

Coroner's Inquests into the London Bombings of 7 July 2005

Hearing transcripts - 14 October 2010 - Afternoon session

1 (2.15 pm)

2 Discussion re future application from the media

3 LADY JUSTICE HALLETT: Mr Keith, I have received

4 representations in very measured and sensible form from

5 representatives of the media in relation to the

6 documents showing a number of text messages that

7 appeared on the screen but to which you only made

8 reference to one.

9 MR KEITH: Yes.

10 LADY JUSTICE HALLETT: At what stage would it be convenient

11 for me to deal with their submissions?

12 MR KEITH: My learned friend Ms Gallagher sought permission

13 from you to address you perhaps in writing in relation

14 to those texts by setting out what further evidence in

15 relation to those texts she might wish to adduce in due

16 course rather than asking Mr Stuart to return.

17 If it becomes her position and those of her clients

18 that she wishes to make reference to those texts in open

19 court by way of adducing those texts into evidence, then

20 those texts will form part of the record and there could

21 be no principled objection to reference to those texts

22 in the media, and then the usual rule would apply in

23 relation to onward publication of that material by way

24 of republication in the press, and your current order

25 has been that anything to which reference is made in

1 open court may be provided to the press for

2 republication.

3 LADY JUSTICE HALLETT: Subject to any objection.

4 MR KEITH: Subject to any objection. If my learned friend

5 reaches the view that there is nothing in the text, then

6 the observations I make this morning would stand, in

7 which case they form no part of the evidence, they are

8 irrelevant, and there is a fortiori nothing to publish,

9 because the fact they merely appeared on the screen

10 would be subject to the principle in Waterfield which is

11 that a document or an exhibit, to which reference is

12 made by a jury or a judge, does not of itself go into

13 evidence for the purposes of publication.

14 So it may be, my Lady, that we are unable to resolve

15 whatever principled argument might arise until we know

16 where we stand in relation to the issue of relevancy and

17 admission into evidence and that is a matter for my

18 learned friend, who I think had asked for a day to

19 reflect on the position and I think she had intended

20 that she would be addressing my Ladyship in writing by

21 close of play tonight -- tomorrow.

22 So the convenient time to deal with it may be on

23 Monday, my Lady, if it pleases you, when I think we may

24 also be hearing again from Mr Vassell-Adams on behalf of

25 ITN in relation to the CCTV, and that would give my

1 learned friend Mr Hill time to formulate submissions on
2 the texts and the issue of whether they might, if
3 republished, lend weight to glorification if they do not
4 themselves go into evidence.

5 LADY JUSTICE HALLETT: That all seems very sensible,
6 Mr Keith. So as far as the media are concerned, my
7 rulings will have to stand until Monday, it seems, and
8 we'll revisit the issue then and hope to give them
9 a decision as soon as possible.

10 MR KEITH: Indeed, my Lady, unless my learned friend
11 Ms Gallagher is able to accelerate her timetable.

12 LADY JUSTICE HALLETT: I'm told that representatives of the
13 media have said they'd like to make submissions today or
14 they could be ready to at 3.30, but by the sounds of it,
15 that's not going to fit in with Ms Gallagher's timetable
16 at all.

17 MS GALLAGHER: My Lady, clearly, if the media wish to
18 address you simply on the bare fact that these texts
19 have been seen on screen, they may be able to do so this
20 afternoon. Our timetable in respect of Mr Stuart from
21 this morning relates, not only to this material, but to
22 some other material which we saw for the first time in
23 court today, which our clients have yet to see. We
24 won't be in a position to discuss it with our clients,
25 take instructions, or prepare any argument for you by

1 this afternoon. We clearly have to consider most
2 carefully whether these texts in particular can be seen
3 to be relevant when viewed against the list of issues.
4 So it may be that the media wish to address you in
5 any event, regardless of the fact that they haven't been
6 adduced in evidence yet. I would think that Mr Keith's
7 timetable in relation to our position still seems
8 sensible. So it may be that the media wish to address
9 you at 3.30 pm and, if you're not persuaded, they may
10 wish to come back on Monday morning. I'm afraid we
11 simply won't be in a position to address you by 3.30 pm
12 on that matter.

13 My Lady, there's just one further issue in relation
14 to the media which I should just raise. You will be
15 aware that as well as Mr Hill's objections to the full,
16 unedited CCTV, there were also objections from a number
17 of our clients, which we put in writing and which
18 Mr Hill referred to a number of days ago in open court.
19 If Mr Vassell-Adams is intending to attend on behalf
20 of ITN or any other media organisations and make an
21 application, we just ask that we're put on notice of it,
22 because it's likely that we will be addressing you as
23 well as Mr Hill and Mr Keith.

24 LADY JUSTICE HALLETT: Absolutely correct, Ms Gallagher.
25 I think, too, other families may also have an interest,

1 and it may well be that they'd wish to make submissions
2 on the rest of the text messages which appeared upon the
3 screen. I am not one for making rulings on
4 a hypothetical basis. I'd far rather know where we
5 stand and whether the other text messages are relevant.
6 For example, the submissions I've received suggest
7 that the timings and content of the messages might paint
8 a more accurate picture of the bombers' relationships
9 and preparations. If that were the case, I would
10 suspect Mr Keith to be arguing that they are relevant.
11 So I'm afraid that, albeit I wish I could give the
12 press a more definitive answer today, I just don't think
13 it's going to be possible. I think others are entitled
14 to consider the position and, as Mr Keith says, the
15 primary role is that the mere fact that something has
16 appeared on screen does not make it an exhibit and does
17 not make it publishable.
18 So I think, Mr Keith, my ruling must stand. I'll
19 return to the issue as soon as I can and as soon as
20 others have been given an opportunity to consider it.
21 In the meantime, it seemed to me that the press make
22 a very valid point that, if they hadn't brought it to my
23 attention, if it appeared on screen, they might just
24 have thought, "Ah, well, we can report it". So as
25 I said earlier, I'm grateful to them for the fact that

1 they asked permission first.

2 I think we need to give consideration to making sure
3 that, whatever is on screen, the press know exactly
4 where they stand.

5 MR KEITH: Yes. My Lady, may I say I entirely agree,
6 respectfully. They were very deferential in the way in
7 which they approached and raised the problem. The
8 reason why I sought the order I did this morning was to
9 preserve the status quo pending any further ruling by
10 my Lady. Clearly, if the cat had been let out of the
11 bag and the material had been published in advance of
12 any ruling on the principles, it would then have been
13 too late.

14 So, my Lady, I respectfully agree, your ruling
15 preserves the position until we can examine it more
16 fully in due course.

17 LADY JUSTICE HALLETT: My apologies to the press if they
18 thought I would be in a position to deal with it today
19 at 3.30. As I hope they've heard and understood, there
20 are other people's interests that must be taken into
21 account and so I'm not in a position to deal with it
22 today because not everybody is here today, as you say,
23 because, apart from anything else, public funding
24 doesn't cover everybody attending every day.

25 So I would like others who might have an interest in

1 this argument alerted to the fact that I will be dealing
2 with it -- when do we think it is likely to be?

3 MR KEITH: My Lady, that's entirely a matter for you. We
4 have a full day on Monday commencing with background
5 statements and then the first witnesses in relation to
6 Aldgate, but it is to be hoped that we will have some
7 time at the end of the day and, my Lady, it is plainly
8 within your discretion to perhaps sit a little later or
9 a little earlier on Tuesday if the arguments overrun.

10 LADY JUSTICE HALLETT: If possible, we'll get to it Monday
11 afternoon.

12 MR KEITH: My Lady, I'm bound to say that each day is
13 equally full. The only alternative would be tomorrow,
14 but again --

15 LADY JUSTICE HALLETT: Tomorrow is impossible. I'm afraid
16 I have a full day of other commitments.

17 MR KEITH: I think it simply has to be Monday, and, my Lady,
18 we'll simply do whatever is required to allow that to
19 happen.

20 LADY JUSTICE HALLETT: The representatives who have sent in
21 this submission may wish to ensure that
22 Mr Vassell-Adams, if he's representing ITN and, I think,
23 other organisations again, then maybe he could advance
24 any arguments they wish advanced at the same time.

25 MR KEITH: The other parties -- only two of the parties have

1 seen the text messages, as my Lady observed. Mr Hill,
2 because he knew of them anyway, and my learned friend
3 Ms Gallagher because we gave her a hard copy this
4 morning. So it would certainly allow others to be aware
5 of the issues fully.

6 LADY JUSTICE HALLETT: Very well. Subject to the
7 availability of the legal representatives of the media
8 organisations who wish to make submissions through legal
9 representatives and subject to our other commitments,
10 I will hope to get to return to this matter Monday
11 afternoon at the end of the day. If that really becomes
12 impossible, then I'll try to do it first thing Tuesday
13 morning; if necessary, sitting a bit earlier.

14 MR KEITH: Thank you very much, my Lady.

15 LADY JUSTICE HALLETT: Thank you.

16 MR KEITH: My Lady, could we return, please, to Detective
17 Inspector Kindness who remains under oath?

18 DETECTIVE INSPECTOR EWAN KINDNESS (continued)

19 LADY JUSTICE HALLETT: I don't need to remind you that
20 you're still under oath, Mr Kindness.

21 Questions by MR KEITH (continued)

22 MR KEITH: Could we have please on the Trial Director the
23 remainder of the edited, compiled CCTV evidence that
24 you've put together for us, please?

25 It should start, Mr Kindness, I think, with

1 reference, chapter 492 from AMP44.

2 A. That is correct sir, yes.

3 Q. Second entry, please.

4 (Video played)

5 A. This footage will show the frontal view of the 204 train
6 number, Circle Line train pulling into Liverpool Street
7 station, and it's coming towards the camera at the
8 moment.

9 Q. Officer, this is Liverpool Street. It stands to reason
10 that the bomb, if it entered the train at King's Cross,
11 is already on that train.

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

13 Q. As is the bomber.

14 A. That's correct. This image shows the last -- the first
15 carriage, the last entrance gate before the second
16 carriage of the train.

17 Q. The timing in the top left-hand corner, although the
18 CCTV itself shows 07.44, did your researches show that,
19 in fact, the CCTV system itself was one hour and three
20 minutes slow?

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

22 Q. So we mustn't be misled by that timing. The timing of
23 this is, in fact, 08.47 or thereabouts?

24 A. That's correct, sir.

25 Q. Therefore, it also follows some of the survivors, indeed

1 some of the deceased, may have entered the carriage
2 during those pictures that we have seen?
3 A. That's correct, yes.
4 Q. The train leaves.
5 A. Yes, the train will depart the platform and then in
6 approximately 40 seconds we will get smoke, blast effect
7 from the detonation of the device.
8 Q. Can we see there smoke emanating from the tunnel?
9 A. That's correct, sir. Passengers move away and a police
10 officer will arrive on the platform in a short while.
11 LADY JUSTICE HALLETT: Are they British Transport Police
12 officers, Mr Kindness?
13 A. I believe they are, my Lady.
14 MR KEITH: One of them is holding a radio, we can see on the
15 right.
16 A. That's correct, yes.
17 Q. I don't think, my Lady, that we've ever been able to
18 identify who those gentlemen were, but we may in the
19 course of evidence be able to pinpoint that.
20 Then do we move on to the movements of Hussain in
21 the King's Cross area?
22 A. That's correct. If we could just pause that.
23 Q. In fact, after the detonation of the other bombs?
24 A. That's correct, sir. Just by way of scene-setting,
25 again the dark blue arrow will be used for

1 Hasib Hussain. A lot of the footage is at the front of
2 King's Cross station where there's large crowds, it's
3 difficult to pick him out. And, where appropriate,
4 a white arrow will appear when there's mobile phone
5 activity.

6 The first image shows him exiting from King's Cross
7 underground station to the forecourt in front of
8 King's Cross main line.

9 This is an alternative view of him exiting the
10 station.

11 This is a wider view of him. He'll come from the
12 left-hand side where the underground sign is, and he'll
13 walk towards the camera.

14 The timing on this, shown as 08.54, is believed to
15 be accurate.

16 This is an alternate view of Hussain at the front of
17 King's Cross station.

18 A rear view on this occasion, still at the front of
19 the station.

20 In this image, we should see Hussain with what we
21 believe to be a mobile phone to his ear, it should be
22 highlighted by the white arrow.

23 Again, there's another view of similar footage, him
24 using a mobile phone.

25 It's a rear view of Hussain as he heads in the

1 direction of York Way, Euston -- sorry, King's Cross,
2 and heads in the general direction of Boots the Chemist.
3 Q. My Lady, we have a map of the King's Cross area at E6,
4 the core bundle. We can't put it up on Lextranet
5 because, of course, of the CCTV, but the hard copy is in
6 the core bundle at E6.
7 A. It's Hussain entering Boots the Chemist.
8 It's a view from the main concourse of King's Cross
9 and this is looking into Boots and you'll see
10 Hasib Hussain exiting on to the concourse.
11 LADY JUSTICE HALLETT: Sorry, how long was that after he'd
12 gone in?
13 A. It was believed to be a straight walk through, my Lady.
14 It's footage of him leaving Boots across the
15 concourse. Then an alternative view of the same, and
16 what will follow will be a number of different segments
17 of footage of his movements around the King's Cross
18 concourse area.
19 MR KEITH: Broadly, he comes out of Boots and he moves in
20 all these clips from west to east?
21 A. Yes, he does, sir.
22 Q. Through the middle of the King's Cross concourse?
23 A. That's correct.
24 Q. Then back again.
25 A. Here is a closer side view of him, past the front of

1 Burger King, still on the concourse.
2 He should appear from the left of the screen.
3 A partial view as he moves in front of the camera.
4 Passing Burger King.
5 Q. Then pause there, please. There are a number of camera
6 shots of him then going into WH Smith, are there not --
7 A. That's correct, sir.
8 Q. -- from different angles?
9 A. Yes.
10 Q. We've edited out, or you've edited out, from this
11 compilation one of the less clear camera shots of him
12 going into WH Smith, but you've retained the one that
13 shows him much more clearly, and is that the one we're
14 about to see now?
15 A. That's correct, sir, yes.
16 Q. Tell us what you see, please?
17 A. Hasib Hussain is approaching the WH Smith entrance,
18 taking his rucksack off. He will then be seen to look
19 into the rucksack. This segment of footage is about two
20 and a half minutes long.
21 Q. So he spends a very significant amount of time rooting
22 around in a rucksack containing a highly unstable,
23 cooled explosive mixture?
24 A. That's correct, sir.
25 He's now putting the rucksack back on his back, he

1 will adjust the shoulder straps and then he'll enter
2 WH Smith.

3 Q. Does he appear to be holding something in his left hand
4 there?

5 A. Yes, he does, sir.

6 Q. We saw a flash of something in his hand.

7 A. There's definitely something in his left hand.

8 Q. Were officers able to identify what it might have been?

9 A. We believe it to be the batteries from the device, sir,
10 but it's difficult to be 100 per cent safe from that
11 image.

12 Q. At any rate, he then proceeds into the shop to the
13 display counters. There is some CCTV footage of him
14 moving round the counter areas or, sorry, round the
15 display areas, but then the next shot, this shot, is him
16 at the counter.

17 A. Yes.

18 Q. We see him there.

19 A. He's pointing out to the cashier an item which we
20 believe to be batteries. He pays with a £5 note,
21 I believe.

22 Q. Just pause there, please. As we'll hear in a moment,
23 investigations showed, did they not, that there was
24 indeed a purchase of a single Duracell Plus 9-volt
25 battery for £4.49?

1 A. That's correct, sir.

2 Q. We'll look at the till receipt in a moment. Thank you,
3 please continue.

4 A. He will now walk out of WH Smith, turning left on the
5 concourse out of sight.

6 We'll now see some footage of him on the concourse
7 as he makes his way towards the front of the station.
8 Him leaving WH Smith.

9 Q. The entrance to WH Smith is onto the main concourse,
10 isn't it?

11 A. That's correct, yes.

12 He's now exiting the station on to the frontage of
13 King's Cross station. It's an alternative view of the
14 same act.

15 In this image we should be able to see an object in
16 his right hand and something in his left hand as well.

17 Q. He seems to put it in his pocket, does he?

18 A. That's correct, sir, yes. It's another view of him
19 leaving the station.

20 It's footage of him crossing the junction of
21 York Way and Euston Road, it's very quick. Again,
22 there's a different view of him crossing the junction
23 here.

24 Q. Is that a view eastbound?

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

1 Q. No, I'm wrong. It must be a view southbound, he's
2 moving from right to left from King's Cross going
3 eastbound towards Gray's Inn road?
4 A. It's eastbound and --
5 Q. The camera shot is a southbound shot.
6 A. A southbound shot, and he's into McDonalds, out of view.
7 Q. We can see from our map at E6 that McDonalds is located
8 to the east of King's Cross, and this shot is from
9 the --
10 A. This is from the --
11 Q. The front?
12 A. -- front of King's Cross looking towards McDonalds'
13 shopfront, and we'll see him from the right-hand side
14 cross over and enter McDonalds.
15 Q. How long is he in McDonalds for, roughly?
16 A. Approximately 8 minutes.
17 Q. May it be supposed that during that time he puts the
18 battery which he's purchased into the bomb?
19 A. Absolutely.
20 Q. Is this him coming out now?
21 A. Yes, that's correct.
22 Q. So this is some 8 minutes later?
23 A. Yes, across York Way, back towards King's Cross.
24 We'll see him on the left of the screen here.
25 Again, I believe he's got his hand to his ear and he's

1 making a mobile phone call. It's the east footway of
2 Gray's Inn Road.

3 Q. The CCTV is accurate for that picture, is it not?

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

5 Q. Do we know from the call data that he makes a call
6 around about that time to Lindsay?

7 A. Yes, he does.

8 Q. Who was, of course, dead by then.

9 A. He's crossing over the pedestrian walkway, and now he's
10 walking west along Euston Road past Barclays, and this
11 timing is accurate, 09.20.43.

12 Q. So he's on the southbound road of the Euston Road at
13 this point?

14 A. That's correct, sir. I believe he's got his sunglasses
15 on as well, sir, I think you can see them in this image.
16 It's a view of the ATM as he passes by, it's only
17 a partial view and, again, another ATM view, right to
18 left, and he's on the opposite footway of King's Cross
19 station.

20 Q. Going past St Pancras at that stage, still going west?

21 A. That's correct, yes, still heading in the same
22 direction.

23 He pauses, turns round and then walks back towards
24 the direction of Gray's Inn Road, he's clearly seen
25 wearing sunglasses now, which we believe were put on in

1 the vicinity of McDonalds.
2 It's an alternative view walking past the HSBC Bank
3 across and over Argyll Street. Again, it will see him
4 pausing, turning and coming back towards Gray's Inn Road
5 and the timing is -- it's one minute 12 seconds slow.
6 The accurate time would be around 9.22.30.
7 The next image will be the ATM shot, which is
8 6 minutes slow, to show him going back towards
9 Gray's Inn Road. In a rear view of the same footage, in
10 a similar position, just an alternative view, passes
11 Burger King and Barclays Bank.
12 That timing is accurate.
13 This is the last a image that we see of him,
14 a partial view of him as he passes back towards
15 Gray's Inn Road. That was the last sighting of him.
16 Q. What do we turn to next, Detective Inspector?
17 A. The -- we understand -- if we can pause there just for
18 a second, please. Thank you. We couldn't find any
19 footage of him boarding the 91 bus, but it's our
20 understanding from witness statements that he boarded
21 a 91 bus in the vicinity of Gray's Inn Road. We
22 couldn't identify any footage on bus footage of that
23 activity, so what we did was we looked to utilise the
24 cameras that are on London buses as a sort of mobile
25 CCTV system really to see if we could capture the

1 movements of, firstly, the 91 bus that he was on and
2 also, later, the 30, the route 30 bus.

3 Q. Is this first clip a picture -- a section of CCTV
4 showing the route 91 bus?

5 A. That's correct. This is a route 73 bus on the
6 Euston Road and the 91 bus that we believe Hasib Hussain
7 is travelling on is positioned behind. It's quite
8 difficult to see, but I'll look to point out and
9 potentially pause it when we see it, but --

10 Q. It's quite a long clip. I wonder whether or not you
11 might just -- if you could fast forward, please, a bit
12 and, Officer, if you can gauge roughly the spot where we
13 see the 91 bus.

14 A. If we pause there, you can just see a bus positioned
15 behind, that's the 91 there. We can fast forward it
16 a bit now. We get a better view of the bus.

17 Q. There it is, more clearly there on the right.

18 A. We can take it forward. This is a view out of the
19 route 73 bus. We can see it again partially there.
20 Then we'll come to a point at Grafton Place where
21 the 91 bus will turn right and park up and we'll just
22 see the 91 bus. Again, it's stopped in traffic behind
23 and it's taken on some passengers.

24 We will in due course see it move over to the centre
25 of the road, the carriageway, and turn right into

1 Grafton Place, which is now.

2 Q. You can see it turning there?

3 A. That's correct.

4 Q. So it turns off the Euston Road?

5 A. Yes, it does, into Grafton Place where it parks up. If

6 we could pause there, that's a view of the 91 bus, we

7 believe stationary, this is from a route 205 bus coming

8 out of the Euston bus station, which is where he catches

9 the route 30.

10 Q. Then do we now turn to the available CCTV evidence in

11 relation to the number 30 bus?

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

13 Q. Where is the first clip taken from?

14 A. The first clip is from a stationary route 253 bus. If

15 you can pause it there, please, you can see this is

16 a route 30, and you can see clearly on the side the

17 advertisement "The Descent" which is a key sort of

18 identifiable feature for us in tracking the vehicle.

19 We can play that now, please, thanks.

20 Q. This is all in Euston bus station, is it?

21 A. That's correct, yes, and the bus will park up and

22 passengers will start to board.

23 Q. I think we can probably fast forward a little bit here.

24 A. Yes.

25 Q. The rest of that clip shows the number 30 bus stationary

1 there with passengers milling around it and some
2 boarding, is that right?
3 A. That's correct, sir, yes.
4 Q. The next one?
5 A. There's one just behind that, an image just before that,
6 very brief image. If you could play it from there,
7 please, thank you.
8 Q. Another bus comes out behind the number 30 bus,
9 obscuring the view.
10 A. That's correct. There is a revolving camera, it's
11 difficult to see, but maybe pause it in just a second,
12 let that play just a second, thanks. Pause it there,
13 please, that's the 30 bus there in front, in the middle
14 of the screen. Play, please, thank you.
15 In this next image the route 30 bus will be seen
16 moving out of the bus station towards Euston Square.
17 That's the bus, the second bus in the image further
18 back, or in the middle of the top centre of the screen.
19 That's the route 30 bus.
20 It's there for a couple of minutes before it moves
21 off.
22 Q. I think we can fast forward, can we not?
23 A. Yes, I think -- if we could just see the "The Descent"
24 signage as it moves away, sir.
25 Q. It's moved away, then, we've just gone past it. There

1 we go.

2 A. You see the signage on the side of the bus.

3 The next camera is a view from the route 168 bus

4 which is in Eversholt Street travelling towards

5 Euston Road. You can see the route 30 bus moving out

6 and turning right into traffic.

7 As the 168 bus passes Grafton Place, you get sight

8 of the route 91 bus that he exited in order to get on

9 the route 30.

10 Q. I think we can move forward a little bit. We can see

11 the buses moving there.

12 A. That's correct, sir, yes. Essentially, the remainder of

13 this footage will show the bus in heavy traffic moving

14 across Euston Road and into Upper Woburn Place.

15 Q. So it continues straight ahead across the main

16 junction --

17 A. That's correct, sir.

18 Q. -- into Woburn Place?

19 A. Yes.

20 Q. All right, if you just continue moving the -- right, we

21 can still see the bus in the background there, can we?

22 A. That's right, up ahead, yes.

23 Q. You can see a fire engine arriving there?

24 A. Yes, this is the Ambassador Hotel --

25 Q. We couldn't just go back to the end of that last shot,

1 please? We can see a fire engine moving from left to
2 right across the picture, and this is around about 9.45,
3 I suppose, by now?
4 A. That's correct, sir.
5 Q. So it's plainly one of the fire engines attending the
6 mobilisation call to Euston Road, King's Cross?
7 A. Correct.
8 The next image will be -- is from inside the
9 Ambassador Hotel in Upper Woburn Place. The bus is
10 travelling right to left, I don't know whether you want
11 show that one again, but it's right to left on the
12 screen in Upper Woburn Place.
13 Q. There, "The Descent"?
14 A. That's it. The footage continues to play because you
15 will get a reaction to the detonation from staff in the
16 hotel, the customers.
17 Q. They're all looking, are they not?
18 A. Yes, they are.
19 Q. Northbound up Woburn Place towards Tavistock Square?
20 A. That's correct. Was it southbound, sir?
21 Q. I'm sorry, quite right, southbound. Is this from
22 another premises?
23 A. This is an alternative angle of the bus going past again
24 from the Ambassador Hotel as well. Again, you'll get
25 the members of the public's reaction. You can see it

1 there.

2 Q. They stop.

3 A. I think that's the reaction there, sir. The staff come
4 to see what's happened.

5 This is the British Medical Association. You'll see
6 the bus on the right-hand side, which is ringed. This
7 is the last sighting we have of the bus before
8 detonation. Again, you'll see the reaction of members
9 of the public.

10 This is a route 59 bus, which will show some footage
11 of the route 30 bus behind. Essentially, it may be
12 worth fast forwarding it just to see the reaction of the
13 passengers, sir. I don't think there's too much
14 additional that it provides because of the difficulties
15 with the lighting coming in the back of the window.

16 Q. We can very faintly see the number 30 bus behind in the
17 rear window?

18 A. We can see the bus and eventually this bus will move
19 away from the route 30 bus, and then what we'll get is
20 the reaction of passengers in this bus to -- looking
21 north up Upper Woburn towards the 30 bus. You won't see
22 any footage of the actual detonation on this camera.

23 Approximately 09.40.33 is the reaction time.

24 The timing is believed to be 7 minutes slow, this
25 footage.

1 Q. So from this footage the explosion in Tavistock Square
2 took place at 09.47.33 or thereabouts?
3 A. That's correct, sir. That's the reaction.
4 The last segment, if we could pause it, is -- again
5 it's a long view from a route 168 bus in
6 Eversholt Street. It's looking down southbound in
7 Upper Woburn Place and, at 09.34.23, in the upper left
8 of the screen, you can see some debris and a faint trace
9 of smoke along Upper Woburn Place sort of above the
10 vehicles.
11 Q. Is this camera view looking eastbound?
12 A. This is looking south into Upper Woburn Place.
13 Q. Looking southbound?
14 A. I believe so, yes. At the junction of Euston Road.
15 Q. Right.
16 A. There. You can see the smoke.
17 Q. All right. Officer, may I deal very swiftly with one or
18 two other matters, please, if I may?
19 Something arising from your evidence yesterday. We
20 addressed the possibility that one of the CCTV camera
21 shots at Luton railway station might have been out.
22 Have you gone back to check the times of each of the
23 camera shots at Luton railway station on the morning of
24 7 July when Lindsay first arrives, including those that
25 we didn't actually show yesterday but are available for

1 you to view from the original seizure of the CCTV
2 evidence and compared those times against the times of
3 the CCTV segments which show the carriage clock in the
4 railway station?

5 A. That's correct, sir.

6 Q. Are you entirely confident that the CCTV times which you
7 gave us, and which are shown by the CCTV cameras
8 themselves, are consistent amongst themselves and
9 accurate, subject to small variations here and there?

10 A. That's correct, sir. Within a few seconds. The
11 electronic clock on the platform effectively confirms
12 the timings of the Luton car park area and the station
13 itself are a few seconds out of accurate in terms of
14 time.

15 Q. Secondly, did you, in fact, prepare a further statement
16 very recently, dated 12 October, in which you provided
17 us with some information about the research done by
18 yourself and your fellow officers in September 2005 by
19 way of trying to collate other CCTV material that might
20 show the response of the emergency services at each of
21 the four scenes?

22 A. That's correct, sir. There was some initial work
23 carried out as a result of a tasking in September of
24 2005.

25 Q. Can you tell us, as far as you are able, how much in

1 total material still exists that might show the
2 responses of the emergency services?
3 A. A significant amount of footage, sir.
4 Q. Hundreds or thousands of hours?
5 A. It could be thousands of hours.
6 Q. All right. Therefore, for obvious reasons, that tasking
7 was taken no further because it presumably would have
8 involved a vast amount of time and resources in order to
9 try to put together and collate whatever CCTV material
10 remained that might have showed the response of the
11 emergency services against the witness statements and
12 the material you already had showing what each of those
13 respondents had done?
14 A. That's absolutely correct, sir.
15 MR KEITH: Officer, I have no further questions, thank you
16 very much. There may be some more from others.
17 LADY JUSTICE HALLETT: Mr Patterson?
18 Questions by MR PATTERSON
19 MR PATTERSON: May it please my Lady.
20 Inspector, the first topic I'd like to seek your
21 assistance with is the general topic of CCTV and
22 reconnaissance trips to London, and obviously we viewed
23 with you yesterday the 28 June movements in Luton and
24 down to London, and I'd like to ask you a little bit
25 about that, please, as a topic.

1 In summary, have I got it accurate, that on 28 June
2 we see the three men -- and I say three because, of
3 course, Hussain wasn't present on that day, was he?

4 A. That's correct, sir.

5 Q. But we see them travelling by train down to
6 King's Cross?

7 A. Yes.

8 Q. We see that at the underground station at King's Cross
9 they actually went as far as going right down on to the
10 Piccadilly Line platform at King's Cross underground
11 station.

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

13 Q. So they checked out that platform, something therefore
14 which ties in with the events of 7 July and, as we know,
15 the Jermaine Lindsay bomb on the Piccadilly Line train?

16 A. That's correct, sir.

17 Q. Next, and focusing on Shehzad Tanweer and his movements
18 on the 7th, we see that, on the 28th,
19 Mohammed Sidique Khan and Tanweer headed towards the
20 Hammersmith & City, Metropolitan and Circle Line
21 platforms. So again, on that reconnaissance trip, they
22 visited, or appear to have visited, the line from which
23 they moved on 7 July itself?

24 A. That's correct, sir.

25 Q. So again tying in with Tanweer, who went to the east on

1 the Circle Line, and MSK, Mohammed Sidique Khan, who
2 went to the west on the Circle Line?

3 A. That's correct.

4 Q. On 28 June, we also saw that they had travelled to
5 Embankment station and it would appear, would it not,
6 that they had taken the Circle Line round in a clockwise
7 direction; yes?

8 A. That's correct.

9 Q. Because I think you told us and showed us images of them
10 getting off the Circle Line train at Embankment on what
11 was then the westbound Circle Line platform?

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

13 Q. So that clockwise movement on the 28th, again something
14 that ties in with Shehzad Tanweer's movements on the 7th
15 which, as we know, resulted in the bomb that exploded at
16 Aldgate?

17 A. Yes, sir.

18 Q. You I think indicated yesterday, Inspector, that the men
19 were outside Embankment station for some 13 minutes or
20 so?

21 A. That's correct.

22 Q. Can I take it that you looked for, but were unable to
23 find, any CCTV footage from outside the station?

24 A. There was none available, sir.

25 Q. So you looked to see if there might be any --

1 A. Absolutely.

2 Q. -- sightings of them in that general vicinity that might
3 help us with what they were targeting, perhaps, in that
4 general area?

5 A. Yes, we did.

6 Q. Then I think it was back on to the westbound or the
7 clockwise Circle Line.

8 A. Yes, sir.

9 Q. You picked them up again on the footage at
10 South Kensington?

11 A. Yes, sir.

12 Q. Again, you were able to see that they had gone down to
13 the Piccadilly Line platform at South Kensington and,
14 indeed, in one shot we can see that they were on the
15 platform with the station indicator showing
16 a Cockfosters train approaching. In other words, it was
17 the platform from which a northbound Piccadilly Line
18 train would depart?

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

20 Q. So again, looking at things globally and seeing how it
21 ties in with 7 July, they have viewed the
22 Piccadilly Line platforms up at King's Cross and down at
23 South Kensington?

24 A. Yes.

25 Q. So a clear interest being shown on the 28th

1 reconnaissance trip with the Circle Line and with the
2 Piccadilly Line?
3 A. Yes, sir.
4 Q. After South Kensington, you showed us footage showing
5 they had gone to Baker Street, so presumably the
6 Circle Line further round in a clockwise direction?
7 A. Yes, sir.
8 Q. We saw them, I think, emerging from the direction of
9 platform 6, which is the Circle Line platform?
10 A. That's correct.
11 Q. We may have missed it yesterday because the footage is
12 very short, but I think you found a shot outside
13 Baker Street of Mohammed Sidique Khan travelling in the
14 direction of Madam Tussaud's?
15 A. Yes, we did.
16 Q. I think that was a shot that was from a camera that you
17 found on -- is it Station Road, a road parallel to
18 Marylebone Road?
19 A. Yes, it was.
20 Q. Again, any other footage found in that general vicinity?
21 A. Nothing -- no, nothing in addition to that, no.
22 Q. So you looked for footage outside the station and that
23 was the only thing of relevance that you found?
24 A. Definitely, yes.
25 Q. So we can only speculate as to what his movements might

1 have been. Then I think, Inspector, from then the men
2 got back on to the Circle Line and ended up back at
3 King's Cross and then Thameslink north once again to
4 Luton?

5 A. Yes, sir.

6 Q. We know that there was a 24-minute delay on 7 July in
7 the train that was travelling south from Luton, and,
8 therefore, in relation to what actually happened on
9 7 July, would it appear that, if we focus on what
10 28 June's footage tells us, Shehzad Tanweer's movements
11 on the 7th were consistent with him again using the
12 Circle Line to travel in a clockwise direction towards
13 Embankment?

14 A. That's correct.

15 Q. Again piecing together all the footage, the movements of
16 Jermaine Lindsay on the 7th would appear again to be
17 consistent with him using the Piccadilly Line perhaps to
18 travel in a southerly direction towards
19 South Kensington?

20 A. Yes, sir.

21 Q. As for Mohammed Sidique Khan, however, and his
22 movements, obviously we had seen that he had shown an
23 interest in Baker Street on 28 June, but on 7 July we
24 can see that he went beyond Baker Street, didn't he?

25 A. Yes, indeed he did, he went to Edgware.

1 Q. So he was on a Circle Line train travelling in a west or
2 anti-clockwise direction --

3 A. Anti-clockwise direction.

4 Q. -- he had gone clearly beyond Baker Street, and we know
5 obviously where the bomb exploded, but in terms of what
6 he was targeting, there is some evidence -- and
7 I suspect this was brought to your attention -- there
8 was some evidence of notes and the like which indicated
9 scribbles and handwriting and markings of the men
10 which suggested different stations of interest?

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

12 Q. I'm sure you were aware of those and that they would
13 have influenced the searches that you carried out of
14 the --

15 A. Yes, we did look for CCTV as a result of those notes.

16 Q. I'm very grateful. My Lady, hopefully I can take this
17 briefly, and it may be that we don't need to look at the
18 items on the screen, but, Officer, there was a marked
19 London visitors' map -- for my Lady's note, exhibit
20 CW255 -- which was found in a bag at 18 Alexandra Grove
21 and it had references to the Central Line, so
22 Oxford Circus, Tottenham Court Road, and
23 Shehzad Tanweer's fingerprints were found on that. So
24 one document which showed an interest in the
25 Central Line.

1 A. That's correct, sir.

2 Q. Next found at the King's Cross bombsite was an exhibit
3 JB125. Mr Keith showed us this the other day. It was
4 a letter that had been written to Lindsay and it had
5 scribblings on it, which an expert has confirmed were in
6 Lindsay's own handwriting, and I'm sure you remember
7 that document, Officer.

8 A. Yes, sir.

9 Q. Again, it showed interest in various Central Line
10 stations, Bond Street, Oxford Circus and
11 Notting Hill Gate?

12 A. Yes, sir.

13 Q. References to "west", whether that was Westminster or
14 not perhaps isn't clear. Then finally this: there was
15 an exhibit SAS294, which was a piece of burnt paper
16 found at 18 Alexandra Grove, again references to the
17 Central Line, and this was found to be in Khan's
18 handwriting. Were you aware of that, Officer?

19 A. Yes, sir.

20 Q. That burnt piece of paper had references again to the
21 Central Line but, in particular, the stations referred
22 to were Lancaster Gate, Queensway, Holland Park and as
23 far west as White City.

24 A. Yes, sir.

25 Q. You probably can guess where my question is going,

1 Inspector. This might suggest that at one stage there
2 was targeting of BBC Television Centre, directly
3 opposite White City station. Did you look for or
4 consider footage of that area, at that location?

5 A. Yes, we did.

6 Q. Were you able to find footage for any previous dates?

7 A. No, we were not, no.

8 Q. Is that because of the passage of time?

9 A. Passage of time, sir, yes.

10 Q. So those various pieces of documentary evidence, they
11 tended to suggest, did they not, that Lindsay had been
12 carrying out quite a bit of reconnaissance on, perhaps,
13 many days?

14 A. That was our understanding, sir, yes.

15 Q. Scribblings and timings of trains, from one station to
16 another and in return, and things of that sort, yes?

17 A. Yes, indeed.

18 Q. In general, I dare say, Inspector, you looked for
19 footage that might have survived for all those potential
20 dates in and around the underground system?

21 A. Yes, we did.

22 Q. Had anything survived?

23 A. Nothing at all of those venues that you speak about,
24 sir.

25 Q. There were railway tickets found up at Alexandra Grove

1 suggesting travel to London in, I think, March 2005.

2 Again, had any footage survived for those dates?

3 A. Not that I'm aware of, sir, no.

4 Q. You made a detailed statement, Inspector, in which you
5 listed quite a large number of specific dates for
6 Jermaine Lindsay and visits to London. Where had you
7 got those dates from, please?

8 A. I think the dates may have come from actions from
9 taskings as part of the enquiry, sir.

10 Q. There were various dates spanning a period
11 from January 2005 through to April 2005. Can you
12 remember now, had they come from various sources or --

13 A. I can't recall exactly the sources, sir.

14 Q. So far as your enquiries were concerned, at any stage
15 were you given any information in relation to actual
16 sightings of him by police officers or any other
17 Security Services?

18 A. Not that I can recall.

19 Q. So all your dates that you were focusing on in terms of
20 recovery of footage, it all arose out of documents that
21 were found at Alexandra Grove or things of that sort?

22 A. Phone activity, those sort of things, but in the main,
23 documents that arose from searches.

24 Q. That brings me, Inspector, to my next topic, which is
25 whether there was any previous intelligence in relation

1 to the people who had instigated this, because I think
2 the tenor of your evidence yesterday was that, on
3 7 July, when these terrible atrocities took place,
4 essentially the Metropolitan Police were beginning from
5 scratch. Is that right?

6 A. Absolutely.

7 Q. So the investigation, as you outlined yesterday, began,
8 as you said, with focusing on documents that were found
9 at the bomb scenes in the names of Tanweer, Khan and
10 Hussain?

11 A. That's correct.

12 MR KEITH: My Lady, I'm sorry for rising to my feet. I'm
13 not entirely sure where my learned friend is going with
14 this line of examination, but if he wishes to explore
15 the issue of what information was known to the police,
16 if any, about any of these men, then there will come
17 a time and a place to address that issue which, as
18 my Lady knows, is next year, and if he has wider
19 questions concerning the investigation itself, as
20 opposed to CCTV, they may be better put to the senior
21 police officer that my Lady knows and my learned friend
22 knows we will call later in the year, probably, in fact,
23 next year.

24 LADY JUSTICE HALLETT: Where are we going, Mr Patterson?

25 MR PATTERSON: It's simply how the CCTV enquiries

1 progressed. It was dealt with yesterday in questioning
2 from Mr Keith. It's dealt with in a degree of detail in
3 the officer's statement. So it seems from his statement
4 that the officer is perfectly capable of addressing this
5 relevant topic.

6 LADY JUSTICE HALLETT: I think what Mr Keith was questioning
7 was you get a headline of intelligence of people
8 investigating this -- that is what I've written down --
9 and I can see Ms Gallagher getting to her feet because
10 I suspect Mr O'Connor, who is not here, will be dealing
11 with this as a topic.

12 MS GALLAGHER: Although we did provide, as we're required
13 to, at the end of last week, an outline of our areas of
14 intended questioning. As you know, my Lady, our areas
15 of intended questioning were very discrete in respect of
16 travel to London, as the lead team is Hogan Lovells for
17 the bereaved families on this topic. But we did note on
18 page 2 that, in respect of Superintendent Kindness, we
19 anticipated asking him specifically about his reference
20 in one of his statements to Mohammed Sidique Khan's
21 connection to a previous S013 enquiry.

22 So we had actually flagged this line of questioning
23 in advance. We haven't been alerted to any problem with
24 that line of questioning, and we've intended today to
25 ask him about that -- that's one of two issues on which

1 we intend to question him today.

2 LADY JUSTICE HALLETT: I don't have the statement, so I'm
3 afraid this is coming from -- I don't know where it will
4 lead, so ...

5 MR KEITH: My Lady, I've mounted the same objection --
6 I would have mounted the same observation in relation to
7 my learned friend, when she comes to her examination,
8 that we really, with respect, don't believe that matters
9 of intelligence and the wider handling of the
10 investigation are suitably put to the officer in charge
11 of CCTV. There is a real danger that it will portray
12 inadvertently an inaccurate picture.

13 LADY JUSTICE HALLETT: I understand your concern, Mr Keith.
14 Mr Patterson, I'm still not quite following what it is
15 you say is within this officer's knowledge and,
16 therefore, ability to answer questions that haven't been
17 dealt with already. That's what I'm not following at
18 the moment. Could you help us?

19 MR PATTERSON: Yes. There may come a time when it may be
20 necessary to develop this in the absence of the witness,
21 but, in general terms, in the witness's statement he
22 deals with how the investigation proceeded from 7 July.
23 The information that reached the police that led to them
24 identifying the first, the second, the third and the
25 fourth suspected bomber, as it then was, and different

1 information that came to them and, of course, one of the
2 central issues in this inquest is the extent to which
3 there was any prior knowledge of the intentions of these
4 four bombers and I was simply seeking to explore that.

5 LADY JUSTICE HALLETT: I think I need to see the statement,
6 Mr Patterson. I can't really work out what it is -- to
7 what you are referring.

8 MR PATTERSON: It's INQ000 --

9 MR KEITH: It's the first statement, I think, in my Lady's
10 hard copy bundle, but we had gone past that stage when
11 it was made available to my Lady yesterday. But I think
12 it should be the first one in that bundle.

13 LADY JUSTICE HALLETT: The Travel to London bundle
14 statement?

15 MR KEITH: Yes, my Lady.

16 MS GALLAGHER: My Lady, for ease, the reference which we
17 were referring to is in the same document, it's page 2
18 of INQ00009277 and the reference was in page 2 of our
19 note provided to the Inquest team at the end of last
20 week with our outline of intended questioning.

21 LADY JUSTICE HALLETT: Which page, Mr Patterson?

22 MR PATTERSON: If we begin at page 2 of --

23 LADY JUSTICE HALLETT: Sorry, is it the statement of
24 23 February? Do I have the right one?

25 MR PATTERSON: Yes.

1 LADY JUSTICE HALLETT: Page?

2 MR PATTERSON: Page 2 of 6, my Lady.

3 LADY JUSTICE HALLETT: Thank you.

4 MR PATTERSON: We touched upon this yesterday when the
5 method of the investigation was outlined by the
6 inspector, and we began with the bus driver, and my Lady
7 will see the reference to that at the top of page 2.

8 LADY JUSTICE HALLETT: Yes.

9 MR PATTERSON: Then the enquiries that continued with the
10 underground station footage that was assembled, and then
11 information was received about Hussain and about Khan,
12 reference to a link to a previous S013 Anti-terrorist
13 Branch enquiry, and then the events of Monday, 11 July
14 and the finding of the footage at the Thameslink tunnel
15 and then DVLA photographs that were obtained and the
16 like, and then, over on to page 3, events moved on to
17 a focus on Luton railway station. Bottom of page 3,
18 a reference to some information that was received.
19 Again, I wanted to ask about that, and --

20 LADY JUSTICE HALLETT: Sorry, which? The bottom of page?

21 MR PATTERSON: The bottom of page 3, my Lady.

22 LADY JUSTICE HALLETT: "As a result of information received
23 on the 11th" you want to ask about?

24 MR PATTERSON: It's this general topic. What information
25 was being received and what led to the identification of

1 these four individuals, because it's not clear from the
2 statement how the police got to the four individuals.

3 LADY JUSTICE HALLETT: So we're still on travel to London
4 and how Detective Inspector Kindness and his team
5 identify which parts they should focus on?

6 MR PATTERSON: Yes.

7 LADY JUSTICE HALLETT: Is that what you say?

8 MR PATTERSON: My Lady --

9 LADY JUSTICE HALLETT: Because if we're moving on to prior
10 intelligence, then we've indicated to all other parties
11 who may have an interest that that will not be dealt
12 with until next year.

13 MR PATTERSON: My Lady, if the objection isn't that it's
14 improper questioning but simply timing, then it can be
15 dealt with later. I was seeking to deal with it now.
16 I think both my learned friend Ms Gallagher and I had
17 notified Counsel to the Inquest of our intention to ask
18 about this, but if you'd rather it be dealt with later
19 under the heading of preventability, then the officer
20 can --

21 LADY JUSTICE HALLETT: Let's see. Detective
22 Inspector Kindness, in your statement you refer to
23 information received on the 11th led to your focusing on
24 Luton and Bedford.

25 A. Yes.

1 LADY JUSTICE HALLETT: Are we talking about information, as
2 it were, that had arisen during the course of the
3 enquiry after the bombings or are we talking about
4 information that dates back prior to the bombings?

5 A. No, course of the enquiry, my Lady.

6 LADY JUSTICE HALLETT: In which case, it seems to me you can
7 explore that, Mr Patterson, that's not dealing with
8 prior intelligence and preventability.

9 MR PATTERSON: I didn't think it was. It's entries in the
10 statement along the lines of "as a result of information
11 received", and I'm grateful.

12 MR HILL: May I just come to my feet in Mr Patterson's
13 shadow and say we're not privy to lists of issues that
14 have been provided to Mr Keith. That's not a complaint,
15 but I don't know what Ms Gallagher may have put in
16 writing. Although a detective inspector -- not yet
17 a superintendent, although I'm sure that day will
18 come -- Detective Inspector Kindness responded to
19 tasking. It's quite clear from the scheme of his
20 statements -- and there's more than one statement --
21 that he was responsible for carrying out a prearranged,
22 a preset CCTV seizure strategy.

23 LADY JUSTICE HALLETT: All I'm suggesting at the moment, or
24 considering at the moment, Mr Hill, is that Mr Patterson
25 should be allowed to ask what was the source of the

1 information. He doesn't need to go into the detail, but
2 he's surely allowed to say "Can you give us a rough idea
3 where the information has come from, or not?"

4 MR HILL: I'm not sure that those are proper questions for
5 this officer. He will have been tasked with carrying
6 out particular searches for CCTV material where stored,
7 and that's the long and the short of it insofar as he's
8 concerned. He was never an investigating officer.

9 LADY JUSTICE HALLETT: Strict rules of evidence, you're
10 obviously right, Mr Hill.

11 Do I take it, to try to cut this short, Mr Kindness,
12 that essentially you were responding to somebody --
13 somebody else has got information and they've said, "All
14 right, Detective Inspector Kindness, off you go, we want
15 you to look at Luton and Bedford", is that really -- or
16 did the information come to you personally?

17 A. The information -- Luton and Bedford was seized,
18 my Lady, as a result of the sighting at -- as a result
19 of the sighting at King's Cross Thameslink which had
20 been generated by the CCTV viewing by the CCTV team. So
21 it was natural that we would follow the route up the
22 line. It's as simple as that.

23 LADY JUSTICE HALLETT: I think this is a fuss about nothing,
24 Mr Hill, with respect.

25 MR HILL: I don't want to make a fuss at all. If

1 Mr Kindness feels able to deal with it, and now that
2 we've --

3 LADY JUSTICE HALLETT: I apologise if the word "fuss" sounds
4 pejorative.

5 MR HILL: No, I'm sure he can look after himself, and
6 provided that we are with certainty not trespassing into
7 earlier intelligence, but simply the course of the
8 investigation, and this officer's part in it, limited to
9 CCTV captures, then of course I don't object.

10 LADY JUSTICE HALLETT: Thank you. Having said that is
11 a fuss about nothing, Mr Patterson, don't we already
12 know that that's why -- because of the colleague who had
13 spotted the people at King's Cross, that's why we
14 backtracked towards Luton? I'm not sure what more we're
15 going to get out of this, but --

16 MR PATTERSON: I suspect that's it. I was simply trying to
17 clarify it. If any question might result in sensitive
18 information in the answer, I dare say the inspector will
19 pause and indicate to your Ladyship that he'd rather not
20 answer a question. I was simply -- my understanding of
21 his evidence yesterday was that all of the investigation
22 in those early days was driven by the recovery of
23 footage from straightforward policing, old-fashioned
24 police analysis of the three documents found at the
25 scene, the documents for the three bombers found at the

1 scene and they followed it eventually up the line to
2 Luton, but there were oddities --

3 LADY JUSTICE HALLETT: He talked about a colleague who
4 spotted what he thought might be military bearing at
5 King's Cross Thameslink.

6 MR PATTERSON: Exactly.

7 LADY JUSTICE HALLETT: And I don't think you can refer to
8 analysis of CCTV as "old-fashioned policing".

9 MR PATTERSON: I didn't mean that pejoratively. It's very
10 impressive policing. What I meant was, as distinct from
11 receiving information from another agency perhaps, along
12 the lines of these people were under surveillance or
13 anything of that sort.

14 LADY JUSTICE HALLETT: What is the purport of the questions?
15 Where are we going?

16 MR PATTERSON: It ties in with preventability.

17 LADY JUSTICE HALLETT: Which I think was where we go back to
18 Mr Keith.

19 MR PATTERSON: Exactly, which is why I said, if timing of
20 these questions is a difficulty, then we could deal with
21 this officer later --

22 LADY JUSTICE HALLETT: Any questions to do with travel to
23 London please ask, but, otherwise, anything that goes
24 beyond that, please stick to the timetable and, if
25 necessary, we can recall this officer, unless he's got

1 plans that mean he won't be around, but I'm sure we can
2 deal with it somehow via some officer.

3 MR PATTERSON: I'm grateful.

4 Inspector, if we can move on then, please, to -- you
5 assembled the footage as we've just reminded ourselves
6 taking you and your enquiries up to Luton and to the two
7 cars at Luton railway station.

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

9 Q. On 7 July, you were aware, were you not, again from
10 following the footage, that one of those two cars -- the
11 Nissan Micra -- had come down from Leeds and you found
12 footage of it at various spots on the M1?

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

14 Q. What led you to Leeds and that trail up the M1?

15 A. We identified the images of the vehicle at Luton first.
16 My understanding was that, by that stage, that we'd got
17 the Leeds connection was as a result of the enquiries in
18 the -- at the scenes and the identification of the
19 individuals who had been the suicide bombers, their
20 identification. That was the issue that led Leeds into
21 it, which directed our CCTV recovery from Luton back to
22 Leeds.

23 Q. So you tracked them back to Leeds and you found the
24 footage, did you not, quite close to the bomb factory at
25 Alexandra Grove?

1 A. That was as close as we could get to the address, yes.

2 Q. We saw that. It was a brief shot, was it not, we saw it
3 yesterday, of the Nissan Micra in the early hours,
4 shortly after 4.00 am, driving along, pausing, and then
5 carrying along on its way?

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

7 Q. So no footage actually outside or any closer to the bomb
8 factory than that. Is that the position?

9 A. Nothing, nothing at all.

10 Q. So presumably, you were made aware that there was
11 a witness, Sylvia Waugh, who spoke about two cars
12 outside that address in the early hours of the 7th?

13 A. Yes, we were made aware of that, yes.

14 Q. And as many as six Asian men, and she had some
15 information in terms of descriptions and so forth. Did
16 you look on the CCTV footage for a second car?

17 A. I think we looked for a number of cars, actually, in the
18 vicinity of that address.

19 Q. So various different shots in and around Leeds which
20 showed the Micra heading south. They weren't all played
21 yesterday, were they? But did you find others?

22 A. Yes, we did find others, sir, and if there had been any
23 vehicle that had been moving in a coordinated fashion
24 with the Micra, we would absolutely have focused on
25 that.

1 Q. Yes. So did you look for a white Fiesta of the type
2 described by the witness?

3 A. We did look for a white vehicle, yes.

4 Q. But you didn't find it?

5 A. No, we didn't, no.

6 Q. Or one of the six being described as wearing a black
7 bomber jacket and another one as wearing a denim jacket,
8 did you have those descriptions in mind as you looked at
9 the footage?

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

11 Q. Were you able to work out from the footage why the Micra
12 stopped for that brief period just round the corner from
13 18 Alexandra Grove?

14 A. That's still an unknown, sir.

15 Q. At Woodall Services, we were able to see that the driver
16 was Shehzad Tanweer. We were able to see there was
17 someone in the front passenger seat.

18 A. That's correct.

19 Q. We can see the white top with a dark jacket that's
20 unbuttoned or unzipped, and at one stage, as you pointed
21 out yesterday, we could see the white headwear of
22 someone in the back seat on the right, on the driver's
23 side?

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

25 Q. But we never actually get a shot, do we, of the back

1 left seat to see if there was a fourth person in that
2 car?

3 A. From my recollection, sir, I don't think we get a clear
4 shot of that.

5 Q. No. So that Micra was followed all the way down the M1,
6 as you've told us, and it and the Fiat Brava arrived at
7 the railway station. Can I deal, Inspector, with the
8 events at the railway station briefly?

9 The Fiat Brava arrives at 5.07.

10 A. That's correct.

11 Q. It wasn't played yesterday, but is it right that there
12 does exist uninterrupted footage showing that Brava from
13 its arrival at 5.07 right through the morning?

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

15 Q. Presumably, that has been viewed to see if there were
16 any people coming and going from the Brava?

17 A. Yes, well, when viewing of the Brava resulted in its
18 eventual identification on the -- you know, its removal
19 later on in the day.

20 Q. So we do see the person who appears to be
21 Jermaine Lindsay coming and going from that car and
22 I think we've discovered today that we also see the
23 person who is believed to be the parking attendant --

24 A. That's correct, sir.

25 Q. -- who issued the ticket. Can we take it, therefore,

1 that there were no other people coming and going from
2 that car?

3 A. From my understanding, absolutely not. There was only
4 Jermaine Lindsay.

5 Q. Then, as for the other car, the Nissan Micra, as we saw
6 yesterday, it was raining and, therefore, the
7 atmospheric conditions weren't very helpful, were they?

8 A. No, they weren't.

9 Q. The camera is quite far away, isn't it, up in a high
10 position? Are there any other camera angles showing the
11 people in and around those two cars?

12 A. I believe that those are the cameras of -- I think those
13 are the only cameras, sir, because if we had anything
14 closer, then we would have used it.

15 Q. You're probably aware, Inspector, of why I'm asking you
16 these questions. Presumably you were told that there's
17 a witness, Susan Clarke, who told the police quite early
18 on that there may have been more than four people in and
19 around those two cars. Were you aware of that? Did you
20 look for the number of people around those cars?

21 A. Yes, at the time, when we were viewing the CCTV, we were
22 comfortable with the amount of people that were there
23 and that we'd managed to track them to the position
24 where we got decent CCTV images that we could say, yes,
25 there are that number of people.

1 Q. Can we just look, please, at the footage that is
2 chapter 478 and it's at round about 7.19 am, so shortly
3 before the men with their rucksacks head off towards the
4 station?

5 LADY JUSTICE HALLETT: What are we looking for?

6 MR PATTERSON: It's the number of people around the cars.

7 MR KEITH: My Lady, I'm sorry to rise to my feet again and
8 I do so with real reticence, but I'm slightly concerned
9 again at the import of these questions, because they do
10 appear to me to be designed to leave the impression that
11 either there was another person at large or that in some
12 way the investigation has been inadequate or has not
13 properly pursued leads available at the time.

14 There are two points I'd wish to make. Firstly,
15 that is not an issue which you have identified in your
16 provisional list of issues as being something which
17 requires us to develop. But secondly, if it is properly
18 to be developed, it's not something that has been
19 prefaced by my learned friend in advance, and I don't
20 know whether or not, again, this is an officer who
21 should be placed in a position of dealing with those
22 wider issues concerning the way in which the
23 investigation developed.

24 LADY JUSTICE HALLETT: This witness is dealing with the
25 analysis of the CCTV and has given a commentary, and,

1 therefore, it seems to me that Mr Patterson is at least
2 entitled to ask him to look again at a piece of that
3 compilation to see whether or not he wishes to in any
4 way alter his commentary.

5 MR KEITH: So be it.

6 MR PATTERSON: My Lady, last week I expressly in my notes to
7 the Counsel to the Inquests flagged up the number of
8 people around the cars. So it is an issue in relation
9 to the associations of these four bombers that are the
10 subject of various factual issues in the inquest.

11 MR KEITH: May I just say -- because that's the third time
12 there's been a reference to a note addressed to me --
13 I do not, as I have made plain, countless times, speak
14 for my Lady. We invited people to identify the issues
15 that would be raised so that we could plan the mechanics
16 of the number of witnesses for each day and make sure
17 that we had enough time. The fact that I have not
18 commented on the fact that there are issues to be raised
19 by various teams in no way should be taken as an
20 indication by my Lady or by myself that I have any
21 objections one way or the other. It was simply
22 a courtesy that they told us of where they were going.
23 I would be grateful if my learned friends didn't
24 assume that, just because I haven't responded, that's an
25 acceptance by myself or by my Lady that those are issues

1 properly to be developed in the course of evidence.

2 LADY JUSTICE HALLETT: I've certainly not accepted them
3 because I haven't seen the documents in question --

4 MR KEITH: Absolutely.

5 LADY JUSTICE HALLETT: -- so no acceptance by me can be
6 taken. Right, do we have the passage?

7 If we could play it, please.

8 (Video played)

9 MR PATTERSON: If we can take it back, please and it's
10 chapter 478. If we play it there, please.

11 Now, I don't know if it's possible to play it at
12 a slightly faster pace so that we can take this more
13 quickly. I see a head shaking.

14 LADY JUSTICE HALLETT: How many minutes are we talking
15 about, Mr Patterson?

16 MR PATTERSON: It's about three or four minutes, my Lady.
17 Inspector, we can see the two cars on the right, can we
18 not?

19 A. Yes.

20 Q. Is that, in fact, the car of Susan Clarke to the left?
21 It appears to be a rather light-coloured Fiesta shape of
22 car, something like that, or a Golf or something like
23 that.

24 A. Yes.

25 Q. We can see her movements around the car, and, Inspector,

1 you've assumedly watched this many times and are
2 familiar with the movements of the various people, are
3 you?

4 A. Yes, sir.

5 Q. Does there come a time when we see the person who
6 appears to be Mrs Clarke walking away from left to
7 right, pulling a trolley behind her. I think we see her
8 in a minute or two heading towards the railway station?

9 A. In terms of the viewing of any work round about
10 Mrs Clarke, I wasn't personally responsible for that
11 analysis.

12 Q. We can see the movements around the two cars, can we
13 not --

14 A. Yes, we can, yes.

15 Q. -- at the back of the cars?

16 So at this stage, in terms of the number of men
17 around the cars, it's not entirely clear, is it, how
18 many there are?

19 A. No, it's not, no. At least two.

20 Q. I don't know if we can take it forward to the bit where
21 Mrs Clarke walks away. Here she goes. From left to
22 right and off towards the station.

23 Then I think, Inspector, another car comes and parks
24 up beside the two cars, does it not?

25 A. Yes, it does, sir, yes.

1 Q. We can see the headlights and we can see what appears to
2 be the outline of at least one rucksack, can we not?

3 A. Yes.

4 Q. There comes a time when the men walk off?

5 A. Yes.

6 LADY JUSTICE HALLETT: Am I wrong, am I not seeing -- how
7 many figures do you say I'm seeing? I see four figures
8 leave from the two cars and then the person who parked,
9 there seems to be a figure leaving from that car.

10 MR PATTERSON: If we pause it now, perhaps. Can we see four
11 figures walking off, Inspector?

12 A. Yes, we can, yes.

13 Q. Is there a figure who hovers and lingers between the two
14 cars for a period of time?

15 A. Yes, there is a person there, yes. I think that's the
16 person that exited that vehicle that just arrived.

17 Q. Was that something that was investigated and looked into
18 to see where that additional fifth person --

19 A. The individuals around the car were -- their movements
20 were assessed, yes.

21 Q. Is that something that you dealt with or that somebody
22 else dealt with?

23 A. I didn't personally follow this individual away, no.

24 Q. If we run the footage on, please, can we see that the
25 person is between the two cars, between the Micra and

1 the Brava, and --

2 A. I think that may be a ticket machine there.

3 Q. Then he's moved to another car.

4 A. He's gone back to the car that he came from, I think.

5 Q. Does he then return to between the Micra and the Brava?

6 LADY JUSTICE HALLETT: Mr Patterson, it looks to me like an
7 ordinary commuter getting his parking ticket and putting
8 it on his car.

9 MR PATTERSON: My Lady, I'm simply exploring it in the light
10 of the evidence of, in particular, Mrs Clarke and the
11 other witnesses, who, as your Ladyship will remember,
12 gave evidence yesterday about numbers.

13 LADY JUSTICE HALLETT: Four men, possibly a fifth is what
14 she said. She said "I'm not sure about the fifth".

15 MR PATTERSON: Yes. Four and two was her first account to
16 the --

17 LADY JUSTICE HALLETT: Three got out of the Nissan, one got
18 out of the maroon car she said yesterday.

19 MR PATTERSON: Officer, we then watched the footage -- and
20 I don't think we need to play this, thank you -- of the
21 men entering the railway station. In fact, we don't
22 actually see them buying tickets, do we, in the footage?
23 Were you able to find any footage or CCTV evidence that
24 helps to explain how they got their tickets?

25 A. I can't recall the tickets being purchased.

1 Q. Then in terms of the journey south, I think you told us
2 that there were no cameras on board the train, is that
3 right?

4 A. That's correct.

5 Q. When they got to King's Cross, in terms of the available
6 footage, although there were quite a few cameras at
7 King's Cross station, is it right that the only cameras
8 that were recording for the relevant time was a camera
9 in the tunnel?

10 A. There were 76 -- it was a temporary system.
11 King's Cross underground had a temporary system in
12 place. 76 cameras moving in sequence from one second at
13 a time. Fortunately for us, at the appropriate period,
14 between 8.30 and 8.50, it sat for 20 minutes on that one
15 camera and that allowed us, at that period, they came
16 through and we got the first sighting.

17 Q. Is there any footage of the mainline station as opposed
18 to the Thameslink station?

19 A. When you say "mainline", do you mean mainline
20 King's Cross?

21 Q. Yes.

22 A. At some distance away?

23 Q. Yes, is there any footage, CCTV footage -- you referred
24 earlier today to many, many hours of footage that would
25 be relevant to the emergency response.

1 A. I mean, King's Cross mainline footage was that which
2 Hasib Hussain has been identified on, so that's some of
3 it. Of course, it's quite a large estate, but there is
4 definitely King's Cross mainline footage.

5 Q. So if anyone wants to look at footage of the platform or
6 of the escalator, there is footage that has survived of
7 all of those different areas of the mainline station?

8 A. I would -- I mean, we'd have to check the schedule, sir,
9 but from my understanding, that would have been seized
10 and certainly was viewed, so it would be accessible,
11 yes.

12 Q. Was it possible to find CCTV footage showing the area of
13 the station where the witness, Joseph Martoccia,
14 described seeing the group of potential bombers?

15 A. Could you just provide me a little bit of information
16 about what he sighted, sir, just to refresh my memory?

17 Q. He was a witness who described seeing the group. He
18 described four to six Asian males with rucksacks, and
19 hugging and euphoric I think --

20 A. Certainly euphoric, but, no, there was nothing, we
21 looked for that, sir, and there was nothing at all.

22 Q. That wasn't covered by cameras?

23 A. No.

24 Q. In terms of the platforms and the Circle Line heading
25 west and the movements of Mohammed Sidique Khan,

1 presumably you looked but that wasn't covered?

2 A. That's correct.

3 Q. And heading east and the movements of Shehzad Tanweer,
4 presumably you looked --

5 A. Yes, we did.

6 Q. -- but there was no coverage of him boarding the train?

7 A. At King's Cross?

8 Q. At King's Cross.

9 A. No.

10 Q. In relation to the other stations, again you've
11 mentioned that there is quite a lot of footage that is
12 available. Does that mean that there is footage at
13 Russell Square?

14 A. There is footage at Russell Square station, yes.

15 Q. Is there footage at Edgware Road?

16 A. Yes, there is.

17 Q. And at Aldgate?

18 A. I believe there is, yes.

19 Q. We've seen some footage today from Liverpool Street, so
20 presumably there is footage at Liverpool Street that
21 would be relevant again to the movements of the
22 emergency response?

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

24 Q. Finally this, Inspector: the movements of Hasib Hussain,
25 you've shown us the various bits of footage of his

1 movements and of the buses. Was there any footage from
2 inside McDonalds restaurant where he seemed to be
3 present for some 8 minutes?

4 A. There was no footage. We recovered the CCTV from
5 McDonalds, but unfortunately the system was -- the
6 recording was stopped prior to him going into that
7 location.

8 Q. So there were cameras, but for some reason they weren't
9 recording?

10 A. There were cameras and, in fact, you see the office
11 manager in the office going to the video machine and
12 switching the "stop" button and it stops.

13 Q. Then finally the buses. The number 91 bus that he was
14 believed to have taken along the Euston Road, no cameras
15 inside that bus?

16 A. No, sir, no.

17 Q. Is that because there were cameras and they had
18 malfunctioned or --

19 A. I can't recall the reasons why, but it was a main
20 priority for us to find him on the bus, as you can see
21 by our actions on the night of the 7th, to get the route
22 30 bus footage to identify him. So when we had the
23 witness statement stating that -- the 91 bus, that was
24 a priority for us to identify it and, for whatever
25 reason, we didn't identify that footage. So I can't say

1 at the moment whether that was malfunctioned or it
2 wasn't there, it was recorded over, but for one of those
3 reasons why we didn't have access to it.

4 Q. The same with the number 30 bus, there were cameras, but
5 it wasn't --

6 A. The route 30 bus had malfunctioned earlier in the year,
7 so we identified it that night, we viewed it that night
8 at the laboratory, and it showed footage from earlier in
9 the year, nothing of the date in question.

10 MR PATTERSON: Inspector, thank you very much for your
11 assistance.

12 LADY JUSTICE HALLETT: Any other questions?

13 MS GALLAGHER: Yes, my Lady I've spoken to a member of your
14 team about the best way to do this. There was an item
15 which we were given, we were given a statement and an
16 exhibit at just 2.00 pm when we came into court. I've
17 provided a copy for you. I just have a number of short
18 questions to put to this witness concerning one of those
19 exhibits.

20 I don't know if it was intended to read the
21 statement. It Relates to CCTV. It's a statement of
22 Simon Norcutt, but the key document is an exhibit. The
23 heading is "Anti-terrorist Branch S013 record of video
24 viewing".

25 LADY JUSTICE HALLETT: This is the analysis of the footage

1 that Mr Patterson has just shown Mr Kindness?

2 MS GALLAGHER: Yes, so I thought it would be an appropriate
3 time to deal with it. It's just a number of short
4 questions relating to that.

5 LADY JUSTICE HALLETT: Very well.

6 MS GALLAGHER: Thank you.

7 My Lady, just before I commence questioning, there's
8 just one further thing I should clarify with you in the
9 light of the earlier discussion.

10 We had intended simply to adduce from this witness
11 no more than what he says in his statement regarding the
12 reference to Mohammed Sidique Khan's name being linked
13 to a previous S013 enquiry. So we didn't intend
14 whatsoever to delve into the content of the information
15 received, details of any prior intelligence, if, indeed,
16 there was any. We did simply want to elicit that from
17 him just in relation to the development of his enquiry
18 and the gathering of the CCTV evidence after the 7 July.
19 So just for the record, would it be appropriate,
20 my Lady, for me to ask just a question focused on that?
21 It's simply to elicit that sentence which you've seen
22 already on page 2 of the witness's statement from
23 23 February 2006, which isn't actually on the record as
24 yet.

25 LADY JUSTICE HALLETT: Very well.

1 MS GALLAGHER: Thank you. It would certainly avoid the need
2 recall the witness at a later stage.

3 Questions by MS GALLAGHER

4 MS GALLAGHER: Detective Inspector, I should start with an
5 apology, if apology is the correct word, for the fact
6 that both I and Mr Patterson inadvertently promoted you
7 earlier on, but I'll certainly address you properly from
8 now on.

9 The first thing I just wanted to deal with, as
10 you've heard, is the reference in your statement from
11 23 February 2006 to what happened on 10 July 2005.

12 So at that time, you received two photographic
13 images?

14 A. That's correct.

15 Q. One of Hussain and one of Khan, is that right?

16 A. That's correct, yes.

17 Q. When you received those images, you were also alerted to
18 the fact that Khan's name had been linked to a previous
19 S013 enquiry?

20 A. Yes, that's correct.

21 Q. You've described in detail, in your statement and also
22 in your oral evidence, the setting up of the team to
23 view CCTV product, both to find suspects for
24 identification purposes and also to prepare
25 a compilation of their movements. That team was set up

1 on 7 July, the day of the bombings, is that right?

2 A. It was, yes.

3 Q. You've described the development of that team's work.

4 You've just mentioned what occurred on 10 July, and

5 you've referred earlier, both with Mr Keith's

6 questioning and Mr Patterson's questioning, to how you

7 came to focus upon Luton station and, indeed, Bedford

8 station --

9 A. Yes.

10 Q. -- round about 11 July. Now, you said in your

11 statement -- it's page 2 of the 23 February statement --

12 page 3, the very bottom line, my Lady, for your

13 reference. Do you need the INQ number?

14 LADY JUSTICE HALLETT: No, thank you.

15 MS GALLAGHER: You say that you focused upon Luton station

16 as a result of information received on 11 July. Is that

17 right?

18 A. That's correct, yes.

19 Q. In that document which I've made reference to, I think

20 you have it before you, my Lady, the

21 Anti-terrorist Branch S013 record -- do you have that

22 document before you?

23 A. No, I don't, no.

24 Q. Is it possible for a copy to be provided?

25 MR KEITH: You can have my copy. (Handed)

1 MS GALLAGHER: This is a record of an officer viewing CCTV.
2 It seems to be by a DC Stephen Bain. Was he part of the
3 same team?
4 A. Yes, he was, yes.
5 Q. If you just look in the box at the top, it's on the
6 left, five boxes down, "Date viewing commenced:
7 10 July 2005, 20.00 hours" and "Date viewing ended:
8 11 July 2005, 23.30".
9 A. Yes.
10 Q. So is it possible that, in fact, that information was
11 received on 10 July rather than 11 July, Inspector?
12 A. That's absolutely correct. It's an error. It should
13 have been the 10th.
14 Q. Is this the officer whom you referred to earlier who did
15 the original viewing of the footage?
16 A. This was one of the officers that was involved in the
17 original viewing, yes.
18 Q. Was there any other officer who viewed the footage at
19 this time, 10 and 11 July, or was it just
20 DC Stephen Bain?
21 A. There was DC Stephen Bain, there was DC Annie Proud and
22 myself.
23 Q. Did you all view it at that time on 11 July, or later?
24 A. This was on -- you have to understand that this was
25 a crucial piece of evidence, so we were all focusing on

1 it, so in terms of the later viewing, I can't comment on
2 that, but I know in terms of this, the key viewing, the
3 first viewing, that we were all there at that time, and
4 there was certainly -- because of the actual size of the
5 images, as you can see, there were six eyes better than
6 two.

7 Q. Of course, and we've all seen how poor visibility was
8 when you were viewing that image.

9 A. Yes.

10 Q. You said in your evidence earlier:

11 "At the time of viewing the CCTV, we were
12 comfortable with the amount of people that were there."
13 That's for your reference, my Lady, page 180 of the
14 transcript today, lines 10 to 14. That was referring to
15 that footage of Luton rail station that we've referred
16 to earlier. Can you just go to page 2 of this document,
17 Inspector?

18 A. Yes.

19 Q. Can you see the entry at 7.19 about halfway down the
20 page? This is an entry by DC Stephen Bain who was
21 viewing it on 10 or 11 July. Can you see at the end of
22 that entry at 7.19, after he describes four persons at
23 the rear of the vehicle, he says:

24 "Fifth person remains at vehicle, movement between
25 both, fifth person towards Luton station, distant view."

1 Then a little further down the page, 7.23:

2 "Fifth male through ground level barriers from car
3 park", and there's continued references to the fifth
4 male there, so two more entries at 7.23.

5 So did you discuss with DC Stephen Bain the fact
6 that, on viewing the footage, he had originally thought
7 there were five males at the car?

8 A. I think the footage that you are referring to is what we
9 have just played on the screen. What he has sighted is
10 the fifth man and what he has done, quite rightly, is
11 he's tracked the movements from small image to Luton
12 where you can get the big image and you can identify the
13 person and the relationship with the other four.

14 So for me, yes, we did discuss it at the time,
15 definitely, because we needed to identify -- when I say
16 that we were happy with four, by the time they got to
17 the station, there was a group of four that we felt
18 were -- we were comfortable that those were the four
19 that were going to be engaged -- that were engaged in
20 the activity.

21 So it's right that he's identified it, because we've
22 seen when we've viewed it that there is a fifth person
23 that arrives. The officer has noted it in his log and
24 he's tracked him to the station.

25 Q. But you were satisfied at that time, and you discussed

1 with DC Stephen Bain that, in fact, the fifth person was
2 unconnected to those four males, or is that a view
3 you've come to subsequently?

4 A. I can't recall if we discussed it in those terms, but we
5 were certainly looking at the movements around the
6 vehicle and identifying fully how many people of
7 relevance to us were there and, certainly, others who
8 were sighted we were looking to eliminate in terms of
9 movements with the four bombers.

10 Q. Certainly. Is there a log like this for you and for the
11 other officer? You mentioned there were three officers,
12 so six pairs of eyes viewing it. Is there a similar
13 log?

14 A. I can't recall whether there's a -- it would probably be
15 that the only log produced was Stephen's, but there may
16 be other logs. But the situation would have been that
17 we certainly wouldn't have been writing three logs, you
18 know, we would have been viewing the product and we
19 would have been making comments as we identified images.
20 That's how I recall it.

21 MS GALLAGHER: Certainly. Thank you very much for your
22 time, nothing further.

23 LADY JUSTICE HALLETT: Yes, Ms Canby?

24 Questions by MS CANBY

25 MS CANBY: Detective Inspector, I just have a couple of

1 questions to ask you on behalf of Transport for London,
2 no criticism, just a clarification of some evidence that
3 you gave yesterday.

4 Yesterday, Mr Keith asked you:

5 "Question: In 2005, can you recall what the
6 retention period was for CCTV kept by
7 London Underground?"

8 A. Yes.

9 Q. For those reviewing the transcript the reference is
10 13 October, page 7, lines 23 to 25. Your answer was you
11 believed it was seven days. In actual fact,
12 in July 2005, the retention period for CCTV footage kept
13 by London Underground was not seven days but was
14 14 days. Are you now able to correct that mistake?

15 A. My understanding is that 14 days for the stations and it
16 was seven days for other footage. So I agree the
17 14 days for the stations, yes, that was -- that may have
18 come out wrongly yesterday. Definitely 14 days for
19 London Underground stations.

20 Q. Yes. In fact, you had said that previously in your
21 witness statement that you gave back in May of 2008. We
22 don't really understand the distinction between what you
23 say is CCTV on the underground stations and underground
24 generally, because our understanding is that all of the
25 CCTV on the underground is on the station. So it's our

1 understanding that all of that CCTV lasted and was kept
2 for 14 days, but it may be a minor point because,
3 whatever the retention period was, your team did
4 retrieve London Underground CCTV footage recorded over
5 14 days for the entire London Underground network,
6 didn't you?

7 A. That's correct, yes.

8 Q. In fact, your team was provided with about 18,000 VHS
9 tapes from stations with analogue systems, digital data
10 from 75 stations and 300 hard drives from the
11 underground trains. Are you in a position to confirm
12 those figures?

13 LADY JUSTICE HALLETT: If not, why not?

14 A. What I can say is that the support that the CCTV
15 investigation team was provided by London Underground
16 was exceptional and we were given everything that we
17 required in terms of support and the CCTV footage that
18 you outline. I can't vouch for the figures, but they
19 would be significant and certainly in the thousands.

20 MS CANBY: I'm grateful for that indication from you,
21 Inspector. The reason for my question was because there
22 was a suggestion made yesterday in the media that you
23 had been frustrated in your investigation by
24 London Underground and it seems that that's quite wrong.

25 A. That is quite wrong.

1 MS CANBY: Thank you. That's all I wanted to ask.

2 LADY JUSTICE HALLETT: Thank you, Ms Canby. Any other
3 questions? Mr Hill?

4 Questions by MR HILL

5 MR HILL: In relation to the questions just asked, it's
6 right, isn't it, and you identified in your statements,
7 which is reference INQ00009276, that's your statement of
8 7 May 2008 at page 2, you identified that there's no
9 legal framework for the retention of CCTV product.

10 There is guidance, there is advice, but no enforceable
11 legislation that ensures that CCTV footage is held for
12 any particular period. Is that right?

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

14 Q. So it follows from that, does it, that you are dependent
15 upon authorities, including the London Underground, to
16 provide you upon request with all of the retained
17 footage that they hold at the time of the request?

18 A. Absolutely, sir, yes.

19 Q. Let me have another go at statistics.

20 My Lady, for your note, this is inquiry document
21 INQ00009173. It is the Travel to London report, dated
22 18 June this year, in which, at paragraph 2.13 for your
23 note I suggest that the following figures relate to the
24 CCTV recovered during the Operation Theseus
25 investigation.

1 Total number of items seized: 31,558.

2 CCTV video tapes seized: 25,808.

3 Hard drives seized: 1,667.

4 Total number of CCTV-related exhibits produced:

5 4,917.

6 That's to be read perhaps, my Lady, in conjunction
7 with the evidence given on page 18 of the transcript of
8 yesterday's hearing when approximate figures were given.

9 I hope that assists.

10 In relation to other aspects of evidence given by
11 you yesterday, at page 21 of yesterday's transcript,
12 my Lady, you were asked some questions about the CCTV
13 material that was played in evidence during the Theseus
14 trials.

15 A. Yes, sir.

16 Q. It's right, I think, that the overall precis of CCTV
17 material, which had an exhibit number AMP44, was
18 disclosed to all parties in the Theseus trial, but also
19 right that, notwithstanding that disclosure, it wasn't
20 necessary to play all but a small proportion of the CCTV
21 material which is referred to in that precis?

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

23 Q. Right. It's another distillation from that overall
24 precis which we're working with today, and indeed
25 yesterday, because AMP44 has now become inquiry document

1 INQ00008744.

2 A. That's correct, sir.

3 Q. Right. Next point -- and this comes from page 30 of
4 yesterday's transcript -- in relation to your precis
5 provided for our purposes of the trip to London by three
6 of the four ultimate bombers on 28 June, we didn't see
7 it yesterday, but it's right, isn't it -- and this is
8 clip 285, timed at 12.01 on 28 June -- that at
9 Baker Street, and indeed elsewhere -- can you say from
10 your viewing and reviewing of all of this footage that
11 the three bombers present in London on that day were
12 nonchalant, did nothing to stand out from the crowd of
13 summer visitors and summer residents of London on that
14 day?

15 A. They were perfectly in place, sir.

16 Q. That includes, is this right, as clip 285 would show --
17 I'm not asking that it's played -- Khan eating an
18 ice-cream and being seen on CCTV consuming an ice-cream
19 somewhere near Baker Street at midday?

20 A. That's correct, sir.

21 Q. The next point which emerges from page 36 of yesterday's
22 transcript is that you were asked a question about the
23 total time in London spent by three of the four bombers
24 on 28 June.

25 For accuracy and for my Lady's note, if it helps,

1 the Travel to London report provides that time for us at
2 paragraph 3.20. Again, this is document INQ00009173.
3 Khan, Tanweer and Lindsay spent a total of three hours
4 and 49 minutes in London on 28 June.

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

6 Q. Thank you. Then insofar as the footage that you showed
7 us today is concerned, so looking at the final part of
8 the precis which is now ZU/46/10 -- this is the precis
9 movements of the bombers on 7 July -- can I just invite
10 our attention to clips 500 and 501? This goes to the
11 accuracy of timing, my Lady. At clip 500 and at clip
12 501, you've assisted us with views of Hussain in the
13 vicinity of King's Cross station at unconfirmed times,
14 tape times or CCTV times, 8.58 to 8.59, but unconfirmed
15 insofar as your precis is concerned?

16 A. That's correct, sir.

17 Q. Right. Just by way of cross-reference and for the
18 record, if we take the core bundle -- I'm not suggesting
19 we do so physically, but the core bundle at page E/13,
20 which is the telephone schedule not provided by you but
21 by DS Stuart, we can see that at 8.58.53 on 7 July,
22 Hussain, using the operational phone number ending 2545,
23 made a short voice call to the Lindsay operational phone
24 ending 211. And at 8.59.11, he made a short voice call
25 to the operational phone for Khan ending 254.

1 Given that he can be seen, as you've told us, to use
2 a mobile telephone as he walks out of view, quoting your
3 summary from clip 500, that would be consistent, is this
4 right, with the making of one if not both of those calls
5 during the unconfirmed CCTV time 8.58.42 to 8.59.10?

6 A. That's correct, sir.

7 Q. So in fact, although ultimately it's not a matter for
8 you to say, that might be a way of gauging the accuracy,
9 almost pinpoint accuracy, of the timing on that part of
10 the CCTV footage if, indeed, it is consistent with two
11 calls which we know Hussain made?

12 A. Yes, it would.

13 Q. That's clip 500, and clip 501 is an unconfirmed time of
14 8.59.15 to 8.59.36, E/13 in the core bundle tells us
15 that in that period at 8.59.27 Hussain made a call on
16 his operational phone to Tanweer's operational phone
17 723. That also would be consistent with the accuracy of
18 the timing for clip 501 for which your summary is: front
19 view of Hussain walking towards York Way using his
20 mobile phone?

21 A. Yes, sir.

22 Q. Insofar as the overall exercise of CCTV seizure and
23 viewing that took place in Operation Theseus and for the
24 purpose of these proceedings, it's right, is it, that
25 from the very early stages you were conscious of the

1 need to establish what the group was that was concerned
2 in the events, tragic events in London on 7 July?
3 A. Absolutely, yes.
4 Q. And you were concerned -- this follows from questions
5 put by my learned friend Ms Gallagher -- to establish
6 whether or not you had a group of four?
7 A. Indeed.
8 Q. The conclusion of the overall viewing exercise, taking
9 no doubt many thousands of hours, was that there was
10 a group of four?
11 A. That's correct, sir.
12 MR HILL: My Lady, that's all I ask.
13 LADY JUSTICE HALLETT: Thank you very much.
14 Any further questions from you, Mr Keith?
15 MR KEITH: My Lady, thank you, no.
16 LADY JUSTICE HALLETT: Detective Inspector Kindness, from
17 everything I've seen and heard so far, I have to say the
18 collation and analysis of this CCTV footage was an
19 extraordinarily impressive and thorough piece of work,
20 and I'm extremely grateful to you and to your team.
21 A. Thank you.
22 LADY JUSTICE HALLETT: I'm afraid we'll have to leave it
23 there, Mr Keith.
24 MR KEITH: My Lady, yes.
25 LADY JUSTICE HALLETT: So Monday morning, we're turning to?

1 MR KEITH: I have one or two more statements to read shortly
2 and then background evidence.

3 LADY JUSTICE HALLETT: Thank you very much. 10.00 am,
4 Monday. Thank you.

5 (4.20 pm)

6 (The inquests adjourned until 10.00 am on Monday,
7 18 October 2010)

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