

J7 Response to the Provisional Index of Factual Issues – Provisional Index of Factual Issues – Issues 13-23

Preventability

Provisional Index of Factual Issues 13 - 23

The security services certainly appear to have had knowledge of the July 7th suspects. Both Khan and Tanweer came under surveillance during the Crevice Plot¹ in early 2004. Nicolas Sarkozy – the then French Interior Minister – claimed in July 2005 that he had been told of this by the then Home Secretary Charles Clarke.² At the time, the authorities were attempting to convince the public that the four men were so-called “clean skins”³ who appeared “out of the blue”⁴ with no known links to terrorism and previously unknown to the authorities.

In the light of this, Clarke issued an outraged denial⁵ – but had the two men been 'partially-arrested' as part of the Crevice, or any other, plot as Sarkozy claimed?

Clarke's denial was, of course, rather misleading since it suggested that there was no prior knowledge of the suspects at all. In fact, it was reported in November 2005⁶ that all four deceased suspects had been monitored a year before the events of 7th July

During the 2007 trial of the Crevice suspects, it was claimed that the mysterious figure known as 'Q'⁷, later identified as Mohammed Quayyum Khan, had recruited both Mohammad Sidique Khan and Omar Khyam; the latter of whom is the alleged ringleader of the fertiliser bomb plot investigated via Operation Crevice. Questions were asked after the Crevice trial regarding why 'Q' was not arrested along with the others.

BBC Panorama reporter, Peter Taylor, challenged DAC Peter Clarke with the following questions during an episode entitled 'Real Spooks'⁸, broadcast in May 2007:

- 1 The reconstruction: 7/7 - What really happened? - Crime, UK - The Independent - 17 July 2005
<http://www.independent.co.uk/news/uk/crime/the-reconstruction-77--what-really-happened-499129.html>
- 2 Clarke denies bombing suspects were arrested | UK news | guardian.co.uk -Wednesday 13 July 2005 12.44 BST -
<http://www.guardian.co.uk/uk/2005/jul/13/july7.uksecurity15>
- 3 Call for July 7 inquiry after bomb plot verdict | World news | guardian.co.uk -
<http://www.guardian.co.uk/world/2007/apr/30/terrorism.july7>
- 4 Ibid.
- 5 Clarke denies bombing suspects were arrested | UK news | guardian.co.uk -Wednesday 13 July 2005 12.44 BST -
<http://www.guardian.co.uk/uk/2005/jul/13/july7.uksecurity15>
- 6 EXCLUSIVE: TERROR COPS TRACKED ALL 7/7 BOMBERS - mirror.co.uk -
http://www.mirror.co.uk/news/top-stories/tm_objectid=16325181&method=full&siteid=115875-name_page.html
- 7 Bomb plotters' al-Qa'eda 'link' still in Britain - Telegraph -
<http://www.telegraph.co.uk/news/uknews/1550210/Bomb-plotters-al-Qaeda-link-still-in-Britain.html>
- 8 BBC NEWS | Programmes | Panorama | Real Spooks: transcript -
<http://news.bbc.co.uk/1/hi/programmes/panorama/6692741.stm>

TAYLOR: Why was 'Q' never arrested?

CLARKE: Decisions are made during the course of investigation based upon the evidence that's available, and the decision as to who should be arrested is based entirely upon what evidence is available at the time.

TAYLOR: Was 'Q' not arrested possibly because he was working for you or MI5?

CLARKE: I'm not prepared to comment on any speculation like that. It's pure speculation.

TAYLOR: Where is 'Q' now?

CLARKE: I said I'm not prepared to talk about 'Q'.

A simple, "No." from Clarke might have sufficed if indeed it was the case that 'Q' had no connection to the police or security services.

Was Mohammed Quayyum Khan ever questioned or investigated in connection to 7th July? Why wasn't he included on the blacklists of al-Qaeda financiers?

Without the testimony of 'Supergrass' Mohammed Junaid Babar at the Crevice trial, would there have been enough evidence against these men to merit the 40 year life sentences they received? Especially given the statement read on behalf of these men at the end of the Crevice trial explicitly denied that there was any plot to attack the UK:

This was a prosecution driven by the security services, able to hide behind a cloak of secrecy, and eager to obtain ever greater resources and power to encroach on individual rights.

There was no limit to the money, resources and underhand strategies that were used to secure convictions in this case.

This case was brought in an atmosphere of hostility against Muslims, at home, and abroad. One stoked by this government throughout the course of this case.

This prosecution involved extensive intrusion upon personal lives, not only ours, but our families and friends.

Coached witnesses were brought forward. Forced confessions were gained through illegal detention, and torture abroad. Threats and intimidation was used to hamper the truth. All with the trial judge seemingly intent to assist the prosecution almost every step of the way.

These were just some of the means used in the desperate effort to convict. Anyone looking impartially at the evidence would realise that there was no conspiracy to

cause explosions in the UK, and that we did not pose any threat to the security of this country.

It is not an offence to be young, Muslim and angry at the global injustices against Muslims."⁹

OTHER ISSUES

We would ask the Coroner to note at the Inquest proceedings that a substantial amount of material relating to surveillance of a number of the 'alleged bombers' (comprising some 226 CDs containing intercepted conversations; 13 VHS surveillance videotapes; an exhibit list prepared for the UK Crown Prosecutor; indexes of statements prepared by the Metropolitan Police; transcripts and surveillance records; photographs etc.) was delivered to the Canadian authorities on 8th July 2005.¹⁰

We would ask that this fact, and all/any possible information adduced from the 'substantial amount of material relating to surveillance of a number of the 'alleged bombers' ' be considered in light of the 'Preventability' matter (Items 13 to 23) in the current 'Provisional Index of Factual Issues' list.¹¹

It is also noted that in the court document 'R v Omar Khyam et al' - Prosecution Response to the Skeletal Argument on Behalf of Omar Khyam'¹², in paragraph #10:

10. **Following the events of 7th July, a review of the surveillance and audio evidence generated by the investigation** in relation to the indictment before the court (Operation "Crevice") revealed contacts between Omar Khyam and Shujah-uddin Mahmood on the one hand and MSK and ST on the other. Details in relation to these contacts will be set out hereafter.

The following paragraph #11 is substantially redacted.

We would ask the that the coroners proceeding acknowledge these court statements, including noting that such a review must have taken place earlier than 'following the events of 7th July', in order to collate, compile, index and dispatch the substantial amount of evidence relating to the 'alleged bombers' (specifically Mohammed Sidique Khan and

9 J7: The July 7th Truth Campaign - The People's Independent Public Inquiry into 7/7 -

<http://www.julyseventh.co.uk/crevice/crevice-imran-khan-statement-for-defendants.html>

10 THE ATTORNEY GENERAL OF CANADA v MOHAMMAD MOMIN KHAWAJA [2007 FC 490] Ottawa, Ontario, May 7, 2007 [PDF]- <http://www.icj.org/IMG/Khawaja-Evidence.pdf>

11 Provisional Index of Factual Issue, 7 July Inquests - <http://7julyinquests.independent.gov.uk/docs/provisional-index-of-factual-issues-update-230610.pdf>

12 R v Omar Khyam et al' - Prosecution Response to the Skeletal Argument on Behalf of Omar Khyam' Central Criminal Court - <http://www.sacc.org.uk/sacc/docs/crevice.pdf>

Shehzad Tanweer) to the Canadian authorities, for the purpose of the Khawaja investigation.

Paragraph #12 of the document notes that on 17th October 2005, the 'evidence which was at that time available' was served on the defence of Omar Kyham et al. Paragraph #13 of the document notes that 'additional evidence' was served on 21st November 2005. It is also noted in paragraph #14 of the document¹³:

14. Since then, further evidence has been served in relation to **formally proving that MSK and ST were involved and died in the events of 7th July**. This material was served by a notice of **additional evidence on 9th December [2005]**, and is now to be found at pages 2361-2369 and 2370-2399.

We would ask the that the coroner's proceedings (including the Properly Interested Persons) should be provided with the details of, and the explanation for, this progressive release of evidence, in particular the 'formal proving that MSK and ST were involved and died in the events of 7th July'. In addition, an investigation into the relevance of any of the redacted sections of the document should be completed to ensure that all evidence is adduced.

WIDER CONNECTIONS

The section in the Provisional Index of Factual Issues entitled "Preventability" comprises by far the bulk of the index. Further, the bulk of areas outlined in points 13-23 relate directly to just two of the accused, Khan and Tanweer, and their interactions with others connected to Operation Crevice, notably, and mostly, Omar Khyam. There are wider connections over and above those between Khan (now deceased) and Khyam (serving a life sentence, received in no small part due to the testimony of the prosecution's 'star witness'¹⁴ Junaid Babar), featuring individuals that appear to create and facilitate links between disparate individuals and groups across continents, and we outline these for informational purposes below. Many of these individuals appear to have protected status in that they have either never been arrested or have miraculously evaded prosecution over a period of time when many lesser figures were rendered to the torture chambers of Abu Ghraib or Guantanamo Bay.

Much is made of the failings of West Yorkshire police and the security services to properly investigate and/or assess Khan and Tanweer, particularly in the two years prior to 7th July 2005. However, there is an important question to be asked here:

13 THE ATTORNEY GENERAL OF CANADA v MOHAMMAD MOMIN KHAWAJA [2007 FC 490] Ottawa, Ontario, May 7, 2007 [PDF]- <http://www.icj.org/IMG/Khawaja-Evidence.pdf>

14 Canada's anti-terror legislation vs. Ottawa's Momin Khawaja - <http://www.canada.com/ottawacitizen/news/observer/story.html?id=1bc4587f-748c-45be-8668-116fdb57619b>

How would Khan and Tanweer have known that they were not under investigation given the following facts:

29 March 2004: Momin Khawaja was arrested in Canada in the culmination of what was reported as a “a month long sting operation”

30 March 2004: Eight arrests were made of men who were known to Khan and Tanweer as part of Operation Crevice.

June 2004 news broke that the FBI had been holding Mohammed Junaid Babar in custody in New York since April 2004. It was reported that he was negotiating a plea bargain with the authorities.

Junaid Babar, a US citizen had being widely reported since November 2001, declaring support for the 9/11 attacks and announcing he was recruiting fighters to fight against US forces in Afghanistan:

As the TV camera rolled Mohammed Junaid Babar’s eyes shone indignantly behind nerdish glasses: “There is no negotiation with the Americans. I will kill every American that I see in Afghanistan, and every American I see in Pakistan.”¹⁵

Jon Gilbert, who conducted interviews with Junaid Babar, later mused:

“The conundrum still remains, though. Why did Babar talk to me so willingly in the first place? It’s a question that I’ve been asking myself for more than six years. Some suggest that he may have already been an FBI agent.”¹⁶

Despite making inflammatory and widely publicised pronouncements about being an Islamic warrior, despite seemingly declaring war on Americans, and despite his being a key facilitator in the alleged “terror training camps” in Pakistan (akin to the U.K equivalent of 'Q', Mohammed Quayyum Khan, also a part-time taxi driver), Junaid Babar appears to have been allowed to travel freely between Pakistan and the UK, as shown by the Operation Crevice timeline compiled by the Metropolitan Police¹⁷.

2001-2004

- Pakistani-born Mohammed Junaid Babar leaves his home in the USA, just days after 9/11 and travels to Pakistan to live

Spring 2003

15 The supergrass I helped to create - Times Online -
<http://www.timesonline.co.uk/tol/news/uk/crime/article1737411.ece>

16 Ibid.

17 OPERATION CREVICE, Timeline and facts and figures - Metropolitan Police Service -
http://nefafoundation.org/miscellaneous/FeaturedDocs/MPS_OpCreviceTimeline.pdf

- Mohammed Junaid Babar meets Omar Khyam and Waheed Mahmood in England.

January 2004

- Mohammed Junaid Babar travels to England and subsequently meets Omar Khyam, Waheed Mahmood, Jawad Akbar and Anthony Garcia

The results of a joint BBC Radio 4 File on 4 and Newsnight investigation also revealed that, "We understand that Siddique Khan was also seen with this man [Junaid Babar] in Leeds in 2003."¹⁸

Hassan Butt, who first facilitated Junaid Babar's stay in Pakistan¹⁹, describes a meeting between Babar and Khan in Leeds, held after attending a barbecue to raise money for 'training camps' which is attended by a number of prolific propagandists and provocateurs for 'extremist' 'Islam'.

Butt reveals that after the jihadist barbecue he drove to Khan's home near Leeds with another guest, Mohammed Junaid Babar, who would shortly become a supergrass. Babar's testimony helped to secure the conviction last week of five members of the Crevice gang, who had planned to blow up — among other targets — the Bluewater shopping mall in Kent and the Ministry of Sound nightclub in London.

Although Babar describes the barbecue in his testimony, he does not refer to the drive north, nor to some of the guests named by Butt.

...

The host was a long-standing activist of Al-Muhajiroun, the group set up by Sheikh Omar Bakri in 1996

...

The guest list included men who were later to become notorious. Among them, claims Butt, was Mohammed Quayyum Khan, a part-time taxi driver from Luton who is alleged to have sent Mohammad Siddique Khan to the Malakand training camp on behalf of Al-Qaeda.

...

Butt, who had borrowed his brother's navy blue Audi TT to get to the party from his home in Manchester, decided it was time to head back north. Babar asked to be dropped off near Leeds. ..

As the sun rose, Babar directed Butt to a terrace house in Batley, West Yorkshire, 15

18 BBC - Press Office - Newsnight/File on 4 investigation -

http://www.bbc.co.uk/pressoffice/pressreleases/stories/2005/10_october/25/khan.shtml

19 Was CBS Duped by Radical Islamist? - <http://www.aim.org/guest-column/was-cbs-duped-by-radical-islamist/>

minutes from the M1. A man in pyjamas came out to greet them. It was Mohammad Sidique Khan.

Butt had met Khan before. Babar had introduced them in 2002 at a gathering at Butt's flat in Islamabad. Khan now recognised Butt and asked him if he wanted to come in.²⁰

How likely is it that the joint intelligence services of the US and UK were not tracking Babar or Butt in the UK, particularly given Babar's high profile? Which of these two individuals was being tracked and to what extent? How was it possible that Junaid Babar was allowed to travel so freely between Pakistan and the UK?

FOI requests to the Foreign & Commonwealth Office submitted by J7 have been refused in respect of attempts by independent researchers to assess this information.

On Babar's second visit to Britain, he stayed with Fahad Hashmi in London and left behind some waterproof socks and a pair of night vision goggles. Junaid Babar went on to become the State's star-witness for the prosecution in the Crevice and Khawaja trials, and his testimony also resulted in a 15 year sentence for Syed Fahad Hashmi, who had previously been extradited to the US from the UK on the basis of the "glorified camping equipment"²¹ that Babar had left at Hashmi's residence. This was then reported as:

Hashmi, who moved to Britain from Queens in 2003, allegedly allowed his London flat to be used to store supplies and money that Babar was shipping to Abdul al-Hadi al-Iraqi, then head of al Qaeda operations in Afghanistan.²²

Hashmi spent over 3 years under SAMS, extreme measures which included total isolation whilst facing a life sentence for this 'crime'.

Babar was also the source for the aluminium powder which featured in the Crevice trial.

The government would further prove that the defendant purchased and attempted to purchase the aluminum powder and ammonium nitrate that he knew would be used in explosive devices in the bombing plot in the United Kingdom, and that he did this throughout from December 2002 through March of 2004²³.

On **6th April 2004**, Babar returned to the US but was not arrested or detained until **10th April 2004** when he was picked up by the FBI whilst on his way to a 'taxi school' in Queens, NY.

20 The jihadi house parties of hate - Times Online - <http://www.timesonline.co.uk/tol/news/uk/article1752338.ece>

21 U.S. student pleads not guilty in terrorism case - World news - Terrorism - msnbc.com - <http://www.msnbc.msn.com/id/18923836/38180585>

22 Focus: Is the Islamist group al-Muhajiroun waiting to strike again? | World news | The Observer - <http://www.guardian.co.uk/world/2007/may/06/terrorism.jamiedoward>

23 http://www.investigativeproject.org/documents/case_docs/853.pdf

This is just a week after the Operative Crevice arrests; was his work now done? How did he manage to escape the 'no-fly list' to re-enter the US, given his well-publicised running and facilitating of 'terror training' in Pakistan?

HELL'S ANGELS, THE TARTAN TALIBAN, AND THE SBS

A former Hell's Angel who worked at the Iqra bookshop in Leeds, Martin Gilbertson, claims that the most vocal of all those he worked with was not any of the four accused but a white convert to Islam; ex-SBS soldier and anti-terrorist operative Martin 'Abdullah' McDaid. Gilbertson said,

“Martin 'Abdullah' McDaid did most of the talking, most of the ranting and raving; and as an ex-Marine, he knew about matters military.”²⁴

Given his background, McDaid has featured surprisingly little in connection with the story of 7/7. McDaid's apparent *volte-face* conversion from one of the highest levels of Defence of the Realm to 'radical Islamism', is still something of an unexplained and largely uninvestigated mystery. Also in close proximity to the four accused is another white convert to Islam, James McLintock, also with links to the Iqra bookshop. McLintock is a former fighter with the Mujahideen, also known by the Islamic name Mohammed Yacoub/Yaqub, and who has been arrested on separate occasions “on suspicion of terrorist activities”²⁵, usually in the vicinity of Afghanistan/Pakistan border.

Have any of these individuals been questioned by police in connection with 7/7?

Gilbertson told a Guardian journalist,

“I spent a lot of time repairing their PCs, and clearing viruses they had picked up from Jihad websites, put there, I think, by the Americans. When the Jihad sites were closed down, they were often replaced by pornographic sites, again - I think - by the Americans. At one point, the police took McDaid's Laptop computer and stripped it down - I had to repair it. Naveed also had his home computer taken by the police, and I helped him build a new one.”²⁶

In a separate interview with BBC Newsnight's Richard Watson, Gilbertson revealed that the seizure of computers happened in early 2004.²⁷

24 'When I heard where the bombers were from I felt sick' | Special reports | Guardian Unlimited -

<http://web.archive.org/web/20070501213824/http://www.guardian.co.uk/attackonlondon/story/0,,1804930,00.html>

25 Profile: James McLintock - Times Online - <http://www.timesonline.co.uk/tol/news/uk/scotland/article6121318.ece>

26 'When I heard where the bombers were from I felt sick' | Special reports | Guardian Unlimited -

<http://web.archive.org/web/20070501213824/http://www.guardian.co.uk/attackonlondon/story/0,,1804930,00.html>

27 YouTube - 7.7 London Suicide Bombers - http://www.youtube.com/watch?v=ncs73af_5jo

Why has there never been any mention of the police seizure of computers from the Iqra in early 2004? When did this raid take place? What prompted the raid? What information and data was garnered from these computers and how was it acted upon?

OPERATION RHYME, MUHAMMAD NAEEM NOOR KHAN AND DHIREN BAROT

In **August 2004**, the Bush administration blew the cover of an al-Qaeda double agent, **Muhammad Naeem Noor Khan**, who was helping British and Pakistani intelligence services to communicate with a group in Luton, investigated as part of the police Operation Rhyme. By naming Noor Khan, British police were forced into making hurried arrests of those being surveilled by Operation Rhyme. So hasty and premature were the arrests that DAC Peter Clarke announced:

“It is no exaggeration to say that at the time of the arrest there was not one shred of admissible evidence against Barot. The arrest was perfectly lawful - there were more than sufficient grounds, but in terms of evidence to put before a court, there was nothing. There then began the race against time to retrieve evidence from the mass of computers and other IT equipment that we seized. It was only at the very end of the permitted period of detention that sufficient evidence was found to justify charges. I know that some in the media were sharpening their pencils, and that if we had been unable to bring charges in that case, there would have been a wave of criticism about the arrests. Barot himself of course eventually pleaded guilty last year and received a 40-year sentence.”²⁸

A French intelligence official also suggested in an interview with Liberation that one of the five terrorists who had escaped the raids of August 3, 2004 was Muhammad Sidique Khan. The same day ABC News reported that Naeem Noor Khan's laptop had contained "plans for a coordinated series of attacks on the London subway system".²⁹

In July 2004, MSK was still working at Hillside Primary School even being introduced to Secretary of State for International Development Hilary Benn MP during a school tour of the House of Commons. In September 2004, he takes a prolonged period of sick leave and eventually resigns from his post.

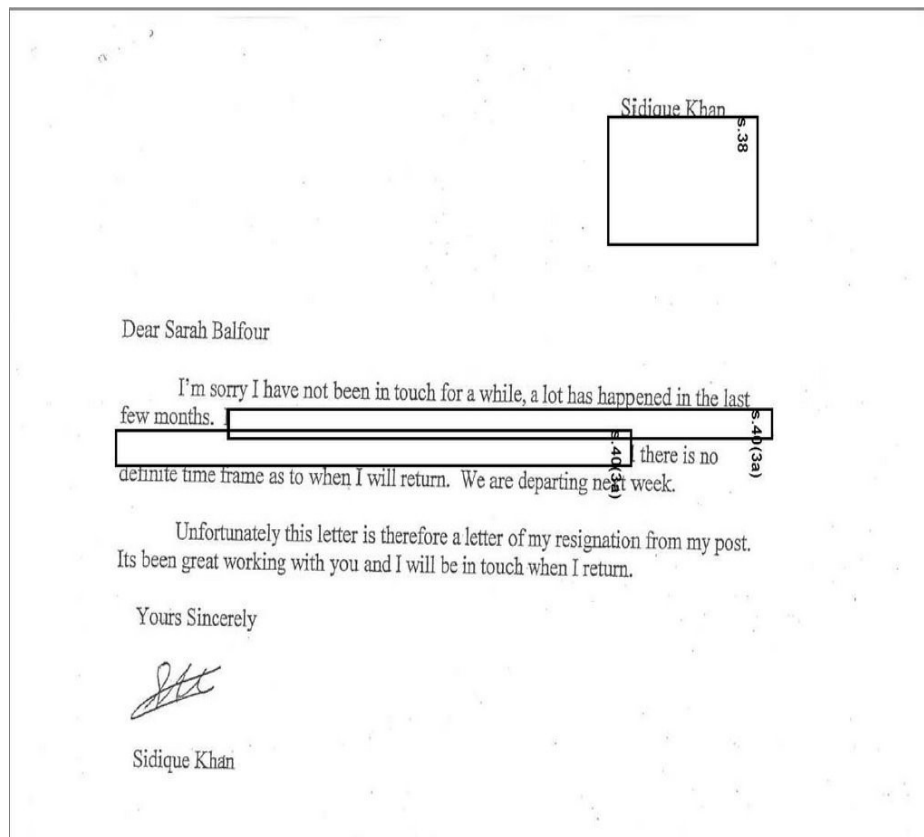
What has been redacted from this undated resignation letter sent by Khan to Sarah Balfour, headmistress and wife of MP, John Trickett?

²⁸ DAC Peter Clark's speech on counter terrorism - Metropolitan Police Service -

http://cms.met.police.uk/news/major_operational_announcements/terrorism/dac_peter_clark_s_speech_on_counter_terrorism

²⁹ The Bush Administration and the London Bombings | The Dubya Report - <http://www.thedubya.com/london-bombings1.html>

The reason given for the resignation on an attached form is 'family commitments' :



At around this time, MSK makes a 'farewell' video which shows him with his young daughter, very obviously distressed at this approaching separation. He talks about doing this for 'her future' and rather than being viewed as a 'martyrdom' video, in the light of the above mention of returning and the fact that he did return in February 2005, can be viewed as simply a father saying goodbye to his daughter that he knows he won't see for a while.³⁰

According to the Home Office Report, Khan & Tanweer travel to Pakistan on 19th November 2004 and return on 8th February 2005. (Coincidentally, on that same day, Salahuddin Amin was arrested at Heathrow Airport after being released from 10 months of incarceration and torture by Pakistani Intelligence during which time he had been questioned by British Intelligence³¹. Without the confessions extracted under torture from Amin, prosecutors would have to rely solely on evidence from Babar at the Crevice trial.)³²

Despite MSK's connections to so many 'uncovered plots', and with many of his associates arrested, it would appear that by the time of his return to the UK, he neither feared the

30 Video Of London Suicide Bomber Saying Goodbye To Daughter Show In Attack Planners Trial | UK News | Sky News - <http://news.sky.com/skynews/Home/Sky-News-Archive/Article/20080641312484>

31 Revealed: torture centre linked to MI5 | World news | guardian.co.uk - <http://www.guardian.co.uk/world/2008/may/12/terror centre>

32 Daily Times - Leading News Resource of Pakistan - http://www.dailytimes.com.pk/default.asp?page=2006%5C11%5C22%5Cstory_22-11-2006_pg7_27

same fate as Salahuddin Amin nor that he would be under surveillance as in the Operation Crevice & Rhyme arrests. He must also have felt confident that Babar had not 'grassed' on him. This raises far more questions than the limited scope of the Preventability issues outlined.

Was MSK an agent for any of the UK or International security services? Was Khan protected in some way or have insider knowledge of whether he was under the radar? Was Khan in fact just an innocent man who had nothing to fear from the security services?

If MSK was really a 'terrorist' involved in the Crevice plot how does this alleged bugged conversation make any sense³³?

At a secretly recorded session on February 21 2004, Khan asked Khyam: "Are you really a terrorist?"

Khyam replied: "They are working with us."

Khan: "You are serious, you are basically...?"

Khyam: "I am not a terrorist, they are working through us."

To whom is Khyam referring when he says 'they are working through us'?

33 5 Britons Guilty; Tied to 2005 London Bombers - New York Times -
http://www.nytimes.com/2007/05/01/world/europe/01crevice.html?_r=1&pagewanted=print