

1 Friday, 3 October 2008

2 (10.00 am)

3 (In the presence of the jury)

4 SIR MICHAEL WRIGHT: Yes, Mr Hilliard.

5 MR HILLIARD: The first witness is Mr Lewindon, please.

6 MR MARK LEWINDON (sworn)

7 SIR MICHAEL WRIGHT: Yes, Mr Lewindon, sit down, please.

8 Questions from MR HILLIARD

9 MR HILLIARD: Is your name Mark Lewindon?

10 A. That's correct.

11 Q. Mr Lewindon, I will ask you some questions first of all
12 on behalf of the Coroner and then you will be asked
13 questions by others?

14 A. That's fine. Is it possible I could have a copy of my
15 statement, please?

16 Q. Certainly. I am not sure where it's going to come from,
17 but you can. (Pause)

18 Have you seen it already today or not?

19 A. I haven't seen it today, no.

20 Q. It's on its way. Have you seen it recently?

21 A. Yes.

22 Q. Good. We will make a start, all right, whilst it's on
23 its way. If you get into difficulties, let me know.

24 A. Right.

25 Q. I want to go, please, to July of 2005. Were you in the

- 1 Metropolitan Police then?
- 2 A. That's correct.
- 3 Q. Are you still?
- 4 A. No, I have retired from the police service.
- 5 Q. On 22 July 2005, in particular, can you help us, please,
6 with the rank that you held and the department or branch
7 that you were in?
- 8 A. In 2005 I was a Detective Chief Inspector in the
9 Special Branch, sir. I was performing the rank of
10 acting superintendent in the absence of the post holder.
11 I was within the Special Branch.
- 12 Q. Right. Is this right, working for the squad within it
13 that investigates domestic extremism?
- 14 A. Yes, I was head of C Squad which deals with domestic
15 extremism issues.
- 16 Q. Then so far as 22 July itself is concerned, did you
17 begin duty on that day at 9 o'clock in the morning?
- 18 A. That's correct, sir.
- 19 Q. You should find it, if it's the same as we have all got,
20 at page 67.
- 21 A. Thank you, sir. I have 1 to 35. Oh, it's page 67?
- 22 Q. You have the wrong bundle, I think. Can I have it and
23 I'll have a look.
- 24 A. If it's page, I have got it.
- 25 Q. That's what it is. (Pause)

- 1 A. There is a problem where I have got different
2 numberings. I have reached 65 --
- 3 Q. Shall I see if --
- 4 A. If you tell me which folio number it is under --
- 5 Q. If you give me the file I'll find it. (Pause)
- 6 A. Thank you.
- 7 Q. Is that a typed copy of your statement?
- 8 A. That's correct, yes.
- 9 Q. The date of it, is this right, 31 October 2005?
- 10 A. That's correct, sir.
- 11 Q. All right. So you have told us about the job you were
12 doing, and you have come on duty on the 22nd at
13 9 o'clock in the morning, and had you arranged to have
14 a meeting with somebody called Superintendent Johnston?
- 15 A. Yes, that's correct, sir.
- 16 Q. We heard from him, but just remind us, who was he so far
17 as you were concerned?
- 18 A. He was normally the head of C Squad but he had been
19 seconded into the operation that was being run at that
20 time, so he was effectively the superintendent.
- 21 Q. That was the operation to identify and arrest the people
22 who had attempted to detonate explosives on the 21st?
- 23 A. That's correct.
- 24 Q. Were you going to have a meeting with him on the 22nd?
- 25 A. We had agreed on the day before the 22nd, the 21st,

1 where he explained that he was in charge of the
2 operation, and he was dealing with the intelligence
3 processes, and he asked me to go and sort of review and
4 speak with him, so he could run through the processes
5 and we could talk some of the process issues to reassure
6 him of the intelligence flows.

7 Q. He told that us he had been doing flow charts and that
8 kind of thing on this question of making sure that the
9 right intelligence was obtained and went to the right
10 people; he told us about that yesterday.

11 A. Yes.

12 Q. All right. So you were going to have a discussion with
13 him about that; that was the plan at some time on the
14 22nd?

15 A. Yes.

16 Q. Did you go and find him?

17 A. I entered the control room on the 16th floor at New
18 Scotland Yard with the intention of having a discussion
19 with him on that issue.

20 Q. What sort of time was that?

21 A. This would be -- I didn't take an exact time -- but it
22 would be between 9.30 and 10.

23 Q. Right. You say the control room; we may have been
24 calling it the operations room, but it's the room from
25 which operations are run on the 16th floor?

- 1 A. Yes, that's correct, sir.
- 2 Q. Was that a room you had been to and used before?
- 3 A. I had managed and been participating in numerous
4 operations within Special Branch and the operations were
5 mostly run from that room.
- 6 Q. When you went in there, how many people were there,
7 approximately, can you help?
- 8 A. I would say between 20 and 25.
- 9 Q. Right. Was that the usual number there had been when
10 you had been in there with operations in the past, or
11 more or less, or about the same?
- 12 A. There were far more than were usually in there, sir.
- 13 Q. In a way, so far as you could see, when you were there,
14 that was affecting people's ability to work at all or
15 not?
- 16 A. I couldn't really make a judgment of that. It was very,
17 very busy, I would describe it as.
- 18 Q. Did you see in there Commander Dick?
- 19 A. Yes, I did see Commander Dick in there.
- 20 Q. And amongst others, Detective Chief Inspector Scott,
21 Mr Boutcher, Superintendent Connell; is that right?
- 22 A. That's correct, sir.
- 23 Q. Looking at the top of the second page of your statement,
24 Trojan 80 or Mr Esposito as we know him?
- 25 A. That's correct, sir.

- 1 Q. Did you become aware of an officer who was monitoring
2 the surveillance radio channels?
- 3 A. Yes, sir, there were, I believe, two officers
4 monitoring, but there was one who was speaking at the
5 time.
- 6 Q. What was his name?
- 7 A. It was Pat.
- 8 Q. Had you seen Mr Johnston in the room?
- 9 A. I did see Mr Johnston in the room, yes.
- 10 Q. Was this the moment to have your discussion or not?
- 11 A. It wasn't. I noticed as I walked in, there was
12 a surveillance movement. Pat was reporting the
13 movements of a person which was clearly being monitored
14 by the people in command, Mr Johnston, Mr Boutcher and
15 Ms Dick.
- 16 Q. So obviously this wasn't the time to have the
17 discussion?
- 18 A. No, that's absolutely correct.
- 19 Q. So did you leave, stay, what did you do?
- 20 A. No, I stood into the background, and I believed I would
21 be waiting until the movement finished.
- 22 Q. Forgive me for saying this, but would this be right,
23 strictly speaking, then, or perhaps not even strictly
24 speaking, your presence wasn't actually necessary in the
25 room at that time?

- 1 A. Absolutely not.
- 2 Q. All right. Anyway, so you are waiting just, as it were,
3 to get the chance to have the meeting that the two of
4 you have arranged?
- 5 A. That's correct.
- 6 Q. All right. I am just going to ask -- we have a plan of
7 it in our section 20. It will come up on the screen for
8 you, Mr Lewindon. Can you just show us, just take
9 a minute to -- I hope this comes back to you. Do you
10 remember that now?
- 11 A. Yes.
- 12 Q. Operations room. Can you just help us, then, where you
13 went?
- 14 A. How do I indicate?
- 15 Q. There is a number of ways we can do it. The starting
16 point is probably if you can identify something on the
17 plan, but there is also a cursor that is moving round?
- 18 A. I have got it there, yes. I was standing where the
19 cursor is there, roughly (indicated) in that point there
20 by what would be the -- there is some telephone
21 equipment in those cabinets.
- 22 Q. So bottom right of the plan as we look at it?
- 23 A. Yes.
- 24 Q. Was that really just to get yourself out of the way?
- 25 A. Absolutely correct, sir.

- 1 Q. So far as you recall it, where was Pat?
- 2 A. Pat was on the S1 there (indicated).
- 3 Q. Right. And Commander Dick?
- 4 A. She was in the area in this area here (indicated). I
5 can't exactly -- I can't put this cursor exactly on the
6 spot but she was certainly in this area.
- 7 Q. I'm not sure who is operating the cursor?
- 8 A. Where the words "operations room" are, to the right of
9 that, towards where it says "white master" and
10 "London Underground feeds", that area there.
- 11 Q. "traffic master", I think that is.
- 12 A. Ah, "traffic master".
- 13 Q. All right. What was Pat saying?
- 14 A. Excuse me. He was verbally reporting the movements of
15 the person under surveillance. Or I believed under
16 surveillance. But he was reporting -- I can't remember
17 the name, the words, but there was clearly somebody
18 being monitored under surveillance.
- 19 Q. Right. Then do you remember Trojan 80, Mr Esposito,
20 saying something? Do you have a recollection of that?
- 21 A. I remember there was a discussion about whether the
22 firearms teams were present or not, and I remember
23 Mr Esposito was on the telephone talking to what
24 I believed were firearms teams on the other end.
- 25 Q. Yes?

- 1 A. Clearly there was an issue, the fact that they weren't
2 on the scene, and he was trying to get them on the
3 scene.
- 4 Q. Then Mr Boutcher, do you recall something said by him?
- 5 A. There was questions around the identity of the person
6 who's being followed and I remember Mr Boutcher asking
7 for a percentage of the -- to which the people
8 following, the surveillance teams, were confident that
9 the person being followed was the suspect.
- 10 Q. He is asking for a percentage, what, as to the
11 likelihood or whatever of it being the person?
- 12 A. There was a likelihood that the person was a suspect,
13 yes.
- 14 Q. How many times does he ask that?
- 15 A. I remember at least twice, I remember twice.
- 16 Q. Right. I am looking at your witness statement in which
17 you say:
18 "DCI Boutcher..."
19 It says here:
20 "... two occasions asked for an assessment as to
21 percentage certainty that the man was the suspect."
22 A. Yes, that's correct, sir.
- 23 Q. Right, and then in your statement at least there is no
24 indication of any response to that, is there?
- 25 A. There isn't, no.

- 1 Q. The statement goes on:
- 2 "I subsequently learned that the person under
- 3 surveillance had been followed from a building believed
- 4 occupied by one of the men suspected to have been
- 5 involved in the attempted bombings on 21 July."
- 6 A. That's correct, sir.
- 7 Q. So according to the statement, what you subsequently
- 8 learned is simply that this person has come from
- 9 a building believed occupied by one of the men suspected
- 10 of involvement in the bombings?
- 11 A. That's correct, sir.
- 12 Q. But I think you just told us just now something about --
- 13 well, you tell us. Do you say there was a response,
- 14 then, to Mr Butcher asking that question? (Pause)
- 15 A. I haven't noted a response and I can't remember if there
- 16 was a response.
- 17 Q. So what you can recall, though, is him asking the
- 18 question on two occasions, but about a response, you
- 19 can't help?
- 20 A. No, I can't help with that.
- 21 Q. Right. Is this right, you did learn later that the
- 22 person had been followed from the building --
- 23 A. That is correct, I found that out later.
- 24 Q. -- as your statement indicates?
- 25 A. Yes.

- 1 Q. So we know how much later, a minute or two or half
2 an hour?
- 3 A. I really can't remember. I made some notes during the
4 afternoon of the incident, which were some basic notes.
- 5 Q. Yes?
- 6 A. And I can't remember how much later, but I obviously
7 found out more about the operation; I knew very little
8 about the operation when I walked into the room.
- 9 Q. Just so we can deal with that, the basic notes that you
10 made, as I understand it, lost, is that right, not
11 available? We have asked.
- 12 A. That's correct, sir.
- 13 Q. Did you have those with you when you made the statement
14 on 31 October or were they lost by then?
- 15 A. No, I had the notes with me on 31 October. This
16 statement is made from those notes.
- 17 Q. The events you are telling us about now, so when you are
18 in the operations room and the man is under
19 surveillance, had you made notes about -- did your notes
20 include reference to this period?
- 21 A. This period is a direct lift. The statement is made
22 from my notes. Exactly this reflects my notes.
- 23 SIR MICHAEL WRIGHT: You simply repeated your notes in this
24 statement?
- 25 A. Yes.

- 1 MR HILLIARD: I see, so that we then understand, how long
2 after, as it were, 9.30 to 10 had you made the notes
3 that you then used to make this statement?
- 4 A. It would have been about 4 o'clock in the afternoon.
- 5 Q. So the very same day?
- 6 A. That's correct, sir.
- 7 Q. Did you hear Pat report that the man was approaching
8 Stockwell Underground station?
- 9 A. That's correct, sir.
- 10 Q. Did you hear Commander Dick say something at that stage?
- 11 A. She said he shouldn't be allowed to get on the train,
12 and I think the words she used was "at all costs". They
13 are the notes I made in my notebook.
- 14 Q. That he shouldn't be allowed to get on the train at all
15 costs?
- 16 A. That's correct, sir.
- 17 Q. Those are the words that are in your statement, aren't
18 they?
- 19 A. Yes, sir.
- 20 Q. I just want to understand, are you saying that those
21 were the words that you have recorded in your note
22 there?
- 23 A. Yes, sir, they were.
- 24 Q. Did Mr Esposito, Trojan 80, say something about the
25 firearms teams or team?

- 1 A. Very shortly after this, Mr Esposito stated that the
2 firearms team was on the scene. There was a discussion
3 about this --
- 4 Q. All right, you go on, I may have interrupted you too
5 early.
- 6 A. I think it's got to be -- there was a discussion at this
7 stage whether the surveillance could stop the subject or
8 the firearms team were in a position to stop the
9 subject. At first, Mr Esposito was saying the firearms
10 are not on the scene. Very shortly after Commander Dick
11 gave the order that the suspect must be stopped, Vince
12 Esposito reported that the firearms were on the scene.
- 13 Q. So what happened once Mr Esposito said that the firearms
14 team were on scene?
- 15 A. There was a discussion about once, if they went
16 underground, whether they could communicate with the
17 firearms team or the surveillance team.
- 18 Q. If we just get the sequence, and I am looking at the
19 statement that you have made, you have dealt with the
20 observation you say was made by Commander Dick. Then
21 your statement records, is this right, that Mr Esposito
22 said that the firearms teams were still not in
23 a position to assist?
- 24 A. Yes.
- 25 Q. Your statement records that Mr Boutcher then directed

1 that the surveillance teams were to stop the subject?

2 A. Yes, that's correct, sir.

3 Q. I don't know, do you remember, was that in fact

4 a suggestion made by him and then an order given by

5 Commander Dick; is that likely, or do you think it was

6 a direction from him?

7 A. I think it was seeking -- it was a proposal, that the

8 firearms teams -- sorry, the surveillance teams stop the

9 suspect because it was clear that Commander Dick was in

10 charge of the operation.

11 Q. Yes. Then your statement says that very shortly after

12 this, Trojan 80 stated that the firearms team was on

13 scene?

14 A. That's correct, sir.

15 SIR MICHAEL WRIGHT: Can you remember from your statement if

16 it was Mr Boutcher's suggestion whether Commander Dick,

17 as she then was, actually gave that order?

18 A. From my statement, I can't remember, but my

19 understanding was that it was such a quick interaction

20 where the surveillance team should do it, and then the

21 firearms teams were reported to be on scene.

22 SIR MICHAEL WRIGHT: I appreciate that may make it very

23 difficult. I don't know whether you have any memory now

24 as to whether Commander Dick actually said "S012, do

25 it"?

1 A. No, I don't remember her saying that.

2 SIR MICHAEL WRIGHT: Very well.

3 MR HILLIARD: Right, so you have Mr Boutcher, you have
4 recorded him as directing that the surveillance teams
5 were to stop the subject; yes?

6 A. Yes, that's correct, sir.

7 Q. Then, as we have said, that Mr Esposito says the
8 firearms team were on scene. Then you have told us this
9 question about, if they were in the tube, whether
10 communications would still be possible. But once it had
11 been indicated that the firearms team were there, do you
12 remember whether anything was said then about who was
13 actually going to be -- going to carry out the stop,
14 whether it was the firearms team or the surveillance
15 team?

16 A. No, I don't remember that discussion or that direction.

17 Q. All right. Then is this right, not long after that,
18 communication was received that the man had been shot?

19 A. That's correct, sir.

20 MR HILLIARD: Thank you very much.

21 SIR MICHAEL WRIGHT: Mr Mansfield.

22 Questions from MR MANSFIELD

23 MR MANSFIELD: Good morning, my name is Michael Mansfield.

24 I represent the de Menezes family. Just one question,
25 do you have your notes there?

1 A. No, I don't, sir.

2 Q. All right. The one question is: when did you make the
3 notes which incorporated this observation about, that
4 Pat was making, and also Commander Dick; when did you
5 make those?

6 A. About 4 o'clock in the afternoon.

7 Q. Of the same day?

8 A. That's correct, sir.

9 Q. Did you make them on your own?

10 A. Yes, sir.

11 MR MANSFIELD: Thank you.

12 SIR MICHAEL WRIGHT: Thank you.

13 MR GIBBS: No questions, thank you.

14 SIR MICHAEL WRIGHT: Mr Stern?

15 MR STERN: No, thank you, sir.

16 SIR MICHAEL WRIGHT: Ms Leek?

17 MS LEEK: No, thank you.

18 SIR MICHAEL WRIGHT: Mr Perry.

19 Questions from MR PERRY

20 MR PERRY: Thank you, sir. I am David Perry. I represent
21 Commander Dick, amongst others.

22 Mr Lewindon, I am going to try to assist with your
23 notes, if I can, because I think if you can be shown on
24 the screen document 5051, I hope, document page 5051, is
25 that --

1 A. That is my CID report book.

2 SIR MICHAEL WRIGHT: Now you know where it's gone.

3 MR PERRY: I am not sure if you had lost it, Mr Lewindon.

4 I only know this because I have been given documents

5 that have been provided to everyone else. It's not

6 magic on my part, I am afraid.

7 I am not going to ask everyone to look at that,

8 because I want to try to assist with your evidence, but

9 if we go to the very last page, 5055, can we see,

10 because I am not very good at reading other people's

11 handwriting, do you see at the end "notes made"?

12 A. 1700, sir, so it's 5 o'clock in the afternoon.

13 Q. That's 1700?

14 A. Yes, sir.

15 Q. On the 22nd?

16 A. Yes, sir.

17 Q. Thank you very much. So we chased down that particular

18 hare.

19 A. I'm stunned at my memory, sir. I was only an hour out.

20 Q. Very, very impressive. May I just ask you a couple of

21 things, and just for your assistance, if you would like

22 to have on your screen the notes 5053, do you have that?

23 A. I haven't got it up, sir.

24 SIR MICHAEL WRIGHT: It's coming up now.

25 A. I have it now.

1 MR PERRY: All right. Can I just look at the second line:
2 "Approximately 10 am entered the ops room".
3 The second line going on to the third line?
4 A. That's correct, sir.
5 Q. That's just to get the start of this. Don't think for
6 a moment, Mr Lewindon, that I am holding you to
7 10 o'clock or just before or just after, but that's what
8 you are saying in your notes, at approximately 10 am?
9 A. It was approximately 10 am, yes, sir, but that was
10 a real estimate. When I went in, there was no
11 intention -- the intention was to have a meeting and
12 I didn't take note on my watch.
13 Q. If we go over to the next page, which is 5054, about
14 eight lines down -- I had better not try and read your
15 writing.
16 A. "I subsequently discovered that the person followed was
17 from that occupied by the suspect for bombing."
18 "I subsequently discovered that the person followed
19 was from flat occupied by suspect for bombing."
20 SIR MICHAEL WRIGHT: Go on.
21 MR PERRY: Go on.
22 A. "The surveillance monitor replied 'they think it's
23 him'."
24 Q. Just pausing there for a moment if I may, I just want to
25 ask you about that.

- 1 So we get the picture and we see what's happening,
2 you have walked into the operations room in the middle
3 of an operation?
- 4 A. That's correct, sir.
- 5 Q. And it's clear that something important is going on?
- 6 A. Yes, sir.
- 7 Q. That's why you tuck yourself away in the back right-hand
8 corner, because something is developing as you are
9 standing there in front of you?
- 10 A. Yes, sir.
- 11 Q. Involving Mr Johnston, the person you had gone into the
12 room to speak to, who was your line manager or your
13 senior officer?
- 14 A. That's correct, sir.
- 15 Q. When you were giving evidence in answer to my learned
16 friend who puts questions on behalf of the Coroner, you
17 said that when Mr Boutcher asked for the percentage, the
18 surveillance monitor said that he was -- or words to the
19 effect that he was confident that the person being
20 followed was the suspect?
- 21 A. Sorry, can you repeat that question, sir?
- 22 Q. Yes, I am very sorry.
- 23 A. I glanced at my notes.
- 24 Q. That's all right, I know how difficult it is. When you
25 were answering questions earlier --

1 A. Yes, sir.

2 Q. -- you said words to the effect of that the surveillance
3 monitor, in answer to Mr Boutcher's percentage question,
4 said something along the lines of that they were
5 confident that the person being followed was the
6 suspect?

7 A. I didn't say that at all, sir.

8 Q. All right. You see, I was trying to say what you had
9 said earlier. But it doesn't matter, I am not going to
10 press it.

11 Can I just ask you this --

12 SIR MICHAEL WRIGHT: Mr Perry, it's in the notebook, what he
13 recorded. It's on the screen.

14 MR PERRY: No, I was putting to him what was on our screen
15 earlier, sir, in the LiveNote in answer to my learned
16 friend; but I do not want to be difficult with the
17 witness.

18 May I just ask you this, Mr Lewindon: you have said
19 Mr Boutcher was asking the percentage; can you recall
20 Cressida Dick asking for the percentage and Mr Boutcher
21 saying on a scale of 1 to 10?

22 A. I can't remember that, sir, no.

23 Q. Because this was something that was happening very
24 quickly and when you came to compile your notes, you
25 were doing your best to put down what you recollected at

1 that time, 5 o'clock, as to the significant matters?

2 A. That's absolutely correct, sir.

3 Q. I just want to ask you this: when of course you are

4 compiling notes, it's sometimes very difficult to

5 recollect precisely the words used by a particular

6 individual?

7 A. It's absolutely correct, it is very difficult.

8 Q. It's probably the most difficult thing when you are

9 compiling notes to give an accurate report of direct

10 speech?

11 A. That's absolutely correct, sir.

12 Q. Now, just to be fair to you, Mr Lewindon, and so

13 everyone knows what the position is, if we just look on

14 the screen, we can see there:

15 "Commander Dick said he must not be allowed to get

16 on..."

17 Can you read it out?

18 A. Sorry, I am trying to --

19 SIR MICHAEL WRIGHT: Actually, if you can bear with me for

20 a moment. You have read the passage about him coming,

21 the suspect coming from the flat occupied by a bomber;

22 you see that there?

23 A. Then the sentence after that says --

24 SIR MICHAEL WRIGHT: Just read on from there.

25 A. "The surveillance monitor replied 'they think it's him'.

1 Suspect approached Stockwell Park station.

2 Commander Dick stated he must not be allowed to get on

3 train at all costs. Esposito: firearms still not in

4 position to assist. Boutcher: surveillance to put in

5 stop. Esposito: firearms on scene. Questions raised as

6 to comms from station."

7 SIR MICHAEL WRIGHT: Communications, does that mean?

8 A. That's absolutely correct, sir:

9 "Shortly after received communications man shot."

10 SIR MICHAEL WRIGHT: Thank you, that will do.

11 MR PERRY: Thank you.

12 What I am going to ask you, now you have looked at

13 that, is: you told us how difficult it can be to record

14 speech, and please don't think that this is a criticism

15 of you, but when you were giving evidence a short time

16 ago you said: I think the words used were "at all

17 costs"?

18 A. Yes.

19 Q. I am going to suggest that in fact Cressida Dick didn't

20 say "at all costs". She did say, so it's clear, that he

21 was to be stopped but she didn't use the words "at all

22 costs". May you be wrong about that?

23 A. According to my notes, which were made on the afternoon,

24 I recorded "at all costs", but I recognise --

25 SIR MICHAEL WRIGHT: That's the best you can say, isn't it?

1 A. That's the best I can say, absolutely correct, sir.

2 MR PERRY: I know that's in your notes and that's why I put
3 it up on the screen so we can all see that.

4 My question is really this: may it be that you are
5 wrong about that.

6 A. I am not sure if you are asking the question -- what you
7 are saying, you may be wrong about that, and I could be
8 wrong, yes.

9 Q. Well, it was a question.

10 SIR MICHAEL WRIGHT: The suggestion is that you may be
11 wrong. What is your comment?

12 A. That is always possible, sir.

13 MR PERRY: Thank you. That's very fair, Mr Lewindon. Thank
14 you very much indeed.

15 MR HORWELL: No, thank you.

16 SIR MICHAEL WRIGHT: Mr Hilliard.

17 Further questions from MR HILLIARD

18 MR HILLIARD: Just two things.

19 If we can just get the notes back on screen, please.
20 That part that Mr Perry has been asking you about, is
21 that actually in speech marks, in quotation marks?

22 A. That is in quotation marks, yes.

23 Q. Just to ask the obvious question, why is that?

24 A. Because that's how I remembered the words to be at that
25 time.

- 1 Q. Then if we go on down the note, you are asked up to this
2 point or you read out, in fact, do you remember:
3 "Shortly after received communications man shot."
4 A. That is correct, sir.
5 Q. What's the next --
6 A. It says:
7 "Lack of co-ordination in room. Dec Sup Johnston
8 requested my assistance."
9 Q. "lack of co-ordination in room". What's that about,
10 please?
11 A. I understand at the time there was some difficulty with
12 the postings at the back of the room and the way that
13 the room was being managed. For example, I spoke to the
14 two Special Branch officers who were the operations
15 co-ordinator. Next to them were two SCD7 officers,
16 and --
17 Q. Just explain?
18 A. Sorry, Specialist Crime Department officers. They are
19 not usually in the room. This is one of the things
20 I noticed when I walked in; the room wasn't configured
21 how I expected it, in my experience. And I asked some
22 questions about what their respective roles were, and
23 made sure that they were working together.
24 Q. What was the lack of co-ordination in the room, just in
25 really simple terms, if you could?

1 A. In my terms, from an intelligence handling point of
2 view, there were -- it was problems with the knowledge
3 of roles of people in the room. In my experience, there
4 are -- there is a room manager and an actions manager
5 and people who complete the actions which -- so any
6 enquiries coming out of the room are co-ordinated and
7 completed and there is an audit trail; and there were
8 people who were put into the room, didn't understand the
9 role of the operations room manager and vice versa.
10 They didn't understand the work being done by each
11 other.

12 Q. So what was the effect of that lack of understanding?

13 A. I don't -- I can't answer that at this stage. I haven't
14 made a note of why. It was just tying up the people and
15 making sure they knew the roles in the handling of
16 information.

17 SIR MICHAEL WRIGHT: To take an example, what were the two
18 SCD7 officers doing there?

19 A. I understand that they were brought in to conduct fast
20 time enquiries. For example, if you were running
21 a surveillance operation and they stopped -- the person
22 being followed stopped at an address, there would be
23 immediate enquiries made to ascertain --

24 SIR MICHAEL WRIGHT: What they were there for?

25 A. Yes. This would be different. In a Special Branch

1 operation, usually the actions co-ordinator, office
2 manager, will manage the actions and issue them to
3 Special Branch officers who would conduct the enquiries.
4 But in this case, Specialist Crime Department officers
5 had been brought in to conduct those enquiries.

6 SIR MICHAEL WRIGHT: I suppose in one way it means they
7 could act more quickly.

8 A. That's one theory, yes, sir.

9 MR HILLIARD: If you go on in the note, because I think you
10 said:

11 "Lack of co-ordination in room.

12 [Detective Superintendent] Johnston..."

13 Is that "requested my"...?

14 A. "assistance".

15 Q. "assistance". This is on the problem?

16 A. Yes.

17 Q. How does it go?

18 A. "I ascertained roles of the persons in the room and
19 sought to ensure that the ops room manager was aware of
20 all the actions" -- excuse me.

21 "There was uncertainty as to whether information
22 from" -- sorry, it's "SCD6", which was the specialist
23 crime officers -- "was being fed into the ops room.
24 Detective Superintendent Johnston then called a stop in
25 the room to refocus on the objectives of the operation."

1 Then at that stage we started a log on the
2 directions of Mr Johnston on which we recorded our
3 decisions.

4 Q. Just to help us, Detective Superintendent Johnston
5 calling the stop so that you can refocus on objectives?

6 A. Yes.

7 Q. What happened? Does he say, "Everyone, quiet"?

8 A. Yes, and he sort of says: can we look where we are now,
9 what's the position we're at now. It's an action that's
10 often taken by a control room manager leader, especially
11 in the case of a significant event. The issue at the
12 time, yes, we had shot and detained what we believed at
13 that stage, or I believed from the circumstances one
14 suspect, and it's to refocus the fact that the operation
15 hasn't finished. There is still work to be done.

16 MR HILLIARD: Thank you very much indeed.

17 SIR MICHAEL WRIGHT: Just one thing, please, Mr Lewindon:
18 this is a question that may cause you some indignation
19 and the lawyers some hilarity.

20 Was 5 o'clock that afternoon the first opportunity
21 you had had to make up your notes as to what had
22 happened that morning?

23 A. Yes, sir, it was, sir.

24 SIR MICHAEL WRIGHT: What were you doing in the interval?

25 A. I really can't remember that, but I was involved in

1 managing the operations room and other actions.

2 I really can't remember what.

3 SIR MICHAEL WRIGHT: Very well. Is it unusual for delay in
4 making up notes like this to occur?

5 A. Yes. It is, yes, sir.

6 SIR MICHAEL WRIGHT: What was it that prevented you from
7 doing it on this occasion?

8 A. From my memory, sir, I was managing the room for the
9 operation.

10 SIR MICHAEL WRIGHT: You were fully occupied, were you?

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: But this was the first opportunity for
13 you, at 5 o'clock?

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: Thank you very much. You can stand
16 down, Mr Lewindon, and you are free to go.

17 (The witness withdrew)

18 MR HOUGH: Sir, Mr Whiddett next.

19 SIR MICHAEL WRIGHT: Yes.

20 INSPECTOR ANDREW WHIDDETT (sworn)

21 SIR MICHAEL WRIGHT: Thank you. Please sit down,
22 Mr Whiddett.

23 A. Thank you, sir.

24 Questions from MR HOUGH

25 MR HOUGH: Could you give your name and current rank to the

- 1 court, please.
- 2 A. Andrew Whiddett, inspector.
- 3 Q. My name is Jonathan Hough and I will be asking you
4 questions first on behalf of the Coroner and then others
5 will have questions for you.
- 6 A. Yes, sir.
- 7 Q. Is this right, in July of 2005, perhaps now also, you
8 were a Detective Inspector in SO12, that's
9 Special Branch?
- 10 A. That's correct, sir.
- 11 Q. At that time, you were responsible for managing
12 surveillance teams?
- 13 A. I was at that time, sir, yes.
- 14 Q. I think you made a statement, your main statement, on
15 23 July 2005, so just a day after the primary events we
16 are dealing with?
- 17 A. That's correct.
- 18 Q. Do you have a copy of that statement to hand?
- 19 A. I do. I brought a copy with me.
- 20 Q. Perhaps if you have that in front of you, because I and
21 others may refer to parts of it.
- 22 On 21 July, so the day when the failed bombings took
23 place, were you the surveillance co-ordinator in the
24 operations room?
- 25 A. I was, sir, yes.

- 1 Q. Is that the operations room on the 16th floor about
2 which we have been hearing quite a lot?
- 3 A. That's the same room, sir, yes.
- 4 Q. During that afternoon of 21 July, what was your general
5 responsibility?
- 6 A. I was ensuring that we had surveillance teams available
7 to deal with any intelligence leads that came in,
8 basically ensuring that there was some resilience in the
9 surveillance facilities that were available to the SIO
10 as and when he called for them.
- 11 Q. The SIO was Mr Boutcher?
- 12 A. Mr Boutcher, sir, yes.
- 13 Q. So you are setting up surveillance teams for such needs
14 as he might have?
- 15 A. That's correct, sir.
- 16 Q. Did you instruct somebody to come to the operations room
17 to provide cover overnight to provide management of
18 surveillance teams?
- 19 A. That's correct, sir, yes, I did.
- 20 Q. I'll give you a prompt so that we don't let anything
21 slip.
- 22 A. I would be grateful, sir.
- 23 Q. Was that person called Colin?
- 24 A. He was, sir, yes.
- 25 Q. That's a pseudonym. At what time on 21 July did you

- 1 finish duty?
- 2 A. 10 o'clock in the evening, sir.
- 3 Q. Were you aware before you left at 10 o'clock that
- 4 a firearms authorisation was to be given for the
- 5 surveillance teams?
- 6 A. I was, sir, yes.
- 7 Q. As we have heard, that was by
- 8 Detective Superintendent Johnston?
- 9 A. That's correct, sir, yes.
- 10 Q. Moving on to 22 July, you have gone off duty, I think
- 11 you have gone home?
- 12 A. That's correct, sir, yes.
- 13 Q. Were you woken by a message?
- 14 A. I was. I was woken at about 4 o'clock in the morning by
- 15 a pager message going off next to my bed.
- 16 Q. That time of this message going off, are you sure about
- 17 that time, or could you be out by a bit; is it something
- 18 you noted?
- 19 A. I have actually noted it here in my statement as five
- 20 minutes past 4 o'clock.
- 21 Q. The message, what did it say, if you can recall or if
- 22 your statement helps you?
- 23 A. Basically the message said words to the effect that the
- 24 red surveillance team, which had been the team that had
- 25 been on standby overnight in Central London, had been

- 1 directed to deploy at that time, at 4 o'clock.
- 2 Q. Is this right, they had been on standby at
- 3 Tintagel House?
- 4 A. That is correct, sir, yes.
- 5 Q. Which is quite near New Scotland Yard but just over the
- 6 river?
- 7 A. Just over the river from it, yes.
- 8 Q. What was the next message or call you received?
- 9 A. I received another call at around about 5 o'clock or
- 10 5.05 that same morning, when I was asked to get extra
- 11 teams to New Scotland Yard in order to deploy them as
- 12 soon as possible.
- 13 Q. Again, I'll give you a prompt so no unfortunate leakage
- 14 takes place: that was, I think, a call from Alan, who is
- 15 a temporary DCI in S012?
- 16 A. That's correct, sir, yes.
- 17 Q. Was he the operations co-ordinator at the time he made
- 18 the call?
- 19 A. I believe he was, sir. Yes, I wasn't aware of his
- 20 actual job title but that would describe it, yes.
- 21 Q. At approximately what time -- you said it was about
- 22 5 o'clock or 5.05 that you received that call, and again
- 23 that's something you noted in your statement, I think?
- 24 A. I have, sir, yes.
- 25 Q. Did Alan tell you anything about the instructions that

- 1 were being given as to the strategy?
- 2 A. Not in that phone call, sir, no.
- 3 Q. What response did you give to the information he was
4 giving you?
- 5 A. I would have told him that I had two teams that I could
6 call out immediately and that I would make my way to New
7 Scotland Yard as quickly as I could.
- 8 Q. Did you arrive at New Scotland Yard on your own?
- 9 A. No, I was fortunate, there was another officer who was
10 living nearby who was able to give me a lift in, so
11 I arrived with that officer.
- 12 Q. Roughly what time did you arrive at New Scotland Yard?
- 13 A. At 6.05.
- 14 Q. Once there, where did you go?
- 15 A. I went up to the 16th floor to the operations room, sir.
- 16 Q. Once you had got there, did you meet Colin, the
17 gentleman who was giving night duty cover?
- 18 A. I did, sir, yes.
- 19 Q. I'm now at the top of the second page of your statement,
20 if that helps you remind you, what information did Colin
21 give you about developments overnight?
- 22 A. Basically he informed me that there had been quite
23 considerable developments in that there had been
24 material recovered at the scenes of the failed attacks
25 in rucksacks, as I understood it, and amongst this

- 1 material that had been recovered there were identity
2 documents with photographs.
- 3 Q. I think you gave evidence at the Health and Safety trial
4 last year?
- 5 A. I did, sir, yes.
- 6 Q. You said there that at least some of the information
7 when you got to the operations room came not from Colin
8 but a Detective Chief Inspector who was there?
- 9 A. That's correct.
- 10 Q. Was that Detective Chief Inspector Noel Baker?
- 11 A. It was Detective Chief Inspector Baker, sir, yes.
- 12 Q. I think you made some notes of the information you were
13 receiving?
- 14 A. I did, sir, yes.
- 15 Q. Can we have on screen, please, documents page 442. Are
16 these your notes?
- 17 A. Yes, I recognise those, sir, yes.
- 18 Q. We see there running down the page, do we, the names of
19 the two people with their codenames, the names of the
20 two people who were associated with the gym card?
- 21 A. I believe so, sir, yes, that's correct.
- 22 Q. Two addresses, Scotia Road and Portnall Road, which were
23 then known associated with those people?
- 24 A. That's correct, sir, yes.
- 25 Q. Then an address, 34 Mitcham Lane. Can you now recall

- 1 the association of that to the investigation?
- 2 A. I have written there "subs to mobile" which mean it was
3 a mobile subscriber was connected with that address.
4 I can't recall any more now why that address was
5 relevant at that time. And I would assume it was
6 something to do with either Mr Omar or Mr Osman or
7 a third person had a mobile phone that came back to that
8 address on enquiries.
- 9 Q. We have heard a little bit about that yesterday. Next
10 we see "vehicle", and then a registration number with
11 "61A Portnall Road" written again next to it. I think
12 that was the registration number of a black Nissan
13 Primera?
- 14 A. Right, yes.
- 15 Q. Just looking back at your statement, were you made aware
16 that that vehicle had in fact been located?
- 17 A. Yes, it was located at around 6.22 by the red team, who
18 were at Scotia Road at that time. So it was found in
19 the vicinity.
- 20 Q. Then we see references below that to Mr Merrick Rose,
21 S013, a Detective Inspector, and Mr Esposito, Trojan 80?
- 22 A. Obviously it's blacked out on the copy.
- 23 Q. It's blacked out because he was once anonymised but is
24 no longer?
- 25 A. That's correct, sir.

- 1 Q. If we turn over the page, please, is this again your
2 handwriting?
- 3 A. It is, sir, yes.
- 4 Q. Do you there record "Shepherd's Bush ruck", short for
5 rucksack?
- 6 A. That's correct, sir.
- 7 Q. Membership card, Hussain Osman, and recording that that
8 membership was dual membership with Abdi Samad Omar?
- 9 A. That's correct.
- 10 Q. Then you record the address found as a result of the
11 membership card, not actually on the membership card but
12 found from enquiries, Scotia Road. Then do you record
13 this:
- 14 "All will have burns".
- 15 A. Yes, sir, that's my writing.
- 16 Q. What does that signify?
- 17 A. I think this is some information that I received
18 a little bit later but around about the same time, that
19 there were suggestions given that the type of the
20 explosive, improvised explosives that had been used in
21 the rucksacks and the way that it had been carried on
22 the back of most of the suspects, that because obviously
23 they had survived but there had been some sort of
24 ignition, it was likely or very likely that they would
25 have burn injuries on their backs, if their backs were

1 visible.

2 Q. Then do you write this also:

3 "Also in rucksack recovered from Shepherd's Bush
4 a National Insurance card belonging to Mr Obwana, alias
5 Elias Girma."

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

7 Q. Then recording as we've heard that the black Nissan
8 Primera had been found parked outside Scotia Road?

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

10 Q. I think we can take those off screen now. The
11 information I have just gone to, was that communicated
12 to you at or shortly after the time you arrived at New
13 Scotland Yard that morning?

14 A. At that time, sir, yes. Or times.

15 Q. What were you told at that stage about surveillance
16 requirements for Scotia and Portnall roads?

17 A. I was aware that the red team were already at
18 Scotia Road. I was asked to deploy the first team that
19 was available to Portnall Road because there was no
20 surveillance cover on that address at all, and then
21 I was asked to send the next available team to
22 Scotia Road.

23 Q. Was anything said about the urgency of those two
24 deployments, a second -- a first team to Portnall and
25 a second team to Scotia?

- 1 A. It was very urgent, sir.
- 2 Q. Were you given any indication that one or the other was
3 a priority address or were they both of equal
4 importance?
- 5 A. It was important to get both addresses covered, but
6 I believe now, looking back on it, that Scotia Road was
7 prioritised because the vehicle had been found nearby;
8 and there was on balance of probabilities -- it was
9 suggested that that was perhaps the first, the more
10 relevant address of the two addresses at that time.
- 11 Q. After you had been brought up to date, did you have to
12 satisfy yourself that any particular authorities had
13 been given?
- 14 A. I did. I had to ensure that the RIPA authority was in
15 place to authorise --
- 16 SIR MICHAEL WRIGHT: I think you had better explain that.
- 17 A. Regulation of Investigatory Powers Act, which is the Act
18 under which the police apply for authorities to carry
19 out covert surveillance in the public areas, and that
20 has to be signed by a superintendent who on this
21 occasion was Mr Johnston.
- 22 MR HOUGH: We have seen a copy of that yesterday, timed at
23 around 6 o'clock?
- 24 A. That's correct, sir, yes.
- 25 Q. Moving on to the third page of your statement, if it

- 1 helps, did you attend a briefing shortly after 7 o'clock
2 that morning?
- 3 A. I did, sir, yes, with Colin.
- 4 Q. You say Colin; what part did he play in that briefing?
- 5 A. Colin gave the majority of the briefing because he had
6 first-hand knowledge of the information that was being
7 given to the surveillance teams, because he had been
8 working overnight on it, and I was there to ensure that
9 what he was giving was consistent with what I had
10 already been briefed, and to take any further questions.
- 11 Q. Which team did you brief at that stage?
- 12 A. That was the blue team, sir.
- 13 Q. So Colin briefing the blue team with you on hand to
14 help?
- 15 A. That's correct, sir, yes.
- 16 Q. After that briefing where did the blue team go?
- 17 A. They went to Portnall, sir.
- 18 Q. Straightaway?
- 19 A. As quickly as they could, yes.
- 20 Q. Can you give an estimate for when you think they might
21 have got there?
- 22 A. Between quarter to 8 and 8 o'clock, although obviously
23 the surveillance logs will be able to give the precise
24 times.
- 25 Q. Did you attend a second briefing by Colin shortly after

- 1 that?
- 2 A. I did, sir, yes.
- 3 Q. Which team was that --
- 4 A. That was the grey team, sir, which was the second team
- 5 to be called out that morning.
- 6 Q. If we can have on screen jury bundle-tab 1, page 2.
- 7 SIR MICHAEL WRIGHT: The timeline?
- 8 MR HOUGH: Yes, it's just to pick out two entries. 6.05,
- 9 about a third of the way down, DI Whiddett arrives at
- 10 New Scotland Yard and is briefed by Colin.
- 11 A. Yes, sir.
- 12 Q. We can add in DCI Baker as well as Colin there?
- 13 A. Yes, sir.
- 14 Q. Further down the page, 7.45, the second entry:
- 15 "Colin briefs grey surveillance team at New Scotland
- 16 Yard. DI Whiddett is present for that briefing."
- 17 A. That's correct, sir, yes.
- 18 Q. We can take that off the screen. That's just to
- 19 pinpoint a couple of things on our timeline.
- 20 The two briefings that were given to the blue and
- 21 grey teams, how long roughly was each briefing?
- 22 A. I would estimate 15 minutes, 20 minutes.
- 23 Q. What materials if any were provided by Colin to the
- 24 people he was briefing?
- 25 A. Colin had a photo montage of copies of the photographs

1 that I understood had been recovered from the rucksacks
2 that we had copied. We provided those to the teams so
3 they would know who they were looking for, basically.

4 Q. Can we have jury bundle, tab 37, up on screen and
5 meanwhile can I ask the usher to give this to you.

6 (Handed)

7 It might even be 36. No, 37. Do you recognise this
8 document? You are being shown an original, and it's
9 also coming up on screen in front of you?

10 A. Yes, I do recognise it, yes.

11 Q. Can you tell us what it is?

12 A. The first one is a montage produced by the
13 Anti-Terrorist Branch of Hussain Osman, and it gives
14 details of where -- of a membership card in his name,
15 where it was found. It gives an address, and details of
16 a mobile and a home phone number, both taken from that
17 membership form for the sports club.

18 Q. Was that used in these briefings at all?

19 A. I believe it was, sir, yes.

20 SIR MICHAEL WRIGHT: You call it a montage, is that what's
21 on the screen?

22 MR HOUGH: It's exactly the exhibit.

23 SIR MICHAEL WRIGHT: Could I see the original, please?

24 MR HOUGH: Yes, and perhaps that can also be shown to the
25 jury after it has been shown to the Coroner. (Handed)

1 If you look at the last page of your statement, you
2 refer to what was provided to the teams being exhibit
3 SFG1; do you see that?

4 A. Yes, I do, sir, yes.

5 SIR MICHAEL WRIGHT: Forgive me, Mr Hough. What I was
6 wondering is whether anybody has the actual card?

7 MR HOUGH: We have seen it on screen. It can be --

8 SIR MICHAEL WRIGHT: I know. What I am wondering about is
9 how good a reproduction is on this document, which is
10 the original, as you say, the original montage, to the
11 card itself.

12 MR HOUGH: We can deal with that.

13 SIR MICHAEL WRIGHT: Maybe the jury will find it helpful.

14 What was it that the surveillance teams were shown,
15 this document or the actual card?

16 A. It wasn't the actual card, sir.

17 SIR MICHAEL WRIGHT: It would have been this document.

18 A. It would have been that document. My recollection is
19 there was another A4 document which was basically just
20 photographs. That's why I hesitated.

21 MR HOUGH: Sir, our recollection at the Bar certainly is
22 that the card has been shown around at some point, but
23 if it's desired that the card and that document be put
24 side by side for the jury, we can certainly do that.

25 SIR MICHAEL WRIGHT: What I think matters is what the actual

1 surveillance officers were shown; if it wasn't the card
2 itself, well, so be it.

3 Those are, I suppose, photocopies?

4 A. Yes, sir.

5 SIR MICHAEL WRIGHT: Those documents. Were they all given
6 copies themselves?

7 A. It wouldn't have been standard practice at that time to
8 give every officer a copy. Certainly a large number of
9 copies would have been made and distributed at the
10 briefing so everybody had easy access to one.

11 SIR MICHAEL WRIGHT: Presumably then the teams or the team
12 leader at any rate would take a copy out with him?

13 A. Absolutely, sir, yes.

14 MR HOUGH: Perhaps you can explain the reason for that. You
15 suggested it wasn't a matter of policy or standard
16 practice to give a copy of this kind of document to
17 every single surveillance officer; why would that be?

18 A. Certainly not this type of document, sir. Obviously
19 it's sensitive if it's dropped in the street or left on
20 view in a vehicle, or comes to view, it could cause
21 a breach of security of an operation. It would be bad
22 practice for too many of these to leave, to go out with
23 officers who obviously then get out of their vehicles
24 and move around. Things get dropped.

25 Q. I should put this to you because I suspect others might

- 1 want to: isn't there some benefit in issuing one of
2 these to all the surveillance officers, trained officers
3 whom you can trust --
- 4 SIR MICHAEL WRIGHT: Even if it's only the photograph.
- 5 MR HOUGH: -- who can at least fold it up, put it in a back
6 pocket and compare it once they've seen somebody
7 immediately afterwards. Doesn't that help with
8 identification?
- 9 A. It does help, sir.
- 10 Q. But nevertheless, was it decided that that benefit was
11 outweighed by the fear of the document being dropped by
12 somebody?
- 13 A. That wasn't a decision made specifically on this
14 occasion, sir, no.
- 15 Q. Did anybody at the briefing say, "Could I have one of
16 those just for myself?", or do you not --
- 17 A. I don't recall anyone saying that. Had they asked, they
18 would have been given an extra copy if they didn't have
19 one, yes.
- 20 Q. This obviously is limited information. Was there
21 a documentary briefing pack provided?
- 22 A. No, there wasn't, sir.
- 23 Q. Why was that?
- 24 A. Because of the urgency of the situation, when I arrived
25 there wasn't anything by way of a documentary briefing

1 pack in existence. It was my judgment that to sit down
2 and create such a document when the information was held
3 between Colin and myself would unnecessarily delay the
4 deployments of the surveillance teams, and at that time
5 information was coming forward all the time. We have
6 already mentioned about the vehicle, the burn marks.
7 The document would have been continually being updated
8 to the point where it would have been out of date almost
9 as soon as you printed it. Probably the deciding factor
10 was there wasn't anyone available to actually do that
11 single job at that time.

12 Q. During the course of those briefings, do you remember
13 were any instructions given about what to do with people
14 coming out of the addresses?

15 A. My understanding was that the instructions were that
16 people coming out of the addresses would be identified
17 by the surveillance team and followed away to a point
18 where they would be, pending a decision by the command
19 team, either stopped or they would be stopped and spoken
20 to, and the manner in which they were stopped and spoken
21 to would depend on the assessment as to whether or not
22 they were likely to be of interest to the inquiry, sir.

23 SIR MICHAEL WRIGHT: What's the distinction?

24 A. Well, sir, if you look at the photographs, it's apparent
25 that we are looking for probably certain types of males.

1 If for example a white female came out pushing children
2 in a buggy --

3 SIR MICHAEL WRIGHT: They would not be interested.

4 A. They would probably want to talk to them but it would be
5 in a different manner, perhaps, to gain information
6 about the layout of the flat or whatever.

7 MR HOUGH: Can you look at your statement. It's the third
8 page, towards the bottom of the page. I am quoting:

9 "Both the blues and the greys were advised that
10 DCI Baker's instructions were that both suspect
11 addresses were to be 'held' pending the arrival of
12 support from CO19 specialist firearms officer teams that
13 were deploying direct at that time."

14 A. Yes, sir.

15 Q. Is that an accurate record of what was said to them at
16 the time?

17 A. I believe so, sir, yes.

18 Q. Were you told and were those teams told anything about
19 when the specialist firearms officer teams were
20 expected?

21 A. My understanding was, and I said to them that they were
22 expected to arrive very soon.

23 SIR MICHAEL WRIGHT: You have already told us that the
24 pressure to get the surveillance teams out there was
25 urgent.

- 1 A. Yes, sir.
- 2 SIR MICHAEL WRIGHT: What was your understanding about, so
3 far as you had any, the intentions so far as the
4 firearms teams were concerned?
- 5 A. That it would be similar. They would come -- it would
6 be a matter of an urgent deployment for them, sir.
- 7 MR HOUGH: In fairness to you, you say in your statement:
8 "CO19 were, I understood, deploying as a matter of
9 urgency and a Silver firearms controller was being
10 provided by SO13, the Anti-Terrorist Branch."
- 11 A. That's correct, sir. It's actually on the note that we
12 saw earlier.
- 13 Q. Was anything said to those two teams, blues and greys,
14 about the provision of firearms to them?
- 15 A. Yes, sir. I reminded them that they were being provided
16 with firearms for their own protection and the
17 protection of the public in an emergency.
- 18 Q. Were all of them being provided with firearms or just
19 some of them?
- 20 A. Just some of them. It was practice, and I believe it
21 still is in what was then SO12 surveillance teams, not
22 every surveillance officer was an authorised firearms
23 officer.
- 24 Q. Did any of the members of the teams ask any questions
25 that you recall?

- 1 A. There was a question raised around the Kratos strategy,
2 sir.
- 3 Q. Can you remember what the question was?
- 4 A. I can't remember exactly what the question was, but my
5 answer was to provide them with our standard response to
6 these situations within SO12 surveillance as it was at
7 that time, which was they were being provided with
8 a priority telephone number which went straight into the
9 24-hour information room at New Scotland Yard, where
10 they would be connected to the Chief Inspector in charge
11 of that room. They were given a code word to give,
12 which would immediately prioritise the information they
13 were providing.
- 14 Q. Can you remember, in what precise circumstances were
15 they to make that call?
- 16 A. If they believed that they were confronted with somebody
17 who we would describe as a deadly and determined
18 attacker, or to put it more simply, a suicide bomber.
- 19 Q. In practice did that mean somebody matching the
20 description we have just seen on the screen?
- 21 A. I think that would be a too simple situation, sir. They
22 would use their judgment as to whether they felt there
23 was a risk being presented by that individual before
24 they did that, sir.
- 25 SIR MICHAEL WRIGHT: In other words, simply similarity would

1 not be enough?

2 A. No, sir.

3 SIR MICHAEL WRIGHT: What else would they be looking for?

4 A. The individual's conduct. Obviously if they were

5 carrying a rucksack, that would heighten their

6 perception of risk. Any other intelligence that became

7 available to them during the course of the operation.

8 There is many things, sir, that could, you know, lead

9 them to form the idea themselves that there was a risk

10 here that was exceptional.

11 SIR MICHAEL WRIGHT: A risk of what?

12 A. A risk that the individual was carrying a bomb or

13 a device that could be used in an attack.

14 SIR MICHAEL WRIGHT: Thank you.

15 MR HOUGH: After those two briefings have taken place, the

16 one for the blue team at 7.10, the one to the grey team

17 at 7.45, the grey team I think have now set off to

18 Scotia Road to assist the red team.

19 A. Correct, sir.

20 Q. What did you set about doing?

21 A. I had various administrative duties to carry out to

22 ensure that the operations room was aware of who had

23 been deployed. I was aware that extra surveillance

24 teams were being deployed from a unit called SCD11 and

25 I was asked by their co-ordinator if I could prioritise

1 briefing materials reaching where they were going to be
2 briefed, which was going to be done electronically. It
3 was going to be transferred by email. So I went off,
4 I knew how to get that done, basically, so I went and
5 did it myself.

6 Q. Between 8 o'clock and 10 o'clock, were those the kinds
7 of tasks that you were engaged in?

8 A. They were, sir, yes.

9 Q. In performing those tasks, did you sometimes go into the
10 16th floor operations room?

11 A. I did, sir, yes.

12 Q. I think at one time shortly before 10 o'clock you
13 returned to the operations room?

14 A. I did, sir, yes.

15 Q. Roughly what time was that?

16 A. I believe that was about 9.50, 10 to 10.

17 Q. What was your purpose in going into the room at that
18 time?

19 A. I was actually going in to speak to my deputy and the
20 surveillance co-ordinator from SCD11, who were already
21 in the room, to tell them that I had sent the material
22 for the briefing and to check that they had arrived and
23 to offer to relieve them for a period of time, and also
24 to establish what time the SCD11 teams were likely to be
25 available to deploy that morning.

- 1 Q. What was going on in the 16th floor operations room when
2 you entered?
- 3 A. When I walked in, it was immediately apparent to me that
4 there was something going on. There were a lot of
5 people in the room who had not been there the last time
6 I had been in the room. In particular I noticed that
7 Commander Dick was sitting -- was standing opposite
8 where I had come into the room.
- 9 Q. Perhaps we can have on screen tab 20 of the jury bundle.
10 It's a plan of the room. It might help you to orientate
11 yourself as to the positions of different people. Can
12 we once again zoom in on the operations room itself.
13 Over on the left-hand side of the page, we see the door
14 into the operations room. Over on the right off-screen
15 is the forward intelligence cell. Where did you stand
16 or walk at the period that we are talking about?
- 17 A. I came in through the double doors on the left-hand side
18 of the plan, sir, and I then stood behind the chair
19 which is marked L1 on the plan. I believe that's L1.
- 20 Q. You have referred to Commander Dick standing somewhere;
21 where was that?
- 22 A. That was over, if you see a seat marked C1 and C2, she
23 was standing with her back to that console but very
24 close to it.
- 25 Q. Perhaps the cursor can be put just to the right of seat

1 S4. Where would you like that cursor to move to show
2 where she was?

3 A. Close to the console that has the C2 and C1, so
4 somewhere there would be ideal. Thank you.

5 Q. At that point, were you aware precisely what was going
6 on in the room?

7 A. I wasn't, sir, no.

8 Q. Did you become aware?

9 A. I did, sir, yes. I asked someone near the door what was
10 going on.

11 Q. What were you told?

12 A. I was told that someone had come out of Scotia Road;
13 that the grey team were following them, the individual
14 was under surveillance; and that I believe by that point
15 he was on a bus.

16 Q. Were you told either by that person or at a later stage
17 what was thought about this person in terms of
18 identification?

19 A. I learnt, as I stayed in the room, that this person was
20 considered to be a possible or a probable match with one
21 of the suspects we were looking for that morning.

22 Q. Who told you that?

23 A. I can't recall, sir. I think it was probably something
24 that I got from an individual or individuals, and also
25 from what I could hear being said in the room at the

1 time.

2 Q. I am going to quote to you something you said in
3 a statement dated 15 November 2005 at the very end of
4 the statement:

5 "My own impression from the responses in the
6 operations room to these questions [this is questions
7 about whether the person under surveillance was Osman]
8 was that the person who had left 21 Scotia Road was
9 being followed because he had left from 21 Scotia Road
10 and was considered by those in the operations room to be
11 a 'probable' for Hussain Osman or else to be closely
12 associated with those responsible for the failed bomb
13 attacks on 21 July."

14 A. Yes, sir.

15 Q. Now, those, to an experienced S012 officer, are two very
16 different things: a probable for Hussain Osman is about
17 identification; closely associated with those
18 responsible is more nebulous?

19 A. Yes, sir.

20 Q. Is that an accurate reflection of what was being said at
21 the time, or can you refine that in any way now?

22 A. It's an accurate reflection of my understanding of what
23 was going on in the room at that time, sir.

24 Q. Again, I should put to you in fairness something you
25 were asked about and said at the trial last year. You

1 were asked this, it's page 29 on 5 October, you were
2 asked:

3 "At 9.50 or thereabouts, did you discover that the
4 team or one of them had identified the suspect, or the
5 subject?

6 "Answer: I don't ... my understanding was that the
7 individual hadn't been identified as such, but there was
8 reason to believe that they might be identical with one
9 of the people that was being looked for at that time.

10 "Question: So would it be accurate to say that you
11 learned that it was thought to be -- the man was thought
12 to be Osman? Would that be an accurate way of
13 describing --

14 "Answer: Yes, my Lord, it would be, although there
15 was some conclusion that as that person had come from
16 the address of interest, and that they might be that
17 person, they were obviously of interest."

18 SIR MICHAEL WRIGHT: Do you want the transcript up,
19 Mr Hough?

20 MR HOUGH: No, I think that might be a little difficult.

21 So there you were saying that the man was believed
22 to be identical to Osman, but that also there was some
23 conclusion that because he had come from 21 Scotia Road
24 he might be of interest?

25 A. Yes, sir.

- 1 Q. Again, they are slightly different things, aren't they;
2 one being identified as Osman, one being of interest
3 because he has come from Scotia Road; do you see?
- 4 A. Yes, sir, yes.
- 5 Q. Again, can you give any clarity to that answer now?
- 6 A. In what way, sir?
- 7 Q. Are you able to say, looking back, at that time, what
8 those in the room thought about this person? Was he
9 believed to be Osman, probably Osman, possibly Osman, or
10 just of interest because he has come out of Scotia Road?
- 11 A. Well, my impression, sir, as I put in my statement, was
12 that from where I was standing, my impression at that
13 time was that it was a probable for Osman or he might be
14 someone of interest.
- 15 SIR MICHAEL WRIGHT: Both of those fall short of a positive
16 identification.
- 17 A. Yes, sir. Yes, it would in my mind.
- 18 MR HOUGH: Were you aware at any stage while you were in the
19 room that the view of identification of those in the
20 room changed?
- 21 A. I think, well, I was aware that there were people asking
22 for confirmation as to who this person might be. I was
23 certainly aware of that, sir, yes. And there seemed to
24 be discussion going on within the room about the degree
25 of certainty, about whether this was the person believed

- 1 to be Osman or someone else.
- 2 Q. Did that discussion reach any conclusion?
- 3 A. I can't say that I was aware of a conclusion being
4 reached, sir, no.
- 5 Q. Were you aware of this person who was being followed
6 getting off a bus at Stockwell tube station?
- 7 A. Yes, sir, I was.
- 8 Q. What was the sequence of events from that point as far
9 as you can remember it?
- 10 A. He got off the bus and he went towards the tube station,
11 and I remember Mr Esposito saying that firearms were
12 nearby, and that the person being followed had gone into
13 the tube station and that communication had been broken
14 off at that point.
- 15 Q. Did you hear any instructions from any of the senior
16 officers about what to do with this man?
- 17 A. I didn't, sir. I couldn't hear what was being said
18 clearly on that side of the room at all.
- 19 Q. What was the atmosphere in the room in terms of noise,
20 activity, that kind of thing?
- 21 A. It was noisy, there was a lot of activity, there were
22 people moving around. There were also people who were
23 standing back almost as observers, didn't seem to be
24 involved in what was going on.
- 25 Q. Did a point come when communication was lost and you

1 heard no more for a short period?

2 A. Yes, sir.

3 Q. Did information then come through shortly after that
4 that somebody had been shot?

5 A. It did, sir, yes.

6 Q. A couple of other brief points. First of all, this is
7 something dealt with in a couple of your statements:
8 what information did you have on 22 July about suicide
9 bombs of the type you might be dealing with, how large
10 or small they might be, and how they might be carried.

11 A. In connection with the incidents the day before, I was
12 aware that they had been carried in rucksacks and that
13 it involved fairly large plastic containers containing
14 the home-made explosive. From my own background
15 knowledge, experience, I was aware that, for want of
16 a better word, a suicide device came in many forms; it
17 could be concealed about the person by way of a bulky
18 waistcoat; and I was also aware that there had been
19 relatively few number of attacks where a more
20 sophisticated military explosive had been used, which
21 was, I suppose, not so readily detectible to the naked
22 eye because it was thin and it conformed to the body
23 shape.

24 Q. Another topic, Cougar radios.

25 A. Yes, sir.

1 Q. At that time, was the traffic coming through from the
2 Cougar radios of the surveillance operatives to the
3 operations room, was that recorded?

4 A. No, sir.

5 Q. This may be obvious, but did Cougar radios routinely
6 work underground at the level of a tube train?

7 A. No, sir, they didn't work at all.

8 Q. And SO12 officers, did they have any communication
9 devices other than Cougar radios?

10 A. They did, sir, they had personal issue mobile phones,
11 and they also had a police radio system called Airwave.

12 SIR MICHAEL WRIGHT: That was only fairly recently coming in
13 at that stage, wasn't it?

14 A. It was at that point it had just been introduced to us,
15 yes.

16 MR HOUGH: Thank you very much. Those are my questions.

17 MR MANSFIELD: Sir, would that be an appropriate moment?
18 I don't know.

19 SIR MICHAEL WRIGHT: We may have to have a break anyway.

20 MR HOUGH: We will not have to have a break until this
21 witness is finished.

22 SIR MICHAEL WRIGHT: All right, Mr Mansfield, just a couple
23 of questions I would like to ask to follow on.
24 The details don't much matter, but we know you have
25 told us that the surveillance teams had Cougar radios

1 which were ordinarily -- that was the radio being
2 listened to by the surveillance monitors in room 1600?

3 A. That's correct, sir.

4 SIR MICHAEL WRIGHT: Also, they all had mobile phones?

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: Effectively, therefore, you have out on
7 the road or out on the ground the surveillance teams and
8 the firearms teams once they are deployed.

9 A. Yes, sir.

10 SIR MICHAEL WRIGHT: Each will have direct communication
11 with room 1600?

12 A. Yes, sir.

13 SIR MICHAEL WRIGHT: Will they have communication with each
14 other?

15 A. Yes, sir. The firearms team also had Cougar radio,
16 a portable version, which would have had the -- perhaps
17 I should go back a bit and explain. Cougar radio is
18 secure because it has something called a fill in it,
19 which is a unique code if you like, that once it's put
20 into the radio, that radio can talk to any other Cougar
21 radio that has the same fill in it. We do that by
22 a process, you call it charging it with a fill gun; you
23 go round and you convert any given Cougar handset to be
24 able to speak to everybody else who has the same
25 encryption on their radio.

1 SIR MICHAEL WRIGHT: Was there a fill in their machine?

2 A. In the machine.

3 SIR MICHAEL WRIGHT: Assuming they all had the same

4 encryption, a member of the surveillance team can talk

5 to a member of the firearms team and vice versa?

6 A. If they are on the same channel, yes.

7 SIR MICHAEL WRIGHT: If they are on the same channel. There

8 is that as well. If they are on the same channel.

9 A. Yes.

10 SIR MICHAEL WRIGHT: In addition, can they talk to each

11 other on their mobile phones?

12 A. Yes, sir.

13 SIR MICHAEL WRIGHT: It's a question of just having

14 a number. Very well, thank you. In that case, 11.35

15 to.

16 (11.27 am)

17 (A short break)

18 (11.40 am)

19 (In the presence of the jury)

20 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

21 Questions from MR MANSFIELD

22 MR MANSFIELD: Good morning, Mr Whiddett. My name is

23 Michael Mansfield and I represent the family of

24 Jean Charles de Menezes. I understand that there may be

25 a cold wind blowing on that side.

1 SIR MICHAEL WRIGHT: I gather some instructions have been
2 given, but it's not very easy, I understand.

3 MR MANSFIELD: Mr Whiddett, first of all I say this to all
4 witnesses so they know, I appreciate the distance of
5 time and it may be difficult now without the aid of
6 notes, statements and all the rest of it. I am
7 perfectly content for you to have your statement and
8 look at it.

9 I am going to be taking it chronologically so it's
10 easier for you, hopefully, and therefore starting in
11 a sense back at the beginning, the moment that you
12 arrive, at 6.05, all right?

13 A. Yes, sir.

14 Q. When you arrived, did you, or sometime shortly
15 thereafter, discover that the standby surveillance team
16 known as the red team were already at Scotia Road?

17 A. Yes, sir, they were already at Scotia Road.

18 Q. Some of the questions I ask may not be your
19 responsibility, but you may nevertheless know, all
20 right?

21 A. Yes, sir.

22 Q. So I am making that distinction. Did you know where
23 they were positioned?

24 A. Only that they were at Scotia Road, sir.

25 Q. Who would know in the control room as it existed at

1 6 o'clock where they were actually positioned?

2 A. It's not a straightforward answer, I'm afraid, sir. The
3 team leader on the ground would know where all his units
4 were positioned.

5 Q. That's Derek, so we know in future.

6 A. Derek would have spoken back to the control room via the
7 person in the control room who had, speaking to him on
8 the Cougar radio, the surveillance monitor, and that
9 person would then have told the ops room supervisor or
10 manager at that time.

11 Q. So it goes through to the manager, because there is
12 a co-ordinator and a manager and they are not
13 necessarily the same person?

14 A. No.

15 Q. So it goes to the manager of the room at that point.
16 What would that manager do? Would that manager plot
17 where they are on a document like a map, or what
18 happens?

19 A. There is no -- at that time there was no set procedure.
20 Some managers would have an A to Z open in front of them
21 and they would look at the street plan on there to get
22 a feel for the area that was being worked in. There was
23 a facility also to put up a -- I think you saw, I think
24 you have seen on the plans that there are plasma screens
25 above the windows.

- 1 Q. Yes?
- 2 A. There was a facility to put maps up on that as well of
3 varying detail, so there was an option, various ways to
4 do it; which one that was being used by the ops room
5 manager at that time if any, sir, I am not aware,
6 I can't remember.
- 7 Q. So far, because I have asked the question of a series of
8 witnesses, it doesn't appear anybody thought it
9 desirable at any stage between 6 and 9.30 to stick up
10 a map on a plasma screen. Did you ever see one on
11 a plasma screen when you were there?
- 12 A. I don't recall seeing one, no, sir.
- 13 Q. They are really quite easy to bring up, aren't they?
- 14 A. It is quite easy to bring up; the plasma screens don't
15 always play along, so to speak.
- 16 Q. Anyway, no map as far as you can remember?
- 17 A. No, sir.
- 18 Q. Also in relation to the red team, they would be
19 reporting back to the ops room. Who, therefore, in this
20 early stage, that's, let us say, 6 to 7 o'clock roughly,
21 did you know who in the ops room was actually in control
22 in the sense that if they spotted somebody, a decision
23 could be taken?
- 24 A. Well, I believe Alan and DCI Baker were in the ops room
25 when I arrived there.

- 1 Q. Right.
- 2 A. They would have been in a position to take immediate
3 decisions if immediate decisions were required.
- 4 Q. Right, well, of course, on a situation like this, which
5 was of urgency, as you have already said, and
6 Scotia Road had been prioritised, as you have already
7 said, you wouldn't know of course, stands to reason,
8 whether within the next five minutes the very people you
9 were looking for or one of them might emerge?
- 10 A. That's correct, sir.
- 11 Q. Therefore, not only would there have to be somebody in
12 this period of time, that's 6 through to 7 roughly, in
13 a position to take a decision in the ops room; they
14 would also have to have the resources necessary to
15 follow the decision through. For example, they would
16 have to have recourse to firearms back-up?
- 17 A. Yes, sir.
- 18 Q. Were you aware in this initial period, when in fact it
19 goes all the way through to 9.30, that the red team,
20 followed by the grey team, did not have firearms
21 back-up?
- 22 A. I wasn't, sir, no.
- 23 Q. I pause because I think there may be a question.
- 24 SIR MICHAEL WRIGHT: Carry on.
- 25 MR MANSFIELD: All right, I'll carry on.

1 So you weren't told that. Would you have been
2 expected to be told that because this was, and I'm going
3 to use an acronym which you may be familiar with,
4 a MASTS operation, in one sense, wasn't it?

5 A. Yes.

6 Q. Mobile armed support for surveillance. So if you are
7 going to have mobile armed support, you need to know
8 that it is mobile and out there, and probably roughly
9 where it is, don't you?

10 A. Yes, sir.

11 Q. Right. Who has the job of letting you or the
12 surveillance arm of this exercise know about the
13 unavailability of armed back-up in the vicinity, and
14 their position? Who would do that? Would that be Alan
15 or the DCI? Say: look, we have got the red team down
16 there but there is no armed support there.

17 A. On my understanding, it would be one of those two
18 officers would be the point at which all that
19 information came together, sir, yes.

20 Q. So they don't tell you that. So does it follow from all
21 of that that you did not know in fact there was an armed
22 team, and we may hear that it was at Scotland Yard at
23 this point, at 6 o'clock, waiting to go? Did you know
24 that?

25 A. CO19, team, sir?

- 1 Q. Yes.
- 2 A. I understood there was a night, as the red team had been
3 on duty overnight, my understanding was that there was
4 a CO19 team ready and that my -- my understanding was
5 that they were to support the red team and the grey team
6 on the ground.
- 7 Q. Right. Now, where did you get that understanding from?
8 Could you help us?
- 9 A. That would have been an initial briefing when I arrived
10 at Scotland Yard, some time after 5 past 6.
- 11 Q. So the understanding you have that orange were going to
12 support red and grey came from either Alan or
13 Noel Baker?
- 14 A. Or AN Other in that room, yes.
- 15 Q. I realise there is a number of people. Anyway, they are
16 the two at the top of the pyramid perhaps at that point.
17 Now, I am going to go a little bit further, I appreciate
18 some of this you are not responsible for, but you have
19 been asked before about this aspect.
- 20 What we do know was that the red team had
21 established an observation point or OP pretty well
22 opposite the door of Scotia Road and it was someone
23 sitting in a van?
- 24 A. Yes, sir.
- 25 Q. I just want to ask you a bit about that. Is it normal

- 1 practice, and this comes out of a jury question last
2 week or the week before, if you have got a static
3 observation point which may be there for some time, just
4 to have one person in that location?
- 5 A. Yes, because you can't be sure how long that vehicle
6 will be there for, before you have to move it, and put
7 another vehicle in.
- 8 Q. Yes. Sorry, I may have not not made myself clear. I am
9 not asking for the size of the van, but the problem here
10 is, as you may now know, that the gentleman doing the
11 exercise was inconvenienced at the very moment at which,
12 9.34, Jean Charles de Menezes came out of the door.
- 13 A. Yes, sir.
- 14 Q. So is it not fair to say, normally you would have to
15 make an allowance for the fact -- you can't expect
16 somebody to sit there forever and they might need to
17 answer a call of nature or whatever. So you have
18 somebody else, or they might sneeze or they might be
19 taken ill or whatever, you have one -- in an observation
20 point which is fixed, you have someone else with him?
- 21 A. Not usually in a vehicle, van, observation point. If
22 it's a building observation point, you would.
- 23 Q. So it wasn't practice to have back-up?
- 24 SIR MICHAEL WRIGHT: I think in fact we have already been
25 told this, but a surveillance team normally consists of

1 how many people?

2 A. In reality around about eight to ten people.

3 SIR MICHAEL WRIGHT: Thank you.

4 MR MANSFIELD: The other aspect of what he was doing was

5 using a camera to film people who left. Now, is it

6 standard procedure if you have got a fixed point and you

7 are wanting intelligence coverage and you are dealing

8 with a time when quite a number of people might, leave

9 because it's actually a block rather than just one

10 house, to just leave the camera running, doing what

11 I think he calls soak observation. Is that something

12 that's common?

13 A. I don't really feel able to comment on that, because

14 I have not been a surveillance officer, sir. What the

15 practice would be in the field, I think would be best

16 left to a surveillance officer.

17 Q. I think you were asked to do a report on the camera

18 facilities in this case, were you not? Was it you?

19 A. I don't think that was myself, sir. I did one on the

20 radios.

21 Q. Oh, radios, I'm so sorry, not camera.

22 SIR MICHAEL WRIGHT: Perhaps you can tell us this: I think

23 we have certainly heard from somewhere that the

24 equipment that Frank had in the van was in fact a video

25 camera.

1 A. That's my understanding, sir.

2 SIR MICHAEL WRIGHT: Would that be transmitting so that it
3 could be watched?

4 A. No, I don't believe that was a possibility at that time.
5 It would just be recording on to a standard disk or
6 tape.

7 MR MANSFIELD: I will move forward from the red position,
8 because we are just at the early point, 6 o'clock,
9 roughly speaking; but then of course you have to pick up
10 and run with your next job, which is effectively
11 briefing the next package of teams. You have told us
12 the two teams, blue for Portnall Road and they were not
13 actually setting off for there until 7.45-ish, and then
14 the grey team.

15 But before you could do that, you would have to get
16 your own briefing which you have told us about, all
17 right? This is the simple question: did you, at the
18 stage you had a briefing about what had happened
19 overnight, were you told what the Gold strategy was for
20 Scotia Road. And obviously it applies in the end to
21 Portnall as well.

22 A. Yes, sir, I was.

23 Q. You were. I am not expecting you to remember it word
24 for word, but were you told this -- and so you know,
25 I am reading from somebody else's notes, in fact the

1 Gold Commander. This is what he said at 4.55
2 approximately:

3 "Control, challenge, stopped with S019 recce."

4 Then he talks about Silver. So that is a strategy.

5 Were you told that?

6 A. In a little bit more detail than that, sir, yes.

7 Q. So you were told that?

8 A. Yes.

9 Q. Now, when it comes to obviously briefing others, you are
10 having to communicate to them that strategy. Now,
11 before you do that, of course, you are assimilating
12 a certain amount of information and I do want to ask you
13 about that. You can look at your statement for these
14 purposes. I am going to, I am afraid, ask you in
15 a little detail about photographs.

16 If you look at the second page of your statement --
17 may I just read from it, because it's easier and
18 quicker -- this is what you understood the position was
19 by the time you arrived. I'll start with the sentence:

20 "Subsequent enquiries..."

21 Do you have that?

22 A. I have, sir, yes.

23 Q. "Subsequent enquiries had established that it [that is a
24 car] related to -- that it related to joint membership
25 in the names of Hussain Osman and Abdi Samad Omar. Gym

1 records had revealed an address at 21 Scotia Road ...
2 for both men. Also retrieved from the gym's records
3 were photographs for both Osman and Omar."

4 I am going to pause. Are they here, please? The
5 ones retrieved from the gym. If they are, could we just
6 have them again? I think it's important for these
7 purposes for originals to be here and it's the ones from
8 the club, for both Omar and for Osman.

9 Did you yourself ever see these?

10 A. I don't believe I saw those cards, sir, no.

11 Q. You don't believe you saw the cards. Sir, they are
12 here. I am asking that they remain here for a moment,
13 anyway, because I want to, if I may, just go on to what
14 you were told.

15 "Comparison of these photographs [I am holding them
16 up now with Osman on the top and Omar underneath] with
17 CCTV of the suspects strongly suggested that Osman was
18 identical with the unidentified suspect at
19 Shepherd's Bush."

20 I am going to pause there, because the jury don't
21 have this document. That is a CCTV still or snatch or
22 whatever the word is used. Did you see that?

23 A. I did, sir, yes.

24 Q. You did see that. Now, when did you see that?

25 A. Shortly after I arrived at 6 o'clock that morning.

- 1 Q. Now, will you pause with me for a moment, because
2 I think this has been on screen. Could we have document
3 7708, please. Now, that's -- please correct me if I am
4 wrong -- I have been led to believe that that's the
5 snatch from the CCTV, but of course if I am wrong
6 someone will correct me about that.
- 7 Do you see?
- 8 A. Yes, sir.
- 9 Q. Is that what you saw?
- 10 A. That's one of the images I saw, though I saw a much
11 better quality image fortunately.
- 12 Q. I think we are already beginning to get to the area
13 I want to get to. It is in fact, I think you will
14 agree, notoriously difficult to do this kind of work;
15 that is comparison between originals, photocopies and
16 real life; it is difficult, isn't it?
- 17 A. It is difficult, sir, yes.
- 18 Q. I know surveillance officers are trained. You have
19 never actually been a surveillance officer?
- 20 A. I haven't been trained as a surveillance officer.
- 21 Q. But you have done it?
- 22 A. I have done surveillance style work, yes.
- 23 Q. Sorry, another request: is the original still of the
24 CCTV here.
- 25 SIR MICHAEL WRIGHT: Mr Mansfield, I am not being difficult.

1 At this point of course they were right, the Osman card
2 was in fact the man caught on television.

3 MR MANSFIELD: Yes, yes, but what I am coming to, the next
4 one, which of course was wrong.

5 SIR MICHAEL WRIGHT: Omar?

6 MR MANSFIELD: Yes.

7 SIR MICHAEL WRIGHT: I know, but does it matter?

8 MR MANSFIELD: Yes, it does, because I'm going to suggest,
9 if you are going to be out on surveillance, you need to
10 have -- and we know the importance of it is that when it
11 comes to 9.34, the officers misidentify, so why do they
12 do that? That's one of the questions that will have to
13 be asked. I can't ask you that, and I am not intending
14 to. I want to know what materials were available.

15 Now, I ask for the original of the CCTV of that one,
16 which is the Shepherd's Bush individual because of
17 course the original of the Shepherd's Bush, if it was
18 a good likeness, and the way you have recorded it here,
19 "strongly suggest Osman was identical", and as the
20 learned Coroner has pointed out, was, then this
21 photograph, the still which is better than the
22 reproduction here, could have been a useful aid for the
23 surveying officers, couldn't it?

24 A. Yes, sir.

25 Q. Right. Was it given to the surveying officers?

- 1 A. My recollection is that it was.
- 2 Q. It was?
- 3 A. It was available at the briefing.
- 4 Q. Ah, now, well, there is a difference, and this is the
5 reason I am going slowly about this. You mentioned when
6 you gave your evidence moments ago today that there was
7 an A4 montage; do you remember saying that?
- 8 A. Yes, I do remember saying that.
- 9 Q. I know it's some time ago. What do you mean, there was
10 a board with a number of photographs stuck on it?
- 11 A. No, it was a piece of A4 paper with, I think, two or
12 three photographs similar to these on it.
- 13 Q. Of whom?
- 14 A. Of the CCTV photographs.
- 15 Q. Right?
- 16 A. The photographs from the cards that you have there,
17 I believe.
- 18 Q. Right.
- 19 A. In addition to the other exhibit that we have already
20 seen.
- 21 Q. I'll come to that. So I am asking, if it's possible,
22 for the original still from which the photocopy is taken
23 there, and if the montage is available, I think that may
24 be of some interest if officers are being shown that.
25 So I am sorry, I need to make a list, otherwise ... so

1 montage and original of CCTV.

2 Now, I have only got part way through this
3 particular exercise. Because you then go on to deal
4 with:

5 "Similarly Omar appeared identical with the suspect
6 seen at Warren Street Underground station."

7 For these purposes, can I have, please, this is
8 another CCTV image, 7707 document, please.

9 That's the CCTV snatch as copied, but needless to
10 say the original would have been better?

11 A. The original -- well, the original copy I saw was a lot
12 better than that, sir, yes.

13 Q. Now, the red team -- I'll pause for a moment -- had
14 already gone, so were you made aware of what they had
15 with them for the exercise they were conducting, in fact
16 all the way through until 9.30?

17 A. I wasn't aware of exactly what material they had with
18 them at all, sir, no.

19 Q. Can I just come back to the package that you had earlier
20 on. I think it's somewhere here. The package, please,
21 that was provided. I think it's there, yes, that's it.
22 This is the package that you had before. So it's clear,
23 the package I am dealing with is SFG1.

24 SIR MICHAEL WRIGHT: That's an exhibit number, isn't it?

25 MR MANSFIELD: Yes. Of course so the jury may follow, SFG

1 normally refers to a witness or a person and it's the
2 initials of the person, and then they give it a number.

3 A. That's correct, sir.

4 Q. So number 1. Can I take it out so the jury can see. So
5 in the pack that's SFG1, there is the Osman photograph
6 and the details which the jury have in their bundle.
7 Then there is another one for another individual.
8 That's not Omar, so we can put that to one side for the
9 moment. Then we have that (indicated). Is that what
10 you are referring to, is that the montage or were there
11 more photographs than this?

12 A. That might be the montage. I don't remember seeing it
13 with the "Scene 8" title on it. Those two photographs
14 were part of the photographs --

15 Q. So this is the gym card photograph on the left, and
16 that's the CCTV snatch on the right?

17 A. That's my understanding, sir, yes.

18 Q. Now, the question that has already been asked of you but
19 I just want to take it a stage further, we will hear
20 that a number of surveillance officers did not have
21 either the -- well, the Osman one is perhaps for these
22 purposes the most relevant, but didn't have any of the
23 images, whether they had been taken from the original
24 gym card here or from a CCTV.

25 You were aware of that, were you?

1 A. I was not aware that they didn't have any images, sir,
2 because -- which team are we talking about?

3 Q. You don't know about the red team so I'll leave them.
4 So far as the grey team is concerned, it applied to them
5 as well, didn't it?

6 A. I can't say, sir. My understanding was that images were
7 made available at that briefing. I was there. I saw
8 them being handed out.

9 Q. Being made available is one thing. I'll come straight
10 to the point: if I show you a photograph now of somebody
11 you have never seen before.

12 A. Yes.

13 Q. And I stick it up on a wall and then you leave the room;
14 and for the red team it's three and a half hours later,
15 for the grey team obviously it's a bit closer because
16 they don't get there until 8 o'clock but it's still
17 an hour and a half; it's quite difficult to retain, if
18 you don't have it in front of you, the image, isn't it?

19 A. Yes, sir, it is.

20 Q. Particularly if all sorts of things are going to be
21 triggered by you saying, "Oh, I think it's so-and-so"?

22 A. Yes, sir.

23 Q. So good practice, or best practice I would suggest,
24 demands that every surveillance officer is not only
25 briefed with the photographs and images at the briefing,

- 1 but each surveillance officer -- not just the team, each
2 officer because they could be separate in the roads and
3 all the rest of it -- is given the photographs of people
4 they are looking for. Now, there is nothing wrong with
5 that, is there?
- 6 A. As I said earlier, sir, the only objection to that would
7 be operational security. On this occasion, there would
8 have been opportunity to give every officer a copy of
9 that photograph.
- 10 Q. You wouldn't have compromised the exercise if, in fact,
11 you didn't -- well, I can make the point clear. Taking
12 the Osman one, they don't necessarily need the second
13 half?
- 14 A. No.
- 15 Q. Because the details, they might -- I mean, it's not,
16 just making sure, yes, and the jury have it in their
17 folder, it doesn't give a further physical description,
18 height, weight, complexion, does it?
- 19 A. No, sir, it doesn't.
- 20 Q. So the details on the right could be cut off and you
21 just give them the photograph. So if the officer makes
22 a mistake getting out of the vehicle and the photograph
23 drops on the ground, somebody picks it up, they go "oh",
24 or they might not bother. So do you know what I mean?
- 25 A. Some officers did do that, sir, yes. That was common

1 practice in the surveillance unit at that time.

2 SIR MICHAEL WRIGHT: You can't answer for the red team but
3 as far as the grey team were concerned, did at any rate
4 some of them have the photograph with them?

5 A. Yes, sir.

6 MR MANSFIELD: Yes, but some didn't. Graham and Lawrence,
7 for example, if we can ascertain from their statements,
8 didn't. Lawrence is one of the important officers here.
9 They are all important, but Graham and Lawrence didn't
10 have the photograph with them. The significance is that
11 if in fact they are not with others who have got the
12 photograph, because they are on their own in a bus, or
13 on a motorcycle, because they may be on that kind of
14 transport, or even on a pedal bike or walking or
15 whatever it is, it really makes it quite difficult
16 unless they have it; you agree with that?

17 A. I would agree with that, sir, yes.

18 Q. Was there somebody vis-a-vis the grey team making sure
19 that each member of the grey team had the images with
20 them?

21 A. The team leader would have been given the copies of the
22 images, and would have signed on the briefing sheet for
23 them and it was then a matter for him and his team to
24 decide how best and where to keep the images. I believe
25 the usual practice was for the images to be held by the

1 team leader, the position being that the team leader
2 would be sufficiently away from a subject but accessible
3 to the team; so if the team wanted to go back and
4 refresh their memory of an image, they could do that
5 without drawing undue attention to themselves.

6 Q. If you have actually got -- sort of eyeballed and you
7 are round the corner, you can't suddenly say, "Hold it",
8 to the suspect, "I just want to nip back and get a
9 photograph"; do you follow me?

10 A. I follow what you are saying, sir, but in practice what
11 I understand is that if an officer obtains sight of the
12 subject, the eyeball, as you say, is the term used, and
13 they felt that they needed to refresh their memory,
14 a colleague would come up and relieve them to allow them
15 to go back to a position where they could either take
16 the photograph out of their pocket or their book or
17 wherever they have concealed it, or if they haven't got
18 one with them, they go back to the team leader's
19 position and look at it there in clear daylight, if you
20 like.

21 Q. I appreciate that, but I think you have agreed that
22 really the best practice, to save this rather convoluted
23 procedure, is just for every member of the team to have
24 the images with them, concealed?

25 A. Yes, it would be ideal, but it's not an ideal world in

- 1 which we work.
- 2 Q. No, but it's not a difficult world on this front, to
- 3 just get -- because the delay, I think, in your case in
- 4 briefing was that somebody went off to get copies?
- 5 A. I went off to get copies because I wasn't satisfied with
- 6 the quality of the colour copies that I had been given.
- 7 Q. Right. So when you are running off, if the team is six
- 8 or seven or eight, it's really not difficult to make
- 9 sure there are enough copies for everybody, is it?
- 10 A. No, it wasn't, and I believe I did make enough copies
- 11 for everybody.
- 12 Q. You believe you made enough copies, so if individuals
- 13 didn't take them, the team leader will have to explain
- 14 why he was happy that individuals didn't have them?
- 15 A. If you put it like that, sir, yes.
- 16 Q. Can I just -- allied topic. It helps in surveillance,
- 17 doesn't it, for you -- you as obviously providing
- 18 resources in a sense -- to have the best array of
- 19 photographic support that you can have for somebody you
- 20 have never seen before?
- 21 A. Yes, sir.
- 22 Q. You are in Special Branch and so is Mr Macbrayne; do you
- 23 know him?
- 24 A. I know him, sir; he wasn't actually in Special Branch.
- 25 He was a 13 officer, as I understand.

- 1 Q. All right, corrected. You are quite right, he was.
2 That's my fault. But there are two points. He was in
3 fact involved in forensic discovery at the scene; did
4 you know that?
- 5 A. I didn't know that, sir, no.
- 6 Q. Short question: did anyone come to you and say, "Look,
7 actually there were other photographs found in the
8 rucksack of Osman".
- 9 A. No, sir.
- 10 Q. I'm not going to take time showing you them because
11 presumably obviously you haven't even seen them.
12 When did you first discover, or is it now, that
13 there were other photographs?
- 14 A. About two weeks ago, sir, when I saw it on Sky TV.
- 15 SIR MICHAEL WRIGHT: As a result of Mr Mansfield's efforts,
16 I suppose.
- 17 A. Yes, sir, it was.
- 18 SIR MICHAEL WRIGHT: Very well.
- 19 MR MANSFIELD: All right. Further question: this is
20 Special Branch and it's my fault about Macbrayne. Were
21 you aware or made aware that morning that in fact a lot
22 of the information that you noted down in your statement
23 which we have just been going through vis-a-vis
24 photographs, had emanated from an operation called
25 Ragstone?

- 1 A. I wasn't aware of that at that time, sir, no.
- 2 Q. So nobody told you about it. Were you, just standing
3 back, aware of that operation anyway?
- 4 A. I was, sir. I had had some dealings with
5 Operation Ragstone. I think it was some, a year or
6 18 months --
- 7 Q. A year before?
- 8 A. Yes.
- 9 Q. In the spring of the year before. Now, I do not want to
10 trespass on anything sensitive. Most of the questions
11 I have I think are in the public domain so don't worry
12 about it. This was an operation spread over a number of
13 days in the Lake District, wasn't it?
- 14 A. That's correct, yes, sir.
- 15 Q. As I put to another witness, Special Branch don't travel
16 to the Lake District just to have a holiday. They must
17 have gone there for a specific reason; in other words to
18 monitor the movements of certain individuals?
- 19 A. Yes, sir.
- 20 Q. In the process, photographs were taken?
- 21 A. I believe they were taken, sir, yes.
- 22 Q. Were you there?
- 23 A. I wasn't in the Lake District, no.
- 24 Q. But you just knew about the operation?
- 25 A. I was in London, shall we say, on that end of things.

1 Q. But you knew on this day if someone had said Ragstone,
2 you would have said: I know about that, furthermore
3 I know photographs were taken; you would have been able
4 to say that?

5 A. Yes.

6 Q. But nobody did?

7 A. I don't recall anyone mentioning it to me on that day,
8 no.

9 Q. When were you first alerted to the fact that it could
10 have a relevance here?

11 A. I can't say, sir.

12 Q. Can I ask you this: are you aware that in fact the
13 photographs that were taken -- I know there are many of
14 them and I'm going to deal with it quickly in this way.
15 You don't have it there. Could we have, please,
16 Mr Horwell put them in the other day, the Stockwell
17 inquest maps brochure. It's page 4. It could go on
18 screen if it's easier but I think the jury have it
19 there. Page 4 of the maps brochure. It's got
20 "Principal Intelligence Known Prior to the 22nd"?

21 MR HOUGH: I am not sure the witness or the operator has it.

22 SIR MICHAEL WRIGHT: I am sure the operator doesn't have it.

23 MR MANSFIELD: I think as the jury do have it, can I ask for
24 one for the witness and I can do it that way.

25 I'll just give you a moment to look at it. You will

1 see Operation Ragstone, May 2004 is there on the
2 graphic. Do you see it?

3 A. I see it, sir, yes.

4 Q. There are various arrows, I will not go through all of
5 them, I just want to make one or two connections, if you
6 can help.

7 If you go to the left, you will see a blue Golf
8 mentioned?

9 A. Yes, sir.

10 Q. Photographs were taken in the Lake District of that blue
11 Golf, weren't they? Can you help?

12 A. They may well have been, sir. I don't know personally.

13 Q. You don't. Have you ever seen any of the photographs
14 that came out of that operation?

15 A. I have, sir, yes.

16 Q. So you can't help on that. I may have to do it with
17 someone else. Is it Mr Connell or Mr Macbrayne or who
18 is the best officer who would know about all this? Or
19 Mellody possibly?

20 A. I am not sure that any of the officers you have named
21 are involved in Operation Ragstone.

22 Q. All right. It may have to be someone else. I have to
23 go on a little bit. You don't know that there were
24 photographs. I want to suggest there were photographs
25 taken of the blue Golf. Standing next to the blue Golf

1 was none other than Osman. You don't know about that
2 either, presumably?

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

4 Q. The Golf is registered to his wife, who is just above
5 there, Girma?

6 A. Yes, I see that, sir.

7 Q. Did you know that?

8 A. I didn't know that, sir, no.

9 Q. I can't take it further for the moment. So when did you
10 see any photographs first emanating from this operation;
11 can you recall? Was it before 22 July 2005?

12 A. It would have been before 22 July, yes.

13 Q. So it was before the 22nd that you would have seen
14 photographs and knew that they existed. So under the
15 heading "Principal Intelligence Known Prior to the
16 22nd", the principal intelligence known was not only
17 there was an operation, but the photographs, and people
18 had seen the photographs?

19 A. Yes, sir.

20 Q. I want to move on a little, please, from photographs to
21 your notes of that day that you were compiling for the
22 purposes of no doubt briefing others.

23 SIR MICHAEL WRIGHT: Can the jury put this away?

24 MR MANSFIELD: Yes, sorry. I don't know if anybody wants to
25 see them at the moment but if the cards could be kept

1 within easy access, the original gym cards.

2 If you look on your handwritten notes underneath
3 some of the details we have just been going through, at
4 the bottom of the first page of your notes, do you want
5 to give me the brochure back?

6 A. Yes.

7 Q. So you don't get cluttered. Thank you very much. You
8 have there in a few words at the bottom of that first
9 page of your handwritten notes, "policy not to run"; do
10 you see that?

11 A. Yes, sir.

12 Q. Does that indicate that what you were being told in that
13 early period, somewhere between 6, 7 and 8 but anyway
14 before you did the briefings, was that if -- well, I had
15 better ask you this: to whom did that apply, "policy not
16 to run"?

17 A. That was my shorthand for saying if anyone came out of
18 the premises that were being looked at, they weren't to
19 be allowed to get away from the premises without being
20 spoken to.

21 Q. So it applies to everybody coming out of the premise you
22 are looking at?

23 A. That's my understanding.

24 SIR MICHAEL WRIGHT: Could I just, forgive me, Mr Mansfield,
25 explain to the jury that what appears on the bottom

1 right-hand corner of that document -- I expect you've
2 worked this out for yourselves -- is not part of the
3 document. It's a sticker. Because the document was
4 exhibited at some stage and it's an exhibit sticker.
5 It's not part of the document.

6 A. (inaudible).

7 MR MANSFIELD: No; always have to check.

8 So "policy not to run" applies to everybody coming
9 out?

10 A. Yes, sir.

11 Q. I will concentrate on Scotia Road for obvious reasons.
12 What were the team, the grey team, being told about who
13 was going to stop and speak to everybody coming out?

14 A. It was a two -- there were two levels of response if
15 anyone came out of the premises. There was going to be
16 a team from S013 led by a Sergeant Dingemans, I recall.

17 Q. Yes?

18 A. Who were going to deal with people that, as I gave
19 an example earlier on, perhaps if somebody who is
20 obviously not involved comes out and we still want to
21 speak to everyone coming out of the building, they would
22 be used for that situation.

23 Then the SO -- C019 firearms team would be part of
24 any response to stopping someone who came out, who there
25 was an assessment, there was some risk attached to them

1 that necessitated firearms being available during that
2 stop.

3 Q. Right.

4 SIR MICHAEL WRIGHT: Could I ask this: by the time you came
5 to brief the grey team at 7.45 or thereabouts, were you
6 aware by then that Scotia Road was a block of flats with
7 a single communal entrance?

8 A. I think I was, sir, yes. I was certainly aware there
9 was only one entrance in and out of it at this stage.

10 MR MANSFIELD: Then flowing from that, were you aware by
11 7.45 -- make sure we get the times right -- or
12 thereabouts that people were leaving?

13 A. I can't recall, sir.

14 Q. I would like you to think about it. In fact it was
15 almost exactly at the time, certainly while you are at
16 New Scotland Yard. The first one left at 7.47 and 30
17 seconds, so you know the time. Then there is a series
18 of people, one at 7.55 and 30 seconds, another one at
19 8.15, roughly, 8.16 and 30 seconds, and so on, none of
20 them being stopped. Did you know that?

21 A. No, sir, I didn't.

22 Q. Just because the one at 8.16 was a woman makes no
23 difference, because effectively you would want to stop
24 that person in case they knew something.

25 A. That was my understanding, sir, yes.

- 1 Q. You had not by that stage, would this be right, and
2 I know you don't brief the red team but you are briefing
3 the grey team: are you saying to the grey team at any
4 stage or is Colin, look here, it's a communal door, so
5 when you get there, we are less interested in everybody
6 although keep a description; we are only really
7 interested in suspects or subjects as you might say?
- 8 A. I don't remember saying that and I don't remember Colin
9 saying that either, sir.
- 10 Q. Right. In order, therefore, to have a stop on all the
11 people leaving, you have got to have first of all S013
12 just round the corner or somewhere nearby because they
13 are not allowed to run; correct?
- 14 A. Correct, sir, yes.
- 15 Q. You have also got to have S019 not too far away
16 discreetly parked up, not obviously, behind the TA
17 Centre if that's the best place, so the person doesn't
18 run?
- 19 A. That's correct, sir.
- 20 Q. Were you made aware that none of this was actually in
21 place at this time when you were briefing the grey team?
- 22 A. No, sir, I wasn't.
- 23 Q. Moving on to command structure, which was there. Now,
24 what you have indicated was that Kratos response for the
25 teams was a special dedicated telephone number?

- 1 A. That's correct, sir, yes.
- 2 Q. Is that what they were being told on this occasion in
3 relation to Scotia Road, that if somebody comes out who
4 might be a suicide bomber, they would have to ring that
5 line, or was that just a general --
- 6 A. No, I was reminding them of that facility. That was
7 a standing operational instruction, if they happened --
8 if they were out on another surveillance operation or
9 any operation where they happened to cross someone they
10 suddenly felt or they believed that person was a suicide
11 bomber, it was like a way of shortcircuiting the control
12 to make sure they got the information through to the
13 people who could dispatch resources to them immediately,
14 rather than coming back through a control room that
15 would then have to pick the phone up, would then have to
16 make a -- repeat the information. It was very much
17 a contingency.
- 18 Q. What in fact was supposed to happen as far as the grey
19 team were concerned here, first of all everybody is
20 going to be stopped, that's what your understanding was,
21 when you are briefing the grey team, everybody is going
22 to be stopped; and then the understanding is that other
23 people are going to do the stop. So they would not
24 therefore, that particular Kratos procedure as far as
25 they are concerned wouldn't arise on this operation? Or

- 1 would it?
- 2 A. It shouldn't arise on this operation, but again, I felt
3 at the time it was something to bring to their attention
4 as being appropriate.
- 5 Q. Understood.
- 6 SIR MICHAEL WRIGHT: Presumably then if somebody had come
7 out of the communal door carrying a knapsack with
8 a toggle sticking out of it, sweating, mumbling or
9 praying, that might have triggered off a telephone call?
- 10 A. Might well have done, sir, yes.
- 11 MR MANSFIELD: I am not saying you were following exactly
12 what was happening at 9.34; however, were the grey team
13 told about a DSO or anything of that kind?
- 14 A. No, they weren't.
- 15 Q. So they didn't know that there was unusually a DSO in
16 charge from about 7.15?
- 17 A. No, they weren't told because I didn't know myself, sir,
18 at that time.
- 19 Q. You didn't know, and that the DSO actually was going to
20 take the decision about who to stop; did you know that?
- 21 A. No, sir.
- 22 Q. You see, you should have known that, shouldn't you, if
23 you are briefing the grey team, "Don't you worry, just
24 relay the details, the DSO will decide who to stop"?
- 25 A. Yes, sir.

- 1 Q. There has been, on reflection, quite a serious breakdown
2 in communication between those running this and you,
3 hasn't there?
- 4 A. There would appear to have been a breakdown of
5 communication, sir, yes.
- 6 Q. Do the officers who are going to either Portnall Road or
7 Scotia Road get details, before they get there, of the
8 sort of place they can expect to see when they get
9 there?
- 10 A. Not from myself or Colin because neither of us would
11 have seen the venue, obviously. The officers going to
12 Scotia Road may well be able to speak to the team that's
13 already there.
- 14 Q. To get an idea?
- 15 A. To get an idea of what the layout of the ground is. The
16 blue team that went to Portnall Road would have been
17 basing their prior knowledge on what they could see on
18 their map books.
- 19 Q. Once the grey team -- I come back to Scotia Road -- go
20 to Scotia Road, does somebody in the control room keep
21 a track, roughly speaking, because they are moving
22 around, of where they are positioned?
- 23 A. I can't answer that question, sir.
- 24 Q. Is that something that should happen?
- 25 A. It's something that was done quite often by the

1 surveillance monitors, who would have a map book in
2 front of them, and individuals had different ways of
3 doing it, some would stick little bits of paper on to
4 the map so they could move them; others would just use
5 their pen to sort of mark on the back where people were.

6 Q. Right.

7 A. But they wouldn't necessarily know where every single
8 member of that surveillance team was because they would
9 only know what the team leader had fed back to them in
10 the control room.

11 Q. Absolutely, and of course things move quickly so it's
12 just getting a general picture. Would the same apply to
13 somebody in the operations room, and it may be outside
14 your field, keeping track of the armed officers, where
15 they were?

16 A. I would have thought that would have been the
17 responsibility of the firearms co-ordinator from 19
18 who -- I believe there was a night duty officer in or
19 about the control room, the night duty at least.

20 Q. Can we identify, not by name but by rank, or at least by
21 position; is this the same as the tac adviser?

22 A. Yes.

23 Q. So the tac adviser who by this time, when the grey team
24 go out, it's TJ80 or Inspector Esposito who was
25 performing that role.

- 1 Now, you indicated that you had some knowledge,
2 because of your own involvement, and I am not going to
3 go through all of it, about the actual devices
4 themselves. Do you remember you were asked a few
5 questions about that?
- 6 A. Yes, sir.
- 7 Q. The one thing you didn't actually deal with, and it may
8 be you can't, besides the fact of obviously, it could be
9 in a rucksack so that's pretty obvious, if there's a
10 rucksack and it looks a bit unusual, that raises
11 questions?
- 12 A. Yes, sir.
- 13 Q. If there is very bulky clothing which might be covering
14 something underneath, that might raise a question?
- 15 A. Yes, sir.
- 16 Q. But of course you accept, do you not, that you have to
17 be really quite careful about this. It could be, but it
18 might not be.
- 19 A. Yes, sir, absolutely.
- 20 Q. If you don't have any intelligence that this person is
21 a bomber on that day, you can make dreadful mistakes,
22 can't you?
- 23 A. Yes, sir.
- 24 Q. And are teams -- well, surveillance perhaps not so much,
25 but I have to ask you this -- are teams warned about

- 1 these risks, the other risk of ending up by
2 misidentifying through these signs the wrong people?
- 3 A. When you say warned, sir?
- 4 Q. In other words, there are all sorts of standard warnings
5 to arms officers about the use of force. Are there
6 warnings to surveillance officers about, if you are
7 going to trigger action, because they are the front
8 line, you know: "the risk of mistaken identification is
9 a real one".
- 10 A. Yes.
- 11 Q. "Do remember that". Are they told that?
- 12 A. There certainly wasn't any form of words that would be
13 read out in the same way as would be read out to
14 firearms officers, which I think you are asking me.
- 15 Q. That's right.
- 16 A. But I know from discussions that we had had within the
17 unit that that was preying on many officers' minds, more
18 about perhaps not having the confidence to call it
19 rather than perhaps the way you are suggesting.
- 20 Q. I appreciate. It has to be balanced, plainly. You
21 don't want somebody who is completely inactive because
22 they are frightened they will get it wrong, but you also
23 at the same time have to make sure the officers are
24 aware both ways?
- 25 A. Yes.

1 Q. There is a risk of not reporting somebody who is, and
2 reporting somebody who isn't. That's the balance that
3 has to be struck?

4 A. Yes.

5 Q. Difficult, I appreciate?

6 SIR MICHAEL WRIGHT: Forgive me, are you aware of a case
7 called Turnbull?

8 A. I have heard of it, yes, sir.

9 SIR MICHAEL WRIGHT: You probably know, it's about the
10 dangers of misidentification.

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: Quite apart from any special warnings
13 that are given to the surveillance officers of the
14 Special Branch, is that part of any police officer's
15 basic training?

16 A. It is, sir, yes. It's a fairly widely known stated case
17 in terms of identification matters.

18 SIR MICHAEL WRIGHT: Thank you.

19 MR MANSFIELD: Right, thank you.

20 The final question here is: detonation. I don't
21 know whether you can help. If in fact it's a rucksack,
22 given what happened the day before, there was CCTV film,
23 did you know that, of the actual fiddling about with the
24 rucksack, people were seen?

25 A. Yes, I was aware of that, sir, yes.

- 1 Q. The reality is there are going to be wires protruding at
2 some point and therefore they were seen to be priming
3 the device on the spot?
- 4 A. Right, sir.
- 5 Q. So that's one avenue. Clearly if it isn't in a rucksack
6 or a hold-all or whatever it's in, but it is, if you
7 like, something to conform to the body as you have put
8 it, then you still have the exercise of detonating that
9 device within the clothing?
- 10 A. Yes, sir.
- 11 Q. There are a number of ways, but it does require the use
12 of your hands to do that, unless you have a remote
13 device; is that right?
- 14 A. Yes, by means of a remote device you mean a third --
- 15 Q. A third person?
- 16 A. Yes, I would agree with that, yes, sir.
- 17 Q. If it's going to be not a third person but the person
18 who has actually got the device on them, they will have
19 to have something in their hand which triggers it, or
20 the most obvious other thing is they will have to have
21 their hand in their pocket where there is a battery and
22 terminals which they connect?
- 23 A. Yes, sir.
- 24 MR MANSFIELD: Thank you very much.
- 25 SIR MICHAEL WRIGHT: Were you aware of the munitions that

1 had been found in the car at Luton station?

2 A. I had heard about them, sir, yes.

3 SIR MICHAEL WRIGHT: That's all I can ask you. You had

4 heard about them?

5 A. I had heard about them.

6 SIR MICHAEL WRIGHT: Were you aware that, we shall hear

7 about this later, that some of the material that was

8 found at Luton were relatively very small devices?

9 A. Yes, I had heard that, sir, yes. They were quite

10 hand-sized, almost, or brain-sized(?), I think was the

11 word that was used.

12 SIR MICHAEL WRIGHT: We will hear more about it, thank you.

13 MR MANSFIELD: I am so sorry, this goes back, I am afraid,

14 to one topic. Remember I put to you, thinking that you

15 had and in fact I was right, you had, you did do

16 a report about the camera facility for the IPCC -- the

17 IPCC asked you if you would go and --

18 A. Facilitate access to the van, yes, I am with you now,

19 sorry.

20 Q. Can I just go back one step, that you did do that.

21 The only point I want to ask you about is the camera

22 facility in the van on the fixed point outside number 21

23 or the block containing it, that that facility could

24 have been running continuously had the person wanted it

25 to be, because it could have been charged either from

1 the alternator or triple charged from the mains, was one
2 of your conclusions?

3 A. It wouldn't have been the mains as in the mains, but
4 from the vehicle, as I understood it, from the vehicle's
5 system there was a battery there and wiring, it could be
6 charged if that was ...

7 Q. All I am saying is he wouldn't, he the operator, have to
8 worry about being distracted for whatever reason for
9 a moment. The camera could stay running charged up in
10 that way?

11 A. Yes, unless there was some reason on the day when he
12 couldn't do it.

13 SIR MICHAEL WRIGHT: Everybody has had a lot of fun with
14 this, Mr Mansfield, but an answer you gave to me,
15 because this was not a transmitting video camera, it
16 wasn't then capable of passing any information to
17 anybody else; it was simply storing information within
18 itself.

19 A. That's my understanding of the type of camera it was,
20 sir, yes.

21 SIR MICHAEL WRIGHT: We may hear from somebody else.

22 A. Yes, there may well be someone.

23 SIR MICHAEL WRIGHT: So this could only be a representation
24 of the person who comes out of Scotia Road, which would
25 only be available later when the video disk was taken

1 out of the camera and played?

2 A. That was the normal practice.

3 MR MANSFIELD: One supplementary: or he could have played it
4 back then?

5 A. Well, yes, the camera would have a screen on it, and if
6 I am correct then it would be possible to play it back
7 on the screen, but to do that he would have to stop the
8 camera and stop recording.

9 MR MANSFIELD: I appreciate that. Thank you very much.

10 MR GIBBS: Sir, may I ask a few questions about
11 surveillance, please?

12 SIR MICHAEL WRIGHT: Yes.

13 Questions from MR GIBBS

14 MR GIBBS: Mr Whiddett, I represent the red and grey
15 surveillance teams.

16 You weren't present at the red briefing?

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

18 Q. Red had already been sent to Scotia Road by the time
19 that you became involved?

20 A. Yes, sir.

21 Q. We will hear, I think, from Alan and from Derek, the red
22 leader, about their briefing.

23 As for where the red team were individually placed
24 around Scotia Road, would you leave that to the good
25 sense and experience of the team leader?

- 1 A. I would leave that to Derek's experience and abilities,
2 sir, yes.
- 3 Q. You have been asked questions about whether you might
4 have a map in the operations room which, I don't know,
5 showed where every single surveillance officer was.
6 Would you normally have that sort of map?
- 7 A. No, sir, we wouldn't.
- 8 Q. Would surveillance officers deployed to a premises like
9 that stand in one place or move around?
- 10 A. I think it's unlikely they would stand anywhere. They
11 would use whatever natural cover was available to them,
12 which is usually their vehicle, or anything else they
13 can find when they arrive at the venue, so to speak.
- 14 Q. Can we then just deal with the grey briefing. The
15 officer who has been called Colin for our purposes
16 actually delivered the briefing but you were present?
- 17 A. That's correct, sir, yes.
- 18 Q. In any briefing, am I right in thinking that there is
19 a balance to be achieved between the depth and the
20 length of the briefing on the one hand, and the urgency
21 of getting officers out on the ground on the other hand?
- 22 A. Not with every briefing because sometimes they can be
23 delivered well in advance, but generally, yes, a balance
24 has to be struck, sir, yes.
- 25 Q. In this particular case, what was your state of mind as

- 1 to the urgency of the deployment of the grey team?
- 2 A. I believed it was urgent because I was aware of the
3 circumstances that I think everybody is aware of here,
4 and it was necessary to get another team out to support
5 the red teams at Scotia Road, particularly as there
6 appeared to be circumstances around vehicles and things
7 like that that are indicating that it was, of the two
8 addresses I had been asked to put teams at, perhaps the
9 one that was more likely to have people of interest
10 still there.
- 11 Q. The colour photocopies which you made available to the
12 grey team, were they better than the original ones you
13 had been shown?
- 14 A. They were, because I believe Colin went and got the
15 original, well, they weren't originals but they were
16 like the original copy that he had copied to bring to
17 me.
- 18 Q. And made a better copy?
- 19 A. They did make a better copy in my opinion, hence the
20 delay of going back and then copying them again.
- 21 Q. We have seen that there were three pages of them in the
22 exhibit which has been called SFG1.
- 23 A. Yes.
- 24 Q. I think Colin's statement will shortly be read,
25 describing that. From where I was sitting, I couldn't

1 tell whether all three pages went around the jury or
2 just the one which we have a copy of in our jury bundle.
3 Did you pass all three around the jury?
4 SIR MICHAEL WRIGHT: I don't think he knows.
5 MR GIBBS: Could I inquire, sir, of you?
6 SIR MICHAEL WRIGHT: I don't know that any of them went
7 physically round the jury.
8 MR GIBBS: Do you have them still in front of you?
9 A. No, I haven't, sir. There they are. (Handed)
10 MR GIBBS: I know that we have a facility in this room to go
11 on the screen.
12 SIR MICHAEL WRIGHT: We will put them on the screen.
13 MR HOUGH: Perhaps they could be passed to the jury first so
14 they can see them in hard copy. (Pause)
15 SIR MICHAEL WRIGHT: Will you want them on the screen?
16 MR GIBBS: It may no longer be necessary. Perhaps it would
17 be better to give them, if I might suggest, sir, to the
18 witness. (Pause)
19 SIR MICHAEL WRIGHT: Yes.
20 MR GIBBS: So Colin then kept a copy of what had been passed
21 around the grey team?
22 A. Yes, sir.
23 Q. There would have been more than one copy to be passed
24 around the grey team?
25 A. Certainly that's my remembrance, yes.

- 1 Q. Whether there would have been a copy, an individual copy
2 for each member of the grey team, they would certainly
3 have each had an opportunity to study the pack of three
4 pages upon which they were being briefed?
- 5 A. Yes, sir.
- 6 Q. I think in fact in the original, am I right in thinking,
7 there may be holes where the staple has gone through to
8 hold them together?
- 9 A. Yes, there is, sir.
- 10 Q. On each of the three pages?
- 11 A. Yes, yes.
- 12 Q. So each would have a chance to study the documents and
13 Colin would then deliver the briefing; would he expand
14 upon the writing? We see for instance that on the Osman
15 sheet which we have in our jury bundle at tab 37, there
16 is quite a lot of text. Did he expand upon that, do you
17 remember?
- 18 A. I think, sir, at that time, that was our state of our
19 knowledge and there wasn't anything to expand with.
20 I think that would be fair to say.
- 21 Q. Then you would expect the team leader, certainly, to
22 keep a copy and take it with him?
- 23 A. Yes.
- 24 Q. As to which other members of the team may or may not
25 have taken copies and kept them with them, that would be

1 a matter for them?

2 A. It would be a matter for them. The briefing, there is
3 a briefing sheet on which people sign, and in normal
4 practice there would be a provision on them for them to
5 sign as to whether they had kept a copy of the
6 photographs or not.

7 Q. Do you know whether that was actually done in this case?

8 A. I can't say, sir.

9 Q. I suppose, am I right, that there is a balance -- you
10 have alluded to it -- to be struck in deciding whether
11 to take secret documents with you out on operation,
12 between the use that they may be to you on the operation
13 and on the other hand the risk of having secret material
14 in a place where it might fall into the wrong hands?

15 A. Not necessarily just secret material, sir, yes, but yes,
16 that's correct.

17 Q. In striking that balance, what do you say is or was at
18 that time the usual thing that was done?

19 SIR MICHAEL WRIGHT: Forgive me, you say "secret". There
20 wasn't much secret about this document, was there?
21 About the photograph, I mean. It's certainly not marked
22 "secret".

23 A. No. I think what he means by secret is something that
24 if the people who are in the photograph find it lying on
25 the pavement outside the house, it would cause a few

1 problems for us.

2 SIR MICHAEL WRIGHT: It might be embarrassing.

3 A. Yes, that's why I questioned "secret", because they are

4 not secret as in a state secret, but sensitive.

5 MR GIBBS: It's my fault. I think a better word might be

6 "sensitive"?

7 A. Yes, sir.

8 Q. Look in the jury bundle at tab 37, and it's up on the

9 screen now, for instance the text there was certainly

10 not material that was anywhere near the public domain,

11 was it?

12 A. No. No, sir.

13 Q. It's not material, I imagine, that anyone in

14 Special Branch or anywhere else in New Scotland Yard

15 would have wanted to place in the public domain at that

16 stage?

17 A. No, sir.

18 Q. In fact, I think we have heard that it was a specific

19 decision as to whether or not to go public with this and

20 the decision had been made specifically not to do so?

21 A. I am afraid I am not aware of that, sir.

22 SIR MICHAEL WRIGHT: You don't know about that?

23 A. I don't know about that.

24 MR GIBBS: Could I just ask you about the Cougar radio

25 system?

- 1 A. Yes, sir.
- 2 Q. Am I right in thinking that the Cougar channel, which
3 anyone can listen to who has had the right fill put into
4 his head set or his car set or his whatever set --
- 5 A. Yes, sir.
- 6 Q. -- that's like an encryption, the fill, isn't it?
- 7 A. That's correct, yes, sir.
- 8 Q. Will normally be kept on a surveillance operation as
9 free and as clear as possible?
- 10 A. Yes, sir.
- 11 Q. So that when important information is given out over it,
12 it's not competing for space with other more mundane
13 traffic?
- 14 A. That's right, sir. There is a set protocol for speaking
15 over the Cougar radio.
- 16 Q. In particular, I think this was a question that was
17 asked to you earlier: firearms officers, if they are
18 listening in on a surveillance channel, which is what it
19 primarily is, will very seldom if ever themselves speak.
- 20 A. I think that's correct, sir, yes.
- 21 Q. As to who can hear what's on the Cougar radio and how
22 well they can hear it, will that depend upon the
23 distance that they are away from the transmitting set?
- 24 A. It can depend on that, sir. Shall I go into detail?
- 25 Q. I don't know how much detail we will need or how much

1 detail it would be wise to give, actually. May I ask
2 you some focused questions and then tell me whether you
3 need to say more?

4 A. Yes, sir.

5 Q. I will suggest that put very simply, what you can hear,
6 how well you can hear, will depend upon the distance
7 between you and the transmitter, the signal which you
8 have got, what's in between you, in other words big
9 buildings, small buildings, whether you are in or out of
10 a car, and what sort of a set you are listening on?

11 A. Yes, all those observations are true, sir. The only
12 thing I would add, if I may, is that within Central
13 London, certainly, there were a number of boosters that
14 would allow those signals to be heard in New Scotland
15 Yard because you are quite right in saying that
16 generally the Cougar radio can only be heard within
17 a short distance of the unit that's transmitting, unless
18 there is a booster which can then boost the signal and
19 it can be heard further away.

20 Q. That's exactly what I was going to ask you and it's my
21 last question.

22 The boosters are designed to ensure that however
23 good or bad anybody else's ability to hear what's being
24 said may be, at New Scotland Yard they can hear better
25 than anyone?

- 1 A. Not necessarily, sir, because the boosters don't always
2 achieve what they are intended to achieve.
- 3 Q. All right. The plan is that New Scotland Yard should be
4 able to receive a good signal?
- 5 A. Should be able to receive a good signal, sir, yes.
- 6 Q. Because the person who must be able to hear is the
7 surveillance monitor sitting in the operations room?
- 8 A. Yes, sir.
- 9 Q. In this case, Pat?
- 10 A. Yes, sir.
- 11 MR GIBBS: Thank you very much.
- 12 SIR MICHAEL WRIGHT: Thank you, Mr Gibbs. Mr Stern?
- 13 MR STERN: No questions, sir.
- 14 SIR MICHAEL WRIGHT: Thank you very much. Ms Leek.
- 15 Questions from MS LEEK
- 16 MS LEEK: Thank you very much, sir. Officer, I represent
17 the separately represented CO19 officers, including
18 Andrew, Inspector ZAJ and Trojan 84.
- 19 Just a few questions around the phone call that came
20 in to you in the early hours of the morning. I think
21 you had two phone calls from Alan, the first that was
22 some time after 4.05?
- 23 A. Yes.
- 24 Q. And the second that was at 5.05?
- 25 A. That's correct, yes.

- 1 Q. The day after these events, 23 July, you recalled in
2 a statement at the time of that second phone call as
3 being 0505.
- 4 A. Yes, I did, yes.
- 5 Q. In the first telephone call, you were told by Alan that
6 the red team were probably to be deployed as a matter of
7 urgency to an address in connection with the
8 investigation into the bomb incidents?
- 9 A. That's correct, yes.
- 10 Q. That's what you recorded in your statement?
- 11 A. I believe so, yes.
- 12 Q. That was confirmed to you in a second call at 5 o'clock
13 in the morning, 5.05, by Alan?
- 14 A. Yes.
- 15 Q. You were not given any detail of the deployment at that
16 time in the morning, as I understand it?
- 17 A. What do you mean by deployment, ma'am?
- 18 Q. You weren't given any detail of exactly where the teams
19 were going to go and what they were going to have to do?
- 20 A. No, I wasn't, that's correct.
- 21 Q. You weren't given addresses?
- 22 A. No.
- 23 Q. You weren't told how many addresses there were?
- 24 A. I don't remember being told how many addresses there
25 were, no.

1 Q. You weren't told that they were going to go to one or
2 other of any of these particular addresses?

3 A. No, I don't recall that at all.

4 Q. You have made it clear in your statement that it was
5 when you had got to New Scotland Yard that you were told
6 for the first time about 21 Scotia Road?

7 A. Yes.

8 Q. And that the deployment was going to take place after
9 briefings by Silver Commanders?

10 A. No, I wasn't a Silver Commander, but I was going to be,
11 ensure that the surveillance teams went out --

12 SIR MICHAEL WRIGHT: You are talking about firearms --

13 MS LEEK: I am not, sir, but the surveillance teams were
14 going to go out after briefings?

15 A. Yes.

16 MS LEEK: Thank you, sir.

17 SIR MICHAEL WRIGHT: Thank you. Mr Perry?

18 Questions from MR PERRY

19 MR PERRY: Very briefly, sir, if I may.

20 SIR MICHAEL WRIGHT: You have five minutes, Mr Perry.

21 MR PERRY: I hope I can do it in five minutes.

22 Mr Whiddett, I am David Perry. I represent
23 Commander Dick amongst others. May I have documents
24 page 442 up on the screen, please. Mr Whiddett, this is
25 your note, and I have just got two questions in relation

1 to this, please.

2 You see that in front of you?

3 A. Yes, I do, sir.

4 Q. May I just ask you, the "21 Scotia Road", the first
5 address there, with the hyphen and "SW2" above it, and
6 then there is "old?" and the reference to the vehicle.
7 May I ask you this: the position was this, wasn't it,
8 that there was a feeling that the Scotia Road address
9 might actually be an old address and therefore was the
10 starting point of the developing intelligence.

11 A. I see I have written "old" next to it, so that may well
12 have been, yes, the understanding at the time.

13 Q. There is the reference to the vehicle, we have the
14 registration number there, which was the black Primera.
15 If we just drop down the page under the 34 Mitcham Lane,
16 we have the same number again, and there is a reference,
17 "vehicle VI 61A Portnall Road W9"?

18 A. Yes.

19 Q. The vehicle VI, that's...?

20 A. That's actually V1, sir.

21 Q. Thank you very much. That makes it clear that the
22 vehicle is actually registered to 61A Portnall Road?

23 A. Yes.

24 Q. So in fact there is a link with the vehicle there. The
25 situation we are dealing with, it's not like me, if

- 1 I had a car, leaving it and going to someone's house;
2 this is suicide bombers who disappeared and it might be
3 thought that the last thing they might be concerned
4 about is where they have left their cars. That was part
5 of the thinking at the time. Was that fair to say?
- 6 A. It may well have been part of the thinking at the time,
7 sir, I wasn't party to that.
- 8 Q. All right. The final question on this document: the
9 "policy not to run", that's a reference to the suspects;
10 can you recall that?
- 11 A. Yes, sir.
- 12 Q. That's the actual suspects?
- 13 A. No, that's anyone coming out of those buildings would
14 not be allowed to leave the vicinity of the buildings.
- 15 Q. Let me just explore that with you, those buildings, we
16 are concerned here, aren't we, with two addresses,
17 21 Scotia Road and 61A Portnall?
- 18 A. Yes, sir.
- 19 Q. So the focus is on those particular address?
- 20 A. At that time it was, sir, yes.
- 21 Q. The policy not to run would be again focused on those
22 addresses inasmuch as you stop suspects or if there was
23 someone in the same address as the suspect, ie 21 or 61A
24 Portnall that was linked to the suspect?
- 25 A. No, sir, I think if I understood you correctly, what my

1 understanding would be, would be anyone coming out of
2 those addresses would be stopped at some point.

3 Q. Forgive me, we may be at cross-purposes. But the
4 addresses, looking at this document --

5 A. Yes.

6 Q. -- 61 or 61A as it becomes, Portnall?

7 A. Yes.

8 Q. And 21 Scotia?

9 A. Yes.

10 Q. So those are the addresses?

11 A. Yes, sir.

12 Q. Thank you. Just this topic I hope very quickly. You
13 were in and out of the operations room during the course
14 of the morning?

15 A. Yes, sir.

16 Q. You were aware that there was a DSO, a designated senior
17 officer?

18 A. I wasn't initially, sir, no.

19 Q. When did you become aware?

20 A. Probably when I walked back into the operations room at
21 around about 10 to 10.

22 Q. You were aware of the strategy, just tell me this: how
23 many times had you been to the operations room during
24 the course of the morning between 7.15, say, and 10 to
25 10.

- 1 A. Half a dozen or more, possibly.
- 2 Q. Can you remember the strategy up on a white board that
3 Mr Johnston had put there?
- 4 A. I can remember it being up on the white board; when it
5 was written there and when I first saw it, I am sorry,
6 I can't say.
- 7 Q. At any rate you had been in and out during the course of
8 the morning?
- 9 A. Yes.
- 10 Q. May it be, in fact, once you were in there, the very
11 first time you went in there, would you have been aware
12 of the command structure?
- 13 A. No, I think I was aware that DCI Baker was the senior
14 officer present apart from Mr Johnston who was sitting
15 in the ops room dealing with authorities when I arrived,
16 and that would have been my perception of the command
17 team at the time.
- 18 Q. At that time, very well. Then finally, Mr Whiddett, may
19 I just ask you about -- you were asked questions about
20 evidence given at the Health and Safety trial?
- 21 A. Yes, sir.
- 22 Q. I don't mind if it's easier for everyone to follow, for
23 everyone to see this, because there is nothing worse
24 than being referred to documents and not having them in
25 front of you. So if we have 5 October 2007, page 11.

1 A. Yes, I have it here.

2 Q. It's very, very faint, but perhaps we can follow it.

3 Thank you. If we just drop down to line 18, just to put
4 this in context, and so everyone knows, this was you
5 answering questions from prosecuting counsel when you
6 were giving evidence-in-chief, question 18:

7 "I believe I returned between quarter to and ten to
8 10.00."

9 That's when you are talking about returning to the
10 operations room?

11 A. Yes, sir.

12 Q. "And at that stage, what did you understand was
13 happening in terms of the surveillance?"

14 "Answer: Initially I asked somebody nearby the
15 door, where I came in, to tell me what was going on, and
16 from them and from what I then saw going on in the room
17 I realised that someone had come out of Scotia Road, had
18 been identified by one of the surveillance teams and was
19 currently under surveillance by the grey team."

20 So that's what you were saying.

21 Is that today what you recollect, Mr Whiddett?

22 A. Yes, sir.

23 Q. If we may just go on to page 29, because -- it will be
24 done for you, Mr Whiddett. This is what you were asked
25 about earlier today, and this was in fact in

1 cross-examination by counsel representing the
2 Metropolitan Police Commissioner.

3 Line 2:

4 "At 9.50 or thereabouts, did you discover that the
5 team or one of them had identified the suspect, or the
6 subject?

7 "Answer: I don't ... my understanding was that the
8 individual hadn't been identified as such, but there was
9 reason to believe they might be identical with one of
10 the people that was being looked for at that time.

11 "Question: So would it be accurate to say that you
12 learned that it was thought to be -- the man was thought
13 to be Osman? Would that be an accurate way of
14 describing --

15 "Answer: Yes, my Lord, it would be, although there
16 was some conclusion that as that person had come from
17 the address of interest, and that they might be the
18 person, they were obviously of interest.

19 "Question: Was that the general atmosphere and
20 debate in the control room, that this is the man?

21 "Answer: There was certainly concern to try and
22 establish for sure that it was the individual that they
23 were looking for. I did hear some officers asking:
24 well, can they give us a percentage likelihood as to who
25 it is?

1 "Question: So they were seeking clarification, the
2 senior officers?

3 "Answer: They were. They seemed to be doing that,
4 yes, my Lord.

5 "Question: And from your judgment of it -- and it
6 can't be precise, because it is an impression, isn't it,
7 more than anything else?

8 "Answer: Mm hmm.

9 "Question: Had the man moved from being a possible
10 to a probable? Would that be a way to describe it?

11 "Answer: Yes, my impression was that the person --
12 the gentlemen was a probable rather than a possible at
13 that point, but I was somewhat remote from the
14 conversations."

15 Mr Whiddett, is that broadly, and you very fairly
16 made it clear that it was impressionistic and you were
17 somewhat remote from the conversations, but is that, do
18 you consider to be an accurate reflection of the
19 position as you perceived it to be?

20 A. Yes, sir. Yes.

21 MR PERRY: Thank you very much. Thank you very much, sir,
22 that's all I ask.

23 SIR MICHAEL WRIGHT: Mr King?

24 MR KING: No, thank you, sir.

25 SIR MICHAEL WRIGHT: I would like to finish this witness.

1 MR HORWELL: I have minutes.

2 SIR MICHAEL WRIGHT: The reason is that we can use the
3 adjournment to put up the screens.

4 MR HORWELL: I understand.

5 Questions from MR HORWELL

6 MR HORWELL: Only a few points. My name is Richard Horwell.
7 I appear on behalf of the Commissioner.

8 The photographs and the reasons that you have been
9 giving as to the dangers of these being left at scenes
10 and what could flow from that. The belief was, was it
11 not, that if these bombers knew that the police were
12 keeping them under surveillance, they could immediately
13 lead another attack on London, or even blow up the
14 premises in which they were?

15 A. Both those things were fears that were in people's
16 minds, yes, and were spoken about, sir, yes.

17 Q. So this wouldn't have been an embarrassment that would
18 have been suffered if these photographs had been left in
19 the street; it could have led to the loss of life on
20 an extremely large scale?

21 A. That's a fair conclusion, sir, yes.

22 Q. By July 2005 it was known that terrorists had been able
23 to improve and refine their ability to manufacture
24 bombs?

25 A. Yes, sir.

- 1 Q. By July 2005, it was clear that bombs carried by suicide
2 bombers may not be apparent?
- 3 A. Yes, sir.
- 4 Q. As to the decisions that had been made to protect London
5 overnight, a surveillance team, the red team, had been
6 ordered to be on duty overnight in case required?
- 7 A. Yes, sir, that's correct.
- 8 Q. So the arrangements that had been made in respect of
9 firearms, we know that a team was kept on duty overnight
10 eventually at New Scotland Yard, that arrangement had
11 been replicated by surveillance? Two teams, one team of
12 each?
- 13 A. Yes.
- 14 Q. On duty overnight in case required?
- 15 A. That's my understanding, sir, yes.
- 16 Q. As to the support which firearms would give to
17 surveillance that morning, you knew from your experience
18 that a spontaneous investigation of this kind, it was
19 inevitable that surveillance would arrive at the scene
20 before firearms?
- 21 A. Particularly in these circumstances, sir, yes.
- 22 Q. From your general knowledge of the events that morning,
23 Mr Whiddett, it wouldn't have been unusual for firearms
24 to have arrived at the scene by 9 o'clock, would it?
25 Time it takes to arm, to brief?

1 A. If it had been a new team coming on, yes, that would
2 have not been -- it would have been a normal thing,
3 although I would have hoped they would have arrived
4 earlier, sir.

5 Q. Of course, one would always hope that firearms would
6 arrive earlier, but it would not have been in any sense
7 unusual for firearms to have arrived at about 9 o'clock?

8 A. Yes, sir.

9 SIR MICHAEL WRIGHT: That's on the basis they come on
10 ordinary clocking-on time at 7 o'clock in the morning.

11 A. Yes, sir.

12 MR HORWELL: You have been asked about the Ragstone
13 photographs. We have heard from Mr Boutcher that, by
14 22 July, Osman had not been identified as one of those
15 present that day; is that something that you can confirm
16 or not?

17 A. I can't confirm that, sir, because I didn't know.

18 MR HORWELL: All right. That's all I ask, thank you.

19 SIR MICHAEL WRIGHT: Mr Hough?

20 Further questions from MR HOUGH

21 MR HOUGH: One point arising out of what you were just asked
22 about the time it would take for a firearms team coming
23 on at 7 o'clock to be briefed and to head out to the
24 scene. Just to put to you something that you were asked
25 at the trial, and I wonder if we could have page 25 of

1 the transcript up. It's towards the top of the page:

2 "Question: Given what you knew about the way they
3 worked ..."

4 And you were being asked about firearms teams there?

5 A. Yes, sir.

6 Q. "... what was your expectation as to the earliest time
7 that you thought they were likely to appear at
8 Scotia Road?

9 "Answer: I would have been surprised if they had
10 arrived by 8 am. I would have expected them probably to
11 arrive between 8 and 9 am ..."

12 It was just put to you that 9am was the time. Are
13 you able, having seen that, to put a figure on when you
14 would have expected firearms to arrive, knowing what you
15 knew of them and when they had come on duty?

16 A. Well, both answers reflect my expectation. The answer
17 I gave at the trial is a fuller answer than I would rely
18 on if pressed.

19 MR HOUGH: Thank you very much.

20 SIR MICHAEL WRIGHT: 8 to 9 presumably depending on the
21 degree of urgency that is being exercised.

22 A. Yes.

23 SIR MICHAEL WRIGHT: Fair comment?

24 A. Yes.

25 MR HOUGH: In fairness, you would have been surprised if

1 they had arrived by 8; some time between 8 and 9; that's
2 the answer.

3 A. Yes.

4 SIR MICHAEL WRIGHT: Thank you, Mr Hough. I have a question
5 from the jury, I don't know if you will be able to do
6 much with it, but I will tell you what it is:

7 "On surveillance such as the Scotia Road
8 surveillance, as there is a great risk due to bombings,
9 would there be a bomb disposal team on standby or would
10 this not be looked at as they are suicide bombers?"

11 A. There is always a bomb disposal team on standby in
12 London at all times, so if that's the question, that's
13 the answer.

14 SIR MICHAEL WRIGHT: But not --

15 A. Not specifically for this, because they are always on
16 call at a central location to come out in the event they
17 are needed.

18 SIR MICHAEL WRIGHT: That answers the question, thank you
19 very much.

20 We have kept you over because the screens should
21 need to go up this afternoon, so shall we say 10 past 2,
22 ladies and gentlemen.

23 (1.15 pm)

24 (The short adjournment)

25 (2.10 pm)

1 (In the presence of the jury)

2 SIR MICHAEL WRIGHT: The screen is in place. I am asked to
3 check, please, that all the screens are switched off,
4 both behind those screens and in the overflow room.

5 Who are we taking first, Mr Hilliard?

6 MR HILLIARD: Inspector ZAJ, please.

7 INSPECTOR ZAJ (sworn)

8 SIR MICHAEL WRIGHT: Thank you, Mr ZAJ, would you sit down,
9 please.

10 A. Thank you, sir.

11 SIR MICHAEL WRIGHT: Yes, Mr Hilliard.

12 Questions from MR HILLIARD

13 MR HILLIARD: I am going to ask you some questions first of
14 all on behalf of the Coroner and then you will be asked
15 questions by others.

16 Are you an inspector in the Metropolitan Police?

17 A. Yes, sir, I am.

18 Q. You are going to be known by the name of ZAJ in the
19 course of this hearing.

20 A. I understand that, sir, thank you.

21 Q. I have got copies of two witness statements that you
22 have made. Have you got copies of them there too?

23 A. Yes, sir, I have.

24 Q. Have you got one that's dated 6 March 2006?

25 A. Yes, sir.

- 1 Q. Then have you got another that's dated 3 October of this
2 year?
- 3 A. Yes, sir, I have.
- 4 Q. Obviously you can look at both of those if you need to.
5 There is no difficulty about that.
- 6 A. Thank you.
- 7 Q. Were you also an inspector in the Metropolitan Police in
8 July of 2005?
- 9 A. Yes, sir, I was.
- 10 Q. On 21 July 2005, were you on duty as something called
11 the oncall senior firearms tactical adviser at
12 Lemman Street police station?
- 13 A. Yes, sir, I was.
- 14 Q. Just help us, essentially what does that mean your role
15 is? Not in great detail, but just briefly.
- 16 A. Essentially that means managing the requests for
17 a pre-planned firearms operations, for the specialist
18 firearms teams and tactical support teams.
- 19 Q. At about half past midday or so, did you hear
20 information about the attempted explosions that had
21 happened on the travel network?
- 22 A. Yes, sir, an officer in the control room made me aware
23 that something was happening on the network, on the
24 travel network and I made my way down to the control
25 room to monitor the situation.

- 1 Q. That's the control room actually at Leman Street police
2 station, is it?
- 3 A. That's correct, sir, yes.
- 4 Q. Then about an hour or so later, did the control room
5 inform you that the information room at New Scotland
6 Yard were asking for a firearms tactical adviser to go
7 there?
- 8 A. Yes, sir, they did.
- 9 Q. As you understood it, was that to provide tactical
10 advice to a designated senior officer, I am looking at
11 your statement, "if there were any spontaneous incidents
12 regarding subjects in possession of explosive devices"?
- 13 A. That's correct, sir, yes.
- 14 Q. Just help us, was that essentially meaning that any
15 incidents that suddenly arose with suicide bombers; is
16 that what it meant?
- 17 A. Essentially, sir, we obviously had these incidents
18 earlier in the day, we had no idea whether something
19 else was going to happen along those lines, so it's to
20 monitor calls into Scotland Yard around that sort of
21 situation happening again, and in the situation where
22 these things happen, members of the public, well-meaning
23 members of the public, tend to phone Scotland Yard if
24 they see other suspicious type persons.
- 25 Q. In line, then, with what you have just told us, when you

1 got to Scotland Yard, did you become the firearms
2 tactical adviser to somebody we have heard about,
3 a Commander Carter?

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

5 Q. He was, is this right, the designated senior officer for
6 any what you describe as spontaneous Kratos incidents?

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

8 Q. Whilst you were at New Scotland Yard, were you in touch
9 with somebody called Andrew, who we have heard from, at
10 Lemman Street police station?

11 A. I was, sir, yes.

12 SIR MICHAEL WRIGHT: He is also, we have heard, a senior
13 tactical firearms adviser.

14 A. That's correct, sir.

15 SIR MICHAEL WRIGHT: Effectively same ranking as you?

16 A. He is a slightly higher rank, sir, but we perform the
17 same role.

18 SIR MICHAEL WRIGHT: You are doing the same job?

19 A. Same job essentially, yes.

20 MR HILLIARD: What was he doing?

21 A. I am unsure what he was doing at that time. He was at
22 Lemman Street getting resources ready for what could
23 happen later on in the day.

24 Q. Right. So that's getting, what, firearms resources
25 ready?

- 1 A. Yes, sir, that's correct, yes.
- 2 Q. When you say for, in case of what might happen later in
3 the day, you mean if there had been another incident of
4 the kind that had happened earlier?
- 5 A. Just to clarify my point, if there had been
6 a spontaneous Kratos-type incident, it was ensuring we
7 had resources to deal with that, effectively.
- 8 Q. Right. There you are with Commander Carter, and did you
9 stay in the information room at New Scotland Yard
10 assessing many calls that were coming in about possible
11 suicide bomb people?
- 12 A. We did, sir, yes, I did, yes.
- 13 Q. Now, also when you were there, did you get a request at
14 some time to go to a meeting with S013 anti-terrorist
15 officers?
- 16 A. I had a request to meet with Mr Boutcher, yes.
- 17 Q. Who else was going to be there?
- 18 A. At the time I can't recall, or at this time I can't
19 recall, but I had a meeting with Mr Boutcher certainly.
- 20 Q. And anybody else or just him?
- 21 A. Possibly Angie Scott.
- 22 Q. All right. What time was that?
- 23 A. I think it was approximately 5.30 in the evening.
- 24 Q. What happened at that meeting?
- 25 A. Basically Mr Boutcher had told me what had happened,

1 what they believed to have happened at the time, and
2 asked for specialist firearms resources to be put on
3 standby for possible deployment.

4 Q. Was that to be available 20 hours a day?

5 A. 24 hours a day, sir.

6 Q. For the foreseeable future?

7 A. Indeed it was, sir, yes.

8 Q. You say in your statement:

9 "... for pre-planned firearm operations and Kratos
10 incidents."

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

12 Q. What did you do when you got that request from
13 Mr Boutcher?

14 A. I contacted my colleagues Andrew and Trojan 80 at
15 Leman Street, informed them of that request.

16 SIR MICHAEL WRIGHT: We know who Trojan 80 is; that's
17 Mr Esposito, isn't it?

18 A. It is, sir, yes. I contacted them, and informed them of
19 that request and asked them to start organising
20 resources.

21 MR HILLIARD: Right. Did they say they would?

22 A. Yes, sir, they did.

23 SIR MICHAEL WRIGHT: Did Mr Boutcher specify or indicate how
24 many teams he would want to have on standby?

25 A. He certainly said that we needed a team overnight, one

- 1 team overnight, and we were looking probably to go, if
2 the investigating progressed to a firming out the next
3 day to expanding that, probably four teams available
4 24 hours a day, so it would be two teams early, two
5 teams late, basically.
- 6 SIR MICHAEL WRIGHT: I see. Once you got through this
7 night, there would have been two on standby at any given
8 time?
- 9 A. There would have been at least two teams deployed to
10 this operation, earlies and lates.
- 11 MR HILLIARD: As you understood it, was it in response to
12 this that Andrew and Trojan 80 had compiled a firearms
13 tactical advice document that we have heard about?
- 14 A. That's right, sir, yes.
- 15 Q. Who was going to provide the night duty cover then,
16 firearms cover?
- 17 A. That was to be the orange specialist firearms team.
- 18 Q. Did you decide that or was that something that Andrew or
19 Trojan 80 told you?
- 20 A. That would have been Andrew or Mr Esposito.
- 21 Q. Right. At about 9 o'clock in the evening, were you
22 joined at New Scotland Yard by Andrew?
- 23 A. Yes, I was, sir.
- 24 Q. What role was he now fulfilling?
- 25 A. He was going to be the liaison, the tactical adviser to

- 1 the operation, the counter-terrorist operation.
- 2 Q. What did you do when he came to New Scotland Yard?
- 3 A. We had a discussion, I informed him of everything that
- 4 I knew, and then we went to further meetings.
- 5 Q. Right. Was one of those a meeting at 9.50 or
- 6 thereabouts with Mr Boutcher?
- 7 A. Yes, it was.
- 8 Q. Did you also go to a Gold group meeting, the two of you,
- 9 at 10.10?
- 10 A. Yes, sir, we did.
- 11 Q. You say in your statement that:
- 12 "At that meeting, a number of issues were raised
- 13 regarding any future CO19 deployments."
- 14 A. Yes, sir.
- 15 Q. What sort of issues were those?
- 16 A. From what I can recall it would have obviously been the
- 17 response we had overnight, what response we would have
- 18 available the next day and also what response we would
- 19 have had to a spontaneous operation, so discussing
- 20 a pre-planned operation and a spontaneous operation.
- 21 Q. Were any concerns expressed about the extent of the
- 22 cover that you had available or was everybody happy with
- 23 it?
- 24 A. There was no concerns raised at all, sir.
- 25 Q. Then at quarter to midnight or so, were you there when

- 1 Andrew gave the tactical advice document to Mr Boutcher?
- 2 A. Yes, sir, I was.
- 3 Q. Did you stay throughout the night at New Scotland Yard?
- 4 A. Yes, sir, I did.
- 5 Q. Still in your capacity as firearms tactical adviser for
- 6 spontaneous Kratos incidents?
- 7 A. Yes, sir.
- 8 Q. Did you have a number of meetings with Andrew?
- 9 A. Me and Andrew met up throughout the night, yes, we did.
- 10 Q. What sort of things were you meeting up about, just give
- 11 us a general idea?
- 12 A. Basically to see if there was any update on the
- 13 operation itself, any updates on intelligence, and
- 14 whether we needed to do anything regarding our own
- 15 resources.
- 16 Q. Did you learn at some point that information had come to
- 17 light about an address, Scotia Road?
- 18 A. I was made aware of that, yes.
- 19 Q. Do you remember who it was who told you about that?
- 20 A. No, sir, I don't.
- 21 Q. Do you remember when it was, even roughly, that you
- 22 learned about Scotia Road?
- 23 A. Sir, I can't recall the times now at all.
- 24 Q. Once you had heard about Scotia Road, did you know about
- 25 any strategy that had been formulated in respect of it?

- 1 A. No, sir. As I understood it, when I found out about
2 Scotia Road, and this is very, very clear in my mind,
3 I was informed that it was an intelligence-gathering
4 operation. The only strategy I was aware of was
5 possible overt strategy, which was publishing
6 photographs in the media later on that day.
- 7 Q. Right. Just so we understand the significance, if, as
8 you say, all you knew was that it was
9 an intelligence-gathering operation, just so we
10 understand, what would be the implications or
11 non-implications as far as you were concerned about
12 firearms resources?
- 13 A. If it was an intelligence-gathering operation, to me,
14 and as I understood it on the night, that was
15 surveillance teams and possibly other agencies just
16 looking at what actually existed at 21 Scotia Road, what
17 type of address it is, researching, and the properties
18 either side of it, et cetera, stuff like that. But
19 essentially gathering intelligence around the address.
- 20 Q. So what, as you understood it, no requirement that you
21 knew of that firearms resources would be required there?
- 22 A. There was no requirement made of me to deploy firearms
23 resources to that address.
- 24 Q. Right. Now, what happened to the orange firearms team,
25 do you remember the one you were telling us about?

- 1 A. Yes, sir. I called them to Scotland Yard.
- 2 Q. You called them to Scotland Yard?
- 3 A. I called them to Scotland Yard.
- 4 Q. Just so we understand, at what stage was it you called
5 them to Scotland Yard?
- 6 A. It was just shortly after 5 o'clock.
- 7 Q. Right. Where had they come from?
- 8 A. Leman Street.
- 9 Q. Why had you called them to New Scotland Yard just after
10 5 o'clock from Leman Street?
- 11 A. Basically, sir, the overt strategy was still in my mind,
12 I had had a discussion with Andrew, we thought it would
13 be prudent to bring the team to the Yard in case there
14 was a need to deploy so they would be more centrally
15 based and easier to deploy from Scotland Yard,
16 basically.
- 17 Q. As you understood it, was there any address in mind for
18 them to be deployed at, at the stage we are at now or
19 none at all as you understood it?
- 20 A. None at all, sir. If there was an address in my mind
21 that we would have needed to deploy to, I would have
22 deployed them differently. I wouldn't have brought them
23 to Scotland Yard.
- 24 Q. Right. What would you have done, deploy them from Leman
25 Street?

- 1 A. I would have probably sent a team down there or a car
2 down there to recce the address, look for line-up
3 positions for the team to deploy around the address.
4 I would also have asked team members to bring additional
5 maps and other stuff to Scotland Yard for briefing
6 purposes, and I would have asked a number of other
7 questions as well.
- 8 Q. If you had had a particular address --
- 9 A. To deploy to.
- 10 Q. Right. So as you have indicated, as far as you were
11 concerned, you say you weren't aware of any requirement
12 for a firearms team to deploy?
- 13 A. No, sir, I wasn't.
- 14 Q. Nor were you aware that there was any role in the
15 strategy that had been set for firearms officers?
- 16 A. Not at all, sir.
- 17 Q. When the orange team got to Scotland Yard, sorry, what
18 sort of time would that have been?
- 19 A. I am unsure, sir. I didn't ask them to come on a blue
20 light run, to say, but at that time of the morning, it
21 would have been no more than 30 minutes.
- 22 Q. Help us, would there be a record of their movement
23 somewhere? Is that kind of thing recorded if a firearms
24 team moved from one location to another, do you see what
25 I mean; is there an obligation to write that kind of

- 1 thing down?
- 2 A. No, sir, there isn't.
- 3 Q. Is there not so people know where resources are?
- 4 A. Possibly, if we had a Silver on the operation, they may
- 5 have recorded it in their own logs, but at this time
- 6 I don't think there was one assigned anyway to the
- 7 operation.
- 8 Q. Would the team themselves have logs which they would
- 9 keep a record of their movements in and what time they
- 10 are arriving?
- 11 A. No, sir.
- 12 Q. All right. Again, when a firearms team moves in this
- 13 way in response to a request, would somebody write down
- 14 somewhere the reason for the movement?
- 15 A. I would have expected my colleague Andrew to do that.
- 16 Q. Where would you expect that he would have written down
- 17 why they were being moved? Just so we know, because the
- 18 document won't mean anything to us, what kind of
- 19 document would that be in?
- 20 A. It would be in our own policy log if we were running
- 21 one.
- 22 Q. If we just look, I will ask that you are given the file.
- 23 Do you have the jury bundle there?
- 24 A. Yes, I have, sir.
- 25 Q. If you go to section 41, it has little tabs in it?

1 A. This one only goes up to 35, sir.

2 Q. It's on your screen?

3 A. Yes.

4 Q. We can go to page 5. Can you see "22 July 2005, 0600",
5 do you see that?

6 A. Yes, I do.

7 Q. "I assume responsibility as tactical adviser for
8 Operation Vivace -- resources."
9 There is a Chief Inspector there, Rush, looks like:
10 "Tac advice to spontaneous calls. Orange team with
11 Inspector ZAJ to be relieved by Chief Inspector Terry at
12 7 o'clock."
13 Yes?
14 A. Yes, sir.

15 Q. "Black team with Trojan 84 to come on duty at 7. TST
16 and ARV to be the spontaneous response."
17 So there is a reference there, isn't there, to the
18 orange team with Inspector ZAJ; do you see that?

19 A. I do, sir, yes.

20 Q. But no indication really as to why the movement, is
21 there?
22 A. No, sir. As I said before, though, there was no need
23 for us to deploy. The officer may not have thought that
24 he needed to put it in there, just the movement of the
25 team to a location; there was no actual task to actually

1 go and deploy to.

2 Q. So it follows that you had no idea that a strategy had
3 been set that actually required the participation of
4 CO19 officers, as the strategy was set?

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

6 Q. That never got to you?

7 A. Never got to me at all.

8 Q. All right. Did you in fact remain with the orange team
9 at Scotland Yard until you were relieved by
10 Inspector Terry, whose name we have seen there, at 7 in
11 the morning?

12 A. I did, sir, yes.

13 Q. You very helpfully recently just provided some
14 information about telephone calls of yours. Thank you
15 very much for that. I am just going to ask that we
16 distribute a coloured sheet of calls, all right? Some
17 relate to you, some don't but it's just easier rather
18 than picking yours out of here. (Handed)

19 I am going to go for divider 44. I have a feeling
20 that might be the next one you have free. If I am wrong
21 and it's 43, please tell me. 43 is taken, I think?

22 SIR MICHAEL WRIGHT: 44 has all Mr Boutcher's documents.

23 MR HILLIARD: I am sorry, 45.

24 What I am going to do, inspector, is if we just look
25 at some calls that relate to you on this, then there

1 will be one just to write in for us, not for you, by
2 hand that I want to ask you about as well.

3 You deal with this in your statement of 3 October of
4 this year, so you might just want to have that one to
5 hand.

6 So if we have a look at these and see if you can
7 help us, it's obviously a long, long time ago, but if
8 you can help us even in general terms as to the subject
9 matter of the calls, will you do that?

10 A. Yes, sir.

11 Q. As we go down, very first one, do you see these are all
12 early hours of 22 July 2005. The first one is at 0032
13 and 53 seconds, so just after half past midnight. We
14 don't need to worry about the dialling numbers or end of
15 the column, the source document; that just means where
16 the information has come from. What we really need are
17 whose phone is calling whose and how long it takes and
18 the time.

19 Just after half past midnight, a call on your phone
20 to Andrew's phone for six minutes and 47 seconds; do you
21 see that?

22 A. I do, sir, yes.

23 Q. Any idea what that would have been about or not?

24 A. No, sir, I can't recall at all.

25 Q. Obviously work related in some way?

- 1 A. It probably would have been discussing this, yes.
- 2 Q. Next one the other way, 1.32 in the morning for 10
3 minutes and 55 seconds, again any specific recollection
4 now or not of that?
- 5 A. No, sir.
- 6 Q. The next two, do you see 1.52 and 1.59, these are you
7 the other way to Andrew, one for just over three minutes
8 and the other for just over two and a half minutes.
9 Again, this is just before 2 o'clock in the morning.
10 Any recollection now about those or not, but again work
11 related in some way --
- 12 A. Certainly work related, sir, but --
- 13 Q. -- to what you have been telling us about?
- 14 A. -- I can't remember the content, no.
- 15 Q. Then next one down, the pink one, one of yours, do you
16 see at 5.06 in the morning, this is you to Andrew and
17 it's a call for 19 seconds. Can you help with that?
- 18 A. Sir, again I can't recall the content of that call.
19 I think we were probably discussing this operation and
20 how it was progressing. I think a decision was then
21 made to call orange team.
- 22 Q. Right. Would that have been in a 19 second call?
- 23 A. Yes, sir, it would have been.
- 24 Q. Would it? All right. Just that it looks pretty short
25 to discuss it and then to decide to bring the orange

1 team. Don't worry, if that's what you think --

2 A. I'm fairly (inaudible) that was a discussion with Andrew

3 and we discussed bringing orange team. I wouldn't have

4 brought orange team to the Yard without discussing it

5 with Andrew.

6 Q. Then one that I think you can help us about because I

7 think you have checked, do you see at 5.07 in the

8 morning, 5.07 and 54 seconds, you, now, although it says

9 "UK" for unknown, I think you have been kind enough to

10 check that; is that right?

11 A. Yes, sir.

12 Q. Can you help us? We might just want to write in, who

13 was that call to?

14 A. That's the orange team leader's phone.

15 SIR MICHAEL WRIGHT: Sorry?

16 A. The orange team leader's phone -- the sergeant in charge

17 of orange team.

18 MR HILLIARD: So that's a call for 10 seconds to the orange

19 team leader, and what did you say in the 10 seconds?

20 A. I basically told him to come to Scotland Yard and

21 I would brief him once he got there.

22 Q. Is that the kind of thing that somebody in his position

23 would expect, a really brief call, saying --

24 A. Yes, sir, there would be no need to say much more than

25 that, apart from "Get your team to Scotland Yard".

- 1 Q. Given the brevity of it, would you have been saying to
2 him that he needed to make his way there pretty quickly
3 or not?
- 4 A. At that time, sir, there was no requirement to get them
5 there quickly, but it was at 5.10 in the morning and
6 it's only 10, 15 minutes from Lemn Street at that time
7 of the morning.
- 8 Q. Then 5.27, do you see the next one down in pink, this is
9 you to Andrew for 45 seconds. Can you help about that?
- 10 A. No, sir, I can't recall that.
- 11 Q. I was going to come back to it, but I think it's
12 probably sensible if we deal with it as we go along.
13 Can you see, if we go back before that one, that there
14 is a call here involving Andrew and Mr Boutcher; do you
15 see at 5.17?
- 16 A. I do, sir, yes.
- 17 Q. It might be as well to draw an arrow there. There is
18 another call which I think you are aware of, is this
19 right, which is at 5.17, which was from Alan to you for
20 1 minute and 23 seconds, I think you are aware of that?
- 21 A. I am aware of the call, sir, yes.
- 22 Q. So we want to put a little arrow and write below it, so
23 we have another call at 5.17, this is Alan to
24 Inspector ZAJ for 1 minute and 23 seconds.
25 Just tell us, remind us, who was Alan? You know who

1 we are referring to as Alan?

2 A. I know who you are referring to.

3 Q. Yes. I don't mean who was he and what's his name --

4 A. I understand that, sir.

5 Q. What was his job?

6 A. I actually can't recall what his role was on that night.

7 SIR MICHAEL WRIGHT: Where does the arrow go, Mr Hilliard?

8 MR HILLIARD: To wherever you have done the writing, if you

9 put the arrow into 5.17.

10 SIR MICHAEL WRIGHT: All right. Alan to ZAJ.

11 MR HILLIARD: Alan says that he spoke to you in that call

12 and asked you to despatch a SO19 team. We are going to

13 hear from him later, but this is what he has said before

14 on a number of occasions. That he spoke to you and

15 asked you to despatch a SO19 team, so that's a firearms

16 team, to Scotia Road as soon as practicable. All right?

17 I think you are aware that that's what he says?

18 A. I am, sir, yes.

19 Q. There is no doubt, is there, because the telephone

20 records show it, that there is a call between his

21 telephone and yours at 5.17 in the morning, for a minute

22 and 23 seconds?

23 A. I understand that, sir, yes.

24 Q. Do you have any recollection of him saying that to you?

25 A. I was never told in that phone call, if it did happen,

1 and it must have happened, because it's there, to go, to
2 deploy a firearms to that address. I may well have had
3 a phone call or conversation with Alan but I was
4 certainly not told to send a team to that address.

5 SIR MICHAEL WRIGHT: Do you have any recollection of a phone
6 call at about that time between yourself and Alan?

7 A. I have no recollection of the phone call, sir.

8 SIR MICHAEL WRIGHT: But if it happened it didn't contain
9 that instruction?

10 A. It didn't, sir, because I would have deployed the team
11 differently.

12 MR HILLIARD: So we have put in a 5.17 one there. Do you
13 remember we just looked at 5.27, you to Andrew, for 45
14 seconds. I think you said, if I remember rightly, that
15 you had no recollection of that.

16 A. I have not, sir, no.

17 Q. Then 5.43, back the other way, Andrew to you for
18 a minute and 7 seconds. Any recollection about that?

19 A. No, sir.

20 Q. I make it plain, there is no criticism, it's obviously
21 very difficult to remember particular 45 second calls,
22 but it's just in case you can help us.

23 A. I understand that, sir, yes.

24 Q. 6.23 in the morning is Andrew to you for 13 seconds.
25 Again, can you help at all about a 13 second call three

1 years later, or not?

2 A. No, sir, I can't.

3 Q. We don't need to trouble with a call from you to

4 a number we don't immediately know the subscriber of.

5 At 6.25 in the morning, call from you to Andrew for

6 a minute and 43 seconds. Any help about that?

7 A. I know that probably one of the last conversations I had

8 with Andrew that night was just to discuss when we were

9 being relieved from duty and when we were coming back on

10 duty, so it was possibly around that time, sir.

11 Q. Do you know what that was about?

12 A. That was about our duty times, who was relieving who and

13 what time we were likely to be back on duty.

14 SIR MICHAEL WRIGHT: Terry was coming on to relieve you?

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

16 SIR MICHAEL WRIGHT: Mind you, a 4 second one, it might have

17 been a failed call.

18 MR HILLIARD: You indicated that your evidence is that

19 nobody ever told you or asked you to deploy a team?

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

21 Q. What I want to know is: was the topic ever discussed

22 with you, were you ever given a reason for not deploying

23 a team.

24 A. No, sir, I wasn't, but however, if I thought the

25 information I received from Alan required us to deploy

1 a team, then I would have done so. I certainly would
2 have clarified that point with him.

3 Q. Do you have any recollection at this time of anybody
4 ever saying to you that there are a number of addresses
5 that we are interested in, we have only got one firearms
6 team, and if we send the firearms team to one address,
7 there will be no cover for the other addresses? Do you
8 remember anybody ever going through at this time
9 a thought process like that with you?

10 A. I don't, sir, but I can understand the reasoning behind
11 it.

12 Q. Just help us with this: if you have a strategy that
13 requires firearms to go to a number of addresses, all
14 right, if you have more addresses than teams, suppose
15 you need firearms at four addresses and you have only
16 one team?

17 A. Yes, sir, I understand.

18 Q. Do you send them to none of the addresses or do you have
19 to prioritise?

20 A. You certainly would have to prioritise.

21 Q. Then you may have presumably to use patrolling ARVs, for
22 example, if something unexpected happens at one of the
23 others?

24 A. We could have done that, sir.

25 Q. You have to make a decision as to which is the most

1 important of the addresses if your resources don't match
2 up?

3 A. That's correct, sir.

4 MR HILLIARD: Thank you very much.

5 SIR MICHAEL WRIGHT: By the time you went off duty, at
6 7 o'clock, you have told us that you had been given
7 information about Scotia Road.

8 A. Yes, sir.

9 SIR MICHAEL WRIGHT: Had you been told about any other
10 address?

11 A. No, sir, I couldn't recall any information about any
12 other addresses.

13 SIR MICHAEL WRIGHT: I will try and trigger your memory.
14 Portnall Road, W9?

15 A. Sir, I only became aware of this address after this
16 operation, after I had come away from this.

17 SIR MICHAEL WRIGHT: Until after you had come away.

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: Blair House, Dorset Road.

20 A. Certainly not, sir.

21 SIR MICHAEL WRIGHT: Or Mitcham Road.

22 A. No, sir.

23 SIR MICHAEL WRIGHT: Only Scotia Road.

24 A. Only Scotia Road.

25 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

1 Questions from MR MANSFIELD

2 MR MANSFIELD: Good afternoon. My name is

3 Michael Mansfield. I represent the family of

4 Jean Charles de Menezes.

5 I want to ask you a bit about the situation with the
6 orange team. We have heard already from Andrew that in
7 fact the orange team are on standby; there was
8 an identified DSO available to, as it were, oversee any
9 deployment from Scotland Yard. I don't know whether you
10 remember, it's Andrew Baker, does that ring a bell?

11 A. It does, sir, yes.

12 Q. So there was a DSO and there was also a tactical
13 adviser, that's where you come in, and you were going to
14 be, although you were giving tactical advice centrally
15 to the 24-hour DSO, you were an inspector who could go
16 with the orange team if they were deployed; is that
17 right?

18 A. That is correct, sir, yes.

19 Q. There is one other further position, obviously, and that
20 is a Silver would be needed to go on the deployment; is
21 that right, and do the briefing?

22 A. Yes, sir, that's correct.

23 Q. Do you recall that, and I appreciate the time lapse and
24 so on, a particular Silver was identified or just
25 a range of Silvers were identified? Do you remember

- 1 which it was?
- 2 A. I don't recall any Silvers being identified for that
3 operation. I understood there were Silvers available.
- 4 Q. So your memory is no particular one, but there were some
5 available at New Scotland Yard who could perform it?
- 6 A. Yes, sir.
- 7 Q. That's the position. Now, you have made an obvious
8 point that in fact if you had known that they were
9 wanted to go to Scotia Road, which is what somebody else
10 is going to say, then you would not have bothered to
11 bring them to New Scotland Yard; you would have taken
12 them or deployed them to somewhere near Scotia Road so
13 they could then decide how to deal with Scotia Road,
14 something like that?
- 15 A. Yes, sir, I certainly -- if I knew there was
16 a requirement to go to Scotia Road, I would have
17 certainly sent officers ahead to recce it.
- 18 Q. I wanted to go through this, because you have made it
19 very clear you didn't know what the strategy was that
20 night?
- 21 A. I was aware of the overt strategy, sir.
- 22 Q. You knew that, but you didn't know the covert one?
- 23 A. No, sir.
- 24 Q. We have heard it many times, but part of the covert
25 strategy that the Gold Commander had set at 4.55 was

- 1 SO19 recce. Now, that is, you didn't know that, but you
2 are saying that is an obvious requirement that you would
3 expect, that someone would do first?
- 4 A. In this type of operation, a MASTS operation,
5 I certainly would like to recce the lie of the grounds
6 for want of a better word to establish some line-up
7 positions for our vehicles.
- 8 Q. Exactly. Now, you have used the word MASTS, it's been
9 used several times, if I just elaborate it once more,
10 mobile armed support to surveillance?
- 11 A. That's correct, sir, yes.
- 12 Q. The recce that would have to be carried out, in this
13 type of operation, would you send the firearms team down
14 there and they do the recce from a place nearby, or do
15 you send somebody down before they even leave their
16 base?
- 17 A. I would expect the team sergeant, I would have asked him
18 to send someone ahead.
- 19 Q. If I may say so, that makes sense. The person who is
20 going ahead has to be mobile, plainly. I mean, you just
21 send them down in a car or on a motorcycle; if it's
22 giving away sensitive information you don't have to
23 answer, but I mean, you would send them in a vehicle?
- 24 A. Yes, sir, obviously to get there I would send them in
25 a vehicle. However, it would depend on any information

- 1 intelligence we got how we actually conducted that
2 recce.
- 3 Q. Right, because you might do it on foot?
- 4 A. We may do, sir, yes.
- 5 Q. Particularly if it is an enclave of roads, if you know
6 what I mean, a little estate of roads, which is what it
7 is, Scotia Road; have you ever been there?
- 8 A. No, I haven't.
- 9 Q. The other thing you indicated was, besides obviously
10 a recce and you have indicated somebody would go ahead
11 and do that, at last there is a witness who talks about
12 maps. I am most pleased to hear about this. You would
13 get maps, would you?
- 14 A. Sir, it would be good practice for us to, if we have the
15 facility, to print A0 maps off, overview maps. I would
16 have expected those to be printed off and brought to me.
- 17 Q. I am sorry, it all seems very obvious, and I am sorry to
18 have to ask you these questions, but who prints off the
19 maps?
- 20 A. CO19 officers would have done that.
- 21 Q. At Lemman Street?
- 22 A. Yes.
- 23 Q. It's all there?
- 24 A. Yes.
- 25 Q. Those maps can be either, you know, large scale or they

1 can be small scale or whatever, you can have them
2 whatever scale you want and they are quite detailed?

3 A. They are, sir, yes.

4 Q. So you would be able to tell from the maps that could be
5 printed off -- sorry, I had better put it this way
6 around: do the maps, some of them, capable of being
7 printed off at Lemn Street actually show as some do the
8 houses on the road, so they are numbered?

9 A. Yes, sir, they would, yes.

10 Q. So you could tell, if you had been asked, obviously, by
11 about 5.30, from a map at Lemn Street that
12 21 Scotia Road was actually a flat within a block?

13 A. I am not sure without looking at that map, sir, whether
14 it would produce that sort of detail. It may have done.

15 Q. I am going to show you one, 7703, please. This in fact,
16 so it's clear, I have shown it before, comes from
17 an armed operation reference number 1199, which is the
18 number for this operation. There it is. That's the
19 sort of thing I am meaning. That's readily available,
20 isn't it?

21 A. It is, sir, yes.

22 Q. I didn't ring it. Someone else has done that on this
23 particular map. It's perfectly plain by 5.30 someone at
24 Lemn Street could have identified a block, because
25 that's what it is. Of course you can't tell the

- 1 entrances but you can tell it's a block, can't you?
- 2 A. You can, sir, yes.
- 3 Q. You would get a map or somebody would and you would
- 4 expect that to happen and then you went on to say this:
- 5 "There would be a number of other questions."
- 6 Do you remember you said that minutes ago?
- 7 A. If I was required to deploy, sir, I would obviously ask
- 8 a number of questions relevant to the operation.
- 9 Q. Could I ask you what those questions are?
- 10 A. I would certainly want to know who the Silver Commander
- 11 would be, where the briefing took place, what sort of
- 12 briefing material was available, and obviously the
- 13 intelligence for the operation as well.
- 14 Q. I appreciate this is hypothetical because as far as your
- 15 recollection is concerned obviously you weren't told
- 16 that, and your recollection is as far as the Silver is
- 17 concerned, it's just there are some on tap, but nobody
- 18 has particularly said you are the Silver for orange?
- 19 A. I was never given that information at all, sir.
- 20 Q. Who would you expect to assemble all that, in other
- 21 words the answers to the questions that you have just
- 22 posed?
- 23 A. I would have expected the Silver Commander to give me
- 24 those answers.
- 25 Q. The Silver Commander, whoever he might be?

- 1 A. Yes.
- 2 Q. This may be a silly question and we have seen the
3 telephone records, is the way it's working at New
4 Scotland Yard that actually although you are all in the
5 same building you are actually telephoning each other
6 between floors?
- 7 A. Possibly, sir, yes.
- 8 Q. Do you see, we know Andrew is at Scotland Yard, unless
9 we have been misled, and we know you are at
10 New Scotland Yard, so rather than traipse up and down,
11 perfectly understandable in a lift or stairs or whatever
12 you have there --
- 13 SIR MICHAEL WRIGHT: It's a very large building.
- 14 MR MANSFIELD: It is a very large building. So what's
15 happening here is you are telephoning. Can I ask you,
16 once the orange team, as you recollect it, actually get
17 to New Scotland Yard some time after 5 o'clock, where do
18 they reside, if that's not a state secret? Are they in
19 a basement area with their cars or --
- 20 A. No, sir, they would have parked their vehicles and they
21 came to the fourth floor where the restaurant is, the
22 canteen.
- 23 Q. They park up their cars up, go to the fourth floor and
24 they are all ready to go, once they have had a briefing?
- 25 A. Yes, and I spoke to them there as well.

- 1 Q. It may be you have to write it down, I don't know, what
2 I am interested in is obviously --
- 3 SIR MICHAEL WRIGHT: Could I check something, Mr Mansfield,
4 ready to go in the sense that they would have drawn
5 their weapons and their ammunition and they would have
6 the weapons with them?
- 7 A. Oh yes, sir, fully equipped.
- 8 MR MANSFIELD: And I mean, therefore, again I know it's
9 hypothetical, I'm sorry to ask you, but it's important,
10 roughly 5.30, if you had been told, "Get them down to
11 Scotia Road", once you have got all the information and
12 you have a Silver on board, I mean, you could be down at
13 Scotia Road by the time the red team were there, which
14 was 6 o'clock, couldn't you?
- 15 A. Quite possibly, sir, but taking consideration of how
16 long a possible briefing could have taken --
- 17 Q. All right, a little bit later?
- 18 A. Because of this type of operation, firearms officers
19 obviously need as much information as they can.
- 20 Q. I understand.
- 21 A. A very full briefing.
- 22 Q. All right, 7 o'clock at the latest?
- 23 A. Certainly before 7 o'clock.
- 24 Q. Certainly before 7.
- 25 The question I was going to ask, it relates to the

1 phone call, because the orange team leader is obviously
2 in the canteen at New Scotland Yard and you are talking
3 to him in fact after you have made the phone call,
4 because he has come?
5 A. That's right, sir, yes.
6 Q. Is his name a state secret? If it is, then I am not
7 asking you to say it.
8 A. I am not going to say his name, no.
9 MR MANSFIELD: I understand the reasons. Unless there is
10 any objection, I would ask you to write it down -- Sir,
11 I don't know whether there is objection to that -- so
12 that we may know who it is that was at New Scotland Yard
13 perhaps it can be written and given to you, sir.
14 SIR MICHAEL WRIGHT: Yes.
15 MR MANSFIELD: I have a pen and pad all ready for action.
16 (Handed)
17 SIR MICHAEL WRIGHT: First of all, would he have had at that
18 time a pseudonym or a code letter and number.
19 A. Quite possibly, sir, yes.
20 SIR MICHAEL WRIGHT: Let us have the code letter and number
21 for a start.
22 A. I don't know it.
23 SIR MICHAEL WRIGHT: All right, give us the name, and I will
24 guard it. (Pause)
25 That means nothing to me and it isn't on the witness

1 list.

2 MR HILLIARD: I think if it goes to Mr Horwell, he is really
3 in the best position.

4 SIR MICHAEL WRIGHT: And I think Mr Horwell had better take
5 care of it.

6 MR HORWELL: Thank you.

7 MR MANSFIELD: I don't take that matter further. We are
8 just seeking to obviously try and tie up a number of
9 loose ends. I am not going to go through, obviously
10 Alan has a version of the phone call and you have
11 a version of the phone call, so I am not going through
12 that. They are very different as to what's being said.

13 Is any kind of record -- we know that there is
14 an armed operation record kept, but that's once the
15 operation is up and going?

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

17 Q. So at this stage, when the operation isn't up and going,
18 as far as you are concerned, although a strategic
19 decision has been taken, is any kind of record kept by
20 you at the time, even in an IRB, in a report book or
21 something?

22 A. Sir, as there was no requirement for me to deploy, there
23 was no need for me to make any records at the time.

24 Q. I appreciate that, and in a formal sense yes, but in
25 another sense you were on duty and you were taking

- 1 action to bring them in, and can I just go back a stage,
2 the taking action to bring them to New Scotland Yard is,
3 you think, because of something that Andrew said or
4 somebody else said?
- 5 A. My recollection of the events is it's a discussion
6 myself and Andrew have had and we thought it's good
7 housekeeping to bring the team to Scotland Yard in case
8 there was a need to deploy.
- 9 Q. In a sense it stems out of you and Andrew having this
10 conversation, and do you remember the phone call with
11 Alan now?
- 12 A. No, sir, I don't.
- 13 Q. You don't remember the phone call with Alan but you do
14 remember a conversation with Andrew?
- 15 A. Yes, sir, I do, yes.
- 16 Q. The difficulty here, so you know exactly what we are
17 struggling with, is that Andrew has said to this jury
18 that he knew absolutely nothing about any strategic
19 decision and certainly he was unaware that the orange
20 team were in New Scotland Yard -- this is Andrew -- and
21 he would have expected you to have spoken to him if the
22 orange team were there. So can you enlighten us any
23 more?
- 24 A. I think my phone records would back that up, sir.
- 25 Q. Yes, that you spoke. The question is, of course, what

1 you spoke about?

2 A. Sir, I would never have called a team to Scotland Yard
3 without speaking to Andrew, Andrew was the tactical
4 adviser for that operation. It is something that
5 I definitely without doubt would have done.

6 Q. I understand. The context for that was really whether
7 you kept some sort of trigger note, running note, even
8 though you didn't have to, in an IRB in your breast
9 pocket or wherever you keep it?

10 A. Sir, I didn't make any written notes.

11 Q. So there are no written notes, all right, of exactly
12 what happened there.

13 I suppose you can't help in terms of, you see, you
14 indicate in your statement, and people have been asked
15 about when they were first recollecting today, the jury
16 have heard about it, in your case the statement, can we
17 just check, that you made -- do you have it there?

18 A. I have, sir, yes.

19 Q. Is dated March, 6 March 2006?

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

21 Q. So you are having, nine months odd later, to remember
22 details all that time ago. That wasn't very easy, was
23 it?

24 A. It wasn't easy but certain things in this operation have
25 stuck out clearly in my mind, even when I made this

1 statement, and the fact that it was strictly an
2 intelligence-gathering operation when I called the
3 orange team to Scotland Yard is a very, very vivid and
4 clear memory.

5 Q. I understand why that might be. Of course, who is
6 telling you about, for example, I am looking at your
7 statement, "I was also informed that photographs", that
8 sort of information, from whom is this coming?

9 A. That would have been a conversation myself and Andrew
10 would have had. I was aware of the overt strategy.

11 Q. Yes, I appreciate you have said that. It's, you think,
12 between you and Andrew -- whether it's over the phone or
13 in person I am not interested for the moment -- you
14 think that sort of information is coming from Andrew,
15 and then when you have got the sentence relating to
16 bringing them to Scotland Yard, effectively, for
17 a potential requirement to deploy, you have:

18 "At this stage I was informed that the information
19 regarding Scotia Road was being researched."

20 This is between 4 and 6, no specific time, but you
21 have given particular times now on the telephone record.

22 Again, where is the information coming from about
23 Scotia Road and it being researched?

24 A. Sir, I can't recall that.

25 Q. It's quite important because that's the reason you are

1 giving for it remaining overt. It's being researched in
2 terms of possibly going overt?

3 A. Yeah, as far as I was concerned -- and I will say this
4 again -- it was an operation that at the time was
5 researching information regarding Scotia Road and it was
6 an intelligence-gathering operation. The overt strategy
7 was still in place.

8 Q. So the research that's going on is part of an overt
9 strategy?

10 A. No, the overt strategy was still in place, ie publishing
11 of photographs.

12 Q. Right?

13 A. I wasn't aware of any other strategy.

14 Q. No, all right. So you don't know where that came from,
15 and I think you have already been asked this, because
16 you then have the sentence:

17 "There was no requirement made for a firearms team
18 to deploy."

19 No-one has come to you and said: I want them
20 somewhere; and no one has come and said: I don't want
21 them; so nothing is said, one way or the other?

22 A. No, sir. If Alan had made a phone call to me and
23 informed me that there was some intelligence work being
24 done around the address, a natural question for me to
25 ask would be: is there a requirement for the team to

- 1 deploy.
- 2 Q. Quite. If I may say so, you are very alert at asking
- 3 questions which are relevant to your job. Having got
- 4 orange to New Scotland Yard, they were sitting there
- 5 for, what, let us say 5.30 until 7 as far as you are
- 6 concerned?
- 7 A. Yes, sir.
- 8 Q. In the canteen?
- 9 A. Yes, sir.
- 10 Q. You are on another floor or the same one?
- 11 A. I was with them at the time.
- 12 Q. You are with them sitting there?
- 13 A. Yes, sir.
- 14 Q. You must have wondered what's going on?
- 15 A. Again, sir, there was no requirement for us to deploy.
- 16 Q. No, no, I follow that. The next question is: as you are
- 17 sitting there, I mean, some of the members of the team
- 18 must be saying -- because they had been on a long time,
- 19 orange, hadn't they, they have been on duty for quite a
- 20 long time?
- 21 A. They had, sir.
- 22 Q. I don't mean in the street but waiting?
- 23 A. Yes, sir.
- 24 Q. You can imagine, as it's getting near the end of their
- 25 time, they must be saying: hey, look, we're about to go

1 now, can we go now; I know they are not anxious,
2 necessarily, but they might be wanting to know what the
3 score is, do you follow?

4 A. Sir, I briefed them with all the information I had.
5 They were satisfied with that.

6 Q. I am sure they were. The question is really to you: did
7 you not make another of those little phone calls and
8 say: look, we are about to go off duty, really, have we
9 been sitting here all this time, what's it all about;
10 that sort of question?

11 A. No, sir, there would be no need for me to do that. If
12 there was a requirement for me to deploy, I would have
13 expected phone calls.

14 Q. So really what you are doing is as far as you're
15 concerned, you just sit there and wait, and if they
16 don't come, that's it?

17 A. That's not quite true. If people want me to deploy,
18 then they will phone me and ask me to deploy.

19 Q. You await an instruction. You don't ask what's going
20 on?

21 A. No, sir, again as I have said previously, I had already
22 asked if there was any need for us to deploy. I was
23 told: no, it's strictly an intelligence-gathering
24 operation and in my mind it remained that.

25 SIR MICHAEL WRIGHT: If it was getting near the end of the

1 shift, perhaps the view was no news is good news; would
2 that be fair?

3 A. No, sir. To call a team to Scotland Yard, and if you
4 understand the gravity of what happened the previous
5 day, the officers would have been keen to deploy and do
6 something about it.

7 SIR MICHAEL WRIGHT: If there was anything to do.

8 A. If there was anything to do.

9 MR MANSFIELD: So on this occasion, keen to deploy, but not
10 keen enough to find out whether they need to be deployed
11 through you.

12 A. That's not our role, sir.

13 Q. All right.

14 A. If they want us to deploy, they would call us.

15 Q. Mr Terry comes on to relieve you?

16 A. That's correct, sir.

17 Q. Did he say to you: what's been going on.

18 A. I would have briefed him with the information I had.

19 Q. Did he say: why are you still sitting here.

20 A. Again, sir, we have done many of these type of
21 operations. We are used to having to sit and wait --

22 Q. Once again, it's just he comes in, takes over from you,
23 no questions asked at that point?

24 A. The questions asked about the operation --

25 SIR MICHAEL WRIGHT: He wasn't having anything to do with

1 the orange team because he was taking over together with
2 the black team.

3 MR MANSFIELD: Well, he was relieving you, can I go back,
4 from being an inspector relating to the orange team?

5 A. To the orange team, sir.

6 Q. So you would have been saying to him, would you, what
7 did you say to him?

8 A. I would have told him that I was aware of the overt
9 strategy regarding the photographs. I would have told
10 him about Scotia Road and the intelligence gathering
11 around that; we brought the team to Scotland Yard in
12 case there is a need to deploy; and that's as much
13 information as I have got.

14 SIR MICHAEL WRIGHT: Something occurs to me, Mr Mansfield.
15 In the ordinary way, no call, no deployment, the orange
16 team would have gone off duty at 7 o'clock.

17 A. Possibly, sir, yes.

18 SIR MICHAEL WRIGHT: Did they, in fact?

19 A. They stayed on duty, sir.

20 SIR MICHAEL WRIGHT: They stayed on?

21 A. After I had left, sir.

22 SIR MICHAEL WRIGHT: Black team is coming on at the same
23 time?

24 A. Yes, sir.

25 SIR MICHAEL WRIGHT: But of course they have got to get,

1 they are starting from scratch, they have to go down to
2 Leman Street, book in, if there is any briefing for
3 them, that's the earliest they can start?

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

5 SIR MICHAEL WRIGHT: So there was in fact a team still
6 there, the orange team, although you had left them by
7 that time, available at New Scotland Yard after
8 7 o'clock?

9 A. Yes, sir, there was.

10 SIR MICHAEL WRIGHT: Thank you.

11 MR MANSFIELD: Sorry, can I just ask you: when did you
12 actually physically leave New Scotland Yard.

13 A. It was around 7 am.

14 Q. After you have seen Terry and spoken to him?

15 A. Yes.

16 Q. In the canteen or wherever you do it?

17 A. Yes.

18 Q. Then he takes over. So somewhere along the line, I know
19 it seems very mundane, but as the learned Coroner
20 pointed out, did any of the orange team say: right,
21 well, we're going, or you're going, we're going?

22 A. No, sir, they would have stayed there because we
23 required them to be there.

24 SIR MICHAEL WRIGHT: I doubt if it works like that,
25 Mr Mansfield.

1 MR MANSFIELD: In real life probably not.

2 What I am trying to get to is who tells them to hang
3 on in there?

4 A. They were brought to Scotland Yard for the reasons
5 I have already outlined and until we have a further
6 deployment for them or we stand them down --

7 Q. That's it?

8 A. Yes, that would be it.

9 Q. It would have to be a positive decision, stand down and
10 then they can go?

11 A. Yes.

12 MR MANSFIELD: Thank you.

13 SIR MICHAEL WRIGHT: Mr Gibbs?

14 MR GIBBS: No questions, thank you.

15 SIR MICHAEL WRIGHT: Mr Stern? Ms Leek.

16 MS LEEK: I believe I go last on this one.

17 SIR MICHAEL WRIGHT: Indeed you do. Mr Perry.

18 Questions from MR PERRY

19 MR PERRY: Thank you. Inspector ZAJ, my name is David Perry
20 and I represent Commander Dick, Commander McDowall,
21 Mr Esposito and Mr Purser.

22 A. Sir.

23 Q. May I ask you, please, to go back to the telephone
24 schedule.

25 A. Yes, sir.

1 Q. If we just, you have it in front of you?

2 A. I have, sir, yes.

3 Q. Thank you. May I just tell you what the purpose of my
4 questions are so you know where we are going: you were
5 asked if you had any recollection of orange team being
6 moved to New Scotland Yard because there might be two
7 addresses to cover but only one team, and you said
8 "I can understand" -- you didn't have any recollection
9 of that but you said, "I can understand the thinking
10 behind it".

11 A. Yes, sir, I can -- sorry.

12 Q. That was just to put it in context. I am not going to
13 stop you from saying anything but I want to follow it
14 through, and if you want to add anything, please feel
15 free. But that's what I am exploring at the moment, so
16 everyone knows.

17 If we look at the telephone schedule, we see that,
18 and if we just look down and picking it up from
19 5 o'clock, if I may, the 0500?

20 A. Yes, sir.

21 Q. Where we have quite a lot of activity with Andrew,
22 Esposito, and then 5.06, you to Andrew; then
23 Andrew/Esposito; you to at 5.07 to UK, that's the orange
24 leader; then calls from Andrew to Mr Boutcher, who was
25 the SIO; a call from Andrew to -- do you know

1 Detective Chief Inspector Angela Scott?

2 A. I do, sir, yes.

3 Q. We have heard from her and we have heard about that
4 call. Then 5.27, you to Andrew. Then more calls,
5 Andrew to you, Esposito to Andrew. What I want to just
6 focus upon is this, please, Inspector ZAJ: we have heard
7 evidence in this case that at about 5.05 or possibly
8 5.15 on the morning of the 22nd, Mr McDowall was meeting
9 with two firearms tactical advisers at
10 New Scotland Yard. He thinks, he believed that one of
11 them was Andrew.

12 If he had been meeting Andrew at that time, if it's
13 concluded that he was in fact meeting Andrew at about
14 that time, that would be consistent, wouldn't it, with
15 Andrew then speaking to you after his meeting with
16 Commander McDowall?

17 A. Sir, I can't comment on that, I am not aware of that
18 meeting.

19 Q. I know you are not aware of it, but you see, you didn't
20 make a statement until 6 March 2006, did you?

21 A. That is correct, sir, yes.

22 Q. You had no notes whatsoever to assist you?

23 A. No, sir.

24 Q. But now, trying to reconstruct as best we can, and
25 making the best of trying to reconstruct this now, we

- 1 have got these telephone records to assist us.
- 2 A. I understand that, sir, yes.
- 3 Q. So what I am exploring with you, you see, I am not
- 4 criticising you, and I am not trying to trap you, don't
- 5 think that.
- 6 A. I don't, sir.
- 7 Q. I'm very pleased to hear it. The thing is this, isn't
- 8 it: that the human memory is incredibly fallible, but if
- 9 we have got electronic records of telephone calls, they
- 10 can assist us in trying to reconstruct.
- 11 A. Yes, sir, I understand that.
- 12 Q. The first point is that there appears to be a lot of
- 13 activity around 5 o'clock on the firearms tactical
- 14 advisers' telephones, doesn't there?
- 15 A. There does, sir, yes.
- 16 Q. That's entirely consistent with a meeting between Andrew
- 17 and Commander McDowall about what was to happen that
- 18 morning? It's consistent, isn't it?
- 19 SIR MICHAEL WRIGHT: That's really a comment, isn't it,
- 20 Mr Perry?
- 21 MR PERRY: Well, I am asking the officer.
- 22 SIR MICHAEL WRIGHT: The witness can't remember now what was
- 23 in the telephone conversation, so it doesn't help us
- 24 very much, he is guessing.
- 25 MR PERRY: Let us see.

1 With your experience, if there has been a meeting
2 with Andrew, between Andrew and senior officers, he
3 would then, Andrew would then go about passing on
4 information to other officers, wouldn't he?

5 A. If that sort of meeting took place, I would expect that
6 to happen, yes.

7 Q. Yes, you would expect that to happen, so the question
8 I am putting to you is not comment; it's consistent,
9 this telephone activity, with that taking place?

10 A. Sir, again I am not aware of that meeting, so I can't
11 really comment on that.

12 Q. I know you're not aware of it because I'm not saying you
13 were at it. I am asking a different question as to
14 whether it's consistent with it, but not to worry, let's
15 press on.

16 Now, you said, and this is what I am really
17 exploring, that you can understand the thinking that if
18 you have got one team but two addresses, it might be
19 sensible to move the orange team to New Scotland Yard to
20 cover both, or possibly any other incident that's taking
21 place in London?

22 A. Yes, sir, that's correct.

23 Q. Just assist us with your expertise, Inspector ZAJ. You
24 said you could understand the thinking behind it. That
25 would be, if you have got one team and two addresses and

- 1 developing intelligence, and the possibility of teams
2 having to go to one address or another address or
3 possibly somewhere else entirely, it's sensible to have
4 them at a central location so that they can cover every
5 possible eventuality?
- 6 A. That's one of the options we could use, yes.
- 7 Q. Thank you very much for that. I just want to ask you
8 one other thing. I wonder if we could have document
9 page 7703 up on the screen, please. This is the plan
10 that you said was readily available to you if you needed
11 it.
- 12 A. It would be, sir, yes.
- 13 Q. That's what I am going to ask you about. Where do you
14 get that sort of plan from?
- 15 A. We have our own stand-alone mapping system.
- 16 Q. Where is that?
- 17 A. Leman Street.
- 18 Q. How does it work?
- 19 A. It's like a big geo graph, you just input the address
20 and these maps will be produced.
- 21 Q. I could give you my address and you could get it up.
22 How long would that take?
- 23 A. It doesn't take very long, sir. I couldn't give you
24 an exact time. No more than five minutes.
- 25 Q. About five minutes.

1 A. You will certainly have it up on the screen fairly
2 instantaneously, it's just --

3 SIR MICHAEL WRIGHT: Is it just London or is it nationwide?

4 A. We have home counties and nationwide now, sir.

5 MR PERRY: It's this type of scale map.

6 A. Yes, sir, and we can make it more or less as well now,
7 I think and overlay certain things as well.

8 Q. You say now?

9 A. At the time there was still -- there was other -- there
10 was still the technology available.

11 Q. Just explain to us about overlay. What's that?

12 A. You can overlay some satellite imagery as well to give
13 it a more realistic sort of view. We don't tend to use
14 that. We tend to go with these line drawings because it
15 gives us the detail we require.

16 Q. This is the detail that you feel you require rather than
17 anything else?

18 A. We could add other things like cordons and things like
19 that to it.

20 Q. I'm very sorry, I didn't hear that.

21 A. We can actually add stuff to it to enhance --

22 Q. Such as?

23 A. Cordons and RVPs, et cetera. But those line drawings
24 are essentially what we use.

25 SIR MICHAEL WRIGHT: Rendezvous points.

1 A. Yes, sir.

2 MR PERRY: Thank you very much indeed, Inspector.

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

4 MR KING: Nothing, thank you, sir.

5 SIR MICHAEL WRIGHT: Yes, Mr Horwell.

6 Questions from MR HORWELL

7 MR HORWELL: My name is Richard Horwell, I appear on behalf
8 of the Commissioner. I have only a few questions for
9 you.

10 Before we come to them, sir, something that you said
11 earlier, we do have to exercise care with the telephone
12 chart. It doesn't mean that necessarily that calls
13 connected. We can see, and I only mention this because
14 of the evidence of Mr Boutcher, we have Andrew calling
15 Boutcher at 5.17 and 5.25. The calls are listed
16 duration 4 seconds and 6 seconds.

17 SIR MICHAEL WRIGHT: I was only drawing, Mr Horwell, on my
18 own experience with my Vodafone, which is not uncommon
19 to see 3 second and 4 second calls.

20 MR HORWELL: We know that Mr Boutcher was asleep in a hotel
21 at the time those calls were made, so I simply make the
22 point that --

23 SIR MICHAEL WRIGHT: You doubt if they were ever actually
24 calls.

25 MR HORWELL: It doesn't necessarily mean --

1 SIR MICHAEL WRIGHT: While you have mentioned that, could
2 I ask something else: I want the jury and indeed me to
3 be quite clear about this. What was being put to
4 Inspector ZAJ was that at about 5.17 there was a call
5 from Alan to him lasting 1 minute and 23 seconds. That
6 call does not appear in this chart.

7 MR HORWELL: No, it doesn't.

8 SIR MICHAEL WRIGHT: I have that right. As I understand it,
9 it is not common ground that any such call was ever
10 made.

11 MR HORWELL: No, it's accepted, I remain as an outsider in
12 relation to this point, that call comes from a telephone
13 record.

14 SIR MICHAEL WRIGHT: Another telephone record.

15 MR HORWELL: Another telephone record and this witness has
16 accepted that it was made.

17 SIR MICHAEL WRIGHT: So that the jury can accept that there
18 was one, and the only argument is as to what the content
19 of the call was.

20 MR HORWELL: Exactly, sir, yes.

21 SIR MICHAEL WRIGHT: Thank you.

22 MR HORWELL: It may well be you do not know the answer to
23 this question, but I'm going to explore it with you,
24 just in case you do.

25 It isn't always the case that a particular colour of

- 1 a team is comprised of the same officers?
- 2 A. On the majority of operations it is, but occasionally we
3 have to, for reasons of leave, et cetera, use other team
4 members.
- 5 Q. Other coloured team members may be moved, green or red
6 to orange, for example?
- 7 A. Yes.
- 8 Q. The only reason I ask that is this: we know that an
9 orange team was sent to Portnall Road that morning?
- 10 A. Yes, sir.
- 11 Q. Does that have to have been the orange team that was on
12 duty and moved to New Scotland Yard overnight?
- 13 A. That would have been that team, sir.
- 14 Q. Would it have been those same officers?
- 15 A. Yes, sir, the majority of them.
- 16 Q. The majority of them?
- 17 A. I would say it would have been all of them, sir.
- 18 Q. Right, but it doesn't necessarily have to be the case?
- 19 A. No, sir. If the majority of the team is the team
20 colour, plus the team leader is present, then it would
21 be called that team.
- 22 Q. We will see where we can take this with other records,
23 but that is your account. As I understand it, you have
24 accepted that if there are two addresses to be covered,
25 and no-one is giving priority to either of them, holding

- 1 a team in a central location makes sense?
- 2 A. That's good practice, sir, yes.
- 3 Q. Thank you. The recce that you have given evidence
4 about. In relation to the Scotia Road address, we know
5 that surveillance officers were at that address at 6.04
6 that morning?
- 7 A. Yes, sir.
- 8 Q. So obviously reports would have been coming through at
9 that time as to the nature of the area?
- 10 A. If they were, sir, I am not aware of them.
- 11 Q. We have heard that surveillance officers are the eyes --
- 12 A. Indeed, sir.
- 13 Q. -- of the operations room. We also know that somebody
14 had identified the TA Centre as the location for CO19;
15 once the vehicles started to arrive at the area, that is
16 where they would have been lined up, to use your
17 expression; do you understand?
- 18 A. I do, sir, but I wasn't aware of that.
- 19 Q. You weren't aware of that. That is evidence that we
20 have heard. You have said that you would have wanted
21 a recce to identify where the vehicles should be lined
22 up?
- 23 A. Yes, sir. If it is a mobile support surveillance, we
24 need areas where we can lie up where we are close to the
25 surveillance team.

- 1 Q. It does appear that that important function was carried
2 out, Mr ZAJ.
- 3 A. If it's happened, it's happened, sir. All I am saying,
4 if I was required to do it at that time of the morning,
5 I would ask an officer to send some people down there to
6 do that. I necessarily may not have chosen the
7 TA Centre. I might have chosen somewhere closer.
- 8 Q. That may have been the case but somebody has fulfilled
9 this function, do you understand?
- 10 A. I do, sir. I don't know who that was.
- 11 Q. But somebody has done it, that's the point.
- 12 A. Okay, sir.
- 13 MR HORWELL: Mr ZAJ, thank you.
- 14 SIR MICHAEL WRIGHT: Thank you, Mr Horwell. Ms Leek.
- 15 Questions from MS LEEK
- 16 MS LEEK: Inspector ZAJ, as you know, in addition to you
17 I represent Andrew, Trojan 84 and a number of other CO19
18 officers.
- 19 A. Yes, ma'am, I do.
- 20 Q. You have been a police officer, I think, for 24 years?
- 21 A. Yes, I have.
- 22 Q. You have been at CO19 for 14 years?
- 23 A. Yes, I have.
- 24 Q. Specialist firearms officer for 10 years?
- 25 A. Yes.

- 1 Q. Became a tactical adviser in approximately 1995,
2 I think?
- 3 A. That's correct, yes.
- 4 Q. So you had been a tactical adviser for 10 years at the
5 time of these events?
- 6 A. I had, yes.
- 7 Q. You were a senior tactical adviser at the time of these
8 events between 2003 and 2006?
- 9 A. That's correct, yes.
- 10 Q. I think you also have, without wanting to spare your
11 blushes, a number of commendations over the course of
12 your service?
- 13 A. I have some, yes.
- 14 Q. Have you ever not deployed a team when you have been
15 asked?
- 16 A. No.
- 17 Q. Would there be any reason whatsoever for you not to
18 deploy a team straight to an address if you were asked?
- 19 A. No reason. The only reason could be if we didn't have a
20 Silver Commander, but if I was asked to go to
21 an address, I would expect to go there.
- 22 Q. You have checked your telephone records since you were
23 asked to make your statement in 2006?
- 24 A. Yes, I have.
- 25 Q. At the time you were asked to make a statement in 2006,

1 I don't believe you were asked to produce your phone
2 records or to look at any telephone records?

3 A. No, I wasn't, no.

4 Q. In fact you were asked to make your statement, I think,
5 about a month after Alan was asked to make his
6 statement, so possibly in response to him saying that he
7 had made a call to you?

8 A. Possibly, ma'am, yes.

9 Q. It was suggested to you that Alan has said on a number
10 of occasions that he made a call to you at 0517. Just
11 to put that right, in fact on a number of occasions
12 prior to a statement we received yesterday --

13 MR HILLIARD: Sorry, I meant the content, not the time of
14 the call. He has given the content on a number of
15 occasions.

16 MS LEEK: I am grateful for that, because of course we know
17 and just so the jury understand, that on a number of
18 occasions prior to this, it has been said that that call
19 was made at 0505.

20 Having looked at your records, you now confirm that
21 at 0506 you made a call to the orange team leader at
22 Leman Street?

23 A. At 5.06 I called Andrew.

24 Q. Sorry, Andrew at 0506 and then the orange team leader at
25 0507?

- 1 A. That's correct, ma'am, yes.
- 2 Q. So at the time that you were called by Alan, a call
3 which you don't really remember in any event, they would
4 have been on the way to New Scotland Yard?
- 5 A. They certainly would have been, yes.
- 6 Q. If you had been called at that stage, is it likely that
7 you would have said they are on the way to
8 Scotland Yard?
- 9 A. I would have done, yes.
- 10 Q. If at that time they had been asked to divert to
11 somewhere else, is there any reason why you would not
12 have diverted them to somewhere else?
- 13 A. No, there is not. I certainly would have deployed some
14 assets to Scotia Road if I was asked to do so.
- 15 Q. It's right that you were at New Scotland Yard throughout
16 the night?
- 17 A. The whole night, yes.
- 18 Q. You didn't go home and you didn't go to Leman Street?
- 19 A. No.
- 20 Q. So if there is any suggestion by Alan that you were
21 either at Leman Street or at home when he spoke to you,
22 that would be wrong?
- 23 A. That would be wrong, yes.
- 24 SIR MICHAEL WRIGHT: You were there until 7 am in the
25 morning?

1 A. Yes, sir, I was.

2 MS LEEK: As you have said, it's your recollection that at
3 no stage prior to you going off duty were you asked to
4 deploy to a specific address?

5 A. No, I wasn't. Never asked to deploy to that address.

6 Q. If you had been asked to deploy to a specific address,
7 as you have told us, you would have wanted to know what
8 sort of briefing was going to be given?

9 A. Indeed I would, yes.

10 Q. You may well have wanted to know if briefing packs had
11 been made available?

12 A. Yes, I would.

13 Q. You would want to know if a Silver had been identified?

14 A. I certainly would. I would have asked to speak to the
15 Silver as well.

16 Q. You would want to know precisely what the state of the
17 intelligence was at that stage of the operation?

18 A. That's correct, yes.

19 Q. Do you think all of that is a conversation that could
20 have taken place over the course of less than one and
21 a half minutes?

22 A. It would take a much longer time than that.

23 Q. Any suggestion that in a call of 1 minute and 23 seconds
24 you could be given sufficient information to deploy to
25 a specific team to a specific address, that must be

1 mistaken?

2 A. That must be mistaken, it was mistaken.

3 Q. We have seen from the log that by 6 o'clock in the
4 morning, the orange team were at New Scotland Yard, and
5 I think it's clear from the page that you were shown on
6 the log that Mr Esposito was aware of that?

7 A. He was, yes.

8 MS LEEK: Thank you.

9 SIR MICHAEL WRIGHT: Thank you, Ms Leek. Mr Hilliard?

10 Further questions from MR HILLIARD

11 MR HILLIARD: Just this, you were asked this question by
12 Mr Horwell. If you have two addresses to be covered and
13 no-one is giving priority to either of them, holding
14 a team in a central location makes sense, he asked you,
15 and you said that was good practice.

16 I want to just give you a rather more specific
17 situation, all right?

18 A. Yes, sir.

19 Q. Suppose that a Gold Commander has set a strategy which
20 requires firearms teams at two addresses; when the
21 strategy is set, it requires firearms teams at two
22 addresses as back-up for surveillance officers to effect
23 arrests or stops, all right, that is the required set
24 strategy?

25 A. I understand what you are saying sir.

- 1 Q. So two addresses but you only have one team?
- 2 A. I understand that, sir.
- 3 Q. In that event, is this right, that you either have to
4 prioritise or you will end up sending no team to either?
- 5 A. You would have to prioritise, but you have other assets
6 available.
- 7 SIR MICHAEL WRIGHT: ARVs.
- 8 A. Armed response vehicles could fulfil that role in the
9 short term, yes.
- 10 MR HILLIARD: So if you have gone to one, if you have gone
11 to the priority address, leaving the other one
12 uncovered, as you say, you have to then rely upon other
13 assets, for example we have heard about them, patrolling
14 ARVs, that kind of thing.
- 15 A. They could perform that function in the short term, yes.
- 16 MR HILLIARD: Yes. Thank you very much indeed.
- 17 SIR MICHAEL WRIGHT: Mr ZAJ, thank you very much indeed.
18 You are free to go.
- 19 (The witness withdrew)
- 20 SIR MICHAEL WRIGHT: What's the time limit, Mr Hough?
- 21 MR HOUGH: The situation is this: Alan has a flight
22 tomorrow.
- 23 SIR MICHAEL WRIGHT: That's why I was asking.
- 24 MR HOUGH: We can sit as late as it takes. Sir, I think
25 a very short break may be wanted for the LiveNote.

1 SIR MICHAEL WRIGHT: Certainly. As we are not under
2 pressure of time, yes. Ten minutes, ladies and
3 gentlemen. Say quarter to.
4 (3.35 pm)
5 (A short break)
6 (3.55 pm)
7 (In the presence of the jury)
8 SIR MICHAEL WRIGHT: Yes.
9 MR HOUGH: The witness is giving evidence under the name
10 Alan.
11 SIR MICHAEL WRIGHT: Thank you.
12 CODENAME "ALAN" (sworn)
13 SIR MICHAEL WRIGHT: Thank you, please sit down.
14 Questions from MR HOUGH
15 MR HOUGH: Your name is Alan for the purposes of these
16 proceedings. My name is Jonathan Hough. I will ask you
17 questions first on behalf of the Coroner and then others
18 will ask you questions.
19 A. Certainly.
20 Q. Going back to July 2005, I think at that time you were
21 in SO12 Special Branch as a temporary
22 Detective Chief Inspector?
23 A. That's correct.
24 Q. Do you have your, what I will call your main witness
25 statement, a statement you made on 7 February 2006; do

- 1 you have that to hand?
- 2 A. Yes.
- 3 Q. It's probably best to have it to hand, because you may
- 4 be referred to it. I think you also made another
- 5 witness statement very recently, in fact, dated
- 6 2 October 2008, so just yesterday?
- 7 A. That's correct.
- 8 Q. If you can speak up because somebody has to listen to
- 9 you and transcribe what you are saying.
- 10 A. Certainly.
- 11 SIR MICHAEL WRIGHT: If you can get the microphone closer to
- 12 yourself, I hope that will help.
- 13 MR HOUGH: I think on 21 to 22 July you were on duty from
- 14 8 am on 21 July through to 8.30 am on 22 July.
- 15 A. That's correct, yes.
- 16 Q. You were working for that long period because of events
- 17 on that day?
- 18 A. Correct.
- 19 Q. Afternoon of 21 July, I think you were at
- 20 New Scotland Yard when information was coming in about
- 21 the failed bomb attempts?
- 22 A. That's right.
- 23 Q. We have heard about the 16th floor operations room,
- 24 which is an SO12 Special Branch room, and that was
- 25 designated for use in the manhunt for those responsible?

- 1 A. That's right, sir, yes, it was.
- 2 Q. Is this right: there would ordinarily, for an operation
3 of this kind, operating out of that room, be an SO12
4 operations co-ordinator and he would have a deputy?
- 5 A. That's right, sir.
- 6 Q. On the late afternoon and evening of the 21st, was the
7 operations co-ordinator Detective Chief Inspector
8 Noel Baker?
- 9 A. Yes, it was, sir.
- 10 Q. Were you his deputy?
- 11 A. I was.
- 12 Q. In your statement at the bottom of the first page, you
13 say that your roles were not as usually defined for
14 those posts, operations co-ordinator and deputy, because
15 of the unusual events of that day. Can you very briefly
16 explain how your roles differed?
- 17 A. Yes. Inasmuch as the usual Special Branch operations
18 room would be around what we would term as lifestyle
19 surveillance, gathering intelligence in furtherance of
20 original information, and gathering details, information
21 on subjects that we were interested in. This was
22 a dynamic, different obviously, we had not encountered
23 this before; only a few weeks before obviously we had
24 had 7/7 but this was a new style of what we needed to do
25 to react in an efficient and professional way to this

1 new threat that was emerging. So our roles were
2 somewhat changed inasmuch as the Anti-Terrorist Branch,
3 some good officers from there, were leading the
4 investigation itself and we were acting with them under
5 their direction, basically.

6 Q. So the change was that you were operating as part of
7 a team effectively headed by an S013 senior
8 investigating officer?

9 A. Correct.

10 Q. Over the night of the 21st to 22nd, were you based in
11 any one particular part of New Scotland Yard or were you
12 moving around?

13 A. Moving around.

14 Q. Over the course of that night, what were your general
15 duties?

16 A. General duties were, I think one of the fundamental
17 things was creating a telephone reception point
18 basically for what we envisaged would be a number of
19 telephone calls coming in in respect of an appeal that
20 was going to go out the next day for information on the
21 events of 21/7, and also obviously looking at
22 contingencies for the operations room and managing that.

23 Q. Because as the jury have heard, in the late afternoon
24 and evening of the 21st, it was thought there would be
25 a media appeal, thus necessitating the facility to have,

1 to take a lot of calls, and you were arranging that
2 facility?

3 A. Yes, we were arranging the reception of that with the
4 volume that was expected to arise with the information
5 to make sure we could adequately cater for any
6 information coming in from the public.

7 Q. Over the course of the night, were you in and out of the
8 operations room on the 16th floor at various points?

9 A. Yes, I was.

10 Q. Was DCI Noel Baker also?

11 A. Yes, he was.

12 Q. Over the night, did intelligence come in about suspects
13 from the failed bomb attempts?

14 A. Yes, it did, as it emerged, yes.

15 Q. I am looking at the second page of your statement. Is
16 it right that over the night, information came in about
17 two suspects, Hussain Osman and Abdi Omar, and
18 an address associated with them both at 21 Scotia Road?

19 A. Yes, it did, sir.

20 Q. The jury have heard how that information came in. Were
21 you aware at what point in the night you were aware of
22 that information?

23 A. I can't remember exactly but certainly by the time I had
24 the meeting with Commander McDowall. There were a
25 number of us at that meeting.

- 1 Q. We will come to that meeting next, and I am on to the
2 second page of your statement, about halfway down. What
3 time did you go to a meeting in the office of
4 Commander McDowall?
- 5 A. It was definitely between 4 and 5 am. I know in my
6 statement I have put 4.30 to 5 o'clock, that was
7 an estimation, but it was within that hour.
- 8 Q. Who else was present at that meeting?
- 9 A. Present were obviously Commander McDowall and myself,
10 DCI Baker and another DCI from S012.
- 11 Q. Was DCI Pat Mellody, an intelligence DCI, also there?
- 12 A. That's right, and that was the officer who was there.
- 13 Q. Were you there for the whole of that meeting?
- 14 A. Yes, I was.
- 15 Q. What was said by Commander McDowall at that meeting?
- 16 A. We went over the intelligence picture. We obviously
17 spoke or Commander McDowall spoke about the emerging
18 addresses and the information and intelligence that the
19 whole command was reacting to then, and then
20 Commander McDowall gave some specific directions as
21 regards 21 Scotia Road.
- 22 Q. What specific directions did he give?
- 23 A. He basically said that he wanted S012, as we were then,
24 Special Branch surveillance team to be deployed there
25 immediately. He wanted them to covertly contain the

1 address with a team covering both back and front, and
2 that he wanted SO19, as they were then, the armed wing
3 of the Metropolitan Police, to go down there and support
4 as soon as practicable; so just to clarify that, the
5 surveillance team were to go down there immediately and
6 the armed team, SO19, were to go down there as soon as
7 practicable in support of that.

8 Further instructions were that if persons -- he
9 wanted the scene contained, if persons were to leave the
10 address, then he wanted them challenged and he wanted
11 them stopped.

12 Q. Can we put on screen documents page 374, please. Do you
13 recognise this as a note you made?

14 A. Yes, that's mine.

15 Q. When was this note made?

16 A. I made that during the course of the meeting with
17 Commander McDowall.

18 Q. Going through it quickly, "Omar", the suspect, with
19 "W/S", Warren Street?

20 A. That's correct.

21 Q. "Osman, Shepherd's Bush"?

22 A. Correct, sir.

23 Q. Then the address noted, and then a reference to "disco
24 type, Shepherd's Bush"?

25 A. If my memory serves me right, that was something along

- 1 the lines of a disco ID, I think it might have been,
2 from the Shepherd's Bush scene, the card with
3 Hussain Osman's address there.
- 4 Q. So that's a reference to the gym card that we have heard
5 about?
- 6 A. Yes.
- 7 Q. Then joint membership held at that gym by Hussain Osman
8 and Abdi Omar?
- 9 A. That's correct.
- 10 Q. With the date of birth of Omar and unknown for
11 Hussain Osman's date of birth?
- 12 A. Correct, sir.
- 13 Q. Then at 21 Scotia Road, what's the initials before that?
- 14 A. I think that says "both", so I think again from
15 recollection it was something along the lines of there
16 was some linkage for both of the men to Scotia Road.
- 17 Q. Then "? Another Pownall Road"?
- 18 A. That's right, another address. That should be
19 Portnall Road, I think.
- 20 Q. Is that something that was mentioned in the course of
21 that meeting as far as you can recall?
- 22 A. As far as I can recall, there was a reference to it.
- 23 Q. Then an arrow from the joint membership through to, or
24 maybe an arrow simply from "Omar" through to
25 "Operation Ragstone"?

- 1 A. That's correct.
- 2 Q. That's an operation we have heard of that took place in
3 the Lake District?
- 4 A. That's my understanding, yes.
- 5 Q. Then going down, have you written some bullet points?
- 6 A. Yes, I have, sir.
- 7 Q. Over to the right, do these represent instructions from
8 Commander McDowall?
- 9 A. Yes, it was the main gist of his directions.
- 10 Q. Reading through these, "21, front and back cover"?
- 11 A. Correct.
- 12 SIR MICHAEL WRIGHT: Presumably 21 Scotia Road.
- 13 A. That's right, sir.
- 14 MR HOUGH: So that's a reference to surveillance cover at
15 the front and back of Scotia Road as you have already
16 said?
- 17 A. That's right, sir.
- 18 Q. Then the next line, please?
- 19 A. I think there was "plus other address or addresses".
20 I think that was a reference to, as the intelligence
21 picture emerged, then we will be looking to widen the
22 search pattern as well, put the surveillance teams out
23 to other addresses.
- 24 Q. So is this right, "Scotia Road" was the address to which
25 you are noting an S012 team should be sent at this

- 1 stage?
- 2 A. That's correct.
- 3 Q. Then other addresses as the intelligence picture
4 develops?
- 5 A. Yes.
- 6 Q. Then a bullet point, "SO19". We know what SO19 means,
7 but why did you write that by a bullet point?
- 8 A. That was a reference to the fact that Commander McDowall
9 wanted SO19 to attend that location in support of the
10 surveillance team.
- 11 Q. Then a final bullet point, "if out under control"?
- 12 A. That says "under controlled". It should say "under
13 control". He wanted the premises controlled.
- 14 Q. Is that surveillance control, having surveillance around
15 the premises?
- 16 A. Correct, sir, yes.
- 17 Q. Go on, next point, it says "challenged"?
- 18 A. Yes, "challenged", I beg your pardon, I can't read my
19 own writing. It says "if challenged", I will reflect on
20 what I said earlier, he wanted them challenged, and the
21 next point down being "stopped".
- 22 Q. Pausing there, who did he want challenged and stopped?
- 23 A. Anyone leaving the address.
- 24 Q. Anyone leaving the address?
- 25 A. Correct.

- 1 Q. Do you remember that clearly, that it was anyone leaving
2 the address?
- 3 A. As far as I am aware, not knowing that we had the
4 address, it was an emerging intelligence picture, it was
5 an address that was, went back to the subjects of
6 concern, and yes, the -- as far as I can recall, we were
7 to stop anyone that left.
- 8 Q. Then, next bullet point, "S013 Silver"; what was the
9 significance of that note?
- 10 A. That was a determination that S013, the Anti-Terrorist
11 Branch, would be supplying the Silver Commanders for the
12 firearms aspects of this operation.
- 13 Q. To brief and go out with the firearms teams?
- 14 A. Yes.
- 15 Q. Then there is an "AO" in a circle to the left. Does
16 that signify anything at all?
- 17 A. Yes, that would have done, that would have been the
18 armed operation.
- 19 Q. We can have that off screen now.
- 20 SIR MICHAEL WRIGHT: Was that actually the bottom of the
21 page?
- 22 MR HOUGH: Yes.
- 23 SIR MICHAEL WRIGHT: Thank you.
- 24 MR HOUGH: Now, did Mr McDowall give any instructions to you
25 specifically?

- 1 A. Only the ones we have just gone through, sir.
- 2 Q. Did you consider at the end of that meeting that you had
3 to do anything to carry forward Mr McDowall's plan or
4 strategy?
- 5 A. Yes, yes. As the deputy Special Branch ops room
6 co-ordinator, SBOC, as it were, I was going to go to the
7 operations room and see that those instructions were
8 carried out for both S012 and S019 officers to attend
9 that location. In the vein of what he said.
- 10 Q. You saw it as your job to set both those aspects of the
11 operation in train?
- 12 A. Yes.
- 13 Q. What did you do, first of all, in relation to the
14 surveillance team, or rather perhaps I should put it
15 this way: did you deal with the firearms aspect of
16 things or the surveillance aspect first.
- 17 A. The surveillance aspect.
- 18 Q. In relation to that, what did you do?
- 19 A. In relation to that, I basically got hold of the,
20 I think it was personally actually I spoke to them, the
21 surveillance team leader, and it was --
- 22 Q. This is the third page of your statement at the top, if
23 it helps you.
- 24 A. Thank you. The third page of my statement?
- 25 Q. Yes, my copy has the number 143 at the bottom.

- 1 A. Does that commence with "brief the officer"?
- 2 Q. I have a sentence where you say:
- 3 "An SO12 surveillance team leader known as T1 was
- 4 present in the operations room."
- 5 I don't know if that helps you?
- 6 A. Yes, sorry, it's a different location. That's correct.
- 7 The surveillance team leader come into the operations
- 8 room. I briefed them personally on what had transpired
- 9 with Commander McDowall, what his instructions were, the
- 10 bullet points that we have just highlighted and made
- 11 sure the officer was certainly aware that the linkage in
- 12 with the suspects, the identification of the premises,
- 13 and that the commander wanted the team to be armed and
- 14 attend there immediately.
- 15 Q. That person, I think, had the call sign Tango 1. We
- 16 refer to him as Derek?
- 17 A. That's right, sir.
- 18 Q. The red team leader?
- 19 A. Yes.
- 20 Q. What, if any, materials did you provide him with to
- 21 provide to his colleagues?
- 22 A. I didn't provide him any material at all. That is
- 23 normally undertaken by the briefings team. At that
- 24 point in time, there was the Anti-Terrorist Branch who
- 25 were assembling intelligence, packages, photographs, on

1 the emerging scene, emerging intelligence, rather, as it
2 transpired. Special Branch themselves, S012, were also
3 doing that, and it was a compilation of the two that
4 should actually go to the officers. At that moment in
5 time I didn't supply anything; it would have been the
6 briefings team that would do that.

7 Q. After you have had your conversation with him, told him
8 what Mr McDowall requires of surveillance, what did he
9 set off to do?

10 A. To brief his own team, I think, get them ready to deploy
11 and obviously draw firearms to be able to carry out
12 an armed operation.

13 Q. We have heard how a surveillance authority was given and
14 an authority for S012 officers to carry firearms, both
15 of those given between 5.30 and 6 o'clock?

16 A. That's correct.

17 Q. Were those authorities you were aware of being given at
18 that time?

19 A. Yes, they were.

20 Q. So you have given those instructions to Derek. Did you
21 then do anything in relation to Mr McDowall's
22 requirements for firearms teams?

23 A. Yes. There was no tactical adviser from S019 in the
24 operations room at that exact moment in time, and I --

25 Q. Pausing there, what exact moment is this? You have had

1 the end of Mr McDowall's meeting, you have seen Derek,
2 what time is it now?

3 A. I think we would be probably talking around about --
4 I know when the call was made, I think 5.17, so just
5 about quarter past 5.

6 Q. What did you do at this point, 5.15?

7 A. I think it was actually 5.17 as it transpired but I made
8 a telephone call to the S019 tactical adviser. There
9 was two, actually, allocated that night. Their details
10 are written, as are a number of other details, on white
11 boards around the room with important information on
12 them, and I telephoned one of the tactical advisers, who
13 is Inspector ZAJ.

14 Q. You have said that the call you made to him was at 5.17?

15 A. Yes, sir.

16 Q. I'm not going to show it on screen for fear that it
17 shows a name that shouldn't be shown. In your notes on
18 the next page from the one we were looking at, there
19 appears the following entry:

20 "5.05 am. ZAJ tac adviser called and team
21 deployed."

22 I have substituted ZAJ for obviously the real name.

23 A. Certainly.

24 Q. Then immediately after that, another bullet point:

25 "Andrew [that's the other tac adviser] to attend

- 1 S012."
- 2 A. Yes.
- 3 Q. Dealing with the first of those:
- 4 "ZAJ tac adviser called and team deployed."
- 5 It's written here as 5.05. Have you since that
- 6 time, in fact very recently, checked your phone records?
- 7 A. Yes, I did, sir, just a matter of preciseness, and that
- 8 was an approximation when I made the notes that it was
- 9 about 5 past 5, but in fact as I said, it was actually
- 10 5.17.
- 11 Q. I think you also discovered from those phone records
- 12 that the telephone call lasted 1 minute and 23 seconds?
- 13 A. That's correct, sir.
- 14 Q. Dealing with that call, where was he when you called
- 15 him?
- 16 A. I am not too sure. I would be guessing if I said.
- 17 Q. What precisely did you say to him?
- 18 A. I basically told him that we had identified premises
- 19 which was linked to the attacks or the attempted attacks
- 20 on 21/7, and that the instructions for
- 21 Commander McDowall was that he wanted a S019 armed team
- 22 down to this address at 21 Scotia Road as soon as
- 23 practicable. I told him that S012 surveillance team
- 24 were en route, were going to go down there and that they
- 25 were required in support. Then I just very briefly

1 explained the couple of bullet points around what the
2 actual -- my bullet points in my notes of what the
3 commander said to me, which was about how he wanted any
4 subjects leaving the premises to be challenged and
5 stopped.

6 Q. What response did he give?

7 A. He basically affirmed that he would deploy a team.

8 Q. Did he say, we have to be careful with this word
9 "deploy", what precisely he was going to do with the
10 team?

11 A. No, he didn't. I, as far as I am concerned, I put over
12 the points that the S012 surveillance team were to go
13 there immediately and I clearly spoke to the officer in
14 terms which said that the commander wanted the S019
15 armed officers down there as soon as practicable. So as
16 far as I was aware, the terms that I had used in that,
17 the officer should be under no illusions that they were
18 to be there as soon as practicable, as soon as he could
19 mobilise his people really.

20 Q. Did he give you any time estimate or idea of when his
21 team might get there?

22 A. No, he didn't, no.

23 Q. Did he tell you where he would assemble them and how he
24 would get them there?

25 A. No, he didn't.

- 1 Q. I should make you aware of something you said when you
2 gave evidence in the trial last year. You said at that
3 time that Mr ZAJ had said he would assemble people at
4 Lemman Street and get them ready from a briefing there.
5 Do you recall saying that?
- 6 A. I beg your pardon, yes, quite right, that's exactly what
7 happened. My apologies.
- 8 Q. You think he did say he would get them to Lemman Street?
- 9 A. To Lemman Street, yes.
- 10 Q. Did he say anything or did you know anything about the
11 colour of team to be deployed? You know they have
12 colours?
- 13 A. Yes.
- 14 Q. I am sure you know better than me.
- 15 A. No, I didn't at that time.
- 16 Q. Were you aware of where the team was that he might be
17 taking to Lemman Street?
- 18 A. No, I wasn't.
- 19 Q. Did you have any idea, just from your own personal
20 knowledge, how long it would take them to get to
21 Scotia Road ultimately?
- 22 A. No, I do appreciate that it's not just as simple as
23 driving to the location. There are a number of
24 protocols and practices that S019 officers quite rightly
25 take into place, and there is a lot of determination on

- 1 not just the length of journey but protocols they have
2 got to go through. So it's very difficult for them to
3 say how long it would be.
- 4 Q. Can you recall having telephoned
5 Detective Inspector Whiddett during the period from
6 4 o'clock to 5.30 that morning?
- 7 A. Yes, I did make a call to him.
- 8 Q. Roughly what time was that?
- 9 A. I would say 5, I don't know, 5.20 maybe, something along
10 that lines.
- 11 Q. What did you call him to say?
- 12 A. Detective Chief Inspector Baker asked me to give him
13 a call and tell him that we needed further assets on
14 that picture that was emerging and possibly another
15 address at Portnall Road at that time, I was asked to
16 call him up for extra resources, so basically that was
17 a tasking for him to mobilise more of the S012
18 surveillance teams.
- 19 Q. He has given evidence that he received in fact two calls
20 from you, one at 4.05 and one at 5.05, both about the
21 red team deploying.
- 22 A. Right.
- 23 Q. The 5.05 call would be shortly after Mr McDowall's
24 meeting?
- 25 A. Yes.

- 1 Q. The 4.05 call, perhaps a little bit before it?
- 2 A. Correct.
- 3 Q. Can you say anything about either of those calls, the
4 times?
- 5 A. I couldn't say anything about the timings. The officer
6 may well be right on that. I didn't make a note of the
7 calls I made to him because it was a tasking to him, so
8 if he has a better recollection of the timings, the
9 calls were made and he may be more accurate than me on
10 the timings.
- 11 Q. I have to put this to you because we have just had
12 Inspector ZAJ here and I am sure others would put it to
13 you with more force if I didn't and they may anyway, but
14 I think you know that Inspector ZAJ says that although
15 he may have received a call from you at 5.17 and the
16 records certainly bear that out, that you did not give
17 him any instructions to send his team to Scotia Road or
18 to any other particular address. Are you able to
19 comment on his account of things?
- 20 A. Well, all I can say is that I did make the telephone
21 call, as he rightly says, he did receive a call from me
22 and I did give over the instructions as
23 Commander McDowall had told me.
- 24 Q. Moreover he says that in a call lasting a minute and 23
25 seconds, he certainly couldn't have asked all the

1 questions that he would want to ask if a deployment of
2 this kind were being communicated, and therefore it's
3 most unlikely that a call of that duration was made
4 which told him to deploy a team to a particular address.

5 Again, can you say anything about that contention on
6 his part?

7 A. Well, I think when you asked me earlier, sir, what I had
8 communicated to the officer, I told you the wording
9 I used very roughly, and I don't think that took 1
10 minute 23 seconds and he may well have asked me some
11 questions, but the fact of the matter is that as
12 I recall it, I did ask for a deployment. There was
13 another tac adviser who was in the building in New
14 Scotland Yard, and as far as I was aware they were in
15 full liaison with each other and I am sure you will ask
16 me subsequently about that officer as well.

17 Q. I'll ask that in just a second. Were you aware, and did
18 you ask at any point later that morning, about what ZAJ
19 had done in response to your request?

20 A. No, not later on that morning. The normal protocols are
21 that the S019 leaders will be speaking and the tac
22 adviser, to the surveillance team and linking in with
23 them so they knew exactly who was where and full
24 professional liaison really to make sure that they cater
25 for what was required at the scene. The S013

1 Anti-Terrorist Branch were providing all the Silvers; my
2 role was in the operations room, to deal with matters
3 there; and so the emphasis for the armed surveillance
4 for SO19 was placed with the, as far as I could see,
5 Silvers who were in charge of that side of the
6 operation.

7 Q. I think you know that between 5 and 7 o'clock there
8 wasn't a firearms team deployed down to Scotia Road. It
9 was an early turn team that came on at 7 o'clock that
10 was sent?

11 A. I do know that now, sir.

12 Q. You were in the operations room or in and out of it
13 certainly between 5 o'clock and 8.30?

14 A. Correct.

15 Q. Did you ever hear or discover that a firearms team
16 wasn't being deployed as per your instructions?

17 A. No, I wasn't.

18 Q. Did you ever hear or did you become aware during that
19 period that a Silver Commander wasn't being provided for
20 a firearms team as would be required for your
21 instructions to be carried out?

22 A. No, I wasn't aware of that.

23 Q. You have mentioned a couple of moments ago that you had
24 a further communication with another tac adviser and
25 that's Andrew, I think?

- 1 A. That's correct, sir.
- 2 Q. Roughly when did you have that discussion?
- 3 A. I think that was again from recollection, that was after
- 4 6 o'clock sometime.
- 5 Q. Some time after 6?
- 6 A. I think so.
- 7 Q. What was the substance of that discussion?
- 8 A. Basically I reiterated what I had said to Inspector ZAJ,
- 9 and spoke to him around what the commander wanted, what
- 10 the directions were, and that the S012 surveillance team
- 11 were in place, and what the requirements were.
- 12 Q. At the time that you had that discussion with him, was
- 13 that, could that have been before or after a meeting
- 14 that we know took place at 6.40 that morning?
- 15 A. I would have thought it would have been before 6.40,
- 16 I would have thought.
- 17 Q. Do you say that you said to Andrew that Mr McDowall
- 18 wanted surveillance and firearms down to Scotia Road?
- 19 A. Yes, I did.
- 20 Q. Again, I have to put this to you because others may.
- 21 Andrew says that he was not aware that the strategy had
- 22 moved from an overt one, media appeal, to a covert one,
- 23 surveillance control and firearms support, until 6.40
- 24 that morning? Are you able to comment on that?
- 25 A. Well, the only answer I could say to that, if that was

- 1 the first time the officer come into the operations
2 room, if I can just reiterate, after receiving the
3 instructions from Commander McDowall, I went into the
4 operations room to effect those instructions. As far as
5 I am concerned, I did that both to Inspector ZAJ on the
6 telephone, and as soon as the tac adviser Andrew
7 re-entered the room, whatever juncture that was, that's
8 when I immediately told him as well.
- 9 Q. Did you also give some instructions to an S012 officer
10 that we are calling Bernard who was to be the ops room
11 monitor?
- 12 A. That's right.
- 13 Q. What instructions did you give to him?
- 14 A. I think originally it was to provide a briefing pack on
15 all the intelligence that was being assembled at that
16 time.
- 17 Q. For which officers would that briefing pack be made?
- 18 A. That would be prepared predominantly for the
19 surveillance team and for the S019 officers as well, and
20 it would have also been for the operations room and the
21 SIOs, a host of people that should have access to it.
- 22 Q. Did you give him any instruction with regard to actual
23 briefing?
- 24 A. Only to liaise with our colleagues at S013, make sure
25 all the information was assembled. He was part of the

1 briefings team. They are very professional in what they
2 produce, and ensure that it's the best quality they can.

3 Q. In your statement you say that you gave instructions to
4 Bernard actually to brief the firearms officers, and
5 show photographs of the two suspects, Osman and Omar?

6 A. That's correct, that was the original instructions, yes.

7 Q. Did you later give another instruction?

8 A. Yes, and I cancelled that because subsequent decisions
9 had been made that S013 were actually going to --
10 because they were at the front end of the intelligence
11 assembly of all the documentation at the scenes,
12 et cetera, that they were best placed in these
13 circumstances to assemble the intelligence packages and
14 to do the briefings, especially as they were taking
15 control of the Silver firearms side of things.

16 Q. Thanks very much. Then I think you went off duty at
17 8.30?

18 A. Correct.

19 Q. And went to sleep in a local hotel?

20 A. That's correct.

21 Q. And then you received a call from DCI Baker at
22 11 o'clock that morning, and he told you about the
23 shooting and asked you to come into the office?

24 A. That's right, sir.

25 MR HOUGH: Thank you very much. Those are my questions.

1 SIR MICHAEL WRIGHT: Mr Mansfield.

2 Questions from MR MANSFIELD

3 MR MANSFIELD: Yes, good afternoon. My name is

4 Michael Mansfield. I represent Jean Charles de Menezes'
5 family. Just a few questions, please. I really want to
6 pick it up at around 6 o'clock in the morning.

7 A. Yes, sir.

8 Q. Are you still the operations room co-ordinator for SO12?

9 A. The deputy, sir.

10 Q. In that role, you would need to know what was going on?

11 A. Yes.

12 Q. If that's a fair way of putting it. So firstly, did you
13 know at that time there was an orange firearms standby
14 team, according to one witness, which is Mr ZAJ, sitting
15 in the canteen in New Scotland Yard?

16 A. I don't recall it, sir, with the passage of time,
17 I don't recall knowing that.

18 Q. All right. So you don't recall knowing that. Are you
19 spending most of your time in the operations room?

20 A. The majority of it.

21 SIR MICHAEL WRIGHT: In fact, Mr Mansfield, as I remember,
22 ZAJ was with them.

23 MR MANSFIELD: Yes.

24 SIR MICHAEL WRIGHT: He was also in Scotland Yard as well.

25 MR MANSFIELD: Yes, sitting in the building. And the

1 learned Coroner makes that point, you obviously didn't
2 know ZAJ was sitting downstairs with the standby team?

3 A. No.

4 Q. Sorry, you were about to say where you were. Were you
5 in the operations room a lot of the time?

6 A. Yes, I was.

7 Q. I want to take the 6 to 7 period. Perhaps I can take it
8 up to the end of the time you go, 6 to 8.30. You did
9 know that a red team were down at Scotia Road?

10 A. Yes, I did, sir, yes.

11 Q. So far as you are concerned, sending the red team to
12 Scotia Road wasn't a question of, well, we have got lots
13 of addresses to cover. At the time that you ordered
14 deployment, Portnall Road hadn't actually come onstream,
15 had it?

16 A. Not as such. Obviously my note in the book with
17 Commander McDowall which mentioned Portnall Road, but
18 the prominence of it, I don't think had actually emerged
19 at that time. It was an address of interest, but
20 Scotia Road was the one where the deployment was made.

21 Q. Knowing the red team were there, 6 to 8.30, in that
22 period, are you saying that you were unaware that what
23 you had asked to be done hadn't been carried out, in
24 other words no S019 down there?

25 A. Again, sir, all I can say on the deployment times, so

- 1 I am not aware where the team were, and that they have
2 obviously got to go through their process, they have to
3 be briefed; there was no expectation that they would be
4 there within 30 minutes or anything of that nature. We
5 are talking a time of a couple of hours. It may well be
6 that it would take them at least that time to get there.
- 7 Q. I want to ask you about that, because we have had
8 estimates for a standby team far less than that. All
9 right?
- 10 A. Yes, sir.
- 11 Q. A standby team, wherever it is, all kitted up, ready to
12 go, the orange team in fact, you didn't know that, would
13 take far less time. They don't have to draw their
14 weapons. They are already drawn. They need a briefing.
15 If in fact they had been tasked just after 5 o'clock,
16 they would have been down by the red team by latest 7
17 o'clock; you follow?
- 18 A. I do follow, yes.
- 19 Q. Therefore in the time 6 to 8.30, are you saying you
20 weren't aware that S019 had not turned up to support
21 your red team?
- 22 A. I think what I am saying, sir, is that I was not aware
23 that a team were either not there or in the process of
24 getting there.
- 25 Q. Right. Should you have known what was going on to

- 1 support your surveillance?
- 2 A. Yes, I should have a good grasp on where people are, but
3 normally what would happen is as soon as they are there,
4 it would be reported back to the operations room and
5 I would know they are there. Because it had not been
6 reported that they were there --
- 7 Q. Then you must have known they were not there by 8.30?
- 8 A. No, sir, I think if I can just rewind on that, I wasn't
9 in the operations room straight the way through to 8.30.
10 I was the deputy, I was in and out, I was talking to
11 other team members on different floors about the
12 operation. So it's not as if I was in the operations
13 room for that two and a half hour period, unaware of
14 what took place.
- 15 Q. You are the deputy?
- 16 A. Yes.
- 17 Q. How about your senior?
- 18 A. DCI Baker was there. It was a role where both of us
19 were in and out of the room at different times.
- 20 Q. All right, you are both in and out. Did either of you,
21 do you remember, that night, knowing -- DCI Baker knew,
22 did he, that you had asked ZAJ to deploy to Scotia Road?
23 He knew that?
- 24 A. He knew that, yes, sir.
- 25 Q. You were both in and out of the ops room between 6 and

- 1 8.30 roughly?
- 2 A. Yes, I would say so.
- 3 Q. So no discussion between you, "Well, we have not heard
4 that a team's got down there, this is a bit odd". S019,
5 I mean. They have not phoned in to say they are there,
6 in the normal course of events.
- 7 A. I understand what you are saying, sir, but if I can just
8 reiterate what I said earlier, that 8.30 wasn't the time
9 that I finished in the ops room and walked out off duty.
10 There was periods before that, probably up to about
11 7.30, when the early turn team came on, the early turn
12 Special Branch ops room co-ordinator, et cetera, when
13 they came in. So the basis of it is that, yes,
14 I deployed the teams --
- 15 Q. I appreciate that. The question here that the jury and
16 everyone else may want to ask really when dealing with
17 what's gone wrong on this occasion, all right?
- 18 A. Yes.
- 19 Q. Nobody seems to have noticed that there is no S019 down
20 there, do you follow?
- 21 A. Yes, I do follow, sir.
- 22 Q. In the time that you are in and out with DCI Baker,
23 people begin to come out of number 21; did you know
24 that?
- 25 A. No, sir, not at the time.

1 Q. Well, later is a bit too late, isn't it? Who is in
2 charge, between 6 o'clock, 6.04 when the red team are
3 there, who is in charge in the control room of taking
4 decisions about, say, who gets stopped and who doesn't?
5 A. Well, that determination, as far as I was aware, had
6 already been made by Commander McDowall in those
7 instructions about --
8 Q. Everyone?
9 A. People were to be stopped, yes. I know, I think at that
10 time the difference being the communal door and who
11 would come out, that was an emerging picture. When we
12 originally deployed people there we thought it would be
13 one premise, one door. That was not the case when the
14 officers got there, of course. But the bottom line was
15 we would be trying to deal with that as effectively as
16 we can.
17 Q. You see, by 7.50, which is when the first one appears to
18 have been noticed coming out, somebody must have known
19 by then it was a communal door, didn't they?
20 A. Yes, I am sure they did.
21 Q. So who is in charge at 7.50?
22 A. For my purposes, difficult to say, in as much -- and
23 I don't mean to say there was no-one in charge, there
24 was, DCI Baker and I were both there -- but I wasn't
25 there when anyone came out of the room -- out of the

- 1 building, I wasn't in the room at that stage. I was
2 never made aware of anyone leaving. I was elsewhere in
3 the building at that stage.
- 4 SIR MICHAEL WRIGHT: Forgive me, you and DCI Baker, boss and
5 deputy, were in charge of the control room?
- 6 A. That's right, sir.
- 7 SIR MICHAEL WRIGHT: Who was in charge of the operation?
- 8 A. In charge of the operation on the investigative side was
9 Detective Superintendent Jon Boutcher from S013.
- 10 MR MANSFIELD: The problem there is he didn't arrive back
11 from his rest period until 7.10, so who was in charge
12 before that?
- 13 A. Well, DCI Baker was there, obviously.
- 14 Q. That's why I am asking you. So nobody came out in that
15 period, but in fact who, between the two of you, if
16 somebody had come out, because Boutcher has to come
17 back, he has to be briefed about overnight, so he's not
18 going to really be in effective control until about
19 7.30, 7.25, do you follow?
- 20 A. I do follow.
- 21 Q. Who is taking the decisions should it arise?
- 22 A. Well, it will be one of us in conjunction with the S013
23 officers that were still on duty.
- 24 Q. Was there a S013 squad down there as well at this time?
- 25 A. I can't remember exactly on that time period if there

1 was, but S013 officers obviously were on duty, huge
2 amount of them, and including some senior officers, I'm
3 sure.

4 Q. The question is not in the ops room, were you aware of
5 any deployment or need to deploy S013 to the address?

6 A. No, I wasn't.

7 Q. You weren't aware of that?

8 A. No.

9 Q. Do you know, and maybe you don't, but it's one of
10 presumably the very few numbers of women officers,
11 senior officer, Angela Scott?

12 A. Yes, I do know her.

13 Q. She is in the room, isn't she, from time to time?

14 A. She is.

15 Q. So nobody tells you, co-ordinating as you are still at
16 about 7.40, of any decision that's been taken to deploy
17 S013 down there?

18 A. As I say, sir, although that was the time period, me
19 finishing at 8.30, I actually stopped working in the ops
20 room a little bit earlier than that.

21 Q. When did you stop working in the operations room then?

22 A. Again it's difficult for me to say, I would be guessing.

23 Q. I do not want you to guess, if you don't know. So the
24 people who come on to take over, is there a sort of
25 break time when they come on and you can sort of relax?

1 A. They come on, I think when they did DCI Baker briefed
2 them to one side on what had happened and the emerging
3 picture.

4 Q. Then they take over?

5 A. Then they take over.

6 Q. Is that 7.30, 8 o'clock?

7 A. No, I left when they were being briefed, so I don't know
8 what time they actually took over per se.

9 MR MANSFIELD: Thank you.

10 SIR MICHAEL WRIGHT: Thank you, Mr Mansfield. Who is next?

11 MR SINGH: No, thank you.

12 SIR MICHAEL WRIGHT: Ms Leek.

13 Questions from MS LEEK

14 MS LEEK: A few questions, please, Alan. I represent Andrew
15 and Inspector ZAJ, amongst other officers, as you may
16 know by now.

17 A. Thank you.

18 Q. Alan, when did you make your notes?

19 A. Those notes were made, if we are talking about the ones
20 I have just spoken about --

21 Q. The ones we have had up on the screen?

22 A. I made them at the time, I think, when I was in with
23 Commander McDowall and further on, on the next page,
24 around the time, in breaks, basically, when it took
25 place.

- 1 SIR MICHAEL WRIGHT: On the same day?
- 2 A. Yes, sir, on the same day, before I went off duty.
- 3 MS LEEK: But you didn't, as I understand it, make each
- 4 entry as it was happening?
- 5 A. No, not necessarily, no.
- 6 Q. So when you say in your note:
- 7 "0505 ZAJ tac adviser called".
- 8 That's a very specific time entry, isn't it?
- 9 A. Yes.
- 10 Q. We now know that that's incorrect?
- 11 A. Yes.
- 12 Q. There is no record here of a telephone call or indeed
- 13 two telephone calls to DI Whiddett?
- 14 A. No, that's right.
- 15 Q. We now know in fact that you telephoned Inspector ZAJ at
- 16 5.17?
- 17 A. Yes, ma'am, that's correct.
- 18 Q. Where you say here "team deployed", it doesn't say "team
- 19 deployed to an address"?
- 20 A. No.
- 21 Q. It doesn't say which team?
- 22 A. No, they are not comprehensive notes, they are just some
- 23 bullet points.
- 24 Q. Yes. When you made up your statement, that was in
- 25 February of 2006?

- 1 A. That's correct, yes.
- 2 Q. Very many months after these incidents happened?
- 3 A. Yes.
- 4 Q. You made your statement from these notes, as
5 I understand it?
- 6 A. Yes, as an aide memoire, yes.
- 7 Q. You put in your statement that at 0505 you telephoned
8 Inspector ZAJ, the tac adviser?
- 9 A. Yes.
- 10 Q. That was on the basis of that particular note?
- 11 A. Yes, it was.
- 12 Q. Where did the recollection come from that you asked him
13 to deploy straight to Scotia Road?
- 14 A. That was the instructions of Commander McDowall.
- 15 Q. There is no note here whatsoever, is there, about
16 precisely what you told him?
- 17 A. No, there isn't.
- 18 Q. You said at the Health and Safety trial that you thought
19 Inspector ZAJ was at home when you telephoned him?
- 20 A. Yes, I didn't know. I was asked on the spot. I know --
21 as far as I was aware he was the oncall tac adviser.
22 For all I knew he was at home.
- 23 Q. Then you said, I think, that when you rang him, you
24 spoke to him at Leman Street?
- 25 A. That's right, yes.

- 1 Q. In fact we know that neither of those was correct
2 because he was neither at home nor at Leman Street?
- 3 A. No, that was assumptions on my behalf.
- 4 Q. Yes. Have you also made assumptions now, and did you in
5 2006, with the benefit of hindsight, that you asked for
6 a team to be deployed to Scotia Road?
- 7 A. No, that wasn't an assumption, I remember that
8 distinctly. I was given that task by
9 Commander McDowall, I very much appreciated the
10 importance and urgency of those actions, and I carried
11 them out.
- 12 Q. What about your conversation with Bernard? I think you
13 asked him to put together a briefing pack to brief
14 officers at 9 o'clock at Leman Street?
- 15 A. No, I think that's a point of conjecture, that. That
16 was not my recollection.
- 17 Q. If we hear from him that he was initially asked to put
18 together a briefing pack to brief CO19 officers at
19 Leman Street, that's also wrong, is it?
- 20 A. That's not how I recall matters. As you rightly point
21 out, ma'am, there has been a passage of time. If
22 Bernard was correct in that, that's my memory recall,
23 but the only reason he would have been given a 9 o'clock
24 timing for that briefing would be if my memory fails and
25 I was given that from someone else. I wouldn't have

1 made that decision.

2 Q. When you say that you asked Inspector ZAJ to deploy
3 immediately to Scotia Road, having regard to everything
4 that was going on and the sparse nature of your notes,
5 isn't it in fact possible that it is also not correct,
6 and that in fact you discussed with him bringing a team
7 to New Scotland Yard?

8 A. No, that's not my recollection at all.

9 Q. That would be infinitely more likely because he would
10 have then told you, "Well, I have got a team on the way
11 already", because he had already asked for them to be
12 brought?

13 A. No, ma'am, that's not my recollection of things at all.

14 Q. And a Silver Commander for the orange team was going to
15 be at New Scotland Yard later on?

16 A. No, I carried out the instructions of
17 Commander McDowall. I had to -- I have mobilised,
18 I don't think it's under question, the S012 surveillance
19 team. I am hardly going to forget to mobilise the S019
20 team, which is again another one of the points that
21 I have noted in my book that Commander McDowall wanted
22 carried out.

23 Q. Are you saying to the jury that in a conversation of 1
24 minute and 23 seconds you set out in detail the
25 intelligence that was the background to this request for

1 deployment; you set out in detail Commander McDowall's
2 strategy; you asked for a deployment, and where this
3 team were going to be deployed and what they were going
4 to do, and there was no further conversation?

5 A. No, I am not saying that at all, ma'am. No, I didn't
6 discuss that in detail. The instruction was to mobilise
7 a team down there, and that would be followed up by all
8 the information from a briefing pack, and briefing.

9 Q. Where would that briefing pack be sent and who would it
10 be given to?

11 A. This is something that S013 were taking on board. It
12 was their primacy to deliver that.

13 Q. That was Bernard who had been asked to prepare it for
14 later on in the morning?

15 A. Yes, it was a change of plan, as I said earlier, ma'am,
16 inasmuch as the S012 Bernard was going to prepare the
17 briefing pack on behalf of Special Branch but in
18 collaboration with S013 officers, but that changed and
19 S013 were best placed to deliver that.

20 Q. When you said at the Health and Safety trial that "team
21 deployed" in this note is a reference to deploying to
22 Leman Street, that's also incorrect, is it?

23 A. Well, I am not sure. I can't remember, to be candid.

24 Q. I think the fact is that, isn't it, Alan, that actually
25 you can't remember the nature of the conversation

1 between yourself and Inspector ZAJ?

2 A. I can't remember the exact content of it, but I know
3 clearly that that was my instruction from him passed on
4 from Commander McDowall to deploy. I remember that
5 distinctly.

6 MS LEEK: Thank you.

7 SIR MICHAEL WRIGHT: Thank you. Mr Perry.

8 Questions from MR PERRY

9 MR PERRY: Thank you very much, sir.

10 Mr Alan, I represent Commander McDowall as well as
11 others. My name is David Perry.

12 May I just ask, please, for document page 374. This
13 is the note that you made of the meeting that took
14 place. You timed it 4.30, 5 o'clock?

15 A. That's correct, sir.

16 Q. On the morning of the 22nd. While we have that on the
17 screen, I wonder if we could look in our little bundle
18 of documents at the hard copies, at divider 38. If we
19 could just look at Commander McDowall's red book.

20 A. Sorry, sir, did you say 38?

21 Q. Do you have what is called a jury bundle?

22 A. I have one here, sir, which goes up to 35.

23 Q. Right. Your copy hasn't been updated. Is the
24 technology such that, perhaps I am asking too much and
25 I do not want to do that. Could we have two documents

1 on the screen? Is that possible? It's page 1857. We
2 can follow it hard copy. Are you happy with looking at
3 the screen?

4 A. Certainly, sir.

5 SIR MICHAEL WRIGHT: Do you want 38 alongside it?

6 MR PERRY: Yes, please. Sorry, 374 and 1857 alongside it,
7 please. Thank you. We have 1857 in our jury bundle.

8 The point I want to make here, Mr Alan, is this: when
9 you were talking about your notes, in the middle of your
10 note, we can see it on the screen, there is a question
11 mark, and is it "another" -- does the question mark --
12 and then is it "another Pownall Road"?

13 A. Yes, that was the emerging intelligence picture and it
14 was a query around another address being, I think it
15 should be Portnall.

16 Q. Well, you have said that, but I want to -- I think in
17 fact you are right to say Pownall, because if you just
18 look across the page, we have Mr McDowall's notes of
19 a 4.20 meeting, and what Mr McDowall says about this is
20 during the course of the morning he was seeing several
21 people and it was a sort of rolling meeting with people
22 coming in to see Mr McDowall; and amongst those present
23 who came in were Detective Chief Inspector Mellody,
24 Detective Superintendent Macbrayne, and this was in
25 Mr McDowall's office.

1 If we look at Mr McDowall's note, we can see, can't
2 we, looking on the screen or on the hard copy,
3 "Pownall Road??".

4 So it looks as though we could put -- that's
5 a correspondence between his note and your note. So it
6 looks as though at this time there is developing
7 intelligence, Pownall Road is the possible other
8 address, but we know later, certainly by the latest at
9 5.40, it's firmed up into 61A Portnall Road. I just
10 want to plot that through to see where it takes us.

11 If we look on your document here that we have on the
12 screen, and perhaps we could just take off
13 Mr McDowall's, if that's all right, and just so we can
14 concentrate on this one now. We have there the bullet
15 points at the bottom, 21 front and back, bullet point,
16 "and other address".

17 This was the instruction from Commander McDowall
18 because we also know that Commander McDowall at 4.55 was
19 talking about Silvers to be identified for each plot to
20 liaise. So there were two addresses at least that were
21 going to have to be covered?

22 A. Correct, sir.

23 Q. The instruction that's been given by Commander McDowall
24 here is not only for 21 to be covered but for the other
25 address once it's been firmed up to be covered?

- 1 A. That's right, sir.
- 2 Q. Did you know, and I am just going to ask, please, if we
3 can take that off the screen and put up 1859. This is
4 again from Mr McDowall's red book. I am concentrating
5 now, Alan, at the very top of the page if I may.
6 "5.15 am, tac advisers present".
7 Just put this in context. This is from the
8 telephone records that you have provided two minutes
9 before you are calling Inspector ZAJ?
- 10 A. Correct.
- 11 Q. Assuming the note of the time is correct.
- 12 A. Yes.
- 13 Q. Because we have to look at these things with a degree of
14 care.
- 15 A. Yes.
- 16 Q. But Mr McDowall is recording that he is having a meeting
17 with tac advisers present. His loggist, Mr Forteath,
18 was taking a break at this time so Mr McDowall was
19 taking his own notes and he didn't say who was present.
20 But the only individuals employed in that role that
21 morning were Andrew, Inspector ZAJ and can you remember
22 Martin Rush?
- 23 A. No, I can't remember the last one, I am afraid.
- 24 Q. That's all right. When you spoke to Inspector ZAJ, did
25 he say anything about being in contact with

1 Commander McDowall?

2 A. Not that I recall.

3 Q. But I just want to move on to something else now,
4 Mr Alan, still on this theme, but to show, because you
5 were asked questions originally about, were you aware
6 that no Silver had been appointed. Now, I am not going
7 to ask you to go to divider 43 in your bundle, because
8 if you have not got divider 38, you are hardly likely to
9 have divider 43, but we have, and I will ask the ladies
10 and gentlemen of the jury to look at our divider 43.

11 It has come up on the screen. I just want to deal
12 with this, please, again just trying to put in place
13 what was going on. Before we look at it -- let us look
14 at this and then I can ask you a few questions about it.

15 We can see this is a message form and it's ticked
16 "officers information". This is a message form that's
17 left around for other officers to know what is in
18 progress; is that right?

19 A. That's right.

20 Q. Now, DCI Mellody, he was at the meeting that you had
21 attended with Commander McDowall?

22 A. He was, yes, sir.

23 Q. When you had made your bullet point notes about what was
24 to happen at both addresses?

25 A. Correct.

- 1 Q. Within minutes, it must be, of that meeting, 0455, if
2 you are saying its between 4.30 and 5 o'clock, a senior
3 officer is saying "DI/IFCAT required", that's Inspector
4 Firearms Command Accreditation Training, if I have
5 remembered it correctly, "Given options requested,
6 DI Rose warned", that's Detective Inspector
7 Merrick Rose, who is a Silver, isn't he?
- 8 A. He is.
- 9 Q. He is a trained Silver Commander, and it's got there
10 "0457 DI Rose informed to major incident room"?
- 11 A. Correct.
- 12 Q. What this shows is that within minutes a Silver is being
13 brought in to the operation?
- 14 A. Correct.
- 15 Q. The deployment of a firearms team would not take place
16 without a Silver, would it?
- 17 A. No.
- 18 Q. We also know that there was a meeting at about 6.40 at
19 which Commander McDowall was present with the Silvers?
- 20 A. It would appear so, sir, I have no knowledge of that.
- 21 Q. If the Silvers are present at that time,
22 Commander McDowall would be receiving information and
23 would know from the Silvers what the state of play was
24 with them, one would assume?
- 25 A. One would assume, sir.

1 Q. Yes. So, so far as you are concerned, when you are
2 giving your instructions to whoever you give them to,
3 Mr Alan -- and I am not saying you are right or wrong or
4 anything like that -- at the time that you are giving
5 them, they are subject to developing intelligence?
6 A. Yes.
7 Q. They must be?
8 A. Of course they are.
9 Q. You wouldn't be so flatfooted and inflexible to say
10 "whatever happens we must have a deployment to this
11 address", would you?
12 A. No.
13 Q. Because if someone turns up with a bomb at another
14 address, you are going to look pretty silly, aren't you?
15 A. Correct, sir.
16 Q. If you have two addresses and one team, it would be fair
17 and reasonable for an officer to take a decision to
18 deploy his team at a particular location to cover both
19 until other teams were made available?
20 A. That may be a sensible decision to make, sir.
21 Q. That would be for those who have the expertise in these
22 matters and who give advice to senior officers?
23 A. Yes, it would.
24 SIR MICHAEL WRIGHT: Are you putting a positive case,
25 Mr Perry? In other words, to be plain, are you saying

1 that anybody did and, if so, whom?

2 MR PERRY: Well, sir, you know very well that Andrew can't
3 recall this meeting, and ZAJ can't recall, and what I am
4 going to be suggesting on the basis of the telephone
5 evidence is the implications are clear; plus we have
6 Commander McDowall meeting with the Silvers at the
7 meeting before 7 o'clock, and the discussion with
8 Cressida Dick about the other firearms teams coming on
9 and their deployment.

10 SIR MICHAEL WRIGHT: This would be a decision that doesn't
11 appear to be recorded anywhere.

12 MR PERRY: Well, so far as we can tell, sir; we will try and
13 piece it together as best we can. But that was why
14 I was asking Inspector ZAJ about the telephone activity.

15 SIR MICHAEL WRIGHT: I appreciate that, thank you.

16 MR PERRY: I hope that's clear, sir, thank you.

17 Thank you very much, Mr Alan.

18 SIR MICHAEL WRIGHT: Mr King?

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

20 MR HORWELL: No, thank you, sir.

21 SIR MICHAEL WRIGHT: Thank you. Mr Hough.

22 Further questions from MR HOUGH

23 MR HOUGH: Just a few, sorry to detain everybody.

24 Could we please have the trial transcript

25 3 October 2007, page 131 on screen? This is just in

1 fairness to you, Alan. It was said to you by my learned
2 friend Ms Leek that you had said at the -- this is
3 page 221 of today's transcript that she said this to
4 you -- trial that "team deployed" meant deployed to
5 Leman Street. It's page 132. This is, I assume, what
6 she is referring to.

7 Line 10, the question you were asked, after you have
8 referred to your entry "and team deployed", your entry
9 in your notes:

10 "Question: What is that a reference to?

11 "Answer: That is a reference to that tac adviser
12 deploying his team, I believe to Leman Street."

13 A. Yes.

14 Q. What's the significance of the words "I believe" there?

15 A. Because I wasn't certain.

16 Q. Is that an indication that you were making
17 an assumption?

18 A. Yes.

19 Q. Further down the page, please --

20 SIR MICHAEL WRIGHT: I don't understand the reference to
21 "Leman Street" because that's where they would start
22 from if they are going anywhere.

23 A. Correct.

24 MR HOUGH: Perhaps this can be clarified.

25 SIR MICHAEL WRIGHT: Yes.

- 1 MR HOUGH: I think you did say in the Health and Safety
2 trial, as I asked you, that Inspector ZAJ had said that
3 he would deploy his team to Leman Street?
- 4 A. Correct.
- 5 Q. So is that reference referring back to what you think he
6 said to you?
- 7 A. I believe so, yes.
- 8 Q. Then further down the page, please, if the operator can
9 just scroll down a little, it may be on to the next
10 page, Mr Justice Henriques asks about this entry:
- 11 "Just a second, or does it mean, as I think you were
12 saying, that 'team deployed' means that the operation is
13 actually underway?
- 14 "Answer: Yes, if I could just clarify: what I mean
15 there is that having spoken to the tactical adviser, he
16 confirmed that he would be deploying a team, but
17 obviously they've got to get assembled and get
18 themselves in a state of readiness to be deployed, and
19 they need briefing before they get deployed."
- 20 A. That's right.
- 21 Q. Is that a summary of what you said at the trial "team
22 deployed" meant?
- 23 A. Yes, it is.
- 24 Q. Thank you. A question you were asked by my learned
25 friend Mr Perry: you were asked about a message, and

- 1 I think at page 226 of today's transcript it was said
2 that the message would be left around for officers to
3 get information. Would a message of this kind be left
4 in a position for people to find it and get information?
5 Would it be stored? What would be done with it?
- 6 A. That's normally in a -- if it's in the operations room,
7 if that's where that action and result was recorded, if
8 it were to be, there is a binder in there for people to
9 read and see exactly what decisions are being made and
10 what actions have been actually carried out.
- 11 Q. So it's put in a binding and can be looked at, but it's
12 a record of communication from one officer to another;
13 and its not left around on a table, just to be clear on
14 it?
- 15 A. Not at all, not at all.
- 16 Q. Now, at the time that you were giving the instructions
17 you say you gave to Inspector ZAJ, was one address
18 a priority address?
- 19 A. In effect, yes, 21 Scotia Road at that time had been
20 linked directly to the suspects and there was
21 an emerging picture with another address coming to
22 provenance.
- 23 Q. While you were present -- and I appreciate you can't say
24 precisely when you stopped being in the operations room,
25 and you can't say precisely when you were in and out

1 because you were in and out -- did Scotia Road ever
2 cease to be a priority, or did it assume equal priority
3 with another address? Did anything change about that?

4 A. Not as far as I can recall, no.

5 Q. The learned Coroner made reference to this question
6 about whether a decision was ever made to hold back the
7 specialist firearms team because there were multiplying
8 addresses and it would be better to keep them centrally.
9 He asked whether there was any documented record of that
10 decision and that was a question put to counsel. It's
11 only fair that you should have the opportunity to deal
12 with this.

13 Were you ever aware, in the time that you were in
14 and around the operations room or in New Scotland Yard,
15 of a decision ever being made to pull back or hold back
16 somewhere centrally the night duty specialist firearms
17 officer team in order that it could await whichever
18 address became a priority?

19 A. No, I don't recall that at all.

20 Q. Were you aware of your instructions to Inspector ZAJ
21 being countermanded centrally by anybody?

22 A. No, they certainly were not to me.

23 Q. Or to your knowledge?

24 A. Or to my knowledge.

25 MR HOUGH: Thank you very much.

1 Questions from THE CORONER

2 SIR MICHAEL WRIGHT: A member of the jury is understandably
3 very concerned about the fact that you did not make
4 a statement until, I think, February 2006, and indeed
5 Inspector ZAJ not until March 2006.

6 The question really is: how can you be sure that you
7 can be accurate with that remove of time? First of all,
8 of course, and we have seen it on the screen, you did
9 have some notes?

10 A. That's correct, sir, some notes, yes.

11 SIR MICHAEL WRIGHT: When you were called upon to make
12 a statement, did you have access to your notes?

13 A. Yes, I did, sir.

14 SIR MICHAEL WRIGHT: Insofar as they were able to, were you
15 able to use those notes to refresh your memory?

16 A. I certainly did.

17 SIR MICHAEL WRIGHT: I know you can't answer for
18 Inspector ZAJ but we know, because he has told us, that
19 he had access to the C019 tactical log -- I think I am
20 right in saying he was not keeping notes but he had the
21 log to refer to and we saw that on the screen as well;
22 you were not here so you don't know -- but is it right
23 to suppose that you were acting, as it were, completely
24 by the bare light of day when you tried to remember
25 things in the early months of 2006?

1 A. I can understand the jury member's concern about it,
2 sir. All I can say is I did have those notes to refresh
3 my memory, it was a very impactful couple of days for
4 everyone concerned, and so at that juncture in time,
5 back in early 2006, things were reasonably, reasonably
6 fresh in my mind and, as far as I can say, what I wrote
7 was accurate.

8 SIR MICHAEL WRIGHT: Could you bring up 374, again, please.
9 We have seen this several times already. That is your
10 page of notes.

11 A. Correct, sir.

12 SIR MICHAEL WRIGHT: Relating to the instructions --

13 MR HOUGH: Sir, in fairness there is also the text which
14 I quoted about "ZAJ called" and "team deployed", which
15 we have not shown on screen because at least one version
16 of it contains ZAJ's real name.

17 SIR MICHAEL WRIGHT: You have referred to that.

18 MR HOUGH: I have quoted it in full, I have quoted it
19 accurately.

20 SIR MICHAEL WRIGHT: All right, that's a second document.

21 MR HOUGH: It's the next page of this book.

22 SIR MICHAEL WRIGHT: Of this document. Do you have the
23 document? Can we blot out the name so it can be put on
24 the screen. (Pause).

25 MR HOUGH: Thank you, sir, I think this is helpful. (Pause).

1 SIR MICHAEL WRIGHT: Now you have seen it, I think, Mr Alan,
2 this is the next page of your notes?

3 A. That's correct, sir.

4 SIR MICHAEL WRIGHT: You remember that?

5 A. Yes.

6 SIR MICHAEL WRIGHT: We can see, can you refer us to it,
7 Mr Hough?

8 MR HOUGH: Top of the page:
9 "5.05 am ZAJ tac adviser called and team deployed."
10 And then next bullet point:
11 "Andrew to attend SO12."

12 SIR MICHAEL WRIGHT: That is in accordance with what you
13 recollect?

14 A. That's right, sir, I made the telephone call, there was
15 no tac adviser in the room at that moment, and it was
16 obviously the request for the tac adviser to come to the
17 ops room.

18 SIR MICHAEL WRIGHT: Both these sheets of notes were
19 available to you when you made your formal statement in
20 the following year?

21 A. Yes, they were, sir, and I did refer to them.

22 SIR MICHAEL WRIGHT: Thank you.
23 Does anybody want to ask further questions about any
24 of that, as we have now seen that document properly for
25 the first time? Thank you very much.

1 Alan, thank you very much indeed, that's it, you are
2 free to go.

3 A. Thank you very much, sir.

4 (The witness withdrew)

5 SIR MICHAEL WRIGHT: Thank you very much, ladies and
6 gentlemen, you have been very patient.

7 MR MANSFIELD: Sir, may I raise quickly one matter?

8 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

9 MR MANSFIELD: It's one matter.

10 SIR MICHAEL WRIGHT: Can we let the jury go?

11 MR MANSFIELD: Certainly.

12 SIR MICHAEL WRIGHT: They have had quite enough for today,
13 I think. 10 o'clock Monday morning.

14 (In the absence of the jury)

15 SIR MICHAEL WRIGHT: Yes.

16 MR MANSFIELD: Sir, sorry, it relates to a rather important
17 issue which certainly you have alighted upon this
18 afternoon and one I put to Mr McDowall, and that is who
19 was the Silver implementing his policy. I was
20 suggesting there wasn't anybody in place to do it.

21 What I am concerned about is the gist of questions
22 put on behalf of the Commissioner, as well as Mr Perry's
23 questioning this afternoon, is a constant refrain and
24 theme that it was very sensible to keep a team at
25 New Scotland Yard for deployment to either of two

1 addresses.

2 Well, yes, it is, but was that a decision taken by
3 a Silver, in which case which Silver took that decision?

4 SIR MICHAEL WRIGHT: And where is the record?

5 MR MANSFIELD: And where is the record and, if it was not
6 Silver, who did it? We have recently been provided with
7 an undated statement from Mr Rose. If it is going to be
8 suggested that it is him, there is not a jot of it in
9 there to suggest that he having been summoned.

10 So my request before Monday -- because we have now
11 got the most important officer in terms of
12 responsibility for the operation -- is if somebody knows
13 more than we do, and we say this advisedly because we
14 have had more disclosure this afternoon in relation to
15 police matters --

16 SIR MICHAEL WRIGHT: It can't be Cressida Dick who took the
17 decision, she didn't come on until 7 o'clock.

18 MR MANSFIELD: No, it can't be Cressida Dick, but there is
19 a reason why I would like to know before Monday if it is
20 being said there was a positive decision, because it has
21 a knock-on effect for 7.15 when she is briefed by
22 Commander McDowall. So if there is a record of that
23 decision, who took it, when, and where is the record,
24 please.

25 SIR MICHAEL WRIGHT: I think that I must let glide towards

1 either Mr Horwell or Mr Perry or both of them. Anyway,
2 you have heard the request.

3 MR HORWELL: Sir, of course we have. If there had been
4 a record or positive evidence of that decision having
5 been taken, we would of course by now have disclosed it
6 to you.

7 SIR MICHAEL WRIGHT: In the absence of the jury, I like to
8 think so.

9 MR HORWELL: No, not like to think so, sir; of course we
10 would have done.

11 SIR MICHAEL WRIGHT: I know you'd have done your best to,
12 but there has been quite a lot of material coming out in
13 recent weeks.

14 MR HORWELL: The fact that we have not indicates that we
15 haven't identified any such document.

16 SIR MICHAEL WRIGHT: That I will certainly accept.
17 All right, there you are, Mr Mansfield.

18 MR MANSFIELD: Yes, thank you.

19 SIR MICHAEL WRIGHT: You have put your request out, what
20 comes back we will wait and see.

21 MR MANSFIELD: Thank you.

22 SIR MICHAEL WRIGHT: 10 o'clock Monday morning.

23 (5.15 pm)

24 (The court adjourned until 10.00 am on

25 Monday, 6 October 2008)

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