

1 Friday, 31 October 2008

2 (9.30 am)

3 (In the presence of the jury)

4 CODENAME "C7" (continued)

5 SIR MICHAEL WRIGHT: Yes, you have finished in-chief,

6 Mr Hilliard?

7 MR HILLIARD: Yes, thank you.

8 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

9 Questions from MR MANSFIELD

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

11 I represent the de Menezes family.

12 A. Good morning, sir.

13 Q. So it's easier, I want to do it from your statement,
14 really just two different areas. Page 424, if that can
15 come on screen, this is a statement to which you have
16 been referred already. I think you have it in front of
17 you?

18 A. I do, yes.

19 Q. It's dated 23 July, the following day. At the top, the
20 first topic is really your belief that day, do you
21 follow, after you have heard "state red", and that's at
22 the top of the page:

23 "As I deployed from my vehicle ..."

24 A. Yes, sir, I have that.

25 Q. I don't mind which version you use.

- 1 A. I didn't realise it was on the screen.
- 2 Q. There is a typed and a handwritten version. You see the
3 sentence:
4 "As I deployed from my vehicle..."
- 5 A. Yes, sir.
- 6 Q. "... I did so believing that the subject I was going to
7 stop from getting on the tube was a suicide bomber."
8 Do you see that?
- 9 A. Yes, sir.
- 10 Q. Right. I really don't want to quibble over words in
11 case you didn't mean what it says, but does that mean
12 that your belief, as you, as it were, got out of the
13 vehicle with your weapon, was that the person you were
14 going to stop from getting on the tube was a suicide
15 bomber that day?
- 16 A. No, my understanding of that quote from that time was he
17 was a suicide bomber from the failed attempts from the
18 previous day.
- 19 Q. Right, you do see there is an important distinction?
- 20 A. I do, sir.
- 21 Q. Because you accept, I expect, that there is a two-stage
22 process: is this the person from the day before; and
23 secondly, does he present an imminent threat today; in
24 other words, is he going to explode a bomb today?
- 25 A. I understand.

- 1 Q. I see, so what you meant was from the day before?
- 2 A. That's correct, sir. My understanding, I know, because
3 to me the subject had been identified by the phrase that
4 was used, "He's definitely our man", and from that he
5 was a failed suicide bomber from the day before, who was
6 now entering the tube station.
- 7 Q. Right. Can I just quickly go back to the page before,
8 423, I am using the typed version, the phrase is there
9 but we can just alight upon the sentence:
10 "I was also made very aware via a radio
11 communication ..."
- 12 Do you have that sentence? It's two-thirds of the
13 way down, I am sorry there are no paragraphs here, about
14 eight lines up from the bottom, in capital letters the
15 word "SAM", I think everybody can see that, a few lines
16 up. There is the sentence?
- 17 A. Yes.
- 18 Q. You indicated yesterday that you were in fact monitoring
19 radio communications?
- 20 A. That's correct, sir.
- 21 Q. This is coming over the Cougar?
- 22 A. That's correct, sir.
- 23 Q. No witness who was capable of giving that over -- no
24 surveillance officer, all right, I'll be very precise --
25 no surveillance officer who was in a position to say

- 1 that has said that he ever used those words?
- 2 A. I understand that fully, sir. I can only give evidence
3 on what I heard.
- 4 Q. What I want to give you the opportunity to deal with was
5 whether you interpreted different words in your mind, in
6 other words "I believe it's him"?
- 7 A. No, that's not correct, sir. If there had have been any
8 ambiguity as to what I heard, then I wouldn't have put
9 it in speech. The fact that the terms I have heard have
10 been put in speech is what I heard.
- 11 Q. I'm not going through it. The jury have heard many
12 times now that in fact a number of firearms officers
13 like yourself have done exactly the same. In other
14 words, you have put those "definitely our man" or words
15 to that effect in inverted commas as if that is speech
16 that you exactly remember?
- 17 A. Absolutely, sir, I can't comment for my colleagues. I
18 can only comment from what I heard and what I wrote.
- 19 Q. You might be in a position to comment about your
20 colleagues in this sense: you did all meet up the
21 following day, didn't you?
- 22 A. Yes, we did, sir.
- 23 Q. You did all discuss what your recollections were before
24 you put -- I am going to put -- pen to paper?
- 25 A. That's correct, sir, yes.

- 1 Q. Was it one of the features of the discussion in common
2 on the day following that people were saying we heard
3 these words, "definitely our man"?
- 4 A. There was -- a lot of things were mentioned that day and
5 that was included with regards to the identification;
6 and I remember distinctly people saying, "I didn't hear
7 that", or people saying, "Yes, I did hear that", and
8 I was one of those people that said, "I definitely heard
9 'definitely our man'," and it was from the Cougar set.
- 10 Q. If you heard those words, I am going to just go on,
11 because I suggest that you are wrong about this. If you
12 heard that, did you hear over the Cougar at about this
13 time, I suggest probably if it's to do with
14 identification it's just before this, so again just
15 before, you are coming up to Stockwell or you are at
16 Stockwell, the lights and the tube station?
- 17 A. Yes.
- 18 Q. Did you hear -- you didn't know his name, but James, the
19 team leader, or somebody, over the Cougar saying to the
20 whole surveillance team that he was in charge of, the
21 grey team?
- 22 A. Yes, sir.
- 23 Q. All right? Again you may not have known who they were.
24 And the words, just follow, I am summarising the sort of
25 thing he would have said: can any of you help me or over

- 1 identification, has anybody got a positive
2 identification; something like this, a discussion over
3 the Cougar. Did you hear anything like that?
- 4 A. I remember hearing at some stage, and it's not in my
5 statement, but some time prior to that, somebody asking
6 for a percentage.
- 7 Q. Exactly.
- 8 A. As to, give a percentage as to whether this person,
9 because I remember commenting to Sam how ridiculous this
10 question was in seriousness of the event; it's either
11 the person or it's not.
- 12 Q. I'm obliged for that. Can I just tax your memory a bit
13 more. If you heard that, or you remember something to
14 that effect, and I suggest this is all going on just
15 before James, who is the team leader, says something
16 about him thinking that it's him or words to that
17 effect. So that's why I am asking you.
- 18 A. Yes, sir.
- 19 Q. So you remember the percentage question coming up and
20 you thought it was a ridiculous question?
- 21 A. That's correct, sir, yes --
- 22 Q. Of course if you think about it for a moment, it's not
23 so ridiculous, is it, because it's not just a question
24 of it's either him or it's not; you can be in the middle
25 and you are just not sure?

1 A. Well, as far as I'm concerned, as a firearms officer,
2 going to intercept this person, with regards to tactics
3 that may be employed, we need to know whether it is this
4 person or it's not. I can understand that people may
5 say: well, it's a good likeness to, or whatever the
6 cases be; but for me going to say to someone, I want to
7 know: has somebody identified this person; is it the
8 subject that we are going to deal with or not?

9 Q. Well --

10 A. And I can only comment on that, sir. Sorry for
11 interrupting. I can only comment on that, on that
12 particular day, that to me a percentage, because
13 somebody could come across and say: 81 per cent that is
14 the person, that would have no relevance to me
15 whatsoever really in those situations.

16 Q. Can I just turn it round a moment: as far as you are
17 aware, did the control room know that firearms officers
18 really wouldn't want to intervene even if they were
19 ordered to on any basis less than a confirmed positive
20 identification?

21 A. Well, to take that on board, sir, the tactics are
22 employed with regards to, not necessarily in the world
23 of specialist firearms officers but in the worlds of
24 maybe the uniformed ARV officers, whereby there is
25 intelligence to suggest that the person is armed or is

1 not armed or whatever, and that tactics can be dictated
2 as a result of what is being led through.

3 For example, if somebody is believed to be in
4 possession of a firearm but that firearm hasn't been
5 seen, then tactics can be employed whereby it's
6 a low-key armed stop. However, if somebody has seen
7 that handgun being held out a window or something like
8 that, then the tactics can be employed to deal with that
9 person more robustly; do you understand where I am
10 coming from?

11 Q. Absolutely I do, so if the control room, I appreciate
12 you are not there, but if the control room therefore
13 haven't had, and we have heard that they didn't have any
14 confirmed intelligence that this man was actually
15 carrying a bomb, from your point of view, you would like
16 to know that that is their state of mind; would that be
17 fair?

18 A. Well, going back to with regards to intelligence,
19 obviously as a firearms officer on the ground you want
20 to know all the intelligence that you can possibly get,
21 but we were in a position on that day, and I had been
22 reminded that we may not receive everything that the
23 control room is receiving as a result of tactics that
24 may be employed.

25 Q. Yes, yes, the word that's been used is "sanitised", but

- 1 one appreciates they may not tell you everything they
2 know, so you may get an order like, "Stop this man from
3 getting on the tube", which some officers might
4 translate as -- and excuse me for just elaborating --
5 some officers may interpret: ah, they know something
6 I don't, he has to be stopped getting on the tube, maybe
7 he has a bomb; that's a risk, isn't it?
- 8 A. No, sir, definitely not. If I was to receive, and I can
9 only speak for myself, if I was to receive the order the
10 person is to be stopped, it's exactly that. It's to
11 stop them, detain them, arrest them, whatever that may
12 be. If we are going down the lines, and I think I know
13 where you're going with this, sir and I apologise if
14 I get it completely wrong, if we are looking at, you
15 know, with regards to critical shots or a DSO employing
16 us in the realms of a critical shot, I would expect to
17 hear "critical shot authorised".
- 18 Q. Yes, I accept that. That is not actually quite where
19 I am going.
- 20 A. I apologise.
- 21 Q. No, it's all right, because what I want your help on
22 here is: you have a clear view of the basis upon which
23 you would want to be asked to intervene?
- 24 A. That's correct, sir.
- 25 Q. Therefore if the control or command centre hasn't got

1 the information that would be satisfactory for
2 an intervention by you, at least they should tell you,
3 in whatever short form, "We can't say he is a bomber
4 now, we haven't got the intelligence", or whatever it
5 is, they ought to let you know that, oughtn't they?
6 A. With regards to being in possession of an explosive?
7 Q. Yes.
8 A. I would like to think if they had intelligence
9 suggesting this person didn't have an explosive, that
10 would be relayed to us.
11 Q. Yes, that's one thing. That's having intelligence that
12 he didn't. Or having intelligence that suggest --
13 having no intelligence to suggest that he did. In other
14 words, the state of mind, as we understand it, from the
15 control room was, and I'll just elaborate it so you
16 appreciate it, he wasn't carrying anything, all right,
17 and there was other behaviour which could be interpreted
18 one way or another, he wasn't carrying anything and
19 therefore the capability and intention to, as it were,
20 provide a immediate threat wasn't something that
21 Commander Dick could be sure about?
22 A. I can't speak for Commander Dick, sir.
23 Q. No, but it would matter to you at two levels, wouldn't
24 it: one is the identification of the man from the day
25 before; two is, is there any intelligence about him

1 carrying a bomb or not?

2 A. I understand what you are trying to say, and in the
3 realms of accuracy, brevity and speed with regard to the
4 radio communications, negative intel, ie we don't have
5 any intelligence to say that he isn't carrying, and that
6 would probably only confuse the matter. The fact that
7 they would say he either has intelligence that he is or
8 intelligence that he isn't carrying on this day; does
9 that make sense?

10 Q. Yes, it does make sense, but --

11 SIR MICHAEL WRIGHT: There is an intermediate point because
12 we just don't know whether he is or he isn't.

13 A. Yes, sir, that's obviously -- if somebody was to turn
14 round and say we don't know whether he is or he isn't;
15 any intelligence in and around possession of explosive
16 device, negative or positive, would be of benefit.

17 MR MANSFIELD: Thank you, I will not take it further.

18 Just going back to the page there, 423, so you focus
19 on what I want to ask you, is that beyond the question
20 of a -- the question being asked which you thought was
21 a question that really couldn't be answered or words to
22 that effect, did you hear what the answer was given to
23 the question by the surveillance team?

24 A. My memory, there wasn't an answer to that question, it
25 was just a question that was put out there. I can't

- 1 remember anybody actually come being back with an answer
2 on that one. In saying that, though, sir, I might have
3 been a bit vocal to my driver at that time about my --
- 4 SIR MICHAEL WRIGHT: You actually may well be right that
5 there was no answer.
- 6 A. Yes.
- 7 MR MANSFIELD: I am not suggesting there was an answer.
- 8 A. But at that time I was being quite vocal in my sort of
9 observations on that question.
- 10 Q. Close on the heels of that discussion, all right, so
11 again I can't put minutes on it, but it's somewhere
12 around this time, were you aware of, by any means, that
13 SO12, the surveillance team, had in fact offered to do
14 the stop, and then in fact they had not been told
15 whether -- that they -- what the position was, and they
16 went on surveying. Are you aware of any of that?
- 17 A. No, sir, I wasn't, and I didn't hear any communications
18 to that effect.
- 19 Q. Did you hear any communications to the effect that
20 you -- I don't mean you personally -- SO19 were not in
21 a position to do the stop?
- 22 A. No, sir.
- 23 Q. Or any communications particularly between firearms
24 vehicles, so in other words firearms officers, I don't
25 know who said it, if it was said, "We can do it, we can

- 1 do it"?
- 2 A. No, sir.
- 3 Q. All right. There is one other matter, and it's very
4 brief, 424, can I just move on to the actual incident.
5 I leave aside the fact that you may be confused about
6 coming down the escalator, and maybe you didn't go
7 through the first entrance but the second entrance.
- 8 A. Or got confused with which door I was viewing, that's
9 correct, sir.
- 10 Q. I'm not going to fuss about that.
- 11 A. Thank you, sir.
- 12 Q. You have it described, and you used words similar to
13 this yesterday:
14 "... what appeared to be a struggle ensuing..."
15 It's in the middle of the page, between:
16 "... at least two of my colleagues [who] were
17 entering the train..."
- 18 A. Yes, sir.
- 19 Q. In a further statement which I don't ask to be brought
20 up, you have indicated you thought they were standing,
21 whoever they were?
- 22 A. That's correct, sir, yes.
- 23 Q. Would it be fair to say, you are not suggesting it was
24 a struggle; it just appeared like that to you?
- 25 A. That's correct, sir. The scene as I recollect it, and

1 I can picture it in my head at the moment, was it
2 appeared to be a struggle. The people who were involved
3 in the struggle, and I can't determine who, were
4 upright, but that's a very, very -- that's a description
5 of something happened as I ran past, so it was a very
6 brief glimpse of what was going on inside that train.

7 Q. It would be equally consistent, if I can just put this
8 to you, with a surveillance officer we know called Ivor
9 who is giving a bear hug to, as we now know,
10 Mr de Menezes, in order to place him in a seat?

11 A. Possibly. I can't comment on that, sir.

12 MR MANSFIELD: Thank you. That's all I ask.

13 SIR MICHAEL WRIGHT: Can I just ask you for your help about
14 this. Going back to what you were telling Mr Mansfield
15 a little earlier, that your state of mind when you heard
16 "state red", was that this was a man that had been
17 identified and in your mind definitely identified
18 because of the words you had heard.

19 A. Absolutely, sir, yes.

20 SIR MICHAEL WRIGHT: As the, or a suicide bomber from the
21 previous day.

22 A. That's correct, sir, and in my head, to confirm it,
23 I was believing, because of my briefing from earlier,
24 the main subject of the operation was Osman, so as far
25 as I was concerned that's who had entered the tube

1 station.

2 SIR MICHAEL WRIGHT: That was Osman?

3 A. Yes.

4 SIR MICHAEL WRIGHT: But as you agreed, you had heard
5 nothing one way or the other, really, as to whether or
6 not he was in possession of a bomb on this day?

7 A. No, sir.

8 SIR MICHAEL WRIGHT: No. And you have told Mr Mansfield
9 that, in those circumstances, you would have expected,
10 if a critical shot was to be taken, that it would have
11 been specifically authorised by the DSO?

12 A. Absolutely, sir, yes.

13 SIR MICHAEL WRIGHT: I understand that. Are you there
14 drawing on the training that you had received in what we
15 have been calling Kratos or Clydesdale situations?

16 A. With regards to?

17 SIR MICHAEL WRIGHT: With regards to authorisation from
18 a DSO.

19 A. Absolutely, sir, yes. As far as I was aware, there was
20 a DSO in place. If the DSO had intelligence to suggest
21 that this person was in possession of an explosive
22 device, and that a critical shot was to be taken, the
23 authorisation would come from --

24 SIR MICHAEL WRIGHT: There would be an authorisation from
25 above.

1 A. Yes, as per Kratos protocol, yes.

2 SIR MICHAEL WRIGHT: In fact, as we are now told, certainly
3 by all the people in the control room, this was neither
4 a Kratos nor a Clydesdale situation?

5 A. Absolutely.

6 SIR MICHAEL WRIGHT: As you appreciated.

7 A. And that wasn't my belief either, sir.

8 SIR MICHAEL WRIGHT: Indeed. In those circumstances, if
9 there was to be an armed intervention, an armed stop --

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: -- it would be governed by what has
12 been called conventional rules?

13 A. Conventional rules with regards to the aims of firearms
14 operations to be considered, sir, yes.

15 SIR MICHAEL WRIGHT: I have understood, and I would like to
16 know whether you agree with this, that in those
17 circumstances, as often as not there will be no DSO?

18 A. Absolutely, sir, no, normally that was the -- well, that
19 was the first time I had been involved in a live
20 operation with a DSO, so conventional operations
21 wouldn't involve a DSO.

22 SIR MICHAEL WRIGHT: There will be no DSO, so that in those
23 circumstances no question of an authorisation --

24 A. No, sir.

25 SIR MICHAEL WRIGHT: -- for a critical shot would arise?

1 A. No, sir.

2 SIR MICHAEL WRIGHT: Am I right then in thinking that in
3 those circumstances the ultimate responsibility is on
4 the individual firearms officer?

5 A. Absolutely, sir.

6 SIR MICHAEL WRIGHT: And that, as Mr Mansfield was putting
7 to you yesterday and other witnesses, that depends upon
8 that officer's assessment of what it is that he is
9 facing?

10 A. Absolutely, sir, and we go back to our training which
11 involves threat assessment, actions, you know, the
12 powers and policies surrounding what governs what we can
13 do with regards to the use of force; and all those
14 things, coupled with the intelligence that we have got,
15 it enables us, and the actions of the person that we are
16 actually going to deal with, would dictate how we deal
17 with that subject.

18 SIR MICHAEL WRIGHT: I understand that. To put it in very
19 bald terms, it is for the individual firearms officer to
20 weigh up what it is he is seeing, and to make up his
21 mind what he thinks this person is going to do.

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: That's it, isn't it?

24 A. That's it, sir, in what is normally a split second.

25 SIR MICHAEL WRIGHT: Thank you. The big difference, of

1 course, I suppose, between this situation and what you
2 might call a conventional firearms intervention when you
3 might think you were dealing with people who might be
4 carrying guns --

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: -- is that what was thought to be
7 possible here at any rate was the question of a bomb?

8 A. Absolutely, sir.

9 SIR MICHAEL WRIGHT: Which you had never faced before?

10 A. Not in my working life, no, sir.

11 SIR MICHAEL WRIGHT: Not in your working life, and of course
12 as we have discussed, if there is a bomb involved, the
13 possible involvement of the officer himself is quite
14 different?

15 A. It's certainly what we take on board and certainly, and
16 I can only speak for myself on this, when I entered the
17 tube I did have a brief thought: was I going to be
18 coming back up the escalator again.

19 SIR MICHAEL WRIGHT: That's what other of your colleagues
20 have also said, and that again is a difference between
21 the situation you were facing on that day --

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: -- and the kind of situation you had
24 faced on any other firearms interventions?

25 A. Absolutely, sir. With conventional firearms the worst

1 thing is you can be shot and killed. This one is
2 a totally different, but the end result could be the
3 same.

4 SIR MICHAEL WRIGHT: You might be shot and you might or
5 might not be killed?

6 A. Well --

7 SIR MICHAEL WRIGHT: Depending on where you got hit.

8 A. Yes, absolutely, sir.

9 SIR MICHAEL WRIGHT: If there is a bomb situation here, if
10 anything goes wrong, you are dead?

11 A. Absolutely, sir, yes.

12 SIR MICHAEL WRIGHT: And that's the point, isn't it?

13 A. That's the bottom line, sir, yes.

14 SIR MICHAEL WRIGHT: Very well, thank you. Mr Gibbs?

15 MR GIBBS: No questions, thank you.

16 SIR MICHAEL WRIGHT: Mr Stern?

17 MR STERN: No questions, thank you.

18 SIR MICHAEL WRIGHT: Mr Penny?

19 Questions from MR PENNY

20 MR PENNY: Just one matter. Charlie 7, I am asking

21 questions on behalf of Commander Dick and other senior
22 officers. You were a black teamer?

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

24 Q. You had gone off duty, I think, at 9 o'clock the night
25 before?

1 A. I have got very little memory of the day before. I know
2 that I was on duty from 6 until 9 pm.

3 Q. Can you recall where you stayed the night immediately
4 before the 22nd, ie where you were when you came in or
5 where you came in from?

6 A. I can't remember, sir, in all honesty.

7 Q. Ralph the team leader has told us that the majority of
8 the black team went to their respective homes, but there
9 were one or two who had stayed in a hotel the night
10 before. Does that --

11 A. I can't remember, I can't remember whether I was at a
12 hotel or not.

13 MR PENNY: Thanks very much.

14 MR KING: Nothing, thank you, sir.

15 SIR MICHAEL WRIGHT: Ms Studd?

16 MS STUDD: No, thank you, sir.

17 SIR MICHAEL WRIGHT: Ms Leek? I hadn't forgotten.

18 MS LEEK: No, thank you, sir.

19 SIR MICHAEL WRIGHT: Yes. Mr Hilliard?

20 MR HILLIARD: No questions, thank you.

21 SIR MICHAEL WRIGHT: Charlie 7, thank you very much indeed.

22 A. Thank you, sir.

23 (The witness withdrew)

24 MR HILLIARD: The next witness will be Ken, please.

25

1 CODENAME "KEN" (sworn)

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

3 A. Thank you.

4 Questions from MR HILLIARD

5 MR HILLIARD: Sir, if I can just explain, as will become
6 obvious, we are now going back to some surveillance
7 evidence, but for very good reason the witness has not
8 been available before, so that's the reason.

9 SIR MICHAEL WRIGHT: Just to remind the jury, this
10 gentleman, as you I think will hear, was in the same car
11 as James, the grey team leader.

12 MR HILLIARD: You are going to be known as Ken, I think you
13 understand that, for the purpose of these proceedings?

14 A. That's correct.

15 Q. I am going to ask you some questions first of all on
16 behalf of the Coroner, then you will be asked some
17 questions by others.

18 Do you have with you a copy of a statement that you
19 made on 23 July?

20 A. I do, yes.

21 Q. Good. There is no difficulty about you referring to
22 that.

23 A. Thank you.

24 Q. In July of 2005, were you attached to a surveillance
25 team at Scotland Yard?

- 1 A. I was, yes, sir.
- 2 Q. Specifically on the 22nd were you a member of something
3 called the grey team?
- 4 A. I was, yes, sir.
- 5 Q. I think you went to a short briefing that we have
6 already heard about on the 16th floor at New Scotland
7 Yard at about 7.30 am; is that right?
- 8 A. That's correct, yes.
- 9 Q. That briefing was given by Inspector Whiddett and Colin;
10 is that right?
- 11 A. That's correct, yes.
- 12 Q. In the course of that, you were shown some photographs
13 of suspects including a picture, is this right, of
14 somebody, Hussain Osman, who had the codename
15 Nettle Tip?
- 16 A. I was indeed, yes, sir.
- 17 Q. Did you keep a copy of that picture?
- 18 A. I did not, not personally, no, sir.
- 19 Q. You then, I think, took with you, is this right,
20 a firearm, a Glock pistol that you were authorised to
21 carry?
- 22 A. I did, yes.
- 23 Q. And what I am going to call ordinary ammunition?
- 24 A. Yes, sir, I understand that.
- 25 Q. In due course, did you, together with other surveillance

1 officers, make your way to the vicinity of Scotia Road?

2 A. I did, yes, sir.

3 Q. Was there a problem in the vehicle that you were going

4 in?

5 A. Unfortunately, yes, there was.

6 Q. What was the problem?

7 A. It would appear that the radio within the vehicle was

8 malfunctioning.

9 Q. So what was your amended plan?

10 A. I made my way and joined James, who was the team leader,

11 to assist with him in his vehicle, sir.

12 SIR MICHAEL WRIGHT: This is the Cougar radio that wouldn't

13 function; is that right?

14 A. It was indeed, yes, sir.

15 SIR MICHAEL WRIGHT: We have heard a bit about that.

16 MR HILLIARD: So there is now you and James in what I'll

17 call James' vehicle?

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

19 Q. Did you have a particular job in the vehicle?

20 A. Once I had joined him, I assumed the role of the

21 loggist, sir.

22 Q. If we can just get page 456, I think, up on the screen,

23 thank you very much. Can you show us where you began

24 logging?

25 A. Do I just touch the screen?

- 1 Q. I am afraid not.
- 2 A. 9.20 am, I assumed the role of the nominated loggist,
3 sir.
- 4 Q. So that's you starting?
- 5 A. It is, yes.
- 6 Q. So you are with James, does it follow, by 9.20?
- 7 A. I am indeed, yes, sir.
- 8 Q. Can you just help with one matter before we go on, which
9 you have dealt with in your statement but we can see it.
10 Do you see, if we go to the 9.39 entry, have you got
11 that?
- 12 A. Yes.
- 13 Q. Can you see there there is an "N" in a circle; do you
14 see?
- 15 A. Yes.
- 16 Q. 9.45, there is an "N" in a circle?
- 17 A. That's correct, yes.
- 18 Q. Down at the bottom of the page, do you see there is
19 an "N" in a circle?
- 20 A. There is, yes.
- 21 Q. Are those all entries that you made?
- 22 A. No, they are not, sir.
- 23 Q. Which ones have you --
- 24 A. The first I believe is James.
- 25 Q. So, what, the 9.39 one?

1 A. 9.39 on the line that the "a" is in inverted speech
2 marks.

3 Q. Yes.

4 A. And the following are my own entries.

5 Q. So the one at 9.45, "N" in a circle, the 9.49, is that
6 at the bottom, "N" in a circle.

7 A. That's correct.

8 Q. If we, as it were, turn over the page, to 457, I think
9 there is another one, isn't there, 9.59?

10 A. Sir, yes.

11 SIR MICHAEL WRIGHT: Five lines down.

12 MR HILLIARD: Thank you very much.

13 Now, those, can you help us, did you do that one at
14 9.59?

15 A. I did, yes, sir.

16 Q. What did you mean when you were putting "N" in the
17 circle?

18 A. That's my abbreviation for describing the subject of the
19 surveillance as being a possible for the subject
20 Nettle Tip, sir.

21 Q. That's really what I want to know, because it's just got
22 "N" in the circle. It doesn't say "possible N" or
23 anything. Can you explain, you say that's your way of
24 recording possible for Nettle Tip; can you just explain
25 that?

- 1 A. He had already been shown as a PIW, which was
2 a possible, and I just wanted to keep things as short as
3 possible.
- 4 Q. So did you ever hear anybody else positively identify
5 for sure the person who was being followed as
6 Nettle Tip?
- 7 A. No, sir, at no stage.
- 8 Q. Did you ever do it yourself?
- 9 A. No, sir.
- 10 Q. All right. We will look at the particular actions that
11 you took as we go through. Now, I am looking at your
12 statement, if it helps you, second page, about the
13 middle of the page; we can take that off the screen
14 probably for now, thank you very much.
- 15 After you took over, all right, logging at 9.20, did
16 you hear some information about a man coming from the
17 Scotia Road flats?
- 18 A. I did, yes, sir.
- 19 Q. Had that information come from anybody in your team or
20 another team?
- 21 A. No, I believe it was from one of the other members of
22 the red team, I believe.
- 23 Q. Of the red team, right. Once that information had come
24 about a man leaving the flats, what was the aim after
25 that, as you understood it?

- 1 A. Obviously for someone to try to assess whether this was
2 in fact one of the subjects that the operation was
3 concerned with, sir.
- 4 Q. Do you know who asked for that to be done?
- 5 A. I'm afraid I can't recall, sir.
- 6 Q. Obviously to do that somebody, or some bodies, had got
7 to have a look at him?
- 8 A. That's correct, yes.
- 9 Q. Did you take any steps about that?
- 10 A. Shortly afterwards, yes, sir, I did.
- 11 Q. Was that still with James, so we understand?
- 12 A. I was with James and then I stepped out of his vehicle.
- 13 Q. Tell us a bit about the -- is the first bit with James?
- 14 A. Well, James drove his vehicle along Upper Tulse Hill.
- 15 Q. Right. Did you see anybody in Upper Tulse Hill?
- 16 A. I did see a male walking along Upper Tulse Hill, yes,
17 sir.
- 18 Q. You see him, do you, at this time, from the vehicle?
- 19 A. From inside the vehicle, yes.
- 20 Q. Is he on the same side of the road, different side of
21 the road?
- 22 A. I believe he was on the nearside, the same side.
- 23 Q. The same side as you. Were you able to see his face or
24 not?
- 25 A. As we drove past, I was unable to see his face.

1 Q. So what are you able to see at that time, as it were,
2 just height, build, hair, clothing?

3 A. Just a general description clothingwise.

4 Q. What was your opinion at that time? Did you think you
5 were seeing the person who had been reported as coming
6 from Scotia Road, or were you unsure, or what was your
7 state of mind?

8 A. No, I had assessed that that was the person that had
9 been described.

10 Q. Right, but at that time then from the vehicle, you have
11 not been able to see his face?

12 A. No, unfortunately not, sir, no.

13 Q. So what happened?

14 A. James pulled over and I got out of his vehicle and
15 deployed on foot.

16 Q. Another problem, I think?

17 A. Indeed, yes, sir.

18 Q. Radio again?

19 A. Again, sir, yes.

20 Q. Not working?

21 A. Unfortunately not, sir, no.

22 SIR MICHAEL WRIGHT: That's the one you are actually
23 carrying on --

24 A. My body set, sir.

25 SIR MICHAEL WRIGHT: Your body set. It wasn't your day as

- 1 far as Cougar radios were concerned.
- 2 A. It wasn't the best, sir, no.
- 3 MR HILLIARD: All right, but were you able to see the man at
- 4 all?
- 5 A. I walked in the opposite direction to where we had come
- 6 from with a view to gaining a better look, but again
- 7 I was unable to see his face, only his clothing.
- 8 Q. But did you see him, although not his face?
- 9 A. Yes, I did, sir, yes.
- 10 Q. Which road did you see him in?
- 11 A. It was Upper Tulse Hill.
- 12 Q. Did he turn into Tulse Hill itself?
- 13 A. Yes, sir.
- 14 Q. A left turn?
- 15 A. Yes, sir, he did, yes.
- 16 Q. Did he go to a bus stop that we have seen on plans?
- 17 A. He did go to a bus stop, yes, sir.
- 18 Q. I think a bus came along; is that right?
- 19 A. It did indeed, yes, sir.
- 20 Q. Did you see him get on the bus?
- 21 A. I did, sir, yes.
- 22 Q. Again, just so we understand, is this right, that at no
- 23 time during these sightings do you see his face; is that
- 24 right?
- 25 A. I did not see his face, sir, no.

- 1 Q. But again, were you satisfied that this was the same man
2 you had seen from the car and the same man as you
3 understood it who had come from the Scotia Road flats?
- 4 A. Yes, sir.
- 5 Q. You didn't get on the bus at that stage?
- 6 A. No, I didn't.
- 7 Q. Were you picked up by James in the vehicle again?
- 8 A. Yes, sir.
- 9 Q. Once you were back in the vehicle, did you carry on as
10 loggist?
- 11 A. I did, sir, yes.
- 12 Q. If we can have, I think it's page 459 up on the screen,
13 can you see that there is a supplementary entry on the
14 log:
- 15 "At 9.39 I saw a male I would describe as
16 a light-skinned North African male, approximately 5 feet
17 10 inches tall, wearing a light-coloured denim jacket
18 ... clothing, short dark hair and some facial stubble."
- 19 Do you see that?
- 20 A. I do, yes.
- 21 Q. I think we can lose that probably from the screen for
22 now, thank you very much. Do you remember hearing any
23 description like that?
- 24 A. I did, yes, sir.
- 25 Q. That very one, do you think?

- 1 A. Very similar to that.
- 2 Q. Very similar to that, and can you remember who you heard
3 it from or not?
- 4 A. Unfortunately I can't recall that, sir.
- 5 SIR MICHAEL WRIGHT: Before or after you had made that
6 entry?
- 7 MR HILLIARD: No, that's not your entry, is it?
- 8 SIR MICHAEL WRIGHT: I beg your pardon, it's not your entry.
- 9 A. No.
- 10 MR HILLIARD: I just want to know if you had heard that
11 information?
- 12 A. I had. I refer to it in my statement.
- 13 Q. Yes, you do, but not everyone has your statement.
- 14 A. Right.
- 15 Q. So you hear that. Do you hear a description of that
16 sort over the radio from a surveillance officer?
- 17 A. I am afraid I just can't recall.
- 18 Q. All right. But what did you do, having heard that
19 description or one like it?
- 20 A. I looked at the photographs that we had been shown at
21 the briefing which were within James' vehicle, sir.
- 22 Q. You had access to them. I think you told us earlier
23 that you had not taken them yourself?
- 24 A. No, that's correct, sir.
- 25 Q. But James as team leader in the vehicle had got them; is

- 1 that right?
- 2 A. Yes, sir.
- 3 Q. So you were able to look at them?
- 4 A. Yes, sir.
- 5 Q. Did you hear information about the bus journey over the
6 radio system?
- 7 A. Yes, sir.
- 8 Q. I think you yourself, is this right, at 9.49, you
9 actually, did you have sight of the bus?
- 10 A. I did, sir, yes.
- 11 Q. Were you able to record the registration number of the
12 bus?
- 13 A. Yes, I did, sir.
- 14 Q. Did you see the man who we know obviously was
15 Mr de Menezes, did you see him at that time or was it
16 only the bus?
- 17 A. No, it was purely the bus, sir.
- 18 Q. If we can just put up, please, page 462. Can you see
19 supplementary D, if we read this, this again isn't
20 yours?
- 21 A. No.
- 22 Q. This is James, 00?
- 23 A. Yes.
- 24 Q. It reads like this:
- 25 "At this time I was asked by the ops room how

1 certain the team was in percentage terms that this
2 person was identical to NT. I said I could not give
3 a percentage figure as this was impossible but that
4 I thought it was NT. I had already tasked 53 [that's
5 Tim] to get some video footage asap to assist
6 identification, but that had not been obtained at that
7 time. Prior to getting on the bus, 37 had joined me in
8 the car for a short period and stated he didn't think it
9 was NT. Shortly after this, I became aware that 35..."

10 So 37 is Lawrence; correct?

11 A. Correct, sir.

12 Q. 35 is you:

13 "Shortly after this, I became aware that 35 [so you]
14 who was logging in the car with me was talking on the
15 phone with someone telling them our and the subjects'
16 current location."

17 If you can just bear that in mind, I think you were
18 aware of that entry because you have written the next
19 one, is this right?

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

21 Q. Which begins:

22 "At this time of above I had answered James' mobile
23 phone."

24 Is that right?

25 A. Correct.

- 1 Q. We will come on to that in a minute, your own entry.
- 2 A. Sir.
- 3 Q. We can probably lose that from the screen for the
4 moment. So it's, as it were, James' entry I want to ask
5 you about. Were you in the car when Lawrence was in the
6 car for a time?
- 7 A. Yes, sir.
- 8 Q. With James and it follows you, then?
- 9 A. Yes, sir.
- 10 Q. Do you remember the request about whether it was
11 possible to give a percentage identification?
- 12 A. I do, sir, yes.
- 13 Q. What do you remember about that?
- 14 A. I remember James being asked by the ops room, I believed
15 it was, about whether he could give a percentage as to
16 whether it was the subject or not, sir.
- 17 Q. What did James do, once he had had that request made of
18 him?
- 19 A. I believe he asked over the radio if anyone could assist
20 regarding identification. I can't remember the exact
21 words he used, I am afraid.
- 22 Q. Right. Do you remember there being any response over
23 the radio?
- 24 A. No, I don't recall any response.
- 25 Q. Then what about Lawrence? Do you remember him

1 expressing a view?

2 A. He, once he had got --

3 SIR MICHAEL WRIGHT: Forgive me, when you say no response,

4 do you mean silence or a lot of people saying, "No,

5 I can't"?

6 A. I can't recall, sir, I am afraid, but I don't recall

7 any --

8 SIR MICHAEL WRIGHT: You don't recall any answers?

9 A. I don't recall any answers, if that helps.

10 MR HILLIARD: Yes, then I was just asking you whether you

11 remember Lawrence expressing a view?

12 A. Yes, he expressed a view that it might possibly not be

13 the subject.

14 Q. Was there any discussion between him and James about

15 that?

16 A. There was, sir, yes.

17 Q. Can you remember what was said?

18 A. I can't recall exactly, sir.

19 Q. Do you remember hearing any response, then, from James

20 to the request that had been made of him? Do you see

21 what I mean?

22 A. To the percentage question, sir?

23 Q. Yes, do you remember what he -- after he had made --

24 A. Yes, I believe he did give a response to the control

25 room, yes, sir.

- 1 Q. Do you remember how he put it, what the response was?
- 2 A. I believe he said, "For what it's worth, I think it's
3 him", words to that effect.
- 4 Q. Do you think those are the words he used, something like
5 that, "For what it's worth, I think it's him"?
- 6 A. I believe he expressed concern that it was a strange
7 question to ask in the first instance. He was obviously
8 not very happy with it being asked of him. It's not
9 ordinarily something that would be asked, but yes,
10 I believe that's the words he used.
- 11 Q. "For what it's worth, I think it's him"?
- 12 A. Yes, sir.
- 13 SIR MICHAEL WRIGHT: Speaking to the control room?
- 14 A. Yes, sir.
- 15 MR HILLIARD: Now, we had looked, and if we can just go back
16 to 463, please, on the screen, do you remember, we had
17 looked at that entry which was not actually yours but
18 you have helped us with your recollection of any of
19 those events.
- 20 Then there is an entry of yours, and if you can just
21 follow, this is your writing, just see if I read it
22 properly?
- 23 A. Yes, sir.
- 24 Q. "At this time of above, I had answered James' mobile
25 phone as I was sat as operator in his vehicle. The male

1 caller stated he was S019. The [if we could have the
2 next page, thank you] conversation which lasted a short
3 time was purely regarding the location of the subject
4 and the location of the number 2 bus. Details were
5 relayed to the caller giving the bus location of
6 Stockwell Road towards the A3 junction. The caller also
7 requested the location of the subject ie his position
8 within the bus. I in turn asked James this who
9 requested this information via the radio. Page 3 entry
10 at 9.59 refers to the information given in answer to
11 this request. I in turn relayed this via the phone to
12 the S019 officer. Shortly after this, the caller
13 discontinued the call. No other matters were
14 discussed."

15 Then if we can just go to the 9.59 entry, I think it
16 will be 457, is this right, there is the 9.59 entry that
17 you had referred to:

18 "Bus towards junction A3N [in a circle] top deck
19 towards exit."

20 Is that right?

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

22 Q. All right. Now, do you remember getting a call like
23 that and obtaining that information and giving it?

24 A. I do, sir, yes.

25 Q. Did you ever find out who the person was?

- 1 A. I have subsequently found out who that was.
- 2 Q. Who was that?
- 3 A. Trojan 84.
- 4 Q. There are in fact -- if we have our telephone schedules,
5 which we have behind divider 50, so it may be able to
6 come up as an item in the jury bundle, divider 50. It's
7 a many-coloured schedule. We can put this copy up under
8 the camera. (Handed)
- 9 Can you see, if you look at this page, do you see in
10 the right-hand column there is a number of calls to
11 James' telephone from various people, but can you see
12 those?
- 13 A. Yes, sir.
- 14 Q. Do you see the first one on this page, third one, sixth
15 one and so on? Do you see?
- 16 A. I do, sir, yes.
- 17 Q. Then if you go, do you see 9.56, there is a call from
18 Trojan 84 to James' telephone?
- 19 A. Yes, sir.
- 20 Q. Do you see that, for two and a half minutes?
- 21 A. Yes, sir.
- 22 Q. Let us just check, I think that's really the only one
23 around this time, isn't it, if he is using that phone;
24 yes?
- 25 A. Yes, sir.

- 1 Q. Two and a half minutes, obviously if it starts at 9.56,
2 it's obviously going to take it on a bit, isn't it, if
3 he is hanging on for the information to be obtained?
- 4 A. Yes, sir.
- 5 Q. Do you think it may have been that call?
- 6 A. I would imagine it was that call, yes, sir.
- 7 Q. Did you remain in James' vehicle or not?
- 8 A. For the duration of the phone call, do you mean?
- 9 Q. I didn't mean that, but just explain about that, did you
10 stay in his car for the duration of the phone call?
- 11 A. Yes.
- 12 Q. After that, did there come a time when you got out of
13 the vehicle?
- 14 A. Yes, I did, sir, yes.
- 15 Q. Whereabouts did you get out of the vehicle?
- 16 A. I got out a short distance from Stockwell tube station,
17 sir.
- 18 Q. What was the position about the radio? Did you have
19 a working radio by this time?
- 20 A. Yes, it was all working correctly, sir.
- 21 Q. Where did you go?
- 22 A. I went and waited by a bus stand by the NatWest Bank.
- 23 Q. So we understand, in anticipation of the bus going to
24 that stop and in case he got off it?
- 25 A. Yes, sir.

- 1 Q. Did you see the bus arrive at the stop?
- 2 A. I did, sir, yes.
- 3 Q. Did you have any information about whether the man who
4 we know was Mr de Menezes was going to get off or not?
- 5 A. I assessed he was likely to get off because he had been
6 described as being towards the exit on the bus, sir.
- 7 Q. So you knew that, as it were, and you were ready?
- 8 A. I knew what had been said, yes, sir, and I was assessing
9 he was likely to get off, yes.
- 10 Q. Did you in fact see him get off the bus?
- 11 A. I did, sir, yes.
- 12 Q. When he did that, about how far away from him were you?
- 13 A. Six to ten feet, sir.
- 14 Q. What sort of a view did you get of him? Was it
15 obstructed?
- 16 A. I wouldn't say obstructed, it was side on to his
17 right-hand side.
- 18 Q. Can you give us any idea for how long?
- 19 A. Seconds, sir. When I say seconds I mean one or two
20 rather than 10 or 15.
- 21 Q. If we take it in stages, first of all, were you
22 satisfied that the person getting off the bus was the
23 person you had seen in the earlier times you have told
24 us about?
- 25 A. I was, sir, yes.

- 1 Q. Did you have any doubt about that?
- 2 A. No, sir.
- 3 Q. Did you look at him with a view to seeing if you could
4 progress this question of whether he was in fact
5 Nettle Tip or not?
- 6 A. I did, sir.
- 7 Q. What was your view? What was your opinion?
- 8 A. I believed he was a good possible based on the
9 photograph that we had been shown at the briefing, sir.
- 10 Q. Right, and what were the reasons for that?
- 11 A. I believed the eyes and the nose were similar in their
12 shape.
- 13 Q. Right. As far as you were concerned, did it go beyond
14 that, a good possible?
- 15 A. No, sir, not for me.
- 16 Q. Did you ever say anything to give that impression, that
17 the person you were looking at went beyond a good
18 possible for Nettle Tip?
- 19 A. No, sir.
- 20 Q. Did you in fact transmit that view that you have just
21 told us about at all?
- 22 A. I didn't, sir, no.
- 23 Q. Did you, however, indicate at all that you were now
24 following the person?
- 25 A. I did, sir. We continued with the surveillance and

- 1 I commentated to that effect.
- 2 Q. Did you follow him to Stockwell tube station?
- 3 A. Yes, sir.
- 4 Q. Did you see him go into the tube station?
- 5 A. I did, sir.
- 6 Q. Did you go in as well?
- 7 A. Yes, sir.
- 8 Q. Did you become aware of Ivor?
- 9 A. Yes, sir.
- 10 Q. Whereabouts was Ivor?
- 11 A. He was ahead, already within the ticket concourse area.
- 12 Q. We have seen on film that Mr de Menezes went and picked
13 up a copy of the Metro newspaper, just going slightly to
14 his right, and I think you saw that and you have
15 recorded that in your statement; is that right?
- 16 A. Yes, sir, that's correct.
- 17 Q. We have also heard about him and a ticket. Did you see
18 him with a ticket?
- 19 A. Yes, I believe he produced a ticket from within his
20 clothing, sir.
- 21 Q. Whereabouts from?
- 22 A. It was his rear right pocket of his jeans, sir.
- 23 Q. Did you then see him go towards the barriers?
- 24 A. Yes, sir.
- 25 Q. Do you remember Ivor making a request over the radio?

- 1 A. He did, sir, yes.
- 2 Q. What was the request?
- 3 A. He asked if he -- if it was appropriate for him to be
4 detained. His exact words were, "Do you want him
5 lifted?" but it was a request to see if those above us
6 wanted the man detained.
- 7 Q. What was the response to that?
- 8 A. A reply came from James to wait.
- 9 SIR MICHAEL WRIGHT: Effectively Ivor was offering to do it
10 himself?
- 11 A. Yes, sir, himself or with myself in assistance, yes,
12 sir.
- 13 MR HILLIARD: So there is a wait on the question of whether
14 or not he should be lifted, and do you then, in the
15 absence of a decision on that, just carry on the
16 surveillance?
- 17 A. Yes, sir.
- 18 Q. Mr de Menezes went through the ticket barrier, we know?
- 19 A. He did, sir, yes.
- 20 Q. And then went down the escalators. Did you and Ivor
21 follow?
- 22 A. Yes, sir.
- 23 Q. Did you see him go down the escalators?
- 24 A. I did, sir.
- 25 Q. Did you still have any radio communications?

- 1 A. Yes, I believe so at that point, sir.
- 2 Q. Do you remember, did you indicate over the radio that he
3 was going down the escalators?
- 4 A. Yes, sir, I believe Ivor was commentating and I was
5 relaying the information.
- 6 Q. We have heard, and I don't think there is any dispute
7 about this, but that Mr de Menezes, is this right, when
8 he had got halfway down, began to run down the
9 escalator?
- 10 A. Yes, sir, he moved to the left-hand side I believe and
11 began to move faster.
- 12 Q. When he got to the bottom, obviously went through one of
13 the little tunnels there that leads to the platform; is
14 that right?
- 15 A. Yes.
- 16 Q. To his left?
- 17 A. Yes, sir.
- 18 Q. I think he went through the first tunnel entrance; is
19 that right?
- 20 A. I believe so, yes, sir.
- 21 Q. Did you see Ivor follow him?
- 22 A. Yes, sir.
- 23 Q. Then down you went; is this right?
- 24 A. That's correct, sir.
- 25 Q. Again through the same tunnel entrance?

- 1 A. Yes, sir.
- 2 Q. Just to bring that back for you, it's a picture we have
3 looked at many times, it's divider 31, the picture
4 that's there. It's in the jury bundle. That's the
5 first of the little entrances, just to bring it back to
6 your mind. If we can have a look at the next picture,
7 32 please. That's obviously taken from the archway
8 itself. There is the train. Can you see the double
9 doors there?
- 10 A. Yes, sir.
- 11 Q. At 35, if we can just look at the plan of the train, so
12 I can show you those double doors that you can see, just
13 off to the right. It's the plan of the train, number 50
14 in the bundle. Thank you very much. Those double doors
15 that you could see just off centre to the right are the
16 left-hand -- can you see on this, there is obviously two
17 lots of double doors?
- 18 A. Yes, sir.
- 19 Q. Those are the left-handmost double doors on the plan?
- 20 A. To Mark Whitby's left, sir.
- 21 Q. That's it. Thank you very much. I think we can lose
22 that for the moment.
- 23 If we follow you down, you have gone the same route,
24 then, through that first archway. When you got through
25 the archway, were you able to see Mr de Menezes at all?

- 1 A. Yes, sir.
- 2 Q. What was he doing?
- 3 A. He had gone in through the doors and turned right inside
4 the train carriage.
- 5 Q. Would that be the, as it were, most obvious double
6 doors, the first ones that he would have come to, so the
7 ones that were just off to the right --
- 8 A. I think so, yes, sir.
- 9 Q. You think so?
- 10 A. Yes, sir.
- 11 Q. So he has gone on to the train and turned right and
12 started walking right on the train; do I have that
13 correct?
- 14 A. That's how I recall it, sir, yes.
- 15 Q. Did you hear something at that stage?
- 16 A. I believe I heard the pip alarm on the tube --
- 17 Q. So doors closing?
- 18 A. -- to signal the doors would be closing.
- 19 Q. So what did you do?
- 20 A. So I ran forward and entered the train as well.
- 21 Q. By which door or doors?
- 22 A. Through the same double doors.
- 23 Q. Same ones. Had you seen what had happened to Ivor?
- 24 A. I recall him going off to the right.
- 25 Q. Did you see what had happened to him when he had gone

1 off to the right?

2 A. He entered the train as well.

3 Q. Right. Too many rights.

4 A. Yes, sir.

5 Q. By the next double doors?

6 A. I assessed he went in through the next double doors but

7 I am not sure if that's correct now, sir, yes.

8 Q. What did you do once you had got on the train?

9 A. I sat down in the seat.

10 Q. If we put 35 back on, the plan of the carriage, please.

11 Can you show us roughly whereabouts you were sitting?

12 A. I believe I was sat alongside Robert Lowe. There is

13 a Robert Mills, which is obviously unsure as to whether

14 he was sat --

15 Q. I missed that last bit.

16 A. Is Robert Mills not sure of where he was sitting? Is

17 that what that -- because I thought I was to the left --

18 SIR MICHAEL WRIGHT: I think the brackets record the tip-up

19 seats.

20 MR HILLIARD: No. It is partly when people aren't sure,

21 I think.

22 A. I believe I was certainly on the same side as

23 Robert Lowe and I believe to his left-hand side in the

24 second seat in.

25 Q. So where the blue "Mills" is?

- 1 A. Yes.
- 2 Q. Right. From there, from that seat, did you have a view
3 of Mr de Menezes at all or not?
- 4 A. Not from the seat, sir, no.
- 5 Q. As you sat in the seat, did something attract your
6 attention?
- 7 A. As I sat there I saw Malcolm enter the platform and
8 Geoff.
- 9 Q. By the same route you had taken?
- 10 A. I can assume so, sir, if I may --
- 11 Q. I meant by the tunnel, so just coming through the same
12 tunnel --
- 13 A. Yes, sir, they came from the tunnel.
- 14 Q. -- as you recall it, right. If we take them
15 individually, first of all Geoff, what did he do?
- 16 A. He went along the platform and I lost sight of him as he
17 moved away from me.
- 18 Q. Did you get sight of him again?
- 19 A. Past the set of double doors.
- 20 Q. So he has gone past this first set of double doors?
- 21 A. Yes, sir.
- 22 Q. Did you in fact see where he went to?
- 23 A. I can't recall. I think he went past the doors and
24 entered the train, but I can't recall --
- 25 Q. I think your statement will -- do you see, you say --

1 A. Sorry, yes, I do, yeah. He entered the train further
2 past those double doors --

3 SIR MICHAEL WRIGHT: He would have gone off to where you are
4 sitting to your left.

5 A. Yes.

6 MR HILLIARD: We will have this bit from the statement so we
7 are clear about it. You say:

8 "As I sat there I saw officers Geoff and Malcolm
9 appear by the tunnel entrance. Geoff walked across the
10 platform and entered the train further past the open
11 double doors Ivor had entered and went out of my view."

12 A. Yes, sir.

13 SIR MICHAEL WRIGHT: Does that mean he had gone into another
14 carriage altogether?

15 A. No, sir, I believe my assessment that Ivor had gone in
16 through the double doors is in fact incorrect.

17 MR HILLIARD: You may not actually be saying that here,
18 "entered the train further past the open double doors".

19 A. Yes, I believe he entered the single door --

20 Q. I think that's what you are saying there.

21 A. Opposite Anna Dunwoodie, sir.

22 SIR MICHAEL WRIGHT: Thank you.

23 MR HILLIARD: So that's Geoff. What did Malcolm do, please?

24 A. He left the train, and walked back towards the tunnel
25 entrance.

- 1 Q. We haven't got him on the train yet?
- 2 A. Sorry, he came on to the train.
- 3 Q. Yes, and through which doors?
- 4 A. The same double doors I had entered.
- 5 Q. What did he do first of all when he got on the train?
- 6 A. I believe he looked around.
- 7 Q. Then what did he do?
- 8 A. He then left the train and went back into the tunnel
- 9 entrance by the escalators.
- 10 Q. Were you surprised by that?
- 11 A. I was, sir, yes.
- 12 Q. What did you do and why?
- 13 A. I stood up from my seat and went and stood by the double
- 14 doors as we look at the plan to the left-hand side.
- 15 Q. Right. Why did you do that?
- 16 A. To try to indicate to Malcolm that that's where we were.
- 17 Q. Did you think he hadn't seen you?
- 18 A. Yes, sir.
- 19 Q. So you are now at the doors, but what did Malcolm do?
- 20 At that stage did he look back towards you or not?
- 21 A. No, sir.
- 22 Q. Did he carry on walking away?
- 23 A. Yes, sir, he went out of my view.
- 24 Q. Do you then have a note that at this time, is this
- 25 right, there is yourself, Ivor -- this just solves

1 something you were asked earlier -- Geoff and
2 Mr de Menezes were all in the same carriage, so no doubt
3 about that?

4 A. Yes, sir.

5 Q. Then you have a reference, I think, to how busy or
6 otherwise the train was. Can you help us with your
7 recollection of that?

8 A. I would describe it as moderate, I believe, sir, there
9 were people sitting, I do recall some standing but
10 mainly sitting.

11 Q. Most people were sitting?

12 A. Yes, sir.

13 MR HILLIARD: Sir, that might be as good a time as any if we
14 are having a break at quarter to.

15 SIR MICHAEL WRIGHT: You think there were one or two people
16 standing?

17 A. As I entered, sir, yes, but they may well have sat down
18 because I don't recall people standing in the middle of
19 the carriage, sir.

20 SIR MICHAEL WRIGHT: Fine.

21 MR HILLIARD: We are just going to have a break now.

22 A. Okay, sir.

23 SIR MICHAEL WRIGHT: Five to.

24 (10.45 am)

25 (A short break)

1 (11.00 am)

2 (In the presence of the jury)

3 SIR MICHAEL WRIGHT: Yes, Mr Hilliard.

4 MR HILLIARD: So we had left it, we know where you were
5 sitting on the train, and we know -- if you need to be
6 reminded we can put it on the screen -- where
7 Mr de Menezes was sitting, further down on on the same
8 side as you.

9 A. Yes, sir.

10 Q. You see just two away from one of those little
11 partitions at the end of a row. Could you see him from
12 where you were?

13 A. Sorry, when --

14 Q. When you were sitting?

15 A. Not when I was sitting, sir, no.

16 Q. Did you have any idea where he was on the train?

17 A. Yes, sir, just to clarify as I had walked on, I had seen
18 him take his seat, sir.

19 Q. Right. Were you aware of where Ivor was?

20 A. Yes, sir.

21 Q. Was he sitting on the same side, in the same sort of
22 section that Mr de Menezes was?

23 A. He was, sir, but further along.

24 Q. Geoff is also in the carriage; did you know whereabouts
25 he was? You told us where he had got on. Do you know

- 1 where he had gone?
- 2 A. I don't recall where he was seated or standing, sir.
- 3 Q. Did you see Malcolm again?
- 4 A. I did, sir, yes.
- 5 Q. We can take that off the screen, thank you very much.
- 6 Where was he this time?
- 7 A. He was within the tunnel area.
- 8 Q. Same one as before?
- 9 A. The same tunnel, sir, yes.
- 10 SIR MICHAEL WRIGHT: Coming back towards you again?
- 11 A. He was facing me, sir, yes.
- 12 MR HILLIARD: On his own or with anybody?
- 13 A. He was with a group of males.
- 14 Q. How many in the group?
- 15 A. I believe there was four or five.
- 16 Q. You obviously recognised Malcolm. Did you realise who
- 17 the members of the group of four or five were?
- 18 A. It was my assessment that they were officers from the
- 19 firearms branch, sir, yes.
- 20 Q. What did you notice about them?
- 21 A. That they were carrying weapons.
- 22 Q. Was anybody wearing a police cap?
- 23 A. I recall seeing a cap, sir, yes, but I cannot be more
- 24 specific as to who was wearing it, I am afraid.
- 25 Q. So one police cap being worn, and then firearms.

- 1 SIR MICHAEL WRIGHT: Forgive me one moment. Ken, could you
2 pull that microphone closer to yourself. I am not sure
3 how easy you are to hear.
- 4 A. Sorry, sir.
- 5 MR HILLIARD: Could you see what sort of weapons they had
6 got?
- 7 A. I believe I saw both a rifle and pistol.
- 8 Q. You say in your statement that you recognised those as
9 police issue firearms; is that right?
- 10 A. Yes, sir.
- 11 Q. Did you make contact of any kind with any of the group?
- 12 A. I believe one of the officers at the front of the group
13 mouthed some words, sir, yes.
- 14 Q. What were the words you thought he was mouthing?
- 15 A. "Where is he?" I can't say if he was directing that at
16 me, but it's how I interpreted it, yes, sir.
- 17 Q. You described that man as wearing a dark T-shirt and
18 holding a black pistol in his left hand?
- 19 A. That's how I recall it, sir, yes.
- 20 Q. So he's asked, "Where is he?"; who did you think he
21 meant?
- 22 A. Who the subject of our surveillance was, sir.
- 23 Q. What did you do in response?
- 24 A. I put my hand across my chest, sir, my right hand.
- 25 Q. Can you just show us how?

- 1 A. (Indicated)
- 2 Q. Right. So about the front of you, right hand pointing
3 leftwards as it were?
- 4 A. Yes, sir.
- 5 Q. Apart from making that gesture with your hand, did you
6 do anything else?
- 7 A. I did, sir, I nodded to my left.
- 8 Q. So what, looked and nodded?
- 9 A. (Indicated)
- 10 Q. Right. What did the man who had mouthed the words and
11 who you were gesturing in that way towards, what did he
12 then do?
- 13 A. Along with others, he made his way towards my left and
14 what would in effect be his right.
- 15 SIR MICHAEL WRIGHT: On the platform or in the carriage?
- 16 A. On the platform, sir.
- 17 MR HILLIARD: Did you hear anything said at that stage?
- 18 A. I did, sir, yes.
- 19 Q. What was that?
- 20 A. I believe I heard the words, "Armed police" shouted,
21 sir.
- 22 Q. Could you see who had said that or shouted that,
23 I should say?
- 24 A. I did not, sir, no.
- 25 Q. Could you say, had it come from the group?

- 1 A. It's difficult to answer because there were other noises
2 coming from the tunnel entrance, but my initial
3 assessment was that it had come from that group of
4 males, sir.
- 5 Q. So that's certainly -- it's from the area of the tunnel
6 entrance, is it, whether it's from that group or not,
7 but that's where the "Armed police" shout comes from?
- 8 A. At the point the group were moving from the tunnel
9 entrance towards the train, that's when I hear it, sir,
10 yes.
- 11 Q. So we understand, they are not on the train when you
12 hear that shouted?
- 13 A. No, sir.
- 14 SIR MICHAEL WRIGHT: When you say "other noises from the
15 tunnel", what --
- 16 A. Shouting noises, yes, sir, a general disturbance.
- 17 MR HILLIARD: So we have got the group moving off to your
18 left, their right, but still on the platform.
- 19 A. Yes, sir.
- 20 Q. Could you see whether that was all of the group? Do you
21 remember you told us there is Malcolm and four or five
22 who you thought were firearms officers?
- 23 A. I don't believe Malcolm went with the group, sir, if
24 that helps.
- 25 Q. Right. Did you see where he had gone?

- 1 A. I didn't, sir, I am afraid.
- 2 Q. No, so he hasn't gone, and then is it all of the group
3 or some of the group moving off to your left, their
4 right?
- 5 A. I recall seeing three or four, sir. I don't know if
6 that's how many originally came in.
- 7 Q. It's only you had said four or five for the group first
8 of all, and then as you say, you described three or four
9 --
- 10 A. Yes, sir.
- 11 Q. -- and I just wondered whether you meant to indicate or
12 you are not quite sure?
- 13 A. Subsequently, one came in through my doors, I believe,
14 so that may account for the numbers, yes, sir.
- 15 Q. So that could account, so it's most of them, as it were,
16 going as you have said, and then one coming in through
17 the, what you have called your doors.
- 18 A. Yes, sir.
- 19 Q. It may be -- we heard from an officer C5 who described
20 getting on the train and going down the carriage?
- 21 A. I don't know, sir, I'm afraid.
- 22 Q. Don't worry, it's just to put it -- it might be him we
23 are going to hear about?
- 24 A. Yes, sir.
- 25 Q. Whoever he is, the person who comes in through your

- 1 doors, again was he obviously an armed police officer?
- 2 A. Yes, sir.
- 3 Q. Could you see his weapon?
- 4 A. I can't recall, sir, to be honest.
- 5 Q. What did he do, then, after he had come through your
6 doors?
- 7 A. Both of us then began to travel along the inside of the
8 carriage.
- 9 Q. Did you do anything? So you are travelling down; had
10 you given him any indication?
- 11 A. I believe I was trying to indicate where Mr de Menezes
12 was sitting, the general area, sir.
- 13 Q. How did you do that?
- 14 A. I believe I pointed but I can't recall any further.
- 15 Q. Again just so we have your recollection, when you made
16 the statement, you say:
- 17 "I turned and pointed down the carriageway toward
18 the male sitting down."
- 19 A. I believe that's correct, sir, yes.
- 20 Q. You say:
- 21 "As I did, both I and the armed officer from
22 I believed S019 travelled from right to left along the
23 train towards the male in denim."
- 24 Is that how you remember it?
- 25 A. That's correct, sir, that's how I recall it.

- 1 Q. You told us, do you remember, that Ivor had been sitting
2 on the same side and in the same section --
- 3 A. Yes, sir.
- 4 Q. -- as Mr de Menezes. Did you see Ivor do anything?
- 5 A. He stood up, sir, yes.
- 6 Q. And --
- 7 A. And he moved towards the double doors which were nearest
8 to him.
- 9 Q. So that's the right-hand of the two sets of double doors
10 --
- 11 A. Yes, sir.
- 12 Q. -- as we looked at the little picture?
- 13 A. Yes, sir.
- 14 Q. So he's gone to those double doors. Is this right, that
15 was the direction at least, that way along the carriage,
16 in which the group of three or four armed police
17 officers were going?
- 18 A. I believe it was towards that area, yes, sir.
- 19 Q. What did Ivor do, please?
- 20 A. He swung out his right arm and indicated towards the
21 direction of where Mr de Menezes was sitting.
- 22 Q. Did he say or shout anything?
- 23 A. I recall hearing him shout, "He's here", sir.
- 24 Q. So he is standing by the doors, he's gestured with his
25 hand, he's shouted, "He's here"?

1 A. Yes, sir.

2 Q. Where were the armed officers at the time that was
3 shouted?

4 A. I believe they were on the platform still, sir.

5 Q. On the platform still. Where did they go?

6 A. They moved towards the entrance.

7 Q. Right.

8 A. It was a continual motion towards the entrance doors,
9 sir.

10 SIR MICHAEL WRIGHT: Could you help me about this: Ivor had
11 been sitting in a seat on the same side as Mr de Menezes
12 but nearer the far end of the carriage?

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: He walked towards the double doors.

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: When he got up. If I have it right, he
17 must have walked directly in front of Mr de Menezes?

18 A. I believe he would have had to, yes, sir.

19 SIR MICHAEL WRIGHT: Had to?

20 A. Yes, sir.

21 SIR MICHAEL WRIGHT: When he put his arm out and shouted,
22 "He's here", where was he in relation to where
23 Mr de Menezes was sitting?

24 A. I believe when he indicated with his arm, he was in the
25 doorway with his back --

1 SIR MICHAEL WRIGHT: He had gone past him.

2 A. He had gone past him so he was in effect doing this kind
3 of ... (indicated).

4 SIR MICHAEL WRIGHT: Indicating back over his right
5 shoulder?

6 A. Back across his right-hand side, sir, yes.

7 SIR MICHAEL WRIGHT: Thank you.

8 MR HILLIARD: Did you see Mr de Menezes do anything?

9 A. I did, sir, yes.

10 Q. What was that?

11 A. Mr de Menezes moved to his feet, sir.

12 Q. Right, so moves to his feet; did he actually stand up?

13 A. It was more of a, how can I describe it, it wasn't
14 standing up directly, it was moving forward out of his
15 seat.

16 Q. How far forward did he move?

17 A. Towards the middle of the train carriage area. Do you
18 mean in distance, or?

19 Q. Yes, can you help us in distance, so you have him moving
20 forward?

21 A. A few feet, sir. It's not a large space but halfway
22 across, I would suggest.

23 Q. Halfway across, what, the distance --

24 A. Between where he was sitting and the doors.

25 Q. So whatever the distance is from the doors to where he

1 is sitting, he covers, you think, about half of it?

2 A. I would suggest so, yes, sir.

3 Q. Right.

4 A. Obviously I'm aware now that the family have joined us,
5 sir, and I would like to express my sympathy, if I may,
6 for what continues to be a difficult time for them.

7 MR HILLIARD: Thank you very much.

8 SIR MICHAEL WRIGHT: I will ask for 34 to go up again.

9 When you say he moved halfway, you see where he's
10 marked as sitting, he is the white figure there, do you
11 see it?

12 A. Yes, sir.

13 SIR MICHAEL WRIGHT: Covering half the distance between his
14 seated position and the doors, what do you mean? With
15 the assistance of our screen merchant, do you see there
16 is a moveable indicator, do you see that?

17 A. Yes, sir. To make it easier, if we draw a line between
18 the end of two sets of seats, it would be about that
19 area.

20 SIR MICHAEL WRIGHT: You mean just where the indicator is
21 there?

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: Just about level with the ends of the
24 seats?

25 A. Yes, sir.

1 SIR MICHAEL WRIGHT: Got it, thank you.

2 MR HILLIARD: Thank you.

3 At the door was Ivor, you have told us?

4 A. Yes, sir.

5 Q. What about any of the armed officers? Were any of them
6 on the train, actually physically on the train at the
7 point when Mr de Menezes moved or not?

8 A. In my statement I refer to it as they were moving in,
9 sir, so it was the transition between platform and the
10 train.

11 Q. Could you see anything else that Mr de Menezes was
12 doing?

13 A. I recall seeing his hands in front of his body, and
14 I recall it seeming unnatural to me.

15 Q. Can you show us how they were in front of his body? Do
16 you want to stand up? Does that help?

17 SIR MICHAEL WRIGHT: Don't come out of the box.

18 A. Just in front of his body, around this area (indicated).

19 SIR MICHAEL WRIGHT: Can you all see that? Thank you.

20 MR HILLIARD: So we will just try and put that into words so
21 it goes down on the note. So he's got his arms towards
22 the front of him; is that right?

23 A. Yes, sir.

24 Q. His arms down but slightly towards the front; is that
25 right?

- 1 A. That's fair, sir, yes.
- 2 Q. He's come forward to about the area that you have
3 indicated; is that right?
- 4 A. Yes, sir.
- 5 Q. Did he stop or did something stop him? Can you
6 remember?
- 7 A. At that point Ivor came into contact with Mr de Menezes,
8 sir.
- 9 Q. How did Ivor do that? Can you help us with what the
10 nature of the contact was?
- 11 A. He wrapped both -- this is Ivor, sir, sorry -- wrapped
12 his arms around Mr de Menezes, ineffect pinning his
13 arms to his sides.
- 14 Q. What did he do with him after that?
- 15 A. They both moved backwards towards the seating area, and
16 a struggle ensued.
- 17 Q. Between?
- 18 A. Ivor and Mr de Menezes.
- 19 Q. Can you help us, what sort of a struggle was that?
- 20 A. It was a grappling struggle.
- 21 SIR MICHAEL WRIGHT: What do you mean by "grappling"?
- 22 A. As in Ivor was trying to maintain his hold on
23 Mr de Menezes.
- 24 SIR MICHAEL WRIGHT: Did you see whether Mr de Menezes got
25 his arms free at all?

- 1 A. I cannot say.
- 2 SIR MICHAEL WRIGHT: You can't say.
- 3 A. No. I didn't see them flailing around, sir.
- 4 MR HILLIARD: Now, he had come from a seat; did they get
5 back to the seat at all or not?
- 6 A. It was towards that row of seats, sir, yes.
- 7 Q. What about the S019 officers, you had explained, do you
8 remember, that they were just, as it were, in transition
9 from the platform to getting on the train?
- 10 A. Yes, sir.
- 11 Q. Did they do anything?
- 12 A. They did, they continued to move in closer, sir.
- 13 Q. Right. Could you see their weapons?
- 14 A. I believe I could, yes, sir.
- 15 Q. Where were they?
- 16 A. I can't recall. I did see one of the police officers'
17 weapons, I refer to it in my statement, as he moved the
18 pistol up towards Mr de Menezes.
- 19 Q. Yes. What I really meant was at this stage, when they
20 are getting on, can you remember where their -- they are
21 just in the train.
- 22 A. Sorry, I recall them being on view but I can't say where
23 they were.
- 24 Q. Right. Had you carried on moving along the carriage?
- 25 A. I had, yes, sir.

- 1 Q. How close did you get to Ivor at this stage?
- 2 A. I refer to it being approximately six feet but I was
3 within the standing area of the double doors.
- 4 Q. He has his back towards you, has he, Ivor, or not; is
5 that right?
- 6 A. Yes, sir, yes.
- 7 Q. Right. Where did the armed officers go?
- 8 A. I recall seeing one towards the left-hand side of Ivor
9 and the other, the other side or behind Ivor, I am not
10 100 per cent, I am afraid.
- 11 Q. You have just explained about the grappling that's going
12 on, that you got to about six feet away from Ivor, and
13 Mr de Menezes is the other side of Ivor, is he?
- 14 A. Yes, sir.
- 15 Q. Did you hear anything said or shouted at that stage?
- 16 A. I heard somebody shout, "Armed police, get down", sir.
- 17 Q. Where had that come from?
- 18 A. I didn't see again anyone mouth the words, but it was
19 audible to me, so I assessed it to be within the train
20 carriage.
- 21 Q. But from these armed officers that you have been telling
22 us about, who were on the train now?
- 23 A. The group of officers on the train, yes, sir.
- 24 Q. Yes, right.
- 25 SIR MICHAEL WRIGHT: Yes, but --

- 1 A. Sorry, not the one who had come on --
- 2 MR HILLIARD: Not the single one who had come with you.
- 3 A. -- the doors as I refer to them, the original group --
- 4 SIR MICHAEL WRIGHT: Are you able to offer any view as to
- 5 whether that shout, the one you have just mentioned
- 6 "Armed police, get down", came from the two officers who
- 7 were advancing or closing down on Mr de Menezes and Ivor
- 8 or from somebody else?
- 9 A. I believe it was within that group of the immediate
- 10 officers in the vicinity of Ivor and Mr de Menezes, sir.
- 11 MR HILLIARD: You have told us, do you remember, that you
- 12 had heard, "Armed police", shouted from the area of the
- 13 archway; do you remember?
- 14 A. Towards the train, yes, sir.
- 15 Q. Yes, earlier on. Then you have just told us that you
- 16 heard it shouted again. This is when Ivor and
- 17 Mr de Menezes are grappling or struggling?
- 18 A. Yes, sir.
- 19 Q. Yes. Had you heard that shouted at any time in between?
- 20 A. No, sir.
- 21 Q. If we can just try and get this with some precision,
- 22 I think the best thing is if you have your statement
- 23 there.
- 24 A. I have, sir, yes.
- 25 Q. You explain this, I think it's just as well to have this

1 passage, I don't know if we can put 246 up on the screen
2 so we can follow it. Don't worry if we can't, I'll read
3 it slowly. Statements page 246. Thank you very much.
4 It's just below what you can make out at the lower
5 holepunch. If we just look here for the sequence, you
6 say this in your statement:

7 "I then saw Ivor turn square on to the male in denim
8 and without hesitation, grabbed the male, Ivor wrapping
9 his arms around the male in denims. Both of them, now
10 in contact moved in a heap back to where the male in
11 denim had originally been sitting, Ivor's head facing in
12 towards the chest area of the male in denim.
13 Simultaneously I saw the S019 officers close in. They
14 had already entered the open doors and were stood behind
15 Ivor. I had somehow moved along the carriage and was
16 now less than about six feet away from Ivor, his back
17 facing me. I believe I again heard..."

18 That's just a reference back, because in your
19 statement you have described hearing it from that
20 earlier time, from the archway?

21 A. Yes, sir.

22 Q. "I believe I again heard someone shout, 'Armed police,
23 get down'. Ivor and the male in denim were still
24 struggling, lying half on, half off the seats. The male
25 in denim showed no signs of complying. The officer in

1 the dark top whom I had eye contact with earlier moved
2 forward and appeared to..."

3 A. It should read "lean".

4 Q. "... to lean over Ivor."

5 That gives us the sequence --

6 SIR MICHAEL WRIGHT: When you refer to the officer you had
7 had eye contact with, I take it you are talking about
8 the man to whom you gave the directions?

9 A. Who mouthed the words, I believe, yes, sir.

10 MR HILLIARD: So that officer then moves forward, is this
11 right, and appears to lean over Ivor?

12 A. Yes, sir.

13 Q. Could you see if he had a gun, not Ivor, the S019
14 officer?

15 A. Yes, sir, he was holding a black pistol in his right
16 hand.

17 Q. What did he do with it?

18 A. He moved it down towards Mr de Menezes.

19 Q. Could you see whereabouts in respect of Mr de Menezes or
20 not?

21 A. It was generally the upper torso and head area, sir.

22 Q. So the top of him?

23 A. Yes, sir.

24 Q. Did you then hear the sound of shots being fired?

25 A. Yes, sir.

- 1 Q. Can you say how many?
- 2 A. I was unsure of the exact number, sir. Several.
- 3 Q. Right. So we have that officer leaning over Ivor, all
4 right, you have seen the gun in his hand. I think you
5 told us earlier about another firearms officer who was
6 in the vicinity of Ivor; is that right?
- 7 A. Yes, sir.
- 8 Q. Can you help us with where he was?
- 9 A. I am afraid my view of him was obstructed by the other
10 officer and Ivor.
- 11 Q. In fact were you able to see his gun or not, that other
12 officer?
- 13 A. I don't recall seeing his gun at that point, sir, no.
- 14 Q. All right. In the time you were there, were you aware
15 of that officer apparently also firing at Mr de Menezes,
16 or was that not something you were aware of?
- 17 A. I can't say I was aware of him personally firing, sir.
- 18 Q. What was the reaction from others on the train, please?
- 19 A. Obviously the members of the public were screaming and
20 shouting and they began to run from the train.
- 21 Q. Now, you had got, going right back to almost where we
22 started, you told us how you had come out with your
23 Glock pistol that day?
- 24 A. Yes, sir.
- 25 Q. Had you got that with you somewhere?

- 1 A. Yes, sir.
- 2 Q. Did there come a time when you got your gun out?
- 3 A. I did, sir, yes.
- 4 Q. When was that, about this time?
- 5 A. It was, sir, yes.
- 6 Q. Why had you done that?
- 7 A. Because I had heard the shots and at that point I wasn't
8 exactly sure where they were coming from, and dealing
9 with potential suicide bomber and a possible suspect
10 concerned, I just felt it appropriate to draw my
11 firearm, should the need arise where I would need to use
12 it, sir.
- 13 Q. Did you put on your, what you describe as a blue police
14 firearms cap?
- 15 A. I did, sir, yes.
- 16 Q. Is that with the chequered --
- 17 A. It is, sir, yes.
- 18 Q. -- band round it. Did you now shout, "Armed police, get
19 down"?
- 20 A. I did, sir, yes.
- 21 Q. Was that at anyone in particular or everyone in general?
- 22 A. I was directing that towards the members of the public
23 as opposed to police officers, sir.
- 24 Q. Were you able to see what had happened to Mr de Menezes?
25 Did you have to turn away when you were getting your gun

- 1 out?
- 2 A. I turned away to take a view of the members of the
3 public, sir, and then I returned my view back to the
4 area of Mr de Menezes.
- 5 Q. Could you see him?
- 6 A. Yes, sir.
- 7 Q. Where was he this time?
- 8 A. He was slumped on the seat, sir.
- 9 Q. Still on the seat?
- 10 A. Yes, sir.
- 11 Q. Did an SO19 officer tell you to clear the train
12 carriage?
- 13 A. He did, sir, yes.
- 14 Q. Did that mean of people?
- 15 A. I took it to mean of people, sir, yes.
- 16 Q. Did you do that?
- 17 A. Yes, sir.
- 18 Q. Or at least help in doing that?
- 19 A. Yes, sir.
- 20 Q. Had you seen what had happened to Ivor?
- 21 A. I lost sight of him initially, sir. Then I saw him
22 again shortly afterwards.
- 23 Q. Where was he when you next saw him?
- 24 A. I believe I first saw him kneeling on the carriage floor
25 and then subsequently out on the platform with his back

- 1 MR MANSFIELD: Good morning, Ken. My name is
2 Michael Mansfield. I represent the de Menezes family.
- 3 A. Hello, sir.
- 4 Q. I am afraid I do have a few questions to ask you, and
5 I'm going to keep them in chronological order because
6 it's easier to follow.
- 7 A. Yes, sir.
- 8 Q. So I want to go back to the beginning of your assignment
9 that day and even before that. How long had you been
10 a member of SO12 by July 2005?
- 11 A. I joined at the start, commencement of grey team, and
12 that was January 2005.
- 13 Q. Before that, had you done surveillance of any kind?
- 14 A. Yes, sir, I was trained whilst on a different unit.
- 15 Q. So for how long had you been doing surveillance work,
16 either training or actually doing it?
- 17 A. Two to three years, sir, I believe.
- 18 Q. Two to three years?
- 19 A. Yes, sir.
- 20 Q. Had you been trained in various observation techniques?
- 21 A. I underwent a Metropolitan Police surveillance course,
22 sir, yes, so in terms of specific identification issues,
23 I am not, no, sir.
- 24 Q. Does it follow, you had not been tested as to your
25 ability to recognise somebody from a photograph?

- 1 A. I don't know how you mean that is tested, sir.
- 2 Q. A little exercise in which you are presented with
3 a photograph or an image of somebody and then that
4 person, for example, is in a crowd and you have to see
5 if you can recognise them, from the photograph?
- 6 A. No, I don't believe I have ever participated in that,
7 sir.
- 8 Q. Well, any exercise akin to that had you been trained in?
9 You realise the point I am making?
- 10 A. I have never had any specific identification training,
11 sir.
- 12 Q. Do you know of any training that SO12 have to do this?
- 13 A. I am not aware of any, sir, no.
- 14 SIR MICHAEL WRIGHT: What does the surveillance course
15 consist of?
- 16 A. It's a course where you learn how to conduct foot
17 surveillance and then mobile vehicle surveillance --
- 18 SIR MICHAEL WRIGHT: Following techniques, without being
19 spotted.
- 20 A. Yes, sir.
- 21 SIR MICHAEL WRIGHT: On Mr Mansfield's point, you were
22 not -- how long does it take, how long does it last?
- 23 A. I think it's four weeks, sir.
- 24 SIR MICHAEL WRIGHT: It doesn't include any kind of
25 technical instruction on how to recognise features from

- 1 a photograph or anything like that?
- 2 A. There is no facial recognition phase, as I recall it,
3 sir, no.
- 4 SIR MICHAEL WRIGHT: Thank you.
- 5 A. And I have never participated in any, sir, either.
- 6 MR MANSFIELD: No, I am not suggesting there is. I just
7 want to find out from you what your experience has been.
8 So two to three years, at the grey team you started
9 in January 2005.
- 10 A. Yes, sir.
- 11 Q. So for the previous months, that's January through to
12 July, were you regularly out on surveillance duties?
- 13 A. Yes, sir.
- 14 Q. The previous year, 2004, there was an operation
15 conducted by Special Branch in Cumbria called Ragstone.
16 Were you part of that?
- 17 A. No, sir.
- 18 Q. Were you aware of it?
- 19 A. No, sir.
- 20 Q. Can I come to the briefing on the 22nd in the morning.
21 You made some notes, didn't you?
- 22 A. Yes, sir.
- 23 Q. You are welcome to have those if they are of any help,
24 or the statement. I have a number of questions to ask
25 you about this briefing. First of all, were you

1 informed at that briefing that there was a designated
2 senior officer in charge of this whole exercise?

3 A. I do not recall that, sir, no.

4 Q. Did you make a note at the time about that?

5 A. I don't recall making the note about a DSO, sir.

6 Q. Would you like to see the document that we understand
7 are the notes that you made?

8 A. Yes, please, sir.

9 Q. I have a reference, it's document 482, I hope I have
10 that right.

11 A. Is this my pocket book, sir? Yes.

12 Q. Thank you very much.

13 A. I have the original with me, sir.

14 Q. You have? Right, perhaps you could get it out. It
15 might be easier for you. This is a little difficult to
16 read.

17 A. I am just going to break the seal on this, sir.

18 SIR MICHAEL WRIGHT: This is your ordinary police notebook,
19 is it?

20 A. It was at the time, sir, yes. (Pause)

21 MR MANSFIELD: I think what we have here on screen are the
22 pocket book folded out, so it's two pages; is that
23 right?

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

25 Q. Are these the only two pages in your pocket book

- 1 relating to this day?
- 2 A. Yes, sir. I believe so.
- 3 Q. I do not want to have to keep coming back to it. So can
4 you -- just check and make sure.
- 5 A. Yes, sir, it would appear so.
- 6 Q. Is there any description in the pocket book of what
7 happened in the railway carriage?
- 8 A. No, sir.
- 9 Q. Right, so we can leave that for the moment. Just coming
10 back to the briefing, are there notes there that relate
11 to the briefing that you had first thing?
- 12 A. There are, sir, yes.
- 13 Q. I'm not asking you to read it out, because I am asking
14 you about what is not in there, in a sense, or may not
15 be in there. You may have a short note. Is there any
16 reference to you being told that there was a designated
17 senior officer?
- 18 A. I'll just read through it if I may, sir.
- 19 Q. Yes, do.
- 20 A. (Pause)
- 21 No, sir.
- 22 Q. So there is no note, and you have no recollection
23 plainly now of ever being told about that?
- 24 A. Not about a DSO, sir, no.
- 25 Q. If you had been told about a DSO, would that have meant

- 1 anything to you, then?
- 2 A. I can't say that it would have meant a great deal, sir,
3 no, other than that there was a senior officer within
4 the ops room.
- 5 Q. Well, of course, but would it have had any meaning for
6 you whatsoever?
- 7 A. I don't really know what to say to that, sir. It would
8 just mean that there was a senior officer within the
9 control room governing the operation.
- 10 Q. All right. Who normally controls surveillance
11 operations by Special Branch?
- 12 A. The team leader and an inspector, should the need arise
13 for one.
- 14 Q. What about New Scotland Yard?
- 15 A. As in the control room?
- 16 Q. Yes.
- 17 A. There would sometimes be an operations room, yes, sir.
- 18 Q. Right. There would be an operations room, and had you
19 ever been on an operation before in which a DSO had been
20 engaged?
- 21 A. I don't believe I had, sir, no.
- 22 Q. Right, so that's, would it be fair to say, a complete
23 unawareness of the DSO on that day, and even if you had
24 been told, it wouldn't have meant anything?
- 25 A. That's fair to say that, yes, sir.

1 Q. I want to move on to another topic not unrelated. Did
2 anybody say during the briefing that this could be or
3 could develop into, this operation that you were on,
4 a Kratos operation?

5 A. I don't believe I recall that, sir, no.

6 Q. Right.

7 SIR MICHAEL WRIGHT: Would that have meant anything to you?

8 A. The word "Kratos", sir?

9 SIR MICHAEL WRIGHT: Yes.

10 A. At that time I would have understood it to mean relating
11 to suicide bombings.

12 SIR MICHAEL WRIGHT: Right.

13 MR MANSFIELD: Would it have meant anything in terms of
14 tactics and the delivery of a critical shot, or the
15 conditions under which a critical shot might pertain?
16 Anything like that?

17 A. I am aware of that, sir, but I am not sure if I knew
18 that at the time of the tactics concerned, sir.

19 Q. Certainly looking at your note, on the face of it, there
20 doesn't seem to be any reference to any development into
21 Kratos, is there?

22 A. No, sir.

23 Q. You can look at either the statement or the note. I am
24 looking actually at the note on the screen.

25 A. No, sir, I don't believe there is.

1 Q. I want to move it on again. Sorry, were you about to
2 add something?

3 A. I have put that those persons were concerned in suicide
4 bombings but not the reference to Kratos, sir.

5 Q. That, of course, is one thing, Kratos, as we understand
6 it, was a generic name given to tactics that were being
7 developed, certainly by firearms teams. But you weren't
8 aware of that kind of detail?

9 A. No, sir, I -- personally, no.

10 Q. Now, I want to move it into C019. Is there any
11 reference in the briefing to the presence of C019 that
12 day?

13 A. I believe they were being briefed elsewhere, sir, but
14 I had no understanding of what their role would be.

15 Q. You had no understanding of their role. Well, why did
16 you think they were being briefed somewhere else?

17 A. Sorry, can I just clear -- in relation to our particular
18 tasking, so that's --

19 Q. Sorry, I did mean that. So you didn't know why they
20 were being briefed somewhere else in relation to your
21 tasking?

22 A. I didn't know what they were being briefed, sir, so ...

23 Q. Well, what did you think your operation was?

24 A. To monitor any individual or premises that we were
25 tasked to monitor, and gather information.

1 Q. How?

2 A. By covert surveillance, sir.

3 Q. Yes, well, was anybody going to be stopped?

4 A. I -- I can't answer that, sir. That's not something
5 I would have been party, a decision to.

6 Q. No, not the decision to do so, but do you know what
7 a MASTS operation is?

8 A. I believe I do now, yes, sir, and that's armed support
9 to surveillance.

10 Q. Did you not know that then?

11 A. No, sir.

12 SIR MICHAEL WRIGHT: Well, don't worry too much about the
13 name.

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: You said you knew that CO19 officers
16 were being briefed elsewhere.

17 A. Yes, sir.

18 SIR MICHAEL WRIGHT: It follows from that, presumably you
19 did know that CO19 officers might be involved in the
20 operation that you would --

21 A. It's fair to say I assessed that they would possibly be
22 involved, but I didn't know any particular circumstances
23 that would necessitate that.

24 SIR MICHAEL WRIGHT: I see, thank you.

25 MR MANSFIELD: Well, did anybody in the briefing ask what

1 are they going to do, where are they going to be,
2 et cetera?

3 A. I don't recall, sir, I am afraid.

4 Q. Well, if you didn't know what a MASTS operation was
5 then, but you do now, had you ever done before July 2005
6 an operation, an actual operation as opposed to
7 an exercise, in which you were doing surveillance and
8 you had CO19 back-up?

9 A. I had, sir. Sorry, just to clarify, it was the term
10 MASTS that I didn't recognise.

11 Q. Mobile armed support to surveillance?

12 A. Yes, sir, I understood that surveillance is assisted by
13 firearms support, sir, and I believe I had, yes, taken
14 part in operations.

15 Q. So you had, right. Well, leave aside the acronym. On
16 these previous occasions when there had been CO19
17 support to surveillance, what was their role, on the
18 previous occasions?

19 A. To, at a certain point in time, when deemed necessary by
20 others, to take over the operation and detain subjects,
21 sir.

22 Q. Did you have any idea the basis on which they did that,
23 in other words the level of identification that was
24 required by a firearms team to do the intervention?

25 A. No, sir.

- 1 Q. In previous operations, were you briefed together with
2 firearms?
- 3 A. It has happened, yes, sir, together and separate, as
4 I recall. It would depend on the nature of the
5 operation, I would imagine, sir.
- 6 Q. Yes. It might help if they are briefed together so that
7 at least you know what they are doing, why they are
8 doing it and how they are going to do it so you can
9 provide as accurate information as possible. That would
10 help, wouldn't it?
- 11 A. It's a viable question, sir, yes. I don't know if it
12 would help in every situation, no, sir.
- 13 Q. No, it wouldn't necessarily in every. I'm coming to
14 this. We are on the verge of this one. During the
15 briefing, did anybody tell you what the strategy was for
16 this operation?
- 17 A. No, sir.
- 18 Q. Well, did anybody ask what the strategy was?
- 19 A. I didn't, sir. I can't recall if anyone else did.
- 20 Q. I am going to summarise it, to see if it jogs any
21 memories. The strategy was that a subject coming from
22 Scotia Road address should not be allowed to run but
23 shouldn't be arrested or detained too close to the
24 address so as not to compromise the operation. Anything
25 like that said to you?

- 1 A. I don't recall that ever being said to me at the
2 briefing, sir.
- 3 Q. Can we just move it on from the briefing. Would you
4 have a look at map number 7 in the maps brochure,
5 please. I just want to ask you, on the very limited
6 information you have so far said was imparted to you at
7 the briefing, the first question is this: were you at
8 all aware -- sorry, do you want to get your bearings?
- 9 A. No, I am fine, sir, thank you.
- 10 Q. Because obviously if you have not seen this plan
11 before ... I will just run through it so you are quite
12 sure. Scotia Road is marked in the box, 21. Do you
13 have that?
- 14 A. Yes, sir.
- 15 Q. It's in the middle of the plan. Upper Tulse Hill runs
16 really from the northwest corner of the plan right
17 across the middle of the plan towards the east of the
18 plan, if you follow me?
- 19 A. Yes, sir, I have it now, thank you.
- 20 Q. Tulse Hill, there are various bus stops marked?
- 21 A. Yes, sir.
- 22 Q. Where did you go when you first went in your vehicle
23 without a working radio?
- 24 A. It was in the -- further north, sir, out of view of this
25 map. I can't recall the exact location but away north

1 towards --

2 Q. Away north?

3 A. Yes, sir. It was somewhere between the surveillance

4 headquarters and this area here, sir.

5 Q. That's Tintagel House, and this area?

6 A. Yes, sir.

7 Q. Well, what did you think you were going to have to do?

8 A. Sorry, at which point do you mean, sir?

9 Q. Well, at any point?

10 A. Join in with surveillance, sir.

11 Q. Right. Where did you join it?

12 A. I effectively joined when I joined with James in his

13 car.

14 Q. Where was that?

15 A. I can't see the road name on this map, I am afraid.

16 Q. All right, it may not be on this map --

17 A. It was within this vicinity, sir.

18 Q. Within this vicinity, at about, according to the log and

19 the time yesterday that you gave -- sorry, gave earlier

20 today -- 9.20, about?

21 A. Yes, sir.

22 Q. Were you then aware, by 9.20, how important it was that

23 if a person left Scotia Road they would have to be

24 surveyed tightly before they got on a bus; in other

25 words if there was going to be an intervention in this

- 1 vicinity by C019, you would have to get hold of this
2 person in terms of either discounting them, identifying
3 them or not being able to, pretty quickly. Were you
4 aware of any of that?
- 5 A. The first thing to say, sir, is I wasn't aware of any
6 plans of any intervention by C019 or otherwise.
7 Secondly, I would suggest that any subject should be
8 kept under surveillance as best possible, sir.
- 9 Q. One appreciates that, but did you have any idea where
10 any members of the red team were who might have the
11 first task of ensuring that they get an eye on this
12 person, whoever it may be, who leaves, before he gets
13 anywhere near a bus stop in order to ascertain whether
14 to intervene; did you appreciate that?
- 15 A. No, I was unaware of any of the red team members, sir.
16 For their plotting, sir.
- 17 Q. Yes, for their plotting?
- 18 A. Yes, sir.
- 19 Q. Even when you got in the car with James, that wasn't
20 something that was mentioned to you?
- 21 A. No, sir.
- 22 Q. Now, so we are post 9.20, you have no idea about C019,
23 and there is a message about following somebody or at
24 least picking up on somebody, and you don't know who
25 told you to do that; I want you to, if you can remember

1 and help us, where were you when you picked up that
2 message?

3 A. Sorry, you said telling me to --

4 Q. No, there was a message about somebody who had left
5 Scotia Road, all right?

6 A. Yes, sir, that's right.

7 Q. Where were you when that message was picked up?

8 A. I was in James' vehicle.

9 Q. Yes, where was that?

10 A. I can't recall the exact road name, I am afraid. It was
11 close to the vicinity.

12 Q. Well, which side of this plan did you come at it? Were
13 you in Upper Tulse Hill or were you in Tulse Hill or you
14 just don't know?

15 A. I wasn't reading the map, sir, so I couldn't say. I was
16 responsible for the log.

17 Q. Well, you would need to know the road you were in if you
18 were going to write a note?

19 A. Well, that would rely on what people were telling me to
20 write, sir. We were close by, sir, because we arrived
21 there a short time afterwards.

22 SIR MICHAEL WRIGHT: It may be that your problem is that one
23 of these blocks on the map is across the name of the
24 road or a road.

25 MR MANSFIELD: The one to the right which has "bus routes

- 1 from this stop" over the number 2 bus stop which is in
2 fact the one that he got on, that is in fact Tulse Hill.
3 Did you come up there and then turn into
4 Upper Tulse Hill and turn round?
- 5 A. No, I don't recall that, sir, no. As I understood it,
6 we came from the west side of Upper Tulse Hill, and
7 along.
- 8 Q. I can see where you are pointing with your finger, so if
9 I can just translate it. You are coming in from the
10 northwest side along Upper Tulse Hill past the two 201
11 bus stops and then along towards Tulse Hill?
- 12 A. That's correct, sir.
- 13 SIR MICHAEL WRIGHT: Was it in that road that you picked up
14 James?
- 15 A. Sorry, James was driving, sir.
- 16 SIR MICHAEL WRIGHT: I know, when you got in.
- 17 A. No, I believe it was further away, sir. James was
18 parked up in a road, a side road, when I joined him,
19 sir.
- 20 SIR MICHAEL WRIGHT: Thank you.
- 21 MR MANSFIELD: So it follows that as you are driving along,
22 then, in the direction you have indicated, you are
23 unaware that a member of the red team called Edward is
24 in a car park opposite Marnfield Crescent as it joins
25 Upper Tulse Hill?

- 1 A. Yes, sir, that's -- I was unaware of that, yes, sir.
- 2 Q. Did you see a surveillance officer walking along
3 Upper Tulse Hill but some way behind Jean Charles
4 de Menezes?
- 5 A. I don't recall seeing anyone, sir, no.
- 6 Q. So I make it clear, we now know that there was a red
7 officer called Tango 2?
- 8 A. Right, sir.
- 9 Q. Who was behind, some way behind, Jean Charles
10 de Menezes. You didn't see any of that. So you are
11 driving along but then Harry, do you know Harry?
- 12 A. I do know him, sir, yes.
- 13 Q. He is a member of your team?
- 14 A. Yes, sir.
- 15 Q. He is in a vehicle driving along in exactly the same
16 direction as you. Did you see him?
- 17 A. No, sir.
- 18 Q. Would it have been of interest to you to notice that
19 another member of the red team is driving along the same
20 side of the road as yourself in the same direction?
- 21 A. Sorry?
- 22 Q. Would it have been --
- 23 A. Grey team, did you mean?
- 24 Q. Did I say something else?
- 25 A. You said red team.

- 1 Q. I meant grey team.
- 2 A. It wouldn't have made a great deal of difference, sir.
- 3 Q. Where was it on this plan, can you help the jury, that
4 you say that you drove past Jean Charles de Menezes in
5 the car with James?
- 6 A. It -- I can best describe it as between
7 Marnfield Crescent and Tulse Hill, sir. I know that's
8 quite a large area but it was along that stretch of road
9 there, sir.
- 10 Q. From what you have said, of course, there was no
11 particular urgency. As you drive by, are you able to
12 see de Menezes?
- 13 A. I saw him, sir, yes, but not his face.
- 14 Q. But you are in the passenger seat?
- 15 A. Yes, sir.
- 16 Q. You see, James has given us a description from the
17 driving seat of what he claims he saw at that point.
18 Yes?
- 19 A. Okay, sir.
- 20 Q. Do you know that?
- 21 A. I believe that's where he formed his opinion of
22 Mr de Menezes, yes, sir.
- 23 Q. You have been following the evidence in this case?
- 24 A. To be fair, I have had other things on, so --
- 25 Q. I appreciate you have.

- 1 A. So I know the minimal amount, sir, yes.
- 2 Q. I'm not going to test you on --
- 3 A. No, no, that's fine.
- 4 Q. I just wanted to know what you knew about what had been
5 said. So what was the difficulty you had from the
6 passenger side in seeing Jean Charles de Menezes at that
7 point?
- 8 A. Because as I turned, sir, my view was being blocked by
9 the centre strut of the vehicle and the seat headrest,
10 as I turned to look.
- 11 Q. That would apply to James, wouldn't it?
- 12 A. Sorry, is that a question, sir, because I can't answer
13 that.
- 14 Q. You can't answer that?
- 15 A. No, sir.
- 16 Q. Because of the structure of the car, what was the car
17 you were in, do you remember that?
- 18 A. I believe it was a BMW, sir.
- 19 Q. So at some point along here, that's between Marnfield
20 and Tulse Hill, for you to get out, he has to stop,
21 hasn't he?
- 22 A. Yes, sir.
- 23 Q. Can you help about that?
- 24 A. It was towards the eastern end, towards Tulse Hill, sir.
- 25 Q. Towards Tulse Hill he stops. Now, I am going to

1 summarise what you told the Health and Safety trial on
2 this.

3 A. Yes, sir.

4 Q. That you got out of the car, and crossed the road?

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

6 Q. Is that right?

7 A. Yes, sir.

8 Q. Then you walked back along the south side, not the side
9 that de Menezes is on, on the south side, so you had to
10 look across the road; is that right?

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

12 Q. Now, of course, if there had been real urgency about
13 this, a real need to identify or not, of course you
14 could have risked getting out on the same side, could
15 you not, and just walked towards him -- appreciating the
16 covert nature -- but just as an ordinary pedestrian, you
17 could have walked on the same side in order to get
18 a clearer view of who this person was, couldn't you?

19 A. Well, my assessment at that time, sir, that that was not
20 a viable option.

21 Q. Why not?

22 A. Because I don't recall any other members of the public
23 on that side of the road. My main aim was to remain
24 covert and gather information, and to my mind there was
25 no immediate urgency to identify Mr de Menezes.

- 1 Q. I prefaced it by that. If there had been an urgency
2 which had been conveyed to you, although it, as it were,
3 involves a slightly greater risk, you could have got out
4 on the same side as he was walking and walked towards
5 him and past him and for that matter well past him,
6 wouldn't you?
- 7 A. I am afraid I am going to have to disagree. At no point
8 was I asked to get that close as a matter of urgency.
- 9 Q. No --
- 10 A. And secondly, had I been asked to do so, I don't believe
11 I would have done so because of the nature of the
12 deployment and the potential person I was dealing with.
- 13 SIR MICHAEL WRIGHT: Is going back on the other side of the
14 road, as it were, part of standard surveillance
15 training?
- 16 A. If you are tasked to try to gain better vision, there
17 would be no harm in walking against somebody, but to do
18 so within such close proximity and with little cover on
19 the same side of the road, sir, it's quite a dangerous
20 option, bearing in mind --
- 21 SIR MICHAEL WRIGHT: That's part of your training.
- 22 A. Yes, sir, bearing in mind the kind of person who we were
23 potentially dealing with, to go that close --
- 24 SIR MICHAEL WRIGHT: This may be another obvious question,
25 but if you are watching someone from a car, is it part

1 of your standard training that you don't make it too
2 obvious that you are looking at him?

3 A. Yes, sir.

4 SIR MICHAEL WRIGHT: By peering round at him or anything
5 like that?

6 A. Yes, sir, you wouldn't offer yourself to be noticed.

7 SIR MICHAEL WRIGHT: Okay.

8 MR MANSFIELD: Well, that all makes sense, but in this
9 particular case this car you are in drives slowly past
10 him with both of you looking out towards your left onto
11 the pavement; is that not right?

12 A. I can't speak for James but I wasn't looking out, sir.
13 I turned my head to see if I could see through the
14 vehicle but I was unable to.

15 Q. So the position is no urgency, you can't get a good look
16 at him, and the next thing is he's on the bus.

17 Now, I want to move on to the next sequence. There
18 comes a stage where you do recall, and it's in the
19 supplement D, and I don't ask you to have it on screen,
20 that the operations room are asking about a percentage
21 confirmation, in other words they want to know from you,
22 your car, what the position is on identification; right?

23 A. Yes, sir.

24 Q. It's that I want to ask you about. Now, the first
25 question I want to ask you is this: why did you think --

1 why did you think -- that the operations room wanted
2 that information?

3 A. I would assess that they were keen to know if it was one
4 of the subjects or not, sir.

5 Q. Yes, but for what purpose did you think they wanted
6 that?

7 A. My honest answer is I don't know what purpose, sir.

8 Q. Well, I make it clear why I am asking this series of
9 questions, and once again it's to do with S019, urgency,
10 intervention, armed intervention, and so on. So am
11 I right in saying as far as you are concerned, you have
12 just no idea why they want a percentage?

13 A. I can only assess that it's because they want to know if
14 it's one of the subjects or not, sir.

15 Q. All right, but for what purpose?

16 A. I can't answer that, sir.

17 SIR MICHAEL WRIGHT: Did you have any thoughts about what
18 the purpose might be, at that time?

19 A. No, sir.

20 SIR MICHAEL WRIGHT: Simply on a lower level than
21 Mr Mansfield's inquiry, it would be a bit of a waste of
22 police time and money if you were following somebody who
23 was not actually a suspect at all.

24 A. Yes, sir.

25 MR MANSFIELD: Not necessarily, because if he wasn't

1 a suspect there was another tactic to be employed;
2 correct?

3 A. At the time I didn't know that, sir, and I wasn't aware
4 of that.

5 Q. No, you didn't know that?

6 A. No, sir.

7 SIR MICHAEL WRIGHT: You didn't know about the S013 arrest
8 team?

9 A. No, sir.

10 MR MANSFIELD: You see, it does matter, looking back on it,
11 would you agree, and I appreciate the difficulties of
12 everything, but it does appear you didn't know very
13 much, doesn't it?

14 A. As a surveillance officer, sir, my role is to act out
15 what I am asked to do and that is to monitor
16 individuals, that's my job and that's as I understand it
17 what we did that day.

18 Q. With no idea of why you are doing it or who else is
19 involved?

20 A. That's not something for me, sir.

21 Q. Could we have the calls schedule, please, and it's
22 page 7 of the calls schedule that the jury have. We
23 have it here, it can go on the screen.

24 SIR MICHAEL WRIGHT: Yes, I think we do. I think last time
25 we were looking at it on the document camera. It's

1 actually at tab ... (Pause)

2 MR MANSFIELD: I don't know what that page is. Page 7,

3 please. I appreciate you haven't seen this before.

4 Have you seen this before or not?

5 A. Is that the same one as earlier, sir?

6 Q. It's the same schedule but a bit earlier than the

7 schedule.

8 A. Okay.

9 Q. If you run your eye down the left-hand side, you will

10 see all the times of the calls are mapped out there.

11 Towards the bottom, 9.52.30, four from the bottom?

12 A. How many seconds, sir, sorry?

13 Q. 9.52.30. There is a call for 45 seconds?

14 A. Yes, sir.

15 Q. Do you have that?

16 A. Yes, sir.

17 Q. It's Mr McAuley. You probably don't know him by name.

18 It's the SO13 arrest team.

19 A. Sir.

20 Q. I pause there. From what you are saying, you had no

21 idea that there was an arrest team deployed to detain

22 people who were not suspects?

23 A. No, sir.

24 Q. Did you take this call for 45 seconds?

25 A. No, sir.

- 1 Q. Were you aware of this call?
- 2 A. No, sir.
- 3 Q. Well, James is driving?
- 4 A. Yes, sir.
- 5 Q. Are you aware that he took the call while he was
6 driving?
- 7 A. I was aware that there were a number of calls, sir, but
8 the content --
- 9 SIR MICHAEL WRIGHT: You have hands-free telephones in the
10 car --
- 11 A. It's in a cradle, sir, so there is a facility to have it
12 hands-free or take it out, sir.
- 13 MR MANSFIELD: So that even if you didn't know who was at
14 one end, and you didn't actually take the call, you
15 could hear what James was saying, could you?
- 16 A. When you say hear, I wasn't listening, sir. I was
17 concentrating on the communications and writing the log,
18 sir, so I wouldn't have been paying attention to his
19 phone calls.
- 20 Q. If we go over the page, please, that's page 8, he rings
21 again at 9.54 for 58 seconds. Did you take that call?
- 22 A. No, sir, and if it helps, to be clear, I took one phone
23 call and that was to Trojan 84.
- 24 Q. I am coming to that.
- 25 A. Yes, sir.

- 1 Q. Then at 9.56, just before the Trojan call, do you see,
2 it's a very short call, 7 seconds, possibly ineffective,
3 but there are three contacts between the arrest team and
4 your car. Were you aware of that?
- 5 A. No, sir.
- 6 Q. Did James ever say anything to you about an arrest team
7 on their way to the bus?
- 8 A. No, sir.
- 9 Q. When you got out of your vehicle at Stockwell, is it
10 fair to say you still didn't know that there was in fact
11 by that stage an arrest team in a car close to the
12 lights at Stockwell?
- 13 A. I am unaware of that, sir.
- 14 Q. Were you ever aware of anything that suggested to the
15 control room that the person on the bus that you were
16 following was not Nettle Tip?
- 17 A. No, sir.
- 18 Q. Well, as we have the schedule open at the moment, the
19 next call you have been asked about for 2 minutes and 31
20 seconds, that's one you did take?
- 21 A. It is, sir, yes.
- 22 Q. Now, you have learnt since that the person ringing you
23 was Trojan 84. Was most of that call -- we can see the
24 length of it there -- James discovering over the radio
25 or some other way from somebody else on the bus where he

- 1 was?
- 2 A. I believe so, sir, yes, that's fair to say.
- 3 Q. Right, and at this point he's on the top deck of a bus;
- 4 yes?
- 5 A. That's correct, yes, sir.
- 6 Q. Now, while James is doing that, discovering out, did you
- 7 say to Trojan 84 -- can I just ask you: did he say who
- 8 he was?
- 9 A. No, sir.
- 10 Q. I don't mean by name, did he say, "Look, I am firearms"?
- 11 A. I believe he said, "I am from S019", or words to that
- 12 effect.
- 13 Q. Right. As you didn't know anything about S019 actually
- 14 being deployed or their role or anything else, you must
- 15 have said, "Oh, well, that's interesting, why do you
- 16 need to know?"
- 17 SIR MICHAEL WRIGHT: I think he did know that C019 were
- 18 likely to be involved. He just didn't know what their
- 19 briefing was.
- 20 MR MANSFIELD: Did you ask him anything about why he was
- 21 asking?
- 22 A. No, sir, and I didn't assess that he was on the ground
- 23 either, sir. I was unaware of who he was or where he
- 24 was, if that helps, sir.
- 25 Q. Had you heard a message, "Units beware S019 coming

1 through"?

2 A. No, sir.

3 Q. If you were unaware he was on the ground or where he
4 was, I have to ask you why you didn't ask him why he
5 needed to know?

6 SIR MICHAEL WRIGHT: He was an inspector.

7 MR MANSFIELD: Well, he didn't know that.

8 SIR MICHAEL WRIGHT: That's true.

9 A. That's true, sir, I didn't know that. I didn't question
10 it. He was from SO19 and I assumed he was taking part
11 in some form of the operation, but I didn't at that
12 point know what or where, sir.

13 MR MANSFIELD: The reason I'm asking you this is that part
14 of what may have gone terribly wrong on this day is
15 communications between various elements and right at the
16 kernel of it is the possibility that a communication
17 from your car about the level of identification has led
18 to SO19 being sent in. Now do you follow the
19 significance?

20 A. I follow what you are saying, sir, but I believe that's
21 incorrect.

22 Q. Well --

23 A. Because you say identification and there was no
24 discussion regarding identification.

25 Q. Well, there was a discussion about identification,

1 I have already been through it, the percentage. There
2 was a discussion and you imagined at that time or
3 assumed that the control room wanted to know about
4 identification for the reasons you have already given.
5 You did not know that they needed to know that in order
6 to assess whether to send in S019, did you?

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

8 Q. So I want to ask you about this particular area of time
9 because you do recollect there was a discussion between
10 James and Lawrence who was -- had been in the car, he
11 had obviously got out at one point, there had been
12 a discussion about whether the image was a good one or
13 a bad one or whether it was Nettle Tip in relation to
14 the person he had seen. Do you remember that?

15 A. Not specifically about whether the picture was good or
16 bad, sir, no, but they were having a discussion as to
17 whether or not it was the subject, yes.

18 Q. When you were shown that image originally back at the
19 briefing, did you think it was a good image or a poor
20 one?

21 A. I think it's fair to say it's poor, sir.

22 Q. Poor. I want to ask you this: as far as you are aware,
23 were the control room made aware from your car that
24 James' observations were fleeting, a driveby, when he
25 was saying "possibly identical with" or "a good

- 1 possible"?
- 2 A. I don't recall that, sir, no.
- 3 Q. Do you remember anything being communicated that you
4 heard to the control room that might suggest to the
5 control room that what James was saying was his view was
6 based on a momentary glance?
- 7 A. I don't recall that, sir, no.
- 8 Q. Was anything said to the control room that in fact
9 another officer disagreed?
- 10 A. I personally don't recall that either, sir.
- 11 Q. More particularly about the time of the call from
12 Trojan 84, in fact just after that, there comes a time
13 when you are aware that he is getting off the bus, the
14 subject?
- 15 A. Yes, sir.
- 16 Q. You are out of the car by then?
- 17 A. Yes, sir.
- 18 Q. But you hear the broadcast?
- 19 A. Yes, sir.
- 20 Q. Was anything said that you remember to the effect, "This
21 is definitely our man"?
- 22 A. No, sir.
- 23 Q. You would recall that if it had been said, wouldn't you?
- 24 A. I would indeed, sir, yes.
- 25 Q. Was anything said at about that time that the person

- 1 getting off the bus or about to get off the bus was
2 nervous and twitchy?
- 3 A. I don't recall that, sir, no.
- 4 Q. Looking around and wary?
- 5 A. No, sir. Not that I recall.
- 6 Q. Right. You saw the subject more particularly at this
7 time. Could I ask for your statement just to come up on
8 this. You believed that again he was a possible at this
9 time. When you transmitted what you had seen, what was
10 it you transmitted at that time? It's on page 244 if
11 you need it.
- 12 A. Yes, sir, just that Mr de Menezes was off the bus on
13 a reciprocal route past the bank.
- 14 Q. Yes, but how was Mr de Menezes described by you in the
15 transmission? Because you didn't know his name,
16 obviously, so how did you convey to Pat, who we know is
17 the monitor back at New Scotland Yard, what did you say?
- 18 A. I can't remember the exact terminology, sir, but it
19 would have been to the effect that he's off the bus,
20 recip route towards the bank, and as short and concise
21 as that, sir.
- 22 Q. Yes, so when you have put in the statement:
23 "I transmitted that the unknown male..."
24 Would you have used those terms or not?
- 25 A. No, sir.

1 Q. So that's just a manner of speaking in the statement?

2 A. Yes, sir.

3 Q. All right. Now I want to just take you through, because

4 you are one of the first surveillance to go into the

5 concourse. For these purposes, rather than the

6 compilation each time, what we have done is taken some

7 stills from the next sequence which everybody has had.

8 SIR MICHAEL WRIGHT: Can I interrupt you for a moment? On

9 that last question you were asking, you say you didn't

10 think you would have used the expression "unknown male".

11 A. No, sir.

12 SIR MICHAEL WRIGHT: Have you seen the transcript, not

13 transcript but a print of Pat's surveillance running

14 log?

15 A. Possibly as part of the -- prior to the Health and

16 Safety trial.

17 SIR MICHAEL WRIGHT: Let me remind you. All the entries

18 that Pat had, including the one at 10.03, "unidentified

19 male off the bus", I have told you the answer now, that

20 the male off the bus is prefaced with "U/I", which

21 means, I am sure you realise, unidentified.

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: Do you think that that might indicate

24 what you said?

25 A. No, sir. I would have said words to the effect "off the

1 bus".

2 SIR MICHAEL WRIGHT: Just that?

3 A. Yes, sir.

4 MR MANSFIELD: Sir, could this be distributed and then

5 I will deal with it after the break.

6 SIR MICHAEL WRIGHT: Yes, good idea. Half past.

7 (12.20 pm)

8 (A short break)

9 (12.30 pm)

10 (In the presence of the jury)

11 SIR MICHAEL WRIGHT: Yes.

12 MR MANSFIELD: I know you have, I think, seen the

13 compilation before. These are stills from the CCTV

14 compilation.

15 A. Right, sir.

16 Q. Rather than keep showing it, just some points.

17 SIR MICHAEL WRIGHT: They are actually rather clearer than

18 the compilation.

19 MR MANSFIELD: Yes. I am sorry, they are slightly out of

20 order. On the first sheet it should be 1, 2, 3, 4 in

21 the bottom right-hand corner. This is the order in

22 which they are. Then go to the second sheet; 5, 6, 7,

23 8, 9, 10 is back on the first sheet, and then 11.

24 It's just a selection of shots of him going across

25 the concourse, through the barriers and then obviously

1 more on the escalators but we have not done those.

2 The questions I want to put to you, just so you have
3 those as a memory refresher, but you can probably
4 remember without it, is that when you saw him in this
5 stretch of time, first of all, there was nothing unusual
6 about his behaviour at all, was there?

7 A. That's fair to say, sir, yes.

8 Q. He wasn't, during the time you saw him, and I appreciate
9 we are only talking about minutes but that's all anybody
10 is talking about, he was not wary, looking about him,
11 fidgeting with his clothing or anything like that, is
12 he?

13 A. Not within my vision, sir, no.

14 Q. Just going beyond the behaviour, we can see what he is
15 wearing but I want to suggest to you that there was
16 nothing particularly unusual about his clothing either,
17 was there?

18 A. Not unusual, sir, no.

19 Q. In fact it's about as commonplace as you can get,
20 a denim jacket and denim trousers; you agree?

21 A. It's standard everyday wear, sir.

22 Q. Standard everyday clothing. As far as you can see, we
23 can see it on here and on other shots, the denim jacket
24 that he was wearing was in fact open, in other words
25 wasn't buttoned up at all the times you saw it, if you

1 noticed it?

2 A. Yes, sir.

3 Q. In addition to that, and it's obvious from the shots and
4 it's conceded, he is not carrying anything at all, is
5 he, except the Metro paper that he picks up from
6 a stand?

7 SIR MICHAEL WRIGHT: And his mobile phone, I think.

8 MR MANSFIELD: Yes, that was a bit earlier, I think, but he
9 has got a mobile phone but it's clear there that
10 basically there is no container?

11 A. No, sir.

12 Q. Now, those are the shots of him going through the
13 concourse and then he goes down the escalator and you
14 follow, as we have seen, very closely. I want to just
15 follow it through down to the train. Unless there is
16 any other observation you have on the photographs,
17 I want to take it beyond that.

18 When you get -- there are no shots there of the
19 train. Nobody has those. They run out halfway down the
20 escalator. Could we have tab 35 back on the screen.
21 That is the diagram of the train. I want to put you
22 back on the train where you do see Jean Charles
23 de Menezes sitting on the train; yes?

24 A. Yes, sir.

25 Q. I appreciate you don't have him in vision all the time

1 but once again, up until the time that Ivor, as it were,
2 says, "It's him", or, "That's him", he's just sitting
3 there, isn't he?

4 A. He was out of my view but I hadn't seen him, sir, no.

5 Q. Do anything --

6 A. No, sir.

7 Q. -- in particular. All right.

8 It's a small point, but I just want to draw your
9 attention to the fact that you recognise today, and
10 I suggest it's because you have been following to some
11 extent what others say, you thought Ivor entered by the
12 double doors next along from the ones you entered,
13 didn't you?

14 A. That was my original assessment, yes, sir.

15 Q. Why have you changed it?

16 A. Because I have gone over events several times in my
17 mind, and that's how I recall it now, sir.

18 Q. Well, what do you recall now?

19 A. That Ivor moved further up the train.

20 Q. Is it because you now know that Ivor is saying he went
21 in by the furthest single door to the right -- I am
22 looking at the diagram -- of it?

23 A. Yes, sir.

24 Q. And then went to a seat adjacent to or a few seats along
25 from Jean Charles de Menezes? Have you been influenced

1 by the fact that that's what Ivor says?

2 A. No.

3 Q. All right. I want to move it, as it were, to the next
4 stage, that you are -- I'm not going through every
5 single stage --

6 A. No, sir.

7 Q. It's the point at which you, and you can follow it from
8 your statement and in fact I do want the jury to see how
9 you originally put this, page 246, please. So you have
10 it on screen. I'll come to passages in it in a moment.

11 Before the point at which Ivor, as it were, points
12 him out -- and you can look at your statement to see
13 what you were originally saying, it's in the middle of
14 the page:

15 "I then saw Ivor swing his right hand [you have
16 described that today] which was open out to his right
17 indicating directly towards the male in denim, at the
18 same time shouting, 'He's here'."

19 You say here in the statement:

20 "I could see the armed officers moving in."

21 All right?

22 A. Yes, sir.

23 Q. Just pause. So up to the point that you see them moving
24 in, that's into the train; yes?

25 A. When I say moving in, I mean in towards the general

1 area. As in where Ivor, Mr de Menezes ... so yes, the
2 train in general.

3 Q. So you do see that. Can I just freeze frame for the
4 moment. That's where we are up to. Ivor has swung his
5 hand around, and you see the armed officers moving in?

6 A. Yes, sir.

7 Q. Is it fair to say first of all, you do not hear from any
8 of these armed officers as they are moving in, any of
9 them saying, "Armed police", do you?

10 A. I think what you have to appreciate, sir, is the timing
11 of the events, and that was -- it all happened within
12 a very short space of time, which I am sure you
13 appreciate, and I clearly heard the word, "Armed police"
14 shouted as a group of males moved towards the doors.
15 Now, when I write it, if I can just explain, it would
16 appear that that's over a longer period than it actually
17 occurred, so that it's all happening within a very short
18 space of time.

19 Q. You have got that further up?

20 A. Yes, sir.

21 Q. You have been through that already very carefully,
22 unless you want to change it. Do you know what you told
23 Mr Hilliard about the "armed police" as they moved
24 towards the train, I have gone past that. What you have
25 told the jury was that you heard the group shout it as

1 they approached the doors where you were coming out of
2 the little, as it were, archway that leads into the
3 platform. That's what you were describing today?

4 A. I said from the archway towards the train, I believe,
5 sir.

6 Q. Yes, I'm talking about officers as they entered the
7 train. Now, please be careful. You do not describe, do
8 you, that the officers who entered the train after Ivor
9 had swung his -- and indicated where he was:
10 "I then saw Ivor swing his right hand."
11 Did you see that?

12 A. Did I see him swing out his arm, sir?

13 Q. Yes.

14 A. Yes, sir.

15 Q. Did you see the officers moving in?

16 A. Yes, sir.

17 Q. Right. Did you hear the officers as they moved in
18 shout, "Armed police"?

19 A. The shouts I heard were, as I have stated in my
20 statement, as they moved from the tunnel towards the
21 train.

22 Q. Yes, that's much earlier.

23 A. You say much earlier, sir --

24 SIR MICHAEL WRIGHT: It's not on the train is the point.

25 A. Yes, sir.

- 1 SIR MICHAEL WRIGHT: What Mr Mansfield wants to know is what
2 you are saying they said, if anything, when they
3 actually got on the train.
- 4 A. As in stepping on to the train?
- 5 MR MANSFIELD: That's right, yes.
- 6 A. No, sir, otherwise I would have put it in my statement,
7 sir.
- 8 Q. Right. Is it also fair to say that as you see them
9 stepping on, you do not hear them shout any instructions
10 like "stand still" or "hands out"?
- 11 A. No, sir.
- 12 Q. You do not see any pistol raised by either officer at
13 shoulder level like this (indicated) towards the person
14 who has just been pointed out, do you?
- 15 A. No, sir, but I described it as moving in, and that to me
16 is them making the transition from the platform into the
17 train and going in towards a contact with Mr de Menezes.
- 18 Q. You see, this is very important, I suggest to you, you
19 do not record, and you do not recollect seeing any
20 raised pistol towards de Menezes after he had been
21 pointed out, do you?
- 22 A. That's correct, sir, yes.
- 23 Q. Because in fact --
- 24 A. Sorry, that's not -- later on, sir, I do, yes.
- 25 Q. Later on you do, but that's at the point of -- in fact

1 you do not mention in this statement the arms carried by
2 the officers in terms of being used until just before
3 the shooting itself, further down the page, we will come
4 to it, black pistol, right at the bottom?

5 A. Yes, I mention it when they come in through the tunnel
6 as well, sir.

7 Q. Yes, you do there, and I am dealing with this episode on
8 the train itself.

9 I want you to see what you originally put. Because
10 today you have talked about moving a few feet and so on,
11 but if you look at the statement, originally you put
12 quite a gloss on what you saw, didn't you? Do you
13 understand what I am putting?

14 A. You would have to explain that to me, sir, what you
15 mean.

16 Q. In other words, what took place in a few seconds you
17 have interpreted in a particular way, and I'm going to
18 go through it with you now, I am afraid; even though you
19 have not said it today you did in your original
20 statement. Can we have highlighted, if possible, the
21 next sentence:

22 "My view was unobstructed at this time ..."

23 So you were conveying to the reader that you had
24 a clear view even though of course it's happening within
25 a few seconds; yes?

- 1 A. Yes, sir.
- 2 Q. Is that right, that it was unobstructed?
- 3 A. I believe it was, yes, sir.
- 4 Q. "The male in denim then I would describe as, appeared to
5 lunge and bolt forward towards the open door ..."
- 6 You haven't put it in those terms today. Would you
7 be prepared to agree that that was really a gloss, in
8 other words, that's the word I used, by which I mean
9 that was really an unfair interpretation of what you
10 saw?
- 11 A. I think it's very accurate description of what I saw,
12 sir.
- 13 Q. Do you?
- 14 A. I would like to know what you are referring to
15 earlier --
- 16 Q. Yes, I am going to suggest to you, you see, there isn't
17 anybody we have so far heard who suggests that he lunged
18 or bolted forwards towards the open door. No-one says
19 that. Now, I would like you to reconsider whether in
20 fact, even the officer C5 who's come in with his gun and
21 is in the same vicinity as you doesn't suggest that.
22 Please reconsider, and I'll put to you what I suggest
23 may be the case, I can't put it higher: that
24 Mr de Menezes may have attempted to get out of his seat,
25 and may have moved forward a very short distance but was

1 immediately put back in his seat by Ivor, followed by
2 the other two officers. Do you think you saw that?

3 A. Sir, I saw what I have written in my original statement.
4 That is my best recollection.

5 Q. I am going to suggest to you what you have come on to
6 write now next was nonsense, if you think about it. May
7 I just go through:

8 "... bolt forward towards the open door, Ivor and
9 the firearms officers."

10 Now, at that point, they are not wearing anything
11 that suggests they are firearms officers, are they?

12 A. Well, I believe I had seen a baseball cap, sir.

13 Q. But not these first two?

14 A. Not the first two but there was a group of three or
15 four, I believe, sir.

16 Q. But not the first two?

17 A. Not as I recall, sir, no.

18 Q. They have said they weren't, so they are not wearing
19 anything, and in your account you have agreed they have
20 not said or shouted that they are armed police up to
21 this point, have they, in the carriage?

22 A. In the carriage, no, sir.

23 Q. "This surprised me as it wasn't the reaction I had
24 expected from someone being challenged by police."

25 Where was the challenge by police?

- 1 A. The challenge, sir, is where I have written earlier in
2 the statement, which we have already discussed, where
3 I heard the word, "Armed police", shouted as the group
4 moved towards the doors.
- 5 Q. Yes, the doors which were where you were, not the
6 doors --
- 7 A. No, sir, the doors where Ivor was, sir.
- 8 Q. No, I am sorry, I am going to have to go back to that if
9 you are really trying to tie that up, and we have been
10 through it already today. You were asked very
11 carefully, it's at the top of your page here:
12 "I heard 'Armed police' shouted loudly as the group
13 of three to four males moved towards the doors."
14 A. Yes, sir.
- 15 Q. "I was aware of another male enter my set of... doors."
16 You were asked about that and you suggested it was
17 shouted as they came through the tunnel or the little
18 archway towards the platform and the doors where you
19 were, so not the doors where Ivor was, all right?
- 20 A. I think I'll have to disagree with you, sir, because
21 I was asked where they were going and they were going
22 towards the direction of the doors Ivor was stood at,
23 the group, the sole officer came towards my set of
24 doors, so the challenge for me was when they shouted,
25 "Armed police" and the group moved towards the doors

1 where Ivor was.

2 Q. Well, even on that version, they are still on the
3 platform?

4 SIR MICHAEL WRIGHT: My note, Mr Mansfield, because I don't
5 rely on LiveNote, is that it is in that order: that this
6 witness put his hand across his chest, pointing to the
7 left; he and the others went to the left on the
8 platform; "I believe I heard the words, 'Armed police'
9 among other noises."

10 Your point is, and it's valid, he is describing
11 something that happened on the platform, and that's
12 right, as I understand it?

13 A. Yes, sir, and it's added to the fact where I write
14 "I could see the armed officers moving in", to me that
15 whole movement and wording to me constituted a challenge
16 in the direction of Ivor and Mr de Menezes.

17 SIR MICHAEL WRIGHT: Given that the doors of the train were
18 open, as we know they were, at the point where those
19 officers were when, to your recollection, they shouted,
20 "Armed police", would that have been within
21 Mr de Menezes' hearing?

22 A. You would like my opinion on that, sir?

23 SIR MICHAEL WRIGHT: Yes, that's all you can give.

24 A. Yes, sir.

25 SIR MICHAEL WRIGHT: The volume that they used --

- 1 A. Yes, sir.
- 2 SIR MICHAEL WRIGHT: -- was sufficient that he should have
3 heard it?
- 4 A. Yes, sir.
- 5 SIR MICHAEL WRIGHT: Very well.
- 6 MR MANSFIELD: What you told the IPCC was you cannot say who
7 shouted it, from what direction it came, and therefore
8 indeed whether it was one of the group of men that you
9 had seen?
- 10 A. Yes, sir.
- 11 Q. I just want you to go on with this because I suggest
12 your interpretation of what you saw, which is here, is
13 quite wrong. Can we go with how you have put it:
- 14 "This surprised me as it wasn't the reaction I had
15 expected from someone being challenged by police. Aware
16 that the male was showing no signs of compliance..."
- 17 Well, what were the "no signs of compliance", that
18 he had got up?
- 19 A. Yes, sir.
- 20 Q. "I have no idea what, but it appeared to me that the
21 male was doing something unusual with his hands which
22 looked odd to me, what was this [it should read, I think
23 "what this was"] I do not know other than his manner and
24 movement wasn't that of a person acting in a normal
25 manner, his hands moving around his torso area."

1 I just want to ask you, you have been asked about
2 this more than once, and up until today you haven't
3 given a description; today you say it is both hands and
4 you demonstrated to the jury in front, about a rugby
5 ball apart, and in front, like this (indicated) with the
6 palms out?

7 A. That's how I recall it, sir, yes.

8 Q. Have you been following the evidence in this case as to
9 what the other officers claim they saw?

10 A. Not to that extent, sir, and I am not sure where I have
11 ever been asked that before.

12 Q. You were asked and you gave a description in fact when
13 you went for an interview with the IPCC, and you made
14 a statement about it, to them, a prepared statement.

15 A. I would like to see that, then.

16 Q. Certainly. Have you seen it recently?

17 A. I don't recall.

18 Q. We have it at 192 onwards. It's an exhibit, 192
19 onwards. That's it. 197, it starts at the bottom of
20 196, 197 at the top is the "Armed police" bit, and then:

21 "I moved along... the carriage... I was aware that
22 armed officers... the carriage through the door at which
23 Ivor had been standing and that he now appeared to be
24 grappling with a man... It was at this time again when I
25 heard someone shot armed police and I also heard get

1 down shouted... cannot say who shouted this... Upon the
2 clear sound of shots..."

3 Over the page, "double doors", you can run your eye
4 down it. It's 198. It's there.

5 There is nothing in there that gives a description,
6 and you have gone there to answer questions but this is
7 all you did, a prepared statement; do you remember?

8 A. No, sir, I can't recall that.

9 Q. You can't? Do you remember going to the IPCC?

10 A. Yes, sir.

11 Q. Do you remember being required to answer questions but
12 on advice you chose not to?

13 A. Yes, sir.

14 Q. And that you in fact gave them a prepared statement, and
15 I have rushed through it a bit but it starts at 195 and
16 goes through 196 to 197 to 198. Do you remember you
17 also gave evidence in the Health and Safety trial?

18 A. Yes, sir, I did.

19 Q. Do you recall that you were asked questions there as
20 well?

21 A. I can't recall, sir, what questions I was asked.

22 Q. All right. What happened there, I am going to ask for
23 it to be up on screen, it's page 86 of his evidence,
24 9 October at pages 85 and 86. What happened here, as
25 you don't remember it, is that you gave

1 evidence-in-chief of a person moving forward and so on,
2 and then you were cross-examined by counsel representing
3 the Office of the Commissioner. What he did was to
4 produce your statement to you in order to flush out how
5 you originally described it.

6 Do you remember this?

7 A. I remember him cross-examining me, yes, sir.

8 Q. Page 85, halfway down, 15 I think it is:

9 "You went on in your statement:

10 "'Aware that the male was showing no signs of
11 compliance...'"

12 So that's picking it up at roughly the same point,
13 do you see that?

14 A. Yes, sir.

15 Q. What he does is put what's in your statement, and you
16 agree with it all the way through, down to the bottom of
17 that page and the next page:

18 "Answer: I believe I described them as 'unusual'."

19 "Hostile", you can't say, "unusual".

20 "I have no idea... but it appeared to me that the
21 male was doing something unusual with his hands..."

22 So actually all that's happening is that the counsel
23 is just repeating what is in your statement to you?

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

25 Q. And asked if that's correct, so you are being asked

1 about that?

2 A. Yes, sir, but not asked to demonstrate.

3 Q. No, no, you aren't, but you aren't asked to demonstrate
4 it, but until today, you have never been in a position
5 to say, "Well, what I actually saw was his hands in
6 front of them with his palms flat and apart around his
7 waist".

8 That's what you could have said, isn't it?

9 A. I could have said that, sir, if I had been asked, yes.

10 Q. I see. Let us go back to your statement, of course, if
11 his hands were like that, it would be perfectly clear
12 that there was nothing in his hands; correct?

13 A. I couldn't see anything in his hands, sir, no.

14 Q. What is unusual about having your hands out in front of
15 you with your palms just flat? Something unusual about
16 that?

17 A. To me, it was unusual because he didn't use his arms to
18 move from his seat to a standing position.

19 Q. Oh, I see.

20 A. That's what I mean by unusual, and that's why I describe
21 it as lunged and bolted forward.

22 Q. Unless of course he had not really got very far from his
23 seat before he was pushed back into it; is that
24 possible?

25 A. I don't believe that's the case, sir, no.

- 1 SIR MICHAEL WRIGHT: Do you mean you would have expected him
2 to put his hands on the arm rests in order to get up?
- 3 A. And push up, sir, yes.
- 4 SIR MICHAEL WRIGHT: He was only 28.
- 5 A. Sir. Accepted.
- 6 MR MANSFIELD: Actually, if that's all it's about, you could
7 have very easily explained that: I do not know other
8 than his manner and movement; you could have just said:
9 well, he didn't need assistance to get out of the seat.
- 10 A. It was unusual to me, sir.
- 11 Q. Was it? All right. Can we just go on:
- 12 "I then saw Ivor turn square on to the male in denim
13 and without hesitation grab the male wrapping his arms
14 around the male in denims."
- 15 In fact what Ivor did was to put his arms right
16 around de Menezes' arms, didn't he?
- 17 A. Sorry, in what way, sir?
- 18 Q. He just did a bear hug so that de Menezes' arms were
19 straight down by his side?
- 20 A. I can't recall seeing them straight, sir, but he did
21 grab round his arms, yes, but I couldn't obviously see
22 where Ivor's hands were at that stage. So I am unable
23 to answer that as how I recall it, sir.
- 24 Q. He has described it as a bear hug, in order to keep the
25 arms and hands pinned to the side of Jean Charles

1 de Menezes, did it look like that to you?

2 A. It looked like he was wrapping his arms around

3 Mr de Menezes, sir.

4 Q. In fact, of course, the way you then graphically

5 describe it, can we just go on, page 246, you talk about

6 in the next sentence:

7 "Both of them, now in contact moved in a heap back

8 to where the male in denim had originally been sitting.

9 Ivor's head [you have mentioned that earlier today] ...

10 Simultaneously I saw the S019 officers close in. They

11 had already entered the open doors and were stood behind

12 Ivor. I had somehow moved along the carriage ...

13 I believe I again heard someone shout 'Armed police, get

14 down'."

15 This is at a point where Ivor has already

16 intervened, all right?

17 A. Yes, sir.

18 Q. "Ivor and the male in denim were still struggling."

19 Now, are you really suggesting, by what you have put

20 there, that de Menezes in any way at all was resisting?

21 A. That's how I interpreted it, yes, sir.

22 Q. Yes. Do you think, and I'm sorry to have to use the

23 phrase again, but you are aware of it, it's in

24 everybody's statement, the possibility of perceptual

25 distortion? Are you aware of that risk?

- 1 A. I am, sir, yes.
- 2 Q. And that what you saw in a flash of a moment, because of
3 the way you are interpreting the whole thing, you have
4 put another gloss on this, to suggest that de Menezes
5 was resisting; have you done that?
- 6 A. No, sir, not at all.
- 7 Q. Because even Ivor doesn't suggest that, that he was
8 resisting, he went stiff, back into the seat, no
9 resistance. Now, please think about this. On
10 reflection now, you have an opportunity to say, "Well,
11 I could be wrong"?
- 12 A. Sir, my best recollection is that they were struggling.
13 Ivor did have his arms wrapped around Mr de Menezes, but
14 it was not a one-sided --
- 15 Q. No.
- 16 A. Control of the situation.
- 17 Q. It's because of the next bit I suggest you are anxious
18 to maintain that because if you just look on:
19 "... half on, half off the seats. The male in denim
20 showed no signs of complying."
21 What on earth made you think that he wasn't
22 complying at that point?
- 23 A. Because my best recollection, sir, is that Ivor was
24 struggling to maintain control on him and that he was
25 moving and in my opinion trying to evade Ivor's grasp.

1 SIR MICHAEL WRIGHT: So those two sentences are connected,
2 are they? Your view that he was not complying is based
3 upon a perception that he was struggling?

4 A. Yes, sir.

5 MR MANSFIELD: That's why I was suggesting to you, you have
6 had to maintain and you are not even now prepared to
7 accept you might be wrong, is because of course this
8 statement is about a non-compliant subject; that's why
9 you won't even accept the possibility of being wrong,
10 isn't it?

11 A. The reason I can't accept that, sir, is because, as
12 I have written it is how I remember it, and that is my
13 recollection, sir.

14 Q. C5 is standing right next to you. You probably didn't
15 know that. But he is standing in the same area as you
16 are by this stage. C5 is an armed officer we have heard
17 from. He is standing very near to Wesley Merrill. Can
18 we have the plan back? It's divider 35. There, you see
19 Wesley Merrill, C5 told us he was standing somewhere
20 there. He doesn't suggest any of this himself. He
21 suggests that de Menezes was either getting up or trying
22 to get up and he was pushed back straight into the seat.
23 No suggestion from him of resistance or anything of this
24 kind. Do you think you have just coloured the whole
25 incident with what you believed was happening rather

1 than what was happening?

2 A. No, sir.

3 Q. Then you go on to deal with the shooting, and I am not

4 going through that with you. What I do want to ask you

5 about is that that day, that's the 22nd, there was

6 a debrief, wasn't there?

7 A. Yes, sir.

8 Q. With the log?

9 A. Yes, sir.

10 Q. Could we have -- I can do it without the log. That's

11 a common practice?

12 A. Yes, sir.

13 Q. The object is for the log to reflect everything that

14 officers have seen, and if anything's been missed, you

15 can add it or subtract it or whatever?

16 A. Yes, sir.

17 SIR MICHAEL WRIGHT: Before you get into this, there is

18 a question I have been asked to ask.

19 MR MANSFIELD: Certainly.

20 SIR MICHAEL WRIGHT: It might be convenient if we just

21 disposed of it. Going back momentarily to the

22 description of what happened in the carriage.

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: You have described to us how, in your

25 view and your recollection, Mr de Menezes moved, talking

1 about lunging forwards and so forth.

2 A. Yes, sir.

3 SIR MICHAEL WRIGHT: Nobody has asked you and you have not

4 said anything about how Ivor moved. You have told us

5 that he turned square on to Mr de Menezes and grabbed

6 him.

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: How did he move forward? He must have

9 moved forward in order to come into contact with him.

10 A. Yes, sir. Swiftly, without hesitation.

11 SIR MICHAEL WRIGHT: Was it in any sense a dive?

12 A. No, sir. It was upright.

13 SIR MICHAEL WRIGHT: He stayed upright.

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: Feet on the floor?

16 A. Yes, sir.

17 SIR MICHAEL WRIGHT: Thank you. Sorry, Mr Mansfield.

18 MR MANSFIELD: It's all right, and all of this you have

19 described where it's happening, it's all within a few

20 feet, isn't it?

21 A. Yes, sir.

22 Q. Back to the debrief situation. You meet in the evening

23 for a debrief, that's common practice, and you add and

24 subtract from the log and people sign it. That's the

25 usual custom?

- 1 A. Yes, sir.
- 2 Q. Sorry, I will need the log back for one purpose. It's
3 tab 58, page 236, I think it should be. It's the 12th
4 page of the log. The jury have it in their bundles,
5 I think. I can just go on for the moment. If the jury
6 have it they can follow at least. As I say, the grey
7 team's log, tab 58, page 236, the 12th, there is
8 a supplement E which is written by you over a number of
9 pages, 236, 237, 238.
- 10 You recollect supplement E which is adding to what
11 you saw after 10.03, entering the Stockwell tube
12 station, and if you could just follow me, what you saw
13 through the barrier, down the escalator, towards the
14 train, and you stop once you are on -- sorry, 453 is
15 another page so it can be on the documents.
- 16 A. I would like to follow it, if I may, sir, while you are
17 discussing it.
- 18 Q. Yes. Therefore on the black numbers, it's 466
19 documents.
- 20 A. There we go.
- 21 Q. We have it. If we can have 466, please, that page
22 number, which is written underneath 236. Supplement E,
23 which is at the bottom of 466, this is an entry by you,
24 isn't it, the bottom?
- 25 A. No, sir, that's Ivor's entry.

- 1 Q. Don't you countersign?
- 2 A. I do, sir, yes.
- 3 Q. I understand. It's an entry which relates to you and
4 Ivor?
- 5 A. Yes, sir.
- 6 Q. If we turn over the page, 467, you talk about the Metro
7 newspaper. I can deal with it fairly quickly unless you
8 want to read through it. It's just seeing what you do:
9 "... halfway down the escalator started to run ...
10 goes to platform 2."
11 Over the page, 468:
12 "Train standing on the platform. Entered the
13 carriage directly in front of him before turning right,
14 walking through the carriage before taking a seat on the
15 near side of the carriage facing the platform."
16 Then there is an entry by someone else and then the
17 log finishes. I have to ask you this: why is it that
18 the log does not continue on the 22nd to describe what
19 you say you saw on the carriage between the firearms
20 officers and Jean Charles de Menezes?
- 21 A. Because I don't believe that would ordinarily go in the
22 log, sir.
- 23 Q. Well, think about it for a moment. It's a rather
24 important episode, and it is part of the surveillance,
25 you are continuing to survey, and you are actually

- 1 witnessing a shooting, it couldn't be more important,
2 could it?
- 3 A. I grant that it's important, sir, but it's not something
4 that I would have put in the log, and I can't recall at
5 which stage the log was seized either, sir.
- 6 Q. It was seized that evening, but of course your
7 writing -- I want to know why in your case you stopped
8 at the point you did?
- 9 A. Matters relating to the actual incident itself, sir,
10 I believe, under advice it was appropriate to delay in
11 doing so for my own self-benefit.
- 12 Q. For your own self-benefit?
- 13 A. In terms of, to ensure that I could recall the most
14 accurate facts once I had recovered from the shock of
15 the incident, sir.
- 16 Q. Nobody thought that you weren't capable of making
17 entries up to that point. Nobody said, "You need a day
18 off before writing anything", did they?
- 19 A. Sir, that's my recollection as to why I have not
20 included anything in the log.
- 21 Q. Who was advising you not to talk about the actual
22 shooting in the log?
- 23 A. I can't recall, sir.
- 24 SIR MICHAEL WRIGHT: You say it was omitted under advice;
25 whose advice?

- 1 A. I believe it was probably on legal advice, sir.
- 2 I believe the log was seized or it was about to be
- 3 seized.
- 4 MR GIBBS: Sir, would you forgive me interrupting. I do not
- 5 want a bad point to be taken. I know my learned friend
- 6 Mr Mansfield --
- 7 MR MANSFIELD: I'm coming to what it is.
- 8 MR GIBBS: -- Mr Edser's statement.
- 9 MR MANSFIELD: I know. I first wanted to ask you what the
- 10 recollection was here.
- 11 A. That's it, sir.
- 12 Q. What is it?
- 13 A. I recall someone about to seize the log and I needed
- 14 time to recover from the shock of the incident before
- 15 I wrote anything further.
- 16 Q. Where was the debrief happening?
- 17 A. It was at Leman Street, sir.
- 18 Q. Yes. Why was the debrief being held at the firearms
- 19 headquarters?
- 20 A. I can't answer that, sir, as in I don't know, not that
- 21 I do not want to, I just don't know, sir.
- 22 Q. Were all the grey team asked to go to Leman Street for
- 23 the debrief?
- 24 A. I was, sir, yes. I can't account for everywhere else.
- 25 Q. I just want to go back to the beginning of the debrief.

1 Did some senior officer by the name -- Detective Chief
2 Inspector Edser; do you know him?

3 A. Yes, sir.

4 Q. Right, he was there?

5 A. I believe I recall him being present at some stage, sir,
6 yes.

7 Q. Did he give a directive to all the grey team, certainly
8 those who saw what happened in the train, to not write
9 up what happened in the train?

10 A. I can't recall specifically who said that to me, sir,
11 I am afraid.

12 Q. But someone did?

13 A. I recall that, sir, yes.

14 SIR MICHAEL WRIGHT: When you spoke earlier about being
15 advised to delay making this entry.

16 A. Yes, sir.

17 SIR MICHAEL WRIGHT: Did that advice come from
18 Detective Chief Inspector Edser?

19 A. I can't recall, I am afraid, sir.

20 MR MANSFIELD: Your base is Tintagel House, as we have
21 heard, isn't it?

22 A. Yes, sir.

23 Q. That's normally where a debrief would take place, isn't
24 it?

25 A. It can actually take place anywhere, sir, really.

- 1 Q. I appreciate that. Is this the first time in relation
2 to a log you have been told not to enter up something?
- 3 A. It's the first time I have been involved in an incident
4 like this, sir, so to have a break from making an entry,
5 it's the first time, yes, sir.
- 6 Q. Of course the description you have put in your statement
7 was a statement which you made not on the 22nd but the
8 23rd; is that right?
- 9 A. Yes, that's correct, sir, 23rd.
- 10 Q. I just want to ask you about the 23rd. Can you help us,
11 where was it that you made the statement on the 23rd?
- 12 A. I believe it may well have been Lemman Street but I'm not
13 100 per cent, sir.
- 14 Q. All right, if you are not 100 per cent, it makes it
15 a little difficult.
- 16 A. I'm sorry, I can't answer that.
- 17 Q. Where were you asked to go and make your statement? Was
18 it Lemman Street again?
- 19 A. I remember going to Tintagel House in the first instance
20 and then to Lemman Street but I can't remember where
21 I wrote it. I believe it was Lemman Street, sir.
- 22 Q. Again, that's rather odd, isn't it, that you would be
23 going to Lemman Street to make your statement?
- 24 A. Again, that's not something I would have decided, sir.
- 25 Q. So somebody said, was it Mr Edser again, "Come back

- 1 tomorrow to Lemn Street to make your statement"?
- 2 A. I can't recall, I am afraid, sir.
- 3 Q. When did you first discover that the person who had been
- 4 shot was not a terrorist?
- 5 A. I believe it was at the point where I was at
- 6 Tintagel House the following day.
- 7 Q. Was that before you got to Lemn Street, if you went
- 8 there, or after?
- 9 A. Yes, sir, and if it helps it was probably before I wrote
- 10 my statement.
- 11 Q. Before you wrote the statement?
- 12 A. Yes, sir.
- 13 Q. So when you wrote the statement, you appreciated, did
- 14 you, there were going to be necessarily quite a lot of
- 15 questions to be asked of how it was that an innocent man
- 16 had come to be shot; is that right?
- 17 A. I think with any incident where someone is shot, sir,
- 18 there would be a severe amount of questioning to be
- 19 done.
- 20 Q. Particularly if the person wasn't a suspect or subject?
- 21 A. I'm obviously not an expert in this field, sir, but my
- 22 evidence would not have changed whatever the
- 23 circumstances.
- 24 Q. I have to ask you whether there is any possibility in
- 25 your case that you have been influenced by the fact that

1 you have essentially ushered firearms officers towards
2 a target who turned out to be innocent, and in a sense
3 I am putting it, encapsulating it, you have had to
4 justify what's happened? Is there any possibility of
5 that?

6 A. Sir, my recollection of events and what I wrote is how
7 I perceived the incident happened and the truth, sir.
8 I have not made any attempts to write it to anyone's
9 benefit other than to deliver my version of events, sir.

10 Q. Can I ask you this, finally, today. Don't worry, I am
11 not asking you questions on other days, just today?

12 SIR MICHAEL WRIGHT: You are not reserving your position.

13 MR MANSFIELD: No, certainly not.

14 When the shooting actually occurred, it must have
15 shocked you considerably, mustn't it?

16 A. Yes, sir.

17 Q. Were you expecting this man to get shot, whoever he was?

18 A. No, sir.

19 Q. Did you ask then on the day anybody else, "How on earth
20 did this come about?"

21 A. No, sir.

22 Q. Why not?

23 A. It's not something I thought appropriate at that time to
24 be asking, sir.

25 Q. Did you ever ask?

- 1 A. No, sir.
- 2 Q. Why not?
- 3 A. Because I felt it best to just remain with my own
4 version of events.
- 5 Q. When you discovered the next day that it was an innocent
6 person, what was your reaction then?
- 7 A. I was obviously very distressed with that, sir. To add
8 to that, sir, I was distressed whoever that man would
9 have been.
- 10 Q. Well, I understand that. So once again, once you knew
11 it was an innocent man, never mind somebody who is
12 potentially guilty, did you ask anybody how on earth
13 this occurred, at least within your own team?
- 14 A. No, sir, that's not something that's for me to decide,
15 I am afraid.
- 16 Q. No, no, not for you to decide, do you follow; just on
17 a human basis, if what you saw is how you have described
18 it, why you didn't ask somebody how this came about?
- 19 SIR MICHAEL WRIGHT: Well, with the greatest respect,
20 Mr Mansfield, who could he ask to get any authoritative
21 answers?
- 22 MR MANSFIELD: Well, he could start with his grey team.
- 23 SIR MICHAEL WRIGHT: Is it any more than to some extent, or
24 may it be any more than uninformed speculation?
- 25 MR MANSFIELD: It may, it may not.

1 Can I ask you this: was there any reappraisal by the
2 grey surveillance team about how it was they may have
3 led to a death by their identification?

4 A. Sorry, can you just --

5 Q. Yes. Was there any reappraisal in these days after they
6 had discovered it was an innocent man, was there any
7 reappraisal in the grey team -- I should ask you, did
8 you continue with the grey team?

9 A. Yes, sir, I am still on the grey team.

10 Q. You are still on the grey team. Well, I can ask it as
11 of today: has there been any reappraisal within the grey
12 team since the shooting of how this identification came
13 about and led very possibly to CO19 being sent in?

14 A. Well, firstly, sir, there was no identification from the
15 grey team at any point. And in terms of have I spoken
16 to anyone, the way that I have managed to get through it
17 personally is by sticking to my own account of events.

18 MR MANSFIELD: Thank you, I have no other questions.

19 SIR MICHAEL WRIGHT: Mr Hilliard, there is some further
20 examination. I am just thinking that I doubt very much
21 it will be worthwhile starting anybody else this
22 afternoon.

23 MR HILLIARD: I just don't know how long we have.

24 SIR MICHAEL WRIGHT: Can we have any estimates? Mr Stern,
25 you will be next?

1 MR STERN: Yes, I would think about 10, 15 minutes.

2 MS LEEK: Nothing.

3 MR PENNY: 20 minutes, sir.

4 SIR MICHAEL WRIGHT: Mr Gibbs? Five, 10 minutes?

5 MR GIBBS: I am afraid there is actually now quite a lot to
6 deal with.

7 SIR MICHAEL WRIGHT: You appreciate, of course, we must
8 finish this witness today.

9 MR GIBBS: I am probably most aware of that of anybody in
10 the room apart from himself.

11 SIR MICHAEL WRIGHT: I know you are. I think we can let the
12 other witnesses go, Mr Hilliard.

13 Before you are further cross-examined, three things
14 I have. You were asked very early on by Mr Mansfield
15 what you could remember or if you could remember any
16 discussion or description of the strategy that was to be
17 adopted at Scotia Road when you were briefed by
18 Inspector Whiddett; do you remember that?

19 A. Yes, sir.

20 SIR MICHAEL WRIGHT: Do you know your colleague Harry?

21 A. Yes, sir.

22 SIR MICHAEL WRIGHT: He goes under the name of Harry.

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: Do you recollect, because this is what
25 he has told us, that at that briefing he asked

1 Mr Whiddett or Colin, whichever of them, what was meant
2 by the word "contain"? Does that ring a bell with you?

3 A. I have heard that since, yes, sir, but I don't recall it
4 at the briefing, I am afraid.

5 SIR MICHAEL WRIGHT: You can't recall it at the briefing.

6 A. No, I am afraid not, sir.

7 SIR MICHAEL WRIGHT: Do you recollect the expression
8 "contain" used by Mr Whiddett or Colin as to what it was
9 you were going to be asked to do in relation to anybody
10 who came out of Scotia Road?

11 A. I don't recall the word "contain" at all, sir.

12 SIR MICHAEL WRIGHT: Very well. Second question is probably
13 a fairly obvious one. You were asked whether you had --
14 when you were asked from, as you subsequently
15 discovered, Trojan 84, I think, whether anybody could
16 produce a percentage assessment of the level of
17 identification, you were asked why you didn't ask what
18 they wanted it for or why they wanted it.

19 A. Sorry, that wasn't from Trojan 84, sir.

20 SIR MICHAEL WRIGHT: Where was it from, control room?

21 A. I believe James was asked by the control room.

22 SIR MICHAEL WRIGHT: By the control room?

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: It's the same point. If you are asked
25 to do something by the control room, do you ordinarily

1 ask what do you want it for or do you get on with it and
2 do it?

3 A. As a surveillance officer I wouldn't -- I can't account
4 for what the team leader would or wouldn't say, sir,
5 I am afraid.

6 SIR MICHAEL WRIGHT: Still less can you account for what the
7 control room may want to know?

8 A. Sorry, can you just rephrase the question?

9 SIR MICHAEL WRIGHT: Yes. You can't answer for what James
10 wanted to know for.

11 A. No, sir.

12 SIR MICHAEL WRIGHT: Still less could you know what the ops
13 room wanted it for?

14 A. I did not understand why they were asking the questions.

15 SIR MICHAEL WRIGHT: That's why I asked you the questions.

16 A. Yes, sir, no, I didn't --

17 SIR MICHAEL WRIGHT: Like the Charge of the Light Brigade,
18 it's ours not to question why, ours just to do it.

19 A. Yes, sir. I am an operator, sir. I do that.

20 SIR MICHAEL WRIGHT: The final question is this. This may
21 sound trivial and it may not be. We know, and you saw
22 it, that Mr de Menezes picked up a Metro newspaper from
23 the box by the barrier and took it presumably with him
24 on the train.

25 A. I can't recall seeing it again, sir.

1 SIR MICHAEL WRIGHT: That's exactly what I wanted to ask
2 you. Do you recall seeing the newspaper again?

3 A. No, sir.

4 SIR MICHAEL WRIGHT: At any stage?

5 A. No, sir.

6 SIR MICHAEL WRIGHT: Thank you very much. Mr Stern.

7 Questions from MR STERN

8 MR STERN: Thank you, sir. Ken, are you all right to carry
9 on?

10 A. Yes, sir, thank you.

11 Q. I represent C2 and C12 and I will try and keep this as
12 brief as possible because I am acutely aware of the time
13 and the fact that you need to get away.

14 A. Sir.

15 Q. Can you ask you this: on 23 July, the day after this
16 incident, you made a lengthy statement and we have
17 looked at some of it?

18 A. Yes, sir.

19 Q. When you made that statement, were you honestly trying
20 to do your best to recollect what happened?

21 A. Yes, sir.

22 Q. You put in the body of your statement that this was
23 a quick, fast-flowing dynamic incident within
24 a stressful scenario?

25 A. Yes, sir.

- 1 Q. You also said that:
- 2 "I am aware of perceptual [I think is the way you
- 3 put it but "perceptual"] distortion of events during
- 4 incidents", as a result of your training?
- 5 A. Yes, sir.
- 6 Q. What you were aware of presumably in putting that in
- 7 your statement was that different people who were
- 8 actually there at the same time may see different things
- 9 to you?
- 10 A. Yes, sir, that's fair.
- 11 Q. And also some people may see the same things as you but
- 12 see them differently?
- 13 A. Yes, sir, that's fair.
- 14 Q. I am going to look at the points, and I'll do it by
- 15 looking at your statements because it will be quicker,
- 16 could we have 245 of the statements up on the screen,
- 17 please. It's the lower half of the statement that I am
- 18 interested in. Thank you very much. If we look about
- 19 a quarter of the way down that particular section,
- 20 three-quarters of the way down the page:
- 21 "Suddenly I was aware of a group of four or five
- 22 males stood with Malcolm at the tunnel ... on seeing
- 23 them I instantly recognised them as being armed police
- 24 officers."
- 25 A. Yes, sir.

- 1 Q. It was obvious to you who they were?
- 2 A. It was, sir, yes.
- 3 Q. Can I confirm this, you did not know them or didn't
4 recognise them?
- 5 A. I know none of them personally, sir, no.
- 6 Q. You made eye contact with one of these officers and you
7 have told us that at least one was wearing a blue police
8 baseball cap?
- 9 A. I recall seeing a baseball cap, yes, sir.
- 10 Q. Could you see their weapons at this point? You have
11 written a rifle and a pistol?
- 12 A. Yes, sir.
- 13 Q. Were you aware of any more than that, or who was
14 carrying which particular item?
- 15 A. I can't say who was carrying which, I am afraid.
- 16 Q. At that stage, all right. What you say in your
17 statement there is that the person at the front made eye
18 contact with you, and I think he said to you, "Where is
19 he?" Now, at the Health and Safety trial I think you
20 said that he had mouthed that?
- 21 A. Yes, sir.
- 22 Q. Do you recall that now?
- 23 A. Yes, sir.
- 24 Q. The purpose of him mouthing it rather than shouting it
25 was that because he wanted to stay covert?

- 1 A. I can't answer that, sir.
- 2 Q. That would be the effect of him mouthing it rather than
3 shouting it, wouldn't it?
- 4 A. It would, sir, yes.
- 5 Q. As a group they then I think moved down the train
6 towards the double doors?
- 7 A. Externally, sir?
- 8 Q. Externally?
- 9 A. Yes, sir.
- 10 Q. There is just one aspect that I want to suggest you have
11 got in the wrong order, which is this: it's clear, isn't
12 it, that those firearms officers didn't know where it
13 was that the suspect was?
- 14 A. I can't answer that for them, sir, I am afraid.
- 15 Q. You pointed, didn't you --
- 16 A. Yes.
- 17 Q. -- and they did ask you, "Where is he?"
- 18 A. Yes, sir, yeah, I see what you are saying, sorry.
- 19 Q. They didn't know where he was and you were pointing in
20 a direction?
- 21 A. Yes, sir.
- 22 Q. It was then that Ivor came to the double doors and
23 pointed out the man?
- 24 A. Yes, sir.
- 25 Q. It would follow, wouldn't it, that it would make sense,

- 1 I appreciate it's very difficult when you are recalling
2 this, for them to have shouted, "Armed police" after it
3 had been pointed out by Ivor. Maybe you heard it before
4 as well, I don't know?
- 5 A. I heard it before, sir.
- 6 Q. Yes?
- 7 A. I didn't hear it after until they were on the carriage,
8 sir.
- 9 Q. Do you agree they would not have known where he was
10 until Ivor had pointed them out?
- 11 A. I don't know how to answer that, sir, it's --
- 12 Q. That was the purpose in Ivor pointing, wasn't it?
- 13 A. Yes, sir.
- 14 Q. If they had shouted, "Armed police" at that point, there
15 was a danger of course that the suspect might detonate
16 a bomb?
- 17 A. Yes, sir.
- 18 Q. You were brave in getting on to the train, weren't you?
- 19 A. I wouldn't say I was brave, sir --
- 20 MR STERN: I think it should be recognised and I'm making
21 that point to you.
- 22 A. Sir.
- 23 Q. The next thing that happened, as you recall it, and
24 I think as you have made it clear, this happened very,
25 very quickly?

- 1 A. Sir.
- 2 Q. You saw, if we could have the next page up, thank you
3 very much, you saw Ivor go to the doors; yes?
- 4 A. Yes, sir.
- 5 Q. You saw his arm move across?
- 6 A. Yes, sir.
- 7 Q. The way you have put it, about 15 lines down:
8 "I could see the armed officers, I then saw Ivor
9 swing his right hand..."
10 That's it, thank you.
11 "... which was open out to his right indicating
12 directly towards the male in denim, at the same time
13 shouting he's [there]."
- 14 A. "He's here", sir, yes.
- 15 Q. "He's here", I beg your pardon.
- 16 A. Yes, sir.
- 17 Q. "I could see the armed officers moving in."
18 When you say "moving in", were they by this time on
19 the tube, or can you not say?
- 20 A. As I described earlier, it was the transition between
21 the platform and the tube, sir.
- 22 Q. You say that you were suddenly surprised to see the male
23 in denim move to his feet?
- 24 A. Yes, sir.
- 25 Q. Why was it that you were suddenly surprised to see that?

- 1 A. Because it was my opinion that the armed officers were
2 heading in his direction, sir, in order to challenge
3 him.
- 4 Q. Do I take it from your sudden surprise, therefore, that
5 in your view they were visible to the man sitting in the
6 seat?
- 7 A. Again that's difficult for me to say what he would have
8 seen, unfortunately.
- 9 Q. Yes, I appreciate that --
- 10 A. I could see them moving towards him, I wouldn't like to
11 say, sir, on what his view was.
- 12 Q. It had occurred to you, presumably, that that was the
13 position, otherwise you wouldn't have been surprised?
- 14 A. Yes, sir.
- 15 Q. You say your view was unobstructed at this time:
16 "... and the male in denim then I would describe as
17 appeared to lunge and bolt forward towards the open
18 door..."
- 19 That's where my learned friend Mr Mansfield finished
20 that sentence but I think if we look at the rest of it,
21 it reads:
22 "... lunge and bolt forward towards the open door,
23 Ivor and the firearms officers".
- 24 A. That's what I have written, sir, yes.
- 25 Q. So can we take it that the firearms officers were either

1 at this stage just outside the doors or on the
2 platform -- on the tube?

3 A. Yes, sir, that's my recollection. The reason I have
4 written all three, just to clarify, is in fairness
5 because I obviously don't know what he was thinking at
6 the time, sir.

7 Q. I appreciate that, but obviously you would not have
8 written all three if all three had not been --

9 A. No, they were all --

10 Q. -- in eyeline, as it were, in your view. Obviously we
11 are just taking your view.

12 It surprised you as it wasn't the reaction you had
13 expected from someone being challenged by police.
14 Whatever the exact position as to where they were and
15 whatever the stages of what was said at various times,
16 it was your view that he had been challenged by police,
17 was it?

18 A. Yes, sir.

19 Q. You have dealt with the no signs of compliance. You
20 feared for his safety?

21 A. Yes, sir.

22 Q. I presume you meant because of his lack of compliance,
23 you feared for his safety by the firearms officers?

24 A. From a police officer, yes, sir.

25 Q. Because you took that non-compliance by him to appear at

1 least to you and you thought to others as being
2 a threat?

3 A. Yes, sir, he just wasn't complying so I assessed that --

4 Q. That's why you feared for his safety?

5 A. Yes, sir, yes.

6 Q. Then you have described his hands and I am not going to
7 ask you any more about that, you have dealt with that.
8 I might have wanted to ask you but I'll keep it briefer
9 for the reasons that I know.

10 Can we move just a little further down, please, that
11 page. You see Ivor grab the male and wrap his arms
12 around the male, and then you, after that, hear someone
13 again shout, "Armed police", and you think, "Get down"?

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

15 Q. You say:

16 "... the male in denim showing no signs of
17 complying."

18 Was that your view at that time?

19 A. Yes, sir.

20 Q. You wouldn't have put it in your statement if it had not
21 been your view?

22 A. That's my recollection of the events, sir.

23 Q. Then you deal with the shooting, and then you get out
24 your firearm and you shout, "Armed police, get down".

25 A. Sir.

1 MR STERN: Thank you very much.

2 SIR MICHAEL WRIGHT: Just one minute, please. (Pause)

3 Mr Stern asked you or suggested to you that you were
4 brave when you got on the train and in fairness to you,
5 you didn't really suggest that you were or were not.
6 But the question that I have been asked to ask you is
7 this: did you get on the train because at that point,
8 when you actually got on the train, you did not perceive
9 that Mr de Menezes presented any threat to you?

10 A. No, sir, I believed, as I had said earlier, he was in my
11 opinion a possible for the subject, and therefore I did
12 believe he was a potential threat, but the reason I got
13 on the train was because that's my job, to follow
14 people.

15 SIR MICHAEL WRIGHT: Yes, whatever?

16 A. Yes, sir.

17 SIR MICHAEL WRIGHT: Thank you. Before you start, Mr Penny,
18 please, I want to give the shorthand writer another
19 break. Ten to.

20 (1.40 pm)

21 (A short break)

22 (1.50 pm)

23 (In the presence of the jury)

24 SIR MICHAEL WRIGHT: Yes, Mr Penny.

25 Questions from MR PENNY

- 1 MR PENNY: Ken, I am going to ask questions on behalf of
2 Commander Dick and the other senior officers.
- 3 A. Sir.
- 4 Q. I just want to see if you can assist us with the
5 sequence of how things happened on two particular areas,
6 so that you know where I am going, before we start:
7 firstly, what was said in the car that you were in when
8 you were in it with James; all right? Secondly, the
9 other area is what was and what was not said by you once
10 you were deployed on foot up at Stockwell?
- 11 A. Sir.
- 12 Q. Those are the areas that I want to look at with you.
- 13 A. Sir.
- 14 Q. I want to see if I can jog your memory by looking at
15 what might be described as independent evidence,
16 principally the telephone records, as to where various
17 individuals in what took place that morning were, and
18 what was being said at that stage. All right?
- 19 A. Sir.
- 20 Q. Now, the starting point is you have told us that the
21 radio set in your vehicle was not working?
- 22 A. That's correct, sir, yes.
- 23 Q. When you deployed down in the area at Scotia Road. You
24 have already told us that you certainly did not hear
25 over that radio set information that S019 were going to

- 1 be deploying to the TA Centre in Scotia Road?
- 2 A. No, sir.
- 3 Q. Whatever anyone else on your team heard over that radio
- 4 set, yours wasn't working --
- 5 A. I didn't hear that, sir, no.
- 6 Q. You didn't hear that. Can we look at the first phase.
- 7 I want to look at the period between the time when you
- 8 got back into the car with James, having been deployed
- 9 in the area, and travelled up to Stockwell. Now,
- 10 I don't know if you recall, I don't know if you were in
- 11 the car at the time, but we know that James was the team
- 12 leader?
- 13 A. Sir.
- 14 Q. He was the man, as it were, on your team who made the
- 15 decision that you were going to go with the follow on
- 16 that occasion?
- 17 A. Okay, sir.
- 18 Q. And he contacted the operations room to let them know.
- 19 I suppose you knew that by virtue of the fact that you
- 20 were in the vehicle with him and you were moving off?
- 21 A. I was in the vehicle, I wasn't actually aware of the
- 22 phone calls to whom and the content, I am afraid, sir.
- 23 Q. Fine, but the one thing you did know is that you were on
- 24 the move?
- 25 A. Yes, sir.

- 1 Q. We know that must have been somewhere in the region of
2 9.42, there or thereabouts, you travelled down
3 Tulse Hill, and through the one-way system at Brixton,
4 and you then get to the area of Brixton High Street or
5 Brixton Road, as it's called?
- 6 A. Sir.
- 7 Q. Busy area outside Brixton Underground station. We know
8 that a colleague of yours, Lawrence, at some stage got
9 into your vehicle?
- 10 A. Sir.
- 11 Q. Were you aware at the time that during that period, we
12 think it was probably about 9.49 to 9.51, something like
13 that, that Mr de Menezes, the man that you were
14 following, had been on, off and on a bus?
- 15 A. I appreciate your word for that, sir. I can't recall.
- 16 Q. You can't remember that?
- 17 A. No, sir.
- 18 Q. We can get that from other sources of evidence. What
19 you, I think, do have some recollection of is that when
20 Lawrence got back into the car, there was then
21 a conversation involving him and James on the topic of
22 whether they thought it was the man?
- 23 A. Yes, sir.
- 24 Q. Can you recall that James expressed the opinion that he
25 thought it was the man, and that he put his hands over

1 the photograph or suggested that Lawrence put his hands
2 over the photograph?

3 A. I can't remember that, I am afraid, sir, no. I know
4 they were in debate about it but what they were saying,
5 I can't recall.

6 Q. You remember there being a debate?

7 A. Of sorts going on to my side, yes, sir.

8 Q. The topic at least was whether it was the right man?

9 A. Yes, it was an identification issue.

10 Q. Some time thereafter James was involved in telephone
11 calls with the control room?

12 A. Again I am not sure of the sequence of events, but yes,
13 he was on the phone, that's all I can say, sir.

14 Q. I am going to ask you to help us by looking at these
15 telephone records to see if you can assist us on the
16 sequence. If we put the schedule up on the screen we
17 might be able to get some assistance.

18 SIR MICHAEL WRIGHT: Try tab 50 in the jury bundle, because
19 it's in there.

20 MR PENNY: I think, sir, the issue may be the fact that it's
21 in electronic form on the hard drive of the computer.

22 SIR MICHAEL WRIGHT: It's been scanned in.

23 MR PENNY: Yes, if we operate with the camera we will get
24 there. Alternatively if the members of the jury want
25 to, they can look at the hard copy.

- 1 SIR MICHAEL WRIGHT: Yes, tab 50 in your bundle. It's the
2 last big section of tab 50.
- 3 MR PENNY: You have already looked at these, Ken, with
4 Mr Mansfield, but I want to see if we can maybe make
5 some sense of what was going on.
- 6 If we are on page 7, the reason I'm asking you this
7 is because we know that certainly for one telephone
8 call, you were the person using this handset?
- 9 A. Yes, sir.
- 10 Q. When you used the handset, it was off the cradle and you
11 were speaking into it normally?
- 12 A. Yes, sir.
- 13 Q. At other stages, there were hands-free conversations
14 going on?
- 15 A. I can't recall either way, I'm afraid.
- 16 Q. So that the position is this, isn't it, that there is
17 three possibilities: one, James was having a telephone
18 call direct to the operations room, one end of which you
19 would have been aware of at the time. I am not
20 suggesting you remember the detail now, but you would
21 only have been aware of one end of the conversation?
- 22 A. Yes, sir.
- 23 Q. If it was a hands-free call, then you would, presuming
24 the technology was working here both ends --
- 25 A. Depending on what was going on. Potentially, sir, yes.

- 1 Q. -- and that could be James and the surveillance monitor
2 back in the control room and, as far as the later call
3 that we will look at, that's you on one end of the
4 phone, Trojan 84 on the other end of the phone?
- 5 A. Yes, sir.
- 6 Q. So if we look, please, at page 7, can we start at 9.51.
7 About seven or eight lines up from the bottom of the
8 page, can you see there there is a 28-second call from
9 the orange block, S012 operations room?
- 10 A. Yes, sir.
- 11 Q. To James?
- 12 A. Sir.
- 13 Q. That's the handset that you later used. Then if we just
14 follow it down a little bit, 9.52.30, there is that
15 45-second call, where on the face of it this man called
16 McAuley made a call to that phone also?
- 17 A. Sir.
- 18 Q. That means that for 30 seconds, or there or thereabouts
19 at 9.51, the phone, the James handset if you like, was
20 speaking to the operations room; then there appears to
21 have been some contact, you can't recall -- that that
22 phone was involved with, with a man called McAuley from
23 S013. Again you can't help us with that?
- 24 A. No, sir, I am afraid not.
- 25 Q. If we go over the page to page 8, 9.53 we are at now,

1 a 23-second call again from the operations room to that
2 handset. Do you have that?

3 A. Yes, sir.

4 Q. Then about a minute and a half later, there or
5 thereabouts, another call from this man McAuley for, it
6 appears, approaching a minute, 9.54.32. Then at 9.55,
7 there is a call that lasts 28 seconds. It's not clear
8 that the seconds detail is given on the billing for this
9 call, but at some stage between 9.55 and 9.56, there was
10 a 28-second call from the operations room to this
11 handset. Are you with me?

12 A. Yes, sir.

13 Q. The reason I'm pointing that out to you is because
14 James, who was the team leader, tells us or has given
15 evidence that he believes that that is the telephone
16 call in which he gave his response to the percentage
17 question, if I can put it that way?

18 A. I see, sir, yes.

19 Q. It's during the course of that call that James says,
20 "I think it's him".

21 A. Sir.

22 Q. Now, that puts us, if you like, either at the end of
23 9.55 or certainly into 9.56 when the telephone call is
24 ended. If we just follow it down a little bit, you can
25 see the appearance of the green telephone and that's

- 1 Trojan 84. Can we see at 9.56.48 this two and a half
2 minute call which Trojan 84 made to the James handset?
- 3 A. Sir.
- 4 Q. Your recollection is that, no doubt because James was
5 busy, you answered the phone on that occasion and you
6 had this telephone call in which the person to whom you
7 spoke relatively early on in the telephone call
8 identified himself as coming from SO19?
- 9 A. Yes, sir.
- 10 Q. Whatever the detail of what took place over the two and
11 a half minutes, the topic was the location of the
12 subject, that was what the caller was interested in?
- 13 A. There were two issues, sir, as I recall, the location of
14 the bus and --
- 15 Q. Whereabouts on the bus?
- 16 A. Whereabouts on the bus the subject was.
- 17 Q. It's two and a half minutes and you pass on to James the
18 fact that whoever this caller is, is interested in where
19 the subject is; James relays a request for information?
- 20 A. Sir.
- 21 Q. As to where the subject is?
- 22 A. (Witness nods)
- 23 Q. Now, can you recall that at about this time, this
24 general area, Lawrence had been deployed from the
25 vehicle and was trying to get on to the bus?

- 1 A. I believe it's Lawrence's response to the request from
2 James.
- 3 Q. Quite so.
- 4 A. As to the location of the subject within the bus.
- 5 Q. Indeed, and that comes towards the end of the telephone
6 call, because that's when James is able to pass on the
7 information which you have obtained that he is on the
8 top of the bus?
- 9 A. Yes, sir. That's -- I think that follows.
- 10 Q. You passed on the request to James, "Where is he?", and
11 James has made efforts to locate where the man is?
- 12 A. Yes, sir, I think that sounds about right.
- 13 Q. Did you put the phone down, do you remember? Were you
14 on the phone at the end of that telephone call?
- 15 A. The caller hung up, sir.
- 16 Q. Because it's two minutes and 31 seconds, if we do the
17 simple arithmetic, the caller must have hung up at
18 9.59.19, all right?
- 19 A. I --
- 20 Q. Stands to reason?
- 21 A. If these figures are correct, sir, yes.
- 22 Q. Have you any recollection of how long it was after the
23 end of that telephone call before you got out of the
24 car?
- 25 A. No, sir, but a very short space of time.

- 1 Q. The reason I'm asking you this is that James has told us
2 that, at the conclusion of that telephone call with him,
3 he said to you words to the effect, "What was that all
4 about?" and you relayed the fact that it was S019 and
5 they were interested in the man. Does that ring a bell?
- 6 A. I am afraid I can't recall that, no, sir.
- 7 Q. James has given evidence that at the conclusion of this
8 telephone call he broadcast on the Cougar, "S019 are
9 moving through"?
- 10 A. I didn't hear that, I am afraid, sir.
- 11 Q. So perhaps that means if you didn't hear it, you were
12 already out of the car?
- 13 A. Possibly, sir, yes.
- 14 Q. Having been put down, having been deployed.
- 15 A. Sir.
- 16 Q. Certainly you haven't got any recollection of being
17 told, "S019 are moving through"?
- 18 A. No, sir.
- 19 Q. Just looking at the telephone schedule, 9.59.19 is the
20 end of that call made by Trojan 84. If you just cast
21 your eye a little bit further down to the last green
22 call on the page, we can see that that started at
23 9.59.36, and can you see that that call lasted for nine
24 minutes and 14 seconds?
- 25 A. Sir, yes.

- 1 Q. We know or at least the evidence has been given as to
2 the whereabouts of Trojan 84 at the time that that call
3 started. I don't suppose you knew where the S019
4 officers were?
- 5 A. I didn't even know who the officer was, sir.
- 6 Q. Right, but you knew they were S019?
- 7 A. Yes, sir. I didn't know where they were.
- 8 Q. You knew that S019 were armed officers?
- 9 A. Yes, sir.
- 10 Q. You knew the nature of the operation in terms of what
11 the suspect was suspected of having been involved in the
12 previous day?
- 13 A. Yes, sir.
- 14 Q. If we just, as it were, think of what the picture was at
15 the time that you got out of the vehicle and were
16 deployed in the vicinity of the Underground station: you
17 had heard a conversation that had taken place between
18 James and Lawrence on the topic of the identification,
19 and you had heard James, who was the team leader, say
20 what he said over the telephone to S012?
- 21 A. To the control room?
- 22 Q. Yes, forgive me, the S012 operations room, I should have
23 said, to the control room.
- 24 A. Yes, sir.
- 25 Q. Now, I want just to deal with when first you saw the

1 subject coming off the bus, and I want to look, if we
2 may, at some evidence that your colleague Lawrence
3 gave -- because we know he was on the bus -- in the
4 Health and Safety trial.

5 If we could look, please, at the evidence of
6 Lawrence on 9 October 2007, page 159. The passage I am
7 interested in is between line 9 and line 19. Thank you.
8 This is what Lawrence said:

9 "When Mr de Menezes went further down the stairs,
10 I relayed or I notified the team that he was going to
11 get off the bus.

12 "Question: And he did get off the bus?

13 "Answer: He did indeed, my Lord, yes.

14 "Question: What did you do?

15 "Answer: The bus stopped short of the actual stop
16 on that particular road."

17 Do you recall that in terms of where Mr de Menezes
18 got off the bus?

19 A. Short of the bus stand?

20 Q. Short of the bus stand.

21 A. Yes, sir.

22 Q. So somewhere between what we know as Binfield Road and
23 where the bus stop actually is?

24 A. As I recall, the front nose of the bus was towards the
25 stand, but the doors weren't level with it, sir.

1 Q. All right. He goes on:

2 "Mr de Menezes got off the bus. I knew he got off
3 the bus because Ken had put up on the radio that he had
4 Mr de Menezes in sight. I then got off the bus at that
5 stop, just further up the road."

6 So Lawrence at least seems to think that the bus
7 moved before he had got off at the bus stop. That may
8 not matter.

9 The point is this, Ken: when you were deployed on
10 foot, plainly it would appear that you were able to
11 broadcast over the Cougar system?

12 A. Yes, sir.

13 Q. And you were able to describe the movements of the man?

14 A. Yes, sir.

15 Q. Because Lawrence was hearing that. You were describing
16 to those who were listening on the Cougar the reciprocal
17 movement, as you have described it?

18 A. Yes, sir.

19 Q. Back towards the Underground station. Where he was
20 going was information which you thought it significant,
21 important to impart to those who might be listening?

22 A. I transmitted it, sir, because it's continuation of the
23 surveillance commentary.

24 Q. When in fact you were able to look at the subject, you
25 have said that you regarded him as being a good

- 1 possible; do you agree?
- 2 A. I said that I believed he was possibly that of being the
3 subject, yes, sir.
- 4 Q. I think the phrase you used earlier this morning was
5 that he was a "good possible". Would you argue with the
6 phrase "a good possible"?
- 7 A. No, I think that's fair. Based on the photograph
8 though, sir, that we were shown at the briefing, that's
9 my assessment.
- 10 Q. I think you believed that the eyes and nose were very
11 similar?
- 12 A. That was my assessment.
- 13 SIR MICHAEL WRIGHT: "similar" is what he said.
- 14 A. It is in my statement as "very similar", sir.
- 15 MR PENNY: You gave that evidence at the Old Bailey as well?
- 16 A. Yes, sir.
- 17 Q. That the eyes and nose were very similar. To assist
18 you, sir, page 118 of the evidence at the Old Bailey.
19 Of course, you had been present when James had
20 discussed the topic of identification with Lawrence?
- 21 A. I was in the vehicle, yes, sir.
- 22 Q. You had heard what James had conveyed over the radio,
23 forgive me, over the telephone to the operations room?
- 24 A. Yes, sir.
- 25 Q. James was the senior man, was he not?

- 1 A. He was the team leader, sir, yes.
- 2 Q. He was very experienced in the matter of surveillance?
- 3 A. Yes, sir.
- 4 Q. The information which you broadcast was about the
5 movement of this man, not about the identification?
- 6 A. That's correct, sir, yes.
- 7 Q. You did not broadcast this opinion --
- 8 A. My opinion, no, sir.
- 9 Q. -- that the eyes and nose were very similar. Was that
10 because you felt that it was not necessary to make that
11 broadcast?
- 12 A. I assessed that the important communication I needed to
13 transmit was that he was heading towards the area of the
14 tube station, sir.
- 15 Q. About where he was going, not about who he was?
- 16 A. About where he was going rather than his identification,
17 sir.
- 18 MR PENNY: That's all I ask.
- 19 SIR MICHAEL WRIGHT: Thank you.
- 20 MR KING: No questions.
- 21 MS STUDD: No questions.
- 22 SIR MICHAEL WRIGHT: Thank you. Mr Gibbs?
- 23 Questions from MR GIBBS
- 24 MR GIBBS: May we, Ken, go back to map 7, please.
- 25 A. Sir.

1 Q. If it comes up on the screen, we will all be able to
2 follow it.

3 I think the first thing you were asked about this
4 was where the red team were in relation to the premises.

5 A. Sir.

6 Q. What had the locations of the members of the red team
7 got to do with you?

8 A. Nothing, sir.

9 Q. Who was in charge of the locations of the red team?

10 A. That's down to individual officers, sir.

11 Q. Did the red team have a leader?

12 A. They did, yes, sir. I believe his name is Derek.

13 Q. The next thing you were asked about on this map,
14 I think, is you describing the passage of your vehicle,
15 you and James in the same vehicle, along
16 Upper Tulse Hill from left to right. Can you say at
17 what point in the road roughly you passed Mr de Menezes?

18 A. I'm afraid I can't, sir.

19 Q. Would it be to give away how surveillance teams operate
20 if I were to ask you whether two people in a car and the
21 passenger is nearest to the subject, which of the -- how
22 you decide who's going to take the look and under what
23 circumstances?

24 A. I don't think there is any hard and fast rules, sir.

25 Obviously with a log in my hand I should be

- 1 concentrating on that, but there was no predetermined
2 rules about who would have a look at that scenario.
- 3 Q. Can we go, then, next to the moment where you are on
4 the -- do I have this right -- south pavement and you
5 are moving from right to left on the map?
- 6 A. Yes, sir.
- 7 Q. And Mr de Menezes is on the north pavement?
- 8 A. Yes, sir.
- 9 Q. Can you say roughly where you were?
- 10 A. It was towards the eastern end, Ewen Crescent.
- 11 Q. We can remember probably from when we went down to the
12 scene that there is a parade of shops, just a few shops
13 towards the eastern end of Upper Tulse Hill. Was it
14 anywhere near there, that you were?
- 15 A. It was sir, yes, they were to my near side but ahead of
16 me.
- 17 Q. So what sort of distance were you from Mr de Menezes at
18 that stage?
- 19 A. Probably 20 to 30 feet, possibly more.
- 20 Q. What sort of view did you get of him?
- 21 A. I was unable to see his face, unfortunately.
- 22 Q. Why was that?
- 23 A. Because it appeared that he was looking towards the
24 pavement, sir.
- 25 Q. Yes, and I think you were asked that question at the

- 1 Health and Safety trial?
- 2 A. I was, sir, yes.
- 3 Q. And gave that answer. You had had a problem with your
4 radio, with your hand-held, your body set at that stage?
- 5 A. Yes, sir.
- 6 Q. What did you do about it?
- 7 A. I simply replaced the battery.
- 8 Q. You had a spare with you?
- 9 A. Yes, sir.
- 10 Q. So that once the battery was replaced, from then on your
11 body set was fine?
- 12 A. It was in perfect working order, yes, sir.
- 13 Q. You then went where?
- 14 A. I then, once Mr de Menezes had turned left in Tulse Hill
15 and gone to the bus stand, I made my way into Tulse Hill
16 and began to walk northbound.
- 17 Q. Were you then picked up at some point in Tulse Hill by
18 James?
- 19 A. I was. That was after Mr de Menezes had left on the
20 bus, sir, to clarify.
- 21 Q. Can we move next, then, please, to the log, and it's
22 page 456. I am just going to, I think it's very
23 straightforward, if you just identify, is 9.20 your
24 handwriting?
- 25 A. Yes, sir.

- 1 Q. Then 9.39 is James' handwriting?
- 2 A. Yes, sir.
- 3 Q. And then 9.45 is your handwriting?
- 4 A. It is, sir.
- 5 Q. So is the 9.39 written at a time when you are out of the
6 car?
- 7 A. I believe so, yes.
- 8 Q. You get back in and you take over the writing?
- 9 A. Yes, sir.
- 10 Q. You were asked some questions about the "N" in a circle;
11 yes?
- 12 A. Yes, sir.
- 13 Q. Can you look at the 9.39 entry?
- 14 A. Yes, sir.
- 15 Q. James told us about this. Registration plate given,
16 double decker, "N" in a circle:
17 "... in Tulse Hill towards Brixton, PIW-NT on bus
18 all in denim."
- 19 A. Yes, sir.
- 20 Q. Then you pick it up and you say "N wearing", and you
21 don't mean north, you mean the man in the entry above?
- 22 A. Yes, sir.
- 23 Q. But you have not picked up NT or PIW-NT. You have
24 picked up the N. James means north by that. Do you?
- 25 A. No, sir, I mean possible for the subject Nettle Tip.

1 Q. Right. So you have picked up this log, have you, which
2 James has made the last entry in, and when you come to
3 make the entry you start using the "N" in a circle?

4 A. I do, sir, yes.

5 Q. Thank you. Can we then go, please, to your statement,
6 and it may be that this is really the most important
7 thing. I would like page 246, please. We have been
8 looking in some detail and over quite a considerable
9 period of time at the central part of this statement.
10 I'm going to ask, please, the operator to highlight or
11 to, yes, to blow up roughly where it is now, actually,
12 where the cursor is now. Down for three more lines.
13 That's great.

14 You have been taken around this statement and it's
15 been chopped up and we have paused and asked questions
16 and so on. I'm going to ask you now just to read that
17 and anybody else in court can read that as well. Read
18 it to yourself. Then I am going to take it off the
19 screen and I'm going to ask you to tell us what actually
20 happened. But read it first. (Pause). Okay?

21 A. Sir.

22 Q. Okay, let us get rid of that. Now let us find out what
23 you can see. You follow the man down the escalator and
24 halfway down he's begun to run; yes?

25 A. Sir.

- 1 Q. Ivor is ahead of you. You can still see them both?
- 2 A. Yes, sir.
- 3 Q. They turn to the left through the gap in the archway
- 4 there?
- 5 A. Yes, sir.
- 6 Q. Do you lose sight of them?
- 7 A. Yes, sir.
- 8 Q. What's your concern?
- 9 A. That they are going to go without me.
- 10 Q. You come round the corner through the archway; can you
- 11 see them?
- 12 A. Yes, sir.
- 13 Q. Where do they go?
- 14 A. Into the carriage.
- 15 Q. Can you hear something?
- 16 A. Yes, sir.
- 17 Q. What?
- 18 A. The pip alarm.
- 19 Q. What's your concern?
- 20 A. The train's about to leave.
- 21 Q. Do you get on the train?
- 22 A. Yes, sir.
- 23 Q. Where do you go?
- 24 A. I go and sit down.
- 25 Q. What are you looking at?

- 1 A. The tunnel entrance.
- 2 Q. What are you concerned about?
- 3 A. The train leaving.
- 4 Q. Do you see Malcolm?
- 5 A. Yes, sir.
- 6 Q. Which way is he going?
- 7 A. He's coming towards the train.
- 8 Q. Which direction is he going?
- 9 A. He is coming towards the train initially, sir.
- 10 Q. Does he carry on coming towards the train?
- 11 A. He comes on to it, turns round and goes back.
- 12 Q. What's your concern?
- 13 A. That he hasn't seen us.
- 14 Q. Why does that matter?
- 15 A. Because the more the merrier, for want of a better word,
- 16 to maintain control.
- 17 Q. What do you do?
- 18 A. I stand up.
- 19 Q. Did you go to the door?
- 20 A. I did, sir, yes.
- 21 Q. What are you hoping to achieve?
- 22 A. For Malcolm, my colleague, to notice that I am on that
- 23 particular train.
- 24 Q. But can you see him?
- 25 A. No, sir.

- 1 Q. Who do you see next?
- 2 A. Malcolm and a group of males.
- 3 Q. Are they coming towards you?
- 4 A. Yes, sir.
- 5 Q. What do you think's happening?
- 6 A. That someone else is becoming involved in the operation.
- 7 Q. Do they have guns?
- 8 A. Yes, sir.
- 9 Q. Do you go back on to the train? Do you go back away
10 from the doors?
- 11 A. In a short space of time, yes.
- 12 Q. Does a man with a gun come on?
- 13 A. Yes, sir.
- 14 Q. Which direction do you go?
- 15 A. We go to our left.
- 16 Q. You go up the carriage?
- 17 A. Yes, sir.
- 18 Q. Are there people sitting down?
- 19 A. Yes, sir.
- 20 Q. Are you going past them with them on your right and your
21 left?
- 22 A. Yes, sir.
- 23 Q. Are you going towards Mr de Menezes?
- 24 A. Yes, sir.
- 25 Q. Can you see Ivor?

- 1 A. Yes, sir.
- 2 Q. What's he doing?
- 3 A. He's stood up and moved to the doorway.
- 4 Q. What's he do next?
- 5 A. He swings his arm out and shouts, "He's here".
- 6 Q. How close to him are you?
- 7 A. Less than 10 feet, maybe 12.
- 8 Q. Are there other people on the platform?
- 9 A. Yes, sir.
- 10 Q. Are they coming on to the train?
- 11 A. They are heading towards that direction.
- 12 Q. What happens next?
- 13 A. I have heard a shout before this, sir, as well.
- 14 Q. What's happened next?
- 15 A. As they move in, Mr de Menezes has leapt from his seat.
- 16 Q. Right, what's he done?
- 17 A. He's leapt from his seat, sir.
- 18 Q. How do you mean he's leapt from his seat? What can you
- 19 see?
- 20 A. He's lunged forward.
- 21 Q. What does that mean? What does it look like?
- 22 A. He is heading towards the doors, Ivor and the firearms
- 23 officers.
- 24 Q. Is there anything odd about him?
- 25 A. I wasn't --

- 1 Q. Is there anything odd about him?
- 2 A. His hands were in an unusual position.
- 3 Q. What's odd about that?
- 4 A. The way that he used -- he didn't use them to get up.
- 5 Q. What's odd about that?
- 6 A. I would use my arms if I was going to spring forward --
- 7 Q. Were you thinking that at the time?
- 8 A. It was a trigger point that I recall, sir.
- 9 Q. What happened then?
- 10 A. Ivor turned and took hold of Mr de Menezes.
- 11 Q. How long did that all take?
- 12 A. A very short space of time, sir.
- 13 Q. You used the word in your statement "unusual", that
- 14 there was something unusual. What was unusual about
- 15 what happened, apart from the fact that everything that
- 16 day was unusual, what was unusual about what happened
- 17 there in the carriage?
- 18 A. It was the manner in which his hands were in front of
- 19 his body. It just didn't seem like a natural position
- 20 for them to be in for someone moving forward.
- 21 Q. Here's the question, Ken: can you actually say
- 22 specifically what was unusual about it, or simply that
- 23 something about it in that split second was unusual to
- 24 you?
- 25 A. It was unusual to me, sir, yes.

- 1 Q. You were asked some questions about the log afterwards
2 and how it was debriefed?
- 3 A. Yes, sir.
- 4 Q. There is a senior officer called Mr Edser whose
5 statement I think will probably be read in due course,
6 but the suggestion is, I think, that there may be
7 something odd about the way in which the log was
8 debriefed. Just tell us this: normally if you are out
9 with the grey surveillance team on an operation and
10 a log is being kept, will it be debriefed as soon as
11 possible afterwards?
- 12 A. Yes, sir.
- 13 Q. Is that standard surveillance practice and what you like
14 to do as a surveillance team?
- 15 A. Yes, sir.
- 16 Q. Because?
- 17 A. It's good for learning, sir.
- 18 Q. In these circumstances, for entirely understandable
19 reasons, what's called the post-incident procedure
20 kicked in; did you understand that?
- 21 A. Yes, sir.
- 22 Q. Were you given instructions about what you were and what
23 you weren't allowed to do with the log afterwards?
- 24 A. I believe so, sir, yes.
- 25 Q. Were those decisions made at a higher level than

1 yourself?

2 A. Yes, sir.

3 Q. I dare say that you and the other surveillance officers

4 would have liked to sit down there and then and debrief

5 the log?

6 A. Yes, sir, that would have been best practice.

7 Q. But that wasn't how it was to be; am I right?

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

9 Q. So later that evening, permission was granted at some

10 higher level for the log to be debriefed, that is for

11 you all to sit down with the log and make your

12 supplementary entries, in fact under the supervision of

13 Mr Edser; am I right?

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

15 Q. But you were told that you weren't to go into the events

16 in the tube, you weren't to go beyond the surveillance

17 follow?

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

19 Q. Whoever gave that order must have had some sort of

20 reason for it?

21 A. I can't recall it, sir, but yes, I would assume so.

22 Q. I think it's being suggested, it has been suggested,

23 that the evidence that you have given to the jury today

24 may have been affected by you following the evidence of

25 others while they have been in this room. Have you been

1 following the evidence of others?

2 A. No, sir.

3 Q. I think you have had a couple of other life and death
4 situations on your mind over the last few weeks, am
5 I right?

6 A. Yes, sir.

7 SIR MICHAEL WRIGHT: Thank you. Mr Hilliard?

8 MR HILLIARD: No, no questions.

9 SIR MICHAEL WRIGHT: Thank you. That's it as far as you are
10 concerned. You will be free to go.

11 A. Sir.

12 SIR MICHAEL WRIGHT: I am aware of the other matters that
13 have been troubling you and if I may say so, I hope it
14 all goes well.

15 A. Thank you, and may I thank you for the court allowing me
16 time to delay my evidence for that purpose.

17 SIR MICHAEL WRIGHT: We understand the problem. It's
18 perfectly all right. Thank you, ladies and gentlemen,
19 as well. 2.30 on the nail. Monday morning, 10 o'clock,
20 please. Anything to deal with?

21 MR HILLIARD: No, thank you.

22 (2.30 pm)

23 (The court adjourned until 10.00 am on
24 Monday, 3 November 2008)

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