

1 Wednesday, 15 October 2008

2 (9.30 am)

3 (In the presence of the jury)

4 CHIEF INSPECTOR VINCENT ESPOSITO (continued)

5 SIR MICHAEL WRIGHT: Where have we got to? Yes, Mr Stern.

6 Questions from MR STERN

7 MR STERN: Mr Esposito, I represent C2 and C12.

8 Can I just ask you some questions, please, about
9 training and I want to deal with the shots as well.
10 I see there are no members of the family here, but if
11 there is any sensitivity in relation to that, if people
12 want to leave, then now is the time.

13 It's right, I think, that before July 2005,
14 specialist firearms officers had had some training in
15 the possibility of facing a suicide bomber?

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

17 Q. They had been provided with some lectures?

18 A. Yes, sir.

19 Q. Those lectures, and I only want to deal with them
20 generally, because obviously part of it is sensitive,
21 they had dealt with the effect of bombs?

22 A. Yes, sir.

23 Q. The difficulty in identifying suicide bombers?

24 A. That's correct, sir.

25 Q. Largely, had the training related to vehicle-borne

- 1 suicide bombs?
- 2 A. That's correct, sir, yes.
- 3 Q. Because, as it's been said before, no-one had
- 4 envisaged -- perfectly understandably -- that
- 5 a situation which arose, as it was perceived in this
- 6 case, that a specialist firearms officer might have to
- 7 confront a failed suicide bomber?
- 8 A. Not those exact circumstances, no, sir.
- 9 Q. Now, of course, you will know that no matter what the
- 10 training that you have had, facing a person who you
- 11 believe to be a suicide bomber and whom you believe will
- 12 set off a bomb requires immense courage?
- 13 A. It does indeed, sir.
- 14 Q. No matter how much you train, the reality is always
- 15 going to be different?
- 16 A. Yes, sir.
- 17 Q. It requires, as I think you told the jury yesterday,
- 18 split-second decision-making?
- 19 A. Absolutely, yes.
- 20 Q. Of course that split-second decision-making, which in
- 21 modern terms is a threat assessment?
- 22 A. Yes.
- 23 Q. If you do nothing, it may lead to your death and the
- 24 death of everyone in a tube carriage if that's where it
- 25 is suspected?

- 1 A. Exactly, sir.
- 2 Q. If you act, it may be that you make an error?
- 3 A. That could be the case, yes.
- 4 Q. Now, the training, as Andrew informed us -- you know who
5 I mean when I say Andrew?
- 6 A. Yes, I do, sir.
- 7 Q. Is that a brain stem shot will be the only way to
8 immediately incapacitate the suspect?
- 9 A. At that time, that was our understanding, yes, sir.
- 10 Q. The purpose of that, of course, is to prevent the
11 suspect from initiating a device?
- 12 A. That's the intention, yes.
- 13 SIR MICHAEL WRIGHT: But as you said yesterday, as a matter
14 of reality, it's almost certainly going to be fatal?
- 15 A. Yes, sir.
- 16 MR STERN: That is the harsh reality?
- 17 A. Yes, it is, sir.
- 18 Q. We all need to face that because we, the public, have
19 given police officers authority for that?
- 20 A. Yes, sir.
- 21 Q. We have given the role of facing these very difficult
22 decisions to police officers. Fortunately, we don't
23 have to do that?
- 24 A. Yes, sir.
- 25 Q. Unless we are stuck on a carriage?

- 1 A. Yes, sir.
- 2 Q. Now, there are no rules, obviously, as to the number of
3 shots that an individual officer may fire?
- 4 A. Absolutely none, sir.
- 5 Q. The position is this: that the officer -- and I don't
6 just mean in this case -- will fire until the threat as
7 he or she perceives it to be is eliminated?
- 8 A. That's correct.
- 9 Q. In this case, we have heard there were nine shots. In
10 fact, as I am sure you realise, there are two officers?
- 11 A. That's correct.
- 12 Q. Each of these officers must, of course, independently
13 come to their own threat assessment and decision?
- 14 A. Yes, sir.
- 15 Q. So we know two officers came to that conclusion?
- 16 A. Yes, sir.
- 17 Q. One officer fired six shots?
- 18 A. Yes, sir.
- 19 Q. And another three shots?
- 20 A. As I understand.
- 21 Q. We will hear evidence that six of those shots hit
22 Mr de Menezes in the head, one hit his shoulder, and two
23 didn't hit him at all?
- 24 A. As I understand.
- 25 Q. The purpose of shooting, as we have already discussed,

- 1 is to remove the threat?
- 2 A. That's correct, sir.
- 3 Q. Incapacitate the suicide bomber, and as the learned
4 Coroner says, effectively that means to kill, before he
5 can detonate the bomb?
- 6 A. Yes, sir.
- 7 Q. Without being flippant, there is, of course, no way of
8 knowing whether or not you have been successful with
9 your first, second, third or fourth shot, is there?
- 10 A. No, sir.
- 11 Q. There is no means by which you can tell until sadly the
12 body slumps in a way that makes it obvious?
- 13 A. Yes, sir.
- 14 Q. We will hear, and in fact I think the jury have already
15 heard from my learned friend Mr Gibbs, that at the time
16 he was being held by a surveillance officer?
- 17 A. As I understand, yes, sir.
- 18 Q. What I want to just put into that scenario, if I may, is
19 that clearly a firearms officer, as I say, not in
20 a training situation here but in a real live situation,
21 is not immune from adrenaline and fear?
- 22 A. Absolutely not, sir.
- 23 Q. Have there been studies or reviews by you about the
24 effect of that?
- 25 A. Looked into the cause and effect of what happens to

1 people at the scene, but there is no documentation.

2 It's just generic studies, sir.

3 Q. Do those generic studies show you that on a number of
4 occasions, I don't mean every occasion, but a number of
5 occasions, that a large number of shots have been fired?

6 A. Yes, they have.

7 Q. This was, as we know, the first live operation of this
8 sort?

9 A. Yes, it was, sir. It was unique.

10 Q. I want to just ask you about a matter that was in your
11 statement, and I don't ask that it's put up on the
12 screen, but for my learned friends, the reference is
13 page 59, and it's the final line. Do you have your
14 statement there?

15 A. I believe so, sir.

16 Q. It might be easier if you follow it.

17 A. Yes, I have it, sir.

18 Q. The final line:

19 "The critical factor uppermost in my mind was what
20 would be the result of..."

21 I think that should read "non-compliance"?

22 A. Yes, sir.

23 Q. "If an officer was faced with a person who they believed
24 was a known suicide terrorist and that person was
25 believed to have the means to detonate a device, then

- 1 officers would undoubtedly take action to protect their
2 life and the lives of the public."
- 3 A. That was my thoughts at that time, sir.
- 4 Q. That was your thoughts, knowing obviously the way in
5 which firearms officers are trained?
- 6 A. Yes, sir.
- 7 Q. In fact having trained many yourself, as you say?
- 8 A. Yes, sir.
- 9 Q. And knowing the sort of tactical approach that would be
10 entertained by firearms officers?
- 11 A. That's correct, sir.
- 12 Q. Now, it's impossible to know absolutely, is it not,
13 whether a suicide bomber has what's called an improvised
14 explosive device, an IED --
- 15 A. It's very difficult indeed, sir.
- 16 Q. -- on him. You have been asked questions about
17 a rucksack, but the fact is that there are hundreds of
18 thousands of people every day on the tube who have
19 rucksacks?
- 20 A. Exactly, sir.
- 21 Q. If Mr de Menezes had been carrying a rucksack, that
22 would not have made him any more a suicide bomber?
- 23 A. No, sir, it wouldn't have made any difference.
- 24 Q. You have seen, I think, from a variety of countries,
25 explosive devices coming in all shapes and sizes?

- 1 A. Absolutely, sir.
- 2 Q. They can be strapped to the back?
- 3 A. Yes, sir.
- 4 Q. They can be strapped to the front?
- 5 A. Yes, sir.
- 6 Q. They can be carried in pockets?
- 7 A. Indeed.
- 8 Q. They can be, I think as we all know from one
9 well-publicised case, be put in a shoe?
- 10 A. Yes, sir.
- 11 Q. That was the person who I think wanted to blow up
12 a whole aeroplane?
- 13 A. Yes, sir.
- 14 SIR MICHAEL WRIGHT: Can I go back a moment, Mr Stern. You
15 said that having a rucksack wouldn't make any difference
16 because so many people on the tube have rucksacks, but
17 I think it's attributed to you, I think in the course of
18 the 8 o'clock meeting, there was a comment to the effect
19 that if a person who fitted the description was seen
20 coming out of the house at Scotia Road --
- 21 A. Sir.
- 22 SIR MICHAEL WRIGHT: -- carrying a rucksack and was
23 non-compliant, he was very likely to get shot?
- 24 MR PERRY: Sir, just before that's dealt with, it wasn't
25 this witness. It was Andrew. It's in Merrick Rose's

1 notes and it was the early meeting.

2 SIR MICHAEL WRIGHT: I am very willing to be corrected,
3 Mr Perry.

4 I know that you and Andrew were both at the meeting
5 together for a period?

6 A. Yes, sir.

7 SIR MICHAEL WRIGHT: Do you remember that comment being
8 made?

9 A. I remember a conversation along those lines, sir.

10 SIR MICHAEL WRIGHT: He seems to have thought that the fact
11 that your suspect had a rucksack might be significant.

12 A. It would have been significant because of the
13 intelligence that we were dealing with from 7/7 and
14 21/7, because of the fact that rucksacks had been used
15 on those occasions.

16 SIR MICHAEL WRIGHT: That's what I have in mind.

17 A. However, at the point of challenge, the officers would
18 always assess what the threat and risk was, and it would
19 be dependent on the instructions given by the designated
20 senior officer at that time.

21 However, it adds background to the mindset of the
22 officer.

23 SIR MICHAEL WRIGHT: Thank you.

24 MR STERN: I am not suggesting it is irrelevant but it is
25 nevertheless not conclusive by any means.

1 A. It's not conclusive because all the background
2 information that we have been having up to that time was
3 that explosive devices could be easily concealed
4 underneath clothing.

5 Q. In fact, I think one of the slides that was shown to
6 CO19 officers at the time at which some of this training
7 was done, we can see, and I am hoping it will come up on
8 the screen in a minute, if we can have the first slide,
9 it's actually a PowerPoint presentation and I am hoping
10 it will be with you in a moment.

11 I think this is one of the slides of many that was
12 part of a training exercise?

13 A. Yes.

14 Q. It may have been given by you, in fact?

15 A. At some times this would have been given by me, and the
16 intention of this was just to give some background
17 information to the officers to say that there is no
18 identity of a suicide bomber, it could be absolutely
19 anybody, and there often isn't an identifiable mark to
20 say that a person is a suicide bomber. It could be
21 absolutely anybody.

22 Q. The question that's posed here, "Which one is the
23 suicide bomber?", and of course everyone will have their
24 views, and the answer follows in the next slide.

25 SIR MICHAEL WRIGHT: It answers the question.

- 1 MR STERN: It answers the question, yes. We can see this is
2 moments before the Prime Minister Gandhi was murdered by
3 that innocuous-looking lady on the left-hand side.
- 4 A. That's the slides that we used in the training that was
5 given, sir.
- 6 Q. I think it goes back to the juror's question the other
7 day; it's not just men but women.
- 8 I wonder if we could have up the tactical options
9 document, which is in the jury bundle at divider 42.
10 I know you have looked at this. You have told us that
11 this was a document that was prepared for discussion
12 purposes?
- 13 A. Yes, sir.
- 14 Q. If we look, please, if we can have the various
15 alternatives that are set out there, and you have told
16 us yesterday that there could have been many, many
17 alternatives, but you have set out, I think is it nine
18 or ten there?
- 19 A. Nine, sir.
- 20 Q. Each of those, as I read it -- and you can help us with
21 this -- assume that the armed officer is in a vehicle?
- 22 SIR MICHAEL WRIGHT: I am just going to ask Tom if he can
23 get all nine on the one sheet together. (Pause)
- 24 MR STERN: Whilst that's being done --
- 25 A. It's actually intended that this could be either on foot

1 or in a vehicle. The means of delivery of an officer is
2 normally by a vehicle.

3 SIR MICHAEL WRIGHT: There you are, you have all nine now.

4 MR STERN: Thank you very much.

5 A. But at the point of delivery, they then could be on
6 foot.

7 Q. All of these, as I see it here, is that there is a stop,
8 and then I'll miss out the middle bit, but in covert
9 ARVs?

10 A. Yes.

11 Q. Covert ARVs and armoured vehicle?

12 A. That's the means of delivery, the stop and challenge.

13 Q. So the advantage of being in that sort of vehicle, as
14 I think the options document made clear, is perhaps
15 obvious, that there is a considerable amount of
16 protection that somebody has from being in a vehicle?

17 A. Yes, sir.

18 Q. That protection is missing once you are on foot?

19 A. It is indeed, sir.

20 Q. Certainly one of the things that firearms officers will
21 always look for is cover?

22 A. That's the core of their training, sir.

23 Q. Again, it may be obvious, but prevent injury or death to
24 themselves?

25 A. Yes, sir.

- 1 Q. So getting between the threat and the public to
2 safeguard the public but at the same time seeking, if
3 they can, to obtain cover?
- 4 A. If it's available, sir.
- 5 Q. If it's available. It's necessary, isn't it, when you
6 are assessing whether or not somebody is a suicide
7 bomber with a bomb, about to detonate a bomb, that you
8 have to infer or assess all the circumstances that exist
9 at the time?
- 10 A. Absolutely, sir.
- 11 Q. As you have told us, specialist firearms officers are
12 trained to carry out that assessment?
- 13 A. Yes, sir.
- 14 Q. I think that's why the way you put it in your interview
15 at page 309, please, it's at the top:
- 16 "It's something that we have been thinking about for
17 an awful long time in relation to suicide terrorism, and
18 it's something that we have learned from people abroad
19 in relation to ... if you have a suicide terrorist and
20 you go overt and you make a challenge, then there is
21 a likelihood of the device exploding, so therefore if
22 the second that you go overt, if the subject doesn't
23 comply with what you ask, then you risk the lives of the
24 officers, you risk the lives of the public by
25 detonation, therefore you ... dependent on the

1 circumstances you may have to take an action to minimise
2 that risk which is to shoot that subject."

3 As you have already told us, that would be
4 a critical shot to the head?

5 A. Yes, sir.

6 Q. Now, that assessment will be based on the briefing?

7 A. Yes, sir.

8 Q. The intelligence gathered during the course of the
9 operation?

10 A. Yes, sir.

11 Q. Of course, the assessment by the officers at the scene
12 as to what it is that they find and the conduct or
13 behaviour of the suspect?

14 A. Ultimately their assessment, sir.

15 Q. Yes. Just looking, please, at page 286 of your
16 interview, because you summarise this particular point
17 here in relation to the briefing, you were not present
18 at the briefing?

19 A. No, sir.

20 Q. But you accept that briefing of officers is absolutely
21 essential --

22 A. Yes, sir.

23 Q. -- to them having a proper assessment of what's going to
24 happen?

25 A. Yes, it is essential, sir.

1 Q. The middle paragraph:

2 "No ... but I would clarify that we knew that they
3 were obviously well prepared and we knew that they would
4 be deadly and determined because of the fact that they
5 had attempted to commit suicide terrorism the day before
6 so by its very nature we knew the type of people that we
7 were dealing with, we knew that they would be deadly and
8 determined and we knew that they would ... were
9 attempting to kill an awful lot of the public of
10 London."

11 You knew also, I think, that the officers were told
12 that they should trust what they were being told by the
13 command team?

14 A. Yes, sir.

15 Q. The final bit of the interview I just want to draw your
16 attention to, please, at page 326, in the middle
17 paragraph:

18 "We have to prepare officers properly, they are
19 police officers, they are not soldiers, we are having to
20 ask them to do things particularly in [this operation]
21 in extraordinary circumstances and to my mind throughout
22 the whole time they showed extreme bravery ... as I said
23 before, it would be improper of me not to properly
24 prepare them with every piece of information available
25 and not properly equip them with all proper equipment."

1 A. Yes, sir.

2 Q. That was your view then?

3 A. It was then and it still is now, sir.

4 Q. That is why, is it, that when you are looking for SFO
5 officers, as Andrew said, you are not looking for
6 officers who are gung-ho, but you are looking for calm,
7 professional and emotionally mature men and women?

8 A. Yes.

9 Q. Now, a briefing, as you accept, puts a person's mindset
10 into how they are going to carry out their duties?

11 A. Yes, it does, sir.

12 Q. The next stage, intelligence. So far as identification
13 is concerned, I do not want to look at the exact words
14 that were said or were not said, because you, as you
15 told my learned friend Mr Mansfield and my learned
16 friend Mr Gibbs, have looked at the Health and Safety
17 transcripts, you have looked at what the DSO said, and
18 no doubt you have read a number of other statements and
19 talked to a lot of people in the intervening period?

20 A. Yes, sir.

21 Q. I want to try and take you back to 2005 and what your
22 view was at that time.

23 In your statement at page 60, it's four lines down,
24 the way you put it -- I should just remind people that
25 this was a statement that was made on 25 July?

1 A. Yes.

2 Q. 2005?

3 A. I actually remember sitting and writing this statement
4 in the control room, in 1600.

5 Q. So that's three days later. Did you make the statement
6 on your own?

7 A. Yes, sir.

8 Q. You say:

9 "I was informed by surveillance that this was
10 a positive identification for the subject
11 Hussain Osman."

12 Then you go on to talk about keeping an open line?

13 A. Yes, sir.

14 Q. That's one particular aspect. I would just like to also
15 take you, please, to the part that Mr Mansfield referred
16 you to, but to deal with the part that was just above
17 it, so it's in context, as it were. Page 304 of the
18 interview, please. Right at the bottom line:

19 "Okay ... then moving on [this is the interviewer,
20 Mr Reynolds] I understand that Silver has stated [then
21 over the page] that at 9.55 he heard on the surveillance
22 radio that the ... in his words 'IC2' had now been
23 identified as Osman, did you hear this transmission?

24 "Answer: All I can say is that I formed the opinion
25 when I was in 1600 [that's the room] that the subject

1 that we were dealing with was the subject that I knew as
2 Nettle Tip ... and it was from that radio transmission
3 or from radio transmission ..."

4 So it didn't come over the phone, it came over the
5 radio; is that your recollection at that stage?

6 A. That was my only source of intelligence, sir.

7 Q. I think that is what you go on to say a little further
8 down, halfway down:

9 "Other than trying to reiterate it with the officer
10 on the ground, they are the only source of intelligence
11 at that time."

12 A. Yes, sir.

13 Q. Then you were asked at the bottom:

14 "Who informed you?"

15 You say you couldn't say for certain, in other words
16 you didn't know the name of who it was?

17 A. No.

18 Q. Did anyone think to ask who it was who had given this
19 positive identification?

20 A. That's not normally done, sir --

21 SIR MICHAEL WRIGHT: Do you mean asking who's talking over
22 the radio?

23 MR STERN: Yes, who it was who had given the positive
24 identification over the radio.

25 A. No, sir.

1 Q. Did you know whether the DSO did that?

2 A. Again, I don't know, sir. It wouldn't be a normal thing
3 to do.

4 Q. Now, the position is that whatever the exact words were,
5 were you of a state of mind at that time that there was
6 a positive identification?

7 A. I was, sir, yes.

8 Q. Did you discuss that with the DSO, for example?

9 A. My understanding was that she came to the same
10 conclusion as I did, so therefore it really didn't need
11 that much discussion.

12 Q. And Silver, did you discuss it with Silver or were you
13 aware of it being discussed with Silver?

14 A. Again he was in that group and there were discussions
15 going on, but not the details of it, no.

16 Q. You see, one of the things that we have all got to
17 grapple with in this case, as Mr Gibbs has already
18 alluded to is that here we are, the three people who are
19 involved in this operation, you have got the DSO,
20 yourself and Silver, all believing there is a positive
21 identification, and we are going to hear from
22 surveillance officers, as Mr Gibbs has already
23 indicated, that none of them made a positive
24 identification.

25 Now, can you help at all with how that happened?

- 1 A. I can't, sir. I was in the operations room, I was
2 listening to the radio, and from what I was listening to
3 from the radio, from the words that were used, from the
4 descriptions that were given, from the -- from what was
5 said, I formed that impression, that the subject was
6 Nettle Tip.
- 7 Q. As you say, that filtered down to Silver and of course
8 to Trojan 84 presumably?
- 9 A. At exactly the same time as it did to me.
- 10 Q. Trojan 84 presumably would have got that from you,
11 wherever it was he got that from, either from Silver or
12 you or wherever?
- 13 A. We were talking about that on the radio, but again he
14 was listening to the radio as well, because he had that
15 source of information exactly the same as I did.
- 16 Q. He never said to you: what on earth are you talking
17 about, about the positive identification.
- 18 A. No, sir.
- 19 SIR MICHAEL WRIGHT: When you were answering Mr Gibbs
20 yesterday, you told him that the words you do remember
21 were either "PIW"?
- 22 A. Yes, sir.
- 23 SIR MICHAEL WRIGHT: Which we have had various versions of
24 that, possibly identifiable with or possibly identical
25 with, I don't know which you favour?

1 A. I am not a surveillance officer but every time that
2 I have worked with them and the small bits of the
3 surveillance that I have done, it's always possibly
4 identical with or probably identical with.

5 SIR MICHAEL WRIGHT: The other phrase that you mentioned to
6 Mr Gibbs was "they think it's him"?

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: As I understood your evidence
9 yesterday, that was what you heard that led you to the
10 opinion that there was a positive identification?

11 A. Yes. It was along --

12 SIR MICHAEL WRIGHT: Plus some other activity like getting
13 on and off the bus?

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: But those two words, those phrases, it
16 is suggested, came from Pat, who was the surveillance
17 monitor?

18 A. My recollection is that I was listening to what Pat was
19 saying because he was repeating it, but I think it was
20 also coming over a loudspeaker --

21 SIR MICHAEL WRIGHT: That's what I wanted to know.

22 A. -- in the room.

23 MR STERN: I think that's the evidence the witness gave.

24 SIR MICHAEL WRIGHT: I wanted to check to be sure
25 I understood it.

- 1 A. It's again reconstruction because some people can
2 remember hearing the speaker, some people can't. My
3 recollection is that I can remember hearing the speaker,
4 so I was not only listening to what was being said by
5 the surveillance monitor, but I was also listening to
6 what was coming on the speaker.
- 7 SIR MICHAEL WRIGHT: But you were also picking it up from
8 the actual surveillance (inaudible)?
- 9 A. Yes, sir.
- 10 SIR MICHAEL WRIGHT: I see, thank you.
- 11 MR STERN: As I say, whatever the words, coming back to
12 2005, on 22 July 2005, you were of the view that there
13 was a positive identification?
- 14 A. Yes, sir.
- 15 Q. And that had filtered down across all those other people
16 that we have just mentioned?
- 17 A. Yes, sir.
- 18 Q. In addition to which, as the learned Coroner has
19 indicated, there is other factors that you took into
20 account?
- 21 A. Yes, sir.
- 22 Q. Very jumpy, telephone calls and texting, and then what
23 you interpreted, or one possible interpretation was the
24 anti-surveillance of off the bus and then back on again?
- 25 A. That's correct, sir.

- 1 Q. Can we look at page 346 in the documents. Now, this was
2 a log that was created by you; is that correct?
- 3 A. Yes, sir, it was one that was jointly being run by
4 myself and Andrew throughout the whole of the operation.
- 5 Q. I'm only interested in the parts written by you. Where
6 does your writing begin?
- 7 A. This whole of this page is my writing, sir.
- 8 Q. Now, this, just so we can time it and date it, was
9 written on 22 July 2005, on the very day of the
10 incident?
- 11 A. Yes.
- 12 Q. And written at 10.40 am?
- 13 A. No, this was written at various different times at that
14 morning. I think the bottom of the "review of tactics",
15 that part there and from downwards, was written at ...
- 16 Q. Let us look over the page and you will see there is
17 a time there, that may help you.
- 18 A. Yes. That is timed at 10.40, but the little bullet
19 points above that, I think were being written as they
20 happened.
- 21 Q. Earlier than that?
- 22 A. Yes, earlier than that.
- 23 Q. But nothing is later than 10.40 am, the part that I am
24 going to refer you to, that is halfway down page 347; is
25 that right?

- 1 A. That's correct, sir.
- 2 Q. So literally within half an hour or so of the incident?
- 3 A. Yes. As I think I said yesterday, I hadn't written
4 anything during that time.
- 5 SIR MICHAEL WRIGHT: Just to identify the document, this is
6 the firearms policy, isn't it? Yes, thank you.
- 7 A. I hadn't written anything during this time because I was
8 standing next to the designated senior officer because
9 we were making decisions.
- 10 MR STERN: I am not criticising you for not writing anything
11 earlier at all. I am just trying to get the time at
12 which this was written.
- 13 A. Yes, sir.
- 14 Q. Did you write this alone?
- 15 A. Yes, I did, sir.
- 16 Q. Was this before you got to -- did you go to Leman Street
17 for a debrief at all?
- 18 A. No, I remained at 1600 until I finished the duty at
19 7 o'clock that evening and was handed back over to
20 Andrew.
- 21 Q. Does that mean that at this stage, were you aware that
22 there was any issue in relation to identification?
- 23 A. No, sir.
- 24 Q. Can we just look at what it is that you have written.
25 About halfway down, perhaps, if we can start:

1 "Both teams to conduct premises recces of the
2 locations identified for later. Black team engaged.
3 Fatal shooting..."

4 SIR MICHAEL WRIGHT: Hang on, where are we?

5 MR STERN: I beg your pardon, page 346:

6 "Black team engaged. Fatal shooting Stockwell.
7 Grey team now deployed by Scotia Road ..."

8 SIR MICHAEL WRIGHT: That's a grey firearms team, not a grey
9 surveillance team.

10 A. That's a grey firearms team, sir.

11 MR STERN: "... linked with surveillance."

12 Then we can see actually "10.30 am" just to the left
13 or underneath?

14 A. Yes, sir.

15 Q. So that's the time that you wrote that.

16 "Black team to be engaged, PIP ..."

17 What's that?

18 A. Post-incident procedure, sir.

19 Q. So they go off to post-incident procedure which the jury
20 will hear about in due course.

21 Then we have got:

22 "Review of tactics. Subject seen leaving the
23 address, followed on a bus, Nettle Tip seen top deck
24 outside Brixton tube, seen to be jumpy, made phone call
25 and text messages, subject still" --

- 1 A. "still under control".
- 2 Q. It would be easier if you read it since it's your
3 writing.
- 4 A. "... still under control towards Oval tube, informed on
5 the stairs, decision by the DSO not to let the subject
6 on the tube for risk of explosive devices."
- 7 Q. Can I just pause you there? The DSO gave the order that
8 the subject should not be allowed on the tube?
- 9 A. Yes, sir.
- 10 Q. So although this was a conventional --
- 11 A. Yes.
- 12 Q. -- arrest, we will not worry about whether it's
13 intervention or interception, others can worry about the
14 meaning of the words, that's what it was, it was
15 an arrest?
- 16 A. Yes, sir.
- 17 Q. It was slightly beyond that, because there was a line
18 beyond which this individual had been ordered not to
19 cross, in other words he couldn't get on the tube?
- 20 A. Yes, sir.
- 21 Q. The reason was, as you have set out there, because there
22 was an honest belief that there would be a risk of
23 explosive devices?
- 24 A. Because of what we were dealing with, because of what
25 had happened the day before, that was the risk, sir.

- 1 Q. Exactly. You have set out the rationale below, but if
2 you can just carry on. Sorry to interrupt you.
- 3 A. "Subject enters the tube followed by C019 and
4 surveillance. C019 given authority to intercept and
5 arrest the subject. Follow surveillance down the tube,
6 communications lost."
- 7 Q. Now you put your rationale.
- 8 A. "Previous underground devices, positive identification
9 of subject by surveillance as Nettle Tip, subject" --
- 10 Q. Pausing there again, sorry to interrupt you. That again
11 within 30 minutes was your state of mind that you
12 recorded on this document?
- 13 A. Yes, sir.
- 14 Q. As I said, before you knew any issue about
15 identification?
- 16 A. The only person that I had spoken to, since then, was
17 Trojan 84 and then after that I made some phone calls to
18 some other people to get some issues arranged.
- 19 Q. Well, we will hear in due course that the surveillance
20 officers did not debrief, in other words get together to
21 look at their log and assess it, until I think it's 8.40
22 that evening, sometime around 8 o'clock in the evening,
23 so way after you have written -- all right.
- 24 Yes, carry on, sorry?
- 25 A. Sorry.

1 "... Nettle Tip, subject made phone calls and text
2 messages seen to be made, subject seen to be nervous, no
3 bag seen but still posed a threat, body devices
4 et cetera."

5 Q. Right. That is the point that we were talking about
6 before, that is to say, the explosives hidden on
7 an individual, not necessarily in a bag?

8 A. Yes, sir.

9 "The risk to the public uppermost in my mind, this
10 was an identified suicide terrorist who posed
11 an imminent and immediate threat to the public."

12 Q. I think it's the other way around, actually.

13 A. "... immediate and imminent threat to the public".

14 Q. The meaning is the same. Just to conclude, if you
15 would, the rest of your notes?

16 A. "The contingency for non-compliance has been discussed
17 and explained that if the officers perceive a threat
18 from the subject which could be life-threatening to
19 police and public."

20 Q. But your view -- forget about anything that happened on
21 the tube -- as recorded in that document -- I say your
22 view, and the view of the command team, was that this
23 was not only an identified suicide terrorist but an
24 individual who posed an immediate and imminent threat to
25 the public?

1 A. Yes, sir. That was a precis of my thoughts at that time
2 directly after the incident.

3 MR STERN: Thank you very much.

4 SIR MICHAEL WRIGHT: Thank you, Mr Stern. Ms Leek?

5 Questions from MS LEEK

6 MS LEEK: Mr Esposito, I ask questions on behalf of Andrew,
7 Inspector ZAJ, Trojan 84 and the rest of the firearms
8 officers on the ground.

9 I particularly want you to assist in establishing
10 the sequence of events as far as your contact with
11 Trojan 84 is concerned and your relative roles on the
12 morning. Now, I know it's very difficult to remember
13 back then because at the time the events were unfolding,
14 precisely what time it was was not uppermost in your
15 mind?

16 A. No, it wasn't.

17 Q. Let us go back to the early calls on the day. You made
18 a telephone call to Trojan 84 from your mobile phone to
19 his at, I think, 7.15 in the morning?

20 A. Yes, that's correct.

21 Q. At that stage, he was at Lemman Street?

22 A. That's correct.

23 Q. You remember that?

24 A. Yes.

25 Q. There was a conversation lasting five minutes and 8

- 1 seconds?
- 2 A. That's correct.
- 3 Q. I think at that time you gave him some basic details,
4 very basic details, about the operation that he was
5 going to be involved in?
- 6 A. Yes, I had just come out from a meeting and I needed to
7 pass on the information and their instructions as to
8 what they were then going to do.
- 9 Q. I think we will hear that you told him that the subject,
10 it concerned the subject Hussain Osman who was believed
11 to have been involved in the failed bomb attack on the
12 21st?
- 13 A. Yes.
- 14 Q. So right from the outset he knew that he was dealing
15 with a suspected suicide terrorist?
- 16 A. That was the intelligence around those premises at that
17 time.
- 18 Q. I think you gave Hussain Osman's date of birth?
- 19 A. I could have -- I gave him an awful lot of information
20 that had been given to me.
- 21 Q. You gave him the address?
- 22 A. Yes, absolutely.
- 23 Q. The details of the surveillance team leader and his
24 telephone number, I think?
- 25 A. That would be a normal thing for me to give.

- 1 Q. You told him who the Silver Commander was?
- 2 A. Yes.
- 3 Q. And where and when he would be meeting him?
- 4 A. Yes.
- 5 Q. I think you also told him that hollow grain ammunition
6 had been authorised at that stage?
- 7 A. Yes.
- 8 Q. The next call was from your mobile phone at 7 minutes
9 past 8?
- 10 A. Yes.
- 11 Q. You had a call lasting just over three minutes, and
12 I think at that point he was on the way to New Scotland
13 Yard?
- 14 A. I made a lot of calls to him that morning, some on my
15 mobile phone and some on a landline.
- 16 Q. At that point, he was on his way to pick up Silver?
- 17 A. Yes.
- 18 Q. To head off to Nightingale Lane?
- 19 A. Yes.
- 20 Q. I think we have heard from you that there was a call
21 from him to you at just after quarter past 8, telling
22 you that he was arriving at New Scotland Yard, wanting
23 to know where you and Silver were?
- 24 A. (Witness nods).
- 25 Q. Then we have two sources for establishing the sequence

- 1 of events, telephone calls and Callum's log. Now,
2 I think you have explained that Callum's log wasn't
3 necessarily what we would call a log?
- 4 A. No.
- 5 Q. What it was was a record of what he was overhearing in
6 the control room?
- 7 A. Yes.
- 8 Q. We know that there was a briefing at Nightingale Lane,
9 we are going to hear more about that later today and
10 tomorrow, and at the end of that meeting, Trojan 84 gave
11 an update on information as to the current strategy
12 around the address?
- 13 A. (Witness nods).
- 14 Q. I think you had actually spoken to Trojan 84, had you
15 not, during the course of Silver giving his briefing?
- 16 A. I did speak to him. Where exactly it was in that, again
17 I can't say.
- 18 Q. If we look at Callum's log, documents page 349, we can
19 see that the stated intention has been set out at 0845:
20 "Any identified subject from Scotia Road address..."
- 21 A. That's correct.
- 22 Q. "... to be detained."
- 23 Then that stated intention five minutes later is
24 passed on by you or by somebody to Trojan 84?
- 25 A. That's correct.

- 1 Q. So when, at the end of the briefing, he sets out what
2 the current strategy is, or the current tactics,
3 whatever you want to call it, that has come from the
4 control room, a matter of moments before?
- 5 A. That's right.
- 6 Q. I think we will also hear from him that during the
7 course of that update, he told the officers present that
8 an interception should take place as soon as possible
9 away from the address, trying not to compromise it?
- 10 A. That's correct.
- 11 Q. That had also come from the control room at that stage?
- 12 A. Yes.
- 13 Q. That there was an OP, observation post van in place?
- 14 A. Yes, that's correct.
- 15 Q. With a view of the communal door of the premises?
- 16 A. Yes.
- 17 Q. There were a number of flats within?
- 18 A. (Witness nods).
- 19 Q. He also told them, which had also come from you, that
20 a number of subjects had left by the door and been
21 eliminated?
- 22 A. Yes.
- 23 Q. By that, we take it to understand from what you said
24 yesterday, that they had been eliminated as possible
25 suspects?

- 1 A. Yes.
- 2 Q. Now, various of the firearms officers say in their
3 statements, and we will hear from them, that they were
4 led to believe by Trojan 84 or by Silver or by somebody
5 at the briefing that buses had been suspended at a bus
6 stop. We will hear from Trojan 84 that he doesn't
7 recall if he told them this or not. But if we look at
8 Callum's log, page 349, at 0856, I think we will see
9 that it's fair to say that at some stage within the
10 control room, some people were under the impression that
11 the bus stop had been suspended, and we have heard that
12 evidence before?
- 13 A. It would appear so.
- 14 Q. And that somebody in the control room passed this on to
15 Silver or to Trojan 84?
- 16 A. As it would appear, yes.
- 17 Q. The next call that we have on record between you and
18 Trojan 84 -- and you said there may have been calls from
19 landlines in the control room that we have not seen --
20 is at 9.44 when Trojan 84 calls you; yes?
- 21 A. Yes.
- 22 Q. We know that from --
- 23 A. It is the records.
- 24 Q. -- the phone records, and at this stage the subject is
25 on the bus, we know that, he is on his way towards

- 1 Brixton, he is on the first bus. Trojan 84 has already
2 spoken to Derek at this stage, to establish the location
3 of the bus?
- 4 A. As I understand, yes.
- 5 Q. Do you recall him telling you that he was at the
6 TA Centre and had spoken to the surveillance team leader
7 to find out the location of the bus?
- 8 A. I knew that they were at the TA Centre.
- 9 Q. There is then some discussion, I think, brief
10 discussion, about the firearms team getting behind the
11 bus?
- 12 A. Yes, that's correct.
- 13 Q. It may be at that stage, it may be some time a little
14 later?
- 15 A. Yes.
- 16 Q. Difficult to recall at this stage?
- 17 A. It is.
- 18 Q. There is a lot going on, and there is no precise record
19 of the timings in relation to this, as we understand it?
- 20 A. (Witness nods).
- 21 Q. But at this stage, when the firearms team are first told
22 to get behind the bus, that means hang back behind the
23 surveillance team behind the bus?
- 24 A. Yes, that's correct.
- 25 Q. That's right, isn't it?

1 A. Because you don't want to compromise the operation at
2 this time.

3 Q. Because this is, as we have heard, a MASTS operation?

4 A. Yes.

5 Q. Firearms teams and surveillance teams conduct these
6 sorts of operations on a very, very regular basis?

7 A. Every day. Absolutely.

8 Q. Everybody understands that at this phase of the
9 operation, the green phase, they are keeping well back?

10 A. Yes.

11 Q. There is no urgency, they don't have to get immediately
12 to a location to carry out an interception?

13 A. They are waiting for an instruction.

14 Q. Absolutely. I think the request to get behind the bus
15 comes from you to Trojan 84?

16 A. It's quite possible.

17 Q. In a situation where you have got a DSO and you have got
18 a possible identification, it's inconceivable, isn't it,
19 that one of the officers on the ground would make
20 a decision to deploy, because what if somebody comes
21 out? That's the whole point of having a DSO, isn't it?

22 A. An officer on the ground wouldn't make an independent
23 decision. The instructions, the training are that where
24 there is a DSO involved, they get themselves into
25 a position, but they never deploy until they are told.

- 1 Q. Exactly. And even to get behind the bus to come up in
2 the green phase of the operation, they would not do that
3 without an order from the control room, because they
4 don't know the totality of the intelligence?
- 5 A. No.
- 6 Q. Is that fair?
- 7 A. Yes, it is fair.
- 8 Q. Now, that telephone call finishes at 0945 and 11 seconds
9 to be precise, and the next recorded contact between
10 you -- when I said recorded I don't mean tape recorded
11 obviously -- but the next contact on record between you
12 and Trojan 84 is when Trojan 84 calls you at 0959 and 36
13 seconds?
- 14 A. That's correct.
- 15 Q. That is the beginning of what you have called the open
16 line conversation?
- 17 A. Yes.
- 18 Q. That open line continued until after Mr de Menezes has
19 been shot?
- 20 A. Yes.
- 21 Q. We heard from a witness, I think it was last week, it
22 might even have been the week before, that you said
23 words to the effect to Trojan 84 of, "Where the hell are
24 you?"
- 25 A. Yes.

- 1 Q. Had you in fact tried to call him a couple of times on
2 that line and when he phoned you back you said, "Where
3 the hell were you?" Words to that effect?
- 4 A. Words to that effect, yes.
- 5 Q. Just so that we can clear up, at that point it's not
6 "Where the hell's the firearms team?" because no order
7 has been given by that stage?
- 8 A. No, that is my recollection and it is something that
9 I have talked about.
- 10 Q. Lest it should be understood that the firearms team had
11 been given some sort of order and not complied with it,
12 that's absolutely not the case?
- 13 A. At that time there had been no order given. To all
14 intents and purposes, they were still following the bus,
15 they were just getting in contention.
- 16 Q. Right.
- 17 SIR MICHAEL WRIGHT: Well, it follows from that, and
18 I understand how the thing is supposed to work, that
19 there is inevitably going to be a delay.
- 20 A. Yes, sir.
- 21 SIR MICHAEL WRIGHT: Can't say how much, there will
22 inevitably be a delay between the order, "Make the
23 stop", and the firearms team being able to do it.
- 24 A. Yes, sir.
- 25 SIR MICHAEL WRIGHT: Because they have to move through and

- 1 then do the job.
- 2 A. Indeed, sir.
- 3 SIR MICHAEL WRIGHT: I see.
- 4 MS LEEK: I'm going to come to this, Mr Esposito, because in
- 5 some firearms operations, in most firearms operations in
- 6 fact involving surveillance and firearms and the traffic
- 7 light system, what happens is that there is an order to
- 8 go to amber.
- 9 A. Amber, yes.
- 10 Q. At that point, control is handed over from the
- 11 surveillance team, who have got an eyeball on the
- 12 subject?
- 13 A. That's correct.
- 14 Q. To the firearms team?
- 15 A. That's correct.
- 16 Q. And effectively what they are saying, or what the
- 17 control room is saying is: we are handing over,
- 18 surveillance to firearms, that's the person we want you
- 19 to intercept and it's for you to decide the best
- 20 position and the safest position to carry out that
- 21 interception?
- 22 A. That's correct.
- 23 Q. It's at that point that the firearms team themselves,
- 24 the team leader on the ground, makes an assessment as to
- 25 when to go to state red?

- 1 A. Yes.
- 2 Q. Because they themselves can see where this individual
3 is, they can see what the surrounding environment is,
4 and they make that decision as to when to go to state
5 red?
- 6 A. That's correct.
- 7 Q. In this situation, I want to make it clear to the jury,
8 that was never handed over to Trojan 84 or to Ralph?
- 9 A. No.
- 10 Q. No?
- 11 A. Control was retained in the control room.
- 12 Q. Absolutely, and I accept that it's very fast-moving.
13 What we want to establish is what happened after the
14 open line at 9.59 commenced with Trojan 84. If we can
15 look at your interview, which is at page 308 of the
16 exhibits bundle, I think you say this about what happens
17 once you have got Trojan 84 on the mobile, it's about
18 halfway down the page:
- 19 "I remember speaking to Commander Dick in relation
20 to options..."
- 21 So once you have got him on the phone, you have got
22 an open line but you are also speaking to
23 Commander Dick?
- 24 A. Yes.
- 25 Q. It's not a matter of getting straight on the phone and

1 saying, "Carry out this interception", or anything along
2 those lines:

3 "I remember speaking to Commander Dick in relation
4 to options. Now exactly what we talked about, what had
5 been going through my head is, is it possible to stop
6 the bus, is it viable to stop that bus ..."

7 We know at this point that the bus is between
8 Brixton and Stockwell, and at this point firearms
9 officers are behind surveillance, behind the bus, some
10 way behind surveillance, I think we heard?

11 A. Yes.

12 Q. "... should we try and get ahead of the bus and put
13 somebody on the bus in order to do an interception..."

14 A. They are all options that I was thinking about and
15 considering.

16 Q. Absolutely, quite rightly so:

17 "... should we continue to follow the bus to wait
18 for the subject to get off and then do an interception
19 on it there and weighing all that up and also taking
20 into consideration where the firearms team was..."

21 So do we take it from that that Trojan 84 is telling
22 you at this point exactly where they were?

23 A. He was giving me updates as to the location.

24 Q. He is not telling you whether or not they're in a
25 position to do anything, because there's no order to do

1 anything?

2 A. No ... where they are.

3 Q. Right.

4 "The option that was best placed was to continue
5 with surveillance, continue to follow whilst the
6 firearms team caught up and get ready into a position to
7 do an interception."

8 But at that point no order is given?

9 A. No.

10 Q. What you are trying to establish is the location of the
11 firearms team in relation to where Mr de Menezes is?

12 A. Yes, that's correct.

13 Q. From what you had said about the relative roles of
14 yourselves in the command team and Trojan 84 and Silver
15 on the ground at this point, am I right in saying,
16 suggesting, that in an ordinary firearms operation,
17 Silver is generally out on the ground in the control car
18 with a sergeant from the firearms team who acts as the
19 tactical adviser and the Bronze commander?

20 A. Yes, if you have got a small single operation, that's
21 the command structure that's put in place.

22 Q. Right. In those cases, Silver on the ground is
23 responsible for the implementation of Gold's tactics?

24 A. Yes.

25 Q. With the advice of the tactical adviser?

- 1 A. Yes.
- 2 Q. In this case, the position is that as soon as there is
3 an identified or possibly identified subject, command is
4 assumed by the DSO and the responsibility for tactics
5 rests with you and the DSO, not with Trojan 84 and
6 Silver on the ground?
- 7 A. That's correct. They just implement the tactics that
8 have been decided from the control room when they are
9 told to implement them.
- 10 Q. So it's only if Silver needs tactical advice, which was
11 not the case here?
- 12 A. No.
- 13 Q. That Trojan 84 would have to give advice?
- 14 A. Mm.
- 15 Q. So effectively the position --
- 16 A. Sorry, the reason that they have a tactical adviser is
17 that if this would all of a sudden go to a static
18 location, then that's when they come in their own, that
19 they then become the eyes and ears of both myself and
20 the DSO in the control room, so they can feed back
21 actual information about what's happening.
- 22 Q. Because the situations can change from moment to moment?
- 23 A. Yes.
- 24 Q. Effectively the position is this: that Trojan 84 and
25 Silver are really at this point a conduit, they are the

1 means by which information is going up to the control
2 room?

3 A. Yes.

4 Q. And orders are being passed from the control room down
5 to the men on the ground?

6 A. That's correct.

7 SIR MICHAEL WRIGHT: Could I just go back a bit? I want to
8 ask you something about this proposition which I fully
9 understand, but the firearms squad follow on.

10 A. Sir.

11 SIR MICHAEL WRIGHT: So there will inevitably be a lapse of
12 time between their being given the order to carry out
13 a stop and them being actually able to do it.

14 A. Yes.

15 SIR MICHAEL WRIGHT: It seems to me that the difficulty that
16 arose here is that as the convoys of first of all the
17 bus and then the surveillance teams in their cars and
18 then the firearms teams in their cars, as they got
19 closer and closer to Stockwell tube station, the
20 available time to carry out a safe stop was diminishing?

21 A. Yes, it does, if the assumption is that the person is
22 getting off at Stockwell.

23 SIR MICHAEL WRIGHT: That we know actually happened.

24 A. Yes, but --

25 SIR MICHAEL WRIGHT: Let me just make the point and then you

1 can deal with it. That was against the background, as
2 he got nearer and nearer, as he got off the bus,
3 Commander Dick was indicating that her directions or her
4 orders were to be that he was not to be allowed down the
5 tube. So effectively the time available for the
6 firearms team to make a stop had got a cut-off point.

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: In other words, before he goes down the
9 tube, and that time space was shrinking all the time.
10 So there comes a time when, if the order to stop is
11 given, it can't be complied with, not safely anyway? Do
12 you see the point?

13 A. I do see your point, sir, but it is a fine line between
14 compromising the operation and putting themselves in
15 a position where they can effectively deal. If either
16 myself in the control room or the officers on the ground
17 perceive a possible threat, then I will say to them,
18 right, move forward, get a little bit closer, so in the
19 event of a person getting up and getting off the bus,
20 then you are closer to deal with it. But we still have
21 to maintain the integrity of the operation.

22 SIR MICHAEL WRIGHT: Not compromising it.

23 A. So it's a balance of threat and risk.

24 SIR MICHAEL WRIGHT: In the context of this whole operation,
25 bearing in mind that what you were focusing on was at

1 least a potential or a possible suicide bomber
2 associated with the Underground system, surely you could
3 have foreseen that the order that was going to come was,
4 "Don't let him go down the tube"?

5 A. I have to make sure that the firearms units don't
6 compromise the operations and then are starting to move
7 forward so they are in a position to intercept should
8 the order be given.

9 SIR MICHAEL WRIGHT: Yes. That's what I mean.

10 A. But I have to wait for the order.

11 SIR MICHAEL WRIGHT: I appreciate that. But if you were
12 expecting the order, if it was an order that you were
13 likely to get, you have got to get closer and closer and
14 closer as the timescale shortens, in order to be in
15 a position to carry out that order; yes?

16 A. Indeed, sir.

17 SIR MICHAEL WRIGHT: Yes. Having seen the compilation, it
18 looks as though they actually never got sufficiently
19 close?

20 A. I don't know how close they actually got --

21 SIR MICHAEL WRIGHT: We know because we have seen the
22 compilation, they were 75 seconds behind.

23 A. I can only anticipate what's going to happen, sir.

24 SIR MICHAEL WRIGHT: Yes, all right.

25 A. And make those decisions based on what's happening at

1 that time.

2 SIR MICHAEL WRIGHT: Very well. Yes, Ms Leek, sorry.

3 Actually, as I have interrupted you, I think, I am sure

4 we have been told this some time -- not by you, by

5 another witness some time ago. A hard stop, what's it

6 mean?

7 A. It actually deals more with vehicle interceptions than

8 full interceptions, and it's just a slang word for

9 a non-compliant police stop where --

10 SIR MICHAEL WRIGHT: We're told by another witness, I can't

11 remember who, that it was generally associated with the

12 use of vehicles?

13 A. Yes.

14 SIR MICHAEL WRIGHT: It is?

15 A. It's a vehicle stop.

16 SIR MICHAEL WRIGHT: There is a suggestion, it comes from

17 Owen, that an order for a -- I think I am right, I will

18 be corrected if I am wrong -- that the instruction "hard

19 stop" was given on this occasion?

20 A. I don't remember any instruction of hard stop being

21 given, sir.

22 SIR MICHAEL WRIGHT: Very well, sorry, Ms Leek, I'll give it

23 back to you now.

24 MS LEEK: Thank you, sir.

25 Officer, you said yesterday, I think it was page 89,

1 line 20, that:

2 "They will also take decisions that if they think
3 the intelligence is developing, then it might not
4 necessarily be waiting for an order from me, they would
5 take it on their own initiative..."

6 That was referring to the men on the ground.

7 Now, I think on the basis of what you have said, the
8 reality when you have got a DSO involved is that that
9 really would not be the case?

10 A. I would expect the officers on the ground to position
11 themselves, maybe a little bit closer, maybe further
12 back, depending on what is happening, depending on the
13 intelligence feed, but they definitely would not deploy
14 until the order had been given.

15 Q. The reality is they don't know what the totality of the
16 intelligence is, do they?

17 A. No.

18 Q. They are specifically told in their briefings that they
19 may not know all of the intelligence?

20 A. That's why there is a DSO as the decision-maker.

21 Q. You also said that once a person has been identified,
22 they -- as in CO19 -- will start to make ground. Again,
23 I don't think that's the case, is it, because of course
24 again they don't know the totality of the evidence, they
25 don't know if there is somebody else who needs to be

1 followed, not a matter for them, or Trojan 84, to make
2 a decision?

3 A. Not precisely, but they will listen to what's happening
4 and they will position themselves in respect of what the
5 anticipated end product will be.

6 Q. You were asked a lot of questions yesterday about
7 various tactics, and Mr Stern has covered this this
8 morning.

9 Is it right that in training, a very, very wide
10 range of options are trained to use in any given
11 scenario?

12 A. Absolutely, yes.

13 Q. In fact, in a particular scenario it could range from
14 negotiating to using CS spray?

15 A. Yes.

16 Q. To all sorts of things?

17 A. Yes.

18 Q. Using a taser, baton rounds, ultimately lethal force?

19 A. Yes.

20 Q. Much of the training is around a range of tactical
21 options in any given scenario?

22 A. Yes, that's correct.

23 Q. An order to intercept or to stop an individual in any
24 conventional firearms situation can range from simply
25 approaching the individual, saying "Armed police"?

- 1 A. Yes.
- 2 Q. To the complete opposite end of the spectrum?
- 3 A. It's the threat and risk that the officers perceive at
4 that time.
- 5 Q. Absolutely. However, officers are trained that where
6 they honestly perceive an imminent threat to themselves
7 or to another, they can use reasonable and necessary
8 force to neutralise that threat?
- 9 A. That's correct.
- 10 Q. In a situation where somebody is honestly believed to be
11 about to detonate a bomb, thereby potentially killing
12 a number of people in the vicinity, in fact there is
13 only one tactical option that they are trained for?
- 14 A. If that's their belief at that time, yes.
- 15 Q. We have heard about that from Mr Stern. So officers
16 being told to stop somebody would know that they have
17 a wide range of tactics at their disposal?
- 18 A. Yes.
- 19 Q. But if at any point they perceive an imminent threat,
20 they can use reasonable force to neutralise that threat?
- 21 A. It's the same in this as in any firearms operation.
- 22 Q. Where that threat is a bomb, there is little short of
23 lethal force that is going to prevent that?
- 24 A. Yes.
- 25 Q. Just coming back to the point on identification,

1 the Commissioner.

2 The Coroner five or ten minutes ago introduced
3 a discussion point for your comments upon, and it was
4 this:

5 "As the bus got nearer to Stockwell, the available
6 time to carry out a safe stop was diminishing."

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

8 Q. Now, would you agree that in relation to that point of
9 discussion, there is a considerable amount of hindsight?

10 A. Yes, sir.

11 Q. Because in the operations room that morning, you had no
12 idea at all as to where this man was going?

13 A. Absolutely none, sir.

14 Q. Just so that we don't concentrate too much upon the
15 possibility of his going to Stockwell, could you be
16 given the maps brochure, please. If you don't have it
17 could you take it out, and turn first to page 9. If we
18 could have that up on the screen as well, please.

19 Now, we must bear in mind throughout that you had no
20 idea when and where this man would get off the bus, and
21 if he were to get off the bus at or near to Stockwell,
22 one of the addresses that was featuring by this time was
23 40 Blair House?

24 A. That is correct, sir.

25 Q. As was indicated almost at the outset of this inquest,

- 1 that is very near to Stockwell station.
- 2 A. Yes, sir, it is.
- 3 Q. As it happens it's not so near but page 10, Corfe House,
4 another address that was featuring by this time, not
5 a significant distance away?
- 6 A. Yes, that's correct, sir.
- 7 Q. If we were to take the point of discussion further,
8 Mr Esposito, it would mean, would it not, that firearms
9 officers would have to be positioned at every single
10 Underground station within reach of the number 2 bus
11 route?
- 12 A. Yes, that's correct.
- 13 Q. If it is a valid point?
- 14 A. (Witness nods).
- 15 Q. The starting point being you had no idea where this man
16 was going to get off the bus, and did you have
17 sufficient manpower that day to station firearms
18 officers at every single Underground station within
19 reasonable reach of the number 2 bus route?
- 20 A. No, sir.
- 21 Q. Was that something you even contemplated doing that day?
- 22 A. Not really, because we were -- well, we were considering
23 the transport system, but it wasn't considering to post
24 officers to individual stations to do interceptions.
25 It's always an option and it may have been an option

1 that we discussed.

2 Q. Where this man could have gone, the possibilities were
3 infinite?

4 A. Yes, sir.

5 Q. Can I now turn to other matters, please, and I'm going
6 to touch not only the events of that day but also
7 training.

8 You have been asked many questions about firearms
9 training, Kratos -- to use the term generically to cover
10 all of the suicide possibilities -- training and whether
11 or not a threshold exists, below which a firearms
12 officer must not open fire.

13 Now, first of all Kratos training. The development
14 of the Kratos policy, was that taken seriously by the
15 Metropolitan Police Service before July 2005?

16 A. Absolutely, sir.

17 Q. As we have heard, you consulted experts from around the
18 world in the development of that policy?

19 A. Yes, sir.

20 Q. Confronting a suicide bomber or a potential suicide
21 bomber is the most difficult situation a firearms
22 officer is likely to face; would you agree?

23 A. Absolutely, yes.

24 Q. The reasons for that are obvious but let us spell them
25 out: no other criminal has the desire to kill both

- 1 himself and those around him?
- 2 A. No.
- 3 Q. In terms of the training that is given, is it made clear
- 4 that it is in fact impossible to create a profile of
- 5 a suicide bomber?
- 6 A. Yes, that runs throughout the training.
- 7 Q. Mustn't concentrate on age, gender or ethnicity?
- 8 A. No, sir.
- 9 Q. A suicide bomber can come in any form?
- 10 A. Yes, sir.
- 11 Q. And the bomb can be carried in almost any form?
- 12 A. Almost any, yes, sir.
- 13 Q. Either openly or covertly?
- 14 A. That's correct.
- 15 Q. Amongst the behavioural indicators a firearms officer
- 16 should look for, and this is taken from the training,
- 17 Mr Esposito, is whether or not a potential suicide
- 18 bomber is looking anxious. There is not much radical
- 19 science involved in that proposition. But is it for
- 20 that reason as well as obvious common sense that you and
- 21 others placed importance on the reports that the subject
- 22 was acting nervously, was jumpy, on the bus?
- 23 A. They are all indicators, sir, yes.
- 24 Q. That this may be a suicide bomber?
- 25 A. It's an indicator, yes.

- 1 Q. As to the threshold, Mr Mansfield asked you a number of
2 questions about the threshold which is required before
3 a police officer can take a critical shot. You said
4 that there was none?
- 5 A. Not to my knowledge, sir, no.
- 6 Q. I just want to look behind the reasons for that answer,
7 if I may. Training and manuals and guidance are vital,
8 but they can never cover every eventuality?
- 9 A. No, they can't, sir.
- 10 Q. Is it for that reason that emphasis is placed when
11 training SFOs in the core skills that are required to
12 exercise judgment and make decisions?
- 13 A. (Witness nods).
- 14 Q. Because that is what is of principal importance?
- 15 A. It's the core of all their training.
- 16 Q. Is it for that reason, amongst others, that SFOs are
17 trained so frequently?
- 18 A. Yes, they conduct five days' training every six weeks.
- 19 Q. Is there any other branch of the police force that you
20 are aware of that is trained so frequently?
- 21 A. No, sir.
- 22 Q. Is the essence of this firearms training that each
23 individual officer must use his judgment and make
24 an assessment of the threat and risk which is present?
- 25 A. Yes, sir. For all normal firearms operations.

- 1 Q. Is it for that reason that, on a number of occasions
2 yesterday, when Mr Mansfield was asking you about the
3 conduct and actions of those who shot Mr de Menezes, you
4 said, as you had to say: only the firearms officers can
5 give you those answers.
- 6 A. Yes, sir.
- 7 Q. Because it is their judgment, their assessment, their
8 decision that matters?
- 9 A. Yes, sir.
- 10 Q. We are focusing for obvious reasons upon one particular
11 type of threat, namely that posed by the suicide bomber.
12 But firearms officers regularly have to make difficult
13 life or death decisions?
- 14 A. Yes, sir, they very often do, I am afraid.
- 15 Q. Perhaps we forget what other threats and dangers they
16 face. Kidnappers, for example, with their victims. Are
17 they about to kill them.
- 18 A. Yes, sir.
- 19 Q. A life or death decision that firearms officers have to
20 make?
- 21 A. Yes, sir.
- 22 Q. Hostage takers, are they about to kill their hostages?
- 23 A. Yes, sir.
- 24 Q. Another life or death decision with which firearms
25 officers can be faced?

- 1 A. That's correct.
- 2 Q. Robbers, are they about to shoot the security guard
3 taking cash into the bank?
- 4 A. That's correct.
- 5 Q. Perhaps a more frequently faced life or death decision?
- 6 A. Yes.
- 7 Q. Is it for that reason that the emphasis is placed on
8 individual judgment and responsibility?
- 9 A. Yes, it is, and that's why they have the level of
10 training that they do.
- 11 Q. If you try to cover every conceivable situation and
12 circumstance, you would probably never stop training
13 these officers?
- 14 A. No, sir. You have to have the core skills. Everything
15 comes from those core skills.
- 16 Q. I want to look, please, and I'm going to look at very
17 little of the documentation for the reasons that you
18 have just given, Mr Esposito, but it's document
19 page 290, please, and this is from the ACPO firearms
20 manual, one of the important manuals, Mr Esposito. Yes?
- 21 A. Yes, sir.
- 22 Q. Could we start, please, at 2.1:
23 "Firearms may be fired by AFOs [authorised firearms
24 officers]..."
- 25 A. That's correct.

1 Q. "... in the course of their duty only when absolutely
2 necessary after traditional methods have been tried and
3 failed or must, from the nature of the circumstances, be
4 unlikely to succeed if tried."

5 A. That's correct, sir.

6 Q. "Police should not normally fire warning shots. There
7 are serious risks associated with the firing of such
8 shots, which have the potential to cause unintentional
9 death or injury. They may also lead a subject or other
10 officers to believe that they are under fire. (Warning
11 shots are not permitted in Scotland).

12 "An officer will only be justified in resorting to
13 the discharge of a warning shot in the most serious and
14 exceptional of circumstances, where failure to do so
15 would result in the loss of life or serious injury.
16 Police officers who discharge a firearm under any
17 circumstances must give full consideration to public
18 safety."

19 A. That's correct, sir.

20 Q. "The test of using 'force which is no more than
21 absolutely necessary' as set out in Article 2(2) of the
22 European Convention on Human Rights, should be applied
23 in relation to the operational discharge of any weapon."

24 Then we come to the matter that we have just been
25 discussing, Mr Esposito, individual officers'

1 responsibility.

2 "The ultimate responsibility for firing a weapon
3 rests with the individual officer, who is answerable
4 ultimately to the law in the courts."

5 That is stressed throughout training?

6 A. Yes, sir.

7 Q. "Individual officers are accountable and responsible for
8 all rounds they fire and must be in a position to
9 justify them in the light of their legal
10 responsibilities and powers. Any discharge of a weapon
11 other than in training, whether intentional or
12 otherwise, must be reported by the officer concerned.
13 The pointing of a firearm at any person may constitute
14 an assault and must also be reported and recorded.

15 "AFOs shall identify themselves as such and shall
16 give a clear warning of their intent to use firearms
17 with sufficient time for the warnings to be observed,
18 unless to do so would unduly place any person at a risk
19 of death or serious harm, or it would be clearly
20 inappropriate or pointless in the circumstances of the
21 incident."

22 Finally:

23 "Authority to fire.

24 "A Gold or Silver Commander can authorise when shots
25 may be fired but such authorisation will not exempt

1 an individual from their responsibility. No general
2 rule can be laid down and much will depend on the
3 circumstances of individual incidents."

4 Would you say that that page represents the --

5 A. Yes.

6 Q. -- the core approach that a firearms officer must take
7 to any situation?

8 A. Yes, sir.

9 Q. In case anyone were to entertain the idea that
10 a firearms officer should only open fire if ordered to
11 do so, or if given authority or consent from a superior
12 officer, would that be extremely dangerous and
13 unworkable?

14 A. Yes, it would be.

15 Q. Can you explain why, please?

16 A. Because only the officer at that point can assess the
17 threat and if he is waiting for an order to fire and
18 a threat is -- emerges in front of them, then their
19 hands are tied.

20 Q. And may be killed?

21 A. And may be killed, sir.

22 Q. Along with others?

23 A. Yes, sir.

24 Q. The legal framework in which this training is given, it
25 is not a framework that applies only to firearms

- 1 officers, is it?
- 2 A. No, sir.
- 3 Q. The law of self-defence applies to every individual,
4 whether a firearms officer or not?
- 5 A. Absolutely.
- 6 Q. It is the same law that enables those who face a burglar
7 in their house, and who fear that they are about to be
8 under attack?
- 9 A. Yes.
- 10 Q. The same principle applies, and it's the same principle
11 that applies to anyone who feels under fear or threat of
12 attack in the street?
- 13 A. That's correct, sir, yes.
- 14 Q. There is no special law for a police officer?
- 15 A. No.
- 16 Q. It is the same principle that applies to everyone?
- 17 A. (Witness nods).
- 18 Q. Can I turn to this operation, and I haven't got --
- 19 SIR MICHAEL WRIGHT: I was going to say, Mr Horwell, if you
20 come to a convenient point.
- 21 MR HORWELL: I have. I had forgotten the early start.
- 22 SIR MICHAEL WRIGHT: I haven't.
- 23 MR HORWELL: I wasn't here for the start and I apologise for
24 that, but it would be a convenient moment.
- 25 SIR MICHAEL WRIGHT: One question that I have been given. I

1 don't think it will get anybody anywhere, but I ought to
2 ask you this. I think a member of the jury is probably
3 drawing on his or her recollection of events.

4 In the fortnight that we are dealing with, between
5 7/7 and 22/7, was there a wide deployment of police
6 officers generally on the tube?

7 A. My understanding was yes, there was, there was
8 an increased patrolling throughout that time.

9 SIR MICHAEL WRIGHT: Specialist firearms officers?

10 A. No, sir. They were engaged in other operations
11 throughout that time.

12 SIR MICHAEL WRIGHT: So if there was a recollection that
13 a lot of police officers were being deployed on the tube
14 system, they weren't armed?

15 A. No, sir.

16 MR HORWELL: No. And sir, what might in fact be behind that
17 question, we can see two police officers outside
18 Stockwell at the relevant time.

19 SIR MICHAEL WRIGHT: They are not armed.

20 MR HORWELL: I have no information or evidence whatsoever to
21 suggest that they were armed, no.

22 SIR MICHAEL WRIGHT: I think what lies behind the question,
23 as the questioner has in fact made it clear, was the
24 possibility of deploying somebody who by good fortune
25 might happen to be on a train somewhere near, but we

1 have the answer, they weren't armed.

2 MR HORWELL: They weren't armed, no.

3 SIR MICHAEL WRIGHT: It's an early start; ten past.

4 (11.00 am)

5 (A short break)

6 (11.10 am)

7 (In the presence of the jury)

8 SIR MICHAEL WRIGHT: So far as time keeping is concerned,

9 Mr Horwell, I would like to break for lunch at the
10 ordinary time but, for Jo's sake, we will have another
11 break at about quarter past 12.

12 MR HORWELL: Mr Esposito, I was turning to this operation.

13 A. Sir.

14 Q. And a point that has appeared throughout the evidence,
15 the orange team. You have been asked about it, and you
16 have given certain evidence, and I just want to see if
17 we can summarise the effect of what you have said.

18 We know that the orange team were kept on duty
19 overnight part of the time at Lemn Street, part of the
20 time at New Scotland Yard?

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

22 Q. They were there for this operation and any terrorist
23 threat?

24 A. Yes, sir.

25 Q. Now, the strategy which was set at 4.55 that morning was

- 1 to send as soon as possible, as soon as reasonably
2 practicable were the words used by Mr McDowall, two
3 firearms teams, one to each of the two addresses?
- 4 A. That's correct, sir.
- 5 Q. Until two teams were available, would you have
6 considered it sensible to keep the one team in a central
7 location between the two addresses?
- 8 A. Yes, that would have been the sensible thing to do and
9 that's what was done.
- 10 Q. If you had been asked, and no-one is suggesting that you
11 were asked, Mr Esposito, if you had been asked, would
12 you have agreed with the keeping of orange at New
13 Scotland Yard?
- 14 A. Yes, I would have.
- 15 Q. Until the two addresses could each have a firearms team
16 located near to them?
- 17 A. Yes, sir.
- 18 Q. Evidence has been given that, until the firearms teams
19 arrived near to these two locations, the surveillance
20 officers were being supported if necessary by ARVs
21 and/or TSTs?
- 22 A. That's correct, sir.
- 23 Q. We have heard evidence as to the fact that an ARV is
24 stationed at Lambeth?
- 25 A. That's correct, yes.

- 1 Q. We keep hearing that they are not trained to the same
2 level as SFOs?
- 3 A. That's correct, but they are still highly trained, sir.
- 4 Q. That's the point, Mr Esposito. Although officers who
5 man ARVs, or are part of a TST team, are not trained to
6 the very high level of SFOs, they are still highly
7 trained?
- 8 A. Yes, sir.
- 9 Q. In case we lose sight of what an ARV may be called upon
10 to do, if a report came in now that a potential suicide
11 bomber was walking down a main London street --
- 12 A. They would be the first responders.
- 13 Q. An ARV would be the vehicle called to that scene and
14 an ARV officer may have to confront an actual suicide
15 bomber?
- 16 A. Yes, sir.
- 17 Q. The topic of arrest. To protect the public, the police
18 will arrest not only certain criminals but also possible
19 criminals?
- 20 A. Yes, sir.
- 21 Q. The power of arrest is wide?
- 22 A. Sir.
- 23 Q. A police officer may arrest anyone whom he has
24 reasonable grounds for suspecting of having committed
25 an arrestable offence?

- 1 A. Sir.
- 2 Q. Obviously anything connected with terrorism, explosives
3 or mass murder is an arrestable offence?
- 4 A. Yes, sir.
- 5 Q. We will all be grateful to hear.
6 So it's reasonable grounds for suspecting?
- 7 A. Yes, sir.
- 8 Q. Therefore if police officers believe on reasonable
9 grounds that an individual is a suicide bomber and had
10 attempted to murder countless people on the previous
11 day, that is sufficient cause for an arrest?
- 12 A. Yes, sir.
- 13 Q. Now, in relation to the point of identification, there
14 is nothing wrong, is there, Mr Esposito, in principle in
15 waiting to see whether the quality of the identification
16 improves or diminishes?
- 17 A. That's the proper thing to do, sir.
- 18 Q. That is what happened in this case?
- 19 A. Yes, sir.
- 20 Q. As we know from your evidence, the quality of the
21 identification had three stages to it?
- 22 A. Yes, sir.
- 23 Q. A possible, a not, and the third stage you believe to be
24 a positive identification for Osman, Nettle Tip?
- 25 A. Yes, sir.

- 1 Q. Firearms officers know perfectly well that the persons
2 they stop may or may not be criminals?
- 3 A. Yes, sir.
- 4 Q. And they have to determine, it's the point that we were
5 covering before the break, and only they can determine
6 the threat that is posed?
- 7 A. Yes, sir.
- 8 Q. By what is happening in front of them?
- 9 A. Yes, sir.
- 10 Q. Anti-surveillance. You have already highlighted the
11 importance of the reports that Mr de Menezes was acting
12 in a nervous or jumpy manner?
- 13 A. Yes, sir.
- 14 Q. It fits in with one of the potential indicators for the
15 behaviour of a suicide bomber?
- 16 A. Yes, sir.
- 17 Q. As to the events at Brixton station, you were told that
18 Mr de Menezes got off and then got back on to the same
19 bus?
- 20 A. Yes, sir.
- 21 Q. Mr Esposito, you were not told that Brixton station was
22 closed?
- 23 A. No, I had no idea at that time, sir.
- 24 Q. Did you that morning, as these reports were coming
25 through, did you believe that this man was using an old

- 1 and established anti-surveillance technique?
- 2 A. Yes, sir.
- 3 Q. I am sure it is obvious to us all, it is a technique
- 4 that is employed either to lose those who are following
- 5 you or to identify whether or not people are following
- 6 you?
- 7 A. That's correct, sir.
- 8 Q. So if somebody gets off a tube train as the doors are
- 9 closing and someone else jumps off through other doors,
- 10 there is a reasonable prospect that that person is
- 11 following?
- 12 A. That's correct, sir.
- 13 Q. In this example, if a person had left the bus and then
- 14 got back on it with the subject, the subject of
- 15 a terrorist may well have believed that he was being
- 16 followed?
- 17 A. Yes.
- 18 Q. Classic --
- 19 SIR MICHAEL WRIGHT: Yes. I understand the point as it
- 20 appeared to you, but of course the officers who were
- 21 following him, the surveillance officers, presumably --
- 22 we will find out when they give evidence -- were able to
- 23 see that Brixton was closed?
- 24 A. I never heard a report back that it was closed at that
- 25 time. I only learnt later that it was closed, sir.

- 1 MR HORWELL: I think we must very much keep an open mind on
2 that, and Mr Esposito, as you have said, the fact is you
3 were never told that Brixton station was closed?
- 4 A. (Shakes head)
- 5 Q. Again, so that the jury understand the wide use of this
6 technique, it is found in Al Qaeda manuals?
- 7 A. Yes, sir.
- 8 Q. We have one in our papers. I will not ask for it to be
9 put up, because it doesn't only apply to Al Qaeda. The
10 IRA used such techniques, as do criminals?
- 11 A. Yes, sir.
- 12 Q. The DSO. The point was made by Mr Mansfield yesterday
13 that the DSO at the Notting Hill Carnival is based on
14 the ground?
- 15 A. Yes, that's correct.
- 16 Q. At the carnival itself. A comparison was made that the
17 DSO here, rather than be with the firearms officers, was
18 located at New Scotland Yard?
- 19 A. That's correct.
- 20 Q. Now, there are a number of points that emerge from that
21 comparison. First of all, although each role has the
22 same title --
- 23 A. Yes.
- 24 Q. -- the two types of DSO --
- 25 A. Are entirely different, sir.

1 Q. -- are entirely different and not in any sense
2 comparable?

3 A. Not to me, sir, no.

4 SIR MICHAEL WRIGHT: Notting Hill Carnival is a classic
5 Clydesdale situation, isn't it?

6 A. Not really, sir, no.

7 SIR MICHAEL WRIGHT: It is once you get an alarm, once you
8 get --

9 A. There is a whole lot of other things --

10 MR HORWELL: Yes, could you just explain, I know that you
11 touched on this yesterday, Mr Esposito, but as the topic
12 is raised, we have to cover it, the difference between
13 a Notting Hill Carnival type DSO and a Kratos DSO?

14 A. Notting Hill Carnival DSO is there to assess what is
15 happening in a public order situation, to see whether or
16 not a particular type baton rounds need to be used.

17 SIR MICHAEL WRIGHT: Nothing to do with suicide bombers at
18 all?

19 A. It's absolutely nothing to do with suicide bombers.
20 A DSO for this type of operation is to make critical
21 decisions as to the tactics that are going to be used to
22 intercept a person believed to be a suicide terrorist.
23 So it's an entirely different thing.

24 MR HORWELL: It's a pity they have the same title.

25 A. Yes, sir.

- 1 Q. But each role could not be more different?
- 2 A. Absolutely not, sir.
- 3 Q. The point that was sought to be made yesterday, well,
4 surely it's better to have the DSO on the ground rather
5 than in an operations room at New Scotland Yard; do you
6 agree with that?
- 7 A. My view is that the DSO needs to be in the control room,
8 because of all the information that's coming in. If the
9 DSO is on the ground, they have a very narrow viewpoint
10 on what they are dealing with, they are almost
11 micromanaging that particular operation, but they need
12 to be able to have access to information, access to
13 advisers, not only myself, other advisers, and that
14 would just be impossible to manage if you were in
15 a vehicle out on the ground.
- 16 Q. And access to the intelligence room --
- 17 A. Absolutely.
- 18 Q. -- presumably. And of course that question itself poses
19 another question: DSO on the ground; which ground? Do
20 you have a DSO at Scotia Road and Portnall, DSO at some
21 of the other addresses that were becoming important as
22 the morning increased? DSOs are a rare resource?
- 23 A. Yes, they are, sir.
- 24 Q. In your opinion, following the events that took place
25 that morning, do you believe that there was any scope

1 for confusion as for the use of a DSO in this particular
2 operation?

3 A. Not to me, sir, there wasn't, no. I was clearly aware
4 of what the role of the DSO was, what my role and how
5 that was going to interact with the other command.

6 Q. Now, we have dealt with the differences between SFOs,
7 the highest level of training for a firearms officer,
8 and levels below for firearms officers, TSTs and ARVs.
9 Can we now turn to the difference, please, between the
10 respective abilities as you then understood them between
11 SO12 officers and SFOs in the context of making an armed
12 intervention or stop, whatever word is appropriate.

13 SO12 officers are not trained armed police officers?

14 A. No, their primary role is as surveillance officer, who
15 is armed for their protection and protection of the
16 public as a result of an emerging threat. But their
17 core responsibility is as surveillance officer, as
18 opposed to CO19 officers who are firearms officers.

19 Q. From your understanding, and you can obviously only give
20 evidence from your understanding, Mr Esposito, but how
21 does their level of training compare to an SFO officer?

22 A. It's incomparable, sir, it's just a huge difference
23 between the skill level of one and the skill level of
24 the other.

25 SIR MICHAEL WRIGHT: We were told some time ago now that

- 1 S012 officers are not expected to make arrests?
- 2 A. They don't normally make arrests, sir, because of the
3 nature of their work, because they are primarily
4 surveillance officers. If they then make arrests, they
5 compromise their identity --
- 6 SIR MICHAEL WRIGHT: They blow their cover, to use the
7 colloquial term?
- 8 A. Yes, sir.
- 9 SIR MICHAEL WRIGHT: That's why in this case, when at one
10 stage it was thought that Mr de Menezes was not
11 Nettle Tip, S013 officers were set forward to make the
12 arrest?
- 13 A. Yes, sir.
- 14 SIR MICHAEL WRIGHT: The idea was that S012 should not?
- 15 A. No, they need to maintain surveillance, sir.
- 16 MR HORWELL: Was the effect of your evidence yesterday that
17 such are the differences in training and expertise
18 between S012 and SFO officers, you would only
19 contemplate using an S012 officer to make an armed
20 intervention in these circumstances in the most extreme
21 of conditions?
- 22 A. The most extreme, sir, yes.
- 23 Q. That is why you advised Commander Dick, as she then was,
24 to use the SFOs to make this intervention?
- 25 A. Yes, for the officers' safety, for public safety, we

1 need to use the absolute best resource that we have
2 available.

3 Q. This is an issue in fact that was raised by DAC Dick
4 when she gave evidence, and I'm going to ask you about
5 it. Do you agree that if S012 officers had been used to
6 make this armed stop, and they had shot Mr de Menezes,
7 because of the lack of their training, would enormous
8 criticism have followed in your opinion?

9 A. It's a likely outcome, sir, yes, probably.

10 Q. Criticism because you used untrained, inexperienced
11 officers to make the most difficult armed intervention
12 imaginable?

13 A. Absolutely, sir.

14 Q. When SFOs were --

15 A. Available.

16 MR HORWELL: -- available. Mr Esposito, thank you, that's
17 all I ask.

18 A. Thank you, sir.

19 SIR MICHAEL WRIGHT: Just one point that arises out of the
20 evidence you have just given.

21 You told us that firearms officers when they are
22 having -- when they believe that they are having to deal
23 with a suicide bomber, are not immune, this is your
24 words, from adrenaline and fear?

25 A. Yes, sir.

1 SIR MICHAEL WRIGHT: That, I think we can all understand.
2 Would you expect adrenaline or fear to have any impact
3 upon the DSO and the senior officers in the control
4 room?

5 A. No. In exactly the same way as firearms officers,
6 command officers deal with this on a daily basis. Not
7 this, but command decisions, fast-moving crime-in-action
8 type operations, and it is always a factor but it is one
9 that is controlled. Everybody is human, and we all get
10 excited occasionally, but it's the training that enables
11 you to carry out your duties as was -- happened on this
12 day, in a calm and controlled manner.

13 SIR MICHAEL WRIGHT: And was it?

14 A. Yes, it was, to my --

15 SIR MICHAEL WRIGHT: There would be no place for getting
16 excited --

17 A. No, sir.

18 SIR MICHAEL WRIGHT: -- in the control room?

19 A. No, sir.

20 SIR MICHAEL WRIGHT: On the other hand, something you just
21 mentioned, as the operation proceeded, and pace
22 Mr Horwell for a moment, when it became obvious, when he
23 got off the bus, that Mr de Menezes might at any rate be
24 heading for Stockwell Underground station, do you
25 recollect there being an increase in tension, nervous

1 tension, among the senior officers in the control room?

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

3 SIR MICHAEL WRIGHT: Very well. Thank you. Yes, Mr Perry.

4 Questions from MR PERRY

5 MR PERRY: Thank you very much, sir.

6 Chief Inspector Esposito, we need not be introduced
7 to each other but I just have a few questions, please,
8 on three topic.

9 The first topic concerns the tactical options
10 document and for people to follow this, it's in the
11 first volume of the bundle of documents that we have at
12 divider 42, please. It's the document that contains the
13 ten options. We looked at it earlier this morning.
14 I just want to deal with this. Just to put it in
15 context, this is the document produced by you and Andrew
16 after Mr Boutcher had asked for a 24-hour firearms
17 response?

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

19 Q. It's building on what you have developed before --

20 A. Yes, sir.

21 Q. -- the 21st. Just so everyone is clear, if they want to
22 make a note of it, this is part of a 34-page document
23 that deals with not only suicide bombers but also the
24 response to terrorism generally?

25 A. Yes, sir.

1 Q. It contains the tactical deployment options available in
2 certain circumstances. We can see that from the first
3 page, the options 10(a) to 10(i) suggest proposed
4 tactical deployments to deal with a suspected suicide
5 bomber on foot.

6 Just putting that into ordinary language for the
7 moment, this is how to use authorised firearms officers
8 in particular situations?

9 A. That's correct, yes.

10 Q. How they might be used, deployed, tactically what the
11 plan might be?

12 A. Yes, their configurations, the vehicles that would be
13 used and how they would deploy.

14 Q. The purpose of my questioning, so we can focus on it, is
15 this: you were asked questions about the difference
16 between "stopped" in (a) to (c), and "contain and
17 challenge" in (d) to (i). I just want to know very
18 briefly if we can understand the difference between
19 those concepts a little more clearly.

20 You said yesterday that a stop involves or includes
21 two concepts, first interception and the second
22 intervention?

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

24 Q. May we just try to understand that so we have a clear
25 idea: interception in a conventional firearms operation,

1 would that be, for example, where someone is in
2 possession of a weapon but they are not actually
3 brandishing it?

4 A. Yes, sir.

5 Q. So the example you gave yesterday of the person walking
6 down the street who you believe to be in possession of
7 a firearm but they are not actually posing an imminent
8 threat at that moment, that would be the interception?

9 A. That's correct.

10 SIR MICHAEL WRIGHT: That's what you called an indirect
11 threat?

12 A. Yes, sir.

13 MR PERRY: But the intervention is where someone is actually
14 brandishing a weapon, for example pointing a firearm in
15 a conventional firearms operation, pointing the firearm
16 at somebody, and officers intervene in that type of
17 situation?

18 A. That's correct, sir.

19 Q. When the officers intervene in that type of situation,
20 it is their job to get between the person brandishing
21 the firearm or posing the threat and the individual
22 who's at risk, at harm, usually a member of the public?

23 A. That's correct, sir.

24 Q. You used the example yesterday of the robbery perhaps
25 involving a security van, something like that, the

1 security guard being threatened, the officers have to
2 try to interpose themselves as best they can and if they
3 are able to.

4 Now, the significance of this, because you were
5 asked about these terms being used interchangeably, the
6 problem with the suicide bomber is that it's not always
7 easy to determine whether they pose a direct threat or
8 an indirect threat?

9 A. No, sir.

10 Q. So the terms become interchangeable in this context
11 because it's not always possible to know whether it's
12 a person just in possession of something that may be
13 used to create a threat or whether they actually pose
14 a threat at that time?

15 A. Correct, sir.

16 Q. As far as contain and challenge is concerned, this is
17 where the threat is neutralised from a distance?

18 A. Yes.

19 Q. So really when we are talking about contain and
20 challenge, are we really, just to conceptualise it,
21 concerned with the positioning of police officers and
22 the distance at which they are from the threat?

23 A. Yes, sir.

24 Q. That's topic number 1 done, so may we move on to the
25 second topic, which is the sequence of the principal

1 events on 22 July.

2 Just before we look at the sequence of events, may
3 we just look at the operation policy log, and if people
4 have still got the bundle or if they want it on the
5 screen, it's divider 41 of the bundle, the firearms
6 operations operational log. I want to go to page 5
7 first of all, please, using the page numbers at the top
8 of the page.

9 This is just to put the questions I am going to ask
10 you in context, because we see at page 5, we know this
11 already, you come on duty at 6 o'clock, but if we just
12 very, very quickly skim through, pages 6, 7, 8, 9, 10
13 and 11, and if we go to page 11, using the page numbers
14 at the top, you remain on duty on the 22nd until we see
15 the handover of events at 7.30 pm where you hand over,
16 and it's the person taking over from you says that there
17 is a handover from Chief Inspector Esposito?

18 A. That's correct, sir.

19 Q. In the meantime, just so we -- we don't need to go
20 through it in detail, in the meantime you remain on duty
21 dealing with all the tactical options for Scotia Road,
22 which is still under surveillance?

23 A. Yes, sir.

24 Q. Portnall Road, which we know was entered --

25 A. Yes, sir.

- 1 Q. -- after midday, during the course of the afternoon, and
2 that was cleared. But there are also questions about
3 Corfe Road?
- 4 A. That's correct.
- 5 Q. And also Blair House?
- 6 A. That's correct, sir.
- 7 Q. I think it's right, so we know this also, that you
8 remained on duty for the rest of July into August until
9 the conclusion of this operation?
- 10 A. Yes, sir.
- 11 Q. You first made a statement on 25 July 2005, so that's
12 about three days later?
- 13 A. That's correct, sir, yes.
- 14 Q. That was the first detailed attempt to provide
15 a narrative account of events to the best of your
16 recollection?
- 17 A. Yes, it was, sir.
- 18 Q. Although you had made this short summary, this precis,
19 this summary of events at 10.40 am in your operational
20 log. We looked at that, and I will not go over that
21 again.
- 22 A. That's correct, sir.
- 23 Q. What I want to do is see whether we can get the sequence
24 of events just a little clearer.
- 25 For the purpose of this exercise, may I invite your

1 attention first of all on the screen to the statement
2 that you made on 25 July, and for the purposes of
3 displaying it on the screen, it's page 59, please.

4 The point I want to concentrate on, please,
5 Chief Inspector, is the section just in the line that's
6 adjacent to the upper punched hole:

7 "At approximately 0934 I became aware as a result of
8 information ..."

9 So it's the "approximately 0934". I just want to
10 concentrate on this time, first of all. At the time you
11 made your statement, had you had access to the
12 surveillance log where we know this time actually
13 appears?

14 A. Yes, I had, sir.

15 Q. So you had seen that by the time you made your
16 statement, but what you were saying there is that the
17 information was circulated in the control room that
18 a person had just left. So the question is this: does
19 it follow that the sequence of events as you remembered
20 them was that the information was circulated after the
21 subject had been possibly identified?

22 A. Again, I can't say for certain exactly when that was.
23 This note was made after the person left, so yes, it
24 could be after he was identified.

25 Q. It's just that we see here that a person had just left

1 and was a possible identification, so certainly on the
2 25th, the sequence as you remembered it then was that
3 that information was being circulated after a possible
4 identification.

5 If we put that to one side --

6 SIR MICHAEL WRIGHT: Could I just ask, it's a word that's
7 puzzling me, before we leave that page, what's
8 a "dynamic discussion"?

9 A. A very quick discussion between myself and the DSO.
10 It's almost like a headline discussion: what are we
11 doing, what's happening now; because if things are
12 moving very quickly we don't have time to talk things
13 through. It's just a phrase I use, a "dynamic
14 discussion".

15 SIR MICHAEL WRIGHT: You puzzled me, that's all.

16 MR PERRY: Thank you very much, sir.

17 If we put that to one side for the moment, so we can
18 concentrate on the next document, please, Mr Esposito,
19 which is Callum's record. I am not going to call it
20 Callum's log because you have made it clear that it was
21 more of a record and this is divider 56 in the second
22 bundle of documents for people who prefer to use a hard
23 copy.

24 I just want to see how we can try to be clearer
25 about the sequence of events by reference to Callum's

1 record, and I fully understand and appreciate,
2 Mr Esposito, what you have said about this record.

3 If we just look at page 351 of the record, and we
4 see the entries, just picking it up at 0941 hours, if
5 I may, please:

6 "As of 0941 comms with surveillance team TJ802".

7 A. Yes, sir.

8 Q. Just to put this in context so everyone can follow, we
9 are going to hear evidence in due course that there was
10 actually a telephone call at 0941 from James, the
11 surveillance leader, the team leader of the grey
12 surveillance team, at 0941, just bearing that in mind,
13 let us follow this through:

14 "0942. Male from Scotia Road information
15 unconfirmed as at 0942. Identification code 1 male from
16 address, may or may not be subject now on bus."

17 Following this on, turning over the page, 9.44 is
18 what Callum has recorded about the bus route, getting
19 the bus route suspended.

20 Then at 9.44:

21 "'North African' male seen from address on to bus
22 from Scotia Road address from surveillance team."

23 It looks from this record that the information being
24 recorded here, obviously it must come from the
25 surveillance team and there were two sources of

1 information, either the surveillance monitor or the
2 surveillance chatter?

3 A. Yes.

4 Q. Whether you are hearing it over the mobile telephone or
5 from the speakers in the operations room?

6 A. That's correct.

7 Q. Then we have got the 0945 entry:

8 "Identification code 2, [that's dark skinned
9 European] denims, African-looking male now in Tulse Hill
10 area, surveillance team currently following."

11 Then 0946:

12 "Not ident male as above discounted. Surveillance
13 team to withdraw to original positions."

14 Just bearing that in mind, I know you have
15 difficulties with the times and remembering precisely
16 what occurred in what was a fast-moving incident, but it
17 looks from this as though the sequence of events was
18 that there was a possible, may or may not be Nettle Tip,
19 then discounted?

20 A. Yes, sir.

21 Q. If we go on to 9.52, the entry is:

22 "Possible Nettle Tip outside Brixton tube station,
23 very jumpy (probable ident) no bags visible."

24 So the sequence appears to be may or may not be,
25 discounted, and then probable?

1 A. Yes, sir.

2 Q. I know it's difficult. Does that actually accord with
3 your sequence?

4 A. Yes, it does, sir.

5 Q. If the information being circulated within the
6 operations room was that -- was being circulated at
7 9.41, we know from the other evidence in this case that
8 was at a time either when Mr de Menezes was on the bus
9 or very shortly after he had got on it or at about the
10 time he was getting on it?

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: Pausing there for a moment.

13 Down to 9.46, you had never had anything more than
14 possible, from the surveillance team?

15 A. Not at that time, sir, no.

16 SIR MICHAEL WRIGHT: At 9.46 you had actually had
17 an unequivocal negative.

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: Because the surveillance teams were
20 going to be withdrawn.

21 The next thing is "possible", which is back where
22 you were before; and then "very jumpy", which is
23 followed by in brackets -- I presume it means "probable
24 identification"?

25 A. Yes, sir.

1 SIR MICHAEL WRIGHT: Does that mean that it was his
2 jumpiness, his nervousness, that really led you into the
3 conclusion that this was a probable rather than
4 a possible?

5 A. Well, at that time, this is the chatter that's obviously
6 coming over the radio that Callum is listening to, that
7 Callum has recorded. I'm listening to exactly the same
8 things. Whether or not he has actually recorded
9 everything that was being said at that time, I don't
10 know. He is just making headlines.

11 These were factors which considered, but my
12 recollection is that there was probably this and more
13 that was being said.

14 SIR MICHAEL WRIGHT: You are right, of course, to take into
15 account what you interpreted as counter-surveillance
16 operation.

17 A. Yes, sir.

18 SIR MICHAEL WRIGHT: By a very jumpy man.

19 A. Yes, sir.

20 SIR MICHAEL WRIGHT: Do you think that's what pushed you
21 into the view that it was probable?

22 A. I am convinced that the actual words "probable
23 identification" came over the radio and that would have
24 been my source of intelligence, sir.

25 MR PERRY: Just picking up one point in relation to that, if

1 I may, please, you of course weren't telling Callum to
2 make these entries in the log?

3 A. No.

4 Q. So you wouldn't have said to Callum "insert probable
5 identity" --

6 A. This is his recollection of, and his thinking about
7 what's going on at that time.

8 SIR MICHAEL WRIGHT: So you think that came over the radio?

9 A. Yes, sir.

10 MR PERRY: I should have made it clear the 9.41 entry, that
11 entry, I was locating it with James' call coming in, but
12 that's actually a Portnall Road incident, because TJ802
13 was on the ground at Portnall Road.

14 A. Yes.

15 Q. I just want to see whether we can again just see the
16 sequence of events. We have dealt with those timings.
17 I now just want to deal with this, briefly, if I may,
18 please, Mr Esposito.

19 Of course Commander Dick was asking questions about
20 the subject's clothing and whether he was carrying
21 anything; can you recall that?

22 A. Yes, there were conversations going on.

23 Q. Obviously we are getting to a period of time now where,
24 over the space of a few minutes, an awful lot takes
25 place?

- 1 A. Yes, sir.
- 2 Q. You were asked a question yesterday about, well, you had
3 said you can't recall or you don't know. Is it actually
4 difficult to get the precise sequence of events and
5 remember precisely what was said?
- 6 A. For me, yes, it is, because there was going on because
7 I was doing so much at that time.
- 8 Q. We ought to understand your role, of course. You are
9 the tactical adviser. You are not a decision-maker?
- 10 A. No, sir.
- 11 Q. That's why you don't have an actual log yourself,
12 because you don't have to record any decisions. You are
13 being asked: Chief Inspector Esposito, is it possible
14 for us to do this?
- 15 A. Yes.
- 16 Q. Are firearms officers capable of doing this?
- 17 A. Yes.
- 18 Q. What are the tactical options that are facing me;
19 because as we heard from Commander Dick, she is not
20 a firearms officer herself. She is the DSO. You have
21 the experience. She looks to you. She takes
22 responsibility for the decisions?
- 23 A. Yes, sir.
- 24 Q. You are advising her but in the end it's a matter for
25 her?

- 1 A. It is, sir, yes.
- 2 Q. I just want to ask you, just to see if you can remember
3 this sequence, that Commander Dick saying words to the
4 effect that, "If this is a good identification we can't
5 let him into the tube"?
- 6 A. I know words like that were said but exactly -- the
7 exact words, but that was the gist.
- 8 Q. That was the gist. Then after the subject had left the
9 number 2, the bus that was travelling up towards
10 Victoria or in the Victoria direction, she said that he
11 was to be stopped before going down on to the train,
12 words to that effect?
- 13 A. That is correct, sir.
- 14 Q. You can't recall anything now about the involvement of
15 Mr Dingemans and his arrest team?
- 16 A. I knew he was there and subsequently I have known that
17 they have gone forward, but at that time no, but I knew
18 they were there, I knew there was an arrest team.
- 19 Q. You can't actually recall anything about Mr Boutcher and
20 Commander Dick asking for further information as to the
21 percentage chance that it was the subject Nettle Tip or
22 the subject was Nettle Tip, or on a scale of 1 to 10?
- 23 A. I remember that conversation going on, but I don't
24 remember the outcome of it.
- 25 Q. I just want to ask you this, because you were asked

1 questions yesterday about the discussions about letting
2 the subject run on to the tube. You remember being
3 asked those questions?

4 A. Yes, I do, sir.

5 Q. Just in case anyone's forgotten, I put questions to
6 Commander Dick -- because we are going to be hearing
7 evidence from Mr Purser, and he actually called or there
8 was an open line and they were speaking, and he was
9 asking whether a tactical option was to let the person
10 being followed on to the tube; so Mr Purser was asking
11 whether that was a tactical option at about the time the
12 bus was pulling over the junction or at a time that it
13 was stopped, sometime around there at any rate.

14 A. Yes, sir.

15 Q. If Mr Purser did raise that, and there was a discussion
16 about it, so far as you were concerned, was that ever
17 a realistic option?

18 A. Absolutely not, sir, no.

19 Q. As far as Commander Dick was concerned, was it ever?

20 A. Absolutely not, no.

21 Q. That's topic number 2, and the topic number 3 is very
22 short, it's just while it's fresh in our memories, to
23 deal with a point this morning just to make sure that we
24 have it in mind. It's the rucksack point raised by the
25 learned Coroner, and it's just to make sure that we see

1 precisely what the position was.

2 If we could have up on the screen, please, Mr Rose's
3 blue notebook, page 7722. This is the 5.40 am meeting,
4 and remember this morning we were trying to identify --

5 SIR MICHAEL WRIGHT: This was the comment by Andrew, is it?

6 MR PERRY: Yes. Just as we have discussed it this morning,
7 sir, just to make it clear:

8 "0540, tac adviser Andrew, Chief Inspector, is he
9 gloved, carrying rucksack, possibly preparing another
10 attack, prepared to die for the cause. If he fails to
11 do as he is told, likely to be shot."

12 Just so we get that clear. If we go over to
13 page 7723, that's before the handover to you at some
14 time after 5.45?

15 A. That's correct, sir.

16 SIR MICHAEL WRIGHT: Nevertheless, I dare say you agreed
17 with that?

18 A. Yes, sir. That forms the training.

19 MR PERRY: It was only to clarify that point, sir. Thank
20 you very much, Mr Esposito.

21 SIR MICHAEL WRIGHT: Mr Hough.

22 Further questions from MR HOUGH

23 MR HOUGH: Just a few things arising.

24 Mr Esposito, first of all, the word or phrase

25 "non-compliance"?

1 A. Yes, sir.

2 Q. We have seen that being used in the operational policy
3 log, the section where you referred to contingency for
4 non-compliance; yes? And also used, according to
5 Mr Boutcher, by you after the event, the speculation
6 being that the subject had not been compliant. What
7 does the phrase "non-compliance" signify to you?

8 A. It runs through the thread of the whole firearms
9 training that if a firearms officer confronts a subject
10 and makes a request, there is normally a period of
11 negotiation; it's the person not complying with the
12 instructions, the orders, for the police officer, in
13 a life-threatening situation.

14 Q. Can someone be non-compliant if no challenge is issued?

15 A. By their actions they can, sir, yes.

16 Q. What kind of actions?

17 A. If they are fighting, attempting to get away, those
18 issues.

19 Q. Second point. Mr Stern, this is page 28 of today's
20 transcript, said this to you:

21 "But your view -- forget about anything that
22 happened on the tube..."

23 Was that the man was an identified suicide bomber
24 and posed an imminent and immediate threat.

25 Do you recall being asked that?

1 A. Yes.

2 Q. I just want to explore that a little, because it may
3 ultimately be a question for the jury whether the SFOs,
4 firearms officers on the ground, thought they had
5 received a particular order from above, or whether they
6 based everything they did on their own judgment. Do you
7 see?

8 A. Yes, sir.

9 Q. Now, first of all, can we deal with a Kratos situation,
10 and just preface this with this: you did not regard what
11 was happening at that time as being a Kratos situation?

12 A. No, sir.

13 Q. But according to the firearms officer Kratos awareness
14 package provided as part of the United Kingdom Kratos
15 documents, there are two situations outlined. I'm going
16 to see if you agree with these, because they appear in
17 the document, to see if you recognise them.

18 First of all, where a person is suspected of
19 carrying a bomb but that has not been confirmed?

20 A. Yes, sir.

21 Q. In that situation, is this right, the firearms officers
22 have to use their own judgment?

23 A. Yes, sir.

24 Q. Then the second situation is where the suspect has, one,
25 been confirmed as being in possession of a device,

- 1 a bomb?
- 2 A. Sir.
- 3 Q. And, two, poses an immediate threat to life?
- 4 A. Yes, sir.
- 5 Q. So two things. Then it goes on: if those two criteria
6 are present, the current advice would be to shoot at the
7 brain stem?
- 8 A. No, that would always be a decision by the DSO, and only
9 the DSO can make that determination based on the
10 intelligence.
- 11 Q. Exactly, now, that's what I was going to ask you about.
12 A Kratos situation is where a DSO has intelligence that
13 a particular person has a bomb and is suspected of being
14 a bomber, not a transporter?
- 15 A. Yes, sir.
- 16 Q. In that situation, the DSO may give the order to
17 administer a critical shot?
- 18 A. The DSO has always the option to give the order to
19 administer a critical shot, as they can give the order
20 for any other tactic along a whole range of tactics.
- 21 Q. Certainly, but the advice being promulgated at the time
22 in the documents was that that is an order that should
23 be given if you have somebody who is confirmed to be
24 carrying a bomb and a bomber?
- 25 A. I think it's advice in there, sir, but whether or not it

1 should be given, I think is for interpretation, and
2 that's not my interpretation, that an order should ever
3 be given just based on facts alone without knowing
4 exactly what you are doing in front of you, exactly what
5 you have in front of you.

6 Q. I appreciate that, but is this right, that a Kratos
7 situation is one where the DSO gives an order and the
8 firearms officers act upon that order?

9 A. Yes, sir.

10 Q. Whereas if you do not have a Kratos situation, and
11 Ms Leek asked -- sorry, continue.

12 A. Sorry. At that time, Kratos situation, there is a bit
13 of misunderstanding because there isn't such a thing as
14 a Kratos situation. You had Kratos People, which was
15 dealing with spontaneous pieces of intelligence emerging
16 where there was a designated senior officer in a control
17 room; you had Kratos Vehicles, which was to deal with
18 vehicle-borne improvised explosive devices, and you had
19 Operation Clydesdale.

20 That was generic training across the whole board,
21 but to relate it to this, to my mind it doesn't apply.
22 We were dealing with a firearms operation, a manhunt for
23 potential suicide terrorism, so the word "it was
24 a Kratos situation" isn't applicable.

25 Q. Mr Boutcher in his log recorded you saying this was not

1 a Kratos situation. If you said that, what did it mean?

2 A. That it wasn't even -- it wasn't a spontaneous operation
3 being run, it wasn't one that was dealing with
4 vehicle-borne, and it wasn't a Clydesdale.

5 Q. So you are not dealing with any of the situations where
6 Kratos or Kratos criteria are involved; in those
7 situations where you are not dealing with that, the
8 officers have to rely entirely on their own judgment of
9 the situation?

10 A. Yes, they have to rely on their own judgment. However,
11 a designated senior officer is there to offer guidance
12 and issue instructions in relation to what they should
13 do in the event of a suicide terrorist being identified
14 and them deploying.

15 SIR MICHAEL WRIGHT: So they can't obviously, because, yes,
16 they don't give a direct order, it is down to the
17 individual officer to decide whether or not a critical
18 shot is called for?

19 A. Unless the designated senior officer orders a critical
20 shot, it is then up to the individual officer, based on
21 the threat and risk that they perceive at that time,
22 whether or not they take a critical shot.

23 SIR MICHAEL WRIGHT: Thank you.

24 MR HOUGH: Dealing with that situation, then, no critical
25 shot has been ordered by the senior officer, as

- 1 Mr Horwell has put to you, the officers may use
2 reasonable force in response to the threat they
3 perceive?
- 4 A. Yes, sir.
- 5 Q. But they have the responsibility to assess the threat;
6 is that right?
- 7 A. Yes, sir.
- 8 Q. And part of that assessment may be taking account of how
9 the subject acts?
- 10 A. Yes, sir.
- 11 Q. So to that extent, what happened on the tube in front of
12 them might be very important to whether they decide
13 whether to fire a critical shot as opposed to what they
14 have heard from the control room?
- 15 A. Yes. It can only be what happens in front of them
16 which, at that time, makes their determination as to
17 whether or not they fire shots.
- 18 Q. Thank you. Now, final short point: Mr Horwell asked you
19 today -- it's page 51 -- you couldn't predict whether
20 this man would get off at Stockwell tube when the follow
21 was taking place?
- 22 A. No, sir.
- 23 Q. The surveillance follow. Was there concern in the
24 control room, audible concern to you, that he might get
25 off at Stockwell simply because that's where the other

1 failed bombers -- or the failed bombers from the day
2 before -- had entered the tube system?

3 A. It was talked about, yes, sir.

4 Q. So while it couldn't be predicted that he would enter at
5 Stockwell, the possibility that he might was a topic of
6 conversation?

7 A. It would always be a possibility as it would be
8 a possibility to get off at any transport link,
9 transport hub, or get off anywhere, any bus stop.

10 Q. Were any other specific hubs mentioned in discussions as
11 far as you recall?

12 A. I can't remember, sir.

13 MR HOUGH: Thank you.

14 Questions from THE CORONER

15 SIR MICHAEL WRIGHT: One or two individual points, and a
16 general matter I want to ask you about. This one I am
17 being asked to ask you and I see the point.

18 Could we have Callum's log back up, please. I think
19 this is the point that whoever wrote the question is
20 looking at.

21 We have two descriptions. On this page, we have --
22 I need some help from counsel, please. It was while
23 Callum's log was up on the screen, there are two
24 descriptions, one is IC1 white male. You probably
25 remember that one.

1 MR PERRY: That's the previous page, sir.

2 SIR MICHAEL WRIGHT: Thank you, Mr Perry.

3 MR PERRY: The 9.42 entry.

4 SIR MICHAEL WRIGHT: That's the one. IC1, which means white
5 male?

6 A. Yes, it does, sir.

7 SIR MICHAEL WRIGHT: Then a little beyond that is IC2 at
8 9.45?

9 A. Yes, sir.

10 SIR MICHAEL WRIGHT: "African-looking", got it?

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: Both those descriptions came from the
13 surveillance commentary?

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: Do you recollect anybody discussing --
16 I know surveillance wasn't your job, you were the
17 firearms officers, I know -- but do you recollect any
18 discussion among what's been called the management
19 group, the senior officers, about this apparent
20 discrepancy between the two descriptions?

21 A. No, in the early stages of the follow, it's normal
22 because if different surveillance officers, and I don't
23 know if this came from different surveillance officers,
24 they will have a different view of a person, they will
25 see them in a different light, at different distance and

1 therefore they will put a different description up at
2 that time.

3 SIR MICHAEL WRIGHT: So are you saying that there is really
4 no particular significance in that difference?

5 A. To me, no, it's just the early stages of
6 an identification.

7 SIR MICHAEL WRIGHT: Very well, thank you.

8 The thing I want to ask you is this: we know that
9 the red surveillance team deployed at Scotia Road at
10 about 6.05 in the morning?

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: We now know from Mr Rose, who gave
13 evidence a couple of days ago, that the Portnall Road
14 surveillance team, which I think was blue, deployed at
15 8.05.

16 A. Yes, sir.

17 SIR MICHAEL WRIGHT: It's the logic of the deployment that
18 you say you agreed with that is puzzling me. In that
19 time, between 6.05 and 8.05, you had the orange team
20 which had been on duty all night?

21 A. Yes, sir.

22 SIR MICHAEL WRIGHT: Was fully kitted up?

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: And only needed a briefing to be
25 deployed to wherever it was wanted?

1 A. Yes, sir.

2 SIR MICHAEL WRIGHT: Between 6 and 7 you didn't have any
3 other team at all?

4 A. No, sir.

5 SIR MICHAEL WRIGHT: From 7 o'clock onwards, you had the
6 black team coming on duty but, as we know, they were
7 going to take at least an hour and a half, probably
8 longer in fact, to kit themselves up, draw their kit,
9 have ammunition issued and so forth, and then be briefed
10 before they could be ready to go out.

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: It may just be me, but logic would seem
13 to suggest that in order to have an unsupported
14 surveillance team out on the ground for the least
15 possible time, the sensible thing would have been to
16 send the orange team out to Scotia Road and the black
17 team to Portnall Road where they weren't needed until
18 the surveillance team got there at 8.05.

19 Do you see the point?

20 A. Yes, I do, sir. The first point, there wasn't
21 a prioritisation of the addresses in relation to the
22 intelligence, and at that time I can only deploy the
23 teams according to the intelligence. At the meetings
24 that I attended with both Gold and the DSO, the
25 deployments were discussed and there was no specific

1 importance attached to Scotia Road at that time.

2 SIR MICHAEL WRIGHT: If you say so. All I am thinking about

3 is how to deploy your resources in the most efficient

4 way to have an unsupported surveillance team out for the

5 least possible time, that's all.

6 MR HOUGH: Sir, sorry, before this question is answered,

7 there will be evidence about quite when the surveillance

8 team got to Portnall Road.

9 SIR MICHAEL WRIGHT: I am taking it from Mr Rose's evidence.

10 MR HOUGH: I think there will be more evidence about that

11 and their time of deployment does need to be cleared up,

12 before it's put to the witness as a matter of certainty.

13 SIR MICHAEL WRIGHT: All right. Yes.

14 MR HORWELL: It is believed that Mr Rose is wrong in that

15 regard. That is why, sir. It's not something that he

16 has any direct knowledge of, and there will be evidence

17 to come which will put as certain a time as anyone can

18 as to when the surveillance --

19 SIR MICHAEL WRIGHT: Can you give me an advance view as to

20 when it was?

21 MR HORWELL: My understanding -- I don't have the document

22 in front of me -- is just after 7 o'clock.

23 SIR MICHAEL WRIGHT: All right. There it is.

24 The other thing I wanted to ask you about was this:

25 in the early stages of Mr Mansfield's cross-examination,

1 you were telling us the training of firearms officers,
2 about the -- what you might call the three levels of, to
3 use a general word, intervention?

4 A. Yes, sir.

5 SIR MICHAEL WRIGHT: That a firearms officer may be trained
6 to carry out.
7 Contain and challenge?

8 A. Yes, sir.

9 SIR MICHAEL WRIGHT: Interception and intervention?

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: I have set them out, I think, in order
12 of what you might call severity?

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: One is conducted from a distance, one
15 is closer?

16 A. Yes.

17 SIR MICHAEL WRIGHT: Intervention is the closest of all?

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: Which may involve direct physical
20 contact between the firearms officer and the suspect?

21 A. Yes, sir.

22 SIR MICHAEL WRIGHT: Now, when you were dealing with those
23 questions, you made a number of points which, as
24 I understood them, related to what you saw as the degree
25 of perceived risk.

1 A. Yes, sir.

2 SIR MICHAEL WRIGHT: You understand the point? For example,
3 you gave as an example the indirect threat, which
4 I suppose might be somebody walking down the road with
5 a gun in his back pocket, not threatening with it or
6 brandishing it, which would merit an interception.

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: Which would mean what, that he would be
9 challenged?

10 A. Yes. It would depend on what resource was doing it,
11 that was the point, sir.

12 SIR MICHAEL WRIGHT: We are talking about SFOs.

13 A. SFOs. It could merit anything. The point I was trying
14 to get across was that they have to deal with the
15 threat, because they are trained in all these tactics,
16 they can -- you can't be specific about the tactic that
17 they are going to employ, because only they can decide
18 that at the point of interception.

19 They may decide, because of the circumstances that
20 they are in, because of the number of the people in the
21 road, an intervention would be more appropriate, because
22 of safety of the public.

23 If it's in a wide open area and there is nobody
24 there, they may say: right, the safest thing to do here
25 is a containment and challenge.

1 SIR MICHAEL WRIGHT: I understand that point and it's
2 a lower risk.

3 A. Yes, sir.

4 SIR MICHAEL WRIGHT: But then you went on to take as
5 examples a bank robbery --

6 A. Yes, sir.

7 SIR MICHAEL WRIGHT: Just about to develop.
8 That's a direct threat --

9 A. Yes, sir.

10 SIR MICHAEL WRIGHT: -- to the public and to the staff of
11 the bank, apart from anything else?

12 A. Yes, sir.

13 SIR MICHAEL WRIGHT: Where an intervention may be called
14 for?

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: Then you went on to say the perception
17 here was of a direct threat of mass murder. I expect
18 you remember using that phrase? I can assure you you
19 did.

20 A. Yes, sir. Yes, sir.

21 SIR MICHAEL WRIGHT: Were you indicating that the
22 expectation of the firearms officer of the severity of
23 the steps he would have to take would be governed by the
24 degree of risk that he perceived?

25 A. Quite possibly, yes, if they are dealing with a high

1 threat, a high risk to both themselves and the public,
2 then they will adopt a specific tactic. If the threat
3 and risk is diminishing in their view, then they may
4 adopt a different tactic.

5 SIR MICHAEL WRIGHT: I'll put it in precise terms to take
6 the two examples you have given.

7 If a firearms officer perceives that a bank robbery
8 is going on, he presumably will be able to foresee that
9 in certain circumstances, a critical shot may be
10 necessary?

11 A. That's very difficult. Yes, he possibly could foresee

12 --

13 SIR MICHAEL WRIGHT: It depends what happens?

14 A. Absolutely. It depends how it unfolds in front of them.

15 SIR MICHAEL WRIGHT: If he thinks he is dealing with
16 a suicide bomber, particularly if he fears that the
17 suicide bomber is in possession of a bomb --

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: -- would he be expected to perceive
20 that the necessity for a critical shot is much higher?

21 A. Yes, sir, that would --

22 SIR MICHAEL WRIGHT: I'm understanding you correctly?

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: You are saying that the officer will
25 have a higher expectation of the need for a critical

1 shot according to the severity of the risk that he
2 perceives?

3 A. Yes, sir.

4 SIR MICHAEL WRIGHT: And in those circumstances, am
5 I understanding you to say that the reliability -- if we
6 are up at that very high level, the mass murder risk
7 which you have described -- are you saying that the
8 accuracy, or the reliability is a better word, the
9 reliability of the identification of this as a suicide
10 bomber is of lesser significance?

11 A. I wouldn't say it's of lesser significance. The
12 identification and the information that the firearms
13 officers are deploying with is the information that they
14 have. Whether or not they would attribute a lesser or
15 more reliance on it, I don't know, but they can only
16 deal with the threat that they have based on the
17 information that they have at that time. And if they
18 form the opinion that it's an imminent, an immediate
19 threat to their lives, another person's life, then they
20 will take an action that they feel appropriate in those
21 circumstances.

22 SIR MICHAEL WRIGHT: To reduce it to its particularity --

23 A. If that's a critical shot or shots, that's the action
24 that they will take.

25 SIR MICHAEL WRIGHT: To reduce it to its particularity,

1 (12.34 pm)

2 (In the presence of the jury)

3 MR MANSFIELD: Sir, may I just raise something while the
4 witness is coming?

5 SIR MICHAEL WRIGHT: Yes.

6 MR MANSFIELD: It's on the question of the blue team. We
7 have all been interested in when the blue team were
8 briefed and when they went.

9 SIR MICHAEL WRIGHT: When they got there is what we are
10 really interested in.

11 MR MANSFIELD: Yes. There was evidence some time ago now
12 from Inspector Whiddett who was present for the briefing
13 done by Colin. He estimated that that briefing occurred
14 at 7.10. He estimated that the team would not have got
15 to Portnall Road before 7.45 to 8 o'clock.

16 SIR MICHAEL WRIGHT: Thank you. Well, it may be that there
17 is a more accurate contemporaneous record and if there
18 is, and if we can have an agreement between counsel
19 about it, that's probably the easiest way of dealing
20 with it.

21 Yes, Mr Hough?

22 MR HOUGH: Trojan 84, please.

23 SIR MICHAEL WRIGHT: Yes. Usual check, please. Thank you.

24 CODENAME "TROJAN 84 "(sworn)

25 SIR MICHAEL WRIGHT: Thank you. Please sit down.

1 Questions from MR HOUGH

2 MR HOUGH: I think in these proceedings you are being known
3 as Trojan 84?

4 A. That's correct, yes.

5 Q. In July of 2005, you were an inspector in C019 of the
6 Metropolitan Police?

7 A. That's correct, sir.

8 Q. On 22 July 2005 you acted as a tactical adviser to the
9 Silver Commander on the ground,
10 Detective Chief Inspector Purser?

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

12 Q. You made a witness statement about events that day, on
13 the following day, 23 July 2005, 3 o'clock in the
14 afternoon?

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

16 Q. We will deal with the production of that statement
17 a little later. You also, I think, made a separate,
18 rather short statement about phone calls you had made
19 from a mobile phone based on your mobile phone billing
20 records?

21 A. Yes.

22 Q. That was in October of 2005?

23 A. Yes, sir.

24 Q. Do you have those two witness statements to hand?

25 A. I do, sir, yes. I do not have the phone billing but it

- 1 doesn't say much --
- 2 Q. That's not really a problem. If you have the first one
- 3 to hand, you may be asked to look at it from time to
- 4 time and there is no difficulty about you doing that.
- 5 A. Thank you, sir.
- 6 Q. I think you were also interviewed by the IPCC in
- 7 November of 2005?
- 8 A. That's correct, sir, yes.
- 9 Q. But you did not give evidence at the Health and Safety
- 10 trial?
- 11 A. No, sir, although I was warned for it, but I was stood
- 12 down just before.
- 13 Q. Dealing with your personal background quite quickly, you
- 14 have been, I think, an authorised firearms officer, so
- 15 authorised to carry firearms, since 1997?
- 16 A. Correct, sir.
- 17 Q. You joined CO19, then I think known as SO19, in October
- 18 of 2002?
- 19 A. Yes, sir.
- 20 Q. By July of 2005, you were a specialist firearms officer
- 21 and a senior firearms tactical adviser?
- 22 A. By July 2003, did you say?
- 23 Q. I said by July 2005?
- 24 A. Sorry, yes, sir.
- 25 Q. By the time we are dealing with?

- 1 A. Yes.
- 2 Q. Had you acted as a tactical adviser in many armed
3 operations by that time?
- 4 A. Yes, sir.
- 5 Q. But you had not in fact worked with DCI Purser before?
- 6 A. Yes, sir, that's correct.
- 7 Q. In terms of training, had you been received training
8 about Kratos and Clydesdale, the policies for dealing
9 respectively with spontaneous and pre-planned incidents
10 involving suicide terrorists?
- 11 A. Yes, sir.
- 12 Q. Were you aware as a result of that training of the
13 criteria normally applied for the use of a critical shot
14 in certain circumstances?
- 15 A. Yes, sir.
- 16 Q. What were those criteria as you understood them in 2005?
- 17 A. A suicide or person-borne suicide terrorist was
18 identified and also had the means to detonate on them.
- 19 Q. So carrying a device and the means to detonate?
- 20 A. Yes, sir.
- 21 Q. In those circumstances, was the advice that a critical
22 shot might be appropriate?
- 23 A. May be appropriate, sir, yes.
- 24 Q. Failing those things being in place, you were thrown
25 back on your firearms training which was considerable?

- 1 A. Yes, sir.
- 2 Q. That firearms training, is this right, dealt with many
3 life and death situations?
- 4 A. Yes, sir.
- 5 Q. Had you yourself ever dealt with suspected suicide
6 bombers in practice, either spontaneous or pre-planned?
- 7 A. The previous two weeks I had been involved in operations
8 under the umbrella of Operation Theseus. However, as
9 you know, this operation was exceptional because we were
10 dealing with failed suicide bombers from 24 hours
11 earlier.
- 12 Q. During the course of the previous two weeks, had you
13 dealt with spontaneous calls from members of the public
14 about suspected suicide bombers?
- 15 A. I think I had, sir, yes.
- 16 Q. You have said you were working on Operation Theseus in
17 July of 2005, and we will turn now to 22 July. Is this
18 right that you came on duty at 7 o'clock that morning at
19 Lemn Street, the CO19 base near Tower Hill?
- 20 A. Yes, sir.
- 21 Q. Were you also aware at the time that you were due to
22 come on duty that there would also be a team of
23 specialist firearms officers coming on duty at the same
24 time?
- 25 A. Yes, sir.

- 1 Q. We know that that was a team which was a composite of
2 the black and green teams?
- 3 A. That's correct, sir.
- 4 Q. The team leader we are calling Ralph, and did you know
5 him?
- 6 A. Yes, sir.
- 7 Q. Before you came on duty that day, did you know anything
8 about the operation you might be required for?
- 9 A. Probably, sir, yes. Probably from -- I had finished
10 duty at 9 pm the previous evening and therefore I knew
11 I was on an operation. I didn't quite know what it was
12 prior to coming in though.
- 13 Q. We have heard that certainly by that time addresses had
14 not been identified for covert operations, so is it fair
15 to say that before you came in, you had no knowledge
16 that you would be going to any specific address or
17 carrying out any particular type of operation?
- 18 A. You would be right in thinking that, sir, yes.
- 19 Q. On arrival, did you receive any information about what
20 you would be required to do that day?
- 21 A. I made a phone call to Inspector ZAJ, was my first call,
22 which is on my phone record at 6.49. And I think it was
23 him that initially told me that it may be that we would
24 be going out to 21 Scotia Road.
- 25 Q. Did he tell you anything else?

- 1 A. Probably, sir, but it would have been the basics,
2 really, in relation to Scotia Road. I can't remember
3 any more specific information. However, I wouldn't have
4 deployed or anything based on that. That was just
5 a summary, really, of what I may be involved with. But
6 I would have contacted the control room pretty soon
7 after that to find out the exact tasking.
- 8 Q. So Mr ZAJ calls you, tells you you may be required for
9 an operation at Scotia Road. Did he tell you at that
10 stage anything about the suspects, the intelligence,
11 anything like that?
- 12 A. No, sir.
- 13 Q. You said you would then have called the control room at
14 New Scotland Yard. Can you remember actually making
15 such a call?
- 16 A. No, sir, but I would have gone up to the office on the
17 third floor at Leman Street and I probably would have
18 used the phone there, so there is nothing on my records,
19 I don't think.
- 20 Q. Is this right, you can give particular times where you
21 used your own mobile phone to make a call, but if you
22 have made a call from the office at Leman Street, you
23 can't give us a time?
- 24 A. That's correct, sir.
- 25 Q. Or any details of the call?

- 1 A. Yes, sir.
- 2 Q. Is this right, do you think that you made a call to
3 New Scotland Yard shortly after your call with Mr ZAJ?
- 4 A. Oh, I think I definitely would have, sir.
- 5 Q. What information did you receive in that call, if you
6 can remember?
- 7 A. Well, the information I received would have been that
8 which I had given at the briefing in the basement that
9 I gave later on. I could refer to my statement in
10 relation to that briefing, but they would have been
11 exactly the same points which off the top of my head is
12 the name of the subject, date of birth, the address that
13 we were going to, the fact that the Silver had been
14 appointed, which was DCI Purser, the fact that there was
15 a surveillance -- I had been given the surveillance team
16 leader's telephone number, and that was pretty much it
17 from my recollection.
- 18 Q. You may at times have to go a little more slowly because
19 you are being transcribed.
- 20 A. I do apologise.
- 21 Q. Now, in your statement, you say that on arrival at
22 Leman Street you contacted Trojan 80, that's
23 Mr Esposito. Do you recall having had a call with him
24 shortly after your arrival?
- 25 A. Yes, sir. That's where I would have got the information

- 1 I just gave you.
- 2 Q. Because we know from his phone records that he in fact
3 called you at 7.15 for about five minutes. Based on
4 that, do you recall whether you called him or he called
5 you?
- 6 A. Not unless it's on my phone record, sir, no, I couldn't.
- 7 Q. Certainly there is no record on your mobile phone
8 records of you calling him around this time?
- 9 A. No, sir.
- 10 Q. So however you got it, you got the information from
11 New Scotland Yard through Mr Esposito that there was
12 a suspect, Hussain Osman?
- 13 A. Yes, sir.
- 14 Q. His date of birth?
- 15 A. Yes, sir.
- 16 Q. That he was associated with an address, 21 Scotia Road?
- 17 A. Sir.
- 18 Q. That an operation was being mounted against or around
19 that address?
- 20 A. Yes, sir.
- 21 Q. That your SFO team would be involved in that operation?
- 22 A. Yes, sir.
- 23 Q. That DCI Purser, an SO13 officer, was to be the
24 Silver Commander on the ground?
- 25 A. Yes, sir.

- 1 Q. Was anything said at that time about what time you would
2 be needed at Scotia Road?
- 3 A. No, no time was specifically mentioned, sir.
- 4 Q. Was anything said about you being needed urgently?
- 5 A. No, sir.
- 6 Q. At that point, was anything said to you about the place
7 where you might have the briefing with the
8 Silver Commander or where you might hold up near to
9 Scotia Road?
- 10 A. No, sir.
- 11 Q. Was anything said at this stage about the Scotia Road
12 address being a block with a communal door?
- 13 A. No, sir.
- 14 Q. According to your phone records, we have a call from you
15 to Ralph at 7.22 that morning.
- 16 A. Yes, sir.
- 17 Q. Can you recall what you said in the course of that call?
- 18 A. Well, he would have been in the building somewhere and
19 therefore I was probably trying to find out where he
20 was.
- 21 Q. Track him down?
- 22 A. Yes, sir.
- 23 Q. As your next step, did you, having received all that
24 information, go down to the basement garage area of the
25 building at Leman Street?

- 1 A. Yes, sir.
- 2 Q. Were the SFOs preparing themselves in that area?
- 3 A. Yes, sir.
- 4 Q. Did you deliver a briefing to them after they had
5 finished preparing themselves?
- 6 A. Yes, sir.
- 7 Q. Can you recall when the briefing commenced and when it
8 ended? You may be assisted by the second page of your
9 statement, about halfway down.
- 10 A. Yeah, briefing was approximately 7.45 hours.
- 11 Q. So that's when it started, is it?
- 12 A. Sir. Yes.
- 13 Q. Dealing with the information given in that briefing, you
14 have said that you told them the information we have
15 gone through about the address, the subject's name being
16 Osman. Did you tell the team that Osman was likely to
17 be at the address or simply that he was associated with
18 it?
- 19 A. I have written in my statement that both of these
20 subjects, Osman and Omar, were thought to be inside at
21 21 Scotia Road.
- 22 Q. So thought actually to be inside?
- 23 A. That's what I have put in my statement, sir. Whether
24 that's what I received, I'm not sure now, but that looks
25 the way I put it across, the way I wrote it in my

- 1 statement.
- 2 Q. You said you told the team about DCI Purser. Did you
3 tell them anything else about the command structure?
- 4 A. Yes, sir I'm sure I told them about the DSO structure
5 that was in place or the command structure that was in
6 place, including a DSO.
- 7 Q. So you told them that a DSO had been nominated.
- 8 A. I did, yes, sir.
- 9 Q. Did you tell them about Mr Esposito's position?
- 10 A. I did, sir, yes.
- 11 Q. That he would be with the DSO?
- 12 A. Yes, sir.
- 13 Q. Did you tell the team that they would be receiving
14 intelligence from New Scotland Yard?
- 15 A. Yes, sir.
- 16 Q. In your statement, and this is about a third of the way
17 down the second page, you say this:
- 18 "I also said that the team may be required to use
19 unusual tactics today because of the environment they
20 were in and that they should think about this."
- 21 A. Yes, sir.
- 22 Q. Do you recall saying that?
- 23 A. I do, sir, yes.
- 24 Q. What information had you received that led you to say
25 that?

1 A. Just the fact that the command structure was in place.
2 The DSO structure was -- would only have been
3 implemented if a suicide terrorism was thought to be --
4 or suicide bomber was thought to be prominent in that
5 day's operation. And I have used "unusual tactics"
6 there, because I think they have been described as
7 "non-conventional tactics" during these proceedings, but
8 they were just different tactics that we may have to
9 use, so I have described it as unusual, just my way of
10 describing it.

11 Q. Were you asked for clarification of that by any of the
12 officers whom you were briefing?

13 A. Yes. Terry asked me to clarify what I meant by this,
14 and in hindsight, I think because I had put it in what I
15 had described in interview as a clumsy way, I was rather
16 hoping somebody would ask me the question, so that
17 I could clarify what I meant.

18 Q. What did you say to clarify your meaning?

19 A. Do you mind if I read from the statement?

20 Q. Yes, of course.

21 A. I then said that:

22 "In relation to a critical shot, the instruction
23 would come direct from the DSO, but what it also meant
24 was that if we were deployed to intercept subject and
25 there was an opportunity to challenge but the subject

1 was non-compliant, a critical shot may be taken."

2 I think I was quite careful in the way I described
3 that and I deliberated over those words, because I felt
4 it was important that the team understood that.

5 Q. Is this right, you told them about two situations, you
6 might receive an instruction for a critical shot
7 directly from a DSO?

8 A. Yes, sir.

9 Q. And what would you expect your officers to do if such
10 an instruction were given?

11 A. To take a critical shot. Sorry, could you ask that
12 question again?

13 Q. It may be an obvious question, but if you received
14 an instruction for a critical shot from the DSO, what
15 were your officers to do?

16 A. Yes, well, the instruction was to take a critical shot.
17 However, I am sure they would still assess the situation
18 in relation to it.

19 Q. The second situation was if there was no such order, but
20 there was an opportunity to challenge and then the
21 subject was non-compliant, that a critical shot may be
22 demanded simply by the circumstances?

23 A. Yes, sir. Can I --

24 Q. Of course?

25 A. Are you happy with -- if I can just clarify that. In

1 relation to those two instructions, and it might be just
2 my feeling or it may be a general third floor feeling --
3 that's the SFO floor at Leman Street -- but we felt that
4 any DSO to make a decision about a critical shot was
5 a hugely difficult decision to make, and may be
6 career-threatening if they did make that decision; and
7 therefore the reason I was explaining it in this way is
8 that, even if they -- the intelligence was overwhelming
9 that they had identified a suicide bomber and they had
10 the potential to detonate, that if, even then, if a DSO
11 wasn't prepared to take the decision for a critical
12 shot, because it is such a huge decision and may well
13 affect the rest of their career, that they should
14 realise that even if they chose a challenge from cover
15 tactic, if the subject was then non-compliant, they
16 would still take a critical shot. So --

17 SIR MICHAEL WRIGHT: In effect, there was a situation where
18 it would be left to the discretion of the individual
19 officer?

20 A. Yes, but my understanding and our hope, and I am talking
21 about the SFO world here, was that it's always the
22 individual officer's responsibility, which is
23 unfortunate in a lot of instances, and we wanted, and
24 the whole point of the DSO process being in place was
25 a shared responsibility for that decision, if you could

1 actually do that, and this was an attempt at doing that,
2 or this whole sort of command structure was an attempt
3 at doing that. And I felt it was important at that
4 point to explain that to the officers.

5 SIR MICHAEL WRIGHT: As I understand it, in a sentence, were
6 you saying that even if there had not been an order from
7 the DSO, that did not necessarily exclude the
8 possibility that the individual officer might have to
9 take it?

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: That's what it comes to?

12 A. Yes, sir.

13 SIR MICHAEL WRIGHT: Or other way around, they don't have to
14 wait for an order from the DSO in order to take
15 a critical shot?

16 A. Correct, sir.

17 MR HOUGH: In your interview, you were asked about this
18 passage in the statement by the IPCC, and you said that
19 part of your purpose in putting it this way was to
20 ensure that the team was reassured that they were
21 supported by the command structure.

22 What did you mean by that?

23 A. Obviously I have been involved in operations, and a lot
24 of the team have been involved in operations where we
25 have shot other people. If the job is seen to be

1 successful, then everybody wants to be part of it, there
2 is no doubt about it, and everybody will put up their
3 hands and say: yeah, I was involved in that operation.
4 However, if anything is deemed to be a slight problem in
5 relation to that, ie we have shot somebody and there
6 might be contentious circumstances, it's amazing how
7 many people then disappear from the scene and don't want
8 to be involved with it.

9 So it really -- it was my way of trying to reassure
10 the team that they would be supported, whatever action
11 they took, because of the structure that was in place.

12 Q. Did you say anything in the briefing about your role in
13 supporting the surveillance teams?

14 A. Sorry, could you be a bit more specific?

15 Q. First of all, did you know at that time that there were
16 surveillance teams on the ground or at least one
17 certainly on the ground?

18 A. Yeah, I don't think I knew at that time they had been
19 deployed because I think I had put a line here
20 somewhere, I can't remember where, but I said that they
21 are deploying or a surveillance team will be deployed to
22 Scotia Road so I didn't know that at the time, I don't
23 think.

24 Q. You knew that the intention was that there should be
25 a surveillance team and you would be backing them up?

- 1 A. Yes, sir.
- 2 Q. Is that something you passed on to the other officers?
- 3 A. Yes, sir.
- 4 Q. Did you say anything to them about the strategic aims of
5 the operation?
- 6 A. Not at that point, actually, sir. I don't think I had
7 been given a strategy at that point.
- 8 Q. Did you know when you were giving the briefing such
9 matters as who you would be required to stop, where they
10 should be stopped, whether the priority was to maintain
11 the covert status of the operation, or to stop everyone
12 coming out of the address?
- 13 A. Not at that point, sir, no.
- 14 Q. Moving on from that briefing, you say in your statement
15 that you left the base at Leman Street at 8.10?
- 16 A. Yes, sir.
- 17 Q. We have heard about this before, but you would have been
18 going in an unmarked vehicle?
- 19 A. Yes, sir.
- 20 Q. You and all your colleagues would have been in plain
21 clothes?
- 22 A. Yes, sir.
- 23 Q. Your team had either Charlie or Delta call signs?
- 24 A. Yes, sir.
- 25 Q. When you set off, how many vehicles in total were used

- 1 to take the teams?
- 2 A. Including the control car, there were six vehicles
- 3 altogether, sir.
- 4 Q. All unmarked and all going at this stage to
- 5 Nightingale Lane?
- 6 A. I wasn't in the control car, I peeled off to go to
- 7 New Scotland Yard, so five cars would have been going to
- 8 Nightingale Lane, because at that point we had probably
- 9 decided that was a sensible place to go.
- 10 Q. Is that a decision that you had made in conjunction with
- 11 Mr Esposito?
- 12 A. I can't recall who it was in conjunction with, it was
- 13 definitely in conjunction with Ralph, but I can't
- 14 remember whether Mr Esposito -- it would have been
- 15 unusual for him not to know, put it that way.
- 16 SIR MICHAEL WRIGHT: But the other five went straight to
- 17 Nightingale Lane?
- 18 A. Yes, sir.
- 19 SIR MICHAEL WRIGHT: As straight as they might have done.
- 20 A. Yes, sir.
- 21 MR HOUGH: You peeled off to New Scotland Yard to pick up
- 22 DCI Purser?
- 23 A. Yes, sir.
- 24 Q. Then you went on to Nightingale Lane?
- 25 A. Yes, sir.

- 1 Q. As we have seen, it's not an enormous diversion, it's
2 a slight diversion from your path?
- 3 A. Yes, sir.
- 4 Q. Did you, and to your knowledge the other vehicles, use
5 the lights and sirens while going across London?
- 6 A. I am sure we did, sir, I can't remember that
7 specifically, I am sure we did because we would have
8 wanted to get there as soon as possible, and at that
9 time of the morning, I'm sure it was quite heavy with
10 traffic.
- 11 Q. Shortly before you left Leman Street or at around this
12 time, we know from Mr Esposito's call records that he
13 made a call to you at 8.07?
- 14 A. Sir.
- 15 Q. For a period of around three minutes. He can't recall
16 what was precisely said in that call. It may be you
17 can't either. But can you?
- 18 A. Not really, sir. I would have probably said we have all
19 briefed up and we are ready to leave now; and maybe
20 discussed the fact that I was confirming I was going to
21 come over to Scotland Yard to pick up Mr Purser, and the
22 rest of the team were going to Nightingale Lane.
23 I can't remember any further significant information
24 that was provided at that point.
- 25 Q. I think then three very short calls followed that; one

1 from you to Mr Esposito at 8.16 am; then one from you to
2 Mr Purser at 8.18 am; and then one again from you to
3 Mr Purser at 8.22 am. What was the purpose of those
4 calls, as far as you can recall?

5 A. Yes, I think, sir, that the 80 would have been: I am
6 here at Scotland Yard now, is Mr Purser with you,
7 something along those lines. He probably said no, and
8 then I contacted Mr Purser direct. And I probably --
9 well, I have got a surveillance call down there as well,
10 at a similar sort of time, 8.20, saying -- and I would
11 have probably said where we were at that point and that
12 we were on our way.

13 Q. So it's around 8.20 that you are getting to
14 New Scotland Yard. We can use these calls to pinpoint
15 that?

16 A. Yes, sir.

17 Q. You say you got a surveillance call. Who was that from
18 specifically?

19 A. No, I would have made a surveillance call to the
20 surveillance team leader, because Mr Esposito had given
21 me the telephone number when I had called him from
22 Leman Street. It would have been normal practice just
23 to make comms with the surveillance team leader.

24 Q. While you are in the car with Mr Purser on the way to
25 Nightingale Lane, did he give you any further

1 information?

2 A. Probably, sir, I can't remember any specifics about
3 that. Probably because I knew that we were just about
4 to embark on a full briefing and that he had been fully
5 briefed at Scotland Yard, so ... I do remember some --
6 something we did talk about during that journey and that
7 was in relation to the intelligence, and I reiterated,
8 I suppose, to him -- in fact that's something that
9 I wanted to mention about the basement briefing because
10 I had talked about the intelligence there and the
11 confidence the team should have in the intelligence.

12 I know that was based around the DSO structure, but
13 it was also in relation to the previous two weeks'
14 operations where we had worked on similar jobs and we
15 felt that we weren't being provided with as much
16 intelligence as we should have been, because subsequent
17 to us taking action, we discovered that information was
18 known which would have changed the way we had done the
19 operation.

20 So my, I suppose, mindset in relation to
21 intelligence was that I knew the teams were sensitive
22 about intelligence, and they were never quite sure that
23 all of the intelligence that was relevant was being
24 given to us.

25 So I suppose from that morning, all the time I was

1 banging on about intelligence and how important it was,
2 and I wanted to reiterate that to Mr Purser, because he
3 was going to deliver the main brief. Therefore
4 I definitely said to Mr Purser, "Look, you need to give
5 these guys a good briefing because up until now we
6 haven't had one in our view", so that was the bit about
7 intelligence.

8 SIR MICHAEL WRIGHT: Have we got to the briefing? If we
9 have that might be a convenient moment.

10 MR HOUGH: We are getting towards Nightingale Lane; that's
11 fine.

12 SIR MICHAEL WRIGHT: Very good. 2 o'clock, please, ladies
13 and gentlemen.

14 (1.03 pm)

15 (The short adjournment)

16 (2.00 pm)

17 (In the presence of the jury)

18 SIR MICHAEL WRIGHT: I have remembered that we must finish
19 today at the latest by 4.15 and if you find a convenient
20 moment for a break at about 3.00.

21 MR HOUGH: I may have finished by then, I hope.

22 Officer, we had got to the point where you were
23 driving from New Scotland Yard with Silver to --
24 Mr Purser -- Nightingale Lane, and you were emphasising
25 to him the need for a full intelligence briefing. You

- 1 are nodding?
- 2 A. Yes, sir.
- 3 Q. Now, you had set off, we heard, at around 8.10 from
- 4 Leman Street, arrived at New Scotland Yard around 20
- 5 past, picked up Mr Purser; can you recall when you
- 6 arrived at Nightingale Lane?
- 7 A. It would have been just before the briefing, so quarter
- 8 to or 20 to.
- 9 Q. We have you, according to your telephone records,
- 10 calling Ralph, the firearms team leader, at 20 to for
- 11 a short call. Can you recall what you were doing in
- 12 that call?
- 13 A. I am here, probably, sir.
- 14 Q. That again helps us to pinpoint that you are arriving at
- 15 Nightingale Lane at around 20 to 9. Then the briefing
- 16 is given by the Silver Commander to all the SFO teams
- 17 together, or all the SFO officers together, rather?
- 18 A. Sir.
- 19 Q. You deal with that briefing, starting on the second page
- 20 of your statement. Did DCI Purser provide any briefing
- 21 materials to the firearms officers?
- 22 A. Two photographs, I remember being passed around, sir.
- 23 Q. Can we have tab 37 of the jury bundle on screen, please.
- 24 Do you recall this, either the document as a whole or
- 25 the photograph, as being something used by Mr Purser in

1 that briefing?

2 A. From my recollection, sir, I think the two photos were
3 beside one another. I don't remember this specific one.

4 I remember the photograph. I have seen it many times.

5 Q. Was that the photograph he used in the briefing?

6 A. I am not too sure it was, sir, to be honest.

7 Q. We will hear more about his briefing pack and what he
8 used when he gives evidence tomorrow. We can take that
9 off screen.

10 Did he give photographs to the team members or did
11 he show them and then take them back?

12 A. The normal protocol when you are being shown
13 photographs, sir, is that it's handed round and people
14 sign the fact that it's been -- that's the normal
15 protocol. And I remember an A -- the type of binder you
16 have in front of you there, that sort of binder being
17 opened and being handed round and photos were beside one
18 another on an A4 sheet but in landscape.

19 SIR MICHAEL WRIGHT: Did you say that they are asked to sign
20 the back of the photographs?

21 A. Not the back of the photographs, sir, just a piece of
22 paper to say --

23 SIR MICHAEL WRIGHT: To show that they have been shown the
24 photographs.

25 A. That's the normal protocol, sir.

1 MR HOUGH: Dealing with the information provided by
2 Mr Purser at the briefing, did he give the officers the
3 names of the two suspects, Osman and Omar?

4 A. Yes, sir.

5 Q. What did he say about 21 Scotia Road and those two
6 people?

7 A. Again, sir, I have written that both of these were
8 thought to be inside 21 Scotia Road.

9 Q. To be inside the address?

10 A. That's what I have written, sir, yes.

11 Q. Did you say where the information about them and their
12 address came from?

13 A. Yes, sir, from the card in the fitness kit bag, or
14 a gymnasium membership card within a kit bag.

15 Q. So that was another piece of information that Mr Purser
16 passed on?

17 A. Yes, sir.

18 Q. Did he then give information about the explosives used
19 on 7 July?

20 A. He did, sir.

21 Q. What did he say about those?

22 A. I will just read:

23 "The briefing concerned the bombing on the 7th and
24 the use of a highly sensitive and volatile explosive
25 called HMTD.

- 1 Q. That's an abbreviation for a chemical compound?
- 2 A. Hexamethylene triperoxide diamine, sir.
- 3 Q. I definitely wouldn't have remembered that. Go on, what
4 else did he mention about the explosives?
- 5 A. The initiation methods were mentioned in relation to the
6 devices; that some had fuse-type initiation and others
7 wires and bulbs.
- 8 Q. Why was it important for your officers to know that kind
9 of detail?
- 10 A. If my officers are going to confront this type of
11 individual, it might give them an indication as to what
12 to look for in relation to their response.
- 13 Q. Because different types of initiation involve different
14 movements on the part of the subject?
- 15 A. Correct, sir. I think the most important part of that
16 element was that it would be extremely difficult,
17 especially where I have said there it was also mentioned
18 two wires could be put together to initiate a device,
19 how difficult that may be in these circumstances.
- 20 Q. Was anything said about the size of the types of devices
21 used on 7 July?
- 22 A. Size of the devices?
- 23 Q. Yes.
- 24 A. I don't remember the sizes being mentioned.
- 25 Q. Were you given any information about the association of

1 these suspects with another police operation?

2 A. Yes, sir, Operation Ragstone which was the trip to

3 Cumbria in relation to -- alleged training in relation

4 to suicide terrorism.

5 Q. Were the officers told by Mr Purser that the suspects

6 had been associated with that operation?

7 A. Yes, sir.

8 Q. Were they also told about the association of a vehicle

9 we have heard about, a Nissan Primera, with that

10 operation?

11 A. Yes, sir, and I have written the registration in my

12 statement.

13 Q. Were they also told about where the vehicle was now?

14 A. Yes, sir, it was in Scotia Road.

15 Q. So that had come through to you?

16 A. Yes, sir.

17 Q. During the course of the briefing, what did Mr Purser

18 say about the suspects and their frame of mind?

19 A. Yes, I have written ... I don't think I have written it

20 in quoted terms, but the state of mind was that -- it

21 was only really as a result of the questions that were

22 asked by Charlie 12 and Vic, and in response to that,

23 I think he mentioned the words that they were up for it,

24 or you know, prepared to do whatever. That type of

25 comment was made.

1 Q. Is this right, a couple of the officers asked some
2 questions, and in response to those, Mr Purser used
3 words like "up for it"?

4 A. Yes, sir, that's my recollection.

5 SIR MICHAEL WRIGHT: Can you remember what the questions
6 were?

7 A. Well, I have said here that Charlie 12 and Vic asked
8 questions about the devastation that may have been
9 caused, had the bombings from the previous day or the
10 attempted bombings, been successful. They asked those
11 questions. Mr Purser said that this was thought to be
12 similar to 7 July, ie the one earlier in the month, and
13 also he said that the possibility of a device being
14 attached to the body that would be difficult to detect,
15 now, I think that was a response to the way the question
16 was put, ie would it be possible that in effect we
17 wouldn't be able to tell whether somebody was wearing
18 a device or not, and therefore he said that's
19 a possibility. So he was responding to a question in
20 that respect.

21 MR HOUGH: You suggest, and let us just get this clear, that
22 Mr Purser said that the effect of the devices on the
23 21 July would be similar to that of the devices on the
24 7 July, which he had already explained in some detail?

25 A. Correct, sir.

1 Q. A number of the other witnesses have used the phrase,
2 "deadly determined suicide terrorists who were up for
3 it". "Deadly determined" and "up for it" are phrases
4 which appear in some of the other statements of officers
5 in relation to Mr Purser's briefing.

6 Do you remember those epithets being used?

7 A. "Deadly" and "determined" is something that was in sort
8 of general parlance, if you like, in the SFO world,
9 because that is a way of describing a suicide bomber if
10 you don't want to use those words, if that makes sense.
11 So "deadly determined" was something that my officers
12 would definitely have come out with, I might come out
13 with; I am not too sure about Mr Purser, but it may have
14 been used, I think I remember it being used.

15 Q. Then as you have said, there were questions about the
16 possibility of devices being concealed around the body,
17 not obvious, not in a separate container?

18 A. Correct, sir.

19 Q. The response given by Mr Purser was that that was
20 possible?

21 A. Yes, sir.

22 Q. In your view, how comprehensive was this as a briefing
23 from your experience of very many briefings?

24 A. Well, I made a comment in the statement, I think, that
25 it was one of the best briefings that we had had up to

1 that point, and that's in the previous two weeks, and
2 that I felt that the team were as prepared as I was
3 hoping they would be to face whatever they may face.

4 Q. During the course of that briefing, was anything said
5 about where the team might hold close to Scotia Road?

6 A. I am not too sure at the briefing, but definitely in the
7 car park outside afterwards, we talked about the
8 TA Centre.

9 Q. Was anything said at the briefing or indeed afterwards
10 about whether bus stops in the area would be in
11 operation or suspended?

12 A. The bus stop suspension, I think was mentioned in the
13 briefing. I haven't actually put that in my notes but I
14 am pretty sure it was mentioned in the briefing. The
15 other thing about the briefing -- are we going to carry
16 on?

17 Q. I was going to ask you about what you added to the
18 briefing a little later, but I was dealing with
19 Mr Purser at the moment.

20 A. Okay. I did receive two phone calls during the briefing
21 from my recollection. One was -- well, I spoke to
22 Trojan 80, whether I made the call or not, I haven't got
23 that on my records, but I was contacted by Trojan 80 who
24 gave me the current strategy. So that was one call.

25 The other call was from a surveillance team leader,

- 1 I think termed Derek, which is red team leader, who I
2 had already made contact with early to say, look, we're
3 on our way or whatever. I received a phone call from
4 him as well during the briefing, so I just wanted to
5 mention those two.
- 6 Q. According to your phone records, you called the
7 surveillance -- this is in your second statement, if it
8 helps you to refer -- team leader at 8.20, then again at
9 9.42 and 9.43. Do you associate any of those calls with
10 the briefing?
- 11 A. No, no, I think this must have been from the
12 surveillance team leader to me, sorry.
- 13 Q. So him calling you?
- 14 A. Yes, sorry.
- 15 Q. You said that you think something was said in the
16 briefing about bus stops; what was said?
- 17 A. That the bus stops had been suspended.
- 18 Q. Had been suspended?
- 19 A. Correct.
- 20 Q. Who had you or anybody else received that information
21 from?
- 22 A. Mr Purser.
- 23 Q. So Mr Purser had told you or he just said it --
- 24 A. I think it was part of the briefing, sir.
- 25 Q. After he had finished what he had to say, did you add

1 some more information? Did you give some more
2 information?

3 A. Yes, sorry, I did, yes, because the phone call to
4 Trojan 80 had delivered the current strategy, so I stood
5 up and stated that no subject coming out of the address
6 would be allowed to run and that an interception should
7 take place as soon as possible away from the address,
8 trying not to compromise it. I then confirmed that
9 there was an OP van in place and that that had a view of
10 the communal front door of the premises and that there
11 were a number of flats within. I also said that
12 a number of subjects had left by that door, and -- but
13 they had been eliminated. By this door, sorry. I have
14 put down there this information came from Trojan 80.

15 Q. I think you have said there no subject coming out of the
16 address should be allowed to run. Who was to make the
17 decision about which persons should be treated as
18 subjects and therefore not allowed to run?

19 A. I wasn't told who, but it would be surveillance in the
20 first instance, but I would have imagined that that
21 would have been passed on to Silver or whoever was
22 controlling at that time to actually make a decision on
23 that. But I didn't go into great detail about how that
24 was going to happen because I wouldn't have needed to.
25 That would have been an obvious thing in my mind.

- 1 Q. Based on the information you received, and the
2 information you passed on in the briefing, where did you
3 expect interceptions to take place in relation to the
4 address?
- 5 A. Based on that strategy, obviously as near as we could to
6 the premises without compromising it, simple as that, ie
7 the danger would always come from the address in this
8 particular case and therefore -- and also the risk of
9 compromise would come from the address, so it would be
10 in my mind a common sense thing to make sure you were
11 out of range of that, but bearing in mind at that point
12 I would have been with Silver, it would have been --
13 I would have suggested at particular points perhaps but
14 it would have been his decision to say where that might
15 be or I would ask for confirmation anyway.
- 16 Q. Did you make an arrangement at any stage about
17 communications with the control room if a decision was
18 made to intercept a person?
- 19 A. That I would have an open line with Trojan 80.
- 20 Q. Around what time did the briefing conclude?
- 21 A. I haven't put that, sir, on here, but it must have been
22 9.15-ish, I would imagine.
- 23 Q. Starting about quarter to 9, ending at about quarter
24 past 9?
- 25 A. Sir.

- 1 Q. After the briefing, what was done about going to the
2 scene?
- 3 A. We discussed, myself and Ralph -- Mr Purser was,
4 I think, held on to brief some of his own team, I think,
5 afterwards but Ralph and I had a discussion in the
6 car park at Nightingale Lane about where we might hold
7 up. Whether we had discussed that before or we knew
8 about it, I am not too sure. However, we had
9 a discussion about it and that's where we agreed that we
10 would drip-feed, if you like, into the
11 Territorial Army Centre, obviously because there is
12 a huge fear of compromise around the whole operation
13 because it wasn't just about Scotia Road, so we
14 identified from a map. I know that one of the officers,
15 I think the driver of Alpha car, had local knowledge.
16 I had also -- I knew the area reasonably well because
17 I had served at Streatham for six years as a PC, so
18 I knew the TA Centre anyway, so once I looked at the
19 map, that was all pretty obvious that that was a good
20 holding position. I think one of the surveillance team
21 may have mentioned it to me, because obviously they were
22 in place, so I had a number of different sources, if you
23 like, about TA Centre and that's what we were agreed.
- 24 Q. Was the TA Centre reced before you started drip-feeding
25 cars containing SFO officers to it?

- 1 A. Yeah. The Alpha car would have gone to do that exact
2 thing, ie to recce it, to make sure that it was a
3 suitable location for us because there were quite a lot
4 of vehicles and also to square up with whoever was
5 controlling the premises that that was okay to do that.
- 6 Q. Did you wait for the Alpha car to go there and come back
7 before other cars were sent down to the TA Centre?
- 8 A. No, sir.
- 9 Q. Sorry?
- 10 A. No, sir.
- 11 Q. I will just put this to you so that you have the
12 opportunity to comment on it: Ralph in the Health and
13 Safety trial suggested that that was what had happened:
14 a car had been sent to recce, you had all waited for it
15 to come back before starting to send other cars down?
- 16 A. I think he would say himself that he was wrong in that.
17 That's not the way we would do it. It would waste time.
18 It wouldn't make sense.
- 19 SIR MICHAEL WRIGHT: He could have radioed back whatever his
20 views were or used a mobile phone.
- 21 A. Exactly, sir, and I think Charlie 2 who was there first
22 made the phone call back to Ralph anyway, sir.
- 23 MR HOUGH: So Charlie 2 was in the Alpha car.
- 24 A. Correct.
- 25 Q. They went down, radioed back and meanwhile the other

- 1 cars are going?
- 2 A. Yes, sir, that's my recollection. Well, again,
3 drip-feed so maybe one would be released again.
- 4 Q. What kind of intervals were the cars drip-fed?
- 5 A. Apart from the initial car, a sensible time between each
6 one, so maybe a few minutes, perhaps.
- 7 Q. Where in the sequence, I will not call it a convoy, were
8 you?
- 9 A. I was the third vehicle, I believe, sir.
- 10 Q. You were in a car with Silver, in the control vehicle
11 with Silver?
- 12 A. Yes, sir.
- 13 Q. That was driven, I think, by Delta 10?
- 14 A. Yes, sir.
- 15 Q. We have already heard that you would not all just go in
16 convoy because that would attract too much attention?
- 17 A. Yes, sir.
- 18 Q. Were you at the TA Centre when you received a call about
19 some activity around Scotia Road? (Pause)
- 20 A. In saying that, do you mean the fact that somebody had
21 come out of Scotia Road?
- 22 Q. Yes.
- 23 A. Yeah, it was either just as I was pulling in or maybe as
24 I was getting out of the vehicle at Scotia Road, I think
25 I was aware that some activity was happening, ie

1 somebody had come out of the address. I think that's
2 how it went.

3 Q. In the course of your interview with the IPCC, you were
4 asked this:

5 "Now, I understand from another statement that he
6 says at 9.45 you informed him that an IC2 had come out
7 of Scotia Road and the surveillance team were unable to
8 say which flat. At that time I understand that the
9 person was not identified as one of the suspects and he
10 was not carrying anything. Can you just tell me where
11 you were at the time?

12 "Answer: Yeah, it's difficult for me to remember
13 exactly where I was. However, I think I was with the
14 Territorial Army manager, just squaring up the fact that
15 we were going to descend upon him as a team."

16 A. You are referring to my interview there.

17 Q. Your interview with the IPCC, does that help to jog your
18 memory at all about when you received information?

19 A. Can you repeat the 9.45 element of it?

20 Q. We can show it on screen. It's exhibit-page 359. Do
21 you see the question just around the first holepunch?
22 There is a redacted name, you giving information around
23 9.45 that somebody has come out of Scotia Road, at that
24 time the person not identified; and you said you think
25 that you were with the Territorial Army manager:

1 "... just squaring up the fact that we were going to
2 descend upon him as a team."

3 A. Who is that redacted name, sir? Is that Mr Purser?

4 Q. I think that is Mr Purser.

5 A. I think it is Mr Purser because I have read his
6 statement and he says I told him that, so I think you're
7 right.

8 I think he is wrong in the timings. The only reason
9 I say that is because obviously having re-thought about
10 this and going by my phone records, I have tried to
11 reconstruct the exact sequence of events; and I think
12 I am right in saying that I would have known that
13 earlier according to this, I would have been either at
14 the TA centre or very nearly there prior to 9.42; and
15 so -- I seem to remember when I got out of the road at
16 the TA Centre, I sort of knew that activity had happened
17 but that that person had been eliminated at that point.
18 That's what I remember having in my mind. So I put it
19 to the back of my mind, which allowed me the opportunity
20 to go into the TA Centre and discuss with the manager.
21 So that's my recollection of the sequence.

22 Q. So you are arriving at the TA Centre either around the
23 time or just after information is coming through to you
24 about somebody having come out at Scotia Road?

25 A. Yes, sir, that's my recollection.

1 Q. At that point, we know that you were the third car in
2 the sequence?

3 A. Yes, sir.

4 Q. So at the point that you are hearing that, is this
5 right, the other cars had not yet arrived at the
6 TA Centre?

7 A. Yes.

8 Q. From whom did you receive the information about some
9 activity at Scotia Road?

10 A. That's on the assumption that what I have just said,
11 I knew that some activity had happened at Scotia Road
12 prior to me going into the TA Centre but I had
13 eliminated that. I think it was Charlie 2 who came into
14 the TA Centre while I was discussing it with the guy in
15 charge and said something like, "Boss, we need to go",
16 and I didn't really say much about it, but I obviously
17 walked quickly with him and I think I was straight on to
18 the phone to find out from the control room, I think,
19 what went on, which I think if you look at -- well,
20 there is two calls, both to surveillance at 9.42 and
21 9.43.

22 Now, I may well have caught contact with them in the
23 first instance to find out what was going on, but soon
24 after that at 9.44, I called Trojan 80 which lasted 1
25 minute and 3 seconds. This would tie up with the

1 conversation I know I had with him as I got into the
2 vehicle at the TA Centre and the conversation was
3 a confirmation of what I knew about a description; and
4 at that point I think I had the information that it was
5 an IC2 male wearing denims, African appearance, IC2 --
6 anyway, that's about all I had and therefore I confirmed
7 that, or Trojan 80 confirmed that back to me that that's
8 what he had, and he said you need to get in contention
9 with the bus or words to that effect. That was when I
10 was getting back into my vehicle at the TA Centre,
11 having just come out. Does that help?

12 Q. That does. So 9.42 and 9.43, you make calls to the
13 surveillance team leader. That's Derek, leader of the
14 red team?

15 A. Yes, sir.

16 Q. At that point you receive from him further information
17 about the man who's come out?

18 A. Yes, sir.

19 Q. What precise information other than the identification
20 that you have heard, or rather should I put it this way:
21 were you told anything by him about where the man was at
22 that stage?

23 A. By Derek?

24 Q. Yes.

25 A. I can't recall exactly, sir. I remember talking to

1 Derek at some point after the subject had left the
2 premises, and he -- I remember him saying to me, we were
3 having the discussion about the fact that he said: I am
4 not with the subject, I am remaining at the premises, or
5 outside the address to control it, so-and-so has gone
6 with them; and gave me two extra numbers about
7 surveillance team people who were currently with the
8 subject.

9 Q. So 9.44, then, after those two calls to Derek, you call
10 Mr Esposito?

11 A. Yes, sir.

12 Q. He gives you some specific instructions, does he, at
13 that stage?

14 A. That's what I just stated, sir, in relation to "you need
15 to get in contention with the bus" or words to that
16 effect.

17 Q. When he is giving you those instructions, what action do
18 you take, both yourself and in relation to the other
19 firearms officers?

20 A. Well, at that point we would have attempted to get in
21 contention with the bus, so at that point we were
22 driving out, I would have turned round so we were facing
23 inwards, we were turned round and made our way out of
24 the TA Centre to try and catch up with where the bus
25 was.

1 Q. You and how many other cars?

2 A. Myself -- included there was three cars at the
3 TA Centre, so in effect control, which was what I was,
4 plus two CARVs, covert ARVs.

5 The -- Ralph's vehicle was just -- as we were
6 leaving was just about pulling into the TA Centre, so
7 when I pulled out on to Tulse Hill itself, I had two
8 vehicles in front of me, Ralph was behind but I wheel
9 out into overtake, and then we were in a normal
10 conventional configuration, if you like, the firearms
11 team was in with control at the rear and three gunships
12 or covert ARVs in front. So that was the standard
13 configuration and I sort of breathed a sigh of relief,
14 if you like, that we were in the right configuration to
15 carry on.

16 Q. As you are driving from there, is this right, you made
17 a number of calls to different surveillance team
18 members?

19 A. That's correct, sir.

20 Q. In addition to that, were you listening to surveillance
21 chatter over the Cougar radio?

22 A. Yes, sir.

23 Q. So you are getting information both from the
24 surveillance team officers you call and from listening
25 to what they are saying over the Cougar radio?

1 A. Correct, sir.

2 Q. Did you also receive calls over that period on your
3 mobile from Mr Esposito?

4 A. Calls from him, sir?

5 Q. From him?

6 A. I am not sure which way it went, but yes, I did speak to
7 him.

8 Q. You had communications over your mobile with him?

9 A. I did, sir. In relation to the Cougar, can I just say
10 something about that. Cougar is, and you have heard in
11 these proceedings, is invariably unreliable and
12 therefore you can't guarantee comms, and I know there
13 has been discussions about the difficulties in comms and
14 Trojan 80 in the control room talking about
15 communications and problems. Now, in talking to my
16 driver, Delta 10, he remembers we did have difficulty
17 with comms at the TA Centre, ie the Cougar comms. And
18 I think travelling from the TA Centre down to where the
19 hub of the action was going on, we maybe had
20 intermittent comms on that journey, and that's not
21 unusual for Cougar because it really depends on range.
22 You may be out of range one minute and I don't know,
23 maybe half a mile you might hit the comms and it all
24 comes back on screen again. So I can't say it was, you
25 know, perfect all the way but there were periods of time

1 where we heard what was going on and other periods where
2 we didn't.

3 Q. That's very helpful. In terms of the calls you made to
4 the surveillance team members, according to your
5 records, you telephoned Derek, the red team leader at
6 9.46, so just a couple of minutes after you had set off,
7 Tim, another member or a member of the grey team, at
8 9.47 but only for four seconds, so possibly a message or
9 a failed call. Then Tim again at 9.48 for 49 seconds,
10 Tim again at 9.56 again for a very short call, just 12
11 seconds, and then a longer call to James of the grey
12 team at 9.56 for two and a half minutes?

13 A. Yes, sir.

14 Q. So a number of different calls made there.

15 A. Sir.

16 Q. From those various sources, Cougar being reliably
17 unreliable and the various calls to the surveillance
18 officers and your occasional calls in or out from
19 Mr Esposito, what information did you get about the man
20 who was being followed and identification of that man?

21 A. Right. I was aware of somebody coming out and not being
22 identified as a subject, and I think I had that
23 information prior to going into the TA Centre.

24 Q. Pause there, not being identified as a subject or being
25 identified as not a subject?

1 A. Right. I would just like to leave it as a subject
2 coming out, all right, and being unidentified. Does
3 that help?

4 Q. That helps. Go on.

5 A. So I think I had that information as I started the
6 journey from the TA Centre. I think one of the main
7 things I would have wanted from Trojan 80 is to confirm
8 or to understand why we were now getting behind
9 a subject who had initially been unidentified. I can't
10 remember any specifics around that. However, I suppose
11 I minimised on confirmation around that because I was
12 being commanded, if you like, to do something about
13 a subject, and therefore I suppose I didn't -- I tried
14 not to have any doubt in relation to that, because why
15 would we be being asked to get behind a subject if we
16 were not going to be required to do something.

17 So in answer to your question, I suppose I went
18 through a number of different thoughts during that
19 journey in relation to the identification, and I suppose
20 I can recall the journey in stages, and there were
21 probably stages of doubt. However, the last part of the
22 journey in my mind, there was no doubt in relation to
23 an identification being made.

24 Q. Okay. We will take you through those stages, if we may.

25 We have certainly an initial impression that the man is

1 unidentified?

2 A. Sir.

3 Q. Did you ever reach an impression or receive information
4 that the man had been actually discounted so that
5 surveillance was being called off?

6 A. I was in the car with Mr Purser. I was aware Mr Purser
7 had asked an S013 officer, I didn't know who that was at
8 the time, to go and intercept this unidentified subject,
9 as I knew it at that moment in time, which I think I
10 must have known prior to getting out of the TA Centre
11 because like I say, I put it to the back of my mind, and
12 up until the point there was anything for us to do,
13 I tried to eliminate it. There was enough going on in
14 my head as it was without cluttering it with unnecessary
15 things, if I can put it that way.

16 So I knew that S013 were being tasked to do
17 something about the subject prior to starting that
18 journey.

19 SIR MICHAEL WRIGHT: But by that time, of course, it was of
20 no further interest to you because he was unidentified.

21 A. I must admit, sir, I didn't then think, oh God, I wonder
22 what has happened to the S013 people, because I was just
23 concentrating on what we had to do.

24 MR HOUGH: Let us just examine this for a moment. You were
25 made aware just from hearing him that Mr Purser had

1 ordered an arrest team in.

2 A. Sir.

3 Q. Would you have deduced from that that a firearms
4 interception was not going to be required?

5 A. At that point, yes, sir.

6 Q. Did Mr Purser say anything about calling your car and
7 the other SFO cars off the pursuit at that stage?

8 A. That would never have happened anyway, sir, because
9 I was in communication with the control centre, if you
10 like, via Trojan 80. In effect, I know Mr Purser is in
11 the car, but I was taking my instructions at that point
12 from the hub as I viewed it, ie the control centre.

13 In relation to the interplay, if you like, between
14 myself and Mr Purser, I'm sitting in the car in this
15 way, Mr Purser is in the back. He's probably shoved
16 himself forward so his head is between the two. Now, we
17 may not communicate with each other as such, but we are
18 probably looking at each other and understanding what's
19 going on because of what we're saying on the radio, or
20 on the phone. So we may not need to communicate to each
21 other because we understand just from our general
22 awareness about what each other's doing, if that makes
23 sense.

24 Q. Okay.

25 A. Does that sort of help?

- 1 Q. That's certainly helpful. But your instructions from
2 the control room at that point are not to pull back, are
3 effectively to keep going?
- 4 A. Correct, sir.
- 5 Q. You are aware at the same time that Mr Purser is giving
6 an instruction for an arrest team to be used, and so at
7 that point you are at least inferring that you are not
8 going to be used as yet?
- 9 A. That, I think, makes the assumption that he was actually
10 making that arrangement whilst I was in the car.
11 I think that may not have been the case, because I think
12 I had that information as I got out of the car, or when
13 I got out of the car at the TA Centre, so he may have
14 made a phone call before I got out, so when I got back
15 into the car, that was all over. The arrangement had
16 been made, and I know subsequently he called off that
17 very late on, but I don't remember any conversations he
18 was having in relation to that element.
- 19 Q. We may hear evidence, and I only say may, that his call
20 to Mr Dingemans may have been made at around 9.48 or
21 thereabouts, and that would have been when you were in
22 the car, wouldn't it?
- 23 A. Yes, sir, but sorry, I am now talking about just the
24 element of the journey and the stage thing that I can
25 recall it from the TA Centre, let us say, down to the

1 roundabout at Brixton Town Hall. That element of it,
2 I don't recall any discussions that Mr Purser was having
3 in relation to that element of it.

4 Q. You have told us a few moments ago that a later time
5 came where you gained an impression that the man being
6 followed was the suspect Osman. How did you gain that
7 impression?

8 A. Again it's, and I know this is hugely important, but
9 it's extremely difficult to remember when that occurred.
10 The only way I can sort of rationalise it in my own mind
11 was that it was a build-up of knowledge from a number of
12 different sources, those sources being the conversations
13 I had with Trojan 80 or conversation I had with
14 Trojan 80 prior to that point. The fact that
15 Greg Purser was in the car making calls to various
16 people and receiving calls. Again in hindsight I now
17 know that was probably Commander Dick and/or others in
18 the control room. Plus we had the Cougar radio in the
19 vehicle and my driver was probably shouting or giving
20 instructions to me about what might have been going on
21 over the radio as well.

22 So although it's difficult for me to answer that
23 question in an easy way, at some point, especially
24 during the latter stages, I was almost surrounded by
25 a sea of positive identification, if that makes sense.

1 You know, I was in no doubt in my mind, otherwise I had
2 ample opportunity to ask questions of lots of different
3 people about: are you sure or whatever, but I never
4 actually did that, and therefore I must have been happy
5 or confident about that identification.

6 Q. In that latter stage when you were forming that
7 impression, you had, I think, a call with James of the
8 grey team at 9.56 lasting for two and a half minutes?

9 A. Yes, sir.

10 Q. Can you recall anything about what he told you about
11 identification?

12 A. The calls I made during the journey to surveillance
13 officers -- this may help the jury as well to understand
14 it -- is I have been given these numbers of surveillance
15 team leaders, I don't know who they are, I've never met
16 them before, I am just talking to a voice on the end of
17 the phone. In my mind, I now know, because Derek's
18 given me these numbers, that these are the officers with
19 the subject, so it's not a case of having a sort of
20 two-way conversation, if you like. All I do is demand
21 answers to questions that I want to know, because they
22 may be sitting next to the subject for all I know or
23 somewhere with that person; so I either know I am going
24 to get ditched from the call, because they can't talk at
25 that moment in time, or they are going to give me

1 limited information or not even say anything to me.

2 They are just going to answer what I asked them.

3 So to answer your question, the 2-minute 31 seconds
4 call, what I got was, I think, because this is the
5 longest call, this is where I was given information
6 about -- I actually gave the description, I said, look,
7 this is what we have got, is this correct and I gave the
8 same description I had already given, IC2, North African
9 appearance, wearing denims. I think that's about it
10 really but, you know, just the basics and I got a yes.

11 I said: where is he on the bus; and he couldn't
12 answer that, couldn't tell me what deck was on. I said,
13 and I can't remember whether he gave me the registration
14 number, but luckily I got the registration number of the
15 bus, said it was a number 2 bus and where it was
16 heading, where it was at that moment in time.

17 So that was the information I was provided with at
18 that point, I think.

19 Q. As far as you can recall, did James in that call say
20 anything about whether this man was the subject that he
21 had been tasked to look for, Osman?

22 A. Yeah, that might sound crazy but -- no, that wasn't part
23 of the conversation, no.

24 Q. Did you, over this period, hear anything from the Cougar
25 radio -- this is the chatter -- about whether the

1 surveillance officers were saying that this was in fact
2 Osman?

3 A. I think I have said in my IPCC interview that I didn't
4 hear a positive identification over the Cougar radio,
5 and again I --

6 Q. That's why I asked the question in that way.

7 A. I think that's correct. I don't think I did, because it
8 would have been Delta 10 who would have told me that
9 because he was pretty much tasked with nothing else to
10 do apart from drive, to listen to the Cougar because
11 I am slightly deaf for various reasons but I have
12 difficulty hearing radios particularly, which doesn't
13 sound good, I know. However, I rely on him to provide
14 that information for me.

15 And the other thing was, of course, most of my
16 attention was taken up with phone calls trying to
17 identify where this subject was; and also, I suppose
18 I was listening in sometimes to Mr Purser and what he
19 was doing on his phone, so there was a cacophony, if you
20 like, of activity, of noise in that car in relation to
21 stuff(?).

22 Q. What you have said is that by the time we are getting
23 towards the end of the follow, up towards the end of
24 Stockwell Road, near Stockwell tube, all the impressions
25 you were being given from every source is that this is

- 1 a positive identification?
- 2 A. Yes, sir.
- 3 Q. Was any doubt being expressed either by the control room
4 to you direct through Mr Esposito, or from any of your
5 other sources?
- 6 A. No, sir.
- 7 Q. We know that you called Mr Esposito on his mobile at
8 9.59 and that you then had a call lasting nine minutes
9 which was in fact keeping an open line over that time?
- 10 A. Yes, sir.
- 11 Q. Can you recall what the purpose of you calling him at
12 that point was, and what stage you were at in the
13 journey?
- 14 A. I suppose it complied with the agreement we had in
15 relation to an open line prior to any action we may be
16 required to take, therefore that was -- the reason it's
17 so long is because it was exactly that, an open line, so
18 that he could give me direct instructions, if you like,
19 from the hub.
- 20 Q. So you finished your call to James not very long before,
21 at less than a minute previously, and then you called
22 Mr Esposito to have an open line to him?
- 23 A. Yes, sir.
- 24 Q. At the point that you made that call to Mr Esposito,
25 looking back, where had you got to on Stockwell Road,

- 1 how close to the junction with the Clapham Road?
- 2 A. We were at Brixton Town Hall round about at that point,
3 I don't know why I remember it, but I specifically
4 remember it because Mr Esposito gave me a hard time at
5 that point about being -- well, he was obviously
6 wondering where I was. Because I had been on the phone
7 I think he had -- I have got three missed calls on my
8 phone, two of which I think were him trying to contact
9 me. So he was desperate to get hold of me, I suppose,
10 and so when I made contact with him, he said something
11 along the lines of: where you been or what have you been
12 doing or whatever; and I just remember we were driving
13 around the roundabout outside Brixton Town Hall at that
14 moment in time.
- 15 Q. Just to help us, can we have tab 11 of the jury bundle
16 on screen, it's the three maps at 23A, B and C. Moving
17 to the second one, are you able to pinpoint it on this
18 map where you had got to, Brixton Town Hall roundabout?
- 19 A. Yeah, there is a perfect triangle, I think sort of
20 8 o'clock, if that makes sense. Yeah, Effra Road
21 travels north/south, directly in front of you, then you
22 have got Brixton Hill left/right and then you have a
23 perfect triangle: Matthews Road, Brixton Hill,
24 Effra Road. At the point --
- 25 Q. So it's just below the middle point of the map?

- 1 A. Yeah. The small blue bit, I think is Brixton Town Hall,
2 I think. That's the blue crescent shape, I think, and
3 I was -- when I think I made contact with Trojan 80,
4 I was pretty much on the X of Brixton, at that point,
5 where it says Brixton Hill.
- 6 Q. Thank you. At that point, when you started that call,
7 what was the traffic situation around you?
- 8 A. Heavy.
- 9 Q. Heavy traffic?
- 10 A. Sir.
- 11 Q. Were you still the -- well, I will not put it that way.
12 Where were the other SFO cars in terms of ahead of you,
13 behind you, whatever?
- 14 A. The configuration was as I assumed. Control car me,
15 three cars in front.
- 16 Q. And two cars behind?
- 17 A. I know that now. At the time I wasn't really bothered
18 where they were, but I was happy with the configuration
19 at that moment. Ralph would have sorted that out.
20 I now know that they were behind me, yes.
- 21 Q. When you made that call, what information or
22 instructions did Mr Esposito give you from that point
23 on?
- 24 A. All I was doing, I remember, he didn't give me any
25 instructions as such. Obviously the instructions still

1 applied, the one he gave me at TA Centre: get in
2 contention with the bus. Therefore I was just feeding
3 back where we were because obviously he was anxious,
4 I would say, to know that I was in contention, and
5 I made the assumption that it was because he wanted to
6 provide the best tactical advice to Commander Dick, and
7 therefore until I was in contention, I suppose he didn't
8 feel -- he felt unless we were in contention, he
9 couldn't really give that advice, and therefore he
10 wanted me to get there as quickly as I could.

11 Q. Were you giving him fairly precise advice, where you had
12 got to on the road?

13 A. I don't know what else I would have been talking to him
14 about at that point. It must have been feeding back
15 exactly where we were.

16 Q. Would you have said that you were close to
17 Brixton Town Hall or any other particular landmarks?

18 A. I am pretty sure I would have done, yes, sir.

19 Q. Did a time come when you did get a further instruction
20 from the control room?

21 A. Yes, I did.

22 Q. What was that instruction?

23 A. If you are talking about the final instruction I got --

24 Q. I am getting to the final stages.

25 A. Right, the final stage was I received -- I mean,

- 1 obviously a lot of preamble before, I can't remember
2 quite what it was. It was: stop the subject getting on
3 the tube or words to that effect. I think I have
4 written them exactly as I remember them being at the
5 time.
- 6 Q. So this was an instruction from Mr Esposito to you?
- 7 A. Yes, sir.
- 8 Q. Where had you reached, if you can remember, on the road
9 when you got that instruction?
- 10 A. Yeah, we were -- just prior to the junction at Stockwell
11 itself, and I think the jury saw a video reconstruction,
12 I think Mr Perry showed it --
- 13 Q. I think a couple of people have shown it.
- 14 A. Okay, there was a set of traffic lights, and all you
15 could see was a line of traffic, a bus at the back and
16 you saw a silver Merc with its front just poked out.
17 That was the Alpha car, or pretty much I think -- I
18 think we were there when we got the instruction.
- 19 Q. Have you seen that video yourself?
- 20 A. Only during these proceedings.
- 21 Q. That video showed a line of cars up to the junction?
- 22 A. Sir.
- 23 Q. Reasonably heavy traffic up to that junction. Do you
24 think you were actually in that line of cars at that
25 time?

1 A. Yes, sir.

2 Q. So we saw, I think, two cars move around. Those would
3 have been the cars ahead of you?

4 A. Sir.

5 Q. I am sorry, I think -- we will see it again. We saw one
6 car right at the head. That would have been the Alpha
7 car, you say?

8 A. Sir.

9 Q. Would you have been close behind that car or a number of
10 cars back?

11 A. Number of cars back, sir.

12 Q. Now, the instruction you get, as you are approaching
13 that junction, before anybody's moved out, can you try
14 to be precise about the words Mr Esposito used?

15 A. Yeah. They are pretty much as I have written here, ie
16 I then heard Trojan 80 say that the subject must not be
17 allowed on the tube, and it was sort of two instructions
18 if you like; and I can picture what was going on because
19 I have worked in the control room. I know that he was
20 standing, probably watching Commander Dick's lips, if
21 you like, in relation to what she was saying, so he was
22 just delivering what she was saying at that point,
23 I assume.

24 So I have said, I have then heard him say -- let me
25 just get this right, excuse me. Yeah, they wanted the

1 subject intercepted as a first delivery of a line, and I
2 put this over the radio. I have then said Mr Purser's
3 said the same thing, and I then heard Trojan 80 again
4 say the subject must not be allowed to get on the tube,
5 so I delivered it exactly as it was delivered to me,
6 which was in my mind, and as I explained to the team,
7 how I was going to deliver it, I was just going to
8 deliver exactly the words that Commander Dick said and
9 that's what I tried to do.

10 Q. Before those two instructions were given to you and
11 relayed out, in the minute or two before that, had you
12 told Mr Esposito where you were on Stockwell Road?

13 A. Yeah, I am sure I did, sir.

14 Q. What kind of words did you use or would you have used to
15 tell him where you were?

16 A. I would have been using reference points along the road
17 that -- I mean, again, I probably made the assumption he
18 was looking at a map or looking at the screen or
19 something, but trying to give him road names, reference
20 points. We had a bus in front of a bus stop, so I would
21 have said bus stop or whatever. I am sure I was
22 relaying that, although I was conscious of the fact that
23 he would have been concentrating and maybe discussing
24 and listening to everything that was going on in that
25 control room, so I tried to minimise what I was saying

1 because I knew he would be concentrating on discussions.

2 Q. Could you see a number 2 bus ahead of you at the time
3 that you were receiving these instructions?

4 A. Yes, sir.

5 Q. Was it the bus on which Mr de Menezes, as it turned out,
6 was?

7 A. Yeah. There was another number 2 bus which caused
8 a little bit of confusion prior -- well, in fact you
9 probably saw it on the video. It was the one behind.
10 We had already passed it when I got the instruction, so
11 we had passed the first number 2 bus. When I said it
12 was lucky we got the registration number, I mean, these
13 things go that way. Sometimes we don't get that, we
14 just get a number 2 bus and that would have been pretty
15 disastrous as well, getting the wrong number 2, so I was
16 fairly relieved that we got the registration number.

17 But that would have caused maybe me to say to
18 Mr Esposito, well, we are there; or I can see the bus;
19 and he would have made the assumption we were in
20 contention, when luckily, somebody in Alpha car probably
21 said it's not our bus, it's the wrong registration
22 number.

23 Q. Taking that in stages. In your statement you say that
24 you could see a number 2 bus -- sorry, in your statement
25 you say that as you approached the junction you were

- 1 behind a number 2 bus but that was not your bus, and you
2 could see another number 2 bus across the junction,
3 having got past the lights?
- 4 A. Sir. No, we weren't past the lights.
- 5 Q. No, it had got past the lights.
- 6 A. That's absolutely right, sir.
- 7 Q. At that point, you say in your statement you hear that
8 the subject has got off the bus?
- 9 A. Sir.
- 10 Q. Then after that, you receive the instruction from
11 Mr Esposito?
- 12 A. Yes, sir.
- 13 Q. And you relay it?
- 14 A. Sir.
- 15 Q. So is this right, at the time that you are relaying the
16 instruction, you are in traffic, a number of cars back,
17 and the bus has pulled in on the other side of the
18 junction?
- 19 A. Sir.
- 20 Q. After the instructions had been received, did you say
21 anything to Mr Esposito about where you were?
- 22 A. I can't recall saying anything. After I had received
23 the instructions from him --
- 24 Q. You have had the instruction that the man is to be
25 intercepted. Did you say: we are however far back; or

- 1 we are not in position; or anything like that?
- 2 A. Not after the instruction, sir, no.
- 3 Q. Did you say that before the instruction?
- 4 A. I probably did, sir, yes. But the only way I can
5 rationalise it in my mind, it was because of the other
6 bus. I might have said something to say: well, we are
7 not in contention because it's the wrong bus.
- 8 Q. You might have said it or you did say it?
- 9 A. I would have said something along those lines, I can't
10 remember the exact words, but, yeah, I would have said
11 that.
- 12 Q. Do you recall Mr Esposito pressing you to get there
13 faster?
- 14 A. I don't remember -- yeah, I don't remember -- I know
15 about this comment that was overheard in the control
16 room, I know that, but I don't remember any problems or
17 issues in relation to our communications after the one
18 I told you about at Brixton Town Hall. I don't remember
19 any other, "What do you mean, you can't get there?",
20 which I think was the quote. I don't remember that at
21 all, so I don't know if that helps. And I would have
22 remembered it, I am pretty sure I would have remembered
23 it.
- 24 MR HOUGH: I don't know if that is a moment when ...
- 25 SIR MICHAEL WRIGHT: I have a question for you. I am going

1 to ask part of it.

2 Where does the codename Trojan come from? Is it
3 just T? In other words, like Charlie, is it just the
4 word that's used for the letter T?

5 A. No, it's not. It's not a phonetic alphabet. Trojan is
6 just the call sign for firearms within the Met, ie 19.

7 SIR MICHAEL WRIGHT: You mean anybody in CO19, or a call
8 sign for a CO19 team?

9 A. Yeah, so all of the AR reliefs would have a Trojan call
10 sign, all of the SFO teams have a Trojan call sign and
11 we, as tactical advisers, have Trojan call signs.

12 SIR MICHAEL WRIGHT: All right. I will give the rest of the
13 question to counsel and they can make what they like of
14 it. Ten past.

15 (3.00 pm)

16 (A short break)

17 (3.15 pm)

18 (In the presence of the jury)

19 MR HOUGH: Officer, I am afraid I have to ask you again to
20 keep your answers a little slower because again you have
21 to be transcribed.

22 We got to the stage where you had received and
23 relayed those two orders in sequence, and following
24 those orders being received and relayed, did the team
25 leader Ralph call state red over the radio?

- 1 A. He did, sir.
- 2 Q. At that time, when those orders were being received and
3 relayed, were you being told any information, for
4 example by Delta 10, about where the subject was?
- 5 A. I think I was fairly sure in my own mind where the
6 subject was. I don't remember how I was receiving that
7 but it could have been a combination of any of those
8 points that you mentioned.
- 9 Q. Where were you sure in your own mind he was?
- 10 A. At the point I delivered the instruction?
- 11 Q. Yes.
- 12 A. I think he was entering the tube station, or there or
13 thereabouts, but definitely off the bus.
- 14 Q. Did you at any stage hear words to the effect that he
15 was down or going down the escalators?
- 16 A. I don't remember the escalator issue, no.
- 17 Q. After state red had been called, what did the vehicles
18 in front of you do?
- 19 A. Well, they would have made best speed to the tube
20 station itself, so they would have pulled out of the
21 line of traffic and just gone to the tube and jumped
22 out, and entered the tube station.
- 23 Q. You may not be able to help us on this, but on the
24 compilation video, we see one vehicle pulls into the
25 opposite carriageway, but then pulls back into the, as

1 it were, the correct carriageway, the carriageway one
2 would normally drive in.

3 Was that because the road ahead of it was blocked in
4 some way or because it had chosen that route? Can you
5 tell us anything about why it was following that path?

6 A. I can't, sir, no.

7 Q. Where did you in your vehicle drive to, following the
8 order being relayed?

9 A. We drove across the junction to the road -- or as you
10 look at the front of Stockwell tube, the road to the
11 right, I can't remember the name of it.

12 Q. I think it may be Binfield Road?

13 A. Binfield Road, sir.

14 Q. You can remember that?

15 A. Yes.

16 Q. Did you pull up in Binfield Road?

17 A. Yes, there is a set of pedestrian barriers on the
18 pavement. We pulled up right beside those, and I think
19 there is a road hump there. It made it quite difficult
20 to get out, sir, actually, so that's why I remember it.

21 Q. Do you know where the other vehicles pulled up?

22 A. Not in exact detail, sir. I think the Alpha car was
23 directly outside. I do know that there was the other
24 vehicle that wasn't in the convoy that arrived
25 separately, was in the central reservation bit right

1 outside Stockwell tube, because that had come from
2 a different direction.

3 Q. I think you remained in the vehicle, and that would be
4 normal practice?

5 A. No --

6 Q. In the control vehicle?

7 A. No, I would have got straight out of the control vehicle
8 and hung about on the pavement, which is what I did.

9 Q. But remained with it?

10 A. Yes, I did. I still had an open line at that point,
11 sir.

12 Q. Did you at some point lose communications with your
13 officers as they went underground?

14 A. Yeah, I wouldn't have expected to continue with comms at
15 that point. Once I have delivered an instruction and
16 state red's been called, I wouldn't expect them to be
17 easily contactable anyway, and because they were going
18 on to a tube, it was a foregone conclusion that comms
19 would have been lost to them anyway, so that's probably
20 the reason that I got straight out of the vehicle.

21 Q. You said it was a foregone conclusion that you would
22 lose communications. Did you expect as you were driving
23 across that junction and pulling up in Binfield Road
24 that the interception would take place outside the tube
25 station, in the tube station, below ground; do you have

1 any idea where it might take place?

2 A. No, sir.

3 Q. Did a later time come when you instructed your driver,
4 Delta 10, to go down into the tube station?

5 A. Yes, sir.

6 Q. Was that before or after you heard word of the shooting?

7 A. It was -- because I wanted to retain an open line to
8 control, and because I wanted to know what was going on
9 down the tube, I think I sent Delta 10 prior to knowing
10 that -- well, I must have done, because he came back up
11 and said somebody's been shot.

12 Q. Just going back over this sequence of events, looking
13 back over this sequence of events, you have told us
14 about two orders that you relayed to intercept the
15 subject and not to let him get on the tube?

16 A. Yes, if I can just clarify that bit, you said I gave two
17 orders. I received two deliveries of what I have said
18 from Trojan 80, but I think I only put out one
19 instruction on the back-to-back radio to Ralph, which
20 was: they want them stopped getting on the tube. He
21 asked for confirmation of that, because -- well, I won't
22 say why he said that, I know now, but I won't say at
23 that time, but he asked for confirmation and therefore
24 I delivered the lines again, "They want him stopped
25 getting on the tube", so it was a -- so I heard -- there

1 were two instructions because Trojan 80 was delivering
2 what Commander Dick was saying. I only put out one
3 instruction to the team. Ralph asked for confirmation
4 so I delivered the same line again.

5 Q. Thanks, that's very clear.

6 SIR MICHAEL WRIGHT: Just pause there. You have used
7 several times, and Mr Hough has been repeating it back
8 to you, the word "intercept". It's also in your
9 statement.

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: Are you clear that that was the word
12 that was used? The reason I'm asking you is that we
13 have heard that it has a technical meaning in firearms
14 parlance?

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: And that is the word that was used?
17 Not, for example, "contain and challenge" or
18 "intervene"?

19 A. Yeah, can I expand on that?

20 SIR MICHAEL WRIGHT: Yes.

21 A. I know there has been a lot of discussion about
22 interception and intervention. I don't think the teams
23 have any distinction between those two. The
24 intervention element is mentioned in the ACPO manual
25 under dynamic intervention, which is for a kidnap,

1 hostage, rescue type operation. But if you asked any
2 team member, I think, whether they distinguished between
3 interception and intervention on this type of operation,
4 they probably wouldn't have said there is any
5 distinction at all. All they know is they need to do
6 something in relation to, whatever you say, interception
7 or intervention.

8 SIR MICHAEL WRIGHT: In this context you don't think it has
9 any tactical meaning?

10 A. No, sir, but I think it would have been interception,
11 not intervention.

12 MR HOUGH: Was the word "stop" used to you or by you?

13 A. Sir.

14 Q. Stop him?

15 A. Stop the subject getting on the tube, sir.

16 Q. But "intercept" was the word you think was used first
17 rather than "stop"?

18 A. Is that what I have written?

19 Q. It is what you have written. You have written
20 "intercept" but I am just checking.

21 A. I would have written here the way I have delivered it,
22 bearing in mind this was the day after, and I was fairly
23 clear about what I had said.

24 SIR MICHAEL WRIGHT: You feel you can rely on your written
25 statement in that respect?

- 1 A. Yes, I do, sir.
- 2 MR HOUGH: Was anything said by you or put out over the
3 radio by Ralph or anyone else that could be considered
4 as an order to fire a critical shot?
- 5 A. No, sir.
- 6 Q. Was there any indication ever given that the firearms
7 officers should treat this as a Kratos situation,
8 a Clydesdale situation or anything like that?
- 9 A. Any impression that I gave them that that's what it was,
10 was that the question?
- 11 Q. Let me ask you that question and then I'll follow up.
12 Did you ever give that impression?
- 13 A. I don't believe so, sir, no.
- 14 Q. Did anyone else give that impression?
- 15 A. No, sir.
- 16 Q. Moving on to the time after the shooting, Delta 10, you
17 have told us, returns and tells you that a man has been
18 shot below ground?
- 19 A. Yes, sir.
- 20 Q. Did you then inform the control room?
- 21 A. Yes, sir.
- 22 Q. Did you then go down into the station?
- 23 A. Yes, sir.
- 24 Q. In the station, did you speak to the two black and green
25 team leaders?

- 1 A. Yes, sir.
- 2 Q. Did you speak to the two officers who had fired the
3 shots?
- 4 A. Yes, sir.
- 5 Q. It's not dealt with in your statement, but what were the
6 immediate reactions of those people as far as you can
7 remember?
- 8 A. It's difficult to identify the reactions of them.
9 I mean, the ... I remember 2 and 12 talking to me in the
10 tunnel between -- the escalator goes down, there is
11 a sort of concourse and then there is two entrances
12 either side to the tubeways. I remember talking to them
13 just inside the first archway, if you like, and
14 I just ... sorry. (Pause)
- 15 I just remember feeling quite sorry for them at that
16 point. The reason for that is because they were covered
17 in blood, and ...
- 18 Q. You don't need to give us any more detail than that.
19 But go on?
- 20 A. Then they explained not in detail but a brief
21 description of what had occurred.
- 22 Q. What did they say as far as you can remember now?
- 23 A. The reason I was asking them that was because I had to
24 or would have had to brief the post-incident manager or
25 anybody else after the event, so I just got a brief

1 description of what happened; and I know this may sound
2 crazy and I haven't put it in my statement, but I don't
3 remember the exact way they described it to me.

4 Obviously I knew they had shot somebody, obviously I saw
5 what had happened, and I mean, they just probably took
6 me -- I don't think it was them, I think Terry took me
7 to the place where it occurred, but they probably just
8 gave me a quick brief that we came down on the tube, we
9 entered, and shot him. It was probably as simple as
10 that. I don't remember great discussions about it. And
11 I wouldn't have wanted to know at that point either,
12 because I think we were all fairly paranoid about giving
13 over information that may be wrong subsequently, and
14 therefore I just needed initial information about what
15 had occurred.

16 Q. Did they say anything about what the man had done or if
17 the man had done anything before they had fired their
18 weapons?

19 A. I don't remember that, sir, no.

20 Q. Did you then make arrangements for an explosives officer
21 to come to the scene?

22 A. Yes, sir.

23 Q. Did you also make arrangements or have communications
24 about the arrival of a post-incident manager?

25 A. Yes, sir.

1 Q. The following day we have heard you wrote up your
2 statement, starting at about 3 o'clock in the afternoon?

3 A. Yes, sir.

4 Q. Where were you when you were writing that statement?

5 A. First floor briefing room at Leman Street, sir.

6 Q. Who was with you when you were writing the statement?

7 A. All of the officers involved from the previous day, sir.

8 Q. Were they all writing their statements at the same time?

9 A. Yes, sir.

10 Q. Was there any discussion of events with them before or
11 during the writing-up of the statements?

12 A. Yes, sir.

13 Q. Just to be clear about this, was this because you had
14 taken a decision to do it in that way or because it's
15 standard procedure or because somebody had advised you
16 to?

17 A. Two of those things, standard procedure and the advice
18 having been given in relation to this type of incident,
19 that you have a better recollection of events if you
20 give a bit of breathing space after it, it's a much more
21 accurate reflection.

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

23 SIR MICHAEL WRIGHT: Thank you. Yes, Mr Mansfield.

24 Questions from MR MANSFIELD

25 MR MANSFIELD: Good afternoon, my name is Michael Mansfield,

1 I represent the family of Jean Charles de Menezes, and
2 I have a number of questions.

3 I want to really, if I may, start at the end, as you
4 have just been dealing with this. I apologise for
5 starting at an extremely distressing moment when you
6 actually go down, but I do want to ask a little more
7 about this. It may be easier for you if we see what you
8 said in your interview with the IPCC. You have it
9 there. May we have it on screen, please, page 373
10 towards the bottom. You clearly have maintained a close
11 eye on everything that's been said here, and I suspect
12 you have read this recently, have you?

13 A. Yes, sir.

14 Q. You sent the driver to see what's gone on, you have told
15 the jury that moments ago, and then it goes on:

16 "So he went down, came back up pretty sharpish and
17 said a man's been shot", you conveyed that to Silver,
18 I assume?

19 A. Sir.

20 Q. "Although in a statement he says that the driver did it
21 but it was actually me."

22 If we turn over to the next page:

23 "I said [at the top, I am not reading every single
24 word] look, I'm going down on the tube to see what's
25 exactly occurred so that I can ..."

1 And the word is missing, "gain", "obtain", would it
2 be, "have", something like that? So that I can "gain",
3 would that be a reasonable inference of the missing
4 word? I am not going to spend time.

5 A. Probably, sir, yes.

6 Q. "... reasonable information so I could describe to
7 people what exactly happened."

8 A. Sir.

9 Q. "So that's what I did. So I went down there ... spoke
10 to the skippers and also the two guys who were involved,
11 just got a very brief outline of what occurred. And
12 then pretty much told ..."

13 I don't know what is under there. Is it Silver
14 again, or someone else?

15 A. Initially, sir, I would have told Silver because he
16 would still have been back up on the concourse, because
17 the idea of going down on the scene is to make sure it's
18 safe prior to bringing anybody else down.

19 Q. I have assumed it's Silver. It may be that it's the
20 shortened part of his first name, "Greg", that's under
21 there. I do not have it, but let us assume that, and if
22 I am wrong it will be corrected overnight.

23 A. Sir.

24 Q. "... exactly what had happened and just remained on the
25 scene."

1 I want to pause for a moment. It's very important
2 to, as far as possible, get an accurate account of what
3 has gone on, isn't it?

4 A. Yes, sir.

5 Q. Because you are fully aware, I suspect, that what
6 happened after this event was some extremely erroneous
7 information was put out about Jean Charles de Menezes,
8 wasn't there?

9 A. Yes, sir.

10 Q. About jumping over barriers and all that kind of thing?

11 A. Sir.

12 Q. You have made it very clear that that's the reason you
13 went down. Now, you have a very clear memory about
14 a lot of things today that I think you will agree are
15 not in your statement. This is not a complaint but just
16 to point out the fact that you appear to have a very
17 clear memory about a number of things not in your
18 statement; is that right?

19 A. Yes, sir.

20 Q. I can give you illustrations if you wish?

21 A. No, sir, I think you are right, sir.

22 Q. There is quite a lot that's not in your statement, not
23 a complaint but it would appear you do have quite a good
24 memory for various stages: the roundabout at Brixton,
25 arriving at the TA Centre a bit earlier, what you may

1 have been told and all that kind of thing. You seem to
2 have a memory today of that; is that fair?

3 A. I have a memory of those elements you have mentioned,
4 the roundabout and the TA Centre, the TA Centre from
5 a reconstruction or phone records, the Brixton
6 roundabout in relation to the Trojan 80 interview --
7 sorry, interview, discussion.

8 Q. Perfectly understandable. Having the role that you had
9 on the day and having discovered somebody had been shot,
10 first of all were you shocked when you discovered, since
11 it wasn't a critical shot scenario, as you understood
12 it, it was a detention or arrest, so were you shocked?

13 A. I am always shocked when people get shot, sir.

14 Q. Yes, that's fair as well. In the consequence of shock,
15 you really want to know just a little bit about how this
16 has come about, wouldn't you?

17 A. Yes, sir.

18 Q. One doesn't want to do it on a sort of massive
19 interrogation, one just needs to know quickly, first of
20 all, who actually did do the shooting and what it is
21 they are saying at that time about it?

22 A. Yes, sir.

23 Q. That's fair, isn't it?

24 A. Yes, sir.

25 Q. The first question I have it: did you ever record

1 anywhere what they said to you?

2 A. No, sir.

3 Q. Why not?

4 A. It's not something I would do at the scene after

5 a shooting.

6 Q. No, all right, you may not do it at the scene, but we

7 know you remain at the scene and your object is in order

8 to, as you have said in this answer at the top of page,

9 so you could describe to people what exactly happened.

10 Now, you may not have time at the scene to do it,

11 you have other things to do, but there comes a point on

12 that day, that's the 22nd itself, when you go back to

13 Leman Street?

14 A. Yes, sir.

15 Q. You have a minute to sit down and just reflect upon what

16 you have been told?

17 A. Yes, sir.

18 Q. And just jot it down?

19 A. I wouldn't have done that, sir.

20 Q. Yes, I want to understand why you wouldn't have done it

21 a bit later. Do you follow? I'm not suggesting for one

22 minute you would do it at the scene. There is too much

23 going on. You are obviously shocked that there has been

24 a shooting and you have other people to deal with, which

25 I am going to come to in a moment. What I want to know

- 1 is why you didn't, so you can't help us today, as to
2 what the officers were claiming had happened within
3 minutes of it happening. Why didn't you note it down
4 later?
- 5 A. All I am asking for at that point is enough information
6 for me to brief the officers who are going, well, first
7 of all Silver and then the officers who are going to
8 take over the scene. Therefore that only in my mind
9 needs to be verbal.
- 10 Q. Yes, well, I appreciate, but you do appreciate how --
11 and there may be all sorts of reasons that -- accounts
12 of what happened can change a lot, can't they?
- 13 A. Yes, sir.
- 14 Q. There may be good reasons for that, or there may be bad
15 reasons; is that fair?
- 16 A. Very true, sir.
- 17 Q. Very true. Therefore I suggest to you that it would
18 have been desirable as you were the first person really
19 to talk to them, for you to have at least noted it down
20 later in the day, but you don't accept that?
- 21 A. I don't, sir, no.
- 22 Q. In fact you never did note it down, did you?
- 23 A. No, sir.
- 24 Q. Because the next day, and I want to ask you about this,
25 that's the 23rd, had you forgotten what they had told

- 1 you?
- 2 A. I probably had, sir.
- 3 Q. Had you? The next day, the 23rd? Please think about
- 4 it. Had you forgotten the very next day what it is they
- 5 were telling you?
- 6 A. It's difficult to recall what about that particular
- 7 event, what I could have recalled the following day.
- 8 It's difficult now for me to recall that.
- 9 Q. I am dealing with it in principle. Are you aware that
- 10 other people have written down what you said?
- 11 A. No, sir.
- 12 Q. No. Until I mentioned it a minute ago, you had no idea
- 13 that other people you spoke to made a note of what you
- 14 said?
- 15 A. No, sir.
- 16 Q. No. You see, so we can have it, again just switching
- 17 back from the interview for a moment to your statement
- 18 on the 23rd, the jury again don't have it, could we have
- 19 page 335 at the very bottom. That's the bit we are
- 20 dealing with. Do you see it's the bottom third of the
- 21 page, you wanted to ensure safety and so on, you decided
- 22 to go down, assess the situation:
- 23 "I spoke to Ralph and Terry. I was appraised of
- 24 what had happened by C2 and C12."
- 25 A. Yes, sir.

- 1 Q. Are you saying by this stage on the 23rd you had
2 forgotten what they actually said to you?
- 3 A. No, sir, but I wouldn't have written it.
- 4 Q. Why not?
- 5 A. Because an event, after an event of this type, they may
6 have said something to me that may have been contentious
7 later on.
- 8 Q. Oh yes.
- 9 A. Well, I know, I understand that might sound as though
10 there is something to hide, but there are probably many
11 reports, media reports as well, about what occurred, and
12 I don't think it's right at that point to then write
13 down something which may not be true after the officers
14 had time to think about it. I just don't think it's
15 right and I don't think it's fair on those officers.
- 16 Q. What about fairness to the victim? Did you think of
17 that?
- 18 A. At that point, sir, we thought we had shot Hussain Osman
19 who was a suspected suicide bomber.
- 20 Q. On the 23rd when you wrote your statement, did you know
21 by then that it wasn't a suspected terrorist?
- 22 A. Yes, sir, we were told before the -- we were writing our
23 notes.
- 24 Q. Before you were writing the notes, when you had all got
25 together at Leman Street. That must have sent a buzz

1 round Leman Street, did it not?

2 A. A buzz?

3 Q. Well, all right, I am putting it in the vernacular.

4 What I want to suggest to you is when you met at about

5 3 o'clock in the afternoon, perhaps a little before

6 that, because that's when everybody starts their

7 statements at about the same time, don't they?

8 A. Yes, sir.

9 Q. There must have been, as you put it earlier, when it all

10 goes right they all want to be involved; when it all

11 goes wrong, they are not so keen, are they?

12 A. No, sir.

13 Q. Was there real concern that there should be a certain

14 amount of common ground over what had happened?

15 A. No, sir.

16 Q. You are quite sure?

17 A. Well, we all wanted to reflect the exact circumstances

18 of the events as accurately as we could. In saying what

19 I said about it, ie if the operation is seen to be

20 successful by others, everybody wants to be involved.

21 However, if it's not seen to be successful, everybody

22 rows for shore, if you like, or tries to get themselves

23 out of it. That's always prominent in our minds and

24 therefore, however it occurs, whether it is a tragedy

25 like it was in this case, and I can assure you that we

1 all felt that it was such a tragedy, of what had
2 occurred. I can't tell you the feeling in that room.
3 We thought we had killed a suicide bomber. As it turned
4 out we killed a completely innocent man.

5 You know, our whole remit is based around the safety
6 of Londoners, and we had killed an innocent member we
7 were trying to protect. So regardless of who it is, we
8 still try and reflect exactly what had occurred during
9 the event, and it is emotional for all of us. I know it
10 may appear from what you are saying is that, you know,
11 we may have had something to hide, or we may have
12 written it in our own way in colluding, and we are
13 always paranoid about that type of accusation, and
14 therefore all we tried to do was reflect exactly as it
15 occurred to each individual person, because we know the
16 dangers of doing it any other way.

17 Q. Well, I'll come on to something you said in your
18 interview which bears exactly on what you have said
19 a moment ago. Of course, have you done ordinary -- when
20 I say ordinary police work, by which I mean, and please
21 forgive me, have you been involved in non-firearms work,
22 policing work where you have to arrest somebody or
23 approach somebody like a witness to something?

24 A. Yes, sir.

25 Q. Right. One of the things that often in a criminal case

- 1 is often inquired of and noted down with care is what
2 a person says, particularly a potential accused, says
3 immediately after the event, isn't it?
- 4 A. Sometimes, sir, although the current practice is to
5 again allow a period of reflection before taking
6 statements.
- 7 Q. If you arrest somebody, and you have a conversation at
8 the point of the arrest, a crime in action, and he says
9 something, that is recorded, isn't it?
- 10 A. Yes, sir.
- 11 Q. Right. Now, so you are saying, so we are clear, on
12 page 335, it's not that you had forgotten what had been
13 said, you decided not to put it in because you thought
14 that the officers should say it themselves?
- 15 A. Yes, sir, I think that's --
- 16 Q. That's how you want to put it, is it?
- 17 A. Yes, sir.
- 18 Q. Did you know what they were saying by the 23rd?
- 19 A. Not in great detail, sir.
- 20 Q. Did you know what they were saying? In other words --
21 I'm now on the 23rd -- did you know on the 23rd what
22 they were then claiming had happened?
- 23 A. It wasn't a case of each individual going through their
24 exact recollections. The exact procedure that we went
25 through was to take the operation in stages, and we

1 all -- so we sort of tried, a bit like that stage thing
2 I was doing in relation to our movement, we tried to
3 take the statement-writing process through elements.

4 So we would -- and I think Ralph led this procedure,
5 because he's been through this a number of times before
6 in relation to it. We took it in stages so we went,
7 right, from this point here, we were at briefing stage,
8 say, and let's go here and these sort of general things
9 happened. Right, let's all write statements up to that
10 point, so we did that. Then we stopped there and then
11 we went through -- so it was a stage process, if you
12 like, but we didn't -- and if there was, you know,
13 things that we, like the briefing times and stuff, we
14 would share that with one another. But individual
15 reflections were left to those individual officers, you
16 know, and especially with 2 and 12, we would not have
17 pressed them for a complete rundown on what happened to
18 them. It's just not fair in that environment to do
19 that. You know, we would allow them to reflect exactly
20 how they saw what they had to do. We wouldn't try and
21 influence that in any way. That's just not something we
22 do. It's just not fair on the whole process. We want
23 them to get exactly what they saw in their own mind down
24 on paper and we don't want to influence that at all.
25 Anybody else I mean.

1 SIR MICHAEL WRIGHT: Was it the whole team?

2 A. Yes, sir, it was all of those operatives who were on the
3 operation the previous day.

4 SIR MICHAEL WRIGHT: Plus you?

5 A. Plus me, sir.

6 SIR MICHAEL WRIGHT: And Silver?

7 A. No, no.

8 SIR MICHAEL WRIGHT: He wasn't there?

9 A. No.

10 SIR MICHAEL WRIGHT: And C2 and C12?

11 A. Sir.

12 MR MANSFIELD: Can I round it off: did it not include
13 Esposito?

14 A. No, it didn't include Esposito, sir.

15 Q. It's all the people on the ground, as it were?

16 A. Yes, sir.

17 Q. I am sorry to take a little time, because it may be
18 important for everyone to understand how statements were
19 taken from the firearms officers. You are aware that no
20 passengers from the tube train were allowed time to
21 consider what they had to say; you know that, don't you?

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

23 Q. All right. I want to know how this was set up for the
24 23rd. Were you all asked to come to Leman Street at
25 a particular moment in time?

- 1 A. Yes, sir.
- 2 Q. Right, when were you asked to assemble?
- 3 A. Maybe 1100 hours --
- 4 Q. 11 o'clock in the morning of the 23rd?
- 5 A. I think that was right, sir --
- 6 Q. Who was running it all?
- 7 A. Difficult to remember. The post-incident manager,
8 I think was Chief Inspector Costello, so he is the
9 post-incident manager, so it would have fallen to him to
10 run it as such.
- 11 Q. They are not supposed to run it, are they, the
12 post-incident managers?
- 13 A. Well, facilitate the process.
- 14 Q. They facilitate, all right. But who's telling everybody
15 how it's going to work that day? Is it Ralph?
- 16 A. Yeah, I mean, we were all together in the room and
17 I think Ralph led proceedings, as such.
- 18 Q. You have indicated the staged process, but was time
19 allowed after 11 o'clock for all the officers, as it
20 were, to talk to each other before they sat down and
21 listened to the staged approach?
- 22 A. Yeah, I don't remember what all officers were doing,
23 sir, to be honest, but there would have been that
24 opportunity, yes.
- 25 Q. So there is an opportunity to discuss, and then Ralph

1 begins the process of the stage, various stages. You
2 are aware that blocks -- I'll be precise -- parts of
3 statements are worded identically? Were you aware of
4 that?

5 A. Well, I am not really aware of it, sir. I --

6 Q. You are not?

7 A. Well, I have read some statements. I don't think I have
8 read them all.

9 SIR MICHAEL WRIGHT: It would hardly be surprising if the
10 procedure that you have described was followed.

11 A. Yeah, exactly, I mean, it is a procedure that normal
12 police officers go through as well. I know there is
13 contentions about it at the moment, but it's
14 a recognised procedure and therefore you are bound to
15 have that.

16 MR MANSFIELD: You see, the point that's been made over
17 many, many years and is being made at the moment in
18 another case is that, recognised though the courts have,
19 it really doesn't permit independent recollection, does
20 it?

21 SIR MICHAEL WRIGHT: As you rightly point out, Mr Mansfield,
22 it's been approved by the Court of Appeal for over
23 50 years.

24 MR MANSFIELD: I appreciate, and unapproved by others over
25 50 years. I will leave that to one side.

1 The procedure that you adopted that day, as the
2 learned Coroner says, not surprising that there are
3 parts of statements that are worded identically.

4 What I want to put to you was: was there a board or
5 a screen on which it was -- wording was suggested?

6 A. I don't recall a board -- when we get together,
7 sometimes there is a board there and we put on briefing
8 times so we don't keep asking each other: when did this
9 happen. We put on specific times on a board. Now on
10 that particular day, I can't recall whether that existed
11 or not but it may have done.

12 Q. It's a little more than just times and places; do you
13 follow? What I am asking you about is whether in fact,
14 so that officers could all get it right, not only the
15 times but actual wording was put up somewhere, or
16 dictated even. Did that happen?

17 A. I don't -- I have no recollection of that type of thing
18 and it wouldn't have happened in the process. I mean,
19 it was a fairly emotional process for all of us. Now,
20 there may have been a board, there may have been
21 specific times on it, but there certainly wasn't any
22 agreement on statements or on -- I mean, I suppose the
23 order I gave, I might have discussed that, I think this
24 is what I said, did everybody hear that; that would have
25 been a discussion we had but I certainly wouldn't have

- 1 written anywhere, this is what I said or whatever; but
2 I would want to get that right, you know, and it helps
3 to get it right to get confirmation somewhere. I mean,
4 I think that sort of sounds reasonable.
- 5 Q. Normally after an incident there is a debrief, isn't
6 there?
- 7 A. The manual states there should be a debrief, sir, yes.
- 8 Q. For much the same reasons I suggest as you going down to
9 find out what's happened, when you all get back to
10 Leman Street on the day concerned, the custom and the
11 guidance in the manual is you debrief the officers
12 concerned to find out what has happened, because you are
13 not all down on the platform; that's pretty
14 straightforward, isn't it?
- 15 A. Sir, can you repeat the question?
- 16 Q. Yes, it's pretty straightforward, according to the
17 manual you have a debrief as soon as possible, as soon
18 as practicable after the event?
- 19 A. According to the manual; we didn't have a debrief.
- 20 Q. Yes, I know you didn't. The real question is: why
21 didn't you have a debrief.
- 22 A. Basically because we were all paranoid about collusion
23 and collaboration, and I wish somebody would identify or
24 invent a proper debrief that we could have whereby we
25 could all learn from the process. However, because of

1 those fears, I suppose, and that pressure -- it's
2 ridiculous, I know. We wish we could have had
3 a debrief. I mean, this process is almost like
4 an organisational debrief. I mean, we are all learning
5 so much about the process, but like I say, from a
6 firearms point of view, for the very reasons I have
7 already identified, you know, when an operation is
8 thought to be unsuccessful, people row for shore, and we
9 are left to mop up what's left. Therefore, we are
10 paranoid, if you like, about getting exactly how it is
11 on paper for every individual officer, and we can't hide
12 behind anything. We have done this. We have shot
13 an innocent man, and we have to account for it. Nobody
14 else has to do that except us.

15 Q. You didn't know that on the 22nd, did you?

16 A. No, sir, but I did when we wrote the statement.

17 Q. I'm only now dealing with the question of the debrief
18 which would, I suggest, should have come much earlier.

19 You say no debrief because we are all paranoid.

20 Paranoid is the word you have used about the suggestion
21 of collusion?

22 A. That's correct, sir.

23 Q. Or was it that you were paranoid, all of you, may not
24 have been you so much but others, paranoid that if
25 something was written down on that day which later

1 turned out to be inaccurate or untrue, it would be
2 disclosable?

3 A. We know everything is going to be disclosable. That's
4 why it's so important to get it absolutely right, and
5 each individual has to reflect their feelings of that
6 moment in time.

7 Q. Page 374, please in the exhibit, it's your interview.
8 A little further on from the passage we have already
9 dealt with. The IPCC asked, do you see the next
10 question down after the "Greg" deletion:

11 "Did you conduct any hot debriefings to firearms
12 teams, part of the information gathering, was that the
13 process when you were downstairs?

14 "Answer: I wouldn't have any ...

15 "Question: Ok, fine. Who would do that?

16 "Answer: I'd debrief ..."

17 So I am going to take this slowly.

18 This would normally be your role, would it, or do
19 you mean you personally would, "I'd debrief" with
20 someone else? What did you mean there, "I'd debrief"?

21 A. That was the start of a sentence that I didn't finish.
22 So "I'd debrief", and then I decided to put it another
23 way.

24 Q. Sorry, I am just meaning -- it doesn't mean you would
25 conduct the debrief, you mean you would be part of a

- 1 debrief, is that how you meant it to be? Sorry, its
2 just those first two words.
- 3 A. No, I think what's happened is the transcriber, because
4 basically this is from a tape.
- 5 Q. Yes?
- 6 A. I think I wanted to start the sentence by saying "I'd
7 debrief" and carry on but I stopped and thought no,
8 I won't put it that way, I'll answer it in a different
9 way. So I think that's -- well, that's something I did
10 not want to start the sentence with, "I'd debrief" and
11 then I stopped and then ...
- 12 Q. What were you going to say, "I'd debrief" and what?
- 13 A. I can't tell you what I was going to say on that day,
14 sir.
- 15 Q. I understand. But this is the reason you give:
16 "We don't necessarily do it, we had had a ...
17 sometimes don't do it at all because obviously it's
18 disclosable ..."
- 19 Can I stop there for a moment so the jury
20 understand? During court proceedings -- if there are
21 any, of course -- there are rules about disclosure to
22 the persons in an inquest or parties in a criminal case,
23 if it turns out that way, as to the documentation that
24 exists; you are aware of that?
- 25 A. Yeah, I mean, that's --

1 Q. That's what you are talking about?

2 A. Yes, obviously its disclosable.

3 Q. Just so the jury understand, "it's disclosable so it may
4 not be the best thing to do". Whatever did you mean by
5 that?

6 A. Well, I have already identified why we wouldn't debrief,
7 ie because it's not the best thing to do, because the
8 point of a debrief, and there are a number of different
9 debriefs you can go through. A debrief we did do is a
10 welfare debrief, but that's all, just to make sure
11 everyone's okay. But anything else, I mean if we want
12 to learn from the incident because there may be some
13 equipment that didn't work correctly or whatever, those
14 sort of things we would love to do, but we don't do
15 debriefs, pretty much you know we, it's just --
16 I suppose if there are too many reflections on what
17 occurs it can confuse somebody like yourselves, a jury,
18 in relation to what actually happened and therefore we
19 don't want to do that, we want to make it as clear as
20 possible to each individual officer who have gone
21 through that operation, and it may sound as though
22 that's, I'm trying to say that we don't do it because we
23 have something to hide, but it's not that at all. We
24 would love to be able to do a proper debrief, the way we
25 would learn from it but that it wouldn't be disclosable

1 because everybody has a different view, each officer has
2 a different view about how the operation is conducted
3 and how it goes, and we think it's better to keep that
4 in isolation, if you like, each individual officer
5 reflecting their own views, a debrief may sometimes
6 change people's views but it's best to get the raw thing
7 after the event with obviously a gap between it to give
8 people time to reflect.

9 SIR MICHAEL WRIGHT: Forgive me. Paranoia to me, maybe to
10 the jury, means the unreasoning fear of unfair
11 victimisation. Is that what you meant?

12 A. I suppose in a way it could be organisational
13 victimisation in relation to how what we have done may
14 be viewed. "Paranoia" maybe is a very strong word,
15 I know, sir, but --

16 SIR MICHAEL WRIGHT: Yes, maybe, what I would like to know
17 is exactly what you meant by it. It's fear of
18 something.

19 A. I suppose it's the fear of being accused of doing
20 something wrong where all we are doing is operating on
21 behalf of London in relation to protecting them, and
22 therefore that's what I mean by that, we may be accused
23 of -- well, I mean, similar to, you know, people think
24 we go out and shoot people, it's that sort of fear that
25 we have as a unit that can be directed towards us. So

1 it's a reflection of that. It's a paranoia around that
2 accusation.

3 SIR MICHAEL WRIGHT: From? Accusations from inside the
4 force or outside the force or both?

5 A. Yeah, both, I think its a lot wider. The problem is
6 when we get involved in operations, the unit supports
7 us, pretty much everybody, you know, to different
8 degrees but we do get supported. Outside that, then
9 I wouldn't say that it was guaranteed, do you know what
10 I mean? And then because we are involved in shootings
11 they are hugely contentious and you get all sorts of
12 other agencies that come in and take their -- just want
13 to involve themselves and accuse us of doing something
14 wrong. Its that type of paranoia I suppose I'm talking
15 about.

16 SIR MICHAEL WRIGHT: Very well.

17 MR MANSFIELD: Trojan 84, can I preface the next question:
18 everybody understands and I think the British public and
19 the London public absolutely understands a job that is
20 so difficult and so contentious, in one sense, and bears
21 upon courage and so forth, that firearms officers have
22 to do; no-one is disputing that, do you follow?

23 A. Sir.

24 SIR MICHAEL WRIGHT: Mr Mansfield, its very good of you to
25 say that, but I think that what the officer is saying is

1 that they fear that people don't.

2 MR MANSFIELD: Yes, and that's what I'm coming to.

3 I prefaced that because I want you to understand
4 that the question is put in that frame, I'm not
5 suggesting for a moment that you don't do one of the
6 most difficult jobs.

7 But of course, if you are all wanting to tell the
8 truth about the job that you have done, then there isn't
9 a problem, is there?

10 A. No, sir.

11 Q. If in fact officers who have conducted themselves
12 entirely properly, entirely honestly given account, that
13 can be recorded in a debrief, can't it?

14 A. Yes, sir.

15 Q. In fact one of the other guidelines is in fact that
16 there not only should be a debrief but that it should be
17 recorded, shouldn't it?

18 A. Yes, sir.

19 Q. That can be done in lots of different ways, these days
20 obviously there are lots of mechanisms for doing that,
21 and therefore you shouldn't have any paranoia or fear if
22 everybody is telling the truth, should you?

23 A. No, sir.

24 Q. And the worry is that if everybody's done a very
25 difficult job under difficult circumstances, they might

- 1 say things they don't mean; that's possible, isn't it?
- 2 A. Yes, sir.
- 3 Q. They might lie in order to cover up the truth; that's
- 4 a known possibility?
- 5 A. Possible, sir, yes.
- 6 Q. And they might lie because they don't want their real
- 7 position to be exposed?
- 8 A. Possible, sir, yes.
- 9 Q. That's a matter for them rather than you, isn't it?
- 10 A. Yeah, probably, sir, yes.
- 11 Q. And therefore if the officers told you something on the
- 12 spot that later was shown to be wrong because they were
- 13 shocked, or wrong because they were lying for one of the
- 14 other reasons, that's a matter for them, isn't it, not
- 15 for you?
- 16 A. Yeah, could you repeat the question?
- 17 Q. Yes, I am sorry, it's slightly long.
- 18 If the officers tell you something on the spot -- of
- 19 course it may be wrong, it may be inaccurate, it may be
- 20 true, it may be untrue, all those things -- but if they
- 21 tell you something on the spot, it's not for you to
- 22 decide not to record it, is it?
- 23 A. It may not be, sir, but I did on this occasion.
- 24 Q. All right. I'm going to move from the statement, and
- 25 I'm going to take it in stages. As we are rising at

1 4.15 there will be time for you and others to
2 cross-check this. In fact if you just have your
3 statement back on screen, it helps you to follow this,
4 335 at the bottom.

5 There are two different authorities referred to
6 there. PIM is, we see, not a drink but a manager,
7 post-incident manager. Then we see DPS, and that's
8 a disciplinary branch, is it? Do you see it at the
9 bottom of the page?

10 A. Yes, sir.

11 Q. Those two branches. You waited at the scene in order to
12 speak to such people, didn't you?

13 A. Yes, sir.

14 Q. As far as that is concerned, do you remember speaking to
15 any of them or not?

16 A. Director of professional standards, there, I think.

17 Q. I'm so sorry, professional standards, it's
18 a disciplinary aspect but professional standards.
19 Director of professional standards and post-incident
20 manager. Do you remember speaking to any of them or
21 not?

22 A. The post-incident manager SO19, I remember him;
23 I remember talking to the DPS chap, but I don't know who
24 he is now.

25 Q. All right, I appreciate that, names may go. Before we

1 get to those two sources, you spoke to Terry. Now we
2 know, because someone else did write this down, what it
3 is said Terry told Silver, so I am going to ask you
4 whether this is what Terry may have told you.

5 Terry we see in the middle of the page further up.
6 As its a fresh name, what was his position in all of
7 this?

8 A. He is a supervisor on 19, he is the green team
9 supervisor.

10 Q. He is the green team supervisor and Ralph is the black
11 team?

12 A. Correct.

13 Q. This is what he told Silver had happened: that the
14 person, meaning Jean Charles de Menezes, who had been
15 shot -- but he didn't use that name because he didn't
16 know the name -- so that the shot person had been
17 leaning on a pole in the compartment.

18 Now, first of all, did you ever hear Terry tell you
19 that?

20 A. No, sir.

21 Q. And that when he, that is the shot person, didn't comply
22 with a challenge, he was shot because it was thought he
23 was going to escape. Now, did Terry tell you that?

24 A. No, sir.

25 Q. None of that?

1 A. No, sir.

2 SIR MICHAEL WRIGHT: That can hardly have been based on his
3 own knowledge, can it? He wasn't there.

4 MR MANSFIELD: We will wait to hear who he says he got it
5 from.

6 Because he certainly was down there, wasn't he?

7 A. Oh yes, sir.

8 Q. And I appreciate your statement doesn't tell us what he
9 told you, if he told you anything. What you are saying
10 is, is this fair, that it's not a case of you not
11 remembering that being said; you are saying, is this
12 fair, that was not said to you by Terry?

13 A. No, sir, it wasn't said to me by Terry.

14 Q. Then I want to move on.

15 SIR MICHAEL WRIGHT: Or by anybody?

16 A. Not the pole element, sir, I don't remember anything
17 about.

18 SIR MICHAEL WRIGHT: You don't remember a reference to the
19 pole from anybody?

20 A. No, sir.

21 MR MANSFIELD: What about the escape bit, they thought he
22 was going to escape?

23 A. No. No, I don't remember those words at all, sir.

24 Q. So we can, as it were, circumvent that for the moment.
25 Now, the post-incident manager, his name is, was, is

1 Chief Inspector Stephen Costello. Does that ring
2 a bell?

3 A. It wasn't him who arrived at the scene, it was
4 Chief Inspector John Davidson.

5 SIR MICHAEL WRIGHT: Who is that, the PIM?

6 A. Sir, yes.

7 SIR MICHAEL WRIGHT: He is an SO19 officer?

8 A. He is no longer there, but he was.

9 SIR MICHAEL WRIGHT: But he was then.

10 MR MANSFIELD: The reason I am starting with this particular
11 individual, I am not suggesting at this point in time --
12 which I am going to come to -- that he was at Stockwell;
13 he was in fact somewhere else, and received a telephone
14 call. In fact he was in the CO19 control room, so
15 obviously you would know where that was?

16 A. Sir.

17 MR MANSFIELD: For references, if anybody wants to
18 cross-check this, it's in the witness statements
19 page 856.

20 SIR MICHAEL WRIGHT: Where would that be, in the Yard, CO19
21 control room?

22 MR MANSFIELD: It's Leman Street.

23 SIR MICHAEL WRIGHT: If it's any help, Mr Mansfield, I have
24 had a note that the 4.15 is not set in concrete, but
25 4.30 is. It's a question of finding a convenient point

1 to break.

2 MR MANSFIELD: Yes, if I may. I will certainly bear it in

3 mind. If one has medical appointments, you don't want

4 to miss them.

5 Sorry, I missed your answer. Its Lemman Street,

6 isn't it, the control room?

7 A. Yes, sir.

8 Q. He says he received a phone call from you while you were

9 still at the scene, and it's sometime after 10.15?

10 A. Who, Chief Inspector Davidson, sir?

11 Q. No, no, Inspector Costello, who was the post-incident

12 manager for SO19, and he is in the control room at

13 Lemman Street, he receives a telephone call from you and

14 he has made a log, or a log of his call has been made?

15 A. Is it on my -- it would be on my billing then, sir.

16 Q. 10.38. Do you have your billing there?

17 A. Yeah, [number redacted] is the base room, yes, sir, so

18 that was four minutes 13 seconds.

19 Q. We can confirm you made that call, and what did you tell

20 him?

21 A. Sir, that number is the base room. I have no

22 recollection of talking to Chief Inspector Costello,

23 that could have been somebody in the base room, like the

24 base room skipper, and me asking "you had better get the

25 PIM down here" or "can you warn DPS", all of those

1 things that we require at the scene after shooting.

2 I have no recollection of talking to Chief Inspector
3 Costello. The first SO19 senior management team or PIM
4 in this case was Chief Inspector Davidson, who arrived
5 at the scene, and he would have done that by a phone
6 call from the base room and being on call from the base
7 room skipper to him to say "get down the scene".

8 Q. All of that may well have been said and I am not in
9 a position to say it wasn't, all of that, said.

10 Did you give a little description which essentially
11 explained why this man had got shot? Did you give
12 a little description to Costello in the phone call?

13 A. I don't remember talking to Chief Inspector Costello in
14 the phone call at all.

15 Q. The record seems to suggest that you said something
16 about the fact that Mr de Menezes had launched himself
17 at the officers. Did you use such a term?

18 A. Is this Chief Inspector Costello making a note of me
19 talking to him?

20 Q. Someone is making a note of him talking to you or you
21 talking to him on a telephone call at about the time you
22 have the record 10.38.

23 A. Well, I may have said that. I do not have any
24 recollection of it, but I can't --

25 Q. You may have said that?

- 1 A. I may have said that, yes.
- 2 Q. Where did you get the impression that Mr de Menezes, as
3 we know now him to be, but the shot man, had launched
4 himself at the officers?
- 5 A. Well, the only people I could have got that from was the
6 officers themselves.
- 7 Q. Yes. I think you now appreciate it would have been
8 better if you had kept a record of exactly what the
9 officers had said to you, wouldn't it?
- 10 A. But I wouldn't do that, and I still wouldn't do that
11 now.
- 12 Q. You still wouldn't do it, even now?
- 13 A. No, sir.
- 14 Q. Some other innocent person gets shot, you are not going
15 to keep a record of what the shooters say about it?
- 16 A. Correct, sir.
- 17 Q. I am not in a position to say that the next piece of
18 information came from you, it's about the same time,
19 10.38, the DPS had a call from an inspector called
20 Duffy; can you help? Do you know him?
- 21 A. No, sir.
- 22 Q. We have been enquiring to find out who he is.
23 They got a further description from him and I want
24 to ask whether he had got it from you at the scene,
25 since you are the one speaking to the officers, that

1 a man of Asian or Pakistani origin had been confronted
2 and shot, and that the suspect had failed to stop.

3 Did you say anything along those lines to anyone?

4 A. I have no recollection of that, sir, no.

5 Q. All right.

6 A. Is this the -- Inspector Duffy, did you say, sir?

7 Q. That's all we know, Inspector John Duffy.

8 A. Is it a Detective Chief Inspector or a --

9 Q. I have no idea, we are going by records, it's D --
10 I don't ask for it on the screen but if people want to
11 check it, its D1235. He is mentioned in another log
12 kept by a Mr Evans; do you know him?

13 SIR MICHAEL WRIGHT: Sorry, Mr Mansfield, what's that, not
14 his codename?

15 MR MANSFIELD: The reference I have just made, D1235, is
16 a document which is a log kept by yet another officer.

17 SIR MICHAEL WRIGHT: I see, thank you.

18 MR MANSFIELD: It's the page number in that.

19 SIR MICHAEL WRIGHT: Thank you.

20 MR MANSFIELD: Can I just move on, and I'll finish on this.

21 SIR MICHAEL WRIGHT: Perhaps we ought to just ask the
22 witness because I'm not sure he answered the question.

23 MR MANSFIELD: I think he says he has no recollection.

24 Is that right, you have no recollection of any of
25 the matters I have just put to you?

1 A. No, sir.

2 Q. The description of somebody of Asian origin being
3 confronted and shot, a suspect who failed to stop?

4 A. This was a phone call, sir?

5 Q. I'll just check. Yes. They received a call from
6 Inspector Duffy, who relayed that information. I am not
7 in a position to say it came from you, so that's why
8 I am asking whether you did say that to anyone?

9 A. It would be fairly unusual after a shooting occurred for
10 me to brief somebody on a telephone. They will normally
11 come to the scene because of the impact of what's
12 occurred. I am -- I don't think I would deliver that
13 type of information on a phone call after a shooting.
14 I would have said it personally face-to-face, but not on
15 a phone call, I don't think.

16 SIR MICHAEL WRIGHT: Presumably, Mr Mansfield, you can only
17 put this on the basis that this suggestion is something
18 that Trojan 84 must have been told. It can hardly be
19 something he would have known for himself because he
20 wasn't --

21 MR MANSFIELD: No, no, I appreciate, what I am trying to get
22 at is obviously the earliest accounts of the officers
23 who did the shooting, and this officer was amongst the
24 first to speak --

25 SIR MICHAEL WRIGHT: Yes, certainly, but it must be

1 second-hand, that's all I am saying.

2 MR MANSFIELD: Yes, I accept that it is, and what I want to
3 end on tonight is that: the DPS did attend the scene, as
4 you have put at the bottom of your statement, arriving,
5 they say -- and so the reference is clear, this comes
6 from an officer called Evans. Do you know him?

7 A. Sorry, sir, does he have a rank?

8 Q. I am sure he does. DCI. I am much obliged. He was a
9 DCI Evans.

10 A. Yeah, I remember it was the DPS DCI, whoever that was,
11 that I spoke to.

12 Q. He says he did speak to you, and that you gave -- I'm
13 just going to give a synopsis of the points that you
14 made to him, to see whether you agree with them.
15 Something along the lines that CO19 had been unable to
16 intercept the person who had been shot, who was a Kratos
17 target, before he alighted the train and that he had
18 then been shot. I have put that all together.

19 Did you say anything like that?

20 A. Well, I would be shocked if I delivered those lines you
21 have just said to me to that person at the scene.

22 Q. All right, you are shocked if you delivered those lines.
23 May I put one more matter, it's all part of the same, as
24 it were, the DPS arrival. Another officer called
25 Macdonald Payne; do you know him?

- 1 A. No, sir.
- 2 Q. DI. You don't know him?
- 3 A. No, sir.
- 4 Q. He has made notes in a log at 11.37 am -- this is the
5 note of the time that he made -- that you told or you
6 mentioned words to this effect: that the suspect male
7 had been challenged and then there had been a dive at
8 the officers before shots were fired. Now, do you
9 recollect saying anything like that?
- 10 A. The whole point of speaking to 2 and 12 after the event
11 was so I can brief the PIM and the DPS officers who come
12 and take over the scene. I would have kept memory of
13 the verbals that 2 and 12 gave me and I would have
14 delivered that to the two officers. So I don't recall
15 those -- saying those words, but I would have told them
16 the initial account that 2 and 12 gave me.
- 17 MS LEEK: Sir, I wonder if I might interrupt? In fairness
18 to this officer, it's just been put to him that he said
19 that. The note actually says "briefed by tac to SIO".
20 If its what I think Mr Mansfield is referring to, the
21 note that we have just been handed says "briefing by tac
22 to SIO".
- 23 SIR MICHAEL WRIGHT: SIO?
- 24 MS LEEK: Yes.
- 25 SIR MICHAEL WRIGHT: Senior investigating officer?

1 MS LEEK: Yes.

2 SIR MICHAEL WRIGHT: Mr Boutcher?

3 MS LEEK: Not "tac to Silver". I am just wondering where
4 Mr Mansfield is getting this from, in absolute fairness
5 to this officer, because certain things are being put to
6 him.

7 SIR MICHAEL WRIGHT: I wouldn't be surprised if Trojan 84
8 said this is just what they get paranoid about.

9 MS LEEK: Well, absolutely, sir, and that's my point,
10 because also a reference was put to him before from
11 Silver's log about it being said by Terry that
12 Mr de Menezes was leaning on a yellow pole. The log
13 itself wasn't put to this officer, and in the log it
14 said "surveillance"; "by surveillance leaning on yellow
15 pole", not "by Mr de Menezes leaning on yellow pole".

16 Sir, I think if my learned friend Mr Mansfield is
17 going to attribute comments to this officer, in fairness
18 to him, he needs to give the source documentation.

19 MR STERN: May I, with respect, before my learned friend
20 rises, just add to the paranoia.

21 Sir, the passage that Mr Mansfield referred to being
22 the log begins at page 1234, the following page at 1235
23 it says "Asian/Pakistani had been confronted and" it
24 looks like it should be "shot", I think, but it says
25 "shout" or words to that effect. I can't see the

1 "failed to stop" part, but if it's there then

2 I apologise for being paranoid and interrupting.

3 MR MANSFIELD: We will provide all the paperwork and may

4 I say, since you have made a comment about paranoia,

5 that all this shows is that if you had written down

6 an accurate account yourself at the beginning,

7 I wouldn't have to pick up these pieces, would I? You

8 do appreciate that?

9 A. I do, sir, yes.

10 MR MANSFIELD: Thank you. Sir, may I continue tomorrow?

11 I will provide all the references.

12 SIR MICHAEL WRIGHT: Yes. I just want to ask a couple of

13 questions before we break off.

14 You have been telling Mr Mansfield you have no

15 recollection of saying any of these things. What

16 I really want to do is to put it to you the other way

17 round: do you have any recollection of anybody telling

18 you that this was an Asian or a Pakistani?

19 A. No, absolutely not those two elements, sir, because to

20 me it was always "IC2, North African, denims", that's

21 it.

22 SIR MICHAEL WRIGHT: Do you have any recollection of anybody

23 suggesting to you that the man who we now know was

24 Mr Jean Charles de Menezes launching himself at the

25 officers?

1 A. Well, now that it's been mentioned sir, that's
2 a possibility.

3 SIR MICHAEL WRIGHT: Who said it?

4 A. Well, it would have been 2 and 12 I think, sir.

5 SIR MICHAEL WRIGHT: Do you have any recollection of anybody
6 saying that Mr de Menezes was leaning on a yellow pole?

7 A. No, sir.

8 SIR MICHAEL WRIGHT: Do you have any recollection -- the one
9 that possibly is the most extreme -- of a Kratos target
10 who was alighting from the train?

11 A. They are not words I would use, sir.

12 SIR MICHAEL WRIGHT: Did you ever have any understanding
13 that Mr de Menezes was getting off the train?

14 A. No, sir.

15 SIR MICHAEL WRIGHT: All right.

16 Well, then, I think we will let the lady who has
17 an engagement go. Yes, Mr Hough?

18 MR HOUGH: Can I keep the lawyers here?

19 SIR MICHAEL WRIGHT: Yes. We will let the lady who has an
20 appointment go, let us know how you get on, and we will
21 meet at 10 o'clock tomorrow morning.

22 (4.25 pm)

23 (In the absence of the jury)

24 MR HOUGH: I am happy for the witness to go as well.

25 SIR MICHAEL WRIGHT: Mr 84, you are free to go, back at

1 10 o'clock tomorrow morning, please.

2 (In the absence of the witness)

3 Discussion re: timetabling

4 MR HOUGH: Sir, it's just a matter of timetabling and it's
5 easiest to do it when everyone can hear.

6 Obviously this witness will be continuing tomorrow
7 and then we will be having Mr Purser. I don't know how
8 long others plan to be with this witness.

9 SIR MICHAEL WRIGHT: Can we have some views as to how long
10 everybody thinks they will be? You have a bit more to
11 do, Mr Mansfield.

12 MR MANSFIELD: Yes, I have a bit. Between 40 minutes and
13 an hour at the most.

14 SIR MICHAEL WRIGHT: Thank you. We are starting at 10;
15 that's 11. Mr Gibbs?

16 MR GIBBS: Five minutes.

17 SIR MICHAEL WRIGHT: Mr Stern?

18 MR STERN: It really just depends on much of what
19 Mr Mansfield asks, but I would have thought no more than
20 15 to 30 minutes.

21 SIR MICHAEL WRIGHT: Thank you. Ms Leek?

22 MS LEEK: Sir, I get to go last, and it's very largely going
23 to depend again on Mr Mansfield.

24 SIR MICHAEL WRIGHT: Yes, I understand. Mr Perry?

25 MR PERRY: 20 minutes.

1 MR HORWELL: Ten minutes, sir.

2 SIR MICHAEL WRIGHT: We are talking about two hours overall,
3 subject to Ms Leek. There you are, Mr Hough, that's
4 a fair estimate. He might be out by midday.

5 MR HOUGH: Then Mr Purser, I don't know if we will finish
6 him tomorrow or whether he'll trickle into Friday.

7 SIR MICHAEL WRIGHT: The question is whether he trickles or
8 splashes over in a very large wave. You are hoping to
9 get onto some of the (inaudible).

10 MR HOUGH: The primary reason I'm standing is that Derek has
11 to be done by the end of this week because Derek has
12 flown over specially.

13 SIR MICHAEL WRIGHT: If necessary, I put everybody on
14 notice -- and I know he has come from abroad -- we will
15 have to make time for Derek on Friday, even if it
16 involves interposing him.

17 MR HOUGH: The other person for whom we would like to make
18 time on Friday is Owen because of the importance of not
19 having too much time between the first and second parts
20 of his evidence.

21 SIR MICHAEL WRIGHT: I don't know what everybody feels about
22 Mr Purser as to how long you think he is likely to take.

23 MR HOUGH: I am hearing, and I think it probably sounds
24 right, that Mr Purser will probably go into Friday but
25 not by very much and, if that's right, then I would have

1 thought that Derek and the remainder of Owen can be done
2 by the end of Friday, and that's what we had hoped.

3 SIR MICHAEL WRIGHT: There it is, I don't hear any dissent
4 so please all bear it in mind, that that's what we will
5 do. Mr Gibbs?

6 MR GIBBS: May I just check that Derek might be able to be
7 here on Monday if there were an overspill? May I just
8 check that?

9 SIR MICHAEL WRIGHT: You ought to know, he is one of yours.

10 MR GIBBS: Yes, he is.

11 SIR MICHAEL WRIGHT: All right, if you could give us
12 an update on his travel arrangements, so much the
13 better, but I would still much prefer to get him got rid
14 of.

15 MR GIBBS: I have no doubt that he would too, sir.

16 MR HOUGH: Sir, if, against all expectations, things went
17 faster than expected, the people we would have in
18 reserve immediately afterwards for Friday would be
19 Edward and Frank.

20 SIR MICHAEL WRIGHT: Thank you. 10 o'clock tomorrow.

21 (4.30 pm)

22 (The court adjourned until 10.00 o'clock on
23 Thursday, 16 October 2008)

24

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