

1 Monday, 20 October 2008

2 (10.00 am)

3 (In the presence of the jury)

4 CODENAME "DEREK" (continued)

5 SIR MICHAEL WRIGHT: Good morning to you all. Yes,
6 Mr Mansfield.

7 Questions from MR MANSFIELD (continued)

8 MR MANSFIELD: Good morning, Derek, I introduced myself on
9 Friday.

10 A. Good morning, sir.

11 Q. I won't re-do it.

12 SIR MICHAEL WRIGHT: I suspect he knows who you are,
13 Mr Mansfield.

14 MR MANSFIELD: Yes.

15 Do you have, well, you did on Friday, the maps
16 brochure? Everyone else can look out the page we have
17 seen so many times, page 7. This gives us a sort of
18 visual aid as to the area we are dealing with, with you.

19 Just in short form to recapitulate, having got there
20 at around 6 am, it's fair to say that you very quickly
21 established a number of important things -- I'll come to
22 why you did it in a moment -- you established where the
23 bus stops were in the vicinity; is that right?

24 A. Yes, I did, sir.

25 Q. Did that include, it's off the map a bit, but there is

- 1 one in Roupell Road which is again, I am afraid, not
2 actually spelt out on this map, but it's a turning that
3 runs underneath the bus route from these stops 201?
- 4 A. Yes, sir.
- 5 Q. You checked that as well?
- 6 A. Yes, sir.
- 7 Q. So there is another one down there for the 201. Did you
8 establish whether the next set of bus stops, whether
9 there were any bus stops further along Upper Tulse Hill
10 to the left of the plan?
- 11 A. Not going, working to the north from recollection,
12 I don't recall that. I certainly was aware of
13 Roupell Road and the other bus stops running along
14 Upper Tulse Hill.
- 15 Q. Thank you. So bus stops you had established; you had
16 established a potential holding area at the TA Centre;
17 you had established that there was a communal door for
18 21 Scotia; and by 6.20 you had also identified or
19 a member of your team had, that a car of interest was
20 parked very near, almost opposite the communal door?
- 21 A. That's correct, sir.
- 22 Q. All this information you had relayed back before
23 7 o'clock to the operations room?
- 24 A. I couldn't be specific about the exact time, sir, but
25 I would have put that in as my initial assessment of the

1 area we were operating in.

2 Q. Right, I didn't imagine you would have a precise time,
3 so I put a global time on there, that it was before 7?

4 A. That would be fair, sir.

5 Q. You were doing this because -- I have called it the
6 window of opportunity -- you wanted to, as it were,
7 establish the parameters, in other words the boundaries
8 in a sense, for the movement of someone who might be one
9 of the subjects and who might be heading towards public
10 transport?

11 A. When one arrives, you obviously look for the routes in
12 and out from a premises, how someone might travel, and
13 in terms of plotting your surveillance, the weaknesses
14 that need to be identified so you can complete your
15 task.

16 Q. Right. One of the main tasks here, because of what had
17 happened the day before and on 7 July, was ensuring as
18 far as possible that a subject or suspect with
19 a rucksack or even without, did not get on to public
20 transport; that was the concern that you had?

21 A. I did have that concern, sir, yes.

22 Q. Before we get into some of the movements, I just want to
23 go through the systems that you employed. It appeared
24 to you that the representations on these matters that
25 you were making repeatedly to the operations room were

1 going unheeded?

2 A. Whether they were going unheeded, I couldn't say, sir.

3 I was feeding them in. I didn't receive replies,

4 I felt, that would have benefitted on the day.

5 Q. You have been on operations, like mobile armed support,

6 MASTS as we have come to use the term, you have been on

7 those before?

8 A. I have, yes, sir.

9 Q. Have you ever been left in this situation before?

10 A. I would -- there are two -- without going into too much

11 technique, sir, there might be occasions where we as

12 a surveillance team would deploy without armed support

13 because that is the tasking of the day, in terms of

14 doing generally intelligence work against someone, but

15 we are armed for our own protection; as against the

16 operation of this nature, where we deployed and were

17 told we have armed support because there is likely to be

18 some sort of interdiction during the course of the day.

19 SIR MICHAEL WRIGHT: Can I suggest that this was probably

20 the first deployment where you would have had a serious

21 concern about stopping people getting on to public

22 transport?

23 A. It would have been, sir.

24 SIR MICHAEL WRIGHT: I thought so, because this is the first

25 suicide bomber case you had been involved in.

1 MR MANSFIELD: I wonder if you could finish the answer.

2 A. This deployment would feature on the side where we know
3 we have a dedicated firearms team supporting us and at
4 some point of the day, we would expect, owing to the
5 nature of the briefing, that there might be some form of
6 armed intervention to do a stop, a hard stop as it's
7 referred to.

8 SIR MICHAEL WRIGHT: So you wanted it?

9 A. Yes, sir.

10 MR MANSFIELD: Forgive me if I misunderstood the drift of
11 your answer. I think you were about to say that this
12 was the first time in which, in a mobile armed support
13 operation, you had been left uncovered for so long?

14 A. It would be the only occasion where I have deployed,
15 being told I had armed support, that I did not have any,
16 in practical terms, sir.

17 Q. Now, I'll come to the stage where you were considering
18 having to do it --

19 SIR MICHAEL WRIGHT: I suppose they never turned up, did
20 they?

21 A. They never turned up --

22 SIR MICHAEL WRIGHT: Because they were diverted off to
23 Stockwell station before they ever got to you.

24 A. It was some time after 10 o'clock before I became aware
25 that the armed support officers had actually arrived.

1 SIR MICHAEL WRIGHT: And gone again.

2 A. No, some eventually remained --

3 SIR MICHAEL WRIGHT: Oh, some did turn up?

4 A. -- at the TA Centre, sir.

5 MR MANSFIELD: Well, that was going to be my next question.

6 You didn't know until after the shooting of

7 Jean Charles de Menezes about the arrival at the

8 TA Centre that you had identified back at around

9 6 o'clock?

10 A. That's correct, sir.

11 Q. Right. Then just dealing with your particular role,

12 left in the position that you were: plainly if you are

13 going to, as it were, stop somebody -- or I think you

14 used the word "interdict" -- but if you are going to

15 stop somebody who is a suspect, and I'll come to levels

16 of identification, who is a suspect, before they get on

17 a bus, then plainly I suppose you must have worked out

18 that you didn't have much time or space to do that?

19 A. That's correct, sir.

20 Q. In other words, if the two bus stops had been suspended,

21 the two 201s by Marnfield Crescent, then you had

22 a window of four or five minutes if the person walked up

23 to Tulse Hill; and then you had an equal amount of time

24 if the person was to walk to the 201s if they had not

25 been suspended in Roupell Road. So we are talking in

1 the initial phase of four or five minutes. If the
2 person turned right and just continued up Upper Tulse
3 Hill, you obviously had much longer?

4 A. That would be correct, sir.

5 Q. So between minimum four or five minutes and then
6 obviously much longer depending which direction they
7 went.

8 Now, again without hindsight you had worked that out
9 on the morning, had you not?

10 A. I had, sir.

11 Q. There is another aspect to this, and that is identifying
12 somebody who's a suspect who would be stopped, and then
13 identifying somebody who is not a suspect, excluding; so
14 there is the inclusive and the exclusive. So if you
15 exclude somebody, what was your understanding then would
16 happen? Were you going to necessarily pursue them or
17 ask for help or what, for the ones excluded?

18 A. For my purposes in my deployment, those who we weren't
19 counting as suspects or connected to the operation, we
20 would just let go, sir, let them carry on their own
21 business --

22 SIR MICHAEL WRIGHT: Would you make up your own mind about
23 that?

24 A. From my briefing it was a case of: we are looking for
25 these suspects and they are the ones we surveill. If we

1 are going to follow everyone coming out of that block of
2 flats, we probably wouldn't have been there for long,
3 and it was obviously, patently obvious that some of the
4 people who left that morning were unconnected.

5 SIR MICHAEL WRIGHT: What I mean is, did you take that
6 decision for yourself?

7 A. That was my interpretation, sir.

8 SIR MICHAEL WRIGHT: That was your interpretation of your
9 instructions?

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: Very well.

12 MR MANSFIELD: So that plainly you had worked that out, or
13 you were concentrating, once you knew it was a communal
14 door, on suspects?

15 A. Sir.

16 Q. All right, I understand that. Let us for these purposes
17 concentrate on suspects. If you have got a tight
18 window, minimum tight window of four to five minutes,
19 this means you have to be very tight in the way in which
20 you place people in the area in order to make
21 an identification or not; do you agree?

22 A. I agree, sir.

23 Q. Right. This is particularly so where you are dealing
24 with somebody who you had never seen before; is that
25 right?

- 1 A. I hadn't, sir, no.
- 2 Q. No-one in your team had, and a situation in which only
3 two members out of the team of 10 had copies of the
4 images of the two suspects, that's you and Frank?
- 5 A. Correct, sir.
- 6 Q. I just want to ask you about resources for a tight
7 operation. You have got a van with a man in it. Then
8 there are nine other people, including yourself. Are
9 any of them -- and I just want to get the spread of
10 possibility here. I think none of them are women; is
11 that right?
- 12 A. I would -- without going into techniques of how the
13 teams are made up and sensitive detail, there were women
14 there that day, sir.
- 15 Q. So that the jury understand the possibilities, because
16 I'm going to come to obviously what happened, so you
17 have a spread of people, men and women, and also this
18 may seem strange but I want to ask you whether in fact,
19 besides the van, and may I make it clear why I am
20 asking, it's in order to disguise your presence, it
21 might help to have somebody on a bicycle. Do you have
22 any fold-up bicycles to use?
- 23 A. Not that particular morning, sir.
- 24 Q. But you do use them?
- 25 A. Bicycles have been used.

- 1 Q. You follow the point, that if you are having to do
2 a long surveillance, because you didn't know how long
3 you were going to be there, you don't want the same
4 person in the same place and necessarily all walking, do
5 you?
- 6 A. No, as a general technique and again without alluding to
7 too much sensitive detail, we would rotate officers in
8 the area so that no-one is seen to be staying there too
9 long.
- 10 Q. So I am wanting to get what was possible that day. So
11 moving on, you have these resources. Now, in terms of
12 training, the learned Coroner asked you on Friday about
13 this, it may have been a question from the jury, it may
14 have been the learned Coroner's own questions, it
15 matters not, but this question about training. Here you
16 are not doing a sort of lifestyle, as it's been called,
17 surveillance, are you?
- 18 A. No, sir.
- 19 Q. You have a target. The target is specific: can you find
20 either of these two or both, thought to be connected to
21 21 Scotia Road; that's a target situation?
- 22 A. That was the focus of it, sir, yes.
- 23 Q. Had you been in that sort of situation before as
24 a surveillance team?
- 25 A. Undoubtedly, sir, yes.

- 1 Q. Undoubtedly you had, in other words, and I want to be
2 specific, you had been in a situation before where you
3 had had to, as it were, focus in on somebody who you had
4 never seen before; yes?
- 5 A. Correct, sir.
- 6 Q. So from that point of view, it wasn't particularly
7 unusual?
- 8 A. Not in the general tenet, no, sir.
- 9 Q. I appreciate it might have been with regard, and I have
10 to ask you this: had you done anything, without
11 disclosing sensitivities, in relation to suicide bombers
12 before?
- 13 A. Yes, I had, sir.
- 14 Q. You had. In the training, therefore, of focusing on
15 targets that you had not seen before, who might be
16 suicide bombers, were you trained in methods of
17 identification?
- 18 A. In referring to the answer I gave on Friday, sir, not in
19 any particular mode or technique.
- 20 Q. Because I think you will be aware, as everyone
21 themselves has been so far, there are extraordinary
22 difficulties in identification, are there not?
- 23 A. There are, sir.
- 24 Q. And risks of misidentification?
- 25 A. Yes, sir.

1 Q. You are familiar, no doubt, with the position in a court
2 context where juries are warned about their approach to
3 identification evidence that might be fleeting in
4 difficult circumstances, and that sort of thing?

5 A. Yes, sir.

6 Q. So in the training, is anybody tested on their ability
7 to -- and I'll be quite specific for this case -- look
8 at a photograph for, say, three to four minutes, and
9 then test them an hour to two hours to three hours later
10 to see whether in fact when presented with a range of
11 photographs, one of which is the same, as to whether
12 they can still pick the photograph out and then the
13 actual person in a real life situation. Is there any
14 training like that?

15 A. In terms of the training exercises that I underwent
16 during my training, sir, you would be given a similar
17 scenario in terms of trying to identify an individual
18 who you had not seen before, leaving a premises,
19 arriving at a premises, the briefing of which would
20 have, for that exercise, been that you would have had
21 a photograph of that person, and therefore it's a test
22 of your ability once on the street to identify them.

23 SIR MICHAEL WRIGHT: So your answer to Mr Mansfield's
24 question is yes, you do do that sort of thing?

25 A. Yes, sir.

1 MR MANSFIELD: Right.

2 Now, I want to, bearing all that in mind as
3 background, come to the actual day itself. Just before
4 we deal with your arrival, Frank is put in the van. Can
5 I ask you, we have had some answers from you, the van is
6 too small for more than one person?

7 A. The van is designed to have one person inside, sir.

8 Q. On that basis, is there any provision for relieving that
9 one person after an hour and a half or two hours or any
10 specified time, or do you wait for the person themselves
11 to say, "I can't stay here any longer"?

12 A. What tends to happen is it's a call for the officer
13 deployed, in terms of how they feel about their
14 environment and also if they need relief for natural
15 resources. So it really is down to the officer, unless
16 of course there is something extra appears on the day,
17 that another officer spots and feels is pertinent to
18 that deployment.

19 Q. Right, then we know where he was placed, or roughly
20 speaking, looking at this map, facing towards -- well,
21 the van was near the front door, near the word
22 "Scotia Road" as written on the plan on the northern
23 side of Scotia Road.

24 Given the tight time framework, of course being able
25 to positively -- and I'll come to what these words mean

1 in a moment -- identify somebody within a five-minute
2 framework really is almost impossible, isn't it?

3 A. I think it's -- would depend, sir, on -- I would never
4 say it was impossible, and I would say it really depends
5 on the quality of the image you would be referring to.

6 Q. Right.

7 A. The time of the day, lighting conditions, et cetera.

8 Q. So it's not impossible. I did qualify it by saying
9 "almost". So within that period, it's a very difficult
10 operation, and if you are going to achieve it, you are
11 going to have to have a good image of the person or
12 persons you are looking for; that's a precondition; yes?

13 A. The better the image, the better your chances.

14 Q. It stands to reason, it's common sense.

15 SIR MICHAEL WRIGHT: I am not sure that anybody has asked
16 you this: it was 9 o'clock in the morning in July,
17 obviously broad daylight. Fine and dry morning?

18 A. From recollection it was a fine, dry morning, sir.

19 MR MANSFIELD: So the other conditions have been met.

20 I will come back to the image of what you and Frank had.

21 But you must have recognised that clearly, since
22 people had started coming out anyway by 9.34, that if
23 Frank himself couldn't identify, and it's, for example,
24 a possible, that you would have to have somebody else
25 pretty nearby, another eyeball as they put it, to home

1 in on this person before they got too close to a bus
2 stop?

3 A. I did have officers deployed for that purpose, sir.

4 Q. I want to come to that obviously. I want to suggest to
5 you, because of the nature of the layout of the land
6 here, and this is not hindsight, this is to do with
7 being on the plot and using your common sense, once they
8 are past the van, they have got to come out -- sometimes
9 it's called the pinch point -- into Marnfield Crescent,
10 haven't they?

11 A. Yes, they do, sir.

12 Q. But plainly having back-to-back contact between your
13 officers, it wouldn't be difficult for another officer
14 to be alerted that a possible target is rounding the
15 corn from Scotia Road into Marnfield Crescent?

16 A. It would be possible.

17 Q. It would be possible, that's what I mean, it's possible
18 to do that. So I want to suggest to you the obvious
19 thing would be to have, whether man, woman, bicycle, van
20 or however, is to have another officer somewhere in the
21 public area here, they can't stay there for long,
22 obviously, because they would be noticed, but you see
23 the common ground there, it's marked out on here with
24 a playground?

25 A. Sir.

1 Q. We know from this plan and because we have all been
2 there, once you get towards the end of Scotia Road and
3 it's meeting up with Marnfield Crescent, the person can
4 either walk off to the right, straight through the
5 middle or off to the left, as the person looks at it; do
6 you follow?

7 A. Yes, sir.

8 Q. Did you, as it were, have a rota of different officers,
9 as it were, somewhere in that vicinity to pick up on
10 somebody who had got past the van who might be
11 a possible, in order to identify?

12 A. I did have officers deployed for that purpose in that
13 vicinity.

14 Q. I want to be careful about the vicinity, and I don't
15 think this is a state secret --

16 SIR MICHAEL WRIGHT: I was wondering about the state secret.
17 Mr Horwell, I don't know what the chances are of
18 Scotia Road ever being kept under surveillance again,
19 probably pretty remote I would have thought, but is
20 there a sensitivity problem about Derek indicating at
21 least in broad terms where he deployed his group?

22 MR HORWELL: There are sensitivity problems about
23 techniques, obviously.

24 SIR MICHAEL WRIGHT: I appreciate that, in general terms,
25 yes, but in the context of this particular deployment,

1 without specifying, can he tell us in broad terms where
2 he had his people?

3 MR HORWELL: Unless, as I said on Friday, and I'm happy to
4 repeat again, I am sure Derek is the best judge. If
5 Derek has any concerns, he only has to say so and we can
6 discuss these matters --

7 SIR MICHAEL WRIGHT: He might be a bit worried about the
8 surveillance he is under.

9 MR HORWELL: -- outside court. I know, but I'm happy to
10 leave it to Derek at the moment. If he follows the
11 principle, if in doubt, say so, we will be safe.

12 SIR MICHAEL WRIGHT: There you are, Derek, it's up to you,
13 really.

14 A. Thank you, sir.

15 SIR MICHAEL WRIGHT: I will ask you this question and
16 Mr Horwell will stop me if he thinks it's a bad point.

17 Did you have anybody in the area of that playground?

18 A. I did not have specifically in the playground. I had
19 them in the vicinity of Upper Tulse Hill with a view to
20 being on the street there as someone came out.

21 SIR MICHAEL WRIGHT: As someone came out of
22 Marnfield Crescent, yes.

23 MR MANSFIELD: Well, did all your officers know that, that
24 the object was to pick the person up as quickly as
25 possible, in order to, if it was a possible person or

- 1 somebody who you couldn't tell one way or the other,
2 which is perhaps a more common situation, you couldn't
3 tell one way or the other so you needed somebody else to
4 do a quick check. Did the officers know that?
- 5 A. Two-fold, the reason to be there, obviously one, to pick
6 up on the subject who's coming out, and secondly, we
7 want further identification.
- 8 Q. Yes. You will see in a moment why I am asking these
9 questions rather carefully. Now, that's the second
10 stage. You have got the van, somebody with quick access
11 near the communal area, I suggest, to pick up, and that
12 person, I suggest, would have to try to get a frontal
13 view, in other words the object of the back-up in this
14 area, since you haven't got much time, the officer's
15 going to have to run a slight risk by walking past the
16 person face-to-face; do you follow? Was that something
17 that was discussed?
- 18 A. The deployment and the locations that officers would be
19 put on, they would understand that, that's part of the
20 team practice. The nature of how they would do that
21 would be left to -- as an individual decision depending
22 on the environment they found themselves in.
- 23 Q. Yes. Now, it's just possible, of course, that the
24 person who at the point in time is the back-up
25 surveillance in the public area there or with access to

1 the public area quickly, may also miss or not have the
2 opportunity, so you have to have another person, you
3 have ten people, a third person, possibly mobile, who
4 can get to the scene very quickly, just in case it's
5 been missed by Frank and missed by the back-up. Now,
6 this is pretty standard, isn't it?

7 A. The earlier that you gain proper control on someone, the
8 better the surveillance operation will run, and as such
9 that is a critical point of it, sir.

10 Q. Right, so so far, hopefully I have only been putting to
11 you broad common sense propositions. Just as a matter
12 of practice, between the ten of you, you were by 9.30 --
13 sorry, you had been by 9.30 on the plot, as they say,
14 for nearly three and a half hours, hadn't you?

15 A. Sir.

16 Q. Were you keeping track of where the officers were? You
17 knew where Frank was, obviously, you didn't have to keep
18 track of him, but were you keeping track of where the
19 other officers were to ensure there was always
20 an officer on the first stage back-up and on the second
21 stage back-up?

22 A. You would, you would rotate the officers if they
23 required movement, the officers would volunteer the
24 information probably that they had been there long
25 enough and you would rotate. As to say which officers

1 were -- and obviously this goes back to my answer on
2 Friday, sir, and I didn't wish to seem evasive, to
3 specifically say which of those ten officers were at
4 a certain point at 9.33, I couldn't do for you, sir.

5 Q. I'm asking you carefully because I want to suggest what
6 happened here by the red team at this point when this
7 man, Jean Charles de Menezes, leaves the Scotia Road
8 block, is quite a serious breakdown in the scheme. I'll
9 put it to you so you follow what I am suggesting here.

10 A. Sir.

11 Q. He gets past the van, we will come back to what Frank
12 actually says, there is something put out over the
13 Airwave; who picks up after the van in the red team in
14 a position to do the close-up frontal?

15 A. There wouldn't necessarily, and this is what I say, sir,
16 there wouldn't necessarily be a close-up frontal done.
17 There would have been an officer there, and I am not
18 sure without referring to it what the next entry in the
19 log is --

20 Q. The reason I am putting it to you is that it appears, at
21 the moment, as though it's Edward. It's very difficult
22 to isolate exactly where he says he was. It looks as
23 though he was in a car park on the other side of
24 Upper Tulse Hill, but for one reason or another, he
25 doesn't get a close-up full frontal. Do you know that

1 now?

2 A. Without, I say, referring to the log, sir, and I, from
3 recollection, I believe it was Edward at that point.

4 Q. Yes. Have you gone back over all this to work out how
5 it was that this man not just got past the van, but
6 no-one else in the red team seems to have been able to
7 pick him up? In other words the first stage back-up
8 somewhere near the public area and a second stage
9 back-up doesn't seem to have come into play at all?

10 SIR MICHAEL WRIGHT: I don't think we know that, do we,
11 Mr Mansfield? We know that nobody gives any description
12 of his appearance, but for all we know they may have
13 been watching him.

14 MR MANSFIELD: Well, I can only go on the basis of the
15 materials we have.

16 SIR MICHAEL WRIGHT: I know.

17 MR MANSFIELD: The materials we have, so you are put in the
18 picture here, so far as we can tell, Edward's in
19 a car park opposite, possibly, I think it's of a nursery
20 school or a school, I may have got that wrong; and for
21 some reason, whether he's the same person as another one
22 coming from behind in Marnfield Crescent, I have no idea
23 who that is, another surveillance officer from the grey
24 team talks about him, but he's not picked up again until
25 the grey team come into operation further

- 1 up Upper Tulse Hill. That's a summary of the situation.
- 2 A. Sir, I would disagree with that to the extent that
- 3 during the course of Mr Menezes leaving, he was under
- 4 surveillance control, and the plan that we had in place
- 5 was that the grey team had arrived, they were not
- 6 relieving us as such, they were performing the outer
- 7 ring and we were the inner ring. Mr Menezes left on to
- 8 Upper Tulse Hill and we had a couple of sightings of him
- 9 for the log. He was under control and then the grey
- 10 team --
- 11 Q. Wait a minute, the couple of sightings for the log.
- 12 Could we have up on screen and the jury have it in their
- 13 bundle your log. The sightings in the log, it's 474,
- 14 dealing with him, there are only two?
- 15 A. Two, sir.
- 16 Q. So it's not a couple of sightings. I'm talking about
- 17 the back-up. 9.33, can we deal with this now we are
- 18 looking at it. That's Frank, isn't it?
- 19 A. That's Frank.
- 20 Q. The only other entry here seems to be Edward, who's been
- 21 crossed out?
- 22 A. Yes you are right, sir, Edward was crossed out and then
- 23 that was amended at the debrief.
- 24 Q. Yes, Edward is 81, crossed out, amended on the debrief.
- 25 What is written at 9.36, it's a mixture of materials

1 from, it appears, and we will hear from them, Frank
2 who's dealing with the facial matters like stubble, and
3 North African, which is Edward?

4 A. The entry at 9.36 is corrected and then at the debrief,
5 and I, as I have put in my statement, I did amend that
6 incorrectly.

7 Q. Well, the correction is on 477 and it says:

8 "Description is from 50 following officers present".

9 So the description at 9.36 isn't in fact therefore
10 from a second officer. It's from the first officer?

11 A. That's correct, sir.

12 Q. So you don't have two officers, do you, controlling this
13 individual? You only have one who's able to give some
14 form of description, and another who just adds
15 a qualification about North African?

16 A. The entries in the log would be the entries of
17 a sighting of that subject. It wouldn't -- every time
18 you write in the log you wouldn't specifically say where
19 that person is, at which stage they are in the street.
20 My recollection is there was radio commentary, that
21 person was under control, and the grey team took him
22 away.

23 Q. Yes, but you see, you have only got -- we have
24 established that, especially since he is walking in the
25 very direction of the bus stops that are on this plan --

1 you have only got four or five minutes, and the red team
2 have got the initial control. What I want to ask you
3 is: why no red team officer was in a position to do the
4 immediate back-up, full frontal as it were, in the
5 public area before he ever hit Upper Tulse Hill?

6 A. I can't answer why -- what one particular officer didn't
7 actually see him and --

8 SIR MICHAEL WRIGHT: Mr Mansfield, I am sure I am being very
9 obtuse, but as I understand it, the position at this
10 time of the morning, you had no firearms back-up?

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: You had been told that if you saw
13 anybody who might be a suspect, you were not to stop
14 him, it was a firearms job?

15 A. The initial brief was that the firearms would do any
16 stop, sir.

17 SIR MICHAEL WRIGHT: Yes. What more could you do other than
18 ensure that the person who had walked out of Scotia Road
19 remained under your surveillance until you handed him
20 over to the grey team?

21 A. We did everything because he was under control and he
22 was passed on to the grey team, sir.

23 SIR MICHAEL WRIGHT: What more could you do?

24 A. From recollection, nothing, sir.

25 MR MANSFIELD: Well, you see, I am interested in the learned

1 Coroner's question because I was just coming to this.

2 At about the time the grey team came on, you had
3 a discussion with the grey team leader, didn't you,
4 James?

5 A. I did, sir.

6 Q. Right, and what was agreed that you could do more that
7 you haven't remembered this morning, so far, and I'm
8 going to remind you of what you agreed with James, there
9 being no firearms back-up, not your fault. Do you
10 remember what you agreed with him?

11 A. There was, and the playground was a -- crucial to it.
12 I, in the absence of a firearms team, and if the facts
13 at the time presented themselves that someone came out
14 who we are positively identifying, and that they had
15 bags with them, then we might have to interdict at that
16 early stage, sir.

17 Q. Exactly. So, and James will be giving evidence and no
18 doubt he will give evidence along these lines, just to
19 remind you, it appears that the grey team arrived at
20 about five to 9, and the discussion that he -- that is
21 James -- had with you around 9 o'clock concerned making,
22 if you could, a positive identification, particularly if
23 the person had some kind of rucksack?

24 A. Correct, sir.

25 Q. You had actually -- he told the Health and Safety trial

1 that you had actually identified a place where
2 an intervention would take place, at the junction with
3 Upper Tulse Hill, which is I think what you have just
4 been saying?

5 A. Yes, sir.

6 Q. Right. If you are going to do that, a junction with
7 Upper Tulse Hill, you, the red team, have to be in
8 a really strong position to do a proper identification
9 or not before he gets to Upper Tulse Hill, don't you?

10 A. We, in the scenario we were in, sir, I would have -- and
11 this would have been my decision on the ground and it
12 would have been a decision that I wouldn't have had time
13 to have a consultation with the operations room from --
14 if I felt from the identification that we had made that
15 that -- an individual or two individuals were walking
16 towards those bus stops carrying bags, I would have felt
17 duty-bound to do something about that.

18 Q. Right.

19 A. I had -- sorry.

20 SIR MICHAEL WRIGHT: Pause there for a moment. Having
21 regard to your briefing, the strategy that had been laid
22 down, would you have had to ask permission from control
23 before you did it?

24 A. In an ideal world, sir, I would have liked to have told
25 them what was going on. If it became apparent we had

1 two persons, one or two persons --

2 SIR MICHAEL WRIGHT: You are talking about strong

3 identifications?

4 A. As best as could be made in that short space of time,

5 sir.

6 SIR MICHAEL WRIGHT: Plus rucksacks?

7 A. Plus rucksacks heading for the bus stop, we would have

8 had to have done something.

9 SIR MICHAEL WRIGHT: I appreciate that, and you told Mr

10 Mansfield that you and James had discussed the

11 possibility of being able to do it yourself. What

12 I want to know is that because this was a suggested,

13 might be a suicide bomber situation and because of your

14 briefing and instructions, would you have had to ask

15 consent or permission from the DSO, or whoever was

16 running the thing at the time, in the control room?

17 A. I think probably the way that morning had gone, sir,

18 I wouldn't have had time.

19 SIR MICHAEL WRIGHT: I see.

20 MR MANSFIELD: I just want to pause there again.

21 You did ask permission because I suggest, through

22 James, at least this is his recollection, that you did

23 ring the ops room and tell them that this is what you

24 were planning as you didn't have any firearms back-up.

25 Is this right --

- 1 A. I inferred, I told the ops room that in lieu of firearms
2 back-up and subjects coming out of the premises who, if
3 they had rucksacks or similar bags and they were making
4 towards the bus stop, I couldn't stay there and not
5 prevent them getting on.
- 6 Q. Precisely. You see, we have had an awful lot of
7 evidence from the operations room that under no
8 circumstances unless it was a dire situation, which
9 presumably this is what you ... S012 would never be used
10 for intervention. Now, appreciating this situation on
11 that morning, you yourselves certainly contemplated
12 having to do this?
- 13 A. Yes, sir.
- 14 Q. You had picked a place where you would do it, and when
15 you warned the team -- that's the whole of your team --
16 that they might have to do this?
- 17 A. I had, sir.
- 18 Q. Right. Had the operations room come back to you and
19 said, "Under no circumstances should you undertake
20 this"?
- 21 A. It was again inferred that we would be getting armed
22 support and that we wouldn't have to, sir.
- 23 Q. I am sorry, it doesn't quite answer the question. Were
24 you told, until armed support came along, you were not
25 to do it?

- 1 A. I don't recall specifically being -- from anyone I spoke
2 that morning, to say specifically, "You must not stop
3 anyone", because that -- I am dealing with it on the
4 ground, sir.
- 5 Q. Quite, absolutely. Now, just before we go back to the
6 log, a lot of this has been based on positive
7 identification. Now, what do you define as a positive
8 identification?
- 9 A. My own interpretation, sir, would be that the officer
10 who is telling me that they are positively identifying
11 someone are 100 per cent happy from the information they
12 have been provided that that is the person we are
13 looking at.
- 14 Q. In affairs of this kind, it's quite difficult to be
15 100 per cent, isn't it? So are you saying unless the
16 officer says he is 100 per cent, it falls below
17 positive?
- 18 A. If it, and again without wishing to digress in terms of
19 nature and type of work, we see a lot of similarities in
20 people, of course, so it's only, you know, when
21 an officer tells me they are happy, 100 per cent, that's
22 the person, then I am happy. Until then, I would never
23 confirm it as a positive identification.
- 24 Q. Is this approach, because that's what it is, to
25 identification a consensual approach? In other words,

1 one in which all members of the team understand that's
2 what a positive identification means?

3 A. We would have a working practice, sir, that we wouldn't
4 say it's positive if someone was 70 or 80 per cent
5 happy --

6 Q. So you do use a sort of percentage?

7 A. Well, I mean, they are general terms, we don't have
8 a scale or a score to work to, sir.

9 Q. I do understand this, and we are just trying to get to
10 a situation dealing with a suicide bomber, especially
11 for the future as well, as to how this operated, since
12 you have been on these sorts of exercises before.

13 So in your case, the officer doing the sighting has
14 to be sure, 100 per cent. Now, PIW, which is entered up
15 in the log at New Scotland Yard, is that a phrase you
16 are familiar with?

17 A. It is, sir.

18 Q. What do you understand it to mean?

19 A. Possibly identical with.

20 Q. Or possibly identifiable with?

21 A. No, sir, possibly identical with.

22 Q. Someone else, like Pat, the monitor, thought not
23 identical because otherwise it gives too close
24 a similarity, possibly identifiable with?

25 A. No, I disagree.

- 1 Q. You disagree with that. So I appreciate that the
2 firearms team weren't there, or weren't there in
3 sufficient numbers and it didn't operate like this. For
4 you as a firearms-carrying surveillance officer to
5 intervene, there had to be the two thresholds met, the
6 100 per cent sure and a rucksack or something similar?
- 7 A. In terms of my actual intention that morning, sir, would
8 have been if we -- again, a suspicion that these were
9 the right persons, and that I appreciate is a vague
10 word, but the mere purpose -- the mere fact that these
11 persons bore a likeness to the people we are looking
12 for, that they had rucksacks and they were heading for
13 the transport system, then I would have felt duty-bound
14 to stop them getting on. But what I would probably go
15 on to say, sir, is that my training in the firearms
16 arena is not the same standard and regularity as what
17 the firearms officers coming to support me that day
18 would have been, and as such my plan would have been
19 different to the actions they carried out.
- 20 Q. Yes. How much of the plan for the firearms team were
21 you aware of? I'll be specific: were you aware of the
22 threshold required by a firearms team to intervene?
- 23 A. Are you talking about in this Kratos scenario, sir, or
24 just in general?
- 25 Q. I will take it in stages first of all. Did you regard

1 the operation you were on that day as a Kratos
2 operation?

3 A. Not at that stage, sir, no.

4 Q. We will leave Kratos to one side. In a non-Kratos
5 situation, did you understand what the threshold was for
6 a firearms team generally, and then I'll obviously have
7 to deal with it specifically, generally did you know
8 what the threshold was?

9 A. Without seeming vague, I know how the firearms team
10 would work with us in that operation; but your meaning
11 of threshold, sir?

12 Q. Yes. In order for them to intervene and do
13 an intervention and/or interception and/or stop, what do
14 they have to be told: it is the person, it may be the
15 person, a probable, a possible, a might be or what?

16 A. On that occasion, sir, on that morning I would say that
17 if we had had the firearms team there, then someone
18 coming out bearing a resemblance to the suspects we are
19 looking for would have been surveilled away and a stop
20 done. And we know from the log that for instance
21 a schoolgirl came out, that obviously wouldn't happen
22 with the schoolgirl.

23 Q. I just want to deal with the non-identified. Was there
24 any conversation at any stage with anyone about what you
25 might do with people who were obviously not suspects?

- 1 A. There is always an intelligence opportunity where
2 persons are leaving a premises, and with the right
3 resources and environment, you could obviously speak to
4 them in a low key manner, but that wouldn't have been
5 our job or our decision to do that.
- 6 Q. Was there any talk with the grey team about them doing
7 that?
- 8 A. I don't recollect it being discussed as a means of
9 operating, sir, no, sir.
- 10 Q. All right. Your position at this time, that's around
11 about 9.30, you are in Athlone Road which we can see on
12 the plan is to the north; is that right?
- 13 A. Yes, sir.
- 14 Q. Had you stayed there most of the time or moved around?
- 15 A. No, I had moved around, sir.
- 16 Q. So you just ended up at that point at that time. Now,
17 just moving on in terms of the grey team having arrived,
18 was there an agreement as to where the grey team should
19 position themselves?
- 20 A. I wouldn't dictate or instruct the grey team leader
21 per se. We would have a discussion, I would outline the
22 areas I had covered and my intention with people
23 leaving, and then as they were forming an outer ring,
24 sir, they would position themselves accordingly so they
25 could take the subject from us as he left or she left.

1 Q. I am sorry to be particular so long after the event, but
2 you would need to know where they were if you are going
3 to focus in on Scotia Road and ensure tight control, you
4 would need to know where they were, wouldn't you?

5 A. We were focused on Scotia Road, sir. Obviously the
6 environment there didn't lead to have the opportunity to
7 have numerous officers there --

8 Q. No, no, I appreciate that --

9 A. -- but they would have been, the grey team would have
10 been in a concentric ring, the next ring out.

11 Q. They would have been but where were they?

12 A. I don't know specifically where they were, sir. As
13 I referred to you, I couldn't tell you specifically
14 where my team were, except I had specific areas for them
15 to cover.

16 Q. Can I summarise it?

17 A. Sir.

18 Q. You didn't specifically know where your team was and you
19 didn't specifically know where the grey team was?

20 A. I am talking specifics, sir. On a surveillance plot to
21 say someone is outside number 22 Roupell Road,
22 I wouldn't know that, but what I would have covered,
23 sir, is that the areas that I felt and the term you used
24 is a term we use, a pinch point, that those pinch points
25 were covered.

1 SIR MICHAEL WRIGHT: You said, you told us that when James
2 arrived, you had a discussion with him and you told him
3 in broad terms what areas you were covering.

4 A. Yes, sir.

5 SIR MICHAEL WRIGHT: Once you had told him that, did you
6 regard yourself as needing to know where he had deployed
7 his men?

8 A. In terms of once he's happy his team is set, then I am
9 happy --

10 SIR MICHAEL WRIGHT: It's up to him.

11 A. You trust his information, sir.

12 MR MANSFIELD: Now, 9.33, just going to the log.

13 A. Sir.

14 Q. What is happening at this point, just to recapitulate
15 what you said on Friday, is that the Airwave system is
16 the only system that is, is it back-to-back and he,
17 Frank, in the van, can't use his Cougar?

18 A. He was having difficulty transmitting on the Cougar set.

19 Q. You were offered by James a replacement because they had
20 a van with a man with a system that worked, weren't you?

21 A. I may have been. I don't specifically recall the actual
22 line, sir.

23 Q. He will say, may say, I am anticipating because he has
24 said it before to Health and Safety, that that was one
25 of the things he offered, a replacement, and you turned

- 1 it down?
- 2 A. Yes, sir.
- 3 Q. Why?
- 4 A. Well, at that time although there was a communications
5 difficulty, we did have communications with the van.
6 The officer inside the van was happy to stay there. The
7 grey team weren't in a position, they weren't relieving
8 us as to take control, they were purely there to assist
9 us, and at that stage it was my decision to keep my team
10 in the inner ring and let the grey team do the outer
11 ring, rather than have a huge changeover of positions
12 and personnel moving, the aim obviously being not to
13 disturb the environment.
- 14 Q. Because of course one of the problems at 9.33 was that
15 he was inconvenienced at that very moment, Frank?
- 16 A. Yes, sir.
- 17 Q. You now learn?
- 18 A. Yes, sir.
- 19 Q. He couldn't do the camera and do a communication at the
20 same time, and the only communication he could do was
21 over Airwave; right?
- 22 A. That was right, sir.
- 23 Q. So what happened in practice, therefore, was he says
24 something which is then repeated by someone else onto
25 the Cougar system?

- 1 A. Correct, sir.
- 2 Q. Who's doing the repeating?
- 3 A. Possibly myself, possibly another of the officers, my
4 deputy. We would tend to have a dedicated officer who
5 would repeat that, invariably I would do it as the team
6 leader and that's because not only do I know what's been
7 said, then I have that record for the log.
- 8 SIR MICHAEL WRIGHT: We are told, we have been told, that
9 the camera that was in the van was not a camera capable
10 of transmitting pictures, it was just a video camera.
- 11 A. That's correct, sir.
- 12 SIR MICHAEL WRIGHT: What's its purpose?
- 13 A. It would be to take evidential film as an occasion
14 arose, sir.
- 15 SIR MICHAEL WRIGHT: For use afterwards?
- 16 A. For use afterwards.
- 17 SIR MICHAEL WRIGHT: It was not providing you with any
18 information at the time.
- 19 A. It wasn't giving us a live link to anywhere else, sir.
- 20 SIR MICHAEL WRIGHT: So the fact -- I appreciate the point
21 that it might be of evidential value if anything ever
22 had to be followed up at a later stage, but from the
23 point of view of assisting you that morning, it had no
24 function at all?
- 25 A. It might be in a position where if we felt we gathered

1 something that was pertinent -- obvious that needed to
2 go elsewhere in terms of, say, subject arrive at the
3 premises, that we might obviously think about getting
4 that out and away so other people could have access to
5 it.

6 SIR MICHAEL WRIGHT: But in the context of what happened
7 this morning, in the context of taking control of the
8 man who left the building, identifying him, following
9 him and handing him over to the grey team, it didn't
10 help you at all?

11 A. In real time it didn't, sir.

12 MR MANSFIELD: In real time it might help you, mightn't it?
13 Think about this. In real time it might help you,
14 mightn't it?

15 A. In terms of reviewing or --

16 Q. Yes, you replay what you have missed; correct?

17 A. One could do, sir.

18 Q. Did Frank realise that he could replay it immediately if
19 he was slightly inconvenienced in order to get a better
20 look at the person he had possibly only got half a look
21 at?

22 A. I don't know, sir.

23 Q. All right, you don't know. I'm going to ask you
24 carefully, you see what's written in the log which you
25 may have in fact relayed over Cougar, several things

- 1 about this. First of all, when you relay it over
2 Cougar, would that have been picked up by the grey team
3 as well?
- 4 A. Yes, it would, sir.
- 5 Q. And also by the operations room as well?
- 6 A. One would hope it would, sir, yes, sir.
- 7 Q. We will just go to the operations room log in a minute.
8 Is what is written down there by the loggist T9, and we
9 can see his name above, or his code, what was said or
10 was there more said?
- 11 A. I can't specifically recall if there was more said in
12 terms of the description. When you are logging, as
13 I had been, I would take verbatim as near as possible
14 and put it in the log, where a description is given,
15 because you are recording what that other officer is
16 seeing. I am not the loggist there, sir.
- 17 Q. No, no, I appreciate, but you are the team leader?
- 18 A. Yes, sir.
- 19 Q. Of course you may have to start taking some decisions or
20 not. When you heard "IC1", identity code 1, did you
21 automatically think that this is probably not someone we
22 are interested in, or what did you think?
- 23 A. Merely that it was an IC -- a white European male from
24 that description leaving the premises.
- 25 Q. Of interest or not?

- 1 A. At that stage, I would say my concerns weren't raised.
- 2 Q. Your concerns weren't raised. Well, in fact I want to
3 ask you whether more was said, or wasn't said. I don't
4 know, I wasn't there, I'm only having to ask you on the
5 base of what different people say. Did the broadcast
6 come over, or at least did you relay or someone relay
7 what was being said on Airwave that, first of all, it
8 was stubble rather than a beard?
- 9 A. I don't recall, sir.
- 10 Q. Because we can see that's been added on the next, in the
11 next entry, three minutes later, so you don't recall
12 that. Was anything said at 9.33 about whether he was
13 carrying anything, rather important?
- 14 A. He wasn't carrying anything, sir.
- 15 Q. Yes, I know, was anything said?
- 16 A. Yes, and I'll just come to that, sir. I wasn't logging
17 at the time and I made some of my own notes which have
18 been exhibited, and I do have a note to the fact that
19 there was nothing carried.
- 20 Q. So that was said?
- 21 A. That was said.
- 22 Q. But not logged?
- 23 A. Not logged.
- 24 Q. Is that an omission?
- 25 A. It could be construed as an omission, sir.

- 1 Q. Yes. You see, this is rather important, do you follow?
- 2 A. Yes, sir.
- 3 Q. This isn't idle curiosity. This is you being focused or
4 somebody being focused, so you picked up on the fact
5 that he was not carrying anything in your notes, but the
6 loggist hasn't managed to get that down as being said
7 and it isn't one of the amendments that we see later, is
8 it?
- 9 A. No, sir, but I would simply offer that the fact that if
10 somebody was carrying something, that would have gone in
11 the log. It's just purely my note at the time, I have
12 written and it is exhibited there --
- 13 Q. The negative is as important as the positive --
- 14 A. It is, sir.
- 15 Q. Just carrying on. Was anything else said by Frank at
16 9.33?
- 17 A. Not that I recall, sir.
- 18 Q. Not that you recall. So the words to the effect that,
19 "It would be worth somebody else having a look", you
20 don't recall?
- 21 A. I have that in my statement, sir, I was -- I thought you
22 were addressing as to what had gone in the log.
- 23 Q. That's right, I am. That's why I asked you --
- 24 A. May I just refer to --
- 25 Q. What do you want to look at, your statement?

- 1 A. Yes, please.
- 2 Q. Certainly. Do you have it there?
- 3 A. I am missing the statement for the 23 July.
- 4 Q. Certainly, you can have that.
- 5 A. Thank you, sir.
- 6 Q. The one on 23 July is 164. Have you got it?
- 7 A. Yes, it's in front of me now, sir.
- 8 Q. Do you want to refresh your memory from it now?
- 9 A. If I could, and I also believe I was asked something
10 similar at the other trial, sir.
- 11 Q. It's very short. It goes on to a second page, 165.
- 12 A. Thank you.
- 13 Q. That statement, it doesn't say anything about 9.33, does
14 it?
- 15 A. No, it doesn't, sir, no.
- 16 Q. It does say something about 9.36, changing the officer
17 from 81 to 50?
- 18 A. I think, is that on the second page?
- 19 Q. It's the second page, yes, do you have that?
- 20 A. Yes, got that.
- 21 Q. Since we have it there, and we have the log, how much of
22 the 9.36 entry is 50, and how much is not? Or is it all
23 50?
- 24 A. It was all 50 as of 9.36.
- 25 Q. All 50?

- 1 A. That's why I have amended the log as that, sir.
- 2 Q. So he has put out North African at some time, has he?
- 3 A. Yes, sir.
- 4 Q. Has he? When did he do that?
- 5 A. Well, it's in the log at 9.36 and therefore he's put it
6 out.
- 7 Q. I see, so we are clear, so we can write alongside from
8 your point of view that the whole of the entry at 9.36
9 is Frank. Would you like to look at your next
10 statement, 28 July?
- 11 A. Thank you, sir.
- 12 Q. That is page 166. I don't know whether you can speed
13 read, just go down the first page, and the second page,
14 5.40, 7.44, various copies of things, nothing there
15 about 9.33 or 36, is there?
- 16 A. I think I was questioned, sir, at the previous trial --
- 17 Q. Yes, I am just dealing with statements as it is brought
18 up.
- 19 A. Sorry, sir, thank you.
- 20 Q. There is another statement -- I don't think I am going
21 to go through the rest unless anyone wants me to. There
22 are others?
- 23 A. No, no, that's --
- 24 Q. There is nothing in any of your statements about 9.33,
25 in terms of hearing anything to the effect, so it's not

- 1 in the log, it's not in your -- check your notes, please
2 do.
- 3 A. Thank you.
- 4 Q. Would you like to just check them, make sure there is
5 nothing in your notes about that, or is there?
- 6 A. There is nothing in my notes.
- 7 Q. So there is no contemporary record by you or anyone else
8 that Frank said across the Airwave, "It would be worth
9 somebody else having a look"?
- 10 A. There is no specific written record, sir, but I do
11 recall that being said.
- 12 Q. All right. You see, if he had said that, and please
13 understand why I am asking it in some detail, the whole
14 trigger for what has happened to Jean Charles de Menezes
15 starts at Scotia Road, doesn't it?
- 16 A. Yes, sir.
- 17 Q. Right. If Frank said that, why is it not in the log or
18 added to the log by Frank when he goes through it?
- 19 A. I can't -- all right, it would be wrong for me to try to
20 explain why Frank never put something in as his entry,
21 sir, or not his entry.
- 22 Q. Why didn't you spot it?
- 23 A. The term "worth having a second look" would be more on
24 commentary, a direction as opposed to an evidential
25 recording, sir.

- 1 Q. It's an extremely important observation. It means that
2 the first person in the fixed observation point has got
3 a query, at least that, about the person who's come out
4 at a very inconvenient time for him?
- 5 A. Sir.
- 6 Q. That's very important, isn't it?
- 7 A. It is important, sir.
- 8 Q. Right, and when did you first discover that Frank was
9 incommoded at that time?
- 10 A. Not until later on, sir. I think it was probably at the
11 debrief and that's from recollection at this stage.
- 12 Q. All right. At this point, that's 9.34, 9.35, somewhere
13 round there, did you ring Pat or communicate, sorry,
14 I'll put it generally, how you did it is another matter.
15 Did you communicate with Pat about the person who had
16 just left?
- 17 A. I don't specifically recall ringing him. I don't know
18 what the telephone records say, sir.
- 19 Q. Well, I'll be forgiven, we had a quick check, but the
20 telephone records don't disclose that you did ring, but
21 you can communicate in other ways, can't you?
- 22 A. Absolutely. Again, working on the pretence(sic) that
23 they were monitoring our signals, I wouldn't necessarily
24 ring up every time something happened.
- 25 Q. No, I appreciate. Did you on this occasion, since

1 nothing had happened -- there had not been, just to
2 remind you and the jury for that matter, an exodus from
3 Scotia Road for quite a while, had there, about an hour?
4 The last of the sightings --
5 A. The last sightings are ...
6 Q. There was one at 8.35, an unidentified IC3, late 20s,
7 carrying a bag under his jacket?
8 A. Yes.
9 Q. That was the last one.
10 A. Yes, sir. There is a period of some 45 minutes, plus,
11 yes.
12 Q. So the best part of an hour?
13 A. Certainly, sir.
14 Q. So I just want to ask you carefully, because we are now
15 dealing with unidentified, or people who might be useful
16 for intelligence, that aspect of this.
17 A. Sir.
18 Q. Did you ring Pat and say: what do they -- something,
19 words to this effect -- what do you want me to do about
20 this man; asking for help, assistance, direction?
21 A. I don't recall making a call of that nature, sir.
22 Q. He says you did. You can't help?
23 A. I can't help. I don't know -- I say, I don't know what
24 the telephone record says, but I don't recall that, on
25 that particular instance, sir.

- 1 Q. I'm not suggesting it was necessarily a telephone call,
2 because there are other modes of communicating and you
3 have agreed that?
- 4 A. The two would have been either the radio or the
5 telephone, sir. That is not a sort of request during
6 the middle of a surveillance commentary that you would
7 be talking across other officers to ask a remote party
8 for directions. That would have been done by phone.
- 9 Q. All right, I'm not suggesting you talk across it in any
10 event because there is a delay between him coming over
11 the Airwave and obviously it going out over the Cougar
12 which Pat could pick up at New Scotland Yard?
- 13 A. Yes.
- 14 Q. At some stage, not over the top of a commentary, I have
15 to ask you, in the light of what Pat says, that there
16 was communication and you asking for assistance. You
17 don't recall that?
- 18 A. I don't specifically recall asking for assistance at
19 that stage, sir, no, sir.
- 20 Q. I want to suggest this may have happened because Nick,
21 who's a Silver liaison co-ordinator at Scotland Yard; do
22 you know him?
- 23 A. I haven't got his details there to say specifically who
24 that was.
- 25 Q. He's told us about concerns that you had radioed in, the

1 concerns related to the bus stops, the concerns related
2 to the presence of S019, or rather their absence, and
3 also as you could only view the communal door, what was
4 the procedure to be regarding stopping people who were
5 not suspects, namely women and children. Now, did you
6 ask about that?

7 A. I had asked earlier that morning, but I don't recall
8 specifically asking in reference to Mr Menezes.

9 Q. I will come back to Jean Charles de Menezes in a moment.
10 Were you told, because this is what he says, that you
11 were told that the buses had been suspended, all right?
12 I think that's your recollection, that's what you
13 thought?

14 A. Yes, sir.

15 Q. So that much you agree. That the TA Centre was being
16 researched, I don't know whether you remember being told
17 that?

18 A. Sir.

19 Q. Finally on this point, that in fact you would be
20 stopping all people coming out of the premises. Were
21 you told that?

22 A. I do not have a recollection of that, sir, no, sir.

23 Q. I suggest if you had been told that earlier on, maybe
24 half an hour or an hour before, you had been told that,
25 then plainly when this person comes out who isn't

- 1 automatically identified, then you would ring up Pat and
2 say, "What do we do about this person?" Do you follow
3 the logic of all this?
- 4 A. I follow the logic of your argument, sir.
- 5 Q. Then did you do it?
- 6 A. I don't recall doing it specifically about Mr Menezes,
7 sir.
- 8 Q. Let us move on with the chronology of what happened, we
9 have the log in front of us. For the red team, 9.33,
10 9.36. So if you can hold that in your mind for
11 a moment, and I want to go to what's being entered up on
12 the surveillance log at the control centre, as it were,
13 447, please. 9.34, so it's a minute later, that might
14 account for some delay in it being relayed over Cougar,
15 there is an entry but of course that is not the entry
16 that relays the information that you have heard over the
17 Airwave, is it?
- 18 A. At the 9.34 entry, sir? No, it's not.
- 19 Q. So do you think that the description that is in the 9.33
20 log that you have never went out over Cougar?
- 21 A. I think that it did go out over Cougar, sir, because we
22 were relaying everything coming out from the van that
23 morning on to the Cougar, otherwise the rest of the
24 team, our working sets are blind to it.
- 25 Q. Then certainly so far as the reds are concerned, since

1 you are in the right-hand column here, although you may
2 have been source of the fact that somebody came out, you
3 certainly weren't the source of a description which
4 might be termed "PIW", were you, possibly identical
5 with?

6 A. No, sir.

7 Q. Just moving again, it follows that, therefore, given
8 your threshold -- your threshold -- for intervention,
9 you at that point didn't think that the firearms were
10 there, nor did you, as it were, move towards
11 interception as planned with the greys; correct?

12 A. At that stage, no, sir.

13 Q. Were you contacting the greys about this person who's
14 logged as described in your log, back to page 474
15 please?

16 A. They were on the same radio channel.

17 Q. Yes?

18 A. So they would have been hearing the same communications
19 going out, the same -- that initially the red team would
20 be controlling them, or controlling the subject, and as
21 arranged they were going to take away anyone who needed
22 further surveillance on them.

23 Q. All right. Well, James and the grey team are coming
24 later today. Once you heard that the grey team had
25 taken it up, you backed off?

1 A. We remained in position. The only officers who moved
2 around that movement were the officers up on
3 Upper Tulse Hill. The grey team took over, we remain as
4 the inner ring and then we change radio channels to
5 allow them to move away undisturbed on the channel we
6 had been working on.

7 Q. As far as you were concerned, when he left your
8 containment or control, I know containment isn't a word
9 you use but left your control --

10 A. Sir.

11 Q. -- this was just an unidentified person who really was
12 of no particular interest to you?

13 A. At that stage, sir, I would say he was an unidentified
14 person. He is of interest because he has left that
15 block.

16 Q. But not beyond that?

17 SIR MICHAEL WRIGHT: The expression you use, "not of
18 particular concern"?

19 A. Not of particular concern, sir.

20 MR MANSFIELD: Right.

21 Now I just want to go back to basics as it were at
22 this point. Once of the things you said this morning as
23 a precondition for making an identification one way or
24 the other, whatever the threshold, and you have
25 described those, is of course having in the first place

1 as good an image of the person you are looking for as
2 possible; you agree with that?

3 A. I agree with that, sir.

4 Q. I would like you to look, could you have the original
5 back, at the pack that you had that the jury have had
6 handed round. (Handed)

7 I want to take it in stages. If you kindly get out
8 first of all ... (Handed)

9 You have got the original and I am not going to ask
10 the exercise to be conducted on copies that have been
11 made since.

12 Looking first of all, and I'm going to concentrate
13 on the Osman, the gym card photograph is there, is not?

14 A. Yes, it is, sir.

15 Q. Right. First of all, there are problems about only
16 having head and shoulders, aren't there?

17 A. Yes, sir.

18 Q. It's obvious?

19 A. Absolutely.

20 Q. You don't have the build, you don't have the height, the
21 gait, the way somebody walks, you don't have any of
22 that, do you? And in fact in your briefing or at any
23 stage, you weren't given any information about that,
24 were you?

25 A. Nothing, sir.

- 1 Q. Nothing at all. I know it's difficult now and if you
2 can't answer the question please say so, I'm not
3 pressing it, but if you were shown that photograph
4 today, for the first time, if you can possibly put
5 yourself in that position, what IC code would you give
6 it?
- 7 A. I would say that gentleman would possibly, given the
8 light in that photograph, he could be a light-skinned
9 African-Caribbean man or he could also be
10 a light-skinned Arab man, from that photograph.
- 11 SIR MICHAEL WRIGHT: Which would be code what?
- 12 A. Off the top of my head, sir, 2 or 6.
- 13 MR MANSFIELD: 2 or 6?
- 14 A. Sorry, 3 or 6, apologies.
- 15 Q. I think you have it written in the back of your book, do
16 you?
- 17 A. Absolutely, sir.
- 18 Q. Sorry, do you want --
- 19 A. No, that's -- and that was my --
- 20 Q. Written on the back of your book?
- 21 A. On the notebook, sir.
- 22 Q. You would say looking at the photograph, IC3 or 6?
- 23 A. Yes, sir.
- 24 Q. Either light skinned Afro-Caribbean?
- 25 A. Sir.

- 1 Q. But not white European?
- 2 A. From that photograph I wouldn't describe that man as
3 a white European, sir.
- 4 Q. Are there any distinctive features there, do you think?
- 5 A. The beard, and again -- I say technique, practice, for
6 me I always look at the eyes, the nose, the ears, not as
7 a face per se, just the positioning.
- 8 Q. Yes. I know this may be difficult, so in this
9 particular instance, what is it about the eyes, the nose
10 and the ears?
- 11 A. Just where they are, nothing distinctive, but the most
12 distinctive thing there is the beard, sir.
- 13 Q. That's a great relief, I am sure. Just the beard. Now,
14 I'm going to accept straightaway of course a beard can
15 come and go?
- 16 A. Sir.
- 17 Q. It's much more difficult to come than to go, as it were,
18 but they come and go, so you can't necessarily rely on
19 a beard, can you?
- 20 A. No, you can't, sir.
- 21 SIR MICHAEL WRIGHT: One of the things I think you do look
22 for is evidence of being recently shaved?
- 23 A. May well, sir, you may well.
- 24 SIR MICHAEL WRIGHT: That didn't arise in this case.
- 25 A. No, sir.

- 1 MR MANSFIELD: So far as just that image is concerned, would
2 you have regarded that as a really good basis to try to
3 make an identification?
- 4 A. It's -- it's not the best image I have seen going out on
5 an operation, sir, and likewise it's not the worst.
- 6 Q. You see, someone else thought -- well, I'll suggest who
7 it is, it's not me, it's another surveillance officer
8 who plays an important role, Ivor; do you know him?
- 9 A. I do know Ivor, sir.
- 10 Q. He thought it was a poor quality image, do you agree
11 with that?
- 12 A. It's a -- by its very nature, the type of photography
13 and the lighting there, it isn't the best image, sir.
- 14 Q. And of course you don't know when it was taken?
- 15 A. Undated, sir.
- 16 Q. I want you to keep that with you, as it were.
- 17 A. Sir.
- 18 Q. And then move to, I think you had in the briefing or you
19 had with you in your pack, did you, a CCTV image?
20 I think you have them there?
- 21 A. Yes, I do, sir.
- 22 Q. The one you have on top, which is the -- the jury have
23 seen it before and you said it was only the top image of
24 those two --
- 25 A. I only recall seeing the top one, sir, almost side-on.

- 1 SIR MICHAEL WRIGHT: Is that standing on the railway
2 platform?
- 3 A. It is, sir.
- 4 MR MANSFIELD: If you can hold it up for the jury to see,
5 they have seen it before.
- 6 In relation to that image, first of all, can you
7 tell by comparing the gym card with that image that we
8 are dealing with the same person?
- 9 A. I can't, sir, no, sir.
- 10 Q. No, you see we have had a lot of evidence from people in
11 the ops room, McDowall downwards, that it's a really
12 good likeness, but you wouldn't agree with that, would
13 you?
- 14 A. I couldn't say that that -- I would be -- professionally
15 say that that is the same person, sir.
- 16 SIR MICHAEL WRIGHT: I think you told me on Friday that you
17 would not be able to do an identification on the basis
18 of that photograph?
- 19 A. On the CCTV one, no, sir, we wouldn't.
- 20 MR MANSFIELD: As we know that in fact it was, but this is
21 a different point, the person in the CCTV, you do get
22 an impression of their height, or at least their -- the
23 way in which they stand, do you not?
- 24 SIR MICHAEL WRIGHT: And their build.
- 25 A. That could be inferred, sir, if your knowledge of the

1 tube station there is good in terms of how high the
2 background furniture is, the type of clothing, and
3 obviously in that particular picture the baggage that
4 he's wearing. It would all --

5 MR MANSFIELD: All help?

6 A. All help or disguise, perhaps.

7 Q. Of course, one has to do that.

8 A. But not -- sorry, disguise would be the wrong word, sir,
9 but in terms of giving yourself an accurate picture of
10 that person.

11 SIR MICHAEL WRIGHT: Could you just hold it up again so the
12 jury can see it. You can see he is not obese.

13 MR MANSFIELD: Could it be scanned on the screen? I don't
14 think the jury have it.

15 SIR MICHAEL WRIGHT: I think they do. What's the page
16 number, please, Mr Mansfield?

17 A. It doesn't have a number, sir.

18 SIR MICHAEL WRIGHT: It may not be scanned in.

19 A. There it is.

20 SIR MICHAEL WRIGHT: That's not nearly such a good version
21 as the one you have.

22 MR MANSFIELD: May I be permitted to check with the jury as
23 to whether they have that one?

24 SIR MICHAEL WRIGHT: Of course.

25 MR MANSFIELD: That's a better one.

1 SIR MICHAEL WRIGHT: There he is sideways on with the
2 rucksack. You can see that he is not a fat man, anyway.

3 A. Not at first sight, sir, no.

4 SIR MICHAEL WRIGHT: There are two other men there, average
5 sort of height. Not very helpful.

6 MR MANSFIELD: Really the only thing you can add, because
7 you can't do the nose, eyes and ears on that. It is
8 clear there is a beard there on that one.

9 A. There is shadow there, sir, is that a beard or is it --

10 Q. Fair enough.

11 A. That's just my observation on it.

12 Q. Perfectly understandable. Not much you can glean from
13 that, therefore. What you really need if possible is
14 much clearer photographs. Now, were you ever made aware
15 that there were other photographs found in the rucksack?

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

17 Q. These have been called, just for sake of ease, the
18 wedding photographs, and the jury do have these. I'll
19 give the divider number of them, so you can get
20 a glimpse. They are 39 in the jury bundle. They will
21 come on screen. I'm going to go through them quickly.
22 The jury have seen them. There is a woman on the left
23 who is not irrelevant and there he is on the right.
24 Could we just move through these, please.

25 These have been reassembled, they were torn

1 originally, as you can see. The next one, please.

2 That's as they were in a torn form. And the next one,
3 please. (Pause)

4 Just pausing on that for a moment, this is a sort of
5 close-up of the wedding photograph. The point about
6 eyes, ears and mouth is particularly obvious there,
7 isn't it?

8 A. I wouldn't, sir, say that's something I use, so whether
9 other officers draw inference -- but I always look for
10 that when looking at the face.

11 Q. I understand that. I think there are a few more,
12 please. I think we have seen that already. Thank you
13 very much.

14 You didn't have those?

15 A. No, sir.

16 Q. I just want, before the break, to deal with a final
17 topic, if I may. I think you said you had been on
18 operations before; you had been doing surveillance with
19 Special Branch for a number of years?

20 A. Yes, sir.

21 Q. Were you involved in an exercise called Ragstone?

22 A. I wasn't involved on that deployment, sir.

23 Q. But you know about it?

24 A. I knew of it.

25 Q. You knew of it?

- 1 A. In general terms, sir.
- 2 Q. Where there is, and please, I am being very careful, in
3 broad terms, if Special Branch go out on a surveillance
4 with a camera and take hundreds of photographs, then
5 when surveillance and Special Branch return to London
6 with the photographs, they are not just stuck in a back
7 room file and left to rot, are they?
- 8 A. They would be processed for their intelligence value,
9 sir.
- 10 Q. One of their intelligence values is of course trying to
11 identify vehicles and people in the photographs;
12 correct?
- 13 A. Yes, sir, correct.
- 14 Q. So what we have had done, and I did not have ready the
15 other day but very kindly they have now been produced,
16 is a small bundle which I would ask to go in the jury's
17 dividers as they now have them. They are Ragstone
18 photographs, some of which have already gone in, but --
- 19 SIR MICHAEL WRIGHT: Yes, there are some in there already.
- 20 MR MANSFIELD: This is a fuller version of what had been
21 taken, and perhaps they could be distributed and I'll
22 explain what's happened. There is a bundle for
23 everybody.
- 24 SIR MICHAEL WRIGHT: Members of the jury, you will find some
25 Ragstone photographs at 54.

1 MR MANSFIELD: Yes, I'm much obliged. I wonder if they
2 could go in 54.

3 SIR MICHAEL WRIGHT: Instead of or as well as? I think they
4 are duplicates, some of them.

5 MR MANSFIELD: Some of them. (Handed)

6 May I explain what's happened? There are in fact
7 many more than this, but there was concern at all the
8 photographs being placed before the jury because of the
9 identification of other people that are not concerned.
10 So I make it clear straightaway that we have selected
11 them so as to eliminate or minimise the risk of others
12 being identified other than Osman. May I make it clear,
13 there are other photographs of Osman besides these.

14 May I just go through them with you, Derek?

15 A. Sir.

16 Q. The first photograph in each bundle should be a white
17 van, DAF. The second photograph I ask you to bear in
18 mind, that's a blue Volkswagen with the registration
19 number L199, and the third is a transit van. So that's
20 vehicles.

21 A. Sir.

22 Q. These are taken on different days by Special Branch up
23 in the Lake District. This is Osman. I am sorry, these
24 should have been numbered. I wonder if perhaps the jury
25 and others can number them as we go through. This is

1 the fourth photograph, of Osman, in fact we will see,
2 walking towards vehicles, and so is the fifth
3 photograph, and so is the sixth, and so is the seventh,
4 so it's a progression of photographs walking behind
5 these vehicles, so is the eighth and the ninth, he stops
6 behind the blue Volkswagen; do you see?

7 A. Got that, sir.

8 Q. The tenth -- I am afraid there were some others but they
9 have been blotted out -- he is behind the Volkswagen, as
10 he is in the 11th, and the 12th, and the 13th and the
11 14th, all -- I am sorry to do it slowly in this way,
12 15th is the same, by the blue Volkswagen, 16th. Then
13 there would be a divider in the original bundle, we come
14 to another day or maybe the same day, a bit later with
15 his top off, so we are now on photograph number 17 at
16 the back of a VW, 18 at the back of the VW, 19, 20, 21,
17 22, 23, 24, 25, 26. When we come to 27, again the upper
18 clothing has changed to the extent that we are down to
19 a vest, and it may be a little later on the same day, or
20 27, still at the back of the blue VW, 28, 29, 30, 31
21 with a top on. So sorry, these have been put in by
22 mistake. I do apologise. Mine has got -- actually goes
23 to a VW.

24 I don't ask the jury to take them out, 31, 32, 33 is
25 not Osman, and 34 is the VW again -- that's Omar. 35

1 and 36, can I just check, are shots of the VW with
2 someone in the driving seat, and 36 as well. That's in
3 the same bundle.

4 Can I just check, because the two 35 and 36, my
5 understanding was, from an index, but I'll check it now
6 so we can have it clearly -- the last two are merely
7 shots of the VW again -- is that 35 and 36 are Osman.
8 Can't help? That's what I was led to believe. I'll
9 leave those to one side for the moment, that's numbered
10 hopefully, should be 38 photographs. I hope everybody
11 has 38. I think everybody has.

12 Now, save for the ones in the beige top, the ones in
13 the blue track suit and the white, various forms of
14 white top which come at 17 and 16 and so on --

15 SIR MICHAEL WRIGHT: Right down to 30.

16 MR MANSFIELD: Yes, right down to 30, of course those
17 provide Special Branch with a much better, albeit not
18 perfect, overview of this person, do they not?

19 A. They are certainly better images of that person.

20 Q. If you had been shown those, and you had the gym card
21 and you had the wedding photographs, the question is:
22 you couldn't have said the person in the gym card was
23 the same as the person on the station, the CCTV?

24 A. Correct, sir.

25 Q. Would you have been able to compare these images we know

1 are taken of Osman with the gym card or the CCTV? Well,
2 I'll leave CCTV out of it because you say there is not
3 enough to compare. Would you have been able to compare
4 the gym card with these and say they were the same or
5 not?

6 A. Just looking at the images --

7 Q. Yes?

8 A. -- I would have looked, if there is a similar photograph
9 of the face on in there, I wouldn't do it on a profile,
10 sir.

11 Q. I appreciate that, you wouldn't do it on a profile, so
12 that again the nearest we get --

13 A. 22 perhaps.

14 Q. Yes. Is the one where he is in the white top as opposed
15 to the blue top. Number 17 is again profile, 18 is
16 profile, 19 and obviously 20 is the back, and 22 in my
17 bundle, is it the same in yours?

18 A. Just where he is raising his T-shirt, sir.

19 Q. Yes, that one, is more of a --

20 A. You see more of him.

21 Q. -- in that one than you do in the others. And obviously
22 you get his build and so on.

23 Let us concentrate on 22 just for the moment. Would
24 you have been able to say that that person in that
25 photograph, concentrating on that, is the same as the

- 1 person in the gym card, photograph 22?
- 2 A. Just in terms of comparing the two --
- 3 Q. That's right.
- 4 A. -- I would have -- I wouldn't be in a position to say
- 5 positively.
- 6 Q. So how would you categorise it? I am sorry to put you
- 7 through this in the witness box.
- 8 A. Not at all, sir.
- 9 Q. How would you categorise it?
- 10 A. From my terminology I would say he bears a strong
- 11 resemblance.
- 12 Q. To the gym card?
- 13 A. Or the gym card to him, a strong resemblance.
- 14 Either/or, sir.
- 15 Q. Right. Unless you had another passport type of image of
- 16 the person said to be Osman in the gym card, you
- 17 wouldn't be able to get as far as you need?
- 18 A. Again, from photographs, one can look at photographs,
- 19 several different photographs, the crux of the matter is
- 20 not whether the photographs are the same, but who's in
- 21 front of you.
- 22 Q. Yes. There, as we saw on this day, one officer can
- 23 think you have got the person and the other can think
- 24 you haven't?
- 25 A. That could be the case, sir.

1 MR MANSFIELD: Thank you.

2 SIR MICHAEL WRIGHT: Well, that would be a convenient place
3 for ten minutes' break. Quarter to, ladies and
4 gentlemen.

5 (11.40 am)

6 (A short break)

7 (11.50 am)

8 (In the presence of the jury)

9 SIR MICHAEL WRIGHT: Mr Gibbs, you are going last
10 presumably. Mr Stern?

11 MR STERN: I have no questions.

12 SIR MICHAEL WRIGHT: Ms Leek?

13 MS LEEK: No, thank you, sir.

14 SIR MICHAEL WRIGHT: Mr Perry?

15 Questions from MR PERRY

16 MR PERRY: Thank you, sir.

17 Mr Derek, just three topics, please. My name is
18 David Perry and I represent Cressida Dick, as well as Mr
19 McDowall, Mr Esposito and Mr Purser.

20 The first thing I want to ask you about, just never
21 shortly, is this: you have told us about Frank, who we
22 know is in the van parked close to the premises in
23 Scotia Road, and you have told us that he was
24 transmitting on the Airwave radio and I just want to ask
25 you one very short point in relation to that, please.

1 The Airwave radio, to operate that you have to put it
2 into your hand; is that right?

3 A. It's a hand-held radio, sir.

4 Q. Whereas the Cougar sets you would have microphones
5 attached to your clothing, would you?

6 A. The Cougar set comes in a variety of forms. Some will
7 have microphones that are attached to your body, sir,
8 some might be covertly fitted in a vehicle, sometimes
9 you would use a headset, sir.

10 Q. Thank you very much for that. The next topic I want to
11 deal with, please, again I hope I can deal with quite
12 shortly, is the topic of telephone calls. What I would
13 like the ladies and gentlemen of the jury to do, if they
14 don't mind, is to go to divider 50, please, to the hard
15 copy of the telephone schedule that we produced. It's
16 the schedule that's got almost all of the -- it's the
17 smaller schedule, calls from just after midnight. It's
18 the ten page-schedule. We will have it up on the screen
19 as well.

20 The purpose of looking at this, Derek, so you and
21 everyone else knows, is just to plot if we can some of
22 the contact that you were having through the use of your
23 telephone. I want to try to establish two points
24 through you, if I may.

25 First of all, I think we see the first time you are

1 using your telephone is at 6.21.02 and there is a call
2 for 1 minute and 26 seconds, you, the leader of the
3 surveillance team but it's to a redacted number. So we
4 can jump over that.

5 If we go on to 6.38.37, there is you through to the
6 operations room, and then over the next period of time,
7 just going up to, after 7 o'clock on that page, we can
8 see some contact between you calling in to the
9 operations room or the operations room calling you. You
10 see that?

11 A. Yes, I do, sir.

12 Q. These are from the records so it's quite a good starting
13 point. I just want to establish this with you: at this
14 time, the surveillance monitor on duty was not Pat. We
15 know that. It was someone called
16 Detective Constable Barker, because Pat doesn't come on
17 until 8 o'clock. Can you recall talking to the other
18 surveillance monitor, Detective Constable Barker?

19 A. I recall talking to both sergeants in the operations
20 room when we first started, which would have been around
21 6 am, and I obviously had conversations with DC Barker
22 during the course of the morning because at 7.44 I did
23 actually make a specific note about what he had told me
24 in terms of names for identification purposes.

25 Q. Yes. When you say what he had told you about names for

1 identification purposes, was that Osman equals
2 Nettle Tip?

3 A. Yes, it was, sir.

4 Q. If we go in the period on page 3 of the schedule in the
5 hard copy, but it's from 7.13 in terms of the screen, we
6 can see again in the period leading up to 8 o'clock
7 contact between you and the operations room and also the
8 operations room and you. If we just look at 7.44, we
9 can see the operations room calling you. So that would
10 probably have been Mr Barker giving you the information?

11 A. Yes, sir.

12 Q. Thank you. Then we know Pat comes on at 8 o'clock, and
13 what I want to do for these purposes now is just show,
14 after 8 o'clock we have some contact between you and the
15 operations room; 8.10.32, you calling the operations
16 room; 8.19, you calling the operations room; 8.24, you
17 calling Trojan 84. So you are in contact with --
18 perhaps I should call him Trojan 84 -- the tactical
19 firearms adviser who we know is on his way to
20 Nightingale Lane at this point?

21 A. Yes, sir.

22 Q. So he was telling you that they were on their way to
23 Nightingale Lane?

24 A. I do remember the call at 8.20 where he -- I asked what
25 time they were joining me, and he said words to the

1 effect that they are going to Nightingale Lane for
2 another briefing.

3 Q. For their briefing. Then if we just go down to 8.29,
4 there is another contact between you and the operations
5 room; and then at 8.35, more contact between you and
6 Trojan 84 followed by further contact between the
7 operations room calling you at 8.36, 8.37 and 8.38. You
8 see that?

9 A. Yes, sir.

10 Q. Then if we go on, there is further contact, I won't pick
11 it all up, but at 8.51 there are three calls from the
12 operations room to you. Then if we go into the 9
13 o'clock period, 9 o'clock there is a call to you, just
14 after 9, 9.01 and 9.02, further calls to you.

15 Then at 9.06, you are calling Trojan 84. So this is
16 another call when we know that he was at
17 Nightingale Lane?

18 A. Correct, sir.

19 Q. He would have been telling you precisely where they were
20 and what they were doing?

21 A. I think that's probably in the context of a chase-up
22 call to see if there was a likelihood of anyone
23 arriving.

24 Q. He would have told you what stage they had reached and
25 what time they were likely to be there?

- 1 A. I never got a time, as I said on Friday. I never got
2 a specific time that anyone would turn up to assist us,
3 sir. It was always referred to "as soon as possible" or
4 "they are on way".
- 5 Q. Forget about a specific time at the moment, because we
6 are talking about a series of telephone calls and we are
7 trying to do our best to reconstruct what happens.
- 8 A. Sir.
- 9 Q. At 9.06 you are calling Trojan 84?
- 10 A. Sir.
- 11 Q. So you would have been saying to him: where are you,
12 what's the state of play; and presumably he would have
13 told you?
- 14 A. I don't remember the exact words, but it was probably
15 recounted as something like they are still at
16 Nightingale Lane.
- 17 Q. If we just drop down to 9.26, you are calling the
18 operations room and then at 9.28. Now, what I just want
19 to do by reference to this schedule, if I may, please,
20 Derek, is this: you were asked questions a moment ago
21 before the break about evidence that has been given by
22 Pat, and it was put to you that Pat had said that he had
23 a conversation with you when you had called in to the
24 operations room asking for directions after 9.33. Now,
25 you made it clear that if you had been asking for

- 1 directions, you wouldn't have used the Cougar channel,
2 you would have used your telephone?
- 3 A. Correct.
- 4 Q. We can see here that you called in at 9.28 to the
5 operations room, and then the next contact that you have
6 in this is there is some contact when Owen speaks to you
7 at 9.39, and then the next contact you are shown to have
8 with anyone is at 9.42.18 with Derek -- with Trojan 84.
9 Do you see that.
- 10 A. Yes, sir.
- 11 Q. It doesn't appear from this that there is certainly any
12 call from you to Pat at that stage?
- 13 A. Not specifically from those records, no, sir.
- 14 Q. Then if we go on, we can see at 9.43, Trojan 84 is
15 making a call to you, the leader of the S012 red
16 surveillance team?
- 17 A. Yes, sir.
- 18 Q. Do you see that? Can you recall transmitting over the
19 radio that the firearms officers were actually deploying
20 to the TA Centre?
- 21 A. No, I never made that transmission, sir.
- 22 Q. You see, other members of the surveillance team may say
23 that you made that transmission, and that they would be
24 located in a holding position at the TA Centre; do you
25 recall anything like that?

1 A. I don't recall that happening, sir. I do have
2 a recollection of being phoned around that period, some
3 time, a little time after Mr de Menezes has come out and
4 the grey team have taken away, we have done the channel
5 change, myself getting a phone call from Trojan 84 and
6 asking the location of the suspect or under
7 surveillance. And just advising them that it wasn't my
8 surveillance team who was doing that particular follow,
9 but it was the grey team, and furnishing them with
10 relevant telephone numbers.

11 Q. Shall we just try and follow that through, because at
12 9.43.46, and at 9.44.08, there is Trojan 84, first of
13 all calling you and then Mr Esposito, and then there is
14 another call, 9.46.47 where Trojan 84 is calling you for
15 a period of 27 seconds.

16 Now, this is at about a time when the firearms teams
17 are actually at the TA Centre?

18 A. I can't dispute that, sir. I was never specifically
19 told they were at the TA Centre.

20 SIR MICHAEL WRIGHT: By that time, of course, Mr de Menezes
21 was way away from you?

22 A. Yes, he was, sir.

23 SIR MICHAEL WRIGHT: Mr Perry, forgive me, what is the point
24 of all this? Tell us what the point is, and the witness
25 might agree with you.

1 MR PERRY: The point is to demonstrate the contact, sir, and
2 I am trying to explore precisely what was going on at
3 this time.

4 If I may just finish the exercise, sir, because if
5 we just go over the page, page 8 in the hard copy, we
6 can see that there was also contact between you and
7 Trojan 84 at 9.59.04, and at 9.59.36 Trojan 84 is on the
8 telephone to Mr Esposito, and we know from what
9 Trojan 84 has told us, that was at a time when they were
10 at Brixton Town Hall. Can you remember those
11 conversations? What was --

12 A. I don't recall having a conversation further to -- with
13 Trojan 84 about specific locations.

14 SIR MICHAEL WRIGHT: It wouldn't have had anything to do
15 with Mr de Menezes, would it, on the face of it?

16 MR PERRY: Sir, if I may just ask, because that is the
17 point -- you have given us what you were discussing with
18 Trojan 84 but I want to see whether we can get it into
19 sequence, because if they were arriving at the TA Centre
20 and Trojan 84, it would be the obvious thing for him to
21 call you and say, "We are now at the TA Centre"; and the
22 conversation about where the subject was, were the later
23 calls with Trojan 84, when he was seeking information
24 from the surveillance teams as to where the subject was?

25 A. No, again, sir, I do not have a -- any recollection of

1 a call telling me that the firearms team were there. In
2 fact, the first I knew they were there was when they
3 came up on the radio channel some time after 10 o'clock.

4 Q. I have finished with the telephone schedule, thank you
5 very much.

6 A. Thank you, sir.

7 Q. You have told us about contact with the operations room,
8 and you said that if a person had been identified to the
9 best possible extent, and they were, for example,
10 carrying a rucksack, that you would carry out a stop.
11 Now, can you remember, would that have been
12 a conversation that you had had with Mr Barker or with
13 Pat?

14 A. I can't remember the specific monitor. I raised my
15 concerns that I had during the morning and it was a case
16 of last resort action should that scenario develop.
17 I was rather hoping that the firearms team would be
18 there for that, and that I wouldn't have to try that
19 sort of action with my officers.

20 Q. Yes. But you can't now recall which monitor it was?

21 A. I can't specifically recall which monitor I was speaking
22 to.

23 MR PERRY: Thank you very much, Derek, that's all I ask.
24 Thank you, sir.

25 SIR MICHAEL WRIGHT: This is not a question you can answer

1 but I'm going to put it out so that you will know that
2 a member of the jury is expressing concern about it.

3 There is a footnote to the schedule that calls from
4 C1600 are not all recorded, and the question really is:
5 how reliable is this telephone schedule? I think the
6 answer may be that it's reliable insofar as it shows
7 anything.

8 MR PERRY: The calls on it are reliable, sir.

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

10 MR PERRY: There will be an explanation as to what happened
11 in relation to the telephone records so far as room 1600
12 is concerned.

13 SIR MICHAEL WRIGHT: There you are, you have to bide
14 yourselves with patience.

15 MR PERRY: But the calls shown on this are accurate.

16 SIR MICHAEL WRIGHT: Reliable as to time?

17 MR PERRY: Yes.

18 SIR MICHAEL WRIGHT: Thank you, Mr Perry. Mr Horwell.

19 Questions from MR HORWELL

20 MR HORWELL: I have only a very few questions for you,
21 Derek. My name is Richard Horwell and I appear on
22 behalf of the Commissioner.

23 A. Sir.

24 Q. It was never your understanding either at the briefing
25 or at any stage thereafter that everyone coming out of

1 this block would be stopped?

2 A. We were never directed to that purpose.

3 Q. Thank you. Various questions have been asked about
4 where surveillance officers were located, and you were
5 asked about the green. Can I just bring the green back
6 to our minds, please? We have two photographs at the
7 green. The screen will suffice. The first is at tab 6
8 of the jury bundle. Just to remind you, Derek,
9 Scotia Road, I think is almost behind the photographer;
10 yes? This is the view that somebody would get on
11 leaving Scotia Road. That area in the centre with the
12 wooden fencing, you can just see it, that's the
13 children' play area. If we go to photograph 19, tab 7,
14 that's another view where one can easily see the
15 children's play area.

16 Now, it's an open space. Would I be right in saying
17 not ideal for surveillance officers?

18 A. Not ideal to be standing or sitting there for any long
19 period at that time of the day.

20 Q. Because it's open, stand out like a sore thumb, and it
21 is in part a children's playing area, and perhaps there
22 are other reasons, if there are, say so?

23 SIR MICHAEL WRIGHT: I don't think we need to exercise our
24 imagination too much, Mr Horwell.

25 MR HORWELL: Exactly.

- 1 SIR MICHAEL WRIGHT: Large middle-aged gentlemen sitting
2 around a children's playground might attract a different
3 kind of attention.
- 4 MR HORWELL: They would be arrested within minutes, is my
5 suggestion.
- 6 The point I seek your help on, Derek, because we
7 have heard a lot of evidence and questioning about this
8 area, and I think you have dealt with it, in no sense
9 ideal for surveillance officers?
- 10 A. Not that particular location we are looking at.
- 11 Q. Your net is a wider one?
- 12 A. Not necessarily, sir. The --
- 13 Q. In these circumstances, sorry.
- 14 A. Between the address we were focusing on and what one
15 would expect as the normal route out, apart from the
16 initial point of that observation, there wasn't anywhere
17 that offered itself to be a good place to put a second
18 officer in that immediate area and that included the
19 playground area.
- 20 Q. Just so that we understand, the suggestion from James
21 that the grey team could replace the van, the danger of
22 doing that is that you blow the covert nature of the
23 operation; is that right?
- 24 A. There is always a fear that when you move in or out
25 around a premises you are working on, that that very

- 1 movement will attract attention, if you are not locals,
2 and to replace one vehicle with an another in a short
3 space of time would -- and bearing in mind the events of
4 Madrid, was too high a risk at that stage.
- 5 Q. You have highlighted the problem, Derek, if I may say
6 so. There is no point in having another van unless it
7 replaces the first within really seconds?
- 8 A. You would need to bridge that gap somehow, but someone
9 loitering in the street down there wouldn't be
10 sufficient.
- 11 Q. That in itself could draw attention to what is
12 happening?
- 13 A. Exactly.
- 14 SIR MICHAEL WRIGHT: You are in a dilemma again, aren't you?
- 15 A. Yes, sir.
- 16 SIR MICHAEL WRIGHT: If you hang around for too long, you
17 may attract attention. If you move around too much, you
18 are likely to attract attention. You have to strike
19 a balance between the two?
- 20 A. Yes, sir.
- 21 MR HORWELL: You have been asked a lot of questions about
22 photographs.
- 23 A. Yes, sir.
- 24 Q. The two photographs that you were shown before this
25 operation, one was of the bomber, the CCTV photograph,

1 definitely of the bomber, no mistake about that; and the
2 second photograph was a photograph from a gym card found
3 in the bomber's rucksack, and we have heard evidence
4 from 7 July that for reasons that we need not even begin
5 to speculate about, suicide bombers on occasions take
6 with them property that is capable of identifying them.
7 As I say, why on earth that should be the case, one need
8 not speculate, but that is the evidence that we have
9 heard, Derek.

10 So we have a certain photograph of the bomber,
11 albeit of poor quality, the CCTV photograph; we have
12 a photograph within the rucksack that is traced to a gym
13 club that he joined in 2003, and that photograph was
14 thereby obtained. Therefore there is a connection all
15 the way through. Nothing, in your opinion, Derek,
16 dangerous about using those two photographs?

17 A. Nothing in any -- in lieu of anything else or better
18 photography, sir.

19 Q. You have been shown just some, and I emphasise some of
20 a collection of 416 photographs that were taken during
21 the course of Operation Ragstone. We know from other
22 evidence that during the course of Ragstone, Osman was
23 never identified; he was an unidentified male in those
24 photographs; do you understand?

25 A. I understand the terminology, sir.

1 Q. You have said that at best the photographs, the very few
2 that you have been shown -- one would have to look at
3 all 416 to carry out this exercise -- but on the few
4 that you have been shown there was a strong resemblance
5 but would you not agree that it would have been
6 misleading and dangerous to have used those photographs
7 in these circumstances?

8 A. I don't think misleading, sir. Anything that would have
9 been better than what we had would have been welcomed.
10 Whether that, from the quality and those other images,
11 having only looked at a handful this morning, anything
12 that would give you a better chance of identifying
13 someone is always welcome by surveillance officers.

14 Q. Of course, but there must have been a danger in the
15 circumstances that we have heard that this was another
16 man that was photographed at Operation Ragstone?

17 A. At that time of the briefing, sir, I was unaware of --

18 Q. Of course.

19 A. -- that level of photography or --

20 Q. That is the danger that I am suggesting that must apply
21 when one uses a photograph in these circumstances?

22 SIR MICHAEL WRIGHT: It comes to this, doesn't it: if you
23 had the Ragstone photographs and seen the pictures we
24 have been looking at this morning, you would not have
25 known for certain that that, the features on those

1 the first area to be addressed, and that we did. After
2 that, you are looking at the natural entrances and
3 exits, and we were happy that there were no other
4 footpaths leading out, or vehicular access leading out,
5 apart from Marnfield Crescent. So therefore as
6 Mr Mansfield referred to it as the pinch point, it was
7 to cover that pinch point as someone either on foot or
8 in a vehicle left on to Upper Tulse Hill.

9 Q. I dare say you have surveyed a lot of different
10 addresses in your time?

11 A. I have, yes, sir.

12 Q. Would I be right in thinking that you have conducted
13 operations against the IRA and Al Qaeda and other
14 organisations?

15 A. Yes, I have, sir.

16 Q. You have got a van, we know that Frank's in it, and it's
17 covering the communal door. Do you know, at any
18 particular minute, where the other members of your team
19 are who are covering the potential pinch point?

20 A. No, I would leave that to the officers' own discretion
21 and instinct as to where they felt most comfortable to
22 be, but they would be aware that that was their
23 responsibility to cover a specific point or a specific
24 area.

25 Q. Obviously in an ideal world or on television you might

1 have a screen that showed where everybody was and little
2 flashing lights, but in the real world I don't think
3 it's quite like that?

4 A. No, sir, it's done with an atlas and pen and paper,
5 usually.

6 Q. Thank you. Could we have the page of the log which you
7 were being asked about? I think it's document page 474.
8 The point that I think was being made was that the
9 entries at 9.33 and 9.36 don't say "not carrying
10 anything"?

11 A. Correct, sir.

12 Q. Firstly, who's writing those entries?

13 A. That's another officer on the team who I instructed to
14 take on the role as loggist just before 8.45 am.

15 Q. Do we see he's called T9?

16 A. Tango 9, sir.

17 Q. The earlier entries were yours?

18 A. They were my handwriting up to and including 8.39, sir.

19 Q. You said something about recording when someone was
20 carrying something. Can we see, for instance, at 10.38
21 an example of that?

22 A. Yes, we do, sir.

23 SIR MICHAEL WRIGHT: Two bags, yes.

24 MR GIBBS: I am not sure whether I'm reading it right, is
25 the word "bag" also in 8.39?

- 1 A. "bag under jacket".
- 2 Q. So the person before and the person after appear to have
3 been given descriptions which included the carrying of
4 a bag?
- 5 A. That's correct, sir.
- 6 Q. The other thing about this that you were asked was, do
7 you remember Frank saying words to the effect of "worth
8 someone else having a look"?
- 9 SIR MICHAEL WRIGHT: Can I just pick that up, Mr Gibbs.
10 I think it probably follows a point Mr Mansfield was
11 making. You had recorded the presence of the bag under
12 the jacket at 8.39. Your colleague had recorded the
13 carrying of two bags at 10.38. If you as a surveillance
14 officer were reading another surveillance officer's log,
15 would you, if no mention was made of a bag, regard
16 yourself as being able to assume from that that there
17 wasn't one?
- 18 A. Yes, sir.
- 19 MR GIBBS: Or at least none that was visible?
- 20 A. None visible, sir.
- 21 Q. Yes. I was going to then ask you about this comment
22 from Frank over the radio that the man who had come out
23 was worth a second look or worth someone else having
24 a look. Do you remember that actually being said?
- 25 A. I remember the radio transmission, sir.

1 Q. I think the point that's being made is, well, look, it's
2 not on the log, and we can ask those who were there
3 whether it was said and whether they heard it. When
4 a commentary is going on between surveillance officers
5 over the surveillance channel, is it all written down in
6 the log?

7 A. No, it's not, sir.

8 Q. Forgive me for asking such an obvious question, but why
9 not?

10 A. If a person is travelling, and again to try to explain
11 fully without giving away technique, if a person is
12 travelling between two points by car, we would look to
13 show that person into the car as evidence, and then
14 arriving at his destination. Now, the intervening
15 period might be two hours by car. Unless that route had
16 some significance along the way that we had intelligence
17 they were looking for something along the way, then we
18 would record the route almost blow by blow. If someone
19 had travelled to Wales by motorway, it would probably be
20 a time shown for going on to the M4 and crossing the
21 Severn Bridge. So it really depends on the unique
22 circumstances of the day.

23 SIR MICHAEL WRIGHT: You also said earlier to Mr Mansfield
24 that you look to record facts and not opinions.

25 A. Exactly, sir, and the opinion or one team member

1 instructing another or advising, wouldn't necessarily go
2 in the log, sir.

3 MR GIBBS: Now, we know that a number of other officers in
4 fact did try to take a look --

5 A. Yes, sir.

6 Q. -- at this man. Why was that, did you understand?

7 A. Well, my understanding, I had a couple of officers in
8 the location of Upper Tulse Hill for that purpose, and
9 the grey team were also in the area, and there is
10 a natural curiosity to want to see whoever the subject
11 might be, and also to assist. That particular morning,
12 obviously there was a keenness to make sure that we were
13 looking for the right person.

14 Q. The person who had been flagged up by Frank, did you
15 have him under control in surveillance terms?

16 A. In surveillance terms he was under control --

17 Q. What does that mean?

18 A. That would mean that we, as surveillance officers, have
19 vision of that subject as he's walking along. Now, from
20 Scotia Road, there would have been a gap whilst
21 Mr Menezes would have been unsighted to the van and then
22 reappeared, but you would assume that if he's walking
23 out, given a period, he will reappear. And the officers
24 being on Upper Tulse Hill see him reappear and the
25 commentary commences again.

1 Q. Did you as the reds then pass him on through you to the
2 grey team?

3 A. Yes, we did, sir.

4 Q. You were asked -- thank you, I don't need that log any
5 more -- about what you understood by the initials "PIW"
6 and you have told us "possibly identical with" and
7 someone else says "identifiable with". Of those words,
8 "possibly" and "identical" and "with", which is the
9 significant one?

10 A. "possibly", sir.

11 Q. Thank you. You told us in relation to the way you look
12 at a photograph and try to use it to test it against
13 somebody in the real world, that you look at the eyes,
14 nose, ears. It may be we all do it without knowing
15 that's what we are doing, but what do you mean by that,
16 the relationship between them, the shape they make
17 together?

18 A. The relationship, the distance, where the eyes sit
19 against the ears, the position of the head, the nose,
20 how sunken the eyes are. People can often, and again
21 this is my personal experience, people can often change
22 their appearance with spectacles, with or without facial
23 hair, but usually the eyes, nose and ears, unless
24 extensive work has gone on to change appearance, stay
25 the same.

- 1 Q. So maybe you have answered my next question already.
2 Things like the length of the beard or whether it's been
3 shaved off completely or the style or the length of the
4 hair, are those features which are more capable of
5 disguise?
- 6 A. They are capable of change, sir.
- 7 Q. You were asked how and whether you were trained in
8 recognition or identification. Would I be right in
9 thinking that the ability to identify or to recognise
10 people is but one of the skills of a surveillance
11 officer?
- 12 A. It is one of the inherent attributes that you would like
13 all surveillance officers to have.
- 14 Q. What about being able to follow people without losing
15 them, and follow them without losing them and without
16 them knowing that you are following them?
- 17 A. Again, that's one of the core skills, to remain covert
18 at close proximity to a subject.
- 19 Q. Is there a tension between getting close enough to make
20 the identification, but not so close that you let the
21 fellow know that he's being identified?
- 22 A. There is, and it's sometimes described, if there was
23 need to go close and put yourself in full view in some
24 situations, it would happen. In most cases, unless
25 that's made as a formal direction, and you are there

1 ruling yourself out of play for the rest of the day,
2 maybe that operation. But on that particular day that
3 wasn't done. So you are looking to remain covert at all
4 stages and to carry out your surveillance covertly.

5 Q. Thank you. On the telephone calls, I wonder whether we
6 could have that schedule up again that we have in
7 tab 50, and I was going to go to page 8 of it. You had
8 been asked about almost all of these calls and of course
9 I am not going to repeat the questions. Could you just
10 help us with, I am looking at 9.54.34. Do you see
11 a very short call to a DC Bailey? Then a slightly
12 longer one at 9.55.27?

13 A. Yes, I do, sir.

14 Q. To a DC Bailey. Do you know what that was about?

15 A. That from recollection, sir, was an officer who I didn't
16 know, whose number I had been provided with, to contact
17 them, and that was about acquiring possible observation
18 posts in the immediate vicinity of the Scotia Road
19 address.

20 SIR MICHAEL WRIGHT: You mean fixed posts?

21 A. Fixed posts.

22 MR GIBBS: Do you mean perhaps using someone's house or flat
23 with a window that might have given you --

24 A. Absolutely, sir.

25 Q. Then just to complete that, at 10.02.00 I have a call

1 from you to Detective Constable Lai and again at
2 10.03.38. Do you know what those were?

3 A. From recollection again, they were again about
4 possibilities of acquiring fixed --

5 SIR MICHAEL WRIGHT: Same thing.

6 A. -- observation posts down there, sir.

7 MR GIBBS: The last call I have on this page is 10.06 and
8 the operations room is ringing you for 23 seconds. Do
9 you remember what that was about?

10 A. I think that was to tell me that, from recollection,
11 shots had been fired at Stockwell Underground station.

12 Q. Am I right in thinking that you gave evidence at the
13 Health and Safety trial?

14 A. I did, sir, yes, sir.

15 Q. Were you publicly commended by the judge at the end of
16 it?

17 A. I was, sir.

18 SIR MICHAEL WRIGHT: Thank you. Mr Hilliard?

19 MR HILLIARD: I have no questions, thank you.

20 Questions from THE CORONER

21 SIR MICHAEL WRIGHT: I would like just a little more help
22 about the concept of control.

23 A. Sir.

24 SIR MICHAEL WRIGHT: You have told us that as far as you
25 were concerned, you had had Mr de Menezes under control,

1 as you mean it, really from the time he had left the
2 door of the house.

3 A. Sir.

4 SIR MICHAEL WRIGHT: If I have got this right, we know, we
5 need not bring up the map, that there are some obvious
6 routes from Scotia Road out to Upper Tulse Hill and away
7 to the main road, and there are others which involve
8 taking footpaths across the green open space. You
9 probably remember that?

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: The way in which you deployed your
12 officers, were you content that Mr de Menezes could not
13 have left or, for that matter, any other suspect, nobody
14 could have left Scotia Road and gone in any direction,
15 whether it's turning left down Upper Tulse Hill or right
16 up Upper Tulse Hill or going across the green space or
17 anything like that, or going into Roupell Road or
18 anything like that, are you satisfied that nobody could
19 have done that without at any rate one of your officers
20 being able to keep him under observation?

21 A. Absolutely, sir.

22 SIR MICHAEL WRIGHT: That's what you mean by control?

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: You don't necessarily have him under
25 view all the time?

1 A. Not in -- around the close proximity of home addresses,
2 where again talking a little around technique, where
3 people are more used to what -- their environments and
4 to who's a local face or who's a strange face, but there
5 would be a period there where Mr Menezes was within our
6 net of surveillance, but just partially unsighted as he
7 moved towards Upper Tulse Hill.

8 SIR MICHAEL WRIGHT: Yes. So you would, whichever way he
9 went, always have been able to have him under control,
10 as you mean it, until you were able to hand him over to
11 the outer cordon, the grey team.

12 A. Yes.

13 SIR MICHAEL WRIGHT: Thank you very much, that's all. Thank
14 you, Derek.

15 (The witness withdrew)

16 MR HILLIARD: Sir, the next witness is Frank, please.

17 SIR MICHAEL WRIGHT: Hopefully, Mr Hilliard, we have three
18 more witnesses to get through today.

19 MR HILLIARD: That's right.

20 SIR MICHAEL WRIGHT: I just remind everybody.

21 CODENAME "FRANK" (sworn)

22 Questions from MR HILLIARD

23 MR HILLIARD: Have a seat if you like. You are going to be
24 known by the name of Frank; is that right?

25 A. Yes, sir.

- 1 Q. Frank, in July of 2005, were you working as part of
2 an attachment to special operations at New Scotland Yard
3 on loan from the armed forces?
- 4 A. Yes, sir.
- 5 Q. At that time, July of 2005, had you been on attachment
6 for about a year?
- 7 A. Yes, sir, just over.
- 8 Q. We are going to look at some documents as we go through
9 and there is no difficulty about you having access to
10 them. Subsequently, so far as 22 July 2005 was
11 concerned, did you sign some entries in a surveillance
12 log that we have looked at, at a debrief?
- 13 A. Yes, sir.
- 14 Q. In addition, have you made a number of witness
15 statements, including ones dated 23 July 2005,
16 15 November 2005 and some more in between and I think
17 one or two after?
- 18 A. Yes, sir.
- 19 Q. So far as 22 July is concerned, did your call sign end
20 in the numbers 50?
- 21 A. Yes, sir.
- 22 Q. That's what we will find, does it follow, in the
23 surveillance log for your entries?
- 24 A. You will, sir.
- 25 Q. You were, I think, part of the red team, whose team

- 1 leader was our last witness, Derek?
- 2 A. Sir.
- 3 Q. We have heard about a briefing that he gave at 5.40 or
4 thereabouts in the morning; were you present for that?
- 5 A. I was, sir.
- 6 Q. Who did you understand the subjects of the surveillance
7 you were going to do to be?
- 8 A. Hussain Osman and, well, Regal Wave as I know him now,
9 (inaudible) his first name.
- 10 Q. And Mr Omar?
- 11 A. Omar, yes.
- 12 Q. Can you just tell us, as you understood it, how was the
13 operation going to work? Obviously there was going to
14 be some surveillance, because your team, the red team,
15 was being brought in, but what did you understand the
16 plan was?
- 17 A. From team leader's briefing we were to deploy urgently
18 to the area of 21 Scotia Road and contain the premises.
19 The known address was linked to the previous bombings or
20 attempted bombings the previous day.
- 21 Q. Yes. You say "contain the address"; what did that mean?
- 22 A. Placing post surveillance on it to make sure we had it
23 actually under control.
- 24 Q. What was to happen if somebody came out who was one of
25 the suspects?

- 1 A. Well, they would be given out and surveillance would be
2 maintained on them until such time where they could be
3 detained by the armed response police.
- 4 Q. When you say armed response police, what was the name of
5 that unit?
- 6 A. The firearms --
- 7 Q. SO19.
- 8 A. Sorry, SO19, yes.
- 9 Q. So far as Hussain Osman was concerned, we have heard
10 that available at the briefing was a CCTV still of a man
11 at Shepherd's Bush Underground station; do you remember
12 seeing that?
- 13 A. Yes, sir.
- 14 Q. In addition, on a sheet, if you want to see the original
15 you can, maybe it's still there, two photographs, one of
16 Hussain Osman, one of Mr Omar; yes?
- 17 A. Yes.
- 18 Q. That's the one. Do you remember seeing that as well?
- 19 A. Yes, sir.
- 20 Q. That, I think, was actually left with you; is that
21 right? That very copy?
- 22 A. Yes, sir.
- 23 Q. I think it may only have a reference to Tango 9, which
24 is what you were referred to?
- 25 A. This is my exhibit.

- 1 Q. Tango 10 actually. That's the very one that you kept
2 that in due course you handed in; is that right, Frank?
- 3 A. That's correct, sir.
- 4 Q. Again, we have heard that the observations began at 6.04
5 in the morning. You should have a copy of the log
6 there.
- 7 A. I don't believe I do, sir.
- 8 Q. It's on screen. Do you see, 6.04 am, deployment
9 commences?
- 10 A. Sir.
- 11 Q. Yes?
- 12 A. Yes, sir.
- 13 Q. Then your details appear down the bottom, Frank or
14 Tango 10, the number that again has been obliterated but
15 it's 50, isn't it, your number?
- 16 A. Yes, it is, sir.
- 17 Q. If we go to the next page, first entry looks like 6.05,
18 black Primera motor vehicle, and there is a reference to
19 its registration number and that that was parked
20 unattended in the vicinity of Scotia Road. Do you see
21 that?
- 22 A. I do, sir.
- 23 Q. Were you already, we will hear about you in a van, in
24 place by this time, 6.04, 6.05?
- 25 A. No, I wasn't, sir.

- 1 Q. Do you know how long it was before you were in position?
- 2 A. From recalling, I think the previous statement is 6.30.
- 3 Q. That's a rough time. We will look at some film which
- 4 may help us as well. So you think about 6.30. Did you
- 5 know at that time, whenever it was that you first got
- 6 into position in the van that we will hear about, that
- 7 what you were going to be looking at for number 21 was
- 8 a block of flats?
- 9 A. I think en route I was told over the radio that it would
- 10 be a block of flats we would be looking at. We didn't
- 11 know previous to that.
- 12 Q. En route you realised that it was not going to be a
- 13 single front door or anything like that.
- 14 A. That's correct, sir.
- 15 Q. If we look at divider 4 in the jury bundle, there is
- 16 a photograph taken from about the position that -- can
- 17 you see at the bottom there, "View from Frank's van
- 18 towards 21 Scotia Road". Is that the sort of position
- 19 that your van was in?
- 20 A. Yes, that's the photographs taken from the pavement.
- 21 I'm actually out on the road but it's within a few
- 22 metres.
- 23 Q. You were on your own, is that right, in the vehicle?
- 24 A. That's correct, sir.
- 25 Q. We are going to see but you had a camera with you; is

- 1 that right?
- 2 A. Yes, I did, sir.
- 3 Q. Was that continuously on record or only intermittently,
4 and whichever it was, why?
- 5 A. It was on intermittently. The reasons why is for
6 battery conservation and also the size of the tape
7 I actually had; and plus it wasn't actually my task to
8 soak the premises as in to get everybody coming out. It
9 was just to get an idea of people coming out.
- 10 Q. If you had wanted to have it on all the time, could you
11 have done that?
- 12 A. There was a means of powering it from the van. I didn't
13 know how long I would be in there but I would have run
14 out of tape.
- 15 Q. You would be taking an awful lot of film presumably at
16 times when absolutely nothing was happening at all?
- 17 A. Absolutely, yes.
- 18 Q. So for right or wrong, that was your decision not to
19 have it on the whole time?
- 20 A. Yes, sir.
- 21 SIR MICHAEL WRIGHT: Is it a hand-held camera or is it
22 mounted in the van?
- 23 A. It's hand-held which can be then mounted.
- 24 MR HILLIARD: Were you able to transmit the film at the time
25 when you took it at all or not?

1 A. No, sir.

2 Q. When we look at it, we are going to see that there is
3 a timing, isn't there, I think, on the film. Was that
4 set accurately or not?

5 A. No, it wasn't, sir. It was my mistake.

6 Q. Could you have re-set that had you wanted to?

7 A. I could have done but it would have been a bit fiddly to
8 do it and I would have had to take my eyes off.

9 Q. So far as communications are concerned, we have heard
10 about something called Airwave and the Cougar system.
11 Did you have both of those at least in principle
12 available to you?

13 A. Yes, sir.

14 Q. Were you actually using both of them? How was it
15 working?

16 A. To start off with, I was just using Cougar, which is
17 integral to the van.

18 Q. That would be to send out and to get messages back in?

19 A. And to receive. That was working fine to start off
20 with. However, over time, I don't know what it was but
21 it was a headset with a boom mike and the mike started
22 degrading. Some people were picking him up loud and
23 clear, some people weren't; so therefore changed it and
24 I would transmit it, then out on Airwave, and it would
25 be re-broad.

- 1 Q. Re-broadcast?
- 2 A. Re-broadcast.
- 3 Q. So you are still hearing over your Cougar headset but
4 when you want to send out, you are using Airwave?
- 5 A. Yes, sir.
- 6 Q. You told us that Cougar had a sort of microphone that
7 was attached to the headset, but what about Airwave?
8 Was that hand-held?
- 9 A. It's just a hand-held.
- 10 Q. But so you would need a hand to do that, as it were?
- 11 A. Yes.
- 12 Q. Just before we look at some entries in the log and the
13 film, can you help us about this: what, as you
14 understood it, was to happen, if somebody came out of
15 the communal door, what was your function in the
16 position that you were?
- 17 A. If they were a subject, ie identified them as a subject
18 then they would be taken away under control from the
19 reds and then stopped by the S019 team, sir.
- 20 Q. When you say if they were identified as a subject, was
21 part of your role, as it were, to be a sort of initial
22 filter to see if they were a subject or not?
- 23 A. I was the first filter.
- 24 Q. As you understood it, if you could, depending on the
25 opportunity you had, would you be making some kind of

1 judgment about that, if you could?

2 A. Yes, sir.

3 Q. Then we have got a version of the film, if I can just
4 pass that to Tom, please, where I think there is some
5 sound on it as well; is that right?

6 A. I would have no idea, sir.

7 Q. All right. (Handed)

8 I think it will just be called chapter 1 on this.
9 (Pause)

10 While this is coming up, I think the times on the
11 film, I don't know if you have checked this, it looks as
12 though they are about an hour and four or five minutes
13 or so slow. Does that sound right?

14 A. That would be about right, sir, yes.

15 Q. Yes. (Pause). If we go back to the film we have looked
16 at before and we will get the right bit of this.

17 SIR MICHAEL WRIGHT: I think so. I imagine this is the only
18 time you need to do it. Got it?

19 MR HILLIARD: Thank you very much. If we just pause
20 a minute. So this looks as if this is the first film,
21 isn't it; on the little extracts here, this is 5.15 am.

22 SIR MICHAEL WRIGHT: It's not, it's 6.15.

23 MR HILLIARD: I was just going to add, if I may, 5.14, it
24 says, in the morning and we have to add about an hour,
25 so we then get to about 6.19 or so. So it would look as

1 if that's about the time you started; is that correct?

2 A. That's correct, sir.

3 Q. Thank you. (Pause)

4 Pause a minute. If we go, if we just have the log,

5 we will leave the film here but we can have the log up

6 as well. Leave film on, please, and we will need our

7 logs, which have gone into divider 57. Can we run back

8 the film back a bit so we can see that person. We will

9 play it from there and stop when we see him. (Pause)

10 Pause there. If we keep that there, the log, there

11 is a time, isn't there, 7.36, this is an entry of yours;

12 yes? It has 50 after it?

13 A. I am very sorry, I do not have a log in front of me.

14 (Pause)

15 Q. There we are. We need to go back a page on the log and

16 then forward a page. That's it. Thank you.

17 7.36, this is an entry of yours, do you see, number

18 50 after it, "movement", can you help us, what does that

19 say?

20 A. "Movement unidentified on second floor of block where 21

21 is. No further description of unidentified movement."

22 Q. Then if we can see, the film, 6.43, so if we add a bit

23 to that, it looks as if that's this 7.47 entry in the

24 log?

25 A. Yes, sir.

1 Q. Right. Can you help us with that entry, again it's one
2 of yours?

3 A. "Female IC3, 5-foot 3, ponytail, jeans out of
4 block/alone on foot ..."

5 I think that's Upper Tulse Hill, abbreviated there,
6 the team leader's abbreviation.

7 SIR MICHAEL WRIGHT: "UTH", Upper Tulse Hill?

8 A. Upper Tulse Hill, sir.

9 MR HILLIARD: Right. 7.49, same person, "F of 7.47"?

10 A. "Female of 7.47", what I put out, "out alone,
11 Upper Tulse Hill towards Tulse Hill, possibly IC5",
12 I think, and that's not me reporting that, it's --

13 Q. That's 81. Then an entry we have looked at at 7.52.
14 Then 7.57, this is one of yours, isn't it?

15 A. Yes, sir.

16 Q. Can you help us with that?

17 A. What it reads here:
18 "IC6, pink shirt, jeans, white trainers, day sack,
19 out of block."

20 Q. Then an IC6, can you help us about what identity code
21 that is?

22 A. I think that's Chinese or oriental.

23 Q. We can check. That's 7.57. Then 7.58 is somebody
24 else's entry but also relating to that?

25 SIR MICHAEL WRIGHT: Are you trying to run the film on?

1 Because it's not moving at the moment.

2 MR HILLIARD: No, I am not trying to run the film on, I want

3 to leave it where it is.

4 A. Sir, I don't recall, "white trainers, black markings,

5 IC3, silver".

6 Q. Right. Then 8 o'clock, that's not yours, is it?

7 A. No, sir.

8 Q. That person, the 7.57 person, "IC6, pink shirt, jeans",

9 if we play the film on.

10 Video and audio footage shown

11 Just pause. The next bit of film we have is 7.12.

12 If we look at the next page of the log, that looks as

13 though that will be the 8.16 entry, doesn't it, if we

14 are adding an hour and a bit to it?

15 A. Yes.

16 Q. Does that mean then that the 7.57 entry, the IC6 pink

17 shirt, that that wasn't filmed?

18 A. It must do, sir, I can't recall that.

19 Q. Do you know why that might be?

20 A. No, sir.

21 Q. Then this one: 8.16 in the log, 7.12 on the film, so it

22 looks as though the film relates to this entry in the

23 log:

24 "Female out of block, IC1, schoolgirl out alone".

25 A. Yes, sir.

1 Q. Just play that.

2 Video and audio footage shown

3 That's you speaking at the time, is that right?

4 A. Probably. Well, yes, sir.

5 Q. I think you used the word "disregard"?

6 A. Yes, sir.

7 Q. That's part of what you were saying about you doing that

8 initial filter?

9 A. Yes, sir.

10 Q. If we just stay with the log for a moment, 8.18, entry

11 of yours about a blue Escort, and the registration

12 number is given, into the street in the vicinity of 21;

13 is that right?

14 A. Yes, sir, it drove in and then round to the right and

15 out of sight to myself.

16 Q. What's the last little initials say?

17 A. "No further description", I think.

18 Q. Then 8.20, reference to a black Golf into the estate in

19 the vicinity of 21; again your entry?

20 A. Yes, sir.

21 Q. 8.21:

22 "Blue Escort of 8.18..."

23 So that's the one above.

24 "... going out of the estate".

25 Your entry?

1 A. Yes, sir.

2 Q. Then 8.26, can you just read that entry for us. It's
3 yours, isn't it?

4 A. It's not my writing.

5 Q. It's your sighting.

6 A. Yes.

7 Q. "IC1 male out cropped hair"?

8 A. "cropped hair".

9 Q. "... blue tracksuit top over jeans, approximate age".

10 A. "20s, 5-foot 10 tall".

11 Q. Then "nothing carried"?

12 A. "nothing carried", yes, sir.

13 Q. We will see some film which has the time of 7.21 and
14 that would look as if that's this entry, wouldn't it?

15 A. Yes, sir.

16 Q. If we can just play on, please.

17 Video and audio footage shown

18 Just pause a moment. If we go back to the log,
19 8.26, that's the one we have looked at; 8.28, so very
20 shortly after that, and we can see this is 7.22 on the
21 film, the last one was 7.21; what does that say?

22 A. "IC1 female out, hair drawn back, smoking".

23 Q. Right, so we will just play that.

24 Video and audio footage shown

25 Pause there. Then if we go on to the next page of

1 the log, at the top you can see 8.39, and we are going
2 to see some film in a minute for 7.35, so again it looks
3 as if those two link up, don't they?

4 A. Sir.

5 Q. Can you help us with the entry?

6 A. "IC3 male", I am guessing here, "late 20s, moustache [or
7 'tache] attache bag under jacket or similar alone".

8 Q. Just play this film. There we go.

9 Video and audio footage shown

10 We can stop there. Now, that, you see the time on
11 the film is 9.34, so if we are adding an hour and a few
12 minutes to that, we are getting to 10.35-ish, sorry,
13 10.40-ish, thereabouts, aren't we?

14 A. Yes, sir.

15 Q. So that's much later on?

16 A. Yes, sir.

17 MR HILLIARD: What I am going to ask you about next, and
18 maybe we will do this after lunch, if you have the log
19 there, we see the entry at 9.33 and 9.36, so perhaps we
20 can come back to those and finish with those after the
21 break.

22 SIR MICHAEL WRIGHT: We don't need presumably the films of
23 the people who come out after?

24 MR HILLIARD: Probably not.

25 SIR MICHAEL WRIGHT: Is that a convenient moment,

1 Mr Hilliard?

2 MR HILLIARD: Yes, certainly.

3 SIR MICHAEL WRIGHT: I just want to deal with what is
4 described as a suggestion and not a request: please,
5 please, please, you must not go down to Scotia Road on
6 a personal visit. I want to make that -- I said that in
7 opening, several times. You must not. If there ever
8 comes any question of a further visit, I will consult
9 with counsel and we will decide what to do about it.
10 But you must not go down there on your own.

11 (1.00 pm)

12 (The short adjournment)

13 (2.00 pm)

14 (In the presence of the jury)

15 MR HILLIARD: The next bit of film, Frank, we saw, if we
16 added the hour and a few minutes, must be film that
17 relates to the entry on the log for the 10.38 time.

18 A. Sir.

19 Q. I'm not going to ask you about that entry. It's after
20 the time of the events we are concerned with. I want to
21 look at the 9.33 and 9.36 entries with you, please.

22 9.33 is your entry and you have described somebody
23 coming out of the communal doorway. Did you film that
24 or not?

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

- 1 Q. And the reason?
- 2 A. I was urinating at the time, sir.
- 3 Q. So 9.33, can you help us, as best you can, was that the
4 time the event happened, or do you see as you recall it,
5 9.33?
- 6 A. I didn't make the times, so ...
- 7 Q. All right. Can you help us with what it says?
- 8 A. "Male IC1, 5-foot 8, dark hair, beard, out of communal
9 doorway of premises, wears denim jacket on jeans,
10 trainers".
- 11 Q. "on" or "and jeans"?
- 12 A. "wears denim jacket and jeans", sorry.
- 13 Q. Then "trainers", it says. Right. As you recall it, is
14 that what you broadcast?
- 15 A. Exactly what I said I can't really -- it must be that,
16 at the time. What I think I said, and I wrote earlier
17 in a subsequent entry on a statement, was:
- 18 "Stubble, out of the communal doorway, denim on
19 denim", I probably would have put, "jeans, trainers, not
20 carrying anything".
- 21 Q. Right. What's recorded here is "beard", isn't it?
- 22 A. It is.
- 23 Q. Can you just help us, the next entry for 9.36, "male
24 IC1", just remind us, identity code 1?
- 25 A. That's white European. "As of 9.33, believed of North

- 1 African origin".
- 2 Q. "Has stubble on face, on foot towards Tulse Hill SW2".
- 3 That's also got your 50 call sign by it?
- 4 A. It has.
- 5 Q. I do not want to go into more than this, but your
- 6 initials after it, have you signed that at the debrief?
- 7 A. I signed it at the debrief.
- 8 Q. Is that also a transmission you made?
- 9 A. Subsequently talking through it, it was actually not my
- 10 entry, that is 81's entry, so therefore at the end of
- 11 the -- at the end of the log book is an explanation of
- 12 I adopted it as my own entry, however it was 81's, it
- 13 was wrongly adopted by myself, because 50 was next to
- 14 it, at the debrief.
- 15 Q. If we go to page 477, what it says is:
- 16 "9.36 am, description is from 50".
- 17 Do you see that?
- 18 A. Yes.
- 19 Q. So referring to the 9.36 entry saying "description is
- 20 from 50"?
- 21 A. I think that's just a bit of cross-over. Part of it was
- 22 I did say stubble and not beard.
- 23 Q. Is it just the description part of it at 9.36?
- 24 A. Yes.
- 25 Q. Right.

1 A. I didn't say at any time that he was of North African
2 origin, that is not my words.

3 Q. But you think it's the description bit that relates to
4 stubble, that's yours, do you?

5 A. That's what I said originally.

6 Q. What, rather than "beard"?

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: The person who actually made the entry
9 was 81.

10 A. He wouldn't have made the entry. He would have been --
11 81 was the actual call sign on the ground. The loggist
12 would have written up what 81 said.

13 SIR MICHAEL WRIGHT: It was 81 who made the report, if you
14 like.

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: Who was he, Edward?

17 A. Yes, sir.

18 MR HILLIARD: That's right.

19 Having seen that person come out of the communal
20 door, what assessment did you make of the person?

21 A. My initial assessment when he first stepped out of the
22 doorway was to call him IC1, which by the time he had
23 actually walked past me, I knew was wrong and as he
24 walked -- I just basically gave a description as he was
25 walking towards me, 5-foot 8, dark hair, as it is

1 written here "beard" but I actually said "stubble, "out
2 of the communal doorway, premises, denim on denim,
3 wearing trainers, not carrying anything".

4 Q. What assessment did you make so far as that person
5 compared with the subjects or the suspects was
6 concerned?

7 A. My initial thought -- this is why I said IC1 -- initial
8 thought was it was a negative, it was -- I more or less
9 disregarded him. It was only when Mr Menezes walked
10 closer to me that I actually got a really good look at
11 him and compared him to the photograph that I had.
12 I then said actually it's worth somebody else having
13 a look.

14 Q. Is that what you transmitted?

15 A. Yes, sir.

16 Q. What did you mean by that, that he was a possible, if
17 I can put it that way?

18 A. Yeah, he was possible.

19 Q. Got an entry a little later on, the next one for 9.36.
20 Do you remember hearing that?

21 A. Yes, I do remember hearing it.

22 Q. So that's 81 coming over the radio?

23 A. Yes, sir.

24 Q. After that, we have heard that the channels were
25 switched and so the grey team would be on a -- you and

1 the grey team would be on a different frequency. Does
2 that accord with your recollection as well?

3 A. Yes, sir.

4 Q. Then we have heard that this observation finished so far
5 your team was concerned at 11.02.

6 A. Yes.

7 Q. There were other entries you made but they are after
8 this, aren't they?

9 A. Yes.

10 MR HILLIARD: Thank you very much.

11 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

12 Questions from MR MANSFIELD

13 MR MANSFIELD: Good afternoon. My name is

14 Michael Mansfield. I represent the family of

15 Jean Charles de Menezes.

16 A. Hello, sir.

17 Q. As we have just been dealing with these entries, I want
18 to take you back to the entries in the log, please, 474,
19 before dealing with some general matters.

20 On your account, clearly, the loggist has not
21 recorded everything that you said at 9.33; is that
22 right?

23 A. Yes, sir.

24 Q. So that when you came to look at this entry later in the
25 debrief you must have noticed that certain things had

1 been omitted?

2 A. Yes, sir.

3 Q. And they were? What were the things that you noticed

4 had been omitted?

5 A. That he had stubble on his face. However, that had

6 already been clarified in the next entry.

7 Q. I appreciate the next -- you see, Edward at one stage in

8 the Health and Safety trial said that the 9.36 entry, he

9 thought related to someone else. So I am going to take

10 you very carefully through this. I don't know what he's

11 going to say here. So I appreciate that the person you

12 saw actually didn't have a beard, he had stubble?

13 A. Sir. Yes, sir.

14 Q. Now, what else is missing from the 9.33 observation that

15 you made about this person?

16 A. He's not carrying anything.

17 Q. Right. It has been suggested that it's only, we can

18 assume that he is not carrying anything because it isn't

19 mentioned, but that isn't right, is it? Is it? It

20 doesn't seem to be the pattern of how this log was

21 entered up. I will deal with it very quickly. If we

22 take 472, at 7.47 there is an IC3 woman ponytail. In

23 fact you mention on the transmission that she was in

24 fact carrying a shoulder bag, and that's not entered up,

25 is it?

- 1 A. No, sir.
- 2 Q. So we can't look at it and assume that if it isn't
3 there, they weren't carrying anything, can we?
- 4 A. No, sir.
- 5 Q. That's not the only entry. 8.28, next page, 473,
6 bottom, you also mention here a brown bag but that's not
7 entered up either, is it?
- 8 A. No, sir.
- 9 Q. So the fact that the loggist hasn't written it down
10 doesn't tell us a great deal about whether they were or
11 weren't carrying anything. So did you think it was
12 desirable that that should have been added by you at the
13 debrief, "not carrying anything"?
- 14 A. At the time, no.
- 15 Q. But now you think perhaps retrospectively it should have
16 been?
- 17 A. Yes, sir.
- 18 Q. All right, well, that's fair. Now, the other
19 observation you make is of course that the IC1 was
20 wrong. That's what you are saying now about it, in
21 other words it was right when you first saw him but not
22 as he came alongside. Is that how you are putting it?
- 23 A. Yes, as he first stepped out of the doorway, that's what
24 I called initially. And then I subsequently changed my
25 mind by the time he had gone past me. That's why I said

- 1 it's worth somebody else having a look.
- 2 Q. So you didn't say at all across the Airwave, literally,
3 "look, he's" -- what would you have said he was, then?
- 4 A. I would have probably gone for IC2, sort of
5 Mediterranean looking.
- 6 Q. IC2? I am going to pause for a moment because we have
7 all these different codes and different people seem to
8 think different things so I have to ask you. IC1 in
9 your book was white European; yes?
- 10 A. Yes, sir. I might add now that I do not have a book as
11 such.
- 12 Q. So it's no use me going through the others because you
13 won't remember it?
- 14 A. No, I won't remember it.
- 15 Q. You can remember IC2 as being Mediterranean, can you?
- 16 A. Yes, sir.
- 17 Q. So you would have said IC2. What about IC3 or IC6,
18 I suppose you don't really know now?
- 19 A. No.
- 20 Q. We have had all of those applied in this case. If it's
21 IC2, you didn't feel it was necessary to correct it.
22 You merely say, "worth somebody else having a look"?
- 23 A. It was more for brevity on the --
- 24 Q. Right, I understand that too?
- 25 A. -- the net.

- 1 Q. That's quite important and that isn't in the log either,
2 is it?
- 3 A. No, it wasn't.
- 4 Q. Did you think at the debrief it might be worth adding
5 that as being rather important?
- 6 A. The entries on the log pertain to what the actual
7 subject is doing. I am saying it's worth somebody else
8 having a look.
- 9 Q. No, it's not just what he is doing, it's who he looks
10 like, isn't it?
- 11 A. Yes, sir.
- 12 Q. You have done this before, haven't you, surveillance,
13 I mean?
- 14 A. Yes, sir.
- 15 Q. You have done it in other jurisdictions, haven't you?
16 I'm not going to breach any sensitivities, don't worry,
17 but you have done it in other jurisdictions, have you?
- 18 A. Yes, sir.
- 19 Q. In difficult situations you have done it before?
- 20 A. Yes, sir.
- 21 Q. Is this a case where you were brought in because of your
22 experience?
- 23 A. No, sir.
- 24 Q. Not particularly?
- 25 A. No, sir.

- 1 Q. All right. When you have done it before in other
2 jurisdictions, have you had training for surveillance?
- 3 A. Yes, sir.
- 4 Q. And recognition and identification?
- 5 A. Yes, sir.
- 6 Q. You have, so has that involved making assessments from
7 photographs?
- 8 A. Yes, sir.
- 9 Q. And testing the ability to compare a photograph with
10 a real person?
- 11 A. Yes, sir.
- 12 Q. Of course I think you would accept you had a copy of the
13 gym card. Can I just ask you this: the gym card was
14 a rather poor image, wasn't it, for making a comparison?
- 15 A. Yes, sir.
- 16 Q. You agree, thank you. "worth somebody else having
17 a look" is neither here nor there in one sense. It's
18 not meaning he is possible, is it; it's just meaning you
19 haven't been able to get a good look, someone else
20 should, isn't it? Isn't that what it means, what you
21 meant by it?
- 22 A. What it meant was because I had initially disregarded
23 him calling him an IC1, just saying it's worth somebody
24 else having a look. To me I changed my mind.
- 25 Q. Yes, but I appreciate one of the things, this might be

- 1 impossible, but actually what you are really saying is
2 because you were incommoded at the time, you are saying,
3 "Look, someone else should have a look at this person",
4 because you haven't really managed to have a good enough
5 look. You were caught short, as they say, and you first
6 think he is white, he goes past and then you change your
7 mind. You don't think he is white European. So you are
8 just saying to somebody else, someone else should have
9 a look?
- 10 A. I am not changing my mind because I did not have a good
11 look at him. I did have a good look at him. That's the
12 reason I changed my mind.
- 13 Q. You had a good look, did you?
- 14 A. Yes, sir.
- 15 Q. You thought, did you, that he was PIW?
- 16 A. It's not a term I would use, but --
- 17 Q. All right, possibly identical with? Did you think that?
- 18 A. I thought he was a possible.
- 19 Q. You thought he was a possible. This is very important.
20 Were you aware of the window of opportunity that was
21 presenting itself to prevent somebody who was possibly
22 Nettle Tip getting on to a bus? Were you aware of those
23 difficulties?
- 24 A. I was aware that -- of the putting the buses out of use,
25 yes.

- 1 SIR MICHAEL WRIGHT: You had heard that discussion, had you?
- 2 A. It had been discussed by the team leader, by the rest of
3 the team, just letting the rest of the team know --
- 4 MR MANSFIELD: What was the score, as far as you understood
5 it?
- 6 A. I don't know specifically at this moment. I can't
7 recall.
- 8 Q. But the problem was on this operation, to ensure that
9 a suspect or possible suspect did not get on to a bus,
10 wasn't it?
- 11 A. That was one of the --
- 12 Q. So absolutely vital, if you thought this was possibly
13 Nettle Tip and you had a good look as he walked by, to
14 ensure that somebody else got control of this person
15 straightaway because you didn't have much time, did you?
- 16 A. No, sir.
- 17 Q. Who was in control after you?
- 18 A. It would have been 81, the next call sign.
- 19 Q. We will hear from him and where he was and whether he
20 was in control. Who else? There were another eight
21 members of the team. Where were they?
- 22 A. They were covering the options that would have gone past
23 my location. I don't know specifically where they were.
- 24 Q. Not a single one of the other eight saw anything to do
25 with this man; did you know that?

- 1 A. No, sir.
- 2 Q. It only comes down to you and possibly, we will hear
3 what Edward has to say, possibly Edward. Did you at any
4 time communicate this assessment that it possibly was
5 Nettle Tip to anybody?
- 6 A. No, I just said, "It's worth somebody else having
7 a look".
- 8 Q. That's not the same, as you appreciate.
- 9 A. No.
- 10 Q. You didn't; why not?
- 11 A. I did, in the fact that I said it's worth somebody else
12 having another look.
- 13 Q. You do follow the difference, don't you?
- 14 A. Yes, sir.
- 15 Q. You have done this before?
- 16 A. Yes, sir.
- 17 Q. In a situation as threatening as this one, haven't you?
- 18 A. I would rather not go into specifics, sir.
- 19 Q. I'm not going into specifics. I just want to, as it
20 were, place you in a situation where it can't be said
21 this was so unpredicted and you had never been in
22 a situation like that. You had been in a threatening
23 situation before, hadn't you?
- 24 A. Yes, sir.
- 25 Q. Right, and you appreciated how significant and important

1 it was for others who were within your team and
2 elsewhere to know exactly what you thought; correct?

3 A. Yes.

4 Q. Because what I am suggesting and have been to others is
5 the failure, one of the failures in this whole operation
6 was to prevent this man getting on to a bus and to be
7 properly identified at an early stage. Now do you
8 follow why I am asking the questions?

9 A. Yes.

10 Q. So you don't communicate that. When you come to do --
11 we are now passing to the next entry, 9.36. I just want
12 to ask you whether you really were paying as much
13 attention as you should have been that day to what was
14 going on. Do you think you were?

15 A. Yes, sir.

16 Q. Is there any reason why that camera actually couldn't
17 have been fixed and working just for the few seconds he
18 goes by, so it doesn't use up the battery, doesn't use
19 up the tape. It's in a fixed position and you switch it
20 on, even though you have other things to do at that
21 moment. Do you follow me? Would that have been
22 possible?

23 A. It's possible that the camera wasn't fixed, you are
24 saying?

25 Q. I understand from what you are saying that you couldn't

- 1 transmit on the hand-held Airwave and operate the camera
2 and relieve yourself; you couldn't do all three things
3 together?
- 4 A. That's correct, sir.
- 5 Q. The camera could have been fixed, couldn't it?
- 6 SIR MICHAEL WRIGHT: You mean mounted.
- 7 A. The camera was mounted, sir.
- 8 MR MANSFIELD: You could have turned that on, couldn't you?
- 9 A. That's the whole point. I couldn't and transmit at the
10 same time, so I chose to transmit.
- 11 Q. Switching the camera on isn't too difficult, is it?
- 12 A. No, it's not difficult at all, sir.
- 13 Q. It takes a second or two, doesn't it? Doesn't it?
- 14 A. Yes, sir.
- 15 Q. Are you really saying -- I do not want to make it too
16 simple, flick the camera on, continue with what you are
17 doing and then transmit after that?
- 18 A. I had one spare hand at the time and I grabbed the radio
19 and transmitted.
- 20 Q. All right. Now, 9.36 entry, the loggist writes it, and
21 at that time because the Cougar wasn't working in your
22 vehicle, the loggist is having to hear what someone else
23 says or relays over the Cougar or presumably can hear on
24 the Airwave of you speaking, that's how it works?
- 25 A. That's how it did work, I never transmitted at 9.36.

1 Q. So if you didn't transmit at 9.36, if we look at 477,
2 why on earth is that written "description is from 50",
3 if you didn't transmit?

4 A. Because the description is of the stubble.

5 SIR MICHAEL WRIGHT: Do you mean that's part of the
6 description --

7 A. My original description at 9.33, sir.

8 MR MANSFIELD: So what's happened is that stubble has been
9 missed out. I have already asked --

10 SIR MICHAEL WRIGHT: Missed out of one and put in in the
11 other, is that what you are saying?

12 A. Yes.

13 SIR MICHAEL WRIGHT: Missed out of 9.33 --

14 A. It was missed out by the loggist --

15 SIR MICHAEL WRIGHT: At 9.36.

16 MR MANSFIELD: I think you said that you adopted this by
17 mistake.

18 A. I did, sir, in the debrief, because it had -- reading
19 through it, had 50 next to it, and I initially put my
20 initials next to it and realised I actually didn't say
21 that.

22 Q. All right. Then --

23 SIR MICHAEL WRIGHT: Could we go back to 474. 9.36. The
24 only bit then that didn't come from you in the 9.36
25 entry was the fact that this man, whoever he was, was

1 now going towards Tulse Hill?

2 A. And believed of North African origin, sir.

3 SIR MICHAEL WRIGHT: Quite right, thank you.

4 MR MANSFIELD: Derek has already given us an answer as to

5 that, because I have asked him about this entry

6 carefully and he thought the description part of it,

7 that stubble and North African, both came from you.

8 A. No, sir, at no time did I say he was North African.

9 Q. You didn't say that?

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

11 Q. Did you know where Edward was?

12 A. He would have been, well, to the rear of where I was

13 observing. I don't know specifically where he was, no.

14 Q. Had you, before we get to 9.33, been made aware what the

15 object of the exercise was that day? Was it just to do

16 suspects or to do others as well?

17 A. No, the object of the operation was to, for me to put

18 people out if they were suspect, ie linked to the

19 previous day, or photographs, was they would be taken

20 away by our team, and at the time of the firearms

21 choosing, they would do an interdiction.

22 Q. But you knew, did you, that the firearms people weren't

23 there to do an interdiction, as you put it?

24 A. At that specific time, I don't know if they were there

25 then, I knew when we first got out there there was

1 a problem with them being out on the ground at the same
2 time as us. I don't know when that was resolved.

3 Q. Were you ever informed by Derek, your team leader, that
4 the situation was sufficiently bad that he and James,
5 that's the leader of the grey team, when the grey team
6 arrived shortly before 9 o'clock, had worked out a plan
7 whereby they would have to do the intervention if it was
8 a positive identification of somebody who was said to be
9 a suspect who was also carrying a rucksack; did you know
10 anything about that?

11 A. I don't know the specifics, sir.

12 Q. Did you know it in general?

13 A. I knew it in general that there was an option that
14 potentially the people from the surveillance team who
15 were armed would have to do --

16 Q. Did they indicate where they were going to have to do
17 that?

18 SIR MICHAEL WRIGHT: Mr Mansfield, I'm very conscious of the
19 fact that you are having to investigate the case for the
20 family, but you know you have done all this with Derek,
21 who is the team leader and had to make all these
22 decisions. You will have to persuade me that I ought to
23 allow you to do this all again with this foot soldier or
24 any other foot soldier.

25 MR MANSFIELD: I can, I hope.

1 The position, if you have read Edward's material to
2 date, is that he wasn't in a position to do any kind of
3 observation according to what he said so far which I am
4 just coming to. The point of interception that had been
5 planned was the junction between Upper Tulse Hill and
6 Marnfield.

7 SIR MICHAEL WRIGHT: Not by this officer.

8 MR MANSFIELD: No, not by this officer but what I want to
9 know from this officer is if it was known that there was
10 a plan, and obviously I will ask Edward the same, and
11 that plan was to intercept at Marnfield Crescent,
12 Upper Tulse Hill, which is very close to the bus stops,
13 because the buses were still running, then there had to
14 have been a red officer, I am afraid, between the pinch
15 point of Scotia Road and Marnfield Crescent, and there.
16 Edward doesn't appear to be that person because he is
17 not in that area --

18 SIR MICHAEL WRIGHT: This is what you can put to Edward,
19 isn't it?

20 MR MANSFIELD: It is, but also I want to know whether this
21 officer -- these are the only two members of the red
22 team we are getting. None of the others say anything
23 about anything.

24 SIR MICHAEL WRIGHT: You can limit it to this but I think it
25 can be done very briefly.

1 MR MANSFIELD: I won't take long to do it. The final aspect
2 of this was: were you aware of where this interception
3 was going to take place by your own surveillance teams?

4 A. No, sir.

5 Q. You weren't. I want to ask, and sir, I say
6 straightaway, it's about what happened subsequently and
7 I suggest what should have happened with Jean Charles
8 de Menezes, and it's one sighting. The 10.38 sighting,
9 you remember it's in your log, you have it at the bottom
10 there, do you see; it can be seen, I don't ask you to
11 read it out, there. Do you know what happened to this
12 person, the one at 10.38?

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

14 Q. But do you know what else you said about the man at
15 10.38 which has not been written in the log? You
16 probably don't remember now.

17 A. I can't recall now, sir.

18 Q. I wonder if we could just have the sequence of the 10.38
19 and what you say.

20 Would you listen very carefully to what you say on
21 this stretch, please.

22 Video and audio footage shown

23 I think there may be another section. I think there
24 is a bit more. (Pause)

25 Now, 10.38, just go back to that. I don't need it

1 shown again, because I think the words you will probably
2 remember?

3 A. Yes, sir.

4 Q. About a "possible in relation to Omar and brother". Do
5 you remember those words?

6 A. Yes, sir.

7 Q. So once again, you have the photograph of Omar from the
8 gym card, and you were making a comparison with that
9 person although older?

10 A. Yes, sir, at the time -- I can't remember the specifics,
11 sir.

12 Q. You can't remember. I can't take that further. You
13 don't know what happened further up the road once you
14 put that out?

15 A. I can't remember at this stage, sir.

16 MR MANSFIELD: Thank you very much.

17 Questions from THE CORONER

18 SIR MICHAEL WRIGHT: Help me about this: you could still
19 receive on your Cougar headset, as I understand it.

20 A. Yes, sir.

21 SIR MICHAEL WRIGHT: You couldn't transmit.

22 A. That's correct.

23 SIR MICHAEL WRIGHT: You were using the Airwave which caused
24 you difficulties, obviously, we understand that, to
25 transmit. Once you had transmitted your message at 9.33

1 about the man who had come out, and you have described
2 him, could you hear whether your colleagues were
3 following him up?

4 A. Yes, sir, because my initial transmission at 9.33 or
5 thereabouts would have been relayed straight away and
6 therefore I would have heard it coming back over the
7 Cougar headset.

8 SIR MICHAEL WRIGHT: You had said, "I think it's worth
9 somebody else having another look". Were you able to
10 tell by, because you could hear through the Cougar
11 network, what your colleagues were saying as to whether
12 they were following it up?

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: Can you remember now what you heard?

15 A. I can't specifically, I just remember a couple of call
16 signs manoeuvring to get into position to actually try
17 and gain an ID of him, but I can't remember exactly
18 specifically what was said.

19 SIR MICHAEL WRIGHT: They did react to your message?

20 A. Absolutely, yes, sir.

21 SIR MICHAEL WRIGHT: So that although you may not have
22 recorded the fact that you thought he was worth another
23 look, had you appreciated that your colleagues had
24 picked up it and were trying to follow it.

25 A. Yes, sir.

1 SIR MICHAEL WRIGHT: Very well, thank you. That's all,
2 I think for a moment. No, thank you. Mr Stern?
3 Ms Leek? Mr Perry? Mr King? Mr Horwell? Mr Gibbs.

4 Questions from MR GIBBS

5 MR GIBBS: Sir, may I pick up on a couple of things that
6 Frank has been asked.

7 We can see that in the van, Frank, you are doing two
8 things, principally. You are videoing some people who
9 come out?

10 A. Yes.

11 Q. You are speaking over the radio so that others can hear
12 what it is that you are describing as your scene?

13 A. Yes, sir.

14 Q. What was the principal purpose of the videoing part of
15 your job?

16 A. I wasn't specifically asked to do this. I did it purely
17 to gain additional intelligence from the block. We
18 didn't know anybody else or anybody who lived within
19 that block at what addresses, so it was more done for
20 retrospective, if there was anything to be gained.

21 Q. In terms of getting a, potentially, a body of video
22 material which might have been useful later, did you
23 need that to be a continuous record or just a record of
24 the people who came out and might have been of interest?

25 A. I just -- it didn't need to be a continuous and I would

1 have run out of tape. But also I just, every time I saw
2 somebody come out, I turned the camera on to record.

3 Q. You didn't have a facility, have I understood this
4 right, to transmit by mobile telephone or by computer --

5 A. No, sir.

6 Q. -- any of the imagery that you might have got to anyone
7 else?

8 A. No, not at all, sir.

9 Q. So it would have remained on the tape in your camera?

10 A. Yes, sir.

11 Q. The other part of it, which is what you are speaking
12 over the radio, we have heard from the clips that have
13 been played the way in which you speak. Is that how you
14 are taught to speak, in a soft and calm and informative
15 way?

16 A. It was just -- it's a sort of controlled whisper, if you
17 like, because if you do whisper into the microphones, it
18 won't pick it up, so you need to talk very slowly and
19 succinctly, so yes I'm taught that way.

20 SIR MICHAEL WRIGHT: You don't want to be overheard from
21 outside the van, I suppose.

22 A. Exactly, sir, yes.

23 MR GIBBS: Thank you. We will have picked up from hopefully
24 being able to read the log at the same time as we were
25 watching and listening to what it was that you were

1 saying, that what's written on the log is not exactly
2 the same as what it is that you were saying, as each of
3 those other people came out.

4 Is that unusual?

5 A. No, it's not. That's pretty much always the case.

6 Q. Just obviously to -- I'm sorry to state the obvious.

7 A. Brevity.

8 Q. In the excerpt from the log that we were looking at, at
9 9.36, one of the passages is "on foot towards
10 Tulse Hill". Again forgive me for stating the obvious,
11 but you couldn't, I think, have seen that, could you?

12 A. No, sir.

13 Q. I'm not going to ask you how the van is laid out, but
14 suffice it to say that you weren't able to see out of
15 the front of the van, as it were, as if you had been
16 driving?

17 A. The view I had was the view you have seen on the video.

18 Q. As the person who we know was Jean Charles de Menezes
19 first came out, you thought that he wasn't a possible?

20 A. My initial thought as he stepped out was that I didn't
21 think he was a possible.

22 Q. Then as he came closer to you?

23 A. Yeah, I just at the time as he walked closer to me,
24 I had a better chance to look at him and had a quick
25 look at the photograph and then there was just something

1 in the eyes that I thought it's worth somebody else
2 having a look.

3 Q. Was that what you said then?

4 A. Yes.

5 Q. I'm not --

6 SIR MICHAEL WRIGHT: Once you had a better look at him, how
7 would you have described him, I don't mean by the
8 identity numbers.

9 A. Straightaway I realised that IC1 wasn't correct and as
10 I said previously I would have gone for sort of
11 Mediterranean --

12 SIR MICHAEL WRIGHT: Mediterranean, yes.

13 MR GIBBS: You have described that because of the awkward
14 situation you were in it was difficult both to video and
15 transmit on the radio. Why did you choose to use the
16 radio and not the camera?

17 A. Purely to -- so that the rest of the team, if I had
18 delayed it a little bit longer, it would have been -- it
19 was there for their timing more than anything.
20 Previously when I have put other people out as well,
21 they gain their timing of when they need to park up and
22 get out and then walk in, so they don't necessarily have
23 a head on if they don't need to, so it was all about to
24 get the information to the rest of the team at the right
25 time.

1 Q. So you prioritised the speaking into the radio to the
2 rest of the team?

3 A. Yes, sir.

4 Q. Rather than the video?

5 A. Yes, sir.

6 Q. Are you happy that was the right thing to do?

7 A. Yes, sir.

8 MR GIBBS: Thank you.

9 MR HILLIARD: No questions, thank you very much.

10 SIR MICHAEL WRIGHT: Thank you very much indeed, that's it.
11 You are free to go.

12 I had better ask you this before you leave: what was
13 the size of the van?

14 A. It was a transit size van. Ford transit.

15 SIR MICHAEL WRIGHT: Seats in it or was it open back? Most
16 people know what Ford transits look like.

17 A. Yes.

18 SIR MICHAEL WRIGHT: Thank you.

19 MR HILLIARD: Edward is the next witness, please.

20 SIR MICHAEL WRIGHT: Sorry, Frank, before you disappear,
21 side and back windows or just a front windscreen?

22 A. It was just a rear window at the back, no side windows.

23 SIR MICHAEL WRIGHT: Nothing at the side? Thank you.

24 (The witness withdrew)

25

1 CODENAME "EDWARD" (sworn)

2 SIR MICHAEL WRIGHT: Thank you, please sit down.

3 Questions from MR HILLIARD

4 MR HILLIARD: I'm going to ask you some questions first of
5 all on behalf of the Coroner, then you will be asked
6 questions by others, and I think for the purpose of
7 these proceedings you are going to be known as Edward;
8 is that right?

9 A. That's correct, sir.

10 Q. In July of 2005 were you a surveillance officer attached
11 to SO12 Special Branch?

12 A. Yes, I was.

13 Q. As at July 2005, roughly how long had you done that sort
14 of work as a surveillance officer for?

15 A. About five years, sir.

16 Q. On that day, I think you had a call sign that ended in
17 the numbers 81, your team leader was Derek and you were
18 with the red team; is that right?

19 A. That's correct, sir.

20 Q. As well as some entries in the log, which I think you
21 signed at the debrief, you had made a number of witness
22 statements including one made on 23 July 2005; is that
23 right?

24 A. That would be correct, sir.

25 Q. Do you have that statement with you?

- 1 A. I believe I have.
- 2 Q. Good, there is no difficulty about you looking at that
3 or any other document if you need to as you give your
4 evidence.
- 5 A. Thank you very much.
- 6 Q. We have heard about a briefing that was given by Derek
7 early on the morning of the 22nd and I think you went to
8 that; is that right?
- 9 A. Yes, sir.
- 10 Q. Was the position this: that you were interested in two
11 subjects or suspects, Hussain Osman and Abdi Omar?
- 12 A. Abdi Samad Omar, yes, sir.
- 13 Q. The particular address was 21 Scotia Road?
- 14 A. That was the address supplied, sir, yes.
- 15 Q. Was the position this: that if either of the -- or
16 indeed both of the subjects or suspects came from the
17 address, then they were to be surveyed away from the
18 premises and firearms officers from S019 were going to
19 stop them; is that right?
- 20 A. That was my understanding, sir, yes.
- 21 Q. We have seen that the observation -- do you have the log
22 there? It will come up on the screen if you haven't --
23 began, do you see, 6.04 in the morning?
- 24 A. Yes, I can see that, sir.
- 25 Q. If we turn to the next page, 6.05 --

- 1 A. Yes.
- 2 Q. -- it's got 81 after it, but I don't think it's in fact
3 initialled. Was that something that you broadcast,
4 a sighting that you had?
- 5 A. Yes, sir, that was a vehicle that I saw and I only
6 realised my error at a later date and I put that in
7 a statement.
- 8 Q. So at the debrief when the log's gone through, you
9 simply failed to initial that?
- 10 A. That would be correct, sir, yes.
- 11 Q. But you saw that black vehicle in the vicinity of
12 21 Scotia Road?
- 13 A. I did, yes.
- 14 Q. Was that on a walk-through that you had done?
- 15 A. Yes, that's correct, sir.
- 16 SIR MICHAEL WRIGHT: Because of your briefing, that was
17 a significant car to see?
- 18 A. It was, yes, sir.
- 19 MR HILLIARD: There you all were in, underway, as it were,
20 by 6.05 am; what if anything did you understand, what
21 was your understanding about when the S019 officers
22 would be there?
- 23 A. Well, I believe, sir, that if we were due to surveill
24 somebody and we were supposed to be able to stop them
25 with the support of S019, that S019 would have been

1 there.

2 Q. Right. If we turn to 7.49, can you see, that's an entry
3 of yours, somebody had come out at 7.47?

4 A. Yes, sir, I see that.

5 Q. Been seen by Frank, and then you had a later sighting,
6 is that right, of the same person?

7 A. That's correct, sir.

8 Q. Thank you.

9 SIR MICHAEL WRIGHT: That lady we understand was allowed to
10 go on her way?

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: Presumably because --

13 A. Ultimately, sir, there was no directions to do anything
14 other than identify whether or not she was a party to --

15 SIR MICHAEL WRIGHT: In any case she hardly fitted the
16 description of anybody you were looking for?

17 A. Correct, sir.

18 MR HILLIARD: Right. 8.20, there is a reference to a black
19 Golf; do you see that?

20 A. Yes, sir, I see that.

21 Q. Then page 477, you in fact had part of the registration
22 number; is that right? It's an amendment to the log; do
23 you see? You might have page 6 at the top.

24 A. Yes, that's right, 8.20, I saw the vehicle and gave a
25 part of the registration as I saw it.

- 1 Q. Thank you. Then 9.33, you see an entry there from
2 Frank:
- 3 "Male IC1, 5-foot 8 inches, dark hair, beard, out of
4 communal doorway of premises, wears denim jacket and
5 jeans, trainers".
- 6 Do you see that?
- 7 A. I see that, sir.
- 8 Q. Did you hear that being broadcast?
- 9 A. Yes, sir.
- 10 Q. Then can you see, 9.36, there is an entry:
- 11 "Male IC1 as 9.33 believed of North African origin,
12 has stubble on face, on foot towards Tulse Hill SW2".
- 13 Do you see that?
- 14 A. Yes, sir.
- 15 Q. Your initials in fact don't appear by any part of that
16 entry, do they?
- 17 A. They are crossed out, sir.
- 18 Q. Right, and whereabouts are they?
- 19 A. It's to the right of the word "African".
- 20 Q. I see, yes --
- 21 A. Should be 81 which is lined through and that's then been
22 initialled by the team leader.
- 23 Q. Can you explain what, if anything, you saw of that entry
24 and just how the 81 has been crossed out?
- 25 A. Indeed, sir, when we were doing the debrief, the team

1 leader read through the entries. At that point
2 I realised that the entry as described didn't seem to
3 make sense, and it attributed all of it to me. What
4 I clarified was that the entry whereby the description
5 of North African and the direction towards Tulse Hill
6 was mine.

7 SIR MICHAEL WRIGHT: Is that why -- is that 81 again, then?
8 A. That's the team leader's initials, sir.

9 SIR MICHAEL WRIGHT: Oh, I see. Right. I thought it was
10 another 81, but it's not.

11 A. That was my difficulty (inaudible), sir.

12 MR HILLIARD: So "North African on foot towards Tulse Hill"
13 was you?

14 A. That would be me, sir.

15 Q. What about that person being, do you see, male IC1 as
16 9.33?

17 A. That would be what the loggist has written.

18 Q. Right.

19 A. That he is describing the same person as the previous
20 entry at 9.33, rather than writing it all out again --

21 Q. As far as you were concerned when you had your sighting,
22 did you think you were looking at the person that Frank
23 had broadcast about?

24 A. Yes, sir.

25 Q. You did?

- 1 A. Yes.
- 2 Q. Right. If we can just have divider 11 up on the screen,
3 can you make out bottom middle sort of the plan, you see
4 Scotia Road?
- 5 A. Yes.
- 6 Q. You see Marnfield Crescent?
- 7 A. Yes, I do.
- 8 Q. Then Marnfield Crescent coming out to the junction with
9 Tulse Hill, and then do you see where the TA Centre is
10 marked, does that help bring back the geography?
- 11 A. Yes.
- 12 Q. When this person is on foot towards Tulse Hill, I just
13 want to know two things. First of all, where was the
14 person, and then as best you can, whereabouts were you?
- 15 A. Where was the person when I first saw him? In fact the
16 only occasion I saw him.
- 17 Q. Yes, absolutely?
- 18 A. He was roughly at the junction of Marnfield and the
19 Upper Tulse Hill Road just approaching the junction.
- 20 Q. So coming from Marnfield Crescent ever so close to
21 Tulse Hill?
- 22 A. Yes, it was more or less on the junction.
- 23 Q. Right. Whereabouts were you?
- 24 A. I was directly across the road.
- 25 Q. Yes?

- 1 A. And slightly to the left, roughly where the end of the
2 D -- in fact where the red and white lines would appear
3 to merge into the directional line that you have put in
4 there, so where Marnfield has a pinky red line, and
5 Upper Tulse Hill is a white -- line that's divided --
- 6 Q. The division of the pink and the white.
- 7 A. That's correct, and I would be to the south.
- 8 Q. So south side of the road at about, as you say, the
9 junction of the pink and the white?
- 10 A. Yes, there is a small car park there, sir.
- 11 Q. Were you in a vehicle looking through a vehicle, as it
12 were, out from a vehicle, if you understand?
- 13 A. I was in the vehicle looking out the windscreen, sir.
- 14 SIR MICHAEL WRIGHT: Parked in the car park. That's you on
15 the south side of the road. Tell me again where he was.
- 16 A. When I first saw the gentleman, he was on the other side
17 of the road in Marnfield itself, walking towards the
18 junction with Upper Tulse Hill. He was on what we would
19 call the offside footway, which is the right as you are
20 looking at it.
- 21 Q. Then he turned to his left to go towards Tulse Hill
22 itself?
- 23 A. That's correct.
- 24 SIR MICHAEL WRIGHT: Thank you.
- 25 MR HILLIARD: As you understood it at that time, for anybody

1 opposite Marnfield Crescent, the mouth of it, and so
2 therefore the car park on this map is just below the
3 lowest of the two 201 bus stops?

4 A. Yes, sir.

5 Q. So it's in there, in fact it's a school or a nursery or
6 something of that nature?

7 A. There is an educational premises within the -- what
8 I call the lighter pink, slightly south of the car park,
9 yes, there is a range of buildings there.

10 Q. Were you aware that Derek, your team leader, and James,
11 in the absence of S019 because they had not arrived by
12 9 o'clock, had devised a plan whereby they would stop or
13 intervene anyone who was positively identified as
14 a subject and carrying a rucksack; were you aware of
15 that plan?

16 A. Once the greys had arrived, sir?

17 Q. No. Well, sorry, yes, once the greys had arrived, so in
18 that sense, yes --

19 A. Up until the greys had arrived, sir, we were the only
20 ones holding the fort. Once the greys turned up,
21 ultimately we had some back-up, and I understood that we
22 would simply hold the address and we would feed out any
23 subjects to the grey team in order for them to be able
24 to control further.

25 Q. Yes --

- 1 A. Which means that we were then, once they were doing
2 that, still able to control the address.
- 3 Q. I understand about controlling the address, but of
4 course one of the anxieties was to stop a suspect or
5 even a potential suspect from getting on to public
6 transport. That was the big concern that morning,
7 wasn't it?
- 8 A. It certainly was, sir, and the team leader had said so.
- 9 Q. I follow that. Therefore in order to identify or not,
10 there had to be pretty tight control of this area
11 because you have only got four or five minutes if he
12 walks off towards Tulse Hill, assuming the buses have
13 not been diverted there, and even less if he's going to
14 the bus stops right where you were parked?
- 15 A. Yes, sir.
- 16 Q. Right? The question was: were you aware that Derek and
17 James had come up with a plan themselves for both the
18 red team and the grey, to do the work of S019 if they
19 had not turned up?
- 20 A. No, sir.
- 21 Q. You weren't, so you weren't aware of the need, the
22 urgency and the need to identify somebody one way or the
23 other before they got to the mouth of Marnfield Crescent
24 and Upper Tulse Hill?
- 25 A. Well, sir, I think being a surveillance officer we are

1 quite aware when we are the only ones there that it may
2 well come down to us doing the job. The team leader had
3 in fact said that under no circumstances was any suspect
4 be allowed to get on public transport and I knew that
5 efforts were being made if they weren't already done, to
6 stop the public transport in that area, anticipating the
7 arrival of the 19 teams, and until they arrived it was
8 down to us.

9 Q. Exactly. Therefore if somebody leaves Scotia Road who
10 is, I mean leaves the block, possibly Nettle Tip you
11 don't have very long to do something about it, do you?

12 A. No, sir.

13 Q. Which means that any red team officer in the vicinity is
14 really going to have to get on his feet and have a look
15 at the person just to make sure he either is or isn't or
16 you can't tell? Do you follow?

17 A. I understand what you are saying, sir, but covert
18 surveillance must remain covert surveillance.

19 Q. I appreciate that, but that doesn't mean to say --

20 A. And our methodology would suggest that we have ways of
21 trying to identify a subject where we are able to do so.

22 Q. I appreciate that.

23 A. Without compromising the operation.

24 Q. It doesn't mean to say you can't get out of a vehicle
25 and be on foot, does it?

1 A. If I determined at that time, sir, it was inappropriate
2 to do so, to remain covert, that would have been the
3 course of action I would have chosen.

4 Q. What I want to ask you is --

5 SIR MICHAEL WRIGHT: Can I translate that? Does that mean
6 that, yes, if you thought you could have got out of the
7 car and --

8 A. I was always in a position to get out of the car, sir.

9 SIR MICHAEL WRIGHT: You were not?

10 A. Always in a position to get out of the car.

11 SIR MICHAEL WRIGHT: I know, but the risk is you may blow
12 the operation?

13 A. It's a fine line between identification and compromise.

14 SIR MICHAEL WRIGHT: Was your position that morning that you
15 felt that if you got out of the car at that stage, there
16 was a risk you would reveal the operation?

17 A. Yes, plus the fact, sir, that another officer with whom
18 I was working and who carried the gun, as I was unarmed,
19 had declared that he was not in a position to be able to
20 support me at that time.

21 MR MANSFIELD: Who is that?

22 A. It's an officer who I don't believe has been called,
23 sir.

24 Q. What's his name? I don't mean his codename.

25 SIR MICHAEL WRIGHT: You mean his call number?

1 MR MANSFIELD: Yes, his call number or code. Is he part of
2 the red team?

3 A. Yes, sir, and always has been. (Pause)

4 I will have to refer to the log, sir, I do not have
5 his ... (Pause)

6 I can't tell you what his call sign was, sir, as
7 a result of the redactions.

8 SIR MICHAEL WRIGHT: All right, leave the name on one side
9 for the moment.

10 A. But what happened, sir, was --

11 MR MANSFIELD: Hold on, we have not heard this before and
12 I want to go -- you have given evidence before at the
13 Health and Safety trial.

14 A. Yes, I have, sir.

15 Q. You have made statements. Have you ever mentioned this
16 before?

17 A. What, that another officer was not in a position to
18 support me if my decision --

19 SIR MICHAEL WRIGHT: Can I stop you, Mr Mansfield, I have
20 a recollection, I am sure I am right, that Derek I think
21 told us on Friday who the other officers were who were
22 carrying arms.

23 MR MANSFIELD: Yes but it may not help us with regard to --
24 he has, and I made a list of them.

25 SIR MICHAEL WRIGHT: There were only two of them, I think,

1 apart from himself.

2 MR MANSFIELD: Three, I think, actually. Can I just check

3 what I wrote down when he gave it. T2, 5 and 7. In

4 addition to himself. So it obviously isn't Derek. Is

5 it T2, 5 or 7?

6 A. I can only answer, sir, that it's an officer that was on

7 duty --

8 SIR MICHAEL WRIGHT: You don't remember what his number was.

9 All right.

10 MR MANSFIELD: Was he with you?

11 A. Not physically, sir, no.

12 SIR MICHAEL WRIGHT: He wasn't in the car with you?

13 A. No, he wasn't in the car with me, no, sir.

14 MR MANSFIELD: He is somewhere else.

15 A. Yes, sir, that must be right.

16 Q. How does it come about that whoever he is, assuming he

17 is one of the three, 2, 5 and 7, that he says: don't get

18 out of the car, I can't support you.

19 A. He didn't tell me not to get out of the car. It's

20 a decision I made based on his information that he was

21 not in a position to support me. It was my decision.

22 SIR MICHAEL WRIGHT: At the risk of finding another officer

23 who was relieving himself at the appropriate time, did

24 he explain why he couldn't?

25 A. He simply said he was out of position. That could have

1 been he was moving his car, he could have been
2 inconvenienced, I really can't say for certain. He was
3 not in a position to support me and I decided not to get
4 out of my vehicle.

5 MR MANSFIELD: You see, I want to put to you very plainly so
6 you understand, you have probably guessed anyway, I want
7 to suggest there was not any other red officer between
8 the block and the bus stops, and you are the only one
9 who appears to be in a position to do an identification
10 or not, and you stay in the car, looking across
11 a car park that is interrupted by parents delivering
12 their children; is that right?

13 A. That's quite correct, sir.

14 Q. Quite correct. And are you saying you couldn't get out
15 of the car without arousing suspicion, just to go and
16 have a closer look at the man who has to be identified
17 one way or another before he gets to a bus stop?

18 A. I am saying that the decision I made, sir, was not to
19 get out of the car, to remain covert.

20 SIR MICHAEL WRIGHT: Was that affected by the presence of
21 women and children?

22 A. It was, sir.

23 MR MANSFIELD: Are you saying that merely getting out of the
24 car in a car park in the presence of other people, let
25 us just suppose he is the terrorist, all right, this man

- 1 coming along, he is; have you had any suggestion that he
2 is up to that point?
- 3 A. No suggestion that he is the terrorist, sir, only
4 a request for my colleague, Frank, to potentially get
5 somebody else to have another look at the subject.
- 6 Q. You heard that, did you?
- 7 A. Yes, sir, over the radio.
- 8 Q. He might or he might be or he just didn't get a good
9 look, you can't tell from that, can you?
- 10 A. No, sir.
- 11 Q. I want to suggest it's perfectly standard practice
12 within surveillance, covert surveillance, for you
13 unknown to this person to quite innocuously get out of
14 your car in a car park and walk across the road in the
15 opposite direction to which he's coming and walk past
16 him so you can get a close-up view. That's not breaking
17 cover, is it?
- 18 A. With the greatest respect, sir, for me to get out of the
19 car and then what am I going to do --
- 20 Q. Have a look at the person?
- 21 A. Have a look at the person and then beyond that, I need
22 to remain covert because I'm going to be remaining in my
23 position potentially for some future time.
- 24 Q. It's perfectly straightforward, Edward. He turns left
25 into Upper Tulse Hill; you walk past him in

1 Marnfield Crescent and walk round and back through the
2 park so nobody -- he is not going to be watching what
3 you do and you have had a close look. It's all very
4 simple without hindsight, isn't it?

5 A. My evidence, sir, is that I chose to remain within my
6 vehicle, remain covert.

7 Q. All right. When you were asked about this, and you gave
8 evidence at the Health and Safety trial about this
9 particular juncture, namely you in the car park. It's
10 Monday, 8 October at page 19. You were called to give
11 evidence, and you were being asked these questions on
12 page 19, line 7, just to set the context:

13 "Did you have any expectation as to when they were
14 going to arrive?

15 "Answer: Sooner rather than later, because we were
16 already there.

17 "Question: Sorry, say that again?

18 "Answer: Because we were already there, we would
19 anticipate sooner rather than later.

20 "Question: Jumping forward, please, to 9.36 on the
21 log [which is what we've just been looking at] what did
22 you see at 9.36?

23 "Answer: This entry has been corrected later on and
24 was made by another officer.

25 "Question: Right.

1 "Answer: The adoption there was against my name and
2 I indicated that it wasn't my entry."

3 Is that right, is it?

4 A. That's what it says, sir, yes.

5 Q. Is it right, what you were saying?

6 A. Well, partly, yes, sir, part of the adoption was against
7 my name, and it related to the comments I had made about
8 him being North African and the direction in which he
9 had travelled.

10 Q. "Putting the log to one side [do you follow the next
11 question] and doing your best from your memory, because
12 I don't want to get tied down with whose observation and
13 so on, what did you see at 9.36?"

14 A straightforward question, do you see that?

15 A. I do, sir.

16 Q. Your answer?

17 A. My answer as recorded here is I am not aware that I saw
18 anything at 9.36 and I was then asked if I wish to
19 refresh my memory.

20 Q. Yes, your first memory then was that you had not seen
21 anything at 9.36?

22 A. Well --

23 Q. Is that right?

24 A. It's not right, sir, no.

25 Q. Did you have a memory that you had seen something at

1 9.36?

2 A. As a result of refreshing my memory, yes, sir.

3 Q. Because it goes on a bit. The questioner says:

4 "My Lord, I am looking at page 72. All I want is
5 just where this officer records what he saw. It's
6 paragraph -- at 9.36?

7 "Answer: On the log, the entry at 9.36 [this is
8 you] starts with 'MIC1'. It was originally adopted by
9 me and has been struck through. Basically this was me
10 indicating that this entry related to another person."

11 SIR MICHAEL WRIGHT: Does that mean another person seen or
12 another person making the entry?

13 MR MANSFIELD: Quite.

14 A. To clarify, sir, it related to the fact that the other
15 person was Frank, and part of it included what he had
16 said that I was relaying.

17 SIR MICHAEL WRIGHT: It's the another person making the
18 entry.

19 MR MANSFIELD: Then you were asked to look at your witness
20 statement.

21 A. I was.

22 Q. Then you saw what you had said in your witness statement
23 about this entry?

24 A. If I can refresh my memory, yes, sir.

25 Q. Now let's deal with what you actually saw. So you see

- 1 a person coming towards you. Do you get a view of his
2 face?
- 3 A. I did, sir, yes.
- 4 Q. Right.
- 5 A. Briefly.
- 6 Q. How brief?
- 7 A. Couple of seconds.
- 8 Q. Couple of seconds?
- 9 A. Yes, sir.
- 10 Q. Not very adequate for making one thing or another, is
11 it, really?
- 12 A. No, sir, I would say it was insufficient for determining
13 whether it is him or not.
- 14 Q. It's clearly insufficient for saying anything. It's
15 a fleeting glance, isn't it?
- 16 A. Yes, sir, I have never indicated any more than that.
- 17 Q. No, I appreciate. But you did appreciate how imperative
18 it was to get more than a fleeting glance of the person
19 coming down the road?
- 20 A. I see your point, sir. Yes, sir, where possible, yes.
- 21 Q. Did you know where the next officer was, since you
22 weren't going to get out of the car?
- 23 A. I knew where the grey team were and we would feed them
24 to the grey team, simply facilitating that action.
- 25 Q. I appreciate. Where were the grey team?

- 1 A. I can't be specific as to where individuals were, sir.
2 I was reassured that they were with us.
- 3 Q. Right. Then one more thing, could you look at 10.38 in
4 the log and then over the page to 476. 10.38 we have
5 heard is a male carrying two bags?
- 6 A. Yes, sir.
- 7 Q. 10.40, you see the same person because it's your entry.
8 Do you see that?
- 9 A. Yes, I see that, sir.
- 10 Q. Do you remember the significance of this individual?
- 11 A. In what way, I am sorry?
- 12 Q. I'll come straight to the point, that he was in fact
13 thought by Frank to be a possible for the brother of
14 Omar? None of it's in there, but I wanted to know
15 whether you realised that at the time?
- 16 A. If it had come out on the radio, sir, then, yes, I would
17 have been aware of that certainly.
- 18 Q. You have an entry further down at 10.41. It's only
19 a minute later, do you see that?
- 20 A. Yes, sir.
- 21 Q. You have endorsed the 10.41?
- 22 A. Yes.
- 23 Q. Quite clearly the same person.
- 24 A. Yes.
- 25 Q. I just want to ask you in relation to this person, were

1 this man coming up Marnfield Crescent from the direction
2 of Scotia Road, did you have any reason to doubt that
3 this was the man that Frank had seen?

4 A. I think initially, sir, when I first saw him, I was a
5 little bit taken aback by the description I had been
6 given as a male IC1 which for us is a white European.
7 Hence me saying he looks North African to me --

8 SIR MICHAEL WRIGHT: That's the comment that you made.

9 A. Yes, that's the comment --

10 SIR MICHAEL WRIGHT: You may not know this, but let me tell
11 you, Frank has told us that when he got a better look at
12 this particular chap before he passed the van, he
13 changed his mind, he took the view this was not an IC1
14 but what I think is sometimes described as
15 Mediterranean.

16 A. Yes, sir.

17 SIR MICHAEL WRIGHT: How did that compare with the person
18 you saw?

19 A. He didn't declare that as such.

20 SIR MICHAEL WRIGHT: I know he didn't but I want to know how
21 it compared.

22 A. Yes, it was the skin tone that made him obviously not
23 a white European. That was my --

24 SIR MICHAEL WRIGHT: It would be more like it.

25 A. I was surprised, sir.

1 SIR MICHAEL WRIGHT: It would be more like it if it was
2 Mediterranean.

3 A. Yes.

4 SIR MICHAEL WRIGHT: I am really thinking much more about
5 geography or topography. Having regard to the distance
6 it would have taken for someone to have walked from
7 Scotia Road up to the end of Marnfield Road, did the
8 timing fit in, so far as you could tell, with this being
9 the person that you saw at 9.36 that Frank saw leaving
10 the house at 9.33.

11 A. Yeah, there was a delay, sir, and I recall thinking:
12 well, where is he. Then he appeared. He was as
13 described clothing-wise, and I just remember thinking --

14 SIR MICHAEL WRIGHT: Putting it in the simplest possible
15 way, did you think, subject to your difficulties about
16 the colouring, I appreciate that, did you think it was
17 probably the same man?

18 A. Certainly, sir.

19 MR MANSFIELD: Sir, I do apologise.

20 SIR MICHAEL WRIGHT: I think the answer is no but I'll put
21 the question. Did you at any time hear over the
22 radio -- I beg your pardon, it's a perfectly possible
23 question.

24 Did you hear over the radio Frank's remark about
25 he's worth having another look or it's worth another

1 person having another look?

2 A. Yes, sir.

3 SIR MICHAEL WRIGHT: You did hear that?

4 A. Yes, indeed.

5 SIR MICHAEL WRIGHT: Thank you.

6 Further questions from MR MANSFIELD

7 MR MANSFIELD: Sir, I wonder if you might permit me just one
8 quick one.

9 I don't think you have it there. Do you have your
10 notebook with all the IC codes on the back?

11 A. Yes, sir, I do.

12 Q. I wonder if I could kindly ask you, since it's the red
13 notebook, I see, how is IC1 described?

14 A. Do you want me to read the --

15 SIR MICHAEL WRIGHT: Read it out.

16 A. "White-skinned European appearance".

17 It carries on e.g. English, Scottish, Welsh, French,
18 German, Swedish, Norwegian, Polish, and Russian.

19 MR MANSFIELD: Thank you. I am not going to go through them
20 all, just the ones that have been mentioned in the case.

21 A. If I can help, yes.

22 Q. IC2?

23 A. IC2:

24 "Dark-skinned European appearance, ie Mediterranean,
25 e.g. Greek, Cypriot, Turkish, Sicilian, Sardinian,

1 Spanish, Italian."

2 Q. IC3?

3 A. "African-Caribbean appearance."

4 SIR MICHAEL WRIGHT: Is that hyphenated?

5 A. It's hyphenated.

6 "... e.g. West Indian, Guyanese, black African

7 (including those with a light complexion)."

8 MR MANSFIELD: Thank you. One more, that's 6, is mentioned.

9 A. Okay, 6:

10 "Arabian/Egyptian appearance, e.g. Algerian,

11 Tunisian, Moroccan, and North African."

12 Q. Is there any reference on any of the codes to anyone

13 from South America?

14 A. I don't believe there is, sir.

15 Q. One other matter --

16 SIR MICHAEL WRIGHT: I suppose if my history is anything

17 like right, they presumably have a strong southern

18 European connection.

19 MR MANSFIELD: That's not a question.

20 SIR MICHAEL WRIGHT: Sorry, it's not a question.

21 MR MANSFIELD: Just one other thing, I meant to complete the

22 passage which is in the transcript, can we have Monday,

23 8 October, page 20 where you have explained now that the

24 other person was meaning Frank, but the question goes

25 on:

1 "So did you actually see anybody around -- did you
2 personally see anybody around at this time?

3 "Answer: I can't remember, but the entry there
4 [that's 9.36] is not specific that I saw a person."

5 A. Yes, sir, I think that was probably me getting
6 flustered, and that's -- hence me wanting to refresh my
7 memory or a suggestion of such.

8 SIR MICHAEL WRIGHT: Did you see a person?

9 A. I saw the gentleman as described.

10 SIR MICHAEL WRIGHT: Yes, very well. Mr Stern?

11 MR STERN: No questions, thank you, sir.

12 MS LEEK: No, thank you, sir.

13 MR PERRY: No, thank you, sir.

14 MR KING: No, thank you, sir.

15 MR HORWELL: No, thank you, sir.

16 SIR MICHAEL WRIGHT: Mr Gibbs.

17 Questions from MR GIBBS

18 MR GIBBS: Could I just clarify that last point? I think we
19 have been looking at what you said at the Old Bailey,
20 but we seem to have stopped about halfway down page 20.
21 Could we just read on to see what you actually said.

22 I am looking at line 10. Is this the point at which
23 a copy of your witness statement was passed to you?

24 A. It was, sir.

25 Q. Was that a witness statement that you had made on

1 23 July 2005?

2 A. It was, sir.

3 Q. So the day after the incident?

4 A. That would be correct.

5 Q. Mr Knowles, who I think was probably one of the
6 barristers there, asked the judge's permission for you
7 to look at that thing to refresh your memory, is that
8 right?

9 SIR MICHAEL WRIGHT: You should understand, ladies and
10 gentlemen, in a criminal trial the constraints upon
11 using written statements, previously prepared written
12 statements, are very much more rigid than they are in
13 a Coroner's court. Ordinarily without the judge's
14 permission, the witness would not be allowed to look at
15 them, previously.

16 MR GIBBS: Did you understand that what you were being set
17 in the Central Criminal Court was not a memory test but
18 a series of questions which were designed to bring out
19 from you what you had actually seen on the day?

20 A. Yes, sir.

21 Q. I would like to concentrate on that, may we? Can we see
22 how it goes on, Mr Justice Henriques --

23 SIR MICHAEL WRIGHT: You can jump the next bit.

24 MR GIBBS: -- says:

25 "Would you be assisted by refreshing your memory?"

1 "Answer: Yes ...

2 "Mr Justice Henriques: Are there any objections?

3 ... Please do."

4 May we see what you say:

5 "The entry at 9.36: I briefly saw the male initially

6 seen by Frank."

7 You are asked the question:

8 "And you made a comment, which was?

9 Can we go over the page:

10 "'I commented that I believed he looked North

11 African, and I then saw that male walk off towards

12 Tulse Hill.'"

13 A. That's entirely accurate, sir.

14 Q. Is that right because that's what you saw?

15 A. Yes, sir.

16 Q. Is that what we see in fact recorded on the log at 9.36?

17 A. Yes, sir.

18 Q. Now, you have been offered a certain amount of advice as

19 to how you might better have performed your surveillance

20 duties at around 9.36 on that day. Can we just see

21 whether that's helpful or not? You are sitting in

22 a car, and you are in a car park which is the car park

23 of a school or which is used by school children?

24 A. It's a small public car park, sir, which I would imagine

25 facilitates the arrival and drop-off of persons in that

- 1 area, some of whom would wish to use that building.
- 2 Q. At about 9.36 was there anybody else in the car park?
- 3 A. Yes, sir.
- 4 Q. What sort of people?
- 5 A. Mainly small children, mothers, it was quite a busy
6 little place, actually.
- 7 Q. The sort of person whom you had been deployed to look
8 out for and possibly to survey on that day was what sort
9 of person?
- 10 A. I was looking for a terrorist, sir, or believed
11 terrorist.
- 12 Q. Did the environment in which you found yourself play any
13 part in your decision as to whether you did or didn't
14 get out of the car?
- 15 A. Only as far as my training within covert policing would
16 allow, sir. It was my decision to remain in the car, to
17 remain covert.
- 18 Q. Did it occur to you what might have happened if there
19 had been a compromise of the operation at that stage and
20 this had been a murderer?
- 21 A. Yes, sir.
- 22 Q. Were you one of the four men in the red team who was
23 carrying a weapon that day?
- 24 A. I was not, sir.
- 25 Q. Had you been involved in a reconnaissance of the plot of

1 the area around 21 Scotia Road when the team first
2 arrived there?

3 A. Yes, sir, I was the officer that did that
4 reconnaissance.

5 Q. Were you involved in the relaying over the Cougar radio
6 of information which was being passed by Frank on the
7 Airwave radio?

8 A. Yes, sir, I was.

9 Q. Was that just you who was doing that or was Derek the
10 team leader also doing it?

11 A. It was mainly me, and if I was unable to transmit,
12 somebody else would take that up, normally the team
13 leader would look to do that.

14 Q. You have described a short view, a matter of seconds, of
15 the man who was Jean Charles de Menezes?

16 A. Yes, sir.

17 Q. On the view that you had, and at the distance that you
18 had it, were you able to give an opinion as to whether
19 this was one of the men about whom you had been briefed?

20 A. No, sir, it was too brief.

21 MR GIBBS: Those are my questions.

22 SIR MICHAEL WRIGHT: Thank you, Mr Gibbs. Mr Hilliard?

23 MR HILLIARD: Thank you very much.

24 SIR MICHAEL WRIGHT: No? Thank you very much, Edward, you
25 are free to go. That would be a convenient moment,

1 ladies and gentlemen. 3.30.

2 (The witness withdrew)

3 (3.23 pm)

4 (A short break)

5 (3.33 pm)

6 (In the presence of the jury)

7 MR HOUGH: The next witness is James.

8 SIR MICHAEL WRIGHT: Yes.

9 CODENAME "JAMES" (sworn)

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

11 Questions from MR HOUGH

12 MR HOUGH: I think you have been given the name James for
13 these proceedings?

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

15 Q. My name is Jonathan Hough. I will ask you questions
16 first on behalf of the Coroner, and then you will be
17 asked questions by others in turn.

18 In 2005 I think you were a surveillance officer
19 attached to SO12 Special Branch?

20 A. Yes, sir.

21 Q. On 22 July 2005 you were the leader of the grey
22 surveillance team in the area of Scotia Road?

23 A. Yes, I was, sir.

24 Q. I think you have made, if my count is right, five
25 witness statements about the events of that day,

- 1 certainly a number; two significant ones, one on the day
2 after the events, on the 23rd, and one in November of
3 2005?
- 4 A. I certainly made a statement the day after, and a number
5 of statements thereafter, yes.
- 6 Q. Do you have any of those statements with you now?
- 7 A. Not with me right now, no, sir.
- 8 Q. We can show them on screen if we need to, and there will
9 be no problem about you referring to those. I think you
10 gave evidence at the Health and Safety trial at the
11 Old Bailey on 8 October of last year?
- 12 A. Yes, I did, sir.
- 13 Q. Turning to 22 July, what time were you due to come on
14 duty that day?
- 15 A. We were due to be on duty at 8 am in the morning, sir.
- 16 Q. Did you in fact receive a call before that time asking
17 you to come in?
- 18 A. Yes, shortly before 6.06, I have it down as, 6.06 am,
19 I received a telephone call from the night duty
20 surveillance co-ordinator asking us to come into work
21 earlier.
- 22 Q. That's somebody I think we are calling Colin?
- 23 A. Yes.
- 24 Q. After you had received that summons, did you take any
25 action about the rest of your team?

- 1 A. Yeah, once I had got that call, I then sent out
2 a message on a message paging system to the rest of my
3 team, asking them to come in to do that.
- 4 Q. Then I won't take you to the schedule of telephone
5 calls, but in the period between 7.05 and 7.45 there
6 were a number of calls between you, Colin and
7 Mr Whiddett. Can you help us about what those calls
8 might have been to do with, in general terms?
- 9 A. I can't remember what those calls were to do with,
10 actually, thinking back on it. They may have just been
11 admin matters, but at that stage I can't remember
12 specifically in relation to each of those calls what
13 they would have been about, but certainly around about
14 7.30 or just before 7.30, I learned from Mr Whiddett
15 that he wanted us to be briefed at Scotland Yard and not
16 at Tintagel House.
- 17 Q. At any point around that time, did you give directions
18 to a member of your team we are calling Ken to collect
19 firearms?
- 20 A. Yes, I spoke to Ken and, as it was likely to be
21 a firearms operation, I asked him if he would go
22 directly to Scotland Yard to pick up the firearms for
23 the team en route in towards Tintagel House.
- 24 Q. You said that you heard around 7.30 or a little before
25 that you were to go to New Scotland Yard rather than

- 1 Tintagel House. We have heard about those two
2 addresses. We have heard that they are very close
3 together?
- 4 A. Yes.
- 5 Q. We have seen that on maps. Did you in fact go to
6 Tintagel House that morning before New Scotland Yard?
- 7 A. Yes, I did, I got there about quarter past 7 in the
8 morning. Obviously at that point some of my colleagues,
9 some of my team were arriving at the same time or some
10 just before, and yes, I got there and then Ken came in
11 with the firearms shortly before we left.
- 12 Q. Your team have come in, the firearms have come in with
13 Ken, you have been diverted to New Scotland Yard, and
14 what time do you arrive at New Scotland Yard?
- 15 A. I personally got there, I travelled alone in my car, the
16 team travelled over there in their vehicles and I got to
17 Scotland Yard about quarter to 8 in the morning, sir.
- 18 Q. On arrival I think you received a briefing from both
19 Mr Whiddett and from Colin together, and we have heard
20 from Mr Whiddett a bit about that?
- 21 A. That's right, sir, the briefing started at about ten to
22 eight.
- 23 Q. I think you recorded the bare bones of that briefing in
24 a pocket book?
- 25 A. I did, sir.

- 1 Q. In the course of that briefing were you provided with
2 some photographs?
- 3 A. There were some photographs in what I prefer to call
4 a photo pack. I think there were four images on three
5 sheets of paper, sir.
- 6 Q. Can I show you something, to see if you recognise that?
7 (Handed) (Pause)
- 8 A. That looks very much like what we were shown.
- 9 Q. We are seeing one come up on screen at the moment. Is
10 that the first of the three sheets?
- 11 A. Yes, it is, sir.
- 12 Q. Then perhaps just to complete the picture, we can show
13 the other two sheets, although neither of them shows
14 Mr Osman. Is that the second sheet on screen now?
- 15 A. Yes, that's the second sheet, sir.
- 16 Q. Then thirdly?
- 17 A. And the third one, that's correct, sir.
- 18 Q. I don't propose to put these in the jury bundle because
19 it's only the first one that matters and that's already
20 in.
- 21 What were you told about the people shown on those
22 photographs?
- 23 A. We were told that, in relation to the first image, this
24 image came from an identity card, a gym membership card,
25 which was found in a rucksack at the scene of one of the

1 attempted bombings at Shepherd's Bush. In fact that is
2 actually noted in the notation to the right of the
3 picture.

4 Q. Yes.

5 A. We were then told that enquiries had been done in
6 relation to the gym membership, and as a result of those
7 enquiries, they come up with a co-holder for the
8 membership. The name of the chap on the gym card was
9 Hussain Osman. The co-holder was believed to be
10 Abdi Samad Omar, and that was believed to be the male on
11 the second sheet, and it was felt by the officers that
12 were briefing us that he was possibly identical to the
13 male shown in the CCTV image to the right on the second
14 page.

15 Q. That I think was taken at Warren Street?

16 A. That's my belief, sir, yes. In relation to the third
17 page, Geoffrey Obwona, I believe this image was found on
18 a National Insurance card also found within the same
19 rucksack, sir, at Shepherd's Bush.

20 Q. Thank you very much. During the course of that
21 briefing, were you also told about a car connected to
22 one or more of these people?

23 A. Yes, there was a number of vehicles which we were told
24 about at the briefing. I think, I believe one of those
25 vehicles was a Nissan, we were given a registration

- 1 number for that vehicle, and I believe that that vehicle
2 was parked near the scene at Scotia Road.
- 3 Q. I think you were told, this certainly appears in your
4 pocket book, that it was a black Primera and that it was
5 parked outside Scotia Road?
- 6 A. That sounds right, sir, yes.
- 7 Q. Were you also in the briefing told the codenames which
8 had been given to these people, Osman, Nettle Tip; Omar,
9 Regal Wave?
- 10 A. That's correct, sir.
- 11 Q. Were you also told about another address, 60
12 Corfe House?
- 13 A. Yes, 60 Corfe House and I believe that the road was
14 Dorset Road but the spelling was not known.
- 15 Q. As you have said, you had recorded that the briefing had
16 started at ten to 8, that you had been shown some
17 photographs but there had been no full briefing notes or
18 pack?
- 19 A. No, sir.
- 20 Q. That would have been because of the urgency of the
21 matter?
- 22 A. It was described to me as being a fluid situation with
23 rapidly changing intelligence and it was an urgent
24 briefing, yes, sir.
- 25 Q. During the briefing, were any questions asked about

1 these three men, further information about what they
2 looked like?

3 A. Yes, I can't recall who exactly would have asked the
4 questions, but I'm sure that I would have asked at least
5 one question which would have been: are these images
6 known to be a good likeness of the subjects themselves?
7 My concern is, certainly with the image number 1, the
8 picture of Hussain Osman, is that it would appear that,
9 from the way that the image is, I think that's probably
10 more like the image that we would have had to look at.
11 I'm not sure if this colour one is exactly the same as
12 the one on the screen and which one we were actually
13 looking at. You can see that it appears to be flashed
14 out, and then the concern was really with how accurate
15 an image that was, because if there is a flashlight
16 going off, that can do strange things to people's
17 features with regards to shadow and the like, so we
18 asked: was anything further known; was the picture known
19 to be a good likeness; do we know when it was taken; and
20 any other further identifying features in relation to
21 the persons concerned; did we know what age they were;
22 did we know what height or build they were; any other
23 identifying features, but unfortunately no further
24 information was forthcoming.

25 Q. You say no further information. In fairness there is

1 a date of birth at least on this first sheet, so you
2 would have known what age he was?

3 A. Yes, sir.

4 Q. During the briefing, what were you told about what your
5 team's task was that day?

6 A. The task, we were told to go to one of the addresses
7 that was mentioned.

8 Q. Were you told the address at the briefing?

9 A. No, we weren't, no.

10 Q. Go on.

11 A. We were told at that stage it was not decided where we
12 would be located, where we would have to go, but when we
13 got to one of the addresses that we were going to go to,
14 our job was to contain the premises.

15 Q. I think in the past you have said to attend the address
16 and contain suspects. Was it premises or suspects that
17 you were supposed to contain?

18 A. To contain, well, contain the premises.

19 Q. Did anyone at the briefing ask what that meant?

20 A. My colleague Harry, who's also a sergeant on the team,
21 did say, did ask what really was meant by the word
22 "contain", looking to try to get some more clarification
23 around what our task and our role was to be; and really
24 what we got from that was from Mr Whiddett was just
25 contain the premises, and he shrugged his shoulders. He

1 wasn't really in a position to give us any further
2 details on that.

3 Q. Were you at the trial given any information about what
4 support from other officers you might expect that day?

5 A. I think in relation to questions put by Harry,
6 Mr Whiddett had mentioned in relation to -- in answer to
7 those questions that we would have armed support later
8 on that day from SO19, but at this stage they were not
9 in a position to be briefed and not in a position to
10 come and join us.

11 Q. Anything about their estimated time of arrival?

12 A. Nothing, sir, no.

13 Q. Anything else about the strategy which you or the
14 firearms officers would use over the course of that day?

15 A. No, sir.

16 Q. Were firearms distributed among your team after the
17 briefing?

18 A. They were, sir, yes. In total, including myself and
19 including Tim, who was the photographer who was running
20 with us, there would have been eight firearms between 11
21 of us on the team that day.

22 Q. You, I think, we have heard that you were the team
23 leader, I think initially also you were the loggist for
24 the team?

25 A. Yes, I was, sir.

1 Q. After the briefing, where did you go?

2 A. We were asked to hold at a central location awaiting
3 deployment to one of the known addresses, and we went
4 centrally to some arches which we can use to store our
5 vehicles in, which aren't too far from Scotland Yard and
6 not too far from our office.

7 Q. Did the time come when you received instructions to go
8 to Scotia Road?

9 A. I have got the time of 8.33 when I sent out a pager
10 message to my team. Most of my team were at that
11 holding location. I think a couple had popped around
12 the corner to maybe grab a sandwich or something. So
13 just to make sure everyone got the message, I say, I got
14 a telephone call from Mr Whiddett, saying that could we
15 go down and assist the red team down at Scotia Road. So
16 just before 8.33 in the morning.

17 I asked --

18 Q. Pausing there, you were told you would be assisting the
19 red team, not relieving them but adding to their number?

20 A. My assumption was when he said to go down to
21 Scotia Road, was that we would be relieving them as
22 I was aware that they were the night duty team, so I
23 said: do you mean relieving the red team; and he said:
24 no, going down and assisting the red team.

25 I think I asked: was there anything more that you

1 wanted us to do when we get there; and he said: no, just
2 go down there and assist the red team. So I then
3 informed my team that that's where we were heading and
4 then we made our way down to that location, sir.

5 Q. This may be obvious from what we have heard from other
6 surveillance officers but you would have gone down there
7 separately in a variety of different vehicles?

8 A. Yes, sir.

9 Q. Over the course of that morning, your observations were
10 monitored in a log which was specific to the grey team?

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

12 Q. Perhaps that can be handed out now to the jury to be
13 included in the next tab of their jury bundle. (Handed)

14 SIR MICHAEL WRIGHT: Divider 58?

15 MR HOUGH: I may have lost count -- 60.

16 SIR MICHAEL WRIGHT: Really? Oh. All right, if you say so.

17 I am only up to 58.

18 MR HOUGH: I think everybody probably has different numbers
19 but it will be reconciled overnight.

20 SIR MICHAEL WRIGHT: All right.

21 MR HOUGH: It turns out it might be 58.

22 SIR MICHAEL WRIGHT: Thank you very much.

23 MR HOUGH: If we could -- it will appear on screen -- turn
24 to the next page, please. Do we see you there recording
25 8.30 am as the start of the deployment.

- 1 A. 8.30 am is when I make that first entry in the log, sir.
2 Basically what I am doing at that point is signing on as
3 the loggist and basically listing the call signs and the
4 names of the officers who were to take part in this
5 surveillance deployment.
- 6 Q. Again, as with the red team log, their names have been
7 replaced with their pseudonyms, but the call signs are
8 on the left, and your call sign ends with 00?
- 9 A. That's right, sir.
- 10 Q. So where we see 00 in the right-hand column of this log,
11 that will be an entry which relates to something you
12 have seen or observed?
- 13 A. Yes, sir.
- 14 Q. Then 8.55, do you record the observations commencing
15 actually at the scene?
- 16 A. Yes, basically I have arrived, I see members of my team
17 arrive, and I have opened the log again and made that
18 entry basically to say that we are there on scene in
19 company with the red team at Scotia Road, sir.
- 20 Q. You record the codenames of the two suspects you are
21 interested in?
- 22 A. Yes, Regal Wave and Nettle Tip.
- 23 Q. Before we go on to the next page, let us deal with the
24 start of your observations. When you arrived, did you
25 have any discussions with the red team members?

1 A. I would have spoken to Derek, the team leader on the
2 telephone. Whether he phoned me or I phoned him,
3 I can't recall, just to say that you know, this is
4 what's happening, we are here to join you, how can we
5 help. At that point, again I was assuming, and
6 I offered that we would assist them by relieving them
7 that they could come out, and that we would go in and
8 put our van in and take the plot from them. Only one
9 team, if you like, hold a plot at one time; it just gets
10 too complicated if you try and have two teams on top of
11 a plot at once.

12 This was declined by Derek. He was quite happy that
13 they had not been there too long, and he didn't want to
14 move or interfere with the van that they had holding the
15 premises.

16 Q. Pausing there, in the course of your discussion with
17 Derek, were you told anything about the van they had in
18 place and its communications?

19 A. Yes, it became clear that the van that they had, they
20 had a problem with its Cougar radio, and that they were
21 relying on a back-up system called Airwave.

22 Q. We have heard that the person in the van was putting out
23 messages over Airwave and then they were being relayed
24 on by other team members on their Cougar sets?

25 A. That's my understanding, sir, yes, and again, that's

1 part of my reason to want to offer up our van in place
2 of theirs.

3 Q. So you offered him your van and he said no, because it
4 would mean an obvious change in the area?

5 A. Absolutely, sir, yes, I am happy to accept that.

6 Q. After you had had that discussion with him, you knew
7 that they would be holding the plot, as you describe it,
8 what instructions did you give to your team members?

9 A. I said to my team that we were to sit off on the outside
10 on the periphery of that plot and pick up and attempt to
11 identify and control any subjects which would be passed
12 to us by the red team. You could go on for a long time
13 explaining the rationale behind that, but you haven't
14 really got much air time and obviously I'm aware that
15 I am taking up air time from the eye whilst I am
16 explaining that. But what you are looking at really is
17 that the red team, if they ever had a very strong
18 possible or maybe a positive identification, they would
19 be expected to run with that subject and then we would
20 back fill.

21 But if it got to the situation whereby, as you often
22 expect with these situations, you may well get someone
23 who could be a possible, and bearing in mind the image
24 that we have been shown, you could understand that that
25 situation could arise, that we would try and clarify

1 that matter by instead of having them come out and us
2 having to back fill them, you could end up with changes
3 in plots every few minutes if a number of possibles came
4 out, that we would take away those possibles from the
5 red team on the periphery.

6 Q. Just pausing there, you are describing two different
7 techniques, I think, one where a red team officer
8 actually physically follows somebody away from the plot,
9 and you, your team gets into position, assisting that
10 surveillance, and hanging back further?

11 A. That's right, sir, yeah.

12 Q. Then the second technique I think you were describing is
13 one where the red team allows somebody, as it were, to
14 pass through their inner ring and then your officers
15 pick them up on the outer ring and carry them forward
16 a distance?

17 A. That's right, sir.

18 Q. Were you given any and were you passing on any
19 instructions about who you should be following and how
20 you should be identifying people?

21 A. There was no update, if you like, from the briefing, so
22 the briefing was to contain premises, and we were given
23 no further information about how we were to do that at
24 the scene, sir, no.

25 Q. Did you have any understanding at that stage about what

1 would happen if somebody came out who was one of the
2 suspects on the photographs?

3 A. My understanding is that if someone came out and they
4 were positively identified, is that the red team would
5 pick up that subject and they would go with that person.

6 Q. In the course of your discussions with Derek, did he say
7 anything to you about support or cover from firearms
8 officers of CO19?

9 A. Yes. Derek had mentioned to me that he had been in
10 contact with the ops room, and had asked where this
11 armed back-up was, and when it was going to arrive, and
12 it was clear at that stage that he had talked about the
13 armed team locating at the Territorial Army Centre
14 nearby, which was a good location, but that again he had
15 no idea when they would come, and we then discussed
16 between the two of us what we would do if we were put in
17 a difficult situation, and a positively identified
18 bomber with some sort of identifying -- identifiable
19 means of detonation coming out and how we would deal
20 with that.

21 Q. Did those discussions reach a conclusion?

22 A. We agreed, in fact he said he already had in place
23 a tactic which he had explained to the ops room that,
24 what he would do, he would use his armed officers to
25 make an armed challenge from cover, close to the

- 1 junction with Upper Tulse Hill --
- 2 Q. Close to which junction, the Marnfield Crescent junction
- 3 or --
- 4 A. The Marnfield Crescent junction in Upper Tulse Hill,
- 5 sir, because there was a bus stand nearby, and the
- 6 danger really was if we allowed someone who was clearly
- 7 identified as a positive identification with potentially
- 8 a viable means of detonation, we couldn't run the risk
- 9 of letting that person get on to a bus and the dangers
- 10 that would then cause.
- 11 Q. So this tactic that he describes, that he says he has
- 12 explained to the operations room, to use his officers to
- 13 contain and challenge, if somebody comes to that
- 14 junction of Marnfield Crescent and Upper Tulse Hill, if
- 15 they are an identified suspect --
- 16 A. Yes, sir.
- 17 Q. -- is that a tactic you agreed with?
- 18 A. Yes, it is, sir.
- 19 Q. Did you agree that your officers would participate in
- 20 that tactic and follow the same approach?
- 21 A. Yes, I did, sir, and I put that again over the Cougar
- 22 radio so that my officers would be aware of that.
- 23 Q. Did Derek also say anything to you about those bus stops
- 24 that you just mentioned?
- 25 A. He did. He said he had made numerous attempts to try to

1 stop buses or get the buses diverted, and unfortunately
2 the buses were -- had been running and continued to run,
3 and he was quite exasperated that they couldn't get the
4 buses stopped, and I was a bit confused myself because
5 I thought that should be quite a simple task really to
6 get the buses stopped, if not by contacting the bus
7 company, maybe by use of a traffic unit or something
8 just at the top of the road.

9 Q. Could we move now to the topic of where you were.

10 SIR MICHAEL WRIGHT: Can I ask a question about that,
11 Mr Hough, before you go any further.

12 If that eventuality had actually occurred and
13 somebody had come out who was positively identified and
14 carrying something that might well have been a bomb --

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: -- would you have expected to have to
17 refer back to the control room to get permission to
18 carry out the stop?

19 A. Sir, I don't think there would have been time.

20 SIR MICHAEL WRIGHT: Very well. The second question I am
21 going to ask you is: did you appreciate, when that
22 discussion was going on, that immediately opposite the
23 junction with Marnfield Road at the point where this
24 stop was suggested might take place, was a school?

25 A. No, sir.

1 SIR MICHAEL WRIGHT: You didn't, right.

2 MR HOUGH: Just one or two points arising out of that.

3 First of all, given that you had discussed and
4 agreed on this tactic, did you specifically place the
5 members of your team in any positions so that that
6 tactic could be carried out?

7 A. No, sir.

8 Q. Did you inform yourself about precisely where the
9 different members of the red team were in case they
10 might want to carry the tactic out?

11 A. I was informed by Derek that he had people close by, and
12 I didn't ask him to specifically be able to identify
13 where those locations were, no, sir.

14 Q. Moving on, as I say, to where you were, tab 14 of the
15 jury bundle, please. Do you see there around the centre
16 of the page, Upper Tulse Hill going diagonally down and
17 Marnfield Crescent off that?

18 A. Yes, sir.

19 Q. Can you help us with this: around 9.30 that morning,
20 a time we are coming to, where were you positioned?

21 A. I was parked up just north of Christchurch Road, but
22 south of Upper Tulse Hill in Roupell Road. Somewhere
23 near the junction, I think it's Huggs Place, I think.

24 Q. I wonder if that can be shaded.

25 SIR MICHAEL WRIGHT: It's not very easy to see.

- 1 MR HOUGH: Roupell Road crosses Christchurch Road near the
2 "R" in Christchurch Road.
- 3 We see that. You were, I think you are saying,
4 towards the north end of that road?
- 5 A. A little bit further north, yes, towards the junction,
6 Huggs Place.
- 7 Q. Near where we see the word "Huggs"?
- 8 A. Yes, parked up on the offside, on the right-hand side.
- 9 Q. On the right-hand side of the road, pointing in which
10 direction?
- 11 A. Pointing towards Upper Tulse Hill. I had arrived from
12 the Christchurch Road end, turned right into
13 Roupell Road, I think, and pulled over on the right-hand
14 side.
- 15 Q. What was your view both ways down Upper Tulse Hill?
- 16 A. To be honest, I could probably only see just a junction,
17 really, junction probably about 5 or 10 yards into
18 either side at Tulse Hill.
- 19 Q. So you could see up to Tulse Hill?
- 20 A. I could see up to Tulse Hill, yes, sir.
- 21 Q. So you could see the exit of Marnfield Crescent?
- 22 A. No, no, I couldn't see that from where I was.
- 23 Q. Could you see --
- 24 A. I think that there were maybe some buildings --
- 25 SIR MICHAEL WRIGHT: Sorry, when you say Tulse Hill, you

- 1 mean Tulse Hill proper, not Upper Tulse Hill.
- 2 A. Upper Tulse Hill, sorry, I beg your pardon.
- 3 MR HOUGH: That makes things clearer. In fact your view
- 4 into Upper Tulse Hill was rather restricted?
- 5 A. It was, sir, yes.
- 6 Q. At 9.31, so just a few minutes before Mr de Menezes
- 7 comes out, we have recorded a very short call from you
- 8 to a number we have not had identified. Are you able to
- 9 remember that call at all?
- 10 A. No. No, sir.
- 11 Q. Can we go back to the log, the second page of the log,
- 12 please, so 225. Do we see there at 9.20 a record of Ken
- 13 assuming the role of the nominated loggist?
- 14 A. That's right, sir, yes.
- 15 Q. Where was Ken when he assumed that role?
- 16 A. He would have been sat beside me in my car, sir.
- 17 Q. How soon before that had he arrived on the scene?
- 18 A. Well, he mentioned to me that he was having problems
- 19 with his car radio. I was looking to acquire a loggist
- 20 for that day to sit with me, because if you are likely
- 21 to be joined by other units the phone can get very, very
- 22 busy, so I was looking for a loggist to join me.
- 23 I think Ken must have been sat in a car, a couple of
- 24 minutes maybe. That would be my recollection, sir.
- 25 Q. As we come to the next entry, can we just have a few

1 points out about the format. We have seen this type of
2 log before for the red team, and the left-hand column
3 the time, in the middle column the observation, and all
4 written by the loggist?

5 A. Yes.

6 Q. Then in the right-hand column, is this right, each
7 officer who can vouch for the entry puts his call sign
8 and initials beside it?

9 A. The loggist would put down the call sign of the officer
10 if they can identify them, they normally can, and later
11 on another officer can add if they wish to --

12 Q. Add their call sign?

13 A. Add their call sign if they were also witnessing what
14 had happened.

15 Q. In any event, everybody is supposed to initial their
16 call sign if they agree to the entry?

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

18 Q. Then we also see underneath the times A, B and C?

19 A. Yes, sir.

20 Q. Perhaps you can help us with what these relate to?

21 A. Okay, these were entered some hours or in fact many
22 hours after the operation at a debrief, and effectively
23 what you have got here is at 9.39, I have made an entry.
24 That's a time I actually made the entry in the notebook.
25 So I look at my watch, I have a time of 9.39. That's

1 the time I write in the left-hand column. What I have
2 actually seen has actually preceded that but, obviously
3 being the loggist at the time, I wasn't able to write it
4 contemporaneously while I'm actually seeing him and
5 seeing what's actually happening.

6 There was a delay there because of what had happened
7 just before 9.39, and that was basically me driving
8 along Upper Tulse Hill to get, try and get a little look
9 at the possible who was put out by the red team.

10 Q. Perhaps we can just clarify precisely what the A, B and
11 C are used for. Is this right, the debriefing of this
12 particular log took place on the evening of the 22nd?

13 A. It did, sir, yes, between 8.40 --

14 Q. 8.40 and 10.30?

15 A. -- and 10.30 at Lemn Street, yes, sir.

16 Q. If we turn to page 227 or 458, a few pages further
17 along, do we see as an example there, "supp A"?

18 A. Supplementary A, yes.

19 Q. Perhaps I can just put this to you, see if you agree
20 with the way I put it: each officer who wants to add
21 something to the entry made at point A, so the 9.39
22 entry, writes "supp A" and then writes a passage and
23 puts his call sign and initials.

24 A. Yes, sir.

25 Q. So the supplementary entries are made when the log is

1 debriefed that evening and they are fuller entries than
2 the ones written at the time?

3 A. Yes, sir.

4 SIR MICHAEL WRIGHT: They certainly are.

5 MR HOUGH: Perhaps we can go back to the page we were
6 initially looking at and we will come back to the
7 supplementaries when we need them.

8 We know that Mr de Menezes comes out of Scotia Road,
9 the block, at around 9.34. Ken is your loggist in the
10 car with you at that time.

11 A. Yes, sir.

12 Q. How did you first become aware that a man had come out
13 of the block?

14 A. I heard from the reds that a U/I male had been put out.
15 I think I remember hearing that it was possibly IC1, and
16 that then I think, is it, I think it's Frank, isn't it,
17 who had the eye at the time, said that this subject was
18 worth another look.

19 Q. Pausing there, how did you first hear about this? Was
20 that over the Cougar?

21 A. I think I would have heard it first on the Airwave
22 radio. I had a copy of the Airwave radio, had it in the
23 car with me at that point, and then I heard it over the
24 Cougar radio.

25 Q. Did you hear Frank's first transmission?

- 1 A. Yes, I did, sir.
- 2 Q. What do you remember him saying in that transmission?
- 3 A. All I can remember was him saying that it was an IC1
4 male, and it was worth another look.
- 5 Q. What's the next broadcast you remember hearing?
- 6 A. I remember, I think it would have been officer Edward
7 mentioning that possibly this subject was North African
8 looking, and then there was another officer who has not
9 been coded for this, and I don't think he's giving
10 evidence, came up on the radio to say that he had
11 Mr de Menezes, or the subject, in his sights in
12 Upper Tulse Hill, and he was walking towards Tulse Hill,
13 but that he was some distance back and couldn't make up
14 that ground to effectively keep that subject under
15 control.
- 16 Q. So first of all, was this unidentified officer from the
17 red or grey team?
- 18 A. This is from the red team, sir.
- 19 Q. By the time that that transmission has come through,
20 Mr de Menezes has turned on to Upper Tulse Hill?
- 21 A. Yes, sir.
- 22 Q. But you, I think, have no view of him because of the
23 obstacles in the way of your view?
- 24 A. Because of the building line, sir, yes.
- 25 Q. As a result of those transmissions, what do you decide

- 1 to do?
- 2 A. I said to Ken: this is getting a bit awkward, it sounds
3 as though they could do with some assistance; what I'll
4 do is we will drive past, see if we can assist with any
5 identification and I will put you down on foot so that
6 you can walk, have a head-on, walk straight past the,
7 this possible, and give me a good indication of whether
8 or not he's a good possible for the subject, Mr Omar or
9 Mr Osman.
- 10 Q. Did you intend to drive past him and have Ken walk back
11 towards him or drive and stop behind him and have Ken
12 walk past him?
- 13 A. It was the first, sir, so that I could get a look as
14 well, if that was at all possible, two eyes better than
15 one, sir.
- 16 Q. Perhaps to assist us, we can have the photograph at
17 tab 9 of the jury bundle up on screen. This is the view
18 from the Tulse Hill/Upper Tulse Hill junction back down
19 the road. You would have been driving towards us as we
20 are looking into the picture?
- 21 A. I understand, sir, yes.
- 22 Q. When you drove along the road, where was Mr de Menezes
23 if this photograph helps at all?
- 24 A. I think Mr de Menezes would probably be just out of
25 shot.

1 Q. Okay.

2 A. Probably just on the periphery of this picture.

3 SIR MICHAEL WRIGHT: Do you mean this way (indicated)?

4 A. Further back into Upper Tulse Hill, sir.

5 SIR MICHAEL WRIGHT: Right, beyond the trees or the big
6 tree?

7 A. Yes, sir.

8 MR HOUGH: If we can have the map at tab 14 of the bundle
9 back up, please. So you drive out of Roupell Road,
10 driving north?

11 A. Yes.

12 Q. You turn right on to Upper Tulse Hill?

13 A. Yes, sir.

14 Q. You drive towards Tulse Hill?

15 A. Yes, and at that point I saw the relevant surveillance
16 team officer on the offside footway, and he was
17 commentating on the subject ahead of him and I came up
18 on the radio and said, "Is this the subject?" and
19 I described the chap wearing the denims on the left-hand
20 footway and he said yes, it was, and then drove past and
21 probably --

22 SIR MICHAEL WRIGHT: Was that Edward, the red officer?

23 A. No, sir, it wasn't. It was --

24 SIR MICHAEL WRIGHT: We know where Edward was. He was in
25 a car in the school car park, in a car park on what

1 would have been your right-hand side as you came down
2 Upper Tulse Hill.

3 A. Right.

4 SIR MICHAEL WRIGHT: That's not the officer you are --

5 A. It wasn't officer Edward, no. I know the officer and it
6 wasn't Edward.

7 SIR MICHAEL WRIGHT: Right, where was the officer that you
8 spoke to?

9 A. Like I say, I don't know where he was originally parked
10 up. I think he was very close to Edward --

11 SIR MICHAEL WRIGHT: Forgive me, did you see him or did you
12 just hear from him?

13 A. I saw him, sir, yes.

14 SIR MICHAEL WRIGHT: Where was he?

15 A. On the right-hand side footway, not far really from when
16 I came round. It must have been virtually opposite
17 Marnfield Crescent, somewhere in that location.

18 MR HOUGH: We will ask you at the end of your evidence to
19 write his name down so he can be associated with his
20 call sign.

21 In any event, you are driving down Upper Tulse Hill.
22 The other surveillance officer, the red team officer is
23 on the right-hand side of the road?

24 A. That's right, sir.

25 Q. Mr de Menezes is ahead of him on the left-hand side of

- 1 the road?
- 2 A. That's right, sir.
- 3 Q. Where was he when you first saw him? That's
- 4 Mr de Menezes.
- 5 A. I would say just before the junction of Ewen Crescent,
- 6 somewhere, around about the "H" of "Hill" on that map,
- 7 on the north side.
- 8 Q. I think the cursor is coming up now.
- 9 Did you drive past him?
- 10 A. I drove past him at normal sort of road speed. The
- 11 traffic was slowing, if you like, for the junction at
- 12 Tulse Hill, and I had a look over to my left, Ken was
- 13 sat in the car beside me, and I got a side view of
- 14 Mr de Menezes' face, and as he come forward, you know,
- 15 I saw sort of partial front view of his face as well.
- 16 Q. When you have got that view, as you have said, Ken is in
- 17 your passenger seat?
- 18 A. Yes, he is, sir.
- 19 Q. Right-hand drive car, so you are looking across Ken?
- 20 A. Yes, sir.
- 21 Q. Can we get page 458 of the documents up on screen, which
- 22 is the supplementary we looked at a second ago. I think
- 23 you wrote this entry?
- 24 A. I did, yes.
- 25 Q. "At 9.39 I wrote in the log as the PIW-NT was travelling

- 1 north on the bus."
- 2 PIW-NT?
- 3 A. Means possible ident, possible identical with --
- 4 Q. Nettle Tip?
- 5 A. With Nettle Tip, NT.
- 6 Q. Is travelling north on the bus, so the entry you are
- 7 saying there you wrote when he was already on the bus?
- 8 A. Yes, that's right.
- 9 Q. "Prior to this I had driven past him as he was walking
- 10 towards Tulse Hill on Upper Tulse Hill, nearside. He
- 11 was wearing a denim jacket and jeans, faded, about
- 12 5-foot 10 inches tall and stocky. He had collar length
- 13 black hair and stubble and a wide face. I saw this as
- 14 I drove past him. I then looked at the image Geoff had
- 15 been given at the briefing and considered that this was
- 16 a good possible identification PIW, and then directed
- 17 the team to continue surveillance to firm up our
- 18 decision re: identification."
- 19 A. I don't quite understand that comment about Geoff on the
- 20 page 4, sir, sorry.
- 21 Q. It might be more sensible for it to be Ken. It might be
- 22 that the redaction has been wrongly made there?
- 23 SIR MICHAEL WRIGHT: How many copies of the photographs did
- 24 your team have?
- 25 A. I took a copy with me, a copy of this pack, the three

1 pages, sir. I don't know if other officers took copies
2 out with them. I don't know, sir.

3 MR HOUGH: So can we now go back to the second page of the
4 log, 225.

5 You have driven past Mr de Menezes. Did you drop
6 off Ken as you had planned?

7 A. Yes, I did, I said, you know: Ken, get down, burn
8 yourself if you have to, I really want to know what this
9 person looks like. In other words, what I mean is --

10 Q. Blow your cover?

11 A. In effect, yeah.

12 Q. Did you drop him off on Upper Tulse Hill or round the
13 corner?

14 A. On Upper Tulse Hill before, I think I was queuing for
15 the traffic lights at the junction.

16 Q. Did Ken as planned walk back towards Mr de Menezes so he
17 had a face-frontal view?

18 A. I don't actually know what Ken did.

19 Q. We will hear from him, so you don't need to speculate.

20 A. So I can't say. At the time I was having another little
21 look back in my rear view mirror, trying to see if I
22 could get another view of Mr de Menezes, and of course
23 I was also intent on negotiating the traffic to pull
24 over and have a look at the image, and also at that time
25 trying to get in contact with Ken on the radio to see,

1 you know, really what the result of what he was doing
2 was.

3 Q. Did you see Mr de Menezes walk to the bus stop?

4 A. No, I did not, sir.

5 Q. So you drove on?

6 A. Yes, I did, sir.

7 Q. Did you in fact see Mr de Menezes at any time after
8 driving past him in Upper Tulse Hill?

9 A. No, I did not, sir.

10 Q. We have seen the entry you made, that he was a good
11 possible or PIW. In your own words, what degree of
12 certainty or confidence does that indicate in your mind?

13 A. Bearing in mind the quality of the image that we had
14 been given, as I say, there were no other sort of
15 distinguishing features about height or build, and I did
16 have my concerns about the image itself, as I say, with
17 it being flashed out, and with the limitations of the
18 look that I have had from a car, that's not ideal,
19 I appreciate that, but what I thought was that I can't
20 rule this person out, I can't say it's not the subject,
21 equally I can't say that it is the subject. It
22 really -- in a position where this is a possible that
23 needs to be firmed up, that needs someone else to have
24 a good look at them, and ideally an image taken, if
25 that's at all possible, in your leisure have a look at

1 the photograph with a little bit more time to compare it
2 with the two images together, if you like.

3 Q. Can we go back to page either 458 or 227 where the
4 supplementary was to clear this point up?

5 SIR MICHAEL WRIGHT: Really it was an equal balance; it
6 might be, it might not be?

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: That's putting it fairly?

9 A. Yes, sir.

10 MR HOUGH: The word "Geoff" should not read "Geoff", it
11 should read apparently "NT" for Nettle Tip.

12 "So I then looked at the image of Nettle Tip..."

13 Presumably "we had been given" or "I had been
14 given"?

15 A. I think that would be right, sir.

16 Q. "I had been given", I am told. I am grateful for that.

17 Can we go back to the previous page, please.

18 An entry is made there, timed at 9.39:

19 "A red bus, number 2, double decker with its
20 registration number going north in Tulse Hill towards
21 Brixton, PIW-NT, on bus all in denim."

22 A. Yes, sir.

23 Q. Your loggist writes that?

24 A. I am the loggist at that point, sir.

25 Q. You are the loggist --

1 A. I have lost my loggist at that point, sir, yes.

2 Q. You have reverted to being loggist. You write that.

3 Where were you when you wrote that?

4 A. I was at the traffic lights, I had turned right and then
5 right again into a block of flats or something, car park
6 in front of a block of flats, the first place I could
7 safely pull over. I have been trying to get hold of Ken
8 on his radio, not getting any joy there, and in the
9 meantime, if you like, what's happening is other
10 officers, that's Harry and I think Ivor, start to
11 commentate on the movement of Mr de Menezes as he walks
12 into Tulse Hill and turns left towards the bus stand.

13 As he's doing that, I am realising that I am not
14 going to be able to get any joy with trying to get hold
15 of Ken. I think I may have tried to ring his mobile
16 phone or something as well. So I picked up the briefing
17 pack image that I had and had a look at it, and that's
18 when I formed that opinion, that you know, he was
19 a possible, that we would have to run with it; and then
20 of course unlucky really that the bus arrives quickly,
21 the registration number of the bus is called out,
22 I grabbed my pen, and I start to scribble the
23 registration number of the bus down; and then whilst I'm
24 at it, write what I can remember as quickly as possible,
25 what I can, before ringing the ops room to let them know

1 basically what is happening at this stage.

2 SIR MICHAEL WRIGHT: Were you still behind the bus at that

3 stage?

4 A. I wasn't behind the bus. I think actually I would have

5 been although because I am looking down at the log, I'm

6 not actually looking out of the window, sir, so the bus

7 must have come past me and I would be behind the bus.

8 SIR MICHAEL WRIGHT: That's what I mean. You dropped Ken

9 off and you saw your suspect get on the bus.

10 A. No, I didn't see him get on the bus, no.

11 SIR MICHAEL WRIGHT: When the bus stopped at the bus stop,

12 did you go past it?

13 MR HOUGH: I think perhaps we will go back to that map and

14 see if we can trace your route.

15 A. Sir, he turns left. Before he turns left I have turned

16 right.

17 SIR MICHAEL WRIGHT: You dropped Ken off where?

18 A. In Upper Tulse Hill just before the junction with

19 Tulse Hill.

20 SIR MICHAEL WRIGHT: So then you turn left.

21 A. I turned right.

22 MR HOUGH: That's why I was bringing the map up.

23 SIR MICHAEL WRIGHT: You turn the other way, I see.

24 A. I think the estate's called High Trees or something in

25 Tulse Hill.

- 1 SIR MICHAEL WRIGHT: I just wanted to know where you had got
2 to in relation to the bus. If you had turned right, of
3 course, you were going the other way, and you had to
4 turn round again.
- 5 A. Yes, sir.
- 6 SIR MICHAEL WRIGHT: Very well. So you made your entry in
7 the log somewhere just a little to the right of
8 Upper Tulse Hill.
- 9 A. Yes, sir. It might even be that little sort of D shape
10 shown on the map between the "H" and the "I" of "Hill".
11 Probably in there, sir.
- 12 MR HOUGH: So you have turned right, going south, and turned
13 right again off --
- 14 A. Yes, indeed, sir.
- 15 Q. Going back to the log, this information is a composite
16 of information received by you from Harry and Ivor and
17 your own impressions from having seen the man?
- 18 A. It is, sir, yes. It's not ideal. I mean ideally if
19 I had the time, my entry would go in first at the time
20 when I see it, and then Harry's would then go in there
21 as his comment about, when he sees him towards the bus
22 stand, because the nature of the movement, it's
23 a very -- in which case it's become a composite.
- 24 Q. PIW Nettle Tip, does that come from anybody other than
25 you?

- 1 A. That's my recollection. Obviously the officers have had
2 a look at that when they have come to debrief the note,
3 but that's my -- that is my -- to me that's what I have
4 seen, that's what I have commented upon, that's what
5 I have told the ops room, that certainly does relate to
6 me.
- 7 Q. Did you later in fact pick up Ken on Tulse Hill?
- 8 A. Yeah. Somewhere along the route I must have picked him
9 up. I can't actually remember where that was.
- 10 Q. So you have now turned round and gone back up
11 Tulse Hill?
- 12 A. And that will be travelling north in Tulse Hill, yes.
- 13 Q. Behind the bus?
- 14 A. Yes, sir.
- 15 Q. Picking up Ken a bit further up the road?
- 16 A. Yes, sir.
- 17 Q. Over the course of that time, either when you are
18 waiting or when you are going up Tulse Hill, did you
19 make any calls into the ops room?
- 20 A. Yeah, probably around about that time, around about that
21 time, 9.39, some time like that, I have phoned the ops
22 room. It's the first time that I have had any contact
23 with the ops room. I had a dedicated line for my team
24 on speed dial, so I phoned that. A male I now know to
25 be, I think, referred to as Pat is the surveillance

1 monitor, and deals with my call. I explained to Pat
2 that, you know -- I explain who I am, that this possible
3 that's been put out from the address is now a possible
4 for the subject Nettle Tip; that he's on to a bus,
5 making sure that he's got the registration number of the
6 bus and that we are following it because he's a possible
7 and we can't do anything other than keep him under
8 control until we get further directions.

9 Q. We do have a record of a call from you to the operations
10 room at 9.41, but in fact only for 14 seconds. Could
11 that be the call you are referring to?

12 A. That would probably be it, yeah. I explained it in some
13 way there, obviously. I have expanded a little bit.
14 But are you hearing this, this is what we have got, grey
15 team, possible subject for Nettle Tip on a bus, have you
16 got the reg, yes, whatever, I'll phone you back.

17 Q. I think we can have the schedule off screen, but thank
18 you very much for putting it on.

19 Did you at this stage do anything about having
20 photos of Mr de Menezes taken?

21 A. Yeah, bearing in mind the -- my first attempt, if you
22 like, to try to get some sort of good look at
23 Mr de Menezes had failed, unfortunately, with the radio
24 breakdown, I then asked the photographer, Tim, to make
25 ground through the follow to get ahead of the bus and at

1 the first available opportunity to get a photograph or
2 some sort of video so that I could make some sort of
3 decision regarding identification.

4 Q. We will hear, I think, from Tim that he was not able to
5 do that. Do you later hear, and I think that we know
6 this occurred at 9.42, that one of your officers, Ivor,
7 got on the bus further up Tulse Hill?

8 A. I was aware that he got on at a stop other than the stop
9 that Mr de Menezes had got on at. Although which stop,
10 I couldn't be 100 per cent certain but it would be the
11 stop before Brixton Water Lane, sir, yes.

12 Q. You, I think, continue to drive up Tulse Hill?

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: Up or down?

15 MR HOUGH: I am sorry, down but north.

16 SIR MICHAEL WRIGHT: Up the map, down the hill.

17 MR HOUGH: Yes.

18 Did a time come when you became aware of the bus
19 arriving at Brixton?

20 A. Yes. I think before the bus had arrived at Brixton, we
21 got some information, I think, I think it was over the
22 radio, about the subject having possibly Mongolian eyes.

23 Q. Can you remember who told you that?

24 A. I think it was relayed over the radio by Harry from
25 Ivor. What I was looking obviously to do with Ken and

1 with Tim and obviously with anyone else who could get
2 close was to get the best description possible.
3 Unfortunately for me, in my own personal frame of
4 reference, Mongolian eyes didn't actually really move
5 the identification one way or the other for me. In fact
6 it's almost sort of -- well, that almost adds in
7 a further element of -- you know, Mongolian to me would
8 probably mean, perhaps, you know, Asian or Chinese
9 looking.

10 Q. Did you get any further information before Brixton?

11 A. No, just, I think, probably just a confirmation on the
12 dress, dress description, just to make sure it was still
13 the same person.

14 Q. Same man because wearing jeans and jeans jacket?

15 A. Yes, sir.

16 Q. We know that Mr de Menezes gets off the bus at Brixton
17 at some time around 9.47 to 9.48 and then gets back on
18 a few minutes later. Were you informed of those
19 movements over the radio?

20 A. Yes, I heard that over the radio and I think around
21 about that time, I was either trying to phone or phoning
22 the ops room to try to get some directions to see really
23 where they wanted us to go with this. We had
24 a possible, we were being taken away, further away from
25 Scotia Road, whereas if this possible was not one of the

1 subjects, potentially we were leaving maybe two
2 potential bombers at the scene. So I was very keen for
3 the ops room to try to give me an idea as really what
4 they wanted us to do with this possible and to let them
5 know what this possible had done.

6 Q. We have a call recorded from you to the ops room at 9.50
7 lasting 32 seconds. Would that be the call in which you
8 made those points?

9 A. Yes, I think that would be it, sir.

10 Q. Can we go back to the log, please.

11 SIR MICHAEL WRIGHT: Forgive me. You heard about his
12 getting off the bus and getting back on again at
13 Brixton. I take it you didn't actually see it.

14 A. No, I didn't see it, sir.

15 SIR MICHAEL WRIGHT: Where were you?

16 A. I would have been somewhere in that one-way system.

17 SIR MICHAEL WRIGHT: Around the big church in Brixton?

18 A. Yes.

19 MR HOUGH: So behind.

20 A. Just behind the bus, yes.

21 Q. You had your loggist back by this stage, Ken?

22 A. Yes.

23 Q. Picked him back up. Do we see him noting at 9.44, it
24 looks like, just above the letter C:
25 "Off of number 2 bus, held at stop, texting on

1 mobile phone."

2 Then 9.48:

3 "Running back towards number 2 bus, on mobile

4 phone."

5 A. Yes.

6 SIR MICHAEL WRIGHT: Is that 9.44? It's after 9.45?

7 MR HOUGH: I think it should probably be 9.47. It may be

8 that the top of the 7 has been lost.

9 SIR MICHAEL WRIGHT: I don't know, you may know, James,

10 because --

11 A. I don't know, sir, and --

12 SIR MICHAEL WRIGHT: It's Ken's entry?

13 A. Yes, it is, sir.

14 MR HOUGH: It can't be before the one above., which is timed

15 at --

16 SIR MICHAEL WRIGHT: On the face of it, no.

17 MR GIBBS: It's 47. I have a better copy.

18 SIR MICHAEL WRIGHT: Thank you.

19 MR HOUGH: So he's recording those movements of

20 Mr de Menezes. When you heard those movements, getting

21 off the bus and back on again, what did you think?

22 A. Well, the concern for me, I had two concerns really, one

23 was that we were now into Brixton, it's a lot busier,

24 there is a lot more chances of losing the subject, him

25 getting off, going into a crowd, going down into the

1 tube. And also there is concern with him going towards
2 the tube and then coming back towards the bus.

3 Our tradecraft, if you like, would mean that we
4 wouldn't, if I got off a bus with somebody and they got
5 back on the bus, that particular officer will not get
6 back on the bus. So there is a danger there because we
7 ideally need to put someone else on the bus.

8 What you have as you come down towards Brixton there
9 where the bus stands are is a whole series of railings,
10 and it's a very busy place to actually drop a car and
11 get someone out. We weren't able to do that, we weren't
12 able to get somebody down to replace Ivor to keep
13 control on the bus, although we obviously had control of
14 the bus itself. My concern was you know, what are we
15 going to do about this, and to let the ops room know the
16 situation. So I spoke to Pat --

17 Q. Pausing there. Did you suspect deliberate
18 anti-surveillance tactics?

19 A. I said that the tactics or what had happened could be
20 construed as anti-surveillance, and I had to deal with
21 them as if they were that, although there would be
22 a number of reasons why. Obviously as a surveillance
23 officer you kind of hope for the best, expect the worst.

24 Q. You have told us you called the ops room, there is
25 a call at 9.50 lasting half a minute or so?

1 A. Yes.

2 Q. You told us you reported what he was doing. What
3 instructions or directions did you get from the
4 ops room?

5 A. Unfortunately no directions or instructions. It was
6 a case of: are you hearing this, because it's important
7 that you hear this; I have got this subject now off the
8 bus, now back on to the same bus; I haven't got
9 an officer on the bus with him at this time; the
10 subject's been texting or using a phone whilst he has
11 been off the bus.

12 And that's really just to let them know in case they
13 have got some means of dealing with any sort of
14 telephony at all. And seeking directions: what do you
15 want us to do with him; what do you want us to do next.
16 Our initial tasking if you like is to contain, and we
17 have got control of the subject, yes, but, if you like,
18 we are being driven, we are taken further and further
19 away with no conclusion at this time.

20 Q. Before he got off the bus, we have heard that some
21 officers in the control room may have considered that he
22 had been discounted, so a view had been taken on the
23 ground that he was not Osman and we know that that was
24 noted in some of the notes such as Callum's log. Were
25 you aware ever of anything coming over the surveillance

1 radio to say at any stage that this was definitely not
2 the suspect?

3 A. No, sir.

4 Q. Did you ever receive instructions to withdraw your team
5 to its original positions?

6 A. No, sir.

7 Q. Now, in the period immediately after he had got back on
8 the bus, was anything said about the level of
9 identification at that stage?

10 A. No, sir.

11 Q. Were you aware at any stage during these proceedings
12 that before it had got to the stage of him being
13 considered to be the suspect, that a decision had been
14 taken to deploy an S013 arrest team?

15 A. No, sir.

16 SIR MICHAEL WRIGHT: You didn't know anything about that?

17 MR HOUGH: You weren't told about Mr Dingemans?

18 A. No, sir.

19 Q. We know that in fact a call was made from a member of
20 that arrest team, Mr McAuley, to your mobile phone at
21 9.52, lasting about 45 seconds. Do you remember that
22 call being received?

23 A. Not specifically, sir, no. I did have a number of calls
24 during the follow. That's not unusual. And I didn't on
25 each occasion ask who it was. Time is of the essence,

1 so if my phone rings and I answer it and someone says --
2 and this did happen. I do recall being asked on
3 a number of occasions: where are you, what's going on,
4 can you give us a description; or something like that.
5 Mainly it's: where are you.

6 So I was called a number of times and I couldn't
7 tell you who that person was, although my assumption
8 was, on thinking about it, was that they were probably
9 someone from the ops room just wanting to know and maybe
10 for some reason they weren't hearing clearly on the
11 radio what was happening, what was going on. Certainly
12 nobody from S013 introduced themselves as such, and said
13 what they were intending to do, no.

14 Q. Because there was also a second call from that officer,
15 Mr McAuley, at 9.54 lasting just under a minute. So is
16 it right to say that he didn't identify himself as being
17 from an arrest team at that point?

18 A. If he had mentioned his name, sir, that it was Ken or
19 someone or Bob or someone, then that's all it would have
20 been. It wouldn't actually have meant anything to me.
21 If they had said: this is so-so from S013; that would be
22 different because that tends to imply to me that right,
23 there was someone else involved in this operation that
24 I need to know about, but that didn't happen, sir.

25 Q. After Mr de Menezes has got back on the bus at Brixton,

1 there is at that point no surveillance officer on the
2 bus with him?

3 A. No.

4 Q. Did you continue to go along the road behind the bus?

5 A. I did, sir, yes.

6 SIR MICHAEL WRIGHT: Mr Hough, we are not plainly going to
7 gain anything by pressing on too far other than time.

8 I am not suggesting you should. Pick a convenient
9 moment.

10 MR HOUGH: I'm about to.

11 Did you do anything to rectify the problem of not
12 having a surveillance officer immediately around him?

13 A. Yes. As I drove towards the junction with
14 Stockwell Road, towards the Academy, I saw officer
15 Lawrence on the footway and pulled over to pick him up
16 so I could get him ahead towards the next bus stand to
17 put him down so he could get on the bus, as I believe
18 obviously he got out down on foot to try and get on the
19 bus and unfortunately he had missed it.

20 Q. You were driving up, or rather down the road, and you
21 see Lawrence, and you pick him up and then you decide to
22 drop him off up ahead so that he can wait for the bus?

23 A. That's the intention, sir, yes.

24 MR HOUGH: Would that be a convenient moment?

25 SIR MICHAEL WRIGHT: Yes. Just a minute. (Pause)

1 Thank you.

2 MR MANSFIELD: Sir, I wonder before we go if he could kindly
3 write down the name of the red team officer who he saw
4 in Upper Tulse Hill.

5 SIR MICHAEL WRIGHT: Yes. Could you do that, please.

6 That's on a strictly confidential basis at the moment.

7 A. Do you want the officer's first and second name?

8 MR HOUGH: Yes, I think so. If that can be folded over and
9 handed to the Coroner.

10 SIR MICHAEL WRIGHT: I think probably it could be handed to
11 you, Mr Hough, and then no doubt Mr Horwell will be able
12 to identify who the officer is. Then the piece of paper
13 can be destroyed. (Pause)

14 I'll leave that with you. Very well, 10 o'clock
15 tomorrow morning, ladies and gentlemen.

16 (4.50 pm)

17 (The court adjourned until 10.00 am on
18 Tuesday, 21 October 2008)

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