

1 Monday, 27 October 2008

2 (9.30 am)

3 (Proceedings delayed)

4 (9.40 am)

5 (In the presence of the jury)

6 CODENAME "C12" (continued)

7 SIR MICHAEL WRIGHT: I have a couple of questions, before

8 you start, Mr Mansfield.

9 These are questions from the jury. In the time that

10 Mr de Menezes was moving towards you, after he got out

11 of his seat, did you hear him say anything?

12 A. No, sir.

13 SIR MICHAEL WRIGHT: The second question is this: you told

14 me on Friday that you are clear that you were the first

15 person to fire?

16 A. That is my recollection, sir, yes.

17 SIR MICHAEL WRIGHT: Then you heard other shots?

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: From which direction? Or is it

20 impossible to say?

21 A. Impossible to say, sir, I am sorry.

22 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

23 Questions from MR MANSFIELD

24 MR MANSFIELD: Good morning, my name is Michael Mansfield,

25 I represent the family of Jean Charles de Menezes. May

1 I, on their behalf, before asking you a few more  
2 questions, acknowledge that you have the expression of  
3 regret and the condolences that you extended to them on  
4 Friday, but I think as a family man you also will  
5 recognise that they will want to know how and why this  
6 happened, and there are questions to be asked. You  
7 appreciate that?

8 A. I appreciate that, sir, yes.

9 Q. I want, if I may, to do it in stages, and so you know  
10 now, the stages I want to go through with you is I want  
11 to go back to the position where you are just outside  
12 Stockwell station to begin with. That will be stage  
13 number 1. I then want to deal with factors bearing upon  
14 your mental approach to the whole situation at Stockwell  
15 station, so before you get there?

16 A. Sir.

17 Q. Finally, obviously the crucial part when you go down the  
18 escalator and end up in the carriage. All right?

19 A. Sir.

20 Q. Those are the three stages.

21 Starting with the first one, your arrival outside  
22 Stockwell station, it's tab 22, if the jury would kindly  
23 look that up.

24 Do you have a jury bundle there? It should be down  
25 by the side. No? All right. We will do it on screen.

1           That's the first photograph, 34A.

2   SIR MICHAEL WRIGHT: That looks like volume 2 that you have  
3           just picked up.

4   MR MANSFIELD: If you are happy to do it on the screen,  
5           I can do it that way.

6   A. Absolutely, sir, yes.

7   Q. They are the same photographs, and everybody can see.  
8           That's the first photograph. It's not that one; the  
9           second one, please, which is 34B. Those are the hatch  
10          markings that you think your car parked on in which you  
11          were the passenger, all right?

12   A. That is correct, sir, it was -- I used those hatch  
13          markings as an indication that we had actually parked  
14          centrally in the road.

15   SIR MICHAEL WRIGHT: Having come down the Clapham Road.

16   A. But I couldn't describe how far away we were exactly  
17          from the tube station.

18   SIR MICHAEL WRIGHT: But you had come straight down the  
19          Clapham Road to get there?

20   A. We had, yes.

21   MR MANSFIELD: You had driven, as you said, slowly -- the  
22          nearer you got, you had turned off the blues and twos  
23          and you had driven slowly to arrive, you hoped, in  
24          a position to take action should it be required. That  
25          is putting it in a nutshell?

- 1 A. That is correct, sir.
- 2 Q. There are a number of questions arising out of your  
3 position there, so if you can put yourself back in the  
4 position wherein you are sitting in the car, still, and  
5 you are hearing and therefore you are still in the car  
6 that he's preparing to leave the bus, all right?
- 7 A. That is correct, sir, yes.
- 8 Q. The bus is either diagonally across the junction or  
9 approaching the bus stop by the NatWest Bank which is in  
10 the distance, all right?
- 11 A. I saw the bus at an oblique angle when I first became  
12 aware of it, and I assumed that that was the bus, from  
13 when we were approaching down Clapham Road. As we got  
14 to this position near Stockwell tube station, I couldn't  
15 see that bus any more, and I didn't know where it had  
16 gone.
- 17 Q. Before I get to your ability to do something, the first  
18 thing is: were you aware that just round the corner, and  
19 in fact we can see a shot of it in a photograph a little  
20 further on, I think it's 34F, please. That's it. You  
21 see that's another shot; to get your bearings, the  
22 station is on the right, the markings are in the middle  
23 of the road and there is a bus coming, obviously taken  
24 later, but it's a number 2 as it happens, obliquely on  
25 the junction coming round. Do you see that?

- 1 A. Yes, I do, sir.
- 2 Q. Just round the corner, further back, along the road,  
3 behind the bus, was another police car which we have  
4 seen on the compilation in which there were a number of  
5 officers who had been deputed unarmed to arrest him.  
6 That is the person on the bus.
- 7 A. Sir, can I, sorry to interrupt you at this moment. Can  
8 you just indicate to me, please, what road that you are  
9 actually referring to, please?
- 10 Q. Yes. You see where the bus has come from?
- 11 A. Yes, of course, yes.
- 12 Q. It is up that road there.
- 13 A. Thank you.
- 14 SIR MICHAEL WRIGHT: Stockwell Road, that is.
- 15 A. Thank you, sir.
- 16 MR MANSFIELD: Yes, Stockwell Road.
- 17 I am not going to ask for the compilation to be  
18 shown again, the jury will recall, but there is a line  
19 of traffic, we have seen it backing up there, and the  
20 officer in the car concerned thinks he has been able to  
21 identify his car at the head of a line of traffic.  
22 I just pause for a moment, as it may be a question  
23 relevant to the ...
- 24 SIR MICHAEL WRIGHT: I will tell you in a minute. Yes,  
25 I think you have told us this. The officers with you,

1 Vic was your driver.

2 A. Sir.

3 SIR MICHAEL WRIGHT: And the other two, their codenames?

4 A. William, I believe.

5 SIR MICHAEL WRIGHT: William; just the three of you in the  
6 car?

7 MR MANSFIELD: I think it was just three.

8 SIR MICHAEL WRIGHT: Thank you.

9 MR MANSFIELD: I'll come back to that in a moment, your  
10 actual position in the car, because it bears upon what  
11 you did and didn't know.

12 Does it follow from what you have said that you were  
13 unaware that there was -- I am going to call it  
14 an arrest car -- a car that had been sent to detain  
15 Mr de Menezes, unarmed, because he was thought not to be  
16 the target? Now, take it in stages. Did you know there  
17 was a car just round the corner that had been sent to do  
18 that?

19 A. No, sir.

20 Q. I just want to track this. This car, right, the car  
21 I am going to call the arrest car, an S013 car, had been  
22 back at Nightingale Lane; do you follow?

23 A. I do not have any recollection of that, sir, sorry.

24 Q. So did you know that there was even a team on hand to do  
25 an arrest if it was an armed arrest, never mind

1 an unarmed one?

2 A. Sorry, could you just rephrase that?

3 Q. Yes. Were you aware, and I have to go back down the  
4 road, as it were, to Nightingale Lane, were you aware  
5 that there was an arrest team lined up in case you  
6 detained somebody or challenged somebody or stopped  
7 somebody?

8 A. No, sir.

9 Q. You weren't?

10 A. No, sir. But because I wasn't aware of that fact, it  
11 doesn't necessarily mean that there wasn't one, if you  
12 see what I mean.

13 SIR MICHAEL WRIGHT: No. I am not sure how much you would  
14 be concerned to know that.

15 A. It would be our standard operating procedure, sir, be it  
16 in terrorism operations or counter-terrorism operations  
17 of this type or normal crime operations, the fact that  
18 we would have people, once we have detained them at  
19 gunpoint, in order to hand them over to unarmed  
20 officers, or arrest teams, as it were, sir.

21 SIR MICHAEL WRIGHT: Who might be, as in this case,  
22 anti-terrorist officers, SO13, or I suppose in other  
23 circumstances might be other people altogether, crime  
24 squad and so forth?

25 A. That's correct, sir.

1 SIR MICHAEL WRIGHT: As far as you were concerned, once you  
2 have made the armed arrest, your job is finished in  
3 relation to --

4 A. Virtually, sir, yes.

5 MR MANSFIELD: There is a stage before that, because there  
6 is a need to create a sterile area and so forth for  
7 a sterile arrest, isn't there?

8 A. There would be, sir, yes.

9 Q. I will not put it too highly. You would need to know  
10 that there is an arrest team there if you are doing a  
11 detention as opposed to anything else. Do you follow  
12 the drift?

13 A. I do follow your drift, sir. We are quite well versed  
14 in dealing with these types of operations and therefore,  
15 as I have said to the learned Coroner, is that we would  
16 assume, or just because I didn't know there wasn't  
17 an arrest team available at this stage, it doesn't mean  
18 that there was one, if you see what I mean.

19 SIR MICHAEL WRIGHT: Doesn't mean there wasn't one.

20 A. There wasn't one, sorry.

21 SIR MICHAEL WRIGHT: You would assume that one --

22 A. Exactly right, and again with these type of operations,  
23 we are fully aware of the forensic nature that will be  
24 required of us.

25 MR MANSFIELD: Unless, of course, this in your mind wasn't



1 an arrest operation, but was something quite different  
2 at this stage, at the top, before you go down. Do you  
3 follow?

4 A. I do, sir. This entirely in my mind at the moment was  
5 it was a mobile armed support to surveillance. That was  
6 just the nature of the operation at that time.

7 Q. I'll have to come back to that. Just continuing with  
8 the SO13, so you weren't aware of their presence at  
9 Nightingale Lane. May I just go forward, you may not  
10 have needed to be for the Coroner's reasons at that  
11 point. But the next bit I suggest you would need to  
12 know. That, some stage close to leaving  
13 Nightingale Lane, information -- and I am not in  
14 a position to say where it came from -- appears to have  
15 been communicated that the man on the number 2 bus was  
16 not Nettle Tip, the codename. Now, did you ever hear  
17 anything to that effect?

18 A. No, sir.

19 Q. I'll have to come back to the communications system in  
20 this instance, particularly yours. So you didn't know  
21 that there was any information going around that he  
22 wasn't Nettle Tip. So does it follow you didn't know  
23 that an arrest team, I am calling them that for these  
24 purposes, had been deputed to go and stop this man on  
25 the bus, unarmed, and question him? You didn't know

- 1           that?
- 2    A.  I didn't, sir, no.
- 3    Q.  When did you first discover that that had happened?
- 4    A.  That an arrest team had been deputed to ...
- 5    Q.  Yes.  Sent down.  In fact I'll just develop it if I may,
- 6           so you see the full picture.  That arrest team actually
- 7           left Nightingale Lane, it must be, since you are the
- 8           last vehicle to leave, you say, with a Delta call sign;
- 9           is that right?
- 10   A.  I believe we were the last --
- 11   Q.  Yes, you believe it, so it can't have been either very
- 12           much before or after, some time about the time you leave
- 13           to go to the TA Centre, Mr Dingemans, that's who it is,
- 14           and his team get a message to intercept the bus,
- 15           effectively, and question the man on an unarmed basis.
- 16           And they follow, as far as one can tell, exactly the
- 17           route you followed.  In other words, they go Clapham
- 18           Common South Side, Clapham High Street, straight up to
- 19           Stockwell, the route you used.  Right?
- 20   A.  I follow you, sir, yes.
- 21   Q.  They are using their blues and twos, just as you are, to
- 22           begin with.  All right?  Now, that's half the picture.
- 23           I'll deal with the other half in a moment.  So you know
- 24           none of that?
- 25   A.  As I have stated, sir, no.

- 1 Q. You see, if you are being told on Clapham South Side  
2 there is a follow going on, you ought to be told,  
3 oughtn't you, that in fact it's a follow in relation to  
4 somebody who isn't Nettle Tip and an arrest team is  
5 moving in fast as we speak, kind of thing? You ought to  
6 have been told that, oughtn't you?
- 7 A. Sir, I have relayed exactly what I heard via the radio.
- 8 Q. We will have to come to that, because I want to suggest  
9 that what you say you heard and the rest of your team,  
10 that is Vic the driver and William who's in the back  
11 seat, is that right, is that how it's set out?
- 12 A. That is correct, sir, yes. Sorry, it might be the other  
13 way around, actually, Vic I think was the driver,  
14 William was rear seat passenger.
- 15 Q. That's just what I have said, but don't worry.
- 16 A. Sorry.
- 17 SIR MICHAEL WRIGHT: There might be a slight complication  
18 about this, Mr Mansfield. I just want to make sure that  
19 you and the witness and I are all talking in the same  
20 language. You think that you were about the last  
21 vehicle to leave Nightingale Lane?
- 22 A. Yes, sir.
- 23 SIR MICHAEL WRIGHT: But you went to the TA Centre?
- 24 A. No, sir.
- 25 SIR MICHAEL WRIGHT: How far did you get?

1 A. I left Nightingale Lane. I think we travelled to the  
2 end of the road there, to the junction where  
3 Clapham Common, I think it's south, is it Clapham Common  
4 southwards, and that was when I started picking up the  
5 bad interference from the radio.

6 SIR MICHAEL WRIGHT: So then you headed straight for  
7 Stockwell station?

8 A. Straight for Stockwell station --

9 SIR MICHAEL WRIGHT: So did -- Sergeant Dingemans went by  
10 a different route.

11 MR MANSFIELD: No, he didn't.

12 SIR MICHAEL WRIGHT: He went down Stockwell Road.

13 MR MANSFIELD: No, what he did was he went up Clapham High  
14 Street. When he got to the junction which is on our  
15 plan which is on there, you see where the bus is, he  
16 turns right to go down the Stockwell Road, sees the bus  
17 approaching him, does a U-turn and comes up behind the  
18 bus.

19 SIR MICHAEL WRIGHT: He is coming the other way, quite  
20 right.

21 MR MANSFIELD: Yes.

22 In fact, just to go back a second, he's actually  
23 using exactly your route and he's using blues and twos,  
24 until he turns right and then he goes round behind the  
25 bus and there is an issue about exactly where he turned

1           them off, but it's somewhere probably in the  
2           Stockwell Road behind the bus.

3           So it means for the whole of that journey, and much  
4           of the journey you are doing, you were completely  
5           unaware that he was thought not to be Nettle Tip and  
6           there was an arrest team going to have a word with this  
7           man on an unarmed basis; you didn't know any of that?

8    A. No, sir, and I don't know if you are actually intimating  
9           this to me: I did not have any vision of a police  
10          vehicle, be it covert or otherwise, on the blue lights  
11          and two tones following or going down the same direction  
12          as us.

13   Q. I am sorry, it's not a -- I'm not putting this at your  
14          door. It's just to create a picture of who's in control  
15          of the situation, do you follow, who knows what, who's  
16          in control and what went wrong. Do you follow?

17   A. Yes.

18   Q. That is really what I am asking, so you see the context  
19          of the questions.

20          In fact, well, I have now described, the vehicle  
21          containing Mr Dingemans turns right into the  
22          Stockwell Road, are you following me, sees a bus coming,  
23          a number 2, does a U-turn, comes up behind the bus, all  
24          right? They have got the registration number of the bus  
25          and at some point they turn off their blues and twos.

1           It's only then that they are told to back off or stop or  
2           discontinue. All right? It's only then, when they are  
3           behind the bus, just round the corner in the  
4           Stockwell Road.

5           So it follows, doesn't it, for the majority of your  
6           journey, and obviously I can't put a time on it, you  
7           were unaware that there was an unarmed police vehicle  
8           about to intercept the man on the bus?

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

10          Q. When did you first discover that, if you ever have?

11          A. It was subsequently, a long time after --

12          Q. A long time afterwards?

13          A. -- it wasn't on the day of the operation. I think it  
14          might have been during the compilation of the notes or  
15          something along those lines.

16          Q. Yes, I'm going to have to deal with the compilation of  
17          the notes a day later.

18          In an operation like this, if in fact, and we know  
19          it did happen, that's what I have just put to you  
20          actually happened, who has the responsibility of  
21          ensuring that you, following or ahead, one of the two,  
22          in the same path as the arrest team, knows that that's  
23          going on? Is it the Silver who should tell you? Silver  
24          on the ground, I mean.

25          A. Not necessarily so, sir. As far as I'm aware, I don't

1 think my Silver knew the location of my vehicle.

2 Q. We will have to come to knowing where you are. Have you  
3 been reading the transcripts -- there is nothing wrong  
4 with doing it -- have you been following what's going  
5 on?

6 A. Yes, I have, sir.

7 Q. I dare say you have seen rather repeatedly, seeming  
8 naively, I have been saying: in the command room, has  
9 somebody got a little map so they can tell where  
10 everybody is. Officers have been saying: we don't need  
11 to know where people are; and the answer was no.

12 I'm going to ask you about who knew where you were.  
13 So you are saying Silver wouldn't have known where you  
14 were?

15 A. That's correct, sir, in --

16 Q. Are you saying that no-one had a responsibility to tell  
17 you that there was an arrest team going unarmed? Do you  
18 follow the gravity?

19 A. I do, sir, and ... but this --

20 Q. If it isn't Silver, who is it?

21 A. This isn't -- I appreciate what you are saying, and  
22 no-one at the end of the day, no-one told me and  
23 I didn't even know of the presence of an arrest car --

24 SIR MICHAEL WRIGHT: Can I follow it up another way? We  
25 have heard from several officers that if the decision is

1 taken that a CO19 firearms team is going to move in to  
2 make an arrest or an intervention, one usually or should  
3 hear a message going out over the net: watch out or  
4 stand by, or something of that kind, a firearms team  
5 moving through.

6 A. That would be given under state amber, sir, yes.

7 SIR MICHAEL WRIGHT: Under state amber, and that is to warn  
8 the surveillance team in this context that there are  
9 armed officers coming through, firearms officers coming  
10 through?

11 A. That is correct, sir, yes.

12 SIR MICHAEL WRIGHT: Of course the point is that that is to  
13 avoid confusion and possibly danger with armed officers,  
14 firearms officers, not knowing who the surveillance  
15 officers might be, because they are covert?

16 A. That is correct, sir, yes.

17 SIR MICHAEL WRIGHT: That's the point of it, yes? I think  
18 what Mr Mansfield is putting, and I am intrigued about  
19 this, is that if at some stage the situation is going to  
20 be changed so that you then have unarmed arrest officers  
21 coming through, who's going to warn you, the firearms  
22 officers, that that's going to happen?

23 A. Well, I would in that -- thank you -- I would, in that  
24 situation, expect Silver or my firearms controller in  
25 order to tell me that that was going to happen.



1 SIR MICHAEL WRIGHT: Either your Silver or your team leader?

2 A. Yes, sir.

3 MR MANSFIELD: That was Ralph?

4 A. Yes, Ralph was my immediate team leader, being of

5 a sergeant rank, or we also have Trojan 84 who was in

6 the control vehicle with Silver.

7 SIR MICHAEL WRIGHT: You said firearms controller, is that

8 Ralph?

9 A. That would be Trojan 84, sir, in this case.

10 SIR MICHAEL WRIGHT: Trojan 84 would be the adviser?

11 A. Yes.

12 MR MANSFIELD: So Ralph is the team leader and he's in a car

13 with some other officers, who I won't name for the

14 moment and then we have another car with Silver, who we

15 have heard from, TJ84 who we have heard from, and

16 a driver?

17 A. That is correct, sir, yes.

18 Q. Right. Now, that's one scene about which you knew

19 nothing. Now, the next scene I am going to suggest is

20 far more serious even than that. When you were at this

21 junction, and I am not pinning you to a particular place

22 but somewhere along the central reservation there,

23 getting frustrated, do you remember those were the

24 words, you were getting frustrated about the position

25 because here was a man getting off a bus and going into

1 the tube station?

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

3 Q. I'm leaving to one side communications, I'll have to  
4 come back to that and ask you carefully about that  
5 situation.

6 First of all, did you hear the control room, by  
7 which I mean the operations room in New Scotland Yard,  
8 putting out messages or a message to the effect that  
9 they wanted CO19 to stop the individual, preferably  
10 before he entered the tube; did you hear any of that?

11 A. Yes, I did, sir. If I can refer to my statement, I'll  
12 give you the exact words that I heard. The control  
13 room, sir?

14 Q. Yes.

15 A. No, sir, sorry, that came from 84, Trojan 84.

16 Q. That's much later. Because there is a series of events  
17 that is not in your statement. You are welcome to have  
18 it open. Do you have it at the right page? The page  
19 dealing with this aspect of it is -- well, it's your  
20 fourth page. I am not asking for it to be on the screen  
21 for the moment. You have it there in front of you?

22 SIR MICHAEL WRIGHT: It's 356, on a right angle.

23 A. Thank you.

24 MR MANSFIELD: Thank you very much, it's up on screen, and  
25 it's the bottom third of the page where you deal with

1           "... preparing to leave the bus. We were about  
2           100 metres south of Stockwell tube", at that point.

3   A. That's correct, sir, yes.

4   Q. But you are still moving, I think you have told us in  
5           evidence, after that even?

6   A. That is correct, sir, yes.

7   Q. So you are still moving and then we can see, I am sorry,  
8           I know you have given some of this on Friday but there  
9           has been an intervening weekend:

10           "I heard that the suspect got off the bus and walked  
11           towards the NatWest Bank at the junction of Binfield  
12           [Street]."

13           So again, we're just dealing with:

14           "He then walked towards the tube. He entered the  
15           tube."

16           Now, first of all, you don't hear any communication  
17           from the ops room, whether it's Mr Esposito -- did you  
18           know him?

19   A. I do know him, sir.

20   Q. Whether you would recognise his voice is another matter,  
21           but anyway from him or anyone else. But more  
22           importantly, did you hear any radio traffic from the  
23           firearms team saying, "We can't do it, we are not  
24           there", or words to that effect?

25   A. No, sir.

- 1 Q. Because the truth was you were there and you could have  
2 done it, couldn't you?
- 3 A. Yes, sir.
- 4 Q. Thank you. Can I just pause for a moment. If you had  
5 been asked to do it, and someone had realised where you  
6 were, you don't have to tell us precisely but you would  
7 presumably and your colleague, not the driver, would  
8 have leapt out of the car and done a stop? That's  
9 essentially what you would have done?
- 10 A. If authorised, if we had been given the correct  
11 authorisation of state red, then obviously we would have  
12 got ourselves into a position in order to effect a stop.
- 13 Q. Right. Now, I'm not asking for the tactics or anything  
14 of that kind at this point. I just want to continue the  
15 scenario, because this is what we are being told  
16 happened while you are somewhere on the hatched lines  
17 here. So you don't hear the firearms team saying or  
18 somebody in the firearms team saying, "Can't do it, not  
19 there"; the next stage is, according to the ops room,  
20 that a decision is taken that armed surveillance should  
21 do it. Now, did you hear that?
- 22 A. No, sir.
- 23 SIR MICHAEL WRIGHT: SO12?
- 24 MR MANSFIELD: SO12.
- 25 SIR MICHAEL WRIGHT: You didn't hear that?

1 A. No, sir.

2 MR MANSFIELD: Now, somebody, again, ought to tell you,  
3 sitting there in the middle of the road, with an array  
4 of arms at your disposal, well, some arms at your  
5 disposal, somebody should have told you, shouldn't they?

6 A. If that did happen, you are expecting other people to  
7 know what I am listening to or what I am actually  
8 hearing.

9 Q. I'll come back to what you are listening to, and I'll  
10 make it clear that some of what you say you heard,  
11 I have to ask you where it came from, but we will come  
12 to that. Communications are important, but who would  
13 you expect to tell you the decision is S012 are going to  
14 do it?

15 A. I would expect that type of information to come over the  
16 main working channel.

17 Q. The Cougar?

18 A. Which is the Cougar channel which was surveillance.

19 SIR MICHAEL WRIGHT: Which was open to everybody?

20 A. Yes, sir.

21 SIR MICHAEL WRIGHT: You were all on it.

22 MR MANSFIELD: At this stage, leaving aside earlier  
23 difficulties, your Cougar is working sufficiently well?

24 A. Yes, it is.

25 Q. Just moving on from that --

1 SIR MICHAEL WRIGHT: Before you do that, can I just jog  
2 back, a couple of points.

3 Mr Mansfield asked you, you didn't hear anybody from  
4 the team, your team, saying, "We are not there, we can't  
5 do it"?

6 A. No, I didn't hear that.

7 SIR MICHAEL WRIGHT: I appreciate that. You did say to  
8 Mr Mansfield: well, we were there, we could have done  
9 it. I would just like to look at that for a moment.  
10 You had seen a bus going across the junction --

11 A. Sir, yes.

12 SIR MICHAEL WRIGHT: -- when you arrived. You never  
13 actually saw Mr de Menezes, as I understand it --

14 A. No, sir, I didn't.

15 SIR MICHAEL WRIGHT: Or if you did, you wouldn't have known  
16 who he was.

17 A. Yes, sir.

18 SIR MICHAEL WRIGHT: You didn't know who he was until he was  
19 pointed out to you down on the train.

20 A. That's correct.

21 SIR MICHAEL WRIGHT: By the time you got out of your car and  
22 sprinted across to the station, as you told us on  
23 Friday, did you know where Mr de Menezes was?

24 A. No. Not at all, sir.

25 SIR MICHAEL WRIGHT: The suggestion is, as you will

1 appreciate, if you have been watching the transcripts or  
2 watching what's been going on here, that by the time you  
3 entered the foyer of the station as the first officer  
4 in, he was already halfway down the escalators?

5 A. I believe now that's the case, sir, yes.

6 SIR MICHAEL WRIGHT: So would it necessarily be right to say  
7 that you could have made the armed stop?

8 A. I think possibly we could have done. I -- it was  
9 a judgment call from myself, and as I was controlling  
10 the speed of our vehicle, in order because I thought  
11 wrongly that we were on amber, so I wanted to get us  
12 into a position where, whereby state red had been  
13 called, that we could actually respond effectively to it  
14 and in a timely manner. So it was my judgment call to  
15 dictate the speed of the vehicle on, as it were, the  
16 final approach to Stockwell tube station.

17 So if the control room or my Silver had known the  
18 location of my vehicle, and a state red had been called,  
19 then we could have acted, I believe, slightly sooner  
20 than what had happened, yes.

21 SIR MICHAEL WRIGHT: I follow. The second officer in behind  
22 you was Charlie 2.

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: Who was very close to you when you went  
25 into the station, you have told us he was quite close

1           behind you?

2    A.   Yes, sir.

3    SIR MICHAEL WRIGHT:   And he had come from a different car?

4    A.   Yes, sir.

5    SIR MICHAEL WRIGHT:   Any idea which way -- he will tell us

6           in due course, but have you any idea which way he had

7           come?

8    A.   The -- only through seeing him run towards me, where we

9           had the eye contact, so he must have come from

10          a direction north of where I was, so we actually came in

11          together like this (indicated) sort of head to head,

12          sir.

13   SIR MICHAEL WRIGHT:   Opposite directions.

14   A.   Exactly, sir, yes.

15   MR MANSFIELD:   I am sorry, just going back with regard to

16          the Coroner's question to you, and again looking at your

17          statement as well as your evidence which is much the

18          same, you are 100 metres or less from Stockwell tube

19          when you heard that he had got off the bus and he was

20          walking towards the NatWest Bank.   So you were within

21          striking -- are you following me?

22   A.   Yes, I am, sir.

23   Q.   -- you were within striking distance, if somebody had

24          been sufficiently aware of the situation and in control

25          to have said to you "state red", and you sprint across



1 the road, you were then in a position, I suggest, to  
2 either intercept him before he gets into the tube  
3 station, or before he gets to the ticket barrier; do you  
4 follow?

5 A. I do follow what you are saying, sir. Actually in my  
6 statement it says "we were about 100 metres", so that --  
7 I know it sounds picky, but we could have been more or  
8 less distance to it.

9 MR MANSFIELD: Yes, I haven't pinned you to that.

10 SIR MICHAEL WRIGHT: But your signal to get out of the  
11 vehicle is state red?

12 A. It is, sir, yes, to deploy.

13 MR MANSFIELD: As we can see on the statement, we have not  
14 actually got to state red yet or you hearing it. But  
15 you haven't heard -- I am sorry to be going slowly but  
16 these are important events -- a request for CO19 to do  
17 if it in the first place, a rejection of that because  
18 they are not in a position to do it, any indication that  
19 SO12 should do it, and then a countermand of that,  
20 somebody in the firearms team saying, "We are there  
21 now", or words to that effect, "We are here"; you didn't  
22 hear that?

23 A. Sorry, which point --

24 Q. The last bit, "We are here"?

25 A. "We are here"?

- 1 Q. Yes.
- 2 A. I didn't hear that, sir, no.
- 3 Q. Just pausing, it also follows that -- you have seen the  
4 compilation on Friday, I don't ask for it again, even on  
5 this point -- you will have seen and you now know that  
6 in fact quite a few surveillance officers had already  
7 gone into the concourse, two at least, Ivor, we know his  
8 codename is Ivor, Ken, and three others. You didn't  
9 know about them going in there?
- 10 A. No, sir, no.
- 11 Q. You didn't know what they looked like?
- 12 A. No, sir.
- 13 Q. Just pausing, and it's a point contained within what the  
14 learned Coroner has just put to you a moment ago, not  
15 only did you know none of all that, that I have just put  
16 to you, you didn't know what the target looked like, did  
17 you?
- 18 A. That's quite correct. I wouldn't be able to stand up  
19 and say: that was definitely him, I could make  
20 a positive identification; nor would I need to.
- 21 Q. I'll come to that. You couldn't make an identification  
22 of any kind, could you, as you got out of your car on  
23 the hatched area?
- 24 A. Yes, I accept, sir.
- 25 SIR MICHAEL WRIGHT: You would have to have him pointed out

- 1 to you?
- 2 A. Exactly right, sir, yes.
- 3 MR MANSFIELD: Again one is looking slightly to the future.
- 4 You didn't have an image of either of the two suspects
- 5 who were primarily of interest, did you? You didn't
- 6 have the photograph with you, or did you?
- 7 A. No, I didn't, sir, no.
- 8 Q. Was there one in the car?
- 9 A. No, sir.
- 10 Q. So no-one in your vehicle had an image of the person,
- 11 and we can look at your statement and you can reflect
- 12 upon it quickly. Could we have the statement back up,
- 13 please, page 356, but if you just run through, in fact
- 14 it's this page, really, if you go to the top and just
- 15 run your eye down the page, at no stage does anyone tell
- 16 you what this man looks like, do they?
- 17 A. No, sir.
- 18 Q. At one stage you ring C2; do you see that:
- 19 "I phoned C2 for further information."
- 20 Do you see it?
- 21 A. That's correct, sir, yes.
- 22 Q. You phoned him. Now, did C2 say that the person you
- 23 were following was called Omar?
- 24 A. No, sir.
- 25 Q. He didn't. Right, we will hear some officers thought

- 1           they were following Omar, but he didn't tell you that --  
2           he's one of them -- on the phone. So what he told you  
3           is just in your statement?
- 4   A.   Exactly right, sir, it was a very short and sharp  
5           conversation.
- 6   Q.   Again I am still back on the hatchway just outside the  
7           Stockwell station. I want to now ask you carefully  
8           about -- because you do hear "state red" and this is  
9           where it's switched to the 75 back-to-back radio?
- 10   A.   That's correct, sir, yes.
- 11   Q.   I want to ask you these questions, bearing in mind other  
12           things that you say you heard on the route up, all  
13           right? Now, if the Cougar is only working  
14           intermittently, the better the nearer you are to  
15           Stockwell, but you need to get -- or the team leader or  
16           the team controller, or somebody needs to get through to  
17           you, how are they going to do it?
- 18   A.   Sir, I'm not sure whether my team leader or team  
19           controller would have known that my radio was acting in  
20           an intermittent fashion. I think if he had realised  
21           that, and realised that perhaps I was out of some form  
22           of communications in some sort of, you know, area where  
23           we can't get communication, then obviously he would have  
24           attempted to contact me, I would presume.
- 25   Q.   Let us examine that one. You knew you had difficulty

- 1 with communications, so I want to ask you firstly why  
2 you never phoned anybody on a mobile, personal or police  
3 issue, and say, "Look, we are having great trouble  
4 picking up what's going on". Did you ever do that?
- 5 A. I didn't, sir. However, I did make two phone calls, one  
6 to my team leader and one to his second in command  
7 asking what was happening.
- 8 Q. Yes. I appreciate, it's down there:  
9 "I phoned Ralph and asked [what was happening]."  
10 This is towards the beginning of the journey up to  
11 Stockwell tube. But you don't say to him, "Look, I am  
12 having real trouble picking up, I didn't even know there  
13 was a follow", do you?
- 14 A. No, sir, but the closer we actually got to Stockwell  
15 tube station, I have said in my evidence, the better our  
16 signals got. So I put this communications problem down  
17 as a temporary one, really.
- 18 Q. Well, it wasn't temporary because by the time you got to  
19 Stockwell, there was quite a lot going on as we have  
20 just been through that you didn't know about?
- 21 A. That I didn't hear.
- 22 Q. You didn't hear?
- 23 A. Yes, sir.
- 24 Q. Well, either it hasn't come over the Cougar at all,  
25 that's one possibility, or it has come over the Cougar

1           and you haven't heard it? Can you help us?

2   A. Yes, sir. I just didn't hear it. I am sorry, I can't

3           give evidence on something I haven't --

4   SIR MICHAEL WRIGHT: Do you wear earphones? Earpieces for

5           the Cougar.

6   A. I didn't on this day, sir.

7   SIR MICHAEL WRIGHT: How do you hear it, through

8           a loudspeaker in the car?

9   A. Yes, sir.

10   MR MANSFIELD: I want to put to you the most important thing

11           on an operation, and I'm sorry if it sounds naive from

12           an outsider, is that people should know, in a team, in

13           a firearms team, they should know where their vehicles

14           are; the team leader at least should know roughly where

15           they are, shouldn't he?

16   A. Yes, sir.

17   Q. Thank you. So why didn't you tell -- if the

18           communications are bad, and you have missed all sorts of

19           things and obviously as you said on Friday, if you can't

20           hear them, you don't know what you have missed, but you

21           may have missed something -- why don't you ring up Ralph

22           and say: look, I am beetling along, whatever word you

23           want to use, I am going straight down the Clapham High

24           Street to Stockwell right now and I will get there; and

25           you did it within minutes from Nightingale Lane?

- 1 A. We did, yes.
- 2 Q. You did it within minutes. You saw Stockwell, you know  
3 the area very well, you saw it, anticipated it might be  
4 a threat area from the point of view of the person on  
5 the bus?
- 6 A. That is correct, yes.
- 7 Q. So it would be very important for you to say to Ralph or  
8 Trojan 84 or whoever you want to speak to, out of breath  
9 or whatever you may have been, "I am here, I have got  
10 here, I am at Stockwell". Why didn't you tell them  
11 that?
- 12 A. The only explanation I can offer to you is that things  
13 happened so quickly, the journey happened so quickly,  
14 and all the time as we are getting closer and closer to  
15 the scene, as it were, of the main transmission, is my  
16 transmissions were getting clearer and clearer. Why  
17 I didn't tell them where I was, I can't say. I was  
18 trying to listen to the radio, I was trying to direct my  
19 driver, trying to spot where the bus was, I had a lot  
20 going on, so if that is an error, then you know, I fully  
21 apologise for it.
- 22 Q. Apologies are appreciated, but I do suggest as part of  
23 an experienced firearms officer -- and you agreed that  
24 the firearms leader at least needs to know where all his  
25 vehicles are, roughly speaking, not the precise point

1 but roughly where they are -- that one of the things  
2 that you would want to transmit at some point, "I am  
3 driving slowly towards Stockwell now and the bus, as  
4 I understand it, is either on the junction or just going  
5 over", that's all that has to be done at that point. It  
6 is perhaps the most important thing for control room way  
7 back in New Scotland Yard, the control car around the  
8 corner in the Stockwell Road, to know that you are in  
9 a prime position, if he gets off the bus, and of course  
10 you have heard that he has, to do something about it?

11 SIR MICHAEL WRIGHT: I can see problems, Mr Mansfield, and  
12 maybe we ought to ask the witness if he can help us on  
13 it.

14 I think what you are suggesting, there are five or  
15 six cars in the team, aren't there?

16 A. Sir, that's a variable point.

17 SIR MICHAEL WRIGHT: I know, but on this particular day.

18 A. Yes, there were.

19 SIR MICHAEL WRIGHT: Five or six.

20 A. From my memory, five --

21 SIR MICHAEL WRIGHT: It doesn't matter. It's the principle  
22 of the thing. If Ralph, the team leader, is going to  
23 know where everybody is, he has to call them all round?

24 A. He has, sir. Can I, if I may just interject for one  
25 moment.



1 SIR MICHAEL WRIGHT: Yes.

2 A. This was an unusual situation for us vehicular wise. If  
3 I may explain, our standard operating procedures, when  
4 we work with surveillance on this mobile armed support  
5 to surveillance, generally speaking we travel in  
6 a convoy, and generally speaking our control car is at  
7 the rear of our convoy, and so they will have sight of  
8 their resources at all times.

9 SIR MICHAEL WRIGHT: So he can see you.

10 A. Now, in answer to Mr Mansfield's point, I hope this  
11 addresses it in some way, is that I presume Silver or  
12 Trojan 84, sorry, saw the resources that he had in front  
13 of him and didn't necessarily pick up that I was missing  
14 or felt happy and comfortable that he had the resources  
15 there in order to act effectively.

16 SIR MICHAEL WRIGHT: If -- the team leader it would be,  
17 I suppose, or Silver, is going to -- I'll go back a bit.  
18 We have been told that when using the Cougar system,  
19 you are supposed to keep your contributions very  
20 succinct so that you don't block up the radio waves;  
21 that is correct, is it?

22 A. Yes.

23 SIR MICHAEL WRIGHT: Do you think it's practicable for  
24 a team leader to, as it were, call round Delta 1,  
25 Delta 2, Delta 3, Delta 4, Delta 5 and so on, "Where are

1           you?" and get answers?

2   A.   It isn't practical, sir, and it's something that we  
3        don't really do. Invariably, as I have mentioned  
4        before, we stay together --

5   SIR MICHAEL WRIGHT: The idea is you are in visual contact  
6        with each other. That's the idea?

7   A.   That's correct, sir, so we can get to places together,  
8        and then when we get deployed, we act together as a team  
9        so we have all our resources in one place.

10  SIR MICHAEL WRIGHT: So for you as you did on this day to be  
11        going by a different route because you had been  
12        intercepted just after you left Nightingale Lane, that's  
13        an unusual situation, is it?

14  A.   Yes, it was, it was, sir, yes.

15  MR MANSFIELD: It is for that reason that I am suggesting  
16        that the onus of information is actually on you if you  
17        are doing something unusual and you are not in the  
18        convoy and Ralph may assume you are behind but you are  
19        not, and you are getting frustrated, because that was  
20        your word, sitting there with no order coming over and  
21        you can't really understand it, just to say, "I am here,  
22        what's going on?" It's on you to tell them if it's  
23        slightly unusual for you to be not in the convoy. You  
24        are following what I am putting?

25  A.   Yes, I do, sir, and yes, sir, you are correct. Looking

1 back on it, the onus was on me in that situation. I was  
2 listening to the radio trying to pick up as much as  
3 I could, and I was waiting for any commands to come  
4 through and that affected my decisions not to use the  
5 radio so yes, I agree with you.

6 Q. So that's a series of cameos, if you like, around the  
7 Stockwell station of three different teams, in fact all  
8 there. Ivor's actually got there first with his team,  
9 is inside; you are on the hatching; and the rest of the  
10 convoy are spread out down the road on the right-hand  
11 side of Stockwell Road.

12 As we have your statement, I just want to go back to  
13 the beginning of the journey, minutes though it was, the  
14 sentence -- I am using this because it's easier than  
15 your evidence, your evidence is much the same:

16 "When we reached Clapham Common South Side..."

17 Do you see that, four or five sentences down? So  
18 you have left the TA --

19 A. Yes.

20 Q. I am sorry, you've left the Nightingale Lane holding  
21 centre?

22 A. Yes.

23 Q. Police premises; I think it's not a police station, but  
24 police premises:

25 "When we reached Clapham Common South Side I started

1 to hear communications from our car radio."

2 Now, are you in fact, as you are in the front  
3 passenger seat, the person responsible for  
4 communications? Or is that someone else.

5 A. Generally, sir, that would be one of the functions  
6 I have. But it's a shared function, as it were, amongst  
7 the team members.

8 Q. I am sorry to interpose it, but it will make more sense.  
9 When you came to write this statement the day following,  
10 on the 23rd, did you and your fellow crew members sit  
11 down as a group and agree what happened on this journey?

12 A. We talked through our recollection of events and  
13 I recalled my recollection as accurately as I could  
14 here. Yes, we did, we did talk about it.

15 Q. Did you agree, in particular, what was being heard over  
16 the radio?

17 A. The word "agree", sir, my statement is my statement, and  
18 I have -- and it is my accurate -- as much as I can  
19 accurately recall, exactly what happened. It might  
20 differ with other officers and I expect it would do.

21 Q. With the team you are with, do you follow, on key points  
22 I want to come to, it doesn't differ from the other two  
23 in the same vehicle; but it does differ -- and I have to  
24 ask you carefully about it -- substantially from other  
25 people in other vehicles. Now, I'll come to it, so you

1 follow why I want to go through it.

2 A. Yes, I do, yes.

3 Q. Just going on:

4 "The comms were quiet and at times intermittent.

5 I could make out that a subject from 21 ... was on a bus

6 heading towards Brixton ..."

7 So are we understand that you heard that over the

8 Cougar and it's coming from a surveillance officer, is

9 it?

10 A. I can't say. In my evidence on Friday -- and the radio

11 communications were awful, they really were bad.

12 However, that isn't an exact comment, that's me

13 paraphrasing information that I have pulled together in

14 order to get --

15 Q. I want to interpose another element here, if I may.

16 Once you heard that there was a subject from 21 on

17 a bus, did you then start saying to yourself that this

18 is an identified suspect from the day before?

19 A. I can't recall that type of detail.

20 Q. No, very well.

21 A. But what it did do was make me alert as to something was

22 happening which made me then make the series of phone

23 calls.

24 Q. It's what you are not told that I want to come to, as

25 well as what you are told. You phone Ralph, he is the

1 team leader and ask what's happening. He said -- and  
2 what you and your fellow officers in the same car, you  
3 put things into inverted commas to suggest that this is  
4 an accurate as you can get it summary of what he, Ralph,  
5 said, "'Subjects on bus heading towards Stockwell'".

6 I really don't want to be pernickety, but it looks  
7 as though it's more than one, but it could obviously  
8 mean subject is on bus. Can you just help?

9 A. I will try to. The only thing that I can say is that  
10 the "subjects on a bus heading towards Stockwell",  
11 I might have missed the word "a" or something, but that  
12 is as accurately as I can recall that telephone  
13 conversation.

14 Q. Are we to understand that what you recall Ralph telling  
15 you is plural, "subjects"?

16 A. That's how I have written it there.

17 Q. All right.

18 A. But -- he -- I can't say how exactly, other than that,  
19 that's what I heard.

20 SIR MICHAEL WRIGHT: Sorry, it's singular in your statement.

21 A. "Subjects on a bus".

22 SIR MICHAEL WRIGHT: I beg your pardon, I am looking at the  
23 wrong bit. Sorry.

24 MR MANSFIELD: First, it's --

25 SIR MICHAEL WRIGHT: It might be apostrophe S, Mr Mansfield.

1 MR MANSFIELD: Yes, it might be, and that's why his note was  
2 looked at the other day, or rather the original  
3 handwritten form of this.

4 Can I ask you while we are on this topic, did you  
5 make any notes before you made this statement which you  
6 say are your notes? Did you make any preparatory notes?

7 A. No, sir.

8 Q. You didn't. I'll not take up too much time obviously on  
9 that. Ralph doesn't say there is a follow by you; in  
10 other words he doesn't say, "Right, we have got to move  
11 and follow", does he?

12 A. No, sir.

13 Q. You assumed that you were to follow?

14 A. I assumed from what he said that a subject or subjects  
15 was on a bus heading towards Stockwell.

16 Q. But what's that got to do with you unless you are  
17 ordered to do something?

18 A. It was my assumption that there is a subject, which  
19 means an identified subject to me, was on a bus heading  
20 towards Stockwell.

21 Q. Right, so it does mean, even by this stage, that's the  
22 second communication, that you had assumed that it was  
23 an identified person or persons from the day before?

24 A. That is correct, sir, yes.

25 Q. Because they would not follow anybody unless they had

- 1           been positively identified from the day before?
- 2    A.   That's correct, sir, yes.
- 3    Q.   So it never entered your thinking that the surveillance
- 4           team might just follow somebody who's only possibly the
- 5           person from the day before?
- 6    A.   Can you just rephrase that for me again, please?  Sorry.
- 7    Q.   Yes.  Did it occur to you -- I can only ask you, I don't
- 8           know about the rest of the crew in your car -- well, we
- 9           are not ordered to join the follow, we are not being
- 10           ordered to join the follow, and of course -- and this
- 11           didn't happen at the briefing -- the surveillance team
- 12           might need time to identify one way or another, and they
- 13           haven't positively identified yet; did that occur to
- 14           you?
- 15   A.   No, sir.  As I say, I picked up that -- it was such
- 16           a quick phone call, what was happening, and then it was
- 17           subjects on a bus heading towards Stockwell; and for me
- 18           that was an immediate alert reaction that, you know, we
- 19           have got a subject here from the failed suicide bombings
- 20           and it was an assumption.
- 21   Q.   It was an assumption and I want to ask you whether
- 22           what's happening here are the seeds, the beginning, of
- 23           a quick series of actions which lead to you running down
- 24           an escalator with one thing in mind, "I have got to stop
- 25           that suicide killer".  Do you follow?



1 A. I do follow, sir, yes.

2 Q. Again I keep interposing but it will save having to sort  
3 of repeat it. During the briefing, you had two of them  
4 so I'll deal with them both together. At no stage in  
5 either of the two briefings -- I'm just pausing if there  
6 is a need for paper and so on. (Pause)

7 At no stage in either of the two briefings did  
8 anyone say anything to the effect that the surveillance  
9 team may need to follow somebody when they are not sure  
10 who it is in order to establish identity and in fact,  
11 well, first of all, nobody said that, did they?

12 A. No, sir.

13 Q. Nobody said to you: actually, the suspects may not be at  
14 this address because it's a footprint address and it's  
15 unlikely they will go back there; no-one said that?

16 A. No, sir.

17 Q. These are quite important qualifications in a briefing,  
18 aren't they?

19 A. Well, you are saying that, sir, I can only go on the  
20 information I'm given.

21 Q. Of course.

22 A. Not what I am not told because I obviously don't know  
23 it.

24 Q. Absolutely, you can't go on what you are not told.

25 Just going back to what you appear to have been told

1 here by Ralph, and he's giving evidence. Just look at  
2 the statement. It says:

3 "I relayed the information to C3 and C11."

4 Is that right?

5 A. That is an error, sir. It should have read "D3 and  
6 D11".

7 SIR MICHAEL WRIGHT: Is that Vic and William?

8 A. It is, sir, because they are on a different team and  
9 they had different pseudonyms and that's just an error  
10 on my part.

11 MR MANSFIELD: It's just an error?

12 A. Yes.

13 Q. All right, I understand that. "C3 drove towards  
14 Stockwell". Then there is the phone call to C2, so the  
15 next bit of information, so far then we are building up  
16 a picture that a subject or suspects are on a bus  
17 heading towards Stockwell. Now you get the information  
18 that it's a number 2 bus, and you get this from C2?

19 A. That's correct.

20 Q. That's all he says?

21 A. "He's on a number 2 bus Stockwell Road towards  
22 Stockwell", yes.

23 Q. You still haven't had any order that you are to join in  
24 the follow. You have just assumed it?

25 A. I have assumed it, yes.

- 1 Q. I have asked you already, C2 doesn't tell you, well, in  
2 fact the person that he thought you were following was  
3 Omar, so no names are mentioned to you?
- 4 A. No names are mentioned. It is exactly as --
- 5 Q. As you have got it?
- 6 A. Yes.
- 7 Q. "We continued into Clapham Road towards Stockwell [you  
8 see it, you can follow it in the statement]. I remember  
9 hearing ..."
- 10 I want to ask you very carefully indeed about this  
11 part of it, and what you have put in recorded speech  
12 marks, do you see?
- 13 A. Yes.
- 14 Q. "... 'Units beware S019 units are moving through' ..."
- 15 Now, you are by this stage roughly halfway to  
16 Stockwell tube in the journey or you can't say?
- 17 A. It's a little bit hard to recall, but I have a feeling  
18 certainly that we had cleared Clapham High Street by  
19 that stage.
- 20 Q. All right, that's fair enough. Now, all three of you  
21 talk about this. That's the three of you in your  
22 vehicle. Now, from your point of view this is  
23 an extremely important communication, isn't it?
- 24 A. It was, sir, yes.
- 25 Q. Because although you had not been ordered to follow, you

1           are now assuming that you are at state amber?

2    A.   That is correct, sir, yes.

3    Q.   Reading on in the statement:

4            "This means that a possible intervention or action

5            by SO19 might take place."

6            That's the first meaning to be attached to this.

7            Secondly, going on in the statement:

8            "This also indicated to me that the subject had been

9            positively identified and was actively being followed."

10           All that?

11   A.   That's correct, sir, yes.

12   Q.   So this solidifies, if it's been sort of in the fringes

13           of your mind, the fact that you have got a suspect who

14           is a killer from the day before and that you are going

15           to at some stage face the possibility of having to

16           intervene; all of that?

17   A.   That's correct, sir, yes.

18   Q.   Where did this information come from?

19   A.   My assumption?

20   Q.   No, where did the information that you have written

21           down, "Units beware SO19 units are moving through", who

22           told you that?

23   A.   This came over the main surveillance Cougar radio

24           channel, and I have presumed that this had come from

25           a surveillance unit.

- 1 Q. So it's not something from your team leader, or your  
2 controller, or your Silver Commander?
- 3 A. I have presumed it's from the surveillance. I can't say  
4 who it was from.
- 5 Q. Do you normally in a firearms operation make quite so  
6 many assumptions that you seem to have been making on  
7 this day?
- 8 A. Not normally, sir, no, but my assumptions are based on  
9 knowing my team members, knowing the intonations of  
10 their voices, and of knowing of our operational  
11 procedures, which helps me, rightly or wrongly, obtain  
12 a picture.
- 13 Q. You see, I want to suggest to you for your  
14 consideration, and perhaps I'll preface this, when you  
15 made this statement you were anxious or somebody was  
16 that you should put in at the start of the statement  
17 that it's liable to perceptual distortion; do you  
18 remember?
- 19 A. Yes, I do, sir, yes.
- 20 Q. Could we have the first page, please, up on screen.  
21 It's 353. I don't think the jury have actually seen  
22 a paragraph that's been referred to, 353:  
23 "I have reason ..."  
24 Do you see that paragraph?
- 25 A. Sir, yes.

1 Q. "I have reason to believe there may be various video  
2 recordings [and so forth] ... I make these notes  
3 honestly from my own recollection of how the scene  
4 unfolded in my eyes. I am aware that some of the things  
5 I witnessed might be subject to 'perceptual distortion',  
6 however these are again my recollections honestly  
7 written."

8 Now, that is perceptual. Perception, of course, can  
9 affect vision as well as hearing. So is there any  
10 possibility that this is totally distorted and you  
11 didn't hear anything of the kind? Is that possible?

12 A. What are you referring to, sir?

13 Q. The "Units beware S019 units are moving through" coming  
14 over the surveillance channel?

15 A. I heard that, sir.

16 Q. I am just giving you the opportunity because you  
17 highlighted at the beginning of the statement, and I'm  
18 going to ask you from time to time whether this  
19 cautionary note at the beginning of the statement  
20 applies to any part. So it doesn't apply to this. You  
21 are not distorted. You say: that's what I heard.

22 A. Yes, sir.

23 Q. No surveillance officer seems to be in a position to  
24 corroborate this or say, there is no record of this  
25 being said; in fact their position is even worse.

1           Certainly their leader didn't really know until the very  
2           last minute what SO19 were doing. So would you care to  
3           just re-think this and wonder whether you could have  
4           made a mistake?

5   A. Sir, I didn't make a mistake, no.

6   Q. You see, it's absolutely critical in your account, these  
7       words, because it has such an effect on your thinking,  
8       you say?

9   A. You say "critical", it had -- these words indicated to  
10       me obvious -- that we had or we were actually following,  
11       or surveillance were following behind a failed suicide  
12       bomber, and that we were possibly looking at a possible  
13       intervention at some stage. That's the effect it had on  
14       me.

15   Q. All right. I realise the effect, but it can't be  
16       tracked down. There is no audit trail for this at all.  
17       I just want to move forward. We are coming now to the  
18       part we have just dealt with or part of it:

19                "The closer we got to Stockwell, the better the  
20       communications got."

21                I am on 356, now, back to that page:

22                "... on a bus... oblique angle ... I could see it  
23       from our position. I heard the suspect was acting  
24       nervously."

25                Who did you hear that from?

1 A. That was surveillance.

2 Q. That was surveillance?

3 A. Assuming surveillance, surveillance channel.

4 Q. There is only one surveillance officer on the bus at  
5 this point. We have heard from him, and he says he  
6 never communicated words to that effect, whether it's  
7 "nervous and twitchy" or "nervous", he never  
8 communicated that. It's unlikely that anybody else off  
9 the bus saw that because he is still preparing to leave  
10 the bus. Once again I have to ask you: is there any  
11 possibility you have made a mistake?

12 A. No.

13 Q. Well, then, I have to ask you whether what you have been  
14 doing when you made up your notes in this statement form  
15 was trying to explain incrementally how it came about  
16 that you shot an innocent person, in other words how you  
17 formed the view that he wasn't innocent? Is there any  
18 possibility that you have had to, as it were, build  
19 a picture about this man, if it's not a mistake?

20 A. Absolutely not. I have relayed the honest truth that  
21 I heard and what I recollect in that statement, and they  
22 were the words I heard. Again, I can take you back to,  
23 and you paraphrased what we actually wrote:

24 "We have reason to believe there may be various  
25 video recordings in existence of this incident. I make



1           these notes without having seen any of them. This was a  
2           very fast-moving stressful situation where the threat of  
3           loss of life was very, very high. I make these notes  
4           honestly written, from my own recollections of how the  
5           scene unfolded in my eyes and I'm aware that some of the  
6           things I have witnessed may be subject to a perceptual  
7           distortion. However, again these are my recollections  
8           honestly written."

9           With those videoed recordings also comes audio  
10          recordings as well. As far as I was aware, all the  
11          radio transmissions were being recorded audio. So why  
12          would I try and make up a false picture of how I saw  
13          things happen at the time?

14        Q. I have made the suggestion to you; I can only suggest it  
15          to you, if it's not a mistake and the officer concerned,  
16          unless he's lying about it, is saying he didn't say  
17          anything like this or communicate it, it's an officer  
18          called Lawrence; so I am having to ask you, and when we  
19          get to the carriage itself, there is more detail I'll  
20          have to put to you about why you were doing this because  
21          the following day you discovered to your horror that you  
22          had shot an innocent man. All right?

23        A. That's quite correct and that is why I have tried to be  
24          brutally honest about everything. I have got to justify  
25          what I have done, and justifying what I have done

1 doesn't mean that I am going to break the law.

2 Q. When you finished your evidence on Friday, and I want to  
3 ask you about this now, just perhaps before the  
4 mid-morning break, could we have on the screen so you  
5 can follow it, page 171 of Friday's evidence at line 18,  
6 when this was dealt with. Page 171, I hope the pages  
7 are still the same. If it can't be brought up, can  
8 I read you the words. In any event I have an interim  
9 transcript of what you said, would you just follow,  
10 because Mr Hilliard who sits here asked you the  
11 question, very near the end, about your feelings when  
12 you learnt that it was an innocent man, you said:

13 "A sense of disbelief and of shock, sadness,  
14 confusion."

15 Then you said this:

16 "Everything I have ever trained for, for threat  
17 assessment, seeing threats, perceiving threats and  
18 acting on threats proved wrong, and I'm responsible for  
19 the death of an innocent man."

20 You went on to talk about how you would have to live  
21 with that. Do you remember those words?

22 A. I do recall them very vividly, sir, yes.

23 Q. Very fairly, unlike, I may say, some other witnesses we  
24 have heard, you have conceded there that something  
25 proved wrong, something went wrong. All right?

1           What I want to ask you now is: how did that happen,  
2           given the training and so on that you have mentioned  
3           there? It proved wrong. How did that happen?

4   A. From the information I had received through the  
5           briefings, through the positive identification given to  
6           me by the surveillance officers, by Mr de Menezes'  
7           actions, both on when we were getting on to the tube,  
8           when I challenged him, everything I have thought, sadly,  
9           proved to be wrong.

10   Q. Is there a possibility in that, let us just take the  
11           last bit, in other words there are three elements: the  
12           information you have been provided with, the positive  
13           identification and the actions. I just want to  
14           concentrate on the actions for a moment.

15           Is there any possibility of visual distortion about  
16           what you saw Mr de Menezes do?

17   SIR MICHAEL WRIGHT: Perceptual?

18   MR MANSFIELD: Yes, perceptual, embracing visual as well as  
19           audio.

20   A. Sir, the honest answer is there could well be.

21   Q. There could well be?

22   A. There could well be, but again I just have to take you  
23           back, a very, very fast-moving situation, and I have  
24           tried to recall, as accurately as I possibly can, the  
25           movements and the timings of those movements.

- 1 Q. Of course, so you have readily -- not readily, but you  
2 have agreed that it's liable, what you say Mr de Menezes  
3 did, that is liable or susceptible to perceptual  
4 distortion. Now, during your training as a firearms  
5 officer, you are regularly having to train for and deal  
6 with fast-moving situations, aren't you?
- 7 A. That's correct, sir, yes.
- 8 Q. You train for fast-moving situations under pressure,  
9 don't you?
- 10 A. That's correct, yes.
- 11 Q. So when you asked the very human questions in your  
12 statement, which were set out on Friday, the ones about  
13 how would you feel, how would you react, what action  
14 would you take; those questions, do you remember?
- 15 A. That's correct, sir, yes.
- 16 Q. One has to bear in mind it's not how members of the jury  
17 might react or the learned Coroner or I, but how  
18 a trained firearms officer would react dealing with  
19 a very serious, if not -- you put the highest threat,  
20 it's how a firearms officer who's trained might react,  
21 isn't it?
- 22 A. Sir, those questions I put, I posed at the time of  
23 writing my statement, in order for some people that --  
24 perhaps not firearms officers, it was just an open-ended  
25 three questions to actually try and help people

1            formulate in their own minds the type of things that we  
2            were being asked to do and the type of threats that we  
3            were being asked to face. So it was a -- they were  
4            questions based on or hoping to make people reflect on  
5            perhaps their own feelings and thoughts in order to  
6            perhaps come to terms with my feelings and thoughts at  
7            the time. It was an emotional time.

8    Q. It was an emotional time, but then first of all, and  
9            I hope, sir, if I can stop at 11 for the break, would  
10           that be fair?

11    SIR MICHAEL WRIGHT: Yes.

12    MR MANSFIELD: I hope you don't think this is an impertinent  
13            question, it's not intended to be, but in the first  
14            place you volunteered to be a firearms officer, didn't  
15            you?

16    A. Absolutely, sir, yes.

17    Q. You wanted to do the job?

18    A. Yes, sir.

19    Q. May I ask you, what was it about the job that attracted  
20            itself to you?

21    A. The camaraderie, the challenging aspect of the role, the  
22            training, and the teamwork primarily, being involved in  
23            a close working team environment, which through my sport  
24            playing, has always attracted to me, and the thought  
25            that I could perhaps do a good job with it.

- 1 Q. All utterly reasonable objectives. Having joined and we  
2 heard the dates on Friday, having joined, plainly over  
3 this period of time you are having regular training, as  
4 you have said?
- 5 A. That's correct, sir, yes.
- 6 Q. As far as SO19 specialist firearms are concerned, one  
7 week in six is training?
- 8 A. That's correct, yes.
- 9 Q. The rest of the time, would it be fair to say most of  
10 the time is occupied with firearms jobs that you are  
11 given to do, whether it's following somebody to  
12 a conclusion or not? You are out on the street?
- 13 A. That's quite correct. In the vast majority of our jobs,  
14 some of our jobs will result in long hours sitting round  
15 and absolutely nothing will happen. So yes, it's coping  
16 with frustration that way as well.
- 17 Q. Of course. Then the frustration is suddenly broken into  
18 by the fact that you do get something very fast-moving  
19 which you have to deal with?
- 20 A. And may I say to that you are totally correct, but this  
21 is something as firearms, especially specialist firearms  
22 officers we are used to coping with. We receive  
23 briefings from all different departments across the  
24 Metropolitan Police, ranging from the Anti-Terrorist  
25 Branch to local boroughs where they might need our

1 assistance in some form or another. So we have the  
2 ability, we listen to these briefings, we absorb the  
3 information that's contained in them, and then we get  
4 about our business.

5 It might be hard for some people to understand, but  
6 we don't operate at 100 per cent the whole time. There  
7 has to be calm-down times. You can't run the engine of  
8 a car at full revs because the car and the engine will  
9 just explode and the human body is exactly like that.  
10 So with firearms operations, after we have the  
11 briefings, there is almost like, right, this is a job  
12 for us; what do I need to bear in mind; let us get on;  
13 and your pulse and everything else returns not to normal  
14 but on a lower state of readiness and ready to --

15 Q. I follow all of that.

16 A. I won't go on too long. Sorry.

17 Q. It's fine, you may have as much time as the Coroner  
18 permits. But the point on this day was that you had  
19 barely come out of a second briefing and you were on the  
20 road, on an assumed follow; correct?

21 A. Well, we did have some time. I admit it wasn't a long  
22 time and I can't recall the exact amount of time, but we  
23 did have time in order to put a security -- radio  
24 channels into our radio, prepare our kit a little bit  
25 more, and actually wait before we finally deployed, so

1           there is time, and again this is, albeit not to this  
2           serious nature, we do -- it's what we do. We are used  
3           to this being built up and then quietening down again in  
4           order to respond. Because at the end of the day we  
5           didn't know what we were going to expect. We could have  
6           been here for hours and hours and --

7   Q.   So are we to understand, then, this wasn't a situation  
8           in which you were panicked into anything or you lost  
9           control or anything of that kind?

10  A.   No. Not at all.

11  MR MANSFIELD:  Sir, would that be a convenient moment?

12  SIR MICHAEL WRIGHT:  Yes, certainly. Just a couple of  
13           things, please, before we rise.

14           When there is a surveillance team out doing  
15           a follow, as the case may be, and that there is  
16           a firearms team prepared, this is in a MASTS situation,  
17           mobile armed support to surveillance?

18  A.   Sir.

19  SIR MICHAEL WRIGHT:  Am I right in thinking, I think we have  
20           been told this, that the armed team, the firearms team,  
21           doesn't go out with the surveillance team, it tends to  
22           hold back, it tends to stay behind it; is that right?

23  A.   That's correct, sir, yes.

24  SIR MICHAEL WRIGHT:  And that's standard practice?

25  A.   Yes, it is.



1 SIR MICHAEL WRIGHT: So that is the situation that gives  
2 rise to the warning which you have told us about that  
3 you heard, "Units beware SO19 moving through"?

4 A. That's correct, sir.

5 SIR MICHAEL WRIGHT: That's a standard warning, is it?

6 A. It's not a standard warning, sir. It can be used but  
7 the surveillance units should have been briefed before  
8 they actually deploy on a MASTS, mobile armed support to  
9 surveillance; they should be just reminded of the  
10 traffic light system, what green means, what amber  
11 means; so naturally if they hear a state amber given  
12 over the radio, they think the surveillance team are  
13 coming up, we need to assist their progress through.

14 SIR MICHAEL WRIGHT: So in that respect you are lying behind  
15 the surveillance team waiting to be called through?

16 A. That is correct.

17 SIR MICHAEL WRIGHT: That deals with that one.

18 The other thing that is puzzling me is this: when  
19 you actually got out of your car and ran towards the  
20 station, you said a little earlier on to Mr Mansfield  
21 that you had not heard anybody saying or ordering that  
22 SO12, the surveillance team, should make the stop?

23 A. That's correct, sir.

24 SIR MICHAEL WRIGHT: You didn't know that any surveillance  
25 team was ahead of you in the station?

1 A. I could only surmise that they were, because --

2 SIR MICHAEL WRIGHT: That's what I was after. Did you  
3 assume that they were?

4 A. Yes, I did, sir, yes, because I heard "platforms 1 and  
5 2", and in order to get that type of detailed  
6 information, they would have to be in the close  
7 vicinity, and therefore before me.

8 SIR MICHAEL WRIGHT: That's what was puzzling me, because  
9 otherwise you wouldn't have any idea who you were  
10 looking for?

11 A. Exactly right, sir.

12 SIR MICHAEL WRIGHT: So you had to make the assumption that  
13 there was at least one surveillance officer ahead of  
14 you?

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

16 SIR MICHAEL WRIGHT: Very well. Quarter past, ladies and  
17 gentlemen.

18 (11.03 am)

19 (A short break)

20 (11.18 am)

21 (In the presence of the jury)

22 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

23 MR MANSFIELD: Just before the break, I was dealing with  
24 training for fast moving incidents under pressure and so  
25 on. So just a continuation with that: 9/11 occurred,

1 obviously we all know in 2001, you were a specialist  
2 firearms officer at that point?

3 A. Sir.

4 Q. After that, in other words 2001 to 2005, the  
5 Metropolitan Police were preparing for that eventuality  
6 in the United Kingdom?

7 A. Is that a question, sir?

8 Q. Yes. That's what they were doing, preparing for the  
9 eventuality that there might be a suicide bombing in the  
10 United Kingdom?

11 A. I believe they were, sir. Some parts were obviously not  
12 at my level, but I believe those discussions were  
13 happening at a more senior level to me.

14 SIR MICHAEL WRIGHT: Well, you obviously weren't making  
15 decisions on that, but did you perceive that the  
16 training that you were getting over that period was  
17 likely to be training preparatory for such a risk?

18 A. Absolutely, sir, yes.

19 MR MANSFIELD: I want to ask you about this, because  
20 although before July 7th 2005 there had not been  
21 a suicide bombing in the United Kingdom, your training  
22 must have involved some exercises in relation to  
23 a potential suicide bomber, mustn't it?

24 A. It did, sir, yes.

25 Q. The most obvious form besides vehicle and aircraft and

1 all the rest of it was considering the possibility of  
2 what's called a footborne suicide bomber?

3 A. Yes, sir.

4 Q. You would go to various places -- there is no secret  
5 about one of them, Gravesend, for example -- in order to  
6 carry out exercises in which you would be faced with not  
7 a real one but obviously a simulated situation; would  
8 that be fair?

9 A. That would be fair, yes, sir.

10 Q. How often, roughly -- we have your training record,  
11 I seriously don't want to go through every jot and  
12 tittle of it -- but how far often over the years between  
13 2001 and July 2005 would you have had training in  
14 relation to the footborne suicide bomber threat?

15 A. From my recollection, footborne suicide bomber threat,  
16 I believe I had roughly about two inputs as regards how  
17 to specifically deal with that.

18 Q. Two inputs, does that mean two training sessions?

19 A. I believe so. It's a long time ago now, but certainly  
20 one of those was a practically based scenario on the  
21 actual methodology into the placement of critical shots,  
22 and from my memory, I think there were PowerPoint  
23 presentations on the facts of explosives --

24 SIR MICHAEL WRIGHT: Do you mean lectures?

25 A. Yes, sir.

1 MR MANSFIELD: On the PowerPoint presentation --

2 SIR MICHAEL WRIGHT: Forgive me. That's lectures; any

3 actual on the ground exercises?

4 A. As regards person-borne, sir, they were the only inputs.

5 However, we did subsequently do other exercises, but

6 primarily I think they involved vehicles, I believe.

7 MR MANSFIELD: We have heard about 13 to 15 July.

8 A. Yes.

9 Q. You specified that on Friday?

10 A. Yes, sir.

11 Q. Where there was a moving through traffic in an urban

12 area?

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

14 Q. I don't mean that one. What I mean is particularly in

15 your case, did you have any practical exercise faced

16 with somebody who pretends to be -- either on a video

17 simulation or an actual simulation, one of your

18 compatriots or colleagues pretends to be a suicide

19 bomber; was there any practical exercise that you had

20 undertaken before July 2005?

21 A. There was, sir.

22 Q. There were. I am not going to trespass on anything

23 that's sensitive but I do want to examine what you were

24 in a position to perceive or not perceive. Now, were

25 the training exercises, how many of those were there,

1 on-the-ground training exercises for on-foot suicide  
2 bombers? If you could help?

3 A. I am sorry, I cannot honestly recall. If I can assist,  
4 during midway through 2002 to around March 2005, I was  
5 a specialist firearms officer instructor, and I was  
6 partly responsible for developing some vehicular borne  
7 tactics, and implementing those to the rest of the  
8 teams.

9 SIR MICHAEL WRIGHT: Right, but what Mr Mansfield is  
10 interested in is footborne interventions or  
11 interceptions?

12 A. The ones I can recall, sir, are the methodology and the  
13 placement of the critical shot and the PowerPoint, sir.

14 MR MANSFIELD: I mean, one thing we can perhaps put to one  
15 side, although important though it is, long before the  
16 briefing you had from Silver on the day of the shooting  
17 itself, the 22nd, long before that, you were fully aware  
18 from PowerPoint presentations of the devastating effects  
19 of a suicide bomb, weren't you?

20 A. Yes, sir.

21 Q. Because in these -- and I am not going to put them on  
22 screen, but you had pictures presented to you of actual  
23 suicide bombers and the effect that it had on them as  
24 well as other people around them; you had seen those  
25 photographs, hadn't you?

- 1 A. That's correct --
- 2 Q. So you knew, it wasn't suddenly he is telling you about  
3 something you didn't know on the 22nd; you knew  
4 perfectly well how serious it was, because you had been  
5 taken through these PowerPoint presentations?
- 6 A. That's correct. The information given by Silver was  
7 more specific as to the type of threat that we were  
8 likely to face.
- 9 Q. The type of threat had been demonstrated in PowerPoint  
10 presentations, hadn't it?
- 11 A. The type of threat, yes.
- 12 Q. The reason I'm asking you the questions again is, one of  
13 the matters that you touched upon on Friday as being  
14 necessary for this job, perhaps unlike the rest of us,  
15 is emotional or mental strength to do the job; is that  
16 fair?
- 17 A. I think with any form of work you need mental strength,  
18 yes, sir.
- 19 Q. If there is a problem and you haven't got the mental  
20 resilience to do the job, in other words you might allow  
21 emotions to take over, then you have to question whether  
22 you should be doing the job, don't you?
- 23 A. Exactly right, sir, yes, I would agree.
- 24 Q. Moving away from presentations, and I just want to do  
25 this in theory if I may for the moment, so again I am

1 not asking you about any particular exercise, the  
2 exercises that you did beyond the PowerPoint on the  
3 ground, did they involve making very quick assessments  
4 of whether you were facing a footborne suicide bomber or  
5 not?

6 A. From my recollection, and it is a long time ago, I would  
7 say that it was not threat assessments but the actual  
8 placing and the approach to the suspect from the rear in  
9 order to place a critical shot.

10 SIR MICHAEL WRIGHT: You mean a practical exercise in  
11 actually carrying out the interception?

12 A. Exactly, right.

13 SIR MICHAEL WRIGHT: Or the shot, yes, not an assessment  
14 training?

15 A. No, sir.

16 MR MANSFIELD: So just to continue with what you said you  
17 did do, in other words this is training on being  
18 a covert officer coming up from behind and delivering  
19 a critical shot before the person has a chance to  
20 realise that you are there?

21 A. That is correct, sir, yes.

22 Q. In other words that's a situation which you are training  
23 for where there is no advance warning for the  
24 individual, and it's an authorised shot, either most  
25 likely from a DSO, the designated senior officer, or



- 1 possibly a Silver; is that right?
- 2 A. That's correct, or if we perceive a threat, yes.
- 3 Q. I'll come to perception. The delivery of the critical  
4 shot and all the rest of it and how you would do it is  
5 only, as it were, the end product. What the precursor  
6 to that is, you have to have assessed, as a specialist  
7 firearms officer, that the person you are going to  
8 deliver the critical shot to, however you get there, is  
9 somebody who is posing an immediate threat, don't you?
- 10 A. I wouldn't necessarily agree with that, in terms of  
11 posing an immediate threat. To know that you have got  
12 to know what's inside the mind of the person, and you  
13 have also got to know or assume that there is the actual  
14 wherewithal to do that. So I would say a perceived  
15 threat, if possible.
- 16 Q. May I say it's of considerable interest and importance,  
17 your last answer. You agree you can't go round shooting  
18 people on the off-chance that they might be suicide  
19 bombers, can you?
- 20 A. That's correct, yes.
- 21 Q. So we can put that to one side. According to the policy  
22 as developed, and there are other questions about that,  
23 but the policy as developed at that point in July 2005,  
24 there was a situation in which, although you couldn't  
25 see inside the head of the person who you are concerned

- 1 with, and although you couldn't see anything, the DSO  
2 might have intelligence which permits a critical shot to  
3 be delivered without warning. That was the theory,  
4 wasn't it?
- 5 A. That is correct, but my understanding is, although a DSO  
6 can authorise a critical shot without warning, my  
7 understanding is, rightly or wrongly, that it's still  
8 down to the individual officer's assessment at the time.
- 9 Q. Yes, well, all right, even where it's authorised, you  
10 still have to make an assessment, right. How do you  
11 make the assessment? What is it you are trained to look  
12 for that is posed in front of your eyes as somebody who  
13 is about to blow you up and everybody else up?
- 14 A. This virtually is an impossible question. Who looks  
15 like a suicide bomber, and what device have they got to  
16 carry? I could almost -- not rudely but I would throw  
17 the question back to you: what does a suicide bomber  
18 look like? We just don't know.
- 19 Q. No, and I agree you don't know, and that is why -- can  
20 I ask you as a instructor, were you instructing others  
21 on how to deal with suicide bombers?
- 22 A. In one particular form, yes.
- 23 Q. The vehicular one?
- 24 A. In vehicular-borne tactics.
- 25 Q. But not the footborne one?

- 1 A. No, sir.
- 2 Q. What had been developed, insofar as it was developed by  
3 July 2005, was a, if you like, an approach which dealt  
4 with the very situation where you didn't have  
5 intelligence from above telling you: this is a suicide  
6 bomber now, as opposed to somebody from yesterday; this  
7 is a suicide bomber now. In the situation where you  
8 don't have that intelligence, there was a procedure that  
9 was suggested, wasn't there?
- 10 A. I am sorry, sir, you will have to rephrase that, I don't  
11 understand.
- 12 Q. If you don't have an authorised situation, either the  
13 DSO or the Silver, because they have got intelligence  
14 that the person over there is a suicide bomber, right  
15 now, because they have picked up the intelligence  
16 somehow from some other source, so they say, "Critical  
17 shot, no warning, go up behind and do it". They don't  
18 use all those words. Are you following?
- 19 A. Yes, I do.
- 20 Q. I'm not dealing with that. The other situation where  
21 you don't have the intelligence, you are not being  
22 authorised to do a critical shot, are you following, how  
23 do you approach the person concerned?
- 24 A. As on the day I did, sir. We -- if I get where you are  
25 leading to -- we were given the order to stop and that

1           was firmly in my mind, we had to stop, intercept, detain  
2           this identified person that we had to face.

3    Q.   What I suggest was in your mind was, once you knew he  
4           was identified -- that's why I am going through this  
5           carefully -- as a potential mass killer from the day  
6           before, that was it? Do you follow? You are down the  
7           escalators, in the carriage and he's dead?

8    A.   That couldn't be further from the truth. I remember  
9           distinctly running down the escalators and there is two  
10          things I remember. Because on escalators they start off  
11          very -- the heights are different, and as I sprinted  
12          down them, I nearly fell over, because of the different  
13          heights; and I was just so keen to get there, because  
14          I knew we had the time delay; and all I had going  
15          through my mind was: I have got to get to him, I have  
16          got to get to him, I have got to get to him before he  
17          goes, and I distinctly remember that. I did not have  
18          any preconceived ideas of what I was going to do,  
19          I didn't even know where he was at that stage, let alone  
20          a delivery of a critical shot. I just didn't have that  
21          in my mind. I just wanted to know where he was, and try  
22          and find him, and through the professionalism of the  
23          surveillance officers who were down at the tube,  
24          Malcolm, Ken and Ivor, they actually led me on to him.  
25          Otherwise I never would have found him and ...

- 1 Q. Can I just roll the clock back a bit as to what are  
2 police officers, if they are being trained in this -- it  
3 has a general term, doesn't it, Kratos/Clydesdale; you  
4 are familiar with the terms?
- 5 A. The two separate terms, yes.
- 6 Q. What does Clydesdale refer to?
- 7 A. Clydesdale in my interpretation is a pre-planned  
8 something, Trooping of the Colour, where an expected  
9 threat is due in a designated pre-planned public order  
10 event.
- 11 Q. No warning for a delivery of a critical shot, correct,  
12 in that scenario?
- 13 A. In what respect, sir?
- 14 Q. In other words, you are allowed, authorised, if the DSO  
15 says "critical shot" or -- there is a code word, isn't  
16 there; shall we deal with that first? There is a code  
17 word in Clydesdale, isn't there?
- 18 A. Yes, there was. I believe so.
- 19 Q. You believe so. Did you know them?
- 20 A. Yes, I did, yes.
- 21 Q. Are you sure?
- 22 A. Yes.
- 23 Q. If you get the code word for the delivery of a critical  
24 shot, you don't have to -- on a Clydesdale -- warn the  
25 suspect. You can go up behind and deliver your critical

1 shot. That's how it works, isn't it?

2 A. That's correct, but I would still say that it's down to  
3 the individual officer's assessment, and how I can  
4 explain that, if I may, if a critical shot is authorised  
5 by a designated senior officer and we know the person  
6 is, say, in another room and I enter that room and that  
7 person there, naked, and whatever, and not in a position  
8 to detonate a bomb, I know it's an extreme example --

9 SIR MICHAEL WRIGHT: I think we understand the point. It's  
10 an authorisation, not an order?

11 A. Yes.

12 MR MANSFIELD: Of course, unless they are naked, if they  
13 have got clothes on, you have already answered this to  
14 some extent already, you are making all sorts of  
15 assumptions that they could have something hidden on  
16 them, aren't you?

17 A. And this is the impossibility of the situation, and  
18 I agree with you.

19 Q. You agree with me, and what I want to examine here is --  
20 I'm afraid I have to do it through you but there may be  
21 other witnesses -- the policy in practice of whether  
22 this policy makes sense, do you follow, so you have to  
23 make a judgment even when you are authorised of whether  
24 this is actually a suicide bomber. That's Clydesdale.  
25 Kratos --

1 SIR MICHAEL WRIGHT: Hang on a minute, just pause if I may.

2 MR MANSFIELD: Yes.

3 SIR MICHAEL WRIGHT: Clydesdale in one sense is -- it's

4 entirely different. We understand that. It's not this

5 situation at all. Even when you have been given

6 an authorisation through the Clydesdale code word, to

7 take a critical shot, it is still within the individual

8 officer's discretion, his decision as to whether he will

9 or will not make the shot?

10 A. Sir, that is my understanding.

11 SIR MICHAEL WRIGHT: That's your --

12 A. That is my personal understanding.

13 SIR MICHAEL WRIGHT: So if you see a man and you look at him

14 and you make your assessment, and you say: okay, he may

15 be an identified suicide bomber but he is not going to

16 do it at this minute; then you don't take the shot. Is

17 that right?

18 A. That's correct, sir.

19 MR MANSFIELD: May I through you, since you are the

20 experienced officer on this, the reality is if you have

21 been told he is a suicide bomber there and then through

22 intelligence, the code is telling you that, what on

23 earth is going to tell you, short of having no clothes

24 on, that this isn't a suicide bomber?

25 A. This is where it's left firmly at our feet as firearms

1 officers and trained in this. We have to --

2 SIR MICHAEL WRIGHT: You describe it as the impossible  
3 question.

4 A. It is, sir, and primarily these tactics are here to  
5 protect the public. I mean, what else can we do?

6 MR MANSFIELD: That's what I want to examine with you, if  
7 I may. You ask a very good question: what else can we  
8 do? You are not responsible for the policy,  
9 I appreciate that, others are.

10 Let us turn away from the pre-planned event, in  
11 other words the Trooping of the Colour and all the rest  
12 of it that we have heard about. Kratos is used as  
13 a generic term to cover that, but I now want to turn to  
14 Kratos specific. You are following me?

15 A. I am, sir, yes.

16 Q. Kratos specific. If it's a Kratos specific, what's  
17 supposed to happen there?

18 A. Well, the only understanding I have of Kratos is that it  
19 is in fact a spontaneous, brought about by a sighting of  
20 a suicide or potential suicide bomber by a member of the  
21 public or by a police officer.

22 Q. Yes?

23 A. So as regards to the term "specific", I am not too sure  
24 what you mean by that.

25 Q. All right. The background --



1 SIR MICHAEL WRIGHT: You knew it was called Kratos People as  
2 opposed to Kratos Vehicle.

3 A. I understand that.

4 SIR MICHAEL WRIGHT: That you do understand?

5 A. I understand that term, sir.

6 MR MANSFIELD: Right, Kratos People.

7 You have described how it might arise, in other  
8 words there is a phone call comes through that the man  
9 coming through the door now may be -- sorry, I don't  
10 mean to be personal, it's just to give it some clothing  
11 of reality, that you get this phone call or you get  
12 a call, you are called out, you are perhaps a standby  
13 team so you are ready to go out and out you go. Now,  
14 how do you deal with the situation that you arrive at  
15 a place where the person hopefully who's been described  
16 is? What are you supposed to deal with -- not  
17 pre-planned, no code words, so how do you deal with  
18 this, did you think, back in 2005?

19 A. In relation to, into what, sir, are you asking me what  
20 my reactions would be, doing that now?

21 Q. Yes, how you would deal with this. Do you go straight  
22 up and deliver a critical shot or what do you do?

23 SIR MICHAEL WRIGHT: I think you have left something out,  
24 Mr Mansfield. At some stage, as I understand it, a DSO  
25 has to say: this is a Kratos situation. The witness is

1           nodding.

2   A.   That's correct, sir.

3   MR MANSFIELD:  I was coming to that.  I'll try to deal with  
4           it in a particular order.

5           Now that's been asked, so you say a DSO would have  
6           to say, "This is a Kratos situation", would they?

7   A.   My understanding of how Kratos would work, in a scenario  
8           like that, is that the information would be assessed up  
9           at Scotland Yard or wherever that information would come  
10          from.  If -- I believe it's a Chief Inspector or someone  
11          of that rank decides --

12   SIR MICHAEL WRIGHT:  Senior officer, anyway.

13   A.   -- a senior officer decides that that information is  
14          relevant and pertinent, then they would deploy units  
15          there.  If -- they would then decide on the information  
16          they received whether it was actually a viable Kratos,  
17          and then they would therefore try and get, I believe,  
18          a designated senior officer and then we would act on the  
19          instructions of them.

20   MR MANSFIELD:  Right.  If the designated senior officer in  
21          the non-Clydesdale, non-pre-planned situation is the  
22          source of instructions, in a non-Clydesdale, is your  
23          understanding that the senior officer could authorise  
24          a critical shot?

25   A.   I believe that's the case, yes.

- 1 Q. Right. In the non-Clydesdale Kratos People situation,  
2 how is that communicated from the DSO to you with the  
3 firearm? I don't mean by what means, in other words  
4 radio or mobile phone, but what words are used?
- 5 A. Well, I would expect clear speech to be used.
- 6 Q. Yes, but --
- 7 SIR MICHAEL WRIGHT: Saying what?
- 8 A. "A critical shot is authorised", something along those  
9 lines.
- 10 MR MANSFIELD: Or if there isn't time, could it be construed  
11 by the use of other words?
- 12 A. We, as specialist firearms officers, have trained with  
13 using the words "critical shot" and I wouldn't expect  
14 any other words to be used.
- 15 Q. I want to go back to that, because have you trained on  
16 a person-borne, foot-borne Kratos People incident?
- 17 A. As I have said previously today, sir, the methodology,  
18 yes, just once.
- 19 Q. Just once?
- 20 A. Yes, sir.
- 21 Q. That would include, would it, on a Kratos People borne  
22 that the order would come from a DSO who would use words  
23 similar to "critical shot"?
- 24 A. Similar to, I would say, "a critical shot authorised",  
25 and I would hope that that would be actually repeated,

1           because, as you know, the problem with radios if you  
2           hear just "critical", or something broke or whatever ...  
3           So I would expect, personally I would expect  
4           a repetition of that order so there isn't any confusion  
5           at all.

6   Q.   Right.  So the DSO, the appointment of; had you ever  
7       worked with a DSO before 22 July?

8   A.   No, I hadn't, sir, no.

9   Q.   So you had never worked with one before --

10  SIR MICHAEL WRIGHT:  You mean in real life as opposed to  
11       exercises.  I don't know, had you ever done exercises  
12       with a DSO?

13  A.   Sir, we had done exercises and I can't recall whether  
14       an actual DSO was available, or whether it was just one  
15       of our other officers assuming the role of the DSO, so  
16       I am sorry, I can't help.

17  SIR MICHAEL WRIGHT:  That's all right, it's the same thing,  
18       because you had somebody playing the part.

19  A.   Yes.

20  MR MANSFIELD:  You see, one of the things, and I have to ask  
21       you and I will ask you when we get to the exact  
22       chronology of what happened at Stockwell tube itself,  
23       some officers may, firearms officers, your colleagues,  
24       may say that they took the words, "Stop before he gets  
25       on the tube" to be consonant with or the same as

1 "critical shot".

2 Now, did you interpret it that way?

3 A. I certainly didn't, and I think you will have to ask  
4 those officers what they understood, but I certainly  
5 didn't understand it to be that at all.

6 Q. But it was and had become, by the use of the word  
7 repeatedly "stop before he gets on the tube", it had  
8 become a Kratos situation, did you understand that?

9 A. Sir, you said repeatedly, as I distinctly recall I heard  
10 the word "stop" once. Again, to me, that meant stop,  
11 intervene, arrest, detain. Stop, as in just stop. Not  
12 critical shot. If I had heard critical shot repeated  
13 twice, then perhaps I would have acted on that.

14 SIR MICHAEL WRIGHT: That would have meant that you had  
15 authority, if you thought it appropriate, to take  
16 a critical shot without warning?

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

18 SIR MICHAEL WRIGHT: As it was, you did not regard yourself  
19 as having that authority?

20 A. No, I didn't, sir. I didn't hear that authority given  
21 at all.

22 MR MANSFIELD: Right, so in the situation where it's not  
23 Clydesdale, there is a DSO but there has been no  
24 authorisation of a critical shot, so we are now into  
25 another category: what is it in those circumstances you

1           are supposed to do, in order to make an assessment,  
2           since it has not come from the DSO, that you are dealing  
3           with a bomber here and now as opposed to one from  
4           yesterday?  Somebody who has a bomb on them now.

5   A.  That is down to our individual assessment at the time.

6   Q.  What are you supposed to do?

7   A.  Assess the threat as best you can and act --

8   Q.  How do you do that?

9   A.  By trying to take in as much information as you can, and  
10          by acting on the information that you see before you,  
11          and acting accordingly.

12   Q.  Right.  I hope I have given you enough opportunities.  
13          And is that what you did on the day, you just looked to  
14          see and then -- because of what you say he did -- you  
15          shot him?  Is that it?

16   A.  Sir, that's boiling everything down to just a very quick  
17          point.  You must take into consideration that the  
18          lead-up to that from the information from the briefings,  
19          from what I heard over the radio, that the suspect was  
20          actually acting in a nervous state prior to leaving the  
21          bus --

22   Q.  I have been through some of those, and I am not going  
23          through all of them again but I want to go obviously  
24          back to the briefings as to what was in your mind,  
25          obviously.

1 A. But all this, sir, I know you don't want to go back to  
2 it --

3 Q. I am going to go back to it.

4 A. These are things that directly affected my mental state  
5 of mind in order to prepare myself for what I might have  
6 to face.

7 Q. No, no, I accept that, and I'll come to how it affected  
8 your mind as you went down the escalator. But at the  
9 moment I'm just trying to find out from you what you  
10 believed the tactics should be in a non-Clydesdale,  
11 non-authorised critical shot situation, and whether you  
12 actually did those things that you are supposed to do,  
13 at least desirable things you are supposed to do, in  
14 that situation.

15 So far, what you have said is it's just by looking  
16 at the person and what he does and how he behaves. Is  
17 that it?

18 A. In respect to your point there, I'll have to say that as  
19 much as you can, I mean, in the Kratos documents  
20 themselves, they helpfully say that it is impossible to  
21 try to put any type of -- I am struggling for the  
22 words -- any profile on a suicide bomber, ie the type of  
23 clothes they might be wearing, the type of behaviour,  
24 their ethnicity, it's impossible to do, so it is down to  
25 the individual officers to try to make as much as they

1 can, an accurate threat assessment from the time  
2 afforded to them and from the actions of the suspect.

3 Q. Could we have, please, I have asked for these pages and  
4 we have given due warning, I would like you to see, just  
5 to ask you whether you have seen them, a couple of pages  
6 from Operation Kratos People, person-borne explosive  
7 spontaneous incident firearms officers awareness  
8 package. Are you familiar with that or not?

9 A. I'll have to see it, sir.

10 Q. Right. We have asked for copies of the two  
11 pages concerned for the jury, and I have to ask for  
12 a moment, I would like it on screen so that those who  
13 don't have copies can see it, but not in the public  
14 domain, and I believe a switch or something has to be  
15 operated.

16 SIR MICHAEL WRIGHT: All right. Pause one moment. Before  
17 this comes up, then. (Pause).

18 MR MANSFIELD: There should be two pages, 30 and 31.

19 (Handed).

20 SIR MICHAEL WRIGHT: Do you recognise these?

21 MR MANSFIELD: I haven't got copies.

22 SIR MICHAEL WRIGHT: I beg your pardon. I think they are on  
23 the screen.

24 MR MANSFIELD: I'm going to deal with them on the screen for  
25 the moment. I am sorry if the jury have been given the



1           wrong pages. We will get the right pages copied.

2   SIR MICHAEL WRIGHT: Your page 30 is on the screen, or

3           a page 30.

4   MR MANSFIELD: Yes. (Pause)

5           Can I give these to the witness, these are the two

6           pages out of this document. (Handed)

7           I am sorry, they have been copied erroneously. 30

8           and 31.

9   SIR MICHAEL WRIGHT: I can't tell you what the other one is.

10          It has 29 crossed out on it.

11   MR MANSFIELD: Yes. If the jury have a page that has, in

12          the box below the tactical options blue box:

13                 "There is likely to be two different scenarios

14                 facing officers when they arrive on the scene."

15          That's 30, and if you have that that's a start and

16          I can start with that.

17   SIR MICHAEL WRIGHT: It's on the screen as well.

18   MR MANSFIELD: Now, there are some preceding pages with

19          similar points, but what I want to ask you about is

20          neatly summarised here.

21          First of all, have you seen this document before

22          today?

23   A. I can't recall seeing it, no.

24   Q. You can't, well, leaving aside whether you have seen it,

25          perhaps I can ask you about the contents to see whether

1           this rings a bell. I will read the blue box first,  
2           tactical options:

3           "Where a person is suspected of carrying a bomb but  
4           this has not been confirmed."

5           Now, that was this situation, wasn't it? Can I just  
6           pause there. The actual situation on the 22nd was  
7           a person suspected but not confirmed?

8   A. I didn't know that at the time, sir, no.

9   Q. You didn't know that he was even suspected of carrying  
10       a bomb on that day, did you?

11   A. That's correct. Only that the appearance of the jacket  
12       and the way he was sitting gave the appearance that he  
13       was of a bulky nature which led me to suspect --

14   Q. Right.

15   SIR MICHAEL WRIGHT: I think you need to specify at what  
16       point of time, Mr Mansfield.

17   MR MANSFIELD: It's the point which is being faced here,  
18       which we will see.

19           So you accept that on the day you had no material  
20       suggesting that the suspect was carrying a bomb at all;  
21       you didn't have any information about that, did you, you  
22       have agreed that?

23   A. Only over the radio, but what I saw in my snapshot view  
24       of him immediately prior to the shooting was I assumed  
25       that there was some form of threat.

- 1 Q. I'll have to come to that. That's why I have been  
2 asking you carefully about training and what to look  
3 for. Then in the blue box:  
4 "Challenge the suspect from a position of safety."  
5 Now, were you being trained to challenge from  
6 a position of safety in relation to these options?  
7 A. Had I ever received training as regards --  
8 Q. Were you being told that in the first place, and  
9 secondly being trained to do that?  
10 A. At what stage told, sir?  
11 Q. During the training, during the training in relation to  
12 person-borne foot suicide potential bombers, were you  
13 being trained or told, told in the first instance, if  
14 you haven't got any information and certainly no  
15 confirmation that they have a bomb you will have to  
16 challenge?  
17 A. Have to challenge; this was an option. A challenge  
18 might be deemed appropriate.  
19 Q. Sorry, we will come to -- I do not want to confuse the  
20 two of what you actually did. Were you being told,  
21 first of all that that's what you would have to do?  
22 A. How I understand that, this is an option, it's  
23 an option --  
24 Q. Well --  
25 A. Well, it says at the actual header, "Tactical

1 Options" --

2 Q. But we'll deal --

3 A. So this is a consideration that might be deemed  
4 suitable.

5 Q. Then it's got:

6 "React to the developing situation in accordance  
7 with your training instructions and the ACPO manual of  
8 guidance."

9 We pass on to the non-blue box which says:

10 "There is likely to be two different scenarios  
11 facing officers when they arrive on the scene:

12 "1. There is some doubt as to whether the subject  
13 is carrying a device or not."

14 Now, this was undoubtedly your situation, wasn't it?  
15 When you went down, there is some doubt, in fact there  
16 was complete doubt, you had no information that he was  
17 carrying a device at all, did you?

18 A. That's correct, yes.

19 Q. So even allowing for the situation put here, that there  
20 is some doubt, in other words he may be:

21 "Faced with this situation, officers will have to  
22 rely upon their training and experience."

23 You see the next sentence:

24 "You will have to challenge the suspect, paying  
25 particular attention to your own safety. Remember your

1 training. Seek cover from fire before challenge."

2 Were you told that's what you would have to do?

3 A. In this tactical option, if this tactical option was  
4 deemed correct, then yes, this is part of our training  
5 package, yes.

6 Q. Did you train to do that?

7 A. I have never personally trained, ie if we had someone  
8 being the role -- role player as a suicide bomber, we  
9 didn't actually train to do that. This is almost like  
10 a form of containment which is -- we know virtually  
11 inside and out --

12 SIR MICHAEL WRIGHT: It presupposes that there is some form  
13 of cover --

14 A. Exactly right, sir.

15 SIR MICHAEL WRIGHT: No doubt if there was some form of  
16 cover you would wish to make use of it.

17 A. Very much so, yes.

18 SIR MICHAEL WRIGHT: The fact is on this occasion there  
19 wasn't.

20 A. No, sir.

21 MR MANSFIELD: Would this be fair, so far, you don't seem to  
22 have participated in any training exercise with somebody  
23 performing the DSO role in which non-Clydesdale,  
24 non-people borne, you are making some kind of assessment  
25 with a challenge?

1 A. Sir, as --

2 Q. Is that fair?

3 A. As regards not training with a DSO, I have said  
4 previously today, we have done exercises, and someone  
5 might have actually been, someone of senior officer rank  
6 has actually played the part of the DSO, but we  
7 certainly had DSO situations. As regards the actual  
8 practice, which I think you are intimating to, of this  
9 actual tactic, I have never trained in order to perform  
10 a containment role as regards this potential option.

11 SIR MICHAEL WRIGHT: Can I just ask you to come away  
12 altogether for the moment from suicide bombers and  
13 Kratos and Clydesdale and just talk about your general  
14 basic or standard specialist firearms training.

15 Are you trained and taught about how to deal with  
16 a person whom you think presents an immediate risk to  
17 your own personal safety?

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: Never mind Kratos or Clydesdale. Is  
20 that part of your standard training?

21 A. It is, sir, yes.

22 SIR MICHAEL WRIGHT: So far as this man, on this day, was  
23 concerned, did you think that he presented an immediate  
24 risk to your personal safety?

25 A. Yes, I did, sir, yes.

1 SIR MICHAEL WRIGHT: And indeed everybody else in the  
2 carriage as well, but certainly to you.

3 A. Yes.

4 SIR MICHAEL WRIGHT: Kratos or Clydesdale or whatever.

5 A. Absolutely, it was just -- faced with the ultimate  
6 unknown threat. I am trying to put it any better than  
7 that, but I can't, I am sorry.

8 MR MANSFIELD: I'm going to come on to the unknown threat  
9 aspect of this, which matters not only for the past but  
10 for the future as well.

11 So that's page 30, because it ends with minimising  
12 the danger. Do we have now page 31 available? Does the  
13 jury have one? It should have 31 at the bottom.

14 SIR MICHAEL WRIGHT: I don't know. Don't assume it,  
15 Mr Mansfield.

16 MR MANSFIELD: It should start in the white box with:

17 "The suspect has been confirmed..."

18 SIR MICHAEL WRIGHT: That's on the screen but I don't think  
19 we've got the actual document. Will the screen do for  
20 the time being?

21 MR MANSFIELD: Yes.

22 You have the hard copy there. I will just read  
23 this. In other words the second situation -- that was  
24 the first situation on page 30. The second one:

25 "The suspect has been confirmed as being in

1 possession of a device and poses an immediate  
2 threat ..."

3 All right? That's the second different scenario.  
4 I am not going to go through this, because this didn't  
5 apply, did it, to your situation; you didn't have  
6 a suspect confirmed as being in possession of a device  
7 and posing an immediate threat, did you?

8 A. That's correct, yes.

9 Q. So what follows, as the jury can read down:

10 "In those situations, a Silver Commander has  
11 evidence and intelligence and therefore it may be that  
12 a critical shot may be proportionate, legal and  
13 necessary prior [prior] to challenge."

14 In other words, a critical shot without warning;  
15 right?

16 A. That's correct, yes.

17 Q. Now, the reason I have gone through quickly the second  
18 one, because it doesn't really apply, I want to ask you  
19 whether on this particular day, because you had only  
20 trained really in the question of delivery of a critical  
21 shot, that actually you made absolutely no assessment  
22 once you got on to the carriage; it was straight to the  
23 man, delivery of shot. Is that a possibility?

24 A. It is not a possibility at all, and also if you read  
25 down from the box on page 30, it said:



1           "Faced with this situation officers will have to  
2           rely upon their training and their experience."

3           Which is what I did on the day and that's what led  
4           me to believe that this man was about to detonate  
5           a bomb.

6   Q.   This was prompted by your answer on Friday that you  
7           recognised, once you had shot an innocent man, that your  
8           training and experience and threat assessment and all  
9           the rest of it proved wrong. Those were your words, all  
10          right, on Friday?

11   A.   That's correct.

12   Q.   I am trying to analyse where your training and  
13          assessment has gone wrong; do you understand?

14   A.   If I may qualify what I said on Friday, and I -- you  
15          know, I wholeheartedly stand by what I have said, but  
16          what I was drawing to was the information I had received  
17          that day, what I perceived that day, and what I saw  
18          Mr de Menezes do post my challenge and after my  
19          challenge which led me to draw the conclusions that he  
20          was a suicide bomber about to detonate a bomb. And  
21          I was trying to draw all that information into -- after  
22          all that, I was still wrong. So what I actually saw and  
23          what I felt and he was identified and his actions led me  
24          to believe that he was a suicide bomber, and it turned  
25          out wrongly so.

1 Q. Yes?

2 A. That's why I was trying to draw out the threat  
3 assessment issue and through what I actually saw.

4 Q. I am going to in a moment have to come to exactly what  
5 I suggest happened on the tube train, as that forms such  
6 an important part of what you said led you to shoot. Do  
7 you follow? I want to just go back a bit and you can  
8 have page 354 of your statement, some of the other  
9 circumstances leading up to your state of mind as you  
10 went down the escalator.

11 354, these background matters, first of all at the  
12 top of page 354. One of the first things that happens  
13 on this day before the first briefing is you draw  
14 special ammunition, the hollow tip 124 round. Right?

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

16 Q. Had you ever used that before?

17 A. Operationally or training?

18 Q. Training first of all.

19 A. Yes, sir.

20 Q. Operationally plainly not?

21 A. That's correct, sir.

22 Q. And the reason that you trained with it before is that  
23 you understood it was for the purpose of delivering  
24 a close quarter -- in a pistol -- critical shot?

25 A. That's correct, yes.

- 1 Q. So the moment you know you are authorised to draw that,  
2 part of your thinking is, plainly, "I might have to use  
3 it in close quarters"?
- 4 A. Exactly right, your wording is exactly right, "might  
5 have to use it".
- 6 Q. I want to build up to see how the "might" is converted.  
7 So might have to use it at close quarters, and then you  
8 go into the briefing which is on that page, and I just  
9 want to ask you about this. You have had some questions  
10 asked. It's after 7.45, do you see on the page, a bit  
11 further down. Thank you. You are given the details of  
12 at least a subject:
- 13 "We heard Trojan 80 would be at New Scotland Yard".  
14 It's after that:
- 15 "... and that there was a designated senior  
16 officer."
- 17 I'm going to pause. You didn't know who it was, it  
18 may not matter; right?
- 19 A. Yes, sir.
- 20 Q. You have indicated already your previous experience with  
21 regard to a DSO, and what you said on Friday was you  
22 didn't know at what stage the DSO was going to become  
23 involved; is that right?
- 24 A. That's correct, yes.
- 25 Q. Why did you think you were being told about a DSO by

- 1 Trojan 84 at the first briefing?
- 2 A. To let us know that the various structures were in  
3 place, in case we might have to face these attempted  
4 killers, that the appropriate people were warned and  
5 were in a position to make those decisions if necessary.
- 6 Q. But what was your understanding would be in  
7 circumstances in which a DSO would be required?
- 8 A. My understanding is that if a DSO is there and they are  
9 the people that have the necessary authorisation in  
10 which to authorise when a critical shot may be taken.
- 11 Q. Right, so we are beginning to build -- do you see -- the  
12 bricks that are going in the wall. You have the  
13 specialised ammunition, you are being told that a DSO,  
14 but you don't know when, might become involved, so when  
15 they are involved, did you actually know when they did  
16 become involved on that day?
- 17 A. My assumption was when Trojan 84 said to us words  
18 along -- without directly referring to it, "they said",  
19 and that was my understanding of when the DSO had been  
20 involved or potentially involved.
- 21 Q. Right, so it's another assumption that you make, at that  
22 stage. Now, just going back to the 7.45 briefing, you  
23 were informed that you "may be deployed in unusual  
24 tactics that this department hadn't used before".
- 25 You gave an answer on Friday, do you remember, to

- 1           this? What you said was that it was: you may have to  
2           deal with a suicide bomber; yes?
- 3    A.   That's correct, may, yes.
- 4    Q.   Yes, may, but I am not interested in the may so much at  
5           this point. It's another factor. But what tactics that  
6           you hadn't used before?
- 7    A.   That we may have to use a critical shot.
- 8    Q.   Right. So unusual ammunition --
- 9    SIR MICHAEL WRIGHT: This is brick three, is it,  
10           Mr Mansfield?
- 11   MR MANSFIELD: Yes, it is, I am afraid. Brick three, that  
12           you may have to use a critical shot, and a critical shot  
13           in your case means at close quarters, doesn't it?
- 14   A.   Well, in the case that it transpired to, it meant from  
15           what I actually did, yes, I actually did do that, but  
16           a critical shot if authorised could have been taken by  
17           any number of officers with any number of or variety of  
18           weapons.
- 19   Q.   Well, the critical shot that you had understood was  
20           connected with this particular hollow tip round was  
21           a brain stem shot, wasn't it?
- 22   A.   With the type of ammunition which I had loaded into my  
23           handgun, that would have possibly been the preferable  
24           option for myself, but --
- 25   SIR MICHAEL WRIGHT: That's what it is for, isn't it?

- 1 A. Exactly right. There were other officers there armed  
2 with high calibre weapons which would have been in  
3 a position to give a critical shot from a distance, so  
4 specifically this to me would have meant a close quarter  
5 shot.
- 6 MR MANSFIELD: But a critical shot from a distance, in  
7 normal firearms situations, you are taught to aim at the  
8 body mass, aren't you?
- 9 A. That's correct, sir, yes.
- 10 Q. Effectively in most situations that is tantamount to  
11 killing somebody, isn't it?
- 12 A. A body shot, sir?
- 13 Q. Yes, a body shot.
- 14 A. The idea of a body shot is to stop, stop an imminent  
15 threat to life. Now, that -- and officers have to take  
16 due regard of that, stop someone, stop the threat, and  
17 the way of doing that is by hitting the central nervous  
18 system, which is actually located in the upper part, in  
19 the torso area. Now, there is a likelihood that that  
20 shot might be fatal, but primarily they are taught to  
21 aim at the largest part of the body which contains the  
22 central nervous system, which is the torso.
- 23 Q. Right, so the unusual tactic that you are being told  
24 about on this day is not that, is it, because you have  
25 done that before -- I don't mean you personally but the

1 firearms officers have been trained to do that, that is  
2 body mass shot, before?

3 A. Yes, that is our standard shooting area, as it were.

4 Q. Right, so the unusual tactic that is being talked about  
5 in this briefing is a close quarter critical shot using  
6 a hollow tip, isn't it?

7 A. Quite possibly, yes.

8 SIR MICHAEL WRIGHT: To the head?

9 MR MANSFIELD: To the head, yes.

10 A. Yes, sir, yes.

11 Q. Do you agree?

12 A. Yes, I do.

13 Q. There is a final part here of the statement, could we go  
14 back to the statement on 354, that you would have to  
15 trust the information. Now, this --

16 SIR MICHAEL WRIGHT: Is that brick four?

17 MR MANSFIELD: I am afraid it is.

18 SIR MICHAEL WRIGHT: I am just keeping on top of it.

19 MR MANSFIELD: Trust the information. Now, you wouldn't  
20 normally be told that. You are being told that because  
21 there is a DSO that might be there and they might know  
22 things that you might not, therefore trust the  
23 information; that's really the whole point of saying  
24 that, isn't it?

25 A. Yes, it is.

1 Q. Thank you. We go on to the briefing with Silver. I am  
2 not going to go all the way through that, because a lot  
3 of it concerns the individuals being named and the type  
4 of explosive, but what I do want to ask you for is this:  
5 at any stage during that briefing, were you told that  
6 there was -- can I put it the other way around because  
7 there is no evidence that you were. You weren't told  
8 that there was any intelligence or information to  
9 suggest that this, these individuals, had been  
10 constructing suicide bomber vests or belts, was there?

11 A. There was, as I recall, information that devices had  
12 been prepared other than rucksack devices of a smaller  
13 nature which could be concealable.

14 Q. Yes. You were not given any information or intelligence  
15 that there were suicide belts or suicide vests being  
16 constructed?

17 A. In those exact words, yes, sir, you are right, I accept  
18 that.

19 SIR MICHAEL WRIGHT: Pause a moment, if you will. There is  
20 a question I have been asked to ask. It goes back a bit  
21 to what we have been talking about.

22 These hollow point bullets are 9mm, aren't they?

23 A. They are, sir, yes.

24 SIR MICHAEL WRIGHT: As such, your understanding is that  
25 they are designed for use in combination with handguns



1 at close quarters?

2 A. They can be used in handguns, sir, and I believe they  
3 can also be used with the carbine rifles that we can --  
4 they are the same diameter.

5 SIR MICHAEL WRIGHT: That's the question I have been asked  
6 to ask. They can be used with a carbine, can they?

7 A. Yes, sir, they can.

8 SIR MICHAEL WRIGHT: A rifle.

9 A. Yes.

10 SIR MICHAEL WRIGHT: But your understanding is that their  
11 prime purpose is to be used at close quarters?

12 A. It can be, sir, yes, it's because the ammunition can fit  
13 into both.

14 SIR MICHAEL WRIGHT: Thank you. Anyway, you did have  
15 a carbine but you only took your handgun with you when  
16 you got out of the car?

17 A. That's correct, sir.

18 MR MANSFIELD: Had you put any of the hollow tip ammunition  
19 into any other weapon in your case, other than the  
20 Glock?

21 A. No, sir.

22 Q. I obviously have to leave that question for others as to  
23 what they did with it.

24 It appears, I can't put it higher than that at the  
25 moment, that mostly it went into Glock pistols which

- 1 would normally be used at close quarters, wouldn't they?
- 2 A. That's correct, sir, yes.
- 3 Q. Just going back to 355, this particular briefing, the  
4 second briefing, before you ever got to this briefing,  
5 in any of your training had you been shown first of all  
6 what suicide belts and suicide vests look like?
- 7 A. I have a general awareness of them, and I believe it  
8 might have been contained in one of the PowerPoints that  
9 I received.
- 10 Q. All right. More particularly, because of course it  
11 might not readily show, had you been trained in what you  
12 should look for in relation to the detonation of such  
13 a device?
- 14 A. Again, I can only answer this through -- it's probably  
15 time has fogged my memory a bit so I can't recall  
16 exactly what I knew then and what I know now, but the  
17 answer would have to be, as I have said previously,  
18 wires as we were given in Silver's briefing, perhaps the  
19 connection of wires or again detonation could be caused  
20 by timing devices, motion device, pressure release  
21 devices and so on.
- 22 SIR MICHAEL WRIGHT: In which case there would be nothing to  
23 see?
- 24 A. Exactly right, sir, yes.
- 25 MR MANSFIELD: So of course at the end of the day there may

1 be -- there may be -- nothing to see, but in the wires  
2 situation, there might be something to see?

3 A. If you are lucky enough to be actually, to see hidden  
4 wires, potentially hidden wires, then yes, perhaps,  
5 there might be. There might be a small glimmer of that,  
6 yes.

7 Q. Coming out of a sleeve and a hand in a pocket. Were you  
8 trained that one of the things you might have to look  
9 for quickly is whether there are wires protruding and  
10 whether the individual has -- if he has both hands out,  
11 it's going to be difficult to see how he's going to  
12 detonate it unless he has time to put his hand in his  
13 pocket; do you follow me? That's one way.

14 A. If the hands were like this and I could clearly see  
15 there wasn't anything else there, then that might, and  
16 I have to emphasise "might", possibly exclude the  
17 detonation of wires.

18 Q. Yes. Well, I will have to come to where his hands were  
19 and all the rest of it, I am afraid, some of the detail.  
20 Just moving on with this particular briefing, I have  
21 already dealt with what wasn't in this briefing, and you  
22 have agreed about that, in other words to do with  
23 identification, but what you were told and I am not  
24 taking time on it, is they were well prepared and up for  
25 it and deadly and determined. That's pretty obvious

1           because of what happened the day before?

2    A.   That's correct, sir.

3    Q.   So you wouldn't have to be told that but you were.  You

4           are then, this briefing having finished, being left in

5           no, as it were, doubt as to the potential threat from

6           the people who attempted the bombing the day before.

7           You are in no doubt about that?

8    A.   That's correct, sir, yes.

9    Q.   The, as it were, the next brick in the wall is of course

10           you had been led to believe that the only way you would

11           become involved is if they have been positively

12           identified?

13   A.   That is correct, sir, yes.

14   Q.   I know this may be a question you may find difficult to

15           answer, but what was your understanding about positive

16           identification, what did that mean, and a surveillance

17           officer saying, "That's him", is that it?

18   A.   Yes, sir.

19   Q.   Yes?

20   A.   To me, that is a positive identification.

21   Q.   Right.  Well, then, if you turn to the next stage, 356,

22           I am taking it through, I want to cover points I haven't

23           dealt with so far, there is then an interval of time,

24           you have described, where you have to get your kit ready

25           and so on, it's probably, what, 15 to 20 minutes,

- 1 something like that, before you set off?
- 2 A. Sir, I am not even going to attempt to put a time on it,  
3 but all I can say is we certainly had time in order to  
4 get our security radio channels into the car, and also  
5 just prepare our kit, and do that.
- 6 Q. So we have been through what's on the rest of this page,  
7 which you have given in evidence about the relays from  
8 Ralph and all the rest of it, I don't go through that,  
9 and we get to the key position halfway down the  
10 page where state amber was assumed by you by  
11 a broadcast, "Units beware"; all right?
- 12 A. Yes, sir.
- 13 Q. By this stage we are now in situation in which you are  
14 saying to yourself: I am going to be facing a bomber  
15 from yesterday?
- 16 A. I felt a certain amount of anxiety, sir, yes.
- 17 Q. In fact were you beginning to think not just that he was  
18 a bomber from yesterday, but he's a bomber today?
- 19 A. Yes.
- 20 Q. Right.
- 21 A. The possibility of that was extremely high, yes.
- 22 Q. Yes, I understand that. That's very understandable.  
23 What I am obviously going to ask you is the extent to  
24 which the very understandable feeling became the only  
25 feeling that you had. Do you understand?

- 1 A. I can answer that now, sir, and the only feeling I had  
2 from getting "state red" was: I have got to get to him,  
3 I have got to arrest, I have got to detain, I have got  
4 to intercept. That was the feelings I had. Again,  
5 I will just reiterate, I did not have any preconceived  
6 ideas of what I was going to do. I just didn't have it.
- 7 Q. You see, by the time you had got to Stockwell, you had  
8 been frustrated because you couldn't understand why you  
9 weren't being told to move, all right; you are sitting  
10 there, and he has gone in the police(sic) station, this  
11 man who you had already begun to think he is a bomber  
12 that day; he is into the tube station and from what you  
13 are saying, he is actually going towards the platforms,  
14 just look at the statement:  
15 "He then walked towards the tube. He entered the  
16 tube. I heard 'Towards platforms 1 and 2'."  
17 Almost straightaway.  
18 Do you see that?
- 19 A. Yes, I do, yes.
- 20 Q. You really then by this stage inside you are saying:  
21 wait a minute, this man has to be stopped at all costs;  
22 you were thinking that, weren't you?
- 23 A. No, sir, not at all. My frustration was that I couldn't  
24 understand why we weren't given the order to act, to  
25 intercept. But it happened. It didn't affect my

1           mindset as to what I was going to do because I just  
2           didn't know what I was going to do. I really didn't.

3    Q. Well, we are dealing with now a very short space of time  
4           between state red, you getting out the car, through the  
5           concourse, leaping the barriers, I am just going quickly  
6           through that, and you are going down the escalator which  
7           you described earlier this morning?

8    A. Yes.

9    Q. So we are now going down the escalator. You must at  
10           that stage be thinking that he is either on a train and  
11           gone or certainly on a train, because you heard  
12           "platforms 1 and 2" when you were back in the car?

13   A. I did not have any thoughts of that type at all. As  
14           I have said earlier, as I was running down the  
15           escalators, my only thoughts were to him, and I had it  
16           going over and over in my head: I have to get to him, I  
17           have to get to him. That was what I had going through  
18           my mind. I didn't know what I was going to do when I  
19           got to him, but they were the thoughts that were going  
20           through my mind, and I remember it as clear as anything  
21           I can recall.

22   Q. The next part is going to be important, it's page 357.  
23           You are going along the platform, you have said, in as  
24           covert a manner as you could; is that right?

25   A. That's correct, yes.

- 1 Q. So no-one would know that you were a police officer,  
2 except other police officers possibly?
- 3 A. That was my intention, but I can probably appreciate  
4 looking how I look, and I don't think my appearance has  
5 changed dramatically since that day, that I probably  
6 look to some people, it's probably a police officer or  
7 a soldier or some form of person of that type or that  
8 ilk. But I did try to remain as covert as possible as  
9 much as --
- 10 Q. It may be obvious, but why did you do that?
- 11 A. Because I did not want the suspect to identify that  
12 I was in fact a police officer, that he was about to be  
13 apprehended and detonate.
- 14 Q. You had made the assumption at this point that he had  
15 a bomb on him?
- 16 A. It was a possibility that I couldn't ignore. I just  
17 couldn't ignore. This person had been identified to me  
18 as a potential failed suicide bomber from the day  
19 before. Now, for me to ignore that fact would be  
20 madness, to be honest with you.
- 21 Q. That is all understandable, but as you have pointed out,  
22 professionally trained, you you still have a window of  
23 judgment left, you have to still assess whether he  
24 actually is a bomber that day; correct?
- 25 A. That's correct, yes.



- 1 Q. I am going to make it plain that what you did when it  
2 came to making a statement the following day was to  
3 grossly exaggerate what you saw in order to, as it were,  
4 convince people that he had been a terrorist about to  
5 explode a bomb in your mind. Is there any possibility  
6 you did that?
- 7 A. Absolutely none whatsoever, no.
- 8 Q. Let us deal with the points as they arise. Page 357,  
9 halfway down, you are aware that C2 is very close behind  
10 or close to you, make your way along the platform,  
11 "handgun drawn but down by the side of my right leg", do  
12 you have that passage?
- 13 A. Yes.
- 14 Q. "I can't be sure. I was aware of a male standing in the  
15 open doorway. This male was looking in my direction.  
16 As I reached the doorway, he said words to the effect,  
17 'That's him' [the words we have just dealt with]. He  
18 then gave a clear indication with this arm."  
19 Meaning, I suppose, his right arm, was it?
- 20 A. That's correct, sir, yes.
- 21 Q. "I assumed that this male who gave me the indication was  
22 a surveillance officer. He wore blue clothing. He  
23 pointed to a dark skinned male, Asian looking, who was  
24 sitting on seat 2 in from a glass partition on the seats  
25 facing the platform which were furthest away..."

1           Now, even on your account, up to this point, nothing  
2           has been said by you that you are a police officer;  
3           correct?

4   A.   That's correct, sir, yes.

5   Q.   You have still got your gun as hidden as you can make  
6           it?

7   A.   I believe I had it that way. I have actually, from my  
8           statement, I had my handgun drawn by the side of my  
9           right leg, down by the side of my right -- but I can't  
10          be sure, so I think it was roughly in that position.

11   Q.   If it's by your right leg, it's the leg furthest away  
12          from the train that you are walking along the side of?

13   A.   That's correct, yes.

14   SIR MICHAEL WRIGHT:  Until you turn in through the door.

15   A.   Yes, sir.

16   MR MANSFIELD:  "This male immediately looked in my direction  
17          and stood up."

18                 Did you have a problem with that?

19   A.   That, in isolation, perhaps not.  But it didn't stop  
20          there.  The male --

21   Q.   I'll come to the rest.

22   A.   If you break it down, sir, with due respect, if you  
23          break it down in singular movements like that, I don't  
24          think it would be fair to the jury or myself.

25   Q.   No, it wouldn't, and I'm going to deal with it all in

1 combination, don't worry.

2 A. Thank you.

3 Q. So just getting up, you are not suggesting, are you,  
4 that that was an aggressive move, are you?

5 A. No, sir. Not at that stage.

6 Q. Not at that stage. The whole of this takes place over  
7 a matter of seconds, doesn't it?

8 A. Yes, I think that would be fair to estimate, yes.

9 Q. And we have, so it's clear, the context is: no  
10 information, no intelligence that he's actually carrying  
11 a bomb, so you are having to do the assessment on the  
12 spot of whether he is a bomber there and then; yes?

13 A. Partially, sir. The information I had and certainly  
14 going through my mind was that this was a person that  
15 was responsible for the failed bombings the day before,  
16 so therefore he had been positively identified in my  
17 mind and could possibly have a bomb on him.

18 Q. That's why I suggest you went straight to the delivery  
19 of a critical shot which you have been trained to do?

20 A. That just didn't happen, sir. It just didn't happen.

21 Q. Let us look at the next bit of the statement you made  
22 the following day. After he had stood up you make this  
23 point in your statement:

24 "I was aware of the male wearing a bulky denim  
25 jacket."

1 Right?

2 A. Sir.

3 Q. Is there any possibility that this was visual  
4 distortion? Or perceptual? I have used visual so that  
5 it doesn't --

6 SIR MICHAEL WRIGHT: I know, but it's not the phrase.

7 MR MANSFIELD: Perceptual. Is there any possibility of  
8 that?

9 A. This is part of the problem as I tried to explain on  
10 Friday. I am just an ordinary person and with trying to  
11 write statements and trying to get what happened across  
12 in the right order, for a person like myself is  
13 incredibly hard. This is why, if you look at the  
14 statement:

15 "The male immediately looked in my direction and  
16 stood up. I was aware of the male wearing a bulky denim  
17 jacket."

18 That's not quite the right order of things. The  
19 jacket actually appeared bulky to me whilst he was  
20 sitting down.

21 Q. You see, on Friday you were, if I may put it, very  
22 anxious to say that it gave the appearance, weren't you?

23 A. Well, yes.

24 Q. Yes.

25 A. I was aware of the male wearing a bulky denim jacket and

1           that was the snapshot view I had as he was actually  
2           sitting down.

3   Q.   You see, by this stage apparently he stood up.  I am  
4           sorry to be particular but we do have to look at this as  
5           a whole and individually:

6                    "This male immediately looked in my direction and  
7           stood up."

8                    So he is standing up, is he, or is he sitting down?

9   A.   As I have just said, sir, the bulkiness of the jacket  
10          was what I perceived to be when he was sitting down.

11  Q.   You see, you are having to say that because you now  
12          recognise, don't you, that he wasn't wearing a bulky  
13          jacket that might be consistent with hiding an explosive  
14          so you can be excused for thinking you shot a terrorist.  
15          Now do I make myself clear?

16  A.   Sir, I understand fully, and I am not saying that.  The  
17          appearance I saw and the snapshot I had of him when he  
18          was sitting down, that the appearance was of a bulky  
19          thing.

20  Q.   Why didn't you just say in the statement, as you put it  
21          to the jury on Friday, "he was wearing a blue denim  
22          jacket which gave the appearance in the snapshot I had  
23          that it was bulky"?  You don't say any of that there, do  
24          you?

25  A.   No, I don't --

- 1 Q. Why not?
- 2 A. I can only say that it's a mistake in my statement  
3 writing, as I have just explained to you --
- 4 Q. Did you discuss this with your fellow officer C2?
- 5 A. I can't recall, sir.
- 6 Q. I would like you to think. The following day, the 23rd,  
7 and can I just pause at this stage just to deal with the  
8 23rd, when you go back the following day, perhaps I take  
9 it in order, on the evening of the 22nd did you have  
10 a meeting with firearms officers to discuss notes?
- 11 A. I can't recall, sir.
- 12 Q. Right. Were you asked to be at Leman Street on the 23rd  
13 by 11 o'clock in the morning by TJ84?
- 14 A. We had, from my recollection, I believe we had hearing  
15 tests quite early on in the morning, so I think we would  
16 have certainly had some sort of timeframe given to us by  
17 what time to be at Leman Street in order so we can go  
18 over and have a hearing test. But I don't remember any  
19 discussions as such on the evening of the 22nd --
- 20 SIR MICHAEL WRIGHT: Did you say have a hearing test?
- 21 A. Yes, sir.
- 22 SIR MICHAEL WRIGHT: I see, possible consequence of being so  
23 close to a gun going off.
- 24 A. Yes, sir.
- 25 SIR MICHAEL WRIGHT: Yes, I see.

- 1 MR MANSFIELD: Leave aside the 22nd and the evening of that;  
2 we will hear that some officers did and I am not in  
3 a position to say that you were present. But the next  
4 stage is that officers were asked to congregate, were  
5 they not, at Leman Street on the 11 am on the 23rd?
- 6 A. That's quite possible, I can't give exact evidence of  
7 it, but it's entirely possible.
- 8 Q. I just want this jury to know how memories were  
9 refreshed, and what memories were agreed and not agreed.  
10 Do you follow?
- 11 A. I do, sir, yes.
- 12 Q. You are aware now last week that the Association of  
13 Chief Police Officers are going to put an end to this  
14 particular practice of people getting together and  
15 writing up their statements together; are you aware of  
16 that?
- 17 A. Yes, I am, sir, yes.
- 18 Q. You do realise the risks that are attached to  
19 discussing?
- 20 SIR MICHAEL WRIGHT: Mr Mansfield, that's as may be but it's  
21 also only fair to say that prior to last week, it's  
22 a practice that has been universally approved of in the  
23 police service for many, many years.
- 24 MR MANSFIELD: Oh yes, but the police service have been  
25 fully aware, have they not, during those years, approved

1 or not, of the reservations about this practice?

2 I mean, you were aware of the reservations about this  
3 practice, weren't you?

4 A. Certainly, and ever since I have been a police officer  
5 since 1983, the same concerns have been raised. There  
6 is unfortunately a perception that when we confer that  
7 we try and alter the facts of evidence, and I can assure  
8 you that this is not the case. I can -- well, as I am  
9 standing here, on oath, this is not the case, because we  
10 have to justify why we have shot and in this case  
11 an innocent man, and --

12 Q. I'll come to the point. We are dealing with:

13 "I was aware of the male wearing a bulky denim  
14 jacket."

15 Which you say gives the appearance of a bulky denim  
16 jacket in the snapshot. Did you agree that description  
17 with C2?

18 A. That was entirely my recollection of events. If C2 also  
19 recalls that, then that would be down to him to write  
20 in his statement.

21 SIR MICHAEL WRIGHT: We shall see what he says in due  
22 course.

23 MR MANSFIELD: "Things now happened very quickly. This male  
24 advanced towards us."

25 You mean yourself and Ivor and the other officers?



- 1 A. I wasn't aware at this stage where C2 was, but certainly  
2 "us", certainly relates to Ivor.
- 3 Q. Who is right there by the glass partition. By this  
4 stage you have both feet into the carriage?
- 5 A. As I recall from my evidence on Friday and what I recall  
6 actually happened was that I believe that when  
7 Mr de Menezes was positively identified by "That's him",  
8 I believe certainly I was in the process of getting on  
9 the tube, I remember having at least my left foot on,  
10 and I can't recall where my right foot was.
- 11 Q. "His hands were down by his side."  
12 You gave a description to the jury by standing up in  
13 the witness box. I just want to check whether what you  
14 had described physically on Friday was actually what you  
15 saw. Do you remember what you did as you stepped  
16 outside the witness box?
- 17 A. Yes, I did, I was asked to describe in that snapshot  
18 what I thought I saw.
- 19 Q. What you had seen?
- 20 A. Yes.
- 21 Q. Was it just his hands down by his side?
- 22 A. It was his hands, and I believed I used the phrase about  
23 "a leg width" or "a leg distance" to try to give some  
24 sort of measurement to where his hands were.
- 25 Q. His hands down by his side as I am standing now. They

1           are just down by my side.

2    A.   I can't see them.

3    Q.   Just down by my side (indicated).

4    A.   No.

5    SIR MICHAEL WRIGHT:  Slightly further forward than that.

6    A.   No, slightly further forward, probably about to here

7           (indicated).  You probably can't see me.

8    MR MANSFIELD:  Yes, you are doing it now, and it may be you

9           don't mean to imply that.  What you did on Friday to the

10           jury was you stood like this and held them out like that

11           (indicated).  Were they clenched, his fists?

12   A.   I can't recall, sir.  I remember not seeing the insides

13           of his hands.  I saw the outsides of his hands and

14           I can't recall where they were, whether they were

15           clenched or not, but I didn't see the palms.  That's all

16           I can remember.

17   Q.   None of that that is in there, is it?

18   A.   No, it isn't, sir.

19   Q.   I am going to suggest even now you are embellishing what

20           you saw for very obvious reasons, I suggest.  You didn't

21           see his hands clenched, did you?

22   A.   Sir, as I have just stated, I am not embellishing

23           anything.  I didn't see his palms.  I saw the outsides

24           of his hands, and I can't say whether they were clenched

25           or not.

- 1 Q. That didn't tell you very much. Just work on that. So  
2 far, you have not said anything to him. He has got up,  
3 he has walked towards you with his hands down. So far  
4 that really doesn't add up to much, does it?
- 5 A. But in the whole context of the situation whereby he's  
6 been identified by someone, and I appreciate that he  
7 won't know who's identified him and what role that we  
8 are actually performing; and as I have said earlier to  
9 actually if someone's identified you like that, why  
10 would you stand up with your hands down and then go  
11 towards a potential threat?
- 12 Q. Well, if this is the level at which you have been  
13 trained to make an assessment, I really have to ask you  
14 whether that is a serious observation. Why would  
15 someone get up when they have been identified? Can  
16 I just put you in a citizen's position for a moment.  
17 You are sitting on a tube, minding your business. The  
18 tube is delayed. You are wondering why. In his case he  
19 is late for work but we will leave that out of it. He  
20 is sitting on a tube train and somebody who he doesn't  
21 know points to him and says, "That's him", and you think  
22 it's unusual that, "That's him", stands up in those  
23 circumstances with his hands down by his side?
- 24 A. Sorry, sir, and immediately came towards us.
- 25 Q. Even that. You had not said you were police. You

1           hadn't said anything, had you?

2    A.  No, sir, not at that stage, but you are asking me --

3           again, I am trying to explain the thought processes that

4           I had which drew my conclusion that this was a suicide

5           bomber that was about to detonate a bomb, and --

6    Q.  I am trying to give you the opportunity to say honestly

7           and fairly at this stage, your thought processes were

8           overwhelmed and consumed with one thought only: he's

9           a bomber and I'm going to stop him, critical shot; just

10          that, it was an equation, you only had five to six

11          seconds, that's what you did?

12   A.  No, sir, not at all.

13   Q.  No possibility of that?

14   A.  No, sir.  It was an option, but it wasn't the forefront

15          of my mind.

16   Q.  "This male advanced towards us."

17                 Back on the statement, you have given this evidence,

18                 it's just easier to follow it here.  After you had

19                 noticed his hands down by his side, there comes this

20                 very important section:

21                         "I shouted 'Armed police' and brought my weapon to

22                         bear on him."

23                 What you said on Friday was that you pointed your

24                 gun, the Glock, towards his facial area, something -- do

25                 you remember?

- 1 A. Yes, I do, sir, yes.
- 2 Q. Is it fair, therefore, for you to have done that  
3 (indicated) you must have brought it up from your right  
4 side and pointed it towards his face?
- 5 A. It would have been more up than that, sir, because he  
6 was actually coming towards us at the time --
- 7 Q. More up?
- 8 A. -- so it would be at his head, at his facial area.
- 9 Q. But a foot or so away?
- 10 A. Sir, I didn't give any distance to it because from when  
11 I challenged -- from when he was pointed out by Ivor, he  
12 had got up and immediately came towards us. I then  
13 challenged and again that distance was still closed, and  
14 even after I challenged, albeit, and I fully admit the  
15 timescale was very, very small, he still continued his  
16 forward movement to us.
- 17 Q. Were you thinking this is non-compliance?
- 18 A. Yes, I was. At that stage after I had issued that  
19 warning.
- 20 Q. So this is really important, as to whether you said  
21 this, "Armed police", whether you brought your gun up  
22 higher than I had actually demonstrated with my right  
23 arm to his face area, and he continues. If you look in  
24 the statement, what you put is:  
25 "He continued to 'close us down'."

- 1           That has a special meaning for you, doesn't it?
- 2   A.   It means to me, I don't know about the special meaning,  
3       but close me down, that was the perception I had, that  
4       he wanted to get as close to me as possible before  
5       detonation.
- 6   Q.   Yes.  In other words, if it was merely someone coming  
7       closer to you, that's what you would have said.  What  
8       you mean is this was somebody who was going to blow you  
9       you up and closing you down so you couldn't get away  
10      from him?  That's really what you were trying to convey,  
11      weren't you?
- 12  A.   Yes, sir.
- 13  Q.   So a lot of this depends on whether you did shout "Armed  
14      police" and whether you did bring your weapon up to bear  
15      on him and whether he effectively closed you down and  
16      you thought he was going to detonate.  That's a really  
17      important scenario, isn't it?
- 18  A.   That is what happened, sir, yes.
- 19  Q.   Is it?  I am going to suggest to you in the clearest  
20      terms, it didn't.  I would like you to think carefully.  
21      Could this be subject or susceptible to perceptual  
22      distortion and you have just got it all wrong?
- 23  A.   No, sir.
- 24  Q.   No?  Could it be a mistake?
- 25  A.   What's happened here or what I have actually recorded is

1           what happened at that time.

2   Q.   I would just like you to consider the other possibility,  
3           or one of the other possibilities is that you have  
4           written it up the next day in this way because you were  
5           exceedingly anxious, now you knew it was an innocent  
6           man, to demonstrate why you thought he wasn't  
7           an innocent man.  Is that possible?

8   A.   It isn't possible at all.

9   Q.   Then I want you to just reflect on what I am going to  
10          put to you now.  Ivor was standing by the glass  
11          partition when you say you shouted, "Armed police",  
12          raised your gun, he continued advancing, and so forth;  
13          yes?

14  A.   That's correct, yes.

15  Q.   I suggest he wasn't.  He had already moved in to  
16          restrain the individual, as he saw it and push him back  
17          into the seat and do a bear hug on his arms so his hands  
18          would not be free to reach for a weapon or a bomb.

19          I have summarised it.  Now, did you see that happen?

20  A.   What I saw happen is exactly in my statement.  I have  
21          challenged, armed police, Mr de Menezes has carried  
22          forward his forward motion, movement towards me, then  
23          Ivor has grabbed.  I formed the opinion that I must take  
24          action immediately and it was then that Ivor grabbed  
25          hold of Mr de Menezes and pushed him back and I went

1 along with Ivor.

2 Q. You see, Ivor has already given evidence and in fact  
3 there is absolutely no suggestion from him that you  
4 shouted "Armed police", that you brought your weapon up  
5 to his facial area with his arms down by his side and so  
6 forth, and that it was after that that he moved in. Do  
7 you follow? So do you think you have got this wrong?

8 A. I haven't got it wrong at all, sir. That is my  
9 recollection of events of how this situation unfolded  
10 before my eyes.

11 Q. I want to demonstrate to you, unless you are aware  
12 already, of all the people who were in the vicinity --  
13 and can we have, please, for these purposes in the jury  
14 bundle the carriage back up again, please. Tab 35,  
15 please. Ivor's by the partition, as we have dealt with,  
16 and he doesn't see or hear you doing any of that, I'm  
17 going to call it little scenario that you have in your  
18 statement.

19 In addition to Ivor, were you aware that there was  
20 another surveillance officer in the carriage watching  
21 what was going on?

22 A. No, sir. Subsequently have learned that there was the  
23 presence of another surveillance officer but not at the  
24 time.

25 Q. The surveillance officer, this surveillance officer that



- 1 I am mentioning now, has already given evidence and his  
2 name was Geoff. Do you now know that?
- 3 A. I'll accept what you say, sir.
- 4 Q. He was standing with his back to the single door, if you  
5 look at the diagram there, the single door to your right  
6 as you get in. Do you follow?
- 7 A. Yes, I do.
- 8 Q. Single door that was closed at the end of that carriage,  
9 in other words the one that is looking on towards the  
10 platform.
- 11 A. Is that by, on the same side near Ms Anna Dunwoodie?
- 12 Q. Yes.
- 13 A. Yes, sir, I understand.
- 14 Q. He too doesn't give an account of you shouting, "Armed  
15 police", still less of you raising a gun, and the man  
16 proceeding towards the gun and then Ivor moving in. So  
17 he too does not confirm that this happened. Do you  
18 follow?
- 19 A. Yes, I do, sir.
- 20 Q. C2 was just behind you, wasn't he?
- 21 A. I don't know exactly where he was, sir, but I was aware  
22 of his presence but I don't know exactly where he was.
- 23 Q. And he doesn't suggest this happened either. Did you  
24 know that?
- 25 A. No, sir.

- 1 Q. Did you discuss it with him and he said anything about  
2 it to you?
- 3 A. I can't recall. It's entirely possible that we have had  
4 these discussions over the years, yes, sir.
- 5 Q. I have just gone through some but there are more to come  
6 and I want to give you another opportunity and it may be  
7 your last opportunity to face a certain reality: that  
8 you shot an innocent man who you had not properly  
9 assessed, who you never gave any chance to, because you  
10 were consumed with the thought of what he might have  
11 done the previous day. Now, is that possible?
- 12 A. It's not possible at all, sir. I did challenge, "Armed  
13 police". I distinctly remember doing it because  
14 I remember after I had done it, why the hell did  
15 I challenge him.
- 16 Q. Oh, quite. That's why I went through your training and  
17 why I was anxious to find out how much you had  
18 considered the aspect of challenge. Why on earth did  
19 you challenge him because I suggest that wasn't part of  
20 your thinking; your thinking was: let us just get rid of  
21 this man now, wasn't it?
- 22 A. Not at all. I remember looking back on why I challenged  
23 him and realising that I had made a potentially  
24 disastrous mistake, and I certainly remember that.
- 25 Q. Because if you are doing a covert approach for the

1 delivery of a critical shot, the one thing you don't do  
2 is warn the person because they might detonate?

3 A. That's exactly right, sir, and that was my thought  
4 process, why had I actually done that, and the only  
5 thing -- I have thought about this as you can appreciate  
6 time and time again and I'm afraid probably it goes back  
7 to our training, is that even when we are performing  
8 an overt role, where we are readily identifiable as  
9 armed police officers, and that is probably 20 per cent  
10 of our work, so it follows that 80 per cent of our work  
11 is of a covert nature; and where it's absolutely vital  
12 that we identify ourselves, and this is something that  
13 we do in operations and in training, and I think I have  
14 just reverted back to my training, it was just  
15 an instant reaction for me to challenge, which is what  
16 I did.

17 Q. I have dealt with some. There are more to come, I am  
18 afraid. Ken, another surveillance officer, goes through  
19 the double doors of the carriage, the first set there,  
20 not the second set that you went through and he is going  
21 through the carriage; he doesn't see this either. I am  
22 just going to go through the names, and the individuals,  
23 so you have the full picture. Ken doesn't say he saw,  
24 and I am only dealing with those who might be in  
25 a position --

- 1 SIR MICHAEL WRIGHT: Can you be a bit more specific,  
2 Mr Mansfield, didn't see what?
- 3 MR MANSFIELD: He doesn't see the scenario of, "Armed  
4 police", gun up to the face, that scenario, and  
5 a continued advance.
- 6 C5, do you know C5 in real terms, as it were?
- 7 A. Yes, I do, sir.
- 8 Q. He was going along the carriage on the inside from your  
9 left, do you follow? This is what he's so far said, and  
10 he doesn't describe this scenario of the "Armed police",  
11 raised gun and a man continuing to go forward. Do you  
12 follow? He doesn't see that either?
- 13 A. Okay, sir, I accept that.
- 14 Q. D9, do you know him, another armed officer?
- 15 A. I probably do, but I don't recognise the pseudonym.
- 16 Q. He comes in behind C2 at some point just behind, I can't  
17 give you the precise distance, behind the same double  
18 doors that you have gone through, and he doesn't  
19 describe this scene of "Armed police", gun up and all  
20 the rest of it.
- 21 A. I accept that as well, sir. Each officer, each person  
22 has their own individual recollections of what happened.  
23 If, conversely, if we all had exactly the same story or  
24 saw exactly the same things, I would probably suggest to  
25 you that that would be impossible.

- 1 Q. Like the bulky jacket?
- 2 A. Quite well have been, sir, but again I'll refer back to  
3 my statement and my answer that I have given previously.  
4 These are my recollections honestly written of what  
5 happened at the time.
- 6 Q. I haven't quite finished because there are civilians who  
7 the jury may hear from this week. No civilian who is in  
8 a position to see it, because I am only dealing with  
9 people in a position to see it, no civilian suggests  
10 that this happened, "Armed police", shouted by you, gun  
11 up to face, man continues. Are you really saying at the  
12 end of all this, of course people see different things,  
13 and they may have a different take on it, but nobody  
14 sees this at all. Now, do you think, one final time  
15 before lunch on this day, that you could be wrong and  
16 you have made a serious mistake in assessment?
- 17 A. No, I don't. No. And I will sit here until it --
- 18 Q. All right.
- 19 A. No, not at all. It happened as I recollect.
- 20 Q. Just before lunch, if I can end on these questions.  
21 When it was over -- the shooting I mean -- and you have  
22 got off the train -- there is a bit more of the shooting  
23 I will have to deal with but I just want to deal with  
24 this part of it. Did you tell anybody, any senior  
25 officer or other enquiring officer, what had happened?

- 1 A. I can't recall that, I am sorry.
- 2 Q. I must just ask you about this. Did you say to any  
3 officer, "He tried to escape"?
- 4 A. I certainly can't recall that. And I don't think  
5 I would have said that, because that in my eyes didn't  
6 happen.
- 7 Q. So it's clear the route by which it appears this is  
8 being said, and it may not come from you, but I have to  
9 ask you, do you know Terry?
- 10 A. Yes, I do, sir.
- 11 Q. Is he a senior firearms officer?
- 12 A. I believe he is a sergeant, I think.
- 13 Q. Do you remember speaking to him or not?
- 14 A. No. I do not have any recollection of speaking to him.
- 15 Q. Did you speak to Silver, Mr Purser?
- 16 A. I do not have any recollection of speaking to Silver.
- 17 Q. So do you have any recollection of speaking to anybody,  
18 I mean down in the Underground station before you come  
19 up, about what had happened?
- 20 A. It's quite possible that I talked to Trojan 84, but  
21 I can't recall, and the reason for this, I think I was  
22 quite vulnerable at this stage, and it was just after  
23 the incident so I could have had conversations, I just  
24 cannot recall, I am sorry.
- 25 MR MANSFIELD: Sir, would that be a convenient moment?

1 I think there is a question.

2 SIR MICHAEL WRIGHT: Yes. You say that you have some more  
3 about the shooting, or are you broadly leaving it?

4 MR MANSFIELD: No, there is some more about the shooting,  
5 yes.

6 SIR MICHAEL WRIGHT: I will wait until then, thank you.  
7 You actually never saw Charlie 2, although you knew  
8 he was there --

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

10 SIR MICHAEL WRIGHT: -- when the actual crucial moment took  
11 place.

12 A. That's correct, the --

13 SIR MICHAEL WRIGHT: So you don't know how he was handling  
14 his gun.

15 A. Sir --

16 SIR MICHAEL WRIGHT: You don't know, you wouldn't have seen  
17 how he was holding or handling his gun?

18 A. I believe I was aware of a firearm, of a Glock handgun  
19 towards the head of Mr de Menezes and I assumed that it  
20 was C2's.

21 SIR MICHAEL WRIGHT: That was at the time when you were also  
22 presenting your gun towards --

23 A. That's correct, and firing.

24 SIR MICHAEL WRIGHT: Before that you wouldn't have known how  
25 he was holding it.

1 A. No, I am sorry.

2 SIR MICHAEL WRIGHT: Very well, 2 o'clock, ladies and  
3 gentlemen.

4 (1.00 pm)

5 (The short adjournment)

6 (2.00 pm)

7 (Proceedings delayed)

8 (2.08 pm)

9 (In the presence of the jury)

10 SIR MICHAEL WRIGHT: Yes.

11 MR MANSFIELD: Sir, we will rectify the insertions for  
12 tab 61 at the end of the day, if we may, with the other  
13 copies of the Kratos manual.

14 SIR MICHAEL WRIGHT: Thank you.

15 MR MANSFIELD: Now, just a few more matters, if I may.  
16 Would you like to look at page 356 and 357, in  
17 particular the bottom of 357, which is your original  
18 statement about these matters.

19 I have got -- we are dealing with the position  
20 particularly where Ivor goes forward and pushes  
21 Jean Charles de Menezes back into the seat, all right,  
22 that's what I want to ask you about now.

23 First of all, at that point, were you in control of  
24 yourself?

25 A. Absolutely, yes. I had the presence of mind to actually



- 1           issue the challenge, "Armed police".
- 2    Q.   So on your account you have presence of mind, you are  
3           alert to the circumstances?
- 4    A.   Very alert, heightened.
- 5    Q.   Heightened alertness. This is not a case, as you have  
6           indicated this morning, of somebody consumed with one  
7           thing, namely to deliver a critical shot, not that?
- 8    A.   That's correct, sir, yes.
- 9    Q.   When Ivor went forward, pushed him back into the seat  
10           and pinned his arms to his side, as Ivor has described,  
11           so has another officer, did you not appreciate that by  
12           doing so, firstly, Mr de Menezes' hands could not move?  
13           Did you appreciate that?
- 14   A.   Sir, I didn't see that in its entirety how you have  
15           described it. When Ivor grabbed Mr de Menezes, I think  
16           I would describe it as almost like a rugby tackle type  
17           thing, but mainly concentrating on the upper torso area,  
18           so as he has pushed or the momentum of Ivor has actually  
19           taken Mr de Menezes back to the chair, I have actually  
20           followed and I believe I have had body contact with  
21           Ivor, so that we have all gone back to where  
22           Mr de Menezes originally came from in the chair.
- 23   Q.   The second thing I suggest, besides his hands being  
24           pinned, which you say you didn't see, is that no bomb is  
25           detonated, if he is carrying one?

- 1 A. As regards his hand being pinned, I couldn't see that,  
2 if in fact it happened. I saw Ivor actually come into  
3 contact with Mr de Menezes, the upper part of his arms  
4 there (indicated). I didn't see where Mr de Menezes'  
5 arms were at all.
- 6 Q. Did you consider -- I know it's all fleeting seconds and  
7 so on -- pausing for a moment, because here, if this man  
8 is a bomber, what Ivor is doing is seriously risky  
9 because he is going to detonate the bomb in order to  
10 blow you all up, so did you pause just for a moment in  
11 case Ivor was actually going to save everybody? Do you  
12 follow? Did you pause?
- 13 A. I do follow that, and I couldn't afford to pause. I had  
14 to take immediate action. Ivor took action and  
15 courageous as it was, I still had to act. There was  
16 still a threat there. I didn't know certainly what Ivor  
17 was thinking, I could guess by what he did, I could  
18 guess at that, but the fact is I was expecting  
19 a detonation at any time and just because Ivor had  
20 actually taken hold of him like that doesn't mean there  
21 isn't going to be an explosion.
- 22 Q. Didn't it make you, as it were, pause for thought, just  
23 split second thought: my goodness, this man has thrown  
24 himself on top of him, this is extremely dangerous  
25 because the man will blow us all up?

- 1 A. There was no pause to think that. The only thought  
2 I had at the time perhaps was that this was another  
3 definite confirmation that Ivor perceived perhaps the  
4 same threat as I did, that we were going to die  
5 instantly.
- 6 Q. Everything that seems to come on is just a further  
7 confirmation right from SO19 units coming through, all  
8 the way through, it's just further confirmation in your  
9 mind all the time that this is a bomber?
- 10 A. Yes, sir.
- 11 Q. You see, what I want to suggest is you are at this point  
12 not in control because of what you next do. You fire  
13 a number of shots, don't you?
- 14 A. Yes, I do, yes.
- 15 Q. Why do you continue firing once he falls to the floor?
- 16 A. Because I detected movement.
- 17 Q. You are quite clear about that, are you?
- 18 A. It might have been movement from myself, or whatever,  
19 but he was still -- there was movement there, and I had  
20 to, to stop this bomb from going off, I had to make sure  
21 that life was extinct, I had to incapacitate him  
22 instantaneously and because I saw the movement, the  
23 continued movement, I continued to fire.
- 24 Q. The continued movement, you are clear about this, are  
25 you?

- 1 A. Yes, I am.
- 2 Q. It's not a distortion?
- 3 A. No.
- 4 Q. Have a look at page 358, would you, please, at the top:
- 5 "The male fell towards the floor, as he did so,
- 6 I fired again."
- 7 Nothing about continued movement or "I detected
- 8 movement" or whatever, is there?
- 9 A. Sir --
- 10 Q. It's just you fired as he fell to the floor?
- 11 A. Sir, with the greatest of respect the male fell towards
- 12 the floor. As he did so I fired again, and that was the
- 13 impression that I had, that there was still movement
- 14 there, and still therefore a tangible threat of any
- 15 possible detonation.
- 16 Q. But he had been shot by you. You don't know how many
- 17 times you fired, do you?
- 18 A. That's correct, sir.
- 19 Q. Did you find that somewhat surprising, that you just
- 20 didn't know how many times you had fired?
- 21 A. In a way, yes, I couldn't recall.
- 22 Q. No.
- 23 A. I just couldn't recall, but the threat was such
- 24 I couldn't take any chances. I just couldn't do it.
- 25 I am there to protect the public, and I have there all

1           intents and purposes a suicide bomber, and if I don't  
2           act and if I don't act immediately, we could all die.

3   Q.   One understands --

4   A.   That was the stark choice I was faced with, sir.

5   Q.   I appreciate, the public appreciate the stark choice and  
6           so on; but you have chosen to be a firearms officer, you  
7           have been highly trained, trained to perceive threat,  
8           and of course there is another aspect to this, we don't  
9           want members of the public put into a frame of guilt  
10          when they are perfectly innocent, do we?

11  A.   I totally agree with you, and I am a trained police  
12          officer but I am also a human being as well and I feel  
13          fear and I can perceive danger as well as any other  
14          human being.

15  Q.   Do you think there is a possibility that, as you quite  
16          rightly say and I accept this, and I have given you the  
17          opportunity, as a human being you allowed fear to take  
18          over that day?

19  A.   Fear was certainly present, but as regards controlling  
20          my actions, it possibly had some effect, yes. I can't  
21          deny that. You are asking me to recall exactly what  
22          I felt. I felt I was going to die, certainly, and  
23          I took action in order to stop that.

24  Q.   In other words, is there a possibility that because of  
25          the fear you felt, even that, that actually you weren't

1           in control of assessment and your actions, the two  
2           things?

3    A.   No.

4    Q.   No?

5    A.   Not at all, sir.

6    Q.   Not at all?

7    A.   I was in control of myself.

8    Q.   Because you knew that besides the shots you had fired of  
9           which you did not know the number, your fellow officer  
10          had done the same, hadn't he?

11   A.   That is correct, yes, I was aware of gunshots going  
12          off -- or shots as I believed, yes.

13   Q.   He's trained, possibly not, I don't know whether he is  
14          trained as highly as you are, but he is highly trained  
15          as well, isn't he?

16   A.   That's correct, yes.

17   Q.   And this is two of you pumping a lot of shots into this  
18          one man; did you realise that?

19   A.   I was certainly firing at Mr de Menezes' head in order  
20          to stop the immediate threat of any detonation. As  
21          regards where my colleague's shots were going or landing  
22          I can't comment and I didn't see them. I was aware of  
23          some gunshots being fired.

24   Q.   It says at the bottom of 357, just go back to that:  
25                 "I fired a number of times."

- 1           You have already said:
- 2           "... I didn't miss."
- 3           That's in the previous sentence.
- 4           "I was aware of other gunshots" --
- 5   A.   Sorry to interrupt you.
- 6           "It was essential for survival, I didn't miss."
- 7           That's the full sentence.
- 8   Q.   We appreciate that, you have made that point many times,
- 9           and I'm concerned now with whether this essence of
- 10          survival was borne out of a warped perception; do you
- 11          follow?
- 12   A.   A warped perception in order to protect the public --
- 13   Q.   A warped perception that you did not make the assessment
- 14          you were trained to do. That's why I am asking you
- 15          about it.
- 16   A.   If I had been given any alternative or I had foreseen
- 17          any alternative other than shooting this male, I would
- 18          have taken it. As I have said on Friday, you have to
- 19          believe me on that. I do not want to take anyone's
- 20          life. Although I am a firearms officer, it doesn't
- 21          necessarily mean I have to. If there had been any
- 22          alternative to doing what I had to do that day, believe
- 23          you me, I would have taken it.
- 24   Q.   "I was aware of other gunshots and being hit in the face
- 25          with debris."

- 1           This is whilst you are still firing?
- 2   A. I can't recall, sir. It must be in the sequence of
- 3       events, yes, somewhere.
- 4   Q. You were asked on Friday this question that had in fact
- 5       Mr de Menezes stayed in his seat -- do you remember
- 6       Mr Hilliard asked you this on Friday -- had he stayed on
- 7       his seat, would you have shot him?
- 8   A. Mr de Menezes staying on his seat would perhaps have
- 9       afforded me time to issue more verbal commands, and if
- 10      he had complied totally with them, then --
- 11   Q. What sort of commands would you have issued if he had
- 12      stayed seated, then?
- 13   A. Immediately?
- 14   Q. From your account, you don't issue any commands, do you?
- 15   A. That's correct, I just didn't have time.
- 16   Q. Right. So you don't say, "Stand still", you don't say,
- 17      "Put your hands up" or any of that?
- 18   A. Just didn't have time, sir.
- 19   Q. Well, there was time if this is really the assessment
- 20      that's being made, you have got time to say, "Armed
- 21      police", raise your gun and say, "Stand still"; you can
- 22      say that, can't you?
- 23   A. Sir, with due respect to yourself, it didn't happen like
- 24      that. Primarily we are taught in our training
- 25      environment you must always have your weapon raised



1 before you shout, challenge, "Armed police" and the fact  
2 that is, if I say, "Armed police", and my weapon isn't  
3 ready, then action beats reaction. I could possibly end  
4 up shot or anything else. So my weapon actually came  
5 up, I think at the same time that I issued the  
6 challenge, "Armed police", which was done very quickly.

7 Q. Of course, I am not disputing any of that, but the  
8 addition of a command like, "Stand still", just to see  
9 whether he is listening and complying, is a couple more  
10 words, isn't it?

11 A. I just didn't have time to do it. I just didn't have  
12 time.

13 Q. When you were asked this question on Friday, I don't  
14 know whether you recall how you began to answer it,  
15 again can I just ask if this section is available,  
16 page 164 -- possibly it isn't -- from Friday. If not  
17 I just want to ask -- page 164 towards the end of the  
18 questions, line 10. Could you just follow what you  
19 said:

20 "If Mr de Menezes had not got up..."

21 Do you see that, the question?

22 A. I did, sir, yes.

23 Q. "as you describe, and come towards you, suppose he had  
24 stayed in his seat; would you have fired your gun at him  
25 then?"

1           Your answer was:

2           "No, sir."

3           Do you stand by that?

4    A.   I do, sir, yes.

5    SIR MICHAEL WRIGHT:  Well, he develops it a little further,

6           a bit further down.

7    MR MANSFIELD:  I am coming to the next bit because in fact

8           it's the next bit which we listened to again and here it

9           is:

10           "Question:  If he had simply stayed in his seat?

11           "Answer:  If -- again, I mean, this is -- you are

12           asking me to guess what I might or might not --

13           "Question:  I'm not.  I just want to have your --"

14           Then there is this very short answer:

15           "Answer:  It was the aggressive --"

16           Then Mr Hilliard continues.

17    SIR MICHAEL WRIGHT:  It's overspeaking.  You have to run

18           those two sentences together:

19           "I just want to have your understanding of the

20           threat you faced."

21    MR MANSFIELD:  I appreciate.  What was picked in up between,

22           and I want to suggest to you that what you were about to

23           tell this jury is: he didn't stay in his seat and it was

24           his aggressive motion in getting up; is that how you

25           still want the jury to appreciate what you thought?

- 1 A. Sir, you are trying to read what I might have said when  
2 someone has cut across before I could convey my thoughts  
3 and it's not quite that simple to try to relay what  
4 I was trying to say. But all I can say is if you look  
5 further down the line at number 24:  
6 "Answer: And I didn't perceive a threat, I wouldn't  
7 have fired."  
8 Q. The point is you are still maintaining that the  
9 perceived threat was his aggressive actions towards you;  
10 is that right?  
11 A. After I issued the challenge of, "Armed police", it was  
12 his continued movement towards me that I thought this is  
13 almost like the point of no return, this is it now,  
14 something's going to happen.  
15 Q. Finally this: you weren't called to give evidence at the  
16 Health and Safety trial, were you?  
17 A. No, sir, no.  
18 Q. But you were asked to attend the Independent Police  
19 Complaints Commission to be interviewed; is that right?  
20 A. That's correct, sir, yes.  
21 Q. I just want to, so it's clear, the position that you  
22 adopted, I just want to read the -- it's page 99 of the  
23 interview, this is what you said to them:  
24 "I made my witness statement..."  
25 You call it an MG11.

1            "... the day after the incident. I have set out in  
2            this statement my involvement in this incident as  
3            I remembered it at that time. I do not think there is  
4            anything that I can usefully add to my statement at this  
5            time and I have taken legal advice and I do not intend  
6            to answer any further questions."

7            That's the summation of what happened at the IPCC;  
8            is that right?

9            A. That is correct, that was a prepared statement from  
10           myself, yes.

11           MR MANSFIELD: Thank you very much.

12           SIR MICHAEL WRIGHT: Before you sit down, Mr Mansfield,  
13           I think I really want your help about something. To  
14           break the habit of a lifetime, I am about to ask you  
15           questions.

16           Are you putting a case to this officer that he did  
17           not genuinely and honestly believe that the man who was  
18           pointed out to him, when he was on the platform or as he  
19           was getting into the train, had been positively  
20           identified as one of the suicide bombers from the  
21           previous day?

22           MR MANSFIELD: No.

23           SIR MICHAEL WRIGHT: Right. Then there is a follow-up to  
24           that, as you appreciate. Are you putting a case that  
25           this officer did not honestly and genuinely believe at



- 1 MS LEEK: Sir, before I start, I wonder if I may hand out  
2 a schedule of who was in which car in answer to  
3 a question from the jury earlier. It is quite  
4 confusing. There were a lot of officers in a lot of  
5 cars. If I can hand one out to the jury. (Handed)  
6 Officer, I think you know that I represent  
7 Trojan 84, Ralph and the rest of the firearms officers  
8 on the ground.
- 9 A. Yes.
- 10 Q. I have just handed that out so that you can, if you want  
11 at any stage, refer to who was in which car, and just so  
12 that there is no confusion for the jury, whilst they are  
13 listening to your evidence.
- 14 I want to start with the briefing by Trojan 84 at  
15 Lemman Street. You would want to know, would you not,  
16 that a DSO had been appointed?
- 17 A. Yes.
- 18 Q. You would also want to know that command structures were  
19 in place at New Scotland Yard and you would want to know  
20 what those command structures were?
- 21 A. Yes.
- 22 Q. You needed to know that hollow point ammunition had been  
23 authorised?
- 24 A. That's correct, yes.
- 25 Q. It would be entirely appropriate for you to take that

1           ammunition if there was even a possibility that you were  
2           going to have to confront suicide bombers?

3    A.   That is correct, yes.

4    Q.   You would also want to know that there was a possibility  
5           that you may have to use unusual tactics?

6    A.   That is correct.

7    Q.   And that those unusual tactics may involve a critical  
8           shot to the head?

9    A.   That is correct.

10   SIR MICHAEL WRIGHT:  Ms Leek, I remind you, and I may have  
11           to remind Mr Stern, that you do not now have to face any  
12           suggestion that this officer did not genuinely and  
13           honestly believe that he might have to deal with  
14           a suicide bomber.

15   MS LEEK:  Thank you, sir.  I am dealing with the picture  
16           that was built up by Mr Mansfield.

17   SIR MICHAEL WRIGHT:  So am I.

18   MS LEEK:  And dealing with what was in this officer's mind  
19           from the time he set off from Leman Street.

20   SIR MICHAEL WRIGHT:  I know, that is why I have just  
21           reminded you of the question I asked Mr Mansfield.

22   MS LEEK:  Thank you, sir.

23           You would also want to know, would you not, that  
24           there was a possibility of not being given all of the  
25           intelligence?

- 1 A. Yes, that's correct, yes.
- 2 Q. Indeed you would criticise a briefing officer, had he  
3 not given you all of those pieces of information?
- 4 A. Absolutely, yes.
- 5 Q. As far as taking photographs out with you is concerned,  
6 it would be extremely unusual, would it not, if not  
7 unprecedented, for firearms officers to take out with  
8 them a photograph of a suspect?
- 9 A. In this situation, yes.
- 10 Q. I think it's right to say that in fact S013 prefer you  
11 to take out as little documentation as possible on any  
12 operation?
- 13 A. That is correct, yes.
- 14 Q. Because of the risk of compromise?
- 15 A. Exactly right, yes.
- 16 Q. Indeed in this situation, you didn't need to take out  
17 photographs because you knew that the surveillance  
18 officers were there to deal with identification?
- 19 A. That's correct, yes.
- 20 Q. And that they would lead you on to any suspect?
- 21 A. Which is what they did, yes.
- 22 Q. You have been asked about the terminology used or that  
23 you would expect to be used if a critical shot were to  
24 be ordered by somebody in the control room?
- 25 A. That is correct.



- 1 Q. And you have said that you would expect the words  
2 "critical shot" to be stated in those precise terms?
- 3 A. "critical shot authorised", yes.
- 4 Q. Nothing Trojan 84 or Ralph said to you confused you or  
5 led you to believe that a critical shot had been  
6 ordered; is that right?
- 7 A. That's correct, yes.
- 8 Q. That is not to say, however, that you were not entitled  
9 to use a critical shot if you perceived an imminent  
10 threat to yourself or to others?
- 11 A. That's correct, yes.
- 12 Q. I just want to deal again with the traffic light system  
13 about which we have heard so much. When you are in  
14 state green, you don't really need to know if an arrest  
15 team is going in to perform an arrest, do you?
- 16 A. That is correct, yes.
- 17 Q. Because you are some distance behind the surveillance  
18 team who are behind the suspect?
- 19 A. Yes.
- 20 Q. You are simply providing support to surveillance at that  
21 point?
- 22 A. Yes.
- 23 Q. There is a possibility that you could be stood down if  
24 he is safely arrested?
- 25 A. Absolutely correct, yes.

1 Q. Amber is the order which effectively hands control over  
2 from the surveillance team to the firearms team; is that  
3 right?

4 A. Yes, it is.

5 Q. It is that order which alerts the team leader that it is  
6 for him to determine a safe place, if possible, to put  
7 in whatever type of interception or intervention is  
8 appropriate?

9 A. That is correct, yes.

10 Q. That order would also alert the surveillance team to the  
11 fact that the firearms team are moving through?

12 A. That is correct, yes.

13 Q. It's only at the amber stage really that the location of  
14 vehicles, firearms vehicles, becomes of particular  
15 relevance to the team leader and to the control car?

16 A. That's correct, yes.

17 Q. Because up until that point, they are not going to be  
18 involved in any stopping. It could be hours, in fact it  
19 could be days, could it not?

20 A. Yes.

21 MS LEEK: Thank you.

22 SIR MICHAEL WRIGHT: Thank you. Mr Perry?

23 Questions from MR PERRY

24 MR PERRY: Thank you, sir.

25 C12, I just have one topic, if I may, please, and it

1 concerns communications. Just so you know, I am asking  
2 questions on behalf of Commander Dick, Mr Esposito, as  
3 well as Mr Purser for these purposes.

4 A. Yes, sir.

5 Q. You were asked questions this morning about whether you  
6 heard certain matters in the period between your journey  
7 between Nightingale Lane and arriving at Stockwell tube  
8 station. So that's the period of time I am going to be  
9 focusing on, if I may. The matters you were asked about  
10 concerned the commands given to the S013 team, the  
11 arrest team, first of all to be deployed and then to be  
12 called off; secondly the instruction for S012 to do it,  
13 namely the stop.

14 Can you remember that?

15 A. I remember those questions, sir.

16 Q. So that's what I'm directing my questions towards. The  
17 way I want to approach this, please, is just to ask you  
18 this: any information that you and your team, that's you  
19 and the two officers that you were with in your  
20 particular car, any information that you and your team  
21 received you would receive from two sources, one of two  
22 sources, either the Cougar or the back-to-back radio?

23 A. That is correct. If it's information coming from the  
24 surveillance team, then it would just be the Cougar.  
25 The other source of information would be the

1 back-to-back through the firearms, sir.

2 Q. Just so there is no misunderstanding about this, and I'm  
3 sure there isn't, the control room would not be  
4 communicating over the Cougar?

5 A. I don't know as regards that, sir.

6 SIR MICHAEL WRIGHT: Not through the back-to-back.

7 MR PERRY: No, not through the Cougar. They receive through  
8 the Cougar because there is a booster in the control  
9 room. This is why I don't want there to be any  
10 misunderstanding.

11 They received through the Cougar but they don't  
12 communicate through the Cougar?

13 A. Sir, I'll have to accept that from you.

14 MR PERRY: Well, don't accept it from me.

15 SIR MICHAEL WRIGHT: I wouldn't, because I'm not sure that  
16 it's necessarily right.

17 MR PERRY: Don't accept it from me. Let me put it this way:  
18 you didn't hear anything from the control room over the  
19 Cougar?

20 A. I can't say whether any communications came from the  
21 control room.

22 SIR MICHAEL WRIGHT: Mr Perry, can you help us, then. The  
23 back-to-back is simply firearms to firearms.

24 MR PERRY: Yes, that's in the cars --

25 SIR MICHAEL WRIGHT: You are putting to him -- he obviously

1           doesn't know the answer -- if the control room can hear  
2           through the Cougar.

3 MR PERRY: Yes.

4 SIR MICHAEL WRIGHT: How do they communicate?

5 MR PERRY: As we have heard, through the mobile telephones.

6 SIR MICHAEL WRIGHT: Only through mobile telephones?

7 MR PERRY: Yes, that's the evidence. That's why we have got  
8           the telephone schedule in as to what is happening.

9 SIR MICHAEL WRIGHT: I appreciate that. All right. I must  
10          confess I did not understand that that was the only  
11          method they had to communicate. But we will see. You  
12          have enlightened us this afternoon anyway. We will look  
13          into it a bit further.

14 MR PERRY: I just want to deal with this point, because if  
15          the position is, we have heard some evidence, that the  
16          order was -- take the order S012 to do it, for example,  
17          if the position is S012 to do it, that order was  
18          countermanded immediately and that order and the  
19          instructions were being given over mobile telephones to  
20          Silver and Trojan 84, it would be for Silver and  
21          Trojan 84 then to broadcast over the Cougar set what  
22          instructions were being passed on?

23 A. I understand what you are saying, sir. I didn't hear  
24          any radio communications like that. I am not sure and  
25          I can't answer for Trojan 84, as regards what he would

1           have said or not said. This might have been part of the  
2           "he will tell us what he wants to know" process and for  
3           him to decide whether we needed to know that.

4   SIR MICHAEL WRIGHT: Sorry, Mr Perry, I have to keep asking  
5           you so that I can understand this.

6           What you are putting is that the firearms officers,  
7           including this one, would not hear the instructions as  
8           they emanate from the control room.

9   MR PERRY: Over the mobile --

10   SIR MICHAEL WRIGHT: Over the mobile phone.

11   MR PERRY: Yes.

12   SIR MICHAEL WRIGHT: They will only hear what Silver or  
13           Trojan 84 or the team leader choose to put out over the  
14           Cougar.

15   MR PERRY: Yes.

16   SIR MICHAEL WRIGHT: I see, I understand.

17   MR PERRY: Or the surveillance, and that's why, sir, you  
18           know the point has been made, no-one heard "S012 to do  
19           it" because --

20   SIR MICHAEL WRIGHT: Yes, I do.

21   MR PERRY: -- instantaneously countermanded. I have taken  
22           it as far as I can, sir. I do not want to take up any  
23           more time.

24   SIR MICHAEL WRIGHT: Thank you. Mr King?

25   MR KING: No, thank you, sir.

1 SIR MICHAEL WRIGHT: Mr Horwell?

2 MR HORWELL: No, thank you.

3 SIR MICHAEL WRIGHT: Mr Stern.

4 Questions from MR STERN

5 MR STERN: Can we start, please, by looking at your  
6 statement, and it's page 356, line 9. You will remember  
7 that you were asked questions about the sentence that  
8 begins:

9 "He said, 'Subjects on bus heading towards  
10 Stockwell'."

11 You were asked whether that was singular or plural;  
12 do you remember being asked that?

13 A. I do, sir, yes.

14 Q. First of all, do you have your original statement there?

15 A. I have, sir, yes.

16 Q. Would you just have a look and see whether that helps  
17 you, because it's not entirely clear on the original.

18 (Pause)

19 A. Yes, I have the line in front of me.

20 Q. Only you will know your writing. Is it an "s" at the  
21 end or not?

22 A. It is an "s" at the end, yes.

23 SIR MICHAEL WRIGHT: With an apostrophe or not?

24 A. No, sir.

25 MR STERN: The question is whether you meant "subject"

1           apostrophe "s" or "subjects" plural.

2           Can we look at the context in which it's written.

3           In other words go back to the typed version, if you  
4           would, which will be on screen. Just above it, a couple  
5           of lines up, we can see it says:

6           "I could make out that a subject from 21 Scotia Road  
7           was on a bus and heading towards the Brixton area."

8           If we look just a little further down, at line 11,  
9           we can see that you have recorded:

10          "I was told, 'He's on a number 2 bus ...'"

11          Does that help you as to whether or not at the time  
12          you were thinking it was one or two?

13   A. My memory is at the time, there was just one.

14   SIR MICHAEL WRIGHT: Nobody has ever suggested anything  
15          else, Mr Stern, that there was any more than one.

16   MR STERN: I appreciate that, but I just want to deal with  
17          these points because they have been raised, if I may.

18          21 Scotia Road, did you understand that the subject  
19          had come from 21 Scotia Road?

20   A. Yes, I did, sir, yes.

21   Q. The second matter I want to deal with you, please, is  
22          the question of the word "nervously" that was referred  
23          in your statement at page 356, line 21?

24   A. Yes, sir.

25   Q. Towards the end of that line:



1 "I heard that the suspect was acting nervously ..."

2 You may remember you were asked questions about that  
3 and it was put to you by Mr Mansfield that Lawrence, who  
4 was the only one on the bus, had not said that when he  
5 was asked in evidence. Just to refresh your memory,  
6 Lawrence, if you know who he is or not, was one of the  
7 surveillance officers who had altered his log in  
8 relation to the identification, just so everybody can  
9 understand who he was.

10 Now, just looking at this, please, I want to take  
11 this up with you. First of all, could we look at the  
12 transcript on the screen, Day 11, that's 6 October 2008,  
13 page 148, line 20. This is a question from the Coroner:

14 "A question I have been asked to ask you is this:  
15 when you heard he was on the bus, did you contemplate  
16 the possibility that he might be going to detonate on  
17 the bus --

18 "Answer: Erm --

19 "Sir Michael Wright: -- if it was in fact Osman?

20 "Answer: I did. When I mentioned that I thought  
21 I could be forced into a position where I might have to  
22 do an interception..."

23 I'm sorry.

24 SIR MICHAEL WRIGHT: Who is the witness, Mr Stern?

25 MR STERN: I think it should be 16 October, it should be

1 Commander Dick. I am sorry, it goes on, I do apologise:

2 "... mentioned that I thought I could be forced into  
3 a position where I might have to do an interception, I  
4 was thinking then I may get more information which makes  
5 me more concerned about this person and his behaviour."

6 SIR MICHAEL WRIGHT: This is Commander Dick, isn't it.

7 MR STERN: Yes, it is. I beg your pardon, I should have  
8 said that straight away.

9 "So I already knew that he was nervous. I am sorry,  
10 the word that Mr Cremin wrote down was: he is very, very  
11 jumpy. I had asked what he was carrying, I subsequently  
12 was told that he was nervous, and I think the phrase  
13 'agitated' was used, so at this stage I am sort of  
14 building a picture."

15 So that's Commander Dick. In fact, at page 167,  
16 that is repeated, line 17:

17 "In addition, I have been told that he's nervous,  
18 he's agitated, he is sending text messages..."

19 SIR MICHAEL WRIGHT: That's Commander Dick again.

20 MR STERN: Again Commander Dick. If we look at decision 16,  
21 that's document page 78, you will see again this is  
22 obviously Commander Dick, just so we can see the timing  
23 of it:

24 "The subject believed to be Nettle Tip cannot be  
25 allowed to enter tube system. He must be arrested

1 before by S019.

2 "Reason.

3 "The man is believed to be suspect for one of  
4 yesterday's suicide bomb attempt. He is described as  
5 'very jumpy' and agitated [and] he has been on phone and  
6 sending text messages."

7 She goes on to say:

8 "This is (Stockwell) the tube entrance where one of  
9 the suspects entered the system yesterday. I have  
10 checked and re-checked the identification and [the] team  
11 state they believe him to be subject."

12 Can I also please ask you about Trojan 80, which you  
13 will see at document page 346, if you look at the bottom  
14 of the page:

15 "Review of Tactics -- subject seen leaving the  
16 address ... Nettle Tip seen top deck outside Brixton  
17 tube seen to be jumpy made phone call ...", et cetera.

18 At the bottom of that page:

19 "Decision by the DSO not to let the subject on the  
20 tube for risk of explosive devices."

21 So it seems you were not alone in coming to that  
22 conclusion.

23 If we look, please, a little further down at the  
24 rationale:

25 "Previous underground devices. Positive

1 identification of subject by surveillance as Nettle Tip  
2 subject made phone calls and text messages seen to be  
3 made. Subject seen to be nervous. No bags seen but  
4 still posed a threat. Body devices et cetera."

5 So those are two references to "nervous", I think  
6 that we can see, both from Commander Dick and Trojan 80.  
7 Do you know now where it came from, whether it was over  
8 the surveillance radio or any other radio?

9 A. Sir, as I have stated, I assume this was the  
10 surveillance officers speaking because that implies  
11 in-depth knowledge and a vision of someone.

12 Q. The next matter I want to ask you about, please, is  
13 a matter raised again by Mr Mansfield, statement  
14 page 356, line 13. You can see there is the sentence:

15 "I remember hearing, 'Units beware S019 units are  
16 moving through'..."

17 Do you see that?

18 A. Yes, sir.

19 Q. What Mr Mansfield put to you was this, page 45 of today:

20 "No surveillance officer seems to be in a position  
21 to corroborate this or say, there is no record of this  
22 being said; in fact their position is even worse.  
23 Certainly their leader didn't really know until the very  
24 last minute what S019 were doing."

25 He asked you if you had made a mistake about that.

1           Can we look, please, at the evidence that there has  
2           been in this regard to see whether or not that is both  
3           accurate and fair. Day 22, 21 October, please,  
4           page 121, line 3. This is James, the leader of the grey  
5           team, people will recall:

6           "Question: So the answer to my question was yes,  
7           you did broadcast over the Cougar that C019 may be  
8           joining the -- making its way through the follow?

9           "Answer: Yes, I did, sir, yes."

10          Could we look at statement page 228, just in case  
11          anyone were to think that James had said that in  
12          evidence but actually not said it in his statement on  
13          a much earlier occasion. Line 17, it's about halfway  
14          down:

15          "I recall mentioning to the team over the radio that  
16          S019 were making their way."

17          So that's James. Can we look now, please, at Adam,  
18          Day 24, 23 October, page 135. I should just remind  
19          people, so far as Adam is concerned, Adam was a witness  
20          whose statement was read as agreed evidence. Line 16,  
21          part of his statement reads, and it's quoted:

22          "The first time I remember receiving information  
23          that S019 were involved was when I heard over the radio  
24          just before the subject reached Stockwell station, and  
25          was still held on the bus, from James that they were

1 making their way to join us."

2 So that's James. Can we look at Ivor, please,  
3 Day 23, 22 October, page 161, I am sorry to have to go  
4 through this with you but obviously a suggestion has  
5 been made and we have to look at whether it's a fair or  
6 accurate suggestion, or one that maybe suffers from  
7 perceptual distortion.

8 Page 161, line 8, this is Ivor, who gave evidence as  
9 you will remember a few days ago:

10 "Question: Do you remember in the course of that  
11 journey, there being a reference to S019? Do you  
12 remember James, the grey team leader, saying something  
13 about S019?

14 "Answer: Yes, sir, if I can clarify, I drafted  
15 a further statement dated --"

16 Then the date is put to him. Then a little further  
17 down, line 17:

18 "Question: Page 209, we can probably get it up on  
19 the screen. Can you see the third paragraph down and  
20 fourth line down, it begins:

21 "'As the bus in which the subject was seated  
22 approached Stockwell, I recall hearing James state on  
23 the covert Cougar radio system that C019 may be making  
24 their way through the follow.'

25 "Answer: Yes, sir.

1           "Question: We can take that off the screen. Do you  
2           remember that being said as you were getting towards  
3           Stockwell tube?

4           "Answer: Yes, sir."

5   SIR MICHAEL WRIGHT: Have you run out?

6   MR STERN: I'm going to leave it there.

7   SIR MICHAEL WRIGHT: It's just that a member of the jury  
8           wants a break.

9   MR STERN: I can understand that.

10   SIR MICHAEL WRIGHT: Let me know as soon as you are ready to  
11           go on, please.

12   (2.53 pm)

13   (A short break)

14   (3.05 pm)

15   (In the presence of the jury)

16   SIR MICHAEL WRIGHT: As we are finishing today at 4, I am  
17           afraid you have had your break.

18           Yes, Mr Stern.

19   MR STERN: I want to ask you a little about perceptual  
20           distortion, if I may, please.

21           We have heard other witnesses describe it as tunnel  
22           vision. Is that a description that accords with your  
23           understanding?

24   A. It's one of the descriptions and one of the side effects  
25           that perceptual distortion or action in a fast-moving,

1           perhaps a threatening life situation can have on you,  
2           yes, it is, sir.

3   Q.   Is that tunnel vision directed to the threat as  
4           perceived by the individual?

5   A.   It certainly can be, sir.  Perceptual distortion is,  
6           it's a very individual thing.  It might affect me in  
7           a certain situation and it might affect someone else in  
8           a different way.  It's not only tunnel vision, it could  
9           be reduced sound, reduced light, it could be any number  
10          of things, at different timings or timings of events can  
11          be slightly confused.

12  SIR MICHAEL WRIGHT:  Mr Stern, I think I ought to just check  
13          that nobody is objecting to this, because I perceive  
14          that what the witness must be doing is giving us the  
15          benefit of what he has been told by appropriately  
16          qualified experts.

17  MR STERN:  I am pretty sure he has given that on a number of  
18          occasions about Kratos and various other things.

19  SIR MICHAEL WRIGHT:  No, this is a psychiatric or  
20          psychological problem, but as nobody has leapt to their  
21          feet in a state of rage, I am assuming that there are no  
22          objections.

23  MR STERN:  I can't imagine anybody here getting to their  
24          feet in a state of rage, but perhaps I will just carry  
25          on.  There are only a couple more questions.



1 SIR MICHAEL WRIGHT: You carry on.

2 MR STERN: Can I ask this: does it, so far as you are  
3 concerned, come to this, that you end up so focused on  
4 a particular threat rather than the circumstances that  
5 surround it, and I am not asking for a psychiatric or  
6 a psychological analysis, I am asking insofar as you  
7 understand your own perceptual distortion, does that  
8 accurately set it out?

9 A. Yes, sir, I think it does --

10 SIR MICHAEL WRIGHT: Is this, no disrespect to you, you may  
11 well have been studying the psychology, I don't know,  
12 but am I to assume that what you have been saying to  
13 Mr Stern is the advice you have been given by your own  
14 superiors in the police?

15 A. No, sir, this is stuff or information -- I am a firearms  
16 instructor, and part of my teaching to students are the  
17 possible feelings, effects or things that they might  
18 feel when faced with this type of scenario.

19 SIR MICHAEL WRIGHT: I understand that. Where do you get it  
20 from?

21 A. I get it from -- good point, sir, this is something  
22 that's passed on from instructor to instructor, and also  
23 from reading that I have done on the subject as well,  
24 sir.

25 SIR MICHAEL WRIGHT: I understand the point. It is from

1           your own reading and the, if you like, the accumulated  
2           understanding of the police force?

3   A.   That's correct, sir, yes.

4   SIR MICHAEL WRIGHT:   Very well.

5   MR STERN:   Thank you.

6           Sorry, just coming back to that, so far as you are  
7           concerned, does that entail a focus on the threat rather  
8           than the surrounding circumstances?

9   A.   Yes, it does, sir.

10   Q.   I want to look at the tactical options document,  
11         page 30, and I think we can do this rather briefly. Can  
12         I just ask you, did I understand you to say that you had  
13         not seen that prior to today?

14   A.   I don't recall it, sir, no.

15   Q.   Do you consider, having looked at it, I don't know  
16         whether you have had an opportunity of reading it all,  
17         I know Mr Mansfield referred you to one or two lines,  
18         but having looked at it, does it apply more to armed  
19         response vehicles than specialist firearms officers?

20   A.   Sir, if I -- may I read it through, please.

21   Q.   Of course, please do, I am sorry you weren't given the  
22         opportunity to do that before, but have a look at it now  
23         and read it through, please. (Pause)

24   SIR MICHAEL WRIGHT:   This is directed to vehicles, Mr Stern?

25   MR STERN:   I'm asking whether it's directed to armed

1 response vehicles, in other words spontaneous events  
2 rather than planned events?

3 A. Right, sir --

4 MR MANSFIELD: There is a hidden premise there that SO19 in  
5 terms of SFO groups aren't involved in spontaneous.  
6 It's only ARV.

7 MR STERN: I am not suggesting that at all.

8 A. I have had a chance to read it, sir, and I can't tell  
9 you whether that is role specific for armed response  
10 vehicles or in fact for specialist firearms trained  
11 officers; I can't just from that snapshot of that  
12 document, I am sorry.

13 Q. Does it seem to deal with the situation that we are  
14 involved in here, that is to say where somebody had been  
15 identified as a failed suicide bomber?

16 A. It could well do, yes, sir.

17 Q. So where a person is suspected of carrying a bomb but it  
18 doesn't actually deal with the identification, I think,  
19 here; is that right?

20 A. That's correct.

21 Q. In any event, as we can see, as the learned Coroner  
22 I think indicated earlier, this is not a situation that  
23 you found yourself in with the ability to place yourself  
24 in cover?

25 A. It, it certainly didn't happen like that as regards

1 through being almost just fed on to our suspect, as it  
2 were, so it didn't lend itself to do that.

3 Q. Thank you. The next topic I want to look at, please, is  
4 document page 290. This is a page, as I'm sure you will  
5 recognise, and I know the jury have had it referred to  
6 them before, from the ACPO manual, the firearms manual;  
7 yes?

8 A. Yes, it is, sir.

9 Q. I would like you to just to look at 4.1, please, because  
10 you were asked questions about oral warnings, and  
11 perhaps it's just as well that we look at what the  
12 manual says about it:

13 "AFOs [that is authorised firearms officers] shall  
14 identify themselves as such and shall give a clear  
15 warning of their intent to use firearms, with sufficient  
16 time for the warnings to be observed, unless to do so  
17 would unduly place any person at a risk of death or  
18 serious harm, or it would be clearly inappropriate or  
19 pointless in the circumstances of the incident."

20 Did you have any of that in mind when you said to  
21 Mr Mansfield a little earlier that in fact you didn't  
22 think that you should have given a warning?

23 A. I did have that in mind, and through what I was feeling  
24 at the time and the threat I perceived at the time, it  
25 says that it would have been clearly inappropriate

1           really to give them the warning, but as I said, I have  
2           made a mistake and it was just an automatic reaction  
3           through my years of operations in the covert field and  
4           overt field of identifying myself as a firearms officer.

5   Q.   Again, it was suggested to you that a number of  
6           witnesses, including Ivor, had not heard, "Armed  
7           police"; do you remember that suggestion being put to  
8           you?

9   A.   I remember the suggestion, sir, yes.

10   Q.   So I want to just look, please, at a few -- I am not  
11           going to look at all the witnesses who are yet to come  
12           or indeed all the witnesses who have given evidence, but  
13           I want to just look at a few with you, please. I am  
14           just going to deal with some of the ones that  
15           Mr Mansfield mentioned.

16           This is a firearms officer Delta 9 that was  
17           mentioned. Can we look at statement page 449. Of  
18           course people will appreciate we have not heard from  
19           this witness yet, but looking at his statement, doing  
20           the best we can at this stage, and we can see line 3,  
21           this is one of the firearms officers:

22           "At the bottom of the escalators, I turned left  
23           through one of the archways giving access onto platform  
24           1."

25           We are familiar with that location now:

1            "I saw a train stationary at the platform with the  
2 doors open. By the archway on the platform was a plain  
3 clothes officer who pointed diagonally right into the  
4 open doors and said something like, 'That's him there on  
5 the train'. The entrance I come out of onto the  
6 platform was only a short distance from the open doors  
7 towards which the male was indicating. I saw a darker  
8 skinned male wearing a blue denim jacket and blue denim  
9 jeans sitting on the tube facing me so he was on the  
10 wall side of the carriage as opposed to the platform  
11 side of the carriage. I could hear people shouting  
12 'Armed police'. He was sitting in the first or second  
13 set along from the double doors. As I approached  
14 I heard more shouting of 'Armed police'. The male then  
15 suddenly stood up and tried to get away but he was  
16 quickly grabbed hold of by plain clothes officers, I got  
17 onto the train and saw Charlie 2 on the male's  
18 right-hand side and Charlie 12 on the male's left and  
19 another male to the front of the male. The male seemed  
20 to have gone rigid. I thought he was resisting.  
21 I could see his hand down to his right side and bent  
22 down to control the bottom half of his body and try and  
23 get his hands to stop him detonating a device."

24            Now, obviously we haven't heard from that witness  
25 but can I just ask you because obviously you are not

1 going to come back and give evidence, were you aware of  
2 anybody bending down and trying to control the bottom  
3 half of the suspect's body, trying to stop him  
4 detonating a device, were you aware of that?

5 A. No, sir.

6 Q. If we look at the foot of the page, I think he repeats  
7 the same point, four lines up:

8 "I remember thinking when I first saw the male and  
9 he was challenged, or realised police were approaching  
10 him, and he suddenly stood up, that this was  
11 a determined attempt to get away from the police.  
12 I believed he was trying to get away so that he could  
13 detonate a device."

14 I think you have told us that that was your state of  
15 mind as well?

16 A. Yes, sir.

17 Q. Can I ask you, while we are on that possibility of  
18 getting away, obviously you probably didn't think about  
19 it at the time, but we know that you came in through  
20 double doors?

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

22 Q. To the right of you, at the end of the carriage, is  
23 a single door?

24 A. Yes, sir, I believe so.

25 Q. Now, we know that Ivor, you and C2, who were the first

1           ones there, were all in the double doors; yes?

2    A.   Yes, sir.

3    Q.   Did you ever see that individual move towards the single

4           door, in any way try and get out that way?

5    A.   No, sir, not at all. All movement was directed at

6           myself.

7    Q.   We are going to hear evidence and it may be you won't be

8           able to answer this, but were you able to see whether

9           anyone was in fact blocking that single doorway?

10   A.   I can't recall, sir.

11   Q.   Thank you. Could we look, then, please at Ken? Again

12           this is a witness who we have not heard from, but

13           Mr Mansfield referred to him.

14   SIR MICHAEL WRIGHT: If you want one who has, try Geoff.

15   MR STERN: I'm going to come to Geoff, I'm going to come to

16           Ivor, but at the moment I am dealing with Ken, if I may.

17   MR MANSFIELD: Sir, may I make it clear in case it isn't

18           that I was putting the cameo picture that he has

19           described of, "Armed police", gun up and an advance,

20           that's what I put, and there is no witness who confirms

21           that.

22   SIR MICHAEL WRIGHT: That's very considerably narrowing it

23           down, I think, Mr Mansfield, but there you are,

24           Mr Stern, you have heard that it's contracting.

25   MR MANSFIELD: Sir, no, I made that very clear to the



1 witness earlier on. I haven't contracted it. That's  
2 exactly what I put. He is the only one who talks about  
3 that.

4 MR STERN: It seems as if you and I were of the same mind,  
5 but can I just deal with these, because I'm going to go  
6 through them, despite the interjection.

7 Page 246 in the statements, please.

8 SIR MICHAEL WRIGHT: Which one is this, sorry, Ken?

9 MR STERN: Back on Ken.

10 Line 15, about halfway down:

11 "My view was unobstructed..."

12 Do you have it there?

13 A. Yes, sir.

14 Q. "... at this time, the male in denim, then, I would  
15 describe as, appeared to lunge and bolt forward towards  
16 the open door, Ivor and the firearms officers."

17 I think just pausing there, if I may for a moment,  
18 you have not described it as "lunge and bolt", but had  
19 you discussed this with any of the others who described  
20 it as "lunge and bolt", as far as you know?

21 A. No, sir.

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

24 He has written "challenged by the police". We will  
25 obviously have to hear from him as to what he means by

1           that?

2   SIR MICHAEL WRIGHT: Top of the page?

3   MR STERN: I am sorry?

4   SIR MICHAEL WRIGHT: Top line on this extract.

5   MR STERN: Sorry, I am on page 246 in the middle still.

6   SIR MICHAEL WRIGHT: Top of the page as it's shown on the

7           screen.

8   MR STERN: I appreciate that. I think that's a little

9           earlier on.

10   SIR MICHAEL WRIGHT: Maybe.

11   MR STERN: I'll go through it as it's there, line 4:

12           "I heard 'Armed police' shouted loudly as the group

13           of three or four males move toward the doors."

14           Coming back to the passage in the middle, please:

15           "... challenged by police. Aware that the male was

16           showing no signs of compliance I feared for his safety.

17           I have no idea what, but it appeared to me that the male

18           was doing something unusual with his hands which looked

19           odd to me, what was this I do not know other than his

20           manner and movement wasn't that of a person acting in a

21           normal manner, his hands moving around his torso area."

22           Again if I can just stop there for a moment, again,

23           we have not heard from this witness, but I want to ask

24           your reaction because we are going to hear from him, at

25           least I hope so.

1           Does that accord with your understanding of the  
2           manner of his hands or is that ... or is that more  
3           extreme than you actually understood it to be?

4   A.   Sir, my recollection, again it was a snapshot that as he  
5           got out of the chair, his hands were, as I have  
6           previously described, some length in front of him,  
7           towards the leg area, towards -- in front but towards  
8           the side, if that makes sense.

9   Q.   I am going to interrupt you for a moment, because you  
10          have told us the position of them, but according to Ken,  
11          his understanding was that it was something unusual with  
12          his hands, did it appear usual to you or not?

13   A.   It did appear unusual for the fact that he was coming  
14          towards us and he didn't know who we were at that stage,  
15          and as I said before I just couldn't understand his  
16          reaction, for someone just pointing to him, and  
17          identifying him, for him to immediately get up and then  
18          come towards us with his hands down like that, he must  
19          have -- I don't know what he was thinking, but I can  
20          only think what I would think and if someone had  
21          identified themselves or identified me in that manner,  
22          certainly I would have taken it as a threat or at least  
23          brought my hands up or done something, but not just to  
24          get up and have your hands towards your side like that.  
25          To me it was an unnatural movement.

1 Q. Carrying on if we may:

2 "I then saw Ivor turn square on to the male in denim  
3 and without hesitation, grab the male, Ivor wrapping his  
4 arms around the male in denims. Both of them, now in  
5 contact moved in a heap back to where the male in denim  
6 had originally been sitting. Ivor's head facing in  
7 towards the chest area of the male in denim.  
8 Simultaneously I saw the S019 officers close in. They  
9 had already entered the ... doors and were stood behind  
10 Ivor. I had somehow moved along the carriage and was  
11 now less than about six feet away from Ivor, his back  
12 facing me. I believe I again heard someone shout 'Armed  
13 police, get down'. Ivor and the male in denim were  
14 still struggling, lying half on, half off the seats.  
15 The male in denim showing no signs of complying."

16 Again, does that accord to some extent with your  
17 recollection of how it happened?

18 A. To some extent, yes.

19 Q. Can we look at Ivor, now, please. Day 23, 22 October,  
20 page 195, line 11. It was suggested that Ivor had not  
21 heard anything. I want to just --

22 MR MANSFIELD: No, I didn't suggest that.

23 MR STERN: Well, we will get the exact words in a moment.

24 "You have heard as I understand it, shouting from  
25 the direction of the officers when they are on the

1 platform, you told us about that?

2 "Answer: Yes.

3 "Question: Correct me if I'm wrong, as I understand  
4 it, you are not saying you have heard shouting from the  
5 direction of the officers when they are actually on the  
6 train?

7 "Answer: All I can say is that throughout the  
8 incident I could hear shouting. I couldn't be more  
9 specific.

10 "Question: We have to be clear. So throughout it,  
11 so once you first hear that shouting on the platform?

12 "Answer: Yes.

13 "Question: Are you saying the officers are shouting  
14 when they are on the train?

15 "Answer: I said I could hear shouting. As to who  
16 was shouting, I don't know.

17 "Question: Where is the shouting coming from?

18 "Answer: From the vicinity, the general vicinity,  
19 sir.

20 "Question: Of who?

21 "Answer: My vicinity.

22 "Question: Who is in your vicinity? There is  
23 obviously passengers on the train?

24 "Answer: Yes, there are, and also police officers,  
25 sir. I could hear shouting."

1           As the learned Coroner has already indicated, Geoff  
2           has something to say about this very issue, Day 24,  
3           23 October, page 174, line 5, please:

4           "The next thing happened is you see Ivor get up from  
5           his seat, go over to the double doors, and did you see  
6           what he did when he was there? Did you see him block  
7           the door or not?

8           "Answer: No, sir, I didn't see him block the door,  
9           but he went to the door, quite close to the door, and,  
10          as has been stated, I saw him gesture back towards the  
11          area of the seating."

12          Then he carries on, just so we have the position as  
13          it were of where he was, and then looking at page 176,  
14          line 2:

15          "Question: It's there for you to see on the screen  
16          if you prefer.

17          "Answer: Yes, it's easier.

18          "Question: "I then heard a shout from the direction  
19          of the open doors which included the word 'police'."

20          "Answer: I can see it, sir.

21          "Question: That's your statement?

22          "Answer: Yes, sir, yes.

23          "Question: Do you recall that now or not?

24          "Answer: I recall quite vividly that I heard the  
25          word "police" in -- audibly at that point.

1           "Question: At that point you had not seen a police  
2 officer apart from Ivor?

3           "Answer: That's correct, sir."

4           Then he's aware, immediately aware of a passenger  
5 rising from his seat:

6           "Answer: Yes, sir.

7           "Question: 'He was sitting in the area where Ivor  
8 was pointing. The male was dressed in a blue denim  
9 jacket..."

10          He said that refreshed his memory.

11          So do you say that you shouted "armed police"?

12 A. I do, sir.

13 MR MANSFIELD: Sir, this exercise has been gone through,  
14 I have made it very clear what the challenge was today.  
15 If there is a witness who Mr Stern says confirms or  
16 corroborates a challenge of "armed police" with a gun  
17 outstretched towards the face of Jean Charles  
18 de Menezes, then I would like to know who it is, please.

19 MR STERN: Do you know whether or not -- I'm not going to  
20 give evidence -- a witness sees the weapon drawn level?

21 A. I don't know, sir.

22 SIR MICHAEL WRIGHT: You yourself recollect yourself  
23 shouting "armed police" at the stage you have described;  
24 did you hear anybody else shout it at about the same  
25 time?

1 A. I wasn't aware, sir; it could possibly have happened.

2 SIR MICHAEL WRIGHT: You are not saying it didn't happen,  
3 you just can't say that it did?

4 A. I just can't say, sorry.

5 SIR MICHAEL WRIGHT: Very well.

6 MR STERN: I'm going to deal with this question of the  
7 weapon because I am doing it in two sections.

8 If it's right that no-one else saw your weapon  
9 raised, all right, let us just assume that for the  
10 moment, we know -- and I think you have told us that --  
11 you had your weapon out, your handgun out?

12 A. Yes, sir.

13 Q. We know that milliseconds later you shot Mr de Menezes?

14 A. Some time later, yes, sir.

15 Q. How short a time was it, then? We have heard the whole  
16 incident lasted about five seconds.

17 A. I would guess that would probably be a relatively  
18 accurate record, sir.

19 Q. Were you seeking to hide your gun at that point?

20 A. Sorry, sir, at what point?

21 Q. Were you seeking to hide your gun at that point?

22 A. At what point, sir?

23 Q. At the point at which you shouted "armed police".

24 A. No, sir. No, it was -- I brought it up so I could  
25 potentially deal with the threat which I then saw.



- 1 Q. At that point what was Ivor doing, please?
- 2 A. I think it was almost simultaneously at that point Ivor  
3 then went forward to grab Mr de Menezes, as I have  
4 stated.
- 5 Q. Was he facing you or was he facing Mr de Menezes when he  
6 did that?
- 7 A. From my recollection he was facing Mr de Menezes.
- 8 Q. Could we look, please, at page 357 in your statement,  
9 line 23, the words:
- 10 "This male immediately looked in my direction and  
11 stood up. I was aware of the male wearing a bulky denim  
12 jacket."
- 13 I think it was suggested that you conferred with C2  
14 about the bulky jacket; is that right?
- 15 A. It was suggested, yes.
- 16 Q. If you conferred with C2, and you have been told that he  
17 makes no reference about you pointing the gun; yes?  
18 That's what --
- 19 A. That's correct, sir.
- 20 Q. -- were told. As I understand it, there's no  
21 suggestion that you put your heads together on that  
22 particular point; do you understand that?
- 23 A. I do, sir, yes.
- 24 Q. How did the jacket actually appear to you, then?
- 25 A. The view I had of Mr de Menezes' jacket was when he was

1 sitting down, that was primarily when I thought: that  
2 looks bulky. It didn't look right to me for some reason  
3 when he was sitting down. When he started his forward  
4 movement towards me, I didn't notice anything about that  
5 jacket, I didn't have time.

6 Q. Can we look at page 358? I just want you to clarify one  
7 matter if you can, please. Again, I appreciate this is  
8 a sensitive area, so anybody who doesn't want to hear  
9 this obviously might want to leave. But it's the second  
10 line down. You are describing the male falling to the  
11 floor and you firing again?

12 A. That's correct, sir.

13 Q. You say "towards the floor". Could you just help us:  
14 when you say "fell towards the floor", what do you mean?

15 A. He was falling downwards but away to my right-hand side,  
16 with a bit more of a description from that.

17 Q. Is that still on the actual seat of the train at that  
18 point?

19 A. I believe so, yes. Once I ascertained that  
20 Mr de Menezes was no more threat as I perceived it, he  
21 was actually in a half sitting position, still on the  
22 seat.

23 Q. You have been asked about the number of shots, and we  
24 understand that the purpose of firing to the brain stem  
25 is to immediately incapacitate an individual?

- 1 A. Yes, sir.
- 2 Q. Were any of your shots to the brain stem?
- 3 A. No, sir. As far as I'm aware they weren't.
- 4 Q. I am sorry.
- 5 A. Sorry. The view I had was of Mr de Menezes' right  
6 temple and the frontal right area, as I remember, sir.
- 7 Q. Did that affect the number of shots that you fired?
- 8 A. It was a consideration, that I couldn't get to the  
9 necessary place in order to deliver that instantaneous  
10 shot.
- 11 SIR MICHAEL WRIGHT: Where is the necessary place, the base  
12 of the skull?
- 13 A. It is, sir, yes.
- 14 MR STERN: Can you just confirm again, please: was there  
15 an order to take a critical shot?
- 16 A. No, sir.
- 17 Q. Did you carry out a threat assessment on the platform?
- 18 A. Yes, I did, sir, yes.
- 19 Q. Is there some magic guideline which allows you to  
20 determine the level of threat, or do you carry out that  
21 threat assessment looking at a whole range and host of  
22 factors?
- 23 A. It's exactly the latter option, you have to take  
24 everything into consideration in order to try and get  
25 the most full picture as you can, to sort of try and

- 1           quantify what might happen.
- 2   Q.   There is no dispute, apparently, that you honestly
- 3           believed that the man on the train had been positively
- 4           identified as one of the suicide bombers from the
- 5           previous day; you understand that?
- 6   A.   I understand that, sir.
- 7   Q.   Does that increase the assessment of the level of threat
- 8           or decrease it?
- 9   A.   It increases it, sir.
- 10   Q.   The fact, as we know, that these individuals -- and it's
- 11           accepted -- were deadly and determined, does that
- 12           increase or decrease the level of threat?
- 13   A.   It increases it, sir.
- 14   Q.   The fact that you were told that they had access to
- 15           bombs and that they could be concealed about the body of
- 16           an individual without anyone seeing them, did that
- 17           increase or decrease the level of threat?
- 18   A.   Again it increases it, sir.
- 19   Q.   The fact that the devastation from these bombs could
- 20           kill a large number of people -- which you would have
- 21           obviously known from 7 July, as every member of the
- 22           public would have known -- did that increase the level
- 23           of threat or decrease it?
- 24   A.   Again, increase it, sir.
- 25   Q.   The fact that his hands were held in a particular way,

1           did that increase your fears or decrease them?

2    A.   Again, increase.

3    Q.   His movement in advancing towards you, did that increase

4           the level of threat or decrease it?

5    A.   Increase.

6    Q.   The grabbing by Ivor, did that increase the level of

7           threat or decrease it?

8    A.   It was certainly --

9    SIR MICHAEL WRIGHT:  Do you mean that, or the fact that Ivor

10           grabbed him?

11   MR STERN:  The fact that Ivor grabbed him.

12   SIR MICHAEL WRIGHT:  Not the fact that he did grab him --

13   MR STERN:  No.  The fact that he had perceived --

14   SIR MICHAEL WRIGHT:  -- but the fact that Ivor was motivated

15           to intervene.

16   MR STERN:  That's a much more eloquent way of putting it,

17           sir.

18   SIR MICHAEL WRIGHT:  Well, you are welcome; but you have the

19           point of the question?

20   A.   I did, sir.  I must say, at that time, with Ivor just

21           grabbing him, I didn't have any preconceived ideas other

22           than this is just -- he's actually grabbing him and he's

23           obviously perceived the threat but, as regards that

24           threat assessment at that time, I didn't have time to

25           make that thought process as if it were, I am sorry.

- 1 SIR MICHAEL WRIGHT: Very well.
- 2 MR STERN: When you raised your weapon or shouted "armed  
3 police", and he continued to advance towards you, did  
4 that increase your threat assessment or decrease it?
- 5 A. It increased it and, as I have said previously in  
6 evidence, that to me, then, that was the point of no  
7 return.
- 8 Q. You say the point of no return; is the position this:  
9 that a threat assessment is carried out on a continual  
10 basis and that you are assessing and reassessing it,  
11 albeit we are talking about a very short incident, but  
12 throughout that period?
- 13 A. That's totally correct, sir, yes.
- 14 Q. Is the position this: that if something had been done by  
15 Mr de Menezes -- and I am not asking you to guess what  
16 that might have been -- but if he had done something  
17 that had caused you to consider that the threat no  
18 longer existed, would you have continued to have shot  
19 him?
- 20 A. No, sir. Again, as I have stated, if there was anything  
21 I could have possibly done to avoid taking a life  
22 I would have done it, but in this case I was just left  
23 with no option.
- 24 Q. Now, as we understand your evidence, and I think we need  
25 to be clear about this, your assessment or the

- 1 assessment by you was made independently of any action  
2 or communication with C2?
- 3 A. That is correct, yes.
- 4 Q. In other words, your actions were your decision?
- 5 A. Yes, sir.
- 6 Q. They were based on your assessment of the threat?
- 7 A. Yes, sir.
- 8 Q. So if he came to an identical or similar conclusion to  
9 you, you did not know that?
- 10 A. I didn't know, sir, no.
- 11 Q. We know, because you have told us that, you have given  
12 25 years of public service as a police officer?
- 13 A. Yes, sir.
- 14 Q. 10 years as a specialist firearms officer, facing the  
15 most violent and dangerous criminals in our society?
- 16 A. Yes, sir.
- 17 Q. Over that period, approximately -- again only  
18 approximately -- how many operations, armed operations,  
19 do you think you have been involved in?
- 20 A. Somewhere -- probably in the region of somewhere --  
21 2,000, I would guess at, somewhere along those lines.
- 22 Q. Up to 2005, this particular day in 2005, had you faced a  
23 more difficult or challenging situation in your career?
- 24 A. No, sir.
- 25 Q. Is the public safety and has the public safety and does

1 the public safety continue to be the most important  
2 thing to you in carrying out your duties?

3 A. Absolutely, sir, yes.

4 MR STERN: Those are all the questions I have, thank you,  
5 sir.

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

7 Further questions from MR HILLIARD

8 MR HILLIARD: I don't know whether you can help with this:  
9 the various factors you have identified when I asked you  
10 questions on Friday, and many of them to Mr Stern only  
11 this afternoon, various factors that led you to fire  
12 your gun, and amongst them, do you remember, the fact  
13 that the person in question had been positively  
14 identified, as you understood it, as one of the  
15 attempted suicide bombers from the day before. Do you  
16 remember you told us about that?

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

18 Q. Again, as Mr Stern said, you have heard Mr Mansfield  
19 indicate that it's accepted or he accepts that you  
20 believed that, all right?

21 A. That's correct, sir.

22 Q. Can you help with this: would it have made a difference  
23 if you had thought that the person had not been  
24 positively identified but was merely a possible for one  
25 of the attempted bombers the day before?



- 1 A. Sir, I must say that that is not my role, and I have got  
2 to be quite adamant about that. In a situation like  
3 this, I have actually put in my statement, if I can just  
4 quickly refer to it?
- 5 Q. Yes, do.
- 6 A. I think it was after Silver's briefing or prior to that,  
7 if we didn't act quickly or correctly, I am paraphrasing  
8 because I can't find it now, but if we didn't act  
9 quickly or correctly there could be an extreme loss of  
10 life and potentially -- therefore it was essential for  
11 the surveillance to do that job, to do their job, which  
12 they are good at, they are professional, they identify  
13 the subjects and then we act on their identification,  
14 following authorisation or any commands by our  
15 commanders, or the DSO.
- 16 Q. What I mean is something slightly different. Suppose  
17 what you had heard was not that the person was  
18 positively identified as a suspect from the day before  
19 but your understanding was that the person was merely  
20 a possible, all right, suppose that is the information,  
21 suppose that was what had been communicated to you.  
22 What I am saying is, can you say, would that have made  
23 a difference?
- 24 A. It would have been, because in my mind we wouldn't have  
25 been deployed. We were working under the instructions

1           that we were only going to be deployed against known  
2           identified suspects.

3   MR HILLIARD:   Thank you very much indeed.

4                               Questions from THE CORONER

5   SIR MICHAEL WRIGHT:   You are not an explosives officer, of  
6           course.

7   A.   I am not, sir, no.

8   SIR MICHAEL WRIGHT:   Do you know whether after this tragedy  
9           had occurred, certainly while you were still in the  
10          area, anyway, whether any steps were taken by  
11          appropriately qualified officers to check whether  
12          Mr de Menezes' body did in fact have any explosives on  
13          it?

14  A.   I don't know that, sir.

15  SIR MICHAEL WRIGHT:   You don't know.   Would you have  
16          regarded it as any part of your function to make that  
17          check for yourself?

18  A.   No, not at all, sir, no.

19  SIR MICHAEL WRIGHT:   It's a job for an explosives officer,  
20          if anybody, I suppose?

21  A.   Exactly right, yes.

22  SIR MICHAEL WRIGHT:   There is something we have slightly  
23          forgotten about: we did hear that either at the time of  
24          the shooting or immediately thereafter, Ivor was fairly  
25          violently ejected from the carriage on to the platform.

1 Do you remember reading that when you were watching the  
2 evidence?

3 A. Yes, sir, I remember reading it, yes, sir.

4 SIR MICHAEL WRIGHT: Was it you that did that?

5 A. No, sir.

6 SIR MICHAEL WRIGHT: Have you any idea why it was done?

7 A. I have no idea, sir. I don't know what happened to  
8 Ivor.

9 SIR MICHAEL WRIGHT: Very well. Thank you very much.

10 That's all. There is just one other thing. I have  
11 a question which this witness cannot possibly answer,  
12 but which in fact if you think back, and I know it's  
13 a very long time ago, I told you the answer to this when  
14 I opened the case to you: no expert has been found who  
15 is able to say that the amount of cocaine found in  
16 Mr de Menezes' body would have had any effect upon his  
17 behaviour, and nobody has been able to say that anything  
18 was found on Mr de Menezes' body that he might have  
19 wanted to get rid of. A question that this witness  
20 couldn't answer anyway.

21 Thank you. Thank you very much indeed. That is all  
22 as far as you are concerned. You are free to go.

23 A. Thank you, sir.

24 (The witness withdrew)

25 MR HILLIARD: Charlie 2, please.

1 SIR MICHAEL WRIGHT: Is he ready? As soon as the door is  
2 being guarded ...

3 MR STERN: Sir, I don't know if -- as I recall you are  
4 sitting until 4 o'clock.

5 SIR MICHAEL WRIGHT: That's all.

6 MR STERN: I wondered whether you might consider starting  
7 tomorrow.

8 SIR MICHAEL WRIGHT: I grudge every minute, Mr Stern. No,  
9 I'm going to start, even if it's only quarter of  
10 an hour. If it's any consolation, that won't prevent  
11 you taking instructions from your lay client, the fact  
12 that he has started, I mean.

13 MR STERN: All right.

14 SIR MICHAEL WRIGHT: I do not want to hamper you. If you  
15 need to talk to him, you may.

16 MR STERN: I would just like to have a few minutes, but ...  
17 can I say while the next witness is coming in, we have  
18 had evidence about an explosives officer coming down.

19 SIR MICHAEL WRIGHT: I know we have.

20 MR STERN: I just remind you --

21 SIR MICHAEL WRIGHT: I wanted to find out whether this  
22 witness knew about it, that's all.

23 MR STERN: I don't think so.

24 CODENAME "C2" (sworn)

25 SIR MICHAEL WRIGHT: Thank you, please sit down. Can I just

1 explain to you that we only have about another quarter  
2 of an hour to go. Rather than send you away again,  
3 I thought it would be preferable to start you and at  
4 least get a little bit of time through before you have  
5 to break off.

6 A. I understand, sir.

7 SIR MICHAEL WRIGHT: Thank you very much. Yes, Mr Hilliard.

8 Questions from MR HILLIARD

9 MR HILLIARD: You are going to be known, I think you  
10 understand, as Charlie 2 for the purposes of these  
11 proceedings; all right?

12 A. Yes, sir.

13 Q. I am going to ask you some questions first of all on  
14 behalf of the Coroner. Then you will be asked questions  
15 by others.

16 A. Yes, sir.

17 Q. Can you tell us, please, first of all, how long have you  
18 been a police officer for?

19 A. Since 1985, sir.

20 Q. And a firearms officer for how long?

21 A. I have been a firearms officer since 1988/1989, sir.

22 Q. Then a specialist firearms officer?

23 A. I became a specialist firearms officer in 1991.

24 Q. So 17 years or so experience as a specialist firearms  
25 officer?

- 1 A. Yes, sir.
- 2 Q. In addition, are you a national firearms instructor or  
3 have you worked as one of those?
- 4 A. Yes, sir, I am.
- 5 Q. How long have you been a national firearms instructor  
6 for?
- 7 A. Since May 1996, I believe, sir.
- 8 Q. We heard a bit from the last witness, Charlie or C12,  
9 about the process -- we won't go through it all again  
10 with you -- but about the process you have to go through  
11 to become a specialist firearms officer, training and so  
12 on, that you need to undertake, qualifications that you  
13 have to get and so on; presumably that's exactly the  
14 same with you; is that right?
- 15 A. It is, sir, although when I applied to join the firearms  
16 branch, it was known as PT17, and I entered under  
17 a different system, but when it changed to -- when they  
18 amalgamated what used to be called level 1 and level 2  
19 to become specialist firearms officers, they also  
20 created armed response vehicles. So I was there before  
21 then, but I undertook that process as well.
- 22 Q. So although at a different stage, you had done the same  
23 sort of thing?
- 24 A. Yes, and more before, sir, because I was selected and  
25 I did other courses before those things happened.

- 1 Q. Would it also follow that the regime for you, working as  
2 a specialist firearms officer, has been the same as for  
3 him, and he explained to us how there were periods on  
4 what I'll call operations or sort of active duty but  
5 interspersed with periods of training, exactly the same  
6 regime for you?
- 7 A. Yes, sir, it was the same regime. Since 1996 I have  
8 rotated between an instructional role and an operational  
9 role.
- 10 Q. Can you help us with this: before 22 July 2005, had you  
11 had any specific training to deal with either a suicide  
12 bomber or a suspected suicide bomber? Had you had  
13 specific training for that at all?
- 14 A. Yes, sir, I had.
- 15 Q. Whenabouts had you had it?
- 16 A. Between, well after 2002 and up to and including the  
17 events of 2005, I received a variety of training.
- 18 Q. Right, so over that period, 2002 to 2005, can you help  
19 us just with the sort of training you had received on  
20 this topic?
- 21 A. Yeah -- yes, sir. The tactics in relation to  
22 person-borne and vehicle-borne improvised explosive  
23 devices carried by suicide terrorists, and the various  
24 tactics associated with that.
- 25 Q. What were those, theoretical sessions only or a mixture

- 1 of theoretical and practical ones, mock-ups, that kind  
2 of thing, can you help us?
- 3 A. Yes, sir, a mixture of classroom lessons, PowerPoint  
4 presentations, exercises and specific tactics as well.
- 5 Q. We will come back to some aspects of that when we go  
6 through the narrative. The next thing I want to ask you  
7 about is this: have you got a copy in front of you,  
8 I hope you have, of a witness statement that you made on  
9 23 July, so the next day, 2005?
- 10 A. Yes, sir, I have.
- 11 Q. So you understand, like all witnesses, there is no  
12 difficulty about you using that to refresh your memory  
13 as we go along, all right, it's not a memory test so use  
14 it if you need to. All right?
- 15 A. Thank you, sir.
- 16 Q. It indicates helpfully at the beginning, this:  
17 "These are my original notes started at 2.57 pm,  
18 Saturday, 23 July 2005."  
19 So we have got the start time. Have you got  
20 a finish time for them?
- 21 A. No, sir, although I recall that I went home, it was  
22 towards midnight on that particular day, so it would  
23 have taken that length of time, sir, although I haven't  
24 written the time on my statement.
- 25 Q. All right. Were you solely engaged from 2.57 to, as it



- 1           were, late on in the evening in writing the notes or  
2           would there have been other things going on at the same  
3           time? Is it something you would have come and gone  
4           from? Don't worry if you can't remember.
- 5   A. No, I remember, sir, it was the main purpose of all of  
6           that time. However, there were interruptions for  
7           various reasons, refreshment breaks and checks on our  
8           welfare.
- 9   Q. If we go, then, to 22 July 2005. You were working, is  
10          this right, that day as a member of the specialist  
11          firearms team, and did you come in to Leman Street  
12          police building in the morning?
- 13   A. Yes, sir, I did.
- 14   Q. What sort of time?
- 15   A. I actually arrived at 5.45 that morning for a 7 o'clock  
16          parade.
- 17   Q. Did you have a briefing first of all, I say briefing but  
18          an indication, was it from Ralph the team leader as to  
19          who was going to be in which vehicle and with whom?
- 20   A. Yes, sir, we had a postings briefing and that was on the  
21          third floor of Leman Street.
- 22   Q. We know from a document that we have, and indeed it's in  
23          your note, but you were going to be, is this right, with  
24          two other officers, C6 and C5; is that right?
- 25   A. Yes, sir.

1 Q. According to our document in a Mercedes saloon,  
2 an unmarked one; is that right?

3 A. That's correct, sir.

4 Q. Charlie or C5 was going to be the driver; Charlie or C6  
5 the rear passenger?

6 A. Yes, sir.

7 Q. And you the front passenger; is that right?

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

9 Q. At what you have described as the postings briefing,  
10 first of all, were you given any idea at that time of  
11 what the operation was going to be about, even in rough  
12 terms?

13 A. Sorry, sir, yes, I knew at that stage that we were going  
14 to be on a counter-terrorism operation. I related it to  
15 what had happened the previous day on the 21st, the full  
16 details of which followed at the subsequent briefings.

17 Q. Right. If we can perhaps just deal with the question of  
18 the weapons and ammunition that you had, and that may  
19 just get us up to the break point, and then we will come  
20 on to that briefing that you have mentioned.

21 At 7.15 did you go to the armoury that we have heard  
22 about to book out your weapons and ammunition?

23 A. Yes, sir, I did, that's black team's armoury.

24 Q. Did that include -- and I think now we may not have them  
25 here, perhaps we can look at them tomorrow, we have some

1           photographs of these -- did that include a Heckler and  
2           Koch carbine which we have heard is sort of like a small  
3           rifle; is that right?

4   A.   Yes, sir, it's a small high velocity rifle.

5   Q.   Was that loaded with ammunition?

6   A.   Yes, sir.  It was loaded with 223 or 5.56 ammunition.

7   Q.   Then some distraction grenades; is that right?

8   A.   Distraction grenades, sir, commonly known as stun  
9           grenades.

10  SIR MICHAEL WRIGHT:  Stun grenades they are usually called?

11  A.   Yes, sir.

12  MR HILLIARD:  Right, some of those.  Then a Glock handgun?

13  A.   Yes, sir, my personal issue.

14  Q.   Your personal issue one.  Then for that, two magazines,  
15           is that right, to contain the ammunition?

16  A.   There were two magazines, sir, containing 95-grain  
17           standard ammunition, and the weapon was loaded and made  
18           ready with 17 rounds of 124-grain hollow point  
19           ammunition.

20  Q.   The ammunition that was actually loaded, then, in the  
21           gun, I'm going to call it special ammunition but you  
22           understand why I say that?

23  A.   I understand, sir.

24  Q.   Can you just explain, we have heard that that ammunition  
25           had been specifically authorised; is that right?

- 1 A. That's correct, sir, yes.
- 2 Q. Was the advice that you had received that in the case of  
3 a suicide bomber that using that ammunition had a much  
4 greater chance of incapacitating someone immediately if  
5 a shot was fired to the brain stem than ordinary  
6 ammunition would?
- 7 A. Yes, sir, that's correct.
- 8 Q. Were you familiar with that thinking? Did you know that  
9 was the thinking behind that particular sort of  
10 ammunition?
- 11 A. Yes, sir, I fully understood the thinking and the reason  
12 for the ammunition.
- 13 Q. Right. How did it come that you in fact had your Glock  
14 loaded with that, that day? Had someone told you to do  
15 that or what?
- 16 A. I believe Ralph had told us at the postings briefing  
17 that this ammunition had been specifically authorised  
18 for this operation, and that it was present in the  
19 armoury when we drew it.
- 20 Q. Did you put the Glock, the loaded Glock, the Glock  
21 loaded with the 124-grain ammunition, did you put that  
22 in a holster that was on your belt?
- 23 A. Yes, sir, I did.
- 24 Q. So far as you were concerned, in addition to that, did  
25 you have body armour, a radio and a high visibility cap?

- 1 A. Yes, sir, I did.
- 2 Q. Did you have the body armour on to start with?
- 3 A. At that stage, no. I had put it on later on after the  
4 briefings.
- 5 SIR MICHAEL WRIGHT: And the body version of the Cougar  
6 radio?
- 7 A. The version I had, sir, was not the covert version but  
8 what we call the brick, and it was to be carried on the  
9 person, but it wasn't the smallest version.
- 10 SIR MICHAEL WRIGHT: The brick referring to its dimensions  
11 and weight, I suppose?
- 12 A. Roughly, sir, although it's the same dimensions as  
13 a brick but roughly half as thick, if you understand.
- 14 SIR MICHAEL WRIGHT: Very well. Pick your moment,  
15 Mr Hilliard.
- 16 MR HILLIARD: Yes.
- 17 We will hear about what you actually had with you in  
18 due course when you got out of the vehicle, but having  
19 got the ammunition and weapons from the armoury, in due  
20 course I think starting at 7.45, is that when the  
21 briefing began?
- 22 A. Yes, sir, that was the briefing at 7.45 in the  
23 sub-basement at Leman Street.
- 24 MR HILLIARD: All right, with the Coroner's permission we  
25 will break off and start again at that point in the

1 morning.

2 A. Thank you, sir.

3 SIR MICHAEL WRIGHT: Thank you. Very well, 10 o'clock  
4 tomorrow, ladies and gentlemen.

5 (4.00 pm)

6 (The court adjourned until 10.00 am on  
7 Tuesday, 28 October 2008)

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