

1 Wednesday, 29 October 2008

2 (10.00 am)

3 (In the presence of the jury)

4 CODENAME "C5" (continued)

5 Questions from MR HOUGH (continued)

6 SIR MICHAEL WRIGHT: Yes, Mr Hough, we had just got into the
7 single door at the left-hand end of the carriage.

8 MR HOUGH: Good morning. I think in fact you were being
9 guided by an unknown man you believed to be
10 a surveillance officer down the carriage?

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

12 Q. Can we have tab 35 of the jury bundle on screen just to
13 help us navigate. Is this right, you are now walking
14 through the section where we can see Whitby, Copeland,
15 Harrison, et cetera?

16 A. Yes, that's correct.

17 Q. As you are walking through this section, what can you
18 see ahead of you?

19 A. Well, my attention is drawn towards a male wearing
20 a denim jacket, a black baseball cap. Can I just say
21 that the next four or five paragraphs in my statement
22 are condensed. It was over a very short space of time.
23 I was very focused on events and the job in hand. I was
24 trying to identify the threat on the carriage, and these
25 events, although they sound -- they are written in four

- 1 or five lines, they happened over a short space of time.
- 2 Q. Yes. Well, we will take it stage by stage but if you
3 are uncertain about anything, of course please say so.
- 4 A. Thank you.
- 5 Q. And you will appreciate that the sequence of events is
6 important.
- 7 A. Yes. My first impression of the man in the baseball
8 cap --
- 9 Q. Pausing there, we know this man to be Ivor, although you
10 didn't know him at the time?
- 11 A. Yes. No, not at the time. I am looking at people
12 sitting on the train. Most people are reading books,
13 papers, they are in their travelling to work mode, and
14 you can identify them straightaway; they are not
15 threats. Clothing, I picked up Ivor's clothing, the
16 denim jacket, the baseball cap hadn't been mentioned
17 before --
- 18 Q. In terms of picking it up, do you mean there that you
19 identified that as clothing you had heard being on the
20 suspect?
- 21 A. Yes.
- 22 Q. Go on.
- 23 A. He was olive skinned in appearance, again that matched
24 the description, so in a very fraction of time I'm
25 assessing whether he is a likely possible for the

1 subject that we are following.

2 Q. Where was he when you first saw him?

3 A. He was standing with his back to the glass partition or
4 on the section where Rachel Wilson is sitting.

5 Q. Was there anybody between you and him obscuring your
6 view?

7 A. Yes, there were people -- as I said earlier, the
8 representation of the carriage, there were more people
9 sitting, there were some standing and there was movement
10 on the train as well. I can't recall whether it's
11 people getting off or just moving around, finding seats
12 or getting on the train, other passengers.

13 Q. When you first saw Ivor and focused in on him, could you
14 see any of your colleagues?

15 A. No.

16 Q. What did you see next?

17 A. What I saw next, and again on the snapshot I saw of
18 Ivor, I took in a rucksack which was on the ground by
19 his right leg, and it was on the floor, he wasn't
20 carrying it, it was on the floor, and that was just all
21 a very quick snapshot, because events that happened
22 after that were very fluid and quick, and no sooner had
23 I looked at Ivor, than he lurched -- I have written
24 lurched -- towards another male. My view was obstructed
25 of the other male and on the map of the train there is

1 a pole right in the middle of the section in front of
2 Merrill and Preston, there is a yellow pole there and my
3 recollection is that either there was someone standing
4 near there or holding on to the pole.

5 My heightened concentration level was such that
6 I was focusing on Ivor, I was trying to establish if he
7 was the subject. Now, my experience and my recollection
8 is that everything around him wasn't important at that
9 time, he was important, was this the man, was this the
10 person who had been followed onto the train?

11 He wasn't acting like the other passengers on the
12 train, he was at a higher level of concentration as
13 well, that's all I can describe that, which made me
14 think more, who is this man? So he's then lurched
15 towards the man who I now know to be Mr de Menezes, he's
16 lurched towards him --

17 Q. Just pausing there. Before Ivor lurched towards him,
18 had you looked in the direction of Mr de Menezes at all?

19 A. No.

20 Q. So before Ivor moves forward, were you able to say
21 anything about what Mr de Menezes had done one way or
22 the other?

23 A. No, other than that there was movement in my peripheral
24 vision from the direction of where he was sitting.

25 Q. But you couldn't say whether that movement came from

1 him?

2 A. No. Not entirely, no.

3 SIR MICHAEL WRIGHT: Your recollection of there being

4 someone standing in the middle of the carriage possibly

5 holding on to the upright pole, I mean, are you telling

6 us or indicating that that person was blocking your view

7 of Mr de Menezes?

8 A. Not completely, sir, no, but if you can imagine the tube

9 train at that time of the morning, as I mentioned

10 earlier, that is not a good representation of the amount

11 of people that were on that train at that time.

12 SIR MICHAEL WRIGHT: You have told us there were more people

13 on there than that map shows.

14 A. I just didn't have a clear unobstructed view of that

15 section of the carriage.

16 SIR MICHAEL WRIGHT: Where Mr de Menezes was sitting.

17 A. Yes, sir.

18 SIR MICHAEL WRIGHT: All right.

19 MR HOUGH: When Ivor moved forwards, did you then turn your

20 attention towards Mr de Menezes?

21 A. I couldn't -- when he -- when he moved forward, I don't

22 think it was very far, he grappled the man, and this is

23 all, as I say, in a bit of a blur of movement, and

24 I can't say how he grappled him, because again

25 movement -- and I was moving forward at this point as

1 well.

2 Q. Now, pausing there, you have said in your statement that
3 Ivor lurched, or the man you now know as Ivor, lurched
4 towards another male who was either standing or
5 attempting to stand?

6 A. Yes, sir.

7 Q. Does that help you give any indication of where he was
8 or what he was doing, having refreshed your memory from
9 that?

10 A. Well, with this concentration levels, and I know that
11 the brain fills in things that it can't see fully when
12 you are -- you've got tunnel vision so to speak, I am
13 concentrating on Ivor at the time, working out my threat
14 assessment of him, and my basic -- my brain has filled
15 in gaps and I can say, well, there was movement to his
16 left of a person who was rising from the seat and that
17 was movement, and that's how I have written it in my
18 statement, he was either standing or attempting to
19 stand. It was movement.

20 Q. Now, after you have seen Ivor grapple Mr de Menezes,
21 what did you see next?

22 A. Right. I was thinking at this time that the man in the
23 baseball cap may be the subject. I moved towards them
24 and, as I said earlier this is a very short timespan,
25 I was aware of C12 and C2 moving across the carriage

1 from the doorway of the carriage on my right, the double
2 doors, between Robert Preston and Rachel Wilson.

3 Q. Pausing there, when you first saw them, where were their
4 weapons? If you can't remember, say so.

5 A. I can't remember. I really can't remember.

6 SIR MICHAEL WRIGHT: But had they actually got their feet
7 onto the floor of the carriage?

8 A. Yes, sir.

9 SIR MICHAEL WRIGHT: They were in?

10 A. They were in, sir, and moved across in front of me.

11 I think by this time I was probably between the folding
12 seats between Robert Preston and Wesley Merrill.

13 MR HOUGH: As those of us who travel on the tube regularly
14 know, the seats where Merrill and Preston are placed are
15 folding down seats?

16 A. Yes, sir, and that shows that people don't choose to sit
17 on those normally because they are uncomfortable and
18 only sit on them when the other seats are full. So it
19 shows how busy the carriage was, if that helps the
20 court.

21 SIR MICHAEL WRIGHT: They were occupied?

22 A. Yes, sir.

23 MR HOUGH: You have seen Charlie 2 and Charlie 12 move
24 forward, they are behind Ivor, he's been moving towards
25 Mr de Menezes; what happens next?

1 A. Well, all three of them, or four of them, the three of
2 them forced Mr de Menezes back on to the seat from where
3 he had come from. I heard shouts of "armed police".
4 Now, in my notes it's all departmentalised in terms of
5 the movement of what I have seen and the shouts but at
6 the time it all seemed to happen at the same time.
7 I heard shouts of "armed police".

8 Now, it's been mentioned already, I can't say when
9 those shouts were made, there was more than one shout,
10 and I know that there was shouts as they were forcing
11 Mr de Menezes back. I was focused and concentrating so
12 intently on Ivor that I can't say whether there was
13 shouts coming from the platform prior to them coming on
14 the train or whether it was during or as he was being
15 forced down.

16 Q. Can you say whether the shouts were coming from C2 and
17 C12 or from elsewhere?

18 A. I really can't even say that. Again, my brain might
19 wish to fill in the gaps as to where they were coming
20 from. The likelihood is it was from them or one of them
21 or both of them.

22 Q. I have to put this to you because others will do so.

23 A. I understand.

24 Q. In your statement written the day afterwards, the
25 sequence you give is as follows, and perhaps we can have

1 page 411 of the statements bundle on screen. It's just
2 by the second holepunch:

3 "As I got to the next standing section I saw a male
4 wearing a denim jacket with a black baseball hat,
5 lurching towards another male who was either standing or
6 attempting to stand. He was in the position of the
7 second or third seat along on the left side of the
8 carriage in the next row of seating. My vision of this
9 man was partially obscured owing to other passengers.
10 I was thinking at this time that the man in the baseball
11 cap may be the subject, I moved towards them. I was
12 aware of C12 and C2 moving across the carriage towards
13 the scuffle."

14 I'm told that the next word, "facing" is "forcing"
15 in your original handwritten note so:

16 "Forcing both men onto the seat, I heard shouts of
17 'armed police'. I heard several shots being fired but
18 could not say how many. They did not seem very loud to
19 me. I grabbed hold of the man in the baseball cap not
20 knowing if he was the subject."

21 We will move on to that in a second.

22 Looking at that, on the day afterwards, the sequence
23 that is suggested in your statement is that you move
24 forwards, as you see Ivor moving towards Mr de Menezes;
25 you then see C2 and C12 moving across the carriage, so

1 after Ivor has performed his tackle, and then after all
2 that you hear the shouts of "armed police", so after
3 Ivor's tackle?

4 A. I have written the word "shouts" which expresses that
5 there was more than one, and as I said, the sequence of
6 events happened very quickly, and I can't in all honesty
7 and fairness say when those shouts were made, but it was
8 during that period.

9 SIR MICHAEL WRIGHT: We are now three years down the line.

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: Your statement is in fact dated the
12 following day.

13 A. Yes.

14 SIR MICHAEL WRIGHT: Accepting all that you have told us
15 about how concentrated these paragraphs are because you
16 are describing quite a lot of action which all took
17 place at tremendous speed, are you minded to think that
18 what you recorded the day after is likely to be more
19 accurate than what you remember now?

20 A. It's very difficult to say, sir, whether I was still in
21 a heightened state of -- when I wrote these notes, it's
22 very difficult to say whether ... the advantage of
23 leaving it even another day or two before things come
24 back to you, but before you write these notes it might
25 be more clearer to you. But at the time of writing

1 these notes, they were a true recollection of what
2 I believe to have happened at the time. They were my
3 recollection and I can't say or help the court any
4 further as to when those shouts were made of "armed
5 police" but they were made and I have written them in my
6 statement and I stand by what I have written, sir.

7 MR HOUGH: So we have got to the stage where Ivor has pushed
8 Mr de Menezes back and your two colleagues have moved
9 forward and you have heard shots fired. Were you aware
10 at that time that the shots were being fired by your two
11 colleagues at Mr de Menezes?

12 A. Yes, I was.

13 Q. You have said in your statement you can't say how many
14 shots; were you aware of a pause in the shooting at any
15 point?

16 A. It all seemed very, very quick, sir. I was very close
17 to the shooting. I remember distinctly the first shot
18 being fired. I couldn't say who fired it, but
19 I remember tensing up, expecting an explosion, I thought
20 there was going to be an explosion. When it didn't
21 happen, there was more shots. I had to draw myself back
22 to the job in hand, and on what I needed to do. I was
23 still -- came down my threat assessment on the man I had
24 seen. I must admit to some confusion at the time, my
25 colleagues were obviously shooting somebody else, who

1 was the man I had been looking at? I hadn't ruled him
2 out as not being the subject. I also realised that he
3 may -- was at risk of being shot as well, in that
4 confined area. His head was against Mr de Menezes'
5 head. I pulled him out of the fray as hard as I could,
6 and it was probably halfway through the shots, again
7 I have said it was all a very compacted incident in
8 time.

9 I pulled him out and I have pushed him to the ground
10 in the doorway, the open area in front of the doorway.

11 My threat assessment of him was diminishing as time
12 went on. The fact that I had seen my colleagues
13 engaging somebody else, the fact that Ivor's movements,
14 his whole body movements spoke to me that he was
15 compliant, he was -- he wasn't acting like somebody who
16 was a terrorist or a suicide bomber. And I momentarily
17 covered him with my pistol. He was trying to
18 communicate with me as well whilst this was happening.

19 Q. Pausing there, you have pulled him back, you say you
20 momentarily cover him with your pistol?

21 A. Yes.

22 Q. In your statement, as we can see, it says you pointed
23 your pistol at his head; is that right?

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

25 Q. Then did he say something?

1 A. Well, he said: "I am a police officer". It wasn't
2 spoken very clearly, he was clearly shaken, and I can
3 understand why. And it basically confirmed to me where
4 my threat assessment was going, that this wasn't the
5 subject.

6 I turned back to where my colleagues were, and I saw
7 a male in a denim jacket slumped across the seats.

8 Q. Then moving on in your statement, as we can see on the
9 screen, did you hear other officers shouting to people
10 to get off the train?

11 A. I did, and although it's not in my statement, I am sure
12 I was shouting for people to get off the train. I heard
13 one of the officers shout: "There may be an IED".

14 Q. Presumably that was for the benefit of other police
15 officers since the public wouldn't know what an IED was?

16 A. I know, sir, yes. I took that -- an improvised
17 explosive device is a term that we would use quite
18 a lot, I knew what was meant by it, sir.

19 Q. Pausing at this stage, you had looked back after
20 pointing your pistol at Ivor, and you had seen the man
21 in the denim jacket slumped across the seats. Can you
22 give any better description than that about how he was
23 positioned in the seat?

24 A. He was slumped forward, sir. His head was towards his
25 lap. I believe there was a yellow pole to the left of

1 the seat he had been sitting in. I think he had been --
2 the upper part of his body was between the arm rest and
3 the pole.

4 Q. You are painting a picture of him still in the seat,
5 albeit not in a normal sitting position?

6 A. Yes, that's correct, sir. He hadn't gone onto the
7 floor.

8 Q. At this stage, we have heard from others that passengers
9 were obviously fleeing the scene?

10 A. Yes, sir.

11 Q. Did you help in the evacuation efforts?

12 A. I did. My immediate concern was for Ivor, who was at
13 this time I believe on all fours in front of me on the
14 ground, and I can only say, and I apologise to Ivor,
15 that I helped him off the train and I have written in my
16 statement I helped him off the train --

17 SIR MICHAEL WRIGHT: If it's any consolation, I think he
18 understands.

19 A. Sir, I confess to being a bit robust in that manner, but
20 I think I dragged him by the scruff of the neck to the
21 entrance and helped him off the train onto the platform,
22 so to speak, I was concerned that there could still be
23 an explosion in the train. I can only apologise to him
24 if I have caused him distress.

25 MR HOUGH: So after you had brought him from the train, what

1 did you do to help others and to secure the scene?

2 SIR MICHAEL WRIGHT: Could you pause a minute, Mr Hough?

3 Just go back a bit. You were asked whether you thought
4 that there had been a pause in the shooting.

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: And you said: well, it was all so very
7 quick. But if I have understood you rightly, there came
8 a point while the shots were being fired when you
9 thought there was going to be an explosion.

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: And you tensed up, tightened up. Then
12 you told Mr Hough that there were other shots after that
13 episode.

14 A. I think that the tensing up was the initial -- the
15 initial discharge of a round. I don't recollect that
16 that preceded a time space or a gap. It was just in my
17 mind that was the -- if it was going to happen, it was
18 going to happen then.

19 SIR MICHAEL WRIGHT: If you have been following the evidence
20 in the case, you probably will be aware that Charlie 2
21 had a hangup, a stoppage in his pistol.

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: And he has told us what he had to do
24 and I'm sure you know how it's done. That event doesn't
25 register in your mind in the sense that you --

1 A. I didn't recall seeing that, sir, but these --

2 SIR MICHAEL WRIGHT: Or hearing it?

3 A. I would expect that he would have cleared that stoppage

4 within a fraction of a second. We train exhaustively on

5 that.

6 SIR MICHAEL WRIGHT: Is it something that could be done very

7 quickly?

8 A. Yes, sir, very quickly.

9 SIR MICHAEL WRIGHT: So it doesn't necessarily mean that

10 there would have been a lapse of time in the discharge

11 of shots?

12 A. No, sir.

13 SIR MICHAEL WRIGHT: Thank you, that's helpful.

14 MR HOUGH: I was just asking you, after you had brought Ivor

15 out of the train, what you then did to help with the

16 evacuation and securing of the scene?

17 A. I think most people, if not all of them, were off the

18 carriage around that time. I don't think that the

19 passengers needed reminding of what had happened two

20 weeks prior or the day before even, and I think that

21 they switched on very quickly and were leaving as

22 quickly as they could. I then helped evacuate the

23 platform. Then I momentarily held in the passageway.

24 Q. Pausing there, during your time then or at any other

25 stage in the tube station, do you speak to C2 or C12

1 about what had happened?

2 A. I can't recall that, sir. I could see they were in
3 quite a state, I could see them, and I concur with
4 Trojan 84 in saying that I felt sorry for them, I was --
5 I remember thinking: thank goodness it wasn't me.

6 Q. Finally, were you involved in getting some first aid
7 equipment to the scene?

8 A. Yes. After a short space of time, and part of our post
9 scene management is first aid, it's, we call it
10 a reorganisation phase where everything has settled, we
11 have got a duty of care to provide first aid. We hadn't
12 brought first aid kits down with us for obvious reasons.
13 I, hand on heart, probably knew the futility of it but
14 it was something that in training we do, and it kicked
15 in for me to go, get the first aid and the oxygen, and
16 I wasn't aware that if we had any other casualties at
17 that time either. So I ran up the escalator to collect
18 these items, and I ran back down again. I remember the
19 escalators actually shut down, they weren't running, so
20 it was going up the stairs and back down with the --
21 with these two items.

22 Part of first aid training again, the first element
23 is danger, I couldn't go on there until the explosives
24 officer had declared that there was no danger. He did
25 this. I went onto the carriage, and the explosives

1 officer assisted me to move the subject.

2 Q. You don't need to describe anything more about the scene

3 for our purposes.

4 A. Thank you, sir.

5 MR HOUGH: Thank you very much, others will ask you some

6 questions.

7 SIR MICHAEL WRIGHT: Just before you start, Mr Mansfield.

8 You heard "armed police" shouted as you have

9 described?

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: Either immediately before or shortly

12 after Charlie 2 and 12 had entered the carriage?

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: So it is a very late --

15 MR MANSFIELD: Sir, he hasn't actually said that.

16 I would ask for care on this. He did say it but not

17 in relation to the entry to the carriage.

18 SIR MICHAEL WRIGHT: I see what you mean. I'll leave it on

19 the basis at a very late stage in the events. The

20 question I want to ask you is whether you have any

21 recollection of hearing that phrase shouted at any

22 earlier time?

23 A. Looking back, sir, it is a bit of a blur, and I couldn't

24 with any -- I wouldn't wish to mislead anybody or try

25 and say when exactly I heard that. And in all honesty,

1 I would have imagined I would have been shouting it when
2 things started to happen. Again, part of our training,
3 and it's very hard to avoid what we do in training, we
4 do on these incidents, muscle memory, and I don't
5 remember myself shouting but I would have been surprised
6 if at some point I hadn't shouted it, post shooting.

7 SIR MICHAEL WRIGHT: If it was shouted on the escalator at
8 any point on the escalator, do you think that would have
9 been audible in the train?

10 A. I really can't say, sir.

11 SIR MICHAEL WRIGHT: Right. When you came through the
12 through passageway onto the platform, where were
13 Charlie 2 and Charlie 12?

14 A. I don't recall seeing them, sir. I think I have --
15 I think in my notes I have mentioned that I was aware of
16 other officers moving up the platform, but again I don't
17 know who they were.

18 SIR MICHAEL WRIGHT: Specific identity doesn't matter for
19 the purpose of this question. There were other officers
20 that you were aware of going, moving up the platform?

21 A. Yes, sir.

22 SIR MICHAEL WRIGHT: That movement by a number of people,
23 however many there were, was that causing a disturbance,
24 if you like, an upheaval on the platform.

25 A. I wasn't aware of it, sir, no.

1 SIR MICHAEL WRIGHT: Do you recollect anybody shouting
2 anything at that stage?

3 A. They may have done, sir, but I can't recall.

4 SIR MICHAEL WRIGHT: You can't say one way or the other?

5 A. I was so focused on --

6 SIR MICHAEL WRIGHT: The purpose of the question, which has
7 come from a member of the jury, is whether what was
8 happening on the platform at that stage was of a quality
9 that might have alerted anybody such as a terrorist who
10 was in the train?

11 A. Sir, it didn't alert me, I wasn't aware of it, if that
12 makes sense.

13 SIR MICHAEL WRIGHT: But you have said you were very focused
14 on --

15 A. I was, sir, yes.

16 SIR MICHAEL WRIGHT: It may be that you can't help very much
17 on that?

18 A. I am afraid not, sir.

19 SIR MICHAEL WRIGHT: Very well, thank you.

20 Mr Mansfield, just to relieve your mind, my note as
21 I was taking it: "Armed police, I can't say from whom,
22 probably C2 or C12, I can't say whether that was before
23 they entered or as they were forcing him down", and then
24 Mr Hough took him to his statement.

25 MR MANSFIELD: That's right.

1 Questions from MR MANSFIELD

2 MR MANSFIELD: Good morning, my name is Michael Mansfield,
3 I represent the family of Jean Charles de Menezes, and
4 I want to go back to one or two matters before we get to
5 the tube train for your help, because you had been, by
6 this stage, 14 years in the firearms unit; is that
7 right?

8 A. That's correct, sir.

9 Q. The first thing is the day before, that's the 21st, the
10 day of the attempted bombings, were you on duty?

11 A. I was, sir, yes.

12 Q. Can you just recall, were you actually on an operation
13 all day or were you on standby all day or for part of
14 the day?

15 A. We came on duty the day before at 6 am. We were on
16 a non-terrorist related firearms operation.

17 Q. First of all, was this in Hackney?

18 A. It was, sir.

19 Q. Was quite a large proportion of the day spent on
20 standby?

21 A. Yes, sir.

22 Q. Can you recall now how much of that day?

23 A. I can, although at the times I couldn't be precise,
24 I remember that we were on standby out actually in the
25 area of Hackney, and I think that the job was stood down

1 around or shortly after the time of the attempted
2 bombings.

3 Q. Right.

4 SIR MICHAEL WRIGHT: What, sometime in the middle of the
5 day?

6 A. It was, sir, the news filtered through to us of these
7 attempted atrocities and we were basically taken from
8 that job and removed back to our base for reassignment.

9 SIR MICHAEL WRIGHT: I think if my memory is right, the
10 attempts took place sometime in the middle of the day?

11 A. Yes, sir.

12 MR MANSFIELD: These were all questions in relation,
13 obviously, to earlier matters, is why I am asking you
14 them.

15 You were stood down and were you effectively --
16 I appreciate resting in inverted commas, but resting
17 partly at Leman Street and then sent to a hotel?

18 A. No, sir, not that I -- that I recall.

19 Q. So what do you recall, you were kept at Leman Street?

20 A. I believe we were -- we were kept at Leman Street.

21 Q. Right. Had anyone wanted you or your team to come on
22 duty before 7 am on the 22nd, that would have been
23 possible, would it?

24 A. Yes, sir.

25 Q. I am going to be precise, so it would have been possible

1 to have had you back by 6 am instead of 7?

2 A. Yes, sir.

3 SIR MICHAEL WRIGHT: Are there facilities at Leman Street

4 for you to simply rest if you are not going right off

5 duty?

6 A. Unfortunately not, sir.

7 SIR MICHAEL WRIGHT: I see.

8 A. The most is a comfy chair.

9 SIR MICHAEL WRIGHT: I think to follow up what I think

10 Mr Mansfield is after, do you know whether the whole

11 team was kept at Leman Street from coming off at Hackney

12 and then --

13 A. We would have been kept as a team, sir.

14 SIR MICHAEL WRIGHT: Very well.

15 MR MANSFIELD: I am keeping it in chronological order

16 because it's easier for everyone if I do that. The next

17 thing I want to ask you about, and I am not going

18 through everything that happened, just some highlighted

19 features, is the briefing in the morning after you did

20 come on from TJ84 at Leman Street, so in relation to

21 that, you have mentioned that you were informed that you

22 might be asked or told to use unusual tactics; you

23 remember?

24 A. Yes, sir.

25 Q. I think you are very clear about this, that really there

- 1 was only one unusual tactic that could possibly be
2 contemplated; is that right?
- 3 A. Yes, sir.
- 4 Q. And that was the delivery of critical shot?
- 5 A. Yes, sir.
- 6 Q. If it's going to be via a hand-held weapon, a Glock or
7 whatever, then it's at very close quarters to the base
8 of the brain stem, isn't it?
- 9 A. Not necessarily, sir, no.
- 10 Q. Are you trained to use the Glock from a distance to the
11 brain stem?
- 12 A. For a brain stem shot, the obvious advantages of getting
13 close, very, very close, are paramount for a brain stem
14 shot, sir. But for a critical shot, this could be done
15 from a distance using a high velocity rifle --
- 16 Q. Yes, the preface to the question was: hand-held pistol
17 or hand-held gun rather than a rifle, I appreciate you
18 have it in your hand. Can I concentrate on that rather
19 than a rifle, which you might be using from cover at
20 a distance. Do you appreciate?
- 21 A. Yes, sir.
- 22 Q. Right. So I am not precluding the use of a rifle but
23 you didn't actually carry a rifle into the underground,
24 did you?
- 25 A. No, sir.

- 1 Q. We have heard C2 and C12 didn't carry a rifle into the
2 underground.
- 3 A. No, sir.
- 4 Q. I have asked C2 and C12 about this and forgive me for
5 asking you this as well, it's because of your
6 experience: what tactics would be involved in using
7 a hand-held weapon to deliver a critical shot?
- 8 A. Well, sir, if the critical shot had been authorised and
9 it was in the open, and I would ask for guidance about
10 divulging these tactics, sir?
- 11 Q. I perhaps don't need to go into it because this wasn't
12 authorised.
- 13 A. This wasn't, the critical shot wasn't authorised on this
14 occasion, sir.
- 15 Q. Then I'll leave the development of that for others,
16 because I make it clear, I do want to go into it with
17 somebody, but I will leave it for the moment, not with
18 you?
- 19 SIR MICHAEL WRIGHT: Can I ask this: do you feel free to
20 tell the court what, in general terms, the tactics would
21 be if no critical shot had been authorised?
- 22 A. If --
- 23 SIR MICHAEL WRIGHT: In other words, simply conventional
24 arms training?
- 25 A. Then --

1 SIR MICHAEL WRIGHT: If you feel you can't or without help,
2 please say so and we will go into it further.

3 A. Well, the word "critical shot" or "incapacitating shot",
4 there is a fine line where you are talking brain stems
5 or you are talking of engaging someone in the central
6 body mass where there are important organs that could be
7 disrupted or the head has important organs as well
8 obviously that could be disrupted, so to incapacitate
9 somebody, if you weren't able to shoot directly at the
10 brain stem, would be to deliver as much trauma as
11 quickly as possible, sir.

12 SIR MICHAEL WRIGHT: To go back to Mr Mansfield's original
13 question, forgetting about rifles.

14 A. Yes.

15 SIR MICHAEL WRIGHT: And given that you only had a Glock --

16 A. Yes.

17 SIR MICHAEL WRIGHT: -- with this special ammunition.

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: The original question was: if you are
20 going to be sure of delivering an incapacitating shot
21 you have to get to close quarters?

22 A. In these circumstances, in a public area like this,
23 where there is people close by, then it would be
24 imperative that you would have to get close.

25 SIR MICHAEL WRIGHT: Get to close quarters?

1 A. Yes.

2 MR MANSFIELD: I do want to develop this because of the
3 evidence we have heard, and you are probably well aware
4 of the situation. Have you been following the evidence?
5 I'm not saying --

6 A. As best I can, sir, I can't say I have seen all of it,
7 but as best I can.

8 Q. In a non-authorized situation, the delivery of
9 a critical shot, as the learned Coroner has just asked
10 you about, at close quarters, will require you having to
11 get to the position of close quarters without revealing
12 who you are; correct?

13 A. Yes, sir.

14 Q. Right. But the problem about this is, and can I use the
15 word "conventional" again, you will be only too familiar
16 with it, conventionally what is supposed to happen
17 before the delivery of an incapacitating shot is that
18 you are all trained to in fact reveal to the person
19 concerned in one way or another that you are armed
20 police, either by putting on a cap or by shouting that
21 you are armed police, and possibly an instruction,
22 before the shot is fired; correct?

23 A. That would be our conventional tactic, sir, yes.

24 Q. Now, what happens, then, in training -- perhaps I should
25 put it this way: had there been training before

1 July 2005 with regard to dealing with a potential
2 suicide bomber where a critical or incapacitating shot
3 has not been authorised?

4 A. My recollection, sir, is that we may have had one
5 session of training with these scenarios, and I can't
6 remember the exact details of each scenario that we
7 trained.

8 Q. All right. Because you will appreciate, if it's
9 a non-authorised situation and it's being left to the
10 discretion of the individual firearms officer, then that
11 individual firearms officer has to make an assessment of
12 what he's facing; is that correct?

13 A. That is correct, sir. I just like to add these: these
14 were unusual circumstances, in all my service I have
15 never come across this situation before, and there were
16 no written down tactics as exactly how we could deal
17 with this situation. Every firearms situation is unique
18 in one particular way or another, and most of them,
19 however, are covered by training and tactics that we
20 have developed. This, however, on a tube, in London, at
21 that time of day, and the circumstances surrounding,
22 were very unique, and how each individual officer
23 develops his own tactics to deal with that I wouldn't be
24 in a position to criticise another officer for deciding
25 on one course over another. That would be for them to

1 decide when faced with that danger they felt they were
2 in.

3 Q. But you do appreciate from a public point of view, if
4 officers are going to be issued with fatal ammunition,
5 critical shot ammunition, hollow tip ammunition, and be
6 given authority to deliver it without warning, for
7 example, we all would need to know the circumstances or
8 pre-conditions that ought to exist before it's
9 delivered; do you follow? Leaving aside the situation
10 for a moment.

11 A. If tactics can be developed which are found to work,
12 then I would like to know about them, sir.

13 Q. I'm not suggesting this is your responsibility. Before
14 2005, the Metropolitan Police, as many police forces in
15 the world, were alerted to the prospect of suicide
16 bombers, weren't they?

17 A. Yes, sir.

18 Q. They were alerted to the fact of foot-borne suicide
19 bombers, weren't they?

20 A. Yes, sir.

21 Q. They were also aware that other jurisdictions, the most
22 obvious of which is in the Middle East, in Israel and
23 Palestine, that other jurisdictions had had to deal with
24 this sort of situation, a foot-borne suicide terrorist
25 in an urban area?

- 1 A. Yes, sir.
- 2 Q. Were you aware yourself, as an instructor, of how other
3 countries approached the problem?
- 4 A. I was, yes.
- 5 Q. Then I am --
- 6 A. Not in great detail, though. I think I know what's
7 coming. But I can't claim to be an expert in every
8 country's tactics and how they deal with these things,
9 sir.
- 10 Q. Don't worry, this is not a test of general knowledge of
11 how to deal with it. Are you able to assist to this
12 extent, that in Israel, I appreciate it's a different
13 country and all the rest of it, but in Israel, there is
14 a threshold which is that before a fatal shot is fired,
15 the person delivering it has to be in a position to see
16 the body belt or the vest or whatever?
- 17 A. I think, sir, those tactics may be at roadblocks where
18 they have more of a control from a containment point of
19 view and from cover, and from that scenario you could
20 dominate a suspect and give them commands that would
21 allow you to see any devices they might be wearing. And
22 I know, and we have seen uncomfortable footage on the
23 news of them taking clothes off, removing items of
24 clothing to reveal what's underneath, and that's
25 a luxury which we didn't have on the day, sir.

- 1 Q. I'm not going to develop it with you, I make it clear.
2 You did have a different scenario, not your fault, can
3 I just switch for a moment, I do not want to confuse
4 you, but when you were up top, as it were, approaching
5 Stockwell in the same car as C2, you were in a position
6 at that stage to do an interception, it's just you
7 weren't authorised; is that right?
- 8 A. That's right, sir.
- 9 Q. Can I just go back to what preparations there had been
10 between 2001 and 2005 in a non-authorised situation. If
11 it's non-authorised and you can't do a road block in
12 order to see a vest or a belt, Metropolitan Police
13 developed a procedure in order to, as far as humanly
14 possible, discover whether the person was a suicide
15 bomber?
- 16 A. It's very difficult call to make, as I'm sure you are
17 aware, sir, the profiling is very, can I say, it's not
18 a science, and the technology whether it exists I don't
19 know but to see what someone's wearing underneath their
20 clothing, I -- it certainly wasn't available to us, and
21 I can only say that most SFO officers on a daily basis
22 go out on the streets of London wearing covert body
23 armour, carrying weapons, grenades, magazines and other
24 equipment, and no-one -- I would hope no-one would
25 notice that we were concealing those under our clothing.

1 So it is fairly easy to conceal things under normal
2 clothing, and I am talking T-shirts and loose fitting
3 shirts.

4 So you can't necessarily tell by somebody, the way
5 someone stands or their clothing, isn't always a clue as
6 to whether they are concealing a device.

7 Q. Now, I am sorry, I was going to interrupt because
8 I understand all of that. The question was really
9 a procedure. Because it's not authorised, all right, so
10 we are still in the non-authorised situation, it's not
11 authorised because profiling may or may not help -- in
12 other words whether they have a particular kind of
13 clothing or whatever may not help, whether they are
14 sweating may not help -- has the Metropolitan Police in
15 those circumstances developed any procedure in the event
16 that you can't tell?

17 A. All they have said is that we must make our own
18 judgments.

19 Q. That isn't quite right, is it?

20 A. Are you referring to the tactics of Kratos and
21 Clydesdale?

22 Q. Yes, I want to avoid those terms because what we are
23 dealing with, if I may put it this way, on the 22nd is
24 a potential foot-borne suicide bomber; correct?

25 A. Yes, sir.

1 Q. And that prospect, although you had never had to deal
2 with it, had been anticipated from 2001 onwards, hadn't
3 it?

4 A. Yes, sir.

5 Q. Right. Now, in those circumstances, what the
6 Metropolitan Police had been attempting to develop was
7 a situation in which, like it or not, the firearms
8 officer -- it's unpalatable -- would have to challenge
9 and work out whether, through non-compliance, this
10 person was a suicide bomber. Now, that's what was being
11 contemplated, wasn't it?

12 A. Yes, sir.

13 Q. Right. The reason I have gone through this is that you
14 used the word, can I just switch for a moment to the
15 actual events on the day, and it's of course
16 a distressing event for absolutely everybody, and I'm
17 sorry to have to take you back to it but I do have to
18 ask you questions about the position you found yourself
19 in with Ivor.

20 Can I just deal with that? You didn't know whether
21 he was the subject or not when you pulled him onto the
22 floor, did you?

23 A. No, sir.

24 Q. If he had been -- and I appreciate this is
25 hypothetical -- an ordinary member of the public who had

1 thrown himself onto de Menezes, and you pulled him off,
2 at the point you pulled him off you didn't say you were
3 armed police, did you?

4 A. As I said earlier, I would have liked to have thought
5 that I would, but I haven't recalled it.

6 Q. No.

7 A. It would have been a natural thing for me to do, falling
8 back on my training, and experience.

9 Q. Or not, because the dilemma is that if you do say that,
10 and he is a bomber, you are going to go down with him;
11 that's the problem, isn't it?

12 SIR MICHAEL WRIGHT: That's the unpalatable aspect of it.

13 MR MANSFIELD: It is, that's what I am putting to him.

14 I'll just move forward in the sequence. You don't
15 record that you did say to this man, Ivor, that you were
16 armed police. What you have added today, it's not
17 a criticism, it's not in your statement, can we have 411
18 on screen so the jury may be reminded of how you put it,
19 it's just towards the bottom:

20 "I grabbed hold of the man in the baseball cap not
21 knowing if he was the subject."

22 That's the sentence. I do appreciate it all happens
23 very quickly in almost the blinking of an eye, and one
24 can't put oneself back into it, but in that very short
25 instant of time, if the man had been a civilian and had

1 resisted you, not knowing that you were a police officer
2 and said "get off", would you have shot him?

3 A. I don't think I would have done, sir, because my threat
4 assessment was going, it was actually going away from
5 the -- although I still thought he was potentially the
6 subject, at that stage when I threw him on the floor it
7 was diminishing and I can only say that I don't think
8 I would have shot him at that stage --

9 Q. I know it's difficult.

10 A. It's about demeanour, it's about how they react, and its
11 years of experience of pointing guns at people,
12 arresting them under serious circumstances, knowing how
13 people react when they have guns pointed at them, and
14 Ivor did not react in the way and likewise if he was
15 a civilian, that would have come across as well, the
16 whole demeanour of the person and the feeling you get
17 for these people.

18 Q. Yes, I appreciate, but many of those other
19 circumstances, you have pointed at people and you have
20 shouted "armed police"?

21 A. Yes, sir.

22 Q. Right. If this individual had been a civilian and
23 didn't know you were armed police and resisted, because
24 the word you used in this sequence this morning was
25 because he was compliant, if the individual had not been

1 compliant because he didn't know you were police, there
2 is a strong possibility you would have shot him;
3 correct?

4 A. There is always a possibility, sir, but the situation
5 you are giving to me is one that I was in at the time
6 and that my threat assessment of him was diminishing,
7 and when I pulled him out of that situation, yes,
8 I still thought: who is this man, is he the subject?
9 But at that time, with my judgment of his actions and
10 his submissive behaviour, yes, if he had stood up and
11 tried to fight me, I wouldn't necessarily have had to
12 shoot him even then unless I thought I was in immediate
13 threat from him.

14 Q. That's why I am asking you the questions, so that we can
15 assess really for the future how this may be met, if the
16 Metropolitan Police itself haven't yet worked out
17 exactly what they are going to do. Do you follow,
18 that's why I am asking?

19 A. I do follow, yes.

20 SIR MICHAEL WRIGHT: When you grabbed him and started to
21 pull him out, again this is all very unpalatable as
22 Mr Mansfield has acknowledged, if he had been
23 non-compliant and tried to fight you, that would not
24 really be consistent with his being a suicide bomber,
25 because if he was a suicide bomber and you had grabbed

- 1 him and he was non-compliant, that is the last that
2 either you or he would ever have known about it?
- 3 A. Absolutely, sir, yes. Yes.
- 4 SIR MICHAEL WRIGHT: So even if he's not non-compliant but
5 you are still alive, that's an indication that he is not
6 a suicide bomber, isn't it?
- 7 A. That depends, sir, on ... he might still delay his
8 detonation for some reason unbeknown to me, I don't know
9 that, sir, and there is a whole load of unknowns.
- 10 SIR MICHAEL WRIGHT: There is a whole load of unknown
11 aspects?
- 12 A. Yes, sir.
- 13 MR MANSFIELD: Can I ask you one other thing about the
14 conventional situation where you shout "armed police",
15 in fact conventionally it's followed by some sort of
16 instruction to assess compliance, in other words if you
17 can see the weapon, "throw it down" or "put your hands
18 up above your head" or something like that?
- 19 A. That's a luxury sometimes we are afforded, yes.
- 20 Q. All right, I appreciate sometimes you don't have the
21 time, and can I just finish on this in relation to
22 training: the events that you are trained to deal with
23 are often highly pressurised events, aren't they?
- 24 A. Yes, sir.
- 25 Q. Fast-moving events?

1 A. Yes, sir.

2 Q. Ones in which you are expected, through your training,
3 to take split-second decisions?

4 A. Yes, sir.

5 Q. Because you have to assess whether the person in the
6 street held hostage by another with a gun to his head is
7 going to fire or not, that sort of thing?

8 A. Yes.

9 Q. Right. I am sorry to take you through all of that. Can
10 I just go back to the day itself, past the first
11 briefing. I'm going to, as it were, take you on to the
12 junction of Stockwell. You are in the lead vehicle, and
13 you hear he's got off the bus, state red has actually
14 not been called and neither has amber for that matter.
15 So that's where you are, all right, that's that
16 position?

17 A. Yes, sir.

18 Q. You have had a description of this man, it's in your
19 statement if you want to look it up, you have had
20 a description of the man. In fact just on that, for
21 some reason all three of you in the car thought that he
22 was called Omar. We are not hearing from the third
23 officer, it's not a complaint, we have agreed the third
24 officer may not be called, but he also thought it was
25 Omar. How did you all three think that it was Omar?

1 A. Well, sir, it was a simple mistake and I -- I don't know
2 if it was made, if it was -- it sounds like it was
3 unlikely to be a coincidence, but the fact is that he
4 was mostly referred to under a codename during the
5 follow.

6 Q. What, Nettle Tip?

7 A. Yes.

8 Q. I see.

9 A. And these statements were made within a day of the
10 incident, and the names probably better known now, at
11 the time there was just some confusion in my mind as to
12 which one was which, and I think I have put the wrong
13 one down and I don't know where that name -- how I got
14 that. I knew at the time that the subject that was
15 being followed was the lighter skinned -- and I know now
16 that Osman was the lighter skinned gentleman.

17 Q. You can see in the jury bundle, if you want, it's
18 tab 37, I don't think you have it there, but it can come
19 up on screen, tab 37. What I want to ask you is, it
20 really would be better, wouldn't it, better practice,
21 for members of a firearms team to actually have with
22 them, if they are going to deliver a critical shot, as
23 much detail as is possible of the person to whom or
24 against whom this may be delivered. So the photograph,
25 for what its worth, plus the details with the name

1 Osman, it would be better to have at least one copy of
2 it in your firearms car, wouldn't it?

3 A. It would make sense, sir.

4 Q. Right. I am going to just ask you this: you had
5 a description, you are in your car, did you actively
6 look to see whether you could see a man of that
7 description going across the junction towards the
8 station in front of you?

9 A. Sir, if I could see him, he could see us, and that's the
10 premise that we would work on, on surveillance. That we
11 are still at state green, I wouldn't have wanted to put
12 my vehicle in a position where he could see us. So
13 although to have eyes on the subject would be
14 an advantage, not at the cost of compromising the
15 surveillance. So the answer is no, sir.

16 Q. All right. Because these are questions, as you may
17 anticipate, I have already asked C2, who was in your
18 car.

19 Now, I want to take you, and I'll do it as
20 succinctly as possible, back to the carriage. Could we
21 have tab 35 up in front of you, please. Again, the
22 caveat is, it all happens very quickly, but then you are
23 used to fast-moving situations, aren't you?

24 A. Yes, sir.

25 Q. And you are used to acting as a team in a fast-moving

1 situation?

2 A. Yes, sir.

3 Q. So that you are used to being able to, as it were,
4 relate to other members of the team, because the one
5 thing you don't want to do is cross the path of anyone
6 else who might be about to do something rather
7 important. That's pretty basic, isn't it?

8 A. Yes, sir.

9 Q. Bearing all that in mind, you, as you are going through
10 the carriage, have gone from the left-hand side as we
11 look at the screen, small door, you come to the first
12 main standing area, along the aisle and then the first
13 main standing area, and then you approach the second one
14 through the second aisle where Merrill and Preston are,
15 all right?

16 A. Yes, sir.

17 Q. From what you have said today, you are about at the
18 Merrill/Preston stage, is this fair, when you pick up
19 on, and I'm going to call him Ivor because we now know
20 who it is, but you pick up on Ivor standing with his
21 back to the glass panel; is that right?

22 A. Yes, sir.

23 Q. I appreciate everything you have said about being on the
24 platform and seeing other police officers on the
25 platform. Up to this point, and it's in your statement

1 as well if you wish to see it, 411, you don't on the
2 following day record that you hear anyone shouting
3 "armed police" before you are at that point, that is
4 where you are between Merrill and Preston and seeing
5 Ivor?

6 A. Sir, when I wrote this, I wasn't -- I didn't know the
7 importance that, when those shouts were made, I didn't
8 know it was going to feature in such a way as it has,
9 and I have written the shouts of "armed police" because
10 I heard shouts of "armed police", and now I can't say
11 when exactly they were shouted but they were shouted.

12 Q. Yes, well, I want to suggest that in fact your statement
13 is accurate, you see, the following day, and when you
14 made it, the point was made yesterday, when you made
15 this the following day, you knew that the person who had
16 been shot was not a terrorist?

17 A. I remember very clearly, sir, being told just before we
18 wrote these notes and --

19 Q. So therefore you did know, and all of you knew, there
20 were bound to be questions going to be asked by
21 somebody, if not a court, in due course about as much of
22 the detail as you could remember as possible; is that
23 fair?

24 A. I remember feeling very, very sad, and there was a black
25 cloud hanging over the team when this news was broken to

1 us, and I don't think there was anyone callous enough to
2 think that they were going to try to write themselves
3 out of trouble. We had done what we had done, with
4 every good intent to the public based on our training,
5 based on years of experience. We only had to tell the
6 truth, sir. There was no-one in that room rowing for
7 shore, trying to avoid what we had done, those terrible
8 decisions and that tragedy that followed it.

9 Q. That may be for others to judge what other members of
10 your team were doing when they wrote their statements;
11 I am asking about you and your statement. The question
12 was that, when you came to write your statement, you did
13 realise then there were bound to be questions to be
14 asked later about what had happened, at least as far as
15 you were concerned; you knew that, didn't you?

16 A. Sir, it always follows, we are aware of that, but as
17 I said just now ...

18 Q. One of the most important aspects --

19 SIR MICHAEL WRIGHT: Hang on. What do you want to say?

20 A. I was just saying, sir, that all of us felt terrible at
21 what had happened, and I can't emphasise that enough,
22 and it's already been said. The notes we wrote were our
23 recollection of events as best we could write them at
24 the time.

25 MR MANSFIELD: That's the point I want to make to you. The

1 best you could at the time, knowing that aspects of this
2 in police procedure terms were extremely important, for
3 example was the victim ever warned, that would be
4 something you would be trawling your memory for,
5 wouldn't it?

6 A. I don't remember thinking along those lines, sir, no.
7 I wrote my statement and I don't remember thinking that
8 question was in my mind.

9 Q. All right. Because I put to you already, the position
10 of seeing Ivor, we have established you were at the end
11 of the aisle leading into the second standing area, and
12 I'm going to put it to you clearly: there may have been
13 other people standing, I appreciate they are not
14 illustrated in the diagram, but if, when you see Ivor
15 and you it's happening very quickly but you haven't
16 quite picked up yet on the two officers, if one of those
17 two officers right in front of you had produced his
18 weapon up to shoulder height in front of the face of the
19 man who was trying to get up, and shouted "armed
20 police", you would have either heard a bit or seen a bit
21 of that, wouldn't you?

22 A. I understand what you are saying, sir, but that
23 movement, whether there was movement around Ivor that
24 drew my attention to him in the first place I can't
25 recall, but for some reason I have picked Ivor out and

1 had a very, very split second look at him before all
2 this cacophony of movement and noise happened in front
3 of me in a very short space of time as I have mentioned.

4 Q. Yes. I accept at once that if somebody comes rushing
5 through that door bearing a gun, people will have very
6 different versions of, you know, which direction he ran
7 and all the rest of it. One appreciates you to have
8 different takes. But this is in your direct field of
9 focused vision; in other words not you are wandering
10 along not expecting anything, you are actually looking
11 for somebody, you see that somebody, but there is nobody
12 in front of him raising a pistol towards in fact the
13 target?

14 A. That movement may well have happened before my attention
15 was drawn to Ivor.

16 Q. Don't try and explain what may have happened before.
17 You did not see that, did you?

18 A. You are trying to put a turn of events to me, sir, and
19 I can only say what I believe I -- or what I saw. That
20 was that my whole focus was on Ivor at that time.

21 Q. I'm not trying to put a turn of events, I am repeating
22 evidence that C12 indicated that that's what he did,
23 shouted "armed police", raised it up and because it's
24 all happening very fast, suddenly, I am not going to
25 separate it all out, Ivor, according to him, then pushes

1 back Jean Charles de Menezes. Do you follow? So I am
2 putting what he says --

3 A. I follow, sir. Again, looking at things in cold lights
4 of day, years after the event, we, although we work as
5 a team, we are used to working as a team, on that day at
6 that time we were all in our own little worlds making
7 life and death decisions based on what we could see and
8 what we knew.

9 Q. Sorry, we might do that; trained firearms police
10 officers are trained not to operate in their own little
11 worlds, aren't they?

12 A. We are trained in many, many ways, sir, but not -- you
13 can't take away what becomes instinct or natural for you
14 to feel on these occasions. You can't train it out of
15 people.

16 Q. No, I do appreciate that, and I am not suggesting that.
17 At the end of the day there will be, obviously one
18 hopes, a humanity underneath everything, but the
19 training that you receive is in order to, as it were,
20 marginalise as far as possible the risk that a firearms
21 officer will be influenced by the things that might be
22 panic, might be fear, might be overemotion,
23 overreaction, tunnel vision, all of those factors,
24 I have put them all together, but you appreciate what
25 I am putting to you?

- 1 A. Yes, sir.
- 2 Q. And the training is geared to, as it were, reducing the
3 prejudicial effect of those factors, isn't it?
- 4 A. Yes.
- 5 Q. Then just go back to your statement for a moment. It's
6 page 411. As the statement is written, the shouts of
7 "armed police" accompany or are in the same sentence as
8 forcing both men onto the seat, "I heard shouts of
9 'armed police'", that's how you have expressed it, isn't
10 it?
- 11 A. I know, sir, but my statement is fragmented, and I --
12 I have tried to recall it as best I can, and in the
13 order. But I have compartmentalised it in stages and
14 I think that can well be one of them.
- 15 Q. One does realise the difficulty, and one tries to be as
16 understanding as possible of the situation and of trying
17 to record it. But if you have a problem when writing
18 the statement that actually you can't say when you heard
19 the shouts or whatever, then you either don't put it in
20 or you put it in saying "I did at some point hear shouts
21 of 'armed police' but I have no idea when it was
22 shouted". That's the way to deal with it, isn't it?
- 23 A. Yes, sir, and in hindsight I wish I had written that.
- 24 Q. You may do now but of course you now appreciate, you are
25 saying now, but not then, it does have some

1 significance, doesn't it?

2 A. I understand, sir, yes.

3 Q. What I am suggesting to you is it must have had some

4 significance when you wrote the statement as well?

5 A. I can only draw your attention back to my last answer

6 with that, sir.

7 Q. One other question: after dealing with Ivor and so on,

8 did you speak to Terry? Do you know Terry?

9 A. I believe so. Yes, I --

10 Q. We only know him by that name.

11 A. I am having trouble with all the codenames.

12 SIR MICHAEL WRIGHT: He is another member of the team.

13 MR MANSFIELD: He is the leader of the green team. Although

14 you are joined together, it's a different branch,

15 perhaps.

16 Sorry, did you speak to him?

17 A. No, sir.

18 Q. The reason I'm asking is because of, well, I'll ask you

19 about it so we can be clear. Did you ever say to

20 anybody something about leaning up against a pole and he

21 was trying to escape?

22 A. No, sir, no.

23 MR MANSFIELD: Thank you very much.

24 SIR MICHAEL WRIGHT: That might be a convenient point to

25 break off. Before we do, go back to Ivor, if you will.

1 A. Yes, sir.

2 SIR MICHAEL WRIGHT: It's a preliminary question before the
3 one I am being asked to ask you. His movement, as
4 I understand it, was what you describe as the lurch in
5 your statement, from where he had been with his back to
6 the glass panel towards where you subsequently knew
7 Mr de Menezes was sitting.

8 So from the direction you were coming, presumably he
9 would have had more or less his back to you?

10 A. Going from front on to sideways to being obscured by
11 people, yes.

12 SIR MICHAEL WRIGHT: Going away from you.

13 A. Yes.

14 SIR MICHAEL WRIGHT: Towards where Mr de Menezes was
15 sitting.

16 A. Yes.

17 SIR MICHAEL WRIGHT: What you have described today is that
18 then C2 and C12 moved across the carriage and all three
19 of them forced Mr de Menezes back into his seat?

20 A. Yes, sir.

21 SIR MICHAEL WRIGHT: We then have some shots.

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: And you grab Ivor.

24 A. Yes, sir.

25 SIR MICHAEL WRIGHT: How did you do it?

1 A. I believe I took hold of him with my left arm.

2 SIR MICHAEL WRIGHT: Which bit of him?

3 A. I think it was either his arm, his clothing, any bit

4 I could grab that was available, sir.

5 SIR MICHAEL WRIGHT: One-handed?

6 A. One-handed, yes.

7 SIR MICHAEL WRIGHT: You did actually say a little time ago,

8 it may not have been considered, you grabbed him by the

9 scruff of the neck.

10 A. That was when I helped him off the train, sir.

11 SIR MICHAEL WRIGHT: All right. You pulled him, what did

12 you do, pull him back from this point?

13 A. I, yes, I pulled as hard as I could.

14 SIR MICHAEL WRIGHT: Towards you?

15 A. I had my pistol in my right hand.

16 SIR MICHAEL WRIGHT: And you grabbed him with your left?

17 A. Yes, sir.

18 SIR MICHAEL WRIGHT: Have you any recollection as to where

19 his arms and hands were at that stage?

20 A. At that time, I felt that he actually didn't want to be

21 there either, and came away fairly easily from the

22 scrum.

23 SIR MICHAEL WRIGHT: Yes. So that when you were trying to

24 assess in all this upheaval --

25 A. Yes.

1 SIR MICHAEL WRIGHT: -- whether or not he was being
2 compliant with you, did where his arms and hands were
3 have anything to do with that assessment? Did it
4 feature?

5 A. I wanted to see his hands, and his hands, and as I say,
6 the diminishing threat factor for me was that he was
7 submissive, compliant, pretty shaken up.

8 SIR MICHAEL WRIGHT: You said a moment ago to me, just now,
9 "he came away easily"?

10 A. Well, I feel that he did, yes.

11 SIR MICHAEL WRIGHT: That's what you felt.

12 A. Yes, he wasn't resisting.

13 SIR MICHAEL WRIGHT: Was that an element in your assessment
14 of compliance or non-compliance?

15 A. Yes, yes.

16 SIR MICHAEL WRIGHT: I think that answers the question.
17 Thank you very much.

18 MR MANSFIELD: Sir, I wonder, I am very sorry, it's one
19 question.

20 SIR MICHAEL WRIGHT: By all means.

21 MR MANSFIELD: I am very sorry, one thing I did mean to ask
22 you.

23 This is to do with Jean Charles de Menezes, only you
24 didn't know him obviously as that name. When Ivor
25 lurched, I am using your phraseology, towards him, the

1 way you have it in the statement is that the person
2 concerned, the other male, was either standing or
3 attempting to stand; that's how you have got it, isn't
4 it?

5 A. Yes, sir.

6 Q. So would it be fair to say he's not very far from the
7 seat in which he has been sitting, at that point?

8 A. I think I answered this earlier. I didn't have and
9 I can't claim to have had unobstructed view of
10 Mr de Menezes, and also he was in my peripheral vision
11 which I have detected movement from, not a clear view of
12 him, and that movement I have, in the following day,
13 when I have tried to explain that movement, I have
14 attributed to him standing or getting up. I haven't
15 enlarged on that in my statement, but I can't claim that
16 that is the extent of his movement.

17 Q. No, all right. The corollary to that is this: when you
18 looked back, and you are one of the first there because
19 you are right there in the doorway?

20 A. Yes, sir.

21 Q. He, that is the man who had been either standing or
22 attempting to stand or get up, was actually slumped
23 across the seats?

24 A. That's -- I have recorded it as that. I have got --
25 yes.

1 Q. So he wasn't on the floor, and it was you, with others,
2 who put him onto the floor into a recovery position?

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

4 MR MANSFIELD: Thank you. I am sorry about that.

5 SIR MICHAEL WRIGHT: That's all right. That would be
6 a convenient moment. Shall we say 25 to, ladies and
7 gentlemen.

8 (11.25 am)

9 (A short break)

10 (11.45 am)

11 (In the presence of the jury)

12 SIR MICHAEL WRIGHT: Before you start, Mr Gibbs.

13 I think you are the first witness who's told us
14 where your team, the black team, spent the previous day.
15 I would like to be sure I have it clear. You had been
16 on an operation on the morning of the 21st?

17 A. Yes, sir.

18 SIR MICHAEL WRIGHT: You were pulled back to London because
19 of the news that was coming through --

20 A. Yes, sir.

21 SIR MICHAEL WRIGHT: -- that afternoon. Where did you go?

22 A. We went to Leman Street.

23 SIR MICHAEL WRIGHT: Leman Street, and do I have this right,
24 did you spend the night of the 21st in Leman Street?

25 A. No, sir.

1 SIR MICHAEL WRIGHT: Ah. Where were you?

2 A. I think about 9 pm we were released to come back at 7 am
3 the following day. We --

4 SIR MICHAEL WRIGHT: Well, when you say released, do you
5 mean to go home?

6 A. Yes.

7 SIR MICHAEL WRIGHT: So that you all scattered.

8 A. Yes.

9 SIR MICHAEL WRIGHT: At 9 o'clock the previous night and off
10 you went. Well, now, in that case I need your help to
11 explain an answer to you gave to Mr Mansfield when he
12 said you could have come on at 6 the following morning.

13 A. Yes, sir, we could.

14 SIR MICHAEL WRIGHT: How?

15 A. We could have been contacted, paged or phoned. It
16 happens all the time, sir.

17 SIR MICHAEL WRIGHT: Of course you are, you all have
18 telephones, but you are all given pagers.

19 A. Yes, sir, we all have pagers.

20 SIR MICHAEL WRIGHT: So there is no practical problem in
21 calling you in an hour early other or even I suppose two
22 hours earlier. It happens all the time?

23 A. No, sir. It happens many times, yes.

24 SIR MICHAEL WRIGHT: Because even though you are off duty in
25 the sense that you have been released, are you still on

1 all?

2 A. Yes, we are, sir.

3 SIR MICHAEL WRIGHT: I mean presumably you have periods when

4 you are not on call and you don't have to worry about

5 it.

6 A. Yes.

7 SIR MICHAEL WRIGHT: Certainly on the night of the 21st/22nd

8 you were on call or available to be called.

9 A. Yes, sir.

10 SIR MICHAEL WRIGHT: Even though you were not actually at

11 Leman Street.

12 A. Yes, sir.

13 SIR MICHAEL WRIGHT: Thank you.

14 Yes, Mr Gibbs.

15 Questions from MR GIBBS

16 MR GIBBS: I represent Ivor, amongst others. Your robust

17 treatment of Ivor: in a split second, am I right?

18 A. Yes, sir.

19 Q. Knowing only what you knew, am I right?

20 A. Yes, sir.

21 Q. Seeing only what you could see?

22 A. Yes, sir.

23 Q. And having to make a life or death decision?

24 A. Yes.

25 Q. You did, may I say on behalf of Ivor, exactly the right

1 thing.

2 A. Thank you, sir.

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

4 MR STERN: No questions, thank you, sir.

5 Questions from MR PENNY

6 MR PENNY: Charlie 5, I am going to ask you some questions
7 on behalf of Commander Dick and DCI Purser and some
8 others. Could we look first, please, at page 410 of
9 your statement.

10 Just a couple of minor matters, Charlie 5, to do
11 with timing I want to deal with. If we look, please,
12 about eight or nine lines up from the bottom of the
13 page, do you see the words "I became aware"?

14 A. Yes, sir.

15 Q. Just read it please:

16 "I became aware that surveillance officers had
17 followed a subject from 21 Scotia Road and he was a good
18 likeness for the subject called Omar. He was described
19 as wearing a blue denim jacket, blue jeans, he was a
20 light skinned North African 5 foot 10 tall of stocky
21 build with stubble."

22 I just want to deal with this first of all: the
23 first description which you recollect hearing was that
24 the man in question was 5 foot 10 tall?

25 A. Yes.

1 Q. That's why you recorded it in your witness statement the
2 way you did the following day?

3 A. Yes.

4 SIR MICHAEL WRIGHT: Forgive me, Mr Penny, the Omar is
5 a mistake.

6 MR PENNY: Quite so, and forgive me not having reiterated
7 that, you pointed that out to us all yesterday and
8 I think Mr Mansfield has asked you about that this
9 morning.

10 SIR MICHAEL WRIGHT: That is right.

11 MR PENNY: I think in response to a question that you were
12 asked by counsel to the Coroner, you indicated that you
13 now can't remember whether or not he was on the bus by
14 the time that you first heard about him.

15 A. No, sir, I can't.

16 Q. So it may well be the case that he was already on the
17 bus by the time that you first heard that?

18 A. That's possible.

19 Q. Now, if we follow on in this statement, what you wrote
20 was he was followed on to a number 2 bound for
21 Marble Arch and then you gave the index. Then the next
22 sentence:

23 "TJ84 gave instructions to get behind the bus. By
24 this time it was at the bottom of Tulse Hill nearing
25 Brixton High Street."

- 1 Now, of course, at this time you were at the
2 TA Centre; is that right?
- 3 A. That's right, yes, sir.
- 4 Q. You therefore, were not at the bottom of Tulse Hill near
5 Brixton High Street?
- 6 A. No.
- 7 Q. And you were getting that information from someone else?
- 8 A. Yes, sir.
- 9 Q. Most likely a surveillance officer over the Cougar?
- 10 A. That is possible, yes.
- 11 Q. Or from perhaps some other source of information. But
12 it's unlikely to have been over the back-to-back because
13 there would not have been a firearms officer in that
14 vicinity at that time?
- 15 A. That's entirely possible, sir, yes.
- 16 Q. So that information was coming from someone else and it
17 was either a direct or conceivably it could have been
18 relayed information about his whereabouts?
- 19 A. Yes, sir.
- 20 Q. When you made the statement the following day,
21 Charlie 5, you were doing your best, were you not, to
22 put down on paper your recollection of a sequence of
23 what were undoubtedly highly traumatic events?
- 24 A. Yes.
- 25 Q. I imagine that it was in fact the events on the tube

1 carriage which were to the forefront of your mind?

2 A. Yes, that's correct.

3 Q. Of course, like others, you did not have to hand or have
4 access to independent evidence such as closed-circuit
5 television photographs or timings of telephone calls to
6 help you as to the correct sequence of the time that
7 things actually happened?

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

9 Q. Or the time that pieces of information came to you, and
10 I imagine that you would accept that they are likely to
11 be, are they not, more reliable indicators of when
12 things happened and your whereabouts at the time?

13 A. Yes.

14 Q. I want to look with you, please, in that regard just at
15 a couple of pieces of evidence that we have access to
16 now three years later which can assist us, perhaps, with
17 this particular issue. Can we look at divider 11 in the
18 jury bundle, page 23A, which is the first of the maps
19 that we have. The red line marks the route of the bus,
20 all right? If you look towards the bottom, I don't know
21 if you can make out the red line that runs along
22 Upper Tulse Hill but we can see --

23 SIR MICHAEL WRIGHT: That's not the bus, that's

24 Mr de Menezes' path. It is the thick red line down
25 Tulse Hill that is the bus.

1 MR PENNY: Forgive me you are absolutely right.

2 I think for the purposes of what I am going to ask
3 you about, Charlie 5, it's an identical issue.

4 Can you see the TA Centre on the map?

5 A. I can, sir, yes.

6 Q. At the junction of Tulse Hill and Upper Tulse Hill, we
7 know if we go slightly north in Tulse Hill, slightly
8 down the hill, so to speak, we come to the bus stop
9 where Mr de Menezes boarded the number 2. At the top of
10 the page where Tulse Hill becomes Effra Road, I have now
11 gone down all the way down the hill and gone north on
12 the map, can you see the junction of a road called
13 Brixton Water Lane?

14 A. Yes.

15 Q. Are you familiar with this area, Charlie 5?

16 A. Roughly, yes.

17 Q. So what we are talking about here is the distance of
18 going down Tulse Hill, so to speak?

19 A. Yes.

20 Q. Can we look now, please, at a piece of closed-circuit
21 television footage, it's a photograph we have looked at
22 already with another witness, from the junction of
23 Tulse Hill, junction of Effra Road and Brixton Water
24 Lane, it's exhibit page 1501.

25 Now, the three vehicles which are ringed are Trojan

1 vehicles, those are the vehicles that you and the team
2 were in that day?

3 A. Yes.

4 SIR MICHAEL WRIGHT: Is that the Mercedes at the front?

5 MR PENNY: Yes, that's exactly what I was about to ask.

6 A. It does look like the vehicle I was in.

7 Q. That's 9.58.22, at least according to this camera.

8 It follows, does it not, that the Mercedes has
9 effectively come out of the TA Centre, you have turned
10 right and you have driven down Tulse Hill at this stage?

11 A. Yes.

12 Q. We can imagine that bearing in mind the instruction you
13 had received from Trojan 84 to get behind the bus you
14 were making as good time as you could?

15 A. Yes.

16 Q. Probably with the blues and twos on?

17 A. Certainly we used them at some stage. I can't recall
18 for how long.

19 Q. There is closed-circuit television footage of
20 Mr de Menezes boarding the number 2, travelling down
21 Tulse Hill, and reaching this junction, and indeed the
22 bus appears on the CCTV?

23 SIR MICHAEL WRIGHT: Do you mean on this one?

24 MR PENNY: Not on this one. I am going to put a suggestion
25 rather than taking up time by playing it.

1 The suggestion's already been made, Charlie 5, that
2 journey namely the boarding of the bus and travelling
3 down to this junction took 3 minutes and 32 seconds so
4 we can assume, can we, that you and your Mercedes
5 probably did it a little more quickly than 3 minutes and
6 32 seconds?

7 A. Yes, sir.

8 Q. That takes the Mercedes back up Tulse Hill and into the
9 vicinity of the TA Centre, I don't know, sometime
10 shortly after 9.55 or around 9.55 when you took off, all
11 right?

12 A. (Witness nods)

13 Q. Equally, if we go forward, please, and have a look at
14 the telephone schedule, now, this doesn't directly
15 affect you, Charlie 5, but I just want to remind the
16 jury of this piece of evidence. Can we look at the
17 entry for 9.59.36. If you would just let Mr Esposito be
18 yellow, as it were, drag that down, thank you. Can you
19 see there at 9.59.36, Trojan 84 made a call to
20 Chief Inspector Esposito at 9.59.36 and he has told the
21 jury, Charlie 5, that at the time that he made that
22 carry he was in the vicinity of Brixton Town Hall or
23 Lambeth Town Hall which is on the junction of
24 Brixton Road and Acre Lane, effectively opposite the
25 Ritzy cinema at the top of Brixton Road.

1 If we could look finally at a closed-circuit
2 television still from Brixton Road showing the Mercedes,
3 which I know we have available, this isn't one we have
4 looked at before and this is in fact a camera from the
5 other side of Brixton Road so we are on the same side of
6 the road as Brixton tube station, and you can see the
7 bridge there just beyond Brixton tube station.

8 SIR MICHAEL WRIGHT: Looking north.

9 MR PENNY: Yes, we are looking north across the road, there
10 is the Mercedes, the vehicle you were in, in fact more
11 or less alongside the bus stop that Mr de Menezes had
12 got off the bus and reboarded the bus, outside Morleys
13 department store on Brixton Road.

14 We can see the time there is 9.59.42, and we know
15 that Trojan 84 who was behind you in the control car
16 says that he was making the call to
17 Chief Inspector Esposito at 9.59.36. So there or
18 thereabouts, at that stage, is the location of the armed
19 response vehicles.

20 So over the piece, it looks like you made that
21 journey from the TA Centre in something like four
22 minutes?

23 A. Yes.

24 Q. Something like that. The remainder of the journey you
25 made as we know of course was to get up Brixton Road,

1 turn left into the Stockwell Road and get up to
2 Stockwell Underground station.

3 So I just want to come back therefore to a couple of
4 the pieces of evidence that you gave yesterday and ask
5 you to consider them.

6 The first is that at the time that you set off,
7 namely at the time that Trojan 84 told you to get behind
8 the bus, you recorded in your witness statement the
9 suggestion that the bus was at the bottom of Tulse Hill
10 near Brixton High Street. As I have said, you were
11 getting that information from somebody else. I think
12 you told us yesterday that the information that
13 Mr de Menezes had got on and off the bus at Brixton, you
14 recall hearing?

15 A. Again, I have not written in my notes and --

16 Q. That's what I was going to ask you about. Do you think
17 you may not have heard it at all?

18 A. Well, I didn't like to write things in my notes that
19 I hadn't heard or I couldn't specifically remember the
20 source where they came from, and it could well have been
21 that they were relayed to me either by someone in my car
22 or one of the radio systems, but I can't say.

23 Q. You don't have a recollection now at any rate?

24 A. I have an vague recollection of what was mentioned but
25 I can't specifically say what source it came from.

1 Q. All right, the reason I am asking about it is you told
2 the jury yesterday you think it was after -- you heard
3 that after you had been told to get behind surveillance
4 and I'm going to suggest to you that the getting on and
5 off the bus at Brixton took place a good few moments,
6 a good few minutes in fact, after you were told to
7 deploy from the TA Centre. Do you think that might be
8 right?

9 A. I can see that. That's perfectly acceptable, my
10 mistake.

11 Q. In fact you have told us already that you were aware
12 that there was an SO13 arrest team at the briefing at
13 Nightingale Lane back at 8.45 and 9.15?

14 A. I was aware of them, yes.

15 MR PENNY: The jury know about the timings as to when they
16 were deployed and invited, as it were, to stand back
17 from the bus, and we have the timings for that.

18 Thank you very much indeed.

19 SIR MICHAEL WRIGHT: Thank you.

20 MR HORWELL: No, thank you.

21 SIR MICHAEL WRIGHT: Thank you very much. Ms Leek.

22 Questions from MS LEEK

23 MS LEEK: Just a few matters, Charlie 5. You, along with
24 a number of officers, took hollow point ammunition?

25 A. Yes, we did.

- 1 Q. I think you were told that you had been authorised to
2 take it, but I don't think anybody was actually ever
3 instructed to take it; is that right?
- 4 A. That's correct, yes.
- 5 Q. So far as you are aware, is it right that nobody refused
6 to take hollow point ammunition?
- 7 A. As far as I'm aware, yes.
- 8 Q. But various officers chose not to take it?
- 9 A. Yes.
- 10 Q. Is the situation with hollow grain ammunition that it
11 can be used in exactly the same way as ordinary 9mm
12 rounds?
- 13 A. It can, yes, you are quite correct.
- 14 Q. We have heard about what the differences are. It is
15 more likely to cause immediate incapacitation if used to
16 the brain stem?
- 17 A. Yes.
- 18 Q. And it is less likely to do collateral damage to other
19 people around because it doesn't go straight through the
20 target?
- 21 A. Yes, that's correct.
- 22 Q. But in all other respects, it works in exactly the same
23 way as ordinary 9mm rounds?
- 24 A. Yes.
- 25 Q. I just want to ask you about threat assessment because

- 1 you have been asked a lot about that. It's been
2 suggested or it appears to have been suggested that
3 threat assessment is some sort of exact science. Now,
4 that simply does not reflect operational reality, does
5 it?
- 6 A. No. No, you are quite right.
- 7 Q. As far as training for threat assessment is concerned,
8 it is simply impossible to anticipate every single kind
9 of threat that may be faced?
- 10 A. That's correct.
- 11 Q. But what you do do in training is undergo regular
12 simulation exercises in order that you can assess how
13 you react in certain situations?
- 14 A. Yes, we do.
- 15 Q. You were assessed on your reactions in those situations
16 in a simulated environment?
- 17 A. Yes, that's correct.
- 18 Q. Instructors assess the performance of individual
19 officers?
- 20 A. Yes, they do.
- 21 Q. If at any stage instructors feel that a trainee is
22 overly hasty in the use of their weapon, they can pull
23 them off the course, can't they?
- 24 A. Yes, they could.
- 25 Q. They can remove their licence to use a firearm?

- 1 A. Yes.
- 2 Q. And that is in fact regularly done during training, that
3 is why so many people fail these courses?
- 4 A. Yes.
- 5 Q. And the only people who get through these courses are
6 those who demonstrate a level of restraint which is
7 appropriate to being given a licence to use a firearm?
- 8 A. Yes.
- 9 Q. What in fact happens in real life in operational
10 situations is completely different from what happens in
11 a training situation?
- 12 A. Yes.
- 13 Q. You can't train somebody not to be human, can you?
- 14 A. No, you can't train that out from them.
- 15 Q. However much you try?
- 16 A. No.
- 17 Q. It's simply not possible?
- 18 A. That's right.
- 19 Q. Because the adrenaline and the fear and the nerves that
20 operate on your mind in an operational situation simply
21 are not there in a training scenario?
- 22 A. That's correct, it's very difficult to simulate real
23 life in training environments. We do our best but it's
24 not always practical or possible to develop that.
- 25 Q. Absolutely. Is a good example of that the fact that

- 1 SFOs are trained to 90 per cent accuracy?
- 2 A. Yes.
- 3 Q. In a training situation?
- 4 A. Yes.
- 5 Q. For shooting?
- 6 A. Yes.
- 7 Q. And they have to achieve 90 per cent accuracy in order
- 8 to maintain their status as SFOs?
- 9 A. Yes, they do, in all weapons.
- 10 Q. But the research has shown that in operational
- 11 situations, the accuracy falls very, very far below what
- 12 happens in a training situation?
- 13 A. That's correct, and that is why there is a high standard
- 14 in training which you can't judge how accurate someone
- 15 would be when faced with situations that obviously play
- 16 on all parts of your consciousness.
- 17 Q. Absolutely.
- 18 SIR MICHAEL WRIGHT: To put it in crude terms, an officer
- 19 may get wound up and his accuracy will fall off?
- 20 A. I wouldn't like to use the word "wound up", sir. But
- 21 yes, I understand. It's very difficult to simulate
- 22 movement when you are firing at a static target on
- 23 a range --
- 24 SIR MICHAEL WRIGHT: I will withdraw "wound up". Tense?
- 25 A. When you are moving and the subject is moving, the

1 accuracy percentage would diminish.

2 SIR MICHAEL WRIGHT: That's movement.

3 A. Yes.

4 SIR MICHAEL WRIGHT: Also, of course, the officer is under
5 pressure, he will be tense.

6 A. Yes, sir.

7 SIR MICHAEL WRIGHT: And his accuracy will be diminished as
8 a result?

9 A. Yes, sir, that's absolutely right.

10 MS LEEK: As far as threat assessment is concerned, is it
11 fair to say that you simply can't say that there is
12 there is a right answer in any given scenario?

13 A. That's correct.

14 Q. Is that why it is left up to the individual officer to
15 decide whether or not they give an oral warning in any
16 particular scenario?

17 A. Yes, that's absolutely correct.

18 Q. In fact, the firearms manual specifically deals with
19 that situation, does it not?

20 A. Yes, it does.

21 Q. If we can have a look at documents page 290, towards the
22 bottom of the page there is a section on oral warning,
23 it's chapter 5 of the manual which deals with the use of
24 firearms. Paragraph 4.1 says this:
25 "AFOs shall identify themselves as such and shall

1 give a clear warning of their intent to use firearms,
2 with sufficient time for the warnings to be observed,
3 unless to do so would unduly place any person at a risk
4 of death or serious harm, or it would be clearly
5 inappropriate or pointless in the circumstances of the
6 incident."

7 Is it incredibly difficult in the heat of the moment
8 to decide whether an oral warning is in fact the right
9 thing to do?

10 A. It is, yes.

11 Q. Again, is there no right answer?

12 A. There is no right answer, one officer may consider one
13 thing and one another at the time based on what they see
14 and what they feel.

15 MS LEEK: Thank you.

16 SIR MICHAEL WRIGHT: Thank you, Ms Leek.

17 Questions from THE CORONER

18 SIR MICHAEL WRIGHT: You have been a firearms officer for
19 15 years?

20 A. A bit longer now, sir, yes.

21 SIR MICHAEL WRIGHT: True, 15 years at the time we are
22 talking about, 18 years now, and as you have told us,
23 your training is refreshed regularly.

24 A. Yes, sir.

25 SIR MICHAEL WRIGHT: We have heard I think six weekly

1 intervals.

2 A. Yes.

3 SIR MICHAEL WRIGHT: In recent years, as I understand what
4 you have told Mr Mansfield, your training has been
5 concerned, among other things, but probably focusing
6 quite a lot on the risks presented by suicide bombers?

7 A. It has been a lot of -- yeah.

8 SIR MICHAEL WRIGHT: You told Mr Mansfield that you have
9 heard in the course either of your training or just as
10 your general experience of the kind of experiences that
11 countries overseas, particularly in the Middle East,
12 have had.

13 Now, on this particular day, as I understand it,
14 when you were deploying into Stockwell station, you were
15 going into relatively confined space; yes?

16 A. Yes, sir.

17 SIR MICHAEL WRIGHT: Am I right in thinking that in those
18 circumstances rifles would never be appropriate?

19 A. Well, again, I can't comment on other officers'
20 decisions on what weapons they take and --

21 SIR MICHAEL WRIGHT: Take your own standard?

22 A. There are longer -- along a platform, along an empty
23 platform or a tunnel, down an escalator, there may be
24 some form of standoff where it could be used.

25 SIR MICHAEL WRIGHT: That would be qualified a bit further.

1 But in this particular case it was the
2 London Underground at 9.30 am or 10 o'clock in the
3 morning.

4 A. Yes.

5 SIR MICHAEL WRIGHT: Rifles are unlikely to be appropriate,
6 right?

7 A. Again yes.

8 SIR MICHAEL WRIGHT: In fact, none of you took them, you all
9 took your Glocks?

10 A. I understand there were certain long arms taken down on
11 to the system.

12 SIR MICHAEL WRIGHT: But you, 2 and 12 took your Glocks.

13 A. I left mine, I took my pistols, yes.

14 SIR MICHAEL WRIGHT: With this modified ammunition in it.

15 A. Yes.

16 SIR MICHAEL WRIGHT: You told Mr Mansfield that in the
17 circumstances you were facing, if you were going to have
18 to deal with a bomber, which in fact you didn't, but if
19 you had had to do so, it would be a question, because of
20 the necessity for a critical shot, to get to close
21 quarters?

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: No question of finding cover.

24 A. No, sir.

25 SIR MICHAEL WRIGHT: There just wasn't any.

1 A. No, sir.

2 SIR MICHAEL WRIGHT: Indeed, a necessity to get close to
3 give you the best chance of an incapacitating shot.

4 A. Yes, sir.

5 SIR MICHAEL WRIGHT: In this context to the head.

6 A. Yes, sir.

7 SIR MICHAEL WRIGHT: As soon as possible.

8 A. Yes, sir.

9 SIR MICHAEL WRIGHT: As soon as you had embarked upon that.
10 In the course of your training, have you ever heard
11 any suggestion of any technique that would have allowed
12 you to get close up to a real suicide bomber and to
13 challenge him without effectively sacrificing your own
14 life?

15 A. No, sir.

16 SIR MICHAEL WRIGHT: Can you conceive of any technique that
17 there could be?

18 A. Not a practical one, no, sir.

19 SIR MICHAEL WRIGHT: So when the ACPO guidance which we have
20 on the screen now says that warnings may not be given if
21 it would unduly place any person at risk of death, in
22 your view --and I am only asking for your view as
23 an experienced firearms officer -- is that the situation
24 that you would have been in?

25 A. That is exactly the situation that we would have been

1 in, sir.

2 SIR MICHAEL WRIGHT: Thank you very much. Mr Hough?

3 Further questions from MR HOUGH

4 MR HOUGH: One matter.

5 Charlie 5, you were asked questions about where you
6 had been the night before 22 July. It's only fair that
7 I put something to you which may be put to other
8 officers. It's the evidence of Sam at the Health and
9 Safety trial. Can we have the transcript for
10 16 October, please, page 55, towards the bottom of the
11 page.

12 Sam is one of your colleagues, Charlie 9 in terms of
13 call sign. (Pause).

14 SIR MICHAEL WRIGHT: Can you read it?

15 MR HOUGH: No, I can't, I need it on screen. (Pause).

16 MR HORWELL: This is the one date over which there has been
17 a problem with the transcript, it's not in the actual
18 DVD.

19 SIR MICHAEL WRIGHT: What's the date, 16 October? Wait
20 a minute.

21 MR HOUGH: I'm going to read it. I am being assisted by
22 Ms Hill.

23 SIR MICHAEL WRIGHT: I have it as well. 16 October?

24 MR HOUGH: Yes, page 55. I'll begin with line 14 talking
25 about 22 July.

1 "Question: Did you come in for duty at 7 o'clock?

2 "Answer: [from Sam] that is correct, yes.

3 "Question: What sort of duties had you been working
4 the days before?

5 "Answer: I believe we were on a normal surveillance
6 operation prior to the bombings and attempted bombings
7 and then we were on standby for several hours back at
8 Lemman Street."

9 So as you have described.

10 "Question: Roughly how long does it take you to get
11 from home to work at that time?

12 "Answer: I believe, I believe the night before we
13 stayed in a hotel which is 200 yards away because we had
14 a long period of duty so we travelled from the hotel
15 which is only a couple of hundred yards away from the
16 police station.

17 "Question: And who organises a hotel when you make
18 that sort of overnight stay, is that organised by the
19 Metropolitan Police for you?

20 "Answer: Yes, it was something that was organised
21 that year.

22 "Question: When you got to Lemman Street at
23 7 o'clock", and then questions are asked about 22 July.

24 Now, it seems there that Sam is talking about the
25 night of the 21st/22nd although having re-read it, it's

1 conceivable he might have been talking about the
2 previous night. So I'll ask you about this in stages.

3 First of all, having read that, are you in any doubt
4 about the evidence you gave earlier that you stayed on
5 the night of the 21st to 22nd at home?

6 A. I definitely went home that night, sir.

7 Q. The previous night, so the night before the operation in
8 Hackney, did you spend that night in a hotel?

9 A. That is a possibility. We do, sometimes it's required,
10 necessary for us to do that.

11 SIR MICHAEL WRIGHT: Is there any possibility that you might
12 have gone home and left the rest of the team in the
13 hotel?

14 A. I think given the option I would have stayed, if
15 I had ...

16 SIR MICHAEL WRIGHT: That's a different matter. Yes, you
17 might as well have the hospitality of the
18 Metropolitan Police if it's going. So if it had been
19 available that night, you think you would have stayed
20 there?

21 A. I would, sir.

22 MR HOUGH: It is fair also to put to you that Ralph at the
23 criminal trial -- for those who are keeping a note of
24 that this is 15 October, page 129 -- gave evidence that
25 he went off duty at 9 o'clock in the evening, as you

1 anyway.

2 MR HOUGH: Yes.

3 CODENAME "RALPH" (sworn)

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

5 A. Sir.

6 Questions from MR HOUGH

7 MR HOUGH: I think you have been given the name Ralph for
8 these proceedings, and in fact for the Health and Safety
9 trial?

10 A. That's true, sir, yes.

11 Q. I will be asking you questions first on behalf of the
12 Coroner and then you will have questions from other
13 people.

14 A. Sir.

15 Q. In 2005, were you a sergeant in CO19 and a specialist
16 firearms officer?

17 A. Yes, sir, I was.

18 Q. Were you the leader of the combined black and green team
19 which was involved in the events at Stockwell which we
20 are here to consider?

21 A. Yes, sir, I was, yes.

22 SIR MICHAEL WRIGHT: Are you still in CO19.

23 A. I am, sir, yes.

24 MR HOUGH: Have you now been in police service for I think
25 around 27 years?

- 1 A. That's correct, sir, yes.
- 2 Q. How long have you been in CO19?
- 3 A. Since 1991, sir.
- 4 Q. So 17 years?
- 5 A. Yes, sir.
- 6 Q. I think you made a statement on the day after the events
7 we are considering, and if you have that to hand you
8 might find it helpful and there is no problem with you
9 using it.
- 10 A. Thank you, sir.
- 11 Q. I think you also made a further statement in
12 November 2005?
- 13 A. Yes, sir.
- 14 Q. Again, you are free to have that, and a couple of much
15 shorter statements thereafter. You also gave evidence
16 at the trial on 15 to 16 October last year?
- 17 A. I did, sir, yes.
- 18 Q. Can we deal with a matter that we have just had dealt
19 with by the last witness quite briefly, the events on
20 21 July, so the day before the one we are dealing with.
21 Had your team been involved in an operation in east
22 London in the morning?
- 23 A. Yes, sir, they had been, yes.
- 24 Q. Were you called back to Leman Street sometime around
25 midday after news came through of the failed attacks?

- 1 A. Yes, we were, yes.
- 2 Q. Did you remain at Leman Street that afternoon?
- 3 A. Yes, we did, on standby, sir.
- 4 Q. Did you go off duty at 9 o'clock?
- 5 A. Yes, I did, yes.
- 6 Q. Did you and the rest of your team go to your respective
7 homes?
- 8 A. The majority of us did, sir, but I think one or two of
9 them stayed in a hotel that night.
- 10 Q. That may solve a mystery.
- 11 A. Yes, sir.
- 12 Q. Were you due to start your duty, parade for duty, at
13 7 o'clock the next morning?
- 14 A. Yes, I was, yes.
- 15 Q. On the 22nd, you were, I think, in car 805B, the Beta
16 car?
- 17 A. Yes.
- 18 Q. Along with Charlie 3 and Charlie 11?
- 19 A. That is correct, sir, yes.
- 20 Q. We have heard about a postings briefing that took place
21 at the very start of the day, before 7 o'clock, where
22 you allocated cars to different members of the team?
- 23 A. Yes, sir, I did, yes.
- 24 Q. Dealing with the composition of your team, is this
25 right, you had one inspector, was that Trojan 84?

- 1 A. That was Trojan 84, sir, he was the tactical adviser for
2 the day.
- 3 Q. You had two sergeants, yourself and Terry?
- 4 A. That's correct, sir, yes.
- 5 Q. Then you had 17 constables; correct?
- 6 A. No, I think there was a slight error there, sir. I will
7 just have to amend that, it was actually 15 constables
8 as opposed to 17.
- 9 Q. You were perhaps including the two sergeants there?
- 10 A. Yes.
- 11 SIR MICHAEL WRIGHT: This was a composite team?
- 12 A. Yes, it was, sir, I think there was eight from my team,
13 sir, PC wise, five from the green team, sir, which was
14 Terry's team and then we had the two motorcyclists, sir.
- 15 MR HOUGH: That's very helpful. Is this right, those with
16 Charlie call signs are the black team, your regular
17 team, and those with Delta call signs are the green
18 team?
- 19 A. That's correct, sir, yes.
- 20 Q. Although, as we have heard, Terry was the leader of the
21 green team, you were the leader of the composite team?
- 22 A. I was, sir.
- 23 Q. After you had allocated people to cars, did you and the
24 other officers book out your weapons?
- 25 A. Yes, sir, we did, we went down to the Army and booked

1 out our team weapons and individual weapons, yes.

2 Q. What did you arm yourself with?

3 A. I armed myself with a Glock 17 9mm pistol, sir, and 124
4 grain ammunition and also a G36 556 millimetre carbine.

5 Q. That's a long-barrelled weapon?

6 A. That's a long rifle. Well, it's a short rifle but
7 a long arm, sir, yes.

8 Q. We have heard the purpose of hollow point ammunition but
9 it's perhaps helpful to quote from your statement,
10 page 2. You say:

11 "On medical advice there was increased chance of
12 incapacitation and reduced collateral injury with
13 a brain stem shot".

14 A. Correct, sir, yes.

15 Q. That's the characteristic of hollow point ammunition?

16 A. Yes, it is, sir, basically if you want me to go into the
17 detail, I will do sir, but it's basically a heavier
18 round, it travels slower and when the round hits the
19 target, it mushrooms instead of breaking off into bits
20 and pieces, so the general idea is the round dumps all
21 that energy in the target, and therefore prevents
22 overpenetration and --

23 SIR MICHAEL WRIGHT: It's less likely to go through?

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

25 MR HOUGH: We have heard and we may hear from specific

1 officers that they chose not to take this ammunition for
2 specific weapons.

3 A. Yes, I understand that.

4 Q. Were you aware of any officer refusing to take the
5 ammunition on grounds of principle?

6 A. I didn't actually realise that nobody had taken the
7 124 grain, sir, until after the operation, sometime
8 later. I know now that some of the officers didn't take
9 it, but it wasn't a question of principle, I believe it
10 was on the basis of the weapons that they were carrying
11 at the time that they felt that they didn't need it
12 because they were carrying long weapons, sir.

13 Q. After you had booked out your weapons, was a briefing
14 given by Trojan 84?

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

16 Q. I am just going to run through that briefing very
17 quickly because we have heard about it a number of
18 times. You were given the name of suspects, an address,
19 details of a command structure, and told about the
20 possibility of unusual tactics being used?

21 A. Yes, sir. Could I just interject here, if I may?
22 I know it's already been raised, sir, about one of the
23 words that I have used in my statement in relation to
24 "we would be using unusual tactics". I would just like
25 to take this opportunity to clear that up now, sir, if

1 I can.

2 Q. Of course.

3 A. It was never my belief at any time throughout this
4 operation, sir, that we were going out to use those
5 tactics, come hell or high water. I think I had cleared
6 that up at the Health and Safety trial and subsequently.
7 My understanding at the time, and always was, that there
8 was a possibility we may have to use those tactics, not
9 that we would definitely be using those tactics and
10 that's my fault for putting the wrong wording in the
11 statement and if I have misled anybody I do apologise
12 but that certainly wasn't my belief at the time.

13 Q. In fairness to you, I'll read out the sentence because
14 it's not as categorical one way or another as all that.

15 You say this:

16 "He informed us [this is Trojan 84] that we would be
17 involved in unusual tactics that the department hadn't
18 done before, which I interpreted as meaning a crucial
19 criticise brain shot on a suicide bomber".

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

21 Q. You have clarified that now. After that briefing, you,
22 I think, left in the car you had been allocated?

23 A. I did, sir.

24 Q. Trojan 84 went off to collect DCI Purser and you and the
25 rest of team arrived in due course at Nightingale Lane.

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

2 Q. Then did you receive a briefing from Mr Purser from
3 quarter to 9 until about quarter past 9?

4 A. Yes, sir, we did, yes.

5 Q. Again we have heard that that briefing covered the two
6 suspects, the explosives used on the 7 and 21 July and
7 you say in your statement, as others have, that
8 Mr Purser described the suspects as being deadly and
9 determined and I think you put "up for it" also?

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

11 Q. Just pausing there, I think you made contemporaneous
12 notes in a pocket book of these briefings?

13 A. Yes, sir, I did.

14 Q. I'm not going to show them on screen, others may wish
15 to. They show broadly the timings of the two briefings?

16 A. Yes, sir.

17 Q. Then in this briefing by Mr Purser, I will ask you about
18 this, what were you told about the strategy to be
19 followed?

20 If it helps you, it's towards the bottom of the
21 second page of your first statement.

22 A. Yes, my apologies, sir, I got them mixed up. We were
23 given the agreed strategy and further information in
24 relation to the address and that a number of people had
25 left Scotia Road and had been eliminated from enquiries.

1 Anyone leaving the address would not be allowed to run
2 and would be intercepted away from the premises to avoid
3 compromise of the known address and because of this the
4 bus route had been suspended outside the premises.

5 Q. Pausing there, I am asking you about this in a little
6 detail because you are the leader of the SFO team. That
7 refers to all persons leaving the premises not being
8 allowed to run and being intercepted. Was your team to
9 be involved in intercepting anyone who came out of the
10 premises?

11 A. No, sir, no, my understanding was that those people
12 coming out who had been identified as potential suspects
13 would be stopped by CO19, and that those coming out who
14 had not been identified would be stopped by unarmed
15 officers.

16 Q. Were you aware of those unarmed officers being present
17 at Nightingale Lane and in fact being briefed after you?

18 A. I was aware that there was other officers at the
19 briefing, sir, but I wasn't aware who they were at the
20 time.

21 Q. In the passage you have just read out you have told us
22 about what you heard about bus routes as well?

23 A. Yes, sir.

24 Q. When that briefing ended, what did you do about sending
25 your team forward?

- 1 A. The first thing I did, sir, was dispatch one of my cars,
2 which was Trojan 805, Alpha to the TA Centre in
3 Upper Tulse Hill.
- 4 Q. We know that's the Alpha car with C2, C5 and C6?
- 5 A. Correct, sir.
- 6 Q. Was that for the purpose of reconnoitring the area and
7 in particular the holding area?
- 8 A. That's correct, sir, yes.
- 9 Q. Did you leave a short time after that?
- 10 A. I did, sir, yes, together with the rest of the crew in
11 my car and we made our way to the TA Centre as well.
- 12 Q. Did you wait for the first car, the one that was
13 performing the recce, to radio back before you set off?
- 14 A. Yes, I did, sir, yeah, it was important that before we
15 started making our way up there that we knew that the
16 TA Centre was open, and that was available and we would
17 be allowed to stay there, so as soon as I had that
18 information, I sent the rest of the cars off.
- 19 Q. We have heard from Trojan 84 that he thought that the
20 other cars, including yours, didn't wait for the first
21 car to have gone forward and done the recce; you think
22 he is mistaken about that, do you?
- 23 A. No, I am pretty sure that I had information from
24 Charlie 2 that it was open and then we staggered.
- 25 SIR MICHAEL WRIGHT: Before you started off?

- 1 A. Yes, sir, I think so, yes.
- 2 MR HOUGH: You, we have heard, were with Charlie 3 and
3 Charlie 11 and you drive down towards the TA Centre.
4 How long roughly did that journey take you?
- 5 A. Just guessing, sir, approximately between five and eight
6 minutes I would suggest.
- 7 Q. At the trial you said eight minutes but roughly that
8 kind of time?
- 9 A. Five to eight, sir, yes.
- 10 Q. While you were en route, were you listening to traffic
11 over the Cougar?
- 12 A. I was, yes, sir, the Cougar was going. I wasn't
13 listening to it constantly, sir, but I was listening to
14 it intermittently because I was doing other things.
- 15 Q. We have heard from Charlie 2 that he made a call to you
16 at 27 minutes past 9 and he thinks that that was to
17 confirm that he had arrived at the TA Centre. Can you
18 recall that call and what its purpose was?
- 19 A. I can't recall, sir, no, it may well have been that and
20 because I know that he did contact me and tell me that
21 it was open so I have no reason to doubt that was the
22 call but I can't actually remember what the phone call
23 was.
- 24 Q. If that's right, that puts you arriving at the TA Centre
25 a little after 9.30?

- 1 A. Yes, sir.
- 2 Q. We know that Mr de Menezes emerged from the block at
3 Scotia Road about 9.33/9.34, and that he boarded a bus
4 about five minutes after that. Where were you when you
5 first heard about this man under surveillance at all?
- 6 A. Well, I have made a bit of a clumsy effort in my
7 statement to describe the information as it came
8 through, but it was whilst we were at Nightingale Lane
9 and en route to the holding area -- excuse me, I have
10 just lost it -- yes, to Tulse Hill and Trojan 805 Bravo.
11 Together with Charlie 3 and Charlie 11 we received
12 information via the radio that a white male had left the
13 premises and was on board a number 2 heading towards
14 Marble Arch. We were instructed by Trojan 84 to get
15 behind the suspect --
- 16 Q. Can I pause you there?
- 17 A. Absolutely.
- 18 Q. While you were en route to the TA Centre, did you hear
19 anything?
- 20 A. No, sir. Basically the first information that I got
21 over the radio was that a white male had left the
22 premises and that he was of no concern to us, and that
23 was subsequently going to be stopped by others.
- 24 Q. Where were you when you had heard that?
- 25 A. We had left the TA Centre, sir, but I can't remember my

- 1 exact location.
- 2 Q. I think you mean you had left Nightingale Lane?
- 3 A. Nightingale Lane, my apologies, sir yes. I can't
- 4 remember my exact location en route to the TA Centre
- 5 when that came through.
- 6 Q. This first information, when you first heard, did you
- 7 hear that he was on the bus?
- 8 A. No, that was just as I was turning into the TA Centre,
- 9 sir.
- 10 Q. I see, so it's actually coming through in stages, is it?
- 11 A. Yes, sir. What I have done is try to amalgamate all the
- 12 intelligence I had whilst at Nightingale Lane and
- 13 en route into Tulse Hill into two sentences, if you
- 14 like. I have not actually narrowed it down and been too
- 15 prescriptive around when it came in.
- 16 Q. Is it possible for you now to break it down in that way?
- 17 A. Only in the sense, sir, that the first time I knew it
- 18 was an IC2 male and the description of him wearing
- 19 denims was as I was getting ready to turn into the
- 20 TA Centre.
- 21 Q. Before that, while you are en route, have you heard
- 22 anything else about it?
- 23 A. Only that he had got on a number 2 bus, sir, and was
- 24 heading towards Marble Arch.
- 25 Q. Anything about description at all?

1 A. No, sir.

2 SIR MICHAEL WRIGHT: A white male at that stage and that was
3 of no interest.

4 A. No interest to me at all, sir, no.

5 MR HOUGH: Let us return to those stages. While you are
6 en route from Nightingale Lane to the TA Centre, you
7 hear that there is a white male under surveillance?

8 A. Yes, sir.

9 Q. You have referred to him being of no interest to you.
10 Was it specifically said over the radio that he was of
11 no interest to you or was that something that you just
12 inferred?

13 A. That was probably something I just inferred myself.

14 Q. Anything else that you heard at that stage about the
15 man?

16 A. No, sir.

17 Q. Okay. You are now about to turn into the TA Centre and
18 you hear some more; is that right?

19 A. Yes, sir.

20 Q. What do you hear now?

21 A. We were instructed over the radio system by Trojan 84 to
22 get behind the subject -- the suspect, rather. We were
23 also given a description subsequently as an IC2 male
24 wearing a denim jacket and trousers with stubble.

25 Q. We have some calls from Charlie 2 to you at 9.40, 9.42

1 and 9.47, so a few calls over that period of time. Can
2 you recall any of those calls or what was being said in
3 them?

4 A. No, unfortunately I can't recall the detail of the phone
5 calls at all, sir.

6 Q. We have a call from you or from your mobile at least to
7 Trojan 84 at 9.51. Is that a call you can remember?

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

9 SIR MICHAEL WRIGHT: Did you understand or was it your
10 impression that the man who was now being described to
11 you as an IC2 and the man you were being directed to
12 follow was in fact the same man as had previously been
13 described as an IC1?

14 A. No, sir, I thought it was just part of the ongoing
15 identification process that surveillance were
16 conducting.

17 SIR MICHAEL WRIGHT: As far as you were concerned it was
18 a different person?

19 A. Sir.

20 SIR MICHAEL WRIGHT: Very well.

21 MR HOUGH: At the time that you received the instruction
22 from Trojan 84 to get behind the bus, you say you were
23 turning into the TA Centre.

24 A. Just getting ready to turn into it, sir, yes.

25 Q. At that time had you heard anything said one way or the

1 other about whether the man now under surveillance on
2 the bus was one of the suspects?

3 A. No, sir.

4 Q. Did you infer anything from Trojan 84's instruction
5 about whether he was one of the suspects?

6 A. Yes, sir, I assumed he was one of the suspects because
7 we were told to get behind the bus and support the
8 surveillance team.

9 Q. We have heard from others that your team then got into
10 convoy?

11 A. Yes, sir.

12 Q. With the Alpha car at the front?

13 A. Yes, sir.

14 Q. And then the Beta car and then 805C?

15 A. Fairly basic stuff, sir, yes.

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

17 A. The control car at the back, sir, yeah, and I believe we
18 had an extra car, the Echo car.

19 Q. That's the rifle car, I think?

20 A. Yes, sir.

21 Q. Where was that in the convoy?

22 A. I believe that may have been at the rear of the convoy,
23 sir, I am sure that's where it was.

24 Q. We know that you followed a route down Tulse Hill and
25 that you in due course drove up Brixton Road going

- 1 north. We have seen today, and I don't put it on screen
2 again, a CCTV still of your cars at the junction of
3 Tulse Hill and Brixton Water Lane at about 9.58?
- 4 A. Yes, sir.
- 5 Q. So that's a few minutes north of the TA Centre?
- 6 A. Yes, sir.
- 7 Q. So this suggests that you did the entire journey from
8 Scotia Road right up to Stockwell station in a little
9 over five minutes?
- 10 A. Yes, sir.
- 11 Q. That timing accords with your recollection, does it?
- 12 A. Yes, sir, we were trying to catch up so we would be
13 making ground.
- 14 Q. While you were doing that five minute journey, could you
15 hear anything else about the man under surveillance over
16 the Cougar?
- 17 A. Not until we got to the area of Stockwell Road, sir.
- 18 Q. When you got to that road, what did you hear?
- 19 A. When we got to the area of Stockwell Road near to the
20 Underground station, I had confirmation over the radio
21 that the suspect was definitely our man and that he was
22 nervous and twitchy.
- 23 Q. Okay, pausing there. "Definitely our man"; which man?
- 24 A. Well, the reference as we were going along there, sir,
25 was to Nettle Tip so I assumed that's who they were

1 talking about.

2 Q. In your second witness statement on the second page, you
3 refer to:

4 "... the positive identification of the suspect by
5 surveillance as 'definitely our man', the intelligence
6 related to and involving the suspect Omar who we now
7 believe the suspect to be"?

8 A. Yes.

9 Q. You are aware, are you, now, that Nettle Tip wasn't in
10 fact Omar but Osman?

11 A. I do, sir, yes, and I understood at the time that Omar
12 was Regal Wave as well, sir.

13 Q. "Definitely our man" is a phrase that appears in
14 quotation marks in both your two witness statements, the
15 one made the day after and the one made in
16 November 2005; is that right?

17 A. Yes, sir.

18 Q. Did you hear those specific words?

19 A. I did, sir, yes.

20 Q. By what means of communication did you hear them?

21 A. My understanding at the time was that it came over the
22 Cougar radio, which is the radio that the surveillance
23 officers would be working on.

24 Q. Are you aware, first of all, who the person was who said
25 those words?

- 1 A. No, sir, I have no idea who said them.
- 2 Q. Are you aware from the context whether the person saying
3 those words was somebody who had an eyeball on the
4 suspect or someone who was relaying information from
5 others?
- 6 A. I couldn't be specific around that, sir, my assumption
7 was that whoever said he was definitely our man must
8 have had the eyeball control of the suspect.
- 9 Q. None of the surveillance officers accept that they said
10 those words, and the highest any of them puts it is
11 an officer called James who says that he transmitted
12 that he thought it was the suspect. Could the phrase
13 "definitely our man" be your impression rather than
14 actual words?
- 15 A. No, it wasn't an impression, sir. The words stuck out,
16 it was "definitely our man".
- 17 Q. As you were travelling up Stockwell Road towards the
18 tube station, we have seen and heard that there was
19 a queue of traffic up to the lights?
- 20 A. Yes, sir.
- 21 Q. Your cars were held, I think, your convoy, in that
22 traffic?
- 23 A. Yes, sir, on the south side, yes, sir.
- 24 Q. As you were held in that traffic, were you aware from
25 the Cougar where the bus was and what it was doing?

- 1 A. Yes, I was, sir, the number 2 bus came to a stop outside
2 the National Westminster Bank in the northwest corner of
3 the junction with Clapham Road, Stockwell Road, and left
4 on foot and walked back towards the Underground station
5 entrance in Clapham Road and entered.
- 6 Q. So what you were hearing is that the bus has gone across
7 the junction and that the man has left the bus?
- 8 A. He has left the bus, sir, and he has now gone into the
9 tube station at Stockwell.
- 10 Q. Do you hear that all in one go or in sequence?
- 11 A. It's commentary, sir, by the surveillance. I can't
12 recall if it was one particular long line or whether it
13 was part and parcel of different inputs.
- 14 Q. During the course of all this happening, did you hear
15 anything about your team moving through the
16 surveillance?
- 17 A. No, I didn't hear any of that at all, sir, no.
- 18 Q. Did you then receive an order over the radio?
- 19 A. Yes, sir, I did. Trojan 84, who was the tac adviser on
20 the day, came on to the radio and said "he's to be
21 stopped getting on the tube".
- 22 Q. At the time that this order was given, where was the man
23 from your understanding of the commentary?
- 24 A. He was already in Stockwell Underground station and was
25 making his way towards the escalators, as I recall.

- 1 Q. Before this time, before the order was given, were you
2 asked by Trojan 84 -- it may sound a silly question
3 given where he was and where you were -- where you were
4 in relation to the tube station?
- 5 A. No, sir, there was no need, Trojan 84 was in the convoy
6 with us and right behind us.
- 7 Q. Were you asked by Trojan 84 or by anybody else over the
8 radio whether you were in position to carry out a stop
9 at any stage before the order was given?
- 10 A. Not that I can recall, sir, no.
- 11 Q. Before the order was given by Trojan 84, would you have
12 been in a position with your team to move forward and
13 carry out a stop, do you think?
- 14 A. I believe we could have done, sir, yes.
- 15 Q. Doing the best you can, for how long before the order
16 was given would you have been in such a position?
- 17 A. I think from the moment that we heard that he was
18 definitely our man, we could have done an intervention.
19 The problem with doing an intervention when you are
20 running a mobile armed support surveillance, if I may,
21 sir, is that by necessity the firearms team at the
22 beginning stages of any surveillance operation will be
23 at the very back of the convoy, that's so we don't
24 compromise the surveillance officers, we don't disturb
25 the environment and we don't get too close. So at that

1 stage we are just a bolt-on at the back of the
2 surveillance, we have to be close enough to monitor the
3 radio communications so we know what the surveillance
4 are telling us, but we don't have to be too close that
5 we compromise it and get in the way of the surveillance
6 and more importantly get in the way of the suspect that
7 they are following.

8 So in order for us to get into position to do
9 an intervention, we have to be given an intimation that
10 that's what's expected of us, so we can start moving our
11 assets from that position of bolt-on at the back forward
12 through the surveillance and into a position where we
13 can actually do some kind of intervention at a time and
14 a place that is chosen invariably by the Bronze team
15 leader which would be me in this particular instance. So
16 I would pick a safe location, the best time to do it and
17 then I would authorise the intervention, but we need
18 that time to get into the position to do that.

19 So that's the difficulty with all mobile armed
20 support surveillances, you start off right at the very
21 back and by necessity you then have to get forward and
22 that takes time, that does take time.

23 Q. Dealing with the answer you gave at the start of that,
24 and it's very helpful to hear the full picture, you
25 think you would have been in a position to go forward to

1 effect a stop from the time when you heard it was
2 definitely our man?

3 A. I think we could have done, sir, yes.

4 Q. That was before you heard that the man had got off the
5 bus?

6 A. Yes, sir.

7 SIR MICHAEL WRIGHT: When you heard "it's definitely our
8 man", were you then actually being held in the traffic
9 jam that we have seen on the videos? Or do you think
10 you were still moving?

11 A. I can't recall exactly, sir, but the traffic was bad.
12 We were moving in fits and starts along that road,
13 because obviously we didn't want to show out too much in
14 the follow because we didn't know what the commanding
15 control team wanted us to do.

16 SIR MICHAEL WRIGHT: I understand that, and so I think is
17 the position really this: although it wouldn't have been
18 planned and it wouldn't have been done in what might be
19 described as the conventional way, because you happened
20 to be in that particular position when you heard "it's
21 our man" --

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: -- you could have made an interception.

24 A. I believe so.

25 SIR MICHAEL WRIGHT: It isn't the way it would ordinarily

- 1 have been done but you could have done it.
- 2 A. That's right, sir. Had we been given the instruction
- 3 then, okay, it's appropriate and justified now to make
- 4 an arrest from Silver, then we would have gone state
- 5 amber, so I would have taken control and moved my assets
- 6 into place to do an intervention based on the tactical
- 7 advice given to Silver by Trojan 84.
- 8 MR HOUGH: You have told us about the order that you heard
- 9 over the radio. As far as you can recall, are those the
- 10 precise words that you heard?
- 11 A. Yes, they were, sir, yes.
- 12 Q. When you heard the order, where were you positioned in
- 13 relation to the junction?
- 14 A. We were just sitting on the south side of the junction,
- 15 sir, by the traffic lights behind the Alpha car which
- 16 was the Mercedes Benz.
- 17 Q. When you received the order, did you ask for
- 18 confirmation of it?
- 19 A. Yes, sir, I did, yes.
- 20 Q. Why did you do that?
- 21 A. The only reason was that he was already in the station,
- 22 sir, and they were asking us to stop this man getting on
- 23 the tube and to the best of my knowledge and
- 24 understanding of the surveillance commentary he was
- 25 already on the tube.

- 1 Q. Did you have any concerns about what you were sending
2 your team into at that point?
- 3 A. Yes, sir, if you bear with me.
- 4 Q. Page 2 of your statement.
- 5 A. Thank you, sir. Yes, at this stage, sir, there was no
6 doubt in my mind that this man was a suicide bomber and
7 that there was a real possibility that he was in
8 possession of an explosive device which he could
9 detonate to the serious danger of the public and the
10 officers from my team. I firmly believed I may have to
11 shoot him dead in order to prevent this.
- 12 Q. Were you at all concerned about the time that you had to
13 effect the intervention?
- 14 A. Yes, I was, sir, yes.
- 15 Q. Why were you concerned about that?
- 16 A. Well, only because he had already entered the tube
17 station and we were playing catch-up. We had to get out
18 the cars, run into the tube station and get down on to
19 the platforms before this man got on any of the tube
20 trains and we were coming from a position far back.
- 21 Q. You had had the order but you had not had state amber
22 called in so many words, had you?
- 23 A. No, we hadn't, sir, no.
- 24 Q. As we have heard, state amber is normally something that
25 has to be called before control passes to you to call

- 1 state red?
- 2 A. Yes, sir, in normal circumstances that would happen,
3 sir, given time, yes.
- 4 Q. Was there time?
- 5 A. Not from the minute he said "stop him getting on the
6 tube", sir, no.
- 7 Q. Did you understand that you were now in a position as
8 though state amber had been called and you could now
9 call state red?
- 10 A. To me, sir, saying "stop him getting the tube" was
11 a direct order, that was a direct deployment
12 instruction. We had come out of state amber, state red,
13 state green. It was a direct order from Trojan 84, who
14 was the tac adviser on the day "stop him, he's got to be
15 stopped getting on the tube", so for me, if you are
16 trying to equate it to the ATS system, for me that was
17 actually state red.
- 18 Q. Now, Trojan 84's order, is this right, was given over
19 the back-to-back radio?
- 20 A. Yes, sir.
- 21 Q. Could be heard not only by you but by the other firearms
22 officers?
- 23 A. I assumed so, sir, yes.
- 24 Q. Then after that order had been given, did you call state
25 red?

- 1 A. Yes, sir, I did.
- 2 Q. That effectively is an order for the firearms officers
3 to perform an armed intervention?
- 4 A. Yes, sir.
- 5 Q. What was your understanding of the order that had been
6 given and your expectation of what your officers would
7 do?
- 8 A. Well, as far as I was concerned, sir, I mean, I have
9 worked with these officers for nearly four years at that
10 particular time, so I knew totally and understood
11 completely what was expected of them. They were going
12 to deploy into the tube station, they were going to
13 chase the suspect who we thought at that time was
14 Hussain Osman, an identified suicide bomber from the day
15 before, and they were going to detain him, stop him and
16 detain him.
- 17 Q. Did your vehicle then move across the junction?
- 18 A. Yes, sir, we moved forward in our vehicle across the
19 junction and into Binfield Road at the junction with
20 Clapham Road.
- 21 Q. We have seen that both in the flesh and on photographs
22 and it's just alongside the tube station?
- 23 A. It is, sir, yes.
- 24 Q. Who was the first officer out of your car?
- 25 A. The first officer, sir, would have been Charlie 11.

- 1 Q. We have seen on footage that he was one of the first
2 three or four officers to go through the barriers and
3 down the escalator?
- 4 A. Yes, sir.
- 5 Q. Did you collect your weapons and put on your high
6 visibility cap?
- 7 A. I did, sir, yes, yeah, prior to leaving the vehicle.
- 8 Q. Which weapons did you take?
- 9 A. I took, well, I have a Glock in a holster on my belt
10 anyway, sir, so that was with me and I took the G36
11 which was the carbine because I didn't want to leave it
12 in the car.
- 13 Q. Obviously by putting on the cap and taking the carbine
14 with you, as soon as you got into the tube station the
15 operation would not be covert?
- 16 A. No, it wouldn't, sir. It was not a hard decision to
17 make for me, because I was last, the last one to
18 actually enter the tube station, so any attempt at
19 covertness would have been totally gone then anyway,
20 so ...
- 21 Q. We have seen on CCTV you running into the station and
22 through the barriers with your cap on with your carbine.
23 As you were going through the barriers, were you saying
24 anything to the people around?
- 25 A. Yes, sir. There was a large number of the public were

- 1 running from the platform, from platform 1 of the stairs
2 to my right screaming and they were in an obvious state
3 of distress and panic. Charlie 3 was to the front of
4 me, and as I ran down the stairs, I was wearing my hat,
5 as we have already said and carrying my carbine. I was
6 also shouting "armed police, get out of the station" at
7 those members of the public who were coming up the
8 escalator and also who were congregating at the bottom
9 of the escalator.
- 10 Q. We have seen on the video members of the public running
11 up, were they running up while you were running down?
- 12 A. Yes, they were, I think they were just starting to come
13 up the stairs as I was running down.
- 14 Q. When you got towards the bottom of the escalators, did
15 you hear or see anything?
- 16 A. Yes, I did, sir, as I approached the bottom of the
17 escalators, I heard a number of gunshots in quick
18 succession and I heard screaming.
- 19 Q. Did you hear any break in the sequence of shots or was
20 it a continuous sequence?
- 21 A. It seemed to me like a continuous sequence, sir, at the
22 time.
- 23 Q. Did you run towards where the shots had sounded from?
- 24 A. Yes, sir, I ran towards my left and on to the platform.
25 My vision at that time was slightly obscured by members

- 1 of the public who were leaving the train en masse.
- 2 Q. Did you find your way to the carriage where
- 3 Mr de Menezes had been shot?
- 4 A. Yes, sir, we evacuated the train and cleared the
- 5 platform in order to try to reduce the risk to the
- 6 public and the police.
- 7 Q. Did you speak to Charlie 12 and Charlie 2 in the
- 8 immediate aftermath or at least while you were in the
- 9 tube station that morning?
- 10 A. I did, sir, after the -- after we had dealt with the
- 11 platform and the train and after we had checked the
- 12 condition of Mr de Menezes on the train itself, I made
- 13 myself -- I asked who the principal officers were and
- 14 Charlie 2 and 12 identified themselves, I just made sure
- 15 that they were okay, that they hadn't been injured and
- 16 that they were fine and that was it.
- 17 Q. Did you talk to them at all about what had happened and
- 18 about Mr de Menezes' reaction?
- 19 A. No, not at all, sir, my concern at that time was purely
- 20 for their welfare. I knew that that would come later,
- 21 so I just wanted them to calm down, take a minute to --
- 22 to just chill out as to what they have done and just
- 23 reflect on it.
- 24 Q. We have heard from other officers that arrangements were
- 25 then made for explosives officers to check the body and

- 1 once that had happened for first aid equipment to be
2 brought down?
- 3 A. Yes, sir.
- 4 Q. That evening of the 22 July, did Commander Dick come to
5 Leman Street?
- 6 A. Yes, sir, she did.
- 7 Q. Did you meet her while she was there?
- 8 A. I did, yes.
- 9 Q. Did you tell her anything about what had happened in the
10 tube station?
- 11 A. As I was leaving the back of Leman Street I saw
12 Commander Dick, as she was then, pulling up in a car in
13 the street. She got out the vehicle and approached me,
14 and her main concern and the main topic of the
15 conversation was all to do with the welfare of the two
16 principal officers and the rest of the team. So that
17 was 2 and 12 who had shot Mr de Menezes, and also the
18 rest of the team who were involved in that operation all
19 day. I have no recollection whatsoever of discussing
20 anything to do with the operation with her. Having said
21 that, had she asked me about it, then in all probability
22 I would have told her what I knew. But I have no
23 recollection of discussing that with her at all.
- 24 Q. What did you know by that stage?
- 25 A. Only that 2 and 12 had shot a man who they believed to

1 be Hussain Osman who they believed to be carrying
2 a device.

3 Q. Can we have documents page 199 on screen. Could we move
4 back one page, please, to 198. That's a diagram which
5 actually has appeared in the press. It's a diagram
6 drawn by Commander Dick's loggist following this
7 conversation. Can you remember saying anything to
8 Commander Dick about Mr de Menezes having been
9 challenged?

10 A. No, not at all, sir.

11 Q. At that time, so the evening of the 22nd, did you know
12 anything about whether Mr de Menezes had been
13 challenged?

14 A. No, I didn't, sir, my understanding at that time was
15 still that he had been shot because he was believed to
16 be about to detonate a device and that was it.

17 Q. Had you been told anything about him trying to escape or
18 trying to tackle the officers?

19 A. No, sir.

20 MR HOUGH: Thank you very much. Those are my questions.

21 SIR MICHAEL WRIGHT: That's a convenient moment.

22 One very obvious question, I suspect: when you went
23 down the escalators or the escalator you were shouting
24 "armed police" and also shouting to the members of the
25 public "get out of the station"?

1 A. Yes, sir.

2 SIR MICHAEL WRIGHT: Why?

3 A. Well, only because we were deploying, sir, on a man who
4 we thought was Hussain Osman so my officers all had
5 firearms on them, that's going to cause panic amongst
6 members of the public and from my perspective it's, if
7 you like, muscle memory that when we deploy, we always
8 shout we are just to let people know that we are, in
9 fact, armed police.

10 SIR MICHAEL WRIGHT: Why did you want them to get out of the
11 station?

12 A. Only because, sir, we were dealing with a man who we
13 thought may be a suicide bomber.

14 SIR MICHAEL WRIGHT: It was the bomb that was worrying you,
15 if there was one?

16 A. Yes, sir.

17 SIR MICHAEL WRIGHT: 2 o'clock, ladies and gentlemen.

18 (1.05 pm)

19 (The short adjournment)

20 (2.00 pm)

21 (In the presence of the jury)

22 SIR MICHAEL WRIGHT: Can I just inquire, ladies and
23 gentlemen, whether last Friday was a success? From your
24 point of view I mean, not anybody else's. Okay, what
25 I am going to suggest, for the sake of those who have to

1 travel a distance, I'll modify it slightly, but I will
2 suggest 9.30 to 2.30 on Friday. Okay, we will do that.

3 Yes, Mr Mansfield.

4 Questions from MR MANSFIELD

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

6 I represent the de Menezes family. Just a few
7 preliminary matters.

8 First of all, the previous day and overnight into
9 the 22nd, is it the case as we have heard from the last
10 witness to whom I put this, that as a team of firearms
11 officers, you could have been on duty by 6 am in the
12 morning if it was required?

13 A. I believe we could have been, sir, yes.

14 Q. You would have had a rest period by then?

15 A. Yes, sir.

16 Q. The next question is a preliminary in the sense of
17 training, and I have dealt with a lot of this with
18 previous witnesses so I am not going back over the same
19 ground with you, do you follow, but there is one aspect
20 of training I want to ask about.

21 A. Yes, sir.

22 Q. You have been, as you have indicated, in C019 for
23 17 years.

24 A. Yes, sir.

25 Q. From 2001 onwards, as we have heard, the

1 Metropolitan Police were aware of the threat posed by
2 foot-borne suicide bombers?

3 A. Yes, sir.

4 Q. So far as a non-authorized situation is concerned, in
5 other words a situation in which a senior officer,
6 probably a DSO, has not authorized a critical shot, so
7 I want to deal with that with you. All right?

8 A. Yes, sir.

9 Q. Where an officer has to make an assessment, all right?

10 A. Yes, sir.

11 Q. Because we heard from TJ84 expressly that even if
12 an officer believes that he is facing a suicide bomber,
13 he still has to make an assessment of whether in fact he
14 is?

15 A. I think that's correct, sir, yes, I think that's right.

16 Q. Now, the question is obviously how you make the
17 assessment, and the question that follows that is what
18 is it you are looking for. Now, in relation to training
19 for this situation, is there training for specialist
20 firearms officers in what it is they have to look for in
21 relation to ascertaining whether they are actually
22 facing a suicide bomber?

23 A. Not that I am aware of, sir, not specialised training
24 for that, no.

25 Q. Then I have only one further question on that. Does it

- 1 follow that there isn't any training in relation to how
2 a non-rucksack, do you follow, in other words not
3 contained in a hold-all or on a rucksack on a back, in
4 other words it might be a body vest or a belt, how that
5 is detonated and what you might look for in order to see
6 whether somebody is about to detonate one?
- 7 A. I believe we have had training in different types of
8 devices, sir, and how they are carried and the
9 initiation devices that are used with them, so we have
10 had some training in that, yes, and we have seen
11 PowerPoint presentations of the particular types of
12 equipment we are talking about and the resulting carnage
13 that they can cause, so we have had some input on that,
14 sir, yes.
- 15 Q. It's just the question of what an officer, you said
16 generally there isn't any training on how to make the
17 assessment --
- 18 A. Nothing specific, sir, other than basic training that we
19 get which -- a lot of it entails judgment training and
20 exactly that, assessing the threat as you perceive it,
21 but mainly to do with firearms threats.
- 22 Q. Yes, in other words, so the jury follow -- I am sure
23 they do -- where you might be facing an armed robber or
24 a kidnap situation or a hostage situation where the
25 weapon may be obvious?

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

2 Q. So far as the detonation situation is concerned, where
3 the vest or the belt may not be obvious, are officers
4 trained within a timeframe that's very short to look for
5 certain aspects of what might lead to detonation?

6 A. In relation to specific training for that around Kratos,
7 my understanding is no, sir, no. But having said that,
8 specialist firearms officers, in fact all authorised
9 firearms officers certainly within the MPS undertake
10 judgment training at some time or another, which is all
11 about assessing the threat that is presented to you.

12 Now, if your background information around Kratos
13 involves vests, initiators, belts, shoes perhaps,
14 rucksacks, certainly all the kind of devices we know
15 about already, then part of your judgment or your
16 training will be, or your natural assessment process
17 will be to look for those specific things because that
18 is where the threat is coming from.

19 So if you are dealing with an armed robber, you are
20 looking for a handgun, a shotgun, you know, a balaclava
21 or things like that. If you are dealing with a suicide
22 bomber, then you will be looking for the things that
23 have been highlighted to you that could indicate that
24 perhaps this man is a suicide bomber.

25 So you are right, sir, there is no specific training

1 that I know of, but the general training we do in
2 relation to risk assessment, ie judgment training
3 et cetera, is all relevant in my view, sir.

4 Q. So the judgment that they are trained to make -- by they
5 I mean firearms officers -- is in a fast-time situation,
6 in other words under pressure, split second?

7 A. Yes, sir, it is. A lot of the judgment training we do,
8 you probably heard of video shoots whereby you get
9 presented with a video scenario, and you have to react
10 to it using training weapons, and I'm sure you must have
11 heard of that. A lot of that is based around fast-time
12 reaction situations.

13 Q. I will be honest, I have heard of it but I haven't
14 actually seen it in operation.

15 Can I move therefore from the training situation
16 to --

17 SIR MICHAEL WRIGHT: Can I just clarify to clear one thing
18 up for myself, Mr Mansfield.

19 MR MANSFIELD: Yes.

20 SIR MICHAEL WRIGHT: Thinking about what you were just
21 talking about now, you did refer to a Kratos situation.
22 As I understand it, the essential difference is that
23 Kratos or Clydesdale, there will be a DSO.

24 A. Yes, sir.

25 SIR MICHAEL WRIGHT: To some extent the firearms officers,

1 although they always have their residual discretion,
2 they will be guided on the basis, well, them upstairs
3 know more than we do?

4 A. That's exactly right, sir, yes.

5 SIR MICHAEL WRIGHT: So the authorisation is given, and that
6 at any rate does part of the job for the firearms
7 officers. I am assuming there is more up there than
8 I know about.

9 A. That's exactly right, sir, yes.

10 SIR MICHAEL WRIGHT: Here, when Mr Mansfield embarked on it,
11 we are talking about non-authorized critical shot
12 situations, where it does not follow that whoever is
13 controlling the operation from Scotland Yard knows any
14 more than the firearms officer knows, and he has to rely
15 on his own judgment.

16 A. Yes, sir.

17 SIR MICHAEL WRIGHT: That's the essential difference, isn't
18 it?

19 A. Yes, sir. He has -- he's been asked in those
20 circumstances by the organisation, if you like, by the
21 MPS, to solely rely on his training, his judgment and
22 his experience in making that decision himself or
23 herself. Which is is not a very nice place to be.

24 SIR MICHAEL WRIGHT: Mr Mansfield will forgive me, this is
25 a convenient moment to ask you the question I asked

1 Charlie 5. I didn't realise that you had been promoted.
2 Are you now a trainer?

3 A. No, sir, no, I am not. I am a senior tactical adviser
4 now, sir.

5 SIR MICHAEL WRIGHT: That was the other thing I was going to
6 ask you. You are a tactical adviser now, are you?

7 A. I am, sir, yes.

8 SIR MICHAEL WRIGHT: What was being put to Charlie 5, and
9 I suspect is going to be put to you, that those two
10 officers went into the Underground station carrying
11 their Glocks with the special ammunition to work in
12 relatively confined premises -- circumstances, with the
13 necessity if this turned out to be a suicide bomber to
14 take a critical shot --

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: -- intending to disable completely at
17 the earliest possible opportunity, first shot if
18 possible.

19 A. Yes, sir.

20 SIR MICHAEL WRIGHT: In such circumstances, Mr Mansfield
21 asked I think Charlie 5, the officer who's going to do
22 this has to get up close.

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: Really close?

25 A. I think if I can answer, the whole premise on which we

1 are having this conversation is the basis that they were
2 always going to shoot him. But of course when they
3 deployed down the stairs they were deploying purely to
4 detain --

5 SIR MICHAEL WRIGHT: No, that's not the premise. The
6 premise is if it turns out to be a suicide bomber --

7 A. Yes.

8 SIR MICHAEL WRIGHT: It is hypothetical in this extent.

9 A. I understand that, sir, totally. I am just trying to
10 get --

11 SIR MICHAEL WRIGHT: If it does turn out to be a suicide
12 bomber, in the circumstances in which they were, in
13 a railway carriage, with no cover, everybody then
14 recognises and accepts that the officer has to get
15 absolutely close up?

16 A. Yes, sir.

17 SIR MICHAEL WRIGHT: In order to be sure that the brain stem
18 shot works, it's got to be pretty well point blank?

19 A. Yes, sir, absolutely.

20 SIR MICHAEL WRIGHT: What I asked Charlie 5 about and I'm
21 going to ask you about is: we have seen the contents of
22 the ACPO firearms manual guidance.

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: Can you think, have you ever heard of,
25 or been trained in or heard suggested any technique that

1 an officer can get right up close to an actual suicide
2 bomber, challenge him, and not at least risk throwing
3 his own life away?

4 A. No, sir.

5 SIR MICHAEL WRIGHT: Can you conceive of any technique that
6 could be devised? You have to get right up close to
7 him.

8 A. I can't, sir, because if you are dealing with
9 a suspected suicide bomber, as soon as you go overt, as
10 soon as you let the bomber know that you are a policeman
11 and you are on to him, what's the first thing he's going
12 to do? He is going to detonate the device and take as
13 many people with him, so I can't think of any, sir.
14 I can't think of any.

15 SIR MICHAEL WRIGHT: Thank you. Mr Mansfield.

16 MR MANSFIELD: Yes, just following this through, it sounds
17 a bit like a discussion but it is important, you
18 appreciate the significance of it for the future as well
19 as the past.

20 A. Yes, I do, sir.

21 Q. That's the close quarter situation. Now, before you get
22 to the close quarter situation in which you are almost
23 certainly going to have to not issue a warning, because
24 that means you are going overt, and not wear your police
25 cap which means you are going overt, when you are in

1 a covert position, you have got to make an assessment,
2 right, so we are just back one stage, it may only be
3 split seconds but this is what the training is about,
4 you have got to make an assessment as to whether in fact
5 you are dealing with a suicide bomber; right?

6 A. Yes, sir. You are actually assessing the threat,
7 whether it be a suicide bomber or whatever, but you are
8 right, sir, yes, but it's the threat that you are
9 assessing, yes.

10 Q. Yes, I follow that.

11 SIR MICHAEL WRIGHT: Mr Mansfield, don't misunderstand me,
12 none of those questions were intended to derogate from
13 such opportunities as you have been investigating over
14 the last 27 days as to what other opportunities there
15 were.

16 MR MANSFIELD: I am grateful, and in fact with this witness,
17 if I may, I am going to deal with one opportunity that
18 presented itself which wasn't in a tube train carriage.

19 So at a slightly prior stage, there has to be
20 an assessment by the officers, and I think you have
21 agreed with Trojan 84's point that he made, that when
22 they went down the escalators, they were duty-bound to
23 make an assessment, however quick it happened?

24 A. Yes, I agree with that, sir, yes.

25 Q. You do?

- 1 A. Yes, I do, sir.
- 2 Q. This is very specific but it relates again to training,
3 and it may be there isn't any, but one of the ways, in
4 fact one of the common ways for a belt or a vest to be
5 detonated is via a 9-volt battery which is contained in
6 a pocket with a wire from the battery to the vest or the
7 belt, and another wire which has to be connected to the
8 battery to make a circuit. Are you familiar with all
9 that?
- 10 A. I am aware of that, sir, yes.
- 11 Q. In order to do that, in other words to make that
12 circuit, are officers trained to see whether a hand is
13 in a pocket or goes into a pocket in order to accomplish
14 that?
- 15 A. Well, first of all, sir, before I answer, I am not
16 actually on the training staff at the minute, so I am
17 not actually up to date with current training profiles
18 and what they do on the SFO training side of things.
19 However, from my own personal experience, if you
20 want to take that?
- 21 Q. Yes, it is.
- 22 A. I have had no training specifically around that type of
23 thing, no, sir.
- 24 Q. I am going to take it forward and I want to come to
25 a particular situation which is not in the tube station

1 itself. Can I just ask you this: you mentioned a couple
2 of motorcycles?

3 A. Yes, sir.

4 Q. Were they out of action that day, although they were
5 there for various reasons?

6 A. Yes, it was a big disappointment to us, sir, that the
7 motorbikes didn't work, I have to say. Mechanically
8 they worked, that's not what I mean. What I mean is --

9 Q. The radios.

10 A. The radios just did not work at all, and they weren't
11 any use to us whatsoever. If you can't communicate with
12 them there is no point in them being there, and that was
13 disappointing, yes.

14 SIR MICHAEL WRIGHT: We have heard a lot about the
15 shortcomings of the radios.

16 A. Can I say, sir, I know that you're interested in the
17 radios because obviously I have been following some of
18 it. We have now -- we no longer have the Cougar system.
19 The Cougar system was a military system which had
20 an encryption in it which was ideal for our purposes at
21 the time because of the security issues around
22 counter-terrorist operations.

23 Because it was a military system, it was based on
24 the plain open fields of Germany and things like that,
25 so it wasn't ideal to urban stuff, so it wasn't a

1 perfect system for us, but it has since been replaced.

2 SIR MICHAEL WRIGHT: As Mr Mansfield says, we are thinking
3 about the future as well.

4 A. Absolutely, sir, yes.

5 SIR MICHAEL WRIGHT: Is this Airwave now, or has that been
6 superseded --

7 A. The generic term is Airwave, sir, yes. It's much
8 better.

9 SIR MICHAEL WRIGHT: Is it much better or a little bit
10 better?

11 A. In my view, and I'm no radio expert, sir, in my view it
12 is 120 per cent better.

13 SIR MICHAEL WRIGHT: And it works underground?

14 A. Well, I can talk to somebody on it. I can actually talk
15 to somebody on it.

16 MR MANSFIELD: We really have entered the 21st century.

17 A. Exactly, sir, yes.

18 SIR MICHAEL WRIGHT: It copes with the Underground as well?

19 A. It does now, sir, yes. It took a while to get that
20 established but it does now and it's perfect and we've
21 tested it on several times on several exercises.

22 MR MANSFIELD: Does it follow that the people who couldn't
23 use the motorcycles go into the cars, is that how it
24 works, or they sit around on motorcycles not able to
25 participate?

1 A. That was basically it, sir, yes.

2 Q. I am going to move on and now you're going to need your
3 statement, because as people have said many times, it's
4 not a memory test.

5 There are two situations I want to ask you about,
6 it's the one in a sense for you very near the beginning.
7 Could we have 362 on screen, please. That's the page
8 dealing with one of the two topics I want to follow up.

9 I realise you prefaced this by saying it was
10 a clumsy attempt in your statement, but I just want to,
11 because you have given evidence about all of this as
12 well in the Health and Safety trial:

13 "Whilst at Nightingale Lane and on route ..."

14 Do you see that halfway down the page?

15 A. Yes, sir.

16 Q. "... on route to Tulse Hill in Trojan 805B together with
17 Charlie Eleven and Charlie Three when we received
18 information via the radio that a white male had left the
19 premises ..."

20 I'm going to split it up so that you have time to
21 think. You are sure you received that information, that
22 a white male had left the premises?

23 A. Yes, sir.

24 Q. There was no suggestion that he was a suspect?

25 A. No, sir, not at that time, sir, no, it was just a white

1 male.

2 Q. The actual sentence is:

3 "... and was on board a number 2 bus heading towards
4 Marble Arch ..."

5 A. Yes, sir.

6 Q. Were you told that as well at the same time?

7 A. No, sir, no, and that, that's where I have been clumsy
8 in my statement writing and I accept that totally. The
9 initial radio message was a white male has come out of
10 the premises and then subsequently whilst en route to
11 the TA Centre, I received further information to say
12 that he is on a bus, number 2 bus heading towards Marble
13 Arch.

14 SIR MICHAEL WRIGHT: It's two separate messages.

15 A. Yes, sir, what I have done is put them together because
16 I was travelling towards the TA Centre and the
17 information came over whilst I was en route to it;
18 I just tried to narrow it down.

19 MR MANSFIELD: Well, I just want to pursue it a little bit,
20 because we do know that officers were sent in pursuit,
21 I am really wanting to find out from you, you know, how
22 much either you did or didn't know about what was going
23 on.

24 The sentence is expressed in those terms, that
25 a white male had left a premises, was on board a number

1 2, going towards Marble Arch:

2 "... we were instructed... to 'get behind the

3 suspect' ..."

4 A. Yes, sir.

5 Q. Then:

6 "... we were also given a description subsequently

7 as an IC2 male ..."

8 A. Yes, sir.

9 Q. At the trial, your recollection was again slightly

10 different to now, and there is no criticism in that, it

11 can change from time to time. Can we have, please,

12 Monday 15 October, page 147 at the bottom. You are

13 being asked by counsel for the prosecution, right at the

14 bottom, line 22; can you see that?

15 A. I can, sir, yes.

16 Q. It says:

17 "Question: Right, let me see if we can get the

18 timing on that."

19 Meaning get behind the subject, so it looks as if

20 she's gone through exactly the same sentence as we just

21 have?

22 A. Yes, sir.

23 Q. "The first call is that a white male has left the

24 premises and is on board a bus."

25 You say:

1 "Yes."

2 Are we to understand that at the time you gave
3 evidence last year you had not registered that in fact
4 these were separate messages?

5 A. No, sir. I can probably easily explain it by when I was
6 giving evidence at the Health and Safety trial and I was
7 being asked these questions, some of the times when
8 I gave the answers I wasn't actually referring to my
9 statement as it was written down in my statement, I was
10 relying on recollection and perhaps I didn't get it
11 quite as accurately as I should have done.

12 Q. I understand that. Can we go to 148:

13 "Question: Were you told where the bus was?

14 "Answer: We were told that it was a number 2 bus
15 and it was heading towards Marble Arch. That is my
16 recollection, my Lord.

17 "Question: And were you told to do anything about
18 it at that stage?

19 "Answer: No, ma'am. My understanding was that this
20 man was of no concern to us at this stage and was going
21 to be stopped subsequently by officers from the
22 Anti-Terrorist Branch."

23 Trying to, as it were, disengage things that have
24 been elided, you did hear about a white man coming out,
25 and it was your understanding that that man was going to

- 1 be stopped?
- 2 A. Yes, sir.
- 3 Q. Is that much right?
- 4 A. Yes, sir. I mean, since then I have obviously found out
5 since then that there was a change in the description of
6 the suspect from an IC1 male to an IC2 male, but at that
7 particular time when I was writing my statement, my
8 understanding was that the suspect had got on to a bus,
9 was moving off towards Marble Arch and subsequently we
10 were told to get behind the bus.
- 11 Q. That makes sense alongside, if I can just follow
12 through, when you were travelling behind the bus, what
13 did you think had happened to the people who were going
14 to stop the person who you first heard about?
- 15 A. If I am perfectly honest, it wasn't top of my worry
16 list, to be honest, sir.
- 17 Q. I appreciate it's not top of your worry list, and one
18 understands that, but it would have some consideration
19 because you would not want to be following somebody if
20 there was an unarmed SO13 team, as it transpires there
21 was, racing along another road to get to the bus,
22 possibly before you -- and I'll just finish it off --
23 because the risks of that -- not top of your list, of
24 course -- is blue on blue?
- 25 A. Absolutely, sir, and I understand where you are coming

1 from with that question. The assumption is obviously
2 that they would have been called off; if a decision has
3 been made for a CO19 unit to get behind a suspect, then
4 the inference from that, as far as I was concerned, is
5 that it was now a CO19 deployment and any unarmed
6 officers who had been tasked to deal with it would be
7 drawn off.

8 As regards the blue on blue aspects, that is
9 absolutely right, sir, but you have to bear in mind that
10 there was hundreds of unarmed people on the road from
11 Stockwell to Brixton to the tube station that day. It
12 wasn't just unarmed police officers; there was lots of
13 unarmed police officers, and we were well aware of all
14 that risk.

15 Q. I understand that. What it comes to is that nobody, for
16 one reason or another, had told you that in fact they
17 had been called off; in fact at quite a late point,
18 namely they had already got to Stockwell tube, done
19 a U-turn in the road and were coming up behind the bus;
20 right? Do you know that now?

21 A. Obviously I know that now, sir, yes.

22 Q. Can I move on to the Stockwell situation, and that is
23 the junction. We are all familiar with it. I am not
24 going to ask for it to come up on the screen. If you
25 want to see the compilation you can. The position is

1 that the Mercedes in front of you is in a queue of
2 traffic coming up to the lights?

3 A. Yes, sir.

4 Q. We have seen on the compilation, and you may well have,
5 that the Mercedes comes out at one point and tries to
6 squeeze in a bit further up?

7 A. Yes, sir.

8 Q. In this line of traffic, you are the next police vehicle
9 down?

10 A. Yes, sir.

11 Q. That's the situation I want to concentrate on. You have
12 made it very clear at the Health and Safety trial and
13 here today that at that point, if in fact you had had
14 the order to stop and you had called state red, I'll
15 leave aside all the intermediate stages, you could have
16 intervened because you had heard he was getting off the
17 bus?

18 A. I believe we could have done, sir, yes.

19 Q. What I want to ask you is a number of questions. The
20 first is this, if you can answer it: if you had then,
21 and the one in front of you, the car in front and the
22 car behind, all, as it were, been galvanised into action
23 by state red, can you help us as to how you would have
24 performed the intervention above ground, in other words
25 between the bus and the entrance to the escalators?

1 A. I have got no problems talking tactics with you,
2 whatsoever, sir, but I just need a bit of guidance in
3 relation to the sensitive nature of what we are about to
4 discuss in relation to future counter-terrorist
5 operations.

6 SIR MICHAEL WRIGHT: We all look at Mr Horwell.

7 MR HORWELL: Yes. I think I know what Ralph is referring
8 to. I am not certain. I wonder if --

9 SIR MICHAEL WRIGHT: Do you want me to rise for five
10 minutes?

11 MR HORWELL: If I can have a few minutes with him.

12 SIR MICHAEL WRIGHT: That's the sensible way of dealing with
13 it, isn't it, Mr Mansfield?

14 MR MANSFIELD: Yes, I am happy with it.

15 MR HORWELL: I am sure everyone appreciates the importance.

16 SIR MICHAEL WRIGHT: Let me know as soon as you are ready to
17 carry on.

18 (2.35 pm)

19 (A short break)

20 (2.45 pm)

21 (In the presence of the jury)

22 SIR MICHAEL WRIGHT: Yes, Mr Horwell.

23 MR HORWELL: Sir, thank you very much, I am sorry it took so
24 long. This witness, for obvious reasons, is extremely
25 reluctant to go into the details as to how they might

1 have organised the stop at street level. I of course
2 accept that Mr Mansfield isn't seeking to elicit those
3 details from him. We will see where the questioning
4 goes, but it's only fair to this witness that we all
5 understand the reasons for the need for confidentiality,
6 and Ralph's continued view, subject of course to
7 whatever ruling you may make, that how the police would
8 have organised a stop in these circumstances is a matter
9 that must remain confidential, otherwise the terrorists
10 may well gain knowledge that will assist them in the
11 future.

12 SIR MICHAEL WRIGHT: Well, I understand that. It may be --
13 put it this way, I am certainly not about to try to make
14 a ruling about something I know nothing about.

15 MR HORWELL: I know that, sir.

16 SIR MICHAEL WRIGHT: If you are content that Mr Mansfield
17 proceeds with caution, we both, I think, rely on you to
18 intervene --

19 MR HORWELL: Of course.

20 SIR MICHAEL WRIGHT: -- if we get to a point and it may be
21 that we may have to take steps (a) to investigate what
22 it is we are talking about in appropriate conditions,
23 and get a ruling.

24 MR HORWELL: Yes.

25 SIR MICHAEL WRIGHT: All right. There you are,

1 Mr Mansfield. Proceed, as they say, on amber.

2 MR MANSFIELD: Yes.

3 I think I can do it without trespassing on anything
4 you are worried about. First of all, and it's rather
5 obvious, the situation above ground is very different to
6 close quarters inside a tube train carriage, isn't it?

7 A. It can be sir, yes, and I accept the premise, but of
8 course it does depend on the crowd, I mean, the crowd
9 outside the entrance to Stockwell tube station some days
10 can be just as busy as the platform 1 underground, but
11 I accept what you are trying to say, sir, but it's not
12 always like that.

13 Q. No, no, and of course, but this applies to all firearms
14 situations, they are fluid, they can be moving, people
15 get in the way, you have to make allowances and so on?

16 A. Yes, sir.

17 Q. So I am appreciating, obviously, that there may be more
18 people. But what I want to get to is that of course you
19 have many more options at your disposal, one of which is
20 you don't necessarily have to do it right up close with
21 a critical shot?

22 A. No, I understand, sir, but then if you say critical
23 shot, obviously that would have to be authorised,
24 a critical shot.

25 Q. Well, yes, I am dealing with a non-authorised because

1 I am trying to deal with the situation as it was on the
2 22nd. You are at the junction or just before it, and
3 the lights?

4 A. Yes, sir.

5 Q. As if you have been given state red. You say you could
6 have organised a stop at that stage because you were
7 within reach of a man walking across the junction?

8 A. Yes, sir.

9 Q. I have asked the others this so I had better ask you.
10 You didn't actually see him walk across the junction?

11 A. No, sir, I didn't see him. I knew where he was because
12 of the surveillance commentary that was telling us where
13 he was.

14 Q. I follow that. If you and others had got out of your
15 cars above ground to go and stop him, I am not going to
16 ask you the detail of how you would have done it, but
17 you would have had at your disposal not only close-up
18 weapons but weapons that could be used at distance?

19 A. Yes, sir, that's true.

20 Q. So therefore you could have, it's an option, depending
21 on who's around and you have to work as a team, a proper
22 challenge, controlled challenge could have been used?

23 A. Yes, sir, that's true.

24 Q. I think for my purposes that's all I am going to
25 trespass into that area. You could have organised it,

1 and you had options available, more options, would it be
2 fair --

3 A. There are a number of options, you are right, sir.

4 I won't go into detail but we have a number of options
5 for dealing with suicide bombers, killers. All of those
6 options have consequences, so every single one of the
7 options that we offer up have consequences. Some
8 greater than others. It's a decision that needs to be
9 made by the Silver on the ground or by the Silver at
10 Scotland Yard, based on the best possible tactical
11 advice they can get from their tac adviser as to what
12 option they take. Now, the decision will ultimately
13 rest with the Silver for that deployment. The tactical
14 advisers are just to give advice around those options
15 and point out the consequences of them and the benefits
16 and the advantages, but the ultimate decision rests with
17 the Silver, if that --

18 Q. It does help. I was actually going to move into, away
19 from the fact that you could have organised it, back to
20 command control and communications again. Because you
21 have been asked some questions, but I just want to flesh
22 it out a bit, and before I do, is it right that firearms
23 operations that you are normally involved with are
24 controlled on the ground, if you follow me?

25 A. It has to be said, sir, that that's absolutely right.

1 The majority, the majority of firearms operations that
2 we get involved in, that's specialist firearms officers
3 as opposed to ARVs or anyone else, are what we call
4 authorised and are therefore controlled by a command
5 structure in place on the ground, that is true.

6 However, that's not to say that they are not all
7 like that. We do run kidnaps and hostage rescues and
8 some manhunts on the very same basis, a very similar
9 type command structure that you would have for a Kratos,
10 only in the sense that it's all run from Scotland Yard.
11 So you would have a senior investigating officer, you
12 would have all the ancillary people to help him, based
13 in a central command room at Scotland Yard, and they
14 would be running the investigation or whatever that was,
15 the kidnap, the hostage or whatever from there, and
16 relaying instructions down to the officers on the
17 ground, which includes firearms officers, and all the
18 ancillaries for that, including tactical advisers,
19 a Silver and firearms team.

20 So whilst 80 per cent doesn't have that, we still do
21 run them on that basis. So does that help, sir?

22 Q. Yes, thank you. The 20 per cent are more often than
23 not, that is the 20 per cent that are run from
24 Scotland Yard, static situations where there is somebody
25 kidnapped in premises or a hostage or whatever it is,

1 and the question is when to go in or not to go in, it's
2 that kind of event?

3 A. I wish it was, sir, if I was honest with you, but sadly
4 they are not always from static positions. 90 per cent
5 of the operation is about trying to find out where that
6 static position is. So you spend three days driving
7 around London trying to find it, and that's where the
8 command structure comes in on the ground then as you
9 have quite rightly said, because when you are being
10 deployed from Scotland Yard, the officers on the ground
11 are getting the directions and you need that command
12 structure on the ground to direct them in the right way.
13 So you know, I have been out on kidnaps for six days,
14 until eventually we have found the stronghold where the
15 person is being held and we manage to rescue them, so
16 I understand what you are saying, sir.

17 Q. This one here, that's the MASTS operation, mobile armed
18 support situation, is being, as we know on this
19 occasion, run from New Scotland Yard. Was your
20 understanding that actually all the key decisions other
21 than state red, or perhaps even state red, but all the
22 key decisions are actually coming from New Scotland
23 Yard, is that right?

24 A. That's correct, sir, yes. That's my understanding then
25 and it is now.

1 Q. Does that include state red, in other words you are just
2 a vehicle of passing that on or is it still your
3 discretion?

4 A. Basically, sir, I do not want to go over it again
5 because I know we have covered it, but state green and
6 state amber will all come from the Silver.

7 Q. I am coming to him.

8 A. Right, okay. I only get involved when it goes to state
9 amber. As soon as it goes to state amber, it's my job
10 then to try to implement the tactical decisions that
11 Silver has made using the resources I have at my
12 disposal. I am not a decision-maker, I am a doer, if
13 you like; I do what you want me to do and use my
14 resources in order to do it.

15 Q. I am working backwards from a situation where you are
16 the doer at the traffic lights and were in a position to
17 do, but actually by the time you are asked to do, I want
18 to suggest it's almost too late. So we will come to
19 that.

20 Now, when you were at the lights not able to give
21 state red at that point but you knew he was getting off
22 the bus, it is important, if the whole operation is
23 actually being governed from New Scotland Yard, that
24 there is accurate information being passed between New
25 Scotland Yard and yourselves, the firearms team, and the

1 other way around; you agree?

2 A. I think that's fair, sir, yes. Can I just make one
3 point? We were still at state green at that time, sir.

4 Q. I know you were. I will come to whose responsibility it
5 was to put you into amber in a second. What I'm trying
6 to isolate, if I may, through you is what has gone wrong
7 here on this occasion. That's the frame.

8 So you agree that it is important for there to be
9 accurate information about where everybody is. From the
10 firearms team, who is responsible for ensuring that New
11 Scotland Yard know where the team is?

12 A. I think that would rest with Trojan 84, sir.

13 Q. Right. Now, Trojan 84 and Silver, as the jury have the
14 small plan now, can see, are in a control car which is
15 actually at the rear of the convoy?

16 A. Yes, sir, I think they were at the back end of the
17 convoy, yes.

18 Q. But in normal firearms terms, since that's the
19 procedure, that shouldn't make any difference when you
20 are actually, as it were, in convoy in pursuit because
21 you should be in close enough contact to know from
22 a control car where the rest of the convoy is; is that
23 fair?

24 A. I think that is fair, sir, but it does depend on the
25 traffic.

- 1 Q. Of course.
- 2 A. It does depend -- the state of traffic is at the time
3 and what's happening in that sense because obviously the
4 control car is trying to keep up but he can't always get
5 there, as the same with any of the cars in the convoy.
- 6 Q. If he can't get there, and I am trying to do this not
7 with hindsight but with foresight, or he's lost track of
8 the cars in front because you have got separated in
9 heavy traffic, then it's his job -- by which I mean it's
10 the control car's job -- to ensure that he does know
11 where the lead cars are in case you have to go into
12 action and they have to take decisions. Now, that's
13 fair, isn't it?
- 14 A. I think it is fair, sir, that he should know where his
15 cars are, but in this particular instance I don't think
16 that the control car was that far behind us, was it?
- 17 Q. No, it wasn't, exactly.
- 18 In fact, as you have indicated, well, we know now
19 that Charlie 12 and his car are on the other road and
20 they are not in the convoy. I leave him out of it. For
21 the convoy that you are in, you are the second car,
22 there are in fact not six but five cars in the lineup?
- 23 A. Yes, sir.
- 24 Q. Right?
- 25 A. Yes, sir.

1 Q. He is not far behind. I want to take you through this
2 sequence. I am not suggesting you know but so that you
3 are put in the picture of this. Could we have tab 48,
4 please, in the jury's bundle, page 78 in my paging. It
5 will come up on screen and save you having to look it
6 up.

7 Now, this is Commander Dick's decision log. Have
8 you ever seen this before?

9 A. Only when it's been on the screen, sir, while I have
10 been watching the live feed.

11 Q. All right. This is a decision log which she wrote up
12 later but you will see it's a decision made at 10.01:

13 "Subject believed to be Nettle Tip cannot be allowed
14 to enter tube system. He must be arrested before by
15 S019."

16 If you run your eye to the next paragraph you will
17 see that what she is writing up relates to the stage at
18 Stockwell:

19 "This is (STOCKWELL) the tube entrance where one of
20 the suspects entered the system yesterday."

21 Then it goes over the page with various reasons why
22 it isn't Kratos but there is a necessity for you, that
23 is S019, to do the stop.

24 It has two times, one at 10.01 and one at 10.02.

25 Now, that's the first stage. The bus has in fact

1 arrived at the bus stop with an officer on it called
2 Lawrence who is describing that the person is about to
3 get off the bus at this point.

4 Are you following all right or am I going too fast?

5 A. No, I think I am managing to cope, sir.

6 Q. Point taken, all right, I'll speed up. As you see,
7 I wouldn't make a very good firearms officer.

8 So if you just, we are now on the next page, 79, see
9 the next decision which says, "See the previous
10 decision", but it's saying:

11 "Subject must be arrested (if necessary by S012
12 although this is far less preferable ...)

13 "See previous decision: subject has entered [the]
14 tube entrance. S012 still with him but C019 not there
15 yet."

16 Well, that was plainly wrong, wasn't it?

17 A. We were there, sir, yes.

18 Q. You were there. I'm going to pause at this point. Were
19 you aware that the control car who is as you have said
20 not far behind you are relaying messages to New Scotland
21 Yard suggesting, that is TJ84 and Silver, both of them
22 are telling New Scotland Yard that you are not in
23 a position to do the stop. Now, did you know that's
24 what they were saying?

25 A. No, I didn't know at the time, sir, no.

1 Q. Did you discover, have you discovered, before I just put
2 it to you, that that's what they were saying?

3 A. No, sir.

4 Q. So until I have put it to you, minutes ago, you never
5 knew?

6 A. No, sir, I must say I do know, sir, now, but I didn't
7 know at the time.

8 SIR MICHAEL WRIGHT: If they were talking to New Scotland
9 Yard, we heard the other day, they would have been doing
10 it on a mobile phone?

11 A. I would think so, sir, yes. I think that was --

12 SIR MICHAEL WRIGHT: Of course you wouldn't hear it.

13 A. No, sir.

14 MR MANSFIELD: Of course the point I just want to follow
15 through with you is that they have chosen, both of them,
16 in fact in Silver's case -- and I have the references if
17 necessary, but take it from me for the moment -- Silver
18 twice, once much earlier but once at this point
19 approaching the Stockwell lights repeats to New Scotland
20 Yard, and TJ84 in the end said he may have said the same
21 because he thought he was behind the wrong bus, both are
22 saying to New Scotland Yard they are not in a position
23 to do the stop without having ascertained where the
24 convoy is.

25 I say that because they never contacted you, did

- 1 they?
- 2 A. I have no recollection, sir, no.
- 3 Q. You would certainly remember somebody saying to you: can
4 you do the stop?
- 5 A. I would think so, sir, yes.
- 6 Q. So you think you would remember that, and you have no
7 recollection of being asked whether you can do the stop.
8 Well, I put it round the other way. Is the 75
9 back-to-back channel just switched on permanently at
10 this point so that if you want to communicate from the
11 control car to you, it doesn't require a mobile phone
12 call; all that Trojan 84 or Silver has to do is to say,
13 however he would address you, whatever your real name
14 is, and just say, "Look, we have been asked to stop,
15 they want us to do it, can you do it?" Would he just
16 use the 75 back-to-back?
- 17 A. He could do, sir, yes.
- 18 Q. Yes. So you are unaware of this traffic going back and
19 forth because it's on a mobile phone, nobody asks you;
20 are you aware of any situation in which during this
21 time -- and we know there is a held telephone call
22 between the surveillance leader and New Scotland Yard
23 while he is waiting for a decision -- were you aware of
24 any traffic by which officers under your command or even
25 yourself were saying, "We can do it, we can do it"?

- 1 A. No, sir, no, not at all.
- 2 Q. Right.
- 3 A. I would just like to make one comment, sir, if I may on
4 what you have just said. I know both those officers,
5 both Mr Purser and Trojan 84, and I can honestly say
6 that if they felt at that time that there was no -- that
7 they weren't in a position to do it, they must have had
8 good reason for that. I can't see them saying that they
9 are not in a position to do it when they thought that
10 they actually were. I don't know what the reason was,
11 sir, I can't help you there, but I would find it
12 difficult to believe that, you know, they could be
13 confused about that. So they must have had good reason
14 for saying --
- 15 Q. I want to suggest to you they did not have good reason.
16 In one case Trojan 84 thought he was behind the wrong
17 bus and probably maybe he was behind the wrong bus but
18 it's not that distance away, that's the reason he gave,
19 he couldn't quite remember whether he had said it but
20 accepted he may have said that he wasn't in a position
21 because it was the wrong bus. Silver says it was
22 because he didn't actually know where the rest of the
23 convoy was. So that's not a good reason, is it?
- 24 A. Well, it's a good reason for them, sir. If you don't
25 know where the convoy is, you don't know where your

1 assets are and it may be difficult to deploy them in
2 that sense.

3 Q. Well --

4 A. I really do not want to speak on behalf of Mr Purser in
5 that sense or Trojan 84, it's just that the only point
6 I was trying to make was if they have taken a view that
7 they are not in a position to do an intervention, then
8 it must have been an honestly-held view at that
9 particular time.

10 SIR MICHAEL WRIGHT: We have seen a video sequence and Tom,
11 if he can find it, can bring it up, with the Mercedes
12 which was the lead, the Alpha car, doing what in other
13 circumstances would have been a slightly startling
14 manoeuvre by going on the wrong side of the road.
15 That's it, thank you very much.

16 Were you the next car behind the Mercedes?

17 A. I was the one following them, sir, yes.

18 SIR MICHAEL WRIGHT: You were just behind them?

19 A. Yes.

20 MR MANSFIELD: I think we can just see your car coming out
21 there.

22 SIR MICHAEL WRIGHT: You were about to do the same thing,
23 maybe. Where do you reckon the control car was at this
24 point in time?

25 A. I thought it was just two or three cars behind us, sir.

1 SIR MICHAEL WRIGHT: In that line of traffic?

2 A. Yes, sir.

3 SIR MICHAEL WRIGHT: Can you remember where you were in
4 relation to all this when you heard the orders, "Don't
5 let him go down the tube, stop him before he goes down
6 the tube".

7 A. No, I can't, sir, but I can be general if that will do.
8 It was in that area, generally in that area, traffic
9 lights, yes, sir.

10 SIR MICHAEL WRIGHT: This is what at the moment is baffling
11 me, because at that point if you are right, the control
12 car was a couple of cars behind you and in full view?
13 Yes.

14 A. It may have been, sir, yes.

15 SIR MICHAEL WRIGHT: If that's where it happened.

16 A. I wasn't aware of the location of the control car, sir.
17 I was focusing completely on what was happening.

18 SIR MICHAEL WRIGHT: I know, but what I am tying it up to is
19 when the order was given, "Stop him going down the
20 tube". Your best recollection is that you were where
21 this picture is, there or thereabouts; is that right?

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: Thank you.

24 MR MANSFIELD: I think because of what you have not heard,
25 you never heard any offer coming over, any kind of

- 1 communication from S012 that they could do the stop.
- 2 A. No, sir, not at all.
- 3 Q. And they were hanging on waiting for a decision so you
4 didn't know anything about that?
- 5 A. No, I wasn't aware of that at all, sir.
- 6 Q. It follows, I can just complete the picture here, you
7 were unaware that the S013 car was probably, and I don't
8 put it higher because of the way in which Mr Dingemans
9 has answered questions, but was probably in amongst all
10 that traffic as well; you didn't know about him?
- 11 A. No, sir, not at all, no idea about that.
- 12 Q. You didn't know that just round the corner into
13 Clapham Road and High Street and so on, back down that
14 way, another of your vehicles had pulled up and was
15 feeling frustrated?
- 16 A. No, sir, I didn't know where the Delta car was at that
17 time.
- 18 Q. Right. Just moving forward, you were unaware of all
19 this that I have been putting to you, and of course the
20 person who -- and I'm going to put it to you -- should
21 have been in control of this situation on the ground in
22 order to provide the central control with information is
23 the Silver. The Silver's in charge, isn't he?
- 24 A. The Silver has ultimate responsibility, sir, yes, but he
25 shares that responsibility and takes advice from his

1 tactical adviser and other sources, but the Silver
2 ultimately is responsible for the operation and the
3 deployment, yes.

4 Q. As you mentioned in passing a moment ago, and quite
5 right, the responsibility for getting you all into
6 position and ready, in other words assembling the
7 resources ready for a state red command, is Silver.
8 Silver does the amber decision?

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

10 Q. Because this wasn't a normal firearms situation, he
11 couldn't do it on his own. He had to get authority from
12 New Scotland Yard to call amber?

13 A. That's certainly my understanding of the situation, sir,
14 yes.

15 Q. But then this is a Catch 22 situation, isn't it? How is
16 New Scotland Yard going to authorise him to call amber
17 unless he, Silver on the ground, has told them that it's
18 okay to call amber? Are you following?

19 A. I do follow you, sir, but I can't answer you.

20 Q. You can't answer?

21 A. No, sir, sorry.

22 Q. What I am really, as it were, rather slowly plodding
23 towards, is that it's not very satisfactory trying to
24 run something like this from a distance in New Scotland
25 Yard when really these are decisions that have to be

1 taken on the ground, operational decisions; is that not
2 right?

3 A. I think there is a general amount of sympathy for that
4 view, sir --

5 SIR MICHAEL WRIGHT: Particularly from firearms officers --

6 A. It's funny you should say that.

7 SIR MICHAEL WRIGHT: -- I dare say.

8 A. I think we do have to temper it slightly with
9 a realistic perspective in the sense that all the
10 information, all the intelligence and I'm sure we won't
11 forget how serious this is, all of that stuff is coming
12 into Scotland Yard, all that information and
13 intelligence, so the view has to be taken that whoever
14 the senior officer is that's making those really
15 important decisions, where is the best place for them to
16 be? Probably where all that intelligence is coming in
17 so they can get the picture. That's one of the reasons
18 why firearms officers like myself are told: you have to
19 trust the intelligence; you mustn't act on your own; you
20 have to, you know, understand that what they tell you is
21 true and accurate. But as you quite rightly identified,
22 sir, there can be some issues with that specific type of
23 command and control, one of them probably being the
24 issue that you have raised.

25 However I do understand totally why that system is

1 in place. We do need a chain of command in place. You
2 do need a senior officer to take responsibility for that
3 very serious decision of critical shot authorised.
4 Somebody needs to take that, it's way above my payscale,
5 I am not going to do it. So somebody needs to do it,
6 and I think it's right and proper that somebody of that
7 rank does.

8 Whether there is another system that we can do it,
9 I have no idea and I'm sure there is reviews going on
10 now as we speak about that, but at that particular
11 moment in time that was the best system we had in place
12 to deal with this unprecedented threat from these people
13 who want to kill us.

14 Q. That is understood. However, this wasn't a Kratos
15 authorised situation, was it?

16 A. No, you are right, sir, it wasn't, no --

17 Q. Therefore --

18 A. Sorry to interrupt. I was speaking specifically about
19 the command system that remained(?) in place.

20 SIR MICHAEL WRIGHT: Essentially what you are saying here is
21 that Scotland Yard control room has a much greater
22 access to overall intelligence than the people on the
23 ground?

24 A. Absolutely, sir.

25 SIR MICHAEL WRIGHT: In those circumstances your view is

1 however much you would like to be able to do it
2 yourselves, you have to leave it to them?

3 A. That's exactly right, sir, and on a normal job, if we
4 had a control car with the decision-maker in the car
5 with us, he would have his intelligence officer sitting
6 next to him with his detective sergeant who would be
7 getting his phone calls.

8 SIR MICHAEL WRIGHT: But that is a sort of small, local
9 operation.

10 A. That is exactly right, sir.

11 MR MANSFIELD: Sorry, if I may just intervene because
12 I think we are getting very close to the key position
13 here, it's not just for the small, local operation; this
14 wasn't Kratos or Clydesdale, it wasn't authorised; this
15 was a conventional firearms operation in that sense,
16 wasn't it?

17 A. It was a conventional mobile armed support to
18 surveillance, sir, but I wouldn't put it in the same
19 frame as a normal operation, because it obviously
20 wasn't, because (a) we were looking at suicide killers;
21 (b) we had a DSO in place; so I understand the point you
22 are trying to make, but I wouldn't put it in the same
23 level as a normal mobile armed support to surveillance,
24 because normally when we do a normal mobile armed
25 support to surveillance, we don't have a DSO in place.

- 1 We don't have 1600 --
- 2 Q. Right. That's what I'm trying to get to. What I want
3 to suggest to you is one of the things that has
4 seriously gone wrong here is that the Silver on the
5 ground hasn't called amber when it should have been
6 called so you are actually all better prepared at
7 a situation when they know he's getting off the bus,
8 they have an officer in the bus, they know he's getting
9 off, they know it's Stockwell, and amber should have
10 been called at that point, shouldn't it?
- 11 A. My own view, sir, is that amber should have been called
12 earlier, and I believe that had amber been called, or
13 had we been told that we were going to do an
14 intervention, then S019 officers on the ground could
15 have conducted one. However --
- 16 Q. Thank you.
- 17 A. -- it's okay, sir, I am not trying to pre-empt the
18 decisions by Silver or anyone else. That's simply my
19 view.
- 20 Q. Yes, well, that's accepted. What actually then happens
21 is of course, can we go back to the decision log,
22 tab 48, page 80, is that we have a decision 18 here,
23 I appreciate you have not seen it before or only on
24 screen. The bus has already been and gone, virtually,
25 and you will see what's written up here:

1 "CO19 to arrest subject if possible in Underground
2 station before enters tube train."

3 Decision made at 10.05. We have seen the times on
4 the earlier decisions:

5 "Reason. Am informed CO19 are up with SO12.
6 Subject has gone down escalator."

7 Now, just to put the context on this, Cressida Dick
8 here claims that she would not have sent SO19 in if she
9 had known that he had gone down the escalators. Now,
10 are you aware that that's what she is saying here?

11 A. No, sir.

12 Q. However, it's clear from the decision log that when she
13 is ordering SO19, she thinks the subject has gone down
14 the escalators, and would it be fair to say you assumed
15 by the time you were given the order to make state red,
16 that he almost certainly had gone down the escalators?

17 A. Yes, sir, that's fair.

18 Q. So that at that point in time, adopting the words of
19 Trojan 84, you were placed in an outrageous situation,
20 weren't you?

21 A. It was a fairly difficult one, sir, yes, I have to say.

22 Q. I am using his words.

23 A. Yes, sir.

24 Q. I have got very little else to ask you, other than --
25 and it's not very pleasant but I want to do it

1 quickly -- you went down to the carriage itself and you
2 saw Jean Charles de Menezes' position; is that not
3 right?

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

5 Q. It's page 363, I don't ask for it to come up on screen.
6 I just want to confirm with you that when you went in,
7 his lifeless body was face down on the seating; is that
8 right?

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

10 SIR MICHAEL WRIGHT: From that description, with the upper
11 part of his body on the seat and the lower part of his
12 body on the floor?

13 A. That's right, sir, absolutely.

14 MR MANSFIELD: I have no other questions, thank you.

15 SIR MICHAEL WRIGHT: Just going back for one moment to the
16 question of where these operations should be controlled
17 from, and you effectively said, well, whatever, however
18 much we would like it otherwise, it has to be the Yard
19 because they have the intelligence.

20 Is that affected or is it perhaps made even more
21 imperative that it should be done that way if, as this
22 morning, what was being undertaken was what -- was not
23 one surveillance but two?

24 A. Yes, sir.

25 SIR MICHAEL WRIGHT: Simultaneously.

1 A. Yes, sir, that's absolutely right.

2 SIR MICHAEL WRIGHT: Indeed, possibly could have ended up,
3 and indeed may well have done, ended up as much as four.

4 A. Yes, that's absolutely right, sir. There was that many
5 operations running out of one place on that day.

6 SIR MICHAEL WRIGHT: Thank you. Yes, Mr Stern.

7 MR STERN: Sir, it's not my turn but may I rise out of turn
8 for a moment. I told my learned friend Mr Gibbs that
9 I was going to.

10 You may recall that Mr Mansfield put to C2 in
11 relation to the words "definitely our man", that that
12 was and is a lie.

13 SIR MICHAEL WRIGHT: Thank you.

14 MR MANSFIELD: Yes, sir, I am not going to repeat it with
15 every witness. There is a clear distinction. This
16 witness says it was said. Surveillance officers say it
17 wasn't said. I am not going to, as it were, flog
18 a division. There is clearly a division. He has
19 already said it was definitely said. If I put it to him
20 that it is not true, he will say: those are the words
21 I heard. The surveillance officer on the other hand,
22 Lawrence, says he definitely did not say it. I think it
23 would be wasting a lot of time.

24 SIR MICHAEL WRIGHT: Yes, it is perhaps more economical and
25 this is not a criminal trial. Effectively, we are to

1 take it that you would say to any officer who says:

2 I heard it's definitely him.

3 MR MANSFIELD: Yes, and in fact it was dealt with by my
4 learned friend, in fact he went through it in-chief as
5 well, and I do not want to keep -- I am trying to speed
6 up a bit. It may not appear that way.

7 SIR MICHAEL WRIGHT: Yes.

8 Right, Mr Gibbs.

9 Questions from MR GIBBS

10 MR GIBBS: Officer, I represent the red and grey
11 surveillance teams. On that phrase, "definitely our
12 man", you were asked about it, I think, in a second
13 statement, and you were asked about it at the Health and
14 Safety trial at the Old Bailey; am I right?

15 A. Yes, sir, you are.

16 Q. Correct me if I have this wrong, but your memory is that
17 that came to you over the radio?

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

19 Q. I think your words both in your second statement and at
20 the Old Bailey were that you assumed that it had come
21 from the surveillance officer?

22 A. I did, sir, yes.

23 Q. It's been suggested that you found yourselves, you and
24 your colleagues found yourselves in a very difficult,
25 perhaps almost an impossible situation at Stockwell

1 tube. Do you agree with that?

2 A. I do, sir, yes. It was a horrible situation for anybody
3 to be in.

4 Q. If we were to be interested just for a moment in who it
5 was who had put you in that situation, should we be
6 looking, do you think, to the men who had decided to try
7 to kill us all on 7 July and on 21 July?

8 A. I actually agree 120 per cent with what you have just
9 said, sir, and I think the responsibility that those
10 individuals carry for everything that has happened
11 subsequently has been overlooked in my view.

12 SIR MICHAEL WRIGHT: Thank you. Mr Stern.

13 Questions from MR STERN

14 MR STERN: Thank you, sir.

15 I represent C2 and C12.

16 A. Sir.

17 Q. Can I just follow through with you, please, on the state
18 of mind that you had at various times leading up to
19 going into the tube?

20 A. Yes, sir.

21 Q. If we look at page 362 of your statement --

22 A. Yes, sir.

23 Q. -- line 9, you talk about your state of mind after the
24 briefing. You say:

25 "Given all the information I received during the

1 briefings in relation to the suspects there was no doubt
2 in my mind that there was a very real likelihood of
3 myself or my team having to deal with a deadly and
4 determined suicide killer, who would not hesitate to
5 kill himself, innocent members of the public and members
6 of my team by means of initiating a concealed explosive
7 device without hesitation in a crowded public area
8 either a bus or an underground train."

9 A. That's absolutely true, sir, and I know we have heard
10 from Charlie 2 and 12 and other officers about their
11 state of mind when they went down there, but, and I have
12 mentioned this before and I'll say it again, is that we
13 were running down that tube station knowing or believing
14 that there was a suicide bomber down there by the name
15 of Osman who had a real potential to detonate a device.
16 He is not like the IRA who I have had lots of experience
17 of dealing with, who generally don't want to kill
18 themselves when they are killing other people. In order
19 for this fella or these people to achieve their aim,
20 which is to kill hundreds, they have to kill themselves,
21 so we knew that when we went down there, there was
22 a good chance that if he saw us and detonated, then we
23 were all going to end up dead. And when you are
24 actually running down a tube station with that in the
25 back of your mind, it's not a very nice place to be,

1 I have to say.

2 Q. Well, this is the reality of the situation, isn't it?

3 A. It was, sir, it certainly was, yes, it was.

4 Q. What I want to ask you is this: when you are running
5 down a tube station, when you are in that station, faced
6 with someone who you know has been identified as
7 a suicide bomber from the previous day, how do you tell
8 whether or not that person has something hidden within
9 them or around them?

10 A. I don't know, sir. It's difficult, isn't it? I think
11 these police officers are experienced, highly trained,
12 and they just have to fall back on that training and
13 that experience and what they know, and make
14 an assessment based on what they see and the threat they
15 perceive at the time.

16 I would just like to say, sir, 2 and 12, the
17 officers 2 and 12, sir, they were not just making
18 a decision on that day for themselves and their
19 colleagues; they were actually making a threat
20 assessment and a decision based on every single person
21 on that train and in that Underground station. That is
22 what they were assessing, the threat not only to them
23 and their colleagues but to everybody on that train, and
24 we mustn't forget, you know, that the damage and the
25 injury caused to those 52 people when the bombs went off

1 on the 7th and all that is going through their mind and
2 all that responsibility has been put on their shoulders.
3 They have to make that decision, nobody else, just those
4 two.

5 I am sorry.

6 Q. No, thank you. I wanted to ask if we could have the
7 maps brochure, page 1 up on the screen, please. You
8 don't have it there in front of you. We can see the
9 four people or at least the four people who were
10 directly responsible for killing all those people on
11 7 July. I think we can take it that when those eight
12 people died and those 205 people were injured at Aldgate
13 station, not one of them recognised that man on the left
14 had a bomb in his rucksack?

15 A. No, I accept that completely, sir.

16 Q. If we look at the 27 people killed and the 451 people
17 injured at King's Cross, that not one of those would
18 have recognised that he had a bomb?

19 A. Absolutely, sir, and that's the nature of these
20 individuals, isn't it, because they don't want to get
21 compromised before they get to the target, they don't
22 want to be compromised, so it's in their own interest to
23 reach their target, therefore --

24 SIR MICHAEL WRIGHT: Mr Stern, I don't really think this is
25 advancing this inquiry.

1 MR STERN: With respect, sir, we are asked and we have had
2 a number of comments made by my learned friend
3 Mr Mansfield that there are no guidelines and I am
4 asking what guidelines can there possibly be in terming
5 whether or not somebody has a bomb on them.

6 MR MANSFIELD: I am dealing with police officers, not
7 civilians sitting on the tube. I accept Mr Stern's
8 point, nobody, you can go through all of them, and we
9 all recognise the risk to the public and the damage to
10 the public. But we are also concerned with the public
11 who get wrongly killed by other means.

12 SIR MICHAEL WRIGHT: I think with respect, Mr Stern, you are
13 widening the focus far too far.

14 MR STERN: I am trying not to. I am dealing with this very
15 issue and I would like really your help about this.

16 What are the possibilities in finding out whether
17 somebody has a bomb on them, in a situation where they
18 have been identified as a suicide bomber? Well,
19 obviously, and I don't mean this flippantly, you can ask
20 them. That is obviously not a viable proposition.

21 A. Obviously not, sir, no.

22 Q. You can try and search them. Again, is that a viable
23 proposition?

24 A. No, sir, as soon as you make your presence aware to
25 a determined suicide bomber, the chances are he will

- 1 detonate his device so you defeat the object.
- 2 Q. Is there any other way other than assessing how they
- 3 behave, how they react and doing the best you can in
- 4 trying to judge their movements, their actions, and
- 5 anything that they may say?
- 6 A. Not that I know of, sir.
- 7 Q. And the impossible situation that you referred to is
- 8 a life and death situation, isn't it?
- 9 A. Very much so, sir, yes.
- 10 Q. You get it wrong, and, as Mr Mansfield says, you might
- 11 kill an innocent person?
- 12 A. Yes, sir.
- 13 Q. With all the sorrow that that brings to the family?
- 14 A. Definitely, sir, yes.
- 15 Q. And with all the tragedy that that brings to those
- 16 around them?
- 17 A. Undoubtedly, sir, yes.
- 18 Q. And of course for the officers, years in investigation,
- 19 years of concern?
- 20 A. Absolutely, sir, yes.
- 21 Q. If you get it wrong and you don't fire, and the person
- 22 turns out to be a suicide bomber, then you have tens,
- 23 maybe hundreds of people die?
- 24 A. Yes, sir.
- 25 Q. And that on your conscience?

1 A. Yes, sir.

2 Q. So I ask, you are the most experienced firearms officer
3 I think we have had, certainly senior firearms officer;
4 how do you tell?

5 A. You just have to rely on your training, sir, on your
6 experience.

7 Q. I think if we look, please, at what it was that was said
8 at the Health and Safety trial, 16 October 2007,
9 page 44, Mr Justice Henriques asked you this question at
10 line 7:

11 "There is a problem though, isn't there, that if you
12 do attend like that [talking to you], hat on, gun
13 visible, shouting 'armed police', if in fact you are
14 dealing with a true suicide bomber, you are bound all to
15 depart this earth?"

16 This is the point that the learned Coroner, I think,
17 was asking you a moment or two ago?

18 A. Yes, I remember it, sir.

19 Q. "That is always the scary thing about it, my Lord, yes.
20 We can only act on the instructions we are given. If
21 the instructions we are given are to stop them getting
22 on the tube then we will go down and stop them getting
23 on the tube. But you are absolutely right, by going
24 covert down the tube station like that" --

25 A. That should actually be "overt", sir.

1 Q. Of course:

2 "... there was a possibility that in confrontation
3 with the suspect, had he been carrying a device, and we
4 had no intelligence to say he was carrying a device, but
5 had he been carrying a device, he may well have
6 detonated it.

7 "Question: That is a horrible dilemma" --

8 SIR MICHAEL WRIGHT: This is the judge speaking?

9 MR STERN: I think it probably is:

10 "-- that police officers have to confront as part of
11 their duty if they volunteer to be in C019?

12 "Answer: That is true, sir, and may I just say that
13 the only people running down the stairs that day, to
14 confront a man [this is the next page, thank you] that
15 they believed to be Hussain Osman, a known suicide
16 bomber, is actually the police officers from C019 and
17 the surveillance officers as well. Everyone else was
18 running out of that tube station, sir, except us.

19 "Question: Yes, you were going forward; everyone
20 else was going back.

21 "Answer: We were going forward, sir, to deal with
22 this man in order to protect the public, knowing or
23 believing that this man could have a device on him."

24 It is, as you say, against all human nature to run
25 towards something that is likely to end your life?

1 A. It's not a natural thing to do, sir, no.

2 Q. In the final part of your statement, at page 367,
3 please, your second statement, did you say this at the
4 end:

5 "In conclusion I would like to add this that was
6 a fast-moving and developing situation involving a man
7 we believed at the time was a known suicide bomber who
8 had already attempted to kill himself and members of the
9 public, and was about to get on an underground train
10 with all the possible fatal consequences that involves.
11 The primary concern at this time for all the CO19
12 officers and surveillance officers on the ground was to
13 protect and save the lives of the public on the trains
14 and in order to do so unhesitantly and without question
15 put their own lives at great risk in order to do so.
16 I hope that this is not forgotten."

17 A. Can I just make a quick point on that?

18 Q. Yes, please.

19 A. It was my second statement that I made. The reason
20 I specifically put that in was because I knew that some
21 time down the road there would be an investigation into
22 what took place, and I knew that as time passed people
23 would forget about the horrors of what had happened on
24 the 7th and what had happened on the 21st. So for me it
25 was important to put something in there to remind

1 on behalf of Commander Dick,
2 Detective Chief Inspector Purser,
3 Chief Inspector Esposito and Commander McDowall.

4 Just three areas, please. You have heard this
5 afternoon criticism made, trenchant criticism made of
6 Detective Chief Inspector Purser in relation to what was
7 going on just before Stockwell; right?

8 A. Yes, sir.

9 Q. I don't know if you saw his evidence or heard his
10 evidence, but if you did, you will appreciate that those
11 criticisms were not repeated or made to his face during
12 the course of this inquest.

13 I want to go back and ask you a little bit about
14 Detective Chief Inspector Purser, because I think you
15 have some experience of working with him; is that right?

16 A. I have worked with him on several occasions, sir, yes.

17 Q. I want you to give us your opinion as to whether the
18 briefing which he gave to your officers for whom you
19 were responsible that morning was balanced and
20 professional in equipping them with the necessary
21 information to approach the job that they had to do that
22 day?

23 A. I can honestly say that I have, over the years, and
24 I have been around a few years, and I have had quite
25 a few briefings from different organisations,

1 counter-terrorism, Special Branch and whatever, but
2 specifically over that period of time when everything
3 was prevalent in regards to the explosions, we had had
4 quite a few briefings from S012 and from S013, none of
5 which I viewed as being satisfactory. The only time
6 I ever had a briefing that was thorough and full was the
7 one I had from Mr Purser that day at Nightingale Lane.
8 It was one of the best and most informative briefings
9 I had ever had, honestly.

10 Q. When you were at Stockwell Road, just short of the
11 Underground station, your belief and, may I say, your
12 belief is not challenged in the sense that all due
13 respect must be shown to it, is that had your team
14 deployed at that stage you would have been in a position
15 to do an interception; but would you have regarded it as
16 being balanced and professional of
17 Detective Chief Inspector Purser to report to
18 Commander Dick that your team was in a position to
19 deploy if he did not believe that to be the case?

20 A. Absolutely, sir.

21 Q. Does the same go for TJ84?

22 A. Yes, sir.

23 Q. As to whether he should have been saying to
24 Chief Inspector Esposito they might be ready to go, they
25 could be ready to go, they are in position, they may be

- 1 in position?
- 2 A. I take your point, sir, and I agree with you.
- 3 Q. Would they have had any reason to be less than candid
4 with the control room as to the position of the team at
5 that stage?
- 6 A. I can't speak for all of them, sir, but certainly not in
7 my view, no.
- 8 Q. I want to move to a second topic, please, and it's just
9 the question of the sequence of what you heard on the
10 radio. I think you said that your witness statement was
11 clumsy as to this. I want to see if we can get this
12 right. Can we look at page 362 of your witness
13 statement. Can you see about halfway up the page
14 a sentence which begins:
15 "Whilst at Nightingale Lane ..."?
- 16 A. Yes, sir, I see it, yes.
- 17 Q. "Whilst at Nightingale Lane and on route to Tulse Hill
18 in Trojan 805B together with Charlie Eleven and Charlie
19 Three when we received information via the radio that
20 a white male had left the premises and was on board
21 a number 2 bus heading towards Marble Arch..."
- 22 A. Yes, sir.
- 23 Q. You have told us now that on reflection that was two
24 separate pieces of information that you had picked up at
25 two different stages?

- 1 A. At some stage along, sir, yes.
- 2 Q. We see that there is a comma there. You then say:
- 3 "... we were instructed by Trojan 84 to 'get behind
4 the suspect'..."
- 5 I think you have told us today that that instruction
6 was given to you by Trojan 84 as you were turning into
7 the TA Centre?
- 8 A. Yes, sir, that's correct.
- 9 Q. So if we were, as it were, to replace the comma with
10 a full stop and insert the words "as I was turning into
11 the TA Centre", then we would have it right in that
12 sentence?
- 13 A. That would be spot on, sir, and it would be a better job
14 than I did, yes.
- 15 Q. Then you get the description subsequently of an IC2 male
16 wearing a denim jacket and trousers with stubble?
- 17 A. Yes, sir.
- 18 Q. Trojan 84 was already at the TA Centre as you were
19 turning in?
- 20 A. Yes, he was, sir, yes.
- 21 Q. He was in the control vehicle with DCI Purser?
- 22 A. Yes, sir, he was.
- 23 Q. And the driver?
- 24 A. Yes.
- 25 Q. Then the convoy started. In point of fact, we have

1 established that the journey that you made to Stockwell
2 was made incredibly quickly. If we look at exhibit
3 page 1501, we looked at it this morning, it's a CCTV
4 still. We have the Alpha car in the front there. Do
5 you know whether one of the other two was the vehicle in
6 which you were driving?

7 A. It would be the second one.

8 Q. The one in the middle there?

9 A. Yes, sir.

10 Q. That's 9.58.22. If we could look at the still that we
11 saw from Brixton Road. Can we focus in on that.

12 I think it's 9.59.42. So something like 80 seconds
13 later, you are then in Brixton Road or at least the
14 Mercedes is?

15 A. Yes, sir.

16 Q. Then the footage from the CCTV that we have been shown,
17 which again is Lambeth CCTV system, looking from the
18 Underground station back down the Stockwell Road, if we
19 could have a quick look at that where the car is
20 manoeuvring to get into position. 10.02.56. I think
21 if we rewind that back to the start, we can see that
22 that vehicle was there at 10.02 and almost the start of
23 that minute.

24 So to put it into context, this entire journey, as
25 I think you were asked during your examination-in-chief,

- 1 had been done in something like five and a half or six
2 minutes?
- 3 A. Yes, sir.
- 4 Q. Which means that there was only so much time for any
5 communication to be made, either by you or to you or by
6 others?
- 7 A. It was a very dynamic situation, sir, yes.
- 8 Q. Absolutely. That goes for those who were in the control
9 car also?
- 10 A. Absolutely, sir, yes.
- 11 Q. Who were on mobile telephones, and who were listening
12 to, when they could, the Cougar radio and the
13 back-to-back radio?
- 14 A. Definitely, sir, and may I say carrying a bit more
15 responsibility at that time, as well.
- 16 Q. Can we look finally at the third issue I want to deal
17 with, which is the suggestion that was put this morning,
18 and I think you agreed, that you believed that you, your
19 team, could have made an interception as soon as you had
20 heard the words that it was "definitely our man"?
- 21 A. I believe we could have done, sir, yes.
- 22 Q. Of course you I think in your witness statement make it
23 clear that you heard those words at some time when the
24 man was still on the bus?
- 25 A. I believe so, sir, yes.

- 1 Q. It stands to reason, does it not, of course, that it
2 couldn't be known at that stage that he was going to
3 remain on the bus?
- 4 A. No, sir, absolutely not, no.
- 5 Q. The bus could have gone further up the
6 South Lambeth Road, could have dropped him off close to
7 another one of the suspect addresses or could actually
8 have headed straight into Central London?
- 9 A. Absolutely, sir, yes.
- 10 Q. The danger that you have told us about, which we are
11 acutely aware of, is that in these sorts of operations,
12 the closer you move up, the greater the danger there is
13 of compromising the operation?
- 14 A. And that is one of the big dangers you have to be aware
15 of in a MASTS, yes.
- 16 Q. That's a significant danger in a conventional firearms
17 operation?
- 18 A. Yes, sir.
- 19 Q. Because you don't want criminals who are running around
20 with firearms becoming aware of the fact that there are
21 armed police officers after them?
- 22 A. Not only that, sir, you endanger the life of the
23 surveillance officers as well.
- 24 Q. And endangering the life of the public because you are
25 maximising the danger of the firearm being used?

- 1 A. Yes, sir.
- 2 Q. That, as it were, is one thing, but where you are
3 dealing with a suicide terrorist who may detonate at any
4 time, then it's a completely different ball game, to use
5 that phrase?
- 6 A. The threat is much greater, I would suggest.
- 7 Q. As you have said in your evidence this afternoon, as
8 soon as you go overt, the danger is that the terrorist
9 will detonate the device and take as many people with
10 him as he can?
- 11 A. Yes, sir, that's true.
- 12 Q. That of course goes for activities which take place
13 overground as much as underground?
- 14 A. Yes, sir.
- 15 Q. Busy areas overground as much as underground?
- 16 A. Definitely, sir, yes.
- 17 Q. The lobby at Stockwell Underground station, for example,
18 if it's full of people at 9.30 just as much as a jammed
19 full underground carriage?
- 20 A. Yes, sir, as we have said.
- 21 Q. If you go overt at too early a stage?
- 22 A. Yes, sir.
- 23 Q. Would you accept that from the commander's perspective,
24 before making the decision to deploy your team into this
25 situation, that there was an importance in checking and

1 re-checking the information about identification?

2 A. I don't dispute that at all, sir, no.

3 MR PENNY: Thank you.

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

5 SIR MICHAEL WRIGHT: Yes, Mr Horwell.

6 Questions from MR HORWELL

7 MR HORWELL: Ralph, my name is Richard Horwell, I appear on
8 behalf of the Commissioner, and I have very few
9 questions to ask you.

10 A. Sir.

11 Q. A topic that has almost disappeared over the course of
12 the last few weeks in this inquest: the suggestion that
13 was at one time made that at the outset of this
14 operation there should have been a stop place determined
15 near to Scotia Road with a view to stopping whichever
16 subject might, by then, have been identified within the
17 confines of that stop place.

18 A. Yes, sir.

19 MR MANSFIELD: Sir, may I make it clear, not a stop place
20 but parameters and a window.

21 MR HORWELL: Yes, the suggestion that was made almost at the
22 outset of this inquest was that the police should have
23 determined a stop place, Ralph, between the green
24 outside Scotia Road and the TA Centre.

25 A. Yeah, I understand that, sir, I was asked that in the

1 Health and Safety trial as well, sir, yes.

2 Q. I want to deal with first what you had to say about that
3 at the Health and Safety trial, it's transcript -- if
4 this exists, please, on the system -- 16 October,
5 page 30. It does now, thank you. It's page 30, line 8.
6 If you follow it on the screen, please, it's about just
7 under a page I am going to read out:

8 "In your opinion, would there have been any point in
9 your officers attempting to identify a place where they
10 could have carried out a stop in the immediate vicinity
11 of either Scotia Road or the TA Centre?

12 "Answer: Not in my view, my Lord, no.

13 "Question: Was it practical to do so and keep the
14 operation covert?

15 "Answer: In my view it wouldn't have been, sir, no.
16 It would have been impractical to do that.

17 "Question: Was there any way of knowing in which
18 direction the suspects would go and by what means?

19 "Answer: Not in my view, my Lord, no.

20 "Question: And even if you were to find a place at
21 one time, that you thought might possibly be suitable,
22 is there any way you can know whether it's going to be
23 safe by the time you come to use it an hour or so later?

24 "Answer: Not at all, sir. Things change all the
25 time, especially in the rush hour.

1 "Question: So will you consider this for us: would
2 it make an operation safer or more dangerous to attempt
3 to find a predetermined site for a stop in circumstances
4 like these?

5 "Answer: That's a very difficult question to
6 answer, my Lord, but in my view, bearing in mind that
7 this was a covert operation and one of
8 intelligence-gathering at that phase, I mean, if we
9 deployed on that type of operation, we would compromise
10 the covert integrity of the operation completely, and by
11 doing so, potentially raise the risk to the public as
12 a result of that."

13 That was a year ago, Ralph.

14 A. Yes, sir.

15 Q. You have had a year to consider this proposition, and no
16 doubt you have followed, I'm not suggesting word for
17 word the evidence that has been called at the inquest,
18 but some of the evidence?

19 A. Yes, sir.

20 Q. Is that still your view today?

21 A. Very much so, sir, yes.

22 Q. The very idea that a predetermined stop place should
23 have been fixed between the green and the TA Centre is
24 not one that an experienced police officer would agree
25 with?

1 A. Too many assumptions, sir. Assumption that he's going
2 to go that way, the assumption that --

3 Q. Assumption number one, he's going to come out and turn
4 left?

5 A. Exactly, sir, yes.

6 Q. He might turn right?

7 A. Might go on a bike, loads of things, sir.

8 Q. Another assumption inherent in that suggestion is that
9 by that stage the person would have been identified to
10 a degree at which it was regarded sensible and
11 proportionate to have an armed stop?

12 A. Absolutely, sir, identification was crucial.

13 Q. Too many assumptions?

14 A. Yes, sir.

15 Q. You agree?

16 A. I do, sir, yes.

17 Q. Training.

18 SIR MICHAEL WRIGHT: How much more do you have, Mr Horwell?
19 I have had a request, that's all.

20 MR HORWELL: Certainly under five minutes, and I would have
21 thought two or three. I am happy to break now.

22 SIR MICHAEL WRIGHT: I was going to break when the next
23 witness came in. Can you hang on? Say quickly. Keep
24 it as quick as you can.

25 MR HORWELL: Speed up again with your answers, Ralph.

- 1 Training. You have been asked about how officers
2 could be prepared or trained for circumstances such as
3 these, and is it part of the training of CO19 officers
4 that there is in fact no reliable profile of a suicide
5 bomber?
- 6 A. None, sir, not that I am aware of or anyone else in my
7 fraternity, sir, no.
- 8 Q. Anything is possible?
- 9 A. Anything's possible, sir, yes.
- 10 Q. The witness before you spoke of the comparative ease
11 with which police officers may deal with a suicide
12 bomber from a control point, and obviously we can all
13 understand the relative ease of dealing with somebody
14 who is showing the bomb strapped to their chest. But in
15 circumstances such as existed on 22 July, the very idea,
16 thought of stopping a possible suicide bomber on a busy
17 street, in a busy bus, in a busy station concourse, or
18 on a busy platform or train; there are no easy answers,
19 Ralph, do you agree?
- 20 A. As long as I have been doing this job, sir, I haven't
21 found any. I can't think of any. We would be doing
22 them if there was.
- 23 Q. I was going to ask you, are you aware of anyone or any
24 country on earth that has an answer to that dilemma?
- 25 A. None of them, sir.

- 1 Q. The word "stop" in the circumstances that existed on
2 22 July plainly means intervene and detain?
- 3 A. Yes, sir. You mean in relation to, "Stop him getting on
4 the tube"?
- 5 Q. Yes.
- 6 A. Yes, sir that was my understanding, yes.
- 7 Q. I want to read this to you, Ralph, please and ask you
8 whether you regard this as nonsense; do you understand?
- 9 A. Yes, sir.
- 10 Q. "To a firearms officer, 'stop' can mean shoot him dead"?
- 11 A. No, it wouldn't mean that to me, sir, no.
- 12 Q. Nonsense?
- 13 A. I think so.
- 14 MR HORWELL: Thank you.
- 15 SIR MICHAEL WRIGHT: Thank you. Ms Leek, how long?
- 16 MS LEEK: A few minutes.
- 17 SIR MICHAEL WRIGHT: Let us have a break now. Five past.
18 (3.57 pm)
- 19 (A short break)
- 20 (4.08 pm)
- 21 (In the presence of the jury)
- 22 SIR MICHAEL WRIGHT: Mr Hough, I don't think we can go
23 beyond this witness tonight.
- 24 MR HOUGH: No, sir. After the jury have gone, we may need
25 to have a few minutes with the lawyers.

1 SIR MICHAEL WRIGHT: That's all right, I was just going to
2 say, tell whoever is looking after Terry that he need
3 not stay here tonight.

4 MR HOUGH: Thank you, sir.

5 SIR MICHAEL WRIGHT: Yes, Ms Leek.

6 Questions from MS LEEK

7 MS LEEK: Ralph, I just have a couple of very short points
8 to deal with with you.

9 You made contemporaneous notes in a notebook on the
10 morning?

11 A. Yes, ma'am, I did.

12 Q. That's at page 7874 if that can be brought up. In fact
13 the first page has been redacted as not being relevant,
14 but if we go to page 7878, you made notes -- sorry,
15 I have different numbering. Over two pages. You made
16 notes during the briefing at the time of the warning
17 given, and that was where you say "warning 9.15", that's
18 the legal position that's given out about individual
19 officer responsibility?

20 A. That's absolutely right, ma'am, yes.

21 Q. Then you have made a note of questions that were asked:

22 "Have they access to explosives?"

23 Then there is discussion about lower limbs?

24 A. Yes, ma'am.

25 Q. That relates to the devices that were used on the 7th,

- 1 I think?
- 2 A. Yes, that's correct, yes.
- 3 Q. Then:
- 4 "If devices initiated, time of detonation."
- 5 A. Yes, ma'am.
- 6 Q. Then you specifically write here:
- 7 "Easily concealed on body".
- 8 A. Yes, ma'am.
- 9 Q. "Easily detonated".
- 10 A. Yes, ma'am.
- 11 Q. That related to the discussion of the way in which
- 12 suicide bombers could have the devices around their body
- 13 concealed under clothing?
- 14 A. Yes, ma'am, that's correct, yes.
- 15 Q. And the ease at which those could be detonated?
- 16 A. Yes.
- 17 Q. The ease with which those could be detonated.
- 18 The only other matter I want to deal with you with
- 19 is at the Health and Safety trial on October 16 last
- 20 year, I think it's page 47, line 17, you went through
- 21 the lines of your second statement that Mr Stern went
- 22 through with you, and you said that, despite the outcome
- 23 you were very proud of the officers that day?
- 24 A. I was, ma'am, yes.
- 25 Q. Do you stand by that?

1 A. I do, ma'am, and can I just quantify it quickly, I won't
2 be long, but it's just -- I realise the outcome was
3 tragic, and it was tragic and it was a terrible thing
4 that happened that day, but it shouldn't detract from
5 the fact that those officers ran down believing that
6 they were going to deal with a suicide bomber and they
7 didn't hesitate in the slightest and they didn't
8 question it, they just went down there and did it, and
9 that's why I was proud of them that day, because they
10 did what they were supposed to do.

11 MS LEEK: Thank you.

12 SIR MICHAEL WRIGHT: Thank you. Mr Hough.

13 Further questions from MR HOUGH

14 MR HOUGH: Yes, just one matter to deal with, Ralph. When
15 I asked you questions earlier, you said that you thought
16 that your team could perform the stop at any time after
17 when you heard that the subject was definitely your man.

18 A. Sir.

19 Q. It's been put to you that at that time he was still on
20 the bus and you didn't know if or where he would get off
21 the bus?

22 A. No, that's true, sir.

23 Q. You agreed with that?

24 A. Yes, sir.

25 Q. You also said under examination from other lawyers that

1 you thought state amber could and should have been
2 called earlier?

3 A. If they wanted us to do an intervention, sir, yes.

4 Q. If state amber had been called earlier, it would have
5 been for you to decide when to call state red?

6 A. Yes, that's correct, sir, yes.

7 Q. At what stage would you have called state red?

8 A. Well, it's very difficult for me to tell you that now,
9 sir, because it would depend very much on the
10 circumstances at the time, the traffic, the people and
11 so I can't really make that judgment now, sir.

12 SIR MICHAEL WRIGHT: Could you have done it before you knew
13 where he was?

14 A. No, sir.

15 MR HOUGH: From what you were hearing over the surveillance
16 at the time, what message, at what point in the message
17 trail do you think it would have been sensible to call
18 state red: when he was getting off the bus, when he was
19 walking towards the tube station, when he was entering
20 the tube station?

21 A. Again if we are talking about specifics now, sir, as he
22 got off the bus, then I would have called state red.

23 Q. It was also put to you that a challenge, an armed
24 intervention, dealing with a suspected suicide bomber in
25 a public area is exceptionally dangerous whether it's

1 outside a tube, inside the concourse, wherever?

2 A. Yes, sir.

3 Q. But if you had called state red, if you had been
4 responsible for directing your officers to perform the
5 intervention, where would you have wanted to perform the
6 stop, given that it was an invidious choice, when the
7 man was walking from the bus to the tube, when he was
8 outside the tube, when he was in the concourse, or when
9 he was down the escalators?

10 A. That's a very difficult question to answer now, sir, you
11 must accept that. The ideal spot would have been
12 probably in the middle of Binfield Road, I would
13 suggest.

14 SIR MICHAEL WRIGHT: Middle of, sorry?

15 A. Binfield Road, sir. The reason I say that is because,
16 when you do the intervention, specifically in this
17 scenario, what you want to try to do is create a sterile
18 gap around the man or the woman that you are actually
19 going to do the intervention on. It's not ideal, not by
20 any stretch of the imagination, but it's probably the
21 best or the lesser of the evils that were about at that
22 particular time. So do we let him get on the tube or do
23 we do it in the street? I would probably go for doing
24 it in the street. It gives a bit of distance for the
25 firearms officers, so a bit of safety for them. If

1 there is any cover there they can get behind it. They
2 can verbally challenge the suspect and shout out and let
3 them know there is armed police there, but also it means
4 we can control the public. So we can shout at the
5 public and say: look, get out of the way, we are armed
6 police officers; and create a kind of sterile gap, if
7 you like, between the suspect and the firearms officers.

8 Now, I am not saying that there is no risk of
9 detonation, and as we have already discussed, there is
10 a risk of detonation as soon as you go overt and let
11 them know that you are there. However, I think if he
12 did detonate, the casualties -- it's all about risk
13 management, isn't it? The casualties would probably be
14 less in the street, that kind of sterile area, than they
15 would be in an enclosed tube station. That would have
16 been my view.

17 Q. Can I finally put to you one other invidious choice.
18 Which is the greater of these two evils: a challenge in
19 a concourse of a tube station at that time in the
20 morning, with the number of people around that we have
21 seen on the CCTV; or a challenge down in a tube train at
22 that time of the morning?

23 A. I really can't give you an answer to that, sir, because
24 it depends how many people are there, you know. One
25 minute the platform, as you know yourselves, could be

1 packed with people, and the foyer could be empty, so
2 I really couldn't tell you.

3 SIR MICHAEL WRIGHT: All depends on circumstances.

4 A. Absolutely, sir, yes.

5 MR HOUGH: On that day, placing yourself back in that
6 position, which of those two would you have chosen?
7 Would you have held back until he had gone down further
8 into the tube station or would you have tried to perform
9 the stop at as early a stage as possible?

10 A. I would have tried to perform the intervention as soon
11 as I possibly could, sir.

12 MR HOUGH: Thank you very much. Those are my questions.

13 Questions from THE CORONER

14 SIR MICHAEL WRIGHT: Following that last one up, what we
15 were told by one witness, I suspect you will probably
16 agree, that it's really a different factor between the
17 concourse up above and the platform down below; I looked
18 it up the other day, Stockwell is in fact a junction
19 between the Northern Line and I think the Victoria Line.
20 The problem that another witness identified was that
21 once he had gone down the escalators the chances of
22 losing him would be far higher.

23 A. Yes, sir, that's true.

24 SIR MICHAEL WRIGHT: Would that be right?

25 A. Yes, sir, because you know, you don't know what platform

1 he's --

2 SIR MICHAEL WRIGHT: You don't know which way he's going to

3 go.

4 A. You don't know what train he is going to get on. That's

5 exactly right, sir.

6 SIR MICHAEL WRIGHT: If he is just lucky and catches a train

7 just about to go out, he may disappear altogether.

8 A. On that particular day, sir, had it not been for the

9 surveillance officer holding the door open --

10 SIR MICHAEL WRIGHT: That train would have gone out. That's

11 the point.

12 A. Yes.

13 SIR MICHAEL WRIGHT: It's really on that basis that the

14 concourse is a better place to do it --

15 A. Certainly better than letting him go down the stairs,

16 sir, but again it's all about assessment and the amount

17 of people that are there at the time.

18 SIR MICHAEL WRIGHT: Yes, that's another factor. If you

19 were lucky enough to strike a time when the platforms

20 were empty, it might have been a different kettle of

21 fish.

22 A. That's exactly right, sir. Of course, you never know,

23 there could have been a bus full of schoolchildren

24 suddenly turn up and all get out and walk on the

25 concourse.

1 SIR MICHAEL WRIGHT: Thank you very much indeed. That's
2 all, and as soon as the ushers can get you out you are
3 free to go.

4 A. Thank you, sir.

5 SIR MICHAEL WRIGHT: Ladies and gentlemen, so are you.
6 Thursday, 10 o'clock.

7 (The witness withdrew)

8 (4.20 pm)

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