

1 Tuesday, 4 November 2008

2 (10.00 am)

3 (Proceedings delayed)

4 (10.10 am)

5 (In the presence of the jury)

6 SIR MICHAEL WRIGHT: Yes, Mr Hough.

7 MR HILLIARD: Sir, as mentioned yesterday, we are going to
8 begin by reading some evidence which has been proved.
9 The following statements which are to be read are not
10 uncontroversial; it's just the view has been taken that
11 it isn't worthwhile calling the witnesses, but it will
12 become apparent that, from the various inconsistencies
13 and uncertainties, they couldn't possibly be agreed by
14 everybody.

15 SIR MICHAEL WRIGHT: Yes. The point of course as I told you
16 about other witnesses who have been read, where we are
17 in the situation that it's thought by everybody that it
18 simply isn't worth the upheaval and expense of bringing
19 somebody all the way to give evidence which is of not
20 minimal relevance, but where the degree of controversy
21 is such as not to justify the expenditure, this is
22 a mechanism which is available. The fact that the
23 witness hasn't come and the evidence is being read to
24 you doesn't make any difference as far as the status of
25 the evidence is concerned. You are to take it into

1 account in exactly the same way as you would anybody
2 else's evidence.

3 Thank you, Mr Hough.

4 Statement of QUINCY OJI (read)

5 MR HOUGH: The first statement is Quincy Akpesiri Oji.

6 SIR MICHAEL WRIGHT: As I remember, he is the train driver.

7 MR HOUGH: He is the train driver.

8 SIR MICHAEL WRIGHT: Page number, please?

9 MR HOUGH: Page 473. This is a statement dated 22 July 2005
10 and Mr Oji says that:

11 "This statement refers to a shooting incident that
12 I was present at."

13 He then refers to the time he started duty. He then
14 says:

15 "I am a tube train driver and I work for the
16 London Underground. I got to Stockwell tube station
17 just before 10 am... When I got there the light was red,
18 this is unusual for Stockwell tube station at this time
19 of day. We were stopped there for about four or five
20 minutes. I called over the station assistant, who was
21 on the platform. I asked him if he knew what was going
22 on and why we were stuck at Stockwell. He said, 'No',
23 but told me that Kennington tube station was closed.
24 I tried to call the controller using the train radio and
25 the automatic telephone on the platform. He wasn't

1 answering and the signal went to green. I was still on
2 the platform. Normally I would then have gone, but
3 because Kennington was closed, I was concerned that the
4 passengers would need to change at Stockwell for the
5 Charing Cross train. I then heard people screaming, but
6 I could not make out what they were saying. I could
7 also hear feet stamping, as in people running. I looked
8 at the monitor in the front cab of the train. I was on
9 the tube when I heard all of this noise and the platform
10 assistant... was at the door to the train talking to me.
11 On the monitor I could see people running everywhere
12 towards the front of the train and towards the stairs
13 for the exit. I heard gunshots, there were about 15
14 shots. On the monitor I saw lots of people, I did not
15 recognise any of them. They were in mufti, this means
16 plain clothes. I could see about six to ten people with
17 guns outside the carriage. I think there were two of
18 them shooting. I saw one of the men with a big gun
19 shooting. The man with the big gun was shooting direct
20 into the carriage, his aim was straight, not up or down.
21 I have then turned the train off which has switched the
22 monitor off. I could still see people running out
23 towards the exit near the front of the train. People
24 were still screaming and there was panic. Initially
25 I thought that they were fanatics and that they were

1 shooting people in the carriage. I have then opened my
2 door, this is the front door. It is right at the front
3 of the train and leads on to the track. I have then run
4 into the dark tunnel, it was black and I was unable to
5 see. I was scared because it is a live track and there
6 are oncoming trains on the next track. I stepped
7 shortly into the tunnel and put myself up against the
8 wall to keep safe. This whole incident took place over
9 about a minute. I then stood with my back to the wall
10 for about 20 seconds. The noise had quietened down and
11 somebody flashed a light [into] the tunnel. The person
12 saw me and said, 'Freeze'. I had my hands in the air
13 and the train keys in my right hand. I said, 'Please
14 don't shoot, I am the driver'. He then said, 'Move
15 slowly'. He had his gun and the light pointed at me.
16 I saw that there were two other men with him, and they
17 had their guns pointed at me as well. The guy that was
18 talking to me had a small gun, which I think was in his
19 right hand and the flashlight in the other. The other
20 two guys had large guns. The same guy said, 'We're the
21 police'. I was walking slowly on the ballast. I was
22 unable to see because the light was in my eyes. He said
23 a few times, 'Move slowly' or 'move slowly forward'.
24 When I reached them, they patted me down and said, 'Get
25 out of the station'."

1 Then he describes leaving the station and, unless
2 anybody wishes, I won't read any more of his statement.

3 SIR MICHAEL WRIGHT: Thank you.

4 Statement of IAN FITZGERALD (read)

5 MR HOUGH: The next statement is from Ian Fitzgerald,
6 a statement also dated 22 July 2005, page 475.

7 He describes going to Balham tube station and
8 catching a train on the Northern Line travelling north
9 at about 9.40 am. He says:

10 "I remained on the train and travelled to Stockwell
11 station. When we arrived at Stockwell there was
12 an announcement that Kennington station was closed.
13 I got off my train and spoke to a member of
14 London Transport staff on the platform... The member of
15 staff told me that the Northern Line via Charing Cross
16 had been suspended. I told him I wanted to get to
17 Embankment and he advised me the best option was to take
18 a Northern Line train via Bank and change... That was my
19 intention. A short period of time passed before another
20 Northern Line train come into the station. I had walked
21 along the platform... The next train arrived and I got
22 on to it. The train arrived to my right and a door was
23 almost parallel to where I was stood. I turned right
24 and stepped through the door on to the train.
25 I remained standing in the immediate doorway. The door

1 I entered was a double door. I would estimate that
2 there were between 17 to 20 passengers on the train in
3 the carriage. Most were sat down. I can only
4 specifically remember two of the passengers, one male
5 and one female. No-one else was standing in my
6 immediate vicinity. I was facing outwards towards the
7 Victoria Line...

8 "I became aware that someone had first got into the
9 train carriage I was in but through a door further north
10 along the train. I do not know if that person is male
11 or female, I did not look in that direction.

12 "This coincided with me actually deciding to get off
13 the train. I stepped on to the platform and started to
14 walk towards the stairs and exit. I had decided to get
15 the bus to Waterloo...

16 "I became aware of other people coming on to the
17 platform from the direction I was walking towards. The
18 first people I saw were a group of three I think. I did
19 not see any uniforms and for some reason moving rapidly
20 towards the train I thought they were something to do
21 with the underground. I almost immediately became aware
22 that there were other people with this group and I saw
23 by the attire that they were wearing that they were
24 armed police officers. They were wearing flak jackets.
25 I did not notice any hats but they were carrying

1 firearms. These were not handguns but normal small arms
2 as usually carried by police in prominent positions like
3 Downing Street or airports. I looked away from this
4 group and focused on where I was heading towards the
5 exit. This group was moving speedily with purpose. The
6 train was to my right and this group including the
7 police officers with guns passed between me and the
8 train.

9 "I think that there were two armed uniformed police
10 officers. I did not see any other weapons in anyone
11 else's possession. I was focused on the exit and just
12 as this group passed me I have heard someone say, 'He's
13 here, he's here'. This was said loudly, like a warning
14 to alert other people. I then heard someone say, 'Get
15 down'. These were both said by male voices I can't say
16 if it were the same person. One was said almost
17 immediately after the other and then almost immediately
18 I heard the sound I recognise as gunshots. There were
19 either four or five shots. I am aware of what a gunshot
20 sounds like because I have fired both live rounds from
21 a standard army assault rifle and also handguns...
22 I knew that what I had heard was gunshots.

23 "I did not at any time during these events look in
24 the direction of what was occurring. I had now decided
25 to run as fast as I can up the platform to the

1 stationary stairs which lead directly to the exit on to
2 Stockwell Road.

3 "The group that passed me just before the gunshots
4 were heard I have been asked to describe. I have very
5 little recollection of this group other than they were
6 all male and the uniform officers were white male
7 Caucasian.

8 "Earlier when we were discussing the content of this
9 statement I made reference to being aware of a person in
10 my peripheral vision on the tube. I believe this was
11 the person who had got on to the train through another
12 door as I got off but I did not look in the direction of
13 this person...

14 "After the gunshots I only heard screams and general
15 panic of other people in the area. I was trying to get
16 out as soon as I could."

17 Again I won't read any more unless it's requested.

18 Statement of THOMAS NEARY (read)

19 MR HOUGH: The next statement is of Thomas Neary, page 530.

20 This is a statement dated 30 July 2005.

21 Mr Neary says that he got on the train at Brixton,
22 the Victoria Line; that the train then approached
23 Stockwell, and he happened to glance up towards the
24 doors:

25 "... not for any particular reason because normally

1 there is a rush of people at Stockwell. I think I must
2 have been reading the paper, as I was aware of movement
3 as soon as the doors opened. If I had been late,
4 I would have been standing at the door ready to get out.
5 As I was early I was quite relaxed waiting for the door
6 to open. Prior to the doors opening I didn't see or
7 hear anything unusual. I became aware two people got on
8 immediately with rifles, they were fast, the doors
9 opened and they were there. I knew they were policemen
10 as they had caps, baseball caps either blue [or] black
11 in colour, with 'policemen' written on it. I didn't
12 take a lot of notice, but they were the caps that you
13 see on the television. I cannot describe either of the
14 policemen, only the peaked cap. I cannot describe any
15 clothing as I was just looking at the guns. They must
16 have been 10 to 12 feet away from me. It may have been
17 closer I don't know. They stood where they got on, but
18 lent to their left. They bared their guns to the left
19 almost immediately. What stuck in my mind was the guns
20 firing which sounded like party poppers going off or
21 a cap gun. It would have been louder, but it wasn't
22 like I had heard on the television, for some reason
23 I thought it would make my ears go deaf. I had no idea
24 who the passenger was, I couldn't even say if it was
25 a male or a female, I glanced but was just mesmerised by

1 the guns going off. I was focused on the guns, I guess
2 in a bit of shock. I wondered if it was going to come
3 in my direction because I had a bag in my hand. I knew
4 they were not shooting at the person nearest to the
5 partition; it could have been either the second or third
6 seat. The minute the guns started going off, people
7 started shouting and screaming and the minute the firing
8 stopped I was told to get off the train. It was
9 a really short period of rapid fire maybe four to five
10 seconds, maybe a little more. I heard at least six
11 shots but that would be a guess, I know it was more than
12 four. I was kinda watching it in slow motion. I wasn't
13 aware of the person being shot; I get on the train in
14 the morning and ignore everyone. I guess the passenger
15 got on at Brixton, as it is the first stop, as I was
16 only aware of the police officers getting on at
17 Stockwell. It may be that I missed the passenger
18 getting on, as I was just aware of movement due to
19 reading the paper. The guns that the policemen had were
20 black and long, I cannot describe them in any other way.
21 I didn't hear the policemen say anything they just
22 started firing. I am sure that both officers were
23 firing, as I could see something coming out of both guns
24 and they were moving. At that time I just thought that
25 a bomb was going off, I was mesmerised by the firing.

1 "The policeman who was nearest to me, started
2 screaming at me to get off the train, that's what I did,
3 I put my head down, I wasn't interested in what they
4 were doing and ran straight off the train with other
5 passengers. I thought there was a bomb, I heard
6 somebody shout 'bomb' or something similar. I don't
7 know if someone had seen something or if someone had
8 imagined it. I just assumed that the bomb was with the
9 person who had been shot. But once I heard that my head
10 was down, I was thinking of ricocheting bullets. I just
11 ran, people were ducking, someone had dropped a bag,
12 there was a bag, a white bag, it looked plastic, it was
13 on the platform, a girl was screaming 'whose bag is
14 this...'"

15 Then he describes running away from the platform.
16 If we can have tab 35 of the jury bundle on screen, just
17 position where Mr Neary is positioned in the carriage.
18 Mr Neary, if we see, just to the side of Wesley Merrill.

19 Again I won't read any more of his statement unless
20 anyone wants me to.

21 Statement of CAROL HARRISON (read)

22 MR HOUGH: The next statement is of Carol Harrison. This is
23 a statement dated 10 August 2005. The page number is
24 534. Ms Harrison says this:

25 "I got on the first tube that arrived at Tooting Bec

1 there was lots of room and I sat down. First thing
2 I did was look around to see if there was anyone there
3 with rucksacks as everyone was a bit twitchy. The first
4 thing I noticed was a man to my left had a small cloth
5 bag with a shoulder strap and it was placed on a seat.
6 I was quite twitchy about that but he had his i-pod
7 earpiece in (or at least on earpiece) and when he got
8 some music out I thought 'that's all right then' so
9 I put my black bag down next to his. There was a gap of
10 a seat between me and the man with the cloth bag.
11 I have marked the location of this man on [my]
12 exhibit..."

13 It's documents page 954, perhaps we can put that up.
14 If you see the letter A is used to indicate
15 Carol Harrison, her position.

16 SIR MICHAEL WRIGHT: Back to the platform.

17 MR HOUGH: Yes. If we leave that on screen for the moment
18 as this statement is read.

19 As I say, she said that she has marked the location
20 of this man with the letter B:

21 "I would recognise this man if I saw him."

22 She then describes the train leaving Tooting Bec and
23 says this:

24 "I was reading my newspaper on the journey from
25 Tooting Bec to Stockwell station. On my journey to

1 Stockwell there were people opposite me and also
2 opposite me and to the right but I do not know when they
3 got on the tube. The tube stopped at Stockwell and
4 there was a delay..."

5 She says that there was no announcement that she
6 could recall. Then she says this:

7 "What happened next... took place very quickly and
8 was very unusual. There was something going on at the
9 right then somebody rushed in from the door to my right,
10 it was like a 'melee', there wasn't just the one person
11 entering. He came in through the door indicated on [the
12 exhibit] with the number 2."

13 That can be seen as the double doors to her right.

14 "He came in and went straight across to the far side
15 of the carriage. I have marked his route on [the
16 exhibit] with a arrow and the letter 'Z'. Where the
17 melee was taking place I have marked on [my exhibit]
18 with the letter 'Y'."

19 That can also be seen, just next to C.

20 "It was clear that this person wasn't just another
21 passenger getting on the tube. Next thing I remember is
22 seeing this white male in front of me and I thought he
23 looked like an 'east end' lad because he was tall fit
24 and beefy and he looked muscular, he was dressed
25 casually possibly in his 40s and his hair was short. I

1 almost thought he looked like a gangster. I remember
2 seeing this man standing there and thinking this isn't
3 right. He was followed by a group of others, I had the
4 impression in total there was five or six of them. My
5 stomach knotted and I thought for a moment we [were]
6 going to be 'steamed' and I thought a gang had got on
7 the tube. When I say 'steamed' I mean when gangs get on
8 the tube steal items from passengers and get off the
9 tube. The reason I thought this was a gang 'steaming'
10 was because they were a uniform gang of similar people
11 with a determined air and speed about them. I do not
12 recall anyone in this 'gang' wearing police uniform.

13 "My other recollection is someone saying 'get out',
14 'get out' it was a repeated instruction and it was said
15 firm and loud it was an English accent. I would like to
16 state that the timescale from seeing the gentleman
17 described as an 'east end' lad and hearing 'get out',
18 'get out' was very short. This made me realise that
19 they were policemen. Meanwhile to my right at
20 a 45-degree angle I got the impression there was a group
21 and there was someone down. I don't remember how many
22 people were down there could have been one or two
23 persons down, I am sure that the person [or persons]
24 down were not female. I then heard two sounds that
25 I presume were gunshots. The sound was like a 'futt'

1 'futt'. The noise was not as loud as what I thought a
2 gun shot would be. I was in the carriage when I heard
3 this noise. I first thought it was a detonator when
4 I heard the second noise I knew it wasn't a detonator as
5 we were still there (what I mean by being 'still there'
6 is that a bomb had not gone off). I did not see the
7 shooting all I could see was people's backs. There also
8 was a general noise of people but there was no single
9 voice coming through. I don't recall anyone apart from
10 the police saying anything in the carriage. I don't
11 recall picking up my shopping bag, but I did. I also
12 took my newspaper with me. I could not tell you if
13 I got off the tube through the carriage exit to my left
14 or my right.

15 "I got on to the platform and there was a policeman
16 on the platform, then along the corridor, then there was
17 an escalator coming towards the platform and a flight of
18 stairs. The policeman was man handling us out, he was
19 clearly indicating the route to get out. I think he
20 yelled to people to 'go' 'go' and was actually pushing
21 people up the stairs to get us out. He also yelled
22 'run', 'run', I don't know if he said 'run' more than
23 twice."

24 Then again I won't read any more unless anybody
25 wishes.

1 Statement of KAMILA WROBEL (read)

2 MR HOUGH: The next statement is of Kamila Wrobel. This is
3 page 539. It may help to have her exhibit on the
4 screen, which is D931. Ms Wrobel's statement is dated
5 22 July 2005, and she says:

6 "This statement concerns the events leading up to,
7 during and after, a journey that I undertook on the tube
8 network on 22 July 2005."

9 She refers to the exhibit as having been produced by
10 a police constable, and being an accurate representation
11 of the carriage. She says that:

12 "The relevant doors have been allocated letters 'A',
13 'B' and 'C'. The compartment has been sectioned into
14 gridlines numbered 1 to 9."

15 She said that:

16 "The main incident occurred whilst stationary in
17 this tube carriage at Stockwell tube station. This is
18 on the Northern Line."

19 She describes joining the tube system at Tooting Bec
20 tube station, which is on the Northern Line. She says
21 that when she joined the tube she got a seat in position
22 3 seating in one of the grid squares of the exhibit. If
23 we look at that, it's the bottom left block of seating.

24 She then describes the tube arriving at Stockwell,
25 and she says that:

1 "As we arrived at Stockwell, the doors opened..."

2 She was aware of an announcement about Oval and
3 Kennington being closed. She then says that at this
4 stage she noticed a man by her door, door B on the
5 diagram:

6 "He was getting in the train by the door and
7 standing in zone 4. He was a white man and had
8 a rucksack on his back. It was white/light grey
9 rucksack with darker portion. The frame in effect was
10 lighter and the middle darker."

11 She describes the rucksack as being typical from
12 Alpino's or similar companies with a zip on the top.
13 She describes the man as a young man but more than 20,
14 but says that she would not recognise him again. She
15 then says:

16 "At this stage I was not aware of anyone else
17 getting on the tube. This man then started shouting, he
18 said, 'People get out, get out'. It was loud, and he
19 was shouting. At the same time I could see people
20 running towards the tube carriage. I saw these people
21 through the window area and the door marked zone 7 and
22 door B respectively. I remember the people were
23 carrying guns in their hands. A few seconds later I was
24 aware that there were four people and they arrived very
25 quickly, two came into the tube via door B on the

1 map/diagram. The man who had the rucksack on his back
2 had run out of the tube by door B and seemed to be
3 fighting for a very short while with the men running
4 towards the tube with the gun. Two men went to door B
5 and two I think went to door C.

6 "The men standing at doorway B are shown in the
7 diagram as letters X and W. X was to the left of the
8 male W as I looked."

9 She describes X as:

10 "... dark skinned, not a black man but Arabic in
11 origin... wearing dark black jacket which was open
12 and... a light coloured top on underneath. He was
13 wearing trousers which were dark, not lighter, but they
14 were not blue denim jeans. This man X was carrying
15 a gun in his right hand. It was not a revolver type
16 gun. The gun was pointed to the ceiling, held in his
17 right hand. His arm was at a right angle and he was not
18 wearing gloves. The man next to X who I will refer to
19 as W was also I believe of Arabic descent, I am
20 99 per cent sure. He was also wearing a dark jacket.
21 He again had a gun in his right hand, which was pointing
22 to the ceiling with his arm at right angles."

23 She then gives some further physical descriptions of
24 them and then says she saw both males from about two to
25 three metres away:

1 "I am not sure if I would recognise either male.
2 There was no obstruction in my way, the lighting was on
3 in the carriage and my vision of them was good. I had
4 them in view at this stage for about 10 to 15 seconds.
5 I have never seen either men before. Both men came into
6 the carriage and after about five seconds they started
7 to shout at people saying 'Everyone stay in, everyone
8 stay in'. People started to panic and people started
9 screaming and shouting. Male W started to shoot first
10 into the air. I think he fired two shots, the gun was
11 pointing to the ceiling. X then fired one shot again
12 into the ceiling or towards the ceiling/roof. I saw
13 smoke come from W's gun and I recognised the smell of
14 a gun firing, as I have previously been in the presence
15 of a gun which has been fired. I remembered the smell
16 it was strong. To reiterate I believe W fired two shots
17 towards the roof area and X fired one towards the roof
18 area. At this stage I was still sitting for another few
19 seconds. I was aware of people [in] zones 9 and 7 on
20 the diagram standing up and trying to get out. I looked
21 at this same time to doorway C on the map, by looking to
22 my right. I saw a male detailed on map/diagram as
23 letter Y and male Z detailed on map..."

24 She says that the impression she had was that:

25 "... all four males, X, W, Y, Z arrived together and

1 were together and entered the carriageway at the same
2 time."

3 She says:

4 "I then became aware of one of the males either Y or
5 Z were fighting with an older male who had been sitting
6 in either zone 7 or 9. This man was about 50 years old,
7 he was not tall he did not have too much hair on his
8 head. The male Z appeared to be stopping him and they
9 were fighting from zone 9 or 8 towards zone 5. I then
10 heard more shots and I stood up as I needed to run. It
11 was a small carriage, but I felt the other shots had
12 come from zones 7 and 8 but possibly from the doorway by
13 zone 4. I was not looking I was trying to get out.
14 There were definitely more than one shot, possibly
15 three. They sounded loud and distinctive as gunshots.
16 I was very frightened and kept looking at door A to get
17 away. Door A was the nearest for me to get away.
18 I thought this was another terrorist attack and that
19 this was my time. I thought X, Y, W, Z were terrorists.
20 With recent events I thought this was a terrorist
21 attack. I was not aware of or saw anyone being shot.
22 I got up and didn't look, however I think there may have
23 been a fifth person involved possibly by door C. There
24 were definitely four involved. I did not hear the word
25 'police' mentioned at any stage in this incident. There

1 was a lot of screaming but no warnings.

2 "I remember the words, 'everyone just stay in' being
3 shouted. I did not think that police were involved in
4 this incident. I stood up, made sure I had my handbag
5 with me and I started to move towards the doorway A. At
6 this stage either male X or W, I am not sure, saw me
7 standing up and moving and tried to catch hold of me.
8 His grip was weak, as he took hold of my right upper
9 arm. I didn't see a gun, I was too busy looking at door
10 A.

11 "I got free and just got out through exit A and
12 turned right on to the platform."

13 She describes herself as being very fearful for her
14 safety throughout the time of this incident and she says
15 that the incident on the tube took less than one minute.

16 I don't propose to read any more of that unless it's
17 wanted. It may assist people quickly to see tab 35 of
18 the jury bundle to see where Ms Wrobel has been located
19 by the IPCC. It's that bank of seating that's shown on
20 the bottom left, just as it was the bottom left on the
21 diagram just seen.

22 Thank you, sir.

23 Statement of JAMES TURNER (read)

24 MR HILLIARD: Just two more to read at the moment before we
25 call the next witness. The next one to be read is

1 James Turner. If we can put divider 35 up on the screen
2 again, we can see him sort of bottom middle of the plan,
3 thank you very much.

4 SIR MICHAEL WRIGHT: Page number, please, Mr Hilliard?

5 MR HILLIARD: Page 554.

6 SIR MICHAEL WRIGHT: Thank you.

7 MR HILLIARD: If we can have up, please, page 675, which is
8 his plan or the plan, I think it's in the exhibits. We
9 will have a look at that as we go along. Members of the
10 jury, this is the statement of James Turner, dated
11 25 August 2005, and I think in common with all the
12 statements you have heard read, it has a declaration at
13 the beginning which I'll only read once. It says:

14 "This statement... is true to the best of my
15 knowledge and belief and I make it knowing that, if it
16 is tendered in evidence, I shall be liable to
17 prosecution if I have wilfully stated anything which
18 I know to be false or do not believe to be true."

19 SIR MICHAEL WRIGHT: I think all these witnesses have the
20 section 9 heading.

21 MR HILLIARD: They all have it. We won't read it every time
22 but there is that at the start of them.

23 He says, dealing with the 22 July of 2005 that he
24 arrived at Stockwell:

25 "... I remember that I was late for work. I used my

1 Oyster card to go through the ticket barriers, and then
2 turned left and made my way down the escalator... At the
3 bottom, on the concourse, I turned left through the
4 first tunnel, towards the northbound Northern Line
5 platform. I then boarded a train that was already
6 waiting at the platform. The door through which
7 I boarded was slightly to the right of the mouth of the
8 tunnel..."

9 He says he produces exhibit JT2:

10 "... a plan of the carriage on to which I proceeded.
11 On it I have marked 1", and you can see this there, "the
12 double doors through what I entered. I crossed to the
13 other side of the carriage, turned to my right and sat
14 in one of the three seats marked 2."

15 Which is in fact rather different, I think, from
16 where he appears in 35. In 35 he is sort of bottom
17 middle. We will have to look at that. We may need to
18 change that. Anyway, we can take 35 off for the minute
19 and we can see where he's for the moment at 2.

20 "At this time, there was a white male in his early
21 20s sitting at the point marked 3. He was slightly
22 chubby and had longish dark (almost black) hair... He
23 had a dark bag from which he took an MPS player...
24 I particularly remember this, as he was closely watched
25 by a woman I notice was sitting in one of the two seats

1 marked 4. She was white, and about 40 years old..."

2 "At point 5, there was a black or dark skinned man
3 in a suit. He was standing by the door at first, but
4 may have sat down later.

5 "There was not a lot of people on the train, but the
6 ends were busier than the middle section in which I was
7 situated... After I had taken my seat, the train
8 remained in the station, with the doors open, for around
9 10 minutes -- there was no PA announcement to explain
10 the delay.

11 "I then heard running and shouting. I could not
12 make out what was being shouted, but got the impression
13 that it was a group of at least three people hurrying to
14 catch the train. Then... I saw a white male in his
15 early 30s. He was six feet tall and well built. He had
16 short dark or brown hair. He was wearing a faded polo
17 shirt (short sleeved). I think he may have had jeans
18 on -- he was certainly casually dressed. I noticed that
19 the man had a radio on one hip, and a handgun in
20 a holster on the other. [He] did not have facial hair
21 or glasses. The man got on to my carriage... I have
22 marked his route on JT2."

23 Can you see, he has put there the line with the
24 arrow:

25 "Route of officer with handgun and two who

1 followed".

2 So he says:

3 "The man got on to my carriage..."

4 He has marked his route on JT2 and then he says:

5 "When he got to point 6 [you can see that just ahead
6 of the 1] the man said (fairly loudly and urgently)
7 'there he is'. He then moved to point 7 [you can see
8 that a bit further over to the right] at which time he
9 said 'don't move'. I did not know to whom these remarks
10 were addressed. By this time, the man had drawn his
11 handgun (though I don't recall in which hand it was
12 held). At the same time, as the man getting on to the
13 train, I saw another two men [that's at point 1, and you
14 can see he's written on the commentary there "and two
15 who followed", so he is now talking about these two]...
16 They also got on to the carriage. They were tall, well
17 built, white males wearing similar faded polo shirts as
18 the first man. They held machine guns on straps across
19 their bodies. At the same time that they got on to the
20 train, another group of men moved along the outside of
21 my carriage, towards the rear..."

22 Their route is marked on JT2. Can you see that line
23 at the bottom with an arrow:

24 "Direction of travel of group of officers outside
25 train".

1 "Except for the comments of the first man... I don't
2 recall hearing any of the other men say anything. I do
3 not recall anyone identifying themselves as a police
4 officer. I do not recall seeing any items of clothing
5 that would identify them as police. However, when I saw
6 the guns, I immediately realised that they were police
7 officers. I think there was about eight officers in
8 all. I assumed they were after a suicide bomber. At
9 about this time, a white male of just under six feet in
10 height, and wearing a suit left the carriage via the
11 door through which I had entered. It seemed to me that
12 this was a good idea, so I followed him. I then made my
13 way back along the route I had taken to the train,
14 towards the escalators. I walked up the stairs; I was
15 still less than halfway up when I heard a bang which
16 I immediately thought was a gunshot. There had been
17 approximately one minute between the gunshot and the
18 time at which the first man had said 'don't move'. At
19 this point, I think I heard somebody scream. There were
20 people trying to run up the down escalator. There was
21 a woman in front of me who was upset, and a man behind
22 who told us to hurry up, and pushed past. When
23 I reached the top, there was a uniformed police officer
24 telling people to remain calm. I left the station..."

25 He concludes by saying:

1 "I have seen a picture of Jean Charles de Menezes in
2 the media, but I do not think that I saw him at any time
3 that day."

4 Just before we leave, sir, I think we do need
5 probably to change, where we have got on 35
6 James Turner, bottom middle, you can see, members of the
7 jury, that he's marked himself as being, if we can go
8 back to the other plan, to page 675, he's marked himself
9 as being in one of the seats in the sort of area that he
10 has marked as 2. So we really need to move him,
11 I think, from, as it were, down in that bottom section
12 to the top section. I don't think much turns on
13 precisely where he was, but he is obviously not in the
14 right place.

15 SIR MICHAEL WRIGHT: Is it possible -- it sounds as though
16 the man he described as coming on first at door 1 was
17 Ken.

18 MR HILLIARD: It may well have been.

19 Statement of ROBERT LOWE (read)

20 MR HILLIARD: Then lastly to read at this stage, it's the
21 statement of Robert Lowe. Again if we can -- I hope we
22 have it right this time -- look at divider 35 just to
23 see the sort of area he was in. Over the top left.
24 Then it will help as I read this, I think, if we have
25 documents page 971 on the screen, please. So this is

1 the statement of Robert Peter Lowe, dated
2 17 August 2005, and with that declaration at the top
3 about the truth of the statement that I won't repeat.

4 He deals with his journey to work on 22 July of
5 2005, and he explains he has got on the tube train and
6 he says:

7 "When the tube arrived at Stockwell I recall it
8 waiting a while. I am not sure what time I arrived at
9 Stockwell...

10 "While the tube was stationary at Stockwell station
11 a man came into my carriage through the double doors.
12 I can't say for definite how long the tube was waiting
13 at Stockwell before this man got on the tube it could
14 have been three or four minutes. I would describe the
15 man as being white, in his late 30s, a little bit
16 overweight with short hair, wearing a T-shirt and
17 trousers. I have indicated on exhibit RPL2 with the
18 number 1 which entrance this man used to get on to the
19 carriage."

20 SIR MICHAEL WRIGHT: I am not sure where that is.

21 MR HILLIARD: No.

22 MR STERN: If I can assist, it's page 972.

23 MR HILLIARD: I am very grateful. There we are up at the
24 top. Thank you very much, Mr Stern. So we have him
25 there at number 1.

1 SIR MICHAEL WRIGHT: That's him marked as X on the other
2 side of the carriage?

3 MR HILLIARD: X equals Rob Lowe, that's it.

4 "I [have marked on the exhibit]... which entrance
5 this man used to get on to the carriage. The man seemed
6 a bit 'shifty' and nervous. After entering the tube he
7 sat down next to a girl."

8 SIR MICHAEL WRIGHT: Pausing a minute, Mr Hilliard, sorry,
9 do we have this right, yes, the platform is at the top
10 of this picture.

11 MR HILLIARD: That's right.

12 SIR MICHAEL WRIGHT: So Mr de Menezes was on the left-hand
13 end in the way this picture is oriented, in the far
14 section of the carriage.

15 MR HILLIARD: That's right.

16 SIR MICHAEL WRIGHT: Do I have that right?

17 MR HILLIARD: That's it.

18 SIR MICHAEL WRIGHT: Thank you.

19 MR HILLIARD: So he says that he's indicated with a number 1
20 the entrance that a man used to get on to the carriage:
21 "The man seemed a bit 'shifty' and nervous. After
22 entering the tube he sat down next to a girl."
23 He says he has also marked this plan with a letter A
24 to indicate the seat this man took.
25 So man in 30s, first seating position, you can see

1 that up near the door on the platform.

2 "The man then got out of his seat and returned to
3 the double doors that he had used to enter the carriage
4 then he sat down near me possibly two or three seats
5 down from me. I have indicated his second seating
6 position with the letter B on [the exhibit]."

7 You can see that, coupled to the left of the X.

8 "The girl I referred to seemed to be a bit
9 suspicious of what was going on she was looking at the
10 man weirdly. I wasn't thinking that much of it...
11 I have indicated her seating position in the carriage
12 with the letter Z..."

13 You can see Z equals "white female", and that's, can
14 you see, as it were, platform side of the carriage next
15 to A.

16 "I have also recorded the movements of the man in
17 his 'late 30s' after he entered the carriage with
18 a 'sign of an arrow to the right' on exhibit RPL2.

19 "As far as I am aware, the man in his 30s then
20 returned to the double doors that he had used to enter
21 the carriage then shouted across to some people on the
22 other side of the Stockwell platform. I don't remember
23 what was shouted. I originally thought he was shouting
24 at some friends. A lot of people appeared the people
25 then started running along to the end of the tube,

1 because so many people appeared from nowhere I initially
2 thought that they were people already on the tube that
3 were running down to the end but it obviously wasn't as
4 there wasn't that many people on the tube. I even
5 thought that it may have been a chase of a shoplifter
6 but on a larger scale. I'm unable to describe the
7 people that got on the carriage they were wearing plain
8 clothes. I cannot recall exactly how many people got on
9 the tube but it could have been 10 to 15 persons.
10 I cannot recall exactly which entrance these people used
11 to get into the carriage. I don't recall these people
12 carrying guns.

13 "After they had got on the tube I recall some
14 shouting. I cannot recall what was said as it happened
15 so quick. The shouting seemed urgent and as far as
16 I recall the voices were male. Then I heard bangs, they
17 sounded like bangers -- what I am referring to when
18 I say bangers are fireworks: I did not know it was
19 gunfire until later on that day. I believe I heard four
20 or five bangs. The interval between each bang was only
21 a split second. The loud bangs were coming from the
22 bottom of the carriage I was in (I was sat at the top of
23 the carriage). I then saw smoke."

24 SIR MICHAEL WRIGHT: Presumably he means the far end.

25 MR HILLIARD: He means the other end from him, yes:

1 "After what happened the day before on 21 July
2 I thought it may have been a similar incident where
3 bombs had not gone off. When I heard the bangs, I was
4 either sitting down or standing up at that point and
5 I was looking down the carriage at the commotion.
6 I could see something on the floor at the bottom of the
7 carriage but I did not know what this was. I thought it
8 could be a bag but I couldn't tell as there was a lot of
9 people around and moving. I have marked what I thought
10 to be a bag with the letter B on exhibit RPL1."

11 We need to go to, I think, page 971 for that.

12 So down the other end, members of the jury, you can
13 see:

14 "I did not see how that object had got to the floor.
15 Where I thought that the commotion was coming from..."

16 He's marked on this plan with an A. You see that,
17 same sort of area:

18 "The people I have mentioned getting on the tube
19 that I initially thought may have been chasing
20 a shoplifter were involved in the commotion. These
21 people were facing away from me. They seemed to be
22 surrounding something. I cannot recall if they were
23 shouting anything. My impression was that the people
24 they were surrounding someone and there was someone
25 there that I could not see and they had stopped

1 a person. I presumed that the bang was a detonator and
2 these people had stopped it going off.

3 "Uniformed police officers arrived they had guns.
4 They had peaked caps that were like baseball caps. I do
5 not recall if there was anything written on the caps.
6 I cannot remember how many uniformed officers there
7 were. I recall there was more than one. They shouted
8 for people to get out of the tube.

9 "I left the carriage, I have marked that with the
10 letter X... and got on the platform. I don't recall
11 many people on the platform I had the feeling that I was
12 one of the last people to get on to the platform.
13 I stood there for a bit until one of the uniformed
14 officers told me to 'get out' of the tube and off the
15 platform. The officer was a white male. He was on the
16 platform when he told me this. He had a gun... like
17 a [small] pistol. After the police officer told me to
18 'get out' I ran to the stairs and when I got to the
19 stairs I walked up them."

20 He says that he has been asked by someone at the
21 Independent Police Complaints Commission if he saw
22 Mr de Menezes, and he says:

23 "I don't recall seeing Mr de Menezes on the tube."

24 So that's the reading for the moment. Sir, we are
25 then proposing to call Dr Ken Shorrocks, and Mr Tomei,

1 but I think the latest information is that neither of
2 them are here.

3 MR HOUGH: Our understanding is that they are not here yet.

4 The later two witnesses have been asked to come as soon
5 as they can, that's Mr Evans and Mr Slade, and they are
6 very helpfully making their way here, but there may be
7 a short delay before we either get them or Dr Shorrocks.

8 SIR MICHAEL WRIGHT: What time was he asked to be here?

9 MR HOUGH: My understanding is that they were asked to be
10 here at 10 o'clock. They were not summonsed, because
11 they are professionals, but I don't know where the
12 misunderstanding has arisen. Perhaps a short break can
13 be taken now. I know that the shorthand writer works
14 particularly hard when we are reading.

15 SIR MICHAEL WRIGHT: You might have an earlier cup of
16 coffee, ladies and gentlemen. We will let you know as
17 soon as we are ready to go on.

18 (11.03 am)

19 (A short break)

20 (11.40 am)

21 (In the presence of the jury)

22 SIR MICHAEL WRIGHT: Yes.

23 MR HILLIARD: Sir, I am afraid there has been a hiccup with
24 the warning of witnesses and Dr Shorrocks is somewhere
25 on the south coast at the moment, but he will be coming

1 tomorrow. Mr Tomei, he's been tracked down and is
2 coming kindly at short notice. But we have other things
3 we can get on with for the meanwhile.

4 SIR MICHAEL WRIGHT: Ladies and gentlemen, I can tell you
5 now it's not bad to go for six weeks before this
6 happens, but it almost invariably happens sooner or
7 later in a long case like this. Maybe you will have
8 a shorter day than you expect and I don't suppose you
9 will mind that one little bit.

10 MR HILLIARD: If we could have the next witness, please,
11 Detective Chief Inspector Evans.

12 DETECTIVE SUPERINTENDENT EVANS (sworn)

13 Questions from MR HILLIARD

14 MR HILLIARD: Do you want to have a seat?

15 A. I will stand.

16 Q. Is your name Tony Evans?

17 A. That's correct, sir.

18 Q. Are you a Detective Chief Inspector?

19 A. Detective Superintendent now, sir.

20 Q. Were you a Detective Chief Inspector in 2005?

21 A. I was, sir, yes.

22 Q. Attached to which part of the Metropolitan Police?

23 A. At that time I was a senior investigating officer
24 attached to the specialist investigations arm of the
25 Directorate of Professional Standards of the

1 Metropolitan Police, sir.

2 Q. Amongst other things, would that unit be responsible for
3 investigating things like deaths in police custody, or
4 incidents where police officers had discharged firearms,
5 that kind of thing?

6 A. My unit is solely responsible for deaths following
7 police contact, deaths in police custody, deaths
8 following fatal police shootings and deaths following
9 fatal police road traffic accidents, as well as level 2
10 corruption, sir.

11 Q. I don't think we will need to worry about what level 2
12 corruptions are, but do you have a copy of a statement
13 that you made on 7 October 2005?

14 A. I believe so, sir.

15 SIR MICHAEL WRIGHT: I'm sorry, Mr Evans, please sit down if
16 you prefer.

17 MR HILLIARD: No difficulty about you looking at that as we
18 go along.

19 On 22 July 2005, were you the oncall senior
20 investigating officer or SIO for short, for what you
21 have been telling us about, the internal investigation
22 command?

23 A. That's correct, sir. There is a four-week rota with
24 four detective chief inspectors and at that time it was
25 my turn for that week on call, yes.

- 1 Q. If something came up at short notice you are on call and
2 can expect to become involved?
- 3 A. That's exactly what happened, sir, yes.
- 4 Q. As you say, I think shortly after 10.40 am on 22 July,
5 were you informed by Detective Superintendent Levett
6 that a man had been shot dead by police at Stockwell
7 underground station?
- 8 A. I was, sir, yes.
- 9 Q. Can you just explain, who was Mr Levett?
- 10 A. Mr Levett held the position then that I actually hold
11 now, which is the head of specialist investigations.
12 I was one of his four detective chief inspectors.
- 13 Q. Did Mr Levett tell you that he would be the senior
14 investigating officer for the investigation into the
15 incident, and you would be the deputy?
- 16 A. Correct, sir.
- 17 Q. After a briefing that he had given, did you make your
18 way to Stockwell station, arriving, I think, at 11.05?
- 19 A. That's correct.
- 20 Q. Thank you. There is just one aspect, or it's against
21 the background of one aspect that I want to ask you
22 a few more questions, and it's this: we had been
23 intending to call before you Dr Ken Shorrocks, the
24 pathologist, but you may or may not know that he wasn't
25 warned and he's a long way away.

1 A. So I understand, sir, yes.

2 Q. So we are starting with you. But when he gives
3 evidence, we will hear about a passage in a report of
4 his and the report I think is dated 27 July 2005, and
5 it's something I'm sure you are familiar with, but
6 a post-mortem report, so it's his report of the
7 investigations that he did into the cause of death,
8 principally, of Jean Charles de Menezes.

9 A. I'm aware of that report, sir, yes.

10 Q. I think you are aware also, Mr Evans, that in that
11 report he has a section which he has entitled "History".
12 Are you familiar with the section?

13 A. I am, sir, yes.

14 Q. It's page 1046 in the statements, and it may be we can
15 just get this up on the screen. It's in the documents,
16 not in the statements. There we are. So if we can
17 just -- if you have the last paragraph on the page
18 there, can you see "History", this is what he has
19 written in this report:

20 "This man's death occurred as part of the emergency
21 relating to the planting of bombs on public transport in
22 London. On the morning of 22 July 2005 he was pursued
23 by armed police officers as a result of surveillance.
24 He was followed into Stockwell tube station where he
25 vaulted over the ticket barrier."

1 Just pausing there, I am sure you are aware and we
2 are, because we have seen the film, that that's
3 obviously entirely wrong?

4 A. That's correct, sir.

5 Q. "He ran downstairs and on to a tube train where it
6 appears that he stumbled."

7 Again, I am sure you are aware, we have evidence
8 that, as it were, he was on the train sitting down --

9 A. I am, sir.

10 Q. -- before whatever happened happened, but that's the
11 evidence. Then it goes on:

12 "Officers then immobilised him and a number of shots
13 were fired. At the present time I am not sure as to any
14 further details."

15 Take that off the screen for now. What I just want
16 to do, please, Mr Evans, is just go through any contact
17 that you are aware of that there was with Dr Shorrocks,
18 and then if we can just see whether any of this
19 information went to him in your presence or not. All
20 right? So that's all I want to do.

21 So you have got there, at about 11.05 on the morning
22 of the 22nd; correct?

23 A. That's right, sir, yes.

24 Q. Is this right, that the Coroner, Mr Samson, and the
25 pathologist, Dr Ken Shorrocks, arrived at 1.30 or

1 thereabouts; no-one is tying you down to the precise
2 time?

3 A. Roughly, sir, yes, I had asked for the pathologist and
4 Her Majesty's Coroner to be called to the scene.

5 Q. You had asked for them to come?

6 A. That's right.

7 Q. On their arrival, did you tell them of anything that you
8 knew about the case?

9 A. I did, sir. Previous to this, my loggist,
10 Detective Sergeant Slade, had actually telephoned the
11 Coroner's officer, Mrs Fendt and gave her the facts as
12 we knew them at the time. Then on arrival of Dr
13 Shorrocks, the Coroner's officer and Jo Fendt, I then
14 gave them the facts as I knew them at that time.

15 Q. When you spoke to them, what did you tell them?

16 A. I told them that shortly after 10 am, a surveillance
17 officer called for armed assistance at Stockwell LT
18 station. Two officers then entered the tube train and
19 when the suspect was identified to them, he leapt
20 towards them. The surveillance officer was pushed out
21 of the way and shots were fired. The suspect was shot
22 the head several times.

23 Q. Looking back in your statement, did you tell them first
24 of all that on the morning of the 22nd, that the dead
25 man was the subject of a police surveillance operation

- 1 by anti-terrorist officers?
- 2 A. That's correct, sir, yes.
- 3 Q. You told them that, and then the part that you have told
4 us about. First of all, where did you get your
5 information from?
- 6 A. Initially, sir, myself and
7 Detective Superintendent Levett got our information from
8 Trojan 84, who briefed us when we arrived at the LT
9 station.
- 10 Q. Anybody else you had spoken to by this time when you are
11 briefing these people on their arrival?
- 12 A. By the time Dr Shorrocks and Her Majesty's Coroner
13 arrived, I had obviously spoken to many people within
14 the tube station itself, but also my Detective Inspector
15 at the post-incident procedure at Lemn Street, who had
16 been speaking to the post-incident manager at
17 Lemn Street.
- 18 Q. Was it your understanding that those people would have
19 had access to officers who were involved in the
20 incident?
- 21 A. That's right, sir. The post-incident procedure, my
22 detective inspector would have had access to the
23 principal officers and the post-incident manager.
- 24 Q. What I want to know is this: had you yourself received
25 any information by this time that Mr de Menezes had

- 1 vaulted over a barrier, a ticket barrier?
- 2 A. No, sir.
- 3 Q. Or that passage about him stumbling and then being
4 immobilised that's in the statement?
- 5 A. Not at all, sir.
- 6 Q. Did you at this time say anything like either of those
7 things to Dr Shorrocks?
- 8 A. No, sir.
- 9 Q. All right. I think you, is this right, were also
10 present when the pathologist went on to the tube
11 carriage in which Mr de Menezes' body was; is that
12 right?
- 13 A. That's correct again, sir, yes.
- 14 Q. The next day, we will hear from the pathologist when he
15 comes, was the day that he carried out the post-mortem
16 examination?
- 17 A. That's correct.
- 18 Q. Were you present for that process?
- 19 A. I was, sir. I attended Greenwich Mortuary where the
20 post-mortem took place, together with
21 Detective Sergeant Slade and the exhibits officer,
22 John Finch, and Mr Clive Lewison(?).
- 23 Q. Again, take this in short form. Did you say anything
24 during that process, the post-mortem examination
25 process, to Dr Shorrocks in respect of those two matters

1 we have looked at, the stumbling and the vaulting over
2 the barriers?

3 A. By then, sir, Detective Superintendent Levett,
4 an officer had managed to get hold of the CCTV that was
5 actually at the tube station, which you have obviously
6 seen, sir, which Mr de Menezes picks up a copy of the
7 Metro, uses his Oyster card and goes through the
8 barriers and down the stairs. I updated him as to those
9 facts at the post-mortem. I received a telephone call
10 from Detective Superintendent Levett with the update.

11 Q. Do you think you in fact -- I just want to understand,
12 first of all you are obviously saying that you weren't
13 responsible for giving Dr Shorrocks those bits of
14 inaccurate information?

15 A. Correct, sir.

16 Q. What I want to understand is do you think you actually
17 told him on the barrier question, do you think you
18 mentioned to him that film showed him just going through
19 the barrier normally, or can you not be sure about that?
20 You knew that by then but do you think you told the
21 doctor?

22 A. I would have told him and Her Majesty's Coroner who were
23 present, sir, yes.

24 Q. Just looking at the last paragraph of your statement, if
25 it helps, on your way to the mortuary, on the 23rd, you

- 1 say in your statement that you remember listening to the
2 radio in your car and hearing reports about
3 Mr de Menezes' death?
- 4 A. That's correct.
- 5 Q. When you got to the mortuary, did Dr Shorrocks say
6 anything about that?
- 7 A. Well, we obviously discussed the matter, sir, and he,
8 you know, we discussed the fact that it was on the radio
9 and he stated that he had been listening to the radio
10 and he had heard similar reports.
- 11 Q. In particular the question of Mr de Menezes vaulting
12 over the ticket barrier, which as I say we all know
13 didn't happen, had you heard anything about that being
14 reported, obviously an erroneous fact, but had you heard
15 anything to that effect being reported in the media?
- 16 A. I think that's exactly what I heard on the radio. But
17 clearly it was already on the television and it was
18 being misreported from the day before.
- 19 Q. All right. We will obviously hear from the doctor, and
20 I think that will be tomorrow, as to where this
21 information came from. But as far as you are concerned,
22 not from you?
- 23 A. Correct, sir.
- 24 Q. And not from anybody in your presence?
- 25 A. Not to my knowledge, sir.

1 MR HILLIARD: Thank you very much indeed.

2 SIR MICHAEL WRIGHT: Mr Mansfield.

3 Questions from MR MANSFIELD

4 MR MANSFIELD: Yes, good morning. My name is

5 Michael Mansfield. I represent the family.

6 A. Good morning, sir.

7 Q. Very little but I do want to ask you about -- it's in
8 your statement, page 806 at the bottom.

9 A. Which statement would that be?

10 Q. E, sorry, it's the one I think you have been referred to
11 already, 7 October 2005?

12 A. Yes, I have that one, sir.

13 Q. It's the passage which deals with "shortly after 10 am
14 a surveillance officer called", do you have that?

15 A. Yes, I have that paragraph, sir.

16 Q. You have given some evidence about that. Do we
17 understand that you obtained that from TJ84, the tac
18 adviser?

19 A. No, sir, initially when we got there, the tac adviser,
20 if I go back, sir, to my previous statement, which is --
21 I think it's dated ... (Pause)

22 Q. I know you have made a number.

23 A. Yes, I have, sir. It's the initial statement I made on
24 the 27th of the 9th, sir.

25 Q. Yes?

- 1 A. On arrival at the scene, Detective Superintendent Levett
2 and I were introduced to the tactical adviser,
3 Trojan 84.
- 4 Q. Can I just take that in stages, then. Where was he when
5 you were introduced to him?
- 6 A. He was inside the LT station.
- 7 SIR MICHAEL WRIGHT: Sorry?
- 8 A. Inside the LT station, Underground station.
- 9 MR MANSFIELD: Was he down by the platform?
- 10 A. No, he was on top. All the activity that was taking
11 place, the platform was cordoned off at the top of the
12 escalators, the inner cordon, and all the activity that
13 was taking place was actually by the ticket booths.
- 14 Q. When you spoke to him, did you establish that he, his
15 information was coming from other firearms officers or
16 what was the source? Did you establish that --
- 17 A. No, sir, we just took what he said. We didn't establish
18 what the source was.
- 19 Q. Right, what did he say?
- 20 A. Well, as I said, he told us that surveillance operation
21 had been authorised to follow Kratos target, state --
- 22 Q. Could you just go slowly so it can be taken down?
23 Authorised to follow a Kratos target; yes, if you just
24 go on.
- 25 A. The first stated(?), just after 10 am, the male entered

1 the station, C019 were unable to intercept him before he
2 alighted the train.

3 SIR MICHAEL WRIGHT: Yes, it's a curious use of words. Did
4 he actually say "alighted"?

5 A. I can't remember, sir. This is not an exact word for
6 word what he said. I think this is me paraphrasing what
7 he said.

8 MR MANSFIELD: Meaning before he got on the train.

9 SIR MICHAEL WRIGHT: That's what I would have thought --

10 A. That's correct, sir.

11 SIR MICHAEL WRIGHT: Before he entered the train or boarded
12 the train.

13 MR MANSFIELD: Right, yes, and what else?

14 A. The male was then shot by two officers who fired five or
15 six shots to the head.

16 Q. Right.

17 A. A paramedic was called to the scene and confirmed that
18 the male was dead.

19 Q. Yes?

20 A. An explosives officer had been called and had cleared
21 the scene for the presence of explosives.

22 Q. Right.

23 A. He then informed me that the post-incident procedure had
24 been implemented and officers had been directed to
25 attend Leman Street.

1 Q. Just going back to 806, if you wouldn't mind, the bottom
2 of that page, which is another statement you made
3 later --

4 A. Yes, sir.

5 Q. -- it's slightly differently worded there?

6 A. That's correct, sir. As I said, once we were at the
7 scene -- this was some hours later, that's when we
8 originally arrived. Some hours later after speaking to
9 my detective inspector, the post-incident procedure,
10 I got further information that further clarified or
11 added to what I had already been told by Trojan 84.

12 Q. Well, it's just again this account, so the jury may
13 follow it, 806, 10 am, a surveillance officer called for
14 armed assistance at Stockwell. It's the bottom of the
15 page, thank you.

16 "Two officers then entered the tube train and when
17 the suspect was identified he leapt towards them, the
18 surveillance officer was pushed out of the way and shots
19 were fired."

20 Can you help as to where that was coming from?

21 A. That has probably come from, because there were lots of
22 officers at the post-incident procedure, as I said, the
23 post-incident manager and my detective inspector. I was
24 getting regular updates from the post-incident procedure
25 and that's where that's probably come from, sir.

- 1 Q. So you can't identify it further than that?
- 2 A. No.
- 3 Q. By this stage, were you aware that identity documents
4 had been found close by Jean Charles de Menezes' body?
- 5 A. No, I think we didn't go down to the platform, from
6 memory, sir, until about, I believe it was about
7 3 o'clock.
- 8 Q. In the afternoon of that day?
- 9 A. I believe so, sir, yes.
- 10 Q. Can I just ask you this: when were you first aware that
11 there were identity documents with his name on?
- 12 A. Just give me a moment, sir.
- 13 Q. Certainly.
- 14 A. (Pause). 3.10 pm, sir.
- 15 Q. 3.10 was the first time you were made aware?
- 16 A. That's correct, sir. I was aware that the deceased was
17 probably Jean Charles.
- 18 Q. In fact --
- 19 SIR MICHAEL WRIGHT: That was on the basis of what had been
20 found on him?
- 21 A. That's correct, sir.
- 22 MR MANSFIELD: In fact just to follow that through, there
23 were documents in a wallet which was on a seat next
24 door, which had been removed from his body very early
25 on?

- 1 A. That's correct. From memory, sir, when we went down to
2 the platform, there were several officers there,
3 exhibits officers, myself, John Levett. The wallet was
4 on the seat opposite to where Jean Charles had been
5 sitting. It was taken out of the tube train, into the
6 walkway between the two platforms, and it was examined
7 there, and that's when identity documents were found.
- 8 Q. Clearly at a fairly early stage, it was established that
9 there were no explosives, obviously, on him?
- 10 A. Expo had already been into the tube, or we would not
11 have been allowed in there, sir, yes, that's right.
- 12 MR MANSFIELD: Thank you very much.
- 13 SIR MICHAEL WRIGHT: Specialist explosives officers were
14 actually called to establish that, were they?
- 15 A. I believe so, yes. When we got in there, one of the
16 questions was why are his shoes off, and it was
17 explained that the explosives officer had been into the
18 carriage to make sure that Jean Charles had not been
19 carrying any explosives or there were no explosives in
20 his shoes, et cetera.
- 21 MR MANSFIELD: Thank you. No other questions.
- 22 SIR MICHAEL WRIGHT: Thank you. Mr Gibbs?
- 23 MR GIBBS: No questions.
- 24 SIR MICHAEL WRIGHT: Mr Stern?
- 25 MR STERN: No questions.

1 SIR MICHAEL WRIGHT: Ms Leek?

2 MS LEEK: No, thank you, sir.

3 SIR MICHAEL WRIGHT: Mr Penny?

4 Questions from MR PENNY

5 MR PENNY: Mr Evans, I am going to ask you about one matter
6 on behalf of Commander Dick or rather DAC Dick, I should
7 say.

8 Your role was through the
9 Directorate of Professional Standards, and that's in
10 effect a procedure that kicks in, as you have told us,
11 in certain circumstances but certainly where there has
12 been a police shooting?

13 A. That's correct.

14 Q. The idea is that there should be an independent
15 investigation that does not involve the officers
16 directly concerned?

17 A. That again is right, sir, yes.

18 Q. May we look, please, at some evidence that DAC Dick gave
19 on 8 October of this year on the LiveNote, please. This
20 is really in relation to a question that was asked by
21 the jury on that day, page 146, please. If we go to
22 line 9 we can see the Coroner raised the question with
23 DAC Dick as follows:

24 "I will read you the question so you can see what
25 the implication is.

1 "As the DSO for this operation, there have been too
2 many 'I don't know' responses -- I am not sure that's
3 entirely fair but don't worry about it. Shouldn't there
4 have been attempts, perhaps as a result of after
5 operation investigation, to find out where the firearms
6 teams were?

7 "I think the answer is we shall hear from the
8 firearms teams as to where they were, but I think
9 possibly the question is how do you know, and you have
10 answered that question?

11 "Answer: I have, sir. If I have understood the
12 question rightly the other thing I would say is that as
13 soon as something like this has happened, I must, as
14 I did, withdraw from any investigation of the
15 circumstances, I mustn't be involved in that; it would
16 be quite wrong to be so. So as an independent
17 investigation that is amongst other things going to
18 establish with hindsight and lots of technology and
19 sorts of information, precisely who appears to have been
20 where, when. That's not my job after the operation to
21 know that."

22 Mr Evans, would you agree with that answer, that it
23 was no part of DAC Dick's job to become involved in the
24 investigation --

25 A. Absolutely, sir.

1 Q. -- of the circumstances as to who had been where, when?

2 A. Absolutely, sir.

3 Q. She became a witness in that investigation, not the
4 investigator?

5 A. That's correct, sir.

6 MR PENNY: Thank you.

7 SIR MICHAEL WRIGHT: Thank you, Mr Penny. Mr King?

8 MR KING: No questions from me, sir.

9 MS STUDD: Nothing from me, thank you.

10 SIR MICHAEL WRIGHT: Thank you very much indeed, Mr Evans.

11 I am sorry we had to turf you out at such short notice
12 but that's it. You are free to go.

13 A. Thank you.

14 (The witness withdrew)

15 MR HOUGH: The next witness is Mr Slade.

16 SIR MICHAEL WRIGHT: Thank you.

17 DETECTIVE INSPECTOR SLADE (sworn)

18 A. Detective Inspector Barry Slade. Good morning, sir.

19 SIR MICHAEL WRIGHT: Sit down, Mr Slade. Good morning.

20 A. Thank you, sir.

21 Questions from MR HOUGH

22 MR HOUGH: Mr Slade, you have given your name and current
23 rank. I will be asking you questions first on behalf of
24 the Coroner and then you may be asked questions by
25 others.

- 1 A. Fine, sir.
- 2 Q. In 2005 were you a detective sergeant and
3 an investigating officer in the internal investigations
4 specialist investigations command?
- 5 A. That's correct, sir.
- 6 Q. In that capacity, were you on duty as part of an oncall
7 team on Friday, 22 July?
- 8 A. That's correct, sir.
- 9 Q. We have just heard from DCI Evans, he was a DCI then.
10 Did you receive some information from him in the morning
11 of that day?
- 12 A. I did, sir.
- 13 Q. What time was that?
- 14 A. Are we discussing the initial incident?
- 15 Q. Yes. If you want to look at your statement, there is no
16 difficulty with that, made on 22 September 2005, and
17 four pages long and by all means refer to that.
- 18 A. It was shortly after 10.40 am that morning.
- 19 Q. What were you told?
- 20 A. There had been a quick briefing that a male had been
21 shot dead at Stockwell tube station, and as special
22 investigations command oncall team, we were to respond
23 to it.
- 24 Q. Did you then make your way to Stockwell tube station?
- 25 A. I did, sir.

- 1 Q. I think in your statement you say you arrived at about
2 11.05?
- 3 A. Approximately, sir, yes.
- 4 Q. You will appreciate, I think, that one of the purposes
5 of calling you to give evidence is to deal with
6 information which Dr Shorrocks records in his
7 post-mortem report, and you are aware of that
8 information, I think?
- 9 A. I am, sir.
- 10 Q. We have had it on screen already so I don't bring it up
11 again. But you, I think, know that Dr Shorrocks
12 reported as part of the history that Mr de Menezes
13 vaulted the barrier at the tube station and that he
14 stumbled on his way into the tube and was then shot?
- 15 A. I understand that's what Dr Shorrocks has written, sir,
16 yes.
- 17 Q. Later that day, 22 July, at about 12.45 in the
18 afternoon, did you receive a further instruction from
19 Mr Evans?
- 20 A. Shortly before, sir, yes, he asked me to contact the
21 Coroner via the Coroner's officer.
- 22 Q. When you were asked to do that, were you given any
23 further information about what had happened in this
24 incident?
- 25 A. I was just asked by Mr Evans to request the presence of

1 the Coroner to the scene.

2 Q. Did you then contact the Coroner's officer, somebody
3 I think called Mrs Fendt?

4 A. I did, sir.

5 Q. Did she ask you for some basic details of the incident
6 in order to inform the Coroner?

7 A. That's correct, sir, yes.

8 Q. Perhaps we can have D1067 on screen, please. I don't
9 know if you have seen this before?

10 A. I have, sir.

11 Q. This is the report which she recorded. Perhaps we can
12 zero in on -- yes, thank you very much. What she writes
13 is this:

14 "Circumstances: nothing is known at the moment
15 concerning the deceased's background medical history.
16 On the morning of 22 July 2005 a male was the subject of
17 a police surveillance operation by S013. An officer
18 called for armed assistance at the Oval tube station.
19 Two S019 officers entered the tube train and when the
20 suspect was identified he apparently leapt towards them.
21 The S013 officer was pushed out of the way and shots
22 were fired. The suspect was shot in the head several
23 times. His death was confirmed at [there is no time
24 given]. Detective Superintendent Levett is the
25 investigating officer assisted by DCI Tony Evans and

1 DS Barry Slade. Dr Shorrocks attended the scene along
2 with HM Coroner Mr Samson and Coroner's Officer Joanne
3 Fendt. Special post-mortem examination has been
4 requested."

5 How much of that information did you provide when
6 you first contacted Mrs Fendt?

7 A. I would think probably most of it, sir.

8 SIR MICHAEL WRIGHT: Certainly that middle paragraph.

9 A. Certainly, sir, yes.

10 MR HOUGH: Is that an accurate account of what you told her?

11 A. My recollection of three years ago is yes.

12 Q. Where had you got that information from?

13 A. I had been briefed by Mr Evans at the scene.

14 Q. Perhaps we can take that off screen now. After that
15 request had been made, did Mr Samson, the full-time
16 Coroner, arrive at the scene?

17 A. Yes, he did, a little while later.

18 Q. In your statement you record that as being just after
19 1.30 that afternoon?

20 A. Approximately, sir, yes.

21 Q. Did the pathologist, Dr Shorrocks, also arrive around
22 the same time?

23 A. As near as I can remember, sir, yes.

24 Q. When they arrived, were you present when Mr Evans told
25 them the basic facts of what had happened?

- 1 A. I was in the vicinity, sir, most certainly, yes.
- 2 Q. I'm now looking at the bottom of page 2 of your
3 statement, if it helps you. What can you recall
4 Mr Evans telling them, assisted by your statement?
- 5 A. Basically the circumstances had been reported to me,
6 those which I relayed to Mrs Fendt.
- 7 Q. You recorded, or rather Mrs Fendt recorded that
8 a request had been made for a special post-mortem
9 investigation. Is that a type of post-mortem
10 investigation which involves a wide range of tests and
11 examinations being performed?
- 12 A. That's correct, sir.
- 13 Q. Was that request made by DCI Evans in your presence?
- 14 A. I believe it was, sir, yes.
- 15 Q. Was it agreed that that examination would take place on
16 the following day in the early morning?
- 17 A. That was certainly requested, sir, at the earliest
18 opportunity, yes.
- 19 Q. On the next day, 23 July, did you attend
20 Greenwich Mortuary with Mr Evans?
- 21 A. I was Mr Evans' driver, sir, yes.
- 22 Q. We have heard from him that the Coroner and obviously
23 the post-mortem examiner, Dr Shorrocks, were also
24 present?
- 25 A. That's correct, sir.

- 1 Q. Did Mr Evans provide any more information to
2 Dr Shorrocks at that stage?
- 3 A. Mr Evans did get a telephone call from Mr Levett in the
4 early part of that morning, because officers back at the
5 investigation team had viewed the CCTV from the
6 Underground station, which I believe has been viewed now
7 by the inquest, and the scene as depicted on that was
8 relayed to Mr Evans who then relayed it to Mr Samson and
9 Dr Shorrocks.
- 10 SIR MICHAEL WRIGHT: So that actually was transmitted to
11 Mr Evans and you some time that morning?
- 12 A. I was there when Mr Evans received the phone call, sir,
13 from Mr Levett, yes, and as he explained to everybody
14 else, obviously I was in hearing of what was being said.
- 15 MR HOUGH: Can you recall specifically what was said in your
16 presence to Dr Shorrocks about what the suspect or
17 subject had done?
- 18 A. Not in exact detail, but it was a fact that he had
19 walked in, picked up a copy of a newspaper, one of the
20 Metros, gone to the barrier, used his Oyster card,
21 walked through the barrier and gone down to the railway.
- 22 Q. Do you think all that was said to Dr Shorrocks?
- 23 A. Possibly not in those exact words, but yes, that was the
24 flavour of what was being said. I can't remember the
25 exact terminology.

- 1 Q. Did Mr Evans say anything in your presence to
2 Dr Shorrocks about whether the person who had been shot
3 was a suspect or wasn't a suspect?
- 4 A. Not to my recollection.
- 5 Q. I referred at the start of asking you questions to the
6 information which Dr Shorrocks had recorded and the two
7 inaccurate parts. Did those inaccurate parts come from
8 you?
- 9 A. Sorry, sir, could you repeat the question?
- 10 Q. You will recall that I mentioned that Dr Shorrocks in
11 his post-mortem report --
- 12 A. Yes, indeed.
- 13 Q. -- in the history related that Mr de Menezes had vaulted
14 the barriers, had stumbled on his way into a tube train
15 and then had been immobilised by officers. Did any of
16 that come from you?
- 17 A. At no time, sir.
- 18 Q. Did any of that come from anybody else in your presence
19 or hearing?
- 20 A. Most certainly not.
- 21 Q. Do you remember Mr Evans saying anything to the Coroner
22 about any concerns he had? I am looking at the bottom
23 of page 3 of your statement. The very last sentence.
- 24 A. (Pause). Mr Evans, in my statement I have recorded
25 that he expressed his concern to the Coroner that we may

1 have shot an innocent man.

2 Q. Do you know whether Dr Shorrocks was in his hearing when

3 he said that or not?

4 A. The post-mortem was carried out in close confines within

5 the investigation room so yes, he would have been.

6 SIR MICHAEL WRIGHT: You were all in the one room, were you?

7 A. In the same room, sir, yes.

8 MR HOUGH: Then finally this: we have heard from Mr Evans

9 about radio reports coming through about the death of

10 Mr de Menezes. Did you hear any such radio reports that

11 morning of Saturday the 23rd?

12 A. It was constantly on the news and we certainly listened

13 to it driving down to the mortuary that morning, yes.

14 Q. Can you remember any details of what was coming over

15 those radio reports?

16 A. It was obvious at the time there were certain

17 inaccuracies as to what we believed had taken place and

18 what the press were reporting.

19 Q. Any particular inaccuracies --

20 A. With the vaulting the barrier.

21 Q. When you were at the mortuary, did Dr Shorrocks say

22 anything about those reports?

23 A. I believe Dr Shorrocks said that he had listened to the

24 news as well and was aware of what was being said on the

25 news.

1 MR HOUGH: Thank you very much.

2 SIR MICHAEL WRIGHT: Mr Mansfield?

3 MR MANSFIELD: No questions, thank you.

4 SIR MICHAEL WRIGHT: Thank you. Mr Gibbs?

5 MR GIBBS: No questions, thank you.

6 SIR MICHAEL WRIGHT: Mr Stern?

7 MR STERN: No, thank you.

8 SIR MICHAEL WRIGHT: Thank you. Ms Leek?

9 MS LEEK: No, thank you, sir.

10 SIR MICHAEL WRIGHT: Mr Penny? I didn't think there would
11 be.

12 MR PENNY: No, thank you.

13 MR KING: No, thank you, sir.

14 MS STUDD: No, thank you, sir.

15 SIR MICHAEL WRIGHT: Thank you very much indeed.

16 Again, can I thank you also for being turfed out at
17 very short notice to get here. But that's it, you are
18 free to go. Thank you very much.

19 A. Thank you, sir.

20 (The witness withdrew)

21 SIR MICHAEL WRIGHT: Yes.

22 MR HOUGH: Sir, Mr Tomei will be here but will not be here
23 before 1.30 because obviously he wants to read his case
24 file and prepare himself properly. We do have some more
25 statements which can be read, statements from civilian

1 bystanders if that's convenient.

2 SIR MICHAEL WRIGHT: I would have thought the sensible thing
3 would be to read those. If Mr Tomei is going to be here
4 at 1.30, you may need half an hour to look at his
5 report. The suggestion is we might call him at
6 2 o'clock.

7 MR HOUGH: I think he will be ready to be called about 20 to
8 2.

9 SIR MICHAEL WRIGHT: How many civilian witnesses do we have
10 left?

11 MR HOUGH: Five civilian witnesses to be read and we thought
12 it might be convenient at this stage to read the
13 evidence of Mr Mould which has already been canvassed.

14 SIR MICHAEL WRIGHT: He can be read, can he?

15 MR HOUGH: That was my understanding from the discussions we
16 had at the end of last week.

17 SIR MICHAEL WRIGHT: I hear no dissent. All right, let us
18 see how we get on and we will fix a re-start time. It's
19 not going to take more than about half an hour to read
20 this lot?

21 MR HOUGH: No.

22 Statement of HOLLY GREENLAND (read)

23 MR HILLIARD: The first statement to be read at this stage,
24 then, is Holly Greenland. If we just look at divider 35
25 on screen, we have her position in the carriage. Her

1 statement is dated 22 July 2005 and she explains that on
2 that morning she was on the Northern Line tube train
3 going to work. I should say page 546. I am now going
4 to the middle of 547. She says:

5 "When the train arrived at Stockwell, I was then
6 facing the platform still sitting in my original place.
7 The train pulled up, stopped and the doors opened.
8 There was a pause where nobody seemed to get on or off
9 and it was very quiet. The doors remained open,
10 however, and I think that is why, after a few seconds
11 I looked up from my puzzle book [I was reading]. At
12 that point I saw a tall Asian male step on to the tube.
13 He went into the carriage through the doors that were
14 almost opposite me, slightly to my right. I think that
15 these tube doors were more or less aligned with the
16 platform entrance. I would describe the Asian male that
17 got on as about 6-foot 2 to 6-foot 4 tall with an
18 athletic build. He looked Asian and had a light skin
19 tone that I would describe as olive or mixed race.
20 I think he had black hair that was closely cut but not
21 shaved. He had a full beard that covered his cheeks.
22 It was dark brown or black and closely clippered, but it
23 was longer than stubble. He appeared to be well
24 groomed. I don't remember much about his clothing.
25 I think his top and bottoms were both dark. He

1 definitely wasn't wearing a suit and I'm sure there
2 weren't any logos on anything. It seemed quite plain.
3 I think his top was long sleeved because I don't recall
4 seeing his arms. I'm pretty sure he wasn't wearing
5 jeans. What grabbed my attention after recent events in
6 the news was the fact that he was wearing a medium sized
7 plain black rucksack with the black straps over both
8 shoulders. This tall Asian male walked straight into
9 the carriage and then turned and stood holding the pole
10 in the middle of the aisle facing the doors.
11 I immediately felt very uneasy about him. He was a big
12 man, which was quite intimidating anyway, but it was the
13 deliberation of his movement that really struck me. He
14 walked on, turned around and held the pole and looked
15 out of the doors, which were still open. I found it
16 extremely strange that he didn't look around when he got
17 on at all, as you normally would to find a spare seat or
18 a newspaper. I'm pretty sure that the seat to my left
19 was empty with just my newspaper on it. I had
20 an unobstructed view of the tall Asian male and
21 continued watching him for about 30 seconds to a minute.
22 He was standing with his back facing the closed doors
23 behind him so that I could see his back and his profile.
24 He was stood about 1.5 metres from me. I have not seen
25 this man before but I think I would recognise him if

1 I saw him again. During the period of time that I was
2 watching the Asian male there was a recorded
3 announcement that the doors were about to close but they
4 didn't move. The fact that the train was still at the
5 station for some reason with the doors open for
6 apparently no reason and what I considered to be the
7 strange behaviour of the tall Asian male who continued
8 standing in silence looking towards the open doors made
9 me feel very uneasy. I looked over at a middle aged
10 white male who was sitting opposite me. He was in his
11 mid-40s with a medium build. He had short, straight
12 grey hair and was clean-shaven. He was wearing a grey
13 or blue suit with a lighter coloured shirt and a plain
14 tie. I think he was reading a newspaper or some
15 paperwork. He was looking downwards anyway and I think
16 that's why I noticed when he looked up. He glanced
17 twice at the tall Asian male who was still holding the
18 pole in the middle of the aisle. I felt that the middle
19 aged man was looking at the tall Asian male in a very
20 uneasy way, like he was concerned about him. After he
21 glanced at the tall Asian male the second time, he
22 suddenly picked up his paperwork and rushed out of the
23 carriage. I thought it was strange that he had sat
24 there for such a long time before deciding to get off --
25 especially since the other line wasn't running.

1 A couple in their early 20s -- possibly tourists --
2 I think they were looking at a map -- who were sitting
3 next to the middle aged man looked up when he suddenly
4 rushed out of the carriage. The girl then glanced over
5 at the Asian male and then said something to her
6 boyfriend... At this point I felt so concerned by the
7 overall situation that I knew I would panic if I didn't
8 get off straightaway. I got up, still holding my book
9 in one hand and a pen in the other, and walked past the
10 tall Asian male and through the doors. When I got on to
11 the platform I looked right and saw two guards and the
12 electronic train time sign and walked towards them.
13 I walked about a carriage length along the platform and
14 asked one of the guards... if the Victoria Line was
15 running... took a step back to look up at the train
16 times above me. I had my back facing away from the
17 carriage I had been on. I turned round and saw the tall
18 Asian male with his head out of the carriage looking
19 towards me along the platform. I felt uneasy about
20 seeing him again and looked back round at the train
21 times. I then heard what I thought was a couple of male
22 voices shouting 'get off', 'get down' and perhaps,
23 'stop'. I turned back and saw a group of three or four
24 people -- big men -- wearing grey, with possibly one
25 wearing a green T-shirt. I remember thinking that they

1 looked like they were by the door that I had left the
2 carriage by, which was the same door that the tall Asian
3 male had just been looking out of. I was just over
4 a carriage length away from these men. I turned to look
5 out for an exit and heard six or seven loud bangs in
6 close succession that seemed to come from where the
7 group of men had been, although it was difficult to tell
8 because of the echoing effect of the sound in the
9 tunnel. I realised that the bangs were gunshots. At
10 this point I ran to the end of the platform and up the
11 stairs at the end."

12 Then she explains that she got on to the escalator
13 and made her way out of the station.

14 Statement of MARTIN CHISHOLM (read)

15 MR HILLIARD: Next the statement of Martin Chisholm. His
16 statement is dated 5 October 2005, and he explains that
17 he was on a work journey on 22 July of 2005 accompanied
18 by somebody called Lee Rushdon. He says:

19 "We arrived at Stockwell... got off the train...
20 used the steps to cross to the northbound platform of
21 the Northern Line and I recall there was a northbound
22 train stopped at the platform at this time. I saw the
23 driver of this train was leaning out of the cab window
24 looking back at the train and was on his mobile
25 radio/phone system..."

1 "We walked along the platform towards the first
2 entranceway which connects this platform to the main
3 lower concourse and then towards where the Victoria Line
4 northbound platform is located. As we walked past the
5 stationary northbound Northern Line train I saw that the
6 doors were open. I have today been shown by Ian Bennett
7 of the Independent Police Complaints Commission a plan
8 of the lower tube station area at Stockwell. I have
9 matched on to this plan the route I walked to a point
10 where I became aware of a commotion."

11 He says that that plan is exhibited as MC1. I think
12 we have that at documents 993, 994. He says:

13 "At the point where I first became aware of
14 a commotion I have written the number 1."

15 You can just make that out round about the middle of
16 the plan.

17 "I first heard someone shout, 'he's down here'.
18 This was a man's voice. Lee Rushdon and I swung round
19 and walked back to the main lower concourse area.
20 I have marked this position on the plan with the number
21 2. Opposite from where I stood across the lower
22 concourse I saw a man whose position I have marked on
23 the plan with the number 3. The man had his back
24 towards the wall and was facing towards the escalators
25 off to my left and his right."

1 You can see those marked up towards the right.

2 "I believe this man carried a rucksack on his back.
3 I cannot say whether it was made of canvass or fabric
4 but it looked old-fashioned. I remember that he wore
5 a blue coloured cagoule jacket. I would say that the
6 man was early 40s and my first impression was that he
7 was a tourist... Almost immediately a second man
8 appeared to my left from out of view on the direction of
9 the escalators. He stood in the centre of the lower
10 concourse near to the man I have described with the
11 rucksack (number 3). The second man was in civilian
12 clothing I do not recall what he wore but saw that he
13 carried what looked like a large radio of some sort. So
14 large it was like he needed both hands to carry it. It
15 was like a big box like object which may have had
16 handles. It was either black or green, probably black.
17 A conversation occurred between the two men. The first
18 one with the rucksack said to the other with the radio
19 type device 'he's just down there' pointing towards the
20 walk through on to the northbound Northern Line. In
21 fact the one I had earlier exited and immediately next
22 to where the man with the rucksack was stood. These two
23 men then walked forward to the beginning of that walk
24 through and the man holding the radio type device then,
25 [said] 'get out, there is a bomb'. I was a bit shocked

1 and disoriented by this as I was just passing through
2 this tube station and as I and Lee Rushdon made off
3 towards the direction of the escalators immediately...
4 further men appeared from around the bend in the
5 concourse from that direction. The first of these two
6 men who I have marked his position on the plan as number
7 5 was carrying a black machine gun with a magazine
8 coming out of the bottom. He wore a patterned T-shirt
9 and a belt with pouches on... I do not recall him
10 wearing anything on his head. The second of these men
11 who appeared from the direction of the escalators was
12 carrying a pistol. Both the pistol and the machine gun
13 were pointed out by the men carrying them. They were
14 not by their sides and it looked quite aggressive. What
15 I mean by this is it was like they were moving in
16 formation, protecting each other and covering the area
17 in front of them past the man with the radio type device
18 to his right. As the man with the machine gun moved
19 forward to follow the first two men (rucksack and radio
20 man) he shouted 'get the fuck out, there is a bomb'. At
21 this point, Lee Rushdon and I ran towards the
22 escalators. The last sight I have of the four men
23 described was as they made towards the through way to
24 the northbound Northern Line platform. Lee and
25 I reached the bottom of escalators, I heard a male voice

1 shout, 'stop' followed quickly by someone, I am not sure
2 if it was the same voice, shouting 'get down'. As I got
3 on to the upwards escalator running, I heard a burst of
4 gunfire. I felt the vibration of other people running.
5 The sound of the gunfire was from within the lower area.
6 To me the gunfire sounded like a continuous burst of
7 about ten shots but because the sound was reverberating
8 around the tube station I could not tell what the
9 definite sound was. I heard some screams from behind
10 and general noise from people. Lee was in front of me
11 on the escalator... As I looked back, I saw people at
12 the bottom of the escalators some were following us up
13 others were trying to get up using the down escalator
14 who shouted to us to stop it moving when we reached the
15 top so they could use it to get up. When we reached the
16 top Lee did push the button to stop the escalator. At
17 the top I recall seeing a policeman and a rail worker...
18 the policeman was in uniform wearing a helmet..."

19 Then he explains that they left the station.

20 Statement of DANIEL COPELAND (read)

21 MR HOUGH: The next statement is of Daniel Copeland and is
22 at page 569. This is a statement dated
23 16 September 2005. Again it may assist if we have
24 tab 35 of the jury bundle on screen first. Mr Copeland
25 is just being highlighted at the moment, central part of

1 the screen at the bottom.

2 Mr Copeland says in his statement that he went to --
3 started his journey at his local tube station,
4 Colliers Wood, and went from there on the tube to
5 Stockwell. He says:

6 "I was sitting on the train in the carriage where
7 the incident took place."

8 He now produces an exhibit as a carriage plan, and.
9 That is documents page 989. If we keep that on screen
10 as we go along.

11 He says:

12 "The train wasn't packed to the gills; there were
13 people dotted about."

14 He says he noticed a woman sitting in the seat
15 marked 2 on the exhibit and that their bags "were on the
16 seat between us" and that he was in seat marked 1.

17 He describes the woman. He then says:

18 "There was also a man leaning at the point marked 3
19 on the exhibit..."

20 It's over on the right, he describes that man and
21 says:

22 "The train stopped at Stockwell and stayed at the
23 station, with the doors open, for an unusually long
24 time. It seemed like ages, but was probably about three
25 or four minutes. During this time, no announcements

1 were made. There wasn't really anyone moving about or
2 swapping seats... but I do remember that around ten more
3 people got on the carriage. By this time the carriage
4 was approximately 75 per cent full. People were pretty
5 much all sitting. I have read the papers since, and
6 questioned whether I saw anyone in a denim jacket. I do
7 have a vague feeling that I did, and that he was sitting
8 in one of the seats marked 5 or 6..."

9 Those can be seen on the right, in the centre of
10 that row:

11 "I cannot be sure that this has not been added to my
12 recollection by subsequent reports, though. I am sure
13 that there were definitely some people in those seats.

14 "I was playing on my PSP games machine, when I heard
15 a lot of noise and shouting. It wasn't actually on the
16 platform, but on the concourse where the escalators are.
17 I could hear some shouting, so I pulled my headphones
18 out of my ears, to get a clearer indication of what was
19 going on. I could hear some sort of ruckus, but
20 couldn't make out what was being shouted, except for the
21 phrase 'get out of the way'. I got the impression that
22 the noise was being made by four or five men. I could
23 also hear murmuring from people on the train, and then
24 footsteps from outside the train; they gave me the
25 impression that someone was running extremely fast.

1 I turned around to my left and I could see one man in
2 particular. He was white, in his early 30s, and looked
3 like a business type..." and was wearing a suit.

4 "Pretty much everyone on the train was doing the
5 same -- looking behind them to see what was going on.
6 I didn't really see the people opposite me at that
7 stage, so Jean Charles de Menezes could have got on the
8 train then, and I wouldn't have noticed. The next
9 thing, immediately after I heard the noise, a guy jumped
10 on to the train through the door to my right, marked C
11 on exhibit..."

12 We see that there marked again with a circle:

13 "At the time, I thought he was being pursued by the
14 people making the noise. He was white, and maybe in his
15 30s, possibly mid-30s. He was tall, over 6-foot, and of
16 skinny build. His hair must have been short because
17 I did not see it from beneath the cap. He was wearing
18 a blue fleece, a black baseball cap, trainers and
19 tracksuit bottoms, or something like that on his bottom
20 half -- loose trousers. I did not see him carrying
21 anything. He had no bag or rucksack and didn't seem to
22 pull anything from his pockets.

23 "He kind of caught one of his feet on the step on to
24 the train, so it was almost as if he stumbled on to the
25 train; he looked like he lurched forward. He grabbed

1 the pole that is at point D..."

2 You see that just to the left of the number 4.

3 "... and it looked as though he grabbed someone
4 else, with his right arm. He composed himself with his
5 left hand on the pole and then grabbed out with his
6 right hand. He really smacked into the pole with
7 a great deal of force. I thought that if anyone is
8 sitting in the seat next to the pole [marked 4 on the
9 plan] they would have got it as well, but I can't say
10 with any certainty whether anyone was sitting there.
11 (I didn't really spend any time that day staring at
12 people; I think that everybody was avoiding eye contact,
13 as they were more interested in what people were
14 carrying.) Suddenly, there was panic, and everyone was
15 screaming, as everyone was unnerved by the events of the
16 previous day. In the days after, I read something about
17 someone shouting 'He's here. He's here.' I do remember
18 that very distinctly. It didn't register at the time,
19 but, thinking about it, that was shouted out. I think
20 that's pretty much what set off the panic, more than
21 anything else. It may have been the man who ran on the
22 train and tripped that said that, but if he did, that
23 was all that I heard him say. I am not sure if I heard
24 it before or after the man ran on to the train.

25 "Next, a man poked his head through the door on my

1 left [marked B on the plan]..."

2 Again we see letter B circled, double doors further
3 off to the left.

4 "He was wearing a light brown leather jacket and
5 a white shirt. I didn't see his bottom half. He was
6 black, with a shaved head and a moustache. He was in
7 his 30s ... At the time I didn't know who he was -- he
8 could have been a passerby, or a member of the public.
9 After the event, I assume he was a copper, because only
10 someone who was getting paid for it would get on the
11 train and take charge of the situation.

12 "The man shouted 'get down, get down'. Everybody on
13 the train presumed that he was referring to them (as we
14 all thought it was a bomb) so it got even more panicky,
15 with a lot more noise. All the passengers followed the
16 instruction. I crouched over in my seat, leaning to my
17 left (over where the fold-up seats are), turning away
18 from what was happening on my right. The woman to my
19 right was leaning to her left, too, over the seat on
20 which our bags were placed. My initial thought was that
21 the man who had jumped on the train was a terrorist with
22 a bomb. I thought that something was going to explode.
23 I then heard two loud bangs whilst still in my seat. My
24 first reaction was 'Jesus Christ! What was that?'
25 I then thought it was a detonator that had been exploded

1 by the guy who had jumped on to the train. The bangs
2 weren't very loud, and did not sound what I would
3 imagine gunfire to sound like (though I wouldn't really
4 know what real gunfire sounds like). It is what
5 I imagine silenced gunfire would sound like -- they were
6 dull bangs. The two bangs were in very quick
7 succession, and seemed to come from just outside the
8 door to my right.

9 "I remember kind of jumping up in reaction to it,
10 wondering what it was. I think most people on the train
11 reacted that way as well. There was then more screaming
12 and people were frozen there for up to four seconds.
13 Then, the man in the brown leather jacket launched
14 himself back onto the train and said 'right, everybody
15 off'. That was what we did. I was up on my feet in
16 seconds, and not really conscious of the other people
17 around me; I don't remember where the black guy was as
18 I was getting off the train. All I could think of was
19 getting off that train.

20 "I tried to pack my stuff into my bag; my PSP was in
21 my hand and I shoved it in as quickly as possible.
22 I remember another two bangs (in quick succession) as I
23 was getting off the train, as I was putting my foot on
24 the platform. At that time, I looked to my right.
25 I could see other people in other carriages stood up

1 wondering what was going on. Also there were people
2 milling about on the platform wondering what was going
3 on.

4 "In terms of timings of the events described above,
5 I recall that the first man jumped on; then, two seconds
6 later, the black guy poked his head on to say 'get
7 down'; then a couple of seconds after that there was
8 a couple of bangs; then about four seconds after that
9 the black guy told everyone to get off, which I did
10 immediately; and, almost straightaway heard another
11 couple of bangs. At no time did I see anything that
12 made me think that shots had been fired: I did not see
13 any guns at that stage, and didn't smell any gun smoke.

14 "I remember seeing a guy who I think now must have
15 been S019 or someone like that. He was white, big,
16 burly and stocky. He looked like a hard case. He had
17 blond hair, he was 35ish -- mid-30s. He was wearing
18 a dark T-shirt and jacket. He had a stub handled MP5
19 ... held across his body, on a strap, underneath his
20 jacket. He was trying to conceal it, but not doing
21 a very good job. I now produce exhibit ... "

22 The station plan which is documents page 990.

23 "The man was standing in the middle tunnel leading
24 from the platform to the concourse, at the point marked
25 1 on that exhibit."

1 You see 1 roughly in the middle there.

2 "This point was almost directly opposite the door
3 through which the guy in the blue fleece came through.

4 "I remember dropping a PSP film in the station at
5 point 2 ... At first, I began to turn to retrieve it,
6 but then thought I would not bother.

7 "After that it was just a case of getting out of the
8 station as quickly as possible."

9 Then he describes running away. He said:

10 "I ran up the stairs. I don't remember hearing
11 anything as I was running; it was weird, almost like my
12 ears were blocked (but it wasn't as though the bangs
13 were so loud that they messed up my hearing)."

14 I don't propose to read any more of his statement
15 unless others wish me to.

16 Statement of MARK NAPIER (read)

17 MR HOUGH: The next statement is of Mark Napier, page 591.

18 The date of this statement is 20 December 2005.

19 Mr Napier describes leaving his home in Brixton and
20 joining the Northern Line. He says that he thinks it
21 was the fifth carriage on the northbound Northern Line
22 he got on. He says there were not that many people on
23 his carriage, maybe 15 or 20. He describes joining at
24 Stockwell station, and produces a plan of Stockwell
25 station which is page D997.

1 You can read there "my route from Northern Line to
2 Victoria Line post-incident" and then his route "from
3 Victoria Line to Northern Line pre-incident".

4 Then he says this about what happened at Stockwell:

5 "I heard the 'pip pip pip' sound that indicates
6 a green signal and that the doors are about to close,
7 but they did not move at all. During that time some
8 people came from a second northbound Victoria Line
9 train, and got on my train. I played with my new phone
10 for a bit, as I wanted to work out how to take video ...
11 I was keen for the train to leave. Eventually, I leant
12 out of the train to see what was happening; I saw two
13 men and shouted to them. I used words like 'hey, when's
14 the train going to go?' I noticed that they were either
15 the point marked 1 and 2 on [the plan]."

16 You see numbers 1 and 2 just either side of the
17 words "platform 2".

18 "They appeared to be crouching slightly, as if they
19 were peering around the corner into the tunnel that
20 leads from the northbound Northern Line platform to the
21 concourse at the bottom of the escalator. They were
22 concentrating intently, and looked furtive, almost as if
23 they were trying to conceal their presence: I thought
24 their behaviour was suspicious. One of the men ... gave
25 me a look that told me that they had acknowledged me,

1 but that they would not be swayed from what they were
2 doing ... One had ginger hair that was short but not
3 cropped ... He was a white male of about 5 feet 4 inches
4 tall, and plumper than average. His clothing looked
5 baggy and oversized. The other was also a white male.
6 He was taller and had dark hair.

7 "Their uniforms looked like combat stuff; they were
8 thick liner or cotton, and consisted of black trousers,
9 and a black, long sleeved tunic like a SWAT team would
10 wear. I did not see them holding anything, but they
11 looked as though they might be concealing something,
12 especially as the way one of them was holding his right
13 arm. The men wore flat hats (like those postmen wear)
14 with an orange piece in the middle at the front, as if a
15 cap badge should be mounted to it. They had nothing
16 written on their backs or any other form of ID. I would
17 recognise either of the uniforms again if shown them.

18 "I got back in the train, then, about 30 seconds or
19 so later, got out again, standing with one foot on the
20 carriage and one on the platform at which time I spoke
21 again. This time it was more of a sort of general
22 exclamation, such as 'for God's sake!'

23 "When I got back in, I immediately heard seven shots
24 that sounded as if they were coming from the carriage in
25 front of me (which I assumed was the fourth carriage).

1 They made what would describe as a 'spud gun' sound --
2 like a 'pop gun' with a whoosh sound; I think it was
3 a silenced gun. They were quieter than someone
4 coughing. The shots were irregular but not far from
5 being regular. They could have come from one gun, but
6 I couldn't say for sure, although all the sounds came
7 from the same area. The shots were spread out over
8 about one and a half to two seconds.

9 "As the shots sounded, all those in their carriage
10 ran out; there was a hell of a panic. Certainly
11 everyone was on their feet by the second shot."

12 Then he describes people exiting the train. I won't
13 read more than that unless it's wanted.

14 Statement of TERRI GODLY (read)

15 MR HOUGH: Then the final statement of a civilian witness to
16 read is the statement of Terri Godly. That's dated
17 22 July 2005 and is at page 598. Terri Godly says:

18 "I then got on a number 2 bus towards Marble Arch
19 [from Brixton] but I saw that Stockwell tube was open so
20 I got off the bus. When I got on to the tube I saw that
21 there were delays on the Victoria Line. I took the
22 left-hand escalator down to the northbound Northern Line
23 platform, which is on the left. I stopped as soon as
24 I got on to the platform. I believe a train had just
25 pulled in. I remember thinking 'that was lucky' because

1 of all the delays. I then heard shouting, which
2 I couldn't distinguish. We were all looking around.
3 Three or four white men ran on to the platform from the
4 same direction I had come from. I had entered the
5 platform from the first available entrance at the bottom
6 of the escalator. These men were shouting. They were
7 all shouting different things like 'get out, get out',
8 'run', 'get up the stairs'. I knew at this point
9 something serious was happening. I had seen one of the
10 men had a gun shoulder holster on. They had
11 walkie-talkies and I heard someone shout 'armed police!'
12 Everything I heard was designed for getting people out
13 of the way. I heard someone saying 'he's on the tube,
14 he's on the tube'. The person who said this was a white
15 male quite tall. He could have been a civilian or
16 a plain clothes policeman. He indicated that 'he was on
17 the tube at the platform'. I had no idea who they were
18 talking about.

19 "I do remember that as I was going to get on the
20 train the doors were open. They were double doors.
21 These doors were directly opposite where I had entered
22 the platform. It was probably the first carriage as
23 I was at the end of the platform. I don't know whether
24 this was at the front or the back of the train, as
25 I don't normally use this station. I remember seeing an

1 Asian man standing just inside the doors leaning on
2 a pole", and she describes the man.

3 "As soon as I realised that this was a serious
4 situation I started to run back the way I had come.
5 I could see other plain clothed officers running down
6 the stairs. I started to run up the stairs to the left
7 of the up escalator. I had only gone a few steps when
8 I heard a number, six or seven loud pops. I heard
9 shouting as well, but I don't know what they were
10 shouting. Instinctively I thought the loud pops were
11 gunshots but because of the events of yesterday
12 I thought they might be detonators going off. At this
13 stage I thought I was going to get shot in the back or
14 blown up. I was terrified ... I have severe cartilage
15 problems in my knees and I was really struggling to get
16 up the stairs. It was only the fear that kept me going.
17 I remember it being very quiet and at one point
18 I thought I was the only person running. I looked
19 behind me and there were lots of other people in the
20 same boat as me. I couldn't see the platform when
21 I looked behind me. Other than the policemen shouting
22 I never saw anything happen on the platform. When
23 I finally got to the top I ran over to the barrier. My
24 legs were trembling and I wanted to phone my boyfriend
25 but he didn't answer. I was ushered away and stayed at

1 the NatWest Bank."

2 Then she describes being called to the YMCA to make
3 a statement.

4 That might be a convenient moment, sir.

5 SIR MICHAEL WRIGHT: Yes. In that case I think we will say

6 2 o'clock, ladies and gentlemen, thank you.

7 (1.00 pm)

8 (The short adjournment)

9 (2.00 pm)

10 SIR MICHAEL WRIGHT: Yes, please, Mr Hough.

11 MR HILLIARD: Mr Tomei, please.

12 MR FRANCO TOMEI (sworn)

13 SIR MICHAEL WRIGHT: Yes, Mr Tomei, thank you, please sit
14 down.

15 Questions from MR HOUGH

16 MR HOUGH: Is your name Franco Tomei?

17 A. It is, yes.

18 Q. I will be asking you first questions on behalf of the
19 Coroner and then you may have questions from other
20 people.

21 SIR MICHAEL WRIGHT: Before you start, I understand we had
22 to shoehorn you out of your office at rather short
23 notice this morning. Can I say how grateful we are that
24 you have been able to make it.

25 A. It's not a problem. Thank you.

- 1 SIR MICHAEL WRIGHT: Thank you very much.
- 2 MR HOUGH: You may see a microphone with a red light on. If
3 you pull it towards you, it will amplify you slightly
4 and also try to keep your voice up.
- 5 Is this right, you are a forensic scientist and you
6 specialise in the examination of firearms?
- 7 A. I do, yes.
- 8 Q. Have you done that for, I think, more than 30 years?
- 9 A. It is more than 30 years, yes.
- 10 Q. Have you, over that period, worked for the
11 Metropolitan Police Forensic Science Service?
- 12 A. The first 22 years as a forensic scientist were for the
13 Metropolitan Police laboratory, and subsequently for the
14 Forensic Science Service.
- 15 Q. That's because it changed its nomenclature?
- 16 A. The police laboratory was merged with the Forensic
17 Science Service, yes.
- 18 SIR MICHAEL WRIGHT: So it is now in fact an independent
19 laboratory?
- 20 A. It is, yes.
- 21 MR HOUGH: Are you now a visiting lecturer in firearms
22 examination at King's College, London?
- 23 A. I was until about three years ago.
- 24 Q. Certainly when you were involved in these investigations
25 you were?

- 1 A. Yes.
- 2 Q. I think you were instructed to assist in the
3 investigation into the Stockwell shooting which had
4 taken place on 22 July 2005?
- 5 A. I was, yes.
- 6 Q. I think you produced two main statements, one
7 26 July 2005, one 22 November 2005?
- 8 A. That's correct.
- 9 Q. I think you are aware you can look at those at any time
10 to refresh your memory.
- 11 A. Yes.
- 12 Q. Did you actually receive instructions and attend the
13 scene of the shooting on 22 July itself?
- 14 A. I did, yes.
- 15 Q. Did you go with a colleague of yours, a Mr Miller?
- 16 A. I did.
- 17 Q. When you attended, was the train, the tube train, still
18 held in position as we have seen it on photographs?
- 19 A. It was, yes.
- 20 Q. When you attended, was the body of Mr de Menezes still
21 present?
- 22 A. It was, yes.
- 23 Q. Obviously it may very well have been moved for all sorts
24 of reasons, but the body was still present. I think
25 while you were there, you noted the gunshot wounds in

- 1 Mr de Menezes?
- 2 A. Not in any detail, but it was apparent from just the
3 brief examination he had sustained more than one gunshot
4 wound to the head, yes.
- 5 Q. Did you also notice that around the carriage were
6 various spent cartridge cases?
- 7 A. Yes, I believe that there were -- they were pointed out
8 to us, and I think there may have already been some
9 markers in place but I can't be certain.
- 10 Q. Did you also notice the presence of bullet material,
11 both fragments and larger parts?
- 12 A. I did, yes.
- 13 Q. Did you notice that in particular there was bullet
14 damage to an arm rest and some seats on one side of the
15 carriage?
- 16 A. There was -- at that initial examination I believe
17 I noted there was damage to the arm rest and there was
18 a, I believe, dent that I had noted to the window
19 surround behind the seats. Subsequent damage was seen
20 later, I believe, in the seat cushions.
- 21 Q. We have heard about a post-mortem examination which
22 happened on the following day at Greenwich Mortuary.
23 Were you present for that?
- 24 A. I was, yes.
- 25 Q. We have heard that that was carried out by Dr Shorrocks

1 and I think we will be hearing from him tomorrow.

2 During the course of that examination, did you make some
3 sketches to indicate where the bullet wounds were?

4 A. Yes, we call these body maps essentially, and we do very
5 crude and simple sketches to give a general idea of the
6 location of the wounds in a graphical way. It makes
7 them much more easy to identify later on.

8 Q. Can we have on screen D1044, please.

9 A. There is no signature on it but I can recognise this as
10 being my sketches, yes. Obviously the profiles are
11 already prepared and I simply add the detail in respect
12 of the wounds.

13 Q. Looking either at this or at your statement, how many
14 entry wounds did you find?

15 A. There are six entry wounds to the head, and if we look
16 at the images that you have, if you look at the two
17 images on the right-hand side of the sheet, you can see
18 the numbering. It's not very clearly numbered, but of
19 the numbers at the top of the head on the top right-hand
20 corner image, you can see that the left-hand number is
21 in fact a number 3.

22 Q. Is that just next to 6?

23 A. Yes, next to 6.

24 Q. Can that just be highlighted?

25 A. The only reason I point that out is that -- wrong one,

1 that's actually number 6.

2 Q. I see, right. To the left of 4, so the next one going
3 round.

4 A. That is number 3. It looks like a number 2 but as you
5 can see, the bottom half of the 3 when it is enlarged
6 this size has gone into the circle that I have drawn.
7 That is a bit confusing. It almost looks as if there
8 are two number 2s.

9 In discussions with the pathologist, a very quick
10 initial assessment, we had attributed that to being
11 an entry wound, but subsequently we have decided that it
12 was atypical of an entry wound. I can't be certain what
13 it was but it's not an entry, so we have three entry
14 wounds shown here.

15 Q. Just to help us, what numbers do they have marked
16 against them?

17 A. 2, 4; 5 and 6 are related in the sense there is a wound
18 to the ear, and it then goes on to number 6 as well,
19 number 5 and number 6. Then if we look at the image
20 below this one, the ones that are shown here are two
21 further wounds, one of which, number 8, is possibly what
22 we would call a guttering wound where the projectile has
23 obviously penetrated, but has not gone in but rather
24 across and made a groove or a furrow, rather than
25 entering and then exiting somewhere else.

- 1 Q. The other one, is that an entry wound?
- 2 A. That's another entry wound at number 7, yes.
- 3 SIR MICHAEL WRIGHT: So it's three entry wounds on the right
4 side?
- 5 A. Four, I am sorry, I beg your pardon, four.
- 6 SIR MICHAEL WRIGHT: Four?
- 7 A. Yes, I am sorry. 5 and 6 and what I was -- I have
8 confused myself because of the way I have marked it, but
9 there is damage to the right ear that is coincident with
10 two of the wounds.
- 11 SIR MICHAEL WRIGHT: I follow.
- 12 A. So we have four entry wounds to the right side,
13 obviously to the right; then we have one to the right
14 side at the rear, which is number 7; then we have what
15 we have called essentially a guttering wound, which is
16 left of the centre but going in the same direction as
17 the others, which is to say right to left.
- 18 SIR MICHAEL WRIGHT: A glancing wound?
- 19 A. Yes.
- 20 SIR MICHAEL WRIGHT: Across the back of the skull, yes.
- 21 MR HOUGH: So in summary four wounds above and behind the
22 right ear?
- 23 A. Yes.
- 24 Q. One to the left of centre at the rear?
- 25 A. Yes.

1 Q. And a further one to the rear on the right?

2 A. Right of centre, yes.

3 Q. Moving over to the next page, please, any further
4 information on this body map?

5 A. No. These are simply the other wound sites to the head
6 that are obviously related to the bullet wounds of
7 entry, and these are sites where bullet material has
8 exited or potentially, as can happen in cases such as
9 this, bone fragments can actually be driven out and
10 cause individual wounds in their own right and none of
11 these were attributable specifically to any of the entry
12 wounds identified on the side of the head, simply
13 because of the extent of the damage and the
14 incompleteness of the skull and the tissue that was
15 missing.

16 SIR MICHAEL WRIGHT: So your best view, as I understand it,
17 is that all the shots were fired so that the bullets
18 entered either on the right side or the right rear of
19 the skull?

20 A. Except for one which was just left of centre, which was
21 the guttering wound. That grazing one is just left of
22 centre.

23 SIR MICHAEL WRIGHT: That did not actually enter the skull?

24 A. It looks as if, because it's so difficult to relate any
25 of the entry sites to the exit -- if I can call it exit

1 damage rather than exit sites, I think our view was that
2 that was more likely one that's just entered and exited
3 in roughly the same area, if you see what I mean, having
4 gone at a shallow angle.

5 SIR MICHAEL WRIGHT: I follow that. It is a shot,
6 obviously.

7 A. It's definitely a shot, yes.

8 SIR MICHAEL WRIGHT: So I correct what I put to you: it's
9 four on the right and two at the back essentially.

10 A. Two on the back, one of which is left of centre, one of
11 which is right of centre.

12 SIR MICHAEL WRIGHT: Thank you.

13 MR HOUGH: On the previous page, if we can go back to that,
14 you have put numbers next to those wounds, but is this
15 right, they are not to indicate the order in which the
16 wounds were sustained?

17 A. No, absolutely not.

18 Q. That's just a form of notation. It doesn't indicate
19 anything about order?

20 A. It just helps us for shorthand to refer to a specific
21 wound without having to describe its location every
22 time.

23 Q. You have obviously been able to note entry wounds, but
24 is this right, you are not able to identify the exit
25 wound for any of those particular bullets?

- 1 A. We cannot relate any of the exit damages I have called
2 it to any of the entry sites specifically. The only one
3 potentially is the one that I have described as number
4 8, which is the guttering wound where essentially it's
5 the entry and exit site all in one.
- 6 Q. Is this also right, that you can't trace the path of any
7 of these bullets within the skull?
- 8 A. Not with any great accuracy, no, at all.
- 9 Q. What was your immediate impression of these wounds and
10 what it might tell you about the range of firing?
- 11 A. There was evidence on all but one of the head wounds
12 that clearly showed that the range of firing had to be
13 relatively short. Briefly, what happens is that when
14 a firearm is discharged in the vast majority of cases,
15 as part of the firing process, as well as the projectile
16 or bullet leaving the barrel of the gun, the gunpowder
17 or propellant powder is also ejected with the
18 projectile; and this can be in the form of a very fine
19 soot or sometimes even in the form of more discrete
20 particles of partially burned propellant or unburned
21 propellant and these can sometimes embed themselves in
22 the skin or be deposited on the skin; and it's the
23 presence of these features that would indicate that the
24 range of firing is very short.
- 25 Now, there is a degree of variation and there are

1 a number of variables in terms of how this is
2 reproduced. It can depend on the weapon, the ammunition
3 type, the length of the barrel of the weapon.

4 So the first impressions are simply that,
5 an impression, an indication the range of firing was
6 short without being able to determine specifically at
7 what distance the shots were actually fired at.

8 Q. Thank you. I think we can have those off screen now.

9 I am now on your second report. After you had attended
10 the post-mortem examination, did you perform some more
11 examinations of the carriage itself, the tube carriage?

12 A. Yes, I'm trying to remember how many times I went back
13 to the carriage, certainly more than once. Partly that
14 was due to address issues as to where the deceased may
15 have been positioned at the time shots were fired, and
16 one specific area that I needed to address was the
17 question of whether or not he was on the floor of the
18 carriage, and part of the reason for attending was to
19 check the floor for any damage that would have been
20 present, had that been the case.

21 Q. Pausing there, was that something you had been
22 specifically asked to look into --

23 A. It was discussed and I said I would incorporate that
24 element of the investigation into my visit to the
25 carriage. So clean the floor and just examine that

1 area.

2 Q. In your second statement or report, you say that you
3 carried out two more detailed examinations --

4 A. Yes.

5 Q. -- of the carriage. First on 2 August and then again on
6 8 August. Does that refresh your memory at all?

7 A. It does, yes. The second one, as I'm sure we will come
8 to, was the lengthier one.

9 Q. You say that on the first visit, you examined the floor
10 area for the reason you have explained?

11 A. Yes.

12 Q. What did you find there?

13 A. There was no damage to the floor to support the
14 suggestion that shots had been fired while Jean Charles
15 was on the floor itself. Had that been the case, given
16 the nature of the wounds and the location of the wounds,
17 I would have expected to see marked damage to the floor
18 from the material that had exited, and there was none.
19 I personally cleaned the floor myself, and examined it
20 very carefully for any such damage and there was none.

21 Q. Your second visit, the lengthier one, what was the
22 principal purpose of that?

23 A. It was to try to assist and give guidance as to the
24 likely position Jean Charles may have occupied at the
25 time he sustained his injuries, and that was conducted

1 based on what I had seen at autopsy and based on the
2 damage that was known to have been sustained by the
3 seats adjacent to the one that he was believed to have
4 been in. I carried that out using a mannequin in part
5 to try to give a graphical representation of how he
6 could have been positioned, certainly when he sustained
7 some of his injuries.

8 Q. Perhaps we can have tab 35 of the jury bundle up? This
9 is just a plan of the carriage. Is this right, when you
10 attended, you were focusing upon the seats immediately
11 around where we see Mr de Menezes marked on that plan --

12 A. Yes.

13 Q. -- on the screen. You gave those seats numbers,
14 I think, number 1 being the seat where we see
15 Holly Greenland marked?

16 A. Yes.

17 Q. Number 2 being the seat where Mr de Menezes is marked?

18 A. Yes.

19 Q. And then 3 just beyond him and 4 just beyond that?

20 A. That's correct, yes.

21 Q. Again, page 2 of your second report, what damage or
22 residue did you find on those various seats?

23 A. There were two bullet holes to the cushion of seat 3.

24 Q. So that's the seat next to Mr de Menezes which we see
25 unoccupied on this plan?

- 1 A. Yes. There was one to seat 4.
- 2 Q. So the further one towards Ms Dunwoodie.
- 3 A. And the front edge of the arm rest between 3 and 4 had
4 also sustained what appeared to be bullet impact damage.
5 So essentially with that in mind, and also given the
6 presence of a substantial amount of tissue on seat 3,
7 which is to say body tissue --
- 8 Q. Without going into too much detail, that's blood as
9 well, is it?
- 10 A. It is, yes.
- 11 Q. Go on.
- 12 A. And the absence of any on seat 2, obviously now being
13 aware of where the exit damage was to the head, it was
14 my view that certainly at least in part when the
15 injuries were sustained, Jean Charles was probably
16 pushed over or over onto his left side with the arm rest
17 essentially roughly at his waist which is --
- 18 Q. Pausing there, there is a step before that, I think.
19 Were you able to work out from all these facts that the
20 damage you had seen at post-mortem and the physical
21 signs in the carriage, were you able to work out
22 scientifically where he had been sitting?
- 23 A. That's essentially what it comes to, because we have got
24 a finite number of shots fired. We have damage
25 identified. We have, as you have said, blood on one of

1 the seats which must be related to the wounds that he
2 had suffered, and taking all those elements together,
3 I can start putting together a picture of -- as I say,
4 not a final definitive version but given it's obviously
5 a dynamic situation, certainly in part I am satisfied
6 that I am able to say the position he would have
7 occupied certainly during part of the events that
8 occurred.

9 Q. Can you describe that to us? First of all, which seat
10 do you think he was sitting in?

11 A. The seat that he's shown in, number 2 --

12 Q. Where he's marked?

13 A. -- principally because there is -- I didn't notice any
14 extensive or any blood at all, I don't think, on seat
15 number 2. And we have -- the blood that he would have
16 lost would have been from the left side of his head.

17 Q. Were you able, as you say, to work out where his upper
18 body at least would have been positioned for at least
19 part of the sequence of shots?

20 A. I believe he would have essentially been, if he was
21 sitting upright, but then bent completely over to the
22 left, such that his head was overhanging seat number 3.
23 And I think based on the damage that I saw to the seats,
24 and the likely position of his head, it's possible that
25 the damage to the seats and certain of the shots to his

- 1 head were all coincident.
- 2 Q. So sustained as a result of the same shots?
- 3 A. That seems quite likely, yes.
- 4 Q. How far -- and you can show it using your own body if
- 5 you like -- do you think he would have been overhanging
- 6 at at least some points in the sequence of shots?
- 7 A. I think his head would obviously have been overhanging
- 8 seat number 3 completely, and his head would have been
- 9 essentially, if it's still facing across the carriage as
- 10 it were, to the seats opposite, his head would have been
- 11 almost horizontal, I believe.
- 12 Q. But obviously because you don't know quite where he had
- 13 angled his head, it's hard for you to say quite what
- 14 angle it occupied?
- 15 A. No, as a general observation, it would have been
- 16 overhanging seat number 3 and almost horizontal.
- 17 SIR MICHAEL WRIGHT: That's -- really you are assuming his
- 18 head is in what you might call the neutral position?
- 19 A. Exactly.
- 20 MR HOUGH: Did you use the positions of the bullets in
- 21 the -- in what we are calling seat number 3, to help you
- 22 reach that conclusion or any other conclusions?
- 23 A. Yes.
- 24 Q. How did you do that?
- 25 A. Simply the fact that, with the mannequin in place, and

1 having regard to what I said earlier about not being
2 able to definitively associate any of the entry sites
3 with any of the exit sites, in general terms the track
4 across the head can be aligned with the damage in the
5 seat. It's nothing more complex than that, frankly.

6 Q. So you can position a mannequin where you speculate the
7 body may have been?

8 A. Yes.

9 Q. You can look at where the bullet holes are?

10 A. Yes.

11 Q. And line up the bullet holes simply with the head?

12 A. With the head knowing that the entries are on the left,
13 the exit damage is mainly on the left-hand side of the
14 head, and you can align the head and those tracks with
15 the bullet, with the bullet damage.

16 Q. As a result of that exercise, were you able to work out
17 from what direction the guns would have been pointed at
18 the time that at least some of the shots would have been
19 fired?

20 A. Well, as I have said earlier on, all the shots that
21 I saw, all the wounds, the evidence of the wounds was
22 that all the shots were fired from right to left.

23 Q. Can you say anything about whether the guns were
24 pointing up or down?

25 A. Well, there are two ways of answering the question.

1 With respect to the head or in general terms?

2 Q. With respect to the head, first of all, and then in
3 general terms.

4 A. It's difficult to say. They would have been largely
5 horizontal with respect to the head, but given that we
6 have bullets that have travelled down into the seat
7 cushions, then overall the guns were pointed downwards
8 with respect to the carriage.

9 SIR MICHAEL WRIGHT: I imagine you can get more accurate
10 reconstruction of the bullet path from the seats rather
11 than from the head?

12 A. To a certain extent we can, but it's -- the seat is
13 quite springy and there is a metal framework. If you
14 have got two impact sites from one shot that are maybe
15 three or four feet apart, then it's quite possible to
16 get quite an accurate trajectory. If the distances are
17 shorter which they are in this case, the accuracy
18 diminishes.

19 SIR MICHAEL WRIGHT: Used to be called triangulation?

20 A. Not quite as complicated as that, but it boils down to
21 the same thing.

22 MR HOUGH: Is this right also, because this was a dynamic
23 scene, the best you can do is to divine where the body
24 might have been positioned at a time during what may
25 have been a dynamic process?

1 A. That's correct, yes.

2 Q. After you had performed that exercise, did you then
3 perform some forensic examination of firearms and bullet
4 material and cartridges?

5 A. I do, yes. Simply put in situations such as this, my
6 role in part is to confirm which weapons might have been
7 used in the incident.

8 Q. For that purpose, were you provided with all the
9 firearms which had been collected from the C019 officers
10 potentially involved in this incident?

11 A. That's correct, I was, yes.

12 Q. How many of those firearms and of what type of firearm
13 had been fired?

14 A. Well, to limit the volume of work, I will first be
15 guided by the ones that are declared to have been used.
16 So if someone says to me AB1 and AB2 were the guns that
17 were used from the guns from AB1 to AB60, I will look at
18 AB1 and 2 first. If at that stage I am able to
19 associate the recovered material with those guns, then
20 I don't need to look any further. It very much depends
21 on the nature of the marks that are present on the
22 recovered material which essentially it might be
23 an opportunity now to describe what it is we do.

24 Whenever a bullet is fired through the barrel of
25 a gun, potentially it picks up unique marks and features

1 as a result of travelling through the barrel, and it's
2 often possible to associate these features back to the
3 gun that fired the bullet.

4 The same applies to the cartridge case which in
5 a self-loading pistol, as people will probably have seen
6 in films, when a shot is fired, the cartridge case is
7 thrown clear of the gun and the cartridge case too will
8 be marked uniquely in most instances as a result of
9 firing in that particular gun.

10 So what I will do is look at the material that was
11 recovered at autopsy from the carriage and I will then
12 test fire the suspect weapons, recover bullets that
13 I fired from the guns, recover the cartridge cases, and
14 then carry out a series of comparisons to establish
15 whether or not I can match the marks on those samples
16 back to the ones that were produced on the test samples
17 from the guns, simply using a microscope.

18 Q. Because you have given that long preface I assume that
19 you followed that method here?

20 A. That's exactly what I did. I was able to establish that
21 all the recovered cartridge cases from the scene had
22 been fired in the two nominated weapons, if I can call
23 them that.

24 Q. They were, I think, both Glock pistols?

25 A. They were, yes. The situation in respect of the bullets

1 was much less clear cut. The pistols that are used, the
2 Glock pistol does not have what we would call
3 conventional rifling.

4 Q. By rifling do you mean the kind of signature striations
5 on the cartridges --

6 A. The rifling specifically is --

7 SIR MICHAEL WRIGHT: Spiral grooves.

8 A. Spiral grooves. The opening sequence of the James Bond
9 films is the only thing I can cite because everyone will
10 have looked at that opening sequence, those of you who
11 have watched the films, you are looking down the barrel
12 of a gun and those spiral features that you can see are
13 the rifling.

14 Now, within that rifling we would also expect to
15 find definitive features that are characteristic of the
16 particular gun, not another gun but just that gun. The
17 rifling in general might be the same from one gun to
18 another, but the very fine detailed differences will
19 distinguish one firearm from another firearm.

20 Now, the Glock pistol that's employed by the
21 Metropolitan Police and others has a barrel which, when
22 you look down it, is perfectly smooth and does not have
23 those grooves. It has what's called polygonal rifling
24 and if you look carefully you can see very shallow
25 raised curved features within the barrel that constitute

1 the rifling. The essence of that is that it is much
2 less likely to produce these characteristic features
3 that we can locate and then associate a bullet to the
4 gun; to the extent that when I test fired the two guns,
5 one of the first things we do as part of our comparison
6 process is to make sure that the test samples can
7 actually be matched to one another, and I wasn't able to
8 do that even with test samples from the two nominated
9 guns. The cartridge case is not a problem. The bullets
10 proved impossible.

11 So in summary, I wasn't able to associate any of the
12 bullet fragments with one another or with either of the
13 guns.

14 MR HOUGH: Let us take the cartridge, then. How many
15 cartridges had been found at the scene that you were
16 examining?

17 A. I think I examined nine fired cartridge cases.

18 Q. Those cartridge cases, were you able to associate all of
19 them with these two guns?

20 A. I was, yes.

21 Q. How many could be associated with each gun?

22 A. I think it was three with one, six with the other.
23 Three with KEM3, and six with KEM13.

24 Q. We have already heard from the two firearms officers
25 involved that Charlie 12 fired three times and

1 Charlie 2, six times, and so that would square with that
2 distribution?

3 A. Yes.

4 Q. Did you also in the course of examining these two
5 firearms test fire them to determine whether the pull of
6 the trigger was normal and whether either was prone to
7 accidental discharge?

8 A. I did, yes. Simply put, that means that we see how hard
9 it is, literally, to pull the trigger, and we also try
10 and establish whether or not the gun will discharge in
11 a sense when you don't intend it to, such as if it's
12 subjected to a blow, if it's dropped or some other way
13 other than by pulling the trigger. In both cases
14 I found that the two guns functioned normally and
15 neither of them were prone to discharge other than just
16 by pulling the trigger in the normal way.

17 Q. Did you also carry out a particular test with one of the
18 guns, I think the one that had fired three shots?

19 A. Yes.

20 Q. I am on page 10 of your second report, if that helps.

21 A. Thank you. It's the one that's highlighted, "Range of
22 firing". As I described earlier when I was asked about
23 my initial impressions effectively of the injuries,
24 I talked about the fact that firearms can produce
25 deposits on the target or the skin or on clothing, when

1 the shots are fired at a particularly short range.
2 I described the fact that there were a number of
3 variables associated with this. So while I gave
4 an overall assessment that the range of firing was quite
5 short, no more than six inches, the subsequent tests
6 will take account of the fact that these were the two
7 guns used to cause the injuries.

8 Consequently using one or the other, with the
9 appropriate ammunition, doesn't make any difference.
10 I simply used one of the guns to carry out these tests.
11 I fire at test targets and then it's a very, very simple
12 process of looking at the degree of blackening or grey
13 deposits that you get on the test target and then
14 visually comparing it with what you see around the
15 wounds.

16 Based on that, the closest was about 1 centimetre,
17 which is to say from the end of the barrel, the muzzle
18 end of the barrel to the skin when the shot was fired,
19 up to about 8 centimetres. 8 centimetres is just over 3
20 inches and 1 centimetre is just under half an inch.

21 Q. Is that therefore a conclusion that these particular
22 wounds, or at least the ones where you saw a degree of
23 blackening, were probably caused by a gun held at that
24 range, 1 to 8 centimetres?

25 A. Yes, and the one other thing to take from that is that

1 at no time, certainly based on what I saw, would
2 I suggest that any of the guns were actually touching at
3 the time. 1 centimetre is obviously very close. It's
4 about the width of your little finger. So very close
5 but not touching.

6 SIR MICHAEL WRIGHT: Can I see that I have got hold of that.
7 Minimum 1 centimetre.

8 A. Yes.

9 SIR MICHAEL WRIGHT: Just under half an inch. Maximum 8?

10 A. 8 centimetres, yes, just over 3 inches.

11 SIR MICHAEL WRIGHT: This applies, does it, to both guns?

12 A. This is the range for the various injuries. One was at
13 1 centimetre and the one that was furthest away was 8
14 centimetres.

15 SIR MICHAEL WRIGHT: So on the basis that all the injuries
16 were caused by one or other of these two guns, it
17 applies to both guns?

18 A. That's correct, it does, yes.

19 SIR MICHAEL WRIGHT: Of course you don't know, you can't
20 tell that both officers were firing at the same time?

21 A. No, there is nothing I can bring.

22 SIR MICHAEL WRIGHT: Nothing you can tell?

23 A. No.

24 SIR MICHAEL WRIGHT: So it follows that although when each
25 fired, one can work out roughly where each officer was

1 standing, so far as range is concerned, distance, you
2 can't possibly say where they were in relation to each
3 other?

4 A. I can't do that, no.

5 SIR MICHAEL WRIGHT: Thank you.

6 MR HOUGH: Do you also have another qualification that you
7 give, I think, in the third paragraph under "Range of
8 Firing"?

9 A. Yes. These particles, albeit they are being ejected
10 with some force --

11 Q. These are the particles that cause the blackening?

12 A. The propellant particles, the gunpowder, if you like,
13 the soot. If this has to pass through the hairline, it
14 can be attenuated slightly, so the fact that some of
15 these shots were through the hairline means that I can't
16 be absolutely 100 per cent sure that those ranges are
17 exact. They are certainly of that order, but there is
18 the potential for them being slightly out but not by
19 much.

20 MR HOUGH: Thank you. Those are all the questions I have
21 for you on your work. Sir, we have given notice in the
22 past that we propose to ask that this witness be used to
23 prove as hearsay the conclusions of a couple of other
24 forensic scientists. He is content for that to happen
25 because he knows who they are?

1 SIR MICHAEL WRIGHT: May I assume in the absence of anybody
2 saying anything that you all know about this and that
3 there are no objections?

4 MR HOUGH: They are Mr Keeley and Mr Chapman. They appeared
5 on the original list. I don't see any objection.

6 Robin Keeley, are you aware who he is and what he
7 does?

8 A. Yes.

9 Q. Can you just give a brief picture?

10 A. He is the most experienced forensic firearms chemist, I
11 think we call it these days. He is an individual who
12 deals with the detection and identification of minute to
13 microscopic amounts of firearms discharge residues.

14 Now, firearms discharge residues can incorporate the
15 sort of material I have been describing in respect of
16 the blackening around the wounds, but more usually these
17 residues are the very fine and microscopic particles of
18 material that come from another part of the cartridge at
19 the time that the shot is fired. Typically these are
20 not visible to the naked eye.

21 As part of the construction of a cartridge, a round
22 of ammunition, we have the cartridge case, which I have
23 described as having been ejected from the gun when the
24 shot's fired; the bullet or projectile is that part that
25 fits in the open end of the cartridge case and is the

1 part that is shot from the barrel of the gun; the
2 gunpowder or propellant is the charge that sits inside
3 the cartridge case held in by the bullet; and in the
4 base of the cartridge there is a small round cap that we
5 call a primer.

6 Now, that contains a chemical composition such that
7 when the primer or cap is struck by the firing pin of
8 the gun that it's fired in, it produces almost the same
9 effect as striking a match. It produces a hot intense
10 flame, and that flame is what ignites the gunpowder or
11 propellant in the cartridge to fire the shot.

12 So when the shot is fired, the bullet comes out of
13 the barrel of the gun. We can get traces of the soot
14 and the propellant from the gunpowder being discharged
15 from the barrel of the gun within a cloud of smoke, if
16 you like, but within that there will also be very small
17 microscopic amounts of material from the primer or cap.

18 Dr Keeley would have been most interested in
19 identifying that material.

20 Q. Perhaps we can have his statement on screen, page 697,
21 and those parts which I will read out will show -- at
22 the start he says:

23 "I hold a Honours degree in Natural Sciences and
24 I have specialised in the identification of firearms
25 discharge residue and other materials associated with

1 the use of guns and ammunition for more than 20 years."

2 Then he sets out his purpose below:

3 "Sampled [I think it should mean samples] taken from
4 marks in the train carriage, fired cartridge cases and
5 bullet debris, and clothing from Mr Menezes and from
6 police officers were sent to the laboratory to be
7 examined for firearms discharge residue. The purposes
8 were: to establish whether or not the marks were caused
9 by impact of bullets; secondly, to investigate whether
10 the amount and distribution of discharge residue on the
11 clothing could provide information on the relative
12 positions of those involved."

13 Then perhaps we can move to page 701. I am just
14 going to go to the evaluation and conclusions rather
15 than the technical material in between:

16 "As discussed above, there is nothing in the swabs
17 from the dents to indicate what made them.

18 "The discharge residue" --

19 SIR MICHAEL WRIGHT: That's the dents in the carriage
20 structure, is it?

21 MR HOUGH: It is.

22 "The discharge residue that does not contain
23 aluminium was present on the clothing before this
24 incident as were the particles from a distraction
25 device, since no such device was used during the

1 incident. Some of the residue that contains aluminium
2 might also have been present on the clothing before the
3 incident; nevertheless the levels on officers C12 and C2
4 are significantly higher than those on officer Ivor."

5 Then this important passage:

6 "The amounts of discharge residue on clothing from
7 officers C2 and C12 indicate that they were in the
8 immediate area when shots were fired. There is less
9 residue on clothing from officer H3 [that's Ivor again]
10 indicating that he was either further away or shielded
11 by the others. The residue is so dispersed on the
12 garments that its distribution provides no information
13 about the disposition of the officers relative to each
14 other and to Mr Menezes."

15 Go over the page:

16 "There is nothing in the swabs from the dents to
17 show that they were made by police bullets.

18 "The results from the clothing show that officers C2
19 and C12 were closest to Mr Menezes with officer Ivor
20 either further away or shielded from the shooting but it
21 is not possible to establish their positions relative to
22 each other or to Mr Menezes."

23 So that's the conclusion of your colleague.

24 Then next, Mr Chapman. What's his expertise as far
25 as you are aware?

- 1 A. In the old days I would have described him as
2 a biologist. He will look at clothing, look at blood on
3 clothing and the like, so his role will possibly be to
4 identify any blood that may be on clothing or other
5 material and also potentially look at damage on clothing
6 as well.
- 7 Q. He describes his field of expertise as being in the
8 examination of biological trace evidence such as blood,
9 semen and saliva; includes interpretation of DNA results
10 and of blood patterns at scenes?
- 11 A. That's correct, yes. Sorry, I had forgotten the blood
12 pattern element, I beg your pardon.
- 13 Q. If we can have statements page 733 on screen, you will
14 see the purpose of the examination at the bottom. This
15 is -- he has previously recorded that he has seen your
16 two reports, and then he says that:
- 17 "The purpose of my examinations was to see if the
18 blood distribution inside the tube train, on the two
19 Glock pistols, and on the clothing relating to the
20 surveillance officer (Ivor), two police officers (C2 and
21 C12) and Jean Charles de Menezes could provide
22 information as to the relative positions of the people
23 involved when Jean Charles de Menezes was shot."
- 24 I won't go through the further technical detail.
25 That's page 736, please. Under "Evaluation of Blood

1 Patterns in the Carriage", after he has gone through the
2 details of his findings, he says this:

3 "All the blood patterns that I saw in the carriage
4 appeared to have originated from approximately the same
5 area over the heavily bloodstained seat."

6 Pausing there, that's the seat next to
7 Mr de Menezes?

8 A. Yes.

9 SIR MICHAEL WRIGHT: Seat number 3?

10 MR HOUGH: Seat number 3:

11 "There was at least one bullet hole in the base of
12 the heavily stained seat. My colleague Franco Tomei
13 indicated the approximate trajectory of this bullet.
14 Together we considered possible positions that
15 Jean Charles de Menezes' body may have been in to
16 account for the blood patterns and bullet trajectory.

17 "The position that seemed to best fit our findings
18 required Jean Charles de Menezes to be seated or
19 positioned on or over the second seat from the double
20 doors (the row of seats facing the platform) and with
21 his head leaning over the third, heavily bloodstained
22 seat."

23 So he with his field of expertise is agreeing with
24 your conclusion that you have given the jury today?

25 A. Yes.

1 Q. Then he goes through a range of items reviewed and
2 I won't go through them, but others may want to --

3 SIR MICHAEL WRIGHT: As he doesn't say anything about it, we
4 are to presume, I suppose, that he, rather like you,
5 couldn't answer any question about the relative
6 positions of the officers to each other?

7 A. I would think that's likely.

8 SIR MICHAEL WRIGHT: He didn't say anything about it.

9 A. Yes.

10 SIR MICHAEL WRIGHT: Beyond your being able to say that when
11 each officer discharged his gun, the muzzle of the gun
12 was between 1 and 8 centimetres from the head, that's
13 all anybody can say?

14 MR HOUGH: There is a bit more coming.

15 SIR MICHAEL WRIGHT: I know. We are doing it step by step,
16 Mr Hough. Yes, very well.

17 MR HOUGH: Now, there is then description of the blood
18 patterning found on various items. I won't take you
19 through that, but it may be that others may want to show
20 that on screen to you.

21 Then page 744, please, for the conclusions. Right
22 at the top of the page:

23 "Evaluation of blood patterns on the clothing of
24 Jean Charles de Menezes.

25 "The spatter on the back of his jacket [which we

1 have seen] indicates that at some time during the
2 incident Jean Charles de Menezes' upper body was away
3 from the back of the seat and exposed to the blood
4 spatter:

5 "Conclusion:

6 "In my opinion the blood distribution on Ivor's
7 clothing is what I might expect given his account of his
8 actions during the incident, ie that he held
9 Jean Charles de Menezes in a 'bear hug' while the
10 shooting occurred.

11 "In my opinion the blood distribution on C2 and
12 C12's clothing is what I might expect if, as they both
13 state, they were close to Jean Charles de Menezes during
14 the shooting."

15 That again is him applying his expertise that we
16 discussed earlier about blood patterns?

17 A. Yes.

18 MR HOUGH: Thank you very much.

19 SIR MICHAEL WRIGHT: Thank you very much. Mr Mansfield.

20 Questions from MR MANSFIELD

21 MR MANSFIELD: Yes.

22 Good afternoon. My name is Michael Mansfield.
23 I represent the family of Jean Charles de Menezes.
24 Could we have back on screen, please, 1044. It's the
25 body map. I just want to follow through an observation

1 you have made about your conclusions of the range of the
2 weapon when fired, and you dealt with it in the context
3 of what you called causative shots?

4 A. Yes.

5 Q. Looking at these, that's not a term you have used in
6 front of the jury but it's in your statement. Can
7 I just ask you, in relation to the body map, which do
8 you term to be the causative shots here?

9 A. If we can go back to the previous one, these are the
10 ones that I have described as the entry wounds, the ones
11 that I deemed to be the entry wounds. Those are the
12 only ones where I would expect obviously to see any
13 deposits. Can I quickly look and see the context in the
14 way I have used this --

15 Q. Page 715. Sorry, well, that's our paging. It's the
16 tenth page of --

17 A. Possibly where I have done the range of firing.

18 Q. That's right.

19 A. Okay, thank you.

20 Q. It's the last page, actually.

21 A. That's what I have, yes. Okay. Yeah, the shots that
22 caused the wounds, I am sorry, literally the shots that
23 caused the wounds had been fired at those distances.

24 Q. Right, so 2, 4, 5, 6, 7?

25 A. 2, 4, 5, 6, 7, yes.

- 1 Q. Leaving 8 out of it for the moment, these are all to the
2 right side of the head?
- 3 A. Yes.
- 4 Q. So those are the ones you are grouping in relation
5 particularly to the 1 to 8-centimetre distance?
- 6 A. Yes.
- 7 Q. I want to ask you a little more about the ammunition in
8 this case. Are you familiar with the ammunition that
9 was used, I am sure you were or are?
- 10 A. I think this was the first time I had seen it. Can
11 I remind -- can you remind me what brand it was?
- 12 Q. Yes, it's hollow point --
- 13 A. Hollow point projectiles.
- 14 Q. -- 124-grain?
- 15 A. Was it Remington manufacture?
- 16 Q. I think it was, yes.
- 17 A. Okay, yes.
- 18 Q. I am afraid that's an off the head, as it were,
19 recollection of something I have read, but I may have
20 got that wrong in terms of manufacture.
- 21 SIR MICHAEL WRIGHT: I don't know that we have ever been
22 told.
- 23 A. I was looking at this briefly. Yes, it's Remington
24 ammunition. Remington is the manufacturer. The
25 expression used in respect of the bullet describes its

1 design and construction. It's a hollow point bullet.
2 Generically these things are called "dum dum" bullets
3 but they are a type of projectile that is designed to
4 expand when it strikes the target.

5 MR MANSFIELD: In fact I see where I read it. In fact it's
6 in your statement page 712. Seventh page of the same
7 statement at the top if you just want to have a quick
8 look?

9 A. That's fine.

10 Q. Now, this may be trespassing on arenas beyond your
11 expertise, please say if it is, but in relation to
12 therefore ammunition of this kind being fired this
13 close, that's within that range you have indicated, have
14 you, can you describe the effect or impact on the brain
15 of this kind of ammunition fired in this way?

16 A. It's unfortunate we have to be rather more graphic than
17 perhaps we would like in these circumstances, but --

18 Q. Can I just assure you, I think the family are not here.
19 We had asked that they are not here today, so subject to
20 sensibilities of anyone else, I wonder if you could --

21 A. In simple terms, then, it's a type of -- the ammunition
22 is loaded with a bullet that is designed on striking
23 relatively soft tissue to expand. Now, the principal
24 reason for this expansion in the context in which
25 I believe it's now used is to try as much as possible to

1 limit the potential for the projectile exiting the
2 intended target and then going on to cause more damage.
3 It's the case that when the bullet strikes you are
4 thinking of a projectile which is 9mm in diameter, so
5 just over a third of an inch in diameter.

6 Now, it's possible for this projectile then to
7 expand a good 50 or 60 per cent more than that,
8 an effect we call mushrooming, in the sense that when
9 you look at a fired projectile that's expanded
10 correctly, side on, it looks like a small mushroom with
11 a stem and a curved head where the projectile has
12 expanded.

13 Now, in this case the fragments that were recovered
14 and the extent to which I saw on x-ray and recovered
15 material afterwards, the bullets had expanded, and they
16 had broken up to some extent in most cases.

17 If we go back to the issue as to the main reason for
18 them being used, I think it's possibly the case that
19 they may have been mostly contained had there been fewer
20 shots fired, but given the damage that was sustained by
21 the skull, then subsequent shots were able to exit.

22 Q. Now, again, the next question is this: it's a preface
23 really to the question. You can't tell, is that right,
24 the order in which these shots were fired?

25 A. No, I can't, no.

- 1 Q. Can I concentrate on the ones you have identified on the
2 right side?
- 3 A. Yes.
- 4 Q. 2, 4, 5, 6, 7?
- 5 A. Yes.
- 6 Q. Would it be right that any one of those would have
7 incapacitated this individual totally?
- 8 A. I preface my answer by saying that's obviously
9 a question that's best directed at Mr Shorrocks, should
10 he attend. I didn't mean that like --
- 11 Q. Is there something you know that we don't?
- 12 A. On the basis that I understand he's been asked to attend
13 but obviously as with my case, it's whether he knows or
14 not.
- 15 Q. Well, he does know now and he is coming tomorrow, we
16 understand. If you would prefer to defer to him, I'll
17 ask him instead.
- 18 A. I was only going to preface it with that observation and
19 the fact that certainly one of wounds and possibly two,
20 for instance the guttering wound that we discussed
21 earlier, number 8, and I think number 5, we can't be
22 certain that the projectile completely entered. So in
23 respect of those two, Mr Shorrocks can best address it.
24 But I would venture to suggest that with no great degree
25 of expertise, any of the others having entered the brain

1 would incapacitate.

2 SIR MICHAEL WRIGHT: The whole idea of this ammunition is

3 that, in contrary to piercing ammunition, much of the

4 energy that the bullet develops when it hits the skull

5 is contained within the skull?

6 A. Correct, and that is a huge amount of energy.

7 SIR MICHAEL WRIGHT: A huge amount of energy?

8 A. And with a tissue as fragile as the brain itself, then

9 essentially the amount of energy that's put in from

10 a single shot would probably be sufficient, as

11 Mr Shorrocks would no doubt confirm, to incapacitate,

12 yes.

13 SIR MICHAEL WRIGHT: It will cause extensive brain damage?

14 A. Yes.

15 SIR MICHAEL WRIGHT: Is it really likely to be merely

16 incapacitation? Or is it more likely to be death? That

17 is something you may want to defer to Dr Shorrocks.

18 A. I will defer on that one, if you don't mind.

19 SIR MICHAEL WRIGHT: I think probably Mr Tomei can go this

20 far: any one of the six entry shots could easily have

21 been fatal?

22 A. Given my understanding from discussions I have had with

23 pathologists, yes.

24 SIR MICHAEL WRIGHT: Thank you.

25 A. Could have been.

1 SIR MICHAEL WRIGHT: Sorry, Mr Mansfield, yes.

2 MR MANSFIELD: If not fatal, very near fatal?

3 A. Yes.

4 Q. The only other question I have for you is the Glock
5 handgun. The jury have seen a photograph of it. I
6 don't think they have actual copies of it.

7 When you are firing one of those such weapons, this
8 is a rather specific question, when you are firing, you
9 are aware that you are firing; you can't, as it were,
10 overlook the fact you are pulling the trigger and
11 firing, it's a very distinct operation?

12 A. Yes. I mean, there are two ways of answering this, and
13 I will give you my straight answer. If I'm in the range
14 under a controlled -- in a controlled environment, and
15 I set out with my pistol to fire a number of shots from
16 it, then I am obviously conscious, I like to think I am
17 mostly conscious of how many shots I have actually fired
18 in that particular time. But obviously, and I have been
19 in -- I can't imagine what this situation must have been
20 like, but I have been in stressful situations and said
21 or done things where I am not completely certain of what
22 I have said or done. So it's possibly for someone else
23 to address whether or not someone's state of mind or
24 state of -- how can I put it -- fear, possibly, might
25 affect or impair their ability to know whether or not

1 they have fired the gun or fired a certain number of
2 shots.

3 Q. Then I just want to ask you this: firearms officers at
4 this level, that is the specialised firearms unit, if
5 you like, are you involved with their training?

6 A. No, and I haven't -- we used to have a fairly informal
7 relationship many, many years ago when they were still
8 called -- I think they used to be called D11, which
9 would have been in the 1980s, and since then -- the
10 early 1980s -- and since then we have very little
11 contact with them at all, if any.

12 Q. Right. So I'll ask the question and it may be that you
13 don't know. Effectively when they are being trained,
14 they are trained to the highest level to use
15 proportionate force, in other words be in control of
16 what they are doing?

17 A. Just sitting here now, working in my field, I would have
18 to assume that's the case.

19 MR MANSFIELD: Thank you.

20 SIR MICHAEL WRIGHT: This is not really something that your
21 forensic training teaches you about?

22 A. No, as we have said, we used to have contact and
23 I imagine the training has improved or been more
24 developed, I would have thought, over the last 20-odd
25 years since we last had regular contact with this type

1 of officer.

2 SIR MICHAEL WRIGHT: Thank you, Mr Mansfield. Mr Gibbs.

3 MR GIBBS: No questions, thank you.

4 SIR MICHAEL WRIGHT: Mr Stern.

5 Questions from MR STERN

6 MR STERN: I represent C2 and C12, the officers that fired
7 the shots.

8 A. Yes.

9 Q. First of all, I think you can help with this: there was
10 one single unfired round found in the carriage?

11 A. I believe there was, yes.

12 Q. It's page 711 in your statements or if you haven't got
13 pagination there --

14 A. But please carry on.

15 Q. That was a hollow point bullet?

16 A. Hollow point cartridge.

17 Q. Thank you. I am looking at page 6, at the foot of the
18 page.

19 A. Got it. Yes.

20 Q. From the two handguns that you examined there were nine
21 shots that were fired?

22 A. Yes.

23 Q. There were eight wounds, as we know, and I wonder if we
24 could just, please, have up page 1044, the body plan,
25 thank you. Number 1 is missing from that body plan?

- 1 A. Yes.
- 2 Q. The reason I think is because it's the right side of the
3 upper part of the back?
- 4 A. That's correct, yes.
- 5 Q. We can ask Dr Shorrocks about that. Number 2, that
6 I think you will agree, was a deep wound?
- 7 A. Yes.
- 8 Q. Number 3 you discounted as not being an entry wound?
- 9 A. That's correct, yes.
- 10 Q. Number 4 was also a deep wound?
- 11 A. Yes.
- 12 Q. Number 5, I just want to ask you about this particular
13 one, together with number 8, were they both tangential
14 shots where the bullet may not have entered the head?
- 15 A. Yes, I think it's more likely in the case of number 8,
16 but it's quite possible that number 5 too was one of
17 these guttering wounds where we have the bullet entering
18 in the sense that it breaks the skin, potentially breaks
19 bone, but then because it's fired, as you say
20 tangentially, it doesn't actually penetrate completely.
- 21 Q. The reason I say that is if we look at statement
22 page 1052, just to see if you can -- I'm sorry, it's
23 document page 1052.
- 24 At the top, paragraph 2, this is from Dr Shorrocks,
25 who we are going to hear from, in discussion with you in

1 relation to those particular wounds?

2 A. Yes.

3 Q. We can see in the penultimate sentence of paragraph 2:

4 "Wounds numbers 5 and 8 probably represent
5 tangential shots where the bullet may not have entered
6 the head."

7 I wanted to be confirm that you agreed with that?

8 A. I do, yes.

9 Q. Thank you. When you say, as there, that they don't
10 enter the head, what does that actually mean?

11 A. They can -- they are -- its a little misleading to call
12 them simply grazing wounds. I think Mr Shorrocks' word
13 is better, "tangential wounds", in the sense that they
14 can make quite a substantial groove, which appears to
15 have been the case here, without actually going in, in
16 the way that something would penetrate.

17 So I can perhaps liken this perhaps best in the same
18 way that we are wearing our poppies, and we place a pin
19 through the fabric, shallowly under the fabric and out
20 the other side.

21 You are looking at much the same effect, except that
22 in this instance the surface has been completely broken.

23 SIR MICHAEL WRIGHT: One might call it a glancing blow.

24 A. A glancing wound or a tangential wound. Tangential
25 wound I think is the best way of summing it, but if you

- 1 consider the way we pin our poppies on, then you're
2 thinking with much the same effect.
- 3 SIR MICHAEL WRIGHT: On the other hand, I suppose, even
4 a glancing blow or tangential blow from a bullet of this
5 kind is still going to release a good deal of energy to
6 the head?
- 7 A. Very much so, and again Mr Shorrocks will deal with the
8 potential for that to incapacitate or otherwise.
- 9 MR STERN: Yes, I am going to ask Dr Shorrocks about that,
10 and we will obviously hear it from him; and I think you
11 would readily accept that's not your main sphere of
12 expertise?
- 13 A. No, it isn't, no, no.
- 14 Q. You have told us that you can't tell the order in which
15 any of these wounds took place?
- 16 A. That's correct.
- 17 Q. And you can't tell us from which of the two handguns
18 that you looked at fired which of these shots?
- 19 A. No, I can't.
- 20 MR STERN: Thank you, those are all the questions I have.
- 21 SIR MICHAEL WRIGHT: Thank you.
- 22 MS LEEK: No, thank you, sir.
- 23 SIR MICHAEL WRIGHT: Thank you, Ms Leek. Mr Penny?
- 24 MR PENNY: No, thank you sir.
- 25 SIR MICHAEL WRIGHT: Mr King?

1 MR KING: No, thank you, sir.

2 SIR MICHAEL WRIGHT: Ms Studd?

3 MS STUDD: No, thank you, sir.

4 SIR MICHAEL WRIGHT: Thank you very much.

5 Questions from THE CORONER

6 SIR MICHAEL WRIGHT: I have a question actually from the

7 jury which I would like your help about, although

8 I think we can get at it in two different ways.

9 The question -- I will read it to you -- is: do

10 bullets of the same type always leave identical entry

11 wounds, ie same diameter, same shape, et cetera?

12 A. If they are fired at the same angle, then the answer to

13 that, and they are at the same material, the answer is

14 yes. Obviously if the material is different, the entry

15 wounds -- for instance, we have entry wounds here which

16 are through a thin layer of skin over hard bony

17 structure immediately under. The wounds can look

18 slightly different over that surface than they can if

19 the wound is, for instance, through an arm going through

20 muscle. But in general, same surface, same distance,

21 same angle, same appearance, for the same ammunition.

22 SIR MICHAEL WRIGHT: Of course if it comes in at a different

23 angle, it will present a different appearance?

24 A. Exactly, yes.

25 SIR MICHAEL WRIGHT: We can get at this problem, I think --

1 if this is what I think the juryman has in mind, or jury
2 lady perhaps I should say -- if you were able to
3 identify, you were able to trace all nine cartridge
4 cases that had been fired?

5 A. Yes.

6 SIR MICHAEL WRIGHT: And of course we know that one
7 misfired, one went into the back. But that accounts,
8 apart from that, that accounts for all the head wounds
9 that you found?

10 A. Yes.

11 SIR MICHAEL WRIGHT: Are you able to say, in those
12 circumstances, having found all the cartridge cases,
13 that all the rounds fired were of the same type? That
14 is to say Remington 124-grain hollow point.

15 A. All the cartridge cases were. I think the simplest way
16 to put it that there was no further damage or injuries
17 that we saw that could account, or that could suggest
18 that more than those nine shots were fired; and there
19 was nothing that I saw that was inconsistent with any of
20 the wounds or any of the damage having been caused by
21 anything other than the same type of ammunition in each
22 case.

23 SIR MICHAEL WRIGHT: Thank you. I think that's the most
24 conclusive answer we can have for that.

25 Thank you very much indeed.

1 MR HOUGH: Nothing further from me, and just thank you very
2 much again for coming at short notice.

3 SIR MICHAEL WRIGHT: Yes, indeed. Thank you, Mr Tomei.

4 (The witness withdrew)

5 MR HOUGH: Sir, no more live evidence but there is the
6 written evidence of Mr Mould.

7 SIR MICHAEL WRIGHT: Very well. One more to read, ladies
8 and gentlemen.

9 Statement of DR GRAHAM MOULD (read)

10 MR HOUGH: Page 726, and then everybody will be spared my
11 tones.

12 This is a statement from Graham Mould, and a letter
13 from him will be read afterwards.

14 It's dated 21 December 2005. He says this:

15 "I am currently Director of Operations at Guildford
16 Clinical Pharmacology Unit in the Royal Surrey County
17 Hospital ..."

18 He says he has been trained as a pharmacist,
19 a clinical pharmacologist and he gives details of his
20 two degrees and his doctorate. He then says:

21 "I have been trained in the knowledge of drug action
22 and my current position is involved with the action of
23 drugs on the body as well as how the body responds to
24 drug and how drugs are transported within the body."

25 He records that he has been asked by the IPCC to

1 comment on the drugs found in a post-mortem sample of
2 Mr de Menezes.

3 He says that he is in receipt of a statement from
4 a forensic scientist, a Dr Humphreys.

5 He then says this about the circumstances of the
6 case:

7 "It has been established that on the day of
8 22 July 2005, the victim, Mr de Menezes, was shot and
9 killed by armed police officers ... A post-mortem
10 examination was carried out on the next day, 23 July,
11 and urine and blood sample was taken for forensic
12 analysis.

13 "The forensic report on the victim, Mr de Menezes,
14 revealed a blood benzoylecgonine ([that's] the major
15 breakdown product of cocaine)..."

16 Which is all we need to know, I think.

17 SIR MICHAEL WRIGHT: Is that 0.34 milligrams per litre?

18 MR HOUGH: "... 0.34 milligrams per litre and low
19 concentration (approximately 0.02 milligrams per litre)
20 of cocaine. In the urine sample, the presence of
21 cocaine, methylecgonine, ethylecgonine, diltiazm,
22 phenacetin, paracetamol and nicotinamide was determined.
23 No other compound was detected."

24 He assumes:

25 "... for the sake of clarity that methylecgonine is

1 what is more correctly called ..."

2 And then he gives another couple of names which I am
3 not even going to try to pronounce. He then describes
4 the structure of cocaine and it's methods of ingestion.

5 He notes:

6 "The physiological effects of cocaine depend upon
7 the amount of cocaine ingested, ingestion method, and
8 prior drug use. Usual effects of the drug are feelings
9 of euphoria, extra energy, and alertness. Negative
10 effects of the drug include contemplativeness,
11 accelerated heart [rate] and high blood pressure."

12 Then he deals with more extreme reactions and
13 repeated use. He says:

14 "The effects of cocaine appear within three minutes
15 when smoked, but take a little longer following
16 snorting. The stimulant and euphoric effects last for a
17 short period of time; around 20 minutes and usually all
18 effects disappear within 60 minutes or so. After the
19 euphoric period, there follows a period of depression,
20 which encourages further use of the drug. To maintain
21 the euphoric effect, administration is repeated ...
22 [that] leads to dependence."

23 He then deals with how cocaine is broken down in the
24 body and its major metabolites or breakdown products.

25 He says:

1 "The metabolites themselves ... can be detected in
2 urine for up to one to four days after cocaine use."

3 Then says this:

4 "From the analysis of the cocaine metabolites it
5 would appear that cocaine had been taken by
6 Mr de Menezes, and had been probably snorted. No
7 alcohol was found in the urine and the specific marker
8 for alcohol consumption with cocaine was not present
9 either. This, I would suggest, indicates that
10 significant amounts alcohol was not being consumed at
11 the same time. What cannot be determined however is
12 whether he was a regular user. The concentrations of
13 metabolites in urine were not determined, although I do
14 not think that would have given any further information,
15 unless they were present in high concentrations.

16 "The other drugs determined in urine would unlikely
17 to have any significant effect on the behaviour of
18 Mr de Menezes."

19 Then he goes through those drugs, I won't go through
20 the details of those. He says then:

21 "In a recent study where cocaine was detected in
22 patients attending an emergency department, blood
23 concentrations of cocaine were from 0.016 to
24 0.13 milligrams per litre, and for benzoylecgonine were
25 0.018 to 1.39 milligrams per litre ... This would

1 indicate that the concentrations found in the victim are
2 quite low ... suggesting that the drug had been taken
3 some while previously. It is difficult to say when, but
4 certainly within 12 hours. Whether this would have been
5 the evening before (or very early morning) or prior to
6 leaving his accommodation is difficult to say. On
7 balance very early morning is probably a reasonable
8 compromise. Post-mortem can lead to higher blood
9 concentrations of [the breakdown product] due to
10 redistribution.

11 "It can therefore be assumed that Mr de Menezes had
12 taken cocaine probably within 12 hours of the incident
13 and therefore would be expected to be in the dysphoria
14 state. There may have been a certain degree of
15 agitation as well. Whether this state would have led to
16 unusual behaviour" --

17 SIR MICHAEL WRIGHT: I think that must mean in the
18 depression state, does it not?

19 MR HOUGH: Dysphoria, opposite of euphoria.

20 SIR MICHAEL WRIGHT: I suppose so, yes.

21 MR HOUGH: "There may have been a certain degree of
22 agitation as well. Whether this state would have led to
23 unusual behaviour so as to cause the police to act as
24 they did, I would suggest is difficult to say.

25 "I would conclude that the amount of cocaine and

1 it's metabolites were low, and would probably indicate
2 snorting cocaine perhaps between six to 12 hours
3 previously. The euphoric effect of cocaine is likely to
4 have dissipated, although there may be some dysphoria.
5 It is difficult to say whether this would have led to
6 irrational behaviour but it is possible."

7 Then Dr Mould was asked to answer specific questions
8 and he replied in a letter dated 14 July this year, and
9 he said:

10 "As a general comment, following cocaine use, the
11 after effects may be unpleasant and the user commonly
12 feels depressed and anxious. Users also may feel
13 irritable and it has been reported that they may
14 possibly experience panic attacks. Some become
15 overconfident following use and so may be careless. In
16 the light of the above, the answers to your questions
17 are:

18 "Question 1: Is the behaviour of Mr de Menezes
19 noted by the surveillance officers consistent with the
20 dysphoric ... state you describe in your statement?

21 "Answer: The comments ... ascribed to the officers
22 have used terms 'nervous' and 'not relaxed' and 'not at
23 ease' to describe Mr de Menezes. Certainly this could
24 be equated with anxiousness and restlessness. Therefore
25 it could be that this is an effect following cocaine

1 use. However, I would suggest that the sequence of
2 events as [provided to him] would not necessarily be
3 attributed to cocaine use.

4 "Question 2: Is the behaviour consistent with
5 cocaine use between six to 12 hours previously?

6 "Answer: Insofar as the effects may be attributed
7 to the use of cocaine then, yes, it would be the result
8 of the after effects which would occur at this sort of
9 time interval after use."

10 That's the evidence of Mr Mould.

11 SIR MICHAEL WRIGHT: Thank you very much indeed.

12 MR HOUGH: That is all for today.

13 SIR MICHAEL WRIGHT: That concludes the proceedings for
14 today.

15 MR HOUGH: A longer day tomorrow.

16 SIR MICHAEL WRIGHT: I knew you had that in reserve, so you
17 are warned, ladies and gentlemen. 10 o'clock.

18 (3.23 pm)

19 (The court adjourned until 10.00 am on
20 Wednesday, 5 November 2008)

21

22

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24

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