Charlie 2.

3 He collected nine fired cartridge cases and was able  
4 to associate three with Charlie 12's gun and six with  
5 Charlie 2's gun.

6 These forensic tests also led him to be able to  
7 conclude that, at the time of firing, the muzzles of the  
8 guns were a maximum of 8 centimetres or 3 inches and  
9 a minimum of 1 centimetre or half an inch from the skin.

10 He also reported on the findings of two of his  
11 colleagues, Mr Keeley and Mr Chapman. Mr Keeley is  
12 a forensic firearms expert and he was able to say that  
13 the discharged residue on the clothing of Charlie 2 and  
14 Charlie 12 indicates they were in the immediate area of  
15 Mr de Menezes when the shots were fired. Ivor's  
16 clothing contained less residue, indicating that he was  
17 either further away or shielded by the others.

18 Mr Chapman is a biologist, specialising in evidence  
19 to be gleaned from biological trace evidence from such  
20 bodily fluids as blood and also the interpretation of  
21 blood patterns at possible crime scenes.

22 He also agreed with Mr Tomei that the likely  
23 position of Mr de Menezes' body when the shots were  
24 fired was that he was on or over the second seat from  
25 the double doors with his head leaning over the third

1 heavily bloodstained seat.

2 He's also able to say, from the blood distribution  
3 found on Ivor's clothing, that this was the one to be  
4 expected from Ivor's description of holding  
5 Mr de Menezes in a bear hug while the shooting occurred;  
6 while the blood distribution on Charlie 2 and  
7 Charlie 12's clothing is what he would expect if, as  
8 they both state, they were close to Jean Charles  
9 de Menezes during the shooting.

10 He was also able to confirm to Mr Mansfield that the  
11 design of 124-grain hollow point bullets is such that  
12 the mushrooming effect caused when the bullet strikes is  
13 calculated to generate a huge amount of energy, and with  
14 a tissue as fragile as the brain itself, then the energy  
15 generated by a single shot would cause extensive brain  
16 damage, and would probably be sufficient to  
17 incapacitate, and if not fatal in itself, very nearly  
18 fatal.

19 After the incident was over, two senior officers  
20 were quickly appointed as post-incident managers,  
21 Chief Inspector Costello for C019 and  
22 Detective Chief Inspector Edser for the Special Branch.  
23 All the black team firearms officers and all the grey  
24 team surveillance officers were brought eventually to  
25 the C019 base at Leman Street for debriefing. This



1 decision was taken so that everyone could be brought  
2 into a single location and the investigators from the  
3 Department of Professional Standards, who had been stood  
4 up to investigate this happening, would not have to  
5 split their resources.

6 Costello's initial task was administrative,  
7 arranging for the seizure of clothing and firearms used  
8 by the officers involved, and to ensure that nobody was  
9 injured. By 1.30 Trojan 84 was also back at  
10 Lemman Street, and he gave Mr Costello a full account of  
11 what happened. I am going to read you the point in the  
12 log where the specialist firearms officers became  
13 involved.

14 The log entry reads:

15 "It was reported that the suspect appeared jumpy and  
16 furtive and they were informed that he was not to be  
17 allowed to get into the tube. However, at the time S019  
18 were not able to get there in time. On arrival at  
19 Stockwell tube the suspect had already gone into the  
20 station and SFO officers deployed into the station, down  
21 the escalators into the hall leading to the platforms.  
22 They were met there by a surveillance officer who  
23 indicated the platform and train. Officers went with  
24 this officer and onto the train. Immediately the  
25 suspect was pointed out he launched himself at the

1 officer. Specialist firearms officers had got in  
2 between and shot the suspect in the head. Charlie 12  
3 shot a couple of times and Charlie 2 shot five or six  
4 times. Trojan 84 also added that ... the subject had  
5 access to weapons and was involved in terrorist bombing  
6 of 21 July. During surveillance, instructions received  
7 that the subject was not to be allowed to be lost in the  
8 entered tube and that radio communications were poor."

9 Trojan 84 confirmed that this information had come  
10 largely from Charlie 2 and Charlie 12, but it may be  
11 significant that this was an account given before the  
12 officers had begun to prepare their notes.

13 As a result of advice from the Police Federation  
14 representative -- that's essentially the junior  
15 officers' trade union -- and legal advice available to  
16 those officers, it was decided that Charlie 2 and  
17 Charlie 12 would not be writing anything at that stage,  
18 and indeed they did not make their notes in the form of  
19 a statement until the following day. This was agreed to  
20 by the senior investigating officer for the Department  
21 of Professional Standards, Mr Evans.

22 Everybody came back to Leman Street at midday on the  
23 Saturday, as did the Special Branch officers. All  
24 officers including Charlie 2 and Charlie 12 then  
25 prepared detailed notes in statement form, although the

1 two groups of officers wrote up their statements  
2 separately and in separate rooms. Any conversations  
3 between the officers themselves were not monitored, nor  
4 were they supervised.

5 However, Charlie 2 and Charlie 12 both told you that  
6 they were still writing their statements when everyone  
7 else had finished, and although they may have compared  
8 notes on timings and locations, they did not collaborate  
9 upon the preparation of their statements. However,  
10 everyone accepts that there was general conversation  
11 about the events of the previous day before statements  
12 were made.

13 So far as the S012 Special Branch officers are  
14 concerned, Mr Edser confirmed that the grey team did not  
15 spend any time in company with the firearms officers,  
16 who had been involved in this operation, nor did any  
17 discussion of which this officer was aware take place  
18 between any of his officers and the firearms officers  
19 that day.

20 Their log was debriefed in a room adjacent to the  
21 canteen and separate from where the firearms officers  
22 were accommodated. However, it did emerge that at that  
23 debrief, the officers were instructed only to write up  
24 their initial notes to a point where any of them went  
25 down on to the platform and not to cover anything that

1           happened on the train.

2           This instruction came from the senior investigating  
3           officer of the Directorate of Professional Standards,  
4           Mr Evans, and Mr Edser suggested that this might have  
5           been because the surveillance was regarded as being over  
6           at that point.

7           In any event, the surveillance had entered in a very  
8           unusual way in respect of which other considerations  
9           will arise and in particular an investigation into how  
10          a man had come to be shot, and Mr Edser expressed the  
11          view that where a sudden, violent and frightening event  
12          had taken place, then it would be desirable to allow  
13          a little time to elapse before officers would be asked  
14          to make a statement in relation to that part of the  
15          story.

16          In fact, Ivor and Ken, who wrote supplementary E in  
17          the surveillance log, went beyond the limitation that  
18          had been directed and did go on to deal with events on  
19          the train, although their supplementary notes stop  
20          before any shooting takes place.

21          Of course, you will remember that all these officers  
22          made formal statements in due course which they were  
23          allowed to refer to when they were giving evidence, and  
24          those statements cover the events that happened in the  
25          railway carriage as well.



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