

1 Monday, 10 November 2008

2 (10.00 am)

3 (Proceedings delayed)

4 (10.25 am)

5 (In the presence of the jury)

6 SIR MICHAEL WRIGHT: Yes, Mr Hilliard.

7 MR HILLIARD: Sir, the first witness is Alpha 1, please.

8 CODENAME "ALPHA 1" (sworn)

9 SIR MICHAEL WRIGHT: Thank you. Please sit down, Sergeant.

10 A. Thank you, sir.

11 Questions from MR HILLIARD

12 MR HILLIARD: Officer, I think for the purpose of these

13 proceedings, as you understand it, you are going to be

14 known as Alpha 1?

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

16 Q. I am going to ask you some questions first of all on

17 behalf of the Coroner, and then you may be asked

18 questions by others.

19 A. Yes, sir, thank you.

20 Q. I am going to ask you principally about 21 and 22 July

21 of 2005. Did you make some notes, I think on 22 July?

22 We won't worry for the minute about where they are. Did

23 you make some notes?

24 A. I did, sir, yes.

25 Q. Subsequently, not much later, I suspect, on the 22nd,

- 1 did you make a witness statement?
- 2 A. I have certainly made original notes, sir. Whether that
- 3 was typed out for me into a statement form I couldn't
- 4 say.
- 5 Q. All right. We have it in a typed form.
- 6 A. They are sometimes typed out for you, sir, so I would
- 7 write my original note, and then the typed copy would be
- 8 sent back to me to clarify and make any point or
- 9 alterations.
- 10 Q. That's on 22 July 2005?
- 11 A. Yes, sir.
- 12 Q. Then on 22 October of this year, at the request of the
- 13 Coroner, did you make a further statement?
- 14 A. I did, sir, yes.
- 15 Q. In that statement, I just want to see if I have
- 16 understood the position correctly or whether it's
- 17 changed at all, you said you had not seen the notes that
- 18 you had made on 22 July 2005 since then, but you had
- 19 seen a typed copy of them?
- 20 A. That's correct, sir, yes.
- 21 Q. Is that still the position?
- 22 A. It is, sir, yes.
- 23 Q. All right. Then what we have is the typed copy. Have
- 24 you got, then, a typed copy of the July 2005 notes and
- 25 a typed copy of the October 2008 statement in front of

- 1 you?
- 2 A. Yes, sir, I have.
- 3 Q. There is no difficulty about you looking at those as we
- 4 go along.
- 5 A. Thank you.
- 6 Q. On 21 and 22 July 2005, were you the team leader for the
- 7 orange firearms team?
- 8 A. Yes, sir.
- 9 Q. It follows, then, that you were a C019 officer?
- 10 A. Yes, sir.
- 11 Q. At that time, July 2005, how long had you been
- 12 a specialist firearms officer for, just approximately?
- 13 A. Since 1996, sir.
- 14 Q. How long had you been a team leader for?
- 15 A. Probably two and a half years by that time.
- 16 Q. By July 2005?
- 17 A. Yes, I started as a constable on the specialist firearms
- 18 teams and then became promoted and team leader probably
- 19 for about two and a half years at that stage.
- 20 Q. I am going to about the middle of the first page of your
- 21 October 2008 statement, if that just helps you.
- 22 A. Yes.
- 23 Q. You explain there that, on 21 July 2005, you paraded for
- 24 duty at 3 o'clock in the afternoon in your capacity as
- 25 the team leader for the orange team; is that right?

- 1 A. That's correct, sir, yes.
- 2 Q. The team on that day consisted of yourself and ten other
3 officers?
- 4 A. Yes, sir.
- 5 Q. You say that:
- 6 "Under normal circumstances that tour of duty would
7 have concluded at [11 o'clock in the evening]..."
- 8 A. That's correct.
- 9 Q. So that's 3 o'clock in the afternoon to 11 o'clock at
10 night?
- 11 A. Correct.
- 12 Q. What's that period of duty called?
- 13 A. It's called a late turn, sir.
- 14 Q. Right. But you say:
- 15 "... we were retained on duty in support of
16 an S012/S013 operation."
- 17 A. Yes, that's correct.
- 18 Q. First of all, what does that mean if you are retained on
19 duty?
- 20 A. Generally the late turn team would be the last team at
21 work, as it were, on that particular day, so if
22 something is bubbling, to use a colloquialism, or there
23 is information coming in that there may be an operation
24 that needs to be supported, then it would generally be
25 the late turn team that would be kept on.

- 1 Q. So if we can just understand it at its simplest,
2 ordinarily at 11 o'clock in the evening, the tour of
3 duty, the late turn would end and you would all make
4 your way home?
- 5 A. All things being equal, sir, yes.
- 6 Q. What did you all do at 11 o'clock --
- 7 A. We remained where we were and just awaited any updates
8 or, you know, we may well have been sent home an hour
9 later but as it were we were kept on duty.
- 10 Q. Where in fact were you?
- 11 A. At Leman Street.
- 12 Q. You say in your statement:
- 13 "... we were retained on duty in support of
14 an S012/S013 operation."
- 15 Did you know what that was? Did you know any
16 details about it at that time?
- 17 A. I don't remember, sir, to be perfectly honest.
- 18 Q. Did you have any idea how long you might be retained on
19 duty for?
- 20 A. No, sir, not at that stage.
- 21 Q. You say in your statement that you were aware that:
- 22 "... other teams had been tasked to take over from
23 us the following morning..."
- 24 A. Yes, that's correct.
- 25 Q. What sort of time would that have been, as you

- 1 understood it?
- 2 A. To be honest, sir, I have no recollection of times.
- 3 That's from --
- 4 SIR MICHAEL WRIGHT: You would know that the early turn team
- 5 would be on at 7 o'clock?
- 6 A. Yes, but they could be -- for argument's sake they could
- 7 be brought in earlier depending on how long we had been
- 8 on from the day before. It's not -- they're not set
- 9 times --
- 10 SIR MICHAEL WRIGHT: It doesn't follow that that is
- 11 necessarily going to be the time they take over.
- 12 A. No, sir. No.
- 13 MR HILLIARD: You say that you were also aware that one team
- 14 had booked into a hotel to be more readily available.
- 15 A. I am aware now, sir. I don't think I was aware at the
- 16 time.
- 17 Q. All right. That I think we know is the grey team. Are
- 18 you aware of that?
- 19 A. So I believe, sir, yes.
- 20 Q. As you understood it at that time, was there any other
- 21 team other than the orange team that was available for
- 22 immediate deployment of specialist firearms officers?
- 23 A. Not to my recollection, sir, no, not immediately
- 24 deployable.
- 25 Q. So you have told us that you were at Leman Street and

- 1 then understood that you had to remain there?
- 2 A. Yes.
- 3 Q. Do you remember being contacted by Inspector ZAJ, as we
- 4 know him, at any stage?
- 5 A. I do now, sir, yes. My memory was jogged, if I am
- 6 honest, but I was contacted --
- 7 Q. That's all right. Memories get jogged. Just so we
- 8 know, though, what was your memory jogged by?
- 9 A. By ZAJ himself.
- 10 Q. Speaking to you or seeing his evidence, or what?
- 11 A. I think probably seeing his evidence, sir.
- 12 Q. As a result of having your memory jogged, can you
- 13 remember when you and he had contact?
- 14 A. Off the top of my head, I wouldn't, sir, no. Obviously
- 15 I appreciate phone records and things have been brought
- 16 into play in this trial and they would be my best guide,
- 17 I think.
- 18 Q. You say in your statement about 5 o'clock or so, yes,
- 19 that you think you and he had contact?
- 20 A. I do, sir, yes.
- 21 Q. There or thereabouts. What did he want?
- 22 A. He wanted me to bring orange team to New Scotland Yard.
- 23 Q. Did you do that?
- 24 A. I did, sir, yes.
- 25 Q. In your notes for 22 July 2005, the ones actually made

1 on the 22nd --

2 A. Yes.

3 Q. -- they begin like this:

4 "On Friday 22 July 2005 I was on duty in plain
5 clothes in my capacity as a firearms team leader. I was
6 at Lemn Street police station, and in company of other
7 firearms officers. At about 0520 hours we responded
8 to request for assistance from SO13, Anti-Terrorist
9 Branch officers."

10 Yes?

11 A. That's correct, sir.

12 Q. If you were contacted by Inspector ZAJ at about
13 5 o'clock, and at 5.20 you have responded to that
14 request, can you just help us, by 5.20 what do you think
15 you had done to respond?

16 A. I think tracing this back, sir, from the timings that
17 I have got, if the phone call was made to me, I think
18 it's put at 5.07, then I have said in there that
19 I responded to that call at 5.20, I would assume then
20 that we left Lemn Street probably at 5.20 in response
21 to that call, and then --

22 SIR MICHAEL WRIGHT: To go to Scotland Yard?

23 A. Yes, sir, and then probably arriving, I would say,
24 somewhere between 5.30 and 5.35 at that time of the
25 morning, but that is a bit of an assumption on my part,

1 sir.

2 MR HILLIARD: I think it probably follows from the time you
3 have said it would take you to get from Lemman Street to
4 New Scotland Yard, are you all kitted up and ready,
5 weapons booked out and so on?

6 A. Exactly.

7 Q. Right. Would each little unit of the team have been
8 assigned a vehicle and so on? Would all those decisions
9 have been made?

10 A. Yes, they would have been made well in advance of that,
11 sir, yes.

12 Q. Do you remember seeing Inspector ZAJ at all when you got
13 to New Scotland Yard?

14 A. I believe I saw him in the canteen, sir.

15 Q. If he had been the person who had asked you to come,
16 would you ordinarily expect there to be some more
17 conversation or discussion with him when you got there?

18 A. Yes.

19 Q. Would that be normal?

20 A. Yes, it would, sir.

21 Q. Have you now yourself got any recollection of any
22 conversation that you may have had with him in the
23 canteen?

24 A. No, sir.

25 Q. Have you now got any recollection of being given any

1 specific reason for why you had been asked to go to New
2 Scotland Yard?

3 A. No, sir, I haven't.

4 Q. Can you help with this: if there had been interest in
5 a number or two or more addresses, all right, but just
6 assume for the purposes of the question, only your team
7 available, all right? In your view, would it have made
8 sense to bring you, your team, to New Scotland Yard to
9 await, as it were, developments and see if you were
10 required to go to one of two or more addresses in
11 particular or not?

12 A. Yes, it would, sir, obviously depending on where those
13 addresses were, but bearing in mind where they were,
14 then yeah, that would make perfect sense.

15 SIR MICHAEL WRIGHT: Certainly if they are on two opposite
16 sides of London?

17 A. Absolutely, sir, or both over in the East End, we may
18 well go sort of in that direction.

19 MR HILLIARD: Right. So far as your notes are concerned,
20 the ones on the 22nd, is there any specific reference to
21 that having been the reason why you were called to New
22 Scotland Yard?

23 A. No, sir.

24 Q. Just so we know what the notes say, you have dealt with
25 the first bit: at 5.20 you responded to the request for

1 assistance from S013 Anti-Terrorist Branch officers.

2 Then they go on:

3 "We received an intelligence briefing and over the
4 next few hours, regular updates. These updates assisted
5 us to devise tactics suitable for dealing with the
6 developing scenario. Those tactics were approved by
7 Gold and recorded by both Silver and TJ82 (Tac Ad) [so
8 tac adviser]. We were made aware of an address of 61A
9 Portnall Road. This was linked to [looks like] ...
10 a number of suspects who had been involved in a recent
11 terrorist attack."

12 A. Yes, sir.

13 Q. Yes. Is there in fact, I think there is no reference,
14 is this right, in the original notes to Scotia Road at
15 all?

16 A. No, sir.

17 Q. If you were being held centrally, with a view to the
18 possibility of your having to go to one of a number of
19 addresses, would that prevent you receiving any type of
20 briefing?

21 A. I don't think it would prevent us receiving a generic
22 briefing of the intelligence. Obviously any briefing
23 around the specific addresses, people who may be present
24 in those addresses would maybe have to come later, but
25 we could certainly be given the intelligence picture as

1 it stood at that stage.

2 Q. Right.

3 SIR MICHAEL WRIGHT: We know, of course, that when black
4 were deployed to Scotia Road, they had a preliminary
5 briefing at Leman Street, and then another one when they
6 got to Nightingale Lane from the Silver.

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: That's presumably the sort of programme
9 you would have expected?

10 A. Yes, sir.

11 MR HILLIARD: In due course, is this right, you went to
12 Harrow Road police station?

13 A. Yes, sir, I did.

14 Q. The team goes there and that's, as it were, your point
15 ahead of Portnall Road; is that right?

16 A. It's a holding area, sir, yes.

17 Q. Holding area, yes, thank you. Can you just help lastly,
18 please, with this: before the statement you made at the
19 request of the Coroner on 22 October of this year,
20 before that, had you at any time after these events been
21 asked by anybody about why it was your team had gone to
22 New Scotland Yard?

23 A. I don't remember being asked, sir.

24 Q. So no-one had approached you and asked you if you could
25 help as to why your team had gone there?

- 1 A. I may have had a conversation to that effect with ZAJ,
2 but I think -- but I had no recollection of going there
3 until my memory was jogged anyway, so I certainly
4 wouldn't have known the reason why I was being asked to
5 go there.
- 6 Q. Was that just, as it were, a conversation between
7 individuals, do you see what I mean, with you and
8 Inspector ZAJ, or would that have been prompted by
9 anything as you understood it? Did you know why he was
10 asking you?
- 11 A. No, I don't, sir.
- 12 Q. Are you even sure that he did ask you?
- 13 A. Not 100 per cent, sir, no.
- 14 MR HILLIARD: Thank you very much.
- 15 SIR MICHAEL WRIGHT: Yes, thank you. Mr Mansfield.
- 16 Questions from MR MANSFIELD
- 17 MR MANSFIELD: Good morning. My name is Michael Mansfield.
18 I represent the family of Jean Charles de Menezes.
- 19 A. Good morning, sir.
- 20 Q. So we have had -- just for ease of reference, they are
21 just there -- some plans of Portnall Road that are
22 slightly more detailed than the one we had before, and
23 there are six for the jury. I think we have given out
24 copies to my learned friends this morning, and there is
25 a copy for you, sir.

1 SIR MICHAEL WRIGHT: Thank you.

2 MR MANSFIELD: While this is being handed out, could we have
3 on screen, please, documents 7704, which is a plan that
4 has been brought up before. (Handed). I am just going
5 to -- I'm sorry to take you back to the situation but
6 there are some questions I want to ask you about what
7 happened here.

8 Can we go from the smaller, more detailed plan,
9 first, the 7704, the one on screen. You will see that
10 61 has a star and the plan is up, if I may put it, in
11 line with the bigger plan that the jury have. The
12 Harrow Road is in the bottom left-hand corner of that
13 plan. It's not actually written on, but that's the
14 Harrow Road. Obviously Portnall Road runs, on this
15 smaller plan, off it into the Harrow Road, and number 61
16 is just before you get to the first turning on the left,
17 which is actually named on the smaller plan as
18 Coomassie Road.

19 Do you see all that?

20 A. Yes, sir, I do.

21 Q. I want to just align that with the bigger plan which has
22 more detail. One can then see the Harrow Road running
23 across the bottom third of the plan, with the
24 Portnall Road running south to north, right through the
25 middle of the words "West Kilburn". I don't need it on

1 the screen at the moment, because we have all got
2 copies. Tom can certainly have one in case we do need
3 it. If we can keep the other one on the screen so we
4 can see how the two marry up.

5 If we go along the Harrow Road to the right, or
6 obviously to the east as you go along it, the police
7 station which you have just mentioned is actually
8 marked, is it not, "POL"?

9 A. Yes, it is, sir.

10 Q. That was your holding area?

11 A. Yes, sir.

12 Q. Before we go into some of the other details, your orange
13 team, did it have the usual composition, namely three
14 C ARVs?

15 A. Yes, sir.

16 Q. I am just going through the composition. Three C ARVs
17 with obviously a complement of officers in each. Did
18 you also have motorcycles?

19 A. No, sir.

20 Q. Or any other form of transport?

21 A. We would have had a control car as well, sir.

22 Q. And a control car?

23 A. Yes.

24 Q. So was the totality of your team four cars or were there
25 more?

- 1 A. From memory, sir, it would have been four.
- 2 Q. You get to the police station and use that as a holding
3 area. Now, also on the map we can see Underground
4 stations are marked. Towards the south below police
5 station is an overground, Portobello Junction, as well
6 as an Underground, Westbourne Park; you see that?
- 7 A. Yes, sir.
- 8 Q. If you run your eye northwards up the Portnall Road you
9 get to another station, Queen's Park? Do you see that
10 at the top?
- 11 A. I do, sir, yes.
- 12 SIR MICHAEL WRIGHT: You call them Underground,
13 Mr Mansfield, and I'm sure you are right but I think in
14 fact the railway there is on the surface, isn't it?
- 15 MR MANSFIELD: Yes, it is on the surface. It's an above
16 ground Underground at that point.
- 17 So of course over to the right there is
18 Kilburn Park. So there are three, as it were,
19 London Transport stations as well as other stations, and
20 in addition to that, they are not marked on here, but
21 there are in fact a number of bus routes, first of all
22 on the Harrow Road, do you remember?
- 23 A. I don't remember, sir, but I would imagine it being the
24 main Harrow Road, there would be bus stops on there.
- 25 Q. I just want to put to you that there is in fact a bus

1 stop or pair of bus stops at the southern end of
2 Portnall Road where it meets the Harrow Road. But you
3 can't remember whether there were or there weren't?

4 A. No, sir.

5 Q. All right. I am not going to put to you where the bus
6 stops are. I think you would be happy to agree that on
7 the Harrow Road there are regular buses stopping along
8 that road?

9 A. I would expect that to be the case, sir, yes.

10 Q. There are bus routes obviously at the other end of
11 Portnall Road as well, particularly near Queen's Park
12 station?

13 A. Again I would expect that to be the case, sir. There
14 generally are around tube stations.

15 Q. I won't go through the details. That these are bus
16 routes can easily be confirmed by anyone.

17 So do you remember now when it was you got there?

18 A. Got where, sir?

19 Q. To the Harrow Road police station holding area?

20 A. I don't, sir, only from Silver's evidence would I recall
21 what time we got there.

22 Q. I'm not going to spend time over that. We heard on
23 Friday that there was a discussion between yourself and
24 the leader of the surveillance team concerning stops
25 that might have to be made. Now, again, you don't have

1 any record of this, but I want to ask you: is this
2 right, you would have had a discussion with the head of
3 the surveillance team about your ability to stop and
4 places where you might stop?

5 A. Not necessarily, sir, no.

6 Q. No, not necessarily, but --

7 A. I certainly don't remember that conversation taking
8 place.

9 Q. All right.

10 SIR MICHAEL WRIGHT: On the other hand, he says that he did
11 have a talk to you about it and that may well be true?

12 A. He may well be talking about me, sir, I certainly don't
13 remember it. He may also be talking about the tactical
14 adviser who was on the scene at the time and I would
15 suggest it would be probably more likely that he would
16 be having that conversation with him rather than me.

17 SIR MICHAEL WRIGHT: The tactical adviser.

18 A. Yes, sir.

19 MR MANSFIELD: The tactical adviser, was that Terry?

20 A. Yes, it was.

21 Q. We know him as Terry. One of the points here -- perhaps
22 you can help, because I am not looking to extend things
23 to get more witnesses on this.

24 In relation to this, were you aware that, if you
25 were going to make -- if you were going to be asked to

1 intervene and stop somebody who had been seen leaving
2 61A, then you would have to be in a very ready position
3 to do it before they either reached a bus stop, if they
4 were a suspect, or an Underground station, or
5 an overground station. You would obviously realise
6 that?

7 A. I don't remember any conversations taking place, sir,
8 about particularly about the transport system. All
9 I would say is if we were asked to intervene as soon as
10 possible, somebody coming out of the address, then
11 obviously we would look where we could potentially do
12 that. But it's such a flexible situation and there are
13 so many "what ifs" that you can only form opinions in
14 your mind but they might be completely thrown out the
15 first -- the first contact.

16 Q. Of course. The position is you don't sit at the police
17 station not thinking about it; you are sitting at the
18 police station appreciating that you may have a limited
19 window of opportunity to intervene, as particularly in
20 this case, it's not a cul-de-sac, and 61A, somebody
21 could come out and turn to the right and go to the
22 north, turn to the left and go to the south, and then
23 alternatively they could turn off Portnall Road into any
24 of the other roads, either to the west or for that
25 matter to the east?

- 1 A. All possibilities, sir, yes.
- 2 Q. So you have to be flexible, plainly, if you are going to
3 intervene?
- 4 A. Yes, sir.
- 5 Q. If you are going to do it quickly, you have to know the
6 area pretty well in order to cut them off?
- 7 A. Yes, sir, but there are obviously limits about how much
8 we can do in that area, given the nature of the
9 operation.
- 10 Q. Of course. Of course.
- 11 A. Yes.
- 12 Q. So you have to weigh it up?
- 13 A. Yes, sir.
- 14 Q. In advance?
- 15 A. Yes, sir.
- 16 Q. Right. Now, it actually happened on this day that you
17 did have to do an interception, didn't you?
- 18 A. Yes, we did, sir.
- 19 Q. You can look at your notes or your statement to see
20 actually what happened. In this particular case, at
21 these premises, was your understanding that you might
22 have to intercept anyone who left 61A?
- 23 A. I have no honest recollection of what we were asked to
24 do beforehand, but it would appear from previous
25 evidence that that's what we were asked to do, bearing

1 in mind that we intercepted fairly quickly after those
2 people left the address.

3 Q. That's what I'm coming to. A group of people left.
4 It's an older woman, two younger women, and a teenage
5 man; is that roughly right?

6 A. Yes, sir.

7 Q. That's right, and they leave at about -- I'm not going
8 to pin you to minutes, so don't worry about it, but at
9 about five past 1 on the 22nd, they leave 61A?

10 A. Yes, sir.

11 Q. You are told presumably in which direction they are
12 going?

13 A. Yes, sir.

14 Q. Therefore you have to or -- were you involved in the
15 interception yourself?

16 A. Yes, I was, sir.

17 Q. You were involved in it. How many cars or how many
18 officers were involved?

19 A. All of us, sir.

20 Q. All three cars?

21 A. Yes, sir.

22 Q. So all three cars. Again I just want to -- I'm not
23 trying to inquire into tactics again, I just want to
24 know whether -- did you all three drive together or did
25 you separate and go up different roads or what?

1 A. All together, sir.

2 Q. Along the Harrow Road?

3 A. Yes, sir, the most direct route.

4 Q. The most direct route.

5 SIR MICHAEL WRIGHT: You came from the police station, did
6 you?

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: You had not deployed around the area?

9 A. No. From the police station, sir.

10 MR MANSFIELD: So from the police station. Plainly you
11 could reach Portnall Road, the southern end, within
12 a minute or two.

13 A. Yes, sir.

14 Q. It's a large scale map, so one can see, if anybody wants
15 to measure it, each square enlarged is about 500 metres.
16 So you can get to the southern end of Portnall Road
17 within minutes, and in fact that's precisely what you
18 did do. You got to Portnall Road, southern end, within
19 minutes?

20 A. Yes, sir.

21 Q. I want to ask you what you did. Did all three cars pull
22 up alongside and then you all got out or how did you do
23 it?

24 A. I don't honestly remember how many got out, sir. I know
25 that I did.

1 Q. All right.

2 A. I think it was one of those things you judge at the time
3 and some people may have thought that they were
4 needed --

5 Q. And some didn't?

6 A. And some didn't, but I couldn't say who got out of their
7 cars and who didn't, sir.

8 Q. I just want the jury to understand, because we have not
9 had somebody sort of describe something that actually
10 happened on the 22nd. So you see this group, so you get
11 out, what do you do?

12 A. Challenge them.

13 Q. Yes. Sorry to be rather pedestrian and pedantic. We
14 need to know exactly how it happens. You go up to them,
15 do you, you are not in uniform?

16 A. No, we are not, sir.

17 Q. Did you have a police cap on?

18 A. I believe I would have done, sir, yes.

19 Q. Were you carrying a weapon?

20 A. Yes, sir, two.

21 Q. Two weapons, right. Were they carried --

22 SIR MICHAEL WRIGHT: I think one is in its holster.

23 MR MANSFIELD: One may be. Yes, I can't see carrying two
24 just in case one doesn't work. So --

25 A. I was in possession of two weapons.

1 SIR MICHAEL WRIGHT: Very properly put.

2 MR MANSFIELD: Did you have one out and ready or not?

3 A. I did, sir, yes.

4 Q. You had one out and ready. That was --

5 A. That would have been the carbine, the long arm, MP5.

6 Q. So again, you get out of the car with or without other

7 officers, and what do you say to them, do you remember?

8 A. It would have been words along the lines of, "Armed

9 police, show me your hands, stand still".

10 Q. "Show me your hands", yes.

11 I am not going through the rest of it. I think

12 there was conversation, you retrieved some keys?

13 A. Yes, sir.

14 Q. Then later the premises were entered. Now, at that

15 point, well, I have to ask you: had you been briefed

16 about suspects from the day before?

17 A. Yes, I believe I had been, sir.

18 Q. Had you been shown images of suspects from the day

19 before?

20 A. I am certainly aware of images, sir, exactly what I had

21 seen at that time I couldn't --

22 Q. Yes?

23 A. I know I am being fairly vague and this might be

24 difficult to understand but this was an extremely busy

25 time, it's three and a half years ago, and so my memory

1 is a little bit vague in places.

2 Q. It's perfectly all right. I'm not taxing memory. It's
3 just asking straightforward questions. Some people
4 remember, some don't.

5 So you may have been shown images. You can't now
6 remember. The question I am coming to is this: if you
7 had been told that this was a subject in the sense of
8 suspect from the day before, all right, would your
9 approach have been different or the same? Or is that
10 too difficult to say now?

11 A. I think undoubtedly, sir, it would have been different
12 because the threat is obviously -- these were people who
13 had been identified to me prior to dealing with them,
14 and quite clearly in my mind they weren't suspects, so
15 that obviously gives you a completely different mindset.

16 Q. So now I want to deal with, that's how you might deal
17 with people who had come from the premises, who might be
18 associated?

19 A. Yes.

20 Q. So the next category is somebody who is thought to be
21 a suspect from the day before. How would you have
22 approached that if you had to do an interception?

23 A. Well, I think obviously that the venue plays a big part,
24 the amount of members of the public that are around at
25 the time.

- 1 Q. Yes?
- 2 A. And I think probably with hindsight, had that been the
3 subject, it would have been unlikely that we would have
4 intervened where we did with the other occupants because
5 of members of the public in the vicinity.
- 6 Q. So if you want to minimise the members of the public in
7 the vicinity, if you can, but you don't want them
8 getting on a bus, or getting to a tube station, where
9 would you have chosen -- I know it's hypothetical
10 because it didn't happen to you -- to stop or can't you
11 say now?
- 12 A. I don't think it's possible to say, sir.
- 13 Q. I appreciate because you don't have the street in front
14 of you and you don't have the number of people. Can
15 I approach it this way: would you have been looking to
16 intercept in order to, as it were, minimise the number
17 of other people in the vicinity?
- 18 A. Yes, I think that's fair to say.
- 19 Q. Clearly in London you are never going to find a vicinity
20 where there is nobody around?
- 21 A. Very, very unlikely, sir, given --
- 22 Q. So all you can ever do is to choose a place where you
23 minimise the risks?
- 24 A. That would certainly be one of the factors, yes, sir.
- 25 Q. That's what you would have done that day?

- 1 A. I can't honestly say what I would have done that day,
2 sir. It's an extremely difficult question to answer.
- 3 Q. I appreciate, but you are often being called in in
4 extremely difficult situations to intervene in public,
5 aren't you?
- 6 A. Yes, we are, sir, but I have to say, not necessarily in
7 situations like this.
- 8 Q. Well, the situations in which you are called in is where
9 often there may well be a life at stake?
- 10 A. There may well be, sir. There may well also be a more
11 obvious threat, should I say.
- 12 Q. But you are trained -- it may be an obvious threat
13 because they have a gun that you can see?
- 14 A. That's exactly what I mean.
- 15 Q. That's what you mean.
- 16 A. If somebody is pointing a firearm.
- 17 Q. If somebody is pointing a firearm. I understand that.
18 But plainly you had been training to deal with
19 a situation where you can't see the firearm or you can't
20 see the bomb?
- 21 A. Certainly where you can't see the firearm, sir, yes.
- 22 Q. Yes, so it's not a situation in which you are saying to
23 this jury: well, we can't do anything in public because
24 it's a situation in which we can't see anything; you are
25 actually having to train for this very situation, where

- 1 you have to do a stop, like it or not, before they get
2 on a bus; you would have to do it, wouldn't you?
- 3 A. There was no mention of buses, sir.
- 4 Q. I appreciate in your case, who's dealing with the policy
5 of what should happen?
- 6 A. The tactical adviser.
- 7 Q. The tactical adviser, Terry?
- 8 A. Yes, sir.
- 9 Q. Through the Silver?
- 10 A. In conjunction with the Silver, sir, they would be in
11 the same vehicle.
- 12 Q. I have already put questions to Silver about this.
13 You appreciated, did you, that the -- plainly as you
14 must have done -- what had happened the previous day and
15 two weeks before involved suicide bombers either on
16 a bus or on the Underground?
- 17 A. Yes, sir.
- 18 MR MANSFIELD: Thank you.
- 19 SIR MICHAEL WRIGHT: Yes. Mr Gibbs?
- 20 MR GIBBS: No questions, thank you.
- 21 SIR MICHAEL WRIGHT: Mr Stern?
- 22 MR STERN: No questions, thank you.
- 23 SIR MICHAEL WRIGHT: Thank you very much. Ms Leek?
- 24 MS LEEK: No questions.
- 25 SIR MICHAEL WRIGHT: Mr Perry?

1 Questions from MR PERRY

2 MR PERRY: Just two short questions, please.

3 Alpha 1, I just want to ask you a few questions,
4 please, about the deployment or the movement of the
5 orange team from Lemman Street police station to New
6 Scotland Yard.

7 A. Yes, sir.

8 Q. I'm asking questions on behalf of John McDowall and
9 Cressida Dick amongst others.

10 May I just deal with it, to put it in context, first
11 of all. You made your first statement on 22 July 2005?

12 A. Yes, sir.

13 Q. In that statement you said at about -- do you have it in
14 front of you?

15 A. I have, sir, yes.

16 Q. Thank you very much. This is just to make sure everyone
17 is clear about what you have said in your various
18 statements. In that statement, did you say:

19 "At about 5.20 hours [that's 5.20 am] we responded
20 to request for assistance from SO13, Anti-Terrorist
21 Branch officers."

22 The point you were making there was that that's when
23 you thought you got the request from Lemman Street to New
24 Scotland Yard?

25 A. Yes, sir.

- 1 Q. Then the second and final statement you have made in
2 relation to this is dated 22 October this year in which
3 you say that you assume that the time of arrival at New
4 Scotland Yard was at 5.20?
- 5 A. Yeah, that's -- that is an assumption I made, sir, but
6 as I have said earlier, I probably am ten minutes out in
7 that assumption, given the phone calls that were made,
8 et cetera.
- 9 Q. That's what I wanted to investigate, because if we may
10 just have the telephone schedule up on the screen, it's
11 the first page of the main telephone schedule, please.
12 If we just see, we can see here call 13 at 5.07.54,
13 a call of ten seconds' duration from Inspector ZAJ to
14 you as the orange team leader?
- 15 A. Yes, sir, I see that.
- 16 Q. Then if we just drop down to the next call, just to put
17 this in context, we see at 5.17, call 14, there was
18 a longer telephone call of one minute 23 seconds'
19 duration from Alan to Inspector ZAJ, and we have heard
20 evidence about that.
- 21 It may be -- you are now making another assumption
22 in relation to the timing of the telephone calls as to
23 when you may have arrived at New Scotland Yard; is that
24 what it comes down to?
- 25 A. Yes, sir, I think it is.

- 1 Q. It may be that, it's possible there was contact after
2 5.17 and your original time of 5.20 of you being called
3 in was in fact the correct time; it's possible?
- 4 A. Well, that's certainly what's in my original statement,
5 sir, 5.20. The reason I thought I may have got that
6 slightly wrong is because of the timing of that phone
7 call, that was all. It would be ten minutes either
8 side, really.
- 9 Q. Thank you very much for that. It's just to see where we
10 are on that. Then the only other matter I want to ask
11 you, please, Alpha 1, is this: you have just been
12 explaining about the detention of the four people who
13 had come from the Portnall Road address on the afternoon
14 of 22 July; there was the stop of the three females and
15 the young male. That of course was, the decision to
16 stop them, had been taken by the operations room?
- 17 A. Yes, sir, certainly.
- 18 Q. That was, the operations room, you knew that there was
19 a designated senior officer?
- 20 A. I can't remember whether I knew that at the time or not,
21 sir.
- 22 Q. Certainly this was being done under the control of the
23 operations room because they were telling you, "Go in,
24 detain"?
- 25 A. Absolutely, sir, yes.

1 MR PERRY: Thank you very much indeed.

2 A. Thank you.

3 SIR MICHAEL WRIGHT: Thank you, Mr Perry. Mr King?

4 MR KING: Nothing from me, thank you, sir.

5 SIR MICHAEL WRIGHT: Mr Horwell.

6 Questions from MR HORWELL

7 MR HORWELL: My name is Richard Horwell. I appear on behalf
8 of the Commissioner.

9 A. Yes, sir.

10 Q. Alpha 1, just a few questions, please, on one of the
11 topics you have been asked about, whether it is possible
12 let alone sensible to have a predetermined stopping
13 point.

14 A. Yes, sir.

15 Q. Would you not agree that in relation to the stopping of
16 individuals there are so many variables that it is
17 important to be flexible?

18 A. Absolutely, sir.

19 Q. If an individual has to be identified before there is
20 an armed stop, it very much depends on the stage at
21 which he is identified?

22 A. Absolutely.

23 Q. And of course -- I'm sorry to ask you such basic
24 matters, Alpha 1, but it all depends where he goes?

25 A. Again, sir, yes.

1 Q. Attempts have been made to show that Portnall Road was
2 similar to the circumstances at Scotia Road.

3 MR MANSFIELD: Sir, no, that isn't the point. It's much
4 more complicated than that.

5 MR HORWELL: I am sure it is. All these points are.

6 But if we look at it in essence, Alpha 1, that is
7 the basis on which you were cross-examined and I just
8 want to look at the differences, if I may.

9 Could you please have the maps brochure. It should
10 be in the witness box. This is the larger of the two.
11 It should have "Maps Brochure" on the front.

12 A. I have that, sir.

13 Q. Could we turn to page 6, please. Page 6 has photographs
14 of various premises. It may well be you never in fact
15 saw 61A Portnall Road, Alpha 1?

16 A. I did see it, sir, yes.

17 Q. Then the photograph should remind you of the fact that
18 61A Portnall Road, that's the photograph at the top in
19 the middle, was a small basement premises with only one
20 door?

21 A. Yes, it was, sir, yes.

22 Q. Therefore the difficulties that were encountered at
23 Scotia Road, namely multiple occupancy premises, did not
24 exist here?

25 A. I would say, sir, that Portnall Road is probably one of

- 1 the easiest premises you could deal with.
- 2 Q. Well, of course it is, Alpha 1, and it seems very likely
- 3 that anyone emerging from those premises was going to be
- 4 stopped?
- 5 A. Yes, sir.
- 6 Q. For obvious reasons?
- 7 A. Yes, sir.
- 8 Q. It is as clear as can be that that must have been the
- 9 policy because that afternoon three females and
- 10 a teenage male left 61A and were stopped?
- 11 A. They were, sir, yes.
- 12 Q. It was never suggested at any stage that any one of them
- 13 was a suspect?
- 14 A. No, sir.
- 15 Q. They were merely being stopped because they had left
- 16 that door from those premises?
- 17 A. Yes, sir.
- 18 Q. As to the notion that it is simplicity itself to
- 19 organise a predetermined stopping point, could you turn
- 20 to page 11 of that same brochure, please. This is
- 21 a plan of Portnall Road, it's in the centre, where the
- 22 blue house is situated?
- 23 A. Yes, I see it.
- 24 Q. Obviously anyone leaving Portnall Road can turn left or
- 25 right, and go to the Harrow Road or Shirland Road. But

1 just to the left of the blue house is Bravington Road?

2 A. Yes, it is, sir.

3 Q. Which is joined -- the name isn't there but that's

4 Coomassie Road?

5 A. Yes, sir.

6 Q. So anyone leaving, turning right and then left is into

7 Bravington Road. That then leads into Lancefield Road

8 at the top; yes?

9 A. It does, sir, yes.

10 Q. Anyone leaving Portnall Road could literally go in any

11 direction?

12 SIR MICHAEL WRIGHT: Well, he can go three ways, north,

13 south or west.

14 MR HORWELL: Yes, but once into Lancefield Road, the

15 opportunities then are myriad, I would suggest.

16 SIR MICHAEL WRIGHT: Yes, certainly.

17 MR HORWELL: And obviously on this particular occasion you

18 weren't waiting for anyone to be identified?

19 A. No, sir.

20 Q. You stopped these people simply because they left that

21 door of those premises?

22 A. Yes, sir.

23 Q. I'm not suggesting it is ever easy to perform an armed

24 stop, Alpha 1, but was this one of the least challenging

25 stops you had to perform?

1 A. I would say certainly in comparison to the other one,
2 sir, it was an easy task.

3 Q. As you have said to Mr Mansfield, if in fact that
4 afternoon you had been asked to stop a suspected suicide
5 bomber, your approach may have been entirely different?

6 A. Undoubtedly it would, sir.

7 MR HORWELL: Thank you.

8 Further questions from MR HILLIARD

9 MR HILLIARD: Only this: when you talk about a tactical
10 adviser, Terry, just so we are clear, that's a policeman
11 called John Terry, is that right?

12 A. It is, sir, yes.

13 SIR MICHAEL WRIGHT: Not our code word.

14 MR HILLIARD: Absolutely. Just so we are clear. Thank you
15 very much indeed.

16 SIR MICHAEL WRIGHT: Thank you very much indeed. That's it.
17 As soon as the door is cleared, you can go.

18 A. Thank you, sir.

19 (The witness withdrew)

20 MR HILLIARD: Sir, we need to take the screens down. So we
21 might have our break now.

22 SIR MICHAEL WRIGHT: Very well. It will take, let us say
23 half past, ladies and gentlemen.

24 (11.15 am)

25 (A short break)

1 (11.35 am)

2 (In the presence of the jury)

3 SIR MICHAEL WRIGHT: Yes.

4 MR HOUGH: Sir, the next witness is Kevin Southworth.

5 DETECTIVE CHIEF INSPECTOR KEVIN SOUTHWORTH (sworn)

6 Questions from MR HOUGH

7 MR HOUGH: Is your name Kevin Southworth?

8 A. It is.

9 Q. I'll ask you questions first on behalf of the Coroner,
10 and then you will be asked questions by others.

11 In July of 2005, were you a Detective Inspector in
12 SO13, the Anti-Terrorist Branch?

13 A. Yes.

14 Q. Are you still in that branch?

15 A. I am, sir, now SO15.

16 Q. I'll ask you a few questions first about your
17 involvement in the events of 21 and 22 July very
18 generally, and for that purpose you may wish to look at
19 a statement you made on 15 December 2005, or you may
20 not.

21 Were you on duty on 22 July at New Scotland Yard
22 from 7.30 in the morning to 10 o'clock in the evening?

23 A. I was.

24 Q. Did you receive tasking from Mr Boutcher from whom we
25 have heard at about 8 o'clock that morning?

- 1 A. I did.
- 2 Q. Can you briefly tell us what that tasking was?
- 3 A. Mr Boutcher tasked me to set up an effective
4 intelligence support system to support him as the senior
5 investigating officer in the events of that day.
- 6 Q. In broad terms how was that intelligence support system
7 to work?
- 8 A. To be as streamlined and effective as possible to ensure
9 the safety of the public, to make sure that all the
10 intelligence and information that were relevant to the
11 decision-maker were brought together into one place and
12 passed via me to Mr Boutcher.
- 13 Q. Just to help the jury, what units or sources was the
14 intelligence coming from?
- 15 A. There was actually four different units from which
16 intelligence might be provenanced at that particular
17 time, not least the S013 which was the Anti-Terrorist
18 Branch intelligence unit which I was the manager of at
19 that time; the Special Branch units which were on the
20 upper floors of Scotland Yard; the Specialist Crime
21 Directorate Central 3000 intel support team, which was
22 a unit which I had run prior to joining S013; and
23 ultimately our partner agency, which of course would be
24 the security service.
- 25 Q. What did you do that morning to make sure that

- 1 information coming in, intelligence coming in, to all
2 those different units would be funnelled from them
3 through to the operations room on the 16th floor?
- 4 A. I made it clear to all concerned at that time that I was
5 the person leading the intelligence effort on behalf of
6 Mr Boutcher, and while it took time to bring things
7 together that morning because it was the first day of
8 what was a major counter-terrorism operation, ultimately
9 that message filtered round that we got a different
10 lines of passage of information including from the
11 Central 3000 team which was downstairs at Scotland Yard
12 to channel through me; also through my own team on the
13 14th floor in the Anti-Terrorist Branch intelligence
14 unit into the Special Branch operations room, which
15 would be the hub of everything because that was where
16 Mr Boutcher was located.
- 17 Q. Can you slow down a little? You have to be transcribed.
- 18 A. I apologise.
- 19 Q. Go on, please.
- 20 A. Forgive me, would you like me to recap that?
- 21 Q. No, I think we have got you, but if you just slow down
22 for the future. Had you finished that answer?
- 23 A. I believe so.
- 24 Q. During the course of that morning, so from 8 o'clock
25 onwards, were you stationed in one particular room or

- 1 moving around?
- 2 A. I was moving around between the various units that were
3 contributing to the effort, trying to make sure that
4 everyone was clear on what was being tasked and also
5 co-ordinating the results that came back.
- 6 Q. Did that take you into the 16th floor operations room
7 from time to time?
- 8 A. It did, sir.
- 9 Q. Were you there when news came through that shots had
10 been fired at Stockwell tube station?
- 11 A. I was.
- 12 Q. Had you been there previously during the surveillance of
13 the man we now know to be Mr de Menezes?
- 14 A. Not significantly from my recollection. I came into the
15 operations room as required usually in order to brief
16 Mr Boutcher and the other senior officers present but
17 mine was a very functional role that morning so I was on
18 the move a lot.
- 19 Q. Thank you very much. Going back a little in time,
20 I think you are aware that you have been asked to
21 research various intelligence-related queries which have
22 been raised in the course of this inquest?
- 23 A. Yes, sir.
- 24 Q. So can I begin by going back a bit to
25 Operation Ragstone. I think that's an operation you are

1 aware of?

2 A. I am.

3 Q. Is it an operation in which you were involved when it

4 was actually taking place?

5 A. No, I wasn't, sir.

6 Q. That was an operation, as we have heard, investigating

7 suspected training camps in the United Kingdom?

8 A. That's right, sir.

9 Q. It was an operation which involved surveillance on at

10 least one of those camps in Cumbria?

11 A. That's right.

12 Q. A large volume of photographs was taken in the course of

13 that operation, several hundred I think?

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

15 Q. That operation, I think, took place in the early days,

16 the first week or so, of May 2004?

17 A. That's right, sir.

18 SIR MICHAEL WRIGHT: Whose operation was it?

19 A. The operation was run by the former SO12 --

20 SIR MICHAEL WRIGHT: Special Branch.

21 A. Special Branch.

22 SIR MICHAEL WRIGHT: You say -- I know we are all aware of

23 it now; were you aware of it when it was going on?

24 A. I was still in specialist crime in 2004, sir, when this

25 operation was running. I joined SO13 in 2005 so --

1 SIR MICHAEL WRIGHT: So the answer to my question is you
2 didn't know about it?

3 A. No, sir.

4 SIR MICHAEL WRIGHT: Thank you.

5 MR HOUGH: As a follow-up from one of those questions, was
6 SO13 involved in the operation as far as you are aware?

7 A. To a degree, sir, in that the original intelligence
8 which led to the inception of the operation came via the
9 anti-terrorist hotline, which, as members of the jury
10 I am sure will know, is a freephone telephone number by
11 which members of the community can make the police aware
12 of matters that they are concerned about in relation to
13 terrorism, and ultimately that first piece of
14 information came through the SO13 teams and ultimately
15 was actioned in the form of Op Ragstone by SO12.

16 Q. Now, the photos that were taken, how were those
17 photos -- we have seen quite a lot of them -- stored?

18 A. The photographs were stored electronically, sir,
19 I believe on CDs.

20 Q. A series of CDs, I think?

21 A. Yes.

22 Q. Were they also stored in hard copy form?

23 A. Not that I am aware of, sir, although I would have to
24 check that. I wouldn't want to mislead the court, but
25 I believe they were stored purely on CD at that point.

- 1 Q. We have received information, and can you confirm this,
2 that the CDs, the various CDs containing the photographs
3 were booked into the exhibits store room between 3 and
4 5 May 2004?
- 5 A. That would make sense, sir, given the time chronology.
6 I can't assert it myself but that would make sense.
- 7 Q. We have also received information, it may be that we
8 will have to read the relevant parts of the statement,
9 that none of those CDs was accessed from the exhibits
10 store room until the morning of 22 July 2005?
- 11 A. That's correct, sir.
- 12 Q. So the CDs weren't physically taken out between May 2004
13 and July 2005, the 22nd in fact?
- 14 A. That's my understanding of it, sir, yes.
- 15 Q. Between those two dates, as far as you know, from your
16 researches, were the photos accessed or viewed by any
17 other means, for example through hard drive access or
18 anything like that?
- 19 A. No. The CDs were actually sealed, I believe, in
20 exhibits bags, that's my understanding, sir, and those
21 seals were maintained until the morning of the
22 22 July 2005.
- 23 Q. Just to be clear, the CDs hadn't been loaded on to
24 somebody's computer and weren't being looked at in the
25 intervening 14 months?

- 1 A. Not to my knowledge, sir.
- 2 Q. Before they were booked into the store room, had some
3 work been done to identify some of the men shown in the
4 photographs?
- 5 A. It had, sir, yes.
- 6 Q. Is this right, Mr Osman, who does in fact appear in the
7 photographs, was never identified?
- 8 A. That's correct, sir.
- 9 Q. From your researches, what do you know about the extent
10 of those attempts to identify people? How extensive
11 were they? How long did they take?
- 12 A. It was research primarily into the vehicle registrations
13 that were identified and attributed to different
14 vehicles that appeared on the camping trip at 2004. And
15 ultimately that was police national computer research to
16 identify who the registered keeper of those vehicles
17 were, and then limited research on the names that came
18 back from those vehicle checks in order to ascertain
19 whether there was any cause for further concern around
20 the people who were given as their registered keepers.
- 21 Q. Just to be clear, did the name Hussain Osman come up
22 from those enquiries?
- 23 A. No, it did not, sir.
- 24 Q. Did the name Yesh Girma come up from those enquiries?
- 25 A. Yes, it did, sir.

- 1 Q. Was the name Yesh Girma connected with Hussain Osman?
- 2 A. At that time, sir, no.
- 3 Q. Did the enquiries relating to vehicle registration
4 numbers include at that time, so May 2004, enquiries
5 into the registration number of a blue Volkswagen Golf
6 and a black Nissan Primera?
- 7 A. That's correct, sir.
- 8 Q. Were any attempts made to physically follow people
9 leaving the Cumbria camp with a view to connecting
10 people to addresses?
- 11 A. I don't know the answer to that, I am afraid, sir.
12 I don't think they were but I don't know the answer, I'm
13 afraid. I would have to check that.
- 14 Q. Were any efforts made to establish a bank of names,
15 photographs, and vehicle registration numbers as
16 a reference tool as a result of Operation Ragstone?
- 17 A. Certainly the work that I just described around the
18 vehicle registration marks and the registered keepers
19 was logged on to Metropolitan Police Service
20 intelligence databases for future reference ergo had we
21 had a future referral in relation to one of those names
22 or VRMs -- a VRM is a vehicle registration mark -- then
23 we would be able to cross-reference it and obviously
24 corroborate future intelligence should it arise, but at
25 that point there was nothing further to do, just that,

- 1 so the data was banked, if you want, on to MPS
2 intelligence systems for future reference.
- 3 Q. Can you give me the name of the database? Please say if
4 you can't.
- 5 A. By all means. It was on to the Skye system, which is
6 a computer system which existed in the former
7 Special Branch which is on the upper floors of Scotland
8 Yard and at different sites throughout the
9 Metropolitan Police Service.
- 10 Q. Turning to Hussain Osman, were there any images of
11 Hussain Osman linked to the name Hussain Osman on police
12 records before 21 July 2005?
- 13 A. No, sir.
- 14 Q. Was there any information in police records before
15 21 July 2005 linking Hussain Osman by name to
16 Operation Ragstone?
- 17 A. No, sir.
- 18 Q. Let me ask this question first: if you had been
19 searching for information on a person in this kind of
20 anti-terrorist inquiry that was taking place on 21 and
21 22 July, what police databases would you have searched?
- 22 A. We would have researched every database that we had,
23 sir, and indeed we did.
- 24 Q. If the name Hussain Osman had been put into the search
25 engine for all those different databases at any time up

- 1 to 10 am on 22 July 2005, what information would those
2 searches have produced?
- 3 A. They would have produced information such as the fact
4 that he had been processed for disqualified driving in
5 May 2005, so he had been disqualified from driving
6 earlier in the same year, and limited number of traces
7 to 154 Mitcham Lane, which is an address which we had
8 potentially attributed to him at that time. But very
9 little else, and certainly nothing to suggest any
10 leanings towards Islamist extremism or terrorism on the
11 main indices at that time.
- 12 Q. Before 21 July 2005, forget the link with the name first
13 of all, were there any photos of Osman held by the
14 police or by prison authorities other than the Ragstone
15 photographs?
- 16 A. Speaking purely for the police, sir, I don't think there
17 were, no. In terms of the prison authorities,
18 I couldn't say.
- 19 Q. Are you aware whether any photographs of Osman, and
20 again forget whether his name was connected with them,
21 but are you aware of any photos of Osman having been
22 held by passport or immigration authorities before
23 21 July 2005?
- 24 A. Yes, it later transpired that we were able to identify
25 a DVLA, a Driver Vehicle Licensing Authority photograph

1 for Mr Osman and I understand that the immigration
2 service had some photographs as well which we were also
3 later able to access.

4 Q. Were they, that is first of all the DVLA photo and
5 secondly the immigration photographs, linked with the
6 name Osman?

7 A. Yes, they were.

8 Q. Before 10 am on 21 July, were any of those photographs
9 in the hands of the police, so --

10 A. No, sir.

11 Q. -- physically in your possession. Now, we know that the
12 name Osman was discovered in these enquiries some time
13 shortly before 2 am on the morning of 22 July, we have
14 heard that from Mr Macbrayne. So there is the period
15 between 2 am and 10 am that we are concerned with. In
16 that period, what efforts were made by the
17 Metropolitan Police as a whole to locate photographs of
18 Osman?

19 A. Enquiries were made in relation to both the DVLA, the
20 Driver Vehicle Licensing Authority, and the immigration
21 service, to see what traces they had of Mr Osman on
22 their systems. Ultimately it was identified that there
23 was a licence in existence for him with the DVLA and
24 also that there was an immigration file in relation to
25 him held somewhere at one of the storage facilities that

1 the immigration unit have around the city and outside in
2 the counties.

3 Q. Just pausing there. First of all, when were those
4 enquiries made?

5 A. When were they actually made of the owner agencies?

6 Q. Yes.

7 A. I can't tell you the exact times, I'm afraid, because
8 during the course of that morning, the officers who had
9 been researching Mr Osman would ultimately have had
10 dozens of enquiries to make, and therefore wouldn't
11 necessarily time and log every single time they made
12 a request of an individual database or an individual
13 agency, because they do so many. More important that
14 they get hold of the material as fast as possible.

15 Q. Is this right, there was an action, action 20 of
16 Operation Aethra, which directed officers to research
17 Osman, and that action was issued at 3.05 am?

18 A. I am sure it was, sir, yes.

19 Q. We can have it on screen so that you can confirm it.
20 It's documents page 7951. First of all, do you
21 recognise this as an action log print?

22 A. Yes, I do, sir.

23 Q. Then do you see an action raised at 3.05, and then
24 action producing research connecting Hussain Osman to
25 HOLMES, which I think is another police database?

- 1 A. Yes, it is, sir.
- 2 Q. To operation at universal and therefore to be further
3 developed?
- 4 A. Indeed, sir.
- 5 Q. As far as you were aware from the researches you have
6 done to help us, what were the fruits of those
7 researches by officers between 3 am and 10 am?
- 8 A. The requests were sent off once there was identified
9 traces at each of those agencies because you have to go
10 through the first step of identifying that the agency
11 has things to offer, so in other words both the DVLA and
12 immigration service responded to the positive that they
13 had something, and then the requests were made through
14 the right channels. Would you like me to articulate
15 what those were?
- 16 Q. Yes.
- 17 A. In terms of the Driver Vehicle Licensing Authority, you
18 couldn't at that time just ring up, still can't in fact,
19 just ring up directly into them and say, "I would like
20 this photograph, please", because clearly they would get
21 swamped with requests from police officers. So we had a
22 dedicated point of contact within the Metropolitan
23 Police Service for the DVLA at that time, which was
24 based --
- 25 Q. Again, can you slow down a little.

- 1 A. Apologies.
- 2 SIR MICHAEL WRIGHT: So you have a dedicated point of
3 contact?
- 4 A. We do, sir.
- 5 SIR MICHAEL WRIGHT: Is it accessible outside office hours?
- 6 A. It wasn't at that time, sir, no.
- 7 MR HOUGH: That's helpful.
- 8 So you make contact throughout those dedicated
9 points of contact, then what happens?
- 10 A. And those officers would then, as recognised points of
11 contact, would make contact with the DVLA and ask for
12 the photo formally or any details that they have of the
13 person you are requesting on to be sent back. Clearly
14 it then goes off to, in this instance, the DVLA. They
15 would have to interrogate their system, withdraw the
16 picture and then send it back into the
17 Metropolitan Police Service via that same point of
18 contact for forwarding on to my teams who were doing the
19 research. That's the DVLA.
- 20 Q. You have said that there is difficulty about identifying
21 precisely when enquiries were made and results were
22 obtained, but as a matter of generality, how long does
23 it normally take for these kind of enquiries to produce
24 photographs if they are pressed as being urgent?
- 25 A. To be fair, sir, I wouldn't like to put too prescriptive

1 a time on it. In this specific instant, as His Honour
2 has rightly identified, the unit was only open during
3 office hours, so that morning we would have had to wait
4 for them to come in and then get them to make a request
5 on our behalf. Clearly in this instance it took about
6 three hours if I remember rightly, because the screen
7 print, which I have exhibited as one of my exhibits,
8 shows as 12.07 so that's how long it took on that
9 occasion. Things have, I am sure, speeded up since then
10 because of advances in technology et cetera but at that
11 time that's how long it took.

12 SIR MICHAEL WRIGHT: Perhaps somebody has realised that you
13 have a need to get access sometimes to this information
14 at odd hours.

15 A. Sir.

16 SIR MICHAEL WRIGHT: Since I asked you about the DVLA,
17 I ought to ask you the same question about the
18 immigration service. Could you get them outside office
19 hours?

20 A. Yes, there was always a conduit to page the immigration
21 service and to get one of their oncall people to make
22 a check on our behalf. The difficulty with obtaining
23 data at that time from the immigration service was that
24 the file itself is a paper, physical document and is
25 held at a storage facility, and those storage facilities

1 vary, so once you have made a request and you have
2 identified that there is a trace of someone in the
3 immigration system, and that there is a Home Office file
4 in existence in relation to them, someone then has to
5 track that down, and then identify which storage
6 facility it's at, get it withdrawn, and then get it --

7 SIR MICHAEL WRIGHT: It's not on a database.

8 A. -- brought across. Certainly wasn't at that time, sir.

9 SIR MICHAEL WRIGHT: At that time anyway. So again, what
10 sort of time lapse is there going to be from the inquiry
11 to the result?

12 A. I did actually ask that question specifically of my
13 colleagues, and the guesstimate was between four and
14 six hours.

15 SIR MICHAEL WRIGHT: So it's three hours from the DVLA after
16 they have opened at that time.

17 A. At that time, sir.

18 SIR MICHAEL WRIGHT: And four to six hours from the
19 immigration authority.

20 A. About that time, sir, yes.

21 MR HOUGH: The DVLA did at the time have photographs in soft
22 copy format, on computer format.

23 A. I believe it was on computer format, sir.

24 SIR MICHAEL WRIGHT: I think did you tell me just a moment
25 ago, you actually have a note as to when the information

- 1 from the DVLA came in?
- 2 A. Purely in terms of the screen print, sir, which -- they
- 3 download a screen print from the computers, and it's
- 4 timed in the bottom right-hand corner as 12.07 as per
- 5 a statement I have submitted.
- 6 SIR MICHAEL WRIGHT: Pm?
- 7 A. Pm, sir, yes.
- 8 MR HOUGH: I think the immigration photos came through
- 9 a little later; is that right?
- 10 A. I believe that's right, sir, yes.
- 11 Q. Moving on, we have heard that a briefing was delivered
- 12 to Mr McDowall later on that morning, that is to say
- 13 rather after 3 am with intelligence that Mr Mellody was
- 14 involved in that, but also involved and providing
- 15 intelligence actually to Mr Mellody was an officer from
- 16 the branch intelligence unit?
- 17 A. Right, sir.
- 18 Q. You are aware of that, are you?
- 19 A. I wasn't aware someone else from the branch intelligence
- 20 unit was in the room with Mr Mellody, but ...
- 21 Q. Mr Mellody was asked by Mr Mansfield, when he gave
- 22 evidence, to provide the name of the officer involved.
- 23 A. I think I understand now.
- 24 Q. He said that there was no difficulty in providing that
- 25 name. Are you aware what the name is?

1 A. I don't think there was a specific name. I have
2 actually spoken to Mr Mellody subsequently and I don't
3 think there was a specific name of an individual who
4 briefed him. The normal practice is that if you are
5 running an intelligence unit full of officers and police
6 staff who are doing research for you, is that
7 periodically, and especially before you were going for
8 a meeting to brief the Commander, you would sit your
9 team down and say, "Right, what have we got?" You would
10 go through it and then you would record your findings
11 then go and brief onwards. And I believe that's what
12 Mr Mellody did, and perhaps that's why he couldn't
13 individually recall who it was specifically who had
14 briefed him. Perhaps it was a collective briefing from
15 his team to him.

16 Q. Now, one other point to clear up, please. Can we have
17 a page of the statements bundles, page 1398 on screen.
18 (Pause). I am afraid this is the last point I have so
19 I can't deal with something else first. (Pause).

20 SIR MICHAEL WRIGHT: Do you want to put it on the camera?

21 MR HOUGH: No, I'll do it without the document.

22 Mr Macbrayne gave evidence at the end of last week about
23 notes he wrote, and a note to the effect that Girma,
24 Yesh Girma, was the wife of Osman. When was that
25 information, that Yesh Girma was the wife of Osman,

1 first known to the Metropolitan Police?

2 A. I believe that was when the immigration details were
3 established, and the readover of the file was given by
4 the immigration service to us; it will have been about
5 lunchtime or thereafter on 22 July.

6 Q. So if Mr Macbrayne made a note of that in his book, you
7 think he must have made it after that time?

8 A. I believe so, sir, yes.

9 SIR MICHAEL WRIGHT: That came in about when?

10 A. It would have been just after lunchtime --

11 SIR MICHAEL WRIGHT: Lunchtime on the 22nd?

12 A. On the 22nd.

13 SIR MICHAEL WRIGHT: That came from the immigration
14 authority?

15 A. That's correct, sir.

16 SIR MICHAEL WRIGHT: Thank you. Did they have pictures?

17 A. They did, sir, yes.

18 MR HOUGH: Yes, we have heard about when their photos came
19 through, and how they were accessed.

20 Thank you very much, those are my questions.

21 A. Thank you, sir.

22 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

23 Questions from MR MANSFIELD

24 MR MANSFIELD: Good morning. I represent the Jean Charles
25 de Menezes family.

- 1 A. Good morning, sir.
- 2 Q. I am sorry to have to do it through you indirectly
3 because you are not a member of Special Branch. Can
4 I just take the last point first. I asked questions of
5 Mr Macbrayne, having noticed what is in his notes, and
6 he gave evidence about this, that is what is in his
7 notes. I don't know whether that page has been found.
8 I would like it on screen, please, 1398. It's part of
9 Macbrayne's statement.
- 10 SIR MICHAEL WRIGHT: It may not have been scanned in.
- 11 MR MANSFIELD: We had it up the other day, I think. It's
12 Macbrayne. It's attached to his statement. So it's
13 a witness statement number, and it's 1399 in fact is the
14 page. (Pause). Here we are. Could we highlight the
15 passage "blue Golf". Now, lest it was going to be said,
16 and I didn't know on Friday that the suggestion would
17 now be this was added, I asked him very carefully about
18 this.
- 19 Have you read his evidence, Mr Macbrayne's?
- 20 A. I have, sir.
- 21 Q. There is a live feed of all the evidence going into New
22 Scotland Yard, isn't there?
- 23 A. There is, sir.
- 24 Q. Before I raised it on Friday, had anybody spotted this?
- 25 A. In terms of this individual note, sir?

1 Q. Yes, the individual note which links the car, which you
2 were interested in -- I'm sorry, when I say you, the
3 police -- were interested in, filmed or photographed
4 rather in the Lake District a year before, and I'm going
5 to make it very clear why I want to test you on this.
6 He said he made this note including this in relation to
7 a meeting that was going to happen at 7 am in the
8 morning.

9 SIR MICHAEL WRIGHT: On the 22nd.

10 MR MANSFIELD: On the 22nd.

11 It certainly wasn't suggested to him by anybody and
12 certainly not by him himself that this was information
13 that came in much later that day. Do you follow?

14 A. I do, sir.

15 Q. I'll have to get the notebook back. But the notebook I
16 looked at, specifically, I asked him if we could see it,
17 the red notebook, and the writing is certainly all in
18 the same ink, and I want to ask you very carefully
19 whether you know whether that's where he got it from?

20 A. My belief, sir, is that the details that are on here,
21 which is that Yeshiembet Girma was the wife of Osman,
22 only became known once the immigration file had been
23 read and we had those details passed to us.

24 Q. Have you seen the Special Branch file in relation to
25 Ragstone?

- 1 A. I have, sir. There is no reference in there, sir, as
2 far as I'm aware, to Yeshiembet Girma being the wife of
3 Hussain Osman.
- 4 Q. Have you spoken to Mr Macbrayne to ask him where he says
5 he got it from?
- 6 A. No, sir, I haven't.
- 7 Q. Have you located the person who actually gave the
8 briefing to Mr Mellody and Mr Macbrayne, because he was
9 there, that was the question I originally asked: who was
10 the person who gave the briefing? I was told there
11 would be no difficulty. So who was the person who gave
12 the briefing?
- 13 A. It would have been someone from the former
14 Special Branch, sir, possibly from the Special Branch,
15 Special Branch cell who did the liaison between SO13 and
16 SO12 at that time.
- 17 Q. Who was the person who did it?
- 18 A. I don't know, sir, and I have spoken to Mr Mellody and
19 he doesn't know either who it was --
- 20 Q. Have you asked Special Branch who it was?
- 21 A. We have made reasonable enquiries, sir, around that, and
22 we haven't heard anything back to say who it was who was
23 at that briefing.
- 24 Q. It's not difficult, is it?
- 25 A. It would seem so, sir. I'm not sure who it was who gave

1 that briefing.

2 Q. Because there ought to be a record, we have a record
3 from Mr -- well, all the people that were there have
4 made notes. Mr McDowall for example has made a note.
5 But his note of the briefing is not the same as
6 Mr Mellody's note of the briefing, and so I may make it
7 clear to you, the difference between the two revolves
8 exactly around this car. One has details of it, that's
9 Mr McDowall, and the other, Mr Mellody in Special Branch
10 hasn't got details of this written down.

11 So you follow where I am going. Do you follow?

12 A. Yes, sir.

13 Q. That's the evidence so far. That's why it may be
14 important to know who did the briefing and what it was
15 that was briefed. Now, is that so difficult to discover
16 now?

17 A. For my own part, sir, as you know, I wasn't at the
18 briefing. Mr Mellody was. He can't recall who it was
19 who specifically briefed in all the details. Various
20 different people will have made their notes. Clearly
21 everything was being done, I am sure at great speed, and
22 ultimately people have made notes which may well differ.
23 That's the best explanation I can give you, I'm afraid.

24 Q. Of course, and somebody may have known at that time that
25 he was the wife(sic) of Yeshiembet and others didn't?

1 A. I don't think anybody knew at that point, sir, that
2 Yeshiembet was the wife of Osman, because the only time
3 that became evident, as I said, was after the
4 immigration file came out, and I can support that by
5 saying that I have looked myself at the Operation
6 Ragstone files subsequently and had them researched by
7 members of Special Branch, and there is no trace in
8 there to state that before the date of 22 July 2005 --
9 SIR MICHAEL WRIGHT: I want to see if I have understood the
10 situation as at the 7 o'clock meeting. Even if that
11 piece of information was there, that Yesh Girma was
12 Hussain Osman's wife, at that stage as I have understood
13 it, nobody had -- and that car had been up at Ragstone,
14 for want of a better word, am I understanding this
15 correctly that nobody as at the 7 o'clock meeting that
16 morning knew or could identify from the Ragstone
17 pictures, Osman?

18 A. That's right, sir.

19 SIR MICHAEL WRIGHT: So the fact that Yesh Girma was Osman's
20 wife would not have enabled anybody at that stage to
21 identify Osman from the Ragstone photographs?

22 A. That's right, sir, yes. I think I am following you,
23 yes.

24 MR MANSFIELD: Well, was it? Have you looked at the
25 photographs?

- 1 A. I have, sir. Not all of them because there is a lot.
- 2 Q. There is a lot of photographs and the person who is most
3 readily identified with the car, we now know, is Osman.
4 He is seen -- the jury have a bundle of them. You have
5 seen them. He is seen, and in fact he is seen driving
6 it away. Right?
- 7 A. Yes, sir.
- 8 Q. So let us go back a step. Somebody rings up the
9 intelligence hotline, and we haven't heard that before,
10 I have asked about it, to notify S013 as it then was
11 that they ought to have a look at what is going on in
12 the Lake District or something to that effect?
- 13 A. Sir.
- 14 Q. Or maybe a lead on vehicles, I don't want to know what
15 the intelligence was. Plainly Special Branch, I suspect
16 you can go this far, went to the Lake District to, as it
17 were, monitor the activities of this group because it
18 was suspected that members of the group might be
19 concerned with terrorist activities?
- 20 A. That's a fair assessment of how the job came about, sir,
21 yes.
- 22 Q. Because the way it has been labelled is that this was
23 thought to be the exercise in the Lake District,
24 a training camp for people who might be interested in
25 terrorist activities?

- 1 A. Sir.
- 2 Q. So it's pretty important?
- 3 A. It is, sir.
- 4 Q. How long were they in the Lake District, this
5 Special Branch group?
- 6 A. I wasn't intimately involved with the op, sir, but
7 I believe it was about two to three days.
- 8 Q. How many people were engaged by Special Branch in this
9 exercise?
- 10 A. I know there was at least one full surveillance team
11 with photographers of course.
- 12 Q. A full surveillance team with photographers. Now, at
13 the time that it took place, namely in May, the year
14 before, were people identified at the time the
15 photographs were taken?
- 16 A. At the time the photographs were taken, there were two
17 individuals who were identified as a consequence of
18 research, but not Mr Osman.
- 19 Q. Don't worry, I'm coming to Mr Osman. Two people were
20 identified, and were of interest?
- 21 A. I would say that very loosely, sir, in that one of the
22 names, and as you have agreed, we won't necessarily have
23 to go into the details, but one of the names given was
24 part of the original information that was passed to us,
25 and one of the objectives of the operation was to

1 identify that individual which was an objective
2 satisfied because as a consequence --

3 SIR MICHAEL WRIGHT: Sorry, what was the name?

4 MR HORWELL: Mr Southworth is obviously reluctant to give
5 the name.

6 SIR MICHAEL WRIGHT: It's not one of the names we have
7 heard, anyway.

8 A. No, sir.

9 SIR MICHAEL WRIGHT: In that case, forget it.

10 MR MANSFIELD: I have not asked you the name, but I have
11 been dealing with it carefully. It was a name of
12 interest because that name had been given to you in the
13 first place?

14 A. Yes, sir.

15 Q. Right. But there was another individual who you managed
16 to identify, I say you, I mean the police, at the time
17 the photographs were taken?

18 A. Yes, sir.

19 Q. Who was also of interest?

20 A. When you use the phrase "of interest", sir, I'm just
21 being cautionary because "of interest" is perhaps
22 a subjective phrase. In our parlance sometimes we take
23 "of interest" to mean a corroborated piece of supported
24 intelligence that someone is of interest to us and
25 therefore may be a terrorist. I don't think either of

- 1 the two individuals that we are alluding to here satisfy
2 that description. The first individual, as we have
3 described, was of interest, to use its legitimate sense,
4 in that he was the person named in the original
5 reporting that came to the hotline and he was
6 identified.
- 7 Q. I am going to go straight forward: were any of the
8 individuals at that camp, and I don't ask for the names,
9 were they ever defendants in a terrorist trial?
- 10 A. I don't know that, sir, I'm afraid.
- 11 Q. Well, I would like you to think about that, as you have
12 looked at the file. These photographs were produced in
13 a trial, weren't they?
- 14 A. Subsequently, sir.
- 15 Q. Right, you know that, don't you?
- 16 A. Oh yes, subsequently. I thought you meant prior to the
17 Ragstone --
- 18 Q. No, no, no.
- 19 A. Apologies.
- 20 Q. Just so we have the overall picture, some of the people
21 who were at that camp were ultimately defendants in
22 a trial?
- 23 A. Very much so, sir. My apologies.
- 24 Q. Very much so. How many? Again I don't ask for the
25 names.

- 1 A. To be fair, I would have to check the details, sir, but
2 I would say several.
- 3 Q. Several of the people at the alleged training camp in
4 Cumbria ultimately became defendants in a trial?
- 5 A. Indeed.
- 6 Q. In which it was alleged that this was a training camp;
7 correct?
- 8 A. That's correct, sir.
- 9 Q. Right. Just going back to the beginning, were either of
10 the two names that were originally identified names that
11 ended up in the dock in the trial that ensued?
- 12 A. My apologies, sir, I don't -- I don't know of which
13 operations these two, if at all, featured, and I don't
14 believe that either of the two names I've alluded to
15 featured as defendants in any subsequent trials. I am
16 aware that there were, if I may, Operation Vivace, which
17 was the search for the 21/7 attackers, of course, those
18 individuals were on this camp. I am aware that some of
19 them were later prosecuted in a trial relating to
20 Operation Overamp, but I wasn't intimately involved with
21 the prosecutions of those cases, so I can't tell you
22 definitively whether the two that we are alluding to
23 were actually prosecuted as part of that or not.
24 I don't think they were, actually.
- 25 Q. I'll leave that for the moment. We have a situation

1 back in May 2004 whereby Special Branch have
2 photographed, I think we have had different estimates,
3 I'm not concerned, several hundred photographs?

4 A. 302, I believe.

5 Q. 302 photographs. Now --

6 SIR MICHAEL WRIGHT: Could I just ask, Mr Mansfield, you
7 obviously know what it is you are talking about and
8 I don't. That wasn't intended to be rude. The trials
9 to which you refer, do they pre-date or post-date
10 22 July?

11 MR MANSFIELD: Post-date. What I am suggesting to is you
12 went up there -- sorry, Special Branch sent a team up
13 there, they take 300 photographs, because they are
14 researching the potential for this being a training camp
15 for potential terrorists. That's the general phrase,
16 all right?

17 A. Sir.

18 Q. Now, are we to understand that once the photographs get
19 back to London, nobody, absolutely nobody, between May
20 2004 and July 22, researches who is at this alleged
21 camp?

22 A. That's incorrect, sir. As per my answer to your learned
23 colleague before, we did do some research on the vehicle
24 registrations that were at the camp, because as I'm sure
25 you know, you can't research a face on an intelligence

1 system. You have to have something to search on. So
2 the vehicle registrations were researched as per my
3 earlier testimony.

4 Q. Right, when was that done?

5 A. I believe it was done in the immediate aftermath of the
6 operation running, sir, which would be May 2004.

7 Q. Of course the registered owner, it's not the end of
8 a story, so let us take the VW, for example, that's
9 there on that page which you knew about, and you had got
10 an address and an owner for that?

11 A. Yes, sir.

12 Q. Did the research go any further in relation to that
13 name?

14 A. I am not aware that it did, sir. We did a certain
15 amount of research in relation to Yeshiembet Girma and
16 to the address of Flat 40, Blair House and obviously on
17 the vehicle itself and then upon the absence of any
18 further information or intelligence to suggest that that
19 individual might be a terrorist; and clearly
20 proportionality wise, it demands that we cease our
21 enquiries there because there isn't anything to justify
22 further intrusion into that individual's life at that
23 point.

24 Q. As far as the actual images of people are concerned,
25 they were not looked at again?

- 1 A. I couldn't say, sir, whether they were viewed, how
2 immediately they were bagged up, if you will excuse the
3 expression, once they returned to London; whether they
4 were viewed individually by Special Branch officers here
5 in London before being sealed, I can't assert that, I'm
6 afraid.
- 7 Q. Because I want to ask you that if, in fact, Girma was
8 the registered owner and therefore a driver, her
9 photograph would have been available to the police,
10 wouldn't it?
- 11 A. Had it been required, sir, yes.
- 12 Q. Had it been required, I appreciate. Did you know that
13 her photograph appeared in the rucksack found at
14 Shepherd's Bush?
- 15 A. Yes, sir.
- 16 Q. You did. When did you discover that?
- 17 A. Only I think to be fair I don't recall, sir, exactly,
18 I think it would have been -- certainly wouldn't have
19 been on the morning of 22/7, I don't think.
- 20 Q. When did you do that?
- 21 A. I am afraid I can't recall, sir.
- 22 Q. You see, it's this connection which is on 1399 which you
23 assert wasn't known until the immigration file was
24 known, so just going on with vehicles, and obtaining of
25 information, certainly by 2 am on the 22nd when the name

1 Osman came through, Special Branch, because of vehicles,
2 were able to go back to Ragstone; is that how it worked?

3 A. Yes, that's fair, sir, yes.

4 Q. They would have known straightaway that there were
5 a large number of photographs in relation to that?

6 A. Well, in fact, depends on the individual officer, sir.
7 The research would have been done on the vehicle
8 details, the traces would have been identified. Whether
9 the individual officers conducting that research work in
10 the former Special Branch would necessarily have been
11 intimate enough with Operation Ragstone to have known
12 that there were 300 images locked away, that might have
13 taken some time to be realised. I don't know how long,
14 and I am not in a position to articulate further, but it
15 might not have been, as you say, immediately as soon as
16 the button was hit.

17 Q. You have read the file. Was it available to
18 Special Branch at 2/3 in the morning so that they could
19 brief the senior investigating officers and so on, that
20 there was a store of photographs relating to Ragstone?

21 A. I can't speak for those officers, sir, I'm afraid.
22 I know that later that morning an action was raised by
23 a detective sergeant for the photographs to be opened,
24 but whether someone realised that in the night or not
25 I don't know.

- 1 Q. Yes, later in the morning, in fact after the shooting?
- 2 A. I believe there were -- there was one just before the
3 shooting, sir, I believe, at about 8.30.
- 4 Q. 8.30, all right. And then another one later?
- 5 SIR MICHAEL WRIGHT: That's to get the Ragstone photographs
6 out of the file?
- 7 A. To open the Ragstone photographs, yes.
- 8 MR MANSFIELD: And one a little later?
- 9 A. One a little later, sir, yes.
- 10 Q. Again, who is activating getting the photographs? Who
11 in other words has suddenly realised there are
12 photographs?
- 13 A. The same detective sergeant issued the action in both
14 instances.
- 15 Q. Is he an S012 or --
- 16 A. He was an S012 officer, sir, yes.
- 17 Q. So had he been asked by somebody in S013, that is the
18 anti-terrorist, to do this?
- 19 A. I am afraid I can't answer that, sir, I don't know.
20 I would like to help you with that but I don't know that
21 detail because I wasn't privy to that conversation,
22 wherever that's happened.
- 23 Q. You have indicated how long it takes to get a DVLA
24 photograph. I think in fact could we just have on
25 screen, we have copies of the print available that was

1 obtained.

2 That's it, yes. (Handed). I think this is black and
3 white. The original I believe is in colour; is that
4 right? 1674 of the exhibits, please. If there is
5 a difficulty I can hand it. Thank you very much.

6 (Handed). The witness can certainly have a look. If it
7 could be put on the screen.

8 SIR MICHAEL WRIGHT: That looks as though it's just about in
9 colour. I am not sure.

10 MR MANSFIELD: I am sorry, it's on screen marginally
11 different but you can see.

12 That's the DVLA image that you obtained; is that
13 right?

14 A. That's right, sir.

15 Q. Are you saying that at the time there was no emergency
16 access to the DVLA in relation to this kind of threat
17 which doesn't come much higher?

18 A. That's my understanding, sir, yes. I wouldn't like to
19 say there was absolutely no way. Perhaps there might
20 have been an opportunity to ... in fact, no, it must
21 have been, that is the only way.

22 Q. I do want to press this a little, because it relates to
23 the future as well as the past.

24 SIR MICHAEL WRIGHT: I think the witness has already
25 indicated that it's not the same today.

1 MR MANSFIELD: Well, it may not be, and I am not going to
2 trespass on that, how it's changed, although it may be
3 of interest.

4 You see, we know in relation to the gym card that
5 people were able to go to the squash club in the middle
6 of the night and get the keyholder out and look at the
7 records and all the rest of it. Was there no, as it
8 were, dedicated emergency access 24 hours to DVLA in
9 order to obtain information? It might be addresses, it
10 might be a photograph.

11 A. I am afraid you would have to ask someone from the DVLA
12 that question, sir. My understanding from a policing
13 perspective at that time was that you had to go through
14 the dedicated point of contact. You couldn't just
15 contact the DVLA directly. If that's erroneous then it
16 is, but the fact remains we had a dedicated point of
17 contact which opened during office hours. We went to
18 those people and they obtained the images as fast as
19 they could.

20 SIR MICHAEL WRIGHT: I hardly like to ask you, Mr Mansfield,
21 have you ever tried to contact the DVLA?

22 MR MANSFIELD: Fortunately I have never faced this threat.

23 SIR MICHAEL WRIGHT: For any purpose whatever.

24 MR MANSFIELD: I appreciate the DVLA are troublesome, but
25 I think that when it's matters of national security,

1 then different issues seem to arise. I don't take it
2 further for the moment.

3 Putting it in a nutshell, are you saying it's really
4 the same with the immigration service, it just takes --
5 or then -- took many hours to get any photographs they
6 may have?

7 A. Indeed, sir.

8 SIR MICHAEL WRIGHT: Again because they weren't on
9 a database.

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: They had physically to find a paper
12 file?

13 A. That's right, sir. In terms of the immigration service,
14 we have taken the learning from this forward and we have
15 immigration officers embedded with us now within our
16 command who have access to electronic systems by which
17 they can access this material for us faster, albeit
18 their original files are still what they are, it's very
19 much a primary document.

20 SIR MICHAEL WRIGHT: They have loaded them on to a database
21 now, haven't they?

22 A. There is a central database which can be interrogated,
23 yes.

24 MR MANSFIELD: Just obviously going back to the Ragstone
25 material which you did have and Mr Macbrayne's note, you

1 gave this answer to my learned friend about Osman being
2 unknown to you before -- I mean to the police -- the
3 22nd, there was no indication of his leaning towards
4 Islamic extremism.

5 Is that right?

6 A. That's correct, sir, from the research that we did that
7 day.

8 Q. What research did you do that day?

9 A. We researched the name Hussain Osman and the addresses
10 that we had attributed to him, and any other searchable
11 parameters.

12 Q. What other searchable parameters were there available to
13 you?

14 A. Well, the different vehicle registrations that we have
15 talked about.

16 Q. Yes, what about certain units? Is there a Muslim
17 contact unit as part of the Special Branch?

18 A. There is, sir.

19 Q. Did you go to them?

20 A. The Muslim contact units, sir, are not
21 an intelligence-gathering unit, so no, we didn't.

22 Q. So you didn't go to them but they do have contact with
23 the Muslim community, don't they?

24 A. They do, sir, but as I say, they are not there for
25 purposes of intelligence.

- 1 Q. They may not, but they may have intelligence which they
2 get which could be converted into intelligence by
3 Special Branch?
- 4 A. You could argue that, sir, yes.
- 5 Q. Why are they members of the Special Branch if it isn't
6 for that reason?
- 7 A. They, and forgive me, I'm not from the Muslim contact
8 unit, so in terms of understanding their role, if you
9 would like me to give my assessment of it, I think the
10 Muslim contact unit are there to help to understand
11 community tensions that may emerge in individual
12 mosques, and perhaps get a feel for what leanings
13 individual mosques may have and foster links with those
14 mosques so they can understand and interact with the
15 mosques as required, but not on
16 an intelligence-gathering intrusive basis.
- 17 Q. Oh, no, no, not on that, I'm not suggesting that.
- 18 A. That's why we would not consult them, sir, because that
19 would be an abuse of that position.
- 20 Q. No, no, I am not asking about whether they are asked to
21 go and get information. Have you asked the Muslim
22 contact unit any questions in relation to this case?
- 23 A. When, sir, at the time?
- 24 Q. Ever?
- 25 A. Subsequently --

1 Q. In relation to this case?

2 A. Subsequently, sir, yes.

3 Q. When?

4 A. During the course of these proceedings.

5 Q. During the course of these proceedings. Do they have

6 information relating to a south London mosque,

7 Stockwell?

8 A. Am I to ... there is a suggestion, sir, yes, that there

9 was a bit of community tension at a south London mosque

10 which, in retrospect, may have been linked to one of the

11 individuals concerned in these events.

12 Q. Exactly. Now, was that individual Osman?

13 A. We believe it was now, sir, yes.

14 Q. So before 22 July in New Scotland Yard, there was

15 information about a name Osman?

16 SIR MICHAEL WRIGHT: Well, wait a minute. You said "now"

17 you know it was Osman.

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: Was there another name?

20 A. There was, sir.

21 SIR MICHAEL WRIGHT: I mean, relating to the same man?

22 A. We believe so. When I say that now we can assert that

23 with hindsight, sir, what it was, and I might as well

24 articulate where this is going, if I may, is that there

25 was an element of community tension at one of the

1 mosques which was relayed, I think to the Muslim contact
2 unit a couple of years before in 2003; and at that time
3 a number of individuals were not identified as such as
4 in the terms of their date of birth, but by their first
5 names and sometimes street names, and one of the names
6 given was Hamdi, which we now know is a street
7 name/nickname/alias of Hussain Osman. So in retrospect,
8 we can suggest that that almost certainly was
9 Hussain Osman involved at that time.

10 SIR MICHAEL WRIGHT: Did you know on 22 July --

11 A. Absolutely not, sir.

12 SIR MICHAEL WRIGHT: -- that Hamdi was Osman?

13 A. Absolutely not, sir. Not first thing that morning and
14 certainly not during the initial stages of the
15 operation. It later emerged that Hamdi was an alias and
16 that's why I can say this to you now, sir.

17 MR MANSFIELD: I am going to put it to you: the police have
18 been told that this man was known under two names, Osman
19 and Hamdi, two, three years before, hadn't they?

20 A. Not as far as I'm aware, sir, no.

21 Q. Was there any inquiry made by Special Branch -- when
22 I say you, please forgive me. I don't want to ask you
23 personally. Was any inquiry made by Special Branch
24 either through the Muslim contact unit or any other way
25 with the Borough Commanders in Lambeth to find out what

1 they knew?

2 A. I believe there was, sir, as the consequence of these
3 proceedings, that is why recently we had looked into
4 this again to see what information and intelligence
5 might have existed; and I believe that there was
6 a meeting held and there was a bit of interaction
7 between the Muslim contact unit and the senior
8 management on that borough around the community tensions
9 around this mosque.

10 Q. The name was specifically raised and a vehicle was
11 raised, was it not?

12 A. Not as far as I'm aware, sir. Only the name Hamdi was
13 given as a suspect by the member of the community who
14 came forward.

15 Q. Who was a trustee at the mosque, wasn't he?

16 A. I believe so, sir, yes.

17 SIR MICHAEL WRIGHT: Mr Mansfield, you will be careful.

18 MR MANSFIELD: I am being very careful, but it is in the
19 light of a very clear answer that this gentleman has
20 given.

21 And the person concerned who gave the information
22 was concerned about this individual known as Hamdi and
23 I suggest Osman, and his potential connections with
24 terrorism; correct?

25 A. Forgive me, can you repeat that, sir?

- 1 Q. Yes. That well before July 22 --
- 2 A. Yes.
- 3 Q. -- a member or trustee of the Stockwell mosque had
- 4 alerted the police to concerns that the man known as
- 5 Hamdi and I suggest also Osman, may have connections or
- 6 be interested in terrorism?
- 7 A. The name Hamdi certainly, sir. This individual had
- 8 reported community tension at his mosque where he
- 9 attended and ultimately given the name Hamdi as one of
- 10 the protagonists.
- 11 Q. Not just a protagonist in terms of tension but he was
- 12 concerned that he might be leaning to Islamic extremism
- 13 and terrorism, that was the source, wasn't it?
- 14 A. From the documents that I have seen, sir, I have seen
- 15 nothing to suggest that the individual was referring to
- 16 the -- to Mr Osman being a terrorist at that point.
- 17 Extremist, yes, extremist views but not a terrorist in
- 18 terms of someone who is planning an attack, which is
- 19 what I think of as a terrorist, sir.
- 20 Q. Well, it's a matter perhaps of -- and I don't wish to
- 21 get into debate over -- is your answer indicating no
- 22 indication of leanings to Islamic extremism? Because of
- 23 course, just on this basis, that is regarded as being
- 24 one possible route to terrorism by the police, isn't it?
- 25 A. Yes, sir, that's reasonable.

1 MR MANSFIELD: Thank you very much.

2 MR GIBBS: No questions, thank you.

3 MR STERN: No, thank you.

4 MS LEEK: No, thank you, sir.

5 MR PERRY: No, thank you, sir.

6 MR KING: No, thank you, sir.

7 Questions from MR HORWELL

8 MR HORWELL: On Day 9 of this inquest, Mr Boutcher gave
9 evidence to the effect that, at the time of the
10 shooting, the police did not know that Yeshiembet Girma
11 was Osman's wife.

12 A. Sir.

13 Q. That is very much your recollection?

14 A. That's right, sir.

15 Q. All that we have had since is a note from Mr Macbrayne
16 that would have been made three and a quarter years ago,
17 Mr Southworth.

18 A. Sir.

19 Q. Does anything on that note or anything from
20 Mr Macbrayne's evidence cause you to doubt your
21 recollection that you did not know that morning that
22 Girma was Osman's wife?

23 A. Not in the least, sir.

24 Q. If you had known that Girma was Osman's wife that
25 morning, would more interest have been played in

- 1 relation to Blair House?
- 2 A. Yes, sir.
- 3 Q. Girma's address?
- 4 A. Yes, it would.
- 5 Q. We know that Blair House featured that morning, but
- 6 would it have been of even more interest to you?
- 7 A. It would, sir, as a potential home address for him.
- 8 Q. You discovered that Girma was Osman's wife through
- 9 details from the immigration authorities?
- 10 A. That's right, sir.
- 11 Q. You have told us time and time and time again that the
- 12 immigration authorities have a physical file, it's not
- 13 electronic in 2005, isn't even now?
- 14 A. That's right, sir.
- 15 Q. And that file did not arrive until about lunchtime?
- 16 A. That's correct, sir.
- 17 Q. Is there any doubt in your mind as to that,
- 18 Mr Southworth?
- 19 A. No, sir.
- 20 Q. Ragstone photographs. You have said that you can't
- 21 research a face. So that the jury understand,
- 22 information was given to the police in relation to this
- 23 visit to Cumbria?
- 24 A. Yes, sir.
- 25 Q. The police are under a duty to protect any information

- 1 that might lead to the identity of that informant?
- 2 A. Yes.
- 3 Q. So these photographs having been taken, could they be
- 4 shown the following day to various local communities?
- 5 A. No, sir.
- 6 Q. With a view to seeking the identity of anyone on them?
- 7 A. No, absolutely not, sir.
- 8 Q. It's suggested, I think, that this is a relatively
- 9 straightforward, easy process, to identify persons
- 10 photographed during the course of Ragstone. Does that
- 11 bear any relation whatsoever to reality, Mr Southworth?
- 12 A. No, sir, not without names and things to work on.
- 13 Q. The photographs were requested before the shooting, but
- 14 were not obtained until after the shooting?
- 15 A. That's right, sir.
- 16 Q. You have done some research in relation to various
- 17 information that the Muslim contact unit had?
- 18 A. That's right, sir.
- 19 Q. Now, you have told us, and I ask you again, please, to
- 20 emphasise this, it is not an intelligence-gathering
- 21 unit?
- 22 A. That's right, sir.
- 23 Q. Did you consider during the early hours of this
- 24 investigation on 22 July to contact that unit?
- 25 A. No, sir.

1 SIR MICHAEL WRIGHT: It's what it says it is, it's a contact
2 unit; is that right?

3 A. That's right, sir.

4 SIR MICHAEL WRIGHT: It's a link between the MPS and the
5 Muslim community?

6 A. That's right, sir.

7 MR HORWELL: As far as you are concerned, the name that was
8 given was Hamdi and not Osman?

9 A. That's right, sir.

10 Q. And there was nothing to link the two?

11 A. (Shakes head).

12 Q. Mr Mellody dealt with this, just to remind everyone,
13 Mr Mellody when he gave evidence said that he would not
14 have thought of contacting the Borough Commander for
15 where Osman lived; do you agree with that?

16 A. I do, sir, yes.

17 Q. Do you not have enough to do during the course of
18 an investigation as complex and as grave as this?

19 A. Very much so. Enormous volumes of work, sir, yes.

20 MR HORWELL: Thank you, that's all I ask.

21 SIR MICHAEL WRIGHT: Thank you, Mr Horwell. Mr Hough?

22 MR HOUGH: Nothing from me, thank you very much.

23 SIR MICHAEL WRIGHT: Thank you very much indeed,
24 Mr Southworth.

25 (The witness withdrew)

1 MR HOUGH: Sir, there are then some statements to be read.

2 These are being read as uncontroversial.

3 Statement of CODENAME "DAVID" (read)

4 MR HOUGH: First of all, there is the statement from the
5 witness under the pseudonym David. I'll read these now.
6 This is a statement dated 22 July 2005, page 854 of the
7 statements bundle. David, the explosives officer, says
8 this:

9 "I am an explosives officer employed by the
10 Metropolitan Police, New Scotland Yard, and have over
11 30 years experience in ammunition and explosives. On
12 22 July 2005 at 10 am I was tasked to the Stockwell
13 Underground station to the scene of a shooting involving
14 a suspect suicide bomber. I arrived at the scene at
15 approximately 10.10 am. I was briefed that police
16 officers had shot a man on an Underground train and that
17 he was thought to be a suspect suicide bomber. I went
18 straight to the scene to carry out an immediate check of
19 the suspect male. I approached the body which was lying
20 face down with the victim's head wedged between a seat
21 arm rest and one of the vertical hand rails on the
22 train. I could see that he had been shot in the head
23 and had no doubts that he was dead. I did a very quick
24 search, checking under the clothing on his upper torso
25 on both his front and his back but because of his

1 position this was difficult to achieve. I therefore
2 asked assistants to lift his body off the seat and to
3 lay it on the floor. There I carried out a further
4 search. I removed a wallet and mobile phone from his
5 jacket and placed them on a seat. I also removed some
6 cards and papers from his jeans. I then patted down his
7 legs through his jeans to make sure there was nothing
8 attached to his legs. I also examined his shoes which
9 appeared normal. Having satisfied myself that there was
10 no major threat from a device, I left the immediate
11 scene and went back and briefed the duty officer.

12 I then requested that my number two, a police constable,
13 fetched some x-ray equipment. When he returned, I took
14 three x-rays, one of his mobile phone and one of each of
15 his shoes, which I had to remove from his feet. These
16 all proved negative and I signed the back of each x-ray
17 and left them at the scene.

18 "I then carried out a quick search of the rest of
19 the train. I found a bag in one of the rear carriages
20 and checked this. As I was about to leave the scene,
21 I was informed that another suspect bag had been located
22 on the opposite platform. I went down to this bag and
23 searched it. I then left the scene."

24 That's the statement of David.

25

1 Statement of RALPH GORDON-ADAMS (read)

2 MR HOUGH: The statement next is of Ralph Gordon-Adams,
3 an ambulance technician, statement page 674, dated
4 22 July 2005, and also being read as uncontroversial.

5 I shall read only extracts of this statement. The
6 ambulance technician says that he is providing this
7 statement regarding an incident at Stockwell tube
8 station. He says:

9 "On Friday, 22 July I was on duty in full uniform
10 with my partner, Keith Platt. Our tour of duty started
11 at 7 am and was scheduled to finish at 7 pm. We were
12 posted to an ambulance. At about 10 am [he says] we
13 accepted a 999 emergency call to a pregnant woman in the
14 SE5 area. Whilst en route to this call, our control
15 contacted us at about 10.12 am with a higher priority
16 call."

17 He says:

18 "As a result of that call, we made our way to
19 Stockwell tube station in emergency mode and arrived at
20 10.17 am."

21 He says:

22 "Prior to alighting the ambulance, an armed police
23 officer came over and spoke to Keith Platt through the
24 front passenger window."

25 He describes the officer. He says that:

1 "The officer told us, 'A man has been shot in the
2 head in an armed incident'. He then asked us to stand
3 by for a couple of minutes to make sure that it was safe
4 to go down the tube."

5 He describes himself and his partner preparing to go
6 down the tube. He then says:

7 "The police officer led us to a group of about five
8 people in plain clothes. Several members of the group
9 were also wearing police caps and all were carrying
10 rifles across their chest or had handguns. One of these
11 officers asked him and Keith to go down with him on to
12 the station and tube, to see the man who had been shot
13 and to 'recognise' that he was dead. Two or possibly
14 three officers from this group then escorted Keith,
15 myself and our observer through the ticket barriers and
16 down the escalator."

17 He then describes being led onto the platform next
18 to the tube train, which was now stationary on the
19 platform. He says he noticed that the doors to the tube
20 train were all open, the carriages were well lit and
21 empty. He then gives this description:

22 "I immediately saw a man lying face down on the
23 floor directly in front of the doors. He was in the
24 prone position, lying at a slight angle with his head
25 turned pointing over his right shoulder. I saw that he

1 had a massive trauma to his head."

2 He describes seeing gunshot wounds. He then says:

3 "Keith and I visually checked the man, he was not
4 breathing, no chest rise or fall, and he was cyanosed
5 [which is a reference to colouration]. It was clear to
6 me that life was extinct. Keith formally told a police
7 officer at 10.22 am that he, Keith, recognised that the
8 man was dead. Having been on the train for about two or
9 three minutes, Keith, myself, our observer and a police
10 officer left the train following the same route back to
11 the bottom of the escalators."

12 He says that the duty station officer arrived at
13 this stage, about 10.26 am, and the police officer led
14 the duty officer, Keith and himself back along the
15 platform to the train to the open door of the carriage.

16 He says:

17 "After a few moments we returned back to the bottom
18 of the escalators. Within a couple of minutes
19 Dr Rod MacKenzie, a basics doctor from the helicopter
20 emergency medical service arrived. He came down to our
21 location, accompanied by a paramedic. He was briefed by
22 the police officer and by Keith, myself and our duty
23 station officer. Shortly afterwards the police officer
24 led Dr MacKenzie away from us and back towards the tube
25 train. After a few moments, Dr MacKenzie returned and

1 explained that he had pronounced life extinct at
2 10.30 am. Keith, myself and Dr MacKenzie then
3 approached and spoke to at least two officers and asked
4 if they were okay or required any medical assistance.
5 I saw what appeared to be blood spatters on one of the
6 officer's clothing and forearms. This officer and his
7 colleague were asking about the risk of HIV and blood
8 disorders. Dr MacKenzie advised the officers and gave
9 some reassurance."

10 He says this about the two officers:

11 "The two police officers who Dr MacKenzie advised
12 appeared to be in a state of shock and anxiety. They
13 came across as being quite subdued and had a different
14 demeanour to them than the other officers whom I spoke
15 with and saw. These officers were quite quiet in
16 comparison to their colleagues and seemed slightly
17 withdrawn and their heads were down for a lot of the
18 time that I saw them. Their colleagues were in contrast
19 talking to each other and appeared more in control of
20 their emotions. All the officers present who I saw and
21 spoke to were in my opinion acting extremely
22 professionally."

23 That's all I'll read from his statement.

24 SIR MICHAEL WRIGHT: Just one sentence I think you might
25 add, Mr Hough.

1 MR HOUGH: Of course, sir.

2 SIR MICHAEL WRIGHT: Bottom of page 676, and the sentence at
3 the top line and a half of 677, starting as he was being
4 escorted down to the platform.

5 MR HOUGH: This is as the ambulance technician is being
6 escorted down, he says this:

7 "[As the police officer was escorting us] another
8 police officer dressed fully in dark blue uniform,
9 possibly a boiler suit, and wearing a police cap...
10 stopped and spoke to the escorting officer... [He] said
11 something like 'I have checked the platform and carriage
12 for explosives and believe it to be safe to proceed'."

13 SIR MICHAEL WRIGHT: Thank you.

14 Statement of DR RODERICK MacKENZIE (read)

15 MR HOUGH: Then there is a statement from Dr MacKenzie, two
16 statements from him, the first one dated 17 August 2005
17 and page 661. Dr MacKenzie says:

18 "I am trained as a consultant in accident emergency
19 medicine. I was on duty with the helicopter emergency
20 medical service on Friday, 22 July when I was tasked by
21 London Ambulance Service to an incident on a train at
22 Stockwell Underground station. I was called to the
23 scene at approximately 10.10 am. A London Ambulance
24 Service ambulance was also called at this time. The LAS
25 crew arrived at approximately 10.17 and were taken by

1 the police to the patient, arriving at the patient's
2 side at approximately 10.22.

3 "I arrived at the scene at approximately 10.26 and
4 was also taken by the police to the patient. I arrived
5 at the patient's side at approximately 10.29. I was
6 told by a police officer that the patient had been shot
7 several times at close range in the head between 10 and
8 10.10 am. I was told that no resuscitation had been
9 attempted as the patient was obviously deceased. The
10 LAS crew advised me when they arrived they observed no
11 signs of life with no respiratory effort: the LAS crew
12 presumed death had occurred. When I observed the
13 patient from the platform he was lying on the train
14 floor. He had obvious unsurvivable head injuries and
15 there were no signs of life. He was therefore confirmed
16 deceased and this was reported to the police officer at
17 10.30 am."

18 Then I'll read some extracts from his second
19 statement, also dated 17 August 2005. I'll read first
20 of all from the second page of that statement, the
21 doctor's description of entering the carriage:

22 "We walked along the train to the first set of open
23 doors to my right. Through the doors I could see the
24 patient lying in what we call the left lateral position,
25 which meant he was lying on his left side with his face

1 semi-prone, which meant that he was leaning on his face
2 but not face down. He was lying along the train with
3 his head to the front of the train and he was facing
4 away from me. The police officer told me that he had
5 been moved. This was not the position he had originally
6 been in, but he had been moved and this was his final
7 resting position. He did not say why the patient had
8 been moved but I formed the impression that it may have
9 been the result of a struggle. I cannot remember
10 exactly what the patient was wearing, but he was wearing
11 trainers, jeans or possibly casual trousers and a jacket
12 that looked like it had been lifted up towards his
13 shoulder. There was a rucksack or holdall on the floor
14 next to him with scattered belongings on the floor.
15 I asked if it was safe for us to be there in the light
16 of possible explosives and the police officer told me
17 that an explosives officer had cleared him but they had
18 not yet scanned his shoes."

19 He describes meeting the London Ambulance Service
20 crew, and he says:

21 "In the light of their assessment and what I could
22 see I did not treat the patient and did not get on the
23 train at any time. I was at the door of the tube and
24 the patient was about two feet away. I observed for
25 signs of life and respiratory effort. He had obviously

1 un survivable head injuries and no signs of life so
2 I elected not to disturb the scene any further. We then
3 re-traced our steps back to the tunnel area where I met
4 a senior plain clothed officer wearing a shirt and tie
5 who asked me to confirm my name and call sign. I did
6 not get his name and he asked me to see the other two
7 officers who had been involved and were at the main
8 station entrance. I went back up the stairs and was
9 taken to the two officers. Their main concern was
10 related to having blood and body fluids on them.
11 I asked them if they had been injured at all. They said
12 no, and I advised that they should follow the Force
13 policy of occupation health in relation to blood and
14 body fluids and said there was a low risk of
15 contamination. I asked them what had happened in order
16 to ascertain if there had been any injuries and one of
17 them replied that the patient had been shot at very
18 close range resulting in them having blood and body
19 fluids on them. They were both quite subdued and looked
20 exhausted."

21 Then he describes going back to the original
22 plain clothed officer whom he had met in the ticket
23 hall, confirmed that he had spoken to the officers, and
24 was leaving.

25 Those are the statements of Dr MacKenzie.

1 SIR MICHAEL WRIGHT: Thank you. Would that be a convenient
2 moment? I imagine it would. Very well.

3 MR HOUGH: My learned friend Mr Hilliard says it might be
4 helpful to retain you after the jury have gone.

5 SIR MICHAEL WRIGHT: Right.

6 (12.57 pm)

7 (In the absence of the jury)

8 MR HILLIARD: Sir, it was just --

9 SIR MICHAEL WRIGHT: Just one minute. Mr Mansfield, it's
10 too late to do anything about it now, but I have to say
11 that I did not think it necessary to identify the source
12 of information as a trustee.

13 MR MANSFIELD: Sir, it's all been in the public domain, it's
14 been on television, it's been in the newspapers, which
15 is why we made the application in the first place. So
16 this is not an unheard of situation, and in fact it
17 was -- I mentioned it last week -- through a news
18 channel, one of the established ones, that we eventually
19 tracked down what the source was.

20 SIR MICHAEL WRIGHT: One leakage does not necessarily
21 justify another.

22 MR MANSFIELD: Well, he is not regarded as, and I don't
23 think ever has been treated as an informant in that way
24 at all, because in fact, sir, the way round it happened
25 is that Osman wrote to the police --

1 SIR MICHAEL WRIGHT: No, never mind.

2 MR MANSFIELD: Sir, it's not -- I haven't breached any
3 confidentialities or trust or anything.

4 SIR MICHAEL WRIGHT: Very well. Mr Hilliard.

5 MR HILLIARD: Sir, just two things. The first is that we
6 were provided this morning with some material from
7 a potential witness, C1614. The proposal is that we
8 read the first paragraph of his statement of 1st --

9 SIR MICHAEL WRIGHT: I have seen this statement.

10 MR HILLIARD: I know you have but I want to just set it out
11 for everybody else. That we read the first paragraph of
12 his statement of 1 November 2005, and then the first two
13 paragraphs of his statement of 7 November 2008, and
14 that's all.

15 Can I ask, because I appreciate it's short notice,
16 it's short notice for everybody, that perhaps if there
17 is any difficulty about that, someone could come and
18 find us and tell us by 1.15, so that if we have to make
19 any arrangements to get the witness here, which the
20 Metropolitan Police have told me can happen, we can
21 worry about, but if we don't hear from anyone by 1.15,
22 we are going to assume we can just read those three
23 paragraphs.

24 The second matter is this: that there is a PII issue
25 which arises. I can give the category of it as police

1 methodology. I can't say more than that, but I think it
2 would be convenient if we could raise that. I have
3 spoken to Mr Horwell who it affects because it's the
4 Metropolitan Police's material, and he would be content,
5 if you were, to deal with that at 10 to 2 so there is no
6 difficulty about the jury.

7 SIR MICHAEL WRIGHT: Upstairs?

8 MR HILLIARD: As long as we have a shorthand writer present,
9 we can deal with it upstairs, yes.

10 SIR MICHAEL WRIGHT: Very well. Is it now thought
11 necessary, is it now going to be necessary to call
12 Mr Mellody?

13 MR HORWELL: No. We had put Mr Southworth forward in
14 substitution for, because there were concerns about his
15 health and the fact that some work was required to be
16 done, and we weren't intending to have Mr Mellody here
17 at all.

18 SIR MICHAEL WRIGHT: That's rather what I thought you were
19 going to do. Thank you. So in fact subject only to the
20 reading --

21 MR HILLIARD: There is Mr Reynolds.

22 SIR MICHAEL WRIGHT: I won't say what I was going to say.

23 MR HILLIARD: No, don't.

24 SIR MICHAEL WRIGHT: Thank you very much. Subject to the
25 PII, 2 o'clock.

1 (1.02 pm)

2 (The short adjournment)

3 (2.00 pm)

4 (Proceedings delayed)

5 (2.10 pm)

6 (In the presence of the jury)

7 SIR MICHAEL WRIGHT: Yes, Mr Hough.

8 MR HOUGH: Sir, before I call Mr Reynolds, who will be the
9 final witness, can I just say this: this is a final
10 warning in case anybody wants anything to be read which
11 we haven't so far adduced, either as hearsay or under
12 Rule 37, we really will have to be notified now.

13 SIR MICHAEL WRIGHT: Yes.

14 MR HOUGH: With that as preface, can I call Mr Reynolds,
15 please.

16 SIR MICHAEL WRIGHT: You have one to read first?

17 MR HOUGH: I think Mr Hilliard will do that after
18 Mr Reynolds has given his evidence.

19 SIR MICHAEL WRIGHT: Fine.

20 MR STEPHEN REYNOLDS (on former oath)

21 SIR MICHAEL WRIGHT: I don't think Mr Reynolds needs to be
22 re-sworn. He is sworn already.

23 A. Thank you, sir.

24 Questions from MR HOUGH

25 MR HOUGH: Now, the jury has already heard your name is

- 1 Steve Reynolds.
- 2 A. Yes, sir.
- 3 Q. On two occasions, I think. Can you just remind the jury
4 what your role was in the IPCC investigation?
- 5 A. Yes, I am a senior investigator with the IPCC, but
6 during the course of the Stockwell investigation,
7 John Cummings was the lead investigation. I was brought
8 in new to the organisation as his deputy. Because John
9 wasn't in court during the beginning of the inquest,
10 I have taken over this role of giving evidence.
- 11 Q. You are here to fill in some gaps, both at my request
12 and you will be asked questions by others, allowing them
13 to fill in various gaps. First of all, the telephone
14 schedule, could we have that on screen, please. It's
15 been shown on quite a number of occasions. While that's
16 being brought up, you I think have been shown this, and
17 have in fact had the opportunity to go through it with
18 those at the IPCC involved in collating telephone
19 details?
- 20 A. Yes, an analyst and myself went through this and can
21 confirm it is correct.
- 22 Q. So you have checked the accuracy of that?
- 23 A. Yes.
- 24 Q. That's helpful. Secondly, please -- we can have that
25 off screen now -- in relation to CCTV, we have over the

- 1 course of the inquest seen CCTV footage from the bus on
2 which Mr de Menezes travelled, and from various fixed
3 points along the bus route. You are nodding?
- 4 A. That is correct, yes, sir.
- 5 Q. There was also footage from Stockwell station at various
6 points and we have seen extracts of that?
- 7 A. That is correct.
- 8 Q. Is this right, all the footage which the IPCC obtained
9 from those kinds of sources was disclosed in the course
10 of the inquest proceedings to interested persons?
- 11 A. Yes, everything was disclosed.
- 12 Q. Everyone who has wanted to show any has been able to?
- 13 A. Yes, they have.
- 14 Q. Now, there have been a few glitches in terms of actually
15 finding CCTV footage, not the fault of the IPCC but
16 force of circumstances?
- 17 A. That is correct, yes.
- 18 Q. You went through these briefly on the first day of the
19 evidence, but just to remind everyone of them, there
20 were gaps in the footage from the bus caused by,
21 I think, vibrations?
- 22 A. That is correct.
- 23 SIR MICHAEL WRIGHT: You mean actual equipment failure?
- 24 MR HOUGH: Yes.
- 25 SIR MICHAEL WRIGHT: Equipment failure because something had

1 come unplugged or something like that?

2 A. It was just the vibration of the hard drive caused by
3 the bus's engine. An engineer examined that and
4 actually said it was the highest amount of vibration
5 they had detected on any bus.

6 MR HOUGH: Secondly, there was a difficulty with footage
7 from the actual tube train itself.

8 A. That is correct.

9 Q. Can you just remind us about what that difficulty was?

10 A. Yes, all the hard drives had been removed as a result of
11 the 7/7 investigations. At the time of this incident on
12 the 22nd, they were in the process of being replaced,
13 but this was one of a number of trains on the
14 Northern Line where no system had been replaced.

15 SIR MICHAEL WRIGHT: You mean they had been taken out, as it
16 were, in the hope of gaining evidence for the 7/7
17 attacks?

18 A. That is correct, yes, sir.

19 SIR MICHAEL WRIGHT: I see.

20 MR HOUGH: We heard a statement read from Mr Oji, the tube
21 driver, where he describes having seen footage over his
22 personal monitor of what was going on in the carriage.
23 So is this right, the camera was working, it just wasn't
24 being recorded because the caddies had been removed?

25 A. That is correct, yes.

- 1 Q. Thirdly, I think there was another technical problem
2 with obtaining footage from the platform itself?
- 3 A. That's right.
- 4 Q. Can you just explain briefly what that problem was?
- 5 A. Yes, the problem that was identified was that there was
6 a fault insofar as the cameras weren't working, so very
7 similar to the train driver, it appeared in the control
8 room, although nobody actually saw it on this particular
9 day, that they believed there was recordings, but when
10 they actually checked they found that the cameras
11 weren't working, they weren't being recorded; and when
12 that was investigated, it was ascertained there was
13 a cable which had been broken in the control room which
14 led from the cameras to the, I think it was number one
15 VCR, so that wasn't working either.
- 16 SIR MICHAEL WRIGHT: When you say the control room, you mean
17 the railway control room?
- 18 A. Yes, the CCTV control room, yes, at Stockwell.
- 19 SIR MICHAEL WRIGHT: Not recording because of broken cable?
- 20 A. Yes.
- 21 SIR MICHAEL WRIGHT: Thank you.
- 22 MR HOUGH: Where there were these absences, can we take it
23 that the IPCC fully investigated and verified the cause
24 of the problem by questioning engineers, and I think you
25 took statements from quite a lot of people?

- 1 A. Quite rightly we knew it would be a big issue, and that
2 was investigated extremely thoroughly.
- 3 Q. Next, please, we heard at the end of last week about
4 armed response vehicles, and the presence of armed
5 response vehicles in the area surrounding Stockwell
6 station, both the borough in which it's located and
7 adjacent boroughs. Mr Tillbrook confirmed that research
8 could be done to find out where the ARVs in that area
9 actually were between 9 and 10 am on 22 July 2005?
- 10 A. Yes, sir.
- 11 Q. Has that research been done?
- 12 A. That research has been done.
- 13 Q. Could you tell us what the results of that were?
- 14 A. Yes. The first vehicle, the call sign was Tango Juliet
15 11 Delta. That was based at Lambeth, and it logged on
16 at 0805. It was stationary at Lambeth until 0923, then
17 on patrol along the Albert Embankment west. Between
18 0925 and 0933 it was stationary approximately at
19 Tintagel House. Then on patrol through Kennington. At
20 0948 it was called to an incident and the data concludes
21 the vehicle was still on call to an incident at
22 Kennington Road at 0952.
- 23 The second ARV with call sign Tango Juliet 151, that
24 was based at Kennington Road and logged on at 0805. At
25 0904, it was at Camberwell on patrol through Lewisham

1 and Sydenham. At 0908 it was en route to an incident.
2 At 0930 it was in Penge, then on patrol towards
3 Streatham, and at 0938 it was called out to an incident,
4 the approximate location being Streatham railway
5 station. At 0943, it passed Stockwell tube station and
6 at 10 o'clock, data for a vehicle concludes the vehicle
7 being in Kennington Road.

8 The third ARV, call sign Tango Juliet 161, was based
9 at Lambeth and logged on at 0801. At 0901 it was on
10 patrol in the Old Kent Road. At 0908 it was called to
11 an incident, vehicle in Walworth Road. At 0934 it was
12 at the junction of Kennington Lane and Kennington Road
13 to an incident at the Oval tube station, and then back
14 on patrol and at 0958 the vehicle was back at its
15 Lambeth base.

16 Q. So is this right, three ARVs within what one might call
17 striking distance?

18 A. Yes, sir.

19 Q. But all engaged at various times between 9 o'clock and
20 10 o'clock?

21 A. That's correct.

22 Q. Obviously it will be a matter for the jury upon the
23 Coroner's directions to determine how available they
24 were at different relevant times?

25 A. That's correct.

- 1 Q. Next, this: I think that you have investigated the
2 telephone calls between the 16th floor operations room
3 at New Scotland Yard and various other phone numbers; is
4 that right?
- 5 A. That is right, yes.
- 6 Q. Were you able, first of all, in your initial enquiries,
7 to obtain details of calls from all landlines within the
8 16th floor operations room and other phone numbers?
- 9 A. No, we weren't. We were only able to obtain the call
10 data for seven extensions within room 1600. Of those,
11 I believe there were only three which showed any calls
12 whatsoever. We particularly wanted to identify the call
13 between Cressida Dick and Greg Purser, which we were
14 never able to identify from data, but we had no doubt
15 whatsoever to not believe that such a call had taken
16 place. So we continued to pursue that line of enquiry,
17 but were unable ever to get to the bottom of it.
- 18 Q. You say "the call between Cressida Dick and Mr Purser";
19 what stage in the proceedings is the call that you are
20 talking about?
- 21 A. The call I am talking about is as Mr de Menezes is
22 getting close to Stockwell and there was that open line
23 which we have heard about.
- 24 SIR MICHAEL WRIGHT: The 9 minute open line?
- 25 A. Yes, sir.

1 SIR MICHAEL WRIGHT: Yes.

2 MR HOUGH: Are you aware that some further work has been
3 done by an intelligence analyst, a Mr Whitehouse at the
4 Metropolitan Police, to look at other telephone data?

5 A. Yes, I have seen that statement.

6 Q. Are you able to summarise it or would you prefer that we
7 read it?

8 A. I wonder if you could read it. I haven't got a copy.

9 MR HOUGH: I'll do that at the end, but I'll allow others to
10 ask you questions to elicit what they want to now.

11 Thank you very much.

12 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

13 Questions from MR MANSFIELD

14 MR MANSFIELD: Good afternoon, Mr Reynolds. I only have one
15 matter. I wonder if I could just use you to put in one
16 document the jury have heard about.

17 Sir, this is a sheet from the ACPO manual concerning
18 the role of the Gold Commander. I wonder if the jury
19 could have one each. (Handed). The tab number for this
20 should be 65, and the DVLA photograph that, or rather
21 image that was mentioned before lunch should be tab 64.
22 So DVLA image, tab 64; ACPO annex 4A, role of
23 Gold Commander, tab 65. (Pause). For those who want to,
24 as it were, although I think everybody has seen copies
25 of this, it's documents page 289 is where it comes from,

1 Q. I hope this is uncontroversial: Trojan 84 wasn't asked
2 when he gave evidence what time he left the scene, but
3 in his statement at page 335, right at the bottom, if we
4 can have that up, very last line, he left the scene at
5 1140.

6 A. That's correct, yes.

7 Q. So he was not at the scene when Dr Shorrocks arrived?

8 A. No, he was not.

9 SIR MICHAEL WRIGHT: That was Trojan 84, wasn't it?

10 MS LEEK: Yes, sir.

11 SIR MICHAEL WRIGHT: Just a moment. (Pause). Thank you.

12 Yes, Mr Perry.

13 Questions from MR PERRY

14 MR PERRY: Thank you, sir.

15 Mr Reynolds, I have three topics I would like to
16 deal with, please. The first is the CCTV, and we have
17 got a document that I am going to produce through you,
18 if I may.

19 A. Yes.

20 Q. I think you have seen it in fact and you have checked it
21 for us. If I could just hand this in. (Handed). Thank
22 you very much. We have the frontispiece on the screen
23 there.

24 Now that everyone has it, the frontispiece which is
25 on the screen at the moment, it looks a bit intimidating

1 but all we have to bear in mind is that there are six
2 sources of CCTV evidence, and that's on the front page;
3 the exhibit reference down the left-hand side; and we
4 start off with the material recorded on the number 2
5 bus. We have done a time differential, we don't have to
6 worry about that too much, but we have the number 2 bus;
7 we have the camera just dropping down the page to MJ/1,
8 the camera at the junction of Effra Road and Brixton
9 Water Lane; then we have MB/1, which is the camera on
10 Clapham Road directly opposite Stockwell Underground
11 station; MB/2, which is the three cameras; and then
12 TS/1, which is the camera outside the NatWest Bank; and
13 then CC/3.

14 That's just to give the source of the information,
15 but the most important part of this document, if we just
16 go on to the second page, is the actual schedule. Just
17 to explain what we have done, and Mr Reynolds, I am
18 going to ask you to confirm in a moment, we have
19 circulated this before today so everyone has had
20 an opportunity to look at it, but just to confirm we
21 have it right.

22 We have used the time shown on MB/2, which is the
23 Lambeth camera on Brixton Road as well as Clapham Road,
24 and Stockwell tube. So that's the control time. So
25 what we have really done, we have really said, right, we

1 will have a control time --

2 SIR MICHAEL WRIGHT: You have to pick one from somewhere,
3 haven't you?

4 MR PERRY: Yes.

5 SIR MICHAEL WRIGHT: None of them may be right.

6 MR PERRY: The only thing is, sir, what we have also done is
7 try to link this in with the telephone calls, and from
8 an analysis of the telephone calls, it looks as though
9 Lambeth time for these purposes --

10 SIR MICHAEL WRIGHT: It's the nearest.

11 MR PERRY: -- Lambeth time as a sort of Greenwich Mean Time,
12 the base time that summer time and everything else is
13 a variant of.

14 If we just look at it, we can just see, I'm not
15 going to go through this in detail because we can look
16 at it at our leisure later. Lambeth time looks as
17 though it might be the most accurate for a number of
18 reasons. First of all, all the Lambeth council cameras
19 are only one second apart, I think you can confirm that,
20 Mr Reynolds?

21 A. I can confirm that, yes.

22 Q. So all the Lambeth cameras, not just MB/2 but the other
23 cameras, they were within one second of MB/2?

24 SIR MICHAEL WRIGHT: Because they are all linked, aren't
25 they?

1 MR PERRY: That's because they are presumably all linked.

2 I'm not sure that that is the case but working on that
3 assumption.

4 If we go through this, using MB/2 time, we have put
5 the time column on the left, the description of the
6 activity in the middle and then the exhibit and the
7 reference, and that can be seen from the frontispiece,
8 the front page, either from the PJJ/1, which is the bus
9 or MJ/1 which is Effra Road.

10 Then we just drop down and we can see, and we have
11 used the same colours that were used on the telephone
12 schedule, telephone call from Mr Purser to Mr Dingemans,
13 9.48.50, we can put that in context.

14 Then may I just make a couple of observations: at
15 9.52.54 where we have the bus on the Stockwell Road at
16 the bus stop opposite the Brixton Academy; if anyone
17 wants to put a little mark here, the cross-reference is
18 map 23B in the jury bundle, which shows the -- I imagine
19 everyone knows where the Brixton Academy is. It's just
20 as you turn left into the Stockwell Road off
21 Brixton High Street.

22 Then 9.56.21, the number 2 bus is on the
23 Stockwell Road at the junction with Landor Road. That's
24 again at 23B. Landor Road is opposite Sidney Road.

25 Then we have the other telephone calls from

1 Trojan 84.

2 If we drop down to 9.58.23, the first three Trojan
3 vehicles, 805A, B and C, if anyone wants to make a note,
4 805A is the one containing C2, C5 and C6; 805B is Ralph,
5 C3 and C11; and 805C is Terry, D4 and D9.

6 They are the only cars that we pick up as we go
7 through this. Just going on to the next page, we have
8 included the 9.59.36 telephone call that Trojan 84 spoke
9 of to Mr Esposito, and that was when the control car was
10 by Brixton Town Hall, coming into the one-way system.

11 We have taken this through, just going over the page
12 to page 3, without going through it in detail and over
13 the page to page 4, to 10.04.27, and just so everyone
14 understands, and Mr Reynolds, you can confirm this,
15 there is additional CCTV footage after 10.04.27 which we
16 have used as our final entry, but this effectively
17 brings it up to the point where C12 followed by C2 is at
18 the top of the down escalator towards the platform?

19 A. Yes that is correct.

20 Q. So what we have done, using Lambeth time, we have just
21 concluded it at that point. Yes?

22 A. Yes, that is correct, sir.

23 Q. Mr Reynolds, you have had an opportunity to go through
24 all the exhibits so that we don't have to do it in
25 court, for which we are extremely grateful, and you can

1 confirm that the timings and the entries on this
2 schedule correspond to the CCTV footage that was
3 captured by the IPCC?

4 A. Yes, I confirmed that as recently as yesterday morning
5 and that is correct.

6 Q. I'm very sorry if we interfered with your weekend but
7 thank you very much for that. We were, if it's any
8 consolation, not just at home baking either.

9 SIR MICHAEL WRIGHT: I can only express admiration at the
10 industry, Mr Perry.

11 MR PERRY: Thank you very much. I'll bring some of my cakes
12 in next week for everyone.

13 The second topic I would like to deal with,
14 Mr Reynolds, please, is the telephones in room 1600,
15 just so we understand, because again we are extremely
16 grateful to you, Mr Reynolds, you have confirmed that
17 the telephone schedule is accurate. I just want to deal
18 with this, because if we just go to the bottom of the
19 page on the telephone schedule, which we have in hard
20 copies as well, we originally put on this document that
21 not all the calls from C1600 are shown on the schedule
22 as the data was not available.

23 A. No, sir.

24 Q. It's on the hard copy that we have, but it's not on the
25 one on the screen. Don't worry about that.

1 We are going to hear a statement in due course from
2 the analyst who tried to capture some of the data,
3 Mr Whitehouse. His statement will be read. I just
4 wonder if you can confirm this, Mr Reynolds: I think on
5 28 February 2006 the IPCC received an email from
6 Commander Dick's legal representative, making the point
7 that the most relevant telephone calls were those made
8 to and from the operations room?

9 A. Yes, sir.

10 Q. As a result of that, it was on 1 March 2006 that the
11 IPCC raised an action to try to capture the telephone
12 data relevant to this incident?

13 A. Yes, it was on their list of things to do, but the email
14 served as a timely reminder and we did raise it the
15 following day, yes, sir.

16 Q. The point being that it was Commander Dick's legal
17 representatives who were saying: this is what we should
18 really be obtaining; and the IPCC very kindly went on to
19 make the attempts to capture the data?

20 SIR MICHAEL WRIGHT: But you think you would have done it
21 anyway at some stage.

22 A. We would at some stage but we were pleased to receive
23 that reminder.

24 MR PERRY: I think unfortunately, I don't know about these
25 things, I'm not terribly technical, but I think some of

- 1 the data had become destroyed by the time efforts were
2 made to preserve it?
- 3 A. I really, we really never got to the bottom of it, so
4 I really don't know why we were unable to get that data.
5 We certainly got some data but not everything and we
6 never got to the bottom of why.
- 7 Q. Thank you very much. Then the third and final topic,
8 Mr Reynolds, which is a very short matter, I wonder,
9 please, if we could have page 490 of the documents which
10 is Derek's handwritten note. Just so everyone
11 remembers, Derek, the head of the -- leader of the red
12 team. The point of producing this on the screen, this
13 particular page, you can confirm that in Derek's
14 notebook, these are the contemporaneous notes that he
15 made. The blacked-out portion of the page at the bottom
16 of that page is where the telephone number for Trojan 84
17 appeared under -- the mobile telephone number under the
18 blacked-out portion?
- 19 A. That is correct, yes.
- 20 Q. If we go to the next page, 491, please, we have Silver's
21 telephone number, Mr Purser's telephone number, again
22 his mobile telephone number, in Derek's book?
- 23 A. That is correct, that's on the original.
- 24 Q. If we just drop down to try to see whether we can see
25 what time of day we are talking about, can we see, just

1 in the lower third of the page:

2 "U/I out, IC1, denims and trainers, nothing
3 carried".

4 I think that's right?

5 A. Yes. Yes, it is.

6 Q. So the point to take from this is Trojan 84's telephone
7 number, Mr Purser's telephone number, before the
8 unidentified male leaves the premises?

9 A. That is correct, sir.

10 MR PERRY: Thank you, Mr Reynolds. Those are the only
11 questions I have.

12 SIR MICHAEL WRIGHT: Thank you very much. Mr King.

13 MR KING: There will probably be nothing, sir, but I will go
14 last, if I may.

15 SIR MICHAEL WRIGHT: Yes, I had forgotten.

16 MR HORWELL: There is nothing.

17 MR KING: There is nothing from me, then. Mr Reynolds,
18 thank you very much indeed.

19 (The witness withdrew)

20 SIR MICHAEL WRIGHT: You have another one to read, I think.

21 MR HOUGH: We have two remaining statements to read, the
22 statements of two remaining people to read.

23 First of all, Central 1614, and as my learned friend
24 indicated before lunch, it's proposed to read this under
25 Rule 37 as uncontroversial, and for that purpose it's

1 proposed to read the first paragraph of --

2 SIR MICHAEL WRIGHT: I don't know about uncontroversial but
3 it's being read anyway.

4 MR HOUGH: No, this is being read as uncontroversial,
5 because otherwise we would have to call Mr Reynolds back
6 to prove it.

7 Statement of CODENAME "CENTRAL 1614" (read)

8 MR HOUGH: The first paragraph of the first statement and
9 first two paragraphs of the second statement. The first
10 statement is dated 1 November 2005, the witness is
11 Central 1614, and he says:

12 "I am a police officer in Special Branch S012. On
13 the morning of 22 July 2005 I was on duty at New
14 Scotland Yard when I had occasion to enter the S012
15 operations room on the 16th floor. I entered the room
16 shortly before 10 am in order to deal with a request
17 regarding the provision of some maps."

18 The second statement, dated 7 November 2008, he says
19 this:

20 "I am a police officer in the Metropolitan Police
21 Counter-Terrorist Command, S015, and volunteer this
22 statement to clarify and inform a statement I made on
23 1 November 2005. That statement dealt with events
24 I witnessed in the Special Branch operations room on the
25 morning of 22 July 2005. At that time, I was the

1 collator for Special Branch in which role I was
2 regularly tasked with acquiring access to privileged
3 databases on behalf of investigations and undertaking
4 sensitive research. It was in this capacity that I had
5 been called to the operations room on the morning of
6 22 July 2005. As will be clear from my previous
7 statement, when I arrived at the operations room it was
8 immediately apparent to me that a surveillance operation
9 was in progress. I was surprised that I should have
10 been asked to provide maps at such a time and that
11 apparently no-one had obtained them prior to that time.
12 The provision of maps was not a sensitive or difficult
13 procedure, and would not normally have been a matter for
14 the collator."

15 Those are the only passages we propose to read from
16 that witness's statements.

17 Statement of DAVID WHITEHOUSE (read)

18 MR HOUGH: Then there is a statement from Mr Whitehouse to
19 which my learned friend Mr Perry just referred. It's
20 a statement dated 4 November 2008. Mr Whitehouse says:

21 "I am employed by the Metropolitan Police Service as
22 an intelligence analyst and have been so employed since
23 1998. I am currently posted to S015, Counter-Terrorist
24 Command, but also provide analytical support to
25 Operation Erini when required. I have been asked to

1 provide a statement regarding the work I have carried
2 out on behalf of Operation Erini concerning telephone
3 calls made and received in the Special Branch operations
4 room on 22 July 2005. To assist in the preparation of
5 this statement, I have referred to reports and other
6 documents that I produced at the relevant time. As
7 a result of tasking by Detective Chief Superintendent
8 Beggs of Operation Erini to analyse telephone calls
9 between the Special Branch operations room and the
10 various operational teams for the period 4 am to midday
11 on 22 July 2005, I began to collect as much data as
12 practicable. I was aware that some telephone data had
13 already been obtained by the MPS on behalf of the
14 Independent Police Complaints Commission. A copy of
15 this material which related to six telephone numbers in
16 the Special Branch operations room was made available to
17 me. As a result of subsequent conversations that I had
18 with other MPS departments and representatives from the
19 company that provides the MPS with its telephony
20 services, Damovo Limited I ascertained that the data for
21 the six telephone numbers already in my possession did
22 not represent everything relating to the operations
23 room. I was provided with a further list of telephone
24 numbers for which I have subsequently obtained data for
25 the aforementioned period. However, I was informed that

1 although the data included both incoming and outgoing
2 calls, any telephone calls received from a telephone
3 where the caller identity had been withheld would not be
4 shown. This would be particularly true of MPS mobile
5 telephones issued to the surveillance officers as this
6 feature would be automatically enabled. As well as the
7 data outlined above, I was also provided with copies of
8 itemised billing for the MPS mobile telephones issued to
9 the surveillance officers and specialist firearms
10 officers.

11 "During this process of data collection
12 I encountered a particular problem of identifying the
13 telephones that were present in the operations room on
14 22 July 2005. I was unable to establish if the
15 telephone configuration had been changed between
16 22 July 2005 and the time of my inquiry in
17 November 2006. Furthermore, there were discrepancies
18 between MPS records of telephones in the control room
19 and those found to be physically located in the room in
20 a subsequent audit. In summary, I would assess that
21 I was able to capture the majority of the available data
22 relating to both incoming and outgoing telephone calls
23 by the Special Branch operations room on 22 July 2005.
24 I say majority because of the uncertainty surrounding
25 which telephones were present in the operations room at

1 the relevant time. Furthermore, I cannot be certain
2 that all incoming calls were captured for two reasons.
3 Firstly, I noted that some telephone numbers recorded as
4 making incoming calls are incomplete ie only the first
5 four or five digits are shown. I recall that Damovo
6 explained that this was a vagary of the system whereby
7 in the case of externally dialled numbers, only the
8 first few digits or else a reference to the exchange
9 that handled the call was captured. In these cases it
10 was and remains impossible to identify the incoming
11 numbers.

12 "Secondly as previously mentioned where the caller
13 identity has been withheld these calls will not be
14 shown. To some extent this is mitigated by the fact
15 that I was provided with call data relating to the MPS
16 issued mobile telephones of some of the operational
17 officers involved. Of course any telephone calls made
18 to the operations room from telephones, the existence of
19 which I was not aware, would not have been captured.
20 I subsequently transcribed all the data contained in the
21 telephone call records into a single schedule, together
22 with details of the telephone users where known. The
23 users attributed to each telephone number were those
24 shown in Operation Erini or MPS records. An extract
25 from the schedule is reproduced as appendix A attached.

1 It should be noted that the actual telephone numbers
2 themselves have been removed for security reasons.
3 Where appropriate, operational officers are identified
4 by call sign or pseudonym. I have been asked to comment
5 on whether Damovo call records which I now know to be
6 called Sigma data are preserved and if so how long. As
7 I was able to obtain data a year after the calls were
8 made, this would suggest that Sigma data is retained for
9 at least that period. However, I do not know how long
10 this data is kept. As I took steps to obtain the data
11 as soon as I became aware of its existence, I believe
12 that no data was lost."

13 Perhaps we can have his exhibit, it's page 1903 of
14 the exhibits bundle, on screen. This is the appendix.
15 If we can run through it, quickly, I'm not going to
16 point up specific calls, but this is so that the exhibit
17 is formally in evidence and can be referred to in the
18 Coroner's summing-up where appropriate.

19 That's the evidence in the case.

20 SIR MICHAEL WRIGHT: Yes. With your assistance, I suspect,
21 Mr Hough. Very well.

22 That concludes the evidence that we have to deal
23 with?

24 MR HOUGH: Yes, sir.

25

1 Housekeeping

2 SIR MICHAEL WRIGHT: Thank you very much.

3 Well, ladies and gentlemen, I need really now to
4 tell you what happens next.

5 Over the next couple of weeks, actually, I have to
6 give the opportunity to the various interested parties
7 to prepare and present to me and to my team the
8 submissions that they wish to make to me as to the
9 issues that I should deal with and the questions that
10 I should leave to you to determine.

11 In the first instance those submissions will be made
12 in writing, and when we have had time to consider them
13 I will give the parties an opportunity to address me
14 here orally. But those are matters which you do not
15 have to attend and which you will not be concerned.
16 They are all matters of law and of evidence and it will
17 assist me in formulating the matters that I need to put
18 to you in summing-up in due course.

19 We have allowed, I hope, enough time for all those
20 procedures to be gone through and for my counsel and
21 myself to prepare the summing-up in due course, and that
22 at the moment, as at presently planned, that I propose
23 to embark on with you on Monday, 1 December. So you
24 have a holiday. Make the most of it.

25 What I am going to say to you is that when you go

1 away, of course you stop work on everything you have
2 heard over the last seven weeks. I repeat what I have
3 said to you in the past: don't go investigating for
4 yourselves, for the reasons I explained to you. I don't
5 expect, I hope you will not, forget it all but just put
6 it to the backs of your minds for the time being, don't
7 worry about it, and I'll do my best to remind you of the
8 salient matters you have to consider in the course of
9 a summing-up which is likely to take certainly more than
10 a day, possibly even more than two days altogether.

11 It does not consist, you will be relieved to hear,
12 of a recitation of everything you have heard over the
13 last seven weeks, otherwise you might find that you were
14 still here seven weeks later and that's not the idea.

15 I hope, I'm sure you have all left your contact
16 details with the ushers, so that we can, if necessary,
17 if the date changes, we can get in touch with you and
18 let you know when you are going to be back here but it
19 will be back here in this room, 10 o'clock on
20 1 December.

21 I have two enquiries which I'll deal with now. They
22 came in in fact on Friday, they are perfectly proper
23 questions and you are entitled to an answer. The first
24 question is really essentially, if I can summarise it:
25 can we see the statements that all witnesses have made

1 upon which the evidence that they have given before you
2 has been based. There is a very short answer to that,
3 and the answer is no.

4 The reason for that is actually very simple. As
5 I told you at the very outset of this case, you must
6 determine your verdict on the evidence that you have
7 heard from that witness box and from the statements
8 which are not controversial or under Rule 37 have been
9 read to you, which are treated as though it was
10 evidence.

11 What is in the statements is not evidence. It's
12 what comes out of the witness's mouth in front of you
13 that is evidence and it is for you to weigh up what each
14 witness has told you and to make up your minds what you
15 think of the reliability and accuracy and indeed the
16 truthfulness of various witnesses. The statements may
17 contain all sorts of material which are irrelevant,
18 which are hearsay or which for some other reason are not
19 really helpful to you, and in any case are not the
20 evidence because they have not been tested and probed by
21 cross-examination until the witness who makes that
22 statement goes into the box and has those various
23 assertions tested and checked.

24 As I say, I will do my best to remind you, at any
25 rate in summary form, of the material that's been put

1 before you in that way. The statements will not assist
2 you and you are indeed not entitled to see them.

3 The second question -- I must say one of you is
4 getting ahead of himself or herself a bit -- is you want
5 me to tell you a bit about the job of the foreman. I am
6 not going to tell you about that, because I will in fact
7 deal with that at the very end of the summing-up just
8 before you retire, and I will simply tell you what you
9 have to do about the foreman and what the foreman has to
10 do for you. It's a very short direction.

11 Anything else, Mr Hough, at this stage, or
12 Mr Hilliard?

13 MR HILLIARD: There is the question of the --

14 SIR MICHAEL WRIGHT: I know. I did have a note quite early
15 on.

16 One of your number inquired -- I remember telling
17 you again very firmly: do not go down to Scotia Road to
18 do any enquiries of your own -- one of your number
19 inquired if there would be any possibility to arrange
20 another visit. Put it this way, I am very reluctant to
21 do that because it takes a lot of fixing up. However,
22 what I am going to ask you to do is have a word among
23 yourselves; if the bulk of you say "yes, we would like
24 to go back to Scotia Road and have another look", it can
25 be arranged.

1 It's not very attractive because it will have to be
2 early in the morning, just before the summing-up starts,
3 which is probably the most useful time to do it if you
4 are going to do it at all.

5 I am not pushing you to do it but, as I say, if you
6 all thought as a group that you would like to do the
7 trip again, it won't be the whole trip, that was
8 something of a luxury, but just to go back to
9 Scotia Road and look at the layout -- you have got the
10 photographs, you have got the maps -- as I say, I'll get
11 you out of bed rather early on the first morning of the
12 summing-up to do the trip.

13 It would be an occasion when there would be no
14 questions asked, no questions answered, no addresses to
15 you at all, in silence, out, round and back.

16 By all means do it here if you want to, if you would
17 like to just have a look at each other and see what you
18 all think: anybody keen on doing it? I have made it so
19 unattractive ... (Pause). Anybody? Not bothered.
20 Thank you very much.

21 Now, Mr Hilliard, anything else?

22 MR HILLIARD: Nothing else for the jury at this point.

23 SIR MICHAEL WRIGHT: In that case, ladies and gentlemen,
24 that's it for now and I hope you enjoy your break, and
25 I will see you again hopefully on 1 December.

1 (3.00 pm)

2 (In the absence of the jury)

3 MR HILLIARD: Sir, the only other matter was this: having
4 discussed the matter with Mr Penny on Friday of last
5 week, then had a discussion with Mr Mansfield and
6 Ms Hill as to whether it would be possible for them to
7 produce their submissions a little earlier than the
8 Friday midnight, which was the deadline for everybody
9 else, and they have kindly --

10 SIR MICHAEL WRIGHT: Friday close of play, I hope.

11 MR HILLIARD: It won't make much difference so far as
12 reading them is concerned whether its close of play or
13 midnight, so if that will help people, the Friday
14 evening. But they were kind enough to indicate that
15 they thought by close of play on Thursday they would in
16 fact --

17 SIR MICHAEL WRIGHT: I have heard that message, Mr Hilliard.
18 If I may say so, Ms Hill and Mr Mansfield, I'm very
19 grateful for that. I hope it will mean that there won't
20 be too many supplementaries, sur-rejoinders and
21 sur-rebutters as a result of that, if everybody has had
22 a chance to have a look, at least, at what it is you are
23 saying and dealing with it in one go.

24 If I may say so, I think I speak for myself,
25 I suspect the parties will be very grateful to you for

1 that assistance.

2 Yes.

3 MR HORWELL: Sir, if I could, just for clarity and
4 certainty: we will be having a very busy Friday,
5 obviously, as we will only have seen the family's
6 submissions on --

7 SIR MICHAEL WRIGHT: Yes, but you have several more days
8 before the actual --

9 MR HORWELL: Of course, I only meant in terms of the
10 document that we are submitting and, as Mr Hilliard has
11 said, I'm sure there is some sense in this, if it does
12 in fact make no difference as to whether our submissions
13 arrive before 6 or later that day, we would be very
14 grateful to have until the end of Friday, that's all.

15 Thank you very much.

16 SIR MICHAEL WRIGHT: Thank you. In that case, ladies and
17 gentlemen, I think that, for the time being, is that.
18 Thank you all very much.

19 Can I say, having made myself very unpopular from
20 time to time throughout the course of our seven weeks,
21 can I thank everybody for the good humour with which
22 they have put up with my occasional applying of the
23 spurs and cracking of the whips. Everybody has, if
24 I may say so, done extremely well. We are now, after
25 an alarming period at the beginning, more or less on

1 time. I have rarely seen Mr Hough smile so much in the
2 course the last few days but, believe me, the effort
3 that everybody has made to get to where we are today is
4 greatly appreciated.

5 Thank you all very much.

6 (3.05 pm)

7 (The court adjourned until 10.00 am on
8 Thursday, 20 November 2008)

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