

1 Wednesday, 22 October 2008

2 (10.00 am)

3 (Proceedings delayed)

7

1

2

3 (10.25 am)

4 (In the presence of the jury)

5 SIR MICHAEL WRIGHT: Sorry to have kept you all waiting. It  
6 might be a convenient point just to say that I think  
7 I speak for everybody in this court to express our  
8 gratitude to you all, because considering the burden you  
9 have taken on, your enthusiasm is quite astonishing.  
10 You have turned up on time, together, and I have  
11 stressed already that this is a very important public  
12 obligation that you have to take on. If I may say so,  
13 our admiration is unbounded at the way you have  
14 discharged your obligation so far.

15 Having mentioned that, I know that one of your  
16 number has some work problems which may need a little  
17 time to help on a Friday later in November. Can I ask  
18 whether the lady in question could help me? We will do  
19 all we possibly can to help about this. If we were to  
20 repeat an early Friday sitting so that the afternoon was  
21 free, I don't know which lady or gentleman it is, would  
22 that help?

23 MEMBER OF THE JURY: That will help immensely, yes.

24 SIR MICHAEL WRIGHT: If you have the afternoon off on one or  
25 two Fridays?

1 MEMBER OF THE JURY: Two Fridays.

2 SIR MICHAEL WRIGHT: Do you think you can cope with that  
3 then?

4 MEMBER OF THE JURY: I will certainly try.

5 SIR MICHAEL WRIGHT: That's all you can say. I don't know  
6 how you feel about early Fridays. It will extend your  
7 weekends. Is it thought to be a good idea? All right.  
8 Let us see how we get on this Friday, which will be  
9 an early one anyway and if it works we might think about  
10 introducing it as a regular Friday feature, to extend  
11 your weekends, anyway.

12 Yes, very well.

13 MR HOUGH: As I mentioned, the witness is Harry.

14 CODENAME "HARRY" (sworn)

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

16 Questions from MR HOUGH

17 MR HOUGH: Now, I think you have been given the name Harry  
18 for these proceedings?

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

20 Q. I will ask you questions first on behalf of the Coroner  
21 and then other lawyers will ask you some questions.

22 Is this right, in 2005 you were a surveillance  
23 officer in S012 Special Branch?

24 A. Yes, sir.

25 Q. You were a member of the grey surveillance team on

- 1           22 July?
- 2    A.   Yes, I was.
- 3    Q.   You made three statements about the events on that day,  
4           the first of which was written just the day afterwards,  
5           the 23rd?
- 6    A.   That's correct, sir.
- 7    Q.   There is no difficulty in you having those to hand if  
8           you have them with you or we can show them on screen if  
9           necessary.
- 10   A.   Thank you.
- 11   Q.   I think you also gave evidence at the Health and Safety  
12           trial on 12 October 2007?
- 13   A.   Yes, I did.
- 14   Q.   For our purposes when looking at documents, your call  
15           sign on the day in question ended with 09?
- 16   A.   That's correct.
- 17   Q.   And you have sometimes been referred to as Hotel 2, H2?
- 18   A.   That's correct, sir.
- 19   Q.   That morning, 22 July, were you with the rest of your  
20           team called to attend a briefing at New Scotland Yard?
- 21   A.   Yes, sir.
- 22   Q.   We have heard about how that process of calling you in  
23           took place. That briefing, I think, was given by  
24           Mr Whiddett, and an officer we are referring to as  
25           Colin?

- 1 A. Yes.
- 2 Q. We have heard what that briefing consisted of, so I'll  
3 do this quite briefly. You were told about a number of  
4 suspects; yes?
- 5 A. Yes, I was.
- 6 Q. The names of those suspects, and you were shown some  
7 photographs, one of which can be shown up on screen,  
8 I think, tab 37 of the jury bundle. Yes?
- 9 A. That's correct.
- 10 Q. At the end of that briefing, did you ask any questions  
11 to clarify what you had been asked to do?
- 12 A. Yes, I did.
- 13 Q. What did you ask about?
- 14 A. I asked for clarification on what the word "contain"  
15 meant in the terms of surveillance of the subjects that  
16 we had been briefed upon.
- 17 Q. Okay, so is this right, you were told that you were to  
18 contain the premises or the suspects?
- 19 A. We were told to contain the suspects by the name of  
20 Regal Wave as a call sign and Nettle Tip.
- 21 Q. You, as you have said, asked for clarification on what  
22 "contained" meant. Is that because it's not a term that  
23 you are familiar with?
- 24 A. Yes, well, as a surveillance officer we surveill  
25 subjects, and I just needed some clarification as to

1           what the extent of the surveillance would be and  
2           contingencies to be considered.

3   Q.   What response did you receive from Mr Whiddett or Colin?

4   A.   I received an indication that "contain" meant to  
5           surveill until such time that a firearms team could  
6           effect a stop or arrest or detention of a suspect.

7   Q.   So you were told, is this right, that any suspect,  
8           identified suspect, would be arrested by CO19 officers?

9   A.   Yes, that was my understanding when I left the briefing.

10  Q.   I think in fact you recorded that in your pocket book?

11  A.   I did.

12  Q.   Now, after this briefing had taken place, we have heard  
13           that firearms were distributed. Did you receive  
14           a firearm?

15  A.   No.

16  Q.   We have heard that your team deployed to Scotia Road  
17           after waiting for a short time, I think underneath some  
18           arches, and we have heard that the team as a whole  
19           arrived, according to the log, at just before 9 o'clock  
20           that morning; is that when you arrived?

21  A.   That's correct, I believe that it was 8.50.

22  Q.   I think you were on your own in a vehicle travelling to  
23           that area?

24  A.   That's correct, sir.

25  Q.   I am just going to ask you next about where you

1 positioned yourself when you arrived in the area of  
2 Scotia Road. For this purpose, can we have tab 14 of  
3 the jury bundle on screen? This is a map.

4 Can you help us with indicating where you parked  
5 when you arrived in the area of Scotia Road?

6 A. Yes, I can, sir. Initially I was in the vicinity of  
7 Athlone Road.

8 Q. So if that can be shaded, it's just around the middle of  
9 the screen, just north of --

10 A. No, it's slightly to the north.

11 Q. If the operator goes up Tulse Hill to the left, there we  
12 are, so that's been shaded. You said you went initially  
13 to the vicinity of Athlone Road; is that where you  
14 actually parked?

15 A. For a period of time I was in that vicinity, yes.

16 Q. Did you then move?

17 A. On movement of a subject from Scotia Road --

18 Q. Okay, just pause there, that's the man we are going to  
19 ask about. Until this man came on the picture, were you  
20 parked in Athlone Road?

21 A. Yes. I didn't stay in one place the whole time but  
22 that's the vicinity that I situated myself, yes.

23 Q. During the period between when you arrived and when the  
24 man started to be surveilled, did you hear any  
25 discussions over the radio between your team leader,

- 1 James, and the red team leader, Derek?
- 2 A. Yes, I did, sir.
- 3 Q. What did they say to each other?
- 4 A. They discussed various issues of where surveillance  
5 officers were positioned, which is routine practice in  
6 surveillance operations, and in addition they discussed  
7 some contingencies as to what surveillance officers may  
8 need to do in the event that the firearms team hadn't  
9 arrived.
- 10 Q. If you just could keep your voice up.
- 11 A. I apologise.
- 12 Q. What conclusion did they reach about what should be done  
13 in the event that the firearms team hadn't arrived, and  
14 people started coming out of the block at Scotia Road?
- 15 A. The conversation encompassed a situation where somebody  
16 identified as one of the suspects of the briefing were  
17 to leave the address, possibly with a rucksack, and what  
18 action surveillance officers may have to undertake in  
19 the event that a firearms team were not there, ie effect  
20 an arrest or stop.
- 21 Q. So they agreed that you or other surveillance officers  
22 might be required to participate in performing a stop?
- 23 A. That's correct.
- 24 Q. Did they say that that would only be the armed  
25 surveillance officers involved in that?

- 1 A. That wasn't qualified but it's what I understood to be  
2 the natural course of events, yes.
- 3 Q. We have heard before that Mr de Menezes came out of the  
4 block at Scotia Road around 9.33, 9.34. In the period  
5 after that, did you hear over the surveillance radio  
6 traffic about the man coming out?
- 7 A. Yes, I did. After he had left the address, yes.
- 8 Q. What did you do in response to the information coming  
9 out about the man on foot from the block?
- 10 A. I moved my position, and I got myself in a position  
11 because of the radio traffic I had monitored, which  
12 indicated one of the officers that was conducting  
13 surveillance wasn't in a position to continue to follow.  
14 That was an officer from the red team.
- 15 Q. From the red team, I think you said?
- 16 A. Yes.
- 17 Q. Are you able to give his call sign or number?
- 18 A. I can't remember it, no.
- 19 Q. Now, did you travel along Upper Tulse Hill in order to  
20 get yourself into position?
- 21 A. Yes, sir.
- 22 Q. We have just seen the map so I don't take it up again,  
23 but did you travel effectively to the east down towards  
24 Tulse Hill?
- 25 A. I did, yes.



- 1 Q. Did you come to a position around the junction of  
2 Marnfield Crescent and Upper Tulse Hill?
- 3 A. Yes, I did.
- 4 Q. Did you see the man around this point?
- 5 A. Yes, it was as I approached Marnfield Crescent,  
6 I believe that's my first sighting of Mr de Menezes.
- 7 Q. So you are driving east on Upper Tulse Hill, you are  
8 approaching the junction with Marnfield Crescent and you  
9 saw him. How far ahead of you was he?
- 10 A. As I moved in a line of slow-moving traffic, I would  
11 estimate that he was a distance of 30 to 40 feet away  
12 from me.
- 13 Q. Now, you would have had a view of his rear?
- 14 A. Yes, that's correct, sir.
- 15 Q. What did he do as you were driving towards and  
16 ultimately along this road by him?
- 17 A. As he walked effectively eastbound towards Tulse Hill,  
18 I saw him look over his shoulder.
- 19 Q. Which shoulder?
- 20 A. His right shoulder.
- 21 Q. So in your direction?
- 22 A. Generally in my direction, yes, on at least two  
23 occasions.
- 24 Q. For how long did you have him in view?
- 25 A. I maintained observations until Mr de Menezes reached

1 the junction of Tulse Hill.

2 Q. Were you always behind him?

3 A. Yes, I was.

4 Q. So in effect the traffic is only moving at around

5 walking pace overall?

6 A. It was, sir, yes.

7 Q. Did you get to the junction with Tulse Hill?

8 A. I did, sir, yes.

9 Q. Was he still ahead of you?

10 A. Yes, at that stage he had turned left into Tulse Hill

11 and was walking generally in the direction of a bus

12 stop.

13 Q. We have seen photographs of that, so I do not have it on

14 screen. Did you also turn left and follow him up

15 Tulse Hill?

16 A. I did, sir, yes. I paused at the junction for as long

17 as I could and then slowly moved.

18 SIR MICHAEL WRIGHT: Were you actually in traffic in

19 Upper Tulse Hill?

20 A. Yes, sir, I was.

21 SIR MICHAEL WRIGHT: There were vehicles moving along,

22 slowly?

23 A. Very slowly, yes.

24 MR HOUGH: You said you waited a little at the junction as

25 long as you could and then turned left. He is still

1           ahead of you. Did you see him approach the bus stop?

2    A. Yes, I did.

3    Q. How long did he wait at the bus stop?

4    A. Momentarily. A bus had arrived as he was walking

5           towards it.

6    Q. So did you see him actually get on the bus?

7    A. I saw him move towards the entrance to the bus, approach

8           the -- that door, entrance door, and then I moved off in

9           a line of traffic.

10   Q. Did you pass the bus?

11   A. I did pass it, yes, sir.

12   Q. So you passed the bus just as he was approaching to get

13           on it?

14   A. Yes.

15   Q. Can we have the grey surveillance log 456 on the screen.

16           If we see an entry at 9.39, registration number, then:

17                   "Red bus number 2 double decker. N [we have heard

18           means north] in Tulse Hill [towards] Brixton PIW-NT

19           [Nettle Tip] on bus all in denim."

20           We see that your call sign, 09, has been written to

21           the right of that, so you subscribing to that entry, and

22           then you signing by your call sign?

23   A. That's correct, sir.

24   Q. Now, can we then move on to page 459, and can we

25           highlight the lower part of the page, supplementary B,

1           again with your call sign next to it; is this  
2           a supplementary note you wrote at the debriefing of the  
3           log?

4   A.   That's correct, sir, that is my entry.

5   Q.   We will just read it through:

6           "At 9.39 am I saw a male I would describe as  
7           a light-skinned North African male, approximately 5 feet  
8           10 inches tall, wearing a light-coloured denim jacket  
9           and light-coloured jeans, with short dark hair and some  
10          facial stubble. He was medium to well built, age  
11          approximately 25 to 30 years. I saw him walk from Upper  
12          Tulse Hill and turn left into Tulse Hill walking north.  
13          He then walked towards a bus request stop and got on to  
14          a red double decker bus."

15          Did you write that?

16   A.   I did, sir, yes.

17   Q.   Is that an accurate account of what you saw?

18   A.   Yes, sir.

19   Q.   Was there anything else about the man's personal details  
20          and identification that you recorded or spoke out over  
21          the radio other than what you have written there?

22   A.   Only his manner and demeanour that I put in the  
23          supplementary entry.

24   Q.   Sorry, that you ...?

25   A.   Only in relation to the manner and demeanour of --

1 SIR MICHAEL WRIGHT: Which is in a supplementary.

2 A. Which I wrote in a supplementary.

3 MR HOUGH: Can we have 462, please, on screen, for that  
4 supplementary:

5 "In addition to my entry regarding the male walking  
6 from Upper Tulse Hill to Tulse Hill, I noticed that he  
7 was looking over his shoulder and acting in a wary  
8 manner and appeared nervous."

9 A. That's correct.

10 Q. So that's what you were referring to a second ago?

11 A. Yes.

12 Q. Now, when you say "acting in a wary manner and appeared  
13 nervous", do you mean there anything beyond the fact  
14 that he looked over his shoulder twice?

15 A. In the context that he was looking over his shoulder,  
16 walking in one direction and obviously looking in  
17 another, that we had foot surveillance officers deployed  
18 at that stage, and he was walking at some pace, had  
19 a look, that I could see, of concentration, I was  
20 concerned about his demeanour, and my perception at that  
21 time was that he was wary and obviously my concern for  
22 the surveillance officers' position behind him is that  
23 he may be looking for the presence of police officers.

24 Q. Just to press you on this, your impression of his  
25 demeanour, was that based on anything more than his two

- 1 looks over his shoulder?
- 2 A. And as I just described, his facial expression,  
3 a look --
- 4 Q. Which was what, sorry?
- 5 A. One of concentration, the pace that he was walking at,  
6 he did walk at quite a reasonable pace. Those things  
7 together, possibly in the context of the gravity of the  
8 operation, my perception was that he was wary and  
9 nervous.
- 10 Q. We have seen that in those two supplementary entries you  
11 didn't refer to him as being identical with or possibly  
12 identical with or anything like that in relation to  
13 either of your suspects. Did you form any view about  
14 whether he looked like either of them?
- 15 A. As I have described, the angle from which I could see  
16 Mr de Menezes and the fleeting glance over his shoulder,  
17 it was difficult for me to form an opinion as to whether  
18 he was or was not the subject Nettle Tip. I certainly  
19 couldn't discount it and considered him as possible,  
20 possibly identified as Nettle Tip, but no more than  
21 that, and then continued surveillance.
- 22 Q. Did you transmit that over the radio, that you thought  
23 he was possibly identified with Nettle Tip?
- 24 A. No, I just broadcast the description that you have seen  
25 on the supplementary log.

1 SIR MICHAEL WRIGHT: Well, you had put "PIW" in your  
2 original entry.

3 A. Yes.

4 SIR MICHAEL WRIGHT: Effectively, was that still your view?

5 MR HOUGH: Just before that question is put, the PIW  
6 Nettle Tip was in an entry to which several people had  
7 their thoughts --

8 SIR MICHAEL WRIGHT: I understand that. I thought it was  
9 your view at that stage. Perhaps it isn't.

10 A. No, sir, it would be accurate to say that I considered  
11 him as possibly identical.

12 SIR MICHAEL WRIGHT: Possibly identical?

13 A. But I could say no more than that, and that was based on  
14 his --

15 SIR MICHAEL WRIGHT: You have just told Mr Hough that you  
16 found it difficult to form an opinion but you still  
17 couldn't discount him as a possible.

18 A. That's correct, sir.

19 SIR MICHAEL WRIGHT: Is that putting it fairly?

20 A. That's exactly as I have described it, sir.

21 MR HOUGH: Just to clarify on this, you have told us that  
22 you transmitted the description over the radio at the  
23 time.

24 A. Yes.

25 Q. But not a view about whether he was possibly identified

1 with Nettle Tip or that he might or might not be or  
2 anything like that?

3 A. That's correct, sir.

4 Q. We can have that off screen now.

5 Did you drive on down the hill going north with  
6 a view to possibly parking up and boarding the bus  
7 yourself?

8 A. Yes, I did, sir.

9 Q. Did that prove to be unnecessary because you heard that  
10 a colleague whom we are calling Ivor had managed to get  
11 on the bus in the interim?

12 A. Well, both Ivor and I arrived at the same location to  
13 carry out the same act, ie get on the bus. It was  
14 a relatively quiet time of day, and only -- it would  
15 have only been relevant for one of us to have got on  
16 that bus. Ivor was slightly ahead of me, and I returned  
17 back to my vehicle.

18 Q. We know that he got on the bus at around 9.42. You had  
19 seen him waiting at the stop and so you knew that he was  
20 in a position to get on the bus?

21 A. That's correct, sir.

22 Q. Did you call him very shortly after he had got on the  
23 bus?

24 A. I did, sir.

25 Q. We have that call timed at 9.43 and lasting just 17



1           seconds. What did you say in that call?

2    A. I asked Ivor if he could identify the subject.

3    Q. What did he say?

4    A. He said he could not identify the subject as Nettle Tip.

5    Q. Did he give any further information about what the man

6           looked like?

7    A. Yes, he did, he made a comment about Mr de Menezes'

8           eyes, he said he had distinctive Mongolian eyes, and

9           I relayed that information to the surveillance team.

10   Q. Before we get to you relaying it, did you ask for any

11           clarification about what "Mongolian eyes" meant?

12   A. No, I didn't, sir.

13   Q. What does the phrase mean to you?

14   A. Well, I understood it to be that his eyes were quite

15           wide, wide apart, of a similar description of someone of

16           a Mongolian nationality.

17   Q. Now, what did you relay by radio to the other members of

18           your team and also to those listening in the control

19           room?

20   A. Confirmation that he was on the bus, that Ivor had sight

21           of him, and that he was not able to confirm his

22           identity.

23   Q. Now, just the last part, can you recall now with any

24           more precision, exactly what you said about Ivor's view

25           on identification?

1 A. I can't remember the exact words I used, but it was to  
2 the effect that Ivor could not confirm that the subject  
3 was Nettle Tip.

4 Q. Do you think that what you said could have been  
5 construed by anybody listening as meaning that Ivor had  
6 ruled him out, had said that he definitely wasn't  
7 Nettle Tip?

8 A. Well, an individual can construe all sorts of things,  
9 but I was quite clear in what I said, he could not  
10 identify him. I can't really add a lot more to that.

11 Q. Shortly after this time that you had broadcast this, it  
12 appears that some people at least in the control room  
13 believed that the man had been discounted, so a view had  
14 been taken that he wasn't Nettle Tip, and in fact that  
15 that view had been formed with such confidence that the  
16 surveillance follow should be called off in the view of  
17 those mentioning it. That's certainly the entry in one  
18 log that we have.

19 Did you hear over this period anybody else saying  
20 over the radio that the man should be discounted, that  
21 he wasn't regarded as possibly Nettle Tip?

22 A. No, sir.

23 Q. Did you ever receive or hear an instruction that your  
24 team withdraw from the surveillance follow or even  
25 discussion that it should withdraw?

- 1 A. I didn't hear that, sir, no.
- 2 Q. A few minutes later, as we have heard, Mr de Menezes  
3 gets off the bus at Brixton and then gets back on  
4 a couple of minutes afterwards. Did you hear those  
5 movements described over the radio?
- 6 A. Yes, I did, sir.
- 7 Q. Did you hear anything over the radio about specifically  
8 what Mr de Menezes was doing and his demeanour?
- 9 A. I heard that he was using a mobile telephone, and that  
10 he had got off the bus, turned round and got back on the  
11 bus.
- 12 Q. By this stage, were you ahead of the bus?
- 13 A. No, I was behind it, and I was attempting, I believe you  
14 are referring to Brixton Academy, that vicinity.
- 15 Q. Yes?
- 16 A. And I was attempting to get on that bus myself at that  
17 time.
- 18 Q. Did you in fact park your car and try to get towards the  
19 bus to board yourself?
- 20 A. That's correct, sir.
- 21 Q. That was because your colleague, Ivor, had got off and  
22 didn't want to get back on again?
- 23 A. That's correct, sir.
- 24 Q. Did you succeed in getting on the bus?
- 25 A. No, I did not. It's particularly busy at that time.

1           The distance where I had parked my car, between where  
2           I had parked my vehicle and where the bus stop was  
3           didn't allow me sufficient time to board the bus.

4    Q.   So did you go back to your car and then drive north to  
5           continue the follow?

6    A.   I did, sir, yes.

7    Q.   About five minutes or so after this, 9.56, you made  
8           a call to Graham lasting a relatively short period of  
9           time, another member of your team?

10   A.   Yes.

11   Q.   Can you recall what that call was about?

12   A.   Yes, I believe that was a period after I had returned to  
13           my vehicle and I was confirming exact location of the  
14           bus and any updated information. I should sort of  
15           qualify that. When a foot surveillance officer is on  
16           foot, the communications are not as strong in terms of  
17           the radio signal as that in the car, and therefore once  
18           the rest of the surveillance team move on, you sometimes  
19           lose transmission in detail, and that was the purpose of  
20           that call.

21   Q.   So you continue the follow up towards Stockwell?

22   A.   Yes, sir.

23   Q.   And I think at 9.59, so a few minutes after your call to  
24           Graham, you make a call to Lawrence; is that right?

25   A.   I did, sir, yes.

- 1 Q. What did you hear from him?
- 2 A. Lawrence informed me that the subject of surveillance  
3 was still on the bus, on the top level, and as the call  
4 terminated, he told me he was on the stairs.
- 5 Q. Did you relay this by radio to the other members of your  
6 team?
- 7 A. I did. I was effectively attempting to support James by  
8 acting as relay, and I broadcast that out to the  
9 surveillance team.
- 10 Q. Over this period, between when you have got back in your  
11 car at Brixton, having not managed to get on the bus,  
12 and up towards Stockwell and the call to Lawrence, were  
13 you listening to the Cougar radio in the car?
- 14 A. Yes, I was.
- 15 Q. Over that period, did you hear anything to the effect  
16 that the subject had been positively identified as  
17 Osman?
- 18 A. No, sir.
- 19 Q. What did you hear over the radio about identification  
20 over that period?
- 21 A. That I didn't receive any additional confirmation or  
22 otherwise as to his identity.
- 23 Q. Did you hear a request coming out for members of the  
24 team to indicate on a percentage or 1 out of 10 scale  
25 how confident they were about identification?

- 1 A. In terms of percentage, yes, yes, I did.
- 2 Q. Were you able to contribute to that debate?
- 3 A. No.
- 4 Q. Were you able to see the bus when you were approaching  
5 Stockwell tube station?
- 6 A. No. I don't recall seeing the bus on my approach, no.
- 7 Q. So you were behind?
- 8 A. Yes.
- 9 Q. In traffic?
- 10 A. I was, sir, yes.
- 11 Q. Did you hear over the radio at this time that the  
12 subject was going towards and then entering the tube  
13 station?
- 14 A. I did, sir, yes.
- 15 Q. Did you after that hear a transmission from the firearms  
16 team?
- 17 A. Yes, I did.
- 18 Q. How soon after the transmission about him entering the  
19 tube station did you hear the transmission from the  
20 firearms team?
- 21 A. It's quite difficult to determine. The timeframe  
22 between those events was almost simultaneous, and  
23 I couldn't say with any accuracy that it took place some  
24 time after or before. I believe it was before, but it  
25 was very close in proximity.

- 1 Q. The transmission from the firearms team, I think, was  
2 that they were going to state red?
- 3 A. That's correct, sir.
- 4 Q. Had you been aware before that time where the firearms  
5 team were?
- 6 A. No, sir.
- 7 Q. Did you then drive on towards Oval tube station?
- 8 A. Yes.
- 9 Q. Why did you do that?
- 10 A. There were two likely tube stations that the Underground  
11 train would go to, that being the Oval and Vauxhall.  
12 I was aware that one of my colleagues was making his way  
13 to Vauxhall Underground station --
- 14 Q. Pausing there, that's because there are two tube lines  
15 going from Stockwell?
- 16 A. Yes.
- 17 Q. Go on.
- 18 A. So the natural course of events was for me to get to the  
19 next tube station in the event that the -- that  
20 Mr de Menezes was to emerge.
- 21 Q. So you weren't in the vicinity of Stockwell tube station  
22 when the events we are particularly focusing on were  
23 taking place?
- 24 A. No, I was on my way to the Oval.
- 25 MR HOUGH: Thank you very much.

1 SIR MICHAEL WRIGHT: Mr Mansfield.

2 Questions from MR MANSFIELD

3 MR MANSFIELD: Yes, good morning, Harry, my name is

4 Michael Mansfield. I represent the de Menezes family.

5 A. Good morning, sir.

6 Q. I will just ask you a few questions. On the last point,

7 you are on the way to the Oval. As far as you were

8 concerned, this was, at that point, just a continuing

9 surveillance operation for you?

10 A. Yes, sir.

11 Q. You were just going to get ahead, as far as you could,

12 to place yourself in a good position?

13 A. That's correct.

14 Q. So you could get an eye on the person you had been

15 watching?

16 A. Yes, sir. It's standard surveillance procedures to move

17 ahead, yes.

18 Q. Did James actually ask you to do it?

19 A. I believe I volunteered, but one -- I was aware that one

20 officer had already been despatched to Vauxhall, so the

21 logical situation was for me to go to the Oval.

22 Q. Who was the officer already despatched to Vauxhall? Can

23 you help?

24 A. Yes, I can. I have -- I believe the call sign you have

25 for him is different to my own records, so I need to



- 1           look at that --
- 2    Q.   Do you mean you can only mention his real name and you
- 3           don't want to do that?
- 4    A.   The call sign was 47.
- 5    Q.   I have raised the questions of bicycles before or
- 6           motorcycles. I think it may be Adam. Thank you for the
- 7           help there. Was he on a motorbike?
- 8    A.   Yes.
- 9    Q.   How many of your team had access to motorbikes that day?
- 10           Was it just him?
- 11   A.   Just him, yes.
- 12   Q.   Just going back to the briefing for one second, you were
- 13           shown images before you ever got to Scotia Road, and
- 14           I think you have your statement and I am not asking this
- 15           as a test of memory. Do you have them there, statements
- 16           you made?
- 17   A.   Oh yes, I have, sir.
- 18   Q.   If you could just get them out so we can identify them,
- 19           just some passages and points you make in them. (Pause)
- 20           You made one on the 23rd, that's the following day,
- 21           just a couple of pages, another one, that's 23 July?
- 22   A.   Yes.
- 23   Q.   Another one on 30 September concerning mobile telephone
- 24           calls, and another one on 14 November 2005. So it's
- 25           three (inaudible - coughing). Have you got all those?

- 1 A. I have, searching for the last page of 14 November.
- 2 Q. Actually that is a page.
- 3 SIR MICHAEL WRIGHT: 198.
- 4 MR MANSFIELD: In my copy it's 199.
- 5 SIR MICHAEL WRIGHT: Is that just the last page?
- 6 MR MANSFIELD: If it's only the last page, we can put it on  
7 screen for you.
- 8 A. I have it, sir.
- 9 Q. What I want to ask you first of all is that, if you look  
10 at 198 of that statement you have just found, there is  
11 this paragraph in which you make an observation about  
12 the image that you were shown at the briefing. There  
13 you describe it as "relatively poor quality colour image  
14 of this suspect with a beard". Do you see that?
- 15 A. Yes, I do, sir.
- 16 Q. That was your view of what you had been shown in the  
17 briefing?
- 18 A. Yes, sir.
- 19 Q. Now, how long had you looked at it? I am sorry to ask  
20 you that sort of detail now. Just a couple of minutes  
21 at the briefing or what?
- 22 A. Yes, I looked at it, studied it at the briefing.
- 23 Q. But I mean, just for minutes, would this be fair?
- 24 A. For minutes, yes. Yes, sir.
- 25 Q. By the time, of course, you are in the street in

1 a vehicle later, an amount of time has expired between  
2 you looking at it and you seeing a man of interest in  
3 the street?

4 A. That's correct, sir.

5 Q. Now, did you have a copy of that with you?

6 A. Yes, I did.

7 Q. You did. So you were in a position, and I'll come to  
8 your position in a moment that you have described, to  
9 make a comparison between the person looking behind him  
10 and the image that you had with you in the car?

11 A. I was.

12 Q. Right. So far as the briefing is concerned, I just want  
13 to ask you about what, at that stage, you believed the  
14 object of the exercise was. I mean, what did you think  
15 you were going out to have to do that day?

16 A. Well, my understanding from the briefing was that we  
17 were to surveill subjects from the address.

18 Q. Yes?

19 A. To a point where they would be stopped and detained by  
20 a firearms team.

21 Q. That's one category of person. What about anyone else?

22 A. That was the point I was trying to clarify at the  
23 briefing, is that other persons from that address also  
24 would have to be surveilled in order that they are  
25 stopped and ascertained as to their identity, namely

1           they could have come from the address.

2   Q.   What was your understanding as to who was going to do

3           that?

4   A.   My understanding was that it would be the firearms team.

5   Q.   So you believed the firearms team would do the -- I will

6           call it intelligence-gathering as well as another phrase

7           that's occasionally been used colloquially, the hard

8           stops?

9   A.   That's correct.

10  Q.   Did that remain your belief throughout?

11  A.   Yes, it did, sir.

12  Q.   So it must have been quite a concern to you that the

13           firearms team who were going to perform these two roles

14           weren't there, as far as you knew?

15  A.   Yes, that would be accurate to say.

16  Q.   Well, now, can I take you forward from the briefing to

17           the plot itself, if I can call it that.  Have you got

18           there the maps brochure?  I think it's right underneath

19           all of that.  If you just take it out, we have been

20           looking at a particular plan, it's that one there

21           (indicated).  It's underneath, do you see?

22  A.   Yes, I do.

23  Q.   There is a plan underneath there, it's map number 7.

24           I am using this one because it has a little more detail

25           than the other one, although the other one is bigger.

1           We can see Athlone Road towards the top, do you see,  
2           that you already mentioned, that's where you started  
3           off?

4   A.   Yes.

5   Q.   I just want to ask you for your help here.  You had  
6           heard a discussion between Derek and James about  
7           contingencies because of the absence of firearms teams,  
8           but do I understand from what you have said this morning  
9           you didn't know whether a point had been identified at  
10          which, if it was a suspect with a rucksack, where that  
11          stop would take place by your squad or members of your  
12          squad; is that right?

13  A.   That is correct, I couldn't determine from my memory  
14          what location such a stop would have to take place.

15  Q.   What we have heard is that the location that the two,  
16          Derek from red and James from you, had identified was  
17          the possibility of a stop where Marnfield Crescent  
18          enters Upper Tulse Hill.  Does that jog any memories?

19  A.   Only in respect of, I notice that's where the bus stops  
20          are.  It would be a logical point.

21  Q.   That's right.  Do you remember any discussion about  
22          buses and their suspension or diversion or anything of  
23          that kind?

24  A.   Not that I can recall, sir.

25  Q.   Can you help on this, and it's a question you have been

- 1           asked in terms of other officers: did you know at  
2           around -- well, between 9 o'clock, which is when you are  
3           there, and 9.30, where the red team were if somebody  
4           might have to be stopped on Upper Tulse Hill? Did you  
5           know where they were?
- 6    A. I didn't know where each individual vehicle was plotted,  
7           but I was aware that they were in the vicinity of  
8           Scotia Road and covering relevant brackets of the  
9           address.
- 10   Q. The reason I'm asking you, if you can help, is that if  
11           in fact somebody leaves the block, you don't have a lot  
12           of time to get a fix on this person, if it is --  
13           particularly if it's a person who is to be identified as  
14           a suspect, and particularly if they have got a rucksack.  
15           You have got to do that quite quickly, haven't you?
- 16   A. You have. I would approximate a two-minute walk from --
- 17   Q. Quite, it's a two-minute walk. Therefore, like it or  
18           not, you are going to have to have, once the person has  
19           got past the van, we know where the van was, and the red  
20           team, if the person in the van isn't sure, or doesn't  
21           know, or can't work it out, you have to have a back-up  
22           red officer pretty close by, haven't you?
- 23   A. That's correct, and it's that team that had primacy of  
24           dealing with --
- 25   Q. Yes, they had primacy, and what I am asking is really

1           whether you can help as to which red officer was in  
2           a prime position to do the back-up job before the bus  
3           stops?

4   A.   I can't help you with that, I am afraid.

5   Q.   You can't. I wonder if we could take it a little bit  
6           further, because once you hear that somebody's left the  
7           premises, you drive round, don't you; yes?

8   A.   Yes, I did.

9   Q.   You then see somebody from the red team?

10  A.   No, I heard a radio transmission.

11  Q.   You heard a radio transmission from the red team?

12  A.   That's correct.

13  Q.   What was that transmission saying?

14  A.   It indicated that the officer was baulked in traffic and  
15           couldn't get to the relevant point he needed to be.

16  Q.   Caught in traffic --

17  SIR MICHAEL WRIGHT: "baulked", I think you said.

18  A.   Yes.

19  MR MANSFIELD: Right.

20           Do you happen to know who that was? It may be  
21           difficult now.

22  A.   I am afraid I can't tell you the officer's call sign.

23  Q.   You know the name, do you?

24  A.   I only know the officer's identity by name, yes.

25  Q.   Would you be kind enough to, with the learned Coroner's

1           permission, write it down, not for me but for others and  
2           then we can find out who that person in code was. Do  
3           you understand?

4   A. Yes, I would need to look at the team list, I am afraid.

5   MR MANSFIELD: Do you have it there?

6   SIR MICHAEL WRIGHT: It may be redacted. The original log  
7           is coming up.

8   MR MANSFIELD: If you need a piece of paper to write it  
9           down ... is it a red team officer?

10   A. Yes, it is.

11   Q. Then you need the other log. I'll carry on while it's  
12           being obtained. So if you can just bear that in mind  
13           I'll have to come back to that.

14           So it's a red team officer commentary that you hear,  
15           and then you have described how you drive along and so  
16           on. Now, just going back to your statement that we just  
17           looked at, which is page 198, sorry to have to go back  
18           to that, if you keep it available, so it's clear this is  
19           a statement that the -- the third statement you made,  
20           it's November. It's the same paragraph on page 198.

21           I think there it's perfectly clear by reading that  
22           paragraph -- I'm not reading it out entirely -- that  
23           what you had were two, effectively two very short  
24           occasions, you actually use the word "seeing him  
25           fleetingly" and "at an angle behind him". I think you



1           said he turned round a couple of times; is that right?

2    A.   That's correct.

3    Q.   But you did have the poor quality image with you, and  
4           what you have put in that is that:

5           "I could not tell if he was Osman based on that  
6           sighting. I was in a vehicle at the time."

7           Of course you were driving along; is that right?

8    A.   That's correct, sir.

9    Q.   Now, as you have described it, did you see James'  
10          vehicle?

11   A.   Not his vehicle, no, sir.

12   Q.   Or him?

13   A.   No, I saw one of his colleagues --

14   Q.   Ken?

15   A.   Ken, yes.

16   Q.   Where did you see Ken?

17   A.   Ken was ahead of me.

18   Q.   Yes?

19   A.   On the south side of the road, and he was deployed on  
20          foot.

21   Q.   So by the time you had got there, he was on the south  
22          pavement walking in which direction?

23   A.   He was static from memory.

24   Q.   Static? Right. Just to pick up on the paragraph:

25          "I was unable to positively identify Mr de Menezes."

1                   And I appreciate you have --

2   SIR MICHAEL WRIGHT:  Sorry, that was in Upper Tulse Hill,

3                   was it?

4   A.  In Upper Tulse Hill, sir.

5   MR MANSFIELD:  So you were unable to identify, positively

6                   identify Mr de Menezes.  I can take you through your

7                   statements, but the statements that you make never

8                   suggest even from your point of view that he was

9                   possibly identical to or with, do you?

10  A.  You are correct, I don't say he's possibly in my

11                   statement, but I couldn't discount him based on that

12                   fleeting glance.

13  Q.  No, I do appreciate that, you can't discount him, but

14                   that's quite different, do you follow?  May I just

15                   explain why I am asking you this:  you may see somebody,

16                   and because you are really not in a position to make up

17                   your mind one way or the other, you just can't discount

18                   them, do you follow?  That's very different from

19                   "possibly is", do you follow?

20  SIR MICHAEL WRIGHT:  A bit semantic, Mr Mansfield.

21  MR MANSFIELD:  I am not sure, I do not want to be semantic,

22                   I want to try to deal with a real situation.  You see

23                   somebody, you have an image, it's not a very good one,

24                   you really can't tell.  So from that you just need to

25                   have another look.  It could be anybody, of course, so

1 in that sense it's possibly anybody but that doesn't  
2 mean anything, does it?

3 A. Without getting into the realms of degrees of  
4 possibility, the assessment I made was based on the  
5 colour of his hair, his height and build, the limited  
6 view I had of his flesh tone.

7 Q. The build wasn't going to be compared with anything, was  
8 it?

9 A. Well, in terms of his sort of height and build and his  
10 skin tone, I had to make an assessment as to, in  
11 a fleeting glance, was that the subject Nettle Tip.  
12 I considered that possibly he was. I couldn't discount  
13 him.

14 Q. All right, you couldn't discount him, that's perfectly  
15 fair. The reason I'm asking you is that one of the  
16 problems that may have arisen in this case is exactly  
17 the process of identification and how surveillance  
18 officers, as it were, describe, categorise and pass on  
19 information, do you follow, that's why I am asking you.

20 You didn't have any information about Nettle Tip's  
21 build, did you?

22 A. No, I didn't.

23 Q. So the fact of his build is irrelevant, isn't it?

24 A. Yes, I should qualify that. The image I had seen had  
25 a -- there is a head shape, there is a hairline to look

- 1 at --
- 2 Q. Yes, it's just because you talked about his build, do  
3 you follow? If you mean build in relation to face,  
4 that's one thing. If you mean build in relation to his  
5 body, that's quite another?
- 6 A. I could only go on the picture I had.
- 7 Q. The only picture you had, and the jury know, so I am not  
8 going to ask again, was head and shoulders and just the  
9 top of the shoulders and head?
- 10 A. That's correct.
- 11 Q. You mentioned a moment ago his height. You didn't have  
12 any details about his height, did you?
- 13 A. No, I didn't.
- 14 SIR MICHAEL WRIGHT: You knew his age, that's about all you  
15 did know?
- 16 A. That's correct, sir.
- 17 MR MANSFIELD: Can I just deal with the question of what you  
18 saw him do: you saw him look over his shoulder a couple  
19 of times, and of course I appreciate you are interested  
20 because at this stage he's somebody of interest to you,  
21 you realise, because somebody else in the team had said  
22 something which made you want to look at him. Your  
23 concern was for other surveillance officers out on foot  
24 because you had seen one on the other side of the road.
- 25 A. Yes, sir.

1 Q. Right. Ken. One appreciates your concern, but of  
2 course somebody may be looking over their shoulder  
3 because they are looking to see if a bus is coming?

4 A. That's correct, yes.

5 Q. So interpreting what you see --

6 SIR MICHAEL WRIGHT: In Upper Tulse Hill?

7 MR MANSFIELD: There are buses in Upper Tulse Hill.

8 SIR MICHAEL WRIGHT: I know but he didn't want one of those.

9 MR MANSFIELD: No, he didn't, but we don't know what he  
10 wanted or how he wanted to go. He might be looking for  
11 a bus, he might be looking for something else. There is  
12 a whole range of interpretations, is there not?

13 A. That's correct.

14 Q. I appreciate from your point of view what you were  
15 doing, but I want to check what you actually  
16 transmitted. Would it be fair to say that what you  
17 actually transmitted was that he looked over his  
18 shoulder twice, and that's all you said on the  
19 transmission, isn't it?

20 A. No, sir.

21 SIR MICHAEL WRIGHT: That's in the supplement in the log,  
22 was it ever transmitted at all?

23 A. Would you like me to --

24 SIR MICHAEL WRIGHT: Yes, please.

25 MR MANSFIELD: I would like you to answer and be very

1           careful about what you say; please be careful about it  
2           because it's a long time ago and I do not want you to  
3           feel you are saying things because of what you have  
4           heard since.

5           What do you think you put out over the airwaves at  
6           that time for the team?

7    A.   As I saw him look over his shoulder on two occasions,  
8           I transmitted, "He's looking about himself" or, "He's  
9           looking about".

10   Q.   And that's all?

11   A.   Yes, and my comment about his demeanour.

12   Q.   Well, what comment?

13   A.   That he was acting warily.

14   Q.   Are you sure you said that?

15   A.   Well, you are asking me to comment on a snapshot of  
16           a conversation three years ago. The best I can recall  
17           is saying that, "He looked about himself". My view  
18           certainly was that he was wary. I believe I said  
19           something to the effect that he was wary, he was looking  
20           about himself.

21   Q.   Yes, I am sorry to be particular. There is a reason.

22           It's because you had a different view at an earlier time  
23           about what you actually -- I realise what's in the log,  
24           but I'm more concerned with not what your thoughts were,  
25           which weren't transmitted but what you transmitted.

1           Could we look at the second statement again that you  
2           have there, where you deal at the bottom of 198 with  
3           what you put in the log, which has just been referred  
4           to. Then on 199 where you ask for the log to be  
5           returned because you hadn't actually endorsed those  
6           observations in the log?

7   A. That's right.

8   Q. I don't know whether this is a question that you were  
9           asked by the IPCC or whether you just volunteered it.  
10          Just follow this next section, if you wouldn't mind:

11                 "In terms of the transmission of this information at  
12                 the time, I relayed the events that I saw, namely that  
13                 Mr de Menezes had looked behind him, for the benefit of  
14                 foot surveillance officers. I did not expand on my  
15                 thoughts about the interpretation of this information,  
16                 just the need for officers to be aware of his actions."

17   A. That's correct.

18   Q. Is that a fair summary?

19   A. That is correct.

20   Q. Of actually what you said?

21   A. Yes, it's exactly what I said.

22   Q. Right.

23   A. When a subject of surveillance turns around, it's  
24           pertinent to obviously broadcast that to your  
25           colleagues, particularly foot surveillance officers, but

1           you have to be succinct over the communications channel,  
2           so I can't go into a lot of detail about every nuance of  
3           his character, but my perception that he was wary and  
4           looking over his shoulder --

5   Q.   That's an interpretation, that he's wary?

6   A.   It is, but I can't go into lots of detail about every  
7           single action. He is looking over his shoulder.

8   Q.   No, all you have to say is that he is looking behind  
9           him. Is that all you said, he's looking behind him  
10          a couple of times, be careful, to the other officers,  
11          you need to know he is looking over his shoulder?

12  A.   That's correct.

13  MR MANSFIELD: Thank you.

14   Questions from THE CORONER

15  SIR MICHAEL WRIGHT: Help me about this: would it ever be  
16          an acceptable surveillance technique actually to speak  
17          to the subject, for example pretending you were looking  
18          for directions or something of that kind?

19  A.   In a situation like this, that would be most unusual,  
20          sir. There are certain circumstances where that may be  
21          done. In a lift, for example, contained area where --

22  SIR MICHAEL WRIGHT: Here the purpose of the surveillance  
23          was, if possible, to establish an identity.

24  A.   That's right, sir.

25  SIR MICHAEL WRIGHT: And the question really is what about



1           if you -- I can understand that if you did it you might  
2           have to give up your share of the surveillance after  
3           that, because you had actually spoken to him, but would  
4           it ever be permissible in these circumstances?

5   A.   In these circumstances I would suggest that tactically  
6           that would not be an option, sir.

7   SIR MICHAEL WRIGHT:   Thank you very much.

8   MR HOUGH:   I'm standing up out of turn because we now have  
9           the red surveillance log.  You were asked, officer, to  
10          indicate a particular person by either call sign or  
11          letter and number.

12  A.   Yes.

13  Q.   I'm going to hand you up the red log and also a copy of  
14          the page with the names on as redacted but with the  
15          pseudonyms and call signs by it, so you can identify the  
16          person you were talking about without using his real  
17          name.  (Handed)

18  A.   Thank you.  (Pause)

19  Q.   Are you able to say?

20  A.   Yes, I am.  From memory the officer I am referring to  
21          you have down as Tango 2.

22  MR HOUGH:   Thank you very much.

23  A.   And apologies, I haven't worked on that team for three  
24          years, so that's my memory.

25  SIR MICHAEL WRIGHT:   Don't worry about that.  Tango 2.

1 MR HOUGH: We all understand, thank you.

2 SIR MICHAEL WRIGHT: Mr Stern.

3 Questions from MR STERN

4 MR STERN: Harry, we heard from James yesterday that when  
5 there is a loss of sight by surveillance, that the next  
6 surveillance officer who regains sight must confirm that  
7 it is the same person that was being followed before; do  
8 you agree with that?

9 A. Yes, that's the standard practice, sir.

10 Q. Before I am interrupted again, I'm not suggesting that  
11 in this particular instance it was not the same person.

12 It's essential, just to make it clear, because  
13 otherwise if you don't confirm it's the same person, it  
14 may be that the suspect will go off and detonate a bomb  
15 or commit some other crime elsewhere, so it's essential  
16 that you let everybody know that that is the position?

17 A. Yes, sir.

18 Q. We know in this case that Mr de Menezes got off the bus  
19 at Brixton and then there was about two minutes before  
20 he got back on?

21 A. That's correct, sir.

22 Q. We know that there was a loss of sight of him at that  
23 stage?

24 A. Yes, I understand there was a limited (inaudible).

25 Q. It was very crowded, as I think you have already told

- 1 the learned Coroner just this morning?
- 2 A. Yes, it was.
- 3 Q. We have seen the CCTV, but I won't trouble with that.
- 4 He then got back on the number 2 bus or at least it was
- 5 hoped that he had got back on the number 2 bus because
- 6 I don't think anybody actually physically saw him get
- 7 back on, did they?
- 8 A. I am afraid I can't help you with that.
- 9 Q. He got back on the bus, and then Lawrence got on that
- 10 same bus, I think about three stops further on?
- 11 A. Yes, I'm not sure how many stops, but I know he got back
- 12 on.
- 13 Q. Don't worry, but a few stops later. It may not matter
- 14 exactly. You then had a telephone call with Lawrence as
- 15 you have told us at 9.59 and during the course of that
- 16 conversation, you told us that he informed you that the
- 17 subject of surveillance was still on the bus?
- 18 A. Yes, he did.
- 19 Q. Can you remember, I know it's almost impossible because
- 20 it's a long time ago, the words that he used?
- 21 A. Well, I asked him the question, "Where is he?", and he
- 22 was on the top level of the bus, and as -- within
- 23 a matter of seconds, he told me he's on the stairwell.
- 24 Q. Did he first of all confirm that it was the same man?
- 25 A. When I said, "Where is he?", I interpreted that to be

- 1 the subject of surveillance, not someone else.
- 2 Q. You then broadcast over the Cougar the effect of that  
3 conversation you had with Lawrence?
- 4 A. Yes, I did. It was quite vital, obviously, that the  
5 movement of the subject on the stairwell indicated --
- 6 Q. Sorry, you are dropping your voice.
- 7 A. It was quite vital to indicate to the team the movement  
8 of the subject of surveillance on the stairwell, because  
9 the anticipation was that he would get off the bus.
- 10 Q. Did you let everybody know that it was the same man that  
11 was being followed, that it was definitely the same  
12 person?
- 13 A. I broadcast that the subject is on the stairwell.
- 14 Q. Are those the words you used, do you think?
- 15 A. Yes, or words to that effect.
- 16 Q. I am sorry?
- 17 A. Yes, or words to that effect.
- 18 Q. That would have been interpreted by others as being that  
19 it was the same person, and second of all, that he was  
20 being followed by Lawrence?
- 21 A. Yes, sir.
- 22 MR STERN: Thank you.
- 23 MS LEEK: No questions, thank you, sir.
- 24 SIR MICHAEL WRIGHT: Mr Perry.
- 25 Questions from MR PERRY

1 MR PERRY: Thank you, sir.

2 Harry, may I just ask you one question about the  
3 briefing, first of all, with Mr Whiddett. Can you  
4 recall Mr Whiddett, we have heard evidence from him,  
5 providing a priority telephone number which went  
6 straight through to the 24-hour information centre at  
7 New Scotland Yard?

8 A. I don't recall it but I can't discount it either.

9 Q. Thank you. That's all I ask about that. The  
10 conversation that you heard about the strategy at  
11 Scotia Road, may I just draw your attention to page 966  
12 of the statements, just to see what you had to say about  
13 this. We can see in the middle of the page:

14 "Shortly after arriving in the vicinity of  
15 Scotia Road, I recall a conversation between the red and  
16 grey team controllers concerning the roles of the  
17 respective surveillance teams. This concerned the  
18 intervention of S012 officers effecting a stop on  
19 an identified [person] from the address, if seen  
20 carrying a rucksack when no C019 officers were available  
21 and therefore an emergency situation. This would have  
22 to be under the direction of the operations room at New  
23 Scotland Yard."

24 So that's what you were saying, that was the  
25 statement you made on 26 June 2007, so some time later

- 1 to be fair?
- 2 A. Yes, sir.
- 3 Q. Your understanding was that anything was going to be  
4 done under the direction of the operations room at New  
5 Scotland Yard?
- 6 A. Yes, that's the whole purpose of the operations room, to  
7 control events.
- 8 Q. Yes, thank you. Finally I just want to ask you, please,  
9 some questions about your communications with Ivor.  
10 Just to put this into context, the subject has left the  
11 address, you have moved from your position and we know  
12 at 9.39 the person under surveillance, around about  
13 9.39, gets on to a number 2; Ivor, at a stop further on,  
14 gets on to the same bus and they are sitting on the  
15 downstairs deck of the number 2; and you call Ivor to  
16 communicate with him at 9.43. I just want to ask you  
17 about that communication: was it actually  
18 a conversation?
- 19 A. Yes, it was.
- 20 Q. So you were able to speak to Ivor and he was able to  
21 speak to you?
- 22 A. That's correct.
- 23 Q. So it wasn't him using a code or anything like that to  
24 communicate with you?
- 25 A. No. He spoke obviously in hushed tones and discreetly,

1 but I was able to speak relatively freely with him.

2 Q. We don't need to look at it, but we have that telephone  
3 on a schedule that we have prepared, but he of course  
4 was speaking on his mobile telephone to you, and then  
5 you pass on the effect of what he said to you over the  
6 Cougar channel?

7 A. Yes, yes, I relayed the information.

8 Q. The relay of the information is over the Cougar channel  
9 because you didn't call into the communications room?

10 A. No, no --

11 Q. Sorry, the operations room.

12 A. No, that's the role of the team leader. You can only  
13 have one point of contact with the surveillance team.

14 SIR MICHAEL WRIGHT: Did you understand that the operations  
15 room could hear you?

16 A. On the Cougar channel, sir?

17 SIR MICHAEL WRIGHT: Yes.

18 A. Yes.

19 MR PERRY: That would be Pat the surveillance monitor and  
20 anyone else who is listening in, both in the operations  
21 room or anyone on the ground who could pick up the  
22 Cougar channel at that point?

23 A. That's correct, sir.

24 MR PERRY: Thank you very much.

25 SIR MICHAEL WRIGHT: Thank you.

1 MR KING: Nothing from me, sir.

2 SIR MICHAEL WRIGHT: Mr Horwell.

3 Questions from MR HORWELL

4 MR HORWELL: Richard Horwell on behalf of the Commissioner.

5 A. Sir.

6 Q. Harry, I only have a few questions to ask you, and they  
7 relate to the ability to make identifications.

8 Mr Mansfield asked you about this two-minute window of  
9 opportunity, as it's described, in which you had to make  
10 an identification before the first bus stop. In real  
11 life, does it work like that, two minutes being enough  
12 to make an identification in these circumstances?

13 A. Rarely, sir.

14 Q. The location is obviously important. Scotia Road is  
15 a relatively quiet cul-de-sac, not an ideal place for  
16 surveillance officers; would you agree?

17 A. There are very few places that I would describe as  
18 ideal, but a cul-de-sac can present challenges, yes.

19 Q. If a surveillance officer was standing in Scotia Road,  
20 he really would stand out, wouldn't he?

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

22 Q. If you have time, which of course you didn't on this  
23 day, if you had time you would find fixed observation  
24 posts within buildings?

25 A. Yes, you would, sir, yes.



1 Q. Which would provide you with an excellent opportunity to  
2 observe anyone coming out of those premises?

3 A. That's correct, sir, and photographic opportunities.

4 Q. Of course. But all that we had here, because this was  
5 all that the time permitted, was a van near to the  
6 premises and surveillance officers either on foot or in  
7 vehicles?

8 A. Yes, sir.

9 SIR MICHAEL WRIGHT: Do you normally try to stay in  
10 a vehicle so that you are not so noticeable, and also it  
11 makes you mobile as well?

12 A. In terms of myself, sir?

13 SIR MICHAEL WRIGHT: Yes.

14 A. My role was interchangeable with James, so generally  
15 that would be vehicle-borne, yes.

16 SIR MICHAEL WRIGHT: Is that the idea, that you don't stand  
17 out so much if you are in a vehicle?

18 A. Yes, sir, and obviously you can move to locations --

19 SIR MICHAEL WRIGHT: And you have mobility.

20 A. -- with some speed, yes.

21 MR HORWELL: This is what you had to say about the issue in  
22 your statement of 14 November 2005, it's page 198 at the  
23 top of it, please, four or five lines down:

24 "I was aware ..."

25 A. Yes.

1 Q. You have described the fact that the subject gave you  
2 the impression that he was not relaxed and at ease?

3 A. That's correct, sir.

4 Q. Then:

5 "I was aware that foot surveillance officers had  
6 been deployed in the near vicinity and my thoughts at  
7 that time, based on the information that had been  
8 provided, was that the surveillance of Mr de Menezes  
9 needed to continue to ascertain his identity as soon as  
10 possible."

11 So your professional view at that time was that the  
12 surveillance had to continue to see if an identification  
13 of whatever nature could be made, or that this man could  
14 be positively ruled out as being one of the bombers?

15 A. That's correct, sir.

16 Q. But the important principle, Harry, is this: the  
17 surveillance had to continue, and continue it did?

18 A. It did continue, sir. Obviously the decision as to it  
19 continuing was not one for me at that time.

20 Q. It's for the operations room, of course, but it was your  
21 view, and --

22 A. It was my view, yes, sir.

23 Q. -- you are the man who is there, you are the man who has  
24 seen this individual, it was your view that the  
25 surveillance had to continue?

- 1 A. Yes, it was, sir, yes.
- 2 MR HORWELL: Thank you.
- 3 SIR MICHAEL WRIGHT: Mr Gibbs?
- 4 MR HOUGH: Just one point.
- 5 SIR MICHAEL WRIGHT: Hang on. Mr Gibbs?
- 6 MR GIBBS: In fact, I have nothing arising out of any of  
7 this.
- 8 SIR MICHAEL WRIGHT: You were quite right, Mr Hough.
- 9 Further questions from MR HOUGH
- 10 MR HOUGH: Harry, just one point to clear up before you go.  
11 You were asked a couple of questions by Mr Mansfield  
12 about after you had first seen Mr de Menezes and seen  
13 him look over his shoulder a couple of times, whether  
14 you transmitted just the fact of him looking over the  
15 shoulder or your interpretation of that fact, wary,  
16 nervous, words like that.
- 17 A. Yes.
- 18 Q. Just to be absolutely clear on this, we all understand  
19 that you can't remember the precise words that you  
20 spoke, but did you say anything like -- over the radio,  
21 this is, at the time -- did you say anything like that  
22 you thought that he was wary or nervous, things like  
23 that, or did you just physically describe his movements?  
24 What do you think you said?
- 25 A. I did say he was looking about himself. I don't recall

1 using the word "nervous". I may have used the word  
2 "wary". Certainly nervous and wary was my perception at  
3 the time. I am trying to --

4 Q. You will see why it's important to us to identify what  
5 you said.

6 A. Yes. With confidence I can say I transmitted that he  
7 was looking about himself. "wary" I may have said,  
8 I don't recall saying he was nervous, but I did see  
9 that.

10 MR HOUGH: Thank you very much.

11 SIR MICHAEL WRIGHT: Thank you very much. Thank you, Harry.  
12 That's your evidence. You are free to go.

13 A. Thank you, sir.

14 (The witness withdrew)

15 SIR MICHAEL WRIGHT: We will break in a moment. Can I ask  
16 whether everybody has had an opportunity to look at the  
17 statement that has been taken from Tango 2? At the  
18 moment my intention is to give a direction under rule  
19 37, that that is an uncontroversial statement and can  
20 and should be read.

21 MR HOUGH: Sir, I see heads being shaken behind me, so  
22 obviously some of my learned friends cannot express  
23 a view on that. It is not a long statement. I should  
24 also say when they are considering it that it has been  
25 suggested that his previous statements should also be

1 read, or parts of them, if that one is also to be read.

2 SIR MICHAEL WRIGHT: I didn't know he had made any but

3 I suppose he had.

4 MR HOUGH: Yes, sir.

5 SIR MICHAEL WRIGHT: All right, quarter to, ladies and

6 gentlemen.

7 (11.38 am)

8 (A short break)

9 (11.48 am)

10 (In the presence of the jury)

11 MR HOUGH: The next witness is Malcolm.

12 CODENAME "MALCOLM" (sworn)

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

14 Questions from MR HOUGH

15 MR HOUGH: I think for these proceedings you are being known

16 as Malcolm; is that right?

17 A. Yes, sir.

18 Q. If you can try to speak up, because you have to be

19 transcribed, and therefore heard by a number of people.

20 In 2005, were you a surveillance officer attached to

21 SO12?

22 A. I was, sir, yes.

23 Q. I think you were a member of the grey surveillance team

24 on 22 July 2005 covering Scotia Road?

25 A. I was.

- 1 Q. You made, I think, a number of witness statements about  
2 the events on that day: the first made in fact on the  
3 day afterwards, another substantial one in November of  
4 2005?
- 5 A. That's right, sir.
- 6 Q. Do you have those statements with you?
- 7 A. I do.
- 8 Q. If you have them out and by you, there is no difficulty  
9 about you referring to them.
- 10 A. Thank you.
- 11 Q. I think you gave evidence at the Health and Safety trial  
12 at the Old Bailey on 10 October last year?
- 13 A. I did, sir.
- 14 Q. For when we are looking at documents, your call sign on  
15 that day ended in 34?
- 16 A. That's right, sir.
- 17 Q. You were also known as Hotel 9?
- 18 A. That's correct.
- 19 Q. Turning first to you coming on duty that day, you were  
20 first, I think, called to Tintagel House, your S012  
21 base, through a pager system at about 6.30 that morning?
- 22 A. Yes, sir.
- 23 Q. You arrived there, and were directed to New Scotland  
24 Yard for a briefing?
- 25 A. That's right, sir.

- 1 Q. We have heard that that briefing was delivered by  
2 DI Whiddett and an officer we are calling Colin?
- 3 A. Yes, sir.
- 4 Q. Did you arrive in fact just a few minutes late for the  
5 start of that briefing?
- 6 A. I did, sir. I was delayed getting into Scotland Yard.
- 7 Q. In the course of that briefing were you shown a number  
8 of photographs of the suspects?
- 9 A. I was, sir, yes.
- 10 Q. Perhaps we can have tab 37 of the jury bundle. We are  
11 very familiar with this. Is this one of the sheets that  
12 you were shown on that occasion?
- 13 A. Yes, sir.
- 14 Q. Because others have been asked, I will ask you: what  
15 kind of quality did you regard that image as being in  
16 general terms?
- 17 A. It speaks for itself, sir. It's not ... it's not  
18 a particularly life-like -- pardon the expression, not  
19 a particularly life-like photograph. It's not the best.
- 20 Q. Thank you. We can have that off screen now. I think  
21 you were provided with some names, the names of the  
22 suspects, some information about them, and about a car?
- 23 A. I was.
- 24 Q. Now, the photo sheet that we have shown, we know that it  
25 was shown and that some officers took it and some

1           didn't, actually on the deployment with them. Did you  
2           take it with you?

3    A. I did, sir, yes.

4    Q. After the briefing, firearms were distributed to some  
5           members of the team. I think you were one of the  
6           officers provided with a sidearm?

7    A. I was, sir.

8    Q. Did you load that and put it into your bag?

9    A. I did.

10   Q. Did you thereafter deploy to Scotia Road after waiting  
11           for instructions for a short time in a holding area?

12   A. I did.

13   Q. We have heard that your team as a whole arrived at  
14           Scotia Road just before 9 o'clock that morning. Was  
15           that around the time you arrived?

16   A. That's right, sir, yes.

17   Q. Just to locate where you positioned yourself on arrival,  
18           can we have tab 14 of the jury bundle. This will come  
19           up on screen as a map. Now, can you see on the top  
20           left-hand corner of this plan the word "Somers"?

21   A. Yes, sir.

22   Q. Does that help you to locate where you were when you  
23           arrived that day?

24   A. Yes, sir, that's the general area where I held for the  
25           bulk of the time that I was there.



- 1 Q. Did you stay in one place or did you move around?
- 2 A. No, I did move around.
- 3 Q. I think you remained in that kind of area until about
- 4 9.45?
- 5 A. Yes, sir.
- 6 SIR MICHAEL WRIGHT: I haven't found it yet, actually,
- 7 Mr Hough. Oh, it's up there. Right.
- 8 MR HOUGH: Over that time, did you hear anything over the
- 9 radio, the Cougar radio system, about what tactics your
- 10 team and the red team which formed the inner ring would
- 11 adopt for dealing with people coming out of the
- 12 Scotia Road block?
- 13 A. I believe there was some discussion, sir, but I'm afraid
- 14 I just can't assist as to, really in any detail.
- 15 Q. You can't remember or you didn't hear it?
- 16 A. No -- erm ... I think I am now aware that there was some
- 17 discussion but I certainly can't recall that.
- 18 Q. Did you hear over the Cougar radio system anything about
- 19 bus routes in the area, suspension of those or leaving
- 20 them running?
- 21 A. Yes, sir, I do recall that. I am aware that there were
- 22 attempts being made to stop the bus routes. It was my
- 23 impression that they had been stopped for a while but
- 24 they were once again running.
- 25 Q. Did you hear anything over the Cougar system about the

1 provision of C019 support, firearms officers in the  
2 area?

3 A. Yes, sir, I -- I was aware that they would be coming to  
4 join us, and that they would be holding at the nearby TA  
5 barracks.

6 Q. Roughly when did you hear that? Was it soon after you  
7 arrived, before or after the man came out at  
8 Scotia Road?

9 A. I believe before there was any movement from  
10 Scotia Road, but further than that, I can't assist.

11 Q. Moving to that time, we know at around 9.33, 9.34,  
12 Mr de Menezes came out of the block and was followed  
13 with gaps from that point. Did you hear transmissions  
14 over the radio saying that a man was under surveillance?

15 A. I did, sir.

16 Q. Did you hear anything over that initial period about  
17 description or identification of the man under  
18 surveillance?

19 A. Yes, sir, I was aware of the general description of  
20 a blue denim top and blue jeans.

21 Q. Hear anything about his movements, demeanour, anything  
22 like that?

23 A. Yes, sir, but I was obviously listening to that  
24 commentary but I can't give it -- tell you exactly what  
25 I can recall now from that.

- 1 Q. Any gist at all?
- 2 A. No, sir.
- 3 Q. Did you later join the surveillance follow by car  
4 yourself?
- 5 A. I did.
- 6 Q. Perhaps we can have page 456 of the documents bundle.  
7 This is a page of the grey team surveillance log. If we  
8 see there just by the lower holepunch, an entry we have  
9 had confirmed as 9.47, although the top of the 7 is  
10 missing off, and do we see to the right your call sign,  
11 34, and your initials?
- 12 A. Yes, sir.
- 13 Q. Then these words:  
14 "Off of number 2 bus, held at stop, texting on  
15 mobile phone".
- 16 A. That's right, sir.
- 17 Q. Dealing with that entry, did you, from your position,  
18 drive to Tulse Hill and follow the route of the bus up  
19 towards Brixton?
- 20 A. I did.
- 21 Q. Did you arrive in Brixton at around the time that  
22 Mr de Menezes was coming off the number 2 bus?
- 23 A. Yes, sir, well, just after, yes.
- 24 Q. Did you drive past as he was actually off the number 2  
25 bus and on the left-hand pavement as you were

- 1           approaching?
- 2    A.   That's right, sir, yes.
- 3    Q.   Was he near the bus stops at that point?
- 4    A.   I can't recall exactly where the bus stops were, but he
- 5           was on the footway looking out into the roadway, and as
- 6           the text describes it, he was, appeared to be texting on
- 7           a mobile phone.
- 8    Q.   Were there a lot of other people around him?
- 9    A.   There were lots of other people on the footway, sir,
- 10           yes.
- 11   Q.   What kind of speed did you drive past?
- 12   A.   I believe I was going by in -- I mean, it was relatively
- 13           heavy traffic, but I just drove by him at a fairly slow
- 14           pace.
- 15   Q.   Were you able to turn fully towards him in order to look
- 16           at him as you were driving past?
- 17   A.   Yes, sir, yes, I did look.
- 18   Q.   Were you able to form any view of description or
- 19           identification at that stage?
- 20   A.   Certainly not identification, no, sir, I couldn't decide
- 21           one way or the other.
- 22   Q.   What were you able to tell about his skin tone, facial
- 23           features, that kind of thing?
- 24   A.   Just that he had light olive skin, short dark hair, and
- 25           that was as much as I could tell from the driveby that

- 1 I had.
- 2 Q. So is this fair to say, you weren't able to add anything  
3 to the commentary that had already been coming out over  
4 the airwaves?
- 5 A. That's right, sir, I could take it no further forward.
- 6 Q. Did you drive on, going north, and then park?
- 7 A. I did, sir.
- 8 Q. Why did you do that?
- 9 A. I was then going to try to get down on foot and assist  
10 in the follow.
- 11 Q. To get on to the bus?
- 12 A. Possibly, yes.
- 13 Q. Or to follow him if he continued on foot?
- 14 A. Yes.
- 15 Q. Did you get out and walk back towards where you had seen  
16 him?
- 17 A. I did, sir.
- 18 Q. By this stage, had he in fact got on to the bus?
- 19 A. Yes, I then heard further radio communication that he  
20 had gone back on to the bus, and so I returned to my  
21 vehicle.
- 22 Q. Did you then, after returning to your vehicle, drive  
23 north continuing up Brixton Road and then up  
24 Stockwell Road?
- 25 A. I did.

- 1 Q. Were you in fact behind the bus over this period?
- 2 A. I was, sir, yes.
- 3 Q. Were you able to see the bus over this period?
- 4 A. I did on occasions.
- 5 Q. On occasions?
- 6 A. Yes.
- 7 Q. But you were in traffic and separated by some traffic  
8 from it?
- 9 A. I was, sir, yes.
- 10 Q. While you were driving north up this road system, were  
11 you listening to the Cougar radio?
- 12 A. I was, sir.
- 13 Q. What did you hear over that period about identification  
14 of the man?
- 15 A. It was still the same position, really, there was no --  
16 there was no change as to whether it definitely was or  
17 was not one of the subjects of the operation.
- 18 Q. Are you saying that you never heard either that he  
19 definitely was or that he definitely wasn't the man you  
20 were looking for?
- 21 A. Yes, sir.
- 22 Q. Coming towards the point where the bus is nearing  
23 Stockwell tube station, were you still in traffic behind  
24 the bus as it was approaching that junction?
- 25 A. I was, sir.

- 1 Q. We have heard, just now from your colleague, Harry, that  
2 he relayed over the Cougar that the man was getting off  
3 the bus; did you hear that?
- 4 A. Yes, sir.
- 5 Q. Over the few minutes that followed that, did you hear  
6 any communication from your team leader, James, about  
7 your team possibly stopping the man?
- 8 A. I can't be sure on conversation in respect to that.  
9 I --
- 10 Q. You just don't know?
- 11 A. I can't assist, sir, I am sorry.
- 12 Q. After this point, so the bus has gone across the  
13 junction, stopped, the man has got off the bus and is  
14 going towards the tube station, did you park up your  
15 vehicle?
- 16 A. I did, sir.
- 17 Q. Where did you park roughly around Stockwell tube  
18 station?
- 19 A. On the opposite side of the triangle, directly opposite  
20 the tube station.
- 21 Q. Did you then walk across the road towards the station?
- 22 A. I did, sir.
- 23 Q. Did you enter the tube station?
- 24 A. I did.
- 25 Q. Once you had got there, were you able to see any

1           colleagues from the grey surveillance team around you?

2   A.   I was aware that others were deploying with me, but

3           I can't recall who was with me.

4   Q.   When you entered the tube station, were you able to see

5           the subject, Mr de Menezes, and identify him as the

6           subject under surveillance?

7   A.   No, sir.

8   Q.   Is this fair, you knew from what you were hearing over

9           the Cougar that he would have been ahead of you?

10   A.   Yes, sir, I knew that, from the commentary, that he had

11           descended the escalator.

12   Q.   By the stage that you are walking in, you have heard

13           that he has gone down the escalator?

14   A.   Yes, sir, so I know I'm some minute or so behind.

15   Q.   Could we show the CCTV film, it's CC3, camera 6.

16           Can we view this from the start.

17                           Video footage shown

18           This is footage taken from the CCTV camera in the

19           entrance hall of the tube station, and we see there

20           Mr de Menezes walking in, going to get his Metro

21           newspaper, Ivor around the edge of the shot, Ivor again

22           in view, Ken now in view. So Ivor and Ken closest to

23           him, behind him. (Pause)

24           Then a little gap. (Pause)

25           Then Lawrence, shortly followed by yourself. Just



1 pause there, please.

2 You have been identified by those dealing with this  
3 footage, blue rucksack I think on your back?

4 A. Blue jacket, sir.

5 Q. I see, maybe I am identifying the wrong source of the  
6 colour, but that's you walking towards the barriers, is  
7 it?

8 A. I'll accept that, sir, yes.

9 Q. Can we play on, please. So you go through the barriers.  
10 Then there is Geoff. If we can have that off screen  
11 now.

12 We have seen there on film that you were quite close  
13 to Lawrence. Were you able to see him as you were quite  
14 near?

15 A. I can't recall actually seeing him.

16 SIR MICHAEL WRIGHT: That's a slightly different answer.

17 You can't now remember whether you saw him or not.

18 A. No, sir.

19 SIR MICHAEL WRIGHT: Or do you think you didn't see him?

20 A. I can't recall whether I saw him.

21 MR HOUGH: Is this right, you went down the escalator

22 towards the Northern Line platforms?

23 A. Yes, sir.

24 Q. Were you able to tell from anything, from traffic you  
25 had heard over the radio before or from anything you

- 1 saw, where your colleagues were going at this point?
- 2 A. I believe platform, towards platforms 1 and 2 was
- 3 mentioned. I went that way.
- 4 Q. So those are the Northern Line platforms?
- 5 A. Yes.
- 6 Q. Once you had got down to the area at the bottom of the
- 7 escalator, perhaps we can have tab 31 of the jury bundle
- 8 on screen, once you get down to the passageway, there
- 9 are two corridors towards the platform on the left?
- 10 A. Yes, sir.
- 11 Q. Do you recall this view?
- 12 A. Yes, sir.
- 13 Q. Which way did you turn when you got into this corridor
- 14 area?
- 15 A. I turned left because there was a train held there.
- 16 Q. Did you go into the first of these entranceways or the
- 17 second?
- 18 A. The first, I believe.
- 19 Q. Once you got there, you say a train was held, did you
- 20 enter the train?
- 21 A. I think I went up to the door, I think.
- 22 Q. The first set of doors you could see?
- 23 A. I am not sure if there was a set just to the left of
- 24 those. I think possibly to the left of those.
- 25 Q. So you think you went to the left of the ones we can see

- 1 open on this shot?
- 2 A. There were, I think the doors immediately, the most  
3 obvious doors to me, I believe.
- 4 SIR MICHAEL WRIGHT: You mean directly opposite the passage  
5 way through?
- 6 A. Yes.
- 7 MR HOUGH: Once you looked in, could you recognise either  
8 the subject of surveillance or any of your colleagues as  
9 being in the carriage?
- 10 A. No, I saw no-one, sir.
- 11 Q. What did you do then?
- 12 A. I then returned towards the escalator to try to get some  
13 communications.
- 14 Q. Because, is this right, you had a better chance of  
15 getting a radio signal if you are slightly further  
16 away -- slightly closer to the entrance to the station?
- 17 A. Yes, sir. Sometimes they carry from that sort of  
18 location.
- 19 Q. While you were doing this, did you see a further group  
20 of men coming down the escalator towards you?
- 21 A. I did, sir.
- 22 Q. What did they look like?
- 23 A. Straightaway I realised that they were C019 firearms  
24 officers.
- 25 Q. Just from the fact that they were carrying guns or

- 1           anything else?
- 2    A.   I'm assuming now that it was the fact that they were  
3           carrying guns, but straightaway as soon as I saw them,  
4           I realised who they were. There was no doubt.
- 5    Q.   We have seen on video footage that some of them had  
6           baseball caps on, identifying them as armed police; do  
7           you recall seeing those?
- 8    A.   Not specifically, sir, but it was so obvious who they  
9           were, that's probably the case.
- 10   SIR MICHAEL WRIGHT: Well, obvious to you, because you are  
11           a police officer.
- 12   A.   Indeed, sir, with my prior knowledge it was perfectly  
13           obvious who they were.
- 14   MR HOUGH: But is this right, and I think we will hear it  
15           from them, they wouldn't have been wearing anything else  
16           distinctive to mark them out as police officers?
- 17   A.   No, sir, but apart from obviously the equipment that  
18           they would be carrying, yes.
- 19   Q.   When they were coming down the escalators and you were  
20           waiting at the bottom of the escalators, were they  
21           saying or shouting anything to the people around them?
- 22   A.   Not that I am aware of, sir, no.
- 23   Q.   Again, can you not remember or do you think that they  
24           weren't?
- 25   A.   I am just not aware of if they were shouting or not, no.

- 1 Q. When they got to the bottom of the escalators, did you  
2 speak to them?
- 3 A. I did.
- 4 Q. What did you say to them?
- 5 A. I think their question to me was, "Where is he?" or  
6 words to that effect, and obviously at that stage  
7 I didn't know, so I said -- as I got down here, the  
8 train on the platform to my right was just leaving and  
9 then I indicated the train which was held at the  
10 platform and I said, "This train has been here since  
11 I got down here", and as I was in the process of saying  
12 that to them, I then saw my colleague, Ken, on board the  
13 train.
- 14 Q. So you had a view into the train itself?
- 15 A. Yes, sir, I was looking, as I was speaking I saw him on  
16 the train.
- 17 Q. Where was he standing on the train?
- 18 A. I -- on or about that doorway, I think, I'm not sure if  
19 he was actually in the doorway, but he was on the train  
20 and I quite clearly saw that he was indicating that the  
21 subject of surveillance was to his left.
- 22 Q. Pointing?
- 23 A. Yes, sir.
- 24 Q. Was he saying anything?
- 25 A. No, sir.

- 1 Q. What did the firearms officers do then?
- 2 A. I don't know if they realised straightaway that that was  
3 a surveillance officer and what he was indicating, so  
4 I then said to them, "He's indicating the subject's to  
5 the right". That was our right as we looked at the tube  
6 train, and the firearms officers then went in that  
7 direction.
- 8 Q. How many of them?
- 9 A. I think about four or five.
- 10 Q. What did you see next?
- 11 A. I allowed them to go forward and then I went round  
12 behind them. I saw them board the train at the,  
13 I believe the next doorway along.
- 14 Q. So further to your right, if you are looking into the  
15 train?
- 16 A. As we looked at that picture, sir, yes.
- 17 Q. Go on.
- 18 A. As from there, it was basically a scrum, sir, a sea of  
19 people, they had their backs to me, I can't be specific  
20 as to what was going on, and then I heard a series of  
21 shots, about five shots ring out.
- 22 Q. We will hear that one of your colleagues, Ivor, in fact  
23 I'll use a neutral word, at some point held the man who  
24 was under surveillance. Were you able to see that  
25 taking place?

- 1 A. No, I did not, sir.
- 2 Q. Were you able to see how close the firearms officers  
3 came to the man?
- 4 A. No, sir.
- 5 Q. Were you able to see anything that the man did when the  
6 firearms officers came up to him?
- 7 A. No, sir.
- 8 Q. In this period, between when they entered the platform  
9 and when you heard the shots, did you hear them shouting  
10 anything or saying anything?
- 11 A. No, sir, I'm not aware of if anything was shouted or if  
12 it wasn't, I can't say either way.
- 13 Q. After you had heard the shots, did you see anything  
14 happen to any of your colleagues?
- 15 A. Yes, sir. My -- I didn't realise initially but my  
16 colleague, Ivor, was almost ejected from beneath the  
17 scrum, as it were, and on to the platform near me.
- 18 Q. By anyone in particular?
- 19 A. I couldn't say, sir. He just almost appeared there.
- 20 Q. What else happened to him?
- 21 A. At that stage I was, just for a split second, thought  
22 this could possibly be the subject --
- 23 Q. Pausing there, I think Ivor was in fact also dressed in  
24 denims, is that right?
- 25 A. He was, all in blue denim the same and also with

- 1 an olive skin tone as well.
- 2 Q. But carrying a rucksack, I think?
- 3 A. I wasn't aware of that then.
- 4 Q. Go on.
- 5 A. In that split second I called on him to show me his  
6 hands, because I, you know, I thought that may be the  
7 subject. Very quickly I realised it was Ivor.
- 8 Q. Were you holding a weapon at this point, when you told  
9 him to show you his hands?
- 10 A. No, sir.
- 11 Q. After that, did you come forward and see the scene in  
12 the carriage?
- 13 A. Yes, sir, just briefly.
- 14 Q. Without going into unnecessary detail, were you able to  
15 see Mr de Menezes slumped in the seats on the far side  
16 of the carriage?
- 17 A. Yes, sir.
- 18 Q. Did you then see another confrontation in the -- on that  
19 platform?
- 20 A. Yes, sir, I saw a CO19 officer at the far left-hand end  
21 of the platform, as we were looking at that photograph,  
22 to the left-hand end, and he appeared to be challenging  
23 someone in the tunnel, so I went to assist that officer.
- 24 Q. So he appeared to be pointing his weapon?
- 25 A. He had his weapon pointed into the tunnel and appeared



1 to be trying to get someone to comply with his  
2 instructions.

3 Q. In the area in fact immediately in front of the head of  
4 the train?

5 A. Erm --

6 SIR MICHAEL WRIGHT: Well, you can lead it, Mr Hough.

7 MR HOUGH: Yes.

8 As we shall hear, this was in fact the train driver  
9 who had got out of his compartment and was sheltering in  
10 the tunnel in front of the train?

11 A. He was.

12 Q. That was established, and he got out and everything was  
13 sorted out on that front?

14 A. That's correct, sir.

15 Q. In the aftermath, while you were in the area of the  
16 platform, was anything said to you by the firearms  
17 officers about what had happened?

18 A. No, sir.

19 Q. The final question: over the course of that day, you  
20 were listening to the Cougar radio?

21 A. Yes, sir.

22 Q. I have asked you this already about a specific time, but  
23 in general over that day, did you ever hear the subject  
24 positively identified as one of your suspects?

25 A. No, sir.

1 Q. Or, indeed, ruled out?

2 A. No, sir.

3 MR HOUGH: Thank you very much.

4 SIR MICHAEL WRIGHT: Thank you. Mr Mansfield.

5 Questions from MR MANSFIELD

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

7 I represent the de Menezes family.

8 It's a particularly distressing time for a large  
9 number of people and I'm sorry to have to ask you a few  
10 questions. I'm really going to concentrate on the last  
11 part, where you go down, all right, it's that one?

12 A. Yes, sir.

13 Q. But one question before we get to that: you were shown  
14 an image of, or images, at the briefing of various  
15 people. Did you take any copies with you?

16 A. I did, sir, yes, I took a copy of the briefing pack with  
17 me.

18 Q. So you had an image of the person said to be Osman?

19 A. I did, sir.

20 Q. So that when you were -- I appreciate you got very brief  
21 glimpses of this person. You used that at that time to  
22 see if you could or couldn't make a possible  
23 identification or an identification, did you, or not?

24 A. I can't recall specifically looking at it, now, sir,  
25 although it seems a logical thing to do, but it was

1           such, such as my view, I don't think it would have  
2           helped --

3   Q.   It wouldn't have helped, all right. I want to come, if  
4           I may, we have seen the compilation so I don't ask you  
5           to see that again, and I want to take it slowly, and  
6           with as much help as you can give. Really you appear to  
7           be one of the first down, but not the first down,  
8           because we have seen from the compilation that fellow  
9           officers are going down ahead of you. You obviously  
10          realised they had gone ahead at the time or not?

11   A.   I can't be sure now, sir, no.

12   Q.   That's understandable. Anyway, you go down, and you  
13          have the exhibits bundle there or you can watch it on  
14          the screen, whichever you find the easiest, but could we  
15          have tab 31, which is where my learned friend Mr Hough  
16          began. If you find it easier on the hard copy, tab 31.  
17          So you have gone down the escalator.

18   A.   Sorry, sir, am I with the wrong bundle? Do I need  
19          file 1?

20   Q.   Doesn't matter, watch it on the screen, it's a bit  
21          easier, it's exactly the same.

22                 I think you said you go through the first entrance  
23          and through the most obvious door that's there?

24   A.   Yes, sir.

25   Q.   We can see there is a door open. If you turn to the

1 next one, 32, this is just obviously the camera's going  
2 round the corner towards the tube train. Is your  
3 recollection that the door you may have gone into is the  
4 one we see in this photograph, the door of the train,  
5 I mean? Or is it that you just don't know now?

6 A. I can't be absolutely sure. No, I am afraid I can't be  
7 sure, sir.

8 Q. All right. I appreciate this is all happening quite  
9 quickly. Can we turn to the next one, 33. There is  
10 a view along the platform. Does that help? We can see  
11 the same door open there nearer the camera. Does that  
12 help or not?

13 A. No, sir. I suspect it was the first door, but I can't  
14 be absolutely sure.

15 Q. All right. You go in and in fact, is the position that  
16 once you are in there -- do you go right into the  
17 carriage or do you just peer in?

18 A. No, sir, I went up to it and peered in.

19 Q. You weren't able to identify either the man that the  
20 team had been following with the denim jacket and so on,  
21 and you weren't able to see your fellow officers either?

22 A. I didn't, sir, no.

23 Q. You don't see anybody you can recognise, so you go back  
24 to the bottom of the escalators, and then you return --  
25 I am taking it in sequence -- with the firearms

1           officers. Did you identify yourself to them? Because  
2           of, you know, your role in all of this, you assumed  
3           quite rightly and realised they were CO19, but they may  
4           not have known who you were. So did you say, "Look,  
5           I am a police officer", or something?

6   A. Again, sir, I don't know if I had to introduce myself as  
7           such or whether it was immediately apparent to them.

8   Q. No, all right. I suppose now --

9   SIR MICHAEL WRIGHT: I suppose it was pretty obvious that  
10          you weren't the person who had been followed.

11   MR MANSFIELD: Certainly that. I am not going to go through  
12          the exercise of getting you to identify yourself on the  
13          screen.

14                 But the position is there is some conversation,  
15          anyway, between -- I suppose now it's quite impossible  
16          for you to say or even remember the description of the  
17          firearms officers that you are talking to? You can't  
18          say?

19   A. I can't help, sir, no.

20   Q. But you must have been, turning back to tab 31, this  
21          must have been going on somewhere in the vicinity of  
22          this photograph, with the other platform to your right,  
23          and the stationary tube to your left, would that be  
24          fair?

25   A. That's correct, sir, yes.

- 1 Q. Because you looked along the entrance and it's because  
2 you see Ken, what, near this open door we see?
- 3 A. Yes, sir.
- 4 Q. And he's facing out?
- 5 A. Yes, sir.
- 6 Q. That's why you say -- how is he indicating to his left,  
7 is he pointing with his hand?
- 8 A. That's right, sir.
- 9 Q. So he's facing out and pointing with his hand, I am  
10 using my right hand but is this a fair assumption, he is  
11 using his right hand to point that the man is to his  
12 left, something like that?
- 13 A. That's right, sir, yes.
- 14 Q. So you say to the officers, "The man you are looking for  
15 is to the right of Ken", who is standing at the door --
- 16 A. To our right as we are looking at it.
- 17 Q. To your right, Ken's left. Now, the distance here is  
18 very short indeed. Do the officers go through this  
19 first entranceway or tunnel into the platform?
- 20 A. I believe they do, sir, yes.
- 21 Q. And do you follow them through?
- 22 A. I let them go a little bit ahead of me.
- 23 Q. Then you follow?
- 24 A. Yes, sir.
- 25 Q. So you are a matter of a few feet behind?

1 A. Probably a bit more than that, sir, yes.

2 Q. I'm not tying you to 6, 7 or 8 feet, or something like  
3 that. You are some feet behind allowing a distance  
4 between them and yourself.

5 At that stage, first of all, had you been told at  
6 any time that there was to be an armed intervention?

7 A. No, sir, I mean, I knew that CO19 officers would be  
8 coming to join the operation and that would possibly be  
9 their function, but I had no knowledge that that course  
10 had then been adopted.

11 Q. Right. So what did you think at the point in time that  
12 you were directing them towards Ken was about to happen?

13 A. I thought they were going to detain the subject.

14 Q. Right. Can I just follow your footsteps round, if you  
15 can remember. Please stop at any stage if you find it  
16 too difficult. We go through the entranceway, you are  
17 some feet behind, allowing a distance, and in fact we  
18 can see the next tab, 32, is going towards the door, and  
19 then 33 we are on to the platform. By the time you  
20 emerged on to the platform, could you see where the  
21 armed officers were or is that too difficult a question  
22 now?

23 SIR MICHAEL WRIGHT: You have to get through the passage,  
24 I have just been looking at the photographs, before you  
25 can see the escalators, the cross-passage.

1 MR MANSFIELD: Yes, I am at a slightly later stage. He has  
2 met the officers, they have had the conversation, the  
3 officers have gone on ahead, he thinks through the  
4 passageway in tab 33 to the right.

5 SIR MICHAEL WRIGHT: Yes.

6 MR MANSFIELD: We are now on to the platform.

7 SIR MICHAEL WRIGHT: Sorry, yes.

8 MR MANSFIELD: I am merely wanting to know at this stage:  
9 once you emerge from this passageway, having spoken to  
10 them, on to the platform, whether you could then see  
11 where the armed officers were?

12 A. I think by the time I come round on to the platform  
13 itself, the officers were on board the train or were in  
14 the process of boarding the train.

15 Q. Were they boarding it where Ken was standing?

16 A. No, sir, my assumption is that Ken was --

17 Q. Please don't make assumptions.

18 A. Well, just from the angle of those photographs,  
19 I believe this is the doorway, I am indicating, that  
20 that first doorway in ... (indicated)

21 Q. So the first doorway in on tab 33 and I appreciate you  
22 are prefacing it by the word "assumption", that that's  
23 the doorway where Ken had been standing because that's  
24 where you had seen him in fact along the passageway, and  
25 that's the doorway you think the officers were either



1 going through or had gone through?

2 A. No, sir, no, they went to the further door.

3 Q. The further door, the next one down?

4 A. Yes, sir, the one we can see illuminated.

5 Q. They are going through there. Is it right to say that  
6 at no time during this period did you hear a very loud  
7 shout, "Armed police", did you?

8 A. I can recall hearing nothing one way or the other, sir.  
9 I have just no recollection on that. I just believe  
10 I didn't take it in.

11 Q. You see, this is quite important, as you obviously do  
12 appreciate. If there is going to be an armed challenge,  
13 it is particularly necessary that this is heard, and it  
14 is suggested by some officers that this was shouted. If  
15 it was, you didn't take it in and you didn't hear it?

16 A. No, sir, it is suggested earlier about shouting coming  
17 down the escalators. I have no recollection of shouting  
18 at any stage, at any stage of what occurred there,  
19 I cannot recall any shouting.

20 Q. I'm not suggesting it was. I am just wanting to get  
21 clear what your recollection is.

22 So it follows, therefore, just one other thing on  
23 this, that you never heard any officer say anything,  
24 an actual challenge like, "Stand still, put your hands  
25 up", or anything like that?

- 1 A. No, sir, I don't think you understand me, I am saying  
2 I have just no recollection one way or the other, I just  
3 can't remember, apart from the conversation I have told  
4 you about, I can't recall one way or the other whether  
5 anything was shouted or was not shouted, I just can't  
6 say, sir.
- 7 Q. Certainly at the time, I appreciate now, at the time  
8 when you came to write statements and so on, can we just  
9 shoot forward a bit, you went for a debrief that day,  
10 did you not?
- 11 A. We did, sir, yes.
- 12 Q. I think you went to Lemman Street?
- 13 A. Yes, sir.
- 14 Q. Was there a particular reason for going to the place  
15 where the firearms officers were?
- 16 A. It's where we were directed. Originally we went to our  
17 base and then it was directed that we go to  
18 Lemman Street.
- 19 Q. Who directed you to go to Lemman Street rather than  
20 Tintagel House?
- 21 A. We did go to Tintagel House initially and then it was  
22 decided that we should go as a group to Lemman Street.
- 23 Q. Yes, who decided that?
- 24 A. It was above my level, sir. I think at management level  
25 it was decided.

- 1 Q. Were you given a reason as to why you were going to do  
2 it there at Leman Street rather than Tintagel House?
- 3 A. The only, again, assumption on my part is that it's  
4 because they, firearms unit is used to dealing with this  
5 post-incident procedure and that the necessary support  
6 would be available there.
- 7 Q. Were there firearms officers there when you got there?
- 8 A. The place is full of them, sir.
- 9 Q. I assume that it would be full of them. But were there  
10 any that you recognised as having been involved in the  
11 incident?
- 12 A. No, sir, not to my knowledge.
- 13 Q. All right. When you came to do the debrief on that day,  
14 and when you came to do your statement, which is only  
15 the day after, even then you had no recollection, and  
16 certainly it's not in your statement, of any shouts of,  
17 "Armed police", did you? That's then?
- 18 A. No, sir, but I can't emphasise enough, I possibly think  
19 it is this case of perceptual distortion or whatever,  
20 I have just no recollection of anything, any shouts or  
21 conversations of anything from that incident, and  
22 I think it's probably because, I say the effects of this  
23 perceptual distortion, being focused on certain  
24 individual parts of it, and yeah, so I am not saying  
25 shouts weren't given but I just can't recall one way or

1           the other.

2   Q.   This word "perceptual distortion", which ends up in  
3       quite a number of statements which we will hear about  
4       later, what did that mean as far as you are concerned?

5   A.   My understanding is that in that sort of situation, the  
6       mind tends to focus on what you consider to be the most  
7       immediate threat to you as an individual, and that's  
8       what you focus on.  And things around you, you are not  
9       aware of, that you get this tunnel vision effect.

10  Q.   Tunnel vision?  Was this being spoken about at the  
11       debrief?

12  A.   It's ... it was mentioned, I believe, at that stage,  
13       that you know, it's something that we should mention,  
14       but it's been a part of our training throughout firearms  
15       training.

16  Q.   Who mentioned it at the debrief?

17  A.   I can't say, sir.

18  Q.   Was anybody suggesting it should be included in  
19       statements?

20  A.   I believe it was, sir, yes.

21  Q.   Who was suggesting that?

22  A.   I don't know.

23  Q.   Just continuing, then, for a moment, back on to the  
24       platform, if we may, 33.  It would follow, presumably,  
25       that you were certainly not expecting that someone was

1           going to get shot, were you?

2    A.  No, sir.

3    Q.  I fully understand the situation, and there is another

4           reason for asking you this, but you quite understandably

5           thought that your fellow officer Ivor was the target?

6    A.  I did, sir.

7    Q.  Now, how well do you know Ivor?  Did you know Ivor,

8           sorry, up to that point?

9    A.  We had been working together for several months, sir.

10   Q.  Several months?  He's a very experienced surveillance

11          officer, isn't he?

12   A.  Yes, sir.

13   Q.  And because he had the same dress, denim top, denim

14          jeans, and he was olive skinned or skin of that nature,

15          you thought he was the target?

16   A.  Yes, sir, just for that split second.

17   SIR MICHAEL WRIGHT:  Momentarily, I think he said.

18   MR MANSFIELD:  I just want to deal with the momentarily, as

19          it were.  What happened here was that Ivor -- I'm not

20          saying it was you, but somebody dragged him off the

21          train, didn't they?

22   A.  It appeared to me it was more almost expelled, he seemed

23          to --

24   Q.  All right, he sort of gets thrown off the train --

25   SIR MICHAEL WRIGHT:  "ejected" was the word you used.

1 A. Yes, sir.

2 MR MANSFIELD: Ejected off the train. We are going to hear  
3 from him later, but I want to ask you, he found himself  
4 up against a wall with a gun against his head. Was that  
5 you?

6 A. No, sir, it wasn't me.

7 Q. Do you remember that?

8 A. I can remember seeing him pinned up against the wall for  
9 a split second, yes.

10 Q. But not by you?

11 A. Not by me, sir, no, by a couple of CO19 officers, yeah,  
12 he was up against the wall for a split second, yes.

13 Q. If he had moved in a way that they perceived to be  
14 threatening, he might be dead, mightn't he?

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: I think that's a comment, Mr Mansfield.

17 MR MANSFIELD: Well, it's to do with perceptual distortion,  
18 if I may put it that way.

19 SIR MICHAEL WRIGHT: Yes.

20 MR MANSFIELD: Thank you very much.

21 SIR MICHAEL WRIGHT: Help me about this, it's a question I'm  
22 asked to ask you, in the course of your training as  
23 a surveillance officer, you have been telling us about  
24 what I think is more easily understood as tunnel vision  
25 because you are focusing on something with great

1 concentration.

2 A. Yes, sir.

3 SIR MICHAEL WRIGHT: Are you trained or given any advice or  
4 training about, as it were, being able to pick up what's  
5 going on in the surrounding circumstances so as to get  
6 over this problem?

7 A. In the normal course of events, sir, I think we would do  
8 that, but yeah, in these quite exceptional circumstances  
9 I think just instinct takes over.

10 SIR MICHAEL WRIGHT: You don't have any special training to  
11 try to defeat that problem?

12 A. No, sir.

13 SIR MICHAEL WRIGHT: Thank you. Mr Stern.

14 Questions from MR STERN

15 MR STERN: I ask questions on behalf of C2 and C12.

16 I think from the time at which the firearms officers  
17 left you by the escalator on to the tube, the events  
18 happened extremely quickly?

19 A. They did, sir, yes.

20 Q. Just so we have some idea of the time, we are talking  
21 seconds?

22 A. Absolutely, yes.

23 Q. Now, the thing about perceptual distortion is, as you  
24 have rightly told us, people focus on the particular  
25 aspect that they deem at that time to be the most

1           important to them?

2    A.   That's my understanding, sir.

3    Q.   So it may distort the view you have of the length of

4           time that an incident takes place?

5    A.   Quite possibly, sir, yes.

6    Q.   Who it was who was present?

7    A.   Possibly, sir.

8    Q.   And of course whether things were said?

9    A.   Yes, sir. All sorts of factors may be different.

10   Q.   Now, when you went to the tube, with the firearms or

11           behind the firearms officers, you did not see Ivor at

12           that time?

13   A.   No, sir.

14   Q.   Although it's clear that you must have been there

15           because you saw him removed from the same spot a little

16           while later, expelled or ejected, whichever it was?

17   SIR MICHAEL WRIGHT: Sorry, can we just clear that up. The

18           door out of which Ivor was ejected or expelled, was that

19           the same door that the firearms officers had gone in?

20   A.   Yes, sir, but not the same one as I had seen Ken.

21   SIR MICHAEL WRIGHT: Not the one that you had gone in

22           originally?

23   A.   No, sir.

24   MR STERN: When you looked in the carriage, I think what you

25           saw and the way that you described it in your statement



- 1           was that it appeared -- there appeared to be a struggle  
2           going on?
- 3    A.   Yes, sir.
- 4    Q.   Was that people standing around in the area between the  
5           seats, or can you not say?
- 6    A.   It's -- it was just in that doorway and to the point  
7           where I eventually saw Mr de Menezes' body, sir.
- 8    Q.   At some point between the doorway and where you later  
9           saw Mr de Menezes on the seat, there was a struggle  
10           going on?
- 11   A.   Yes, sir.
- 12   Q.   After that struggle, you then heard some shots, is that  
13           right?
- 14   A.   I wouldn't say after, but during the course of it  
15           probably, yes.
- 16   Q.   And again, that period between the struggle and the  
17           shots, extremely quick?
- 18   A.   Yes, sir.
- 19   Q.   You have to answer rather than just nod.
- 20   A.   Yes, sir.
- 21   Q.   Thank you. I think you heard about five shots?
- 22   A.   Yes.
- 23   Q.   That was your recollection the next day?
- 24   A.   Yes.
- 25   MR STERN: Thank you.

1 SIR MICHAEL WRIGHT: Ms Leek?

2 Questions from MS LEEK

3 MS LEEK: I just have a few questions. I appear on behalf  
4 of the rest of CO19.

5 You said that you can't remember either way whether  
6 anything was shouted before the incident in which  
7 Mr de Menezes was shot. Do you remember immediately  
8 after that officers shouting, "Get off the train,  
9 everybody, there may be an explosive device"?

10 A. I don't remember that, now.

11 SIR MICHAEL WRIGHT: In so many words?

12 MS LEEK: Not in so many words, along those lines, words  
13 such as.

14 A. I can't recall that, no.

15 Q. Do you remember anything being shouted in the immediate  
16 aftermath?

17 A. No, ma'am. It's as though I can't remember anything  
18 that I may have heard.

19 Q. You have completely focused in on what you have seen?

20 A. I believe that is what happened.

21 Q. So you can't say one way or the other if you heard  
22 officers running down the stairs shouting, "Armed  
23 police, get out of the way"?

24 A. No, ma'am, I mean, that may well be a fact of why  
25 I immediately realised they were CO19 officers, but

1 I just can't recall it being shouted.

2 MS LEEK: Thank you.

3 SIR MICHAEL WRIGHT: Thank you.

4 MR PERRY: No questions.

5 SIR MICHAEL WRIGHT: Thank you, Mr Perry. Mr King.

6 Questions from MR KING

7 MR KING: I'll just ask this, officer, you were asked some

8 questions about how it came about that you recognised

9 the men coming down the stairs as firearms officers.

10 A. Yes, sir.

11 Q. Could we have up on the screen, please, page 283 of the

12 statements. Do you see towards the bottom of the page

13 there, this is a statement that you made on

14 14 November 2005:

15 "I was straightaway joined by a group of men running

16 towards me whom I immediately realised were S019

17 firearms officers."

18 You said that in that statement:

19 "This identification was assisted as I knew the

20 sergeant of the team."

21 A. Yes, sir.

22 Q. Do you recall that now?

23 A. Yes, sir.

24 Q. The sergeant, it wasn't just a case of identifying them

25 from the fact that they were carrying firearms, you also

1           knew one of them?

2   A.   Yes, sir, one that I recognised, yes.

3   Q.   This was presumably someone that you had come across or  
4       worked with on previous occasions?

5   A.   Yes, sir.

6   MR KING:   Thank you very much.

7   SIR MICHAEL WRIGHT:   Thank you.   Mr Horwell?

8   MR HORWELL:   No questions.

9   SIR MICHAEL WRIGHT:   Thank you.

10                           Questions from THE CORONER

11   SIR MICHAEL WRIGHT:   You had gone into the nearest door and  
12       peered in, as you said.

13   A.   Yes, sir.

14   SIR MICHAEL WRIGHT:   Saw nobody and went back to the  
15       platform.

16   A.   Towards the escalator, sir.

17   SIR MICHAEL WRIGHT:   I beg -- went back through the  
18       cross-passage.

19   A.   Yes, sir.

20   SIR MICHAEL WRIGHT:   You have to go back through the  
21       cross-passage into the sort of alleyway or whatever you  
22       call it, before you can see the escalators.

23   A.   Yes, sir.

24   SIR MICHAEL WRIGHT:   Look at that photograph, it will help  
25       you to remember.   When you saw the CO19 officers, where

1 do you reckon they had got to?

2 A. I am not sure, sir, whether it was as close as that to  
3 the escalators. It may have been in the passageway.

4 SIR MICHAEL WRIGHT: I don't suggest you were as close to  
5 the escalators. You, as I have understood you, were  
6 back, having just come through the cross passage from  
7 the platform.

8 A. Yes, sir.

9 SIR MICHAEL WRIGHT: If you can help us, bearing in mind you  
10 can only see the bottom half of the escalators there,  
11 where do you think the CO19 officers had got to when you  
12 went back through to see them? Had they got off the  
13 escalators or were they still on it?

14 A. I can't recall, sir.

15 SIR MICHAEL WRIGHT: That's all right, fair enough. Sorry,  
16 Mr Gibbs, I had forgotten you.

17 Questions from MR GIBBS

18 MR GIBBS: Not at all. Could I just clarify a couple of  
19 things, sir. There is a photograph at tab 32, have  
20 I understood this right, that when you saw Ken, he was  
21 in that open doorway onto the tube train?

22 A. I believe, I am not 100 per cent whether it was  
23 a doorway or whether I saw him through the window,  
24 but --

25 SIR MICHAEL WRIGHT: Could you only see him, as it were, by

1 looking through the passageway?

2 A. I believe I was more or less taking that view that we  
3 see in this photograph, sir.

4 SIR MICHAEL WRIGHT: From the photographer's position.

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: So you could only see that one door and  
7 one window?

8 A. Yes, sir.

9 SIR MICHAEL WRIGHT: Right.

10 MR GIBBS: You say that he was pointing to his left. Can  
11 you say how he was, in an obvious way or in  
12 a surreptitious way?

13 A. Yes, clearly not anything that would attract attention  
14 from members of the public but to me it was a clear hand  
15 signal pointing to his left.

16 Q. Right. Thank you. The other question is: you have  
17 mentioned that you were firearms trained yourself?

18 A. Yes, sir.

19 Q. You were carrying a weapon?

20 A. I was.

21 Q. This phrase "perceptual distortion" has come up; it  
22 sounds like a doctor's or a neurologist's phrase. Do  
23 you know where the phrase comes from?

24 A. No, sir. The effects of it have been -- formed part of  
25 our training, firearms training for some years and

- 1 I have heard it from there.
- 2 Q. You have been trained as a firearms officer for how long  
3 now?
- 4 A. Over ten years, sir.
- 5 Q. Is this the possibility of perceptual distortion --
- 6 SIR MICHAEL WRIGHT: Forgive me, he is not a firearms  
7 officer. You may be an authorised officer to carry  
8 firearms; you are not a trained firearms officer?
- 9 A. I am not especially trained, no, sir.
- 10 SIR MICHAEL WRIGHT: Not SFO.
- 11 A. No, sir.
- 12 MR GIBBS: I think it's probably just a matter of getting  
13 the right word. Are you an authorised firearms officer?
- 14 A. That's correct, sir, yes.
- 15 Q. What is the danger of perceptual distortion as it's  
16 explained to you by the doctors or whoever it is that  
17 explains these things?
- 18 A. Well, it's very much a case of tunnel vision and  
19 obviously the danger is that your perception is  
20 distorted, that you don't have a full picture of what's  
21 going on around you.
- 22 Q. What is it, as you understand it, that distorts your  
23 perception?
- 24 A. The fact that you have an immediate threat presented to  
25 you.

- 1 Q. So if I have understood your evidence right, you have  
2 been asked a lot about shouting, both when firearms  
3 officers are coming towards you and you have been asked  
4 about shouting when they are in the carriage, and you  
5 have been asked about shouting later when we know lots  
6 of members of the public are running away; yes? Can you  
7 remember any shouting at any of those times?
- 8 A. No, sir, I just can't remember anything like that, which  
9 is what makes me believe that it is an effect of what we  
10 are talking about.
- 11 Q. If we just focus upon another oddity, as it may appear,  
12 Ivor is a man who you knew very well?
- 13 A. Yes.
- 14 Q. Yet when he appears at your feet on the platform, you  
15 didn't at first recognise him?
- 16 A. I didn't, sir, no.
- 17 Q. Indeed, you mistook him potentially for the man who had  
18 been followed?
- 19 A. Yes, as a potential threat to me, yes.
- 20 Q. Can you say for how many fractions of a second that  
21 distortion persisted?
- 22 A. No, sir, it's just -- it was just momentarily, but it  
23 was there for a split second.
- 24 MR GIBBS: Sir, those are the only questions I have.
- 25 SIR MICHAEL WRIGHT: Thank you very much, indeed. Mr Hough?



1 MR HOUGH: No, sir, thank you.

2 SIR MICHAEL WRIGHT: Thank you, Malcolm, you may stand down,  
3 that's it.

4 T2, Tango 2?

5 MR HOUGH: The statements of Tango 2 can be read if there is  
6 no objection from behind me. What I was proposing to  
7 do --

8 SIR MICHAEL WRIGHT: Malcolm, you can go, thank you very  
9 much.

10 (The witness withdrew)

11 MR HOUGH: Sir, what I was proposing to do was to read  
12 Tango 2's original substantive statement to the IPCC  
13 made the day after the events, which is page 298 of the  
14 first statements bundle; and then to read the statement  
15 which is dated 22 October 2008, so just received, which  
16 is page 1542 of the statements bundles.

17 Statements of TANGO 2 (read)

18 MR HOUGH: The first of those, as I say, dated 23 July 2005,  
19 a statement made by officer Tango 2 of the red team, and  
20 he says this:

21 "I am the member of a dedicated surveillance team  
22 attached to specialist operations at New Scotland Yard."

23 Then he gives his call sign as ending in 80.

24 "On 22 July 2005 at around 5.40 to 5.45 am, I was  
25 present at police premises and received a briefing given

1 by Tango 1 relating to Operation Theseus. Following the  
2 briefing, I deployed to the Streatham Hill area where  
3 the team's deployment commenced at 6.04 am. At 7.58 am  
4 I saw a black male aged about 20 years wearing white  
5 trainers with black markings and a silver watch on his  
6 left wrist. This male also had a rucksack with a white  
7 logo. This male was walking along Upper Tulse Hill  
8 towards Brixton. At 11.02 am our deployment concluded.  
9 Between 12.27 pm and 1.02 pm, I was present at the  
10 debrief of the day's activities and surveillance log  
11 book. I had the opportunity to read the log and to  
12 adopt, alter or amend any entries relating to me."

13 SIR MICHAEL WRIGHT: As far as I can remember, or you can  
14 remember for that matter, the gentleman there referred  
15 to at 7.58, he was a person who had come out of the  
16 Scotia Road block?

17 MR HOUGH: Yes, and we have seen him on Frank's video and  
18 heard him described.

19 SIR MICHAEL WRIGHT: Yes, thank you.

20 MR HOUGH: So no reference there to Mr de Menezes.

21 Then the statement made on 22 October 2008 says  
22 this:

23 "I have been asked to make a statement about the  
24 view I had of Mr de Menezes in Upper Tulse Hill.

25 I cannot remember the exact time, but I do remember

1 Tango 10 [that's Frank] put out an IC1 male leaving  
2 Scotia Road. My immediate thought was that this was not  
3 a suspect but within seconds he then put out that the  
4 individual was worth a second look, or something  
5 similar. I got out of my car which was parked in  
6 a housing estate west of Roupell Road and south of  
7 Upper Tulse Hill."

8 We have seen both of those roads on the map.

9 "Tango 3 gave the subject out as turning left out of  
10 Marnfield Crescent into Upper Tulse Hill."

11 Tango 3 is Edward.

12 "I walked out on to Upper Tulse Hill and saw a man  
13 in denims near Marnfield Crescent on Upper Tulse Hill on  
14 the north footway. I was on the south footway. He was  
15 about 100 metres ahead of me. I put out over the radio  
16 that I had control over him but that he was too far away  
17 for me to identify. I asked for another unit to assist.  
18 There was some radio dialogue about the man's location,  
19 and the grey team took over the follow."

20 That's signed by T2.

21 SIR MICHAEL WRIGHT: Thank you very much. As I told you,  
22 ladies and gentlemen, where I have directed that such  
23 a statement can be read, it's not controversial. You  
24 remember I did it for the two members of the family much  
25 earlier on. You may treat that as evidence in exactly

1 the same way as a witness coming to the witness box and  
2 dealt with in that way. Save a lot of time and a good  
3 deal of money as well.

4 If we start five minutes early, Mr Hough, I dare say  
5 that would please you.

6 MR HOUGH: Five to two.

7 SIR MICHAEL WRIGHT: Five to two.

8 (12.57 pm)

9 (The short adjournment)

10 (1.55 pm)

11 (In the presence of the jury)

12 SIR MICHAEL WRIGHT: Yes, Mr Hough.

13 MR HOUGH: The next witness is Graham.

14 CODENAME "GRAHAM" (sworn)

15 SIR MICHAEL WRIGHT: Thank you, please sit down, Graham.

16 A. Thank you very much.

17 Questions from MR HOUGH

18 MR HOUGH: I think that you have been given the name Graham  
19 for these proceedings?

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

21 Q. In 2005, were you a surveillance officer in S012  
22 Special Branch?

23 A. I was, sir, that's correct.

24 Q. Like the other witnesses we have been hearing from  
25 today, were you a member of the grey surveillance team

- 1           around Scotia Road on 22 July?
- 2    A.   That's correct, sir, yes.
- 3    Q.   I think that your call sign ended with the numbers 36 to
- 4           help us when looking at documents?
- 5    A.   That's correct, sir, yes.
- 6    Q.   You have also sometimes been referred to as Hotel 10?
- 7    A.   That's correct, yes.
- 8    Q.   You made a number of witness statements, I think seven
- 9           by my count, but the first one you made on the day after
- 10           these events?
- 11   A.   That's correct.
- 12   Q.   Do you have those statements with you?
- 13   A.   I do, yes, sir.
- 14   Q.   There is no difficulty about you referring to them, so
- 15           it might help you to have them to hand. You also gave
- 16           evidence at the Health and Safety trial on 10 October
- 17           last year?
- 18   A.   I did, sir, that's correct.
- 19   Q.   Can we go back to the events of 22 July. We have heard
- 20           how others were summoned by a pager system, first of all
- 21           to the S012 surveillance base at Tintagel House; were
- 22           you also summoned in that way?
- 23   A.   I was, sir, that's correct.
- 24   Q.   We have heard again how others were diverted from there
- 25           to New Scotland Yard to attend a briefing; was that true

- 1 of you as well?
- 2 A. That's correct, sir, yes, I was.
- 3 Q. That briefing we have heard about from a number of  
4 people was by Inspector Whiddett and an officer we are  
5 calling Colin?
- 6 A. Again, sir, that's correct, yes.
- 7 Q. In the course of that briefing, you were told about  
8 a number of suspects, including Hussain Osman and  
9 Abdi Omar?
- 10 A. That's correct, sir, yes.
- 11 Q. You were told about some addresses but not which address  
12 you would be covering at that stage?
- 13 A. Yes, sir.
- 14 Q. I think you were shown a pack of photographs containing  
15 an image. If we can have that image on screen, the  
16 operator might be ahead of me, it's tab 37 of the jury  
17 bundle. You recognise that?
- 18 A. That's the pack I was shown at the briefing.
- 19 SIR MICHAEL WRIGHT: I wonder if you could just raise your  
20 voice a bit. The jury are having difficulty hearing  
21 you.
- 22 A. I do apologise, sir.
- 23 MR HOUGH: It may help you to learn forward slightly. You  
24 have at least one amplifying microphone in front of you.
- 25 A. Yes, that's correct. That's the pack that I was shown.

- 1 Q. Did you take that sheet yourself with you when you  
2 deployed?
- 3 A. I didn't, sir, no.
- 4 Q. But you had the opportunity to do so?
- 5 A. Yes, that's correct.
- 6 Q. Others have been asked this also: did you consider the  
7 image which you are now looking at to be a good quality  
8 image or a poor quality image?
- 9 A. I would say the quality is fairly poor, sir.
- 10 Q. Thank you very much. That can now be taken off screen.  
11 We have heard that firearms were distributed to some  
12 team members after the briefing, but I think you weren't  
13 one of the officers to collect a sidearm?
- 14 A. That is correct, sir, yes.
- 15 Q. Your team deployed to Scotia Road, having been held near  
16 to New Scotland Yard, and we have heard that others  
17 arrived just before 9 o'clock in the morning. Is that  
18 around the time that you arrived on the plot?
- 19 A. I believe so, yes.
- 20 Q. I think you were in a van?
- 21 A. That's correct. My role in the day's operation was to  
22 man the grey team covert surveillance van.
- 23 Q. We have heard about a red team van. You had the grey  
24 team van. Were there any other vans operated by the  
25 grey team?

- 1 A. No, sir, there wasn't, no.
- 2 SIR MICHAEL WRIGHT: Single crewing?
- 3 A. Single crewing, that's correct, sir, yes.
- 4 MR HOUGH: To help us locate where you were, can we have  
5 a map up. It's tab 11 of the jury bundle, the first of  
6 those. I think tab 11/23A. We will need a slightly  
7 bigger scale.
- 8 I think you have previously said that you located  
9 your van in the Brixton Hill area?
- 10 A. That's correct, sir, yes. In anticipation of being used  
11 later on in the day, I took it upon myself to get some  
12 refreshment. Potentially I could have been in the back  
13 of the van for a sustained period of time. It's fairly  
14 sort of standard practice, sir.
- 15 Q. Just to help us with that, did you have a camera in the  
16 back of your van?
- 17 A. Yes, I carry a hand-held video camera as a matter of  
18 course, sir, yes.
- 19 Q. We can see Brixton Hill, I think, the road A23 on the  
20 left of the map; is that right?
- 21 A. That's correct, sir, yes.
- 22 Q. Can you help us with roughly where you were when you  
23 were collecting your refreshments?
- 24 A. Yeah. Somewhere up Brixton Hill on the right-hand side  
25 as you are travelling up the A23 there is a parade of



- 1 shops up there, sir. It was in that vicinity, north of  
2 Upper Tulse --
- 3 Q. North of Upper Tulse Hill?
- 4 A. That's correct, sir, yes.
- 5 Q. Were you doing that as soon as you arrived or closer to  
6 9.30?
- 7 A. My recollection is almost as soon as I arrived on the  
8 scene, on the plot, I took it upon myself to do that,  
9 sir, yes.
- 10 Q. So were you back with your van when, as we shall hear,  
11 Mr de Menezes comes out of the block?
- 12 A. I believe so. I believe I was, yes, sir.
- 13 Q. Again with your van parked in or around Brixton Hill to  
14 the north of Upper Tulse Hill?
- 15 A. That's correct, sir, yes.
- 16 Q. During this period, between when you arrive around  
17 9 o'clock and when Mr de Menezes comes out just after  
18 9.30, did you hear anything over the radio about the  
19 tactics that your team and the red team should use if  
20 somebody came out of Scotia Road who was identified as  
21 a suspect?
- 22 A. I didn't, sir, no.
- 23 Q. Did you hear anything over the radio about firearms  
24 support?
- 25 A. My recollection is that there was brief mention of

1           anticipated S019 support but there was nothing  
2           specifically said, sir.

3    Q.   In the Health and Safety trial you mentioned that you  
4           heard that firearms team members were being deployed to  
5           the TA Centre. Do you now recall having heard that?

6    A.   I believe, from my recollection, I remember hearing  
7           passing over the airwaves that that was likely to  
8           happen, but there was no specific time given as far as  
9           I'm aware, sir.

10   Q.   You knew they were coming to the TA Centre?

11   A.   There was talk of them being deployed in that area,  
12           that's correct, sir, yes.

13   Q.   Did you hear anything over the radio about bus routes,  
14           suspension of those or keeping them going?

15   A.   Again, my recollection, is, sir, there was talk over the  
16           airwaves about dealing with the bus request and how to  
17           deal with that, but I don't believe that was resolved,  
18           sir.

19   Q.   As I mentioned, Mr de Menezes came out a little after  
20           9.30 and did you hear over the Cougar radio descriptions  
21           of him and him coming out?

22   A.   I was aware of radio traffic. I can't be specific as to  
23           what I actually heard.

24   Q.   Did you yourself join in the follow at a point?

25   A.   I did, sir. Because of the role I was playing in the

- 1 operation that day, it's fairly standard practice for  
2 the observation van to be kept towards the rear of the  
3 team, for obvious reasons, sir.
- 4 Q. Just help us. It may be obvious to you, but ...?
- 5 A. The role of the observation van is potentially to do  
6 long periods of static observations so it's deemed as  
7 best practice not to really put the van on offer, you  
8 know, to be kept well out of the way of the rest of the  
9 surveillance team.
- 10 Q. That's because unlike in a car, you can sit in the back  
11 of the van and not be obvious?
- 12 A. That's right. It's not unusual for it to be used for  
13 prolonged periods of time, sir.
- 14 Q. Can we get that map up again. How long after  
15 Mr de Menezes came out did you join the follow?
- 16 A. It was a question of time, just travelling from the  
17 vicinity of Brixton Hill along Upper Tulse Hill, and  
18 then I just pulled in on the north footway of  
19 Upper Tulse Hill and held my position there, sir.
- 20 Q. What did you do after that? Where did you go after  
21 that?
- 22 A. We went, I just continued along, just generally  
23 following the route of the follow, sir.
- 24 Q. You were hearing about the route over the Cougar?
- 25 A. I was, sir, that's correct, yes.

- 1 Q. So you were following it, so down Upper Tulse Hill,  
2 turning into Tulse Hill?
- 3 A. That's correct, sir, yes.
- 4 Q. Going north down Tulse Hill after that?
- 5 A. That's correct, sir, yes.
- 6 Q. You were towards the back of the follow. Did you pick  
7 up, that is to say see Mr de Menezes after he had got  
8 off the bus on Brixton Road?
- 9 A. I did, sir, that's correct, yes.
- 10 SIR MICHAEL WRIGHT: That was the first you saw of him, was  
11 it?
- 12 A. That's correct, sir, yes.
- 13 MR HOUGH: If we take this to the next page we see there the  
14 road going up as Tulse Hill becomes Effra Road, goes  
15 round the dogleg and then up Brixton Road and it was  
16 there, I think, just to the south of the train lines and  
17 the tube station, that you would have seen him?
- 18 A. That's correct, sir, yes.
- 19 Q. Is this right, that in the position where you saw him,  
20 there was a bus lane on the left?
- 21 A. That's correct, sir, yes, I was positioned in my vehicle  
22 and to my nearside was a dedicated bus lane which  
23 I looked across on to the footway.
- 24 Q. So by this stage had you heard that he had got off the  
25 bus?

- 1 A. I had, sir, that's correct, yes.
- 2 Q. So you knew you were looking for somebody on the  
3 footway?
- 4 A. That's correct, yes, sir.
- 5 Q. You drove past him in the second lane, because there is  
6 a bus lane on your left, and was there any obstacle  
7 between you and him when you were looking at him?
- 8 A. Not to my recollection, sir, no.
- 9 Q. Was he looking towards you? Did you get a face frontal  
10 view?
- 11 A. My recollection was he was possibly texting on his  
12 mobile phone, sir.
- 13 Q. Can we have documents page 456 on the screen? This is  
14 part of the log. An entry we have looked at with  
15 another officer, earlier today, 9.47, we see there:  
16 "Off of number 2 London bus, held at stop, texting  
17 on mobile phone."  
18 And your call sign and initials, 36 in the  
19 right-hand column?
- 20 A. That's correct, sir, yes.
- 21 Q. So you subscribed to that entry because you had seen the  
22 man after he had got off the number 2 bus texting on  
23 a mobile phone?
- 24 A. That's correct, sir, yes.
- 25 Q. At that time were you able to give any other information

1           about the man's description or identification over the  
2           Cougar?

3    A.   I wasn't, sir, no.

4    Q.   In your statement, and at the trial, you have described  
5           him as wearing a denim jacket and jeans and having short  
6           hair?

7    A.   That's correct, sir, yes.

8    Q.   So you observed those details --

9    A.   Yes, apart from his clothing, I do apologise, correct,  
10           sir.

11   Q.   Did you transmit those over the radio?

12   A.   I believe I did, sir, yes.

13   Q.   Any further details about facial features, skin tone,  
14           anything like that?

15   A.   That's correct, sir, yes.  It was as I have described  
16           that is what I saw and what I gave out over the air.

17   SIR MICHAEL WRIGHT:  I am sorry, you are dropping your  
18           voice.

19   A.   I do apologise.

20   MR HOUGH:  You said his clothing, denim jacket, jeans and  
21           short hair you observed and you put that out over the  
22           radio.

23   A.   That's correct, yes, sir.

24   Q.   Did you also observe or transmit anything about his skin  
25           tone or other facial features?

- 1 A. I don't believe I did, sir, no.
- 2 Q. Did you yourself form any view on whether it was the  
3 same man or whether it could be the same man as the man  
4 in the photograph you have just seen?
- 5 A. I wasn't in a position to make that judgment, sir, no.
- 6 Q. So did you express any view on the radio about his  
7 identification at all?
- 8 A. I did not, sir, no.
- 9 Q. Over the course of that day, throughout the whole day,  
10 did you ever hear over the radio that he had been  
11 positively identified?
- 12 A. I did not, sir, no.
- 13 Q. Did you ever hear that he had been actively ruled out?
- 14 A. I did not, sir, no.
- 15 Q. At the trial you said that you did hear something at  
16 some stage to the effect that the subject was possibly  
17 identical with Nettle Tip; did you hear that?
- 18 A. I was aware of that comment being made over the  
19 airwaves, sir, yes, that's correct.
- 20 Q. You have had your sighting of him and you have --
- 21 SIR MICHAEL WRIGHT: Have you any idea who that was, who  
22 said that?
- 23 A. I have no recollection which person actually made that  
24 comment, but --
- 25 SIR MICHAEL WRIGHT: Right.

- 1 MR HOUGH: We have heard from others how that can be traced.
- 2           You have had your sighting of him on Brixton Road,
- 3           and presumably you have then driven north, continuing in
- 4           the traffic?
- 5 A. That is correct, sir, I have continued on my journey.
- 6 Q. Did the bus get ahead of you?
- 7 A. I think it varies, different stages through, it's the
- 8           continuation of the route, it was both ahead of me and
- 9           I was ahead of it, sir, if you understand me.
- 10 Q. Yes, it was having to stop at bus stops?
- 11 A. That's correct, and basically trying to follow it as
- 12          best we can, sir.
- 13 Q. You were trying to hang back?
- 14 A. That's correct, sir, yes.
- 15 Q. A few minutes after you have seen him on Brixton Road,
- 16          a call was made from Harry, another of our witnesses
- 17          today, to you at 9.56?
- 18 A. I believe that's correct, sir, yes.
- 19 Q. He has told us that was just about establishing your
- 20          relative positions; is that right?
- 21 A. I do not have any recollection of the content of that
- 22          telephone call, sir, no.
- 23 Q. As you came further up the road, were you caught in
- 24          traffic leading to Stockwell tube station?
- 25 A. That is correct, sir, yes.



- 1 Q. At that point in the follow, was the bus ahead of you?
- 2 A. I believe it was, sir, yes.
- 3 Q. At that point did you know that the man had got back on  
4 the bus and was still on it?
- 5 A. I did, sir, yes, that's correct.
- 6 Q. Did you shortly after that hear over the radio that the  
7 man was getting off the bus?
- 8 A. I did, sir, yes, that's correct.
- 9 Q. By that stage the bus had gone through the junction and  
10 stopped on the main road?
- 11 A. That's correct, sir, yes.
- 12 Q. What did you do after hearing that?
- 13 A. I was travelling down Stockwell Road, obviously bearing  
14 in mind the time of day there was quite a lot of traffic  
15 on the road. I've come to the main roundabout at the  
16 junction with Clapham -- I have done a left turn and  
17 I have pulled in on the nearside of Clapham Road facing  
18 up generally towards Clapham.
- 19 Q. Again if you can keep your voice up, we are trying to  
20 transcribe you, I know it's difficult.
- 21 So you parked up. Did you then get out of the car?
- 22 A. I did, sir, that's correct.
- 23 Q. Did you walk to the tube station?
- 24 A. I did, sir, that's correct, yes.
- 25 Q. When you arrived at the entrance hall of the station,

- 1           did you see any other police officers arriving?
- 2    A.   I made my way into the concourse of Stockwell tube  
3           station and I generally made my way towards the barrier  
4           area. I then became aware of a number of armed S019  
5           officers entering Stockwell tube station, sir.
- 6    Q.   Walking, running?
- 7    A.   Running, sir.
- 8    Q.   Were they at that stage saying or shouting anything?
- 9    A.   My recollection is that they identified themselves as  
10          being armed police, sir, that's correct, yes.
- 11   Q.   So saying the words "Armed police" and at some volume?
- 12   A.   That's my recollection, sir, yes, that's correct.
- 13   Q.   We have seen them on film and we have heard about them.  
14          They are wearing plain clothes and some of them,  
15          I think, had baseball caps identifying them as  
16          policemen?
- 17   A.   That's correct, sir. I do have recollection of some of  
18          the officers wearing police baseball caps.
- 19   Q.   Their weapons were drawn?
- 20   A.   My recollection is that they were carrying or some of  
21          the officers were carrying long barrelled sort of MP5  
22          rifle types across their bodies, sir, that's correct,  
23          yes.
- 24   SIR MICHAEL WRIGHT: I daresay the jury know, but what is on  
25          the baseball caps that makes them particularly

- 1           significant?
- 2    A.   The standard police firearms baseball caps are normally  
3           blue in colour with a checked band around the head, with  
4           a Metropolitan Police patch stuck on the front, sewed on  
5           the front and they are normally blue in colour, sir.
- 6    MR HOUGH: Did you see them go through the barriers?
- 7    A.   I saw them go through the barriers, sir, that's correct,  
8           yes.
- 9    Q.   I think that you or at least many of the officers have  
10           a card for getting through the barriers if you need to?
- 11   A.   At that time we were issued with LRT, as they were then,  
12           underground passes to allow us to obviously make  
13           progress through the barriers if necessary.
- 14   Q.   I think some of the firearms officers actually went  
15           through the barriers even more directly than that?
- 16   A.   My recollection, sir, is that certainly a number of the  
17           officers hurdled, if that's the right word, the  
18           barriers, sir.
- 19   Q.   Again it may be an obvious or even silly question but  
20           what was the reaction of the bystanders in the station  
21           as this was happening?
- 22   A.   I would say obviously general sort of surprise and --  
23           would be a good way of summarising it, sir.
- 24   Q.   Did you follow a number of those officers through the  
25           barrier and go down the escalators towards the

1 platforms?

2 A. I did, sir, that is correct.

3 Q. By that stage, were you able to see members of the  
4 public running back towards you?

5 A. That's correct, as I made my way down the stairways,  
6 yes, sir.

7 Q. Perhaps we can show a short piece of film. It's camera  
8 8. I don't need to start at the start. CC3, camera 8.  
9 I would like to start at 10.03.00.

10 Video footage shown

11 If you can just watch this. This is the view  
12 towards the barriers, C2 and C12, C2 vaulting the  
13 barrier as you have seen, C11 going through, C7, Terry,  
14 D9, C5, C6, Sam, all those are firearms officers, D4,  
15 also a firearms officer, H11, another of your  
16 colleagues, William and Graham. There, just pause  
17 there.

18 So I think that's the point at which you go through  
19 the barriers; is that right?

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

21 Q. So quite a lot of the firearms officers have run through  
22 ahead of you and we have seen how they have been going  
23 through?

24 A. That's right, sir, yes.

25 Q. You saw that happening immediately in front of you?

1 A. I did, sir, yes.

2 Q. Thank you, that can come off screen now.

3 We have had you getting down the escalators with  
4 members of the public running back up and we have seen  
5 some footage of that taking place. At what point were  
6 you when you heard shots?

7 A. First of all my recollection is it was a staircase  
8 rather than an escalator, but I believe it was about  
9 halfway down the staircase when I heard what I believed  
10 to be rounds fired.

11 Q. What did you do then?

12 A. I just remained sort of within my position on the  
13 stairway. By then there was a lot of members of the  
14 public making their way away from the tube platform. I  
15 attempted, probably unsuccessfully, to try to facilitate  
16 them doing that, and I just held my position within the  
17 general area of the staircase, sir.

18 Q. Did you in the period immediately after these events, so  
19 while you are still at the station, have any  
20 conversations with any of the firearms officers?

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

22 MR HOUGH: Thank you very much.

23 Questions from MR MANSFIELD

24 MR MANSFIELD: Good afternoon, my name is Michael Mansfield.

25 I represent the de Menezes family. Very little indeed.

1 I just want to ask you as you were in the van towards  
2 the back of the follow, during that time, in other words  
3 the time that you were in the follow, were you listening  
4 carefully to the Cougar radio?

5 A. I was, sir, that's correct, yes.

6 Q. Because you would need to know, since you weren't in the  
7 vanguard as it were, the front of this, exactly what was  
8 happening and going to happen?

9 A. That is correct, sir, yes.

10 Q. Did you at any stage hear over the Cougar radio that the  
11 individual being followed had been discounted as not  
12 being Nettle Tip? Do you follow the question?

13 A. Discounted -- could you ...?

14 Q. Yes, I'll put it more simply. Did you ever hear words  
15 to the effect, "It's not Nettle Tip"?

16 A. I heard no either positive or negative identification  
17 made throughout the follow, sir.

18 Q. Right. So I hadn't got to the positive but you have  
19 included it. So it's clear you never heard anyone say  
20 it's not. Did you at any stage ever receive or overhear  
21 any instruction to you to stop the follow?

22 A. No, I didn't, sir, no.

23 SIR MICHAEL WRIGHT: And so you went on?

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

25 MR MANSFIELD: Did you at any stage hear "state red" over

1 the Cougar?

2 A. I didn't, sir, no.

3 Q. Now, it's clear, I'm not asking for the CCTV of the  
4 earlier bit to be shown, that you go in after some  
5 firearms officers, you go into the tube station. In the  
6 concourse you are there?

7 A. My recollection is I was actually in the forecourt prior  
8 to the arrival of the S019 officers, sir.

9 Q. Right, but you have -- they go down the escalators  
10 before you go down the stairs?

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

12 Q. Before that point in time, were you aware that they in  
13 fact were going to be coming? You hadn't heard state  
14 red, so had you heard that they were going to be coming  
15 at all?

16 A. No I hadn't expected them to arrive, sir, no.

17 MR MANSFIELD: Thank you.

18 SIR MICHAEL WRIGHT: Yes, Mr Stern.

19 Questions from MR STERN

20 MR STERN: I represent C2 and C12. I have just two matters  
21 for you, if I may. First of all, it was your  
22 understanding, according to your statement, that  
23 Mr de Menezes had been observed leaving 21 Scotia Road?

24 A. That is correct, sir, yes.

25 Q. That was your understanding, that he had come directly

1 from that 21?

2 A. That's -- that's correct, sir, yes.

3 Q. The second aspect is this: having seen that particular  
4 part of the CCTV and indeed you were present when the  
5 firearms officers came into the station as you have just  
6 told my learned friend Mr Mansfield, it's clear that  
7 they were doing everything they could to get into the  
8 station and down onto the platform as speedily as they  
9 could?

10 A. I would agree with that, sir, yes, correct.

11 MR STERN: Thank you.

12 SIR MICHAEL WRIGHT: Thank you. Ms Leek?

13 MS LEEK: No, thank you, sir.

14 SIR MICHAEL WRIGHT: Thank you. Mr Perry?

15 Questions from MR PERRY

16 MR PERRY: Yes, very briefly, if I may, sir.

17 Graham, I ask questions on behalf of Commander Dick  
18 amongst others. I just want to ask you about these  
19 matters if I may.

20 First of all, the briefing that you attended when  
21 you first attended for duty, I think it's right to say,  
22 this is not a criticism at all, but you arrived a little  
23 bit late?

24 A. That is correct, sir, yes.

25 Q. So you missed part of the briefing and again not



- 1 a criticism, I don't think you asked anyone to tell you  
2 what had been said over the period when you were not  
3 there?
- 4 A. That is correct, sir, yes.
- 5 Q. So if something had been said that others had heard, you  
6 wouldn't necessarily have heard it?
- 7 A. That is quite possible, sir, that's correct.
- 8 Q. That's the first topic, that's the briefing point.
- 9 SIR MICHAEL WRIGHT: Do you have any particular piece in  
10 mind, Mr Perry?
- 11 MR PERRY: Well, sir, I'm going to come on to deal with some  
12 other matters which may have a bearing on this.
- 13 SIR MICHAEL WRIGHT: All right.
- 14 MR PERRY: You tell us, of course, that you were in effect  
15 in the grey team, the equivalent of what we might think  
16 of as Frank, the man in the van.
- 17 A. That's correct, sir, yes.
- 18 Q. I don't mean that in any disparaging way at all. You  
19 are the man in the van and you go to Brixton Hill area  
20 to get your provisions in the parade of shops, and for  
21 a particular period of time you are out of the van?
- 22 A. That is correct, sir, yes.
- 23 Q. Now, the communication system is going to be in the van?
- 24 A. I was also wearing my --
- 25 Q. I am going to come on to that.

- 1 A. Yes.
- 2 Q. The main communications system is in the van?
- 3 A. That's correct, sir, yes.
- 4 Q. But you are also wearing a covert harness. I am not  
5 going to give any sensitive information away but there  
6 is a covert harness. You have got a radio which can  
7 pick up the Cougar transmissions?
- 8 A. On my person, that's correct, sir, yes.
- 9 Q. But because you are some distance away, it's more  
10 difficult to pick up on your Cougar personal than it  
11 would be on the Cougar van system?
- 12 A. I would agree with that, sir, yes.
- 13 Q. There is no guarantee as a result of your position that  
14 you heard all the transmissions over the radio at all,  
15 is there?
- 16 A. That's correct, sir, yes.
- 17 Q. For example, did you hear that S019 were making their  
18 way through transmitted by James?
- 19 A. At Brixton Hill? I didn't hear that, sir, no.
- 20 Q. No, not at Brixton Hill, at any time. Don't worry about  
21 the time. Did you ever hear James --
- 22 A. I didn't hear any reference to the S019 team at any time  
23 during the follow, sir.
- 24 Q. Did you hear any question put out by James about the  
25 percentage of identification for the subject?

- 1 A. I do have a recollection of that being said over the  
2 air, sir, yes.
- 3 Q. A percentage question being asked?
- 4 A. Yeah, around the identification, that's correct, sir,  
5 yes.
- 6 Q. You can remember that. Whereabouts would you have been  
7 when that took place?
- 8 A. I really don't have any recollection, sir.
- 9 Q. That's fair enough, it's a long time ago. Let me try  
10 you with this one: can you remember James putting out  
11 requests for information as to where the subject was,  
12 anything like -- any communications like that?
- 13 A. Not specifically, sir, no.
- 14 Q. I just want to ask you this final matter: "possibly  
15 identical with", is that a phrase you yourself use at  
16 all?
- 17 A. It's a phrase I am aware of. It's not a phrase, sir,  
18 that I tend to use.
- 19 SIR MICHAEL WRIGHT: Well, were you ever in any position to  
20 use it on this occasion?
- 21 A. No, I wasn't, sir, but as a matter of rule, it's not  
22 terminology --
- 23 SIR MICHAEL WRIGHT: It's not something you use.
- 24 A. It's not terminology that I personally -- just  
25 a personal -- personally use.

1 MR PERRY: That's a personal matter of yours.

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

3 MR PERRY: Thank you very much.

4 Questions from THE CORONER

5 SIR MICHAEL WRIGHT: Did you gain from the briefing the  
6 knowledge that CO19 were intended to be used to back up  
7 the surveillance teams?

8 A. I have no recollection of that being mentioned at the  
9 briefing, sir, no.

10 SIR MICHAEL WRIGHT: I was wondering about that. You didn't  
11 hear anything during the follow, any reference to SO or  
12 CO19?

13 A. That is correct, sir, yes.

14 SIR MICHAEL WRIGHT: So in fact until you saw them coming  
15 into the station, you didn't know they were going to be  
16 involved at all.

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

18 SIR MICHAEL WRIGHT: That must have been a surprise. Yes,  
19 thank you. Mr Horwell?

20 MR HORWELL: No, thank you.

21 SIR MICHAEL WRIGHT: Mr Gibbs.

22 Questions from MR GIBBS

23 MR GIBBS: May I just follow up a couple of very short  
24 matters.

25 SIR MICHAEL WRIGHT: Your client, Mr Gibbs.

- 1 MR GIBBS: In our tab 60, we have a multicoloured document.  
2 I am not sure if you have it in the jury bundle there.  
3 Probably in volume 2 behind tab numbered 60. Can you  
4 find that volume?
- 5 A. Sorry, number 60? Yes. It may be that Tom can put it  
6 on the screen.
- 7 SIR MICHAEL WRIGHT: It's coming up.
- 8 MR GIBBS: Yes, thank you very much.
- 9 SIR MICHAEL WRIGHT: You will do better if you use the  
10 document, I think.
- 11 MR GIBBS: Sir, it's getting better every minute. The  
12 members of the jury all have copies, of course, of this.  
13 I just want to put some telephone calls, there are  
14 two I think for you, into context. See if you can help  
15 with them. There is a green entry on the right-hand  
16 side of the page at 9.38?
- 17 A. I see that, sir, yes.
- 18 Q. For 15 seconds. You seem to have called Lawrence. Do  
19 you remember what that was about?
- 20 A. I have no recollection of the content of that phone  
21 call, sir, no.
- 22 Q. Where would you have been at that time, do you think?
- 23 A. From memory, sir, I believe I would have been in the  
24 Brixton Hill area around about that sort of time.
- 25 Q. Can we then go down the page on the left-hand side to

- 1           9.47, and there is something like a brown entry, do you  
2           see, on the left-hand side, "off of number 2 bus"?
- 3    A.   I do, sir.
- 4    Q.   That's the entry in the grey log which you have endorsed  
5           and that's why it's got your name beside it. At that  
6           point, are you near Brixton Underground station?
- 7    A.   Yes, I am just south of Brixton Underground station.
- 8    Q.   Then if we can go on, and this involves going over the  
9           page, I have another telephone call at 9.56 on the  
10          right-hand side in green for 22 seconds, and it's from  
11          Harry to you; do you see that?
- 12   A.   I do, sir, yes.
- 13   Q.   Do you remember what that was about?
- 14   A.   Again, sir, I have got no recollection of the content of  
15          that call.
- 16   Q.   Where were you at that time, do you think?
- 17   A.   I can't be specific as to exactly where I was, sir. It  
18          would just be guesswork if I said.
- 19   Q.   We don't want that. Thank you. Just one other thing,  
20          when you get to the Underground station at Stockwell,  
21          you were in the concourse when a large number of S019  
22          officers appeared?
- 23   A.   That is correct, sir, yes.
- 24   Q.   And they went through the barriers and down into the  
25          Underground system?

1 A. That is correct, sir, yes.

2 Q. You also went down into the Underground system?

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

4 Q. Were you armed?

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

6 Q. You were part of the way down the stairs or the  
7 escalators when you heard shots?

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

9 Q. But you maintained your position unarmed to assist the  
10 public to leave?

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

12 MR GIBBS: Thank you.

13 SIR MICHAEL WRIGHT: Thank you, Mr Gibbs. Mr Hough?

14 MR HOUGH: No, there is nothing from me.

15 SIR MICHAEL WRIGHT: Graham, thank you very much indeed,  
16 that's all, you are free to go.

17 A. Thank you very much.

18 (The witness withdrew)

19 SIR MICHAEL WRIGHT: Do you have anybody to back up?

20 MR HOUGH: Of course. The next witness is Ivor and my  
21 learned friend Mr Hilliard is taking him.

22 SIR MICHAEL WRIGHT: Thank you.

23 CODENAME "IVOR" (sworn)

24 SIR MICHAEL WRIGHT: Thank you, now please sit down.

25 A. Thank you.





- 1 a call sign that ended in 33; is that right?
- 2 A. That's correct, sir, yes.
- 3 SIR MICHAEL WRIGHT: You have been credited in fact by
- 4 another witness as being probably the most experienced
- 5 surveillance officer in the grey team at that time. Is
- 6 that about right?
- 7 A. I have not considered that, sir. I'm really unaware of
- 8 the experience of my colleagues. As I said, I have been
- 9 involved in this sort of work for about ten years or so,
- 10 sir, yes.
- 11 MR HILLIARD: You've certainly got plenty of experience
- 12 yourself. I think you made a number of witness
- 13 statements, is this right, including one on 23
- 14 July 2005?
- 15 A. Yes, sir.
- 16 Q. Do you have a copy of that one in particular?
- 17 A. I do have a copy of my original statement.
- 18 Q. So you understand, there is no difficulty about you
- 19 looking at any of those statements or the log, we will
- 20 look at them ourselves, but if at any other time you
- 21 want to look at anything, you carry on and do it.
- 22 A. Thank you very much, sir, yes.
- 23 Q. 22 July, then, you have told us that you were a member
- 24 of the grey team; correct?
- 25 A. Yes, that's correct.

- 1 Q. We have heard about a briefing at about 7.45 that  
2 morning on the 22nd at New Scotland Yard. Did you go to  
3 that?
- 4 A. That is correct. At about 7.45 am I attended a briefing  
5 at New Scotland Yard regarding Operation Theseus 2, and  
6 that briefing was given by DI Whiddett and I have his  
7 name written here, I understand it's Colin.
- 8 Q. Right. Did this relate to the attempted bombings on the  
9 transport system the day before, 21 July?
- 10 A. Yes, that was the substance of the briefing, sir, yes.
- 11 Q. I think you were given the name of three suspects, or  
12 the names of three suspects, Hussain Osman, a Mr Omar,  
13 and a Mr Obonwa alias Girma; is that right?
- 14 A. Yes, to be specific, we were given details of  
15 Hussain Osman, born 23 July 1978; Abdi Samad Omar and  
16 Jeffrey Obwana alias Girma.
- 17 Q. I think you were given an address for Mr Osman, is that  
18 right, and indeed for Mr Omar: 21 Scotia Road, possible  
19 address for them?
- 20 A. Yes, home address of 21 Scotia Road was given for Omar  
21 and Osman. Do you want me to explain ...
- 22 Q. No, we know about the gym card and so on, so that's kind  
23 of you but we don't need more detail now.
- 24 A. Sir.
- 25 Q. Thank you very much, though. Just so far as Mr Osman

1           was concerned, I am just going to ask that the picture  
2           at our divider 37 goes on the screen. Do you remember  
3           seeing that picture?

4    A.   That appears to be the picture that we were shown at the  
5           briefing of a man suspected of being Hussain Osman.

6    Q.   Others have described that as being not a particularly  
7           good image, and do you agree with that?

8    A.   I think I have said in the past that, and I have given  
9           my view, that it is a poor quality image.

10   Q.   Did you take the image or a copy of it with you or not?

11   A.   I did not.

12   Q.   Mr Osman, however, I think was given the name  
13           Nettle Tip; is that right?

14   A.   That's correct, sir, Nettle Tip.

15   Q.   You, I think, were issued with a Glock pistol and  
16           ammunition; is that right?

17   A.   Yes, I was issued with a Glock 17 pistol and 34 rounds  
18           of ammunition. I loaded the magazine and made it safe.  
19           Sorry, loaded the weapon and made it ready.

20   Q.   Can you just help with this: I think you understood that  
21           you were going to be deployed in the Scotia Road area in  
22           support of the red team; is that right?

23   A.   Not specifically at that time. At the time of the  
24           briefing we were given details of several addresses.  
25           Following the briefing we were sent to a holding area

1           and from there we were told that we were being sent to  
2           21 Scotia Road or the vicinity in support of the red  
3           surveillance team, sir.

4   Q.   What, as you understood it, by the time you made your  
5           way there, what did you understand you would be doing?

6   A.   Are you talking with reference to the briefing or ...

7   Q.   No, by the time you set off, by the time you make your  
8           way to the area of Scotia Road, what's your  
9           understanding of what's going to be happening?

10  A.   With reference to the briefing, we were told that we  
11           would be containing any premises that we were sent to.

12  Q.   By that you meant or you understood?

13  A.   A surveillance deployment around the premises, that's my  
14           understanding.

15  Q.   Yes?

16  A.   As we were sent to support the reds at Scotia Road, it  
17           was my understanding that the reds would hold, if you  
18           like, the inner circle, the immediate vicinity of the  
19           address, and we were to hold -- the grey team that is --  
20           the periphery of the address. That's my understanding,  
21           sir.

22  Q.   So was the effect of that that if someone who was going  
23           to be followed had come out of the address that they  
24           might be followed first of all by the red team and then  
25           if they went further away from the address by members of

1 the grey team?

2 A. I think it would be wrong to be that specific.

3 Q. Right.

4 A. Because indeed two members could come out together in  
5 which case the reds would have to go with one and we  
6 would have to go with another. So from my point of  
7 view, as in many surveillance deployments, the  
8 deployment had to be fluid. As it turned out, that is  
9 exactly what happened.

10 Q. But it might not have been, right?

11 A. I would accept that, sir, yes.

12 Q. CO19 or SO19, did you understand that they had got any  
13 involvement in this?

14 A. Yes. CO19 were mentioned at the briefing in that they  
15 were briefing at separate premises. I took that to mean  
16 that they would be deploying later.

17 Q. Right, what did you understand their role would be?

18 A. It wasn't made clear. I could only assess what their  
19 role would be in any counter-terrorism operation that  
20 they may be required with reference to an armed  
21 intervention.

22 Q. Right. But nobody said that for sure. Nobody actually  
23 told you what their role was --

24 A. No specific role was mentioned, CO19 briefing, only that  
25 they were briefing at separate premises.

- 1 Q. Was anything said at any time that morning and before  
2 the shooting, all right, just put that as an outside  
3 limit on it, anything said that you heard about stopping  
4 buses?
- 5 A. I don't recall bus routes being mentioned at the  
6 briefing.
- 7 Q. Right.
- 8 A. And I have no recollection of bus routes being suspended  
9 after we were deployed, sir.
- 10 Q. Right. Any mention of them after you were deployed  
11 about bus routes being suspended or not?
- 12 A. I don't recall.
- 13 Q. No, right. You began your surveillance duty, I think,  
14 in the Scotia Road area shortly before 9 o'clock in the  
15 morning; is that right?
- 16 A. If I may refer to my statement, sir.
- 17 Q. Yes.
- 18 A. Yes. At about 8.55 am I deployed on mobile surveillance  
19 duties in the vicinity of 21 Scotia Road.
- 20 Q. Right. I think you were at this stage on your own and  
21 in a vehicle; is that right?
- 22 A. That's correct, sir, yes.
- 23 Q. Can you help us with what you were wearing?
- 24 A. Specifically what I was wearing that day?
- 25 Q. Yes, what you were wearing.

- 1 A. Yes, I was wearing a dark grey T-shirt with a collar,  
2 a blue denim jacket, denim jeans, and light blue  
3 training shoes. I also had with me two baseball caps  
4 and a black single strapped rucksack.
- 5 Q. Now, at some time after 9.30 in the morning, we all know  
6 that Mr de Menezes left the communal door of the flats  
7 in Scotia Road. All right?
- 8 A. Yes, sir.
- 9 Q. I am going to ask, please, that we get the log on the  
10 screen, page 456. We will look at an entry of yours.  
11 Did you see him after he had left the flats in  
12 Scotia Road?
- 13 A. Yes, sir, I did.
- 14 Q. Can you help us with when that was, and the  
15 circumstances of that?
- 16 A. Yes. It would have been at about 9.39. I saw the male  
17 wearing denim jacket and denim jeans in the vicinity of  
18 a bus stand in Tulse Hill. I now know that man to be  
19 Mr de Menezes.
- 20 Q. We know where that bus stop was in Tulse Hill, we don't  
21 need to see it again. Can you help us with this: when  
22 you saw him, were you in or out of your vehicle?
- 23 A. I was in my vehicle, sir, travelling south in Tulse Hill  
24 towards the junction with Upper Tulse Hill, sir.
- 25 Q. So you are coming south in Tulse Hill, moving and

- 1           towards that junction?
- 2    A.   Yes, sir.
- 3    Q.   What sort of a view did you have of him at that time?
- 4           Something may turn on the speed at which you were going.
- 5    A.   Yes.  As I said I was travelling south at a reasonable
- 6           speed.  I can't recall exactly but I wasn't driving that
- 7           fast, probably in the region of 30 miles an hour.  So
- 8           I was looking out of the offside of the vehicle, towards
- 9           Mr de Menezes, who was walking, which would effectively
- 10          be north on the west footway, towards the bus stand, so
- 11          it would have been a three-quarter profile from the
- 12          carriageway which I was driving.
- 13   Q.   Right.  Did you actually see him get on the bus?
- 14   A.   Yes, I saw him get on the bus, yes, sir.
- 15   Q.   The bus goes off north; is that right?
- 16   A.   The bus moved away north, yes, in Tulse Hill towards
- 17          Brixton.
- 18   Q.   You didn't get on at the bus, obviously, at that point;
- 19          is that right?
- 20   A.   That's right, sir, yes.
- 21   Q.   Did you turn round and travel obviously initially behind
- 22          the bus, but then due course manage to get ahead of it
- 23          in your vehicle and then get rid of your vehicle and
- 24          then manage to get on the bus?
- 25   A.   That's correct, sir, yes.



1 Q. We know from film, I think, that you did get on the bus  
2 at about 9.42, doing the best we can from film we have.

3 SIR MICHAEL WRIGHT: Could I pause you a moment,  
4 Mr Hilliard.

5 MR HILLIARD: Yes, certainly.

6 SIR MICHAEL WRIGHT: When you were driving south --  
7 obviously you would be on the other side of the road?

8 A. Yes, sir.

9 SIR MICHAEL WRIGHT: What, looking at him out of your  
10 offside window?

11 A. That is correct, sir.

12 SIR MICHAEL WRIGHT: Three-quarter profile, I take it you  
13 mean three-quarter forwards?

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: So you would have a sort of two-thirds  
16 view of his face?

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

18 SIR MICHAEL WRIGHT: Distance of what, 20, 30 feet maybe?

19 A. Yes, the width of the carriageway, so in the region of  
20 30 feet, maybe slightly more.

21 SIR MICHAEL WRIGHT: We know it was a fine, clear day.

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: Did you have a good view?

24 A. I wouldn't describe it as the best view I had that day.

25 SIR MICHAEL WRIGHT: Just because it was too short?

- 1 A. It was relatively short, but the view was good enough  
2 for me to confirm that this was the man that was being  
3 described that had left 21 Scotia Road.
- 4 SIR MICHAEL WRIGHT: Very well.
- 5 MR HILLIARD: We will come on to a bit more about that in a  
6 moment, if I can tie that up with one more occasion, if  
7 we can.
- 8 If we have divider 11, page 23A on the screen, can  
9 you see the route of the bus is marked along Tulse Hill  
10 in red; do you see that?
- 11 A. Yes, sir.
- 12 Q. If you go up that, I know you are familiar with this,  
13 but do you see running across towards the top is  
14 Brixton Water Lane; do you see that?
- 15 A. Yes.
- 16 Q. If you go along to the right along Brixton Water Lane,  
17 just to see where it is on the map and below it, is  
18 there somewhere called Brailsford Road; do you see that  
19 marked?
- 20 A. I see that, sir, yes.
- 21 Q. Is that the sort of area where you left your vehicle and  
22 that sort of location on Tulse Hill where you got on the  
23 bus?
- 24 A. That's my recollection. I drove ahead of the bus and  
25 parked my vehicle in the vicinity of Brailsford Road

- 1           because I could see a bus stand virtually opposite that  
2           junction which is where I was looking to get on to the  
3           bus.
- 4    Q.   Right.  Which you did; is that right?  You did get on  
5           the bus?
- 6    A.   I did, sir, yes.
- 7    Q.   The bus that Mr de Menezes was on?
- 8    A.   Yes.
- 9    Q.   If we can just have a look at some film, PJJ/1, camera  
10           2, this isn't the film of you getting on the bus, but  
11           it's film of you when you are on it.  If we pause it  
12           there, we can see that clothing you were telling us  
13           about, your face has obviously been obscured there, but  
14           that's you sitting downstairs in the bus; is that right?
- 15   A.   Yes, sir.
- 16   Q.   On the right-hand side?
- 17   A.   Yes, I was sat about halfway down on the offside of the  
18           bus as I recall, sir.
- 19   Q.   We can take that off the screen now.  Whereabouts was  
20           Mr de Menezes sitting on the bus?
- 21   A.   He was sat on a seat at the extreme rear nearside of the  
22           bus, and he was facing forward, sir.
- 23   Q.   Can you help us, about how far away was he from you?
- 24   A.   We are talking about half the length of a bus, so maybe  
25           15 feet.  But about half the length of a bus,

1 effectively.

2 SIR MICHAEL WRIGHT: You were sitting, as we have seen from  
3 that video, photograph looking across the bus.

4 A. Yes, sir, similar position.

5 SIR MICHAEL WRIGHT: If you looked over to your left, you  
6 would be looking at him.

7 A. Similar position to what we were in, sir, yes.

8 SIR MICHAEL WRIGHT: I should think probably about the same  
9 distance.

10 A. I would say so, yes, sir.

11 SIR MICHAEL WRIGHT: Yes.

12 MR HILLIARD: Everybody understands that you are there  
13 engaged on covert surveillance, so nobody expects that  
14 you could have stared at him for all the time, all  
15 right, so that's understood. Had you wanted, just so we  
16 understand, to look straight at him, would you have had  
17 a clear view of him or were there things, people, in the  
18 way, just so we understand?

19 A. Can you repeat the question, sir?

20 Q. Yes. If you had wanted to stare at him, would you have  
21 had a clear view of him from where you were looking? Do  
22 you understand?

23 A. Yes, I understand the question. I could only say that  
24 the reason I took that seat is that, firstly, I wanted  
25 to remain covert, but secondly I wanted to get in the

- 1 best position to get a view of him. I could have stood,  
2 but from my assessment, the seats around him were taken.  
3 As to whether I could have got closer, I don't know.  
4 I took the best seat that I could on that bus, firstly  
5 in order to get a view of his face and secondly to  
6 remain covert, really.
- 7 Q. All right. We know that at 9.43 you got a call on your  
8 telephone that lasted for 17 seconds from Harry. Do you  
9 remember that?
- 10 A. Yes, sir.
- 11 Q. Do you remember what that was about?
- 12 A. He inquired as to the identity of the subject in the  
13 denim jacket we now know to be Mr de Menezes.
- 14 Q. Right. When you say asked about his identity, can you  
15 help us, do you mean whether you could say if this  
16 person was or wasn't Nettle Tip?
- 17 A. Yes, that's correct, sir, yes.
- 18 Q. Were you able to speak to him? I don't want to know  
19 how, but were you able to?
- 20 A. I was able to speak to him in hushed tones, if you like.  
21 On the mobile phone it was safe for me to speak, but  
22 bearing in mind the nature of the deployment, I had to  
23 be relatively guarded in how I spoke. I think that's  
24 a fair assessment, sir.
- 25 Q. Right. What did you say to him?

- 1 A. I said to him in relation to Nettle Tip, and I confirmed  
2 that I could not positively identify Mr de Menezes, the  
3 subject at that time, as Hussain Osman and we were using  
4 the codename Nettle Tip. I added further descriptive  
5 detail --
- 6 Q. Pause a minute.
- 7 A. Sorry.
- 8 Q. That's all right. You said you couldn't positively  
9 identify him as Nettle Tip, and then you said you added  
10 further descriptive detail, and what was that?
- 11 A. I confirmed the description that we had, which I have  
12 included in the log, of him wearing a denim jacket,  
13 denim jeans, et cetera, but I also noticed that his eyes  
14 were particularly distinctive and I used the term that  
15 his eyes were Mongolian looking.
- 16 Q. What did you mean by that? Can you put it into words?
- 17 A. Yes, sir, yes, his description was fairly bland. As  
18 I have said in the statement, he's about 5-foot 10,  
19 proportionate athletic build with short dark hair and he  
20 had some stubble. But what I noticed particularly  
21 striking was his eyes. What I mean by that is that the  
22 eyes appeared not quite but almost oriental in  
23 appearance.
- 24 Q. By that you mean?
- 25 A. Almond-shaped, sir, I think is a fair assessment.

- 1 Q. Had you said anything earlier on, do you remember I said  
2 I was going to come back to it, when you saw him when he  
3 was getting on the bus. You told us you had seen the  
4 person who had been described previously and saw that  
5 person getting on the bus?
- 6 A. Yes.
- 7 Q. Had you at that time been able to form any view yourself  
8 as to whether the person was or wasn't or might be  
9 Nettle Tip? Or were you only able to do no more than  
10 say that appears to be the person who has been referred  
11 to earlier? Do you follow the question?
- 12 A. Yes, I understand, sir, and my view at the time would be  
13 that I can only confirm that that was the person that we  
14 had been directed to maintain surveillance control on.  
15 On the bus I clearly had a much better view of him.
- 16 Q. Yes. Does it follow at the early stage you expressed no  
17 view as to whether he was, wasn't or might be  
18 Nettle Tip?
- 19 A. That's correct, sir.
- 20 Q. Then 9.43 you are asked, and you say you can't  
21 positively identify him?
- 22 A. Yes.
- 23 Q. As Nettle Tip. Now, if you have got on the bus at 9.42,  
24 and the call we know for sure is at 9.43, for 17  
25 seconds, you have not been long on the bus at that time.

1           What I want to know is this: at any time, if we take it  
2           in this way, before you went into Stockwell, I'm going  
3           to come on to that later, but at any time from now until  
4           then were you ever in a position positively, as you  
5           thought, to identify that person as being Nettle Tip?

6   A.   I am afraid you will have to ask the question again,  
7           sir.

8   Q.   Yes.   There you are, this is right at the beginning of  
9           you being on the bus, isn't it, the 9.43 caller, you say  
10          you can't positively identify him?

11  A.   Yes.

12  Q.   You obviously stay on the bus, don't you, for a time?

13  A.   After he got off?

14  Q.   No, no, so he is on the bus, you have just got on it,  
15          you have a call. You don't get off straight away, you  
16          stay on for a bit, don't you?

17  A.   Yes, sir.

18  SIR MICHAEL WRIGHT:  First of all you went down to Brixton  
19          with him, to the station.

20  A.   That's right.

21  MR HILLIARD:  Absolutely.

22                At any time were you in a position to say that in  
23                your view this person positively was Nettle Tip?  Was  
24                this ever your view?

25  A.   No, no it wasn't, sir, no, not throughout the whole



1 deployment.

2 Q. Did you ever say that?

3 A. No, I did not, sir.

4 Q. Did you ever hear anybody else say that?

5 A. Did I hear anyone else say it was positively identical?

6 Q. Yes.

7 A. No, sir.

8 Q. If we have page 456 of the log on again.

9 SIR MICHAEL WRIGHT: I think it would appear that you

10 probably had the best opportunity to look at him of

11 anybody because you were on the bus with him for some

12 minutes.

13 MR HILLIARD: We will see just how long.

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: What do you understand by the meaning

16 "a positive identification"?

17 A. That without doubt, without any doubt that is the

18 subject Hussain Osman. That's my understanding.

19 SIR MICHAEL WRIGHT: That's your understanding?

20 A. Yes, and that can be based on previous experience,

21 obviously in this case that wouldn't apply, or

22 an honestly held belief on the basis of photographic

23 imagery.

24 MR HILLIARD: Right. Third one up from the bottom, it might

25 look at first there like 9.44 but we know if you look at

1           the original it's 9.47. Third time up from the bottom  
2           of the page.

3    A. Yes, sir.

4    Q. Do you see, so although it says 9.44, will you take it  
5           from me it's 9.47?

6    A. Understood, sir.

7    Q. Is that your 33 again, and initials at the end of the  
8           line on that 9.47 entry?

9    A. Yes, sir.

10   Q. Does it say:

11           "Off of number 2 London bus, held at stop, texting  
12           on mobile phone".

13           Yes?

14   A. Yes, sir.

15   Q. Then there is a C in inverted commas, isn't there?

16   A. Yes.

17   Q. We will come on to that in just a moment. In the time,  
18           we will see where this is at Brixton, in the time though  
19           after you have got on the bus and before he gets off the  
20           bus, apart from him moving to get off the bus, have the  
21           two of you stayed in the same positions on the bus, so  
22           you in the seat where we saw, him at the back over on  
23           the nearside?

24   A. Prior to him getting off the bus obviously he stood up,  
25           and --

1 Q. Just before he does that?

2 A. Yes, sir, yes.

3 Q. So the two of you have stayed in the same relative  
4 positions?

5 A. Yes, he was at the rear nearside of the bus facing  
6 forward, sir.

7 Q. In the course of the time that the two of you were on  
8 the bus, did you attempt again on occasions to look at  
9 him, obviously without attracting attention if you could  
10 you, but was that part of what you were there for?

11 A. Yes, sir, yes.

12 Q. Did you manage to do that on occasions?

13 A. To have a peripheral view of him, yes, sir, without  
14 actually meeting his eye, yes, sir.

15 SIR MICHAEL WRIGHT: Can you pause there a minute,  
16 Mr Hilliard?

17 MR HILLIARD: Certainly.

18 SIR MICHAEL WRIGHT: You and your colleagues have all spoken  
19 about remaining covert?

20 A. Yes, sir.

21 SIR MICHAEL WRIGHT: And not trying to break your covert  
22 status, your cover. What exactly do you mean by the  
23 expression "covert"?

24 A. Well, the definition of a surveillance officer is covert  
25 operative who is tasked to monitor individuals --

1 SIR MICHAEL WRIGHT: The obvious reason is nobody knows who  
2 you are?

3 A. Exactly, sir, yes. You would be tasked to monitor  
4 individuals or premises with the task of obtaining  
5 information or intelligence about those premises or  
6 individuals.

7 SIR MICHAEL WRIGHT: If you behaved in such a way that the  
8 subject of your surveillance became effectively aware of  
9 you as taking an undue interest in him, would that be  
10 breaking your cover?

11 A. I would accept that, yes, sir.

12 SIR MICHAEL WRIGHT: It would be breaking your cover?

13 A. I think against the backdrop, what has to be reinforced  
14 is the nature of the deployment that we were involved in  
15 this day, and we had been briefed that we may be  
16 following failed suicide bombers.

17 SIR MICHAEL WRIGHT: I follow that. So that, the question  
18 that's being asked is this: if you had got close up to  
19 Mr de Menezes where he was sitting at the back of the  
20 bus, always assuming there was a space to sit, or if you  
21 had gone up to stand on the bus close to him, did you  
22 fear; did you think to do that, particularly if there  
23 was somewhere else in the bus to sit down, that that  
24 would be likely to blow your cover?

25 A. That was the case, sir, yes.

1 SIR MICHAEL WRIGHT: That is what you --

2 A. I had to maintain a balance between observing him and  
3 remaining covert for the purposes of the deployment,  
4 sir.

5 SIR MICHAEL WRIGHT: So effectively you don't want to  
6 attract attention to yourself by behaving in a way which  
7 may seem to be abnormal?

8 A. That's correct, sir.

9 SIR MICHAEL WRIGHT: You don't want to get too close to him.

10 A. There may be occasions where we may get close to people.  
11 Would you like me to give you --

12 SIR MICHAEL WRIGHT: By all means, just to explain.

13 A. For example, if we are covering someone in a bank, for  
14 example, and we wanted to obtain details of  
15 a transaction, then we would on occasion get close to  
16 someone in order to do that.

17 SIR MICHAEL WRIGHT: Do you mean as though you were standing  
18 in a queue?

19 A. Yes, sir.

20 SIR MICHAEL WRIGHT: Which would be normal?

21 A. Yes, sir.

22 SIR MICHAEL WRIGHT: As I understand it, the point here is  
23 that you don't behave in any way that's abnormal so as  
24 to attract attention to yourself.

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

- 1 MR HILLIARD: So that's during the journey. Then, as you  
2 say, the bus stops in the Brixton Road just south of the  
3 tube, correct, and he gets up to get off the bus? We  
4 are going to look in detail, I just want to take it in  
5 broad terms first.
- 6 A. Yes, sir, that's correct.
- 7 Q. He stands up and walks past you or have you got up first  
8 as well?
- 9 A. He walks past me, sir, yes.
- 10 Q. Apart from later at Stockwell tube, which I am going to  
11 come on to, would this be then the closest the two of  
12 you had been to each other when he walks past you to get  
13 off the bus?
- 14 A. Yes, sir.
- 15 Q. Did you manage to have a good look at him at that point?
- 16 A. I had a good look at him, yes, sir, yes, as good as  
17 I could given the constraints of my deployment.
- 18 Q. If we just look at the entries in this page of the log  
19 and then we will go to your supplementary entry where  
20 there is a bit more detail:
- 21 "Off of number 2 London bus, held at stop, texting  
22 on mobile phone".
- 23 Then 9.48:
- 24 "Running back towards number 2 bus on mobile phone".  
25 Also an entry of yours; is that right?

- 1 A. Yes, sir.
- 2 Q. Then we were just looking at that C in inverted commas,  
3 and we have that at page 460. Can you see that on the  
4 screen all right?
- 5 A. Yes, sir.
- 6 Q. Does it read as follows:
- 7 "Supplementary to the entry at 9.47. I saw the  
8 aforementioned male subject, who was about 5-foot  
9 10 inches tall, of proportionate/athletic build, wearing  
10 faded blue denim jacket and faded blue denim jeans and  
11 training shoes, with short dark hair and facial stubble  
12 growth, about 25/30 years sitting on the bottom deck of  
13 a red double decker bus, number 2..."
- 14 You give the registration; yes?
- 15 A. Yes.
- 16 Q. "He was sitting in the extreme rear nearside seat."  
17 You have told us about that?
- 18 A. Yes, sir.
- 19 Q. "This male left the bus at a stand in Brixton Road, just  
20 south of Brixton tube..."
- 21 You have told us about that?
- 22 A. Yes, sir.
- 23 Q. "... and turned right walking generally north. He  
24 walked about 20 metres before turning around and running  
25 back towards the original number 2 bus. Here he stood

1 near the queue and appeared to text or dial on a silver  
2 flip-top phone. He then joined the queue whilst making  
3 a call on his mobile."

4 So first of all appearing to text or dial, and then  
5 actually got the phone up to his ear and appears to be  
6 making a call; is that right?

7 A. Yes, sir.

8 Q. "Right hand to right ear. He then got on to the same  
9 number 2 double decker bus..."

10 You give the registration number; yes?

11 A. Yes, sir.

12 Q. If we just complete the entry, if we go on to page 468,  
13 just so far as supplementary -- you have told us about  
14 this but so we can see it in the log, do you see:

15 "Further to supplementary C..."

16 This is you and a bit more?

17 A. Yes.

18 Q. "Further to supplementary C, whilst I was on the number  
19 2 bus with the subject, I received a telephone call from  
20 Harry enquiring as to the identity of NT."

21 Nettle Tip?

22 A. Yes, sir.

23 Q. "I confirmed that I could not positively identify the  
24 subject as Nettle Tip but that he had distinctive  
25 Mongolian eyes."



- 1           So that's what you have told us about already?
- 2   A.   Yes, sir.
- 3   Q.   Can you help us about this: when he got off the bus, in  
4       the position that you have described there, turns right,  
5       off for 20 metres, turns and then running back, did you  
6       get off the bus as well?
- 7   A.   Yes, I did, sir, yes.
- 8   Q.   Just to jump ahead, did you get back on it or not?
- 9   A.   No, sir.
- 10   Q.   Did you see, when you were off the bus, that Brixton  
11       tube was in fact closed or did you not see that?
- 12   A.   I did not see that, sir.
- 13   Q.   But you did see that the same man who had got off the  
14       bus had got back on it?
- 15   A.   Yes, sir.
- 16   Q.   You, like the others, had the Cougar radio system, did  
17       you?
- 18   A.   Yes, sir.
- 19   Q.   Did you radio anything to that effect at any stage, that  
20       the same man who had got off had got back on, can you  
21       remember?
- 22   A.   Yes, sir.
- 23   Q.   Is that the kind of thing you would --
- 24   A.   To commentate on his movements.
- 25   Q.   The same man?

- 1 A. Yes, sir.
- 2 Q. Right. Once you had got off the bus, and he had got  
3 back on, you I think in fact managed to get a lift  
4 from -- you didn't have to go back to Brixton Water Lane  
5 or manage some other way, you actually got a lift from  
6 Tim; is that right?
- 7 A. That's right, sir.
- 8 Q. Tim, is this right, was also part of the surveillance  
9 team that day, with a particular role?
- 10 A. He was the surveillance photographer, sir.
- 11 Q. We are going to hear from him in due course. He was  
12 part of this operation, he was in a vehicle, and I think  
13 you managed to get in his vehicle; is that right?
- 14 A. I did, I joined him as the front seat passenger, sir, on  
15 the front nearside.
- 16 Q. Right.
- 17 A. That's in his van, just to confirm.
- 18 Q. I think it follows from what you said to me earlier, but  
19 still at this stage, although he's now back on the bus,  
20 you are in Tim's van, still at this stage you not in  
21 a position positively to identify the man on the bus as  
22 being Nettle Tip?
- 23 A. Yes, sir.
- 24 Q. Nor does it follow, did you ever say that?
- 25 A. No, sir.

- 1 Q. I was asking you earlier, do you remember, about SO19?
- 2 A. Yes, sir.
- 3 Q. You now, as it turns out, in Tim's vehicle, make your  
4 way -- although you didn't know it at the start of this  
5 bit of the journey -- to Stockwell tube station, don't  
6 you?
- 7 A. Yes, sir.
- 8 Q. Do you remember in the course of that journey, there  
9 being a reference to SO19? Do you remember James, the  
10 grey team leader, saying something about SO19?
- 11 A. Yes, sir, if I can clarify, I drafted a further  
12 statement dated --
- 13 Q. Is it 20 June 2007?
- 14 A. Yes, sir.
- 15 Q. Yes, have you got that with you?
- 16 A. Yes, sir.
- 17 Q. Page 209, we can probably get it up on the screen. Can  
18 you see the third paragraph down and fourth line down,  
19 it begins:
- 20 "As the bus in which the subject was seated  
21 approached Stockwell, I recall hearing James state on  
22 the covert Cougar radio system that CO19 may be making  
23 their way through the follow."
- 24 A. Yes, sir.
- 25 Q. We can take that off the screen. Do you remember that

- 1           being said as you were getting towards Stockwell tube?
- 2    A.   Yes, sir.
- 3    Q.   Did you and Tim then follow the bus, the number 2 bus,  
4           with Mr de Menezes on it, to the tube or to the area of  
5           the tube?
- 6    A.   To the area of the tube, yes, sir.
- 7    Q.   Were you behind the bus for the whole journey or not?
- 8    A.   I don't believe we were behind the bus for the whole  
9           journey, we may have got ahead of the bus on occasions.  
10           However, as the bus approached the area of Stockwell  
11           tube, my recollection is we were behind the bus, sir.
- 12   Q.   If we just pick this up, go back to 456 in the log, 9.48  
13           we looked at, 9.49, N, do you see that?
- 14   A.   Yes.
- 15   Q.   On mobile phone"?
- 16   A.   Can I just clarify that's not my entry at 9.49.
- 17   Q.   Sorry, I thought -- if we follow that, then:  
18           "N on mobile phone, right hand, right ear."  
19           Is that your 33 over there?
- 20   A.   Yes, sir.
- 21   Q.   So which bit of this -- then:  
22           "On to number 2 bus double decker".  
23           Which bit is yours?
- 24   A.   "On to the number 2, still on mobile phone".
- 25   Q.   Thank you very much. Then if we go on, on that page,

- 1           just so now we have got to the start of it, can you see  
2           there is now an entry 10.03, your 33 I think at the end  
3           of that line?
- 4   A.   Yes, sir.
- 5   Q.   Is that:
- 6           "Enter tube and running down the escalator..."
- 7           Then an arrow, "plats 1 and 2"?
- 8   A.   It reads:
- 9           "Into tube and running down the escalator", arrow --
- 10   Q.   Plats 1 and 2.
- 11   A.   Yes, sir.
- 12   Q.   Reference over on the left, just above the 10.03, to  
13           an "E" in speech marks?
- 14   A.   Yes, sir.
- 15   Q.   If we go to page 466, three lines up from the bottom,  
16           can you see "Supp E"?
- 17   A.   Yes.
- 18   Q.   Is this your entry?
- 19   A.   It is, sir, yes.
- 20   Q.   If I read it wrongly, please say. Does it read like  
21           this:
- 22           "Supplementary to the entry at 10.03 am..."
- 23           That's the one we have just looked at?
- 24   A.   Yes.
- 25   Q.   "I saw the subject enter Stockwell tube station and take

1 a free copy of the Metro newspaper from a stand on the  
2 right of the foyer. He then walked towards the  
3 barriers, produced a ticket and passed through the  
4 barrier. He then turned left and descended down  
5 an escalator towards platform 1 and 2 northbound. About  
6 halfway down he started to run and as he left the  
7 escalator, he turned left at the first ordinary entrance  
8 on to platform 2 Northern Line northbound."

9 A. Can I correct that, sir?

10 Q. Yes?

11 A. I believe it reads "the first archway/entrance".

12 Q. Thank you very much. It is an odd thing to say. That's  
13 "archway". We will have a look at a picture of that in  
14 a moment, sir.

15 A. Thank you, sir.

16 Q. Thank you.

17 "As he did so, he ran towards a train that was  
18 waiting at the platform, entered the carriage directly  
19 in front of him, before turning right and walking  
20 through the carriage before taking a seat on the  
21 nearside of the carriage facing the platform."

22 Has that got your "33" at the end of that line?

23 A. Yes, sir.

24 Q. Then there is the extra little entry about the phone  
25 call with Harry that we have looked at; yes?

- 1 A. Sir.
- 2 Q. Can you help us with this: were you inside Stockwell  
3 tube station, the foyer of it, before Mr de Menezes was?
- 4 A. Yes, sir.
- 5 Q. Can you just explain, we have seen the entry but how  
6 does that come about? If we picture the two of you in  
7 the van, you are the passenger, Mr de Menezes on the  
8 bus, and we know pulls into the South Lambeth Road and  
9 gets off it. Right?
- 10 A. Yes.
- 11 Q. Can you help us as to what's happening at that stage,  
12 what you can see and what you did?
- 13 A. Yes, I could see the bus, as you described, held in the  
14 vicinity of a NatWest Bank which I believe was in the  
15 vicinity of the bus stand. I was aware that Stockwell  
16 tube was in the foreground, and I saw this as  
17 a potential point of danger. I therefore deployed from  
18 the van, walked across the road. I held temporarily  
19 outside the Underground, maintaining, listening to the  
20 commentary, being aware of where Mr de Menezes was, and  
21 as I have explained, fearing that the Underground was  
22 the point of danger. I entered into the foyer of the  
23 Underground station, and I held in the vicinity of  
24 a small chemist that was on the right-hand side. That's  
25 about a summary of it, sir.

- 1 Q. Right. Did you have any or did it cross your mind at  
2 this time as to whether or not he should be detained?
- 3 A. As I have explained, I saw the Underground as a point of  
4 danger.
- 5 Q. Yes?
- 6 A. Not only with reference to what had happened the day  
7 before but also from a surveillance perspective.  
8 Without giving too much tradecraft away, it's always  
9 good to have operatives ahead of the subject, so even  
10 from a surveillance perspective, I felt that it was  
11 important that the tube was covered.
- 12 Q. Yes?
- 13 A. And I believe I deployed in that vicinity at around  
14 about or even before the time that Mr de Menezes was  
15 getting off the bus.
- 16 Q. Right. Do you understand that he's then coming towards  
17 the tube?
- 18 A. Yes, sir.
- 19 Q. Right. Did you ask for any instructions, that's really  
20 what I am getting at?
- 21 A. Yes, I understand. Yes, I did, sir. I asked for  
22 confirmation from James as to whether or not the subject  
23 who we now know to be Mr de Menezes should be detained  
24 in the vicinity of the foyer.
- 25 Q. I used the word, but I think that's the word, I used it



1           because you used that word in your statement?

2    A.   Yes.

3    Q.   Should he be detained.  As you recall it, is that the

4           question you asked James, should he be detained?

5    A.   The word I actually used to clarify, and this is

6           an important point, I understand, the word I used is,

7           "Do you want this man lifted?"

8    Q.   "Do you want this man lifted?"

9    A.   Yes.

10   Q.   All right.  So we understand, what did you mean by that?

11   A.   What I meant by that was to detain and arrest him.

12   Q.   Right.

13   SIR MICHAEL WRIGHT:  I take it the implication of that is

14           that you were offering to do it?

15   A.   I was, sir, yes.

16   SIR MICHAEL WRIGHT:  Were any of your colleagues that you

17           were aware of near you?

18   A.   Yes, I was aware of officer Ken in my immediate

19           vicinity.  The reason I know that is that he was

20           commentating on the movements of Mr de Menezes.  I was

21           also aware that he was close to me in the foyer of the

22           tube, sir.

23   MR HILLIARD:  You mentioned earlier hearing James say before

24           this that CO19 may be making their way through the

25           follow; do you remember telling us about that earlier?

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

2 Q. That's before this stage, isn't it?

3 A. Yes, sir.

4 Q. As far as you were concerned, when you asked that  
5 question, "Do you want this man lifted?", did you have  
6 any idea of the whereabouts of C019?

7 A. No, sir.

8 Q. Did you get any response from James?

9 A. He told me to wait, sir.

10 Q. So does it follow you didn't, to use your word, lift the  
11 man? What did you in fact do?

12 A. I wasn't told to detain him, and I recall that my  
13 comment "lift the man" was relayed as, "Do you want this  
14 man detained?" I was told to wait and I received no  
15 instruction with regard to detaining him.

16 Q. So what did you do --

17 A. Continued with covert conventional surveillance, sir.

18 SIR MICHAEL WRIGHT: Which meant in this case following him  
19 down the tube.

20 A. Yes, sir.

21 MR HILLIARD: I just want to understand what you said about  
22 hearing your message relayed. Had you asked the  
23 question on the Cougar system?

24 A. Yes, sir.

25 Q. Then was there, I don't know, one particular member of

- 1 the team who was responsible for repeating  
2 transmissions?
- 3 A. Anyone that heard it could transmit it.
- 4 Q. As it were, say it again?
- 5 A. Yes.
- 6 Q. Is that just with a view to trying to ensure that people  
7 have two opportunities to hear important communications?
- 8 A. Yes, the power of a vehicle radio set is much higher  
9 than that of a body set, so it's a relay system, so it's  
10 just firstly confirming what's said and then relaying it  
11 to other units.
- 12 Q. So then, as you say, you continue a conventional  
13 surveillance follow; correct?
- 14 A. Yes, sir.
- 15 Q. I just want to know this: there you are now inside  
16 Stockwell tube; at this time, you have told us about you  
17 yourself, but had you ever heard the person you were  
18 following positively identified as Nettle Tip by  
19 anybody?
- 20 A. Not in my presence or hearing, sir, no.
- 21 Q. Then equally, had you at any time heard him positively  
22 discounted as Nettle Tip?
- 23 A. No, sir.
- 24 Q. Again, by this time, at any stage up until now, do you  
25 remember hearing any question about whether anybody

- 1           could give a percentage likelihood or a number out of 10  
2           likelihood of the person being followed being  
3           Nettle Tip? Did you ever hear that?
- 4   A.   No, sir.
- 5   Q.   There you are in the foyer of the station, and if we can  
6           say, as it were, roadside, if you understand what I mean  
7           for the moment of the barriers, so before you have gone  
8           through the ticket barriers?
- 9   A.   Understood, sir, yes.
- 10   Q.   Mr de Menezes, you had referred in your supplementary  
11           log, I think, to him picking up a newspaper?
- 12   A.   Yes, sir.
- 13   Q.   Did you see him go through the barrier?
- 14   A.   Yes. I saw the male in the denim jacket, Mr de Menezes,  
15           enter the foyer of Stockwell tube station and he took  
16           a free copy of the Metro newspaper from a stand on the  
17           right-hand side of the foyer. He then walked towards  
18           the barriers, produced a ticket and passed through the  
19           barrier.
- 20   Q.   Up until this point, had you heard anything over the  
21           radio about S012 to do a stop of Mr de Menezes?
- 22   A.   No, sir.
- 23   Q.   Did you at any time hear "state red" called by S019?
- 24   A.   No, sir.
- 25   Q.   Mr de Menezes goes through the ticket barrier; did you

1 follow?

2 A. Yes, I did, sir.

3 Q. At this stage, were you aware of any of your  
4 surveillance colleagues in the vicinity or not?

5 A. I was aware of officer Ken in my vicinity.

6 Q. Right.

7 A. Believed to my right-hand side.

8 Q. Right. I am not going to look at it, but the CCTV film  
9 in which the two of you are pretty close together at  
10 this stage, all right, we have looked at it this morning  
11 so we will not look at it again.

12 You also then go through the barrier. Do you follow  
13 Mr de Menezes down the escalator?

14 A. Yes, he turned left and descended down an escalator  
15 towards platforms 1 and 2 northbound.

16 Q. Did there come a point at which he started to run?

17 A. Yes, sir, about halfway down the escalator he started to  
18 run.

19 SIR MICHAEL WRIGHT: Pausing there a moment, we understand  
20 you can get through the barriers without having to buy  
21 a ticket or anything like that.

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: As you went through the barriers, how  
24 far ahead of you do you think he was? Where had he got  
25 to?

1 A. As he went through the barriers --

2 SIR MICHAEL WRIGHT: As you went through the barriers.

3 A. As I went through the barriers, the distance between us

4 was increasing, immediately as I went through the

5 barriers probably in the vicinity of 10 to 15 feet

6 I would say, sir.

7 SIR MICHAEL WRIGHT: Ahead of you?

8 A. Ahead of me, yes.

9 SIR MICHAEL WRIGHT: Had he started down the escalator at

10 that point?

11 A. He had done, yes, sir.

12 SIR MICHAEL WRIGHT: He had started down the escalator.

13 A. As we went through the barriers --

14 SIR MICHAEL WRIGHT: As you go through the barriers?

15 A. As I go through the barriers, no, he was still at the

16 top.

17 SIR MICHAEL WRIGHT: He hadn't started down.

18 A. Yes.

19 SIR MICHAEL WRIGHT: By the time you got to the top of the

20 escalator, where had he got to?

21 A. He was descending the barriers and when he got --

22 SIR MICHAEL WRIGHT: Descending the escalators.

23 A. Sorry, yes, descending the escalator, and about halfway

24 down he started to run.

25 SIR MICHAEL WRIGHT: Right, okay, thank you.

- 1 MR HILLIARD: Did he run to the bottom of the escalator?
- 2 A. Yes, sir.
- 3 Q. If we just look at divider 31, then 32, when you get to  
4 the bottom of the escalator, you go along the  
5 passageway, don't you, and if we have a look at 31 and  
6 32, if you come along, there are those entrances, aren't  
7 there, on the left; you come down the escalator, along  
8 the passageway and then there is this opening on your  
9 left and the platform, and as it happened a train there;  
10 correct?
- 11 A. Yes, sir.
- 12 Q. If we just look at picture 32, that is just obviously  
13 a view, isn't it, you can see, view of the train from  
14 the platform entrance, do you see at the bottom?
- 15 A. Yes, sir.
- 16 Q. That's the first entrance?
- 17 A. Yes.
- 18 Q. We can take those off the screen for the moment.  
19 Did he turn left?
- 20 A. He did turn left at the first, as I described,  
21 archway/entrance on to platform 2, which is the  
22 Northern Line northbound, sir.
- 23 Q. Was he still running at this time?
- 24 A. Yes, he ran towards the train that was waiting at the  
25 platform.

- 1 Q. If we just get back to divider 31, please, on the  
2 screen, then on to 32, please. There is a set of double  
3 doors, aren't there, if you come through this  
4 passageway, just over to the right there, do you see  
5 those?
- 6 A. Yes, sir.
- 7 Q. Can you help us with whereabouts on the train he got on?
- 8 A. Yes. He ran towards the train that was waiting at the  
9 platform and he entered the carriage directly in front  
10 of him.
- 11 Q. Would that be through these doors that we are looking  
12 at?
- 13 A. Yes, sir.
- 14 Q. Had you had to run, as it were, also down the escalators  
15 and along the alleyway yourself?
- 16 A. Yes, sir.
- 17 Q. When he got on the train, can you help us, about how far  
18 behind him were you?
- 19 A. I was making ground. Obviously my concern was that the  
20 doors were going to close.
- 21 Q. Yes?
- 22 A. I would say at that stage, and this is only an estimate,  
23 he was probably in the region of 30 feet ahead of me.
- 24 Q. Right. You had, as it were, had you, come along the  
25 alleyway and turned -- had you got at least this sort of



- 1 view at the point he was getting on the train?
- 2 A. Yes.
- 3 Q. You had got him in sight?
- 4 A. Yes.
- 5 Q. All right. Once he had got on the train, in which  
6 direction did he go?
- 7 A. He entered the carriage directly in front of him and he  
8 turned right and walked through the carriage before  
9 taking a seat on the near side of the carriage facing  
10 the platform opposite the next set of double doors on  
11 the train, sir.
- 12 Q. Thank you, we will just get up on the screen if we can  
13 a picture of where people are sitting, just to help. So  
14 it's divider 35. If we work it this way, can you see to  
15 the right-hand end of this carriage as we look at it,  
16 that Mr de Menezes is marked as being one seat in, do  
17 you see?
- 18 A. Yes, sir.
- 19 Q. On that side and as you say facing towards the platform,  
20 that's what you have told us about?
- 21 A. Yes.
- 22 Q. You explained that he was sort of almost opposite the  
23 next, or opposite the next double doors. You can see  
24 where those double doors are.
- 25 A. Yes.

- 1 Q. You explained before that that he had walked through the  
2 carriageway, so if we walk back, do you follow, past  
3 Mr Merrill and Mr Neary, you see, past all those people,  
4 we come to another set of double doors which must be the  
5 ones that he got on that you were telling us about; is  
6 that right?
- 7 A. Working backwards?
- 8 Q. Yes?
- 9 A. Yes, sir.
- 10 SIR MICHAEL WRIGHT: It's also the same ones that you got  
11 on.
- 12 MR HILLIARD: Absolutely.
- 13 A. No, sir.
- 14 SIR MICHAEL WRIGHT: You went to the next set, did you?
- 15 A. No.
- 16 SIR MICHAEL WRIGHT: Go ahead. How did you get in?
- 17 MR HILLIARD: Can we stick with him for the minute and then  
18 we will worry about you, but if we look at this, this  
19 door where he's got off, it's the one, isn't it, close  
20 to where Mr Whitby is sitting, where he has got on,  
21 forgive me.
- 22 A. Yes.
- 23 Q. That's the one, isn't it? That's the door that we can  
24 see that we have looked at on the picture?
- 25 A. Yes, sir.

- 1 Q. There he has gone, turned right and gone and sat where  
2 we can see?
- 3 A. Yes, sir.
- 4 Q. Help us with where it is you get on?
- 5 A. I committed on to the platform and I turned right on the  
6 platform, and I entered the train through the single  
7 door to the left of Mr de Menezes, and that would be  
8 opposite where Anna Dunwoodie --
- 9 SIR MICHAEL WRIGHT: You went to the far end of the  
10 carriage?
- 11 A. Yes, sir.
- 12 SIR MICHAEL WRIGHT: Right-hand end on this plan?
- 13 A. Yes, sir.
- 14 MR HILLIARD: So you get on there, and what did you do once  
15 you had got on?
- 16 A. I took a seat to his left-hand side on the same carriage  
17 as depicted.
- 18 Q. Would that be somewhere in between him and  
19 Anna Dunwoodie?
- 20 A. My recollection is I was sitting in the vicinity of  
21 Anna Dunwoodie.
- 22 SIR MICHAEL WRIGHT: Sitting, sorry, where?
- 23 MR HILLIARD: In the vicinity of Anna Dunwoodie. That sort  
24 of area of seat.
- 25 A. Yes, sir.

- 1 SIR MICHAEL WRIGHT: Same side or the opposite side?
- 2 A. The same side, sir.
- 3 MR HILLIARD: Were you aware at this stage of any other
- 4 members of your team?
- 5 A. Around about this time, and I can't be specific about
- 6 timings, but I was aware of officer Geoff, I believe,
- 7 joining me on the carriage, and he stood to my left in
- 8 a recessed area to the left of Anna Dunwoodie.
- 9 Q. To Anna Dunwoodie's left, as it were, if we were her?
- 10 A. Yes.
- 11 Q. Or to the right as we look, yes?
- 12 A. Facing the platform.
- 13 Q. As far as you were concerned, at this time, it may be
- 14 obvious but just spell it out, what did you think you
- 15 were engaged in now and for the foreseeable future?
- 16 A. At that time in accordance with the instructions that
- 17 I had received, I was still maintaining covert
- 18 surveillance on Mr de Menezes. That was my
- 19 understanding.
- 20 Q. I asked you whether you were aware of any other member
- 21 or members of your, team and you said Geoff. We'll have
- 22 the circumstances from you later, but did you become
- 23 aware of any other police officers?
- 24 A. If I can clarify with regard to my team, sir.
- 25 Q. Yes?

- 1 A. I saw Geoff but I could hear that Ken was nearby.
- 2 Q. Right?
- 3 A. And the reason for that is, as I was descending the  
4 escalator and as we turned left onto the platform, and  
5 as we entered the train, I was still commentating, and  
6 officer Ken was relaying my transmissions through his  
7 body set.
- 8 SIR MICHAEL WRIGHT: You could hear him, could you?
- 9 A. Yes, sir.
- 10 SIR MICHAEL WRIGHT: I see.
- 11 MR HILLIARD: So your communications, this is on the Cougar  
12 system, is it.
- 13 A. On the Cougar system.
- 14 Q. Is still working at this stage?
- 15 A. Yes, sir.
- 16 Q. When you have come down the bottom of the escalator  
17 along the alley?
- 18 A. Yes.
- 19 Q. And through that passageway, all that sort of area?
- 20 A. Yes, sir. Do you want me to clarify that point?
- 21 SIR MICHAEL WRIGHT: Yes, please. Do you know where he was?
- 22 A. No, I don't, sir. He was in close vicinity of me,  
23 though. Do you want me to clarify about the signals?
- 24 MR HILLIARD: Yes.
- 25 A. The Cougar system is a back-to-back system, and whilst

1           we would lose communications from units above the  
2           ground, we could still commentate or communicate  
3           underground.

4   SIR MICHAEL WRIGHT:  So long as you weren't too far apart?

5   A.  Yes, sir.

6   SIR MICHAEL WRIGHT:  You can't go round the corners of the  
7           tunnel.

8   A.  Given the constraints of the range of the radio, yes,  
9           sir.

10  MR HILLIARD:  So you can hear him relaying your commentary?

11  A.  Yes, sir.

12  Q.  Did you actually have Ken in sight at all or simply as  
13           it were, the knowledge that he is still part of this?

14  A.  Just the knowledge that he was still part of it because  
15           I could hear him, sir.

16  Q.  So that's Ken and Geoff, yes?

17  A.  Yes.

18  Q.  Then I was just asking you whether you became aware of  
19           any other police officers?

20  A.  Yes, I was, sir, yes.

21  Q.  What were the circumstances of that, please?

22  A.  After about, it appeared, 10 to 15 seconds I saw about  
23           four men moving along the platform to my right towards  
24           the open double doors opposite the male in the denim  
25           jacket, that's Mr de Menezes.

1 Q. Right, so which, that wouldn't be the double doors that  
2 Mr de Menezes had got on, it would be the ones nearest  
3 to him?

4 A. Yes, sir.

5 Q. Yes so those four men, what did they do?

6 A. I noticed that these men were dressed in plain clothes  
7 and the man in front was carrying --

8 SIR MICHAEL WRIGHT: I hardly like to break in at this  
9 point, but we have forgotten the break.

10 MR HILLIARD: By all means.

11 SIR MICHAEL WRIGHT: Sorry, Mr Ivor, but the stenographer  
12 will fail if we don't give her a break from time to  
13 time.

14 A. Understood, sir.

15 SIR MICHAEL WRIGHT: We will make it five to.

16 (3.45 pm)

17 (A short break)

18 (3.55 pm)

19 (In the presence of the jury)

20 MR HILLIARD: Ivor, we had your position and Mr de Menezes'  
21 on the tube. You told us about Ken as well, do you  
22 remember?

23 A. Yes, sir.

24 Q. Then about the four men that you had seen, is this  
25 right, moving along the platform to your right?

- 1 A. That's right, sir, yes.
- 2 Q. Then coming through the double doors that are nearest to  
3 Mr de Menezes, and as it happens to you?
- 4 A. Just to clarify that point, they were still on the  
5 platform at that stage, sir.
- 6 Q. Right. When you saw them, when they were still on the  
7 platform, did you notice anything about them at that  
8 stage?
- 9 A. They were dressed in plain clothes. The man in front  
10 was carrying a black pistol. I also noticed that one of  
11 the men behind him was carrying a black long-barrelled  
12 weapon across his chest.
- 13 Q. Did you in fact know any of them or recognise any of  
14 them facially?
- 15 A. No, sir, I didn't.
- 16 Q. Did you immediately form a view as to who they were?
- 17 A. Yes, sir. I immediately identified these men as armed  
18 police officers, probably from CO19.
- 19 Q. I don't know, can you remember now, the blue baseball  
20 caps and the chequered banding we've heard about, do you  
21 remember, were any of them wearing that?
- 22 A. I can recall a baseball cap during the incident. As to  
23 whether any of them were wearing one at that time,  
24 I cannot recall. I can't say either way, sir.
- 25 Q. So what did you do when you had seen them and formed



- 1 a view as to who they were?
- 2 A. Decided to identify the male in denim, Mr de Menezes,  
3 who I had followed on to the tube to the CO19 officers,  
4 as they appeared to be looking into the carriage as if  
5 searching for someone.
- 6 Q. So they appeared to be looking for someone. You had  
7 formed a view, as you say, as to who they were so you  
8 decided to identify the man?
- 9 A. I assessed that they were there with relation to the  
10 activities of Mr de Menezes and the ongoing operation,  
11 sir.
- 12 Q. So what did you do?
- 13 A. I stood up, and I walked over to the open carriage  
14 doors, directly opposite Mr de Menezes.
- 15 Q. So that would be the double doors, would it?
- 16 A. Yes, sir.
- 17 Q. What did you do when you got there?
- 18 A. I placed my left foot against the open carriage door to  
19 prevent it shutting, with my back against a glass panel  
20 with the armed police officers on the platform to my  
21 left.
- 22 Q. So you have got your back to the glass panel that's by  
23 the door and your foot in the door, Mr de Menezes is  
24 behind you, and the four men are to your left?
- 25 A. Yes, I had my left foot in the door. I was partially

- 1 out of the carriage.
- 2 Q. Did you notice at that stage as you had now gone nearer  
3 to the men, what any of them were wearing?
- 4 A. From recollection, the officer closest to me appeared to  
5 be wearing a grey T-shirt, and next to him I saw  
6 an officer who appeared to be wearing a beige T-shirt.
- 7 Q. Yes, did you say anything?
- 8 A. Yes, sir. At that stage I shouted, "He's here", and  
9 indicated to Mr de Menezes with my right hand.
- 10 Q. Can you just show us, what did you do?
- 11 A. Literally stood up, left foot in the door, and pointed  
12 like that (indicated).
- 13 Q. So you are showing us, for the note, with your right arm  
14 outstretched pointing?
- 15 A. Yes, sir.
- 16 Q. Now, you had said, "He's here" -- you say shouted, I am  
17 looking at your statement, you say you shouted that.  
18 How far away were the four men when you shouted, "He's  
19 here"?
- 20 A. On the platform to my left, so fairly close.
- 21 Q. That was you shouting; anybody else shout anything?
- 22 A. I could hear shouting generally from the vicinity of the  
23 platform, which included the word "police", and at that  
24 stage I turned to face Mr de Menezes.
- 25 Q. Shouting from the platform which includes the word

- 1 "police"; can you remember anything else that was  
2 shouted other than that word, "police"?
- 3 A. There was a lot of shouting but nothing more specific,  
4 sir, no.
- 5 Q. Was it coming from the four men?
- 6 A. It was coming from the direction of the platform to my  
7 left. As to who was shouting, I could not say, sir.
- 8 SIR MICHAEL WRIGHT: But along the platform to the left was  
9 the direction from which they were coming?
- 10 A. Yes, sir, yes.
- 11 MR HILLIARD: What did you do, after you have heard that  
12 shouting?
- 13 A. I turned to face Mr de Menezes.
- 14 Q. At that time, was he still sitting down?
- 15 A. Yes, sir.
- 16 Q. Did he stay sitting down?
- 17 A. No, sir. He immediately stood up and he advanced  
18 towards me and the C019 officers, sir.
- 19 Q. So before this, you had pointed at him and then you had  
20 turned to face him?
- 21 A. Yes.
- 22 Q. Initially he stays sitting down, and then you say he  
23 stood up and comes towards you and the S019 officers.  
24 Where were they at this point?
- 25 A. They were in the vicinity of my left-hand side.

- 1 Q. Had they actually got on the train yet or not?
- 2 A. I believe they were in the process of --
- 3 Q. Of getting on?
- 4 A. I couldn't say specifically but they were very close to
- 5 my left-hand side, sir.
- 6 Q. Right. So we have Mr de Menezes advancing towards you.
- 7 Do you notice anything about him?
- 8 A. Yes, as I looked at him, he appeared agitated and
- 9 I noticed that his hands were below his -- held below
- 10 his waist and slightly in front of him, sir.
- 11 Q. Can you just help us, when you say appeared agitated,
- 12 just, what, over on top of the fact that he was coming
- 13 towards you?
- 14 A. Yes, he appeared to look left and right, sir.
- 15 Q. So that's really what you mean by -- he is looking to
- 16 his left and then to his right and then coming towards
- 17 you?
- 18 A. Yes, sir.
- 19 Q. How far apart were his hands, can you help us with that?
- 20 A. To put it in context, if you imagine holding a football
- 21 or a basketball below your waist in front of you,
- 22 that --
- 23 Q. So you have one hand either side of the ball, about that
- 24 far apart?
- 25 A. Yes, sir.

- 1 Q. How close did he get to you?
- 2 A. He advanced to within about three to four feet of myself  
3 and the CO19 officers.
- 4 Q. Was he still moving?
- 5 A. Yes, he was, sir, yes.
- 6 Q. What did you do?
- 7 A. Assessing that I may be dealing with a terrorist  
8 subject, and naturally fearing for the safety of the  
9 public on the carriage, the armed officers and myself,  
10 I grabbed Mr de Menezes by wrapping both my arms around  
11 his torso, thereby pinning his arms to his side, sir.
- 12 Q. Yes, and then?
- 13 A. I then pushed him back onto the seat where he had  
14 previously been sitting. I had the right-hand side of  
15 my head pressed against the right-hand side of his  
16 torso.
- 17 Q. Did you manage to push him back into the seat?
- 18 A. He was in the seat where he had previously been sitting  
19 but he was not in a natural sitting position. His body  
20 at that stage seemed straight.
- 21 Q. I just want you to spell out for us a bit more, if you  
22 would. You said assessing that you might be dealing  
23 with a terrorist subject and fearing for the safety of  
24 the public, the SO19 officers and yourself; can you just  
25 spell it out for us, what did you have in mind?

1 A. Obviously I had to make an assessment within seconds as  
2 to what I may be dealing with. I had asked at the foyer  
3 should the man be detained, and I was instructed to  
4 continue with the surveillance. I could only assess,  
5 therefore, it would appear safe for the surveillance to  
6 continue, and whilst I was uncomfortable and obviously  
7 nervous, I was in a position, equipped and supported by  
8 officers to continue, but it would be fair to say that  
9 at that stage I was pretty nervous.

10 When I saw the CO19 officers on the platform,  
11 I could only assess that the intelligence picture had  
12 changed, and prior to me coming into the station, we  
13 were dealing with a man possibly identical with somebody  
14 who had been involved in an attack the day before, and  
15 I could not rule out that he may be carrying arms or  
16 explosives, sir. That was the basis of my concern.

17 Q. So as you say, now that you see that SO19 are involved,  
18 have I got it right, what you say is that you thought,  
19 as it were, the intelligence picture had changed, in  
20 other words, what, there was something you didn't know  
21 about?

22 A. I could only make an assessment that this matter was so  
23 urgent that CO19 had to be deployed and therefore acted  
24 to try to protect the public on the carriage, sir.

25 Q. Did it go through your mind that he might be about to

- 1           detonate a bomb or anything of that sort?
- 2    A.   It went through my mind that he may be carrying  
3           a device, yes, sir.
- 4    Q.   May be carrying one, but I want to go a stage further;  
5           so that went through your mind, that he might be  
6           carrying a device, a bomb of some kind?
- 7    A.   Of course.
- 8    Q.   What about detonation? Did it go through your mind that  
9           he was about or might be about to detonate it at that  
10           point? Can you just spell it out for us, so we know  
11           what was going through your mind?
- 12   A.   Yes, indeed. Indeed. My assessment was that he may be  
13           a terrorist subject and therefore he may be carrying  
14           arms or explosives. I am thinking firearms, knives, or  
15           possibly an explosive device. My action was instinctive  
16           and I was concerned that he may be looking to detonate  
17           some sort of device. Equally, I was concerned he may be  
18           trying to access some form of weaponry.
- 19   Q.   What was it, again, forgive me for asking, but you spell  
20           it out, that made you think that he might be going to  
21           detonate a device or access some weaponry?
- 22   A.   The way his hands were held, they were, as I explained,  
23           below his waist and slightly in front of him. He did  
24           not raise his hands, and obviously to me the waistband  
25           seemed an area of concern for me, sir.

- 1 Q. So you, as you have explained, you have pinned his arms  
2 to his side with your head against his body, you have  
3 pushed him back into the seat from which he had come,  
4 although not, you have explained, in a sort of ordinary  
5 relaxed seating position by the time he has got back  
6 there; correct?
- 7 A. Yes, sir.
- 8 SIR MICHAEL WRIGHT: Forgive me, Mr Hilliard, if I could put  
9 it to you in rather less formal language than you have  
10 been using so far.
- 11 A. Sir.
- 12 SIR MICHAEL WRIGHT: When you saw this man move in the way  
13 you have described, and when you flung yourself on this  
14 him, grabbed him, were you in fear for your own life?
- 15 A. Primarily I was in fear of the safety of the public but  
16 of course I was in fear of my own life, yes, sir.
- 17 SIR MICHAEL WRIGHT: Yes, Mr Hilliard.
- 18 MR HILLIARD: By this time you had told us that you had  
19 heard in the shouting from the platform, the word  
20 "police" was in there somewhere; do you remember?
- 21 A. Yes, sir.
- 22 Q. By this time, had you heard any of the officers, when  
23 they came on to the train, issue a challenge of any kind  
24 to Mr de Menezes as we know him to be?
- 25 A. My entire focus at that stage was concentrated on



1 Mr de Menezes. I don't recall that, no, sir.

2 Q. So once he's back in the seat, do you continue to hold  
3 his arms by his side?

4 A. Yes, sir.

5 Q. What's the next thing you hear, then?

6 A. The next thing I heard was -- and at this stage if  
7 I could simply acknowledge the family, sir, and I  
8 understand how difficult this must be for them, if I  
9 could just do that, please.

10 SIR MICHAEL WRIGHT: Thank you very much.

11 A. Thank you, sir.

12 At this stage, I heard a gunshot very close to my  
13 left ear, and I was dragged away on to the floor of the  
14 carriage.

15 Q. Yes?

16 A. I recall as the gunshot went off being hit by the shock  
17 wave of the weapon. Prior to this I was aware of  
18 Mr de Menezes turning his head slightly towards me.  
19 I was then dragged on to the floor of the carriage, and  
20 the position I was in would be I was on my knees with  
21 both my hands on the floor in the vicinity of the  
22 standing area near where the CO19 officers entered the  
23 carriage.

24 Q. You say in your statement that you shouted "police", as  
25 well?

- 1 A. Yes, at this stage I looked up and I could see an armed  
2 officer wearing a chequered cap. It was my assessment  
3 that he had assisted in dragging me away. I couldn't  
4 confirm. He had a long-barrelled weapon, and at that  
5 stage it appeared to be levelled at my chest. I was  
6 also aware of being held from behind, so at this stage  
7 I moved into a seated position on the floor, I held out  
8 my hands, and shouted "police" as loud as I could.
- 9 Q. As you were being dragged on to the floor and out of the  
10 carriage, did you hear several more gunshots?
- 11 A. Yes, I did, sir, yes.
- 12 Q. So were you then dragged onto the platform?
- 13 A. Yes, at the stage I was holding out my hands and  
14 shouting "police", I was aware that -- what appeared to  
15 be the barrel of a weapon held against the side of my  
16 head, which is why I was shouting "police". I was then  
17 dragged out of the carriage and on to the platform.
- 18 Q. Do you know now who was pointing a gun at you?
- 19 A. The long-barrelled weapon?
- 20 Q. Any weapon.
- 21 A. Not personally, but I could possibly identify him.
- 22 Q. All right, but you have not seen the person since?
- 23 A. No, sir.
- 24 Q. You don't know who it is?
- 25 A. No.

- 1 Q. All right. Yes, so --
- 2 A. At this stage, as I am dragged out of the carriage,  
3 I got up with my hands still raised, and I backed up to  
4 the rear wall of the platform.
- 5 SIR MICHAEL WRIGHT: Did you do that yourself or were you  
6 pushed back? Or maybe a bit of both?
- 7 A. It's difficult to say. I recall being dragged out of  
8 the carriage, sir.
- 9 SIR MICHAEL WRIGHT: I understand that.
- 10 A. Once I was on the platform I recall being able to get  
11 up, back away to the platform wall, my hands still  
12 raised. At this stage I was able to put on my police  
13 chequered cap. That's my recollection, sir.
- 14 SIR MICHAEL WRIGHT: Of course that identified you.
- 15 A. Yes, sir.
- 16 MR HILLIARD: So you have now got your cap on, and was  
17 whoever with you, as it were, obviously accepting that  
18 you were a police officer?
- 19 A. Yes, sir, yes, at that stage, I stood there with the cap  
20 on. I do recall seeing my colleague, Ken, with his cap  
21 on. He had his pistol drawn, and he appeared to be  
22 assisting in evacuating the carriage. I recall that he  
23 checked on my welfare, which at that time he(?)  
24 appreciated, but I basically held with my back against  
25 the platform wall.

- 1 Q. How long did you stay down there for?
- 2 A. Several minutes, I couldn't be more specific, sir.
- 3 Q. Then what, in due course made your way up and out of the  
4 station back the way you had come?
- 5 A. Yes, sir, yes.
- 6 SIR MICHAEL WRIGHT: Once you had got your cap on, and  
7 effectively identified yourself, were you -- so far as  
8 you could tell, were the firearms officers accepting  
9 that you were a police officer or were they still  
10 detaining you?
- 11 A. No, they were accepting I was a police officer, sir, but  
12 I wasn't contributing at that stage in any way.
- 13 SIR MICHAEL WRIGHT: I appreciate that, but you had been  
14 fairly roughly handled up to then.
- 15 A. Accepted, sir, and I can understand why.
- 16 MR HILLIARD: You have told us that you were concentrating  
17 on Mr de Menezes. You couldn't remember hearing  
18 a challenge from the officers. You have told us what  
19 you were concentrating on. Did you hear Mr de Menezes  
20 say anything at any stage?
- 21 A. I could hear shouting, sir, just to confirm. I couldn't  
22 be specific as to what was being said.
- 23 Q. When can you hear shouting? You have told us about  
24 shouting from the platform?
- 25 A. Yes, sir, you said I couldn't hear a challenge, but I

1           could hear shouting.

2   Q.   I am talking about when the officers have got on to the  
3       train, as I understand it; you are not saying you could  
4       hear a challenge at that point?

5   A.   Not specifically, no, sir.

6   SIR MICHAEL WRIGHT:  The question I thought you were asking  
7       is whether you ever heard Mr de Menezes say --

8   MR HILLIARD:  I was going to come back to that, but we have  
9       now got on to a different subject.  I will finish this  
10      one and then I will come back to that.

11           You have heard as I understand it, shouting from the  
12      direction of the officers when they are on the platform,  
13      you told us about that?

14  A.   Yes.

15  Q.   Correct me if I'm wrong, as I understand it, you are not  
16      saying you have heard shouting from the direction of the  
17      officers when they are actually on the train?

18  A.   All I can say is that throughout the incident I could  
19      hear shouting.  I couldn't be more specific.

20  Q.   We have to be clear.  So throughout it, so once you  
21      first hear that shouting on the platform?

22  A.   Yes.

23  Q.   Are you saying the officers are shouting when they are  
24      on the train?

25  A.   I said I could hear shouting.  As to who was shouting,

- 1 I don't know.
- 2 Q. Where is the shouting coming from?
- 3 A. From the vicinity, the general vicinity, sir.
- 4 Q. Of who?
- 5 A. My vicinity.
- 6 Q. Who is in your vicinity? There is obviously passengers  
7 on the train?
- 8 A. Yes, there are, and also police officers, sir. I could  
9 hear shouting.
- 10 Q. Then I was asking you about Mr de Menezes, do you hear  
11 him shouting at any time or saying anything?
- 12 A. No, sir. No.
- 13 Q. Did you hear any account or any explanation given by any  
14 firearms officer after the shooting?
- 15 A. At the time, sir, or ...?
- 16 Q. If you heard one a bit later from one of them, we will  
17 have that, but first of all at the time did you hear  
18 them discussing it at all afterwards?
- 19 A. No, sir.
- 20 Q. So that's, as it were, immediately afterwards. What  
21 about later on, in the next hour or so --
- 22 A. No, sir.
- 23 Q. Did you hear anything, any explanation of what had  
24 happened or not?
- 25 A. No, sir.

- 1 Q. Then lastly, I just want to ask you about three calls,  
2 and I am not suggesting these are all of them, there are  
3 others on a schedule and others can ask you about them  
4 if they want. We have a telephone schedule. At 9.29 in  
5 the morning there is a call from your telephone for  
6 1 minute and 14 seconds to James, to his telephone. Any  
7 idea now what that would have been about or not?
- 8 A. I don't recall, sir.
- 9 Q. Then at 9.31 and 9.37, there are calls from your mobile  
10 to Geoff's mobile, all right?
- 11 A. Yes.
- 12 Q. For 18 and 24 seconds respectively?
- 13 A. Yes, sir.
- 14 Q. Again presumably to do with this in some way, the  
15 surveillance, would that be right?
- 16 A. That would be fair. I don't specifically recall, sir.
- 17 Q. Any recollection now of what or not?
- 18 A. Not specifically, sir, no.
- 19 MR HILLIARD: Thank you very much.
- 20 SIR MICHAEL WRIGHT: Just one question before you are  
21 cross-examined. When you wrapped your arms around  
22 Mr de Menezes and pushed him back into the seat, you  
23 said he didn't sort of take up a sitting position. You  
24 said his body seemed to be straight.
- 25 A. Yes, sir.

1 SIR MICHAEL WRIGHT: Did you think he was resisting you?

2 A. The whole incident happened very quickly. To say that

3 he was resisting, I couldn't really comment. All

4 I could say is that he stiffened up.

5 SIR MICHAEL WRIGHT: That's all you can say?

6 A. Yes, sir.

7 SIR MICHAEL WRIGHT: Certainly. Yes, Mr Mansfield.

8 MR MANSFIELD: Sir, may I ask how long you wish to sit?

9 I may approach it in a slightly different way.

10 SIR MICHAEL WRIGHT: I think you are probably dropping

11 a hint that you would rather not start tonight.

12 MR MANSFIELD: I think I would, because I want to start with

13 a particular area which will take a little time to

14 develop. I have already warned Tom about what I would

15 like put on the screen. I would prefer to do it in the

16 morning if that's acceptable.

17 SIR MICHAEL WRIGHT: I don't disguise my reluctance, but

18 I understand that this is a very important witness from

19 your point of view.

20 MR MANSFIELD: Yes, it certainly is from the family's point

21 of view.

22 SIR MICHAEL WRIGHT: All right. There is one other question

23 I have been asked to put to you, which is going right

24 back in the story to a much earlier stage.

25 A. Sir.



1 SIR MICHAEL WRIGHT: You had had a number of opportunities  
2 covertly to look at Mr de Menezes when you were on the  
3 bus, when you saw him telephoning or texting,  
4 telephoning at Brixton station, and then later on when  
5 you saw him coming into the station?

6 A. Yes, sir.

7 SIR MICHAEL WRIGHT: To do an identification of course you  
8 need two things: you need a view of the person you are  
9 watching and you need some form of, in this case,  
10 photographic imagery of the person with whom you are  
11 supposed to be identifying?

12 A. Yes, sir.

13 SIR MICHAEL WRIGHT: You have already told us that you  
14 thought that the photograph that you had been shown was  
15 of fairly poor quality from the point of view of  
16 an identification exercise?

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

18 SIR MICHAEL WRIGHT: Indeed. The real suggestion is that,  
19 with the opportunities you had to see Mr de Menezes, you  
20 might have been able to say, well, it certainly isn't  
21 him. Were you ever in that position? If not, what was  
22 it that was hampering you?

23 A. Basically the quality of the image and, sir, this  
24 impacts on my reasoning behind asking if he should be  
25 detained at Stockwell. It's quite possible that we

1           could have continued following him for another hour or  
2           even more, and in the absence of any further  
3           intelligence, we may be no further forward or backwards  
4           on the basis of that photograph, sir.

5   SIR MICHAEL WRIGHT:  On the basis of the photograph?

6   A.  Yes, sir.

7   SIR MICHAEL WRIGHT:  Essentially are you really saying that  
8           the photograph wasn't good enough to allow you to make  
9           an identification?

10  A.  Purely on the photograph alone, however in the course of  
11           our surveillance --

12  SIR MICHAEL WRIGHT:  That's a yes, is it?

13  A.  Yes, sir.  But on the basis of our further deployment,  
14           there may have been further opportunities to identify  
15           him by other means, sir.

16  SIR MICHAEL WRIGHT:  That of course is the purpose of  
17           a surveillance and a following?

18  A.  Yes, sir.

19  SIR MICHAEL WRIGHT:  To try to gain more intelligence?

20  A.  Yes, sir.

21  SIR MICHAEL WRIGHT:  I understand the point.  Thank you very  
22           much.

23  A.  Thank you.

24  SIR MICHAEL WRIGHT:  Is half an hour any good to you?

25  MR MANSFIELD:  I'll start.

1 SIR MICHAEL WRIGHT: I do not want to press you,  
2 Mr Mansfield, I really don't.

3 Questions from MR MANSFIELD

4 MR MANSFIELD: Good afternoon. My name is  
5 Michael Mansfield. I represent the de Menezes family  
6 and they are here today, obviously. May I say at once  
7 it is understood by, I suspect everybody in the room,  
8 that this is a particularly distressing situation, both  
9 for you as well as the family and I'm sorry to have to  
10 go back over some of the detail with you.

11 A. Thank you, sir.

12 Q. In fact what I had intended to start with is not far  
13 removed from the question that's just been asked, so  
14 I want to develop that a little bit. The problem that  
15 day was fairly clear to you from the briefing onwards,  
16 that you just didn't have the materials, as  
17 an experienced surveillance officer, namely the image,  
18 and I am dealing with Osman, obviously, not the others,  
19 you didn't have the materials with which to make  
20 a satisfactory and reliable identification, did you?

21 A. Are you talking about a positive ID, sir?

22 Q. Yes, I am.

23 A. So are you saying that on the basis of the image that we  
24 were shown, I would not have been in a position to make  
25 a positive ID?

1 Q. That's right.

2 A. Yes, sir.

3 Q. Thank you. Those people, and I appreciate you are not  
4 in the control room, anyone who looks at that image  
5 would, I suggest to you, be likely to come to the same  
6 conclusion; do you agree?

7 A. I can't comment on anybody else's assessment, sir.

8 Q. Given that context of the difficulty, and you just said  
9 a minute ago that this informed your reasoning when you  
10 got to Stockwell, do you remember you just said that?

11 A. Yes, sir, yes.

12 Q. When you got to the station?

13 A. Yes.

14 Q. What I wanted to do was in fact just, because once again  
15 what you said at the trial encapsulates quite a lot of  
16 what I am going to suggest to you became the problem  
17 here.

18           Could we have in fact the re-examination that took  
19 place at the Old Bailey, in other words when prosecuting  
20 counsel went back and asked you some questions. This  
21 took place on 9 October, and it's page 10 where it  
22 starts. You have just finished being cross-examined,  
23 where you have made the very point in fact that you have  
24 just made about a poor quality image, and then can we  
25 just run through what is said here with you tonight:

1           "Question: You described that same incident --  
2           I will move so I can see ... [that is to do with the  
3           layout in the court] yesterday, to us, when answering  
4           questions from Mr Thwaites [who was defending the Office  
5           of the Commissioner], as you feeling frustrated and  
6           uncomfortable with the situation you were in."

7           I pause. This is dealing with the situation you  
8           were in at Stockwell tube station, isn't it?

9           A. Yes, sir.

10          Q. I am going to go slowly because of what you have  
11          contained in these answers?

12          A. Indeed.

13          Q. You say:

14                 "Yes ...

15          "Question: Can you just explain to the jury why you  
16          were frustrated?"

17                 Then you give this answer:

18                 "In view of the nature of the operation we were  
19                 deployed upon, and the nature of the attacks the  
20                 previous day, I felt that it was prudent to detain the  
21                 man prior to entering the tube station."

22                 I'm going to pause there. When you said that, did  
23                 you mean what it says, "prior to entering", or did you  
24                 mean in the foyer?

25          A. In the vicinity of the tube station, I think is a fair

1           assessment, sir.

2    Q.   So it might have been just outside or just inside?

3    A.   Yes, sir.

4    Q.   Somewhere along those lines, I'm really not pinning you  
5           to a precise point in time and place.

6           "Effectively I saw the ticket barriers as a line in  
7           the sand, if you like."

8           Again, what were you meaning to convey -- it may  
9           well be contained in the rest of the answers that  
10          follow, but what do you think you meant when you said  
11          that, that was a line in the sand, the ticket barriers?

12   A.   My concern was this, sir: once we had descended into the  
13          tube and into the tube network, there were a number of  
14          possibilities that could have happened. We could have  
15          continued with the surveillance follow and the man could  
16          have come out and we could have identified him by other  
17          means; that's one possibility. However, if, for  
18          example, when we were in the tube station we had had  
19          a loss, for example, which to me would have been  
20          unacceptable, I was not in a position underground to  
21          inform the ops room of that situation.

22          Further to that, if we had been compromised when we  
23          were on the tube system, I would be unable to contact  
24          the ops room and inform them that we had been  
25          compromised.

1           These were genuine concerns of mine, sir.

2   Q.   Yes.  Understood.  So two of the main reasons concerned  
3       the fact you would not be able to communicate with the  
4       ops room about what the situation actually was; either  
5       you had lost sight of him, lost the eye on him, or you  
6       had managed to compromise your own cover or risked that  
7       happening, so two of them relate to communications.

8           Can I just ask you: identification by other means,  
9       so the jury may understand; what did you have in mind  
10      might be the other means of identifying him if not by  
11      the photograph?

12  A.   There are obviously other sensitive means by which we  
13      may be able to identify somebody.

14  Q.   All right.  Is this area, I sense, something I can't  
15      trespass upon?

16  A.   If I could give you an example, sir.

17  Q.   Yes, do.

18  A.   Say for example he used an ATM, for example, to withdraw  
19      money, that may be a means of confirming who it is if  
20      the surveillance continued.  For us to get that  
21      information back would take some time.  There are other  
22      means, more technical and sensitive.  However, that's  
23      what I meant by --

24  SIR MICHAEL WRIGHT:  That's a good example; he might have  
25      done something which would have given you a lead on his

1 identity.

2 A. Yes, sir, yes.

3 SIR MICHAEL WRIGHT: It's not a particularly sensitive one  
4 either, using an ATM.

5 A. There are other means, sir.

6 SIR MICHAEL WRIGHT: I understand that.

7 MR MANSFIELD: The phone being one of them?

8 A. Accepted, sir, yes.

9 Q. That's what was going through your mind. If we go back  
10 to the answer, because some of this is here, some of it  
11 isn't:

12 "When I was told to wait, I could only assess that  
13 the ops room were in possession of information or  
14 intelligence which suggested it was safe to continue  
15 with the surveillance."

16 So can we just stand back for a moment? What you  
17 were saying then and I think what you are saying now is  
18 you were having to make assumptions on the spot about  
19 what other people may have known or not known and been,  
20 as it were, unable to communicate directly to you?

21 A. I had to make an assessment, indeed, there was a lot  
22 going through my mind at that time, sir. Effectively  
23 I had been told to wait, which suggested to me I should  
24 continue with the surveillance --

25 Q. Sorry, can I intervene, was it James who said continue?



1 A. Yes, sir, yes.

2 Q. I guess it was.

3 A. Unfortunately it would be quite a long answer but do you  
4 want me to qualify --

5 SIR MICHAEL WRIGHT: That's all right.

6 MR MANSFIELD: Yes, go on.

7 A. With regard to maybe this was an associate who would  
8 lead us to members of the bombing team or a premises  
9 associated with it, this goes back to the briefing and  
10 it goes back to my assessment that this man had left  
11 21 Scotia Road. So my view was, if I can make it  
12 clear --

13 Q. Certainly.

14 A. -- that he was not identical with the subject Omar,  
15 that's Regal Wave, he was possibly identical with  
16 Nettle Tip, but he may have been an associate from the  
17 same address, and therefore it would be a possible  
18 option to continue on the surveillance with him with  
19 a view to him leading us to other members of the team or  
20 premises associated with it, sir.

21 Q. Right. Can I in the context of what you have just said,  
22 I think there is a hint of it here in the answer you  
23 gave at the Old Bailey, just going back to it:

24 "... I could only assess that the ops room were in  
25 possession of information or intelligence which

1 suggested it was safe to continue with the surveillance.  
2 Maybe this was [meaning the man] an associate who would  
3 lead us to members of the bombing team, or a premises  
4 associated with it. That was my mindset ..."

5 So that's a summary of what you have just said as  
6 well?

7 A. Yes, sir, yes.

8 Q. Two questions: first of all, did you ever hear over  
9 the -- because at this stage we are dealing with -- you  
10 are still at the top of the -- either just in the street  
11 or just in the foyer, did you ever hear any discussion  
12 about letting him run?

13 A. No.

14 Q. You didn't?

15 A. I didn't, sir, no.

16 Q. Did you say anything about your mindset over your means  
17 of communication?

18 A. I think that was probably apparent in my request as to  
19 whether or not we should detain this man, sir.

20 Q. I see, so when you are -- the request goes through to  
21 James?

22 A. Yes.

23 Q. When you make that request, which you say is apparent,  
24 do you mean the words or the way you say it?

25 A. Well basically, I was offering to detain the man because

1 I thought it would be prudent to do so, sir.

2 Q. That communication plainly could be heard, could be,  
3 capable of being heard, in the control room back at New  
4 Scotland Yard?

5 A. I don't know.

6 Q. I'm not saying whether you know; I am just saying it's  
7 capable, do you follow, capable of being --

8 A. It's unlikely that my transmission from the body set  
9 would be heard. However, if my -- as my communications  
10 were being relayed from the vehicle, then that is  
11 a possibility, sir, yes.

12 Q. Following it through, when you ask or make the offer,  
13 putting it in short form, that is relayed by others as  
14 well as you?

15 A. Yes, sir.

16 Q. Right. Just continuing with the answer, and then I want  
17 to return, probably tomorrow, to the foyer:

18 "You also described the dangers of allowing him to  
19 run, again, in answer to questions [posed by]  
20 Mr Thwaites to you. What did you assess the dangers as  
21 being?"

22 In other words, going beyond the line in the sand:  
23 "I would those these dangers as a -- from  
24 a surveillance perspective.

25 "Firstly, members of the public would be closer to

1 the subject. He would be in closer proximity to members  
2 of the --"

3 Then you didn't quite finish?

4 A. I think I meant "public".

5 Q. That's the obvious sense?

6 A. Yes, sir.

7 Q. "... due, obviously, to the layout of the tube.

8 "Secondly, the exposure of the surveillance team  
9 would heighten the risk of compromise of the covert  
10 surveillance operation. It also gives the subject the  
11 ability to effectively lose the surveillance team on the  
12 tube. Effectively, surveillance on the tube becomes  
13 more difficult. There is a higher risk of compromise  
14 and there is a higher risk that the subject may be lost.

15 "Most importantly, however, I was aware that by  
16 entering the tube system we would lose communications  
17 from the ops room, and if the strategy changed whilst  
18 I was underground, obviously the ops room would be  
19 unable to inform us of that change in strategy. Further  
20 to that, if we had been compromised, we would be unable  
21 to inform the ops room that that was the case. That was  
22 my mindset ..."

23 So the additional factor you are putting in here is  
24 it's a two-way process. You can't tell them once you  
25 are past the line in the sand and they can't tell you?

- 1 A. Whilst we are underground, sir, yes, that's the case.
- 2 Q. Before dealing with permission tomorrow, so you know  
3 what's coming, I do not want it to be a surprise, and  
4 you are welcome to have a look tonight so you are  
5 familiar with it, have you seen the compilations of the  
6 cameras just outside the entrance where you are shown of  
7 Stockwell tube, the foyer and the barriers and the  
8 escalator?
- 9 A. Yes, I was shown at the trial, sir, yes.
- 10 Q. So you are familiar but you haven't seen them since?
- 11 A. Only what's been shown on TV but not in any great  
12 detail, no, sir.
- 13 Q. I'm perfectly happy that you view them tonight if you  
14 wish to. Before we get to that, this is the preface  
15 question to viewing those: James has told us, and that  
16 was the learned Coroner's observation to you, that in  
17 his view you were the most experienced surveillance  
18 officer on the team and he was quite confident that,  
19 when you made the offer, you would be in a position to  
20 safely detain this individual. Now, that's the context,  
21 all right, that's what he said.
- 22 First of all, would it be fair to say that you  
23 really wouldn't make the offer in the first place if you  
24 didn't think that you could stop this individual?
- 25 A. Yes, sir.

- 1 Q. Right. The question I want to ask you, and then we can  
2 see how it pans out on screen, is if James had said --  
3 or somebody had said and it had come from the ops room  
4 for example -- "All right, you carry on and do it",  
5 I know you had not had much time but had you worked out  
6 in your mind where and how you would actually do it?
- 7 A. It's a very difficult question, sir. What I need to say  
8 is that the instrument of choice, if you like, in order  
9 to carry out this sort of intervention/detention/arrest  
10 would be C019.
- 11 Q. One appreciates that.
- 12 A. If I could clarify, sir. They are trained, equipped and  
13 experienced in this situation. The reason I asked the  
14 question is I wasn't aware that they were there and  
15 I was therefore offering to detain the man. As to how  
16 I would do it, and I apologise, it's a long answer, it  
17 would depend on when I got the order and where the  
18 subject was.
- 19 Q. Yes, that's why, so you can see where we are going?
- 20 A. Yes.
- 21 Q. We are going to see where you are and the other armed  
22 surveillance officers?
- 23 A. Yes.
- 24 Q. I think you have mentioned some of them today who you  
25 realised were in the vicinity. The ones who were in the

- 1           vicinity that you were conscious of, Ken for example,  
2           being one of them?
- 3    A.   Yes.
- 4    Q.   Were you aware that they were themselves armed?
- 5    A.   Yes, sir, particularly with reference to Ken, I was  
6           aware that he was an armed officer and would have acted  
7           in support of myself.
- 8    Q.   Sorry, is this because you had worked as a team before?
- 9    A.   Clearly, sir.
- 10   Q.   I am sorry, it may seem an obvious question to you. Had  
11           you worked with Ken before on an armed surveillance?
- 12   A.   Yes, yes, not an intervention, but on an armed  
13           deployment, yes.
- 14   Q.   And the other officers as well for that matter?
- 15   A.   Indeed, sir, yes.
- 16   Q.   But you made particular reference to Ken, is that  
17           because you know him better than the others, or ...?
- 18   A.   Well, it's more in relation to his proximity to me.
- 19   SIR MICHAEL WRIGHT: He was the nearest one to you at that  
20           time.
- 21   A.   Yes.
- 22   MR MANSFIELD: So that would give two of you?
- 23   A.   Yes, sir.
- 24   Q.   If these questions, without reference to the  
25           compilation, are too difficult, I understand, but if you

1 had got the order back quickly, which obviously  
2 I suggest this is what should have happened, you should  
3 have had an order quickly, but if you had it back  
4 quickly and he had not gone through the barriers, in  
5 other words he is still in the foyer, and Ken is just  
6 there nearby and at least another officer as well we  
7 know, can you assist as to how you would have done it?  
8 A. Can I ask where is the subject at this stage, sir?  
9 Q. Then I think -- can I just pause. Yes, he's still -- he  
10 has not gone through the barriers. We know he goes over  
11 to the right-hand side. In fact you are on the  
12 right-hand side in a chemist shop?  
13 A. Initially, yes.  
14 Q. Then you move, in a doorway or something, and then you  
15 move?  
16 A. Yes.  
17 SIR MICHAEL WRIGHT: Tom is offering to put them up for you  
18 now if you want them.  
19 MR MANSFIELD: Fair enough. I think we have enough time to  
20 start it.  
21 Could we have the film, the compilation of the  
22 camera outside Stockwell first. This is just so you get  
23 the feeling again of it.  
24 Video footage shown  
25 There is de Menezes coming in there.



1 SIR MICHAEL WRIGHT: You by that time are inside the foyer  
2 of the station?

3 A. Yes, sir, yes.

4 MR MANSFIELD: There is a shot of approaching traffic,  
5 amongst which there were armed officers, as we now know.  
6 I mean SFOs. (Pause)

7 It will come round to the tube station any minute  
8 now.

9 A. Sir. (Pause)

10 MR MANSFIELD: Back to the tube station. (Pause)

11 If we just pause it there, for a second, we have  
12 seen two more officers, Lawrence and Malcolm. Can you  
13 help us, where inside the foyer were you at this time?

14 A. I don't know.

15 Q. I'm not expecting you will necessarily remember.

16 SIR MICHAEL WRIGHT: Somewhere between the entrance and the  
17 barriers?

18 A. Yes, sir. Well, unless I see the footage from inside at  
19 that time --

20 MR MANSFIELD: It's coming up.

21 A. Right, sir, thank you.

22 Q. Were you ever aware of Lawrence and Malcolm?

23 A. No, sir.

24 Q. All right. Just go on, if you wouldn't mind. (Pause)

25 There is Geoff. You have mentioned Geoff on other

1 occasions. Were you aware of his position, fairly close  
2 by?

3 A. No, sir.

4 Q. All right. Just going on. (Pause)

5 Graham is coming a bit later, so I am going to  
6 assume, if this is fair, that you probably didn't know  
7 about his position, or did you?

8 A. No, sir.

9 Q. You didn't know that. (Pause)

10 There come the firearms officers, and clearly since  
11 you didn't see them until they were downstairs, you  
12 don't see these. You follow, this is all from one  
13 camera, continuous, a bit later?

14 A. Understood, sir, yes.

15 SIR MICHAEL WRIGHT: Do you want to push on to the interior?

16 MR MANSFIELD: Yes, I think if you wouldn't mind.

17 This is the entrance hall camera, as it says, and  
18 you have probably seen this before, but if you would  
19 look at this fairly carefully and I want to stop it.  
20 Can we pause it there, please.

21 Can you help the jury as to where you were  
22 positioned as he's coming through the foyer in this way?

23 SIR MICHAEL WRIGHT: He's just going over to get his paper.

24 MR MANSFIELD: Yes.

25 A. I believe at that stage I was over to his right in the

1           vicinity of the chemist shop.

2   Q.   Could we just move forward, thank you. (Pause)

3           There you are. Just pausing there, again, so we see  
4   you moving about, he has gone over to the right, we can  
5   see the barriers in advance, and Ken. I think, as  
6   a matter of interest, there is another police officer  
7   there but I don't think he has anything to do with this.

8   SIR MICHAEL WRIGHT: Do you mean the uniformed officer?

9   MR MANSFIELD: Yes.

10   A.   There is a police officer in the foyer, sir.

11   Q.   We have heard that there are extra police on duty that  
12   day and he just happens to be there.

13           Where you see Ken now, I think you have already said  
14   you were aware that he was close by. Were you aware  
15   that he is in fact not very far behind you?

16   A.   I was aware he was pretty close, sir.

17   Q.   If it can just go on. (Pause)

18           Going towards the barriers, both you first and Ken  
19   following. I'm going to pause it there because  
20   obviously what happens on this one camera is we see  
21   other people coming in and then we have to switch to  
22   another camera.

23           Perhaps I had better ask you this: at what point had  
24   you asked or made the offer about detaining him; was it  
25   once you were in this foyer area or outside?

- 1 A. No, it was when I was inside, sir.
- 2 Q. When you were inside?
- 3 A. Yes.
- 4 Q. Standing in the chemist doorway?
- 5 A. In that vicinity.
- 6 SIR MICHAEL WRIGHT: That's over to the right of this  
7 picture, is it?
- 8 A. Yes, sir.
- 9 MR MANSFIELD: So had you been given, and again if it's too  
10 hypothetical because you weren't given the order, please  
11 say, but had you been given the order whilst you were  
12 standing in the chemist shop doorway, and we know  
13 Jean Charles de Menezes has gone across to get his  
14 newspaper and so forth, and Ken is nearby, would you  
15 have contemplated, since there is a line in the sand  
16 with the barriers, of having to do the detention right  
17 there in the foyer?
- 18 A. Yes, sir.
- 19 Q. Right. Again if you can't say -- how would you have  
20 actually done it? Because the jury are not armed  
21 officers any more than I am. What would you have  
22 contemplated doing at that point with this individual?  
23 How would you have done it?
- 24 A. I need to accept that it's a hypothetical question, sir.
- 25 Q. All right.

- 1 A. It will have depended very much on where the subject  
2 was. All I would say is that I had a range of options  
3 open to me, that being Glock pistol, the chequered  
4 police cap, an extendable ASP baton which I was carrying  
5 in my rucksack, and I was obviously aware that Ken was  
6 in support.
- 7 Q. Did he have the same instruments, if I may put it that  
8 way?
- 9 A. It's my understanding, yes -- well, I knew he was armed  
10 and was probably carrying officer safety equipment as  
11 well. So we had a range of options open to us, sir.
- 12 Q. Right.
- 13 A. Now, it would depend on -- and I need to state that this  
14 is hypothetical.
- 15 Q. Yes, I have prefaced it in that way.
- 16 A. Are you happy for me to continue, sir?
- 17 SIR MICHAEL WRIGHT: Certainly.
- 18 A. It would depend on where the subject was. If I decided  
19 to draw my firearm and challenge him, I would need to do  
20 that from cover, which would obviously mean that pillar  
21 near the telephone kiosks.
- 22 MR MANSFIELD: The one we see in this photograph?
- 23 A. Yes.
- 24 Q. Yes?
- 25 A. But if I did that, I would have to take into account

1 members of the public between me and him, I would have  
2 to take into account the backdrop, and I would have to  
3 take into account his possible means of escape which  
4 would mean passing through that barrier and down into  
5 the tube. So I would have to take all that into  
6 account, sir.

7 If he was approaching the barrier and I know I was  
8 close to him then, in conjunction with Ken I would  
9 probably simply have walked up to him, grabbed his left  
10 arm as tightly as I could, Ken grabbed his right arm,  
11 told him we were police officers, put him to the floor,  
12 and from there on possibly cuffed him, detained him.

13 SIR MICHAEL WRIGHT: This is without producing your pistol?

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: Yes, I understand, this is an unarmed  
16 stop?

17 A. Yes, sir. Detain him, cuff him, evacuate the station  
18 and seek further directions. But this is hypothetical.

19 SIR MICHAEL WRIGHT: I understand that. Does that involve  
20 having to warn Ken what you are doing?

21 A. I would have told him. Basically I would have needed to  
22 take control of that situation and told him what we were  
23 going to do.

24 SIR MICHAEL WRIGHT: Although no doubt if you were  
25 experienced colleagues a nod and a wink might have been

1           enough?

2   A.   Quite possibly, sir, yes.

3   SIR MICHAEL WRIGHT:   That's how you conceived it might have  
4           been done?

5   A.   Potentially, sir, yes, hypothetically.

6   SIR MICHAEL WRIGHT:   You can't be sure because there may be  
7           all sorts of variations of circumstances?

8   A.   Yes, sir.

9   SIR MICHAEL WRIGHT:   But that was how you hoped it might be  
10          done?

11   A.   Yes, sir.

12   SIR MICHAEL WRIGHT:   I see.

13                 Would that be a convenient point?

14   MR MANSFIELD:   It would, thank you very much.

15   SIR MICHAEL WRIGHT:   I hope we have actually managed to  
16          achieve most of what you wanted to achieve, in fact, as  
17          far as these ...

18   MR MANSFIELD:   There is one further stage, but most of it,  
19          yes.

20   SIR MICHAEL WRIGHT:   Very well.  10 o'clock tomorrow,  
21          please, ladies and gentlemen.

22                 While the jury are leaving, can I ask everybody to  
23          apply their minds: looking at Mr Hough's timetable for  
24          the next few days, can I ask all the IP's  
25          representatives to apply their minds to those witnesses

1           in the pipeline, to consider whether there are any that  
2           really are not needed now that we are beginning to see  
3           how the picture is panning out and the issues are  
4           becoming clearer; any that can be discarded or any that  
5           can be dealt with under rule 37; it would be very  
6           helpful if we could.

7           Off you go, ladies and gentlemen, 10 o'clock.

8           (5.00 pm)

9                               (The court adjourned until 10.00 am on  
10                              Thursday, 23 October 2008)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



	INDEX	
		PAGE
1		
2		
2		
3	In the absence of the jury .....	1
4		
5	CODENAME "HARRY" (sworn) .....	8
6		
7	Questions from MR HOUGH .....	8
8		
9	Questions from MR MANSFIELD .....	30
10		
11	Questions from THE CORONER .....	46
12		
13	Questions from MR STERN .....	48
14		
15	Questions from MR PERRY .....	50
16		
17	Questions from MR HORWELL .....	54
18		
19	Further questions from MR HOUGH .....	57
20		
21	CODENAME "MALCOLM" (sworn) .....	59
22		
23	Questions from MR HOUGH .....	59
24		
25	Questions from MR MANSFIELD .....	80

1		
2	Questions from MR STERN .....	93
3		
4	Questions from MS LEEK .....	96
5		
6	Questions from MR KING .....	97
7		
8	Questions from THE CORONER .....	98
9		
10	Questions from MR GIBBS .....	99
11		
12	Statements of TANGO 2 (read) .....	103
13		
14	CODENAME "GRAHAM" (sworn) .....	106
15		
16	Questions from MR HOUGH .....	106
17		
18	Questions from MR MANSFIELD .....	123
19		
20	Questions from MR STERN .....	125
21		
22	Questions from MR PERRY .....	126
23		
24	Questions from THE CORONER .....	130
25		

1	Questions from MR GIBBS .....	130
2		
3	CODENAME "IVOR" (sworn) .....	133
4		
5	Questions from MR HILLIARD .....	134
6		
7	Questions from MR MANSFIELD .....	201
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

