

Monday, 22 September 2008

1

2 (10.00 am)

3

(Proceedings delayed)

4 (10.10 am)

5 SIR MICHAEL WRIGHT: Mr Hilliard?

6 MR HILLIARD: Sir, we have jury selection to complete in

7 a moment, which may take some time, and then your

8 opening address.

9

Before any of that, can I just say this: we are

10 doing what we can to increase the available space in the

11 courtroom. The proposal is that we remove what I will

12 describe as the anonymous witness corridor, and then

13 what we will do is screen off the back of the court

14 entirely when anonymous witnesses are giving evidence,

15 and so avoid the need for the corridor at all.

16

Its removal will provide an extra three or so feet

17 for each row, and we will try and find tables to fit the

18 extra space. The proposal is that we will do no more

19 than the jury view tomorrow, so that we can leave the

20 courtroom free all day for those who have to do the

21 necessary work.

22

It may be that, when we return from the view, if the

23 alterations have been made by then, the lawyers can come

24 into court and see what the set-up will be, so that

25 there is no delay on Wednesday morning when we start the

1 witnesses.

2 That's the first matter. The second matter, just
3 very briefly, the jury bundle. As a result of
4 representations that were very helpfully made by
5 Mr Gibbs, there are just three amendments. Tab 38,
6 page 50, that was a sheet that contained side-by-side
7 photographs. Those have been taken out.

8 SIR MICHAEL WRIGHT: Yes.

9 MR HILLIARD: And reference to it deleted from the index.

10 SIR MICHAEL WRIGHT: Now it's come up on the screen, so it
11 had better be taken off again.

12 MR HILLIARD: That is right.

13 SIR MICHAEL WRIGHT: Thank you.

14 MR HILLIARD: In divider 2, which is the dramatis personae,
15 at page 9, two amendments have been made there. First
16 of all --

17 SIR MICHAEL WRIGHT: Hang on, dramatis personae is not
18 page 9 in mine.

19 MR HILLIARD: Yes, it is; it should be divider 2, page 9,
20 bottom right.

21 SIR MICHAEL WRIGHT: Oh, I see. Yes, what's the entry?

22 I have it, yes.

23 MR HILLIARD: Two amendments, H1, "Geoff. Followed bus
24 from", that's the wrong way round, it should be "Brixton
25 to Stockwell".

1 Then under H3, "Ivor", last sentence there, now
2 reads: "Holding JC when C2 and C12 fired shots".

3 Sir, we are now going to proceed to the conclusion
4 of the jury selection. Can I just say, we understand
5 that one potential juror had particular difficulties
6 which meant she would not have been able to serve in the
7 conditions in which we operate, and as we understand it,
8 you have asked her to stand down already so that her
9 time is not wasted.

10 SIR MICHAEL WRIGHT: That's correct.

11 MR HILLIARD: It means that 21 remain from whom the 11 will
12 be chosen, after they have recorded any difficulties
13 that have occurred to them over the weekend, and after
14 they have seen the photographs and the list of named
15 witnesses.

16 SIR MICHAEL WRIGHT: Thank you very much. Can the panel be
17 brought in, please. (Pause).

18 JURY SELECTION

19 Jury panel enter

20 SIR MICHAEL WRIGHT: Good morning, ladies and gentlemen.

21 First of all, I have to tell you that your number has
22 already been reduced by one, so you are now 21 and not
23 22. One of your number over the weekend mentioned to
24 the members of my team that she has particular personal
25 difficulties which would have made it very difficult, if

1 not impossible, for her to serve in the conditions which
2 you see in this room. So I have determined that it
3 would be only appropriate to release her from further
4 service and to address what I have to say now, the
5 remarks, to the surviving 21.

6 In a moment or two, you are going to be taken back
7 to your jury room and provided with some paper and
8 pencil. I told you that you would have the weekend to
9 consider whether you still felt that you could take on
10 the responsibility and the task, having regard to the
11 time involved of serving on this jury.

12 If you have considered it, and you have thought of
13 something that you wish to draw to my attention, now is
14 your chance; when you go back to your room, make a note
15 and the note will be passed to me.

16 In addition, that you will all be shown a series of
17 photographs of some people, and a list of names of some
18 of the witnesses in the case. If you recognise anybody
19 in the photographs, please note that down on your sheet
20 of paper, including some detail as to how you know that
21 person.

22 You will be asked by my staff to identify which
23 photograph you recognise. If you know anybody on the
24 list of names, please write down that person's name and
25 again give us some detail as to how you know that

1 person.

2 All clear? Thank you very much. Would you like to
3 go back with the jury usher, please, to your jury room.

4 Jury panel exit

5 (10.21 am)

6 (A short break)

7 (11.22 am)

8 SIR MICHAEL WRIGHT: Yes. The first 11, I think,
9 Mr Hilliard.

10 MR HILLIARD: That's right, with the photograph exercise.

11 (Pause).

12 First jury panel enter

13 SIR MICHAEL WRIGHT: Good morning again, ladies and
14 gentlemen. As you were at the top of the draw that we
15 conducted on Friday, you must regard yourselves as the
16 first 11 so far as serving on the jury is concerned.
17 The exercise that I will now ask you to carry out is you
18 will have put before you, one after the other or two at
19 a time, a portfolio containing a number of photographs.
20 I would like you, please, to look at the faces on the
21 photographs, take your time about it. You have paper
22 and pencil there. If you recognise any individual in
23 the photograph, don't say anything, just note the number
24 of the photograph on your sheet of paper, together with
25 a brief detail as you how you know that person, and then

1 pass on.

2 After you have looked through all the photographs,
3 again the same procedure, you will be shown a list of
4 names. Again, if any of those names you recognise, just
5 note the name and brief detail as to how you know that
6 person. Then when we have completed that exercise,
7 hopefully we will be able to get on with the inquest.

8 Is the portfolio here?

9 MR HILLIARD: I think they have seen the list of names
10 already.

11 SIR MICHAEL WRIGHT: I can ask you the question then, of the
12 11 of you: does the list cause any problems? No. Thank
13 you, in that case we can proceed with the photographs.
14 Who has them?

15 Presumably it's 48, is it? 49?

16 MR HILLIARD: 40, we are told.

17 SIR MICHAEL WRIGHT: If you would like to do it two at
18 a time, it's probably quicker. But don't rush it.

19 Photographs shown

20 SIR MICHAEL WRIGHT: The reason we ask you to give the
21 details, as you appreciate, is you may think you
22 recognise a person, and you are wrong, and the detail
23 will tell us whether that is so.

24 Photographs shown

25 SIR MICHAEL WRIGHT: Thank you all very much. Can I ask you

1 MR HOUGH: Juror number 23.

2 Juror sworn

3 SIR MICHAEL WRIGHT: Thank you.

4 MR HOUGH: Juror number 28.

5 Juror sworn

6 SIR MICHAEL WRIGHT: Thank you.

7 MR HOUGH: Juror number 89.

8 Juror sworn

9 SIR MICHAEL WRIGHT: Thank you.

10 MR HOUGH: And finally juror number 53.

11 Juror sworn

12 SIR MICHAEL WRIGHT: Thank you. Members of the jury, are
13 you all sworn?

14 The Coroner's opening address

15 SIR MICHAEL WRIGHT: Ladies and gentlemen, the person into
16 whose death we are all here to inquire was Jean Charles
17 de Menezes, a Brazilian citizen, who was aged 27 when he
18 died. He met his death at about six minutes past 10 on
19 the morning of 22 July 2005, in an underground train
20 which was at that time stationary at platform 2 of
21 Stockwell underground station.

22 He died because he was shot by two specialist
23 firearms officers of the Metropolitan Police. According
24 to them, they shot him because they believed that he was
25 a suicide bomber, capable of detonating and intending to

1 detonate an improvised explosive device within the
2 underground system. It must be stated at the outset of
3 this inquest, with the greatest possible emphasis that
4 in truth, Mr de Menezes was in no way associated with
5 bombs, explosions or any form of terrorism.

6 Now, that statement is, in a nutshell, the briefest
7 possible summary of the matter into which this inquest
8 is to be held. I am going to develop this summary very
9 considerably over the next couple of hours.

10 First of all, I should explain the reasons why we
11 are all here. For centuries, English law has required
12 that a Coroner must investigate the circumstances of any
13 violent or unnatural death which occurs within his
14 district, and I have been appointed as the Coroner to
15 fulfil that function in respect of this particular
16 death.

17 Subject to certain exceptions, a Coroner must hold
18 an inquest; an inquest is a fact-finding inquiry. Where
19 such a death occurs at the hands of the police, as here,
20 the law further requires that in any inquest the Coroner
21 must sit with a jury, and the jury will determine the
22 facts. That is why you are here.

23 It is for you, the jury, to determine the facts of
24 this fatality, and that task will be yours, and yours
25 alone. No-one else can tell you what to decide,

1 although in due course I will do what I can to assist
2 you by summarising the evidence which we have heard and
3 also to take my responsibility, which is to direct you
4 as to the law, and the directions as to the law you must
5 accept from me.

6 You will have to decide four important but strictly
7 limited factual questions. The first three are
8 relatively straightforward: who the deceased person was,
9 when and where he died. Those are questions which are
10 unlikely to cause you any significant difficulty, indeed
11 I offer no apologies, but you will have noticed I have
12 already presumed to tell you what the answers are.

13 It's the fourth question that is a much wider one,
14 and that is the question of how Mr de Menezes came by
15 his death. In other words, it will be for you to
16 determine by what means and in what circumstances
17 Mr de Menezes came by his death. I'll give you detailed
18 directions about how to approach this question after all
19 the evidence has been heard and you come to consider
20 your conclusions, and your conclusions will be your
21 answers to those four questions.

22 I should make it plain at the outset and to stress
23 that this inquest and your conclusions will be concerned
24 with the death of Mr de Menezes, and not what happened
25 afterwards. There have been inquiries concerned with

1 how official bodies dealt with the aftermath of that
2 death, but we are not concerned with that. We shall
3 only look at the aftermath of Mr de Menezes's death,
4 insofar as that may cast a light on the evidence that
5 you will hear about the circumstances of his death.

6 Your verdict must be based on the evidence that you
7 have heard in the course of the hearings in this
8 inquest, and on no other material. I spent a little
9 time on Friday addressing you about limiting your
10 determination to the evidence that you have heard and
11 I make no excuse for going through it again this
12 morning.

13 The death of Mr de Menezes unsurprisingly attracted
14 great public attention. It became the subject of much
15 media comment and speculation, some of it very
16 inaccurate. It will be unrealistic to suppose that some
17 or indeed all of you didn't read or see in the aftermath
18 of those events newspaper and television reports,
19 articles relating not only to the circumstances of
20 Mr de Menezes's death but also to the other events which
21 occurred in the first three weeks of July 2005. That's
22 a slightly oblique reference, the significance will
23 I hope become rather clearer as this opening proceeds.

24 What I have to say to you now is that, as I said to
25 you on Friday, you must put out of your mind anything

1 that you may have read or seen or picked up from the
2 publicity that these matters have received, and you must
3 concentrate exclusively on the evidence that you will
4 hear during the course of this inquest. As I said to
5 you on Friday, you should under no circumstances do any
6 private research on any matter relevant to this inquest
7 now that you are part of the jury.

8 Don't go to the internet to seek out any old
9 articles or commentary about these events; don't ask
10 your friends and acquaintances what they can remember
11 about the events of July 2005, don't ask for their
12 opinions or views about those matters; don't visit any
13 the locations referred to in the course of the evidence
14 that you will hear in the hope of gaining any additional
15 information.

16 The importance of following these directions I hope
17 is clear. If you read or see anything relevant to these
18 issues otherwise than in these inquest proceedings, and
19 seek to take them into account what you will be doing is
20 using material not based on the evidence but which comes
21 from elsewhere, material which has not been given on
22 oath or by affirmation and which has not been tested and
23 probed and examined and re-examined by counsel in the
24 course of the hearings.

25 Everyone is agreed that there is an awful lot of

1 inaccurate information and speculation in the public
2 domain. Indeed, in order to ensure that you do have all
3 that you need, I have arranged that tomorrow morning you
4 are going to be taken by bus on a tour of all the
5 relevant locations that you will be concerned with in
6 this inquest, and that will assist you in following the
7 evidence that you are going to hear.

8 If I go back to my topic for a moment, I don't doubt
9 that when you get home, the family will all want to know
10 what you have been doing, they will all be agog to know
11 what you have heard. Don't tell them, don't let them
12 talk to you about it. Wherever you are, avoid getting
13 drawn into discussions with them, because they, unlike
14 you, will not have heard the evidence.

15 I fully appreciate that it may not be easy for you
16 to follow this advice because the proceedings that we
17 are about to embark upon are likely to be the subject of
18 extensive media coverage, but you must follow that
19 advice. As the inquest goes on, juries are always
20 routinely advised not to read newspaper reports or look
21 at television news reports about this hearing as it
22 progresses. And I fully realise that that may prove
23 almost impossible over the period that this case is
24 likely to last; but again, let me explain the reason why
25 I urge that upon you.

1 Editors of television news and newspaper reports
2 have constraints with time and space. Fair and accurate
3 reports of proceedings in court are a cornerstone of our
4 democratic society but only some of the day's
5 proceedings can ever appear in a report in a newspaper
6 that night or the following morning. No doubt, the
7 report is limited to that part which appears to the
8 editor to be the most newsworthy. Accordingly, if you
9 do see reports on television or in the newspapers, try
10 to look past them, try to resist the temptation, but
11 please do not put anything that you do read out of your
12 mind, just as you must with anything else that you may
13 have seen or heard or read about the case outside the
14 confines of this building and the proceedings in this
15 inquest.

16 I should give you another warning at the outset: on
17 rare occasions something happens in the course of the
18 proceedings which troubles a juror, either in the jury
19 room or elsewhere. It may be that somebody will start
20 to badger you, to try to make you tell them what has
21 been going on in this inquest. If anything of that kind
22 does occur to any of you, you should write me a note,
23 pass it to your jury bailiff and it will get to me, but
24 please do it straightaway, because if any problem arises
25 that is worrying you and you don't tell me about it then

1 and there, then it may become too late to do anything
2 about it. All right? Thank you.

3 You will have noticed that I have so far used the
4 word "inquest" and "inquiry", and that is something that
5 you need to appreciate from the very outset. This is
6 an investigation. It is not a criminal trial, or indeed
7 any sort of trial. Nobody here is charged with any
8 criminal offence. The procedure at an inquest is
9 entirely different from that at a criminal trial.
10 A criminal trial is of what we call an adversarial
11 nature, that is to say on one side, the prosecution
12 seeks to establish on the appropriate basis of proof the
13 guilt of a defendant. On the other side, the defence
14 seek to repudiate such a conclusion, and it is a process
15 of an entirely adversarial nature.

16 A trial in a civil action is similar in its
17 structure, where the question that is being determined
18 is liability for damage or injury. An inquest is
19 entirely different; it is an inquiry, where the court --
20 that means you and me -- is trying to find out what
21 happened. There is no prosecution, there is no defence,
22 there is just a search for the truth. This state of
23 affairs is emphasised by a specific provision in the
24 Coroners' Rules which forbids a jury from framing its
25 verdict in any way as to appear to determine any

1 question of criminal liability on the part of a named
2 person, or any question of civil liability at all.

3 I have already indicated that your function is to
4 answer four questions: who the deceased was, where, when
5 and how he came by his death. Accordingly, as I have
6 said, there is no prosecutor, and there is no defendant
7 in the proceedings. You may wonder why this large
8 collection of ladies and gentlemen appear. You may
9 wonder what they are doing. The answer is that in
10 an inquest, the law provides that those who fall within
11 the description of a properly interested person may
12 participate in the proceedings, again with the same
13 purpose of establishing the truth, and question
14 witnesses. All the properly interested persons who have
15 asked to appear in these proceedings are doing so. All
16 are represented by solicitors and counsel, who I'll
17 introduce to you in a moment.

18 In the ordinary routine kind of an inquest, the kind
19 of inquest that may be over in a day or so, it is the
20 Coroner who calls the witnesses and conducts the
21 proceedings, and that remains my responsibility in this
22 inquest, but because it is a heavy, serious, complicated
23 and I have to say lengthy nature, I am going to be
24 assisted by solicitors and counsel to the inquest.
25 I shall call each and every one of the witnesses, whom

1 you will hear, and counsel to the inquest will ask
2 questions first. That again is a distinction and
3 a difference between an inquest and a criminal trial.
4 Nobody is prosecuting. My counsel will start the
5 questioning proceedings, as I say, seeking to establish
6 the truth of what happened.

7 Thereafter, those representing the various
8 interested parties will be concerned to ask questions
9 and to elicit evidence in the interests of their
10 respective clients in mind. It will be my task -- and
11 for that I have the assistance of my own solicitors and
12 counsel, as I have told you -- to ensure that all the
13 relevant evidence is laid before you in as complete and
14 dispassionate a manner as possible, and so both I and my
15 counsel will try to ensure that all points which should
16 be explored are explored.

17 Well, now I had better tell you who they all are.
18 Can I introduce you please to counsel to the various
19 parties and if, ladies and gentlemen, you don't mind
20 standing up when you get named.

21 First of all, those in the front row. Counsel to
22 the inquest are Nicholas Hilliard QC and Jonathan Hough.
23 Thank you.

24 The de Menezes family are represented by
25 Michael Mansfield QC and Henrietta Hill.

1 The Metropolitan Police Service, usually described
2 as the MPS, is represented by Richard Horwell QC and
3 Anne Studd. Thank you.

4 The solicitors for those three teams, I don't think
5 you all need stand up at once, are in the next row
6 behind the counsel in the front row.

7 Next in the third row, the two firearms officers who
8 shot Mr de Menezes are represented by Ian Stern QC, and
9 Sandesh Singh. Thank you.

10 The remaining officers of the Specialist Firearms
11 Department of the MPS are represented by Samantha Leek.
12 Thank you.

13 The surveillance officers of the Special Branch are
14 represented by Patrick Gibbs QC and Hugh Davies.

15 Certain senior police officers, including Deputy
16 Assistant Commissioner Dick, Deputy Assistant
17 Commissioner McDowell and Deputy Chief Inspector Purser
18 are represented by David Perry QC, Duncan Penny, and
19 Miranda Hill. I think that's the lot.

20 The procedure we shall follow is this: as I have
21 said, it's for me to call all witnesses who will appear
22 before you, or whose evidence will be read to you. The
23 people whose evidence will be read to you are people
24 whose evidence is not controversial and is not going to
25 be the subject of any cross-examination or examination,

1 and although that witness doesn't appear before you it's
2 obviously much more convenient that if their attendance
3 isn't required, that the evidence can be read and you
4 may take that evidence as being as good and sound as
5 though it had actually been given from the witness box.

6 The decision as to which witnesses should be called
7 is mine, although I have considered and taken into
8 account the suggestions of the various interested
9 persons. With the assistance of counsel to the inquest,
10 each witness will be examined as to the matters in
11 issue, but all such examination is conducted under my
12 control. From time to time, I may and probably will
13 intervene to ask questions myself.

14 The interested persons, by their representatives,
15 whom you have just met, are entitled to ask questions of
16 witnesses that I consider to be relevant and proper.
17 That means questions that are appropriate to the
18 inquisitorial, the fact-finding nature, of these
19 proceedings, and do not become adversarial. I know full
20 well that I can rely upon the counsel who appear before
21 you, instructed by the various parties, to bear this
22 consideration in mind when framing the content of their
23 questions and also of course the tone in which those
24 questions are asked.

25 A large number of witnesses will have to be called

1 before you in this inquest and accordingly it is
2 essential that there be economy and restraint in the
3 questioning of the various witnesses. I am glad to say
4 that I have the agreement of all the interested parties
5 that the maximum time that this inquest should need to
6 last, in fairness to everyone, not least yourselves, is
7 12 weeks. The timetable for the witnesses has been
8 planned with that timescale in mind. Everyone accepts
9 that 12 weeks is sufficient to have a very full and
10 thorough examination of the facts; indeed I remain
11 optimistic that as we progress it may be possible to
12 shrink the timescale at any rate a little bit.

13 As I mentioned last week, ordinarily we shall not
14 hear evidence on Friday, so you will normally get
15 Fridays off. We shall use Fridays to deal with
16 administrative matters and matters of law so that time
17 is not lost on other days. But it may occasionally be
18 necessary for you to come in on a Friday if time is
19 needed to complete the evidence of witnesses. I will of
20 course give you as much notice as possible if we are
21 going to have to call you in on a Friday so that you can
22 make plans accordingly.

23 We have had this morning a rather slow start,
24 nobody's fault, there were various technical
25 difficulties and so as I said to you on Friday, I think

1 it would be helpful if you could keep this Friday clear.
2 I hope we don't need to use you but it may be that you
3 will have to come in. Overall, as I said to you last
4 week, it would be wise to avoid any substantial
5 commitments before Christmas.

6 I readily understand that unexpected things may
7 happen in your lives from time to time between now and
8 Christmas. If something pops up that's going to cause
9 a problem, please don't sit on it, don't hesitate, tell
10 me at once, and I can assure you that we will do our
11 utmost to help you work around any interruptions that
12 may otherwise be unavoidable.

13 With a hearing of such length, there will obviously
14 be periods of time when you will be away from the court.
15 You are, believe it or not, allowed to go home. Of
16 course, you will be taking time out for refreshment or
17 when matters of law are being discussed which don't
18 concern you, which concern only myself and counsel.
19 When you are out of this courtroom, you should be very
20 careful to discuss the evidence that you have heard --
21 if at all, I don't encourage you, but if at all -- only
22 when you are all together and in the privacy of your
23 jury room. Don't do it anywhere else. You must be
24 particularly careful not to discuss any such matters in
25 situations where you are liable to be overheard by

1 anybody else.

2 As I said, the procedure is that when each witness
3 gives evidence, he will first be questioned by one of my
4 team. Then the interested persons, through their
5 counsel, will have an opportunity to ask questions.
6 Finally, if any points need to be cleared up, then any
7 further questions can be asked by my counsel or by
8 myself. If any matter arises which you think is
9 important that has not been dealt with in the course of
10 the questioning, you may also ask questions of the
11 witnesses through me. Frankly, I don't expect you will
12 have much need to do so because the serried ranks of
13 experienced counsel who appear here today are such that
14 I would have expected them to have asked any and all
15 relevant questions before the witness is finally ready
16 to leave the box. However, if there is a question that
17 you wish to ask, don't hesitate but please put it in
18 a note which will be passed up to me by the usher and
19 then I will consider it and because it is my
20 responsibility, it remains for me to decide whether the
21 question should or should not be asked.

22 Before I turn to an outline of the facts that you
23 are going to consider, I should perhaps say one word
24 about the length of time that it has taken this inquest
25 to be brought on, because there has been some uninformed

1 criticism of the apparent delay.

2 First of all, whenever a fatality occurs as a result
3 of police activity, such as for example a road accident
4 in which a police car is involved, the Independent
5 Police Complaints Commission is required by statute to
6 investigate and report into the circumstances of such
7 a fatality. The obligations of the IPCC under the
8 statute are first of all to advise the Director of
9 Public Prosecutions and the Crown Prosecution Service of
10 any apparent criminal offences that may have been
11 committed, and to provide those bodies with the evidence
12 necessary for them to come to their conclusion about any
13 prosecution.

14 Secondly, to enable the relevant police authorities,
15 in this case the MPS, the Metropolitan Police Service,
16 and the Metropolitan Police Authority, to consider what
17 action they may need to take in relation to disciplinary
18 or similar matters; and finally to assist the Coroner in
19 relation to any inquest that may have to be held.

20 The IPCC commenced its investigation five days after
21 Mr de Menezes's death. They started on 27 July 2005.
22 They presented their main investigation report to the
23 Crown Prosecution Service and the Director of Public
24 Prosecutions on 19 January 2006. It was then for those
25 prosecuting authorities to decide what, if any, criminal

1 prosecutions should be brought.

2 On 17 July 2006, the Crown Prosecution Service
3 decided and published its decision that no individual
4 should face criminal proceedings, but that the office of
5 the Commissioner of the Metropolis as a corporate body,
6 should face a criminal charge of breaching the Health
7 and Safety at Work Act 1974.

8 The charge laid, and I'll read you the exact
9 wording, was to the effect that the Office of the
10 Commissioner "failed to conduct ... the investigation
11 and surveillance of a location believed to be connected
12 with a suspected suicide bomber, and the planning and
13 implementation of the surveillance, pursuit, arrest and
14 detention of a suspected suicide bomber, and the
15 preferential of a suicide bombing, in such a way as to
16 ensure that persons not in its employment, namely
17 members of the public including Jean Charles de Menezes,
18 was not exposed to risks to their health and safety, in
19 contravention of the duty imposed by" the relevant
20 section of the 1974 Act.

21 A substantial criminal prosecution of this nature
22 requires a very considerable period of preparation, both
23 on the part of the prosecution and on the part of the
24 defence. So that the matter only came to trial in the
25 autumn of last year, 2007, at the Central Criminal Court

1 at the Old Bailey before a High Court judge and a jury.

2 That trial concluded on 1 November 2007 with
3 a guilty verdict, and the Office of the Commissioner was
4 made the subject of a substantial financial penalty.
5 The jury in the trial also added a rider exonerating
6 Commander Cressida Dick from any fault.

7 It was not until the criminal prosecution had been
8 concluded that preparations for this inquest could
9 commence, and with the mass of documentation that had to
10 be considered, we have not done, I think, too badly to
11 get the matter before you in September the following
12 year.

13 In the course of this inquiry, you may well hear
14 something of the contents of the IPCC investigation, and
15 you may well also hear something of the evidence that
16 was put before the jury at the criminal trial. But you
17 will appreciate that that trial had a different purpose
18 from that of this inquest. The trial was concerned with
19 deciding whether or not the Metropolitan Police had
20 planned and executed an operation in such a way as to
21 minimise risks to the public. This inquest will
22 investigate the full circumstances of the death of
23 Mr de Menezes. While we shall hear from many witnesses
24 who gave evidence at the trial, we shall also hear from
25 quite a number who did not.

1 In any event, the facts and what you make of the
2 evidence that you hear in this inquest are for you and
3 you alone. As I have already said, this is a fresh
4 approach; no-one can tell you what to decide.

5 Now, at long last I am going to embark on a review
6 of the background facts. My purpose is to assist you in
7 following the evidence as it is laid before you and to
8 help you to understand the issues as they are developed.
9 In order to do so, I shall of course be relying on the
10 evidence of particular witnesses based on the formal
11 statements and the other accounts that they may have
12 given in the past.

13 However, you should bear in mind two points. First,
14 what follows is an outline only. The evidence that you
15 will hear will be much more detailed. Secondly, it is
16 possible that some witnesses may in due course give
17 evidence which differs from what they have previously
18 said. Memory fails, apart from anything else. And
19 accordingly, what they say from the witness box may
20 differ in detail from the outline that I shall be giving
21 to you now. You must base your conclusions on the
22 evidence that you hear from the witness box or from the
23 statements that are read or summarised to you. What is
24 crucial is the view you form of the individual witnesses
25 whom you hear. You must therefore consider how far you

1 find such material to be accurate and reliable. I am
2 conscious that I am about to give you a large amount of
3 information about people and events which will be
4 entirely new to you, and I'm going to take it quite
5 slowly.

6 Don't worry about trying to remember it all. No-one
7 expects you to be able to do that. Rest assured that it
8 will become all very familiar to you as the days pass.

9 Now, jury bundles.

10 MR HOUGH: Sir, I think it's one between two.

11 SIR MICHAEL WRIGHT: One person will have the luxury of one
12 to him or herself. (Handed)

13 Now, these are yours. You will be free -- you have,
14 I know, paper and pencil -- to mark as you wish. It
15 would probably be sensible if you mark on the cover in
16 some way to identify which pair of you has got each
17 bundle so you can make sure you get the same ones back
18 when you come back.

19 Now, resist the temptation to dive in. What you
20 will find in there at the moment are a number of
21 documents, plans and photographs which I am going to
22 take you through in due course, as I explain the factual
23 background. As the inquest proceeds, new documents will
24 be added to your bundles and I'll tell you when that is
25 to be done.

1 Now, before I begin the factual background, I should
2 say something about the structure of the
3 Metropolitan Police. Now you can open the bundle. If
4 you go to divider 2, you will see a document which helps
5 you with this, and it also contains a list of the names
6 of the key officers involved in the case.

7 The Metropolitan Police has a number of specialist
8 operations divisions which are designated by the
9 abbreviation SO followed by a number. In 2005, SO13 was
10 the Anti-Terrorist Branch which contained officers of
11 all ranks who specialised in anti-terrorist operations.

12 SO12 was Special Branch and within that branch were
13 officers who were specially trained and experienced in
14 covert or undercover surveillance of suspected
15 criminals. These surveillance officers, about whom you
16 will hear, came from SO12.

17 CO19, next down the page, was the Specialist
18 Firearms Command division. It was called SO19 before
19 April 2005, but they changed the name and you may hear
20 evidence or see documents which refer to it by that
21 name.

22 Can I just ask, stopping there, is it too hot or too
23 cold in here? Too cold; I thought it might be. We will
24 do something about it.

25 The most highly trained officers in CO19 are the

1 SFOs, specialist firearms officers, and they are
2 officers who normally wear plain clothes and are called
3 in to deal with serious incidents. The firearms
4 officers about whom you will hear were SFOs from CO19.
5 You will become very familiar with all these
6 abbreviations as the days go by; don't worry, you will
7 be hearing them over and over again.

8 If you turn to the next page, you will see the rank
9 structure of the senior Metropolitan Police Service
10 officers. Starting with the commissioner, below him the
11 deputy commissioner, and then as the triangle widens,
12 the assistant commissioners, deputy assistant
13 commissioners and commanders. They are officers whose
14 ranks put them into the membership of what is known as
15 ACPO, the Association of Chief Police Officers.

16 Below them come the other ranks, starting at
17 Detective Chief Superintendent, DCS, or Chief
18 Superintendent, Detective Superintendent or
19 Superintendent, Detective Chief Inspector, DCI, Chief
20 Inspector, CI, inspector of both branches, sergeant and
21 constable.

22 At the bottom, you will see the expression DSO, that
23 is the abbreviation for the Designated Senior Officer,
24 it's not any particular officer or any particular rank
25 and the significance of the title you will explore or we

1 will explore together as we go through the evidence.

2 I should also tell you that the Metropolitan Police
3 generally operates a gold, silver and bronze command
4 structure for something operations such as the one that
5 took place on 21 and 22 July 2005. A senior officer is
6 designated as the Gold Commander, and he is in overall
7 command and he formulates the overall strategy for the
8 operation to follow.

9 Beneath him is a Silver Commander, usually called
10 "Silver", who devises the tactics which will follow that
11 strategy.

12 Beneath him is the Bronze Commander who directs
13 officers on the ground and implements the tactics which
14 have been set by Silver. You will be able to assess
15 from the evidence that you hear how this particular
16 structure was applied to the operation that was adopted
17 in the circumstances of this particular case.

18 I should also say something about anonymous
19 witnesses. The police operation with which we are
20 concerned involved a number of officers who were and in
21 most cases still are involved in covert undercover work
22 against terrorists and organised criminals. In the
23 criminal trial last year, a number of officers gave
24 evidence under pseudonyms, "Frank" or "Edward" or
25 something of that kind. A number of others who did not

1 give evidence were referred to by code letters and
2 numbers such as "Charlie 2" or "Hotel 11".

3 Before the trial, applications had been made for the
4 identities of those officers to be protected, for the
5 following main reasons: first, if their identities were
6 revealed, their ability to do undercover work in the
7 future would or could be compromised and the police
8 might lose the services of some very experienced and
9 valuable officers. Secondly, the officers themselves
10 were genuinely fearful that they or their families might
11 become subject to unwanted attention, or even reprisals,
12 if their identities became known to the criminal and
13 terrorist groups against whom they are working.

14 The learned trial judge, Mr Justice Henriques
15 considered those applications carefully and granted
16 them. In the preparations for this inquest, most of the
17 officers, not all in fact but most of the officers whose
18 identities had been protected in the criminal trial made
19 the same application to me. I asked for evidence,
20 I considered the arguments and the evidence about these
21 matters carefully, and I came to the conclusion that it
22 would be proper that 48 officers should have their
23 identities protected.

24 As a result, you will hear some officers referred to
25 by a pseudonym, Fred or Frank or whatever the case may

1 be, and others by a codename such as Charlie 2. The
2 only significance in the difference between the two is
3 that the person who was warned to give evidence at the
4 criminal trial got a pseudonym, simply so that the jury
5 in the criminal trial would find it easier to remember
6 who each individual was. Anybody who didn't give
7 evidence at the criminal trial is still labelled by
8 their code letter and number.

9 When an anonymous witness of this kind is called to
10 give evidence, he will give evidence from a screen, and
11 the screen in fact is going to be across the middle of
12 this room. The result, therefore, is that you, the
13 jury, will see the witnesses, so will I, all the lawyers
14 will see the witnesses, and the de Menezes family, who
15 are here, will also be in a position where they can see
16 the anonymous witnesses giving evidence.

17 The press and the wider public will not see them,
18 and although the proceedings in this room are being
19 televised to an annex for any overflow people who attend
20 the hearing, they also will not be able to see the
21 witnesses. It will be a contempt of court for anyone to
22 publish any material seeking to identify any anonymous
23 witness.

24 I'll come now to the facts. I need to explain quite
25 a lot about the police operation before I come to

1 Mr de Menezes himself. Would you turn back to divider 1
2 of your bundle. There you will see a timeline. The
3 accuracy of this document is agreed by everybody. You
4 might care to keep this open in front of you, because it
5 will contain some of the information that I am going to
6 give you, and you can follow it, as it were, as the time
7 progresses down the left-hand column.

8 On the morning of 7 July, four explosions occurred
9 in the London transport system. Three were on
10 underground trains, at Russell Square, at Aldgate and
11 the Edgware Road. One was on a bus in Tavistock Place.
12 As a result of these explosions, 52 innocent people lost
13 their lives, and many others were seriously injured.
14 These explosions have since universally become known as
15 the 7/7 bombings. I have no doubt that's how they will
16 be referred to throughout the course of this inquest.

17 Police investigations quickly established that the
18 explosions had been caused by the activities of four
19 suicide bombers. Subsequent investigations revealed
20 that the four bombers had travelled from Luton to
21 King's Cross on a Thameslink train and all four were
22 recorded on closed circuit television at Luton and at
23 King's Cross.

24 It was discovered that they had left a vehicle
25 parked at Luton railway station, and that vehicle, when

1 it was investigated, was found to contain a quantity of
2 explosives and shrapnel, things like nails and ball
3 bearings.

4 It was apparent that all four suicide bombers had
5 indeed died in the 7/7 bombings but a major police
6 investigation was launched in order to establish the
7 identities of any other people who might be connected
8 with these explosions.

9 This was the first occasion upon which this country
10 had ever been exposed to the hazard of suicide bombing.
11 There had been of course as you know suicide bombings in
12 America and you may remember in Madrid, but never before
13 in this country.

14 The anxiety and tension among members of the public
15 here rose to a marked degree. There were many reports
16 of unidentified packages being left in public areas,
17 police activity was greatly intensified in a attempt not
18 only to identify any other persons who might have been
19 involved in these outrages but also, so far as possible,
20 to ensure that there could be no repetition.

21 The police intelligence assessment of the level of
22 threat posed to the United Kingdom from international
23 terrorism was raised to the very highest level -- it's
24 usually called critical -- and that is to say the
25 assessment was that a further attack was to be expected

1 within a matter of days. That turned out to be right.

2 Fourteen days later, on 21 July, at about midday,
3 an almost identical attack upon the London transport
4 system was attempted again. Explosive devices were
5 found at Warren Street, at the Oval and Shepherd's Bush
6 underground stations, and a further device was found on
7 a bus in Hackney; three underground trains and a bus.
8 One more device in fact was discovered near
9 Wormwood Scrubs prison. It seemed clear that the four
10 bombs discovered on the tube and the bus were intended
11 to be detonated by suicide bombers and indeed that such
12 persons had made attempts to detonate them, but those
13 attempts failed because there was some design fault in
14 the actual bombs themselves.

15 You may well feel able to conclude -- although it's
16 a matter for you to decide -- because, as I say, it's
17 for you to decide what the facts support, you may feel
18 able to conclude that the pressure on the police
19 officers charged with the responsibility of
20 investigating and tracing the persons responsible for
21 this series of attempted bombings was substantially
22 increased by the clear indication and fear that what had
23 occurred might be the first and second of a series of
24 similar attacks.

25 The police operation that was set up to investigate

1 and track down those responsible for the attacks on
2 21 July, that is to say the attempted attacks, and to
3 seek to ensure that there would be no recurrence, was
4 known as Operation Theseus 2. Don't ask me how they
5 arrive at the codenames for these operations, I can't
6 tell you.

7 The officer placed in overall command of this
8 operation was Commander John McDowell, as he then was,
9 of Metropolitan Police S013 Anti-Terrorist Command. He
10 took charge on the afternoon of 21 July. Investigations
11 into the contents of the bags that were abandoned on the
12 underground trains and the bus revealed that they
13 contained viable devices, that is to say they were
14 capable of forming bombs, and appeared to be based on
15 peroxide type explosives. This raised fears of links
16 between these bombs and the apparently similar contents
17 of the bombs that had gone off in the 7/7 attacks.

18 Furthermore, the devices recovered on the 21 July
19 were similar to each other in nature and construction,
20 indicating a likely link between the four, and again
21 increasing the fear that this was intended to be
22 a planned series of attacks.

23 In the afternoon and evening of 21 July, the
24 Metropolitan Police commenced a massive trawl of closed
25 circuit television footage and other evidence in

1 an attempt to identify the suspects; in other words, the
2 people who had attempted to set these bombs off, and had
3 escaped.

4 The senior investigating officer who was responsible
5 for the hunt of the 7 July bombers or at any rate their
6 associates was Detective Superintendent Jon Boucher of
7 S013 Anti-Terrorist Branch and during the afternoon and
8 evening of 21 July he arranged for teams of specialist
9 firearms officers from C019 to be "stood up" for
10 deployment, ready for use, in other words, and for teams
11 of surveillance officers from the Special Branch, S012,
12 to be made available in the light of the developments
13 that had recently occurred.

14 The four would-be suicide bombers had fled when
15 their bombs failed to explode, leaving the rucksacks
16 containing the explosives behind. The rucksack that was
17 abandoned at Shepherd's Bush underground station
18 contained a membership card belonging to a gymnasium in
19 south London in the name of Hussain Osman, together with
20 in the card or on the card an identification photograph
21 which appeared to be a good likeness to a man who had
22 been caught on closed circuit television at
23 Shepherd's Bush underground station and who appeared to
24 be connected with the bomb.

25 Enquiries were made of the gymnasium and they

1 revealed the information that this man, Hussain Osman,
2 had given as his address 21 Scotia Road, London SW2,
3 which is in the Tulse Hill area. The gym records also
4 revealed that that address was shared by a man called
5 Abdi Omar, a name that was already of interest to the
6 Metropolitan Police, and indeed, as the investigations
7 developed, which all happened very quickly, Omar became
8 a suspect in relation to the attempt to explode a bomb
9 at the Oval underground station.

10 Further enquiries of official records also revealed
11 another possible address for Omar, which was in
12 Portnall Road in West London. Omar also appeared to be
13 connected to a black Nissan Primera motor car which was
14 registered in his name. When the intelligence, the
15 information about Osman and Scotia Road was communicated
16 to Commander McDowell, he took the decision at about
17 4.55 on the morning of the 22 July, that a surveillance
18 operation should be mounted around the Scotia Road
19 address. He set down the strategy for this operation,
20 which you will see recorded in a number of documents.

21 The strategy was to control the premises through
22 covert surveillance, to follow any subjects leaving the
23 premises until it was safe to challenge them, and then
24 stop them. A unit of firearms officers from CO19 was to
25 be in attendance at the scene. The overall aim was to

1 build up an intelligence picture to try to establish
2 whether the two alleged terrorists were present in the
3 flat, and if they came out, to arrest them safely.

4 As the overall commander of the operation, Mr
5 McDowall was designated as the Gold Commander. He
6 appointed two senior officers to act as his frontline
7 commanders on the ground for the purposes of the
8 surveillance operations on each of the suspect premises.
9 These officers bore the title Silver Commander,
10 sometimes usually just silver. The one we are concerned
11 with is the Silver Commander for the Scotia Road
12 address, and he was Detective Chief Inspector Purser,
13 Greg Purser.

14 I'll come to the point where the surveillance
15 operations were set up. That might be a convenient
16 point to break off. Can you be back here, please, after
17 lunch, ready to go on, just before 2. Don't talk to
18 anybody outside your own number, and we will try and get
19 it warmed up a bit in here before then.

20 (12.50 pm)

21 (The short adjournment)

22 (2.00 pm)

23 (In the presence of the jury)

24 SIR MICHAEL WRIGHT: One matter that I should perhaps have
25 told you before we adjourned: you will remember I told

1 you before lunch that the name of Hussain Osman had been
2 discovered by reason of a gymnasium membership card in
3 the knapsack that had contained the explosives at
4 Shepherd's Bush station. I am sure you would wish to
5 know, and there's no reason why you shouldn't know, it
6 was indeed Osman who had been involved in the attempt to
7 explode a bomb on the underground.

8 My recollection is, but we will have it confirmed,
9 that he was not actually at Scotia Road on the relevant
10 night, on the night of the 21/22, but he was
11 subsequently tracked down and arrested, he was
12 prosecuted at Woolwich Crown Court and convicted and is
13 currently serving life imprisonment on a charge of
14 conspiracy to cause explosions.

15 We left it when we rose that Commander McDowell,
16 acting through his Silver Commander, DCI Purser, was
17 setting up a surveillance operation on Scotia Road.

18 At 5.15 on the morning of 22 July, instructions were
19 given to the leader of a S012 covert surveillance team
20 to go to Scotia Road and monitor the premises there.
21 This was known as the red surveillance team. Each of
22 the members had the callsign Tango, followed by
23 a number: Tango 1, 2, 3 and so on.

24 The team arrived at Scotia Road just after 6 o'clock
25 in the morning. The officers in the team stationed

1 themselves in various places around the building to
2 maintain surveillance. However, they discovered that
3 21 Scotia Road wasn't a separate address, it was a flat
4 in a block of nine flats I think running from 15 to 22
5 or something of that kind, it was nine altogether and 21
6 was just one of the flats.

7 What's more, the block has a communal front door,
8 communal entrance out to the outside world from all nine
9 flats, so that you can't tell just by seeing somebody
10 come out of the front door which flat he or she has come
11 from.

12 One member of the red team, namely "Frank", was
13 stationed in a van in a position close to the block.
14 You will see where in some photographs in a moment. He
15 had a video camera, and he took film of people who left
16 the communal entrance.

17 Shortly after the red surveillance team arrived,
18 they found the black Nissan Primera car which
19 I mentioned earlier, which was registered to the second
20 subject of suspicion, namely Omar, and it was parked
21 near 21 Scotia Road.

22 Now, if you will turn, please, to divider 12, you
23 will see a map. If you would like just to take a moment
24 to look at that, and orient yourselves, you see the
25 river running across the top, obviously we are in South

1 London. Scotia Road is marked with a label, as you can
2 see at the bottom dead centre of the map, and Tulse Hill
3 is the main road that runs northwards from there, just
4 a fraction to the right of the Scotia Road arrow.

5 You will see it in a moment on a larger scale. In
6 fact, if you go straight now to jump two dividers to
7 divider 14, again in the middle of the plan, middle of
8 the map, about two-thirds of the way down, it's not very
9 clearly printed but can you see Scotia Road? It's
10 better on the screen than it is on my copy of the map.
11 Thank you. Somebody has highlighted it. Got it? You
12 will see that it is in fact a cul-de-sac and the only
13 way out on footpaths is by going a little to the left
14 and down into Marnfield Crescent, and then turning left
15 along Upper Tulse Hill, which is the road running at
16 an angle across the map, and eventually out into
17 Tulse Hill itself, which is the main A204 running south
18 to north across your screen.

19 Everybody happy about that?

20 If you, keeping that picture, and then going back to
21 divider 4 in your bundle, there is the view towards the
22 block where number 21, the flat number 21, is located.

23 It's the building just off to the left of centre
24 with the satellite dish on the wall. The front door is
25 in fact directly below that satellite dish, but it's in

1 the wall that you can't see because it's running
2 straight on towards you.

3 You will see another photograph in a moment.

4 This photograph, as you can see from the caption, is
5 the view from Frank's van, where it was parked just by
6 that lamp post. Bearing all that in mind, I am now
7 going to go back to what was happening at New Scotland
8 Yard.

9 At 6.40 that morning, Commander McDowell held
10 a general briefing meeting for senior officers from
11 SO13, that's the Anti-Terrorist Branch, and CO19,
12 Specialist Firearms Command. You have the timeline on
13 your screen, or divider 2, whichever you prefer.

14 He had a briefing meeting for those two groups about
15 the morning's planned activity. By this time, the
16 police had the information concerning the Portnall Road
17 address, and Commander McDowell laid out his strategy,
18 both for the Scotia Road address and the Portnall Road
19 address to be kept under surveillance and subjects
20 stopped.

21 Both surveillance operations were to be supervised
22 by a team of senior officers who were based in a control
23 room on the 16th floor at New Scotland Yard. At this
24 6.40 am meeting was a Chief Inspector named
25 Vince Esposito, and he was the firearms tactical adviser

1 for the day shift of C019, the specialist firearms
2 officers. He is sometimes referred to as Trojan 80,
3 that was his codename and number, and he was to act as
4 adviser to the senior officers throughout the course of
5 the morning.

6 At 7.15 that morning, Commander Cressida Dick joined
7 the meeting. She had been called in to New Scotland
8 Yard to act as the Designated Senior Officer, or DSO,
9 for these operations. That's to say, Scotia Road and
10 Portnall Road. She was to be the most senior officer
11 directly involved in the direction of the operation
12 during the course of the morning.

13 Commander McDowell asked her to take over the
14 running of the surveillance operation on Scotia Road,
15 which she would conduct from the control room at New
16 Scotland Yard, and she was also to act as the Designated
17 Senior Officer, DSO, for any critical firearms decisions
18 that might have to be taken. You will hear from the
19 witnesses what the significance of a DSO appointment may
20 be, but it is an appointment which is made in the
21 context of operations involving suspected suicide
22 bombers.

23 After that meeting, Commander Dick went to the
24 control room on the 16th floor, and it may help at this
25 stage for you to see something about that control room,

1 so that you can see how it's laid out. Divider 20,
2 please.

3 If you open out the drawing or plan, you will see
4 a plan of the control room on the 16th floor. If you
5 keep that unfolded and go one further on to divider 21,
6 you will see a series of photographs taken in various
7 directions. Take just a moment to look through the plan
8 and the photographs and then I'll go on to explain what
9 they all are. (Pause).

10 You will hear a good deal more about this later. Go
11 back to the plan, if you would be so kind. On the front
12 wall, which is the top wall on the plan, there were
13 a whole series of screens at which entries in the
14 electronic logs could be flashed up so that people could
15 see what was happening. Facing those screens, the
16 shorter straight strip of desks with four seats to them,
17 they were the surveillance monitors. Those are officers
18 who listened in to the radio messages from the S012
19 surveillance officers who were actually doing the
20 surveillance, were typing the substance of those
21 messages into a computer log, and those entries would
22 then come up on the screens so that other officers in
23 the room could see what was going in.

24 Behind that shorter row of desks was a curved row of
25 desks and chairs for more senior officers. During the

1 critical events, you will hear that Commander Dick
2 usually stood at one side of the room, usually
3 surrounded by a group of more senior officers, and some
4 of those officers had what they call loggists, junior
5 officers who were keeping records of the communications
6 and the decisions made by their seniors.

7 Thank you, we can put those away for the moment.
8 You will see them all again later.

9 I now go to the two firearms teams, the C019 teams,
10 who were involved in the events on 22 July. They came
11 on duty at 7 o'clock in the morning. That's a standard
12 shift starting time. They came on duty at the police
13 premises at Lemn Street, which is in fact in the city
14 near Tower Hill. They began booking out their weapons
15 at around 7.15 that morning, and at 7.45 they were
16 briefed by a specialist tactical adviser, a firearms
17 squad officer, known as Trojan 84. He explained the
18 background, told them that they were to be deployed at
19 a point near to Scotia Road, and explained that there
20 was a structure in place to control the operation from
21 New Scotland Yard and to ensure that up to date
22 intelligence was going to be available.

23 He also informed the team that a DSO,
24 Commander Dick, had been appointed with another
25 specialist firearms tactical adviser, Trojan 80, or

1 Inspector Esposito, and that the system was designed to
2 ensure that the intelligence that was being provided to
3 them was the best available.

4 He also added that the team might be required to use
5 unusual tactics, and it would appear that some of the
6 officers took this to mean that a critical, in other
7 words a fatal, shot might have to be fired. That belief
8 was based on a police operational strategy for dealing
9 with suicide bombers, which was known as
10 Operation Kratos.

11 The firearms teams booked out their weapons. They
12 then moved up to Nightingale Lane police station. Back
13 to the map, if you would care. Thank you.

14 Divider number 12, you will see that
15 Nightingale Lane is towards the bottom of the map, not
16 far from Scotia Road. I don't think there is any other
17 map that shows it in larger scale than that. It's about
18 two miles from Scotia Road.

19 They set off at about 8.10. On the way, they went
20 via New Scotland Yard, where they picked up their Silver
21 Commander, who was Detective Chief Inspector Purser. At
22 8.45 when they had all assembled at Nightingale Lane,
23 he, Mr Purser, gave them a comprehensive intelligence
24 briefing including information about the explosives
25 found in the car at Luton the previous week, and he

1 confirmed the apparent links between the 7/7 bombers and
2 those who had attempted the similar attacks on the 21st,
3 the day before.

4 He confirmed in response to specific enquiries that
5 in his view the suspected terrorists had the capability
6 to attach a device to themselves, to their bodies, that
7 would be difficult to detect. He described the
8 individuals involved in the bombings, as being and
9 I quote "deadly and determined" and "up for it". It
10 would seem that the briefing at Nightingale Lane ended
11 at around 9.15 that morning.

12 After that, the firearms teams moved further
13 forward. Where they were aiming to go was the
14 TA Centre, which you will also see on the map, which is
15 very close to Scotia Road, in fact when we go out
16 tomorrow, we will go past it, and that was intended to
17 be, as it were, their forward base for further
18 developments, but things began to happen after that so
19 quickly that some of them never got there, and they had
20 to retrace their steps without ever getting to the
21 TA Centre itself.

22 We have looked at divider 12, look at it again.
23 Leman Street you will see, top right-hand corner of the
24 map, that's where the firearms officers started from;
25 New Scotland Yard, where they picked up Chief Inspector

1 Purser, the Silver Commander, and Nightingale Lane,
2 where they went to be briefed.

3 Tintagel House, if you are curious about it, is
4 another building belonging to the Metropolitan Police
5 Service. It's in fact, I think I am right about this,
6 the base for the Special Branch.

7 Then you can see Scotia Road and also the TA Centre.
8 While the firearms officers were preparing themselves,
9 another, a second surveillance team from S012 Special
10 Branch were also being deployed to Scotia Road and this
11 team was known as the "grey" team, in contrast to the
12 "red" team. Their members had "Hotel" call signs, H
13 whatever it may be; remember the other ones were called
14 Tango.

15 They were briefed at about 7.45, and the members of
16 that team arrived at Scotia Road at 8.55 that morning.
17 When they arrived, they distributed themselves around
18 the Scotia Road premises, a little further away than the
19 members of the red team, so that in effect you had two
20 cordons around the buildings, red inner and grey outer.

21 I need to tell you about an important distinction
22 between the position and the responsibilities of the
23 surveillance teams, composed of members of S012, Special
24 Branch, and officers of the special firearms command,
25 CO19.

1 Many of the surveillance officers were in fact
2 carrying pistols that morning, an authority for them to
3 carry arms had been granted earlier that day, but the
4 purpose of that authority was to give those officers,
5 whose function was surveillance, the ability to defend
6 themselves and members of the public against any attack
7 which might develop against them or the public which
8 might put lives in danger.

9 S012 surveillance officers are not normally expected
10 to make arrests, because if they do so, they will
11 compromise their undercover status, it will be known who
12 they are, and because it's a job which is reserved for
13 that reason to other officers.

14 In this operation, the task of intercepting or
15 detaining and, if necessary, neutralising a suicide
16 bomber was intended to be carried out by the specialist
17 firearms officers of C019, because their special
18 training and their equipment is designed to achieve the
19 result of being able to stop, arrest, detain and if
20 necessary neutralise a suicide bomber with the minimum
21 danger to themselves and the public at large.

22 Accordingly, the strategy devised by
23 Commander McDowell contemplated that if a subject was to
24 be intercepted and detained, such a task should only be
25 carried out by the officers of C019. You will remember

1 that when he laid his strategy out much earlier that
2 morning, that strategy provided for the attendance of
3 CO19 officers at Scotia Road as it were when the
4 surveillance teams were in position.

5 I can leave the police for the time being. I am
6 going to go back now to consider the position of
7 Mr de Menezes.

8 As I told you at the outset of this opening, he was
9 born in January 1978 so that on the date with which we
10 are concerned he was 27 years of age.

11 As I said before, it's right I am going to repeat
12 now, at the very outset of this inquest, there is not
13 now or ever has been any vestige of evidence or any
14 suggestion that Mr de Menezes was himself in any way
15 involved in or concerned with or associated with any
16 form of terrorism or any conspiracy to cause explosions.
17 He was, in fact, a young man of good character.

18 There are, however, two matters that I should
19 mention at this stage because they have been the subject
20 of comments in the media. The representatives of the
21 de Menezes family are content that I should mention
22 these matters to you.

23 The first point deals with his immigration status.
24 He actually arrived in the United Kingdom on
25 13 March 2002, and he was initially admitted as

1 a visitor for a six-month period. At the end of that
2 period, he was given permission to stay for a course of
3 study until 30 June 2003. It appears that he then left
4 the United Kingdom at some stage, but the detail, where
5 he went and so forth are not entirely clear so I will
6 not trouble you with them.

7 We know, however, that on 23 April he travelled from
8 Paris to Dublin, and then -- April 2005 -- returned to
9 the United Kingdom and on 22 July 2005 he was lawfully
10 in the United Kingdom. This was a question that was
11 gone into fully at the criminal trial last November, and
12 was established.

13 The second point that I should mention is that
14 I should say something about traces of cocaine which
15 were found in Mr de Menezes's body after his death.
16 Experts have concluded that the concentrations of
17 cocaine and its metabolites were such as to suggest that
18 he probably took some cocaine at a time between 6 and
19 12 hours before he died. No expert has yet been able to
20 say that it would necessarily have affected him in any
21 particular way.

22 As I say, I have mentioned these matters because
23 they have attracted comment in the media. But it is
24 absolutely clear that Mr de Menezes was not under
25 investigation by the police or indeed by anybody else,

1 and you may come to the conclusion that these matters
2 have no relevance whatsoever to the manner and cause of
3 his death.

4 At the date of his death, he was living at a flat in
5 number 17 Scotia Road, one of the other flats in the
6 block. He had got a job as an electrician. On the
7 Thursday, the 21st, he had spent the day with a friend
8 and work colleague, a Mr Gesio de Avile, working on
9 an estimate for a job to be carried out north of the
10 river on the following day. They parted company on the
11 evening of 21 July, planning to meeting at Kilburn
12 railway station at between 9 o'clock and 9.30 on the
13 following morning, the morning of the 22nd.

14 But it appears that Jean Charles may have overslept
15 on the Friday morning, because when Mr de Avile called
16 him at 8.45 to see whether he was going to be on time,
17 he was told by Mr de Menezes that he was running late,
18 and that he would hope to be with him in about one hour.
19 In fact at 8.45 he was still inside number 17
20 Scotia Road.

21 Commander McDowell's strategy had envisaged that any
22 subject emerging from 21 Scotia Road would be allowed to
23 get some distance away from the building before being
24 intercepted so as to ensure that no suspicions would be
25 aroused within the building. So, as it happens, between

1 6 o'clock and 9.30 in the morning of 22 July, about half
2 a dozen people altogether came out of the communal door
3 of the block. One of the difficulties, as I said to you
4 before, that the surveillance team had is that they
5 didn't know from which flat in the building each such
6 person had come. So in fact they didn't stop any of
7 them, they let them all depart and no interception was
8 even attempted.

9 It's probable, of course, that none of those persons
10 even remotely fitted the description and the picture
11 that they had of Hussain Osman.

12 Can I take you back, please, to divider 14. You can
13 follow this on the screen or on your map. At about 9.33
14 that morning, Jean Charles de Menezes emerged from the
15 external door of the Scotia Road flats. He walked past
16 Frank's observation van, parked where you saw in the
17 photograph by the lamp post. He turned left into
18 Marnfield Crescent, walked around Marnfield Crescent,
19 followed it to the junction with Upper Tulse Hill. He
20 then turned left, and walked along to the main road
21 junction at Tulse Hill, the orange main road that you
22 can see on your map, turned left again, and walked to
23 a bus stop for the number 2 bus. The bus stop obviously
24 is on the left-hand side of the road and it's more or
25 less where the zero of A204 is on that map.

1 It will help you, I think, to see some photographs
2 of the route he took. Go to divider 3, please.
3 Page 15, the first photograph in that bundle, or of that
4 divider, that is the block of flats looked at from the
5 other angle so that you now have a full view of the
6 front door. The van with Frank in it would be parked
7 somewhere behind the greenery on the left-hand side of
8 the photograph.

9 Mr de Menezes would have come out of that door,
10 turned to his right and walked along Scotia Road away
11 off to the left of the photograph.

12 Divider 4 is the photograph you have already seen.
13 He would have walked along from the flats towards
14 Frank's van, and also of course the position where the
15 photographer is standing to take this photograph.

16 Turn to divider 5. That is a photograph of the view
17 from Marnfield Crescent towards the mouth of
18 Scotia Road. He would have come out of the road where
19 you see that big tree, almost at the centre of the
20 photograph, and he would have turned to his left and
21 walked towards the photographer.

22 Under divider 6 is a photograph of the view
23 Mr de Menezes would have had as he came into
24 Marnfield Crescent. In other words, if you have
25 Scotia Road behind you in this photograph,

1 Marnfield Crescent is running around in a curve, again
2 to the left of the photograph. In the middle of
3 Marnfield Crescent is a small park area which contains
4 a playground, trees, shrubbery and greensward, and he
5 would have gone to the left there and walked around the
6 Crescent, keeping the small park area to his right.

7 Divider 7 is a photograph of the view from the
8 junction of Marnfield Crescent and Upper Tulse Hill.
9 The entrance to the little park is over the far side.
10 So also is the entrance to Scotia Road. Mr de Menezes
11 would have walked around the Crescent, coming around on
12 the right-hand side of that photograph, and walking
13 towards again the point where the photographer stood to
14 take his photograph.

15 Divider 8 is a view along Upper Tulse Hill from the
16 junction with Marnfield Crescent. When Mr de Menezes
17 got to the end of Marnfield Crescent he would have
18 turned left, walked along Upper Tulse Hill towards
19 Tulse Hill itself and on the opposite side of the road
20 you can see the TA Centre that I mentioned, which is
21 where the armed firearms officers were intending to make
22 a rendezvous.

23 Under divider 9 is a photograph taken at the
24 junction of Tulse Hill and Upper Tulse Hill. You are
25 looking into Upper Tulse Hill there and Mr de Menezes

1 would have walked along the pavement towards you there
2 and turned to his left back down into Tulse Hill.

3 Finally under divider 10, we have a photograph taken
4 from virtually the same position but looking along
5 Tulse Hill and you could probably see if you look into
6 the distance, the bus stop. The roadworks I suspect
7 were probably not there at the time.

8 Don't worry about following all this from the
9 photographs, we will take you over it tomorrow, but once
10 you have seen the actual physical layout, the
11 photographs will all come much more alive.

12 Back to the surveillance. Mr de Menezes was seen by
13 Frank of the red surveillance team, who was in the
14 observation van parked where you saw on that second
15 photograph. He described Mr de Menezes as a white man,
16 5 foot 8 inches tall, with dark hair, a stubbly beard
17 wearing a blue denim jacket, blue jeans and trainers.
18 He compared what he could see with the picture of the
19 suspect Osman that he had with him, and he expressed the
20 view over his radio to his colleagues that, and I quote
21 "it would worth somebody else having a look". But he
22 wasn't able to take any video footage of Mr de Menezes.

23 A few minutes later, "James", who was the leader of
24 the grey surveillance team, drove past Mr de Menezes as
25 he was walking in Upper Tulse Hill going towards the

1 main road. His description is of a man about 5 foot
2 10 inches tall, stocky build, with collar length black
3 hair and stubble, with a wide face. He describes his
4 complexion as being similar to that of a light skinned
5 North African. James expressed the view that
6 Mr de Menezes was, and I quote "possibly identical" to
7 the suspect Osman.

8 His colleague, an officer going under the name of
9 "Tim", heard James describe Mr de Menezes as, and again
10 I quote "a good possible likeness".

11 Officer "Harry", of the grey surveillance team,
12 that's the outer cordon, you remember, saw Mr de Menezes
13 on Upper Tulse Hill. He later described him as acting
14 in a wary manner and being apparently nervous. But
15 Harry was not able to identify him as being in any way
16 similar, let alone identical, to the suspect Osman.

17 Mr de Menezes was seen to turn left into Tulse Hill
18 and walk to the bus stop. Very soon after he had got
19 there, a number 2 bus travelling north towards Brixton
20 arrived, and he boarded it at roughly 9.39.

21 Officer "Ivor" of the grey team, an officer of whom
22 you will hear a great deal more later, managed to board
23 the bus at a subsequent stop and he could see
24 Mr de Menezes sitting at the lower level at the extreme
25 rear nearside of the bus.

1 All the officers were linked to each other by mobile
2 telephone. Ivor was asked by Harry whether he could
3 positively identify Mr de Menezes as Osman. It seems
4 that Ivor replied that he could not. But he did
5 describe him as having distinctive and I quote
6 "Mongolian eyes".

7 No doubt he will be able to explain to you what he
8 means by that expression.

9 At 9.46 the log that was being maintained at New
10 Scotland Yard by Callum, the loggist for Trojan 80, who
11 was Commander Dick's tactical adviser, contains the
12 entry:

13 "Not identical male as above discounted.
14 Surveillance team to withdraw to original positions."

15 I read that to you again:

16 "Not identical male as above discounted.
17 Surveillance team to withdraw to original positions."

18 It's not clear from whom this information emanated,
19 but it does indicate, you may think, the lack of
20 certainty in any of the identifications produced by any
21 members of the surveillance team, at any rate up to that
22 point.

23 Around 9.47, Mr de Menezes got off the bus in the
24 centre of Brixton, close to Brixton underground station.
25 You probably all know it, it's where the buses all stop

1 just across from Brixton station.

2 Ivor saw him walk for about 20 metres towards the
3 station, down the left-hand pavement in the way the bus
4 was going before he turned and ran back towards the bus
5 that he had just left, and in due course you will see
6 closed circuit television footage of him doing just
7 this. It seems likely that he had observed from the
8 other side of the road that Brixton station was in fact
9 closed. It was closed because of the disruption that
10 had been caused by the bomb attempts of the previous day
11 and in fact a number of underground stations were closed
12 and Brixton was one of them.

13 Therefore Mr de Menezes had decided to get back on
14 the number 2 that he had just got off to take it on up
15 to Stockwell station to join the Northern Line
16 northbound from there. So he joined a queue boarding
17 the bus and was seen to use his mobile telephone.
18 Because we know from Mr de Avile that he was telephoned
19 by Mr de Menezes at about that time, it's pretty clear
20 you may think that he was ringing Mr de Avile to report
21 either his progress or his lack of progress, whichever
22 way you like to look at it.

23 Officer "Lawrence" of the grey team also observed
24 Mr de Menezes walking away from the bus, opposite
25 Brixton station.

1 Initially he only had a side view of his face, but
2 as he drove past he managed to get a full frontal view
3 of his face just for a split second. He joined up with
4 James and another officer called "Ken" of the
5 surveillance team, and he expressed the view to them
6 that he did not believe that this man was identical to
7 Osman.

8 An officer with the codename "Hotel 11" also saw
9 Mr de Menezes get off the bus, go away a short distance,
10 come back, rejoin the queue and use his mobile phone.
11 From a distance of about 10 metres, this officer
12 considered the person he was looking at to be a similar
13 likeness to the picture that he had previously seen.

14 About this time, various officers on the staff at
15 the control centre in New Scotland Yard recollect that
16 Mr de Menezes was being described as acting nervously.
17 It's not clear from what source this observation came.
18 The notes that were being maintained by Commander Dick's
19 loggist include the observation -- and this is
20 a quote -- "it is him, the man is off the bus. They
21 think it is him, and he is very, very jumpy".

22 Having retraced his steps back to the same bus, the
23 number 2 bus that he had previously travelled on,
24 Mr de Menezes got back on the bus again and took a seat
25 on the upper deck. This was around 9.49 or 9.50.

1 Officer Lawrence of the grey team was able to get on the
2 bus at a later stop.

3 Shortly after this, Superintendent Boucher, who was
4 you remember the officer who had stood up the armed
5 firearm teams much earlier that day, who was in the
6 control room, he asked the surveillance teams for
7 a percentage assessment of the degree of identification
8 that had been achieved; what do you think, 25, 50, 95 or
9 whatever? This request was passed to James, who was the
10 team leader, who considered it to be a ridiculous
11 question, one that he thought was impossible to answer.
12 He requested the views of the other surveillance
13 officers who were with him, and he informed the
14 surveillance monitor at Scotland Yard, who went under
15 the name of Pat, that when he had briefly seen
16 Mr de Menezes at 9.39 back in Upper Tulse Hill you
17 remember, he was a "good possible" for the suspect
18 Osman, but since that time, none of his team had been
19 able to get a close look.

20 At this point, I need to mention a detective
21 sergeant called Dingemans. He was an S013
22 Anti-Terrorist Branch officer, who was with the firearms
23 teams at Nightingale Lane. He had with him other
24 officers of the same branch, none of them was armed.
25 After Mr de Menezes was seen getting on the bus at Upper

1 Tulse Hill, Detective Sergeant Dingemans was despatched
2 from Nightingale Lane in a police car charged with the
3 task of stopping the bus and detaining Mr de Menezes.

4 He drove off up Brixton Road, south to north,
5 following the bus, using his lights and his sirens or
6 what's known in the trade as the blues and twos, the
7 blue lights and the two-tone horns, and he got to
8 a position some short distance behind the bus. But
9 before he was able to carry out his instructions, he got
10 an order over the radio from Detective Chief Inspector
11 Purser, who ordered him to stand down because the
12 firearms teams by then had been deployed.

13 You remember I told you that for an ordinarily
14 suspected suicide bomber, it would be the firearms squad
15 that would do it and not a member of the other commands
16 in the force. But of course Mr Dingemans, not being
17 Special Branch, would not have been so likely to have
18 compromised his cover.

19 Be that as it may, he was pulled off in effect, he
20 was called off because the firearms squads were now
21 getting into deployment.

22 I return again to the firearms squad. After their
23 briefing, the teams had left Nightingale Lane and some
24 of them at least had started to move forward to the
25 TA Centre. DCI Purser, the Silver Commander who was

1 with them, said that at around 9.55 he heard over the
2 surveillance radio that the subject of surveillance that
3 had left Scotia Road was now on a bus and had been
4 positively identified as the suspect Osman.

5 Accordingly, all the CO19 officer, if they had got
6 to the TA Centre, they ran back to their cars, if they
7 had not, they no doubt turned around and they all began
8 to make their way northwards towards Brixton in pursuit
9 of the bus and it was about this time that DS Dingemans
10 was ordered to stand down.

11 At about 10 o'clock, Mr de Menezes got off the bus
12 at Stockwell and began to walk towards the station.
13 Divider 11, please. Take this fairly quickly because
14 you will find here three maps. Starting at the top one,
15 the route marked in red, bottom centre of the map,
16 starts at Scotia Road, goes through Marnfield Crescent,
17 along Upper Tulse Hill and on to the bus at Tulse Hill
18 itself.

19 Over to the next page, down Tulse Hill, along
20 Effra Road into the Brixton Road, past Brixton station
21 where the bus stopped, you remember Mr de Menezes got
22 off, turned round, came back again. Then the darker red
23 line goes on to the Stockwell Road where the bus turns
24 left. Turn over again, the third stage of the journey,
25 the second part of the Stockwell Road, into what is in

1 fact the Clapham Road, where the bus swung round to the
2 right and stopped at a bus stop just to the right of the
3 Lambeth Road junction.

4 Mr de Menezes got off the bus at that stop there,
5 just north of the station. He walked across -- you may
6 be able to see it, it's not terribly easy to see --
7 a road called Binfield Road which joins the junction
8 just to the left of the Lambeth Road, just to the left
9 of the Lambeth Road, and across to the entrance of the
10 station. Lawrence, who was on the bus, got off the bus
11 after him and followed him.

12 Officer "Ken" of the grey surveillance team by that
13 time had got to the station and he was waiting at the
14 entrance. He was able to see Mr de Menezes's face as he
15 walked towards the station. His view was that he was
16 possibly Osman, although he had less facial hair than on
17 the photograph and he was unsure. It does appear,
18 looking at the overall picture and summarising all these
19 reports, that by the time Mr de Menezes had actually
20 entered the underground system at Stockwell station, no
21 member of the surveillance team had positively
22 identified him as Osman.

23 But at New Scotland Yard, there does appear to have
24 been a perception that Mr de Menezes had been positively
25 identified as Osman. Commander Dick was deeply

1 concerned that he should not be allowed to go down into
2 the underground system. She said that she wanted him
3 stopped. However, at the point where we have reached,
4 as Mr de Menezes was walking towards and into the
5 station, the CO19 officers had not yet arrived. They
6 certainly were not in a position to carry out the
7 interception which ordinarily they would have been
8 expected to carry out. There were, however, several
9 SO12 surveillance officers in and around the station,
10 some of whom were carrying side arms, pistols.

11 As the CO19 teams were driving up towards Stockwell
12 station, and they were coming down the Stockwell Road,
13 obviously they had followed the same route, they were
14 coming along the Stockwell Road towards the station, the
15 leader of the firearms team, an officer going under the
16 name of "Ralph", says that he heard over the
17 surveillance radio, and I quote "it was definitely our
18 man and that he was nervous and twitchy".

19 As against that, when you come to look at the
20 documents in this case, you will see the surveillance
21 running log which was being maintained in the control
22 room at New Scotland Yard. You will note that every
23 entry on that log refers to the suspected person,
24 Mr de Menezes, as being "an unidentified [or UI] male".
25 It will be for you to consider what level of

1 identification was made at different stages, what was
2 communicated to the firearms officers, and what those
3 officers believed the position to be.

4 Because CO19 hadn't actually got there, as
5 Mr de Menezes got to the station, and were not going to
6 be in a position to intercept him, Commander Dick,
7 contrary to her original intention, decided that armed
8 SO12 surveillance officers could, would have to, carry
9 out this task. She communicated that instruction to the
10 SO12 officer.

11 But almost as soon as that instruction was
12 communicated, she was informed by Chief Inspector
13 Purser, who as you remember was with the CO19 teams,
14 that the firearms officers had actually got there, they
15 had actually arrived at Stockwell. So Commander Dick
16 then reversed her instructions and ordered that the
17 firearms officers, CO19, should do the job before the
18 SO12 officers had taken any action. It appears that the
19 order that she gave was for the firearms teams to "stop"
20 the subject. That was Mr de Menezes.

21 Meanwhile, Mr de Menezes had entered the station.
22 He had used his Oyster card to go through the barriers.
23 He was followed closely by five of the surveillance
24 officers: Ivor, Ken, Lawrence and two other officers
25 called Malcolm and Geoff. He went down the escalator

1 towards the platforms and was seen to run near the end
2 of the escalator towards platform 2 for the northbound
3 Northern Line where a train was standing stationary.
4 The surveillance officers followed him onto the train.
5 Ivor sat down near him, and Ken got into the same
6 carriage.

7 Divider 23, please. This is a plan of the station
8 looked at from overhead. The main entrance is,
9 I suppose you say really on the right-hand side of the
10 picture, where it is marked "station entrance", he would
11 have gone in through one of those two doors. The ticket
12 barriers are directly ahead of him that he used his
13 Oyster card to go through. Then he would have borne
14 across to his left and turned sharp left down the
15 escalators and the Northern Line platform is more or
16 less -- is across the concourse or the lower concourse
17 ahead of him.

18 Then if you go on progressively from 25 to 34, you
19 will see, first of all, the view of Stockwell station
20 hall from the main entrance. Next, the view from the
21 ticket barriers towards the escalator. Next, the view
22 towards the escalator. 27, the view from the top of the
23 escalator looking downwards. 28, the view from the
24 bottom of the escalator looking upwards. 29, the bottom
25 of the escalator towards the platform entrance.

1 A reverses view photograph, number 30, of the platform
2 entrance hall. 31, in the entrance hall but looking at
3 the platform entrance, and the platform itself, there is
4 something lying on the ground there, I think it's
5 a discarded coat. 32 the view of the train from the
6 platform entrance, and 33, looking along the platform
7 towards the rear of the train.

8 These are stills from a video that was taken later
9 on the 22 July, and you will see that video in its
10 entirety later on this week.

11 As I say, Mr de Menezes had got on the train,
12 accompanied by about five of the surveillance officers,
13 officers from the CO19 team, the firearms officers, then
14 arrived at the ticket barriers and either vaulted over
15 them or pushed their way through them.

16 The best estimate of the length of time between
17 Mr de Menezes going through the barrier and the first
18 firearms officer going through it or over it is one
19 minute or thereabouts. About 12 firearms officers went
20 through in the space of about another minute.

21 Officer Ken, who was down on the platform, saw four
22 or five officers whom he recognised as being from CO19
23 on the platform. He indicated to them the general
24 whereabouts on the train where Mr de Menezes was.

25 Ivor, who had got into the same carriage and sat

1 down, also saw the CO19 officers on the platform. He
2 got up from his seat. He stood in the doorway to block
3 the train doors from closing and shouted "he's here" and
4 indicated where Mr de Menezes was sitting.

5 Mr de Menezes got up and walked towards the police
6 officers. Ivor says that he thought that Mr de Menezes
7 seemed agitated. He noticed that his hands were held
8 below his waist and slightly in front of him. Ivor then
9 grabbed Mr de Menezes around the torso, around his body,
10 so as to pin his arms to his side, and he pushed him
11 back into the seat that he had been sitting on.

12 As he did so, the first firearms officers entered
13 the carriage. They were Charlie 2 and Charlie 12. Each
14 officer saw Ivor seize Mr de Menezes and push him back
15 into the seat. Both officers state that they were
16 convinced that Mr de Menezes was a suicide bomber, that
17 he was about to detonate a bomb, and that unless he was
18 prevented from so doing, everybody present in that
19 carriage was going to die.

20 Each officer says that he was convinced that
21 an instant killing was the only option open to him.
22 Each reached over Ivor and fired several times at point
23 blank range to Mr de Menezes's head. The firearms being
24 used by the officers were loaded with what is known as
25 9mm 124 grain hollow point bullets. This is ammunition

1 which is designed to produce more energy on impact than
2 conventional ammunition, and it is specifically designed
3 and used for the purpose of immediately incapacitating
4 a suspect.

5 Mr de Menezes was in fact killed instantly. Indeed,
6 he can hardly have had any opportunity to appreciate
7 what was happening. You will hear evidence from all the
8 key people involved in the events on the tube, and in
9 the carriage, and you will be able to assess for
10 yourselves what they say about what they saw, what they
11 believed, and how they acted.

12 I can deal with the aftermath of this tragic affair
13 relatively briefly. A number of civilian passengers on
14 the train and in the station observed at least part of
15 this very frightening incident and you will hear from
16 them.

17 The emergency services attended the station.
18 A doctor certified Mr de Menezes dead at 10.30 that
19 morning. A post-mortem was carried out by a Home Office
20 pathologist, a Dr Shorrocks, on 23 July. The cause of
21 death was recorded as multiple gunshot wounds to the
22 head. The cause of death is severe disruption to the
23 brain.

24 Forensic examination of the railway carriage leads
25 to the conclusion that when Mr de Menezes sustained his

1 fatal injuries, he was sitting in the seat into which he
2 had been pushed by Ivor, and was bent over at the waist
3 to his left such that his head was above the adjoining
4 seat with all the shots being fired from his right-hand
5 side. The shots had been fired from a range of between
6 1 centimetre and 8 centimetres. A total of nine shots
7 had been fired, of which seven had entered
8 Mr de Menezes's head; one round had misfired and one
9 round had missed altogether.

10 That, ladies and gentlemen, is a relatively brief
11 outline of the evidence that you are going to hear over
12 the coming weeks. I would point out, of course, that
13 what I have said in this opening is in no way evidence
14 in its own right; as I am sure you will understand, it's
15 merely a summary of what I think you will hear.

16 That evidence has yet to come, and it is that
17 evidence as you find it to be, that evidence which you
18 find reliable and accurate, that you will base your
19 verdict upon, and if any part of the account that I have
20 given to you is undermined by the evidence as you hear
21 and assess it, obviously if it turns out from the
22 evidence that I have got some aspect of this story
23 wrong, then you will base your conclusions on the actual
24 evidence as you find it to be.

25 I remind you again that, as I did at the outset,

1 there are four questions that you have to consider and
2 no other. They are: who the deceased was, when he came
3 by his death, where he came by his death, and by what
4 means and in what circumstances he came by his death.

5 Rule 36 of the Coroners' Rules provides that neither
6 the Coroner nor the jury shall express any opinion on
7 any other matter.

8 Rule 42 states that no verdict shall be framed in
9 such a way as to appear to determine any question of
10 criminal liability on the part of a named person or any
11 question of civil liability at all. This is
12 a fact-finding exercise, it is not a forum to determine
13 culpability, compensation, still less to dispense
14 punishment.

15 It may be that during the course of this inquest
16 I may hear evidence that leads me to believe that action
17 should be taken to prevent the recurrence of any
18 fatality of this kind. If so, I have the power to bring
19 such circumstances to the attention of any person or
20 authority who may be in a position to take such action.
21 But that's for me to deal with after the conclusion of
22 this inquest, under rule 43 of the Coroners' Rules. It
23 is not for you as the jury to take such action, but
24 clearly any such conclusion that I may come to will have
25 to be based upon the facts as you find them to be after

1 the evidence has been unfolded.

2 In due course, in order to assist you in determining
3 the relevant facts, each of you will be handed a blank
4 inquisition form. Not now, it's a long way off yet. It
5 will be your duty in due course to complete that
6 inquisition form by agreement among yourselves.

7 In due course, after all the evidence has been
8 heard, I will direct you on the law to assist you in
9 arriving at your conclusions. As part of those
10 directions, it will be my duty to direct you in law on
11 those issues, conclusions or questions to which you
12 should address your mind. The law is my responsibility,
13 as the facts are yours; you must take the law from me.

14 I am not going to do it now, it would be premature
15 to direct you now as to what conclusions or questions
16 you need to consider, because we have not yet begun to
17 hear the evidence.

18 As I mentioned before, tomorrow you will be taken on
19 a view of the various locations about which you have now
20 heard. Tomorrow morning, can I ask please what time we
21 need the jury to be here?

22 MR HILLIARD: Quarter to 11 here, no later.

23 SIR MICHAEL WRIGHT: Quarter to 11 please, ladies and
24 gentlemen. You will be provided with an itinerary --
25 now, I suggest, Mr Hilliard.

1 MR HILLIARD: It may be as well if you put it, members of
2 the jury, in the front of your files. It's holepunched.
3 Can I just say, sir, if we can just remember to put
4 initials perhaps on the front of the files and
5 photographs, we will make sure those come with us
6 tomorrow.

7 SIR MICHAEL WRIGHT: If you want to take the bundles with
8 you, and you might find it useful, just mark them so you
9 will get your own back. (Pause). I will explain this in
10 a moment.

11 I want to explain the itinerary now because tomorrow
12 you will simply be driven to places and you will be told
13 that we are at one or other of the points of the
14 itinerary and there will be no further explanation or
15 discussion. The reason for that is because there will
16 be no formal facility on the bus for recording the
17 questions and answers that are given, as there would
18 have to be if we were sitting formally in court,
19 although in fact when you are on the bus and going
20 around, it will still be the court for the purposes of
21 this inquest, which is an important matter for anybody
22 who may be watching you going around.

23 If, therefore, as we go around, you do have any
24 questions arising out of the view, could you please save
25 them up, make a note of them, reduce them to writing and

1 hand them to the jury bailiff so that we can hopefully
2 answer them when we next sit here after the view.

3 We think if we are starting at quarter to 10, the
4 bus will leave here fairly careful timing, so that the
5 bus leaves here at a time when we can go to Stockwell
6 underground station and go into the station, presumably
7 at a time which is going to cause the minimum disruption
8 to the Northern Line train, so the timing all has to be
9 a bit tight. After that it's not too bad.

10 If you would just like to look at the itinerary, you
11 see the point 1 where we will get off the bus, we will
12 all be together, and go into the ticket hall. Point 2
13 is the area at the foot of the escalator. Point 3 is
14 the platform adjacent to where the train would have been
15 where Mr de Menezes died. Then we will come back up to
16 the bus and we will then follow the route effectively
17 taken by the CO19 officers from the time they left their
18 headquarters at Leman Street in the City, point 4, and
19 began their journey.

20 It's right that I should tell you that the firearms
21 officers went in a number of vehicles and it's quite
22 possible that they didn't all take the same identical
23 route, so we will go down the route which is reasonably
24 representative of the route that they are likely to have
25 taken and it won't make much difference timewise in any

1 event.

2 From Leman Street, we will go to New Scotland Yard
3 simply to pass it by, which is the location from where
4 Mr Purser was collected. Then on across the river to
5 Nightingale Lane, the police station, where the C019
6 officers received their briefing from Mr Purser. From
7 there, we move on up to the TA Centre on Upper Tulse
8 Hill, which is the location which has been identified as
9 the holding area for the C019 firearms officers even if
10 some of them never got there. There is, as you will
11 see, a note: that route, point 4 to point 7 doesn't
12 necessarily replicate the route taken by any individual
13 vehicle.

14 We will then go down to Scotia Road, where we will
15 all get off so you can have a look around; it will not
16 take very long. Then we will get you back on the bus
17 and drive, it's not a very great distance, at walking
18 pace, along Scotia Road, down Marnfield Crescent, into
19 Upper Tulse Hill, and to the junction of Tulse Hill down
20 to where he got on the bus.

21 We will then follow the bus route down to Brixton
22 station, into the Stockwell Road, off to the bus stop in
23 the Clapham Road adjacent to Stockwell station, but
24 there is no need to get out again because by then you
25 will have already done the tour of the underground

1 station itself. That will conclude the trip, and then
2 we will come back here. I don't know how long this will
3 take, but the general view appears to be that we will
4 not take any further evidence tomorrow, unless anybody
5 particularly needs to.

6 MR HILLIARD: Yes, and I don't think they will.

7 SIR MICHAEL WRIGHT: So in that case, evidence will start
8 proper on Wednesday morning, when you will hear first of
9 all an IPCC, an Independent Police Complaints Commission
10 investigator to give evidence because he is in
11 a position to present some video evidence which was
12 produced for the purposes of the investigations and
13 other visual aids which will, particularly in the light
14 of the trip that you have had, bring it all up in even
15 clearer focus. After that, we shall begin to hear the
16 evidence from the witnesses of fact.

17 Mr Hilliard.

18 MR HILLIARD: I think two times may have got mentioned,
19 quarter to 11, that's the right time, you may have heard
20 mention of quarter to 10.

21 SIR MICHAEL WRIGHT: Quarter to 11, thank you very much
22 indeed. I am glad that was corrected. Very well, thank
23 you all very much. We will meet at the coach,
24 presumably outside the main entrance here.

25 MR HILLIARD: I was going to leave that to the ushers, they

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