

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

Hearing transcripts - 2 February 2011 - Morning session

1 Wednesday, 2 February 2011

2 (10.00 am)

3 MR KEITH: Good morning, my Lady. May I invite you to
4 recall Detective Sergeant Stuart, please.

5 Detective Sergeant, you're still under oath, in
6 fact. I see some puzzlement that you might not still be
7 under oath, so perhaps, out of an abundance of caution,
8 you could be resworn.

9 DETECTIVE SERGEANT MARK STUART (sworn)

10 Questions by MR KEITH

11 MR KEITH: Detective Sergeant, when you last gave evidence,
12 you addressed primarily the issues surrounding the last
13 tranche of operational phones that were used by the four
14 bombers prior to 7 July.

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

16 Q. In particular, you looked at, for us, the range of calls
17 made in respect of those operational calls from 27 June,
18 which was the date of the reconnaissance trip to London
19 and 7 July.

20 A. Yes, sir.

21 Q. You described how, based on cell site technology and the
22 location of the phones, the bombers had moved around and
23 pursued their various activities in the days leading up
24 to the attacks?

25 A. Yes, sir.

1 Q. I think you took us through some of the texts?

2 A. Yes, sir.

3 Q. Following representations from some of the lawyers
4 representing the bereaved families, my Lady asked you to
5 cast a wider net and to produce further information
6 concerning the use of all the operational phones.

7 A. Yes, sir.

8 Q. So have you gone back and prepared for us a detailed
9 schedule showing the use of all the operational phones
10 from the moment that they first began to be used?

11 A. Yes, sir.

12 Q. I'd like you, please, to look at your statement which is
13 dated 27 January 2011, which is on Lextranet at
14 INQ11176 [INQ11176-2] , please.

15 At the bottom of the page, you've set out there all
16 the operational phones or, rather, all the phones that
17 were assessed by the Metropolitan Police to be
18 operational phones as opposed to personal phones?

19 A. Yes, sir.

20 Q. As we can see there, you assert that these are the
21 phones which appear to have been used for suspicious
22 calls. In outline, what factors determine whether or
23 not the use of a particular phone categorised that use
24 as personal or operational?

25 A. So in this case, all these phones, they weren't

1 registered to the users, they were all prepay
2 unregistered phones. Their use was principally to
3 contact each other, to contact hydroponics suppliers,
4 vehicle hire companies, to receive some calls from
5 Pakistan, certainly to MSK, and those were the main
6 indicators that suggested that they were operational
7 rather than personal.

8 Q. Although there were some exceptions, which you go on to
9 describe as "leakage", in the main, were these phones
10 not used to make calls to individual members of the
11 bombers' families or to members of the public?

12 A. That's correct. Certainly in the early stages, what we
13 would call the phase 1 operational phones, there was
14 some leakage, but by the latter stages, they were used
15 entirely for what we would term operational calls.

16 Q. We'll come on to one particular part of the leakage
17 later, but one of the phones appeared to have been
18 used -- Tanweer's first operational phone, appeared to
19 have been used initially by a member of his family, and
20 so there were quite a few calls made by that phone to
21 people who seemingly had no connection to these events
22 at all.

23 A. That's correct, sir.

24 Q. But later, when that phone began to be used more
25 operationally, it was apparent that the phone had been

1 given to Tanweer himself?

2 A. Yes.

3 Q. Then the number of personal calls disappeared?

4 A. Yes, sir.

5 Q. You go on in your statement -- could we have the

6 following page, please, page 2 of INQ11176 [INQ11176-2] -- to set out

7 a brief account of how each of these operational phones

8 came to be attributed to each of the bombers.

9 A. Yes, sir.

10 Q. So by way of example, Khan, whom we can see from this

11 page had four operational numbers attributed to him,

12 you've set out why the view was reached that it was him

13 who was using these numbers.

14 The first three are the first three operational

15 phones that he used. The number at the bottom of the

16 page, ending 254, was the last operational phone that he

17 used and which you described for us when you gave

18 evidence last year.

19 A. Yes, sir.

20 Q. So to take the example of 263, the first phone, why was

21 it assessed that it was him, Khan, who was using that

22 number?

23 A. The phone download report for that phone, when it was

24 recovered, showed contact numbers for the other three

25 which we attribute to the other three bombers, but

1 nothing for him, indicating that it was his phone and,
2 also, the contact for that phone was, with other phones,
3 assessed to be in the hands of the other bombers and
4 nothing that was assessed to be in his hands.

5 So the indications were that it was one that he was
6 using rather than any of the other three.

7 Q. We will see later, when we look at the schedule of the
8 calls made by the operational phones, that there was, in
9 fact, a text found to have been sent by this number to
10 Wajid Hussain, who was connected with the ownership of
11 Chapeltown Road, and it concerned the dimensions of the
12 window, in particular the curtains and the window pole,
13 at that address?

14 A. I think it's actually a witness statement from Wajid,
15 who's saying -- who explains that, to his knowledge,
16 there were two bombers who actually were responsible for
17 putting up the curtains and there are texts between two
18 phones which match what he's saying.

19 Q. Throughout your statement, do you go on to describe,
20 whether by reference to where the handset or perhaps the
21 SIM card was found, the use of the phone -- that is to
22 say what numbers the phone was used to dial -- as well
23 as the numbers of the phone found to be registered in
24 other people's lists of contacts, why you concluded that
25 all these phones were operational?

1 A. Collectively that is what it was based on, yes, sir.

2 Q. That was a very extensive and, no doubt, detailed
3 process?

4 A. Yes.

5 Q. Could I ask you to keep your voice up again?

6 A. Sorry, sir.

7 Q. May I, before I move away from Khan's operational
8 phones, address one particular point?

9 An organisation that has been following this issue
10 has expressed a certain degree of confusion as to which
11 phones were recovered where, and perhaps I could just
12 clear up that particular confusion, if it exists.

13 In relation to MSK's phone, 826, the handset and SIM
14 were found, were they not, inside the tunnel at
15 Edgware Road?

16 A. That's correct.

17 Q. That's the third phone on the page?

18 A. Yes.

19 Q. As a result of the SIM card being found, was it possible
20 to retrieve any of the data on that phone?

21 A. There was no data that could be recovered. Although it
22 was sent off for examination, they couldn't extract any
23 data for it.

24 Q. What about in relation to the last operational phone,
25 254, which was also, I think you told us last year,

1 recovered from Edgware Road --

2 A. Yes, sir.

3 Q. -- or at least certainly the handset was recovered and

4 I think you told us that it was damaged beyond repair?

5 A. It was, sir, and for the same reason, they couldn't

6 extract any data from it either.

7 Q. Where Khan sent or received texts, therefore,

8 particularly at the time of the use of the last

9 operational phone, how were you able to retrieve data

10 evidencing the sending or receipt of texts?

11 A. The actual sending would come from the call data. The

12 context or the content, we would rely on downloads for

13 whichever phone it was sent to or received from.

14 Q. So are there a number of routes by which data can be

15 retrieved, even if you don't have the original SIM card?

16 A. Yes, sir.

17 Q. You prepared, as I said, a schedule, perhaps we --

18 LADY JUSTICE HALLETT: Just for the sake of completeness, as

19 far as the four phones attributed to Khan are concerned,

20 the other two -- 326 and 263 -- are found at

21 Alexandra Grove. Is that right?

22 A. Yes, my Lady.

23 MR KEITH: You say that in each case the handset and SIM

24 were found as part of three phones taped together, in

25 fact, at Alexandra Grove. Were they the two of the

1 three or were they tied together to other phones?

2 A. They were two of the three.

3 Q. Two of the three. So they were tied together themselves
4 or taped together.

5 The schedule that you prepared for us can, I think,
6 be found at INQ11177 [INQ11177-1] of Lextranet. We don't have it in
7 colour, I'm afraid, and we'll look at it in an enlarged
8 state in a moment, but if you could just look at the
9 first entry, and if you could enlarge the date on the
10 top left-hand corner there, please, was the first use --

11 LADY JUSTICE HALLETT: Just before you do, Mr Keith, can
12 we -- I have the schedules in colour at the back.

13 MR KEITH: I was going to hand in to my Lady, in fact, an A3
14 version. It may be easier, if that would assist.

15 LADY JUSTICE HALLETT: Thank you. (Handed).

16 MR KEITH: The first use of an operational phone appears to
17 have been on 15 March, and although it doesn't appear on
18 Lextranet as this colour, is that call set out,
19 certainly in relation to the maker of the call, in red,
20 indicating that it's a call made by Khan?

21 A. Yes, sir, although there is a slight caveat with this,
22 in that for Khan's first phase phone and also Tanweer's
23 first phase phone there was about two weeks of data
24 which we were unable to recover from the network, simply
25 because, at that stage, they only retained five to six

1 months' worth of data, and by the time it was requested,
2 those first two weeks had gone.

3 So it's possible that there were other calls,
4 although we would have expected to pick them up from
5 everybody else's billing.

6 Q. You were confident that nobody else's use of operational
7 phones indicated calls to MSK's phone certainly before
8 15 March; it's possible, but you found no trace of it?

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

10 Q. But you're still confident, are you, that there were no
11 other operational phones used before this date?

12 A. Yes, sir.

13 Q. This call, then, was made from his first operational
14 phone, and we can see that, on 15 March, he called
15 vehicle hire, namely a company called Eurodrive, and
16 three days later, on 18 March, he called
17 Jermaine Lindsay on a non-operational phone?

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

19 Q. On your statement you give the dates, broadly speaking,
20 on which each of the operational phones effectively
21 starts and ends.

22 A. Yes, sir.

23 Q. So there were phases to the operational phones. Were
24 they in tandem; that is to say when one of the bombers
25 moved to the next operational phone, did his

1 co-conspirators do likewise?

2 A. Broadly speaking, yes, sir. They appeared to all be
3 used consecutively, and they only rang -- a phase 1 only
4 rang a phase 1, a phase 2 only rang a phase 2,
5 generally.

6 Q. So there were obviously two deliberate decisions taken
7 by the bombers: firstly, to use operational phones; and,
8 secondly, to keep on simultaneously altering their
9 operational phones so as to reduce further the risk that
10 their calls would be revealed, discovered or otherwise
11 intercepted?

12 A. Yes, that's it exactly.

13 Q. This schedule, subject to some minor exceptions, is
14 a schedule of all the calls and texts made and received
15 by the operational phones. I'll come on to the
16 exceptions in a moment. Is that right?

17 A. Yes, sir, there is -- again, there's always a proviso
18 with incoming call data that isn't -- we can't rely on
19 it 100 per cent. So we -- as long as we've got the
20 corresponding outgoing, we would have picked it up.

21 Q. Are there differences between the records of calls made
22 or received on a handset and the data that will be
23 retained by the phone company?

24 A. Yes, there can be, sir, yes.

25 Q. Why is that?

1 A. If you dial a number which isn't recognised by the
2 network, it might still appear on the handset record,
3 but it won't appear because it never connected, it won't
4 appear on the network's data, sir.

5 Q. Also, where a call is diverted, may there be
6 a difference between the record kept by the phone
7 company and the phone?

8 A. Yes, sir.

9 Q. The minor exception is that this schedule does not name,
10 does it, the names of those persons whom the
11 Metropolitan Police assessed had an innocent contact
12 with those operational phones?

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

14 Q. So, for example, if we look at 25 March at 18.06, the
15 third entry on this page on the screen, where Tanweer
16 uses his first operational phone to make a call, the
17 calls that evening were made, were they not, by, you
18 assessed, and your colleagues assessed, a member of his
19 family who was using his phone?

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

21 Q. In this instance, if we go to the right-hand column of
22 that third entry, we can see some explanatory notes:
23 "Various enquiries led to assessment that calls from
24 [that number] on [the] evening ... were made by
25 a relative of Tanweer. Billing obtained for this number

1 and placed on HOLMES."

2 That is to say the police exhibit-gathering system?

3 A. Yes, sir.

4 Q. "This is the only call involving the number to or from
5 an operational phone."

6 If the number called by Tanweer, or seemingly by
7 Tanweer, on that occasion, had appeared in other calls
8 to or from operational phones belonging to the others,
9 it might have been more suspicious, but you were able to
10 say this was the only link between any of the
11 operational phones and this particular person?

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

13 Q. Because you knew that, at the beginning of this process,
14 this phone was being used by one of Tanweer's relatives,
15 you were strongly of the view that it had been used for
16 an innocent purpose and, therefore, you've not put the
17 name of the recipient of the call on your schedule --

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

19 Q. -- lest they be openly linked unfairly to terrorists?

20 A. Yes.

21 Q. In fact, the remainder of the calls on that page, all of
22 which are green in the original, but we can see them
23 there in a lighter shade, were calls to or from the same
24 member of Tanweer's family?

25 A. Yes, sir.

1 Q. If we could then go over the page to page 2 [INQ11177-2] , please, on
2 29 March at 14.30 -- which is there, thank you very
3 much -- we can see there again a call from Tanweer to
4 a recipient whose name is again not mentioned.

5 A. Yes, sir.

6 Q. Going to the right-hand side, then, of that entry, was
7 that, again, a person whose contact with Tanweer
8 appeared to be wholly innocent?

9 A. Yes, sir.

10 Q. There were no other operational significant links and,
11 hence, again, the name has been omitted from the
12 schedule?

13 A. Yes, sir.

14 Q. Also in this schedule, were there originally a handful
15 of individual calls which had been omitted because the
16 means by which the information as to those calls came to
17 your attention, was discovered, was a sensitive means?

18 A. Yes, sir.

19 Q. Before anybody screams or shouts, it's not a RIPA issue
20 as to which, of course, I wouldn't have been able to
21 make any reference to even the possibility of those
22 means. It is just a sensitive issue.

23 Those calls are very limited, are they not, in that
24 they only relate to, as I say, a handful of the calls
25 revealed over this entire period?

1 A. They do, sir, yes, and the contact with the individuals
2 that that sensitive data identified are already covered,
3 in any event, in the schedule.

4 Q. So those contacts actually appear for other reasons and,
5 therefore, we're not blind to the link because of the
6 omission of those particular calls?

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

8 Q. To give one example, on 1 April -- so page 2 [INQ11177-2] again of
9 this exhibit -- at 16.47.33, there is a call from
10 Tanweer, the name of the recipient is omitted, and on
11 the right-hand side you've stated that no suspicious
12 link was established. This is the only call involving
13 that number?

14 A. Yes, sir.

15 Q. There were also a couple of calls to Khan from two
16 separate landlines, in relation to which, again, the
17 means by which that information came to your attention
18 is sensitive?

19 A. That's correct.

20 Q. So they've been omitted. Could we now then go through
21 the schedule and highlight one or two of the interesting
22 features of it?

23 On 30 March, at 16.34.49, there is a call in green
24 in the original, hence a call from Tanweer, to, it
25 appears, a commercial entity called Dr Greenthumbs,

1 which is an outlet for the sale of hydrogen peroxide.
2 Is that right?
3 A. Yes, sir.
4 Q. Was a card in the name of Dr Greenthumbs found at
5 Aldgate?
6 A. I'm not actually sure, sir.
7 Q. All right, take it from me then, if you would.
8 A. Yes, sir.
9 Q. The call indicates, does it not, that fairly close,
10 therefore, to the commencement of the use of operational
11 phones, contact with hydrogen peroxide outlets started?
12 A. Yes, sir.
13 Q. On 6 April, at 19.09.17 -- so six or seven entries down
14 on that page, page 3 [INQ11177-3] -- 6 April, 19.09.17, there is
15 a call from Tanweer to a recipient called Khalid Khaliq.
16 On the right-hand side, do you make an observation in
17 relation to who that person was?
18 A. Yes, sir, this is somebody who was -- who did feature in
19 the investigation, who was charged with offences and
20 that's why his name does actually appear in the
21 schedule, sir.
22 Q. Are there, however, other calls in the schedule where
23 calls were made to other persons who may initially have
24 been under suspicion by the Metropolitan Police, but who
25 were not charged in relation to any offence and,

1 therefore, their names have been omitted --

2 A. Yes, sir.

3 Q. -- in order not to infringe whatever rights they may
4 have had under article 6?

5 6 April, at 20.19 and 20.53, there are two further
6 calls from Tanweer, the recipients are absent. Were
7 those calls made to a person who was, after extensive
8 enquiries, not assessed to have had any operational
9 connection to the four bombers?

10 A. Yes, sir.

11 Q. 10 April, 16.02, moving to another aspect, third entry [INQ11177-4] ,
12 here is a red call in the original; so it's a call from
13 MSK -- to Wajid Hussain?

14 A. Yes, sir.

15 Q. Who was Wajid Hussain?

16 A. He was the landlord connected to the Chapeltown Road
17 address, sir.

18 Q. Was this call one of the reasons why the police were
19 able to conclude that the steps taken to secure the
20 lease of Chapeltown Road occurred around this time?

21 A. Yes, sir.

22 Q. 14 April at 22.24, there is a text from Khan to Hussain,
23 in particularly unattractive terms, and a little further
24 down the page at 15/04, at 19.47, we can see a response
25 from Hussain whose call is noted as yellow in the

1 original schedule to MSK in red.

2 Do those two texts concern the window aperture, the
3 size of the curtains, seemingly in Chapeltown Road?

4 A. Yes, sir.

5 Q. So they're obviously taking steps there to put in
6 curtains or curtain poles possibly for the purposes of
7 concealing the activity inside?

8 A. Yes, sir.

9 Q. Moving forward to 23 April, at 18.00, so page 6 -- no,
10 page 5 [INQ11177-5] , I apologise -- we can see for the first time --
11 it's the penultimate entry on the page -- a call from
12 a number in Pakistan to Khan?

13 A. Yes, sir.

14 Q. We'll see in a moment that there are a number of calls
15 throughout this period to Khan from Pakistan. Is that
16 right?

17 A. Yes, sir.

18 Q. Did there appear to be any calls from Pakistan to any of
19 the other bombers?

20 A. No, sir.

21 Q. From your research, did Khan ever call Pakistan from an
22 operational phone?

23 A. I don't believe so, no, sir.

24 Q. So if he didn't call that number, the phone calls to him
25 from Pakistan -- which came from a variety of different

1 places, did they not --

2 A. Yes, sir.

3 Q. -- could only have been made because he must, by some
4 other route, have provided a number to whoever was
5 calling him from Pakistan so that they could effect
6 those calls?

7 A. Yes, sir.

8 LADY JUSTICE HALLETT: So the calls, as it were, kept coming
9 to the various phase phones. Is that what you mean? So
10 he must have alerted them to the new operational phone
11 number?

12 A. Well, yes, yes, my Lady, although I think there were
13 sometimes calls which went into the wrong phased phone.

14 LADY JUSTICE HALLETT: But he must have been keeping them
15 updated, essentially?

16 A. Yes, my Lady.

17 MR KEITH: The contrast with some of the personal leaked
18 calls is clear. Sometimes, an operational call -- an
19 operational phone was used by one of the bombers
20 erroneously to call a personal number or personal
21 contact. That personal contact might then appear later
22 as having called the operational phone back?

23 A. Yes, sir.

24 Q. Evidently, because they'd received a call from it, they
25 would then reply to that number?

1 A. Yes, sir.

2 Q. But in relation to the Pakistani calls, there was no
3 call back?

4 A. No.

5 Q. They were only ever to Khan, so they must have had the
6 number, as my Lady says, they must have had, in
7 addition, each of the new numbers that Khan had?

8 A. Yes, sir.

9 Q. He was very careful, was he not, never to call those
10 numbers back?

11 A. No, they were public call offices as well, which --

12 Q. Precisely, the last point is they were only ever from
13 public call boxes in Pakistan that could not be traced?

14 A. Yes, sir.

15 Q. On 6 May, at 17.05, page 9 [INQ11177-9] , there is a call from Tanweer
16 to somebody whom you described as a Theseus person of
17 interest. Turning to the right of the page, you
18 describe why you have described him thus.
19 Why have you done so?

20 A. This is an individual who was arrested during the course
21 of the investigation but not charged.

22 Q. So for the same reason I described earlier, you've not
23 put down the name of the person in the schedule?

24 A. Yes, sir.

25 Q. But the information is there. Turning back to the

1 question of calls from Pakistan, if we just screen down,
2 please, to page 11 [INQ11177-11] of the exhibit, we can see in the
3 bottom half of the page there a number of calls from
4 Pakistan?

5 A. Yes, sir.

6 Q. In particular from Rawalpindi, so 9 May, 10 May. Over
7 the page to 12 May, page 12 [INQ11177-12] of the document.
8 Then moving forward to 14 May on page 14 [INQ11177-14] , there were
9 a great deal many calls from Rawalpindi on that day, we
10 can see there, all to MSK, the original schedule is in
11 red, and I needn't go through the schedule to the later
12 dates, but are there further calls on 19 May, 31 May and
13 2 June?

14 A. Yes, sir.

15 Q. There appeared to be a substantial number of calls in
16 that period from the middle of May to the beginning
17 of June, and then, again, were there further calls from
18 Pakistan, right at the very end, just a matter of days
19 before the bombs are detonated on 7 July, on 2 July in
20 fact?

21 A. Yes, sir.

22 Q. Did you assess that these calls, therefore, were
23 probably connected to some guidance or some means of
24 communicating information concerned with the manufacture
25 of the bombs and then, ultimately, their detonation?

1 A. Yes, I think they had to be, sir.

2 Q. 15 June, at 10.08, which is on -- if you'll bear with
3 me, page 30 [INQ11177-30] shows a call from Khan to a man called
4 Magdy El-Nasher. Who was Magdy El-Nasher?

5 A. He was a subcontractor for Alexandra Grove, the bomb
6 factory, sir.

7 Q. Does that call indicate part of the -- one aspect of the
8 steps taken by the bombers to secure the second address,
9 the address that became the bomb factory?

10 A. Yes, sir.

11 Q. There is a further call, is there not, to a second man
12 called Shakir El-Ani. We can see that on the bottom of
13 page 30 [INQ11177-30], the penultimate entry, 15 June, at 10.20.07.
14 Was that call by contrast a call from Hussain to
15 Shakir El-Ani, who was actually the owner?

16 A. Yes, sir.

17 Q. So both men were involved in the arrangements for the
18 leasing of the bomb factory?

19 A. Yes, sir.

20 Q. One name that appears throughout the schedule, but has
21 an entirely innocent explanation, as the name plainly
22 indicates, is that of the Lucky Takeaway. The first
23 entry for which can be seen on page 35 [INQ11177-35] at the bottom,
24 25 June, at 23.27 -- I'm sorry, one entry above it,
25 23.10.44. Hussain appears to call the Lucky -- Lucky's

1 and Fortune Takeaway from his phase 3 operational phone?
2 A. Yes, I think there's actually one earlier call.
3 Q. Have I missed one?
4 A. On 15 June, page 31 [INQ11177-31].
5 Q. Page?
6 A. Page 31, sir.
7 Q. Who is that one from?
8 A. 15 June at 20.10.
9 Q. The first connection is on 15 June and, as on the 25th,
10 the connection is initiated by Hussain?
11 A. Yes.
12 Q. Plainly calling for takeaway food?
13 A. Yes, sir.
14 Q. Throughout are there a number of calls to Lucky's and
15 Fortune Takeaway?
16 A. Yes, sir.
17 Q. Was that located very close to Alexandra Grove?
18 A. Yes, I believe it was, sir.
19 Q. So those calls appear to have been calls for takeaways
20 by the bombers whilst they were engaged in their
21 murderous activities in the flat?
22 A. Yes, sir.
23 Q. On 2 July, as you told us a few moments ago, page -- I'm
24 sorry, Mr Stuart, the format is so small it's rather
25 hard to read the numbering. Page 38 [INQ11177-38], thank you very

1 much. The calls from Rawalpindi appear to recommence?
2 A. Yes, sir.
3 Q. So at 9.00 in the morning, 09.00.21, there's a call
4 there from Rawalpindi to Khan, and further up the page,
5 so on 30 June, do we see there a number of connections
6 between Khan and First 24-Hour Car Rental Limited?
7 A. Yes, sir.
8 Q. Which was the car from which the -- the car hire company
9 from which the car subsequently used on 7 July was
10 obtained?
11 A. Yes, sir.
12 Q. On 6 July, at 4.35, in the morning, page 40 [INQ11177-40], Khan texts
13 Lindsay, and we can see, if we go to the right-hand side
14 of the schedule:
15 "Having major problem. Can't make time. Will ring
16 ya when I got it sorted. Wait at home."
17 A. Yes, sir.
18 Q. That was a text message in relation to which you gave
19 evidence last year, which showed that Khan texted
20 Lindsay when he was forced to change his plans and to go
21 to hospital with Hasina Patel who had suffered a medical
22 emergency.
23 A. Yes, sir.
24 Q. Further down the page, on 6 July at 05.33, we can see
25 Khan texts Lindsay again:

1 "I'll ring ya in the afternoon, 2-ish."
2 A. Yes, sir.
3 Q. On 7 July, the day, of course, of the bombs -- forgive
4 me one moment. (Pause).
5 Yes, before we turn to 7 July -- I'm grateful to
6 Mr Hay -- on page 42 [INQ11177-42], right at the bottom of the page --
7 6 July, page 40 [INQ11177-40], at 12.39.35, there appears to be a call
8 from a telephone kiosk in London to Tanweer.
9 A. Yes, sir.
10 Q. Billing from that telephone kiosk was obtained and the
11 police attempted to get any CCTV showing the telephone
12 kiosk, but it wasn't available and so that enquiry
13 couldn't go any further.
14 A. Yes, sir.
15 Q. Over the page on page 41 [INQ11177-41], at 08.58.53, we will see there
16 a call from Hussain in yellow in the original to,
17 firstly, Lindsay, in blue in the original, there being
18 highlighted, thank you very much, then to Khan?
19 A. Yes, sir.
20 Q. Then there is a call, seemingly from Tanweer, but, in
21 fact, that was simply an automated voicemail from the
22 network provider.
23 A. Yes, sir.
24 Q. Then Hussain, again, we can see, calls Tanweer again, he
25 calls Lindsay again, and then -- I'm sorry, I said in

1 relation to Tanweer again. That's the first time he
2 calls Tanweer at that stage. He then calls Lindsay
3 again. He calls Khan again. There is then another
4 automated call from Tanweer, to Tanweer -- that's to say
5 a call from the network -- and then Hussain calls
6 Tanweer for the final time at 09.19.27.

7 A. Yes, sir.

8 Q. Those calls were the last calls, were they not, and as
9 we've seen from the CCTV and from your earlier evidence
10 last year, those were the calls -- attempted calls -- by
11 Hussain, after, of course, his co-conspirators' bombs
12 had detonated.

13 A. Yes, sir.

14 Q. At 14.04.17, on 7 July, after, of course, the fact of
15 the bombs had been brought to worldwide attention, there
16 is a call, is there not, from Rawalpindi, for, I think,
17 the final time, to Khan's phone?

18 A. Yes, sir.

19 Q. Thereafter, all the calls were made from earlier
20 operational phones, phones that had not been destroyed
21 in the bomb blasts, and were all subject -- were all
22 after the further enquiries that were carried out,
23 demonstrated to have been calls from members of the
24 bombers' families who had found the earlier operational
25 phones and started using them to call the contacts that

1 they found on those phones?

2 A. Yes, sir.

3 Q. So by way of example, Hussain's earlier operational
4 phone, phone 3, was found by a member of his family, who
5 started using the phone to call round to see whether or
6 not he could trace Hussain.

7 A. Yes, sir.

8 Q. That's the same throughout the following pages. Tanweer
9 also appears to have received calls, but those are calls
10 from automated exchanges at the phone provider?

11 A. Yes, sir.

12 Q. The second schedule that you have provided for us is
13 MS34. It's on our system at INQ11178 [INQ11178-1] and it's headed
14 "Schedule of all known calls between the 7/7 bombers and
15 indicted Crevice nominals."

16 The schedule is limited, is it not, to calls,
17 therefore, between these bombers and those persons who
18 were not merely under suspicion, but actually indicted,
19 and therefore faced trial, in relation to the Crevice
20 bomb plot?

21 A. Yes, sir.

22 Q. On 12 July -- that's to say after the detonation of the
23 bombs -- a SIM card was found at Khan's address, was it
24 not?

25 A. Yes, sir.

1 Q. When that SIM card was researched, two numbers were
2 found on it as contacts. Were those numbers known to
3 the police insofar as they had previously appeared
4 during the Operation Crevice investigation and had been
5 attributed to Omar Khyam, the leader of the Crevice
6 network?

7 A. Yes, sir.

8 Q. Another number found after 7/7, I think from a SIM card
9 at Alexandra Grove, showed that MSK had had another
10 phone, and that phone, or rather the SIM card, was
11 found, after 7 July, to have contacted the
12 Operation Crevice suspects in February and March 2004?

13 A. Yes, I think we were alerted to that number by Khan's
14 brother, who provided it to us.

15 Q. So that was one of the reasons, as we will explore later
16 in the course of my Lady's proceedings, how links
17 between Crevice and Khan came to be more apparent after
18 the terrible events of 7 July 2005?

19 A. Yes.

20 MR KEITH: Detective Sergeant, thank you very much. Those
21 are all the questions that I have for you.

22 LADY JUSTICE HALLETT: Mr Patterson?

23 Questions by MR PATTERSON

24 MR PATTERSON: Detective Sergeant, we're very grateful for
25 the very comprehensive analysis of the telephone

1 evidence. You have highlighted the high degree of care
2 that the four bombers clearly took to minimise the risk
3 of detection and you have also highlighted the high
4 degree of coordination that there must have been between
5 the four of them in terms of which phones they used
6 when, and you've referred to the, I think, 15
7 operational phones.

8 Does your analysis, therefore, show that, in
9 addition to these 15 operational phones, they also had
10 four personal phones which they used for non-nefarious
11 telephone contacts?

12 A. Yes, sir.

13 Q. So, therefore, these were four plotters who were
14 purchasing and running at least 19 mobile phones?

15 A. Yes, sir.

16 Q. So in addition to all the other money that they were
17 spending on this conspiracy, renting premises, buying
18 large quantities of hydrogen peroxide, hiring cars, they
19 were also spending quite a bit of money on telephones
20 and telephone communications?

21 A. Yes, sir.

22 Q. The last time you gave evidence, Mr Stuart, you touched
23 upon the question of: was there any evidence of contacts
24 beyond the group of four that might have suggested that
25 those four bombers were accompanied on 7 July itself?

1 I know that you have looked into that further with
2 this very comprehensive schedule. Is your conclusion
3 that there is no evidence from telephone material to
4 support association with others on the day?

5 A. Yes, sir.

6 Q. Can I ask you, please, Mr Stuart, about
7 Jermaine Lindsay, because we can see from this schedule
8 that runs to some 45 pages that, of the four bombers,
9 the greatest contact really is between the other three,
10 is it not --

11 A. Yes, sir.

12 Q. -- MSK, Tanweer and Hussain?

13 Having said that, although we see particularly in
14 the early weeks very little involvement of Lindsay's
15 phone, there does come a time, does there not, when he
16 does feature, and if we turn, please, to 28 June and
17 page 37 of your schedule, until then all the contact
18 that Jermaine Lindsay had using the operational phones
19 was with Khan, but then, on 28 June, which, as we know,
20 was the date of the reconnaissance trip to London, we
21 see, do we not, that Lindsay is in contact on that
22 occasion with Tanweer's operational phone?

23 A. Yes, sir.

24 Q. So on page 37 [INQ11177-37] we can see on 28 June, at 5.30 in the
25 morning, there's a 40-second call from Lindsay to

1 Tanweer's phone, and then, some hours later, at 7.24,
2 Lindsay's phone is again calling Tanweer's phone, and
3 then, at 8.07, Lindsay's phone again calling Tanweer's
4 phone?

5 A. Yes, sir.

6 Q. Indeed, the night before that trip to London, we can see
7 at 22.39 and at 22.40 two telephone calls from Lindsay
8 to Khan?

9 A. Yes, sir.

10 Q. So although not much involvement in the early weeks,
11 certainly clear involvement in the latter period, and it
12 goes beyond MSK, there comes a time, does there not,
13 when he is also in telephone contact with Tanweer, as
14 we've just seen, and also later with Hussain's phone?

15 A. Yes, sir.

16 Q. If we carry on, please, in the schedule, we can see, for
17 example, on page 39 [INQ11177-39] that, by 4 July, Lindsay's
18 involvement is much more heavy, according to the
19 telephone traffic; contact on 3 July, with MSK, on
20 4 July, contact with Hussain and MSK. Obviously at
21 a very advanced stage of the planning.

22 A. Yes, sir.

23 Q. Next, Mr Stuart, distinct topics. It's clear, isn't it,
24 from the telephone evidence, that in terms of car hire,
25 that part of the planning, the telephone evidence

1 suggests that it was Khan, Tanweer and Hussain who were
2 involved in contacting car hire organisations?

3 A. Yes, sir.

4 Q. Next, in relation to hydrogen peroxide purchases, it's
5 clear, is it not, that it was Khan, Tanweer and Lindsay
6 who were involved in contacting those outlets?

7 A. Yes, sir.

8 Q. Thirdly, in relation to landlords of the two premises --
9 Chapeltown Road and Alexandra Grove -- it was Khan who
10 had contact, as we saw, with the landlord at
11 Chapeltown Road?

12 A. Yes, sir.

13 Q. In relation to Alexandra Grove, the telephone contact
14 there was Khan and also Hussain?

15 A. Yes, sir.

16 Q. Finally this, please, Mr Stuart: you've touched upon
17 those telephone calls that were coming in from Pakistan.
18 With the exception of the first call on page 5, all the
19 calls that followed, according to the billing records,
20 came from the same area: namely, Rawalpindi?

21 A. Yes, sir.

22 Q. Can we look, please, at page 14 [INQ11177-14]? On that particular
23 occasion, the calls were coming in to Khan's phase 2
24 operational phone -- so the second of his four
25 operational phones -- were they not?

1 A. Yes, sir.

2 Q. So, on 14 May, there were three calls at 10.50, 10.51,
3 10.52 from the same call box in Rawalpindi ending 890.
4 Is that right?

5 A. Just looking at the source column, sir, there are
6 duplicate entries, or possibly duplicate entries there.

7 Q. I see. So it may be the same call, but it appears twice
8 because of the --

9 A. The phone download.

10 Q. -- material that you were using?

11 A. Yes.

12 Q. I see. But then there's a gap, is there not, and at
13 10.57 and 10.58, either one or two calls, but from
14 a different call box. Again, it's Rawalpindi, but the
15 number this time ends 885?

16 A. Yes, sir.

17 Q. A short passage of time then -- about ten minutes -- and
18 we go to 11.11 and 11.12, so either one or two calls,
19 one of which at least 37 seconds in length from
20 Rawalpindi, a different call box ending 684?

21 A. Yes, sir.

22 Q. Then finally, at 11.13 and 11.14, a fourth call box, at
23 least one call of 2 minutes 35 seconds' duration, and
24 a call box with the number ending 288?

25 A. Yes, sir. Again, just to bear in mind that, because

1 there is no cell site associated with the first batch of
2 calls, the indication is that they didn't actually
3 communicate. They are short duration and it's probably
4 a call which --

5 Q. Went to voicemail?

6 A. Went to voicemail, yes.

7 Q. But certainly, unless it is the highly unlikely scenario
8 of lots of people in Pakistan trying to contact Khan, it
9 may well be one person speaking to him, using several
10 different call boxes to avoid, perhaps, detection, or
11 being unable to get through to him at one call box but
12 being so eager to speak to him that they moved to
13 different call boxes?

14 A. Yes, sir, I think these call boxes are actually shops
15 where there might be a number of people waiting to use
16 them, so he may have moved on for that reason.

17 Q. Do we see a similar pattern on 2 July -- so just five
18 days before the bombings -- page 38 [INQ11177-38] of your schedule,
19 a series of calls coming into, now, the phase 3 phones.
20 So we had calls to his phase 2 phone earlier. Here
21 it's the phase 3 phone, but calls coming from a call box
22 ending 796, and then 277, and then 932, and then
23 a fourth line was used, 914?

24 A. Yes, sir.

25 Q. They were spread over a period of time, 9.00, 10.16 --

1 forgive me, 9.00, 10.23, 10.27, 11.23?

2 A. Yes, sir.

3 Q. The 9.00 one seems to have connected for 24 seconds and
4 others for, it seems, about 11 seconds.

5 A. I think it's -- the 9.00 is 4 seconds, and, again, no
6 cell site, which would indicate that probably none of
7 those calls connected and it's probably the call on
8 2 July at 14.35 which is six minutes long, which is
9 actually contact.

10 Q. So that call at 09.00.53 for 24 seconds, can you help us
11 if that connected?

12 A. I suspect that's gone to voicemail.

13 MR PATTERSON: I see. Yes, Mr Stuart, thank you very much.

14 LADY JUSTICE HALLETT: Ms Gallagher?

15 Questions by MS GALLAGHER

16 MS GALLAGHER: Detective Sergeant, a number of the issues
17 which I was intending to explore with you have already
18 been addressed, so there are really only two matters
19 which I need to take you to, and I'll be as brief as
20 possible.

21 Could I just start by dealing with this issue of
22 confusion? Mr Keith, when questioning you, referred to
23 an organisation having expressed confusion about your
24 statement on 14 October about there being no readable
25 data from the phone at Edgware Road that was recovered

1 at Edgware Road, and you were taken to those two phones.

2 It's [INQ11176-2]. So both the phone number ending 826
3 that was recovered inside the tunnel at Edgware Road --

4 A. Yes.

5 Q. -- and I think you've said the SIM card was found and
6 sent off but there was no readable data?

7 A. That's correct, yes.

8 Q. And phone number 254 also recovered from Edgware Road
9 mentioned at the bottom of that page and you said, for
10 the same reason, no data was recoverable there?

11 A. The handset was recovered and it was -- no data could
12 be --

13 Q. Mr Keith said, "Well, how do we have information about
14 the exchange of text messages?", and you made reference
15 to obtaining call data. So it's possible to obtain
16 information about text messages without extracting it
17 from the hardware itself, from the SIM card of the
18 telephone?

19 A. Yes, there will be a record of the sending of the text
20 on the call data that we can recover from the phone
21 companies.

22 Q. But Detective Sergeant, that's just information about
23 the sending and receipt of texts. It's not information
24 about the content?

25 A. The content you would only get if the phone that either

1 received or sent the text to the damaged phone was
2 itself recovered and examined and we could derive data
3 from it.

4 Q. So the comms data can't give you the content, that's
5 only possible from hardware of one or other phone. So
6 it's not possible to recover information such as contact
7 details, so telephone numbers that are saved and so on,
8 through comms data?

9 A. No, that's correct.

10 Q. Detective Sergeant, I think the difficulty is that your
11 answers won't have cleared up the confusion, because the
12 reason that the confusion has arisen is that there were
13 a number of news articles, public at the time of the
14 Theseus trial, which referred to the actual content of
15 text messages recovered from one of those phones and,
16 indeed, I think publicly there's some information with
17 links to those news articles.

18 But, in fact, we can go one step further because, of
19 course, we've got the opening from counsel in the
20 Theseus trial -- the reference is [INQ105680-12]. It's
21 paragraph 64 and it says:

22 "Among the debris at the scene of the Edgware Road
23 bombing the police found part of a mobile telephone
24 belonging to MSK. In the memory of that mobile phone
25 was recorded a mobile telephone number attributable to

1 Shakil ... and a ... number attributable to ...
2 Saleem ..."

3 Then paragraph 65, I don't think we need it on
4 screen, but for your reference, my Lady, that includes
5 the content of a particular text, also recovered from
6 that.

7 One of the phones you've referred to there being no
8 data for is 254, but could we go to [INQ10485-2], please?
9 Now, this is the front page from a Forensic Science
10 Service, FSS, mobile phone examination report. Is that
11 right, Detective Sergeant?

12 A. Yes.

13 Q. Could we go to page 4 [INQ10485-4] of that document, please, under
14 "SIM functionality"? Detective Sergeant, you'll see
15 there's a number of items on the left. In the column on
16 the right it says "Examined" in relation to three of
17 them and "Examined - no data recovered" in relation to
18 two of them.

19 From that, it looks as if no data could be recovered
20 in respect of two things, the last dialled numbers and
21 deleted SMS, ie deleted texts, but it appears
22 information could be recovered about the other three
23 items, including, in particular, texts?

24 A. I'm not sure if that is expanded on elsewhere in that
25 document, if there are details of texts or if it's just

1 the way it's been explained by the examiner that isn't
2 clear.

3 Q. But, of course, Detective Sergeant, could we go to
4 page 6 [INQ10485-6] of this document, please? It's SMS number 6.
5 This is a message which has been adduced on a number of
6 occasions which is the message from
7 Mohammed Sidique Khan referring to "having major
8 problem", that is the pregnancy difficulties, and that's
9 from number 254.

10 So it appears -- and this is in the same report --
11 that this is, in fact, the content of text messages
12 recovered and detailed in this FSS report which appears
13 to be at odds with your answer earlier, which was that,
14 in respect of phone number 254, the data simply wasn't
15 recoverable, the only data recoverable was comms data?

16 A. No, this is exactly what I'm explaining, that by looking
17 at the phone download from another phone -- I'm not sure
18 which phone this is, but you're getting detail of a text
19 sent from 254 to it.

20 Q. So, in fact, this information has been obtained from
21 a different handset?

22 A. I think, if you go to page 2 [INQ10485-2], it will probably
23 indicate ...

24 LADY JUSTICE HALLETT: So this is information from the
25 recipient rather than the sending?

1 A. Yes, my Lady.

2 MS GALLAGHER: Can you show us where that reference is,
3 Detective Sergeant?

4 A. Can we look at page 2?

5 Q. The reason it's important to do this, obviously, is, as
6 you're aware, a number of people are following these
7 proceedings very closely. There's been some concern
8 expressed about this issue, so it seems sensible to just
9 put it to bed. If there's a simple answer, let's just
10 have it and it will be on the public record.

11 A. Yes, not at all.

12 Q. Thank you.

13 A. Page 3 [INQ10485-3], please, then. Page 4 [INQ10485-4] then, please.

The MSISDNs

14 at the top indicates that this is actually the phone
15 download for a number ending 211, which is actually
16 Lindsay's phase 3 phone. So we're looking at a phone
17 download report for Lindsay's phase 3 phone which was
18 recovered, both the SIM card and the handset, and what
19 you're seeing there are copies of texts which appear to
20 have been sent from 254, MSK's phase 3 phone, to that
21 number.

22 Q. Detective Sergeant, just to clarify it, if we could go
23 back to [INQ105680-12] at paragraph 64, when, in the
24 opening to the Theseus trial, as was widely reported, it
25 stated there that this information was recovered from

1 that mobile phone found at Edgware Road, is that simply
2 wrong?

3 A. Yes.

4 Q. Thank you. The second issue, Detective Sergeant, which
5 I wanted to explore, is, in addition to us requesting
6 information on 14 October, when you were first here,
7 about all 15 operational phones rather than just the
8 last four, we also wished to question you, as I think
9 you know, about certain material which was available to
10 us as of that day and, in fact, we had to make
11 submissions to my Lady in respect of that. Some of this
12 information is publicly available already because the
13 detail was shown on screen and some media organisations
14 made a request, but it hasn't been adduced, so I'm just
15 going to run through that material with you and then
16 I'll have concluded.

17 It's about, Detective Sergeant, a series of text
18 messages between MSK and Jermaine Lindsay between
19 29 June and 6 July 2005.

20 Just to place that in context, 28 June, from your
21 previous evidence, was the day of the reconnaissance
22 trip?

23 A. Yes.

24 Q. 6 July we understand to be the apparently intended
25 attack day?

1 A. That appears to be an assumption, yes.

2 Q. Could we go, first of all, to [INQ10395-1], please? It's

3 core bundle E10 for anyone who's working from the core

4 bundle, if that's easier.

5 Starting at 20.57, the last three entries on the

6 page, there's a series of four texts, three on this page

7 and one over the page, starting at 20.57.11, 29 June,

8 concluding at 21.06.10 on the same day, 29 June.

9 Let's just do this in -- take the four of them

10 together, just for ease.

11 So the first one is a text from Khan to Lindsay. Is

12 that right?

13 A. The first one is a text from Khan to Lindsay, yes.

14 Q. The second is a response, Lindsay to Khan. We can see

15 it's just minutes later.

16 A. Yes, that's correct.

17 Q. Then Khan to Lindsay again?

18 A. Correct.

19 Q. Then, over the page [INQ10395-2], the first entry on the next page,

20 Lindsay to Khan?

21 A. Correct, yes.

22 Q. So it's four messages replying to each other?

23 A. Yes.

24 Q. We've got the content of those, of course, in a document

25 that I've already taken you to.

1 If we could go to [INQ10485-5], please, the first
2 message there is at 20.58.30.
3 My Lady, there's a suggestion this has been dealt
4 with the last time. In fact, we had to make submissions
5 because we weren't allowed to adduce this the last time.
6 I do have copies of the submissions.
7 LADY JUSTICE HALLETT: By the looks of it, it's not going to
8 take that long. So if it's repetition --
9 MS GALLAGHER: No, it's quite quick and it's simply for
10 completeness. I certainly have copies. It hasn't gone
11 formally on the record. The first message is 254
12 saying:
13 "I ain't gettin' on no plane, fool."
14 We understand that to be an A Team reference, to
15 avoid hares running or any suggestion that this relates
16 to planes. We can see it's not 20.57, it's 20.58, but
17 you explained, on 14 October, there's a slight mismatch
18 between the times in these documents and in the
19 schedule.
20 A. That's correct, yes.
21 Q. The next message in response from Jermaine Lindsay is at
22 [INQ10516-47], at 21.03, and again there's a reference to
23 the tag line "I ain't gettin' on no plane, fool".
24 A. Yes.
25 Q. If we just go back to [INQ10485-5], the second message on

1 that page, it's repeated again, and then the exchange
2 ends rather inarticulately, on [INQ10516-47], 21.08, with
3 just the line saying:

4 "Ha ha ha", so that's the exchange the men have.

5 Detective Sergeant, this exchange has taken place on
6 the operational phones which are exclusively retained,
7 we understand from your evidence the last time, for the
8 planning of these atrocities?

9 A. For contact between the bombers, yes.

10 Q. They're using them to exchange these juvenile, almost
11 jokey messages?

12 A. Yes.

13 Q. There's a series of further messages on 4 July in the
14 afternoon, that's the next stage.

15 Rather than run through them, my Lady, flitting
16 between the two documents, it may just be more sensible
17 to work from one document and then the other, even
18 though it's out of sequence.

19 [INQ10485-5], there's a message at 14.15 from
20 a different number, 545, then referring to the same
21 line.

22 A. Yes, that's Hussain to Lindsay, yes.

23 Q. Over the page, in the same document, 14.23 on that day?

24 A. Yes, that's MSK to Lindsay.

25 Q. Then, if we go back to [INQ10516-47], also on 4 July at

1 this time, we can see the messages from Jermaine Lindsay
2 to Khan, 14.32, there's a reference to Khan having used
3 his line and then he repeats it at 14.34, presumably
4 when he doesn't get a response from Khan to his last
5 message.

6 A. Yes, that's correct.

7 Q. If we could then go back to [INQ10485-6], this is the
8 third series of messages between them, it's on 6 July in
9 the early hours of the morning, item 5, and this is the
10 last message from Khan before the message is sent about
11 having a major problem.

12 So it's hours before that message is sent and, if
13 the supposition is correct, it's hours before they were
14 intending to set off.

15 A. Yes, correct.

16 Q. Just for completeness, if we can go back to [INQ10516-47],
17 Lindsay responds to that message in the early hours of
18 the morning on 6 July by again saying "I ain't gettin'
19 on no plane", we've already had adduced the message
20 underneath it, which is his response to the message
21 about the major problem, and then a number of hours
22 later, he sends the A Team line yet again, using the
23 same tag line?

24 A. That's correct, yes.

25 MS GALLAGHER: My Lady, I've nothing further.

1 LADY JUSTICE HALLETT: Thank you very much.

2 MS GALLAGHER: Thank you.

3 LADY JUSTICE HALLETT: Any other questions for DS Stuart?

4 A meticulous piece of work. Thank you very much,

5 DS Stuart.

6 A. Thank you, my Lady.

7 MR KEITH: My Lady, there were a number of statements to be

8 read yesterday in the main from the senior case officers

9 at the Forensic Explosives Laboratory who, you will

10 recall, accompanied Mr Todd to court yesterday. They

11 are very, very long indeed. I'm going to confine

12 myself, if I may, to reading out the summary and the

13 conclusions. Each of the four case officers deals

14 obviously with each of the four bombs.

15 My Lady, I hope that the hard copies have found

16 their way to you.

17 LADY JUSTICE HALLETT: The hard copies are somewhere, don't

18 worry, Mr Keith.

19 MR KEITH: Can I simply give you the INQ number so that

20 everyone is aware where it is and we'll supply my Lady

21 with a hard copy. I know you've seen it already, but

22 we'll give you further copies, INQ7450-142 and this is

23 the statement of Sarah Lancaster, a senior case officer

24 in the Forensic Explosives Laboratory, who has many years

25 experience as an analytical chemist. Her summary and

1 conclusions read as follows.

2 Statement of MS SARAH LANCASTER read

3 "On 7 July, I attended the scene of an explosion

4 that occurred in the second carriage of an eastbound

5 Circle Line London Underground train approaching Aldgate

6 from Liverpool Street. Based on my observations at the

7 scene, my subsequent examination of the items submitted

8 to this laboratory and in conjunction with the police

9 photographs provided, it is my opinion that the damage

10 in and around carriage 6713 of the Circle Line

11 Underground train was consistent with a detonation of

12 several kilograms, probably in the order of

13 10 kilograms, of a high explosive substance.

14 "The damage to the second carriage and the lower

15 limb injuries sustained by at least three of the

16 deceased indicate that the explosion occurred at or very

17 close to the floor level of the standing area between

18 the fourth set of doors of the carriage. The explosion

19 occurred within the carriage and not beneath it.

20 "Traces of the improvised primary high explosive

21 HMTD were found on the damaged remains of a grey and

22 black striped wallet contained within item AM/11 and

23 indicated, but not confirmed, on a piece of

24 black-coloured material bearing an Adidas logo. HMTD is

25 a very sensitive and hazardous primary high explosive

1 which can be detonated by, for example, heat, flame,
2 impact or friction. It is not used or produced
3 commercially as its storage qualities are poor and it is
4 too sensitive for safe use.

5 "I am not aware of any non-explosive use for HMTD.

6 "It is my understanding that the wallet from which
7 the traces of HMTD were recovered belonged to the
8 suspected bomber Tanweer. It is possible that the HMTD
9 was present on the wallet prior to the explosion.

10 Nonetheless, its presence strongly suggests that HMTD
11 was a component of the improvised explosive device.

12 Taking into account the size of the explosion and the
13 nature of HMTD, it is more likely that it was used as
14 the explosive filling for an improvised detonator or as
15 a booster charge to initiate a larger quantity of less
16 sensitive, secondary high explosive composition rather
17 than as the main explosive charge itself."

18 My Lady, it reflects the evidence of Mr Todd
19 yesterday:

20 "Pieces of fabric, metal and plastics that were
21 damaged in a manner consistent with close explosives
22 involvement and collectively corresponding in appearance
23 with having originated from a Eurohike Wilderness
24 Trilogy blue, grey and black-coloured rucksack were
25 present in a number of items."

1 My Lady, she then goes on to detail the virtually
2 hundreds of fragments that were put together to reach
3 that conclusion.

4 At the bottom of the page:

5 "In addition, damaged, black-coloured plastic
6 buckles that corresponded in appearance with having
7 originated from this type of rucksack were recovered
8 from the scene.

9 Over the page at page 144:

10 "Based on the damage to these pieces of fabric,
11 plastics and metal and the CCTV footage, it is my
12 opinion that the improvised explosive device that
13 functioned was contained within a blue, grey and
14 black-coloured Eurohike Wilderness Trilogy rucksack.

15 I am aware that a label for such a rucksack was
16 recovered from 18 Alexandra Grove."

17 She then turns to the wires:

18 "Four pieces of white plastics insulated wire that
19 were damaged in a manner consistent with close
20 explosives involvement were recovered from the scene.

21 Items were described as having been recovered during the
22 post-mortem examination of the body parts from the
23 suspected bomber, Tanweer.

24 "One of the pieces of wire recovered was of
25 particular interest, since it was originally received

1 partly tangled amongst a mass of silvery-grey-coloured
2 fibres. The mass of fibres correspond in appearance
3 with having originated from one of the straps of the
4 Eurohike Wilderness rucksack that had, in my opinion,
5 contained the improvised explosive device. This
6 suggested that the wire and rucksack had been in very
7 close proximity to each other at the time of the
8 explosion. Such wire is not uncommon. It is used, for
9 example, in speaker cable, but I did not identify any
10 personal belongings amongst any of the submitted items
11 that these wires could have originated from, nor do they
12 appear to have originated from either the train carriage
13 or the wiring or cabling within the tunnel, but the
14 possibility cannot be excluded.

15 "It is my opinion that these pieces of plastics
16 insulated wire probably originally formed part of the
17 circuitry of the improvised explosive device. I am also
18 aware that similar such plastics insulated wire was
19 recovered from 18 Alexandra Grove including some that
20 appeared as if it was being used as part of an
21 improvised initiator."

22 My Lady will recall the picture of the initiator,
23 HMTD initiator, to which Mr Reynolds spoke yesterday:
24 "Although no batteries or parts of batteries clearly
25 originating from the IED were identified in any of the

1 items submitted, the presence of wire fragments
2 indicated that the initiation of the detonator was most
3 likely achieved by using a battery or a source of power
4 rather than a non-electric method such as a pyrotechnic
5 fuse. It is possible that the circuit also incorporated
6 a timing device, but this would be superfluous in
7 a suicide-type improvised explosive device and no
8 components originating from such a timing device were
9 recovered in any of the items. It is therefore my
10 opinion it was more likely the power was supplied from
11 a battery."

12 My Lady, she then turns to the detail of other
13 material which could be established to be part of the
14 Eurohike Wilderness rucksack, also to the hundreds of
15 exhibits which were reassembled to demonstrate that they
16 were part of the freezer, ice blocks and packs wrapped
17 around the bomb.

18 She concluded:

19 "The use of freezer ice blocks and packs primarily
20 suggests that it was necessary to keep a component of
21 the IED cool. This is a very unusual characteristic and
22 will not generally be required for military and
23 commercial explosives or for a traditional improvised
24 explosive. I am aware that the improvised explosive
25 substance recovered from 18 Alexandra Grove probably

1 consisted of a mixture of hydrogen peroxide solution
2 with an organic material which may have included
3 a piperine-containing ingredient. Although no traces of
4 material clearly originating from the main explosive
5 charge have been identified, the use of freezer ice
6 blocks, in my opinion, supports the use of such an
7 explosive as the main explosive charge, as it would
8 assist in maintaining a low temperature around explosive
9 mixtures of this type.

10 "The device functioned with devastating
11 consequences. It caused severe damage to the rear of
12 the second carriage of the train and resulted in the
13 death and serious injury to a number of passengers
14 travelling on the train."

15 My Lady, in relation to the Edgware Road bomb, the
16 summary and conclusions in relation to that explosion
17 are set out in the statement of Hazel Hutson, similarly
18 a senior case officer in the Forensic Explosives
19 Laboratory.

20 Statement of MS HAZEL HUTSON read

21 "The damage to carriage 6505 of the train near
22 Edgware Road station, the items forced from it and the
23 contents of it, were consistent with a large explosion
24 of the order of several kilograms of explosive material
25 having occurred inside the carriage in the seating area

1 near to the second set of doors from the front of the
2 carriage and on the side closest to the tunnel wall.
3 The damage was extensive and severe.
4 "Damage observed to the persons in the carriage and
5 to the area surrounding the hole in the carriage floor
6 was consistent with the explosion having occurred at or
7 about the floor level of the carriage inside the
8 carriage, not beneath it.
9 "Traces of the home-made primary high explosive HMTD
10 were detected on a number of items - a hooded top,
11 a T-shirt and jeans - reportedly removed from the
12 suspected bomber during post-mortem examination. Very
13 low traces of HMTD were found on pieces of blue denim
14 recovered at the scene. This may also have originated
15 from the suspected bomber.
16 "HMTD is highly sensitive", and she is unaware of
17 any commercial preparation in the same way as her
18 colleague Sarah Lancaster reported:
19 "It is possible that these traces were present on
20 the clothing prior to the explosion. It would not be
21 unusual for explosives such as HMTD to be used as
22 explosive filling for a detonator and/or as the booster
23 charge."
24 She then concludes, as did her colleague:
25 "The presence of traces of HMTD on the suspect

1 bomber's clothing strongly suggests that the IED
2 contained HMTD, although it is possible that other
3 explosive materials were also present, but in the
4 absence of a viable suggested alternative source, it
5 would seem unlikely that the contamination of HMTD bore
6 no relation to the explosive contents of the device.
7 "Chemical analysis for piperine, a chemical found in
8 black pepper, was carried out on samples collected from
9 four items but no piperine was detected."
10 She then goes on to deal with pieces of the
11 fragmented Eurohike Wilderness dark green and black
12 rucksack, and she concludes:
13 "Based on the damage to those items and the CCTV
14 footage, it is my opinion that the IED that functioned
15 was contained within a dark green and black
16 Eurohike Wilderness 55 rucksack."
17 She addresses the question of the thin plastics:
18 "Some of the thin plastics found at the scene was
19 very highly damaged, as if in close proximity to an
20 explosive event. It is possible that the device was
21 contained within plastic bags or at least close to
22 plastic bags within the rucksack."
23 She then, likewise, turns to the question of
24 icepacks, freezer blocks, icepacks, and then, in
25 relation to wires:

1 "Damaged green plastic insulated wires were
2 recovered, but it is not clear if they came from the IED
3 or the train carriage."

4 Then she addresses the issue of whether or not parts
5 of a timing device had been recovered -- they had not --
6 and how, although batteries and wires had been
7 recovered, they were not significantly explosively
8 damaged and, therefore, the origin of the wires was
9 unclear.

10 In relation to King's Cross and Russell Square, we
11 have the benefit of a statement from Sharon Broome,
12 similarly a senior forensic case officer at the Forensic
13 Explosives Laboratory, INQ6009.

14 Her statement is a lengthy one and I'll again read
15 the summary and conclusions, if I may.

16 Statement of MS SHARON BROOME read

17 "Following my attendance at the scene of the
18 explosion and my subsequent examination, it is my
19 opinion that an explosion occurred at or close to ground
20 level of the standing area between the second and third
21 sets of seats in carriage 1. The damage is consistent
22 with the explosive being a high explosive. The
23 approximate quantity of the material used is estimated
24 to be in the low kilogram range.

25 "The explosion occurred within a packed commuter

1 train over a rigid supporting structure of the carriage
2 which also housed some of the electrical wiring and
3 other mechanisms located within the engine carriage.

4 Because of the particular strength of this part of the
5 carriage and the extremely confined nature of the
6 environment in which the explosion occurred, it is my
7 opinion that these factors served to amplify the effect
8 of the explosion within the carriage.

9 "The relatively localised nature of the damage
10 observed within the carriage is due in part to the
11 explosive force having been absorbed by the people
12 present at the site of the explosion.

13 "The seat of the explosion has been determined as
14 being at a point approximately 140 metres west of
15 King's Cross. The train then travelled some 90 metres
16 before halting.

17 "More than 10 per cent of the total items submitted
18 in this case comprised fragments recovered from the
19 victims. Most prevalent within the items was the
20 recovery of two types of rigid blue plastics, the damage
21 to which characterised the proximity of the plastics to
22 the explosion. In my opinion, they formed part of at
23 least two types of ice block."

24 She then also refers to the forensic analysis that
25 led her to conclude that a Eurohike rucksack was used in

1 the detonation of the bomb.

2 She addresses the purpose for which the ice blocks

3 had been used and she concludes:

4 "I am aware that residues of the organic peroxide

5 explosive HMTD have been identified from items sampled

6 from the scenes of the other three explosions. Also,

7 that the Alexandra Grove address has been assessed as

8 a possible location for the manufacturing of HMTD. It

9 is possible that a failure to detect HMTD at this site

10 could be due to a number of factors, including the fact

11 that Jermaine Lindsay did not travel from Leeds to

12 London in a vehicle contaminated with HMTD, as did the

13 remaining three perpetrators of the attacks. So the

14 chances of his clothing and personal effects becoming

15 contaminated was reduced.

16 "The relatively low recovery of component parts of

17 the device and the heavy contamination of the majority

18 of the submitted items also reduced the chances of HMTD

19 being recovered. Also, recovery of the HMTD from within

20 the device itself would be restricted, as it is believed

21 to have been used only as the initiating device."

22 My Lady, finally in relation to Tavistock Square and

23 the bomb on the bus, we have the statement of

24 Kim Simpson, senior case officer at the Forensic

25 Explosives Laboratory, who concludes:

1 Statement of MS KIM SIMPSON read
2 "Damage to the bus remains is consistent with an
3 improvised explosive device of some description having
4 been detonated on the top deck of the bus. Appearance
5 of the damage observed at the scene and following closer
6 examination back at the Forensic Explosives Laboratory
7 is consistent with the detonation of a high explosive
8 charge comprised of a medium velocity composition, such
9 as a quarry-type explosive or home-made improvised
10 composition.
11 "Chemical analysis of the debris suggests that the
12 main charge used did not consist of any previously seen
13 compositions.
14 "In the absence of chemical traces of other high
15 performance military explosives and based on the
16 physical damage done to the bus, it is not unreasonable
17 to reach the conclusion that the main explosive charge
18 consisted of a novel, improvised material previously
19 unseen by this laboratory.
20 "Traces of the primary high explosive composition
21 HMTD were found in a fragment of fabric later identified
22 as originating from a rucksack similar to that seen
23 being carried by the Tavistock Square bomber. It is my
24 opinion that HMTD was used in the fabrication of an
25 improvised detonator used to detonate the IED."

1 She then reports on traces of piperine being found
2 on a fragment of the bus body itself and she goes on to
3 address what the physical and chemical qualities are of
4 piperine, and I don't think I need read those out:
5 "A number of fragments were found within the debris
6 which appeared to originate from a Vango Sherpa-type
7 rucksack. CCTV footage of the Tavistock Square bomber
8 also appears to confirm the identity of this rucksack
9 type being used to transport the IED.
10 "The device exploded on the upper deck towards the
11 rear of the bus and, based on my examination of the
12 structural damage to the bus and other fixtures and
13 fittings, I have concluded that the device was placed on
14 the floor in the aisle adjacent to the rear area of the
15 bomber just behind the seat in front, that is to say on
16 the nearside of the bus between aisle seats 3 and 4,
17 that is to say three or four rows from the back of the
18 bus.
19 "It is my opinion, based on observed damage to the
20 bus, flooring and side panels that the bomber was seated
21 in the third row from the back of the bus on the
22 nearside of the pavement side of the bus, in the aisle
23 seat.
24 "I believe that, at the time of the detonation,
25 Hussain was probably leaning over the rucksack

1 connecting the battery."

2 She also reports on the discovery of heat-damaged,
3 tattered and distorted light-blue plastics consistent
4 with the presence of freeze packs. Also of fragments of
5 opaque white plastics which may have originated from
6 some sort of food container:

7 "Severely damaged fragments of transparent plastics
8 film consistent in appearance from having originated
9 from a plastic bag were found. From the printing on the
10 fragments, the back appears to be from Mackies,
11 a Scottish company producing ice-cream. Damage to the
12 fragments is consistent with intimate proximity to an
13 explosive event.

14 "Damage to the fragments is consistent with intimate
15 proximity to an explosive event which leads me to
16 conclude that wires found formed part of the initiation
17 system of the IED.

18 "Remains of a PP3-sized nominal 9-volt Duracell
19 battery, which are again damaged consistent with close
20 proximity to an explosive event, were also found.

21 "The items comprised the damaged remains of six
22 cells, the positive battery terminal and the outer
23 casing. In my opinion, these are fragments of the
24 battery used to power the IED which destroyed the bus.

25 "In my opinion, the IED which destroyed the bus was

1 deployed in the Vango Sherpa rucksack. The main
2 explosive charge was contained, possibly within one or
3 more plastic bags, surrounded by at least two ice blocks
4 and a freeze pack, which were used to maintain a cool
5 temperature.

6 "The main charge was most probably a novel mixture
7 comprising concentrated hydrogen peroxide together with
8 additional compounds, which may have included
9 a piperine-containing ingredient."

10 Then, my Lady, she concludes:

11 "I believe the battery was placed in the top pocket
12 of the rucksack connected to the detonator by a snap
13 connector and a length of twin flex cable. In the
14 absence of the remains of any switch mechanism, it is my
15 opinion that detonation was achieved by simply attaching
16 the battery to the snap connector to complete the
17 electrical circuit. This could also have been achieved
18 without the use of a connector by simply touching the
19 ends of the bared twin flex cable to the terminals of
20 the battery. The device functioned with devastating
21 consequences, resulting in the destruction of the bus
22 causing death and maiming."

23 My Lady, there are then three very short statements
24 which I hope you have.

25 Marcus Read who gives evidence about the discovery

1 of the four improvised explosive devices in the
2 Nissan Micra which was recovered at Luton railway
3 station, INQ9620.

4 Statement of MR MARCUS READ read

5 "On Tuesday, 12 July 2005, at approximately 14.55,
6 I attended Luton railway station to examine
7 a Nissan Micra, DE05 RJX. The vehicle was searched and
8 four improvised explosive devices were found in a black
9 rucksack which was located in the front passenger
10 footwell of the vehicle. These four devices, and other
11 items suspected of containing organic peroxide-based
12 explosives were disposed of by demolition at the scene,
13 but, prior to their destruction, explosive X-rays were
14 taken and desensitised samples were taken for a forensic
15 examination.

16 "In addition to the above, two blue coolboxes were
17 recovered from the boot of the vehicle, in each of which
18 were melted ice bags. Other bomb-making equipment was
19 also recovered from the vehicle and these items were
20 handed over to other police officers."

21 Anna Jacobs provides a statement dated 15 August
22 2005. She works in a shop and her statement is included
23 as an example of a purchase of hydrogen peroxide.

24 Statement of MS ANNA JACOBS read

25 "I am employed as a trade shop assistant by Greenham

1 in Beeston in Leeds. I have worked there
2 since March 2005. My day-to-day duties consist of
3 serving in the shop", and so on.
4 "Usually, we only ..."
5 Sorry, I said hydrogen peroxide, I meant to say
6 respirators:
7 "Usually, we only sell respirators to contractors on
8 building sites or painters and decorators who may be
9 using hazardous chemicals, but one customer sticks out
10 in my mind, as he bought three respirators, and he is
11 the young Asian male. On 31 May, I was working in the
12 shop with the manager. I know it was this day, as
13 I have looked at the cashing-up book that we do daily,
14 and I can see an entry for three respirators.
15 "I remember the Asian male came into the shop and he
16 spoke to Simon Brown, the manager. I was busy, so
17 I wasn't listening to what they were saying, but I did
18 hear him ask for the three respirators. He asked for
19 them by their name, 3M6000, and he asked for three
20 medium-sized ones. We weren't even sure that they were
21 in stock as they are not something we sell a lot of.
22 I was then aware that the Asian male left the shop but
23 I don't know why."
24 The respirators, my Lady, were then taken from the
25 stock room and left behind the desk:

1 "The Asian male came back into the shop and this
2 time I tried to serve him."
3 My Lady, he took them, but before he did so, he had
4 to go to the bank and obtain some money. The sale was
5 then completed and he left.
6 My Lady will remember the pictures of the
7 respirators found at Alexandra Grove in the exhibits
8 produced by Detective Constable Reynolds yesterday.
9 Janet Walker gives evidence of the sale of the
10 15 ice bags on 6 July that my Lady will recall was
11 referred to in evidence in October.
12 Statement of MS JANET WALKER read
13 "I am Janet Walker and work as a checkout assistant
14 at the Asda-Walmart store, Owlcotes Centre, Pudsey. On
15 Wednesday, 13 July, I was approached at work by the
16 police, who asked me if I recollected any unusual
17 purchases during the week of Monday, 4 July, in
18 particular with regards to the purchase of bags of ice.
19 I can recollect this sale, but I am unable to remember
20 which day in particular, but I have been shown a copied
21 Asda till receipt. I can say that the documents I have
22 been shown relate to the sale of 15 bags of ice on
23 6 July at 5.27 in the morning. This relates to my only
24 sale of such quantities of ice during that week.
25 "My own personal recollection of the events are that

1 I was working night shift and coming towards the end of
2 my shift. I have a recollection of a number of Asian
3 males at the till. I cannot remember how many males
4 there were, but there were no more than four. The only
5 thing that they bought was a load of ice, lots of bags
6 of ice and I remember making the comment, 'Are you
7 having a party?'. I cannot remember their reaction to
8 this, but it was not out of the ordinary. There was
9 nothing unusual about their behaviour."

10 My Lady, that concludes the forensic and telephone
11 evidence in relation to my Lady's proceedings.

12 LADY JUSTICE HALLETT: Thank you very much. We'll take the
13 break now and then we turn to your opening in relation
14 to the next issue.

15 MR KEITH: Thank you, my Lady.

16 LADY JUSTICE HALLETT: Thank you.

17 (11.33 am)

18 (A short break)

19 (11.48 am)

20 LADY JUSTICE HALLETT: Mr Keith?

21 Opening by MR KEITH

22 MR KEITH: My Lady, I propose now to open the two issues of
23 Command and Control and preventability, as I indicated
24 last year in October that I would, and so, may I turn to
25 Command and Control?

1 Since the resumption of these inquests last year,
2 my Lady has heard detailed evidence from some 452
3 witnesses touching upon the terrible events in the
4 bombed carriages and the number 30 bus. Of those
5 witnesses, 262 have been called to give oral evidence
6 and 190 witness statements have been read as follows.
7 In relation to Aldgate, some 74 witnesses have been
8 called to give oral evidence and 40 statements have been
9 read.
10 Edgware Road, 62 oral witnesses and 36 statements
11 read.
12 King's Cross/Russell Square, 68 oral witnesses and
13 56 written statements read.
14 And Tavistock Square, 58 witnesses have been called
15 to give oral evidence and 38 witness statements have
16 been read.
17 My Lady, the evidence has undoubtedly been
18 distressing, but I hope it has gone some way to assist
19 each bereaved family in answering their questions as to
20 what happened to their loved ones. This was the issue
21 that we identified in October as being the primary
22 matter for my Lady.
23 But amongst the sadness, the court has heard
24 inspirational accounts of bravery, courage and triumph
25 of the human spirit over adversity. Those members of

1 the London Underground and the emergency services who
2 often went beyond their professional duties to seek to
3 save lives have exemplified this. It is to the issues
4 arising from their response on that dreadful day that we
5 now turn.

6 Whilst the evidence to date has, as far as possible,
7 sought to provide an appropriate focus on each of the
8 deceased, it has also provided an essential factual
9 foundation upon which to explore any of the generic
10 issues arising from the emergency response to the
11 bombers.

12 During the course of these proceedings, I and others
13 have often referred to this matter broadly as "Command
14 and Control", but may I emphasise the word "generic"?

15 The purpose of the evidence that you shall hear over the
16 next few weeks is not intended to scrutinise the
17 individual actions and decisions of the men and women of
18 our emergency services so as to ascribe blame. That is
19 not a proper function of my Lady's inquests.

20 Rather, it is to enquire into the wider issues that
21 the emergency services encountered that may have
22 adversely affected their response so that not only may
23 we understand what happened, but also that lessons may
24 be learnt.

25 And there are troubling issues worthy of careful

1 scrutiny, including inter-agency liaison,
2 communications, the deployment and mobilisation of
3 resources and equipment, and the flexibility and
4 appropriateness of protocols and procedures, and I will
5 return to these separate issues a bit later.

6 But, my Lady, in order to place the response of the
7 emergency services on 7 July in context, it may assist
8 if I briefly set out the relevant framework under which
9 they operated on that day.

10 In 1973, the London Emergency Services Liaison Panel
11 was formed to develop agreed procedures and arrangements
12 to ensure the effective coordination of the joint
13 efforts of the emergency services at any major incident.

14 These procedures and arrangements were eventually
15 summarised in a manual, the sixth edition of which was
16 in place in July 2005, and I will turn to its contents
17 in a moment.

18 Following 11 September 2001 terrorist attacks in the
19 United States of America, the London Resilience Team was
20 created to review London's multi-agency strategic plans.

21 It concluded that the London Emergency Services Liaison
22 Panel was the appropriate forum for major incident
23 planning but that more detailed planning was required
24 for what were termed catastrophic incidents.

25 Consequently, the London Resilience Team remained in

1 place to develop the requisite strategic planning for
2 catastrophic incidents and the London Resilience Forum
3 was formed to consider and approve any plans developed.
4 Such resilience planning was then replicated nationwide
5 by the passing of the Civil Contingencies Act 2004 that
6 required the establishment of regional resilience
7 planning across the nine government regions.
8 Returning to the sixth edition of the London
9 Emergency Services Liaison Panel manual, it runs to over
10 70 pages and it contains a definition of "major
11 incident".
12 If we could have on the screen, please,
13 [INQ10173-113], my Lady will see there the definition of
14 a major incident as:
15 "... any emergency that requires the implementation
16 of special arrangements by one or all of the emergency
17 services and will generally include the involvement,
18 either directly or indirectly, of large numbers of
19 people. For example:
20 "The rescue and transportation of a large number of
21 casualties;
22 "The large scale combined resources of the police,
23 London Fire Brigade and London Ambulance Service;
24 "The mobilisation and organisation of the emergency
25 services ... to cater for the threat of death, serious

1 injury or homelessness to a large number of people; and
2 "The handling of a large number of enquiries likely
3 to be generated both from the public and the ...
4 media ..."

5 There is also reference to terrorism because it
6 notes that:

7 "Acts of terrorism, including suspected involvement
8 of CBRN devices are subject to a specific multi-agency
9 response supported by Her Majesty's Government."

10 My Lady will note that the manual permits any member
11 of the emergency services to declare a major incident
12 and, despite the fact that what is a major incident to
13 one of the emergency services may not be so to another,
14 each of the emergency services should attend with an
15 appropriate predetermined response.

16 The major functions of each of the emergency
17 services are also defined. May we have, please,
18 page 115 of INQ10173 [INQ10173-115], and if it could be enlarged, we
19 can see there the relevant functions of the police and
20 Fire Brigade, and over the page, on page 116 [INQ10173-116], the
21 Ambulance Service, as are the actions to be taken by the
22 first officer at the scene from each of the services.

23 Page 117 [INQ10173-117], please.

24 If you could enlarge the top half of the page, in
25 relation to the police, my Lady will see there the

1 primary duties by way of the example of the first police
2 officer are to assess the situation and to ensure that
3 the following information is passed back to the control
4 room and there is then reference to the mnemonic with
5 which my Lady is familiar, CHALETS.

6 Also set out in the document is the Command and
7 Control structure comprising Gold, Silver and Bronze,
8 with which my Lady has become all too familiar in the
9 course of these proceedings.

10 The seventh edition of that manual was published in
11 2007, and this amended the earlier edition to
12 incorporate some of the lessons learnt from the
13 emergency response to the 7 July London bombings.

14 My Lady, I don't propose to take you through the
15 differences between the sixth and seventh editions, but
16 they do include amendments which take into account the
17 introduction of the TETRA-based radios by the emergency
18 services, known as Airwave, and changes to the London
19 Ambulance Service's triage process, and both of those
20 issues will be explored in the forthcoming evidence.

21 There is a schedule of the differences between the
22 two manuals, and that can be found on Lextranet at
23 INQ11227. I don't ask for it to be brought up.

24 The eighth edition of the manual is due for
25 publication this year, and we understand that the London

1 Ambulance Service has recommended that publication be
2 delayed to capture any lessons learnt from these
3 inquests.

4 Of course, as the amendments to the seventh edition
5 recognise, these inquests are not the first time in
6 which the response of the emergency services has been
7 considered, recommendations made and changes
8 implemented.

9 We have seen, during the course of these
10 proceedings, references to a number of internal
11 briefings and assessments conducted by the emergency
12 services themselves, although questions may remain as to
13 the thoroughness or completeness of such processes.

14 But there have also been investigations conducted by
15 the London Regional Resilience Forum and the 7 July
16 Review Committee, the London Assembly, with which,
17 again, my Lady is very familiar and to which I made
18 reference in October.

19 In September 2006, the London Regional Resilience
20 Forum published its report "Looking Back, Moving Forward
21 - the Multi-Agency Debrief", which examined lessons
22 identified and progress made since the terrorist attacks
23 in July 2005.

24 This report dealt with matters such as the Strategic
25 Co-ordination Centre, telecommunications, cordons and

1 chemical, biological and radiological contamination.
2 In addition, in June 2006, the 7 July Review
3 Committee of the London Assembly established an
4 extremely valuable three-volume report. Volume 2 of
5 that report set out the detailed evidence and the
6 submissions received from the police forces, LAS, LFB
7 and Transport for London.
8 The committee made criticisms of the planning for
9 major incidents and the emergency services
10 communications on 7 July, and if I could just take you
11 to this particular passage, it's at [INQ8313-124],
12 paragraph 11.3 onwards:
13 "The plans, systems and processes that are intended
14 to provide a framework for the response to major
15 incidents in London must be revised and improved.
16 Communications within and between the emergency services
17 did not stand up on 7 July. As a result, individual
18 emergency service personnel at the affected Tube
19 stations and at Tavistock Square could not communicate
20 effectively, in some cases with each other, and in other
21 cases with their control rooms."
22 My Lady, the committee went on to make
23 recommendations concerning the establishment of digital
24 radio equipment and also to the long-standing problem of
25 an inability to communicate underground.

1 My Lady will see, in paragraph 11.5, reference to
2 the official inquiry into the King's Cross fire
3 conducted by Desmond Fennell QC, which was published
4 in November 1988.

5 It is, I regret to say, notable that that committee,
6 headed by Desmond Fennell, made a number of prescient
7 recommendations, even though it was as long ago, as
8 I say, as 1988, that:

9 The radios used by London Underground and each of
10 the emergency services must be compatible.

11 The radio equipment in Underground stations for
12 British Transport Police must be compatible with that
13 used by the London Fire Brigade.

14 The London Fire Brigade must improve the means of
15 radio communications between firefighters below ground.

16 There should be public address equipment on all
17 trains for use by the crew and the line controller.

18 Emergency services should review the exchange of
19 information between themselves and London Underground
20 during an incident, both at their controls and at the
21 site.

22 The London Fire Brigade shall ensure that its
23 officers are familiar with the geography and layout of
24 Underground stations on their own and adjacent
25 fireground territories.

1 Also, they recommended that the London Underground
2 should provide familiarisation training for members of
3 all the emergency services.

4 My Lady may wish to consider, not only the extent to
5 which these recommendations may not have been fully
6 implemented by July 2005, but also whether such
7 recommendations have been lost sight of in any changes
8 that have subsequently been made.

9 Returning to the London Assembly 7 July Review
10 Committee, it made 54 recommendations, many but not all
11 of which were aimed at the first responders or the
12 emergency services. These recommendations included,
13 amongst others, that:

14 The London Resilience Forum should review the
15 protocols for declaring a major incident, to ensure
16 that, as soon as one of the emergency services declare
17 a major incident, the others also put major incident
18 procedures in place.

19 The London Resilience Forum should coordinate
20 a review across the emergency services of communications
21 between managers at the scenes of major incidents, their
22 respective control rooms and the Strategic Coordination
23 Centre.

24 Emergency plans should be amended so that, when an
25 incident takes place in an Underground tunnel, the

1 emergency services are deployed to the stations closest
2 to the train in each direction.
3 Further, that the emergency services and
4 London Underground should update the London Assembly on
5 the rollout of their respective TETRA-based digital
6 radio systems; that is to say Airwave and CONNECT.
7 Also, that the London Ambulance Service should
8 provide details of its plans to increase capacity to
9 deliver supplies and equipment to the sites of major
10 incidents.
11 Furthermore, it was recommended that Transport for
12 London should review the communication systems in place
13 to enable station staff and/or the emergency services to
14 communicate with passengers on trains that are trapped
15 in tunnels.
16 True to its word, my Lady, the Review Committee
17 carefully monitored whether or not its recommendations
18 had been accepted and, in August 2007, it published
19 a fourth volume, a follow-up report, which assessed if
20 they had indeed been implemented and, if so, to what
21 extent.
22 The committee concluded as follows -- may I have,
23 please, page 5 of INQ8310 [INQ8310-5], in the middle of the page:
24 "Overall, there has been significant and welcome
25 progress in implementing our recommendations and

1 addressing the issues that we raised in our report.
2 London is now even better prepared to respond to major
3 incidents and we continue to be well-served by emergency
4 planners and responders who are world leaders in their
5 respective fields."

6 However, as of August 2007, not all of the
7 recommendations had, in fact, been fully implemented and
8 some concerns remained. They included that the
9 protocols for declaring a major incident had not been
10 sufficiently reviewed, that there was a lack of clarity
11 over the timings of the implementation of Airwave across
12 the emergency services, and there were uncertainties
13 regarding its coverage and capacity.

14 During the course of the evidence that will follow,
15 my Lady, we shall explore the extent to which such
16 outstanding issues have been addressed and, if not
17 addressed, why they have not been addressed.

18 Whilst the reports of the London Regional Resilience
19 Forum and the 7 July Review Committee are thorough,
20 neither benefited from the breadth or volume of evidence
21 regarding the emergency responses which these inquests
22 have heard.

23 Further, over the last few months, we have received
24 a considerable number of emergency planning and debrief
25 documents as part of the disclosure process. Lextranet

1 now holds several thousand documents.
2 My Lady, you are, therefore, uniquely placed to
3 ensure that, as the Court of Appeal observed in the
4 seminal case of Jamieson:
5 "The relevant facts are fully, fairly and fearlessly
6 investigated and that they are exposed to public
7 scrutiny".
8 It is for this reason that the scope of your inquiry
9 has been set wide.
10 As shall be recalled, the essential issues that the
11 inquests have examined, and will continue to examine,
12 are contained in the provisional index, with which we
13 are all familiar and which was drawn up following your
14 ruling in May of last year. It is, please, at [INQ10440-1].
15 In respect of the immediate aftermath of the
16 explosions, many of the issues set out at 5 -- if you
17 could enlarge the bottom half of the page, please --
18 have been explored in the scene evidence and we're now
19 able to draw the different strands together to obtain an
20 overall view of the response to the bombings, including
21 whether a decision ought to have been taken to close the
22 bus network prior to the explosion at Tavistock Square.
23 The index, therefore, remains relevant to the issues
24 which we will be exploring over the next month. But as
25 we emphasised in the opening in October, these matters

1 are not set in stone. They merely set the outer
2 parameters and they have been kept under review
3 throughout the scene evidence, during which some issues
4 have come more sharply into focus.

5 As a result, in order to ensure that all concerns
6 were fully addressed, Mr Smith, on my Lady's
7 instruction, wrote to each of the organised interested
8 persons on 10 December to request that witness
9 statements concerning the Command and Control of the
10 first responder and emergency services on 7 July should
11 be prepared.

12 Each of the organisational interested persons were
13 asked to ensure that their witness statements addressed
14 the provisional index of factual issues there set out,
15 any matters arising from the disclosure process and
16 scene evidence, and to provide an update on any changes
17 made to the planning, organisation and infrastructure
18 for responses to major or large scale incidents.

19 In addition, they were asked to address a number of
20 specific issues. I will not list them all, but they
21 include the following:

22 Communication systems. Details were sought as to
23 the rollout of digital radio handsets, the extent of
24 coverage of digital radio networks above and below
25 ground, concerns regarding the resilient and robustness

1 of the digital radio networks and whether CONNECT and
2 Airwave -- the two digital systems -- were
3 interoperable.

4 Secondly, communication between the emergency
5 services. Information has been sought by us as to the
6 inter-operability of digital radio communications
7 between the emergency services at any major or large
8 scale incidents, any changes made which affect
9 inter-agency liaison at major or large scale incidents
10 and, as well, any changes which affect communication
11 between the scene of any incident and Gold Command.

12 Thirdly, identification and location of trains,
13 whether there are any systems in place to ensure the
14 early and accurate confirmation of the location of
15 Underground trains in an emergency and the dissemination
16 of that information to the emergency services for the
17 obvious reason of ensuring that the response is made to
18 the most effective station.

19 Traction current status, whether processes are in
20 place to ensure the early confirmation of traction
21 current status, and the dissemination of that
22 information to those arriving at the incident.

23 In relation to CBRN detection and assessment,
24 whether processes are in place to ensure early
25 determination of whether an incident is chemical,

1 biological, radiological or nuclear so as to avoid
2 delay.

3 In relation to the mobilisation, deployment and
4 sufficiency of resources, they were asked to provide
5 material relating to whether any changes have been made
6 to the systems or procedures to ensure early, accurate
7 and sufficient mobilisation and deployment.

8 Then in relation to equipment and medical supplies,
9 whether any changes have been made to ensure that such
10 supplies available to first and emergency responders
11 exist and whether there are any processes to ensure
12 timely and accurate deployment.

13 Finally, three further topics: major incident
14 declaration procedures and training. Whether the
15 emergency services have predetermined responses to the
16 declaration of a major incident and what the procedures
17 are for the dissemination of such a declaration.

18 Next, debriefing. We asked as to the processes
19 which are in place to debrief first and emergency
20 responders so that lessons may be learnt.

21 And finally, in relation to LESLP itself, what
22 amendments have been proposed to the forthcoming eighth
23 edition which may affect the response of the emergency
24 services.

25 In response to Mr Smith's letter, the Inquest team

1 has received lengthy and detailed witness statements
2 from each of the organisational interested persons and
3 may I take this opportunity to thank each of those
4 organisations for complying with the tight timescales
5 imposed, which no doubt necessitated considerable work
6 over the Christmas and New Year period.

7 Given the plethora of issues which arise, and in
8 order to ensure that those representing the bereaved
9 families have sufficient time to rigorously explore
10 their concerns arising from the emergency response,
11 my Lady decided to call the Command and Control evidence
12 over a two-week period. Due to the requirement or the
13 need to schedule the evidence concerning the background
14 of the bombers and preventability over certain dates
15 over the next month, it has been necessary to split
16 those two weeks of evidence into two parts.

17 In the week commencing 7 February, we will hear
18 evidence from witnesses on behalf of TfL, British
19 Transport Police, City of London Police and the
20 Metropolitan Police, and then, in the week commencing
21 28 February, the final week of these proceedings, we
22 will hear evidence from witnesses on behalf of HEMS, the
23 London Ambulance Service and the London Fire Brigade.

24 My Lady, I do not propose to open to you the new
25 evidence which you will hear. As I have stated, the

1 witness statements are lengthy, some exceed 50 or
2 100 pages, and it does not seem to us to be a valuable
3 exercise for me to rehearse before the interested
4 persons the evidence which is likely to be given.
5 Currently, that evidence will be given by 18
6 witnesses, whose numbers include some of the most senior
7 officials within their respective organisations. They
8 include Andrew Barr, London Underground Network's
9 coordination manager who was London Underground Gold on
10 that day. Chief Inspector Short of the BTP, who between
11 2007 and 2009 was seconded to the National Police
12 Improvement Agency to assist in the introduction of
13 Airwave on the London Underground. Chief Superintendent
14 Robertson of the City of London Police who was initially
15 Gold Commander and then subsequently Silver Commander on
16 7 July.

17 We will also be hearing from
18 Assistant Commissioner Allison of the Metropolitan
19 Police Service who was Gold Commander.

20 Dr Gareth Davies, medical director of HEMS, who
21 attended Aldgate and King's Cross. Also from
22 Dr Fiona Moore, medical director of the London Ambulance
23 Service, and finally, but not least, Assistant
24 Commissioner Reason of the London Fire Brigade and head
25 of operational and emergency planning for the Brigade.

1 I stated earlier that there are some troubling
2 generic issues to the response to the bombings which do
3 warrant close scrutiny. However, as I mentioned in
4 court yesterday, due to the fact that rule 40 of the
5 Coroners Rules prohibits any person, including,
6 arguably, your own counsel, from addressing my Lady on
7 the facts, I do not wish to specifically address you,
8 my Lady, on the findings that you may wish to make from
9 the evidence that you've already heard.

10 So I will confine myself to addressing you on the
11 four issues that you may wish to consider when assessing
12 the evidence that we will hear.

13 First, inter-agency liaison. Given the obvious
14 significance of a rapid and appropriate response to any
15 incident, it is important that knowledge is shared both
16 at the scenes and in the control rooms in the initial
17 golden hour. The London Emergency Service Liaison Plan
18 provides for an initial response to a major incident
19 followed by a consolidation phase. Yet, it is perhaps
20 during that initial response that the coordination of
21 the emergency services may be of paramount importance to
22 ensure that lives are saved.

23 My Lady may wish to enquire whether there was
24 effective inter-agency liaison through the initial
25 response to the bombings. For example, why, during the

1 first hour, did London Underground's Network Control
2 Centre not receive reports, confirmed or otherwise, from
3 the emergency services that the incidents on the
4 Underground were, indeed, caused by bombs? Why, at
5 Edgware Road, did Police Sergeant Brown of the
6 Metropolitan Police still not know what the nature of
7 the explosion was or what resources were required at
8 9.40, 50 minutes after the detonation?
9 At King's Cross, why, on his arrival at
10 approximately 10.00 am, did Senior Divisional
11 Officer Adams of the London Fire Brigade describe the
12 scene as "chaotic" with no Command structure in place?
13 My Lady, we intend to explore with the witnesses the
14 steps that could be taken to improve any training or
15 planning to ensure a cohesive and coordinated response
16 during that critical initial phase of any response to
17 a major incident.
18 Secondly, communications. The communication
19 difficulties that occurred on 7 July, both above and
20 below ground are well-known and have in part been
21 publicised by the London Assembly and addressed by the
22 introduction of the TETRA-based digital radio system for
23 the emergency services and London Underground. But some
24 issues remain.
25 The extent of the communication problems encountered

1 has not been fully ventilated in public. In particular,
2 it seems that the radio capacity issues encountered by
3 the London Ambulance Service stem from errors in
4 operation at the Central Ambulance Control that resulted
5 in a single radio operator being allocated to two radio
6 channels for all four mass fatality and casualty
7 incidents.

8 Given the recommendations set out in the Fennell
9 report, to which I have referred, my Lady may wish to
10 enquire as to how the paucity of Underground
11 communications was allowed to persist some 18 years
12 after the King's Cross fire. Indeed, given the
13 limitations that were well-known, what plans existed for
14 mitigating against the risks?

15 Further, as I have indicated, it appears that some
16 of the recommendations made in the Fennell report remain
17 outstanding, despite the introduction of the TETRA-based
18 digital radios. The CONNECT system used by
19 London Underground and the Airwave system used by the
20 emergency services are not interoperable, although there
21 are good security reasons for this, and the London Fire
22 Brigade appear to continue to use UHF analogue radios
23 for underground communication, such that it may be that
24 below ground firefighters are still unable to use radios
25 to communicate directly with either London Underground

1 or any of the other emergency services.

2 And, despite the technological advancements that

3 have been made, concerns remain as to the resilience and

4 robustness of Airwave. There are potential issues

5 regarding the capacity of Airwave on the Underground

6 and, although Airwave allows for inter-operability

7 between the emergency services via the use of

8 talkgroups, it remains unclear as to the extent to which

9 these are either effective or widely used.

10 So, my Lady, all those issues relate to the second

11 category of communications.

12 The third category is the deployment and

13 mobilisation of resources and equipment.

14 It is self-evident that an effective response

15 requires timely deployment and mobilisation of resources

16 and equipment to the scenes of any incident. There

17 remain issues regarding the deployment of firefighters

18 paramedics. For example, in respect of the London Fire

19 Brigade, why were appliances deployed to Euston Square

20 following instructions by the Network Control Centre to

21 attend an incident at King's Cross and, in respect of

22 the London Ambulance Service, why were further

23 ambulances not dispatched to Tavistock Square until

24 approximately 50 minutes after the explosion?

25 To the extent that there may have been delays in

1 deployment, we would invite my Lady to enquire as to why
2 these occurred and, perhaps more importantly, what steps
3 have been taken to prevent such reoccurrences in the
4 future.

5 Fourthly, the appropriateness of protocols and
6 procedures.

7 There is a fine balance to be struck, of course,
8 between enabling rescuers to save lives and not
9 endangering the lives of those conducting the rescue.
10 Yet questions arise regarding the protocols and the
11 procedures in place.

12 My Lady will recall the "dog-leg" of communication
13 by which the emergency services confirm the status of
14 the traction current and whether or not the current was
15 on or off, which was explored in particular during the
16 evidence concerning Aldgate.

17 My Lady will also remember the concerns of the
18 London Fire Brigade at Edgware Road as to whether the
19 incident was CBRN, whilst other first and emergency
20 responders were already on the tracks and the train.
21 Finally at King's Cross, my Lady will recollect that
22 the breathing apparatus policy prohibited Leading
23 Firefighter Roche from deploying his team to the train.
24 Such protocols and procedures exist for good reason,
25 I must emphasise, and are often borne out of incidents

1 in the line of duty, and I do not wish to detract from
2 their value, but consideration is merited, we would
3 submit, as to whether the protocols and procedures in
4 place are appropriate and provide sufficient operational
5 discretion to the individual members of the emergency
6 services.

7 Of course, my Lady, all of these issues must be
8 placed in context. The benefit of the clarity of 20/20
9 hindsight must be avoided. We must not forget that the
10 first responders and the emergency services were dealing
11 with an unprecedented and unravelling situation on that
12 morning in July and that their actions saved numerous
13 lives.

14 But equally, we must also not forget that these
15 inquests provide a valuable opportunity in which lessons
16 may be learnt to improve the response of the emergency
17 services should we suffer similar incidents in the
18 future. It is with the latter in mind that we embark
19 upon the Command and Control evidence next week.

20 My Lady, may I now turn to the issue of
21 preventability?

22 This issue concerns whether the atrocities on 7 July
23 could reasonably have been prevented by way of some sort
24 of intervention by the Security Service or the police,
25 in essence the state.

1 My Lady, in my opening address in October,
2 I declined to open this issue in detail because, at that
3 stage, the disclosure process -- namely, the process of
4 locating, identifying and disclosing documents relevant
5 to this issue -- was not yet complete.
6 My Lady knows only too well from this jurisdiction,
7 as well as others, that the process is not
8 a straightforward one, because it is not just a matter
9 of the Security Service having to find and then disclose
10 to you relevant material, the Security Service, as well
11 as the police -- in this case the Metropolitan Police
12 and the West Yorkshire Police -- are obliged, quite
13 properly, to claim that public interest immunity -- that
14 is to say immunity in the public interest from
15 disclosure in legal proceedings -- prevents you from
16 making onward disclosure of documents and information to
17 other interested persons in these proceedings where they
18 assess that there is a real risk that such disclosure
19 will cause substantial harm to the interests of national
20 security.
21 So it was here, and a number of public interest
22 immunity applications were lodged in the name of the
23 Secretary of State for the Home Department personally,
24 as well as one made on behalf of West Yorkshire Police.
25 Ultimately, as we know, it is for the courts to

1 decide whether such applications for documents and
2 information to be kept secret should be granted and,
3 thus, my Lady was required to adjudicate upon them. As
4 is obvious, the underlying material was made subject to
5 the closest scrutiny in preparation for and during the
6 public interest immunity hearings, and I break no
7 confidence if I simply say that the claims for public
8 interest immunity were rigorously scrutinised by my Lady
9 and my Lady's team.

10 Not surprisingly, it has proved possible for you to
11 place a considerable body of information into the public
12 domain without the need for PII, public interest
13 immunity, applications. Not everything is secret. And
14 even where PII applications by the Security Service and
15 the police have been upheld, this was not before they
16 had accepted, following a great deal of debate and
17 argument behind the scenes, that contrary perhaps to
18 their initial positions, certain information could in
19 fact be placed into the public domain without the need
20 for a formal ruling.

21 As a result, as I say, a substantial amount of
22 material has been disclosed in this way, all of which
23 aids us in our understanding of the actions taken by the
24 Security Service, the Metropolitan Police and
25 West Yorkshire Police at the relevant times. In some

1 areas, the raw material has been disclosed. In other
2 areas, sensitive information has been summarised or
3 gisted so that the interested persons and wider world
4 can see the essence of the information without seeing
5 the detail, such as, for example, the source of the
6 intelligence, thus preserving national security.
7 It must, however, be acknowledged that, as a result
8 of the open nature of these proceedings, we will not be
9 able, in the course of the evidence, to address all the
10 documents that exist, nor to explore and investigate
11 fully all the matters that were brought to the attention
12 of the Intelligence and Security Committee, the ISC.
13 It follows that, whatever view you take of the
14 evidence, such a view will not be informed by some
15 potentially relevant information. But, on the other
16 hand, as you observed in the course of your ruling on
17 3 November, a ruling that was upheld by their Lordships
18 in the High Court, the adverse effects of the proper
19 withholding of that information are likely to be
20 mitigated by a very considerable degree of the summaries
21 or gists of which I have spoken and so it has proved to
22 be.
23 Moreover, there is now available for public scrutiny
24 some of the raw intelligence such as:
25 Relevant surveillance logs.

1 The logs of those officers from the Security Service
2 and the police who contemporaneously monitor
3 conversations overheard through the use of probes.
4 Security Service operation summaries.
5 We have contemporaneous communications between the
6 Security Service and the Metropolitan Police and between
7 the Metropolitan Police and the West Yorkshire Police
8 from February and March 2004.
9 We have the Metropolitan action and message logs,
10 including Special Branch logs and decision documents.
11 We also have summaries of the Executive Liaison
12 Group meeting notes. These are secret meetings attended
13 by the Security Service, the Anti-terrorist Branch
14 formerly of Scotland Yard and Special Branch, as it then
15 was, unique to anti-terrorist investigations, during
16 which the progress of the investigation, as well as the
17 intelligence and the leads generated by any given
18 enquiry, are discussed.
19 Although this material was of course considered by
20 the ISC, which referred to much of it on the face of its
21 second report, not all of it has previously been in the
22 public domain.
23 May I, with all that in mind, now turn to outline
24 the issues?
25 My Lady, I do not propose to set out all the facts,

1 but it may assist, given the complexity of the
2 intelligence picture, if I outline some of the various
3 intelligence threads, the story concerning the build-up
4 of the intelligence picture with which we are concerned
5 insofar as it addressed the identity of
6 Mohammed Sidique Khan.

7 In summary, my Lady, in 2003, the Security Service
8 commenced an investigation into a network of persons
9 believed to be involved in facilitating or supporting
10 terrorism. This is all well-known from the ISC reports
11 and from criminal proceedings of which my Lady is
12 familiar.

13 The network appeared to be led by an individual in
14 Luton called Mohammed Qayam Khan (no relation). Another
15 key individual was Omar Khyam (known as Ausman to his
16 contacts in Pakistan).

17 During this time, it is likely that there were
18 a number of phone calls between Mohammed Qayam Khan and
19 Mohammed Sidique Khan, MSK, though the numbers that were
20 in contact with Mohammed Qayam Khan were not assessed,
21 that is investigated and understood, until after
22 7 July 2005, to relate to Mohammed Sidique Khan.

23 One of those numbers was, however, registered in the
24 name of a Sidique Khan who gave his address as being
25 49A Bude Road, Leeds, the address of a bookshop of which

1 we will hear more in the course of evidence, the Iqra
2 bookshop.

3 Later, in the course of what turned out to be a vast
4 investigation involving many thousands of contacts, two
5 men, known then as unidentified male D, later found to
6 be Tanweer, and E, later assessed to be
7 Mohammed Sidique Khan, were seen at the beginning of
8 2004 to meet with a group of people led by Omar Khyam
9 who had moved beyond facilitation in support of
10 a terrorist network to actual attack planning.

11 That is the first intelligence thread, the Crevice
12 link and I will return to the detail in a moment.

13 Not related to the surveillance but reflecting the
14 underlying links between some of the people involved,
15 there is then a second intelligence thread.

16 That year, in June 2003, unbeknown to the
17 Security Service at that time, Omar Khyam had, in fact,
18 been in Pakistan, to where two other men had also
19 travelled for the purposes of training in a terrorist
20 camp. They were MSK, Mohammed Sidique Khan, and a man
21 called Mohammed Shakil. Whilst they were being met at
22 Islamabad Airport, they were seen by a man called
23 Mohammed Babar who knew them respectively as Ibrahim and
24 Zubair.

25 Babar later provided information to the American

1 authorities about his activities and this included his
2 knowledge of the fact that Zubair and Ibrahim had
3 travelled to Pakistan and had met some of the Crevice
4 plotters there, but he did not know their true identity.
5 He passed that information in April 2004, and the
6 United Kingdom Security Service was obviously told and,
7 in due course, he was shown some photographs on
8 12 August 2004, which included photographs of D and E.
9 Those photographs had been taken earlier in the year
10 when they had come under the surveillance of the
11 Security Service and the police during
12 Operation Crevice, but he failed to recognise either D
13 or E as the two men that he had known as Zubair or
14 Ibrahim.
15 He was shown, according to the ISC report, black and
16 white copies as opposed to the colour originals. That
17 is an issue that my Lady may wish to explore in the
18 course of evidence.
19 But attempts to identify Zubair and Ibrahim
20 continued, aided by further intelligence from another
21 detainee received in May 2004 to the effect that Ibrahim
22 and Zubair were from Leeds, that they had been sent on
23 a fact-finding mission to Afghanistan by Mohammed
24 Qayam Khan and that they wanted to meet a senior
25 Al-Qaeda leader.

1 However, this second detainee also failed to pick
2 out Ibrahim and Zubair from pictures, which included
3 photographs of D and E, and around this time, on
4 10 June 2004, the Security Service asked
5 West Yorkshire Police if there was any further
6 information in their possession that would assist in
7 relation to the identification of Ibrahim and Zubair,
8 but there was none. There was no information in the
9 West Yorkshire Police computers or files that aided in
10 this process.

11 Then, further information was received from Babar
12 in March 2005, and I should say Babar's name was not
13 disclosed in the face of the ISC reports but his name
14 and identity are well-known because he gave evidence in
15 the Crevice trial.

16 Babar stated that Ibrahim and Zubair came from
17 Bradford and that they had attended the same training
18 camp as the Crevice plotters.

19 As a result, the Security Service started an
20 operation called Operation Downtempo in April 2005 to
21 try to identify the two men from Bradford. They were
22 not successful, however, and it was only after 7/7 that
23 Babar identified for the first time a photograph of Khan
24 as being the man that he had known as Ibrahim, because
25 of course, by then, his identity was well-known to the

1 world and his appearance had appeared in numerous media
2 outlets.

3 These, then, are two of the main intelligence
4 threads: the encounter between D and E and the Crevice
5 plotters and the attempts to identify Ibrahim. The
6 threads were pursued simultaneously.

7 The third thread is concerned with the intelligence
8 received by the Security Service between January
9 and March 2005, according to our gist, to which I will
10 turn later, at page 53 of the Lextranet documents filed
11 by the Security Service, but I should say the ISC second
12 report states that that information was received by
13 West Yorkshire Police on 17 January 2005, and it was to
14 the effect that a man called Saddique, who had a surname
15 that I can say was not Khan but I'm unable to say what
16 the surname was, and a man called Imran had undergone
17 training in Afghanistan in the late 1990s or early
18 2000s, that both men had lived in Batley (Saddique,
19 surname not Khan, in the Soothill area) and that both
20 were committed to the extremist cause.

21 Subsequent intelligence gave a few more details
22 about Saddique (surname not Khan) including that both
23 him and Imran had an associate named Taf. Taf was
24 assessed to be a man called Tafazal Mohammed.
25 Tafazal Mohammed had earlier been linked by

1 West Yorkshire Police to a number of people, including
2 a suspected extremist called McDaid on account of their
3 joint attendance at a training camp in the Lake District
4 in January 2001.

5 MSK had also attended the camp and a photograph was
6 taken of him but a source to whom West Yorkshire Police
7 subsequently showed the photo failed to recognise or
8 identify him.

9 Some time after the camp, in April 2003, McDaid was
10 seen briefly to get into a car that subsequent checks
11 established was a car registered to a Mr Sidique Khan of
12 11 Gregory Street.

13 This intelligence concerning Saddique (surname not
14 Khan) is the third thread to which I'll return again
15 a little later.

16 Turning back to Crevice and the events of February
17 and March 2004, surveillance on 2 February 2004 showed
18 one of the individuals -- Omar Khyam -- getting into
19 a green Honda Civic which had driven to Crawley with its
20 three occupants and had parked alongside his own car.

21 The three men in the Honda were given the descriptions
22 "unidentified males C, D and E". I've spoken of D and E
23 of course already and, after 7/7, those three men were
24 identified respectively as Waheed Ali, the man who
25 subsequently stood trial for his alleged role in

1 conspiring to carry out the 7/7 attacks, Tanweer and
2 MSK.

3 Two men got out of the Honda and one remained to
4 drive up and down the A23 with Khyam in what was plainly
5 a meeting. Once all the people had returned to their
6 original cars, the Honda Civic, with its three people on
7 board, was followed away from the meeting in Crawley to
8 an address in Leeds, 10 Thornhill Park Avenue to which
9 the car was registered under the name of Hasina Patel.
10 She happened to be Mohammed Sidique Khan's wife.
11 They had married in October 2001, but this was not
12 appreciated at the time.

13 As at 2 February 2004, the basis of the
14 Security Service's investigation was limited to an
15 assessment that Mohammed Qayam Khan and Khyam were
16 simply members of a facilitation network. There is no
17 intelligence as to what was discussed that day, but even
18 after the Security Service recognised that Khyam was
19 involved in attack planning, there was no assessment to
20 the effect that that actually had been the subject of
21 the meeting on 2 February, and so it has remained.

22 West Yorkshire Police were asked by the
23 Security Service for any details that they had on
24 Hasina Patel and it is clear that they provided details
25 of her date of birth and antecedents, as well as details

1 of persons living at that address 10 Thornhill Park
2 Avenue.

3 Then, in early 2004, the nature of the investigation
4 changed. On 20 February, fertiliser was discovered in
5 a storage depot following a call to the anti-terrorist
6 hotline. Around 21 February, an electronics bomb expert
7 called Khawaja arrived in the United Kingdom and it was
8 revealed also that Khyam was discussing a number of
9 possible targets.

10 On 21 February, Khyam and another man believed to be
11 Shujah Mahmood, was seen at 20.49, 10 to 9 in the
12 evening, to leave an address in Crawley, go in Khyam's
13 car, a silver Suzuki Vitara, to buy a kebab nearby and
14 then return to the address but sit chatting in the car
15 until around about 9.30. But there was, in fact,
16 a listening device in the car. The note prepared by the
17 monitors who were listening to the probe in real-time
18 seemed to confirm that there were only two people in the
19 car and the listeners heard a reference to "operation".
20 But, to put that into context, it may be helpful to look
21 at the note itself to see how obscure that reference
22 was.

23 Could we have [SYS11035-19] on the screen, please?

24 My Lady will see here an extract from the note which
25 runs to many pages, and one can see just how difficult

1 it is, or how difficult it was for the monitors to be
2 able to record what precisely was being said. There are
3 repeated references to "indistinct" and to phrases taken
4 out of what they heard.

5 At 21.24, the line:

6 "One house" or the reference is made to "one house"
7 and then "should be set up in [the] next couple of
8 weeks", a reference to two bedrooms, travel agents and
9 then the word "operation".

10 On 22 February, a partial transcript of the
11 conversation in the car was prepared that referred to
12 three men being present as opposed to the possible two.
13 Subsequently, in April and May 2004, and then again
14 in March 2005, further analysis was carried out and
15 further transcripts were prepared which suggested that
16 at least three men may have been present and that one of
17 them may have had a northern accent.

18 It was not until after 7 July 2005, 21 August in
19 fact, that the police were able to match a recording of
20 MSK's voice recorded during a later meeting by
21 comparison to the meeting on 21 February 2004 -- namely,
22 a meeting on 23 March 2004 -- (because by that time,
23 23 March, they knew it was him) with that, on the
24 21 February tape, thus enabling him to be identified as
25 the speaker with the northern accent.

1 And then it was not until February 2008 that yet
2 further analysis of the probe recording, carried out by
3 West Yorkshire Police for the purposes of the second
4 Theseus trial, revealed that there may, in fact, have
5 been five people in the car -- Khyam, Mahmood, of whom
6 I have already spoken, Waheed Ali, again of whom I have
7 already spoken, MSK and possibly Tanweer.
8 At the same time, it was only after 7/7 that it
9 appeared that a car, a Toyota Avensis, seen near the
10 Crawley address from which the car had departed to go to
11 the kebab shop, the registration number of which the
12 surveillance officers were unable to record, was found
13 to be a car that had been hired to
14 Mohammed Sidique Khan, and my Lady will remember in the
15 course of evidence the reference to the paperwork of
16 that hire.
17 My Lady has directed that the tape of that probe on
18 21 February be played in due course so that we can get
19 an understanding of the difficulty of the task facing
20 the Security Service and the police in transcribing
21 fully this one recording amongst, it may be expected,
22 thousands of others that they have to deal with.
23 For present purposes, it should suffice to look at
24 the finished article: namely, the written transcript
25 prepared for the Theseus proceedings. It is MPS

1 exhibit 8 at page 20 [MPS8-20] .

2 If we start at 30.31 at the bottom of the page, one

3 can see a speaker, saying:

4 "The second thing is ... you have to understand that

5 it's not as easy as just go to Pakistan and within two

6 weeks you're there at the front."

7 Then over the page [MPS8-21], please:

8 "You have to go to Pakistan, you have to have

9 a reason to be in Pakistan, but some of you will be

10 enrolling in colleges, electronic courses, going to do

11 computer courses ... and you will be given a normal

12 lifestyle. You're a British guy who's coming to study

13 in Pakistan ..."

14 The conversation then, or, rather, the speech of

15 this speaker, continues through the bottom of the page,

16 and then, over the page [MPS8-22], my Lady will see at 32.52

17 a reference to a house, which contains two bedrooms,

18 nice spacious ones, the lounge, and all of them can

19 stay.

20 My Lady, that reflects the reference in the

21 monitor's note to a house and so my Lady will see just

22 how expanded the full transcript was by comparison to

23 the monitor's note, but how the reference to a house and

24 as we shall see in a moment "operation" in fact

25 reflected no wider intelligence such as to suggest that

1 Khan himself, who was one of the speakers, was involved
2 in attack planning.
3 Further down the page, at 33.20, Khyam is heard to
4 be saying on the full transcript:
5 "You won't be allowed to take any Jihad stuff for
6 the flight."
7 And MSK refers to the actual camp.
8 So it seems that this conversation was about
9 a subsequent intention, or an intention subsequently
10 realised, to travel to a training camp outside the
11 United Kingdom, and there are references to a tribal
12 area in this subsequent paragraph.
13 But at 33.30, the fifth line, there appears this
14 phrase:
15 "If that means, okay, operation tomorrow, you get
16 up, you go over the border, you do your operation and
17 you come back into Pakistan."
18 So the reference to "operation" that we saw in the
19 monitor's note, on much more detailed analysis, which
20 took many, many hours and was exceptionally difficult on
21 account of the accents and the difficulty of the
22 recording itself, showed it was, in fact, a reference,
23 not to an operation in London, but to a potential future
24 operation by way of a debate as to what might happen
25 during the course of training outside the

1 United Kingdom.
2 But that was all in the future.
3 Going back to February 2004, there was, of course,
4 further surveillance. During the surveillance that
5 followed, the three unidentified men were seen to meet
6 with Khyam again.
7 On 28 February, the green Honda Civic was seen
8 again. The three men, C, D and E, met Khyam and Mahmood
9 in a car park in Crawley at 8.56, attended a meeting,
10 and visited a number of builders merchants and were
11 again followed back to Batley near Leeds. They thus had
12 travelled many hundreds of miles to meet Khyam.
13 The Security Service asked West Yorkshire Police to
14 check on the Honda Civic again and to do what was known
15 as a level 2 trace check on the by then registered
16 keeper of the Honda Civic, Sidique Khan of
17 11 Gregory Street. West Yorkshire Police provided
18 a date of birth and information about Gregory Street,
19 number 11, as well as links through open source checks
20 to 10 Thornhill Park Avenue, the address to which the
21 car had been registered on its first appearance during
22 the course of Operation Crevice earlier in February.
23 The registration of the car changed from Hasina Patel
24 to Sidique Khan during the course of that February.
25 There was also a link to an address

1 99 Stratford Street, but there were no traces on
2 West Yorkshire Police's system of a Sidique Khan, other
3 than the information which I have summarised.
4 On 21 March, a green Vauxhall Corsa YB52 LUF was
5 then seen to pick up Khyam and Mahmood in Crawley.
6 Investigation into the ownership of that car revealed
7 that the car was a rental car seemingly belonging to
8 a company called Car Clinic, and that it had been lent
9 to Sidique Khan but that information was not discovered
10 until late 2004/early 2005.
11 In any event, however, although the identity of the
12 driver was unknown, when the green Vauxhall Corsa
13 appeared on 21 March, the watchers realised that he was
14 the same driver as the driver of the Honda Civic.
15 Then finally, on 23 March, two of the men -- D and
16 E; that is to say Tanweer and Khan -- along with two
17 other men, met with Khyam, having again used
18 a Vauxhall Corsa, and during a conversation in Khyam's
19 car, Khyam is heard to be discussing the Madrid bombings
20 and financial fraud with one of them.
21 My Lady, after the arrests of the core Crevice
22 plotters in March 2004, and alongside other very
23 substantial operations, the Security Service launched an
24 operation, Operation Jaw, in April 2004, to investigate
25 individuals whom they had encountered in the course of

1 Operation Crevice. As part of this, the
2 Security Service asked West Yorkshire Police
3 Special Branch, in June 2004, for more information, if
4 it existed, in relation to the intelligence that they
5 already had, such as the green Honda, the green
6 Vauxhall Corsa and the name of Sidique Khan, whose name
7 had been linked to the green Honda and was, in due
8 course, to be linked to the Corsa.

9 In connection with their attempts to identify, not
10 merely by name, but to identify the significance of the
11 two men D and E who had come within their surveillance,
12 West Yorkshire Police responded with the information
13 that they had July of that year, and so it is plain that
14 the Security Service undoubtedly followed up the leads
15 such as they were arising out of the information
16 disclosed in the course of Operation Crevice, at its
17 heart the surveillance of these meetings in February
18 and March.

19 Both the ISC reports and the witness statement from
20 the very senior officer who will give evidence from the
21 Security Service refer to there having been an
22 assessment of whether D and E should have been
23 investigated further, and of course, it is not simply
24 a matter of disclosing, as I have said, their names,
25 because their names may have no significance. By

1 "investigation", what is meant is an attempt to try to
2 find out who they were and what they were doing.
3 But in essence, the discussion in the meetings that
4 had been observed in March and February, such as they
5 were, did not appear to have merited the classification
6 of these two men as high priorities for the further
7 investigation.

8 At the heart of the debate over the link between the
9 Crevice surveillance and D and E is the reasonableness
10 of that assessment and whether, even if it had been
11 assessed that E was much more significant than he
12 seemed, there was anything that the Security Service
13 could have realistically followed up on.

14 My Lady, that is a disputed matter in relation to
15 which there will be substantial evidence, and so I will
16 not comment further, save to note that there does not
17 appear to have been any intelligence known to the
18 Security Service to suggest that D or E were concerned
19 in the Crevice attack planning or present when the
20 fertiliser bomb plot was discussed based on the limited
21 probe material that they had.

22 Moreover, the information about them formed a tiny
23 proportion of the welter of material that was available
24 and they were but two people amongst the thousands of
25 individuals encountered by the Security Service in 2004

1 and 2005.

2 That said, they did meet with Khyam and his plotters
3 repeatedly at a very critical time in Khyam's own
4 Crevice fertiliser bomb plot.

5 The representatives of some of the families will
6 quite properly seek to challenge the Security Service in
7 relation to how that assessment was reached and in this
8 regard it may be of assistance to explore in due course
9 the exact nature of that assessment and also the way in
10 which it was reached and how it was recorded.

11 My Lady, that is the first issue, namely the Crevice
12 assessment.

13 Turning then to causation, that is to say
14 consideration of what the Security Service could have
15 done, even if they had been aware of E's future
16 significance, in October I expressed a word of caution.
17 I said that, even if it transpired that MSK and Tanweer
18 should have been followed up more thoroughly, on the
19 material then available it could not necessarily be
20 supposed that, even had MI5 pursued and identified them
21 and obtained their full names, and even had they been
22 made subject to some sort of interference by way of
23 continuing surveillance, arrest or control orders which
24 were not, in fact, even in legal force until March 2005,
25 when they were introduced by virtue of the Prevention of

1 Terrorism Act 2005, would the events of 7/7 necessarily
2 have been prevented.

3 This observation finds reflection in the witness
4 statement served by the Security Service. In it, they
5 make the point that, even if D and E had been accorded
6 greater priority, and even if more resources had been
7 dedicated to identifying them, there is nothing to
8 suggest that this would have led to any discovery or
9 intelligence that could or might have prevented the
10 events of the following July, and it would have been
11 quite unrealistic to have kept them under surveillance
12 indefinitely in the unfocused expectation that they
13 might turn to attack planning in the future.

14 In this regard, they further refer, quite correctly,
15 to the fact reflected in your ruling in April 2010 that
16 in the course of a home-made video, MJB/2, dated
17 16 November 2004 (but not discovered until after 7/7)
18 MSK said goodbye to his daughter in a manner that
19 suggested that he did not intend to return to the
20 United Kingdom and that the focus of his terrorist
21 activities, whatever they were, was abroad.

22 Also, they would say that only after his return on
23 8 February 2005 did planning for an attack in the
24 United Kingdom start with the first purchases of
25 hydrogen peroxide later that month. My Lady has seen

1 the references in the telephone schedule to March 2005
2 and then the acquisition of Chapeltown Road in April,
3 hence the significance of Mr Stuart's evidence.
4 Thus it can be said that even if the various names
5 had been connected (the Sidique Khan in whose car
6 McDaid, the suspected extremist, had been given a lift
7 on 4 April 2003; the Sidique Khan who was the registered
8 owner of the number called three times on 13 July and
9 19 July by a mobile associated with Mohammed Qayam
10 Khan -- the telephone communication to which I referred
11 earlier in the earlier part of Crevice -- also, the
12 Sidique Khan who was the registered keeper of the green
13 Honda Civic 4480 CCA and the S Khan who was the borrower
14 of the green Vauxhall Corsa from the Car Clinic) this
15 may not have led anywhere, given the lapse of time
16 between March 2004 and July 2005 and the absence of any
17 material to suggest that he was involved in a plot to
18 carry out terrorist attacks.
19 They would say, "What would have been the
20 justification for keeping him under active
21 investigations, even if all those references to somebody
22 called Khan were connected, on the off-chance that he
23 might subsequently engage in attack planning?"
24 But, my Lady, another issue that may repay further
25 attention is whether or not the facts as known to the

1 Security Service demonstrated, in fact, just the precise
2 sort of scenario in which there was a danger that
3 persons on the periphery of an established plot might,
4 in fact, have been in the process of hatching their own.
5 As the Intelligence and Security Committee noted in
6 its first report of March 2006, extremists may be
7 created at any time through a very quick process, and
8 thus the window of opportunity for identifying and
9 disrupting potential threats could be very small indeed.
10 In essence, it may be thought that the activities of
11 facilitators or those on the peripheries of existing
12 plots can be critical to identify the next possible
13 attack, hence the importance of analysis of the
14 assessment made by the Security Service after Crevice in
15 the middle of 2004.
16 From what is now known, it seems likely from his
17 training in Pakistan, alongside Zubair, who was a man
18 called Mohammed Shakil, in July 2003, his repeated
19 association with the Crevice plotters, who were on the
20 very edge of moving to bring their own bomb plot to
21 fruition, and his further trip to Pakistan
22 between November 2004 and February 2005 with Tanweer,
23 Khan was being groomed to pursue his own misguided and
24 deadly plans. His associations with other suspected
25 extremists and to locations frequented by them, such as

1 the Iqra bookshop, may have been further indicators.
2 So one issue that my Lady may need to explore, in
3 particular with the Security Service, is whether it is
4 fair to say that the threads of Mohammed Sidique Khan's
5 graduation from an associate of terrorists to prime
6 conspirator and murderer were in fact there to see. Was
7 it simply a question of tying threads together? And
8 that process, the process of tying those threads
9 together, should, it may be argued, be carried out, not
10 only as part of an investigation into those who may
11 already have formed their plans, but also by aggressive
12 investigation of those who may be in the process of
13 radicalisation.
14 Furthermore, the argument that there was no
15 causative link between Khan's appearance alongside the
16 Crevice plotters in 2004 and his own subsequent attack
17 must be assessed -- although it is a matter entirely for
18 you, my Lady -- against the intelligence in relation to
19 Saddique (surname not Khan) and Imran, received, as
20 I said earlier, in January 2005, and passed on to the
21 Security Service, because of course, that intelligence
22 came later, chronologically speaking, and thus closer to
23 the events of July of that year.
24 This was the intelligence, it will be recalled, that
25 a man called Saddique -- possibly spelt Saddique or

1 Sidique -- surname not Khan, but something different,
2 and a man called Imran, had undergone training in
3 Afghanistan in the late 1990s/early 2000s, that both men
4 had lived in Batley, Saddique (surname not Khan) in the
5 Soothill area, and that both were committed to the
6 extremist cause.

7 The ISC2 report asserted that, along with some other
8 minor additional details, this was the total of the
9 relevant information received and that it was not
10 possible to corroborate it or "to investigate it
11 further".

12 Saddique (surname not Khan) turned out, after 7/7 of
13 course, to be Mohammed Sidique Khan.

14 As a result of the rigorous PII process conducted in
15 this case, it has been possible for some further
16 information to be placed in the public domain. Some of
17 that publicly disclosed information suggests that the
18 ISC's assertion may not, quite inadvertently I'm sure,
19 be quite accurate.

20 The gist prepared by the Security Service reveals
21 a little more in these proceedings of what was known, in
22 fact, about the two men than that that was referred to
23 publicly by the ISC in its report.

24 Further intelligence, disclosed in the gist,
25 suggested that Saddique (surname not Khan) attended

1 a gym and had travelled to Pakistan in 2001 for two
2 months to receive training in a Mujahaddin camp. Of
3 course, we now know that Khan had indeed travelled to
4 Pakistan with Waheed Ali between July and December 2001
5 and also that Imran had reportedly visited a mosque in
6 Bradford, Imran was the second man and
7 West Yorkshire Police provided a telephone number for
8 him.

9 Importantly, West Yorkshire Police reported to the
10 Security Service that both Saddique (surname not Khan)
11 and Imran had associates in West Yorkshire, including an
12 Asian male named Taf. The likely identity of Taf was
13 known to the West Yorkshire Police. It was
14 Tafazal Mohammed, whom I mentioned earlier, one of the
15 people who had attended the training camp in the
16 Lake District in 2001 and who had come under the
17 surveillance of West Yorkshire Police who were
18 investigating possible extremism.

19 Taf was, furthermore, a known associate of the
20 suspected extremist Martin McDaid, who, as I outlined
21 earlier, had been subject of the surveillance
22 in April 2003 during which time he was seen being given
23 a lift, a very short lift, lasting a matter of three
24 minutes, in a blue BMW found to be registered to
25 Sidique Khan of 11 Gregory Street Batley.

1 That latter piece of information was known to
2 West Yorkshire Police but not passed on to the
3 Security Service.
4 11 Gregory Street, Batley, was, of course, the
5 address of the registered keeper of R480 CCA, the green
6 Honda Civic which had been seen meeting the Crevice
7 plotters on both 2 February and 28 February 2004.
8 After being first sighted on 2 February, as I said
9 earlier, a trace search on the car found that it had
10 been registered to Hasina Patel, but by the time of the
11 second sighting, it had been reregistered to
12 Sidique Khan of 11 Gregory Street, Batley, and this was
13 reflected in an insurance policy which was found
14 following searches by the Security Service and the
15 police to reflect a Mr S Khan of 11 Gregory Street.
16 The surname Khan could also be linked to the car,
17 the green Vauxhall Corsa that had visited the Crevice
18 plotters on 21 March 2004, as although the car was
19 registered, in fact, with Lombard Vehicle Management, it
20 had been leased to a firm called Car Clinic, as I said
21 earlier, who, it was discovered in January 2005, had
22 loaned the car to a Mr S Khan, although, as I said, the
23 surveillance officers concluded that the driver of the
24 Vauxhall Corsa was the same driver, because they
25 recognised the reappearance of the driver of the

1 Honda Civic and they had the link between a man called
2 Khan and the Honda Civic through the registered keeper.
3 Although the ISC2 report states it was not possible
4 to corroborate the relevant information received or
5 investigate it further, the gist prepared by the
6 Security Service in these proceedings discloses that
7 they do not suggest that it would have been impossible
8 to identify Saddique (surname not Khan) as
9 Mohammed Sidique Khan in March 2005.
10 Moreover, the intelligence, according to the gist,
11 was not considered by the Security and Intelligence
12 agencies to be unreliable. Indeed, no investigative
13 steps were taken after 1 March 2005, for reasons that
14 cannot be disclosed, to identify Saddique (surname not
15 Khan), but it can be said that those reasons did not
16 include reasons relating to the reliability of the
17 intelligence received or the possibility of
18 corroborating it.
19 After 7/7, West Yorkshire Police were told that
20 Saddique (surname not Khan) was, in fact,
21 Mohammed Sidique Khan and that he was also known as
22 Sidique Khan. It appears, therefore, that the person
23 thought to be Saddique (surname not Khan) was also known
24 under the name Sidique Khan, which is a little bit
25 closer perhaps to Mohammed Sidique Khan.

1 West Yorkshire Police were also told that he was
2 capable of carrying out a martyrdom operation.
3 My Lady, there therefore remains the possibility,
4 the realistic nature of which is a matter for you, as to
5 whether the identity of this extremist could have been
6 revealed to have been Sidique Khan before 7/7 through
7 the link to Taf and through him to McDaid, who had been
8 given the lift in the car registered to Mr Sidique Khan
9 of 11 Gregory Street and, had he been so identified, the
10 address of 11 Gregory Street might have been seen to
11 have matched the address of the registered keeper of the
12 green Honda Civic that had appeared in Crevice.
13 By this stage, between March and June 2005, Khan was
14 very much closer to the attack planning. In fact, the
15 purchases of hydroponics had commenced in earnest, at
16 least five separate visits or purchases were made
17 in March by the conspirators, some 14 visits or
18 purchases or attempts to contact hydroponic outlets were
19 made in May.
20 So one issue that may be worthy of exploration is
21 whether successful investigation at that stage --
22 between March and June 2005 -- rather than
23 after March 2004 might have brought these unusual
24 activities to the attention of West Yorkshire Police or
25 the Special Branch or the Security Service.

1 The identification of Saddique (surname not Khan)
2 and the link through 11 Gregory Street to the
3 association with the Crevice plotters might have led to
4 a somewhat different view of the significance of male E.
5 My Lady, I cannot stress enough that we must guard
6 ourselves against the dangers of relying overmuch on the
7 highly suspect advantages of hindsight. There are
8 a great deal many ifs and buts in the scenario that
9 I have postulated and, as I have observed before, these
10 are issues for exploration through the evidence. My
11 opening remarks have no force whatsoever other than that
12 they stand as an attempt to guide us through the thicket
13 of intelligence and information which has properly and
14 sensibly been provided by the police and the
15 Security Service.
16 Given the sheer scale of the threats that are posed,
17 the legal and technological limitations and the need to
18 prioritise valuable resources, it is obvious that only
19 the most pressing of threats can be focused on, and that
20 only the most significant targets can be made subject to
21 full investigation or constant surveillance.
22 Some information, although not the full picture, for
23 obvious national security reasons, has been provided to
24 my Lady as to the scale and number of those threats
25 faced by the Security Service. I should say provided

1 openly. And it is clear that they face a near
2 impossible task in foiling all threats. Even then,
3 steps were taken by them to follow up the leads relating
4 to D and E, in particular the leads through the green
5 Honda Civic, the Vauxhall Corsa, their owners and the
6 addresses to which they were linked. Were they enough?
7 Ultimately, my Lady, these are matters of fine
8 judgment in respect of which a degree of deference must
9 be given to those who bear the difficult and heavy
10 responsibility of gathering and assessing intelligence,
11 but, as the first ISC report noted in its summary of
12 recommendations and conclusions, the chances of
13 identifying Mohammed Sidique Khan as an attack planner
14 might have been greater, had different investigative
15 decisions been taken.
16 The issue for my Lady is whether those investigative
17 decisions were indeed understandable and sensible -- not
18 whether they were right -- given the very real
19 constraints on the Security Service in terms of the
20 nature of intelligence and the resources available to
21 it, and whether they can be said to have contributed in
22 any way by omission to the events of 7 July.
23 I must finally put this issue into context and it is
24 to ensure that it is approved with a degree of realism.
25 There is, not surprisingly, nothing to suggest that

1 the Security Service or police, whether it be the
2 Metropolitan Police or the West Yorkshire Police, had
3 any inkling of what was to befall London on 7 July 2005.
4 It would be nonsensical and insulting to the dedicated
5 people and individuals and bodies who protect our
6 national security to suggest otherwise. The bombs were
7 conceived of and constructed and detonated by the
8 bombers themselves, perhaps with the direct assistance
9 of others, and certainly under the guidance of others.
10 In a difficult task of assessing the judgment of our
11 Security Service and our police forces, however, we do
12 have the benefit of being able to hear and to test in
13 a public arena oral evidence from very senior members of
14 the relevant organisations as to the circumstances
15 relating to what was known about Mohammed Sidique Khan
16 and, to a much lesser extent, Tanweer.
17 We will be hearing from former Assistant
18 Commissioner Peter Clarke, who was the head of the MPS,
19 the Metropolitan Police Service, Anti-terrorist Branch,
20 formerly S013, as well as the national coordinator of
21 terrorist investigations and thus responsible for the
22 conduct of all investigations into suspected terrorist
23 activity in London.
24 He will explain the ELG process, the Executive
25 Liaison Group process that I've described, and the

1 nature of the investigation carried out by the
2 Security Service and the police into the Crevice
3 plotters during which D and E appeared.
4 We will also be hearing from the senior vetting
5 officer from the Met, Detective Superintendent Prunty
6 who was in charge of the Met investigation from
7 11 February 2004, the date on which the Security Service
8 informed the police of their intelligence operation in
9 Crevice.
10 My Lady will also hear evidence from Assistant
11 Chief Constable Parkinson of the West Yorkshire Police
12 who was the senior investigating officer alongside the
13 Metropolitan Police in Operation Theseus, the
14 investigation of the 7/7 attacks, and also subsequently
15 head of the North-east Counter-terrorism Unit which
16 subsumed the role of West Yorkshire Police
17 Special Branch and formerly the North-east Regional
18 Intelligence Cell.
19 He was in charge of the management of all
20 counter-terrorism-related activity in that region and
21 will address the issues that concerned
22 West Yorkshire Police, in particular their operations in
23 2001, the surveillance of the training camp in Cumbria
24 in the Lake District attended by Khan, although that was
25 not known then, and a number of others, including

1 McDaid, the surveillance of McDaid in April 2003 when he
2 was given a brief lift in the car registered to Khan,
3 and the role of West Yorkshire Police in furthering the
4 enquiries made by the Security Service and the
5 Metropolitan Police in February and March 2004 and
6 thereafter during Operation Crevice.
7 He will also speak in outline to the assistance
8 given by West Yorkshire Police during 2004 to 2005 when
9 the Security Service were endeavouring to identify
10 Ibrahim and in 2005 in relation to Saddique (surname not
11 known).
12 We will also be hearing exceptionally from
13 Witness G, the chief of staff to the director general of
14 the Security Service. He is a very senior member of the
15 Security Service, and, although he was not involved
16 directly in the investigation of the Crevice plot or of
17 the 7 July 2005 conspiracy, it is plain that his
18 statement has been drafted for these proceedings with
19 the relevant open documents in mind and that he has
20 spoken extensively to those of his colleagues who were
21 directly involved in the events at that time in order to
22 prepare himself for giving evidence in these
23 proceedings.
24 My Lady may think -- it is entirely a matter for
25 you -- that his very seniority itself may properly be

1 taken not just as a testament to the importance of these
2 issues but as a reflection also of how seriously the
3 Security Service is taking them.

4 He will set out as far as he is able, given the
5 constraints of national security, the intelligence
6 picture surrounding Khan in 2001 and 2003, the
7 intelligence from Crevice and the attempt to identify
8 the man known as Ibrahim and the man known as Saddique
9 (surname not Khan). He will seek to address the issues
10 that you have directed be considered in these
11 proceedings including in particular whether there are
12 any or were any intelligence or investigative failings
13 at all relating to 7 July.

14 My Lady, that is all that I propose to say by way of
15 opening.

16 LADY JUSTICE HALLETT: Thank you very much.

17 We are having a hearing tomorrow afternoon, I think?

18 MR KEITH: My Lady, we are. We are unsure as to whether
19 that hearing will be fully open or part open and closed.

20 I see Mr Smith -- I think it is now all to be open.

21 There are discussions going on behind the scenes,
22 my Lady, as to what issues require my Lady's
23 adjudication tomorrow. Those efforts continue this
24 afternoon and there's a meeting I think at 3.00 to try
25 to narrow them down.

1 My Lady, Mr Smith has passed a note to me which I'll
2 raise if I may. I don't think I need detain my Lady for
3 very long.

4 An issue theoretically arises as to whether or not
5 the name of Tafazal Mohammed should be reported. We've
6 received no submissions to the effect that there are
7 national security or other public interest reasons as to
8 why the name cannot be reported, and so I think I have
9 no option but to leave the position on the basis, in the
10 absence of any representations -- and those bodies who
11 of course know of this gentleman and others have been in
12 a position to address this issue before, and so I think
13 unless my Lady hears any representations that is where
14 I'll have to leave that particular issue.

15 LADY JUSTICE HALLETT: Mr Garnham, I'm not sure if you have
16 any instructions in relation to this specific matter?

17 MR GARNHAM: My Lady, I don't.

18 LADY JUSTICE HALLETT: Any from West Yorkshire Police?

19 MR SKELT: No, thank you.

20 LADY JUSTICE HALLETT: Thank you. Is there anything else
21 anybody needs to raise at this stage today?

22 MR PATRICK O'CONNOR: My Lady, a part of the discussion
23 tomorrow may involve Witness G, and we have been told
24 very helpfully that a further statement from him or her
25 is in the pipeline. It would of course be highly

1 desirable that we are able see that before our
2 discussions tomorrow but we've been given no ETA for it.
3 I don't know what information there is?
4 MR KEITH: All I can say, my Lady, is that
5 Mr Patrick O'Connor has our collective assurance that
6 the steps taken to give him and his colleagues as much
7 information as possible and to have that information
8 placed in the public domain continues day and night.
9 LADY JUSTICE HALLETT: Mr Garnham, are you here tomorrow for
10 the hearing?
11 MR GARNHAM: My Lady, I am.
12 LADY JUSTICE HALLETT: Thank you.
13 (1.12 pm)
14 (The inquests adjourned until 2.15 pm the following day)
15