

1 Thursday, 30 October 2008

2 (10.00 am)

3 (Proceedings delayed)

4 (10.10 am)

5 (In the presence of the jury)

6 SIR MICHAEL WRIGHT: Yes, Mr Hilliard.

7 MR HILLIARD: The first witness is Mr Livock, please.

8 SIR MICHAEL WRIGHT: Do we want to talk about the timetable

9 for five minutes or not?

10 MR HILLIARD: Not while the witnesses are here, if we can do

11 them.

12 SIR MICHAEL WRIGHT: Okay.

13 MR RALPH LIVOCK (affirmed)

14 SIR MICHAEL WRIGHT: Thank you, Mr Livock. Please sit down.

15 Questions from MR HILLIARD

16 MR HILLIARD: Is your name Ralph Livock?

17 A. It is.

18 Q. I am going to ask you some questions first of all on

19 behalf of the Coroner, and then you may be asked

20 questions by others. All right? I am going to be

21 asking you about events that took place on 22 July 2005,

22 obviously a long time ago, and, as has been said many

23 times, this isn't a test of memory. So have you got

24 a copy of a witness statement that you made, I think, on

25 the very same day?

- 1 A. I do.
- 2 Q. Got that there in front of you?
- 3 A. Yes.
- 4 Q. There is absolutely no difficulty, if you need to at any
5 stage, for you to look at that, and indeed there may
6 well be times when I'll ask you to look at it. All
7 right?
- 8 A. Okay.
- 9 Q. You, I think, had started a journey on the 22nd that you
10 made on the Underground at Clapham North station; is
11 that right?
- 12 A. That's correct.
- 13 Q. Were you making the journey with your then, and for all
14 I know now, but certainly your then girlfriend
15 Rachel Wilson?
- 16 A. That's correct.
- 17 Q. You got on at Clapham North and got a train,
18 a northbound train; is that right?
- 19 A. Yeah.
- 20 Q. You hadn't, I think, got into the front carriage but the
21 second one; is that right?
- 22 A. It was normally -- normally we sit in the front carriage
23 because that's where the door --
- 24 Q. The connection suits you?
- 25 A. -- where we get off.

- 1 Q. Yes?
- 2 A. And we had -- the train came in as we were walking along
3 the platform so we got in somewhere further down it.
- 4 Q. I can help you, I think. If you have your statement
5 there --
- 6 A. Second carriage from the front.
- 7 Q. Do you see second carriage from the front. All right.
8 The two of you were sitting together, side by side; is
9 that right?
- 10 A. Yes.
- 11 Q. If we can just put up on the screen, I don't think there
12 is any issue about this, divider 35. You will see it
13 come on the screen in front of you there. Can you
14 see --
- 15 A. Yes, the person labelled -- the seat labelled as me is
16 where I was sitting.
- 17 Q. And Rachel Wilson to the left of you?
- 18 A. That's correct, yes.
- 19 Q. Then a seat before those double doors; there is a seat
20 shown here as free, but we may hear about the occupant
21 of that seat in due course. So we have you and her in
22 the right position on this plan?
- 23 A. Yes.
- 24 Q. Thank you. That seat that is shown as free in that
25 picture, I think there was a -- there had been, is this

- 1 right, a man sitting in that first of all?
- 2 A. When we got on the train there was a man sitting on that
- 3 seat.
- 4 Q. When you got on.
- 5 A. Yes.
- 6 Q. He, I think, had got a laptop which he had resting on
- 7 the seat that, as it were, he had to move so that Rachel
- 8 could sit down?
- 9 A. A bag, a laptop bag.
- 10 Q. Can you help us with how busy the train was?
- 11 A. There were certainly seats available, and I can
- 12 specifically remember that because while, during the
- 13 journey we wanted to read about what had happened the
- 14 day before, and there was a Metro on the -- on an empty
- 15 seat opposite us so there were certainly seats
- 16 available, but there were a number of people in the
- 17 carriage.
- 18 Q. There had obviously been seats available for you to sit
- 19 on, and then there is the seat that just has a Metro on
- 20 it opposite?
- 21 A. Yes.
- 22 SIR MICHAEL WRIGHT: Some people stand even when there are
- 23 seats available. Were there any?
- 24 A. I don't think there were any people standing, certainly
- 25 not when we got on.

1 MR HILLIARD: You describe in your statement how the journey
2 to Stockwell -- so that's the next station, isn't it --
3 takes about four minutes?

4 A. Mm.

5 Q. You explain in your statement, and we can see from this
6 plan and from what we know, that when you arrived, the
7 platform would have been behind you?

8 A. Yes.

9 Q. You would have effectively been looking, if you looked
10 through the carriage at a wall?

11 A. Yes.

12 Q. If you looked straight ahead of you?

13 A. Yes, that's correct.

14 Q. The train pulled in, the doors opened; is that right?

15 A. Yes.

16 Q. Do you remember waiting there for what seemed, I think
17 to you, I am looking at your statement, like
18 an unusually long time?

19 A. Yes, we were sharing the paper between us on our knees,
20 and reading about what had happened the day before, and
21 we, well, after we had been sitting in the station for
22 what felt like a few minutes, which is longer than
23 normal, I think we both realised that -- well, that it
24 felt like we had been sitting there a long time.
25 I think we even mentioned to each other that it felt

- 1 like it was taking a while.
- 2 Q. A short time after you had stopped, do you remember
- 3 somebody coming past you and getting off the train?
- 4 A. When we had been -- after we had realised that we had
- 5 been sitting there for a while, there was a, how can
- 6 I describe, there was, I don't know, a feeling of some
- 7 urgency from my left -- from my right, which is not
- 8 where we were looking because we were reading the paper.
- 9 Q. Yes?
- 10 A. And all I really noticed at the time was somebody
- 11 coming, walking -- possibly running, coming past me
- 12 quite quickly, going from my right to my left, so going
- 13 in the direction of the double doors.
- 14 Q. Yes?
- 15 A. And, well, and it looked like he was making to get off
- 16 the train, I think he did get off the train.
- 17 Q. Right. Did you see where that person had come from?
- 18 A. Not in any more detail than somewhere to my right.
- 19 Q. Somewhere to your right. Could you say man or woman?
- 20 A. I think, I think what, what's written in my statement is
- 21 as much as I remember, which is, because I didn't
- 22 realise -- well, I didn't look up until he had actually
- 23 passed me, I didn't see him from the front, but he had
- 24 a man's build, he had short, curlyish hair. I think it
- 25 was a man.

1 SIR MICHAEL WRIGHT: Looking on it on the probabilities,
2 what did this look like, somebody who had lost patience
3 waiting for the train and decided he was going to go
4 another way?

5 A. No, it was too quick for that. It was -- it was -- it
6 felt hasty, so it felt as if he was ... it felt as if he
7 was purposely moving the way he was moving.

8 MR HILLIARD: You said that you can't really add to what you
9 have said in your statement, so if we look to see what
10 you said there, if you have the typed version, second
11 page at the top, you say this:

12 "A short while after we had stopped, I can remember
13 seeing someone coming past me from the right."

14 You have told us about that. Then you say:

15 "I am not sure if it was a man or a woman, although
16 this person had a man's build with short, dark, curly
17 hair, not below ears."

18 Does that sound right?

19 A. I -- well, it's a long time ago and my recollection of
20 that is much hazier I think than it must have been at
21 the time, so I --

22 Q. That's what you remembered then?

23 A. Yes.

24 SIR MICHAEL WRIGHT: Are you clear that that person, whether
25 it was a man or woman, did actually get off the train?

1 A. No, I am not clear.

2 MR HILLIARD: If we deal with the description first, then we
3 will deal with what that person did. You said:

4 "I think they were wearing a denim jacket."

5 That's what you said on the 22nd? No recollection
6 of that now?

7 A. Again, all I can say is that is certainly what I thought
8 at the time.

9 Q. You say:

10 "They pivoted past me" --

11 A. Which I think means I usually carry a small bag,
12 rucksack, which would have been under my legs so my legs
13 would have been sticking out into the carriage slightly,
14 so I think he probably had to move round my legs. So
15 I think that is probably what made me notice him there,
16 because he had to actually move round me to get where he
17 was going.

18 Q. You say:

19 "... and ran to exit the train through the double
20 doors to my left. This male was clearly running to get
21 off the train for some reason."

22 Then you go on, just to finish this bit:

23 "I can't remember seeing this man getting off the
24 train."

25 A. Yes, that's right, and I -- I think that's because

1 I wasn't really paying attention to him, it was somebody
2 ran past me, I glanced up to see why, and there wasn't
3 anything obvious so I think I just went back to looking
4 at the paper that was on our knees.

5 Q. Right. So you have been able to see that, but I just --
6 nothing else, you say, obvious apart from that, at that
7 time?

8 A. That -- yes, I think that's correct.

9 Q. Did you hear something?

10 A. After the -- after the man had run past me, I heard
11 shouting from outside the train -- well, I heard it
12 coming through the doors to my left, the double doors,
13 and it sounded like "in here" or "he's here" or
14 something like that.

15 Q. You say in your statement:

16 "This voice had an authoritative tone to it as
17 opposed to a panicky voice."

18 A. As in it didn't sound panicky. It didn't sound like it
19 was barking orders but it sounded like it was somebody
20 who knew what they were doing.

21 Q. Right. Is that coming from the same direction, that
22 voice?

23 A. It's coming from the doors to the left, to my left.

24 SIR MICHAEL WRIGHT: The double doors?

25 A. Yes, that's correct, that was the direction of the man

- 1 who had run past me towards.
- 2 MR HILLIARD: So it's man running past you, then that voice
- 3 speaking as you have just told us, what's the next thing
- 4 you saw?
- 5 A. The next thing I remember seeing is a man with a pistol
- 6 coming through the door to my left, levelled at the head
- 7 of -- well, levelled at the man who was sitting opposite
- 8 Rachel.
- 9 Q. Right. Pause a moment. How long after you had heard
- 10 the voice with some speech that included the word "here"
- 11 or "in here", how long after?
- 12 A. It would be seconds, and I would, sitting here now,
- 13 I would estimate 10, 15 seconds, 20 seconds. It's
- 14 a fairly short time. It's a fairly short time.
- 15 Q. Again if we just get the way you put it on the day, you
- 16 said "within a few seconds", you say you saw a man
- 17 coming into the double doors to your left?
- 18 A. Mm.
- 19 Q. So he has got a gun; is that right?
- 20 A. Yes.
- 21 Q. And levelled, you say, at the man who is sitting
- 22 opposite Rachel?
- 23 A. Yes, that's correct. So I could see him walking through
- 24 the doors of the train with a pistol pointed at the man
- 25 opposite Rachel.

- 1 SIR MICHAEL WRIGHT: Show us how he was holding it? Both
2 hands?
- 3 A. (indicated) I think so, yes.
- 4 MR HILLIARD: You have, as it were, your right hand held
5 right out in front of you, so it goes down on the note,
6 supported by your left hand, you think.
- 7 A. I think so, yes.
- 8 Q. If we just look at the plan again, if we look at the
9 person sitting opposite Rachel, we know that
10 Mr de Menezes was sitting in that seat?
- 11 A. Yes.
- 12 Q. So it's pointed at him; is that right?
- 13 A. Yes.
- 14 Q. Thank you. Did you hear him say anything to
15 Mr de Menezes?
- 16 A. Absolutely not.
- 17 Q. Did you hear Mr de Menezes say anything to him?
- 18 A. No, absolutely not at all. If anything, he,
19 Mr de Menezes, looked as if he was -- I hesitate to say
20 confused, confused isn't really the right adjective.
21 It's, he looked as if he was expecting somebody to say
22 something, but he didn't look frightened, he didn't
23 look -- well, yes, he looked as if he was waiting for
24 somebody to tell him what was going on.
- 25 Q. By this time, had you seen Mr de Menezes in anything

- 1 other than a sitting position?
- 2 A. My recollection is that I didn't see him anything other
3 than sitting.
- 4 SIR MICHAEL WRIGHT: So you don't remember seeing him get
5 on?
- 6 A. No. No. Which would have been because we were reading
7 this newspaper. We weren't concentrating on anything
8 going on around us.
- 9 SIR MICHAEL WRIGHT: We know that he did get on at
10 Stockwell. You just didn't see that happen?
- 11 A. That's correct.
- 12 SIR MICHAEL WRIGHT: Another question while I have
13 interrupted, just to make sure that there can be no
14 confusion. Is there any possibility -- could it be that
15 Mr de Menezes was the man you had seen walk past you?
16 Going from right to left.
- 17 A. I hesitate to say definitely, but I am as certain as
18 I could be that it wasn't him.
- 19 SIR MICHAEL WRIGHT: Thank you.
- 20 MR HILLIARD: Now, the man carrying the gun that you have
21 told us about, you describe in your statement as wearing
22 a red T-shirt.
- 23 A. Again, that must be what I remembered immediately after
24 when I made my statement. I don't remember that now.
- 25 Q. Right. Was he on his own or with anyone?

- 1 A. Immediately, immediately behind him followed, I think,
2 another four men with firearms, three -- sorry, three
3 men with firearms, two men --
- 4 Q. So another three men?
- 5 A. Let me check. I said -- yes, I saw four men with
6 firearms, I think.
- 7 Q. You have told us about one, who's got the gun that's
8 pointed and wearing the red shirt, so that's one of the
9 four?
- 10 A. And another two with pistols immediately behind him, and
11 following them probably by a second or two, a man with
12 a rifle.
- 13 Q. Right. Again, you having told us, if we look at how you
14 put it in your statement, you say:
- 15 "The man carrying the handgun was wearing a red
16 T-shirt and followed by two other men also carrying
17 handguns and casually dressed. There was a fourth man
18 in their group who was carrying a large rifle looking
19 firearm. All four men were white."
- 20 A. That's correct.
- 21 Q. Did you see what the man who was pointing the gun did?
- 22 A. My recollection is that he -- as a group, they moved to
23 the other side of the carriage from the side that I was
24 on, so the same side as Mr Menezes, and while they were
25 moving, so they were in the gap of the double doors.

1 Q. Yes?

2 A. And while they were moving they were also getting closer
3 to the part of the train where Mr Menezes was, so they
4 were walking towards him, but -- it's difficult to
5 describe, slightly sideways towards the side of the
6 train that he was on.

7 Q. Yes?

8 A. All the time that I remember anyway with the three men
9 with pistols aimed straight at Mr Menezes, and the --
10 the man with the rifle looking like he was, I don't
11 know, kind of in support at the back, not aimed at
12 anything, his rifle was pointed at the floor.

13 Q. Did you have any idea who they were?

14 A. Absolutely not. They had no identifying -- well, on the
15 television you see people with police caps or jackets.
16 There was nothing like that. They looked like -- one of
17 my initial thoughts was it was all a game and they were
18 a group of lads who were just having a laugh, in a very
19 bad taste laugh but just having a game on the tube
20 because they were just dressed jeans and T-shirts, but
21 with firearms.

22 Q. Had you heard anything said about police?

23 A. No, certainly not. And I remember that specifically
24 because one of the conversations that Rachel and I had
25 afterwards was that immediately afterwards we had no

1 idea whether these were police, whether they were
2 terrorists, whether they were somebody else, we just --
3 we had no idea.

4 Q. Right. So we have got the group moving, as you have
5 told us, and the three with --

6 SIR MICHAEL WRIGHT: Just a comment, please, Mr Hilliard,
7 I am sorry. The thought that went through your mind
8 about lads having a laugh, bad taste joke, they weren't
9 exactly in the first flush of youth, these men, were
10 they?

11 A. I can't remember faces, I really -- it's --

12 SIR MICHAEL WRIGHT: That didn't register?

13 A. No.

14 SIR MICHAEL WRIGHT: Right, thank you.

15 A. I think everything was just too unusual.

16 SIR MICHAEL WRIGHT: I understand that. Yes, sorry.

17 MR HILLIARD: So we have the three men walking across, the
18 three with the handguns pointing them at the man; is
19 that right?

20 A. Yes.

21 Q. What happened?

22 A. It feels like it took -- it feels like it took a while
23 for anything to happen. I remember sitting there and
24 wondering what was going on, and I think while I was
25 sitting there and trying to work out for myself what was

1 happening, Mr Menezes was looking at the -- probably the
2 lead armed man, and sitting there, I think expectantly.
3 I can remember while this was happening, the men with
4 the guns were getting closer to him. I remember -- it's
5 all very bitty, so I am not sure all this joins up
6 correctly. It doesn't really in my head.

7 I can remember Mr Menezes was wearing, I think
8 a denim jacket. I can remember something happening like
9 he was reaching towards the left-hand side of his -- of
10 the top of his trousers.

11 Q. Right, with which hand? If you can't remember, say so.

12 A. Well, what's in my head is both, well, in the kind of
13 movement I'm doing (indicated). So one to move his
14 jacket and one to possibly -- I wouldn't like to
15 speculate.

16 Q. No. All right. Again if we just go back to what you
17 said the same day, you said:

18 "The male was sat opposite Rachel with no
19 obstruction obscuring my view. However, the only
20 description I can offer is that of someone wearing
21 a denim jacket and a blue top. I got the impression he
22 was reaching to the left-hand side of his trouser
23 waistband."

24 A. Yes.

25 Q. What about the men with guns?

1 A. Well, this was -- the only, well the thing that made me
2 realise it wasn't a group of lads playing around or
3 something else happening was when the first shot was
4 fired. The leading -- the man in the front, the first
5 armed man fired into Mr Menezes's head, and at that
6 stage it -- well, at that stage it gets confused in my
7 head really.

8 Q. Pause a minute. How close did he get to Mr de Menezes
9 himself, and then close did his gun get?

10 A. His firearm -- well, my statement says his firearm was
11 about a foot away from his head, which I still think is
12 correct, and he had his arms extended so he was --
13 I think he was standing more or less upright, the man
14 with the gun, so he was a foot away plus the length of
15 his gun plus his arms, and that was it, I think.

16 Q. So length of his gun and then arm's-length away for that
17 man. You say in your statement that he pointed his gun
18 at the right-hand side of the man who we know as
19 Mr de Menezes, right-hand side of his head?

20 A. Yes.

21 Q. Then again, if we just cross-check with what you say:

22 "The gun was within about 12 inches of the man's
23 head when the first shot was fired."

24 A. Yes, that's correct.

25 Q. So we understand, can you just give us the sequence,

- 1 whenabouts does the movement that you recall from
2 Mr de Menezes happen?
- 3 A. Very shortly before the first shot was fired.
- 4 Q. Right.
- 5 A. So I would say within seconds of the first shot being
6 fired.
- 7 Q. Did that person fire one shot or more than one?
- 8 A. I, after the first shot was fired, well, the first shot
9 being fired is what made me realise that this, that
10 something was happening that maybe I shouldn't be in the
11 middle of. So I stood up and, as the -- well, yes,
12 immediately after the first shot was fired, I stood up
13 and started moving towards the door to my right.
- 14 Q. That is the single door at the end of the carriage?
- 15 A. Yes, that's correct.
- 16 Q. All right?
- 17 A. While I was moving I then, I had my back to Mr Menezes
18 and I heard one or two more shots. I turned round to
19 check that Rachel had decided the same thing, that it
20 would be a good idea to go that way, and I saw her
21 sitting in her seat and I saw Mr Menezes slumped with
22 a lot of blood.
- 23 Q. Now, can you help us, slumped in which direction?
- 24 A. He was slumped to his left, on to at least partially
25 covering -- on to the seat to his left.

- 1 Q. But still sitting in the seat but slumped over to his
2 left?
- 3 A. Yes.
- 4 Q. Did you see anything that happened to him when he was in
5 that position?
- 6 A. I don't think so. I saw more shots being fired at him,
7 but --
- 8 SIR MICHAEL WRIGHT: You mean after this point?
- 9 A. The --
- 10 SIR MICHAEL WRIGHT: You told us about seeing one, hearing
11 two, more after that?
- 12 A. I saw at least one more shot, I think it was only one,
13 while I turned round to check whether Rachel was there
14 or not.
- 15 MR HILLIARD: All right. Again if we just look at your
16 statement, you say:
- 17 "... went towards the single door to my right and
18 looked to check if Rachel was with me. As I turned
19 I saw the man who had been shot slumping to his
20 left-hand side and as he did this I saw further shots
21 being discharged into him. Rachel was still sat in the
22 same place with the newspaper on her lap."
- 23 A. Yes.
- 24 Q. So again that was your recollection the same day?
- 25 A. Yes.

- 1 Q. Can you remember who was firing the further shots into
2 Mr de Menezes, the same man or different man or can't
3 you say?
- 4 A. I couldn't say.
- 5 Q. Right. Can you remember, by this time -- and we can
6 look at your statement if you can't remember -- can you
7 remember anything being shouted by now?
- 8 A. When the firing started, I heard shouting from
9 somewhere, and I have no idea where, that sounded like
10 "get out", but I don't know whether -- I have no idea
11 whether that was police or other passengers on the
12 train. My -- and it's vague, but my recollection is
13 that it came from my left, further down the -- further
14 down the carriage.
- 15 Q. Right?
- 16 A. But I wouldn't like to kind of say that definitely.
- 17 Q. By further down the carriage, do you mean beyond the
18 double doors that people had been coming in from?
- 19 A. Yes, I do mean that.
- 20 Q. All right. So it's after you have heard that that you
21 get up to go?
- 22 A. I was moving before I heard shouts.
- 23 Q. Right. Did you in fact get as far as the door out of
24 the single door that goes out of the carriage at the
25 end?

1 A. I -- I got to the sort of vestibule area of that door,
2 and I was, because I had already turned round and
3 realised that Rachel was still sitting in her seat,
4 I was debating whether to -- all very quickly of
5 course -- debating whether to go back and try and get
6 Rachel to move that way as well, and while that thought
7 was in my head, I noticed another man with a pistol
8 standing in that doorway. He may have been -- I think
9 he was probably on the platform but with one foot in the
10 door of the train, as if he was about to get on.

11 SIR MICHAEL WRIGHT: Is this the doorway that you were
12 reckoning to go out of?

13 A. Yes, which, because I had absolutely no idea whether
14 these men were police or not, worried me.

15 MR HILLIARD: Right.

16 A. The man that was standing in that door stood back as if
17 to let me off the train, so I left the train.

18 Q. Got on to the platform?

19 A. Yeah.

20 Q. Did you in fact see Rachel on the platform?

21 A. Then, because Rachel had been still in her seat at the
22 time I turned round, there must have been some -- some
23 time which I could only estimate as being, I don't know,
24 30 seconds, a minute, something like that, and I think
25 I stood on the platform -- I think I was trying to see

1 if Rachel was okay, if she was still in the train, if
2 she was still in her seat, and then the next thing I
3 recall is that she was standing next to me or just in
4 front of me on the platform.

5 SIR MICHAEL WRIGHT: You didn't see her get off the train?

6 A. I don't recall, I probably did, but I don't recall that.

7 MR HILLIARD: Did the two of you run to the Victoria Line
8 platform and get a train there?

9 A. Yeah, along with quite a few other people from -- that
10 had got off the Northern Line train, we ran to the
11 adjacent platform where a train was just arriving,
12 a Victoria Line train was arriving. There were tannoy
13 announcements that said something like, "Everybody who's
14 on the Northern Line platform just get on to the
15 Victoria Line train", so there were quite a lot of
16 people just getting on to that train. The doors to that
17 train closed and it set off going northbound.

18 Q. Did you get off at Pimlico?

19 A. Yes. The next station, the station north of Stockwell
20 is Vauxhall, which was closed, security alert, I seem to
21 remember. The driver of the Victoria Line train made
22 an announcement that was to the effect of, "I don't know
23 what's happened but I know something's happened at
24 Stockwell, if anybody knows what's happened you should
25 get off the train at Pimlico and find the police". So

1 we -- Rachel and I did that, and there were a number of
2 other people who got off the train at Pimlico as well.

3 Q. And did the same thing?

4 A. Yes.

5 Q. Right. When you got off then at Pimlico, did you find
6 the police?

7 A. That was rather difficult. We got to the -- well,
8 Rachel and I slowly, because we needed to stand around
9 just to, I don't know, compose ourselves for a minute or
10 two; we reached the ticket barriers where there was
11 already a group of maybe seven or eight people talking
12 to the attendant at the ticket barrier, trying to get
13 him to call the police, and he was -- it felt like this
14 took a long time and it was probably all rather confused
15 for him, but he -- again I hesitate to use the word
16 "reluctant", but he wanted reasons why he should call
17 the police, and it wasn't until I showed him that Rachel
18 was covered in blood that he tried to get hold of the
19 police. Which he couldn't. He was using a telephone in
20 a kiosk thing by the gates of the -- yeah, by the ticket
21 gates and he said that he was getting no reply. So as
22 a group we decided, a couple of the group were rather
23 panicky, and didn't really like being in the enclosed --
24 it looked like didn't really like being in the enclosed
25 ticket hall, so as a group we decided we would go

1 outside and try and find the police somewhere else, and
2 we ended up at, sitting outside the pub that was close
3 by Pimlico station, and the landlord of the pub called
4 the police.

5 Q. Right. What I just really wanted to get at was this:
6 the statement that you made on the 22nd, we know that
7 the shooting was shortly after 10 o'clock in the
8 morning. Can you just give us any idea what sort of
9 time it was you made the witness statement?

10 A. It was into the afternoon. We -- it took the police
11 a long time, after the landlord had called the police,
12 it took the police a long time to arrive and by a long
13 time I think I mean -- I didn't make notes of the times,
14 but it was over an hour, I think. Two police arrived.
15 I think there were seven or eight of us who had been on
16 the train, so they asked for more police to come to the
17 pub, and we were, I don't know, separated and each taken
18 away by a police officer, and sat down at one of the
19 tables in the pub and gave our statements. Well, I gave
20 my statement.

21 Q. So into the afternoon sometime, early afternoon?

22 A. Yes, early afternoon, I couldn't be sure of the time,
23 but while we were doing this, the pub was open, there
24 were people drinking in the pub.

25 Q. You have just described, Rachel had got, what, blood all

1 over her?

2 A. There was blood on all of the clothes she was wearing,
3 not a huge amount of blood but there was blood.

4 Q. Immediately after it had happened, had you any idea,
5 apart from the obvious, that the reason for -- had you
6 any idea what it was you had seen?

7 A. Only by sitting round and speculating about what might
8 have happened, so the answer to the question is no, but
9 we speculated a lot because we had no idea who these
10 people were.

11 MR HILLIARD: Thank you very much.

12 A. Thank you.

13 SIR MICHAEL WRIGHT: Before you are cross-examined,
14 Mr Livock, a difficult question, do your best with it:
15 your initial reaction, as I understand it, was: oh, this
16 is some sort of rag or joke.

17 A. Yes.

18 SIR MICHAEL WRIGHT: You said it wasn't until the first shot
19 was fired that you realised that this was something far
20 more serious.

21 A. Mm.

22 SIR MICHAEL WRIGHT: Up to that moment, then, had you been
23 conscious in yourself of any sense of emergency or
24 heightening of tension or anxiety? You know what
25 I mean?

1 A. Only -- it's difficult to tell what is -- what I have --
2 the interpretation I have put on things from thinking
3 about them afterwards, but certainly the fact that we
4 sat in a station for what felt like quite a long time,
5 and what felt like slightly odd, this guy running past
6 me while we were still sitting there in the station,
7 those were the only things I would say that gave me any
8 feeling that something wasn't quite right. But apart
9 from those, and of course they are really vague because
10 trains quite often sit at stations for long periods of
11 time and people quite often run to get off them, apart
12 from that, no.

13 SIR MICHAEL WRIGHT: Nothing at all.

14 A. Of course this was on top of, I guess, nervousness from
15 what had happened the day before, because on the 21st
16 there were failed bombers on the tube systems and I work
17 at Warren Street which is one of the tube stations where
18 one of the bombers was.

19 SIR MICHAEL WRIGHT: But that's a generalised feeling?

20 A. Absolutely. Other than the sitting at the station for
21 a while and the guy running past me, there is nothing
22 I would say that felt out of the ordinary.

23 SIR MICHAEL WRIGHT: So that there was no particular reason
24 until the first shot went off, that you, as it were, had
25 tensed up or suddenly felt extreme anxiety or anything

1 of that kind?

2 A. That's correct.

3 SIR MICHAEL WRIGHT: Thank you. Mr Mansfield.

4 MR MANSFIELD: No, sir, thank you, no questions.

5 SIR MICHAEL WRIGHT: Thank you very much. Mr Gibbs.

6 Questions from MR GIBBS

7 MR GIBBS: Mr Livock, I represent some of the police
8 officers in the case. Actually they are the
9 surveillance officers which we have been calling the red
10 and grey teams.

11 A. Yes.

12 Q. You probably had no idea that there were undercover
13 surveillance officers all around you in that carriage as
14 you sat there with your girlfriend?

15 A. No.

16 Q. I imagine, I hope, that nothing as extraordinary or
17 terrifying as this had ever happened to you before?

18 A. No.

19 Q. We have heard in this room all about, a certain amount
20 about what's called perceptual distortion, which
21 I suspect is a doctor's or a neurologist's term. Are
22 you familiar with that at all?

23 A. I understand that memory is, can be unreliable at times,
24 yes.

25 Q. I'm not going to suggest that your memory is unreliable.

- 1 You have told us exactly what it is that your brain has
2 collected from the thing that happened in front of you?
- 3 A. Yes.
- 4 Q. Just very generally and not speaking as a doctor, it may
5 be that we will understand that the brain may focus on
6 certain things and completely miss others?
- 7 A. Yes.
- 8 Q. It may play tricks with time and the order in which
9 things happen. You made your statement fairly soon
10 after the events?
- 11 A. Mm.
- 12 Q. Was there any discussion, do you remember, about whether
13 it would be better to make the statement there and then
14 or leave it for a day, for instance, for your brain to
15 settle down and then make the statement later; was that
16 discussed?
- 17 A. I don't think so, no.
- 18 Q. I don't know who it was who took the statement from you,
19 was it uniformed officers?
- 20 A. No, a detective.
- 21 Q. Did they seem to be anxious to gather as much
22 information as they could?
- 23 A. We had quite a long conversation about -- my
24 interpretation of what he said, of what the detective
25 said was something like: when there is a shooting by

1 police, the internal communications within the police
2 force shut down so that, I don't know, false stories
3 can't be put around or -- so the man who interviewed me
4 said that he had no idea whether the people who did the
5 shooting were police or not, and he had no idea about
6 the circumstances surrounding it at all. So as far as
7 he was, I think, as far as he was concerned, he was
8 taking a statement from somebody who had witnessed
9 a shooting.

10 SIR MICHAEL WRIGHT: About which he knew nothing?

11 A. Yes. Well, about which he knew nothing apart from the
12 in fact that the television news was reporting all this
13 stuff already.

14 SIR MICHAEL WRIGHT: About which he knew nothing from his
15 own observations or anything.

16 A. I believe, yes.

17 MR GIBBS: Yes, because I don't know whether it happened to
18 you, but one of the things I'm afraid that did, we
19 understand happen after this, was that the television
20 people and all the newspaper people all descended on the
21 scene and started asking people, perhaps quite
22 naturally, asking people questions while they were still
23 somewhat agitated.

24 A. Yes, and, well, because we were in Pimlico, I guess
25 nobody knew we were there, so they didn't, but we were

1 watching, because we had no idea what had happened, so
2 we wanted to know as much as anybody else, we wanted to
3 know what had happened. So we were watching the
4 television news while we were sitting in the pub waiting
5 for the police to arrive, and there was repeatedly a --
6 not an interview, a statement or something by a guy who
7 had been on the train that to the -- I think there were
8 seven or eight of us sitting in this pub, we all said,
9 "None of that happened".

10 SIR MICHAEL WRIGHT: This was on television?

11 A. Yes.

12 MR GIBBS: The television people for their own reasons do
13 whatever -- they want it as quickly as they can, I
14 suppose.

15 A. Yes.

16 Q. They had alighted on some person who was describing
17 something which you didn't recognise as having happened
18 at all?

19 A. That's correct. If you are interested in specifics,
20 there were things like Mr Menezes was being shot lying
21 on the floor, which was not what I saw at all, and I was
22 standing right, you know, feet away.

23 Q. Yes?

24 A. But that was very widely reported and in -- I don't want
25 to say to my recollection because that sounds like it's

1 not certain. I am absolutely as certain as I could be
2 that he was sitting in the seat when he was shot all the
3 times that I saw him being shot.

4 Q. Enough about the television people. Could we just go
5 back to you sitting in the carriage and your memory of
6 a man, and it may be that that's in fact one of the
7 police officers whom I represent who we are calling
8 Ivor, coming past you, in front of your legs and going
9 towards the double doors to your left?

10 A. Yes.

11 Q. Wearing a denim jacket?

12 A. I -- that part of my recollection is hazy now but it's
13 what is in my statement, so --

14 Q. Do you remember, of course I know it's not in your
15 statement, for instance him wearing a baseball cap?

16 A. I ... no, I don't recall.

17 Q. Of the things that you remember after that, for
18 instance, do you remember him having gone out of your
19 vision to the left, coming back into your vision and
20 grabbing Mr de Menezes around the arms, around the
21 torso, and pushing him back on his seat? Has your
22 memory selected that part of it?

23 A. I don't remember that, no.

24 Q. Thank you. One of the things that your brain has
25 selected is something to do with his hands,

1 Mr de Menezes' hands?

2 A. Yes.

3 Q. Can you say now what it was about his hands that
4 attracted your attention towards them?

5 A. I was, I think I was glancing backwards and forwards
6 between him and the men with guns, and I think I just
7 saw some movement, and that made me look.

8 Q. As you remember it, what did it look to you as though he
9 was doing?

10 A. Reaching inside his jacket, reaching into his trouser
11 pocket possibly.

12 Q. Do you know why your memory, your brain has selected
13 that? Were you worried about it at the time, or --

14 A. I don't -- I don't think so, well, I think it was all
15 too quick to have rational thoughts about what to worry
16 about and what not to. It's easy to put interpretation
17 on things like that afterwards, which I know I have
18 done, but it's all speculation, so it's ...

19 MR GIBBS: Well, I am certainly not going to ask you to
20 speculate. Thank you very much?

21 SIR MICHAEL WRIGHT: Thank you, Mr Gibbs. Mr Stern.

22 Questions from MR STERN

23 MR STERN: As you told the gentleman just behind, it's right
24 that you have selected to recall certain matters, and as
25 you have told us, you heard on the television other

1 people had recollected entirely different scenarios to
2 you?

3 A. Yes.

4 Q. Can I just ask you, please, to help us with the
5 snapshots that you have of this incident. I wonder if
6 you could put up, please, the map of where everyone was
7 sitting, so we can see that again. First of all,
8 I think we can see that you are sitting there next to
9 Rachel on that map?

10 A. Yes, that's correct.

11 Q. Could you just help us, the man with the laptop, where
12 was he sitting?

13 A. He was sitting in the seat to Rachel's left.

14 Q. Presumably, then, the laptop was on Rachel's seat and he
15 moved it away and enabled the two of you to sit down?

16 A. Yes, that's correct.

17 Q. I think you have described that man in your statement,
18 as you record it, I appreciate that, as being a white
19 man of about 50?

20 A. Yeah.

21 Q. Did he remain there during this incident?

22 A. He wasn't there -- I think he got off at Stockwell. He
23 wasn't there. The first recollection I have of looking
24 in that direction, which is when I saw the first man
25 coming on to the train with a handgun, the -- I think

- 1 that seat was empty.
- 2 Q. Right. When you were looking at the man --
- 3 SIR MICHAEL WRIGHT: In that case he did get off at
- 4 Stockwell if your recollection is right.
- 5 A. Yeah.
- 6 MR STERN: Thank you, sir.
- 7 When you are looking across at the man, who's
- 8 standing to your left, as it were, you are looking
- 9 across Rachel; is that right?
- 10 A. Yes.
- 11 Q. The man that you saw suddenly moving across, you didn't
- 12 see him or recognise what happened to him after he had
- 13 moved across?
- 14 A. I -- I didn't, I -- nothing had happened to make me
- 15 focus my attention on anything then because as far as
- 16 I knew, it was just a man kind of running on the train.
- 17 Q. So he went out of your focus and out of your mind, as it
- 18 were?
- 19 A. Yes.
- 20 Q. But you heard somebody in the region of the area to
- 21 Rachel's left shout something like "here"?
- 22 A. Yes.
- 23 Q. Is it right you did not see that man or woman, whoever
- 24 it was, who was actually shouting that?
- 25 A. That's correct.

- 1 Q. Is that because you were looking across or looking
2 elsewhere or you were reading the paper or a whole host
3 of things as we do on the tube?
- 4 A. I think it's because -- I think it's because I had gone
5 back to focusing on the newspaper, but my recollection
6 is that it wasn't close enough to be in the train
7 because it would have -- it would have been louder and
8 it would have drawn my attention more if it had been as
9 close as being on the train.
- 10 Q. That's what you thought at the time, all right. Then
11 within a few seconds, and I appreciate time is very,
12 very difficult because it slows down for some or speeds
13 up for others, I appreciate that and no-one is holding
14 you to any particular time. But I think the way you
15 recorded it was very shortly after that, a few seconds
16 after that, a man came in through the double doors?
- 17 A. Yes.
- 18 Q. The first time you were aware of him, was he sort of
19 away from the double doors? Presumably you didn't see
20 him actually coming in?
- 21 A. I -- my recollection is that he was on the -- he had
22 just got in the doors when I saw him.
- 23 Q. Right, that's your recollection.
- 24 A. And the -- well, the other men were very close behind
25 him, but my first recollection is of him only on the

- 1 train.
- 2 Q. Then the other men --
- 3 A. Followed him.
- 4 Q. That man, you saw raise his gun or maybe it was already
5 raised?
- 6 A. No, the first time I saw him he was already -- he had
7 his pistol levelled.
- 8 Q. That's the first time you saw him?
- 9 A. Yes.
- 10 Q. It was already levelled and I think you said when you
11 initially voiced that today, that it was levelled at his
12 head and then you said levelled at the man. Can you
13 help?
- 14 A. I couldn't tell what it was aimed at, I think, so it was
15 aimed at the man in the seat.
- 16 Q. Today your recollection, and obviously it's very
17 difficult three years on, but your recollection today is
18 that it was levelled at that sort of head level? If
19 that's not too many levels.
- 20 A. Yes, I think so. That's the closest I would get to
21 anything definite, yes.
- 22 Q. I appreciate it's very difficult and as Mr Gibbs has
23 said, it's just your recollection of what you can tell
24 us now, three years on?
- 25 A. Yeah.

- 1 Q. I appreciate the difficulty.
- 2 SIR MICHAEL WRIGHT: Do you have any recollection as he
3 entered the door and came across the carriage, that he
4 had initially been holding the gun down by his legs?
- 5 A. I can't see him moving his gun. I can only see it
6 levelled.
- 7 SIR MICHAEL WRIGHT: Throughout the time you saw him?
- 8 A. Yes.
- 9 SIR MICHAEL WRIGHT: Thank you.
- 10 MR STERN: Can I just ask you about the man reaching to the
11 left-hand side of his trouser is the way you have put it
12 in your statement.
- 13 A. Yes.
- 14 Q. You said today that he used both hands. Could you just
15 perhaps enlarge on that, explain that a little more?
- 16 A. The closest I can get to it in my mind is he was using
17 one hand to move his jacket and the other hand to
18 reach -- as if he was reaching for something on his
19 belt.
- 20 Q. As you said to Mr Gibbs, you never saw that man leave
21 his seat?
- 22 A. I don't recall seeing that, which again is as strongly
23 as I think I would put it. I understand there are holes
24 in what I remember.
- 25 Q. Absolutely, and let me make it absolutely clear, this

1 was a very, very fast incident, was it not?

2 A. Yes.

3 Q. You focused in on doing the best you could, quite

4 shortly afterwards that afternoon, trying to recall what

5 it was that you remembered?

6 A. Certainly.

7 Q. There is just one other thing that I want to ask you

8 about. As I understand your statement, you heard two

9 things: somebody say at the start "here" or words to

10 that effect; and after you had got on the train,

11 somebody say "get out"?

12 A. Yes.

13 Q. As I understand it, you didn't hear any other

14 conversation or any other shouting at all?

15 A. That's correct.

16 Q. Those are the only two words that you recall?

17 A. Phrases, yes.

18 Q. Phrases, I beg your pardon. The only other thing,

19 sorry, there is one other thing I should just ask you,

20 so far as the man's face opposite is concerned, there is

21 no reference in your statement to that; is that

22 something you recall now or something that you recalled

23 but perhaps didn't put in your statement?

24 A. Well, I am, I am not sure. I am, again as certain as

25 I can be that I do remember that from the time and I did

1 remember it at the time, and I can't explain why it
2 didn't come out in my interview.

3 Q. All right, perfectly understandable. You see, we have
4 heard that there were three people who were actually
5 holding this gentleman down in the seat; did you ever
6 see that?

7 A. I ... what can I say? I, part of my thinking, and again
8 I think this really wasn't clear in my head at the time
9 and it's still not clear now, so it feels very, very
10 vague, part of my thinking about this might have been
11 a group of lads making a bad joke or something was that
12 there is something about groups of rugby players and
13 just having a joke together in my head which could come
14 from something like that happening that I just don't
15 remember, but again that's as close as I could possibly
16 say to anything like that.

17 Q. I appreciate that. I don't know which rugby club you
18 support, but ... the thing is that your recollection,
19 what you have told us about is that short snapshot of
20 events?

21 A. Yes.

22 MR STERN: Thank you.

23 MR MANSFIELD: Sir, I am very concerned about a situation
24 that has now arisen: namely, Mr Stern didn't indicate to
25 the witness who he represents, and I appreciate this is

1 not a trial, this is a key civilian witness, and the
2 version that his two clients, and he only represents
3 two, have told this jury has not been put to this
4 witness for him to deal with it, however it may be
5 described.

6 SIR MICHAEL WRIGHT: I see the point. Mr Stern?

7 MR STERN: Well, I don't know if you want me to discuss this
8 in the presence of everyone.

9 SIR MICHAEL WRIGHT: We will see. The proposition is,
10 I think, a straightforward one, that you have not put to
11 this witness in any detail the account that either of
12 your clients have given.

13 MR STERN: Coming from my learned friend, if I may say so --

14 SIR MICHAEL WRIGHT: Never mind about that. What do you say
15 about the criticism? If you want the jury out, we will
16 get the jury out.

17 MR STERN: I think it would be better if the witness were
18 not here because that would be fairer.

19 SIR MICHAEL WRIGHT: And the witness.

20 MR STERN: It would probably be better if the jury were not
21 here as well. I will obviously be guided by you, sir.

22 SIR MICHAEL WRIGHT: That's all right. I will do it in any
23 way that presents the least difficulties.

24 Ladies and gentlemen, would you like to withdraw for
25 a few minutes. It won't be very long. Mr Livock, would

1 you also mind going out?

2 (11.07 am)

3

20 (In the presence of the jury)

21 SIR MICHAEL WRIGHT: Thank you for your patience, ladies and
22 gentlemen.

23 (In the presence of the witness)

24 SIR MICHAEL WRIGHT: Thank you, Mr Livock. Sorry to send
25 you away.

1 Questions from MR STERN (continued)

2 MR STERN: I am sorry, Mr Livock. Can I just come back to
3 ask you a few questions, I think you have probably
4 already answered most but let me just put it to you.
5 Sorry, I should just say, I represent two firearms
6 officers out of the ones that you saw who shot the
7 individual.

8 A. Mm.

9 Q. Can I just ask you this, let me put it to you, and
10 forgive me looking at a screen but I am looking at
11 what's actually on the screen. Did you see the man --
12 I'll take it in bite-size bits --in the seat advance
13 towards anyone?

14 A. I don't think so.

15 Q. When you say you don't think so --

16 A. What I mean is I don't -- well, I am not sure what I can
17 say other than I don't remember seeing -- I don't
18 remember him seeing -- I don't remember seeing him
19 anywhere other than in the seat.

20 Q. That's very fair, but you can't exclude that possibility
21 is the way you are putting it?

22 A. Absolutely, yes.

23 Q. All right. It follows if you didn't see him outside of
24 his seat, you can't say whether or not he advanced
25 towards anyone?

- 1 A. That's correct.
- 2 Q. Then we know because you have told us that there was
3 a man who had a gun outstretched, at the time you didn't
4 know he was a police officer?
- 5 A. That's correct.
- 6 Q. But we have heard he is a police officer. He had a gun
7 outstretched. Let me ask you this, and again I think
8 you have already answered it, but did you hear him or
9 anyone else in that area shout, "Armed police"?
- 10 A. I absolutely did not hear anybody say anything like
11 that.
- 12 Q. That's fine, you have told us that. Your recollection
13 was of just two phrases being spoken?
- 14 A. Yes. Shouted more than spoken, but yes.
- 15 Q. Shouted?
- 16 A. Yes.
- 17 Q. Again, I think it follows from what you have told us
18 that you never saw the man out of the seat. You didn't
19 see him being pushed back in his seat?
- 20 A. I didn't.
- 21 Q. It follows, I think, that you did not see anybody grab
22 him in any way?
- 23 A. I didn't.
- 24 Q. Because as I understand your evidence, nobody was
25 physically touching him when you saw the shooting?

- 1 A. That is correct.
- 2 Q. Because the shooting, on what you have told us, was of
3 the man we know as a police officer was standing up and
4 pointing his gun about a foot away from him; that's your
5 recollection?
- 6 A. Yes, that's right.
- 7 Q. Was it only one person you saw firing?
- 8 A. I only saw one person shooting so I couldn't say where
9 the other shots came from.
- 10 Q. Were there other people around, or do you just remember
11 one person around at that point?
- 12 A. The -- do you mean in the -- excluding the armed police?
- 13 Q. I meant the person who had the gun and was firing around
14 him, were there other people around?
- 15 A. The other two men with pistols were further back, were
16 behind the front man with the pistol and the man with
17 the rifle was at the very back of this group.
- 18 Q. So your recollection is that you saw the person who was
19 shot in his seat?
- 20 A. Yes.
- 21 Q. One firearms officer, as we know now him to be, firing
22 about a foot away from him?
- 23 A. Yeah.
- 24 Q. Two others with handguns further back?
- 25 A. Yes.

- 1 Q. And then the man with the rifle by the door?
- 2 A. Not by the door. They were in -- more of in a line
3 towards the -- you know you get glass separators in the
4 carriage. They were in a line with that, with the glass
5 separator on the side of Mr de Menezes.
- 6 Q. At the side of Mr de Menezes?
- 7 A. Yes.
- 8 Q. Right, so not by the open doors but by the closed doors?
- 9 A. By the closed doors.
- 10 Q. Right on the other side?
- 11 A. That was my intention when I said earlier that they kind
12 of moved sideways while they were walking towards him,
13 sideways was towards the closed door.
- 14 MR STERN: Thank you very much, Mr Livock. Those are all
15 the questions I have unless I am asked to ask any more.
- 16 SIR MICHAEL WRIGHT: Thank you, Mr Stern. Ms Leek?
- 17 MS LEEK: No, thank you, sir.
- 18 MR PENNY: No questions, sir.
- 19 SIR MICHAEL WRIGHT: Thank you.
- 20 MR KING: Nothing from me, thank you, sir.
- 21 SIR MICHAEL WRIGHT: Thank you, Mr King.
- 22 MR HORWELL: No, thank you, sir.
- 23 SIR MICHAEL WRIGHT: Mr Hilliard?
- 24 MR HILLIARD: No, thank you very much.
- 25 SIR MICHAEL WRIGHT: Mr Livock, thank you very much indeed.

1 I am sorry to have to put you through remembering all
2 this even after three years.

3 A. I think it's good to feel as if there is some
4 conclusion.

5 SIR MICHAEL WRIGHT: I hope so. Thank you very much indeed.

6 (The witness withdrew)

7 MR HILLIARD: The next witness is Rachel Wilson, please.

8 MS RACHEL WILSON (affirmed)

9 SIR MICHAEL WRIGHT: Thank you, Ms Wilson, would you like to
10 sit down.

11 Questions from MR HILLIARD

12 MR HILLIARD: Is your name Rachel Wilson?

13 A. Yes.

14 Q. I am going to ask you some questions first of all on
15 behalf of the Coroner and then you will be asked
16 questions by others. Can you do your best just to keep
17 your voice up so that as many people as possible have
18 got a chance to hear.

19 I'm going to ask you about events that took place on
20 22 July 2005. I think have you got there a copy of
21 a witness statement you made the very same day?

22 A. Yes.

23 Q. In your case, as with everybody, there is absolutely no
24 difficulty about your refreshing your memory as and when
25 you need to from that. All right?

- 1 A. Thank you.
- 2 Q. We have heard already that you, I think, were on the
3 Underground going from Clapham North station with your
4 then boyfriend Ralph Livock; is that right?
- 5 A. Yes.
- 6 Q. In the morning of the 22nd. We have heard again that
7 you were in the second carriage of the train; correct?
- 8 A. Yes.
- 9 Q. He has told us that, we know it was the second, I think
10 you said in your statement you thought it was the second
11 or third. If we just put up, please, on the screen,
12 divider 35, can you see where you are put down as
13 sitting? There was in fact, I think, at one time
14 somebody in the seat to your left?
- 15 A. That's right.
- 16 Q. We will come on to that in a minute. I think we have
17 you in the right place. Then to your right was
18 Mr Livock; correct?
- 19 A. Correct.
- 20 Q. Thank you. When you got on the train, I think there was
21 somebody sitting in the seat to the left of you; is that
22 right?
- 23 A. Yeah, that's right.
- 24 Q. Had that person got a computer bag in fact on the seat
25 that you took?

- 1 A. I don't remember it being a computer bag but he did have
2 a bag on the seat.
- 3 Q. All right but moved it so you could sit down?
- 4 A. Yeah, I made him move it.
- 5 SIR MICHAEL WRIGHT: After a certain amount of persuasion
6 from you, I think?
- 7 A. Yes, something like that.
- 8 SIR MICHAEL WRIGHT: I say persuasion, you certainly looked
9 as though you thought he ought to take it off?
- 10 A. You know the Underground.
- 11 MR HILLIARD: In the course of the journey from
12 Clapham North to Stockwell, you, I think, had got
13 a Metro newspaper that somebody had left that was lying
14 on an empty seat opposite you; is that right?
- 15 A. Yeah, that's right.
- 16 Q. You and Ralph, I think, were talking and reading the
17 paper together?
- 18 A. Mm.
- 19 Q. You got to Stockwell station, is this right, the train
20 was held for a time?
- 21 A. Unusually so, yes.
- 22 Q. Unusually so, what, in terms of the length of time?
- 23 A. Yeah.
- 24 Q. Is this right, the man who had been sitting to your left
25 got up during that time and left the train?

- 1 A. Yeah, in a very hurried manner, so it attracted my
2 attention.
- 3 Q. Are you sure that that's where the man who had left the
4 train had come from, he had come from that seat next to
5 you?
- 6 A. Yes, well, he got up and --
- 7 SIR MICHAEL WRIGHT: This is the man with the bag?
- 8 A. This is the man with the bag.
- 9 MR HILLIARD: He got up and actually got off the train?
- 10 A. Yes, hurriedly.
- 11 Q. Has he gone out of the double doors, then, to your left?
- 12 A. Yes.
- 13 Q. Were you aware of anybody coming through those double
14 doors?
- 15 A. Apart from the men with guns?
- 16 Q. That's who I want to know about.
- 17 A. I heard a clattering sound to my left and some shouting
18 on the platform, although I couldn't hear what they
19 said, and then when I looked up, there were several men
20 stood in the doorway, just come through the doorway, on
21 the other side of the glass barriers.
- 22 Q. How long after the man had left you, who had been in the
23 seat to your left?
- 24 A. Only seconds.
- 25 Q. So some seconds after he has gone, some men come

- 1 through -- you hear a clattering sound, shouting on the
2 platform, is that right?
- 3 A. Yeah.
- 4 Q. Then several men have come on to the train, do I have
5 that right?
- 6 A. Yes.
- 7 Q. Can you say how many?
- 8 A. Several, three, four, five, that sort of number.
- 9 Q. How were they dressed?
- 10 A. Casually, not in any uniform.
- 11 Q. Did you have any idea who they were?
- 12 A. None whatsoever.
- 13 Q. Was anything said at any time during the incident to
14 give you a clue as to who they were?
- 15 A. No, and I know this because, similar to Ralph's
16 statement, first I thought they were messing around and
17 then I thought they were terrorists and it was only when
18 I left the carriage and the -- somebody moved me gently
19 out of the way that I figured they must be good guys,
20 and apart from that I just didn't know who they were.
- 21 Q. Specifically, did you ever hear anybody shout, "Armed
22 police"?
- 23 A. If I had heard that, I would have thought they were
24 police, so no.
- 25 Q. You mentioned people with guns, all right, the people

- 1 with guns are the men you have just told us about who
2 have come on the train, the several men. Can you
3 remember what sort of guns they had?
- 4 A. There was one man with a large gun that required two
5 hands to hold, and --
- 6 Q. How are you holding that? When you say a large gun, do
7 you mean a long gun?
- 8 A. Yeah, a long gun.
- 9 Q. Right, so a long gun which required two hands to hold.
10 Any other sort of gun?
- 11 A. And the other people were carrying handguns.
- 12 Q. Did you see where they went after they had come on
13 through the double doors?
- 14 A. They stood in between the two dividers in the double
15 door section, and they were kind of looking around and
16 then they focused in on the man sitting opposite me and
17 stayed there for a second or two.
- 18 Q. If we just put 35 back on again, focusing on the man
19 sitting opposite you, you can see where Mr de Menezes'
20 figure is put, is that the man you are talking about?
- 21 A. Yeah, that's right.
- 22 Q. Thank you. So they focused on him and I think you said
23 they are there for a second or two. Where did they go
24 then?
- 25 A. They would have moved forward and towards him, and I was

- 1 trying to work out what they were doing. Well, I don't
2 know how many of them moved forward, at least one.
- 3 Q. What sort of gun did that person have?
- 4 A. Just a handgun.
- 5 Q. Did he pass you?
- 6 A. No, he would have gone sideways and in (indicated) so
7 there was nobody in front of me at any time.
- 8 Q. So hasn't walked in front of you?
- 9 A. No.
- 10 Q. Sideways and in, and where has he gone, that person with
11 the handgun?
- 12 A. I would say kind of behind the man sitting down. That's
13 what I remember anyway.
- 14 Q. Which bit of him, just so we understand, has gone behind
15 him?
- 16 A. I don't remember. All I remember is that the shots were
17 fired into the back side of his head, so I conclude that
18 they must have been behind him.
- 19 SIR MICHAEL WRIGHT: What do you mean by back side? Show us
20 if you can.
- 21 A. So that if he is sitting opposite me, it is kind of
22 behind here (indicated).
- 23 SIR MICHAEL WRIGHT: Yes. Sort of three quarter point on
24 his head?
- 25 A. Yes, I suppose. Yes.

- 1 SIR MICHAEL WRIGHT: Thank you.
- 2 MR HILLIARD: Had you seen Mr de Menezes move from his seat
3 at any time?
- 4 A. I didn't see that. I was looking at the people with
5 guns, trying to work out what they were doing, but
6 I wasn't aware of (inaudible).
- 7 Q. So you are looking at the people with guns, but not
8 aware of Mr de Menezes moving from his seat?
- 9 A. That's what I'd say, yes.
- 10 Q. Was the man you have told us about with the handgun, how
11 was he holding the gun? Can you remember, one hand, two
12 hands? And whereabouts was the gun? This is obviously
13 before any shots are fired.
- 14 A. I don't remember, because I was looking up at the man
15 with the larger gun, for most of the time, until I was
16 aware of shots being fired, and then I looked down at
17 the face of the man being shot. So the transition
18 period is, I am not clear because I wasn't looking
19 directly at that.
- 20 Q. So there is a period, what, when you are not looking at
21 events opposite you, because you are looking at the man,
22 is he to your left --
- 23 A. Yes.
- 24 Q. -- who's got the larger gun.
- 25 A. Mm.

- 1 Q. All right. Did the man with the larger gun ever move
2 from the area to the left of you? Did he ever come down
3 the carriage or not?
- 4 A. No, because he would have passed in front of me and
5 I don't remember that.
- 6 Q. So just so we understand, do you move your attention
7 back from that man who has the larger gun over to events
8 opposite you?
- 9 A. Mm. Once I heard shots.
- 10 Q. So a shot or shots had already been fired by the time
11 you look across the carriage; is that right?
- 12 A. Yeah, must have been.
- 13 Q. Do we understand it right, that is a shot that's being
14 fired, as it were, to the back of the head of the man?
- 15 A. Mm.
- 16 Q. That's by the man with the pistol, is it?
- 17 A. Mm.
- 18 Q. Or not; is that right?
- 19 A. Yes.
- 20 Q. Can you say how many shots were fired?
- 21 A. I wasn't counting. It was several. I remember thinking
22 it was going on a long time.
- 23 Q. You refer in your statement, you say this:
24 "I believe six or seven shots were fired."
- 25 A. They asked me to pick a number and I couldn't, so ... it

- 1 was more than about five.
- 2 Q. You say more than about five, all right. Did you see
- 3 one or more than one person actually firing shots?
- 4 A. Just one.
- 5 Q. Just one. Did you see what happened physically to the
- 6 person who had been shot? Did you see what happened to
- 7 his body? He's in the seat, is he, do we understand
- 8 that?
- 9 A. He is in the seat and he leaned to his left.
- 10 Q. Did you stay in your seat or not?
- 11 A. I stayed in my seat, yes.
- 12 Q. At what point did you leave?
- 13 A. Well, I did not want to move because I did not want to
- 14 draw attention to myself, so I waited until the shots
- 15 had finished and then they didn't turn their attention
- 16 to me, so I thought it was time to leave. I decided to
- 17 leave then.
- 18 Q. When the shots finished, as you remember it, where was
- 19 the man, again can I just ask you, what position was the
- 20 man who had been shot in when the shots had finished?
- 21 A. He was still in his seat and still leaning to his left.
- 22 Q. So did you get up at that point?
- 23 A. Yes, moved towards the doors, towards my right.
- 24 Q. And that's a single door; is that right?
- 25 SIR MICHAEL WRIGHT: Forgive me, Mr Hilliard, I know it's

1 difficult, the jury are having a bit of difficulty
2 hearing you.

3 A. Sorry.

4 SIR MICHAEL WRIGHT: Get a bit closer to the microphone.

5 I am not sure how effective it is. Just keep an eye on
6 it. If you can't hear, wave.

7 MR HILLIARD: I think that will actually amplify your voice.

8 A. How's this? Yes, I can hear it.

9 Q. So you have gone towards the single door that's on your
10 right, and I think you told us earlier, was there
11 somebody at that door?

12 A. Yeah, there was a man pointing a gun at me in the
13 doorway.

14 Q. Pointing a gun at you?

15 A. Well, at the door which I was in.

16 Q. Right.

17 A. Because I was frightened, because --

18 Q. Yes. Did he say anything to you?

19 A. No, he just stepped to one side and very calmly
20 indicated for me to go around him, and then I realised
21 he wasn't interested in me.

22 Q. Right.

23 SIR MICHAEL WRIGHT: Was it at this point that you realised
24 that this man, anyway, probably wasn't a terrorist?

25 A. Yes.

1 SIR MICHAEL WRIGHT: When you began to think maybe it is
2 police.

3 A. I still didn't know who they were.

4 SIR MICHAEL WRIGHT: Didn't go that far but not what you had
5 thought they were?

6 A. Yes.

7 MR HILLIARD: You got off the train, is this right, we can
8 summarise this, but met up with Ralph again and then got
9 on to another train that took you to Pimlico.

10 A. Yes.

11 Q. There it was you saw the police, and in the early
12 afternoon, by that time you had made a witness statement
13 to them?

14 A. Yes, it's probably worth mentioning that I still didn't
15 know who they were, because I called a friend of mine
16 who is a policeman, and said, "Do you know if there has
17 been anything happening today?" He didn't know
18 anything, so I still didn't know who they were.

19 MR HILLIARD: No idea who they were. Thank you very much.

20 SIR MICHAEL WRIGHT: When you heard the -- take it in
21 stages -- noise, the shouting on the platform, you told
22 us you couldn't hear what the words were.

23 A. No, in my memory, it is something like "here", but --

24 SIR MICHAEL WRIGHT: Something like?

25 A. Something like, I think I remember the word "here", but

1 I didn't say that in my statement so I am not sure if
2 that's --

3 SIR MICHAEL WRIGHT: It's all right, it's the best you can
4 do. The question is this: when you heard the shouting,
5 before you saw any of these men coming into the
6 carriage, did that fact cause you any concern or alarm
7 or any heightened sense of tension as if something was
8 about to go wrong?

9 A. No, because I didn't notice anything, I went back to
10 reading, so it was --

11 SIR MICHAEL WRIGHT: The newspaper?

12 A. It was only when the people were there and even at that
13 point, I remember thinking, "That's really
14 inappropriate, given what's happened yesterday".

15 SIR MICHAEL WRIGHT: It is really what?

16 A. Because I thought they were joking.

17 SIR MICHAEL WRIGHT: That is the next bit I wanted to ask
18 you about. When you actually then saw the four men
19 entering the carriage, even though you saw what they
20 had, at that stage, I mean, it may be a question of
21 disbelief but at that stage did you feel a sense of
22 rising tension or alarm?

23 A. No.

24 SIR MICHAEL WRIGHT: What did you think it was?

25 A. At first I thought they were chasing a friend and

1 playing a game, and it was only when I saw the blood
2 that I realised that that wasn't the case, but it could
3 be disbelief perhaps.

4 SIR MICHAEL WRIGHT: At what point did you realise that this
5 was something far more serious?

6 A. When I looked down on my hands and there was blood on my
7 hands --

8 SIR MICHAEL WRIGHT: It wasn't until after the first shot
9 had been fired?

10 A. No.

11 SIR MICHAEL WRIGHT: Right, but at that point, and this is
12 a very difficult question, what was your reaction to
13 that?

14 A. That I did not want to make myself visible, so I just
15 stayed where I was and tried to hide, I suppose,
16 mentally.

17 SIR MICHAEL WRIGHT: It may be an obvious question: were you
18 frightened?

19 A. No, I wasn't frightened. I was trying to work out what
20 was going on and shocked and --

21 SIR MICHAEL WRIGHT: Shocked?

22 A. Yes, startled but not frightened.

23 SIR MICHAEL WRIGHT: Some people sometimes are just too
24 shocked to move.

25 A. Possibly, yeah.

1 SIR MICHAEL WRIGHT: But as I understand it, that wasn't
2 really your state. You were actually thinking to
3 yourself: I have to stay here so as not to be noticed.

4 A. I wouldn't have thought words, but I just thought it's
5 best not to --

6 SIR MICHAEL WRIGHT: Just an instinctive feeling.

7 A. Yes.

8 SIR MICHAEL WRIGHT: I see, thank you. Mr Mansfield?

9 MR MANSFIELD: Thank you, no questions.

10 SIR MICHAEL WRIGHT: Mr Gibbs.

11 Questions from MR GIBBS

12 MR GIBBS: Ms Wilson, were you in court just now when
13 Mr Livock was giving evidence?

14 A. Yes.

15 Q. So you know that I represent some of the police officers
16 who were around you in the carriage?

17 A. Yes.

18 Q. Listening to your boyfriend giving evidence, is it plain
19 to you that you focused on some things and he, sitting
20 next door to you, has focused on other things?

21 A. Yes.

22 Q. So for instance, he had just described to us noticing
23 a man come past, would have been both of your legs from
24 your right, quite fast as he recalls it, and go out
25 through the double doors. You don't remember that?

- 1 A. I don't remember that.
- 2 Q. No. You think you do remember something like the word
3 "here" being called or shouted or said?
- 4 A. It's very hard to work out whether I have remembered
5 that since, because that's what other people have said,
6 so I would just say I heard shouting, a shout, not even
7 lots of shouting, just a "woah", a shout.
- 8 Q. To your left?
- 9 A. To my left outside the train.
- 10 Q. Could you say whether whoever it was who said that
11 shout, which may have included the word here, whether he
12 ever came back within your vision again?
- 13 A. Well, I didn't see who said it, so I wouldn't know
14 whether he came back.
- 15 Q. For instance, do you have a mental picture of a man
16 wearing a denim jacket, grabbing and pinning the arms to
17 the side of the man who was opposite you?
- 18 A. If they were in front, if they were facing him, then
19 I wouldn't have seen that, because that means there
20 would have been somebody between me and Mr de Menezes,
21 and there wasn't. If he was behind him, then that's
22 possible because I was looking at his face.
- 23 Q. In fact, as we have heard, his position probably was
24 that rather like a rugby tackle, he had him, you can
25 imagine, facing him, but around his torso and

1 Mr de Menezes would have been sitting facing you in his
2 seat, I suppose, he is called Ivor, this officer, would
3 have been -- you would have been able to see his back.

4 Do you remember that?

5 A. No, I don't remember that.

6 Q. You have told us that you have a memory of some guns and
7 you have described some of them. Had you ever seen
8 a gun in real life before?

9 A. I have been clay pigeon shooting, but no.

10 Q. Not this sort of gun?

11 A. No, this was like a black one.

12 SIR MICHAEL WRIGHT: You were using shotguns.

13 A. Yes.

14 MR GIBBS: Of course, you had never seen a gun fired in such
15 appalling circumstances so close to you before?

16 A. No.

17 SIR MICHAEL WRIGHT: Thank you, Mr Gibbs.

18 Questions from MR STERN

19 MR STERN: As you were in court before, you know that

20 I represent two firearms officers who shot

21 Mr de Menezes.

22 A. Yes.

23 Q. Can I just look at the snapshots that you had of this
24 incident as well, please? First of all, the male with
25 the bag, I think as you understood it to be, next to

1 you, in your statement you described that male as being
2 black?

3 A. Yes.

4 Q. And in his, I think, 20s to 30s?

5 A. Mm.

6 Q. The tube, I think, was full, although there was no-one
7 standing; is that your recollection?

8 A. Yes, that's my recollection.

9 Q. You speak very, very quietly.

10 A. Sorry.

11 Q. That's all right, it's very difficult, I completely
12 understand. You must obviously speak up so that
13 everyone can hear what you are saying. Did you notice
14 whether any passengers joined at Stockwell or not?

15 A. I didn't notice, we were reading the paper and it was
16 just a normal day, so people get on and off.

17 Q. In your statement, you make it clear that the whole
18 incident was over in seconds, I think you say --
19 "fleeting" is the word you use?

20 A. It didn't take very long at all, no.

21 Q. You saw an incident and you put it this way in your
22 statement, just before the incident, you say:
23 "The next events I do not know I am recalling
24 totally accurately as everything happened very quickly
25 and simultaneously."

1 A. I would say details are difficult but chain of events,
2 I think I remember well.

3 Q. Yes. But that was the way you put it in your statement;
4 yes? You can have a look at it if you would like.

5 A. No, I am not sure what you are getting at.

6 Q. Don't worry about what I am getting at. I am just
7 asking you at the moment whether or not that's the words
8 you used in your statement?

9 A. I don't think -- the statement here are not my exact
10 words, because they got changed by the lady who took my
11 statement and policified so --

12 SIR MICHAEL WRIGHT: What time did you make that statement?

13 A. I called my office at 10.22. It says so in my
14 statement, and I would say it took about an hour for the
15 police to arrive, so it would have been about half 11
16 and we left about half 12ish.

17 SIR MICHAEL WRIGHT: You left the pub at about half 12.

18 A. Around, well, lunchtime.

19 SIR MICHAEL WRIGHT: It was made within an hour or so of
20 events?

21 A. Yes.

22 SIR MICHAEL WRIGHT: Thank you.

23 MR STERN: You tell us, I do not want to put words in your
24 mouth, I am reading from your statement. First of all,
25 can you just confirm those are the words in your

- 1 statement?
- 2 A. Yes, they are.
- 3 Q. Because obviously not everyone has it. Is there
4 something you want to change about that?
- 5 A. I would clarify that details may be hazy and I wouldn't
6 want to be pinned down on them, but chain of events are
7 as I recall them.
- 8 Q. I'm not going to pin you down or try and pin you down on
9 any schedule of events if you like. You can be sure of
10 that. I just want to understand what it was that you
11 saw and from your recollection at the time. At some
12 point your boyfriend Ralph got off the tube but you
13 didn't actually see him leave, did you?
- 14 A. No. I was looking at the people with guns.
- 15 Q. Yes, completely. That's what I was going to say. You
16 were looking, I think as you told us, the man with the
17 large gun at that point?
- 18 A. The group of them, yes.
- 19 Q. Now, a group came in with guns and as you put in your
20 statement, they were carrying firearms of different
21 styles?
- 22 A. Mm.
- 23 Q. You say one man was carrying a larger gun requiring two
24 hands to hold whilst the other men had a gun in one
25 hand; is that your recollection?

- 1 A. That's what I said in my statement at the time.
- 2 Q. Are you saying that that's not right or you just don't
3 recall it now?
- 4 A. I just don't recall it as clearly now.
- 5 Q. Perfectly fair enough. You then say:
6 "I remember noise..."
7 I don't know what sort of noise you heard:
8 "... as passengers left."
9 Do you remember passengers leaving?
- 10 A. Yes, people were leaving to the far right, and -- yeah,
11 people were leaving to my far right.
- 12 Q. Again, if we have the plan up, please, just to help you,
13 on the right in that single door?
- 14 A. Yes, that single door.
- 15 Q. Did you see people leave then through that door?
- 16 A. Yes, I think I would have seen them, yes.
- 17 Q. There was noise in relation to that. Presumably that's
18 what attracted your attention. There was a noise as
19 people left through that door?
- 20 A. Yes.
- 21 Q. In fact we will hear from somebody, you can see
22 Holly Greenland there, you obviously didn't know her but
23 we will hear, I think, that she left the carriage and
24 maybe others did as well.
25 Your attention was drawn to that and you saw people

1 leaving from that right door; is that right?

2 A. Yes.

3 Q. Then at that point I think you put in your statement you
4 heard "get off" or words to that effect?

5 A. Yes.

6 Q. The men were in your left area?

7 A. That's right.

8 Q. In that standing area?

9 A. Yes.

10 Q. You then say this, that:

11 "They had entered the train purposefully but then
12 appeared to look around."

13 Is that right?

14 A. Yes.

15 Q. And that they were calm and organised?

16 A. Yes.

17 Q. "The men then walked along my carriage in front of me."

18 You say:

19 "There was a front man who carried a handgun with
20 two further men behind him also carrying a handgun."

21 Now, we know that there was a surveillance officer,
22 the gentleman that was just referred to you just a few
23 minutes ago, who was not carrying a gun, and grabbed
24 Mr de Menezes and pushed him back, all right? Did you
25 ever see that man, first of all the man who was shot,

- 1 ever leave his seat?
- 2 A. I didn't see that, no.
- 3 Q. I think as you fairly pointed out, you were looking at
- 4 the man with the larger gun to your left; is that right?
- 5 A. Yes.
- 6 Q. And the first time you looked over and saw the man, was
- 7 it after the shots I think you told us, or as the shots
- 8 were being fired?
- 9 A. Yes.
- 10 Q. You were aware of shots, I think is the way you put it.
- 11 So again let me put this to you just to see if you can
- 12 help with this. I have asked you the first part, did
- 13 you see the man in the seat advance towards someone?
- 14 A. I didn't.
- 15 Q. You told us why, you were looking to the left. Did you
- 16 see a man with a handgun hold that handgun up?
- 17 A. I don't remember that, no.
- 18 Q. What you can say is that you were aware because you have
- 19 told us that you saw three handguns?
- 20 A. That's what I said in my statement, yes.
- 21 Q. Are you saying you can't recall that now?
- 22 A. No, the memories in my mind are of -- quite focused in
- 23 on the victim's head and surroundings.
- 24 Q. I appreciate that. I absolutely understand that. But
- 25 obviously at the time when you wrote the statement, you

- 1 were aware that four police officers had guns and that
2 you had seen them?
- 3 A. Yes.
- 4 Q. But you can't help with how they were holding them or
5 where they were?
- 6 A. No.
- 7 Q. That's very fair. So far as one of them shouting,
8 "Armed police", that's as you have told us something
9 that you did not hear?
- 10 A. Definitely not.
- 11 Q. Had you heard it, you would have understood that they
12 were police officers, that's what you have told us.
13 I think you have also told us that you didn't see the
14 man pushed back in his seat because you never saw him
15 leave the seat?
- 16 A. Correct.
- 17 Q. For the reason again you have told us you were looking
18 at the man with the larger gun. You also say, and
19 I think you have just mentioned this to the learned
20 Coroner, that in your statement you say:
21 "I did not feel under threat by the men."
- 22 A. No. In the sense that none of them were looking at me.
- 23 Q. Right. They were focused on another direction?
- 24 A. Mm.
- 25 Q. I think at that point in any event you would not have

- 1 seen them or their faces because, as they advanced, they
2 must have advanced from the door obviously to
3 Mr de Menezes because otherwise they wouldn't have got
4 near and shot him?
- 5 A. I would have been looking at their faces at some point
6 when they were in the doorway.
- 7 Q. Can you just help with this, and again I do not want to
8 upset you in any way about this, but how the shooting
9 occurred? You have heard what your boyfriend has
10 said -- forgive me saying your boyfriend, he may not be
11 any more, I don't know.
- 12 A. He is.
- 13 Q. But he's described the man standing, and about 12 inches
14 away, is that your recollection or is it different, or
15 have you got no recollection now?
- 16 A. I remember him being kind of leaned against the doorway
17 and coming from behind, but I wouldn't give an estimate
18 of distance. If I was I would say the gun was about
19 that far away (indicated).
- 20 Q. When you say leaning against the doorway, you mean the
21 person firing the shot?
- 22 A. Leaning against the back window, shoulder against the
23 back window.
- 24 SIR MICHAEL WRIGHT: What they call the glass dividers.
- 25 A. No, against the back of the train.

- 1 SIR MICHAEL WRIGHT: Against the back of the -- the side of
2 the train.
- 3 A. So the windows that were opposite me.
- 4 MR STERN: You just remember one person there, I think you
5 make clear you do.
- 6 A. I only remember one person.
- 7 Q. The shots that you have told us about today, I think
8 very fairly you say there were more than five but you
9 were asked to pick a number and that's how it came to be
10 six or seven in your statement, is it?
- 11 A. Yes, I had actually said more than I thought was
12 necessary.
- 13 Q. Sorry, what do you mean?
- 14 A. Because there were so many that it felt like it went on
15 for a very long time, longer than I thought it would
16 take to stop somebody.
- 17 Q. Again, you say in your statement that you were shocked
18 but not scared?
- 19 A. No, I wasn't, I don't remember being scared.
- 20 Q. I am just reading from your statement. Is that your
21 recollection?
- 22 A. Yes, I would say that.
- 23 Q. Now, the person who was shot, you describe as not Asian
24 and that that person had light-coloured hair; yes.
- 25 A. Yeah --

- 1 Q. That's your recollection?
- 2 A. Well, in my recollection he has mousy brown hair.
- 3 Q. Maybe that's the same as light-coloured, I don't know?
- 4 A. Maybe in my mind, yes.
- 5 Q. You say clean-looking. Do you mean that that person had
6 shaved, by clean-looking, or not?
- 7 A. I don't remember why I used those words now. I think
8 I just meant that he looked like a person going to work,
9 like a normal person.
- 10 SIR MICHAEL WRIGHT: I dare say you have probably seen over
11 the last three years a number of photographs of
12 Mr de Menezes.
- 13 A. Yes.
- 14 SIR MICHAEL WRIGHT: Would you accept that so far as the
15 light-coloured or mousy brown hair is concerned, that's
16 an aspect where your memory has been playing you tricks?
- 17 A. It could be, it could have been light playing on his
18 hair. I don't know.
- 19 MR STERN: You describe him as clean-looking and young but
20 you didn't put an age, but so far as clean-looking, you
21 can't remember now what you meant by that.
- 22 A. I think I meant that he just looked like a normal person
23 as opposed to somebody --
- 24 Q. You mean he wasn't scruffy?
- 25 A. Yes, I think I mean.

- 1 Q. Then you got off the train after it was all over and
2 there was a man with a firearm, and I think the way you
3 put it in your statement is he was pointing it at the
4 doors?
- 5 A. He was standing in the door, in, on the platform with
6 a gun levelled at the doorway that I was coming out of,
7 so I assumed to pick people off if they were running
8 away.
- 9 Q. He had to move for you to get off the train?
- 10 A. Yes.
- 11 Q. He was, as you put in your statement, kind and calm and
12 directed you away from the train?
- 13 A. Yes.
- 14 Q. So far as the clothing of the person who was shot, any
15 recollection of that?
- 16 A. None at all.
- 17 Q. You have recalled no shouting or any conversation?
- 18 A. No, nobody spoke.
- 19 Q. It was silent?
- 20 A. That's one of my -- one of the things I recall the most,
21 is the silence of the thing.
- 22 Q. Not only was it silent, but as I understand it from your
23 statement, you never heard anybody shout, "Armed police"
24 at all throughout this entire incident?
- 25 A. I said that, no, no, I did not hear anybody say that.

1 Q. Before, after, during, at all?

2 A. Never.

3 MR STERN: All right. Thank you very much.

4 A. Thank you.

5 SIR MICHAEL WRIGHT: Ms Leek? Thank you. Mr King?

6 MR KING: No, thank you, sir.

7 SIR MICHAEL WRIGHT: Thank you. Mr Horwell?

8 MR HORWELL: No, sir.

9 SIR MICHAEL WRIGHT: Mr Hilliard?

10 Further questions from MR HILLIARD

11 MR HILLIARD: Just help with this, you explained how when
12 the men had come on the train, that some people left the
13 train after that, the people who left you said went by
14 the single door.

15 A. Yes.

16 Q. Can you help us: had they been sitting down and got up
17 to leave; had they been standing up and left; or have
18 you no idea?

19 A. I really couldn't tell, because I would have gone
20 looking up, looking to see where everybody else was
21 going and looking around.

22 Q. Just this. You were asked about a passage in your
23 statement just before you talked about the men entering
24 the door of the train, do you remember, in which you had
25 said this:

1 "The next events I do not know I am recalling
2 totally accurately as everything happened very quickly
3 and simultaneously."

4 You told us, I think, is this right, that you can't
5 be sure as to details, but chain of events I think you
6 said you are accurate about; what's the position?

7 A. I don't know, if you ask me a question about something
8 specific then I can give you my best recollection.

9 Q. No, you were just asked generally about this passage in
10 which you said before you described events:

11 "The next events I do not know I am recalling
12 totally accurately as everything happened very quickly
13 and simultaneously."

14 That's what's in your statement, and then you said
15 in answer to a question that you couldn't remember all
16 the details but you thought you were right about the
17 sequence or the chain of events?

18 A. Yes, so --

19 Q. That's what I am asking about. Do you think you are
20 right about the order in which events happened?

21 A. Yes, so I think there were -- but there would have been
22 seconds between them so there were men at the side,
23 people moving, and then I was -- my attention was drawn
24 to the shooting and at that level I would be certain.

25 MR HILLIARD: Thank you very much.

1 SIR MICHAEL WRIGHT: Ms Wilson, thank you very much indeed,
2 that's all. As far as any of these witnesses are
3 concerned, anybody who has given evidence is free to
4 stay or go as they wish. Thank you very much indeed.
5 For the sake of our shorthand writer, ten past, ladies
6 and gentlemen.

7 (The witness withdrew)

8 (12.04 pm)

9 (A short break)

10 (12.15 pm)

11 (In the presence of the jury)

12 SIR MICHAEL WRIGHT: Yes, Mr Hough.

13 MR HOUGH: The next witness is Wesley Merrill.

14 MR WESLEY MERRILL (sworn)

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

16 Questions from MR HOUGH

17 MR HOUGH: Again you may want to draw the microphone towards
18 you so that you can be heard a little better, and keep
19 your voice reasonably up.

20 A. Okay.

21 Q. I will be asking you questions first on behalf of the
22 Coroner, and then you will be asked questions by other
23 lawyers representing different interested persons.

24 Your name, I think, is Wesley Paul Merrill?

25 A. That's correct.

1 Q. You were a witness to events in Stockwell station on
2 22 July 2005?

3 A. Yes.

4 Q. Did you make a statement about those events on
5 17 August, and the date of the statement is --

6 A. No, I made a statement on the day. I was given a copy
7 of the statement, I made a taped statement, and I was
8 given this written copy then.

9 Q. I see. So your statement was made on the day?

10 A. On the day, yes.

11 SIR MICHAEL WRIGHT: On tape.

12 A. Yes, on tape, to two detectives.

13 MR HOUGH: That was subsequently transcribed, was it?

14 A. Yes, that's right.

15 Q. Have you seen the transcribed version? Do you have it
16 there?

17 A. I have this, yes.

18 Q. Again, if you want to have a look at that at any stage,
19 there is no difficulty about you doing so.

20 On that day, is this right, you had boarded the
21 Northern Line --

22 SIR MICHAEL WRIGHT: Forgive me, Mr Hough, let me follow
23 that up a bit more: was the statement made at the
24 request of the police or did you do it off your own
25 back?

1 A. At the request of the police. After the incident I went
2 to --

3 SIR MICHAEL WRIGHT: Who provided the tape recorder?

4 A. It was the police. They brought everything.

5 MR HOUGH: Sir, I was going to deal with that at the end.

6 SIR MICHAEL WRIGHT: I just wanted to know how they did it,
7 that's all.

8 Did the interview which produced your statement, it
9 followed a question and answer format, did it?

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: I see, thank you.

12 MR HOUGH: On that day, 22 July, had you boarded
13 a northbound Northern Line train at Clapham North
14 station?

15 A. Yes, I did.

16 Q. Had you entered the train on a carriage towards the
17 front of the train?

18 A. Yes, I walked up the platform, and as the train was
19 pulling in, I walked up a few carriages, yes, and then
20 entered towards the front.

21 Q. Did you walk along the carriage and sit down in some
22 folding seats facing a set of double doors?

23 A. Yes, I did.

24 Q. To help us, can we have on screen a plan that you drew,
25 it's documents page 928. Is that your signature towards

- 1 the bottom?
- 2 A. Yes, that is.
- 3 Q. Is this a plan you drew when you were helping the
4 police?
- 5 A. Yes.
- 6 Q. Can we see on the bottom right an indication of you
7 entering a single door; yes?
- 8 A. Yeah.
- 9 Q. Turning to your right, walking down, and sitting on
10 a folding seat facing a double door?
- 11 A. Yes.
- 12 Q. Then, having looked at that, can we see tab 35 of the
13 jury bundle. Do you see your name, Wesley Merrill, at
14 the top in the middle?
- 15 A. Yes, I do.
- 16 Q. There is a bracket there to indicate the two folding
17 seats?
- 18 A. I would have been sat on the one closest to the door.
- 19 Q. Thank you. We can position you in the one on the right
20 as we are looking?
- 21 A. Mm.
- 22 Q. You had entered from one of the single doors towards the
23 right of our page?
- 24 A. Yes.
- 25 Q. After you had sat down on the folding seat, what did you

- 1 do to pass your journey?
- 2 A. I picked up a paper that was on the side, beside me
- 3 immediately. I started to read that but it had
- 4 something about the bombings or attempted bombings from
- 5 the previous day, so I just put it back down and then
- 6 I got a book from my bag and started to read that.
- 7 Q. The train in due course sets off and travels north to
- 8 Stockwell station, and the double doors opposite you
- 9 would have opened?
- 10 A. Yeah.
- 11 Q. Was the train held at the platform?
- 12 A. For, yeah, a long time, longer than usual.
- 13 Q. Any idea precisely how long?
- 14 A. I have no idea.
- 15 Q. Were you continuing to read your book when events began
- 16 to unfold?
- 17 A. Yes, I was.
- 18 Q. How was your attention first drawn to those events?
- 19 A. By the sound of heavy footsteps, people running outside
- 20 of the train, towards that.
- 21 Q. This is the second page of your statement, if it helps
- 22 you, about a third of the way down. You say you heard
- 23 running like people rushing for the train; yes?
- 24 A. Second page. (Pause)
- 25 Yeah, okay.

- 1 Q. Did you then look up?
- 2 A. Yeah.
- 3 Q. What did you see?
- 4 A. Yeah, I saw a man who, yeah, I assumed was a police
5 officer who was pointing at somebody who was to the left
6 of me. Yeah, and he started, yeah, saying, shouting in
7 a very loud voice, "This is the man" or, "That's the
8 guy". He was identifying somebody.
- 9 Q. Taking that in stages, you looked up, and you say you
10 saw somebody. Where was that person?
- 11 A. He was to my left in front of me in the --
- 12 Q. Perhaps we can have the plan on screen again, just to
13 help you.
- 14 A. So in the standing area of the doors.
- 15 Q. Closer to where we see Mr Preston or closer to where we
16 see Ms Wilson?
- 17 A. Towards Ms Wilson.
- 18 Q. So near the double doors?
- 19 A. Yes.
- 20 Q. You say you assumed he was a police officer?
- 21 A. Mm.
- 22 Q. What led you to that assumption?
- 23 A. T-shirt tucked into jeans, heavy boots on, short
24 haircut, well-built guy. He looked like an undercover
25 police officer.

- 1 Q. I think the Metropolitan Police will learn something
2 about covert surveillance. Anything else you noticed
3 about him?
- 4 A. Not anything more than that, really.
- 5 Q. You say that he was indicating to somebody, how was he
6 indicating?
- 7 A. Vocally and also pointing, you know, with his arm
8 outstretched.
- 9 Q. You say that he said something like, "That's the man" or
10 "That's the guy"?
- 11 A. Yeah.
- 12 Q. What tone of voice did he say it in?
- 13 A. As loud, authoritative, it wasn't panic.
- 14 Q. Did you get a good look at his face or his clothing
15 beyond what you have told us?
- 16 A. No.
- 17 Q. Did you follow the direction of his indication to the
18 seat which was to your left, the person he was pointing?
- 19 A. Not -- I can't remember.
- 20 Q. Were you able to see anything about the person he was
21 pointing out?
- 22 A. Not at the time, no.
- 23 Q. Did you later see anything about the man which allows
24 you to give a description of him?
- 25 A. Only after the incident had happened.

1 Q. I see. In your statement, you say this:

2 "The man that the police officer was pointing at was
3 sitting on a seat which faces into the carriage and
4 which has a glass panel beside him that runs beside the
5 door. This man was wearing a blue denim jacket, a black
6 T-shirt and jeans, I did not see his foot wear. He had
7 tightly curly black hair."

8 Pausing there, were those all details that you saw
9 afterwards?

10 A. I had seen afterwards, yes.

11 Q. You also say that:

12 "He was carrying a very small rucksack" --

13 A. That I also saw, yeah.

14 Q. You saw that afterwards.

15 A. Yeah, on the floor.

16 Q. You said, you say in your statement you noticed this bag
17 fall to the floor at one point?

18 A. I can't remember that.

19 Q. You can't remember that now, okay.

20 A. If I said that at the time, then...

21 SIR MICHAEL WRIGHT: Sorry?

22 A. If I said that at the time, that's what I must have
23 seen. There has been a lot in the TV and press about
24 what happened, so ...

25 MR HOUGH: Where did you next direct your attention?

- 1 A. There were people running into the carriage, more
2 officers, so --
- 3 Q. So first of all, where did you see them when you first
4 saw them?
- 5 A. I would have been sitting down still.
- 6 Q. Where were they?
- 7 A. Coming through the double doors that were open opposite
8 me.
- 9 Q. How many of them were there?
- 10 A. Two or three initially that I would have seen. There
11 was one man with the rifle which he had up to his
12 shoulder. From what I remember, I remember the guy who
13 pointed out, who was doing the pointing, you know,
14 "That's the man", "That's the guy", he and then another
15 guy moved over and held Mr de Menezes down.
- 16 Q. Let us take that in stages. You have seen a number of
17 people moving into the carriage, at least two; that's at
18 least two in addition to the man you have seen doing the
19 pointing?
- 20 A. Yes.
- 21 Q. People who were entering the carriage, what are they
22 carrying?
- 23 A. I saw -- the people who pinned him down weren't carrying
24 anything. I saw one guy carrying a rifle, short rifle,
25 and I saw another guy with a handgun who came in round

1 behind him.

2 Q. Now, you say then you saw the man who had done the
3 pointing and one of the people who had entered do
4 something?

5 A. Yeah, they moved towards him and held him down, pushed
6 him over the seats. It looked like -- so they were
7 totally restrained, his arms.

8 Q. Could you see where the two of them went in terms of, at
9 his body, how the, first of all the man who had done the
10 pointing moved?

11 A. I can't remember that.

12 Q. The man who also moved towards Mr de Menezes, as well as
13 the man who had done the pointing, was he carrying
14 anything?

15 A. Not that I could see or that I remember.

16 Q. When you saw this happen, what did you think was going
17 on?

18 A. I knew what was going on was serious. I did not have
19 time to think about actually what was going on, just ...
20 I am not sure how to describe it. It was obviously
21 something, yeah, very serious about to happen. Yeah,
22 I felt the situation was -- obviously you are on a tube
23 train, what happened the day before, I assumed it was
24 police so I didn't feel threatened by the people
25 entering the tube train.

- 1 Q. Do you recall if any of them were wearing anything which
2 marked them out as police or is that an inference you
3 drew from how they were dressed and the fact that they
4 were carrying guns?
- 5 A. I do remember seeing people wearing hats, the small
6 cloth-type ones with the small peak and they had
7 "Police" written on the side.
- 8 SIR MICHAEL WRIGHT: Was that any of the ones who came
9 through, who you are describing at the moment, or --
- 10 A. I remember the guy with the rifle with a hat on, and
11 there was another person who later told me to stand
12 still on the train and he was wearing one as well.
- 13 MR HOUGH: When these two officers moved towards
14 Mr de Menezes, how did you react, what did you do
15 physically?
- 16 A. I was sitting down, I closed my book and I think I stood
17 up directly and the seat folded up underneath me so
18 I was standing exactly where I had been sitting.
- 19 Q. Did that give you a better view of Mr de Menezes and
20 what was happening?
- 21 A. Yeah, it would have given me a better view. At the same
22 time there was -- that was happening to my left and
23 people were coming in through the right, so my head was
24 turning, you know, through 90 degrees, so my view was
25 constantly changing.

- 1 Q. Was anybody standing and obstructing your view to the
2 left?
- 3 A. I can't remember, I was focused on the -- once I saw the
4 rifle, more focused on that than other things around
5 that person.
- 6 Q. Did your focus on that keep your eyes pointed away from
7 what was going on with Mr de Menezes?
- 8 A. Yes.
- 9 Q. What did you hear or see next?
- 10 A. I saw another man go behind the guy with the rifle, he
11 had a pistol in his hand, and he raised it and then
12 started shooting.
- 13 Q. Now, this man who had gone behind, was this one of the
14 men who initially moved to pin Mr de Menezes down?
- 15 A. No.
- 16 Q. You say that he began shooting, was anybody else
17 shooting at this point?
- 18 A. I didn't see anybody else shooting.
- 19 Q. How many times did he fire?
- 20 A. I don't know, I heard five, maybe six shots.
- 21 Q. You said in your statement four or five times --
- 22 A. Yes, five.
- 23 Q. Again, it's not a memory test, but --
- 24 A. Yes.
- 25 Q. During the course of this incident, from the time that

1 you first saw the man doing the pointing, through to the
2 shots being fired, did you see Mr de Menezes move
3 forward at all?

4 A. Not that I can remember.

5 Q. Do you think you were positioned in a position where you
6 would have seen him if he had moved forward?

7 A. I could have seen him move forward if I had been looking
8 at the right place but I don't remember.

9 Q. As you say, your head was pivoting so you might not have
10 been looking towards him at any particular time?

11 A. I might not have, and as everything was happening very
12 quickly, it wouldn't take more than a blink to miss,
13 something like that.

14 Q. Do you remember hearing Mr de Menezes say anything?

15 A. No.

16 Q. Did you hear the officers say anything to him?

17 A. I didn't.

18 Q. On that last point, you say in your statement:

19 "I cannot recall whether these officers said
20 anything to the man."

21 Thinking back, do you think they did or didn't or
22 just you have no recollection at all?

23 A. I have no recollection.

24 Q. At this stage, the shooting has taken place, you are
25 standing up, what do you see next?

- 1 A. There was a police officer directly in front of me, he
2 had a pistol, and he had told me to stand still.
- 3 SIR MICHAEL WRIGHT: Was this the one with the hat on?
- 4 A. Yes, sir. Everybody's getting off the train quickly,
5 this is as I remember it, maybe not what's -- yeah. The
6 officers moved away.
- 7 MR HOUGH: These were the officers who were grouped around
8 Mr de Menezes.
- 9 A. Yes.
- 10 Q. The two who had pinned him down and the third man?
- 11 A. And the guy with the rifle and the guy with the pistol
12 that I saw, had done the shooting and they moved away
13 and I was instructed to get off the tube train by the
14 officer in front of me.
- 15 Q. Before you received that instruction, were you able to
16 see the man who had been shot?
- 17 A. Yes.
- 18 Q. I do not want any details which may cause offence, just
19 a couple of details about his position. When you saw
20 him, where was he positioned in relation to his seat?
- 21 A. He was pushed across the seats to his left, his legs
22 were ... his feet were towards the right and he was face
23 down away from me.
- 24 Q. Was he still, though, partly supported by his seat?
- 25 A. Yes.

- 1 Q. That was when you identified what he looked like?
- 2 A. Mm.
- 3 Q. Was that also when you saw the rucksack which you think
4 you recall?
- 5 A. Yes, that's right.
- 6 Q. You say in your statement seeing him in this position,
7 but then you say as you left the train you looked at the
8 man who had been shot and was on the floor. Did he move
9 out of his seat as in fall out of his seat at any point
10 while you were leaving?
- 11 A. He could have done.
- 12 Q. But you can't remember now?
- 13 A. I can't remember now.
- 14 Q. You left the train, left the platform and made your way
15 out of the station?
- 16 A. That's right, yeah.
- 17 Q. After that, how did you come to contact the police and
18 give your statement?
- 19 A. I work in Waterloo, so I had -- to work, when I got
20 there, then I made a call, and they came to my work
21 premises.
- 22 Q. They asked you a series of questions?
- 23 A. They asked me to describe what had happened and they
24 asked questions along the way --
- 25 Q. What time of day was this?

1 A. A little bit after midday, I am not sure of the exact
2 time.

3 Q. So probably just a few hours after the events?

4 A. Yes.

5 Q. Did you complete a statement there and then?

6 A. It was a taped --

7 Q. Taped interview?

8 A. Taped interview, and yeah, they signed and sealed all
9 the bags and they took that and they said they would
10 send me a transcription of that interview which is what
11 I have.

12 Q. We have seen the transcript of the interview. We, that
13 is the lawyers. Was a statement then prepared based
14 upon that interview?

15 A. Yeah, I think so.

16 Q. Were you asked to prove that statement?

17 A. Yes. So this was probably the date that's on the front.

18 MR HOUGH: Yes, August of 2006. Thank you very much. Those
19 are my questions.

20 SIR MICHAEL WRIGHT: Thank you.

21 MR MANSFIELD: Sir, may I say we have only just got the
22 transcript but I have one question.

23 Questions from MR MANSFIELD

24 MR MANSFIELD: Good morning, my name is Michael Mansfield.
25 I represent the family of Jean Charles de Menezes.

1 Just for ease of reference, I think you have it
2 there, the transcript?

3 A. Yes.

4 Q. As opposed to the statement. Sorry, this has not got
5 a document number, so it's the second page of your
6 statement.

7 A. Okay.

8 SIR MICHAEL WRIGHT: Statement or transcript?

9 MR MANSFIELD: I am so sorry, of the transcript. There are
10 27 pages. Sorry, can I just, through you, establish
11 it's what you have been telling the jury: it was on the
12 22nd, that's the same day, at 4 o'clock in the
13 afternoon, two detectives were present and asked you
14 questions; is that right?

15 A. Yeah.

16 Q. That appears to be what happened. Then there comes on
17 the second page of this transcript a narrative, and
18 I just want to pick it up, and just read -- it will not
19 take a second just to read through. May I pause? Has
20 everywhere else got this? It must be just me then.

21 SIR MICHAEL WRIGHT: I haven't, I am afraid.

22 MR MANSFIELD: Would you like one?

23 SIR MICHAEL WRIGHT: It's in question and answer format,
24 I suppose?

25 MR MANSFIELD: It is, yes.

1 SIR MICHAEL WRIGHT: If you are going to read a section
2 there, Mr Mansfield, I suppose --

3 MR MANSFIELD: It's only one section, and it's very similar
4 but not identical but I just want to read it. Can
5 I pick it up in here, it's easier for you, do you have
6 it there, the transcript not the statement?

7 A. I do not have a statement. It's because it said
8 "Statement" on the top, so I assumed it was.

9 MR MANSFIELD: This is the transcript of the taped interview
10 you did on the day. Would you just bear with me and
11 I'll read it to you and I have only one question:

12 "I was reading a book on the train. I noticed
13 someone sort of in my peripheral vision come on to the
14 train, and then I heard running and someone had come
15 onto the train, I assume a police officer, pointing at
16 a man on the tube saying 'That's the man' or, 'That's
17 the guy', 'That's the one'. Then two other police
18 officers came on to the train and moved and held the guy
19 down, another guy, another officer came on with a rifle
20 or machine gun of some sort and was pointing that at the
21 guy they were holding down, and another officer came on
22 to the train with a handgun and then he shot the guy
23 that was being held down four or five times, I don't
24 know how many, I wasn't counting."

25 Then you go on to "I stood up at this point". It's

- 1 You heard what Ms Wilson and Mr Livock remembered of
2 the words he used, something including the word "here".
3 Do you remember him, I know you thought at the time it
4 was, "That's the man"; may he have said something like,
5 "He's here"?
- 6 A. I couldn't remember that now.
- 7 Q. As you read the situation from where you were, did you
8 have the impression that that man, Ivor, had just come
9 on to the train for the first time?
- 10 A. I did.
- 11 Q. Do you remember him carrying or having with him a small
12 black single-shouldered rucksack, that is Ivor?
- 13 A. I don't, no.
- 14 Q. Do you remember seeing a rucksack?
- 15 A. I did see one, yes.
- 16 Q. Was it a rucksack like that?
- 17 A. It was a rucksack like that. It was on the floor
18 afterwards.
- 19 Q. Whereabouts?
- 20 A. In where the incident happened, I -- yeah, in the
21 carriage between the seats.
- 22 Q. Did you have any idea, as you read the situation, whom
23 that rucksack belonged to?
- 24 A. I assumed that it belonged to Mr Menezes.
- 25 Q. As it happens, we know he didn't have a rucksack with

1 him, but a rucksack exactly like that, Ivor did have.

2 A. Yeah.

3 Q. As you saw it, do you remember the fellow who did the
4 pointing being one of those who was grabbing, who was
5 holding Mr de Menezes, or did you read it as being
6 different people entirely?

7 A. I think at the time I said that I thought he was one of
8 the people who did the grabbing but I can't remember
9 now.

10 Q. Do you remember that the pointer, the grabber, do you
11 remember him himself being dragged away at gunpoint?

12 A. No.

13 MR GIBBS: Thank you very much.

14 SIR MICHAEL WRIGHT: Thank you, Mr Gibbs. Mr Stern?

15 Questions from MR STERN

16 MR STERN: Sir.

17 You have been sitting in, so you know who I am?

18 A. Yes.

19 Q. I think in fairness to you, you, as you have told us,
20 gave an interview on 22 July 2005 where you were asked
21 a number of questions by police officers and you told
22 them what it was that you saw?

23 A. That's right.

24 Q. That lasted from six minutes past 4 to 36 minutes past
25 4?

1 A. Okay.

2 Q. Then there was a second short tape, and I just pause to
3 make sure my learned friend Mr Mansfield has that. It's
4 at the back, beyond page 27. I am grateful to him for
5 ensuring that I have a copy.

6 MR MANSFIELD: No, we don't.

7 MR STERN: It's very short, it should be at the back, it
8 follows on.

9 SIR MICHAEL WRIGHT: You haven't got this?

10 MR MANSFIELD: No, sir, we don't have it.

11 SIR MICHAEL WRIGHT: Presumably the witness hasn't got it
12 either.

13 MR STERN: Do you have it?

14 A. I don't.

15 Q. You just have the 27 pages?

16 A. I have this (indicated). Four, five pages. The
17 statement, I just have the statement.

18 Q. Perhaps I can just proceed at the moment, and I hope
19 I can do so without difficulty, if my learned friend has
20 no objection. Perhaps I could ask that Mr Mansfield be
21 given a copy by, and I am very grateful to my learned
22 friend Ms Leek. (Handed)

23 I'll read it and if there is something further that
24 needs to be dealt with, then hopefully it will be drawn
25 to your attention.

1 You had a further short interview between 38 minutes
2 past 4 and 4.45. Do you remember that now?

3 A. It was three years ago, so ...

4 Q. Then as you say you got a transcript, did you, of that?

5 A. I do not have a copy of the transcript.

6 Q. Were you given one or not?

7 A. Possibly, I remember being given a witness statement.
8 I am not sure about a transcript.

9 Q. Then the statement that you have referred to today is
10 17 August 2006?

11 A. That's, yeah, the witness statement that I have a copy
12 of.

13 Q. So that was compiled by you or somebody else or how did
14 that --

15 A. It would have been by the police.

16 SIR MICHAEL WRIGHT: Is this the one about buying a ticket?

17 A. Yes.

18 SIR MICHAEL WRIGHT: We have a second statement from this
19 witness which deals in five lines with buying his
20 ticket. That's not what this is about?

21 MR STERN: No, no, it's an interview on the same day,
22 22 July.

23 The statement that you made, that you have been
24 referring to, was 17 August 2006?

25 A. Yeah, that's the date that I have on my statement.

1 Q. In fairness to you, let me just -- and I'm going to
2 refer to page 2 of 6 of that second interview.

3 A. Okay.

4 Q. You were asked about what was described as
5 a fast-moving, fluid situation:

6 "... if you can describe, so we have gone through
7 the first officer that shouted, again correct me if I'm
8 wrong, but he was wearing a blue chequered baseball cap,
9 is that correct or not?"

10 You say:

11 "The first officer who came in shouting, I can't say
12 I saw him at all, I heard him, I saw someone there and
13 I thought they were quite well built, but past that
14 I can't tell you any more, whether they were wearing
15 a hat or anything, I don't know.

16 "DC Roach: That's fine. You then said that two
17 came in and held the person to a seat.

18 "Answer: Yeah."

19 Then:

20 "Can you describe them at all?"

21 That is the question and the answer you gave is:

22 "I can't. They were moving so quickly and they were
23 huddled all, they just seemed so close and I didn't
24 actually get to have a look at anyone. As I've said
25 before, the only officer I can remember was the person

1 who told me to stand still, and that's because he was
2 2 feet in front of me and I just, I looked straight at
3 him and made eye contact with him ..."

4 A. Yeah, that sounds right.

5 Q. So your position on 22 July, on the very day of the
6 incident, was that the person you could really recall
7 was the person who is nearest to you, told you to stand
8 still after the incident, was it, or was it during the
9 incident?

10 A. During.

11 Q. It was during he told you to stand still.

12 Then you were asked over the page at page 3 whether
13 you heard the people, the two that came in and held him
14 down into the seat, if you can say one way or another
15 whether they said something to him, and you said:

16 "If they said something I can't remember it".

17 A. That's correct.

18 Q. Does that fairly reflect your recollection today?

19 A. Yes. That's right.

20 Q. Now, I think in fact again in fairness to you, you had
21 some difficulty in recalling where it was that you were
22 actually sitting on the train?

23 A. Yeah, I did.

24 Q. Are you, I wonder if the map could come up again --

25 A. No, I do not have a problem remembering where I sat when

- 1 it all happened. I had a problem remembering which door
2 I got on, I walked through the carriage because the
3 changing sides of the trains and which end of the train
4 I was at.
- 5 Q. I wonder if the map of the tube could come up. Could
6 you just help us: are you satisfied that you were in
7 fact sitting, I think they have you on two seats?
- 8 A. Yeah, I was sat on the one closest to the door.
- 9 Q. You were the one closest to the door?
- 10 A. Yeah, as a habit I always sit on that seat. If there
11 are two folding ones, I always sit on the one closest to
12 the door.
- 13 Q. So you are satisfied or happy you were sitting there?
- 14 A. Yes.
- 15 Q. I think you were reading your book and you were focusing
16 in on that and that's the reason why it was that you
17 couldn't really recall much of what had taken place?
- 18 A. Yeah.
- 19 Q. You told us about the first person who you assumed was
20 a police officer, and the shouting that that man did.
21 You said he was vocal and he was pointing?
- 22 A. That's right.
- 23 Q. That was loud, you said, very loud voice I think?
- 24 A. Yeah, authoritative, loud, you know.
- 25 Q. Then the rucksack that you did see at some point, was

- 1 that by the man who was shot right at the end of the
2 incident?
- 3 A. Yeah, it was on the floor and it moved down at the end,
4 I remember seeing it move, which probably is why it
5 caught my eye. I think I remember seeing it move,
6 should I say, rather than -- it's three years ago.
- 7 Q. You remember seeing a rucksack?
- 8 A. Mm.
- 9 Q. To the best of your recollection, it was next to or on
10 the floor or on the seat?
- 11 A. On the floor.
- 12 Q. On the floor beside the man who had been shot?
- 13 A. That's right.
- 14 Q. That's a small black rucksack, you described it?
- 15 A. Yeah, it was small, yeah.
- 16 Q. With a single strap?
- 17 A. Yes.
- 18 Q. Did you see -- well, from what I understand you are
19 saying that the man who had been shot, you didn't
20 actually see him or to be able to describe him until
21 after the incident?
- 22 A. That's right.
- 23 Q. The officers who came on, on to the tube, did you see
24 whether they were carrying guns?
- 25 A. I saw one officer carrying a rifle. I saw another man

- 1 carrying a pistol. The man who stood in front of me, he
2 had a pistol as well.
- 3 Q. Right.
- 4 A. That's as much as I saw, firearms.
- 5 Q. How were they carrying them, can you help with that?
- 6 A. The man carrying a rifle had it to his shoulder and he
7 had it held out in front of him, directly, you know,
8 aimed. The other guy had the pistol who I saw start the
9 shooting, he was carrying the pistol low and he raised
10 it and then began to fire. And the other guy who was in
11 front of me had a pistol but it was aimed down towards
12 the floor, not directly down but at an angle.
- 13 Q. Your recollection is that there was one person who did
14 the firing?
- 15 A. That's what I remember.
- 16 Q. That's fair enough. How far away was that person from
17 the person that he was shooting?
- 18 A. Not very far at all. I would have said inches. The
19 gun, the end of the gun would have been inches away.
- 20 Q. The other person, do you remember where he was?
- 21 A. The guy with the rifle, he was very close, once again
22 inches away.
- 23 Q. Inches as well?
- 24 A. I would have -- it looked like inches to me.
- 25 Q. The other man with the handgun?

- 1 A. He was standing right in front of me, so the same
2 distance I was away from him. That was the officer who
3 told me to stand still.
- 4 Q. Can we have the plan back up. When you say in front of
5 you, do you mean literally in front of you or to the
6 side?
- 7 A. No, directly in front of me, standing in that --
8 blocking that part of the carriage.
- 9 Q. That explains why it is that your attention was focused
10 on him because he's right there by you?
- 11 A. Yeah.
- 12 Q. Did you ever see that man who we now know to be
13 Mr de Menezes ever get off the seat or not?
- 14 A. No.
- 15 Q. Did you ever see -- you didn't really notice him until
16 afterwards so I suppose that's fairly obvious.
- 17 A. Yeah.
- 18 Q. Did you ever see anyone go towards him and he, that
19 person, shout, "Armed police"?
- 20 A. I didn't.
- 21 Q. You told us what it was that you said about the noise.
22 I think -- did you ever hear anyone shout, "Armed
23 police"?
- 24 A. I didn't.
- 25 Q. At the beginning, middle or end?

- 1 A. No.
- 2 Q. Never at all. I think the only words that you heard
3 were, "That's the man", or words to that effect?
- 4 A. And then the chap who told me to stand still, which
5 I did, and then he told me to get off the tube, and
6 I asked him which door and he just pointed at the
7 carriage.
- 8 Q. You heard two people speak, the one very loudly at the
9 beginning, and then the man who's two feet away from
10 you?
- 11 A. Yeah.
- 12 Q. Nobody else?
- 13 A. No, I didn't hear any other police officers speak.
- 14 Q. Anyone else?
- 15 A. No. When I got off the train, there was only -- seemed
16 to be police officers on there.
- 17 Q. You don't remember anybody saying anything at all?
- 18 A. No.
- 19 Q. About a bomb, get off or anything like that?
- 20 A. As I was leaving the tube station, yeah, there was some
21 officers still at the other end of the tunnel, just
22 shouting, you know, "Get out of the tube station, get
23 out of the tube station".
- 24 Q. Where were you when you heard that?
- 25 A. Walking up the escalator, you know.

1 Q. That's the first time you heard any noise?

2 A. Yeah.

3 MR STERN: Thank you very much.

4 SIR MICHAEL WRIGHT: Thank you. Ms Leek? Thank you.

5 MR PENNY: No, thank you, sir.

6 SIR MICHAEL WRIGHT: Thank you, Mr Penny.

7 Questions from MR KING

8 MR KING: Very briefly, if I may.

9 Mr Merrill, I represent the Independent Police
10 Complaints Commission. It may be that nothing turns on
11 this, but can I just hand to you what appears to be your
12 own signed copy of the witness statement that we have
13 all got.

14 A. Okay.

15 Q. (Handed). Is that your signature on that in your own
16 handwriting?

17 A. Yes, that is.

18 Q. What's the date at the top right of the statement?

19 A. It says the 12th of the 8th.

20 Q. 12th of the 8th?

21 A. 05.

22 Q. So the typed version that we have says 12/8/06 but the
23 one that you have signed --

24 A. It's 05.

25 Q. I beg your pardon, 17/8/06. That's 12/8/05, is it, so

1 it may be that someone has mistaken a 2 for a 7 or vice
2 versa?

3 A. Something like that.

4 Q. And someone has the year wrong by the looks of it?

5 A. Yes.

6 Q. But it appears to be a statement that you made in
7 August 2005?

8 SIR MICHAEL WRIGHT: That would be right?

9 A. Yes.

10 SIR MICHAEL WRIGHT: A month later.

11 A. Yes.

12 MR KING: Thank you.

13 MR STERN: I am terribly sorry, there is one further matter
14 in the interview that I just want to put. I will be
15 literally two seconds.

16 SIR MICHAEL WRIGHT: Yes.

17 Further questions from MR STERN

18 MR STERN: Just looking at page 3 of your second interview,
19 can I just put this bit to you at the bottom of the
20 page:

21 "Did you hear anyone else issue instructions, any
22 orders, apart from to yourself?

23 "Answer: I heard other officers shouting for people
24 to get off the train, or to stand still or to get off
25 the platform, they're just general sort of shouting get

1 MR HOUGH: The next witness is Terry.

2 CODENAME "TERRY" (sworn)

3 SIR MICHAEL WRIGHT: Thank you. Sit down, please.

4 A. Thank you, sir.

5 Questions from MR HOUGH

6 MR HOUGH: You are being known by the pseudonym Terry in
7 this inquest, I think.

8 A. Yes, sir.

9 Q. I will ask you questions first on behalf of the Coroner
10 and then you will be asked questions by others.

11 In 2005 were you a specialist firearms officers in
12 CO19?

13 A. I was.

14 Q. Were you at that time a sergeant and the leader of the
15 green firearms team on the day we are concerned with?

16 A. That's correct.

17 Q. They were given call sign Deltas?

18 A. That's also correct.

19 Q. They formed part of a composite team with the black team
20 whose leader was Ralph?

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

22 Q. In 2005, is this right, you had been in police service
23 for 23 years and in CO19 for seven years?

24 A. That's also correct, sir.

25 Q. Did you make, like the other firearms officers we have

- 1 heard from, a witness statement on the day after the
2 events we are concerned with, so a statement made on
3 23 July?
- 4 A. Yes, I did.
- 5 Q. Did you give evidence in the criminal trial at the
6 Old Bailey the Health and Safety trial on 16 October
7 last year?
- 8 A. Yes, sir.
- 9 Q. On 22 July, I think you were a passenger in the car
10 which has been given the call sign 805C?
- 11 A. That's correct.
- 12 Q. The driver was Delta 4, and the other passenger Delta 9.
- 13 A. That's also correct, sir, yes.
- 14 Q. I think like the other officers you were due to parade
15 for duty at Leman Street at 7 o'clock on the 22nd?
- 16 A. Yes.
- 17 Q. Cars were allocated and weapons were booked out;
18 correct?
- 19 A. Yes.
- 20 Q. Which weapons did you take?
- 21 A. I took the service issue Glock which is a handgun,
22 self-loading pistol, and I also took the G36, which is
23 a carbine rifle, a short rifle.
- 24 Q. We have been made aware that 124-grain hollow point
25 ammunition was made available to the teams. Did you

- 1 choose to take that kind of ammunition?
- 2 A. No, I did not.
- 3 Q. Why was that?
- 4 A. Because my primary weapon on this occasion was the G36
- 5 carbine.
- 6 Q. That's a weapon used from a long distance?
- 7 A. It can be used from a long distance.
- 8 Q. Why did you prefer to take other ammunition for your
- 9 carbine, then? Is it because the other ammunition can't
- 10 be used or just isn't as effective?
- 11 A. No, the carbine actually requires a separate kind of
- 12 ammunition, it's known as 556, whereas the Glock
- 13 self-loading pistol has 9mm ammunition.
- 14 SIR MICHAEL WRIGHT: So it's actually the wrong calibre?
- 15 A. Yes, sir, that's correct. In effect, one weapon is
- 16 a handgun and the other is a rifle, so they both require
- 17 separate ammunition.
- 18 SIR MICHAEL WRIGHT: Separate type of ammunition?
- 19 A. Yes, sir.
- 20 SIR MICHAEL WRIGHT: Thank you.
- 21 MR HOUGH: We have heard from others also about a briefing
- 22 that took place by Trojan 84 between 7.45 and about 8.10
- 23 that morning, and were you at that briefing?
- 24 A. Yes.
- 25 Q. We have heard that that briefing covered the details of

1 the suspects, the address and the command structure?

2 A. That's correct.

3 Q. Do you recall Trojan 84 saying that you and your team

4 may be required to use unusual tactics?

5 A. Yes, he did say that.

6 Q. Did you ask for any clarification of that phrase?

7 A. Yes, sir, I did.

8 Q. What question did you ask and what response did you

9 receive?

10 A. I asked Trojan 84 to clarify this, and the response he

11 gave was that any of us may have to consider delivering

12 an immediately incapacitating critical shot in light of

13 the information prevailing at the time.

14 Q. Did he say what kind of information prevailing at the

15 time or was that obvious?

16 A. He wasn't any more specific than that at that time.

17 Q. Did he say anything about information that would be

18 coming through from New Scotland Yard and what attitude

19 you should take to that?

20 A. He did say a little earlier in the briefing that the

21 flow of relevant intelligence would be made available to

22 us directly, and that as it was generated some of it may

23 need to be sanitised, and then additionally that we

24 should trust the assessment of the intelligence as it

25 was given to us.

- 1 Q. What did you understand him to mean by sanitised?
- 2 A. Well, I meant that -- sorry, I understood that to mean
3 that there would be pieces of information that may be
4 excluded from what we were being told on the basis of
5 a need for that, for instance in order to protect the
6 sources of information, or it may well be that there was
7 information that wasn't relevant, and that we would be
8 given specific information that was deemed to be
9 relevant in connection with the operation.
- 10 Q. After that briefing, did you go in your car, the Charlie
11 car, with Delta 4 and Delta 9 to Nightingale Lane?
- 12 A. Yes, sir.
- 13 Q. Once there, did you receive a main briefing from your
14 Silver Commander, Mr Purser?
- 15 A. That's correct.
- 16 Q. We have heard that was from 8.45 to 9.15?
- 17 A. Yes.
- 18 Q. And that it covered the suspects, some technical
19 information about the explosives, and the mindset of the
20 suspected suicide bombers or the failed bombers?
- 21 A. Yes, sir, that's correct.
- 22 Q. You have said in your statement that Mr Purser described
23 them as determined and well prepared, and you recall
24 that being said?
- 25 A. Yes, sir, I do recall that, and that's exactly how

- 1 I have recorded it in my statement.
- 2 Q. Were you also told, as we have heard others were, about
3 some persons having left the premises at 21 Scotia Road
4 but having been eliminated as suspects?
- 5 A. Yes.
- 6 Q. Then what were you told about the strategy that your
7 teams were to follow?
- 8 A. Specifically that persons leaving the address were to be
9 intercepted away from it, wherever possible, with due
10 regard to compromise.
- 11 Q. Looking at that for a second. Is that, first of all,
12 all persons leaving to be stopped, were all those
13 interceptions to be performed by C019 officers?
- 14 A. It wasn't my understanding that all interceptions would
15 be performed by C019 officers, no.
- 16 Q. What kind of interceptions were to be performed by C019
17 officers?
- 18 A. Well, I would have expected, in this scenario, any
19 interception that involved an individual who was either
20 thought to be a suspect or believed to be identical to
21 the suspect or was indeed felt to be a suspect. I am
22 being distinct there with, and I'm distinguishing
23 between possibles or other people leaving the address or
24 a larger group.
- 25 Q. You inferred, is this right, that your teams, the C019

- 1 teams, would only be called upon to perform
2 an interception in respect of an identified suspect, not
3 just a possible or an associate? I am sorry, it sounds
4 as though I am misunderstanding you. Use your own
5 phrase, please.
- 6 A. My expectation would be that C019 officers would
7 intervene if indeed a suspect left the address or
8 an associate.
- 9 Q. I see.
- 10 A. Somebody who was identified as concerned with the
11 operation, and I think I would specifically say that in
12 general terms, any other persons leaving the address
13 that weren't believed to be suspects or connected with
14 the operation would not be stopped by C019 officers.
- 15 Q. I see, that's clear. Is that something you deduced for
16 yourself or was it something said explicitly by
17 Mr Purser?
- 18 A. I don't recall Mr Purser saying that explicitly. That's
19 certainly my expectation based upon our experience --
20 sorry, my experience.
- 21 Q. Were you told anything about bus routes in the area?
- 22 A. I was advised that a bus route had been suspended
23 outside the address.
- 24 Q. You say in your statement that that had been done to
25 reduce the element of compromise. What do you mean by

1 that?

2 A. Certainly in my opinion, and you will note from my
3 statement that that's an opinion of mine, I felt there
4 that if it was intended to stop subjects, suspects,
5 leaving the address near to the address, and it had been
6 clearly identified that there was a bus route and
7 possibly bus stops near the address, then in order to
8 reduce the risk posed to members of the public who were
9 either at the bus stop, getting off the bus, getting on
10 the bus at the bus stop, then the suspension of the bus
11 route would mean buses wouldn't be stopping there and
12 therefore it would be likely to, if you like, clear
13 pedestrian traffic from the area.

14 Q. You also add in your statement that, as a matter of your
15 opinion, the suspension of the bus routes would increase
16 safety with regard to members of the public?

17 A. Yes, which is --

18 Q. Can you explain that?

19 A. -- what I think I have just explained.

20 Q. There are two different things here, do you understand:
21 you refer in your statement to the suspension of the bus
22 routes reducing the element of compromise; and you also
23 say it would increase the safety of the public; two
24 different things.

25 A. I see.

- 1 Q. That's two different things in your statement. Can you
2 explain those two things now?
- 3 A. Okay, I probably dealt with the safety matter then in my
4 initial explanation. Compromise would likely take place
5 if we were stopping people outside of the address who
6 were not confirmed as suspects or who were believed to
7 be suspects, and we were doing it in a way that
8 disrupted normal activity in and around the address,
9 possibly allowing or enabling that information to get
10 back to people in the address or maybe even being seen
11 by people in the address, that would be a compromise
12 element.
- 13 Q. At the end of that briefing, had a holding area near the
14 address been identified?
- 15 A. Yes.
- 16 Q. We know that that was the TA Centre. I think at that
17 stage the various cars containing the specialist
18 firearms officers left in sequence to go to that holding
19 area?
- 20 A. Well, I can't confirm whether they left in sequence or
21 not, but it's fair to say that, following the briefing,
22 we did leave that --
- 23 Q. Separately?
- 24 A. -- to make our way individually to the holding centre.
- 25 Q. Now, the first car to arrive at the TA Centre we know

1 was the Alpha car containing Charlie 2, Charlie 5 and
2 Charlie 6. When you arrived at the TA Centre, how many
3 cars were there?

4 A. I don't recall how many cars were there when we got
5 there, and I have not made a separate note of that.

6 Q. When you got to the TA Centre, did you realise something
7 about your car radio?

8 A. Yes, I became aware of the fact that it wasn't working.

9 Q. Pausing there, is this the Cougar radio or the 75
10 back-to-back?

11 A. It was primarily the Cougar radio. For my part, I make
12 all of my references and recollections to the Cougar
13 radio. I am not clear in my mind whether we used
14 a separate system for the 75 back-to-back or whether
15 that's been used as a term of reference for handheld
16 Cougar sets which were on a back-to-back channel.
17 Certainly the Cougar channel, the main working channel,
18 was the one that wasn't working in our car at that time.

19 SIR MICHAEL WRIGHT: Is that the one fixed in the car?

20 A. Yes, sir.

21 MR HOUGH: Did you yourself have a separate working radio
22 separate from the Cougar system?

23 A. Handheld versions of the Cougar system were available
24 and I did have one, yes.

25 Q. Was that working?

- 1 A. It's fair to say that it was on occasion, but it's very
2 difficult to know when it's not working because you
3 don't know what you are not hearing, if you get me.
- 4 Q. Does the Cougar radio in the car have a booster or
5 something else that gives it a better reception?
- 6 A. In effect it does, yes, it's fitted into the car, but
7 the car fit is in fact a handset that's been fitted into
8 a radio board, a communications board, fitted in the
9 car. So there is a mains feed to the battery, and there
10 probably are boosters for the signal. I am not aware of
11 those. I don't know the whole technical capability of
12 the car set.
- 13 Q. When you realised that there was a difficulty with the
14 radio, did you ask one of your colleagues to try to fix
15 it?
- 16 A. Yes.
- 17 Q. That, I think, was Delta 4?
- 18 A. Yes, sir, it was.
- 19 SIR MICHAEL WRIGHT: I don't know whether you know this, you
20 can tell us: is it the position now that the whole of
21 the Cougar installation has been replaced? Now?
- 22 A. I am not certain, sir, on the basis that I no longer
23 work at CO19.
- 24 SIR MICHAEL WRIGHT: I see, all right.
- 25 MR HOUGH: In the period while you are at the holding area,

- 1 your Cougar radio in the car is not working; how are you
2 receiving information from the surveillance team or from
3 anybody else?
- 4 A. Whilst at the holding area there were other CO19
5 officers there. I had spoken with them, and became
6 aware via that conversation that there had been radio
7 communications that clearly we had missed, and so from
8 that point, I spoke to one of my colleagues who went
9 about trying to get the radio back into working order.
- 10 Q. We know that Mr de Menezes came out of the block at
11 Scotia Road shortly after 9.30 that morning; were you at
12 the TA Centre at that time?
- 13 A. Again, sir, I do not have an independent recollection
14 and I haven't made notes of the timings, so I can't
15 assist specifically with that.
- 16 Q. Were you at the TA Centre when you first heard about
17 him?
- 18 A. What I can say is that I was at the TA Centre when
19 I became aware of information via the radio that there
20 was a subject on a bus and our attention was drawn to
21 that. So at that point in time I was at the TA Centre.
- 22 Q. So that, can you remember having heard about the man
23 under surveillance before he was on the bus?
- 24 A. No.
- 25 Q. So is this right, the first you can remember hearing

- 1 about him, you were at the TA Centre and you heard that
2 he was on the bus?
- 3 A. Yes.
- 4 Q. What else did you hear about him at that stage?
- 5 A. A description was given which included his position on
6 the bus, and then additional information concerning this
7 particular suspect acting in an apparently nervous
8 manner --
- 9 Q. Did you hear that, just pausing there, information about
10 him acting in a nervous manner when you first heard
11 anything about him? Or was that later? Or can you
12 simply not remember?
- 13 A. I am not sure I follow that exactly.
- 14 Q. Okay.
- 15 A. The first piece of information I hear concerns a suspect
16 on a bus, and I am describing what was contained within
17 that piece of information.
- 18 Q. Okay, so the first you hear about him, you hear among
19 other things that he is acting nervously?
- 20 A. Yes.
- 21 Q. Did you hear that directly over the radio or passed on
22 by one of your colleagues?
- 23 A. Well, I heard that on the radio, but it's fair to say
24 that it could have been direct from surveillance
25 commentary or it may have been relayed by a colleague.

- 1 I have no specific recollection of the source.
- 2 Q. If your car radio wasn't working very well, whose radio
3 were you hearing it over, or were you hearing it from
4 a handset?
- 5 A. Again, I am not absolutely certain at this point whether
6 we had fixed the car radio or whether indeed we were
7 relying on other handsets that were in the car. There
8 were probably three of those.
- 9 Q. Did you hear anything more said about this man, his
10 description, his behaviour, identification, before you
11 received any instructions?
- 12 A. Well, to pick up from my previous response that he was
13 looking around whilst on the stairway, and this was just
14 prior to leaving the bus --
- 15 Q. Okay. Now, was this at a point when he was at Brixton
16 or at Stockwell, do you know?
- 17 A. I don't recall, but clearly I am aware that he left the
18 bus at Stockwell, so this could have been just prior to
19 that point or it could have been during the journey up
20 until that point.
- 21 Q. Since he was on the ground floor for the journey up to
22 Brixton, if you refer to it as being on a stairwell,
23 then it's probably in the latter part of the journey?
- 24 A. Well, I am sorry, again I can't assist with that. I am
25 unaware of that level of detail about his movement on

- 1 the bus.
- 2 Q. Going back to the question I asked before: is there
3 anything specifically you can remember being said about
4 him before you are given instructions to set off on the
5 follow?
- 6 A. No, sir, there isn't.
- 7 Q. We have heard about instructions given by Trojan 84.
8 Did you hear about those instructions, to set off that
9 is?
- 10 A. Specifically when, sir?
- 11 Q. You are at the TA Centre, did you receive instructions
12 to set off?
- 13 A. Yes.
- 14 Q. What else, what were you supposed to do when setting
15 off?
- 16 A. To support the surveillance part of the operation.
- 17 Q. To get behind the bus?
- 18 A. Yes.
- 19 Q. By this time, had you heard anything about whether the
20 man under surveillance had been identified?
- 21 A. I hadn't heard anything like that.
- 22 Q. Did you make any inference from the fact that you were
23 being ordered forward?
- 24 A. No, because I was -- I was open minded about whether or
25 not such an identification had taken place, I hadn't

1 heard whether it had or not, and I didn't draw any
2 particular inference from that.

3 Q. Were you ever made aware that an S013 arrest team had at
4 one stage been ordered forward to detain the suspect?

5 A. This particular suspect?

6 Q. Yes.

7 A. No, sir, I wasn't aware of that.

8 Q. When you and the other firearms officers moved forward,
9 you moved in convoy; is that right?

10 A. Yes.

11 Q. I think that your car was the third in the convoy after
12 805A and 805B; is that right?

13 A. Yes.

14 Q. And the control car at the back of the convoy?

15 A. Generally speaking that's the -- that would be the
16 placement for the control car, but I have to say that
17 I was not at any given time particularly aware of where
18 it was.

19 Q. Did you then drive up or down, first of all, Tulse Hill,
20 then up the Brixton Road and up the Stockwell Road?

21 A. Sir, again I didn't have and I don't have a particular
22 recollection of the route and I didn't make any notes of
23 the route we took, save to say that clearly we were in
24 Stockwell Road towards the latter part of the journey.

25 Q. During the time that you were in Stockwell Road, did you

- 1 receive any messages, either over the radio or by any
2 other means?
- 3 A. I heard commentary whilst we were there that stated that
4 the suspect had got off the bus and was walking towards
5 the station.
- 6 Q. At that stage, did you know anything about whether the
7 man had been identified or any view taken about him?
- 8 A. No, I wasn't aware of any information about that at that
9 time.
- 10 Q. Were you told anything by any means about the man having
11 been identified as one of the failed bombers from the
12 day before?
- 13 A. I am sorry, was I ...
- 14 Q. Were you aware at any stage as you are going along the
15 Stockwell Road, of this man under surveillance being
16 identified as one of the failed bombers from the day
17 before?
- 18 A. No, I hadn't any of that information at all.
- 19 Q. But you did hear about him getting off the bus?
- 20 A. Yes, I heard that.
- 21 Q. Trying the best you can, can you recall by what means of
22 communication you heard that?
- 23 A. Well, that was certainly on the radio.
- 24 Q. Can you recall which radio, the Cougar or the
25 back-to-back?

- 1 A. The Cougar radio.
- 2 Q. So at that stage, at least, some Cougar in the car is
3 working?
- 4 A. Yeah. I need to be specific about it, and I go back to
5 what I said earlier, sir, in that we had handheld
6 versions of the Cougar radio and it's my belief that we
7 were using the same system for a back-to-back on another
8 channel and we also had the car set which is a Cougar
9 radio which would be on a -- on the working channel.
- 10 Q. Can you remember over which of those various radios
11 you --
- 12 A. No, I am afraid I can't, no.
- 13 Q. After you have heard that the man has got off the bus,
14 is going towards the tube station, you haven't at this
15 stage received any order or instructions?
- 16 A. That's correct.
- 17 Q. Had you heard anything by this stage about, over the
18 radio, your team coming through the surveillance follow?
- 19 A. No.
- 20 Q. Did a time come when you received an order from
21 Trojan 84?
- 22 A. I remember hearing specifically that the suspect should
23 be stopped from getting on to the tube.
- 24 Q. Was that an order given by Trojan 84 or by somebody
25 else?

- 1 A. I don't know exactly who it was given by, but I am
2 assuming that it was Trojan 84.
- 3 Q. Anything else beyond that the man should be stopped
4 getting on the tube?
- 5 A. There was nothing else that -- contained within that
6 message, no.
- 7 Q. Now, at this stage, when you have got that order, had
8 you received any information from any source about
9 whether the man had been identified as a suspect?
- 10 A. No, I didn't.
- 11 Q. Shortly after that, did you hear "state red" called by
12 Ralph?
- 13 A. Yes, I did.
- 14 Q. What did your car do in response to that instruction?
- 15 A. Drove across the junction and stopped at Binfield Road
16 which is just at the side of Stockwell station.
- 17 Q. We have seen photographs of where that is. When you
18 were pulling into Binfield Road, did you have any
19 further information over the radio about where the man
20 had got to now?
- 21 A. No.
- 22 Q. Did you then leave the car and run towards the station?
- 23 A. Yes, sir, I did.
- 24 Q. What type of weapon were you carrying?
- 25 A. My service issue Glock, which was in its holster on my

- 1 hip, and the G36 rifle.
- 2 Q. So both?
- 3 A. Both weapons, yes.
- 4 Q. Were you wearing your high visibility cap?
- 5 A. No, that had fallen off as I got out of the car. In
6 fact, if I remember rightly I actually had it in my hand
7 intending to put it on and I think I dropped it as
8 opposed to it falling off. I remember it being on the
9 ground when I came back to the car.
- 10 Q. When you got into the station, did you go through the
11 barriers?
- 12 A. Yes.
- 13 Q. Could you see your colleagues from the various other
14 cars entering around you and ahead of you?
- 15 A. I do not have a specific recollection of who I saw or
16 where they were in relation to me in the ticket hall and
17 going through the barriers.
- 18 Q. I think you were about the sixth of the firearms
19 officers through the barriers according to the CCTV,
20 I won't show it to everybody again, but were you aware
21 of firearms officers running in front of you?
- 22 A. I was, yes.
- 23 Q. Did you descend the escalators to the lower concourse?
- 24 A. Yes.
- 25 Q. Did you then follow your colleagues off to the left?

- 1 A. Yes.
- 2 Q. Can we have tab 31 of the jury bundle on screen, please.
- 3 This is the view that we have seen many times of the two
- 4 entrances from the lower concourse to the platform.
- 5 These are the two entrances. Did you go into either of
- 6 these?
- 7 A. I believe I went through the first one that you see on
- 8 the left-hand side of this picture.
- 9 Q. Can we have on the next tab, please. Once you got to
- 10 the platform, where did you go?
- 11 A. From my recollection, the doors that you see open on the
- 12 carriage there were open as they are, in the photograph.
- 13 There was a surveillance officer stood in the doorway.
- 14 Q. Pausing there, how did you recognise him as
- 15 a surveillance operative?
- 16 A. He wasn't somebody I knew but I got the impression that
- 17 that's who he was. He was standing indicating with the
- 18 hand on his chest in the fashion that I am indicating
- 19 now (indicated) pointing to his left, to my right, down
- 20 the carriageway, and down the platform area.
- 21 Q. Which direction did you turn?
- 22 A. To my right, and to the right in this photograph.
- 23 Q. At that stage, when you are going along to the right,
- 24 can you see any of your colleagues in front of you?
- 25 A. I was specifically aware of Charlie 2, and I was aware

1 that other officers were around but my focus primarily
2 was on Charlie 2 who was in front of me.

3 Q. How far in front of you?

4 A. I can't say.

5 Q. Even roughly?

6 A. Perhaps a few paces.

7 Q. Did you follow him?

8 A. Yes.

9 Q. Where did he go?

10 A. Passing the first pair of open doors to the carriageway
11 that were in that photograph there and turning left into
12 the second set of open doors on to the carriage.

13 Q. Double doors?

14 A. Yes.

15 Q. As you were going along the platform, could you hear any
16 shouting around you?

17 A. I don't recall anything specifically on the platform.

18 Q. As Charlie 2 turned into the doorway, and you followed,
19 what could you see ahead of you?

20 A. As I went into the carriage itself, I became aware, as
21 I came up on to the rear of Charlie 2, of a struggle
22 taking place in front of him. I knew that other
23 officers were on the carriage, and that -- both around
24 and nearby to where I was. I must have looked around,
25 I suppose, to get that, but I do not have a specific

1 recollection of that.

2 Q. Just pausing there, were you aware when you entered the
3 carriage how many other officers were there other than
4 Charlie 2?

5 A. No.

6 Q. How busy was the carriage in general?

7 A. I would say it was reasonably busy. I didn't get
8 an opportunity to do a head count or anything of that
9 nature or to look in any great detail, but my feeling
10 and impression was that it was reasonably busy. The
11 platform was reasonably busy as well as we made our way
12 through.

13 Q. Now, you say that you witnessed a struggle in front of
14 you. Was your view of that blocked?

15 A. Yes, it was, I couldn't see that clearly.

16 Q. So describe what you could see.

17 A. That's about the level of detail I can go into. I was
18 aware of the fact that a struggle was taking place.
19 I couldn't see exactly who was involved, and exactly
20 what that consisted of. I was aware of movement, but
21 I was focusing on lots of other things, I was focusing
22 on where I was, where other people were, and it was
23 happening very, very quickly.

24 Q. Did you hear anything?

25 A. Yes, I did. As I came into the carriage, I could hear

1 verbal challenges, I could hear, "Police" and, "Armed
2 police" being shouted.

3 Q. Pausing there, from which direction?

4 A. I was aware of it. I was aware of it being shouted
5 around me. I couldn't tell you whether it was to my
6 left, to my right, in front of me or behind me. I have
7 no specific recollection of that.

8 Q. What happened next?

9 A. I heard cracking noises right in front of me but
10 initially couldn't see what that was.

11 Q. Did you identify them as gunfire?

12 A. Yes, I did.

13 Q. How many shots?

14 A. I don't know, I wasn't counting shots, I don't know,
15 sir.

16 Q. Was it a continuous sequence or was there a break in the
17 sequence?

18 A. A number of shots were fired and then there was a pause,
19 and then the shots resumed again.

20 Q. While the shots were being fired, could you see anything
21 at that stage about where people were positioned in
22 front of you and what more precisely and physically was
23 going on?

24 A. No, I couldn't, and I -- because I couldn't, I wanted to
25 be able to see exactly what was happening, I wanted

1 a clearer view, and as a result re-positioned myself and
2 moved from where I was, standing behind Charlie 2, to my
3 left to get a view through the glass partition at the
4 end of the --

5 Q. If we have tab 35 of the jury bundle on screen, it might
6 help you to navigate. The doors you entered were those
7 between Robert Preston and Rachel Wilson; do you see
8 those, over on the right?

9 A. Yes.

10 Q. And on the lower part of the screen. You were initially
11 behind Charlie 2, so is this right, towards the
12 right-hand side just inside the carriage?

13 A. I came in through those doors.

14 Q. Yes?

15 A. And came towards the seated area which is to the right
16 of those doors.

17 Q. That's the point I am making, yes.

18 A. And was probably standing, if you like, in the centre of
19 the aisle that moves away to the right-hand side of that
20 picture.

21 Q. And the struggle is taking place, then, how far in front
22 of you?

23 A. Literally right in front of me.

24 Q. Because your view is blocked, you say you can't tell
25 quite where people are positioned, physically?

- 1 A. That's correct.
- 2 Q. So you move around to your left?
- 3 A. Yes.
- 4 Q. And where are you now standing, if you can help us,
5 using this plan?
- 6 A. Well, using the plan, I moved to get a view through the
7 glass partition that would be to the right-hand side of
8 the individual marked there as Holly Greenland.
- 9 Q. Holly Greenland, yes. So you were now able, is this
10 right, to look through the glass partition over her and
11 to what was happening?
- 12 A. Well, it's fair to say that I have no recollection of
13 anybody being sat in that seat. I do not have
14 a specific recollection of the detail of what was going
15 on. I was trying to get a view. What I could see at
16 that point in time was, with all of the body movement,
17 I became aware of debris in the air, I can't describe
18 that in any more detail, other than ... I had it in my
19 mind that I wanted to get into a position to bring my
20 weapon to bear if that was going to be appropriate. As
21 I say, the whole thing was happening very, very quickly.
- 22 Q. You have seen the debris in the air. Once the air has
23 cleared, what can you see about the man who had been
24 confronted?
- 25 A. I saw the individual slumped over the seat with his face

1 down.

2 Q. So still in his seat?

3 A. Yes. The upper part of his body in the seat, waist
4 probably at the edge of the seat and legs out into the
5 walking area just in front of the seats.

6 Q. Had you actually seen this man so that you could
7 describe him at any time before this stage?

8 A. I don't recall having seen this individual any time
9 before that particular point. I had a clear view of him
10 then, and it's fair to say I hadn't seen him at any
11 other stage in the day.

12 Q. I'm not going to ask you about his movements beforehand,
13 because it's clear that your view was obstructed as far
14 as you are concerned.

15 So after you had seen him slumped in that way, what
16 did you do?

17 A. I was very, very concerned at that point that there was
18 still the possibility of this individual wearing
19 a concealed explosive device and, despite what had
20 happened and what I could see, I was still very
21 concerned about the possibility of that device
22 detonating.

23 Q. Did you then take steps, first of all calling out, and
24 then directing the public to evacuate the platform area?

25 A. I did, yes.

- 1 Q. After that, did you ask for support from explosives
2 officers to check the scene for any devices?
- 3 A. Yes.
- 4 Q. After they had cleared the scene as being free from any
5 such devices, were arrangements made for first aid
6 equipment to be brought down?
- 7 A. Yes.
- 8 Q. Shortly after that, did you hand over the scene to other
9 colleagues?
- 10 A. Yes, that's correct, sir.
- 11 Q. While you were at the tube station that day, did you
12 have any conversation with either Charlie 2 or the other
13 man most directly involved, Charlie 12, about what had
14 happened?
- 15 A. No, not at all, nothing beyond ensuring that they were
16 okay. I recall probably asking them if they were okay.
17 I certainly didn't ask them questions about what had
18 happened. I hadn't had a conversation with them about
19 that at all.
- 20 Q. Did you receive from them or from anyone else in the
21 immediate aftermath information about what the man we
22 now know to be Mr de Menezes had done when confronted?
- 23 A. No. No, because I didn't ask anybody and nobody
24 volunteered that information to me. No.
- 25 MR HOUGH: Thank you very much, those are my questions.

1 SIR MICHAEL WRIGHT: Thank you. Yes, Mr Mansfield.

2 Questions from MR MANSFIELD

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

4 I represent the family of Jean Charles de Menezes.

5 A. Good afternoon, sir.

6 Q. I'm really going to concentrate on two separate areas.

7 One is Scotia Road and the other is Stockwell. Could
8 you have tab 7 in front of you, please. It's in the
9 maps brochure.

10 Before we get to Scotia Road, I wonder if you can
11 help about the previous day. That is the 21st. You are
12 green team, you were the leader, and I'm going to put it
13 to you to see whether this was your position; we have
14 heard from a member of the black team. Is it your
15 recollection that from about midday on the day before
16 this, the 21st, the day of the attempted bombings, that
17 you were called back to Leman Street and you spent the
18 rest of the day on standby, either resting or perhaps
19 going home or whatever?

20 A. Unfortunately, sir, I can't assist with that.

21 Q. Right.

22 A. I do not have a record of the duty performed that day.

23 Q. Then I'll leave it.

24 SIR MICHAEL WRIGHT: I suppose you may not have been
25 actually a member of the joint team that day?

- 1 A. I think that is the case. I don't recall being involved
2 with my colleagues from that --
- 3 SIR MICHAEL WRIGHT: We have heard about an operation in
4 east London on the previous day. It doesn't mean
5 anything to you?
- 6 A. I don't believe I was involved in that, sir, no.
- 7 MR MANSFIELD: All right, so you don't recall being involved
8 in that and you can't help as to what you were doing?
- 9 A. No, sir.
- 10 Q. All right, I'll leave it. Then during the second
11 briefing, you have just been asked about the strategy,
12 this is the briefing from Mr Purser, the Silver, at
13 Nightingale Lane, and we know that briefing took place
14 between 8.45 and 9.15 roughly speaking.
- 15 Now, had anyone up to then said that there was any
16 sense of urgency, you know, that, "We have really got to
17 get to Scotia Road because there is a red team already
18 out there"?
- 19 A. I am not sure what you mean, sir, by reference to the
20 red team.
- 21 Q. All right. I'll take it a little more slowly, then.
22 The first briefing is at 7.45 and it's fairly short.
23 I am not going to concentrate on that one. This is the
24 second one.
- 25 A. Yes, sir.

1 Q. Which is in much more detail, and you are actually not
2 far away from Scotia Road. Somebody has estimated it
3 at -- Ralph at the Health and Safety trial -- about
4 eight minutes away. So you are not far away from
5 Scotia Road. Does anybody, during this briefing, which
6 has been praised by firearms officers, did anyone in the
7 briefing say: look, we have really got to get out there,
8 there has been a red team sitting there since
9 6 o'clock -- a red team meaning a surveillance team,
10 even if they didn't use the word red -- a surveillance
11 team sitting out there since 6 o'clock?

12 A. No, that -- that wasn't -- that's not something
13 I recall, and it's not something I remember being said.

14 Q. Over what period of time before this day had you been
15 acting as a team leader? Because you have been CO19 for
16 seven years, but how long had you been a team leader?

17 A. Throughout my whole time in CO19, yes.

18 Q. Right. This is the reason I'm asking you these
19 questions.

20 So, and your understanding was that, from the
21 strategic point of view, you might have to stop somebody
22 who was positively identified or possibly identified or
23 felt to be, all those phrases you used; right?

24 A. Sir.

25 Q. Now, have you gone on a MASTS operation before, mobile

1 armed support?

2 A. Yes.

3 Q. So you are very familiar with these situations. Now,
4 how often, because you said it was your experience that
5 although it wasn't said expressly that you might have to
6 stop somebody who was less than positively identified,
7 was this a relatively common situation for you as a team
8 leader over those seven years that you might have to
9 intervene for somebody who is just thought to be the
10 person?

11 A. No, not at all. If I have given the impression or
12 I have -- if I said earlier that we stopped or I would
13 expect to stop possibles or probables, then clearly
14 I gave the wrong impression. My experience and my
15 expectation would be that we would stop people who were
16 subjects, suspects, confirmed as positive or as certain
17 as we could be in the circumstances.

18 Q. Well, that isn't actually how you put it earlier, and it
19 was gone over twice. So I am going to take it slowly.
20 You were asked about this at Health and Safety, weren't
21 you, the trial?

22 A. I may well have been, sir, yes.

23 Q. It may well be I'll have to remind you of what you said
24 on that occasion. But just let me ask you again: the
25 strategy as you understood it might well have involved,

1 first of all, a positively identified person, confirmed?

2 A. Yes.

3 Q. But it might also concern somebody who had not reached

4 that level of being positive, in other words possibly

5 identical with, PIW, that kind of thing?

6 A. Yes, I think that's fair to say, sir, that we may be

7 instructed to stop somebody who was possibly identical

8 with.

9 SIR MICHAEL WRIGHT: What would you have understood that

10 phrase to mean?

11 A. An individual who was believed to be, as firmly as that

12 could be, the suspect that we were concerned with.

13 SIR MICHAEL WRIGHT: PIW, possibly identical with?

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: That you would regard as a fairly --

16 a very high degree of certainty?

17 A. Well, I think --

18 SIR MICHAEL WRIGHT: Is that right?

19 A. I think the difficulty I am having with this, sir, is

20 that in this operation, in this operation in particular

21 and operations like it when our instructions to stop

22 subjects come from the control room, then we have -- we

23 are acting on those instructions and on those

24 directions, and personally or individually I may or may

25 not feel that -- or I may or may not know the degree to

1 which the individual is believed to be, suspected to be,
2 you know, in percentages, identical with a subject.

3 And that was the position I felt we were in here.

4 We would be directed to stop a subject or subjects by
5 control room, by instructions from the control room.

6 SIR MICHAEL WRIGHT: Of course you may be hearing over the
7 radio or by whichever route information that may come
8 maybe two or three steps back, a surveillance officer at
9 one end to the control room to your tactical adviser or
10 whatever, to you?

11 A. That's quite likely.

12 SIR MICHAEL WRIGHT: I suppose there is no way that you can
13 effectively say, "Well, what do you mean?"

14 A. You are right, sir, yes.

15 SIR MICHAEL WRIGHT: There is no feedback, no check back to
16 find out exactly what it means?

17 A. I may have that opportunity, but I may not always have.

18 SIR MICHAEL WRIGHT: Yes, it depends. Yes.

19 MR MANSFIELD: Was there any discussion in this apparently
20 detailed briefing about any of this? The basis of
21 identification upon which you might be called to
22 intervene?

23 A. Sir, I have to say whether there was or there wasn't any
24 detailed discussion about identification, in my mind
25 I was satisfied with the strategy and the way that these

1 types of operations are run, and they are run in a way
2 that we don't have, as a firearms team, the luxury of
3 saying that we will at this point or we won't at that
4 point, we are directed to stop individuals, and the
5 reason for that is that quite often operations of this
6 nature -- and I am referring specifically to those run
7 by, where there is a control room that's remote from the
8 site of the operation -- the control room managers and
9 the senior managers have access to information that we
10 necessarily may not have. So we are directed to take
11 various steps. So --

12 Q. I understand all of that.

13 A. -- helpful.

14 SIR MICHAEL WRIGHT: Ours not to reason why.

15 A. On occasion, sir, yes.

16 MR MANSFIELD: I'll have to come to what you said before,
17 you see, so let us take it slowly.

18 The question was this: was there any discussion?
19 Never mind what normally happens or your beliefs. Was
20 there any discussion in the briefing about the
21 threshold, in other words the basis on which you were
22 going to be called out that day? One more bit: I'm
23 asking you this because other officers have indicated
24 what they believed to be the case; do you follow? About
25 the level of identification.

1 A. Sir, I do follow. And --

2 Q. Right. Was there any discussion in the briefing about
3 all of this?

4 A. I am afraid I can't help you with that, because I don't
5 recall any specific discussion. I can't say whether
6 there was or there wasn't.

7 SIR MICHAEL WRIGHT: I think, with respect, Mr Mansfield,
8 there is a tiny inconsistency there. At the briefing,
9 all that they could ever -- all that you could ever have
10 done is agree among yourselves as to how you would
11 describe various levels of identification, because at
12 that stage you had not identified anybody.

13 A. That's correct, sir, but it's probably more accurate to
14 say that at the briefing, once a strategy has been
15 explained, then personally as a team leader and in terms
16 of my responsibility, I'm concerned with the tactics and
17 deploying at times and in ways and in fashions that I am
18 instructed to do and I --

19 SIR MICHAEL WRIGHT: In order to fulfil the strategy.

20 A. Absolutely, and I guide my team to do that.

21 SIR MICHAEL WRIGHT: Mr Mansfield is asking you about what
22 happened at the briefing.

23 A. Sir.

24 SIR MICHAEL WRIGHT: Just go back one step to a more general
25 basis. We haven't heard of any, and I am assuming there

1 isn't any, there is no teaching in the police service
2 generally or in your particular part of the police
3 service including Special Branch and anti-terrorist and
4 the firearms squads, as to any, as it were, accepted
5 meaning of phrases, is there?

6 A. No, sir, there isn't.

7 SIR MICHAEL WRIGHT: You know, you are not taught that if
8 you are given the phrase "possibly identical with", that
9 is defined as X, Y, Z?

10 A. No, and perhaps that's why I am having some difficulty
11 with the question, on the basis that my experience has
12 been that I have heard a range of phrases used
13 throughout various operations, and each operation is
14 unique in the sense that there is no baseline, if you
15 like, for identification. It may well be that somebody
16 one day says to a surveillance officer: give me an idea
17 out of 10 how certain are you that this is our man or
18 our woman, give me an idea in percentages, that kind of
19 thing --

20 SIR MICHAEL WRIGHT: But you don't have formalised phrases?

21 A. No, there isn't.

22 SIR MICHAEL WRIGHT: You might get somebody saying "very
23 likely" or "very like" or, as we have heard here, "PIW"?

24 A. Yes.

25 SIR MICHAEL WRIGHT: It's not formalised in any way as to

- 1 what these phrases mean?
- 2 A. That's also correct. There is no formality to it.
- 3 SIR MICHAEL WRIGHT: I understand, thank you.
- 4 MR MANSFIELD: I take it it follows that nothing was said at
- 5 your briefing -- can I ask you this: do you ever get
- 6 briefed alongside the surveillance officers so there is
- 7 a joint briefing? Does that ever happen?
- 8 A. It does happen on occasion. It has happened on
- 9 occasion.
- 10 Q. I know it didn't happen on this occasion --
- 11 A. That's correct.
- 12 Q. -- because the team is already out there?
- 13 A. Yes.
- 14 Q. But did anybody convey to you from any source whatsoever
- 15 that in fact -- first of all, was there any comment made
- 16 about the images that you were being shown of the
- 17 suspects? Were you being told: oh, these are rather
- 18 good; or they are rather bad; or they are indifferent?
- 19 A. Again, sir, I have no specific recollection of any
- 20 comment about that aspect.
- 21 SIR MICHAEL WRIGHT: What did you think of them? The one
- 22 particularly interesting one was the gym card photograph
- 23 which you probably remember. If not we can show it to
- 24 you.
- 25 A. In terms of the -- I would like to see it if it's

1 available, sir.

2 MR MANSFIELD: Yes. they are in the jury bundle.

3 SIR MICHAEL WRIGHT: There it is. Does that ring a bell

4 with you?

5 A. Yes, it does, I recall seeing that image before.

6 SIR MICHAEL WRIGHT: What did you think of that when you saw

7 it as a helpful representation of what a man might look

8 like?

9 A. I personally took it to be very helpful. Again, it's

10 been my experience in the past where we have not had the

11 benefit of images. We have had descriptions, if you

12 like, so yes, it was very useful.

13 SIR MICHAEL WRIGHT: Thank you.

14 MR MANSFIELD: Yes, so you were not, there were no

15 reservations like this is -- because we have heard

16 a number of surveillance officers all saying as far as

17 they are concerned, they thought this was a rather poor

18 image but that's not your view of this image; is that

19 right?

20 A. I can only say, sir, that surveillance officers probably

21 have a very different need than mine, and so I couldn't

22 comment as to whether it was suitable for their purposes

23 or not.

24 Q. You see, one of main ones, Ivor, who you actually come

25 to see eventually in the tube train, was saying really

1 in essence that they could have gone on following this
2 person for a very long time just with that image; it
3 wasn't sufficient. So nothing like that was said or
4 discussed at the briefing, the difficulties of making
5 an identification that might lead to you being called
6 in; that wasn't a discussion that was held?

7 A. It's not one that I recall, and I would even go -- to
8 say that it's probably not one that would have taken
9 place anyway. Identification is a matter for the
10 surveillance team and not for the firearms team.

11 SIR MICHAEL WRIGHT: I appreciate it's a job that's been
12 done when you are called in?

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: Or you hope it is anyway.

15 A. Yes, sir, to an extent.

16 MR MANSFIELD: Except that officers listen to the
17 surveillance channel, don't they?

18 A. Yes.

19 Q. They take great stock from what is being said on the
20 surveillance channel as to whether it's your man or it's
21 not your man, don't they?

22 A. I am sure they would.

23 Q. Yes. So it is important to understand what is being
24 said by a surveillance officer and what is meant by
25 a surveillance officer when they say it; that would

- 1 help, wouldn't it?
- 2 A. Yes.
- 3 Q. Right. Now can we go to Scotia Road. At Scotia Road,
- 4 I don't know how familiar you are with the area but
- 5 I want to just take it forward. If a strategy, and the
- 6 words you have not used but I want to put to you were
- 7 used in the strategic briefing, TJ84 effectively was
- 8 telling you that the -- a suspect at whatever level of
- 9 identification was not going to be allowed to run; do
- 10 you remember that?
- 11 A. No, I don't remember that specifically.
- 12 Q. He's told us that those are the words he used, but can
- 13 I just take it further forward. That the object was --
- 14 can you recall this -- to ensure that the person didn't
- 15 go too far away from the address, but on the other hand
- 16 wasn't arrested too close to the address, following your
- 17 point, so as the whole operation would be compromised?
- 18 A. I can accept that, but I need to reinforce that I don't
- 19 recall that aspect of the briefing, but yes, that makes
- 20 sense to me.
- 21 Q. That makes sense. Well, can I just go forward on the
- 22 making sense point. You didn't actually get to the
- 23 location in time; that's not a criticism, that's how it
- 24 worked out.
- 25 A. Which location are you referring to?

- 1 Q. At the TA Centre, which is in fact on this plan.
- 2 A. Yes.
- 3 Q. Do you see where it is?
- 4 A. I can see it, sir.
- 5 Q. You do get there but not, it would appear, before
6 Mr de Menezes has left the block in which number 21
7 exists. It doesn't appear as though you did. Other
8 vehicles may have got there. Do you follow?
- 9 A. I follow what you are saying, sir, entirely. I can't --
10 I can't confirm whether or not during the time we were
11 at the TA Centre we would have been, that that timeframe
12 would have coincided with when he left the address,
13 I don't know.
- 14 Q. I'm asking you as a team leader just to put the clock
15 back, if we can, for a moment. If there is a strategy
16 not to let a person run, and in particular with regard
17 to bus routes, not allow them to get on a bus, whether
18 they are a possible or a definite, do you follow? Are
19 you following this? Then it is necessary, is it not,
20 for there to be very tight surveillance control of this
21 area to ensure that the first thing that happens is
22 somebody can either be identified or not identified or
23 possibly identified. That's quite important as a sort
24 of first stage of your job. You are the bolt-on.
- 25 A. Yes. All I can say, sir, is that I am not entirely sure

- 1 whether the strategy like that in these circumstances
2 was achievable. But in terms of what you say about the
3 set-up, and the arrangement --
- 4 Q. That was the strategy and no-one has said, so far, that
5 it wasn't achievable.
- 6 A. I am not saying that it wasn't. I am saying I don't
7 know whether it was or not.
- 8 Q. All right, but that is something you have to look at
9 carefully, isn't it? What is actually achievable on the
10 ground, do you agree? As a team leader you would want
11 to know what's achievable?
- 12 A. Are you asking me to comment in these particular
13 circumstances or in general, sir?
- 14 Q. These circumstances.
- 15 A. Okay, in these circumstances I was not employed as
16 a team leader and therefore wasn't having those tactical
17 considerations specifically. I hadn't been involved in
18 the formulation of any of that strategy, and therefore
19 wasn't in a position to, if you like, to give some
20 tactical input to it to understand whether or not it was
21 achievable.
- 22 Q. All right, can we back down the line and say you
23 couldn't have done it on the day because you weren't the
24 team leader. That was Ralph for the combined teams.
25 But --

- 1 A. But Ralph may or may not have been able to achieve the
2 same thing.
- 3 Q. Yes, well, I have asked Trojan 84, who was the tactical
4 adviser, about all of this. As far as you are concerned
5 as a team leader, leaving aside this day when you
6 weren't the team leader, do you agree that the things
7 that you have to do, were you to have been the team
8 leader, is to look practically at what exists on the
9 ground in order to work out what window of opportunity
10 you have got for stopping somebody?
- 11 A. Yes, I totally agree.
- 12 Q. Thank you. Now, can I move on, then, just down the
13 road, as it were, and I appreciate you have
14 a communications system that is far from perfect, so
15 I am not going to ask you a great deal other than -- you
16 can look at your statement if you wish for these
17 purposes -- in relation to hearing about him being
18 nervous or words to that effect, I think in your
19 statement if you look at it now, you link that situation
20 to the time that he's getting off the bus.
- 21 Just have a look at it. And see if you agree.
22 That's how it seems to be expressed. It's in the middle
23 of 378, do you see?
- 24 A. I have found it, sir, yes.
- 25 Q. "Other information was given concerning the suspect

1 acting in an apparently nervous manner and looking
2 around whilst on the stairway, just prior to him leaving
3 the bus."

4 So it does look as though that information hasn't
5 come through to you at the very early stage; would that
6 be fair?

7 A. It certainly looks that way, and it's difficult for me
8 to recall any more, any more detail, you know, about
9 where I was at that time.

10 Q. I'm not going to ask you to do it because you were asked
11 to do it at the Health and Safety. You have seen the
12 compilation video, I think, haven't you, showing the
13 cars coming up to the traffic lights?

14 A. Yes.

15 Q. I think your estimate is you are the third police car in
16 line, and we have seen on the compilation -- you can see
17 it again if you wish -- a Mercedes pulls out and the
18 second car pulls out and you are somewhere in the line
19 there?

20 A. I have seen that, sir.

21 Q. You have seen that. That's where you are. I am not
22 going to get you to pin yourself in relation to that.
23 But the Cougar does appear -- your Cougar, sorry, your
24 reception -- to be working at this point; is that right?

25 A. Yes.

- 1 Q. You do not hear anyone say, "This is definitely our man"
2 at that point, do you?
- 3 A. I certainly didn't hear that.
- 4 Q. Now, we go down, I am going to take you straight down
5 the escalator, if you wouldn't mind, and then on to the
6 platform, you are turning right, and you are -- and
7 I just want to cover these last few paces, in fact --
8 your recollection is that C2 is directly in front of
9 you, a few paces ahead; is that fair?
- 10 A. That's the best of my recollection, yes.
- 11 Q. I'll come to the question of struggle in just one
12 moment. But before the point at which you witness what
13 appeared to you to be a struggle, nobody -- would this
14 be right -- nobody had shouted, "Armed police", had
15 they?
- 16 A. I don't agree with that statement. Although I didn't
17 say earlier in my evidence, it is in my statement that
18 I was calling, "Armed police", and I did say in my
19 statement that I could hear challenges of, "Police" and,
20 "Armed police", and they were familiar voices so clearly
21 my colleagues were. I certainly wasn't the first, and
22 there is good reason for that. But once I had heard
23 that, I -- those challenges, I offered the same both to
24 reinforce and quite clearly to identify myself and my
25 colleagues as police officers.

- 1 Q. Well, can you just -- you can look at your statement, it
2 starts at the bottom of 378 to 379 -- identify where you
3 specify that you were aware of words, "Armed police"
4 being uttered before you were aware of the struggle?
- 5 A. Actually you are right, sir. In terms of the way my
6 statement is written, you are right. It wasn't --
7 I have not written it before --
- 8 Q. What I want to put to you is this possibility: that if,
9 "Armed police" was shouted at all, if it was, it was
10 shouted as the shots were fired. Now, is that
11 a possibility, it happening very quickly?
- 12 A. I believe that to be very, very unlikely. I don't
13 believe that's the case.
- 14 Q. Never mind unlikely. Is that possible?
- 15 A. Well, I don't think it's possible because my colleagues
16 are well aware of their responsibility, I am aware of my
17 responsibility and their responsibility, and I -- my
18 recollection of this event is that I heard those
19 challenges before I began to issue them myself. So that
20 means to me that they were being issued loudly and
21 clearly within the carriage as I came into the carriage.
- 22 Q. Now, is this-- and please understand the way I am
23 putting this, do you think this might be wishful
24 thinking on your part as to how it should have happened,
25 because that is the procedure in a conventional stop

- 1 that should occur?
- 2 A. Well, I absolutely disagree with that statement, sir.
- 3 Wishful thinking doesn't come into it. These were
- 4 verbal challenges that I heard clearly, and once heard
- 5 by me, I began to issue the same.
- 6 Q. You prefaced this by indicating it's their
- 7 responsibility. What did you mean?
- 8 A. That, what I mean by that is that firearms officers are
- 9 aware that identification -- and what I mean by that is
- 10 identifying themselves as police officers -- is
- 11 an important, vitally important aspect at times like
- 12 this at the point of intervention, particularly if it's
- 13 intended or felt that they were going to use their
- 14 firearms.
- 15 Q. Right, unless of course they wanted to use a covert
- 16 approach that they weren't identified, using the ACPO
- 17 manual which we have been referred to on a number of
- 18 occasions, no oral warning is allowed?
- 19 A. It's not a case of it not being allowed, sir. It is
- 20 important that the decision about when that's made, ie
- 21 when we move from the point of being covert to overt,
- 22 that that's -- that decision is made, it's
- 23 a consideration by the individual officer, and it's made
- 24 at a time that they deem appropriate.
- 25 Q. Yes. But if they -- the time they deem appropriate is

1 at the time a shot is fired, that's really just to tell
2 everybody else: I am a policeman doing it, isn't it?

3 A. I am not absolutely sure I know what you mean by that.

4 Q. The evidence, so you appreciate, up to now is from C2,
5 for example, the one you were following into the
6 carriage, he doesn't suggest he shouted, "Armed police"
7 until the moment, or just before or just after, he
8 fired.

9 So you appreciate what I am putting. The other one
10 has a different account which I'll come to in a moment.

11 Now, are you aware of the dilemma facing police
12 officers in a situation in which they may have been led
13 to believe, or one of them, that they are actually
14 dealing with a suicide bomber that day as opposed to one
15 the previous day? You appreciate the dilemma?

16 A. Yes.

17 Q. But if you go overt, the person might reveal themselves
18 to be a bomber and detonate?

19 A. Yes, sir.

20 Q. Therefore the usual responsibility you are talking about
21 that should happen doesn't happen?

22 A. Well, no, sir, I encapsulate that in my reference to
23 their responsibility. That consideration takes place
24 during their assessment of the threat and each and every
25 firearms officer would make a decision as to whether or

1 not it was appropriate to issue those challenges and the
2 words, "Police" or, "Armed police" or something of that
3 nature, and they would have due regard to the
4 circumstances at the time. They would have clearly
5 thought, as I would, about whether or not issuing that
6 verbal challenge was appropriate or not.

7 Q. Unless of course things happened so fast that no
8 assessment takes place at all?

9 A. That sounds hypothetical to me, sir. Are you asking for
10 my opinion on that?

11 Q. I'll deal with your position. You are just behind C2.
12 Between the time that you are actually behind C2 getting
13 on to the carriage and the shots is about five seconds?

14 A. Sir, I have absolutely no idea of the timeline.
15 I couldn't even guess. It was a fast-moving scenario,
16 and I think it would be totally inaccurate for me to
17 assign timings to it. I really can't recall.

18 Q. I'll take it, and I will put to you what the other
19 officer says he does, C12, did you see C12 at all?

20 A. I have no specific recollection of that, sir, no.

21 Q. Did you see any handgun held up into somebody's face
22 ahead of them? (indicated) I'm just illustrating.

23 A. I can see your illustration, sir. As I said previously,
24 my recollection of that event is as I have described,
25 I don't recall seeing C12 in the manner that you have

- 1 just described, so I can't help you any further with
2 that.
- 3 Q. Just to complete the picture, him shouting, "Armed
4 police", holding it up and a man advancing towards him;
5 you don't see any of that?
- 6 A. No, I didn't see any of that, no.
- 7 Q. And continuing to advance towards him, after he's held
8 the pistol up and shouted the words according to him;
9 you didn't see any of that?
- 10 A. No, sir.
- 11 Q. When you come away from the scene, you have been asked
12 some questions about whether you spoke to either of the
13 two firearms officers, but I have to ask you whether --
14 you must have spoken to Mr Purser, the Silver Commander,
15 that day?
- 16 A. Yes, I --
- 17 Q. Because you handed over to him?
- 18 A. Yes, I did, I spoke to Mr Purser.
- 19 Q. Did he ask you what had happened?
- 20 A. To be absolutely accurate, I don't recall whether he
21 asked me what had happened or whether I gave him a brief
22 account of the event so that he was aware of what had
23 happened.
- 24 Q. Are you aware of what he says or has said that you said?
- 25 A. Not in any detail, sir, no.

1 Q. Are you aware at all of what he claims or has claimed in
2 the past that you said?

3 A. No, sir.

4 Q. He has named you?

5 A. No, sir.

6 Q. At 10.25, he enters the scene, and you take him to the
7 scene, and I'm reading, so you can see, 328, please,
8 this is Silver's original statement, page 328. So this
9 is Silver about you, and it's a paragraph just from the
10 bottom:

11 "I was then joined ..."

12 Do you have that in front of you?

13 A. Yes.

14 Q. "I updated them", and so on.

15 "I then entered the scene ... 10.25, Terry, then
16 took me to the scene. He stated [that's you] that the
17 man had been identified by surveillance, leaning on
18 a yellow upright pole near the double doors of the
19 carriage. He was challenged but did not comply and the
20 officers thought he was going to escape."

21 Did you say any of it, however it may be split up?

22 A. I can't account for how Mr Purser has recorded this
23 information here. What I can say is that "leaning on
24 a yellow upright pole" doesn't mean anything specific to
25 me; "challenged but did not comply and the officers

1 thought he was going to escape", they are not terms
2 I would have used and that's -- that wouldn't form part
3 of the information that I would have been giving to
4 Mr Purser when I handed the scene over.

5 SIR MICHAEL WRIGHT: Pausing there for a moment, as
6 I understand you, you don't recollect ever having seen
7 the man who was ultimately shot leaning on the yellow
8 pole?

9 A. That -- no, sir, that doesn't -- that -- those factors
10 don't come together for me.

11 SIR MICHAEL WRIGHT: That's the next question. So that that
12 description doesn't come from you?

13 A. No.

14 SIR MICHAEL WRIGHT: Although according to Mr Purser it is
15 what you told him?

16 A. I can clearly see that that's Mr Purser's account.

17 SIR MICHAEL WRIGHT: Yes. The next logical question is:
18 have you any recollection of anybody else,
19 a surveillance officer or another officer or anybody,
20 giving you that sort of account?

21 A. Giving me that account, sir?

22 SIR MICHAEL WRIGHT: Yes.

23 A. No.

24 SIR MICHAEL WRIGHT: Very well.

25 MR MANSFIELD: I obviously can't take it further with you.

1 I mean, I appreciate this is not a question that you can
2 directly answer, and you may answer it by saying,
3 "I really don't know", but is there anyone else he could
4 have confused you with?

5 A. I am really sorry, sir, but the answer to that question
6 is I don't know.

7 Q. All right, he has named you; well, I leave that for the
8 moment.

9 One last thing, and that's just going back into the
10 carriage. When you go in and you are aware of
11 a struggle. Would you be prepared to indicate, or at
12 least agree with this, that this was your impression but
13 in fact if I put to you that what had happened was that
14 Mr de Menezes had been restrained into his seat or on
15 his seat, there was in fact no struggle, that was just
16 an impression; would you agree with that possibility?

17 A. No, I have used the term "struggle" to describe the
18 event that I could see. It's clearly not a very
19 detailed description of what I could see because I don't
20 remember it in great detail. It's what I do recall is
21 certainly more than just an impression. I recall
22 a struggle taking place and I'm sorry that I can't
23 describe that in any more detail, but I can't.

24 Q. Well, you move position, and I'm going to ask you, you
25 then do focus on this struggle, as you put it: did you

- 1 see that the man underneath, you did see there was a man
2 underneath all this, did you, the man who got shot?
- 3 A. Yes.
- 4 Q. Yes, well, what was he doing, then?
- 5 A. At what point, sir?
- 6 Q. At the point you saw it.
- 7 A. At the point I saw him?
- 8 Q. Yes, at the point you saw the struggle, what was the man
9 underneath doing?
- 10 A. I don't recognise your terminology "underneath", I am
11 not sure --
- 12 Q. Was he resisting, was he putting up a struggle, was he
13 resisting the people on top of him who I suggest were
14 holding him down?
- 15 A. Well, sir, it's -- I really am sorry, but I can't assist
16 the court any further. I have only -- my only
17 recollection is that a struggle was taking place, and
18 try as hard as I like, I can't recall the detail of
19 that. I was aware of that and many, many other things
20 going on at the same time. That's the best of my
21 recollection.
- 22 Q. You see, if -- did you think this was all to do with the
23 suspect you were supposedly being asked to follow and
24 all the rest of it, and target?
- 25 A. Yes.

- 1 Q. You did, so you must have had, unlike perhaps others,
2 you had a ringside seat, what was he doing with his
3 hands?
- 4 A. With respect, sir, you could ask me many, many questions
5 in detail; I can't answer them for you because I don't
6 have a movie in my mind, I don't have detailed memories
7 or anything else of what that struggle was. It's --
8 that's the best way I can describe it. There is no
9 detail in there that I can give you that I haven't
10 already given you.
- 11 Q. The only reason I'm asking is that you are aware that
12 one of the things that you as a firearms officer dealing
13 with a suicide bomber is: is there a possibility he's
14 going to detonate, what's he doing with his hands? I'm
15 putting it all in package form. That's the importance
16 of it, isn't it?
- 17 A. It's a feature, sir, it's not the most significant
18 feature however.
- 19 Q. Well, if he's got a remote controlled bomb on him, one
20 that's being detonated from somewhere else, shooting him
21 is not going to make a lot of difference, is it?
- 22 A. Well, sir, there are so many variables I can't answer
23 that with a simple yes or no.
- 24 Q. All right. Had you been given any training before this
25 day in relation to suicide vests, suicide belts, methods

1 of detonation and what to look for?

2 A. Not training in specific terms, no. There had been
3 some -- we had very well discussed the matter, there had
4 been some information made available to us, pictorial
5 information, and it's very well something that we had
6 spoken about as teams of specialist firearms officers
7 because it was, it was very pertinent at the time., in
8 connection with this and other firearms operations, sir,
9 at that time.

10 Q. The final point on this: you never became aware,
11 therefore, that Ivor, the surveillance officer, had
12 pinned this man's arms to his side; you never saw that?

13 A. No, I didn't see that at all.

14 MR MANSFIELD: Thank you.

15 SIR MICHAEL WRIGHT: Thank you. Mr Gibbs.

16 Questions from MR GIBBS

17 MR GIBBS: Just one very short matter. I represent Ivor
18 amongst others, one of the surveillance officers, just
19 following up from the last question you were asked.

20 This impression of struggle that you had taking
21 place in front of you: would it be consistent in
22 whatever mental image you have left in your head with
23 one man grabbing another and trying to restrain him on
24 the seat? Can you picture it?

25 A. A number of questions in your question there. I can

1 picture that as you have described it but I have to come
2 back to my answer, which is: a struggle was taking
3 place, the detail of which I cannot assist you with,
4 I am afraid.

5 Q. Okay, thank you very much. What about immediately after
6 that struggle? Do you remember a man in a denim jacket,
7 Ivor, being picked up fairly robustly and either thrown
8 or taken outside the carriage at gunpoint?

9 A. I have got recollections of a number of people being
10 removed from the carriage. Specifically in the terms
11 you are describing, I do not have a direct and clear
12 recollection.

13 Q. What were you focusing on at that time?

14 A. Part of my focus was indeed on understanding how many
15 people were left in the carriage and ordering, and
16 organising, sorry, an evacuation of that carriage to get
17 those members of the public out and to get my colleagues
18 out.

19 Q. In other words you were still focusing upon potential
20 threat?

21 A. I was.

22 MR GIBBS: Thank you.

23 SIR MICHAEL WRIGHT: I don't know whether anybody has
24 anything much more, because I think the shorthand writer
25 would like a break.

1 MR STERN: Well, I am entirely in her hands.

2 SIR MICHAEL WRIGHT: No, you are not. I asked you
3 a question.

4 MR STERN: I will be less than five minutes.

5 SIR MICHAEL WRIGHT: I think we will have a break now all
6 the same. Twenty to, please, ladies and gentlemen.

7 (3.30 pm)

8 (A short break)

9 (3.40 pm)

10 (In the presence of the jury)

11 SIR MICHAEL WRIGHT: Yes, Mr Stern.

12 Questions from MR STERN

13 MR STERN: Terry, I represent C2 and C12.

14 A. Good afternoon, sir.

15 Q. When you were ordered to do the stop and ordered to stop
16 the suspect from getting on to the tube, I think it's
17 right, as you put in your statement, that the tone of
18 that order seemed to you to be urgent and made you
19 believe that it was vital to the suspect be stopped?

20 A. That's correct.

21 Q. So it was that you ran from your vehicle to the train
22 station, and pushed through the entry turnstiles at
23 running speed?

24 A. Yes.

25 Q. The next matter I want to ask you about, please, is the

1 part in your statement where you deal with challenges
2 and I wonder if that could come up on the screen because
3 I think it will make it a bit easier for everybody to
4 follow, it's page 379, and the top ten lines that we
5 need to focus on. If we look at the third line down, we
6 can see the way in which you describe it in your
7 statement is in this way:

8 "I could hear challenges of [then you put it in
9 speech marks] 'Police', 'Armed police' and familiar
10 voices shouting instructions to passengers to get off
11 the carriage. As I came into the carriage I was calling
12 out, 'Armed police'."

13 So the order in which you put it in your statement
14 is that there are shouts of "Police" and "Armed police"
15 prior to you shouting "Armed police"?

16 A. Yes.

17 Q. Is that the order in which you recall it now?

18 A. Yes.

19 Q. Familiar voices shouting those instructions, I presume
20 you didn't know anybody on the tube?

21 A. That's correct, sir.

22 Q. So when you say "familiar voices", do you mean the
23 voices of those police officers who were on your team?

24 A. Yes.

25 Q. I am assuming that you can't be specific as to who it

- 1 was who actually spoke those words; is that right.
- 2 A. That's correct.
- 3 Q. Obviously at the time and you have put it in your
- 4 statement, you were only really aware of C2's presence
- 5 as I understand it?
- 6 A. No, I was aware of other officers being present, but
- 7 I was focused on C2, because he was so close to me.
- 8 Q. We know that C12 was just ahead of C2. We know that C2
- 9 was there; do you remember any other officers in that
- 10 immediate vicinity? Obviously you were behind them?
- 11 A. Yes, I recall Charlie 5 being on the carriage, and one
- 12 of my colleagues, Delta 9.
- 13 Q. Do you remember where they were? Were they on at the
- 14 same time as you or before you or after you?
- 15 A. Well, I remember them being on when I was on but I can't
- 16 assist with whether they were on the carriage before me
- 17 or whether they came on after me and then came into my
- 18 field of view.
- 19 Q. I see. Those shouts that you heard, or challenges of
- 20 "Police" and "Armed police", were before you got on to
- 21 the carriage?
- 22 A. Yes.
- 23 Q. If you follow the next sentence, you will see, because
- 24 your call was as you came on to the carriage?
- 25 A. Yes.

1 Q. That's correct, is it?

2 A. Yes, sir.

3 Q. Just a moment or two ago Mr Mansfield put this to you:

4 "Unless of course things happened so fast that no

5 assessment takes place at all?

6 "Answer: That sounds hypothetical to me, sir. Are

7 you asking for my opinion on that?"

8 Why did you say it sounded hypothetical?

9 A. I didn't feel I was being asked whether that was the

10 circumstance existing at the time.

11 Q. Let me ask you: did you see anything at that time that

12 indicated that no threat assessment was being carried

13 out by the officers in front of you?

14 A. I am really not sure how to answer that.

15 Q. If you can't answer it, you can't answer it.

16 SIR MICHAEL WRIGHT: I honestly don't know what you mean --

17 A. I am not sure I understand the question, is what I am

18 saying.

19 SIR MICHAEL WRIGHT: What are you suggesting he might see

20 that would indicate one way or the other?

21 MR STERN: I do not want to put words in his mouth, but it

22 may be the way in which the gun was carried, it may be

23 the movements, it may be anything like that.

24 If you can't answer it, you can't answer it, but

25 that was what was put to you and I wondered whether or

1 not you could help the jury, but if you can't, you
2 can't.

3 A. I am afraid I can't assist with specific information
4 about whether and how other officers were conducting
5 a threat assessment.

6 MR STERN: I appreciate that. All right. Thank you very
7 much.

8 SIR MICHAEL WRIGHT: Just while we are on that point of
9 time, the way your statement is set out, Mr Stern's
10 taken the first two steps, it's the third step I want to
11 look at, you heard the familiar voices shouting various
12 things such as "Police" or "Armed police".

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: You have told Mr Stern that your call
15 came after that.

16 A. Yes.

17 SIR MICHAEL WRIGHT: As you stepped into the carriage. The
18 next thing that you set out in your statement is hearing
19 the cracking noises. Do you see that?

20 A. Yes.

21 SIR MICHAEL WRIGHT: Which I take it you are referring to
22 the shots?

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: Again, I fully understand that all this
25 happened at top speed, very, very, very quick, but to

1 the best of your ability, is that the order in which
2 those three things happened?

3 A. It is the -- to the best of my ability, the order.

4 That's how I remembered that sequence of events.

5 SIR MICHAEL WRIGHT: Thank you very much. Ms Leek?

6 MS LEEK: I think I go last, sir.

7 SIR MICHAEL WRIGHT: So you do, I keep forgetting and I do
8 apologise. It's extremely impertinent of me.

9 MS LEEK: I don't take it personally.

10 SIR MICHAEL WRIGHT: Yes, Mr Penny.

11 Questions from MR PENNY

12 MR PENNY: Terry, just a very few questions on one topic on
13 behalf of Commander Dick, DCI Purser,
14 Chief Inspector Esposito and DAC McDowall.

15 A. Sir.

16 Q. I think the position is that you were at the holding
17 area, namely the TA Centre, when you started upon the
18 follow; is that right?

19 A. Yes.

20 Q. Also at the TA Centre were the Alpha car; can you recall
21 that?

22 A. It may have been. There certainly was one other car
23 there.

24 Q. Do you remember the control car being there?

25 A. I don't remember it being there.

- 1 Q. I'm going to ask you to look at a photograph that comes
2 from some CCTV, exhibit page 1501, please. It will come
3 up on the screen, and I wonder if you can help us. We
4 know that this is a photograph that's taken at the
5 bottom of Tulse Hill which is the bottom of the hill
6 down which you drove in effect in the convoy. At the
7 front we can see the Alpha car which is the Mercedes in
8 which we know Charlie 2 was.
- 9 A. Yes.
- 10 Q. The second car, I think is the Bravo car, but certainly
11 it's the car in which Ralph was.
- 12 A. Correct.
- 13 Q. Then we can see there is an Audi saloon car, which
14 I believe is the vehicle that you were in; is that
15 right?
- 16 A. I am the front seat passenger.
- 17 Q. You are the front seat passenger in that vehicle. We
18 can see the time on it and we have been through it with
19 other witnesses. That's the order of the vehicles at
20 that stage. Can you recall, I think it's in your
21 witness statement but I think that order was replicated
22 when you were at the junction at Stockwell Road and
23 Clapham Road, opposite the Underground station?
- 24 A. Correct, sir.
- 25 SIR MICHAEL WRIGHT: Same order.

1 MR PENNY: So Mercedes in front, then the black car and then
2 the Audi saloon.

3 I think you have told us you were not aware of where
4 the control car was?

5 A. That's also correct.

6 MR PENNY: Thank you.

7 SIR MICHAEL WRIGHT: Thank you.

8 MR KING: Nothing from me, thank you, sir.

9 MR HORWELL: No, thank you, sir.

10 SIR MICHAEL WRIGHT: Yes.

11 Questions from MS LEEK

12 MS LEEK: Terry, I just want to cover one minor point that
13 wasn't covered when you initially went through the
14 sequence and it's this: in your statement you say that
15 you heard cracking noises; this is page 379, five lines
16 down.

17 A. Yes.

18 Q. You heard cracking noises right in front of you?

19 A. Yes.

20 Q. Did not see immediately what this was, but after those
21 cracking noises the struggle continued; that's what you
22 say in your statement?

23 A. Yes, I do say that.

24 Q. So the cracking noises didn't put an end to what you
25 perceived to be the struggle; you say here a struggle

1 continued. You formed the opinion that shots had been
2 fired, but you were initially unsure by whom. When you
3 were first asked questions, you said there was a pause
4 but in your statement you say there was a momentary
5 pause?

6 A. Yes.

7 Q. Do we take it from that that the pause was very brief?

8 A. Yes.

9 Q. And then the shots resumed?

10 A. Yes, that's correct.

11 Q. That's the sequence as you recall it today?

12 A. Yes, it is.

13 MS LEEK: Thank you.

14 SIR MICHAEL WRIGHT: Thank you.

15 MR HOUGH: No re-examination, thank you very much.

16 SIR MICHAEL WRIGHT: Thank you very much indeed, Terry,
17 that's it as far as you are concerned.

18 A. Thank you, sir.

19 SIR MICHAEL WRIGHT: As soon as the usual steps have been
20 taken you are free to go.

21 (The witness withdrew)

22 MR HILLIARD: Sir, I know it's been a pretty long afternoon
23 but there is Vic still to come and he will not be very
24 long at all.

25 SIR MICHAEL WRIGHT: We will make an effort anyway.

1 CODENAME "VIC" (sworn)

2 SIR MICHAEL WRIGHT: Yes, thank you, please sit down.

3 Questions from MR HILLIARD

4 MR HILLIARD: You are going to be known as Vic for the
5 purpose of these proceedings?

6 A. Sir.

7 Q. I am going to ask you some questions first of all on
8 behalf of the Coroner. Then there may be some questions
9 by others.

10 To help us as we go along, do you have copies there
11 of two statements, witness statements you made, one on
12 23 July 2005 and the other 18 October the same year?

13 A. Yes, sir, I do.

14 Q. There is no difficulty about you looking at those as we
15 go along.

16 A. Thank you, sir.

17 Q. Vic, I think you are a specialist firearms officer in
18 SO19; is that right?

19 A. I was at the time, sir, yes.

20 Q. How long at that time had you been attached to SO19 for,
21 2005?

22 A. Ten years.

23 Q. On 22 July 2005, I think at 7 o'clock in the morning you
24 were at Lemn Street and had the postings briefing as we
25 have heard it described from Ralph; is that right?

- 1 A. Yes, sir.
- 2 Q. Were you posted to drive a vehicle which was going to
3 have in it William as its rear seat passenger and then
4 someone we have been calling C12 as the front seat
5 passenger?
- 6 A. That's correct, yes.
- 7 Q. So that's a car and occupants we have already heard
8 about. You took, is this right, a Glock pistol and
9 ammunition including hollow point ammunition?
- 10 A. That's correct, yes.
- 11 Q. At Lemay Street you had the briefing from Trojan 84; is
12 that right?
- 13 A. Yes, sir.
- 14 Q. In the course of that, and I am looking about ten lines
15 down, second page of your statement, was it said -- this
16 is only one thing -- that as firearms officers you may
17 have to deploy and use extraordinary tactics?
- 18 A. Yes, sir.
- 19 Q. Then did someone who you have down as Delta 1 but
20 I think we know as Terry --
- 21 A. That's correct, yes.
- 22 Q. -- stress that you should use conventional tried and
23 tested tactics?
- 24 A. That's right, sir.
- 25 Q. Did Trojan 84 agree with that?

- 1 A. Yes, sir.
- 2 Q. And repeated that to the team but said that the tactics
3 may involve something the department hadn't done before?
- 4 A. That's correct, sir, yes.
- 5 Q. Then I think you all made your way to Nightingale Lane
6 and Mr Purser gave you a briefing there we have heard
7 about?
- 8 A. Yes, sir.
- 9 Q. Then going to the third page of your statement, we are
10 not going to go through the detail of all that because
11 we have heard about it so many times.
- 12 A. Thank you.
- 13 Q. I think at about 9.30 am you decided to go, is this
14 right, to the holding area which was going to be the
15 TA Centre that we have heard about?
- 16 A. Yes, sir, that's correct.
- 17 Q. We heard from Charlie 12 that I think you were one of
18 the last or the last vehicle to leave; is that right?
- 19 A. That's correct, yes.
- 20 Q. We heard from him how, on the way, you pick up
21 transmissions about a man who has come out of the
22 premises at Scotia Road, got on a bus, being followed by
23 the surveillance team; is that right?
- 24 A. Yes, sir.
- 25 Q. It's on a 2 bus that as you hear is making it's way

- 1 towards Stockwell?
- 2 A. That's correct.
- 3 Q. You made your way to that area, is this right, and found
- 4 yourselves in the Clapham Road going towards Stockwell?
- 5 A. That's correct, sir.
- 6 Q. As you were nearing the station, did you hear that the
- 7 man who was under surveillance had moved downstairs on
- 8 the bus and towards the door?
- 9 A. That's correct, sir, yes.
- 10 Q. Then that he had got off and was near the NatWest Bank?
- 11 A. Yes, sir.
- 12 Q. Just before he had got off the bus, did you recall on
- 13 the 23rd that he had been described in the surveillance
- 14 commentary as nervous and looking around?
- 15 A. Yes, sir, I do recall that.
- 16 Q. I think you heard that he was being followed towards the
- 17 tube; is that right?
- 18 A. That's correct, yes.
- 19 Q. Were you about 100 metres away from the station at that
- 20 point?
- 21 A. Approximately, yes, sir.
- 22 Q. Did you hear the surveillance say that he's into the
- 23 tube?
- 24 A. That's correct, yes.
- 25 Q. Do I have this right, and inclined towards platforms 1

- 1 and 2?
- 2 A. That's correct, sir, yes.
- 3 Q. What does that mean, going towards?
- 4 A. Going towards, that is.
- 5 Q. Did you then hear Trojan 84 say, "They have said he's
6 got to be stopped, do not let him on the tube, do not
7 let him get on the tube"?
- 8 A. That's correct, sir, yes.
- 9 Q. Just so we can take this shortly, in the second
10 statement that you made, did you say this, talking about
11 that Trojan 84 bit of speech:
- 12 "The tone of voice and urgency of this radio
13 transmission combined with all the intelligence..."
- 14 Did you mean all that you had been told in the
15 briefings?
- 16 A. That's correct, sir, yes.
- 17 Q. "... meant to me that he must be stopped immediately and
18 at any cost. I believed that a bombing of the tube
19 could be imminent and must be prevented."
- 20 A. That's correct, sir, yes.
- 21 Q. Did that represent your state of mind when you heard
22 that?
- 23 A. Absolutely, yes.
- 24 Q. You explained that you heard Ralph call state red; is
25 that right?

- 1 A. Yes, sir.
- 2 Q. At that point, I think you were almost upon the station
3 and C12 and William left your vehicle?
- 4 A. That's correct, yes.
- 5 Q. They and other officers went towards the station but you
6 stayed with your vehicle and other vehicles?
- 7 A. I did, yes.
- 8 Q. To keep an eye on them, obviously. Then in due course
9 somebody told you that the man had been shot in the
10 station; is that right?
- 11 A. That's right, sir.
- 12 Q. Then lastly, just help with this: so far as the making
13 of your statement was concerned, on the 23rd, you said
14 in your second statement that your first one was made as
15 your individual recollection of events believed by you
16 to be true; correct?
- 17 A. That's correct, yes, sir.
- 18 Q. Then you said:
- 19 "It was written in a room with the other team
20 members after we had collectively gone through events
21 chronologically."
- 22 A. That's correct, yes.
- 23 Q. I'm not criticising, just to understand: had you as
24 a group gone through the events before individually, as
25 it were, you write your own accounts?

1 A. That's correct.

2 Q. Something like that?

3 A. Yes.

4 MR HILLIARD: All right. Thank you very much indeed.

5 SIR MICHAEL WRIGHT: Help me about one thing. We have heard

6 that there is a certain command structure in the teams

7 when they are deployed. We have heard about the

8 Silver Commander who in turn has underneath him the

9 various team leaders who, in the case of Frank, it's

10 been suggested might properly be described as the Bronze

11 so far as firearms is concerned; right?

12 A. Yes, sir.

13 SIR MICHAEL WRIGHT: When you get right down to individual

14 cars, is there any convention about who's in command of

15 the car?

16 A. Normally the radio operator is referred to as the car

17 commander, that if somebody wants to make a decision

18 within that car, we would normally look upon that

19 person --

20 SIR MICHAEL WRIGHT: He is the front seat passenger,

21 I suppose.

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: Usually.

24 A. Yes, sir.

25 SIR MICHAEL WRIGHT: Thank you. Yes, Mr Mansfield.

1 Questions from MR MANSFIELD

2 MR MANSFIELD: I have only one question, as long as it's
3 understood I am not going to traverse every issue with
4 you. Michael Mansfield, I represent the family.

5 A. Yes, sir.

6 Q. On the route up to Stockwell, we know the route that you
7 took, and I know you are not, as the learned Coroner has
8 just elicited the car commander but did anybody in the
9 car think it might be desirable to let the rest of the
10 team know where you were?

11 A. No, sir, are you talking about as we near Stockwell
12 tube?

13 Q. At any stage between Nightingale Lane when you left and
14 you were en route, you had barely left, when you headed
15 straight to Stockwell; right?

16 A. Yes, sir.

17 Q. That's only obviously a relatively short journey, but at
18 any time between that point that you head northwards and
19 arrive by the traffic lights and park up on the hatching
20 nearby, had anybody in your car thought it desirable to
21 tell the rest of the team where you were?

22 SIR MICHAEL WRIGHT: Had they mentioned it, anybody of the
23 three of you mentioned it?

24 A. Initially with the phone calls that Charlie 12 made in
25 respect of updates on the radio, obviously heard about

1 some of the problems, the rest of the team would have
2 been aware that we were making our way. As we neared
3 Stockwell tube, and we could see the bus in the
4 junction, as the communications had got better, we could
5 see the bus, we were aware that surveillance were on the
6 bus, and from normal practices were aware that the
7 surveillance team would be immediately behind the bus,
8 I had heard a transmission saying that the S019 vehicles
9 were moving through the convoy. I was aware that my
10 team were immediately behind the bus, and that we
11 were -- a term I would use was in contact with that part
12 of the operation. If we weren't then we might say we
13 weren't there but I felt we were in a position to, if we
14 were called forward to do something, we were in touch
15 with the rest of the convoy and be able to do something.
16 If we felt we weren't, then we would have let someone
17 know we weren't in touch with the convoy. If that
18 answers the question, sir.

19 MR MANSFIELD: Almost, except the problem that arose at the
20 traffic lights was that C12 was getting very frustrated
21 that it had not gone to state red; did you know that?
22 Did he say, "What's happening?"?

23 A. I remember there was delay where certainly I was
24 thinking we need to call this now in order to respond,
25 but from the normal run of an operation and where we

1 were and what we could see, I thought the team would
2 know where we were.

3 Q. All right, you thought that. Do you now know that they
4 didn't know where you were?

5 A. I don't know that they didn't know. Our practice would
6 be that if we weren't in a position to respond to any
7 directions of the Silver, we would have said, "Anything
8 you do, you are going to have to discount us because we
9 are not there", but we were there.

10 Q. Did you, and I assume you didn't from what we have
11 heard, ever say, "We are not there"?

12 A. No, sir.

13 MR MANSFIELD: Thank you.

14 SIR MICHAEL WRIGHT: We have heard that when possible, when
15 the firearms team in maybe five or six cars are en route
16 to somewhere, that you try to stay in visual contact
17 with each other in convoy formation; is that right?

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: Simply following up Mr Mansfield's
20 point, you three in your car had effectively struck off
21 on a frolic of your own. You had gone the other way?

22 A. I think that was due to the timing of the --

23 SIR MICHAEL WRIGHT: I am not quarrelling with the logic of
24 doing it. It's the point Mr Mansfield makes: is it
25 desirable that nobody knew that you were going

1 a different way?

2 A. Actually, sir, I don't believe it affected this
3 operation, no. As long as they knew that we were
4 receiving the information as they did because we had
5 telephone calls, they would know from our practice that
6 if we couldn't be there for them, we would tell them.
7 They would assume that we were there and able to respond
8 unless they heard otherwise. If we are -- as a team and
9 our profession, if we are told to do something or get
10 somewhere, we would get there and if we couldn't, we
11 would advise someone.

12 SIR MICHAEL WRIGHT: I understand the point. Did you hear
13 anyone over the radio, anybody in your team, say, "We
14 can't do it", in answer to the instruction, "Stop him
15 getting into the tube"?

16 A. No, sir.

17 SIR MICHAEL WRIGHT: You didn't hear that?

18 A. No, sir.

19 SIR MICHAEL WRIGHT: Would it have surprised you to have
20 heard it if you had?

21 A. If that was said, it would have depended at what time
22 that was said.

23 SIR MICHAEL WRIGHT: I know, but you heard the order come
24 down, "He's got to be stopped getting on the tube"?

25 A. Yes, sir.

1 SIR MICHAEL WRIGHT: Did you think at that time you were in
2 a position to do it?

3 A. Yes, sir, that's at the point that my team, people in my
4 car deployed. The order was given, "He must not be
5 allowed to get on the tube", and they deployed
6 immediately --

7 SIR MICHAEL WRIGHT: Charlie 12 has told us he was out of
8 the car as soon as those words were uttered.

9 A. Absolutely.

10 SIR MICHAEL WRIGHT: Is that right?

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: Yes, by all means.

13 MR MANSFIELD: It is just a follow-up. There is the
14 converse of not saying, "We can't do it"; did you hear
15 anybody say, "We'll do it, we'll do it".

16 A. No, sir. I think that's down to the discipline of
17 coming in on a radio, where it's obviously critical that
18 that airwave is left clear for the commands, why the
19 discipline would stop us doing that, sir.

20 SIR MICHAEL WRIGHT: Not too many gratuitous comments.

21 A. Absolutely, sir.

22 SIR MICHAEL WRIGHT: Yes, very well, Mr Gibbs.

23 MR GIBBS: No questions, thank you.

24 SIR MICHAEL WRIGHT: Thank you, Mr Stern?

25 MR STERN: No, thank you.

1 SIR MICHAEL WRIGHT: Mr Penny.

2 Questions from MR PENNY

3 MR PENNY: Vic, I am going to ask you, just on a very quick
4 topic on behalf of Commander Dick and some other
5 officers. I think you gave evidence at the Health and
6 Safety trial last year?

7 A. I did.

8 Q. If we could just put up on the screen 16 October,
9 page 136, please. Why don't we try and shortcircuit
10 this and I'll put a series of suggestions to you, and if
11 you recollect them then all well and good.

12 Do you remember that in fact you were rostered to
13 work at 8 o'clock that morning?

14 A. I was, sir, yes.

15 Q. But you had been contacted, you think, probably the day
16 before at some stage?

17 A. Yes.

18 Q. Because of all the activity that was going on to come in
19 at 7 am?

20 A. That's correct, yes.

21 Q. The position is that the night before you were at home?

22 A. I was, sir, yes.

23 Q. You are a black teamer, is that right?

24 A. Green, sir.

25 SIR MICHAEL WRIGHT: I thought you might be. That's

- 1 probably the explanation. You are a green team member.
- 2 MR PENNY: I don't know if you can speak for the whereabouts
- 3 of the black teamers, can you?
- 4 A. No, sir.
- 5 Q. As in that night. But you at least were at home that
- 6 night and it took you about an hour to get to
- 7 Leman Street from home?
- 8 A. That's correct, sir, yes.
- 9 Q. Because there is no obligation for any of the officers
- 10 in S019 to live within a particular distance or time
- 11 period for travel to Leman Street?
- 12 A. That's correct.
- 13 Q. That goes all across the Metropolitan Police Service,
- 14 I think?
- 15 A. That's right.
- 16 Q. Whilst you lived about an hour away, I think there were
- 17 probably fellow officers in S019 who lived even further
- 18 away from Leman Street than that?
- 19 A. I think that's probably the case, sir.
- 20 Q. And some closer?
- 21 A. Yes, sir.
- 22 Q. Had, for the sake of argument, you received a call
- 23 sometime after about 5.15, 5.30 that morning, saying to
- 24 you to come into work, the earliest you would have been
- 25 at work would have been 6.15, 6.30, something in that

1 range?

2 A. Yes, sir.

3 Q. At 6 am, the team of which you were a part would have
4 been incomplete?

5 A. Yes, that's right, sir.

6 MR PENNY: Thank you.

7 SIR MICHAEL WRIGHT: Thank you very much.

8 MR KING: Nothing from me, thank you.

9 MR HORWELL: No, thank you, sir.

10 SIR MICHAEL WRIGHT: Yes, Ms Leek.

11 Questions from MS LEEK

12 MS LEEK: Vic, just to pick up from Mr Mansfield's point.

13 At state green, as we know, that means that you have to
14 get behind the follow, that is getting behind the
15 surveillance, behind the bus?

16 A. That's correct, yes.

17 Q. Generally you stay some distance behind the
18 surveillance?

19 A. Definitely, yes.

20 Q. It's desirable for you all to be together but it's not
21 a necessity?

22 A. Not a necessity, no.

23 Q. At state green not every member of the team needs to
24 know where every other member of the team is?

25 A. No, we would have an idea.

1 Q. It's at amber or red obviously, that's the point at
2 which you need to know where each other is?

3 A. That's when you need to get together, yes.

4 MS LEEK: Thank you.

5 SIR MICHAEL WRIGHT: Thank you. Mr Hilliard?

6 MR HILLIARD: No, we are all done.

7 SIR MICHAEL WRIGHT: Thank you very much indeed. Just as
8 soon as we get the doors cleared, you are free to go.

9 A. Thank you, sir.

10 (The witness withdrew)

11 MR HILLIARD: On the basis that what we do now we don't have
12 to do tomorrow, can we have a quick go at Charlie 7.

13 SIR MICHAEL WRIGHT: Yes, by all means.

14 CODENAME "C7" (sworn)

15 SIR MICHAEL WRIGHT: Yes, thank you, please sit down.

16 A. Thank you, sir.

17 Questions from MR HILLIARD

18 MR HILLIARD: Officer, you are going to be known as
19 Charlie 7 for the purposes of these proceedings.

20 A. Yes, sir, thank you, sir.

21 Q. I am going to ask you some questions first on behalf of
22 the Coroner and then you may be asked questions by
23 others.

24 A. Yes, sir.

25 Q. Have you got a copy there of a witness statement that

- 1 you made on 23 July 2005, and another that you made on
2 18 October of the same year?
- 3 A. I do, sir, both, sir.
- 4 Q. If we need to, we will look at those as we go along.
- 5 A. Thank you, sir.
- 6 Q. In July 2005 I think you had been an S019 firearms
7 officer for almost 10 years; is that right?
- 8 A. Yes, sir.
- 9 Q. On 22 July 2005 at 7 o'clock you went to the postings
10 briefing given by Ralph?
- 11 A. Yes, sir.
- 12 Q. You were going to be, is this right, in an Omega estate
13 car together with another firearms officer called Sam?
- 14 A. That's correct, sir, yes.
- 15 Q. You were going to be in what is called the rifle car, is
16 that right?
- 17 A. That's correct. Also we were called Trojan Echo.
- 18 Q. You had the option, is this right, of taking hollow
19 point ammunition?
- 20 A. Yes, that's correct, sir.
- 21 Q. But you didn't, is this right, because you were going to
22 be armed with a rifle; is that right?
- 23 A. That was one of the reasons, sir, yes. During the
24 postings briefing Ralph made us aware that there were
25 a certain number of charged magazines with 124-grain

1 ammunition. However, there wasn't sufficient for every
2 member of the team. I chose not to take 124-grain
3 ammunition purely as my role that day was as a rifle
4 officer, and as such I was -- probably be used as
5 a contingency rather than an integral part of the covert
6 ARV system.

7 SIR MICHAEL WRIGHT: Presumably using a rifle, if you had to
8 use it, it would have been from a distance?

9 A. Yes, sir.

10 MR HILLIARD: All right.

11 So none of that ammunition, but you had got a rifle
12 and in addition your personal Glock pistol; is that
13 right?

14 A. That's correct, sir.

15 Q. You go to the Trojan 84 briefing, then the briefing at
16 Nightingale Lane, is that right --

17 A. That's correct, sir.

18 Q. -- from Mr Purser. Then do the two of you in due course
19 make your way or begin to make your way to the
20 TA Centre?

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

22 Q. Did you actually get as far as the TA Centre?

23 A. We got to the point of the entrance to the TA Centre.
24 However, we didn't actually go inside.

25 Q. Because?

1 A. At that point we were then instructed to support the
2 surveillance.

3 Q. Right.

4 SIR MICHAEL WRIGHT: Which car were you in?

5 A. I was in --

6 MR HILLIARD: Omega estate, Trojan Echo.

7 SIR MICHAEL WRIGHT: It was the code number F.

8 A. Echo.

9 MR HILLIARD: So you have got to the start of the holding
10 area, then you are told to go and support the
11 surveillance, is this right, because you heard somebody,
12 were you aware that somebody had come out of the
13 Scotia Road address?

14 A. That's correct, sir.

15 Q. And was on a bus?

16 A. That's correct, sir.

17 Q. And the bus going Brixton way and then in due course on
18 to Stockwell?

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

20 Q. Did you hear a communication at some point expressing
21 a view about whether the person being followed was, as
22 it were, one of your suspects?

23 A. Initially, sir, we -- I heard over the radio
24 a description which, apart from the initial description,
25 I heard somebody leaving the address as being IC1.

1 Subsequently having been told to support the
2 surveillance, I received a description of an IC2 male
3 wearing denim, as I think I have got. Subject of the
4 surveillance was an IC2 male wearing denim and that he
5 was on a number 2 bus on its way to Marble Arch, or at
6 least that's probably the address that was given on the
7 front.

8 Q. Yes?

9 A. I have also put in my statement that I was then made
10 aware of, via the radio communication, that a subject --
11 and I have put it in speech -- was "definitely our man".

12 Q. Do you recall that expression being used?

13 A. Yes, sir, hence why I have put it in speech.

14 Q. Do you remember who that came from or what sort of
15 person, if I can put it that way?

16 A. I didn't recognise the voice, I believe it came from the
17 Cougar radio, and the only reason why I can say that is
18 that was my role to monitor the Cougar radio and also
19 the back-to-back system was being used by firearms
20 officers of which I would have recognised their voice,
21 or would have thought I would have recognised their
22 voice.

23 Q. So likely to be a surveillance officer?

24 A. That was my recollection, sir, yes.

25 Q. Did Sam drive your vehicle into Stockwell Road and did

- 1 you approach the traffic lights at the junction with
2 Clapham Road?
- 3 A. That's correct, sir.
- 4 Q. Were you able to see the number 2 bus concerned which
5 had turned and was stationary by the NatWest Bank at the
6 junction with Binfield Road that we have seen?
- 7 A. Yes, sir.
- 8 Q. Did you hear again over the radio that the subject was
9 coming down the stairs but had stopped halfway down?
- 10 A. That's correct. I have got in my statement that I heard
11 via the radio that the subject had come down the stairs,
12 stopped halfway and was looking very nervous.
- 13 Q. Again, what sort of person was giving you that
14 information?
- 15 A. It came over the Cougar radio, so I can only say that
16 that would have been a surveillance officer.
- 17 Q. Surveillance again, right. Were you stuck at the lights
18 because of what you have described as gridlocked
19 traffic?
- 20 A. That's correct, sir.
- 21 Q. Did you hear something else when you were stuck at the
22 lights?
- 23 A. I just have to refer to my statement.
- 24 Q. I am about three lines up from the bottom, if you have
25 got the same type as me.

- 1 A. Yes, it was at this point then I heard the transmission
2 from Trojan 84 saying that --
- 3 Q. Just up a little bit from that?
- 4 A. Sorry.
- 5 Q. It's all right. Do you have a note?
- 6 A. Yes, I heard that the subject was off the bus and
7 walking past the NatWest Bank towards Stockwell tube
8 station.
- 9 Q. Again, would that be a surveillance officer as you
10 understood it?
- 11 A. As I understood it, yes, sir.
- 12 Q. Then, sorry I interrupted you, you were going to tell
13 us, I think, about a communication from Trojan 84?
- 14 A. Yes, it was at that point or in my notes in the
15 sequence, Trojan 84 said that the subject was to be
16 stopped from getting on the tube.
- 17 Q. Right. So Trojan 84 said that. Did you then hear
18 Ralph, the team leader, say something?
- 19 A. Yes, he asked for confirmation of that instruction to
20 which, and I'm reading from my statement, sir, to which
21 Trojan 84 said, "He is not to be allowed to get on the
22 tube", and I have said that in speech.
- 23 Q. You carry on, because I dare say this is your best
24 recollection in the statement?
- 25 A. Yes, at that point I heard Ralph say, "All units stand

1 by, this is Trojan Alpha, state red, state red".

2 Q. What did Sam do then?

3 A. I have written in, and I can remember it, we drove
4 through the traffic lights. I was aware of the team in
5 front because we were generally at the back and I have
6 written in my statement we were actually fourth from the
7 point of the traffic lights.

8 We have driven left into Clapham Road, that's south,
9 ever so slightly, and then cut across the traffic to
10 what would be the middle of the carriageway where I have
11 deployed from my vehicle.

12 Q. The lights that you had gone through, were they on what
13 you might call state red as well?

14 A. I wasn't paying much attention to the traffic lights,
15 sir, but it wouldn't be beyond the realms of
16 possibility.

17 Q. So you have gone through those, towards the tube, left
18 your vehicle; is that right?

19 A. That's correct, sir.

20 Q. You say this:

21 "As I deployed from my vehicle..."

22 You then explain what your state of mind was. Can
23 you help us with that as you describe it?

24 A. Yes, and I'll read from my statement again:

25 "I did so believing that the subject I was going to

- 1 stop from getting on the tube was a suicide bomber.
- 2 I was also acutely aware that the subject had already
- 3 entered the tube and was descending the escalator."
- 4 Q. Pause a moment there. So had you also had communication
- 5 that he was now going down the escalator, that he was in
- 6 and going down?
- 7 A. I can only go by the recollection in my statement,
- 8 something must have been said to make me believe he was
- 9 descending the escalator, sir.
- 10 Q. You, I think, went into the tube station?
- 11 A. That's correct, sir.
- 12 Q. Take this bit quite shortly; jumped over the barriers;
- 13 is that right?
- 14 A. That's right, yes, sir.
- 15 Q. Made your way, we have seen this on plans and
- 16 photographs, to the escalators and down them; is that
- 17 right?
- 18 A. Yes, sir.
- 19 Q. Were you following armed colleagues and were there also,
- 20 I don't know, some ahead, some behind?
- 21 A. I was aware of armed colleagues both ahead and behind
- 22 me, sir, yes.
- 23 Q. I think, is this right, at this stage you were no longer
- 24 getting communications on your radio?
- 25 A. That's correct, sir.

- 1 Q. What was the position about firearms? What did you have
2 with you?
- 3 A. Well, I deployed only with my Glock at that time.
- 4 Q. When did you draw that? Presumably you had it in
5 a holster, had you, before?
- 6 A. Yes, it was in a holster on my right hip, and I drew
7 that as I got to the escalators, and as I was descending
8 the escalator.
- 9 Q. As you went down, were you shouting to people on the
10 escalator that you were an armed police officer?
- 11 A. That's correct, sir, yes.
- 12 Q. Did you shout to people to leave the station quickly?
- 13 A. Yes and if I refer back to my statement again
14 I identified myself because -- and told people to leave
15 the station quickly as I feared that the person, the
16 subject, was a suicide bomber.
- 17 Q. So we get the position, that is when you are on the
18 escalator going down?
- 19 A. That is, sir, yes.
- 20 Q. When you got to the bottom of the escalator, did you see
21 one of your armed colleagues go to the left?
- 22 A. That's correct, sir, yes.
- 23 Q. Were you also aware of someone we have heard about,
24 a man wearing a baseball cap, who directed you to the
25 left as well?

- 1 A. That's correct, sir, yes.
- 2 Q. If we just quickly put this up on the screen, divider 31
3 and then 32. That's a little sort of alleyway, isn't
4 it, you go through when you get to the bottom?
- 5 A. That's correct, sir, yes.
- 6 Q. The next picture, to bring it back to you, can you see
7 the train is still left where it was?
- 8 A. Yes, sir.
- 9 Q. We will finish with those, thank you very much.
10 Did you go through, was it that particular access
11 tunnel that you went through, the first one?
- 12 A. My recollection of that is I got to the bottom of the
13 escalators and turned directly left on the instruction
14 of this person with the blue baseball cap.
- 15 Q. Do you think you went through the first?
- 16 A. I believe I did, yes, sir.
- 17 Q. When you went through, what could you see?
- 18 A. I have written in my statement, I could see ahead of me
19 inside the train by double sliding door access, which is
20 what I believe we saw on the screen, there appeared to
21 be a struggle ensuing, and I was also aware of at least
22 two of my colleagues entering the train.
- 23 Q. So far as the struggle is concerned, could you see who
24 was involved in that? Was there anybody you recognised?
- 25 A. The only person -- I think I have put in my statement,

- 1 the only person I was aware of being present was
2 Charlie 2.
- 3 Q. As you recall it, was he actually involved in the
4 struggle?
- 5 A. I don't think I have actually mentioned that in my
6 statement, but I can just remember the fact that he was
7 present. With regards to the struggle, and I am sure
8 you have heard quite a number of times so far, this all
9 happened incredibly quickly, so I can't be sure.
- 10 Q. Could you even see how many people were involved in the
11 struggle?
- 12 A. I wouldn't like to guess the number, sir. There was at
13 least two if not more.
- 14 Q. If we can just put up divider 35, please. Can you help
15 us with -- you can see there is two lots of double
16 doors?
- 17 A. Yes, sir.
- 18 Q. Can you help us with whereabouts the struggle was
19 happening?
- 20 A. My understanding, my recollection is the second set or
21 the double set of double doors to the right, and just
22 inside that main standing area and just to the right of
23 that, if that makes sense.
- 24 Q. Imagine you had got on right in the middle of the doors?
- 25 A. Yes.

- 1 Q. Would you get on and turn right a little bit?
- 2 A. Towards where Holly Greenland is sitting.
- 3 Q. That sort of area, obviously not -- or where she is
- 4 sitting?
- 5 A. Just prior to where she is but towards that general
- 6 direction, sir.
- 7 Q. Right. Can you help with what sort of level of height
- 8 the struggle was: was it on the ground, were people
- 9 standing up, any recollection of that?
- 10 A. I have written in my witness statement that it was
- 11 standing.
- 12 Q. Did you get on the train at that point or not?
- 13 A. No, sir, I was aware that there was armed officers at
- 14 that position in the double doors moving towards the
- 15 right and my training sort of kicked in there and
- 16 I could see the single access door to the far right of
- 17 the carriage had a surveillance officer alone standing
- 18 in the doorway, so in a remit of acting as a cut-off or
- 19 containment, I moved towards that door.
- 20 Q. Just so we have it, you have come through the tunnel,
- 21 you have seen the struggle taking place?
- 22 A. That's correct, sir.
- 23 Q. The armed colleagues who were going towards the right --
- 24 A. That's right, sir.
- 25 Q. -- so we are clear, had you seen them actually get on

1 the train?

2 A. I can't remember whether I saw them get on or whether
3 I just saw the struggle, sir, I have no recollection.

4 Q. Were the two going towards the right, are they actually
5 involved in the struggle or are they different officers?

6 A. I can't be sure on that. There was a struggle in that
7 area and the officers were in that area, so I am not
8 sure whether --

9 Q. There is a little bit in your statement that may help
10 where you say this:

11 "As I ran towards the train [pick this up about the
12 middle of the page] to one of the access tunnels I could
13 see ahead of me inside the train by a double sliding
14 door what appeared to be a struggle ensuing."

15 Yes?

16 A. Just give me a second, sir, sorry.

17 Q. By all means.

18 A. (Pause). Yes, sir, I have it now.

19 Q. You can see what appeared to be a struggle ensuing:

20 "I was also aware that at least two of my colleagues
21 were entering the train and moving towards the right of
22 the carriage as I looked at it."

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

24 Q. That looks as if you are describing struggle taking
25 place, that you have a quick glimpse of?

1 A. Yes.

2 Q. Two officers getting on who aren't in the struggle but
3 turning right?

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

5 SIR MICHAEL WRIGHT: Can you remember which of the access
6 tunnels you went through?

7 A. This is something I believed that the access tunnel
8 I went down was the first one, sir, and as I have
9 written my notes, and I am struggling to put it together
10 a little bit, I believed that I was running towards the
11 door that this was all happening on.

12 SIR MICHAEL WRIGHT: This is what I was wondering about.

13 A. Yes. I don't know whether it's a mistake on my part or
14 in writing the notes, that's just how my brain has
15 recollected it.

16 SIR MICHAEL WRIGHT: Because looking at the plan as we see
17 it here, you will appreciate the first access tunnel is
18 opposite the left-hand side --

19 A. That's correct, sir.

20 SIR MICHAEL WRIGHT: -- while what you are describing was
21 happening in the right hand --

22 A. That's correct, so whether the timings in writing the
23 statement the following day, I have got either a little
24 bit confused or I have blanked out a certain bit. The
25 actual scene that I was seeing on the carriage is

- 1 actually on the second access, the double doors.
- 2 SIR MICHAEL WRIGHT: On the second access doors?
- 3 A. Yes.
- 4 MR HILLIARD: It certainly looks as if that's right, doesn't
- 5 it, because you go on to describe, as you have told us
- 6 in your statement, that you become aware that that
- 7 single access door at the end of the carriage isn't
- 8 being covered.
- 9 A. That's correct, sir.
- 10 Q. That's the next door on, isn't it --
- 11 A. That's correct, sir.
- 12 Q. -- from where you are seeing what's happening?
- 13 A. I think I have just, you know, it's a very brief glimpse
- 14 that I get of all this, and as I run past the doors,
- 15 recollection.
- 16 Q. Right. You make your way down to that far right single
- 17 door as we look at it on the plan; is that right?
- 18 A. Yes, sir.
- 19 Q. We can take this very shortly, you say in your statement
- 20 as you have told us:
- 21 "I immediately recognised this [meaning the door] as
- 22 a potential escape route for the subject so I ran to it
- 23 in order to act as a cut-off."
- 24 A. That's correct, sir.
- 25 Q. "As I ran to it I recognised a surveillance officer at

1 the single door as he was wearing a covert police cap."

2 A. Yes, sir.

3 Q. "I called to him to get off the train as I approached."

4 Is this right, it's at this stage you describe

5 hearing a number of gunshots coming from the carriage?

6 A. Yes, sir, prior to me actually getting on the train

7 I heard a number of gunshots, that's correct, sir.

8 SIR MICHAEL WRIGHT: When you talk about a covert cap, I am

9 not sure what that means. Do you mean the ones with the

10 black and white chequered stripes?

11 A. My recollection was of a police cap, one of the blue

12 ones, yes, sir.

13 SIR MICHAEL WRIGHT: One of the blue ones with a -- a

14 baseball cap with a black and white chequered band

15 around it?

16 A. That's correct, sir.

17 SIR MICHAEL WRIGHT: Thank you.

18 MR HILLIARD: You have told us about what you were saying

19 when you had come down the stairs about, "Armed police",

20 and so on.

21 A. That's correct, sir.

22 Q. When you were by the train, had you heard anybody shout

23 that?

24 A. I have to say I have no recollection of anybody saying,

25 "Armed police". That's not to say that it didn't

- 1 happen. I just don't recollect it.
- 2 Q. Anyway you have got towards the end, then there is the
- 3 gunshots?
- 4 A. That's right, sir.
- 5 Q. You describe in your statement hearing screams and
- 6 people begin running out of the door that you are
- 7 approaching?
- 8 A. That's correct, sir.
- 9 Q. Is that right?
- 10 A. I think for at least one of the people coming off, I had
- 11 to -- or at least maybe one or two, I had to step back
- 12 to allow them to get off the train.
- 13 Q. You describe a woman coming out who had blood on her; is
- 14 that right?
- 15 A. That's correct, sir.
- 16 Q. She was one of the people who came out, seemed to be the
- 17 last person; is that right?
- 18 A. That's correct, sir.
- 19 Q. Did you actually then get on to the train?
- 20 A. I don't think I actually fully went on to the train,
- 21 because at that stage with the gunshots, sir, and the
- 22 direction of the travel of my colleagues, I feared
- 23 a blue on blue. I had allowed the egress of passengers
- 24 coming off so I covered into that part of the train.
- 25 SIR MICHAEL WRIGHT: Just covered the entrance, you mean?

- 1 A. That's it, at an angle, slightly towards where it was
2 all occurring in case something appeared in front of me,
3 sir. But I didn't actually enter at that stage.
- 4 MR HILLIARD: Did you get a view at that stage of the person
5 you know now as Mr de Menezes?
- 6 A. As I sort of came round, as we would say, adapted my
7 angle to give me better viewing, yes, I eventually saw
8 the --
- 9 Q. Can you just explain the position he was in? You have
10 got the seat that he started in. Can you see it on the
11 plan on the screen?
- 12 A. Yes, sir.
- 13 Q. I don't know if that helps at all?
- 14 A. Yes. He was still on that side of the train.
- 15 Q. Yes?
- 16 A. In that area of the, sort of, second seat in.
- 17 Q. Can you help us how he was? If you need to look at your
18 statement to help you, by all means do.
- 19 A. Okay, if it sort of pleases the court, I'll just talk
20 about his position rather than anything else that's
21 mentioned in my statement.
- 22 Q. Don't worry, but you make it plain that his head's got a
23 lot of blood on it from obvious gunshot wounds.
- 24 A. That's correct, sir.
- 25 Q. Just help with the position, if you will?

- 1 A. Yes, I have actually covered that, I have seen he's
2 slumped across the seat and floor of the train, and
3 I think I mention in my second statement as well,
4 because I was asked about that --
- 5 Q. You do, it's at the end of the -- it's the very last few
6 lines of your second statement. Take your time.
- 7 A. Yes, I have written that the subject was slumped across
8 the seat with his knees on the floor across one of the
9 arms of the seat. Then I have gone on to mention about
10 him being moved.
- 11 Q. You go on to say you assume he was moved, although you
12 didn't see that, because a short while later he was
13 lying on the floor of the train?
- 14 A. That's correct, sir.
- 15 Q. I don't know, I suppose the other possibility is that he
16 has just fallen?
- 17 A. Either fallen or been placed on the floor.
- 18 Q. We don't need the detail of this but then you assisted,
19 the driver of the train -- we may hear in due course --
20 he had gone off down the tunnel, I think, hadn't he?
- 21 A. That's correct, yes.
- 22 Q. And he had to be got back?
- 23 A. Yes. I either realised that William had called for
24 support or was requiring support, and I assisted him at
25 the head of the train to call the very anxious driver

1 back out of the tunnel.

2 Q. At gunpoint?

3 A. I can't remember whether -- did or not. I think we

4 realised who he was.

5 MR HILLIARD: Thank you very much indeed.

6 SIR MICHAEL WRIGHT: That would be a reasonably convenient

7 place to break off.

8 MR HILLIARD: It may depend on how much we have.

9 SIR MICHAEL WRIGHT: I don't know, that's why I was asking.

10 Too much, Mr Mansfield?

11 MR MANSFIELD: Yes. I had said that I was going to be much

12 quicker, and I have been so far with the last witness,

13 but I think I will be a little more than ten minutes.

14 SIR MICHAEL WRIGHT: That's fine. In that case --

15 MR HILLIARD: 9.30 tomorrow morning.

16 SIR MICHAEL WRIGHT: Early day tomorrow, 9.30. Would it be

17 helpful to let the jury know what --

18 MR HILLIARD: I'm sure it would. The witness can probably

19 go.

20 SIR MICHAEL WRIGHT: I'll let the witness go. Thank you,

21 9.30 tomorrow, please.

22 A. Yes, sir.

23 MR MANSFIELD: Except do you want to interpose Ken?

24 MR HILLIARD: Can we just see? I think we could finish him

25 and then do Ken.

1 SIR MICHAEL WRIGHT: Very well. 9.30 tomorrow morning,
2 please.

3 (In the absence of the witness)

4 Discussion re: timetabling

5 MR HILLIARD: It's really just to say this: we continue on
6 schedule and we think, so the jury have some idea of how
7 we are doing, that early in the week of 10 November --
8 so not next week but at the beginning of the week after
9 that -- 10th, 11th, 12th, Monday, Tuesday, Wednesday, in
10 that week we will finish the evidence. As I say, we are
11 well on course.

12 What that means is that, when we finish it, I think
13 we are all agreed that there are probably some legal
14 matters that we are going to need to resolve amongst
15 ourselves and with you, and that will be a period of
16 time, I think we can safely say, of at least a week, and
17 it might even be two, that the jury will not be needed.

18 So although we can't say precisely when, just so
19 they know, because I know there was an anxiety about
20 having some Fridays off, there'll be a time of more than
21 a Friday or two off.

22 SIR MICHAEL WRIGHT: You can almost hear the relaxation.

23 MR HILLIARD: You can, it's audible.

24 SIR MICHAEL WRIGHT: Yes.

25 There will be a fairly lengthy period, ladies and

1 gentlemen, when you will not be needed because we will
2 be between us arguing out and dealing with the various
3 legal issues that arise.

4 I think, as Mr Hilliard says, that from at the
5 latest the middle of the week after next you will have
6 probably at least a week and possibly ten days when you
7 won't have to come in.

8 I have not forgotten the lady who has been asking us
9 for some help about that, and it looks though, much as
10 I was worried about it, help may actually be on the way.

11 We will be able to tell you next week as we see how
12 we are getting on rather more tightly just what the
13 timescale will be.

14 Very well, then, tomorrow at 9.30 and I hope to be
15 let you all go again at, at worst, 2.30 in the
16 afternoon. Thank you all very much.

17 (4.45 pm)

18 (The court adjourned until 9.30 am on
19 Friday, 31 October 2008)

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	INDEX	
		PAGE
1		
2		
2		
3	MR RALPH LIVOCK (affirmed)	1
4		
5	Questions from MR HILLIARD	1
6		
7	Questions from MR GIBBS	27
8		
9	Questions from MR STERN	32
10		
11	In the absence of the jury	41
12		
13	Questions from MR STERN (continued)	47
14		
15	MS RACHEL WILSON (affirmed)	51
16		
17	Questions from MR HILLIARD	51
18		
19	Questions from MR GIBBS	65
20		
21	Questions from MR STERN	67
22		
23	Further questions from MR HILLIARD	79
24		
25	MR WESLEY MERRILL (sworn)	81

1		
2	Questions from MR HOUGH	81
3		
4	Questions from MR MANSFIELD	96
5		
6	Questions from MR GIBBS	99
7		
8	Questions from MR STERN	101
9		
10	Questions from MR KING	111
11		
12	Further questions from MR STERN	112
13		
14	CODENAME "TERRY" (sworn)	114
15		
16	Questions from MR HOUGH	114
17		
18	Questions from MR MANSFIELD	142
19		
20	Questions from MR GIBBS	170
21		
22	Questions from MR STERN	172
23		
24	Questions from MR PENNY	177
25		

1	Questions from MS LEEK	179
2		
3	CODENAME "VIC" (sworn)	181
4		
5	Questions from MR HILLIARD	181
6		
7	Questions from MR MANSFIELD	188
8		
9	Questions from MR PENNY	193
10		
11	Questions from MS LEEK	195
12		
13	CODENAME "C7" (sworn)	196
14		
15	Questions from MR HILLIARD	196
16		
17	Discussion re: timetabling	217
18		
19		
20		
21		
22		
23		
24		
25		