

1 Thursday, 16 October 2008

2 (10.00 am)

3 (In the presence of the jury)

4 CODENAME "TROJAN 84" (continued)

5 Questions from MR MANSFIELD (continued)

6 MR MANSFIELD: I indicated last night I hope to be finished
7 within an hour, so the officer knows.

8 SIR MICHAEL WRIGHT: Yes.

9 MR MANSFIELD: Good morning. I want to turn to the scene
10 itself and ask for your help, really, about this,
11 because of something you said yesterday. Could we have
12 the maps diagram, please, maps brochure, number 7, and
13 are you happy to follow it on the screen or would you
14 like a hard copy?

15 A. No, sir, I am happy to follow it on the screen.

16 Q. The preface to this is that you indicated yesterday that
17 the objective, whether you call it a strategy or
18 whatever, was, as far as you understood it, and I am not
19 suggesting you are wrong in your understanding, was if
20 a subject or suspect were to emerge from the block of
21 flats at Scotia Road, then they were to be detained not
22 so close to Scotia Road that it would compromise the
23 covert operation, but also not too far away that the
24 subject might get onto a bus or public transport. Is
25 that a fair summary?

- 1 A. Yes, sir.
- 2 Q. What you went on to add, and I suggest in this you were
3 right, "it was as simple as that"; those were the words
4 you used yesterday?
- 5 A. Yes, sir.
- 6 Q. Now, this in principle was not a difficult concept, was
7 it?
- 8 A. No, sir.
- 9 Q. That idea, and a perfectly legitimate one. Now, looking
10 at this location plan, what was needed to ensure that
11 that could be implemented as an idea was, first of all,
12 you do need a Silver, an officer performing that role
13 who has control of the location both from the point of
14 view of where surveillance is roughly speaking, and
15 firearms. In other words, a dual purpose Silver?
- 16 A. Yes, sir.
- 17 Q. I just want to do this in theory and then I want to see
18 what happened in practice, and I want to suggest, so
19 it's clear to you, that you were placed in an impossible
20 position that day. Not your fault. I make that
21 entirely clear.
- 22 A. Sir.
- 23 Q. So Silver, for the location. Secondly, somebody on
24 behalf of Silver needs to have gone ahead or gone with
25 Silver, I don't know, we will ask you how it would

1 normally be done, needs to have a reconnaissance of the
2 area covertly?

3 A. Right, sir.

4 Q. Yes? I do not want you to be pushed into agreeing
5 something.

6 A. Could you say that again, please.

7 Q. Yes. You should have somebody in charge of the location
8 as a whole, to have a grip on surveillance and firearms
9 and how they, you know, fit into each other's plans --

10 A. Control at that point, sir, would have been surveillance
11 alone.

12 SIR MICHAEL WRIGHT: That's what was crossing my mind,
13 Mr Mansfield. You are asking a firearms officer about
14 surveillance matters, aren't you?

15 MR MANSFIELD: That's one of the problems I want to confront
16 with this officer. He is the first one on the ground.

17 I think you have agreed that what is needed here and
18 we have heard it hinted about by Alan, is a senior
19 officer who has a grip on the whole situation here, on
20 the ground. Do you follow what I am putting to you?

21 A. I think so, sir, yes.

22 Q. Right?

23 A. I follow what you are saying, sir, and that does sound
24 sensible.

25 Q. Yes, and it may not come in this order, but somebody at

1 some stage has got to give the proximity, the area
2 within which that idea of stopping somebody not too
3 close but not too far away that they can get on public
4 transport, somebody's got to sort the area out and sort
5 of have a rough idea of what's possible, through
6 a reconnaissance?

7 A. That sounds sensible, sir, yes.

8 Q. That sounds sensible.

9 SIR MICHAEL WRIGHT: We know that in fact it was what was
10 originally intended.

11 MR MANSFIELD: Yes.

12 You didn't know this, but -- perhaps I ought to ask
13 you whether you did: that Mr McDowall when he set his
14 strategy, which embraces part of this, when he set his
15 original strategy at 4.55 in the morning, he had in fact
16 asked for a reconnaissance. Did you know that?

17 A. No, sir, not at that --

18 SIR MICHAEL WRIGHT: I don't suppose you would have done.

19 MR MANSFIELD: I am not suggesting you would have been told
20 that, but anyway that's what he had asked for.

21 You have agreed that at some point it's sensible for
22 somebody to have reced just this proximity because you
23 need to be able to sort out, certainly from a firearms
24 point of view, where it might be possible to do a stop
25 or an intercept in a controlled fashion without alerting

- 1 people in Scotia Road?
- 2 A. Yes, sir.
- 3 Q. Of course what that would involve, in other words
- 4 working that out, you would have been able to work out
- 5 that there is only one pedestrian exit from Scotia Road;
- 6 you probably know that now, do you?
- 7 A. Yes, sir.
- 8 Q. Which eventually comes out on to Upper Tulse Hill. Now
- 9 the individual, whether they walked round the road or
- 10 across the park or whatever, we know all the points
- 11 there, that person could either turn to their left
- 12 towards Tulse Hill or their right in the other
- 13 direction, plainly?
- 14 A. Yes, sir.
- 15 Q. They possibly could walk straight across. So you need
- 16 to know where it might be possible to do a stop, either
- 17 on -- I'm predicating this on a person on foot, do you
- 18 understand, I'm not dealing with a car?
- 19 A. Yes, sir.
- 20 Q. I appreciate there is a car possibility. Therefore you
- 21 need to work out roughly what the window of opportunity
- 22 is going to be here, given where you may hold up with
- 23 all your vehicles. Do you follow?
- 24 A. Yes, sir.
- 25 Q. All of this does not require hindsight, does it? In

1 other words, this is just, if I may put it, standard
2 operating procedure, isn't it?

3 A. Yes, sir.

4 Q. In order to provide a bigger window, in order to stop
5 the person getting on to public transport, one of the
6 options is in fact to close down the nearest access
7 point, and you see on that map it's the two bus stops
8 that some people thought or described as being right
9 outside Scotia Road. You see the ones I mean?

10 A. Yes, sir.

11 Q. They are 201s, it's a local South London route, and
12 I don't go through it, I don't know whether you know
13 that in -- where it goes, perhaps you don't?

14 A. No, sir.

15 Q. Then I won't ask you about that. Because obviously if
16 those bus stops are suspended, just those two, that
17 gives you a better opportunity for interception?

18 A. Yes, sir.

19 Q. Now, the next stage is, having identified places where
20 you could do it, obviously how you do it. I do not want
21 to encroach upon any sensitive tactics at all, but given
22 the resources that the black and greens had that day,
23 just taking that team, for example --

24 A. My team, sir?

25 Q. Yes, I am sorry, your team, the team that you go down

- 1 with. Somebody on foot could have been stopped by a car
2 or officers getting out on foot, or by a motorcycle?
- 3 A. Yes, sir.
- 4 Q. Now, I just want to ask you about the motorcycle option.
5 You have talked about six vehicles, do you remember
6 yesterday, that's the control vehicle and five others?
- 7 A. Yes, sir.
- 8 Q. But did you also have motorcycles in attendance?
- 9 A. Motorcycles were available, sir, but they were never --
10 I never considered them as an option from the moment we
11 left Leman Street because of the communications problem.
- 12 Q. Right, we heard that yesterday, so can I be clear, does
13 this mean they didn't even leave Leman Street or they
14 did leave but --
- 15 A. No. They would be available and therefore they would
16 have been in the area, but only contactable probably by
17 mobile phone or on a mobile phone.
- 18 Q. Did they come to any of the briefings?
- 19 A. Yes, they were at --
- 20 Q. Nightingale Lane?
- 21 A. Yes, sir, Nightingale Lane.
- 22 Q. So they did come to Nightingale Lane, and then did they
23 deploy eventually to the TA Centre or you just don't
24 know where they went?
- 25 A. They were always available, and they would have made

1 their way there. I'm not too sure exactly when or if
2 they arrived. They definitely weren't there prior to me
3 arriving.

4 Q. All right. Just continuing with what I suggest are
5 sensible and logical steps here, so I will leave the
6 motorcycles out of it.

7 A. Sir.

8 Q. You have obviously been to the area that day but you
9 knew this area anyway because you had served at
10 Streatham?

11 A. Yes, sir. The TA Centre was part of Streatham's ground,
12 as we called it, the Streatham policing area. The
13 Upper Tulse Hill Road, that is exactly the boundary of
14 Streatham. Anything north of that is Brixton's area, so
15 I knew, strangely enough, south of Tulse Hill quite
16 well, including the TA Centre, but I wasn't aware of the
17 north of it.

18 Q. That's a fair answer. I want to ask you this question;
19 there is a proviso here, if you had been given the
20 information and if you had got there earlier. It would
21 have been perfectly viable, had you been in position to
22 do so, to have, in fact, stopped Jean Charles de Menezes
23 before he got on the bus in Tulse Hill without alerting
24 anyone in Scotia Road, wouldn't it?

25 A. Yes, sir.

1 SIR MICHAEL WRIGHT: If you had had what I think is called
2 the assets there.

3 A. I think that's what counsel said.

4 MR MANSFIELD: Yes. Now, there is just one other thing,
5 it's a proviso here, before we go to what actually
6 happened.

7 Of course the other thing, and that's why I am
8 suggesting a Silver needs to be there, of course, is you
9 can't act unless you are given the -- sorry, I'll do it
10 slowly.

11 First of all, the surveillance team have got to
12 relay what they are seeing to the central operations
13 room, who can then take a decision to give you
14 an instruction; right?

15 A. Yes, sir.

16 Q. So that if in fact a Silver had worked out that the
17 window of opportunity for identification was four
18 minutes, roughly, or five minutes maximum, from
19 Scotia Road to the bus stop in Tulse Hill; or four
20 minutes, three minutes, to the one 201 in Upper Tulse
21 Hill before you get round the corner, then everybody
22 would have known that in fact there was considerable
23 urgency about the question of identifying, if you have
24 only got a short window.

25 Do you follow?

1 A. Yes, sir.

2 Q. So what you need is, if the word "containment" is going
3 to be used for surveillance, the surveillance
4 officers -- I know it's not your area particularly but
5 you do work in conjunction with surveillance quite
6 often, is that right?

7 A. Yes, sir.

8 Q. That's what we are led to believe, right. The
9 surveillance officers have really got to be on the job,
10 haven't they; do you know what I mean? They've really
11 got to be tight containment of that area. They can't
12 let somebody just wander around, can they?

13 A. No, sir.

14 Q. That's the -- what I suggest are the sensible things.
15 What actually happened here, if I can go back slightly
16 over one of the things that went wrong, first of all
17 when you came on you did not know first of all that
18 a red team, never mind what they are called, but
19 a surveillance team were already down at Scotia Road
20 from 6 o'clock onwards; you didn't know that, did you?

21 A. No, sir.

22 Q. You didn't know here that the Scotia Road address had
23 already been prioritised by an officer called Alan who
24 had asked for orange, the standby team, to go there; you
25 didn't know that?

1 A. No, sir.

2 Q. Because of course, if an orange team had got down there
3 at a much earlier stage, then of course you would have
4 had to get kitted up and briefed and so on, but there
5 would have been, what, some form of handover, would
6 there? If there is a team already on the plot and you
7 are taking over, you have a handover situation?

8 A. Yes, sir.

9 Q. Just so the jury may understand, a handover would occur
10 at the TA Centre or somewhere else? How would it work?

11 A. The TA Centre may sound ideal, but bearing in mind we
12 had six vehicles, so if we were settled and if we had
13 actually got to do what we wanted to do, ie wait at the
14 TA Centre, then we -- and another team was going to take
15 over from us, then there may be up to another six
16 vehicles, so we are talking about 12 vehicles, which is
17 a huge amount, even in that TA Centre. So if it wasn't
18 possible there, we would have identified another place
19 where maybe we would do it on a sort of
20 a vehicle-by-vehicle basis but we would identify an area
21 that was safe and didn't compromise the operation to
22 give the oncoming team an updating brief on exactly what
23 was going on, what we were actually doing there, what
24 plans we may have in place for any interceptions that we
25 might need to do.

- 1 Q. Right. And of course -- right, I understand that. So
2 you didn't know about the orange team having been asked,
3 although it appears that never got through to the orange
4 team itself, but you didn't know that?
- 5 A. No, sir.
- 6 Q. Just moving on, to begin with, when you first came on,
7 I think you said yesterday you were not given the
8 impression of urgency at that point, that there was any
9 urgency for you to get on and down there, at that point?
- 10 A. Not at that point, sir, no more urgency than it would
11 normally be once we had been given a task, if that makes
12 sense.
- 13 Q. I'll come back to the briefing, I just want to deal with
14 deployment for the moment. You have to do a briefing at
15 Lemn Street; there is another briefing at
16 Nightingale Lane. The position therefore is, so far as
17 you in the control vehicle are concerned, that you don't
18 actually get -- I am still on the plan 7 -- you don't
19 actually arrive at the holding centre until, would this
20 be fair, Jean Charles de Menezes as we now know him to
21 be, until the person leaving Scotia Road of interest has
22 already got on a bus?
- 23 A. Are you talking about me personally?
- 24 Q. Yes, you personally.
- 25 A. I think, yes, he was definitely out at that stage, and

- 1 I think it probably coincided with him getting on the
2 bus, and me arriving at the TA Centre or thereabouts.
- 3 Q. I understand that, and some of this isn't in your
4 statement, so I am doing it from what you said
5 yesterday.
- 6 A. Yes, sir.
- 7 Q. I'm not disputing any of that. So in a sense, the
8 objective of trying to stop him, identify him as
9 a certainty, a possible or a probable, plus the
10 opportunity to intercept as far as you are concerned
11 before he gets on a bus is already gone?
- 12 A. Yes, sir.
- 13 Q. The reason I am mentioning that to you, that Silver --
14 sorry, Greg Purser, as we now know him to be --
15 estimated that you didn't deploy to the TA Centre, he
16 has put a time in his statement of about 9.40. That
17 would seem to fit with what you are saying; is that
18 about right?
- 19 A. Sorry, sir, could you say that again.
- 20 Q. 9.40, he said in his statement, the deployment to the
21 TA Centre, as far as he is concerned?
- 22 A. Yes, sir.
- 23 Q. You're with him?
- 24 A. Yes -- I think he is slightly wrong in that time.
25 I think I said that yesterday, about 9.45, I think we

1 were there earlier than that. That's my understanding.

2 Q. I put 9.40. That's what he put in his statement but we
3 will see what he actually says. Anyway, so that it's
4 also clear from this that, what actually happened that
5 beyond a car going in advance to satisfy themselves that
6 the TA Centre is a suitable holding place and you then
7 follow, there had not been any reconnoitre of the area
8 for possible intercept places?

9 A. No, sir. Can I just add something there?

10 Q. Certainly.

11 A. That wouldn't have been necessarily been something we
12 would have done, identifying suitable areas for
13 an interception, because that might channel you into,
14 right, it would be great here, and you might have that
15 as a preconceived idea. We tend to prefer flexibility
16 around what we do, because we never know what the
17 situation might be when we are called upon to do that
18 interception. So we would have looked at a map in this
19 very way, we might have identified on a map, okay, where
20 could he go, like you have just done, but I wouldn't
21 have said: that's a good place for an interception; or
22 that's quite a good place. That wouldn't have been
23 something we would do in normality.

24 Q. That's perfectly fair. Can I put it the other way
25 around: the one thing you might want to do is ensure

- 1 that you eliminate areas where you really don't want to
2 do it. In other words, you would say, "Whatever happens
3 we certainly don't want to do it in Marnfield Crescent
4 or Scotia Road"; you might approach it that way?
- 5 A. You might identify a children's play area or a school or
6 a pub or something where there might be a mass of people
7 and say, just so we know they're there, just in case we
8 do come across a subject or asked to do something, so
9 that we all know they are areas that maybe we wouldn't,
10 you know, we want them to wait. So that's all I can say
11 in relation to that.
- 12 Q. That's perfectly fair. So far as you are concerned,
13 therefore, we have now got the clear picture of really
14 the impossibility that you were put in. There was no
15 way you could have exercised an intercept before he got
16 on a bus, because he is either getting on it when you
17 get there or he has already got on it?
- 18 A. Sorry, sir, can I say one other thing?
- 19 Q. Certainly.
- 20 A. You make the assumption there, I think, that we couldn't
21 have done anything because as a team we weren't together
22 in that place.
- 23 If at the time when the subject came out of the
24 premises, which I think was 9.34 --
- 25 Q. Correct?

- 1 A. -- somebody had identified extremely quickly and
2 Commander Dick had made the decision, right, we need
3 that person intercepted, I think we could have done
4 something between there and that Tulse Hill bus stop, if
5 we were given that as an option. We weren't, but if we
6 were.
- 7 Q. That was going to be the residual position I was going
8 to put to you. If in fact two cars have got there
9 before you, which is I think what you are saying, isn't
10 it?
- 11 A. Yes, sir.
- 12 Q. You are the third car, so there are two cars there?
- 13 A. Yes, sir.
- 14 Q. What appears to be, and we will get times from the other
15 two cars, roughly speaking, but we are dealing with a
16 very tight frame here. It's just possible that
17 Jean Charles de Menezes was walking past the TA Centre
18 when the two cars were already there?
- 19 A. Yes, sir.
- 20 Q. Just possible?
- 21 A. Exactly, sir.
- 22 Q. Of course it's not unusual for the team to be split up
23 and in different places, and for parts of the team under
24 control to take action themselves even if you are not
25 right there?

1 A. Yes, sir. We -- but -- we would have still had to have
2 received an instruction, which may have delayed it
3 slightly.

4 Q. Yes. So what is required here, and it goes back to the
5 point I was putting to you before, is identifying the
6 window of opportunity so surveillance officers can get
7 their fix on the subject and then transmit whatever the
8 fix is back to central control, who can then give you
9 an instruction?

10 A. Yes, sir.

11 Q. Can I just wind the clock back a little bit. I will try
12 and do the rest as quickly as possible but --

13 A. Can I just say one other thing in relation to that.
14 That's not in isolation. That communication will go
15 from the control exercised by the surveillance team
16 around the premises back to the hub, ie the control
17 room, but we would be listening to that control over our
18 Cougar sets.

19 So if it happened that quickly, somebody came out
20 who was identified, all of our cars would know that, or
21 those that were within range at that moment in time. So
22 they could be preparing, thinking, well, we may get
23 something here and I might say: prepare yourselves, you
24 know, I'll just contact the control room.

25 So it's not in isolation, that comms doesn't

1 happen -- we know that's happened. We are not waiting
2 for a call necessarily.

3 Q. The irony, if I may put it this way, is that there was
4 -- and we await the evidence but I have checked it as
5 far as can be in advance -- that one of the grey team
6 members, James, was in fact in Upper Tulse Hill doing
7 a check on this person, in fact not far from the
8 TA Centre. But you didn't know that?

9 A. No, sir.

10 Q. All right.

11 SIR MICHAEL WRIGHT: Do you think you would have been able
12 to do, carry out an interception with, say, half the
13 team? If it was just one person?

14 A. With these type of stakes, sir, yes.

15 SIR MICHAEL WRIGHT: With these?

16 A. With this threat level, yes.

17 SIR MICHAEL WRIGHT: You think you could, so that if two of
18 your cars had arrived and you were just getting there,
19 if you had had the instructions, even though you didn't
20 necessarily have the whole team there, you might have
21 been able to do it?

22 A. That was six SFOs would have been in position, sir, and
23 as it happens a supervisor too.

24 SIR MICHAEL WRIGHT: Yes.

25 MR MANSFIELD: Do you mean Ralph?

- 1 A. No, I mean Terry actually.
- 2 Q. So Terry would have been there?
- 3 A. Sir.
- 4 Q. I just want to turn the clock back to the beginning
5 a bit and just ask you some scene-setting issues. Can
6 we go back to Lemn Street; you are welcome to look at
7 your statement or any other document you wish, but you
8 did a briefing there and there are one or two matters.
9 When the officers came on that morning, they were
10 issued with special ammunition, weren't they?
- 11 A. Yes, sir.
- 12 Q. Were you present when that happened?
- 13 A. Not when they were all filling the magazines, sir, no.
- 14 Q. Was anything said to them as to why they were taking
15 this ammunition that day, possibly for the first time,
16 some of them?
- 17 A. I would have passed on the requirement which I think
18 came from Trojan 80 or the fact that that had been
19 authorised, but that was something that would have been
20 supervisor's responsibility to pass that on to the team.
- 21 Q. But it plainly begins the day for them on the basis of
22 being issued with unusual ammunition and it's -- you
23 would agree with that?
- 24 A. Yes, sir, yes, I would.
- 25 Q. So this, being totally realistic, must begin to affect

- 1 the mindset of the officers, mustn't it?
- 2 A. Yes, sir, and my briefing would have reaffirmed that,
3 I am sure.
- 4 Q. Yes, I'm coming to that in a moment. Just so that again
5 it's clear, the ammunition is being issued for the
6 purposes of the use in a handgun at close quarters,
7 isn't it?
- 8 A. Yes, sir.
- 9 Q. So that automatically conveys to the person, the
10 firearms officer, that there is a possibility at the
11 very least that they might have to get up very close to
12 somebody who needs to be immediately incapacitated by
13 the use of this ammunition?
- 14 A. Yes, sir.
- 15 Q. Right. So they have drawn that ammunition before you do
16 the briefing; is that right?
- 17 A. Well, they were almost prepared to leave at that point,
18 sir, when I gave the briefing, so yes, I would say so.
- 19 Q. I appreciate the briefing is done, what, relatively
20 quickly because you have got to get -- well, you have
21 got to get to New Scotland Yard and they have got to get
22 down to the plot, as it were, down to Nightingale Lane?
- 23 A. Yes, sir.
- 24 SIR MICHAEL WRIGHT: Could I check on one point Mr Mansfield
25 has put to you.

1 This was 9mm ammunition, wasn't it?

2 A. Yes, sir.

3 SIR MICHAEL WRIGHT: Only usable in the Glock handgun?

4 A. It would have been used in the MP5 as well, or it could

5 have been used in the MP5 but predominantly because of

6 the range, it would have been the Glock that it would

7 have been used in.

8 SIR MICHAEL WRIGHT: Because of the special characteristics

9 of that ammunition?

10 A. Yes, sir.

11 MR MANSFIELD: I just want to ask one or two things about

12 the briefing that you gave, but can I preface it in this

13 way: it is essential, I think you would agree, and very

14 difficult to do, but to give a balanced briefing to

15 firearms officers; do you follow what I am saying?

16 A. Sorry, can you repeat the question.

17 Q. Yes, I will spell it out so it's easier to follow. In

18 other words, when you are giving a briefing, you mustn't

19 overestimate the risks and you mustn't underestimate the

20 risks?

21 A. Yes, but I think when you regard the threat that we --

22 that those officers may have been faced that day,

23 I don't think you can overestimate what you are saying

24 or underestimate, sorry, if you see what I mean. It is

25 what it is. It is -- it would have been the highest

1 threat we had ever faced, so you want to make sure that
2 they understand that, and I may have to ask them to
3 confront that, and therefore I want to make sure that
4 they are at the highest levels of response.

5 Q. Yes, but at the highest level of response, there has to
6 be a balance, because the risks at the highest level of
7 response either way can be serious. In other words, at
8 every level of response there has -- do you follow, from
9 the lowest level to the highest level, there has to be
10 a balance created because of the risks of mistake?

11 A. Yes, sir.

12 Q. I appreciate you can't flog it to death every time, but
13 was anything said that: you will be under severe
14 pressure today, we appreciate that, you are going to be
15 asked to take on a threat that you may never have taken
16 on before, but always remember that actually when you
17 are under the greatest pressure, you need to take the
18 greatest care; something like that?

19 A. Are you suggesting that's what I should have said?

20 Q. I'm suggesting that whether it's you or Silver, somebody
21 should have said at some stage: although this is a very
22 great threat, it's at times of the greatest threat that
23 really you have to exercise the greatest care, because
24 you are dealing with a very fine situation.

25 A. Yes, I think that's fair, sir, although we all know, the

1 whole team know that ultimately we may have to lean on
2 each individual officer's responsibilities, which is
3 that ACPO manual page that you saw yesterday.

4 Q. Yes.

5 A. So we always know that. Whenever we have a briefing, we
6 are always dealing with the most dangerous people in
7 London, and it is very difficult to then up the ante
8 from the most dangerous people we deal with every day.
9 So I understand what you are saying, there should be
10 a balance, but I think the officers provide that in
11 their own minds. In fact, they almost become worn by
12 the fact that everybody is telling them they are dealing
13 with the most dangerous people in the world, so they
14 are, you know, they have to temper that in their own
15 minds. I would never have said: you will be under
16 pressure today; it's just not something that you would
17 say in those terms.

18 Now that you have suggested that to me, there may be
19 a line that I could deliver that may well sort of sound
20 better in relation to providing that balance for them,
21 but I didn't on this day. I suppose I relied on the
22 officers to balance it in their own minds.

23 Q. I just want to trace through something just to see
24 whether you can see what may have happened here, and it
25 comes to the question of -- which you agree you said --

- 1 that somebody questioned what you meant by "unusual
2 tactics"; do you remember you were asked this yesterday?
- 3 A. Yes, sir, it was Terry who asked me that.
- 4 Q. Terry did that. I'll come to just a bit of that in
5 a moment, but did he or someone say, or stress, at that
6 point, when this part of it was being dealt with, that
7 in fact the officers should use conventional tried and
8 tested tactics?
- 9 A. Did anybody say that?
- 10 Q. Yes.
- 11 A. No, sir.
- 12 Q. It could be my fault. Is D1 the same as Terry?
- 13 A. Yeah, it would be, sir, actually.
- 14 Q. Well, it appears that it was him. I won't take a lot of
15 time, if you don't remember that being said, that's
16 what --
- 17 A. Could you say that again, sir?
- 18 Q. Yes. When this question of unusual tactics, somebody
19 asked the question, and I think we are talking about the
20 same person, Terry?
- 21 A. We are, yes.
- 22 Q. That in fact he said words to the effect "we should
23 use", or stressed the need for conventional tried and
24 tested tactics in this context?
- 25 A. He said that in his statement, sir?

1 Q. No, someone else who was listening said that that's what
2 he said.

3 A. Right, okay.

4 Q. I just want to ask you whether that's something you
5 remember or not?

6 A. No, sir, I don't remember --

7 Q. All right, I'll leave that to one side.

8 MS LEEK: Sir, again I hesitate to interrupt but I wonder in
9 my learned friend could indicate exactly who it was that
10 said that --

11 MR MANSFIELD: It's page 382 and I think it's an officer
12 called Vic.

13 MS LEEK: Thank you.

14 MR MANSFIELD: That's a codename.

15 A. Could I see the --

16 Q. Certainly, we will have it up on screen so you can see
17 it. It's page 382. This is a statement by Vic about
18 this. If you see a third of the way down this page,
19 this is an officer called Vic who was at this briefing.
20 You probably know who he actually is.

21 "It was expressed that as firearms officers we may
22 have to deploy and use extraordinary tactics. Delta
23 1..."

24 Who I have assumed is Terry?

25 A. It is.

- 1 Q. "... stressed we should use conventional tried and
2 tested tactics. TJ84 agreed and reiterated that to the
3 team but said that the tactics may involve something the
4 department hadn't done before."
- 5 A. I would say that was a good thing.
- 6 SIR MICHAEL WRIGHT: Sorry?
- 7 A. I would say that was a good thing.
- 8 MR MANSFIELD: Yes, I am not disputing that. I just wanted
9 to know whether that is what you said. The problem here
10 is other people hear different things.
- 11 The question I'm asking you, since you are mentioned
12 in that paragraph, whether that is something you told
13 them?
- 14 A. Well, I reiterated it, according to that officer.
- 15 Q. Did you? I am sorry to test your memory.
- 16 SIR MICHAEL WRIGHT: Can you now remember?
- 17 A. I am sorry, I obviously don't remember saying that, but
18 somebody thinks I did, and that would be a good thing.
- 19 MR MANSFIELD: Right. I think we are all agreed on that.
20 I just wanted to do it as a precursor to what you
21 actually may also remember saying.
- 22 A. Yes, sir.
- 23 Q. I am sorry, there are one or two statements, because the
24 impact of what you say is important, isn't it?
- 25 A. Very important, sir, yes.

- 1 Q. You have taken some care in evidence in ensuring, for
2 example, that the words spoken by TJ80, which you
3 assumed were Commander Dick's words, were translated
4 precisely over the intercom?
- 5 A. Yes, sir.
- 6 Q. Did you say, when it came to unusual tactics, they were
7 going to be used or they may be used?
- 8 A. I remember "may" as being quite prominent. I wouldn't
9 say "they will" because I didn't know at that stage.
- 10 Q. Well, did you say it in such a way that you gave the
11 impression that there was -- that that was what was
12 really in mind? In other words, the impression that we
13 are getting very close to, and I use the term
14 generically, a Kratos situation. Do you think you may
15 have given that impression?
- 16 A. I may have given the impression that Kratos tactics will
17 be used?
- 18 Q. Well, yes.
- 19 A. That's what you are asking me?
- 20 Q. Yes. There is a reason and I'll come to it in just one
21 second. Do you think you may have said something that
22 sort of suggested that?
- 23 A. I don't -- well, if I did, that obviously wasn't what
24 I meant, but I am pretty sure I -- if it had come across
25 that way, I would have re-worded it, because I wouldn't

1 have said that.

2 Q. All right, maybe you may not have meant to. But can
3 I ask you to, in this context -- you know Ralph,
4 obviously, very well, he is a team leader, isn't he?

5 A. Yes, sir, he is.

6 Q. Could we have page 361? This is what he so far says.
7 He may, when he gets here, say he didn't mean that or he
8 didn't say it, all right, it's in the middle of the
9 page, just before you leave, this is the briefing, all
10 right:

11 "One of our senior tactical advisers ... he [that is
12 you] informed us we would be involved in unusual tactics
13 that the department hadn't done before, which
14 I interpreted as meaning a crucial, critical brain shot
15 on a suicide bomber."

16 Do you see how he's put that?

17 A. I do, sir, yes.

18 Q. That's why I wanted to ask you whether you could have
19 said something which led the team leader to believe that
20 that was the exercise that day, in other words
21 delivering a critical shot to a suicide bomber?

22 A. You will obviously question him, sir --

23 Q. I will.

24 A. -- but he will say that isn't what he meant by that.

25 Q. You know that, do you?

1 A. I am fairly sure that's what he will say, sir.

2 Q. You may hope he will say it, but do you know -- I'm
3 sorry to ask. Have you spoken to him about this?

4 A. This particular issue?

5 Q. Yes.

6 A. No, sir.

7 Q. You are assuming he will say it?

8 SIR MICHAEL WRIGHT: Is what you are really saying that the
9 words, "unusual tactics the department hadn't done
10 before", wouldn't have meant a crucial, critical shot to
11 you, which is why you don't think it would have meant it
12 to him?

13 A. I think I thought what you meant was that I was saying
14 those tactics would be used.

15 MR MANSFIELD: That's right. That's what I am suggesting.

16 A. I wouldn't have known that. I wouldn't have delivered
17 it in that way. He may have written it in that way but
18 I wouldn't have delivered it in that way.

19 SIR MICHAEL WRIGHT: You think you would only have said
20 "may" anyway?

21 A. Yes, sir.

22 SIR MICHAEL WRIGHT: As I've interrupted you, can I ask you
23 one thing: what's the distinction between the team
24 leader, who was Ralph, and the gentleman who you
25 described as the supervisor, who was Terry?

1 A. Interchangeable, sir. We were lucky on this particular
2 day --

3 SIR MICHAEL WRIGHT: Is it a question of rank?

4 A. The supervisor?

5 SIR MICHAEL WRIGHT: Yes.

6 A. It's a rank thing. He is a sergeant.

7 SIR MICHAEL WRIGHT: He is a sergeant? Very well. Whilst
8 the team leader may be a constable.

9 A. Yeah, I apologise, sir, we do use a lot of different
10 terms for the same people. But team leader is
11 a sergeant.

12 MR MANSFIELD: I want to ask you about the critical shot
13 situation before one other aspect of the briefing.

14 When you were asked about it yesterday, when you
15 were, as it were, explaining what you meant by "unusual
16 tactics" to the jury yesterday, you indicated that there
17 were certain implications that you were explaining to
18 them a DSO would understand; do you remember?

19 A. Yes, sir.

20 Q. You can follow it in your statement because there is
21 a particular passage, it's on 334 in your statement.

22 A. Whereabouts, sir?

23 Q. Sorry, I also said a number of -- sorry:
24 "The implications of any decision for
25 an interception were understood by the DSO."

- 1 All right? You have that in the middle of 334.
- 2 Now, you explained yesterday that the implications were
- 3 in one sense either that there would be an instruction
- 4 for the use of this unusual tactic, coming from a DSO;
- 5 that's one way in which the officers would understand
- 6 it.
- 7 A. Yes, sir.
- 8 Q. Just to fill that out, one of the implications is that
- 9 if the DSO says -- and I'll come to what she would have
- 10 said -- it would have been a code word, wouldn't it, for
- 11 a critical shot?
- 12 A. What, you are saying to me that she would have delivered
- 13 a code word to me?
- 14 Q. Yes. If --
- 15 A. No, she wouldn't, sir.
- 16 Q. Well, I want to take this carefully as to what people
- 17 understood. So at the level at which it's a directed
- 18 critical shot, because the DSO's got intelligence that
- 19 isn't available on the ground, the DSO is going to issue
- 20 a code word, isn't she?
- 21 A. No, sir.
- 22 Q. Not?
- 23 A. No, sir.
- 24 Q. Only in a Clydesdale situation is a code word used?
- 25 A. At that time, that was the only time it would be used

- 1 and this wasn't a Clydesdale.
- 2 Q. Right, so can I just -- sorry, this may be me that
- 3 I haven't followed this entirely myself. As this wasn't
- 4 a pre-planned event like Trooping the Colour, which is
- 5 the example given --
- 6 A. Correct.
- 7 Q. -- to which code words would apply, if a DSO were to
- 8 direct or authorise the delivery of a critical shot
- 9 outside a Clydesdale situation, there was no code word
- 10 for transmitting that?
- 11 A. No, sir.
- 12 Q. The officers and you knew that at the time, that's how
- 13 you were operating in July 2005?
- 14 A. Yes, sir.
- 15 Q. Right. So what did they expect to be told if they were
- 16 being told to deliver a critical shot? What words would
- 17 they expect to hear?
- 18 A. "Critical shot authorised", sir.
- 19 Q. So was that the established framework or could it be
- 20 something less than that?
- 21 A. It would never be anything other than exactly that, or
- 22 it would have -- it would include "critical shot". It
- 23 would include those words, "critical shot authorised".
- 24 That's --
- 25 SIR MICHAEL WRIGHT: As part of the instruction?

- 1 A. Yeah, because I mean, I was the one who was going to
2 have to deliver those words, so I thought about what
3 I was going to deliver, and it was going to be in its
4 simplest form.
- 5 MR MANSFIELD: Just going back to your briefing, when the
6 person, Terry, asked about what was meant, did you say
7 to them, since you have not been involved in this
8 before, in reality, did you say: look, if it's
9 a directed authorised delivery of a critical shot, I'll
10 say just that, "critical shot". Did you say that to
11 them all?
- 12 A. What I said was I would deliver the exact words that
13 Commander Dick delivered to me.
- 14 Q. Yes, that's not quite the same, and I'm going to
15 examine, you see, what may have gone wrong here is
16 a serious misunderstanding as to what was going on if
17 there is no code word. So you said to them, "I'll
18 deliver the exact words"; did you?
- 19 A. I said I would deliver exactly what Commander Dick
20 delivered to me, via Trojan 80.
- 21 Q. All right. But you didn't tell them that the only
22 directed authorisation would be the use of the words
23 "critical shot"?
- 24 A. Sorry, sir, can you say that one more time?
- 25 Q. Yes, you didn't say to them that the only circumstance

1 for a directed, in other words somebody from above
2 telling them to use a critical shot, would be the use of
3 the words "critical shot"?

4 A. No, I didn't say those exact words.

5 Q. No, all right?

6 A. In my statement I said:

7 "I then said in relation to a critical shot, the
8 instruction would come direct from the DSO ..."

9 Q. Yes, but then they are not being told what form of
10 instruction is going to be, as it were, enclosing
11 critical shot?

12 A. No, but I think if you asked any of them, they would
13 say, they would be expecting to hear "critical shot
14 authorised", if that's what the instruction was.

15 Q. That doesn't seem to have been a question that has been
16 put to all of them yet, so we await. So I will leave
17 that question for the moment.

18 So that's one circumstance, and the importance of
19 that route, that is somebody from above saying, via you,
20 "critical shot", is that the officer then is entitled to
21 do it in a way that does not include a warning. That's
22 almost a Clydesdale situation. No warning if it's
23 authorised from above, Clydesdale and Kratos People?

24 A. That's a possibility. I wouldn't say it's a foregone
25 conclusion what may happen if a "critical shot

1 authorised" decision is given.

2 Q. May I put it this way: it enables the officer to deliver
3 the critical shot without warning because it's been
4 authorised, if the officer wants to?

5 A. Yes, sir.

6 Q. Right, and of course if the officer has got into the
7 state of mind that he believes that the person is not
8 only the terrorist from yesterday but is carrying a bomb
9 today, he might not want to warn that person that he's
10 an armed officer before he shoots him; do you follow
11 what I am saying?

12 A. I think so, but I think that's, if you will forgive me,
13 fairly common sense. If it was a suicide bomber, you
14 wouldn't want to warn him.

15 Q. Exactly. I appreciate that. So can I just move --
16 that's one scenario about the authority from above. The
17 other way you put it, and please understand, I am not
18 contesting that you didn't put it this way, is that if
19 they had an opportunity -- do you remember the
20 alternative -- in other words, it had not come from
21 above, but they were having to assess the situation
22 themselves.

23 You will find this on page 333. So the jury may
24 follow it, it's in the middle of the page. This is your
25 statement:

1 "I then said that in relation to a critical shot,
2 the instruction would come direct from the DSO [we have
3 just dealt with that] but what it also meant was that if
4 we were deployed to intercept a subject and there was an
5 opportunity to challenge, but the subject was
6 non-compliant, a critical shot may be taken."

7 So can I just take that: the challenge may come in
8 a variety of forms but obviously it does require some
9 sort of action or word that makes it clear to the person
10 concerned that they are being asked to either stop, put
11 their hands in the air or whatever, something like that;
12 that's the nature of the challenge?

13 A. Yeah, that -- the two instructions that we could get in
14 relation to this was "critical shot authorised" or
15 "challenge from a distance", words to that effect, yes,
16 sir.

17 Q. All right, well, "challenge from a distance", what sort
18 of distance were you contemplating, would you have been
19 contemplating?

20 A. Yes, sir, this is the 40-metre issue that you have
21 already heard, which --

22 Q. That's going to be somewhat difficult in an Underground
23 carriage?

24 A. Exactly, sir, yes, it is, extremely difficult. It's
25 very difficult anywhere in London, especially in rush

- 1 hour. 40 metres is fairly fanciful, to be honest.
- 2 SIR MICHAEL WRIGHT: I hope it's not fanciful, but it can't
- 3 be achieved.
- 4 MR MANSFIELD: You never get a chance. So therefore if
- 5 that's an unrealistic thing to expect, and I follow that
- 6 entirely, then if you don't get the opportunity, because
- 7 40 metres is unrealistic, how is the officer going to
- 8 deal with this situation?
- 9 A. It is extremely difficult. None of this is easy, sir.
- 10 Q. No, no, and may I adopt entirely what you said
- 11 yesterday, I think the words were "a hugely difficult
- 12 decision"?
- 13 A. Yes, sir.
- 14 Q. Right, it's a hugely difficult decision, if you haven't
- 15 got the space to do that sort of challenge, how are you
- 16 going -- and one of the criteria is non-compliance,
- 17 isn't it, with a challenge?
- 18 A. Yes, sir.
- 19 Q. But if you have not got the space to do the challenge,
- 20 it's very difficult to see how they are going to work
- 21 out whether there is non-compliance if you haven't done
- 22 the challenge?
- 23 A. If you are talking yesterday, we were talking about the
- 24 threshold of non-compliance, it's minimal.
- 25 Q. It's minimal to non-existent?

- 1 A. Yes, sir.
- 2 Q. Really?
- 3 A. Well, it can be.
- 4 Q. Can be, all right. So if it's minimal to non-existent,
5 really all the officer's left with is delivering
6 a critical shot?
- 7 A. They will still assess it. There is no doubt they will
8 still assess it.
- 9 Q. All right.
- 10 A. Even if a critical shot is authorised.
- 11 Q. Even if it's authorised, they still have to, under the
12 legal requirements, they still have a margin of
13 discretion, but of course --
- 14 A. It's minimal at best.
- 15 Q. -- it's reducing by every second that goes by. One
16 understands that.
- 17 In relation to an assessment in split second timing,
18 if it hasn't been authorised from above, now assessing
19 a suicide bomber is also a hugely difficult exercise,
20 isn't it?
- 21 A. Yes, sir.
- 22 Q. We have already seen a photograph, it wasn't put up for
23 you, but first of all the person can appear to be
24 perfectly normal, in other words not sweating, not
25 praying, not any of those profile features that we have

1 seen?

2 A. Sir.

3 Q. All right, or we have heard about. They may be, they
4 may not, so we have to look for something else.

5 Now, when I suggest, when you had your briefing, did
6 you have an explosives expert there?

7 A. Not at that time, sir, no. He arrived soon after the
8 briefing had finished at Nightingale Lane.

9 Q. Were you aware that -- do you know Andrew? I suppose
10 you do know Andrew, another tactical adviser?

11 A. Yes, I do.

12 Q. Sorry, I am using his codename. Perhaps you were
13 unaware that he had suggested the night before that it
14 would be desirable to have an explosives expert present
15 at any briefing of officers in relation to any
16 operation; were you aware of that?

17 A. I wasn't aware of it at the time, sir. Subsequently,
18 we -- it is fairly standard at the time.

19 Q. It is standard. And --

20 A. In relation to this type of operation.

21 SIR MICHAEL WRIGHT: It is now done, is it?

22 A. Yes, and it was in other operations very soon after this
23 one, days after this, it was identified as a sensible
24 thing to do.

25 MR MANSFIELD: And again, trying to be sensible about it, is

1 the reason that you have an explosives officer in
2 an area which is one with which the Metropolitan Police
3 were unfamiliar, other than their researches, is for the
4 explosives officer to give the latest information on
5 what a firearms officer should be looking for in trying
6 to assess whether the person standing in front of them
7 or wherever they are is a suicide bomber?

8 A. Yes, sir.

9 Q. When you gave yours, and it's not a criticism, when you
10 gave your briefing, were you familiar with the forms of
11 non-rucksack body-borne bomb that were possible? Are
12 you following? All right, I'll take it in stages.

13 The previous incidents on the 7th and the 21st all
14 involved rucksacks, didn't they?

15 A. Yes, sir.

16 Q. So seeing a rucksack and possibly somebody rummaging,
17 which was what the Silver mentioned in his briefing, in
18 a rucksack would be fairly obvious, wouldn't it?

19 A. Yes, sir.

20 Q. So if there is no rucksack and there is nobody rummaging
21 with wires in a rucksack, then you have to look for
22 something else. Were you familiar with the other forms
23 of suicide vest, suicide belt and forms of detonation?

24 A. Generally, sir, or specifically --

25 Q. I do mean specifically because if you are asking

- 1 an officer to make an assessment, they need to know
2 exactly what they are looking for. Were there any
3 specific instructions given or advice given about what
4 to look for if it wasn't a rucksack?
- 5 A. No, sir.
- 6 Q. Right. It's not a criticism, it's just asking about
7 this.
- 8 A. Sorry, sir, just the briefing that Mr Purser gave
9 obviously included some detail in relation to what, from
10 intelligence, they knew about those issues.
- 11 Q. Yes, I'm going to leave Mr Purser's for Mr Purser rather
12 than you. It's really your initial briefing.
- 13 A. But I was party to Mr Purser's briefing.
- 14 Q. Yes, you were, but would it be fair to say that in fact,
15 although there wasn't an explosives officer at
16 Nightingale Lane in time for the briefing by Mr Purser;
17 he came a bit later, I think you have just said?
- 18 A. Yes, sir.
- 19 Q. There was not any intelligence that you were aware of at
20 that time to suggest that the people from the day
21 before, let alone the people from the 7th, were in fact
22 constructing suicide vests or suicide bombs of that
23 kind, was there?
- 24 A. No, sir.
- 25 Q. Those kind of suicide bombs, the ones that are

1 constructed to be underneath a jacket or something like
2 that, are relatively sophisticated, aren't they?

3 Perhaps you can't answer the question, I don't know, but
4 I think you have served in other arenas, so I am asking
5 you, perhaps you know generally about this or not?

6 A. I wouldn't say they were sophisticated, or they don't
7 necessarily have to be sophisticated at all, sir. They
8 could be fairly simple.

9 Q. All right.

10 SIR MICHAEL WRIGHT: Did you know, before Mr Purser told
11 everybody about it, about the munitions that had been
12 found at Luton station?

13 A. I think I did, sir, because I had been party to
14 briefings in the previous days before this operation.

15 SIR MICHAEL WRIGHT: What did you understand those munitions
16 to consist of?

17 A. Volatile explosives, initiation devices that -- wires
18 and batteries, I think. Those sort of details I was
19 party to.

20 SIR MICHAEL WRIGHT: Did you know anything about whether,
21 what their size was? Whether they were large or small
22 devices?

23 A. Other than they used rucksacks and therefore ...

24 SIR MICHAEL WRIGHT: Yes.

25 A. I --

1 SIR MICHAEL WRIGHT: I am sorry, I mean the unexploded
2 munitions that were found at Luton station, apparently
3 having been left there by the 7/7 bombers.

4 A. Yeah, I knew about those items that had been left, sir.

5 SIR MICHAEL WRIGHT: Did you know what size or nature those
6 explosives were?

7 A. I do have quite a lot of knowledge around this issue,
8 sir, anyway, so I have lots in my mind about what's
9 possible in relation to those items that were found on
10 7/7.

11 SIR MICHAEL WRIGHT: All right.

12 MR MANSFIELD: One of the things I wanted to ask you about
13 is: however a non-rucksack bomb is constructed about the
14 person, whether it's in a vest, or a belt, whichever
15 form it takes, it has to be detonated, doesn't it?

16 A. Yes, sir.

17 Q. Was any, I think from what you have already said, this
18 follows, but was anything said to the officers about
19 what they should look for if this person had a bomb on
20 their person in relation to detonation? In other words,
21 somebody about to detonate a vest or a belt?

22 A. Were they told anything?

23 Q. Yes. Were they told what to look for?

24 A. Not specifically what to look for. I mean, you said you
25 are coming on to Mr Purser's briefing, and he obviously

1 gave some indication in relation to the initiation
2 devices that were possible, and I think you could draw
3 a summary from that information as to what you may be
4 looking for.

5 Q. One of the things is plainly whether the person
6 concerned has got some item in his hand or her, but in
7 this case it's a his, in his hand which might operate
8 and detonate the vest or belt? Whether they have
9 something actually in their hand?

10 A. Yeah, that's a possibility.

11 Q. That's one thing?

12 A. Yes, sir.

13 Q. The reason I am putting this to you, because of course
14 this is what I suggest we may hear later from an expert,
15 if you have got a vest or a belt and you are going to
16 detonate it, you have to have something coming from the
17 vest or the belt to a point where you can detonate it.
18 In other words, wires through a pocket in your trousers
19 to a battery and you then have to, with your hand in
20 your pocket, connect the wires to the battery. Are you
21 familiar with that?

22 A. Yes, you are identifying one specific incident, but that
23 initiation device could be in any number of different
24 places.

25 Q. Yes, I appreciate that, but that's an initiation device.

- 1 A 9-volt battery is involved in this?
- 2 A. Yes, sir.
- 3 Q. Commonly?
- 4 A. Yes, sir, but any battery could be utilised in relation
5 to this -- a device. It could be one of the flat camera
6 batteries, it could be one of the tiny batteries you get
7 in watches. There are a number of different ways you
8 can initiate a device.
- 9 Q. But you have to initiate it?
- 10 A. Yes, sir.
- 11 Q. It goes without saying, it's common sense, it has to be
12 initiated?
- 13 SIR MICHAEL WRIGHT: You have to make a contact?
- 14 MR MANSFIELD: You have to make the contact, and one of the
15 ways the contact is made is manually through having your
16 hand in the pocket or place where the battery is, which
17 is then connected to the vest or the belt?
- 18 A. Yes, sir, not necessarily the pocket.
- 19 Q. No, all right, where else could it be?
- 20 A. It could be in the hand.
- 21 Q. What, and done remotely?
- 22 A. No, those elements required to initiate a device could
23 be held in a hand.
- 24 SIR MICHAEL WRIGHT: You run the wire down your sleeve?
- 25 A. Exactly, sir, that's a possibility, we are only talking

1 about possibilities here.

2 MR MANSFIELD: Yes, I appreciate that.

3 But the point I am just examining, I apologise to do
4 it with you, but given your experience, you obviously
5 know a little about this. If it's going to be in the
6 hand, then there has to be a wire going from the hand up
7 the sleeve and through, there would be a likelihood of
8 a protruding wire?

9 A. Yes, sir.

10 Q. Was any of this sort of detail gone through at your
11 briefing?

12 A. No, sir.

13 Q. Or at Mr Purser's briefing?

14 A. The way we have just been discussing this?

15 Q. Yes.

16 A. No, sir.

17 Q. I want to just go back to your briefing for a second on
18 a slightly different topic. Do you recall yesterday you
19 were anxious for understandable reasons to ensure that
20 your officers realised that this time was going to be
21 different; they were going to get intelligence which
22 they had not got on previous occasions. In other words
23 they were going to get a better briefing than before?

24 A. I was hoping that was going to be the case. I wasn't
25 talking about the briefing there, I was talking about

1 the DSO and the fact is she can demand intelligence, you
2 know what I mean, we might not be in that position, but
3 she could.

4 Q. What the officers were upset or anxious about, however
5 you like to put it, was the fact that they didn't feel
6 they had been put in the picture properly on previous
7 occasions.

8 A. Yes, sir, that's true.

9 Q. I am afraid it's another statement, but I just want to
10 follow through. Terry, who we have heard of already,
11 377, please, is the page, he's at your briefing, is he
12 not?

13 A. Yes, sir.

14 Q. He is hearing you talk about intelligence?

15 A. Yes, sir.

16 Q. I have asked you about a passage, the critical shot,
17 that's just before halfway down. If you look a little
18 further up, you will see that he is talking about you
19 and information, do you see:

20 "Trojan 84 stated that the flow of information and
21 relevant intelligence would be made available to us
22 directly -- and as it was generated and that some of it
23 may necessarily have been 'sanitised'; but, that 'trust'
24 should be maintained in the assessment of the
25 intelligence given to us."

1 Then it goes on:

2 "It was stated that we may have to use unusual
3 tactics."

4 Do you see that?

5 A. It is, yes.

6 Q. Did you indicate to them that they were going to get
7 hopefully better intelligence, but it may be sanitised
8 so they would not know the finer detail because it might
9 risk the operation, that sort of thing?

10 A. Yeah, it's an interesting way that he has put it there.

11 Q. I suggest it is an interesting way, and what I want to
12 suggest, so you see where this is leading, that when we
13 get to the crucial moment when repeatedly officers are
14 being told: he mustn't be allowed to get on the tube; do
15 you follow?

16 A. Yes, sir.

17 Q. They may have thought that this was sanitised
18 information saying, "We now know he is a bomber from
19 yesterday and a bomber today". Do you think that that
20 is a possibility?

21 A. Yeah, that's an incredibly complicated brain process
22 that you have identified there in relation to a firearms
23 officer who is going to conduct an interception.

24 SIR MICHAEL WRIGHT: Consider the example that Mr Mansfield
25 is putting to you. The suggestion, I think, is that the

1 simple order, "Stop him getting on the tube" has behind
2 it, as it were, the implications that back in the hub,
3 in the control area, it's been realised that he was
4 a bomber yesterday and he is a bomber today.

5 Can you think of any conceivable reason why your
6 firearms officers should not have been told that if
7 that's what was thought back in the centre?

8 A. That they wouldn't have been told that he was a bomber
9 from the previous --

10 SIR MICHAEL WRIGHT: That he had been identified as
11 a bomber.

12 MR MANSFIELD: Well, sorry, may I interrupt, it's two
13 stages. That he was not only the bomber from the day
14 before -- it's twofold, you don't shoot just because
15 he's the bomber from the day before. Much as you may
16 wish to do that, you can't do that.

17 A. We wouldn't, no.

18 Q. You have to assess and say: is he a bomber today; is he
19 an immediate threat today, so he has got to be killed.
20 So it's a two-stage thing, and what I am putting to you
21 is that if they are being told in your briefing where
22 you are going to get better intelligence today but it
23 may not come over in bald terms, but you don't know what
24 its going to be at that stage, that they may have
25 thought that when -- and there's a very good reason for

1 saying this. I suggest it's not too convoluted.

2 When it came to what I suggest is almost an mad rush
3 at the end, officers, particularly those who fired, have
4 concertinaed everything together and thought: we are
5 being told we have to deliver a critical shot, there's
6 no code word, it's stop him before he gets on the train.

7 A. Right, I don't think there is any doubt that they may
8 well have clumped all that together in their minds.
9 What they would not have thought was: this is a critical
10 shot because that's not something I delivered. We were
11 put, they were put, I put them, in an invidious
12 position. There is no doubt in my mind about that. And
13 the mindset played a huge part in relation to it.
14 I mean, in relation to what those officers thought in
15 relation to all of those briefings, I am sure they tried
16 to justify it in their own minds as to what all this
17 meant, but even when I delivered the line, I mean one of
18 the guys in his statement has put in "because of the
19 urgency in his voice". I mean, that, coupled with the
20 positive identification of a suicide bomber from the day
21 before and all of the mindset, all of the briefing, I am
22 sure had a huge impact on the way they thought.

23 And that is the crying shame in all of this, you
24 know, we released 2 and 12 into an impossible situation
25 where they had to make sense, because of the individual

1 officer responsibility, they were given the judgment
2 call, and that is unbelievably outrageous that they
3 should be left with that responsibility. I mean, we
4 can't do it any other way and it was difficult, but
5 yeah, I think you are absolutely right in that, the
6 concertinaing of all the information, I'm sure had
7 a huge part in the outcome.

8 Q. Thank you for that. May we just have, so you can see
9 why I am putting it to you, page 349, this is C2's
10 statement. I am not going to read it all, but I do not
11 want to take it out of context either. Halfway down the
12 page, he's saying he heard them say this was definitely
13 our man and so forth, nervous, strange, acting strangely
14 and so on, standing up on the stairs, very twitchy:

15 "We held at the junction at the other side of the
16 junction from where the bus was. I could see the bus
17 from our location. I heard over the radio that he had
18 left the bus, walked towards the tube station and went
19 in the main entrance."

20 So pausing there, it's clear that he's still in the
21 car at that point when the target is going in the
22 station.

23 If we go on:

24 "At this point we move forward into Binfield Road
25 which runs alongside Stockwell tube station. I heard

1 over the radio, 'Stop him from getting on the tube, he
2 must not get on the tube'. I believe that this was
3 a relayed instruction from the DSO and that this suspect
4 was a suicide bomber who had entered the tube in order
5 to blow up a train."

6 Do you see that?

7 A. I do, sir, yes.

8 Q. Now do you follow what I have been putting to you, that
9 one of the features of what happened that day was
10 because there were no code words, because it was all
11 happening at the wrong end of the telescope instead of
12 at Scotia Road up at Stockwell station, it's all been
13 concertinaed into an impossible situation, hasn't it?

14 A. Yes, sir, absolutely.

15 Q. Thank you. Now I am going to ask for your help on one
16 more thing and then I will finish. I am sorry, it's
17 taken 15 minutes longer than I anticipated. I know you
18 have seen the compilation once or more than once and
19 I won't do this if you think you can't help. What
20 I have asked very kindly is for the camera that shows
21 the queue of traffic coming up to Stockwell station. If
22 you were shown it again, would you be in a position to
23 say, "I think that's my car", or you can't do that?

24 A. To be honest, sir, I don't even know what car I was in
25 that day, I still can't recall it, so it would be

1 difficult.

2 Q. I think it's quite quick and it's been set up. Can we
3 have that sequence shown to you? If you gain any help
4 from this, please say; if you don't, I'll leave it.

5 Video footage shown

6 There will be a shot, that's Jean Charles
7 de Menezes, then it goes back up. Now we see the queue.
8 Can we pause from a minute on one of the closer shots.
9 Is that of any help or not?

10 A. As to where I was?

11 Q. Yes, can you estimate it? I do not want to press it, if
12 you really don't know I'll leave it.

13 A. What's the time on that? 10.02, is that?

14 Q. Don't worry too much about the time because the times,
15 they may be out by a minute or so.

16 SIR MICHAEL WRIGHT: Somebody told us that the car that is
17 just protruding, where the lines diverge, that's the
18 Mercedes, which was the Alpha car?

19 A. Yeah, I think I talked about that.

20 MR MANSFIELD: There is a number 2 bus there, not the right
21 one, but there is one there, but are you further back in
22 that line of cars? Or you haven't actually got there
23 yet?

24 A. I am almost certain I am in that line somewhere, because
25 that, like you say, that is the number 2 bus and the

1 Alpha car is right beside it.

2 SIR MICHAEL WRIGHT: That's the wrong number 2 bus?

3 A. Yes.

4 MR MANSFIELD: The bus is the one you overtake at some
5 point.

6 A. Yes, if you look behind the white van, that huge gap in
7 the road, there was never a huge gap. I was always in
8 a queue of traffic, and I pretty much could see the
9 Alpha car every now and then.

10 Q. Sorry, I am being aided here. Are you saying in fact if
11 we get to the van, then there is a car behind the van,
12 then there's no traffic but when you were there, there
13 was traffic beyond that?

14 A. What I am saying is I was always in a line of traffic.
15 I was never -- I could never see a gap in front of me.
16 Therefore I can't have been behind that. We were all
17 there somewhere, there were four vehicles and they were
18 all ours in that group.

19 Q. So in that lineup, there are four vehicles?

20 A. Yeah, because the Alpha vehicle is in front.

21 MR MANSFIELD: All right. Thank you very much.

22 SIR MICHAEL WRIGHT: Mr Gibbs.

23 Questions from MR GIBBS

24 MR GIBBS: Sir, I think my microphone isn't working, so I'll
25 speak very loudly.

1 SIR MICHAEL WRIGHT: Can somebody help? Otherwise you will
2 have to do your usual task of speaking up.

3 MR GIBBS: Yes.

4 SIR MICHAEL WRIGHT: We will see what we can do.

5 MR GIBBS: Shall I start anyway?

6 SIR MICHAEL WRIGHT: It doesn't work on the button?

7 MR GIBBS: No.

8 SIR MICHAEL WRIGHT: All right, carry on. Do your best.

9 MR GIBBS: Officer, I represent the red and grey
10 surveillance teams.

11 A. Sir.

12 Q. I have got very few questions because your memory of the
13 telephone calls that you had with the team and the
14 traffic that you heard over the Cougar surveillance
15 radio coincides almost exactly with their memories of it
16 as well.

17 Can I do it just in broad outline, that the first
18 surveillance officer with whom you had telephone contact
19 was the leader of the red team, Derek?

20 A. Yes, sir.

21 Q. Do you remember calls both to and from you with him?

22 A. Yes, sir.

23 Q. Was he concerned about your whereabouts?

24 A. Yes, sir.

25 Q. Were you asking him about what was going on at

- 1 Scotia Road?
- 2 A. Yes, sir, I am sure I would have been.
- 3 Q. Later you tried to get in contact with the grey team
- 4 leader; am I right?
- 5 A. Yeah, I didn't know it was the grey team leader. I just
- 6 had a number of a surveillance officer, sir.
- 7 Q. Did you try to get hold of the telephone number of the
- 8 grey team leader and in trying to do that, speak to
- 9 a number of other officers?
- 10 A. I was given two numbers by Derek. I didn't know who
- 11 they were. They were just surveillance officers who
- 12 I understood to be with the subject on or near the bus.
- 13 Q. Eventually, we know that you managed to have a telephone
- 14 conversation with the grey team leader's telephone, he
- 15 is called James, of about two and a half minutes?
- 16 A. Yes, sir.
- 17 Q. Did you realise in fact that you were speaking to his
- 18 front seat passenger?
- 19 A. I know that now but I didn't know that at the time, sir.
- 20 Q. You were asking where they were, where the subject was?
- 21 A. Yes, sir.
- 22 Q. Whereabouts on the bus the subject was?
- 23 A. Yes, sir.
- 24 Q. Did he say he would put it out over the radio to get the
- 25 exact whereabouts?

- 1 A. Did he say that to me, sir?
- 2 Q. Yes, do you remember holding while he put that out over
3 the radio?
- 4 A. I don't remember, sir, but that's a distinct
5 possibility.
- 6 Q. You were given the whereabouts of the subject on the
7 bus?
- 8 A. Yes, sir, they couldn't identify the floor they were on,
9 ie ground or upper, but ...
- 10 Q. Then I think you hang up and you made another telephone
11 call to somebody else?
- 12 A. Yes, sir.
- 13 Q. Am I right in thinking that you had intermittent good
14 reception on the Cougar?
- 15 A. Intermittent good reception, sir?
- 16 Q. Yes.
- 17 A. What do you mean by that?
- 18 Q. In the sense that --
- 19 A. Intermittent, yes, that's true.
- 20 Q. Am I right?
- 21 A. Yes, I understand what you mean.
- 22 Q. We know, I'm not going to take you to it, from the
23 questions and answers that you gave in your interview
24 that there was a certain amount of noise in your
25 vehicle?

- 1 A. Yes, sir.
- 2 Q. Because you weren't the only one who was on the
3 telephone, and you had the firearms radio back-to-back
4 75 channel coming into the car too?
- 5 A. Yes, sir.
- 6 Q. Were you giving information out over the firearms radio
7 as well as on the telephone?
- 8 A. Yes, sir.
- 9 Q. Your primary source of instructions, have I understood
10 it right, were from the control room?
- 11 A. Yes, sir.
- 12 Q. In particular from whom in the control room were you
13 getting instructions?
- 14 A. Trojan 80, sir.
- 15 MR GIBBS: Thank you very much.
- 16 SIR MICHAEL WRIGHT: Thank you, Mr Gibbs.
- 17 Mr Stern, before you embark on that, there is
18 something I want to ask Mr Mansfield.
- 19 MR MANSFIELD: Yes.
- 20 SIR MICHAEL WRIGHT: I have just been looking back at the
21 transcript, for anybody who wants to see it, it's
22 pages 49 and 50, you put to this witness, Mr Mansfield,
23 the contents or a part of Charlie 2's statement.
- 24 MR MANSFIELD: Yes.
- 25 SIR MICHAEL WRIGHT: On the basis of what Charlie 2 has said

1 in his statement, you put to this witness that that
2 officer and his colleague, Charlie 12, had been put in
3 an impossible situation. Those were your words.

4 MR MANSFIELD: Yes.

5 SIR MICHAEL WRIGHT: That was the proposition you were
6 putting to this witness.

7 MR MANSFIELD: Yes.

8 SIR MICHAEL WRIGHT: Indeed, he agreed with you.

9 MR MANSFIELD: He did.

10 SIR MICHAEL WRIGHT: Is that your case?

11 MR MANSFIELD: It's not the end of the case because they are
12 in an impossible position, I make it clear now, but of
13 course they still have to make an assessment, and the
14 question is, what was the assessment that they made in
15 a very difficult, almost impossible, situation? In
16 other words, they are placed in an impossible situation,
17 but, and I think the officer would agree, I didn't
18 follow it up with him, but they still have to make
19 an assessment even if they are placed in an impossible
20 situation of what they are facing. There are further
21 questions to be asked in that context.

22 SIR MICHAEL WRIGHT: What has been, I don't say bothering
23 me, it's not bothering me at all, but I think what
24 I want to have clear is whether effectively, because it
25 seems to me you must be, that you are accepting the

1 accuracy of Charlie 2's description of his state of mind
2 at that point?

3 MR MANSFIELD: Oh yes, absolutely, and I'll obviously have
4 to examine how he arrived at that state of mind, and may
5 I make it clear, I want to suggest that when they went
6 down the escalator, there was only one thing in their
7 minds, and that was they are going to shoot this man.

8 SIR MICHAEL WRIGHT: It is the state of his mind at the
9 crucial moment that I am interested in.

10 MR MANSFIELD: Yes, and so it's clear exactly what I am
11 saying, there is nobody taken by surprise, there was no
12 assessment in fact at the end of the day. They just
13 went in and did it.

14 SIR MICHAEL WRIGHT: Yes. That doesn't alter the fact, what
15 I want to know is what you are accepting about what he
16 says about what he believed at the moment when he pulled
17 the trigger.

18 MR MANSFIELD: Yes, I appreciate that.

19 SIR MICHAEL WRIGHT: Very well, thank you. You will see why
20 I wanted to interpose at that point, Mr Stern, before
21 you embarked on your cross-examination.

22 MR STERN: Yes, I think so, sir, if I may say so, but
23 I won't respond to my learned friend Mr Mansfield.

24 SIR MICHAEL WRIGHT: I don't expect you to.

25 MR STERN: I will wait until we hear the evidence and

1 I won't make comments.

2 SIR MICHAEL WRIGHT: Very well.

3 Questions from MR STERN

4 MR STERN: Can I just ask you, please, a few questions about
5 the briefing.

6 The issue of non-compliance and the consequence that
7 you envisaged and others envisaged may take place, you
8 said in your interview that at part of the briefing, you
9 had told the officers that the DSO would be aware of
10 that possible course of action?

11 A. In relation to what, sir, sorry?

12 Q. In relation to a critical shot taken by the officers as
13 a result of non-compliance of the suspect?

14 A. Yes, sir.

15 Q. The purpose of doing that was, I think you told us
16 yesterday, was to support the officers?

17 A. Yes, sir.

18 Q. And that it was your understanding that the DSO was
19 aware of that possibility?

20 A. Yes, sir.

21 Q. And that you wanted to convey that to the officers?

22 A. Yes, sir.

23 Q. I want to ask you, please, about initiation devices, and
24 some of the things that were said at the briefing. I do
25 not want to ask you about them outside of that briefing,

1 because that is obviously what you conveyed and Silver
2 conveyed to the officers at that time.

3 A. Sir.

4 Q. I think it was said, and forgive me if I merge the two
5 briefings just for a moment on this issue, but I ask you
6 because, as I think you have already hinted or alluded
7 to, you have some experience in this area?

8 A. Yes, sir.

9 Q. I won't ask you any more about that. Was the position
10 made clear that it would be extremely difficult for the
11 officers to be able to see whether or not an individual
12 had, for example, two wires in order to initiate the
13 device?

14 A. Yes, sir.

15 Q. It was made clear that such a device could be triggered
16 by just connecting two wires together?

17 A. Yes, sir.

18 Q. And that would be simple and easy to do?

19 A. Sir.

20 Q. It was also made clear, and I think there were questions
21 on this particular subject, that devices could be
22 concealed around the body and, as you have already
23 indicated, could be triggered easily?

24 A. Yes, sir.

25 Q. Can I look with you, please, at the video that -- or

1 camera that was shown to you just a few minutes ago, and
2 I would like to look at it with you from the beginning,
3 if we may. If we could start it, and take it to
4 10.02.32. I think you are aware that this has already
5 been shown and indeed you have looked at it?

6 A. Yes, sir.

7 Q. I think you thought it was Mr Perry who had shown it,
8 but I think it was me.

9 A. Apologies, sir.

10 Q. He's always getting mistaken. Normally my father.
11 There at 10.02.32 we can see Mr de Menezes walking
12 towards the station?

13 A. Sir.

14 Q. If we could move it on two seconds, we can see just two
15 seconds, that the Alpha car is in that queue?

16 A. Yes, sir.

17 Q. Yes?

18 A. Yes, sir.

19 Q. If this could just be played, please, through, we will
20 see the Alpha car pull out in a moment or two and then
21 it will rather cheekily pull back in. Then I think, as
22 you can see, the traffic will start moving but
23 unfortunately the picture, the camera then moves to
24 another scene or another shot.

25 Now, just pausing there for a moment, if we may, is

1 it right that if state red had been called at that
2 point, the officers would have been out of the car
3 pretty quickly.

4 A. Yes, sir.

5 Q. I won't show the photograph again but I think we can see
6 that, and you will remember the scene, that set of
7 lights is almost directly opposite Stockwell tube
8 station?

9 A. Yes, sir.

10 Q. I don't know how long it would have taken the officers
11 to get across that road over to the station if state red
12 had been called but seconds, we are talking, aren't we?

13 A. Yes, sir.

14 Q. If we play on, please. You will see, because they have
15 been highlighted -- obviously you wouldn't know that --
16 the surveillance officers are moving into the station.

17 (Pause)

18 Could you pause it now, thank you. Now, this is
19 10.04.08. Forget about whether that's the actual time,
20 but we can see that it's about a minute and a half after
21 we had first seen the Alpha car in that queue?

22 A. Sir.

23 Q. The cars were in Binfield Road which we know is just
24 round the corner. How shortly before the officers were
25 in this position would state red have been called,

1 approximately? Are we talking a minute or seconds?

2 A. Seconds, sir.

3 SIR MICHAEL WRIGHT: Charlie 2 is coming up from the bottom
4 of the picture, is he?

5 MR STERN: Charlie 2 is from Binfield and we will hear in
6 due course the evidence that C12 is coming from the
7 opposite direction because I think --

8 SIR MICHAEL WRIGHT: That is C12?

9 MR STERN: It is in the distance, yes.

10 Charlie 12, again the jury will hear this, but
11 Charlie 12 in fact as a result of hearing things over
12 the radio, did not come to the TA Centre but came
13 directly from Nightingale Lane and took a different
14 route, therefore?

15 A. Yes, sir. His vehicle would have been parked on the
16 left-hand side of those telephone boxes.

17 Q. I'm not even sure it's parked?

18 A. Well, stopped.

19 Q. It's stopped and he is running as we can see.

20 What do you make of the suggestion that your
21 officers at this time as they are running into this
22 station were intent on shooting a person dead without
23 any further assessment? What do you make of that
24 assertion?

25 A. They would never have had that state of mind at that

1 point, that they were going to shoot somebody, at that
2 point. That may sound like a bold statement but I can
3 put myself in that position, if I was in that position
4 there would always be a judgment stage first,
5 regardless.

6 Q. Can I help you a little more with the timing please, and
7 there is a phone schedule that we have that I hope will
8 enable all the phone calls that are within the records
9 that we have between 9.20 and 10.16 on some sort of
10 schedule. I wonder if we could hand those out. (Handed)

11 They are limited copies, I think, because they are
12 in colour. This is for the jury and for the witness.
13 For others, there are references on the side which show
14 where it is that the calls have come from.

15 SIR MICHAEL WRIGHT: While you are doing that, Mr Stern,
16 I have had a plea for help from a member of the jury, so
17 we will have a ten minute break, quarter to.

18 (11.40 am)

19 (A short break)

20 (11.50 am)

21 (In the presence of the jury)

22 SIR MICHAEL WRIGHT: Can I make it clear to everybody who
23 has not yet cross-examined that I want to utilise the
24 luncheon adjournment to take the screens down rather
25 than losing time in the afternoon for that purpose, and

- 1 so I am going to finish this witness before the luncheon
2 adjournment, even if you either get a late lunch or no
3 lunch at all. There is a fair warning. Yes, Mr Stern.
- 4 MR STERN: Thank you. T84, I hope you have the schedule
5 there.
- 6 A. Yes, sir.
- 7 Q. And the jury have it. The times run between 9.20 and
8 10.16, and --
- 9 SIR MICHAEL WRIGHT: This is a comprehensive list, is it?
- 10 MR STERN: I hope so.
- 11 SIR MICHAEL WRIGHT: It's everybody's phone calls?
- 12 MR STERN: It's everybody's such that we have. You see it's
13 been colour-coded and I think you have been given the
14 colour bronze or thereabouts.
- 15 We can see that the call made by you, which is
16 number 33, at 9.42.18, is I think the call that you make
17 to Derek?
- 18 A. Yes, sir.
- 19 Q. I think as you told us, that was after you had arrived
20 at the TA Centre and after you had spoken to the soldier
21 that was there in order to try to make arrangements?
- 22 A. Yes, sir.
- 23 Q. But there were two other vehicles there before?
- 24 A. Yes, sir.
- 25 Q. One of those vehicles was the Alpha vehicle?

- 1 A. Yes, sir.
- 2 Q. Do you remember which one the other one was? Would it
3 automatically have been Bravo?
- 4 A. It was the vehicle that Terry was in, sir.
- 5 Q. Terry was in. He might be able to tell you that. That
6 was the C vehicle?
- 7 A. Yes, sir.
- 8 Q. So those two vehicles were there, and then you spoke to
9 Derek. Why did you speak to Derek? We know he was the
10 red team, whereas at this point we know the grey team
11 had taken over. Did you know that at that stage?
- 12 A. No, sir, that was the only phone number that I had at
13 that point, was Derek's.
- 14 Q. You were given a number for surveillance and it turned
15 out to be the number of Derek?
- 16 A. Sir.
- 17 Q. We can see at 9.43 call number 39, you speak to Derek
18 again, and then at 9.45 you speak to Ralph. He's the
19 team leader; yes?
- 20 A. Yes, sir.
- 21 Q. Then there is another call to Derek, and then over the
22 page, we can see what happens at call 50, 9.48.50, there
23 is a call from Silver to Mr Dingemans?
- 24 A. Yes, sir.
- 25 Q. As far as you know, is that approximately the time that

- 1 Mr Dingemans was called on, then, to move forward and to
2 carry out an arrest or at least stop the suspect?
- 3 A. I don't know whether it was that time, sir, I knew that
4 that was happening, but ...
- 5 Q. Then, as we look further down, we can see the first call
6 by you to James, the grey surveillance team, is call
7 number 79 at 9.56.48?
- 8 A. Yes, sir.
- 9 Q. I think you didn't speak to James but you in fact spoke
10 to somebody else?
- 11 A. I didn't know who that would be, sir.
- 12 Q. You spoke to somebody from, as we will discover, the
13 grey surveillance?
- 14 A. Yes, sir.
- 15 Q. When you spoke to that person, did you make it clear
16 that there was a possibility that there might be a C019
17 stop?
- 18 A. No, sir.
- 19 Q. Did they know that you were from C019?
- 20 A. Yes, sir.
- 21 Q. Did that person say, well, what are you involving
22 yourselves in this?
- 23 A. No, sir.
- 24 Q. Did they seem surprised that you were there?
- 25 A. Not at all, sir. But if I can just, a rider on that:

- 1 there is no reason why they should, because I don't know
2 where they are, they may be in a very covert situation.
3 It wouldn't be a conversation, it would be a single,
4 short, sharp discussion.
- 5 Q. This was two and a half minutes, so probably not as
6 short and sharp as that. Then we can see there is
7 another call from Silver to Mr Dingemans at call 83, and
8 then there is a call at 9.59.36 from you to
9 Chief Inspector Esposito?
- 10 A. Yes, sir.
- 11 Q. He's in the operations room, as we know. Then there is
12 this open line that you have with him. If we look
13 across, that's nine minutes and 14 seconds?
- 14 A. Yes, sir.
- 15 Q. So that is clearly the call at which you and he are able
16 to communicate freely and openly all the time?
- 17 A. Yes, sir.
- 18 Q. That begins at, as we can see there, just before
19 10 o'clock?
- 20 A. Yes, sir.
- 21 Q. That's all I want to ask you about phones, thank you.
- 22 SIR MICHAEL WRIGHT: Do you want to put this in the jury
23 bundle?
- 24 MR STERN: Yes, that would be helpful. I gather that one of
25 the schedules, 49, it may be it can be put in there.

1 In other words, it may be helpful if all the phone
2 schedules were in one divider.

3 SIR MICHAEL WRIGHT: I will wait for somebody to do a bit of
4 research on that and then we will decide.

5 MR STERN: I was rather hoping somebody could inform me.
6 There is one at 50 but there may be one at 49 as well.

7 MR HOUGH: I think there is one at 45, a schedule of calls
8 made early in the morning on the 22nd, and then there is
9 one at 50 which is a schedule of calls specifically
10 relating to Mr Purser. It could go in at either of
11 those as far as I am concerned.

12 MR STERN: It may help if it goes in at 50.

13 SIR MICHAEL WRIGHT: This is comprehensive, if your team
14 have got it right, Mr Stern, it has all those --

15 MR STERN: That's the plan and I hope it has been, obviously
16 errors and omissions excepted, but it is comprehensive.

17 SIR MICHAEL WRIGHT: Put it in at 50, ladies and gentlemen,
18 easy one to remember.

19 MR STERN: Thank you.

20 SIR MICHAEL WRIGHT: Actually, it's not 50. 50 is
21 McDowall's update. There is one at 49.

22 MR STERN: Thank you.

23 MR HOUGH: I think some of the jury are looking confused.
24 The updated index, I had had Mr McDowall's update at 49,
25 and Mr Purser's log at 50.

1 SIR MICHAEL WRIGHT: All right. In that case ...

2 MR HORWELL: 50 is its proper place.

3 MR HOUGH: 50 is where Mr Purser's call log should be. This
4 index has been circulated and can be re-circulated.

5 SIR MICHAEL WRIGHT: Thank you.

6 MR STERN: Thank you very much.

7 Just one short matter in relation to the "stop
8 getting on the tube". The way that you put it in your
9 statement, and it's very short, so I don't ask for it to
10 be put up, at page 335:

11 "I then put over the radio that they want us to stop
12 the subject getting on the tube."

13 Do you think that's the way you put it, that it was
14 a "they"?

15 A. It might have been, sir, yes.

16 Q. The next matter that I want to deal with, with you,
17 please, is you were asked about certain comments that it
18 was said you made to a Mr Costello.

19 I wonder if we could have up on the screen, please,
20 statement page 856. Just so we remind ourselves who
21 this person is, he is a Chief Inspector at the
22 operations, support for the Metropolitan Police
23 specialist firearms unit, and he was acting, as we can
24 see, in that regard on 22 July when he was the
25 post-incident manager?

1 A. Yes, sir.

2 Q. What does the post-incident manager do?

3 A. They facilitate the process between the IPCC or
4 investigators and the firearms involved.

5 Q. He started a log at 10.15 in the morning, and I don't
6 ask for it to go on the screen because it's a manuscript
7 version and rather difficult to read. I think as
8 Mr Mansfield has already referred to, it begins at
9 page 1212 and goes through to 1228.

10 Now, do you accept that you spoke to him or not? If
11 we look there, we can see the part that's been drawn up
12 on the screen, at 10.15 commenced his log:

13 "I attended the C019 base room where I received
14 a telephone call from TJ84, the senior C019 officer on
15 scene. He provided me with a brief outline regarding
16 the incident."

17 Let me just start there. Do you recall speaking to
18 him or not?

19 A. I don't, sir, I don't recall talking to him.

20 Q. "He stated that he and his team had been supporting
21 an S013 counter-terrorist operation with surveillance
22 officers. A suspect had been followed from an address
23 on to a bus and to Stockwell tube station. The suspect
24 had gone into the tube followed by surveillance
25 officers. SFO officers had deployed into the tube where

1 surveillance officers had pointed out the suspect to
2 them. As the suspect was pointed out, he had launched
3 himself at the officers, the SFO officers had intervened
4 and shot the suspect in the head."

5 And that he requested a senior officer attend the
6 scene and was advised that Chief Inspector Dickson was
7 on route.

8 So this is 10.15, minutes after the incident itself;
9 yes?

10 A. Sir.

11 Q. You were not referred to a slightly expanded version of
12 that which we will see if we go to page 858. If we look
13 at the foot of that page, 13.30 on the same day, he says
14 that he spoke to you at HD. What's HD?

15 A. That's Leman Street.

16 Q. Right. So again, can we take it that you don't recall
17 this either? Or do you recall this?

18 A. Can I just read it?

19 Q. Yes, of course. Well, I will read it so we will save
20 a little time:

21 "I spoke to TJ84 ... he provided me with an update
22 to his previous briefing. He stated that he and the SFO
23 team had attended Nightingale Lane for a full briefing
24 with Silver, including intelligence on the premises
25 under observation at 21 Scotia Road ... the team

1 briefing included intercepting the subjects away from
2 the address. He stated that a male had left the address
3 and was followed by the surveillance team. At that time
4 it was not decided to use the SFO team. Some time
5 later, the surveillance team decided that this was the
6 suspect and called for SFO support, surveillance
7 officers reporting that the suspect appeared jumpy and
8 furtive. They were told that he was not to be allowed
9 to get into the tube but the SFO team were not able to
10 get there in time. On arrival at Stockwell tube, the
11 suspect had gone into the station and SFO officers
12 deployed into the station down the escalators and into
13 a hall leading to the platforms. They were met by
14 a surveillance officer who indicated one of the
15 platforms and a waiting train. They went with this
16 officer on to the train. Immediately the suspect was
17 pointed out, he launched himself at the officer..."

18 "at the officer", so in other words in this case it
19 would be at the surveillance officer, rather than the
20 firearms officer?

21 A. Sir.

22 Q. "... and the SFO officers got in between and shot the
23 suspect in the head. He stated that C12 shot a couple
24 of times and C2 shot five or six times. He stated that
25 their briefing had included the fact that the subject

1 had access to weapons and was involved in terrorist
2 bombings of 21 July. He stated that during the
3 surveillance instructions were received that the subject
4 was not to be allowed to be lost if he entered the tube
5 and that radio communications were poor. He confirmed
6 that the information had been provided by the principal
7 officers, C2 and C12."

8 Obviously you have never seen that entry?

9 A. No.

10 Q. Do you remember speaking to him now?

11 A. I don't really, but he was the post-incident manager --

12 Q. Exactly, so it would make sense that you would speak to
13 him?

14 A. Yes, sir.

15 Q. All right. So far as the "launched himself at the
16 officer", I think that was a point emphasised by my
17 learned friend Mr Mansfield. Can we look at what the
18 surveillance officer says about that, or one of them.
19 Can we look at statement page 246, please. I wonder if
20 the middle part could be expanded, and we will see the
21 part that begins "my view" --

22 SIR MICHAEL WRIGHT: Whose statement is this?

23 MR STERN: Ken:

24 "My view was unobstructed at this time, the male in
25 denim then, I would describe as, appeared to lunge and

1 bolt forward towards the open door, Ivor and the
2 firearms officers. This surprised me as it wasn't the
3 reaction I had expected from someone being challenged by
4 police. Aware that the male was showing no signs of
5 compliance I feared for his safety. I have no idea
6 what, but it appeared to me that the male was doing
7 something unusual with his hands which looked odd to me,
8 what was this I do not know other than his manner and
9 movement wasn't that of a person acting in a normal
10 manner, his hands moving around his torso area."

11 Ken is a surveillance officer and obviously we are
12 going to hear from him in relation to that.

13 So that is the way he described Mr de Menezes', as
14 we now know him to be, action towards the surveillance
15 officer.

16 Were you aware of that?

17 A. That particular statement?

18 Q. Yes.

19 A. No, sir.

20 MR STERN: Yes, those are all the matters I want to ask you.

21 SIR MICHAEL WRIGHT: Thank you. Mr Perry?

22 Questions from MR PERRY

23 MR PERRY: Thank you very much, sir.

24 Trojan 84, I represent Mr Purser as well as

25 Cressida Dick and Mr McDowall and Mr Esposito.

- 1 A. Sir.
- 2 Q. I first of all want to ask you, please, about equipment
3 in the control car in which you were located.
4 Concentrating on the equipment, we have heard about the
5 Cougar radio system. May we just get clear what you
6 have in your car? Did you have a Cougar radio in the
7 control car?
- 8 A. Yes, sir.
- 9 Q. Could you just describe it to us, the Cougar radio, does
10 it have speakers in the car?
- 11 A. Yeah, it would have speakers, sir.
- 12 Q. Are they at the front of the car or were they at the
13 front?
- 14 A. I am not too sure of the position in the car since
15 I can't remember what car I was in.
- 16 Q. The reason you are not sure of the position is because
17 sometimes they are actually located in the roof or in
18 the upholstery and sometimes at the front of the car; is
19 that the position?
- 20 A. Yeah, in a control car they would be in the roof, but
21 I don't think I was in a control car. I think I was in
22 a normal car, sir.
- 23 Q. So there is the Cougar radio and was there also in the
24 control car a back-to-back radio?
- 25 A. Yes, sir.

- 1 Q. So we understand that, the back-to-back radio, that's
2 not the Airwave radio?
- 3 A. No, sir.
- 4 Q. It's what we have heard of as channel 75, is that right?
- 5 A. I think so, sir, yes.
- 6 Q. The back-to-back radio, that's just for communications
7 between the members of the firearms team?
- 8 A. Yes, sir.
- 9 Q. Whereas the Cougar enables the firearms team both to
10 eavesdrop in on to the surveillance team chatter and to
11 broadcast to the surveillance team?
- 12 A. Yes, sir.
- 13 Q. And also to enable the surveillance team to broadcast to
14 the firearms team?
- 15 A. Yes, sir.
- 16 Q. So you have described the control car; is this also the
17 case for the other cars that were part of the firearms
18 team equipment on that day?
- 19 A. Yes, sir.
- 20 Q. So they have the Cougar radios, the back-to-back radios
21 and then the other method of communication is by mobile
22 telephone?
- 23 A. Yes, sir.
- 24 Q. Thank you very much for that. The second matter I wish
25 to deal with, please, Trojan 84, is the meeting up with

1 Mr Purser, the Silver at New Scotland Yard. I just want
2 to see whether we can be a little more precise about
3 timing, and to assist, I'm going to ask, please, for --
4 I'm very sorry, this is another telephone schedule, but
5 it has telephones on it, telephone calls on it not
6 included on Mr Stern's. It's actually a complete
7 schedule of everything from midnight.

8 SIR MICHAEL WRIGHT: I thought that's what he was giving us.

9 MR PERRY: I think Mr Stern's comes from 9.20. If we can
10 hand it out, people can judge -- I'm sure Mr Stern's is
11 better. It's up on the screen as well. We are going to
12 hand out, again as Mr Stern did, this will be subject to
13 any errors and omissions. (Handed)

14 We have tried to be as comprehensive as possible.
15 If I may, when we have this in front of us, just
16 explain: this is effectively all the telephone calls
17 from just after midnight on Friday 22 July and it goes
18 on to page 10, to the calls at 10.32 that morning.
19 That's the final page.

20 If I may just explain, ladies and gentlemen, it has
21 the time on the left-hand column, the duration of the
22 call, the source of the call, the destination of the
23 call, the identity of the person called, and then it
24 goes on in chronological order and we have given various
25 people colour coding.

1 For these purposes, just to make this clear, I am
2 concentrating on the meeting with Mr Purser at New
3 Scotland Yard, please, Trojan 84. To pick this up, if
4 we go to the bottom of page 3 of the telephone schedule,
5 and we see at 8.04 there is a call from you just over
6 a minute to Mr Purser, and that, just so we know, that's
7 the first contact that you have had. I can tell you
8 that.

9 If we go over to page 4, we see other contact at
10 8.18.53, 44 seconds, you to Mr Purser, and then at
11 8.22.09, you to Mr Purser.

12 Just so we understand the purpose of this exercise,
13 you have told us that you had the briefing at
14 Leman Street. You then peel off to go to New Scotland
15 Yard and when you arrive at New Scotland Yard, there is
16 contact between you and Mr Purser and you effectively
17 collect him, I think from the goods yard or that area
18 around New Scotland Yard?

19 A. Sir.

20 Q. What we can say and what this shows is that that would
21 probably have been some time around 8.22 because there
22 is no further contact between you and Mr Purser on the
23 telephone?

24 A. Sir.

25 Q. So if we can have you and Mr Purser from about 8.22 and

1 that's when you travel on to Nightingale Lane. I just
2 want to ask you about that, if I may, the journey to
3 Nightingale Lane, so this is the third topic.

4 You collected Mr Purser from some time after 8.22
5 then. Mr Purser's in the rear of the car, you are in
6 the front passenger seat, and Delta 10 is the driver.
7 That's effectively how it remains when you deploy also
8 from Nightingale Lane?

9 A. Yes, sir.

10 Q. During the journey to Nightingale Lane, do you remember
11 Mr Purser was on the telephone to the control room to
12 Commander Dick?

13 A. I don't remember that, sir.

14 Q. At any rate, before the briefing at Nightingale Lane,
15 you told Mr Purser that the officers, the firearms
16 officers, were not happy because they felt they were
17 being kept in the dark at previous briefings about the
18 information that was in fact available?

19 A. I am sure I said something along those lines, yes, sir.

20 Q. It doesn't matter about the precise language, but that
21 was certainly the message that was being conveyed?

22 A. Yes, sir.

23 Q. The point of that, the point of that conversation, was
24 that you were suggesting to Mr Purser that he should
25 give a full and comprehensive briefing to your officers

1 so that they would be fully in the picture?

2 A. Yes, sir.

3 Q. The reason for that was you felt that your officers were
4 being asked to embark upon an operation which might lead
5 them to a confrontation with suicide bombers?

6 A. Yes, sir.

7 Q. May I just ask you about Mr Purser's briefing, because
8 you have told us and you have complimented him on the
9 manner and content of his briefing, but I want to ask
10 you a few questions about that, if I may?

11 A. Yes, sir.

12 Q. First of all, Mr Purser's briefing was delivered in
13 a calm and sober manner?

14 A. Yes, sir.

15 Q. Would you accept that there was no emotive language? He
16 wasn't whipping people up into a frenzy or anything of
17 that sort?

18 A. He is a calm and sober individual, sir, I would describe
19 him as.

20 Q. We are going to see him very shortly, and people can
21 make their own assessment, but that was your assessment
22 and thank you, you've answered my question.

23 I just want to ask you this: we have heard about
24 what the atmosphere was like in London on Friday
25 22 July, and perhaps some of us can remember, but in

1 particular what was the atmosphere at Nightingale Lane
2 at the time of this briefing?

3 A. Full of apprehension, I suppose I would describe it as,
4 sir.

5 Q. Was it quite a low-key mood?

6 A. Sombre, I suppose, maybe I would describe it as, sir.

7 Q. Thank you very much. At the end of the briefing, can
8 you recall some of the officers asking Mr Purser
9 questions as: could the failed bombers change tactics.

10 A. Yes, I remember that.

11 Q. Can you remember questions about whether they had access
12 to explosives?

13 A. Yes, sir.

14 Q. You can recall that?

15 A. Specifically that question?

16 Q. Specifically that question.

17 A. I don't remember the exact thing but we talked a lot
18 about explosives and capability.

19 Q. Mr Purser, of course, you know from the briefing, and we
20 will hear from him, but he had been very closely
21 involved in the investigation into the bomb attacks on
22 7 July?

23 A. Yes, sir.

24 Q. He had also had some knowledge of the bomb factory that
25 had been found in West Yorkshire at an address called

1 Alexandra Grove?

2 A. Yes, sir.

3 Q. So he was explaining some of the background to the

4 7 July attacks for the purpose of informing the officers

5 at this briefing of the relevant background?

6 A. Yes, sir.

7 Q. You considered everything that he said to be relevant

8 and appropriate?

9 A. Absolutely, sir, yes.

10 Q. I just want to ask you, because when you were answering

11 questions yesterday, you were asked if Mr Purser

12 described the failed bombers as deadly and determined,

13 and what you told us yesterday was that was a phrase in

14 common usage at the time in CO19?

15 A. Yes, sir.

16 Q. You said that "deadly and determined" had become almost

17 a term of art. I think it was in common usage?

18 A. Parlance.

19 Q. Common parlance, thank you. Had it become almost a term

20 of art? It was something to describe suicide bombers?

21 A. Yes, sir, yes.

22 Q. Because we have already heard, just to remind people,

23 Mr Whiddett said that at the SO12 briefings that he had

24 given that day of the surveillance team, he said --

25 SIR MICHAEL WRIGHT: Sorry, Mr Perry. Do you mean by that

1 that the use of the phrase "deadly and determined"
2 didn't actually mean anything?

3 A. I didn't mean that at all, sir.

4 SIR MICHAEL WRIGHT: That's what I wondered. When you say
5 it was in common parlance, you mean as being attached to
6 suicide bombers?

7 A. Yeah, you would use the term "deadly and determined
8 suspects" or "deadly and determined individuals" or
9 "deadly and determined suicide bombers".

10 SIR MICHAEL WRIGHT: It meant what it said?

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: That's all right.

13 MR PERRY: Thank you, sir.

14 We have heard from Mr Whiddett that he described or
15 said to the surveillance teams they might be confronted
16 with somebody who was deadly and determined or, to put
17 it simply, a suicide bomber, as though the terms were
18 interchangeable?

19 A. Yes, sir.

20 Q. I am going to suggest that Mr Purser himself didn't
21 actually use the word "deadly and determined", but that
22 would certainly be an accurate paraphrase of the
23 sentiment that he was conveying?

24 A. Yes.

25 Q. Would that be a fair way of --

- 1 A. Yes.
- 2 Q. Do you recall also at the briefing discussions about how
3 arrests might be made? There was a discussion over how
4 close you might want to be, whether you could do it from
5 a distance, what the effect of shouting out to a suspect
6 "armed police" might be in a built-up area?
- 7 A. Yes, sir, it was to do with the challenge from cover and
8 the distance element, 40 metres was, I think, mentioned
9 as well.
- 10 Q. I just want to ask you this: when you do perform a stop,
11 and imagine for these purposes that you have got the
12 whole team involved, so you have got something like 15
13 armed officers, possibly a few more?
- 14 A. How many, sir?
- 15 Q. About 15. What are the sort of noise levels that are
16 involved in an armed intervention involving a specialist
17 firearms team?
- 18 A. In normality?
- 19 Q. Yes.
- 20 A. Yeah, I mean, it can be extremely noisy. One of the
21 ways you dominate an individual is by shouting at them
22 as close as possible, really, really loudly.
- 23 Q. That's the key, isn't it, it's the domination; it's
24 trying to shout out to make sure that the subject knows
25 that you are in control?

1 A. Yes, sir.

2 Q. At the end of the briefing, Mr Purser was complimented
3 by at least two members of the team, can you recall
4 this, on the thoroughness and the form of his briefing?

5 A. Yes, sir.

6 Q. Do you recall now that certainly included Ralph, the
7 team leader of the black team?

8 A. Yes, sir.

9 Q. You were asked questions earlier this morning about
10 whether there should be explosives people there and
11 whether you had had all this information from people
12 with an expertise in explosives. If you had gone into
13 all the detail and had explosives people there, how much
14 longer do you think that would have added to the length
15 of the briefing?

16 A. Up to half an hour, possibly, sir.

17 Q. Thank you. I just want to ask now, please, about the
18 issue about the bus stops being suspended. The purpose
19 of asking you these questions, Trojan 84, is I am going
20 to suggest it may be something that was actually
21 mentioned by you. I am not saying that in a critical
22 way at all, I am just trying to be precise about it.

23 For the purposes of these questions, may I just
24 invite your attention, please, to the telephone schedule
25 again?

- 1 A. Sir.
- 2 Q. These telephone calls don't appear on any other schedule
3 but if we go to page 4, just to put this in context, at
4 8.20.09, we see that you had spoken to Derek, the leader
5 of the S012 red surveillance team?
- 6 A. Yes, sir.
- 7 Q. We can also see that there is also a call to Derek at
8 8.35, sorry, from Derek to you?
- 9 A. Yes, sir.
- 10 Q. So this is probably either -- one call before you are on
11 the way to Nightingale Lane, and one while you are on
12 the way to Nightingale Lane?
- 13 A. Sir.
- 14 Q. And certainly before the briefing. To put this in
15 context, we can see that Derek had spoken to Pat or
16 certainly someone in the operations room, and the person
17 it appears he was speaking to was Pat. Because if we
18 look at 8.02 on the previous page, we have 8.02.28,
19 a call at 2 minutes, 19 seconds, Derek on to the S012
20 operations room. Then if we go on to page 4 at 8.10,
21 and 32 seconds, a 45-second call from Derek to the
22 operations room. And at 8.19 Derek again to the
23 operations room. Those calls are before your
24 conversations with Derek?
- 25 A. Sir.

- 1 Q. It would follow, would it not, that if Derek had been
2 given information by Pat about what Pat had been doing
3 in relation to the plot at Scotia Road, that's likely to
4 be the sort of thing that Derek would have passed on to
5 you?
- 6 A. Possibly, sir, yes.
- 7 Q. So if he had mentioned to you anything about the buses
8 being suspended, that would have been the sort of thing
9 that you would have passed on at the briefing at
10 Nightingale Lane?
- 11 A. Yes, sir.
- 12 Q. Thank you. Now moving on, please, to the TA Centre.
13 I just want to see whether we can be more -- again, the
14 purpose of doing this is to see whether we can be more
15 precise and accurate about timing so we have it clear in
16 our own minds.
- 17 I want to try to do this, please, by reference to
18 the deployment of Mr Dingemans and his arrest team to go
19 off to perform the arrest. But before we look at the
20 telephone schedule, may I just ask you this: you have
21 told us that you recall that the deployment of
22 Mr Dingemans was either at or before your arrival at the
23 TA Centre?
- 24 A. Yeah, that's what I thought, sir, yes.
- 25 Q. That's --

- 1 A. That's what I had in my mind.
- 2 Q. -- what you thought. Just so you know, and so everyone
3 else can see it, the call to Mr Dingemans from Mr Purser
4 deploying the arrest team, if we turn to page 7 of the
5 telephone schedule, is the call at 9.48.50. If you have
6 that at page 7.
- 7 A. Yes, sir.
- 8 Q. Now, before this, of course, just so we build up the
9 picture, your car arriving at the TA Centre was,
10 I think, I hope I have this right, and I think you have
11 told us, the third car to arrive?
- 12 A. Yes, sir.
- 13 Q. So two cars had arrived before you, and then when you
14 arrive at the TA Centre, you get out of your car at some
15 point and you are talking to the caretaker or someone
16 who's employed at the TA Centre?
- 17 A. That's correct, yes.
- 18 Q. Is it during the course of your conversations with the
19 person who works at the TA Centre that something then
20 changes the atmosphere completely?
- 21 A. I think I said Charlie 2 came and said, "Boss, we need
22 to go".
- 23 Q. That was the point that everyone is then going back to
24 the cars and they are leaving?
- 25 A. Yes, sir.

1 Q. Would it be fair to describe it as really that was the
2 sea change, that was the time at which things suddenly
3 became urgent and important?

4 A. Yes, sir.

5 Q. Because prior to that point, there had been no question
6 of any deployment at all, had there?

7 A. No, sir.

8 Q. And had there been, you, as the tactical firearms
9 adviser with the team would have made sure that you were
10 in a position before then, had you been required, to be
11 in a position to do something?

12 A. Yes, sir.

13 Q. I want to deal, please, now with the journey to
14 Stockwell, and again the purpose of this is to get
15 an idea of timing. If we can have on the screen,
16 please, the MJ1, it's a photograph, I think it's ready
17 to come up on the screen. Thank you very much.

18 So everyone knows, perhaps if we just take the
19 bundle of documents, the first volume of the jury
20 bundle, and go to divider 11, just to have this open as
21 we look at this photograph. I'm going to try to locate
22 it by reference to the plan. If we turn to plan 23B,
23 people may know this area in any event, but if we look
24 at 23B and turn it side on, looking up the page, we come
25 up the route taken by the number 2, which is the feed

1 from Effra Road into Matthews Road at Brixton and
2 Brixton Hill. As you come out of Effra Road, you come
3 into the one-way system at Brixton, don't you, as you go
4 round --

5 A. Yes, sir.

6 Q. -- the St Matthews Church and there is Brixton Hill
7 and --

8 SIR MICHAEL WRIGHT: Lambeth Town Hall.

9 MR PERRY: Round the town hall and the Ritzy cinema is on
10 the other side of the road.

11 This photograph here, so everyone knows where this
12 was taken, is effectively at the bottom of this plan
13 coming into Effra Road?

14 A. Right, sir.

15 Q. I hope I have that right. It's the junction of Brixton
16 Water Lane?

17 A. Yes, sir.

18 Q. Just so everyone knows. The other thing we have to know
19 about this photograph is that the clock time, 9.58.22,
20 is different from the clock time on the CCTV camera on
21 the number 2, and it's about a minute and a half
22 different. We don't have an anchor point to know which
23 one is right, but it could be that this is 9.56.50,
24 round about there, as opposed to 9.58.22.

25 A. Right, sir.

- 1 Q. This will become clear. But the point of this is, first
2 of all, those three cars there, could you just confirm,
3 please, Trojan 84, that they are the three cars
4 containing the specialist firearms officers?
- 5 A. Yes, sir.
- 6 Q. The other piece of information that we might want to
7 just bear in mind here is the number 2 from Tulse Hill
8 took four minutes to do this journey using the CCTV
9 camera on the bus; right?
- 10 A. To this point, sir?
- 11 Q. Sorry?
- 12 A. To this point from Tulse Hill?
- 13 Q. To this point, four minutes. You, of course, at this
14 point although it's not clear from this but perhaps
15 I could just ask you to confirm, you are using what is
16 colloquially known as the blues and twos?
- 17 A. Yes, I think we turned them off at Water Lane, actually.
- 18 Q. You turned them off there?
- 19 A. Yes, that's when I assessed that we needed to go quiet.
- 20 Q. Is it fair to assume that you would have been quicker
21 than a number 2 bus?
- 22 A. Yes, sir.
- 23 Q. By this stage, is it also fair to say that, so far as
24 your state of mind is concerned, there was a positive
25 identification?

- 1 A. Yes, sir, at that point.
- 2 Q. At around this, certainly by this time, the way you
3 described it yesterday was there was a sea of positive
4 identifications, is the way you put it?
- 5 A. Yes, sir. I did break it up into stages when
6 I described it, sir; and the first stage was the TA
7 Centre to the Brixton roundabout, so we are in the first
8 stage, and in my mind that was when the doubt occurred.
9 It was after that, the second stage, when I was
10 surrounded by the sea of positive identification, as
11 I described it.
- 12 Q. We can put that to one side for the moment. If we go
13 back to the telephone schedule and we just see your call
14 to Mr Esposito, if we go to page 8 of the telephone
15 schedule, it's 9.59.36, we see the call from you.
16 I think we have promoted or moved Mr Esposito to the
17 detective branch, apologies to him, but it's
18 Chief Inspector Esposito. This is the call, just to
19 locate it, that you say you were making as you got to
20 the town hall at Brixton?
- 21 A. Yes, sir, and that would tie up with that photograph as
22 well, sir.
- 23 Q. That's the point I was going to make. This ties up with
24 the timing we have on the photograph and by linking it
25 to the timing on the telephone schedule we can see

1 precisely, assuming your recollection is correct as to
2 where you were, and that's the assumption for these
3 purposes, where you were, at 9.59.36?

4 A. Yes, sir.

5 SIR MICHAEL WRIGHT: At the town hall you were getting
6 a hard time from Mr Esposito?

7 A. Yes, sir.

8 MR PERRY: Thank you very much, sir.

9 There are just two other matters, please. Calling
10 amber is what I want to ask you about now, please,
11 Trojan 84. Just so everyone knows, I have finished
12 completely with the telephone schedules and any other
13 documents.

14 SIR MICHAEL WRIGHT: They can go behind divider 50 when you
15 have a few spare minutes.

16 MR PERRY: Thank you very much, sir.

17 So everyone knows, that schedule has everything so
18 far as we have been able to include it. There is
19 a little caveat that of course it doesn't include calls
20 from the room operations room because the data was not
21 available for various reasons.

22 Calling amber is the next topic, please, Trojan 84,
23 and for these purposes may I ask for your interview with
24 the Independent Police Complaints Commission to go up on
25 the screen. It's dated 30 November 2005, page 39 of 50.

1 This was the interview that was conducted with you.
2 I am using the page numbers of the actual interview
3 itself at the top.

4 Just to put this in context, state green is when the
5 surveillance is still underway?

6 A. Yes, sir.

7 Q. State amber is where everyone's alerted to an arrest is
8 going to take place?

9 A. Silver hands over control to firearms team.

10 Q. It's page 367, thank you very much. State red, so we
11 have this in the background, is when the arrest is now
12 immediately to take place?

13 A. Yeah, with an assessment.

14 Q. Yes, exactly. Mr Reynolds in the middle of the page:

15 "Commander Dick at this stage ... it is apparent she
16 concludes that although the person being followed was
17 suspected of being the subject Osman, there was
18 insufficient certainty of his identification or intent
19 and capability to cause an explosion at that time to
20 justify a pre-emptive critical shot. Was that decision
21 accurately communicated to you?

22 "Answer: Yes, because otherwise the instructions
23 would have been critical shot to be taken.

24 "Question: Thank you. So from what you knew at the
25 time, did you concur with that thinking of hers?

1 "Answer: Yeah.

2 "Question: Who actually made the decision for C019
3 to go to state red?

4 "Answer: Well ... the, in effect we ... the fact
5 stop the person before they get on the tube to my mind
6 was amber."

7 So we are clear about it, first of all you said that
8 and is it accurate?

9 A. Yes, it is, but bearing in mind I had to do a lot of
10 explaining to the IPCC about how this all functioned and
11 so I might have put it in this way to get them to
12 understand that would have been normality, but this
13 wasn't normality.

14 Q. I know what you said about the difficulties and the type
15 of operation that we are investigating, but effectively
16 the fact that the person was to be stopped before they
17 got on to the tube was to your mind amber?

18 A. Yes, I mean, I didn't think about that at the time, but
19 yes, you could say that.

20 Q. I just want to ask you now about the viability or the
21 feasibility or the reasonableness or practicability of
22 doing a stop in other circumstances, and this is the
23 final topic.

24 We have already established that you didn't hear
25 anything prior to your arrival at the TA Centre to alert

- 1 you to the possibility of an intervention?
- 2 A. No, sir.
- 3 Q. If the position was that there was no basis for
- 4 an intervention before the person who had left
- 5 Scotia Road actually got on to the number 2 bus, if
- 6 there was no possibility or no basis for
- 7 an intervention, then we can exclude any action before
- 8 that point?
- 9 A. Yes, sir.
- 10 Q. Because if there was no basis for an intervention, you
- 11 can't simply say, well, intervene, can you? It's got to
- 12 be proportionate and there has to be a proper
- 13 justification for an intervention?
- 14 A. Yes, sir.
- 15 Q. If the first communication of a positive identification
- 16 was at or around Brixton, then that becomes the point at
- 17 which an intervention would be considered?
- 18 A. Yes, sir.
- 19 Q. If that's the position, it would not be a good idea or
- 20 it would be very difficult at any rate, to do
- 21 an intervention while someone is on a number 2 bus with
- 22 other people on it?
- 23 A. Difficult. It is an option, though, sir.
- 24 Q. It's an option but it's difficult?
- 25 A. Yes, sir.

- 1 Q. Of course while this person we now know tragically that
2 it was Mr de Menezes, but while the person was on the
3 number 2, it was not clear where he was going at that
4 stage?
- 5 A. No, sir.
- 6 Q. However, as he arrived at Stockwell, it became clear
7 that he was going to leave the number 2?
- 8 A. Yes, sir.
- 9 Q. Or at some point it became clear. But of course as he
10 was getting off from the bus, it was still not clear
11 where he might go?
- 12 A. Yes, sir.
- 13 Q. Because we have heard that Dorset Road wasn't very far
14 away, Blair House wasn't very far away but of course you
15 have got the tube station as well?
- 16 A. Yes, sir.
- 17 Q. If at that point a decision was taken that something had
18 to be done, balancing the risk and the threat posed, and
19 the tube station became the only place it was to be
20 done, then regrettably that's where it had to be done;
21 that's the position, isn't it?
- 22 A. Yes, sir.
- 23 Q. To do nothing in these circumstances would simply not
24 have been an option, would it?
- 25 A. Based on everything Commander Dick knew?

- 1 Q. Yes.
- 2 A. That's a difficult question for me to answer, I think,
3 sir.
- 4 Q. All right. Let me just put it this way: the risk as it
5 was perceived to be, perhaps we can approach it from
6 a slightly different direction, was that a person who
7 had been the subject of an identification -- and don't
8 worry for these purposes what level of certainty,
9 because it's about balancing risk and threat, isn't
10 it -- a person who had been identified was going into
11 a tube station and the risk assessment was that the
12 identification was of that person as a suicide bomber?
- 13 A. Yes, sir.
- 14 Q. Given the events of the previous day, the risk was that
15 that person might be embarking upon a suicide terrorist
16 attack?
- 17 A. Yes, sir.
- 18 Q. So in those circumstances you have to think in this very
19 short period of time about the threat to the public
20 safety, haven't you?
- 21 A. Absolutely, sir, yes.
- 22 Q. That is paramount?
- 23 A. Yes, sir.
- 24 Q. No matter how difficult the position might be, the
25 public safety must come first?

1 A. Absolutely, sir.

2 Q. If it was perceived that the public was under threat,
3 and there was no other alternative, then no matter how
4 difficult, it had to be done at this point?

5 A. That's exactly what the officers thought as well, sir, 2
6 and 12.

7 MR PERRY: Yes, and I am not -- that's exactly what I am
8 saying. That's all I wish to ask you, Trojan 84. Thank
9 you very much?

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

11 MR KING: No, thank you, sir.

12 SIR MICHAEL WRIGHT: Mr Horwell.

13 Questions from MR HORWELL

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

16 Yesterday you were asked whether there was anything
17 said about the need for urgency in getting firearms
18 officers to Scotia Road?

19 A. Yes, sir.

20 Q. You said that nothing was said as to the need for
21 urgency at that stage?

22 A. No, sir, other than the normal -- we wouldn't be tasked
23 unless there was a certain amount of need to get there.

24 Q. That's what I wanted to ask you. The understanding in
25 any such operation would be that firearms officers would

1 have to get to the location as soon as reasonably
2 practicable?

3 A. Yes, sir.

4 Q. Can I just refer to one short extract from your
5 interview? It's exhibits page 354, please. If we start
6 at the bottom:

7 "Did you discuss how an arrest would actually take
8 place if there was an identified subject coming out of
9 Scotia Road?

10 "Answer: No because it was unnecessary I felt.
11 I knew that he had the tactical advice document. He was
12 aware of firearms tactics generally because he had been
13 involved in these before and therefore ... in my mind we
14 weren't going to implement any other tactic than was
15 known about or understood in that, in that particular
16 theatre therefore, you know the whole basis of our
17 operations is flexibility really around all of those
18 options ..."

19 This is a slightly separate point, I am introducing
20 it now to save time: a number of officers and indeed you
21 as well, Trojan 84, have highlighted the importance for
22 flexibility.

23 If I can read on:

24 "Had you done any preparational recce of the area at
25 all?

1 "Answer: Well ... no. Predominantly because it was
2 a ... there was pressure on us as a team to get out to
3 that plot as soon as we can, as soon as we could so my
4 whole intention I suppose was to ensure that that took
5 place."

6 A. Yes, sir.

7 Q. It may well be semantics, but there plainly was pressure
8 upon the firearms team to get to Scotia Road as soon as
9 they could?

10 A. Yeah, your introduction to that question in relation to
11 the first part was at Leman Street, that's when there
12 was no urgency. I am answering that with the knowledge
13 in my mind now that Derek was worried that we weren't
14 there. They are different.

15 Q. So the urgency at Leman Street is the normal urgency
16 that applies to any operation?

17 A. That's correct, sir.

18 Q. In which firearms officers would know perfectly well
19 they were to get to the plot as soon as reasonably
20 practicable?

21 A. Yes, sir.

22 Q. This is further urgency that we have seen in the course
23 of your interview referring to the concerns of Derek?

24 A. Yes, sir.

25 Q. Thank you. Mr Mansfield has asked you about the window

- 1 of opportunity, and he's referred to the window of
2 opportunity of some four to five minutes before he got
3 on the bus, as we know he did?
- 4 A. Yes, sir.
- 5 Q. Does that itself involve a large element of hindsight,
6 because no-one knew where he was going to go?
- 7 A. Yes, absolutely.
- 8 Q. Does this come down to the importance of flexibility in
9 an operation such as this, when you have no
10 intelligence, no idea whatsoever, first of all whether
11 there is actually a man in the premises; and secondly,
12 if there is and if he comes out, no intelligence, no
13 idea at all as to where he is going to go. The very
14 thought of choosing in advance a place to stop him
15 simply isn't how these operations are advanced; is that
16 right?
- 17 A. Absolutely right, sir.
- 18 Q. Because of the need for flexibility?
- 19 A. Yes, sir.
- 20 Q. The Met, I think this came either from your interview or
21 evidence, Trojan 84, the Met had the best available
22 resource to make the stop that day?
- 23 A. Yes, sir.
- 24 Q. Which --
- 25 A. Which is us.

- 1 Q. Which is you, the black and green team. And Mr Perry
2 has taken you through some of the telephone calls. Do
3 you still have the record in front of you?
- 4 A. Yes, sir.
- 5 Q. Could you turn, please, to page 7. I just want to make
6 sure that I have understood some of the evidence you
7 gave yesterday. The call I want you to focus upon is
8 the call about a third down the page at 9.44.08, 1
9 minute and 3 seconds, this is you calling Esposito?
- 10 A. Sir.
- 11 Q. Is this right, the evidence that you gave yesterday was
12 that it was during this call that you were either
13 getting in your car to leave or had got in your car to
14 leave?
- 15 A. That's what I gave yesterday, sir, yes.
- 16 Q. And that is right, is it?
- 17 A. I think that's right, sir.
- 18 Q. You remember speaking to Esposito on the telephone when
19 you got in your car to leave to commence the follow?
- 20 A. Yes, I remember that specifically. I was definitely
21 talking to him as I got in the car or in the car at the
22 TA Centre.
- 23 Q. Was it you calling him, as this chart shows, or can't
24 you remember?
- 25 A. No, I can't remember the exact -- who it was. I know

- 1 I spoke to him as I was going(?) in the car.
- 2 Q. As we have heard, that was the first occasion on which
3 CO19 were called to commence the follow that morning?
- 4 A. Yes, sir.
- 5 Q. By that time there were three vehicles at the TA Centre?
- 6 A. Yes, sir.
- 7 Q. You have been asked about the mindset of the officers
8 that were present during that follow?
- 9 A. Yes, sir.
- 10 Q. You have said that in your opinion, on that morning, the
11 SFOs were facing the highest threat we had ever faced?
- 12 A. Yes, sir.
- 13 Q. In your opinion, was anything done to misrepresent to
14 them at any stage the enormity and the danger of the
15 threat that they posed, that the terrorist posed to
16 them?
- 17 A. Absolutely not, I would say to that, sir.
- 18 Q. It's been suggested by Mr Mansfield, well, shouldn't you
19 have made it clear to these officers that when they are
20 under the greatest threat they must exercise the
21 greatest of care?
- 22 A. Yes, sir.
- 23 Q. Isn't that part and parcel of the training that SFOs
24 receive?
- 25 A. Yes, sir, I was hoping that would have come out in my

- 1 answer, but yes, I would agree with that.
- 2 Q. If it had been said, it would have been stating no more
3 than the obvious; do you agree?
- 4 A. Yes, sir, absolutely.
- 5 Q. You have been asked about a sentence from Ralph's
6 witness statement:
- 7 "He informed us we would be involved in unusual
8 tactics that the department hadn't done before."
- 9 A. Yes, sir.
- 10 Q. Simply using common sense, let alone your memory, that
11 simply wouldn't make sense, would it?
- 12 A. No, sir.
- 13 Q. Because in this and every other such operation, you have
14 no idea what is going to happen?
- 15 A. No, sir.
- 16 Q. As to suggestions that were made some time ago now that
17 those in the operations room at New Scotland Yard did
18 not know where CO19 were during the course of the
19 follow, nothing could be further from the truth; do you
20 agree?
- 21 A. Absolutely right, sir.
- 22 Q. You were in constant communication with Trojan 80
23 telling him about the progress you were making?
- 24 A. Yes, sir.
- 25 Q. You have been asked about the means of detonation. Now,

1 we are going to hear from an expert.

2 A. Sir.

3 Q. If you can't answer these questions, please say so, but
4 as the topic has been raised, I want to see if we can
5 take it further.

6 There are a large number of ways of detonating
7 an explosive device?

8 A. Yes, sir.

9 Q. A number we have heard about already. Another is remote
10 detonation by another person?

11 A. Yes, sir.

12 Q. Have you heard of a dead man's switch?

13 A. Yes, sir.

14 Q. So that if a suicide terrorist receives a critical shot
15 and collapses, that itself will detonate the bomb?

16 A. It's possible, sir, yes.

17 Q. Thirdly, there is of course a timer?

18 A. Yes, sir.

19 Q. The device can be timed in advance to go off at
20 a certain time?

21 A. Yes, sir.

22 Q. These numerous forms of detonation are one of the
23 reasons why this was the greatest threat the
24 Metropolitan Police Service had ever faced?

25 A. Yes, sir.

1 Q. You said earlier this morning that: whatever may be said
2 about what happened, we can't do it in any other way.
3 Can I just ask you about that answer?

4 A. Could you put that in a context, I am sorry.

5 Q. The difficulty, the impossibility of the situation that
6 C2 and C12 faced.

7 A. Yes, absolutely.

8 Q. Do we take it from that answer, "we can't do it any
9 other way", first that you cannot pre-plan an operation
10 of this type?

11 A. Sorry, I am having difficulty in relation to the context
12 around when I said that, where I was in my discussion.

13 Q. Sending the firearms officers into Stockwell to make
14 this intervention?

15 A. Yeah, I think what I meant with "we can't do it any
16 other way" is we are relying on individual officers'
17 responsibility, that text, because once -- if
18 Commander Dick hadn't given critical shot authorised or
19 challenge from cover, that eliminates the Kratos bit.
20 They were down to conventional tactics and in relation
21 to that, what I meant was that appears or in my eyes it
22 could be seen as a cop-out, because what we are doing is
23 we are passing responsibility to 2 and 12, which I think
24 is wholly unreasonable when you have such a high level
25 of threat. I am not saying there isn't any model to fit

1 it to. That's just the way it is. I just think it's
2 hugely unfair.

3 SIR MICHAEL WRIGHT: It is that situation that you can't
4 deal with in any other way.

5 A. Yes, sir, that was the context(?).

6 MR HORWELL: That's what I wanted to ask you.

7 Can I just go back a little bit, in terms of the
8 answer you have given. Part of the reason for that
9 answer, is it not, that the police service cannot
10 pre-plan an operation of this type. They have no idea
11 where this man is going to go?

12 A. Absolutely right, sir.

13 Q. When the decision was made to order CO19 to intervene,
14 of necessity it meant that officers would have to go
15 into Stockwell to make the stop?

16 A. Yes, sir.

17 Q. As we have heard, any armed intervention is a dangerous
18 undertaking?

19 A. Extremely dangerous, sir, yes.

20 MR HORWELL: Thank you very much.

21 SIR MICHAEL WRIGHT: Ms Leek.

22 MS LEEK: Sir, I am grateful to Mr Horwell for it being my
23 fault that we are going to go into the lunch hour.

24 SIR MICHAEL WRIGHT: Wait a minute. No, I don't think so.

25 The dead man's switch that you were asked about

1 a moment ago?

2 A. Sir.

3 SIR MICHAEL WRIGHT: You are aware of that?

4 A. Yes, sir.

5 SIR MICHAEL WRIGHT: If I have understood that correctly, no
6 matter how many number of rounds is fired, it will not
7 effectively prevent the detonation of the bomb?

8 A. In relation to a dead man's switch being present, sir?

9 SIR MICHAEL WRIGHT: If that is what the bomber has.

10 A. It would depend on where on the body that dead man's
11 switch was, to be honest, sir, and what attitude the
12 body was in.

13 SIR MICHAEL WRIGHT: Go on.

14 A. Well, a dead man's switch, I know the way it's been
15 described, but a dead man's switch could be exactly
16 that. If somebody is lying on the ground dead and the
17 switch may be underneath them, it's a bit like a mercury
18 tilt switch or something. If you pull the body up, it
19 could go off. If you were firing at somebody who was
20 lying down and a dead man's switch was underneath, and
21 you were firing at the head, it wouldn't necessarily
22 mean that the device would go off. If you moved them --

23 SIR MICHAEL WRIGHT: Then it will?

24 A. Yeah.

25 SIR MICHAEL WRIGHT: It is right that because it is called

1 the dead man's switch and because it may well work when
2 the bomber is dead, it doesn't matter how many rounds
3 you fired, it won't obviate that risk?

4 A. No.

5 SIR MICHAEL WRIGHT: Thank you.

6 Questions from MS LEEK

7 MS LEEK: Officer, you have been asked by a number of
8 different people about calls that you made to a number
9 of different officers and I'm going to try to pull it
10 all together so far as what you were doing was
11 concerned.

12 I'm going to start with the call at 9.42 to Derek.
13 You made a call to Derek -- I'm not going to deal with
14 the ones before 9.33, 9.34 when he comes out of the
15 property -- at 9.42 and that is a call for 32 seconds?

16 A. Ma'am.

17 Q. You make a second call to Derek at 9.43.46, that is
18 a four-second call?

19 A. Yes, ma'am.

20 Q. That could be a failed call, a call that's gone straight
21 through to a voicemail, something like that?

22 A. Could be, ma'am, yes.

23 Q. By this stage we know that the subject is on the bus;
24 yes?

25 A. Mm.

- 1 Q. You then call Trojan 80. You said you can't remember if
2 he called you or you called him but we know from phone
3 records that in fact you called him at 9.44.08?
- 4 A. Yes, ma'am.
- 5 Q. You had a call lasting 1 minute and 3 seconds?
- 6 A. Yes, ma'am.
- 7 Q. You then called Ralph at 9.45, Derek at 9.46, Tim at
8 9.47 and 9.48, and Tim is a pseudonym for one of the
9 surveillance officers, but you have said you didn't know
10 who you were calling?
- 11 A. Yes, ma'am.
- 12 Q. You just had a number that you had got from Derek?
- 13 A. Yes, ma'am.
- 14 Q. Can you recall when you phoned Derek at 9.46 why you
15 needed a telephone number for the surveillance team?
- 16 A. Because Derek was retaining control at Scotia Road and
17 had sent other officers, I didn't know grey at the time,
18 but had sent other officers to follow the subject.
- 19 Q. Had there been some discussion about getting behind the
20 bus at that stage? We have heard your answers to
21 questions from Mr Perry about what was going on with
22 Mr Dingemans, but do you recall precisely when you left
23 the TA Centre, or can you not say at this stage?
- 24 A. Not precisely, no, reconstructing it.
- 25 Q. One call that we have not yet heard about is a call at

1 9.51.54, and that was a call from Ralph which was
2 a 22-second call?

3 A. Yes, ma'am.

4 Q. Can you remember now what that telephone call was about?

5 A. No, but it wouldn't have been unusual as we were moving
6 at that point for me to contact Ralph if I needed to say
7 something specific to him or vice versa.

8 Q. You say bearing in mind that you were moving; is that
9 because you think you would not have made a telephone
10 call to him unless you had actually been doing something
11 or going somewhere?

12 A. Yes, that's ...

13 Q. Then we have heard about the call, you called James at
14 9.56, and I think we will hear that in fact you spoke to
15 a surveillance officer called Ken who was using James'
16 mobile phone?

17 A. Yes, ma'am.

18 Q. It was immediately after the end of that telephone call
19 which lasted two and a half minutes that you called back
20 Trojan 80 at 9.59, and that was 9.59.36, and that was to
21 the best of your recollection round about the time that
22 you were at Brixton Town Hall?

23 A. Yes, ma'am.

24 Q. I think you said that you were given a bit of a hard
25 time because you hadn't been available, but in fact you

- 1 had been establishing the location of the subject
2 relative to where you were?
- 3 A. Yes, ma'am.
- 4 Q. Although you can't be precise about when you left the
5 TA Centre, and exactly what was going on at that stage,
6 it's obviously very difficult to recall at this stage,
7 we know where you were when you had started the call
8 with Mr Esposito?
- 9 A. Yes, ma'am.
- 10 Q. As you have said, the point at which you gave the order
11 that was passed on to you from the control room was when
12 you were in the queue of traffic at Stockwell?
- 13 A. Yes, ma'am.
- 14 Q. Those are two locations that we can be sure of?
- 15 A. Yes, ma'am.
- 16 Q. When you passed that order through to Ralph, he quite
17 rightly confirmed with you what you had said. You would
18 expect him to confirm that, wouldn't you?
- 19 A. Yes, ma'am.
- 20 Q. He immediately gave state red and we know that the
21 officers deployed immediately?
- 22 A. Yes, ma'am.
- 23 Q. So far as you were aware, no delay whatsoever in your
24 team deploying as soon as that order was given?
- 25 A. No, not at all.

- 1 Q. You were asked a number of questions yesterday by
2 Mr Mansfield with regard to information that you were
3 given in the immediate aftermath of the incident, and
4 information that you passed on to other people?
- 5 A. Yes, ma'am.
- 6 Q. I think it's right to say, I'm not going to take you to
7 all the precise sections of the firearms manual, in 2005
8 there was no requirement in the manual for a tactical
9 adviser to record anything said by principal officers?
- 10 A. No, ma'am, that is correct.
- 11 Q. What you were required to do, if anything was told to
12 you, was to make sure that the post-incident manager was
13 aware of that?
- 14 A. Yes, ma'am.
- 15 Q. As we have heard this morning in answer to questions
16 from Mr Stern, that is precisely what you did by 10.15
17 within ten minutes of this incident occurring?
- 18 A. Yes, ma'am.
- 19 Q. That is so the post-incident manager can facilitate the
20 obtaining of evidence from officers subsequently back at
21 Lemman Street?
- 22 A. Yes, ma'am.
- 23 Q. You were not the initial investigating officer, and you
24 were not the post-incident manager?
- 25 A. Correct, ma'am.

- 1 Q. So that was not your role?
- 2 A. Yes.
- 3 Q. Again, there was no requirement in 2005 for a tactical
4 adviser to conduct a debrief?
- 5 A. No, ma'am.
- 6 Q. Nor was there anything in the manual preventing officers
7 from conferring when making up their notes?
- 8 A. Correct, ma'am.
- 9 Q. However, there was specifically something in the manual
10 referring to the danger of anything anybody said when
11 making up their notes being portrayed as collaboration
12 or collusion in cross-examination?
- 13 A. Yes, ma'am.
- 14 Q. You are specifically made aware of that possibility by
15 the provisions of the ACPO manual --
- 16 A. Yes, ma'am, that's correct.
- 17 Q. -- with regard to firearms. In fact that manual
18 specifically sanctions conferring when making up notes?
- 19 A. Yes, ma'am.
- 20 Q. There was never any order from DPS, the
21 Directorate of Professional Standards, or anybody else
22 in this case to say that officers could not make up
23 their notes together?
- 24 A. No, ma'am, absolutely correct.
- 25 SIR MICHAEL WRIGHT: There has never been any suggestion, Ms

1 Leek, that the fact that conferring went on is to be
2 laid at the door of the officers. Everybody understands
3 that it is officially sanctioned. What Mr Mansfield was
4 on about was whether it ought to be.

5 MS LEEK: I am grateful for that, sir, but I wanted to make
6 absolutely sure, lest there be any confusion as to what
7 the role of this officer and the firearms officers
8 making up their statements was.

9 I will move on to the question of briefings.
10 Mr Mansfield put it to a witness last week -- when I say
11 briefings, I am talking about what happened at
12 Leman Street as well, the getting ready to go part of
13 this incident -- or maybe the week before that some of
14 the officers refused to take hollow grain ammunition.
15 Did any officer ever tell you that he was refusing to
16 take hollow grain ammunition?

17 A. No, ma'am.

18 Q. Would you have been made aware if any officer had
19 refused to take hollow grain?

20 A. Yes, ma'am.

21 Q. Was it in fact a choice that was open to individual
22 officers as to whether they took that ammunition, that
23 ammunition having been authorised?

24 A. Yes, ma'am.

25 Q. Is it the case that a specifically designated rifle

- 1 officer would have a particular function in an incident,
2 would only carry a Glock as a back-up, as a second
3 weapon?
- 4 A. Yes, ma'am.
- 5 Q. And might quite properly choose not to take hollow grain
6 ammunition?
- 7 A. Yes, ma'am.
- 8 Q. Does the same go for an officer who was using a G36 as
9 his primary weapon?
- 10 A. Yes, ma'am.
- 11 Q. These are perfectly proper decisions which are a matter
12 of individual judgment?
- 13 A. Yes, ma'am.
- 14 Q. Not a refusal to follow any sort of order or
15 authorisation?
- 16 A. Yes, ma'am.
- 17 Q. You have been asked about using the expression, or the
18 words "unusual tactics". Did you consider it important
19 to make sure that your officers were fully prepared for
20 what was an unprecedented operation in which there was
21 a real possibility that they may be ordered to take
22 a critical shot?
- 23 A. Absolutely, ma'am.
- 24 Q. Did you do that in a balanced and measured fashion?
- 25 A. I think I did, ma'am, yes.

- 1 Q. In fact these tactics were unusual, were they not,
2 because they had never been used before?
- 3 A. Yes, ma'am.
- 4 Q. You said yesterday that the strategy given to the
5 officers in the briefing was that no subject would be
6 allowed to run. By this do you mean no person at all or
7 any identified subject?
- 8 A. Any identified subject.
- 9 Q. Thank you. Did you at any stage mentioned the word
10 "Kratos" or to your knowledge give the impression that
11 this was a Kratos situation?
- 12 A. No, ma'am.
- 13 Q. But was it always the possibility that a Kratos type
14 situation could ensue at some point?
- 15 A. Yes, ma'am.
- 16 Q. If any officer had understood that at some point this
17 could turn into a Kratos situation, depending on what
18 developed, that would not be incorrect?
- 19 A. No, ma'am, it wouldn't.
- 20 Q. Did you also -- we have heard that you talked about
21 information possibly being sanitised, and was that
22 because you were aware that information -- that all of
23 the intelligence cannot necessarily be given over the
24 radio?
- 25 A. Yes, ma'am.

1 Q. You were asked about what Ralph said about taking
2 a critical shot, and you were referred to his statement
3 at page 361. You weren't referred, in fact, to what he
4 said at the Health and Safety prosecution last year. On
5 15 October 2007, he said this. He was asked:

6 "Question: And what did you understand by the order
7 he's to be stopped getting on the tube?

8 "Answer: Well exactly that, my Lord, that we had to
9 do an intervention and try and stop this man from
10 getting on the Underground train.

11 "Question: And what did you consider that might
12 involve, given what you knew?"

13 I think it's important that the jury hear this
14 because his statement was put to you on a particular
15 basis. He said this:

16 "Answer: Given that I believed this man to be
17 Hussain Osman at the time and given the background
18 information that I had been given about Hussain Osman,
19 I definitely felt that there was a real likelihood that
20 we may have to take a critical shot on this man, if
21 necessary, in order to prevent him detonating a device
22 and killing members of the public on the tube station or
23 actually on the train itself."

24 A. Mm.

25 Q. You never actually said that he would have to give

- 1 a critical shot, did you?
- 2 A. No, ma'am.
- 3 Q. Once there was even a possible identification, is it now
4 and was it your understanding that it was the DSO to
5 take command and Trojan 80 would be advising her as to
6 the tactical options?
- 7 A. Yes, ma'am.
- 8 Q. I don't for a moment want to underplay your role, but
9 from that point, is your role really passing information
10 to Trojan 80 as to your location, and passing
11 information and instructions from Trojan 80 and the DSO
12 to your team?
- 13 A. Yes, ma'am.
- 14 Q. That is what you did as far as you were able to?
- 15 A. Yes, ma'am.
- 16 Q. In reality, as you have said, once the order was given
17 by the control room that this man had to be stopped from
18 getting on the tube, there was very little, possibly no
19 choice, as to where to conduct the stop, is that right?
- 20 A. Yes, ma'am, possibly.
- 21 Q. I just want to clear up for the jury some terminology
22 that was used yesterday about team leaders and
23 supervisors. When you refer to supervisors, are you in
24 fact referring to officers with the rank of sergeant?
- 25 A. Yes, ma'am.

- 1 Q. Where you have an amalgamation of two teams, in each of
2 which there is a sergeant, is one of the sergeants
3 designated the team leader?
- 4 A. Yes, ma'am.
- 5 Q. In this case Ralph had the designation of the team
6 leader?
- 7 A. Yes, ma'am.
- 8 Q. Whilst Terry was a sergeant or a supervisor, he was not
9 the team leader?
- 10 A. Correct, ma'am.
- 11 Q. You were asked by Mr Mansfield if you should have said
12 something about because of the risk of danger you also
13 have to exercise restraint, and you said that may be
14 something that's sensible to use in the future?
- 15 A. Yes, ma'am.
- 16 Q. Because lessons are always being learned?
- 17 A. Yes, ma'am.
- 18 Q. You were aware, however, that these officers were
19 repeatedly told and taught in training of the necessity
20 for restraint in any situation?
- 21 A. Yes, ma'am.
- 22 Q. However dangerous?
- 23 A. Yes, ma'am.
- 24 Q. And however serious?
- 25 A. Yes, ma'am.

- 1 Q. Is that the purpose of reminding them of their legal
2 obligations only to use reasonable force in every single
3 firearms operation in which they are deployed?
- 4 A. Yes, ma'am.
- 5 Q. That reminder was in fact given to them just before they
6 deployed in this incident?
- 7 A. Yes, that's correct, ma'am.
- 8 Q. You were also asked whether you had any intelligence
9 that at the time of the briefing, that these outstanding
10 suspects were making suicide vests or were thought to be
11 making suicide vests. Before highlighting the
12 possibilities of what individuals may do or the types of
13 equipment that they use, you don't necessarily have to
14 wait for intelligence to suggest they are actually doing
15 it, do you?
- 16 A. No, ma'am.
- 17 Q. You cannot discount the possibility, bearing in mind
18 what you and Silver knew about what those possibilities
19 were?
- 20 A. No, you can never eliminate the possibility.
- 21 Q. Quite. Finally, yesterday afternoon you said that you
22 felt sorry for the officers when you went down to the
23 station?
- 24 A. Yes, ma'am.
- 25 Q. Is that because when you sent them down into the

1 station, first of all you thought there was a real
2 possibility that they might be blown up? I am sorry to
3 have to put it like this.

4 A. Yes, ma'am.

5 Q. Is it because you knew from the way SO19, now CO19
6 operates, that the last thing any firearms officer wants
7 to do is discharge a firearm, let alone kill somebody?

8 A. Absolutely right, ma'am.

9 MS LEEK: Thank you.

10 SIR MICHAEL WRIGHT: Thank you.

11 MR HOUGH: I won't keep the jury from their lunch a moment
12 longer; if I may keep the lawyers from theirs by about
13 five minutes.

14 SIR MICHAEL WRIGHT: Go on.

15 MR HOUGH: I am content for the jury to leave now if the
16 lawyers remain behind.

17 SIR MICHAEL WRIGHT: You have no re-examination?

18 MR HOUGH: I have no re-examination.

19 Questions from THE CORONER

20 SIR MICHAEL WRIGHT: I want to ask you one question on
21 a topic which I am bound to say to me doesn't seem to
22 have had adequate attention.

23 When your team were being briefed at
24 Nightingale Lane by you and subsequently by Mr Purser,
25 this was only 14 days since the 7/7 explosions, all your

1 men knew that the object of this particular deployment
2 was, if possible, to detect and detain an escaped
3 suicide bomber?

4 A. Yes, sir.

5 SIR MICHAEL WRIGHT: If I use that expression correctly.

6 A. Yes, sir.

7 SIR MICHAEL WRIGHT: They knew that that was the problem
8 they might have to deal with.

9 A. Yes, sir.

10 SIR MICHAEL WRIGHT: Can there be any doubt whatever that
11 all your men knew that they were going out on
12 an operation from which not all of them might ever come
13 back?

14 A. They were all -- they would all have been aware of that,
15 sir, yes.

16 SIR MICHAEL WRIGHT: The risk was that they were facing
17 their own death?

18 A. Correct, sir.

19 SIR MICHAEL WRIGHT: Thank you. That's all I wanted to ask
20 you.

21 There are two questions from the jury to which I am
22 afraid the answer to both is I am not going to put them.
23 The first is because as I told you yesterday, it is
24 inviting this witness to express an opinion as to
25 another witness's state of mind, and we will do that

1 be put to the jury and in due course be proved by the
2 person at the IPCC who has been doing telephones,
3 because obviously we are concerned that anything the
4 jury gets should be formally proved.

5 SIR MICHAEL WRIGHT: Mr Perry, I think that request is
6 really directed at those instructing you.

7 MR PERRY: Yes.

8 SIR MICHAEL WRIGHT: It can be done, I'm sure.

9 MR PERRY: Yes.

10 SIR MICHAEL WRIGHT: Mr Purser this afternoon, and he's
11 likely, I'm afraid, to run over into tomorrow. What
12 about Derek?

13 MR HOUGH: Derek, I don't know if Mr Gibbs yet --

14 SIR MICHAEL WRIGHT: He said last night he might not need to
15 be dealt with tomorrow.

16 MR HOUGH: It's Mr Gibbs who might or might not know that.

17 MR GIBBS: Because I can't hear you, sir, I am following it
18 on the screen.

19 SIR MICHAEL WRIGHT: Do you mean to tell me that you are
20 deaf as well as dumb!

21 MR GIBBS: You have it exactly right.

22 SIR MICHAEL WRIGHT: I am sorry, we were asking whether you
23 have anything more to tell us about Derek's
24 arrangements?

25 MR GIBBS: I do not yet but I hope I might do later.

1 SIR MICHAEL WRIGHT: Fair enough. 2.20.

2 (1.26 pm)

3 (The short adjournment)

4 (2.20 pm)

5 (In the presence of the jury)

6 SIR MICHAEL WRIGHT: Yes, Mr Hilliard.

7 MR HILLIARD: Mr Purser, please.

8 DETECTIVE CHIEF INSPECTOR GREGORY PURSER (sworn)

9 SIR MICHAEL WRIGHT: Please sit down, Mr Purser.

10 A. I am Gregory Purser, Detective Chief Inspector in the

11 Metropolitan Police, currently attached to the

12 Counter-Terrorism Command, formerly SO13, sir.

13 Questions from MR HILLIARD

14 MR HILLIARD: Mr Purser, I will ask you questions first of

15 all on behalf of the Coroner. Then you will be asked

16 some questions by others.

17 I just want to spend a minute or two just starting

18 at the beginning of your police service, just so we can

19 bring it up to date, and then there is a particular area

20 I want to focus on.

21 You started as a police constable in Staffordshire

22 in 1979?

23 A. Yes, I did.

24 Q. And transferred to the Metropolitan Police in 1982?

25 A. That's correct.

- 1 Q. I don't know if it's still called it but to what was
2 then called the Criminal Investigation Department, the
3 plain clothes branch, is that right, in 1998?
- 4 A. No, in 1988.
- 5 Q. Thank you. As a detective constable at that time?
- 6 A. Yes, I was, yes.
- 7 Q. In due course were you promoted to detective sergeant,
8 and thereafter detective inspector?
- 9 A. Yes, I was.
- 10 Q. Was it in 1999 that you joined the murder squad?
- 11 A. Yes, at northwest London, yes.
- 12 Q. Did you deal in particular with murders by shootings?
- 13 A. Yes, I did, yes.
- 14 Q. Did that mean, just so we can understand why I am asking
15 about this, that on occasions, perhaps very often, the
16 suspects you were pursuing would be armed or potentially
17 armed and dangerous?
- 18 A. Yes, if I may, the circumstances were that I joined the
19 murder squad, and it was a general team, and we would
20 basically -- a murder would occur and we would then take
21 on that murder, be it a domestic murder or a shooting.
22 At that particular time in London and sadly still is,
23 there is a recognised problem within the black community
24 of gun violence, and as a result of that, we started to
25 take more and more shootings as a general murder squad,

1 and the decision was taken, I believe, in -- it might
2 be 2000 -- to set up Operation Trident. I was on the
3 murder squad for Operation Trident. It was woefully
4 under-resourced at that time because we didn't realise
5 how bad the situation was, and as a result of that I had
6 a very intense two-year period in relation to shootings
7 and murders from shootings.

8 Q. In the course of investigating those crimes, did you
9 become involved in firearms operations and in operations
10 that involved surveillance?

11 A. Yes, I did, yes.

12 Q. Did you run operations of that kind as Silver,
13 an expression we have come to be familiar with?

14 A. Yes, I did.

15 Q. With what sort of frequency?

16 A. I would imagine I was involved in something like, over
17 that period of two years, at least 30 operations. The
18 majority of them are operations -- were operations where
19 we would force entry, rapid entry or what we would call
20 a call-out, where CO19 would surround a premises and
21 call them out.

22 Q. Then did you join SO13, the Anti-Terrorist Branch, was
23 that in 2002?

24 A. Yes, I did.

25 Q. Did you become a Detective Chief Inspector in 2004?

- 1 A. Yes, I did.
- 2 Q. I want to come on, please, first of all, to 7 July of
3 2005, and the bombings that occurred on that day. Can
4 you help us, after those bombings, so the 7 July ones,
5 what was your particular role in the Anti-Terrorist
6 Branch?
- 7 A. My role was to be the deputy senior investigating
8 officer in relation to the 7/7 tragedies. That involved
9 managing the influx of staff that we had drawn from
10 other units within the Metropolitan Police, and ensuring
11 that they were given the right work to go out and carry
12 on the investigation. In addition to that, I also took
13 a portfolio for family liaison. It was split between
14 myself and somebody from the mortuary that did the
15 disaster victim identification, and what we would do is
16 we would go and see the victims' families in relation to
17 the 7/7, and that carried on through where I would
18 actually go and meet victims that had had life-changing
19 injuries.
- 20 Q. Right?
- 21 SIR MICHAEL WRIGHT: You were deputy to Mr Boutcher?
- 22 A. No, no, sir, I was deputy to Mr Prunty.
- 23 SIR MICHAEL WRIGHT: That's right.
- 24 A. Yes.
- 25 MR HILLIARD: Right.

1 Then I want to come on to the 21st and 22nd July of
2 the same year, all right? We have heard a lot about the
3 attempted bombings on the 21st, and I want to come to
4 what you were involved with on the 22nd. Just to help
5 us and you as we go along, have you got a copy of
6 a witness statement that you made on 22 July 2005?

7 A. No, I don't think I have.

8 Q. Do you have copies of any of your documents there?

9 A. Just my red book notes, I think, sir.

10 Q. Right. You haven't even got a copy of your -- not the
11 22 July statement --

12 A. No, sir.

13 Q. Don't worry, we will find one from somewhere. (Handed)

14 If you look at that, so you can see, it confused me
15 at first, it's on both sides of the page. All right?

16 A. Yes.

17 Q. So that's your statement of 22 July 2005. You have made
18 a couple of others but we will manage without those. If
19 we need them we will get them.

20 Do you remember also that you were interviewed by
21 the Independent Police Complaints Commission on
22 23 November 2005?

23 A. Yes, that's correct.

24 Q. Then if we go, please, to, as it were, contemporaneous
25 documents, so not documents after the event, you have

- 1 just referred, I think, to notes that you made in
2 a book?
- 3 A. Yes.
- 4 Q. We have heard about red books, blue books, book of some
5 kind?
- 6 A. This is my red book, yes.
- 7 Q. Have you got a copy of those notes there?
- 8 A. Yes, I have.
- 9 Q. Then in addition, I don't expect you are going to have
10 this, do you remember completing something we have heard
11 about, a form 3605, which is an armed operation record?
- 12 A. Yes, that's right.
- 13 Q. Do you remember completing that?
- 14 A. Yes.
- 15 Q. I don't suppose you have got it, have you?
- 16 A. No.
- 17 Q. It's not your fault. We will get it when we need it.
18 Right, certainly have the statement there and the
19 notes, and if we need the armed operation record, we
20 will get it. Can you help us with this first of all: so
21 far as your statement is concerned, the one made on
22 22 July, did you make that on your own or with anybody
23 else?
- 24 A. I made it on my own.
- 25 Q. Does your statement indicate that you began duty on the

- 1 22nd at 6.30 in the morning?
- 2 A. That's right, yes.
- 3 Q. Then that at about 6.50, you say in the statement, you
- 4 went to a briefing that was chaired -- is this right --
- 5 by Commander McDowall and Assistant Commissioner Hayman?
- 6 A. Yes.
- 7 Q. If you look at the notes in your red book, do they begin
- 8 on the first page with notes of what was said at that
- 9 meeting?
- 10 A. Yes.
- 11 Q. Can you just help us, please: it may be that we have
- 12 this in the system. Page 414. It doesn't matter if we
- 13 have not. There we are. Can you help us with this?
- 14 How does it begin?
- 15 A. I think the "4 am overt strategy", I think that was
- 16 Mr McDowall. I think I should explain that when I went
- 17 to this meeting, I was in at 6.30. I can't remember why
- 18 I was in at 6.30. I was either texted or I was phoned
- 19 up to be in at 6.30 for a 6.30 meeting. I wouldn't have
- 20 gone to this meeting unless I had been invited.
- 21 Q. Right.
- 22 A. We then sat in our conference room and the conference
- 23 room is basically six tables around which a dozen or so
- 24 people can sit. Then there is an outer circle of chairs
- 25 and I sat in the outer circle because I was engaged in

1 the 7/7 murders and therefore was really unaware as to
2 why I was there. I expected to be tasked with some
3 work. I had previously been, the day before, tasked
4 with dealing with somebody that had been arrested and
5 an incident at the UCH hospital.

6 So I have then come to this meeting, Mr McDowall has
7 come in, and really it was a quick run-through of
8 developments over the last 12, 16 hours. He talked
9 about, at 4 am there was going to be up until that
10 point, or possibly there was going to be an overt
11 strategy. By that I meant -- I understood that they
12 were looking to release photographs that we had
13 recovered from the CCTV.

14 He then talked about finding "corres",
15 correspondence in rucksack at Shepherd's Bush. As
16 a result of that they found --

17 Q. We have been through this so often, but a club was
18 identified?

19 A. Yes.

20 Q. Two people there, Hussain Osman and you have down there
21 as Omar, identified as members; yes?

22 A. Yes.

23 Q. And how they connected in their different ways to two of
24 the attempted bombings. You have then got a reference
25 to what you have put down as "21 Scofield Road"?

- 1 A. It is Scotia, yes.
- 2 Q. We know now its Scotia.
- 3 Then an reference, is this right, to a connection
- 4 between Mr Omar and something we have heard about,
- 5 Operation Ragstone?
- 6 A. Yes.
- 7 Q. Then a reference to two vehicles, a black Nissan and
- 8 a blue Golf, and then a reference to another name,
- 9 Girma, is that at the end of the line?
- 10 A. Yes.
- 11 Q. Then bottom of those four lines that begin with L199,
- 12 reference to something "anomalous target", that's
- 13 an operation we have heard about, Operation Anomalous?
- 14 A. Yes.
- 15 Q. Was that people going abroad to --
- 16 A. For jihad, yes.
- 17 Q. Then an address for Omar, 61A Portnall Road?
- 18 A. Yes.
- 19 Q. Reference last line to West Yorkshire, and I can't read
- 20 what that word is?
- 21 A. I am not sure. It's a "Basbain", a possible suspect.
- 22 Other than that, I can't help you.
- 23 Q. The next page, there is not much on it. Let us see if
- 24 we have the right one:
- 25 "BS ground -- four Asian males".

- 1 A. "Sulphuric acid. Peroxide. Uniform cold stop".
- 2 That was relating to a local police station, I'm not
3 sure which one BS is, but it will be somewhere like
4 Chelsea or Kensington. Four Asian males had allegedly
5 been stopped by uniformed police. It was a cold stop
6 which just means it's a stop in the street and material
7 found on them.
- 8 Q. Something that had happened that night?
- 9 A. Yes.
- 10 Q. I don't think we will need to worry about that. Then
11 "black"?
- 12 A. "Black Primera [Nissan Primera] located historic address
13 for keeper".
- 14 Q. And then?
- 15 A. Then it says "Silver Scotia". Basically, Mr McDowall
16 ran through the meeting. I have only taken scant notes
17 because I wasn't involved in the enquiry. At the end of
18 it, at about 7.10 he said: we need a Silver, we have got
19 two addresses, we have got DI Merrick Rose and we needed
20 another Silver. I looked at Mr Prunty --
- 21 Q. Your boss, you told us about earlier?
- 22 A. My boss, and indicated to him, was he happy for me to do
23 it, and then he said to Mr McDowall, "Greg will do it".
- 24 Q. Had you known before then that you might be involved in
25 that way, or not at all?

- 1 A. No, not at all.
- 2 Q. At the end of it, you find yourself as Silver for
3 Scotia Road?
- 4 A. Yes.
- 5 Q. Is that how it was divided up?
- 6 A. Yes.
- 7 Q. That's where we get as far as, is that right, in the bit
8 we've looked at, "Silver Scotia"?
- 9 A. That line across there, it means I have left that
10 meeting.
- 11 Q. It means the end of that?
- 12 A. Yes.
- 13 Q. All right. Then the next bit of the note that we can
14 see that begins "S019", just this page, what does this
15 page relate to?
- 16 A. What happened then was that I went with DI Merrick Rose
17 and his tac adviser to my office, which is down the
18 corridor at New Scotland Yard. Because I wasn't aware
19 I was going to be Silver at the start of the meeting,
20 I wanted a more up-to-date, more comprehensive briefing.
21 I wanted DI Rose also to have that briefing, and
22 I wanted to ensure that we had got photographs. We
23 didn't have any material at that time and I didn't feel
24 that we were properly prepared.
- 25 At that time I sat down with the tac adviser for

- 1 Merrick Rose and Merrick Rose, and during that time he
2 has basically told me that I would have the black team
3 and he's gone through that.
- 4 Q. This is Mr Rose, is it, talking to you here?
- 5 A. Sorry, no, it was the tac adviser telling me which
6 firearms team I would have.
- 7 Q. Right. So you are told you have got the black team?
- 8 A. Yes.
- 9 Q. The reference there, crossed out, I say crossed out,
10 it's Trojan 84, so we have that shorthand put in instead
11 of the full name; yes?
- 12 A. Yes.
- 13 Q. What role did you understand he was going to be playing?
- 14 A. I was told that he would be my tac adviser, that he was
15 at Leman Street and that he was going to come and
16 collect me.
- 17 Q. Because you are at New Scotland Yard?
- 18 A. Yes.
- 19 Q. He is going to come and get you. Then a reference to
20 21 Scotia Road, so it's, I'm not criticising, there it
21 is, it is now accurate, the address?
- 22 A. Yes.
- 23 Q. Then "black team", is that what it goes on to say?
- 24 A. Yes, it says:
25 "Three ships [three cars] a rifle car, bikes".

- 1 Q. Then a reference to one of the surveillance team
2 leaders, is that right, Derek?
- 3 A. Yes, it is, yes.
- 4 Q. What's the word, is that "coverage"?
- 5 A. Yes, "coverage". I don't know why it's there.
- 6 Q. All right. Then some mobile telephone numbers, and then
7 just right at the bottom:
8 "Scotia Road, no control of flat front door"?
- 9 A. That's right, yes.
- 10 Q. What was that a reference to?
- 11 A. That was telling me that 21 Scotia Road wasn't
12 a stand-alone address, but it was part of a -- it was
13 a communal -- we didn't have, we use the phrase "eye on
14 the door", we couldn't see the front door, we had
15 a communal door.
- 16 Q. So you were aware of that, and again did you learn that,
17 do you think, in this particular meeting you are telling
18 us about?
- 19 A. Yes.
- 20 Q. So this is some more information you are getting at that
21 meeting, and in addition, we have mentioned already the
22 form 3605, the armed operation record, we have seen one
23 of those already, and that's something that has to be
24 completed, isn't it?
- 25 A. It's a form that, if we do a firearms operation, it's

1 sort of the lead through for the firearms operations.

2 I specifically wanted it for the warning that you give
3 firearms officers.

4 Q. Right. This is about their responsibilities?

5 A. Yes.

6 Q. And firing their weapons. Do you remember a delay
7 whilst those forms were obtained?

8 A. Well, what was -- what I identified we needed, we needed
9 those forms, we needed arrest teams, we needed
10 photographs, and I needed a briefing.

11 Q. Right?

12 A. So I am not sure in what order we did that. But
13 certainly I asked for DCI Mellody to come down to my
14 office. In a normal day, I would have phoned down and
15 asked for the information, the intelligence to come up
16 to me, but this wasn't a normal day and I thought
17 I would save time by going down myself to the next floor
18 and getting the required intelligence that was
19 available.

20 I had got that. I have then come back. I believe
21 that Mr Rose had gone and -- gone to operational room to
22 try to get arrest teams put in place, and then he has
23 come back, and at that time, I think that's the order,
24 I was joined by Mr Mellody, and he went again through
25 the latest information for me.

- 1 Q. We have a copy for you now of form 3605, so I will ask
2 that you have that. (Handed)
- 3 Right. Then does Mr Mellody brief you about the
4 intelligence or such intelligence as there is, as was
5 known at that time?
- 6 A. Yes, he did, yes.
- 7 Q. After that, did you have to wait for, I don't know how
8 much of a wait there was, but essentially you are there
9 and then it's Trojan 84 who comes and collects you; is
10 that right?
- 11 A. Yes, I went downstairs with DI Rose. At about 8.05
12 I got a phone call from Trojan 84, that he was coming to
13 the New Scotland Yard or would be coming to New Scotland
14 Yard. DI Rose, his tac adviser was parked in the goods
15 yard at New Scotland Yard and they left about 8.05.
16 I have then gone out the front of New Scotland Yard and
17 waited for Trojan 84.
- 18 Q. We have heard that it may have been some time not long
19 after about 8.20 that you and Trojan 84 and a driver,
20 I think, met up and then began your journey to
21 Nightingale Lane. Does that sound about right?
- 22 A. That's right, yes.
- 23 Q. The purpose of you going to Nightingale Lane was?
- 24 A. The firearms team had already been sent there.
- 25 Q. This is the black team?

- 1 A. The black team.
- 2 Q. Mixture of black and green, I think we have heard, but
3 called the black team, and the team leader Ralph?
- 4 A. Yes.
- 5 Q. Right.
- 6 A. It was considered to be a good venue for them because
7 it's police premises and it means they can park their
8 cars up and leave equipment in the cars in a secure
9 area. It's got classrooms within the building and it's
10 got other facilities. So it was an ideal venue to brief
11 somebody.
- 12 Q. So we are clear, it's you who's going to be doing the
13 briefing; is that right?
- 14 A. It's both myself and Trojan 84, it's a joint briefing.
- 15 Q. Right. Sorry, you were going to say? You carry on.
- 16 A. At that time, or just prior to the meeting with
17 Mr Mellody, because it was a communal door I had been
18 told by Mr McDowall that the strategy was to contain,
19 challenge and detain. Clearly now that I had a communal
20 --
- 21 Q. Told by him that the strategy was to contain, challenge
22 and detain, yes?
- 23 A. Yes. Now that I realised we have got a communal door,
24 that was causing me some concern because I didn't think
25 it would be achievable to do that, and then en route

1 I spoke to or just as we arrived, I am not sure which,
2 I spoke to Commander Dick. It was a brief conversation
3 because I was going into the briefing, but she explained
4 that she was in charge, that she would speak to me again
5 after the briefing. I raised the issues around
6 strategy. It was clear that --

7 Q. Just so we understand, what was your concern? So now
8 that the original strategy as you understood it was
9 contain, challenge and detain?

10 A. Yes.

11 Q. Just help us, by that you understood?

12 A. I understood that by that anybody coming out of number
13 21, the door to number 21, that we would allow them to
14 come out of the premises and, when it was -- when they
15 were a distance away, it was safe to challenge them, we
16 would do so. What we didn't want to do was compromise
17 the address because we weren't sure whether anybody else
18 was in the address.

19 Q. Then, as you say, you then speak to Commander Dick, is
20 this right, because you are concerned about the fact
21 that you may not be able to say who's actually come out
22 of number 21 because there is a communal door?

23 A. Yes.

24 Q. It's a group of, a block of flats, you know, a number of
25 flats. Yes?

1 A. On speaking to her, and I am not sure whether it was her
2 or whether it was Trojan 84, but at that time, I know
3 there is nine flats now, but at that time I thought
4 there was six initially. What I was trying to explain
5 to her was that we just wouldn't be able to deal with
6 that amount of people, and many of them would have
7 nothing to do with the address that we were interested
8 in. It became clear to me they had obviously been
9 speaking about this at New Scotland Yard, and what was
10 agreed was a, whether you call it a tactical change or
11 a strategic change, what was agreed was that any
12 identified suspects coming out of the premises, they
13 wouldn't be allowed to run, and we would use CO19 to
14 detain them as soon as it was safe to do so without
15 compromising the address.

16 I then moved on around intelligence opportunities
17 for people that came out that were unidentified.

18 Q. So when you say you then moved on, do you mean you went
19 on to talk about that?

20 A. I went on to talk about that, it wasn't a full
21 conversation, but again I was left with the impression
22 that she had already considered this as an option.

23 Q. If we just look for you page 9 of your armed operation
24 record, and see if we can get page 136 on the screen.
25 Can you see "Tactics"?

1 A. This wasn't written until after the briefing, sir.

2 Q. Does it relate to what you have just been telling us
3 about or not?

4 A. Yes.

5 Q. All right. What does this say:
6 "Discussed with Commander Dick and during briefing."

7 A. "Discussed with Commander Dick and during briefing."

8 Q. Just pausing, that's why you say to us this is written.
9 You obviously wouldn't know ahead of the briefing, would
10 you, so we understand that, yes?

11 A. "Arrest if possible, forensic S013 arrest."

12 Q. Sorry, what does that mean, a forensic S013 arrest?

13 A. What we try and do with the firearms team is that
14 forensics is extremely important to us in terrorist
15 investigations --

16 Q. Does that mean scientific evidence, is that right?

17 A. Yes. What we like to try and do is what we call
18 a sterile arrest, and to achieve this, we try and ask
19 for CO19 not to actually lay hands on people they detain
20 at gunpoint, and what they will do is if the person is
21 compliant, we will get the person to lie on the floor
22 and stand back and not actually touch them. This is to
23 try to stop the transfer of firearm residue on to them.
24 Then what we would do is, when it was safe to do so,
25 I would bring my officers forward and they would be in

1 these white paper suits and gloves, and they would
2 detain these people. Very often they would put them
3 into white suits as well, and what we are looking for is
4 firearms residue and obviously swabbing to see if there
5 is any explosive traces. Then they are put into a car
6 that has been pre-prepared and sterilised and then we
7 would take them to the police station.

8 Q. What you are avoiding is simply this, if somebody has
9 traces of, for example, firearms residue on them, you
10 want to be absolutely sure that it hasn't come from
11 firearms officers?

12 A. Yes.

13 Q. "forensic S013 arrest" and then "standard arrest"? Is
14 that what that says?

15 A. Yes, it does.

16 Q. What does that mean?

17 A. Basically what I have just described.

18 Q. Right. Then how does it go on?

19 A. "suspect address", which is referring to the block.
20 "Non-ident", non-identified with suspects. Then it's
21 referring to Mr de Menezes:

22 "Not carrying anything, S013 arrest, team to deploy,
23 intelligence opportunity."

24 Q. Presumably it's not referring to him at that time?

25 A. This was written --

- 1 Q. It would be way after the briefing?
- 2 A. Yes.
- 3 Q. This is after the shooting even?
- 4 A. No, no, no, it's --
- 5 Q. When is it then?
- 6 A. This is after I have had a conversation with her and she
7 has agreed it.
- 8 Q. Hang on, this is after he has come out of the address
9 and before the shooting?
- 10 A. Yes.
- 11 Q. We had better come back to that bit. Is this all
12 written at the same time or different times, this
13 section?
- 14 A. It would be different times.
- 15 Q. Right.
- 16 A. I believe.
- 17 Q. "Tactics, discussed with Commander Dick and during
18 briefing."
- 19 Is that written, can you say, before or after
20 Mr de Menezes came out of the --
- 21 A. The top bit was written more or less after the briefing.
- 22 Q. Right. The bit about how the arrests are going to be
23 done, whenabouts was that written, same sort of time?
- 24 A. Same, yes.
- 25 Q. Then the next bit:

1 "Suspect address, non-ident with suspects, not
2 carrying anything, S013 arrest team to deploy, intel
3 opportunity."

4 When was that written?

5 A. It might have been written at the same time, sir.

6 Q. Do you think that may actually be in general terms?
7 Just have a think about it. Rather than, as it were,
8 specific to an individual, because it is under the
9 "Tactics" heading, isn't it?

10 A. Yes.

11 Q. Do you think that may have been the general approach?

12 A. It was written at Nightingale Lane after the main
13 briefing.

14 Q. All right. Can we just, with that in mind, so this is
15 really just in general terms, is it?

16 A. Yes.

17 Q. Can we go back:

18 "Suspect address, non-ident with suspects, not
19 carrying anything, S013 arrest team to deploy, intel
20 opportunity."

21 Did that mean this: that if somebody who wasn't
22 identical or identifiable with one of the suspects came
23 from the address and they weren't carrying anything,
24 then an S013 arrest team were to go into action and the
25 person would then be interviewed, taking advantage of

1 the intelligence opportunity; is that --

2 A. As a potential witness.

3 Q. You think we can look at that whole section as all being

4 done after the briefing?

5 A. Yes.

6 Q. All right. If we go on, page 18, middle pages, but 145.

7 Got the date and there time, 8.50:

8 "Briefing to SO19, Nightingale Lane."

9 A. Yes.

10 Q. Is that your signature after that entry?

11 A. Yes, it is, yes.

12 Q. Did you begin the briefing at 8.50?

13 A. I believe I did, yes.

14 Q. Did you make notes, as it were, before you gave it or as

15 you gave it?

16 A. No, I didn't, no.

17 Q. There is a pretty full account of it in your statement,

18 the one that you made on 22 July, so a bit later the

19 same day, obviously?

20 A. Yes.

21 Q. Can you just help us, please, then obviously by

22 reference to the statement made the same day, with what

23 you said in the briefing?

24 A. What -- Trojan 84 and I had discussions before going

25 into the meeting. He had clearly been speaking to

1 Trojan 80 as well, and we were getting information in
2 stereo, if you wish. I was getting information from
3 Commander Dick. But as we went in, we had parked up at
4 the back, as we went in he sort of held me back, and
5 said that his team were not happy. They felt that they
6 didn't know what was going on and that they had been
7 kept in the dark; and I took that to mean that it wasn't
8 just the event of 21/7 but recent events, ie as far back
9 as 7/7. When I was told that, I formed the opinion that
10 I needed to speak to them openly, so they would know
11 what was required of them.

12 Q. Right. So in your mind, did that include the need then
13 to say something about 7/7?

14 A. One of the problems we have, sir, is there is kind of
15 this big myth about secrecy and even my own officers,
16 they get to the stage, well, you are not telling us
17 something, there is something you haven't told us --

18 Q. Don't worry, for the reason you have just given us a few
19 minutes ago, that's why you thought you would need to
20 tell them something about 7/7?

21 A. My view was that if they have got these doubts and these
22 worries, I am in a position to give them a full briefing
23 and clear their minds from having these worries, and at
24 the same time build up trust with them so that if,
25 further down the line, and it was likely -- I at that

1 time envisaged that we would be together for 12 hours
2 and that we might move from this address to another
3 address, we might have to go to a rapid entry on
4 an address, there was a number of things that could
5 happen. I wanted them to be in a position that they
6 were concentrating on their task and not being upset
7 about not knowing what's going on.

8 Q. So you have decided to tell them something about 7/7?

9 A. Yes. Again, there is this issue around sensitive
10 material, and what we talk about when we talk about
11 sensitive material. We are talking about if, for
12 instance, an informant is involved, we would look to
13 protect that source of information, or if there is
14 technical information or if there is what we call
15 intelligence or information from a third party, ie
16 France or Italy, we would be -- there is a requirement
17 for us to honour their intelligence and protect it.

18 In this case, in 7/7 and on 21/7, we were hit cold,
19 we did not see this coming at all, so this big bank of
20 sensitive information wasn't there. So I decided, I was
21 nervous about doing it and fortunately Ralph was there,
22 and I have known and worked with Ralph for many years
23 and I raised the issue with him, and I know him and
24 I trust him.

25 Q. Right. Did you say that, and I am looking at your note

1 of how the briefing went, the aim of the operation was
2 to detain those suspected of being involved in the
3 attempted bombings in London on 21 July, so the day
4 before?

5 A. Yes.

6 Q. Did you say to them that on 7 July four bombs had
7 exploded in London, three on the underground and one on
8 a bus?

9 A. Yes, I did.

10 Q. Did you say that you had had no knowledge that that
11 event or those events were going to take place?

12 A. Yes, I did.

13 Q. Did you explain that you had identified property from
14 a scene examination that belonged to somebody called
15 Mohammed Sidique Khan?

16 A. Yes, I did.

17 Q. That was from two sites?

18 A. Yes.

19 Q. He came from West Yorkshire?

20 A. Yes.

21 Q. That he hadn't been reported missing. That you had also
22 found property in the name of Hassib Hussain on the bus,
23 and that he was someone who also lived in West Yorkshire
24 and had been reported missing?

25 A. Yes.

- 1 Q. Did you tell the officers in the briefing that police
2 officers had gone to Hassib Hussain's address and were
3 told that he had gone to London with two friends,
4 a Mr Khan and a Mr Tanweer?
- 5 A. That's right, yes.
- 6 Q. Then you carry on, please, with what you told them, just
7 according to the note, in the briefing?
- 8 A. From going to that address, I don't know if I -- but
9 basically we were able to obtain pictures of those we
10 were looking for. From that we have a CCTV team and
11 they just view all the CCTV.
- 12 Q. Can I just explain, what I am anxious that you don't do
13 is sort of elaborate, because what we want to know is
14 what you said in the briefing, all right? It doesn't
15 mean to say you can't add or subtract from what's in the
16 statement, but if you can just try and keep it so that
17 the jury know what it was you told the firearms team.
- 18 A. I then explained that they had, through the CCTV,
19 established or identified the four suspects walking
20 along the Thameslink line at King's Cross. Further
21 investigation established that they must have come down
22 the north line from Bedford.
- 23 Q. Pausing a moment, did you explain that each of the four
24 men were carrying large rucksacks?
- 25 A. Yes, they were.

1 Q. That's what you told them when you briefed them?

2 A. Mm.

3 Q. Then you were saying something about where they had come
4 from?

5 A. Yes. We then made enquiries, and we have recovered or
6 found one of the vehicles that they had hired up in
7 West Yorkshire, and I believe it was a Nissan Micra, and
8 it was in the car park at Luton. Further enquiries
9 found that a second vehicle had been there but had been
10 removed. That vehicle, the second vehicle, was found to
11 have a converted firearm and the Nissan Primera, Nissan
12 Micra, sorry, was found to have an assortment of
13 explosives, home-made explosives, within it.

14 They varied, improvised explosive devices, there was
15 jars of white powder, home-made explosives. They also
16 had flat disks with explosives in. And they had long,
17 almost, I don't really know how to describe it, they are
18 like sticks wrapped in paper with explosives in.

19 Q. If we just look at the note, if I read it out, will you
20 tell me if you think this is the best recollection of
21 what you actually said at the meeting? If it isn't,
22 tell us. Did you say that CCTV film was examined at
23 Luton and Bedford, and that on viewing the car park at
24 Luton police had discovered two cars that were related
25 to the four suspects and that on examining a Nissan

1 Micra, several items were found.

2 First, two improvised explosive devices, IEDs, the
3 size of a litre jar that appeared to be able to be
4 detonated by a battery and a light bulb. These devices
5 also had galvanised nails attached to them.

6 Secondly, there were two similar devices, but it
7 appeared they required a flame to initiate them. In
8 addition to this, there were several other items and in
9 particular there were four tube-like devices, about two
10 inches long, filled with white crystal and had
11 a diameter of about one inch, and on examining the
12 second vehicle, a converted gun and ammunition were
13 recovered from the boot area?

14 A. Yes.

15 Q. Did you go on to tell them that further enquiries had
16 taken you to West Yorkshire, you gave a particular
17 address in Leeds, and you said that that was discovered
18 to be the bomb factory?

19 A. Yes, it was.

20 Q. Did you tell them that examination of that scene was
21 ongoing, but that a brown sludge had been found in the
22 bath? Examination indicated that it was not explosives.
23 Porton Down had indicated that it was not a biological
24 substance but they weren't sure what it was, and had
25 said it might be some kind of insecticide?

- 1 A. They did, yes.
- 2 Q. The part that we have just dealt with, so dealing with
3 7/7, is this right, that you have given them that from
4 your memory of events?
- 5 A. Yes, I did.
- 6 Q. The next part that we are going to hear about, of the
7 briefing, did you tell them that from notes that you had
8 made in the briefings that you had had earlier on on the
9 22nd that you have told us about?
- 10 A. Yes.
- 11 Q. Did you tell them that, at the Warren Street incident,
12 so of the four failed bomb attacks the day before,
13 a rucksack had been recovered and there had been
14 correspondence in it. That related to the joint
15 membership of a club in South London in the names of
16 Hussain Osman and Abdi Omar, with the 21 Scotia Road
17 address, and did you explain that their likenesses --
18 they had good likenesses for the Shepherd's Bush and the
19 Warren Street bombs?
- 20 A. Yes, sir, what I actually said was that Osman had a good
21 likeness and that Omar was good for Warren Street.
- 22 Q. Thank you. Then did you tell them in this briefing that
23 further intelligence indicated that Omar was implicated
24 in something we have heard about, Operation Ragstone?
- 25 A. That's correct.

- 1 Q. Did you tell them that that operation related to the
2 suspicious behaviour of 15 Asian males dressed in combat
3 clothing on a camping trip in Cumbria?
- 4 A. That's correct.
- 5 Q. Did you tell them that one of the vehicles identified on
6 that camping trip was a black Nissan Primera?
- 7 A. Yes, I did.
- 8 Q. That that was understood to be in the possession of Omar
9 and it was registered to the Portnall Road address?
- 10 A. Yes.
- 11 Q. Did you tell them that enquiries overnight had
12 established that the Nissan was parked unattended -- so
13 nobody in it or by it -- in Scotia Road?
- 14 A. That's correct, yes.
- 15 Q. Did you go on to explain to them that the purpose of the
16 operation was to detain and arrest, I think, three
17 suspects?
- 18 A. Yes, it is.
- 19 Q. One of them Osman?
- 20 A. Yes.
- 21 Q. Did you then talk them through the options?
- 22 A. Yes, I did.
- 23 Q. Did you talk about the possibility of something called
24 a hands-off arrest?
- 25 A. Yes, that's what I have explained earlier.

- 1 Q. That's what you have been explaining about earlier, so
2 that's where SO19 will try and arrest somebody without
3 actually touching them; yes?
- 4 A. Yes.
- 5 Q. I am sure it's obvious, you wouldn't have needed to give
6 them the explanation you have given us, they would know
7 what you meant by a hands-off arrest?
- 8 A. Yes, they would.
- 9 Q. Right. Did you then discuss the options of challenging
10 a suspect who was in possession of a rucksack or an item
11 like it such as a bag?
- 12 A. Yes, I did.
- 13 Q. Did you tell them that the evidence so far as it related
14 to the 7/7 bombings indicated that the devices were not
15 radio controlled or initiated remotely, as some of the
16 suspects had been seen rummaging in the top of their
17 rucksacks before the bombs went off?
- 18 A. Yeah, that last statement refers to 7/7.
- 19 Q. Yes?
- 20 A. We haven't got that much information or intelligence
21 about because they are all clearly dead.
- 22 Q. Yes.
- 23 A. But we have witnesses that saw them rummaging in the
24 rucksack before --
- 25 Q. Right. So that's how you were able to give them that

1 information about the 7/7 bombs?

2 A. Yes.

3 Q. Did you then say that so far as the ones the day before
4 were concerned, that at least one of those may have been
5 initiated by means of a battery and a light bulb?

6 A. That's right, yes.

7 Q. Did you say that that was similar to two of the devices
8 that had been found at Luton that you were telling us
9 about earlier?

10 A. Yes, that's what I believed.

11 Q. And that that meant they could be triggered just by
12 connecting two pieces of wire?

13 A. Yes.

14 Q. Again, is that something you told them in the briefing?

15 A. Yes.

16 Q. Did you explain that in the incidents the day before,
17 the initiator was most likely something I think we have
18 heard about, called for short HMTD, did you explain that
19 that was a very volatile home-made explosive?

20 A. Yes, I did.

21 Q. That that had detonated but that the rest of it had
22 failed to ignite?

23 A. Yes. I am not sure whether it was the brown sludge that
24 just wouldn't go or whether the initiator, the
25 detonator, the material they had, wasn't big enough to

1 push it.

2 Q. Right. This is brown sludge from 21/7?

3 A. Yes, it is.

4 Q. Right. Did you record in your statement then about
5 a question that you were asked?

6 A. Yes, I did.

7 Q. What's your record say as to the statement you made on
8 the same day, what does that say about the question that
9 was asked?

10 A. They were asking me whether the improvised explosive
11 devices could be carried on the person, and I stated
12 that in relation to 21/7 and to 7/7 they had obviously
13 been carrying rucksacks. However, I believed that they
14 may potentially change their tactics, and go for a more
15 covert form of explosives, and that was a possibility.

16 Q. Right. I'm going to keep coming back to the document
17 you wrote on the day, so that we can see if we can get
18 this as accurate as possible. I am just going to read
19 out what you said. Did you say:

20 "I was then asked if they could be carrying IEDs [so
21 that's improvised explosive devices] around their
22 person. I stated that in relation to the incidents on 7
23 and 21 July 2005, they had clearly been carrying some
24 kind of rucksack. However, in light of their failed
25 attempts yesterday, it may well be that they change

1 tactics and start to use items similar or identical to
2 those found in the Nissan Micra, and move to carrying
3 IEDs on their person."

4 Yes?

5 A. Yes.

6 Q. And the Nissan Micra, that's a reference, that's one of
7 the vehicles that was at Luton; is that right?

8 A. That's right, yes.

9 Q. So in answer to their question about whether they could
10 be carrying improvised explosive devices around their
11 person, you were saying that that in your view was
12 a possibility?

13 A. Yes.

14 Q. Does your note indicate that you then discussed the
15 range required safely to challenge a suspect?

16 A. Yes. Around -- I wanted to know how we were going to do
17 this.

18 Q. Yes?

19 A. We then had quite an in-depth conversation around using
20 a rifle to challenge, which is a recognised tactic. We
21 discussed it at length, and what I was after was
22 I wanted to know, it's not in my statement but I wanted
23 to know whether we could do it quietly, and Ralph
24 explained to me that they would not be doing this
25 quietly.

1 Q. Just so we understand, we have heard about, I think it
2 may even have been this morning, about how challenge is
3 really going to be pretty noisy and that part of the
4 mechanism of the challenge is dominating the person, and
5 noise is one element of that. Is that what you are
6 talking about?

7 A. Yes. It's a recognised tactic, if you wish.

8 Q. We have heard that part of it is usually shouting,
9 "Armed police", or something like that?

10 A. Yes, and they could have -- they might at 50 metres
11 require to use a PA system as well.

12 Q. Right. So I am just going to go back to the note:

13 "We then discussed the range required to safely
14 challenge a suspect. I was informed by Ralph that this
15 could be safely done at a distance of about 40 to
16 50 metres."

17 Yes?

18 A. Yes.

19 Q. Then there is also some discussion, is there, you have
20 just indicated, about noise, whether it could be done
21 quietly, and you have explained about that; correct?

22 A. Yes, yes.

23 Q. It goes on:

24 "In relation to the address, 21 Scotia Road, we
25 discussed the options available due to the fact that two

1 bus stops were near to the address."

2 I will just read this.

3 A. Yes.

4 Q. "The difficulty this presented was that if challenged
5 near to the address, we could compromise the address,
6 and I was informed by Trojan 84 that there were at least
7 two people in the address. If this occurred, we would
8 be in a position as in Madrid when those in the premises
9 self-detonated an IED. If we let them walk too far,
10 they could get on to a bus and a repeat of the previous
11 incident could occur."

12 In other words a bombing or attempted suicide
13 bombing?

14 A. Yes.

15 Q. Now, can you remember who raised the fact that two bus
16 stops were near to the address?

17 A. I can't, it was just -- it was the general discussion.

18 Q. Right. In the course of your involvement, as it were,
19 from the start and up until the time of the shooting,
20 had you heard at any time anything about a bus stop or
21 stops being suspended or buses being diverted, beyond
22 this and someone saying there is a difficulty because
23 two bus stops are near the address? Had there been any
24 other talk about that?

25 A. I believe that Trojan 84 may have made reference to it

- 1 in the briefing.
- 2 Q. Right. What did you understand the position, that it
- 3 was an option that was being considered, or it had been
- 4 discounted or that it was an option that people were
- 5 going for? Can you remember?
- 6 A. I think from recollection he just made the comment that
- 7 he believed that the bus stops nearby had been
- 8 suspended. But that was the first I had heard of it.
- 9 Q. Would that have been, so we understand, at this 8.50
- 10 briefing?
- 11 A. Yes.
- 12 Q. There is then a reference in the note, and I say the
- 13 note, but in your statement of that day, to you
- 14 discussing issues with, as she then was, Commander Dick;
- 15 do you see that?
- 16 A. Yes.
- 17 Q. Was that in relation to this question of, if we
- 18 challenge near to the address, we might compromise the
- 19 address?
- 20 A. It's slightly out of sequence, I believe. I don't think
- 21 I actually -- although my phone was on, I don't think
- 22 I spoke to her during the briefing.
- 23 Q. Right. Did you speak to her about that issue at some
- 24 time?
- 25 A. As soon as I finished talking to S013 officers,

- 1 I believe it was then or it may have been before, but
2 I then spoke to her because there was concern around the
3 bus stops.
- 4 Q. Pause so we don't get out of order. First of all, what
5 we are dealing with at the moment is you speaking to the
6 firearms officers?
- 7 A. Yes.
- 8 Q. I think you are going to tell us in a moment or two when
9 we come on to it that you spoke to S013 officers after
10 that?
- 11 A. Yes.
- 12 Q. Then just so we have the sequence right, do you think
13 it's after that that you speak to Commander Dick about
14 this issue of how --
- 15 A. Yes.
- 16 Q. -- if we challenge too near the address, people may find
17 out what we are doing?
- 18 A. Yes.
- 19 Q. Now, we will finish this briefing, Mr Purser, first of
20 all. Had you got some binders which had got photographs
21 of the suspect and details of such background
22 intelligence as you had?
- 23 A. Yes, I am referring there to the two binders I got from
24 the intelligence unit at S013. I did not have --
- 25 Q. When had you got those, just remind us?

- 1 A. Before I left New Scotland Yard, so it was prior to
2 8 o'clock. I had given one copy to DI Rose and I had
3 one copy.
- 4 Q. I am going to give you, just have a look, do you
5 recognise this almost already that this is the sort of,
6 it's come out of the binder now, hasn't it?
- 7 A. Yes. (Handed)
- 8 Q. We can get this up on the screen. It starts at --
9 page 418 identifies it. Thank you very much.
- 10 What you have got there, Mr Purser, may or may not
11 be in the same order but if you can keep an eye on the
12 screen and you have the original. So that's an exhibit
13 label at 418. Then if we just turn over, we have seen
14 this in another context. Rucksack left at
15 Shepherd's Bush station, scene 8; then just explains
16 about the gym card; then there is the address,
17 Scotia Road, a date of birth is given, isn't it?
- 18 A. Yes.
- 19 Q. Got that all right?
- 20 A. Yes.
- 21 Q. If we turn over, a reference to Jeffrey Obwona, aka
22 Elias Girma?
- 23 A. Yes.
- 24 Q. Then if we go on, there is a repeat, the file's been
25 kept intact, hasn't it?

1 A. Mm.

2 Q. So that's more Hussain Osman. We have looked at that.

3 If we turn on, Warren Street and a possible associate of

4 Hussain Osman, and this is the joint member, this is

5 Abdi Samad Omar.

6 SIR MICHAEL WRIGHT: Can you pause there a minute,

7 Mr Hilliard. An inquiry, I think it's a very sensible

8 one, what you have in your hand, Mr Purser, is the

9 actual binder you had at your briefing, is it? I would

10 like it passed around the jury.

11 MR HILLIARD: Can we one by one --

12 SIR MICHAEL WRIGHT: The only picture I think they need see

13 is the Osman picture which is the only one we are

14 concerned with.

15 MR HILLIARD: We have two in there. Can you go back to

16 R419. Thank you very much. Turn that round, rucksack

17 left at Shepherd's Bush. Do you have that there? So we

18 will pass that one first of all. (Handed).

19 SIR MICHAEL WRIGHT: They do vary a lot in quality. The one

20 in the jury bundle is probably as near the original as

21 it's possible to get, which is tab 37. (Pause)

22 MR HILLIARD: That's that one. Because we have it, if you

23 look at page 420, that would be completely useless, so

24 you had better show us, hopefully it was not as bad as

25 that. Can everybody see from there? It's obviously not

1 as useless as on the screen.

2 SIR MICHAEL WRIGHT: You have now seen the actual original,
3 so that's giving you the best idea of what it looks
4 like. Tab 37, in fact, in your jury bundle is quite
5 close to it.

6 MR HILLIARD: If we go on to the third one, page 421, this
7 is another Hussain Osman one, so we know what the two
8 were that were in the pack.

9 A. I think they may be identical, sir.

10 SIR MICHAEL WRIGHT: I thought they were.

11 MR HILLIARD: Good.

12 Then 422, 423, they are not as hopeless as that, are
13 they? No, they are a bit better. Thank you.

14 SIR MICHAEL WRIGHT: You said it.

15 MR HILLIARD: No, it's better, that one is useless on the
16 screen and that's marginally better.

17 SIR MICHAEL WRIGHT: However, we are not concerned with
18 these. Yes.

19 MR HILLIARD: Right, then 424, we will come to the one we
20 need, we have a still of CCTV film. It's obviously
21 better than we have it on screen. It's in colour.

22 Then, because you passed all this round, didn't you?

23 A. Yes, I did, yes.

24 SIR MICHAEL WRIGHT: Did you have only the one copy?

25 A. I did, sir. One of the, I suppose, beauties of doing it

1 at Nightingale Lane, if they wanted other copies, colour
2 copies, they could have got them.

3 SIR MICHAEL WRIGHT: Did they?

4 A. I believe they could, yes.

5 SIR MICHAEL WRIGHT: No; did they?

6 A. I don't think they did because -- one of the reasons we
7 only got one copy each is they take or seem to take some
8 time to print and the intelligence unit was about to do
9 a briefing.

10 SIR MICHAEL WRIGHT: I am not worried about that. When you
11 got to Nightingale Lane, they could have had them copied
12 if they had wanted to?

13 A. They could have done, sir.

14 SIR MICHAEL WRIGHT: But they all had a chance to look at
15 the one you passed round.

16 A. Yes, and they could have retained it if they had wished.

17 SIR MICHAEL WRIGHT: Except you wanted it back, I daresay.

18 A. It's not as important for them because they would get
19 led in by the surveillance as to who the suspect was.
20 Where I thought it would probably be more important was
21 if we had to go and do a dynamic entry at an address,
22 then the threat, once they get inside, is greater and to
23 have the photographs or have seen the photographs could
24 help them to assess the immediate threat before them.

25 MR HILLIARD: Thank you.

1 If we turn on, there is some -- Shepherd's Bush
2 station, can you see this all right, items recovered
3 from rucksack. Then there is reference to Mr Girma,
4 isn't there?

5 A. Yes.

6 Q. Then I think the pages that follow are just, we can see
7 the address if we go on down the bottom of the page,
8 Corfe House, Dorset Road. Do you see that about ten
9 lines up from the bottom?

10 A. Yes.

11 Q. If we turn on through, this is just some police
12 information about him, isn't it?

13 A. Yes.

14 Q. Quite a lot of pages of that. If we carry on turning
15 through all that, there is a picture of him. We don't
16 need to see the original of this but the original is
17 better than that?

18 A. Yes.

19 Q. If we go on, Shepherd's Bush, that's what we want, and
20 we will just pass that round, please. (Handed)

21 That is actually Mr Osman, isn't it?

22 A. Yes.

23 Q. With the cap and the bag on in the picture; yes?

24 A. Yes.

25 (Pause)

- 1 Q. Then the last three pages, they are all, as it were, bad
2 screen copies but the originals there, the first two are
3 from CCTV and they are obviously better than that, and
4 the same goes for the last, doesn't it?
- 5 A. Yes.
- 6 Q. Now, you had, is this right, at the briefing just got
7 one binder with that material in. The other you say you
8 had given to Inspector Merrick Rose?
- 9 A. Yes.
- 10 Q. Is this right, that had got the two pictures of
11 Mr Hussain Osman from the gym card and then the page
12 that has the still from Shepherd's Bush station?
- 13 A. Yes.
- 14 Q. Did you give the binder with all that material in it to
15 the S019 officers?
- 16 A. Yes, I did.
- 17 Q. So that they could pass it round themselves, look at it
18 and so on?
- 19 A. Yes.
- 20 Q. Just so we are clear, is this right, as you understand
21 it, nobody did go and make a copy and keep it for
22 themselves, as you understand it?
- 23 A. Yes.
- 24 Q. You did, did you, take the material back after a period
25 of time?

1 A. I believe my sergeant, yes, Dingemans, recovered it for
2 me from CO19 later.

3 Q. How much later would that be?

4 A. That would have been most likely on the day after the
5 incident.

6 Q. Right. So had you then left it with them after the
7 briefing?

8 A. Yes.

9 Q. Do you know who you had left it with?

10 A. No, I don't.

11 Q. Would it be the team leader?

12 A. No. I thought I had lost it.

13 Q. But then it happened that somebody in the team had got
14 it?

15 A. Yes.

16 Q. That briefing had started at 8.50, and included in it,
17 and we have seen something about this before, did you
18 speak to them at the conclusion about the use of force?

19 A. Yes. What I have always tended to do, when I first
20 started doing firearms operations, which was around
21 1999, I found it a bit strange that we had this warning
22 formula around reasonable force and in the documents and
23 that we were meant to read it out to them every
24 occasion. My view at that time was that they must know
25 it backwards. But it was explained to me that if you

1 don't read it out, they will make a note of that
2 potentially.

3 Q. What, that you haven't read it out?

4 A. Yes. And that they see it as a sign of respect, that it
5 should be read out.

6 Q. Right.

7 A. So I have always read it out.

8 Q. Right.

9 A. Thankfully the newer one now isn't such a wordy
10 document.

11 Q. If we look at what you have read out at the time, page
12 137, we won't probably go through it all, only because
13 -- not because it's not very important but we have done
14 it once before. It's 137. This is a page, a standard
15 page that's in the form 3605, isn't it?

16 A. Yes.

17 Q. This is a section, as I say, we have read this through
18 once before, but:

19 "Guidelines on the Use of Reasonable Force".

20 So we understand, was it your practice, then, for
21 the reasons that you have given, just to read this out
22 really in its entirety?

23 A. Yes.

24 Q. So does it follow that as you recollect it, that is
25 exactly what you did do on this day?

- 1 A. Yes, and I wanted to ensure that DI Rose did the same as
2 well, and that's why we sort of hunted around the Yard
3 to try to find the firearms document.
- 4 Q. To make sure you both have the same form and the form
5 has got this on it?
- 6 A. Yes.
- 7 Q. Right. So that's at, is this right, about 9.15 or so
8 that you got to that bit of the briefing?
- 9 A. Yes.
- 10 Q. We heard about this this morning, but do you remember
11 that there were comments, I think from an officer or
12 more than one, at the end of this about the fact that
13 they had found the briefing helpful, that it had been
14 full and so on? You had said concern had been expressed
15 to you at the start that they were not getting full
16 information. Do you remember comments being made to you
17 at the end of this briefing?
- 18 A. Yes, it was a first for me that one of them stood up and
19 I believe it was Terry, and thanked me for
20 a comprehensive briefing, and I was later thanked by
21 Trojan 84 as well.
- 22 Q. Right. Then you told us, do you remember, you just gave
23 us the sequence of events, you thought that after this
24 briefing you had then spoken to S013 officers?
- 25 A. Yes.

1 Q. And did you do that?

2 A. Yeah, SO13 officers, they were my officers, and they
3 started to come in halfway through the briefing. At the
4 time Trojan 84 was giving the strategy, then he was
5 starting to move towards his side of the business, so to
6 speak, where he starts to talk about who's going in what
7 cars and so on and so forth and I took the opportunity
8 to try to cut the time down, I took the time to go over
9 and speak to my officers.

10 It was reasonably short, what I had to say to them.
11 One was that they had a dual role. One was that they
12 would be the arrest team, as we previously described,
13 and I also explained that there may be intelligence
14 opportunities where we may seek to use them if
15 unidentified people come out of the address and there
16 was an intelligence opportunity.

17 Q. Then you told us, do you remember, that you thought you
18 had spoken to Commander Dick?

19 A. Yes.

20 Q. Again, by all means look at your statement if that helps
21 you.

22 A. Yes.

23 Q. You think that's the right order, briefing of the
24 firearms officers, SO13 briefing and then speaking to
25 Commander Dick?

1 A. Yes.

2 Q. What was the discussion with her?

3 A. She basically sort of reiterated the conversation we had
4 had earlier, which was that she was going to be in
5 charge, she was going to run the operation, and then
6 again we talked about the strategy and about the
7 possibility of intel opportunity. I was acutely aware
8 that we had many, many people at New Scotland Yard
9 working on the intelligence and we also had the security
10 services working on the intelligence, and we wanted to
11 do our bit; and we saw that this was an opportunity if
12 we could stop somebody and find out exactly where number
13 21 was for a start and also then we could look, if we
14 could get into one of the addresses we could look to do
15 some technical attack.

16 Q. We have heard a bit about that.

17 A. She was in agreement with that. We then talked about
18 the bus stops, and as I was talking to her, I was saying
19 we have bus stops close, close to us in relation to the
20 address. As I was having the discussion with her,
21 somebody walked past from C019, and I have asked, or
22 they have overheard but -- the conversation, because
23 I have been asked how close are they, and the 19 officer
24 has said apparently they are very close.

25 I then raised that issue with Commander Dick. She

1 told me that she wasn't going to suspend the buses, that
2 she hadn't suspended the buses and that she wasn't going
3 to do that, but that she would keep it under review.

4 So at the end of that conversation, my major concern
5 around it was being able to identify suspect, stop him,
6 by intervention, before he got on a bus.

7 Q. Right. What did you do about what she had told you
8 about the bus stops and that they weren't being
9 suspended?

10 A. Well, what I wanted to do then was to get down there to
11 actually see the situation for myself.

12 Q. What I really mean is this: in the briefing someone had
13 told you that that had happened, is that right, or was
14 happening?

15 A. Yes, by this time we had already come out of the
16 briefing. We were probably down in the yard and all the
17 19 officers were getting kitted up in their gear.
18 Really events took over in the sense that I have made
19 some more phone calls, and then it's become obvious that
20 the bus stops aren't suspended because somebody is on
21 the bus.

22 Q. Right, that's a while later, isn't it?

23 A. Yes. I can't remember discussing it with 19 about that
24 issue.

25 SIR MICHAEL WRIGHT: As you have come to the end of the

1 briefing, there is one more thing I would like to ask
2 you. You talk about a briefing pack. It sounds rather
3 as though you are carrying a travel brochure around with
4 you. I don't suppose it's as glamorous as that. What
5 goes into a briefing pack?

6 A. An operation order?

7 SIR MICHAEL WRIGHT: That's what I wanted to know, you see.
8 Several people have made references to a briefing pack
9 which I think you had with you. They were the binders
10 you have told us about which had the photographs in
11 them.

12 A. Yes.

13 SIR MICHAEL WRIGHT: What else was there?

14 A. That's all I had, sir.

15 SIR MICHAEL WRIGHT: So there is no pack as such?

16 A. No. When somebody talks about an operation order, in
17 fact the day after this event, I was asked to put
18 a briefing team together and put operation orders
19 together to brief the firearms team on Saturdays and
20 Sunday. Basically it's a comprehensive docket,
21 document.

22 SIR MICHAEL WRIGHT: Don't worry about that, because that
23 didn't exist at the time.

24 A. No.

25 SIR MICHAEL WRIGHT: You didn't have anything other than the

1 binders with the photographs in them.

2 A. That's right.

3 SIR MICHAEL WRIGHT: You did have a form 36 whatever it is.

4 A. 3605, yes.

5 SIR MICHAEL WRIGHT: Which is a 32-page bundle, but which
6 does have on its face the guidelines for the use of
7 force.

8 A. Yes.

9 SIR MICHAEL WRIGHT: Printed guidelines for the use of
10 force.

11 A. The thing with that form, sir, is that if you are
12 running a small firearms operation, everything would go
13 in that. Very often people type on Word the intention,
14 and so on and so forth, then staple it.

15 SIR MICHAEL WRIGHT: That's a report for after the event?

16 A. No, sir.

17 SIR MICHAEL WRIGHT: Only partly?

18 MR HILLIARD: The 3605 isn't, is it?

19 A. No. A 3605, if I can explain, if you were going to do
20 a small firearms operation, and without an operations
21 room and without senior management involved, it would
22 just go up to superintendent level, and they would write
23 in the book "authorised" and so on, or they might type
24 it and staple it to it. Then you would go out with that
25 and do your little armed operation, then that book gets

1 put away. When you have a major inquiry like this,
2 I don't get to see the original armed operation
3 document, or I didn't on this occasion, the 3605 that
4 was presumably completed on the evening of the 21st.
5 SIR MICHAEL WRIGHT: Very well. So you didn't have that
6 with you either?
7 A. No.
8 MR HILLIARD: If we go back to page 145 in the form 3605 so
9 we can see these events.
10 SIR MICHAEL WRIGHT: Again before we start anything else,
11 Mr Hilliard, I think our stenographer wants a certain
12 amount of relief.
13 MR HILLIARD: Certainly, if we can just get this on the
14 screen and then we will stop.
15 So 8.50, the briefing?
16 A. Yes.
17 Q. You told us about that. 9.15, do you remember you told
18 us about the warning about the use of firearms, you have
19 dealt with that?
20 A. Yes.
21 Q. At the same time it's the briefing to the S013 arrest
22 team, you have told us about that?
23 A. Mm.
24 Q. Then what we are going to come on to is the next bit in
25 a moment, but that forward deploy to TA Centre.

1 A. Yes.

2 MR HILLIARD: We will have a break and carry on through
3 there.

4 SIR MICHAEL WRIGHT: Thank you very much, 4 o'clock.
5 (3.50 pm)

6 (A short break)

7 (4.00 pm)

8 (In the presence of the jury)

9 SIR MICHAEL WRIGHT: Yes.

10 MR HILLIARD: Just one last question about Nightingale Lane
11 before we deal with the journey to the TA Centre.

12 In any of the briefings that you gave at
13 Nightingale Lane, do you remember ever saying and
14 speaking of those who had been involved in the attempted
15 bombings the day before that they were deadly,
16 determined and up for it?

17 A. It's not a phrase I would use, sir. I certainly wanted
18 to get across to the team that this was not a hoax.
19 When it first came in at lunchtime on Thursday the 21st,
20 we thought it might be a sick hoax, that was the talk.
21 It just seemed to be the wrong time of day. So when
22 I discussed it, I wanted to get across that this was not
23 a hoax, that we nearly had a further event in relation
24 to, same magnitude of 7/7, and that we were lucky, and
25 I did not use "up for it, deadly and determined" but

1 I wouldn't disagree that that's a fair paraphrase of
2 what -- the message I was trying to get across.

3 SIR MICHAEL WRIGHT: Several people actually recollect those
4 phrases being used.

5 A. Well, the only thing, it was a joint briefing, sir,
6 I don't know whether Trojan 84 used those terms at some
7 stage, paraphrasing me, I don't know.

8 MR HILLIARD: But does it come to this: even if not the
9 precise words that you think you would have used or you
10 recall using, the sense of it you don't disagree with.

11 A. No, no.

12 Q. For the reasons you have just given us?

13 A. The phrase "up for it" it's not a phrase I would use and
14 I have never heard of "deadly and determined" before.

15 Q. All right, so that's the briefing, Mr Purser, thank you
16 very much, and then the move to the TA Centre. So we
17 understand the position, the team, the various cars and
18 so on, there you are at Nightingale Lane, and then we
19 look at it, we can see 9.40. Was that originally --
20 it's no criticism -- 9.20? It may well have been
21 a mistake in the record that you have amended to 40.
22 Someone will ask you if I don't.

23 A. No, it's just the flowery way I write, sir.

24 Q. Is it? The one underneath looks like a "2".

25 A. No, no, sir.

- 1 Q. Really?
- 2 A. I could show you other writing I do.
- 3 Q. That's all right. What's the reason for the move at
4 9.40?
- 5 A. What's the reason for the?
- 6 Q. The reason for the move at 9.40?
- 7 A. I have been made aware that the TA Centre might be
8 available, that it's closer than Nightingale Lane. It's
9 not just a simple thing to move down. We needed to --
10 84 was going to send down a vehicle to go and see if
11 it's suitable for them, I can't assess whether it's
12 suitable for them or not, and we would also probably
13 want to find out who was on the premises, whether they
14 would let us stay, how long for, because when we tend to
15 do these things, we tend to sort of make our welcome --
16 extend our welcome to the extent that sometimes we are
17 asked to move on. Overstay our welcome.
- 18 Q. The 9.40, is that when somebody is going off to find
19 out, or have they found out by that time that you can go
20 there?
- 21 A. I believe at that time we found out that we can go
22 there, and we are now getting in a position to go.
- 23 Q. Right. Was it somewhere you had ever used as a forward
24 point before, that TA Centre?
- 25 A. No, I don't know this area of London that well.

- 1 Q. So you are getting ready to go at 9.40. Do you leave at
2 different times? You are not all going in single file
3 after the other?
- 4 A. No, it's a staggered movement.
- 5 Q. What sort of gap is there between the various vehicles
6 going?
- 7 A. I wasn't really paying attention, to be honest. That's
8 a matter for the firearms team. I am in the back of the
9 car and I leave that to them.
- 10 Q. So you then, in your vehicle, there is yourself,
11 a driver and T84, is that right?
- 12 A. Yes, I am in the back.
- 13 Q. In the back of the vehicle?
- 14 A. Yes.
- 15 Q. Right. Off you go to the TA Centre, and then if we just
16 look, 9.45:
- 17 "Discuss with Commander Dick, IC2 male from address,
18 not ident with suspects, DS Dingemans, SO13 arrest team
19 deployed".
- 20 Then is that your initials?
- 21 A. Yes.
- 22 Q. After that, "not carrying anything"?
- 23 A. Yes.
- 24 Q. Can you just explain that entry, please, for us?
- 25 A. En route I had discovered that the surveillance team

1 were looking at somebody, and I was told by Trojan 84
2 that he was an unidentified male that had come from the
3 address. What I wanted to do was get authority from
4 Commander Dick to stop this person so we could try and
5 get some intelligence in relation to the address.

6 Q. Right, so you then speak to her?

7 A. Yes, I spoke to her, she gave authority, I then phoned
8 DS Dingemans, and asked him to contact James, the grey
9 team leader, and arrange to see if they can catch up
10 with this unidentified male, ask him to assist us in
11 relation to the address.

12 Q. It says there, the second line:

13 "Not ident with suspects".

14 Short for --

15 A. That means he is not one of the suspects.

16 Q. So positively not one of them?

17 A. Absolutely, yes.

18 Q. Right. Yes, and what happened then about that?

19 A. Well, I believe from my phone records at 9.48, I have
20 contacted DS Dingemans and asked him to speak to James
21 so that they can liaise so they can find out where this
22 unidentified male is, I understood him to be on the bus,
23 stop him and speak to him.

24 Q. Yes?

25 A. And at that time we were still en route to the

1 TA Centre.

2 Q. Yes, what else happens with that?

3 A. He was despatched to deal with that, and then around,
4 between those times, we have pulled up at the TA Centre.

5 Q. If we can just stay with that, you pull up at the
6 TA Centre and who else does -- who else is there when
7 you are there in terms of numbers of vehicles?

8 A. My recollection is, I can only remember seeing another
9 vehicle there, and it was facing towards us, and it was
10 parked up. As we arrived we parked up nose to nose with
11 about 20 feet apart, and I can remember that Trojan 84
12 got out of the car and he went over to the 19 officers
13 that also had got out of the car, and there was a wall
14 or a -- it was a hut and there was a door, a white door,
15 and a couple of them were going in and out there, and
16 this person came out who I assumed was the keyholder or
17 the caretaker. And they were then in discussion about
18 whether we were going to be invited to stay.

19 I sat in the car listening to the Cougar set with
20 the driver.

21 Q. Can you help us, is there any record that's kept
22 anywhere of the movement of S019 vehicles and, as it
23 were, where they are at particular times?

24 A. No.

25 Q. None at all?

- 1 A. Not that I am aware of, no.
- 2 Q. So you think when you get there, one other vehicle by
3 the sound of it has had time to turn round and so on?
- 4 A. I don't know whether it had turned round or just come in
5 in a different direction and we were facing each other
6 and the others were starting to move towards our
7 direction.
- 8 Q. So what happens to you then?
- 9 A. Well, I am listening to the main set in the -- with the
10 Cougar, and then my entry at 9.55 is that I have heard
11 over the radio -- well, several things happened all at
12 once. I hear over the radio that the commentary that
13 states, "It's him, Nettle Tip, believed him", or
14 "Believed Nettle Tip, it's him".
- 15 Q. Pause a minute. Who's that you are listening to? I am
16 sure --
- 17 A. I'm listening to a surveillance officer.
- 18 Q. Tell us again, the very words you hear are?
- 19 A. "It's him, Nettle Tip, believed Nettle Tip" or,
20 "Believed Nettle Tip, it's him".
- 21 Q. Did you know what that was about?
- 22 A. I took that to mean that now he had gone from
23 unidentified to, and I have written "identified".
24 I don't mean positively identified, but he has gone to
25 identified.

- 1 Q. What's the difference, so we understand? What would
2 have to have been said for him to have been in your view
3 positively identified?
- 4 A. My view, positively identified, my definition is that
5 you have to be 95 per cent certain that it's him.
6 I don't think on this day we would ever, ever get there,
7 and there are many reasons for that.
- 8 Q. And they are? Not all of them, if there are many, many.
- 9 A. He might have a twin brother, you are working off a bit
10 of video still, you haven't got his demeanour.
- 11 SIR MICHAEL WRIGHT: The chances of mistake would never
12 allow you to say positively identified in those
13 circumstances?
- 14 A. No, sir. What you get is over a period of time with
15 surveillance you can start to judge people's walk,
16 actions, clothing, and all these bits and pieces add up
17 to a fuller picture.
- 18 MR HILLIARD: You mean because this was, as it were, so
19 early into it --
- 20 A. Yes.
- 21 Q. Right.
- 22 A. The significance of it to me was that it was now not
23 an unarmed stop by my officers, but it had gone to
24 an armed stop. And also what happened at that time, and
25 they more or less happened all together, Commander Dick

1 phoned me up and said one of two things, "Are you
2 getting this?" or, "Are you getting all this?"

3 Q. Right, what did that relate to?

4 A. Well, I made the assumption she was talking about what
5 I had just heard on the radio. It might be that she was
6 actually talking about having heard the unident male get
7 off the bus, get back on the bus.

8 Q. What did you say to her when she said, "Are you getting
9 this?" or "getting all this"?

10 A. My honest belief was that she was talking about the
11 identification, so I have more or less cut her off, and
12 said, "Yes, yes, yes, we are rolling, we are rolling",
13 meaning that I was going to deploy the firearms team,
14 and at the same time as I was having this discussion, 84
15 has come back to the car and the other officers have
16 gone back to their car, and I have then -- they have
17 either heard the same as I have heard --

18 SIR MICHAEL WRIGHT: So you are still in the yard at the
19 TA Centre at this point?

20 A. Yes, we are sitting there. They have gone back to their
21 cars. Then we have started to roll and I am keen to
22 contact my sergeant, to tell him to drop back and stop
23 doing what he's doing, so I have then phoned him.
24 I wasn't able to speak to him because he's driving and
25 I have ended up speaking to one of my DCs. Again, it

1 was a very brief conversation, "Stand down, firearms
2 team are deploying".

3 SIR MICHAEL WRIGHT: Just go back a moment to what you have
4 heard. It's either, "It's him, believed Nettle Tip", or
5 the other way around, "Believed Nettle Tip, it's him"?

6 A. Yes, sir.

7 SIR MICHAEL WRIGHT: That was obviously coming from
8 surveillance officers?

9 A. Yes, it was.

10 SIR MICHAEL WRIGHT: How many?

11 A. I only heard it from one officer.

12 SIR MICHAEL WRIGHT: Just one officer?

13 A. Yes.

14 MR HILLIARD: So just from one officer?

15 A. Yes.

16 Q. So you haven't been able to speak to Mr Dingemans but
17 you have managed to speak to somebody else who, as you
18 understand it, is with him; is that right?

19 A. Yes.

20 Q. As you understood it at that time, what was going to
21 happen to the person on the bus? What was the plan?

22 A. The plan was for CO19 to get into position to detain him
23 with the use of firearms.

24 Q. I can show you a passage if you have no recollection of
25 this, in your interview with the IPCC about this, but do

1 you remember discussing or having any conversation with
2 Commander Dick about what should happen to the person?

3 I think on the question of letting him run, if I use
4 that phrase, does that ring any bells?

5 A. That came later, sir.

6 Q. Did it? All right.

7 A. That came later. If you wish, I can --

8 Q. No, we will try and keep it in order, and in case you
9 are wondering, I am going to show you some telephone
10 records at the end, but as we have all sorts of
11 documents out, we will just do the sense of things
12 without the phone records and then come back to those.

13 So as you understand it at this stage, the person is
14 on the bus and did you say CO19 are going to get into
15 a position where they can do a stop; is that your
16 understanding?

17 A. Yes.

18 Q. Right. What in fact happens?

19 A. Well, we, with several -- there was another vehicle,
20 I am certain, another 19 vehicle just pulling into the
21 gate as we were coming out so there was at least three
22 of us. I am not sure of our position in the convoy. We
23 are then on blue lights travelling.

24 Q. Can I just pause, because when we look at the phone
25 records, this would be, would it, that you set off, as

1 you say, not sure of your position in the convoy, but
2 you will be setting off some time after the conversation
3 in which you have sought to call DS Dingemans off, if
4 I can put it that way?

5 A. My honest belief is, sir, that Commander Dick has phoned
6 me up, because I was sitting there and it was a moment
7 I will always remember because I was beginning to get
8 a false sense of security because I thought all my
9 vehicles, armed vehicles, are coming together, the
10 surveillance team, I have got a surveillance team around
11 the address, I have got the other surveillance team are
12 just about to help my unarmed officers do a stop; we
13 will get some intelligence from that, I can bring those
14 back, and then we can actually sit again and look at
15 what was ahead of us, because there were issues that
16 I needed to look at, and progress.

17 So when I heard that over the radio, it was one of
18 those sit-up moments, and I distinctly remember almost
19 immediately Commander Dick phones me up, "Are you
20 getting this, are you getting all this", and I assume --
21 I might be wrong but I assume she was talking about the
22 identification and I more or less cut her off because
23 I am worried about my sergeant. I cut her off, and say,
24 "We are rolling, we are rolling", and that was at or
25 around 9.55. That is my honest recollection.

1 Q. All right. We will look at the phone records in
2 a minute or two.

3 Then if we just go back to this list, do you see
4 10 o'clock -- go back, 9.55, IC2 identified as Osman,
5 you have told us about that?

6 A. Yes.

7 Q. SO13 stood down. DC Hillier, you have told us about
8 that. SO19 deployed, you mentioned that?

9 A. Yes.

10 Q. 10 o'clock, Osman on bus, and that's the registration of
11 the bus, is it?

12 A. Yes. Again, there is a jump there, sir.

13 Q. Yes?

14 A. In between this, prior to 9.55, the commentary on the
15 Cougar radio was professional, controlled and steady but
16 there was gaps in it, you know, I wouldn't say it was
17 slow time but it was, there was capacity to increase it.
18 After 9.55, although the two tones are going on our car,
19 I have got Commander Dick speaking to me at stages, the
20 commentary increased incredibly, to full capacity. Very
21 professional, very slick, but it was at full capacity.

22 Prior to that, I had heard -- again I didn't hear
23 all of it because I was speaking to Sergeant Dingemans,
24 but I had heard that he had -- the unidentified male had
25 got off the bus and he was getting back on and I heard

1 the word "nervous or twitchy". I know there is other
2 bits there, but I didn't hear the other bits.

3 But now at past --

4 SIR MICHAEL WRIGHT: Forgive me, you heard the bit about him
5 getting back on the bus again?

6 A. Yes.

7 SIR MICHAEL WRIGHT: From one of the surveillance officers,
8 obviously.

9 A. Yes.

10 SIR MICHAEL WRIGHT: How soon after that did you get what
11 you regarded as an identification?

12 A. I believe that was happening around the time I was
13 speaking to Sergeant Dingemans, which would be around
14 9.48.

15 SIR MICHAEL WRIGHT: I thought that was after you had heard
16 the identification?

17 A. No, sir.

18 SIR MICHAEL WRIGHT: You wouldn't have known to pull
19 Dingemans back until you knew that S019 were going to be
20 deployed again, do you follow?

21 A. No, sir, no.

22 SIR MICHAEL WRIGHT: You had had Dingemans following him?

23 A. Yes, I did.

24 SIR MICHAEL WRIGHT: Make an arrest on the basis that he was
25 not the suspect.

- 1 A. Yes.
- 2 SIR MICHAEL WRIGHT: You wouldn't start calling Dingemans
3 back until you knew that he now was a suspect.
- 4 A. That's right, at 9.55.
- 5 SIR MICHAEL WRIGHT: 9.55. So is that roughly the time when
6 you heard, "It's him"?
- 7 A. At 9.55 or there or thereabouts is when I heard it, yes.
- 8 SIR MICHAEL WRIGHT: Right.
- 9 MR HILLIARD: We were just looking at the entry, do you
10 remember, 10 o'clock, Osman on bus and you were saying
11 there were some bits before that. You have told us
12 about that. There is the registration of the bus and
13 a location of the bus; is that right?
- 14 A. Yes.
- 15 Q. If we just go on, do you see 10.05:
16 "Cannot go down the tube, Commander Dick", and then
17 is that your writing after that?
- 18 A. Yes.
- 19 Q. Do you remember I was asking you whether anything was
20 said about "let him run", do you remember?
- 21 A. Yes.
- 22 Q. You have told me, quite properly, that it came later in
23 the sequence?
- 24 A. Yes.
- 25 Q. What I want to know is: does it come between that

- 1 10 o'clock and 10.05 entry or a different time?
- 2 A. I believe I had -- I remember two things that
- 3 Commander Dick said. First of all, she said, "I want
- 4 him stopped before he goes to the tube station".
- 5 Q. Yes?
- 6 A. And I believed it was at or around that time
- 7 I suggested, mainly as an investigative opportunity, it
- 8 was high risk but I suggested to her, "Do you want to
- 9 let him run?"
- 10 There was a pause, there was a pause, I don't know
- 11 how long, it wasn't very long, but she just came back
- 12 and said, "No, I want him stopped", and I conveyed that
- 13 to Trojan 84, although I was acutely aware that he was
- 14 getting the same messages or similar messages, I assume,
- 15 from Trojan 80.
- 16 Q. So this is you on the telephone to her?
- 17 A. Yes.
- 18 Q. Are you on your mobile?
- 19 A. Yes.
- 20 Q. She called you?
- 21 A. Yes.
- 22 Q. Just help us, by this time have you got an open line to
- 23 her, as it were dedicated to her?
- 24 A. Yes, there was one moment, and I am not sure of the
- 25 time, I think it's about 9.58, I have spoken to

1 Sergeant Dingemans just to try to update him and find
2 out what his position was and so on. When I came off
3 that, I have got a slight rebuke from Commander Dick
4 that I must keep an open line, which I did.

5 Q. Just help us, why had you asked about, or why had you
6 raised the question of allowing him to, as it were,
7 carry on, this person, just so we understand?

8 A. I can't remember the specifics of it, but we talked in
9 that morning or it might have been the evening before
10 about if we found one, we might find all four. We were
11 adrift at least three bombers, as we thought then,
12 a bomb factory --

13 Q. Just something you thought you could at least mention?

14 A. I just thought it was something to be raised, and she
15 dismissed it robustly.

16 SIR MICHAEL WRIGHT: We have actually heard from
17 Commander Dick that that suggestion originated, although
18 it may well have been only half seriously, from your
19 boss, Mr Prunty.

20 A. Right.

21 SIR MICHAEL WRIGHT: Do you remember that?

22 A. I might have-- I can't -- well, if that's happened on
23 the 22nd, I could not have heard that because --

24 SIR MICHAEL WRIGHT: No, because it was the previous
25 evening.

- 1 A. I have never seen --
- 2 SIR MICHAEL WRIGHT: It was the previous evening.
- 3 MR HILLIARD: No, it was earlier that day.
- 4 SIR MICHAEL WRIGHT: It must be on the 22nd, you couldn't
- 5 have heard it from Prunty then?
- 6 A. No.
- 7 SIR MICHAEL WRIGHT: Very well.
- 8 MR HILLIARD: He is nowhere near you at the moment, is he?
- 9 A. Who?
- 10 Q. Mr Prunty?
- 11 A. No.
- 12 Q. It is you, isn't it. You just raise that with her at
- 13 that time, and as you say, I think you said there is
- 14 a pause and then she dismisses it?
- 15 A. Yes.
- 16 Q. All right. As you understood it at this time, when you
- 17 are in the vehicle with T84 and the driver, C019 are
- 18 going to be performing the stop; is that right?
- 19 A. Mm.
- 20 Q. Equally, is this right, it follows, once you had made
- 21 that or raised that topic with Commander Dick who you
- 22 say dismissed it again, presumably your understanding
- 23 was still C019 are going to be making the stop?
- 24 A. Yes.
- 25 Q. What was the position as you understood it, if we just

1 take that time when she had dismissed the question of
2 letting him run? Did you have any idea of how far away
3 from the person on the bus you were? Do you see what
4 I mean?

5 A. Yes. I didn't, sir. At one stage Commander Dick asked
6 me where I was, and there was no obvious landmark, and
7 I couldn't tell her. All I could tell her was that we
8 were not in a position to do the stop.

9 Q. Right.

10 A. We kept that open line. I don't recall her asking me
11 again, "Where are you now?", and I think the thing to
12 remember, we weren't all together so it wouldn't have
13 been that easy for me to be able to say where we all
14 were.

15 Q. Right, you could have spoken for yourself and I suppose
16 anybody you could have seen, but not the whole team; is
17 that the point?

18 A. That's right. The other thing, when you say things
19 like, "We are at X now", and up in the operations room
20 you might think, oh, well, they can only be a minute
21 away but a lot of things can happen in that minute. We
22 could get blocked, we could have an accident, many
23 different things could happen that would stop us from
24 getting to a position where we can actually deploy.

25 Q. So what you had said to her by this stage was that you

- 1 were not in a position then to do the stop?
- 2 A. No, and we were now, after the phone call with
- 3 Sergeant Dingemans and she had told me to keep an open
- 4 line, she was there all the time, and we could tell it
- 5 was getting closer and closer, and she said, "I do not
- 6 want him to go down there, stop him, I do not want him
- 7 to go down the tube, the Underground".
- 8 Q. "Stop him, I don't want him to go down the tube", "or
- 9 Underground", one or the other. Just help, as we look
- 10 at the note, can you see we have got:
- 11 "Cannot go down the tube".
- 12 Then lower down:
- 13 "Down the tube, S019 deploying".
- 14 A. Yes.
- 15 Q. Can you help us as to which of those two -- is that,
- 16 sorry, it's my mistake, is it the first one, "Cannot go
- 17 down the tube", is that what you are talking about?
- 18 A. No. Right, "Cannot go down the tube", yes.
- 19 Q. Is that what you are talking about?
- 20 A. Yes.
- 21 Q. Right. So she says, but should we, as it were, mentally
- 22 insert, "Stop him", before that?
- 23 A. Yes.
- 24 Q. So, "Stop him, can't go down the tube". Again, so we
- 25 understand, would you be writing this in the car?

- 1 A. As far as I can recall, this is a contemporaneous note.
2 Some of the reasons why it's considerably neater than
3 other bits is that we got stopped, we got blocked in or
4 we couldn't move and you could write it down. There is
5 other bits that should have been on here that I have
6 written elsewhere because we are moving and it's not as
7 clear. My recollection of that is that that is how
8 I remember it.
- 9 Q. That's all right.
- 10 A. As we got closer, our vehicle, we got stopped at the
11 traffic lights opposite Stockwell, and we turned the
12 noise off, the sound, the twos and blues --
- 13 Q. That's where you turn it off, is it, when you are stuck
14 in that traffic, there or thereabouts?
- 15 A. Yes, I assume the video will show exactly what happened,
16 but we weren't stuck long because we have got -- the
17 drivers are advanced drivers, they are good at pushing
18 through, and at that time again I said, "We are not in
19 a position to do it".
- 20 Q. So that's the second time you have said that?
- 21 A. Yes, at least the second time.
- 22 Q. Yes?
- 23 A. Then as we get -- as we are there, you have got S012,
24 the surveillance team are offering up to do this, and
25 Commander Dick then says that S012 to deploy.

1 Q. You hear that?

2 A. Yes. Almost immediately you have got -- now I am sure

3 I heard then, "Escalators, going down the tube".

4 Q. So we get it, it's "S012 to deploy"?

5 A. Yes.

6 Q. You think almost immediately, "Going down the

7 escalators", or something like that?

8 A. Yes.

9 Q. Yes?

10 A. And then on the back-to-back radio that 19 carry --

11 Q. So this is just the radio that the firearms team hear?

12 A. Yes. Met radio, I think it is, something similar.

13 There are two or three calls come over it from 19

14 officers saying, "We can do this, we can do this, we are

15 in position, we can do it".

16 84 is talking to Trojan 80, I'm talking -- and as

17 I am talking to Commander Dick, we are going across the

18 junction, and we are behind one of the -- one of our

19 vehicles. I have lost sense of where everybody else is.

20 We park up in Binfield Road right near the railings, and

21 as I am crossing the road, I am saying to

22 Commander Dick, "19 are saying they can do it, 19 are

23 saying they can do it", and then almost immediately she

24 says, "19 to do it", and I don't remember hearing what

25 was obviously called as a state red. I don't remember

1 that.

2 Q. Just so we follow, she has indicated that the person

3 can't go or mustn't go down the tube; yes?

4 A. Yes.

5 Q. You have then heard that he has gone down the escalator?

6 A. Or is about to go, yes.

7 Q. It's only after that that there is reference to "19 can

8 do it"? Do you follow the point because in that

9 sequence of events, they couldn't really do it, could

10 they, because if the aim is he mustn't go down the tube,

11 then the word is he is going down the tube, in that, do

12 you see what I mean, the point I want to ask you to deal

13 with, in that sequence of events, they wouldn't be able

14 to deal with it, would they, because he had already gone

15 down?

16 A. It's hard to explain, sir, it was almost, all this is

17 condensed into like 10 seconds, it's that tight. But

18 what I would say is that I believed then and I believe

19 now that it was -- the best was for S019 to do this

20 intervention; and when they said they could do it, they

21 could do it, I probably reinforced that with

22 Commander Dick.

23 Q. What was wanted to be done, I just want to make sure

24 there's nothing else, was that he should be stopped so

25 that he couldn't go down the tube. That was the aim,

- 1 was it, as you understood it?
- 2 A. I think we had got to the stage where, and what I do not
3 want to do, sir, is start filling in the gaps with
4 what ... I believed that we were in a position we were
5 not going to be able to stop him getting down that tube,
6 with whoever we used. It was tight around it, do you
7 know. I could be wrong. But that's my recollection.
- 8 SIR MICHAEL WRIGHT: You say "I think"; was that what you
9 thought at the time?
- 10 A. Yeah, I honestly believe, sir, that I thought he was --
11 if you want, at the top of the escalators and he was
12 going to go down, and you know, whether he has gone down
13 one step of the escalators or whether he has gone down
14 20, there is no turning around and coming back, so
15 I thought that was the position we were in.
- 16 SIR MICHAEL WRIGHT: Yes.
- 17 MR HILLIARD: Right.
- 18 Now, your vehicle stopped where?
- 19 A. Binfield Road, right on the junction.
- 20 Q. What happens to the three of you in your vehicle, the
21 vehicle you were in?
- 22 A. I can't remember what happened to the driver.
- 23 Q. Right, so we will leave him out.
- 24 A. Yes, but I think 84 and I stayed above ground. I know
25 I stayed above ground.

1 Q. As far as you are concerned, are you confident about
2 that, that you stayed above ground?

3 A. Yes.

4 Q. Did you learn in due course that somebody had been shot?

5 A. Yes, I believe it was, I might be wrong, one of them
6 came up, I thought it was Terry, he came up for a first
7 aid kit, he told me that he had been shot in the head,
8 and I told him, "Get the first aid kit, get down there".
9 I have then -- I must have -- I don't know whether
10 Commander Dick was still on the phone, but I'm sure she
11 was, I have said we need an ambulance and expo,
12 explosives officers, to come down. Everybody was piling
13 out, I had been joined by my team, DS Dingemans, and we
14 were waiting to hear, really.

15 Q. Did you in fact go down, I am looking at the next page,
16 146, 10.25, does that say:

17 "Given walk through by Terry green team."

18 Is that right?

19 A. Yes, that's right.

20 Q. Then:

21 "Stated man identified by surveillance leaning on
22 yellow pole did not comply, thought he was going to
23 escape, fired 9 to 10 shots."

24 Have I read it right?

25 A. Yes. What he is telling me there was --

1 Q. This is Terry speaking to you?

2 A. Yes. What has now happened, I have gone down with him
3 and we have gone and we are standing, the doors to the
4 tube train are open. Mr de Menezes is on the floor.
5 He's then explaining to me that the surveillance officer
6 was leaning on the yellow pole and that the victim was
7 challenged and didn't comply. The bit about "thought he
8 was going to escape", what he was telling me there was
9 he was standing in front of the carriage and I haven't
10 got the configuration of the carriage but my memory
11 serves me right, it would be a single door further down.
12 He had -- he must be right-handed because he was holding
13 a firearm like that (indicated) and he pointed or he
14 moved his arm, he said he thought, he said two other
15 officers had -- one other officer has gone into the
16 single door.

17 Q. This is what Terry is saying to you?

18 A. Yes. Down the far end, because they thought he might
19 try to escape. He then told me that at least or between
20 nine and ten shots had been fired, that the victim, his
21 body had been moved from the original position because
22 of medical aid. He then referred to a wallet and
23 a mobile which was sitting on the seats nearest the
24 platform, opposite to where I assume he had been
25 sitting. There was some medical gloves there on the

1 side on the floor by the double doors, and some parts of
2 a bullet, and Terry explained to me there was some
3 molten metal which he said was a thing called splash.

4 Q. Just looking at your statement you made, I want to know
5 whether this is right or not. If you have this, it's
6 the page before the last one, so almost the last page.
7 It just says this:

8 "I then entered the scene and at 10.25 am Terry then
9 took me to the scene. He stated that the man had been
10 identified by surveillance leaning on a yellow upright
11 pole near the double doors of the carriage. He was
12 challenged but did not comply and the officers thought
13 he was going to escape. As a result, 9 to 10 shots were
14 fired at the suspect."

15 All right? That's how you have put it in your
16 statement. Is that right or not?

17 A. Yes, it's the same as the note I made. It just needs
18 that clarification which I think I have given.

19 Q. Which is what, that where it says "been identified by
20 surveillance leaning on a yellow upright pole near the
21 double doors of the carriage", you say that that meant
22 the surveillance officer was leaning on the yellow pole?

23 A. That's as I remember it, sir.

24 Q. "He was challenged but did not comply and the officers
25 thought he was going to escape."

1 Was this the sense of it: as a result of all that, 9
2 or 10 shots were fired at him.

3 A. No, no. Apparently he was challenged, he didn't comply,
4 and as a result of that he was shot. In relation to
5 they "thought he was going to escape", Terry was
6 explaining that he was referring to officers that had
7 gone to the door further down the carriage.

8 Q. This says, and what you actually wrote out is:

9 "He was challenged but did not comply and the
10 officers thought he was going to escape."

11 The officers.

12 "As a result, 9 to 10 shots were fired at the
13 suspect".

14 You say the sense of that is wrong?

15 A. It is. I tried to correct it in my interview. But yes.
16 It's not in the right order. What I have done there,
17 I have gone and made this note while Terry was speaking
18 to me, and I haven't been able to record down everything
19 he has said.

20 Q. I am talking about the statement one, what you put in
21 your witness statement, not when you are making the
22 note?

23 A. I have taken the note and put it into my statement.

24 Q. If we can just look, I think it's out loose in front of
25 you, Mr Purser, there is a telephone schedule, it's come

1 up on the screen, but I think you have a loose version
2 of that.

3 SIR MICHAEL WRIGHT: Before we turn to that, please, it was
4 Terry who gave you the explanation and walked you
5 through. Did you talk to anybody else? Any of the
6 team, I mean, any of the firearms team?

7 A. I believe I spoke to Ralph.

8 SIR MICHAEL WRIGHT: He wasn't down there when the actual
9 shots were fired. I will put it more clearly. Did you
10 talk to any of the firearms officers who were either on
11 or near the train when the shots were fired?

12 A. No.

13 SIR MICHAEL WRIGHT: You got all this from Terry.

14 A. Yes.

15 SIR MICHAEL WRIGHT: Did he say anything when he says that,
16 used the expression "refused to comply", or "did not
17 comply", did he say anything about what it was that
18 Mr de Menezes was supposed to have done that imported
19 failure to comply?

20 A. No, he didn't, no.

21 SIR MICHAEL WRIGHT: Thank you.

22 MR HILLIARD: Have you got the schedule?

23 A. Yes.

24 Q. If you turn, please, to page 7. As we have got the
25 information, we might as well -- just to help us with

1 it, can you see there is a time, 9.41.53, 39-second
2 call, do you see?

3 A. Yes.

4 Q. Yourself to a Detective Sergeant Howard?

5 A. Yes.

6 Q. No-one is going to expect you to remember the precise
7 words, but any idea what that was or is likely to have
8 been about?

9 A. Yeah. He was the sergeant that I was working with on
10 7/7, and on the coming Sunday, we had got -- many of the
11 victims' families and those that have had life-changing
12 injuries were coming to the Family Assistance Centre in
13 London. Basically what I was doing there was trying to
14 cancel my day, you know, the Friday.

15 Q. That's what that one's about?

16 A. Yes.

17 Q. Thank you. If you go down, can you see 9.48.50?

18 A. Yes.

19 Q. It's for 58 seconds, it's a call certainly on your
20 phone, looks as though it's you to Mr Dingemans; is that
21 right?

22 A. Yes.

23 Q. I am sure it's obvious, but what was that call about?

24 A. That call was about getting him to contact James so that
25 we could do an intelligence stop on the unidentified

- 1 male.
- 2 Q. Then 9.51.19, there is a 20-second call, is that you to
3 Mr Boutcher?
- 4 A. Yes, Mr Boutcher was the Silver intelligence and
5 basically I just wanted to go through what we were doing
6 in relation to stopping this guy.
- 7 Q. Right. Then there is a couple, do you see three up from
8 the bottom and two up from the bottom, of failed calls,
9 Mr Dingemans to you; do you see?
- 10 A. Yes.
- 11 Q. If you turn over the page, please. 9.55, just as you
12 have mentioned earlier when we went through, although we
13 didn't have this, do you remember you mentioned to me
14 the 9.48 call and you also mention 9.55. Here we have
15 it. 19 seconds, that's you to Mr Dingemans?
- 16 A. Yes.
- 17 Q. Just remind us, what was that about?
- 18 A. That was telling him to or speaking to his DC, telling
19 them to stand down.
- 20 Q. Because you said Mr Dingemans was driving; is that
21 right?
- 22 A. Yes.
- 23 Q. So you have spoken to somebody else. Then 9.58, do you
24 see, for 35 seconds, do you see, you to his phone.
25 I don't know if that was him or somebody else at that

1 time; can you help?

2 A. It might have been him because I have told him to stand
3 down, so it most likely was him.

4 Q. What would this one be about?

5 A. I was just trying to tell him what had happened and what
6 was happening.

7 MR HILLIARD: Then I think to complete, 10.02 there is
8 a failed call from him to you, and then I don't know
9 what that means at the bottom but it's 10.09, so we need
10 not trouble with that. All right.

11 Thank you very much indeed, Mr Purser.

12 SIR MICHAEL WRIGHT: That would be a convenient moment,
13 I imagine?

14 MR HILLIARD: Yes.

15 SIR MICHAEL WRIGHT: Can I just ask you all to remember that
16 when you are invited to ask questions through me, they
17 are questions of the witness, not me, so you really must
18 consider who the witness is, what he is able to say and
19 what he is dealing with. A lot of these questions you
20 are putting up to me are simply not going to be capable
21 of being answered by this witness. Just stop and think
22 before you do it.

23 The short answer, I am sure, about the
24 reconstruction of the noise level in the operations room
25 is: it is simply not possible. Apart from anything

1 else, the only noise level that would be relevant was
2 the noise level that was actually happening on this
3 particular day on this particular case and that isn't
4 going to be repeatable.

5 One question I will ask you, Mr Purser, is: what did
6 you understand, if anything, from what Terry was telling
7 you, was what was the significance of the yellow pole?
8 Or was it anything more than that you have simply
9 repeated what you were told?

10 A. I just recorded what I was told.

11 SIR MICHAEL WRIGHT: Right. 10 o'clock tomorrow morning.

12 (5.00 pm)

13 (The court adjourned until 10.00 am on
14 Friday, 17 October 2008)

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